

# Problem Solving Justice

**Rob Allen** describes a 'teen court' in New York that utilises inter-agency working, building links between court and community.

**O**ver the last few years hundreds of experimental courts have sprung up across the USA, testing new approaches to problems like addiction, domestic violence, child neglect and low level crime. While the drug courts are the best known, a range of specialised problem-solving courts have been developed which use the authority of the law to improve outcomes for victims, defendants and the communities where they live.

In July, the Rockefeller Foundation funded a British youth justice delegation to visit New York to see whether initiatives developed there by the Centre for Court Innovation had anything to offer the UK. The trip combined intensive discussions with US experts with visits to two projects; the Redhook Community Court and the Harlem Community Justice Center. Located in the heart of the highly under-resourced neighbourhoods they serve, these projects aim to provide justice in ways which tackle the underlying causes of crimes and disputes; and which respond effectively to the concerns of local people.

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Operating to the principle 'one family one court' Judge Calabrese deals with most of the low level crime, domestic violence and housing cases in Redhook, an isolated low-income area of Brooklyn. Running his court like a GP surgery, he swiftly works through a caseload of petty crime and vandalism, minor drug misuse and prostitution. Some are new cases, some are up for review. A social worker explains the range of remedies available – residential drug treatment, mediation, job training, literacy schemes or counselling – and the progress or otherwise – made by those who have appeared before. The judge talks directly to the defendants and their families, shaking hands with those who have completed treatment or found work, encouraging those who are embarking on a programme, warning those who have slipped. Most defendants seem to plead guilty, knowing that the philosophy of the court is to give them a chance – or maybe two – to put their lives straight and the help they need to do so. Their attorneys on the whole concur, their role somewhat marginal in a business more about looking to the future than the past.

Next door, youngsters from the neighbourhood are assembling to run the teen (or youth) court. A

14 year old boy has been referred by the Judge after admitting vandalising a subway train. A group of 15 or so teens act out the roles of judge, jury and advocates, establishing the facts, asking why he did it and what he thinks now, if he has a drug problem. After deliberation, the jury sentences him to 20 hours community service, the maximum available. The session is run formally and seriously. The defendant looks embarrassed; his mother thinks the outcome fair and the process helpful.

## **What did we learn?**

Apart from having seen and heard about some interesting projects – the teen court, child parent mediation, restorative justice in schools – three interlocking themes emerged.

First there was a clear and important link between court and community which is unusual in US jurisdictions which have no lay magistracy. This was shown in a number of ways. The judge has regular meetings with local people and takes the trouble to understand community problems and the resources that can help to resolve them. The single jurisdiction

means a comprehensive approach to problems of individuals and families is possible. The justice centres offer to the community as a whole the counselling, training and job finding services developed for offenders. Up to 50 local unemployed young people can also take up year-long work and training opportunities at the court under the Americorps volunteer programme. By making contributions to the welfare of the local community, by attending to the quality of life crimes which erode community cohesion, the justice centres play a much more central and pro-active role in responding to neighbourhood problems than do courts in the UK. This is probably why community confidence is much higher than elsewhere.

In the UK community safety has developed on separate tracks from courts and sentencing, with magistrates and judges playing a relatively minor role in local crime and disorder partnerships. Nonetheless, the visit prompted a variety of reflections on how best courts should relate to local communities. The recruitment of 5,000 volunteers as Youth Offender Panel members perhaps offers an opportunity to redefine the relationships.

Second, there is the question of access to services



Visitors centre, HMP Wormwood Scrubs

for offenders. We saw a young man taken from the court to a drug treatment facility there and then. This was not simply as a result of a set of partnerships in which agencies agree to work together but a model in which the courts coordinate and even commission the health, education and social services they need to solve their problems. The UK of course has a much stronger statutory infrastructure of social welfare services than the US, something which in theory at least meets the needs of disadvantaged people whether they are offenders or not. Notwithstanding the creation of youth offending teams, the willingness of local education departments to teach young offenders or health authorities to treat them varies enormously. Growing evidence of the numbers of young offenders simply out of school and the nine out of ten youngsters in custody who have mental health problems show partnerships are not enough. Giving courts the power to order a range of service responses might be a model worth exploring.

Third, it is clear that the courts maintain a continuing relationship with their cases once sentence has been passed ensuring the measures which have been ordered have been implemented, and reviewing progress and compliance. An American culture of judicial activism, the under-resourcing of the probation service and an impressive computerised case management system explain why courts in the US have been willing and able to assume this role. Halliday's recommendation for review courts in England and Wales appears to

have been rejected by a Home Secretary concerned about clogging up the system, while Lord Justice Auld has argued against specialist courts. Nonetheless, there may be opportunities for courts to play a more active role in respect of the execution of certain sentences -- not necessarily as in New York with the most minor cases, but with those subject to more intensive supervision and to whom a final chance may have been given. One must of course be wary of learning anything about justice from a country which locks up two million of its citizens and puts to death its most serious offenders. Yet perhaps because of those barbarities there is an increasing realisation in the USA that the complex social problems which make up everyday crime and disorder cannot be solved by bigger and bigger doses of 'cops, courts and corrections'. There is a need for fresh thinking about the interface between the agencies which are set up specifically to respond to crime and those whose services and activities can both prevent it and provide a sustainable solution to it. There is a need too to improve relationships between the courts and their communities. While the structures established by the *Crime and Disorder Act 1998* and the *Youth Justice and Criminal Evidence Act 2000* have taken us a long way forward, experiments such as those set in train by the Centre for Court Innovation are well worth watching.

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