



BERMUDA

ELIGIBILITY CRITERIA (DRUG TREATMENT PROGRAMMES) NOTICE 2001

BR 76 / 2001

The Minister responsible for probation services, in exercise of the powers conferred on him by section 68(9)(c) of the Criminal Code, gives the following Notice:

Citation

1 This Notice may be cited as the Eligibility Criteria (Drug Treatment Programmes) Notice 2001.

Eligibility Criteria

2 The offender's current charge, drug history, co-defendant status, criminal history and residence determine eligibility for the summary offences component of the Drug Treatment Court programme. Offenders are eligible for placement in the Drug Treatment Court both pending trial and pending sentencing if they meet the following criteria:

Current Charge

(i) Pending Trial

The offender is charged with one or more offences triable summarily, and is able to be maintained in the community

(ii) Pending Sentencing

Offenders charged with offences triable summarily, who have pleaded guilty or have been found guilty, and are able to be maintained in the community, will be eligible for participation in the Drug Treatment Court programme.

Drug History

(i) the offender has at least three prior positive tests with the Bermuda Assessment and Referral Centre in the last 12 months and an assessor

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of the Centre recommends, after examining the type of substance and the frequency and pattern of abuse, that the offender participate in the Drug Treatment Court programme;

- (ii) the offender has a verified history of drug abuse in the last 12 months. This must be confirmed by a professional, for example, a medical practitioner; or
- (iii) the offender tests positive for a substance on the day of arrest or initial appearance or after a random spot test and an assessor of the Centre recommends, after examining the type of substance and the frequency and pattern of abuse, that the defendant participate in the Drug Treatment Court programme.

Co-defendant Status

If all co-accused are eligible for the Drug Treatment Court, all cases should be set on the Drug Treatment Court calendar the same day. If all co-accused are not eligible for the Drug Treatment Court, cases should be severed.

Criminal History

- (i) No previous excluded offences for which an offender was convicted, serving a sentence, on probation or on licence within the last three years.
- (ii) For the purpose of Drug Treatment Court eligibility determinations, excluded offences include:
 - murder;
 - manslaughter;
 - infanticide;
 - sexual assaults resulting in a sentence of imprisonment;
 - any violent offence named in the Children Act 1998 deprivation of liberty;
 - robbery;
 - arson;
 - demanding property with menaces;
 - all offences under the Firearms Act 1973;
 - importation or supply of drugs or possession with intent to supply;
 - felony assaults;
 - attempt or conspiracy to commit any of the above offences.

Permanent Address

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The offender must be a resident of Bermuda.

Made this 1st day of November 2001.

Minister of Health and Family Services