

## **An Overview of Procedures and Roles: A Case Study on the Drug Courts of Jamaica**

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### **I. INTRODUCTION TO THE JAMAICAN DRUG COURTS**

The Drug Treatment Courts of Jamaica began operating in 2001 as an initiative to combat the high incidence of crime committed in Jamaica by persons under the influence of Drugs. This Court originated from the passage of the Drug Court (Treatment and Rehabilitation of Offenders) Act, 2001. The Drug Courts are physically located on the Corporate Area Resident Magistrate Court Building and the St. James Resident Magistrate Court buildings. There are also two (2) Drug Treatment Centres that work in conjunction with the Drug Treatment Courts of Jamaica. Those centres are located at Maxfield Park Health Centre (Corporate Area) and the Cornwall Regional Hospital (St. James). The mandate of the Courts was to reduce the incidences of drug use and dependence by persons whose criminal activities are found to be linked to such dependence, to reduce the level of criminal activities that result from drug abuse and to provide such assistance to those needy persons; which would enable them to function as law abiding citizens. The courts were designed to apply the Principles of Therapeutic Jurisprudence by offering an alternative to incarceration which reverses the priority of the Courts and focuses on rehabilitation as an option to incarceration; with its goal being, to break the vicious cycle of drug addiction and to reduce recidivism with an aim to promote social stability within the Jamaican society (Jackson-Haisley, n.d.)

### **II. A BRIEF OVERVIEW OF THE DESIGN OF THE DRUG TREATMENT COURT TEAM AND THE DIFFERENT PARTICIPANTS INVOLVED**

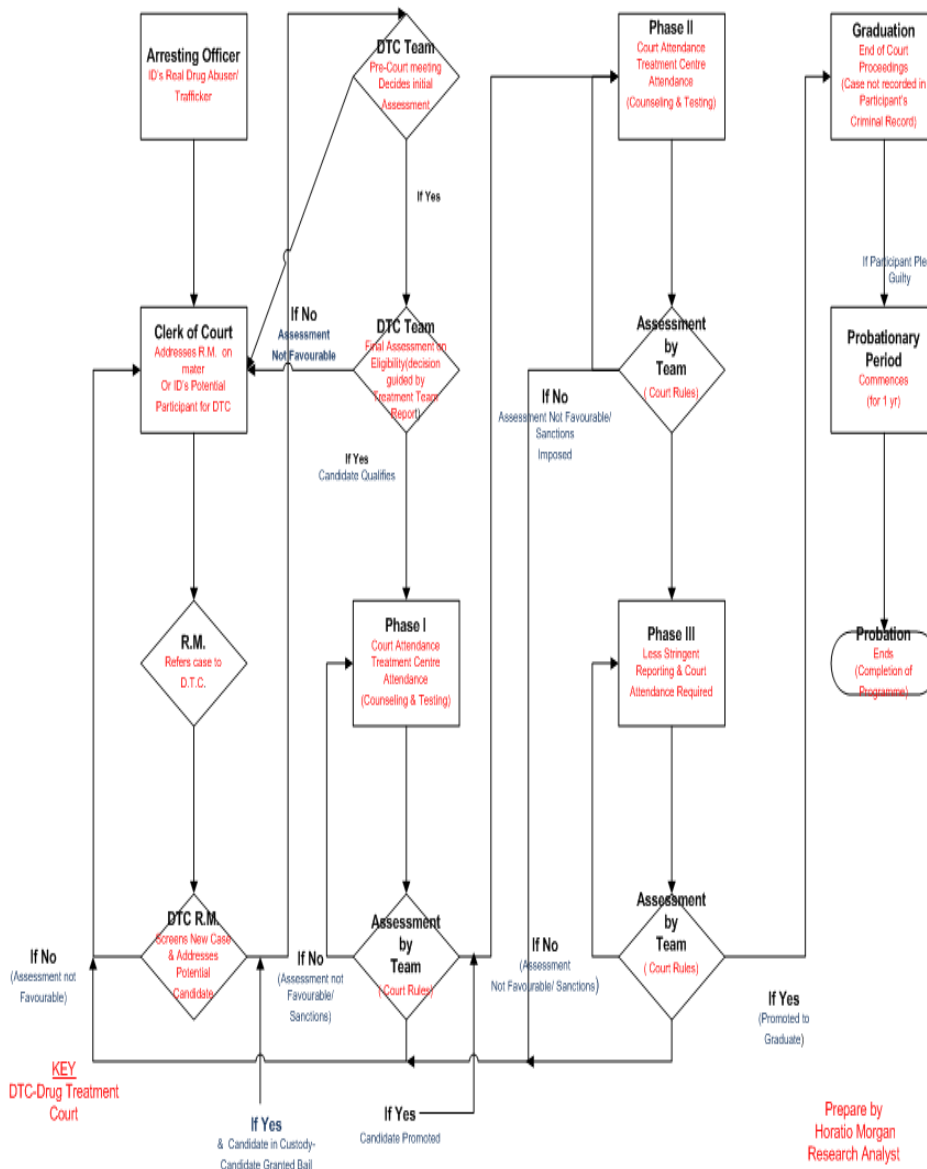
The Drug Court is presided over by a Resident Magistrate and two Justices of the Peace one of whom must be a female as stated in the Drug Court (Treatment and Rehabilitation of Offenders) Act of 2001. The Justices of the Peace would bring their knowledge of life in Jamaica and their everyday experiences in dealing with the participants of the programme. The Resident Magistrate is the Chairman of the Drug Treatment Court and therefore has the supervisory role and functions. The Resident Magistrate heads the legal team which consists of the Justices, the Clerk of the Court and Defense Counsel and two probation officers. There is also a Treatment Provider team which is headed by a Consultant Psychiatrist and includes a Counselor and an Administrative Secretary. All these professionals have separate and distinct roles. The Drug Treatment Court sits every Wednesday (Corporate Area) and Thursday (St. James) afternoon at 2 o'clock; which is preceded by a pre-court meeting where all team members are present, the progress of the participants on the list for the day are discussed, decisions taken by a team approach and interventions made if necessary (Jackson-Haisley, n.d.). See workflow Process pg 5.

### **III. ELIGIBILITY OF PARTICIPANTS FOR DRUG COURTS**

The Drug Court is available to anyone who fits the eligibility requirements which are as follows

- (a) If the person is charged with a relevant offence which is any offence triable by a Resident Magistrate. (persons charged with non drug related offences can also benefit)
- (b) If the person appears to be dependent on the use of drugs
- (c) If the person is at least seventeen years of age
- (d) If the person is not suffering from any mental condition that could prevent or restrict the person's active participation in a prescribed treatment programme.

Work Flow Process Map of The Jamaican Drug Courts  
 February 2012



**IV. DESCRIPTION OF THE DRUG COURT TREATMENT PROGRAMME FLOW**

Presently the total time period for completion of the Drug Court Treatment programme is six (6) months excluding the Probationary period of one (1) year. It is now being proposed that the programme be extended to 12 months.

- [1] Arresting Officer identifies the true Drug Abuser and brings it to the attention of the Clerk of the Court
- [2] The Clerk of the Court addresses the court, highlighting a suspicion that the arrested individual is a Drug Addict and identifies other potential Drug Court participants within the regular Criminal Court setting.
- [3] The Resident Magistrate dealing with new cases refers the case to the Resident Magistrate of the Drug Treatment Court.
- [4] Drug Treatment Court Judge screens the new referred cases for eligibility and addresses potential candidates.

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[5] Pre-Court meeting with Drug Treatment Team (consensus approach) decides on initial eligibility of candidates; with Probation Report.

[1] Candidate is assessed for initial eligibility and is required to sign of a standard consent form agreeing to fulfill all requirements under the Drug Court (Treatment and Rehabilitation of Offenders) Act, 2001..

[2] Candidate is assessed by Probation Officer who recommends whether or not the person is suitable for the programme by the submission of a Probation Report to the court. This report considers the individuals character within his/her home community, family support system, means and the history of the individual.

[3] Candidate is assessed by Psychiatrist, at Drug Treatment Centre after preliminary acceptance, who determines eligibility of the participant for the Drug Court Programme.

**If candidate was not found suitable or eligible for Programme; candidate is sent back into the main Court System.**

[1] If candidate was in custody the individual would be granted bail.

[2] Final screening on eligibility of candidates by Drug Treatment Team after Probation Report is received.

[3] Candidate is required to contact the Drug Treatment Centre (Maxfield Park Health Centre or Cornwall Regional Hospital Psychiatric Clinic) and is assessed on an individual basis. Their level of motivation and presence or absence of psychosis is ascertained by the Drug Treatment team members (Psychiatrist and Counselor).

[4] Assessment Report is completed and delivered to the legal team at the pre-court meeting.

[5] Final decision is made regarding eligibility of candidate by consensus and advise from the Drug Treatment Centre Team

**If candidate was not found suitable for the programme based on interviews; candidate is sent back into the main Court System.**

**Phase I**

1. Candidate is admitted into the programme; attends court once weekly and attends Drug Treatment Centre ( Kingston-Tuesdays / St. James-Thursdays) twice per week receiving individual and group counseling and also undergoes weekly urine testing

2. Candidate is assessed on a weekly basis for progress and promoted at the end of each stage to the next stage.

**If candidate displays negative behavior/ problematic tendencies (drug found in urine, late for meetings/court/ counseling) sanctions will be imposed (Strict Reporting Conditions added to Condition of Bail /one (1) day/ two (2) days in jail) / ordered to spend more time in phase I or if found unsuitable/ not ready for programme candidate is sent back into main Court System.**

Candidate is rewarded and promoted to next phase of programme.

**Phase II**

3. Candidate is assessed on a weekly basis for progress and promotion to next phase.

**If candidate displays negative behavior/ problematic tendencies (drug found in urine, late for meetings/court/ counseling) sanctions will be imposed (Strict Reporting Conditions added to Condition of Bail /one (1) day/ two (2) days in jail) / ordered to spend more time in phase I or if found unsuitable/ not ready for programme candidate is sent back into main Court System.**

Candidate is rewarded and promoted to next phase of programme.

**Phase III**

4. Candidate is initially assessed weekly. However, over the period based on the previous good results of the individual the reporting conditions of the individual to the court is relaxed.

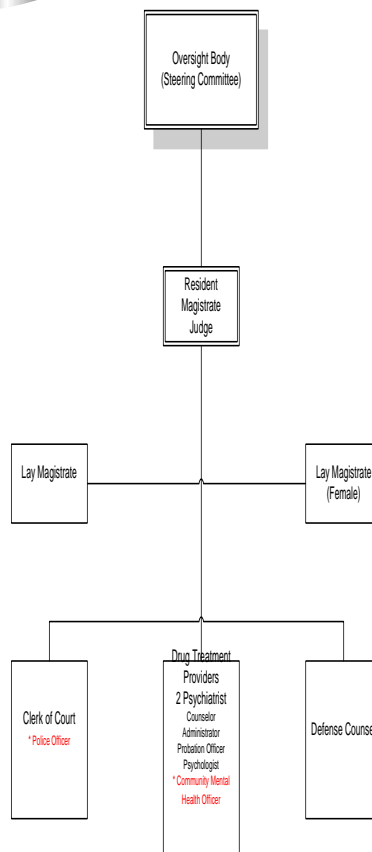
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Programme is completed and candidate is eligible for reward and graduation.

5. Candidate is rewarded and graduates. The individual is released from all reporting conditions to the Court and Drug Centre and the offence is not recorded against the individual.  
 A probation order of one (1) year is automatically granted to that individual.
6. Probationary period completed and individual is free to continue on a progressive path to success.  
 It must be noted that the Drug Court Policy dictates that an individual can visit or return to counseling at any time after graduation. However, this policy is not realistic because of budgetary limitations to accommodate the counselors on a full time basis. The Drug abuse Counselor works only sessional periods and have a ceiling on the number of sessions permitted for each month.

## THE DRUG COURT OF JAMAICA

Corporate Area Division  
Management Structure  
January, 2012

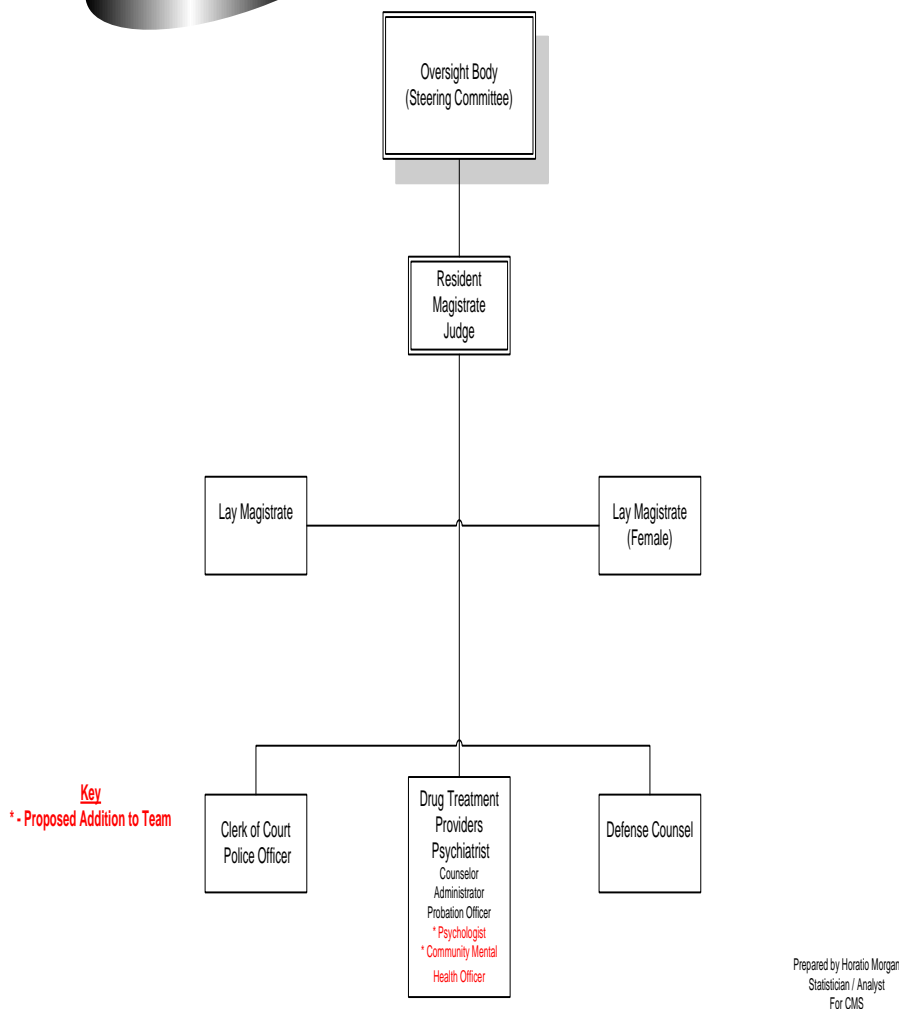


Key  
 \* - Proposed Addition to Team

Prepared by Hiraldo Morgan  
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## THE DRUG COURT OF JAMAICA

St. James Division  
Management Structure  
January, 2012



### THE DRUG TREATMENT COURT STEERING COMMITTEE

The team comprises of technical members from participating stakeholders within Jamaica; charged with the responsibility of conceptualizing and implementing policies for the court's development. The following list depicts some of that Department, Ministries, Non-Governmental Organizations and individuals represented on this board:

- ❖ Chief Justice of Jamaica (CJJ)
- ❖ Ministry of Justice (MOJ)
- ❖ Court Management Services (CMS)
- ❖ Ministry of Health (MOH)
- ❖ National Council on Drug Abuse (NCDA)
- ❖ Association of Friends and Families of Substance Abusers (AFAFOSA)

## **MAJOR DUTIES OF THE PARTICIPANTS IN THE DRUG COURTS OF JAMAICA**

### **A. DRUG COURT LEGAL TEAM**

#### The Resident Magistrate (Team Leader)

- ✚ Chairs the judicial panel and Drug Treatment Team
- ✚ Provides the judicial supervision to the Judicial Panel, Team Members and the Participants
- ✚ Orders social enquiry report; which outlines the personal circumstances of the individual
- ✚ Examines social enquiry report and assesses the report of the Treatment Provider to determine the suitability of the individual for the programme.
- ✚ Meets with Judicial Panel and Drug Treatment Teams to Monitor and supervises progress of individuals in programme
- ✚ Terminates individual court proceedings after successful completion of Drug Treatment Programme

#### Justices of the Peace (One (1) must be female)

- ✚ Apply knowledge and experiences of Jamaican community experiences and perspectives; especially knowledge of the impact of substance abuse on the court system and the Jamaican citizenry

#### Clerk of the Courts

- ✚ Receives and prepares files for Resident Magistrate judge
- ✚ Outlines case allegations and the circumstances under which the individual was referred to the Drug Court Programme to the Resident Magistrate and other Team and Panel members
- ✚ Liaises with Police Officer to advise Drug Court Managers on the suitability of the potential candidate for bail because it is important for the individual to be on bail to attend counseling and therapy.
- ✚ Liaises with other relevant persons in regards to the efficient running of the Drug Court
- ✚ Prepares other relevant documentation for court such as weekly court listings and others
- ✚ Prepares and issues warrants for execution as soon as possible
- ✚ Collects goods from Donor Agencies for the Drug Court programme

#### The Police Officer

- ✚ Assists with the monitoring of the Drug Court Participants in the community
- ✚ Sensitizes other members of the Police Force of the existence of the Drug Court Programme in keeping with improved community policing methods.
- ✚ Assists with the identification of potential candidates for the Drug Court Programme
- ✚ Provides protection for other Officers attached to the Drug Court Programme such as the Probation Officer

#### Probation Officer

- ✚ Prepares probation report for participants/potential participants of the Drug Treatment Court. This report contains information on the Criminal Record and Family history of the Participant and also the Educational and Employment History of the Participants.
- ✚ Assists with the monitoring of the Participant within the community from a social relationship point of view
- ✚ Assists with group and individual counseling of participants at Drug treatment Centre
- ✚ Attends court proceedings and pre-court meetings

#### The Defense Counsel

- ✚ Advocates for the interest and rights of the client
- ✚ Disseminates legal advice other than that which was given by the Resident Magistrate and the Clerk of the Court, about the ramifications and consequences of entering the Drug Court Programme
- ✚ Participates in pre-court meetings and court proceedings
- ✚ Balances the Judicial team in regards to bringing fairness to the proceedings

### **B. DRUG COURT TREATMENT PROVIDER TEAM**

#### Consultant Psychiatrist (Team Leader)

- ✚ Represents the Ministry of Health in the Drug Court Programme
- ✚ Supervises Treatment Provider teams Members
- ✚ Assesses the needs and suitability of potential candidates

- ✦ Provides psychiatric support to the candidates in the programme
- ✦ Conceptualizes and Implements Treatment and Recovery Plans
- ✦ Attends court proceedings and pre-court meetings
- ✦ Advises on whether or not the Participant's Programme should be Continued or Terminated

#### Drug Abuse Counselor

- ✦ Provides counseling to participants in Drug Court Programme under the guidance of the Consultant Psychiatrist
- ✦ Assists participants in developing life-skills
- ✦ Teaches participants crisis management skills
- ✦ Identifies, addresses and report social problems that may affect the positive outcome of the Drug Court Treatment Programme
- ✦ Attends court proceedings and pre-court meetings
- ✦ Facilitates Weekly/Regular Drug Testing of Participants

#### Administrator

- ✦ Co-ordinates aspects of the Drug Court Programme at the Treatment Centre such as collection of data and setting appointments for participants in the programme
- ✦ Liaises and implement plan with external bodies to fulfill the educational needs of the participants in the programme
- ✦ Organizes the day to day operations of the Drug Treatment Centres
- ✦ Attends court proceedings and pre-court meetings

#### Psychologist

- ✦ Focuses on the recuperation of participants of the Drug Treatment Court
- ✦ Clinically assesses and monitors the progress of the Drug Court Participant
- ✦ Advises the Consultant Psychiatrist on the recovery plan for Drug Court Participants
- ✦ Counsels Drug Court Participant in Institutions.

#### Community Mental Health Officer (Proposed)

N.B. Previously these officers from the Ministry of Health attended Drug Abuse Training programme in Barbados. However, this aspect of the training programme was terminated. Therefore capacity building and training is now necessary to respond to the needs of the Drug Court Participants. The present work load of the Community Health Officer is also heavy and this may results in less than adequate attention being given to the Rehabilitation of the Drug Court Participants in their communities. Therefore, the number of Community Health Officer needs to be increase to raise the level of efficiency and effectiveness within the Drug Court Programme.

- ✦ Main point of contact within the community for Participants in the Drug Court Treatment Programme
- ✦ Conducts follow up monitoring of participants and graduates of the Drug Treatment Court Programmes within the community from a healthy holistic life approach
- ✦ Monitors and assesses the behavior of the participant with family members, members of the community and other individuals.