



**PETERBOROUGH COMMUNITY SUPPORT COURT**

**ADULT PROGRAM “Waiver”**

I understand that I am charged with the following criminal offence(s) of: **[LIST BELOW]**

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**The normal course of a criminal charge**

1. I understand that I am presumed to be innocent of these charges.
2. I understand that in the normal course of a criminal proceeding, a court may decide to release me on bail until the completion of the process. If I am denied bail at the initial hearing, I have the right to appeal the decision refusing me bail. I also understand that if it is believed that I have disobeyed any conditions of my bail, I may be arrested and a court may cancel my bail. When my bail is cancelled, I have the right to re-apply for bail. I have a right to be represented by a lawyer at any hearing into whether I should be released on bail.
3. I understand that in the normal course of a criminal proceeding I have a choice to plead “not guilty” or “guilty” to any offence with which I am charged. If I choose to plead “not guilty”, I will have a trial where the Crown must prove that I am guilty of the charge beyond a reasonable doubt or else the charge will be dismissed.
4. I have a right to know in advance of the trial what evidence the Crown has against me. I understand that I have the right to speak with a lawyer about the case in order to review any defences to the charge and whether there are any weaknesses in the Crown’s case, which could result in acquittal.
5. If the Crown proves beyond a reasonable doubt that I committed the offence, I will be found guilty. If, on the other hand, I choose to plead “guilty”, and admit the facts without the calling of evidence, I will give up my rights to hear or challenge the witnesses or argue that I should not be found guilty and I will be found guilty.
6. If I am found guilty, a court will decide what sentence to impose upon me based on the law and on what is said by the prosecutor, my lawyer and myself should I choose to say something. When deciding on the appropriate sentence, a court may decide, if appropriate, to send me to jail, to grant me a discharge, to sentence me to a conditional sentence of imprisonment in the community, to place me on probation, impose a fine, or impose some combination of dispositions. A court must impose a sentence that in the judge’s view is most appropriate, taking into account what s/he knows about me, the circumstances of the offence, as well as other aggravating and mitigating factors.
7. I am entitled to a trial within a reasonable time.

8. If I am found guilty and sentenced, I have the right to appeal against the conviction, the sentence or both the conviction and sentence.

**The alternative course of a criminal charge – The Program**

9. Instead of choosing to proceed through the normal course, I may choose to plead guilty and to participate in the Community Support Court (referred to as “the Program”). No one may force me to participate in the Program. It is entirely up to me whether I choose to do so.
10. I understand that the Program will likely take at minimum, 1 year to complete. I understand that the Court will delay my acceptance into the Program for a period generally not exceeding ninety (90) days, while my suitability for the Program is assessed. If it is determined that I am not appropriate for the Program, I understand that I will be entitled to have my plea struck and to have my matters adjourned to the regular court system. During this time, my matter will remain on the 9:30am docket
11. If I am accepted, there is an expectation that I will complete the Program within one to two years, subject to discussions of the Multi-Disciplinary Team (MDT). It is ultimately up to the Court, with the input of the MDT comprised of the Judge, duty/defense counsel, Crown counsel, Case Managers, police, consulting psychiatrist and probation officers, to decide if and when I have successfully completed the Program. By choosing to participate in the Program, I agree to waive my right pursuant to s. 720 of the Criminal Code to be sentenced as soon as practicable. Once accepted into the program, I understand I am not automatically entitled to have my plea struck.
12. If I choose to participate in the Program, I understand that I am giving up my right to plead “not guilty” to the charge against me.
13. I understand I have a right to a trial within a reasonable time (section 11(b) *Charter of Rights*). I also have the right to proceed with a guilty plea and sentencing in a timely manner. I understand that as a result of participating in the Program, my proceedings will be delayed as a result of the programming involved. As part of Community Support Court, I agree to waive my rights to a timely trial from the time I enter into the program (at the time I sign this waiver form) to the time when I am no longer part of Community Support Court (as a result of completing CSC, or if I am asked to be removed).
14. I have had the opportunity to speak to counsel or duty counsel before agreeing to waive my 11(b) rights.
15. In making this decision I have had an opportunity to consult with a lawyer about the Crown’s evidence against me and my legal options.
16. I choose to plead “guilty” and accept responsibility for each offence on which the Crown proceeds. I admit in fact that I did what the Crown says I did in the evidence or summary of the evidence.

17. If I choose to participate in the Program, I understand that I must first qualify for, and be accepted into, the Program. I understand that I will be released on bail to attend for an assessment at the designated service agency.

Agency:

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18. In order to receive the legal benefit of the Program, I must complete the Program to the satisfaction of the Court. The Court will postpone the sentencing decision until I have successfully completed the Program. If I successfully complete the Program to the satisfaction of the Court, the Court's finding of guilt will remain and I will be sentenced. The Court will not impose a sentence that requires me to go to jail.
19. If, on the other hand, I fail to successfully complete the Program, the Court will decide the appropriate sentence in the normal course. If I fail to complete the Program and am sentenced in the normal course, nothing I have said to any of the counsellors while participating in the Program will be used by the Crown against me.
20. My participation in the Program will require frequent mandatory court appearances for the purpose of monitoring my progress in the Program. I understand that if I miss any court dates a warrant for my arrest may be issued and, at my next court appearance, my bail may be cancelled and I may be expelled from the Program.
21. The Program will also require me to follow a Community Treatment Intervention Plan (CTIP) and attend other appointments as specified in the CTIP. The results of any drug screening or any statements made during the counselling sessions may be reported to the MDT, which monitors my progress in the Program. I understand that I will be required to be honest about my consumption of drugs and alcohol with my justice service worker.
22. If I choose to participate in the Program, I understand I will be required to leave twice weekly urine screens on a regular and/or random basis. I understand the results of these screens will be provided to the Court and treatment provider.
23. I understand that subject to my right to dispute one urine screen during my participation in the Program, I agree to accept the validity of the urine screen results.
24. If I fail to fulfill the requirements of the Program, examples of which may include but are not limited to: missing a urine screen, being dishonest with my case worker or the Court, tampering with my urine screens, or not attending the counselling sessions as required, the Court may impose consequences. These consequences will be decided on a case by case basis. The consequences may include and are not limited to the following:
- a) sanctions (which may be imposed in a graduated fashion);
  - b) an increase the number of times I am obliged to attend for treatment, court, counseling or drug testing;

- c) an extension of the treatment period under the Program;
- d) cancellation of my bail;
- e) expulsion from the Program; and/or
- f) such other action as the Court deems appropriate.

The Court may impose any consequence as it deems appropriate, regardless of any history of consequences imposed in the past. Consequences will be considered by the Court along with the input of the MDT.

25. I understand that while I am participating in the Program, members of the MDT present at the meeting will discuss my case in my absence prior to each attendance in CSC. I agree to this in order to obtain maximum help from the Community Support Court. I agree to comply with all the rules and expectations of the program as determined by the MDT.
26. I understand that at any time, the Crown can give me notice that I should no longer be in CSC. If I agree and I no longer want to participate in the program, I will return to the normal criminal court process. If I do not agree and wish to continue in CSC, a hearing can be set. I understand that this hearing will be in front of the MDT and not on the record. I will be given the opportunity to speak as will my lawyer if I have one. At the end of the hearing, the judge will decide whether or not I can stay in CSC or return to the normal criminal court process. I understand that it is recommended that if I want to remain in CSC, I should continue attending counseling sessions, providing urine screens and complying with my CSC bail terms despite having receive a notice of a hearing to end my participation. I may continue to attend CSC on the 9:30 docket until my hearing is complete.
27. Neither the results of drug screening nor any statements that I make during counselling sessions may be used by the Crown to prosecute me for breaching my bail or for any other offence. However, if there are other conditions imposed upon me by my bail, I must abide by those conditions or else face the possibility of a charge of failing to comply with my bail. I may also be charged with "failing to appear" if I do not attend Court as required.
28. I understand that as a condition for being allowed to participate in the Program, I must at all times keep my treatment providers and the Court advised of my current address and contact information during my participation in the Program.
29. I understand that if I am arrested on any new charge(s) while participating in the Program, I must report this to my treatment providers and the Court. It will then be up to the Court to decide whether to cancel my bail and/or expel me from the Program. The Crown will make a decision based on the new charges and other factors as to what new position it will take.
30. I understand that my involvement in the Program may be the subject of study by officials involved in the evaluation of the Program. While any such study must respect my right to privacy, I may be asked to participate in follow-up studies during and after my

completion of the Program. By signing this form, I willingly agree to participate in a study seeking to evaluate the Program. I also agree to release to the officials involved in the study, a copy of my criminal record and a list of all pending criminal charges.

Graduation Criteria

31. In order to graduate from the Program, I understand the expectations include the following:

- a. I secure stable housing;
- b. My justice service worker and I can submit to the MDT that my mental health issues are being treated and that my mental health stability has progressed to the satisfaction of the MDT;
- c. I have completed volunteer work (this can be in the range of 25-100 hours, which will be canvassed with my court support worker, depending on my abilities and other requirements of my CTIP);
- d. Completion of an anti-criminal thinking, cognitive behavioural therapy or equivalent program;
- e. I have maintained a minimum 3 months of negative urine screens, immediately prior to graduation and outside of an in-house treatment program; and
- f. Successful completion of my CTIP.

32. Upon successfully completing the above-noted criteria, I understand that I will be asked to submit an application, explaining what I have learned through the Program, and why I should be considered for graduation from the Program. The Application will then be circulated to the MDT for consideration. At the time of my graduation, my matter will proceed to sentencing, but will not include a jail sentence as a result of my successful completion of the Program.

I have read this waiver (or the waiver has been read to me). By signing this waiver, I am indicating that I have voluntarily chosen to participate in the Program and to comply with all of the terms and conditions.

DATED this \_\_\_\_\_ day of 20\_\_\_\_\_ at the City of Peterborough.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
APPLICANT

Counsel/Duty Counsel providing advice: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(Name, Address, Telephone No.)

Translated by me \_\_\_\_\_, a person fluent in the English and \_\_\_\_\_ languages before being signed by the applicant.

- Original to:
- the Court
- Copies to:
- Treatment Provider
  - Crown Attorney/Federal Prosecutor
  - Counsel/Duty Counsel
  - Applicant

 <b>CSC</b>	<b>COMMUNITY SUPPORT COURT</b> POLICY AND PROCEDURES OPERATIONAL MANUAL		
<b>REFERENCE:</b> Crown Best Practice Program Description	<b>POLICY:</b> 6.0 Administrative	<b>ADMINISTRATIVE POLICY &amp; PROCEDURE ON:</b> Multi Disciplinary Team	<b>PAGE:</b> 1 of 1
	<b>AUTHORITY:</b> MINISTRY OF THE ATTORNEY GENERAL PETERBOROUGH OFFICE OF THE CROWN	<b>EFFECTIVE DATE:</b> 9/24/2011	<b>REVISION DATE:</b> 4/14/2015 3/27/2018

### POLICY:

The CSC program recognizes that the focus of the specialized court is to assist those approved individuals with an intensive diversion which addresses the precipitating factors related to mental health, substance abuse and/or intellectual disability. The court recognizes the importance of selecting professionals who have expertise and experience within the fields of social services, mental health, addictions, the Judiciary, probation and psychiatry.

In track 2, a Multi-Disciplinary Treatment Team shall be established to represent the program mandate, goals and objectives. The MDT shall be comprised of professionals who will guide the program and the client through the CSC process. It will assist the program and the crown in applying the CTIP for the client and provide input in initial referrals and ongoing intervention plans of the individuals in the program. **If the Crown gives notice to the MDT that a client should no longer participate and the client disputes this notice, an *in-camera* MDT hearing will occur. All members of the MDT, including the client and their lawyer will be able to participate and the presiding Justice will make the decision as to whether or not the client has complied with all the rules and expectations of the program and if he/she will stay in the program.**

MDT members are selected with the approval of the crown. It shall take into consideration the needs of the CSC program and professional expertise. These members shall commit to the schedule of the program and be available on a regular schedule.

### PROCEDURE:

PROCEDURE	RESPONSIBLE STAFF	FREQUENCY
<b>1.</b> The MDT shall consist of the following members. 1. Judge. 2. Crown 3. Probation 4. Mental Health clinician 5. Addiction clinician 6. Psychiatry/Psychology 7. Law enforcement 8. Rotating members, defense counsel, case lead	Individual/Lead Agency Crown MDT Client	On-Going
<b>2.</b> The MDT's role will provide professional input to the program. It will engage in review of referrals and make recommendations to the crown. The MDT will assist in the development of the CTIP, suggested resources and on-going interventions that will provide the client with potential positive outcomes.	Individual/Lead Agency Crown MDT Client	On-Going
<b>3.</b> The MDT members shall take direction from the crown and the program. The MDT will ensure that best practices are implemented through the CTIP.	Individual/Lead Agency Crown MDT Client	On-Going
<b>4.</b> The MDT shall meet at minimum, 2x per month, at a scheduled time on a designated day. Such time and day determined by the crown shall be the 1 <sup>st</sup> and 3 <sup>rd</sup> Friday of each month starting at 12:30am. Should a member deem that they can no longer participate in the MDT as a professional courtesy.	Individual/Lead Agency Crown MDT Client	On-Going