

Community justice: An international overview

By Robert V. Wolf

Around the world, many criminal justice practitioners are grappling with some of the same problems: increases in low-level crime; frustration with repeat offenders; overwhelmed police, courts, and prisons; dissatisfaction with an overreliance on incarceration; and eroding public confidence in justice.

Faced with these problems, many jurisdictions are testing new solutions. One of the approaches gaining traction is community justice—the idea that the justice system should be more aggressive in engaging communities and more reflective about its impacts on neighborhoods.

In the U.S., community justice, which started in the 1980s with community policing, has grown from a handful of isolated experiments to a significant movement. The U.S. government has supported the development not only of community policing, but community courts, community prosecution, and an array of community-based corrections initiatives. Today there are over three dozen community courts in operation or planning across the country, and the American Prosecutors Research Institute says that nearly 49 percent of prosecutors' offices practice community prosecution in some form.

Community justice projects in the U.S.—for example, the Red Hook Community Justice Center and Midtown Community Court in New York City, community prosecution initiatives in Portland, Dallas, and Indianapolis, and community policing projects in both large and small cities—have inspired dozens of replications in places as geographically varied as Canada, Great Britain, South Africa, Australia, and New Zealand.

What follows is a look at the underlying principles of community justice—and how countries around



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Jack Straw, the United Kingdom's justice secretary and lord chancellor, sits on the bench with Judge Alex Calabrese, during a February 2008 visit to Red Hook Community Justice Center in Brooklyn, New York.

the world are turning these principles into concrete programs to reform local justice systems.

Engaging the community

Typically, community justice programs seek to actively engage community stakeholders—local residents, businesses, religious institutions, and others—during both planning and operations. 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 a role in “doing justice.” Community courts and community prosecution programs have also strengthened links to their communities by moving from imposing centralized headquarters to smaller-scale neighborhood locations.

In Liverpool, England, policymakers strengthened community links by giving local residents a formal role in the selection of the presiding judge

of the North Liverpool Community Justice Centre. British Columbia underwent an extensive period of public comment before formulating its community court, which is slated to open later this year in Vancouver. Mock trials in Pretoria, South Africa, give the public a better understanding of how courts work. The community court in Plymouth, England, invites community members to suggest community service (or “unpaid work”) projects; to make this easier, the court maintains lists at community centers to which ordinary citizens can add their suggestions. And the Collingwood Neighbourhood Justice Centre in Melbourne, Australia, has relied heavily on community input to establish the initiative's goals and even determine the décor, which includes glass doors at the entrance that have been digitally impressed, at the suggestion of community members, with the images of banksia, an iconic Australian plant. Community members are also responsible for overseeing rotating art exhibits.

Punishment and help

Beyond a commitment to engaging the community, community justice initiatives the world over tend to emphasize alternatives to incarceration, like requiring low-risk offenders to participate in community improvement projects. In Plymouth, England, where citizens are invited to propose cleanup sites, projects have included everything from fixing park fences and repainting schools to helping elderly or disabled residents clean their gardens or repair their homes.

Community restitution, however, is only part of the story. Community justice initiatives also seek to “address the underlying root causes of why crime is being committed,” says Rob Hulls, the attorney general in the Australian province of Victoria. With that in mind, community justice programs seek to link non-violent offenders to rehabilitative services, such as drug treatment, job training, and debt counseling, seeing the arrest as a moment of crisis when, research has shown, chronic offenders are more amenable to receiving help and turning their lives around.

The community prosecution program in Winnipeg, Canada, for example, takes a rehabilitative approach to both “Johns” and prostitutes. Crown Attorney Susan Helenchilde actively participates in two diversion programs: a John School for clients and Prostitution Diversion Camp for sex trade workers. “The goal is to get Johns educated on the perils of consumer sex and to get sex trade workers to reconsider their lifestyle and make some new choices,” Helenchilde said.

The North Liverpool Community Justice Centre 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 defendants have immediate access to the help they need.

Similarly, the Collingwood Neighbourhood Justice Centre in Mel-

bourne provides access to a wide range of services, many available on site, including drug, mental health, and financial counseling, and also help obtaining housing and employment. Services are also available to crime victims as well as community members at large. “These services mean that not only can many community justice issues be identified and acted upon before they reach the courts, but once in court, the underlying causes of crime and the needs of victims and defendants can be addressed,” according to Hulls. Department of Justice Secretary Penny Armitage says it “is not just about sentencing offenders but using the court as part of the network of services in the community. That sat very well with us.”

Quality-of-life crime

Building on the “broken windows” theory, many community justice programs, like the projects in Liverpool and Collingwood, focus on low-level offending (called variously in English-speaking jurisdictions “quality-of-life offending,” “lifestyle crime,” “street crime” or “anti-social behavior”) such as vandalism, prostitution, disorderly behavior, and petty drug offending. The North Liverpool initiative, for example, recognizes that petty crime, although traditionally a low priority within the justice system, is a high priority among community stakeholders. The attorney general of England and Wales, Baroness Patricia Scotland, said that “these sorts of anti-social crimes really impinge on the way people feel about their place.”

Even community courts in South Africa, which has been plagued by high rates of violent crime, take quality-of-life crime seriously. For instance, the Hatfield Community Court in the City of Tshwane (a municipality that includes the nation’s administrative capital, Pretoria) addresses problems like drug and alcohol offenses, violations of municipal bylaws, and shoplifting. Advocate Johnny de Lange, who serves as deputy minister for justice and constitutional development, said

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

Solving problems

Community justice programs don’t merely resolve cases—they seek to solve community problems. The Collingwood Neighbourhood Justice Centre is the first in Australia to merge family, housing, guardianship, civil, and criminal matters before a single judge, Magistrate David Fanning. Advocates say such a multi-jurisdictional structure allows the judge to address the big picture, especially when members of the same family are involved in multiple cases at once. Fanning says the design encourages “consistency in regard to sentencing and the administration of justice.”

A recent evaluation of South Africa’s nationwide community prosecution initiative offered numerous examples of problem solving, in which prosecutors partnered with police and others to develop creative solutions to discrete public safety problems. According to the evaluation, prosecutors helped eliminate a carjacking hotspot by working with local government to install better street lighting; in another community, prosecutors partnered with police to stop vigilantism, which had plagued the community. Inspired by such positive outcomes, the National Prosecuting Authority’s Acting Deputy National Director Sibongile Mzinyathi said community prosecution, which was already being deployed in pilot experiments in each of the country’s nine provinces, will be rolled out in even more sites over the next two years.

Swedish community prosecutors have, among other problem-solving strategies, 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,” said Maud Pihlqvist, the former national director of training for prosecutors in Sweden.

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, it can traditionally take six months or longer to resolve a case, but in the Hatfield Community Court the turnaround is “almost immediate,” said Martin Schönteich, senior legal officer with the Open Society Justice Initiative. 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, formerly of the Open Society Foundation for South Africa.

One key to speeding outcomes is better information. By using new technology or bringing informed partners to the table on a regular basis, justice practitioners can obtain the information they need to make smart decisions more quickly. The Plymouth Community Court holds “problem-solving meetings,” at which a police officer, probation officer and community representative review detailed case information (including the offender’s rap sheet, data about community conditions, and evidence in the current case, including witness testimony); the team then conducts an “offense analysis” by quizzing the offender about the crime and his or her motivations. They also ask about housing, employment, family, and upbringing. “We emphasize to them that we’re here to help them,” said Probation Officer Caroline Jackson. With such detailed information in hand, the team makes a speedy sentencing recommendation (usually on the first day the offender appears in court).

The North Liverpool Community Justice Centre also has an interagency problem-solving team. The team—which includes lawyers, pro-

bation officers, and social service specialists (drawn from fields including mental health, drug treatment, and debt counseling)—advises Judge David Fletcher 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 probation would need seven hours to complete a lengthy report,” Judge Fletcher said. Access to knowledgeable support staff also speeds things up. For example, a medical assessment for drug treatment can typically take up to three weeks, but in Judge Fletcher’s courtroom, staff can make an immediate referral to a nearby treatment center.

Obstacles and catalysts

Just as many of the ideas animating community justice 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.

Jurisdictions outside the United States, of course, also bring to the table different priorities, customs, and legal systems. These can be strengths. In South Africa, for example, oversight of criminal justice policy is centralized at the highest level of government, making it easier to implement sweeping new initiatives. In fact, it was the president of South Africa himself, Thabo Mbeki, who called during his state of the nation address in 2004 for the establishment of two community courts in each of the country’s nine provinces. With the president and national government firmly supporting the model, South Africa, a country of over 44 million, went from establishing its first

community court in April 2004 to having 17 by the spring of 2008.

While improving public confidence in justice is a goal of community justice programs in America and elsewhere, it takes on particular urgency in South Africa, which has undergone dramatic changes in governance since the end of apartheid in the 1990s. “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.

Community justice in England and Wales has also enjoyed support at the highest levels of government. The Liverpool project was originally launched at the behest of leaders in Tony Blair’s cabinet, several of whom were influenced by visits to the Red Hook Community Justice Center and Midtown Community Court in New York City. Following the success of the Liverpool project, which opened in 2004, the British government launched an initiative in Eccles, a village in the city of Salford, guided by similar principles. The project does 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. The success of that project, in turn, has led the government to launch replications in 11 sites around England and Wales, an effort that enjoys the strong support of current Prime Minister Gordon Brown. Crucially, the local sites have been encouraged to customize their initiatives according to neighborhood needs and resources.

Gaining currency

The idea that criminal justice agencies should take minor crime seri-

Resources

International overview

A survey of community court and community prosecution programs around the world. *Crime & Justice International*, July/August 2006, Vol. 22, No. 93. http://www.courtinnovation.org/_uploads/documents/C&J%20International.pdf

Community courts

There are currently more than 50 community courts open in the U.S. and internationally. By the end of 2008, that number is expected to grow to as many as 79. Given this context of a burgeoning international community court movement, coupled with pressing questions about how to adapt the model to diverse settings, the Open Society Foundation for South Africa commissioned the Center for Court Innovation to conduct a systematic survey of community courts outside South Africa. http://www.osf.org.za/File_Uploads/docs/community_court_world_text_web.pdf

The Red Hook Community Justice Center has served as a model for the North Liverpool Community Justice Centre in England. *Judicature*, Vol. 87, No.5 (March-April 2004). http://www.courtinnovation.org/_uploads/documents/straightoutofredhook.pdf

Australia

Australia's first community court, in the Collingwood neighborhood of Melbourne, opened in 2007. <http://www.justice.vic.gov.au/CA2569020010922A/page/Courts+and+Tribunals-Neighbourhood+Justice+Centre?OpenDocument>

Canada

Canada's first community court project is slated to open in Vancouver in summer 2008. <http://www.ag.gov.bc.ca/community-court>

England and Wales

The United Kingdom's first community justice projects—in Liverpool and Salford—have been up and running since 2005. Additional projects have recently been developed in 11 additional areas. <http://www.communityjustice.gov.uk/index.htm>

An op-ed in *The Guardian* in February 2008 by Minister of Justice Jack Straw after a visit to the Red Hook Community Justice Center in Brooklyn, New York, endorses the idea of community justice. http://commentisfree.guardian.co.uk/jack_straw/2008/02/seeing_justice_being_done.html

A podcast documents Minister of Justice Jack Straw's visit to the Red Hook Community Justice Center. http://www.courtinnovation.org/Podcasts/Jack_Straw.mp3

Ireland

A report by Ireland's National Crime Council examines the positive impact community courts could have if they were introduced to the Irish Criminal Justice system. http://www.gov.ie/crimecouncil/downloads/NCC_Problem_Solving_Justice.pdf

Scotland

The Scottish Minister for Justice in 2007 announced a community court for Glasgow; the new government is interested in the project and is currently negotiating how to share costs with the City of Glasgow. <http://www.scotland.gov.uk/News/Releases/2007/03/26101403>

South Africa

In 2004, South Africa's President Thabo Mbeki pledged to open two community courts in each of the country's nine provinces. So far, 17 are in operation. <http://www.info.gov.za/speeches/2004/04121010151002.htm>

ously, rethink business as usual, and actively engage communities is gaining currency around the world. New programs are opening all the time (for instance, major community court projects are slated to open in 2008 in San Francisco and Vancouver, and governments in Ghana, the United Arab Emirates, and China have begun to explore community justice as an option), demonstrating the strategy's viability in regions as varied as midtown Manhattan, 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—there is even talk of a first-ever international community justice conference. As interest in community justice grows, it is crucial that practitioners around the globe 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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