ADDRESS BY THE HONOURABLE THE CHIEF JUSTICE OF TRINIDAD AND TOBAGO, MR JUSTICE IVOR ARCHIE, TO THE OPENING CEREMONY OF THE WORKSHOP ON IMPLEMENTING DRUG TREATMENT COURTS AS AN ALTERNATIVE TO INCARCERATION FOR DRUG DEPENDENT OFFENDERS, AT THE HILTON TRINIDAD AND CONFERENCE CENTRE, PORT OF SPAIN, ON OCTOBER 18, 2011.

Thank you very much Mr Chairman

- Minister of Justice, the Honourable Herbert Volney
- Minister of National Security, Senator, the Honourable, Mr John Sandy
- Other members of Cabinet of Trinidad and Tobago
- Honourable Chief Justice of Jamaica, Madame Justice Zaila McCalla
- Our very special guest, the Honourable Mr Justice Kofi Barnes, of the Ontario Court of Justice and Chairman of the Canadian Association of Drug Treatment Professionals
- Other esteemed colleague judges of the Judiciary of the Republic of Trinidad and Tobago and the Caribbean Court of Justice
- Her Excellency Karen Mc Donald, Canadian High Commissioner to Trinidad and Tobago
- Ambassador Paul E. Simon, Executive Secretary of CICAD, the Inter American Drug Abuse Control Commission of the Organisation of American States
- Other members of the Diplomatic Corps
- Members of the Trinidad and Tobago Justice Sector and Legal Fraternity
- Participants of this workshop on implementing drug treatment courts as an alternative to incarceration for drug dependent offenders
- Other specially invited guests
- Members of the media
- Distinguished ladies and gentlemen all.

Let me begin by adding my personal welcome, and that of the Judiciary of the Republic of Trinidad and Tobago, to all of you gathered here this morning, especially those who are visiting with us from other regional and international jurisdictions.

In that latter context, you will not begrudge me, I am sure, an extra word of welcome to the Honourable Chief Justice of Jamaica, Madame Justice Zaila McCalla, and the distinguished Mr Justice Kofi Barnes, Judge of the Ontario Court of Justice and Chair of the Canadian Association of Drug Treatment
Professionals. I feel certain that their combined, tremendous experience in the task that brings us here today will prove most invaluable, and will contribute in no small measure to our deliberations over the next four days, as we begin shaping what we want to be the ultimate output of this exercise: the establishment of effective drug treatment courts in Trinidad and Tobago and participating territories as an alternative to incarceration for drug dependent offenders.

This vision of well functioning courts of this nature in this part of the world is one shared by our hemispheric collaborators: CICAD, the Inter-American Drug Abuse Control Commission of the Organisation of American States, and the Canadian Association of Drug Treatment Court Professionals, and I wish to thank these bodies in advance for their commitment, enthusiasm and their readiness to share their expertise, to put us on a path of success in this societal initiative.

And how will we measure that success? Well let me begin by pointing to the reason why drug treatment courts came into being in the first place.

When the Dade County Circuit Court in Miami took the decision back in 1989 to establish such a court – the first of its kind in the world – the objective was to reduce the number of people who were in prison for drug related crimes. These people were made to feel the full brunt of a system which was essentially repressive. It was part of a global approach in dealing with drug offenders which, according to the OAS, even if it did not totally disregard the public health aspects of drug dependence, it emphasized the criminal aspect of drug use, resulting in the incarceration of hundreds of thousands of non-violent people all over the world; and, worse, with no indication whatsoever of any improvement in chemically- and psychologically dependent people, and no evidence that the roots of the phenomenon of drug abuse were being addressed.

The question that arises for us here in Trinidad and Tobago and the Caribbean is whether we ourselves have been able to move much beyond that system. Haven’t we found illicit drugs, including possession for use and for trafficking, to be so much a part of our culture that we are quite prepared to simply move on nonchalantly from story to story that routinely and daily describes its debilitating impact on individuals, on families, and on societies; and because we have been so inundated by its pervasiveness, we are inclined to hold the drug trade, including usage and abuse, culpable for almost all crimes, with the only solution being to shut the prison doors behind all those whose deviance abound in its clutches.
A lot has happened in the United States and around the world since Miami introduced the concept of the drug treatment Court 20 years ago. The most recent survey conducted by the Organisation of American States to assess the effectiveness of Drug Treatment Courts in 12 countries already using them as an alternative to incarceration, reveals the following:

- In the United States itself, over one-third of all the Courts are now using Drug Treatment Courts, and these courts have also have mushroomed in several countries around the world, including Jamaica.

- Not including the United States, the reporting Drug Treatment Courts, all of which have been established since 2001, have enrolled over 3,800 participants, of whom over 500 have successfully completed their respective program. Most of the respondents indicated that these figures were lower than those anticipated when the Courts were opened, primarily as a result of shortages of funding necessary to adequately develop the programs. Although no firm statistics are available for the U.S, it is estimated that well over 500,000 have enrolled in Drug Treatment Courts, and well over 100,000 have graduated. Approximately 50 judges are involved in the Drug Treatment Courts responding to the CICAD survey in addition to the estimated 3,000 plus judges who have been involved in Drug Treatment Courts in the United States alone.

- The perceived success of the various programs has been mixed, but both successes and relative failures fall into general categories. A drop in recidivism, in particular, has been seen as a measure of success by most survey respondents. In Dublin, Ireland, recidivism declined by over 75%. Recidivism in the U.S. has also declined, although not to the same extent.

- Where statistics have become available, they show that drug courts are significantly less expensive than incarceration which, when combined with the decline in recidivism, indicates a much greater degree of cost effectiveness.

- Respondents were universally positive about the benefits that drug courts provide to the communities in which they operate. With the reduction in crime and recidivism, communities
become safer places; respondents also saw gains in both the physical and mental health of participants.

Ladies and gentlemen, I look forward to the day when the operation of a Drug Treatment Court in Trinidad and Tobago could be a part of the success story captured by the OAS. From the discussions we have been having at both the national and regional levels, I am quite optimistic that we will be.

We have been signalling to the National Drug Council of Trinidad and Tobago since our initial contacts with them on these issues a couple years ago that the Judiciary feels the introduction of Drug Treatment Courts will add value to the justice system in Trinidad and Tobago.

We were actively involved in the first workshop organised by CARICOM and CICAD along with Suriname, and Jamaica in Kingston in February with the specific goal of establishing Drug Treatment Courts in our respective countries and facilitating expansion of the system which was already operational in Jamaica.

And I was in Washington with the Trinidad and Tobago team that met with representatives of the OAS and CICAD to discuss how we might move forward on this issue of establishing a drug treatment court in Trinidad and Tobago.

For me, therefore, the start of this exercise for me personally is one of extreme pleasure, from three main standpoints.

Firstly, it marks a significant step forward in the fulfilment of the pledge I gave to our partners in Washington in July, and more recently, the national community, to have a pilot drug treatment court up and running here in Trinidad and Tobago within the first quarter of next year.

Secondly, it represents another milestone in efforts by the Judiciary of Trinidad and Tobago to establish specialist and problem-solving Courts as an essential part of the local judicial landscape. In this connection I am particularly happy to welcome the recent Cabinet decision giving the Judiciary the green light to have the pilot family court which has been in existence for the past seven years into a fully fledged, permanent arm of the Judiciary of Trinidad and Tobago. This development allows us to advance the process for the roll out of this institution to other parts of the country beyond its present
jurisdiction in St George West in Port of Spain. This of course includes creating a permanent staff structure and the provision of the physical facilities for the Court. The people of San Fernando and south Trinidad may be very pleased to know that their area will be the site for the initial expansion of the Family Court, just as we are giving serious consideration to locating in San Fernando the pilot drug treatment Court we will be talking about all week here at the Hilton.

Thirdly - and this is amply demonstrated by the varied justice sector participation in evidence here today and for this week - today’s exercise serves to further deepen the spirit of collaboration we at the Judiciary of Trinidad and Tobago continue to actively promote and encourage as an absolute prerequisite to improving the administration of justice in our country. This wide participation should reinforce in the minds that Justice is not about the Judiciary alone. Justice is everyone’s business.

As we move forward, there are several critical areas we will need to address if we are to be successful in this introducing the drug court concept to Trinidad and Tobago:

- We will have to undertake comprehensive training programmes for the magistracy and other support officers who will be the key players in the operations of the Court.

- We will have to give serious consideration to the establishment of a comprehensive juvenile court given the high prevalence of drug use among our very young.

- We will have to implement structured and sustained public education so that members of the wider national community will have a deeper appreciation of what is behind the paradigm shift, and the possible role they will have to play as parents, relatives, friends and associates of offenders, and who may well become defendants themselves.

- Monitoring and evaluation of the Courts will be essential to drive necessary strategies for improvement

- And we will need to network more efficiently with more experienced jurisdictions to enable our efforts to be in line with best practice initially.
• We will need to develop and implement legislation to govern the operations of the Court, and in this regard we will have to urge the Executive to accelerate action since we will not wish to have the project delayed by the significant lag that often exist between commitment and implementation of required legislation.

• We will have to iron out and find the most effective means of treating with and referral of persons who are guilty of driving while intoxicated to the drug treatment Courts.

• The thorny issue of recording convictions will also have to be worked out.

• And we will have to pay the utmost attention to the level an capacity of staffing and the type of establishment that will be necessary for the operation of the Court.

Given all of this, ladies and gentlemen, I can say in local parlance: we have our work cut out for us. I am regaled and encouraged by the commitment given by our international collaborators to provide technical assistance, and I regard this exercise today and their presence as indicators of a well founded partnership.

Journalist Mark Naylor, in an analysis of drug treatment courts worldwide observes that these establishments, in targeting people that commit crimes under the influence of drugs or to procure funds for drugs, provide a method that differs markedly from an incarceration-oriented approach, by suspending normal judicial procedures for offenders conditional on their participation in a rehabilitation and re-integration programme.

He notes that though the details of the treatment programmes depend on the country and community in which the courts reside, they all share three fundamental aims:

• helping drug users to beat dependency

• avoiding imprisonment (unless the terms of the rehabilitation programme are violated)
• and preventing the offender from contact with the hardened criminals who make the possibility of a relapse into crime more likely.

We expect adoption of these fundamental aims as we move forward to the establishment of a drug treatment Court in Trinidad and Tobago. But I want to make it absolutely clear, and forgive me for repeating what you would have heard me say before: No one should believe that this is by any means an abdication of our responsibility to deal firmly with criminal behavior. Nor is it to be construed as a mere “slap on the wrist” or “soft touch” approach on drug-related issues. Graduates of the drug courts have to work very hard to not only maintain their sobriety, but also to meet the other demands which are placed on them. It is not an easy path, but it is a developmental one, through which persons with drug problems can be supported to change their behaviours. Experience in the hemisphere, and particularly in Jamaica, which also has a significant drug problem, has shown that this approach ultimately leads to a significant reduction in the number of repeat offenders, and a resultant decrease in the numbers of prisoners and persons appearing before the courts. This in turn will save a considerable amount of money that could be redirected to other programmes. Of greater importance is the fact that, it will save lives, as it returns healthy persons to the community, who are able to function in a harmonious and supportive manner in their families and, by extension, their communities. The judiciary looks forward to the support of the policy makers, and critical partner agencies in undertaking this programme.

I repeat my pleasure at being here with all of you this morning, and my wish is for a very successful workshop marked by greater understanding among participants of the issues that surround the implementation of drug treatment courts, and the creation of a cadre of individuals who will assist us in effectively advancing this project. So, let the work begin.

I thank you for your kind attention.