

## “COMMUNITY JUSTICE COURTS”

**By Will Watson, [ex-PO]** after one visit to Haringey CJC in action , and informal discussion with court staff afterwards and after reading the Local Government’s Information Unit’s report, [Pub. July 2009] -

**“PRIMARY JUSTICE”** : which I much recommend – the first positive, achievable, realistic paper about the Criminal Justice System for twenty years. [Google Primary Justice to find it].

PRIMARY JUSTICE report was written after 6 months research by an All Party Parliamentary Group, including David Howarth MP [ LibDem, Cambridge], Clive Betts MP [Lab, Sheffield Attercliffe], David Burrowes MP [Con,Enfield Southgate] and Alison Seabeck MP [Lab. Plymouth Devonport], and House of Lords’ Baroness Vivien Stern, and Baroness Henig.

### **What are these CJC’s ?**

They are Magistrates Courts, functioning in law in every way as an ordinary Magistrates Court –Bench of Lay Magistrates or “District Judge” or “ DJ “: new name for “ Stipendiary Magistrate” : with a “legal adviser” [as the “Clerk of the Court” is now known].

The public may attend.

### **What’s the point of them then?**

They are less formal than the usual Mags Ct, although situated normally in the same building as those courts. Like the old Juvenile court – defence sits next to offender, who only has to stand to be identified at start, and to hear the court’s decision at end.

Their idea, as explained by the legal adviser in London Borough Haringey’s CJC to the defendants on 28/7/09 in my presence and hearing is :-

- 1] “to get to the root of your problem – whatever makes you offend”.
- 2] “To help you”.

### **Do the Magistrates receive any guidance,**

apart from what the offender says, about what the offender’s problem might be?

Yes, they can ask the Volunteer from the “Help Desk” to talk to the person, and report back: these volunteers are unpaid, and only trained by other Volunteers: they report back what the offender’s attitude to the offence might be and crucially whether they want any help: the

Volunteers [I spoke with the local Chief Volunteer, a keen and pleasant young woman who is training two others right now] have really latched on to this all-important notion: they will report about whether the offender has found themselves any help already.

### **What do the Mags do then ?**

p.2] If satisfied that the person wants help, and is even getting some already, they **Defer Sentence** for the stated period in the usual way, BUT they commit themselves and the subsequent court to giving a Conditional Discharge at the end of the period if the person comes back with a good report from the Volunteer [who has to check up as best they can direct with the agencies that are working with the offenders, to confirm what the offender says].

**Problem** : if they return to court after Sentence deferred with a bad report, the court cannot then ask for a PSR: I suspect, but don't know, that those with a bad report don't bother to return.

And the court cannot give a CO without a PSR.

To get round the problem of deferment, they can Adjourn the case for four weeks [max, I think] and then ask for, or give, anything they might want.

### **Are probation involved ?**

In Haringey, there was a PSO in court [from the local Crown Court team]. This person tries to be liaison between the court and the Offender Manager about people on orders to NOMS.

The PSO may have to prosecute if defendant is in breach, but the probation service is not directly involved with the CJC's in any positive way.

### **So what's the big deal about these CJC's ?**

What IS totally different about these courts is that they are set up at the instigation of the Local Authority: and we as good citizens could ask our local authority to set one up in our area.

If the LA is considering starting such a court, they must ask the local community [groups, individuals, whoever] what type of offences are really bothering them in their area, and the court is then restricted to dealing with those type of offences ONLY.

In Haringey, I heard that Criminal Damage [Graffiti], Loitering for the purpose of prostitution, any type of violence, Driving without consent, breach of ASBO made in relation to any of the original list, Possess Drugs, Sexual offences are so earmarked for the CJC : but, choose your own list ! The clerk said that Haringey's list included about 20 different charges in all, but whether of other charges , I know not.

**What does Central government think of all this ?**

Well, here's the surprise [to me at least] :THEY LOVE IT!

Check the Primary Justice Report on this : Jack Straw even has given a good quote : Louise Casey, and many others.

It seems that the magic word is "COMMUNITY"; anything THE COMMUNITY can be shown to want, the Community gets.

The Government seems to say, the people in the community are the victims of crime, so they are the ones who should have their say.

p.3] The government seems to be ignoring the fact that these offenders are being given the "old-fashioned" treatment by the court, and can be rather soft: this is totally against government's policy of being tough on crime.

**Who pays ?, and is it time limited ? and my opinion**

The government pays: but special funding will cease in December this year, because the whole thing will be rolled out Nationally!

I can't quite believe it – but

A] It doesn't cost much

B] The government presumably thinks this will please the voters –giving the local community, the victims potential or actual, what they want.

C] They are ignoring the fact that these courts can be soft [for heavens sake don't anybody tell them this !].

D ]The government will not pay anyone to be soft on crime, but if volunteers can be found it seems the Government does not mind: the Govt. has the same principle in working with prisoners and ex-prisoners – they allow these to have "Mentors" i.e. helpers who are volunteers, and this is going down well in the West Country, where no doubt there are plenty of people with the energy, the time and the money already to do this work.

The New Bridge has 200 volunteers in London working with the same offenders in prison AND after ["Through the Gate"].

It is quite common in the West Country [as it is in USA { see the hilarious movie "Analyze that", with R de Niro and co} to have offenders being accompanied by their volunteers to a three way meeting with the [terrifying?] Offender Manager!

But, of course, Probation started with Volunteers, we recall : and we are having to reinvent the wheel, I think.

### **Where are these courts right now?**

**North Liverpool** is the most famous and oldest, and is being allowed to continue as is [the local Mag there goes around talking to the public!!].

Now also in Birmingham, Bradford, Devon and Cornwall, Hull, Leicester, Merthyr Tydfil, Middlesbrough, Nottingham, Salford and three in Greater London – LB Haringey, LB Newham, and LB Wandsworth.

I will ask Brian Miller to investigate Devon and Cornwall for us, and could we have volunteers to report on any of the others, please ?? perhaps Pat Bearfield might do Newham : I will ask.

We are proposing a trip to see N. Liverpool's court – anyone want to join us?

Will Watson, London 29/7/09.