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# SAMOA ALCOHOL AND DRUGS COURT

Supreme Court

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July - December 2020

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NB: This Report is divided in to two parts

Part A – deals with the Court process and provides the data of the participants

Part B – provides for the background of the participants.

Another year has wrapped up for the Alcohol and Drugs Court in the Supreme Court, the end of a difficult year due to COVID-19 disrupting the Courts work.

The main focus of this Court is to provide effective and necessary programmes for offenders who are eligible to partake. The aim is to educate the participants on the impacts of alcohol & drug use and abuse on decision making that initially led their offending, and the ripple effect it has affecting their families, villages, churches and society at large. The ADC Team in carrying out our work hope that by the end of the participants' time within the ADC Court, the end result sees them making better informed choices and avoid re-offending.

The valuable assistance of church leaders, village mayors, village matai, families and sui-o-nuu as participants' supervisors in the community is the most essential part of this Court and its work especially during this period. They play an important role in monitoring the behaviours of the defendants as the Court's "eyes and ears" out in the community. This Court acknowledges their continual support and instrumental role within our Court.

COVID restrictions saw the cancellation of weekly group sessions where participants were ordered to continue with their ADC conditions such as reporting to their Community Justice Supervisors (CJS) twice a week, to sign in once a week with their CJS as opposed to signing in at the Probation Services Office due to the Court's closing; and to serve their community hours with the CJS with the ADC Team visiting once a week to follow up on the participants' progress with their conditions.

Despite the changes incorporated in the weekly operation of open Court and programmes during the pandemic, the Alcohol and Drugs Court were still able to actively monitor its participants and ensure that during lockdown period, the participants still continued to receive the help afforded to all participants that come through the ADC Court.

This Report provides quantitative data for July – December 2020.

## PART A

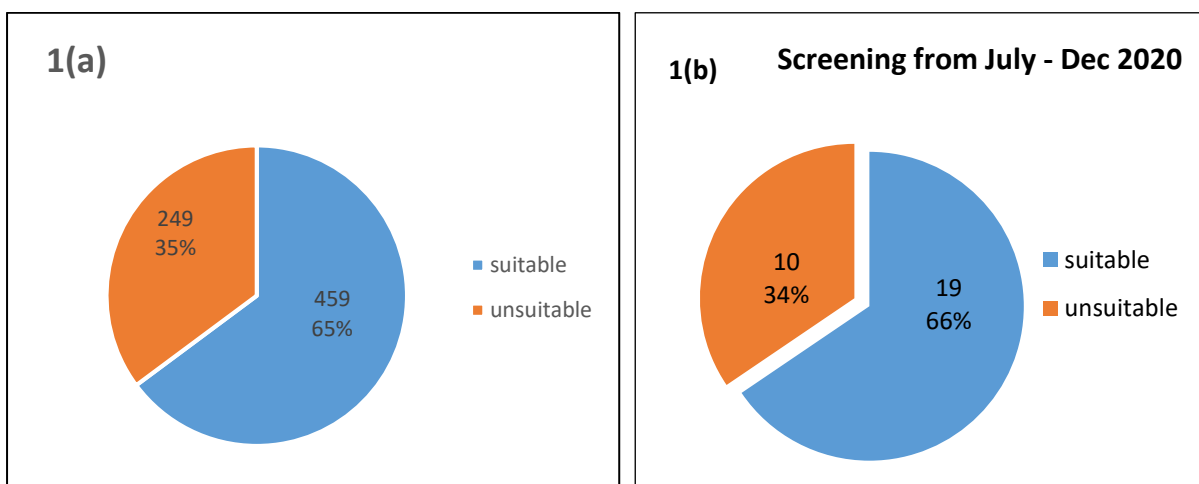
**Table 1. Mentions: July – December 2020**

Months	No of Defendants Scheduled for mention	Screening	Full Assessment	Explanation	Referrals (refer to ADC)	Accepted into ADC
July	33	10	6	3 Refer to ADC 2 unsuitable after further assessment 1 adjourn to August for assessment	3 (defer to August)	3
August	30	1	1	Adjourn to September for further assessment	1 (from July)	2
September	39	4	2	1 Refer to ADC 1 Adjourn to October for further assessment	1 + 1 (from August) = 2	1
October	32	9	7	1 Refer to ADC 6 Adjourn to November for further assessment	1 + 1 from Sep = 2	1
November	21	4	3	1 Refer to ADC 2 Adjourn to December for further assessment	1 + 6 (from Oct) = 7	4
December	33	1	0		2 (from Nov)	2
<b>TOTAL</b>	<b>188</b>	<b>29</b>	<b>19</b>		<b>17</b>	<b>13</b>

This year (2020) with COVID saw the lowest number of matters ‘mentioned’<sup>1</sup> compared to the previous years. The low number of matters mentioned resulted in the lowest number of referrals each month since the ADC was established.

### SCREENING

**Graph 1 – Participant Suitability**



<sup>1</sup> ADC has its own list of matters for mention. This list is compiled according to the criteria of eligibility for ADC where alcohol and/or drugs are involved in the offending.

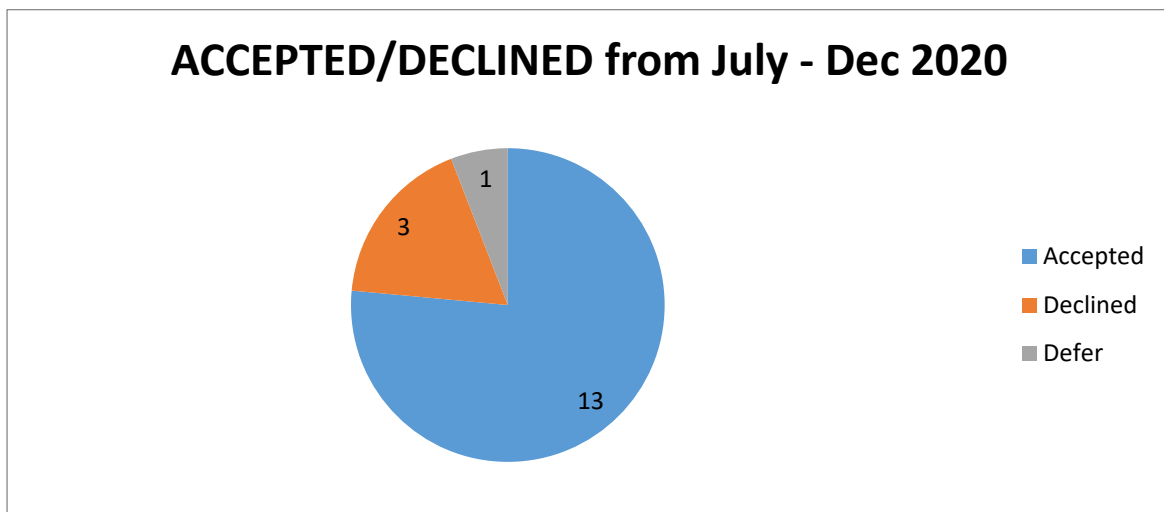
Graph 1(a) gives the total number and percentage of people that were referred for screening for 2016-Dec 2020 and Graph 1(b) is for the period of July - December 2020. There were 29 defendants assessed for suitability in the last 6 months of 2020, 19 were found suitable (66%) and 10 unsuitable (34%) compared to 53 in the first 6 months (January – June 2020) with 32 suitable (60%) and 21 unsuitable (21%).

## REFERRALS

The number of referrals July - December 2020 continue to be low obviously reflecting on lockdown and the Court closure during the pandemic. The less numbers referred for screening means less people referred to ADC and less numbers accepted.

## ACCEPTED / DECLINED

### Graph 2



From July - Dec 2020, 19 were deemed suitable for further assessment after screening, 17 were referred to ADC for determination hearing.

Out of the 17 that were referred to ADC:

- 13 were accepted;
- 3 were declined;
- 1 defer to 2021 (this defendant was referred to ADC towards the end of 2021 and was defer to 2021 for determination and for the team to conduct FGC & CJS).

## EXITED

One (1) participant was exited between July-Dec 2020. This participant attended programmes and was doing well, however peer pressure got the best of him and led to the participant re-offending and he was then 'exited' from the ADC. He was accepted on the 09<sup>th</sup> of April 2019 and exited on the 09<sup>th</sup> of August 2020. (Table 3)

## SENTENCED

The number of participants who were able to complete programmes and be sentenced has dropped in comparison to previous years. From July – Dec 2020, fifteen (15) participants were sentenced, three (3) were convicted and discharged and 12 were placed on supervision terms.

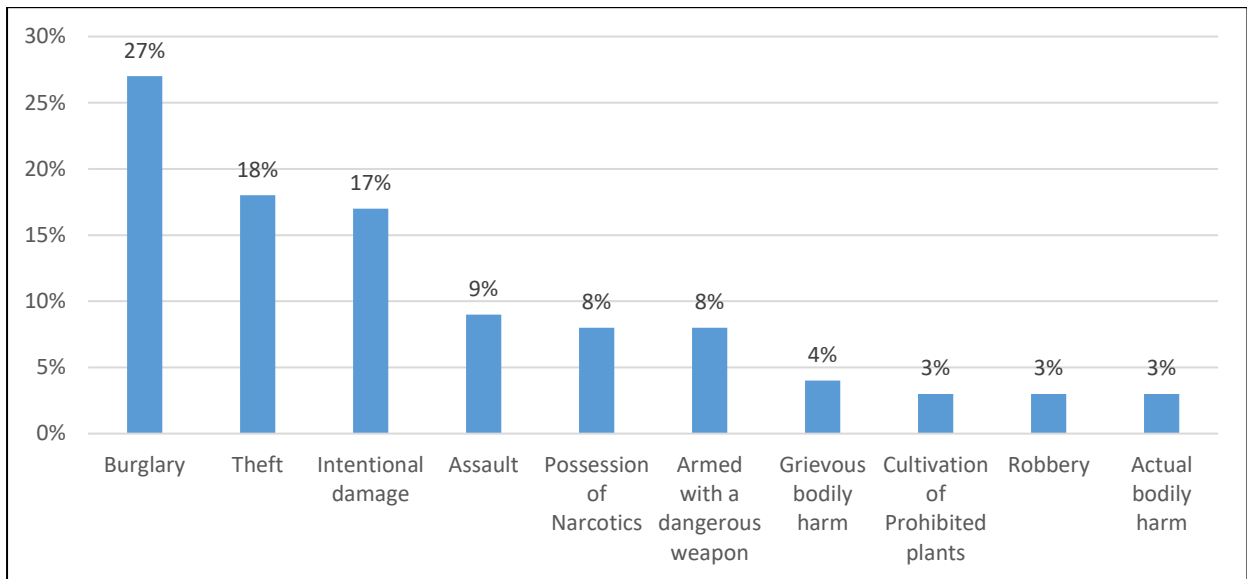
Prior to sentencing, participants are each required to do a presentation before the Court in a closed session. The participants are to present on what they have learnt from their group sessions comprising

of 36 sessions on specific topics that should equip them with the knowledge in order to be able to avoid re-offending or how to curb behaviours that would have them in trouble with the law.

## PART B

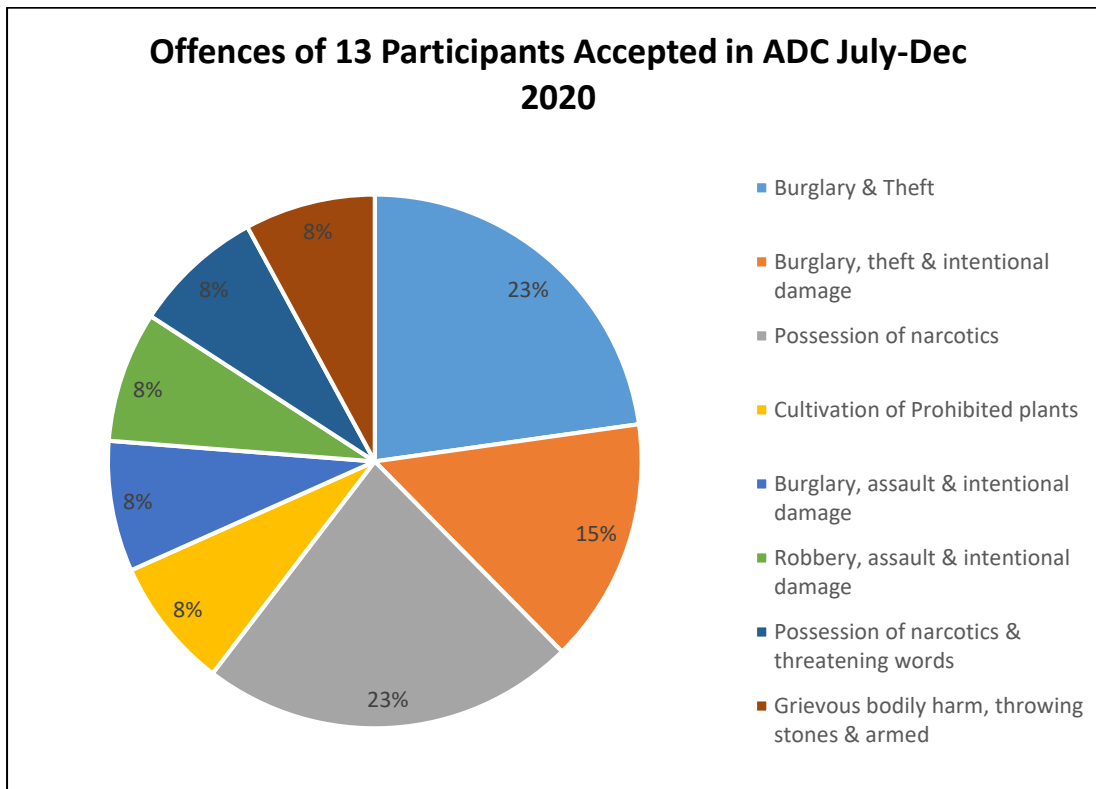
### TOP 10 OFFENCES

**Graph 3**



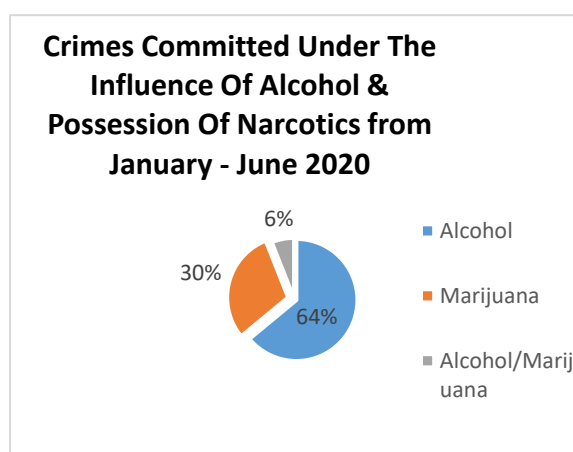
The offence of burglary again dominates the latter part of 2020 with possession of narcotics having dropped down to fifth (5<sup>th</sup>) from the third (3<sup>rd</sup>) most committed offence in the first half of 2020. The age group of 17-26 years (see Graph 7) dominates those that have committed the offence of burglary. The graph above indicates the offences that twenty-nine (29) of those who were referred for screening between July – December 2020 as explained in Jan – June 2020 report

**Graph 4**

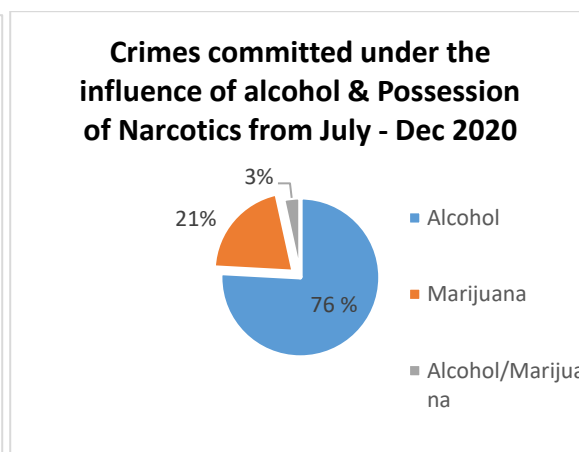


## INFLUENCE IN COMMITTING CRIMES

**Graph 5**



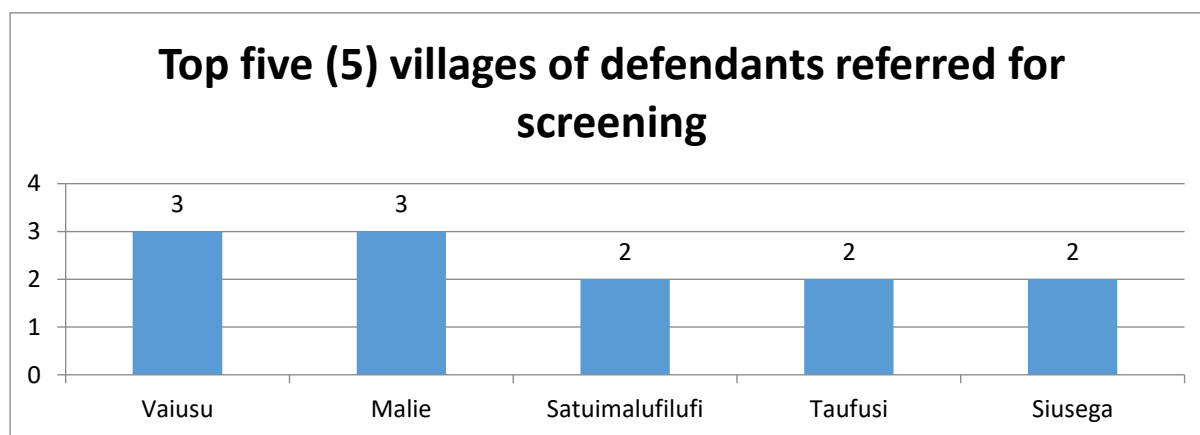
**Graph 6**



Graphs 5 & 6 indicate the usage of alcohol and narcotics or both leading to offending. The offences were committed either under the influence of alcohol, marijuana or both; or in pursuit or in possession of. Year 2020 shows the difference between the first six (6) months and the last six (6) months. For July – December 2020 alcohol increased to 76%, marijuana decreased to 21% with a decrease also for both (alcohol & marijuana).

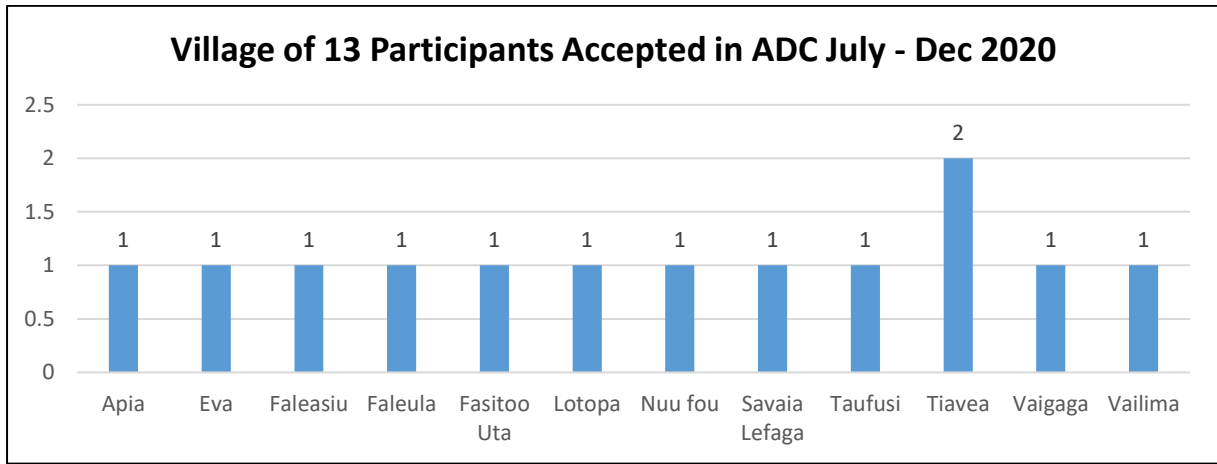
## TOP FIVE (5) VILLAGES

**Graph 7**



There is a change in the top 5 villages for July – December 2020 from the first half of 2020 where the participants are from. The top 5 villages for this period did not even feature in the period of January – June. This is not the first time Vaiusu has been the dominant village where the participants are from.

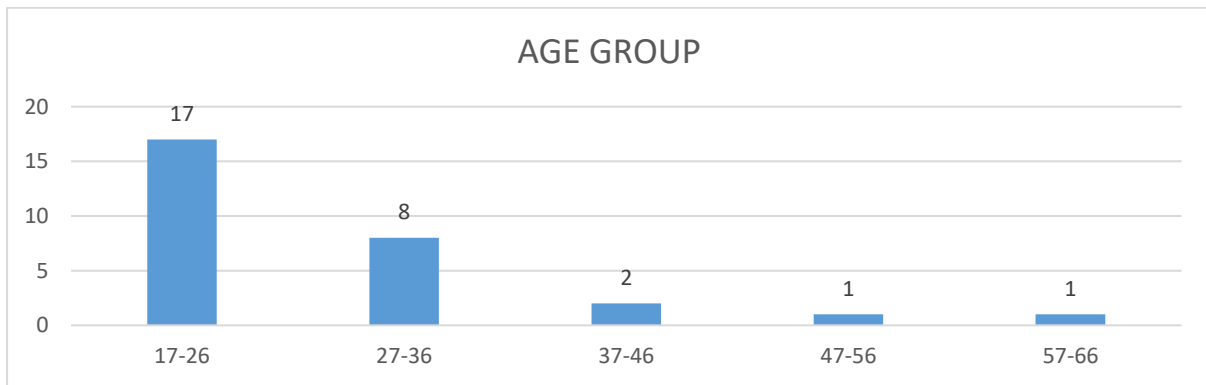
**Graph 7(b)**



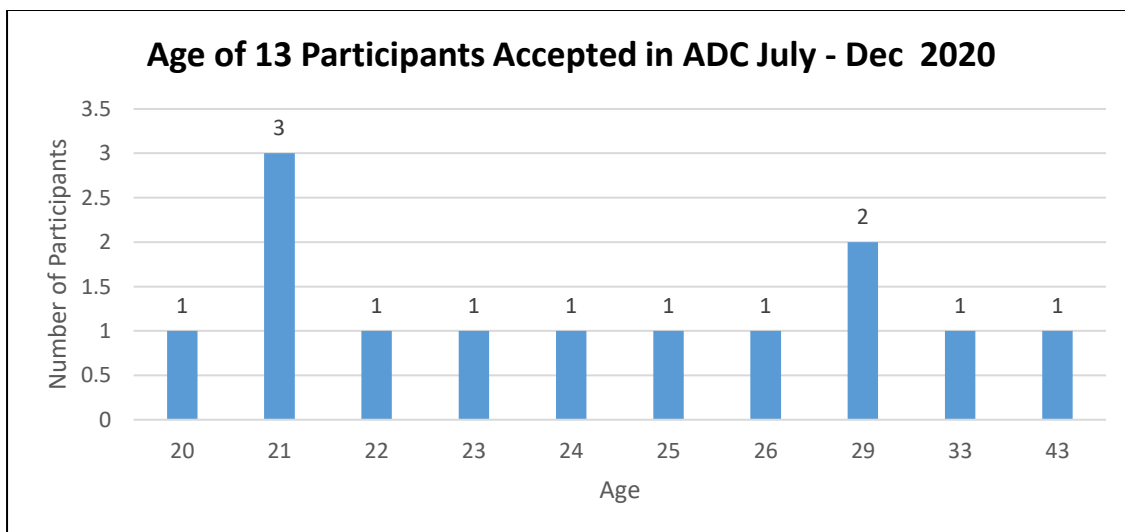
Graph 7(b) shows the villages of the 13 participants that were accepted in ADC at this period.

## AGE GROUPS

**Graph 8**

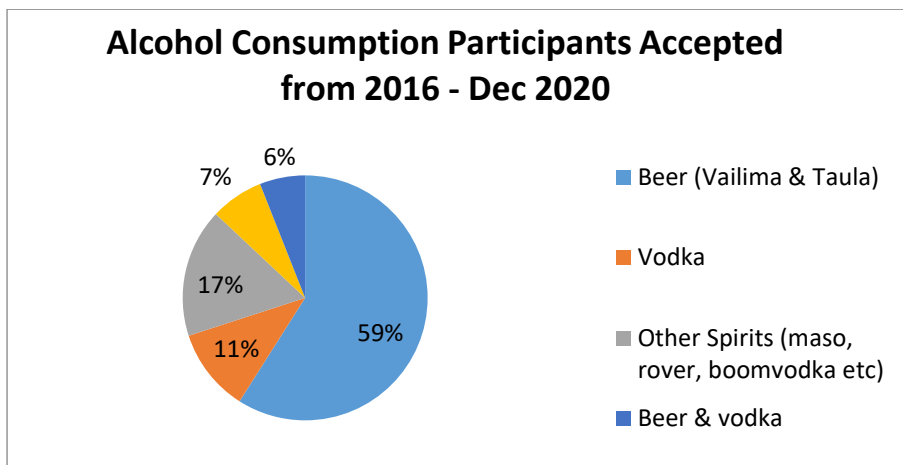


The graph above indicates the number of those who were referred for screening in July – December 2020. There has been no change for the age group of the most offending being the age of 17-26 comprising of 17 defendants. This age group contains of youths who are school drop outs and are unemployed. Their main offending is burglary & theft (Graph 3).



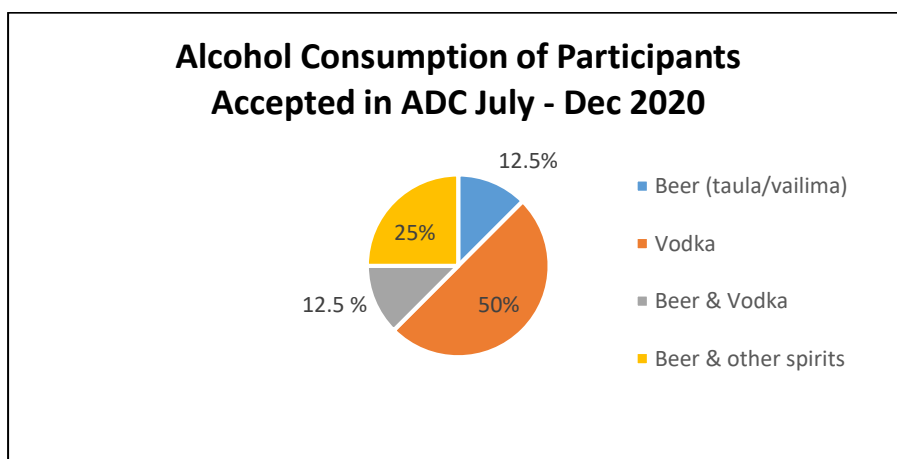


**Graph 9(a)**



Graph 9(a) indicates the types of alcohol consumed by the participants and were under the influence when they offended. It reveals that most of the participants consumed both vodka and the taula beer at the same time while vodka alone dominates consumption for July-Dec 2020 as in Graph 9(b).

**Graph 9(b)**



OVERALL

For July - December 2020 (Table 1)

- 29 screening
- 17 were referred to ADC;
- 13 were accepted;
- 1 exited for reoffending
- 15 sentenced

***Table 2: Sentencing: July – December 2020***

Years	Sentenced	Completed Supervision	Pending (still serving supervision)	Re-offended
2016	11	10	0	1 (after sentenced)
2017	38 (including two that were given a suspended sentence)	31	7	4 (3 re-offended while undertaking programmes, 1 re-offended after sentenced)
2018	68 (including three (3) convicted and discharged, one (1) discharge without conviction & one (1) suspended sentenced)	22	46	4 (re-offended while undertaking programmes) 3 (reoffended while under supervision)
2019	55	13	42	1 (re-offended whilst under supervision) 5(re-offended while undertaking program)
2020 (Jan – Dec)	25 (10 Jan – June & 15 for July –Dec)	13 (including 3 convicted and discharged)	12	2 (reoffend while undertaking programmes)
<b>TOTAL</b>	<b>197</b>	<b>89</b>	<b>107</b>	

Table 2 is a breakdown (annually) from 2016 – December 2020 of participants sentenced and the status of those who have either completed or still serving their supervision terms and those that have reoffended.

From 2016 to Dec 2020, 197 participants completed programmes and have been sentenced.

Of the 197 (**Table 2**):

- 9 reoffended after having been sentenced or serving supervision terms remains the same as the first half of the year;
- 13 reoffended whilst still in ADC;
- 175 completed serving their supervision terms and have not re-offended; and
- 13 still serving supervision terms.

There is little to no change of reoffending rate for the latter part of 2020 to the first half of the year.

Overall;

- ✓ 13 have reoffended whilst on programmes and exited out of ADC programmes
- ✓ 9 have reoffended while serving supervision terms.

SUMMARY

**Table 3**

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Total</b>
Mention	565	612	742	545	376	2840
Screening	115	139	200	171	82	707
Full Assessment	49	94	148	118	51	460
Refer to ADC	28 (including 1 deferred acceptance to 2017)	59	118 (84 accepted, 11 WOA, 6 deferred acceptance to 2019)	99	42	346
Accepted	23	51 + 1 from 2016 = 52	85	70	26	256
Declined	4	8	13	20	12	57
Exited	3 (reasons being - participant persistent failure to comply with their treatment programmes, bail conditions and court appointments)	4 (3 re-offended while undertaking programmes, 1- participant persistent failure to comply with his treatment programmes, bail conditions and court appointments)	7 (4 reoffend while undertaking programmes, 3 fail to comply with courts conditions)	7 (3 reoffend while under programmes, 4 fail to comply with courts conditions)	5 (2 reoffend while on programmes 1 of the 2 was exited in Aug, 3 fail to comply with court conditions)	26
Sentenced	11	38	68	55	25	197
Re-offended whilst programmes	1 (after sentenced)	3	4 (1 – serious crime of murder, 3 – different offences)	3	2	13
Re-offend whilst supervisions	None	1 (re-offend traffic matter)	3 (1 – family violence, 2 with different offences from the offences they attend ADC full programmes)	4 (3 with the same offending & 1 family violence)	1	9

Assessment	It is a comprehensive report that is also undertaken by the ADC Clinician. It contains information about the defendant's ADC use patterns and history, dependency status, other behavioral addictions and their relevance in relation to offending. There is also information regarding risk, mental health issues, medical history, their motivational readiness to change, and recommendations as to potential requirements and options.
Community Justice Supervisors	Once the participant is accepted into ADC, the team will identify the Community Justice Supervisor (CJS) who will be monitoring the participant in his/her area. The CJS can either be the pulenu'u (village mayor) or the faifeau (church minister) or the sui tama'ita'i o le nu'u (female leader) of the participant's village. The CJS plays a vital role in the participant's journey seen as the 'eyes and ears,' the voice of reason that frequently give feedback to the ADC Team on concerns and the progress of the participant.
Decline	When a defendant(s) is not accepted into ADC and its programmes on specific grounds make by the court. The defendant therefore refers back to the normal criminal mention.
Determination Hearing	The determination hearing is presided over by the ADC Judge and attended by ADC team members. This determination is informed by the information and assessments and includes input from Prosecution, Duty Lawyers and Case Manager.
Exit Hearing	Participants who do not comply with the rules of the Court or commit further offences while before the Court will face an exit hearing. Once exited, the defendant will be remanded to a Sentencing Court
Programme	The ADC program has two phases (phase 1 & phase 2). Participants will undergo phase 1(Toe Afua se Taea fou) for 12 weeks (equivalent to 36 sessions). Phase 2 for 8 weeks (equivalent to 24 sessions) will only undergo by participant based on recommendation from the team. Team's recommendation is based on the attendance, lapses and changes that they notice from participant in programmes.
Participant	If all ADC eligibility criteria are met, the defendant maybe offered the chance/place to participate in the ADC and he will be called a "participant". All participants must

give informed consent in order to participate in the ADC programme if offered a place. They are expected to sign and understand a participant agreement.

Presentation

A component in which a participant appears before the ADC team and the judge, presenting lessons learned from the programmes which links to the offending and changes noticed. The presentation is done individually during pre-court in the morning.

Referrals

Participants assessed and have given sentencing indication and are recommended for ADC programmes.

Screening

It is an initial brief assessment undertaken by the ADC Clinician to assess the current pattern of alcohol and drug use of a defendant.

Sentencing Indication

This is a supervision or imprisonment term indicated by the Chief Justice or the presiding judge taking the mention to the defendant before he is referred for ADC determination hearing. Should the defendant breach or not comply with the ADC conditions, he/she will then be referred back to the sentencing court to serve the sentencing indication.