

Fledgling drug court showing promise; Monitoring, help for addiction replaces jail time

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Nathan Fowler's long struggle with drug addiction may end with help from an innovative new drug court program.

The lure of illicit street drugs has for years enveloped the Guelph father of four, until he stood one day before a judge on possession and related charges and faced incarceration. Instead, Fowler, 30, agreed to have his case diverted to a fledgling Guelph drug court program.

That entailed a life-changing turnaround opportunity of rigorous and close monitoring for drug use, regular urine analysis and counselling, in which he consults briefly with Justice Norman Douglas each week.

The tall, thin landscaper has been in the program for two months, drug-free and coping relatively well with the regimen.

As he stood before Douglas in Guelph's Ontario Court last month, the judge was slightly displeased Fowler had been late for a supervisory meeting and missed a counselling session.

"People in the program start out great," Douglas said, adding after a while, their commitment may wane. "They tend not to make their appointments on time."

Fowler vowed to do better and Douglas stressed he was impressed overall. "On the whole, you're doing well."

In a later interview outside of the court, Fowler said he's committed to turning his life around and launching his own landscaping business, praising the drug court program for giving him a fresh start.

"It's honestly, like, the greatest thing that could have happened to me," he said. "I'm just very lucky to get into this program. "The drug court's amazing. It's helped me get my life back."

The diversion program is geared toward adults facing substantial penalties from non-violent crimes arising from significant drug addictions. Disqualified offences include drunk driving, domestic violence, sexual assault, child abuse, some drug trafficking and firearms offences.

Successful participants "graduate" within 12 to 18 months, after substantial completion of a treatment plan. They're also to demonstrate they've disengaged from past problematic associates and habits that led them astray.

As well, they're to make progress learning to manage stress and to abstain from alcohol and other non-prescription drugs. They're also to have stable housing and pursue something productive, like employment.

They earn a non-custodial sentence. The Guelph drug court got off the ground early this year and has had three participants to date, though assistant Crown prosecutor Pamela Borghesan would like to see more people apply. It's modelled after similar courts elsewhere.

Former Wellington Guelph Drug Strategy Committee co-ordinator Raechelle Devereaux was instrumental in bringing the court here, after examining drug courts in Waterloo Region, London, Ont., and much further afield, including Western Canada and internationally to compile "best practices," Borghesan said.

"She did so much research in setting this up," the Crown said. "If it wasn't for her, this would have never developed."

A prosecutor for 20 years, Borghesan came on board after concluding there had to be an alternative to incarceration for dealing with offenders breaking the law, like stealing, to feed their physical or psychological addictions to opiates, methamphetamines and other powerful drugs.

"You see so many offences motivated by drug addictions that the revolving door is a proper analogy," Borghesan said.

"If we don't get to the root of the problem, that revolving door's just going to keep spinning.

"So ultimately it's a crime reduction initiative. I mean, it's excellent people are getting help and rehabilitation. That's certainly one of the goals, but we can't ignore the fact a large part of this is to reduce recidivism."

Whether the Guelph drug court will ultimately do so remains unclear, with such limited participation in it to date. But Borghesan said she's unaware of any participants who have run afoul of the law since being diverted to it.

Her Crown counterpart in Kitchener, Linda Elliott, said the amount of recidivism of that city's drug court participants is also unclear. That drug court began in February 2011. So far, 33 individuals have participated; 10 of these remain in the program.

Eight have graduated and the rest are substantially complete or have dropped out. Elliott is a staunch supporter of the drug court, citing the positive impact of participants getting on with their lives and a safer community. And, she added, it's less costly than jail.

"It's one of the best things I've ever been involved in," Elliott said.

Borghesan doesn't believe the low numbers of participants in Guelph to date are because proponents like herself are overly cautious.

"There haven't been many applicants to date," she said. "It's not like we're getting a flood of applicants and we're just denying them."

In fact, she'd like to see more. "We're trying to get the word out."
She suspects some see the program as "too tough," she said. "I have heard from a couple of defence counsel that their clients are not ready for it. The person has to be motivated to change significantly. They have to be at a point in their lives where they want to stop the abuse of drugs."

And while there's room in the program, she also cautioned the drug court is currently set up to handle a maximum four to six people at a time. "It's a resource-intense program."

For those in it, there's a certain amount of give-and-take.
"It's not that we're demanding stopping drug use. If there is usage, they're not kicked out of the program. It's an addiction," she said, adding she understands that means "a few steps forward, a few steps back," as participants are guided back to their drug-free footing.

She also recognized that recruiting a compassionate but dedicated justice like Douglas was a key component from the outset, Borghesan said. He won't be bamboozled by drug court participants.

"The No. 1 factor in the program is honesty," Borghesan said.

Michael Matte can be counted among the drug court's early fans. The drug strategy committee member said participants to date appear to do well in recovery with some added structure in their lives.

"It's worked wonders," said Matte, a community support worker familiar with Guelph youth issues like illicit drug use. He noted one court graduate has gone on to further counselling and support at a local drug rehabilitation facility to continue on the path to recovery.

Also an early supporter is Guelph Police Service Chief Bryan Larkin, who concluded a portion of crime is related to addictions to alcohol, other drugs and gambling.

Society can't "arrest our way" out of this situation, he said.

He urged an approach to root causes like the drug court is taking that offers an offender a chance at redemption.

"I think that's very positive for our community," said Larkin. "This is a smart approach."
"In the end, it's about making change," Larkin said. "Our plan ought to be to expand the program and grow it."

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