

CAYMAN ISLANDS



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**THE DRUG REHABILITATION COURT LAW, 2006
(LAW 26 OF 2006)**

THE DRUG REHABILITATION COURT REGULATIONS, 2008

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In exercise of the powers conferred by section 29 of the Drug Rehabilitation Court Law, 2006, the Governor in Cabinet makes the following regulations -

1. These regulations may be cited as the Drug Rehabilitation Court Regulations, 2008. Citation

2. The individuals and organisations set out in the Schedule are approved by the Governor as approved treatment providers for the purpose of carrying out prescribed treatment programmes under the Law. Approval of treatment providers
Schedule

3. A prescribed treatment programme shall commence on such date as the Drug Court may specify in an order; and the prescribed treatment programme shall extend for such period of time as the Drug Court shall specify in the order, unless it is terminated earlier in accordance with the Law. Duration of prescribed treatment programme

4. Upon being admitted into a prescribed treatment programme, a drug offender shall be required to undertake a provisional treatment programme for up to thirty days, such provisional treatment programme to be as ordered by the Drug Court with a view to requiring the drug offender to demonstrate his commitment to comply with a prescribed treatment programme. Provisional treatment programme

5. (1) Where an approved treatment provider intends to report to the Drug Court that there is no useful purpose to be served by a drug offender's continued participation in a prescribed treatment programme, the approved treatment provider shall inform the drug offender of that intention. Termination of prescribed treatment programme

- (2) On receipt of a report referred to in paragraph (1), the Drug Court shall permit the drug offender to show cause as to why the prescribed treatment programme should not be terminated in accordance with the Law.

Conditional discharge 6. (1) A conditional discharge of a drug offender by the Drug Court under section 19(2) of the Law, upon his successful completion of a prescribed treatment programme, shall have effect for such period, not exceeding two years, as the Drug Court may specify.

(2) During the period of his conditional discharge the drug offender shall comply with such conditions as the Drug Court may impose with a view to his continuing recovery and rehabilitation, and a breach of any such condition may be dealt with under section 19(3) of the Law as if the drug offender has failed to complete his prescribed treatment programme.

Register 7. The register that the Clerk of the Courts is required to keep, under the Law, shall contain the following particulars -

- (a) the name and the address of each drug offender;
- (b) the nature of the relevant offence and the date and place of the drug offender's arrest;
- (c) the date of the drug offender's first appearance before a regular sitting and the date of his reference to the Drug Court;
- (d) the date of the drug offender's first appearance in the Drug Court and whether the prosecution of the offence is deferred or sentence is deferred after a guilty plea;
- (e) the name of the approved treatment provider who assesses and makes recommendations concerning the drug offender;
- (f) the date of the Drug Court's adjournment for the assessment of the drug offender and the date of the completion of the assessment;
- (g) the result of the assessment, including an indication as to whether the drug offender is -
 - (i) considered suitable for participation in a prescribed treatment programme: or
 - (ii) not willing to be dealt with by the Drug Court;
- (h) the date of the order made by the Drug Court requiring the drug offender to participate in a prescribed treatment programme;
- (i) the commencement date of the prescribed treatment programme and its period of duration;
- (j) the date of the termination of the prescribed treatment programme and the basis of the termination;
- (k) where the drug offender fails to complete the prescribed treatment programme -
 - (i) if the prosecution of a relevant offence had previously been deferred under the Law -
 - (A) the date of the order for trial and the outcome of the trial; or

- (B) the date of any order requiring the drug offender to undergo a new prescribed treatment programme and the date of the commencement of the prescribed treatment programme and its period of duration;
 - (ii) where sentencing in respect of a relevant offence had previously been deferred under the Law, the nature of the sentence subsequently imposed;
 - (iii) where the execution of any sentence had previously been deferred under the Law, the date of the confirmation of the sentence; and
 - (iv) where a trial had been previously deferred by a regular sitting under the Law, the date of reference back to that sitting;
 - (l) the date of the issue of a warrant of arrest in respect of a person who has failed to comply with specified conditions; and
 - (m) the date that the Drug Court is notified, by an approved treatment provider, of a drug offender's failure to comply with the prescribed treatment programme.
8. A plan of a prescribed treatment programme shall -
- Plan of prescribed
treatment programme
- (a) make provision for -
 - (i) educational sessions;
 - (ii) group counselling sessions;
 - (iii) sessions between the drug offender and the approved treatment provider; and
 - (iv) a treatment and recovery plan;
 - (b) be oriented towards and centred around the drug offender to whom the prescribed treatment programme relates;
 - (c) include -
 - (i) a statement of the problems to be addressed;
 - (ii) goals that address the problem;
 - (iii) steps to be taken by the approved treatment provider and the drug offender to achieve the goals;
 - (iv) target dates for the achievement of steps and goals; and
 - (v) any other steps, treatment or conditions as deemed appropriate by the Drug Court;
 - (d) be reviewable periodically;
 - (e) make provision for contingency management and motivation;
 - (f) make provision for residential treatment where necessary;
 - (g) make such provision for educational group counselling sessions as may be necessary; and

- (h) include an individual written treatment and recovery plan for the drug offender, based on the information obtained in the process of intake and assessment.

SCHEDULE

(regulation 2)

APPROVED TREATMENT PROVIDERS

The Caribbean Haven Residential Treatment Facilities of the Department of Counselling Services

The Counselling Centre of the Department of Counselling Services

The Mental Health Clinic of the Health Services Authority at the George Town Hospital

Made in Cabinet the 25th day of November, 2008.

Carmena Watler

Clerk of the Cabinet.