

Te Whare Whakapiki Wairua – the Alcohol and Other Drug Treatment Court – Auckland / Waitākere

Te Whare Whakapiki Wairua, the Alcohol and Other Drug Treatment (AODT) Court based at Waitākere District Court and Auckland District Court, provides a treatment pathway for offenders whose criminal behaviour is driven by their alcohol and other drug dependency.

Background

The AODT Court is overseen by the judiciary and brings together, iwi, government agencies, health service providers and the local community to help court participants whose offending is driven by alcohol and other drug substance use disorders. It began as a pilot programme in November 2012. In December 2019, the government announced the permanent establishment of the Court.

The AODT Court operates at two sites: the Auckland and Waitākere District Courts. The Court has a combined maximum capacity of 100 participants at any one time, with 50 participants at each site.

The goals of the AODT Court are to:

- reduce reoffending
- reduce rates of imprisonment
- reduce alcohol and other drug consumption and dependency
- positively impact health and wellbeing
- be cost-effective.

Operation

The AODT Courts operate on a pre-sentence model, where offenders who plead guilty to their offences and meet other criteria can be referred to the programme to address alcohol and drug substance use disorders driving their offending. The extent and nature of their participation in the AODT Court is considered at their final sentencing upon completion (graduation) of the programme. Offenders

accepted into the AODT Court are referred to as participants.

Upon acceptance into the AODT Court, participants are assigned a clinical case manager and specialist defence counsel, who will work with the participant to develop a comprehensive treatment pathway plan based on their individual needs. The plan will include residential treatment and/or community-based programme options. It is a condition of bail that participants comply with all requirements of the AODT Court and their treatment plan.

The clinical case manager also co-ordinates specialist alcohol and drug treatment and other services for participants, retains an overview of the treatment plan or changing circumstances, and reports back to the AODT Court on participant progress.

Participants are also assigned a peer support worker. Peer support workers play a pivotal role in the AODT Court by mentoring participants while they work through the programme. Drawing on their own lived experience with alcohol and drug recovery, peer support can help participants navigate the challenges that can come with achieving recovery from alcohol and drug dependency.

Treatment service providers, including clinical case managers and peer support workers, are contracted by the Ministry of Health.

Court Taonga

Three special artworks hang in the AODT Courtroom, created by Associate Professor Steve Gibbs (Ngāi Tāmanuhiri, Ngāti Kahungunu.)

The paintings represent various themes, including those from the 'Serenity Prayer', while also referencing Aotearoa New Zealand's bi-cultural heritage. The artworks are often a source of encouragement for those living with addiction as they learn to rebuild their lives.



Te Wairua Mārie
Serenity



Manawanui
Courage



Māramatanga
Wisdom

What happens on the day at Court?

AODT Court sitting days are held in two sessions: The pre-court meeting and open court.

- The AODT Court pre-court meeting starts at 8:30am each sitting day. This is a closed court session that opens with a karakia and waiata.
- The presiding judge, case manager, Court coordinator, defence counsel, police prosecutor, and Pou Oranga (Māori cultural advisor) make up the AODT team who attend the pre-court session. A peer support worker and specialist probation officer are also present. AODT Court participants do not attend this session.
- The purpose of the pre-court session is to discuss the cases appearing before the Court. The judge and AODT team come together and discuss participants' progress, any challenges, and treatment plans.
- The open court session begins at 1pm. This is where the participants appear before the judge for monitoring. Friends and whānau are actively encouraged to attend.

Various types of hearings could be called for during the open court session. For example:

First appearance

- It's expected that potential AODT Court participants are identified at an early appearance. In line with best practice, this is important to ensure that referral to, and acceptance into, the AODT Court takes place within 50 days from the arrest/offending wherever possible. It's also important that legal representation is arranged promptly.
- If all criteria are met and there is a sound basis to indicate that alcohol or other drug dependency is a likely factor contributing to offending, the judge may

direct that the matter be adjourned to allow a fuller alcohol and other drug assessment.

Determination hearing

- The presiding AODT Court judge will make the final decision on whether someone is eligible for the programme. The judge will consider information and assessments collated by parties and has input from the team, including the police prosecution, defence counsel and case managers. This information will first be discussed in an AODT Court pre-court team meeting, which defendants don't attend but are represented at by defence counsel.
- If all criteria for the AODT Court are met, the defendant may be offered the chance to participate in the AODT Court. The judge must make sure the offender is willing to undertake the programme and understands the commitment required. They are also made aware of the possible sanctions and consequences should the programme not be satisfactorily completed.

Progress update

- Participants accepted into the AODT Court are advised to be honest and open, especially when discussing progress updates with the presiding judge. This is one of the most important Court principles.
- The requirements of the participant's programme are formal Court orders and must be complied with. The more progress a participant makes over time, the less often the participant will need to attend the Court for monitoring.

Graduation, Sentencing and 'He Takitini' ceremony

- Participants who successfully complete the programme are graduated from the Court and are then sentenced. Progress in the AODT Court programme will be considered as a significantly mitigating factor at sentencing.
- Twice a year, a special ceremony (He Takitini) is held for recent graduates to recognise their journey and achievements. Graduates receive a special taonga – a pounamu – for ongoing support as they continue to work on their journey to recovery. Whānau, friends and AODT Court alumni are also invited to attend and share in the celebrations.

AODT Court Karakia

Opening

E Te Atua
Ko koe te tīmatanga
O ngā mea katoa
Aroha mai kia mātou
Mō ēnei mahi katoa i tēnei rā
Ake ake āmine

To the creator
You are the beginning
of all things seen and unseen
Keep us in your caring embrace
in all that we do this day
Ongoing, we agree.

Closing

Kia tau te rangimarie
Ki tenei Whare Whakapiki Wairua
Kia piki te kaha
Kia piki te ora
Kia piki te māramatanga
Haumi e, hui e, taiki e!

Let there be peace
in this house that uplifts the spirit
Uplifting in strength
Uplifting in wisdom
Uplifting in wellbeing
Gather, unite, it is done!

AODT Court Waiata

Kia tū tika – whakapono – te aroha
Te Atua- hei oranga – te tangata
Kia kaha – kia toa – manawanui
Te whare whakapiki wairua
Kia kaha – kia māia – manawanui
Te whare whakapiki wairua
Tāu ana.

Stand upright in truth in love
'Tis God restoring mankind
Be strong – be courageous – stout-hearted
in this house that uplifts the spirit.
Be strong – be brave – stout-hearted
in this house that uplifts the spirit
'Tis settled.