

DRUG COURTS

WHY DO THEY WORK?

A curious lawyers perspective....

Therapeutic Jurisprudence

Therapeutic jurisprudence is the "study of the role of the law as a therapeutic agent."-It focuses on the law's impact on emotional life and on psychological well-being... Therapeutic jurisprudence focuses our attention on this previously underappreciated aspect, humanizing the law and concerning itself with the human, emotional, psychological side of law and the legal process.

One of the things therapeutic jurisprudence tries to do is to look carefully at promising literature from psychology, psychiatry, clinical behavioral sciences, criminology and social work to see whether those insights can be incorporated or brought into the legal system

David B. Wexler & Bruce J. Winick, Law in Therapeutic Key: Developments in Therapeutic Jurisprudence xvii (1996)

**“Smart on crime, not tough on crime, saves money,
reduces crime and saves lives.”**

Judge Hora

Drug Courts

“Healing to Wellness Court”

Judge Joseph Flies-Away

- Specialist Court with an emphasis on rehabilitation
- The focus is on the underlying cause of certain criminal behaviour: Drug Addiction
- They work closely with community agencies and treatment providers
- recognition that just sentencing offender's to prison, does not succeed in changing an offender's addictive and criminal behaviour.
- recognition that typically an offender resumes their drug-abusing behaviour and criminal behaviour after being released from prison.
- Addressing the “revolving door” effect

RESULTS: NSW DRUG COURT:

NSW Bureau of Crime Statistics:BOCSAR www.bocsar.nsw.gov.au

- 37% less likely to be convicted of an offence
- 65% less likely to be convicted of an offence against a person
- 35% less likely to be convicted of a property offence
- 58% less likely to be reconvicted of a drug offence.

\$1.75million per annum savings

SO WHY DOES IT WORK?

- 1. Role of the judge and changes to traditional court experience ?*
 - 2. Long term & centrally co-ordinated structure?*
 - 3. Collaboration between fields?*
 - 4. Treatment in the community?*
 - 6. The Ability to be flexible and adaptable and reflect community*
 - 7. Keeping busy.*
-

THE JUDGE

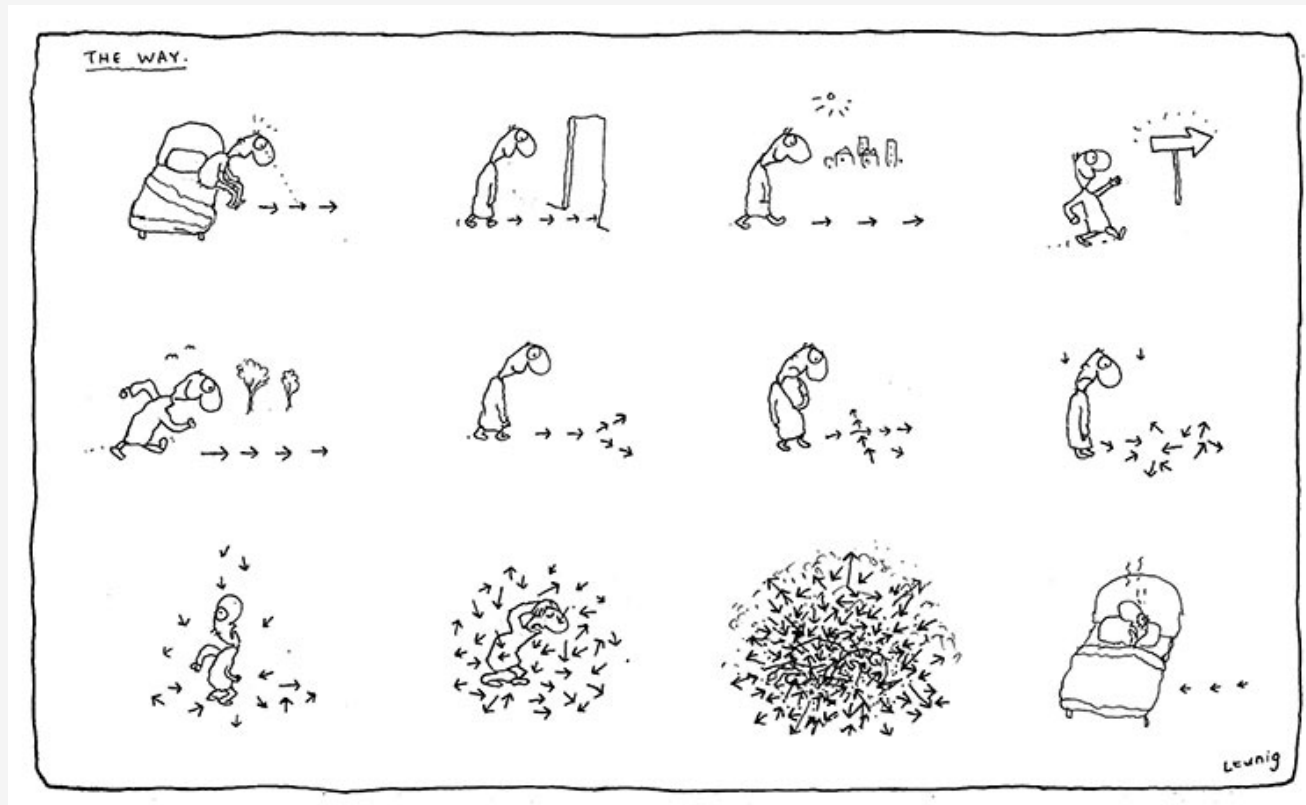
- 1. A significant departure from traditional role for the judiciary.*
- 2. Communicates directly with participants – acknowledges, encourages good behaviour and discourages and sanctions bad behaviour.*
- 3. Ongoing judicial supervision: Participant experience: that someone in authority cares about them and is closely watching what they do. (Bureau of Justice, USA).*
- 4. Holds meeting with Drug Court Team: listens to each : directs & co-ordinates treatment.*



"These judges seek to actively and holistically resolve both the judicial case and the problem that produced it"



Clients caught in a struggle of addiction and navigating services on their own might feel a bit like this.....



COURT DIRECTED COLLABORATION

Partner Organisations

Department of Corrective Services
& Community Corrections Division,

Department of Health, (Justice Health
& Area Health Services)

Residential rehabilitation services

FACS: (Family & Community Services)

Department of Housing

TAFE NSW

EMPLOYMENT SERVICES

Drug Court team :

- DPP solicitor
- Police representative
- Clinical Nurse Consultant
- Legal Aid solicitors
- Community Corrections Division co-ordinator
- registrar of the court and the judge.

*DRUG
COURT
TEAM*

Oversee the progress of participants in the program

MEET regularly : Before EVERY Court session

Jointly formulate strategies to assist participants' rehabilitation

Review and develop treatment plan over a long period of time: 12-24 months

Uniform and consistent focus, with the common goal of the client's recovery

Work within and under the Authority of a Court: Care Plan implemented, modified and reinforced through directions/orders of the court

Is it the nature of the treatments that are offered?

Keeping participants busy

Table from: NSW Drug Court website:
www.drugcourt.justice.nsw.gov.au



PHASE 1 Initiation and stabilisation	PHASE 2 Consolidation	PHASE 3 Re-integration
Principal goals	Principal goals	Principal goals
<ul style="list-style-type: none"> • Cease using drugs • Stabilise physical health • Cease criminal activity 	<ul style="list-style-type: none"> • Remain drug free • Remain crime free • Stabilise social and domestic environment • Develop life skills including job skills • Address major life issues • Maintain good health 	<ul style="list-style-type: none"> • Remain drug free and accept a drug free lifestyle • Remain crime free and accept a crime free lifestyle • Stabilise social and domestic environment • Gain employment or be employment ready • Be fiscally responsible
3 months	3 months	6 months
Principal means of achieving goals	Principal means of achieving goals	Principal means of achieving goals
<ul style="list-style-type: none"> • Commence and fully participate in treatment program • Assign Community Corrections Officer • Development case management plan • Terminate criminal associations • Commence and fully participate in case management program • Attend court weekly • Submit three drug tests per week • Participate in home visits by Community Corrections Officer 	<ul style="list-style-type: none"> • Continue to fully participate in treatment program as updated (as necessary) • Undergo counselling • Complete Life Skills Management Program • Attend court fortnightly • Submit two drug tests per week • Participate in home visits by Community Corrections Officer • Participate in educational and/or vocational training courses 	<ul style="list-style-type: none"> • Complete all requirements of the treatment program • Complete counselling • Complete Life Skills Management Program • Attend court monthly • Submit two drug tests per week • Participate in home visits by Community Corrections Officer • Participate in educational and/or vocational training courses • Pay or make arrangements to pay outstanding court fines and fees

Is it that ...

*TREATMENT
IS IN THE
COMMUNITY*

?

- TREATMENT IN THE COMMUNITY RATHER THAN CUSTODY SETTING
- INCLUSION IN THE COMMUNITY
- ACCEPTANCE BY THE COMMUNITY
- PARTICIPTION IN THE COMMUNITY
- TRANSITION FROM CUSTODY TO COMMUNITY
- CONTINUATION OF SERVICES POST PROGRAM
- DRUG COURTS – ADAPTING TO & REFLECTING COMMUNITY

Participation

Engagement

Recognition

Belonging

COMMUNITY

Care

Accountability

Inclusiveness

Responsibility

Forgiveness



“....**traditional healing practices**, often part of the treatment components, may include healing ceremonies, talking circles, peacemaking, sweats, visits with a healer or medicine man, sun dances, vision quests, or the creation of an ancestor tree. Traditional healing practices, ceremonies, and cultural activities vary substantially from tribe to tribe, and depend upon the customs, traditions, and practices of the individual Native community....” (page 26)

“....**Spirituality, or sense of connection**, is central to Native life and values. A critical component therefore of a Healing to Wellness Court is to incorporate traditional or spiritual components in all aspects of the program. For example, a Wellness Court might include an invocation and ceremony at status hearings and in treatment group” (page 26)

“**Little Traverse Bay Bands of Odawa Indians** has named its tribal drug court the Waabshki-Miigwan Program, which translates to “**White Feather**.” The White Feather refers to the White Feather Story, in which a dirty and mangled feather is cleaned, and thereby transformed back into its original beauty, much like Tribal Healing to Wellness Court participants are transformed back into community members through the cleansing process of treatment.

The Gila River Indian Community named their Juvenile Drug Court the Sap Hihim Hekth A'lga, which translates to “**children on a good path**.”

The Menominee Nation named their Wellness Court the Menipaniw, which translates to “**there is a good road**.” The use of a Native language name encourages the community to take ownership of its Healing to Wellness Court.” (Page 26)

**“Overview of Tribal Healing to Wellness Courts”
2nd Edition
September 2014
A product of the Tribal Law and Policy Institute**

Family Drug Treatment Court – VICTORIA - 3 Year Pilot Program

The Family Drug Treatment Court (FDTC) has been established as a three year pilot program in the Children's Court of Victoria.

The aim :

- help parents stop using drugs/alcohol; and
- promote family reunification.

Children's Court magistrate and multi-disciplinary team. The team comprises drug and alcohol clinicians and a dedicated social worker.

Agencies providing services for parents in the program:

- residential treatment;
 - drug and alcohol counselling;
 - mental health counselling;
 - parenting programs; and
 - housing programs.
- Professionals also work with children to help them with the journey to family reunification.

this information from: www.childrenscourt.gov.vic.au

THE POWER OF APPLAUSE

- *Developed spontaneously*
- *Now and Integral part of Court attendance*



SIMPLE SOLUTIONS

PARTNERSHIPS IN TREATMENT & STORY TELLING

Collaboration Across Sectors, people and Culture:

- **Health Services:** Area Health, Justice Health
- **Social services & Therapeutic Communities:** Counselling services, rehabilitation services,
- **Legal Sector:** Court Services, Judiciary, Legal Aid, Prosecution,
- **Police Services:** police on the ground, Police prosecutors
- **Corrective Services:**
- **Government Departments:** FACS, Department of Housing, Department Health
- **Participants**
- **Indigenous elders & community leaders**

MOTORING NEWS

Mr. Curly, in his goat assisted pedal car is asked by a police officer to blow into a tin whistle, whereupon it is discovered that he is driving under the influence of poetry. For this he gains ten merit points.



Leunig