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## **Victoria's Neighbourhood Justice Centre** **Current Initiatives Paper 1, August 2009**

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Community justice centres challenge traditional methods of the criminal justice system. Rather than focusing on responding to crime after it has occurred, they seek to develop new relationships, both within the justice system and with stakeholders from the wider community, and to trial new and innovative approaches to community safety (Center for Court Innovation (a)).

### **Introduction**

Community Justice Centres are neighbourhood-focused centres that seek to enhance community participation in the justice system, address local problems, and enhance the quality of local community life. The development of community justice centres has gained momentum around the world in the past decade, with numerous centres in operation or in planning in countries including the United States (US), the United Kingdom (UK), Canada and South Africa. Centres often vary in their model and focus but generally share a motivation to address crime and safety concerns locally, by developing effective relationships and links with the local community.

Community justice centres challenge traditional methods of the criminal justice system. Rather than focusing on responding to crime after it has occurred, they seek to develop new relationships, both within the justice system and with stakeholders from the wider community, and to trial new and innovative approaches to community safety (Center for Court Innovation (a)).

A feature common to the various kinds of centres around the world is that they seek to respond in

innovative ways to issues that may be otherwise considered negligible in the traditional criminal justice system.

Experience with community justice centres suggests that they can have a significant effect on the quality of local community life (Berman 1998). Indigenous communities, being particularly conscious of a community sense of justice, may find the approaches used in community justice centres particularly appropriate. In the context of a growing array of approaches to Indigenous justice (including Indigenous courts) in Australia, community justice centres would seem to have considerable potential for improving the life of Indigenous communities.

This paper provides the global context for the establishment of the Victorian Neighbourhood Justice Centre (NJC) and details its rationale, operation, and results.

### **Community Courts and justice**

The development of community courts in the US can be traced to the development in the 1960s and 1970s of a centralised model to

have minor cases heard en masse by small numbers of centralised courts (Berman 1998). But it was not until the late 1980s when the first problem-solving court opened in Miami (US) that approaches to issues of crime and safety began to change in the US (Berman & Feinblatt 2003). Beginning with the Drug Treatment Court in Miami in 1989, the US experiment has significantly expanded to now include some 2,558 problem-solving courts, in all 50 states in the US, with more in the planning phase (Huddleston, Freeman-Wilson & Boone 2005). The development and expansion of problem-solving courts throughout the US stimulated new approaches to the criminal justice system, including the establishment of community justice centres (Berman & Feinblatt 2003).

Building on these experiences, the Midtown Community Court was established in 1993. Dealing with quality-of-life offences, such as prostitution, illegal vending, graffiti, shoplifting, fare evasion and vandalism, the court works in close partnership with local residents, businesses and social service agencies and provides on-site support, including drug

## Key concept: Community justice

The Midtown Community Court, the Red Hook Community Justice Centre, and other centres around the world have sought to incorporate the principles of community justice. Community justice, according to Karp and Clear (2000), can be conceptualised as a strategic vision in which the justice system seeks to involve the community in its various activities concerning crime prevention and justice and enhance the quality of community life. The concept of community justice is essentially a shift in focus from individual incidents of crime, the focus of the traditional criminal justice system's approach, to the broader effect and consequences of crime and safety and to means of addressing them locally (Karp and Clear 2000; Feinblatt and Berman 1997).

Karp and Clear (2000) suggest that community justice can be distinguished from the traditional criminal justice approach through its five core characteristics:

- it operates at a neighbourhood level
- it is problem-solving
- it decentralises authority and accountability
- it prioritises a community's quality of life, and
- it involves citizens in the justice process.

Each of the above elements works towards a justice system that is relevant, representative, and directly beneficial to the local community.

treatment, counselling for mental health, and employment assistance (Center for Court Innovation (b)).

In 2000, the Red Hook Community Justice Center was established. Seeking to extend the concept of locally relevant justice, it was the US's first multi-jurisdictional community court, addressing neighbourhood problems such as drugs, crime, domestic violence and landlord-tenant disputes (Center for Court Innovation (c)). The court features a single judge who hears neighbourhood cases that under ordinary circumstances would go

to three different courts—civil, family and criminal. The goal is to offer a coordinated approach to the local community's concerns (Center for Court Innovation 2008(c)). The experiences of the Midtown and Red Hook courts have significantly contributed to the development of numerous community justice centres throughout the US and internationally, including:

- The UK currently has 13 community justice centres.
- South Africa currently has 17 community justice centres.
- Canada opened its first community justice centre in September 2008, in Vancouver.
- Scotland is due to open its first community court in 2009, in Glasgow.

## Evaluating the effects of community justice centres

Numerous centres have been, or are being, evaluated (including the Neighbourhood Justice Centre in Victoria) and researched. The majority share similar goals and philosophies. As they vary greatly in the types of cases they hear and in their programmatic focus, so the methodologies adopted to evaluate them vary also (Kralstein 2005).

Evaluation of the Midtown Community Court suggested that it had contributed significantly to improvements in the quality of life in the local and surrounding areas, by reducing crime and increasing community confidence in the courts (Sviridof, Rottman & Weidner 2005). The establishment of the Midtown Community Court has also seen the frequency of Community Based Orders (CBOs) double in the local area and compliance with the orders increase by more than 50 percent (Sviridof, Rottman & Weidner 2005).

Evaluation of the Red Hook Community Justice Center suggested that it too had contributed significantly to enhancing the quality of community life in the local area (Moore 2004). It found that there had been a 50 percent improvement in the national standard of compliance with CBOs, a contribution of more than 79,000 hours of community service to the local area, and a 300 percent increase in approval ratings of police, prosecutors, and judges (Frazer 2006).

Furthermore, a survey of 400 defendants showed that at Red Hook, 86 percent of participants agreed that their case was handled fairly by the court (compared with 75 percent at the centralised court) and that 90 percent of participants agreed that they had been treated as they had deserved in the court (compared with 75 percent at the centralised court) (Frazer 2006; Kralstein 2005).

## Victoria's NJC model

Victoria's response to the complex needs of individuals coming into contact with the justice system began in 1994, with the establishment of the Mental Health Liaison Service.

Australia's first problem-oriented court, the New South Wales Drug Court, was established in 1999, in direct response to the recognition of profuse drug use and drug-related criminal activity in NSW (Taplin 2002).

A range of programs and initiatives has developed since, to reduce the re-entry of offenders into the criminal justice system. In Victoria, they include the Criminal Justice Diversion Program, the Enforcement Review Program, the Court Referral & Evaluation for Drug Treatment Program (CREDIT), the Bail Support Program (BSP) and the Aboriginal Liaison Officer program. In 2002,

## **Key concept: Problem-oriented justice**

US-based court initiatives refer to “problem-solving” approaches. Australian approaches follow Freiberg’s (2005) suggestion that “problem-oriented” approaches reflect a less hubristic and more achievable aim. Problem-oriented courts and problem-oriented approaches to justice have gained a degree of acceptance as an alternative approach to the traditional criminal court model. Most problem-oriented courts are specialist courts (drug courts, family violence courts), although not all specialist courts are characterised by a problem-oriented approach (Freiberg 2005). The development of problem-oriented courts and approaches has been strongly linked with problem-oriented policing which seeks to identify and analyse problems (instead of merely responding to them) and search for and measure the effectiveness of alternative solutions to identified problems), restorative justice, and therapeutic jurisprudence.

The emphasis of a problem-oriented approach (rather than a problem-solving court) is to move away from locating problem-oriented justice purely in the courts. It conceptualises problem-oriented justice not solely as specialist courts operating outside of the mainstream court system but as attempting to apply the valuable ideas and practices of problem-oriented courts more broadly. As well, it reconsiders the ideas that underpin the mainstream approach of the courts and the wider justice system.

Victoria trialled its first problem-solving court, Dandenong’s Drug Court, and (later that year) the first Koori Court, which opened in Shepparton. Since then, other problem-solving courts and initiatives have been established in Victoria, including the Family Violence Court Division, the Court Integrated Services Program (CISP) and the Male Adolescents at Risk Program.

The Victorian Neighbourhood Justice Centre (NJC), which opened its doors in February 2007, is the first of its kind in Australia and is located in the inner urban municipality of the

City of Yarra. The NJC draws upon and extends the experiences of Victoria’s various specialist court divisions and approaches and the development of similar community justice centres in the US and the UK.

Some of the communities in the City of Yarra experience significant social disadvantage. The City of Yarra has one of the highest crime rates in Victoria, with four of its suburbs represented in the top ten postcodes as ranked by offence per 100,000 population. The Australian Bureau of Statistics has ranked Collingwood third in Victoria on a range of social disadvantage indicators.

The NJC is essentially a one-stop shop incorporating a multi-jurisdictional court and providing onsite services and support for victims, defendants, civil litigants and the local community. It is not necessary to be appearing before the court to access the range of services provided at the NJC.

The NJC offers on-site services such as the Client Services Team, legal aid, prosecution services, community corrections services, assessment, mediation, and victim referral and support services, as well as spaces for community meetings, an information hub, and child-friendly/quiet areas. The NJC also participates in local safety working groups, helps sponsor significant community activities, including the new mural for the North Yarra Community Health Centre, commissioning justice-themed art work from selected groups of young people, and involving members of the community in the development of the NJC website, podcasts, justice-based interviews conducted by young people; and contributes to the planning of community events.

The *Courts Legislation (Neighbourhood Justice Centre) Act 2006* determines the nature of

work undertaken by the Court. The NJC deals with criminal and civil matters. It does not hear committals, lengthy contested matters or matters involving serious sex offences. The criminal matters it hears are restricted to those in which the defendants live within the City of Yarra.

As visual arts are a particular focus of community engagement, the NJC building design includes art walls for the display of permanent and temporary artworks in the public area and meeting rooms. The NJC houses a rotating and diverse collection of community art works produced by schools, neighbourhood houses, welfare groups, and other community-based art organisations across the City of Yarra. The works include photographs, drawings, three-dimensional sculpture, multimedia, and film.

Whilst the NJC model has developed under various influences in Australia and internationally, some of the Victorian NJC’s strength are:

- therapeutic and restorative principles underpinning the NJC’s functions inside and outside the courtroom
- a balance of staff activity between the operations of the court and community development activities
- community involvement in planning, implementation, and governance
- participation in community projects and in partnerships with a range of community groups and agencies
- the court’s multiple jurisdictions, hearing both civil and criminal matters, and
- having one primary magistrate, who can implement judicial case management.

Partnering with the local community to encourage positive participation and ownership of the justice system, the NJC has set out to give the local community a

voice in developing and shaping the justice system. The multi-disciplinary teams and multi-jurisdictional court provide opportunities to quickly and effectively address various local crime and safety concerns in the one location. The NJC ultimately seeks to be innovative, flexible, and immediate in this work. Its overarching objectives are to:

- increase community safety by contributing to the reduction of crime in the City of Yarra, and
- increase offender accountability and reduce re-offending rates of participants.
- The NJC's strengths allow it many opportunities to explore alternative avenues for justice in the local community in keeping with these objectives. The NJC's more specific and immediate justice outcomes, through lower rates of breach of criminal court orders
- better community outcomes in the administration of justice in the City of Yarra, through greater confidence of participants (including victims, defendants, applicants, witnesses and the local community) in the justice system
- modernisation of courts through contributing to cultural and procedural change in the justice system, and
- better administration of justice for NJC court participants

## Meeting challenges

The NJC faces four major challenges. First, in making justice more responsive to victims and the larger community, the NJC magistrate must understand the impact of crime and the problems faced by those living in the neighbourhood. To this end, the court is located close to the hub of social and commercial activities in the city it serves, and NJC staff have established close relations with those in the area: attending public meetings, visiting estates, schools and community

centres, taking outreach services to parts of the City of Yarra, and encouraging local people to express their concerns and identify priorities. Local community members are also represented on the NJC's governance bodies. However local community surveys have shown that the local community does not have a clear understanding of the criminal justice system and the opportunities that exist at the NJC to influence it or participate in the NJC's work and thus further work is required in this area. Other possibilities include deliberative processes such as citizens' juries, which are yet to be trialled.

The second challenge, common to all courts, is to increase the legitimacy offenders perceive in verdicts and sentences, by:

- ensuring that the magistrate is seen to understand something of the background to, and effects of, the crime
- ensuring that the magistrate appreciates what is entailed by the sentence, and
- monitoring the offender's performance of the order.

It is hoped that greater legitimacy will result in greater compliance and less reoffending (Stone 2004).

The third challenge is to encourage a problem-oriented approach, drawing on local knowledge and fostering cooperation between local services and between many different agencies co-located at the NJC. Traditional difficulties, including issues to do with professional boundaries or territory, privacy and confidentiality, continue to be worked out. The proximity of all the different agencies, together with goodwill and trust-building, has encouraged frank solutions, focus on the NJC client, and minimal friction.

### **Key concept: Therapeutic jurisprudence**

Therapeutic jurisprudence, the study of the role of law as a therapeutic agent (Wexler & Winick 1996), uses the tools and insights of the social sciences to highlight the therapeutic and anti-therapeutic consequences of the law and legal actors and is a particularly useful tool in law reform (Winick 1997). It argues that those working within the system can, while upholding the fundamental values of the legal system, approach their roles with an eye for the therapeutic wellbeing of the people they deal with. It argues that the justice system should recognise the potential therapeutic and anti-therapeutic consequences of legal action to members of the community.

### **Key concept: Restorative justice**

While the term has diverse theoretical and historical roots, ultimately restorative justice seeks to involve all stakeholders in repairing harm caused by criminal behaviour and to prevent further offending (Johnstone & Van Ness 2007). More broadly, restorative justice seeks to change the way that societies view, understand, and respond to various forms of antisocial or criminal behaviour (Johnstone & Van Ness 2007).

In the past 30 years, restorative justice has been recognised as an effective alternative to traditional criminal justice processes, and there is significant evidence to suggest that restorative justice is effective in reducing crime and enhancing restoration (Braithwaite 2002). Indeed, it has been suggested that restorative justice benefits not only the victim and offender but also the wider community (Braithwaite 2002).

There is no single definition of restorative justice, but several key elements have been identified. Pranis (2007) suggests that restorative justice emphasises the importance and value of individual and community relationships and is concerned with social harms to the wider community.

Such goodwill and trust need constant sustaining and monitoring, so the NJC has implemented formal and informal social forums, as well as professional development activities.

A fourth challenge is the potential for the NJC to be seen as a soft option: one that will impose sentences that are too lenient. The *Sentencing Act 1991* requires magistrates to decide an appropriate sentence after taking into account factors such as deterrence, punishment, rehabilitation, protection of the community, and concerns of the victim. The principles that guide all criminal sentencing for adults in Victoria have not been amended in order to establish the NJC court, and the NJC court has available to it all the sentencing dispositions of other divisions of the Magistrates' Court and Children's Court, including a fine, a community based order, and imprisonment.

The NJC Court is also trialling an extension of deferred sentencing in Victoria. Deferral of sentencing allows a court, following a finding of guilt, to adjourn the matter for a period of six months if the defendant is less than 25 years of age, and to take into account, in sentencing, the defendant's behaviour during the deferral period. The NJC court is trialling the removal of the age restriction, giving older defendants the opportunity to participate in and demonstrate rehabilitation and other relevant indicators.

### Evaluation of the NJC, and future prospects

As part of the development of this new court model, the Victorian NJC is being independently evaluated over two and a half years to determine its effectiveness in meeting its stated goals and objectives and to explore the possibilities of further developments. Three evaluation reports are being written from 2007 to 2009.

The first, interim, report focuses on the establishment of the NJC, exploring how the NJC has translated the model's policy goals into practice. Given the short period it covers, its analysis of the NJC's workload data is limited.

One significant aspect of the NJC interim report is the establishment of an annual social survey of the local (City of Yarra) community. The survey is a key element of data collection for the overall NJC evaluation and will explore how locals' knowledge, perceptions, and experiences of the NJC change during the pilot period. The first survey was carried out in June 2007, with more than 400 local respondents. Preliminary data indicated that two-thirds of surveyed community members believed that crime is a moderate problem in the local (City of Yarra) area.

The most commonly noted crime problems in the survey were similar to those of Midtown and Red Hook: drug-related crimes and burglary (Kralstein 2005).

The evaluation of the NJC will be completed in late 2009. Preliminary results indicate some positive trends, which include:

- breach rates for family violence intervention orders appear to be lower at the NJC than the statewide average;
- the rate of successful completions for Community Corrections Orders appears to be higher at the NJC than the statewide average; and
- the proportion of guilty pleas at first hearing appears to be higher at the NJC than the statewide average thereby leading to greater court efficiencies.

The NJC is also providing a valuable community service, with 11, 000 requests for information made by February 2009.



Above: City of Yarra Koori community members with the Director and Magistrate of the NJC.

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