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THE JAMAICAN DRUG COURT
MRS. JUSTICE ZAILA MCCALLA
O.J. CHIEF JUSTICE OF JAMAICA

Presentation by
The Honourable Mrs Justice Zaila McCalla, O.J. Chief Justice of Jamaica
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The Jamaican Drug Court

Background

3

Jamaica is a country with a population of approximately 2.7 million people and is located in the beautiful Caribbean Sea. Jamaica is world renowned for its food, music, athletics and famous athletes such as Usain Bolt. Also said to be world famous is the high-quality ganja produced, which is also known as marijuana cannabis sativa or the herb. There is a large Rastafarian population in Jamaica, and for them marijuana is a part of their religion. They view it as a holy plant which enables them to deepen their faith and endows them with mythical and mystical abilities.



Background

4

Jamaica's proximity to the Americas has made it a popular spot for the passage of drugs especially marijuana and cocaine and which has spilled over into local consumption. The two drugs of choice in Jamaica are ganja and crack cocaine.

So many of our youths are plagued with the problem of drugs, many of them addicted to what we call "seasoned spliff", and others addicted to just plain "crack".



Background

- ; A vast number of our youths are dependent on drugs
- ; The problem of addiction and drug dependence has reduced their enormous potential
- ; This problem has led them to resort to various means to sustain their addiction or dependence
- ; Many of them engage in criminal activities resulting in their entrance into our criminal justice system

5

Solution

- ; The first solution was to lock them up and keep them in custody to give them a chance to 'cool out'; that did not have the desired effect
- ; Invariably since majority of them were guilty of no more than petty crimes they had to emerge sooner rather than later to continue on the path of crime

6

Solution

- ; It was not until the late 1990s that the solution became obvious from exposure to best practices from other countries
- ; Parliament in its wisdom enacted legislation which created a court that for the very first time did not have as its mandate the trial of cases but rather the treatment of the offender
- ; This Court was created through the passage of Legislation

7

Relevant Legislation

- ; The Drug Court (Treatment and Rehabilitation of Offenders) Act, 2001 and regulations made under the Act to:
 - a) reduce drug use and dependence by persons whose criminal activities are found to be linked to such dependence
 - b) Reduce criminal activity that results from drug abuse;
 - c) Provide assistance to drug abusers to enable them to function as law abiding citizens.

8

Implementation of Drug Courts

- ; The Act has provision for DTCs to be implemented in all 14 parishes of the Island.
- ; DTCs were implemented in the Corporate Area Criminal Court in Kingston in 2001 and in Montego Bay, Jamaica's second city and a prime tourist destination
- ; They were implemented as pilot projects in these two parishes and regrettably have remained as such

9

Implementation Rationale of the Courts selected

- ; Kingston is Jamaica's capital -metropolitan area with many drug dens with inhabitants plaguing major businesses and commercial enterprises resulting in loss of profits
- ; This Court has jurisdiction to deal with all criminal cases in the Corporate area. The court lists has a large number of cases involving drug dependent offenders

10

Implementation

Rationale of the Courts selected

- In July 2001 a DTC was implemented in the parish of St James, which has as its capital Montego Bay, a prime tourist destination with tourism being affected by petty thieves preying on tourists and on tourist oriented businesses
- The Montego Bay Resident Magistrates Court also has wide jurisdiction and a large number of cases

11

Eligibility- Liberal

- A person is eligible if he/she is:
 1. charged with any offence which is any offence triable by a Resident Magistrate
 2. dependent on the use of drugs or appears to be
 3. at least seventeen years of age
 4. not suffering from any mental condition that could prevent or restrict active participation in a prescribed treatment programme

12

Model

- ; There is legislative provision for an offender to be treated:
 - § whether or not he has been convicted
 - § whether a not guilty plea or a not guilty plea is entered; and also
 - § if found guilty by the Court
- ; On successful completion of the programme, there is no criminal record

13

Definition of Drugs

Drugs include:

- ; Ganja
- ; Cocaine
- ; Opium
- ; Morphine
- ; Alcohol

14

Operation of the Drug Court

- The individual must:
 - § meet the eligibility criteria
 - § be assessed by a treatment provider and a probation officer to determine suitability
 - § attend court once per week after admission for monitoring of progress by the Court.
 - § attend the treatment centre twice per week to undergo urine analysis
 - § receive counselling (group and individual)
- On successful completion, he/she becomes eligible for graduation

15

Graduation

- In order to truly understand the impact of the DTC on the life of an individual one has to attend a graduation ceremony
- For those who successfully graduate it is a life-changing and triumphant experience

16

Statistics for the Kingston Drug Court

; Total referred to the Court	373
; Admitted and eligible for the programme	187
; Graduated	69
; Drop out	118
; Active participants	13
; Pending admission	4

17

Statistics for the Montego Bay Drug Court

; Total referred to the Court	348
; Admitted and eligible for the programme	312
; Ineligible	49
; Graduated	139
; Drop out	5

18

Statistics for the Montego Bay Drug Court

- i Active participants 17
- i Pending admission 8
- i Success rate is 54% approximately

19

Challenges

- a) Lack of a designated budget
- b) Scarcity of resources both human and material
- c) Lack of knowledge and training
- d) Geographical limitations
- e) Lack of proper follow up
- f) Lack of proper evaluation
- g) Small number of graduates
- h) Moving from Pilot to Consolidation

20

Benefits of Drug Courts

No doubt implementation of DTC has had a significant impact on our criminal justice system and on the Jamaican society such as:

- ı reducing the rate of recidivism
- ı reducing prison population
- ı saving lives
- ı improving quality of lives
- ı saving significant economic costs

21

Aspirations for the future

- ı We are saddened by the fact that a programme which has such great potential is not being utilized to its fullest.
- ı We are striving to increase the number of graduates in our existing Courts
- ı We hope to extend DTC to at least two additional parishes, St. Catherine and St. Ann
- ı The kernel of a Drug Court has been implemented in Spanish Town which was once the capital of Jamaica and suffers from similar problems as Kingston- it is not fully implemented due to lack of human and financial resource constraints and training
- ı The Resident Magistrate in the parish of St. Ann in which Ocho Rios another popular tourist destination is located suffers from similar problems as Montego Bay. Potential clients have been identified and they are awaiting implementation.

22

Aspirations for the future

- ; Our Drug Courts have survived despite the limited resources allocated to them because of the unwavering dedication of the professionals who work in our Drug Courts. They continue to be inspired and motivated by the transformation in the lives of the participants.
- ; It is our goal to move DTCs from the pilot phase and make them a permanent fixture in our Criminal Justice System.
- ; It is our aim to have a Drug Treatment Court within the reach of every Jamaican in need.
- ; November is Drug Awareness Month in Jamaica and we intend to capitalize on this and to sensitize the public.

23

Conclusion

- ; We are going forward with a renewed zeal to sensitize all of Jamaica especially our policy-makers.
- ; We have gained much knowledge and benefitted tremendously from exposure to international conferences and the support of our American, Canadian and other partners.
- ; Judges of DTC have been encouraged and inspired to press on in spite of the many challenges.

24

Conclusion

• I extend my heartfelt thanks and appreciation for being invited to be a part of this conference.

Thank You!