



Courting the community: Legitimacy and punishment in a community court, by Christina Zozula

Philadelphia, PA, Temple University Press, 2019

Luther Krueger

To cite this article: Luther Krueger (2020): *Courting the community: Legitimacy and punishment in a community court*, by Christina Zozula, Journal of Urban Affairs, DOI: [10.1080/07352166.2020.1739499](https://doi.org/10.1080/07352166.2020.1739499)

To link to this article: <https://doi.org/10.1080/07352166.2020.1739499>



Published online: 15 Apr 2020.



Submit your article to this journal [↗](#)



Article views: 9



View related articles [↗](#)



View Crossmark data [↗](#)

BOOK REVIEW

Courting the community: Legitimacy and punishment in a community court, by
Christina Zozula, Philadelphia, PA, Temple University Press, 2019

Of all segments of the criminal justice system, the courts are perhaps the opaquest to the general public. The entire system is not well understood, and for most, it is viewed through the limited and distorted lens of the entertainment industry. Who for instance, understands the difference between “reasonably suspicious” and “probable cause”? How few lucky citizens have witnessed—or unlucky citizens experienced—the system from suspicion to arrest to charging to arraignment to pre-trial to trial to sentencing to jail and probation or prison and parole? Until one is compelled to go to court—as a witness to a crime, a defendant in a criminal or civil case, or a juror perhaps—the complexity of court procedures and the number of steps taken to satisfy the public’s demand for justice is hidden behind many curtains.

Thus, the effort by Christina Zozula to lift the veil over a niche community court is a windfall for students and scholars who desire to understand the workings of courts overall. Zozula examines the pseudonymous Greenville Community Court, using anecdotes and personal interviews with court administrators and judges. *Courting the Community* should be required reading for criminal justice practitioners and community members who wish to establish a community court, or question the efficacy of their participation in one.

Zozula attended court sessions and interviewed court staff and offenders to assess this court’s effectiveness in reforming offenders. She sheds light on the very “soft science” of applying the law to so-called livability crimes such as disorderly conduct, shoplifting, drug use, and public consumption of alcohol:

We understand how ideas about quality-of-life are connected to economic, social, and political structures.... We understand how quality-of-life crimes are managed through police tactics.... We do not, however, account for how courts process quality-of-life crimes, an important gap in scholarship to date. (p. 5)

Much can be gleaned from Zozula’s experience, who concludes that many individual offenders may benefit from more personal attention from the judges and the collaborative rather than adversarial efforts of public defenders and prosecutors. Nevertheless, over time, Greenville’s court reverted to form, and for offenders failing to comply with court-imposed conditions, the punishment of jail time became the default tool for behavior modification.

Zozula surveys the tendency of such courts to fall back on traditional tools even when offenders exhibit the best of intentions and modest steps toward reform. Apart from the opportunity to understand how courts work in general, the reader working with judges to establish a community court could insist on better documentation of the follow-through by the court-mandated social services. A robust data analysis of recidivism is no small undertaking, as the rest of the court system’s dealings with offenders committing the same crimes would also have to be examined:

Community courts explicitly ask questions that are taken for granted in traditional courts and even in the criminal justice system as a whole: What are the goals of criminal justice? Where does crime come from? How should courts punish offenders? Because community courts actively and openly interrogate the meaning of punishment, their study can help illuminate how culture operates in traditional criminal justice organizations in which meaning making is far more routinized and subsumed under the logics of case processing. (p. 13)

After rich exposition involving the personalities, vagaries, and contradictions of community courts, there remains a knotted drawstring for the curtain hiding data surrounding the court's outcomes. The terms of her agreement with the Greenville Community Court prevented her from finding any sense of success in reducing the recidivism of offenders that had been diverted to community court from the more familiar venues:

Clearly, individual circumstances, such as an offenders' criminal history and current charges, influence how court actors make decisions about appropriate punishment. However, in community courts, an offender's "presentation of accountability," by which I mean how well a defendant conforms to community courts' legal and extralegal demands, significantly influences sanctioning decisions. Decisions about appropriate sanctions and whether to be strict or whether to afford leniency are based on Greenville Community Court's ideas about a defendant's willingness to conform to court orders rather than about his or her criminal propensity. (p. 5)

While the assembling of a community court is presented as a win-win-win for the courts, community, and offenders, Zozula finds that

the right to plead not guilty at Greenville Community Court was illusory ... an option only in theory and not in practice. Court actors presented a compelling argument: they had the expertise and insider knowledge to discuss likely alternative (and less favorable) outcomes, and they presented the court as being on the defendants' side. It was nearly impossible for a defendant to exert an opinion that clashed with Greenville Community Court's construction of reality. (p. 77)

Ultimately, the court was constrained by court rules and case law, and bend it though they might, the Greenville judges created a construct much the same as the plea bargaining common in conventional criminal courts. For the benefit of watchful community members, the proceedings often get dressed up, especially for a follow-up session with offenders who complete their release terms successfully—which creates its own illusions:

While courtroom ceremonies marked as reformed defendants who had successfully undergone treatment, behind the scenes, these ceremonies were readily acknowledged as presentations. The judges aimed to show people respect and kindness; however, they also understood that some defendants would relapse and return to Greenville Community Court. (p. 97)

Likewise, for specialty courts such as those limiting their caseloads to homeless offenders may know that up to half of the defendants have traumatic brain injuries that may limit their capacity to acknowledge their missteps and change their behavior. Nevertheless, the judges hearing their cases can only hope that an advocate, family member, or caseworker can *manage* the offender's behavior. After processing the chemically dependent offenders in Greenville, the balance of the docket might consist of the mentally ill:

If people were not responsible for their own criminality because they were unable to make prosocial choices due to mental illness, then punishing them for crimes with incarceration was an ineffective response to deter their offending. Mentally ill offenders also led people to question the goal of criminal justice: Is the goal to punish someone who did something wrong, or is it to make people safer and criminals less likely to reoffend? (p. 41)

There are missed opportunities: Zozula briefly catalogs the literature that supported the "broken windows" theories of policing as well as the academic rebuttals of the theory:

Perhaps the best tests of the broken windows theory is Robert Sampson and Stephen Raudenbush's 1999 study of different blocks of Chicago. They find that the relationship between disorder and predatory crime is largely spurious and that disorder and crime can be explained by collective efficacy. (p. 30)

“Collective efficacy” is relegated to a footnote, yet its foundation in organized community crime prevention measures and policing partnerships might well be the reason for the popularity of, and impetus for, specialty courts. And “broken windows” is casually thrown into many an argument as shorthand for “zero tolerance policing” and the notorious police abuse of suspects in the “stop and frisk” dragnet of the New York Police Department; yet as assessed by Zimring “what happened in New York City was the most dramatic demonstration of policing strategy as an instrument of drug-related harm reduction in modern U.S. history” (Zimring, 2012, p. 193).

“Ultimately, [the author questions] the promise that community courts present a potential method to prevent crime” (p. 16), yet, regrettably, Zozula was not offered the most meaningful offender data to support her doubt about that promise. Given the mix of juvenile and adult offenders, even with public data requests, it would have been sketchy to follow adults who may offend in other jurisdictions, and impossible to unearth juvenile records to see if they show for an encore as an adult before the Greenville judges.

The focus on only one community court is also problematic: Greenville represents one of many configurations across the spectrum of community-oriented court strategies. Some such specialty courts may emerge with political backing due to trends in demographics, such as so-called “veterans courts” and “mental health courts.” In addition, there are untold numbers of “not-quite community courts” wherein community members communicate their concerns to judges by way of community impact statements, or even a “pre-pre-trial” coordinated by police departments, prosecutors, and community groups well outside the courthouse. In this regard, Zozula sees community courts as part of a continuum of social control beginning with unfettered policing policies: “community courts not only embrace broken windows theory’s emphasis on the importance of punishing quality-of-life crimes; they also apply the theory’s lessons about preventing crime” (p. 28).

I was an active participant from the law enforcement vantage point in the Minneapolis “Downtown 100” project in the late 2000s, where offenders were triaged given the chronic activities of, among other crimes on the books, public drinking, aggressive panhandling, and graffiti “tagging.” The community participants ranged from individuals serving with their neighborhood association boards, to social service providers and homeless advocates, to downtown business owners and security personnel. In meetings hosted by the downtown library, this community group examined the records, with the 1st Precinct’s assistant city attorney, of dozens of arrestees with multiple arrests in a year’s time. This coalition focused on potential remedies for the offenders’ behaviors and the logistics of upcoming court appearances, reaching a consensus that directed the city attorney’s motions. In a real sense, it was the community informing a “plea bargain” for the offenders; the bargains often included the request for court-mandated treatment for chemical dependencies, or some form of community service, much like Greenville.

While such community participation in cases can be viewed as being soft on crime, often calls for outright jail time came not from the community members, but from social service advocates, based on their experiences with offenders with histories of hostility and violent behavior at their clinics, shelters, and drop-in centers. To their minds, the “relationship between disorder and predatory crime” was far from spurious.

In addition, this was just one path of several, just for Minneapolis: all Minneapolis’s five police precincts dealt with chronic offenders in their own ways, loosely labeling their meetings about chronic offenders as a “court watch.” Recidivism was closely monitored for each precinct’s cohort of misdemeanants, and the 1st Precinct tallied the lowest level of recidivism—for the same general range of quality-of-life crimes that Zozula memorializes in the book. And, the International Association of Chiefs of Police, a progressive group of law enforcement executives, found the 1st Precinct’s efforts worthy of their Community Policing Award in 2009.

Are there other community courts with different parameters and more open record-keeping policies that might offer an acceptably measurable set of successful policies? Can an anthology of

“best community court practices” be compiled to give communities, city councils, and district court justices the tools to more equitably administer justice than witnessed in Greenville? How many such courts exist in the country, and have any avoided the pitfalls and reversion-to-form found by Zozula? If “[c]ommunity courts provide yet another entrance point to help us understand the expanded social control of low-level offenders in the criminal justice system ... [which] is part of a larger project of disciplinary social control” (p. 169), then the study of community courts surely should not end with this book.

Reference

Zimring, F. E. (2012). *The city that became safe: New York's lessons for urban crime and its control*. Oxford University Press.

Luther Krueger

Minneapolis Police Department

 luther.krueger@minneapolismn.gov

© 2020 Urban Affairs Association

<https://doi.org/10.1080/07352166.2020.1739499>

