

*The Impact of Drug/Alcohol
Treatment on reducing the Severity
of Sentencing for Clients Presenting
with Criminal Charges*

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Who Am I?

- I completed a Bachelor of Applied Science (Psychology) (Hons) in 2001, combining a double major in psychology and physiological sciences, including neuroanatomy.
- I completed a research thesis in the area of drug and alcohol treatment in 2001
- I began working as a specialist drug and alcohol clinician in 2002. My areas of expertise include; assessment, education, consulting and counselling for clients with a dual diagnosis (combined drug and alcohol and a mental health issue), forensic issues and acquired brain injury.

- I completed numerous training workshops with some of Melbourne's leading barristers and magistrates
- In early 2008 I started Ax Consultants; a drug and alcohol assessment, consulting and counselling service which provides specialist services for clients who have been charged with a drug or alcohol related offence.

Scenario 1

A 60 year old woman is
convicted of arson, she
was intoxicated at the
time

Scenario 2

A 27 year old man is
charged with drink
driving offences for the
second time

Scenario 3

A 24 year old woman is charged with cultivating cannabis.

She says it was for medical purposes...



“Two men looked around their prison cell, one man saw stars and the other a skeleton...”

Type of Drug and Alcohol Related Offences...

Directly   Indirectly

Four Key Groups

1. Individuals who possess and use drugs on a small scale (e.g., for recreational purposes) but are not involved in criminal activity
2. People who engage in drug dealing, trafficking and manufacturing, but are often not users of drugs;
3. Substance abusers who commit crimes to support their drug habit; and
4. Individuals who use drugs and commit crimes but their activities are not causally related.

Levels of Drug Use

- Occasional
- Regular
- Intoxicated/Abuse
- Dependent



What is an ABI?



An injury to the brain resulting in deterioration of cognitive, physical, emotional or independent functions.

Impact of an ABI

- Thinking or planning ahead
- Putting plans in action
- Learning from mistakes
- Thinking through consequences
- Seeing other points of view
- Become angry or aggressive quickly
- Say or do things without thinking
- Limited self awareness and insight

Clients Rights and Responsibilities

Stu's Views

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- * "Independent Third Party"
- * AOD dependence
- * Psychotic episode
- * ABI

Why does this matter?

1. Ability to demonstrate Responsibility for Actions
2. Ability to be Rehabilitated

Responsibility is the thing people dread most of all.
Yet it is the one thing that develops us.

~Frank H Crane

Drug Treatment Services

- Assessment
- Education
- Counselling
- Withdrawal
- Rehabilitation

- Waiting Lists: “How Long is a Piece of String...”
Community versus Private

Is it Better to deal with some offenders on a therapeutic rather than a punitive basis?

- Up to 35% of all offences and 50% of all property offences are directly related to drug use.
- Between 50-80% of detainees are in prison for drug related offences or were drug affected or dependent at the time the offences occurred (Australian Bureau of Criminal Intelligence)
- Research from the last 10 years has consistently shown that few punitive strategies/interventions, including incarceration produce positive outcomes for offenders with a substance use issue (Vander Waal et al 2001)
- And....

- Drug Treatment Interventions are associated with:
 - significant reductions in drug use
 - significant reductions in frequency of desire to use
 - significant reductions in recidivism
 - improved mental health and wellbeing
- Treatment approaches with highest efficacy are:
 - client centred, and focused on
 - motivational enhancement,
 - social, coping and interpersonal skills training
 - CBT and relationship counselling.

Impact on Sentencing...

Stu's Views

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Scenario A

-Second Drink Driving Offence.

-No Priors.

Outcome: suspended sentence,
no conviction

Scenario B

- Possession and Trafficking a small quantity of illicit drug.
- No Priors.
- States they were holding it for a friend.
- It was New Years Eve.

Outcome: Suspended Sentence, No Conviction

Scenario C

Bail hearing:

- Possession
- Assault, Resist Arrest
- Theft
- Prior Criminal History, no custodial sentences
- Drug Dependence 10+ years

Outcome: Released on bail at second hearing

(no drug and alcohol treatment sought prior to first hearing)

Final Outcome: CBO

How to Make Referrals

- **Consultation and Opinions:**
Legal Representatives or clients can contact directly
- **Incarcerated Clients:**
Legal Representatives can contact to schedule assessment appointments for clients who are incarcerated. A clinician will go out to the prison.
- **Community Based Clients:**
Clients can contact directly to schedule office based appointments



Questions

Or Other Scenarios...?

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