



OAS | **CICAD**



**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION
CICAD**

SIXTY-THIRD REGULAR SESSION
April 25-27, 2018
México D.F., México

OEA/Ser.L/XIV.2.63
CICAD/doc.2381/18
25 April 2018
Original: Español

THE EVALUATION OF ALTERNATIVES TO INCARCERATION: DRUG COURTS IN CHILE





PONTIFICIA
UNIVERSIDAD
CATÓLICA
DE CHILE

The evaluation of alternatives to incarceration: Drug Courts in Chile

Ana Figueroa
Researcher Crime & Social Studies Program
Institute of Sociology, PUC

www.uc.cl

Contents

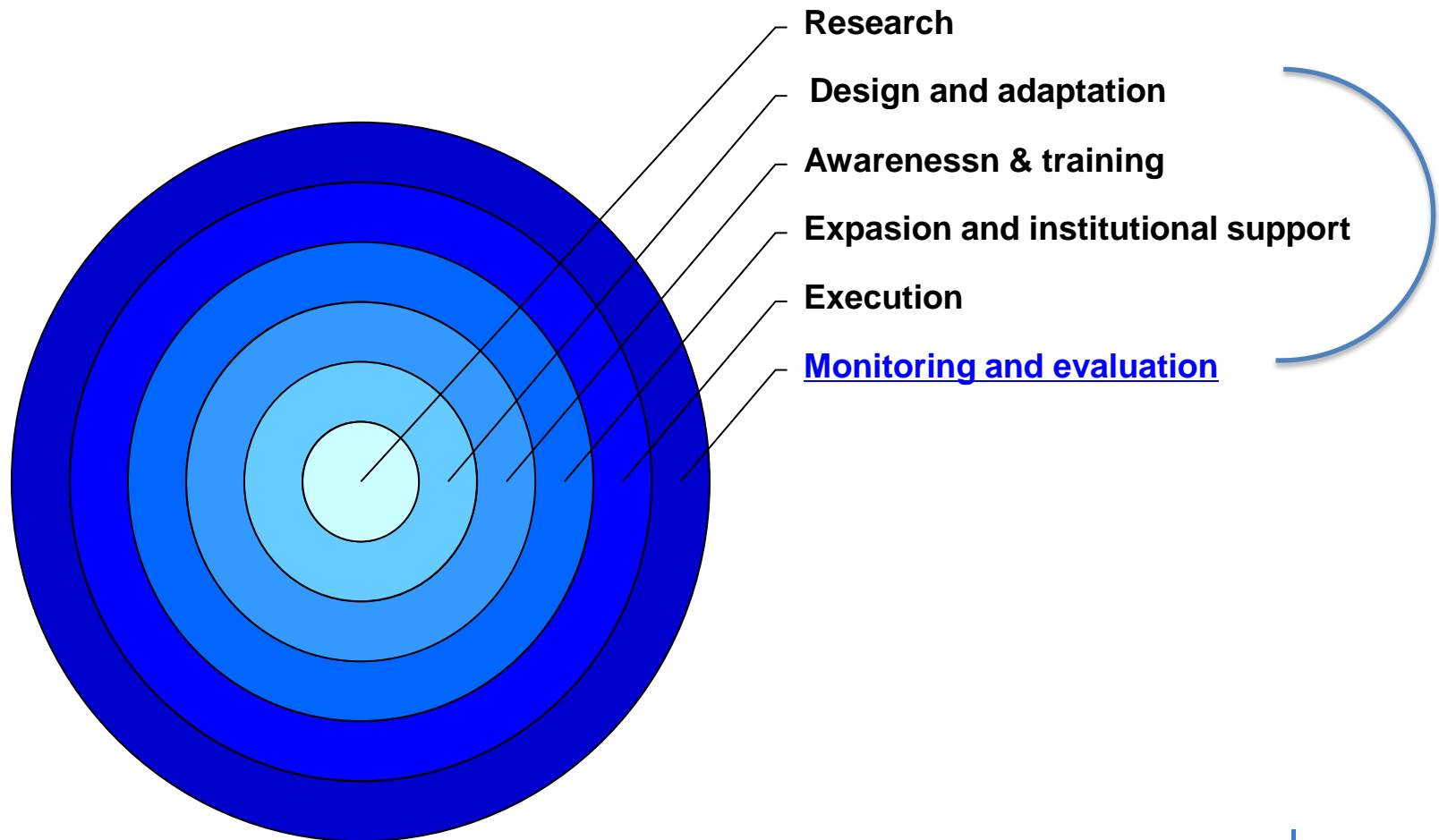
- 
- 
- I. **Implementation** and scaling process: key elements
 - II. The role of **evaluation**: why, when and by whom

Drug Courts



- Alternative to imprisonment that is inserted within the justice system **during criminal proceedings**:
 - **Legal framework in Chile**: conditional suspension of the procedure "on the condition (work, victim, treatment) ... the criminal action is suspended (there is no trial)".
 - **Candidates to SCP**: imputed for minor offenses (penalty up to 3 years) and absence of previous convictions (first-time) and without pending SCP
- **Target population** DTC: offenders whose crimes are related to their problematic drug use (with consumption, distribution, to consume)
- Function: **facilitate the rehabilitation process** through incentives that encourage change and adherence of the participant to treatment.
- It is not the creation of a special tribunal, it is a **work methodology**, proven and replicable (judges do not have exclusive dedication). It is not simply a derivation from justice to rehabilitation, but a highly structured **inter-institutional program..**

I. Implementation process: stages



1. Research: knowing the local reality

- **How is crime related to drug use in the country?**
 - ✓ Basic research: what drugs are consumed? Who do they consume? How is this consumption related to crime in the country?
 - ✓ Determine the **target population** of the program (to whom to aim to achieve an impact on recidivism)
 - Prevalence of consumption in offenders (gender, age)
 - Association with specific types of crimes (Chile: 60% surprise robbery)
- **Legal figure** suitable for DTCs - this determines the users that can be reached (eligibility criteria)
- **Demand projection** (anticipate number of users) and growth capacity (sufficient treatment centers, regional expansion)

2. Design & adaptation



¿Whom?

Prosecutor
Judge
Defender
Psychosocial
team



¿How?

Eligibility criteria
(inclusion /
exclusion)
Goals and non-
arbitrary
procedures



¿When?

Case discussion
meetings
Periodic
audiences



**¿With what
means?**

Service providers
treatment and
reintegration



Collaboration agreements: align objectives and operability

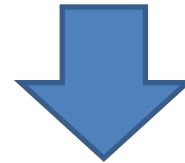
www.uc.cl

3. Awareness and training

- **Make sense of the COLLABORATION and inter-institutional work:** connect the justice system with the derivation of social services and community. Some key ideas:
 - ❖ Focused derivation of the target population of social services
 - ❖ Promotion of reintegration and security
 - ❖ A greater contact with the justice system greater recidivism (remove the person as soon as possible from the judicial system)
 - ❖ Multidisciplinary mutual learning
- **Awareness campaigns** for all actors: bring experts, exploratory missions, seminars, press. Deliver LOCAL evidence.
- **EVALUATION AS A CONTRIBUTION to awareness and training: become part of the program's objective because EVERYONE IS IMPRESSABLE to achieve it.** Investigation (prosecutors), handling of hearings (judge), follow-up (pairs) inclusion (treatment centers)

4. Expansion and institutional support

- **Governance** where to install the program, who coordinates it?
Chile: Interinstitutional Agreement (Public Ministry, National Drug Service, Ministry of Justice)
- **Legal modifications** necessary for the development of the program
- **Budget and financing:** consider:
 - Implementation of the program: operating expenses, professional teams (psychosocial and medical team + treatment plan)
 - Evaluation: consider this option BEFORE IMPLEMENTING



5. Monitoring & evaluation



¿Whom?

Independent organizations and experts

Looking from outside
Technical accompaniment from the evidence



¿How/what to evaluate?

Evaluation strategy



¿When?

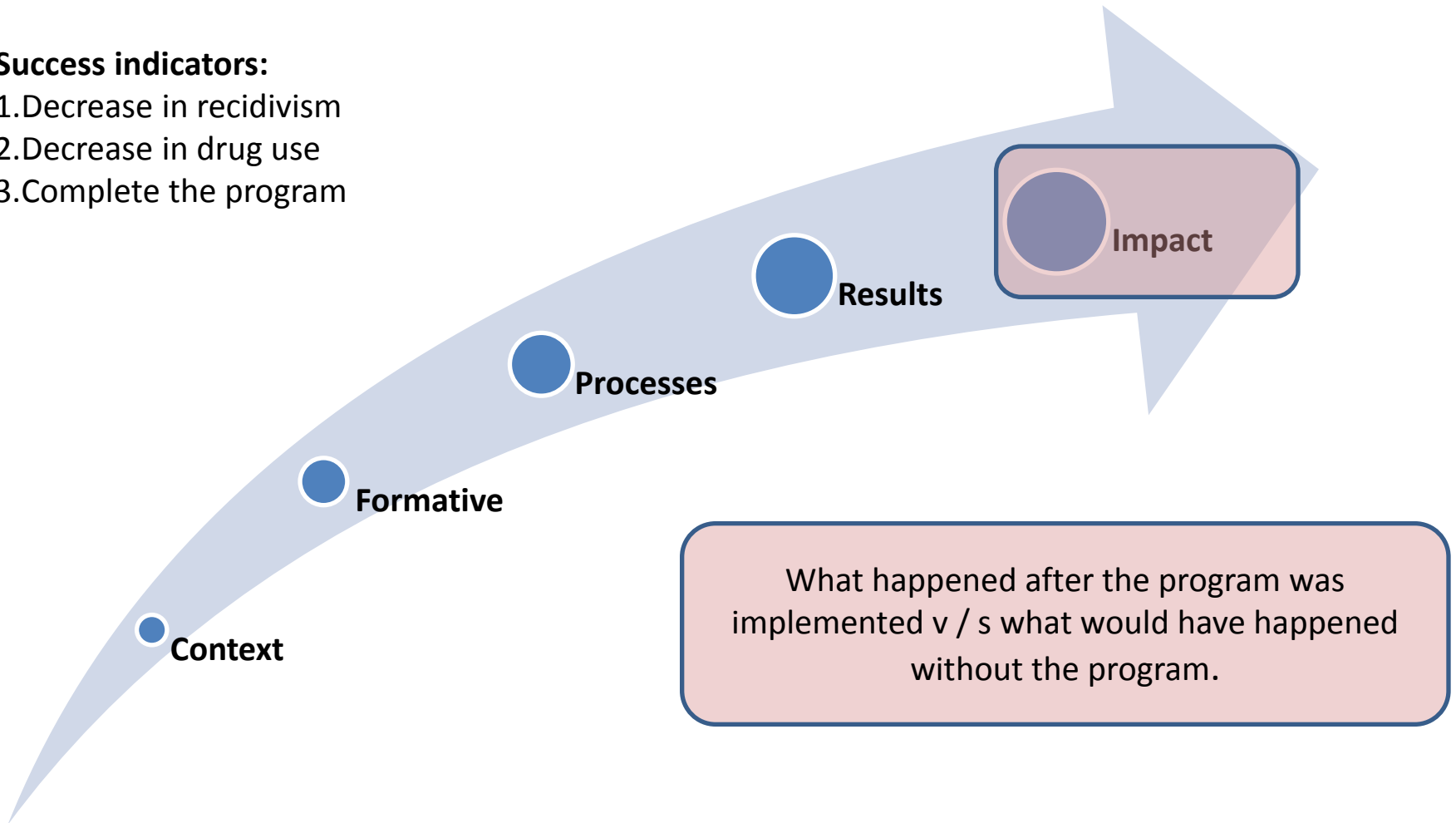
From the beginning of the design and implementation



5. Monitoring & evaluation

Success indicators:

1. Decrease in recidivism
2. Decrease in drug use
3. Complete the program



5. Monitoring & evaluation

Why evaluate?

- If you do not show results, the program does not expand:
 - ❖ Political support and financing
 - ❖ Possibilities for growth and incidence (increase quotas, innovate in other areas, diversify the target population)
 - ❖ All the actors generate information: the operation in itself generates evidence (example user satisfaction survey - handling of hearings - judge as an agent of change - training for judges)
 - ❖ Participatory process that includes all the actors of the program
- If you are not getting the results you want, you will not know what you are failing

¿What have we learned evaluating?

- EVALUATION IS NOT AN AUDIT, it is a **mutual learning** where everyone wins
- The evaluated (programs actors)
 - ❖ Judge as agent of change – new therapeutic skills
 - ❖ Prosecutor's office - psychosocial couple - efficiency and support to carry out their work
 - ❖ Imputed: extension of rights (eligibility criteria)
 - ❖ Treatment centers: referral of target population
- The evaluators (academia): learning and generation of local evidence

Thanks

www.uc.cl