

NUNAVIK WELLNESS COURT

**COURT OF QUÉBEC ADDICTION TREATMENT
PROGRAM AT PUVIRNITUQ**

CQATP

(NITSIQ)

PILOT PROJECT

September 2019

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

1. THE COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM CQATP

1.1 Philosophy of the court-supervised addiction treatment program

The court-supervised addiction treatment program is in keeping with Québec's judicial tradition, which has always placed great importance on the social reintegration and rehabilitation of offenders. By favouring the imposition of sentences that take into account the treatment of offenders, the criminal justice system targets an important source of crime while making a lasting change for the offender, to prevent relapse, and for harm reduction. The system thus prevents recidivism with a broad view to public safety.

The offender and other stakeholders are engaged in a non-adversarial process that is respectful of the participants, the purpose of which is to effectively rehabilitate and reintegrate the offender into the community through court supervision and through the imposition of a fair sentence that takes into account the success and benefits of the treatment.

1.2 Mission

The program's goal is to reduce the number of offences committed due to drug or alcohol dependence by offering a structured treatment to offenders dealing with substance abuse.

By promoting the rehabilitation of offenders who are dependent on one or more psychoactive substances, the program promotes their social reintegration congruent with other sentencing principles and objectives.

The program connects the partners of the CQATP in a spirit of joint action. The goal is to establish an individualized treatment program, to report on accomplishments and to assess the success of the treatment when determining sentences.

1.3 The specific context of Nunavik and the Saqjjuq project

Saqjjuq is an innovative project bringing together different provincial and regional stakeholders whose goal is to improve relations between the stakeholders of diverse local services and the residents of Native communities, including families, in order to lower the incidence of conduct that too often leads to crime and suicide.

In working with the community, Saqjjuq advocates a global approach where community initiatives are put forward in order to improve social regulation. Ultimately, the project seeks to apply local solutions to improve the quality and number of services offered within the community of Puvirnituq, then eventually throughout Nunavik.

COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM – NUNAVIK WELLNESS COURT

1.4 The partners of the Nunavik Wellness Court

The program was developed and implemented with the participation of the following partners:

- the Court of Québec
- the Director of Criminal and Penal Prosecutions
- the ministère de la Justice du Québec
- the ministère de la Santé et des Services sociaux
- the ministère de la Sécurité publique du Québec
- the ministère du Travail, de l'Emploi et de la Solidarité sociale
- the Nunavik Regional Board of Health and Social Services and the Inuulitsivik Health Centre
- the Centre communautaire juridique de l'Abitibi-Témiscamingue
- Saqijuq
- the Isuarsivik Regional Recovery Centre
- the Puvimituq Sungirtuijiit Justice Committee
- the Kativik Ilisarniliriniq School Board
- the Kativik Regional Police Force
- the Kativik Regional Government (KRG)
- the Makivik Corporation

1.5 The participants

Court of Québec judges

A group of three designated judges of the Court of Québec, who have received specific training in court-supervised addiction treatment.

Director of Criminal and Penal Prosecutions (DCPP)

A team of criminal and penal prosecution prosecutors (CPPPs), also trained in addiction treatment. This team processes most of the cases of offenders who wish to participate in an addiction treatment program.

Defence counsel

Defence counsel from private practice or the Centre communautaire juridique de l'Abitibi-Témiscamingue, will represent clients who wish to treat their addiction.

Ministère de la Santé et des Services sociaux (MSSS)

In accordance with its mission, the MSSS must coordinate the putting in place of health services and social services in its regions. Among its main responsibilities, the MSSS must allocate budgets and grants to establishments, including the Nunavik Regional Board of Health and Social Services, and to community organizations. It must support them in organizing services and promote joint action and partnership. The MSSS is also responsible for issuing certificates of compliance to therapy centres.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

Nunavik Regional Board of Health and Social Services (NRBHSS) and the Inulitsivik Health Centre (IHC)

The **IHC** provides outpatient rehabilitation services that are tied to the objectives of the instrumentation and consolidation of the consumption-related change process. The priority treatment objectives are relapse prevention and reintegration into the community. Outpatient rehabilitation services are offered at the **IHC** or at the Puvirnituk CLSC point of service.

The **IHC** is also part of the Saqijuk multidisciplinary team, having delegated an addiction professional as a member of the team.

Using the report writing guide, the **NRBHSS**, in collaboration with Saqijuk, is responsible for providing the different therapy centres that are program partners with training on the use of the standard report, which they must use to report to the Court on the progress and monitoring of offenders in their custody. The information is thus standardized for all program-partner therapy centres. The guide and the standard report were validated during a group discussion.

The **NRBHSS** also coordinates annual service proposal commitments for the therapy centres. It ensures that all stakeholders and program partners have the tools needed to see to the assessment, guidance and/or support of offenders.

Saqijuk

The Saqijuk local coordinator is mandated to liaise with the diverse partners of the Nunavik Wellness Court. The coordinator is involved in the development and monitoring of the offender's individualized intervention plan for the entire duration of the program. He or she coordinates the follow-up of the offender's case with the activities of the Court.

In collaboration with community workers, the Saqijuk local coordinator also coordinates the "On the Land" project and offers, in particular, support groups, one-on-one consultations, counselling and mentoring. Saqijuk also collaborates with the NRBHSS in training different partner therapy centres on the use of the standard report that they must use to report to the Court on the progress and monitoring of offenders in their custody.

- **Multidisciplinary team**

The **Saqijuk** local coordinator brings together a multidisciplinary team made up of the mixt intervention team (MIT), the **IHC** addiction professional, the **Isuarsivik** community dependence counselor, and the coordinator of the **Puvirnituk Sungirtuijiiit justice committee**.

The multidisciplinary team must assess, guide, support and ensure the monitoring of the offender once the latter shows interest in taking part in the program, throughout the duration of the program.

In particular, this team is responsible for conducting the specialized dependence assessment of the offender at the beginning and end of the program.

If the offender enters the intensive community pre-rehabilitation monitoring phase, this team works with him or her in developing an individualized intervention plan including individual and/or group

COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM – NUNAVIK WELLNESS COURT

monitoring, according to the individual's problems and needs. The team monitors this in collaboration with the KRG community reintegration officer.

During the judicial observation phase, the multidisciplinary team monitors the offender's individualized release plan based on a questionnaire developed according to the commitments made in the offender's intervention and individualized release plans. This monitoring is also conducted in collaboration with the KRG community reintegration officer.

As well, the multidisciplinary team is the liaison between all program partners and stakeholders. In this regard, it ensures, in particular, that any major changes or breaches of the conditions relating to the offender and his or her dependence monitoring are sent to the Court at all stages of the program.

- **Mixt intervention team (MIT)**

A mixt intervention team composed of a social worker and a KRPF police officer works on the front lines with individuals suffering from mental disorders and addiction problems. As part of the addiction treatment program, the social worker on this team is part of the multidisciplinary team and plays a central role in developing the offender's intervention plan.

Correctional services of the ministère de la Sécurité publique

At the judge's request, probation services prepare a specific standardized pre-sentence report for the program, which is produced during the court supervision phase. Note that this report will deal with the risk of recidivism and the potential for the offender's reintegration into the community.

Therapy centres

In accordance with current practice, therapy centres assess offenders who wish to stay at their establishment. The centres may be required to justify their acceptance of the candidate. Only therapy centres that agree to meet the mandatory conditions of the program are able to receive clients from the Court.¹ These centres take on a central role with respect to treating offenders during the first phase of their treatment. They gather relevant information on the offender's progress throughout his or her stay and report on it using standardized progress reports. In order to implement the second treatment phase, the centre and the offender prepare a release plan adapted to his or her needs.

Community organizations and support groups

Community organizations offer complementary services based on their mandate and the offender's needs.

¹ All of the conditions to be met are stated in paragraph 6.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

Ministère du Travail, de l'Emploi et de la Solidarité sociale (MTESS)

Based on its existing programs, the ministère participates in financially supporting offenders who stay at a centre offering addiction services, by granting special benefits for the payment of living expenses to social assistance recipients eligible for last-resort assistance. In addition, where applicable, the ministère pays the expenses of the dwelling occupied by the individual before his or her admission to a centre offering addiction services and that the individual is required to pay, as per the conditions provided for in the *Individual and Family Assistance Regulation* (CQLR, chapter A-13.1.1, r. 1).

Kativik Regional Government (KRG)

The KRG collaborates in the program through local employment centres (LECs) by giving offenders access to an interview to determine their needs and the availability of employment or educational programs needed for their reintegration into the community.

The KRG community reintegration officer also ensures, in collaboration with the multidisciplinary team, the monitoring of the offender's individualized release plan during the judicial observation phase.

Puvirnitug Sungirtuijiiit justice committee

The Puvirnitug Sungirtuijiiit justice committee helps the community take an active part in conflict resolution and be involved in matters of the administration of justice. It sees to it that offenders assume responsibility for their actions by contributing to the re-establishment of balance and harmony within the community. In this regard, the justice committee enables individuals to be heard and to take an active part in resolving their conflicts.

As a program partner, the justice committee assumes the role of member of the multi-disciplinary team by offering diverse community reintegration activities.

Kativik Regional Police Force (KRPF)

A KRPF police officer is a member of the mixt intervention team (MIT). The KRPF also ensures that the multidisciplinary team worker may, in all confidentiality, meet with the offender in his or her cell upon incarceration in order to proceed with the specialized addiction assessment.

1.6 Premises

The offender's appearance following arrest is done by telephone at the local police station.

Regular hearings for the monitoring and progress of the offender are held by videoconferencing. If the conditions so permit, the offender may go to the court house closest to where the offender is staying. The offender may also take part in it from a health establishment, authorized beforehand by the MSSS, or directly from the therapy centre if the center has the necessary equipment.

COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM – NUNAVIK WELLNESS COURT

Hearings bearing on the end of the inpatient rehabilitation and on sentencing are held at the Court's itinerant point of service in Puvirnituk.

1.7 Target clientele

To be admitted to the program, the offender must have the CPPP's consent to present an application to the Court. Consent is given after the offender undergoes a specialized addiction assessment performed by one of the multidisciplinary team workers. The offender's admission is conditional on his or her agreement to follow the rules of the program and those of the therapy centre admitting the offender. Lastly, the offender must have the Court's approval.

2 ELIGIBILITY

The Nunavik Wellness Court is part of the framework program approved by the province within the meaning of subsection 720(2) of the *Criminal Code* (R.S.C. (1985) c. C-46, "Cr.C.") authorized by the Minister of Justice and the Attorney General of Québec.

2.1 Consent of the DPCP

The CPPP deems it appropriate to use the treatment program and, for that purpose, agrees to postpone sentencing. In order to do so, he or she takes into account the public interest and considers, in particular:

- public safety and the sentence sought
- the safety, rights and needs of the victim
- the facts that gave rise to the offence, revealed by the evidence, admitted by the offender
- the substance use problem is related to the commission of the offence
- the offender's needs and situation
- the offender's criminal history, pending charges, previous relations with the Court
- the treatment recommended by the multidisciplinary team and availability of treatment
- the objectives and criteria of the framework program.

Eligibility for the program is conditional upon the CPPP's consent and the Court's agreement.

2.2 Eligibility criteria related to the offender

Offenders who intend to use a treatment program must meet the following criteria:

- aged 18 or older and reside in the territory of the northern village of Puvirnituk
- have a problem with the use of substances related to the offence they are charged with
- are not a threat to public safety

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

- show a firm intention to meet the requirements of the treatment program and the conditions issued by the Court
- agree to have their sentencing postponed to participate in the treatment program
- waive the right to claim a delay in sentencing attributable to the treatment for their substance use problem
- agree to the disclosure, to the parties and the Court, of information concerning them and the treatment process
- are detained at the time of recording their guilty plea or were subject to an interim release
- plead guilty to the offence they are charged with or a lesser offence, according to the agreement reached between the CPPP and defence counsel
- are not associated with any organized crime in order to be involved in criminal activity for the sole purpose of profit or financial gain.

2.3 Criteria related to the alleged offence

The offence likely to give rise to court-supervised treatment:

- was committed in the territory of the northern village of Puvirnituk
- was caused or motivated by the offender's substance use problem
- is punishable by a non-custodial sentence, or a minimum sentence that may be reduced in accordance with the terms of the law or a sentence for which imprisonment with a conditional sentence is not excluded by the law (section 742.1 Cr. C.)
- where the offence not eligible for a conditional sentence may also give rise to court-supervised treatment if the CPPP deems it appropriate.

3 PROGRAM LENGTH AND PHASES

A treatment program offered to an offender, regardless of its success, ends with sentencing. The maximum length of the program is twenty-four (24) months and is adapted according to the offender's needs.

The program generally consists in two phases, but may include an intensive community monitoring pre-rehabilitation phase.

For detainees who have met the eligibility criteria, the following two paths may be proposed to the Court:

- integrate the inpatient rehabilitation phase and continue to the outpatient rehabilitation phase
- integrate the intensive community monitoring pre-rehabilitation phase before continuing to the inpatient rehabilitation and outpatient rehabilitation phases.

Under no circumstances may therapy that had begun or was terminated prior to the alleged offence make it possible to forego a new therapy or to request a reduction in the follow-up or court supervision.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

3.1 First treatment phase: Treatment under the responsibility of a therapy centre and supervised by the Court of Québec

The program begins when the guilty plea is accepted and the Court agrees to send the offender to a therapy centre under conditions of release.

For offenders in the program, inpatient therapy is usually six (6) months long. Regardless, it cannot be less than six (6) weeks.

The frequency and pace of hearings are determined by the Court. It may adjourn them in order to take the appropriate measure to ensure the supervision needed to attain the objectives established for the offender.

At the end of the inpatient therapy, having attained the treatment objectives, the offender appears before the judge, who authorizes him or her to live outside the centre.

3.2 Second treatment phase: Court observation of the offender's community reintegration

The court observation phase is a testing and knowledge consolidation phase.

The offender who takes part in this phase is actively involved in his or her therapeutic process, the duration of which is adapted to his or her needs.

The outpatient rehabilitation activities are coordinated by the Saqjjuq local coordinator and include, in particular, the following: individual monitoring, support groups, and community reintegration activities held by program partners. These activities are planned in collaboration with the partners providing them. In this regard, the group activity programs are offered by the regional partners and branch out into two main themes: personal development workshops and peer-support workshops (Inuit programs in the community).

During this phase, the offender regularly meets with the multidisciplinary team and the community reintegration officer in order to follow up on the undertakings made in his or her individualized release plan. The offender appears in court when required to report on his or her achievements. With the assistance of the multidisciplinary team, the offender provides the relevant documentation based on his or her specific needs identified in the final progress report by the therapy centre.

At the request of the Saqjjuq local coordinator, the offender goes to the pre-established site for giving the samples needed for screening tests, where applicable.

The sentence hearing is postponed to make it possible to verify the evidence submitted and validate the offender's progress.

The offender undergoes the specialized addiction assessment one more time.

At the last hearing, the Court observes, based on the evidence, whether or not the offender has been successful in the treatment program.

COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM – NUNAVIK WELLNESS COURT

If the offender was successful in the program, a certificate may be issued to him or her.

Finally, the Court hands down a sentence that is appropriate for the circumstances.

3.3 Intensive community pre-rehabilitation monitoring phase

This phase must be integrated into the program if the offender is unable to immediately access the therapy centre chosen by him or her. Its duration varies, depending on the offender's needs and the wait-time to be admitted to the chosen therapy centre.

During this phase, the multidisciplinary team and the community reintegration officer conduct weekly individual monitoring.

The offender must also take part in group activities, as defined in his or her intervention plan.

4 CONDITIONS TO BE RESPECTED BY THE OFFENDER ADMITTED TO THE PROGRAM

- Undergo a specialized addiction assessment to determine his or her needs with regard to withdrawal and substance-use disorder profile
- Actively participate in the treatment
- Appear in court when required
- Maintain abstinence and undergo random screening tests, when required
- Disclose any relapse or any consumption of alcohol or drugs to any of the program stakeholders
- Respect all the program rules, including those of the therapy centre
- Abide by the conditions of release imposed by the Court
- Accept the imposition of sanctions by the Court for the breach of the conditions of the program, in compliance with section 7.3.1
- Agree to the saving and sharing of treatment-related information collected by the program partners
- Optional condition: agree to participate in a criminological study

5 RANDOM SCREENING TESTS

Random screening tests may be imposed when required by the therapy centre chosen by the offender or by the program stakeholders.

6 CONDITIONS TO BE MET BY THERAPY CENTRES

The therapy centres undertake to comply with the following rules:

- Hold and maintain certification for therapy centres from the ministère de la Santé et des Services sociaux and/or be recognized by Accreditation Canada and meet the correctional standards issued by the correctional services of the ministère de la Sécurité publique
- Ensure the offender's appearance by videoconferencing for the duration of the therapy

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

- Prepare the standardized progress reports and, at least three (3) working days before the hearing, send them to the Court, to the Saqijjuq local coordinator and to all parties involved
- When deemed necessary by the therapy centre workers, administer random screening tests to ensure both compliance with the conditions and that the offender is maintaining sobriety. Where applicable, test results are to be included in the progress reports
- Inform the offender, through a cautionary notice, of the limits of professional secrecy, which applies only as part and for the purposes of a clinical or therapeutic intervention, and may be lifted in order to prevent an act of violence, including suicide, where there are reasonable grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons
- Share with the program stakeholders, including the Saqijjuq local coordinator, the CPPP, defence counsel and the Court, information about the offender related to his or her therapy
- Immediately inform the Saqijjuq local coordinator, defence counsel and the CPPP of any breach by the offender of any condition of his or her participation in the program
- Prepare the offender's individualized release plan during his or her therapy and submit it to the Saqijjuq local coordinator, defence counsel and to the CPPP at least three (3) working days before the court hearing
- Accept the offender's freedom of choice with regard to the therapy centre
- Recognize that only the Court can:
 - ✚ admit the offender to the program
 - ✚ impose or modify the conditions of release or supervision
 - ✚ remove the offender from the therapy centre should, among other things, it lose its MSSS certification, no longer meet MSP correctional standards or not meet the offender's therapy needs.

Service proposals are renewable each year with the Court of Québec.

7 CONSEQUENCES OF A RELAPSE OR REPEAT OFFENCE ON KEEPING THE OFFENDER IN THE PROGRAM

7.1 Relapse

- If a relapse occurs, the Court is informed by the therapy centre, the Saqijjuq local coordinator or the offender as soon as possible.
- The Court holds a hearing to determine whether it is appropriate to keep the offender in the program.
- If the Court concludes that the offender should remain in the program, it invites the parties to present their evidence and appropriate observations to determine whether it should impose a sanction.
- If the Court finds that the offender has failed and terminates the program, it begins the sentencing hearing. It invites the parties to submit their evidence and relevant observations,

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

refer to the Gladue report and the pre-sentencing report ordered earlier, where applicable. Before handing down the sentence, the Court must also take the offender's efforts into account.

7.2 Recidivism

- Recidivism is the commission of another offence by the offender during the program, but does not necessarily end the offender's participation in it.
- In the case of a repeat offence, the CPPP uses his or her discretion with regard to laying new charges and to requesting that bail be revoked in any pending file(s) as provided for in section 524 Cr.C.
- The Court will determine, where applicable, whether the offender will be kept in the program or be withdrawn from it.
- The Court considers all of the facts of the new offence; it assesses their short and long-term impact on determining whether the offender remains in the program.
- Any new charge is treated in accordance with the program rules.

7.3 Sanctions and rewards

7.3.1 Sanctions

Offenders who do not comply with the conditions of their participation in the program are faced with sanctions.

At a specific hearing, based on the evidence and submissions made by the CPPP and the defence, the Court decides whether it is appropriate to impose a sanction and determines one that is appropriate and fair under the circumstances (ss. 723 and 724 Cr. C.).

7.3.2 Rewards

To recognize and validate the offender's efforts in pursuing the treatment program objectives, the Court uses forms of rewards.

7.4 Temporary abandonment

Where the offender temporarily leaves the program, his or her participation in it is not terminated provided that the offender establishes reasonable justification and the Court rules that the offender should continue in the program.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

7.5 Grounds for exclusion from the program

Offenders are excluded from the program if they:

- commit another offence, barring exceptional circumstances
- repeatedly breach of one or more of the conditions of release contracted before the Court
- flee or leave the therapy centre, unless able to demonstrate the existence of exceptional circumstances or if they terminate their outpatient monitoring, without the consent of the multidisciplinary team
- do not satisfactorily participate in the different phases of the program.

8 FAILING THE PROGRAM

Offenders fail the program and the program is terminated when:

- the consideration of all the factors of success as a whole does not make it possible to find that the program was successful
- the offender is expelled from the program
- the offender abandons the program without reasonable justification.

9 SUCCESSFUL COMPLETION OF THE PROGRAM

The following factors, in particular, may be considered to determine the program's success:

- the offender has fulfilled the treatment requirements and attained his or her objectives
- the offender shows a significant improvement in his or her physical, psychological and social condition
- the offender has abstained from all psychoactive substances for a minimum of three (3) months before sentencing
- the offender is working, or actively looking for work, is in training or, being unfit for work, benefitting from a development plan
- the offender has a fixed address
- the offender accepts the care or social assistance needed for his or her complete reintegration into the community
- the offender has complied with the interim release conditions.

Although abstinence remains a key factor in determining the program's success, the Court must analyze the file to determine whether abstinence may be weighted by all other factors.

In certain cases, the Court may be able to give the offender a certificate of successful completion of the program.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

10 DESCRIPTION OF THE STAGES OF THE PROGRAM

Please refer to Appendix I of this program.

11 TRAINING

The program participants recognize the importance of training in order to have a common language and a clear understanding of the problem of dependence.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

APPENDIX I

DESCRIPTION OF THE PROGRAM STAGES

❖ **Step prior to the integration of the offender into the program**

1. Arrest of the offender and appearance of the offender by telephone at the local police station
2. Information on the program provided to the offender by the defence counsel
3. Following discussion with his or her counsel, the offender shows interest in participating in the program.
4. Defence counsel contacts the Saqijuj local coordinator and requests an assessment of the offender's eligibility for the program from the CPPP.
5. The Saqijuj local coordinator mobilizes the multidisciplinary team. One of the team's members determines, among other things, the offender's problems, motivation and specific needs for therapy, using the specialized addiction assessment, and sends the coordinator the information relevant to the program.

The multidisciplinary team worker informs the offender, by a cautionary notice, of the limits of professional secrecy, which is valid only within the framework and for the purposes of a clinical or therapeutic intervention, and which can be lifted in order to prevent an act of violence, including suicide, when there is reasonable grounds to believe that imminent danger of death or serious injury threatens an identifiable group or individual.

The worker then recommends directing the individual, considering his or her needs, to different inpatient therapies offered by a therapy centre that is a program partner. However, the worker cannot make a specific reference to one therapy centre over another so as to preserve the offender's freedom of choice.

6. If the offender wishes to engage in a therapeutic approach and enter the program, a therapy centre is chosen with the offender and the availabilities are confirmed with the centre.
7. The worker then confirms with the CPPP and the defence counsel the offender's dependence issue, specific needs and level of motivation justifying his or her acceptance into the program, as well as the treatment recommendations associated with it.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

8. Transportation of the offender to the Amos detention centre:
 - Holding of the inquiry into the offender's interim release at the Amos detention centre:
 - (A) Release with conditions (an orientation date is set)
 - (B) Detention maintained, issuance of a detention order (an orientation date is set)
 - (C) Waiver of the release, order and detention (an orientation date is set).

9. The multidisciplinary team develops an intervention plan, which can be presented to the offender's spouse or family. This step is done by videoconferencing. The intervention plan must be sent to the Court, the CPPP and to defence counsel at least three (3) working days prior to the hearing held for the offender's integration into the program.

10. The CPPP agrees to the offender being admitted to the program.

11. The parties agree on the following:
 - ✚ The request to write a Gladue report
 - ✚ The charges for which pleas will be entered
 - ✚ The suggested sentence(s) if the offender successfully completes the program
 - ✚ In case of failure, the fact that the parties will argue for a sentence on the merits
 - ✚ Everything is recorded on the plea negotiating form and is explained to the offender.

12. Hearing at the Court's itinerant point of service in Puvimituq:
 - ✚ The Court advises the offender whether it considers that his or her request to participate in the program can be contemplated.
 - ✚ The offender submits his or her plea and motions.
 - ✚ The offender pleads guilty.
 - ✚ The parties lay out the relevant facts, particular circumstances of the case, aggravating and mitigating factors.
 - ✚ The judge verifies the plea's validity conditions, the admission of the essential elements of the alleged offence, the understanding of the nature and consequences of the decision, and the knowledge that the Court is not bound by any agreement made between the offender and the CPPP (subs. 606(1.1) Cr.C.).
 - ✚ The judge explains that the Court has discretion to determine an appropriate and fair sentence and that, for that purpose, it may adopt the parties' joint suggestion as long as it is reasonable under the circumstances, not contrary to the public interest or likely to bring the administration of justice into disrepute.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

- ✚ The judge verifies the validity of the offender's consent to take part in the program and the offender's wish to end his or her dependence.
- ✚ The judge explains the program's main rules and objective.
- ✚ The judge accepts the offender into the program and confirms the guilty plea, which marks the beginning of the treatment program.
- ✚ The judge orders, as required, that the probation service draft a specific pre-sentencing report to prepare the offender's reintegration into the community. The report focuses on the offender's needs with respect to education, employability, lodging, financial resources, additional personal therapies or medical care. The report is filed with the Court by the liaison service. The judge also orders the drafting of a Gladue report.
- ✚ The judge conditionally releases the offender on the recognizance to comply with the release conditions pre-determined for the program. He or she adjourns the case according to the phase of the program that the offender must integrate. The offender must appear before the Court when required.

❖ **Intensive community pre-rehabilitation monitoring**

13. In the event of a delay between the offender's integration into the program and admission to the therapy centre of his or her choice, the judge must order the offender to enter the intensive community pre-rehabilitation monitoring phase.

On this occasion, the multidisciplinary team develops an individualized intervention plan including individual and/or group monitoring, according to the offender's problems and needs. The intervention plan may be submitted to the offender's spouse or family to identify support available from his or her family and friends and/or the obstacles to be anticipated.

In all cases, weekly individual monitoring is provided by the team during this phase.

When the therapy centre has a place for the offender, it contacts the Saqjuq local coordinator, who notifies the CPPP and defence counsel.

The multidisciplinary team sends the offender's intervention plan to the Court, the CPPP and the defence counsel at least three (3) working days before the hearing to integrate the offender into this phase.

14. Hearing by videoconferencing:

- ✚ The judge validates with the therapy centre, the CPPP and defence counsel the availability of the centre to accommodate the offender.
- ✚ The judge conditionally releases the offender with recognizance to respect the conditions of release pre-determined for the program.



**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

 The judge adjourns the case normally for four (4) weeks.

❖ Inpatient rehabilitation



15. The therapy centre sends a progress report as well as a draft individualized release plan to the Court, the CPPP, the defence counsel and the Saqijjuq local coordinator at least three (3) working days before the next hearing.

16. Defence counsel and the CPPP meet with the therapy centre's liaison officer and the Saqijjuq local coordinator and share information on the offender's progress.

17. Hearing by videoconferencing:
 -  The judge validates with the offender the information in the progress report and ensures the initiation of a structured individualized release plan. The judge encourages and supports the offender or imposes sanctions following any breaches;
 -  The judge adjourns the case normally for four (4) weeks.

18. The therapy centre sends the final progress report as well as the individualized release plan to the Court, the CPPP, the defence counsel and the Saqijjuq local coordinator three (3) working days before the next hearing.

19. Defence counsel and the CPPP meet with the therapy centre's liaison officer and the Saqijjuq local coordinator and share information on the offender's progress in therapy and discuss the offender's specific needs during his or her community reintegration.

20. The hearing of the end of inpatient rehabilitation at the Court's itinerant point of service in Puvirnitug:
 -  The judge validates with the offender the information contained in the final progress report and in the individualized release plan. The judge encourages and supports the offender or imposes sanctions following any breaches;
 -  The judge may, with the parties' consent as regards his or her jurisdiction, modify the conditions of interim release contracted before the Court to allow the offender to begin the intensive outpatient rehabilitation phase of the program;

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

- ✚ The judge adjourns the hearing and determines with the parties how often the offender should be seen.

❖ **Court observation (intensive outpatient rehabilitation)**

21. Offenders who enter this phase of treatment are referred to the multidisciplinary team to undertake their outpatient rehabilitation monitoring and are actively involved in it.

The multidisciplinary team ensures the monitoring of the offender's individualized release plan and sends to the Court, the CPPP and to defence counsel, a report on the offender's progress at least three (3) working days before the next hearing.

22. Preparation for the first hearing of the intensive outpatient rehabilitation phase:

- ✚ Defence counsel, the CPPP, the Saqjuq local coordinator and the multidisciplinary team meet concerning the monitoring of the offender in order to consolidate what he or she has learned.

23. Hearing by videoconferencing:

- ✚ The judge validates with the offender the information in the monitoring documents. The judge encourages and supports the offender or imposes sanctions following any breaches.
- ✚ If needed, the judge may, with the consent of the parties regarding his or her jurisdiction, modify the conditions of interim release.
- ✚ The judge delays the sentencing hearing to a later date.

24. Defence counsel and the CPPP meet with the Saqjuq local coordinator and verify the information and documentary evidence.

25. The multidisciplinary team conducts a new specialized addiction assessment of the offender, making it possible to document the treatment's impact on the offender. The results will be used, with other indicators, to measure the degree to which the program objectives are reached. This assessment must be sent to the Court, the CPPP and to defence counsel at least three (3) working days before the final hearing.

**COURT OF QUÉBEC ADDICTION TREATMENT PROGRAM –
NUNAVIK WELLNESS COURT**

- 26.** The final hearing at the Court's itinerant point of service in Puvirnituk:
- ✚ The judge verifies the attainment of specific objectives by the offender as regards his or her completion of the treatment program.
 - ✚ The judge notes that the offender has successfully completed the program and imposes an appropriate sentence, taking into account the parties' suggestion, the specific pre-sentencing report, where applicable, and the Gladue report.
 - ✚ The judge notes that the offender must continue in the program and delays sentencing for the length of time needed to complete the program.
 - ✚ The judge notes that the program was completed unsuccessfully and invites the CPPP and the offender to make their submissions on the sentence; the judge then hands down an appropriate and fair sentence.
- 27.** If the offender is having difficulty completing the program, the sentencing may continue to be delayed for a maximum of twenty-four (24) months. The Court will adjust the number of court appearances, depending on the offender's progress and intervention and release plans.
- 28.** At any time, the offender may ask to terminate the treatment program and would then be sentenced.