



Vienna, 1 July 2019

**International Conference  
on Drug Prevention,  
Treatment and Care:  
Inspiration & Direction**

Conference • Presentations • Training

**ISSUP**

# Institutional Capacity in the Implementation of Alternatives to Incarceration under Judicial Supervision for Drug Related Offenders: A Perspective from the Americas

Vienna, Austria. July 2, 2019



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ORGANIZATION OF AMERICAN STATES

SECRETARIAT FOR MULTIDIMENSIONAL SECURITY

EXECUTIVE SECRETARIAT OF THE INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION (CICAD)

- **ES-CICAD ACTIONS**
  - Why is the ES-CICAD involved?
- **ALTERNATIVES TO INCARCERATION (ATI):**
  - From public problem to development public policy
  - Stages of the criminal procedure and referral process
  - Alternatives to incarceration in the Americas
- **INSTITUTIONAL CAPACITY FOR THE IMPLEMENTATION OF ATI AND CHALLENGES**
  - Regulation/legal landscape
  - Coordination
  - Analysis
  - Deliverability
- **ES-CICAD ON ALTERNATIVES TO INCARCERATION: WHAT ARE WE DOING ABOUT IT?**
  - Promoting dialogue
  - Carrying out Diagnostic-Feasibility studies
  - Providing technical assistance (training, protocols, planning, M&E)
  - Some of the main challenges



## ES-CICAD ACTIONS: Why is the ES-CICAD involved?

- **OAS Hemispheric Drug Strategy**
- **CICAD's Hemispheric Plan of Action on Drugs (2016 – 2020)**
- **Mandates, Resolutions, Declarations**



### Executive Secretariat CICAD

Institutional  
Strengthening  
Unit

Demand  
Reduction  
Unit

Supply  
Reduction  
Unit

Multilateral  
Evaluation  
Mechanism (MEM)

Inter-American  
Observatory on Drugs  
(OID)



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## How we operate

### Policy Forum and Reference

### Providing Capacity Building

- **Dialogue**
- **Technical Assistance**
- **Training**
- **Institutional Tools**

## Three level approach

### Polity

- Form of Government (Fed...)
- Government Structures
- National and Subnational
- Constitution, Legislation

#### *Landscape*

### Politics

- Actors (NDC, Authorities, Ministries)
- Relations between state institutions and civil society

#### *Actors*

### Policy

- Strategies
- Plans of Action
- Programs and activities
- Operations

#### *Actions*



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# ALTERNATIVES TO INCARCERATION (ATI)

From problem, to public problem, and to public policy



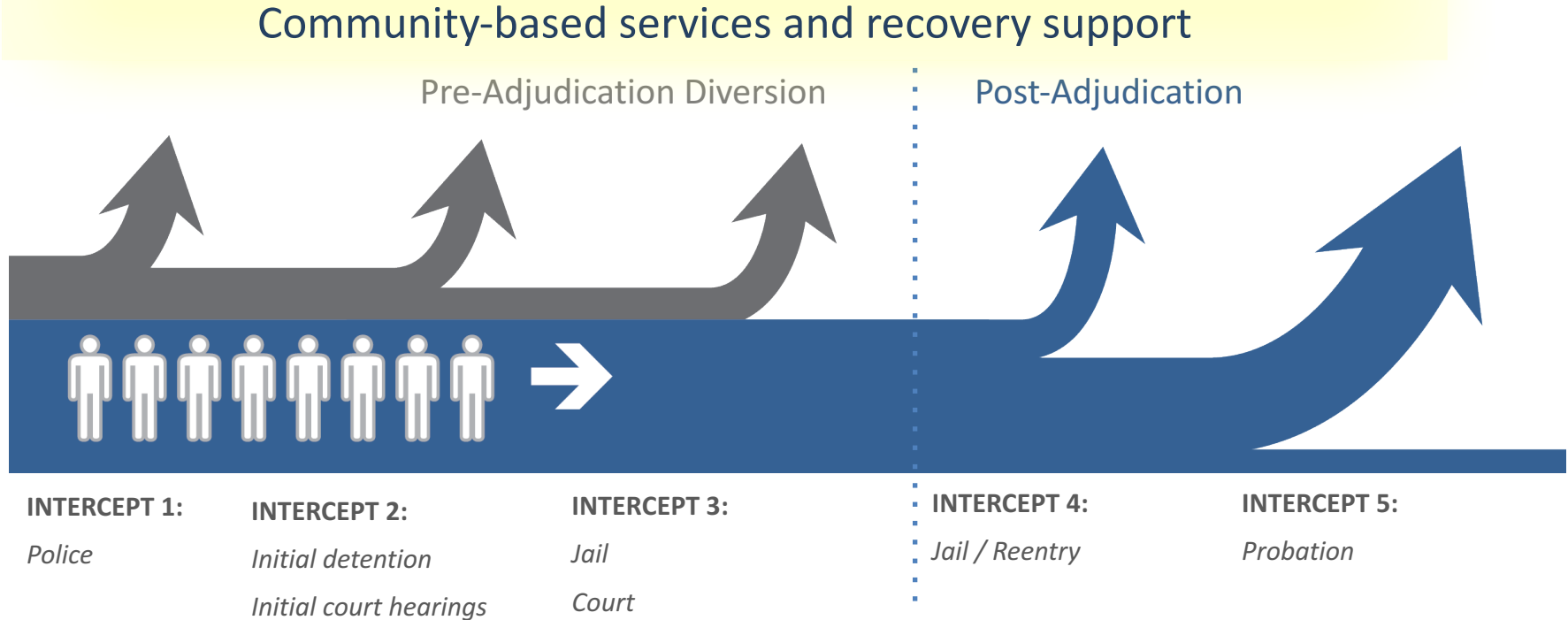
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## ALTERNATIVES TO INCARCERATION

The justice system can divert many people with nonviolent charges to services and programs in the community

Stages of the criminal procedure and referral process



Source: Treatment Alternatives for Safe Communities (TASC)



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## MOST COMMON ALTERNATIVES IN THE AMERICAS

- Drug Treatment Courts for Adults
- Drug Treatment Courts for Juveniles
- Restorative Justice
- Therapeutic Justice
- 77 Act CR

WHY?

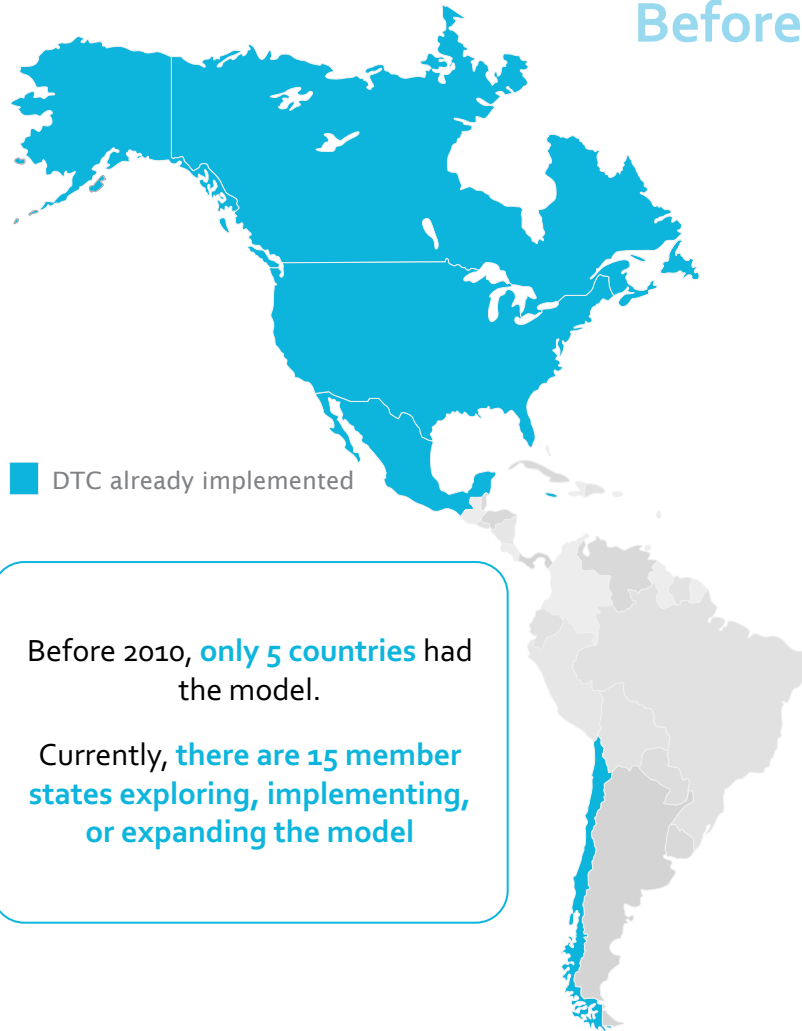
## THE CHALLENGE OF EXPLORING OTHER ATI

- Diversion and Deflection
- Community Justice and Community Courts
- Re-Entry Programs



# Drug Treatment Courts

Before



After



- **Response from State: State Capacities and Tools**



## Capacities

Regulate  
Coordinate  
Analyze  
Deliver



## Tools

Information  
Authority  
Funding  
Organization



# INSTITUTIONAL CAPACITY FOR AN EFFECTIVE PUBLIC POLICY

## Improvement of installed capacity

**Regulatory framework:** Legal landscape, legislation, plans, mandates:

Example: Jamaica DTC Act, Policy Paper

**Coordination:** (leadership, teams, training, technical assistance)

Examples: Trinidad and Tobago Steering Committee, rotation policy, multidisciplinary teams

**Information gathering and analysis:** evidence based practices

Example: M&E mechanisms, process evaluation, baseline

**Deliverables** (tools, models, actions)

Example: Increasing # %, manuals and protocols, people trained



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## ES-CICAD ACTIONS ON ALTERNATIVES TO INCARCERATION

- Promoting dialogue
- Carrying out Diagnostic-Feasibility studies
- Providing technical assistance
  - Training
  - Development of tools, protocols, guidelines
  - Planning, Implementation, and M&E
- Supporting training curriculum development (AIT, CCM...)



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# Alternatives to Incarceration

## Some achievements

More than **5,000 professionals** have been trained

Judges, prosecutors, defense lawyers, treatment providers

Over 55 Pilot Projects Launched in the past 8 years

Legal frameworks, protocols, and institutional agreements negotiated

Gap analyses viability studies in 7 countries

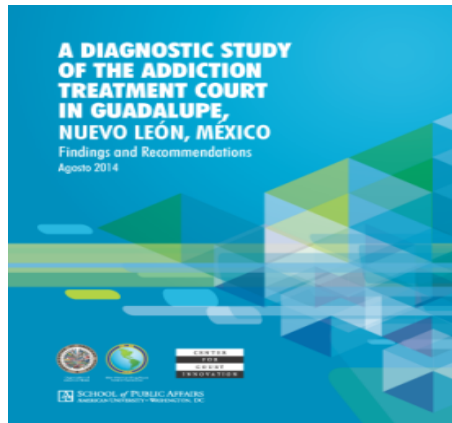
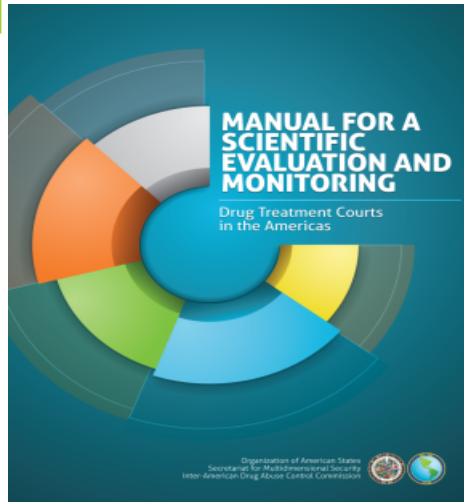


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# DIAGNOSTIC STUDIES AND PROCESS EVALUATIONS



Process evaluations in 7 countries  
Development of M&E Manuals  
Over 500 M&E experts trained



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## SOME OF THE CHALLENGES

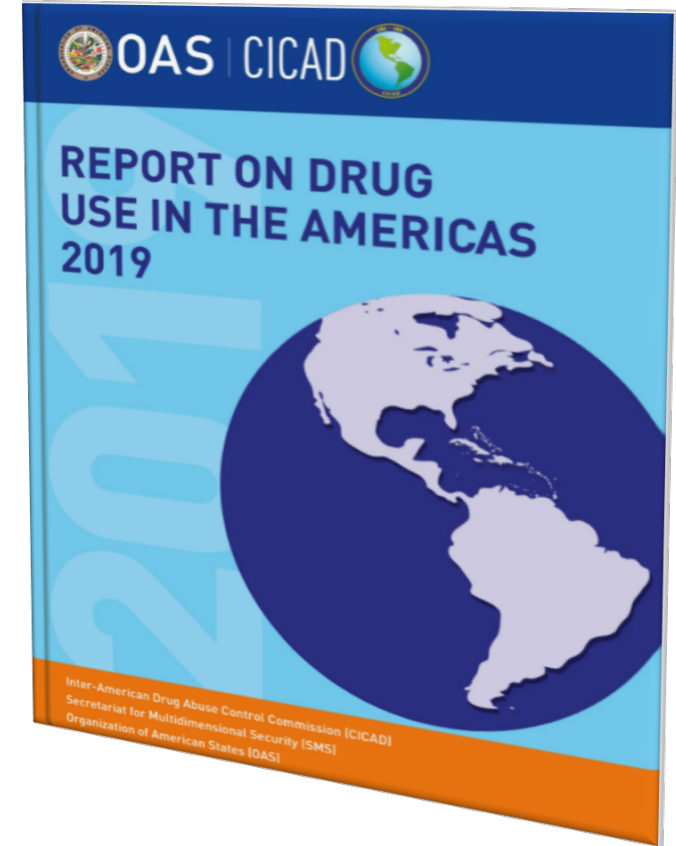
- **Regulatory framework**
  - Discretionality
  - Legal framework
- **Coordination:** High rotation rates, institutional agreements
- **Analysis:**
  - Eligibility criteria
    - Offense
    - Substance abuse
    - Criminogenic needs
    - High-risk/high need – low risk/low need
  - Monitoring and Evaluation mechanisms
    - Base lines
    - Commitment
- **Deliverability.** Lack of tools
  - Treatment Capacity
  - Protocols
  - Case Care Management
  - Resource allocation



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## RECENT RELEVANT REPORTS

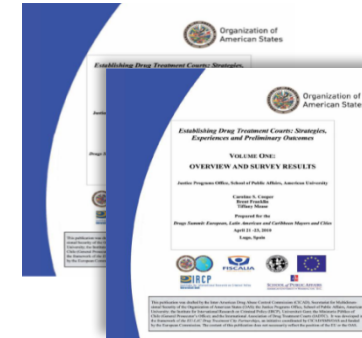
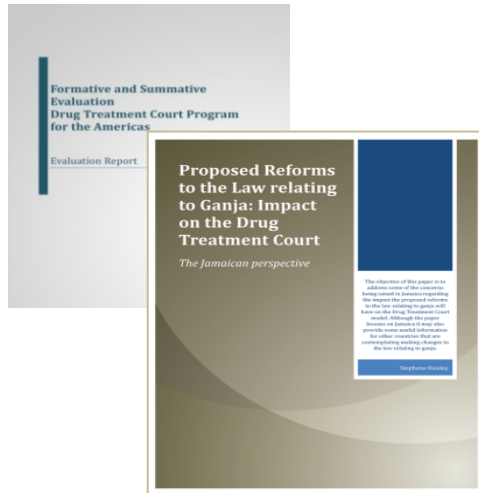
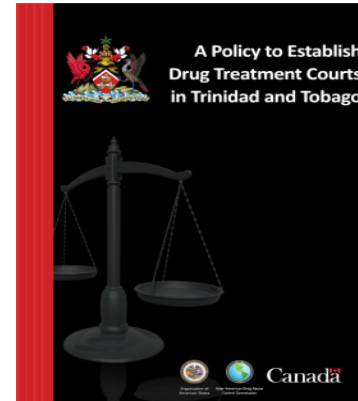
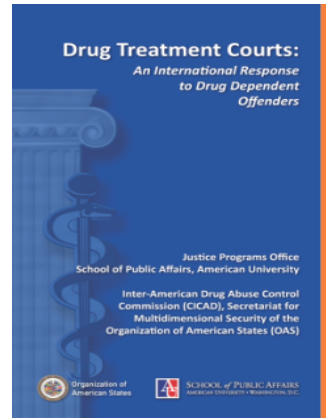


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# PUBLICATIONS



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# Thanks

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