



# 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 people whose criminal conduct is connected to/motivated by substance use. The TDTC program is expected to take a minimum of 12 months and often extends to 18-24 months to complete, as needed by the client..

To enter the program participants must read and sign a Rule and Waiver Form (available from the Duty Counsel Office) 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).

(Please note, this document is an overview – more details are available in the Policies and Procedures Manual)

### ELIGIBILITY

Accused persons charged with offences that were motivated by problematic substance use are encouraged to apply. The TDTC generally accepts adults facing criminal charges, who are users of stimulants (e.g. cocaine, crack cocaine, methamphetamine) and/or opioids (e.g. heroin, fentanyl) and who are at medium to high risk for recidivism.

The TDTC ordinarily screens out (deems ineligible) applicants who:

- Are charged with a significant crime of violence;
- Are charged with trafficking in drugs for commercial gain;
- Are charged with 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; or
- are currently serving a conditional sentence or intermittent sentence.

Previous TDTC participants who were expelled or withdrew within the previous year should be prepared to persuade the TDTC team that they should be given another opportunity.

Applicants who have not used illicit drugs in the six months preceding application will likely be excluded.

Applicants will generally be required to have all of their outstanding criminal charges brought into the TDTC.

## REFERRAL

There are various referral pathways, with most referrals coming from defence or duty counsel; however, referrals may also come from judges, justices of the peace, the police, probation officers, prosecutors, court chaplains, treatment providers, correctional officers or community agencies.

## APPLICATION

The TDTC is a voluntary program. Individuals must apply for admission. Application does not guarantee acceptance. The Application consists of two documents:

- TDTC Application Form (*see link on website*)
- Crown Questionnaire Form (*see link on website*)

Each Applicant must complete both forms, with the advice and assistance of counsel who will submit them to the TDTC Prosecutor's office.

Applicants return to set date court one to two weeks following their application, where they will be advised if they are eligible. Applications are generally screened within five business days from date of submission, though the process may take longer if additional information is required.

## SCREENING PROCESS

The objectives of the TDTC screening process include:

- To determine whether applicants satisfy the TDTC eligibility criteria.
- To identify and engage eligible participants as soon as possible after their arrest.
- To identify and address preliminary case management issues and/or factors that may present barriers to success in the program, including the nature and extent of the applicant's problematic substance use and any concerns around their housing, physical health, family circumstances, cognitive ability, and/or readiness to engage in treatment.
- To provide applicants with freedom of choice and an opportunity to determine whether the program is suitable for them.

**There are six stages in the screening process:**

1. *Crown Screening:* The Prosecutor reviews the application and other relevant information to assess whether the applicant satisfies the eligibility criteria, with particular attention to public safety concerns. The prosecutor determines whether the application should proceed to the next phase and notes that determination on the application form.
2. *Preliminary Treatment Screening:* Most applicants are screened by the CAMH Court Liaison while in custody prior to their first appearance in DTC. They gather information such as: substance use, immediate needs, general demographic information.

3. *TDTC Team Pre-Court Discussion:* Screening information and recommendations are presented to the TDTC team from the court and treatment representatives to determine suitability of the program and eligibility. The Crown indicates their position on charges for guilty plea and sentencing position if the client does not complete the program.
4. *In-court Interview by TDTC Judge:* the judge will interview the client in DTC courtroom, addressing motivation, expectations, voluntary status and whether applicant has received legal advice and signed the TDTC Rule and Waiver Form which summarizes regular and TDTC legal process and client rights, including those they are waiving to be in the program, as well as the rules/conditions of being in the program.

If the applicant is found eligible, then they are arraigned, enter a guilty plea to each charge agreed to by the prosecutor and defence, and are placed on a TDTC bail. If the applicant is found ineligible or chooses not to proceed, then their matters are returned to the regular court stream.

In most cases, the participant will be released on their own bail without a deposit of funds. The bail conditions are designed to assist the participant's engagement in the program and failure to follow conditions could result in sanctions commiserate with the violation, with the most serious/repeated violations carrying the risk of temporary custody, suspension or expulsion. Conditions may include expectations of attendance and participation, curfew, drug testing screens, geographical boundaries, reporting on matters such as use, charges, address changes use

5. *In-depth clinical assessment:* Once released, clients will attend CAMH for a full bio-psycho-social assessment with one of the social workers/case managers at CAMH. This process will include reviewing and signing required consent and privacy forms and a contract of participation and identifying treatment goals, basic needs and supports. The CAMH court Liaison provides the court with a recommendation regarding the client's eligibility and the program's suitability for their needs.
6. *30/60 Day Assessment Period:* If the CAMH worker recommends continuation in the program, and the client wishes to continue, the client enters a 30-60 day assessment period, which allows for the client to assess their desire to continue and allows the court/treatment team to assess their participation. Once the 30-60 day period is completed, a final decision is made to continue or withdrawal. At this point, a withdrawal allows the clients to withdraw their pleas and return to the regular court system. If a client chooses not to withdraw, they are fully in the program and forfeit the right to strike pleas.

*For further details, talk with a TDTC team member and/or refer to the TDTC policies and procedures.*