QUICK GUIDE TO COMPULSORY DRUG TREATEMENT CORRECTIONAL CENTRE (CDTCC)

RERERAL The compulsory aspect of the CDTCCA is found in the new s18B of the Drug Court Act. This places a "duty" on a sentencing court to: - ascertain whether the Drug Court might find a person eligible; and - if so, refer the person to the Drug Court to determine if the person should be subject to a compulsory drug treatment order. ELIGIBILITY Eligible Convicted Person" is defined in the new s5A of the Drug Court Act. The criteria are: - 1. Prison sentence by way of full time imprisonment - the unexpired non-parole period is - At the time of sentence: at least 18 months - At the time the Drug Court is considering whether to make an Order: no more than 3 years (s5A(1)(b)) 2. In the 5 years preceding the sentence, the person has been convicted of at least 2 offences (not arising from same circumstances) that resulted in "any one or more" of the following penalties: imprisonment (including s12 suspended), CSO, Good Behaviour Bon (s5A(1)(c)) 3. The person has a long term drug dependency (s5A(1)(d)) 4. The referred charge and criminal record (and any other information) indicate the offence was related to the person's long term drug dependency (s5A(1)(e)) 5. Person is not eligible if at any time they have been convicted of the offences iisted in s5A(2) – eg murder, attempt murder, sexual assault, offence involving "serious violence", offence involving the "use" of a firearm 6. Person is not an eligible convicted person if, in the opinion of the Drug Court, they are suffering from a mental illness or disorder that is "serious" or "leads to the person being violent" and the illness or condition could prevent or restrict their participation is a drug treatment program. MAKING AN ORDER Once referred to the Drug Court, the initial assessment of eligibility will be made by a "multidisciplinary team" (defined in the new s18A of the Drug Court Act). The team prepares a report for the Drug Court which addresses the eligibility criteria above, suitability and appropriateness (see s18D and 18E of t	GENERAL	The Compulsory Drug Treatment Correction Centre Act 2004 (CDTCCA) amends certain sections of the Drug Court Act 1998, Crimes (Sentencing Procedure) Act 1999 (C(SP)Act) and the Crimes					
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opinion that an offender's program should be the subject of a regression order).		opinion that an offender's program should be the subject of a regression order).					
If an offender is convicted and sentenced for an offence that occurred before the compulsory drug treatment order was made, the sentencing court is to refer the offender to the Drug Court (s106W).							
REVOCATION The Drug Court may revoke an offender's compulsory drug treatment order for any reason it sees for	REVOCATION	The Drug Court may revoke an offender's compulsory drug treatment order for any reason it sees fit.					
These reasons include (see s106Q C(A of S) Act): 1. If the offender is in breach of the order (breach must be of a "serious nature") and the							
Drug Court is also satisfied that the offender is unlikely to make further progress or is an		Drug Court is also satisfied that the offender is unlikely to make further progress or is an					
unacceptable risk to the community or poses a significant risk to others or him or herself. 2. If the non-parole period for the offenders sentence has expired or is about to expire and		unacceptable risk to the community or poses a significant risk to others or him or herself. If the non-parole period for the offenders sentence has expired or is about to expire and					
the offender has reached stage 1 or 2.		the offender has reached stage 1 or 2.					
3. If the offender ceases to be an eligible convicted person. No appeal lies against the Drug Court's decision to revoke a treatment order.							
When the Drug Court makes a revocation order, it is to issue a warrant committing the offender to a		No appeal lies against the Drug Court's decision to revoke a treatment order. When the Drug Court makes a revocation order, it is to issue a warrant committing the offender to					
correctional centre for the remainder of the sentence (s106S).		correctional centre for the remainder of the sentence (s106S).					
Section 106E states that an offender's compulsory drug treatment order expires at the end of the term of the sentence or when the offender is released on parole.							
When a CDTCC participant becomes eligible for parole, the Drug Court becomes the authority that		When a CDTCC participant becomes eligible for parole, the Drug Court becomes the authority t					
may make a parole order in relation to an offender in exactly the same way as the Parole Board does under Part 6 of the C (A of S) Act. After the participant is granted parole, Part 7 applies as	1	i may make a parole order in relation to an offender in exactly the same way as the Parole Board					
normal, ie the Parole Board is responsible for breaches and revocation of Parole.		does under Part 6 of the C (A of S) Act. After the participant is granted parole, Part 7 applies as					