

**Brampton Alcohol and Addiction Project (BAAP)
Procedural Overview**

Procedural Step	Description
<p style="text-align: center;">Case Referral</p>	<p>A defendant with charges currently before the court can be referred to BAP at any stage of the criminal process prior to the commencement of trial.</p> <p>A defendant's case may be referred to the BAP by a Crown Attorney, Defence Counsel, Duty Counsel or the Court.</p> <p>Upon referral, the defendant will pick up the BAP referral package from the Duty Counsel Office. The package will contain the following forms:</p> <ol style="list-style-type: none"> 1. The Application 2. The Crown Questionnaire 3. Waiver 4. Crown Eligibility Criteria 5. Participant Duties and Obligations 6. Schedule of Bail Conditions
<p style="text-align: center;">Application Preparation</p>	<p>A defendant must prepare his/her application for the BAP, with counsel or with the BAP Duty Counsel, by completing the following forms and attaching any required supporting documents:</p> <ol style="list-style-type: none"> 1. The Application form 2. The Crown Questionnaire 3. BAP Waiver <p>These may be completed at the courthouse, and are to be given to the BAP Duty Counsel for filing with the BAP Crown.</p>
<p style="text-align: center;">Crown's Initial Screening of Applications to determine eligibility</p>	<p>Applications will be submitted to the Assistant Crown Attorney who is designated to review BAP applications. The Crown will review the application, Crown Questionnaire and Waiver in light of the eligibility criteria and decide whether or not the defendant is eligible for the BAP. If the Assistant Crown Attorney determines that the defendant is not eligible, the individual's case will remain in the regular court process, and the Application, Crown Questionnaire and Waiver will be returned to the defendant or destroyed. If the defendant is screened as eligible, the application will</p>

	<p>be referred to the Elizabeth Fry Society Case Manager.</p> <p>Crown Screening will usually be completed in one week.</p>
Suitability Review	<p>The Elizabeth Fry Society Case Manager (CM) will receive files that the Crown has screened. Based on the contents of the application and any further information the CM collects from the defendant and his/her counsel, in consultation any stakeholder participants, the CM will make a determination as to whether or not the defendant is a suitable candidate for the BAP. If the CM determines that the defendant is not suitable, the defendant's case will continue in the ordinary court process. However, if the CM concludes that the defendant is a suitable candidate, the defendant will be notified of this decision.</p> <p>This will usually be completed within 2 weeks of receipt of the Crown file.</p>
Case Adjourned before BAP Court	<p>Once the defendant passes through the initial Crown screening and CM suitability review, their case will be adjourned to the BAP court.</p>
First Appearance In BAP Court	<p>The defendant will appear before the BAP court. At the first appearance, the Court will canvas the defendant's understanding of the expectations of participation in BAP and their willingness to participate. The defendant will be required to sign the Duties and Obligations Form and file it with the BAP Crown. Once the judge is satisfied, the defendant will plead guilty to one or more of the charges before the Court. The case will then be adjourned for thirty days.</p>
Needs Assessment	<p>Between the defendant's first and second appearance, he/she will meet with the CM and an addictions counselor to develop a wrap around plan (WAP). Once the WAP is formulated, it will be reduced to writing and reviewed with the defendant.</p>
Second Appearance (30 days after first appearance).	<p>Following the formulation of the WAP, the defendant will appear in court and confirm that she is aware of its contents and confirm his/her commitment to fulfill the expectations as set out in the WAP.</p>

	<p>At this juncture, the defendant will be given the option to withdraw from the program. If the defendant chooses to withdraw, his/her plea will be struck and their case will be referred back to the regular court process.</p> <p>If the defendant confirms their willingness to participate in the program and fulfill the expectations set out in their WAP, a copy of the WAP will be filed and attached to the information. The case will then be adjourned for the defendant to begin the work outlined in the WAP.</p>
<p>Regular Appearances before the BAP Court.</p>	<p>The defendant will make routine appearances before the BAP Court to check in on their progress. An informal meeting will take place prior to each court appearance during which all stakeholders will meet to discuss the defendant's progress and make recommendations regarding next steps.</p> <p>The defendant will appear before the BAP Court, at which point their progress will be addressed and next steps will be discussed. Success will be celebrated. Setbacks will be discussed and any repercussions / consequences will be explained and implemented.</p>
<p>Graduation</p>	<p>A defendant who successfully completes the requirements of their wrap around plan will graduate from the program, at which point the case will proceed to sentencing.</p> <p>It usually takes between 8 and 12 months to complete the Program.</p>
<p>Sentencing before graduation</p>	<p>If, at any point, a determination is made that the defendant is not fulfilling the expectations set out in their WAP and a determination is made that they are no longer suitable for the program or unwilling to fulfill the expectations of the program, the individual will be sentenced by the Court. His/her involvement in the BAP will come to an end and the BAP judge will sentence the defendant, unless the person requests that another judge pass sentence.</p>

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