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**PROBLEM SOLVING COURTS FOR JUVENILE DRUG-RELATED OFFENDERS**

# Problem Solving Courts for Juvenile Drug-Related Offenders

Presented by Her Honour Mrs. Paula Blake-Powell  
Senior Parish Court Judge  
Kingston and St. Andrew Family Court  
Jamaica

At the 61<sup>st</sup> OAS CICAD Regular Session, April 24-26, 2017, Washington D.C.

# Background to the Children's Drug Treatment Programme of the Kingston and St. Andrew Family Court , Jamaica

- ▶ Drug Treatment Courts for adults have existed in Jamaica since 2001.
- ▶ July 9-11, 2014 Attendance at Drug Treatment Court Skills Workshop, in Port of Spain, Trinidad and Tobago on "Implementing Juvenile Drug Treatment Courts as an Alternative to Incarceration for Drug Dependent Offenders".
- ▶ Sponsored by the Organization of American States/Inter-American Drug Abuse Control Commission (OAS/CICAD).
- ▶ The training was conducted mainly by the team from the Juvenile Drug Treatment Court of Miami Dade, Florida, U.S.A., led by Judge O. Prescott.

# Background – further steps to current model

IN AUG/SEPT 2015 THEN RM JACKSON-HAISLEY & I VISITED THE MIAMI DADE JUVENILE DRUG TREATMENT COURT, COURTESY OF OAS / CICAD SPONSORSHIP, TO SEE JUDGE O PRESCOTT & THE TEAM IN ACTION . WE ALSO VISITED “HERE’S HELP”– A RESIDENTIAL DRUG TREATMENT FACILITY FOR YOUNG MALES–& WERE CAPTIVATED BY WHAT WE SAW (& WE DREAMED THAT OTHERS WOULD SEE THIS TOO)

IN DEC 2015 A MULTI SECTOR TEAM WENT ON THE 1<sup>ST</sup> STUDY TOUR VISIT TO THE MD JDTC SPONSORED BY COMET II

TREMENDOUS BENEFITS WERE GAINED FROM THE TRAINING WORKSHOPS & STUDY TOUR & BEST PRACTICES OBSERVED HAVE BEEN & ARE BEING USED TO REFINE THE OPERATIONS OF THE CDTP DURING THE MONTHS OF ITS EXISTENCE

# PROTOCOLS FOR THE OPERATION OF THE CHILDREN'S DRUG TREATMENT PROGRAMME

- ▶ (AGE/TYPE OF CASES/CONSENT/EDUCATION)
- ▶ – Children (persons under age 18:section 2 Child Care and Protection Act) appearing before the Children's Division of the Kingston and St Andrew Family Court in the following three (3) types of cases. They are involved in drug use and are drug dependent, based on their own admission or the complaint or allegation of a parent or guardian or person in authority over them such as school officials, and the return of a positive drug test result.

# ELIGIBILITY CRITERIA

- ▶ Child Care and Protection Cases, sections 8 & 14 Child Care and Protection Act (no age limit)
- ▶ Uncontrollable Child Cases, section 24 Child Care and Protection Act (no age limit)
- ▶ Criminal Cases (age of criminal responsibility: 12 years, section 63 Child Care and Protection Act) Eg. Possession of offensive weapon, Larceny, Wounding, Assault.
- ▶ : Admission may occur at any stage of the criminal case, not necessarily after a conviction
  - : The offence is not necessarily drug related
  - : Admission is possible only for less serious offences. The most serious offences over which the Court has no final jurisdiction are excluded such as murder and rape.
- ▶ Children suffering from a mental illness are excluded

# PROTOCOLS

- ▶ A Social Enquiry Report prepared by a Probation Aftercare Officer or Children's Officer of the Child Development Agency is usually relied upon to obtain the full profile of the child participant
- ▶ Consent for participation is given by the children and their parents/guardians
- ▶ Educational engagement (traditional, focusing on academic learning or vocational/technical skills training) and progress which will lead to future employment are emphasized as much as drug detoxification and counselling (Education Plan)

# PROTOCOLS

## COURT TEAM

- Judge
- ▶ - Prosecutor
- ▶ - Probation Aftercare Officer, Family Court Probation Office
- ▶ - Children's Officer, Child Development Agency
- ▶ - Treatment Providers:
  - ▶ Government: National Council on Drug Abuse, 2-6 Melmac Avenue, Kingston 5;
  - ▶ Non Government Organization: RISE Life Management Services, 57 East Street , Kingston;
  - ▶



# PROTOCOLS

- ▶ Currently–July 2016–there are twenty three (23) children participating in the CDTP; one (1) female and twenty two (22) males. One (1) is before the Court as being in need of care and protection ; two (2) for uncontrollable behavior and twenty (20) for criminal cases
- ▶ September 2016 onwards: (These arrangements as it relates to frequency of Court appearances, treatment plans and interactions with Treatment Providers will be refined after future consultations with Team members and other relevant stakeholders).
- ▶ Proposed Duration of the Programme – Nine months (?)
- ▶ PHASE ONE Ninety Days
- ▶ PHASE TWO Ninety Days
- ▶ PHASE THREE Ninety DAYS
- ▶ GRADUATION
- ▶

# THE WAY FORWARD, CHALLENGES & CONCERNS

## PLEASE NOTE

- ▶ The necessary legislative amendments to create a Children's Drug Treatment Court and enactment of regulations to guide the operations of the Court may bring about certain changes
  - Child Care and Protection and Uncontrollable Child Cases may not be included within the Children's Drug Treatment Court's jurisdiction.
- ▶ The Children's Division of the Family Court deals with not only Criminal cases but also child welfare type Care and Protection and Uncontrollable Child applications in which there is no age limit and in all of these cases we encounter children with substance abuse/mis-use problems. It is to be noted that the criminal offences , that children who are found to be drug dependent are charged with , are not necessarily drug offences.
- ▶ – Consideration must be given to the recent amendments to the Dangerous Drugs Act which, inter alia, decriminalized the smoking of ganja and possession of small quantities of ganja. A protocol will possibly have to be established to allow for children referred to the National Council on Drug Abuse, after they are ticketed by the Police for smoking and possession of small quantities of ganja, to enter the Children's Drug Treatment Programme, as a child in need of care and protection.

# The Way Forward

- ▶ –A decision will have to be made whether Court sittings are to be private or in a group setting.
- ▶ –The issue of the involvement of Justices of the Peace must be addressed. In the specialized Family Courts the Judge sits alone, whereas in the Children’s Court Circuits the Judge sits with two JPs one of whom must be a woman (Child Care and Protection Act ,Third Schedule). The CDTP Pilot has not included Justices of the Peace but it is noted that this is the practice in the adult Drug Treatment Courts.
- ▶ Regarding Legislative changes – The Drug Court (Treatment and Rehabilitation of Offenders) Regulations, 2001 provides that for a person to be eligible for the Drug Court, he/she must be at least 17 years of age, yet the age of criminal responsibility for children in Jamaica is twelve years of age.
- ▶ The issue of consent must be addressed as the consent of the parents/guardians of the children may be also necessary since a child is defined as a person under the age of eighteen years.

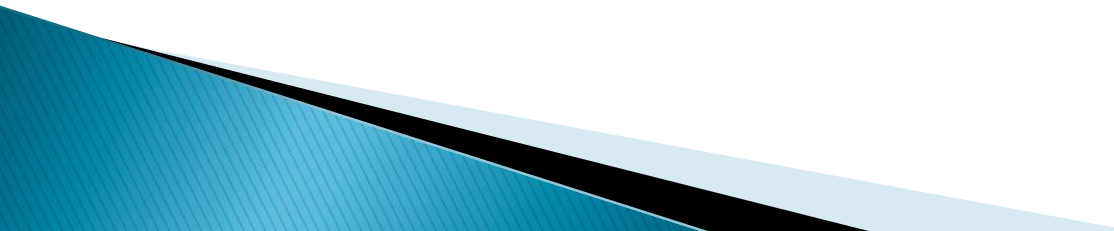
# The Way Forward

- ▶ Refinement of eligibility criteria for admission into the Programme
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- ▶ – Establishment of minimum standards for Treatment Plans
- ▶
- ▶ – Continued Training of Judges/Magistrates, Prosecutors, Defence Attorneys, Children's Officers, Probation After Care Officers and other stake holders.
- ▶
- ▶ –Strengthening of the CDTP team ensuring Ministry of Education, the Police (Safe Schools Programme?), and Defence Attorney (Office of the Children's Advocate?) involvement.
- ▶

# The Way Forward

- ▶ Establishing relationships with specialist medical resource persons (including child psychiatrists, child psychologists, paediatricians) to ensure accessibility and affordability.
- ▶
- ▶ – Establishing relationship with the National Parenting Support Commission.
- ▶
- ▶ – Sourcing resources for Rewards/Incentives.
- ▶
- ▶ Continued viability of Treatment Provider Partner, RISE Life Management Services, a non-governmental organization, which at this time , provides drug testing for the clients of the Kingston and St. Andrew Family Court , without charging to recover the cost of the Drug Testing Kits .

# The Way Forward (Findings)

- ▶ A holistic approach is necessary in the CDTP
  - ▶ Attention to Education (academic and vocational skills training) is a key component.
  - ▶ Parenting Training and Support are essential (referrals to Kingston and St. Andrew Family Court Parenting School and the National Parenting Support Commission).
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# The Way Forward contd.

- ▶ – No major role is played by the Police.
- ▶
- ▶ – There is urgent need for easily identifiable, dedicated and specialized facilities into which children and adolescents with drug dependency problems can be admitted. The existence of a Residential Drug Treatment Facility for Children would in some instances eliminate the use of Department of Correctional Services custodial facilities for temporary remands and even final correctional orders and provide a therapeutic space where intentional rehabilitation can be pursued. One participant was admitted into Teen Challenge in St Ann but soon absconded and a warrant was issued as he had violated his bail. The “Village” and “Here’s Help” Facilities in Miami, Florida are successful examples.

# The Way Forward contd.

- ▶ Individual Data Sheets are to be prepared for every child who has been a participant in the CDTP to, inter alia, ensure proper record keeping which will enable future research/analysis and monitoring. A Case Manager/Court Liaison Officer/Programme Coordinator is needed to maintain these records electronically and produce weekly spreadsheets for use in Pre-Court meetings (similar to the Excel spreadsheets used in the Miami Dade Children's Drug Court) . A laptop is urgently needed for use in the KSAFC CDTP!
- ▶
- ▶ (Some of the best practices described above were refined after exposure to the operations of the Miami Dade Juvenile Drug Treatment Court, which was made possible through sponsorship from international donors OAS/CICAD and USAID/COMET II.
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# The Way Forward (cont.)

- ▶ THE WAY FORWARD ? MORE HARD WORK ! CLOSING OF THE GAP RE TEAM MEMBERS i.e. ATTORNEY/EDUCATION SPECIALIST/HEALTH SECTOR REP & CONSULTATIONS, EVEN AS WE AWAIT THE EXPECTED AMENDMENTS OF RELEVANT LEGISLATION. CONTINUED DREAMING OF THE ESTABLISHING OF A RESIDENTIAL FACILITY.

# Summary of most urgent needs

- ▶ SHORT TERM

- ▶ – DRUG TESTING KITS
- ▶ – REWARDS AND INCENTIVES (DONATIONS IN CASH FOR PURCHASE OR IN KIND)
- ▶ – LAPTOP

- ▶ MEDIUM TERM

- ▶ – CONTINUED TRAINING AND SENSITIZATION OF TEAM MEMBERS ( TO ESPECIALLY THE MIAMI DADE CHILDREN'S DRUG COURT MODEL)

- ▶ LONG TERM

- ▶ – A RESIDENTIAL DRUG TREATMENT FACILITY FOR YOUNG MALES