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# Advancing Community Justice

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The Challenge of  
Brownsville, Brooklyn

*by Greg Berman*

Based in New York City, the Center for Court Innovation is an independent, non-partisan, non-profit organization that seeks to reform the justice system by creating operating programs that test new ideas, performing original research, and providing technical assistance to reformers around the world.

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## The New York Miracle

It has been a head-spinning couple of years for those of us who work in criminal justice in New York City.

Not long ago, if you asked the question “who is responsible?” in criminal justice circles, most people would think you were asking about who deserves the lion’s share of the credit for the “New York miracle.”

When I was growing up, the chattering class wondered whether New York was fundamentally “ungovernable” and urban crime was akin to the weather—beyond the scope of human intervention. The films of the ’70s and ’80s reflected a grim view of the city—movies like “The Warriors,” “Fort Apache the Bronx, and “Escape from New York,” which imagined that the entire island of Manhattan has been transformed into a maximum security prison. In the real world, many people were indeed making their escape from the city—from 1970 to 1990, [New York lost nearly 600,000 residents.](#)

We all know what happened next, although the why and the how remain hotly contested. New York City experienced dramatic improvements in public safety, with murders falling from a high of more than 2200 in 1990 to less than 335 in 2013.

Depending upon who you listen to, the cause of these gains was [CompStat](#) or [broken windows](#) or improved medical care or a booming economy or the end of the crack epidemic (or, more provocatively, the [legalization of abortion](#) or the decline of lead poisoning of children). Whatever the cause, New York was transformed from the Ungovernable City into (in the words of criminologist Frank Zimring) The City That Became Safe.

Contrary to the general trend in the U.S., these crime reductions were accompanied by significant reductions in the prison and jail populations. At its height, the daily census on Rikers Island was about 22,000 people. Today, it is less than 10,000. New York City elected officials and criminal justice agencies understandably took enormous pride in these numbers and argued over who deserved most of the credit.

Of course, the “New York Miracle” is no longer the dominant story about criminal justice in this city.

Today, asking the question “who is responsible?” at a criminal justice conference would summon angry finger pointing rather than warm pats on the back. The past two years have been dominated by names like Kalief Browder and Eric Garner—as well as growing public concern about the conditions on Rikers Island and the tactics employed by the NYPD, particularly a commitment to a “stop-and-frisk” policy that felt a lot like racial profiling to many on the streets of New York.

Brownsville, Brooklyn is in many ways the fulcrum between these two competing New York City narratives—one of triumph and progress and one of despair and outrage.

## ‘Never Ran, Never Will’

Brownsville is a community with a well-earned reputation for toughness. “Never ran, never will” is the unofficial neighborhood motto. Brownsville’s toughness can be seen in the resilience of local residents, including hard-core rappers like M.O.P. and boxers like Riddick Bowe and Zab Judah.

Brownsville’s toughness can also be found in the material conditions of the neighborhood, which is home to more than a dozen separate public housing developments. According to the Brownsville Partnership, 44 percent of the local working age population is out of the workforce.<sup>1</sup>

It is true that Brooklyn’s 73rd precinct, which contains 86,000 residents, shared in some of the public safety gains that New York City as a whole experienced over the past generation. From 1993 to 2010, murders in Brownsville dropped 62 percent. Other categories of offending behavior experienced similar reductions.

And still.

And still Brownsville is profoundly unsafe.

*DNAinfo* recently called Brownsville the “murder capital” of New York; the neighborhood ranked dead last (out of 69 communities) for per capita homicide rate.<sup>2</sup> In a 2010 survey of 800 local residents, 80 percent of respondents identified guns, gangs, drugs, and assault as the top community problems in Brownsville.<sup>3</sup>

So crime remains one of the defining features of Brownsville.

Another defining feature, unsurprisingly, is the prevalence of incarceration.

More than a third of New York’s prisoners come from just five neighborhoods—the South Bronx, East New York, Harlem, Bed-Stuy and Brownsville.<sup>4</sup> According to the Justice Mapping Center, the state of New York spends 40 million dollars a year incarcerating people just from Brownsville.<sup>5</sup> And these numbers don’t include the thousands of Brownsville residents who are held at Rikers Island each year.

So Brownsville is a high-crime, high-incarceration community. It is also a community with a history of disenchantment with the justice system.

The criminal justice system is not an abstraction in Brownsville—it is a daily fact of life. A juvenile detention facility is located in the community. Thousands of local residents are under probation or parole supervision. And police are a visible presence: an eight-block area of Brownsville had the highest concentration of stop and frisks in the city, according to a 2010 *New York Times* report.<sup>6</sup>

It is safe to say that familiarity has not led to fondness. The justice system enjoys depressingly low levels of community support in Brownsville. To give just one example, in the 2010 community survey, only 16 percent of local residents characterized their relationship with police as positive.

The *New York Times* summed up the general sense of despair about Brownsville in a think piece a couple of years ago. The article was headlined: “Where Optimism Feels Out of Reach.”<sup>7</sup>

## What Can the Justice System Do?

How might we begin to turn things around in Brownsville? What might we do differently in an effort to enhance public safety, to reduce the use of incarceration, and to improve public perceptions of justice?

Or to ask the question in a different way, what does a safe and healthy neighborhood look like? And what role can the justice system play in facilitating neighborhood safety?

We know that safety cannot be produced by the justice system alone. After all, our safest neighborhoods, whether rich or poor, don't feel like police states, with officers lurking on every corner. As Jane Jacobs articulated in *The Death and Life of Great American Cities*, a crucial element of neighborhood safety is the availability of responsible "eyes on the street" and the willingness of neighbors to enforce local social norms and address conditions of disorder. More recently, Robert Sampson of Harvard University has documented the importance of what he labels "collective efficacy"—essentially, a neighborhood's social infrastructure and capacity for joint action on its own behalf.

As currently constructed, the criminal justice system does precious little to encourage collective efficacy or social cohesion in high-crime neighborhoods. Indeed, as we have seen in Brownsville, a great deal of conventional practice (over-aggressive enforcement and the misuse of incarceration in particular) tends to undermine the very elements that Jacobs and Sampson have identified as crucial to healthy neighborhoods.

That's the bad news. The good news is that in recent years a new set of reforms have emerged that, if properly

implemented, have the potential to reduce offending, reengineer the relationship between the justice system and the public, and help activate a neighborhood's capacity to help produce safety for itself. Broadly speaking, these reforms fall into four categories:

## **1. Problem-solving Justice**

By this point, the problems of mass incarceration have been well documented. Reducing the footprint of our jails and prisons is going to be a massive undertaking that will involve significant change both by legislators and by practitioners (particularly prosecutors) on the ground. Driven by reformers like New York State Chief Judge Jonathan Lippman, many court systems have already made significant efforts to change their practice, promoting meaningful alternatives to incarceration. These “problem-solving courts” are offering more humane (and community-based) responses to drug offenders, mentally-ill defendants, victims of human trafficking and other defendant populations, linking them to treatment and other services in an effort to reduce recidivism.

## **2. Prevention**

If it hopes to help produce safer neighborhoods, the justice system cannot simply react after crime occurs—it must make a deep investment in crime prevention. This means supporting targeted violence prevention efforts like the violence interrupter model pioneered in Chicago and the group violence interventions and “call-ins” promoted by the National Network for Safe Communities. It also means supporting diversion and youth development initiatives that are designed to provide teens that are apprehended for minor offenses with positive, pro-social activities (including mentoring,

education, arts programming, leadership training) instead of punitive responses.

### **3. Place-based Interventions**

Research tells us that, even in high-crime neighborhoods, offending behavior does not spread evenly. Rather, it tends to cluster in identifiable locations. For example, a study by criminologist David Weisburd documented that between 5-6 percent of street segments in Seattle generated over 50 percent of the crime incidents each year. This insight has profound implications for how the police target enforcement efforts. It also underlines the importance of focusing other types of interventions on neighborhood hot spots and eye sores. There is also growing interest in deterring crime through environmental design; the idea is that public safety can be improved by addressing visible conditions of disorder, enhancing street lighting, and improving the visibility of potentially dangerous areas.

### **4. Procedural Justice**

Whether they are a victim, a witness, or a defendant, many people find the justice system a cold and unfeeling bureaucracy. Indeed, much of what goes on in a typical criminal court is intelligible only to the lawyers involved; it is not unusual to see defendants leave court with no idea what just happened or what the implications are for their lives. Scholars like Yale University's Tom Tyler have found that it is crucial to the long-term success of the justice system to treat individuals with dignity and respect and to communicate with them in language they understand. The research suggests that by doing these things, criminal justice agencies can not only improve public perceptions of justice, they can actually reduce crime. After all, people are more likely to comply with the law

when they believe in the fairness of the process and the legitimacy of justice agencies.

## Community Justice in Brownsville

No single program or idea offers a silver-bullet answer for the problems that plague neighborhoods like Brownsville. But taken together, the types of initiatives described can create significant change.

That's why my agency, the Center for Court Innovation, is attempting to create a community justice center in Brownsville.

The Brownsville Community Justice Center will be a branch of the New York State Court System, handling misdemeanor offenses from the 73rd precinct in Brownsville. Rather than relying on short-term jail or fines (or nothing at all) as the primary response to minor offending like shoplifting, vandalism, and minor drug possession, the Justice Center judge will have access to an expansive menu of alternatives, including drug treatment, job training, and counseling. The goal will be to change sentencing practice for thousands of Brownsville residents each year, reducing the use of incarceration by increasing the use of other sanctions. At the same time, all of the courtroom players will be trained in the principles of procedural justice and encouraged to communicate clearly with defendants.

Beyond a problem-solving courtroom, the Justice Center will be home to an array of youth development and crime prevention programs designed to serve everyone in the community, regardless of whether they have a court case. This will include a teen-led youth court that will offer leadership training to local young people. This will include an anti-violence program that will engage local residents in spreading a message of peace. This will

include the Belmont Revitalization Project, which seeks to beautify and redesign an area that has been a magnet for crime.

Using a variety of tools, the Brownsville Community Justice Center will attempt to address the three problems that have plagued the neighborhood for generations: crime, over-incarceration, and distrust of government. This agenda has been endorsed by the Brooklyn District Attorney, the Chief Judge of New York, and the Mayor of New York City as well as the *New York Times* editorial board and the local community board.

One reason these voices have signed on to the idea of community justice in Brownsville is that they have seen it work before. Community justice centers are already in operation in several places, including Red Hook, Brooklyn. According to independent evaluators, the Red Hook center has succeeded in reducing both recidivism and the use of jail while changing public attitudes toward the justice system.

We are a few years away from fully realizing the vision of a community justice center for Brownsville—the project has to go through the city’s land use review process before construction work can begin on a \$24 million state-of-the-art courthouse. But in the meantime, we are implementing the crime prevention and place-making elements of the project. With any luck, Brownsville will soon be a living example of a new kind of New York miracle—one that not only reduces crime and incarceration but engages the community and bolsters the legitimacy of the justice in a place where it has been badly tarnished.

## Endnotes

- 1 “Community Solutions: The Brownsville Partnership.” Website. Available at <https://cmtysolutions.org/brownsvillepartnership>.
- 2 “DNAinfo Crime Safety Report: Brownsville.” *DNAinfo*. 2010. Available at <http://www.dnainfo.com/new-york/crime-safety-report/brooklyn/brownsville>.
- 3 Hynynen Suvi. 2011. “Community Perceptions of Brownsville.” Available at <http://www.courtinnovation.org/sites/default/files/documents/Brownsville%20Op%20Data%20FINAL.pdf>.
- 4 Marks, Aaron. “These 5 Neighborhoods Supply Over A Third Of NYC’s Prisoners.” *Gothamist*. May 1, 2013. Available at: [http://gothamist.com/2013/05/01/these\\_interactive\\_charts\\_show\\_you\\_w.php](http://gothamist.com/2013/05/01/these_interactive_charts_show_you_w.php).
- 5 Havery, Natasha. “What If 10 Percent of Your Neighbors Went to Prison Downstate?” North Country Public Radio. April 1, 2014. Available at: <http://www.northcountrypublicradio.org/news/story/24479/20140401/what-if-10-percent-of-your-neighbors-went-to-prison-downstate>.
- 6 Weiser, Benjamin and Joseph Goldstein. “Mayor Says New York City Will Settle Suits on Stop-and-Frisk Tactics.” *The New York Times*. Jan. 30, 2014. Available at <http://www.nytimes.com/2014/01/31/nyregion/de-blasio-stop-and-frisk.html>.
- 7 Bellafante, Ginia. “Where Optimism Feels Out of Reach.” *The New York Times*. January 14, 2012. Available at: <http://www.nytimes.com/2012/01/15/nyregion/new-york-city-optimistic-tone-feels-out-of-reach-in-brownsville.htm>

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