

# ORGANIZATION OF AMERICAN STATES

INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

cicad

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## **DRUG TREATMENT TRIBUNALS**

**Manuel Guerra Fuenzalida**  
**Director, Specialized Drugs Unit**  
**Public Prosecution Service of Chile**



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**Project:**  
**Drug Treatment Tribunals**

# Origin in Chile

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In 2004, the “Drug Treatment Tribunals” (TTD) pilot project was launched in the city of Valparaíso. The project uses the **Conditional Suspension of Proceedings** mechanism to provide treatment for defendants facing trial who have problems with drug use.

The project currently covers four regions of Chile:

- Tarapacá
- Antofagasta
- Valparaíso
- Santiago Metropolitan Region (Center-North FRM: Pilot population, adolescents aged 14-17 years)

# Goals of the TTD Project

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- **Rehabilitation**
- **Social reincorporation**

**Reducing or halting drug use and preventing criminal recidivism**

# Treatment Tribunal Participants:

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- **Judge**

Gives the order for the conditional suspension of proceedings, orders admission to drug treatment, and oversees compliance.

- **Prosecutor**

Requests the conditional suspension. Informs the judge of any noncompliance and participates in work-plan compliance review hearings.

- **Defense Counsel**

Represents the defendant at the hearing where conditional suspension is ordered and participates in work-plan compliance review hearings.

# Treatment Tribunal Participants:

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## ■ Two-person Psychosocial Team

One psychologist and one social worker. Professionals who note their suspicions of a drug abuse problem.

## ■ Psychiatrist

Professional who confirms the drug problem diagnosis and, in a report, proposes a specific treatment strategy.

## ■ Treatment Center

Carries out the defendant's drug treatment program. Reports progress and relapses in treatment to the biopsychosocial team (psychologist, social worker, psychiatrist), who report to the coordinating team of the Public Prosecution Service and Public Defender's Office.

# Phases in the Treatment Tribunals Program

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## Case admission and legal/medical evaluation

- Cases may be admitted to the program at arraignment or during court proceedings.
- Admission of a defendant into the program depends on fulfillment of the legal requirements for conditional suspension of proceedings.
- The first filter for the medical eligibility of a case is the diagnosis of suspicion made by the two-person psychosocial team.
- Defendants who are detected and who meet the legal requirements are clinically assessed by a psychiatrist to confirm the diagnosis.
- Once the diagnosis of suspicion and its positive confirmation are obtained, suggestions on the treatment plan to be followed are made, and this is reported to the coordinating teams of the Public Prosecution Service and the Public Criminal Defender's Office.
- The members of the coordinating team set a date and time for the conditional suspension hearing.

# Phases in the Treatment Tribunals Program

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## Conditional Suspension Hearing

- The program's legal/medical team meets every month to assess the progress of those defendants currently covered by conditional suspensions of proceedings.
- The experts involved address the hearing.

**Prosecutor**: Requests the conditional suspension of proceedings and proposes conditions for it.

**Judge**: Decides on the request after studying the diagnosis confirmation report.

**Defense counsel**: May offer comments on the conditions suggested, in consideration of the agreements reached at the earlier coordination meeting.

\* Prior to the conditional suspension hearing, the Public Prosecution Service's Victims and Witnesses Unit contacts the victim of the crime (if any) and informs him/her of the defendant's possible admission to the program. Victims may attend the hearing if they so wish.



# Phases in the Treatment Tribunals Program

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## Subsequent hearings and formalities

- **Conditional suspension follow-up hearings**: Given the need to keep the court informed of the defendant's progress and/or relapses during treatment, and the importance of the defendant reporting his/her progress to the parties involved, monthly informative review hearings are held. The Treatment Center issues monthly progress reports on its treatment. These reports are sent to the judge, prosecutor, defense counsel, and biopsychosocial team at least five days before the corresponding review hearing.
- **Amendments to conditions**: At a special hearing convened for the purpose, the judge may, at the request of one of the parties involved, amend one or more of the imposed conditions. In this, the judge will pay particular attention to the case history and to the suggestions made in the corresponding treatment report.

# Phases in the Treatment Tribunals Program

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## Subsequent hearings and formalities

- **Cancellation of provisional suspension**: A judge may revoke the provisional suspension of proceedings, at the request of the Public Prosecution Service, in the following cases:
  - ✓ If the defendant is formally charged with a new offense.
  - ✓ If the defendant fails to meet the imposed conditions without justification, in a serious fashion, or on a repeated basis. Relapses into drug use are not in and of themselves a reason for cancelling the provisional suspension, since they are assumed to be a potential element of the rehabilitation process.
- **Completion hearing**: At the end of the treatment period, provided that the defendant has met the therapeutic goals set out in the individual plan and provided that the duration of the ordered conditional suspension has come to an end, a completion hearing is held. At this hearing, the case will be irrevocably dismissed.

# TTD Project



No suspicion of drug use problems

Normal processing of the case continues

Drug use problems suspected

A psychiatrist examines the defendant to confirm the diagnosis

## DIAGNOSIS OF SUSPICION



Drug use problem not confirmed

Normal processing of the case continues

Drug use problem confirmed

REPORT  
Professional issues a written report with the result of the clinical evaluation and sends it to the judge, prosecutor, and defense counsel, indicating the diagnosis, proposed treatment, and suggested treatment center and treatment duration.

## CONFIRMATION OF DIAGNOSIS



COORDINATION MEETING

PROVISIONAL SUSPENSION HEARING

FOLLOW-UP HEARING

## HEARINGS

REPORT  
Treatment Center submits a report on treatment progress, attendance, screening, and recommendations to encourage perseverance and success with the Program.



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**Manuel Guerra Fuenzalida**  
**Director, Specialized Drugs Unit**  
**Public Prosecution Service of Chile**

**E-mail: [mguerra@minpublico.cl](mailto:mguerra@minpublico.cl)**

**Tel: 56-2-6909138**