

Summary

Various courts in The Netherlands, supported by the Council for the Judiciary, have initiated community justice projects since 2018. This report presents the results of the evaluation study on the plans underlying to community justice in The Netherlands. Community justice is a low-threshold and smaller-scale form of justice that aims to contribute to the accessibility of justice and the resolution of (often multiple) problems of defendants or litigants in that neighborhood. This evaluation aims to evaluate the plans for this form of justice. This plan evaluation will be succeeded by a process evaluation and an impact evaluation.

This plan evaluation focuses on the question of what policy theory underlies the plans on neighborhood justice and whether they are consistent with insights gained from scientific research. To this end, the project plans of community justice projects in Eindhoven, Rotterdam, Amsterdam, Tilburg and The Hague were analyzed. Furthermore, interviews were held with project groups and responsible administrators, and the relevant scientific literature was analysed.

The main categories of cases concern criminal cases and cases concerning the collection of debts and school absenteeism, of which criminal cases have the largest share in most project plans. Analysis of the project plans shows first of all that there are the necessary differences between the various plans, for example in the choice of the categories of cases handled by the community court. The plans are ambivalent with regard to the (age) group targeted by community justice. On the one hand, it aligns with the age group targeted by the *programma Preventie met Gezag* launched by the Ministry of Justice and Security in 2021. This programme envisages a comprehensive approach to prevent children, adolescents and young adults aged up to 27 from entering or slipping further into crime. Community justice is partly funded from the programme. On the other hand, this age restriction is not harsh and community justice in principle targets all age groups.

At an aggregate level, community justice, as it emerges from the project plans, has a number of characteristics that distinguish it from regular justice. Most notable is the location where the hearings are held, namely, in a visible, accessible and approachable location in the neighborhood. This choice of location aims to make the judiciary more accessible and to increase neighborhood involvement in the administration of justice. In The Netherlands all community courts are located in neighborhoods that struggle with safety and livability problems and where relatively many residents have low trust in the judiciary and the government.

In addition, the difference between community justice and regular justice lies in the approach to the case. Central to this is that through quick intervention and better cooperation of caregivers in the neighborhood, a solution-oriented and recovery-oriented approach can be achieved. This should promote an integrated approach to the problems a suspect or litigant is facing in various areas (multi-problems), so that the living conditions of the suspect or litigant can be improved and undesirable and disruptive behavior in the neighborhood can be prevented or ended.

The means used for this in the plans, apart from holding a hearing in the neighbourhood, are different than in regular cases. For example, the judge's information position is better than in a regular cases, because he receives more information about the suspect or litigant in advance through a multidisciplinary consultation (*multidisciplinair overleg*, MDO), or a comparable form of consultation, he is advised on what is going on with the suspect or litigant and what interventions are possible and desirable. Social workers and, in criminal cases, probation officers are also present at the hearing for this purpose. The approach of community court cases is therefore distinguished by more (refined) customization than in regular cases.

Furthermore, in community court cases the emphasis is more than in regular cases on achieving productive communication with the defendant or litigant. The judge takes more time to hear the suspect or defendant. And through an approachable and inviting manner of communication the judge motivates the suspect or defendant to cooperate with the intervention decided by the judge ('people-oriented approach'). Finally, distinctive is the judge's attitude. More than in regular cases, the judge is actively looking for solutions or interventions that, according to the advice of the MDO, can contribute to sustainable behavioral change for this individual. The intended attitude is described in terms such as 'active', 'pragmatic' and 'solution-oriented'. To achieve the above, more time is allocated for the hearing in district court cases than in regular cases.

The characteristics just outlined should result in a better-informed decision by the judge than is currently the case in regular cases, so that, it is the idea, a different and better effect (for achieving the set goals) can be realized. That decision, in turn, is then the basis for an equally more effective coordinated person-centered intervention.

With the characteristic approach to community justice just outlined, the project plans aim to achieve a number of objectives. Those objectives are formulated in the plans at different levels: the level of the individual, the neighborhood and society. At the *level of the individual* (suspects or litigants), it is about preventing crime or (other) undesirable behavior (especially among young people), preventing recidivism,

promoting resocialization and reducing multi-problems. This should be the result of person-centered interventions. The imposed interventions in the community courts should more effectively change behavior than in regular cases. At the *neighborhood level*, the goal is to increase the safety and livability of the neighborhood and combat nuisance. This effect should be the result of the change in behavior intended by the intervention.

At the *society level*, the ultimate goal is to reduce reliance on justice, legal aid and municipal services and to increase trust in the courts and the government. This goal would be achieved primarily by strengthening the trust of neighborhood residents in the judiciary and government through proximity of the judiciary, which would strengthen the relation between neighborhood and judiciary and through the effects on safety and livability experienced within the neighborhood.

Underlying the set of goals described in the project plans and resources to be deployed to achieve them are a large number of assumptions about causal relationships ('if this, then that...'), which collectively form the policy theory underlying neighborhood justice. This policy theory is shown schematically in the report in Figure Appendix 1. Researchers had to reconstruct the policy theory from the various project plans, which were not always clear on goals, means and assumptions.

A total of six assumed working chains can be distinguished, relating to the following topics: (1) more accessible and visible community justice; (2) collaborative arrangements; (3) presence of social work / probation services during the hearing; (4) treatment during the hearing; (5) reduced recidivism and multi problems through a more informed decision; and (6) a greater sense of trust in the justice/government through a greater perception of safety. The study tested the assumptions in these causal chains against the knowledge and insights obtained from the scientific literature. The findings can be found in section 3.3.

The overall picture is mixed. For each working chain confirmation can be found in the literature. At the same time, these are more theoretical insights with which the assumptions are in line than empirical evidence for them. In many cases, solid empirical research is lacking. In addition, it is generally difficult to establish cause-and-effect relationships through social science research, and much research is based on evaluation studies of community courts in the United States, that have been in practice for more than twenty years. While these community courts have been an important source of inspiration for neighborhood justice projects, the results of that research cannot simply be generalized to the Dutch context, given, among other things, the

differences in the culture of law and sanctions, and the organization of social work and community services.

The findings of this plan evaluation form the basis for the subsequent process and impact evaluation. General conclusions about the assumptions community justice will be able to be drawn in the final report after completion of the evaluation.