

# DRUG TREATMENT COURT: A DIFFERENT PERSPECTIVE ON CONFLICT

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# Introduction

- History and Philosophy
- Applications and Admissions
- A day in DTC Court
- Incentives and Sanctions
- The role of Counsel and Duty Counsel
- DTC Graduations and Measuring Success
- Future Opportunities and Challenges for Drug Treatment Courts



# History

- Drug Treatment Court of Ottawa (DTCO) since 2006
- Followed the model of the Toronto DTC (since 1998)
- Collaboration of the Ottawa Crown Attorney's Office, the Federal Prosecution Service and the Ontario Court of Justice
- OBJECTIVE : Problem solving court which offers judicially supervised post-plea rehabilitation for willing, non-violent drug-addicted offenders as an alternative to incarceration
- Initiatives reflect the needs and resources in the community

# Philosophy

- Jail serves as limited deterrent for offenders when criminality is motivated by severe addiction
- Focus on breaking the cycle of criminality by offering court-supervised intensive addictions treatment, support to address underlying social issues and counselling to modify deep-rooted criminal thinking patterns such as denial, dishonesty and negative associations
- In this therapeutic environment, participants will also have the opportunity to access stable, supervised housing; receive medical/ dental/ mental health attention; access psychological supports; explore job training/education and potentially re-connect with family members
- Where self-worth and hope restored – promotion of pro-social behaviour and rehabilitation
- Challenges and skeptics? Of course.....!

# **The operation of the Court**

## **Step One:**

### **Applying to the Drug Treatment Court**

- Application completed then input from dedicated police and probation officers.
- Crown reviews file and may provisionally screen applicant in or out of program.
- If admitted by Crown, applicant interviewed by treatment provider to determine suitability for drug treatment.
- If admitted by Crown and Treatment Provider, pleas entered to offences and undertaking given to waive in offences from other jurisdictions.
- 30 day assessment period following which pleas are “locked in.”

## Step Two: An assessment of the applicant's suitability from the perspective of the treatment provider

The treatment provider (in Ottawa, Rideauwood Addictions and Family Services) will meet with an applicant to assess his or her suitability for the program.

Rideauwood will consider a number of different factors as part of the assessment, including:

- history of addiction;
- family background;
- employment and educational background;
- criminal history of the applicant;
- housing options; and
- any other factor that is relevant to the applicant's suitability for the program



# The Crown's decision: To admit or not to admit

- Crown will consider whether applicant represents an undue risk to community *and/ or* undue risk to other participants who are mandated by court order to be in the program.
- Crown will be cognizant of a number of suitability factors: history and pattern of violence; residential break and enter offences; partner assault related offences; highway safety offences; commercial level drug trafficking and, other factors or combination of factors.
- Persons serving a conditional sentence are not eligible
- Decision similar to application for judicial interim release - risk of offence while at large is for serious offences

# After screen in – 30 day assessment period and “locked in”

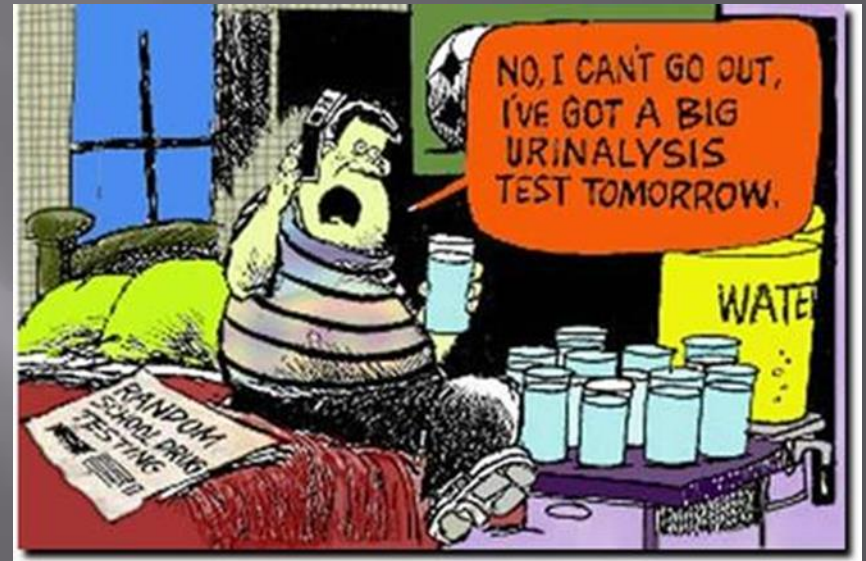
Once applicants have been screened in and admitted to drug treatment court, a 30 day assessment period begins.

After thirty days, the pleas are locked in and participants must either complete drug treatment court or proceed to sentencing through the regular court stream.



# Requirements of the participants

- Daily attendance at the treatment centre
- Abstinence from drug use and honesty about use
- Regular random “supervised” urine drug screens
- Non-association with users (including partners) unless in treatment
- No work in phase 1 of program
- Remain crime free



# The role of counsel and duty counsel

Defence counsel refer clients to drug treatment court by completing the written application with them.

Counsel will often attend pre court to make a pitch for admission and to assist the DTC team with any outstanding issues, such as housing or waiving in charges from other jurisdictions.

Once the client is admitted, duty counsel typically takes over and follows the clients on a weekly basis.

# Tuesdays #8 Court Ottawa

Pre-Court

A day in DTC Court

An interactive and informal court appearance

Incentives and sanctions

# **“Pre-Court” Meeting**

- In advance of weekly court appearance, counsel or duty counsel, the Crown (Federal and/or Provincial), the treatment provider, dedicated probation officer, dedicated police officer, presiding Judge and Court Clerk meet
- Each participant's progress over the past week is reviewed and discussed.
- Positions taken and likely outcome on issues of sanctions, acceptance into or discharge from program are discussed at pre-Court meeting

# A day in court

Court is held once a week. Clients, counsel and treatment all attend

It's a very unusual court – there's clapping!

# Informal court appearance

- Fundamental to successful program is regular court attendance
- Participants respond readily to judicially supervised yet informal and interactive setting
- Personality-driven court
- Court team members “think outside the box”
- Non-adversarial approach
- Respectful environment
- Communal recognition



# Incentives and Sanctions

## INCENTIVES

- Focus on positive reinforcement
- Praise and encouragement
- Rewards for clean time i.e. Coffee card
- “Early leave” privilege
- All star status – recognition for extended periods of abstinence and compliance
- Other privileges restored i.e. cell phone
- Connection to family, activities and cultural community

# Incentives and Sanctions (cont'd)

## SANCTIONS

- Participants are obligated to report any issues of non-compliance to the presiding DTC judge at the next court appearance
- Promotes accountability and honesty
- Sanctions reflect the severity of the behaviour, aggravating and mitigating circumstances and the sanction history of the participant
- Warnings, letters to the court team, house arrest, loss of privileges, bail revocation
- Exhausted patience policy

# Incentives and Sanctions (cont'd)

- Innovative and creative rewards and sanctions generate the greatest impact
- Fast and immediate responses are most effective
- Visible, tangible gains motivate performance
- Status and recognition are strong incentives
- Non-adversarial approach by all members of team promotes respect for court process

# Graduation Date and Measures of “Success”

- Minimum duration of 9 months
- Recognition of individual needs and challenges
- Harm reduction
- Change in criminal thinking patterns
- Pro-social behaviour/ improved quality of life
- Cycle of recidivism is interrupted
- Public safety improves
- Personal milestones - “1<sup>st</sup> sober birthday in 20 years”

# Graduation Levels

“Successful completion” is recognized by three levels of “graduation”.

All graduates must meet the minimum requirements as follows:

- Minimum nine (9) months in the program
- No new charges in the six (6) months preceding graduation
- Compliance with all treatment expectations in the three (3) months preceding graduation
- Stable housing
- Approved pro-social community involvement such as employment, school, or volunteer work in the two(2) months preceding graduation

# Graduation Levels (cont'd)

- Level 1 – continued abstinence from all substances for not less than six (6) months preceding graduation
- Level 2 - continued abstinence from all substances for not less than three (3) months preceding graduation
- Level 3 – minimum twelve (12) months in program; substantial compliance with eligibility requirements; recommendation for graduation by treatment; significant effort to achieve continued abstinence and/ or substantial reduction in use

All levels of “graduation” from Ottawa DTC result in a non-custodial sentence.

Probation period will vary from one day to 24 months and will depend on nature of the charges and graduation level.

Offences with MMPs will trigger a probation period of four (4) months at Level 1 and nine (9) months at Level 2.



# Evolution of DTC

Greater transparency in decision-making

Proactive judicial intervention

Consistency and quality of team players

Policy meetings to reflect changing needs of court,  
legislative amendments, resource limitations and  
how to improve process.

# Challenges for Drug Treatment Courts

- Funding
- Resources
- Stable housing
- Accessibility
- Constitutional challenge?

# Ottawa DTC forms

- The Drug Treatment Court Forms/Draft Release/Blank Forms

# With thanks to the Ottawa DTC founders



The Honourable Mr. Justice Peter Wright

The Honourable Madam Justice Judith Beaman

The Honourable Mr. Justice David Wake

Samantha Burton - Duty Counsel(Now Justice of the Peace Burton)

Mr. James Budd - Rideauwood

**The end.**