

# **ISSUP PANEL DISCUSSION**

## **Alternatives to Imprisonment for Drug Users**

### **The Judicial Perspective of Implementing Alternatives to Incarceration throughout the Justice System**

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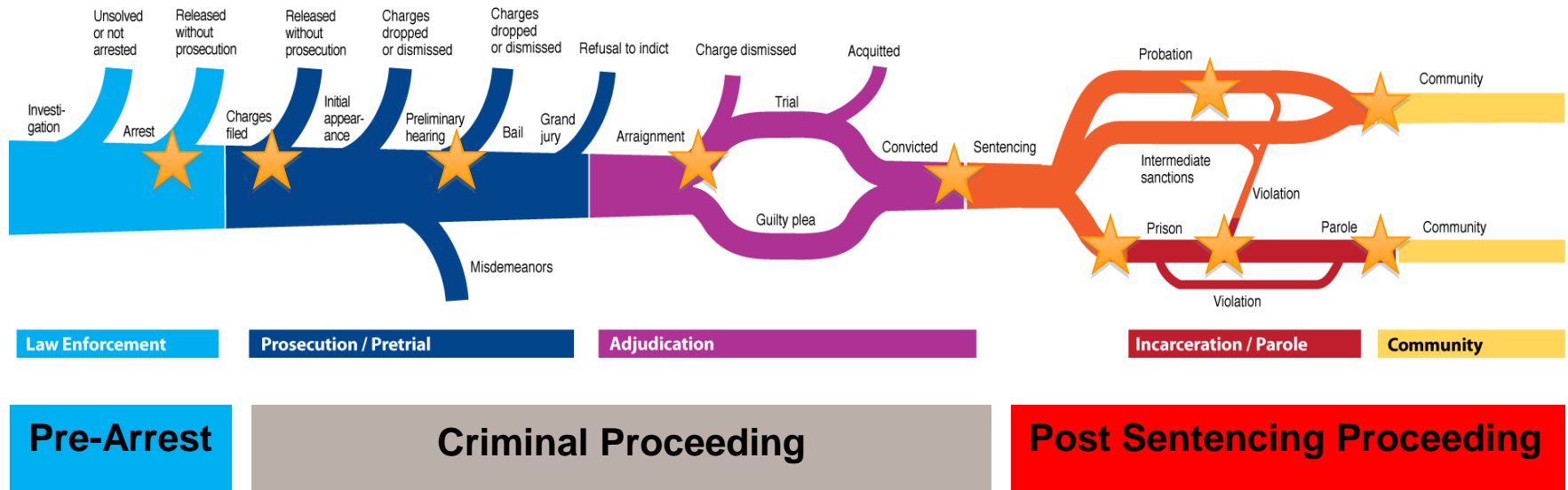
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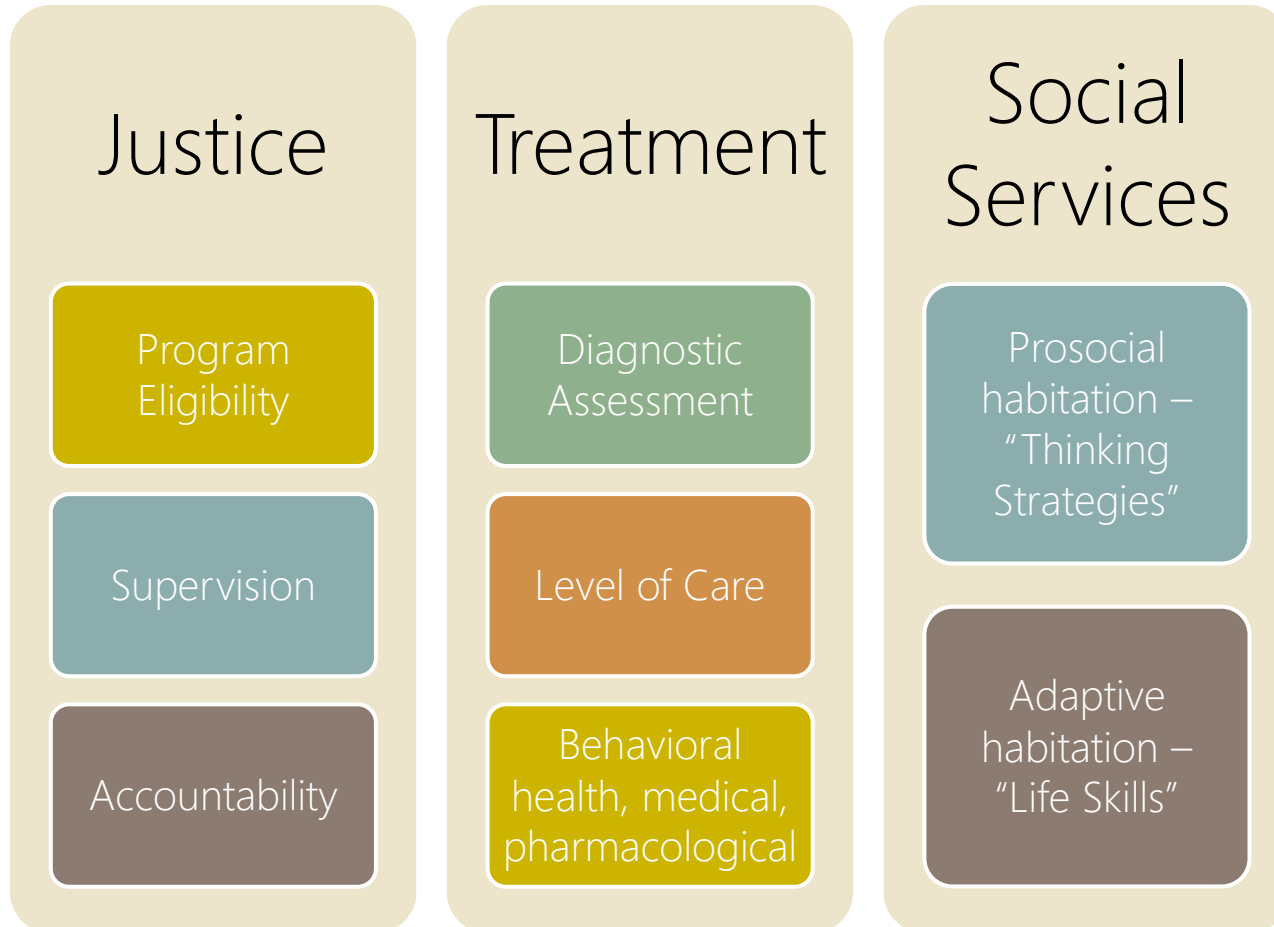
# Purpose of the Courts

- Promote justice in individual cases.
- Ensure the public perceptions of justice in individual cases.
- Provide an impartial forum to resolve legal disputes.
- Protect individuals against the arbitrary use of governmental power.
- Provide for a formal record of legal status.
- Deter criminal behavior.
- Rehabilitate individuals convicted of crime.
- Provide for the separation of convicted individuals from society where necessary.

# Justice Opportunities To Intervene with Treatment



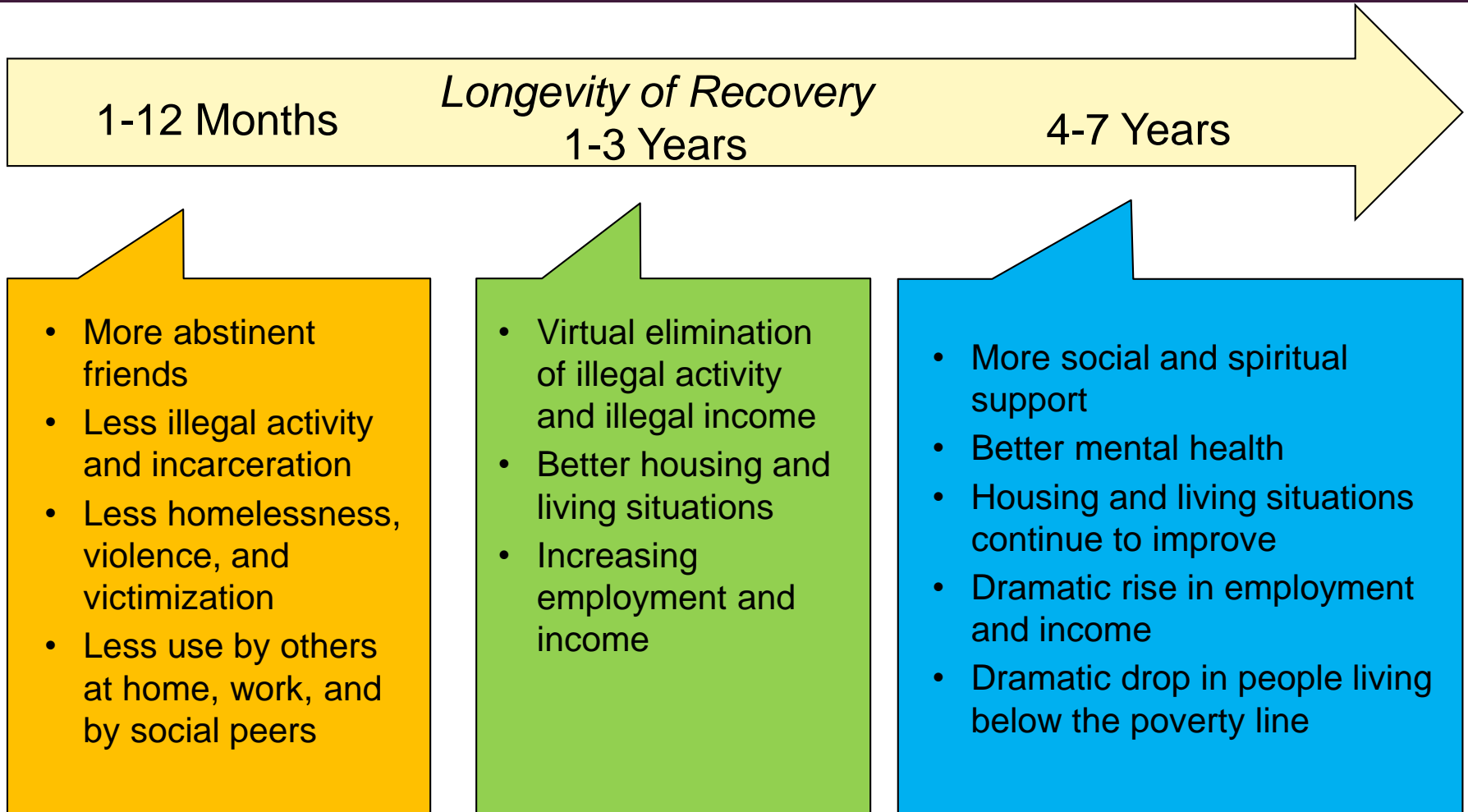
# The Systems Involved



# Need Based Interventions

	<b>High Risk For Recidivism</b>	<b>Low Risk For Recidivism</b>
<b>High Need For Treatment</b>	Supervision Treatment Thinking Strategies Life Skills	Treatment (Thinking Strategies) Life Skills
<b>Low Need For Treatment</b>	Supervision Thinking Strategies (Life Skills)	Prevention Diversion

# Reasonable Expectations Over Time



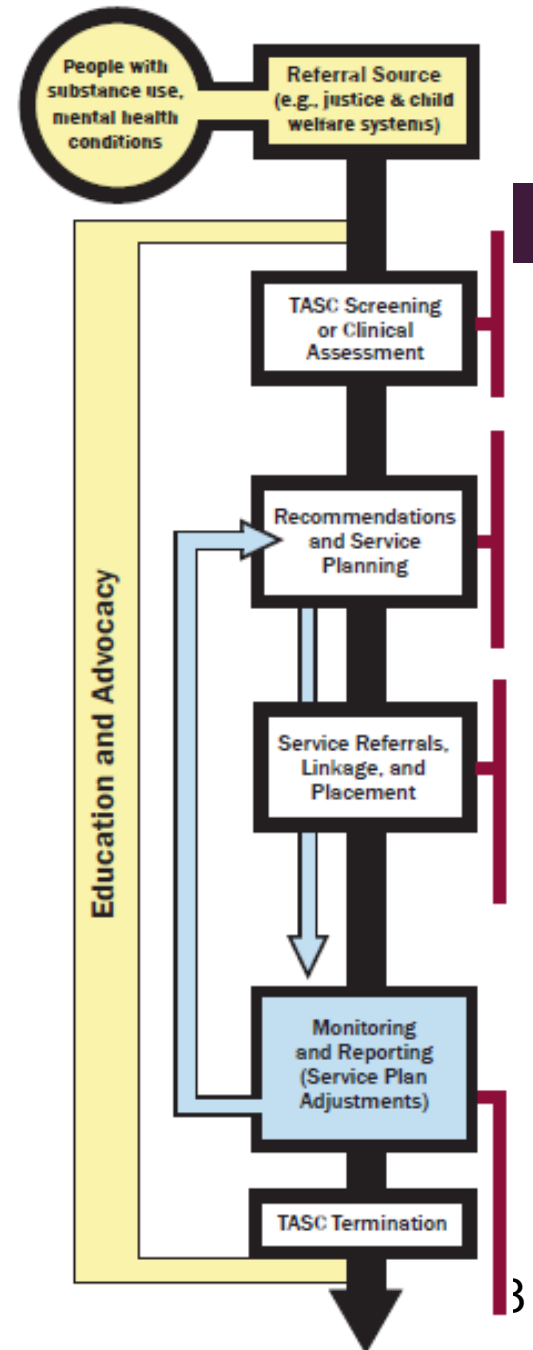
# Specialized Case Management



# Specialized Case Management Model

Individuals with substance use, mental health conditions are referred:

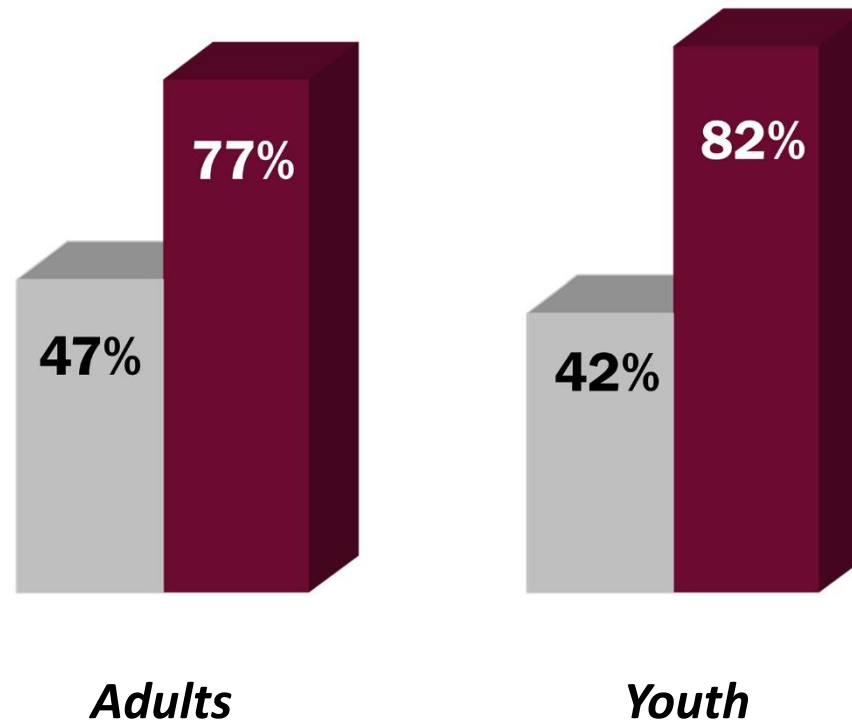
- Identification, screening, assessment
- Recommendations and service planning
- Service referrals, linkage, and placement
- Monitoring, reporting, and service plan adjustments
- Ongoing education and advocacy
- Work together through completion





# Better Outcomes Achieved

## Substance Use Treatment Completion Rates



- Individuals referred to treatment by criminal or juvenile justice systems
- TASC Criminal/juvenile justice clients receiving treatment plus specialized case management

# Effective Collaboration

## Promoting treatment of drug use disorders by effective coordination between the justice system and health and social services

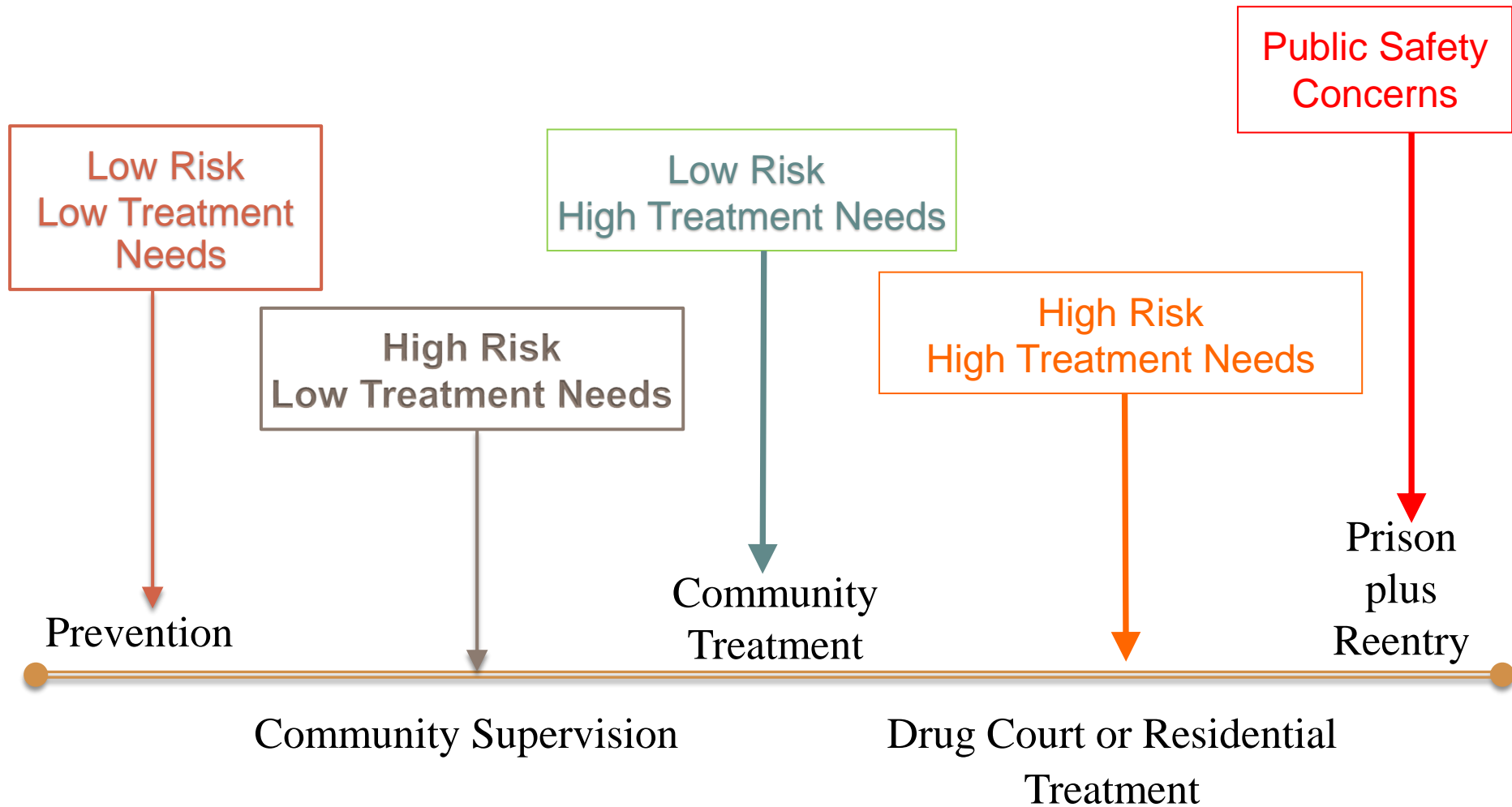
- Drug use disorders should be considered primarily as health problems rather than criminal behaviors
- As a general rule, drug users should be treated in the health care system rather than in the justice system.
- Even though individuals with drug use disorders may commit crimes, these are typically low-level crimes used to finance the drug purchase, and this behavior typically stops with the effective treatment of the drug use disorder.
- Justice system should collaborate closely with the health and social system to encourage treatment in the health care system over criminal prosecution or imprisonment

# Proportionality

- Balance **seriousness** of offense and **severity** of punishment
- **Minimum level needed** to protect society
- **Suitable type of supervision and treatment**; reviewed, adjusted and terminated when appropriate
- **Responses to non-compliance** or breaches not automatically custodial in nature



# Intervention Continuum





Source: Police Treatment and Community Collaborative. (2017). *Pre-arrest diversion: Pathways to Community*[Brochure]. Author. Retrieved from <http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/PTAC-Pathways-Visual.pdf>.

Qualifications – many are limited to misdemeanors or non-violent crimes (unless victim permission is obtained), first-time offenders, or those in need of some treatment

General Conditions - such as committing no new crimes, remaining drug or alcohol free, reporting as required, reporting changes in contact information, maintaining or seeking employment.

Make Whole Provisions - such as paying restitution, participating in a victim panel, or doing community service.

Therapeutic Conditions - participating in drug, alcohol, or mental health treatment, attending counselling services or anger management classes, or completing employment readiness classes.

- Drug courts
  - ▣ Adult, Juvenile, Family
  - ▣ Opioid
  - ▣ Dual Diagnosis
- Mental Health Courts
- Driving Under the Influence (DUI)
- Veterans Courts
- Domestic Violence
- Human Trafficking
- Reentry Courts
- Community Courts
- Tribal Healing to Wellness
- Truancy

## Eligibility:

- Diagnosis of a substance use disorder (SUD)
- Nexus between the SUD and charges
- Charges qualify for probation

## Specialized Case Management Services Received from community “designated program”:

- Screening, assessment, referral to treatment and social services
- Regular monitoring, support, and justice communications

## Successful Completion:

- Treatment, housing, education/employment, recovery plan, clean toxicology screens
- Dismissal of eligible charges



Can be used in cases with mandatory minimum Incarceration.

Serves individuals with a substance use disorder upon (conditional) release from jail or prison.

- Treatment in a segregated setting prior to release
- Transition to the community with continued treatment, housing, and employment supports
- Aftercare takes place while living full-time in the community, and includes community monitoring, relapse prevention, and toxicology.

# QUESTIONS???



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