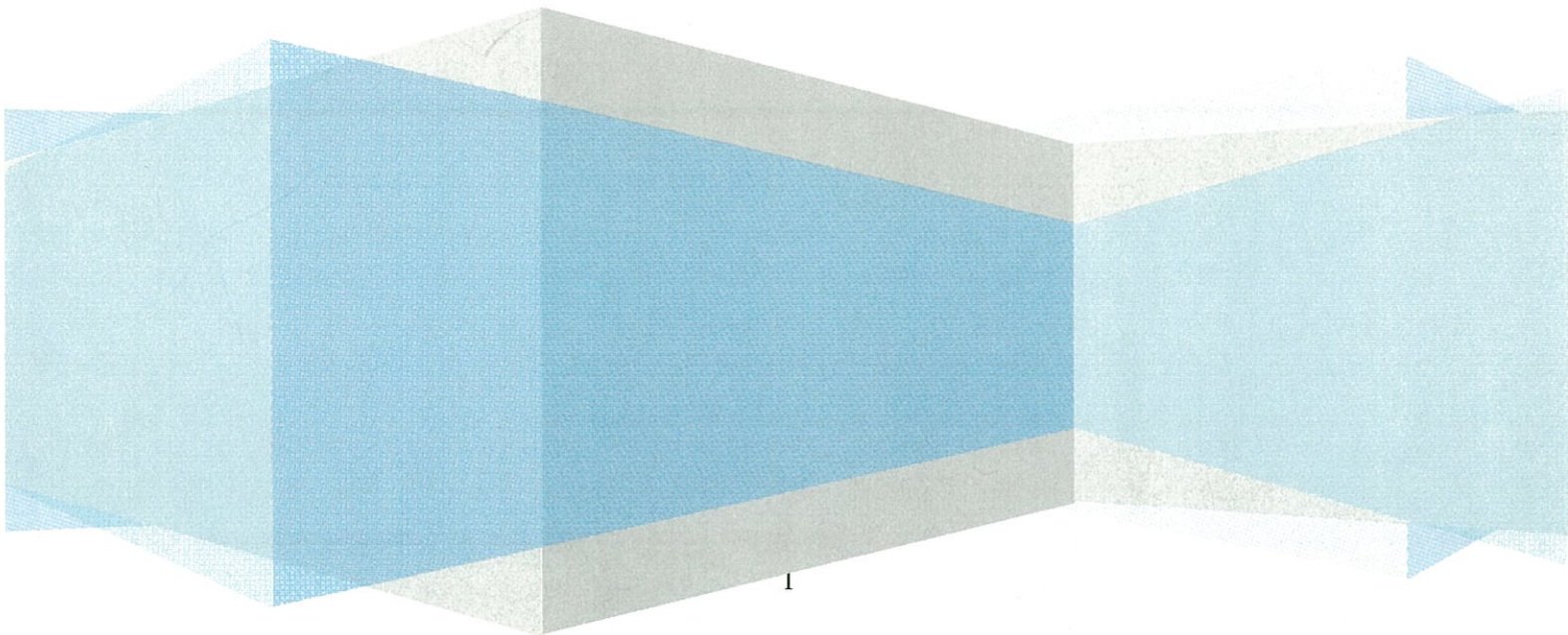


**ALBERTA'S DRUG TREATMENT COURTS: AN ESSENTIAL
PART OF ALBERTA'S JUSTICE STRATEGY**

SUBMISSIONS OF THE PROVINCIAL COURT OF ALBERTA



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I. INTRODUCTION

A) Why the Need for Drug Treatment Courts?

The interrelationship between addiction and crime and the need for an effective criminal justice response have been widely recognized:

Between 3 and 4 per cent of the world's population still regularly consumes illegal substances, with increasingly widespread consumption of some new drugs, especially among young people

. . . the costs associated with their abuse continue to impose a heavy burden on the social infrastructure of numerous countries, whether developed or developing. Valuable human and financial resources are diverted away from productive activities essential for prosperity, and in the criminal justice system away from the most serious casework.

Experience shows that the public pays a high price for the untreated dependency of drug-abusing offenders, mainly through the direct and indirect costs of ongoing crime to finance drug abuse.

Experience also suggests that there is significant untapped potential for justice systems to better help reduce this ongoing criminality through greater involvement in the treatment and rehabilitation process:

Excerpt from the Report of the Informal Expert Working Group on Drug Treatment Courts, Vienna, 1999, United Nations Office of Drugs and Crime (UNODC), No. V.00-59222 (E), at pp. 3-4. Hereinafter referred to as "1999 UNDOC Report".

Drug Treatment Courts (DTCs) represent a criminal justice response to drug-fueled criminal activity.

B) The Effectiveness of Drug Treatment Courts

Drug Courts have been operating in the United States for almost 25 years and have been the subject of considerable research. Numerous studies have concluded that the approach taken by drug courts is effective to reduce crime and save money:

In the 24 years since the first Drug Court was founded in Miami/Dade County, Florida, more research has been published on the effects of Drug Courts than on virtually all other criminal justice programs combined. The scientific community has put Drug Courts under a microscope and concluded that Drug Courts significantly reduce drug abuse and crime and do so at far less expense than any other justice strategy.

Adult Drug Court Best Practice Standards, Vol. 1, © 2013 National Association of Drug Court Professionals, at p. vi. (hereinafter referred to as "NADCP Best Practices, 2013)

In its *National Anti Drug Strategy* the Government of Canada has expressly recognized the effectiveness and the necessary role of drug courts in the criminal justice system:

Drug Treatment Courts (DTCs) aim to reduce crime committed as a result of drug dependency through court-monitored treatment and community service support for offenders with drug addictions. They also aim to reduce the burden of substance abuse on the Canadian economy, which has been estimated at \$9 billion annually for areas including law enforcement, prosecution and incarceration.

C) Drug Treatment Courts in Canada

Drug Treatment Courts in Canada are comparatively recent. Canada's first DTC opened in Toronto in 1998. The Edmonton DTC has been in operation since 2005; the Calgary DTC since 2007.

Both Alberta DTCs operate on a post-plea, pre-sentence model, as do most DTCs in the United States and elsewhere. Participants are carefully screened to ensure they fall within the category of offenders which research has established is most appropriate for the program. When offenders choose to enter the program they plead guilty but are not sentenced immediately. They remain under close community supervision, must undergo programming and treatment, and must attend court regularly where they account for their progress to a judge trained in addiction and recovery issues.

The programs involve a multi-disciplinary approach directed to addressing the myriad needs of severely addicted individuals. This approach has been identified and endorsed. A recent document entitled "*Drug Courts Work - A "Critical Insight Analysis"*" (November 29, 2012) concerning the Calgary DTC was prepared by Paul Arnold-Schutta for the (former) Safe Communities Secretariat. The Conclusion section of that report states:

Drug treatment courts continue to evolve and develop in their capacity to serve a vulnerable group of offenders with substance related disorders and often a host of co-occurring problems. Effective responses for offenders with an array of biological, psychological and social needs necessitate a multi-disciplinary response that includes the

leverage of the court, intensive supervision paired with intensive and integrated treatment, and timely access to a range of social services. DTCs bring together a network of services, agencies, departments, sectors and systems to assist participants with dealing with their offending cycle, substance abuse and co-occurring problems....

Given the breadth of offenders with substance abuse disorders, a provincial service delivery framework for offenders with substance related disorders is required. DTCs are one example of a coordinated response to issues of substance abuse and the justice system.

Calgary Drug Treatment Court Critical Insight Analysis: Opportunities for enhancing services to offenders with substance-related disorders, Arnold-Schutta, Paul M.A. R. Psych.(AB), 2012

If participants meet certain milestones and successfully complete the program, they will receive a non-custodial sentence (usually one involving a period of probation). A participant who graduates “with honours” may receive a sentence of as little as one day probation.

If participants are not successful, they are sentenced in the normal fashion. The “promise” of a non-custodial sentence is no longer applicable.

The Federal Government recently made amendments to the *Controlled Drugs and Substances Act* creating mandatory minimum sentences for certain drug offences. Those amendments also provide that a sentencing court is *not* bound to impose a minimum sentence where an offender has completed a drug treatment program “approved by the Attorney General”. In early 2013, **both** Alberta DTCs were designated as “approved” drug treatment courts by the Attorney General for Canada.

Thus, the Alberta DTCs play an integral role in the Federal *Anti-Drug Strategy*.

The Provincial Court of Alberta is justly proud of its DTC programs. They have been structured with community involvement and participation. Their features mirror those features which research has shown are most effective in achieving the goal of reducing crime arising from drug dependency. Participating judges have sought and received training in addictions issues and drug court best practices. Alberta’s DTCs have demonstrated a measure of success in dealing with a very difficult and challenging offender population.

II. FEATURES OF THE ALBERTA DTC PROGRAMS

A) Participants are “High risk/High needs” Offenders

There is significant research to indicate that the offenders most suitable for participation in DTCs are those referred to as “high risk/high needs”:

A substantial body of research indicates which types of offenders are most in need of the

full range of interventions embodied in the Ten Key Components of Drug Courts (NADCP, 1997). These are the offenders who are (1) addicted to or dependent on illicit drugs or alcohol and (2) at high risk for criminal recidivism or failure in less intensive rehabilitative dispositions. Drug Courts that focus their efforts on these individuals—commonly referred to as high-risk/high-need offenders — reduce crime approximately twice as much as those serving less serious offenders (Cissner et al., 2013; Fielding et al., 2002; Lowenkamp et al., 2005) and return approximately 50% greater cost savings to their communities (Bhati et al., 2008; Carey et al., 2008, 2012; Downey & Roman, 2010).

Excerpted from NADCP Best Practices, 2013

Applicants to the Alberta DTCs programs are carefully screened to ensure that they fall within the “high risk/high needs” category. Alberta DTC program participants generally face numerous charges when they enter the program. They often have lengthy criminal records directly related to their drug use. They have often failed at (or never taken) less intensive or prolonged treatment opportunities. They are generally offenders with long-standing drug addictions, co-morbid substance abuse and personality/behavioral (mental health) problems. They often lack proper identification, have limited schooling and employment experience, may never have had a bank account, and may have paid little or no income tax.

The reasons for their criminal and addictive lifestyle are often rooted in highly disruptive formative years involving appalling neglect, abuse, and/or significant trauma. In this sense they are among the most vulnerable in our population. Without intensive and long term intervention they will continue to have poor societal outcomes.

Without the opportunity of the DTC program, a majority of these participants would (because of their records) otherwise be detained in custody pending trial and sentence. Upon sentencing, they generally face prison terms of between 1 and 3 years (although some face longer terms).

Participants generally spend between 12 and 18 months in the DTC program before graduation.

The Alberta DTC programs do not limit their program applicants to offenders charged with drug offences; they admit offenders charged with certain offences under the *Criminal Code* also, provided their offending is the result of their addictions. Research has shown this approach to be effective:

Some Drug Courts serve only individuals charged with drug-possession offenses or may disqualify offenders who are charged with or have a history of a serious felony. Research reveals, however, that Drug Courts yielded nearly twice the cost savings when they served addicted individuals charged with felony theft and property crimes (Carey et al., 2008, 2012).

NADCP *Best Practices*, 2013 at p. 7.

B) The Drug Treatment Courts are Post-Plea, Pre-sentence Programs with Judicial Oversight

Both Alberta DTCs operate on a post plea, pre-sentence model. Eligible participants plead guilty when they enter the program. Sentencing is deferred while they participate in the program. Participants who complete the program successfully will receive a non-custodial sentence. Participants who do not complete the program are sentenced in the normal course.

While in the program, participants are supervised closely and subject to strict release conditions. They must appear regularly (generally weekly) before the presiding judge. This judicial supervision and oversight is a core feature of a successful drug treatment court.

The importance of judicial oversight in drug treatment courts has long been recognized. The National Association of Drug Court Professionals (NADCP), through its Drug Court Standards Committee, under the auspices of the U.S Department of Justice, Office of Justice Programs, Drug Courts Program Office, published *Defining Drug Courts: The Key Components*. That Report identifies “... ongoing judicial interaction with each drug court participant” as a Key Component of a successful drug court. The Report states:

The judge is the leader of the drug court team, linking participants to AOD [Alcohol or Other Drugs] treatment and to the criminal justice system. This active, supervising relationship, maintained throughout treatment, increases the likelihood that a participant will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to participants—often for the first time—that someone in authority cares about them and is closely watching what they do.

The importance and effectiveness of judicial oversight has been recognized internationally. In the 1999 UNODC Report (referred to earlier), ongoing judicial interaction with each offender in a programme was identified as a key principle (see p. 17, para. 48(g)). That report states:

A good relationship between the judge and the offender is vital. The judge has an important pedagogical role throughout the programme, being the person with whom the offender has regular contact, and who orders sanctions or rewards as immediate reactions to his or her conduct. Although the judge is in a unique position to motivate the offender to successfully comply with the programme, such motivation will ultimately involve a combined effort of treatment personnel and other professional resources. (at p. 19, para. 66 UNODC 1999 Report)

C) DTC Programs Offer Multiple Services for Participants

The assistance provided by the Edmonton and Calgary DTCs goes beyond direct addictions treatment and includes assistance with long term housing referrals, medical referrals, employment assistance, and exposure to and required participation in recovery and aftercare

programs. The 2010 Evaluation of the Edmonton DTC comments on this feature:

Like most drug treatment courts, the ultimate goal of the program is to break the cycle of addiction and criminal activity. However, unlike many drug treatment courts, the EDTCRC [Edmonton DTC] places an additional emphasis on the achievement of reintegration of offenders into the community. EDTCRC participants are also assisted in improving other dimensions of their life, including their housing, health, and relationships, and are required to give back to the community through volunteer work or community involvement.

Evaluation of the Edmonton Drug Treatment and Community Restoration Court: On-Going Evaluation and Monitoring, November 2010, Wild, Dr. Cameron, et al, The Addiction and Mental Health Research Laboratory, School of Public Health, University of Alberta, at p. 5.

Both the Calgary and Edmonton programs address criminal thinking and how to reverse it. The 2013 Evaluation Report of the Calgary program comments on this feature:

In order to support relapse prevention and recovery, as well as to manage participants' offending cycles, multiple addictions and other criminogenic needs, CDTC staff has been providing a 12-week intensive day program. The program started in September of 2012 and is currently utilized as an alternative to residential treatment following the participant's initial period of several weeks in residential treatment. This is a group program that is provided in three to four half days per week and that is compulsory for all CDTC participants.

Calgary Drug Treatment Court, 2013 Evaluation Report, I. Hoffart, Synergy Research Group at p. 30.

The Alberta DTC programs have adopted a “brokerage” model for provision of treatment services. This model engages a variety of treatment providers within the community. As a result, the programs are able to offer different treatment settings to suit the actual and individual treatment needs of participants. This model also strengthens community interaction with the program. The Canada Department of Justice summative evaluation of Canadian DTCs acknowledges that brokerage models appear to be more effective as to outcomes.

D) Alberta DTCs have Specially Trained Judges and Staff

Another key element of a successful DTC is specially trained judges and program staff. This element has been identified as a key success factor and a best practice from the earliest evaluations of DTC programs around the world (*see, for example, the 1999 UNODC Report, see also NADCP Best Practices, 2013*).

Presiding Judges, prosecutors and other key actors in the Alberta DTC programs have developed particular skills and knowledge necessary to discharge their respective roles in the operation of the DTC. Edmonton and Calgary DTC program staff have been selected for background, education, knowledge and skills which support their roles in DTC court teams. In addition, they

have received specialized DTC and addictions training and upgrading to assist them in performing their tasks. The combination of skill and training which characterizes the key actors and DTC staff are not generally found in Community Corrections offices, Remand Centres, administrative offices of Alberta Ministries, or in Courthouses.

III. PERFORMANCE OF THE ALBERTA DTCS

A) DTCs in Canada

Edmonton is one of 6 federally funded DTCs. Those DTCs have been monitored and assessed since their inception. The Table below provides an overview of the participation, retention and graduation rates of 5 of the federally-funded DTCs. While the table covers only a period up to 2008 - the “early” years of DTCs in Canada - it does show where Edmonton ranked among those courts during that time. Its performance has only improved since.

Table 14: Overview of DTC participation, retention, and graduation

	Toronto (April 2007- Sept. 2008)	Ottawa (evaluation period N/A)	Winnipeg (Jan. 2006- Dec. 2008)	Regina (Oct. 2006- Sept. 2008)	Edmonton (Dec. 2005- Sept. 2008)
Number of admissions	67	105	78	97	82
Number of graduates	3	8	21	8	14
Number of participants who terminated prior to graduation (Includes participants who terminated for any reason, i.e., participants who withdrew, absconded or were expelled, suspended or discharged)	44	64	37	63	37
Number of active participants	20	N/A	20	26	31
Retention rate (Active participants + graduates / number of admissions)	34% (20+3/67)	N/A	53% (20+21/78)	35% (26+8/97)	55% (31+14/82)
Graduation rate (Graduates / graduates + participants who terminated prior to graduation)	6% (3/3+44)	11% (8/8+64)	36% (21/21+37)	11% (8/8+63)	28% (14/14+37)

Notes: For Toronto, the number of participants who terminated prior to graduation was calculated by adding the number of those who terminated during the 30-day assessment period (n=24) and the number of those who terminated after being admitted into the program after the assessment period (n=20).

For Ottawa, the total number of active participants during the evaluation period could not be ascertained from the evaluation report. Thus the retention rate could not be calculated.

For Winnipeg, the total number of active participants during the evaluation period was calculated as follows: (2007 admissions – 2007 admissions who did not end their involvement in the program in 2007) + (2008 admissions – 2008 admissions who ended their involvement in the program in 2008). That is: (36-31) + (27-12) = 5+15 = 20.

For Winnipeg, Regina, and Edmonton, the data include all participants admitted since operations began. For Toronto, data are for an 18-month period. For Ottawa, the period of analysis is unclear.

Studies and evaluations of the Edmonton and Calgary DTCs provide important information about the programs and confirm their value, as summarized below.

B) Edmonton DTC

The Edmonton DTC program has been the subject of a number of evaluations, including the University of Alberta, School of Public Health, Faculty of Health Sciences (directed by Dr. Cameron Wild, a widely recognized researcher in addictions and forensic relationships to addiction). It has also been evaluated by the Edmonton Police Service, the Edmonton Crown Prosecutor’s office (as to reoffending by participants), and by independent researchers sponsored by CEASE (Centre to End All Sexual Exploitation), who have included a Social Return on Investment (SROI) study.

From program inception to September 2013, 83 offenders have graduated and had their underlying charges dealt with through a short sentence of probation. Without their participation in the DTC program, these offenders would have been sentenced to significant periods of incarceration. Of these graduates, 78% have not been charged with any further offences since completion of the program. Further, some 80 offenders who participated in the program but did not complete it, have reduced their re-offending by 75%, and reduced their level of substance abuse.

Edmonton DTC Recidivism Report, 2013, Edmonton Prosecutions (unpublished).

The University of Alberta Faculty of Health Sciences provided a useful summary showing the years Nov. 2009 – Nov. 2010 as well as the period since inception of the Program (Dec. 2005):

Table 1. Summary of Key Monitoring Indicators

Indicator	Definition	All EDTCRC participants to date (Dec 7, 2005 to Nov 3, 2010)	Past year participants (Nov 4, 2009 to Nov 3, 2010)
Participants	Admitted to the program	N = 150	n = 63
Wait Time	Average days from intake to program start	M = 24.0 days	M = 20.7 days
Court Appearances	Average number of appearances	M = 18.4	M = 18.2

Indicator	Definition	All EDTCRC participants to date (Dec 7, 2005 to Nov 3, 2010)		Past year participants (Nov 4, 2009 to Nov 3, 2010)	
Drug Screens	Average number of drug screens	M = 14.8		M = 19.2	
Drug Treatment	Started at least one treatment program	n = 107	71.3%	n = 52	82.5%
Compliance: Court Appearances	Percentage of participants who attended all required court sessions	36	28.1%	27	50.0%
Compliance: Drug Screens	Percentage of participants who had clean drug screens every time	53	46.9%	21	41.2%
Completion	Graduated	n = 41	35.0%	n = 13	43.3%
Retention	Average number of days in the program	M = 223.9		M = 231.5	
Housing	Stable housing at follow-up 2 (90 days)	n = 24	61.5%	n = 7	77.8%
Cost	Average cost per participant day	\$86.94		\$62.07	

(2010) On-going Evaluation of the Edmonton Drug Treatment and Community Restoration Court published by the University of Alberta.

The above Table shows that the per-diem cost of the Edmonton program has reduced over time. The 2009-2010 column shows a cost of \$62.00 per day, which has remained fairly constant. For comparison purposes, the cost per day of detaining someone in remand is \$119 per day (i.e. \$43,500 annual cost divided by 365 days).

It will be seen that the average time in the program (for successful participants) is approximately 230 days.

The Edmonton DTC program was also the subject of a Social Return on Investment (SROI) study, undertaken by independent researchers sponsored by CEASE (Centre to End All Sexual Exploitation). That study suggests a significant (at least \$4.00 per dollar spent) mid-term (10 years) monetized return on investment.

A more recent ongoing monitoring study of the Edmonton DTC (January 2013) included a Social Return on Investment study of the Matrix model of outpatient therapy (recently adopted by the Edmonton DTC) and determined that the SROI respecting the Matrix Model was \$14.55 per dollar invested.

C) Calgary DTC

1. Evaluation Results

Calgary's DTC has been the subject of four formal evaluations. The 2013 evaluation represented an update of the earlier ones. *See: Calgary Drug Treatment Court, 2013 Evaluation Report, I. Hoffart, Synergy Research Group, October 2013 at p. 8.*

The 2013 Report concluded that the Calgary DTC is valuable to the community and the clients that it serves. It noted the following features of the program:

- a) The applicants undergo a thorough and careful screening process and the length of the application process has decreased over the three program service periods;
- b) Eligible individuals are offered an intensive and judicially supervised addiction recovery program;
- c) The Program provides access to multiple treatment facilities for men and women and addiction treatment based on promising practices;
- d) CDTC client characteristics are consistent with the 'high needs and high risk' group recommended for Drug Courts;
- e) The program supports clients in obtaining long-term housing – all but two of the graduates were in long-term or transitional housing at the time of their graduation. All of these clients have had an unstable housing history or were homeless before program admission;
- f) The program helps clients develop long-term stability by linking them with multiple supports such as individual and family counseling, skill development programs, money management services, medical, vision and dental services and services needed to acquire necessary identification;
- g) A comprehensive employment program is in place that provides the participants with crucial work experience as well as long-term employment opportunities. Of those 39 clients who were referred to this program and who were employable all but three were connected with employment opportunities. All of these clients had been long-term unemployed at the time of their entry into the program; and,
- h) Clients describe the program as “life changing”, its services as effective and the CDTC staff and court team as “supportive, caring and helpful.” (*Ibid, at p. 24*).

Over half of the Calgary participants remained drug free and sober for a period of 6 months or longer while in the program. In addition, the client roster has expanded significantly in the 2011/2012 fiscal year. A higher proportion of applicants was accepted into the program (40% as compared to 31% in the previous years). (*See: Calgary Drug Treatment Court 2012 Evaluation Report, I. Hoffart, Synergy Research Group, October 2012, at pp. 37-38*).

2. Social Return on Investment (SROI)

A Social Return on Investment (SROI) study was undertaken in the 2012 Evaluation Report of the Calgary DTC program referred to above. As noted on page 33 of that Evaluation:

“This SROI calculation considers the 18 participants who are new admissions in the 2011-2012 year and estimates the related benefits and costs over two years. It does not consider the cost implications of participants who entered the program during previous years and continue to receive program services, or new admissions that will enter the program during the 2012-2013 year (2nd year of the SROI calculation).”

Calgary Drug Treatment Court 2012 Evaluation Report, I. Hoffart. Synergy Research Group, at pp. 37-38).

The following fiscal benefits were identified by the SROI analysis undertaken as part of the 2012 Evaluation of the Calgary DTC program:

1. Cost reallocation within the justice system and as specifically related to the work of the police, probation, legal aid, and court;
2. Avoidance of incarceration costs.
3. Avoidance of the costs of addiction-driven crime, i.e. the cost of property stolen to support the addiction;
4. Reductions in costs related to treatment of mental and behavioral disorders resulting from addictions;
5. Reductions in Child Services costs;
6. Reductions in hospital and related medical costs;
7. Reductions in community services costs;
8. Employment-related benefits, such as [paying] taxes, [reduced] turn-over, [reduced] use of income support; and,
9. Reduction in shelter costs.

Source: Calgary Drug Treatment Court 2012 Evaluation Report, I. Hoffart, Synergy Research Group, October 2012, at p. 33.

The following Table shows the monetized Social Return on Investment (SROI) during Year 1 of

the period referenced in the Report:

Table - SROI Year 1 CDTC

Area of Cost/Benefit	Minimal portion of participants	Moderate portion of participants	High portion or participants	Total Taxpayer Cost/Benefit
Substance use	\$0	\$0	\$0	\$0
Child custody	\$0	\$0	\$0	\$0
Health	\$5,435	\$10,333	\$2,801	\$18,569
Community Services	-\$1,270	-\$1,905	-\$3,176	-\$6,351
Crime	\$340,529	\$1,001,063	\$1,473,671	\$2,815,263
Employment	\$0	\$0	\$0	\$0
Housing	\$20,681.50	\$53,294.50	\$53,550	\$127,526
Total Benefits				\$2,955,007
Modesty of Claim (16% of Benefit)				\$472,801
Program Costs				\$759,395
Net Benefit				\$1,722,811
				Net Benefit to Cost Ratio = \$2.27

Calgary Drug Treatment Court – 2012 Evaluation Report, I. Hoffart, Synergy Research Group, October 2012, at p. 34.

The following Table shows the monetized social return on investment during Year 2:

Table - SROI Year 2 CDTC

Area of Cost/Benefit	Minimal portion of participants	Moderate portion of participants	High portion of participants	Total Taxpayer Cost/Benefit
Substance use	\$11,429	\$0	\$0	\$11,429
Child custody	\$0	\$0	\$0	\$0
Health	\$5,484	\$10,480	\$0	\$15,964
Community Services	-\$2,816	-9.063	\$0	-\$11,879
Crime	\$340,529	\$1,001,063	\$273,67	\$1,615,263
Employment	\$174,509	\$560,917	\$490,207	\$1,225,633
Housing	\$20,681.50	\$28,958.00	\$0	\$49,639
Total Benefits				\$2,906,049
Modesty of Claim (16% of Benefit)				\$464,967
Program Costs				\$325,455
Net Benefit				\$2,115,627
Net Benefit to Cost Ratio = \$6.50				

Source: Calgary Drug Treatment Court – 2012 Evaluation Report, I. Hoffart, Synergy Research Group, October 2012, at p. 35.

The 2012 Evaluation concludes:

“The SROI ratio indicates that, for every dollar spent, \$2.25 is created in savings to the community in the first year of program and \$6.50 is created in the second year.

The program results and value created as illustrated through the SROI indicates that this program is a worthwhile long-term investment to reduce drug use and criminal involvement among repeat offenders who are suffering from the chronic disease of addiction.”

Calgary Drug Treatment Court – 2012 Evaluation Report, I. Hoffart, Synergy Research Group, October 2012, at p. 35.

Based on the SROI analysis undertaken as part of the 2012 Evaluation of the Calgary Drug Treatment Court program, a cumulative net benefit, over a 2-year period, of nearly \$4 Million resulted from the participation of just 18 successful offenders.

3. The Current Picture

An analysis of updated and additional data collected since the completion of the 2012 CDTC Evaluation referred to above has been very recently (fall, 2013) conducted for the Calgary DTC. The Table below covers the period from when the Calgary DTC was first “fully” funded [i.e. at levels roughly commensurate with annual federal funding for the six federally funded DTC programs], until October 31 of 2013:

Calgary DTC Graduation and Participant Levels

a) Graduation and Discharge Rates

April 1, 2010 – Oct. 31, 2013		
	Number	*Outcome/ Success Rate
Graduates	22	44.9%
Released Participants (dropped out or discharged)	27	55.1%
Total Participants	49	100%

**Rate reflects those who had left the program by Oct. 31, 2013. Does not include remaining active participants as at that date.*

b) Number/Percentage of Graduates, Discharges and Active Participants

April 1, 2010 – Oct. 31, 2013		
	Number	**Percentage by Program Status
Graduates	22	27.5%
Released Participants (dropped out or discharged)	27	33.7%
Current Active Participants @ October 31/13	31	38.7%
Total Participants	80	100%

***Shows the percentage of all participants served within the period by current program status, i.e. includes those still in the program as at October 31, 2013.*

In addition to the above:

- 38.7% of those discharged during this period stayed in the program for one year or longer.
- The mean number of days in the program for these discharged participants was 352.83.

[Source: Current Acting Director of Calgary DTC Arla Liska, via email dated November 5, 2013]

The graduation rate for the Calgary DTC depicted in the graph (a) above is very similar to (in fact slightly higher than) the graduation rate for the Edmonton Drug Treatment Court for the November 2009-November 2010 period depicted in “Table 1” under the “Edmonton DTC” section under “Part III” of this Report, above.

In turn, these graduation rates for the Edmonton and Calgary DTCs are significantly higher than the graduation rates for other federally funded Canadian DTCs that are depicted in the graph in Part III (A) above under “DTCs in Canada”.

Further, the mean number of days that Calgary DTC participants who were ultimately discharged without graduating during the April 1, 2010 – October 31, 2013 period depicted in the charts above was **352.83** days (i.e. almost one year in the program). This lengthy time period reasonably suggests that a high percentage of participants who are discharged without meeting all of the requirements of the program were nevertheless “substantially engaged” in the program, and achieved a range of positive outcomes, even though they could not meet all necessary criteria for graduation.

IV. ALBERTA DTC PROGRAMS REPRESENT A SIGNIFICANT OPPORTUNITY TO AVOID COSTS

Individuals who become participants in the Alberta DTC programs have by definition come into contact with the criminal justice system as a result of their addictions. Of necessity, their interaction with the criminal justice system gives rise to costs, both direct and indirect. Using information gleaned from the various studies and evaluations on the Alberta DTCs, the opportunity for cost savings on the part of the Province will be readily seen.

A) Incarceration Cost Avoidance

A majority of DTC participants are individuals who would not (outside a DTC program) be granted bail; instead they would be detained in custody until their charges were disposed of. The cost per day for a drug court participant has been estimated as \$62. The cost to keep an individual in an Alberta correctional facility is \$119 per day. On a per-diem analysis alone, the DTC program saves money.

The average time from entry to graduation for a DTC participant is 15 months. Using this average, the cost of a DTC participant from entry to graduation would be \$27,900 ($\62×450 days). That sum (\$27,900) would be enough to house an offender in an Alberta correctional facility for less than 8 months (7.8 months or 234.5 days \times \$119). All participants in the Alberta

DTC programs otherwise face prison terms that are usually significantly more than that.

The average length of prison term faced by DTC participants is 26 months. Without a DTC program, an offender facing a term of 26 months would likely spend some time in pre-trial custody before his or her charges were finally disposed of, and a further period following sentencing. Assuming an individual facing a 26 month sentence spent 8 months in pre-sentence custody, received a net sentence of 18 months and served 2/3 (or 12 months) of that net sentence, he or she would spend a total of 20 months (or 600 days) in custody. The cost to the Province of having that individual in custody would be estimated at \$71,400.00 (600 x \$119).

These costs do not take into account the costs of supervision while on release (e.g. after serving 2/3 of a sentence) nor the risk and costs of reoffending which would be significant if the offender remained an untreated addict.

Comparing the cost of the average graduate (\$27,900) to the cost of incarceration of the average participant (\$71,400) the potential cost avoidance to the Province from this perspective alone is \$43,500 per graduate.

If that calculation were applied to the 83 graduates of the Edmonton DTC program the cost avoidance over 6 years would be \$3,610,500.00. The cumulative federal investment in the Edmonton DTC program (at \$583,760 per year) over that period is \$3,502,560.00. The potential savings in avoided corrections costs alone exceed the amount invested in the program.

These figures can be applied to the Calgary program which has a similar cost per participant.

B) Public Sector Cost Avoidance

The foregoing deals only with direct incarceration costs. Individuals in active addiction who commit crimes place demands on other public services, including emergency medical services, policing, the Courts, social welfare, food and shelter programs and other services and programs. Rehabilitation through structured services that address the root causes of addictive behavior, coupled with a requirement for personal responsibility, has the potential to reduce these demands significantly.

The Social Return on Investment studies cited above illustrate the significant extra financial value generated by investment in DTCs.

C) Victimization Cost Avoidance

DTCs also serve the interests of victims and potential victims. DTC participants commit crimes to feed their addictions. Some participants sell drugs on a low level basis. Some may engage in prostitution. Some commit thefts from individuals and businesses. Pawn shops and purchasers of stolen property typically pay a fraction of its value (say 10%). Thus, an offender who steals to support a habit must steal property of a significant value in order to secure enough money to purchase drugs. This has a significant impact on individuals, businesses and insurers. Stated otherwise, victimization carries costs, direct and indirect, financial and personal.

Any opportunity to reduce victimization by addicted offenders carries significant benefit for Albertans.

Assuming an addict were to commit one crime each day to feed his or her drug habit (and participants say that is a low estimation), then one addict who is clean for 30 days translates to 30 fewer crimes and 30 fewer victims. Using the “one crime a day” metric, a DTC participant who takes an average of 15 months to graduate would have been prevented from committing 450 crimes and creating (at least) 450 victims during that time. Assuming that individual remains drug and crime free thereafter, that means a lifetime of fewer crimes and victims.

In short, this “cost avoidance model” produces tangible, better outcomes for Albertans.

V. LONG TERM FUNDING IS ESSENTIAL

Long term stable funding is essential to a successful drug treatment court. When an offender pleads guilty and enters the DTC program, it is on the understanding that there will be a program for him or her to participate in and, if all goes well, to graduate from. Participation is a long term prospect - the average is 15 months but many participants take longer than that (18 months or more).

The Edmonton DTC program has been funded with Federal grant monies since its commencement in 2006. The Edmonton program has received \$583,760 per year from that source. This sum has not increased since 2006, despite rises in the real cost of services in Alberta. In spite of this static budget the Edmonton program has expanded its throughput, its average monthly participants, and its annual number of graduates, each year, since its commencement.

The federal funding that supports the Edmonton program runs to March 2015. These funds are filtered through the Province. There is currently a contract in place between the Province and the John Howard Society to fund the Edmonton DTC until March 31, 2014.

The Calgary DTC program is funded by the Province and is currently not funded past March 31, 2014.

VI. IMPACT OF DISCONTINUING THE ALBERTA DTC PROGRAMS.

Discontinuing the Alberta DTC programs would have a number of impacts.

The Province would lose the potential to save costs as discussed above. The costs include direct costs (incarceration) and indirect costs (those associated with continued offending and continued drug use).

The Province would lose the opportunity to reduce the victimization of its citizens by drug addicted offenders.

Legal issues may arise with offenders in mid-program who are willing to complete the program but are not able to. How is sentencing to proceed in those circumstances? Other difficult issues may arise respecting bail status if the program supports are taken away. Further, given that a number of participants suffer from various mental health issues there would be a significant personal impact to abandoning them in the middle of an intensive program.

Discontinuance of the Alberta DTC programs would be inconsistent with the course being charted by the federal government in the *National Anti-Drug Strategy*. That strategy expressly recognizes the importance of treatment in combatting drug related crime.

Further, the *Controlled Drugs and Substances Act (CDSA)* expressly contemplates the availability of “approved” drug treatment programs. Where an individual has successfully completed such a program, a court is not bound to impose the statutorily mandated minimum sentence (*see s. 10 CDSA*). The Calgary and Edmonton DTC programs are “approved” programs under the *CDSA*. If these programs are not available there would be no opportunity for offenders in Alberta to avoid the impact of a minimum sentence. This may disrupt the constitutional balance being struck in the *CDSA*, and raise the potential for *Charter* challenges.

VII. CONCLUSION

Research has borne out the proposition that DTCs are an effective criminal justice system response, both as to cost and result, to address high risk/high needs offenders.

Research has identified certain features of effective DTCs. Alberta's current DTCs have incorporated these features. These include careful screening of potential offenders; a post plea, pre-sentence model with judicial oversight, using sanctions and incentives to modify behaviour and reward compliance; random drug testing to monitor compliance; providing a variety of therapies and other community supports for offenders; and maintaining a highly trained team under the leadership of a trained judge or team of judges.

DTCs present an opportunity for the Province to avoid costs it would otherwise be required to incur and at the same time achieve better results and reduced recidivism for offenders whose addictions have brought them in to contact with the criminal justice system.

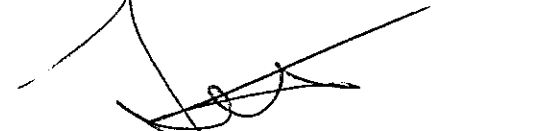
Non-financial returns are also established. Victimization is reduced, families are restored, health is improved, and hope returns for lives previously lost to addictions

DTCs play an important part in Canada's *National Anti-Drug Strategy*. The federal government recognizes the important and effective role played by DTCs in addressing drugs and crime.

The investment necessary to achieve significant savings and better results is relatively modest.

Alberta has an opportunity to be a leader in Canada for this innovative and effective program to address the addicted offender population in the criminal justice system.

ALL OF WHICH IS RESPECTFULLY SUBMITTED BY THE PROVINCIAL COURT OF ALBERTA



The Honourable Terrence Matchett
Chief Judge, Provincial Court of Alberta

Dated December 6th, 2013

APPENDICES

1. The 10 Key Components of Effective Drug Treatment Courts.
2. Performance Benchmarks for Effective Drug Treatment Courts.

THE TEN KEY COMPONENTS

- Key Component 1** Drug courts integrate alcohol and other drug treatment services with justice system case processing.
- Key Component 2** Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
- Key Component 3** Eligible participants are identified early and promptly placed in the drug court program.
- Key Component 4** Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
- Key Component 5** Abstinence is monitored by frequent alcohol and other drug testing.
- Key Component 6** A coordinated strategy governs drug court responses to participants' compliance.
- Key Component 7** Ongoing judicial interaction with each drug court participant is essential.
- Key Component 8** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
- Key Component 9** Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
- Key Component 10** Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.¹

¹ NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS & BUREAU OF JUSTICE ASSISTANCE, U.S. DEP'T OF JUSTICE, DEFINING DRUG COURTS: THE KEY COMPONENTS (1997), available at <http://www.ojp.usdoj.gov/BJA/grant/DrugCourts/DefiningDC.pdf>.

PERFORMANCE BENCHMARKS

- Benchmark 1** Initial and ongoing planning is carried out by a broad-based group, including persons representing all aspects of the criminal justice system, the local treatment delivery system, funding agencies, the local community other key policymakers.
- Benchmark 2** Documents defining the drug court's mission, goals, eligibility criteria, operating procedures, and performance measures are collaboratively developed, reviewed, and agreed upon.
- Benchmark 3** Abstinence and law-abiding behavior are the goals, with specific and measurable criteria marking progress. Criteria may include compliance with program requirements, reductions in criminal behavior and AOD use, participation in treatment, restitution to the victim or to the community, and declining incidence of AOD use.
- Benchmark 4** The court and treatment providers maintain ongoing communication, including frequent exchanges of timely and accurate information about the individual participant's overall program performance.¹
- Benchmark 5** The judge plays an active role in the treatment process, including frequently reviewing of treatment progress. The judge responds to each participant's positive efforts as well as to noncompliant behavior.
- Benchmark 6** Interdisciplinary education is provided for every person involved in drug court operations to develop a shared understanding of the values, goals, and operating procedures of both the treatment and justice system components.
- Benchmark 7** Mechanisms for sharing decision making and resolving conflicts among drug court team members, such as multidisciplinary committees, are established to ensure professional integrity.²

¹ All communication about an individual's participation in treatment must be in compliance with the provisions of 42 CFR, Part 2 (the federal regulations governing confidentiality of alcohol and drug abuse patient records), and with similar State and local regulations

² NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS & BUREAU OF JUSTICE ASSISTANCE, U.S. DEP'T OF JUSTICE, *DEFINING DRUG COURTS: THE KEY COMPONENTS* (1997), available at <http://www.ojp.usdoj.gov/BJA/grant/DrugCourts/DefiningDC.pdf>.