

SAMOA ALCOHOL AND DRUGS COURT



HANDBOOK

INTRODUCTION

This book is to provide information for participants in the Alcohol and Drugs Court and the general public.

“Talofa Lava”

This is a special Court which deals with people whose offending has been driven by alcohol or other drug abuse. The participant is the defendant who has been accepted into the Alcohol and Drugs Court because the Court believes that the participant could make big changes in his/her life with the help of intensive supervision from the Court.

The participant will still be accountable for his/her offending, but we want to give him/her the tools he/she needs to build a new life away from alcohol and other drugs.

We want the participant to lead a new, healthier and happier life for himself/herself and his/her family/aiga. We also want him/her to be a person who contributes to the community not a person who is seen as an "offender" in the community. We will support him/her in making these changes.

Many people have been in the participant's situation and have made this journey to become a person who is free from the problems and difficulties caused by their alcohol or other drug use. We believe that he/she can do this too, which is why he/she has been offered a place in this Court.

We hope that the participant will see his/her chance to be in this Court as a special opportunity to turn his/her life around. There are very limited places and many people who qualify won't get the chance to come into the Alcohol and Drugs Court as that of a participant.



Being in this Court is not an easy option. It will take hard work by the participant and by the team, but we are ready to start now! If his/her treatment is successful the Judge will take this into account when he/she is later sentenced at the end of the programme. He/She will also get full credit for all the other positive things he/she will be doing during the time that he/she is in this Court.

This handbook has been written to answer some questions the participant may have that would also provide the general public with an insight of the workings of the Court, but remember that the ADC team is always here to answer any further questions.



Contacts

Case Manager	
Phone	
Email	

Probation	
Phone	
Email	

ADC Clinician	
Phone	
Email	

Duty Lawyer	
Phone	
Email	

Telefoni	
Emeli	

Telefoni	
Emeli	

Conclusion

In his speech at the Independence Day celebrations on 1st June 2015, His Highness the Head of State said; “ *he who conquers his impulses is greater than he who conquers the fortress*” .

The ADC team agrees with this statement - successfully overcoming the participant’s addiction or learning to control his/her drinking and drug taking is about learning to conquer his/her impulses. It will be hard, but he/she would not have been offered a place in this Court if we did not believe he/she can achieve this.



Who makes up the Alcohol and Drugs Court Team?

There are different types of people working for the Alcohol and Drugs Court. Mainly they are:

- The Judge
- The Prosecutor
- The lawyers
- The alcohol and drug Clinician/Assessor
- The case manager
- The court co-ordinator
- The Community Justice Supervisors
- The Probation Team

The Case Manager and the Alcohol and Drugs Clinician will create the participant’s Alcohol and Drug programme and explain to him/her what he/she will be required to do while he/she is in the Court.

The Case Manager will also report back regularly to the Judge and the team as to how the participant is going with his/her programme. The team shares this information at their meetings before court starts on court days. Participants do not go to these meetings.

The participant will be assigned a lawyer to assist him/her with all legal and procedural matters while he/she is in the court.

The participant's lawyer may share any information with the team as it relates to his/her treatment, wellbeing and safety, and how he/she is progressing through the court.

Leaving the Court

He/She can choose to leave the Court at any time. If he/she does, he/she will be remanded for sentence like the other offenders in the normal way.

If he/she successfully completes the Court programme, he/she will graduate from the Court and the Judge will sentence him/her. Everything he/she has done in the Court will be taken into account by the Judge at sentence, and he/she is very unlikely to have to serve a term of imprisonment. We hope that, by the time he/she graduates, he/she has built a life that he/she is proud of, and one where he/she will not be committing any further offences.

If he/she does not take the Court programmes seriously, keeps drinking and using drugs, commit further offences, or behave in a way that brings the reputation of the Alcohol and Drugs Court into disrepute, he/she will most likely be exited. The Judge will tell him/her when the Court is considering an exit hearing and he/she should discuss this with his/her lawyer. He/She has the right to be heard before the Judge makes a final decision. If he/she is exited, he/she will be remanded for sentence in the normal way.



It is in his/her interests not to use alcohol and drugs and the Court will acknowledge his/her progress by keeping a count of how many days he/she has been abstinent. It may be difficult and if he/she is struggling with this, talk to his/her case manager about it. If he/she refuses to stop using alcohol and drugs, then the Judge will exit him/her from the Court and he/she will be sentenced in the normal way which most likely will include a term of imprisonment.

While the CJS, the case manager and others will be monitoring him/her, the Judge will always ask him/her to be honest when asked at court if he/she has been drinking or taking drugs. Honesty is very important in this Court.



Appearing in Court

The Alcohol and Drugs Court is held every Tuesday at 2pm in District Court 4.

The participant must be there for the start of court at 2pm. It is best to come 30 minutes before court starts, so he/she can see his/her lawyer and case manager.

We always expect participants to be on time for court, and for all their other commitments. Those who turn up on time to court, and who have also met all their obligations since the last time they were in court, will have their cases called first.

The participant must be in court from 2pm until his/her case is called. He/She will learn more about what is expected from him/her and how the Court works by listening to what the Judge says to other participants.

When his/her case is called in Court, the Judge will talk directly with him/her about his/her progress. It is very important that he/she is always honest and open - this is one of the most important features of the court.

The participant is also expected to be respectful both in and outside court at all times. Standard Court etiquette requires participants to dress neatly, turn off mobile phones and not to talk while waiting for their cases to be called.

The Judge and the team want to meet other people in his/her life eg. family/ aiga, faifeau, and matai of his/her family as well. He/She should encourage them to come to Court to support him/her and celebrate his/her success.

The participant is asked to give his/her family/aiga this book to read so they can also understand some of the things that are expected of him/her.



Abstinence

While the participant is in the Court, he/she is not permitted to drink any alcohol (including kava) nor to use any illegal drugs. This is a very important part of being in the Court. The participant is in the Court because he/she committed an offence while under the influence of alcohol or drugs, or in pursuit of them, and he/she is on bail on the condition that he/she should not use either alcohol or illegal drugs of any sort.

The participant will have a Community Justice Supervisor (CJS) in his/her village who is working with the Court. The main role of the CJS is to monitor his/her behaviour to ensure he/she complies with his/her bail conditions, including the condition he/she should not use alcohol or drugs. The Court will also be asking him/her family to keep a close watch over him/her and to tell us if he/she drinks or uses drugs.

Once we have the ability to test for alcohol and drugs, he/she will be required to be tested at least twice a week. We will explain more about that when it happens.



How long will my case go for?

We can't say exactly how long the participant's case will stay before the Court. We know that it will be at least 6 months but for most people it will be longer than that - for example 12 - 15 months. On the participant's final day in the court, he/she will be sentenced by the Judge, who will give him/her proper credit for all of his/her progress.



ADC Programme

As soon as the participant comes into the Court, he/she will be required to attend a Family Group Conference with a probation officer. His/Her family members will be asked to attend this with him/her. The purpose of this meeting is to find out more about him/her and his/her family, and for his/her family to understand what being in the Alcohol and Drugs Court means for them and for the participant.

Every person in the Court will have their own programme. It will include attending an alcohol and drugs course which may run for many weeks. The participant may also have to attend other rehabilitative programmes like anger management or relationship counselling, life skills and health programmes.

The participant has to let his/her case manager know if there are specific areas he/she is interested so he can put this into his/her plan.

The team will always be monitoring the programme to ensure it is the most effective plan for the participant, and it may change from time to time.

The programme may involve group sessions and individual counselling and mentoring support groups.

The Court team decides what programme is right for the participant. He/She is required to do the programmes that are arranged for him/her. If a participant refuses to attend a programme, or leave before he/she has completed it, he/she could be exited from the court.

The team will want to know about the participant's living arrangements. It is important that he/she lives in a good and safe environment where there won't be any temptation to use alcohol and other drugs (*this includes kava*) while he/she is on the programme. If he/she is having any difficulties, he/she has to let his/her case manager know as the place where he/she lives has been approved by the Judge in his/her bail conditions, and he/she cannot move without getting the Court's permission first.



Restorative Justice and Community Work

Where the participant's offending involves victims, the Court will want to discuss the victim's interests. There might be the chance of a Restorative Justice (RJ) meeting if the victim is willing, so that he/she gets the chance to apologise for his/her offending, face to face with the victim.

The participant must realise that reparation (money payable to a victim as compensation for their losses) will also be discussed and paid off by the participant wherever appropriate. Remember it is important to 'clean up what the participant messed up'. This is all part of the participant's rebuilding his/her life and taking responsibility for his/her actions.

During the participant's time in the court, he/she will be required to do some voluntary work for the community. While making a difference to others, it is hoped that the participant will also get some benefit for himself/herself as she/he learns new skills and feels like she/he is 'giving back' to the community.

