



GOVERNMENT OF BERMUDA
Ministry of Culture and Social Rehabilitation

Department of Court Services

THE BERMUDA DRUG TREATMENT COURT PROGRAMME

Background information

Drug Courts were created first in the United States in the mid 1980's to combat recidivism experienced when the traditional approach of fines and incarceration was employed with drug-related offenders. It had become clear that; Incarceration did little to break the cycle of drug use and crime; Persons sentenced to prison for drug-related offences exhibited a high rate of recidivism once released; Substance abuse treatment is effective in reducing addiction and drug-related crime: the longer someone remains in treatment, the more effective that treatment is.

In Bermuda

During the late 1980's a comprehensive review of the criminal justice system was conducted in Bermuda by Judge Steven Tunim, and it concluded that;

- Sentencing was far too punitive.
- Greater assistance was required for substance abusing offenders.
- Alternatives were necessary.
- During the early 1990's, The National Drug Commission was established as a result of a report by Dr. David Archibald on substance abuse in Bermuda. American University was commissioned in the late 1990's to study the possible effectiveness of a drug treatment programme for Bermuda. The Government of Bermuda approved the Alternatives to Incarceration (ATI) Initiative, which included the establishment of a Drug Treatment Court Programme (DTCP).

Overview

- The Drug Treatment Court programme is designed for non-violent, substance abusing offenders who meet specific criteria.
- The offender agrees to voluntarily to enter the programme.
- Once they agree to enter they can not withdraw from the programme.
- The programme has five (5) phases.
- The programme is conducted in a non-adversarial environment.
- The Magistrate has the final say.

The enactment of the Criminal Code Amendment Act 2001 (bermudalaws.bm)

- Allowed for the establishment of a Drug Treatment Court Programme.
- Person Pleads or is found guilty of an offence.
- Appears to satisfy eligibility Criteria.
- Willing to undergo an assessment to determine suitability for a drug treatment programme.
- Offender directed to appear before the Drug Treatment Court
- The Drug Treatment Court is satisfied that a person is suitable for enrollment and enrollment in a drug treatment programme.
- It is in the best interest of the offender to be enrolled.
- Offender agrees to be enrolled in such programme.
- Allows for sanctions and incentives

The Court Process

- Ø Instead of convicting the offender, they are ordered to be enrolled in a drug treatment programme.
- Ø The Drug Treatment Court Programme shall monitor the progress of the offender throughout the duration of the programme.
- Ø Where an offender fails, without reasonable excuse, may:-
- Ø Impose any sanction, including, imprisonment for a period not exceeding 20 days, and require the offender to continue in the drug treatment programme.
- Ø Revoke the order, convict the offender, and impose any sentence that could have been imposed at the time the order was made.
- Ø The Guilty Plea is irrevocable.
- Ø If a person successfully completes a drug treatment Court they are deemed to have become a rehabilitated person (for that offence).

EXCLUDED OFFENCES

- Murder
- Manslaughter
- Infanticide
- Sexual assaults resulting in a sentence of imprisonment
- Any violent offence named in the Children Act
- Deprivation of liberty
- Robbery
- Arson
- Demanding property with menaces
- All offences under the Firearms Act
- Importation or supply of drugs, or possession with intent to supply
- Felony assaults
- Attempt or conspiracy to commit any of the above offences.

The Five Phases

Phase One 30 Days: The Assessment -

The assessment is conducted by The Bermuda Assessment and Referral Center (BARC). It is the primary source of referral to treatment and ancillary services for substance abuse treatment, both criminal justice clients and others deemed at risk. The assessment center prepares the offender for the intensive treatment phase of the DTCP. Detoxification may be identified as a need, if so; the offender would be referred prior to admittance for intensive treatment (at detox).

Phase Two Intensive Treatment –

The core component of treatment for offenders in the DTCP is provided by the established treatment providers on the island. After assessment, offenders are referred to the agency that is best suited to meet their needs. All protocols of the respective agency are followed, and work in conjunction with those of the DTCP.

The offender is a client of the system; therefore referral to any agency will be based on their immediate need.

PHASE TWO – INTENSIVE TREATMENT – 90 DAYS

Programme Completion Requirements	Activity Guidelines	Treatment Accomplishments
<ul style="list-style-type: none">• Attend scheduled court appearances• Attend and participate as per case plan• No more than two sanctions• Drug free for 90 consecutive days• No new arrest resulting in conviction	<ul style="list-style-type: none">• Substance misuse treatment• Community support programme• Drug testing twice per week observed• Court appearances bi-monthly• Case manager contact bi-weekly	<ul style="list-style-type: none">• Attend and actively participate in required treatment sessions• Be actively involved in meeting goals identified in case plan• Maintain abstinence for 90 consecutive days• Attend community support meetings

Phase Three - Education and Employment –

An essential component of any treatment process is to ensure that the participants are provided with the necessary skills to function in the community at large. The DTCP works to assist each offender to obtain a competent level of functioning to enable them to become self-sufficient. Therefore, any educational upgrading or employment assistance that is identified will be addressed.

PHASE THREE – EDUCATION AND EMPLOYMENT – 120 DAYS

Programme Completion Requirements	Activity Guidelines	Treatment Accomplishments
<ul style="list-style-type: none"> • Attend scheduled court appearances • Attend and participate as per case plan • No more than two sanctions • Drug free for 120 consecutive days • No unexcused failures to meet with case manager • No new arrests resulting in conviction 	<ul style="list-style-type: none"> • Continued substance misuse treatment • Self-help programme • Life skills training [as indicated in case plan] • Vocational and housing review • Relapse prevention • Referral to Aftercare Services • Transition / Aftercare plan • Drug testing weekly and randomly – unobserved • Monthly court appearance 	<ul style="list-style-type: none"> • Attend and actively participate in required treatment sessions • Be actively involved in meeting goals identified in case plan • Maintain abstinence for 120 consecutive days • Attend community support meetings • Actively participate in life skills training if indicated in case plan

Phase Four -Transition –

Preparation for programme completion and continued focus on life skills dominate this phase. Offenders are strongly encouraged to seek support networks to assist with their continued progress

Programme Completion Requirements	Activity Guidelines	Treatment Activities
<ul style="list-style-type: none"> • Attend scheduled court appearances • Attend and participate as per case plan • No more than two sanctions • Drug free for 120 consecutive days • No unexcused failures to meet with case manager • No new arrest resulting in conviction 	<ul style="list-style-type: none"> • Continued substance misuse treatment • Self help programme • Life skills training • Vocational and housing review • Relapse prevention • Aftercare services • Transition ceremony • Drug testing weekly / randomly observed • Court appearances monthly • Case management contact monthly 	<ul style="list-style-type: none"> • Participate in required treatment • Meet case plan goals • 120 days drug free • Community support meetings • Life skills training • Relapse prevention

Phase Five - Transition and Aftercare –

After all treatment requirements are met, i.e., drug free urinalyses, and no new arrests resulting in conviction during the treatment period, the offender has qualified for transition from the Drug Treatment Court Program. Transition from the Drug Treatment Court Program, is accompanied by an aftercare plan and the appropriate referrals.

This transition is from the intensive supervision component of the DTCP.

THE TEAM

