

# Aotearoa AODTC Conference 2019

*Future Directions of the Adult Alcohol and Other Drug Treatment Courts  
Te Whare Whakapiki Wairua in Aotearoa*



24 - 25 January 2019

Owen G Glenn Building (OGGB), Business School, University of Auckland



**Conference Programme** - please note this may be subject to change

**All sessions in OGGB4 unless otherwise stated**

## Day 1 – Thursday 24 January 2019

7.30 am – 8.30 am

REGISTRATION (Level 0, OGGB)

8.30 am – 9.30 am

**Ngāti Whātua Mihi Whakatau, Welcome and Opening of the Conference**

- Mihi Whakatau
- Remarks of welcome from Chief District Court Judge Jan-Marie Doogue and Professor Warren Swain, Acting Dean of Faculty of Law, University of Auckland

9.30 am – 10.30 am

**The Adult Alcohol and Other Drug Treatment (AODT) Court Model in Aotearoa: Judicial Perspectives**

In order to debate how the adult AODT Courts in Aotearoa should be shaped going forward, we must first understand how they currently operate. The AODT Court model was developed in the United States (US) to respond to recidivist offenders whose behaviour was driven by dependency on alcohol and other drugs. Since 2012, two pilot adult AODT Courts have been operating in Auckland and Waitākere based on the extensively evaluated US model. Beginning with an introduction to the nature of substance use disorders to frame our understanding of drug courts, this session explores the core features of the US AODT Court model and then introduces how that model has been adapted to Aotearoa, including the incorporation of tikanga Māori and the engagement of peer support 'alongsiders'.

*Judge Peggy Hora*, retd. California Superior Court Judge and former presiding judge of the Drug Treatment Court

*Judge Lisa Tremewan*, presiding judge of the AODT Court in Waitākere

*Judge Ema Aitken*, presiding judge of the AODT Court in Auckland

*Matua Rāwiri Pene*, Pou Oranga of the AODT Courts in Auckland and Waitākere

Chair: *Judge John Walker*, Judicial representative, AODT Court Steering Group

10.30 am – 11.00 am

MORNING TEA (PROVIDED AT CONFERENCE VENUE)





## Day 1 – Thursday 24 January 2019

**11.00 am – 11.45 am**

### **Re-envisioning the Law as Healing Agent in the Aotearoa Adult AODT Courts**

This session will consider the role of therapeutic jurisprudence as a supporting ideology for the adult AODT Courts and will investigate how the role of law, as exemplified in the operation of these Courts, might be re-envisioned as a healing agent.

*Professor Warren Brookbanks*, Law School, Auckland University of Technology  
Chair: *Dr Katherine Doolin*, Faculty of Law, University of Auckland

**11.45 am – 12:30 pm**

### **Targeting: For Whom Do Adult AODT Courts Work Best?**

Extensive research from the US demonstrates that adult AODT Courts targeting high risk/high need offenders have the most effective outcomes. These 'high value' cases are traditionally among the most costly in the justice system given all the associated costs of recidivism, and repeated treatment failures. This session will examine what is meant by high risk/high need offenders in the context of the US drug court model followed by discussion as to how in Aotearoa we have approached the need to identify those for whom these courts work best.

*Dr Doug Marlowe*, Senior Scientific Consultant for the National Association of Drug Court Professionals, US (via pre-recorded session)  
*Inspector Gary Davey*, Area Commander, Auckland  
*Dr Helen Warren*, Alcohol and Drug Practitioner, CADS Offender team  
Chair: *Judge Ema Aitken*, presiding judge of AODT Court Auckland

**12:30 pm – 1:30 pm**

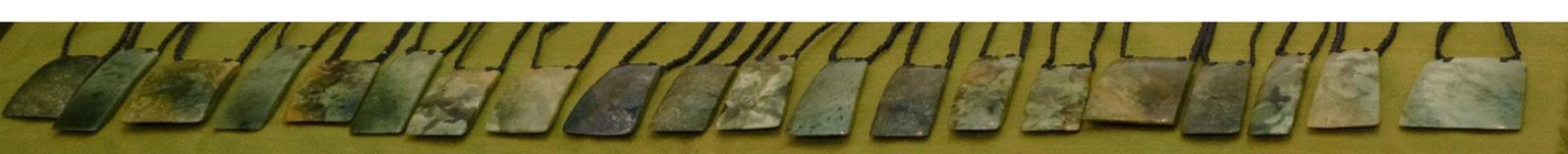
**LUNCH (PROVIDED AT CONFERENCE VENUE)**

**1:30 pm – 2.30 pm**

### **The 10 Key Components: The Adult AODT Court Model and Best Practice**

This session introduces the 10 Key Components which underpin the adult AODT Court model, and the research-based best practices which demonstrate that these components are associated with lower recidivism and higher cost saving. Evidence of best practice is presented by Dr Shannon Carey, co-president of the independent company NPC Research which has evaluated over 100 AODT Courts in the US, together with Judges Tremewan and Aitken, who have presided over the two pilot adult AODT Courts in Waitākere and Auckland since their inception, outlining the 10 Key Components and how they are applied in Aotearoa.

*Dr Shannon Carey*, Co-President, NPC Research, Portland, Oregon, US  
*Judge Lisa Tremewan*, presiding judge of the AODTC in Waitākere  
*Judge Ema Aitken*, presiding judge of the AODTC in Auckland  
Chair: *Judge Peggy Hora*, retd. California Superior Court Judge and former presiding judge of the Drug Treatment Court





## Day 1 – Thursday 24 January 2019

2.30 pm – 3.30 pm

### **Behavioural Change in the Adult AODT Court: Why and How?**

In effect, the adult AODT Court educates, supports and monitors participants to change negative/anti social behaviours and replace them with new positive behaviours. Key to making change happen is the certainty of detection and the timely and proportionate response to behaviours, both positive and negative. This session introduces the principles and practices of behavioural change, including: which behaviours we should be responding to, why, how, and for what purpose. This includes an examination of the incentives offered for positive behaviours and the sanctions for negative ones within the AODT Court.

*Ms Helen Harberts*, former prosecutor and Chief Probation Officer US drug court  
*Dr Shannon Carey*, Co-President, NPC Research, Portland, Oregon, US  
*Judge Lisa Tremewan*, presiding judge of the AODT Court in Waitākere  
*Judge Ema Aitken*, presiding judge of the AODT Court in Auckland  
Chair: *Johnny Dow*, Director, Higher Ground Drug Rehabilitative Trust

3.30 pm – 3:50 pm

### **AFTERNOON TEA (PROVIDED AT CONFERENCE VENUE)**

3.50 pm – 5.00 pm

### **A Non-adversarial Court: Meet the Adult AODT Court Team in Aotearoa**

The adult AODT Court positions itself as a collaborative, non-adversarial court, which means that even though it has many of the same actors as a standard court it is intended that the roles of those actors are different. The AODT Court team consists of the judge, prosecutor, defence counsel, case manager (treatment provider), Pou Oranga, peer support, probation officer and Co-ordinator (along with the Court Registrar). This panel session introduces conference participants to these members of the AODT Court team in Aotearoa and the distinctive features of their roles. This will be followed by a commentary on the role of some of these team members in changing participants' behaviours.

Panel participants: *Members of the AODT Court teams in Waitākere and Auckland*

Commentators:

*Ms Helen Harberts*, former prosecutor and Chief Probation Officer US drug court  
*Dr Shannon Carey*, Co-President, NPC Research, Portland, Oregon, US  
Chair: *Judge Peggy Hora*, retd. California Superior Court Judge and former presiding judge of the Drug Treatment Court





## **Day 1 – Thursday 24 January 2019**

<b>5.00 pm – 5.30 pm</b>	<b>Meet Our Neighbours – Developments in Adult AODT Courts in Australia and Samoa</b>  This session will introduce conference participants to developments in adult AODT Courts in our region. Drug courts have long been a feature of the legal landscape in Australia but in different forms and with different challenges. Unlike our Courts, they may be created by statute, and operate post sentence. In 2016, the Independent State of Samoa began operation of the first adult AODT Court in its Supreme Court. This model has regard to the US model on which it is based but, recognising the financial limitations of Samoa, responds with a culturally appropriate process to enhance community surveillance.  <i>Mr Rob Hulls</i> , Director of the Centre for Innovative Justice at RMIT University, Australia <i>Justice Mata Tuatagaloa</i> , Supreme Court of Samoa, presiding judge of the Samoa Alcohol and Drug Court Chair: <i>Judge Lisa Tremewan</i> , presiding judge of the AODT Court in Waitākere
<b>5.30 pm - 5:35 pm</b>	<b>CLOSING REMARKS FROM DAY 1</b>
<b>6.30 pm – 9.30 pm</b>	<b>PŌWHIRI AND CONFERENCE DINNER AT WAIPAPA MARAE</b>  Launch of the Australasian and Pacific Association of Drug Court Professionals





## Day 2 – Friday 25 January 2019

8.30 am – 8.40 am	<b>WELCOME TO DAY 2</b> <i>Judge Lisa Tremewan</i> , presiding judge of the AODT Court in Waitākere
8.40 am – 10.00 am	<b>Partnership in Action? The Adult AODT Court/Te Whare Whakapiki Wairua, the Pou Oranga and Te Tiriti o Waitangi</b>  The pilot adult AODT Courts in Aotearoa have been celebrated as leading drug courts around the world in cultural competency. Professor Tracey McIntosh opens this session with an overview of the position of Māori in our criminal justice system, providing vital context in which to examine the AODT Court practices, which have been developed under the guidance of the AODT Court's Pou Oranga to reflect the Crown-Māori partnership under Te Tiriti o Waitangi (the Treaty of Waitangi). The Pou Oranga position, literally translated as the 'healing post', was established in 2013 and provides advice on Māori culture and recovery to the Courts and their participants; engages externally with participants' whānau, hapū and iwi and the broader Māori community; and guides the practice of tikanga-informed cultural practices in the Courts.  <i>Professor Tracey McIntosh</i> , Faculty of Arts, University of Auckland <i>Matua Rāwiri Pene</i> , Pou Oranga AODT Courts in Auckland and Waitākere <i>Graduates of the adult AODT Courts in Auckland and Waitākere</i> Chair: <i>Dr Fleur Te Aho</i> , Faculty of Law, University of Auckland
10.00 am – 10.30 am	<b>Experience-based Recovery Expertise and Peer Support in New Zealand's Adult Drug Courts</b>  This session brings to life one of the unique features of Te Whare Whakapiki Wairua: the use of peer support to assist court participants through recovery. In doing so, the adult AODT Courts acknowledge and value the recovery expertise of those with lived experiences of alcohol and other drug addiction. The session showcases stories on peer support, explores how peer support works in the court, and critically reflects on the future of peer support in this space. At the conclusion of this session, a special presentation will be made on behalf of the AODT Courts by Judge Aitken and Matua Rāwiri Pene.  <i>Dr Katey Thom</i> , Law School, Auckland University of Technology <i>Mr Dave Burnside</i> , Peer Support Manager, Odyssey, Auckland Chair: <i>Suzy Morrison</i> , Consumer Project Lead, Matua Raki National Addiction Workforce Development
10.30 am – 11.00 am	<b>MORNING TEA (PROVIDED AT CONFERENCE VENUE)</b>





## Day 2 – Friday 25 January 2019

11.00 am – 12.00 pm

### **The Importance of Family/ Whānau in and after the Adult AODT Court - Is there a Need for Dedicated Family AODT Courts in Aotearoa?**

This session presents best practices and research from the US that underscore the importance of families in all drug courts. It shows that in situations where adult criminal drug courts work with the families of participants, the outcomes are enhanced. The presentation describes what that looks like in practice, from which we can determine whether we are doing enough in this important area; what we can learn from dedicated Family AODT Courts (sitting in the Family Court jurisdiction); and whether such courts should be part of the future direction of drug courts in Aotearoa.

*Ms Jane Pfeifer*, Public Policy Consultant, US

Chair: *Judge Emma Parsons*, Waitākere AODT Court judge, Waitākere District Court

12.00 pm – 1.00 pm

### **Recovery and Re-integration in the Context of Adult AODT Courts**

This session provides an overview of the history of the desistance and recovery movement, and the implications this has for strengths-based and restorative approaches in diversion programmes, focusing on drug courts. The presentation considers the evidence for transitioning from a deficits to a strengths approach and the implications for working in ways that promote collaboration and the development of interventions that build recovery and community capital. This includes assertive linkage to community resources and inclusive approaches to building positive social networks and family reintegration.

*Professor David Best*, Department of Law and Criminology, Sheffield Hallam University, UK

Chair: *Mr Dave Burnside*, Peer Support Manager, Odyssey, Auckland

1.00 pm - 1.15 pm

### **Remarks on the Adult AODT Courts from the Honourable Andrew Little, Minister of Justice**

1.15 pm – 2.00 pm

### **LUNCH (PROVIDED AT CONFERENCE VENUE)**

2.00 pm – 3.00 pm

### **Drug Testing in the Adult AODT Courts**

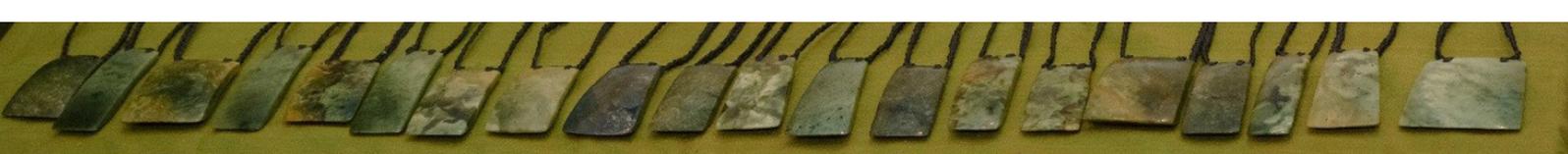
The adult AODT Court is one of intensive monitoring, a key aspect of which is drug testing. Costly but crucial, drug testing must be undertaken regularly and randomly throughout the time a participant is in the Court. This session will start with an overview of how addiction impacts on behaviours, and why there is a need to test, before outlining best practice in drug testing and how to interpret results.

*Mr Paul Cary*, former Scientific Director of Toxicology and Drug Monitoring Laboratory, University of Missouri Health Care, US

Chair: *Judge David Sharp*, Auckland AODT Court judge, Auckland District Court

3.00 pm - 3.15 pm

### **AFTERNOON TEA BREAK (PROVIDED AT CONFERENCE VENUE)**





## Day 2 – Friday 25 January 2019

### CONCURRENT STREAMS (choose from one of the following four streams)

#### **Session 1: The Aotearoa Adult AODT Courts' responsivity to Māori (OGGB4)**

One of the drivers for the establishment of the adult AODT Courts in Aotearoa was to address the significant over-representation of Māori in our prisons. Māori represent only 15% of the population of Aotearoa but more than half of the total prison population. This session brings together the perspectives of outsiders to the courts to critically examine the AODT Courts' responsivity to its Māori participants, and reflect on whether the model can effect much needed change in our incarceration rates for Māori. Questions to be considered during this session include: how do Māori participants and their whānau experience the AODT Courts? How will we know if the courts are successful for Māori? Are the courts' alcohol and other drug treatment models sufficiently tailored to its Māori participants? How is tikanga Māori affected when it is incorporated into state court models, such as the AODT Courts? Could tikanga Māori play an enhanced role in the work of the AODT Courts, for example, with AODT Courts operating on marae?

*Professor Tracey McIntosh*, Faculty of Arts, University of Auckland

*Dr Fleur Te Aho*, Faculty of Law, University of Auckland

*Ms Stella Black*, Faculty of Medical and Health Sciences, University of Auckland

*Mr Terry Huriwai*, Manager, Te Hau Mārire Addiction Workforce Programme, Te Rau Matatini

Chair: *Mr Tony Fisher*, Director of Māori Strategy, Ministry of Justice

3.15 pm – 4.15 pm

#### **Session 2: Treatment and the Adult AODT Court (Case Room 2)**

This session explores the nature of treatment in the adult AODT Court – a Treatment Court. Only those who are dependent on drugs and/or alcohol are eligible to apply to the AODT Court. This session will provide an overview of three different treatment modalities available to the AODT Court: the community-reinforcement approach, the therapeutic community approach, and a kaupapa Māori approach to treating those who are dependent on alcohol and other drugs. The session is chaired by the CEO of Odyssey Trust which holds the treatment contract for the AODT Courts and who will provide a brief overview of what that entails.

*Lt Colonel Lynette Hutson*, National Director Addictions, Supportive Accommodation and Reintegration Services, The Salvation Army

*Johnny Dow*, Director, Higher Ground Drug Rehabilitation Trust

*Brent Coulston and Kahurangi Fergusson-Tibble*, Te Atea Marino (CADS) Counselling Services

Chair: *Fiona Trevelyan*, CEO, Odyssey Trust





## Day 2 – Friday 25 January 2019

<p><b>3.15 pm – 4.15 pm</b></p>	<p><b>Session 3: Restorative Justice and the Adult AODT Courts (Case Room 3)</b></p> <p>This session explores the relationship between restorative justice and the adult AODT Courts, assesses the benefits and challenges of using a restorative lens to consider the workings of the drug courts, and considers whether more should be done to help AODT Courts in Aotearoa to fulfil their restorative potential.</p> <p><i>Professor David Best</i>, Department of Law and Criminology, Sheffield Hallam University, UK <i>Dr Katherine Doolin</i>, Faculty of Law, University of Auckland Chair: <i>Ms Helen Bowen</i>, Restorative Justice Consultant, member AODT Court defence team</p>
<p><b>3.15 pm – 4.15 pm</b></p>	<p><b>Session 4: Community Supervision as a Support to Recovery (Case Room 4)</b></p> <p>Much of the information in a treatment court is ‘self-report’. This information is often inaccurate. Home visits provide an accurate assessment of the recovery environment, continued criminality, and problematic associates. Field services and home visits provide opportunities to meet the two critical elements of behaviour modification: certainty of detection and immediate responses to both good and undesired behaviour. This session will include real examples and photographs from home visits and searches.</p> <p><i>Ms Helen Harberts</i>, former prosecutor and Chief Probation Officer in the US drug court Chair: <i>Tim Verry</i>, Service Manager, Department of Corrections</p>
<p><b>4.15 pm – 5:15 pm</b></p>	<p><b>Going Forward: Future Directions of Adult AODT Courts in Aotearoa in New Zealand</b></p> <p>This session pulls together the main themes and issues raised during the conference and offers reflections on the future directions of the adult AODT Courts in Aotearoa from a range of key perspectives. Questions to be considered include: If AODT Courts are extended across Aotearoa, what should the Court model look like and what further capabilities do we need? What is our “wish list” for AODT Courts and therapeutic courts in Aotearoa? If the AODT Courts are not rolled out, what would that mean for us as a country? What insights do the AODT Courts offer on the future of therapeutic jurisprudence in Aotearoa?</p> <p><i>Professor Tracey McIntosh</i>, Faculty of Arts, University of Auckland <i>Ms Lope Ginnen</i>, Chair, AODT Court Community Advisory Group <i>Mr Rob Hulls</i>, Director of the Centre for Innovative Justice at RMIT University, Australia <i>Professor David Best</i>, Department of Law and Criminology, Sheffield Hallam University, UK Chair: <i>Dr David Galler</i>, Intensive Care specialist, Policy Advisor with strong background in change management and improvement science</p>
<p><b>5.15 pm – 5.30 pm</b></p>	<p><b>POROPOROAKI AND CLOSING OF CONFERENCE</b></p> <p><i>Judge Ema Aitken</i>, presiding judge of the AODT Court in Auckland <i>Ngāti Whātua</i></p>

