

Sentencing / Hearing

The completion of the treatment program is likely to coincide with the hearing or sentencing of the outstanding court matter(s).

- The Magistrate hearing the case will be provided with a report from the MERIT program team.
- The report will give information on the participants drug treatment and any further treatment recommendations.
- Where possible, a detailed aftercare program will be formulated to assist participants to further their drug rehabilitation.
- If possible, the Magistrate who heard the bail application will also hear the case.

The implications of the participant's compliance or non-compliance with the drug treatment program are at the discretion of the Magistrate.

Who can help me with my decision?

- You should carefully consider your decision to enter the MERIT program. If you decide to enter the program, it may assist you to avoid further offences and to develop skills that may be of some benefit to you in life.
- If you choose not to enter the program, your court case will continue in the usual way.
- You should discuss the options available to you with your lawyer before making a decision. A Legal Aid lawyer will be available for all people wanting to participate in the MERIT program.

LIVERPOOL MERIT OFFICE

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MERIT

Magistrates Early Referral Into Treatment

*reducing crime associated with
illicit drug use*



Health
South Western Sydney
Local Health District



What is MERIT

MERIT is a special Magistrates' program that will provide the opportunity for some defendants with drug problems to work, on a voluntary basis, towards rehabilitation as part of the bail process.

Defendants can be identified by the Magistrate, solicitor, police or the defendant themselves as suitable for assessment for the MERIT program. Based on the defendants' voluntary interview and assessment by the MERIT team and Magistrate, the participant may be accepted into treatment as a condition of their bail. If accepted, a drug treatment program will be developed that matches the defendant's needs. The court would make the defendant's involvement in MERIT a condition of bail.

Eligibility Criteria

- Suitable for release on bail.
- An adult with an illicit drug problem (excluding alcohol).
- Willing to consent to a drug treatment program.
- Not involved in offences related to physical violence or sexual assault, or matters that will be heard in the District Court.
- Not involved in pending matters of a violent or sexual assault nature.
- Deemed suitable for drug treatment and have a treatable problem.
- Approved to participate in the program by the Magistrate.

The MERIT program allows defendants to focus on treating their drug problem in isolation from legal matters. Therefore, the program is designed so that agreement to become involved is not an admission of guilt for the offence(s) charged and treatment is generally prior to any pleas being made with the adjournment of court matters until the completion of the program.

If eligible, what next?

Participants attend an interview with the MERIT Team to assess the type of treatment that is suitable for them. This information will be made available for the Magistrate.

Participants then return to Court for a bail application. The Magistrate will make the participant's involvement in treatment part of the bail conditions.

What type of treatment is available?

- Detoxification
- Methadone and other pharmacotherapies
- Residential rehabilitation
- Individual and group counselling
- Case management and numerous forms of welfare support and assistance.

What happens during the bail period?

Participants will

- Undertake in the drug treatment program as agreed to by both the participant and the Case Worker
- Abide by all conditions of bail and the MERIT Participant undertaking
- Have the support and guidance of their MERIT Case Worker.
- Be required to appear before the Magistrate during this period, as the Magistrate hearing the case will require an update on treatment progress

What happens if the conditions are disobeyed during the bail period?

Overall, the situation will first be considered by the Case Worker. However, the Court will be notified if participants:

- Fail to attend any two consecutive scheduled appointments within a two week period
- Commit further offences.
- Do not comply with bail conditions.

Failure to respond to a drug treatment program will not be dealt with by punitive measures. If convicted of the offence(s) as charged, any penalty will relate to that offence only, and not to any failure to respond to treatment.