
SAMOA ALCOHOL AND DRUGS COURT

Supreme Court

January - June 2021

CONTENTS

CONTENTS	2
INTRODUCTION	3
SCREENING	4
REFERRALS	5
ACCEPTED / DECLINED	5
EXITED	5
SENTENCED	5
TOP 10 OFFENCES	6
INFLUENCE IN COMMITTING CRIMES	7
TOP FIVE (5) VILLAGES	7
AGE GROUPS	8
ALCOHOLIC BEVERAGE CONSUMPTION	9
PARTICIPANTS POST-ADC	10
SUMMARY	11
GLOSSARY AND TERMS	13

INTRODUCTION

The main focus of this Court is providing effective and necessary programmes for offenders who are eligible to undergo its programmes. With easy access to alcohol and evident in media coverage on the rise in people being found in possession and using narcotics substances, the programmes are to help educate participants on the negative impacts of alcohol and drug use and abuse on the individual and in their decision making.

As the participants initially made it into the programmes through committing an offence(s), the ADC Team through their work also serve to remind the individuals of the impact of their offending on their churches, villages and especially their families. The participants need to realise the consequences of such behaviour on their surroundings and society. The end result is for the participants to make better choices in the future, to avoid re-offending and to become better and useful members of society.

The valuable support of church leaders, village mayors, village matai, families and sui-o-nuu as participants' supervisors in the community is the most essential part of this Court and its work. They play an important role in monitoring the behaviours of the participants as the "ears and eyes" of the Court out in the communities. The ADC during this difficult period relied on these people when the Court's work was disrupted due to COVID19. This court acknowledges their continual support.

The outbreak of Covid-19 has not put a stop to the ADC Team and the Court from continuing its programmes. COVID restrictions saw the cancellation of weekly group sessions and instead participants were ordered to continue with their ADC conditions such as reporting to their Community Justice Supervisors (CJS) twice a week, to sign in once a week with their CJS as opposed to having to sign in at Probation Services, and having their community hours served with the CJS with the ADC Team visiting once a week to follow up on the participants' progress with their conditions.

This Report provides quantitative data for January – June 2021.

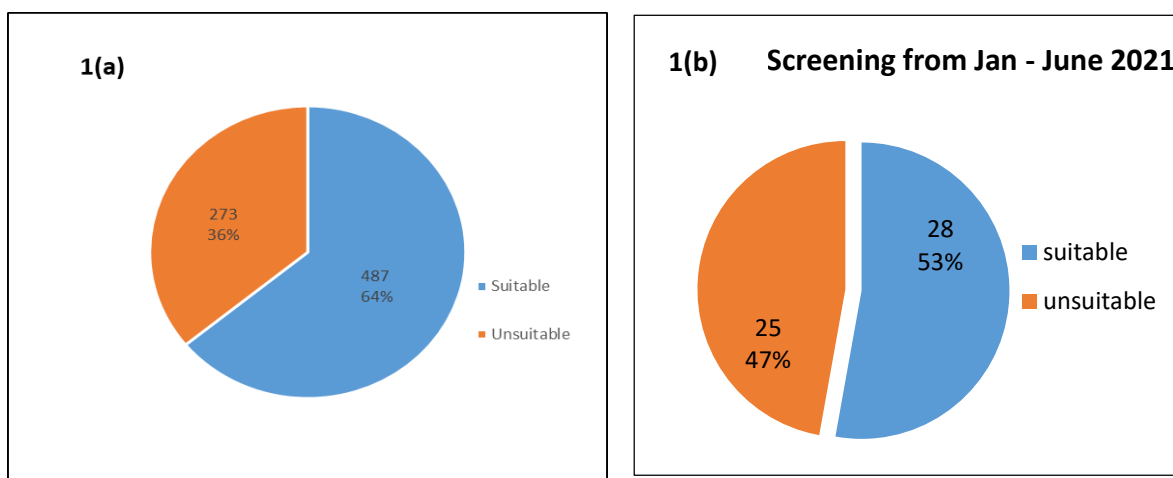
Table 1. January – June 2021

Months	No of Defendants Scheduled for mention	Screening	Full Assessment	Explanation	Referrals (refer to ADC)	Accepted into ADC
January	8	3	1	1 Adjourned to Feb for further assessment	0	0
February	49	16	10	2 refer to ADC 4 adjourned to March for further assessment 3 unsuitable 1 vacated plea	2 + 1 from Jan = 3	1
March	45	18	11	7 refer to ADC 2 adjourned to April for further assessment 1 WOA 1 execute warrant in August	7 + 4 from Feb = 11	4
April	12	5	2	2 refer to ADC	2 + 2 from March = 4	8
May	27	7	4	1 Refer to ADC 1 unsuitable after further assessment 2 adjourned to June for assessment	1 + 2 from April = 3	3
June	40	4	0		2	1
TOTAL	181	53	28		23	17

The beginning of 2021 compared to 2020 saw about the same number of people being mentioned and referred for further assessment. However, in this period more were referred to ADC and accepted.

SCREENING

Graph 1 – Participant Suitability



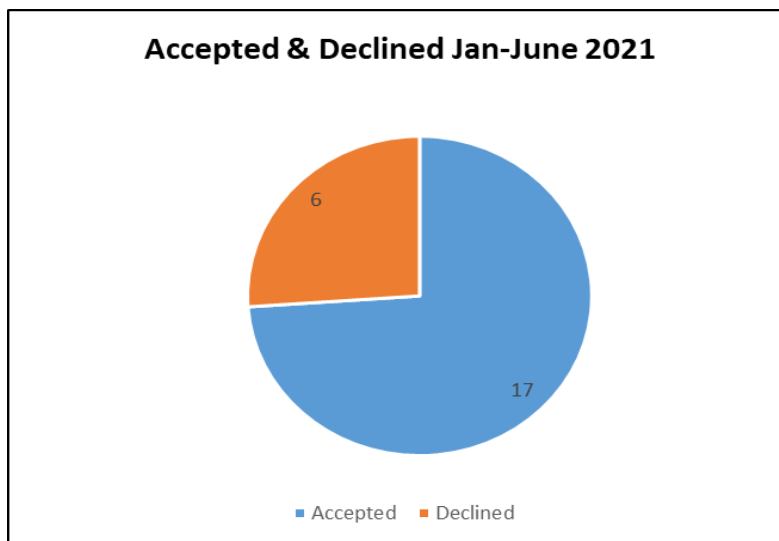
Graph 1(a) gives the total number and percentage of people that were referred for screening for 2016- June 2021 and Graph 1(b) is for the period of Jan-June 2021 alone. There was slightly less people found suitable in this period compared to the same period in 2020 of 32 but this period has more people referred and accepted into ADC.¹

REFERRALS

The number of referrals within the last six months still low the same as 2020 due to the pandemic. The COVID restrictions and lockdowns impacting on the referrals. The less number referred for screening means less people referred to ADC and less number accepted.

ACCEPTED / DECLINED

Graph 2



From January-June 2021, 23 were referred to ADC for determination. Out of the 23:

- 17 were accepted;
- 6 were declined;

EXITED

Three (3) participants were exited between January – July 2021 for the following reasons: (i) reoffend while in ADC (2) and (ii) continuous non-compliance with ADC conditions (1).
(Table 3)

SENTENCED

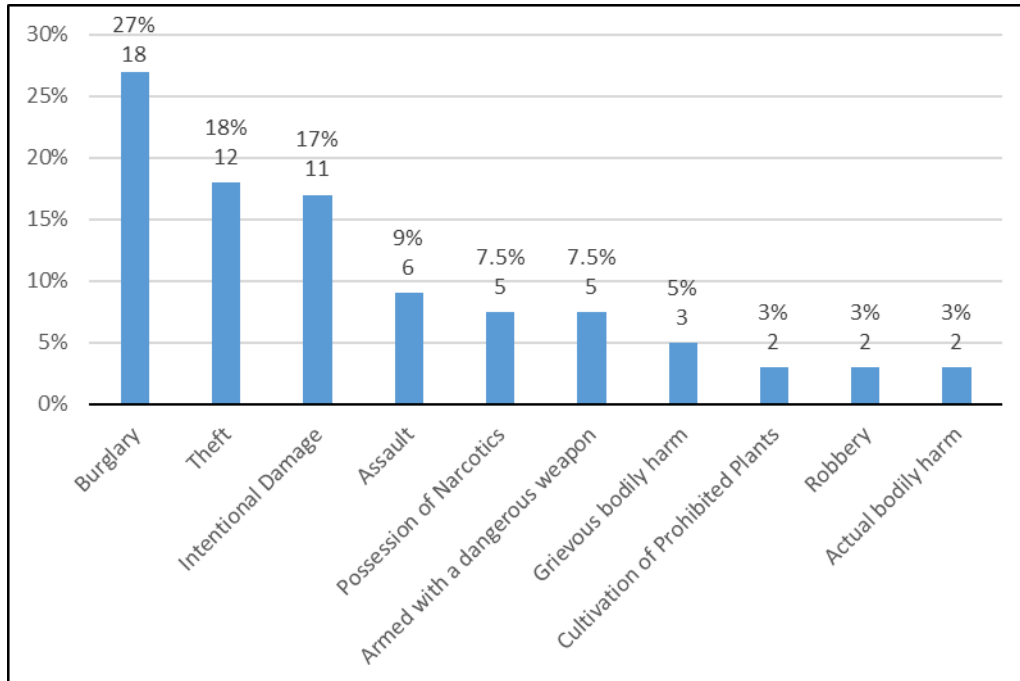
Ten (10) participants were sentenced from the period of January to June 2021 having completed the programmes. This brought the total number of those sentenced since ADC was first established in 2016 to 207 **(Table 2)**.

¹ Those found 'suitable' are those referred for further assessment (Table 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.

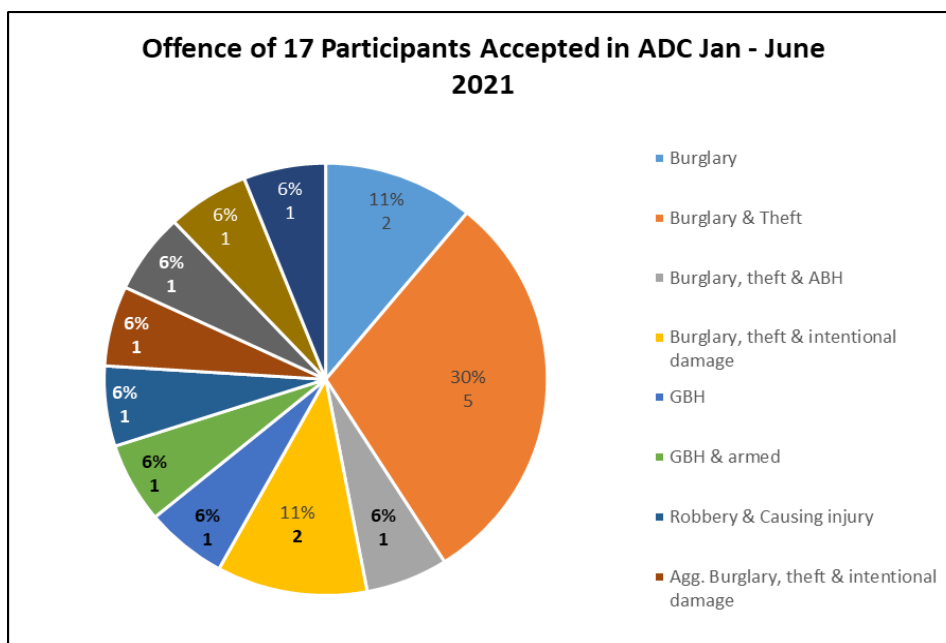
Prior to sentencing the participants are each required to do a presentation before the Court in close session. The participants are to present on what they have learnt from their group sessions which comprised of 36 sessions that would help them avoid re-offending or how to curb behaviours that would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

TOP 10 OFFENCES

Graph 3

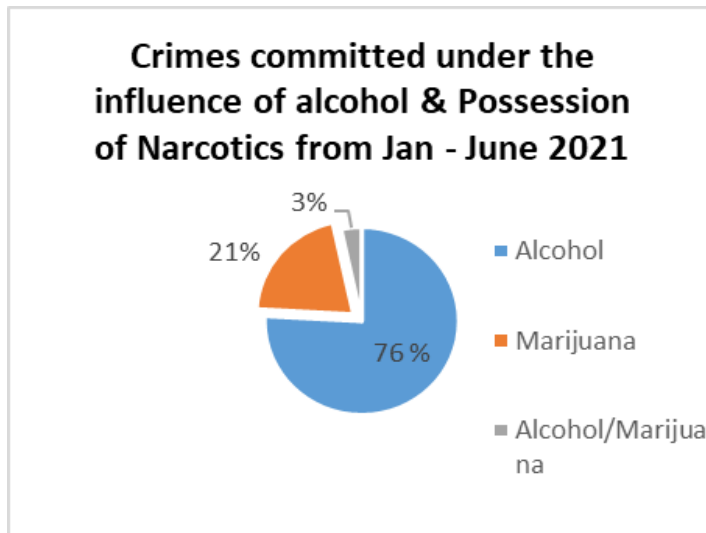


Graph 3 shows the top ten (10) offences committed by the 53 defendants that were referred for screening, some of the 53 defendants are charged with more than 1 charge of the same offences. For instance, one defendant but charged with 3 sets of burglaries and theft, the same with possession of narcotics.



INFLUENCE IN COMMITTING CRIMES

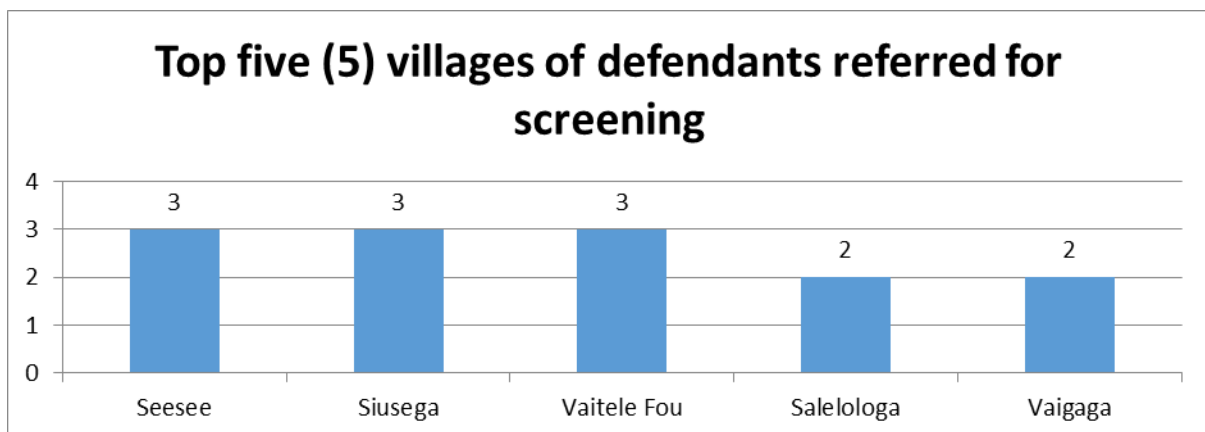
Graph 4



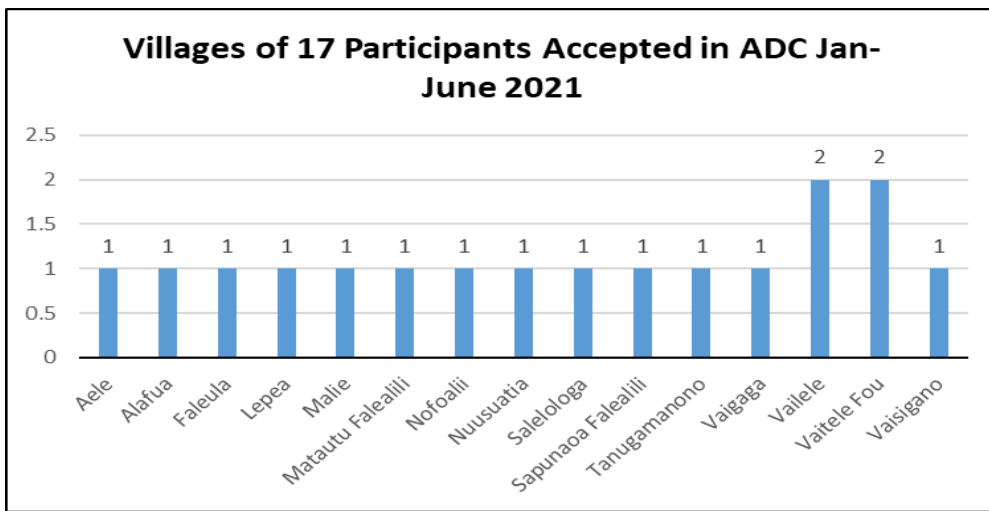
Graph 4 shows the percentage from January-June 2021 of what the participants were under the influence of at the time of offending – whether alcohol, drugs (or in possession of), or both. As with previous years, alcohol continues to be the predominant influence

TOP FIVE (5) VILLAGES

Graph 5

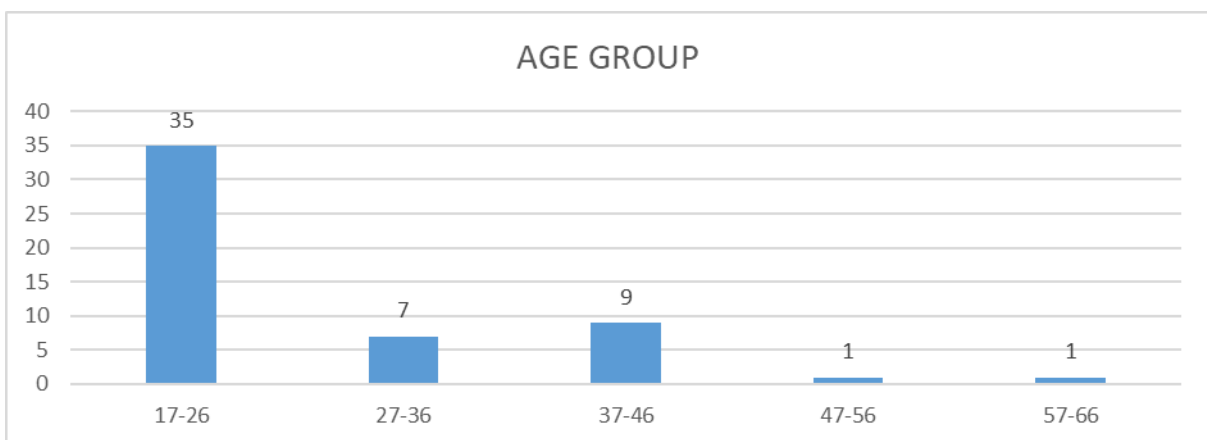


One village from Savaii (Salelologa) for the first time now appears in the top 5 villages where the ADC participants come from. The other 4 villages are all located on the north – north western side of Upolu.



AGE GROUPS

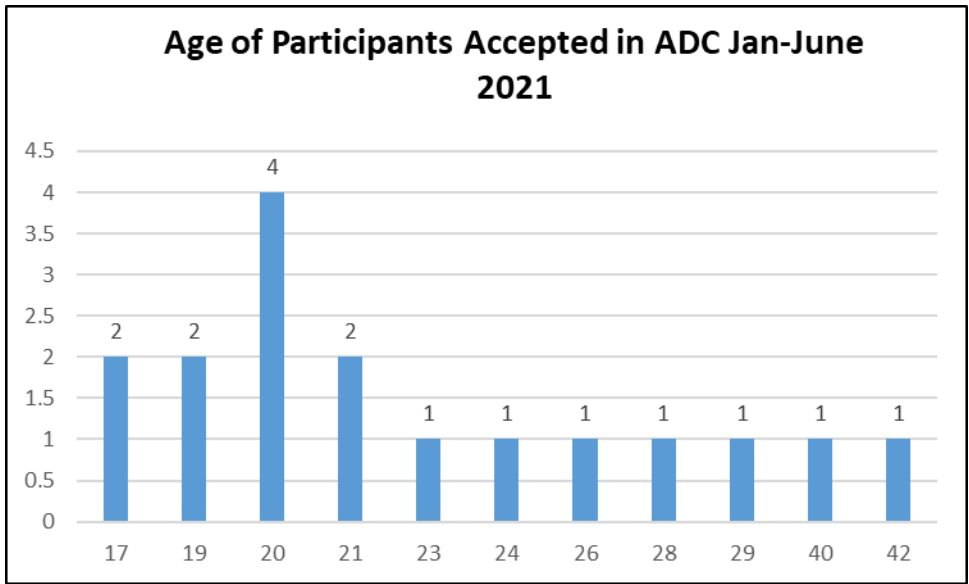
Graph 6



The age group 17-26 still has the highest number contains 17 defendants. Compared to the July – Dec 2020, there is an increase in the number of offenders from 17 to 35 in this age group. Again their main offending is burglary and theft (**Graph 3**).

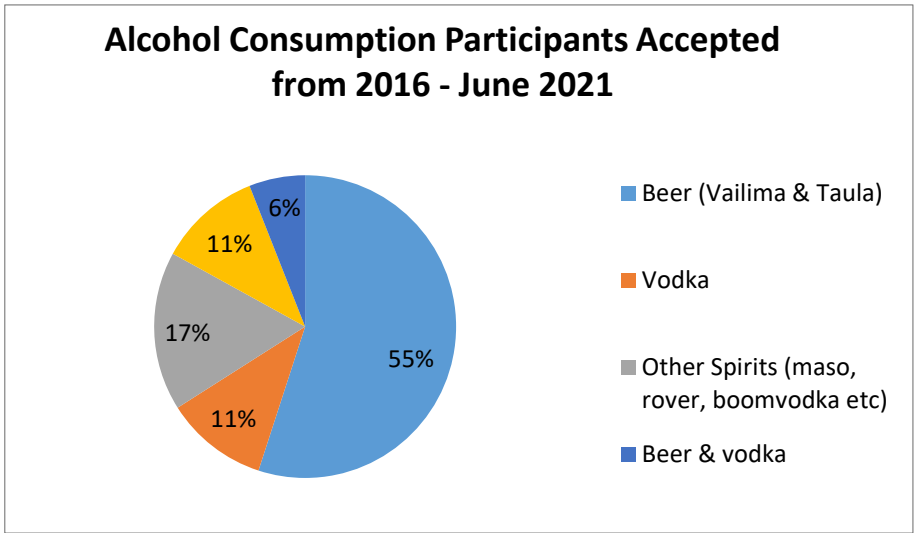
Graph 7

The two (2) 17 year olds accepted in ADC were committed burglary and theft while under the influence of alcohol and committed the offences in pursuit of more alcohol. Their acceptance would best any issues they have with alcohol before it gets worse. The programs also provide good rehabilitation for them especially at such young age and falls well within the principles of youth justice.



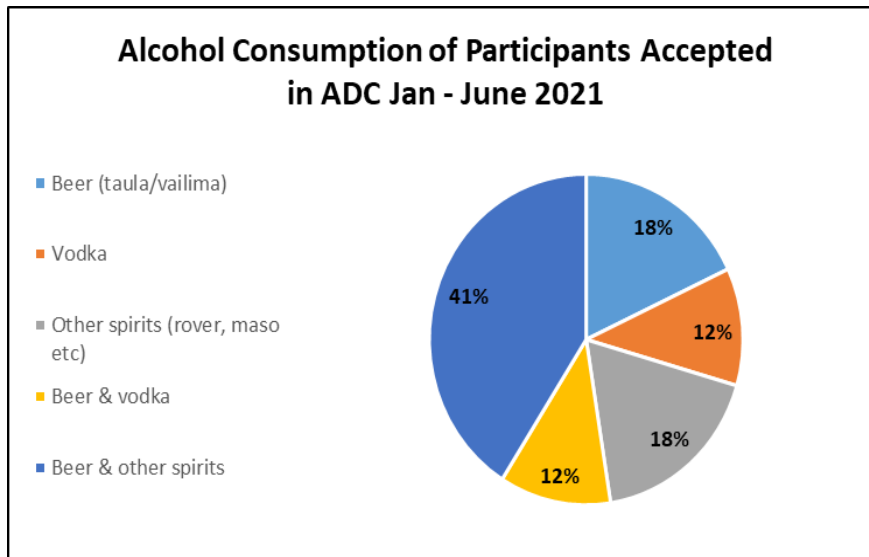
ALCOHOLIC BEVERAGE CONSUMPTION

Graph 7



In the same period of 2020, beer was mostly consumed by most participants, the graph above shows that beer remains the most consumed with the cheap Chinese manufactured vodka (Rover, Boom, Maso) the second most consumed alcoholic drink.

Graph 8



PARTICIPANTS POST-ADC

Table 2 is the indication of participants sentenced since the commencement of ADC and the status of those who have either completed or those who are still serving supervision. The total number of participants who have completed their programmes and have been sentenced is 207.

Of the 207

- The number who reoffended (11) after having been sentenced or serving supervision terms remains the same as the previous year;
- 17 reoffended whilst still in ADC;
- 175 completed serving their supervision terms and have not re-offended; and
- 21 still serving supervision terms.

For January – June 2021 (**Table 1**)

- 53 screening
- 23 were referred to ADC;
- 17 were accepted;

Table 2: 2016 – June 2021

Years	Sentenced	Completed Supervision	Pending (still serving supervision)	Re-offended
2016	11	0	11	1 (after sentenced)
2017	38 (including two that were given a suspended sentence)	6	32	4 (3 re-offended while undertaking programmes, 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 programmes) 3 (reoffended while under supervision)
2019	55	27	28	4 (re-offended whilst under supervision) 5 (re-offended while undertaking programme)
2020	25 (10 Jan – June, 15 July – Dec)	13(including 3 convicted and discharged)	12	2 (reoffend while undertaking programmes) 1(reoffend whilst on supervision)
2021 (Jan-June)	10	0	10	2 (reoffend while on programmes) 2(whilst on supervision)
TOTAL	207	68	139	

Table 2 is a breakdown (annually) from 2016 – June 2021 of participants sentenced and the status of those who have either completed or still serving their supervision terms and those that have reoffended.

SUMMARY

Table 3

	2016	2017	2018	2019	2020	2021 (Jan-June)	Total
Mention	565	612	742	545	376	181	3021
Screening	115	139	200	171	82	53	760
Full Assessment	49	94	148	118	51	28	488
Refer to ADC	28 (including 1 deferred acceptance to	59	118 (84 accepted, 11 WOA, 6	99	42	22	368

	2017)		deferred acceptance to 2019)				
Accepted	23	51 + 1 from 2016 = 52	85	70	26	17	273
Declined	4	8	13	20	12	7	64
Exited	3 (reasons being - participant persistent failure to comply with their treatment programmes, bail conditions and court appointments)	4 (3 re-offended while undertaking programmes, 1- participant persistent failure to comply with his treatment programmes, bail conditions and court appointments)	7 (4 reoffend while undertaking programmes, 3 fail to comply with courts conditions)	7 (5 reoffend while under programmes, 2 fail to comply with courts conditions)	5 (2 reoffend while on programmes, 3 fail to comply with court conditions)	3 (2 reoffend while on programmes, 1 fail to comply with courts conditions)	29
Sentenced	11	38	68	55	25	10	207
Re-offended whilst programmes	1 (after sentenced)	3	4 (1 – serious crime of murder, 3 – different offences)	5	2	2	17
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 programmes)	4 (3 with the same offending & 1 family violence)	1	2 (1 same offending, 1 Supreme Court)	11

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.
Decline	When a defendant(s) is not accepted into ADC and its programmes on specific grounds make by the court. The defendant therefore refers back to the normal criminal mention.
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 programme has two phases (phase 1 & phase 2). Participants will undergo phase 1(Toe Afua se Taeaofu) 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 programmes.

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 programmes which links to the offending and changes noticed. The presentation is done individually during pre-court in the morning.
Referrals	Participants assessed and have given sentencing indication and are recommended for ADC programmes.
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 mention 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.