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INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION
CICAD

Secretariat for Multidimensional Security

FORTY-EIGHTH REGULAR SESSION
December 6 - 8, 2010
Washington, D.C.

OEA/Ser.L/XIV.2.48
CICAD/doc.1840/10
6 December 2010
Original: English

DRUG TREATMENT COURTS IN THE CARIBBEAN
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CICAD 48 REGULAR SESSION,
Washington D.C. December 2010

Her Honor Stephane Haisley, Presiding Judge of the Kingston Drug
Treatment Court, Jamaica

Drug Treatment Courts Program in the Caribbean. Mr. Antonio Lomba,
CICAD



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Drug Treatment Courts have proved to provide an effective answer to four major problems, as they contribute to:

- Reduce crime
- Reduce drug recidivism
- Reduce prison population
- And last but not least, they are cost-effective



DTC AMERICAS PROGRAM

- Awareness
- Individual exchange visits
- Training
- Information systems
- Drug treatment courts implementation
- Accreditation and quality of treatment services
- Drug screening
- Product and Impact evaluation (quality assurance)



CONCRETE ACTIONS November 2010 – April 2011

Main activities:

- Creation of Task Forces (Judge, Prosecutor, Probation Officer, Treatment Specialist, etc...)
- Develop strategic action plans (commitment and shared responsibility from beneficiary countries and institutions)
- Curriculum Development for capacity building (training) in two selected countries (one being Jamaica)
- Create training teams (at least three people per profile from Canada)
- Training (face-to-face)



Potential Beneficiary countries: Jamaica, Barbados, Bahamas, Suriname, Trinidad and Tobago, and St. Lucia);

This initiative is being executed under the umbrella of OAS's **DTC-Americas Initiative. DTC-Caribbean** is being carried out by the Inter-American Drug Abuse Control Commission (CICAD), Secretariat for Multidimensional Security of the Organization of the American States (OAS) and funded by through the Anti-Crime Capacity Building Program (ACCBP), and administered by the Department of Foreign Affairs and International Trade (DFAIT). Some strategic partners: Canadian Association of Drug Treatment Court Professionals (CADTC) and the International Association of Drug Treatment Courts (IADTC)





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Potential Partners	
National Drug Commissions	The executive branch as a whole, and the national drug commissions in particular
Ministry of Justice	At the institutional level, the different actors involved with the court system
Ministry of Health	Participation from the Ministries of Health would be an asset to make sure there is a balance between health and justice
Law enforcement agencies	Law enforcement agents could play an important role
IADTC, and other international institutions and/or organizations	Participation of other international organizations to make sure we all harmonized strategies and actions is important for the consistency and coherence of international cooperation
CADTC among other national professional associations	The Canadian Association of Drug Treatment Courts (CADTC), the National Association of Drug Court Professionals (NADCP) would also provide expertise and knowledge about how to work with the DTC modality.
Municipalities	City governments are the closest institutions to the citizens, their capacity to interact with the individuals is a major issue in trying to involve community actors, city agencies, and citizens
Universities and academic institutions	The University of the West Indies, the Commonwealth of Learning (COL) in Canada, among others, could be an added value by integrating this effort into their academic activities
The court system itself	Judges, prosecutors, defense attorney, court administrative personnel, liaison officers, probation officers



Zaila McCalla, O.J.
Chief Justice
of Jamaica

"We are aware of the impact that Drug Courts have had on the reduction of crime and the rate of recidivism among offenders, the reduction of the prison population and the resulting cost effective benefits and we recognize that this can have a tremendous impact on the improvement of our Justice System.

We welcome the interest in organizing a training workshop in Jamaica. This will provide capacity building for professionals who work in the Drug Treatment Courts and will serve to make such courts more effective. We believe that the concept of training Drug Court teams will facilitate the creation of new Drug Courts in other parts of the Island and we endorse this.

We look forward to working with the OAS to make this venture a reality as we are committed to improving our Justice System in all areas"



- Relevant Statutes
- Therapeutic Jurisprudence
- DTC Eligibility requirements
- DTC Roles
- Treatment Centers
- Termination
- Challenges and Solutions



Relevant Statutes

The Drug Court is a creature of Statute

- The Drug Court (Treatment and Rehabilitation of Offenders) Act, 1999
- The Drug Court (Treatment and Rehabilitation of Offenders) Regulations, 2000



Objects of the Act

Section 3 of the Act provides that the objects are to

- (a) reduce the incidence of drug use and dependence by persons whose criminal activities are found to be linked to such dependence;
- (b) reduce the level of criminal activity that results from drug abuse;
- (c) provide such assistance to those persons as will enable them to function as law abiding citizens.



Therapeutic Jurisprudence

Drug Court apply the principle of Therapeutic Jurisprudence

- Therapeutic jurisprudence is a perspective that regards the law as a social force that produces behaviours and consequences
- Therapeutic jurisprudence affords us an opportunity to look at the law in a richer and fuller way
- Encourages us to see what therapeutic agents we can use to bring about change
- Encourages us to look at innovative ways to solve problems and to see whether the law can be made or applied in a more therapeutic way so long as other values such as justice and due process can be fully respected
- It is based on a new paradigm of restoration and not punishment and focuses on prevention and rehabilitation in the application of justice
- It seeks to establish partnerships that enable and promote construction of a proper network for substance abusers through a court monitored programme



DTC Eligibility requirements

The Drug court is available to anyone who fits the eligibility requirements which are as follows

- If the person is charged with a relevant offence which is any offence triable by a Resident Magistrate. (persons charged with non drug related offences can also benefit)
- If the person appears to be dependent on the use of drugs
- If the person is at least seventeen years of age
- If the person is not suffering from any mental condition that could prevent or restrict the person's active participation in a prescribed treatment programme.



DTC Roles

- Judge
- Justice of the Peace
- Prosecutor
- Treatment Provider
- Probation Officer
- Counsellor
- Defense Counsel
- Police Officer
- Administrative Secretary



DTC Treatment facilities

The main treatment facility center is the Maxfield Park Health Centre in Kingston where participants attend and the Treatment Provider Team takes over. Other centers include Salvation Army, Richmond Fellowship-Patricia House, Team Challenge, and UWI Detox Center.

They attend two days for the week Tuesdays and Wednesdays. All of them receive both individual and group counseling and mandatory urine testing for drugs. On Wednesday afternoons they attend the Drug Court and their progress and the urine results are presented. Rewards and sanctions are discussed. When the participant arrives in Court the Court is informed in open Court as to his progress and if the participant is doing well he is commended. If he is not doing well he is sanctioned or he is given a stern warning.



Termination of the programme

The Drug Court shall terminate a prescribed treatment programme in relation to a drug offender if

- (a) The offender successfully completes the programme
- (b) The offender requests the Drug Court to terminate the programme; or
- (c) Based on the report of the approved treatment provider there is no useful purpose to be served by the drug offender's continued participation in the prescribed treatment programme
- (d) if the offender has successfully completed the prescribed treatment programme, the Drug Court shall discharge the offender in relation to the relevant offence and this discharge may be either absolute or conditional as the Court thinks fit
- (e) At the end of the prescribed treatment programme, if the participant successfully completes, he comes up for graduation.



Report of Kingston Drug Court Treatment and Rehabilitation Programme From the Start of the Programme May 2001 – 3rd December 2010

Year	Total referred by Court	Admitted & Eligible for Programme	Graduated	Drop Out
2001	69	32	-	22
2002	55	28	8	12
2003	60	29	17	17
2004	41	18	9	14
2005	17	8	3	6
2006	18	10	5	5
2007	14	8	2	4
2008	16	12	4	-
2009	18	12	11	3
2010	37	12	3	10
Total	345	169	62	93



Challenges

- Lack of resources (human and material)
- Lack of knowledge
- Number of graduates
- Geographical limitations. Access (location)
- From Pilot to Consolidation
- No follow up (lack of resources)
- Evaluation (impact)



Solutions

- Public awareness (political will)
- Training of professionals
- More resources
- More DTC (for access)
- More Treatment Facilities
- More after-care programme and follow up
- Alliances (OAS-CICAD, etc..)

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