

The Drug Court

Attorney General's Department of NSW

What does the Drug Court do?

The Drug Court is a special court with responsibility for handling non-violent cases committed by people who are dependent on illegal drugs.

The Drug Court aims to:

- ✓ reduce crime associated with illicit drug use;
- ✓ reduce criminal activity;
- ✓ have a participant cease illegal drug use while participating in the program; and
- ✓ improve a participant's health and social functioning.

The Drug Court helps a drug dependant offender to deal with his or her drug dependency by combining treatment services with comprehensive and intensive supervision by the Court in the Drug Court program.

Who can use the New South Wales Drug Court?

To be eligible for entry into the Drug Court program, a person must:

- ✓ be an adult
- ✓ be charged with an offence which does not involved physical violence or sexual assault;
- ✓ have no offences involving physical violence or sexual assault pending before a Court anywhere;
- ✓ be dependent on illegal drugs;
- ✓ be likely to be sentenced to imprisonment for the offence;
- ✓ usually live in the Western Sydney region covered by the Local Government areas of Auburn, Bankstown, Baulkham Hills, Blacktown, Campbelltown, Fairfield, Hawkesbury, Holroyd, Liverpool, Parramatta and Penrith;
- ✓ plead guilty to the offence and
- ✓ be willing to participate in the Drug Court program.

The New South Wales Drug Court Program

The Drug Court program lasts for at least 12 months and consists of:

- ✓ intensive judicial supervision;
- ✓ treatment for your drug addiction;
- ✓ intensive supervision and case management by the Probation and Parole Service;
- ✓ provision of a range of support services for educational, vocational and health issues; random testing for drug use; and
- ✓ the use of incentives and sanctions to compel participation in the program.

To be accepted into the Drug Court program a participant must be willing to obey the strict terms and conditions set out by the Court. These will include:

- ✓ completing a drug treatment program ordered by the Court;
- ✓ not taking any illicit drug;
- ✓ not committing any new offences
- ✓ submitting urine samples for drug testing;
- ✓ attending court regularly (starting with every week); and
- ✓ attending counselling; personal development courses; educational courses; employment interviews and other appointments.

To enable the Court to develop the best program to treat your drug addiction participants will be required to undergo a period of detoxification and stabilisation while a treatment plan is developed. This will happen in a special Detoxification Unit within a goal and will usually take around 7 days. The period may be longer or shorter depending on the participant's particular health needs.

New South Wales Drug Court: Information for Defendants and their Advocates

What happens to the charged laid against me?

If the Court decides you are eligible for the Drug Court program and you are willing to obey the conditions of the Court, the Court will ask you to enter your plea of guilty to the offence(s) with which you have been charged. The Drug Court will then convict and sentence you for the offence(s).

The sentence will be suspended while you satisfactorily participate in the program and reviewed by the Drug Court when the Drug Court program ends.

What happens if I obey the conditions of the Drug Court program?

If you are progressing well in the Drug Court program, the Court can give you rewards including:

- ✓ decreasing the number of times you have to come to court;
- ✓ decreasing the number of samples you have to give for drug testing; and
- ✓ decreasing the level of probation supervision.

If you successfully complete the program, the Drug Court will review the original sentence taking into account your success in the program. If this happens, you can expect the Court to impose a lesser sentence on you which is unlikely to include going to goal.

What happens if I disobey the conditions of the Drug Court program?

You will breach the Drug Court program if:

- ✓ you take illegal drugs or fail to provide a sample for drug testing; commit further offences;
- ✓ fail to comply with the drug treatment plan;
- ✓ fail to attend Court;
- ✓ fail to attend any course you are directed to attend; or
- ✓ fail to obey any direction of the Drug Court, your treatment provider or your Probation and Parole officer.

If you breach the program, the Drug Court can apply sanctions against you including:

- ✓ increasing supervision by the Court and probation officer;
- ✓ requiring you to come to Court more often;
- ✓ increasing the number of drug tests you must comply with;
- ✓ making you pay a fine; and
- ✓ sending you to goal for up to 14 days.

If you continue to breach the Drug Court program or are charged with a serious offence, the Court can terminate your participation in the program. If this happens your original sentence will be reviewed and you will probably be sentenced to goal for the offences(s) that brought you to the Drug Court.

What happens if I start the program and decide I do not want to continue?

You can ask the Drug Court to end your participation in the program at any time. If you end the program the Court will review your original sentence and impose a new sentence on you. If you have not completed most of the program, you can expect the court to send you to goal after it ends the program.

Can I appeal the decisions made by the Drug Court?

You have **no right of appeal** against any decisions made by the Drug Court relating to:

- ✓ the decision not to accept you into the Drug Court program;
- ✓ the original sentence imposed by the Drug Court;
- ✓ the conditions imposed on you by the Drug Court; or
- ✓ any sanctions or rewards imposed by the Drug Court.

You **may appeal** the final sentence imposed by the Drug Court for the offence(s) with which you have been charged. That final sentence is imposed after the Drug Court program ends. The appeal is to the Court of Criminal Appeal.

Who can help me decide what to do?

You should carefully consider your decision to enter the Drug Court program.

The Drug Court will require you to commit to becoming free of illegal drugs and crime. You must be prepared to work very hard to successfully complete the program. If you decide to enter the program, the Drug Court will help you to gain the skills and behaviours to become a law abiding and drug free member of our community.

If you choose not to enter the Drug Court program, your court case will continue in the normal way. You should discuss the options available to you with your lawyer before making a decision. A Legal Aid lawyer will be available for all people wanting to participate in the Drug Court program.

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