
SAMOA ALCOHOL AND DRUGS COURT

Supreme Court

January - June 2020

INTRODUCTION

Lockdown, having to don face masks, social distancing and the closing of borders worldwide pretty much sums up 2020 so far. Times of uncertainty where the world came to an unexpected 'halt' and our daily norms were disrupted due to the spread of the deadly coronavirus (COVID-19) where the number of fatalities reached well over a million and the virus continues to wreak havoc across the globe.

Holistically, the impact of coronavirus has been profound in many ways – economically, socially, spiritually, emotionally, and mentally on individuals dealing with grief due to the loss of loved ones; financial difficulties suffered due to the sudden loss of jobs and businesses having to close down; and the detrimental impacts for a few at varying extremes due to prolonged periods in isolation to name a few. A year country borders were closed in order to try and slow down the rapid spread of the virus and people had to adapt to a 'new' norm - unable to travel, having to quarantine for lengthy periods of time if you were afforded the opportunity to travel home, working from home, separation from loved ones and abiding to strict orders put in place by Governments. One being restrictions imposed in the number of people allowed at public gatherings or a particular place at one time. Despite the many restrictions imposed, different means of communication were utilized in order for the corporate world to still function and provide services until a sense of normality is restored.

The Courts were closed for a period and this posed a rather tricky situation for the ADC Court as participants must attend specialized therapeutic programmes. Changes included the cancellation of weekly group sessions and instead participants were ordered to continue with ADC conditions such as reporting to their Community Justice Supervisors (CJS) twice a week and to only sign in with the ADC Team once a week. It was crucial during this time for the ADC Team to remain in close contact with the Community Justice Supervisors to ensure monitoring of the participants that they are abiding by their conditions. When the ADC Court was opened to normal operations the number of people was restricted to only 5 people at a time in the courtroom.

We are continuously indebted to our Community Justice Supervisors (CJS) as our 'eyes and ears' out in the community to guarantee compliance with the Court's conditions and above all, reintegrate the participants back into society and rebuild networks within the church and village. Throughout the duration of the changes made due to COVID, the CJS have been able to step up and play a more prominent role in supporting the ADC Court in their work.

Prior to sentencing the participants are each required to do a presentation before the Court in close session. The participants are to present on what they have learnt from their group sessions which comprised of 36 sessions that would help them avoid re-offending or how to curb behaviours that would have them in trouble with the law.

This report will provide quantitative data from January – June 2020 and is divided into two parts:

Part A – deals with the Court process and provides the data of the participants

Part B – provides the background of the participants.

PART A

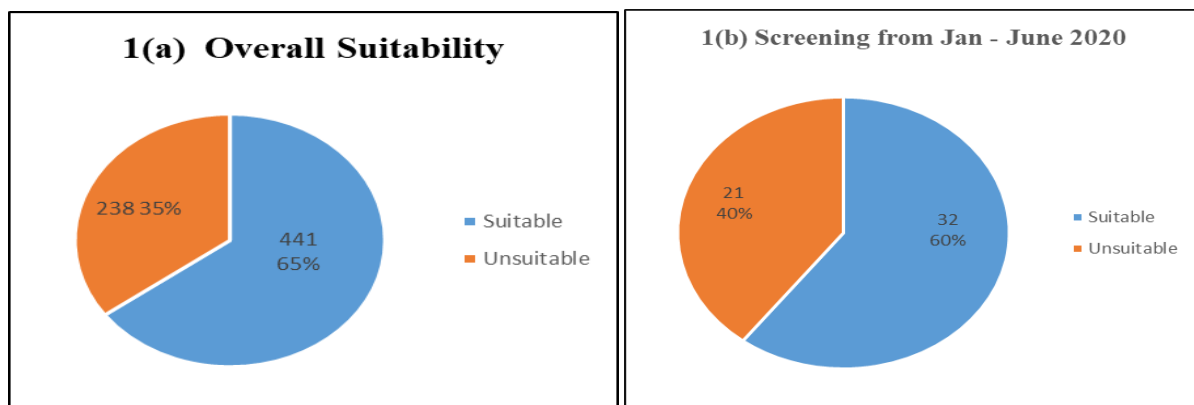
Table 1. January – June 2020

Months	No of Defendants Scheduled for mention	Screening	Full Assessment	Explanation	Refer to ADC	Accepted into ADC
January	36	7	6	2 Refer to ADC 3 WOA 1 unsuitable after further assessment	2	1
February	64	26	13	5 Refer for ADC 5 adjourn to March for assessment 3 unsuitable after further assessment.	5	1
March	58	8	5	1 unsuitable after further assessment 5 adjourned to June	5	3
April	0	0	0	LOCKDOWN – COVID-16		4
May	35	10	7	6 Refer for ADC 1 adjourned to June	5	0
June	30	2	1	1 WOA	1	4
TOTAL	188	53	32		18	13

Table 1 shows the process (and the numbers) from mentions in the Supreme Court, referral and acceptance to ADC.

SCREENING

Graph 1 – Participant Suitability



Graph 1(a) gives the total number and percentage of people that were referred for screening for 2016- June 2020 and Graph 1(b) is for the period of Jan-June 2020. Those found ‘suitable’ are those that were referred for further assessment (see Table 1).¹

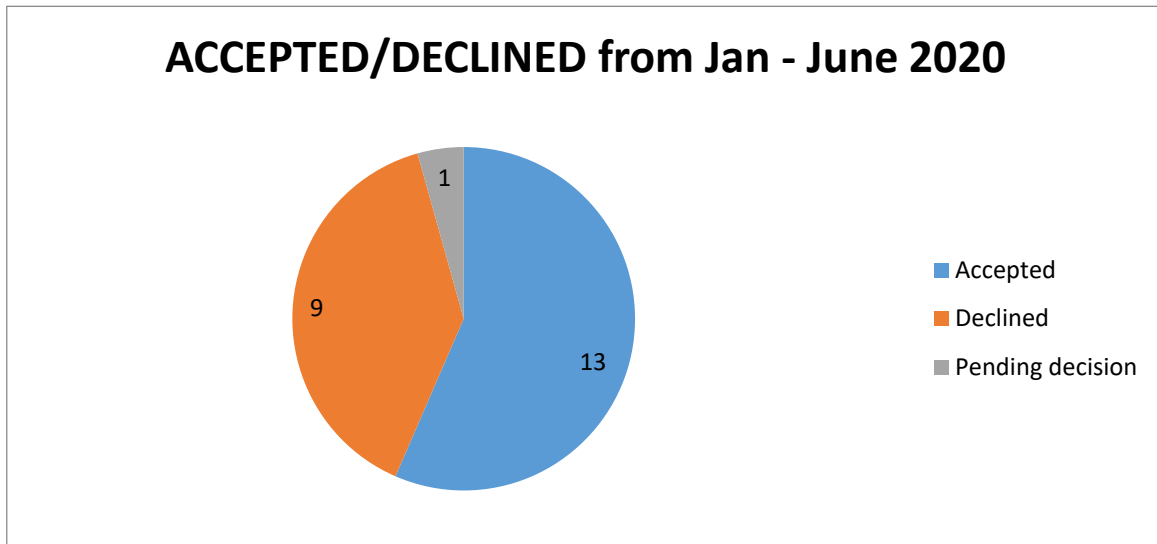
¹ The numbers are further vetted having done further assessment resulting in the numbers referred to ADC. From there the ADC gets to carry out a determination before a defendant is accepted into the ADC.

REFERRALS

The number of referrals within the last six months was at its lowest since the ADC has been running for 4 years. The COVID restrictions and lockdowns have a positive effect on people offending. One of the restrictions saw the no sale of alcohol imposed, people not allowed to congregate in public or having more than five (5) people in one place and social distancing of 2 meters apart. The less number referred for screening means less people referred to ADC and less number accepted.

ACCEPTED / DECLINED

Graph 2



From January – June 2020, 32 were deemed suitable for further assessment after screening, 23 were referred to ADC for determination hearing (see Table 1).

Out of the 23 that were referred to ADC:

- 13 were accepted;
- 9 were declined;
- 1 pending decision.

EXITED

Four (4) participants were exited between January – June 2020 due to non-compliance with ADC conditions; two (2) were charged with burglary & theft, one (1) charged with aggravated robbery and one (1) with possession of narcotics. One (1) participant was accepted in 2018, two (2) participants were accepted in 2019 and one (1) was accepted in 2020. All four (4) participants re-offended while undergoing programs and have only completed few sessions. (See Table 3)

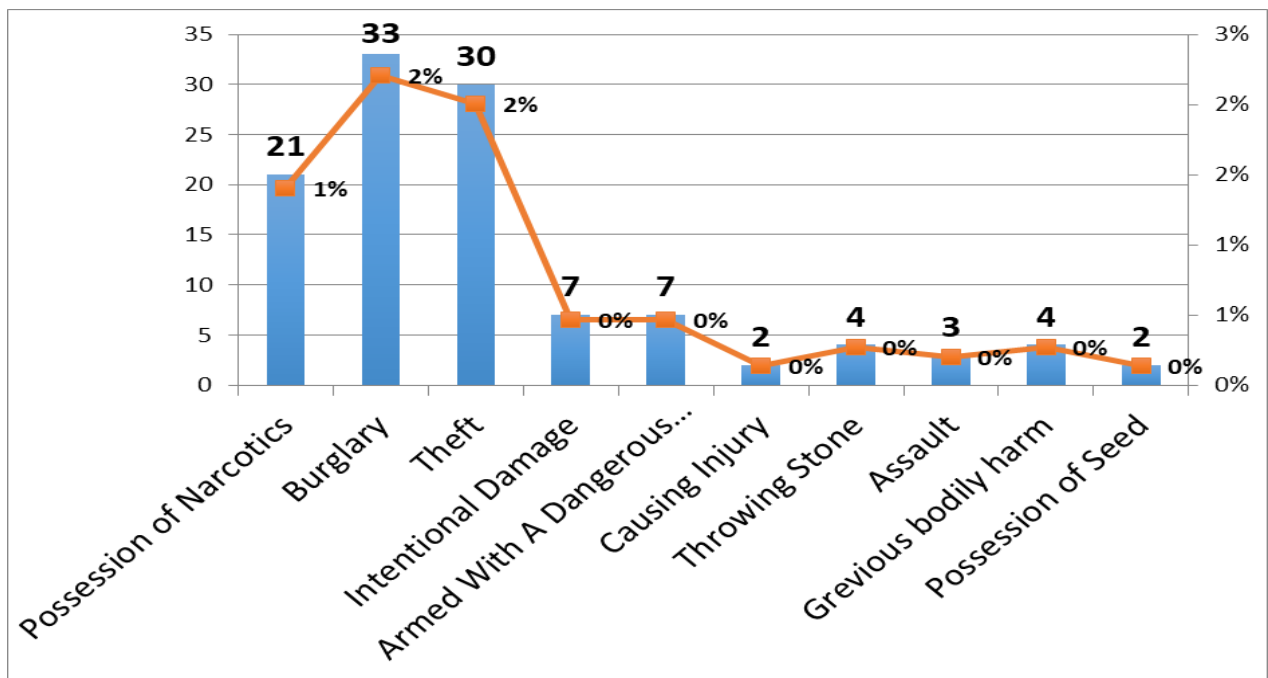
SENTENCED

Ten (10) participants were sentenced between January – June 2020 having successfully completed their programmes. This brought the total number of those sentenced since ADC was first established in 2016 to 182 (Table 2). Attendance to programmes is mandatory and a number of participants were fortunate that their employees gave them some leeway to attend yet still maintain their jobs. This opened up the opportunity to the Court to have employers to also take on the ‘hat’ as a CJS to monitor participants in their employment.

PART B

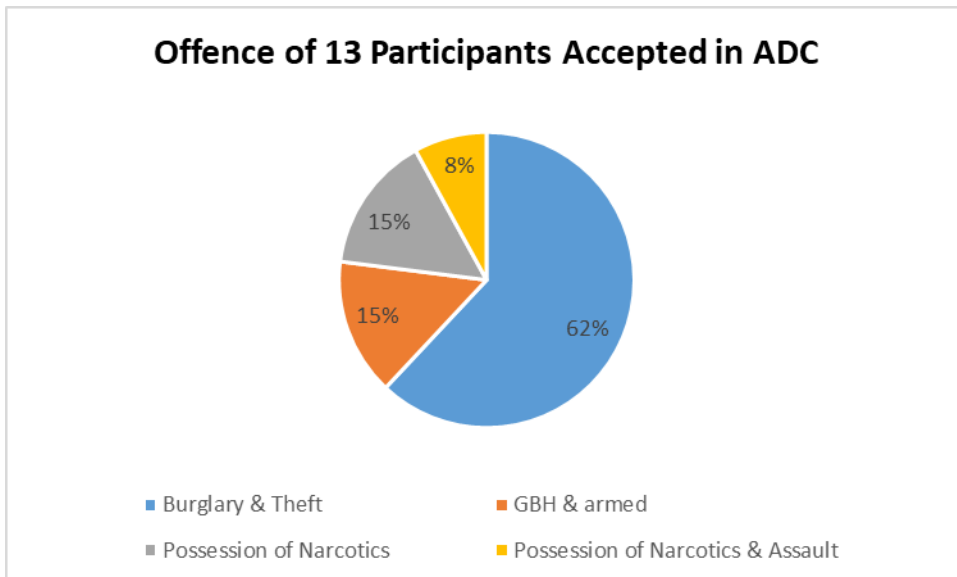
TOP 10 OFFENCES

Graph 3: January – June 2020



Graph 3 shows the top ten (10) offences committed by the 53 defendants that were referred for screening, some of the 53 defendants are charged with more than charge of the same offence. For example, one defendant but charged with 3 sets of burglaries and theft, the same with possession of narcotics.

Graph 4:

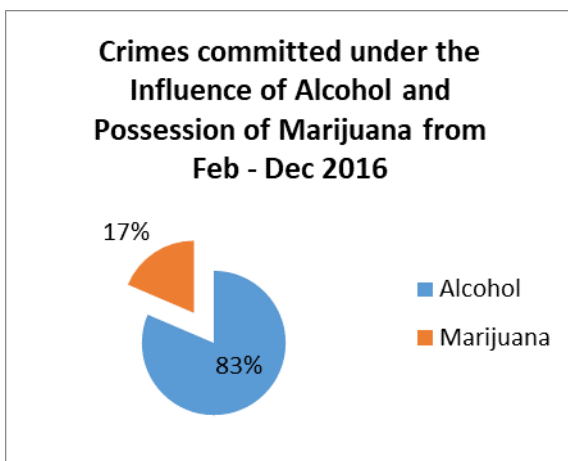


Graph 4 shows the offences committed by the 13 participants accepted during this period in ADC (Jan-June 2020). The graph shows more number of people than the 13 accepted but that is because one person is charged with two or three offences. For example, one participant charged with grievous bodily harm is also charged with armed with dangerous weapon and throwing stones. It is the use of the stone that caused the offending of grievous bodily harm.

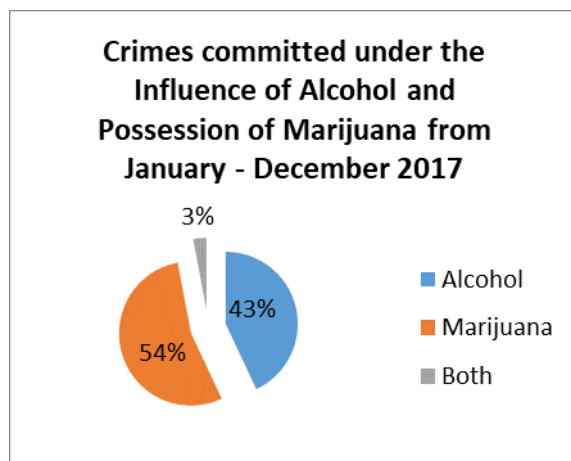
Since the last report, burglary replaces possession as the lead offending in the last three years.

INFLUENCE IN COMMITTING CRIMES

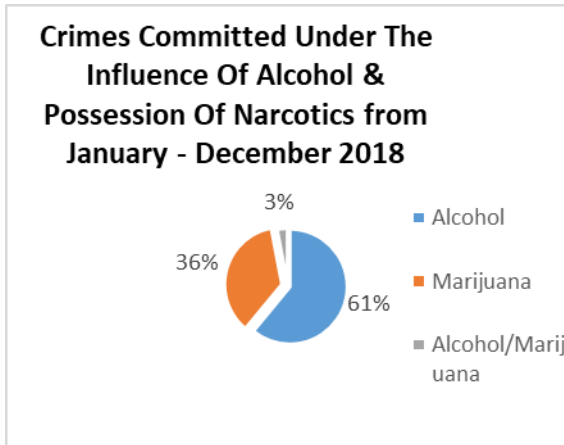
Graph 4



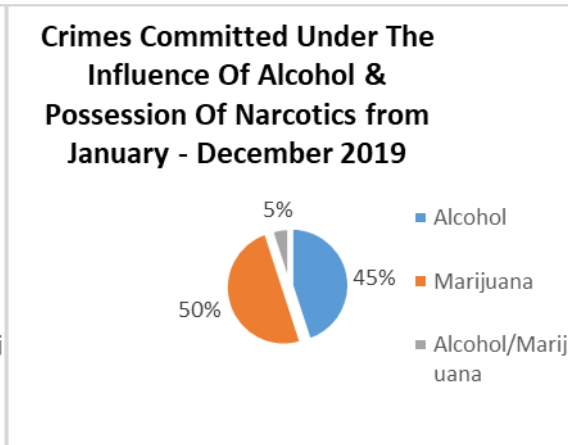
Graph 5



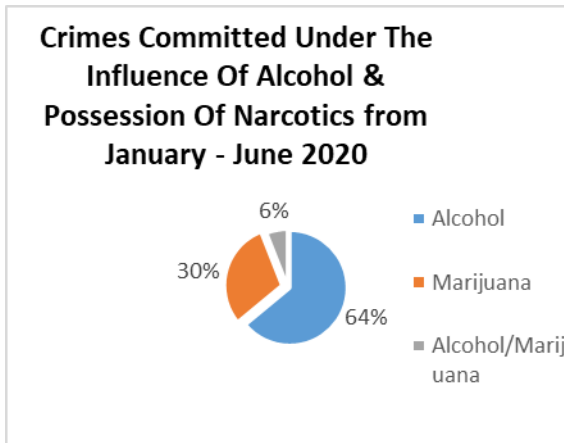
Graph 6



Graph 7



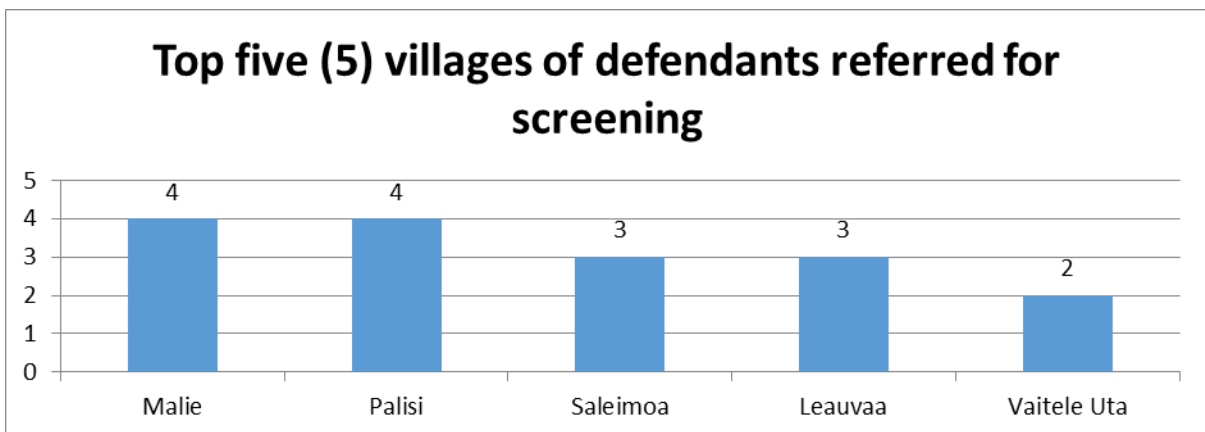
Graph 8



Graphs 4-8 are overall percentages from the last five years of the influencing factor(s) behind one’s offending – crimes committed under the influence of either alcohol, marijuana or both. Between January - June 2020 alcohol dominates at 64% whereas possession of narcotics dropped to 30%.

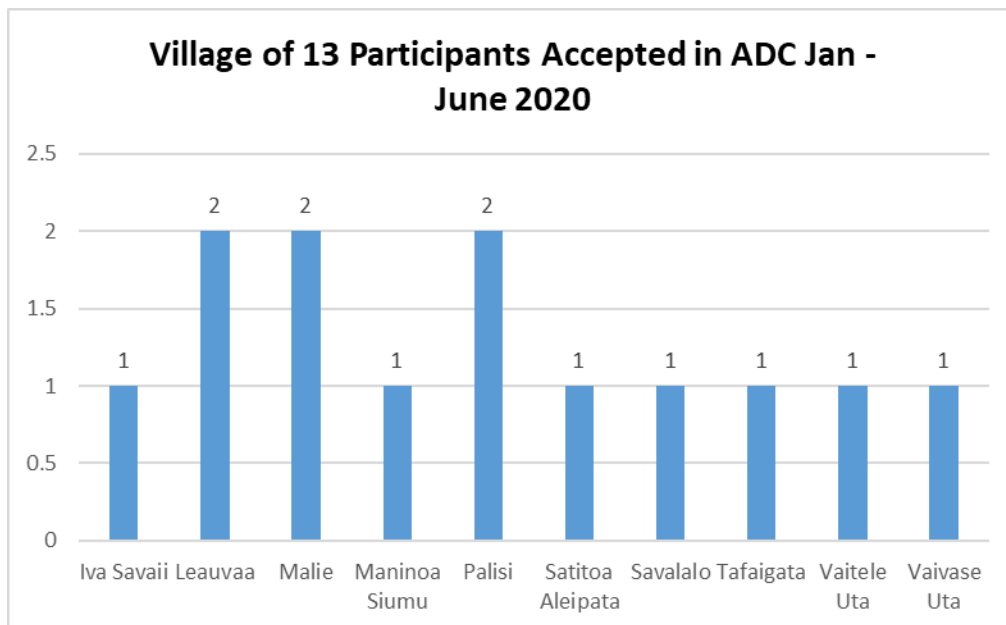
TOP FIVE (5) VILLAGES

Graph 9(a)



Graph 9(a) gives an idea of the villages of the 53 defendants referred for screening for the period of January – June 2020. In July – Dec 2019, Satapuala village dominated the numbers taking over Vaitele-uta village since the inception of ADC been the dominant village where the participants come from. However, at present the villages of Malie and Palisi have had the most participants.

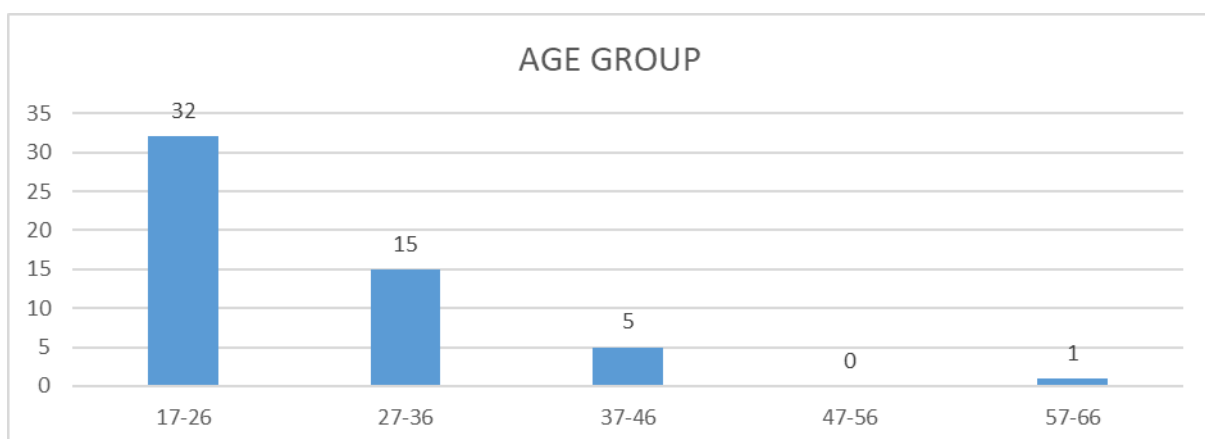
Graph 9(b)



Graph 9(b) shows the villages of the 13 participants that were accepted during this period. The villages of Leauvaa and Malie on the western side of Upolu and the urban village of Palisi register the most people of 2 participants each.

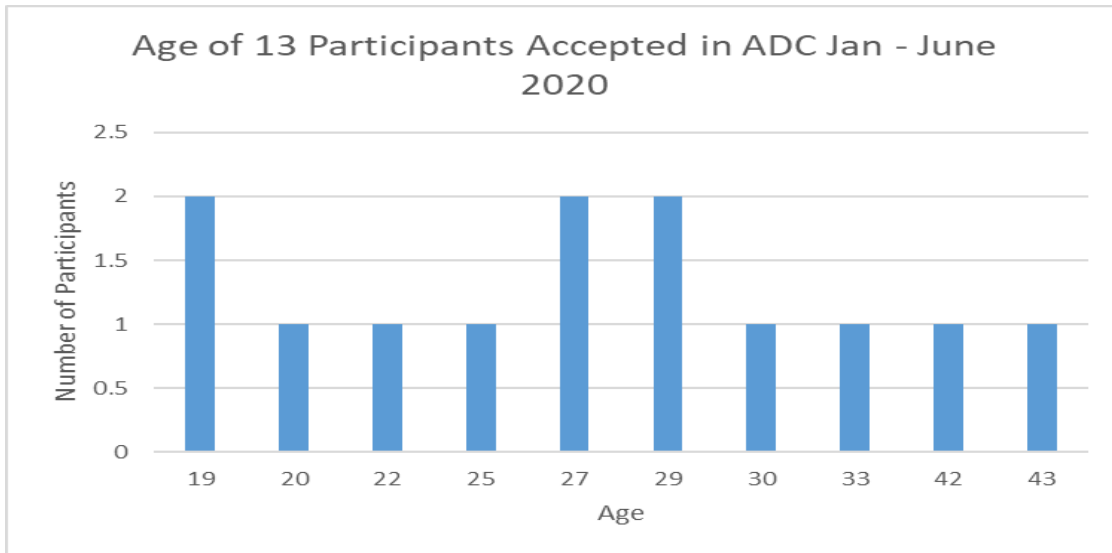
AGE GROUP

Graph 10(a)



The 17-26 age bracket dominates the number of the 53 that were referred for screening, 18 were referred and only 13 were accepted. As depicted in the graph there is a significant decrease in the number of participants in the higher (or older) age bracket.

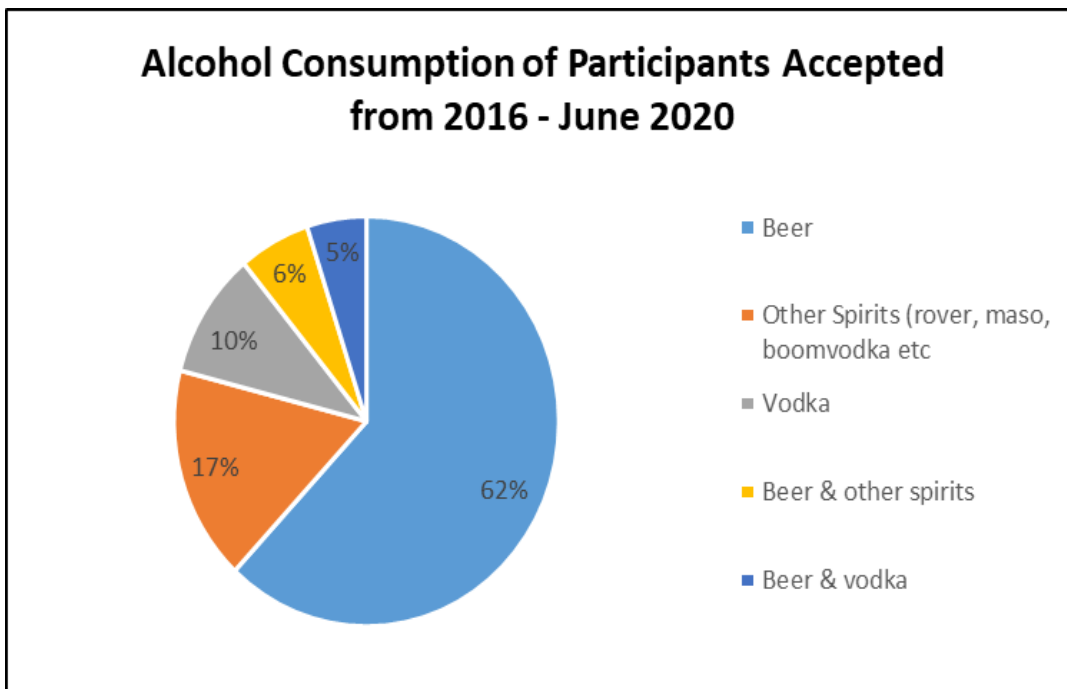
Graph 10(b)



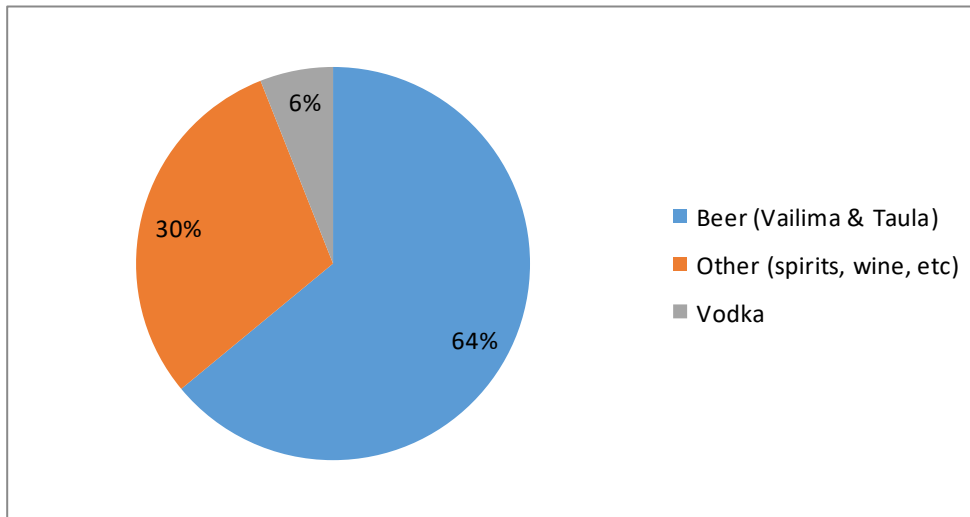
Graph 10(b) shows the age of the 13 participants that were accepted in January – June 2020.

ALCOHOL BEVERAGE CONSUMPTION

Graph 11(a): January – June 2020



Graph 11(b): 2016 – June 2020



Graph 11(a) shows that beer and vodka was the preferred alcohol consumed by the participants for the period of January – June 2020. Overall, from 2016 – June 2020 beer dominates with vodka consumption the least and other spirits on the rise.

OVERALL

For January – June 2020 (Table 1)

- 18 were referred to ADC;
- 13 were accepted;
- 3 were ‘exited’ due to non- compliance and breach of ADC conditions (including re-offending while in ADC) (see Table 3);
- 10 were sentenced

POST-ADC

Table 2. 2016 – June 2020

Years	Sentenced	Completed Supervision	Pending (still serving supervision)	Re-offended
2016	11	10		1 (after sentenced)
2017	38 (including two that were given a suspended sentence)	31	7	4 (3 re-offended while undertaking programs, 1 re-offended after sentenced)
2018	68 (including three (3) convicted and discharged, one (1) discharge without conviction & one (1) suspended sentenced)	22	46	4 (re-offended while undertaking programs) 3 (reoffended while under supervision)

2019 (Jan – Dec)	55	13	55	1 (re-offended whilst under supervision) 5 (re-offended while undertaking program)
2020 (Jan – June)	10	0	10	2 (reoffend while undertaking programs) 1 (reoffend whilst on supervision)
TOTAL	182	76	128	21

Table 2 is a breakdown (annually) from 2016 – June 2020 of participants sentenced and the status of those who have either completed or still serving their supervision terms and those that have reoffended.

From 2016 to date, 182 participants completed programs and have been sentenced. Of the 182: (Tables 2 & 3)

- 7 reoffended after having been sentenced or serving supervision terms;
- 164 completed serving their supervision terms and have not re-offended; and
- 11 still serving supervision terms.

A total of 11 were ‘exited’ from ADC for having re-offended while undergoing programs in ADC.

TABLE 3: 2016 – JUNE 2020

	2016	2017	2018	2019	2020 (Jan - June)	Total
Mention	565	612	742	545	188	2652
Screening	115	139	200	171	53	678
Full Assessment	49	94	148	118	32	441
Refer to ADC	28 (including 1 deferred acceptance to 2017)	59	118 (84 accepted, 11 WOA, 6 deferred acceptance to 2019)	99	18	322
Accepted	23	51 + 1 from 2016 = 52	85	70	13	243
Declined	4	8	13	20	9	54
Exited	3 (reasons being - participant persistent failure to comply with their treatment programs, bail conditions and court appointments)	4 (3 re-offended while undertaking programs, 1-participant persistent failure to comply with his treatment programs, bail conditions and court appointments)	7 (4 reoffend while undertaking programs, 3 fail to comply with courts conditions)	7 (5 reoffend while under programs, 2 fail to comply with courts conditions)	2 (fail to comply with courts conditions)	23

Sentenced	11	38	68	55	10	182
Re-offended whilst programmes	1 (after sentenced)	3	4 (1 – serious crime of murder, 3 – different offences)	3	2	13
Re-offend whilst supervisions	None	1 (re-offend traffic matter)	3 (1 – family violence, 2 with different offences from the offences they attend ADC full programs)	4 (3 with the same offending & 1 family violence)	1 (same offending)	9

GLOSSARY AND TERMS

Assessment

It is a comprehensive report that is also undertaken by the ADC Clinician. It contains information about the defendant's ADC use patterns and history, dependency status, other behavioral addictions and their relevance in relation to offending. There is also information regarding risk, mental health issues, medical history, their motivational readiness to change, and recommendations as to potential requirements and options.

Community Justice Supervisors

Once the participant is accepted into ADC, the team will identify the Community Justice Supervisor (CJS) who will be monitoring the participant in his/her area. The CJS can either be the pulenu'u (village mayor) or the faifeau (church minister) or the sui tama'ita'i o le nu'u (female leader) of the participant's village. The CJS plays a vital role in the participant's journey seen as the 'eyes and ears,' the voice of reason that frequently give feedback to the ADC Team on concerns and the progress of the participant.

Determination Hearing

The determination hearing is presided over by the ADC Judge and attended by ADC team members. This determination is informed by the information and assessments and includes input from Prosecution, Duty Lawyers and Case Manager.

Exit Hearing

Participants who do not comply with the rules of the Court or commit further offences while before the Court will face an exit hearing. Once exited, the defendant will be remanded to a Sentencing Court

Programme

The ADC program has two phases (phase 1 & phase 2). Participants will undergo phase 1 (Toe Afua se Taeao

fou) for 12 weeks (equivalent to 36 sessions). Phase 2 for 8 weeks (equivalent to 24 sessions) will only undergo by participant based on recommendation from the team. Team's recommendation is based on the attendance, lapses and changes that they notice from participant in programs.

Participant

If all ADC eligibility criteria are met, the defendant maybe offered the chance/place to participate in the ADC and he will be called a "participant". All participants must give informed consent in order to participate in the ADC programme if offered a place. They are expected to sign and understand a participant agreement.

Presentation

A component in which a participant appears before the ADC team and the judge, presenting lessons learned from the programs which links to the offending and changes noticed. The presentation is done individually during pre-court in the morning.

Screening

It is an initial brief assessment undertaken by the ADC Clinician to assess the current pattern of alcohol and drug use of a defendant.

Sentencing Indication

This is a supervision or imprisonment term indicated by the Chief Justice or the presiding judge taking the mentions to the defendant before he is referred for ADC determination hearing. Should the defendant breach or not comply with the ADC conditions, he/she will then be referred back to the sentencing court to serve the sentencing indication.