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A Case for Neighborhood Justice

Melissa Mark Viverito and Richard Aborn, New York Law Journal

When petty crimes are committed in New York, it's usually in the offender's own backyard. Yet those who are most impacted – commonly residents and workers of high-crime neighborhoods – have virtually no role in determining the punishments—even though they have the most at stake to keep offenders from breaking the law again.

This disconnected feeling extends to offenders, who are often not deterred by traditional responses to low-level crimes because overburdened courts can seem bureaucratic and indifferent as they hand out damaging criminal records for minor offenses.

All of this is bad news for crime prevention efforts. If New York is going to keep crime rates low, and drive them down further, both community members and offenders must believe the criminal justice process and its outcomes actually reflect community-held standards.

That is why the New York City Council announced recently that we will establish the city's first Neighborhood Justice Panels in collaboration with Bronx District Attorney Darcel Clark, the NYPD, and the defense bar. Along with help from the Citizens Crime Commission and the Center for Court Innovation, we will set up panels of volunteer community members from four Bronx precincts, who will preside over an estimated 1,000 cases annually involving low-level offenses.

The panelists and the offender will engage in a facilitated dialogue about how low-level crime affects the neighborhood and how to make amends, and will engage in a similar dialogue with the victim where appropriate. At the conclusion, the panelists will decide on an appropriate and proportional sanction and monitor the offender until the sanction is carried out. This may include traditional sanctions such as community service, but that service will be focused specifically on the type of offense and the type of offender. It may also include nontraditional sanctions such as job readiness training and social services to help actually correct behavior and reduce recidivism. There will be no plea in these cases and thus no conviction and no criminal record if the offender complies with their mandate.

As a logical extension of neighborhood policing, which encourages police and residents to work together, police officers will screen arrestees for eligibility and issue a Desk Appearance Ticket. Then the Bronx District Attorney's office will confirm that the offender can be judged by a panel. Offenders will be contacted by a defense attorney who will explain the program. Finally, the offender will then decide whether or not they want to participate.

Eligible offenses will include petit larceny, misdemeanor assault (but not domestic violence), and graffiti, among others. If the offender declines to participate, fails to appear or fails to comply with the imposed sanction, their case is sent back to the DA for traditional criminal prosecution.

Neighborhood Justice Panels have proven to be highly successful, efficient and cost-effective elsewhere, while reducing the caseloads in traditional courts. In 2011, 75% of offenders successfully completed the San Francisco Neighborhood Court program. Cases in that court cost approximately \$850, compared to \$1,500 in a criminal court. They also take an average of 12 days to complete, compared to the one-to-nine months a case typically takes in criminal court. In the Baltimore Community Conferencing Center in 2013, 95% of cases resulted in a signed agreement by all parties, with the offender being compliant in 91% of cases. And a Maryland Department of Juvenile Services study concluded that youthful offenders participating in community conferencing were 60% less likely to re-offend compared to those in the juvenile system.

When community members have a say in how justice in their neighborhoods is metered out, offenders are held more accountable and stronger social ties to the neighborhood are cultivated. Stronger neighborhoods help to deter crime—especially when they work with government to improve public safety. Moreover, potential offenders are more likely to abide by the law if they believe the justice system reflects the neighborhood's sense of fairness.

New York City residents have already demonstrated that they care deeply about crime in their communities and want to be involved in making their neighborhoods safer through their engagement in the NYPD's Neighborhood Policing Program. We must capitalize on this progress by implementing Neighborhood Justice Panels.

Placing offenders in front of their fellow community members will facilitate a much more reconciliatory, reformative experience that is an effective alternative to the criminal court system. At the same time, it will empower communities that have the most to lose or gain from the criminal justice system they rely on with real responsibility to set and enforce community standards and address neighborhood problems, creating a positive cycle wherein shared success leads to a safer city.

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