

AGENDA ITEM:

OVERVIEW AND SCRUTINY BOARD

6th APRIL 2010

**COMMUNITY SAFETY AND LEISURE
SCRUTINY PANEL**

COMMUNITY JUSTICE COURTS

PURPOSE OF THE REPORT

- 1 The purpose of this report is to present the Community Safety and Leisure Scrutiny Panel's assessment and proposals on their scrutiny into "Community Justice Courts" in relation to the panels agreed Terms of Reference.

OVERALL AIM OF THE SCRUTINY INVESTIGATION

- 2 The overall aim of the Scrutiny Investigation was to assess the operation and effectiveness of the Community Justice Court (CJC) operating in East Middlesbrough.
- 3 From this assessment the panel would consider the benefits of the CJC scheme rolling out across Middlesbrough and the impact a CJC had on offenders which may be different to traditional Magistrates courts.

TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION

- 4 The following outlines the **Terms of Reference** for the Scrutiny examination into Community Justice Courts. These were determined following the initial setting the scene and discussion by the panel at their meeting of 4th November 2009.
- How effective are CJC's ?
 - What additional impact has Middlesbrough CJC had ?
 - How does the local community view CJC's ?
 - Is there an intention to provide CJC's across Middlesbrough

BACKGROUND

- 5 The Community Justice concept is an adaptation of an American idea and in 2002 the Lord Chief Justice visited New York's Red Hook Community Justice Centre and was impressed by their problem-solving approach. Subsequently the Home Secretary visited, and it was decided to test some of the Community Justice concepts through a pilot scheme in this country.
- 6 In March 2003, the Government White Paper "Respect and Responsibility - Taking a Stand Against Anti-Social Behaviour" promised to establish a community justice centre in England, and the following year, the North Liverpool Community Justice Centre became the first pilot. The second pilot opened in November 2005 at Salford Magistrates' Court.
- 7 In 2006 the then Lord Chancellor announced the project was to be extended to 11 new pilot areas: Birmingham; Bradford; Devon & Cornwall; Hull; Leicestershire; London (3); Merthyr Tydfil; Middlesbrough and Nottingham. Middlesbrough was the first of the new pilots to launch, opening its community justice court on April 17, 2007. Following this there were staggered launches, concluding with Merthyr Tydfil in January 2008.
- 8 All of the pilot areas were charged with delivering the principles of community justice - how, where and when was left up to the individual CJC. The principles of Community Justice from the initiative are defined as follows.
- courts connecting to the community
 - justice is seen to be done
 - cases handled robustly and speedily
 - strong judicial leadership
 - solving problems, finding solutions
 - working together
 - repairing harm, raising confidence
 - re-integrating offenders, building communities
9. The principles are achieved by:

- Significant liaison between the courts and the local community so that local people value the courts as a community resource. Regular meetings with the community and other agencies working within it
 - Local people to be better informed about the work of the court and have the opportunity to put forward their views on the way offending is tackled, to learn about how cases/offending behaviour is dealt with.
 - Looking for swift resolution of cases through rigorous case management and harnessing the combined potential of a range of agencies working together
 - Promoting compliance with court orders and tackling offending behaviour. Directing hearings, leading a problem-solving approach and maintaining an oversight over offenders' progress post-sentence
 - Making use of a range of available service providers in order to address and tackle the underlying cause of offending
 - Promoting a team approach to decision making and dealing with offenders. Collaborative approach between agencies, and incorporating the community in that decision making to provide an end-to-end service
 - Keeping victims and witnesses fully informed and supported. Seeking the community's view on unpaid work projects
 - Improving social bonds and cohesion within the community, developing pathways to support the re-integration of offenders into their community.
- 10 **In Middlesbrough**, the Community Justice Initiative (CJI) is sponsored by Cleveland Criminal Justice Board. It is steered by a Project Board comprising representatives from the court, police, CPS, probation, youth offending service, Victim & Witness Support, Stronger Together in East Middlesbrough, Safer Middlesbrough Partnership, Cleveland Criminal Justice Board, and Middlesbrough Council.
- 11 To deliver the Community Justice (CJ) principles one area of Middlesbrough was selected upon which to concentrate. East Middlesbrough was chosen because of its high volume of low level crime and anti social behaviour. The area comprises Beckfield, Thorntree, Pallister, Park End, North Ormesby/Brambles Farm wards, where a thriving network of community support agencies, and a strong community ethos made it ideal.
- 12 The Board decided against holding the court within the Community Justice (CJ) area for logistical/security reasons, instead the decision was to adopt one of the Youth Court rooms, Court 16 within the Magistrates Court.
- 13 Volunteers were invited from the Teesside bench to sit on the CJ panel, which now consists of 23 magistrates, plus District Judges Walker and Harrison. It sits Tuesday and Friday mornings dealing with all offences committed in East

Middlesbrough, by youths and adults, apart from domestic violence and indictable-only offences, which were outside of its remit. Trials are heard in other courts, but if a defendant is found guilty and adjourned for reports, the CJ court deals with sentence. The CJ court also deals with ASBO applications, breaches of court orders, and fine defaulters, relevant to the area/the defendant's home address.

14 Some of the unique aspects of the CJC are :

- It can attach a requirement to a community order that the defendant attends periodic reviews with the Chairman.
- Continuity of magistrates on the reviewing panel
- Adult defendants are engaged during the court hearing, as per youth court, to challenge offending behaviour and question motive.
- Information is gathered from each of the wards regarding the impact of offending on the community and compiled by neighbourhood police officers into Community Impact Statements. These are provided to the court six-weekly following the community council meetings. Middlesbrough has pioneered their format, content and use.
- A pre-court hearing between the Legal Advisor, Crown Prosecution Service (CPS), Probation and Youth Offending Service checks whether cases are ready to proceed. Defence solicitors are invited but at the time of undertaking this Scrutiny they had not yet attended.
- Victim Personal Statements are clearly identified separately in the prosecution documentation.
- Local residents can propose unpaid work projects so those offenders repair the harm done to the community in which they have offended.
- Defendants who plead guilty and are likely to receive either a fine or discharge, and for whom there is currently no statutory intervention, highlight issues in their lives that would benefit from a problem solving approach. Community Court Advisors assist in completing the form and assist in making any relevant post-court appointments.
- Multi-agency training.
- Specialist training for the CJ panel about the community of East Middlesbrough, its problems and hot-spots.
- Dedicated CJ Probation Officers, Prosecutors and Legal Advisors

- 15 Other early measures of success were that no community orders were breached during the first six months of the project, and local people applied to join the magistracy, Referral Panels and local community support groups.
- 16 The Ministry of Justice audit highlighted evidence partnership working and engagement with criminal justice agencies, stakeholders and the community at Middlesbrough. The judiciary involved have demonstrated considerable commitment and enthusiasm to the project and successfully delivered against the original brief in several key areas. The initial assessment detected an increasing sense that the community felt the community justice magistrates were “their magistrates” and that these magistrates had come to have a better understanding of the problems faced by residents of East Middlesbrough
- 17 Middlesbrough CJ was identified as an Innovation site and selected as one of the Government’s 30 pathfinder areas which means that all Middlesbrough cases will be subject to CJ principles in Teesside Magistrates Court. The panel was informed that Middlesbrough is acknowledged by the London managing programme as a centre of excellence and Best Practice. Also that many of the initiatives pioneered in Middlesbrough have been adopted by other Innovation sites, including the use and format of the Community Impact Statement.

FINDINGS

- 18 Community Justice is part of the Government's agenda to tackle anti social behaviour and the crime associated with it, making life better for everyone. The intention for Community Justice is to bring the justice system and the community together: solving problems, reducing crime and building confidence.
- 19 The panel took evidence from a range of sources, during which it explored the structure, location and operation of the Community Justice Court of East Middlesbrough. In addition to the enquiries taken locally, the panel also visited the Court in Middlesbrough, which operates with Magistrates. The Community Justice Court in Liverpool which operates with a Judge. The panel also went out to a location in East Middlesbrough where offenders were undertaking Community Payback issued by the East Middlesbrough CJC.
- 20 The panel found that previously representatives from the CJC had attended Community Councils on a regular basis to provide feedback. The Neighbourhood Crime and Justice Co-ordinator and Police also had good links with the Community Councils. However it had been agreed with the Community Councils that CJC representatives would attend by invitation only in future.
- 21 The panel looked into public perception and found there were issues in relation to perception of crime and the reality. It appeared the general public perceived that crime levels were much higher than had been evidenced. Members of the public were right to be concerned about crime but it needed to

be in perspective. Educating the public in terms of the sentencing guidelines was also considered to be an issue. There were limitations on the Magistrates and in some cases the CPS was unable to prosecute. The CPS informed the panel that it was more difficult for the CPS to inform a victim that a prosecution would not go ahead than it was to take someone to Court and let the case fail. Sentencing had become incredibly complex and sometimes it was difficult to explain why a decision had been taken. It was noted that the media also had a big impact on public perception although it was generally the less positive stories that received most attention.

- 22 From 1 December 2009 Community Impact Statements (CIS) would be presented to the CPS and the Courts to show the negative impact a specific offender or a specific crime had, not only on the victims of the crime but also on the community in which the crime took place. The Court would use the local information in the CIS when sentencing. The Police, Probation and Youth Offending Services, Local Authority, and Crime and Disorder Reduction Partnership (CDRP) would also receive copies. Dissemination of this ward-specific information would assist the CDRP in assessing priorities and making best use of their resources to tackle specific problems.
- 23 **Community Impact Statements** are now been prepared by the Neighbourhood Policing Teams, in consultation with all relevant agencies, for all twenty-three Middlesbrough Wards and were public documents. The majority of the priorities were concerned with disorder, however some Wards had specific issues for example, prostitution. The number of times specific offences had occurred was included in the CIS. In addition, there would be a Community Prosecutor available, which would enhance the service the CPS provided to local people. Community Prosecutors would be more involved with their communities, aware of local concerns, and be able to reflect those concerns when making decisions.
- 24 **Community Payback** had been introduced to enable low-level offenders to serve their sentence in the community rather than being given a custodial sentence. Community Payback required offenders to carry out work that benefited others in the community where the crime had been committed. At the current time the majority of Community Payback projects were identified by the Probation Service in partnership with voluntary organizations, local authorities and community groups. The importance of better involvement of the general public in nominating Community Payback projects was highlighted as a priority for the Middlesbrough CJC.
- 25 When sentencing, the Court imposed an Unpaid Work Requirement that was then converted into Community Payback. Magistrates could review cases every eight weeks to hold offenders to account and monitor whether they were fulfilling their Community Payback requirements. These Section 178 Reviews were aimed at motivating offenders to comply by asking about progress and congratulating them if they were doing well. Community Payback provided an opportunity for offenders to develop a work ethic and also achieve skills and qualifications such as NVQs in areas such as construction and retail.

- 26 Community Payback was mandatory and if work was not completed within a set time scale, offenders would be brought back to Court. The Probation Service was tasked to have approximately 990 commencements on Community Paybacks over a twelve-month period and ensure that there were at least 700 compliances. If an offender was returned to Court for non-completion of Community Payback and the order was revoked, the Probation Service would not receive remuneration for any hours already completed. Project schemes in the Middlesbrough area included Thorntree Cemetery, where all the boundary railings were being repainted, Town Farm Allotments, where 80 allotment sites were being cleared and reclaimed, and several back alley make-oversee.
- 27 Community Impact Statements (CIS) were pivotal to the working of the Community Justice initiative. If an offender's behaviour was directly linked to the CIS the magistrates might impose a higher sentence. However, it was imperative to ensure that the CIS was up-to-date so that an offender was not sentenced for something that was no longer current. If Community Payback supervisors were aware of the link to the CIS for example graffiti, noise or criminal damage, offenders could be chosen to work on a particular project to make direct redress to the community. This made reparation meaningful both to the offender and the community.
- 28 **Restorative Justice.** It was noted that Neighbourhood Policing was instrumental to restorative justice, particularly with minor crimes, to prevent bringing people into the justice system in the first place. If an offender could be linked to the victim, appropriate reparation could take place without the offender receiving a criminal record. A key issue for Neighbourhood Police teams was to build confidence in the justice system throughout local communities and it was acknowledged that the Community Justice Court had made an impact.

COMPARING and CONTRASTING the operation of Middlesbrough to Liverpool's CJC

- 29 The panel visited both Middlesbrough and Liverpool CJC's while they were in session. The purpose was to observe how the individual Courts operated and to compare these, as there were significant differences in selecting the Courts location, the structure and the operation of the individual Court. The panel was aware that significant additional funding had been directed into the Court at Liverpool and the panel wanted to see the affect this funding had.
- 30 Some of the key differences identified are
- **Location** - Middlesbrough uses an exiting Magistrates Court, which is not located in East Middlesbrough. While Liverpool has a converted school for the specific purposes of being a CJC, which is, located in the community area which it serves.

- **Multi Agency** – Middlesbrough receives visits from the appropriate agencies when required. Liverpool has specific locations within the building where other agencies are housed. Eg, Police sergeant, 5 constables 1 PCSO. Probation Service including Community payback, problem solving, etc are all located within the one building.
- **Legal** – Middlesbrough operates with Magistrates where three Magistrates will sit on the bench at any hearing. Liverpool operates with a single Judge who follows every case and is aware of the history of the offender and manages the Offender review meetings.
- **Community Payback** – Middlesbrough in general would get the offender to undertake Community Payback one day per week (i.e. 1 day per week for 8 weeks) Liverpool issue 8 continuous days as they consider this has greater impact on the offender and is easier to manage by the probation service.
- **Curfew** – When a curfew order is issued, Middlesbrough generally applies the curfew to operate for one day per week over a number of weeks while Liverpool is more inclined to issue a curfew to run for a number of consecutive days. A practice very similar to those adopted for Community Payback.

FINDINGS IN RELATION TO THE TERMS OF REFERENCE

31. The Panel addressed the Terms of Reference during their lines of enquiry and an outline of their findings are as follows: -

- **How effective are Community Justice Courts**

Comment

The panel found that within the principle of Justice seen Justice done that the direct links between offenders who had committed an offence and been held to account for that offence through a CJC was a positive step in making the offence and punishment transparent to the local community.

The panel was informed that between April and June 2009, 450 cases had been dealt with through the CJC, with one quarter of them being breaches of orders for offences such as Anti social behaviour, theft, drunk driving.

In dealing with the cases through the CJC the agencies had found that people are more willing to come forward and provide information regarding the crimes in their area. The Justice seen justice done campaign had been very successful in ensuring residents were aware of the impact the CJC was having. However, the panel considered that more work could be done in publicising the CJC and community payback and that the Council has a role in contributing to that awareness.

The panel was informed that often offenders would prefer a prison sentence than undertake community service. This was understood that in

some cases offenders did not want to return to the community for their punishment and also that the prison sentence was shorter than that required by community payback.

Again, the panel recognised that joint working was essential, not only in supporting offenders but also in addressing the factors which led to the offence, such as unemployment, mental health, and addictions. Consequently a pre sentencing report produced by the Probation Service would identify the additional support the offender required, With this awareness the panel considered it was more effective to have the agencies based within the same building rather than being fragmented as they were in Middlesbrough. The panel also believed that the system would improve if a nominated officer was identified within each agency who would take responsibility for CJC cases.

In addressing the effectiveness of the CJC the panel found that there were some difficulties encountered due to issues of sharing information between agencies due to the incompatibility of IT systems. In this respect the panel considered this should be addressed to ensure an efficient and effective practice.

- **What additional impact has Middlesbrough Community Justice Court Had**

Comment

A measure of success can be determined by focusing on the name “Community” as the subject is clearly presented as the Community Justice Court. Therefore to measure the impact the panel looked towards the impact on the community, and received information from resident feedback from within the area and also the area neighbouring CJC.

The panel supports the Reparation scheme where an offender is tasked with undertaking work in the community even if this is not directly linked with the damage or issue they were charged with. The panel was informed that frequently this type of work had a high impact on offenders who have taken a pride in the work they have undertaken and almost become protective of it from any future damage. Again, the panel considered this had a positive affect on the local community who can easily see what is happening.

The panel considered that the presence of seeing yellow vests working in their area was a clear message that payback was being applied and working. An obvious affect of Justice seen Justice done.

The panel found a positive outcome of the CJC was that previously, different agencies such as the Courts, Police and Probation had been viewed as working in isolation and this initiative had certainly brought them closer together in more joined-up working.

The reasons for offending and ways of preventing re-offending were also explored with defendants by the CJC through a range of different agencies, which the panel viewed as a positive step forward.

The Panel found that the actual crime in Middlesbrough continues to fall and that the CJC is making a positive contribution towards this and improving public opinion.

- **How does the local Community view Community Justice Courts.**

Comment

The initial launch of the of CJC in Middlesbrough was highlighted in a local newspaper. The newspaper had misreported some of the facts and gave information to the public which led them to believe that they could be involved in determining the sentences for offenders when in fact this was not the case. It had also been reported that the CJC would be based in East Middlesbrough, which was also untrue.

The information the panel received demonstrated that the CJC gave better engagement with the Local community than the main Magistrates Court. The panel found that some parts of the community initially felt that the CJC was a soft option and that magistrates were inclined to moderate the issue of sentencing. However, in practice this was not found to be the case and indeed the Magistrates tended to issue sentences more severe than the community would have applied.

A newsletter produced by Stronger Together in East Middlesbrough (STEM) had publicised community justice and community payback projects and was delivered to all households in East Middlesbrough on a quarterly basis. The Panel recognised that the actions taken by STEM made a positive step towards community awareness.

The panel was informed that the courts survey revealed that the communities were indifferent to the location of a court, whether within the community area or not. However, the panel considers the operation of a court within the community area aligns with the principles of “Community” justice court. The panel considers that every consideration should be given to removing this from the central magistrates court and be brought to an area within the community is serves. The panel believes this may encompass a number of wards but would be identified with a specific area.

It was acknowledged that feedback to the Community was an area that needed to be developed further. Some Ward Councillors’ Newsletters contained extracts from Community Council meeting minutes and it was suggested that details of actions taken by the CJC against offenders from each ward could be published.

- **Is there an intention to provide Community justice Courts across Middlesbrough**

Comment

During the course of this Scrutiny the panel was invited to attend a Members briefing on the operation and future of Community justice. Additionally, the panel also engaged with the Executive Member for Community Protection. From these sources of information the panel found that from December 2009 Community Justice in Middlesbrough would be Town wide.

Although Community Justice is now Middlesbrough wide, as mentioned earlier in this report the Panel considered there are benefits in the actual Court being located in the respective communities. The panel appreciate this can carry additional funding demands and would suggest that as, the

CJC is actually being rolled out across Middlesbrough serious consideration be given to the location of Courts which may cover a number of wards. To reiterate. The panel believes this could more directly be associated with the Community – hence Community Court.

CONCLUSION

32. When the pilot Community Justice Court was introduced into East Middlesbrough the press reported that the quality of life issues affecting the local community such as Anti Social Behaviour, Dog Fouling, Litter were of greater concern than the more major issues of drugs, burglary etc.
33. The Courts conveyed to the panel that in operation the Community Justice Court has a very positive feel in the way it disperses justice. Their assessment is that it has greater engagement and greater impact on the local community and while some areas of the community may feel that CJs don't do enough, this is generally based on limited knowledge of the operation of a CJC.
34. The panel considers that improving public awareness is a key factor to improving public confidence in their neighbourhood and that the Council has a responsibility at Ward level to work with the various agencies in ensuring the local community are informed in the actions being undertaken through the CJC's.
35. The panel recognises that the CJC is another step forward in addressing crime and anti social behaviour at a local level. While not part of the CJC at present, and recognising there are undoubtedly a number of complexities involved in the development of restorative justice where victims meet the perpetrator, The panel considers this to be a future positive development in tackling crime and would support the Respect issues presently being promoted.

RECOMMENDATIONS

36. The panel appreciates that the Council has No direct control over many of the aspects associated with the operation of Community Justice Courts and the application of Community Payback. However, the Courts work with and through a number of agencies and the Council does have influence in ensuring the CJC initiative is effective and that the community are aware of its impact. The following presents the panels core recommendations below for the Executives consideration-
 - A That the Courts Service look for suitable locations within the community areas where a CJC's could be held. This could include a number of wards and forge a closer link between the community and the Court.

- B That the Council contributes to improving community awareness of the Courts function, its effectiveness and the link with the community as Justice seen-justice done.
- C That the Council work through the SMP and Courts to promote the inclusion on Restorative Justice within the Community Justice Court function.
- D That the Council undertakes discussions with the Courts to promote the option for running a CJC with a single Judge as opposed to a selection of magistrates.
- E That the Council works closely with the Probation Service to improve community awareness of the Community Payback (CP) function and encourage the Community and local organisations to propose new projects for CP.
- F That the Council work with the SMP to assess the effectiveness of agencies working together and address the incompatibility of the IT links between agencies with the aim of improving the efficiency.
- G To rebuild the links between the various agencies involved with the Community Justice Initiative and the Community Councils and Councillors to develop improved community awareness.
- H For the Police to involve the Ward Councillor when establishing a Community Impact Statement (CIS)
- I In winter the Council to engage with the Probation Service and for offenders to be directed towards clearing snow etc as a community payback task and ensure the public are made aware of this contribution.
- J To present to the Courts Service that where practicable, look towards having agencies located in one venue and also establish a nominated representative from each agency as the recognised link to a CJC.

ACKNOWLEDGEMENTS

37. The Panel is grateful to all those who have presented evidence during the course of our enquiry. We would like to place on record our appreciation for the co-operation we have received from the following: -

E Chicken	Middlesbrough Council
C Freeman-Dunn	Lead Magistrate
D Galloway	Court Services
A Pitt	CJC Co-ordinator

G Wareham	Chief Crown prosecutor
S Burnett	Probation Service (Community Payback)
G Bush	Police (acting Chief Inspector)
W Shepherd	Police (Inspector, Neighbourhood Policing)
B Coppinger	Executive Member on Middlesbrough
G Wooding	Probation Service (Community Payback)

BACKGROUND PAPERS

38. The following background papers were consulted or referenced to during this Scrutiny and in the compilation of this report:

(a) Panel Minutes of 12th August, 14th October, 4th & 25th November, 16th December, of 2009. Also 6th & 27th January and 17th February of 2010

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February 2010

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