



## *Closing the ‘Revolving Door’: The Toronto Drug Treatment Court*

### ***Introduction***

Drug-related crime is a major problem in many Canadian communities, and studies have shown a strong link between drug addiction and repeat criminal behaviour. Addiction often is associated with unemployment, homelessness, violence, family discord, and mental and physical health problems. The traditional criminal justice system offers little in the way of addiction treatment or after-care services to deal with these related issues, and the rate of reoffending by people with addictions is high. As the same offenders appear repeatedly before the courts for drug-related offences, the justice system begins to seem like a ‘revolving door.’

The Toronto Drug Treatment Court aims to change this revolving door syndrome. Its goal is to reduce the number of crimes committed to support drug habits. It seeks to reduce

*This publication is part of the Caledon Institute’s crime prevention series of community stories, produced in collaboration with the National Crime Prevention Centre. The series documents promising approaches to crime prevention through social development.*

drug use through a combination of treatment and court monitoring, and to connect people in treatment with local services to enhance their long-term social stability.

### ***Supervised treatment***

The drug treatment court approach began in the United States, where there are hundreds of such courts. It evolved from a recognition that incarceration alone was not breaking the cycle of drugs and crime. Drug treatment courts use a blend of judicial supervision, sanctions for non-compliance and incentives for reduced drug use to motivate offenders to successfully complete addiction treatment.

The Toronto Drug Treatment Court is the first of its kind in Canada, and has been in operation since 1998. Initiated by Mr. Justice Paul Bentley of the Ontario Court of Justice, the Court is a collaborative effort of the Court of Justice, the Centre for Addiction and Mental Health, the Department of Justice Canada, the National Strategy on Community Safety and Crime Prevention, Toronto representatives of the criminal justice system, the Toronto Police Ser-

vice, the City of Toronto Public Health and Healthy City Office and various community-based service agencies. The Crime Prevention Investment Fund is providing four-year funding for the Toronto Drug Treatment Court initiative.

### ***How the Court works***

Nonviolent drug-dependent offenders who are charged with possession or trafficking of small quantities of crack/cocaine or heroin, and who meet certain eligibility criteria, are given the option of entering the Toronto Drug Treatment Court program on one of two ‘tracks.’ A special effort is made to reach drug-addicted youth, women and men from diverse and Aboriginal communities, and street prostitutes.

To protect public safety, offenders are carefully screened, and all referrals must have the approval of the Crown prosecutor. Factors considered include other current criminal charges

against the person, the potential for risk to the community, and the seriousness and circumstances of the offence (including whether it was committed near places frequented by minors). Candidates must agree to participate in drug treatment and abide by the terms of the treatment. About one in five applicants is accepted.

- *Track 1:* Those who have little or no criminal record and are charged with simple possession are eligible to enter Track 1 prior to entering a plea. If they complete the program, the charge is withdrawn or stayed. Those whose offences normally would be punishable by more than three months’ imprisonment are excluded from Track 1.
- *Track 2:* Offenders with more serious records, or who are charged with trafficking, are required to plead guilty to the charges before entering the Drug Treatment Court program. If they complete the program successfully, they receive sentences that do not involve jail

### **National Strategy on Community Safety and Crime Prevention**

The National Strategy on Community Safety and Crime Prevention aims to reduce crime and victimization by addressing their root causes through a social development approach. Social development is a long-term, proactive approach directed at removing personal, social and economic factors that lead some individuals to engage in criminal acts or to become victims of crime.

With an investment of \$32 million annually, the National Strategy enables the Government of Canada to help communities develop projects and partnerships that will prevent crime. The strategy focusses particularly on children and youth, Aboriginal people and the personal security of women and girls. It includes the Safer Communities Initiative, a Promotion and Public Education Program and the National Crime Prevention Centre. The National Crime Prevention Centre is responsible for implementing the Strategy.

The Safer Communities Initiative is designed to help Canadians undertake crime prevention activities in their communities. It includes four funding components: the Community Mobilization Program, which helps communities develop approaches to crime prevention and undertake activities that deal with the root causes of crime; the Crime Prevention Investment Fund, which aims to establish reliable information on what works and what is promising in reducing the risk factors associated with crime and victimization; the Crime Prevention Partnership Program, which supports the involvement of organizations that can contribute to community crime prevention through the development of information, tools and resources; and the Business Action Program on Crime Prevention, which involves national and provincial/territorial business and professional associations in helping communities prevent crime, share information and encourage community mobilization.

time. Track 2 is generally open to people charged with offences that would be punishable by no more than nine months in prison. Previous offences are reviewed, and people are excluded if their histories indicate that they are unlikely to be amenable to supervision.

### ***Treatment and support***

The Centre for Addiction and Mental Health provides the core treatment for Drug Treatment Court participants, who follow structured programs for cocaine or heroin addiction as appropriate. Unlike many drug courts in the US which are based on abstinence from all drugs, the Toronto Court requires that participants work towards abstinence from all illegal drugs. It includes methadone maintenance as part of its treatment arsenal for heroin addicts. The Centre carries out random urinalysis tests on each participant at least once per week.

Each participant is supported by a case manager who meets with the person on a regular basis to plan, discuss and implement mutually agreed-upon treatment goals and discuss issues related to housing, work, education and personal concerns. The participant is linked to programs at the Centre and within the community that address issues such as health care, social stability, employment, housing, education and relationship issues. Close to 40 community agencies are involved with the Drug Treatment Court program; their continued involvement helps participants make the lifestyle changes that are needed to ensure long-term abstinence from substance abuse.

Participants must appear in Drug Treatment Court on a regular basis to ensure compliance. Prior to each Court sitting, the Drug Treatment Court team meets to review the file of every offender required to appear that day. The consistency of the membership of this team –

*“At first I was just doing it [the program] to stay out of jail. As I became sober, I started to like it – I started to respect myself ... . Attending the program during the day and giving the urines helped me. Going to court [regularly] got me into a structured life ... . Hearing the people and the Judge compliment me made me more motivated every day. Just hearing the Judge compliment me made me feel so good about myself ... . I found that the Drug Treatment Court has really made the real me come back.”*

A participant in the Toronto Drug Treatment Court program.

which includes the Judge, Crown prosecutor and treatment providers – is important. The fact that the same Judge sees offenders week after week is a vital component of the program.

Abstinence or reduction in drug use and positive lifestyle changes are commented upon in Court by the Judge and other officials. Many participants have stated that this reinforcement has had a powerful effect on their efforts to remain drug-free.

### ***Sanctions and consequences***

The Drug Treatment Court requires honesty and accountability from participants. Relapse is anticipated, so continued drug use need not lead to expulsion – if the person admits to drug use and the Court team believes he or she is committed to working towards abstinence.

Participants are aware, however, that there will be immediate consequences if they contravene the rules of the Court. Non-attendance at Court or at the Centre may result in sanctions that range from admonishment by the Judge, to increased requirements for Court attendance and counselling, to revocation of bail and incarceration for up to five days.

Generally, participants are not permitted to continue with the program if they refuse to admit to continuing drug use despite positive urine screens, do not accept responsibility for continued substance abuse or tamper with the integrity of urinalyses. If they pleaded guilty in order to enter Track 2, they are sentenced. Those who entered before making a plea (Track 1) are returned to the normal court process.

### ***Positive results***

Participants remain in the Drug Treatment Court program for an average of 12 to 16 months. They 'graduate' once they have been clean of drugs for three months, have completed employment and life-skills training and have a stable home and job. At that point, depending on the 'track' in which the offender entered the program, the charges are dropped or the person receives a non-custodial sentence followed by 12 months of probation. Since the Drug Treatment Court began on December 1, 1998, 150 addicts have entered its program and 22 have successfully completed it.

The Toronto Drug Treatment Court program is being evaluated to assess its cost-effectiveness, efficiency and overall success. Outcomes for participants are being compared with those of a control group of offenders who undergo the initial legal and addiction screening and are deemed eligible but do not actually participate.

An initial evaluation progress report was completed in March 2000. It indicated that most offenders in the program were in Track 2. Nearly 90 percent had a prior criminal record and 57 percent were in custody at the time they entered the program. As of December 31, 1999, 56 percent of those who had entered the program were still participating; nearly three-quarters of these people had not reoffended. Most of those who did reoffend committed drug offences or administration of justice offences.

Slightly more than half of the participants required a referral to a community service as part of their treatment. Significantly, nearly one-third of those referred to community services were not accepted because of lack of availability of the service or waiting lists. The long-term success of a Drug Treatment Court approach depends on the availability of community supports.

Although it is too early to draw definitive conclusions about the impact of the Toronto Drug Treatment Court, the future looks promising. Communities struggling with drug crime problems are watching closely to see if the 'revolving door' can be closed once and for all.

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For more information on the Toronto Drug Treatment Court, contact Mike Naymark at the Centre for Addiction and Mental Health, (416) 535-8501, ext. 6755.

For more information on the National Strategy on Community Safety and Crime Prevention, call (toll-free) 1-877-302-6272, or visit the website at [www.crime-prevention.org](http://www.crime-prevention.org).

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*Cette histoire communautaire est également disponible en français.*

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