



TORONTO DRUG TREATMENT COURT

ELIGIBILITY CRITERIA AND APPLICATION PROCEDURE

The Toronto Drug Treatment Court (TDTC) is a judicially supervised drug treatment and rehabilitation program for offenders whose criminal conduct is motivated by drug addiction. The TDTC program is expected to take between ten and eighteen months to complete.

To enter the program participants must read and sign a Rule and Waiver Form (available from the Duty Counsel Office, Room 251) and plead guilty. Participants who successfully complete the program receive a non-custodial sentence. Participants who do not successfully complete the program ordinarily proceed to sentencing (though in limited circumstances they may be returned to the regular court process).

ELIGIBILITY

Accused persons charged with offences that were motivated by addiction are encouraged to apply. The TDTC generally accepts adult offenders who **are dependant on cocaine, crack cocaine, heroin or other opiates, or methamphetamine.**

The TDTC ordinarily screens out applicants who:

- are charged with:
 - a significant crime of violence;
 - trafficking in drugs for commercial gain;
 - committing a drug offence in circumstances that raise concerns about drug-impaired driving or risk to young people; or
 - committing a residential break-and-enter;
- have a recent and/or significant history of violence;
- are currently serving a conditional sentence or intermittent sentence; or
- have previously graduated from the TDTC.

There is a presumption that previous TDTC participants who were expelled or withdrew will not be reaccepted. The onus is on them to persuade the TDTC team that they should be given another opportunity.

APPLICATION PROCESS

The TDTC is a voluntary program. Accused persons whose criminal conduct was motivated by addiction may apply by

- completing the TDTC Application and Crown Questionnaire (available from the TDTC Office (Room 115, Old City Hall, tel. (416) 973-1314, fax (416) 954-5209) or the Duty Counsel Office) with the assistance of their counsel or Duty Counsel; and
- submitting the completed Application and Questionnaire to the TDTC Office or to the Federal Crowns' office (Room 351, Old City Hall).

The information in the TDTC Application and the Crown Questionnaire will not be used by the Crown for prosecution if the applicant's application for entry into the TDTC is unsuccessful.

TDTC applications take approximately 7 days to process. All TDTC applications are returnable at 9:00 a.m. in courtroom 114 on a Tuesday or Thursday.

SCREENING PROCESS

There are **six phases** of TDTC Screening:

1. **Crown screening:** This is conducted by the Crown based on the Application, the Questionnaire, any additional information that the applicant chooses to submit, the prosecution brief, the applicant's criminal history, and input from the police. The focus at this stage is on public safety, including violent history and indicia of commercial trafficking.
2. **Preliminary addictions assessment:** This is a brief assessment conducted by the TDTC Court Liaison workers from the Centre for Addiction and Mental Health (CAMH). It takes place in the cells (or sometimes in the TDTC courtroom) at Old City Hall on the Tuesday or Thursday when the application is returnable.
3. **TDTC team pre-court discussion:** This takes place prior to the sitting of the TDTC on a Tuesday or Thursday, and includes input from the Crown, the Court Liaison workers, Probation, Duty Counsel/Defence Counsel, Bail Program and the TDTC Judge
4. **In-court interview by the TDTC judge:** The TDTC judge ensures that the applicant understands how rigorous the program is and the rights that he/she must waive in order to participate, and questions the applicant about his/her motivation to engage in the program. If the judge is satisfied that the applicant is appropriate for the TDTC, the applicant then pleads guilty to whichever offences he/she and the Crown have agreed to and is released on a stringent TDTC bail including a 7:00 a.m. to 7:00 p.m. curfew. The Crown disclosure obligation stops with the entry of the guilty pleas.
5. **In-depth addiction assessment at CAMH:** The day after the applicant's release a therapist at CAMH conducts a much more lengthy and thorough addictions assessment than the one that was done at court. The applicant then returns to court on the next TDTC sitting day.
6. **30-day assessment period:** Once CAMH is satisfied that the applicant is suitable for the treatment program, the applicant begins participating in the TDTC on a provisional basis for 30 days. Within that period if the applicant decides not to continue with the TDTC, or if the TDTC team feels that the applicant is not appropriate for the TDTC, the applicant may have her/his guilty pleas struck and be returned to the regular criminal justice system. At the end of the 30 days the TDTC team and the applicant decide if the applicant will be formally accepted into the TDTC. Upon formal acceptance into the TDTC the applicant relinquishes the option of having her/his guilty pleas struck.

PROCESSING OF ELIGIBLE APPLICANTS

Initial (Crown) screening results are provided on Tuesday and Thursday mornings only, in Courtroom 114. The 114 court crown is provided with the TDTC Instruction List which sets out the screening results for each TDTC applicant returnable that day.

Applicants who are screened eligible by the Crown should expect to spend the entire day in court. They will be assessed by the Court Liaison worker in the morning (in-custody applicants in the cells, and out of custody applicants in Room 115 at 10:30 a.m.) and will appear in the TDTC at 2:00 p.m. in Courtroom 116.

Private counsel for new applicants should obtain a copy of the TDTC Rule and Waiver form from the TDTC duty counsel and review it thoroughly with the applicant. Applicants are expected to sign two copies of the form, one of which is filed with the court and the other of which is given to the Crown.

New TDTC participants are ordinarily dealt with between 2:00 p.m. and 3:00 p.m. each sitting day. Ongoing TDTC participants are dealt with from 3:00 p.m. onward, and ordinarily remain in court until all matters scheduled for that day are completed.