

# THE NEIGHBOURHOOD JUSTICE CENTRE MODEL

DAVID FANNING\*

## I. Foundations And Operations of The Neighbourhood Justice Centre

The Neighbourhood Justice Centre (NJC) was established in 2007 as an innovative court model designed to respond to crime within the City of Yarra which is a local government area in the state of Victoria, Australia. The criminal justice system experienced a large number of people coming through the Courts return again and again with similar offending. Frequently the offences were not at the higher end of the offending range yet were concerning to the community as the offences directly impacted on the everyday lives of community members. Many of the people presenting to the court had either one, or more likely, a combination of issues relating to mental health, chronic homelessness, drug and alcohol abuse, long-term unemployment and challenges associated with having a disability. The standard approaches to sentences these individuals was having a limited effect on reducing let alone eliminating their offending. A new approach was required to deal with the underlying causing of offending and, at the same time, to increase the community's confidence in the justice system.

Section 4M-4Q of the *Magistrates' Court Act Victoria 1989* provides a legislative basis for the Neighbourhood Justice Division of the Magistrates' Court, enabling the model to operate informally and apply principles of therapeutic and restorative justice.

The NJC was established following the former Attorney-General, Rob Hulls' visit to the Red Hook Community Justice Centre in New York— this inspired thinking on how a community court model and problem solving approach could respond to disproportionately high rates of crime in disadvantaged local communities.

The NJC model includes:

- a multi-jurisdictional court which sits as a venue of the Magistrates' Court (criminal, family violence and personal safety intervention orders), the Victorian Civil and Administrative Tribunal (VCAT) (residential tenancies), the Victims of Crime Assistance Tribunal and the Children's Court (criminal division) with one judicial officer;
- an integrated, onsite Client Services Team providing a 'one-stop shop' model for holistic wrap-around court and social services spanning; mental health, alcohol and other drugs, family violence, financial counselling, generalist counselling, employment, training and education, resettlement, housing, dispute settlement and mediation, pastoral care and court-based support;
- legal services and community correctional services located on-site at the NJC;
- prosecutorial service;
- Community Corrections team;

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\* Magistrate, Neighbourhood Justice Centre, the Magistrates' Court of Victoria. Author contact: [dkf@courts.vic.gov.au](mailto:dkf@courts.vic.gov.au).

- a Neighbourhood Justice Officer (NJO)—a legislated role unique to the NJC, acts as a conduit between the court, clients and the NJC’s support services. The NJO also facilitates problem solving processes and meetings, working with accused persons, victims or members of the community to address issues impacting their lives, their risk of re-offending or breaching orders;
- a Program and Innovation Team that oversees crime prevention, community engagement, education and policy initiatives as well as identifying and developing innovations to increase accessibility to the court and its services; and
- an information team that are the primary interface with individuals, the community and stakeholders.

## II. Defining Community Justice

‘Community Justice is an emerging, innovative idea about the way criminal justice operations ought to be carried out in places where public safety is a significant problem and criminal justice is a significant fact of life’<sup>1</sup>.

There are many approaches of community justice. Karp states that, ‘community justice broadly refers to all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of community quality of life as a goal.’<sup>2</sup>

The NJC model is based on therapeutic jurisprudence and community justice principles. Therapeutic justice is a central component of problem solving. Therapeutic justice is given expression in two main ways. One relates to the judicial officer’s Courtroom management and the other to the provision of services to the litigant/accused. Fundamental to these approaches is the explicit support, encouragement and broad oversight by the Court of the work done by the person with services. Clearly the real work is done outside the Courtroom but the judicial officer’s role is key to ensuring that this work is supported and recognised. Hence, it goes beyond the mere referral and connection of the individual to services as it requires a complex and nuanced collaboration between lawyers, prosecutors, Community Corrections and service providers to provide an individualised approach. Depending on where the person might be in relation to their criminal matters – prior to proof of the charges or post sentence for example - will have some impact on the service provision, nevertheless it does not alter the availability and access to those service as it not a pre-condition of services that a person pleads guilty.

Community justice considers how justice can operate to improve community life, especially in places with high-levels of crime and disadvantage, ‘While maintaining traditional procedural rights and equality before the law, community justice brings important notions of social justice to the criminal justice agenda’<sup>3</sup> As well as dealing with criminal matters, community justice seeks to strengthen communities to prevent such matters from occurring in the first place. Strong emphasis is therefore place on engagement with the local community.

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<sup>1</sup> Todd R Clear, John Hamilton and Eric Cadora, *Community Justice* (Routledge, 2<sup>nd</sup> ed, 2011) 2.

<sup>2</sup> David R Karp, ‘Community Justice: Six Challenges’ (1999) 27 (6) *Journal of Community Psychology* 751, 752.

<sup>3</sup> See above n 1, 2.

The NJC model encompasses a multijurisdictional court that is part of a broader community justice approach that emphasises the importance of engagement with the community on areas like crime prevention and other initiatives that respond to the needs of the community.

The NJC model of community justice has the following key elements:

- Places, not just cases—the NJC model is grounded in collaborative partnerships and engagement with the community within the municipality of Yarra.
- Proactive, not just reactive—community justice attempts to identify and overcome the underlying factors that lead to community safety issues. The NJC model includes a crime prevention component that is proactive in working to prevent conflict, harm and crime before it occurs, as well a judicial office and client services team that responds effectively to crime on a case-by-case basis.
- The court beyond traditional roles—the court infrastructure seeks to promote an equal and less formal environment that decentralises power to enable parties to identify the root causes of offending when dealing with court matters. Building strong relationships with offenders and striving to strengthen levels of procedural fairness are key drivers for the success of the model.
- Strong communities provide the foundations for community safety— community justice emphasises the importance of stable families, and effective community and social groups as the foundations for safety in a community.

### III. Outcomes and Research On the Neighbourhood Justice Centre

The Yarra municipality has had one of the highest crime rates in Victoria, contains the most densely populated areas in Australia and has a very high proportion of socially disadvantaged people.<sup>4</sup> It is the home of large numbers of newly arrived families and individuals to Australia. Recent evaluative reports conclude that the NJC model has a proven ability to reduce crime, recidivism rates and increase levels of community safety.

#### *a. Key Quantitative outcomes achieved*

The NJC model has been evaluated extensively and found to have made significant impacts in the following key areas:

- Reducing recidivism: the NJC has 25 per cent lower rate of reoffending than other Magistrates Courts.<sup>5</sup>
- Increasing offender accountability (both for criminal and family violence matters) – 23.1% of high-risk offenders breaching their orders, compared to a state-wide average of 59.9%.<sup>6</sup>

<sup>4</sup> Tony Vinson, *Community adversity and resilience: the distribution of social disadvantage in Victoria and New South Wales and the mediating role of social cohesion* (Jesuit Social Services, 2004) 48.

<sup>5</sup> Stuart Ross, *Evaluating neighbourhood justice: Measuring and attributing outcomes for a community justice program* (Australian Institute of Criminology: Trends & Issues in crime and criminal justice, Report No. 499 November 2015) < <https://aic.gov.au/publications/tandi/tandi499>>.

<sup>6</sup> *Ibid.*

- NJC offenders demonstrate lower breach rates for intervention orders (ranging from 4.69%– 6.3% at the NJC to 8.73%– 8.77% state-wide).<sup>7</sup>
- Contributing to the overall crime rate reduction in its Local Government Area (31% reduction).<sup>8</sup>
- Engaging communities and increasing levels of confidence in accessing the justice system.

Research and evaluation on the NJC highlight the success of the model in influencing long-term change for both individuals and communities in areas facing multifarious disadvantage. A reflection on some of the key quantitative outcomes is outlined below.

*i. Strengthening perceptions on procedural justice*

Tyler's research on the relationship between offender accountability and perceived procedural justice across the United States of America confirms that if an individual perceives the system to be fair, there is an increased chance that they will complete orders, attend court hearings and participate in rehabilitative programs.<sup>9</sup> A key goal of the NJC model is to consistently strengthen perceptions of fairness and public trust in the justice system. The NJC model has proven to increase the perception of court fairness by creating a culture that is open and welcoming, treating individuals with respect and dignity.

Key components of procedural justice at the NJC include: increasing the participation and involvement of relevant people in the court proceedings (including engaging with support agency representatives or family members supporting an individual at a hearing), respecting people and their rights through education programs and maintaining neutrality in decision-making. There are long-term community benefits that are realised when perceptions of procedural justice are strengthened. In 2011, the Victorian Auditor-General reported on the positive impact that the NJC model has had on its clients and the community in addressing the underlying factors that cause crime and disadvantage, strengthening perceptions of procedural justice.<sup>10</sup>

In the 2009 evaluation of the NJC, a comparative study considered the level of community participation at the NJC compared to mainstream courts in Melbourne.<sup>11</sup> The study highlighted the diversity of participants involved in court hearings at the NJC, including active engagement such as speaking at hearings and contributing to case proceedings. In comparison to mainstream courts, participants at the NJC are diverse, spanning Community Corrections, Client services (clinicians and support agencies) and community members. According to the study, mainstream courts have an average of only one other person participate in court

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<sup>7</sup> See above n 5.

<sup>8</sup> Ibid.

<sup>9</sup> Tom R Tyler, 'What is Procedural Justice? Criteria used by Citizens to Assess the Fairness of Legal Procedures' (1988) 22 (1) *Law & Society Review* 103, 103-135.

<sup>10</sup> Victorian Auditor-General's Office, *Problem-Solving Approaches to Justice* (April 2011) 35 <<https://www.parliament.vic.gov.au/papers/govpub/VPARL2010-14No24.pdf#targetText=Victims%20and%20defendants%20are%20often,offenders%2C%20victims%20and%20the%20community>>.

<sup>11</sup> Stuart Ross et al, 'Evaluation of the Neighbourhood Justice Centre, City of Yarra, 2009 Final Report' (Victorian Government Department of Justice) 82 <[http://library.bsl.org.au/jspui/bitstream/1/3713/1/njc\\_evaluation\\_main\\_document.pdf](http://library.bsl.org.au/jspui/bitstream/1/3713/1/njc_evaluation_main_document.pdf)>.

proceedings other than the defendant.<sup>12</sup> The study found that defendants at the NJC asked to speak much more than defendants at other courts— 18.2% defendants asked to speak versus 2.0% at Melbourne Magistrates Court.<sup>13</sup>

Court surveys developed by the NJC have provided a key source of data from court users to inform the NJC on all aspects of procedural justice. The Victorian Auditor-General Office in its assessment of the NJC model recognised that the NJC improved community outcomes in the City of Yarra by increasing the confidence of participants, including victims, defendants, applicants, witnesses and the local community in the justice system and based this finding on what it considered to be ‘appropriately designed surveys for court users’<sup>14</sup>. Examples of data obtained from court users participating in the survey include that over 80% surveyed said that the NJC would have a positive impact and 66% said that in their experience the NJC was better than existing Magistrates Courts.<sup>15</sup>

### *ii. Increasing offender accountability*

A key organising principle of the NJC model is offender accountability— promoting compliance of litigants/offenders in addressing their problems and completing interim and final orders. The compliance rate of Community Correction Orders (CCO) at the NJC is consistently over 10% above the state average.<sup>16</sup>

The NJC had a significantly lower rate of unsuccessful orders than four comparison sites (23% versus 34% across 5 sites).<sup>17</sup> As a place-based model, the NJC assists individuals with an array of complex social and legal needs including a significant number of high-risk offenders. Victorian offenders recommended for a community order are assessed using the Victorian Intervention Screening and Assessment Tool (VISAT) and are assigned to low, moderate or high-risk categories based on the predicted probability of future offending.<sup>18</sup> In the period between July 2008 and June 2011, evaluative data indicated that the number of offenders at the NJC was found to be nearly twice as likely to be classified as high risk compared with CBO offenders state-wide.<sup>19</sup> The NJC model performed better in increasing offender accountability (using the measure of rate for the completion of CBOs) than other sites in high risk and moderate risk cases.<sup>20</sup>

### *iii. Decreased crime rates*

Since the commencement of the NJC’s operation, crime rates reduced in the City of Yarra by 31%. In the period of 2007 to 2012-13, the 31% reduction in crime rates was recorded as the biggest decline in the crime rate of any municipality in Victoria comparable to the City of Yarra over the same time.<sup>21</sup>

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid 83.

<sup>14</sup> See above n 10, 36.

<sup>15</sup> See above n 11, 144.

<sup>16</sup> Ibid 148.

<sup>17</sup> See above n 5.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

iv. *Decreased recidivism*

Recidivism rates (both measured by actual reoffending and the seriousness of reoffending) has significantly reduced at the NJC. Reduced recidivism rates are driven by several inter-related factors, including the access to and immediacy of screening, assessment and referral services and follow-up services for those presenting with criminal matters. Evaluations of the NJC model measure recidivism rates by following up each court user at the NJC and across a comparable sample group for a period of up to two years after an initial sentence.<sup>22</sup> The NJC has a 25 per cent lower rate of reoffending than other Magistrates Courts in Victoria.<sup>23</sup>

The benefits of reduced re-offending can be realised over years or decades. Decreasing recidivism rates have long-term effects on prison facilities stemming from an increased diversion from the prison system and a saving of downstream costs associated with further penetration into the criminal justice system. The Victorian Department of Justice completed a recidivism study that considered the data from the NJC and examined the difference in sentencing patterns across different Magistrates Courts using a sample size of 200 individuals.<sup>24</sup> The analysis showed that the combined impact of fewer custodial sentences results in a reduction of 31% in prison days under the NJC model, 'If the sentencing pattern seen in the NJC recidivism study were to be extrapolated over the 1,423 individuals whose cases were heard at the NJC in 2010-11, the represents a saving of approximately \$4.56 million.'<sup>25</sup>

v. *Guilty pleas at first hearing*

The NJC has been evaluated as achieving increased court efficiency because of more offenders pleading guilty at their first hearing.

'This in turn implies that there is something in the NJC approach which increases the trust and/or understanding that defendants have in the court process. While the findings of this analysis cannot be definitive, evidence suggests that the operation of the NJC Magistrates Court is more efficient than the average for Magistrates Courts in Victoria.'<sup>26</sup>

b. Key Qualitative outcomes

As a place-based model, the community is at the forefront of every component of the NJC model. A key element of the model is reflected in the phrase 'places, not just cases'—justice strategies focused on select communities where making a significant impact on the community is a key goal. Mapping the full array of qualitative outcomes achieved by community court models like the NJC is often challenging however there are a number of significant and perhaps

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<sup>22</sup> See above n 11, 147.

<sup>23</sup> See above n 5.

<sup>24</sup> Stuart Ross, *Evaluating neighbourhood justice: Measuring and attributing outcomes for a community justice program* (Australian Institute of Criminology: Trends & Issues in crime and criminal justice, Report No. 499 November 2015) <<https://aic.gov.au/publications/tandi/tandi499>>.

<sup>25</sup> Ibid 32.

<sup>26</sup> See above n 11, 3.

unquantifiable outcomes that provide long-term benefits to individuals and the community. A few key outcomes include:

- forming community partnerships to prevent and resolve local crime and safety issues early on—this results in a range of underlying and complex needs being identified early, reducing the prevalence of issues that threaten community safety;
- early identification of undiagnosed/unidentified mental health and physical health conditions and linkages to treatment pathways—engaging with the criminal justice system and the NJC assessment process is often the first time that an individual may be diagnosed with a significant condition in their life.
- deeper relationships with particular communities to demystify court and increasing accessibility—the Aboriginal hearing day at the NJC has successfully increased court attendance and resulted in long-term engagement with the Koori community in problem solving.<sup>27</sup>
- increased quality of life for offenders, victims and communities—offenders reconciling with their family, finding stable accommodation or employment, receiving treatment for mental health or substance abuse.
- a ‘one stop, shop’ model that addresses multi-faceted barriers—the documented account of a Vietnamese man’s experience in accessing services outlines how the NCJ model benefited in providing assistance and overcoming issues of housing, challenges experienced as an individual with a refugee background, access to welfare and discrimination on the basis of HIV and dependency on drugs.<sup>28</sup>
- accessible links and connections across family, welfare, health or psychiatric services within the local municipality of Yarra.<sup>29</sup> ‘Lawyers working for the legal services noted that the close links with client services meant that defendants problems are more likely to be identified early and that they are better prepared when the case goes to court.’<sup>30</sup>

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<sup>27</sup> Louise Bassett and Yvette Clark, ‘Aboriginal Hearing Day: Practice Guide’ (2012).

<sup>28</sup> Elizabeth Crock, Talitha Walklate and Serge Sztrajt, ‘I Have Good Life Here: A Vietnamese Man's Journey to Access Services’ (2011) 9(1) *HIV Australia* 20

<sup>29</sup> See above n 11.

<sup>30</sup> *Ibid.*