

ANNEXURE 1
SCHEDULE OF DRUG COURTS

	NSW Drug Court¹	Nashville & Davidson County²	Morgan County³	Barnstable County Drug Court⁴
Legislation	Operates according to the Drug Court Act 1998 (NSW)	The Drug Court Treatment Act 2003, Tennessee	The Drug Court Treatment Act 2003, Tennessee	The Drug Court in Barnstable falls under the banner of Massachusetts. There is no statute or regulation in Massachusetts pertaining to the operation of drug courts. Each court (including Barnstable) is certified and is to operate in compliance with the best practice standards provided by the National Association of Drug Court Professionals.
Team	<p>The Drug Court team consists of the:</p> <ul style="list-style-type: none"> - DPP solicitor - Police representative - Clinical Nurse Consultant - Legal Aid solicitors - Community Corrections Division co-ordinator - Registrar of the court and the judge. 	<p>The Drug Court team consists of the:</p> <ul style="list-style-type: none"> - Prosecutor – District Attorney - Defence Attorney - Community Supervision Officer (typically a probation officer) - Treatment representative (addiction counsellor, social worker, psychologist or clinical case manager) - Law enforcement officer (if required) - Judge of the Court 	<p>The Drug Court team consists of the:</p> <ul style="list-style-type: none"> - Prosecutor – District Attorney - Defence Attorney - Community Supervision Officer (typically a probation officer) - Treatment representative (addiction counsellor, social worker, psychologist or clinical case manager) - Law enforcement officer (if required) - Judge of the Court 	<p>The Drug Court team consists of the:</p> <ul style="list-style-type: none"> - Prosecutor – District Attorney - Defence Attorney - Community Supervision Officer (typically a probation officer) - Treatment representative (addiction counsellor, social worker, psychologist or clinical case manager) - Law enforcement officer (if required) - Judge of the Court
Pre Court staff meetings	<p>The following are typically involved in staff meetings:</p> <ul style="list-style-type: none"> - DPP solicitor - Police representative - Clinical Nurse Consultant - Legal Aid solicitors - Community Corrections Division co-ordinator - Registrar of the court and the judge. - Representatives from residential rehabilitation facilities hosting participants. 	<p>As the this is a residential drug court program the team typically involves:</p> <ul style="list-style-type: none"> - The judge - Treatment representative (addiction counsellor, social worker, psychologist or clinical case manager) <p>If required a Prosecutor, Community Supervision Officer and Law enforcement officer will attend.</p>	<p>As the this is a residential drug court program the team typically involves:</p> <ul style="list-style-type: none"> - The judge - Treatment representative (addiction counsellor, social worker, psychologist or clinical case manager) <p>If required a Prosecutor, Community Supervision Officer and Law enforcement officer will attend.</p>	<p>The following are typically involved in staff meetings:</p> <ul style="list-style-type: none"> - Defence Attorney - Community Supervision Officer (typically a probation officer) - Treatment representative (addiction counsellor, social worker, psychologist or clinical case manager) - Judge of the Court <p>The District Attorney is not required to attend drug court staff meetings. At a minimum they are only required to be advised of every court date and afforded the opportunity to appear. It is advised that they should try to attend when required and primary responsibility remains with the District Attorney to ensure that community safety remains a primary concern.</p> <p>The probation officer effectively plays the role of the prosecutor in the NSW model. They actively monitor participants and at Court they make submissions regarding compliance with the program.</p> <p>The law enforcement officer serves as a link between the drug court team and community but generally do not attend meetings.</p>

¹ All material in this column have been obtained from the Drug Court Act or the Drug Court NSW website (www.drugcourt.justice.nsw.gov.au)

² All material in this column has been obtained from the Nashville & Davidson County Drug Court website (<http://drugcourt.nashville.gov/>)

³ All material in this column has been obtained from the Nashville & Davidson County Drug Court website (<http://drugcourt.nashville.gov/>).

⁴ All material in this column has been obtained from the Massachusetts Adult Drug Court Manual 2015 (https://www.mass.gov/files/documents/2016/09/nd/adult-drug-court-manual.pdf?_ga=2.223494621.718725207.1544670613-1359192019.1543440522) in addition to direction requested information provided directly from Ms Sheila C Casey, Specialty Courts Administrator Executive Office of the Trial Court, Massachusetts Government.

	NSW Drug Court¹	Nashville & Davidson County²	Morgan County³	Barnstable County Drug Court⁴
Treatment	A treatment plan may require a participant to enter a residential rehabilitation centre, or allow a participant to live in accommodation nominated by a participant and approved by the Court, or in supported accommodation organised by the Court.	Residential (live at the rehabilitation and court complex).	Residential (live at the rehabilitation and court complex).	A treatment plan may require a participant to enter a residential rehabilitation centre, or allow a participant to live in accommodation nominated by a participant and approved by the Court, or in supported accommodation organised by the Court.
Conditional liberty	All offenders receive an initial sentence which is suspended upon entering the program.	All offenders entering the program are on probation and supervised by the Community Corrections.	All offenders entering the program are on probation and supervised by the Community Corrections.	All offenders entering the program are on probation and supervised by the Community Corrections.
Eligibility criteria	<p>To be eligible⁵ for the Drug Court a person must:</p> <ul style="list-style-type: none"> - be highly likely to be sentenced to fulltime imprisonment if convicted. - have indicated that he or she will plead guilty to the offence. - be dependent on the use of prohibited drugs - Live in the Auburn, Bankstown, Blacktown, Campbelltown, Cessnock, Fairfield, Hawkesbury, Holroyd, Lake Macquarie, Liverpool, Parramatta, Penrith, Port Stephens, The Hills Shire or City of Sydney Local Government Areas; - be referred from the District Court at Campbelltown, Parramatta, Penrith, East Maitland, Newcastle or Sydney; - be referred from the Local Court at Bankstown, Belmont, Blacktown, Burwood, Campbelltown, Central, Cessnock, Downing Centre, Fairfield, Kurri Kurri, Liverpool, Maitland, Mount Druitt, Newcastle, Newtown, Parramatta, Penrith, Raymond Terrace, Richmond, Ryde, Toronto, Waverly and Windsor. - be 18 years of age or over be willing to participate. <p>A person is not eligible if he or she is:</p> <ul style="list-style-type: none"> - charged with an offence involving violent conduct; - charged with a sexual offence or an offence punishable under Division 2 Part 2 of the Drug Misuse and Trafficking Act 1985 - suffering from a mental condition that could prevent or restrict participation in the program. 	<p>Offenders may be referred to the program by the Public Defenders office, a private defence attorney, the Community Corrections Program, or upon successful completion of an in-jail treatment program. The Drug Court Assessment Team assesses all eligible referrals in order to determine whether or not placement in the Residential Program or Intensive Outpatient Program is appropriate. If placement is deemed appropriate, a recommendation is made to the court to admit the offender into the appointed program.</p> <p>In order to be eligible for a drug court treatment program an offender shall: (1) not be a violent offence, (2) be substance abusing or chemically dependent, or both: and (3) be willing to participate in a treatment program. ⁶</p>	<p>Offenders may be referred to the program by the Public Defenders office, a private defence attorney, the Community Corrections Program, or upon successful completion of an in-jail treatment program. The Drug Court Assessment Team assesses all eligible referrals in order to determine whether or not placement in the Residential Program or Intensive Outpatient Program is appropriate. If placement is deemed appropriate, a recommendation is made to the court to admit the offender into the appointed program.</p> <p>In order to be eligible for a drug court treatment program an offender shall: (1) not be a violent offence, (2) be substance abusing or chemically dependent, or both: and (3) be willing to participate in a treatment program. ⁷</p>	<p>Offender must have a substance abuse disorder.</p> <p>Participants must have been found guilty, pleaded guilty, or have admitted to sufficient facts to be found guilty of criminal charges.</p> <p>There is no legislated criteria however potential participants can be disqualified if it can be shown that they cannot be managed safely or effectively in drug Court. As such violent offenders and sex offenders are generally disqualified.</p>
The program	<p>Phase 1 is the 'initiation' phase where participants are expected to reduce drug use, stabilise their physical health and cease criminal activity. In this phase, participants are required to undergo drug testing at least three times a week and to report back to the Drug Court once a week. The average duration is 3 months.</p> <p>Phase 2 is the 'consolidation' phase where participants are expected to remain drug-free and crime-free, and develop life and job skills. In this phase, testing for drug</p>	<p>Phase 1: assessment and orientation. It is 12 weeks minimum in length. The purpose of which resident's complete orientation and other assessments required to develop individualised treatment plans. Participants stay at the facility 24 hours a day 7 days a week with randomised drug testing.</p> <p>Phase 2: stabilisation and rehabilitation. Minimum of 12 weeks. Cognitive therapy and motivational interviewing is integrated with a 12-step based recovery program. 200 hours of community service is required to be carried out and residents are introduced to re-</p>	<p>The minimum stay is approximately 9 months but can be 12 months. The structures are carried out similar to the Nashville program in the residential facility however once completed participants return to their own local court drug court programs for the subsequent phases of treatments.</p>	<p>Typically it takes a participant 16 to 27 months to complete all phases with the minimum amount of time a participant can be on the program being 12 months and the suggested maximum being 3 years.</p> <p>Phase 1: Assessment and Stabilization. Typically 30 to 90 days in duration. Involves a full assessment by a treatment provider, random and comprehensive drug and alcohol testing multiple time a week,</p>

⁵ Pursuant to the Drug Court Act 1998 a referring court is under a duty to refer a person charged with an offence if they appear to be an eligible person and are willing to be referred to be dealt with for that offence (section 6). Section 5 of the Act sets out the conditions of eligibility. It is for the Drug Court to be ultimately satisfied as to an applicant's eligibility (section 7A(2)(a)).

⁶ See § 16-22-113 Drug Court Treatment Act 2003, Tennessee Code.

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	<p>use is conducted twice weekly and report back court appearances occur fortnightly. The average duration is 4 months.</p> <p>Phase 3 is the 're-integration' phase where participants are expected to gain or be ready to gain employment, and to be financially responsible. In Phase 3, drug testing is conducted twice weekly and report back court appearances are conducted monthly. The average duration is 5 months.</p>	<p>integration into the community through five external support meetings. Throughout this phase they received at least 2 randomised drug screens per month.</p> <p>Phase 3: is dedicated to re-entry and employment. Similarly it has a minimum duration of 12 weeks. Participants develop an aftercare program are required to be employed. At this stage participants are charged a program fee to introduce the idea of financial responsibility and off-set the cost of the program. At least 3 drug tests per month are incorporated into this phase.</p> <p>Aftercare: following successful completion of the three phase program participant's progress to aftercare which is a minimum of 6 months. At this time they move from full time residential care to transitional housing off the facility but return to the Drug Court facility on a weekly basis for group and individual counselling in addition to two drug tests per week. Throughout the entirety of the program participants are assessed by the Drug Court team. Contact is required with the Drug Court Judge twice a week to assess program progress.⁸</p>		<p>weekly meetings with a probation office, attendance at court weekly or twice a week.</p> <p>Phase 2: Intensive Treatment. Typically 6 to 9 months. Random and comprehensive drug and alcohol testing multiple times a week, reporting to probation weekly or every other week, appearing before the Court once a week or every second week and treatment in accordance with treatment plans. Participants at this phase are often in residential treatment or structured living that includes treatment.</p> <p>Phase 3: Step-Down Treatment. Typically 6 to 12 months in duration. Random drug testing multiple times a week, reporting to probation less frequently, attending court less frequently. In order to advance to phase 4 participants must be compliant with treatment, demonstrate 9 months of negative drug tests, have attained employment or be carrying out some form of schooling and prepare a written application letter to the Drug Court for advancement to phase 4.</p> <p>Phase 4: Maintain treatment and recovery. Typically 6 months. Random drug testing, reporting to probation is less frequent but up to the Judge's discretion and the participant is required to have a hair follicle test to document 90 days of sobriety. On completion of phase 4 a participant will graduate and probation will be terminated.</p>
Terminating the Program	Drug Court program can be terminated at any time due to non-compliance with program. ⁹	Drug Court program can be terminated at any time due to non-compliance with program.	Drug Court program can be terminated at any time due to non-compliance with program.	Drug Court program can be terminated at any time due to non-compliance with program.

⁸ Norman. S, Gray R, MacMaster. S, Holladay-Thomas J, Drug Court Success, *Tennessee Bar Journal*, March 2015, 17.

⁹ See section 11 to 13 of the Drug Court Act 1998 NSW. Under section 12 of the Drug Court Act on sentencing a drug offender under section 12, the Drug Court is to revoke the drug offender's suspension order.