

NO VICTIMLESS CRIMES: THE ROLE OF COMMUNITY IMPACT PANELS

By Robin Campbell

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In a simple white room, four men sit on one side of a large table. They fidget nervously, staring at their hands and peering out the windows. Soon, four more people enter and sit opposite the first group: a man and a woman in their 60s, a priest, and an out-of-uniform cop. As each group scrutinizes the other, the discussion facilitator, who is seated at the head of the table, begins speaking. He introduces himself, the policeman and the three other new arrivals who live or work in the neighborhood. Then he turns to the four men, asking them to introduce themselves and “to explain the circumstances that brought you to court today.”

One of the two young men, a student from a local university, shifts in his seat as all eyes turn to him. Like the three other men, he received his citation about a month ago. When he appeared before the judge earlier that morning he had expected, at worst, to pay a fine. Instead, he was sent upstairs to this room.

“I was cited for, uh, public urination,” he mumbles.

The facilitator waits a moment for the young man to say more and then gently prods, “Where were you, and what time of day was it?”

“It was 2:30 in the morning. I was drunk, going to a club.”

After soliciting similar stories from the other three participants, also charged with public urination, the facilitator leans back in his chair and looks across to the other side of the table. “It’s time to turn to you guys,” he says to the community representatives. “What kind of reactions have been percolating over there?”

So begins a Community Impact Panel—approximately two hours of facilitated conversation between perpetrators of low-level crime and representatives from the community.

The panels were developed by the Midtown Community Court, an experimental court in the heart of Manhattan, as a tool for combating quality-of-life offenses. They are called Community Impact Panels because the central goal of these conversations is to give community residents a chance to talk about the impact that low-level crime has on the community in and around Times Square.

Not long ago, this densely populated portion of New York City had a reputation as open territory for such activities. But in recent years the area has seen a decline in low-level offenses, which researchers have tied to increased commercial development, more vigorous law enforcement and the creation of the Midtown Community Court. The Court, founded in 1993 to address crimes like prostitution, shoplifting, and drug possession, is guided by the principle that there is no such thing as a victimless crime. The Court views the community as the victim of quality-of-life offenses and, where appropriate, it sentences offenders to perform community service to repair the damage they've done. The sanctions are swift, often carried out the day of sentencing, and are designed to make clear to offenders that their behavior has consequences.

All this is in sharp contrast to previous practice in which the city's overburdened courts often let low-level offenders slip through the cracks; cases were often dismissed or offenders were sentenced to "time served." In another departure from



past practice, the court provides offenders with social services—such as drug rehabilitation and job training—to address the underlying causes of their undesirable behavior.

Community Impact Panels are one of many experiments the Court has tested as part of its commitment to innovative responses to neighborhood problems.

This article looks at how the Impact Panels worked and how they provided the community with a voice in the criminal justice process.

Community Volunteers

Most Community Impact Panels are composed of four community representatives (including a police officer), a facilitator, and three offenders. The community representatives are volunteers, recruited by the court from the neighborhood. They include people who live or work in the

area, merchants, ordinary citizens, social service providers, the police and representatives of the faith community. The facilitator is a trained mediator.

The offenders have usually received a summons from the police for a misdemeanor crime or violation. The summons requires them to appear in court, usually within a month. In the courtroom, the judge will make a determination about whether the Impact Panels are an appropriate sanction as part of the standard plea bargain process. Typically, those linked to the Impact Panels are first-time offenders with no previous record. In many cases, the Impact Panels serve as a sanction for a range of quality-of-life offenses—including public urination and public drinking—which are considered too minor to merit a full day of community service but too significant for a fine or "time served."

Offenders and community residents

“Low-level crime affects the lives of citizens every day, as they

receive a basic, one-hour training and orientation prior to each panel.

In Impact Panels, offenders don't meet with an individual victim, but with a panel of community representatives. That's because, for the offenses handled by the Midtown Court, the community itself is the victim. “Low-level crime affects the lives of citizens every day, as they go to work or pick up their children from school or go to dinner,” says Julius Lang, who helped implement the panels as coordinator of the Midtown Court. “Shoplifting, turnstile jumping, and graffiti may feel insignificant compared to crimes like murder, robbery, and rape, but they place a heavy weight on communities, shaping their sense of safety and their perception of justice.”

What makes Community Impact Panels unique is that they acknowledge this impact in a tangible and productive way. Another unusual wrinkle is that participation in the panels is mandatory for offenders. “For a lot of offenders, paying a fine is too easy,” says Judge Eileen Koretz. “They just pay and get out. They don't really understand why the police are bothering to pick them up—that police don't just arrest people, they respond to the community's concerns.” Compelling offenders of low-level offenses to go to court and attend an Impact Panel is an alternate form of punishment that expresses the community's disapproval.

Panel participation is ultimately intended to be a positive experience for everyone involved—which is why skilled facilitators are essential to ensure that disapproval doesn't degenerate into shaming. “If you speak to people with respect, you're liable to get respect back,” says

Stuart Sears, a mediator from the victim services agency Safe Horizon who helped coordinate the project. Sears learned that offenders say more when the process is not overly judgmental of them. “If what you want is respect for your neighborhood, you can help that process out by giving some respect up front.”

Overt apologies from the offenders are not a required result of the program. The primary goal of the panels is to inform the offenders of the impact of their behavior on others so that their heightened awareness will guide their future behavior. Nevertheless, it is not uncommon for offenders to express remorse for what they have done.

Exit Surveys

Nearly 70 percent of participants—both offenders and community members—reported in exit surveys that the Impact Panels were “worthwhile” or “very worthwhile.” All 59 offenders surveyed answered affirmatively when asked whether they felt the community members had treated them with respect. When asked what they learned from the process, answers included: “It enlightened me that people live in this area,” “It drives home the point of personal responsibility very effectively,” and “I learned that specific acts can have a ripple effect.” These responses are particularly significant given the offenders' attitudes toward their offenses prior to the panels: 60 percent had said earlier that they thought their actions were “not harmful.”

As for community participants, 96 percent felt that the Impact Panels had given them the opportunity to present their point



go to work or pick up their children from school or go to dinner.”

—Julius Lang, Center for Court Innovation



of view. And 84 percent felt that the offenders who participated had learned that their actions had a negative effect on the surrounding community. This response was typical: “It’s an opportunity for the offenders to see the faces of the people they have affected. It makes it real.”

A Work in Progress

The Court administered questionnaires to offenders and community volunteers before and after each session and experimented with different ways of improving the program’s effectiveness.

One example of this evolution concerned the question of whether or not the police should participate in Impact Panels. Soon after the program began, the New York Police Department representative on the Court’s advisory board suggested that a police officer would be able to contribute an important perspective to the conversation, allowing offenders and community members to understand how police make decisions. Others feared, however, that a police officer would intimidate offenders and inhibit their candor. And some also worried that a police officer’s presence would be a distraction, turning the Impact Panel into a cop-bashing session. The Court determined that having a cop present out of uniform satisfied all concerns: the police perspective was integrated without sabotaging the spirit of trust and honesty or diverting conversation.

Another experiment involved altering the ratio of offenders to community representatives. The Court learned that if there are not a comparable number of people on both sides of the table, the quality of the discussion may suffer. When there are

significantly fewer offenders than community members, for example, the offenders may feel besieged and become overly defensive. The quality of conversation also suffers when offenders outnumber community members.

Even now, the Court continues to experiment, tailoring each Impact Panel to the community’s changing issues and concerns. Among the new approaches the Court is contemplating, is having former offenders participate as community representatives. “It might be interesting to test how easily one can go from transgressor to defender of the community’s interest,” says Julius Lang, the original coordinator of the Community Impact Panels.

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