

Durham Drug Treatment Court pushes ahead despite lack of funding

Oshawa This Week

OSHAWA -- There aren't many courtrooms in Canada where you can freely admit to using illegal drugs, without fear of consequences.

In fact, there are precisely nine, one of which is here in Durham Region.

"You don't have to be afraid to be honest about what's going on with you, everyone just wants to help," said Vivian Cruz, one of two women who graduated from the Durham Drug Treatment and Mental Health Court on Oct. 18.

Clutching a certificate and a bouquet of flowers to her chest, Ms. Cruz grinned from ear to ear as Justice Katrina Mulligan praised her for kicking a drug addiction, attending counselling, landing a volunteer job and a myriad of other accomplishments required to complete the program.

"It's nice to have you back in our community as a productive member," the judge said as Ms. Cruz's fellow program participants cheered and dabbed tears from their eyes.

"It's nice to be back," Ms. Cruz replied.

The scene is unlike most courtroom proceedings, because this is unlike most courts.

After being carefully vetted, offenders with drug and mental health problems are referred to the program to potentially escape probation, fines or jail, and get their lives back on track.

This fall, Durham's court celebrates its fourth anniversary, a milestone that is especially noteworthy because it was achieved without funding.

Most of the other drug treatment courts in Canada receive federal cash from the Department of Justice, but Durham has been routinely turned down, due in part to its proximity to Toronto.

That means Justice Mulligan and the lawyers, addiction counsellors, mental health experts, police officers and other members of the team donate their time and resources.

It also means Durham's court has only seven spots, compared with others that have 50 or more.

"We are a community that has a real drug problem, we absolutely need more spots," Justice Mulligan said. "People benefit so much from this program.

"It's a shame you have to commit a crime to get in."

Durham Regional Police officer Jeff Tucker works with the drug treatment court and said addiction can lead to all kinds of criminal charges including prostitution, fraud, break and enters, drug possession and theft.

He said it's frustrating to see the number of people who could turn their lives around, if there were only more spaces available.

"I work with a lot of people addicted to drugs and when we charge them, it's just a revolving door. They're back on the street a little while later and nothing has been done to address the root cause," he said. "Oshawa alone had an immense drug problem whether people want to admit it or not. Seven spots for the entire Region of Durham isn't enough."

Police also need to be more aware of the program, he said, noting many local cops have no idea what it is. Most referrals come from defence lawyers and Const. Tucker would like to see that change.

He and his colleagues are hoping to host an event this fall to educate Durham police and politicians about the court, in an effort to drum up funding and increase awareness of how it works.

Drug treatment courts operate by surrounding participants with support services -- many of which would otherwise be inaccessible or require long waits.



OSHAWA -- Annmarie O'Kane was one of the graduates of the Durham Drug Treatment and Mental Health Court program at the Durham Courthouse October 18, 2010.

In order to stay in the program, participants must appear in court every Monday, attended multiple weekly counselling sessions, see a mental health professional if needed, provide regular urine samples and work to get their lives back in order.

Durham's drug treatment court team meets weekly to scrutinize the progress of the seven participants before they appear in front of Justice Mulligan at Oshawa's downtown courthouse.

Participants who meet all their weekly obligations get an incentive. Tim Hortons gift cards, CDs and books are popular, but praise from Justice Mulligan and applause in the courtroom is the undeniable favorite.

Dropping the ball results in a sanction, ranging from a few hours of community service to expulsion. The team stresses that no one is ever sanctioned for admitting to drug use -- as long as they're honest, it won't be held against them.

To reach graduation, which takes an average of nine to 18 months, participants must be free of drugs and alcohol for three consecutive months, have stable housing and be giving back to society by working, volunteering or attending school.

If they make it to the finish line, charges are dropped or jail time is swapped for a non-custodial sentence, depending on the nature of the offence.

"I talk to a lot of parents who describe their kid as a lost soul out there on the street. They don't know what to do to get them back. They don't want to see their kid punished by going to jail, they want someone to help them," said John Adamson, a defence lawyer who is part of the Durham team. "That's what this court does, it helps. A lot of these people are dying on their feet, they're fading away from normal life. To have a judge and all these people take an interest in them is a whole new experience. They grab onto it with both hands."

So far about 30 people have been admitted to the Durham program and six adults and seven youths have graduated -- not bad considering how daunting the tasks are for those struggling with addiction and mental health issues.

"Even those that don't graduate see benefits," Justice Mulligan said. "They remain connected with the social services set up for them, and they do much better than if they hadn't been involved at all."

For Ann Marie O'Kane -- the program's other most recent graduate -- drug treatment court has been a lifesaver.

"It has shown me how to live, I can feel again," she said, noting that she has a husband and five children at home who are incredibly relieved to have her back on track. "I didn't know what would have happened to me if I didn't get this help."

Fellow graduate Ms. Cruz said it's a misconception that only "a certain type" of person can fall victim to addiction and require the help of a program like the drug treatment court.

"Addiction doesn't discriminate," she says.

She and her husband are both professionals and she said it was work stress that eventually saw her turn to drugs.

"You wonder how it can happen to you when you've done everything right, but this can happen to anyone. I would encourage anyone out there who has the means to support this program to help, you never know when it could be you or your loved one that needs it." As the team looks ahead to the future, securing funding and more spots is the main objective.

Justice Mulligan said she is encouraged by the Province's recent commitment to support mental health initiatives and recent changes to federal minimum sentencing legislation that offers exceptions for those in drug treatment court programs.

Both developments stand to legitimize the work drug treatment courts are doing, and possibly open the door to more funds, she said.

In the meantime, there are ways the community can help. While private sponsorships are out of the question because of the potential for conflicts of interest, community partners can donate resources such as incentives and graduation gifts for the participants.

Anyone making a financial donation to Pinewood Centre and Durham Mental Services can also earmark their money for the drug treatment court.