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Fixing the Unfixable: Community Prosecution as a Problem-Solving Strategy to Reduce Crime and Restore Order in East St. Louis

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**FIXING THE UNFIXABLE: COMMUNITY PROSECUTION AS A
PROBLEM-SOLVING STRATEGY TO REDUCE CRIME AND
RESTORE ORDER IN EAST ST. LOUIS**

INTRODUCTION

*East St. Louis, Illinois, is the worst place in America. . . . The unique horror of East St. Louis is its isolation, it is unrelievedly awful in every particular. . . . Physically it is right in the middle of America. In every other way, it might as well have dropped off the map.*¹

During the mid-1980s and early 1990s, Americans watched with concern as crime in cities across the country escalated with no end in sight.² After decades of watching cities decay from a confluence of economic and social forces, many Americans started to believe that criminals, not law-abiding citizens or the government, controlled the country's urban core.³ In response, criminal justice theorists began to reconsider their long-held beliefs about the most effective strategies for fighting crime. They began to challenge the old criminal justice paradigm where police passively "respond[ed] to crime" and prosecutors "process[ed] the ensuing cases."⁴ Criminal justice officials throughout the country—most notably New York City Mayor Rudy Giuliani and Police Commissioners Howard Safir and William Bratton—began an aggressive strategy to implement new, more proactive police tactics.⁵ Concurrently, many district, county, and state attorneys developed a new model for prosecuting criminals by increasing their focus on crime reduction

1. SIMON HOGGART, *AMERICA: A USER'S GUIDE* 55, 58 (1990).

2. Kelley B. Gray, *Community Prosecution: After Two Decades, Still New Frontiers*, 32 J. LEGAL PROF. 199, 199 (2008).

3. See GEORGE L. KELLING & CATHERINE M. COLES, *FIXING BROKEN WINDOWS RESTORING ORDER AND REDUCING CRIME IN OUR COMMUNITIES* 1 (1996) [hereinafter *FIXING BROKEN WINDOWS*]. See MARC MAUER & RYAN S. KING, *THE SENTENCING PROJECT, A 25-YEAR QUAGMIRE: THE WAR ON DRUGS AND ITS IMPACT ON AMERICAN SOCIETY* 1 (2007) (discussing the 1980s war on crime and drugs).

4. See Catherine M. Coles & George L. Kelling, *Prevention Through Community Prosecution*, 136 PUB. INT. 69, 70 (1999) [hereinafter *Prevention Through Community Prosecution*].

5. *Id.* at 70–71.

and prevention.⁶ The new movement, coined “community prosecution,” fundamentally challenged the old prosecution paradigm.⁷

Although academics and criminal justice officials debate the true definition of community prosecution,⁸ prosecutors have defined the strategy as “a proactive approach to addressing crime and quality-of-life issues that brings prosecutors together with residents to identify problems and solutions.”⁹ As part of the movement, prosecutors have re-focused the traditional prosecutorial model from a system of case-processing concerned with the adjudication of cases *after* crime occurs to a system where prosecutors work with community partners to prevent crime and build social order *before* crime occurs.¹⁰ From the outset of the movement in the early 1990s to 2005, two-thirds of all prosecutors across the country implemented community prosecution in at least some form, but they implemented the core strategies to varying degrees and for different reasons.¹¹ Although prosecutors differ in focus and implementation of their community prosecution activities, their efforts typify a new understanding

6. *Id.* at 73.

7. *Id.* As Deputy Attorney General in 2001, current Attorney General Eric Holder lauded the development of community prosecution programs and appreciated the revolutionary implications of the new strategy. Eric H. Holder, Jr., *Community Prosecution*, U.S. ATT’YS’ BULL., Jan. 2001, at 3 (characterizing community prosecution as “not another name for doing business as usual . . . [and] not simply a new program . . . [but] a strategy, a better way for prosecutors to be doing their job.”).

8. Anthony C. Thompson, *It Takes a Community to Prosecute*, 77 NOTRE DAME L. REV. 321, 323 (2002) (pondering what community prosecution “actually means”). At the early stages of the community prosecution movement, a focus group of prosecutors, researchers, and government officials set out to define community prosecution. Norma Mancini Stevens, *Talking Points: Defining Community Prosecution*, PROSECUTOR, Mar.–Apr. 1994, at 13. They concluded that community prosecution is “a long term proactive strategy involving a partnership among the prosecutor’s office, law enforcement, the community, and [community] organizations whereby the authority of the prosecutor’s office is used to solve problems and improve public safety and the quality of life in an identified community.” *Id.*

9. M. ELAINE NUGENT ET AL., AM. PROSECUTORS RESEARCH INST., THE CHANGING NATURE OF PROSECUTION: COMMUNITY PROSECUTION VS. TRADITIONAL PROSECUTION APPROACHES 1 (2004) [hereinafter CHANGING NATURE OF PROSECUTION], available at http://www.ndaa.org/pdf/changing_nature_of_prosecution.pdf.

10. M. ELAINE NUGENT, AM. PROSECUTORS RESEARCH INST., WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION? 3–7 (2004) [hereinafter WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?], available at http://www.ndaa.org/pdf/what_does_mean_practice_cp.pdf (arguing that community prosecution focuses on a “grass-roots approach to justice” with the goal of solving problems and addressing concerns of the community while the case-processing model focuses on “individualized justice” with the goal of disposing of a case in the most efficient and equitable manner).

11. STEVEN W. PERRY, U.S. DEP’T OF JUSTICE, PROSECUTORS IN STATE COURTS, 2005, at 9 (2006).

in criminal justice: prosecutors must be “less reactive and more participatory in relation to the communities with which—and in which—they operate.”¹²

After decades of escalating violent crime rates, prosecutors in St. Clair County, Illinois, recently changed the focus of their prosecution strategy from a model based almost exclusively on case-processing to a model that incorporates community prosecution.¹³ Across the Mississippi River from St. Louis, Missouri, St. Clair County contains quintessential industrial suburbs that have struggled to keep up as industries have downsized or closed in post-manufacturing America.¹⁴ The city of East St. Louis clearly exemplifies that struggle.¹⁵ Considered by the Department of Housing and Urban Development in 1989 to be the “most distressed small city in America,” East St. Louis suffers from extraordinary poverty¹⁶ and, by some measures, the highest per capita violent crime rate in the nation.¹⁷ To combat St. Clair County’s “crime epidemic,” prosecutors developed a unique community prosecution strategy founded upon ideas employed in various cities and counties across the country.¹⁸

Because St. Clair County prosecutors only recently began this experiment, criminal justice theorists and prosecutors alike must take the opportunity to assess the effectiveness of community prosecution in an attempt to cater the most effective elements of the approach to benefit the East St. Louis community. This Article will first discuss how community prosecution differs from the traditional prosecutorial model. Second, this Article will provide a brief evolution of the movement, with a particular focus on the theoretical

12. Thompson, *supra* note 8, at 322–23. According to an early report by the United States Department of Justice, community prosecution strategies represented a “major milestone in changing the culture and role of the prosecutor by developing [community] partnerships” and employing problem-solving approaches to fundamental problems. JOHN S. GOLDKAMP ET AL., U.S. DEP’T OF JUSTICE, COMMUNITY PROSECUTION STRATEGIES xi (2003).

13. Interview with Brendan Kelly, St. Clair Cnty. State’s Attorney, in Belleville, Ill. (Jan. 13, 2012) [hereinafter Kelly Interview].

14. See ANDREW J. THEISING, EAST ST. LOUIS: MADE IN THE USA 7–11 (2003). Professor Theising offers a compelling discussion of East St. Louis as the embodiment of the traditional industrial suburb in which the nearby major city uses the community as a “work-bench, a trash heap, [and] a washbasin.” *Id.* at 8. Much like Camden, New Jersey, and Gary, Indiana, East St. Louis is “[a] kind of repository for the unattractive yet essential elements of urban life,” home to the “slaughterhouses, smoke-stacks, [and] rail yards” that serve the St. Louis metropolitan area. *Id.*

15. *Id.* at 11.

16. JENNIFER F. HAMER, ABANDONED IN THE HEARTLAND: WORK, FAMILY, & LIVING IN EAST ST. LOUIS 52 (2011).

17. DENNIS MARES, PROJECT SAFE NEIGHBORHOODS, U.S. DEP’T OF JUSTICE, SPATIAL HOMICIDE PATTERNS IN EAST ST. LOUIS, IL 2000-2010, at 3 (2011) [hereinafter SPATIAL HOMICIDE PATTERNS].

18. Kelly Interview, *supra* note 13.

foundation on which the strategy rests—the “broken windows theory.”¹⁹ Third, this Article will discuss commonly accepted community prosecution strategies and tactics, providing some examples of how and where they have been successfully implemented. Finally, this Article will discuss the strategies of prosecutors in St. Clair County, Illinois, and argue that the community prosecution approach can be targeted to reduce crime and restore order in East St. Louis—a city that has suffered from adherence to the traditional case-processing model of prosecution.

I. COMMUNITY PROSECUTION: A CHALLENGE TO THE OLD PROSECUTORIAL MODEL

As the Supreme Court has observed, “the American prosecutor” plays a special role “in the search for truth in criminal trials.”²⁰ The prosecutor is:

the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.²¹

While most Americans understand justice in the abstract, their understanding of a prosecutor’s role in serving the interest of justice remains vague at best.²² Prosecutors formally represent the people in the courtroom, but at trial, the prosecutor arguably serves the government, as an enforcement arm against the people.²³ In fact, many prosecutors view “enforcing the criminal law” as a singular function: prosecuting those individuals who have allegedly violated criminal law statutes.²⁴ This view—the traditional view of a prosecutor’s

19. See generally James Q. Wilson & George L. Kelling, *Broken Windows: The police and neighborhood safety*, ATLANTIC MONTHLY, Mar. 1982, at 29, available at <http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/4465/>. But see Bernard E. Harcourt & Jens Ludwig, *Broken Windows: New Evidence from New York City & a Five-City Social Experiment*, 73 U. CHI. L. REV. 271, 272 (2006) (arguing that evidence is mixed, at best, as to the validity of the broken windows theory and the benefit of the subsequent change in policing strategy). Despite this criticism and that of others, the researchers behind the “broken windows” theory still argue that the “broken windows” approach works. See George L. Kelling, *‘Broken Windows’ Works*, FORBES.COM (July 16, 2009, 3:25 PM), <http://www.forbes.com/2009/07/16/crime-disorder-punishment-opinions-contributors-george-kelling.html> (pointing to two studies, one done in the Netherlands and one in Lowell, Massachusetts, seeming to confirm that where police maintain order, “Broken-Windows style,” crime drops and does not simply move to adjacent neighborhoods).

20. *Stickler v. Greene*, 527 U.S. 263, 281 (1999).

21. *Berger v. United States*, 295 U.S. 78, 88 (1935).

22. Thompson, *supra* note 8, at 327.

23. *Id.* at 327–28 (arguing that in a world of limited resources, prosecutors must act in accordance with the priorities of their funding authorities, which in turn “limit[s] whom prosecutors actually serve”).

24. See DAVID M. NISSMAN & ED HAGEN, *THE PROSECUTION FUNCTION 2* (1982).

role—represents a pragmatic solution to the problem of crime, given the extraordinary caseload of most prosecutors.²⁵

The traditional model of prosecution developed in the 1960s was part of a major transformation of the criminal justice system.²⁶ President Johnson's Commission on Law Enforcement and Administration of Justice ("Commission") released a report entitled *The Challenge of Crime in a Free Society* that spurred the new model.²⁷ In an attempt to "professionalize" criminal justice, the Commission characterized prosecutors as "case processors who focused on moving offenders through the criminal justice system from arrest to incarceration."²⁸ The Commission found that citizens could help police and prosecutors, but only by reporting crimes and acting as witnesses, because responding to crime was the job of criminal justice professionals.²⁹

As a result of these reforms, prosecutors became exclusively concerned with attaining convictions in serious felony cases.³⁰ If prosecutors secured a jury verdict or negotiated a guilty plea, they could then point to tangible evidence that their criminal justice strategy had succeeded.³¹ The resulting press coverage built the public perception that convictions curb crime and serve the interest of justice.³² However, under this model, prosecutors did not develop their caseloads actively.³³ Rather, they passively processed their cases by operating exclusively within the framework laid out by police.³⁴ Moreover, prosecutors showed little concern for "minor" quality-of-life issues, such as vandalism and prostitution, because these "less serious" offenses required

25. Thompson, *supra* note 8, at 327, 331.

26. *Prevention Through Community Prosecution*, *supra* note 4, at 69.

27. See, e.g., THE PRESIDENT'S COMM'N ON LAW ENFORCEMENT & ADMIN. OF JUSTICE, *THE CHALLENGE OF CRIME IN A FREE SOCIETY* (1967). Elite members of the judiciary, academia, and government conducted a comprehensive study of crime and law enforcement and made more than one hundred recommendations for reform. Charles J. Hynes, *The Evolving Prosecutor: Broadening the Vision, Expanding the Role*, CRIM. JUST., SPRING 2009, at 1.

28. Hynes, *supra* note 27, at 1.

29. *FIXING BROKEN WINDOWS*, *supra* note 3, at 82 (arguing that during this time, "[p]olicing was *police business* and, as such, best left in the hands of professionals").

30. See Catherine M. Coles, *Community Prosecution, Problem Solving, and Public Accountability: The Evolving Strategy of the American Prosecutor* 10 (Weiner Ctr. for Soc. Policy, John F. Kennedy Sch. of Gov't Harvard Univ., Working Paper No. 00-02-04, 2000), available at <http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.91.2361>; see also *FIXING BROKEN WINDOWS*, *supra* note 3, at 11–12 ("Scholars and practitioners . . . focused almost exclusively on 'serious' crimes—those that appear most severe and consequential for the victim—murder, rape, robbery, assault, and burglary.").

31. Thompson, *supra* note 8, at 331.

32. *Id.*

33. *WHAT DOES IT MEAN TO PRACTICE COMMUNITY PROSECUTION?*, *supra* note 10, at 7.

34. See *id.*

more work and resulted in less tangible evidence that prosecutors were attaining “justice” and winning the “war” against crime.³⁵

Over time, the obsessive focus on conviction rates fundamentally altered the criminal justice system.³⁶ Prosecutors operating within the traditional case-processing framework developed one goal—to convict criminals—and did not involve outside parties unless those individuals could help prove their case against a defendant.³⁷ Case-processing prosecutors even viewed the victim as merely an instrument for constructing that case, rather than a teammate in the fight against crime and the primary beneficiary of “justice” being served.³⁸ These prosecutors rejected calls to work with other partners, notably social service agencies, mental health centers, and faith-based organizations, because collaboration with others diverted attention from the prosecutor’s “real job.”³⁹ Under the case-processing model of prosecution, attaining “justice” meant achieving convictions, and nothing else.

The singular focus on achieving convictions for serious crime led to a reduced confidence amongst the community in the role of the prosecutor.⁴⁰ As then-Assistant Attorney General Eric Holder argued in 2001, “many citizens think of [case-processing prosecutors] as perhaps indifferent, or even uncaring as to the problems they [see] and live[] with in [sic] their neighborhoods.”⁴¹

35. See Heike Gramckow, *Community Prosecution in the United States*, 5 EUR. J. ON CRIM. POL’Y & RES. 9, 14 (1997) (recognizing that before the introduction of community prosecution strategies, minor quality-of-life crimes received scant attention); see also Devin J. Doolan, Jr., Comment, *Community Prosecution: A Revolution in Crime Fighting*, 51 CATH. U. L. REV. 547, 547–48 (2002) (finding that these quality-of-life offenses resulted in little or no sanctions under the traditional criminal justice system because many prosecutors thought they were best left to social workers). The neglect of “minor” crimes within the traditional prosecutorial framework could also be a consequence of the culture of prosecutors’ offices where many attorneys choose careers in the field to lock up “bad guys,” but when the “bad guy” is merely a street peddler, vagrant, or homeless person on the street, some prosecutors may be reluctant to accept the less glamorous role devised under the community prosecution model. See Susan P. Weinstein, *Community Prosecution: Community Policing’s Legal Partner*, FBI LAW ENFORCEMENT BULL., Apr. 1998, at 22. See Kit R. Roane, *Designing a War Against Crime*, N.Y. TIMES, May 11, 1997, at 13.

36. See, e.g., William J. Stuntz, *The Uneasy Relationship Between Criminal Procedure and Criminal Justice*, 107 YALE L.J. 1, 7 (1997) (arguing that the beneficial effects of the post-1960 “constitutionalization” of criminal procedure has been limited by broad substantive criminal law (i.e., over-criminalization) that allows the state to scale back fundamentals of criminal procedure because of very high crime-to-prosecutor ratios and a focus on attaining convictions).

37. Thompson, *supra* note 8, at 332–33.

38. *Id.* (arguing that victims are viewed in “instrumental terms as a vehicle for telling the prosecution’s side of the story rather than a teammate who should be consulted on important decisions regarding the case”).

39. *Id.* at 335.

40. Doolan, *supra* note 35, at 548.

41. Holder, Jr., *supra* note 7, at 4.

Citizens care about serious crime, but they also care about *other crimes—in addition to serious crime*.⁴² However, over a period of several decades, case-processing prosecutors only considered serious crime important.⁴³ The lack of action on the so-called “minor” offenses led segments of the population to believe that the government did not operate to serve the community.⁴⁴ Those in overlooked neighborhoods and communities—those most susceptible to urban decay—became the most distrustful of the system.⁴⁵ In the end, prosecutors’ attempts at attaining “justice” exclusively through the conviction of serious crime led to a growing sense of vulnerability amongst law-abiding citizens that threatened to derail the entire criminal justice system.⁴⁶

II. BROKEN WINDOWS: A REFORMATION IN CRIMINAL JUSTICE

After decades of escalating crime, a new theory—“broken windows”—revolutionized the way experts thought about crime. First introduced in an article by James Q. Wilson and George E. Kelling in 1982, the theory drew a connection between disorderly conduct and citizens’ fears of “minor” crime.⁴⁷ As George Kelling witnessed one of urban America’s numerous—and infamous—open-air drug markets, he came to a profound conclusion: The law-abiding citizens who witnessed the public drug activity each and every day realized who controlled the neighborhood.⁴⁸ Despite years of increased efforts to reduce violence amidst a “war” on serious crime, neither citizens nor the government controlled the streets. Drug dealers did—and the neighborhood knew it. As in many parts of urban America, the citizens had lost faith in the government’s ability to address their concerns and restore order in their community.⁴⁹ In response, Kelling and Wilson developed a revolutionary approach to criminal justice that addressed the “amalgam of disorder, fear, serious crime, and urban decay” and focused on “minor” crime in addition to “serious” crime.⁵⁰

42. *Prevention Through Community Prosecution*, *supra* note 4, at 75.

43. *Id.* at 70.

44. Weinstein, *supra* note 35, at 21–22 (arguing that residents see prosecutors as “enemies in business suits who send friends and loved ones to jail.”).

45. Doolan, *supra* note 35, at 556.

46. Weinstein, *supra* note 35, at 21–22 (noting that community residents could be a “roadblock” to the success of community prosecution in a target area if they are suspicious of prosecutors); *Prevention Through Community Prosecution*, *supra* note 4, at 73 (quoting an attorney who feared that if his office did not change criminal justice strategies, the community “would come to despise [his] office . . . and . . . tend to blame [failures] on [him]”).

47. Wilson & Kelling, *supra* note 19, at 32–33.

48. FIXING BROKEN WINDOWS, *supra* note 3, at 1–2.

49. *Id.* at 2 (arguing that the witnesses to rampant and open crime often see “governmental authority as a bad joke”).

50. *Id.* at 5.

A. *Link Between Low-Level Disorder & Serious Crime*

The broken windows theory rests on a simple proposition:

At the community level, disorder and crime are usually inextricably linked, in a kind of developmental sequence. Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. . . . [O]ne unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing.⁵¹

The theory does not posit that it is inevitable that serious crime will flourish from a mere broken window; but rather, over time, many residents will think that crime is on the rise when they begin to believe that others do not care about the upkeep of the community.⁵² Residents will change their behavior, and become less involved.⁵³ This lack of involvement will make the community susceptible to criminal invasion.⁵⁴

Wilson and Kelling argued that drug dealers, prostitutes, and other criminals fill the void left by disinvolvement and begin to control the streets:

The unchecked panhandler is, in effect, the first broken window. Muggers and robbers, whether opportunistic or professional, believe they reduce their chances of being caught or even identified if they operate on streets where potential victims are already intimidated by prevailing conditions. If the neighborhood cannot keep a bothersome panhandler from annoying passersby, the thief may reason, it is even less likely to call the police to identify a potential mugger or to interfere if the mugging actually takes place.⁵⁵

Criminal actors prey on neighborhoods with untended property (i.e., derelict houses, unkept lawns, and graffiti) and untended behavior (i.e., unsupervised children, vagrants, and drunks roaming the streets) because “informal [social]

51. Wilson & Kelling, *supra* note 19, at 31.

52. *Id.* at 32.

53. *Id.* at 32 (“[Residents] will use the streets less often, and when on the streets will stay apart from their fellows, moving with averted eyes, silent lips, and hurried steps. . . . For some residents, this growing atomization will matter little, because the neighborhood is not their ‘home’ but ‘the place where they live.’”). The broken windows theorists found that residents in a neighborhood overtaken by disorder will often stop calling the police because “they can’t do anything.” *Id.* at 33.

54. *Id.* at 32.

55. *Id.* at 34. *But see* ADAM CRAWFORD, CRIME PREVENTION AND COMMUNITY SAFETY: POLITICS, POLICIES, AND PRACTICES 133 (1998) (arguing that vagrants, drug abusers, etc. are the results and victims of neighborhood change, not the cause); Leena Kurki, *Restorative and Community Justice in the United States*, 27 CRIME & JUST. 235, 289 (2000) (“[The] [b]roken windows theory contributes to the idea that marginalized youth, prostitutes, alcohol and drug addicts, beggars, and vagrants are authors of decline rather than its victims.”).

controls” do not regulate public behavior and set a standard that is understood by the entire community.⁵⁶

In contrast, stable neighborhoods consist of families who care about their homes, mind each other’s children, and confidently frown on unwanted intruders.⁵⁷ Unlike in disorderly neighborhoods, criminals know that residents will help enforce social order based on informal, yet accepted, community standards: “the sense of mutual regard and the obligations of civility.”⁵⁸ Criminals cannot hide behind the veil of anonymity because the community considers their conduct to be out of place and unacceptable.⁵⁹ Stable neighborhoods will not become disorderly if community members, in conjunction with law enforcement, make efforts to identify problems and correct them before they become more serious—before residents give up hope and before criminals prey on the lost neighborhood.⁶⁰

In simple terms, the broken windows theory developed a link between low-level disorder and serious crime.⁶¹ Kelling and Wilson attempted to offer solutions to the all too common concept of “urban decay.”⁶² In the past, residents of neighborhoods teetering on the brink of disorder reasserted control over the streets because they had no alternative residences.⁶³ Now, however, many people—particularly those with disposable income—can simply move somewhere else, usually farther out into the suburbs.⁶⁴ In the past, police focused on maintaining order, and regular citizens played a key role in keeping their neighborhoods safe and orderly.⁶⁵ Over time, police refocused their

56. Wilson & Kelling, *supra* note 19, at 31–33.

57. *Id.* at 31.

58. *See id.* at 31–33.

59. *Id.* at 31.

60. *Id.* at 34–36.

61. Thompson, *supra* note 8, at 339 (“The key to deterring serious crime, they argued, involved attacking so-called ‘quality-of-life’ crimes.”); Doolan, *supra* note 35, at 557.

62. Wilson & Kelling, *supra* note 19, at 36, 38. In his portrayal of East St. Louis as the epitome of an industrial suburb, Professor Andrew Theising describes East St. Louis’ unique “urban decay” as an abandonment of industry that made way for poverty, crime, and corruption. THEISING, *supra* note 14, at 193–99.

63. Wilson & Kelling, *supra* note 19, at 33 (noting that “[a]reas in Chicago, New York, and Boston would experience crime and gang wars, and then normalcy would return.”).

64. *Id.*

65. *Id.* Professor Debra Livingston argued that police departments stopped focusing on maintaining order in neighborhoods because of constitutional reforms in the 1960s and 1970s that declared many laws governing vagrancy and loitering void for vagueness. Debra Livingston, *Police Discretion and the Quality of Life in Public Places: Courts, Communities, and the New Policing*, 97 COLUM. L. REV. 551, 585–86 (1997). Moreover, she also warned that giving police such tools to restrict disorderliness can lead to an abuse of power, racial discrimination, and even police brutality in implementation of these laws. *Id.* at 663. Similarly, some scholars have argued that the “disorder metaphor and intrusions into public space . . . have taken on Orwellian tinges and undermine the spirit of community justice.” Kurki, *supra* note 55, at 289. Even proponents of

purpose from one of order maintenance to the exclusive role of fighting serious crime.⁶⁶ Due to these social and criminal justice forces, police and prosecutors ignored the important link between social order and serious crime at the expense of America's urban neighborhoods.

B. *New Proactive Approach in Criminal Justice*

In response to widespread acceptance of the broken windows theory, police and prosecutors anxiously developed plans to restore order amidst the influx of violent crime and urban decay.⁶⁷ Police and prosecutors imagined a new role in criminal justice: as actors in the community who could reinforce the informal control mechanisms of the community itself.⁶⁸ They could not provide a substitute for that informal control, but by returning to tactics that maintained close links to communities, police and prosecutors could *help* communities re-establish order and rebuild broken neighborhoods.⁶⁹ Police and prosecutors could no longer afford to be passive, reactive agents of criminal justice.⁷⁰ Rather, by taking steps to build community relationships, prevent crime, and address important quality of life issues, they could be proactive, problem-solving agents of community restoration.⁷¹

III. THE DEVELOPMENT OF COMMUNITY POLICING

Prior to the development of the broken windows theory, police officers focused predominantly on reacting to crime after it was committed.⁷² The police responded to complaints and acted upon those complaints only when victims and witnesses were willing to cooperate.⁷³ Most of the time, the police simply patrolled neighborhoods or waited at the station to be dispatched to a crime scene.⁷⁴ Police departments emphasized the “three Rs”: rapid response, random patrols, and reactive investigation,⁷⁵ which effectively “de-policed”

the broken windows theory fear that some police officers can become “agents of neighborhood bigotry” and discrimination, but they argue that police selection, training, and supervision can establish “a clear sense of the outer limit of [police] discretionary authority.” Wilson & Kelling, *supra* note 19, at 35.

66. Wilson & Kelling, *supra* note 19, at 33–34.

67. *Prevention Through Community Prosecution*, *supra* note 4, at 72.

68. Wilson & Kelling, *supra* note 19, at 34.

69. *Prevention Through Community Prosecution*, *supra* note 4, at 72.

70. Doolan, *supra* note 35, at 557.

71. *Id.*

72. Livingston, *supra* note 65, at 576 (noting that the police role is “broader, more dynamic and more proactive than before” because it is not confined to reactive tactics).

73. Thompson, *supra* note 8, at 339.

74. *See id.*; *see also* Tracey L. Meares, *Praying for Community Policing*, 90 CALIF. L. REV. 1593, 1600 (2002) (“The emergency-response number, or 911, [was] the primary mechanism for police engagement with citizens . . .”).

75. Meares, *supra* note 74, at 1599 (quoting WILLIAM BRATTON WITH PETER KNOBLER, *TURNAROUND: HOW AMERICA’S TOP COP REVERSED THE CRIME EPIDEMIC* 81 (1998)).

communities by taking officers off streets and placing them on patrol routes so that they could cover wider areas.⁷⁶ Crime prevention became an afterthought and, if at all, was only achieved by making arrests.⁷⁷

In the late 1980s, the broken windows theory inspired the concept of community policing, which integrated crime prevention into everyday police tactics.⁷⁸ Furthermore, an article by University of Wisconsin professor Herman Goldstein proposed the idea that police act as “problem-solvers” instead of mere “incident reactors.”⁷⁹ This approach, coupled with the broken windows theory, led to the return of a focus on developing and maintaining close links between police and communities.⁸⁰ Police departments began patrolling neighborhoods on foot and bicycles; started permanent beats; and decentralized control to district commanders, sergeants, and patrol officers.⁸¹ Police and citizens started working together because their needs and goals were congruent.⁸² Some citizens were suspicious at first, but over time, the police developed positive relationships with churches, local political leaders, school administrators, and various other community players.⁸³ The resulting community-officer partnerships restored trust amongst police and citizens and made police more likely to be considered an ally instead of feared as an enemy.⁸⁴

IV. FROM COMMUNITY POLICING TO COMMUNITY PROSECUTION

Realizing the success of community policing and experiencing frustration with reactionary crime fighting, prosecutors initiated their own community-oriented approach to crime called community prosecution.⁸⁵ Prosecutors hoped to stop the “endless routine of imprisoning [criminals] after the fact,” so they began to focus on building relationships with actors within the community to prevent crime before it occurred.⁸⁶ For the first time, prosecutors began to

76. *Prevention Through Community Prosecution*, *supra* note 4, at 71–72.

77. *FIXING BROKEN WINDOWS*, *supra* note 3, at 82–85.

78. *See* Thompson, *supra* note 8, at 339–40.

79. Herman Goldstein, *Improving Policing: A Problem-Oriented Approach*, 25 *CRIME & DELINQ.* 236, 236–58 (1979).

80. *Prevention Through Community Prosecution*, *supra* note 4, at 72.

81. *Id.*; Coles, *supra* note 30, at 14.

82. *FIXING BROKEN WINDOWS*, *supra* note 3, at 95.

83. *Prevention Through Community Prosecution*, *supra* note 4, at 72.

84. *See* *FIXING BROKEN WINDOWS*, *supra* note 3, at 96.

85. *Prevention Through Community Prosecution*, *supra* note 4, at 72–73; *see also* Coles, *supra* note 30, at 3 (“[T]he lessons police learned, and their responses nationwide, offered powerful examples to prosecutors.”).

86. *Prevention Through Community Prosecution*, *supra* note 4, at 73. Arguably, the crack-cocaine epidemic, and the failure of the criminal justice system to combat it, had more of an effect in inspiring prosecutors to change their approach than anything else. *Id.* at 74–75 (finding

reject the sole reliance on the traditional prosecutorial model; they viewed crime more broadly, saw themselves as problem-solvers, and recognized that serving the community required working within it.⁸⁷

Prosecutors recognized that their positions as public leaders inside and outside the courtroom made them uniquely positioned to act as agents of change in the criminal justice system.⁸⁸ The American Bar Association's *Criminal Justice Standards on the Prosecution Function*, approved in 1992, noted the importance of the prosecutor's role as an investigator and case processor (the conventional prosecutorial model).⁸⁹ However, epitomizing the new understanding of a prosecutor's role, the standards also recognized that the prosecutor has a broader responsibility as "an administrator of justice" with "the duty . . . to seek justice, not merely convict."⁹⁰ Importantly, the prosecutor has "to seek to reform and improve the administration of criminal justice."⁹¹

that prosecutors in Seattle, Portland, Oklahoma City, Miami, Kansas City, and Brooklyn had to employ innovative, aggressive, and multifaceted strategies to combat the drug epidemic).

87. *Id.* at 76–77. According to Jeremy Travis, former Director of the National Institute of Justice, "[o]nce police return[ed] to communities, they [were] the magnets that [drew] prosecutors into the community as well." *Id.* at 73.

88. Hynes, *supra* note 27, at 1–2. For many prosecutors, the development of community prosecution was an attempt to assert greater power in a changing criminal justice system where police officers, due to the community policing movement, had obtained greater power and influence in the eyes of the community. Coles, *supra* note 30, at 6–7 (noting that prosecutors' offices were "the last of the main agencies of the justice system to develop into a major organizational force").

89. Hynes, *supra* note 27, at 2.

90. ABA STANDARDS FOR CRIMINAL JUSTICE: PROSECUTION FUNCTION 3-1.2 (1993) [hereinafter ABA STANDARDS FOR CRIMINAL JUSTICE], available at http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_pfunc_tocold.html. Interestingly, while prosecutors were slow to accept a broader role in the criminal justice system, the ethical rules they were required to follow had long suggested that prosecutors should not be mindless case-processors in the courtroom. See ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY EC 7-13 (1983), available at <http://www.lawcornell.edu/ethics/aba/mcpr/MCPR.HTM> ("The responsibility of a public prosecutor differs from that of the usual advocate; his duty is to seek justice, not merely to convict.").

91. ABA STANDARDS FOR CRIMINAL JUSTICE, *supra* note 90. The National District Attorneys Association articulated a similar view in their *National Prosecution Standards*, approved in 1991:

The prosecutor has a client not shared with other members of the bar, i.e., society as a whole. . . . The prosecutor must seek justice. In doing so there is a need to balance the interests of *all* members of society, but when the balance cannot be struck in an individual case, the interest of society is *paramount* for the prosecutor.

NAT'L DIST. ATTORNEYS' ASS'N, NATIONAL PROSECUTION STANDARDS 1.1, 1.3 (3d ed. 1991), available at <http://www.ndaa.org/publications.html>. As administrators of justice, prosecutors sought to represent the interests of society as a whole—even the interests of those who violated the laws they were responsible for enforcing. Angela J. Davis, *Prosecution and Race: The Power and Privilege of Discretion*, 67 *FORDHAM L. REV.* 13, 52 (1998).

After a slow evolution spurred in part by the broken windows theory, prosecutors realized that the duty to seek justice is not limited to the courtroom, but applies to the administration of justice throughout the criminal justice system as a whole.⁹²

In Portland, Oregon, Multnomah County District Attorney Michael D. Schrunk became a prosecutor with a common goal in mind—to put bad guys behind bars and ensure “justice” for all—but over time he realized that his constituents had other ideas.⁹³ As a rookie prosecutor in 1981, Schrunk thought: “If I [take] care of murders, rapes, and robberies, [I’ll] be a hero.”⁹⁴ But in a few short months, he realized that the community cared more about the “small things [such as] speeding, someone urinating in a doorway, [and] a one rock [cocaine] sale on a corner.”⁹⁵ Portland had a community policing initiative, but Schrunk believed that community policing ultimately would not fix the minor quality-of-life issues without the support of the prosecutor’s office.⁹⁶ Only a prosecutor could provide “on-going legal strategic advice to bring together both practical and legal solutions to these street behavior problems.”⁹⁷

After some lobbying from the community, Schrunk started one of the nation’s first community prosecution programs in 1990.⁹⁸ Schrunk began the initiative in Lloyd District, a commercial area with plans to become a major commercial center, but the District also had a “seedy” reputation for public drinking, prostitution, vandalism, public urination, littering, and car break-ins.⁹⁹ These minor problems threatened to derail future development in an area that desperately needed rejuvenation.¹⁰⁰ Community members had experienced enough; they were so eager to engage the prosecutor’s office in combating these low-level offenses that a local business association paid the salary of the neighborhood prosecutor assigned there.¹⁰¹

92. Davis, *supra* note 91, at 51.

93. ROBERT V. WOLF & JOHN L. WORRALL, AM. PROSECUTORS RESEARCH INST., LESSONS FROM THE FIELD: TEN COMMUNITY PROSECUTION LEADERSHIP PROFILES 53 (2004).

94. *Id.*

95. *Id.*

96. *See id.* (referring to the police and community as a two-legged tool that was ineffective without the third “leg” that only a prosecutor could bring).

97. *Id.* (quoting Wayne Pearson, Multnomah County’s first neighborhood District Attorney).

98. *Id.* Most community prosecution adherents credit Multnomah County for beginning the contemporary community prosecution movement. WOLF & WORRALL, *supra* note 93, at xi. However, Cook County State’s Attorney Bernhard Carey’s 1973 program in Chicago predates the modern community prosecution movement and even the community policing movement. JOHN S. GOLDKAMP ET AL., COMMUNITY PROSECUTION STRATEGIES 9 (2003), available at www.ncjrs.gov/txtfiles1/bja/195062.txt.

99. WOLF & WORRALL, *supra* note 93, at 53.

100. *Id.*

101. *Id.*

In order to achieve the restoration of Lloyd District, the neighborhood prosecutor had to think creatively about how the tools of a prosecutor's office could be used to address the problem.¹⁰² First, the community prosecutor identified the problem: a large number of transients illegally camped in the area and routinely committed petty crimes.¹⁰³ Then, he brainstormed "out of the box," non-traditional solutions.¹⁰⁴ Since simply arresting and incarcerating the transient homeless people was unfeasible and unjust, the prosecutor pulled together volunteers to clean up the area.¹⁰⁵ The city had used that tool for years (costing \$40,000 every year), but over time the campers always returned.¹⁰⁶ This time, however, the community prosecutor concocted a plan to re-enforce this traditional tactic with informal control mechanisms of the community itself.¹⁰⁷ The prosecutor posted brightly colored "No Camping" signs that included information about local shelters and asked members of the community to alert the police when they saw transients camping.¹⁰⁸ After realizing that it was legal to do so, eventually citizens began to ask campers to leave *on their own*.¹⁰⁹ Over time, the initiative helped stop the illegal camping and petty crime in the area.¹¹⁰ Unlike in the past, the transients relocated to shelters, instead of moving to a nearby neighborhood and waiting to return after the yearly cleanup.¹¹¹ For the first time, the area was orderly, citizens were safer, and the city never had to spend money on cleanup again.¹¹² The community prosecutor engaged with the community to fix the unfixable problem.

As an innovator in community prosecution, Schrunk realized that community prosecution "means getting in the community and trying to solve problems at the lowest possible level and when appropriate, making lightning strike."¹¹³ The community wants prosecutors to think about more than putting the "bad guys" away. They want "long-term, systemic infrastructure solutions to problems that are causes of, or breeding grounds for, criminal conduct."¹¹⁴ In the case of Lloyd District, addressing the cause of crime included a strategy to fix the problem of illegal camping, instead of relying on yearly clean-ups

102. *Id.*

103. *Id.*

104. *Id.* at 53–54.

105. WOLF & WORRALL, *supra* note 93, at 54.

106. *Id.*

107. *See id.*; *see supra* text accompanying notes 57–60.

108. WOLF & WORRALL, *supra* note 93, at 54.

109. *Id.*

110. *Id.*

111. *Id.*

112. *See id.*

113. *Id.* at 54.

114. WOLF & WORRALL, *supra* note 93, at 54.

that failed to address the long-term social problem.¹¹⁵ In the case of a gang feud that had overtaken a violent Portland neighborhood, the solution included an innovative eviction and trespass enforcement plan to disrupt known gang areas.¹¹⁶ In the case of a county-wide problem of drug houses, the solution included working with state and federal law enforcement, local politicians, and community organizations to create “drug-free zones” where repeat drug offenders could be arrested by simply entering a drug-prone area.¹¹⁷ Each of these strategies involved creative, long-term solutions to systemic problems, and each of them illustrated a new fundamental conception of the role of the prosecutor as an administrator of justice.¹¹⁸

V. COMMUNITY PROSECUTION TODAY

Over the last fifteen years, prosecutors have increasingly implemented community prosecution strategies.¹¹⁹ As recently as 1995, less than ten jurisdictions throughout the country engaged in community prosecution.¹²⁰ By 2005, two-thirds of all prosecutors practiced some elements of community prosecution.¹²¹ However, despite this widespread acceptance of the concept, prosecution strategies vary widely depending on the community, its problems, available resources, and the capacity of specific prosecutor’s offices.¹²² While prosecutors have not uniformly adopted each tactic or strategy associated with community prosecution, the vast majority have implemented the core strategies in some form.¹²³

Rather than a rigid program, community prosecution is a philosophy, a rejection of the idea that a prosecutor can only be successful when using the

115. *Id.* at 53–54.

116. JAMES F. HAYDEN, AM. PROSECUTORS RESEARCH INST., COMMUNITY PROSECUTION TECHNIQUES TO REDUCE DRUG-RELATED GANG ACTIVITY 1–2 (2007).

117. WOLF & WORRALL, *supra* note 93, at 55–56. The program worked in the following way:

If someone is arrested for a drug offense within the zone, the arresting officer can issue a 90-day notice of exclusion from the zone. If the person enters the zone within 90 days, he or she can be arrested for criminal trespass. If they are subsequently convicted of a drug offense, the exclusion is extended for an additional year. This eliminates the cumbersome and time-consuming process of obtaining a contempt warrant for every violation.

Id. at 56. Obviously, the program could be abused, so the prosecutors worked with the American Civil Liberties Union (ACLU) to make the program “very due-process oriented,” giving offenders the chance to appeal the exclusion and get variances if they live, work, or receive drug treatment within the designated zone. *Id.* at 55.

118. *See* HAYDEN, *supra* note 116, at 1–2; WOLF & WORRALL, *supra* note 93, at 55–56.

119. *See* PERRY, *supra* note 11, at 9.

120. WOLF & WORRALL, *supra* note 93, at xi.

121. PERRY, *supra* note 11, at 9.

122. ROBERT V. WOLF, NAT’L DIST. ATTORNEYS ASS’N, COMMUNITY PROSECUTION AND SERIOUS CRIME: A GUIDE FOR PROSECUTORS 5 (2010).

123. PERRY, *supra* note 11, at 9.

case-processing model of prosecution.¹²⁴ Community prosecutors do not abandon the traditional case-processing tools for crime reduction: investigation, prosecution, and conviction.¹²⁵ Rather, the community prosecutor complements those tools with new tactics and new approaches: diversion, collaboration, community participation, and research-based innovation.¹²⁶ He employs these new tactics in creative, open-minded, and flexible ways to address the problems of the community.¹²⁷ In doing so, he does not confine himself to simply engaging in new tactics because any new tactic “might be seen as expendable when resources grow scarce or an upsurge in crime occurs.”¹²⁸ Instead, the community prosecutor alters his office’s mission and changes the measures for assessing achievement.¹²⁹ He places a greater premium on the use of discretion,¹³⁰ de-emphasizes traditional organizational boundaries,¹³¹ and relies on a more transparent, accessible, and decentralized approach to prosecution.¹³² By thinking creatively about solutions to ongoing problems and partnering with actors within and outside the criminal justice system, community prosecutors re-shape their roles to become more effective.¹³³

A. *Prosecutors as Problems Solvers*

First and foremost, community prosecutors serve as community problem solvers who use tools and strategies outside the traditional prosecutorial model to prevent and reduce crime, but also to strengthen vulnerable elements of the

124. Catherine M. Coles, *Evolving Strategies in 20th-Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR* 177, 199 (John L. Worrall & M. Elaine Nugent-Borakove eds., 2008) [hereinafter *Evolving Strategies*] (noting that prosecutors realized that “the capacity and tools of a felony case processing strategy could not meet late-20th-century challenges”).

125. Hynes, *supra* note 27, at 41.

126. *Id.*

127. Doolan, *supra* note 35, at 560.

128. *Evolving Strategies*, *supra* note 124, at 197.

129. *Id.* at 199.

130. *Id.* Under community prosecution’s proactive, problem-solving approach, prosecutors necessarily have more freedom to use strategies and tactics tailored to their specific community problems. GOLDKAMP, *supra* note 12, at xiii.

131. *Evolving Strategies*, *supra* note 124, at 199. Community prosecutors work with other criminal justice and community partners in new fundamental ways that represent a shift from the traditional case-processing model. GOLDKAMP, *supra* note 12, at xiii.

132. Thompson, *supra* note 8, at 355; *Evolving Strategies*, *supra* note 124, at 199. Community prosecutors work closely with citizens and increase cross-boundary collaboration by giving the community and other criminal justice officials a stake in the prosecution function. GOLDKAMP, *supra* note 12, at 6–7 (noting that community prosecutors “invite[]” the community and other partners to participate in developing the prosecutor’s strategy).

133. Hynes, *supra* note 27, at 1.

community.¹³⁴ In 2009, in his remarks at the American Bar Association annual meeting in Chicago, Attorney General Eric Holder, still clearly committed to the innovative solutions he implemented as United States Attorney for the District of Columbia,¹³⁵ declared: “[G]etting smart on crime means thinking about crime in context—not just reacting to the criminal act, but developing the government’s ability to enhance public safety before the crime is committed and after the former offender is returned to society.”¹³⁶ Getting “smart” through innovative and collaborative problem solving drives community prosecution today and represents the one overarching theme that links each strategy, tactic, and tool of the movement.¹³⁷

A community prosecutor takes the form of a proactive and innovative problem solver who thinks “outside the box,” rather than a reactive and traditional case processor who confines to the prosecutorial role.¹³⁸ As community problem solvers, community prosecutors use civil sanctions, landlord-tenant laws, health and safety-code enforcement, and various other non-traditional tactics.¹³⁹ They hire non-lawyers who can assist with matters of public health, substance-abuse treatment, social services, public relations, community organizing, marketing, journalism, and crime prevention.¹⁴⁰

134. *Prevention Through Community Prosecution*, *supra* note 4, at 81; WOLF, *supra* note 122, at 5; GOLDKAMP, *supra* note 12, at 6–7; *Evolving Strategies*, *supra* note 124, at 195–96.

135. Recognizing the broader conception of justice, current Attorney General Eric Holder, as United States Attorney at the time, broke new ground by starting a community prosecution program in the United States Attorney’s Office for the District of Columbia as a way to re-build trust with (and within) the community. Hynes, *supra* note 27, at 41. Holder premised the program on a very simple idea: re-build trust and community networks to embolden citizens to play a role in preventing crime and restoring their neighborhoods. *See id.* Holder realized that his office could more effectively address the crime problem by deploying his prosecutors into the community where they could develop relationships with police officers, businesses, non-profit organizations, educational institutions, the faith community, and citizens generally. Michael D. Schrank, *Federal–Local Partnerships: A Win for the Community*, U.S. ATT’Y’S BULL., May–June 2000, at 31.

136. Eric Holder, Attorney Gen., Address to the 2009 ABA Convention (Aug. 3, 2009), available at <http://www.justice.gov/ag/speeches/2009/ag-speech-090803.html>.

137. Professor Catherine Coles describes community prosecution through three broad categories: case-processing, developing partnerships, and problem-solving to prevent and reduce crime. *Evolving Strategies*, *supra* note 124, at 195. However, under the problem-solving category, she discusses how community prosecutors use “targeted and expedited criminal prosecutions” (i.e., the traditional case-processing tactic) and cooperation with citizens and other agencies (i.e., developing partnerships), thereby suggesting that the focus on an innovative problem-solving approach drives the community prosecution philosophy. *Id.* at 195–96; *see also* GOLDKAMP, *supra* note 12, at 9.

138. Doolan, *supra* note 35, at 560.

139. WOLF & WORRALL, *supra* note 93, at xi.

140. *Prevention Through Community Prosecution*, *supra* note 4, at 76 (describing how former prosecutor and current United States Senator Claire McCaskill routinely hired outsiders because they help prosecutors think “outside the box”).

Community prosecutors routinely coordinate with non-prosecutorial groups, such as property owners, community organizations, and non-crime related government agencies,¹⁴¹ but also place more emphasis on initiating collaboration with other criminal justice agencies, instead of confining their focus to the courtroom.¹⁴² They obtain funding for and administer programs that fall outside the traditional “crime” focus by addressing other social problems such as poverty, homelessness, and unemployment.¹⁴³ Quite literally, community prosecutors think “outside the box” by using every available tool and engaging with every available partner to solve problems in their communities.

B. Community Prosecution Strategies, Tactics, and Tools

Emboldened with a new understanding of the prosecutorial function, community prosecutors offer innovative solutions to community concerns that they could not offer under the case-processing prosecutorial model.¹⁴⁴ Community prosecutors must be imaginative and unafraid to challenge the traditional model. They look beyond their individual cases to develop strategies to end the repetitive cycle of crime.¹⁴⁵ They focus on reshaping the community over the long-term by engaging in innovative strategies such as youth education, alternative justice programs for juveniles, and domestic violence prevention initiatives.¹⁴⁶ They work to rebuild the most depressed areas of the community by targeting known criminal havens through civil sanctions and city ordinances.¹⁴⁷ They focus on breaking down the barriers between citizens and criminal justice officials through community engagement.¹⁴⁸ With the freedom to act as innovative problem solvers instead of traditional case-processors, community prosecutors implement unique prevention, enforcement, and treatment methods to attack the heart of the problems in their communities.

141. Doolan, *supra* note 35, at 561.

142. *Prevention Through Community Prosecution*, *supra* note 4, at 76–77.

143. *Id.* at 76.

144. CHANGING NATURE OF PROSECUTION, *supra* note 9, at 32 (arguing that community prosecutors are more likely than traditional prosecutors to identify and implement solutions to problems that “involve the use of non-traditional problem-solving strategies and varied prevention, enforcement, and treatment methods”).

145. *Id.* at 32 (finding that community prosecutors aim to “address[] the conditions that allow . . . serious crime to flourish.”); *Prevention Through Community Prosecution*, *supra* note 4, at 73 (arguing that community prosecutors hope to end the “endless routine” of imprisoning the same criminals after they commit the same or similar crimes over and over again).

146. Doolan, *supra* note 35, at 562; Gramckow, *supra* note 35, at 17 (finding that community prosecutors “engage in drug education in schools [and] coordinate projects to develop alternative activities for juveniles”); *Prevention Through Community Prosecution*, *supra* note 4, at 78.

147. Gramckow, *supra* note 35, at 17.

148. *Evolving Strategies*, *supra* note 124, at 195.

Since community prosecution represents a change in a prosecutor's philosophy and mission rather than a strict adherence to specific tactics or programs, the experience of a community prosecutor varies depending on the conditions and problems in his or her community.¹⁴⁹ Thus, ten different community prosecutors in ten different communities may come up with ten different strategies to address a similar crime problem. Despite this variability, successful community prosecution strategies across the country share some underlying dimensions and provide an organizing framework.¹⁵⁰ The groundbreaking leaders of the community prosecution movement can serve as a model for success in crime prevention, intervention, and targeted law enforcement methods.¹⁵¹

VI. APPLYING COMMUNITY PROSECUTION IN EAST ST. LOUIS

A. *East St. Louis: An Abandoned City*

Located on the southwestern edge of Illinois and in the St. Louis metropolitan area, East St. Louis embodies the traditional industrial suburb that can be found in manufacturing areas throughout the United States, particularly the American Midwest.¹⁵² The city shows "the scars of a long existence . . . and signs of a previous life."¹⁵³ An observer driving through the community cannot escape the evident depression and widespread poverty.¹⁵⁴ Professor Andrew Theising described East St. Louis in the following way:

[The city's] commercial district shows wide streets that are mostly quiet. Office buildings obviously have been vacant for years. For every window with glass, there appears to be one with boards. Iron bars protect what little is left. Many residential sections of town showcase dilapidated housing. The roofs sag, the chimneys lean, weeds overtake yards and driveways. Occasionally there is a house in good repair, but many show neglect. Every street has a burned-out shell or vacant lot, and graffiti is painted across prominent facades. Looming on the horizon is the silhouette of an abandoned factory building that rattles as the wind blows through it. It has become a haven for pigeons and mischievous youth. . . . The only hustle and bustle the city knows today are the

149. GOLDKAMP, *supra* note 12, at xiii (finding that community prosecution does not fit into a "one-size-fits-all" model).

150. *Id.* at xiii, xv.

151. WOLF & WORRALL, *supra* note 93, at xi (recognizing the following ten national community prosecution leaders: The City of Dallas, TX; The City and County of Denver, CO; Fulton County (Atlanta), GA; Hennepin County (Minneapolis), MN; Kalamazoo County (Kalamazoo), MI; Kings County (Brooklyn), NY; Marion County (Indianapolis), IN; Multnomah County (Portland), OR; Travis County (Austin), TX; and Washington D.C.).

152. THEISING, *supra* note 14, at 7.

153. *Id.*

154. *Id.*

interstates which carry a different population on raised roadways around the city on the way to somewhere else.¹⁵⁵

To the outside observer, East St. Louis epitomizes a distressed, abandoned place left behind by the “widespread, systematic disinvestment in the nation’s basic productive capacity.”¹⁵⁶ As working class men and women across the country struggle to survive in a post-manufacturing age, nowhere is that struggle more evident than in East St. Louis, where life “is mired in issues of safety, damaged infrastructure, and poor prospects for the future.”¹⁵⁷

Before East St. Louis became nationally known as an abandoned industrial suburb, many considered the city the “Pittsburgh of the West” with the nation’s second largest rail center in close proximity to the abundant coalmines of Southern Illinois.¹⁵⁸ In the mid-nineteenth century, the city thrived as a commercial and industrial center with a “seemingly endless source of employment and commerce.”¹⁵⁹ East St. Louis attracted immense numbers of racial minorities and ethnic immigrants because rapid industrial growth offered opportunity to the poor and the working class.¹⁶⁰ A 1921 state report rated the city’s schools as the best in Illinois.¹⁶¹

Despite its early success, East St. Louis has experienced a long, slow period of abandonment.¹⁶² Over time, extraordinary racial segregation and a national reputation for corruption, illegal gambling, prostitution, and organized crime halted the development of a middle class.¹⁶³ In the early twentieth century, East St. Louis became “the second poorest city of its size in the nation.”¹⁶⁴ A national economic shift and changes in population growth after World War II only made the city’s problems worse.¹⁶⁵ Industry abandoned the

155. *Id.*

156. HAMER, *supra* note 16, at 19 (citing BARRY BLUESTONE & BENNETT HARRISON, *THE DEINDUSTRIALIZATION OF AMERICA: PLANT CLOSINGS, COMMUNITY ABANDONMENT, AND THE DISMANTLING OF BASIC INDUSTRY* 6 (1982)).

157. HAMER, *supra* note 16, at 30.

158. *Id.* at 43.

159. THEISING, *supra* note 14, at 11.

160. HAMER, *supra* note 16, at 40, 58.

161. *Id.* at 44.

162. THEISING, *supra* note 14, at 11. In his portrait of East St. Louis, Professor Theising provides an in-depth discussion of the evolution of a traditional industrial suburb by describing it in three phases: the creation phase, operation phase, and abandonment phase. *Id.* at 9–11.

163. *Id.* at 12.

164. HAMER, *supra* note 16, at 44.

165. THEISING, *supra* note 14, at 12–13. Although the post-World War II economic and population shifts would soon cripple the city, *Look Magazine* and the National Municipal League (now called the National Civic League) designated East St. Louis an “All American city” in 1960. Nicholas J.C. Pistor, *East St. Louis Weighs Rematch*, ST. LOUIS POST-DISPATCH, Apr. 3, 2011, at D2; see also *Past Winners of the All-America City Award*, NAT’L CIVIC LEAGUE, <http://www.allamericacityaward.com/things-to-know-about-all-america-city-award/past-winners-of-the-all->

city, which led to unprecedented unemployment.¹⁶⁶ Jobs, money, and people left soon after,¹⁶⁷ leaving East St. Louis to flounder ever since.¹⁶⁸

The Department of Housing and Urban Development's description of East St. Louis as the "most distressed small city in America" in 1989 showcased the city as a sad example of abandonment.¹⁶⁹ Yet, the city has only continued its slow, agonizing decline over the last twenty years.¹⁷⁰ East St. Louis has lost an average of 15 percent of its population in every census since 1950.¹⁷¹ The city's current population of 27,006, considered a very generous estimate by many observers,¹⁷² is roughly one-third of its peak of 82,295 in 1950.¹⁷³ Once known as a thriving industrial suburb home to notable residents such as jazz musician Miles Davis, Olympic athlete Jackie Joyner-Kersey, and rock-and-roll icon Chuck Berry, East St. Louis is now known as the city with one of the

america-city-award/past-winners-of-the-all-america-city-award-1940s-and-1950s/ (last visited Jan. 10, 2013). Recognizing the decline of the city in a 1999 visit, President Bill Clinton said, "The Government . . . [and] private enterprise will make East St. Louis that all-American city again, if we go forward together." Presidential Remarks to the Community in East St. Louis, Illinois, 35 WEEKLY COMP. PRES. DOC. 1289, 1292 (July 6, 1999), available at <http://clinton4.nara.gov/WH/New/html/19990706c.html>.

166. THEISING, *supra* note 14, at 12–13. During the period from 1960 through 1987, East St. Louis lost more than thirteen thousand jobs. Mary Edwards & Laura Lawson, *The Evolution of Planning in East St. Louis*, 4 J. PLAN. HIST. 356, 368–69 (2005). Given the extraordinary industry and population losses, the city's assessed valuation fell by 78 percent between 1960 and 1990, which caused an extreme drop in municipal revenues that led to serious reductions or the elimination of basic services. *Id.*

167. THEISING, *supra* note 14, at 13. By 1970, almost half of the manufacturing jobs based in East St. Louis at its manufacturing peak had disappeared. HAMER, *supra* note 16, at 46.

168. THEISING, *supra* note 14, at 13.

169. *Id.* at 11, 13.

170. *Id.* While the Department of Housing and Urban Development provided national recognition of the city's problems in 1989, East St. Louis has since become engrained in our culture as the epitome of extreme poverty and overall despair. In a 1999 article by the satirical magazine, *The Onion*, East St. Louis was jokingly referred to as a "top American city" by "Poverty Magazine." *East St. Louis Rated Number-One City in America by 'Poverty Magazine'*, ONION, Oct. 27, 1999, <http://www.theonion.com/articles/east-st-louis-rated-numberone-city-in-america-by-p,3961/>. In the wake of Barack Obama's election as the nation's first African-American President, award-winning journalist Tom Brokaw offered a more sober commentary of the well-known struggles of East St. Louis in a 2010 primetime documentary special on USA Network. *American Character Along Highway 50* (USA Network television broadcast Jan. 18, 2010), available at <http://www.usanetwork.com/highway50/videos/>. Brokaw described a city that has struggled to keep pace in the twenty-first century, but still shows signs of life and vibrancy. *Id.*

171. THEISING, *supra* note 14, at 13.

172. U.S. CENSUS BUREAU, *State & County QuickFacts: East Saint Louis (city)*, U.S. CENSUS 2010, <http://quickfacts.census.gov/qfd/states/17/1722255.html> (last visited Jan. 10, 2013), ; Doug Moore, *Some Jump for Joy over Census Data*, ST. LOUIS POST-DISPATCH, June 23, 2010, at A5.

173. THEISING, *supra* note 14, at 13.

“highest unemployment, poverty, and high school dropout rates” in the country.¹⁷⁴

Although the city has less than thirty thousand residents, East St. Louis has become one of the largest concentrations of poor in the country.¹⁷⁵ Approximately half of East St. Louis residents and 56 percent of youth live below the poverty line.¹⁷⁶ “[A]mong those sixteen years old and older, almost 50 percent do not participate in the labor force, and of the 50 percent actively participating, about 10 percent are officially unemployed.”¹⁷⁷ Moreover, “[n]early half of residents age eighteen and older have not completed high school.”¹⁷⁸ Approximately 70 percent of children are born to single mothers and 25 percent to adolescent girls.¹⁷⁹ Fifty-six percent of East St. Louis families have annual incomes of less than \$25,000 compared with 13.5 percent of families nationwide, and, significantly, more than half of the population depends on some form of government assistance.¹⁸⁰ The East St. Louis of 2012 is a poverty-stricken, abandoned industrial city with staggering problems.¹⁸¹

B. *Crime in East St. Louis*

A recent Federal Bureau of Investigation report revealed that crime across the country sits at its lowest level in forty years, but in East St. Louis, the trend has gone in the opposite direction.¹⁸² Nationally, “[t]he odds of being murdered

174. *Id.* at 199; HAMER, *supra* note 16, at 30. While Professor Theising recognizes the general decline of East St. Louis, his analysis of the city’s history paints East St. Louis as a clear descendant of a broken city from a century ago. THEISING, *supra* note 14, at 5, 13. Theising draws a compelling picture of the dichotomy of East St. Louis: a city built on corruption, vice, and disorganization that was quite successful at various stages of its history and produced some famous residents with fond memories of their experiences. *Id.* at 200. Theising cogently summarizes the dichotomy through the words of former resident, Thomas Petraitis: “Generations from now, historian[s] will look at East St. Louis and wonder how anyone could ever have lived in such a horrible place. How, then, do you explain the fact that ex-residents, black and white, truly loved this city?” *Id.* (quoting THOMAS E. PETRAITIS, *GROWING UP LITHUANIAN IN EAST ST. LOUIS, ILLINOIS: MEMORIES OF THE IMMACULATE CONCEPTION LITHUANIAN PARISH AND GRADE SCHOOL 14* (1995)).

175. HAMER, *supra* note 16, at 52; U.S. CENSUS BUREAU, *supra* note 172.

176. HAMER, *supra* note 16, at 31; U.S. CENSUS BUREAU, *supra* note 172.

177. HAMER, *supra* note 16, at 31.

178. *Id.* at 52.

179. *Id.* at 161.

180. *Id.* at 52.

181. THEISING, *supra* note 14, at 13.

182. FED. BUREAU OF INVESTIGATION, U.S. DEP’T OF JUSTICE, *CRIME IN THE UNITED STATES 2010*, at 1 (2011), available at <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/2010%20CIUS%20Summary.pdf>; Richard Florida, *Don’t Fear the City: Urban America’s Crime Drops to Lowest in 40 Years*, ATLANTIC (May 24, 2011, 10:42 AM), <http://www.theatlantic.com/national/archive/2011/05/dont-fear-the-city-urban-americas-crime-drops-to-lowest-in-40-years/239366/>; Douglas A. McIntyre et al., *The 10 Most Dangerous*

or robbed are now less than half of what they were in the early 1990s, when violent crime peaked in the United States.”¹⁸³ For instance, in New York City, 2,245 people were murdered in 1990, but less than 600 people have been murdered for the past nine years in a row.¹⁸⁴ The national drop has been so dramatic that some experts are pondering, “[h]ow low could [the drop in violent crime] go?”¹⁸⁵ But if one of these experts asked a resident of East St. Louis that question, he would likely receive a blank stare in amazement or outburst of laughter. While crime has dropped nationally, East St. Louis has become a “no man’s land” where murder and violent crime are the norm.¹⁸⁶ East St. Louis is the most violent city in America with a murder rate nearly twenty times higher than the national average, and contrary to national trends, violent crime rates continue on an upward trajectory.¹⁸⁷

Compared to other American cities and even some of the most dangerous places in the world, East St. Louis faces staggering rates of crime. While the national average for annual homicides is approximately 5.5 per one hundred thousand people, East St. Louis has a homicide rate of around 93 per one hundred thousand.¹⁸⁸ The homicide rates of other cities that routinely make the list of “most dangerous cities” in the country pale in comparison to East St. Louis’ rate of 93: Washington, D.C. (35), Newark (40), St. Louis (40), Detroit (41), and New Orleans (42).¹⁸⁹ The city’s homicide rate (93) stands at a level significantly higher than the rates of notable developing nations that are

Cities in America, ATLANTIC (May 26, 2011, 12:14 PM), www.theatlantic.com/national/archive/2011/05/the-10-most-dangerous-cities-in-america/239513/.

183. Richard A. Oppel, Jr., *Steady Decline in Major Crime Baffles Experts*, N.Y. TIMES, May 24, 2011, at A17.

184. *Id.*

185. *Id.* (quoting Michael Jacobson, director of the Vera Institute of Justice and a former New York City correction and probation officer).

186. Kevin Killeen, *Federal and State Prosecutors Warn of “No Man’s Land” of Violent Crime in East St. Louis*, CBS ST. LOUIS (January 19, 2012, 7:15 PM), <http://stlouis.cbslocal.com/2012/01/19/federal-and-state-prosecutors-warn-of-no-mans-land-of-violent-crime-in-east-st-louis-area/> (quoting Stephen Wigginton, United States Attorney for the Southern District of Illinois).

187. *Id.*; DENNIS MARES, PROJECT SAFE NEIGHBORHOODS, U.S. DEP’T OF JUSTICE, VIOLENT CRIME IN EAST ST. LOUIS 23 (2011) [hereinafter VIOLENT CRIME].

188. SPATIAL HOMICIDE PATTERNS, *supra* note 17, at 4.

189. VIOLENT CRIME, *supra* note 187 at 2; DENNIS MARES, PROJECT SAFE NEIGHBORHOODS, U.S. DEP’T OF JUSTICE, COMPARATIVE ANALYSIS: VIOLENT CRIME IN EAST ST. LOUIS 2 (2011) [hereinafter COMPARATIVE ANALYSIS]. Numerous newspapers and magazines publish annual lists of America’s “most dangerous cities” based on Federal Bureau of Investigation crime and population statistics, and they often vary depending on the formula used. *See, e.g.*, John Giuffo, *America’s Most Dangerous Cities*, FORBES (Oct. 3, 2012, 6:58 PM), www.forbes.com/sites/johngiuffo/2011/10/03/americas-most-dangerous-cities/; McIntyre et al., *supra* note 182; Danielle Kurtzleben, *The 11 Most Dangerous Cities*, U.S. NEWS & WORLD REPORT (Feb. 16, 2011), www.usnews.com/news/articles/2011/02/16/the-11-most-dangerous-cities.

infamous for their violent crime, including El Salvador (70), Jamaica (60), Colombia (35), and Haiti (21).¹⁹⁰ Based on the yearly homicide rate alone, East St. Louis is one of the most dangerous cities in the world, not just the United States.¹⁹¹

The small population of East St. Louis relative to other cities could make a comparison of crime rates misleading; however, the annual number of homicides in East St. Louis relative to other cities, irrespective of crime rates, paints a similarly bleak picture. According to a recent list of the “most dangerous cities” in America compiled by *The Atlantic*, Rockford, Illinois, Little Rock, Arkansas, and New Haven, Connecticut, were listed as the ninth, seventh, and fourth most dangerous cities, respectively.¹⁹² In 2010, Rockford reported twenty homicides, Little Rock reported twenty-five, and New Haven reported twenty-two.¹⁹³ In the same year, East St. Louis had twenty-five homicides,¹⁹⁴ which equals Little Rock and exceeds Rockford and New Haven. These numbers are even more astounding when one considers the relative populations of each city. East St. Louis, a city of less than 30,000 people, equaled or exceeded the number of murders in Rockford (156,180 people), Little Rock (192,922 people), and New Haven (124,856 people).¹⁹⁵ In 2007, when East St. Louis had thirty murders, nearby Alton, Illinois, a city of similar size, reported four homicides.¹⁹⁶ By any measure, East St. Louis sits in a league of its own when it comes to homicide and violent crime.

While the homicide rate of the entire city of East St. Louis paints a picture of staggering crime, the rates within the most violent areas of the city suggest a serious crime epidemic. Generally, homicides tend to be concentrated in the most economically disadvantaged communities, and since many East St. Louis residents can be classified as poor, one may expect homicide to be high without further concentrations.¹⁹⁷ However, homicides within East St. Louis exhibit a clear spatial pattern, concentrated around certain public housing

190. COMPARATIVE ANALYSIS, *supra* note 189, at 5. Comparing the annual rate of homicides in a city to the rate of homicides in a country has obvious flaws. In any given country, some cities have much higher crime rates than the country-wide average, while other cities have much lower rates. However, despite these potential flaws, the comparison nonetheless paints a staggering picture of the sheer depth of the crime problem in East St. Louis.

191. *See id.*

192. McIntyre et al., *supra* note 182.

193. *Id.*

194. SPATIAL HOMICIDE PATTERNS, *supra* note 17, at 2. The yearly number of murders in East St. Louis inevitably fluctuates from year to year. Based on Professor Mares’s calculations from 2000 to 2010, the annual average number of homicides is twenty-four. *Id.*

195. McIntyre et al., *supra* note 182.

196. Marlon Walker, *Layoffs Burden City’s Police*, ST. LOUIS POST-DISPATCH, Feb. 20, 2011, at B1.

197. SPATIAL HOMICIDE PATTERNS, *supra* note 17, at 3.

projects.¹⁹⁸ The most significant concentration of homicides from 2000 to 2010 occurred in the two-block radius around the DeShields/Robinson housing areas.¹⁹⁹ Twenty-two homicides occurred, equating to 2.2 homicides per year and a murder rate of 270 homicides per one hundred thousand people.²⁰⁰ From 2006 to 2010, seventeen homicides occurred, equating to a murder rate of 418 per one hundred thousand people.²⁰¹ Astonishingly, this area of East St. Louis has a higher murder rate than Ciudad Juarez, Mexico, the center of Mexico's drug cartel violence and the country's "bloodiest city," which had a murder rate of 229 per one hundred thousand people in 2010.²⁰² While the DeShields/Robinson housing area has the highest concentration of homicides, other areas in the city, primarily around other public housing projects, exhibit annual murder rates near or greater than 100 per one hundred thousand people.²⁰³ Although most cities contain areas with high incidences of homicide, the rates in these areas of East St. Louis likely exceed, by significant margins in some cases, those of more familiar violent areas of Chicago, Detroit, Newark, and New Orleans.²⁰⁴

Although the murder rate in East St. Louis provides a stark example of the city's most serious crime, incidences of robbery, rape, assault, drug crime, and property crime suggest a systemic crime problem. The overall crime rate (both property crime and violent crime) in East St. Louis sits at 160 per one thousand residents, compared to 95 in St. Louis, 65 in Kansas City, and 50 in Chicago.²⁰⁵ The United States claims a robbery rate of 133 per one hundred thousand people, but in East St. Louis, the rate stands at 921 and 1,136 around three prominent public housing projects.²⁰⁶ The nation claims a rape incidence rate of 29, but in East St. Louis, the rate stands at 150 and 363 around these housing projects.²⁰⁷ Most staggeringly, while the country as a whole has an assault rate of 262, the rate in East St. Louis stands at 4,685 and 13,090 around

198. *Id.*

199. *Id.* at 4.

200. *See id.*

201. *See id.*

202. *See id.* at 3–4; Randal C. Archibald, *Mexico's Drug War Bloodies Areas Thought Safe*, N.Y. TIMES, Jan. 19, 2012, at A1. Admittedly, Ciudad Juarez likely has higher concentrations of homicide in its worst areas, but the general comparison to the city is eye-opening nonetheless. When any area of the United States has a substantially higher murder rate than the murder capital of Mexico (and one of the most dangerous cities on the globe), the area can be considered a "no man's land." Killeen, *supra* note 186 (quoting Stephen Wigginton, U.S. Attorney for the Southern District of Illinois).

203. SPATIAL HOMICIDE PATTERNS, *supra* note 17, at 3.

204. *Id.* at 2.

205. *Id.* at 4.

206. *Id.* at 7, 16.

207. *Id.* at 17.

the same housing projects.²⁰⁸ Undoubtedly, East St. Louis has a serious crime problem across all categories, but the stable concentration of crime around a few public housing projects indicates a pervasive and structural crime epidemic.²⁰⁹

VII. COMMUNITY PROSECUTION: FIXING THE CRIME EPIDEMIC IN EAST ST. LOUIS

East St. Louis has a long history of failed leadership and failed policies that have done little to fix the city's problems.²¹⁰ Faced with a series of public humiliations caused by long-time mayor Carl Officer and an infamous record of corruption and mismanagement that left the city bankrupt, the State of Illinois took unprecedented action to fix the "East St. Louis problem" in 1989.²¹¹ Governor James Thompson announced that the state would withhold all financial assistance unless the city dramatically changed leadership.²¹² Thompson even appointed a state panel to manage the city's finances under the authority of the Illinois Financially Distressed City Act.²¹³ Thompson gave the panel the power to approve or reject the city's budgets, financial plans, new projects, and major purchases.²¹⁴ If the city did not comply with the panel's requirements, the State would force the city to give up its spending authority.²¹⁵ While it had a generally positive effect at first, the panel has not had the desired effect of "fixing" East St. Louis—as is evident from the fact that the state controlling entity remains in existence more than twenty years after its creation.²¹⁶

208. *Id.* at 18.

209. SPATIAL HOMICIDE PATTERNS, *supra* note 17, at 10.

210. *See generally* THEISING, *supra* note 14, at 19–32.

211. *Id.* at 32.

212. *Id.*

213. *Id.* Referred to as the "East St. Louis Bailout," both the Illinois House of Representatives and Senate passed Governor Thompson's oversight bill by overwhelming margins after long, lively debates that focused entirely on East St. Louis. *Id.* at 32–38.

214. HAMER, *supra* note 16, at 51.

215. *Id.*

216. THEISING, *supra* note 14, at 38. Under the headline "East St. Louis: A City That Doesn't Work" from an editorial in 2003, the *St. Louis Post-Dispatch* encapsulated the unusual, and very sad, state of affairs in East St. Louis: "Imagine living in a city where nearly every municipal function is controlled by outsiders[.]" Editorial, *East St. Louis: A City That Doesn't Work*, ST. LOUIS POST-DISPATCH, Feb. 22, 2003, at 30 [hereinafter Editorial]. In this article, the *St. Louis Post-Dispatch* Editorial Board declined to endorse a candidate prior to the city's 2003 mayoral primary because the board "thought it best to discuss the exceptional challenges facing the city." *Id.* The Editorial described the grim reality of life under the incompetent and corrupt local leadership of East St. Louis:

[L]ocal leaders aren't perceived as being competent enough to make government work Solving the city's problems would require a Herculean effort that none of the candidates seems able to mount [T]he city is so dysfunctional that it has lost control

East St. Louis faces deeply embedded problems that will not be fixed easily.²¹⁷ Professor Andrew Theising argues that East St. Louis faces an institutional problem that will replicate the same problems and failed policies of the past long into the future.²¹⁸ The contemporary problems in the city do not stem from contemporary circumstances or demographics, but rather sustained factors over time.²¹⁹ To fix this embedded problem, leaders must target the root cause, instead of the obvious symptoms.²²⁰ Theising argues that “[i]nstitutions are slow to change, at best,” thus, past programs that have targeted the symptoms, instead of the underlying institutions, have only made problems worse.²²¹ To restore and rebuild East St. Louis, leaders must engage in radical solutions that “tear down one kind of government and rebuild another.”²²² East St. Louis has extraordinary problems that will not be solved unless city, county, and state leaders adopt new, innovative approaches that challenge the failed assumptions of the past.

A. “*Something has to change in East St. Louis*”

Upon his appointment to the position of St. Clair County State’s Attorney in November 2010, Brendan Kelly realized that the traditional case-processing model of prosecution had failed to address the underlying systemic crime and social problems in East St. Louis.²²³ If prosecutors defined success through the traditional case-processing model of managing cases through disposition, St. Clair County prosecutors had been very successful for a long time.²²⁴ However, Kelly recognized that prosecutors’ traditional case-processing efforts had done little to stem the horrific rate of violent crime in East St. Louis or

of many of its entities, including schools, community development funds, higher education, housing, and, to some extent, riverfront development. In all these areas, oversight boards control part or all of what the city can and can’t do. The fact is, nobody trusts East St. Louis government[.]

Id. Coincidentally, albeit unrelated, less than a month after the *St. Louis Post-Dispatch* published the editorial, U.S. forces began Operation Iraqi Freedom in March 2003, which resulted in outsiders taking control of the Middle Eastern nation. *See* David E. Sanger & John F. Burns, *Bush Orders Start of War in Iraq*, N.Y. TIMES, March 20, 2003, at A1. The outside forces remained in control of Iraq for nearly nine years until their departure in December 2011. Tim Arango & Michael S. Schmidt, *Last Convoy of American Troops Leaves Iraq, Marking a War’s End*, N.Y. TIMES, Dec. 19, 2011, at A6. In contrast, outsiders have retained control of almost every sector of East St. Louis for more than twenty-two years. Editorial, *supra* note 216, at 30.

217. THEISING, *supra* note 14, at 202.

218. *Id.* at 202 (“Where there are replicated results over time, institutions are at work.”).

219. *Id.*

220. *Id.* at 203.

221. *Id.*

222. *Id.*

223. Kelly Interview, *supra* note 13.

224. *Id.*

address the endemic poverty, homelessness, and joblessness in the city.²²⁵ Thus, Kelly envisioned a new goal and emphasized a new mission where prosecutors could influence the entire criminal justice process.²²⁶

Echoing the principles of the community prosecution movement, Kelly believes prosecutors have an obligation to consider the causes and circumstances of crime by questioning the conditions that give rise to criminal activity and identifying solutions that affect those particular conditions.²²⁷ Kelly argues that “criminal justice and social justice are twins separated at birth,” and to be effective, prosecutors must take a broad approach to crime fighting and accept a new, more holistic understanding of the prosecutor’s role in ensuring community justice.²²⁸ Quite simply, Kelly believes that “something ha[s] to change in East St. Louis,” and as a prosecutor and a member of the community, he feels obligated to help facilitate that change.²²⁹

B. *Problem Solving Prosecution in East St. Louis*

To address the long-term systemic problems in East St. Louis adequately, St. Clair County prosecutors must expand beyond the traditional, reactive role of prosecution and engage in innovative problem solving.²³⁰ The Illinois statute that gives authority to the State’s Attorney (chief prosecutor) in each county defines the position as the “Chief Law Enforcement Officer” and a “community leader” with the goal of “increas[ing] public safety and enhanc[ing] the quality of life for [county] citizens.”²³¹ To accomplish that goal, St. Clair County prosecutors must identify specific problems within East St. Louis, brainstorm possible solutions, and “facilitate and bring together all the different people necessary to solve those problems by implementing those possible solutions.”²³² To affect this change, St. Clair County prosecutors believe they can use the influence of the State’s Attorney’s Office and their

225. *Id.*

226. *Id.*

227. *Id.*

228. *Id.* Kelly considers East St. Louis a “felony factory” where there is a clear link between a person’s violent environment at a young age and that person’s propensity to engage in violent crime in the future. He argues that prosecutors under the traditional case-processing model “don’t really care why and how” a person’s environment affects crime. Kelly Interview, *supra* note 13. However, by taking a “more holistic, community approach,” prosecutors can begin to understand that seemingly disparate elements are linked. *Id.*

229. *Id.*

230. Interview with Jon Allard, Chief of the Admin. Div., St. Clair Cnty. State’s Attorney Office, in Belleville, Ill. (Jan. 13, 2012) (transcript on file with author) [hereinafter Allard Interview].

231. *Id.*; 55 ILL. COMP. STAT. 5/3-9005 (2011).

232. Allard Interview, *supra* note 230.

analytical legal training to address interconnected county, city, and neighborhood issues through innovative problem solving.²³³

In the first phase of the problem-solving process, St. Clair County prosecutors went to great lengths to consider every available tool to fix the crime problem in their community.²³⁴ Prosecutors asked themselves:

What else can we do to prevent crime [other than just deterrence]? . . . [I]n what ways can we engage the community . . . law enforcement, probation, social services, churches, and neighborhood organizations [to fix the problem]? . . . [H]ow can we use the tools that we already have, in terms of the law and in terms of statutes, better than what we're already doing? . . . What have other cities and counties across the country done to address these problems?²³⁵

Once St. Clair County prosecutors redefined their mission as broad-based actors for social change instead of mere criminal case managers, they realized that engaging in innovative problem solving was easy.²³⁶ Ideas flowed freely as soon as they reshaped the model by which they considered strategies to prosecute crime, ensure social justice, and create a better community.²³⁷ At the core of their new mission, St. Clair County prosecutors now understand that reliance on the traditional case-processing model will do very little to fix the fundamental problems in East St. Louis.²³⁸

C. *Current Community Prosecution Strategies in St. Clair County*

To accomplish their broad problem-solving mission, St. Clair County prosecutors have already developed innovative strategies to target the underlying circumstances and causes of crime. They recognize the importance

233. *Id.* Allard argues, first and foremost, that lawyers are problem solvers who are taught to look “outside the box.” *Id.* Thus, by taking the “macro level view” of crime, prosecutors can identify the linkages that exist amongst broad social problems and individualized crime. *Id.* In the end, Allard believes that “the greatest prosecution is the prosecution we never have to bring because we’ve prevented crime.” *Id.*; see also Ronald Goldstock, *The Prosecutor as Problem-Solver*, CRIM. JUST. 8–9 (1992) (contending that prosecutors should take the lead in criminal justice policy through problem-solving methods because of their legal expertise, access to civil law enforcement tactics, and broad jurisdictional reach).

234. See Kelly Interview, *supra* note 13.

235. *Id.* Kelly believes that prosecutors must look beyond their communities to find solutions and use every available legal tool to fix the fundamental problems in the community. *Id.* He argues that prosecutors have been behind the curve in using the tools given to them by state legislatures. *Id.* Prosecutors can use innovative statutes dealing with nuisance abatement, environmental sanctions, asset forfeiture, etc. to their advantage, but historically they have not done so. *Id.* Kelly believes that these tools are “essential in re-shaping the model by which we can prosecute crime, ensure social justice, and create a better community.” *Id.*

236. Kelly Interview, *supra* note 13.

237. See *id.*

238. See *id.*

of the traditional prosecutorial role of case-processing, deterring and incarcerating criminals, and obtaining justice for victims.²³⁹ However, they also realize that these traditional methods target the symptoms of crime rather than the cause and do very little to ensure bad actors will change their behavior in the future.²⁴⁰ Fundamentally, St. Clair County prosecutors believe they have an obligation to stop the “endless cycle” of crime²⁴¹ and “challenge conventional wisdom to achieve results and affect real change.”²⁴² Thus, they have started experimenting in different areas within St. Clair County with the ultimate goal of applying the lessons learned to East St. Louis.²⁴³

By targeting specific crime-ridden neighborhoods, St. Clair County prosecutors have already made significant strides in increasing engagement and cooperation with community members.²⁴⁴ After a deadly gun battle raged through the Parkfield Terrace neighborhood of unincorporated St. Clair County,²⁴⁵ prosecutors developed “The Parkfield Project” to address the neighborhood’s historical and ongoing problem of violence.²⁴⁶ Early on, prosecutors focused on building goodwill in the neighborhood and developing relationships with citizens.²⁴⁷ They showed leniency on offenders of petty crimes and civil codes as long as they agreed to take action to change their behavior.²⁴⁸ Prosecutors brainstormed other “out of the box” strategies in an attempt to penetrate the neighborhood that had long been off-limits to law enforcement.²⁴⁹

In an attempt to engage directly with residents, prosecutors went to great lengths to be more accessible and more approachable. They held a special court setting in Parkfield Terrace, so offenders would not have to go to “the big scary courthouse downtown.”²⁵⁰ At the court setting, prosecutors spoke at

239. Allard Interview, *supra* note 230.

240. *See id.* (noting that after prosecuting defendants for murder in a particular neighborhood, “[the area] would quiet down for awhile,” but over time “someone would rise up to take the place of the guy who was in prison.”).

241. *Id.*

242. Kelly Interview, *supra* note 13.

243. Allard Interview, *supra* note 230 (characterizing the experimentation as a series of “test strategies” to be applied in East St. Louis and in surrounding communities).

244. Kelly Interview, *supra* note 13.

245. Jennifer Mann, *Police decry violence that left teen dead in St. Clair County*, ST. LOUIS POST-DISPATCH, Apr. 3, 2011, http://www.stltoday.com/news/local/illinois/police-decry-violence-that-left-teen-dead-in-st-clair/article_d9ae46b2-df4d-56e6-8ada-7b8d3f3adc5c.html.

246. Kelly Interview, *supra* note 13.

247. *Id.*

248. *Id.* (noting that if someone had just committed “a misdemeanor offense and missed a court date or didn’t pay a fine, we didn’t want to drag them out of the neighborhood because they weren’t necessarily bad actors”).

249. Allard Interview, *supra* note 230; Mann, *supra* note 245.

250. Kelly Interview, *supra* note 13.

length with offenders to understand the circumstances that led to the criminal behavior.²⁵¹ Since that time, prosecutors have continued the direct engagement by routinely walking door-to-door in the neighborhood, coordinating with the county's animal control department to provide free animal vaccinations, and even handing out Christmas presents to neighborhood children.²⁵² To symbolize their commitment to the neighborhood, prosecutors coordinated a block party in the same location where the deadly gun battle raged only months before.²⁵³ Residents eagerly spoke to and socialized with prosecutors, police, and other members of the community.²⁵⁴ Through these and other efforts, prosecutors have gone to great lengths to show Parkfield Terrace residents that they are eager to engage, and that criminals no longer control the neighborhood.²⁵⁵

Although the Parkfield Project principally focuses on community engagement, the initiative also exemplifies the effectiveness of using non-traditional civil remedies²⁵⁶ and collaborating with other agencies and community organizations.²⁵⁷ Immediately after the deadly gun battle in the neighborhood, St. Clair County prosecutors took an aggressive and creative approach to “take out as many bad actors as [they] could by using the traditional [case-processing] model.”²⁵⁸ They collaborated closely with police, investigated together, exchanged intelligence, and brainstormed strategies to build the best possible cases against each of the defendants.²⁵⁹ Despite this success, both prosecutors and the police recognized that crime would slowly “creep[] back into the neighborhood” unless they used other innovative tactics to supplement the traditional approach.²⁶⁰

Prosecutors created a task force to remake and rebuild Parkfield Terrace because they recognized the situation presented an opportunity to fill the vacuum left when prosecutors displaced the criminals who “continually wreak[ed] havoc in the neighborhood.”²⁶¹ State and local police increased

251. *Id.*

252. Allard Interview, *supra* note 230.

253. *Id.* (noting that only months before, “most people would not stand [in the neighborhood at night] without a bullet proof vest on and a large army around [them].”).

254. *Id.* (“Old, young, white, black . . . policemen, firemen, people who were unemployed, people who had jobs . . . the whole community came together for the first time.”).

255. Since the gun battle in March 2011, crime has gone down significantly in the neighborhood, as symbolized by the fact that hundreds of people “[could] have a neighborhood block party on a summer night in the exact place where gun fights routinely occurred only months before.” Allard Interview, *supra* note 230.

256. See Doolan, *supra* note 35, at 560–61.

257. See Thompson, *supra* note 8, at 354.

258. Kelly Interview, *supra* note 13.

259. *Id.*; see also WOLF & WORRALL, *supra* note 93, at 45.

260. Kelly Interview, *supra* note 13.

261. *Id.*

patrols and conducted warrant sweeps.²⁶² The United States Attorney's Office and other federal authorities provided resources and investigative support.²⁶³ Parole and probation officials clamped down on past offenders.²⁶⁴ Code enforcement officials issued citations for violations, towed abandoned vehicles, and eventually demolished scores of houses.²⁶⁵ After prosecutors and their partners ridded the neighborhood of as many criminal elements as possible, they then recruited local businesses and social service organizations to provide services, support, and the resources necessary to engage directly with residents.²⁶⁶

Although prosecutors still have work to do, the Parkfield Project represents a classic case of how effective prosecutors can be when they realize that traditional case-processing represents only one element of effective prosecution.²⁶⁷ Prior to the implementation of a targeted community prosecution strategy in Parkfield Terrace, the neighborhood was "a cesspool of thugs"²⁶⁸ where violence occurred frequently and "utility workers [did not] venture without a police escort."²⁶⁹ Now "things are quiet" in Parkfield Terrace, and residents can walk down the street for the first time without worrying about hearing gunshots.²⁷⁰ The number of reports of "shots fired" dropped precipitously after the initial crime sweep and has remained low ever since.²⁷¹ So far, the community prosecution approach in Parkfield Terrace has been an unequivocal success.

Recognizing this success, St. Clair County prosecutors developed the county-wide "3-D Prosecution Strategy" to apply the approach used in Parkfield Terrace to other areas of the county.²⁷² Since crime occurs with some predictability by a "certain group of people, at a certain time, and often in certain places,"²⁷³ prosecutors aimed to *disrupt*, *dislocate*, and *deter* potential criminals before they commit crimes.²⁷⁴ First, prosecutors *disrupt* crime by cleaning up abandoned neighborhoods of derelict housing through code enforcement, demolition, and other civil remedies.²⁷⁵ Second, they *dislocate*

262. *Id.*

263. *Id.*

264. *Id.*

265. *Id.*

266. Allard Interview, *supra* note 230.

267. *See* Kelly Interview, *supra* note 13.

268. Mann, *supra* note 245.

269. *Id.* (quoting St. Clair County Sheriff Mearl Justus).

270. Kelly Interview, *supra* note 13.

271. *Id.*

272. *Id.*

273. *Id.*

274. Allard Interview, *supra* note 230.

275. Kelly Interview, *supra* note 13.

past offenders by working with probation officers to “control where [past offenders] can be, when they can be there, and who they can be there with.”²⁷⁶ However, during the implementation of the dislocation strategy, prosecutors quickly realized that police on patrol did not have the tools to play a role in dislocating criminals. Thus, prosecutors established protocols to ensure that every arm of the criminal justice system—prosecutors, police, probation, and parole—shared intelligence and could easily access it in the field.²⁷⁷ Finally, as the third arm of the strategy, prosecutors *deter* criminals through traditional case-processing methods. By disrupting, dislocating, and deterring potential criminals in a comprehensive problem-solving strategy, prosecutors have instilled an ethos of crime prevention in every step of the criminal justice process.

St. Clair County prosecutors realize that none of their innovative strategies can be used in a vacuum, and they must continually develop new programs to build upon their early successes.²⁷⁸ State’s Attorney Kelly believes that each idea must be “combined together to change the way prosecutors think and the way [they] do their jobs.”²⁷⁹ To that end, prosecutors have envisioned a new initiative, the Offender Accountability Program, as an alternative prosecution method that will allow offenders of low-level crimes to attend skills-based classes on how to obtain and keep a valid drivers’ license or vehicle insurance, and how to search for and find a job.²⁸⁰ The program deviates far from the traditional case-processing model, but prosecutors believe the initiative will have a “ripple effect throughout the community.”²⁸¹ Similarly, Kelly has shifted more prosecutors to the office’s Child Support Division and Domestic Violence Unit because problems in the home eventually spill out into the community.²⁸² Since adopting a more holistic, community approach to criminal justice, St. Clair County prosecutors have realized that seemingly disparate social elements are inextricably linked and affect broader social problems that threaten the entire community.²⁸³

276. Allard Interview, *supra* note 230. St. Clair County prosecutors implemented their 3-D Prosecution Strategy by specifically targeting high crime areas in East St. Louis and by limiting or restricting past offenders’ ability to travel to certain public housing projects, night clubs, and neighborhoods. Kelly Interview, *supra* note 13. Prosecutors in Portland, Oregon, laid the groundwork for this innovative method. *See supra* note 116 and accompanying text.

277. Kelly Interview, *supra* note 13 (“If police don’t have the necessary information to enforce conditions of parole and probation, the system isn’t effective . . . by placing strict conditions upon offenders and arming police with the information, we can control where and when [a] person can be in a location and who they can be there with.”).

278. *Id.*

279. *Id.*

280. Allard Interview, *supra* note 230.

281. *Id.*

282. Kelly Interview, *supra* note 13.

283. *Id.*

VIII. APPLYING LESSONS LEARNED FROM OTHER AREAS OF ST. CLAIR COUNTY TO EAST ST. LOUIS

Although prosecutors have achieved considerable success by applying elements of community prosecution throughout St. Clair County, they have yet to specifically target East St. Louis with their innovative strategies.²⁸⁴ Prosecutors recognize that the city desperately needs innovative solutions to fix the city's embedded crime and social problems.²⁸⁵ Thus, they are currently brainstorming specific strategies and tactics in which they can apply their community prosecution approach in the city.²⁸⁶ They plan to replicate the success of the Parkfield Project by using code enforcement and nuisance abatement.²⁸⁷ They will partner with other law enforcement agencies to conduct probation and parole sweeps to dislocate bad actors, as they did successfully in Parkfield Terrace.²⁸⁸ As part of the county-wide 3-D Prosecution Strategy, they will use special conditions of bond to disrupt prior offenders before they commit a crime.²⁸⁹ Through the envisioned Offender Accountability Program, they will offer alternative punishment options to offenders of low-level crime.²⁹⁰ Finally, prosecutors have already started engaging with East St. Louis residents by knocking on doors, meeting with community leaders, and working with citizens to create unique community-based solutions.²⁹¹

Notably, St. Clair County prosecutors understand that East St. Louis will offer unique challenges in implementing community prosecution because the city sits in a "league of its own" in the category of serious crime.²⁹² Prosecutors recognize the problem of extraordinary violent crime in the city's federal housing projects.²⁹³ To combat this problem, State's Attorney Kelly has worked closely with United States Attorney Stephen Wigginton to focus resources, investigations, and prevention efforts to combat the underlying problems that cause violent crime in the housing projects.²⁹⁴ They have also pressured the federal Department of Housing and Urban Development to increase safety measures and control within and around these entities.²⁹⁵ To ensure the success of future community prosecution strategies, Kelly and

284. Allard Interview, *supra* note 230.

285. *Id.*

286. *Id.*

287. *Id.*

288. *Id.*

289. *Id.*

290. Allard Interview, *supra* note 230.

291. *Id.*

292. Kelly Interview, *supra* note 13.

293. Allard Interview, *supra* note 230; *see also supra* Part VI.B.

294. Allard Interview, *supra* note 230.

295. *Id.*

Wigginton must continue these and other problem-solving efforts to address the circumstances and roots of violent crime in East St. Louis.

St. Clair County prosecutors must also address the deep and endemic corruption underlying the city's widely known dysfunction.²⁹⁶ The city's corruption, particularly within the police department, will hinder the success of any community-based movement that relies upon trust and open communication with citizens.²⁹⁷ Moreover, given that successful community prosecution initiatives require close collaboration amongst every branch of law enforcement,²⁹⁸ St. Clair County prosecutors must take drastic measures to restore integrity and accountability to the East St. Louis Police Department.

State's Attorney Kelly and United States Attorney Wigginton have publicly condemned the corruption and collaborated on strategies to address it.²⁹⁹ In fact, at the urging of Kelly and Wigginton, Illinois Governor Pat Quinn recently signed legislation creating the Metro East Police Commission, which will set standards, promote better practices, and carry the authority to use tax increment financing district revenue to hire more officers in East St. Louis and surrounding communities.³⁰⁰ Governor Quinn, Kelly, and Wigginton should be applauded for their efforts to instill new accountability measures within the East St. Louis Police Department.

But St. Clair County prosecutors must do more. Previous state government-led commissions have utterly failed to fix the problems in East St. Louis.³⁰¹ Furthermore, given the state's track record in managing its own government,³⁰² East St. Louis residents should be skeptical that a new layer of state bureaucracy will have the desired effect. Professor Theising argues that leaders must "tear down" the ineffective, corrupt governmental institutions in

296. See THEISING, *supra* note 14, at 187–93 (describing a history of modern corruption in East St. Louis rooted in organized crime, machine politics, and rampant patronage).

297. See Thompson, *supra* note 8, at 348.

298. Gray, *supra* note 2, at 201.

299. Nicholas J.C. Pistor, *Seven Arrests Stem from Crackdown on Bad Cops*, ST. LOUIS POST-DISPATCH, Sept. 23, 2011, at A2 (noting that Kelly announced that his office and federal authorities had begun working more closely together to pool resources and continue investigations into police corruption throughout the county, including East St. Louis). See also Carolyn P. Smith, *Sting Operation Nabs Baxton Stealing Xbox Game Consoles*, BELLEVILLE NEWS-DEMOCRAT, Jan. 20, 2012, at A1, (noting that Kelly previously expressed concerns about the credibility of the former East St. Louis police indicted under a federal corruption sting).

300. Marlon A. Walker, *Quinn Sends Backup to Metro East Police*, ST. LOUIS POST-DISPATCH, Aug. 17, 2012, at A3.

301. HAMER, *supra* note 16, at 50–51; see *supra* notes 210–14 and accompanying text.

302. June 2012 Illinois Auditor General's Report found that Illinois has the poorest fiscal condition of all states.

Illinois in Poorest Fiscal Condition of All States, CHI. TRIB. (JUNE 21, 2012) http://articles.chicagotribune.com/2012-06-21/business/chi-illinois-in-poorest-fiscal-condition-of-all-states-20120621_1_unfunded-pension-liability-general-fund-state-funds.

East St. Louis, and the commission is an important first step in that process.³⁰³ However, by itself, a top-down, state-led approach will not address the endemic social and economic issues that plague the city. To fix the underlying problem in the long term, prosecutors must engage community members and build citizen-led institutions to take the place of the current failing institutions.³⁰⁴

IX. APPLYING LESSONS LEARNED FROM OTHER COMMUNITY PROSECUTION PROGRAMS TO EAST ST. LOUIS

Given the extraordinary problems in East St. Louis, St. Clair County prosecutors must consider implementing the most radical community prosecution approaches that have been successful in other cities across the country. If they only apply the strategies and tactics used in other parts of St. Clair County, prosecutors will likely see limited success. However, given that the city's failed institutions have halted reform measures numerous times in the past,³⁰⁵ prosecutors must not be afraid to adopt the most innovative strategies to challenge the traditional prosecutorial model and rebuild East St. Louis.

To achieve the greatest level of success in East St. Louis, St. Clair County prosecutors must engage directly with residents by “deploying prosecutors . . . [directly] into the community” to identify citizen concerns and invite participation.³⁰⁶ While prosecutors have spent some time speaking with East St. Louis residents already, prosecutors should engage in a more comprehensive effort to go door-to-door in every neighborhood.³⁰⁷ Although some community members will initially be skeptical, citizens will eventually express their concerns openly and “[speak] at great length about the need for targeting [a specific neighborhood problem].”³⁰⁸ This will allow prosecutors to develop specific interventions aimed at addressing the problem identified.³⁰⁹ Prosecutors must then focus on the problem and see its solution through to fruition. The initial success achieved in solving a specific problem will give prosecutors credibility, which will breed a greater sense of involvement and cooperation among community members.³¹⁰ The successful efforts in Parkfield Terrace illustrate this important concept.³¹¹

303. THEISING, *supra* note 14, at 203; *see supra* notes 217–22 and accompanying text.

304. THEISING, *supra* note 14, at 202–03; *see supra* notes 217–22 and accompanying text.

305. THEISING, *supra* note 14, at 32; *see supra* notes 210–22 and accompanying text.

306. *See* GOLDKAMP, *supra* note 12, at xii, 21.

307. *See e.g.*, WOLF & WORRALL, *supra* note 93, at 30 (describing the community engagement efforts of prosecutors in Kalamazoo County, Michigan).

308. *See id.*

309. *See id.*

310. *See e.g., id.* at 21 (describing the experience of community prosecutors in Fulton County, Georgia).

311. Kelly Interview, *supra* note 13; *see supra* notes 244–71 and accompanying text.

When prosecutors gain the initial trust of East St. Louis residents, they then must establish open and enduring channels of communication to allow citizens to share their honest concerns through direct community input.³¹² By establishing formal community organizations, prosecutors can establish creative initiatives that involve citizens in the problem-solving process and ensure they have a stake in their success.³¹³ By doing this, citizen input will be ongoing, which will help provide a barometer for the success of specific community prosecution tactics. It will also prove to residents that community prosecutors are involved in a long-term problem-solving endeavor, not a short-term fix.

While prosecutors should create formal institutions for citizen engagement, they also must engage with existing community organizations in East St. Louis—particularly those that have strong and active citizen participation such as churches and neighborhood groups.³¹⁴ East St. Louis residents have lived through the ups and downs of life in an abandoned city, so they are acutely aware of the city’s problems.³¹⁵ Community prosecutors must “avoid feeling as though they are the solution, have the solution, or even know what problems need solutions.”³¹⁶ Prosecutors should see themselves as a “conduit or a liaison” between the East St. Louis community and the criminal justice system, rather than part of the solution.³¹⁷ By taking this perspective, prosecutors will be less likely to make assumptions about the nature of the community or the likely views of East St. Louis residents.³¹⁸

In order to avoid believing that they have all the solutions, St. Clair County prosecutors must ensure they obtain input from all segments of the East St. Louis community, including those citizens who are not as visible or as well organized.³¹⁹ Constructing formal methods of engagement that target diverse segments of the community will ensure that a broad range of East St. Louis residents take part in the movement and have a stake in its success.³²⁰ Given

312. Thompson, *supra* note 8, at 356–57; *see also* WOLF & WORRALL, *supra* note 93, at 4.

313. *See e.g.*, WOLF & WORRALL, *supra* note 93, at 4. For example, prosecutors in Dallas, Texas, collaborated with members of their “citizen ACTION teams” to draft a “concern letter” that helped fix the problem of code violations by the owners of derelict properties. *Id.*

314. *See* WOLF & WORRALL, *supra* note 93, at 10 (“[Community prosecutors should] not say ‘Your organization is no good, government is going to do its version instead.’”).

315. *See, e.g.*, HAMER, *supra* note 16, at 86–87 (describing and quoting Stanley Evans, a resident of East St. Louis, about the various jobs he has had).

316. WOLF & WORRALL, *supra* note 93, at 10, 22.

317. *Id.* at 22 (quoting Fulton County, Georgia, Chief Community Prosecutor Wanda Dallas).

318. *See* Thompson, *supra* note 8, at 359.

319. *See id.* at 358.

320. *See, e.g.*, WOLF & WORRALL, *supra* note 93, at 4, 9, 18 (describing the creation of Citizen ACTION Teams in Dallas, Texas, Community Justice Councils in Denver, Colorado, and Citizen Advisory Committees in Fulton County, Georgia, which allowed prosecutors to create communication channels with diverse community members).

the history of racial conflict and widespread lack of trust in law enforcement that permeates East St. Louis,³²¹ prosecutors must do everything possible to obtain input from a wide array of city residents. The prosecutors cannot only engage with the most visible citizens who have the courage to come to the door when a prosecutor knocks. St. Clair County prosecutors must work *with* the East St. Louis community, not *for* the most accessible residents. Thus, they must establish targeted methods to spur participation throughout the community.³²²

Even though the leadership in the St. Clair County State's Attorney's Office has widely accepted the philosophy of community prosecution, they should take measures to ensure further integration of the philosophy throughout the entire office.³²³ Assigning prosecutors to work exclusively on community prosecution efforts could accomplish this goal and lead to more comprehensive problem-solving efforts specifically targeted to East St. Louis.³²⁴ In some limited cases, prosecutors in other cities have chosen to go even further by integrating community prosecution throughout the office.³²⁵ Under this approach, prosecutors only handle cases that arise out of their assigned neighborhood district or specific police precinct.³²⁶ Implementing a comprehensive community prosecution approach, such as this, would represent a paradigm-shifting strategy to tackle the embedded problems in East St. Louis.

While St. Clair County prosecutors should consider the more radical approaches implemented in other cities, resource constraints may limit the County's ability to develop separate community prosecution units or adopt

321. See HAMER, *supra* note 16, at 178 (quoting an East St. Louis resident who explained: "Don't nobody care about the safety of the children here, or anybody. It's like the people that be living here ain't important."). Upon his election, former San Francisco District Attorney Terence Hallinan promised that his prosecutors would go directly to neighborhoods with large minority populations to get to know the people and show them that they have a voice in criminal justice. Maura Dolan, *A Liberal Lays Down the Law in S.F.*, L.A. TIMES, Apr. 5, 1997, at A16.

322. See Thompson, *supra* note 8, at 359.

323. Past and existing community prosecution programs offer valuable insight into important issues that prosecutors will face in re-structuring, re-molding, and re-envisioning their role as community problem solvers. *Id.* at 354–60 (emphasizing that prosecutors should look to both "bold" programs and less "ambitious" strategies for guidance on essential elements of community prosecution and the "pitfalls that need to be avoided").

324. See GOLDKAMP, *supra* note 12, at 32; Thompson, *supra* note 8, at 356–57.

325. See, e.g., Douglas F. Gansler, *Community Prosecution in Montgomery County, Maryland*, PROSECUTOR, July–Aug. 2000, at 30; see also WOLF & WORRALL, *supra* note 93, at 37 (describing the approach taken in Kings County (Brooklyn), New York, where prosecutors practice "vertical prosecution" by following felony cases from grand jury presentation through sentencing instead of handing cases off to other prosecutors at different stages of the process).

326. Gansler, *supra* note 325, at 31–32; WOLF & WORRALL, *supra* note 93, at 23 (describing the precinct-specific approach in Hennepin County, Minnesota).

comprehensive programs.³²⁷ St. Clair County prosecutors should follow the lead of prosecutors across the country who have overcome the hurdle of resources by soliciting federal and state grants,³²⁸ developing private partnerships,³²⁹ and funding community prosecution efforts by the revenue generated through asset forfeiture proceedings.³³⁰

At minimum, St. Clair County prosecutors must restructure their office to ensure East St. Louis residents have increased access to prosecutors in some form, thereby giving community members an opportunity to relay their concerns and other forms of input.³³¹ At the same time, managing prosecutors must ensure assistant prosecutors have a sufficient understanding of the unique culture, environment, and problems of East St. Louis—so they are able to develop unique solutions consistent with the community prosecution philosophy.³³² St. Clair County's acceptance of the community prosecution model represents an important first step in solving the crisis in East St. Louis. But to truly fix the deep problems in the city, prosecutors must be willing to expand and deepen their commitment to community prosecution.

St. Clair County must also consider strategies to develop more sustained collaboration with local police officials in East St. Louis. Prosecutors have already successfully collaborated with other law enforcement partners in ways that likely would not have occurred under the traditional case-processing model.³³³ However, given the severity of problems in East St. Louis, prosecutors will not be successful unless they deepen that collaboration. A St. Clair County prosecutor could be assigned to work with local police out of a police precinct, a storefront, or a housing project in East St. Louis.³³⁴ By working side-by-side with local police, the East St. Louis community prosecutor could advise officers on how to make better cases against criminals,

327. See Thompson, *supra* note 8, at 356–57 (noting that prosecutors in Denver, Colorado, and Portland, Oregon, have created separate units staffed by lawyers, community workers, and investigative and support staff).

328. See e.g., WOLF & WORRALL, *supra* note 93, at 51 (explaining how federal, state, and county grants fund community prosecution in Marion County, Indiana).

329. *Id.* at 53 (explaining how a business group provides office space and the salary of a legal assistant in Multnomah County, Oregon).

330. See e.g., GOLDKAMP, *supra* note 12, at 46–47 (explaining how the community prosecution program in Philadelphia, Pennsylvania, remained intact after federal funding ran out largely because of asset forfeitures).

331. Thompson, *supra* note 8, at 367.

332. *Id.*

333. See *supra* notes 299–300 and accompanying text.

334. Thompson, *supra* note 8, at 346; see, e.g., Jim Dyer, *New Prosecutor Right at Home*, ATLANTA J. & CONST., Sept. 28, 2000, at JD2 (“From his centrally located office, [community prosecutor John DeFoor] can explain legal issues to residents, bring them in contact with helpful government agencies, and serve as a positive role model to youth.”).

update them on changes in the law, and offer immediate counsel in a time of need.³³⁵

St. Clair County prosecutors must also deepen and broaden their cooperation with federal law enforcement officials. If prosecutors work with federal law enforcement to address targeted problems within East St. Louis, they can help federal officials bring charges, enhance federal charges, or lengthen federal sentences for the most serious offenders.³³⁶ A St. Clair County prosecutor could even serve in a dual role with county and federal authorities, which would institutionalize cross-agency linkages and ensure further collaboration.³³⁷ By challenging the traditional model of confined law enforcement roles, prosecutors can ensure that their efforts focus on solving systemic crime problems in East St. Louis, rather than merely shuffling defendants through the justice system.

St. Clair County's innovative programs, particularly the 3-D Prosecution Strategy, typify their new approach to criminal justice,³³⁸ but prosecutors must take a truly "global approach" that stretches beyond a "myopic focus on individual criminal transgressions."³³⁹ With that goal in mind, St. Clair County prosecutors must focus on addressing the underlying circumstances that lead offenders—particularly youth and adolescents—to commit crimes in the future. Prosecutors should partner with East St. Louis schools to create educational and mentor programs that are designed to teach youth about gangs, drugs, and the dangers of gun violence.³⁴⁰ The St. Clair County Jail already has a successful program where county inmates help rehabilitate troubled teenagers,³⁴¹ but county officials could expand the program by implementing a version of it within East St. Louis public schools. By looking beyond their individual cases in the courtroom, prosecutors can brainstorm other ideas to target at-risk youth and begin to attack the social circumstances that have led to the endemic cycle of crime in East St. Louis.³⁴²

Although the community prosecution model necessarily requires a flexible understanding of success, St. Clair County prosecutors must create an evaluative model that recognizes the fundamental change in the vision and

335. See WOLF & WORRALL, *supra* note 93, at 45.

336. *Id.* at 3.

337. *Id.* at 5.

338. See *supra* Part VII.C.

339. WOLF & WORRALL, *supra* note 93, at 46 (quoting former Marion County, Indiana, prosecutor Carl Brizzi); Thompson, *supra* note 8, at 363 (arguing that prosecutors "must look beyond a myopic focus on individual criminal transgressions").

340. See WOLF & WORRALL, *supra* note 93, at 6.

341. Courtney Gousman, *St. Clair County Jail Featured in A&E's "Beyond Scared Straight"*, KSDK ST. LOUIS, (Sept. 11, 2012), <http://www.ksdk.com/rss/article/291207/3/Metro-East-jail-featured-on-AEs-Beyond-Scared-Straight>.

342. Doolan, *supra* note 35, at 563–64.

goals of community prosecution.³⁴³ Conventional modes of evaluation—principally, a prosecuting office’s conviction rate—will not adequately assess successful achievements in the community.³⁴⁴ However, given that community prosecution requires experimental strategies and the use of non-traditional tools, prosecutors must develop other concrete standards of measurement to ensure the strategies are working.³⁴⁵ Prosecutors must consider these standards generally—have crime rates gone down in the city?—but also based on the location where a particular strategy is targeted—do residents feel safer? Importantly, prosecutors must always realize that they are dealing with a dynamic, fluid environment where one cannot anticipate the set of problems that will plague a neighborhood or community.³⁴⁶ Thus, St. Clair County prosecutors must develop formal mechanisms to allow East St. Louis residents to give feedback and play a role in revising particular strategies. Through sustained engagement with the community, prosecutors can ensure their efforts adequately address the concerns of city residents and affect the ultimate goal of rebuilding and restoring order in East St. Louis.

X. CONCLUSION

Outside a city council meeting in February 2011 where city leaders once again slashed funding to the local police department, an East St. Louis resident and pastor at a local church cogently described the current state of affairs in the city: “You know the saying, ‘if it ain’t broke, don’t fix it?’ Well, it’s broke.”³⁴⁷ This resident said what has become obvious to anyone who has driven through East St. Louis, read about the city’s immense crime and poverty, or listened to a community member tell his story of being afraid to walk the streets: East St. Louis is broken. Sadly, East St. Louis has exemplified an abandoned industrial city for decades, and yet the city’s problems have only gotten worse in recent years. Realizing that traditional approaches have done nothing to stem the increase in crime and poverty, some have resigned themselves to defeat and declared East St. Louis unfixable.

But East St. Louis can be fixed. If leaders engage in innovative and proactive problem solving, they can develop solutions that address the long-term, embedded problems of the city. Developed out of the community policing movement and broken windows theory of crime prevention, the community prosecution philosophy challenges the traditional reactive case-processing model and aims to address the root causes of crime. While

343. See Thompson, *supra* note 8, at 365 (arguing that evaluation allows an experimental program to enhance successful components and revise dysfunctional or flawed components, as well as ensure the community is adequately involved).

344. *Id.*

345. *Id.*

346. *Id.* at 366.

347. Walker, *supra* note 196, at B5.

community prosecutors recognize the importance of adjudicating cases *after* crime occurs, they emphasize the importance of preventing crime and building social order *before* crime occurs. By taking an innovative, problem-solving approach to crime, community prosecutors recognize deeper social problems and the underlying circumstances that give rise to crime. To address these core problems, community prosecutors focus on engaging with the community, using non-traditional legal tools, increasing collaboration with community and law enforcement partners, and invigorating community development.

By challenging the traditional model, community prosecutors have emerged as essential leaders with the goal of rebuilding broken and abandoned communities similar to East St. Louis. As the *St. Louis Post-Dispatch* said in 2003: “The only real hope [for East St. Louis] is for good people to answer the cry for competent leadership.”³⁴⁸ St. Clair County prosecutors have answered that call by adopting a new community prosecution philosophy. Prosecutors should apply the approach’s successful strategies, tactics, and tools to East St. Louis, so residents can show the skeptics for themselves: East St. Louis can be fixed.

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348. Editorial, *supra* note 216.

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