**Reflections on 2018**

**A Successful Program**

In a break from the past I have relegated the numbers and percentages to second place in this report. The real story of the Drug Court is about individuals who have strived, often against great odds, to recover from a serious drug dependence and return to being an ordinary normal person in our community – going to work, caring for family, and paying the bills. So I asked the team to remind us of their favourite graduations of 2018:

*From Holly, Community Corrections:*

When I think of the success of the Drug Court Program, one participant in particular comes to my mind. “Craig” was a young man that I supervised. Initially, he was full of self-doubt in his ability to successfully complete the program as he struggled so deeply with his addiction, as all our participants do. His progress from his period of deep self-doubt to being confident that he could live a lifestyle without drugs and be excited for a future he never thought he could attain was a testament to the strength of the Drug Court Program and how it helps to rebuild the capacity of its participants.

I enjoyed supervising him mostly because I could see just how proud he was that he had come so far, when, not a few months prior, he was losing his hope. His desire to be a father his son could be proud of and look up to as a stable male figure in his life was one of his greatest motivators.

However it was when his mother, who he was very close to, suddenly passed that his perseverance and the support of the Drug Court Team really shone through brightly. Despite her passing on a weekend, he attended court as required the following Monday and had not used any illicit substances during a deeply painful time. He took the opportunity to be a part of a support network for his family rather than be the one that needed the full support. He walked through that period, refusing to give in to the substances that once stopped him from feeling anything when his world got too painful.

Seeing him graduate and have his family beside him was a moment I won’t forget, the team and his family were all so proud, but none more than him. He had finally realised his true value and potential and this would not have been possible without the support and perseverance of the Drug Court Program.

*From Jodie, Hunter New England Health:*

“Jason” was referred to the Drug Court in October 2016, aged 26yrs, and at that point life had spectacularly exploded for he, his partner, and their young son. The couple had been together for ten years – since high school – and when they planned their first child, life had been going well: both were working full time doing jobs they enjoyed, were financially stable, residing in a long term private rental property, and each had a car for transport. Following the birth of their son, Jason’s partner became unwell, and he was attempting to financially provide for the family by increasing his work hours and still trying to care for their son. Unfortunately he increased his use of ice to daily, and continued driving to work despite a number of traffic infringements which had led to him losing his licence. His increasing drug use also led to a decline in his mood and impacted severely on an already stressed relationship, culminating in a domestic violence offence also.

From the outset, Jason was very committed to repairing his life, and was an enthusiastic participant in counselling. He had a strong focus on family and his greatest hope was to be a better father and partner than his own father had been. Whilst addressing his own issues, there were also times he would attend with his partner and both were very open to working on positive parenting strategies and discussing how to improve their relationship – their program became a bit of a family affair, and with only support from extended family, and the Judge became a bit of a parental figure for them both!

Jason graduated in February 2018 – no drug use for 12 months, working full time and having resumed playing soccer socially on the weekends. He’d also taken on the volunteer position of coaching his son’s soccer team, and found the community atmosphere of the soccer club to be another very positive support. His partner had also resumed part time work and the family had been linked with a great GP for support. A few months later, Jason made contact to tell us that he had changed jobs, and had resumed the work he had enjoyed for prior to Drug Court. He was also undertaking a TAFE certificate related to this employment.

In early 2019 they all came to visit the Health offices, excited to announce that another child was expected, and to talk about how they should approach their “past” with service providers through this pregnancy. They took our advice on being honest, and links were made with all the appropriate support services. Their daughter was born in April this year, and both Jason and their current service providers report that things are going well for the family.

*…and then there was “Jona”*

The biggest drama with Jona was in December 2016, before his program even commenced. Jona was unsure about whether he wanted to do Drug Court, because he desperately wanted to see his son at Christmas. After much discussion, advice from legal aid, the judge and Jona’s sister via mobile phone, he was finally convinced to take up the opportunity of a Drug Court program. The Court brought Christmas forward, Santa needed to make an early visit, Jona went into custody in late December for his Treatment Plan to be prepared, and his program got underway in the New Year.

Jona completed the program without ever being required to serve sanctions. He had some long-term health issues arising from traumatic injury, and he undertook some very important medical treatment whilst on the program. He resided with his mother, and has very close relationships with all of his immediate family. Jona was well and firmly in recovery when his father passed away in December 2017. The fact that Jona was in such good shape, after many years of chaos, was a real comfort to his dad.

Whilst on the program, Jona commenced part time voluntary work with West Tigers football club, and in fact has been the face of our partnership with the Tigers. Jona remains well and stable, and remains in touch with the Drug Court – in fact he came to visit us with positive news this very day.

**Drug Court Performance**

The year in review was another year of proven success. Every performance indicator showed improvements, and records were broken:

* The number of graduates eclipsed the century mark for the first time - 103.
* Program entrants increased to the highest in six years – 313.
* Program completion was a record – 326 across the three centres
* Participants not required to return to gaol – a record 190 or 58.28%
* Extra graduation ceremonies were frequently required at Parramatta Drug Court, given the numbers graduating.

It is worthy to note that the number of graduates has increased every year in the six years since Sydney Drug Court opened; from 33 to 103 per year - an extraordinary increase of 212%. It appears that the Drug Court program is highly effective for Ice users, which now dominate the clientele of the program.

**Measures of Success – All Drug Courts 2013 to 2018**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Year** | **Program entrants** | **Sentenced program completers** | **Graduates** | **Total Non Custody** | **Custody** | **% Non Custody** |
| 2013 | 336 | 248 | 33 | 109 | 139 | 43.95% |
| 2014 | 253 | 289 | 48 | 128 | 161 | 44.29% |
| 2015 | 299 | 271 | 56 | 135 | 136 | 49.82% |
| 2016 | 309 | 314 | 71 | 157 | 157 | 50.00% |
| 2017 | 300 | 289 | 88 | 165 | 124 | 57.09% |
| 2018 | 313 | 326 | 103 | 190 | 136 | 58.28% |

**Demand for program**

The inability of the Drug Court to provide programs to all offenders who are within the defined geographical catchment area of the court, and who are both eligible and appropriate for the program, has been raised in these reports before. The [2017 report](http://www.drugcourt.justice.nsw.gov.au/Documents/2017%20Annual%20Review.docx) contained an analysis of both the cost of not providing a Drug Court opportunity and the lack of fairness in not providing a Drug Court program opportunity. The demand for places at the Parramatta Court continues to outstrip supply, and the graph below shows the ever increasing gap between referrals and placement on program.

**Changing Patterns of Drug Use**

The Drug Court was established as one of the strategies of the NSW Drug Summit in 1998. The Summit was convened in response to the tragic number of heroin related overdose deaths occurring. Twenty years later, in 2018, both the community and the Drug Court are dealing with a new drug crisis; the widespread availability of the drug Ice, which currently accounts for perhaps 75% of the illicit drug use seen at the Drug Court. The use of heroin has certainly diminished in the intervening years.

It is the experience of the Drug Court that the type of illicit drug and the patterns of use change and nuance over time. The use of both benzodiazepines and cannabis has decreased markedly. The court has seen the abuse of Alprazolam (Xanax), together with a wide range of synthetics, peak and then greatly diminish over the intervening years. The court is now facing other challenges, including the increased abuse of Fentanyl, Pregabalin and GHB, and the need to be able to detect such use through urine or other drug screening.

The issue for the court is to remain nimble and alert to new developments - continually adapting to the environment we work in, and not assuming established responses to be effective for new challenges. For example, the Court sees a different demographic group being damaged by Ice - young men who may not have used illicit substances in a damaging fashion before, and who have not been involved with the criminal justice system until their twenties or thirties. So whilst the court is faced with high levels of Ice use at this time, the court has learnt from long experience to remain watchful for the next substance of concern.

**Our dedicated professionals**

Working in a team environment can be a very different experience for all program partners. Government and non-government organisations tend to be structured around, and then focussed upon, their own responsibilities or corporate goals. At the Drug Court the commonality is the participant and his or her recovery, and the partner agencies work together to implement an agreed Treatment and Case Management Plan. During the vast majority of review meetings the team members are in total agreement as to what tactics to employ today, however any differences of opinion are deliberately settled in the absence of the participants, so a united front is portrayed.

A key strategy in achieving such a high level of co-ordination and co-operation is the respect all partner representatives accord to those from other organisations. So it is well established that the legal teams, be it Legal Aid or the DPP, will not seek to have the judge overrule any determination by Community Corrections as to the suitability (or otherwise) of a potential community address for the participant. Similarly, the Health partners have the last say on issues within their professional expertise, such as any need for pharmacotherapy.

We have achieved a remarkable workplace, whereby the complex needs of some quite challenging individuals are addressed by the best plans and programs all partner agencies can provide or source. My thanks to all our judges, counsellors, lawyers, police officers and case managers for the amazing work you do.

Roger Dive

Senior Judge

24 August 2018

**Drug Court of NSW – Parramatta**

**Program activity by year from 2004 to 2018**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **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% |
| 2017 | 184 | 169 | 97 (54) | 72 | 57% |
| 2018 | 198 | 207 | 124 (63) | 83 | 60% |

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

**Drug Court of NSW – Hunter**

**Program activity by year from 2011 to 2018**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **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% |
| 2017 | 65 | 67 | 51 (29) | 16 | 76% |
| 2018 | 65 | 68 | 42 (26) | 26 | 62% |

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

**Drug Court of NSW – Sydney**

**Program activity by year from 2013 to 2018**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **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% |
| 2017 | 51 | 53 | 17 (5) | 36 | 32% |
| 2018 | 50 | 51 | 24 (14) | 27 | 47% |

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

**Parramatta Drug Court – Key Statistics 2018**

|  |  |
| --- | --- |
| **Program entry** | **Persons** |
| Total referred | 601 |
| Pre ballot exclusion | 212 |
| Placed in ballot | 389 |
| Accepted after ballot | 324 |
| Returned ineligible/not appropriate/unwilling/withdrawn | 26 |
|  |  |
| **Program progression** | **Participants** |
| Participants who entered Phase 1 in 2018 | 198 |
| Participants who progressed to Phase 2 in 2018 | 128 |
| Participants who progressed to Phase 3 in 2018 | 74 |
|  |  |
| Participants on program as at 31/12/18 | 155 |

|  |  |
| --- | --- |
| **Court Determinations** | **Participants** |
| Terminated after “potential to progress” hearing | 32 |
| Terminated after “risk to community” hearing | 12 |
| Retained after “Potential to progress” or “risk” hearing | 2 |

|  |  |
| --- | --- |
| **Programs Completed** | **Participants** |
| Graduated | 63 |
| Substantial Compliance | 5 |
| **Total Non custody** | 124 |
| Custody | 83 |
| **Total completions** | **207** |

# Hunter Drug Court – Key Statistics 2018

|  |  |
| --- | --- |
| **Program entry** | **Persons** |
| Total referred | 173 |
| Pre ballot exclusion | 89 |
| Placed in ballot | 84 |
| Accepted after ballot | 84 |
| Returned ineligible/not appropriate/unwilling/withdrawn | 26 |
|  |  |
| **Program progression** | **Participants** |
| Participants who entered Phase 1 in 2018 | 65 |
| Participants who progressed to Phase 2 in 2018 | 55 |
| Participants who progressed to Phase 3 in 2018 | 31 |
|  |  |
| Participants on program as at 31/12/18 | 58 |

|  |  |
| --- | --- |
| **Court Determinations** | **Participants** |
| Terminated after “potential to progress” hearing | 10 |
| Terminated after “risk to community” hearing | 7 |
| Retained after “Potential to progress” or “risk” hearing | 8 |

|  |  |
| --- | --- |
| **Programs Completed** | **Participants** |
| Graduated | 26 |
| Substantial Compliance | 2 |
| **Total Non custody** | 42 |
| Custody | 26 |
| **Total completions** | **68** |

**Sydney Drug Court – Key Statistics 2018**

|  |  |
| --- | --- |
| **Program entry** | **Persons** |
| Total referred | 94 |
| Pre ballot exclusion | 17 |
| Placed in ballot | 77 |
| Accepted after ballot | 75 |
| Returned ineligible/not appropriate/unwilling | 7 |
|  |  |
| **Program progression** | **Participants** |
| Participants who entered Phase 1 in 2018 | 50 |
| Participants who progressed to Phase 2 in 2018 | 19 |
| Participants who progressed to Phase 3 in 2018 | 17 |
|  |  |
| Participants on program as at 31/12/18 | 41 |

|  |  |
| --- | --- |
| **Court Determinations** | **Participants** |
| Terminated after “potential to progress” hearing | 8 |
| Terminated after “risk to community” hearing | 9 |
| Retained after “Potential to progress” or “risk” hearing | 2 |

|  |  |
| --- | --- |
| **Programs Completed** | **Participants** |
| Graduated | 14 |
| Substantial Compliance | 1 |
| **Total Non custody** | 24 |
| Custody | 27 |
| **Total completions** | **51** |

# Compulsory Drug Treatment Correctional Centre Key Statistics 2018

|  |  |
| --- | --- |
| **Pre Program** | **Persons** |
| Referral | 68 |
| Eligibility and Suitability Assessments | 58 |
| Ineligible | 34 |

|  |  |
| --- | --- |
| **Program progression** | **Participants** |
| Participants who entered Stage 1 in 2018 | 34 |
| Participants who progressed to Stage 2 in 2018 | 27 |
| Participants who progressed to Stage 3 in 2018 | 24 |
|  |  |
| Participants on program as at 31/12/18 | 57 |

|  |  |
| --- | --- |
| **Programs Completed** | **Participants** |
| Order Revoked \* | 15 |
| Order Expired | 4 |
| Parole Granted \*\* | 25 |

\* 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 CDTO

**Visitors and Presentations**

**February**

Visit by Judge Fujita of the Wakayama District Court, Japan

**March**

* His Honour Judge Taft of the County Court of Victoria visited
* Judge Dive and the Drug Court team visited William Booth House

**April**

* Judge Dive addressed the Probus Club of East Roseville, Sydney
* Scot Macdonald, MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter visited Drug Court and attended a Graduation Ceremony

**May**

* Judge Dive presented to trainees at the Corrective Services Academy
* Judge Dive visited Silverwater Women’s Correctional Centre

**June**

* Judge Dive presented to trainees at the Corrective Services Academy

**July**

* Visit by four Judges of the County Court, Victoria

**August**

* Visit by the executives of the Women’s Justice Network
* Visit and presentation by Dr Santiago Vazquez, Branch Director Forensic Chemistry, Forensic & Analytical Science Service
* Visit and presentation by the Justice Advocacy Service
* Judge Dive presented to trainees at the Corrective Services Academy
* Judge Dive visited the Compulsory Drug Treatment Correctional Centre
* Judge Dive presented to the University of Wollongong Masters of Law program

**September**

* Judge Dive provided a presentation to the Drug Law and Policy program, University of NSW
* Executives from the ACT Health Service visited
* Visit from Executives of the Family and Community Services, Western Sydney and Nepean Blue Mountains District

**October**

* Judge Dive was a member of the Thought Leadership Panel for the Law Society of NSW
* Ms Jenny Spence of the Manukau District Court, New Zealand visited.

**November**

* A delegation from the Rehabilitation Bureau, Japan, visited the Drug Court
* Visit by the team preparing for the ACT Drug and Alcohol Court

**December**

* Judge Dive presented to trainees at the Corrective Services Academy