

Reflections on 2011

A Drug Court for the Hunter

The highlight of the year was the opening of the Hunter Drug Court on 7 March 2011. After a whirlwind of intense planning and development by the partner organisations, the court opened in a packed formal ceremony at the Toronto Court house, which will be the Drug Court's home in the Hunter.

The opening ceremony was attended by the Premier, the Hon Kristina Keneally, the Attorney General, the Hon John Hatzistergos, Mr Laurie Glanfield, Director General of the Department of Justice and Attorney General, together with a number of judges, magistrates, Local Members of Parliament, and many other distinguished guests.

Addressing the Court, the Attorney General said:

“Today I would like to pay tribute to the trailblazers who worked passionately and tirelessly as the NSW Drug Court grew from a fledgling pilot to a program that is today being expanded to the Hunter region. The program required a significant shift in thinking, particularly for prosecutors and Legal Aid lawyers used to the combatant style of a traditional court hearing. The success of the Drug Court is a result of many different agencies working cooperatively towards a common goal to transform drug dependent offenders into drug-free law abiding citizens.

The program, which runs for a minimum of 12 months, simply wouldn't work if one agency chose to go it alone. It needs the support of the DPP and the Police, Legal Aid, Health and Justice Health, Corrective Services and the Department of Justice and Attorney General as well as the non-government agencies that provide residential rehabilitation services, counselling and health treatment.

The heightened level of cooperation between all the agencies means that participants have to face up to their problems – if they try to bluff their way through the program – or lapse into old habits – the Drug Court team will almost certainly find out. But many participants ultimately appreciate this scrutiny. They have often grown in loveless households, fending for themselves and developing a “me against the world” attitude. When they come to the Drug Court they realise that the team does care about their future and wants them to succeed.”

The Hunter Drug Court will be able to take up to 80 participants at any one time, and will sit up to two days per week at Toronto. All partner agencies were ready to start work on the opening day. Eight potential participants were waiting in the cells for the formalities to conclude, so their application to take part in the program could be considered by the Court.

Intensive Judicial Supervision

For the twelve months up to March 2011 the NSW Bureau of Crime Statistics and Research (BOCSAR) conducted a research trial into intensive judicial supervision. Participants were randomly allocated into either an intensive judicial supervision (IJS) group or a supervision as usual (SAU) group. The 70 offenders in the SAU group met with the Drug Court judge once a week during the first phase of treatment. The 66 offenders in the IJS group met with the Drug Court judge two times a week during the first phase of treatment.

Performance on the Drug Court program was assessed through the results of random urine tests designed to detect illicit drug use and through the number of sanctions for non-compliance with the program accrued by the two groups. The researchers found that participants in the IJS group *“were significantly less likely to return positive urinalysis tests and had a significantly greater number of episodes of abstinence than participants in the SAU group.”*

Commenting on the findings, the Director of the Bureau, Dr Don Weatherburn, said that they provided further evidence of the effectiveness of the NSW Drug Court in reducing drug-related crime. *“The NSW Drug Court is the benchmark against which all other offender rehabilitation programs in NSW should be assessed. The success of the Drug Court is due in no small measure to the Court’s ongoing commitment to research and development.”*¹

Housing Accord

Stable housing is a fundamental element in supporting a drug dependant person’s recovery, and subsequent success, on the Drug Court Program. On 18 February 2011 a two year *Shared Access Operating Agreement* was signed between the Drug Court and Housing NSW. The partnership commenced with the signing of the agreement by Senior Judge Dive and Mr. Ken Bone, General Manager of the Greater Western Sydney Housing Services Division.

The partnership will provide housing and support to clients with complex housing needs in order to assist them to sustain their tenancies. A series of meetings, presentations and interagency visits have taken place in the lead up to the signing of the Accord.

Practitioners Conference

The Attorney General the Honourable Greg Smith SC MP opened the Drug Court of NSW’s Practitioners’ Conference on 2 December 2011. His Honour Judge Dive and the Drug Court team welcomed 120 guests including Judges, Magistrates from NSW and interstate, and interagency program partners from both Parramatta and Hunter Drug Courts.

Dr Eileen Baldry, Professor of Criminology, University of NSW, gave a presentation outlining Pathways to Prison for Mentally Ill Offenders. Professor Ian Hickie AM

¹ The BOCSAR report and other BOCSAR evaluations are at www.bocsar.nsw.gov.au

from the Brain and Mind Research Institute spoke about the Development of the Brain and its related changes in cognitive function and social behaviour. Other speakers addressed the conference on the effects of Drug Use and Crime on the Aboriginal and Vietnamese communities as well as prison communities.

Craig Jones, Research Manager at the NSW Bureau of Crime Statistics and Research spoke about the recent findings from a trial of intensive judicial supervision on Drug Court outcomes. The research, conducted at the Parramatta Drug Court, involved intensively supervising a sample of Drug Court participants more closely, preliminary results of which are very encouraging.

Dr Peter Bowron, Senior Scientist at the Palms Toxicology addressed the conference regarding analysis of biological samples for Drug Court.

The conference brought together those committed to therapeutic jurisprudence to share information and expertise. This team based approach where all agencies co-ordinate and share information is the essence of the success of the Drug Court program.

International Online program for Drug Court judges

International co-operation across the globe saw Canada, the United States of America, Australia and New Zealand provide an on-line program on Drug Courts for the judiciary. Senior Judge Dive and Dr Astrid Birgden, the Director of the Compulsory Drug Treatment Correctional Centre, were amongst the international faculty.

The objective of the program was for 32 participant magistrates and judges to share their practical experiences. Reading material was provided on a website, and participants posted answers and then participated in a discussion board.

Prime Minister's Award

Senior Judge Dive received the Prime Minister's Award for Excellence and Outstanding Contribution to Drug and Alcohol Endeavours at the 2011 National Drug and Alcohol Awards. The National Drug and Alcohol Awards are held annually to celebrate achievements in preventing and reducing alcohol and other drug use and harm in Australia.

J R Dive
Senior Judge

Program Outcomes 2003 to 2011

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	57%
2011	166	155	86 (30)	69	56%

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

Parramatta Drug Court - key statistics 2011

Program entry	Persons
Total referred	314
Pre ballot exclusion	45
Placed in ballot	269
Accepted after ballot	259
Returned ineligible/not appropriate/unwilling	73
Program progression	Participants
Participants who entered Phase 1 in 2011	168
Participants who progressed to Phase 2 in 2011	97
Participants who progressed to Phase 3 in 2011	51
Participants on program as at 31/12/11	151

Court Determinations	Participants
Terminated after "potential to progress" hearing	36
Terminated after "risk to community" hearing	19
Retained after "Potential to progress" or "risk" hearing	4

Programs Completed	Participants
Graduated	30
Substantial Compliance	4
Total Non custody	86
Custody	69
Total completions	155

Hunter Drug Court – key statistics 2011

Program entry	Persons
Total referred	139
Pre ballot exclusion	15
Placed in ballot	124
Accepted after ballot	124
Returned ineligible/not appropriate/unwilling	40
Program progression	Participants
Participants who entered Phase 1 in 2011	70
Participants who progressed to Phase 2 in 2011	19
Participants who progressed to Phase 3 in 2011	3
Participants on program as at 31/12/11	51

Court Determinations	Participants
Terminated after “potential to progress” hearing	13
Terminated after “risk to community” hearing	4
Retained after “Potential to progress” or “risk” hearing	2

Compulsory Drug Treatment Correctional Centre – key statistics 2011

Pre Program	Persons
Referral	57
Ineligible	25

Program progression	Participants
Participants who entered Stage 1 in 2011	36
Participants who progressed to Stage 2 in 2011	24
Participants who progressed to Stage 3 in 2011	14
Participants on program as at 31/12/11	56

Programs Completed	Participants
Order Revoked	23
Order Expired	2
Parole Granted	12

Visitors, presentations, and publications

JANUARY

- Hosted visit by Jo Kalowski & Jenny Green of National Judicial College

FEBRUARY

- “Judging in the land of the chaotic” by Judge Dive published in the Journal of Judicial Administration
- Hosted visit by Hunter New England Health Services
- Information session at Toronto Local Court
- Visit to PALMS Drug Testing Laboratory
- Hosted visit and information session for Housing NSW

MARCH

- Hosted visit from China-Australian Human Rights Program
- Briefing on Drug Court to Centrelink, Hunter Region, Newcastle Court Registry, Hunter Aboriginal Justice Group, Hunter Police Prosecutors

APRIL

- Presentation to Local Court Magistrates’ Northern Regional Conference
- Presentation to Newcastle Law Society CLE Seminar
- Presentation to Mt DrUITT Tafe
- Hosted Indonesian Delegation

MAY

- Stakeholder Management meeting at Toronto Court

JUNE

- Hosted Darwin Supreme Court and NT Director Diversions Programs
- Team Building training course with all interagency partners
- Meeting with SMART Recovery, Justice Health and Probation and Parole Service to assist with greater involvement with Drug Court
- Hosted Hunter Drug Court Justice Health Team

JULY

- Hosted visit by Registrar of the Victorian Drug Court
- Presentation to both Newcastle Housing NSW and Mt DrUITT Housing NSW
- Participated in NAIDOC day at Parklea CDTCC
- Presentation to Probation and Parole Academy Brush Farm

AUGUST

- Hosted visit from Northern Territory Magistrates, Aboriginal Justice Agencies and Legal Aid
- Attended Equity and Diversity Alliance meeting
- Attended SMART Recovery information session

SEPTEMBER

- Presentation to Centrelink Regional Managers

OCTOBER

- Presentation to Housing NSW Access and Demand Co-ordinators Greater Western Sydney region, Blacktown
- Meeting with A4e organisation regarding the provision of services to Indigenous participants at Hunter Drug Court

NOVEMBER

- Hosted visit from Indonesian Ministry of Social Welfare on 23/11
- Hosted visit from Magistrate Morris from Darwin
- Information session regarding Boronia Transitional Centre DCS
- Attended interagency Mental Health “Meet your Neighbour” information session
- Information session for Blacktown DCS
- Hosted visit from Fiona Sterling, Ministry of Justice New Zealand
- Hosted one day visit and presented to Indonesian delegation on study tour of drug diversion and treatment programs
- Presentation at Centrelink Managers Conference
- Presentation – Young President’s Association – Downing Centre, Sydney

DECEMBER

- Drug Court Practitioners’ Conference
- Hosted visit from Singapore Management University Students
- Meeting with Housing NSW re Accord Agreement
- Presentation to Probation and Parole Officers – graduation class