

Good morning everyone,

Thank you, Paul and Cathal.

It is a privilege to be asked to speak to you, the Assembly.

Firstly, to put myself in context. I am a retired district court judge. I also served in the Special Criminal Court.

I was lead judge in the Dublin Drug Treatment Court (DDTC) for many years. It is now led by Judge Patricia McNamara.

I am going to speak to you about Therapeutic Jurisprudence (TJ).

What does Therapeutic Jurisprudence mean?

It is the philosophy of applying the law and the legal processes in a human, emotional and psychological manner.

It is premised on the notion that socially just and compassionate response should dominate the court process in order to motivate offenders to accept rehabilitation and treatment successfully.

It is a holistic approach based on encouragement and compassion in a non-adversarial manner.

TJ is used in the Drug Treatment Court which was set up originally as an alternative to custodial sentences. It has no statutory footing.

The DDTC is led by a dedicated judge and a team (Fiona and Meave will expand).

Participants are referred to it by the criminal courts within the DMD (which are 12 courts).

They either plead guilty to the charges or be found guilty after a trial and are deemed suitable by the Probation Service.

It involves sanctions and rewards while constant monitoring to allow for determining what works and what doesn't for each individual. Every person is treated with dignity and respect, given a voice and an opportunity to be involved.

As a judge, I must uphold the law of the land without fear or favour.

When a crime is committed, there is a victim, and the victim of that crime must also be a huge consideration for any judge.

We have been asked to consider:

- What works
- What doesn't work
- What we could do better

We have all listened to the powerful presentation given by Prof Jo Hana Ivers who spoke of systemic capital.

She confirmed what I thought.

We are only putting a sticking plaster on a broken leg. This is not acceptable.

You cannot treat addiction in isolation.

We must look at the real causes.

Unless we build the systemic capital not much will change.

So, issues of housing, education, employment, social services, mental health, and engaging with community are all vital.

Our treatment centres are not linked up.

Our front-line workers are under huge pressure.

Trying to do this as a health-led only basis is not the answer unless all the other government departments and sectors give their full support to it.

There must be a cross sector response.

All government departments: Health, Justice, Finance, Education, Housing etc must work together with the Gardaí, Probation Service, Courts etc to provide the capital.

Time to step up and take the plaster off the broken leg and deal with the underlying issue.

All government departments have a direct effect on health.

Despite best efforts some people with addiction problems will end up in court with several offences carrying, carrying max sentences of 12 months.

In Dublin, the Drug Treatment Court is an alternative to custody.

My colleagues around the country run various types of therapeutic jurisprudence.

In Cork, my colleague Judge Olan Kelleher runs a different type of Drug Court. First time Cocaine users, mostly employed, are asked to pay €750 or €800. The money funds Addiction Counsellors with Coolmine. If the user participates successfully in the programme. They leave without a conviction.

There are various colleagues around the country trying to do the same. This needs to be expanded around the country and many colleagues have expressed a wish to do so.

There must be an all-island approach if this is going to work.

The DTC was started 22 years ago as a pilot project to stop the revolving door of prisoners who were incarcerated for under 1 year.

In the DTC, most participants are homeless, have very little education from disadvantaged backgrounds, mental health issues, no family support etc.

In the DTC, they said a safe place to go where they are treated in compassion, respect and not judged.

IT IS NOT AN EASY PROGRAM

Think for example how it would be for any of us who have homes to recover from addiction problems.

Can you imagine trying to become free of drugs, living in a tent or doorway, or staying in hostel full of criminals and drug users. No love or support.

Every day our education centre provides a welcome and a breakfast. It is the backbone of the DTC.

Each individuals' needs are dealt with and the transformation is incredible.

They gain their self-worth, dignity, pride in themselves and learn to regain family or children and a real life can begin.

WHAT DOESN'T WORK

It's the fact that so few can avail of this and many more could if we were resourced.

There has been much criticism of the DTC and rightly so.

There are only small numbers who engage in the program and smaller numbers complete the programme.

WHY

Politicians have visited the DTC over the years and promised a lot, but nothing has happened.

Indeed, it hasn't been stopped either because that would not have been a good political move.

So, my wonderful, dedicated team battle on regardless because even one success is a life recovered.

Criticism is important in order to improve and evaluate properly.

Our graduates are the icing on the cake, they leave drug free and with no convictions.

But those who only progress part of the way also benefit hugely.

After care is so important and trust be improved.

All our stakeholder (HSE, PWS, CDTEB, Justice, Gardaí) of the DTC must step up and improve their involvement to make this a gold standard therapeutic system.

We have no dedicated detox beds.

No drug free housing where people can feel safe.

Father Peter McVerry has been a huge support to us and for that I thank him profusely.

There is no back up for the Treatment nurse if ill or on holidays.

The Education facility should be enlarged and resourced as it is the BACKBONE of the DTC.

There is no proper follow up by the DTC of its graduate and those who do not complete the full program.

Less people returned by Probation Services with multiple problems, which the DTC is not best tasked to deal with unless resourced to do so. Otherwise, we are setting people up to fail.

There is no training for judges. It should be part of every judge's training.

Judges and teams need to be up to date with international best practice and attend appropriate conferences and other international drug treatment courses to improve.

In conclusion,

1. Prevention is most important creating opportunities for people so they don't go down the criminal route / path.

But if they do – all is not lost.

2. We must have political will from the top mandated by all sectors.

All stakeholders involved in amazing services should not work in isolation but together.

The courts program through Therapeutic Jurisprudence has a huge value to society, but is only part of a wider issue.

Again, I say, addiction cannot be treated in isolation.

There is a need for a multi-disciplinary and wrap around approach to tackle not only addiction but also the reasons for the dependence and the trauma behind it.

Let's take the plaster off the broken leg and hear the underlying problems first.