



Drug Court New South Wales

What is the Drug Court program?

The Drug Court of NSW supervises the intensive community-based rehabilitation of eligible drug-dependent offenders ('eligible persons') who would otherwise be sentenced to full-time imprisonment. This is often referred to as the 'Drug Court program'.

The Drug Court program is a joint justice and health intervention aimed at reducing drug dependency, reducing offending, and promoting reintegration into the community. It is proven to be more effective at reducing crime, and the intensive rehabilitation provided costs less than sending people to prison.

The Drug Court adopts a multi-disciplinary program delivery model. An interagency team works together under the leadership of the Drug Court Judge to develop, deliver and supervise each participant's program. The interagency team includes representatives from Office of the Director of Public Prosecutions, NSW Police Force, Legal Aid NSW, Community Corrections NSW, Justice Health and Forensic Mental Health Network (Justice Health) and the treating Local Health District(s).

Program eligibility and referral

To be eligible for the Drug Court program a person must:

- be charged with an eligible offence
- have pleaded guilty, or indicated they will plead guilty, to the offence
- be highly likely to be sentenced to full-time imprisonment if convicted
- be dependent on the use of illicit drugs
- be 18 years of age or over
- be willing to participate and have the mental capacity to actively participate
- be referred to the Drug Court by a Local Court or District Court

The person must also live in one of the specified Local Government Areas which fall within the Drug Court's catchment.

A person is not eligible if they are charged with an offence involving violent conduct, a sexual offence or some types of drug offences. People with a history of violent or dangerous behaviour may also be ineligible.

The NSW Local Court or NSW District Court must refer any person with a charge before them who appears willing and eligible to participate in the Drug Court program.

The Drug Court will assess the person's eligibility and appropriateness, and determine the outcome of the referral. Program places are limited. Where there are more referrals than available places, a randomised ballot is conducted.

Only successful referrals will proceed to the next stage. Unsuccessful referrals are returned to the referring Local Court or District Court.

After a successful referral

Mandatory withdrawal management, assessment and treatment planning in custody

Any person successfully referred to the Drug Court must undergo mandatory withdrawal management, assessment and treatment planning at a specialist unit at either the Metropolitan Remand and Reception Centre (MRRC) (male) or Silverwater Women's Correctional Centre (females).

Justice Health staff in these units (including nurses, addiction medicine doctors, and psychiatrists) liaise with the treating Local Health District to develop a 'highly suitable treatment plan' to meet each person's specific needs. The participant has input into this process and must be willing to undertake the treatment plan. Once finalised, the treatment plan is provided to the Drug Court.

See further '[Treatment for drug dependency](#)' below.

(Note: It possible for the person to be excluded from program participation at this stage because of ineligibility, unwillingness to participate or lack of a highly suitable treatment plan.)

Confirmation of guilty plea and sentencing

Following completion of detoxification and assessment in custody, the eligible person appears before the Drug Court to confirm a plea of guilty. The Drug Court then imposes an initial sentence of imprisonment and makes orders for the sentence to be suspended. The person is then released from custody to undertake their treatment plan, subject to the conditions imposed by the court (i.e. conduct, good behaviour, place of residence, abstinence from illicit substances, and attendance for court reporting, urine drug testing, and treatment). The treatment plan may require the eligible person to enter residential rehabilitation, or reside in supported residential care, or in the community at an approved address while participating in treatment.

Completion of the above process and release from custody marks the commencement of the eligible person's Drug Court program. From herein, they are referred to as a program 'participant'.

Program phases

The Drug Court program has three intensive phases to be completed over a minimum 12-month period. Each phase has distinct goals the participant must achieve to progress to the next phase.

In Phase 1 (Initiation) (minimum 3 months)

Participants must reduce drug use, stabilise physical and mental health, commence treatment for drug dependency, and cease criminal activity. Participants are required to undergo supervised urine drug testing at least three times per week and report back to the court up to twice per week.

Phase Two (Consolidation) (minimum 4 months)

Participants must remain drug-free and crime-free, maintain good health, stabilise domestic and social environment and develop job and life skills. Participants are required to undergo supervised urine drug testing twice per week and report to the court once per fortnight.

Phase Three (Reintegration) (minimum 5 months)

Participants must remain drug-free and crime-free, establish stable accommodation, gain employment, be employment ready, be engaged in an activity or education/ training which could lead to employment, or be engaged in full-time child-care or other positive activity, and be financially responsible. Participants are required to undergo supervised urine drug testing twice per week and report to the court once per month.

Key components of the program

Treatment for drug dependency

Treatment for drug use and dependency is a fundamental aspect of each participant's program and is provided in accordance with the treatment plan developed by Justice Health and the treating Local Health District(s). Treatment is holistic and evidence-based, with a focus on addressing drug use and factors that may influence offending behaviours.

Counselling and case management are the core components of treatment. These are delivered by the Local Health District(s), who also coordinate other alcohol and other drug (AOD), health and social services provided to the participant, such as pharmacotherapy and residential rehabilitation.

Treatment plans are developed in consultation with the participant and regularly reviewed. A participant will not be compelled to undergo a treatment plan they do not freely choose to undertake.

Social supports

Social supports are provided to participants to assist with housing, income stability, education, training and readiness for employment, employment (where possible), living skills, and relationship, parenting and child-care skills. The interagency team partners with other government agencies, community service providers, NGOs, welfare organisations, and charities to deliver these supports.

Supervised urine drug testing

All participants are required to undergo regular supervised urine drug testing, with the frequency determined by program phase. Participants may also be subject to testing for alcohol consumption. Use of prohibited or synthetic drugs, or other prohibited substances, and failure to attend for testing or to provide a sample are program breaches which may incur sanctions.

Reporting to the court

All participants must report regularly to the court, with frequency determined by program phase. When the participant reports to the court, they have a discussion with the Judge about their progress on program. This discussion is informed by matters raised with the Judge by the inter-agency team at a pre-court meeting (in the absence of the participant).

Following this discussion, the Judge may vary the participant's treatment plan or program conditions, impose sanctions for non-compliance, or confer rewards. See further ['Monitoring and compliance'](#) and ['Sanctions and rewards'](#) below.

Supervision by Community Corrections

Participants are required to submit to supervision by Community Corrections for the duration of their program. The purpose of supervision is to reduce the risk of reoffending and support each participant to achieve their program goals, with a focus on honesty and compliance.

While the level of supervision is ultimately guided by risk, the frequency of contact with the participant is determined by (and varies between) program phases. Supervision generally includes contact via telephone, SMS and video calling, curfew checks, visits at approved residences, places of work, learning environments, family homes, and in the community, and third-party checks. Breath analysis for alcohol consumption may also be undertaken where necessary.

Monitoring and compliance

The Drug Court closely monitors all participants to ensure program compliance. This is achieved with the assistance of information shared by the interagency team.

The Drug Court Judge meets with the interagency team prior to court to discuss the progress of participants who are scheduled to report to the court that day. The team provides updates about drug dependency and matters relating to treatment, compliance with supervision, and matters relating to offences or contact with the NSW Police which may affect the participant's program. Results of supervised urine drug testing and compliance with testing requirements are also discussed.

Sanctions and rewards

The Drug Court may impose sanctions on participants who do not comply with their program, including increased supervision and frequency of urine testing or reporting to the court, as well as additional conditions such as curfews. The most severe sanction, short of program termination, is a custodial sanction.

Behaviour which will attract sanctions includes commission of further offences, use of prohibited drugs, non-prescribed medication, or other substances prohibited under the participant's program (e.g. alcohol) and failure to disclose such use. Participants are encouraged to make admissions regarding their drug use, with more severe sanctions imposed where unadmitted use is detected.

The Drug Court may confer rewards on participants for satisfactory compliance, including public acknowledgment of success, a reduction in restrictions, increased privileges, or progression to the next program phase.

Program termination or completion

A Drug Court program is completed or requires termination when the participant:

- has substantially complied with the program
- is unlikely to make any further progress on the program
- poses an unacceptable risk to the community by remaining on the program, or
- chooses to exit the program

At program completion or termination, the court reconsiders the initial sentence and determines the final sentence. The initial sentence can be confirmed, or set aside and another sentence imposed, but it cannot be increased.

Participants who do not comply with their program are likely to serve their final sentence in custody. If the court decides the participant has substantially complied with their program, it is likely they will serve their final sentence in the community. Certificates of graduation or substantial achievement are awarded to participants who show particularly strong progress while on the program.

For further information

Further information about the Drug Court is available at www.drugcourt.nsw.gov.au