

YUKON COMMUNITY WELLNESS COURT

COURT PROCESS

1. INTRODUCTION

The Yukon Community Wellness Court (CWC) is a judicially supervised therapeutic program aimed at providing treatment and support for offenders living with an addiction to alcohol or drugs, a mental health problem, or an intellectual disability including but not limited to Fetal Alcohol Spectrum Disorder (FASD). The CWC is aimed at developing more effective measures to monitor offender behaviour and at providing a more comprehensive approach to addressing the needs of such offenders in order to reduce recidivism.

Offenders who meet certain legal eligibility criteria and who are interested in the program are assessed by bail supervisors for suitability. Suitable offenders must provide a signed Waiver form and plead guilty before entering the program. Participants in the program participate in the development of an individualized wellness plan and are supported to access necessary services and supports. While undergoing the program, participants are closely monitored by the court.

The CWC program is expected to take 12- 18 months to complete. The specific date of completion is dependent on the needs and progress of each participant.

Participants will generally receive a community-based sentence upon successfully completing their wellness plan. For some offences, charges may ultimately be stayed by the Crown.

2. PROGRAM REFERRALS

Potential CWC participants can come from a number of referral sources. These include the RCMP, Crown Counsel, Defence Counsel, Aboriginal Court Workers, probation officers, community justice committees, and other community groups or organizations who may consider an offender appropriate for admission into the CWC. An offender may also self-refer. Individuals or organizations seeking to refer a potential participant should advise the CWC assigned Crown.

As it is impossible to identify potential CWC participants in advance, all matters will be set to the Wednesday adult docket. Where an offender is identified as a potential participant and the offender expresses an interest in participating in the CWC, the offender's matter(s) will be adjourned to the next CWC docket for suitability screening.

A CWC Referral Form (Appendix A) must be filled out and forwarded to the Manager of Adult Probations in advance of the first appearance in the CWC. Referral forms can be found on the CWC Web site (<http://www.yukoncourts.ca/courts/territorial/cwc.html>), on the Defence desk in Court Room 5, or by contacting the CWC Coordinator. Where an offender is unrepresented, the CWC Coordinator, through the Court Registry, will ensure that the CWC Referral Form is forwarded as required. In this case, the referral form can be left at the Court Registry office for pick-up by the Coordinator.

3. LEGAL ADVICE AND REPRESENTATION

The CWC recognizes the importance of every CWC candidate and participant having access to independent legal advice and representation at all stages of the CWC. Where candidates or participants are unable to retain counsel, they may rely on the services of a Legal Aid Duty Counsel assigned to the CWC. Duty Counsel will be present at all CWC sittings to provide legal assistance to unrepresented candidates or participants, and to provide agency services as required to individuals who have retained counsel.

4. ADMISSION PROCESS

In most cases, the admission screening phases will proceed via an integrated and consultative approach involving members of the CWC pre-court team at pre-court meetings (see item 7).

4.1 Legal Eligibility Criteria

To be eligible, an accused must have outstanding *Criminal Code* or *Controlled Drugs and Substances Act* charge(s) where one or more of the following is a contributing factor to the criminal conduct:

- An addiction to alcohol and/or other drugs. (Normally, the offence(s) will have been committed either while under the influence of alcohol or other drugs or with the intention of obtaining funds to purchase alcohol or other drugs);
- A mental health problem; and/or
- An intellectual disability, including but not limited to Fetal Alcohol Spectrum Disorder (FASD). In the case of FASD, a formal diagnosis is not required provided there is sufficient basis to suspect that the offender has FASD.

Where the charge(s) are drug-related, the offence must be addiction rather than profit motivated, and therefore, the quantity of drugs involved will usually be small.

An accused is NOT eligible in the following circumstances:

- Offence(s) resulting in death (i.e. murder, manslaughter, etc.);
- In general, crimes that involve violence against children and senior citizens;
- Offence(s) committed near a schoolyard, playground, or other area where children are likely to be present, where there is evidence that the offender is in the area to commit an offence targeting or otherwise involving children;
- In general, crimes of a sexual nature;
- In general, serious crimes of violence;
- Offence(s) for which the Crown is considering making a Dangerous Offender application or Long Term Offender application or where an accused has been designated as a High Risk Offender in the National Flagging System;
- Offence(s) committed primarily for a commercial or profit motive (i.e. *commercial* grow operations);

- Where the offender has outstanding immigration issues that may result or have already resulted in a deportation order;
- Where the offender is known to be affiliated with a criminal organization;
- Where the offender has other serious criminal charges outstanding.

Where an offender has spousal assault charges, these matters will be dealt with in the Domestic Violence Treatment Option Court.

However, even where the foregoing circumstances exist, the Crown may, after taking into account the particular circumstances of the offence(s), the offender's past history and criminal record, police information and information regarding the impact of the crime on the complainant, screen the offender as eligible for the CWC, if there are exceptional circumstances.

In addition to the eligibility criteria mentioned above, the following factors will also be considered in determining whether an offender meets the legal eligibility criteria:

- The offender's criminal history, in particular, any related offences;
- The offender's history under court-ordered supervision;
- Whether the offender is currently on a conditional sentence or serving a jail sentence;
- Previous performance in the CWC (if any);
- Whether the offender poses a risk to the community, and the nature of that risk;
- The sentence being sought by the Crown (admission may be denied where the sentence sought by the Crown is sufficiently high that it would be inconsistent with admission to the CWC);
- Victim impact, and any input from the victim(s) regarding the offender's suitability.

In general, decisions related to the admissibility of an offender into the CWC will be made based on a collaborative approach between members of the CWC pre-court team. For public safety and public interest reasons, however, the Crown may in more serious circumstances determine that an offender ought not to be admitted into the CWC. In such circumstances, the CWC-assigned Crown has the discretion to permit or not permit an accused to be assessed further for admission into the CWC. Any member of the CWC pre-court team who has concerns about the CWC-assigned Crown's exercise of discretion in a particular case, may apply to the Chief Federal Prosecutor (or in his/her absence, the Associate Chief Federal Prosecutor) of the Public Prosecution Service of Canada, Yukon Regional Office, for a review of the decision.

Where an accused meets the legal eligibility criteria, the CWC Judge will direct the preparation of a Suitability Assessment, and the Clerk of the Court will forward a Request for a Suitability Assessment form to the Manager of Adult Probation. Matters will be adjourned for a period of two weeks to allow for completion of the Suitability Assessment.

4.2 Suitability Assessment

Individuals who meet the legal eligibility criteria must undergo a Suitability Assessment conducted by the CWC Primary Case Manger (PCM). The PCM also serves as the Bail Supervisor.

During this stage, the PCM spends time with the accused determining the issues that make the person suitable for the CWC. The individual must have one or more of the following: an addiction, mental health problem, and/or FASD or other cognitive impairment.

The PCM also conducts a preliminary assessment of other needs that would likely become part of the participant's wellness plan (i.e. housing, family support, employment and other determinants of health).

During the Suitability Assessment stage, the PCM spends considerable time explaining the CWC process and the level of commitment the offender will have to make if they choose to participate. Using motivational interviewing techniques, the PCM makes a determination of motivation level.

Several assessments may be completed at this stage to help identify needs:

- LS/CMI (Level of Service/ Case Management Inventory) - a general risk assessment and case management tool.
- DAST (Drug Abuse Screening Tool) – an assessment of the severity of drug misuse problems.
- PRD (Problems Related to Drinking) – assessment of the severity of alcohol misuse problems.
- General Health Questionnaire – a profile of the participant's more recent health issues. It is also a valid screen for certain mental health concerns such as anxiety, depression and thoughts of self-harm.

If the individual is considered suitable for the CWC, referrals are immediately offered to various services which would assist in stabilization where appropriate: detoxification, substance abuse counselling, mental health assessment and treatment, and medical assessment and treatment.

If the individual is in custody, a bail report may be done to find a suitable housing while participating in the CWC.

5. ADMISSION REQUIREMENTS

An individual who meets the legal eligibility criteria and who is deemed to be suitable may opt into the CWC at their next court appearance. To be admitted into the CWC, the following admission requirements must be met:

1. Entrance of a guilty plea;
2. Provision of a waiver in the approved form;
3. Agreement to abide by specified bail conditions.

5.1 Guilty Plea

A guilty plea must be entered in order for the individual to participate in the CWC. Where there are multiple offences, guilty pleas are not required on all offences. Defence counsel is free to negotiate with Crown counsel, as would be done in the normal course,

and to reach an agreement with Crown counsel as to what pleas will be required. Where plea negotiations are not complete at the end of the Suitability Assessment period, the individual may enter a guilty plea to one offence on the understanding that all pleas will be resolved at the first court appearance following completion of the wellness plan (see item 6.1).

At this stage, Crown and defence counsel should also discuss and generally resolve any issues relating to the facts of the offence that the individual is prepared to admit. This is to prevent any disagreements that could potentially arise at the end of the CWC program.

5.2 Waiver

The CWC program requires a level of participation beyond what is expected in regular court, including drug and/or alcohol testing that the individual cannot be compelled to participate in without his or her consent. It is therefore necessary for each individual interested in the CWC to sign a waiver before being accepted into the CWC program.

The CWC waiver clearly sets out the CWC program requirements and participation expectations (Appendix B).

To ensure validity, every individual interested in the CWC will have access to independent legal advice on the nature and consequences of the CWC waiver before being asked to sign.

A copy of the signed CWC waiver will be filed with the court.

5.3 Bail Conditions

The close monitoring essential to the CWC requires participants to be bound by certain conditions. There are Standard Bail Conditions (Appendix C) for CWC participants. These will vary depending on individual circumstances. Each participant's performance on conditions will be closely monitored by the PCM/Bail Supervisor and other members of the core CWC treatment team (such as an addictions counsellor). Compliance or non-compliance will be addressed through use of sanctions and incentives (see item 9)

In many cases, a participant will be required to abide by an abstinence clause as part of their bail conditions. If so, the participant will also be required to provide samples of breath and/or urine upon demand by the RCMP, the Bail Supervisor or other members of the core CWC treatment team. In making the demand, the RCMP member will require reasonable grounds to believe that the participant has failed to comply with the abstinence clause. The PCM/Bail Supervisor or another member of the treatment team can also require the participant to provide samples on a random basis. While the results from any samples provided by the participant will not be used in any prosecution for breach, the results of these samples will be disclosed to the PCM/Bail Supervisor and other members of the pre-court team (Crown and defence counsel and the CWC Judge) and they could have an impact on the participant's continued involvement in the CWC.

Individuals who enter a guilty plea, sign the CWC waiver, and agree to abide by specified bail conditions will be formally admitted into the CWC. The court will direct that

a wellness plan be developed. A request form will be sent from Court Registry to Adult Probation confirming that a wellness plan has been ordered by the court. The participant's matters will be adjourned for a period of 60 days to allow for the completion of the wellness plan.

Individuals who do not meet the legal eligibility criteria, who are deemed unsuitable for the CWC, who do not meet the admission requirements, or who decide not to opt into the CWC for whatever reason, will be adjourned back to the regular Wednesday docket.

5.4 Opting Out/Removal from CWC: Impact On Bail

Opting Out Pre-Wellness Plan

A participant can opt out of the CWC before the wellness plan is filed with the Court. Should a participant choose to opt out, they will advise the CWC of this intention at their next scheduled CWC appearance. Once this notice is given, there will be an automatic revocation of the individual's existing process and a reconsideration by the CWC Judge (or her designate) of the participant's bail status. There is an expectation that the participant will be reverted back to their pre-CWC bail status, absent special circumstances.

When a candidate opts out of the CWC before the wellness plan is filed, all guilty pleas entered in the CWC can be withdrawn as of right, except in circumstances where facts have been read in.

Removal Pre-Wellness Plan

A participant can be removed from the CWC (see section 6.3) before the wellness plan is filed with the Court. Should this be the case, the participant will go to show cause in the ordinary course with the understanding that if they are no longer suitable for the CWC, they will revert back to pre-CWC bail status, absent special circumstances, and there will be a consideration of the new offence(s). Wherever possible, the CWC Judge will preside over the show cause hearing.

When a candidate is removed from the CWC before the wellness plan is filed, all guilty pleas entered in the CWC can be withdrawn as of right, except in circumstances where facts have been read in.

Opting Out/Removal Post Wellness Plan

A participant can opt out, or be removed from further participation in the CWC after the wellness plan has been filed with the Court. In this instance, the participant will have their interim release status reviewed by the CWC Judge (or her designate). At the participant's next appearance to follow their opting out or removal, Crown and Defence counsel will be provided with an opportunity to make representations for the purposes of determining whether the participant should be returned to their pre-CWC status, remain on current conditions, or be placed on modified conditions pending sentence.

After the wellness plan is filed, the participant is no longer entitled to withdraw guilty plea(s) as of right. The participant will be sentenced by the CWC Judge wherever possible.

6. WELLNESS JOURNEY

Once an individual has been formally admitted into the CWC, the participant's wellness journey begins.

6.1 Wellness Plan

The first stage of the wellness journey is the development of a participant's personal wellness plan. Barring any major setbacks, the plan will be completed and filed with the court within 60 days after the plan was ordered to ensure that the Court has a clear standard against which to monitor the ongoing performance of the participant. The plan can be filed earlier if it is completed prior to the order date.

The comprehensive wellness plan includes a wellness plan summary form that sets out participant goals and clear timeframes for when the participant can be expected to be finished the CWC, barring any major setbacks. The summary form will be reviewed by the PCM and the participant every six months. The summary form will also be filed with the Court.

The development of the wellness plan involves more thorough assessments to evaluate the participant's treatment and support needs. Wellness plans are completed by the PCM with input from the participant and other treatment personnel. A larger wellness team may be developed to support the participant, and members may include a community support person and representatives of other community and government support agencies that will be working with the participant. These collaborative sources may include the participant's First Nation where applicable.

The CWC recognizes the importance of addressing the needs of the victim as well as those of the offender. The PCM will also seek input from the victim, if any, and the victim's support(s).

6.2 Wellness Journey

After the wellness plan is filed, the participant will continue to follow the plan with support from the wellness team. The participant is expected to make regular check-ins (see item 8) and will be subject to appropriate incentives and sanctions (see item 9). Upon completion of the wellness plan, the participant shall proceed to a sentencing hearing (see item 11).

6.3 Removal from Community Wellness Court

If the wellness plan is not filed within 60 days of the date it was ordered as a result of non-compliance on the part of the participant, the participant may be removed from the CWC and returned to regular court unless the participant can satisfy the Court that additional time should be granted for filing of the wellness plan.

A participant may also be removed from the CWC within the wellness plan development period if new information is received that makes the participant unsuitable for the CWC. This information may come to light through the assessment process, or through police or community sources.

The participant may choose to opt out of the CWC at any time within the wellness plan development period for any reason.

The effect of a removal or of an opt-out within the wellness plan development period is that the participant's guilty plea(s) can be withdrawn as of right, except in circumstances where facts have been read in. If the guilty plea(s) is withdrawn, the offender is returned to the regular Wednesday court docket for plea.

Participants who remain in the CWC will be expected to follow their individualized wellness plan and to appear before the court for periodic check-ins to monitor their performance.

A persistent pattern of non-compliance, which may include an additional charge(s), may result in the participant being removed from the CWC and returned to regular court (see also item 9).

7. PRE-COURT MEETINGS

Before every sitting of the CWC, a pre-court meeting is held to review all matters set on the CWC docket. The CWC pre-court meetings are attended by front-line workers that include Duty Counsel, the Crown, the PCM, the addictions counsellors, the CWC Coordinator, and such other parties as may be agreed upon by the CWC pre-court team. The CWC Judge will attend the beginning of each pre-court meeting for the purposes of participating in the discussion of CWC participants who are in the wellness journey stage (i.e. have entered guilty pleas), and who are conducting a regular check-in. Upon the CWC Judge's departure, individuals in the Suitability Assessment stage (pre-plea) will be addressed.

The PCM and other members of the CWC treatment team are expected to provide verbal progress reports for each participant whose file is on the court list that day. These reports can be provided by the PCM on behalf of the other treatment team members. Reports should cover the participant's record of reporting to their bail supervisor, attendance for treatment and other assessments/supports, the result of any drug or alcohol testing, and general progress.

Each member of the pre-court team has input into how the Court should respond to the participant's progress or lack thereof. The team will discuss each participant's compliance or non-compliance with orders of the Court. Having received the input of the members of the team, the Crown will make recommendations to the court on appropriate rewards and sanctions. In general, the pre-court team will reach a consensus as to what should happen in court on that day. Disagreements will be resolved in court by the CWC Judge. While the approach of counsel in CWC court is primarily non-adversarial, counsel may nonetheless advocate a position very strongly, if necessary, during the CWC pre-court meetings and in court.

8. CHECK-INS

While following their individual wellness plan, CWC participants will be required to appear before the court on a periodic basis for check-ins to monitor their performance.

The frequency of check-ins will be dependent on the participant's performance. Good performance will result in reduced check-in requirements; poor performance will result in increased check-in requirements.

As each participant is called, the PCM, or other member of the CWC treatment team, may be called upon to provide the Court with a brief oral summary of the participant's progress to date. The Court may invite the participant's family or support person(s), the victim(s), or any representative of the victim(s), to provide input to the Court on the participant's progress. The Court will hear from counsel as is necessary, but the primary focus of the check-in discussion is between the CWC Judge and the participant. A sanction or incentive may be given depending on the circumstances of each participant's file.

9. SANCTIONS AND INCENTIVES

The CWC utilizes a system of sanctions and incentives to address and respond to the performance of CWC participants in the CWC. Where CWC participants are non-compliant with the expectations of the CWC program, they will receive one of the sanctions listed below. Where CWC participants are compliant with or exceed the expectations of the CWC, they will receive one or more of the incentives or rewards listed below.

When the CWC participant's progress is discussed at the pre-court meeting, the team will also consider whether a sanction or incentive is appropriate. It is expected that, in the majority of cases, the group will reach a consensus as to the appropriate response; however, where no consensus is reached, the CWC Judge will make the final decision at the CWC participant's check-in court appearance, after having considered the input and submissions of the Crown, defence counsel, and the CWC treatment team.

Sanctions and incentives will be determined based on the nature of the non-compliance or compliance, the CWC participant's history in the CWC, the CWC participant's response (i.e. was the CWC participant honest and forthcoming about any breach/slip), the CWC participant's personal circumstances, and any safety or risk management issues arising.

The available sanctions and incentives include, but are not limited to the following:

Sanctions:

- Admonishment/reproach from the CWC Judge;
- Increased frequency of court appearances;
- Increased reporting conditions;
- Increased drug/alcohol testing;
- Production of a letter outlining what happened, why, and what has been learned;
- Community service orders;
- Attend "10 AA meetings in 10 days" (or other programming as appropriate);
- More restrictive release conditions;
- Temporary revocation of bail.

Incentives/rewards:

- Commendation/praise from the CWC Judge;
- Reduced frequency of court appearances;
- Reduced reporting conditions;
- Reduced drug/alcohol testing;
- Receipt of coffee cards;
- Receipt of movie passes, recreation facility vouchers, etc.;
- Less restrictive release conditions;
- Certificate of achievement to reflect one-year participation;
- Overall reduction in required length of participation in the CWC program.

10. NEW CHARGES AND ARRESTS

Participants who acquire new charges while in the CWC are sanctioned or may be removed from the CWC, depending on the nature of the charge(s).

The effect of a new substantive offence on the participant's status in the CWC will depend on the nature and circumstances of the new charge. For more serious charges, the CWC pre-court team must discuss whether the participant can continue in the CWC. If the new charge is to be disposed of in the CWC, the waiver and the CWC release order must be amended to reflect the new offence information.

The CWC recognizes that recovery is a lifelong process and that "slips" are a regular part of the CWC process for many participants. Accordingly, the Crown will generally not seek a plea or conviction on breaches of abstain conditions so long as the participant is actively pursuing their wellness plan. Samples provided by a participant pursuant to the CWC will not be used in any prosecution against the participant for breach of an abstain condition. However, as a sanction for the breach, the court may give consideration to ordering the participant to spend some time in custody. Any time spent in custody with respect to such a sanction will, in most cases, not be taken into account in sentencing when calculating credit for remand time.

11. SENTENCING

Upon successful completion of the wellness plan, a participant shall proceed to a sentencing hearing. The Bail Supervisor will file a summary report of the participant's progress in the CWC. Input from the CWC treatment team will be included in the summary report. The sentencing hearing will typically allow for comments from members of the treatment team, other professionals and community supports involved with the participant, and from victims and victim supports, in addition to Crown and defence Counsel.

The CWC Judge will impose a sentence that, while applying the sentencing principles set out in sections 718, 718.01, 718.1 and 718.2 of the *Criminal Code*, particularly recognizes the positive rehabilitative steps taken by the participant. The extent to which the sentence will be reduced from what might have been imposed had the participant not participated in the CWC will generally depend upon the participant's degree of success

in adhering to and completing the wellness plan, taking into account the nature of the offence for which the participant is being sentenced.

At the sentencing hearing, the Crown may enter a stay of proceedings, withdraw the charges or ask the CWC Judge to impose an absolute discharge. For more serious offences, while not eliminating the possibility of any of the preceding dispositions, conditional discharges, suspended sentences and relatively short conditional sentences may be sought. For the most serious offences, the Crown, while considering all other options, may choose to seek conditional sentences up to two years less one day. Requests for a period of probation to follow a conditional sentence will be made on a case-by-case basis.

The CWC may also utilize First Nations justice initiatives, including circle sentencing hearings in the community, where such initiatives are requested, available and are suitable.

Document reviewed November 30, 2009.

APPENDIX A



Yukon Community
Wellness Court

Referral Form:

Please fax to Manager, Adult Probation, Dept. of Justice, @ 667-3446.

Date: _____

Name of client: _____

Address: _____ Telephone: _____

1) I recommend that the above named person be considered a candidate for the Community Wellness Court. It is my belief that they have one or more of the following:

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Addiction | <input type="checkbox"/> FASD |
| <input type="checkbox"/> Mental Health | <input type="checkbox"/> Other _____ |

2) Is this person in custody?

- Yes No

3) Do you believe this person would benefit from having a support person?

- Yes No

If yes, who should the CWC contact as a support person? (Please indicate contact information, or indicate the nature or kind of support you think this person would benefit from, including First Nations support.)

Name of person referring

Signature

Agency/Service

APPENDIX B

YUKON COMMUNITY WELLNESS COURT WAIVER

I, _____, understand that I have been charged with offence(s) on the following Information(s):

I understand that I have a choice to plead guilty or not guilty to the offence(s).

I understand that I have a right to receive all the details of the Crown's case against me and to retain and instruct legal counsel to assist me with respect to these charges before I am required to enter a plea.

I understand that I may choose to plead guilty to this offence, or to some or all of the offences with which I am charged, and to participate in the Community Wellness Court Program ("CWC Program"). No one can force me to participate in the CWC Program and it is entirely up to me whether I choose to do so.

AS A RESULT OF MY CHOICE TO PARTICIPATE IN THE CWC PROGRAM:

I will plead guilty and accept responsibility for each offence, subject to any plea negotiations.

I waive my right to be sentenced as soon as practicable.

Until such time as the above-listed Informations are dealt with or my participation in the CWC Program is finished, I waive my right under s. 8 of the *Canadian Charter of Rights and Freedoms* to be free from unreasonable search and seizure as follows:

1. If I am placed on an Undertaking to a Peace Officer or Officer in Charge, Undertaking to a Justice of the Peace or Judge, or a Recognizance that contains a term requiring me to abstain absolutely from the possession or consumption of alcohol and non-prescribed drugs, I consent:

a) to a further term that requires me to provide a breath sample and/or urine test to a Bail Supervisor or Treatment Team member on a random request or demand and/or to an RCMP officer on request or demand who has grounds to believe that I have consumed alcohol or non-prescribed drugs;

b) to submit to such a request or demand by a Bail Supervisor, Treatment Team member or RCMP officer;

c) to the results from any such breath or urine tests being reported to the Crown, CWC Judge, Bail Supervisor or Treatment Team member.

2. In providing this consent, I understand that the test results from any samples I provide will not be used by the Crown to prosecute me for breaching my terms of release on an Undertaking to a Peace Officer or Officer in Charge, Undertaking to a Justice of the Peace or Judge, or Recognizance.

- I have read this Waiver
- Someone else has read this Waiver to me.

In waiving my rights herein, I have had an opportunity to talk to a lawyer about the criminal charges I face, the Crown's evidence against me, and the meaning of the consents and waivers I have given.

I further understand and accept that if I choose to opt out of, or if I am removed from the CWC before the wellness plan is filed with the Court, there is an expectation that I will be returned to my bail status before I entered the CWC, absent special circumstances.

By signing this Waiver I have voluntarily chosen to participate in the CWC Program and to waive my rights as set out above.

DATE:

Witness

Applicant

APPENDIX C

YUKON COMMUNITY WELLNESS COURT STANDARD BAIL CONDITIONS

Standard Terms:

1. Keep the peace and be of good behaviour and appear before the court when required to do so;
2. Report to a Bail Supervisor immediately upon your release from custody, and thereafter when and in the manner directed by your Bail Supervisor;
3. Remain within the Yukon Territory unless you have the prior written permission of your Bail Supervisor;
4. Reside () as directed by your Bail Supervisor; () at the Yukon Adult Resource Centre (“YARC”), abide by the rules of that residence and not change that residence without the prior written permission of your Bail Supervisor;
5. Take such alcohol and/or drug assessment, counselling and programming as directed by your Bail Supervisor and, having given the Court your consent, attend and complete a residential treatment program as directed by your Bail Supervisor;
6. Take such psychological assessment, counselling and programming as directed by your Bail Supervisor;
7. Take such other assessment, counselling and programming as directed by your Bail Supervisor;
8. Attend at all meetings with the Treatment Team as directed by your Bail Supervisor;
9. Provide your Bail Supervisor with consents to release information with regard to your participation in any assessments, counselling and programming that you have been directed to do pursuant to the terms of this order;

Optional Terms:

10. Abstain absolutely from the possession or consumption of alcohol and non-prescribed drugs. Provide a sample of your breath or urine for the purposes of analysis upon request or demand by a member of the RCMP who has grounds to believe that you may have failed to comply with this condition;
11. Provide a sample of your breath or urine for the purposes of analysis upon request or demand by your Bail Supervisor or by a member of your

- Treatment Team. Such a request or demand can be made on a random basis;
12. Not attend any bar, tavern, off-sales or other commercial premises whose primary purpose is the sale of alcohol;
 13. Have no contact directly or indirectly or communicate in any way with known drug dealers and known drug users, and/or such persons as may be identified by your Bail Supervisor;
 14. Not attend at or within 50 metres of known drug or crack houses, and/or such places as may be identified by your Bail Supervisor;
 15. Abide by a curfew by remaining in your place of residence between the hours of _____p.m. and _____a.m. except with the prior written permission of your Bail Supervisor, or except in the actual presence of a person approved in advance in writing by your Bail Supervisor. You must present yourself at the door or answer the telephone during reasonable hours for curfew checks. Failure to do so will be a presumptive breach of this condition;
 16. Participate in such educational or life skills programming as directed by your Bail Supervisor;
 17. Make reasonable efforts to find and maintain suitable employment and provide your Bail Supervisor with all necessary details concerning your efforts;
 18. Provide your Bail Supervisor with consents to release information with regard to your participation in any educational or employment activities that you have been directed to do pursuant to the terms of this order;
 19. Not have a cell phone or pager in your possession;
 20. Not have in your possession any firearms, knife, or other weapon or ammunition or explosive substance;
 21. Be released to a staff member of the YARC;
 22. Other.