

CAYMAN ISLANDS



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

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

THE DRUG REHABILITATION COURT RULES

In exercise of the powers conferred by section 28 of the Drug Rehabilitation Court Law, 2006, the Chief Justice makes the following rules -

1. These rules may be cited as the Drug Rehabilitation Court Rules. Citation
2. In these rules - Definitions

“Co-ordinator” means the Special Projects Co-ordinator of the Judicial Administration;

“Drug Rehabilitation Court Team” or “Court Team” means a team comprised as prescribed in rule 6(1)(b)(i) to (vii);

“Form” means the respective form prescribed in the Schedule; Schedule

“operations manual” means the manual prescribed in rule 3;

“Provisional Treatment Order” means an order made by the magistrate or Judge of the Drug Court under rule 8(9);

“registrar” means the registrar of the Drug Court; and

“section” means a section of the Drug Court Law, 2006. (Law 26 of 2006)
3. The operations manual entitled “Boundaries that Restore – Drug Rehabilitation Court Operations Manual” is hereby prescribed as the operations manual for the Drug Court for the purpose of giving practical guidance with respect to the operation of the Drug Court. Operations manual
4. (1) The Drug Court shall sit on Tuesdays and Thursdays and proceedings in the Drug Court shall commence at such times and on such days as the presiding magistrate or Judge may direct. Sittings and Pre-Court meetings

(2) Proceedings in the Drug Court may be taken in open court or in camera as the presiding magistrate or Judge may direct but such proceedings shall usually be taken in the presence of the relevant drug offender, his approved treatment provider and any family members or supporters in attendance.

(3) A Pre-Court meeting shall be held in relation to a drug offender with a view to the members of the relevant Court Team consulting with and advising the presiding magistrate or Judge on the compliance of the drug offender with his prescribed treatment programme.

(4) A Pre-Court meeting shall commence at such times and on such days as the presiding magistrate or Judge may direct and shall be held in camera.

Reports
Form 8

5. A report in Form 8 shall be provided to apprise the Drug Court of the compliance of a drug offender with his prescribed treatment programme at such intervals as the Drug Court may require after consultation with the relevant approved treatment provider.

Attendance at Pre-Court
meetings

6. (1) A Pre-Court meeting relating to a drug offender shall be attended by -
- (a) the presiding magistrate or Judge; and
 - (b) a Drug Rehabilitation Court Team comprised of -
 - (i) a Duty Counsel;
 - (ii) an attorney-at-law in the Attorney-General's chambers;
 - (iii) an approved treatment provider;
 - (iv) a Probation Officer;
 - (v) a Social Worker;
 - (vi) an Employment Relations Officer; and
 - (vii) any other social, spiritual, educational, vocational or health services provider whose presence or advice may be deemed necessary by the presiding magistrate or Judge;

and the drug offender may, with the permission of the presiding magistrate or Judge, attend the Pre-Court meeting.

(2) The Co-ordinator and the registrar are entitled, by virtue of office, to be present during Pre-Court meetings and Drug Court proceedings.

(3) A representative of the National Drug Council may attend Pre-Court meetings (and when held in camera, Drug Court proceedings) as an observer, at the invitation of the presiding magistrate or Judge.

Duty Counsel

7. (1) A drug offender who applies to be admitted into a prescribed treatment programme shall be assisted in so doing by Duty Counsel who shall represent the drug offender in the Pre-Court meetings and Drug Court proceedings.

(2) A drug offender who appears to be eligible for admission shall be advised by a constable, an attorney-at-law in the Attorney-General's chambers or the Drug Court, as the case may be, to apply for the assignment of Duty Counsel

as soon as possible after being charged with a relevant offence or scheduled offence.

8. (1) A drug offender may be considered for admission into a prescribed treatment programme if he is referred to the Drug Court pursuant to section 4(3), 10 or 11.

Admission to and
compliance with a
prescribed treatment
programme

(2) A drug offender seeking admission shall submit his application in Form 1 and Form 2 (where necessary, with the assistance of Duty Counsel) to the registrar at the Court House, George Town.

Form 1
Form 2

(3) An applicant shall be willing and prepared to plead guilty to the offence with which he is charged and, upon acceptance for admission, the applicant shall, with the advice of Duty Counsel, execute a form of Consent and Waiver in Form 4.

Form 4

(4) An attorney-at-law in the Attorney-General's chambers shall, by reference to the information given in the application (including, when applicable, the information given in Form 3), assess the eligibility of the applicant for admission into the prescribed treatment programme by giving consideration to -

Form 3

- (a) the nature of the offence charged;
- (b) the public interest in the final resolution of the charge in the ordinary way;
- (c) any concerns of public safety that may arise from the applicant not being remanded in custody while in a prescribed treatment programme;
- (d) the needs of the applicant; and
- (e) the Crown's view of the applicant's likelihood of success in the prescribed treatment programme.

(5) If found eligible for admission, the applicant shall be referred to the Drug Court by endorsement to that effect on his application being sent to the registrar who shall immediately bring the referral to the attention of the approved treatment provider and the Drug Court.

(6) The approved treatment provider shall assess the suitability of the applicant for admission pursuant to section 12 and shall record the assessment in Form 6 for presentation to the Drug Court.

Form 6

(7) Where a referral is sent to a magistrate or Judge for the admission of an applicant into a prescribed treatment programme, the magistrate or Judge, as the case may be, shall -

- (a) ascertain whether the applicant is eligible and suitable;

- Form 4
- Form 5
- (b) explain to the applicant the reasons for his referral to the Drug Court and the consequences of the referral;
 - (c) require the applicant to signify his consent to being so referred in Form 4 and to accept his obligation to comply with the rules of the prescribed treatment programme in Form 5; and
 - (d) explain to the applicant that he will be further assessed by an approved treatment provider in order to determine his suitability for participation in a prescribed treatment programme.

(8) The eligibility and assessment process (as between the Crown, the Department responsible for Community Rehabilitation and the Department responsible for Counselling Services) shall be conducted and the outcome notified to the Drug Court in a timely manner.

Form 10

(9) An applicant found suitable by a magistrate or Judge shall be admitted into the prescribed treatment programme on the basis of a Provisional Treatment Order made by the magistrate or Judge in Form 10, for provisional treatment over such period as the magistrate or Judge may consider appropriate.

(10) Where a drug offender completes his provisional treatment in accordance with a Provisional Treatment Order, the Drug Court shall, if it is appropriate -

- Form 11
- (a) make an order in Form 11, requiring the drug offender to undergo a prescribed treatment programme and for those purposes to comply with such conditions as the Drug Court may think fit to impose; and
 - (b) require the registrar to carry out a means test in relation to the drug offender, in order to determine the amount of financial contribution, if any, to be made by the drug offender towards the cost of the prescribed treatment programme.

(11) In carrying out a means test pursuant to these Rules, the registrar shall take into account such factors as he may consider relevant including -

- (a) the nature of the offence committed by the drug offender;
- (b) the drug offender's income and expenditure;
- (c) the drug offender's property, if any; and
- (d) the ability and willingness of the drug offender's relatives, friends or employer to provide the funds for any contribution the drug offender may be required to make.

(12) A prescribed treatment programme shall extend for such period as the Drug Court shall specify in its order, unless it is terminated earlier in accordance with the Law.

(13) Before the commencement of the prescribed treatment programme, the drug offender shall undergo an orientation interview, in the form of a discussion of at least the following -

- (a) the goals and objectives for participation, including the process for attaining complete abstinence from the use of illicit drugs during the period of the prescribed treatment programme;
- (b) counselling and educational requirements;
- (c) attendance requirements;
- (d) drug testing requirements;
- (e) the payment of contributions, if any;
- (f) the place and times for participation;
- (g) possible reasons for the termination of the prescribed treatment programme; and
- (h) the specific rules and conditions which shall relate to the drug offender.

9. (1) A person admitted to a prescribed treatment programme (whether provisional or otherwise) may be required to undergo random drug testing at such times and places as the Drug Court may direct and for those purposes to give a biological specimen for testing.

Random drug testing

(2) Without prejudice to section 13(5), there shall be a random selection process which shall be the standard requirement for drug testing, subject to the discretion of the Drug Court to require a drug offender at any time to undergo drug testing as specified in the operations manual.

(3) A standard procedure shall be adopted for the giving, collection, storage and delivery to the Forensic Laboratory, of specimens; and Court Marshalls shall be trained by laboratory personnel in the application of that procedure to ensure the integrity and true identity of specimens.

10. An order referring a drug offender back to a regular sitting pursuant to section 12(2) or 19(3) shall be in Form 17.

Referral orders
Form 17

11. All records obtained in respect of a drug offender's application to the Drug Court or his participation in a prescribed treatment programme shall be treated as confidential.

Confidentiality of
records

12. Listings for the Drug Court shall be published, and publication shall be by postings at www.caymanjudicial-legal.info.com.ky and by postings on the Notice Board at the Court House, George Town.

Court listings

Legal aid assignments	13. If successful in his application for admission, an applicant who does not have the means to pay for representation by Duty Counsel shall be assigned a Duty Counsel who shall be paid from the Legal Aid fund (including, where appropriate, retrospectively to cover advice or assistance given by Duty Counsel in relation to the application process).
Termination of prescribed treatment programme under section 18(1)(c) Form 14	<p>14. (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 by notice in Form 14 of that intention, and a copy of that notice shall be sent to the registrar for placing on the Drug Court file.</p> <p>(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.</p>
Successful completion of prescribed treatment programme Form 15	<p>15. (1) A drug offender shall apply in writing to the Drug Court to complete each phase of his prescribed treatment programme and shall forward with his application, information in Form 15.</p> <p>(2) The Court Team shall review the application and any accompanying information, taking into consideration any advice given or recommendation made by an approved treatment provider, and shall in relation to the application make a recommendation which shall be considered at a Pre-Court meeting.</p> <p>(3) The drug offender shall be advised by the Drug Court whether permission has been granted for him to proceed to the next phase of treatment and shall be told in the open Drug Court room when he may so proceed.</p> <p>(4) Where a drug offender -</p> <ul style="list-style-type: none">(a) has completed and complied with all phases of the prescribed treatment programme, including attendance requirements;(b) has secured appropriate accommodation; and(c) (i) has secured employment;(ii) is admitted to a school; or(iii) is engaged in appropriate volunteer work, <p>the relevant approved treatment provider may advise the Court Team that the drug offender has successfully completed the prescribed treatment programme; and upon receipt of such advice, the Court Team may advise the Drug Court that the drug offender has successfully completed the prescribed treatment programme.</p>

(5) The Drug Court shall discharge the drug offender if the drug offender has successfully completed the prescribed treatment programme, and that discharge may be either absolute or conditional as the Drug Court thinks fit.

(6) A drug offender who has successfully completed a prescribed treatment programme shall be issued a certificate of completion.

(7) A drug offender who is discharged conditionally shall not be issued a certificate of completion until he has fulfilled the conditions of his discharge, including such conditions of community service, suspended sentence or probationary order as may be imposed.

16. (1) Pursuant to section 19(2), the Drug Court may impose conditions for the continued rehabilitation of a drug offender upon his successful completion of a prescribed treatment programme, and the conditions shall have effect for such period not exceeding twenty-four months as the Drug Court may specify.

Conditional discharge
upon successful
completion of prescribed
treatment programme

(2) The conditions may include the drug offender being required -

- (a) to submit to random drug testing or ongoing counselling;
- (b) to maintain stable employment;
- (c) to reside at a specified place of abode;
- (d) to enter into or remain in a mentoring programme approved by the Drug Court;
- (e) to enter into or remain in a probationary programme approved by the Drug Court;
- (f) to enter into or remain in a quasi-probationary programme approved by the Drug Court;
- (g) to give community service in keeping with a Community Service Order made under the Misuse of Drugs Law (2000 Revision) or the Penal Code (2007 Revision); or
- (h) with the active encouragement of the Drug Court and where the drug offender is so disposed and agrees, to attend for spiritual counselling with a pastor or priest and at a church of the drug offender's choice.

(2000 Revision)

(2007 Revision)

17. The Co-ordinator, with the assistance of the registrar, shall develop and maintain a data base for the purpose, among other things, of allowing for statistical and empirical evaluation of the prescribed treatment programmes on an ongoing basis.

Evaluation of prescribed
treatment programme

SCHEDULE

FORMS

FORM 1

(Rule 8(2))

DRUG REHABILITATION COURT
APPLICATION FORM

This form should be completed by drug offenders who wish to apply for the Drug Rehabilitation Court programme. Eligibility for Drug Rehabilitation Court will be determined by Crown Counsel in accordance with the criteria attached to this form.

PART I (TO BE COMPLETED BY OFFENDER/DEFENCE COUNSEL)

1. Last Name: _____ First: _____ Mid. Init.: _____

2. Gender: Male Female

3. Immigration Status: Caymanian/Status Perm. Resident Work
 Permit
 Visitor

4. Arrest Date: (DD/MM/YYYY) ____/____/____ 5. Police Ref. No.: _____

6. Is there a co-accused? Yes No 6a. If yes, please give name: _____

7. Criminal record: Yes No 8. In custody? Yes No

9. Offence Type(s): _____

10. Number of Charges: _____

11. Outstanding Charges: Yes No If yes, specify

12. Warrant outstanding? Yes No If yes, specify

13. Under Probation Supervision?	Yes	No	14. Have you completed the Crown Questionnaire?
If yes, specify			Yes No
_____			(Must be completed before submitting application)

I hereby apply to be considered for the Drug Rehabilitation Court Programme.

Signature of Accused: _____ Date: _____
(DD/MM/YYYY) __/__/____

Lawyer's Name & Phone No.: _____

Next Court Appearance: (DD/MM/YYYY) ____/____/____

PART II (TO BE COMPLETED BY CROWN COUNSEL)

1. Does the accused satisfy the eligibility criteria?	Yes	No

If no, please give reason(s): seriousness of offence criminal
record

violent behaviour	circumstances of offence	previous breach(es)
-------------------	--------------------------	------------------------

other, please specify

2. Approved for initial assessment? Yes No

3. Crown condition(s): none surety other _____

Signature of Crown:

Date: (DD/MM/YYYY)

_____/_____/_____

PART III (INITIAL ASSESSMENT)

Is the accused an acceptable candidate for DRC? Yes No

If yes, is accused interested? Yes No

If no, please give reason

Additional comments:

Treatment Intake Assessment Appt. Date: (DD/MM/YYYY) ____/____/_____

Authorised Signature:

Date: (DD/MM/YYYY)

_____/_____/_____

PART IV (TO BE COMPLETED BY DEFENCE COUNSEL)

Has the accused provided a signed waiver, acknowledging rights to counsel, accepting responsibility for offence and agreement to participate in the Drug Rehabilitation Court?

Yes No

Additional comments:

Defence/Duty

Counsel Sig.:

Date:

(DD/MM/YYYY) ____/____/_____

DRUG REHABILITATION COURT

ELIGIBILITY CRITERIA

The eligibility criteria for the CIDRC Programme have been established to ensure that suitable candidates are identified for entry into the programme without compromising public safety. The eligibility criteria include the following:

- Persons seventeen (17) years and older;
- Persons charged with relevant offence;
- Persons apparently dependent on the use of drugs;
- Persons committing non-violent offences, where the drug dependence is the most significant contributing factor;
- Persons who do not have a history of violence;
- Persons dealing drugs primarily to support the offender's drug habit may be included (addict trafficker). Persons trafficking drugs for commercial gain are excluded;
- Persons who do not suffer from severe developmental deficiencies, which would prevent or restrict them from active participation in the programme;
- Persons who are not prevented or restricted from actively participating in the programme; and
- Persons who have not involved a minor in committing the offence(s).

FORM 2

(Rule 8(2))

DRUG REHABILITATION COURT
CROWN QUESTIONNAIRE

Please note that this form must be completed and included with Application Form 1 otherwise your application will be considered invalid and not processed. The information provided in this questionnaire will assist the Crown in the initial assessment. This information will not be used by the prosecution if you are not accepted into the CIDRC Programme.

COMPLETE THIS FORM WITH THE ASSISTANCE OF LEGAL COUNSEL

1. Last Name: _____ First: _____ Mid. Init.: _____

2. Gender: Male Female D.O.B. _____

3. Charge(s): _____

4. What drug(s) is offender addicted to?

Ganja/
Marijuana

Crack
Cocaine

Ecstasy

Other(s): _____

5. When was the last time the offender used addictive drug(s)?

6. In the past, has the offender taken
any steps to stop using drugs?

Yes No If yes, please explain

7. What type of accommodations are available to offender?

Permanent Temporary
None

If other, please
explain

8. Does the offender have a
of

criminal record?

Yes

No

Please state any time spent incarcerated

9. Has the offender any record

any violence/violent offences?

Yes

No

If yes please, explain
circumstances...

10 (a) Please use this section to describe circumstances with respect to violent
offences and/or explain any other reason why you may not be eligible.

10 (b) Are there any exceptional circumstances which you would like
considered?

DRUG ABUSE SCREEN

The following questions relate to your drug use, including alcohol, in the past 12
months.

(Please circle one answer only.)

	Yes	No
1. Did you use larger amounts of drugs or use them for a longer time than you had planned or intended?.....	<input type="radio"/>	<input type="radio"/>
2. Did you try to cut down on your drug use but were unable to do it?.....	<input type="radio"/>	<input type="radio"/>
3. Did you spend a lot of time getting drugs, using them, or recovering from their use?.....	<input type="radio"/>	<input type="radio"/>
4. Did you get so high or sick from drugs that it -		
(a) kept you from doing work, going to school, or caring for	<input type="radio"/>	<input type="radio"/>

- children?
(b) caused an accident or put you in danger? ☐ ☐
5. Did you spend less time at work, school, or with friends so that you could use drugs? ☐ ☐
.....
6. Did your drug use cause -
- (a) emotional or psychological problems? ☐ ☐
(b) problems with friends, family, work, or police? ☐ ☐
(c) physical health or medical problems? ☐ ☐
7. Did you increase the amount of a drug you were taking so that you could get the same effects as before?..... ☐ ☐
8. Did you ever keep taking a drug to avoid withdrawal or keep from getting sick?..... ☐ ☐
9. Did you get sick or have withdrawal when you quit or missed taking a drug?..... ☐ ☐
10. Which drugs caused you the MOST serious problems? [SEE LIST BELOW]

	Cocaine/ Crack	Ganja/ Marijuana	Alcohol Other	
Some Problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
More Serious Problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Most Serious Problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

11. How often did you use each type of drug during the last 12 months?

	DRUG USE IN LAST 12 MONTHS				
	NEVER	ONLY A FEW TIMES	1-3 TIMES A MONTH	1-5 TIMES A WEEK	ABOUT EVERY DAY
(a)Alcohol.....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(b)Ganja...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(c)Crack/Cocaine...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(d)Methamphetamine/Speed/Ice (Uppers)...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(e)Tranquilizers/Barbiturates/Sedatives (Downers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(f)Other (specify).....	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

12. How serious do you think your drug problems are?

Not at all Slightly Moderately Considerably
Extremely

13. How many times before now have you been in a drug treatment program?
[DO NOT INCLUDE AA/NA/CA MEETINGS]

Never 1 Time 2 Times 3 Times 4 or more
times

14. How important is it for you to get drug treatment now?

Not at all Slightly Moderately Considerably
Extremely

False or misleading information in this questionnaire or during any stage of screening process may result in Applicant's expulsion from the program.

I have completed this form with the assistance of my Counsel Yes No

Offender's Signature

Lawyer's Signature

Date

FORM 3

(Rule 8(4))

DRUG REHABILITATION COURT

POLICE ASSESSMENT

This form shall be completed in all cases where drug charge(s) are laid, and in all cases where criminal charges are laid where the arresting officer has reasonable cause to believe that the person is dependent on any illegal drug. The form is designed to communicate an assessment on the eligibility or ineligibility of an offender for the Programme for submission to the Legal Department.

TO BE COMPLETED AT THE TIME OF THE ARREST AND DURING AN INTERVIEW

1. Name: (First) _____ (Last) _____ (Mid.) _____
of Offender: _____

2a. D.O.B. (mm/dd/yy) ____/____/____

2b. Gender: male ☐ female ☐

3. Do you believe the offender
is dependent on any drug(s)?

☐ ☐
Yes No

4. Is the offender a commercial
drug trafficker or simply an
addict trafficker?

Commercial Addict Trafficker

Unknown

If yes, what type of drug(s)?

Type of drug(s)?

5. Is there a recent history of violence?
a (past 12 months)

Yes No Unknown

If yes, please explain,

6. Does the offender have reputation on the street?

Yes No
Unknown

If yes, please explain,

7. What is known of the offender's living conditions? (i.e. crack house, or dwelling where drugs are prevalent, living at home with parents, shared accommodations, no fixed address?)

8. Does offender have stable accommodations? Yes No

Specify Eligible Offence (See attached for reference)	Notes / Comments

Officer's Recommendations

In your opinion , is the offender appropriate for the Programme? Yes No
If yes, please state reason(s)

Please indicate any special bail conditions you think should be imposed if the offender is accepted into the Programme.

Submitted By: _____ Rank: _____

(Please Print Full Name)

Service No.: _____ Unit/Section/District: _____

(Where applicable)

Signature: _____ Date: (DD/MM/YYYY) _____

_____/_____/_____ Time: _____

Supervisor: _____ Rank: _____

(Please Print Full Name)

Service No.: _____ Unit/Section/District: _____

(Where applicable)

Signature: _____ Date: (DD/MM/YYYY) _____

_____/_____/_____ Time: _____

Case No. _____ FORM 4 (Rule 8(3) and (7)(c))

Date: _____

DRUG REHABILITATION COURT
CONSENT & WAIVER

1. I, _____, understand that I am charged with the following criminal offence(s):
(Please list charge(s) below)

2. I have been advised of the Drug Rehabilitation Court Programme as an alternative to the normal criminal justice system.
3. I understand that participation in the Programme is conditional upon successful completion of an application process, which involves disclosure of relevant information, pleading guilty to the above charges, and a clinical assessment.
4. Following submission of my application, the Court will delay my acceptance into the Programme for a period not exceeding thirty (30) days, while my suitability for the Programme is assessed. If my application is not approved then I will be entitled to have my guilty plea(s) set aside and all matters adjourned to the normal criminal justice system.
5. The Rules of the Programme have been fully explained to me by my Attorney and I am willing to participate in order to benefit from the Programme.
6. I understand that should I fail to complete the requirements of the Programme, my case will be returned to the normal criminal justice system for sentencing.
7. My Attorney has advised me of my rights and the legal implications associated with my choice to enter the Programme rather than continuing along the normal course of criminal proceedings.
8. I give my consent to the use and divulgence of any information I might give to any member of the Drug Rehabilitation Court Team for the purposes whether for my participation in the treatment programme or for the on-going training and supervision of treatment personnel.
9. I have read or had read to me this Waiver. My Attorney has fully explained and discussed all the above paragraphs with me. I understand them all and agree to enter the Programme. I have made this decision freely and voluntarily.

Applicant's Signature _____

Date: _____

____/____/____

Attorney's

Name & Phone No.: _____

Attorney's Signature _____

FORM 5

(Rule 8(7)(c))

DRUG REHABILITATION COURT

RULES OF THE PROGRAMME

After you enter your plea you will be expected to comply with the rules of the programme. Your compliance will be closely monitored by the court. Penalties/sanctions for non-compliance and rewards/incentives for compliance are an important feature of this programme, which has been designed to assist you with treatment for your drug addiction.

Here are some expectations of the programme -

- (a) to keep court mandated treatment appointments with the treatment provider;
- (b) to appear in court as scheduled;
- (c) to remain drug free consistently while in the programme. Confirmation of your drug free status will be evidenced by repeated negative lab results;
- (d) to have a law abiding lifestyle and not be re-arrested or convicted; and
- (e) to comply with all the rules and expectations of the programme.

Depending on the circumstances, here are some of the penalties/sanctions you may face if you do not comply with the rules of the programme -

- (a) you may be admonished in open court in front of your peers;
- (b) you may be required to attend additional days or increase the frequency of visits for treatment with the treatment provider;
- (c) you may be required to make additional or more frequent in-court appearances;
- (d) the treatment period may be extended under the CIDRC programme;
- (e) bail conditions may be varied (be more stringent) or cancelled and you may be placed in custody for up to 14 days; and
- (f) you may be expelled from the CIDRC programme and returned to the normal criminal justice system for sentencing;

however, if you comply with the programme you can expect to receive rewards/incentives along the way and the possibility of receiving a non-custodial sentence upon successful completion of the CIDRC programme.

I have read/had read to me, I understand, and I have received a copy of the Rules of the Cayman Islands Drug Rehabilitation Court.

Signature of Defendant/Offender _____ Date _____

Defence Attorney/Duty Counsel _____ Date _____

FORM 6

(Rule 8(6))

DRUG REHABILITATION COURT
ASSESSMENT REPORT

Client Name: _____ Assessment Completed on: _____
Client DOB: _____ Assessment Written on: _____
CMS# : _____ To: _____

Treatment History:

Comments/Treatment Goals are:

Treatment goals will be achieved through:

Client's Signature: _____

Counsellor's Signature: _____
(print Counsellor's name)

FORM 8

(Rule 5)

DRUG REHABILITATION COURT
PROGRESS REPORT

Client Name: _____ Date: _____
Client DOB: _____ To: _____
CMS# : _____

Number of sessions attended since last report: **individual** _____ **group** _____

Progress of client in counselling/treatment:

Client's Signature: _____

Counsellor's Signature: _____
(print Counsellor's name)

FORM 10

(Rule 8(9))

DRUG REHABILITATION COURT
PROVISIONAL ORDER

WHEREAS, in the Summary Court for the Island of Grand Cayman, Holden at
George Town on the _____ day of _____ 200____
_____ (hereinafter called
the Offender) was brought before the Court for the Offence(s) of:

AND the Court is of the opinion that having regard to the circumstances and the
acceptance of the offender into the CIDRC program it is expedient to place the
Offender on a Provisional CIDRC Order:

IT IS HEREBY ORDERED THAT the Offender be placed upon a Provisional
CIDRC Order subject to the following conditions:

- (1) That the Offender shall comply with the rules of the CIDRC programme for its duration and during the same period lead a useful and honest life.
- (2) That the Offender shall reside at the home of _____ for the period of the CIDRC Programme.
- (3) That a waiver has been signed by the Offender.
- (4) That during the period of the CIDRC Programme, the Offender shall be under the supervision of the Department responsible for Probation and Aftercare and shall observe the following conditions -
 - (a) the Offender shall receive, at the place where he resides, visits from the Probation Officer at such times as the Probation Officer may think fit;
 - (b) the Offender shall report at the office of the Probation Officer or at such other place as the CIDRC shall direct, at times fixed by the CIDRC;
 - (c) the Offender shall answer truthfully all questions put to him by the CIDRC magistrate or Judge with regard to his conduct, associates, employment or residence;
 - (d) the Offender shall report immediately to the CIDRC any change of his residence or place of employment;
 - (e) the Offender shall attend the Department responsible for Counselling Services;
 - (f) the Offender is hereby ordered to treatment as specified in the plan of the prescribed treatment programme; and
 - (g) the Offender shall be subject to random drug testing.

FURTHER CONDITIONS ATTACHED (IF ANY)

On breach of any of the conditions of this Order or on the conviction of the Offender of any offence while this CIDRC Order is in force, the Offender may be brought before the CIDRC Court to be assessed.

Dated at George Town in the Island of Grand Cayman on the _____ day of _____ 200

Judge/Magistrate/Registrar

I have read and discussed the terms of my participation in the CIDRC Programme and I further understand the consequences if I break any of the rules of the Programme.

Signature of
Applicant

DATE	SPECIAL CONDITIONS / VARIATION OF CONDITIONS

FORM 11

(Rule 8(10)(a))

DRUG REHABILITATION COURT
PRESCRIBED TREATMENT PROGRAMME ORDER

WHEREAS, in the Summary Court for the Island of Grand Cayman, Holden at George Town on the _____ day of _____ 200_____
_____ (hereinafter called the Offender) was brought before the Court for the Offence(s) of:

AND the Court is of the opinion that having regard to the circumstances and the acceptance of the Offender into the CIDRC programme it is expedient to place the Offender on a Prescribed Treatment Programme Order:

IT IS HEREBY ORDERED THAT the Offender be placed upon a Prescribed Treatment Programme Order subject to the following conditions -

- (1) That the Offender shall comply with the rules of the CIDRC programme for its duration and during the same period shall lead a useful and honest life.
- (2) That the Offender shall reside at the home of _____ for the period of the CIDRC Programme.
- (3) That a waiver has been signed by the Offender.
- (4) That during the period of the CIDRC Programme, the Offender shall be under the supervision of the Department responsible for Probation and Aftercare and shall observe the following conditions -
 - (a) the Offender shall receive at the place where he resides visits from the Probation Officer at such times as the Probation Officer may think fit;

- (b) the Offender shall report at the office of the Probation Officer or at such other place as the CIDRC shall direct, at times fixed by the CIDRC;
- (c) the Offender shall answer truthfully all questions put to him by the CIDRC magistrate or Judge with regard to his conduct, associates, employment or residence;
- (d) the Offender shall report immediately to the CIDRC any change of his residence or place of employment;
- (e) the Offender shall attend the Department responsible for Counselling Services;
- (f) the Offender is hereby ordered to treatment as specified in the plan of the prescribed treatment programme; and
- (g) the Offender shall be subject to random drug testing.

FURTHER CONDITIONS ATTACHED (IF ANY)

On breach of any of the conditions of this Order or on the conviction of the Offender of any offence while this CIDRC Order is in force, the Offender may be brought before the CIDRC to be assessed.

Dated at George Town in the Island of Grand Cayman on the day of
200 .

Judge/Magistrate/Registrar

I have read and discussed the terms of my participation in the CIDRC Programme and I further understand the consequences if I break any of the rules of the Programme.

Signature of Applicant

DATE	SPECIAL CONDITIONS / VARIATION OF CONDITIONS

FORM 14

(Rule 14(1))

DRUG REHABILITATION COURT
NOTICE OF NON-COMPLIANCE

Client's Name: _____ D.O.B. _____

Reporting Agency: _____

The CIDRC Team is hereby put on notice that the above DRC client is in breach of his/her Prescribed Treatment Programme Order because of non-compliance, in particular:

Please take notice that we intend to advise the Drug Rehabilitation Court Team that you should be discharged from the programme and returned to the normal criminal justice system in due course. Please contact your Defence Attorney to discuss your options accordingly.

Prepared by

Date

Signature

FORM 15

(Rule 15(1))

DRUG REHABILITATION COURT
DRC COMPLETION OF PHASE

(Please tick the appropriate box below)

Treatment (Phase II)

Maintenance – Phase (III)

Transition – Phase (IV)

Client's Name: _____ D.O.B. _____

Counsellor's Name: _____

1. Please explain why you feel you are ready to move on to the next phase of the Drug Rehabilitation Court (DRC) programme.
2. Please outline your accomplishments while you have been in the programme (such as programme goals you have met, other achievements in your life since you entered the programme, etc.)
3. Please describe the things that have been helping your recovery since starting the programme.
- 4a. When was the last time that you used any illegal drugs and what were they?
- 4b. When was the last time you used any other substances (alcohol or prescription drugs)?
5. If you are currently employed, please describe where you work, what your responsibilities are, and your hours of work.
6. If you are attending school, what is the program you are taking and when will it be completed?

7. Please describe any training programs you have been taking since your referral to the Drug Rehabilitation Court.
8. Have you been doing any volunteer work? If so, where and for how long?
9. Have you obtained stable housing? If so, how long have you lived there?
10. In which district are you living now?
11. What support (friends, family, community agencies, 12-step groups, etc.) do you have available to you to help you maintain your recovery and other changes you have made?
12. What are your goals following completion of this phase?
13. How do you intend to maintain your recovery?
14. Would you be interested in mentoring new clients?

Signature of Applicant

Date of Application:

FORM 17

(Rule 10)

DRUG REHABILITATION COURT
REFERRAL ORDER

WHEREAS, in the Summary Court for the Island of Grand Cayman, Holden at George Town on the _____ day of _____ 200____

(hereinafter called the “Offender”) was brought before the Court for the Offence(s) of:

AND the Court is of the opinion that, having regard to the circumstances as described by the approved treatment provider, the Offender is in breach of the conditions of the Prescribed Treatment Programme Order;

AND the Offender has received a notice of non-compliance and had opportunity to make representations to the Court at an expulsion hearing;

IT IS HEREBY ORDERED THAT the Offender be referred back to a regular session of the summary court for sentencing forthwith.

FURTHER CONDITIONS ATTACHED (IF ANY)

Judge/Magistrate/Registrar

I have read and understood the reasons why I have been expelled from the Drug Rehabilitation Court Programme.

Signature of
Applicant

DATE	SPECIAL CONDITIONS / VARIATION OF CONDITIONS

Made the 21st day of January, 2009.

ANTHONY SMELLIE, Q.C.

CHIEF JUSTICE