

# **REALIGNING EXISTING RESOURCES TO FUND YOUR DTC**

**CANADIAN ASSOCIATION OF DRUG TREATMENT COURT  
PROFESSIONALS –**

**NATIONAL CONFERENCE**

**BANFF, ALBERTA**

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**JUSTICE KOFI BARNES: [KOFI.BARNES@SCJ-CSJ.CA](mailto:KOFI.BARNES@SCJ-CSJ.CA)**

## **THE PROBLEM**

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

## **AN INNOVATIVE APPROACH**

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

## **SUSTAINED FUNDING – BEST OPTION**

- **Opportunities for sustained funding in Canada are varied and unsettled**
- **Municipal, provincial, federal and private sector funding should sources to be explored**

## **DTCS IN CANADA**

- **As of October 2010, there are 10 DTCS in Canada with dedicated program funding: Vancouver, Toronto, Ottawa, Regina, Edmonton and Winnipeg**
- **There are three other DTCS without dedicated program funding: Oshawa (Durham), London, Calgary and Moose Jaw**

## **DTC STAKEHOLDERS**

- **DTC stakeholders - Prosecution, police, defense lawyers, duty counsel, treatment and ancillary service providers, probation and judiciary**

## **SUSTAINED FUNDING - BEST OPTION**

- **A “non funded” DTC operates with no dedicated program funding**
- **A “non funded DTC “ relies on “in kind” contributions from the program partners**
- **Despite innovative methods employed to operate “non funded” DTCs, sustained and dedicated funding remains the preferred option.**

## **“NO FUNDING” - OPERATIONAL ASSUMPTIONS**

- **The “same population” assumption**
- **The “you are seeing them anyway” principle**
- **Net widening is avoided**

## **THE “SAME POPULATION” ASSUMPTION**

- **The DTC target population : the non violent offenders who commit criminal offences to support their drug addiction.**
- **The premise is that even without DTC the “same population” is serviced by the criminal justice stakeholders, treatment and ancillary service providers.**
- **All stakeholders are encouraged allocate a *portion* of existing resources to a portion of the population *already* utilizing their resources.**

## **THE “YOU ARE SEEING THEM ANYWAY” PRINCIPLE**

- **The substance of the “no funding strategy” is to persuade stakeholders and service providers dedicate a portion of their resources to the DTC method.**
- **This is the you are “seeing them any way principle”.**

## **AVOIDING NET WIDENING**

- **Focus is limited to participants for whom traditional processes were not effective**
- **Participants for whom existing traditional processes, such as charge diversion and probation had been effective or deemed to be effective are usually excluded.**

## **LIMITS OF “NO FUNDING”**

- **The main draw back of the “no funding approach” is very limited program capacity**
- **Resources are extremely limited**

# **BEST PRACTICE RECOMMENDATION**

## **Eligible Participants are Identified Early**

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

## **BEST PRACTICE RECOMMENDATION**

- **Every person entering DTC should sign a consent**
- **Independent legal advice must be provided prior to signing**
- **consent should be a pre-condition of entering the program**
- **consent should outline rules and possible sanctions**

## **DTC KEY PRINCIPLE #4**

- **Court directed treatment and rehabilitation program should ensure access to a continuum of substance dependency treatment and other rehabilitation services**

## **BEST PRACTICE RECOMMENDATION**

- **Treatment should commence ASAP after eligibility has been determined**
- **72 hours after first appearance, is the goal in many DTCs**

## **BEST PRACTICE RECOMMENDATION**

- **Treatment should include a range of services**
- **Each participant should be assessed for their appropriateness**
- **assessments should be objective**
- **should be done by trained members of the treatment team**

## **DTC KEY PRINCIPLE #5**

- **Compliance is objectively monitored by frequent substance testing**

## **BEST PRACTICE RECOMMENDATION**

- **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**

## **DTC KEY PRINCIPLE # 6**

- **A coordinated strategy governs responses of the court directed treatment and rehabilitation program to ensure compliance with the program by offenders.**

# **BEST PRACTICE RECOMMENDATION**

## **Incentives and Sanctions**

- **A range of graduated incentives and sanctions should be developed to enhance program compliance and recovery**
- **Sanctions should be swift and certain but flexible if needed**

# **BEST PRACTICE RECOMMENDATION**

## **Incentives and Sanctions**

- **Swift, certain, consistent , graduated and flexible**
- **important to ensure honesty and accountability by the participant**
- **contributes to the DTC being seen as a therapeutic environment**

## **DTC KEY PRINCIPLE #7**

- **Ongoing judicial interaction with each participant in the program is essential**

## **DTC KEY PRINCIPLE # 7**

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

## **DTC KEY PRINCIPLE # 8**

- **Monitoring and evaluation measure the achievement of program goals and gauge effectiveness**

# **BEST PRACTICE RECOMMENDATION**

## **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**

## **DTC KEY PRINCIPLE # 9**

- **Continuing interdisciplinary education promotes effective planning, implementation, and operations of court directed programs.**

# **BEST PRACTICE RECOMMENDATION**

## **Addiction and other cross training**

- **At a minimum all DTC team members must have a basic working knowledge of addiction and recovery**
- **At a minimum all DTC team members must have a basic working knowledge of the legal process**
- **Team members must have an understanding of each others roles, responsibilities and professional paradigms.**

## **DTC KEY PRINCIPLE # 10**

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

# **BEST PRACTICE RECOMMENDATION**

## **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**

# **BEST PRACTICE RECOMMENDATION**

## **Partnerships with the Community**

- **Community Advisory Committees**
- **DTC information sessions**
- **Develop strategies to engage your community and to access community resources**

# **KEY DTC PRINCIPLE # 11**

## **Case Management**

- **Ongoing case management to provide the treatment and social support necessary to achieve social reintegration, and recovery, if necessary including the family of the participant or those who have close relationships with the participant**

# **BEST PRACTICE RECOMMENDATION**

## **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**

## **DTC KEY PRINCIPLE #12**

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

# **BEST PRACTICE RECOMMENDATION**

## **Program must be flexible**

- **Treatment must be responsive to the needs of the participants**
- **Program demographics and other related characteristics may change periodically**
- **Mechanisms should be in place to facilitate the periodic reevaluation of program structure and services to increase the program's effectiveness**