



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 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, fentanyl 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 within the previous 12 months.

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 with the assistance of their counsel or Duty Counsel; and
- submitting the completed Application and Questionnaire to torppscdtc@ppsc-sppc.gc.ca.

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 may take approximately 7 days to process. All TDTC applicants' charges should remain in the regular process until the TDTC Crown has performed their review.

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).
3. **TDTC team pre-court discussion:** This takes place prior to the sitting of the TDTC, which is currently on Tuesdays, 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 9:00 p.m. to 7:00 a.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. **60-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 60 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 60 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

If the TDTC Crown has deemed an applicant eligible, defence counsel will need to provide the client's contact information to: torppscdtc@ppsc-sppc.gc.ca. This information will be shared with the CAMH Court Liaison worker so that an appointment can be arranged in order to determine the applicant's appropriateness from a treatment perspective.

After both the TDTC Crown and CAMH have deemed the applicant eligible for TDTC, the TDTC Crown will provide a plea position (if the Applicant does not complete DTC), the TDTC Rule and Waiver and draft TDTC bail for defence counsel's review.

The prospective applicant should return in the Ontario Court of Justice-Toronto on a Tuesday in courtroom 904 at 10:00 a.m. in order to deal with the pleas and TDTC bail. Prior to the DTC intake date, counsel will need to review with the applicant, the TDTC Rule and Waiver and provide a signed copy to torppscdtc@ppsc-sppc.gc.ca.

If you have any questions, please feel free to contact the TDTC Office at (416) 506-0064.