

The Drug Court

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Applause for former drug users who turn their lives around

The NSW Drug Court, now almost a decade old, has proven a great success, writes **Malcolm Knox**.

WHEN a judge leads a round of hearty applause for a convicted offender, it is quickly apparent that the Drug Court of NSW is not your typical place of judicial authority.

The judge, Roger Dive, sees about 40 such offenders each day in his Parramatta courtroom. These appearances, called report backs, are for Judge Dive to consider whether the offender is making progress in a court-determined program to cut drug use, build a normal life and avoid reoffending.

If the offender - pointedly called a participant - has moved forward, Judge Dive leads the applause, joined by his team of lawyers, health workers, corrections officers and counsellors, as well as by the other participants waiting in the back of the court.

The improvement may be going three days without using drugs; it may be finding a job or a training course; it may be graduating from the Drug Court after 12 months. When applauded, the participant leaves the court beaming, often shaking hands with other participants on the way out.

Judge Dive says cinema tickets and other small incentives were tried as ways of giving offenders positive reinforcement, but these have been replaced by applause. "You can see how much encouragement the participant gets from that applause," he says.

"You can see how crestfallen are the ones who have fallen back and aren't applauded. It's all-important to them."

Effectiveness has become this court's hallmark. Celebrating its 10th anniversary this week, the

Drug Court is an initiative of the Labor state government that has been indubitably successful.

According to a four-year study by the Bureau of Crime Statistics and Research published last year, graduates from the Drug Court are 58 per cent less likely to commit another drug offence than those who did not enter the program. The bureau's director, Dr Don Weatherburn, called these "very substantial findings", and almost unmatched in the country in cutting recidivism.

Yesterday, at a conference marking the anniversary, the Director of Public Prosecutions, Nick Cowdery QC, said he was initially sceptical of the Drug Court but now "I have no hesitation at all in stating my belief ... that the Drug Court of NSW is a success".

"We know from others of the success of the court - of its cost-effectiveness (always a big winner with government, especially); of its effectiveness in reducing recidivism; of the benefits it has bestowed upon the participants in the program and those associated with them."

Much of this success can be owed to the pastoral approach taken by Judge Dive and his two predecessors in the role, Judge Helen Murrell, now in the District Court, and the late Neil Milson.

Judge Dive, now 55, a magistrate for 15 years, including a stint as Chief Children's Magistrate, before moving to the Drug Court in 2004, brought a no-nonsense yet caring, holistic outlook to dealing with offenders.

In court he wears a judge's robes

but not the horsehair wig. His language, and that of the participants, is informal. Often the participant opens by saying, "How ya goin'?" After the pleasantries, Judge Dive's first question is always the same: "Any drug use?"

The answer varies. Drug Court participants are tested up to three times weekly, and cannot get away with lying. Yet some still do. Admitted drug use carries a penalty of one "sanction", while getting caught lying about drug use attracts three.

Participants accumulating 14 sanctions are sent to jail. This threat is enough to deter most and coax them into behaviour that is rewarded by sanction-cutting, although many slide up and down the sanctions pole through their course.

All participants are convicted non-violent drug users who are eligible for Drug Court as an alternative to full-time imprisonment. Treating offenders outside jail is the court's underlying principle.

For all participants, the path through the Drug Court program has its bumps. But one this week left the court in tears. A former heavy user and dealer, he was told he would graduate from the program next Tuesday.

The Supreme Court judge who sent him on the program instead of to jail, retired justice Brian Sully, will be there for the man's graduation. In thanking Judge Dive, the man wept. "You were the first people who gave me a chance," he said. He left the court to a stirring ovation, led by the judge.