

DRUG TREATMENT COURT OF VANCOUVER

Courtroom 303 at 222 Main Street, Vancouver, BC, V6A 2S8

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The Drug Treatment Court of Vancouver (“DTCV”) provides an alternative to the regular criminal court process for individuals who commit offences because of an underlying drug addiction. The DTCV program is not just for individuals who are charged with offences under the *Controlled Drugs and Substances Act*. The program accepts individuals charged with a variety of offences under the *Criminal Code of Canada*. The program is open to any Canadian resident who meets the eligibility criteria set out below.

DTCV participants undergo drug addiction treatment for a minimum of 14 months. DTCV offers a dedicated team of individuals who supervise participants as they progress through the program. This team includes the Court Team and the Treatment Team. The Court Team consists of a dedicated Judge, Crown counsel, and duty defence counsel. The Treatment Team consists of probation officers, counsellors, and peer support workers and operates out of the Vancouver Drug Court Treatment and Resource Center (the “Treatment Centre”), located at 255 East 12 Avenue, Vancouver, B.C. At the Treatment Centre, in addition to the services offered by the Treatment Team, participants also have access to a psychologist, an addictions specialist physician, a nurse, and a financial assistance worker.

Who is eligible for DTCV?

In order to qualify for the program, the individual must be addicted to a Controlled Substance and be committing offences to satisfy their drug addiction.

Whether an individual is accepted into DTCV is at the discretion of the Crown. All referrals are considered on a case-by-case basis; however, an individual will likely not be a good candidate in the following circumstances:

1. They present a public safety risk – individuals are precluded from entry if they are members of a criminal organization or have a recent and serious violent offence on their criminal record. Additionally, the program will not accept serious violent offences (such as intimate partner offences, sexual assault, aggravated assault, assault causing bodily harm etc.).
2. The accused is on an active Conditional Sentence Order; however, once the CSO has concluded, the accused can be considered for DTCV.
3. The accused is not a Canadian resident and their prosecution may result in the Canadian Border Service Agency initiating deportation proceedings or other removal processes, pursuant to the *Immigration and Refugee Protection Act*.
4. The accused was a former DTCV participant within the preceding year.
5. Admittance into DTCV would bring the administration of justice into disrepute.

Referrals can be submitted by defence counsel, the Crown, Corrections or any other source. All referrals can be sent to dtcvcrown@ppsc-sppc.gc.ca. The Crown screening process takes approximately two to three weeks, as it includes consultation with the Vancouver Police Department, the RCMP, and the Treatment Team. This process is expedited if the accused is in-custody. Once the screening process is completed, the Crown will advise the source that referred the file. If the screen was positive, the accused will be interviewed by a member of the Treatment Team. Interviews are conducted in person, on Tuesdays and

Thursdays at 1:30 p.m., outside of courtroom 303. For individuals who are out of jurisdiction or in-custody, interviews are conducted by telephone. The purpose of the interview is to determine if the individual has an active drug addiction and whether they are a good fit for the program.

DTCV accepts files from anywhere within the province of British Columbia. For files outside of the Vancouver area, a regular waiver is required to bring the file to 222 Main Street, Vancouver, B.C. Should you have any questions about the waiver process, you can contact the DTCV Crown for assistance. Participation in the program requires regular in-person appearances by the accused. This means that individuals who reside outside of the Greater Vancouver area will have to relocate to the region. The Treatment Team can assist individuals to secure housing within the Lower Mainland.

What happens after a file comes into DTCV?

At their first court appearance, participants plead guilty to their offence(s). The Judge will then direct them to comply with a DTCV Release Order, which requires them to attend the Treatment Centre daily for group counselling and to undergo random urine analysis. If the individual enters DTCV on an in-custody basis, they may have to be released to reside at a recovery house; the Treatment Team facilitates this.

Participants make frequent court appearances before the DTCV Judge. Court sits every Tuesday and Thursday. The DTCV Judge reviews each participant's progress in the program and rewards the participant or imposes sanctions, depending on a participant's compliance with directions of the DTCV Judge and the Treatment Team. Rewards include recognition from the judge, applause from everyone in court, and gift cards. Sanctions include judicial reprimands, essays, revocation of bail, or in some cases for repeated and/or egregious non-compliance with program requirements, discharge from the program. Participants are given numerous chances before a discharge recommendation is made. Even if a participant is charged with new offences, they are often permitted to bring the new offence(s) into DTCV and the new charge would likely not result in their discharge from the program.

What happens upon successful completion of DTCV?

After a minimum of 14 months, participants become eligible for graduation if they have:

1. abstained from consuming drugs¹ for the preceding 3 months of graduation;
2. no new offences in the preceding 6 months;
3. stable housing; and
4. engaged in employment, training or volunteering for a period of 2 months prior to graduation.

What happens if a person does not complete DTCV?

In some instances, if a participant withdraws or is discharged within the first 90 days of their entry into the program, they may be eligible to strike their guilty plea and return to the regular court system. This will be at the discretion of the Crown and is not available for files waived from other jurisdictions outside of Vancouver. In most instances however, once a participant withdraws or is discharged they proceed to sentencing before the DTCV Judge. The sentence will be mitigated to reflect the time and effort that was put into the program prior to the withdrawal or discharge.

¹ This does not include prescription drugs such as methadone, Suboxone, other opioid replacement drugs, or any other prescribed controlled substance.