



DRUG TREATMENT COURT PROGRAM FOR THE AMERICAS

Alternatives to Incarceration for Drug Dependent Offenders



HIGH-LEVEL DIALOGUE – WORKING GROUP ON “ALTERNATIVES TO INCARCERATION”

Cartagena, Colombia. 20th to 21st of October, 2014



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des États Américains
Organization of American States



Comisión Interamericana para el Control del Abuso de Drogas
Comissão Interamericana para o Controle do Abuso de Drogas
Commission Interaméricaine de lutte Contre l'abus des Drogues
Inter-American Drug Abuse Control Commission



Why do we search for alternatives to incarceration?

- In the last decade many countries in Latin America and the Caribbean have introduced harsh penalties as part of the war on drugs and as a means of responding to the problem of drug abuse and crimes resulting therefrom;
- This has led to an increase in the prison population in our countries with people with drug dependency problems, some of whom commit minor crimes;
- More than half of the prison population are repeat offenders and the rate of recidivism is too high;
- The justice system suffers from case back log;
- In some member states the laws are not interpreted in a way that distinguishes between, the consumer or trafficker and where in the scale the drug offender falls;
- Other factors contributing to the increased incarceration rate are disproportionality in sentencing and the excessive use of incarceration for drug crimes.



What is a DTC?

Drug Treatment Courts (DTCs) provide an alternative to incarceration for drug dependent offenders.

A DTC is a court which provides treatment for a drug dependent offender. The offender benefits from treatment whilst under the supervision of a judge.

The judge is part of a team which consists of defence attorneys, prosecutors, treatment providers and probation officers.

The main emphasis is on judicial supervision and the utilization of resources to reduce the rate of recidivism and relapse into criminal behaviour

The operations of the DTC vary from jurisdiction to jurisdiction and from country to country.



The Operations of a DTC

- Eligibility criteria differ from jurisdiction to jurisdiction. It can be both pre-adjudicatory and post-adjudicatory. In most countries there has to be an admission of guilt in order to participate. However in other countries such as Jamaica the program is offered whether or not there is such an admission and at any stage of the proceedings, however the individual must first be charged with a criminal offence.
- The participant benefits from either the suspension of the charge or sentence pending successful completion of the program after which he is usually discharged from the offence.
- In most jurisdictions it is available to persons charged with both drug related and non-drug related offences with the main emphasis being on drug dependency.



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Why is CICAD/SMS/OAS interested in Drug Treatment Courts?



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HEMISPHERIC STRATEGY ON DRUGS 2010

HEMISPHERIC DRUG STRATEGY

Plan of Action 2011 - 2015

With an introduction by OAS Secretary General José Miguel Insulza

Art. 22. It is necessary to explore the means of offering treatment, rehabilitation and recovery support services to drug-dependent criminal offenders as an alternative to criminal prosecution or imprisonment

Hemispheric Action Plan on Drugs 2011-2015 (May 2011)

OBJECTIVE No. 7:

Explore the means of offering treatment, rehabilitation, social reintegration and recovery support services to drug-dependent criminal offenders as an alternative to criminal prosecution or imprisonment.

Actions

Consider the possibility of adopting necessary measures to allow for alternatives to prosecution or imprisonment for drug-dependent criminal offenders.

Promote the study of other programs that can facilitate the treatment, recovery, and reintegration of drug-dependent criminal offenders.



Policy Development



Report on the Drug Problem in the Americas





TARGET POPULATION

1. Individuals who commit offences of possession of small quantities of drugs;
2. Non-violent distributors of small quantities of drugs;
3. Non-violent producers of drugs;
4. Individuals who commit other offences eg. property related offences, in order to maintain or finance their drug dependency;
5. Individuals who commit offences whilst under the influence of drugs, but have not necessarily committed a drug related offence.

What do we expect to achieve through DTCs?

In countries where follow-up mechanisms have been carried out, drug treatment courts offer solutions to some key issues by:

- Reducing crime
- Reducing relapse into drug use
- Reducing the prison population
- Efficient use of resources: proven cost-benefit
- Social reintegration of the individual





Social Integration

The most important goal of alternatives to incarceration is that of social integration which can be achieved through multi-agency corporation and a multi-sectoral approach which combine various sectors such as justice, health, education and training, labour and other social services to ensure that the results obtained are sustainable.



DTCs in the Americas, Institution Building and tri-lateral Cooperation:



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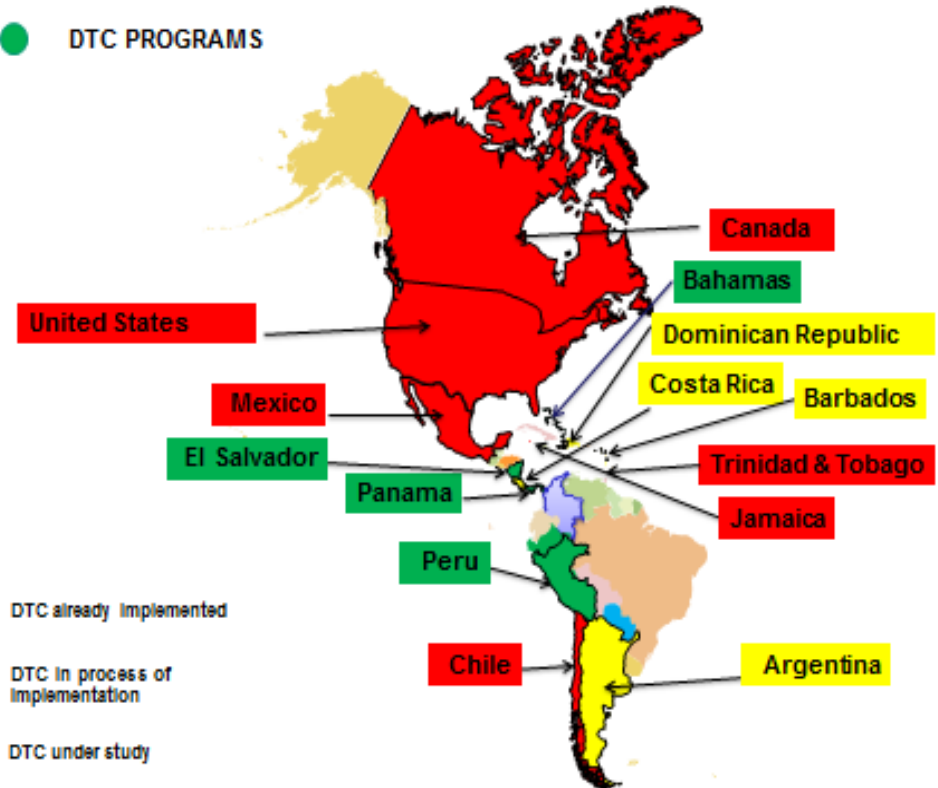
USA, Canada, Australia, Ireland,
Bermuda, Cayman Islands, UK,
New Zealand, Chile, Belgium,
Jamaica

Mexico, Trinidad and Tobago,
Costa Rica, Dominican Republic,
Barbados, Panama, Argentina

Bahamas, El Salvador, Grenada,
Peru, Colombia, Belize

● ● ● DTC PROGRAMS

● DTC already implemented
● DTC in process of implementation
● DTC under study





OAS DRUG TREATMENT COURT PROGRAM FOR THE AMERICAS



DRUG TREATMENT COURT
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SUMMARY OF ACHIEVEMENTS SINCE 2010

**BEFORE OAS DTC PROGRAM,
ONLY 4 OAS COUNTRIES IN
THE HEMISPHERE HAD DTC.
NOW, 14 COUNTRIES HAVE
DTC, OR ARE EXPLORING THE
MODEL**

**ADDITIONAL PILOT PROJECTS
LAUNCHED IN**

Argentina, Barbados, Costa
Rica, Dominican Republic,
Jamaica, Panama, Trinidad
and Tobago

**OVER 1,000
PROFESSIONALS BEING
TRAINED**

Judges, prosecutors,
defense, treatment
providers, probation

**COUNTRIES CURRENTLY
EXPLORING THE MODEL**

Belize, Colombia, Peru,
Mexico (expanding the
model)

**LEGAL
LANDSCAPE
NEGOTIATED,
POLICY PAPERS
AND PROTOCOLS
CREATED**

**GAP ANALYSIS
AND NEED
ASSESSMENTS
CARRIED OUT IN
4 COUNTRIES**

OAS/SMS/CICAD CONTRIBUTION

Bilateral Cooperation and Technical assistance
Collaboration for a political consensus
Horizontal exchanges and DTC study visits
Studies of feasibility
Resources, tools, materials, publications
Action Plan Development
Training
Monitoring and Evaluation



Building Capacities Drug Treatment Courts

Training Human Resources

Over 1,000 professionals being trained in Latin America and the Caribbean (Judges, prosecutors, defense attorneys, treatment providers).

Study Visits and Exchanges to the United States, Canada, and Chile.

Practical training through court simulations





Strengthening Institutions

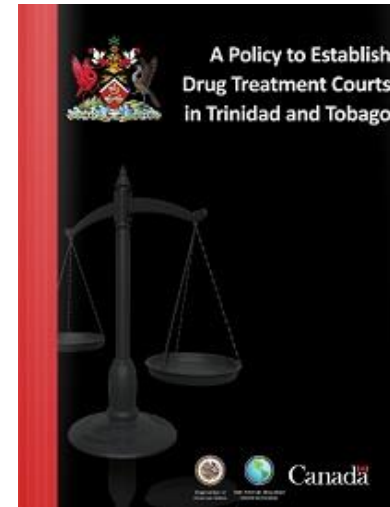
Drug Treatment Courts

Legal Framework Revised- Policy Papers

- Revised legislation, protocols created, needs assessments and studies of feasibility carried out, (PAHO and CAMH cooperation), policy papers drafted, diagnostic studies (Nuevo Leon, Mexico)

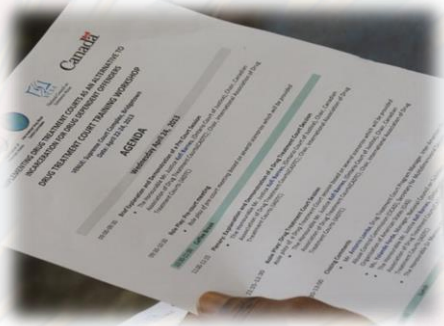
MOU signed with 8 member states

- Shared responsibility, transparency, commitment





First Drug Treatment Court M&E Manual for the Hemisphere



“It is very important to understand the indicators for evaluating the outcomes of our efforts”

(Justice Stephane Haisley, Jamaica)





Strengthening Institutions through Drug Treatment Courts

ARGENTINA

- FIRST DTC PILOT (2013)





Strengthening Institutions through Drug Treatment Courts

BARBADOS

- FIRST DTC PILOT IN BRIDGETOWN (2014)



***“After my visit to Toronto,
I was convinced” AG,
Barbados***



Strengthening Institutions through Drug Treatment Courts

CANADA

- 13 DTC COURTS IN OPERATION SINCE
- THE VALUE OF CANADA FOR INTERNATIONAL COOPERATION

Canada



"This visit exposed me to the alumni of the various DTCs. It gave me tremendous impetus to work hard at growing the DTC."

"The combination of study visit and conference provided an invaluable opportunity to see both theory and practice of DTC at work"





Strengthening Institutions through Drug Treatment Courts

COSTA RICA

- FIRST 2 DTC PILOTS IN PAVAS AND SAN JOSE (2013)





Strengthening Institutions through Drug Treatment Courts

CHILE

- 30 DTCS IN THE ENTIRE COUNTRY (SINCE 2014)
- ALREADY PUBLIC POLICY





Strengthening Institutions through Drug Treatment Courts

THE DOMINICAN REPUBLIC

- FIRST DTC PILOT IN SANTO DOMINGO (2013)
- WILL LAUNCH SECOND COURT IN SANTIAGO IN 2014





Strengthening Institutions through Drug Treatment Courts

JAMAICA

- FIRST 2 DTC PILOTS IN KINGSTON AND ST. JAMES (2001)
- THIRD PILOT LAUNCHED (2013), FOURTH PILOT LAUNCHED IN 2014





Strengthening Institutions through Drug Treatment Courts

MEXICO

- FIRST DTC PILOT IN NUEVO LEON (2009), 5 MORE IN 2014, 6 MORE IN 2015, REST BY 2016
- DIAGNOSTIC STUDY AND EVALUATION OF NUEVO LEON (CICAD/CCI/AU)



Estudio diagnóstico del
sistema de Tratamiento de Adicciones de
Creación del modelo de evaluación
para la consolidación y expansión en
Guadalajara, Mayo del 2015





Strengthening Institutions through Drug Treatment Courts

PANAMA

- FIRST DTC PILOT (2014)





Strengthening Institutions through Drug Treatment Courts

TRINIDAD AND TOBAGO

- FIRST DTC PILOT (2012), SECOND EXPECTED IN 2014, JUVENILE COURT IN 2014



'I applaud the facilitators for the professionalism displayed during the duration of the course and the methodology adopted to make the implementation of the DTC user-friendly'

68 Participants, 12 Trainers, 4 days of intensive workshops, sessions and group discussion. What did the participants say and what actions are T&T taking to promote DTCs going forward?



'A very helpful, informative programme. It makes the task/challenge of undertaking the establishment of a DTC a double one.'

Implementing Drug Treatment Courts as an alternative to incarceration for Drug Dependent Offenders
Trinidad and Tobago, Port-of-Spain October 18-21, 2011



On a scale of 1-5, participants rated the workshop 4.6 in terms of its use for further work and 4.8 for knowledge acquired during the training





Strengthening Institutions through Drug Treatment Courts

UNITED STATES OF AMERICA

- OVER 2,600 DTCS
- STRATEGIC PARTNER FOR DTC EXPANSION IN THE AMERICAS



An inspiring visit to the courtroom in Nashville. I'm very enthusiastic to get started





Strengthening Institutions through Drug Treatment Courts

EXPLORATORY PHASE IN PROCESS

PERU



COLOMBIA



BELIZE



Synergies and potential partnerships



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Areas of Collaboration

CICAD/OAS, CARIBBEAN (CARICOM), CANADA

- Judicial/penal reforms (including alternatives to incarceration and social reintegration). Canada has cutting edge experience to share with the hemisphere.
- Strengthening health sector capabilities to meet drug related challenges (in cooperation with WHO/PAHO).

Policies and strategies to deal with drug consumption, trafficking and production, are directly connected with security throughout the Hemisphere. Canada has unique experience in those areas. CICAD/OAS welcomes the opportunity to work closer in specific projects, not only in **Latin America**, but also in the **Caribbean**.

Canada





Drug Treatment Courts Program in the Americas

The OAS receives support from the governments of Canada and the United States, and has also partnered with various other social institutions in countries where DTCs are a reality



Canada





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