

## March 21, 2016: Guam Drug Court

Is there such thing as a second chance in the criminal justice system? Fortunately, on Guam there is – at least for some people caught up in the underworld of drug abuse. This hope for a second chance is offered through the Superior Court’s Drug Court. This is a specialty court designed specifically to address the unique and complex problem of drug abuse and drug addiction. There has been a growing trend across the nation to find a better way to handle non-violent drug abusers. Rather than lock them up for years with little hope for successful intervention, courts throughout the U.S. have brought together a diverse team to evaluate, educate, and to rehabilitate the drug offender. In the early 2000’s, Guam followed suit.

Guam’s Drug Court evolved in a manner quite similar to most other jurisdictions. In the mid-1990s, Guam saw a dramatic increase in the use of crystal methamphetamine, or ice. Guam’s experience paralleled the rapid rise of crack cocaine usage in the U.S. Like other legislatures throughout the country, in response to the disturbing increase in drug-related activity, the Guam Legislature passed a no nonsense, get tough anti-drug law in March 1998. The law greatly reduced the flexibility that judges and prosecutors traditionally had in dealing with drug abuse cases. As a result, the number of inmates at the Department of Corrections (DOC) swelled to record numbers.

Despite the fact that the DOC initiated an in-house Residential Substance Abuse Treatment program and the Department of Mental Health and Substance Abuse established programs to assist those with substance problems, the alarming rate of drug arrests continued. The existing rehabilitative programs proved to be largely ineffective. As a result, the rate of repeat offenses committed by released inmates remained virtually unchanged.

In response to this disturbing trend, the Guam Judiciary began to seriously consider establishing a Drug Court. Key participants were the judges, prosecutors, defense attorneys, probation officers, and mental health experts, among others. The primary focus was on first time offenders with substance abuse problems. The organizational team worked hard and these efforts were rewarded with a Drug Court Implementation Grant for fiscal year 2002. With operational funding in hand, the first Drug Court convened in August 2003, and continues to this day, although there have been a number of modifications along the way.

According to the Guam Judiciary’s official Drug Court pamphlet, “the mission in Guam Adult Drug Court is to hold criminal offenders accountable for their behavior, to decrease criminal activity related to the abuse of alcohol and drugs, and to increase the likelihood of successful rehabilitation through immediate, continuous, and intensive supervision.” Hopefully, the end result is a sober, recovered participant who is re-integrated into our community as a productive, law abiding citizen.

Participation in the Adult Drug Court (ADC) is voluntary. But, this doesn't mean all persons charged with drug crimes are eligible for the program. To qualify, potential candidates must meet the following requirements:

- Cannot have any prior felony convictions related to drugs, violence, or sex crimes.
- Must not have any pending felony charges involving violence and/or sex crimes, and no pending drug charges involving their distribution or manufacturing, or the intent to distribute drugs.
- Be at least 18 years old and a U.S. resident
- Must have the ability to participate in the program.
- Must have reliable transportation.

Those accepted into ADC will work with a team that includes the Drug Court judge, Drug Court coordinator, case manager, a representative of the Attorney General's office, defense counsel, treatment providers, and the probation office.

For success, the program requires coordinated teamwork and a structured program of immediate rewards for good behavior and immediate punishment for bad behavior. When it comes to drug rehabilitation, intense oversight, immediate feedback, and consequences are essential.

I witnessed these elements in action when I sat through a session of the ADC last week. I was impressed with the obvious concern for the participants' welfare exhibited by Judge Vernon Perez, who oversees the ADC, and by all the other team members. During the hearing, some participants were rewarded for their successes, to the loud applause of all. And some were punished for their transgressions, but given an opportunity to get back on track. I sensed a strong sense of optimism throughout the courtroom that hopefully propels most participants to achieve their goal of sobriety.