

Drug Treatment Court - Application Form

This form should be used by drug dependent offenders who wish to apply for Drug Treatment Court. Eligibility for the Drug Treatment Court will be determined by Crown counsel in accordance with the eligibility criteria set out on the reverse of this form.

PART ONE (to be completed by accused/defence counsel)

Name: (last/first) _____

Gender: Male Female Transgender Undisclosed

DOB: (dd/mm/yr) _____ **Marital Status:** Single Married/Common Law Divorced

Race: Caucasian Black Other _____ Undisclosed
 (self-identification/appearance) **Aboriginal:** First Nation Metis Inuit Other _____

Highest Level of Education: (Example – Completed Elementary, Secondary and/or College/University) _____

In Custody: Yes No **Criminal Record:** Yes No

List the charges that are presently before the Ontario Court of Justice and any other charges that are outstanding within or outside of the Ontario Region (if any).

Arrest Date: _____ **Courthouse:** _____

Offence Type: CDSA _____
CC _____

Number of charges: _____ **Co-Accused (if any):** _____

Arrest Date: _____ **Courthouse:** _____

Offence Type: CDSA _____
CC _____

Number of charges: _____ **Co-Accused (if any):** _____

Bench Warrant Outstanding: Yes If yes, give details _____ No

Under Probation Supervision: Yes If yes, give details _____ No

Immigration Order: Hold Deportation Order Other None

I have previously been in an alternative measures program or diversion program: Yes No

The Crown Questionnaire is required and must be completed by counsel. Has it been completed?: Yes No

I hereby apply to be considered for drug treatment court program.

Date: (dd/mm/yy) _____ **Signature of Accused** _____

*It is by verbal consent of the client _____ that counsel (noted below) can sign this form on their behalf.

Lawyer's Name and Phone Number: _____

Private _____ Duty Counsel _____

Next Court Appearance and Courtroom: (dd/mm/yy) _____

PART II (To be completed by Crown Counsel) - Final Crown Decision:

Does the accused satisfy the eligibility criteria? Yes No

Reason(s) for Exclusion: Seriousness of offence Violent offence Criminal Record Circumstances of offence
 Previous Breach/Diversion History Commercial Trafficker Residential B & E Other _____

Approved for initial assessment: Yes No

Crown Conditions: None Icon Check Other _____

Date: (dd/mm/yy) _____ **Signature of Crown Counsel** _____

PART III (Initial Assessment by Court Liaison)

Is the accused an acceptable candidate for Drug Treatment Court? Yes No If not appropriate, why? _____

CAMH Intake Assessment Appointment: (dd/mm/yr) _____

Date: (dd/mm/yr) _____ **Signature of Court Liaison** _____

PART IV (to be completed by Defence Counsel – ONLY AFTER PART III HAS BEEN COMPLETED BY TREATMENT)

Has the accused provided a signed Rule and Waiver Form, acknowledging rights to counsel, accepting responsibility for the offence and agreeing to participate in Drug Treatment Court?

Date: (dd/mm/yr) _____ **Signature of Defence Counsel** _____

POST PLEA ALTERNATIVE

Any offender with a demonstrable drug addiction charged with the drug offences of simple possession, possession for the purpose of trafficking, or trafficking may be eligible. Any offender charged with criminal code offences such as theft, fraud, mischief, prostitution, obstruct peace officer, or break and enter on commercial premises may also be eligible. Candidates will be screened and assessed by a treatment provider to determine whether a drug addiction exists. Participation is conditional upon the approval of the Crown prosecutor. The following criteria will be relevant in determining whether an offender is a suitable candidate:

- Previous criminal history.
- Whether the offender is charged with an allegation of a breach of conditional sentence or is currently serving a sentence or parole, i.e. conditional sentence or intermittent sentence.
- **Any drug offender who committed a drug offence solely for commercial gain will not be eligible;** Offenders may also be screened out if the sentence that the Crown would otherwise be seeking is sufficiently high that it would be inconsistent with admission to the program.
- An offender charged with drug offences will be precluded if the commission of the offence involved a young person under the age of 18 years, or the offence was committed in or near a school, on or near a playground, or at any other place ordinarily frequented by young persons under the age of 18 years. An offender will ordinarily be precluded if the offence involved consumption of a drug in a motor vehicle, or the possession of a drug in open display within the confines of a motor vehicle.
- Whether the offender is charged with a residential break and enter.
- Acceptance of the candidate by the treatment provider and agreement of the candidate to abide by the terms of the treatment contract.

TIME LIMITS

| | |
|--|---|
| 1. Minimum time period for defence adjournment from date of DTC application to next court date. | <i>7 days from the date of offender's last court date</i> |
| 2. Maximum time period for defence adjournment from date of DTC application to next court date. | <i>14 days</i> |
| 3. Maximum time period for DTC applicant screened "eligible to enter the DTC program" to enter the DTC | <i>7 days from the offender's last court date</i> |
| 4. Maximum time period for offender to reapply to DTC | <i>7 days from the offender's last court date</i> |
| 5. Maximum number of new applications to the DTC <i>on the same charges</i> | <i>To prevent undue delays in court case processing, the offender may reapply to the DTC only once on the same charges</i> |

All offenders who do not adhere to the time limits indicated above will be required to reapply to the DTC. The number of times an offender can reapply to the DTC program on the same charges is limited to one.