

Section 4: The Justice System

Lesson 10: Problem-Solving Courts

SNAPSHOT

Grade Level	8-10
Duration	1 period

Introduction

Using a cooperative group activity, students will become experts in BC's Problem-Solving courts and will teach each other. These courts include Community Court, First Nations Court, Small Claims Night Court and Circuit Courts.

Objectives

By the end of this lesson, students will:

- Understand that there are different types of court processes
- Learn about alternative types of courts such as Community Court, First Nations Court, Small Claims Night Court and Circuit Courts

Focus Questions

1. What is the purpose of Community Court, First Nations Court, Small Claims Night Court and Circuit Court? What role do they play?
2. What are some examples of scenarios that might be heard in each court?

Teaching Summary

Topics 1, 2, 3 & 4: Downtown Community Court, First Nations Court, Small Claims Night Court & Circuit Court

Students will work cooperatively in a jigsaw to become experts in a particular type of court process in BC; these experts will then teach their groups the knowledge of their court. This lesson also includes scenarios that challenge students to figure out which problem-solving courts would handle the scenarios.

CONTENT

Topic 1: Downtown Community Court

The Downtown Community Court (DCC) opened in Vancouver in September 2008. The court brings into one location 14 justice, health and social services agencies who work together to find solutions to the problems that drive people to commit crime. The community court was established because many offenders in Downtown Vancouver have mental illness, a drug addiction, or both, and are repeat offenders. Many are frequently homeless or lack job skills and social support. These are problems the justice system cannot address by itself.

The DCC is testing new ways to reduce crime and improve public safety. It deals with offenders more quickly through a more coordinated and informed response, while also holding them accountable.

The DCC also provides new opportunities for people, businesses and organizations in the community to be part of the solution. The community court's jurisdiction is the Central Business district, Chinatown, Coal Harbour, Downtown Eastside, Gastown, Strathcona, Yaletown, and the West End, including Stanley Park.

The DCC:

- Looks at the underlying cause of the criminal behavior
- Is a partnership between justice, health and social services, which provides timely, coordinated response for treatment and sentencing
- Operates on the principle that integrated case management can help offenders make long-term changes to their behavior
- Relies on the relationship with and involvement of neighbourhood and community services
- Hears cases quickly so offenders can begin reparations almost immediately

Sentences range from community service (to compensate the community for harm done by the crime) to community supervision to jail time. Community service can include such things as cleaning neighbourhoods, working in community kitchens and cleaning and maintaining roadways and community gardens, sidewalks and alleys.

The DCC team includes the following staff: Provincial court judge, a coordinator, Crown counsel, a defence lawyer, a Vancouver police officer, sheriffs, a court clerk, probation officers, a forensic liaison worker, a forensic psychiatrist, a nurse, health justice workers, an employment assistance worker, a victims services worker, a BC housing support worker and Aboriginal court worker.

The DCC is located on 211 Gore Street in Downtown Vancouver and includes two courtrooms.

Topic 2: First Nations Court

The Provincial Court has also established a First Nations Court in New Westminster presided over by The Honourable Judge Marion Buller Bennett. Aboriginal justice is meant to go beyond the current Euro-Canadian form of justice and take an approach that focuses on First Nations concepts such as social harmony, dispute resolution, peace-making and healing.

The First Nations Court provides a holistic and restorative approach to sentencing, incorporating Aboriginal practices. The court has the benefit of hearing about an offender's education, employment history, past criminal history, as well as information about the offender's extended family, his or her current needs for housing and health services, the availability of community-based resources and the views of the community toward the offence. If there is a Family or Youth Court file, or a related matter, those issues are heard at the same time as the criminal matter. Recently, for the first time in BC history, the court sat in the community at the invitation of an Aboriginal community. A special ceremony was held to recognize the significance of this occasion.

Topic 3: Small Claims Night Court

The Court's major initiative in civil justice is currently being used at Robson Square and Richmond. The following apply to night court:

- Senior civil or arbitration lawyers will determine matters between \$0-\$5,000 in an expedited, arbitration-like process.
- These claims will be heard by an experienced lawyer who is also a Justice of the Peace.
- In Vancouver, the "night court," is held on one evening a week from 5:00-9:00 pm for one hour.
- In Richmond, these simplified trials will be held during the day.
- All institutional debt claims between \$5,000-\$25,000 (claims like credit card debt) will be diverted to a separate track which will be heard and determined by judges in a summary process without a settlement conference.
- All other claims between \$5,000-\$25,000 will be mediated by trained and qualified mediators provided through the Dispute Resolution Practicum Society, relieving judges of the requirement to conduct settlement conferences. Those cases which are not resolved by the mediators will come before a judge for the purpose of a pre-trial conference to focus and narrow the issues for trial.

- For cases which do not settle in mediation and have a conference, a judge could make orders on any number of trial matters such as length of trial, trial procedures and expert reports. The trial itself would follow the conference.

Topic 4: Circuit Courts

Circuit courts are courts that travel around, typically to areas with lower populations that do not have enough people to have their own courthouses. The Provincial Court of BC and the Supreme Court of BC are circuit courts because their judges travel to different locations in the province to hear cases.

Another example of a circuit court is the Nunavut Court of Justice. It was established in 1999 as a new kind of court in Canada. The Nunavut Court of Justice combines the power of the Supreme Court and the territorial courts (similar to provincial courts) so that the same judge can hear all cases that arise in small isolated communities as well as hear regular court cases in the capital of Iqaluit.

The courts travel to the small communities “on circuit” of intervals of six weeks to two years depending on the number of cases. These circuit courts include a judge, clerk, court reporter, prosecutor and at least one defence lawyer. Court workers and Crown witness coordinators may travel with the circuit court, depending on the cases. Interpreters will also be hired for some of the cases.

ACTIVITIES

Activity 1: Types of Court Processes - A Cooperative Group Exercise

There is a lot of material to cover in this activity so it would be advisable to use a jigsaw, as it is a great way to handle large amounts of information and have students use it in a small amount of time. Instead of students researching every aspect of an idea or area individually, they become experts in one area and go back to their home group to teach the other students using that expertise.

Have students get into groups of four to participate in a jigsaw. This will be the students' home group. In their home group, each student chooses one of the court processes – Community Court, First Nations Court, Small Claims Night Court and Circuit Courts.

Have students move into their expert groups and give *Handout 1: Downtown Community Court*, *Handout 2: First Nations Court*, *Handout 3: Small Claims Night Court* or *Handout 4: Circuit Courts*, to each student in each expert group and have them answer the accompanying questions.

Have students return to their home group. Provide students with *Handout 5: Types of Court Process Chart* to each student in the group. Each expert will teach their home group everything they learned in their expert groups about their court. Each individual student will complete the *Handout 5: Types of Court Process Chart* with the help of each expert.

Give *Handout 6: Which Problem-Solving Court?* to the home groups. As a home group, the students will look at scenarios and decide which type of court process fits the scenario. Go over the answers in as a class.

To see the answer keys for *Handouts 5 and 6*, see the Assessment section.

RESOURCES

Activity 1: Types of Court Processes - A Cooperative Group Exercise

Handout 1: Downtown Community Court

Handout 2: First Nations Court

Handout 3: Small Claims Night Court

Handout 4: Circuit Courts

Handout 5: Types of Court Processes

Handout 6: Which Problem-Solving Court?

ASSESSMENT

Activity 1: Types of Court Processes - A Cooperative Group Exercise

Once students have completed *Handout 5: Types of Court Processes* and *Handout 6: Which Community Court?* have them turn in the handouts for marks. The answer keys are below.

Answer Key: *Handout 5: Types of Court Processes*

	Important Information About the Court Process
Downtown Community Court (DCC)	<ul style="list-style-type: none"> • Found in the Downtown area. • Most crimes are driven by offenders's economic, social and health issues. • People with mental health issues, drug and alcohol addiction, no housing, job loss. • Justice, social services and health services. • Immediate sentencing so the offender can make reparations quickly. • Community service helps offenders connect with the community and other services available. • Community service sentences include soup kitchen work, cleaning and maintaining of roads and community gardens, maintain sidewalks and alleys. • Personnel: judges, Crown, defence, court clerk, probation officer, forensic liaison worker, forensic psychiatry, a nurse, health justice worker, employment assistance, victims services, BC housing and Aboriginal court work.
First Nations Court	<ul style="list-style-type: none"> • Holistic approach and uses restorative justices approaches to sentencing. • Offenders' history such as education, employment and criminal record used. • Provides health and housing services. • Community-based resources used. • Family and youth court files can also be considered along with criminal matter.
Small Claims /Night Court	<ul style="list-style-type: none"> • Pilot project on Robson. • Four different streams for the small claims cases: <ol style="list-style-type: none"> 1. Senior civil or arbitration lawyers will determine matters between \$0 – \$5,000 in an expedited, arbitration-like process. These claims will be heard by an experienced lawyer who is also a Justice of the Peace. In Vancouver, these will happen in "night court," likely to be held on one evening a week from 5:00- 9:00 pm for one hour. In Richmond, these simplified trials will be held during the day. 2. Institutional debt claims between \$5,000 – \$25,000 (claims like credit card debt) will be diverted to a separate track which will be heard and determined by judges in a summary process without a settlement conference. 3. All other claims between \$5,000 – \$25,000 will be mediated by trained and qualified mediators provided through the Dispute Resolution Practicum Society, relieving judges of the requirement to conduct settlement conferences. Those cases which are not resolved by the mediators will come before a judge for the purpose of a pre-trial conference to focus and narrow the issues for trial. 4. For cases which do not settle in mediation and have a conference, a judge could make orders on any number of trial matters such as length of trial, trial procedures, and expert reports. The trial itself would follow the conference.
Circuit Courts	<ul style="list-style-type: none"> • Travels around to remote communities. • Nunavut Court of Justice. • Small communities not big enough to have their own law courts. • Travel to each small community over a 6 week to 2 year schedule, dependent on the crimes. • Personnel working are a judge, a clerk, a court reporter, a prosecutor, and at least one defence lawyer. • Judge handles all levels of cases.

Answer Key: Handout 6: Which Problem-Solving Court?

1. Maria Jones lives in a small town in the Nunavut area. There are only 400 people living in her town. She has recently committed a break and enter to get money to feed her three children. What court would she be dealing with?
Nunavut Circuit Court
2. Robert Wagner is a 40-year-old man living in the Downtown Eastside. He has been a drug addict for over 10 years after the death of his children. He has had no work for over two years and usually commits crimes to feed his habit. Recently, Robert stole a package of batteries from a shop owner in Downtown Vancouver. Robert was arrested and charged with theft under \$5,000. What court would he be dealing with?
Downtown Community Court
3. Maria Classico is thinking of suing a jeweller for not doing his job on a custom made engagement ring. The jeweler refused to refund Maria the \$3,500 for the poor workmanship. What court would she be dealing with?
Small Claims/Night Court
4. Rose Pattinson has maxed out her credit cards to \$20,000 and has not been able to pay her bills for over five months. She lost her job during an economic down turn and the creditors are calling her every day. They are now taking her to court. What court would she be dealing with?
Small Claims/Night Court
5. Jordi Morgan is a First Nations young adult who set a fire to a neighbour's house in New Westminster. It was his first offence. He says that he was feeling bad about being bullied at school and decided to set fire to show that he was strong. The local chief and the police decided to send this to a restorative justice conference. Jordi took responsibility for his actions and was ordered to help rebuild the neighbour's house. What court would Jordi deal with?
First Nations Court

ENRICHMENT

1. Have students go to www.JusticeEducation.ca/Resources/DCC-Videos, where they can find videos on the Downtown Community Court. Students should watch the introduction as well as Part 1, Part 2, and Part 3, which follow three fictional offenders as they make their way through the court.

Students will complete a short writing assignment on the videos. They should discuss what the offences of the three offenders were, what the history of those individuals was, and what the outcome of the trial was. They should conclude by writing about what the benefits of this particular court are.