Calgary Drug Treatment Court

APPLICATION PACKAGE

This package includes:

- Program Application Form
- Application Waiver (Part I)
- Waiver and Consent (Part II)

Step 1: Crown Eligibility Review

A. Complete the following documents with the assistance of Defence Counsel:

   i. Program Application Form
   ii. Application Waiver (Part I)

B. Send the completed forms to the prosecuting agency for review.

Public Prosecution Service of Canada

Janna Watts

By fax: 403-299-3966, or
By email: Janna.Watts@ppsc-sppc.gc.ca

Alberta Crown Prosecution Service

Jacqueline Abbott

By fax: 403-297-4311
By email: Jacqueline.Abbott@gov.ab.ca
(cc to: jsg.acps-dtccalgary@gov.ab.ca)

Important: The form can either be printed, signed and sent by email or fax, or it can be signed and submitted digitally. To submit digitally, please save the PDF form in an easily accessible folder on your computer. Open it using Adobe Reader or Foxit Reader, then fill and save the form.

Step 2: Treatment Eligibility Review

If the application meets Crown eligibility criteria, the applicant will be assessed by a member of the CDTC Treatment Team for treatment eligibility including the presence of a substance-use-disorder.

Acceptance and Admission

If the application is accepted, Defence Counsel will be notified by the CDTC Crown Prosecutor. The Applicant will be required to sign Waiver and Consent Part II (included with this package) in court as part of admission to the CDTC program.

Alberta Drug Treatment Courts

APPLICATION FORM - PART A

Legal Name (First, Middle, Last):

Date of Birth M/D/Y):

Preferred Language:

Gender:

☐ Male ☐ Female ☐ Transgender ☐ Non-binary

Preferred Pronouns:

☐ He/Him ☐ She/Her ☐ They/Them

How did you hear about the program? Check all that apply.

☐ Friend/Family ☐ Lawyer ☐ Remand ☐ Police ☐ Probation ☐ Online ☐ Poster ☐ Other:

Current Charges

Please describe your current charges:

Contact Information:

Are you currently in custody? ○ Yes ○ No

If yes, where?

If no, please tell us where we can reach you:

Address:

Email:

Phone number:

Name of Defence Counsel:

Direct Phone/Email of Defence Counsel:

Signed at_____, Alberta on the _____ day of _____, 20_____.

_____ (Printed Name of Applicant)

_____ (Printed Name of Defence Counsel)

_____ (Signature of Applicant)

_____ (Signature of Defence Counsel)

APPLICATION FORM - PART B

Background:

Which of the following backgrounds describes you best? Select all that apply.

- ☐ Indigenous (If Inuit, Metis, First Nations)
- ☐ African/Caribbean
- ☐ East/Southeast Asian
- ☐ Other: please specify
- ☐ Latin American
- ☐ Middle Eastern
- ☐ South Asian
- ☐ Caucasian/European
- ☐ Do not know
- ☐ Prefer not to answer

Please provide any information you would like to share about your sexuality that would help us to understand your situation.

Immigration Status:

Are you a Canadian citizen? ○ Yes ○ No

If no, what is your legal status in Canada?

Prior Criminal Involvement:

Are you currently on Probation? ○ Yes ○ No

Name of Probation Officer:

Do you have a criminal record? ○ Yes ○ No

Please describe:

Do you have any convictions that involve violence? ○ Yes ○ No

Incidents of Violence: Please describe any incidents of violence, whether or not they resulted in a criminal charge. As best you can, describe what happened, who was involved, and what did you do?

Drug Use:

Do you have a drug addiction? ○ Yes ○ No

Drug(s) of Choice	**When did you last use?**	**How much?**
Cocaine or Crack Cocaine		
Methamphetamine		
Heroin		
Prescription drugs		
Fentanyl		
Marijuana		
GHB		
Alcohol		
Other (specify):		

Health:

Do you have any health or mental health concerns that you might need help with? Please describe:

Are you taking any medications? Please list them:

In the space below, please tell us how you think you will benefit by participating in the Drug Treatment Court program?

In the space below, please tell us anything you would like to share about yourself that will help us to understand you better, and to understand how we might be able to help you?

Please Note: *False or misleading information provided on this form, or during any phase of the screening process may result in a decision not to accept you into the program.*

Application Waiver (Part I)

CALGARY DRUG TREATMENT COURT (CDTC)

To apply for admission to the Calgary Drug Treatment Court, this Waiver must be completed and submitted together with the CDTC Application Form, to the Crown Prosecutor for the program/city you are applying to. You must apply to the program/city in, or closest to, the city in which you are currently facing criminal charges.

Please Note: *False or misleading information provided on this form may result in a decision not to accept you into the program.*

1. **I recognize that CDTC is intended to assist in my recovery from drug addiction. I wish to use this opportunity to overcome my substance-use-disorder and return to a productive life in the community.**

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:**

    - my charge(s) including whether there are any defences to the charge(s) or any weaknesses in the evidence against me; and
    - the consequences of a guilty plea and the collateral consequences that may result from a conviction for a criminal offence(s), including any potential immigration, travel and employment consequences.

3. **I understand that I must deal with outstanding charges (tickets and criminal charges) in the Program. I understand that I must plead guilty to some or all of my offence(s), as negotiated with the Crown Prosecutor, to participate in the program. I am prepared to plead guilty as required.**

4. **I choose to apply to a drug treatment court program (herein the "Program") approved by the Alberta Court of Justice, and for the term of the Program, and remain under the supervision of the DTC Team which consists of the Crown Prosecutor(s), Duty Counsel, Justices, Probation Officer, Police Representative, Program Director/Manager or CEO, and Treatment Representatives (the "Team").**

5. **I understand that I must qualify for and be accepted into the Program by the Crown Prosecutor(s) AND Treatment Representatives.**

6. **I understand that the Crown or Treatment Representatives may obtain information about me from police records, probation records and the Offender Records and Correctional Administration (ORCA) database, and that information from these records may be shared among the members of the Pre-court Team in considering my eligibility for the program.**

7. **I agree to the Team communicating with me by phone, text, email, or face-to-face.**

8. **I consent to participate in a screening and intake assessment conducted by Treatment Representatives. I understand that information I provide during this screening process may be shared with the following groups:**

    - The Team, to determine my eligibility for the Program; and
    - Residential addictions treatment agencies, and/or housing agencies, in order to obtain suitable treatment our housing, which is required for my acceptance into the Program.

9. **I understand that information I provide during the screening process will not be used in court as evidence against me in any proceeding, unless required by law i.e. if information I provide suggests that there is an imminent risk to the health or safety of an identifiable individual or group, or if sharing information I provide would prevent or reduce risk of imminent harm to a child, such as the risk for child abuse. I further understand that information required by law to be reported to authorities, will be reported.**

10. **As a condition of being allowed to apply for participation in the Program, I waive my right to be present at Team meetings. I am satisfied that Duty Counsel or my lawyer will represent my interests.**

11. **I understand that in order to be considered for acceptance into the Program, I must:**

a. waive my right to be tried within a reasonable time, as per my right under section 11(b) of the Canadian Charter of Rights and Freedoms, until my application is either approved or rejected;
b. provide information about my background;
c. provide information about my history of drug use;
d. undergo random drug testing (urinalysis and/or saliva); and
e. complete a medical, psychological and addictions assessment.

12. I understand that if I am NOT accepted into the Program, my charges will return to the regular court system.

13. I understand and agree that:

a. information I provide in the course of the application process will be used to evaluate the program, learn about best practices and report to funders;
b. in accordance with CDTC funding requirements, CDTC will share my information with Alberta Justice and Solicitor General, and Justice Canada.
c. all information publicly reported will be aggregated so that I will not be individually identified and so that my personal information will be kept confidential.

I have read and understood this form. I choose to apply for participation in the Program.

Waiver and Consent (Part 2)

The 'Part 2 Waiver and Consent' is completed by the accused who are accepted for participation in the Calgary Drug Treatment Court. It is expected that this form will be signed and submitted after the accused is accepted into the program.

1. **I,_____**
   understand that I am charged with: _____
   on Information(s) _____

2. **I have read or received legal advice regarding the Crown disclosure containing a summary of the evidence against me. I have spoken to a lawyer 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 will give up my right to plead not guilty.**

4. **I understand that I must plead guilty to some or all of the offences(s) in order to participate in Drug Treatment Court. I have spoken to a lawyer and received legal advice about the consequences of a guilty plea and the collateral consequences that may result from a conviction of a criminal offences(s), including any potential** *immigration consequences***.**

5. **To assist me in dealing with my addictions, I consent to take part in Calgary Drug Treatment Court and remain under the supervision of the court (herein the "Program").**

6. **I understand that it is a program of intense supervision by a Justice. I will be required to undergo an extensive course of treatment to complete the Program, which will take approximately 15 to 18 months to finish. The Court will decide if and when I have successfully completed the Program. 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.**

7. **I understand that I will be assigned to an individualized treatment plan. My treatment plan will require me to attend regular treatment sessions and may include other treatment-related obligations as determined by the treatment provider and the Drug Treatment Court Team (which is made up of Crown Prosecutor(s), Duty Counsel, the Judge(s), Probation, Police Representatives, and Treatment Representatives (herein the "Team").**

8. **If I am presently on judicial interim release, I consent to the revocation and re-consideration 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 may include but are not limited to, some or all of the following:**

   - Making weekly Court appearances,
   - Attending regularly for counseling and medical care as directed by the Court and my treatment provider,
   - Undergoing random drug testing,
   - Participating in any additional or ongoing medical, psychological and addictions assessments as may be directed,
   - Abiding by curfew restrictions, and/or
   - Abiding by house arrest conditions.

9. **I further understand that while in the program I am expected to do all of the following and that failure to do so may be considered grounds for dismissal from the Program.**

   - Keeping all information about other participants confidential,
   - Not acting as an informant on the basis of information obtained as a result of participation in the Program,Advising the Court 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.

10. **I understand that 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);

- A minimum of 6 months drug free during my time in the Program including a minimum period of 3 months drug-free immediately preceding graduation;
- Complete all treatment requirements, including treatment for drug addiction;
- Demonstrate an acceptable level of compliance with the conditions of my judicial interim release (bail) and the other expectations 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.

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

12. I understand that if I do not comply with the conditions of my bail release, or the other expectations of the program placed upon me, sanctions may be imposed, my bail may be varied or revoked and/or I may be discharged 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 the types of sanctions the Court may impose while I am in the Program may include:

- House arrest
- Community service work
- A change in the frequency or nature of my court appearances
- A short period of time in custody
- Other reasonable sanctions.

14. 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.

15. I agree to be bound by the CDTC dismissal policy, attached with this application.

16. I further understand that the Court has the discretion, in consultation with my treatment provider, to increase or decrease my counseling appointments as required and to order me to attend a detoxification centre.

17. I understand that, while I am participating in the Program, members of the Drug Treatment Court Treatment Team may receive information from, and share information with, Calgary Remand Centre, Alberta Works, detox centres, as well as residential addiction treatment agencies and housing providers where I reside. Information exchanged will include information regarding my needs, progress, behaviours, and overall functioning, and related decisions regarding my treatment. I specifically consent to this sharing of information about me.

18. I understand that, while I am participating in the Program, my case will be discussed and my personal information will be shared among the Calgary Drug Treatment Court Team members 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 am satisfied that Duty Counsel will represent my interests.

19. I understand that occasions may arise during my participation in the program where, for therapeutic or safety reasons relating to myself or others, the Treatment Team will not be able to provide me with certain specific information connected to my participation in the program.

20. However, subject to the foregoing, sufficient information will always be provided to allow me to respond to the issues that may arise in an informed manner.

21. I understand that for both therapeutic and safety reasons, information provided to me by members of the pre-court team will reflect the overall discussion and positions of the Calgary Drug Treatment Court Team and will not include specific attribution of comments or position to any Calgary Drug Treatment Court Team member, participant or other person.

22. I understand that the Drug Treatment Court Team members work collaboratively during my involvement in CDTC to determine the most effective interventions to ensure my progress through the DTC program while still maintaining public safety. Accordingly, I consent to the sharing of my personal information, history, criminal charges and convictions, progress and behaviour among the members of the Team for this purpose.

23. I further understand that information required by law to be reported to authorities, will be reported.

24. I further understand that any information related to my alleged participation in any new offences committed after the offences for which I have been admitted into the CDTC program may be shared with a team member or members, including police.

25. I understand that, at any time within the first 30 days following the entry of my guilty plea, I can appear in court before the Drug Treatment Court Judge and ask that my guilty pleas be struck, and the Crown will consent to that application. At that time the Drug Treatment Court bail order will be cancelled. I may be returned to custody and a new bail hearing will be conducted in the regular court system. Should these matters return to the regular court system, everything I have said or done during my participation in the program will be kept confidential and will not be used against me in these proceedings.

26. I understand that, once I have been accepted into the Program, and once the 30-day opting out period has passed, if I choose to leave the Program before graduation, my guilty plea stands and I will be sentenced by the Drug Treatment Court Judge.

27. I understand that throughout my time in the program, the Treatment Team may communicate with me through email, phone, text, or face to face.

28. In the course of my participating in the program, I agree to cooperate with the preparation and completion of ongoing medical, psychological and addictions assessments as directed, to determine my progress in the Program.

29. I understand and agree that as a requirement of my participation in the program:

- information will be collected regarding my background, participation, needs and progress;
- this information will be used to support case management activities, evaluate the program, and learn about best practices;
- in accordance with CDTC funding requirements, CDTC will share my individual information with Alberta Justice and Solicitor General and Justice Canada;
- all information publicly reported will be aggregated so that I will not be individually identified and so that my personal information will be kept confidential.

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

Dated: _____, 20 _____ at _____, Alberta.

Applicant:

_____ _____

Printed Name Signature

_____ _____

Address Phone Number

CDTC DISMISSAL POLICY

POLICY STATEMENT

A clear and consistent approach is used to make dismissal decisions and implement dismissal processes in order to facilitate timely decision-making, consistency across participants, and a respectful process for participants. Dismissal from the program may occur when:

- A participant absconds from the program as defined in Section 1.1 below;
- There are reasonable grounds to believe a participant has committed a Major Program Violation as defined in Section 1.2 below;
- Adequate/suitable treatment is not available to meet the participant's treatment needs as defined in 1.3 below;
- A participant demonstrates repeated non-compliance with the proximal goals of the program, or lack of adherence to their treatment plan, which continues despite progressive court sanctions and other program interventions, as defined in 1.4 below; OR
- A participant breaches a Jeopardy Contract, as defined in Section 1.5 below.

Participants may also leave the program by graduating or withdrawing, which are addressed in a separate policy.

PROCEDURES

1. GROUNDS FOR DISMISSAL

1.1. Absconding

1.1.1. A participant who absconds for up to 30 days from the date a warrant is issued is presumptively dismissed from the program. If such participant wishes to re-enter the program upon arrest/return, they have the option to submit a 'Request to Continue in the Program' form to the pre-court team, which will consider the request. In such case the onus is on the participant to satisfy the pre-court team that they should continue their participation in the program, that they will make better use of the program, and that they are both willing and able to commit to specific changes as proposed by the pre-court team to encourage the participant's success.

1.1.2. A participant who absconds and does not return within 30 days from the date a warrant is issued is dismissed from the program. In such case the absconding participant does not have the right to a hearing or appeal. This does not prevent the participant's reapplication to the program.

1.2. Major Program Violation

Reasonable grounds to believe a participant has engaged in any of the following Major Program Violations while in the program will result in presumptive dismissal:

1.2.1. The participant has either directly or indirectly interfered with a CDTC drug test in any way that impacts or potentially impacts the accuracy or integrity of a drug test result;

1.2.2. The participant has engaged in new criminal activity or been charged with any new criminal or drug offences while in the program, (other than a charge of simple possession of a drug, or failing to Comply with a Term of Release that is not otherwise criminal activity);

1.2.3. The participant is found in possession of any weapons; or

1.2.4. The participant has engaged in or exhibited any behaviors that cause actual harm or pose a threat of harm to others.

A participant who is presumptively dismissed for a Major Program Violation may request a non-court hearing before the pre-court team. The decision of the pre-court team on such an application for reinstatement shall be final with no further right of appeal.

1.3. Adequate Treatment is Unavailable

When adequate or suitable treatment is not available, as determined by the treatment representative(s) on the pre-court team (and with the approval of the CEO of the program) the participant may be dismissed. There is no appeal from such a decision to dismiss.

1.4. Repeated Non-compliance or Lack of Adherence to their Treatment Plan

The provision of court sanctions and incentives in response to participant behavior is a core component of the CDTC model, informed by behaviour modification theory and practice, and drug treatment court best practices. Accordingly,

a system of graduated sanctions and incentives is used by CDTC to increase positive behavior and reduce negative behavior. When a participant demonstrates repeated non-compliance with proximal goals (including not participating in developing a suitable treatment plan or lack of adherence to their treatment plan) despite graduated sanctions and other program interventions, the participant may be dismissed from the program in accordance with the Incentives and Sanctions Policy (See Incentive and Sanctions Policy for details).

1.5. Breach of a Jeopardy Contract

Breach of a Jeopardy Contract is grounds for dismissal. Jeopardy Contracts may be used to warn participants of the seriousness of their behaviour and their risk for dismissal, providing them with an opportunity to make positive change in their behaviour. A Jeopardy Contract is not required for a participant to be subject to a dismissal hearing.

In cases referred to in 1.4 and 1.5 above, the participant may request a non-court hearing by the pre-court team (See Dismissal Process below for details). The onus will be on the participant to demonstrate to the pre-court team why they should not be dismissed from the program. The participant will be required to submit a Request to Continue in the Program Form which will be considered by the pre-court team on such application.

2. DISMISSAL PROCESSES

Dismissal may occur in the following ways:

- A participant at risk of dismissal or presumptively dismissed due to 1) absconding for up to 30 days, or 2) repeated non-compliance or lack of engagement, or 3) breach of a Jeopardy Contract; shall have the option of a non-court hearing by the pre-court team. If the decision to dismiss is upheld by the pre-court team, the participant may request a hearing in open court before a Calgary Drug Treatment Court justice.
- A participant who commits a Major Program Violation as described in 1.2 above will be presumptively dismissed, but may request a non-court hearing by the pre-court team, whose decision shall be final;
- A participant who absconds for more than 30 days, or for whom adequate or suitable treatment is not available (as determined by the treatment representative on the pre-court team, and approved by the CEO of the program), shall be dismissed from the program and does not have the right to a hearing or appeal; and
- Participants who are dismissed (presumptively or otherwise) and do not wish or are not entitled to request to continue in the program shall proceed to sentencing as soon as practicable.

3. HEARINGS

3.1. Dismissal Hearings before the Pre-court Team

Participants who are subject to a dismissal hearing before the pre-court team and who are entitled to and wish to have a dismissal hearing must, prior to the hearing, submit a Request to Continue in the Program Form to the pre-court team. Such participants are entitled to have their CDTC Duty Counsel representative present at that hearing.

At such hearing the onus shall be on the participant to satisfy the pre-court team on a balance of probabilities why they should not be dismissed, failing which the participant shall be forthwith dismissed from the CDTC program, unless the participant is entitled to a further hearing in open court before a Calgary Drug Treatment Court justice.

If all dismissal hearings to which the participant is entitled have been completed or abandoned and the participant has not been reinstated, the charges to which the accused pled guilty upon entry into the CDTC program shall proceed to sentence as soon as practicable.

3.2. Notice – Dismissal Hearings before the Pre-Court Team

Hearings before the pre-court team are held at a regularly scheduled meeting of the pre-court team or a special meeting called for that purpose, and are structured in a manner that allows the participant to:

- Receive notice of the hearing - participants will be notified in writing, through their CDTC Duty Counsel representative, of the date, place and time of the hearing;
- Provide a written request to continue;
- Be represented by CDTC Duty Counsel; and
- Be heard by the pre-court team through their representative.

3.3. Court Hearings

If a participant is entitled to a court hearing before a Calgary Drug Treatment Court justice after having been denied reinstatement by the pre-court team, such hearing shall take place before a justice other than a justice who participated in the pre-court team decision to dismiss the participant, unless the participant otherwise agrees. Reasonable notice of the hearing date for such a hearing shall be provided to the participant and/or the participant's legal representative. The participant is entitled to have their legal representative present for such court hearing if requested.

3.4. Requesting a Court Hearing

A participant who is entitled to a court hearing under this policy may request one with the assistance of a CDTC Duty Counsel representative. The request must be made in writing and submitted to the CDTC CEO or designate by the Wednesday immediately following the pre-court hearing. The written request must address the following 2 questions:

- What are you hoping will be achieved through a court hearing?
- Is there additional information that you would like to have considered in the court hearing that was not provided for the pre-court hearing? If so, this additional information must be submitted with this request.

3.5. Court Hearings – Format

A court hearing in CDTC involves the submission of the following documents for review and consideration by the CDTC Justice, whose decision shall be final, without further right of appeal.

- Waivers I and II signed by the participant
- Application Package submitted by the participant
- Treatment Contract (if applicable)
- Jeopardy Contract (if applicable)
- Signed Acknowledgement of Dismissal Policy
- Request to Continue
- Request for a Court Hearing
- Affidavit submitted by the CEO or designate outlining the rationale for dismissal and relevant information

APPLICANT ACKNOWLEDGEMENT OF DISMISSAL POLICY

I hereby acknowledge that I have received, read, and understand, the above Dismissal Policy. I understand that I am subject to the terms of this policy throughout my time in the Calgary Drug Treatment Court program.

Applicant:

Printed Name _____ Signature _____

Date _____

Witnessed by Defence Counsel:

Printed Name _____ Signature _____

Date _____

Submit application

Click the button to email the form, or email the completed PDF application to applications@calgarydrugtreatmentcourt.org