



## CALGARY DRUG TREATMENT COURT (CDTC)

### **WAIVER AND CONSENT – PART 2**

*The 'Waiver and Consent Part 2' must be completed by an accused who has been accepted for participation in the Calgary Drug Treatment Court.*

1. I, \_\_\_\_\_ understand that I am charged with:  
\_\_\_\_\_  
\_\_\_\_\_ on Information(s) \_\_\_\_\_  
\_\_\_\_\_
  
2. I have read the Crown disclosure containing a summary of the evidence against me. I have spoken to a lawyer and received legal advice about the charge(s) including whether there are any defences to the charge(s) or any weaknesses in the evidence against me.
  
3. I do not want a trial. I give up my right to plead not guilty.
  
4. To assist me in dealing with my addictions, I consent to take part in a drug treatment program (herein the "Program") as approved by the Provincial Court of Alberta and remain under the supervision of the Drug Treatment Court Team.
  
5. The Drug Treatment Court Team consists of the Crown Prosecutor(s), Duty Counsel, The Judge, Probation, Police Representatives and Treatment Staff (herein the "Team").
  
6. I understand that the CDTC is a program of intense supervision by a Judge. I agree to undergo an extensive course of treatment to complete the Program. I recognize that it can take 15 to 18 months to complete the Program.

7. The Drug Treatment Court will decide if and when I have successfully completed the Program, but in general I understand that the following will have to occur in order for me to graduate:

- Plead guilty to the offence(s);
- Minimum 6 months drug free in the Program;
- Complete the residential treatment requirements of the Program;
- Have employment, or be involved in educational or vocational training, volunteer work, or other approved activity in the community;
- Have an approved residence in the community;
- Have an approved ongoing support system in the community.

By choosing to participate in the Program, I agree to waive my right to be sentenced as soon as reasonably possible. I understand and give my consent to my sentencing being delayed until completion of, or termination from, the Program.

8. I understand that I will be assigned to an individualized treatment plan. My treatment plan will require me to attend regular treatment and/or counseling sessions and may include other treatment/counseling - related obligations as determined by the Team. I understand that this will include the requirement to regularly attend counseling and/or self help group meetings of Alcoholics Anonymous, Narcotics Anonymous, AADAC, SMART, or similar programs dealing with addictions issues.

9. I will provide the Team proof, in writing, each Thursday morning that I have attended/completed any treatment and/or counseling sessions that I have been directed to take.

10. If I am presently on judicial interim release, I consent to the revocation of my current release conditions, so that I can be re-released on bail conditions as imposed by the Drug Treatment Court. These bail conditions include:

- Making weekly appearances in Drug Treatment Court;

- Agreeing to regular reports on my progress being shared between my treatment providers and the Team;
- Attending regularly for treatment/counseling and medical care as directed by the Team and my treatment representative(s);
- Undergoing random drug testing;
- Following all the rules of the treatment agency where I am directed to reside;
- Requiring individuals with whom I wish to have contact approved by the Team and/or treatment representative(s) while I am in residential treatment;
- Participating in the preparation and completion of any medical, psychological and addictions assessments as may be directed by Probation and/or the Court;
- Advising the Team of any new criminal charges against me;
- Continuing to provide accurate and complete information about my background, my history of drug use and information about present or continuing drug use.

11. I understand that I may apply to the Drug Treatment Court to change my bail conditions.

12. I understand that if I do not comply with the conditions of my bail release, sanctions may be imposed, or my bail may be varied or revoked and/or I may be terminated from the Program. I also understand that if I commit new offences I may be charged with these offences as well as a breach of the conditions of my release.

13. I understand that neither the results of my random drug tests, nor any statements about drug use that I make during counseling/treatment sessions or in Drug Treatment Court, will be used to support a charge for a new offence.

14. I understand that the types of sanctions the Court may impose while I am in the Program may include:

- Increasing the number of drug tests required;
- Community service work;
- Writing letter(s) of apology;
- Restrictions on outings;
- Extension of the time that I must spend in the Program;
- Other reasonable sanctions.

15. I understand that if I fail to comply with the sanctions imposed my bail may be varied or revoked and/or I may be expelled from the Program.

16. I shall not act as a police informant while I am a participant in the Program.

17. I shall keep all information about other participants in the Program confidential unless that information:

- a) Endangers my own safety;
- b) Endangers the safety of another participant;
- c) Endangers the safety of any other person;
- d) Constitutes a violation of the CDTC rules.

18. I further understand that the Drug Treatment Court Judge may, in consultation with my treatment representatives, increase or decrease my treatment/counseling appointments as required and may order me to attend a detoxification centre.

19. I understand that, while I am participating in the Program, members of the Team will discuss my case prior to each attendance in Drug Treatment Court. As a condition of being allowed to participate in the Program, I waive my right to be present at those meetings. I understand Duty Counsel representing me and/or my lawyer is welcome to be present at this pre-court meeting any time my case is being discussed. I am

satisfied that Duty Counsel or my lawyer will represent my interests and I hereby give them my authority to do so.

20. I understand that, at any time within the first 30 days following the entry of my guilty plea(s) and acceptance into the Program, I can voluntarily withdraw from the Program. In this case, my guilty plea(s) will be struck, the Drug Treatment Court bail order will be revoked, and I will return to the regular court system. If I am not in custody and do not require a bail hearing in regular court when I leave the Program, the bail order that was issued to me before I entered the Program will be reinstated. If I was ordered detained before I entered the Program, that detention order will be reinstated against me.

21. In the event I voluntarily withdraw from the Program **before** the 30-day opting out period has passed, everything I have said or done during my participation in the Program will be kept confidential and can never be used against me in court, unless I specifically agree otherwise.

22. I understand that once the 30-day opting out period has passed, if I voluntarily withdraw or are expelled from the Program before graduation, my guilty plea(s) stands and I will be sentenced by the Drug Treatment Court Judge. In this case, everything I have said or done during my participation in the Program shall be admissible at my sentencing hearing.

23. I understand that my involvement in the Program may form part of an evaluation study of the Program itself. If this is the case, my identity will be kept confidential.

I have read and understand this form. I consent to participate in the CDTC Program and to obey all the terms and conditions of my bail.

**Dated:** \_\_\_\_\_, 20 \_\_ at Calgary, Alberta.

**APPLICANT:**

NAME: \_\_\_\_\_ Signature: \_\_\_\_\_  
(please print)

**DEFENCE COUNSEL:**

NAME \_\_\_\_\_ Signature: \_\_\_\_\_  
(please print)

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

**False or misleading information provided during any phase of the  
Calgary Drug Treatment application process may result in the  
applicant's expulsion from the program.**