The background of the cover is a photograph of a classical building facade with two large arches. Three vertical banners hang from the top: a red one on the left with the text 'THEATRE OF ACTORS', a white one in the middle with 'COURT', and a green one on the right with 'COMMUNITY'. A blue banner on the far right has 'DEFENDANT'. A dark blue horizontal bar at the top contains the journal title and issue information.

# crime & justice

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**Special Issue:  
Community Justice Around the Globe**

## Community Justice Around the Globe: An International Overview

by Robert V. Wolf

Special to CJI

There are different ways to measure the success of a new idea. One way is to measure how rapidly an idea catches on. Another is to measure an idea's staying power. Still a third is to measure how far the new concept travels.

By all three measures, community justice—the idea that the justice system should be more aggressive in engaging communities and more reflective about its impacts on neighborhoods—has been highly successful. Community justice has grown over the last 20 years from a handful of isolated experiments to a significant trend. The vast majority of jurisdictions that have adopted community justice strategies appear to have stuck with them. And the concept has traveled far and wide, with new ideas crossing state and national borders with incredible speed: American policymakers have studied strategies like sentencing circles in New Zealand while representatives from dozens of countries have come to the U.S. to observe firsthand community prosecution programs and community courts, including the Midtown Community Court, Red Hook Community Justice Center and Harlem Community Justice Center in New York.

The body of literature about community justice has grown in recent years, but little has been done to survey developments

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across international boundaries. This paper does that by offering a comparative look at countries outside the U.S. that are actively exploring community courts and community prosecution. The countries surveyed are South Africa and England, which have established community courts; Sweden, the Netherlands and Manitoba, which have launched community prosecution programs; and Australia, British Columbia, and Scotland, whose work in these areas is still in the planning stages.



*Offenders at the Midtown Community Court are mandated to "pay back" the neighborhood for their offending by repairing conditions of disorder. Here offenders help paint a wall in a park. (Center for Court Innovation)*

### COMMON PROBLEMS, VARIED SOLUTIONS

Across the globe, many criminal justice practitioners are grappling with similar problems: an increase in low-level crime; an overwhelmed criminal justice system; delays in case processing for even minor offenses that can stretch into months; overcrowded jails; frustration with repeat chronic offenders; dissatisfaction with the results of traditional punishment, including jail; and lack of public confidence in justice.

It is these factors that have led policymakers in jurisdictions from Portland to Pretoria to create community courts

and community prosecution programs. While traditional models of justice around the world vary, often in fundamental ways (compare, for example, the adversarial courtroom in America versus the inquisitorial system used commonly abroad) experiments in community justice are remarkably similar. Many exhibit the same basic themes that have made community courts and community prosecution programs so popular in the U.S.

Those themes include:

**Community engagement:** Typically, community justice programs, borrowing from the model first established by community policing initiatives in the U.S., have sought to actively engage community stakeholders both during the planning phase and ongoing operations. For example, in the U.S., community courts and community prosecutors have used community surveys to measure public attitudes toward the justice system; established advisory boards to give the public ongoing input into programming; and created volunteer opportunities to give citizens roles in courthouse operations. Community courts and community

prosecution programs in America have also strengthened links to their communities by moving from imposing centralized headquarters to smaller-scale neighborhood locations.

Similarly, governments in South Africa and England and Wales have established neighborhood courthouses that seek to reengineer the relationship between government and citizens. The governments in British Columbia and Victoria, Australia, are also planning to establish courtrooms outside the centralized courthouse. In Liverpool, policymakers strengthened community links by giving community members a say in the selection of the North Liverpool Community Justice Centre's presiding judge. Mock trials in Pretoria give the public a better understanding of how courts work. And British Columbia underwent an extensive period of public comment before formulating its plan to open a community court.

**Community restitution:** Beyond a commitment to engaging the community, community justice initiatives the world over tend to emphasize community-based restorative punishments, like requiring low-risk offenders to participate in community improvement projects.

**Links to services:** Many community court and community prosecution programs seek to link non-violent offenders to rehabilitative services, such as drug treatment, job training and debt counseling.

**Focus on quality-of-life crime:** Building on the "broken windows" theory, many community justice programs, like the North Liverpool Community Justice Centre, focus on low-level offending such as vandalism, prostitution and petty drug offending.

**Problem solving:** Community justice programs don't merely resolve cases but seek to solve community problems. In Sweden, for example, community prosecutors are looking for creative ways to get chronic offenders off the streets. One city has a top-10 list of habitual troublemakers. When one is arrested, rather than merely prosecute on the pending charge, a community prosecutor tries to demonstrate a pattern of offending and seeks the maximum sentence.

**Speedier outcomes:** Many community justice programs seek to shorten the time it takes a case to make its way through the criminal justice system. In South Africa, for example, cases that once took months to resolve are sometimes handled by community courts within 24 hours.

**Better information:** Many community justice initiatives seek ways to get more accurate and timely information to improve decision making and monitoring of offenders. The Scottish Justice Department, for instance, is seeking to develop a fully-integrated information technology system in all of Scotland's courts.

**Partnership:** Community justice seeks to amplify resources available for problem solving through partnership. With that goal in mind, the Dutch government has brought together under a single roof police, prosecutors, probation officers, truant officers, social workers, and others to encourage partnerships and creative problem solving.

Just as many of the ideas animating these programs around the world are the same, so are many of the obstacles. Practitioners in various countries have found that new ideas are not always welcomed with open arms, and advocates of non-traditional approaches sometimes encounter resistance—or ridicule—from peers. Limited resources are another important issue, and many practitioners have had to innovate without new funding.



*Legal Aid Attorney Brett Taylor, right, confers with a client in the courtroom at the Red Hook Community Justice Center during a hearing before Justice Alex Calabrese. (Center for Court Innovation)*

Jurisdictions outside the United States, of course, also bring to the table different priorities, customs and legal systems. This can be a strength. In Scotland, South Africa and Sweden, for example, oversight of criminal justice policy is centralized at the highest level of government, making it easier to implement sweeping new initiatives. Also, some places—such as Scotland and South Africa—have recently undergone dramatic changes in governance,

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affording them unusual opportunities to re-think fundamental policies and create bold new criminal justice experiments.

Some categories of crime—like domestic violence—are universal. “Domestic violence is the same all over the world,” said Maud Pihlqvist, the national director of training for prosecutors in Sweden. Low-level offending (called variously in English-speaking jurisdictions “quality-of-life offending,” “street crime” or “anti-social behaviour”) also seems to be widespread. In addition to these universal complaints, however, many regions also have unique concerns. In South Africa, for instance, community courts in rural communities grapple with how to deal creatively with livestock theft, an offense that has not once crossed the desk of the judge at America’s oldest community court, the Midtown Community Court in Manhattan.

What follows is an overview of community courts and community prosecution initiatives around the world.

## SOUTH AFRICA: NEW IDEAS FOR A NEW NATION

The movement to establish community courts in South Africa has been both rapid and broad, touching virtually every corner of the country in a year’s time.

It was the President of South Africa himself, Thabo Mbeki, who lit the fire, calling during his state of the nation address in May 2004 for the establishment of two community courts in each of the country’s nine provinces. Making this agenda even more ambitious was the fact that he gave the government only a year to complete the task. With the president and national government firmly supporting the model, South Africa, a country of 44 million, went from establishing its first community court in April 2004 to having 13 by May 2005.

The first court was the only one developed before Mbeki’s announcement and its roots are largely local. The Hatfield Community Court, which opened on April 5, 2004 in the City of Tshwane, a municipality that includes the nation’s administrative capital, Pretoria, was created largely through a partnership among the University of Pretoria, the National Prosecuting Authority, and others, including police, business leaders and local government.

Factors that inspired the court’s development included a rising crime rate, a strong urban renewal movement and public frustration with the justice system’s response to low-level crimes. Since the establishment of democracy in 1994, the government also has a strong commitment to innovation. The entire country has, in fact, embraced what it calls “specialised courts” (what in America are termed “problem-solving courts”) as a way to

address a host of issues. For instance, by May 2005, South Africa had, in addition to its new community courts, 54 sexual offenses courts, 220 courts authorized to hear equality cases (which involve accusations of discrimination), and several commercial crime courts (which focus on white-collar crime, considered a major problem in South Africa).

The Hatfield Community Court has its origins in crime affecting students and staff at the University of Pretoria, according to Martin Schönsteich, senior legal officer with the Open Society Justice Initiative (an arm of the Open Society Institute, which is an American-based philanthropy that supports democratic reform around the world).

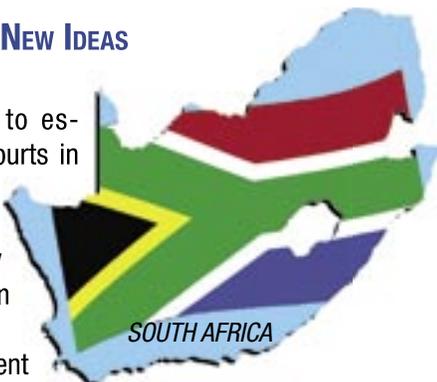
“Crime was going up. There were a lot of break-ins on the campus . . . Female students were being assaulted and accosted,” Schönsteich said. “Unfortunately, the criminal justice system wasn’t really acting very well. There was no real response. And then the university managed to persuade some prosecutors in Pretoria to open a community court, a court that would react very quickly to offenses.”

The Hatfield Court was initially housed in a retrofitted shipping container on the grounds of a police station but today is located in a new building on city land near the university. It has a full-time magistrate, three prosecutors, two Legal Aid attorneys, two courtrooms, holding cells and a number of other offices. The University of Pretoria has given the court computers and software. It also provides legal assistance through its Legal Aid Clinic, which is staffed by law students, and even helps the court test blood samples in drug and alcohol-related cases.

The Hatfield Court deals with petty crimes, including drug and alcohol offenses, violations of municipal by-laws and shop-lifting. As with community courts in the United States, immediacy was one of the key principles animating the Hatfield Court. Defendants are usually assessed within 48 hours of arrest. “The idea was that by addressing cases as quickly as possible, we’d be able to send out a strong deterrent message that can impact on crime and grime,” said Sean Tait, director of the criminal justice initiative at the Open Society Foundation for South Africa.

Traditionally it can take six months or longer to resolve a case, but in the Hatfield Court the turnaround is “almost immediate,” Schönsteich said. In the past, many cases were withdrawn or dismissed because of a dearth of resources or because, after delays of up to six months, witnesses or other evidence were no longer available. Speedier processing has changed the situation dramatically. The result—both in Hatfield and in community courts developed later—has been an extremely high conviction rate, well into the upper 90th percentiles in many courts (compared to a typical District Court conviction rate in the 60th percentiles).

The Hatfield Community Court also offers integrated services, with a probation officer referring eligible adults to a range of social programs. The goals of diversion are many: to avoid the imposition of fines—which many defendants simply can’t afford;



to make punishments restorative; and to keep defendants out of jail, which “are already 170 percent overcrowded with serious criminals,” said Advocate Johnny de Lange, who serves as deputy minister for justice and constitutional development. Diversion includes community service sanctions, like park cleanups. In the past, diversion alternatives were rarely imposed, especially in cases involving adults.

To encourage community involvement, the Hatfield Community Court holds mock trials two Saturdays a month. “We aim to sensitize children to the consequences of drug and alcohol abuse, inform on the fairness of the process regarding the rights of all, including persons accused of crime, and provide information to the public regarding court processes and procedures,” Advocate Retha Meintjes, deputy director of public prosecutions told the *Tshwane Eastern News*.

The Hatfield Court was immediately embraced by the national government. In his state of the nation address, just a month after the court opened, President Mbeki asserted that the Hatfield court “in the first month of its operation has already finalized 200 cases with a 100 percent conviction rate.” Minister for Justice and Constitutional Development Brigitte Mabandla testified in Parliament that the Hatfield Court in just “the first few weeks of operation . . . demonstrated huge benefits in respect of the speedy finalisation of cases . . . , the appropriate handling of young offenders, petty criminals and community-based sanctions as alternatives to imprisonment.”

As a result, the Hatfield Court became the prototype of all subsequent community courts, which are frequently referred to as “Hatfield-type courts” (in part to distinguish them from informal justice structures and traditional courts in rural areas that already bear the name “community court.”)

Although individual courts are encouraged to adapt community court principles to local needs, the Department of Justice has said all the courts share common objectives:

- to address area solutions to crime;
- improve access to justice;
- deliver justice effectively and efficiently;
- prevent urban decay;
- treat youth offenders appropriately.

Advocate de Lange said “the Hatfield model is based on the USA model of dealing with small crimes, which then leads to less crime in general.”

De Lange, speaking at the official opening of three Western Cape community courts, said “For a long time petty criminal activities were not dealt with as vigorously as they ought to be. The establishment of the community courts is therefore a statement of intent that wherever or whatever petty crime is committed, it will be dealt with swiftly. It gives practical meaning to the concept zero tolerance in our fight against crime.”



*Prosecutors from South Africa, Sunil Printhipal and Shamila Batohi, confer with Chris Watler of the Center for Court Innovation’s technical assistance team at the Midtown Community Court. (Center for Court Innovation)*

One of the most important goals of community courts in South Africa is to raise public confidence in democratic institutions. “Our courts are the frontispiece of the criminal justice system,” de Lange said. “Improved access and interaction with the system at all levels will inevitably build the understanding of the general population about court processes. In this way our people, whether in the metropolitan areas, townships or even rural areas will get to see, at first hand, justice being done and in action. . . . Respect for the process and the decisions of the courts will lead to high regard for the institutions of democracy, such as the court system, and this will in turn engender respect for democracy.”

Most South African jurisdictions have established the new courts without new staff or extra money from the national government. This has been possible, in part, because business groups, cities and others have been willing to invest in the initiative. “I think it shows that people are really keen to try something different,” said Shamila Batohi, director of public prosecutions in the province of Kwa-Zulu Natal. “We need to bite the bullet now. Even though it’s going to have some kind

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of negative impact on an already overburdened system, in the long term it's going to perhaps address some important community issues."

## Community Prosecution

Community courts are just one part of South Africa's attempts to transform the nation's justice system following the overthrow of apartheid and the transition to democracy. The National Prosecuting Authority has a Transformation Unit, which has been charged with ensuring that the agency lives up to the promises of the country's nine-year-old constitution. The constitution, among other things, spells out the nation's resolve to "to live in peace and harmony, to be free from fear and want and to seek a better life." It also guarantees that "everyone has the right to freedom and security of the person, which includes the right ... to be free from all forms of violence."

Unfortunately, there has been at times a "disconnect" between the ideals of the constitution and the real world, said Ouma Rabaji, a project manager in the Transformation Unit. "There is a level at which government is saying, 'We need to institutionalize the fact that we now have a Bill of Rights.' The government must try and create a level of trust and credibility and legitimacy in the eyes of the people, particularly those that were disenfranchised," Rabaji said.

Although the National Prosecuting Authority has had some success in reducing a backlog in the number of pending cases, it has been less successful in raising public confidence in the

justice system. One area the Transformation Unit is exploring is community prosecution.

"We're prosecuting and we think we're doing a good job, but clearly we're realizing we're not making an impact on crime levels in the country, not on people's perceptions of the efficiency of the justice system. Levels of confidence in the justice system are very low," said Batohi, who has visited community prosecution and community court programs in the United States and attended national conferences on community prosecution in Portland, Oregon, and Indianapolis, Indiana. "We realize that if we really want to make a difference in South Africa and bring down crime levels and improve public confidence we have to start coming up with something new, something different."

South African policymakers have yet to determine what form community prosecution in their country will take. Batohi said that until now, prosecutors' involvement in the community had been limited largely to making presentations to community groups, schools and others to make South Africans aware of their rights. But after visiting the United States, Batohi said she could imagine asking prosecutors on her staff to involve the community more proactively in identifying problems and crafting creative solutions. She is also interested in the concept of assigning prosecutors to geographic zones, similar to what she saw in her visit to the prosecutors' offices in Brooklyn and Washington D.C.

Whatever strategies South African prosecutors adopt, however, they will no doubt incorporate local values, foremost among them being an eagerness to refashion society for the better after so many decades of oppression.

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## ENGLAND AND WALES: PILOTING A COMMUNITY JUSTICE CENTER

England and Wales is another international leader in the development of community courts. With much fanfare, the Liverpool Community Justice Centre opened for business in December 2004.

"It is still very much a work in progress... but what I would say is I am now confident it will bring real benefits to the area," Joe Hanson, a member of the Liverpool City Council, told a local newspaper six months later.

In November 2005, the British government also launched an initiative in Eccles, a village in the city of Salford, that is guided by similar principles. The project did not involve the creation of a free-standing justice center, as in Liverpool, but rather seeks to test problem-solving strategies in a regular magistrates' court. Initially it will meet once a week.

The Liverpool Community Justice Centre, in contrast, is open five days a week. A joint project of the Home Office, the Department for Constitutional Affairs and the Attorney General's Office, the project focuses on "anti-social behaviour," including prostitution, vandalism, petty theft and disorderly conduct.

Similar to the Red Hook Community Justice Center in Brooklyn, which British officials credit as an inspiration, the Liverpool project has a single judge presiding over a dedicated courtroom, and a fixed team of prosecutors. Also like its American counterpart, the Liverpool initiative recognizes that petty crime, although traditionally a low priority within the justice system, is a high priority among community stakeholders. Criminal Justice Minister Baroness Scotland said that "these sorts of anti-social crimes really impinge on the way people feel about their place."

Consistent with the American model, the Liverpool center issues sentences that combine restorative punishments (such as community service) with help (such as drug treatment). Probation staff supervise community service activities, and many social services are located on site, ensuring that offenders have



immediate access to programs that promote rehabilitation. The center also offers services to victims.

The Liverpool project was launched at the behest of leaders at the highest level of the British government. A number of factors fueled their interest, including a national initiative launched in 2002 to crack down on anti-social behavior and local efforts in the City of Salford to incorporate the principles of community justice within its magistrates' courts. A third influence was a series of visits, starting in 2002, paid by the home secretary, lord chief justice, lord chancellor and attorney general to the Red Hook Community Justice Center and Midtown Community Court in New York City.

Lord Falconer of Thornton, who, as the Lord Chancellor and British Secretary of State for Constitutional Affairs, is the highest-ranking judicial official in Britain, said, "We in Britain have much to learn from community courts in New York." He called community courts "a wholly new approach" for England and Wales.

In July 2003, the British government convened a national conference on community justice at which officials announced that they would invest £3 million to develop a pilot community justice center. The

government then began scouring the nation for the ideal location. According to project planners Debbie Clarke and Scott Simon, the government considered factors that included: social needs, levels of quality-of-life crime, levels of truancy and unemployment, sense of community, existing inter-agency structures, and local enthusiasm.

In the end, they chose the neighborhood of Kirkdale in north Liverpool, an area with about 80,000 residents marked by poverty, crime and disorder. The catchment area includes one of the United Kingdom's poorest areas and has a burglary rate almost double the national average.

According to a spokesman for the Home Office quoted in *The Independent Review*, "Liverpool has suffered and is still suffering from economic deprivation and from the effects of anti-social behaviour and low-level crime in some of its



*The recruitment campaign for a new mentoring scheme launched by the Community Justice Centre, North Liverpool, has proved a huge success with all volunteer places filled for the first phase.*

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communities. Yet there is still a strong sense of community spirit and pride. Organizations in the city are increasing their cooperative work, seeking innovative ways to tackle problems facing Liverpool and working with the communities to improve their quality of life. We want to support this.”

Then-British Home Secretary David Blunkett promised that the justice center “will act as focal point for the community’s fight against the selfish minority whose loutish and criminal behaviour is impairing their quality of life.”

Blunkett and his six ministers made about eight visits to the area to meet with local leaders and residents to gather “feedback from those at the sharp end [who are] delivering policy on the ground,” Blunkett said.

The government also issued an open call for applicants interested in presiding over the new project. The judge’s duties would go beyond those of a conventional judge to include, according to the job announcement, being “the public face of the Justice Centre” and having “a high profile in the community.”

On Oct. 18, 2004, a five-person panel—which, in an unprecedented move, included two representatives of the community—selected Judge David Fletcher to preside over the Liverpool experiment. Judge Fletcher, a defense attorney for many years and later a

district judge, said he applied for the position because he saw in it “an opportunity to be really involved in sentencing in a direct and deliberate way. I could find out what exactly what was going on and tailor sentences to the real problems on the ground.”

Judge Fletcher feels that the judge is key to the success of the community court. One of the features that distinguishes the model—both in England and America—is that the judge interacts personally with defendants. “It’s the continued involvement with the judge which is really making a difference,” Judge Fletcher said. “When I don’t speak to their lawyer and just speak to them, you see a look of surprise. I think the vast majority [of defendants] have found it useful because they can tell me what’s on their minds and I find it more useful than finding out what their lawyer thinks is going on.”

The fact that he is permanently assigned to the courtroom has allowed Judge Fletcher to get to know the neighborhood better. “I know not just the name of the programs but the details. I’ve actually visited many of them,” Judge Fletcher said.

A local newspaper observed that the judge has been seen “strolling along Scotland Road and Stanley Road almost every Monday and Friday.” Said Judge Fletcher: “I go for a walk in my civvies, and I have come across all kinds of people from lots of different backgrounds. They have all been very open with me and ready to tell me what they think, which is great because it gives me an even better feel for the community.”

Judge Fletcher meets regularly with two community advisory groups—one of adults and one of youth. “I also meet regularly with the prosecutor community, police and probation who tell me how things are going,” he said.

Judge Fletcher noted that his court is the only one in the country that has an interagency problem-solving team. The team—which includes lawyers, probation officers and social service specialists (drawn from fields including mental health, drug treatment and debt counseling)—advises the judge on sentences and sanctions.

“On the one hand it’s resource intensive because team members are

in my court the whole time the court is sitting; on the other hand, if they weren’t doing this, I’d have to adjourn for three or four weeks and proba-

tion would need seven hours to complete a lengthy report,” Judge Fletcher said.

Typically, a medical assessment for drug treatment can take up to three weeks, but in Judge Fletcher’s courtroom, staff can make an immediate referral to a nearby treatment center.

Judge Fletcher also has a power unique to judges in England and Wales: the authority to issue a conditional caution, in which he gives an offender an assignment—such as paying someone back, doing community service or writing a letter of apology. If the offender completes the task, then he or she won’t be charged.

The community was initially skeptical about the project. “The community felt they’d had this thing dumped on them, that it was a massive P.R. exercise,” Judge Fletcher said.



*Constitutional Affairs Minister Harriet Harman and Judge David Fletcher meet with a group of young people who have been involved in North Liverpool Community Justice Centre projects.*

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In addition, some community members worried that “the streets around the centre would be overtaken by prostitutes and drug dealers,” said Marie McGiveron, a community development worker quoted in a local paper.

But when the project was six months old, the community began to rally around it. “I have got a lot of faith that the community will benefit from this, especially because David Fletcher seems so down to earth, open-minded and committed to the idea,” McGiveron said.

By June 2005, 385 defendants had appeared before Judge Fletcher. Harriet Harman, the minister of state at the Department of Constitutional Affairs, said the area covered by the justice center showed a small decrease in “all crime” between January and June 2005 when compared to similar period in 2004 but that it was “too early in the pilot to assess the impact of what is being done at the centre and its relationship to crime in the area it serves.”

The ultimate goals of the initiatives both in Liverpool and Salford will be “to reduce offending and re-offending, reduce fear of crime, increase victim and witness satisfaction, increase confidence in the justice system, and increase the sense of individual respect and responsibility,” according to the Department for Constitutional Affairs.

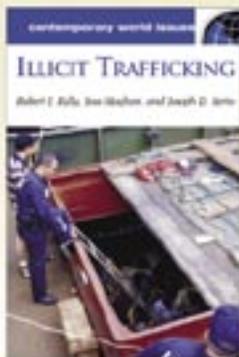
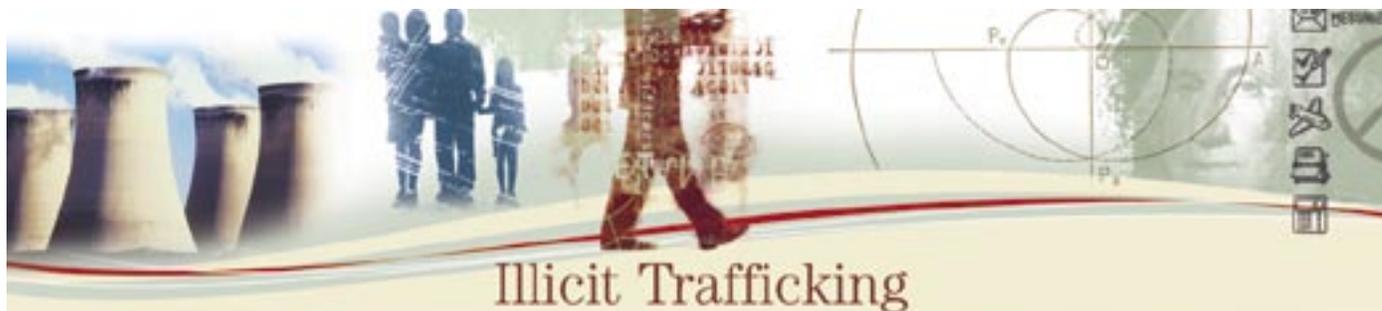
The Liverpool center is intended to be a laboratory; national officials have stated that they expect eventually to apply and adapt portions of the model throughout the country. Meanwhile, some local officials around Great Britain have taken notice. In December 2005, Member of Parliament Graham Allen of Nottingham, who visited the Red Hook Community Justice Center in Brooklyn, called for the government to revamp “the monochrome” training of judges to ensure that the next generation on the bench is more engaged with their communities, like judges in Red Hook and Liverpool. He added that his constituents were “ready to embrace” the community court model. “In Nottingham tenants, residents, beat officers, neighborhood wardens, probation officers, the Crown Prosecution Service and many others to whom I have spoken welcome the idea of a community court,” he said.

## SCOTLAND: ‘ROOT AND BRANCH’ REFORMS

Scotland is one of the world’s oldest nations and, in some respects, one of the world’s newest.

For centuries, Scotland had been governed by Parliament in London. Many in Scotland weren’t happy with this arrangement, however, so when the Labour Party finally put the issue of self governance to a referendum in 1997, voters seized the opportunity.

The referendum launched a process of “devolution,” leading to the creation in 1999 of the Scottish Parliament, which has the



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authority to adopt legislation affecting only Scotland (Parliament in London—to which Scotland still sends representatives—still retains control over broader issues, like economic policies and foreign affairs.)

Devolution has helped spark a hunger for reform. While Parliament in London adopted legislation pertaining exclusively to Scotland only occasionally—maybe just once or twice a year—the Scottish Parliament and its associated government (which includes a Scottish first minister, who leads the executive branch, and cabinet) focus on Scottish issues year round.

One set of reforms currently underway within the criminal justice system is devoted to “summary justice,” which deals with both minor criminal behavior, including most traffic offenses, as well as more serious crimes, like assaults and weapons offenses. The summary justice system accounts for about 130,000 cases a year or 96 percent of the criminal court’s business

“We’re engaged in what is probably the most fundamental reform of our criminal justice system in 50 years,” said Scott Ballintyne, who serves as an advisor to Scottish Minister for Justice Cathy Jamieson. Although Scotland has always had a judiciary independent of Great Britain, devolution has “reinvigorated the legal system,” according to Ballintyne.

Many of the problems facing the Scottish criminal justice system sound familiar to American ears. For instance, Scotland has seen its prison population grow steadily over the last 20 years, reaching a daily average of 6,475 prisoners by 2003 and exceeding the nation’s capacity of 6,100. Scotland, in fact, has one of the highest rates of imprisonment in the European Union at 129 people incarcerated per 100,000, placing it fourth behind England and Wales, Spain and Portugal. (In contrast, Sweden has only 73 people in jail per 100,000, while the United States in 2003 had an incarceration rate of 482 per 100,000.)

In addition, Scotland suffers from high levels of re-offending. Sixty percent of those released from prison are re-arrested within two years, leading policymakers to decry what in America is commonly referred to as “revolving door” justice: “Too many offenders end up in a constant cycle of offending, court appearance, sentence release and reoffending. We are determined to break this cycle,” according to the Ministry of Justice’s reform proposal.

Scottish courts face crushingly high caseloads. The Glasgow Sheriff’s Court is the highest volume court in all of Europe, Ballintyne said. Further adding to stress on the system is the fact that there are few or no services available for incarcerated offenders, many of whom are addicted to drugs.

In response, the government has tripled its spending on community-based sentences and doubled its spending on prisons—but so far the investment has had little or no impact on crime.

“The custodial system is facing in the wrong direction,” Ballintyne said. “We need to find ways to reduce some of that volume, and the way to do that is through more effective community sentences. One of our driving problems is that our community sentences are not seen to be effective and public confidence drops. As it drops, even though the public recognizes that prison doesn’t work, they still feel compelled to advocate



*The debating chamber at the Scottish Parliament in Edinburgh*

for prison because it gives them respite. It may not work, but at least while they’re in prison, they’re not re-offending.”

To turn things around, Jamieson and her colleagues in the executive branch have proposed what Ballintyne calls “root and branch” reforms. Among other things, the reforms call for dramatic changes in the handling of offenders and the introduction of problem-solving principles into the system of summary justice.

Plans include developing more drug treatment courts, youth courts and domestic abuse courts, giving courts a fuller range of community-based sentences, linking low-level offenders to social services (such as drug treatment) and looking at what happens to offenders following their release from prison.

The reform proposals are encapsulated in *Smarter Justice, Safer Communities*, a report issued in May 2005 that was preceded by several years of study, including discussions among practitioners, a large-scale public survey and a series of meetings with interested groups. Research also involved visits by Jamieson and other Scottish leaders to the Midtown Community Court and Red Hook Community Justice Center.

“The justice department is very interested in developing the idea” of focusing on lower-level offending, according to Elish Angiolini, solicitor general, who toured community courts in New

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York. "When I wandered around Red Hook I saw no vandalism. It is a place which has demonstrably pulled itself up by the socks."

*Smarter Justice, Safer Communities* invokes many community court principles, including greater speed and visibility, a focus on outcomes (like reductions in re-offending), a collaborative effort across agencies, more emphasis on community engagement, and a need for offenders to repair the damage caused by their criminal behavior.

"It is only through effective engagement with communities that we can develop a system which will tackle offending effectively and promote public confidence," Jamieson wrote in the foreword to *Smarter Justice, Safer Communities*.

She also wrote that "we need to ensure that communities are safe whilst making a difference to the offender." The notion of "making a difference to the offender" is consistent with a Scottish willingness to, as *The Herald* put it in a favorable editorial, "understand the social causes of criminal behavior." In that vein, models like the Red Hook Community Justice Center "where adult offenders are given education, drug programmes, and reparation orders rather than prison sentences would appear to echo the sentiment that it is necessary to look at the whole person and the nature of his or her problem if one is to prevent repeat offending."

The reforms being promoted in Scotland stress accountability. They are powered by the belief that by dealing effectively with lesser crimes, the justice system can prevent more serious crimes. "If a case against an offender is processed speedily and effectively when first prosecuted, he or she will be given a clear signal that crime does not pay," according to the report. As with community courts in the United States, the reforms proposed for the Scottish system emphasize outcomes over process. "Every change we make to our system ought to be judged by a simple benchmark: will this contribute to a reduction in re-offending and make our communities safer, better places to live?"

The Ministry of Justice report, in the spirit of community justice, encourages local innovation and adaptation by announcing that "there is no single right approach to this, nor would we wish to impose one." This echoes Solicitor General Angiolini's avowal that although the government might find inspiration in American models, "We need Scottish solutions for Scottish problems."

"The reason the minister keeps repeating things like speedy, appropriate, visible, community-related justice is because she wants it reflected in all aspects of the system," Ballintyne said. "That might indeed mean creating more drug courts, youth courts or even community courts in some instances; but in others, it might mean something less separate and specialized. ... We're less interested in the physical aspect of a community court than we are in trying to get the principles imbedded across the system."

Ballintyne said the country's small population—about five million people—makes it easier to implement sweeping reforms.

"It doesn't mean it's easy to generate consensus, but it means it's possible," he said.

The proposed package of reforms to the summary justice system must go through several steps before it becomes law. Ballintyne anticipates that new legislation will be in place no sooner than September 2006.

## SWEDEN: COMMUNITY PROSECUTION ON A NATIONAL SCALE

Sweden is held up in some circles as an exemplary nation for its universally-accessible health care and its educational system that places its students near the top of international rankings. But Sweden is not Eden. It has its own set of troubles, including crime.

When it comes to crime, one aspect of the story is a familiar one. While officials in the criminal justice system focused their energies on serious offending, the public was becoming increasingly frustrated with petty offending.

Problems like graffiti and theft, while they didn't make headlines, seemed in some neighborhoods to touch almost everyone, said Maud Pihlqvist, director of training for the Swedish Prosecutor General's Office. "In Stockholm, which has about one million inhabitants, the problem is that thieves are getting into apartments, attics, cellars, stealing and doing damage. They're not professionals, just low-life creatures who have nothing better to do, want money for drugs, and they're never caught even though they are multi-offenders."

Pihlqvist said her neighbor's attic had been broken into at least 10 times in a year. "That makes her really angry. She doesn't care about crime in the news, like cyber crimes, but when her house is full of graffiti, she's really annoyed and wants to strangle the one who did it. Graffiti and littering and breaking and entering really irritate people."

Pihlqvist traces Sweden's interest in problem-solving to the early 1990s when the deputy chief of the National Police Board, Klas Bergenstrand, saw community policing in action during a visit to the United States. Bergenstrand tried to introduce community policing to Sweden but had trouble making headway in a force that now numbers about 18,000. Later, when he was appointed prosecutor general, Bergenstrand tried again to introduce problem-solving and had an easier time. This was partly due to the fact that Sweden has only about 750 prosecutors in the entire country. "They [the police] have a large ship and that means it takes years to stop them and turn them around, and we [the prosecutors] have a small vessel," Pihlqvist said.



To launch a community prosecution program, Bergenstrand in November 2002 tapped 20 senior prosecutors to serve as community prosecutors in cities around the country. As an incentive, he gave them a significant raise. Their training included attending a community prosecution conference in Washington D.C. in April 2003. Prosecutor General Bergenstrand also sponsored conferences in Sweden at which the community prosecutors brainstormed solutions to local problems.

In 2005, the prosecutor general assigned another 15 lawyers to be community prosecutors.

Prosecutors in Sweden wield a great deal of power. They are not elected but instead are appointed by the government to life terms. This means that prosecutors are less subject to politics and changing administrations.

As in the United States, problems are local and no two jurisdictions are exactly alike. "The community prosecutors have great freedom to try and solve things their own ways," Pihlqvist said.

Swedish community prosecutors have been adopting strategies that will probably sound familiar to their American peers. For instance, many prosecutors have focused on repeat offenders—tracking them down, building solid cases that demonstrate a pattern of offending, and seeking the maximum sentence. "In one of our smallest cities, they have a top-10 list. The next time someone on the list is arrested, they keep him inside until the trial and while he's locked up, they try to get all pending investigations together and keep him out of circulation for quite some time," Pihlqvist said.

In Örebro, community prosecutor Dag Svärd meets every five or six weeks with representatives from the police, social welfare and correctional system to discuss repeat offenders. "We discuss quite informally what we together can accomplish and what measures should be taken regarding the active criminals in the area," he wrote in response to an informal survey distributed to Sweden's community prosecutors for this article.

The prosecutors' relationships with the courts have also begun to change. Since plea bargaining is not an option, the system is often clogged with minor cases, which frequently go to trial. It can take a year or two to resolve a case, and that lengthy delay often weakens cases and takes the bite out of the system's efforts to show that crime doesn't pay. In an effort to speed things up, prosecutors are also experimenting with scheduling cases differently. For instance, prosecutors in some instances have taken over the responsibility of scheduling some judges' calendars on trial days. Because the prosecutors are

more familiar with the cases than the judges, the prosecutors can organize things more efficiently—for instance, if they know a witness might be hard to locate, they can schedule a case for the afternoon and send an investigator to track down the witness in the morning. "Instead of six cases judges can handle 12 or 15 because the prosecutors know exactly how long it will take; there will be no waiting or empty spaces," Pihlqvist said.

Community prosecutors in Sweden have encountered obstacles that are similar to ones found in the U.S. A popular complaint among community prosecutors is that some of their fellow prosecutors look at them, as Svärd said, with "suspicion" or "distrust." In addition, prosecutors have a considerable amount of traditional case processing responsibilities that require their attention. "There is, you see, a lot of ordinary prosecutor work to be done," according to Svärd. Added Annika Kullander, who started working as a community prosecutor in the city of Linköping in April 2005: "It is hard to find a balance

between the tasks of a community prosecutor and an 'ordinary' prosecutor. . . . The daily work and amount of matters to handle. . . . at the moment makes it hard to take time to work with community prosecution in the way it should be done."

Prosecutors have also had some difficulty coordinating their efforts with police. "In 2002, when we started this, we thought we all had a common goal: to make the citizens satisfied with police and prosecutors," Pihlqvist said. But prosecutors felt that some

police chiefs weren't interested in adopting new strategies.

However, the recent appointment of a new chief of police bodes well. He is interested in using new strategies to tackle old problems, like applying to graffiti the same kind of intelligence and analysis police have used for more complex crimes, Pihlqvist said. Prosecutors, too, have joined in this effort, which has involved in some instances building a library of graffiti tags and sketches confiscated from offenders' homes and analyzing paint samples to determine exactly the color, manufacturer and perhaps even store that sold it. "They're trying to focus on it like *CSI*, how to find technical evidence." Pihlqvist said, referring to the American television show.

As in America, community prosecutors say police-prosecutor cooperation is essential for successful problem-solving. In Borås, a city of about 100,000 people, community prosecutor Daniel Edsbacke meets once a month with police chiefs in his district "to discuss current problems and how to attack and address this criminality."

Notes Kullander: "Communication between especially the police and prosecutors is essential. If I do not show them that I

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think their work is important even when it is about crimes which are not so serious... this kind of police work will not get the status it should have."

## THE NETHERLANDS: BRINGING JUSTICE TOGETHER UNDER ONE ROOF

Much as the Department of Justice did with community courts and community prosecution in the U.S., the Dutch Ministry of Justice has used federal grants to launch 27 neighborhood-based justice initiatives that combine elements of both American-style community prosecution and community courts.



The initiatives go by the name *Justitie in de buurt* (*Jib*) which translates as Justice in the Community.

A classic *Jib* office physically embodies the values of community justice—partnership, problem solving, visibility, improved public confidence in justice—by bringing together a range of justice partners under the supervision of the local public prosecutor.

The model was introduced in 1995 as part of a national initiative to address economic, social and security issues in large cities. A report (whose translated title is "Justice in the Community: A memorandum on a new judicial function") laid out the philosophy: justice agencies needed to focus on local problems, particularly in the most disadvantaged districts; they needed to focus on prevention; they needed to take quality-of-life offend-

ing seriously; and they needed a free hand to develop creative, problem-solving strategies appropriate to their district's needs.

The memorandum called upon cities—and later smaller towns—to choose a district "with substantial security problems," according to Jan Willem Boersma, national project manager of *Justitie in de buurt*, responding to questions via e-mail.

Each *Jib* has developed differently. Initially, partner agencies visited the *Jib* for consultations in individual cases or trainings. Over the last two years, however, many *Jibs* have evolved into a one-stop shop with representatives from the police, prosecutors, probation officers, truant officers, social workers, and other justice system employees stationed on site. Boersma described as unique "the physical cooperation in which the judicial organizations work together in one building, a kind of front office."

By sharing space, "these officers in the community... are more easily accessible to staff from other organizations, but also to members of the public," according to an official description of the project. "As a result of the short lines of communication these officers have a better understanding of the problems arising in the community and are consequently able to respond swiftly and effectively."

When it comes to juvenile crime, for instance, the *Jib* social workers assess each offender and develop a customized plan. Because both justice organizations and social service agencies are located together, they are better able to coordinate care and monitor compliance, Boersma said.

Some *Jib* offices also focus on chronic adult offenders, responding to their offending with a combination of punishment, compulsory drug treatment, job placement, housing assistance and other social services. Some *Jib* offices foster a coordinated response to domestic violence, combining punishment and help for offenders as appropriate. *Jib* offices have also developed

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coordinated responses to a range of other safety issues, including gangs and nuisance crimes.

The *Jib* concept is based on American and French models of community prosecution (what in France is known as *maisons de la justice*), according to Boersma and the official government web site describing the initiative, [http://www.ministerievanjustitie.nl/b\\_organ/jib/](http://www.ministerievanjustitie.nl/b_organ/jib/).

In 2003, the Ministry of Justice created what have been termed “new-style *Jibs*.” The new format gives jurisdictions more flexibility. While they can, for instance, continue to focus on a particular neighborhood, they can also focus on a specific issue (such as juvenile offending) over the entire jurisdiction (this alternative design has been dubbed a “project-oriented approach.”) They are also encouraged to partner with municipal agencies outside the justice system.

*Jibs* are supposed to deal with individual cases and set specific, measurable goals (like the percentage of juveniles sentenced to probation and the number of alternative sanctions imposed). The decision to start a *Jib* must be made in consultation with the mayor, chief public prosecutor, the chief of police and the Local Criminal Justice Board (made up of the heads of all the local justice organizations), Boersma wrote.



*Department of Justice, The Hague*

The kinds of problems that *Jibs* typically focus on include juvenile crime, adult repeat offenders and domestic violence. “The *Jib* office operates a case consultation in which every juvenile with a record has been considered and the judicial organizations and care organizations agree on the personal approach to these criminals. Appointments are made and monitored,” Boersma wrote.

One of the biggest challenges has been maintaining the *Jibs* after the Ministry of Justice withdraws funding. The Ministry of Justice initially provided four years of funding, and then additional support of up to three years for the new-style *Jibs*. But eventually, municipalities will be required to support their

*Jibs* themselves—either by maintaining a neighborhood office or adopting a project-oriented approach.

A 1999 evaluation by the Ministry of Justice Research and Documentation Center found that *Jibs* processed cases more quickly than traditional Public Prosecutors’ Offices. An evaluation in 2001-02 found that police, municipal authorities and other partners were satisfied with the program’s achievements, including greater visibility of the justice system in the community and improved cooperation among partner agencies. The evaluation also found that the “response to situations is more direct, faster, and more in line with the requirements of the specific situation,” according to the *Jib* web site.

## AUSTRALIA: LOCAL IDEAS MEET INTERNATIONAL MODELS

The development of a neighborhood justice center in Australia is the result of a union between a homegrown commitment to exploring alternatives to conventional justice and international influences.



The state of Victoria, of which Melbourne is the capital, has long been interested in diversion programs, reduced re-offending and neighborhood renewal.

“In the criminal justice system, we have a strong emphasis on diversion. We have a philosophical position that we’ll retain prison as an option of last resort. We have one of the lowest incarceration rates in the world, and we’re proud of it,” said Department of Justice Secretary Penny Armytage.

The Victoria court system has already established a drug court, multi-jurisdictional family violence courts and Koori courts (including a Koori court for children and young people), a type of problem-solving court that works with a native-Australian population.

For the Attorney-General Rob Hulls and other criminal justice leaders like Armytage, studying community courts in the U.S. and England and Wales was a logical next step. “The concept appealed to us because there was a compatibility between our ideals and what’s going on in New York and Liverpool,” Armytage said. “We already have a well-established belief that we’ll explore proportionate sentencing and diversion, particularly of young offenders, and look to make sure we use community-based dispositions, depending on the nature of the crime,” Armytage said.

Hulls and Armytage visited Brooklyn and were favorably impressed by the Red Hook project. “What attracted me and I think the attorney-general is that it has a court engaged with the local community, plus other dynamic programs like the youth court and education programs exploring the role of justice in society. We liked that. [The Red Hook Community Justice Center] is not

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just about sentencing offenders but using the court as part of the network of services in the community. That sat very well with us," Armytage said.

The new justice center, expected to open in early 2007, will be in Collingwood, a disadvantaged neighborhood dominated by high-density public housing near Melbourne's central business district. Collingwood is located within the City of Yarra, a municipality that includes four of the state's top 10 residential postal zones for offense rates. It also has a strong network of drug and alcohol treatment, community support and community health services, according to Member of Parliament Richard Wynne.

"People who are in the justice system who want to access rehabilitation and support will get a co-ordinated response," Wynne told the *Melbourne Yarra Leader*.

As a three-year pilot, the center will be subjected to rigorous evaluation to measure results. Such was the case with the early Koori courts and the pilot drug court, which had sunset provisions in their enabling legislation until an evaluation established their effectiveness.



Town Hall in Collingwood, Melbourne

The neighborhood justice center will be the first of its kind in Australia, merging various family, housing, guardianship, civil and criminal matters under one roof. The center will probably handle about 1,200 cases a year and will operate as a partnership between the court, local government, the departments of Justice and Human Services, local service providers, police, schools, local

businesses and community groups. Louise Glanville, the director of the neighborhood justice project said she also hopes the center will have "a strong mediation focus."

During the planning process, community members will be invited to participate in public forums, focus groups and one-on-one interviews. A backgrounder distributed by the government says that stakeholders will be asked "to identify the key issues that affect their community and how best to tackle those issues."

The Victoria government has established a web site, <http://www.justice.vic.gov.au/neighbourhoodjusticecentre>, to keep the public informed about the development of the center.

"At the moment, courts are seen to be reactive—a defender comes before the court and the court actually reacts to the cir-

cumstances," Attorney-General Rob Hulls told *The (Melbourne) Age*. "This will be far more proactive. The court will seek to address the underlying causes of offending through the use of a new screening, assessment and case-management mode."

The neighborhood justice center will take advantage of the wide range of alternative sentencing options already available within the more centralized Victorian courts. Among the main differences between the justice center and the conventional magistrate's courts will be its multi-jurisdictional focus, its case management capabilities, its local orientation and the role the presiding judicial officer will play in interacting with the community and monitoring defendants.

The justice center will try to streamline processes by resolving cases at their first appearance, rather than over multiple appearances as is currently the case in most courts. Like the Red Hook Community Justice Center, it will offer services on site.

In December 2005, Glanville and Ian Gray, Chief Magistrate of Victoria, traveled to England, the United States and Canada to observe community courts. One feature that impressed them was the "resource coordinator" in the courtroom at the Red Hook Community Justice Center. The resource coordinator provides on-the-spot information to the judge about everything from sanctions and services to offender compliance. "This is a chance to create some different roles, like a resource coordinator... That's one of the things that's great about it," Glanville said.

Armytage anticipates a number of challenges in implementation, among them working with police (who prosecute cases) to establish a fixed team of prosecutors assigned to the court and to get consistency in other center staff. Also, a scarcity of services in some areas may make it harder to get offenders into treatment as quickly as research suggests is most effective.

"Part of the success of the Koori court is due to the fact that offenders are coming before their elders, which often engenders a powerful commitment to following through on any undertaking. We're hoping that type of motivation will be the same [in the neighborhood justice center] because the center will offer more relevant supportive services, and there will be stronger community engagement," Armytage said.

## MANITOBA, CANADA: STRENGTHENING A DOWNTOWN BUSINESS DISTRICT

Officials in Manitoba recently launched what they say is Canada's first formal community prosecution program.

Before adopting the initiative, Manitoban Justice Minister Gord Mackintosh solicited advice from practitioners in the United States, including Hennepin County (Minnesota) Attorney Amy Klobuchar and experts at



the American Prosecutors Research Institute. He also attended a community prosecution conference in Atlanta, Georgia.

The program, funded through the Provincial Department of Justice, targets the downtown Winnipeg business area and a nearby university campus. The downtown has the city's highest rate of nuisance crimes and the campus has had chronic safety issues.

Mackintosh thinks the program can help solidify gains already achieved by other safety initiatives. "We've been making a lot of efforts to strengthen the downtown area and we certainly don't want those efforts to be undermined by the perception that it's an unsafe place to be."



*Downtown Skyline, Winnipeg*

Mackintosh tapped Crown Attorney Susan Helenchilde as the office's first community prosecutor. "Hopefully this will be a pilot project that sets the tone for a much larger unit," Helenchilde said.

There are already in place institutional voices—a downtown business association and university administration—with which Helenchilde plans to regularly communicate. In addition, she plans to create two "consultation groups"—one representing business, the other the university—to promote sharing of information.

Helenchilde anticipates the consultation groups will help educate the public about the criminal justice system and get feedback from the community about their public-safety priorities.

Helenchilde's other ideas include building stronger cases against repeat offenders and issuing a monthly court report describing the outcomes of cases relevant to the community.

She is looking forward to spending more time working with police to help them build stronger cases. "While our detectives and more senior officers are very knowledgeable about the law of evidence, the constables who are working patrols and beats have to focus on public safety, which means there isn't always the luxury of keeping up with the complex law of evidence. I want to be a resource for the police from very early on in the investigative stage," Helenchilde said.

Canadian prosecutors enjoy a degree of insulation from their elected leaders. Although they are accountable to their minister, day-to-day operations are supervised by professional administrators. "Canadian prosecutors are not typically concerned with

politics," Helenchilde said. "As such, we don't think in terms of 'winning' or 'losing.' In fact, it's generally considered in very poor taste for a crown attorney to even use the expression 'win.' We say 'secured a conviction.' Our goal is to prosecute vigorously but also to be fair and mindful of all perspectives. For example, conviction rates are not something that individual crown attorneys track and they are never used in performance assessments."

Minister of Justice Mackintosh saw community prosecution "as the glue that brought organizations to stick together on certain initiatives." He added: "I really liked the idea of a lawyer connected to prosecution who could act on a full-time, dedicated basis looking for preventative and creative prosecutorial solutions."

## **BRITISH COLUMBIA, CANADA: A TASK FORCE CALLS FOR A COMMUNITY COURT**

Among major Canadian cities, Vancouver has the highest rate of property crime and second highest overall crime rate (after Winnipeg).

These numbers are reinforced by a focus group report describing the views of members of a downtown business association:

The concern is not about any one type of offence but all, including nuisance offences or behaviour such as trespassing, begging or physical intimidation. Open drug dealing at all hours is common. Break and enters are up, both residential and business... Sometimes it is the perception of street crime alone that has kept people away from the business. This is re-enforced by the number of homeless people & beggars on the streets.

The focus group report from which the above was excerpted was commissioned by a sub-committee of British Columbia's Justice Review Task Force, a group formed "to identify potential reforms that would help make the justice system more responsive, accessible and cost-effective." The sub-committee, officially known as the Street Crime Working Group, was made up of representatives from the criminal justice system, all three levels of government (local, provincial and federal) and social service agencies.

Of all the working group's many recommendations, the one that most captured the attention of the media and the public was the call to create Canada's first community court. The working group envisions a freestanding community court serving downtown Vancouver that would strive to provide immediate, on-site assistance to divert offenders "whenever consistent with public safety... to effective treatment or rehabilitation resources." Like the Midtown Community Court, the Vancouver Community Court would provide "punitive and rehabilitative responses."

The working group further emphasized that the permanently-assigned community court judge and staff should have access to better information, via enhanced technology, to improve the court

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system's monitoring capacity and decision-making abilities. An assessment team would make recommendations to the judge regarding treatment and sanctions.

"We simply cannot keep doing business the way we have been," British Columbian Attorney-General Wally Oppal said.

Hugh Stansfield, recently appointed chief judge of the British Columbia Provincial Court, brought the idea of community court to Vancouver after a visit to New York. "I went there in 2000 and was fascinated by what I saw because it is really... a very different approach to crime, to so-called minor crime," Stansfield said. One of the things that most struck him about New York's community courts was that they deal "only with persons who are prepared, in effect, to leapfrog over the whole issue of adjudicating guilt or innocence. They're prepared to acknowledge that they did whatever it is they're alleged to have done and to move on to a constructive discussion about what to do about it."



*Downtown Vancouver*

Stansfield described what he'd seen to fellow members of the Justice Review Task Force, and the community court concept became a focal point of investigation when the Street Crime Working Group was formed in March 2004.

The first thing the working group did was to hold a public forum to introduce the concept of a community court and get a sense of public attitudes about crime and safety. "Our mandate was street crime," said Elisabeth Burgess, chair of the Street Crime Working Group and executive director of the Criminal Justice Reform Office at the Ministry of the Attorney General. "Right at the start we had to respond to what we heard at the forum and change our mandate to include disorderly conduct, which wasn't crime as we'd technically defined it. There was a whole range of conduct that fell off the bottom of the scale, but which was bothering the public."

The working group held a second public forum and, with assistance from the Center for Court Innovation, consulted extensively with representatives of the justice system, business, community groups and social service agencies. Its research included a review of approaches undertaken in other jurisdictions. Two working group members visited the Midtown Community Court and Red Hook Community Justice Center.

The working group made a host of recommendations including giving the public a greater say in establishing the criminal justice system's priorities through a "Community Justice Advisory Board" that would "consult regularly with the Judge and staff of the Community Court." The group also called for the creation of an "Urgent Response Centre" to provide wrap-around services to offenders.

Support for the community court concept appears to be strong, Burgess said. The idea also has the support of, among others, British Columbia's premier, attorney-general, chief justice of the British Columbia supreme court and Stansfield, the provincial court chief judge.

Some of the report's recommendations have begun to fall into place. The Vancouver Coastal Health Authority, for example, has already arranged funding to put together its urgent response center, and plans for a center with wrap-around services geared specifically for youth are already under way.

As for the community court, there are still some obstacles to overcome. One is funding, which the provincial government still needs to approve. The other challenge is building support of key system players, including prosecutors and judges, Burgess said. In a reality experienced again and again by advocates of community justice around the world, Burgess noted that in times of fiscal restraint, some in the criminal justice system are "resistant to change."

If plans move ahead, however, working group members hope to see the community court open by January 2007. "I'm hopeful [of government approval]," Oppal said. "I'm optimistic. I'll be pushing for it."

## CONCLUSION

Community courts have come a long way since the opening of the Midtown Community Court in 1993. As jurisdictions around the United States built their own community courts, they tweaked and adapted the model. The Red Hook and Harlem Community Justice Centers, unlike their Midtown antecedent, are multi-jurisdictional, for example. The East of the River Community Court in Washington D.C. isn't a separate courthouse, but a courtroom within the traditional centralized courthouse. Austin Community Court uses off-site social services rather than offering a hub of services within the courthouse. Hartford Community Court doesn't focus on a single neighborhood, but has jurisdiction over the entire city. Bronx Community Solutions

seeks to work with dozens of judges rather than a single judge in a specialized courtroom.

These variations demonstrate that the original community court principles forged on 54th Street in Manhattan can be adapted to meet the needs of jurisdictions that vary widely in politics, resources, community attitudes and overall criminal justice landscape.

The same can be said of community prosecution, which has found varied application around the country since its early development in cities like Portland, Denver, Indianapolis, Austin and Brooklyn.

The international scene only further underscores the broad appeal and adaptability of community justice. From South Africa to Australia, from England to Canada (with plenty of stops in between), the idea that criminal justice agencies should take minor crime seriously, rethink business as usual and actively engage communities is gaining currency. International approaches are adding to the world's collective knowledge about community justice, demonstrating the strategy's usefulness in regions as varied as rural Africa and inner-city Liverpool.

Ideally, best practices developed in one region will be shared internationally, so that jurisdictions can gain the maximum benefit from the world's collective experience. As interest in community justice grows, practitioners will hopefully continue to find new ways to share their knowledge, promoting not only the exchange of information but also the values—of public participation in government, equal access to justice, and collaborative problem-solving—that have made community justice attractive to both presidents and ordinary citizens alike. 🌍

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