

DRUG TREATMENT COURTS

Lessons Learned

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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.

ROOT CAUSES



www.root-cause-analysis.com

An innovative approach

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

DTC - FUNDAMENTALS

- Drug Treatment Courts reflect the following internationally recognized Drug Treatment Court principles, tailored to the needs of individual jurisdictions.

DTC - FUNDAMENTALS

- Drug Treatment Courts integrate addiction treatment services with justice system case processing
- Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' Charter rights

DTC - FUNDAMENTALS

- Drug Treatment Courts provide access to a continuum of drug, alcohol and other related treatment and rehabilitative services
- Compliance is objectively monitored by frequent substance testing

DTC - FUNDAMENTALS

- Eligible participants are identified early and placed in the Drug Treatment Court program as promptly as possible
- A coordinated strategy governs Drug Treatment Court response to participants' compliance and non-compliance
- Swift, certain and consistent sanctions or rewards for non-compliance or compliance

DTC - FUNDAMENTALS

- Ongoing judicial interaction with each Drug Treatment Court participant is essential
- Monitoring and evaluation processes measure the achievement of program goals and gauge effectiveness

- Continuing interdisciplinary education promotes effective Drug Treatment Court planning implementation, and operations
- Ongoing case management providing the social support necessary to achieve social reintegration

- Appropriate flexibility in adjusting program content, including incentives and sanctions, to better achieve program results with particular groups such as women, indigenous people and minority ethnic groups

DTC FUNDAMENTALS

- Forging partnerships among courts, treatment and rehabilitation programs, public agencies and community based organizations generates local support and enhances program effectiveness

SOME LESSONS LEARNED

The Paramount Consideration

- The paramount objective is the reduction of criminal behavior due to dependent drug use
- Public safety and achieving optimum health and social outcomes for participant are not mutually exclusive objectives
- Common goal – allows different perspectives to work together in a complementary fashion to achieve paramount objective

Substantive and Procedural law Changes

- Will a DTC fit within existing legislation? e.g. Canada
- Do you need new legislation? e.g. Australia, Jamaica
- Procedural issues –
- Drug Testing
- Delay of sentencing
- Ability to implement sanctions and incentives

Substantive and Procedural law Changes

- Authorize the collection and communication of personal information
- Permit and facilitate information sharing
- Streamline traditional court processes – reduce contested hearings

Substantive and Procedural Law

- Legislation
- Contacts between Participant and Court – e.g. Rule and Waiver forms – setting out program rules; court powers, program expectations and consequences

Effective Judicial Leadership

- Judicial leadership is vital
- Commitment
- Understanding of DTC process and objective
- Open to constructive criticism
- Understands the community
- Can balance the needs of the stakeholders

Strong Interdisciplinary Collaboration

- Strong inter disciplinary collaboration among the team
- Clear common goals
- Reduction of level of criminality resulting from drug dependency

Strong Interdisciplinary Collaboration

- Common goal achieved through performance of usual roles
- Adjustments of usual roles in context of common objective
- Collaboration without sacrificing professional independence

Strong Collaboration Essential

- Frequent communication – team meetings e.g. meeting before/after court day and special team retreats
- Unbiased even handed liaison to facilitate effective information sharing between court and treatment teams
- Understanding roles of team members
- Setting effective boundaries

Understanding Roles

- Understanding Roles essential to effective communication and collaboration
- Judge – independent, objective makes conclusive determination of facts and fate of participant
- Prosecutor – objective to secure conviction where warranted by the facts; protection of the public interest ; must be concerned about public safety
- Police Officer – Striking a balance between keeping participant and society safe.

Understanding Roles

- Defense counsel – secure acquittal for client in accordance with the law, protect the interests of the client
- Health care/ treatment provider – guide participants to the best recovery possible and reduce the risks of further damage to the participant
- Social Service Provider – maximize participants' ability to play a valuable role in society

Holistic Knowledge

- Good knowledge of the legal process by the non-legal team
- Good knowledge of addiction and recovery process by the non legal team
- Avoid the legal versus treatment divide
- Avoid the “us vs. them” mentality in the same team
- Judge sets the tone

Operational Manual

- An Operational Manual is necessary to ensure program consistency and efficiency
- Enhances “fair treatment percentages”
- Reduces impacts of personnel changes

Operational Manual

- Increases effectiveness of collaboration
- Aids effective process evaluation and encourages effective and constructive program improvements
- Reduces the inevitable by product of frequent contact – “unintended bias”

Clear eligibility/screening criteria

- Eligibility and screening criteria must be clear and objective to reduce confusion about “who gets in and who does not”
- Problem areas – including minor offences
- Indiscriminate assessment/exclusions
- Avoiding “cherry picking”

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Clear eligibility/screening criteria

- We have learned to avoid net widening
- DTC target populations have been narrowed to offenders for whom traditional processes were not effective
- Not every offender or offence is suitable

Detailed Assessment

- Detailed and comprehensive assessment of each potential participant is essential
- Include identification of areas where immediate support is required e.g. stable and drug free housing

Detailed Assessment

- Facilitate individualized treatment plans
- Enhance development of appropriate sanctions and incentives
- Facilitate ongoing program enhancement to meet needs of target population
- Strategies for ongoing assessment where appropriate

The Adult – Youth “divide”

- We have learned that due to the differences in the cognitive and other development of adolescents versus adults...
- Adult and Youth DTC programs must be kept separate and Youth DTC programs must be specifically tailored to address the unique needs of Youth.

Informed Consent

- Each participant should receive full legal advice
- Documented signed consent after receiving legal advice
- Understanding of program expectations and consequences

Informed Consent

- What treatment comprises
- What behaviors trigger sanctions
- What behaviors trigger rewards
- How information will be gathered shared and utilized

Speedy Referrals

- Objective – referral to treatment within 72 hours a best practice
- Impacts of recent trauma on willingness to embark on positive change.

Sanctions and Incentives

- Sanctions for non compliance – swift and certain
- Rewards to reinforce and encourage progress
- Must be smart –” therapeutically and behaviorally” informed

Sanctions and Incentives

- Individual Participant must be allowed to state his or her view before position
- Must be consistent but must take into account the particular circumstances.

Importance of incentives

- As important as sanctions are in ensuring compliance, incentives are extremely important in efforts to instill behaviors promoting recovery

Community Collaboration

- We have also learned that successful DTCs do not operate in a vacuum.
- Successful DTCs work in collaboration with various community services and agencies to provide specialized treatment
- Community Collaboration –includes cooperation and referral to other “solution focused courts” as appropriate – e.g. Mental health, Gladue etc.

Holistic Rehabilitation

-these specialized services include: drug addiction treatment, psychiatric and medical treatment, job training, housing, employment, anti criminal thinking etc.
- It is clear that a holistic rehabilitative approach yields the best long term results

Program Flexibility

- Avoid the “one shoe fits all approach to treatment”
- We have learned that to be successful, DTC programs must be flexible and innovative to ensure that their programs continue to address the needs of their targeted populations.

Rehabilitation and Public Safety

- We have also learned that successful DTC programs are designed to obtain the best rehabilitative results without compromising public safety

The Realities of Treatment

- Program goals, criteria for measuring success should reflect the realities of addiction treatment (and the possibility and nature of a new criminal offence).
- Program success criteria/strategies should reflect the different levels of outcome.

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Evaluation

- At some point someone is going to ask you “how is your program going”
- Process evaluations
- Outcome evaluations
- Program growth and enhanced success

Evaluation

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- Sustained funding and optimal resources is the best outcome
- Money is scarce and some one is going to want to find out if your program is effective.
- Program evaluation is indispensable.

Successful DTCs and Unsuccessful DTCs

- We have learned that not all DTCs “are created equal”
- There are successful DTCs and unsuccessful DTCs
- Research indicates that DTCs that adhere to the key principles of DTCs are five times more successful than those who do not

A prerequisite for success

- We have learned that effective adherence to the key DTC principles is an essential prerequisite for a successful DTC program
- We have learned that these principles should be tailored to address local circumstances and needs

Ongoing Training

- Ongoing training crucial at local, national and international levels
- Formed CADTCP – www.cadtc.org

Several other lessons

- Importance of assigning team personnel for blocks of time to ensure consistency of approach
- Importance of finding suitable personnel
- Need for operational manual
- Need for succession planning

Some lessons

- Need for team retreats -cross disciplinary training
- Strategies to avoid burn out - peer support
- Importance of case conferences/pre-court
- Importance of your choice of Judge

A global problem

- We are confronted with a global problem
- There are several ideas about how to resolve them
- We have learnt that we need an effective communications strategy to send out messages about DTCs effectiveness
- This is necessary to maintain the resources DTCs need to be effective

Global partnerships

- We have learned that no matter the problem or information you need - someone somewhere has it or has encountered a similar problem and may have a solution
- nadcp.org; cadtc.org; iadtc.com; CICAD/OAS etc. are always excellent resources

DTCs work

- The main reason why we persevere with DTCs despite the invariable obstacles and challenges is because when operated properly they work.
- “It’s a known fact: if it weren’t for this program, I’d either be locked up for a really long time – and wouldn’t have learned anything – or I’d be in a grave.”

DTC Alumni