

The Advantages of Community Court

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Upon an examination of the Canadian criminal justice system, it is unfortunately apparent that the current institutions in place are ill-equipped at addressing the root problems of criminal behaviour. The criminal justice system is a human enterprise, therefore it is susceptible to bias and error, however, the undeniable reality is that prisons are excessively overfilled with people that are First Nation, uneducated, homeless, unemployed, and have substance abuse issues. What is equally troubling, is that fact that many of these people are chronic offenders as they struggle to reintegrate into society. A substantial amount of resources have been allocated to “toughen” the approach to crime, increasing mandatory minimums, reducing conditional sentences, and imposing stricter restrictions. This tactic of jail more often, for longer, with more lasting consequences is a dangerous route that has largely proven to be ineffective in reducing recidivism. The ensuing discussion will focus on an alternative avenue to the justice system in the form of a community court, specifically concentrating on the merits of the first established community court in Canada, the Downtown Vancouver Community Court.

Initiated on the concern that the current system is too slow, does not address offender’s root issues, and that the cycle of crime continues unabated, the B.C. government approved the recommendation for the funding and operation of a community court.¹ In an effort to reduce harm caused to the community by crime, the court operates on the central principle that collaborative case management is essential to enable offenders to make long-term changes to their behaviour.²

Ideally, the court would both respond constructively when crime occurs and work to prevent the “revolving door” that is so prevalent in the traditional criminal justice setting. By applying a restorative justice lens to criminal activity, in which the emphasis is on repairing the harm, and not placing blame, the community court is able to foster stronger relationships between the parties affected. Under this doctrine, the belief is that since the crime impacts the entire community, that they should have a voice and be able to participate in the process of rehabilitating and healing. This can be achieved through positive social engagement, including volunteering and team involvement, allowing for any reconnecting with culture when possible. Therefore, the court relies on relationships with neighbourhoods and community groups to create opportunities for public connections as the court needs to be both an integral part of the community and an agent of transformation in it to be successful.³

Community restitution, however is only one facet of the program. A fundamental aspect of Vancouver’s Downtown Community Court is the level of integration of health and social services in providing justice.⁴ Along with the standard court staff of counsel, police, and sheriffs, they are also health, income assistance and housing staff, as well as victim servicers, all located in the same building. This level of integration allows teams representing all of these various and interconnected agencies to work together to identify a specific offender’s needs and circumstances which allows for the development of a more effective offender management plan. The benefit of directly working with health and social service agencies is that the court is able to essentially ensure that offenders

¹ “Vancouver’s Downtown Community Court” online: *Province of British Columbia* <www2.gov.bc.ca/gov/content/justice/criminal-justice/vancouver-downtown-community-court/the-community-court-s-story>.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

will have the opportunity to participate in rehabilitative programs, such as drug treatment, job training, and debt counseling, allowing them to address systematic reasons of why people are driven to committing a crime.⁵ Furthermore, a considerable number of arrests after being released on probation or a conditional sentence seems to hinge on that offenders either forget to report to their probation officer or simply do not fully realize the restrictions being placed upon them. Having a place to report in the same building that you are released from helps diminish this risk as offenders will be ushered to report to a probation officer following being released from incarceration.

Another advantage of community court is the ability to expedite criminal proceedings. This way, an offender can see the consequences of their behaviour immediately and can make meaningful reparation to the community. Unfortunately, court proceedings can take several months to a year for even the most minor cases to be resolved in a traditional setting. During that time, some offenders fail to show up for court dates, especially if the case has to be adjourned on multiple occasions, which can result in incarceration. By the time the case is finally addressed, the “process has been the punishment and offenders are sentenced to time served”.⁶ However, because the community court has early access to relevant information about the accused, and because of the proximity of the numerous resources, most cases heard are able to be resolved within a shorter time frame. This equates to less appearances and overall should assist in alleviating the backlog of cases in the justice system and the congestion of penitentiary facilities.⁷

If society truly wishes to reduce the incidence of crime, a positive step in that direction would be distancing from the punitive model of justice and instead, focusing the problems which underlie the offending behaviour. This is not a lenient approach to crime, but a realistic approach to long-term betterment of the community and to the larger public. This requires a more effective system of triage, so that offenders are assessed immediately when they come into contact with the system, to determine the most appropriate response. Community courts are designed exactly for that purpose and should definitely become a more common feature of the criminal justice system.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*