

Substance Use Disorder (SUD) Court Program Overview

The Dartmouth Wellness Court Team (which includes members of the Nova Scotia Public Prosecution Service, Nova Scotia Legal Aid, Nova Scotia Health, Nova Scotia Correctional Services, and the Nova Scotia Judiciary) agrees that it will work collaboratively to review each application to the Program. The Team will treat Applicants as individuals, acknowledging that from time to time some applications may need to be reviewed in light of their unique circumstances.

The Dartmouth Wellness Court now comprises two Programs. They are the Mental Health Court (MHC) Program and the Substance Use Disorder (SUD) Court Program.

The SUD Court Program differs from the MHC Program as it is reliant on the Applicant having a **Substance Use Disorder**.

Having a Substance Use Disorder differs from casual drug use. Having a SUD differs from simple use or abuse of substances and is defined in the DSM 5. The SUD Court Program is meant to address Applicants whose use impacts all aspects of their functioning.

Substance use disorders develop from the brain and body's growing dependence on the effects of the substance (drug/alcohol).

Diagnostic Criteria of Substance Use Disorder can include (DSM-5):

- Loss of control over drug/alcohol use.
- Investing large amounts of time obtaining substances.
- Cravings.
- Continued use despite relationship conflicts.
- Risk-taking.
- Continued use in the face of developing health problems.
- Increasing tolerance levels.
- Loss of interest in activities once enjoyed.
- Episodes of withdrawal.
- Failed attempts to stop using.
- Failing to meet obligations – work, home, school.

An Applicant to the SUD Court Program must be over 18 years of age, acknowledging responsibility for the offences in question, and must have the Attorney General's consent to make their application.

Clinically, their use must be serious enough that a mental health professional has diagnosed a Substance Use Disorder.

Once these thresholds are met, it **MUST** be determined if the offences were **substantially related to the SUD**. By example, offences to procure money and/or drugs to supply the SUD, or where the Applicant is committing an offence while the Applicant is actively under the influence of the substance(s) that are being abused.

It has been determined by experience, education, and research that the primary indicator of success in any substance program is an Applicant's **READINESS to change**. That Readiness can be assessed both in what an Applicant says (their insight into the impact of use on their life) and in what they do (what actions they take). Actions such as reaching out to Mental Health and Addiction Supports, Housing Supports, and trying to reduce use are only some examples.

It is the expectation of the Dartmouth Wellness Court (DWC) Team that an individual applying to participate in the SUD Court Program **will already have made significant efforts to access and follow through with appropriate addiction and other services as required**. While assistance may be provided in identifying services, the expectation is that the individual themselves will drive their progress.

Individuals in custody are unable to apply to the SUD Court Program.

If an individual is in custody and wishes to make application to the Program, they will be expected to secure bail in regular Court and, once in the community, establish and continue with supports. Only when an individual has demonstrated their commitment to addressing their SUD will they be permitted to apply to the SUD Court Program.

On application to the SUD Court Program, an individual will be screened by one of the DWC Clinical Case Managers ("Case Managers"). If an Applicant is eligible for the SUD Court Program, then they will proceed to formal admission.

The formal admission process includes a Consent and Waiver being reviewed and signed, and the requisite guilty pleas being entered in Court.

All SUD Court Program Applicants are required to enter guilty pleas as agreed to by Crown and Defence in advance of a formal admission.

Participation in the SUD Court Program requires an Applicant to attend Court, Case Management and Probation Officer appointments, community support appointments, and random urine drug screens regularly.

The frequency of the testing and contact with the Team is determined by them in advance of invitation and may change with the Participant's progress.

The duration of the SUD Court Program is at least 12 to 18 months in the Program Phase. The Program Phase involves intense supervision and support. At the 12-to-18-month mark, the DWC Team and, in particular, the Crown and Defence Counsel, in consultation with the Team will determine whether the Participant is ready to move into the Sentencing Phase of the SUD Court Program.

The Sentencing Phase is when the Participant is sentenced on the pleas (as entered according to the Consent and Waiver) to a period of community supervision. The Sentencing Phase is supervised by the Dartmouth Wellness Court's designated Probation Officer.

Supervision in this Phase is less intense, but still involves random urine drug screens as deemed appropriate and reporting to the Probation Officer. The Participant is also required to attend Court as directed by the Judge. Initially, Court appearances by newly sentenced Participants may be at least monthly.

When the Participant completes their community supervision term, there is a celebration in Court or out of Court to mark their completion, taking into consideration the wishes of the Graduate.