

Drug treatment program addresses root causes of crime

DurhamRegion.com

Thursday, August 28, 2008

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DURHAM -- It's a sultry Monday afternoon in July and the provincial courthouse in west Oshawa is deserted, save for Courtroom No. 10, where Justice Kofi Barnes is about to pass judgment on the young man standing before him.

Justice Barnes observes the defendant, a tall kid who's arrived with his girlfriend in tow. His thin frame is draped in a tank top, his feet shuffle along in battered sneakers. He fidgets with the ball cap he's removed for his court appearance. A lurid tattoo crawls along his forearm.

The judge considers what he's heard, including submissions from the Crown and comments from the defendant, then renders his decision: This young man deserves a round of applause.

Everyone in the room joins in; they know what the kid's going through. Just a youth, he's run into trouble with the law. At the root of his problems is his drug use, just like every other defendant present. And like them, he's making an effort to beat his drug habit, get an education and land a job. Today he's shown up with his report card and the marks are good.

"Do you have a copy of this or can I keep it?" Justice Barnes asks.

It's OK, the young man indicates; he has his own copy.

"This is huge," the judge tells him, and the boy nods.

"Remember when we met?" Justice Barnes asks. "You're a different guy."

This is a scene from Durham Region's Drug Treatment Court, an innovative project aimed at helping addicts facing non-violent criminal charges address the underlying cause of their troubles -- drug dependency -- and make changes in their lives to end the oppressive cycle of recidivism in which many are trapped.

Appearing before Justice Barnes on this day is another young man who's staying clean, but has trouble keeping a job. The judge tells him he's doing well but needs employment to graduate from the program.

The judge asks: "How old are you?"

"I'm 21, sir," the kid replies.

"You're getting old, man," Justice Barnes playfully admonishes him.

Then it's time for Deborah, who before court began was stalking the aisles, cracking wise and doing impressions for her friends. Now she's standing before the judge -- the man on the bench above her in his dramatic black robes and scarlet sash -- and chewing on her thumbnail as she reports her progress on a methadone program.

"I'm not exactly ecstatic with my life but things are better," she says. "I'm moving forward.

"And I get to start seeing my son on Sundays, so that's awesome."

Justice Barnes tells her to stay the course and be strong.

"I just want to make sure you don't fall down again," he tells Deborah.

Everyone who appears before the judge today will tell him how it's going, in life and in their struggle with addiction. Some will admit to relapses, like succumbing to the temptation to smoke some weed, but Justice Barnes and the others involved in the process, including lawyers and representatives of various community agencies, will focus on positive developments.

All will be ordered to appear in court in a week or two or three, to check in again.

Justice Barnes, they well know, is keeping an eye on them.

It was when he was working as a prosecutor in Toronto that Kofi Barnes, now Ontario Justice Barnes, saw for himself the extent of the link between drug addiction and crime. Over and over again he'd see the same people --

hauled in for prostitution, theft, small-time drug dealing -- found guilty and sentenced to relatively short jail terms. They'd do their time, find themselves back on the street and begin the cycle over again with depressing regularity.

He realized for the courts to effectively deal with these low-level criminals and achieve the paramount goal of protecting society, they must address the cause of the criminal activity.

"People are not convicted and sent away forever; they will come back to society," Justice Barnes said.

"And when you're dealing with substance abuse, if you send them back where they came from, they'll be right back (in court) again."

He teamed with a judge to form the nation's first drug-treatment court, the notion being that if drug addiction can be conquered, the offender's impetus for criminal activity is removed.

Upon being appointed an Ontario Court judge and assigned to Durham Region, Justice Barnes quickly realized the concept could address the same sort of revolving door criminality here.

Justice Barnes enlisted the help of the Crown attorney's office, Durham Regional Police and agencies such as the Pinewood Centre and Durham Mental Health Services to create a model for which they'd pursue federal funding for a Durham drug treatment court.

The funding didn't come. But the potential for the project was compelling enough that various partners committed resources to make it work. Durham's drug-treatment court was established in the fall of 2006 and its first graduates were recognized in September 2007.

The program is available to both adult and youthful offenders who have committed non-violent crimes -- assaults, residential break-ins, drinking and driving and offences involving children are among those that preclude an offender -- and stream them into a program that would make it incumbent on them to assume responsibility by pleading guilty, then commit to drug and lifestyle counselling with a view to getting and staying clean, finding appropriate homes and employment.

Candidates are carefully vetted by court officials and the agencies involved: "You may be eligible, but not necessarily suitable," Justice Barnes said.

And once accepted, offenders are required to submit to drug testing and counselling as deemed appropriate by the court and participating agencies. Compliance is assured because all of the players -- drug counsellors, probation officers, cops and others -- are in constant communication on each and every file. Consequences for non-compliance can range from minor sanctions to revocation of release, meaning an offender can find him or herself sitting in a cell.

In many ways the scrutiny of offenders enrolled in drug treatment court is more thorough than for people released on bail and awaiting trial.

"They are held accountable," Justice Barnes said. "People start to realize this is a program of constant monitoring and all the parties are talking to each other.

"They are the most intensely supervised non-incarcerated persons in our system."

It's a rigorous path for these offenders, many of whom have come to accept criminal charges and even incarceration as part of life. It requires a commitment to massive change and the determination to bring that about.

Some will admit to the court -- and themselves -- they're just not up to it, opt out and accept their jail time.

The successful candidates will eventually receive a non-custodial sentence for the offence to which they've pleaded guilty. And, ideally, a new start.

"What's unique about (the court) is the team approach," Justice Barnes said.

"There is something called the real life human story, and the successes keep you going."

Part 2: Changing Your Life Around.