

Te Whare Whakapiki Wairua

Auckland and Waitākere Alcohol and Other Drug Treatment Court



ELIGIBILITY CRITERIA

This form is used to help assess whether a defendant meets the AODT Court's criteria. Defendants who meet this criteria may be referred by the presiding Judge for a comprehensive AOD assessment. The AODT Court Judge and AODT Court team will use this information to consider a defendant's suitability for the AODT Court.

For counsel to complete

On the basis of available information, I am confident that the defendant might be eligible for the AODT Court.

Please complete the information below:

<u>Defendant information</u>	<u>Counsel information</u>
Name _____	Name _____
Current Address _____ (and suburb) _____	Email _____
If this is different from your usual address, also give your usual address _____	Contact number _____
_____	Date _____
Contact number _____	
Date of birth _____	
ROC*ROI _____ (from Ara Poutama Aotearoa, Department of Corrections)	

AODT Court Eligibility Criteria

- is aged 17 years or over.
- is a New Zealand citizen or permanent resident.
- is likely to have an alcohol and/or other drug substance use disorder (active addiction for alcohol and/or other drug use) that is driving their offending.
- does not appear to have a serious medical or serious mental health condition (other than an alcohol and/or other drug substance use disorder) that would prevent meaningful participation in the AODT Court.

- has resolved all active charges or is currently in the process of doing so.
- has a ROC*ROI (Risk of Re-conviction x Risk of Re-imprisonment) score (as defined by Ara Poutama Aotearoa, Department of Corrections) which is considered generally within the range of 0.5 – up to but not including 0.9. **Exceptions** to this include where defendant is being charged with their third or subsequent drink driving offence in the aggravated form. These defendants can still be considered.
- is willing to take part in the AODT Court and able to attend programme sessions, which could include residential treatment, and attend AOD testing, and other requirements.
- resides in the Auckland or Waitākere District Court catchment areas.
- is facing charges at Auckland or Waitākere District Court.

Counsel: Provide the defendant with a copy of the Participant Handbook and Participant Agreement (so the defendant understands what is involved in the AODT Court).

There will be some circumstances where the Court will not be in a position to offer a place, for example, if a suitable treatment pathway is not available.

Please contact the AODT Court Coordinator (AODTC@justice.govt.nz) if making a referral, or if you have any queries.

For the District Court Judge to complete:

Mandatory criteria

- the defendant is not facing current charges of serious violence, sexual offending or arson (previous offending of this kind may also prevent entry into the Court).
- the defendant has been charged with offending likely to be driven by an alcohol and/or other drug substance use disorder.
- the defendant, on a plea of guilty, could be facing a sentence of imprisonment of up to 3 years (including credit for guilty pleas and mitigating factors including potential credit under s27 Sentencing Act 2002, but excluding any credit for completion of the AODT Court programme).

Note: If the defendant has previously applied to the AODT Court, approval of an AODT Court Judge is required, before any further referral is accepted.

District Court Judge's signature* _____ **Date** _____

(* Judicial signature required to action the referral)

Any further judicial comment:

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CONSENT FORM

Defendant's name _____

I am applying to be considered for the Alcohol and Other Drug Treatment Court – Te Whare Whakapiki Wairua.

I understand that an assessor will contact me to meet them. An assessor is trained to decide whether a person has AOD issues and what a suitable treatment pathway could be. They will write a report about my AOD needs and whether the AODT Court might be suitable. This report will be given to the Court.

I consent to:

- the assessor receiving information about my charges - my conviction history and the summaries of fact for my current charges.
- the AODT Court team receiving information about my charges - my conviction history and the summaries of fact for my current charges, and the assessor's report. This will help the AODT Court team consider whether the AODT Court will be suitable.

I understand that I will not be there when this information is discussed in closed court, but my lawyer will be.

I will be told if I have been offered a place in the AODT Court when I appear in open court.

- I understand that signing this form does not necessarily mean that I will be offered a place in the AODT Court.

Defendant's signature _____ **Date** _____

OFFICE USE ONLY

The Eligibility Criteria must be completed for all referrals.

The Eligibility Criteria and Consent Form must be kept on the case file if the defendant is offered a place in the AODT Court.