

Drug Treatment Courts: The Rationale

Innovation

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)

DTCs in Canada

- December 1998 Bentley J and Barnes K, began Canada's first DTC
- As of January 2011, there are 13 DTCs in Canada.
- 6 DTCs have dedicated program funding: Vancouver, Toronto, Ottawa, Regina, Edmonton and Winnipeg

Some Results

Saves money

- A DTC in Ontario found that, in that city alone, DTC resulted in an annual reduction of \$3 Million spent on drugs. Criminal activity required to support that drug use (goods stolen and/or drugs trafficked) is estimated at another \$9M, for a total savings of approximately \$12M.

Saves money

- Nationwide, for every \$1.00 invested in Drug Court, taxpayers save as much as \$3.36 in avoided criminal justice costs alone. (American Figures)
- When considering other cost offsets such as savings from reduced victimization and healthcare service utilization, studies have shown benefits range up to \$12 for every \$1 invested. (American Figures)

Saves lives

- DTCs help reunite families. Approximately 50% of DTC participants re-establish a connection with supportive family members after entering the program.
- DTCs providing employment/education preparation services show impressive outcomes of up to 75% of participants moving on to educational or employment activities.

Saves lives

- At least 61% of participants enter DTC with acute or chronic health issues. At any given time as many as two-thirds of participants in some DTCs may be Hepatitis C positive. These issues are addressed through: onsite health services located in some DTCs; community health care partnerships; and intensive case management.

Eligibility

Who is eligible?

- Almost all Canada's DTCs are adult programs
- Only Metro West Toronto accepts youth

Who is eligible ?

Adults:

- Non violent offender
- addiction to cocaine, crack cocaine, opiates, ecstasy/crystal methamphetamine
- Alcohol as a subsidiary or accompanying addiction

Who is eligible?

Youth: (Metro West Toronto)

- Abuse of illicit drugs
- Addiction to all illicit drugs

Eligible offences

- Low level drug offence
- Low level non drug offence
- No or low violence
- Addiction must be the primary cause or a significant contributor to criminal behaviour

DENIAL





COMPREHENSIVE ASSESSMENT

Why?

because...

Why?

because...

Why?

because...

Why?

because...

Why?

because...

WHY?

ASSESSMENT:

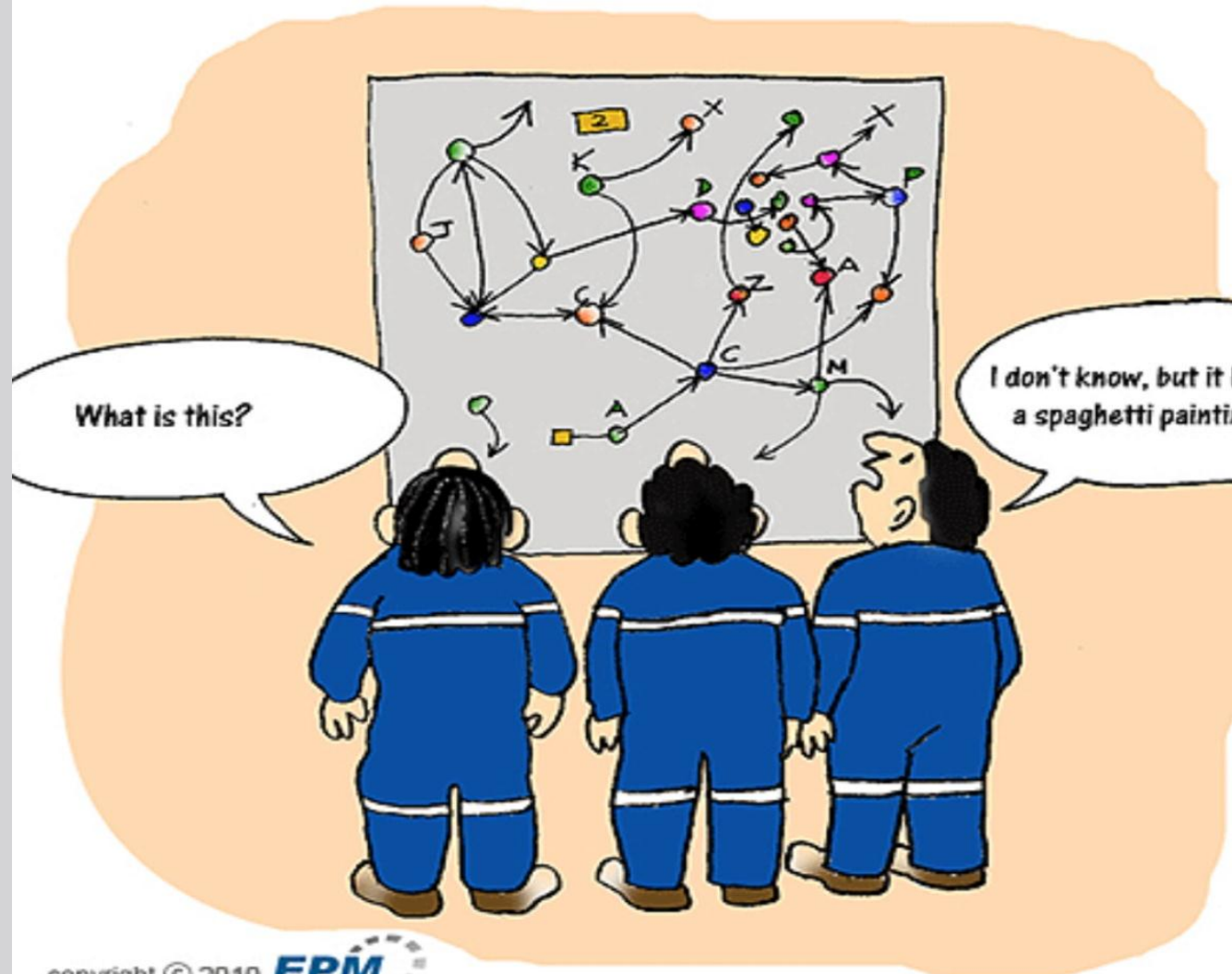
DRUG
INVOLVEMENT

MEDICAL ISSUES

PSYCHIATRIC
STATUS

EMPLOYMENT AND
FINANCIAL
STATUS

FAMILY AND SOCIAL
STATUS



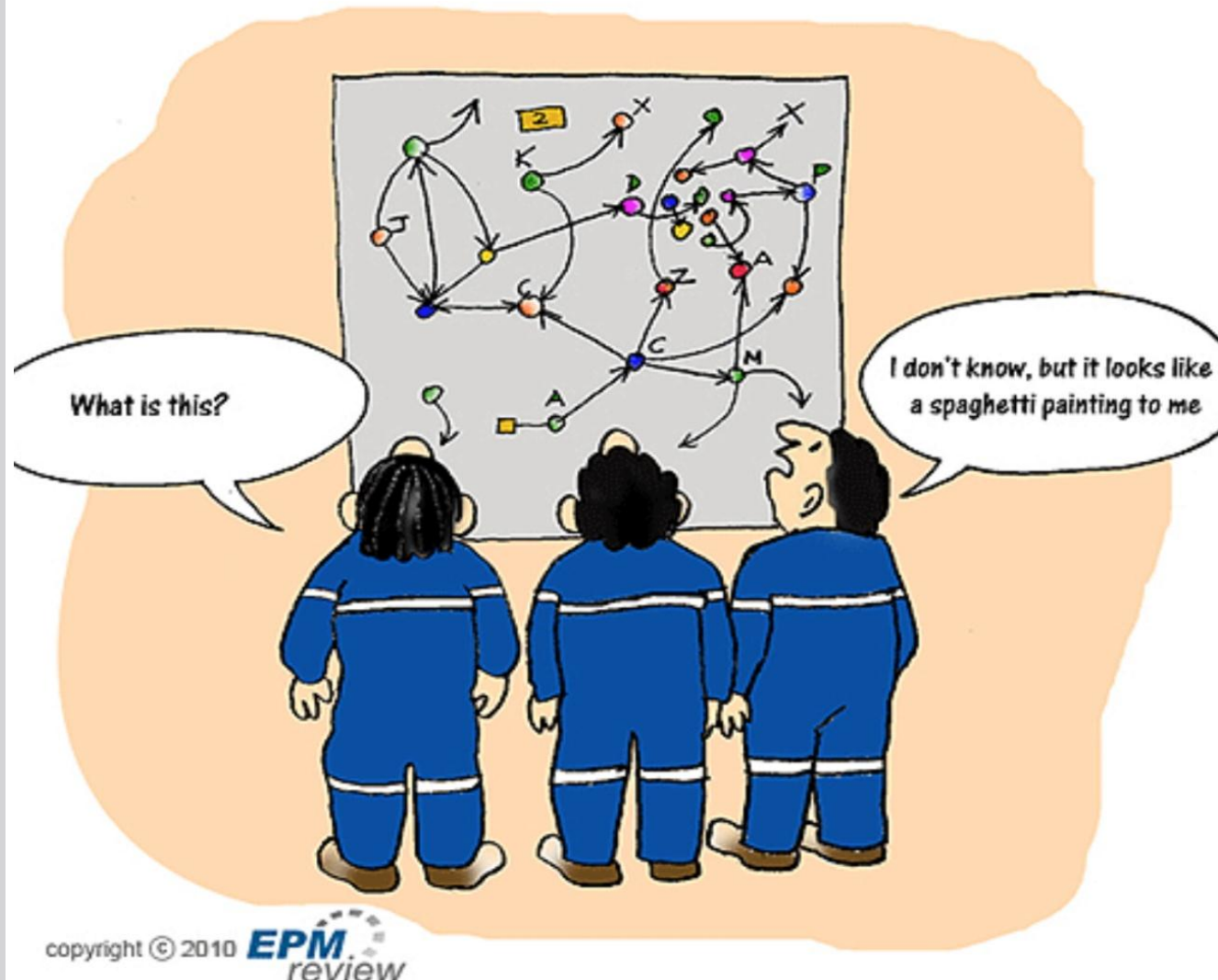
WHY?

TRIGGERS

SELF ESTEEM

MOTIVATION FOR CHANGE

"AVOID ONE SHOE FITS ALL"
APPROACH



The Fundamentals

Drug Treatment Courts

TEAM APPROACH

HOLISTIC



Partners

Partners:

- Addiction Treatment Services
- Mental Health Services (Durham and Metro West Toronto)
- Legal Aid
- Court
- Participant

Partners

- Probation
- Ministry of the Attorney General
- Office of Director of Public Prosecutions
- Police
- Community Partners e.g. job training, housing etc.

General DTC Process

DTC Process

- No specific legislation for DTC
- Program designed to fit in existing legislative framework – Criminal Code
- Program specific rules and expectations encompassed by “Rule and Waiver” Forms and bail conditions

DTC process

- Participant must obtain independent legal advice
- All applicable legal rights/issues and program expectations and rules contained in Rule and Waiver Form
- Participant must sign Rule and Waiver Form

DTC Process

- Post Plea (post adjudication):
- Guilty plea - sentencing delayed
- Non custodial sentence imposed upon completion
- Common for both adult and youth

DTC Process

- Pre–Plea (Pre adjudication):
- Charges withdrawn on completion
- Common for youth
- Rare for adults - insufficient interest

DTC Process

- Arrest
- Drug Treatment Court Application
- Screening by Crown
- Preliminary Assessment by Treatment Provider

DTC Process

- Group Assessment (Case conference/Pre trial)
- Rule and Waiver Form signed
- In court interview by Judge
- Release on bail for further assessment by the treatment provider

DTC Process

- Return to Court
- Eligible persons enter the program
- An assessment period to determine suitability for program (usually 30 days)

DTC Process

- Program duration an average of 12 months
- Non custodial sentence is imposed on graduation



"Under our holistic approach, Mr. Wyndot, we not only treat your symptoms, we also treat your dog."

Treatment Model

- Most Canadian DTC programs utilise non residential treatment programs
- Residential programs are utilised when required
- Calgary DTC is the exception – primary focus is residential treatment

COMMUNITY PARTNERSHIPS

CASE MANAGEMENT



General Expectations

CONTACT WITH JUDGE



- One on one contact with judge
- Judge as coach
- Judge as arbiter
- Judge holds participant accountable
- Judge encourages participant

Random

FERQUENT

RANDOM

URINE



Fundamental Expectations

- Honesty
- Accountability
- Focus is on compliance with program requirements

Fundamental Expectations

- Immediate abstinence is not expected
- A series of “smart” therapeutically based sanctions and incentives are utilized to ensure compliance and positive behavior modification
- Abstinence is a requirement for graduation from the program

SANCTIONS AND INCENTIVES



General Graduation Criteria

Some Graduation Criteria

- A period of complete abstinence from “drug of choice” for example, 4 months.
- A period of complete abstinence from other drugs (including alcohol) for example, 1 month.
- Some DTCs require abstinence from all illicit drugs

Some Graduation Criteria

- Stable and appropriate housing.
- Full time employment or attendance at school.
- Appropriate lifestyle changes.

The Final Disposition

- DTC “graduates ” receive non custodial sentences
- The sentences imposed usually include a probation order which incorporates conditions designed to encourage and facilitate participation in After Care programs

Other measures of “success”

- “Substantial compliance”
- Significantly decreased drug use.
- Increased social stability.
- Acquisition of tools that may assist later in life.

Best Practices

Drug Treatment Courts

Some Lessons Learned

Do you need legislation?

- Will a DTC fit within existing legislation? e.g. Canada
- Do you need new legislation? e.g. Australia, Jamaica

Avoid net widening

- 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.

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.

Importance of incentives

- As important as sanctions are in ensuring compliance, incentives are extremely important in efforts to instil behaviours 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

Holistic Rehabilitation

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

Program Flexibility

- 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

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

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