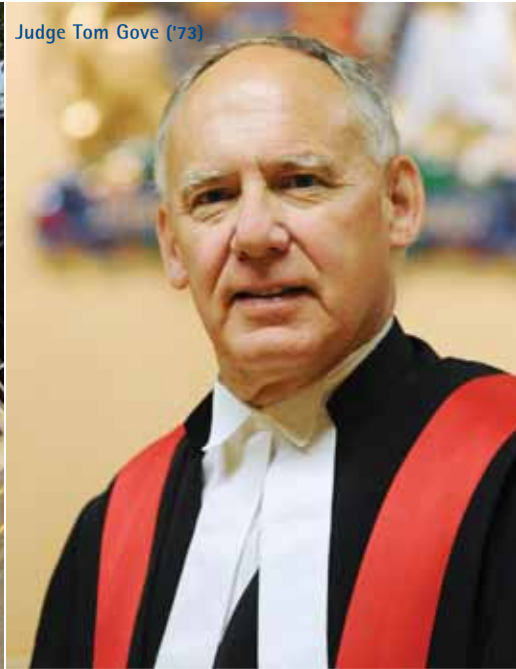


# Downtown Community Court— One Year In

by Joe Wiebe



Judge Tom Gove ('73)



Vancouver's Downtown Community Court (DCC) opened in September 2008 amid much fanfare and media attention. After dignitaries such as Premier Gordon Campbell and then-Attorney General Wally Oppal made their speeches and smiled for the cameras, the new court got down to business—and it has been busy ever since.

Although DCC officials estimated 1500 cases would be seen in the court's first year, by summer it was obvious that number would be much higher.

"It looks like it will be more like 2200," the Court's presiding Judge Tom Gove ('73) predicts during a lunch break following a busy morning session. Lunch for everyone at the courthouse—about 35 staff—had already been delayed nearly half an hour to ensure that none of the accused scheduled to appear that morning would have to wait.

"We see between 40 and 50 people a day," Judge Gove elaborates. "It's pretty fast-paced."

Indeed, in the hour or so before lunch a dozen accused appeared before Judge Gove—including one through a video link. A few were sentenced while other cases were adjourned for a week or two.

The DCC is not an opt-in court; it deals with all the summary conviction sentences and all sentences that are within the absolute jurisdiction of the provincial court—about 70 percent of all offences perpetrated in downtown Vancouver. But the DCC does not handle full trials—those who plead not guilty are tried in regular criminal court.

The purpose of the DCC is to break the cyclical pattern of criminal behaviour. Instead of just reacting to a crime, the court considers the underlying circumstances of the offender's life, and where possible, offer assistance from established social welfare and health agencies.

It is a new approach, introduced to Canada by former Chief Judge Hugh Stansfield ('79) after a visit to a community court in Manhattan in the late 1990s. He returned to Vancouver convinced it was what the city needed. His enthusiasm was contagious and Gove caught the bug from him.

**"We are changing the lives of quite a few people one at a time. Some of them are more difficult to change than others. Some of them have been in a lifestyle that is very difficult to break out of... But if people want to be helped, we've got the staff here that can help them." JUDGE TOM GOVE ('73)**

The two judges knew each other from the early 1980s when they worked as criminal lawyers; Gove actually hired Stansfield to work for his firm, Gove Senior. Both eventually became judges. Gove headed the Gove Inquiry into Child Protection, which resulted in major reforms to the province's child welfare system.

Gove took the idea of a community court to the Street Crime Working Group, which the province set up as part of its Justice Review Task Force in 2004. The group's 2005 report *Beyond the revolving door—a new response to chronic offenders* included a recommendation for the DCC.

By then, Stansfield was BC's Chief Judge, and he enlisted Judge Gove's assistance to implement the recommendations. They studied other community court models from jurisdictions around the world, including England, Ireland and Australia, and fashioned their own version that would suit Vancouver's unique circumstances.

The BC government endorsed the recommendation and provided funding for planning and operating the new court. It is the first of its kind in Canada.

"We're trying to get people to deal with their criminal charges," Judge Gove explains. "If they're going to plead guilty, do it on the first or second appearance. Let's deal with it. We can't start providing them with assistance if they're continually just adjourning their cases."

As a result, the DCC has what Judge Gove described as a triage team on-site: "We have about 35 professional staff in the building from 12 different ministries and agencies supporting the one courtroom." It includes probation officers, sheriffs, employment assistance workers, nurses, a victim services worker, and representatives from Vancouver Coastal Health, BC Housing and the Ministry of Housing and Social Development, as well as a Native court worker and even a Vancouver Police Sergeant. All are housed under one roof.

When accused persons arrive at the DCC, they are asked if they will consent to be interviewed by appropriate members of the triage team. Depending on what the interviewers learn, further alternative measures may be recommended if addiction or mental health problems are evident.

"We do a screening early in the morning," explains Judge Gove. "When people come into court, the prosecutor and the defence lawyer know an awful lot more about many of their clients than they would at any other court."

Those factors are taken into consideration by Crown counsel and defense lawyers, who are on staff full-time at the DCC, as well as by the judge when it comes to sentencing. Gove is the court's only full-time judge, with Judge David Pendleton ('75) filling in on a part-time basis when needed. This consistency allows the judge and counsel on both sides to become familiar with chronic offenders so they work together to find a way break the cycle of criminal activity.

Sentencing often includes community service and probation as well as area restrictions or curfews. More complex cases might involve addiction and/or mental health treatment programs.

"We don't have any special sentence," says Judge Gove. "What we do have is a case management team. We actually have two of them."

Offenders who need help to stay on track can benefit from the additional support that the case management team might provide, such as picking them up when they are released from jail to ensure they make it to a halfway house or addiction program.

As part of the case management process, more than 100 homeless offenders have been placed in shelter beds and supported housing, while others have attended health information sessions or applied for income assistance.

Some critics worried the DCC would cause a run on shelter beds or that police might use the court's comprehensive mandate as an excuse to round up homeless people. To date, none of these problems has occurred.

It is still too early to gauge if the DCC is earning dividends on the government's investment. Looking at the bigger picture, however, it seems clear that this new model will likely pay off for society as a whole.

So, one year in, how is the DCC faring?

"I think we are being successful," Judge Gove asserts. "We are changing the lives of quite a few people one at a time. Some of them are more difficult to change than others. Some of them have been in a lifestyle that is very difficult to break out of. A lot of people are quite damaged from their childhood through their drug use to their untreated mental illnesses. But if people want to be helped, we've got the staff here that can help them." ●