

Drug Treatment Courts

The Key Issues

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Drug Abuse

- a social, health, economic and criminal justice problem
- global in nature

ROOT CAUSES



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The problem

- Drug addicted offenders are caught in the revolving door of drug use/addiction and criminal behavior to support a drug habit.

Why Should Justice Be Involved in Treatment?

- Experience has shown that treatment and sentencing alone are not able to effectively deal with certain types of offenders
- The marriage of the justice and treatment communities can better deal with drug abuse by criminal offenders than either treatment or the courts alone.

An innovative approach

- Create a strong partnership between legal case processing and substance abuse treatment - establish a Drug Treatment Court (DTC)

What Are Drug Treatment Courts (DTCs)?

- Courts specifically designed to supervise cases of drug dependent offenders who have agreed to accept treatment for their substance abuse.
- They encourage the offender to deal with and accept responsibility for his or her addictions.
- They combine the traditional processes of the justice system with the treatment community

Do Drug Treatment Courts Work?

- Evaluations in various jurisdictions show DTCs are more effective in reducing ongoing drug dependency and criminal behavior
- cost effective compared with prison
- not a ‘soft option’ ...close monitoring

Are DTCs the solution for all addicts?

- Offender must volunteer
- not appropriate if seriously mentally ill
- program works best if offender commits crimes to support their drug dependency
- court works best for offenders who are motivated to stop using

Eligibility

Who is eligible?

- Almost all Canada's DTCs are adult programs
- Metro West Toronto accepts youth

Who is eligible ?

Adults:

- Non violent offender
- addiction to cocaine, crack cocaine, opiates, ecstasy/crystal methamphetamine
- Alcohol as a subsidiary or accompanying addiction

Who is eligible?

Youth: (Metro West Toronto)

- Abuse of illicit drugs
- Addiction to all illicit drugs
- Dual diagnosis – addiction and mental illness

Who is eligible?

Adults:

- Dual diagnosis – addiction and mental illness (Durham)

Eligible offences

- Low level drug offence
- Low level non drug offence
- No or low violence
- Addiction must be the primary cause or a significant contributor to criminal behavior

DRUG TREATMENT COURT FUNDAMENTALS

THE 13 PRINCIPLES FOR A SUCCESSFUL DRUG TREATMENT COURT

1. Marriage of Treatment Services with the Court

- The collaboration of both systems is superior to each working alone
- the team approach
- immediate treatment and ongoing judicial supervision

Partners

Partners:

- Addiction Treatment Services
- Mental Health Services (Durham and Metro West Toronto)
- Legal Aid
- Court
- Participant

Partners

- Probation
- Ministry of the Attorney General
- Office of Director of Public Prosecutions
- Police
- Community Partners e.g. job training, housing etc.

HOLISTIC



2. Non-adversarial Approach to Decisions

- All team members meet in a pre-court meeting prior to court to discuss each offender
- decisions are usually reached by consensus
- judge, who is a member of the team, has the final say but rarely disagrees with the group decision

3. Eligible Offenders are Identified Early

- Immediately after arrest the decision is made whether an applicant is eligible for DTC
- decision on eligibility should include public safety and appropriateness for treatment
- treatment should commence ASAP

DENIAL





HELP ME

COMPREHENSIVE ASSESSMENT

Why?

because...

Why?

because...

Why?

because...

Why?

because...

Why?

because...

WHY?

ASSESSMENT:

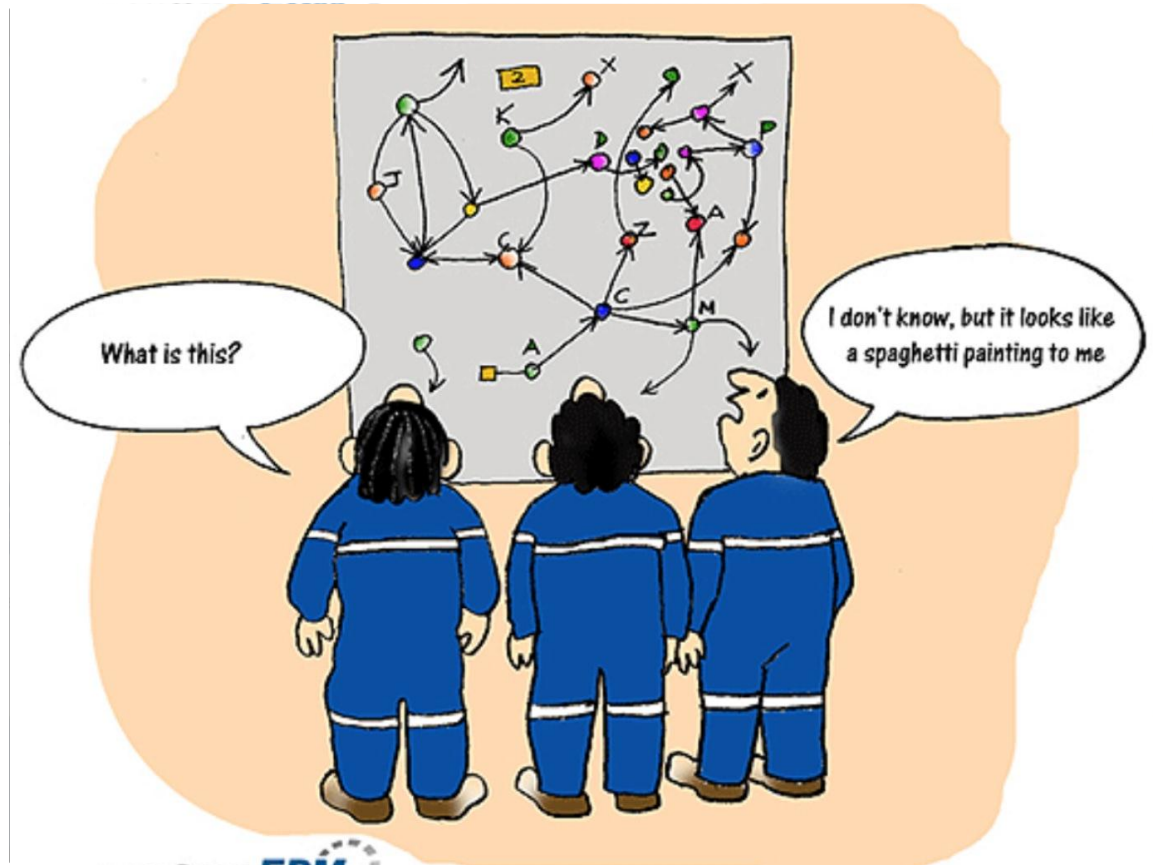
DRUG INVOLVEMENT

MEDICAL ISSUES

PSYCHIATRIC STATUS

EMPLOYMENT AND
FINANCIAL STATUS

FAMILY AND SOCIAL
STATUS



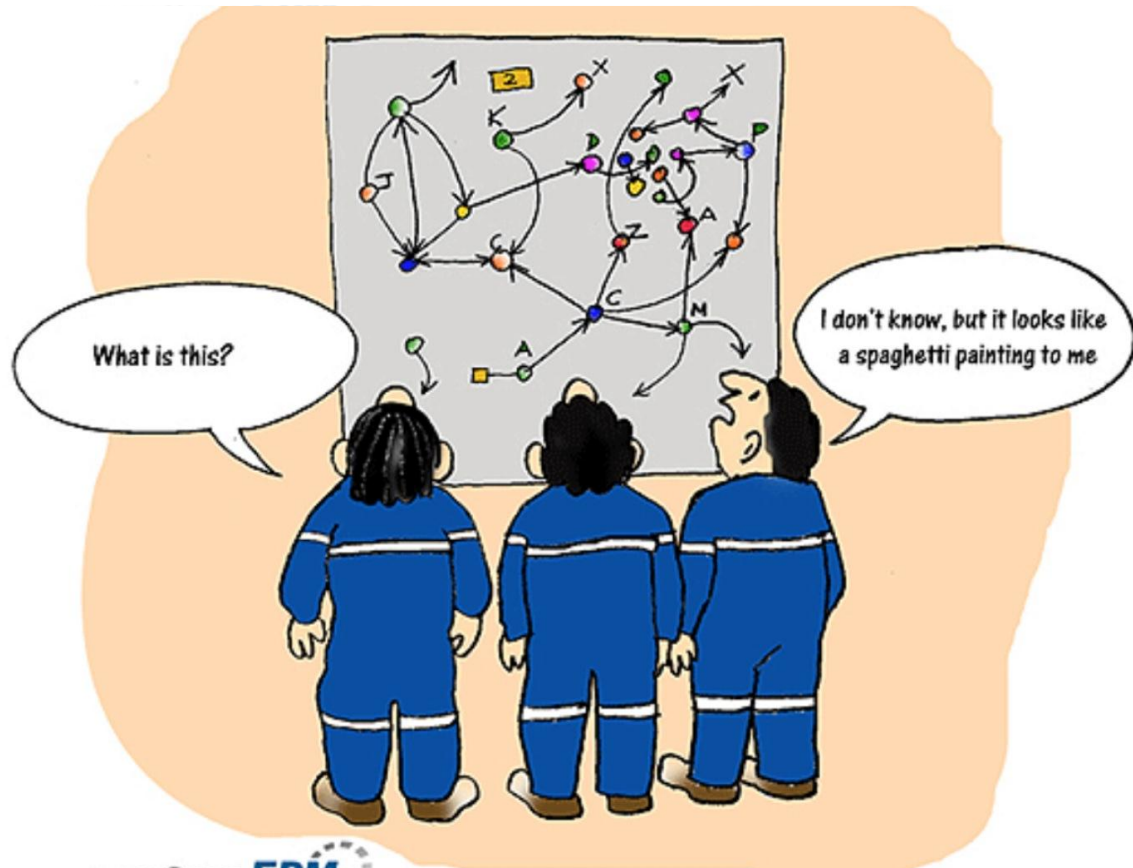
WHY?

TRIGGERS

SELF ESTEEM

MOTIVATION FOR
CHANGE

“AVOID ONE SHOE
FITS ALL”
APPROACH



HOLISTIC



ROOT CAUSES



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4. Treatment Services

- Treatment should include a range of services
- community resources should be accessed

TESTING

FERQUENT

RANDOM

URINE SCREENS



5. Urine Testing

- Random and regular urine testing is essential to ensure compliance
- should be seen as only one part of a comprehensive strategy by the DTC
- Compliance is objectively monitored by frequent substance abuse testing

SANCTIONS AND INCENTIVES



6. Incentives and Sanctions

- A range of graduated incentives and sanctions should be developed
- Sanctions should be swift and certain but flexible if needed

Fundamental Expectations

- Immediate abstinence is not expected
- A series of “smart” therapeutically based sanctions and incentives are utilized to ensure compliance and positive behavior modification
- Abstinence is a requirement for graduation from the program

“ONE ON ONE”

JUDICIAL
INTERACTION

INFORMATION
SHARING



7. Ongoing Judicial Supervision

- Ongoing judicial oversight is essential
- face to face interaction with each DTC participant is critical
- pre-court discussion among the judge and each DTC member is vital
- judge is the ultimate decision maker

8 Evaluation

- Evaluation procedures should be part of the program
- both process and impact evaluations are important
- a comparison group should be designed to assist in evaluating program outcomes

9 Interdisciplinary Training

- DTC members must be trained to work as a team
- the judge's ability to interact with other team members and listen are critical
- development of multi-disciplinary approach takes time and patience
- Continuing interdisciplinary education promotes success

10. Partnerships with the Community

- Resources for the DTC may be found in the community
- Garnering community support will help ensure the viability of the Court and make it more effective
- Partnerships among courts, treatment programmers, public agencies & community organizations, generates support

CASE MANAGEMENT



11. The importance of Case Management

- Offenders must obtain access to health care, stable housing and secure jobs and/or be retrained
- case managers must be assigned to each offender to assist them in reintegrating into the community
- Social support is necessary to achieve social reintegration

12. Program Must be Flexible

- treatment must be responsive to the needs of the offenders
- E.g.. if women offenders with children are entering program the DTC must adapt and secure stable housing

13.Planning for After -care

- Post treatment and after-care services should be established in order to enhance long term programme effects.

Fundamental Expectations

- Honesty
- Accountability
- Focus is on compliance with program requirements

General Graduation Criteria

Some Graduation Criteria

- A period of complete abstinence from “drug of choice” for example, 4 months.
- A period of complete abstinence from other drugs (including alcohol) for example, 1 month.
- Some DTCs require abstinence from all illicit drugs

Some Graduation Criteria

- Stable and appropriate housing.
- Full time employment or attendance at school.
- Appropriate lifestyle changes.

The Final Disposition

- DTC “graduates ” receive non custodial sentences
- The sentences imposed usually include a probation order which incorporates conditions designed to encourage and facilitate participation in After Care programs

Other measures of “success”

- “Substantial compliance”
- Significantly decreased drug use.
- Increased social stability.
- Acquisition of tools that may assist later in life.