



# Drug Court Policy 4

## Sanctions and rewards

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This policy is to be read in conjunction with Drug Court Policy 1 – Team meetings and participant review.

## 1 Purpose

The purpose of this policy is:

- To outline that the Drug Court may impose sanctions and confer rewards as part of the conditions of a Drug Court program.
- To provide guidance on the system of sanctions and rewards that encourage both program participation and the achievement of success by participants on program.
- To provide details on a defined and transparent system for the just and consistent application of those sanctions and rewards.
- To assist the court in fairly administering the programs of participants.

## 2 Definitions

Term	Definition
<b>Act</b>	means the <i>Drug Court Act 1998</i>
<b>Community Corrections Officer</b>	means a Community Corrections officer assigned to a participant
<b>Drug Court</b>	means the Drug Court of NSW
<b>Drug Court program</b>	means the conditions that a participant has accepted under section 7(3)(a) of the Act.
<b>Drug Court team</b>	means a Drug Court Judge, the Registrar, the Legal Aid NSW (LA) solicitor, the solicitor from the Office of the Director of Public Prosecutions (ODPP), the Police Prosecutor, the Community Corrections Court Coordinator, the Aboriginal Casework Coordinator and the Justice Health NSW clinician attached to the Drug Court, and/or the alternate delegates for each
<b>Participant</b>	means a person dealt with under sections 7(2) and (3) of the Act.
<b>Registrar</b>	means the Registrar of the Drug Court of NSW
<b>Team meeting</b>	means meetings convened in accordance with Drug Court Policy 1 – 4.1 Team Meetings.
<b>Treatment Provider</b>	means a participant’s principal ongoing treatment provider – e.g., Local Health District (LHD), residential rehabilitation, supported accommodation.

### 3 Scope

This policy applies to sanctions and rewards for the participants of the Drug Court of New South Wales.

## 4 Policy statement

### 4.1 Rewards and sanctions

- 4.1.1 The principal **rewards** conferred by the Court are public acknowledgment of success, applause, and the waiving of suspended sanctions of imprisonment.
- 4.1.2 The principal **sanctions** for breach of program are a reprimand from the judge, an increase in the level of supervision and other contact (e.g., phase regression), and the possible imposition of imprisonment (custodial sanctions).
- 4.1.3 To ensure a just and consistent system of sanctions, the table at Section 5 provides a guideline to the level of sanctions that may be imposed by the court. Sanctions will be decided having regard to the nature of the participant's conduct, the individual circumstances of the participant, the record of good conduct (or otherwise) of the participant, and any other relevant factor.
- 4.1.4 The Court may decline to impose custodial sanctions for breach of program. The Court may, for example, deal with any breach by way of a warning, by increasing the commitments or level of supervision of the participant, or by requiring the participant to undertake a specific task. The specific task may be a written apology to a treatment provider.
- 4.1.5 The Court may also impose additional or higher sanctions in appropriate cases.

### 4.2 Rewards

#### 4.2.1 Behaviour giving rise to rewards

- Satisfactorily complying with the program for a significant period.
- Demonstrating responsibility (e.g., demonstration of trust in the Drug Court/Community Corrections Officer by notifying of problems as they arise).
- Demonstrating stability (e.g., addressing lifestyle and relationships, obtaining employment/training).
- Demonstrating engagement with treatment providers, Community Corrections Officer, the Support Worker or other members of the Drug Court team.
- Displaying an outstanding attitude to the program.

- Demonstrating initiative (e.g., by undertaking courses or study beyond what is required by the program).
- Satisfactorily completing components of the program, such as mental health treatment compliance, parenting programs, literacy and living skills courses.
- Any other conduct warranting acknowledgment.

#### **4.2.2 Rewards**

Rewards may be:

- Praise from the Judge/Drug Court team, and applause in open court.
- Conferring a privilege, such as more flexible drug testing or court attendance.
- Graduating to the next phase of the program.
- Decreasing the frequency of supervision, court appearances or other program obligations.
- Removing or reducing any existing sanctions.
- Allowing return to work or study before the completion of Phase one.
- Allowing absence during any curfew to take part in an approved positive activity, such as Narcotics Anonymous meetings or attending a family function.
- Any other appropriate reward of the above general kind.

### **4.3 Sanctions**

#### **4.3.1 Behaviour giving rise to sanctions**

- Committing further offences.
- Using prohibited drugs.
- Using non-prescribed medication.
- Testing positive to the use of prohibited drugs, non-prescribed medication or other substances (such as alcohol or pain relief medication) that has been prohibited under the participant's program .
- Failing to disclose the use of a prohibited drug, prescribed or non-prescribed medication (particularly pain relief medication) or other substances.
- Failing to provide a drug test sample (urine, breath or saliva) when requested by a person authorised to collect the sample.
- Failing to punctually attend all Drug Court report backs, treatment appointments, counselling, personal development courses, educational

courses, employment interviews, employment or any other appointment as directed by either the Drug Court, the participant’s Community Corrections Officer or the participant’s treatment provider.

- Failing to perform a specified component of the participant’s program.
- Failing to obey any reasonable direction of the Drug Court, the participant’s Community Corrections Officer or the participant’s treatment provider.
- Any other failure to comply with the conditions in the participant’s undertaking.

### 4.3.2 Sanctions

Sanctions may be:

- Reprimand or warning from the judge.
- Being imprisoned for up to a maximum duration of 14 days for any one breach.
- Increased frequency of drug testing, and/or supervision and/or court appearances.
- Performing work in the community.
- Complying with a curfew.
- Demotion to an earlier phase, which automatically increases all aspects of supervision.
- Any other sanction which is appropriate in the circumstances.

## 5 Guidelines for sanctions

Nature of breach		Guideline sanction
<b>Rehabilitation attendance:</b>		
<b>1</b>	Absconding from residential rehabilitation centre and attending Drug Court as soon as practicable.	Up to 7 days
<b>2</b>	Absconding from residential rehabilitation centre and attending Drug Court after a short delay.	7 days
<b>3</b>	Absconding from residential rehabilitation centre, and not attending Drug Court until arrested.	14 days to termination

4	Failing to enter residential rehabilitation centre and not attending Drug Court until arrested.	14 days to termination
5	Being discharged from residential rehabilitation centre for breaking rules or using illicit drugs.	7 days
<b>Attending Drug Court:</b>		
6	Failing to attend Drug Court – for weekly progress report without medical certificate.	2 days
7	Failing to attend Drug Court as directed and remaining at large for a period in excess of 48 hours, but attending court of own free will.	7days
8	Failing to attend Drug Court as directed and remaining at large until arrested on warrant.	14 days to termination
<b>Non-compliance with program:</b>		
9	Unauthorised change of address, unless in crisis.	7 to 10 days
10	Failure to keep in contact with Community Corrections Officer for a significant period.	4 days
11	Failure to attend counselling, Day Program, Living Skills or other required activity.	1 day
12	Failure to be home and available for home visit by Community Corrections Officer.	1 day
13	Failing to comply with direction of team member, Community Corrections Officer or treatment provider.	1 day
14	Repeated failure to be available for home visit or to comply with directions.	3 days
<b>Pharmacotherapy:</b>		
15	Failure to attend for pharmacotherapy isolated incident.	Warning
16	Failure to attend for pharmacotherapy multiple incidents.	4 days

<b>Contempt:</b>		
<b>17</b>	Subverting (or attempting to) urine collection.	Termination
<b>18</b>	Threatening violence or the perceived threat of violence.	Termination
<b>19</b>	Breach of good behaviour.	3 days to termination
<b>20</b>	Breach of special clause.	3 days to termination

<b>Breaches</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>
<b>Drug use (in a report back period)</b>			
One admitted use	<b>1</b>	<b>2</b>	<b>3</b>
Further admitted use	<b>2</b> (Each drug, each occasion of use)	<b>4</b>	<b>5</b>
Late admission	<b>2</b>	<b>3</b>	<b>5</b>
Further late admission	<b>2</b> (Each drug, each occasion of use)	<b>3</b>	<b>5</b>
One unadmitted use	<b>3</b>	<b>4</b>	<b>6</b>
Further unadmitted use	<b>3</b> (Each drug, each occasion of use)	<b>4</b>	<b>6</b>
<b>Failure to attend or provide sample</b>			
One sample	<b>3</b>	<b>4</b>	<b>6</b>
Additional samples	<b>3</b>	<b>4</b>	<b>6</b>
<b>Dilute or very dilute samples</b>			
One dilute sample	<b>1</b>	<b>1</b>	<b>1</b>
Further dilute samples	<b>2</b>	<b>2</b>	<b>2</b>

<b>Prescription medication</b>			
Use of unauthorized prescribed medication – single incident	<b>1</b>	<b>2</b>	<b>3</b>
Use of unauthorized prescribed medication – multiple incidents	<b>2</b>	<b>4</b>	<b>6</b>
<b>Drug use in custody (on program)</b>			
Use in custody including non-prescribed drugs	<b>14 days immediately</b>	<b>14 days immediately</b>	<b>14 days immediately</b>
<b>Alcohol</b>			
Drinking alcohol when alcohol not permitted	<b>3-7</b>	<b>3-7</b>	<b>3-7</b>
Exceeding 0.05	<b>3-7</b>	<b>3-7</b>	<b>3-7</b>

## 6 Related legislation/regulation and other documents

- Drug Court Policy 1 – Team meetings and participant review

## 7 Document information

Document name	Drug Court Policy 4 – Sanctions and rewards
Applies to	All Drug Courts of New South Wales
Policy administrator	Senior Judge of the Drug Court of NSW
Approval	Senior Judge Mottley, March 2024

## 8 Version and review details

Version	Effective date	Reason for amendment	Due for review
1	04/04/2024	Policy reviewed, updated and re-formatted.	04/04/2026