

A Global Network Supporting the Development of Treatment, Care, and Accountability as Alternatives to Incarceration (ATI)



**ISSUP**

INTERNATIONAL  
SOCIETY OF  
SUBSTANCE USE  
PROFESSIONALS



INTERNATIONAL  
CONSORTIUM FOR  
ALTERNATIVES TO  
INCARCERATION

## ATI Basics: Models of Alternatives to Incarceration (ATI)



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**Friday, 27th September 2024**



**9:00 AM EST | 2:00 PM UK**



<https://attendee.gotowebinar.com/register/2917037775666952031>

With the Support of:



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UNODC

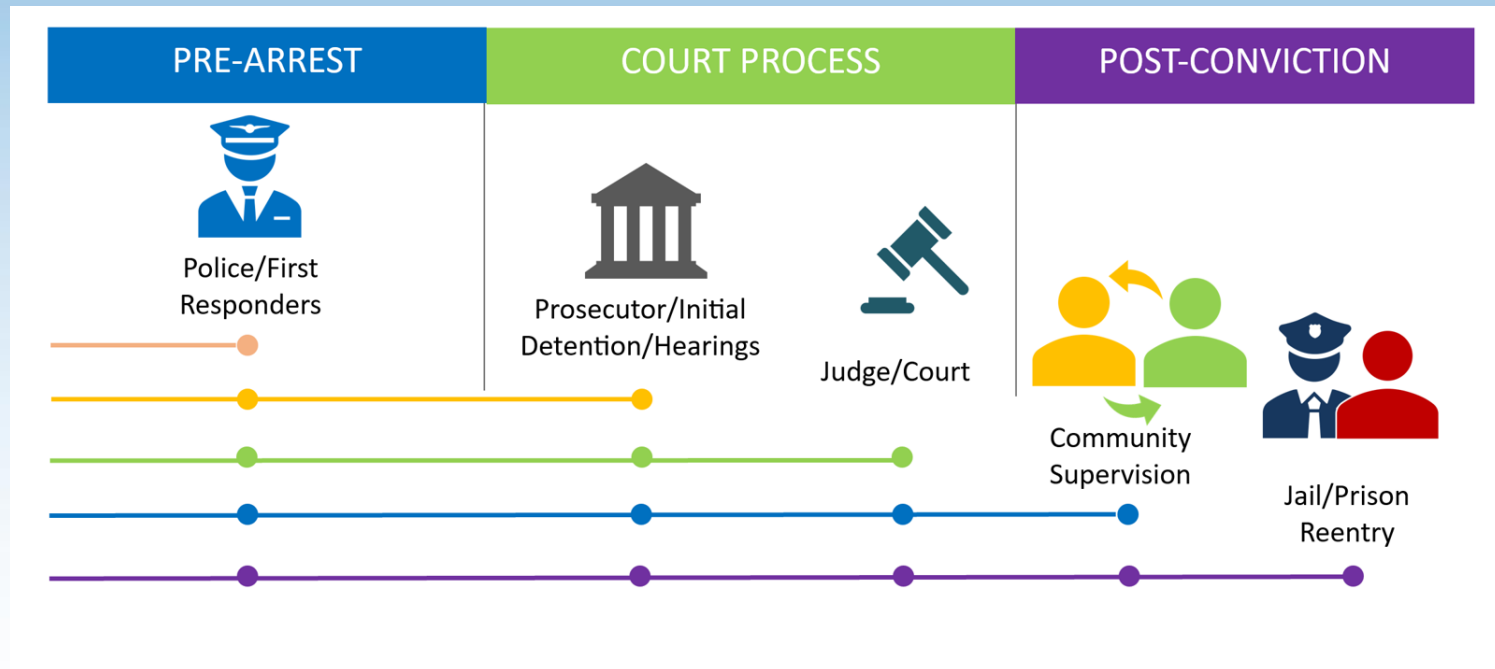
United Nations Office on Drugs and Crime



# The Full Justice Continuum



**Community-based treatment and care is made available along the full justice continuum through deflection, diversion, and reentry programs.**



# The Systems Involved



## Justice

Program  
Eligibility

Supervision

Accountability

## Treatment

Diagnostic  
Assessment

Level of Care

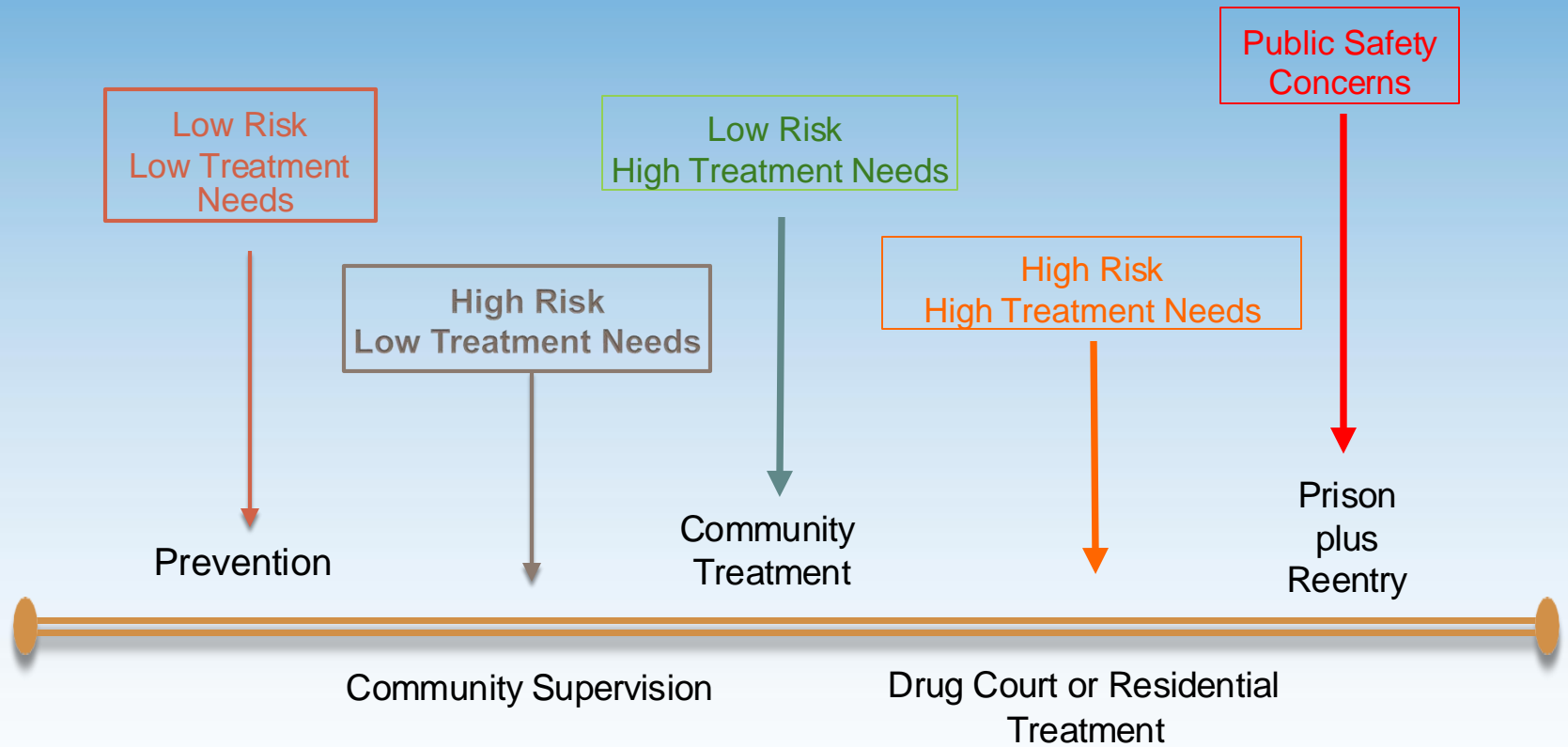
Behavioral health,  
medical,  
pharmacological

## Social Services

Thinking  
Strategies &  
Life Skills

Protective  
Factors

# The Intervention Continuum



# ATI Basics: Models of ATI

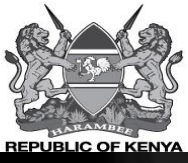


## ATI in Villa Maraini: A Step Forward Humanitarian Drug Policy

Massimo Barra, MD

President Emeritus, Italian Red Cross

Founder, Villa Maraini Foundation Roma



# Alternatives to Incarceration Kenya- Deflection

**Dr Yvonne Olando, PhD, MSc, ICAP IV**  
**Director Public Education, Advocacy**  
**and Rehabilitation**

# Contextual Analysis



- As part of the CND resolution 58/5 “Supporting the collaboration of public health and justice authorities in pursuing alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature” the Government of Kenya, through NACADA with the support of the UNODC, debuted an initiative dubbed “Treatment and care for people in contact with the Criminal Justice System: Alternatives to Conviction or Punishment”
- Goal: supporting the development and mainstreaming of alternative measures along the criminal justice continuum for people with drug use disorders.





# National- ATI steering committee Members

National Agency: Demand and Supply Reduction	Criminal Justice system Agencies (CJS)	Ministry of Health	Civil Society Organizations (CSOs)
Ministry of Interior-NACADA	National Council on Administration of Justice;	NASCOP	MEWA
	Judiciary	Mental Health and substance abuse division	Reach Out Trust
	Office of the Director of Public Prosecutions;	Public Health	Omari Project
	National Police Service (Kenya Police, Administration Police and Directorate of Criminal Investigations);		ISSUP-K
	Probation and Aftercare Services;		SAPTA
	Kenya Prisons Service;		RODI-Kenya
			Faraja Foundation



# Steps Taken

1. 4 targeted multi-agency workshops on Alternatives to Incarceration (ATI) for persons with drug use disorders in contact with the criminal justice system:
  - A Training for Policy makers on ATI (September 2021)
  - Follow up workshop on the work done by the various agencies, formation of the ATI Steering Committee and its operational framework (November 2021)
  - Follow up workshop on steps made (July 2022)
  - Follow up on progress and challenges (April 2024)
2. Formation of a multiagency steering committee to drive the agenda on ensuring take up and mainstreaming of ATI for persons with substance use disorders in contact with the criminal justice system (ATI)
3. Development of a National Action Plan characterised with short & long term goals in all the case proceedings stages: pre-trial, trial and post trial.
4. Case care management training and overdose management training for those with SUD and are in conflict with the law

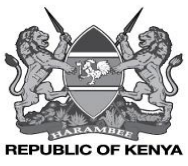


# Mombasa County- ATI steering committee Members

National Agency: Demand and Supply Reduction	Criminal Justice system Agencies (CJS)	Ministry of Health	Civil Society Organizations (CSOs)
Ministry of Interior- NACADA	National Council on Administration of Justice;	NAS COP	MEWA
	Judiciary	CEC- Health (County)	Reach Out Trust
	Office of the Director of Public Prosecutions;	Public Health	Omari Project
	National Police Service (Kenya Police, Administration Police and Directorate of Criminal Investigations);		Kenya Red cross Society
	Probation and Aftercare Services;		
	Kenya Prisons Service;		

# Working on.

- Gazettement of the ATI Steering committee
- Policy Development
- Deflection training for law enforcement officers
- Training of Mombasa County Steering Committee members on ATI
- **Africa Leaders Deflection Summit- 2<sup>nd</sup> and 3<sup>rd</sup> October**



**NACADA**  
FOR A NATION FREE FROM ALCOHOL AND DRUG ABUSE

THANK YOU!

THANK YOU!

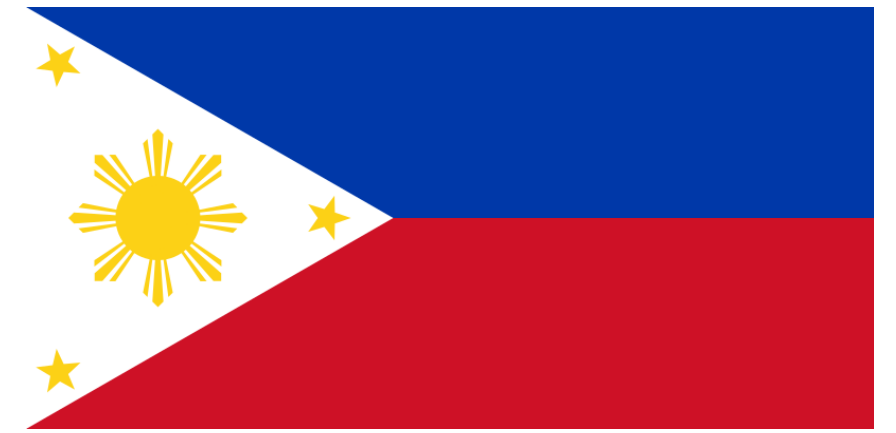


# Prosecutorial diversion: Principles and legal tools for alternatives to incarceration in the Philippines

*Lee Edson P. Yarcia, MD, JD*

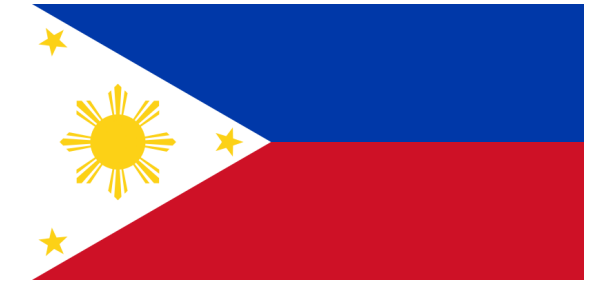
*Senior Lecturer*

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A Presentation during webinar ATI  
Basics: Models of Alternatives to  
Incarceration (ATI) by the  
International Society of Substance  
Use Professionals

27 September 2024



# New Policy Direction in the Philippines

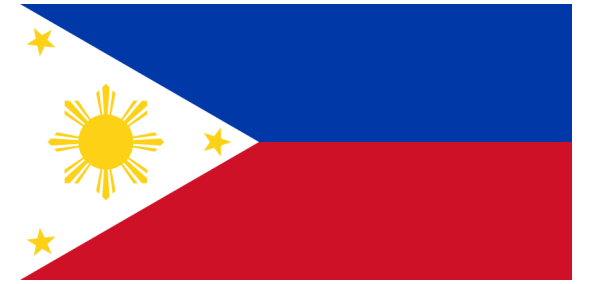
During his State of the Nation Address, the Philippine President announced the new policy direction for drugs in the Philippines.



“The campaign against illegal drugs continues – but it has taken on a new face. It is now geared towards **community-based treatment, rehabilitation, education, and reintegration**, to curb drug dependence amongst our affected citizenry...”



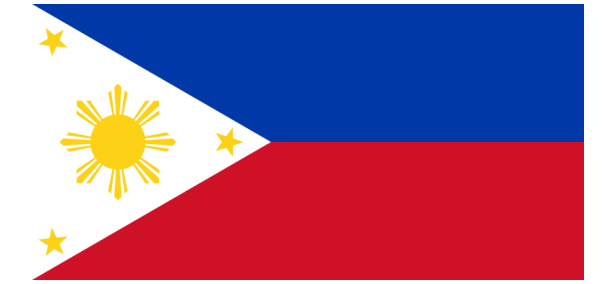
PRES. FERDINAND R. MARCOS, JR.  
State of the Nation Address 2023



# Principles of Prosecutorial Diversion

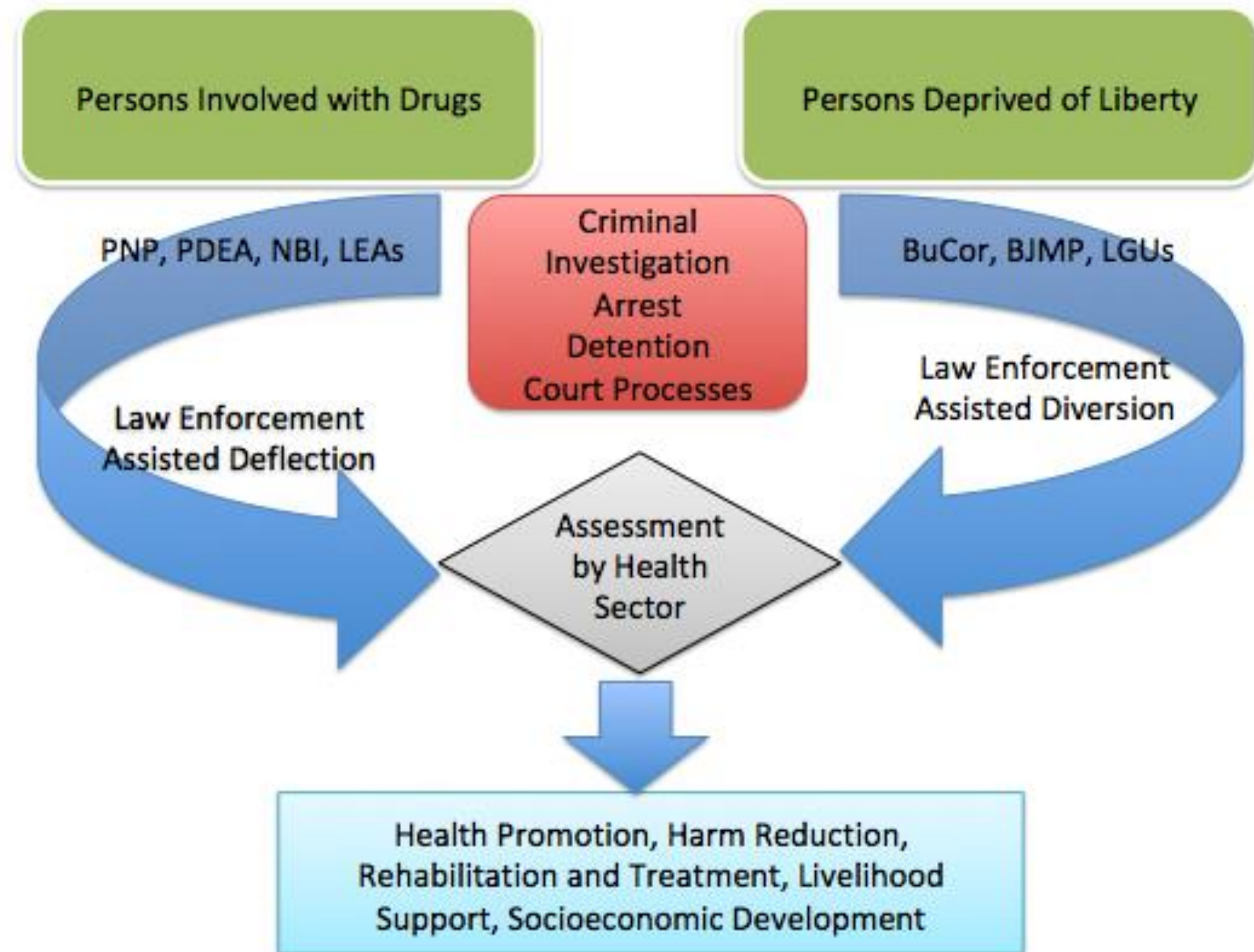
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- **Effective prosecution** – pro-active involvement of prosecutors in case build-up and investigation of cases to ensure conviction of proper cases and promote public safety and security.
- **Efficient prosecution** – evidentiary threshold for prosecution is increased from probable cause to *prima facie* evidence with reasonable certainty of conviction with a view of avoiding unnecessary pre-trial detention.
- **Equitable prosecution** – prosecution is refocused to target big organized crime groups. Low-level offenses, such as drug use and miniscule selling in the context of drug use, are addressed by the public health approach that centers on human rights

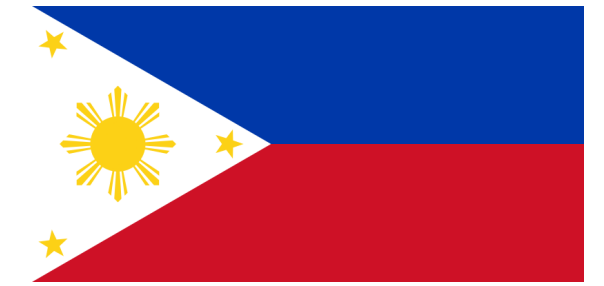


# Referral to Public Health as Alternative to Incarceration

Through INL support, the Philippines is co-creating a demonstration project on alternatives to incarceration.

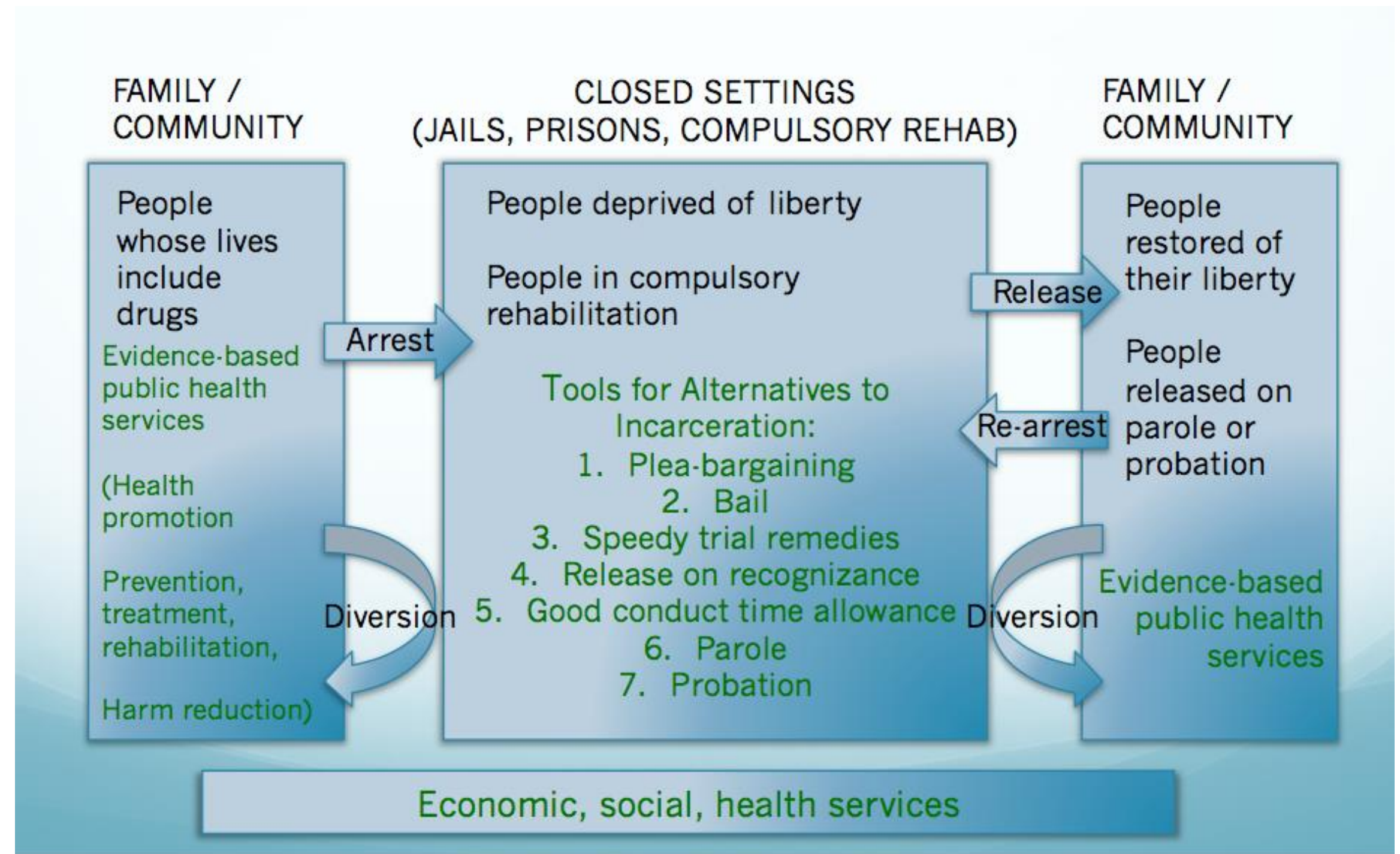






# Prosecutorial Tools for ATI

Prosecutorial practice supports alternatives to incarceration to bring people back to their family and community, with health and social welfare support system.





**Maraming  
salamat po!**

**Email: [lpyarcia@up.edu.ph](mailto:lpyarcia@up.edu.ph)**



# Alternatives to Incarceration in Trinidad & Tobago

1

Presenter: Ms. Frances Turton-Long  
Chief Probation Officer (Ag.)  
Ministry of National Security

Trinidad and Tobago offers a variety of Alternatives to Incarceration through the Judiciary. These are supported by the Probation Services Division and other agencies.

These include:

- Drug Treatment Court
- The Bail Supervised Programme; formerly known as the Bail Boys Programme

# Programmes Offered Cont'd

- ▶ Supervisory Probation
- ▶ Community Service Orders
- ▶ Electronic Monitoring
- ▶ Decriminalisation of Marijuana
- ▶ Case Care Management

# What is the Role of the Probation Services Division in Alternatives to Incarceration

- ▶ To promote the rehabilitation of probationers, victims and dysfunctional families
- ▶ To empower through counselling and education,
- ▶ To promote a healthy lifestyle through proactive intervention.

# Drug Treatment Court Process

- ❑ THIS COURT IS DESIGNED TO SUPERVISE CASES OF JUSTICE INVOLVED PERSONS WITH SUBSTANCE USE DISORDERS WHO AGREE TO PARTICIPATE IN COURT SUPERVISED TREATMENT.
- ❑ THE DTC IS NON-ADVERSARIAL AND CONSISTS OF A TEAM LED BY A MAGISTRATE OR JUDGE THAT WORKS COLLABORATIVELY FOR THE BENEFIT OF THE PARTICIPANT.
- ❑ IN 2023 THE JUDICIARY OF TRINIDAD AND TOBAGO REVISED THE DRUG TREATMENT COURT AND IT IS NOW CALLED “THE DRUG TREATMENT COURT PROCESS” WHERE ANY COURT CAN NOW HAVE A DRUG TREATMENT COURT TEAM.

# The Bail Supervision Programme

6

- Young men and women are placed on bail with conditions.

These conditions entail:

- Curfews
  - Restrictive travel
  - Weekly reporting to the Probation Officer, who would then connect them to rehabilitative counselling, remedial classes and other life skills
- The participants are brought before a judge every two months for an update from the probation officer on their progress



# Supervisory Probation

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A person in the justice system is placed on supervisory probation for between one and three years

- If the probation order is breached, it can be revoked and the individual could be sentenced for the original offense.
- Some orders would have specific conditions such as attendance at meetings or drug rehabilitation centres
- Rehabilitative counselling programmes and interventions are geared towards preventing recidivism.
- Development of skills to encourage productivity, responsibility, accountability and secure employment
- Working on improvement in family relationships is a priority

# Community Service Orders

- The court may order community service in lieu of incarceration for specific offences listed in the act.
- A person can be ordered to perform community service for no less than 40 hours and no more than 240 hours in a specific period of time.

# Electronic Monitoring

- Electronic monitoring was introduced to Trinidad and Tobago by Act No:11 of 2020
- A director's report determines a person's eligibility and suitability to be monitored electronically.
- Persons can be placed on electronic monitoring for criminal matters-such as larceny, robbery and murder, and domestic violence matters.

# Decriminalisation of Marijuana

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On December 11th 2019, the Dangerous Drugs Act was amended to remove criminal penalties for possession of up to thirty grams of cannabis.

- ➔ A fixed fine was imposed for possession of more than thirty, but fewer than sixty grams, and it would not impact an individual's criminal record if the penalty was paid
- ➔ This amendment removed a substantial amount of court matters from the criminal justice system – thereby reducing caseloads in the courts and the number of persons incarcerated
- ➔ Persons caught with small amounts of marijuana were no longer stigmatised with a criminal record
- ➔ Young men and women who could not get bail after being charged with possession of small amounts of marijuana were now released to become productive citizens

# Case Care Management

- ▶ In 2021, the Executive Secretariat of the Inter-American Drug Abuse Control Commission, Organization of American States (ES-CICAD/OAS) embarked on a Pilot Project in Trinidad and Tobago to include a Care component in the case management of non-violent offenders with Substance Use Disorders (SUDs), who appeared before the Courts.
- ▶ The Case Care Management Programme (CCM) enhances co-ordination among the justice, health, social and other services that could be accessed by this group of persons, and assist with their recovery and their structured re-integration into society.
- ▶ The Pilot Project ended in 2023 and Probation Services Division is in the process of integrating CCM as an established programme.

# Conclusion

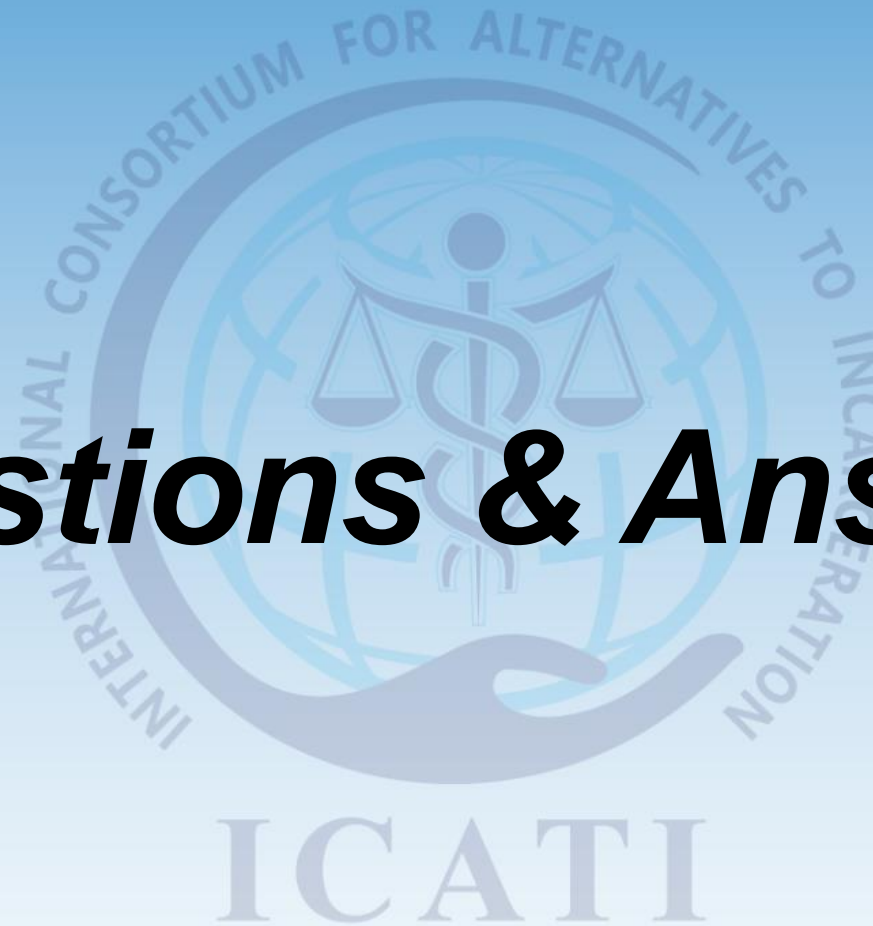
Trinidad and Tobago continues to increase implementation of alternatives to incarceration, and the Probation Services Division stands ready to implement and redefine its approach to addressing the needs of justice involved individuals.

At this time a Parole system is also being contemplated.

Over the years, as the Probation Services Division has supported more alternatives to incarceration, an improvement in the lives of the clients and a reduction in recidivism rates have been noted.

**THANK YOU**

# ***Questions & Answers***





# ***Polling Webinar Participants***



# Join the ICATI Network!



- Being a part of ICATI represents a commitment to treat SUD as a health condition that requires treatment and care to support recovery, instead of responding with arrest, conviction, or punishment.
- There are no fees required to join the ICATI network. Country teams, government representatives, non-governmental organizations, international agencies, implementation sites, and individuals who are interested in developing ATI initiatives are invited to participate.

Join the **ICATI**  
**Network** here





We Look  
Forward to  
Working  
Together!

## ICATI LEADERSHIP TEAM:

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Global Lead

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Senior Strategic Planning Consultant

### **Roger Peters**

Research and Evaluation Consultant

### **Jac Charlier**

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### **Marie Gray**

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