October 20, 2014

Dear [REDACTED]

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (Our File #: JUS/00712014)

On July 3, 2014, the then Department of Justice received your request for access to the following records/information:

"I am requesting under the Access to Information Act any briefing notes, information sheets, documents, etc regarding the drug court announced in the 2011 election."

In an email dated September 15, 2014, you clarified your request to include:

"I am requesting under the Access to Information Act any briefing notes and information sheet/notes relevant to the status of the Drug Court announced in the 2011 election."

I am pleased to inform you that your request for access to these records has been granted. As required by subsection 7(2) of the Act, we have severed information that is exempted from disclosure. Some records and/or information contained within the records have been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act* (the Act):

18. (1) In this section

(a) "cabinet record" means

(viii) a record created during the process of developing or preparing a submission for the Cabinet,

18. (1) In this section

(d) "supporting cabinet record" means a Cabinet record referred to in paragraph (a) which informs the Cabinet process, but which is not an official cabinet record.
18. (2) The head of a public body shall refuse to disclose to an applicant a Cabinet record, including
(c) a supporting Cabinet record.

23. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to
(a) harm the conduct by the government of the province of relations between that government and the following or their agencies:
(i) the government of Canada or a province,

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.

For records that are refused on the basis of section 21 (legal advice) or section 18(2)(a) (official cabinet record), you must appeal directly to the Supreme Court Trial Division within 30 days after you receive the decision of the public body, pursuant to section 60. You may also contact the Office of the Information and Privacy Commissioner who may decide to initiate an appeal pursuant to subsection 60(1.1).

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
34 Pippy Place
P. O. Box 13004, Stn. A
St. John’s, NL
A1B 3V8
Telephone: (709) 729-6309
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

If you have any questions, please contact the ATIPP Coordinator, Neil Croke, at 709-729-7906, or ncroke@gov.nl.ca.

Sincerely,

Heather Jacobs
Assistant Deputy Minister
NOTE TO FILE
DRUG TREATMENT COURT
3 NOVEMBER 2011

- Justice has not done any work related to the establishment of a Drug Treatment Court.
- Colleen Simms is the HCS contact. She is not aware of any work done in HSC on the topic. Certainly nothing recently. She will check to see if there is a file.
- I advised Colleen that Justice intends to hire a Psychology Masters Student in January. We intend to ask the student to conduct some research into other Drug Treatment Courts and to see if any evaluation work has been done.
- Colleen advised that HCS will also be hiring a student from that program.
- Colleen and I agreed that we will meet with the students in January to coordinate on the information gathering and plan forward.

Donna Ballard
Briefing Note
Department of Justice

Title: Therapeutic Courts – Drug Treatment Court

Issue: To inform the Minister on the status of government’s commitment to a Drug Treatment Court

Background and Current Status:
• The 2011 Policy Blue Book “New Energy” outlined this government’s commitment to the establishment of a Drug Treatment Court.

• The Department of Justice has commenced preliminary work towards this commitment:
  o The Provincial Director of Court Services and the Assistant Deputy Minister (Policy and Planning) attended a conference in February 2012 entitled “Problem Solving Courts & Innovative Approaches to Justice.”
  o Justice has produced a research paper entitled “Comparison of Drug Treatment Court Models in Various Canadian Jurisdictions.”

• The Department of Justice sits on the Ad Hoc federal-provincial-territorial (F/P/T) working group on drug treat court efficiencies and resource allocations. The mandate of this working group is to provide a forum for informed discussion on drug treatment courts in Canada.

• The National Anti-Drug Strategy Treatment Action Plan supports the Drug Treatment Court Funding Program which is funding six drug treatment courts (Toronto, Ottawa, Winnipeg, Edmonton, Regina and Vancouver) to the amount of $3,596,000 annually.

Prepared by: Pam Thomas
September 20, 2013
Briefing Note
Department of Justice

Title: Therapeutic Courts – Drug Treatment Court

Issue: To inform the Minister on Drug Treatment Courts for the Ministers’ of Justice Meeting in October 2013.

Background and Current Status:
• The National Anti-Drug Strategy (2007/8-20011/12) provided a focused approach involving three action plans; preventing, treating and combating illicit drugs. The $513.4 million strategy supported the three action plans and focused primarily on youth.

• An evaluation of the National Anti-Drug Strategy found that illicit drug use is a continuing concern for Canadians, particularly given the involvement of youth and other vulnerable populations. An emerging trend showed the rate of drug use among youth aged 15 to 24 years remains much higher than that reported among adults 25 years and older. The evaluation concluded that a national anti-drug strategy is warranted and is in keeping with the Government of Canada’s priorities and roles and responsibilities.

• Through the renewed Anti-Drug Strategy, federal funding continues through the Drug Treatment Court Funding Program (DTCFP) for Drug Treatment Courts (DTCs). This is a contributions funding program of Justice Canada and Health Canada that provides financial support and administers funding agreements to six drug treatment court sites that were selected through a call for proposals. The six sites include two original DTCs in Toronto and Vancouver and an additional four DTCs located in Edmonton, Winnipeg, Ottawa, and Regina to the combined amount of $3,596,000 annually. Four sites have non-governmental organizations as funding recipients (Toronto, Edmonton, Winnipeg and Ottawa) and two sites have provincial departments as funding recipients (Vancouver and Regina).

• Drug Treatment Courts work by combining judicial supervision with substance abuse treatment and address the link between drugs and crime. They are intended to address the criminal behaviour of high needs individuals who have engaged in non-violent offences that were motivated by their addictions. The funding available through the DTCFP was targeted for youth, Aboriginal women and men, sex trade workers and women in general. A summative evaluation of the six drug treatment courts found that safe, secure housing and available treatment beds were and continue to remain a challenge for all DTCs. The newness of drug treatment courts made it difficult to draw any long term conclusions. Measuring success in drug treatment courts can be viewed through a reduction in recidivism and/or a reduction in drug use. Several DTCs help participants achieve success through the recognition that relapse is part of recovery, the length of the program, the court sessions, the support of the treatment staff and the counseling sessions, and access to safe, drug-free housing.
All federally-funded Drug Treatment Courts operate within the legal framework that governs all adult criminal court proceedings in the Provincial Courts of the respective jurisdictions. These Courts operate on the basis of a guilty plea with a delayed sentencing process (confirmed at law by virtue of s. 720(2) of the Criminal Code). The offender must plead guilty to the offence(s) and agree to be bound by conditions in a recognizance or undertaking. An order for judicial interim release ("bail") is the mechanism for judicial and program supervision of the participant, as well as for treatment and other programming.

The Department of Justice sits on the Ad Hoc Federal-Provincial-Territorial (F/P/T) Working Group on drug DTC Efficiencies and Resource Allocations. The mandate of this working group is to provide a forum for informed discussion on DTCs in Canada. The Working Group is currently drafting a consensus document regarding definitions for a drug treatment court, a participant, guiding principles and successful completion of a DTC program.

The 2011 Policy Blue Book “New Energy” outlined this government’s commitment to the establishment of a Drug Treatment Court. Specifically, “We will establish a Drug Treatment Court including video conferencing in Newfoundland and Labrador. As described in the National Anti-Drug Strategy, Drug Treatment Courts (DTCs) aim to reduce crime committed as a result of drug dependency through court-monitored treatment and community service support for offenders with drug addictions. They also aim to reduce the burden of substance abuse on the Canadian economy, which has been estimated at $9 billion annually for areas including law enforcement, prosecution and incarceration”.

Operating a DTC in NL would require support from the judiciary, a commitment for operation for a minimum of three years, a commitment for timely and continued addictions treatment, a commitment from the Department of Health and Community Services, cooperation from various stakeholders including community such as John Howard Society and leadership from the Department of Justice.

Other Considerations:

It is anticipated that the Federal Minister of Justice will raise which jurisdictions are interested in piloting a DTC and what amount of funding can be committed from that jurisdiction.

Prepared/Approved by: Pam Thomas/ Fiona Langor
October 2, 2013
Title: Therapeutic Courts – Drug Treatment Courts

Issue: To inform the Minister on Drug Treatment Courts for the Ministers of Justice Meeting in November 2013.

Decision Required of Ministers:
Ministers will engage in discussions regarding the need for the federal government to maintain and provide enhanced funding to permit jurisdictions flexibility to expand drug treatment courts and other similar alternative programs.

Background and Current Status:

• The National Anti-Drug Strategy (2007/8-2011/12) provided a focused approach involving three action plans: preventing, treating and combating illicit drugs. The $513.4 million strategy supported the three action plans and focused primarily on youth.

• An evaluation of the National Anti-Drug Strategy found that illicit drug use is a continuing concern for Canadians, particularly given the involvement of youth and other vulnerable populations. An emerging trend showed the rate of drug use among youth aged 15 to 24 years remains much higher than that reported among adults 25 years and older. The evaluation concluded that a national anti-drug strategy is warranted and is in keeping with the Government of Canada’s priorities and roles and responsibilities.

• Through the renewed Anti-Drug Strategy, federal funding continues through the Drug Treatment Court Funding Program (DTCFP) for drug treatment courts established in 2004. This is a contributions based funding program of Justice Canada and Health Canada that provides financial support and administers funding agreements to six drug treatment court sites that were selected through a call for proposals.

• The six sites include two original drug treatment courts in Toronto and Vancouver and an additional four drug treatment courts located in Edmonton, Winnipeg, Ottawa, and Regina for the combined amount of $3,596,000 annually. Four sites have non-governmental organizations as funding recipients (Toronto, Edmonton, Winnipeg and Ottawa) and two sites have provincial departments as funding recipients (Vancouver and Regina).

• Drug treatment courts work by combining judicial supervision with substance abuse treatment and address the link between drugs and crime. They are intended to address the criminal behaviour of high needs individuals who have engaged in non-violent offences that were motivated by their addictions. The funding available through the DTCFP was targeted for youth, Aboriginal women and men, sex trade workers and women in general.
A summative evaluation of the six drug treatment courts found that safe, secure housing and available treatment beds were and continue to remain a challenge for all drug treatment courts. The newness of drug treatment courts made it difficult to draw any long term conclusions. Measuring success in drug treatment courts can be viewed through a reduction in recidivism and/or a reduction in drug use. Several drug treatment courts help participants achieve success through the recognition that relapse is part of recovery, the length of the program, the court sessions, the support of the treatment staff and the counseling sessions, and access to safe, drug-free housing.

All federally-funded drug treatment courts operate within the legal framework that governs all adult criminal court proceedings in the Provincial Courts of the respective jurisdictions. These courts operate on the basis of a guilty plea with a delayed sentencing process (confirmed at law by virtue of s. 720(2) of the Criminal Code). The offender must plead guilty to the offence(s) and agree to be bound by conditions in a recognizance or undertaking. An order for judicial interim release ("bail") is the mechanism for judicial and program supervision of the participant, as well as for treatment and other programming.

Considerations:

- Federal funding for drug treatment court programs will expire in March 2015. Drug treatment court funding was previously extended but not increased. Confirmation of continued funding and enhanced investments in drug treatment courts and similar alternate programs dealing with alcohol addiction, mental health issues and Fetal Alcohol Spectrum Disorder are needed to ensure that the justice system is able to continue treating these offenders in order to reduce recidivism.

- The 2011 Policy Blue Book "New Energy" outlined this government’s commitment to the establishment of a drug treatment court. Specifically, "we will establish a Drug Treatment Court including video conferencing in Newfoundland and Labrador. As described in the National Anti-Drug Strategy, Drug Treatment Courts (DTCs) aim to reduce crime committed as a result of drug dependency through court-monitored treatment and community service support for offenders with drug addictions. They also aim to reduce the burden of substance abuse on the Canadian economy, which has been estimated at $9 billion annually for areas including law enforcement, prosecution and incarceration".

- The Department of Justice participates on the Ad Hoc Federal-Provincial-Territorial (F/P/T) Working Group on Drug Treatment Court Efficiencies and Resource Allocations. The mandate of this working group is to provide a forum for informed discussion on drug treatment courts in Canada. The Working Group is currently drafting a consensus document regarding definitions for a drug treatment court, a participant, guiding principles and successful completion of a drug treatment court program.

- Operating a drug treatment court in NL would require support from the judiciary, a commitment for operation for a minimum of three years, a commitment for timely and continued addictions treatment, a commitment from the Department of Health and
Community Services, cooperation from various stakeholders, including community such as John Howard Society, and leadership from the Department of Justice.

Recommendations:

- It is anticipated that the Federal Minister of Justice will ask which jurisdictions are interested in piloting a drug treatment court and what amount of funding can be committed from that jurisdiction. In support of government’s 2011 Blue Book commitment to establish a drug treatment court in Newfoundland and Labrador, it is recommended that NL support the enhancement of federal funding to permit jurisdictions the flexibility to establish drug treatment courts in their respective regions.

- This discussion represents an opportunity for NL to communicate its interest in securing longer term federal funding, past 2015, to establish a drug treatment court in this province.

Prepared/Approved by: Pam Thomas/ Fiona Langor, Policy and Strategic Planning. 

October 17, 2013
Information Note
Department of Justice

Title: Efforts to Establish a Drug Treatment Court in Newfoundland and Labrador.

Issue: To inform on the progress of the creation of a specialty drug treatment court for NL.

Background and Current Status:

- The 2011 Policy Blue Book “New Energy” outlined this government’s commitment to the establishment of a Drug Treatment Court. Specifically, “We will establish a Drug Treatment Court including video conferencing in Newfoundland and Labrador. As described in the National Anti-Drug Strategy, Drug Treatment Courts (DTCs) aim to reduce crime committed as a result of drug dependency through court-monitored treatment and community service support for offenders with drug addictions. They also aim to reduce the burden of substance abuse on the Canadian economy, which has been estimated at $9 billion annually for areas including law enforcement, prosecution and incarceration”.

- DTCs work by combining judicial supervision with substance abuse treatment and address the link between drugs and crime. They are intended to address the criminal behaviour of high needs individuals who have engaged in non-violent offences that were motivated by their addictions.

- In February of 2012, research was conducted by a Statistician I in Justice who completed a jurisdictional scan of the DTCs in operation, the various models and how they worked, evaluation findings and the challenges of DTCs.

- In March of 2012, the then Minister of Public Safety, the Honorable Rob Nicholson sent a letter to the then Minister of Justice, the Honorable Felix Collins stating he had instructed his officials to work closely with their territorial and provincial counterparts to develop a strategy that defines how to approach DTCs in the future with respect to best practices, overall efficiencies and future funding.

- The Department of Justice sits on the Ad Hoc Federal-Provincial-Territorial (F/P/T) Working Group on DTC Efficiencies and Resource Allocations. The mandate of this working group is to provide a forum for informed discussion on DTCs in Canada.

- The Working Group is currently drafting a consensus document regarding definitions for a drug treatment court, a participant, guiding principles and successful completion of a DTC program. The Working Group is also compiling a list of cost categories for DTCs.

- Through the renewed Anti-Drug Strategy, federal funding continues via the Drug Treatment Court Funding Program (DTCFP) for DTCs. This is a contributions funding program of Justice Canada and Health Canada that provides financial support and administers funding agreements to six drug treatment court sites that were selected through a call for proposals.
A summative evaluation of the six drug treatment courts found that safe, secure housing and available treatment beds were and continue to remain a challenge for all DTCs. The newness of drug treatment courts made it difficult to draw any long term conclusions. Measuring success in drug treatment courts can be viewed through a reduction in recidivism and/or a reduction in drug use. Several DTCs help participants achieve success through the recognition that relapse is part of recovery, the length of the program, the court sessions, the support of the treatment staff and the counseling sessions, and access to safe, drug-free housing.

A DTC is considered a specialty court and would require support from the community, Legal Aid, the Judiciary, Health and Community Services, the federal and provincial crown with leadership from Justice. As with all specialty courts, the costs to operate are significantly higher than traditional courts.

As a result of the completed research and the knowledge gained through the Working Group on DTCs, Justice Officials are positioned to consult with stakeholders, both internally and externally, regarding the necessary components to implement a DTC in NL.

Prepared/Approved by: Pam Thomas/ Fiona Langor

November 14, 2013
Title: Efforts to Establish a Drug Treatment Court in Newfoundland and Labrador.

Issue: To inform on the progress of the creation of a specialty drug treatment court for NL.

Background and Current Status:

- The 2011 Policy Blue Book "New Energy" outlined this government's commitment to the establishment of a Drug Treatment Court. Specifically, "We will establish a Drug Treatment Court including video conferencing in Newfoundland and Labrador. As described in the National Anti-Drug Strategy, Drug Treatment Courts (DTCs) aim to reduce crime committed as a result of drug dependency through court-monitored treatment and community service support for offenders with drug addictions. They also aim to reduce the burden of substance abuse on the Canadian economy, which has been estimated at $9 billion annually for areas including law enforcement, prosecution and incarceration".

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- The Department of Justice sits on the Ad Hoc Federal-Provincial-Territorial (F/P/T) Working Group on DTC Efficiencies and Resource Allocations. The mandate of this working group is to provide a forum for informed discussion on DTCs in Canada.

- The Working Group is currently drafting a consensus document regarding definitions for a drug treatment court, a participant, guiding principles and successful completion of a DTC program. The Working Group is also compiling a list of cost categories for DTCs.

- Through the renewed Anti-Drug Strategy, federal funding continues via the Drug Treatment Court Funding Program (DTCFP) for DTCs. This is a contributions funding program of Justice Canada and Health Canada that provides financial support and administers funding agreements to six drug treatment court sites that were selected through a call for proposals.
• A summative evaluation of the six drug treatment courts found that safe, secure housing and available treatment beds were and continue to remain a challenge for all DTCs. The newness of drug treatment courts made it difficult to draw any long term conclusions. Measuring success in drug treatment courts can be viewed through a reduction in recidivism and/or a reduction in drug use. Several DTCs help participants achieve success through the recognition that relapse is part of recovery, the length of the program, the court sessions, the support of the treatment staff and the counseling sessions, and access to safe, drug-free housing.

• A DTC is considered a specialty court and would require support from the community, Legal Aid, the Judiciary, Health and Community Services, the federal and provincial crown with leadership from Justice. As with all specialty courts, the costs to operate are significantly higher than traditional courts.

• As a result of the completed research and the knowledge gained through the Working Group on DTCs, Justice Officials are positioned to consult with stakeholders, both internally and externally, regarding the necessary components to implement a DTC in NL.