

## **ANNUAL REVIEW 2021**

The year in review was once again dominated by the impact of the Covid 19 pandemic. However perhaps an even greater impact on the court was the announcement by Senior Judge Roger Dive to proceed to retirement with effect from 6 August.

In January 1989, Judge Dive was appointed to judicial office as a magistrate of the Local Court of NSW. He retained that commission for a period of 15 years. During that time he held various positions including as Senior Civil Claims Magistrate & Senior Children's Magistrate. He also made an enormous contribution to the education of magistrates through the Magistrates Orientation program.

In July 2004, his Honour was appointed as Senior Judge of the Drug Court. At that time the court was still operating as a 'pilot program'. Under his Honour's leadership it soon became evident it was so much more than that. In 2006 the Drug Court took on the role of supervising the Compulsory Drug Treatment Correctional Centre at Parklea. The centre has a capacity for 70 prisoners who are extended an opportunity of support for recovery from addiction while gradually transitioning from custody into the community.

During his tenure, Judge Dive had been instrumental in lobbying for expansion of the court beyond Parramatta. In 2011 the Hunter Drug Court commenced with a capacity of 80 participants & in 2013 Sydney Drug Court commenced with a capacity of 40 participants.

For fifteen of his Honour's seventeen years on this Bench, Judge Dive had been an advocate for the expansion of the court to Dubbo. So, it was most fitting that just prior to his retirement the government announced a commitment to expand the operations of the court to that location. During 2021, work commenced on fulfilling his Honour's vision with the building of an additional court room at the Dubbo court complex. A Steering Committee & Working Party have been established to oversee the expansion with commencement of sittings scheduled for 2023.

Judge Dive always spoke enthusiastically about the work of the Drug Court. He has reflected upon it as being the most exciting & interesting of his working life. Upon his retirement, Attorney General Mark Speakman SC said Judge Dive's "compassion for, understanding of and dedication to the people who appear before him is well known" as was his "humanity, humility & intelligence".

Judge Dive has touched upon the lives of so many people: participants, lawyers, parole officers, counsellors, registry staff & other judicial officers. His commitment & enthusiasm to the court has been truly inspirational. May he & his wife Linda enjoy a long & happy retirement.

On 9 August 2021 Deputy Chief Magistrate Jane Mottley AM was appointed as Senior Judge.

### **COVID 19**

Once again the court was required to adapt & modify its operations to ensure programs for its participants could continue to be delivered. While the court experienced a change in its operations during 2020, substantial & sustained changes were also required in 2021.

During the period 26 June until 11 October Greater Sydney entered into a lockdown in an attempt to control the spread of Covid. Both Parramatta and Sydney Drug Courts were impacted. From time to time the Hunter region would also be placed into lockdown thus also impacting on the operations of the Hunter Drug Court.

Adaptations to the program developed in 2020 in response to that lockdown were restored & enhanced. However, the longer lockdown period & uncertainty around the lifting of restrictions meant difficult decisions were required to ensure participants remained safe.

The suspension of testing at the registry posed challenges for keeping accountable those participants residing in the community. Fortunately the court enjoys enormous support from Wayback, Adele House, WHOS, Odyssey House, William Booth, Guthrie House & Phoebe House. Participants being released into the community after serving a period of sanctions places were only being released to one of those centres. This enabled drug testing & supervision to continue albeit on less intensive basis.

Face to face reports to court, counselling & home visits were suspended in favour of an audio or audio visual method. Disruptions to program delivery together with the challenges life in lockdown created meant some participants struggled with program compliance.

Cautiously the court resumed drug testing on a limited basis from 13 September. All participants were encouraged to be vaccinated so testing could be resumed, however not all were willing to do so. For those vaccinated or otherwise exempt from vaccination, face to face reports to court resumed on 1 November.

Subsequent changes to the Public Health Orders effective from 15 December, meant all unvaccinated participants were able to enjoy the freedoms of movement experienced by the vaccinated. From that time all participants were able to regularly attend for testing & court reports. It was good to have the individual team members & participants together once again in the court room. Upon the return to pre-pandemic arrangements, the fragility of recovery for some of our community participants became evident. For some this has resulted in a slowing of program progression.

During the lockdown the operation of the ballot was suspended until 7 October. This combined with modified sittings arrangements for the Local & District Courts had an impact on participant numbers in 2021. Even though the ballot was open, until the end of 2021 there was only a small number of referrals received, particularly from the Local Court.

The impact of Covid did not discriminate. The seemingly never ending term of the lockdown did have an impact & not just on our participants. No-one was immune from the pressures created by the pandemic in both their professional & private life. Not only did we witness some extraordinary resilience amongst the participants but also from the partner agencies including all the Drug Court registry personnel.

Together agile systems were devised to cope with the ever changing environment. Physically supervising urine testing in a Covid safe manner meant a refurbishment of bathrooms & a review of the testing protocols.

The use of AVL technology permitted the team members at each location to continue to work from both their home & office. The daily meetings, including those with the external agencies, were conducted using 'Teams'. Utilising platforms such as 'What's App' allowed our parole officers to maintain audio visual contact with participants.

Frustrations at the suspension of the ballot & the dramatically altered programs being provided to participants saw a decline in the otherwise buoyant mood & usual enthusiasm expressed by the team members. Trying to navigate a safe path out of lockdown & the restoration of pre-pandemic

program conditions required careful consideration & planning – this too was another source of frustration.

Despite that, each & every person continued to fulfil their obligations to the participants & the court in a most professional manner. Having regard to the necessary changes required to maintain safety, our participants remained very well supported during these difficult times.

## **DUBBO**

In October 2021 Ms Brooke Delbridge was appointed as Project Officer. Ms Delbridge comes well qualified to fulfil the role having regard to her background in both the Ministerial office of the Attorney General & in the office of the Chief Magistrate.

The convening of the Dubbo Drug Court Working Group & Steering Committee were her early tasks. Creating relationships with service providers & the local community in Dubbo was a focus of Ms Delbridge's work during 2021. In November both she & Judge Mottley presented an information session on the operation of the Drug Court to the Central West CLSD, a coalition of legal & non-legal services in the Dubbo & surrounding region. Further presentations are scheduled for 2022.

## **COMPULSORY DRUG TREATMENT CORRECTIONAL CENTRE**

No aspect of the operation of the court was untouched by the pandemic in 2021. Unfortunately the participants at the CDTCC also experienced significant disruptions to their programs in an effort to prevent the introduction & spread of Covid throughout the Centre.

This proved disappointing for those in Stage 2 who were unable to enjoy all the benefits of their program in the community. However, there was a shared sense of resignation regarding the need to adjust the program. As a consequence of the pandemic, referring courts have experienced a delay in finalising matters, resulting in longer periods on remand before sentence. This has led to a decline in referrals to the CDTCC in 2021. Hopefully there will be a change witnessed in 2022.

## **PARTICIPANT REFLECTION**

It was extremely gratifying to witness participants complete their programs in what were very challenging circumstances throughout 2021.

A recent Hunter participant "Cecilia" (not her real name) gave the following address to the court at her Graduation:

*Well, where do I begin. I could stand here and tell you my life story, but I won't do that, so I will start from where my life changed for the worst, it was on the 1<sup>st</sup> of January 2019 when I lost my soul mate. After he passed away my life went downhill. I didn't care about anything or anyone. I was lost, broken and alone. Well, that's how I felt.*

*I looked for something to help numb the pain that I was feeling, and I turned to a drug that would destroy my life completely and my family and would end me up in gaol for my stupidity.*

*In February 2021 I was handed a 9 month sentence that killed me and my kids. So, it was suggested that I appeal for Drug Court which I did and at the time thought "great, get out of gaol free card. I'll be able to beat the system. I can do this. I'll still be able to use and be home with my kids". But that didn't work, it just made it worse for me, it made me lie about my use because I was embarrassed to be honest that I had used. If I had been honest, I wouldn't have went back inside on sanctions, but I just couldn't bring myself to tell the truth about a use so I denied everyone.*

*When I was sent back inside for sanctions and tested before going to gaol, I still denied use which then kept me in custody for 6 weeks because I needed a new treatment plan. Believe me I wasn't happy with this decision at all and when I found out I would be going to a rehab, boy, was I not impressed ... but now after completing rehab I know why I was sent there. So I could get better, I could change my behaviour, I could get honest for myself and my family. I could be that Mum that I used to be. What changed me was when one of the residents in the rehab said "Cecilia\*, you need to get honest". I was confused as to what she meant and asked her "Honest, in what way" her words were "You need to get honest about your addiction". And from that day on things changed. It was a light bulb moment. Something switched on and I finally opened up about my addiction and admitted that I was and addict and I'm not afraid to stand here today and say that I'm a grateful recovering addict.*

*I am very grateful for the Drug Court Program for helping me better my life, having faith in me and helping me get back on the right path that I needed to be on .... This program has shown me how to live again. I am no longer broken, I'm finally happy at where I am at today. I have my kids' trust again which has taken a long time ... I have a job that I absolutely love and never in a million years did I think I would be in full-time work, and a manager.*

*So again, thank you for all the hard support and help that I have received from you and I will be forever grateful to this program and all the staff that has helped me on my journey, especially Karen (Morris) who has been a great support from the beginning.*

*Thank You!!*

The past year was a particularly challenging one for the court. Notwithstanding the challenges, the court was able to adapt to the changing environment created by Covid & the government's response.

At the commencement of 2021 there were 241 participants on program. At the conclusion of the program there were 214. As pre-pandemic arrangements return, the court is looking forward to an increase in participant numbers in 2022.

Our participants owe a huge debt of gratitude to the commitment of our individual team members & partner agencies in continuing to provide such valuable support for the very important work of this jurisdiction.

Thank you to Judges Cloran, Still, Keogh, Guy & Dive for your dedication & commitment to the court over the past 12 months.

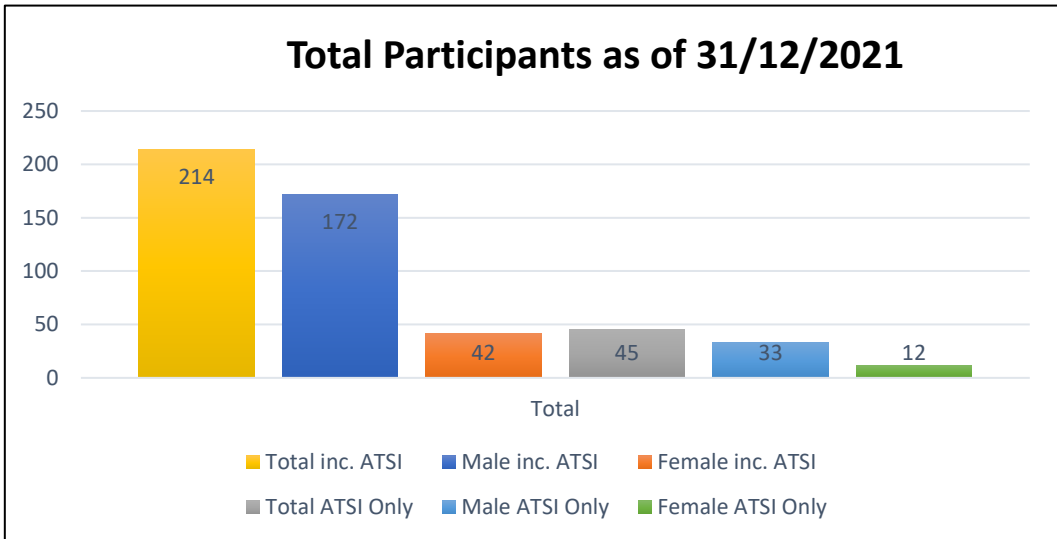
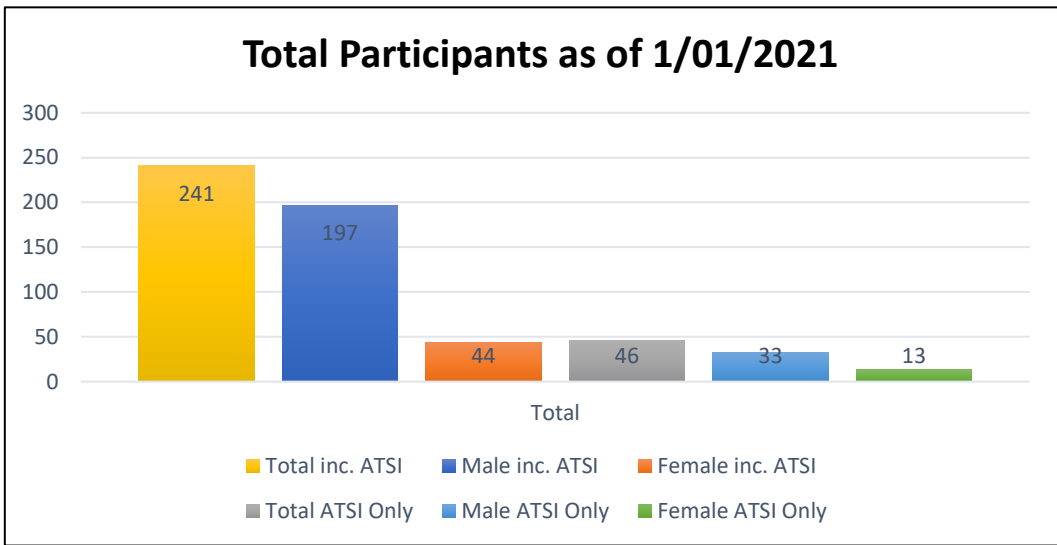
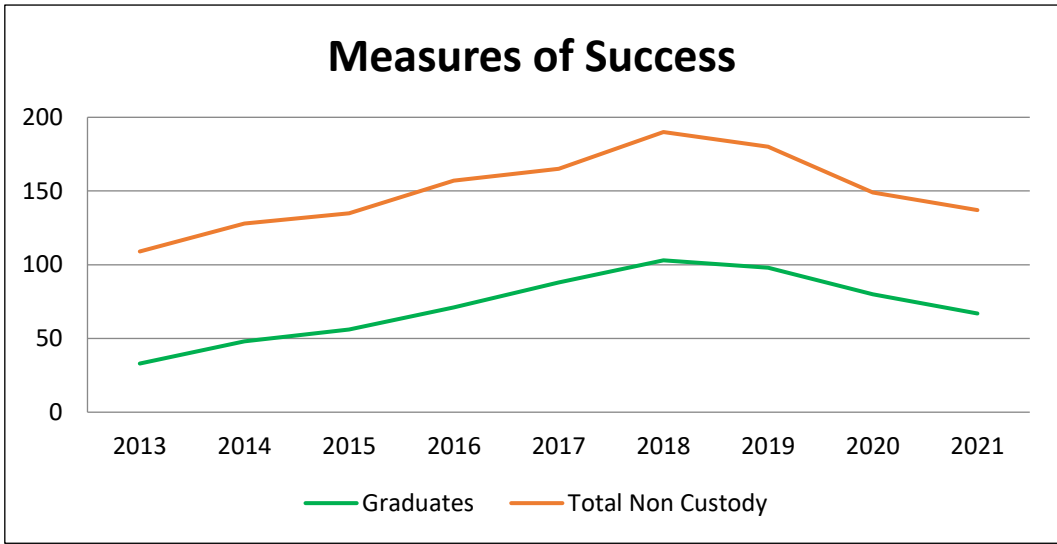
Finally thank you to the Attorney General, Mark Speakman SC for his ongoing support for the Court.

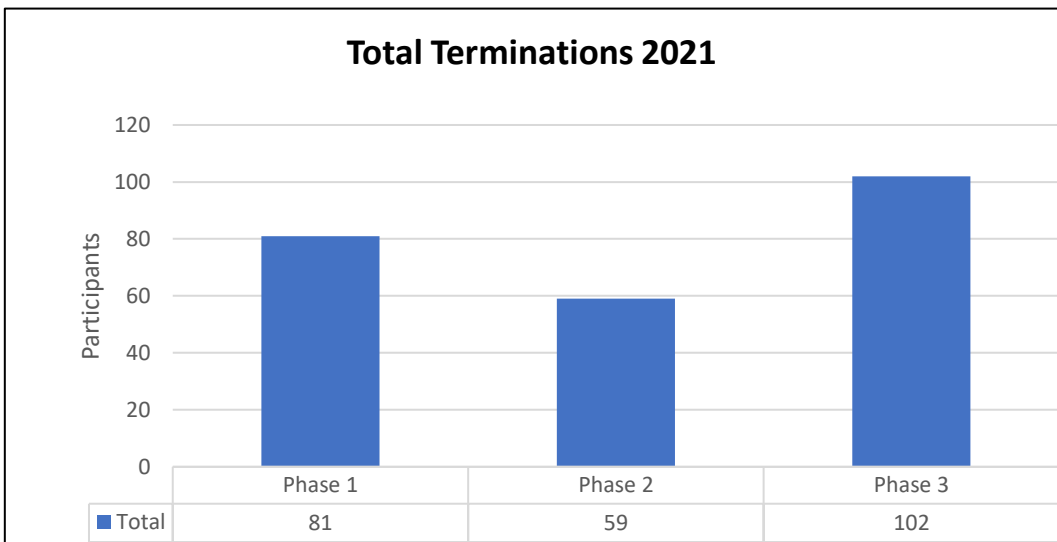
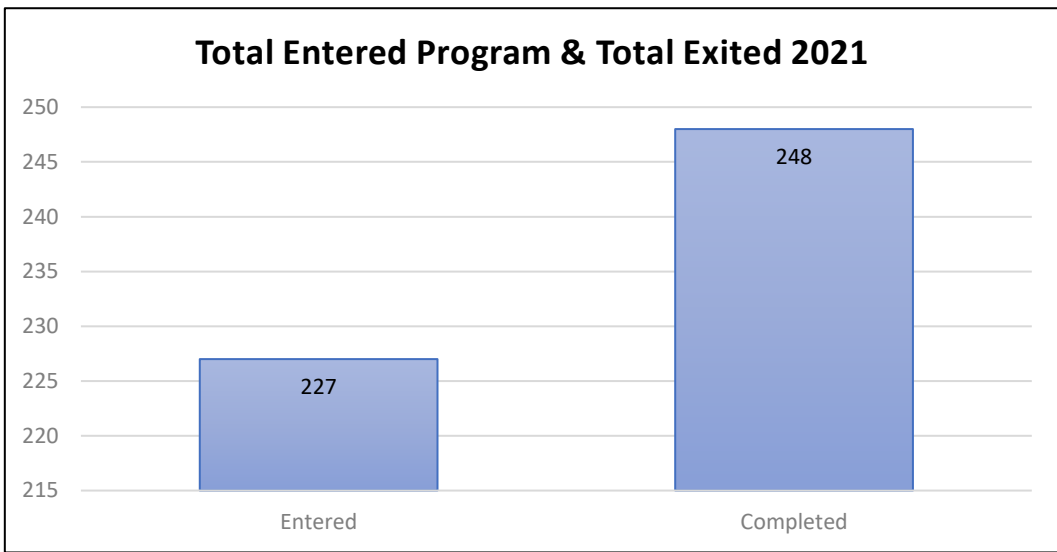
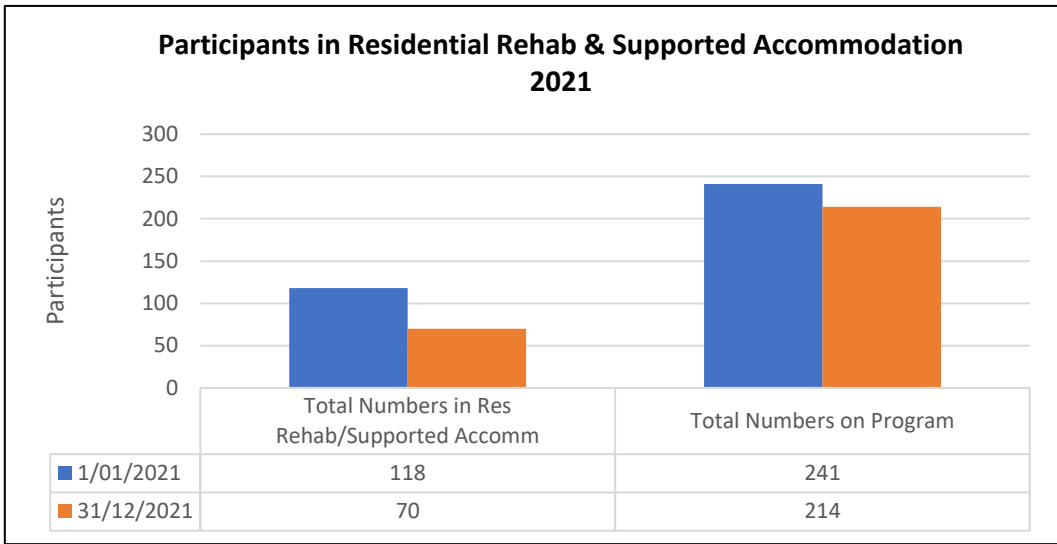


Jane Mottley AM

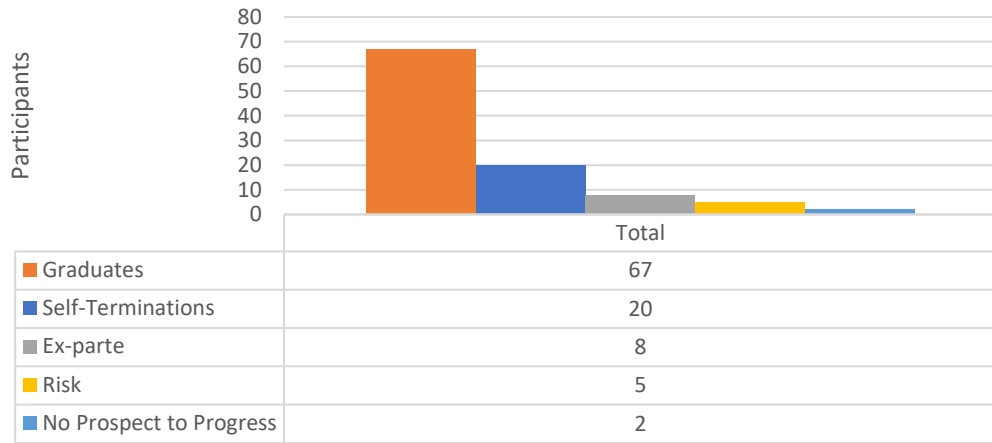
Senior Judge

14 July 2022

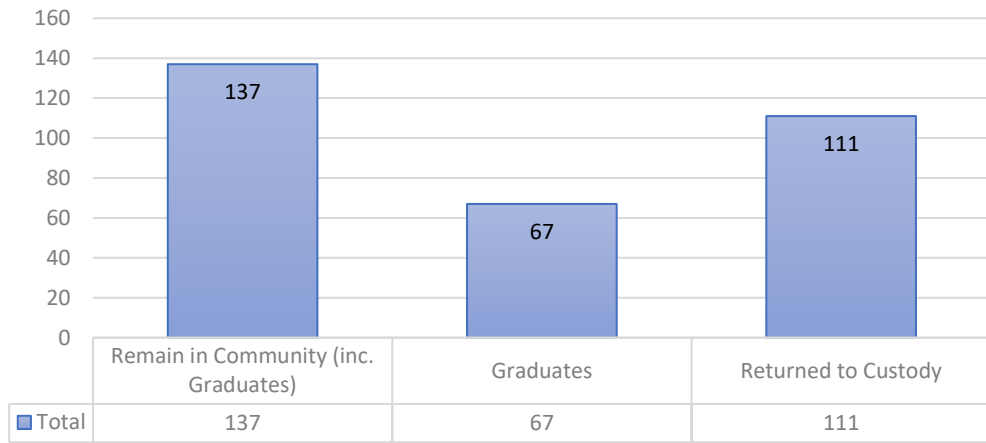




### Phase 3 Terminations by Type 2021



### Program Exit by Type 2021



**Drug Court of NSW – Parramatta  
Program activity by year from 2004 to 2021**

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%
2019	194	221	113 (60)	108	51%
2020	196	193	94 (42)	99	49%
2021	145	156	84 (36)	72	54%

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

**Drug Court of NSW – Hunter  
Program activity by year from 2011 to 2021**

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	54	65	34(16)	31	63%
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%
2019	65	72	48 (29)	24	67%
2020	60	60	41 (28)	19	68%
2021	51	54	37 (24)	17	68.5%

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



**Drug Court of NSW – Sydney**  
**Program activity by year from 2013 to 2021**

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%
2019	44	56	19 (9)	37	34%
2020	37	40	14 (10)	26	35%
2021	31	38	16 (7)	22	42%

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