



# SPECIALIZED COURTS

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Specialized Courts, such as Drug Treatment Courts and Indigenous Courts, are both therapeutic and problem solving, meeting the goals of the justice system, improving outcomes, and reducing costs to taxpayers due to outcomes that move the dial rather than continue the cycle. Restorative justice is a strategy in which, rather than focussing on sentencing, offenders meet with a facilitator to acknowledge the harm to the victim and community and make a plan to repair that harm.

**The success of the Drug Treatment Courts suggests that diverting people with addictions or mental health challenges away from the criminal justice system and toward programs to support rehabilitation and reintegration into society will yield sustained positive outcomes - social, housing, financial, family stability. This in turn will reduce impact on the justice system and taxpayers by reducing recidivism of chronic, low-level offenders.**



## SPECIALIZED COURTS PROVIDE AN EXCELLENT RETURN ON INVESTMENT.

CBA Alberta supports innovative and responsible solutions to justice, particularly where resources applied will result in reduced expense and increased effectiveness.

## BACKGROUND

Specialized Courts are both therapeutic and problem solving, addressing the goals of the justice system, improving outcomes, and reducing costs to taxpayers through effective outcomes which move the dial rather than continue the cycle.

We have seen an alternative model implemented with the Drug Treatment Courts (DTC) in Calgary, Edmonton, and other communities. These DTC programs, strengthened with support of the Government of Alberta, have reduced recidivism, and provided an excellent return on investment.

**Similarly, Indigenous Courts seek to affirm Indigenous roots, identity and connection, recognizing the historical and present harms of disconnection, and affording members of Indigenous groups an opportunity to be accountable for and improve their conduct in the context of connection with their Elders and wider community.**

It is often said that the opposite of addiction is connection, and CBA Alberta believes that this holds true for various alienating types of conduct resulting from mental health and poverty. Where connection is established, the alienating conduct is diminished.

In its **Calls to Action on Justice, the Truth and Reconciliation Commission** has called on both federal and provincial/territorial governments to provide courts with specialized resources to address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD).

## Restorative Justice

Restorative justice is a strategy whereby rather than focussing on sentencing the people involved in a dispute, they meet with a facilitator to acknowledge the harm caused to victim and community, and to make a plan to repair that harm.

This approach also leads toward the healing of perpetrator and victim, and has the potential to reduce repeat offences.

While restorative justice programs do not focus on punishment or sentencing, it should not be assumed that these programs are easier on offenders – often the hard work of facing the victim and acknowledging the harm, combined with the self-work necessary to complete such a program, are much more challenging than simply doing the time.

## Resourcing

The current mandate of Alberta Justice includes addressing the need for funding increases to strengthen Alberta's justice system and requests a strategic review of resourcing to the courts.

The objective is to ensure sufficient funding for Albertans to have a fair and accessible justice system including through specialized courts.

The CBA Alberta vision and Justice Ministry mandates are united in the desire to resolve more social disorder offences through treatment and without incarceration, knowing that the government-supported Drug Treatment Courts have proven this restorative justice model effective at both reducing anti-social criminal behaviour and reducing expense to the taxpayer. The goal is always to help people move forward while keeping society safe.

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# The Drug Treatment Court Experience

The Alberta Government in recent years has provided stable, ongoing funding for drug treatment courts, reaping the benefits of flourishing DTC programs in Calgary (since 2005), Edmonton (since 2007) and other centres including Lethbridge, Medicine Hat, Red Deer and Grande Prairie.

The aim of these pre-sentence treatment programs is to rehabilitate non-violent offenders, diverting them away from imprisonment on condition that they complete an intensive, judicially-supervised drug addiction recovery program.

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**DTC is proven to deliver a significant return on investment to society, by reducing costs associated with policing, courts, and corrections, as well as systemic marginalization, victimization, and property loss.**

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As offenders may return to functional societal participation, they resume participation in parenting their children, potentially reducing ongoing harm and reducing any need for intervention or outside care for affected children.

The majority of participants who graduate from intensive, judicially supervised drug addiction recovery programs become contributing, tax-paying members of society. For example, 7 out of 10 graduates from Calgary's Drug Treatment Court have no new criminal charges or convictions post treatment in the 3-4 years following graduation.

The obvious success of the DTC provides incentive and encouragement to support other specialized courts and anticipates that other participants in the judicial system may be successfully diverted away from formal court processes in favour of court-supervised programs which may both better meet the needs of those participating, and also result in a more reliable outcome for the judicial system and for society generally.



# THE ISSUES

The provincial and federal governments should strive to divert people with addictions and mental illness away from the criminal justice system and direct them towards programs to support rehabilitation and reintegration into society. Noting the overwhelming success of DTCs, CBA Alberta members wish to see support for judicial programming around the same model, expanding it to address community issues engaged by other chronic offenders such as mental health, poverty, etc.

The DTC framework has already provided a successful model for the Community Justice Centres project, for which significant work was invested, although funding for the project was suspended with the impact of COVID-19.

Noting the overwhelming success of DTCs, CBA Alberta members wish to see support for judicial programming around the same model, expanding it to address community issues engaged by other chronic offenders such as mental health, poverty, etc.

It is time to restore the funding and resume development of the Community Justice Centres, which ideally will yield a transferable model allowing communities in Alberta to customize and adapt it to their unique needs.

Once a model is established and ready to replicate, the next step will be to develop a coordinated strategy for developing specialized courts in communities across Alberta to meet their local justice needs as desired.

This will equip communities across Alberta to develop innovative solutions to local justice issues, which is outlined in the Access to Justice section of this document. This could include specialized courts.

Ultimately, non-criminal and non-family matters such as immigration, employment, consumer and debt issues, housing/tenancy and human rights, could all be the subject of community courts.

One of CBA Alberta's goals is to promote and improve the administration of and access to justice and equality, supporting the corollary benefit of crime reduction.

It benefits members of CBA Alberta and greater society to work toward ensuring the public has a fair, effective, and efficient justice system, including use of restorative justice strategies where they are likely to be successful.

There is broad support within the legal and justice communities for the specialized court model. CBA Alberta supports innovative and responsive approaches to justice, including developing a transferable model for specialized courts which could be accessed and implemented by communities throughout Alberta.

CBA Alberta understands that, given the success of DTC, innovation around specialized courts is likely to result in:

- Improved procedural justice, where the person appearing in court feels dignity, respect, and fairness (regardless of their legal matter outcome).
- Sustainable improvements in life outcomes, including social, housing, financial, family stability.
- Reduced impact on the justice system and the corrections system by reducing recidivism of chronic low-level offenders and the disproportionate consumption of resources by those trapped in a criminality cycle which requires interruption.
- Reduced negative outcomes – domestic violence, homelessness, poverty, displacement, etc.
- Improved usability of the system.
- Improved collaboration among justice participants and stakeholder agencies, including crown prosecutors, police, Alberta Health Services, local municipalities, NGOs addressing homelessness and providing other relevant supports.
- High satisfaction with the service and legal professionals.
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## RECOMMENDATION

CBA Alberta strives to enhance the justice system. By developing and implementing a specialized courts model which may be adapted for different communities, Alberta will reduce cost, keep more people participating in society and therefore out of corrections, and will continue to be a national and international leader of innovation in the justice system.

