

Public Service Conference

Community Justice

Jeremy Travis, president of John Jay College of Criminal Justice of the City University of New York, spoke last year at the Law School's annual Public Service Conference, which addressed "The Future of Community Justice in Wisconsin." Travis's address was entitled "Building Communities with Justice: Overcoming the Tyranny of the Funnel." This is an excerpt from his remarks.

Our topic today is community justice. We should pause for a moment to reflect on these two words, *community* and *justice*. Years ago, I spoke with Ronnie Earle, the progressive district attorney in Austin, Texas, who campaigned on a platform of "community justice" and was regularly reelected by considerable margins. I asked him what those words meant. With a twinkle in his eye, he said that the beauty of the phrase was that nobody could define either *community* or *justice*—both concepts are elastic and complex—but everyone had good associations with both words. By committing his office to the concept of "community justice," he conveyed a break with the past, and a more positive vision of the future. And he got reelected several times.

When we use the phrase "community justice," we are often distinguishing it from our concept of "criminal justice." We are trying to imagine a world in which matters of justice are treated differently. And, with the insertion of the word *community*, we are imagining a role for communities in the pursuit of justice that, arguably, is new and different.

I would challenge us to ask these two questions: First, when we imagine "community justice," how is that different from "criminal justice"? Second, what is the role for communities in this vision?

Forty-two years ago, the President's Crime Commission, established by President Lyndon Johnson following the urban race riots of the mid-1960s, issued a landmark report entitled "The Challenge of Crime in a Free Society." The commission made a number of important recommendations, including the creation of



a national capacity to collect data on criminal victimization and to conduct research on crime and justice issues. But perhaps its most important contribution was to argue that the agencies of justice—the police, prosecutors and defenders, the courts, probation and corrections—working together, constitute a criminal justice "system." The commission actually prepared a graphic depiction of this

"system"—a funnel-shaped chart that begins on the left with the number of crimes committed, then depicts those reported to the police (about half), then those resulting in an arrest (about 20 percent), then those moving to prosecution and conviction (about half), and finally those very few cases, compared to all crimes, resulting in sentences of imprisonment.

This image of the criminal justice "funnel" has dominated our thinking about issues of crime and justice for the past generation. We think of crimes as inputs on an assembly line, moving inexorably from the in-basket of one agency to that agency's out-basket and then on to the in-basket of the next. This mechanical depiction of the criminal justice system has led us to view justice as an engineer would view a complicated public water system. We become fascinated with ways to improve the hydraulics of the system. Can we improve crime reporting? Can we improve the likelihood of an arrest? Can we improve the rate of successful prosecutions? Can we send more people to prison? Can we send them to prison for longer terms?

In my view, our thinking about justice has been warped by the influence of the 1967 President's Crime Commission picture of justice. I call this phenomenon the

“tyranny of the funnel.”

My hope for the “community justice” movement—and for this conference—is that we can develop a new view of justice that will free us from the “tyranny of the funnel,” that we will be able to reconceptualize our response to crime and our pursuit of justice.

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One of the challenges that we must face head-on is harnessing the moral authority, not just the legal power, of the agencies of justice. In our understanding of the assembly line of justice, the role of the workers on the assembly line—the police, lawyers, judges, and corrections officials—is to move cases along efficiently, keeping a professional and objective distance from the cases and the litigants, and dispensing justice impartially. In my opinion, by embracing this view of the dispassionate justice professional, we run the risk of losing something very important, namely the moral authority inherent in the roles of these public officials.

Fortunately, we are now witnessing, in a number of unrelated pockets of innovation, the emergence of a moral voice for justice that I find very exciting. One of the most powerful reform movements in our field these days is the problem-solving court movement, which began 20 years ago with the first drug court in Miami, Florida. Today we have a wide variety of problem-solving courts—mental health courts, domestic violence courts,

community courts, gun courts, youth courts, and reentry courts. These courts have captured the imagination of both public and professional alike and are the leading edge of a very important idea, redefining the role of the courts in our response to crime.

These courts have many important attributes—they try to address underlying problems, not just adjudicate the legal issues in the case; they bring together a variety of services to assist offenders; they recognize the reality of relapse. But one of the most important dimensions of these courts is that they allow judges—and sometimes other professionals—to speak in a moral voice, without all the restraints of the assembly line. Judges speak to defendants as people; they speak openly to family members about the ways they can support the success of their loved ones; they recognize human weaknesses; they acknowledge the difficulty of the struggle with addiction; they applaud success and sanction failure; they talk about the importance of an individual defendant’s success to the well-being of the larger community.

The judges, prosecutors, and other officials who are leading these important innovations have been freed from the tyranny of the funnel. Their programs are far removed from the cogs on the assembly line; they are anything but efficient; but I would argue that by speaking in this moral voice, these government officials are advancing the cause of justice in very powerful ways. ■

Barrock Lecture

A Path to Better Communities

Tracey S. Meares, Walton Hale Hamilton Professor at Yale Law School, delivered the 2009 Barrock Lecture on Criminal Law at Marquette University Law School. The text of the full lecture, “The Legitimacy of Police Among Young African-American Men,” can be found at 92 Marq. L. Rev. 651. This is an excerpt from the lecture.



I would like to point to a strategy that features what I have called moral engagement as opposed to notions of criminal deterrence.

Chicago has recently experienced a steep drop in homicide and other violent crime. Indeed, if one examines

the highest crime communities on the city’s high-poverty west side, one would observe a 37 percent drop in the quarterly homicide rate between 1999 and 2006. While researchers are beginning to examine several competing and complementary factors responsible for the drop in Chicago’s murder rate, one influential program, Project Safe Neighborhoods (PSN), may be a major contributing factor.

PSN is a billion-dollar federal program designed to promote innovative gun-crime reduction strategies throughout