



# Drug Court Policy 7

## Program goals and measures

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This policy is to be read in conjunction with Drug Court Policy 6 – Completion or termination of program.

## 1 Purpose

The purpose of this policy is:

- To further define the content of Drug Court programs, the goals to be achieved, and the measurement of the achievement of those goals.

## 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>Highly Suitable Treatment Plan</b>	means a plan for therapeutic intervention to address an offender's drug dependency and related health needs.
<b>Participant</b>	means a person dealt with under sections 7(2) and (3) of the Act.
<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 provides guidance on the goals and measures of achievement for the Drug Court of New South Wales program.

## 4 Policy statement

### 4.1 The content of a Drug Court program

- 4.1.1 The objectives of the Drug Court are set out in section 3 of the Act, and the definition of a Drug Court program is included within section 4 of the Act.
- 4.1.2 The conditions that can be included in a Drug Court program are defined in section 7(3B). The conditions for each participant are set out in the general program undertaking and the participant’s treatment and case management plan.
- 4.1.3 To commence a Drug Court program, a participant will be required to agree to an undertaking to accept and comply with all the conditions of the general program and their individual Highly Suitable Treatment Plan. The participant will be provided with a copy of each document.
- 4.1.4 The treatment and case management plan may be modified progressively to meet the needs of the participant and program completion requirements throughout the program.

## **4.2 The focus of a Drug Court program**

- 4.2.1 To promote re-integration into the community, the program will focus on:
- housing and income stability
  - health and well-being - diagnosis and treatment
  - behaviour modification and living skills appropriate to the ability of the individual
  - education and readiness for employment where possible
  - employment, where possible
  - relationships and child care responsibilities
  - legal obligations and responsibilities – paying bills, child support and any fines.

## **4.3 Program phases**

- 4.3.1 Each program will consist of three phases.
- 4.3.2 The minimum expected duration of each phase is:
- Phase 1 - three months
  - Phase 2 - four months
  - Phase 3 - five months

- 4.3.3 The Drug Court team will review each participant’s progress at a review and management meeting in the month before progression to the next phase is expected.

4.3.4 If a participant has been unable to progress past a phase within three months of the expected duration of the phase, the Court may consider the likelihood of further progress in accordance with Drug Court Policy 6 – Completion or termination of program.

#### **4.3.5 Phase 1 - Engagement and stabilisation**

The principal goals of Phase 1 are to:

- reduce drug use<sup>i</sup>
- stabilise physical and mental health
- commence treatment for drug dependency
- cease criminal activity
- identify needs and goals for treatment and reintegration.

To progress from Phase 1 to Phase 2 a participant should have:

- Demonstrated a willingness to commence and participate in a treatment program.
- Developed a case management plan (in consultation with the Community Corrections case manager and treatment provider).
- Demonstrated a willingness to accept supervision under the case management plan.
- Become established as a regular patient of a general practitioner.
- Complied with any psychiatric treatment and medication.
- Completed group counselling programs (day or transition programs).
- Ceased drug use for a minimum of four weeks.
- Promptly and honestly admitted any drug use.
- Submitted to three drug tests per week.
- Attended Court at least once per week.
- Regularly and punctually attended appointments.
- Committed no offences or committed no further offences after a termination hearing.

#### **4.3.6 Phase 2 - Consolidation**

The principal goals of Phase 2 are to:

- remain drug free for significant periods
- remain crime free

- stabilise social and domestic environment
- develop life skills
- address any major life issues
- maintain good health and quality of life.

To progress from Phase 2 to Phase 3 a participant should have:

- Continued to fully participate in a treatment program.
- Actively worked towards achieving goals established in the case management plan and worked with the Community Corrections Officer and treatment provider to update that plan.
- Continued to accept supervision under the case management plan.
- Submitted to two drug tests per week, as directed.
- Promptly and honestly admitted any drug use.
- Ceased drug use and achieved a significant period or periods of abstinence.
- Ceased criminal activity or committed no new offences after a termination hearing or the addition of a “no further offending” clause.
- Attended Court at least once per fortnight.
- Regularly and punctually attended appointments with the Court, counsellor, and Community Corrections Officer, and kept all other program commitments.

#### **4.3.7 Phase 3 - Re-integration**

The principal goals of Phase 3 are to:

- remain drug free and accept a drug free lifestyle
- remain crime free and accept a crime free lifestyle
- stabilise social and domestic environment, including establishing stable accommodation
- gain employment or be employment ready, or
- be engaged in full time child care, or other responsible positive activity
- be involved in education, training or other worthwhile activity which could lead to employment
- be financially responsible.

During this phase a participant will be expected to maintain the standards achieved in Phase 2, and to achieve the standards set for completion of the program.

The Court will identify participants who are likely to complete a Drug Court program two months before completion is due. Those participants will be required to demonstrate their readiness to complete the program by an enhanced drug testing regime for a period of four weeks prior to completion.

#### 4.4 Graduation

To complete a program a participant will have achieved the following standards:

- **Time in treatment:** The participant should have been active in treatment for at least 12 months. It is not expected that treatment would have been completed when the program is completed. Like their addiction, it may continue throughout their lifetime.
- **Progress in program:** The participant should have progressed into Phase 3 (see 4.3.3 above) and have maintained the standards set for progression to that stage.
- **Engagement in treatment:** The participant should have demonstrated a willingness to identify and deal with any significant life issues in counselling.
- **Reintegration:** The participant should have achieved the re-integration goals which have been set and reviewed during the program.
- **Reduction in drug use:** For at least three months there must be no drug use.
- **Reduction in offending:** The participant must not have committed any crime during the last six months that, if taken to court, could be punished by a term of imprisonment.

#### 4.5 Substantial achievement

To have substantially complied with a program, a participant should have achieved the following minimum standards:

- **Time in treatment:** The participant should have been on program for at least 12 months and at least 9 months of that time actively in treatment.
- **Progress in program:** The participant should have achieved and currently be maintaining the standard set for Phase 2 (see 4.3.6 above).
- **Engagement in treatment:** The participant should be currently actively engaged in treatment and have identified significant life issues.
- **Reintegration:** Substantial compliance for most participants would mean:
  - securing and maintaining housing
  - securing and retaining income

- accessing medical treatment and engagement in health care
- stabilising relationships
- addressing criminogenic factors leading to offending

For many it would also involve commencement in education or employment, reducing fines or securing a driver’s licence.

- **Reduction in drug use:** Drug use would have reduced, with significant periods of abstinence, and a demonstration of having learned skills to deal with relapse.
- **Reduction in offending:** The participant must not have committed any crime during the last six months that, if taken to court, could be punished by a term of imprisonment.

## 5 Related legislation/regulation and other documents

- Drug Court Policy 6 – Completion or termination of program

## 6 Document information

Document name	Drug Court Policy 7 – Program goals and measures
Applies to	All Drug Court of New South Wales
Policy administrator	Senior Judge of the Drug Court of NSW
Approval	Senior Judge Mottley, March 2024

## 7 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

<sup>i</sup> To measure any reduction in drug use, the Drug Court team will look to the level of admitted use, the urinalysis results, and other dependency criteria, such as:

- Does the participant continue to spend a lot of time on activities necessary to get drugs, using drugs or recovering from their use?
- Is the participant too sick for court, too sick for drug tests, too sick for appointments?
- Does the participant continue to use in detriment to his or her physical and mental health?
- Does the participant give up important social, work or leisure activities because of their drug use?