

Briefing Paper #2

**Rewards and Incentives**

**What is the CMD?**

Court Mandated Diversion (CMD) is a treatment program for illicit drug use that operates within a legal framework. CMD program is a sentencing option available in the Magistrate’s and Supreme Court in Tasmania. It is a therapeutic jurisprudence approach designed to assist people with a demonstrable illicit drug use problem whose drug use is linked with their offending. CMD aims to break the drug-crime cycle using the authority of the court to ensure that offenders access the services and treatment necessary to address the issues that contribute to their drug use and offending.

**How does it work?**

The Magistrate has an ongoing role in regularly reviewing the progress of individuals on a DTO through regular court appearances. They will ask the Court Diversion Officer (CDO) to provide progress reports regarding the offender's participation in the program for each court review.

*Penalties*  For example, prison days

**Drug Use**

*Incentives* For example, certificate recognising 100 drug free days

As well as assessing the applicant’s eligibility and suitability, the CDO will case manage a participant who has been sentenced to the program. They will refer the participant to appropriate services as well as engaging them in case management intervention to assist change. The legal representative will continue to appear for and act on behalf of the participant during the period of the DTO. Police Prosecution will continue to appear in their capacity during the period of the DTO. The aim is for all four parties in the process to work collaboratively and on a united front to achieve a therapeutic process for the participant.

**Penalties**

On the one hand, the sanctions associated with CMD programs focus on negative consequences if offenders fail to fulfill certain obligations. These may include:

* Verbal warning
* Increased supervision
  + number of court appearances
  + case management
  + drug testing
  + community service hours
  + days of imprisonment (‘sanction days’)
* Return to an earlier program phase
* Cancellation of the order

**Incentives**

It is recognised that rewards and incentives can be instrumental in bringing about positive cognitive change. The CMD legislation allows the court to grant rewards as it considers appropriate. These can include the following:

* Verbal Praise
* Decreased frequency of supervision
  + court appearances
  + drug testing
  + community work
  + removal of prison sanction days, reducing the balance of days to be served
* Progression to the next phase
* Presentation of certificates and small gifts
* Handshake from the Magistrate

**What does Just Desserts do?**

The mission of Just Desserts is to assist in building up the incentives side of the drug use equation. Working with community members, the key task is to establish and maintain a wide range of items and services for use in incentivising participants in the CMD program as they achieve various stage-related goals.

*For further information contact: justdesserts.drugcourt@gmail.com*