

## **Reflections on 2012**

### **Sydney Drug Court**

The incoming Coalition Government made a most welcome commitment to open a second Sydney Drug Court in its first term. All government partners and agencies worked together throughout the year to ensure a co-ordinated program would be available early in 2013. This involved identifying court and registry accommodation, specialist fit-out for urinalysis testing, and negotiations with our non-government partners. The program will initially provide 40 program places, and will sit one day per week in the heart of the CBD at the Downing Centre, Castlereagh Street Sydney.

### **Compulsory Drug Treatment Correctional Centre**

The Drug Court provides judicial supervision for prisoner participants at the Compulsory Drug Treatment Centre (CDTCC). That Centre provides compulsory treatment and rehabilitation of recidivist drug offenders who are housed in a separate 70-bed facility at Parklea. Prisoners who meet defined criteria are referred to the Drug Court, and the court may make a Compulsory Drug Treatment Order (CDTO), following a comprehensive suitability assessment by a multi-disciplinary team.

The Drug Court has responsibility for making determinations as to the progression (and regression) of participant prisoners through the three stages of the program. Building on the success of the positive interaction with the judge and the Drug Court team in our ordinary jurisdiction, the Drug Court provides an opportunity for CDTCC participants to attend the Drug Court for a “report back” meeting with the judge once they are stable on Stage 2 of the CDTO. Typically, the participant can discuss his work or TAFE commitments, and such issues as dental and housing concerns.

Additionally, this court is the Parole Authority for CDTCC participants, so the parole determination can be made in the light of the participant’s commitment to completing his CDTO. Interestingly, it is not unusual for participants to ask to stay on their CDTO, rather than move onto the less intensive assistance of parole supervision.

An issue of great concern during the early years of the CDTCC program was the lack of pharmacotherapy support, such as methadone. Pharmacotherapy treatment is the best standard medical treatment for opioid dependence, and whilst most, if not all, drug-addicted persons would aspire to being able to cope without pharmacotherapy, it is dangerous to the individual to come off pharmacotherapy without ongoing supervision and in the most carefully clinically controlled way. Tragically, a number of participants have died on or shortly after their CDTO of an opiate overdose.

Therefore, the welcome introduction of pharmacotherapy treatment program into the CDTCC was one of the most significant events in 2012. This will have a number of positive outcomes, the first of which is that it will save lives. Secondly, it will allow those who clearly need to remain on pharmacotherapy to come to the CDTCC program, rather than be rejected as it is unsafe to reduce them off their methadone.

Thirdly, it will allow those who need to recommence pharmacotherapy to remain in the program and at the CDTCC, rather than have their CDTO revoked so they can return to an ordinary gaol, where pharmacotherapy is available.

### **Judicial Commission – Community Awareness Program**

During October and November 2012, the Judicial Commission launched the innovative “Community Awareness of the Judiciary Program”. The seven-session education initiative was designed to inform prominent community members about how the justice system in NSW works, with the hope that the participants will pass on their knowledge to members of their respective communities. The Drug Court was very pleased to assist in the program, and several community members came to visit and observe the Drug Court, and then meet informally with the judge and the team.

### **First Hunter Graduate**

On 14 August 2012 the first graduation ceremony for the Hunter Drug Court was held at the Toronto Court House. The courtroom was packed, with standing room only. Daniel was supported by family and friends, and a number of speeches were made on this special day for the Hunter Drug Court.

Daniel’s father wrote a letter, which, with his permission, is reproduced in full below. It sets out so clearly a parent’s agony in the face of their child’s drug addiction.

*“Is Drug Court the answer to a Maiden’s prayer? I don’t know but I do know that it has been answer to this parent’s prayer. Any parent who has looked into the eyes of the child that they love and see those dreams of hope and things that will be, change to looks of desperation and despair, know the heartache of lost dreams.*

*We watch them develop from the infant learning to walk through the childhood years and their hopes become our hopes for them. As they mature we look forward to seeing these hopes come into being and we cherish every success that leads to their ultimate fulfilment. When the wheels start to come off we are confused, angry and at a loss to understand what has happened, and we often cannot see that they are as confused as we are. That it is only a hitch in the path of life our child is on is what we convince ourselves it is and that they only need to straighten themselves out and things can progress as they should. Sometimes this is what happens and how (blessed, lucky, fortunate) it is, but when that doesn’t happen, life can take a downward spiral that is truly horrific.*

*Most parents I have spoken to go down similar paths. First we are in shock that this has happened to us, our child has let us down, we are frightened of what can happen, and worse than anything else we don’t know what to do. We try support, punishment, but we are now confronting a person who is in rebellion and is in a situation that we are all ill equipped to deal with.*

*At first they can only see the independence and adventure and we can only see the danger and destruction of the path that they are on so we are on different*

*sides, parents believing they must solve the problem and the child (a young adult now) believing they must stamp their own authority on their life.*

*Parents become confused, what have they done wrong, have they not taught the child the correct skills to handle life, have they been too soft, too hard, too understanding, too firm, and a whole range of guilt because they must have not prepared the child for life.*

*A division grows rapidly between what are now two opposing forces, one believing that they are being suppressed, and the other believing they must fix the situation before things go too far astray. Sometimes after flexing their muscles this young adult decides that the drug culture is not for them and return to the life path they have chosen, they have made their statement and have established their independence and are now in charge of their own destiny.*

*Life is not an ordered program and things don't always go the way we plan. For us the thing that we feared the most happened and things didn't quickly return to the expected path. We were not prepared for what was about to happen and all the movies and all the books would not prepare us for the emotional roller-coaster we had just got on.*

*I could not have imagined how fast relationships can deteriorate and impasse can form, the feeling of helplessness in the face of one of my greatest fears was overwhelming. I had always prided myself on being able to handle situations and yet here I was with the thing I would give anything to overcome and I could do nothing.*

*My heart was breaking, fear was with me constantly for this child I loved and wanted to protect but I didn't even know where to start. I believed I could protect him with harm minimisation but I did not even know what that meant. I put boundaries in place that were continually broken, refused to give money but was constantly manipulated. I was out of my depth and did not know where to turn.*

*I was still trying to protect my child's future in the belief that things would soon change and return to normal and advice gained for people close to me was of no real value because they didn't understand that telling them to behave themselves or there would be consequences didn't work.*

*It is easy to tell people what to do when you are not in their situation but the person giving the advice does not have to live with the consequences if things go wrong. This is most probably the greatest fear. If I do the wrong thing I could lose or damage my child. What I did not realise is that I had no control of the situation at all and that my child was in complete control of his decisions not me.*

*Years went by and we confronted many difficult situations. We had times of hope that were regularly dashed, and we slowly built barriers for our emotions that were partially successful. Some of us buckled under the pressure*

*and recovered but the greatest casualty I think was hope. We reached a place where we managed things by feeling more content when our child was locked up because we had no way of protecting him and the issues were beyond our ability to cope with.*

*Drug Court was to us just another program and we had seen many that held promise but in the end not delivered for our child and being emotionally scarred and with the barriers we had in place that had taken us a long time to erect, we adopted a wait and see attitude. Slowly as the months went by and we came to Court and saw the people on the program, our child included, were checked and challenged, we watched him respond with a couple of slips and our hope started to be rekindled.*

*We are starting to look with hope at the emerging person who resembles the son we lost and as the months now go by we are developing a relationship. There are lots of bridges to be rebuilt, 18 years is a long time and a lot of damage has been done but we are all learning and I believe time will heal the hurts.*

*Hope as I said previously was the greatest casualty but through this program I believe hope has lifted itself off the floor. We are now starting to look forward to being a part again of our son's future and I thank the Drug Court program and all the people in it for all they have done to support, correct and save my son.*

*Does Drug Court work for everybody, unfortunately no you have to commit to it, which a lot people do, my son embraced it and it worked for him and I am proud to be his father. Like all in life you get from it what you put in.*

*May God bless you and may His hand be on this program.*

*Yours Truly*

*MJC”*

**One year later**...One distinct advantage of preparing this annual review late in 2013 is the ability to report that, more than a year later, Daniel is continuing in his recovery. Drawing from an update from his counsellor, Jodie, I can report that:

*“Daniel’s family again expressed thanks to the entire team for giving their son back to them. Daniel still contacts Jodie about once a month. He is still working full time, has not used illicit drugs since graduating (which surprised him because he thought he may have been tempted) and is happy he can keep saying he has been drug free for almost two years. He has even given up smoking cigarettes. His finances have been straightened out after years of chaos, he is happier than he has been since he was a child, and he has even been able to buy a new car.*

*Daniel reports that there has been no offending (apart from a speeding fine), and that he doesn't even think about that way of life anymore. Plus he has the "WWJS" mantra: "What would Jodie or Judge say?"!*

*Overall he says that the program really did change his life, and he is so proud that he is no longer a source of stress and hurt for his family. He says he still sometimes shakes his head when he does normal things, because he never would have thought he could live such a great life".*

Daniel's program was remarkable, and his family's response gratifying. Daniel's positive journey, and the ripple effect upon his family are by no means unique.

J R Dive  
Senior Judge  
25 November 2013

### Parramatta Program outcomes 2004 to 2012

<b>Year</b>	<b>Program entrants</b>	<b>Sentenced program completers</b>	<b>Non Custody (Graduates)*</b>	<b>Custody</b>	<b>% Non Custody</b>
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%
2012	167	187	95 (37)	92	51%

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

### Hunter Program outcomes 2011 to 2012

<b>Year</b>	<b>Program entrants</b>	<b>Sentenced program completers</b>	<b>Non Custody (Graduates)*</b>	<b>Custody</b>	<b>% Non Custody</b>
2011	70	10	0	10	0
2012	61	43	20 (8)	23	47%

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

**Parramatta Drug Court – key statistics 2012**

<b>Program entry</b>	<b>Persons</b>
Total referred	362
Pre ballot exclusion	111
Placed in ballot	251
Accepted after ballot	234
Returned ineligible/not appropriate/unwilling	71
<b>Program progression</b>	<b>Participants</b>
Participants who entered Phase 1 in 2012	166
Participants who progressed to Phase 2 in 2012	109
Participants who progressed to Phase 3 in 2012	65
Participants on program as at 31/12/12	137

<b>Court Determinations</b>	<b>Participants</b>
Terminated after “potential to progress” hearing	26
Terminated after “risk to community” hearing	34
Retained after “Potential to progress” or “risk” hearing	18

<b>Programs Completed</b>	<b>Participants</b>
Graduated	37
Substantial Compliance	9
<b>Total Non custody</b>	<b>95</b>
Custody	92
<b>Total completions</b>	<b>187</b>

### Hunter Drug Court key statistics 2012

<b>Program entry</b>	<b>Persons</b>
Total referred	134
Pre ballot exclusion	42
Placed in ballot	92
Accepted after ballot	89
Returned ineligible/not appropriate/unwilling	31
<b>Program progression</b>	<b>Participants</b>
Participants who entered Phase 1 in 2012	61
Participants who progressed to Phase 2 in 2012	54
Participants who progressed to Phase 3 in 2012	25
Participants on program as at 31/12/12	64

<b>Court Determinations</b>	<b>Participants</b>
Terminated after “potential to progress” hearing	11
Terminated after “risk to community” hearing	7
Retained after “Potential to progress” or “risk” hearing	9

<b>Programs Completed</b>	<b>Participants</b>
Graduated	8
Substantial Compliance	0
<b>Total Non custody</b>	<b>20</b>
Custody	23
<b>Total completions</b>	<b>43</b>



## Compulsory Drug Treatment Correctional Centre – key statistics 2012

<b>Pre Program</b>	<b>Persons</b>
Referral	57
Ineligible	28

<b>Program progression</b>	<b>Participants</b>
Participants who entered Stage 1 in 2012	28
Participants who progressed to Stage 2 in 2012	24
Participants who progressed to Stage 3 in 2012	12
<b>Participants on program as at 31 December 2012</b>	<b>51</b>

<b>Programs Completed</b>	<b>Participants</b>
Order Revoked	26
Order Expired	1
Parole Granted	7

## Visitors, presentations and publications

### February

- Hosted visit by Singapore Police Service

### March

- Presentation to National Judicial College Conference, Brisbane on Solution-Focussed Courts
- Presentation to DCS Brush Farm Academy
- Visit by the Director of Public Prosecutions
- Visit by Law Reform Commissioners
- Presentation to Police Managers, Parramatta
- Visit by CEO, Legal Aid Commission

### May

- Visit by Magistrates, Lawyers and clinicians from NT Smart Court
- Visit by Masters of Psychology students, University of NSW
- Visit from Parramatta Council

## **July**

- Visitors from University of New Haven, USA
- Presentation dinner and guest speaker, Rotary Club of Parramatta

## **September**

- Visit by South Australian Magistrates
- Lecture at Newcastle University by Judge Dive
- Team visit to John Moroney Correctional Centre

## **October**

- Visitors from the Solomon Islands LAC
- Visit by the Commissioner of Corrective Services
- Visit by prosecutors from the Maldives
- Visit by Police prosecutor from India

## **November**

- Participation in and presentation to Australian Drug Courts conference, Melbourne
- Partner in the Judicial Commission's Community Awareness Program
- Presentation to the Administrative Tribunal Members by Judge Dive
- Presentation to Law Society Continuing Legal Education Seminar by Judge Dive

## **December**

- Occasional Address – Law School Graduation at University of Western Sydney – Judge Dive