

COMMUNITY JUSTICE CENTRES: A US-UK EXCHANGE

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Abstract

This article seeks to provide some background information on community justice centres in the US and the pilot North Liverpool Community Justice Centre - the results of an international roundtable, convened by the Center for Court Innovation and the Office for Public Management, that took place in London towards the end of 2004. Along the way, this paper seeks to begin to answer the following three questions: (1) can justice be 'co-produced' by citizens and criminal justice officials?; (2) what does community justice mean to both American and British audiences; and (3) what are the implications of community justice for how we think about the relationship between government and citizens? The article shows that the concept of community justice has a diversity of meanings attached to it, but there are two common themes. First, there is an emphasis on problem solving approaches, underpinned by a commitment to focusing on wider community safety issues rather than the administrative concerns of simply processing cases through the criminal justice system. Secondly, community justice works to ensure citizens are fully engaged with the criminal justice system, in particular by identifying local priorities and creating solutions to local problems. The article is divided into three main sections. First, the notion of the Community Justice Centre is put into context by considering the Red Hook Community Justice Center in the United States. The second part examines the adaptation of American thinking and practice in North Liverpool, England. The third part reports on a day long event convening more than twenty academics, policy makers and practitioners from the US and UK in a discussion on the practical application of the principles of community justice.

Context

In the winter of 2004, the North Liverpool Community Justice Centre opened its doors in the heart of Liverpool, a port city with a reputation for poverty, crime and disorder. The Community Justice Centre, which is designed to bring the criminal justice system and local citizens together to solve public safety problems, is England's first community justice centre and the culmination of a two-year planning effort.

The British interest in community justice centres began in unlikely fashion with a trip to Red Hook, Brooklyn. In the fall of 2002, while visiting New York State Chief Judge Judith S. Kaye, and Britain's Lord Chief Justice, Woolf, was given a tour of the Red Hook Community Justice Center, one of New York's pioneering community courts.

Red Hook opened its doors for business in April 2000 and celebrated its fifth anniversary last month. Operating out of a refurbished Catholic school in an isolated Brooklyn neighborhood dominated by public housing, the Justice Center is a neighborhood-based court that seeks to solve local problems like drugs, crime, domestic violence and housing disputes. At Red Hook, a single judge hears cases arising within a discrete geographic catchment area. Under ordinary circumstances in New York, these cases would be brought to three separate, centralized courts (Civil, Family and Criminal). By contrast, the goal in Red Hook is to offer a coordinated, rather than piecemeal, approach to people's problems. Red Hook's judge - the Hon. Alex Calabrese - has an array of sanctions and services at his disposal, including community restitution projects, on-site job training, alternative education for high-school dropouts, drug treatment, mediation and mental health counseling - all rigorously monitored to ensure accountability and drive home notions of individual responsibility (Carter, 2004).

But Red Hook goes far beyond what happens in the courtroom. The courthouse is the hub for an array of unconventional programs that engage local residents in 'doing justice.' The idea here is to engage the community in aggressive crime prevention, solving local problems before they even come to court. These projects include:

- **Red Hook Public Safety Corps**, which each year puts fifty community residents to work escorting defendants to drug treatment, assisting domestic violence police officers at the local precincts, painting over graffiti and fixing broken locks and windows in Red Hook's public housing development.
- **Red Hook Youth Court**, in which local teenagers are trained to act as judge, jury and attorneys, hearing real-life cases involving other teens stopped by police for low-level offenses.
- **Mediation**, facilitated by trained community volunteers, enables neighborhood disputes to be resolved peacefully before they result in arrests, and provides the judge with an additional tool in his arsenal.
- **Operation Toolkit**, a community organizing project that convenes community residents, area merchants, local social service providers and government agencies to identify and resolve complicated community issues - such as illegal garbage dumping, a neglected park, unsafe public housing - that a judge alone cannot solve.
- **Operation TEACH**, an after-school program that aims to prevent HIV transmission and drug abuse among teens through peer education training and peer-led workshops.
- **On-site services**, including job counseling, health screening, adult education, mentoring, and child-care, free-of-charge to anyone who needs them.

The Red Hook experiment has achieved some notable results. Before the Justice Center began operations, a community survey found that 12 percent of Red Hook's residents approved of the performance of courts; since it opened, the Justice Center has received a 68 percent approval rating (Center for Court Innovation, 2001). Red Hook's presiding judge has mandated more than 1,000 defendants to long-term drug and alcohol treatment. Since the project began in April 2000, low-level offenders have contributed several hundred thousand dollars worth of labor to the community - cleaning local parks, painting over graffiti and sweeping the streets. Compliance rates with intermediate sanctions average 75 percent, a rate that compares favorably to traditional courts as well as other alternative sanction programs (Center for Court Innovation, 2004). Finally, for the first time in 35 years, Red Hook completed a calendar year without a homicide - in fact, the neighborhood is now well into its third consecutive year without a killing. While the Justice Center cannot claim sole responsibility for this - or for the economic development happening throughout the neighborhood - it has been an important piece of the puzzle in Red Hook's rebirth.

The Red Hook Community Justice Center made an impression on Lord Woolf. Lord Woolf's enthusiasm in turn sparked the interest of other British Government leaders. Over the course of the next year, New York City received visits from three British cabinet ministers involved in the administration of criminal justice - the Home Secretary, the Attorney General and the Lord Chancellor. Several members of parliament and numerous civil service officials have come to New York to witness community justice first-hand, as well.

The visit by Home Secretary David Blunkett in April 2003 marked an important turning point. As he recounted,

What I saw at [the Red Hook Community Justice Center] was about engaging the community in finding a way of resolving problems, dealing with the consequences, engaging the individual in changing their chaotic lifestyle... It was about the community coming together physically as well as intellectually, and practically, to help do something about it, and using volunteers (Blunkett, 2003: 4).

North Liverpool Community Justice Centre

On the heels of Blunkett's visit to Red Hook, three Government agencies - the Home Office, the Department for Constitutional Affairs (then known as the Lord Chancellor's Department), and the Crown Prosecution Service - formally announced their intention to study the feasibility of creating a model Community Justice Centre in England and Wales. A cross-agency planning team immediately began work on an extensive community consultation and engagement strategy. At the same time, government planners designed a process for weighing potential locations for the pilot project - criteria included levels of local crime, economic deprivation, and community cohesion.

The site of the first Justice Centre was officially announced in the winter of 2003 - seven coterminous neighborhoods in northern Liverpool marked by poverty, crime and disorder. The catchment area includes the UK's poorest area by post code and has a burglary rate nearly double the national average.

Shortly after North Liverpool was selected, a team of twenty local and central planners (and a community resident) traveled to New York to see community justice in action at New York's community courts. In October 2004, the government announced the appointment of David Fletcher, a former criminal defense solicitor, as presiding judge of the North Liverpool Justice Centre. Six weeks later, on December 9, 2004, the project officially opened for business.

Under Fletcher's leadership, the North Liverpool Community Justice Centre focuses on the quality-of-life problems prioritized by local residents during the planning process, including vandalism, car theft, and graffiti. As with the American model, North Liverpool's one judge presides over a multi-jurisdictional caseload and can sentence offenders to a range of community restitution projects and social services. The judge assumes an active role in compliance monitoring. To ensure swift and effective service delivery, many of the criminal justice agencies and social service providers are located in the Justice Centre building, including the police, the Crown Prosecution Service and the Probation Service. Services will not only be mandated; many will be available on a walk-in basis, as well.

Like its US counterparts, the North Liverpool Community Justice Centre seeks to re-engineer the relationship between justice agencies and citizens. Where possible, the planning team has sought to give the area's normally disenfranchised and alienated public a voice in shaping the program. For example, local residents participated in a tour of possible sites for the Justice Centre; in fact, a community resident actually found the site that ultimately was selected. Perhaps even more notable, the three-person panel that selected the judge included two community residents - something unheard of in the UK or the US. In addition, government planners have aggressively reached out to Liverpool residents, hosting community meetings, convening focus groups, and conducting surveys. Preliminary findings from the survey of more than two hundred North Liverpool residents include:

- Respondents held an overall perception that local crime is a problem - especially drugs and youth gangs.
- Three-quarters of respondents thought that the North Liverpool Community Justice Centre is, or could be, a good idea.
- Three quarters of respondents thought that offenders should be sentenced quickly, and that sentences should involve community restitution.
- More than half of interviewed respondents thought that the community should have a say in the type and location of such restitution.

- Three-quarters of interviewed respondents believed that they should be able to report crime without fear of retribution (CJS Online, 2004).

As exciting as the North Liverpool Community Justice Centre is, it represents just the tip of the iceberg in terms of criminal justice reform in the UK. A wide range of initiatives is currently underway in England and Wales that seek, in one way or another, to reengineer the criminal justice system, making it more problem-solving and more open to community input. These include reform efforts at the Crown Prosecution Service, youth offending teams, restorative justice experiments, offender management schemes, and new sentencing and supervisory orders designed to reduce youth crime and substance abuse. All of these initiatives touch on issues of community justice in one way or another. Perhaps the clearest indication of the government's commitment to exploring these ideas comes from the Department of Constitutional Affairs, which has created a unit devoted to the implementation of community justice.

Roundtable

In an effort to frame the debate about community justice in the UK, the Center for Court Innovation and the Office for Public Management convened a roundtable in London on 22 October 2004. In particular, the roundtable sought to bring greater definition to the concept of community justice, exploring the practical applications of this idea (in particular the implementation of the North Liverpool Community Justice Centre), and laying out a future agenda for community justice reformers. The roundtable was conducted under the conventions of the 'Chatham House Rule,' which is used in the UK to promote a free exchange of ideas. This rule by officials and policymakers dictates that no quotations can be directly attributed to any individual speaker. The event was supported by more than 20 criminal justice practitioners from both sides of the Atlantic. Participants in the day-long event included:

- Rob Allen, Director, Rethinking Crime and Punishment
- Sarah Benioff, Chief Executive, Community Development Foundation
- Greg Berman, Director, Center for Court Innovation
- Shona Bowers, Community Organizer, Red Hook Community Justice Center
- Lesley Campbell, Senior Fellow in Learning & Management Development, OPM
- Shami Chakrabarti, Director, Liberty
- Brendan Finegan, Director of Policy, Youth Justice Board
- David Fletcher, Judge, North Liverpool Community Justice Centre
- The Rt. Hon. The Lord Goldsmith QC, Attorney General, England and Wales
- Fiona Harrow, Project Manager, Liverpool Community Justice Centre
- Jon Harvey, Senior Fellow in Organisation Development, OPM
- Adam Mansky, Director of Operations, Center for Court Innovation
- Liam McGrath, Chief Superintendent, Devon and Cornwall Police
- Olivia McLeod, NOMS Delivery Team, Home Office
- Barry Mussenden, Criminal Justice & Young People, Barrow Cadbury Trust
- Juanita Newton, Chief Administrative Judge, New York City Criminal Court

- Greg Parston, Executive Chairman, OPM
- Katharine Raymond, Special Advisor to the Home Secretary, Home Office
- Teresa Reynolds, Head of Policy, Victim Support
- David Smith, Professor of Criminology, Lancaster University
- Simon Smith, Community Justice Division, Department of Constitutional Affairs
- Brett Taylor, Defense Attorney, Legal Aid Society
- Paul Whittaker, Merseyside Chief Crown Prosecutor, Crown Prosecution Service

The workshop opened with a welcoming speech by the Attorney General for England and Wales, Lord Goldsmith QC, the member of the Cabinet responsible for overseeing the prosecution of all cases in the UK. In his address, Lord Goldsmith underlined the importance of addressing low-level crime and increasing confidence in the criminal justice system. He indicated that the government must continue to reform the criminal justice system and to communicate these improvements to the public. In addition, in thinking about community justice, he challenged the group to examine several questions: Does community justice offer problem-solving approaches that can help change offenders' behaviour? Does it prioritise community-identified problems instead of dictating what the problems are? Is the community sufficiently involved in identifying and implementing solutions? And finally, what implications does community justice have for the role of prosecutors?

With this framing in mind, conversation was devoted to exploring the implications of community justice to criminal justice practice in the UK. Participants introduced themselves by answering the basic question, 'what does community justice mean to you?' Not surprisingly, each participant had a different interpretation of the concept, but certain common themes did emerge. There seemed to be a general understanding that community justice has at least two core elements: (a) an emphasis on problem-solving - that is, creating a justice system that attempts to address community safety problems, and not just processes cases; and (b) an emphasis on engaging citizens in working with criminal justice actors to identify local priorities and craft new solutions.

With regard to developing a vision of community justice, this event highlighted a number of contradictory goals:

- to encourage active altruistic citizenship amongst the communities served;
- to make a contribution towards improving confidence in the criminal justice system overall;
- to make the criminal justice system more effective at reducing crime;
- to improve the satisfaction levels of victims of crime;
- to focus the energies of police officers, prosecutors, judges and others on crime prevention;
- to improve diversity within criminal justice agencies (including the court system);
- to recognise the deep divisions and conflicting interests in some communities and to ensure justice for all members of society;

- to ensure the fair treatment of all people suspected of committing an offence and uphold fundamental human rights; and
- to create a system that does not accommodate the conviction of an innocent person or a disproportionate punishment for a guilty one in pursuit of a 'greater good'.

Implicit in the group's articulation of community justice was a critique of current criminal justice practice: several participants emphasized that the criminal justice system must move away from responding after the fact and towards more creative and effective ways of building safe and healthy neighbourhoods. One participant defined community justice as removing the 'blindfold from Lady Justice,' allowing the justice system to respond constructively to crime by considering not only the individual case, but the context and circumstances of the victim, the community, and the defendant, as well.

The role of the community in community justice generated significant conversation. One person said that community justice must be 'community-focused' *and* 'community-led.' Building on this, several roundtable participants identified community justice as an idea that placed responsibility - both 'individual' and 'collective' - for public safety back in the hands of citizens and their communities. While there was some enthusiasm in the room for this idea of radically transforming the role of community residents, there was also considerable caution. One person expressed the fear that community justice could shift away from a 'cuddly' concept to something akin to 'mob rule' - that is, from justice to 'wrath.' Several participants stated concerns that offering community input in sentencing could ultimately erode the traditional British legal protection of due process and encourage community 'vengeance.'

In response, other participants strongly resisted the effort to define community justice in opposition to due process. 'Why can't we have both?' asked one participant. Another suggested that community justice didn't imply that criminal justice officials were ceding authority for law enforcement or rights protection to community residents. Another suggested that few citizens want to police their own streets or adjudicate cases - what they are really looking for is a criminal justice system that is more responsive to their needs and priorities. Others maintained that community justice required community engagement such that the citizens were active participants - not merely concerned (and perhaps consulted) bystanders. It was suggested that getting more engagement would require the use of imaginative approaches that harnessed the involvement of both geographic communities and communities of interest.

Later in the day, several participants questioned the desire of community justice advocates to create a more 'consumer-oriented' criminal justice system. There was no consensus about who the customer is in this context: Is it the defendant? The community? The victim? Despite this debate, there was general agreement in the room that the criminal justice system shouldn't exist to serve itself - that the system needs to be oriented not toward the needs of judges, attorneys, and other professional players but toward serving the interests of community residents, victims, and defendants.

Fears about the dangers of community involvement and the language of community justice advocates were hardly the only concerns to be raised during the day. Several participants voiced a deep-seated concern about government's ability to live up to its best intentions. For these participants, there was a real fear that community justice could serve as a 'Trojan horse' for a litany of anti-progressive initiatives that could result in more punitive outcomes for offenders. Others raised concerns about the expansion of the criminal justice system at the expense of other systems (such as health or education), wondering why social problems like addiction and mental illness were being addressed through the courts rather than other places. Still others expressed concerns about the relationship between central and local government in the UK and the implications this could have for the implementation of community justice. Given the neighbourhood focus of community justice, several people expressed doubt that these efforts could be properly implemented from London, but wondered aloud about the willingness of central government to delegate responsibility to local officials.

Tempering all of these concerns was a general acknowledgement that the current system isn't working: high rates of recidivism, the overuse of incarceration, increasing substance abuse, and declining public confidence in justice were just a few of the problems articulated with 'business as usual.' Alongside this general assessment of current practice was a common desire to create safe, vibrant, and healthy communities. Some participants argued that policy makers' and practitioners' interest in community justice is tied to its potential to engage criminal justice agencies in community-building and becoming more citizen-focused.

In the afternoon, the roundtable conversation moved from theory towards more practical matters, examining how community justice should be applied on the ground. Much of this conversation was devoted to plans for the North Liverpool Community Justice Centre and a discussion of the Red Hook Community Justice Center in New York. In particular, the judges and defence attorneys from these projects strongly asserted that justice professionals could actually balance new community justice responsibilities without abdicating their traditional ethical obligations. For example, the case was made that a judge could meet with residents to learn about community conditions and, at the same time, preside over criminal cases impartially and safeguard due process. Further, it was argued that defence lawyers could zealously advocate for the interests of their clients while at the same time advising them of the benefits of the kinds of alternative sanctions - drug treatment, job training, mental health counselling - typically available in a community justice centre. The voices of these on-the-ground participants in community justice seemed to go a long way towards addressing some of the more conceptual concerns that had been raised during the first part of the roundtable.

What is unquestioned is the reality that community justice is on the move to the UK. In addition to the well-publicized opening of the North Liverpool Community Justice Centre, a new court-based community justice initiative is planned for the city of Salford. The Government has already begun to consider possible options for further expansion of

the community justice model in England and Wales. These developments will be closely watched by many of the participants in the roundtable. A key theme will be how best to measure the benefits of community justice. What would success look like? Should it be measured in increased levels of community support? Reductions in crime? Improved levels of wealth in local communities? Increased consistency of sentencing? Should Liverpool and Salford achieve enough stories like this one, they will go a long way toward providing at least anecdotal evidence to support the continuation of these experiments.

Concluding Comments

This article has focused on some of the different usages of the concept of community justice in relation to community justice centres. There was a discussion of the origins of thinking about such centres in the United States and attempts to transfer this philosophy and practice to the UK. The paper focused on the example of a centre in North Liverpool where academics, policy makers and practitioners have been clearly engaged in its activities. Although this article demonstrates quite clearly that there is no agreed definition about the principle of community justice there are some more enduring features typically associated with the idea. For example, many approaches to community justice are informed by problem solving approaches and an interest in more general issues surrounding community safety and how to address feelings of uncertainty and anxiety. Rather than treating criminal justice as a method of processing offenders there is wider concern with responding to the diverse needs of victims and offenders within all communities. In addition, the discussion has shown that community justice is about citizens working in partnership with criminal justice agencies. Agencies and citizens are required to identify problems at a local level and develop solutions to address their causes and consequences. It has been argued that even though community justice centres present an opportunity for the development of community justice values the effects may not be always as intended. To illustrate this it is possible that in enhancing the role of citizens in criminal justice agencies, a risk of more punitive outcomes could arise. Community justice centres may be seen as a way of arresting some of these tendencies. The general feelings toward community justice expressed at the roundtable can perhaps best be summarized by a recent online editorial, which argued: 'Nothing ventured, nothing gained. While there is clearly a long way to go on this community justice journey in the UK there was desire for the North Liverpool Community Justice Centre - with its promise of a more responsive, human, problem-solving ethos - to have every success over the coming months and years. A lot depends on it - and not just for the people of North Liverpool' (Stone, 2004).

Endnote

The Center for Court Innovation, an independent, non-profit think-tank located in New York City, is the agency responsible for developing the United States' first community court (the Midtown Community Court) as well as the Red Hook Community Justice Center, which has served as one of the models for the UK's community justice centres. In addition to community justice centres, the Center for Court Innovation has developed or provided technical assistance for the development of numerous other problem-solving courts, including drug courts, youth (or teen) courts, domestic violence courts, integrated domestic violence courts and mental health courts.

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