**Reflections on 2016**

**A year of success**

It was a very successful year for the Drug Court of NSW. 2016 saw the greatest number of graduations from the program, with a total of 71 participants being awarded that status. Graduation requires long-term, sustained and successful cessation of drug use, coupled with a proven return to lawful life in the community. Graduates are typically in full-time employment or other proven positive activity (such as parenting or study), living independently or with family, managing their finances and paying their way in our community. The program at Parramatta enjoyed 48 graduations, six more than the previous record of 42 in 2010. In fact the court had to schedule additional graduation ceremonies several months in a row to cater for the increased successes.

The Hunter program had 16 graduations from a record number of 38 “non-custody” completions, and Sydney again achieved seven graduations, from (a record) 22 not returned to custody at the end of the program. So there was many successful individual programs in 2016, and those successes build upon the proven success of the program over 18 years.

The Drug Court however continues to operate at only three locations in the State – Parramatta (for Western and South-Western Sydney), Toronto (for the Hunter Region) and at the Downing Centre, which has a small program for 40 participants, and is restricted to the City of Sydney Local Government area. Despite the geographical restrictions, 309 participants commenced a Drug Court program during 2016, and, as at the end of December, 243 were actively engaged in their program.

Demand for places on program remains very strong, and many offenders referred to the program miss out because there were no places available. Fifty-five referred offenders were unsuccessful in the ballot, and so were returned to the referral court to be dealt with according to the ordinary sentencing law. As it is a requirement for entry into a Drug Court program is that the only likely sentence is one of full-time imprisonment, the consequences for being returned to the referring court are severe.

The number returned as set out above does not represent all who were denied an opportunity, as, almost invariably, if an offender has had a previous Drug Court program, they are excluded from even taking part in the ballot for a placement, and are similarly returned to the referring court. The Court seems it as more equitable to give a “fresh” referral a first Drug Court opportunity than a second opportunity to a previous participant. However treatment theory tells us very clearly, as would common sense, that a drug-addicted offender may well need more than one episode or opportunity to grasp recovery. It may be that the previous participant was young, chaotic and perhaps foolish on the last occasion, and desperately wants assistance now. So denying a second Drug Court program opportunity can be tragic for the offender and a poor result for the community.

The Drug Court program continues to provide an example of real co-operation across multiple agencies – both within government, and with non-government agencies. A shorthand description of the program does however emphasise the overarching emphasis of combining the resources of the justice and health systems. That co-operation begins from the time new referrals are managed in custody, with assessments and treatment organised for all three Drug Court locations at small units at the main reception prisons. The level of co-operation and good communication between Justice Health and all our Local Health Districts gives the participants the very best opportunity to succeed on the program.

**Women’s Justice Network (WJN)**

The Court has had a long and successful relationship with the Women’s Justice Network (formerly known as WIPAN). In July 2016 a decision was made to formalise that relationship in a Memorandum of Understanding - to recognise our joint commitment to working with WJN across our three locations. WJN aims to reduce the rate of women being imprisoned, and provide them with mentoring and support. It is in this later role that our two programs can work together successfully.

It is the sad experience of the Drug Court that many women on the program have had very traumatic lives, and have suffered greater harms over many years than our male participants. The women on program may have had few, if any, genuine supportive relationships in their lives, and may therefore be quite wary of the Drug Court and our team. A mentor through the Women’s Justice Network can provide sensible, stable, and non-judgemental support and assistance with weekly meetings, often involving the simple pleasure of a coffee and a chat with a respectful, sensible listener. This can be a wonderful and life-changing experience for our participants. When a referral is made, the Drug Court will facilitate the first contact, and may insist that the participant “give it a try”. There is, of course, no obligation however to persist with the mentoring relationship if it is not a positive experience.

**Compulsory Drug Treatment Correctional Centre**

The Drug Court continues to provide judicial supervision of the Compulsory Drug Treatment Correctional Centre (CDTCC). That innovative program provides both intensive support and a high level of supervision for long-term recidivist offenders who have often struggled with drug addiction for decades. Once participants of that program have proved some success in adapting to life in the community, they come to the Drug Court to meet with the Judge and the treatment team on a regular basis, and continue to do so until their program is completed.

CDTCC participants are required to spend more than six months in each of the three stages of the program. Broadly speaking, the program requires participation in treatment groups, graded re-integration into the community, and residing full time in the community under intensive supervision.

The Drug Court’s supervisory role, has, amongst other things, been directed this year to ensure that applications for the program are processed expeditiously, so as to ensure there is a steady flow of participants. A total of 57 referrals were received from Local and District Courts for Compulsory Drug Treatment Order (CDTO) assessments in 2016,and 37 CDTOs were made (compared to 44 in 2015). It is pleasing to report that more participants successfully completing each stage of the CDTO program than in previous years - 47 participants achieved Stage 2, 28 achieved Stage 3, and 19 were granted parole at the end of the order. That level of progression is a significant increase on the results in 2015.

Mandatory drug testing is conducted throughout the CDTO program, assisting to maintain program integrity. There were a total of 8,970 urine samples taken this year. The number of illicit drug detections was 161, with a urinalysis detection rate of 1.8 per cent for illicit drug use.

Long-term recovery is a complex task, and to assist in that aim the Centre works closely with many community organisations - introducing participants to those organisations to ensure there is ongoing assistance available when a program finishes. This is one of the key success factors, as it helps participants to become familiar with available community support. Such support may then continue for many years, ensuring long-term recovery and stability.

CDTO participants attending Drug Court has been a very successful aspect of the program. Participants who are stable on Stage 2 of the program come to court for a “report back” each fortnight. Each participant is given the opportunity to speak with the judge in court, and in front of his fellow participants. This is a very worthwhile interaction, as it gives the court greater knowledge of participants and their individual hurdles, needs, and goals. Prior to each session there is a team meeting with the presiding judge, Legal Aid, DPP and the counsellors and case managers from the Centre. The number of participants involved each fortnight has grown considerably during the year, highlighting the effectiveness of the program.

I would like to acknowledge the work of His Honour Judge Ian Barnett, who has nurtured the CDTCC program over the last several years. Judge Barnett presides over the CDTCC report-backs twice a month, and, with the increasing success and numbers on program, that has become a very significant commitment.

**West Tigers Rugby League Club**

The Drug Court was approached this year by the board and senior executives of the West Tigers Rugby League Club. West Tigers expressed a desire to work with the Drug Court as part of their corporate and community responsibilities. An agreement was struck whereby the Drug Court would bring a small group of Drug Court participants to a selected weekday training session, at which the participants would have the opportunity to meet with players and the coaching staff, and share some stories and backgrounds.

West Tigers were keen for their players to appreciate what great privileges they enjoy as professional athletes, and it became apparent from the very first visit that it was sometimes only chance and misfortune which saw the lives of those involved going in such opposite directions. For our participants, they have had the opportunity to see the level of commitment required to succeed in a sport – a sport they may well have watched and enjoyed all their lives. The West Tigers program has been a great success, and such a visit may well be the most exciting thing that has ever happened to our participants.

**Hunter Drug Court – Nurse-Led Clinic**

The expansion of the Drug Court program to three centres has increased, rather than diminished, our ability to innovate and improve the program. An initiative coming from the Hunter program has been the use of Nurse-Led Clinics to provide holistic care of the participants – caring for *“the complete person – physically, psychologically, socially and spiritually in the management and prevention of disease”*. The Hunter team noted the reality of participants having numerous health issues, and no consistency of doctor to monitor their medications, mental and physical health – quite often participants have let all aspects of their health diminish whilst in the depths of addiction. So our Hunter New England Health District nurses are assessing the participant’s multiple health needs, and introducing them to a General Practitioner who will manage all issues. Our nurses at the Hunter plan to assess all program participants, and then review their health needs as required throughout the program.

**The Police Force as a Partner Agency**

A key role for the Drug Court Police Prosecutor is to liaise between participants, treatment providers, case managers and police officers out in the field regarding a multitude of issues, including the execution of any arrest warrants which remain outstanding. Whilst the collaboration between Drug Court team members is crucial to the success of the team-based approach, the Police Prosecutor’s specific monitoring role ensures that the community’s safety interests are represented.

This year saw the Police Service introduce a more strategic approach to the execution of Drug Court issued warrants, whereby Police Prosecutors worked closely with intelligence officers at both local and regional level in an effort to bring the participant before the court in a timely manner. Through this collaboration, police prosecutors have ensured that one of the key components of the success of the Drug Court program is maintained, that is, immediate intervention.

At the local level, Intelligence Officers across the State are provided with weekly updates of all Drug Court participants who were absent and subject to a warrant having been issued. This included a spread sheet of all participants, highlighting the phase of the program that they are on and the Local Area Command within which they reside. This update has also been sent to specialised pro-active teams. This document acts as a positive information tool by which police can see the progression of participants, and the milestones achieved.

This year saw the partnership extended further, with links now to a Regional Level of the Police Service, and the development of a partnership with the Northern Region Operations Unit. There is no doubt that the swift execution of outstanding warrants is to be benefit of the Drug Court program, the community generally, and even the missing participant. It helps avoid additional crimes being committed, and indeed a swift return to custody may provide an opportunity to provide a different, and more successful, treatment plan, albeit after serving a period of sanctions in custody.

**Case Studies**

Evaluations, costings and tables of statistics do not describe what is actually achieved by the Drug Court. Many visitors have studied the literature, but then comment as to how it all makes more sense when they have a chance to visit and see the court in action. The Hunter Drug Court team and the CDTCC program have provided some case studies as to what happened to individuals on the program:

**Hunter Drug Court: “Georgia”** is perhaps the perfect example of a successful Graduate.   She graduated in January 2016 after 14 ½ months on program, having received an initial sentence of 15 months.  She was completely abstinent from any drug use during her program, and committed no new offences.  She completed TAFE studies in social work while on the program and is now studying at university.  Importantly, she has remained well and stable in the months after her program.

**“James”** was sent by the Drug Court to Adele House residential rehabilitation centre at Coffs Harbour. Rather than return to the Hunter district at the earliest opportunity (and to the negativity of previous associates), after the residential phase he remained at Coffs Harbour and undertook their outreach program.  James remained drug free for his entire program, and is now in a new and positive personal relationship, and continues to enjoy his new life in Coffs Harbour.

**“Henry”** is still on the Drug Court program. He started the program in May 2016, and it was a significant struggle.  In the early months of his program he was required to serve sanctions in custody twice. His program plan required him to reside at Dooralong Haven, however on the first referral to that centre he left after only two weeks. After serving sanctions he was returned to Dooralong, and stayed for 4 ½ months, coming out to the community in December 2016.  He has changed so much. When he came on the program he was so overwhelmed he couldn’t get out of the car in the car park.  He is now undertaking an Information Technology course at TAFE, and building on his earlier qualifications as an electrician. The change in the ability of this young man to cope with life in the community is quite remarkable.

**Compulsory Drug Treatment Correctional Centre: “Jeremy”** a man in his mid-30s, went to Stage 3 of his program in January 2016. He had a very busy schedule attending a Building Surveyor’s Diploma course; attending community counselling sessions on a weekly basis (as are all participants); as well as doing volunteer work.

The report to the court following his progression to Stage 3 said *“he appears to demonstrate a positive attitude, and well-founded insight towards his recovery, and his chaotic history. ….. he has managed to abstain from illicit substances for the past 18 months, adding that his current release to the community (that is his progression to Stage 3 of the program) has been his most successful to date”*

There were some setbacks; however he was allowed to continue with the program, and took full advantage of the support and guidance available. The Court was told at his report back in November 2016 that is *“focus on employment was recently rewarded with him obtaining fulltime employment.”* The report indicated he was continuing with his community counselling, and was living with his family. The report concluded that he was demonstrating “*motivation to maintain his progress and further establish himself as a pro-social member of the community”.* He was approved for parole at the completion of his CDTO, and entered that parole in January 2017.

In conclusion, I express my thanks and admiration to all who work for and with the Drug Court program. Your dedication to this program is extraordinary, and it is often the special efforts made by the team that provide a turning point for our participants.

J R Dive

Senior Judge

#### Parramatta Program outcomes 2004 to 2016

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **Program entrants** | **Sentenced program completers** | **Non Custody**  **(Graduates)\*** | **Custody** | **% Non Custody** |
| 2004 | 142 | 133 | 62 (20) | 71 | 47% |
| 2005 | 165 | 150 | 74 (36) | 76 | 49% |
| 2006 | 164 | 155 | 62 (33) | 93 | 40% |
| 2007 | 169 | 176 | 78 (28) | 98 | 44% |
| 2008 | 132 | 151 | 65 (29) | 86 | 43% |
| 2009 | 158 | 146 | 83 (42) | 63 | 57% |
| 2010 | 140 | 158 | 90 (42) | 68 | 56.6% |
| 2011 | 166 | 155 | 86 (30) | 69 | 55.8% |
| 2012 | 167 | 187 | 95 (37) | 92 | 51% |
| 2013 | 206 | 168 | 72 (24) | 96 | 43% |
| 2014 | 165 | 182 | 79 (24) | 103 | 43% |
| 2015 | 184 | 180 | 96 (35) | 84 | 53% |
| 2016 | 175 | 188 | 97 (48) | 91 | 51.5% |

**NB:** The number of those classed as program graduates shown in brackets.

#### Hunter Program outcomes 2011 to 2016

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **Program entrants** | **Sentenced program completers** | **Non Custody**  **(Graduates)\*** | **Custody** | **% Non Custody** |
| 2011 | 70 | 10 | 0 | 10 | 0 |
| 2012 | 61 | 43 | 20 (8) | 23 | 46.5% |
| 2013 | 68 | 66 | 36 (9) | 30 | 54.5% |
| 2014 | 44 | 65 | 33 (16) | 32 | 51% |
| 2015 | 61 | 48 | 26 (14) | 22 | 54% |
| 2016 | 76 | 69 | 38 (16) | 31 | 55% |

**NB:** The number of those classed as program graduates shown in brackets

#### Sydney Program outcomes 2013 to 2016

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **Program entrants** | **Sentenced program completers** | **Non Custody**  **(Graduates)\*** | **Custody** | **% Non Custody** |
| 2013 | 62 | 14 | 1 | 13 | 7% |
| 2014 | 44 | 42 | 16 (8) | 26 | 38% |
| 2015 | 54 | 43 | 13 (7) | 30 | 30% |
| 2016 | 58 | 57 | 22 (7) | 35 | 38.5% |

**NB:** The number of those classed as program graduates shown in brackets

## Parramatta Drug Court – key statistics 2016

|  |  |
| --- | --- |
| **Program entry** | **Persons** |
| Total referred | 499 |
| Pre ballot exclusion | 188 |
| Placed in ballot | 311 |
| Accepted after ballot | 259 |
| Returned ineligible/not appropriate/unwilling/withdrawn | 13 |
|  |  |
| **Program progression** | **Participants** |
| Participants who entered Phase 1 in 2016 | 175 |
| Participants who progressed to Phase 2 in 2016 | 98 |
| Participants who progressed to Phase 3 in 2016 | 79 |
|  |  |
| Participants on program as at 31/12/16 | 145 |

|  |  |
| --- | --- |
| **Court Determinations** | Participants |
| Terminated after “potential to progress” hearing | 42 |
| Terminated after “risk to community” hearing | 8 |
| Retained after “Potential to progress” or “risk” hearing | 7 |

|  |  |
| --- | --- |
| **Programs Completed** | Participants |
| Graduated | 48 |
| Substantial Compliance | 1 |
| **Total Non custody** | 97 |
| Custody | 91 |
| **Total completions** | **188** |

# Hunter Drug Court – key statistics 2016

|  |  |
| --- | --- |
| **Program entry** | **Persons** |
| Total referred | 184 |
| Pre ballot exclusion | 84 |
| Placed in ballot | 100 |
| Accepted after ballot | 98 |
| Returned ineligible/not appropriate/unwilling/withdrawn | 17 |
|  |  |
| **Program progression** | **Participants** |
| Participants who entered Phase 1 in 2016 | 76 |
| Participants who progressed to Phase 2 in 2016 | 51 |
| Participants who progressed to Phase 3 in 2016 | 30 |
|  |  |
| Participants on program as at 31/12/16 | 69 |

|  |  |
| --- | --- |
| **Court Determinations** | Participants |
| Terminated after “potential to progress” hearing | 9 |
| Terminated after “risk to community” hearing | 7 |
| Retained after “Potential to progress” or “risk” hearing | 0 |

|  |  |
| --- | --- |
| **Programs Completed** | Participants |
| Graduated | 16 |
| Substantial Compliance | 4 |
| **Total Non custody** | 38 |
| Custody | 31 |
| **Total completions** | **69** |

## Sydney Drug Court – key statistics 2016

|  |  |
| --- | --- |
| **Program entry** | **Persons** |
| Total referred | 119 |
| Pre ballot exclusion | 17 |
| Placed in ballot | 102 |
| Accepted after ballot | 101 |
| Returned ineligible/not appropriate/unwilling | 6 |
|  |  |
| **Program progression** | **Participants** |
| Participants who entered Phase 1 in 2016 | 58 |
| Participants who progressed to Phase 2 in 2016 | 18 |
| Participants who progressed to Phase 3 in 2016 | 6 |
|  |  |
| Participants on program as at 31/12/16 | 29 |

|  |  |
| --- | --- |
| **Court Determinations** | Participants |
| Terminated after “potential to progress” hearing | 3 |
| Terminated after “risk to community” hearing | 19 |
| Retained after “Potential to progress” or “risk” hearing | 2 |

|  |  |
| --- | --- |
| **Programs Completed** | Participants |
| Graduated | 7 |
| Substantial Compliance | 1 |
| **Total Non custody** | 22 |
| Custody | 35 |
| **Total completions** | **57** |

# Compulsory Drug Treatment Correctional Centre key statistics 2016

|  |  |
| --- | --- |
| **Pre Program** | **Persons** |
| Referral | 57 |
| Eligibility and Suitability Assessments | 95 |
| Ineligible | 23 |

|  |  |
| --- | --- |
| **Program progression** | **Participants** |
| Participants who entered Stage 1 in 2016 | 37 |
| Participants who progressed to Stage 2 in 2016 | 47 |
| Participants who progressed to Stage 3 in 2016 | 28 |
|  |  |
| Participants on program as at 31/12/16 | 64 |

|  |  |
| --- | --- |
| **Programs Completed** | Participants |
| Order Revoked\* | 17 |
| Order Expired | 1 |
| Parole Granted\*\* | 19 |

\* The revocation of the order usually, but not always, reflects a failure to comply with the program.

\*\*The granting of Parole can be regarded as a successful CD

**Visitors and Presentations**

**January**

* Visit by the Hon Pru Goward MP, Minister for Mental Health, Minister for Medical Research, Assistant Minister for Health, Minister for Women, Minister for the Prevention of Domestic Violence and Sexual Assault, and the Hon. Geoffrey Lee MP, member for Parramatta

**March**

* Judge Dive attended and presented at the National Drug Summit, Parliament House, Canberra
* Judge Dive attended a dinner for the Board of Amnesty International Australia

**April**

* Visit by Judge Taky Okada of Japan
* Meeting and visit by Board and Executive members of Wests Tigers NRL club
* Visit by Thai Delegation of Health professionals

**May**

* Judge Dive attended the Drug and Alcohol Round Table discussions, Parliament House, Sydney
* Visit by Japanese delegation of medical and psychosocial personnel

**June**

* Two visits by Department of Premier and Cabinet, Social Policy Group

**July**

Visits by:

* Ms Claire Mallinson, National Director, Amnesty International,
* The Hon John Rau MP, Attorney General, South Australia

**August**

Visits by:

* Mr Tony Trimingham, CEO, Family Drug Support
* Ms Anina Johnson, Deputy President, Mental Health Review Tribunal,
* Visit by Mr Daryl Wilson, Adventures Officer, Oberon Correctional Centre

**October**

* Visit to William Booth House Recovery Services Centre, Rozelle
* Filming and interview - Channel 7 - “A Current Affair”

**November**

* Visit by Rev Stuart Woods, St Lukes, Liverpool
* Visit by Policy Officers of the Department of Premier and Cabinet, the Director, Health team, and the Policy Officer for Refugee Resettlement
* Visit by CEO and executive staff of the Salvation Army

**December**

* Judge Dive visited Marrin Weejali, Emerton
* Judge Dive attended and addressed the Justice Health AGM