

Drug and Alcohol Court

*Queensland Drug and Alcohol Court
Information Handbook*



We acknowledge and pay respect to the traditional custodians of the land on which the Queensland Drug and Alcohol Court operates and recognise their ongoing connection to land, water, and culture. We pay our respect to Elders past, present and emerging.

Contents

What is the Drug and Alcohol Court?	4
Human rights.....	5
Purpose of the Information Handbook.....	5
Purpose of the Drug and Alcohol Court.....	6
The Drug and Alcohol Court Team	8
Sharing personal information	10
Meeting participant needs.....	13
Referral to the Drug And Alcohol Court.....	15
Participating in the Drug And Alcohol Court	15
Drug and Alcohol Treatment Order	16
Drug and alcohol treatment options.....	23
Support to stop committing crime.....	25
Case plans and case management.....	26
Treatment appointments	27
Attending court	28
Drug and alcohol testing	29
Addressing participant behaviour	31
Leaving the Drug and Alcohol Court.....	36
How the Drug and Alcohol Court is working	38
CONTACT INFORMATION	39

What is the Drug and Alcohol Court?

The Queensland Drug and Alcohol Court helps people with serious drug and alcohol use that played a part in committing crime. It operates at the Brisbane Magistrates Court.

Participants are people who take part in the Drug and Alcohol Court.

The Drug and Alcohol Court works differently to other courts, including more court attendances and regular testing for drug and alcohol use.

Participants are supported by:

- case managers for guidance
- drug and alcohol treatment
- treatment for other health needs
- regular drug and alcohol testing
- an Aboriginal and Torres Strait Islander Cultural Liaison Officer
- housing assistance
- regular attendances at court
- a Magistrate for guidance and direction
- lawyers to protect participant legal rights

The Drug and Alcohol Court encourages change that will be worth it but may not be easy. Making change needs hard work and commitment.

Participating in the Drug and Alcohol Court is an important first step to making positive change.

Human rights

The Drug and Alcohol Court respects, protects, and promotes the human rights of participants under the *Human Rights Act 2019*, by:

- addressing the strong relationship between serious drug and alcohol use and committing crime.
- targeting participant needs and reasons for committing crime.
- encouraging change in behaviours through treatment and support.
- focusing on achieving long-term change to live a life free of serious drug and alcohol use and crime.

In the administration and delivery of the program, human rights are considered to ensure that all actions and decisions are compatible with human rights.

Purpose of the Information Handbook

This Information Handbook explains:

- how the Drug and Alcohol Court works; and
- how everyone works together to make change happen through:
 - treatment and support that matches the needs of each participant.
 - information about what is expected of participants.
 - encouraging participants to make better choices.
 - encouraging participants away from serious drug and alcohol use.
 - encouraging participants towards a life free of crime.

Purpose of the Drug and Alcohol Court

The Drug and Alcohol Court is based on research about what helps people recover from serious drug and alcohol use and stop committing crime.

The Drug and Alcohol Court focuses on:

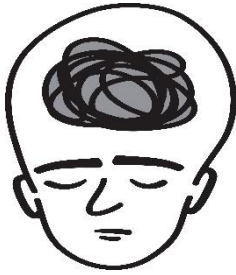
- treating serious drug and alcohol dependency.
- supporting and encouraging a life free of crime.
- rehabilitating participants.

Whilst the Drug and Alcohol Court journey will be different for each participant, its main purposes are to:

- help participants with **serious drug and alcohol use** that played a part in committing crime; and
- work on improving **other areas of life** which, if not addressed, can play a part in serious drug and alcohol use and committing crime, like:



having a safe place to live



managing criminal thinking



having healthy family and other relationships



having good physical, mental, emotional health



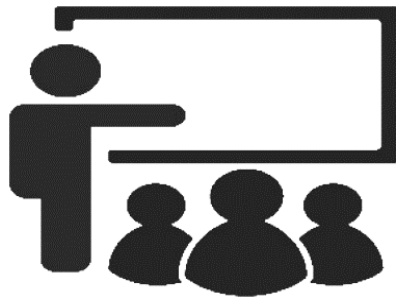
taking part in positive social activities



taking part in cultural activities



having a job



studying or training

The Drug and Alcohol Court Team

The Drug and Alcohol Court Team consists of the participants, and people who work with and support participants through the Drug and Alcohol Court program.



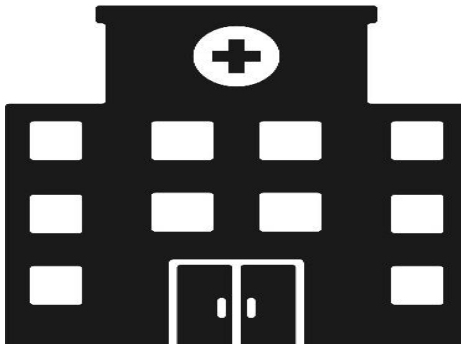
Participants

- understand their responsibilities
- actively participate in the program
- work hard to meet agreed goals
- trust and accept treatment and support



Magistrate

- leads the Drug and Alcohol Court Team
- encourages, guides, and directs participants
- makes legal decisions



Health

- provide drug and alcohol use treatment
- provide other health treatment and support to improve health and wellbeing
- work with participants to find the best treatment options
- make recommendations to court on the best treatment options



Community Corrections

- work with participants to address other life issues that contribute to committing crime
- provide support and supervision in the community
- help participants understand the connection between serious drug and alcohol use and committing crime
- deliver group-based programs
- make recommendations to court on how to support participants



Justice

- support the rest of the Drug and Alcohol Court Team and court
- provide cultural support for Aboriginal and Torres Strait Islander participants
- provide cultural advice to court on meeting the needs of Aboriginal and Torres Strait Islander participants



Legal Aid Queensland

- represent participants in review meetings and court
- protect participants' legal rights and provide legal advice
- make recommendations to court about participant interests



Police

- protect community safety
- represent victims and interests of the broader community
- make recommendations to court about community safety

Except for the Drug and Alcohol Court Magistrate and Legal Aid Queensland, the Drug and Alcohol Court Team all work together on Level 4 of the Brisbane Magistrates Court.

The central location makes it easier for participants to access the Drug and Alcohol Court Team in one place.

Sharing personal information



Agree to share

Participants agree to share their personal information with the Drug and Alcohol Court Team and other service providers.



Work together

Sharing personal information allows the Drug and Alcohol Court Team to work together to support participants.

Personal information includes:



Name



Date of birth



Home address



**Names of family or
friends**



Health needs



School history



Criminal history



Work history

The sharing of personal information has many purposes, including to:

- check on how participants are going on the program
- see whether participants are meeting agreed goals

- support participants to progress on the program
- understand participant circumstances, needs and concerns
- provide participants with the best possible care
- make sure participants do not have to tell their story many times
- consider any risk or harm to the participant or to other people
- refer participants to other services if needed

Meeting participant needs

The Drug and Alcohol Court tailors its program to meet the needs of all participants.

This includes providing necessary access and supports for participants who are part of a disadvantaged group, or part of several disadvantaged groups, to ensure they can participate fairly in the Drug and Alcohol Court.



Aboriginal and Torres Strait Islander Peoples

An Aboriginal and Torres Strait Islander Cultural Liaison Officer provides:

- cultural support for participants and families
- cultural advice for the Drug and Alcohol Court Team
- cultural reports to assist the court
- language interpreters provided for free.





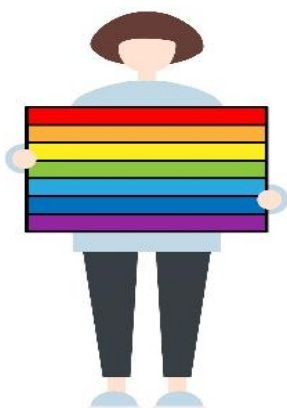
Culturally and Linguistically Diverse People

- using inclusive language
- language interpreters provided for free
- providing access and support for other cultural or religious participant needs



People with disability

- using inclusive language
- providing access and support for participants physical, mental, learning, memory, understanding, hearing, sensory and communication needs



LGBTIQI+

- using inclusive language
- addressing participants by their correct name or pronoun
- addressing participants by their identified gender
- providing access and support for other needs

Referral to the Drug And Alcohol Court

A referral to Drug and Alcohol Court can happen at any time before sentencing.

Referral can be made by anyone, including:

- lawyers
- prosecutors
- support agencies
- defendants themselves
- any Magistrate in a Queensland Court

Participating in the Drug And Alcohol Court

A person who wishes to participate in the Drug and Alcohol Court, must satisfy three requirement steps:

Step one

A person:

- must be living (or intend to live) in the district in which the court operates
- must intend to plead guilty to the charges
- must indicate they have a serious drug use issue that played a part in their crime
- is likely to be sentenced to time (or more time) in prison

Step two

A person must:

- have a serious substance use disorder
- be likely to benefit from a Treatment Order
- be at high risk of committing crime

- be able to be treated safely and successfully in the community

Step three

A person must:

- be charged with an offence (not sexual) in a Magistrates Court
- be likely to be sentenced to jail for no more than 4 years
- not be subject to a parole order or cancelled parole order
- not be serving a jail term for another crime

Drug and Alcohol Treatment Order

If a participant satisfies the three requirement steps, a Drug and Alcohol Treatment Order can be made by the court.

A Drug and Alcohol Treatment Order:

- stops participants going to jail by ordering a suspended sentence; and
- moves participants into treatment with conditions that must be met.

Drug and Alcohol Treatment Order Conditions



- There are core conditions that **must** be followed by participants
- The Magistrate can add to, change, or remove Drug and Alcohol Treatment Order conditions.

The core Drug and Alcohol Treatment Order conditions are:



Stop committing crime



**Keep in touch with the
Drug and Alcohol Court
Team**



**Receive home visits from
the Drug and Alcohol
Court Team**



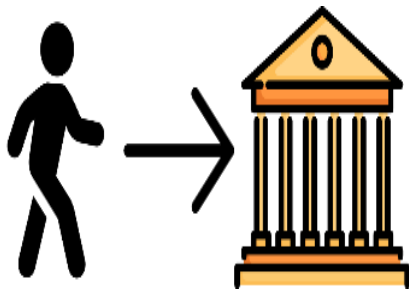
**Advise the Drug and
Alcohol Court Team when
home address changes**



Advise the Drug and Alcohol Court Team when job changes



Not leave QLD without the permission of the court



Attend court when required



Participate in drug and alcohol testing



Follow the directions of the Drug and Alcohol Court Team

Treatment Order Phases

The Treatment Order is delivered in three phases with:

- participants able to move up or down the three phases
- each phase having targeted treatment, support, actions, goals, and life focus

Phase one - Stabilisation

Getting ready for treatment



- address immediate health needs
- start drug and alcohol treatment
- start regular drug and alcohol testing
- start to understand how to reduce or stop committing crime
- attend treatment and support services
- attend court when required
- start to address other needs like housing, relationships etc.

Phase two – Rehabilitation

Support to recover

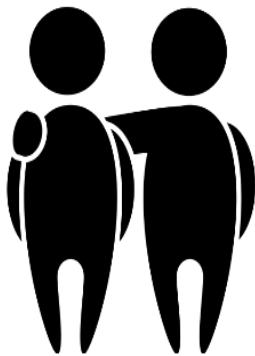


- continue to address health needs
- continue drug and alcohol treatment
- continue regular drug and alcohol testing
- reduce or stop committing crime

- continue to attend treatment and support services
- continue to attend court when required
- focus on other needs like housing, relationships, work, education, training etc.

Phase three - Reintegration




Get ready for life in community without the Drug and Alcohol Treatment Order




- follow strategies to manage health
- continue drug and alcohol treatment focused on relapse prevention and management
- continue drug and alcohol testing
- stop committing crime
- continue to attend other treatment and support services
- continue to attend court but less regularly
- maintain strong healthy relationships
- participate in education, training, work
- prepare to leave the Drug and Alcohol Court


Treatment Order actions and goals

- Each of the three phases have set actions and goals
- Participants can move up or down phases when goals are met or not met
- The time spent in each phase depends on how long it takes a participant to meet their goals
- Meeting goals is celebrated by receiving rewards
- Not meeting goals attracts sanctions that are used to support and encourage participant progress

Phase one goals Stabilisation 	Phase two goals Rehabilitation 	Phase three goals Reintegration 
Reduce crime	Reduce or stop crime	Stop crime
Attend court	Attend court	Attend court
Attend case meetings	Attend case meetings	Attend case meetings
Attend treatment appointments	Attend treatment appointments	Attend treatment appointments
Attend drug and alcohol testing	Attend drug and alcohol testing	Attend drug and alcohol testing



Actively work towards reducing drug use	<p>Reduce or stop using drugs</p> <p>Develop a drug relapse prevention plan</p>	<p>Three continuous months of no drug use before graduation</p> <p>Follow a drug relapse prevention plan</p>
Stop alcohol use	<p>Follow the alcohol use strategy if in place</p> <p>Develop an alcohol relapse prevention plan</p>	<p>Three continuous months of following the alcohol use strategy</p> <p>Follow an alcohol relapse prevention plan</p>
Honestly and quickly report drug and alcohol use	Honestly and quickly report drug and alcohol use	Honestly and quickly report drug and alcohol use
Address immediate health needs	Address ongoing health needs	<p>Address ongoing health needs</p> <p>Follow strategies to manage health</p> <p>Know when and where to ask for help</p>
Work towards staying in the same safe home	Continue to work towards staying in the same safe home	Staying in the same safe home
Reduce contact with people involved in crime	Reduce or stop contact with people involved in crime	Stop contact with people involved in crime



Build or start improving relationships with family and friends	Continue building or improving relationships with family and friends	Progress towards improved relationships with family and friends
Increase awareness of social and cultural activities	Increase awareness and participation in social and cultural activities	Actively involved in social and cultural networks
Be ready or start to address other factors that contribute to crime	Work to address other factors contributing to crime	Progress towards addressing other factors contributing to crime
Increase awareness about getting a job or participate in education or training	Working towards being ready to get a job or participate in education or training	Work or participate in education or training
Work with the Drug and Alcohol Court Team to make a case plan for Phase Two.	Work with the Drug and Alcohol Court Team to make a case plan for Phase Three	Prepare to leave the Drug and Alcohol Court and fully reintegrate into the community

Drug and alcohol treatment options

There are several drug and alcohol treatment options that can be used.

The treatment option selected will depend on each individual participant and their needs.

Examples of treatment options include:



Withdrawal management

- reducing or stopping drug and alcohol use
- can happen in a hospital, facility, home
- can last one to two weeks



Medication assisted treatment

- address reactions from reducing or stopping drug and alcohol use
- mostly used for alcohol, opioids, or nicotine



Residential rehabilitation

- live in a facility with a treatment program to address drug and alcohol dependency
- can last six weeks to twelve months



Intensive day programs

- aims to build skills and motivation
- live at home while on the program



Counselling

- regular attendance with less sessions over time
- can be individual and group sessions



Family education

- aims to help important people in a participant's life, support their recovery
- 'Family' includes anyone important to a participant, including cultural connections

Support to stop committing crime

The program aims to support participants to understand why they commit crime and how they can change that behaviour through:

- Case management support to address underlying reasons for committing crime
- Group intervention programs (usually in Phase Two), to build resilience and help participants understand reasons for committing crime and how to change these behaviours
- Topics covered in the programs include:
 - core values and beliefs
 - managing emotions and thoughts
 - relationships
 - communication and dealing with quarrels
 - safety planning
 - problem solving
 - offence mapping
 - drug and alcohol use

Case plans and case management

Case plans and attending ongoing case management meetings provide important support and benefits for participants, including:

- identifying and supporting participant needs
- assistance to reduce or stop committing crime
- supporting improved family and other relationships
- staying on the treatment programs

The Aboriginal and Torres Strait Islander Cultural Liaison Officer is included in the development of case plans and ongoing case management meetings, to provide cultural support for Aboriginal and Torres Strait Islander participants.

Queensland Health can also contribute to the development of the case plan with a treatment focus.

Case Plan

- is developed by the participant and the Drug and Alcohol Court Team together
- is regularly reviewed and adjusted for each participant's needs
- continues during all three phases of the Drug and Alcohol Treatment Order
- targets participant needs and goals
- includes details of drug and alcohol treatment
- targets assistance to reduce or stop committing crime
- includes other supports like:
 - finding somewhere to live
 - connecting or reconnecting with family

- connecting or reconnecting with culture
 - becoming a volunteer
 - being involved in sports
 - assistance with finding a job, training, or education
-
- sets out the actions that participants need to take
 - sets times for when actions are to be completed
 - sets out who will assist to complete actions
 - will change over time depending on changing participant needs

Case management meetings

- monitor and supervise participants to meet the rehabilitation part of the Drug and Alcohol Treatment Order
- support participants to achieve the actions and goals in case plans
- supports participants to reduce or stop committing crime
- review changing participant circumstances and needs
- adjust actions and goals to incorporate any changes
- keeps participants on track

Treatment appointments

Attending treatment appointments is important to help participants to recover.

Treatment is targeted at:

- reducing or stopping drug and alcohol use
- addressing immediate and ongoing physical and mental health needs
- addressing identified physical and mental health needs

Attending court

Regular and frequent court appearances:

- help participants build trust with the Magistrate
- encourage honesty between participants and the Magistrate
- allow participants to talk directly to the Magistrate
- support participants to keep on track

In court, the Magistrate:

- monitors how a participant is progressing
- provides guidance and direction to participants
- reviews participant treatment and supports
- addresses challenges faced by participant
- considers cultural information provided by the Aboriginal and Torres Strait Islander Cultural Liaison Officer
- rewards participants to encourage behaviour that meets or tries to meet agreed goals
- sanctions participants to encourage change to behaviour that does not meet, or does not try to meet, agreed goals

It is important for participants to respect the court by:

- arriving on time to court
- listening when the Magistrate is speaking
- speaking respectfully and politely
- not talking when others are talking

- not making a lot of noise in court
- turning off or placing phones on silent
- wearing tidy clothes to court
- not wearing these to court:
 - singlets
 - thongs
 - caps/hats
 - sunglasses
 - clothes with rude words or pictures
- not eating or drinking in the courtroom

It is important for participants to let the Drug and Alcohol Court Team know if they cannot attend court.

The court can issue a warrant of arrest for participants who do not attend court when they should.

Drug and alcohol testing

Reducing or stopping drug and alcohol use is not easy.

Regular drug and alcohol use testing, done more often in the earlier phases of the program, have many purposes, including:

- checking participant progress
- supporting participants to understand their drug and alcohol use
- supporting participants to perform better on the Drug and Alcohol Court program
- informing the court whether treatment is working
- supporting participants to monitor their own progress

The Drug and Alcohol Court can only help if participants are honest with themselves and the court about their drug and alcohol use.

Examples of testing types



Urine testing

- tests for illegal drug use
- a urine sample is provided with someone watching



Breath testing

- involves blowing into a machine
- tests for alcohol use



Alcohol monitoring

- bracelet fixed around the ankle
- bracelet measures chemicals in sweat for alcohol levels

Addressing participant behaviour

The Drug and Alcohol Court:

- rewards participants for behaviour that meets, or tries hard to meet, agreed goals.
- sanctions participants for behaviour that is not meeting, or not trying hard to meet, agreed goals.

The rewards and sanctions are called behavioural consequences (consequences).

Consequences are used to encourage participants to:

- continue behaviour that meets or tries to meet, agreed goals
- improve or change behaviour that does not meet or does not try to meet, agreed goals
- make behaviour changes last longer
- meet agreed goals
- identify support needed
- encourage participants to keep moving forward on the program

Consequences for behaviour

- The Drug and Alcohol Court can choose from several consequences to encourage and support participants to meet agreed goals.
- Participants are provided with information about the behaviours that are expected of them and the possible consequences.
- The selected consequence will be matched to the behaviour being addressed.

- The Magistrate and the Drug and Alcohol Court Team will discuss consequences together.
- The participant can discuss consequences with their lawyer before court.
- The Magistrate will listen to, and speak directly to the participant, before deciding what consequences to apply.
- The Magistrate makes the final decision on the consequences. The chosen consequence will:
 - be quick and certain
 - reward behaviours that meet or try to meet agreed goals, so they continue
 - sanction behaviours that do not meet or do not try to meet agreed goals, to encourage changes in that behaviour
 - try to achieve an equal mix of rewards and sanctions

Considerations by the court

The Drug and Alcohol Court will decide whether to apply consequences after considering if:

- the Drug and Alcohol Treatment Order conditions have been followed
- the treatment program has been followed
- the Magistrate and the Drug and Alcohol Court Team guidance has been followed
- progress has been made in completing treatment
- progress has been made in meeting the Drug and Alcohol Treatment Order purpose
- there are any other relevant facts and circumstances that need to be considered.

Serious participant behaviours

Serious behaviours can result in participants being removed from the Drug and Alcohol Court.

Examples of a serious behaviours include:

- being violent or threatening the Drug and Alcohol Court Team or service providers
- committing more serious crimes
- adding anything to a drug and alcohol urine sample (or trying to)
- providing a urine sample belonging to someone else (or trying to)
- interfering with an alcohol bracelet or its station
- making or providing false medical certificates
- making or providing false attendance information in referral service records
- making or providing other false documents, including prison discharge papers
- repeatedly failing to do what is expected in the Drug and Alcohol Court

The actions the Drug and Alcohol Court can take include:

- cancelling one or both parts of the Drug and Alcohol Treatment Order.

If only the treatment part is cancelled, the participant can go to jail for all, or part of the time listed in the Drug and Alcohol Treatment Order.

If both parts are cancelled, the court will resentence the participant for the original crimes.

The court will consider how much of the Drug and Alcohol Treatment Order was followed when resentencing a participant to prison.

Examples of rewards



Praise from the Magistrate



Certificate of achievement



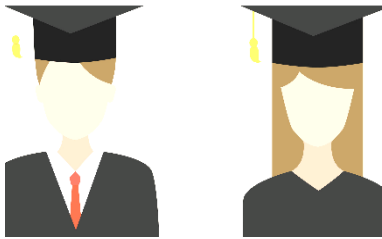
Court free day



Reduction in community service hours



Moving up phase in the program

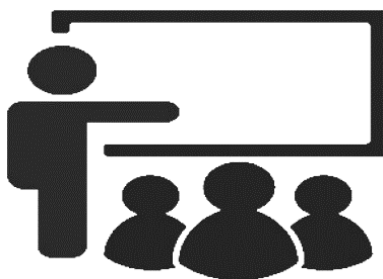


Graduating from Drug and Alcohol Court

Examples of Sanctions



Warning from the Magistrate



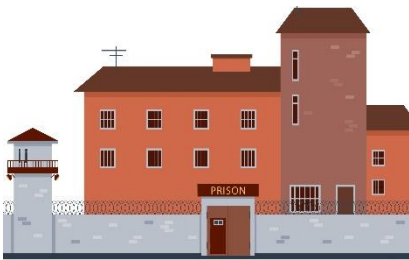
Learning activities about behaviour



Performing community service hours



Moving down a phase in the program



Going to jail for up to seven days



Removal from the Drug and Alcohol Court by the Magistrate

Leaving the Drug and Alcohol Court

There are three ways for participants to leave the Drug and Alcohol Court:

- a participant can **choose to leave**
- the Magistrate **removes** a participant
- a participant **graduates** after completing the program

Choose to leave



- Participants can choose to leave the Drug and Alcohol Court.
- Participants are encouraged to discuss any concerns with the Drug and Alcohol Court Team and their lawyer before leaving.

Being removed



The Magistrate can remove a participant from the Drug and Alcohol Court for several reasons including because they:

- are unwell
- have committed further serious crimes
- are not following the Drug and Alcohol Treatment Order conditions or treatment plan
- The Magistrate will consult with the Drug and Alcohol Court Review Team before deciding to remove a participant.
- If a participant is removed from the Drug and Alcohol Court, both parts of the Drug and Alcohol Treatment Order are cancelled, and resentencing will occur for the original crimes.

Graduation



- Participants graduate when the goals of all three phases have been met
- As part of graduation, the court may cancel the treatment part of the Drug and Alcohol Treatment Order or cancel some or all the conditions in the Drug and Alcohol Treatment Order.
- This means that the Drug and Alcohol Treatment Order applies but there are no conditions or actions to complete.
- There may still be a suspended prison sentence which can be activated if a further crime is committed.
- The Magistrate can consider how much a graduate followed their Drug and Alcohol Treatment Order and provide a sentence that reflects that.

How the Drug and Alcohol Court is working

- It is important to know how the Drug and Alcohol Court is working and how it can improve.
- Participants are asked about their views at different times in the program.
- An independent person will also have a look at:
 - how the Drug and Alcohol Court is working
 - whether it can be improved

- how participant's lives change over time
 - how what participants think of the Drug and Alcohol Court changes over time.
-
- The independent person may contact participants to talk to them about their experiences in the Drug and Alcohol Court.
 - Participants can choose whether to talk to the independent person.
 - Participants will not be treated differently by the court or the Drug and Alcohol Court Team if they choose to talk to the independent person or not.

CONTACT INFORMATION

Queensland Drug and Alcohol Court

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