



Magistrates' Court of Victoria

Dandenong Drug Court
Dandenong Magistrates' Court
Cnr. Foster & Pultney Streets
DANDENONG 3175

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Dandenong Drug Court

What is a Drug Treatment Order?

The Drug Court Magistrate pursuant to **s18 Sentencing Act 1991** can sentence an offender to a 2 year Drug Treatment Order (DTO) consisting of two parts:

Custodial: The Magistrate will sentence the offender to a custodial period that is served in the community whilst they undergo the DTO.

Supervision and Treatment: Involves conditions being imposed to address the offender's drug and alcohol dependency. These include regular drug testing, attending a case manager and clinical advisor, drug and alcohol counselling and regular attendances before the Drug Court Magistrate

The Drug Court Magistrate has responsibility for the supervision of offenders on the Drug Court program, assisted by a multi-disciplinary team consisting of case managers, clinical advisors, Victoria Police liaison officer, Legal Aid lawyer and DCHAP housing & support case workers in managing and supervising offenders on the Drug Court program.

Is the defendant eligible for a Drug Treatment Order?

Pursuant to **s18Z Sentencing Act 1991**, a DTO can be made if the defendant:

- Pleads guilty to an offence within the jurisdiction of the Magistrates court;
- Is facing an immediate term of imprisonment
- Has a usual place of residence within a postcode area specified in the Government Gazette (*see page 4*);
- Is dependent on drugs and/or alcohol;
- That dependency contributed to the commission of the offences;
- Is facing charges that are not sexual offences or the infliction of actual bodily harm
- Is not subject to a Parole Order, Combined Custody and Treatment Order or a sentencing order of the County or Supreme Court

Referral process to the Drug Court

Please contact the Drug Court on ☎ 9767 1344 or 9767 1384 or attend at the rear of the Dandenong Magistrates Court (Langhorne St, next to the police station) if you:

- Have a potential referral to the Drug Court
- Require further information/advice regarding the Drug Court

NOTE: You **must** first obtain a date for an initial 'screening hearing' from the Drug Court, then apply to the Magistrates' Court to remand or bail the defendant to the Drug Court on the advised date.

Information for potential applicants

Screening Hearing

The first appearance before the Drug Court is a “Screening Hearing” at 10.00am on the date allocated.

If the Police Prosecutor has no preliminary objection (*usually based on the nature of offences or prior criminal history*), the Magistrate will stand the matter down for the ‘screening’ to take place – a 40 minute interview on the initial eligibility criteria for a Drug Treatment Order (DTO).

If suitable

The matter will be adjourned for approximately 3 weeks for an assessment to take place as to the suitability for a DTO (*see eligibility criteria page one*).

If unsuitable

If the Magistrate determines, based on the screening, that the defendant is not eligible for a DTO the matter will be remitted back to the Magistrates Court for determination.

Assessment

There are two separate assessments conducted in the three week period between the screening hearing and the assessment hearing:

Member CCS Case Management team: Assessment on general background information, including housing, employment, education, criminal and family history.

Clinical Advisor: Assessment on drug and alcohol use and history, treatment history, general health and mental health issues, and motivation to address drug and/or alcohol addiction.

- Assessments take between 1½ and 2 hours, and each write a report concluding with a recommendation as to the suitability or unsuitability for a DTO
- The reports will also contain case management and treatment plans and any specific conditions that should be attached to the order
- The reports will be given to the Magistrate to consider the recommendations and to provide them with the background information prior to the hearing
- A copy will also be made available to the police prosecutor and legal representative prior to the sentencing hearing

Location for the assessment

In custody – The assessment will take place either via video link to the prison, or a gaol order will be issued and the assessment conducted at the Dandenong Police Station

On bail – Dates for both assessments will be organised following the screening hearing or contact will be made by phone. Assessments are conducted at Drug Court House (*the purple building diagonally opposite the Court at 153 Foster St, Dandenong*)

Drug Court sentencing hearing

The Magistrate will hear any submissions on whether the defendant should be placed onto a DTO. These submissions are more relevant if the defendant is considered unsuitable for a DTO, and the Magistrate will not make a determination on suitability until having heard all relevant submissions.

If suitable

If the Magistrate determines a person is suitable and they consent to being placed on a DTO, the Magistrate will hear the plea and impose a sentence.

The DTO consists of both:

- a term of imprisonment that is served in the community
- a supervision and treatment component

The Magistrate will advise the name of the case manager and clinical advisor and the first appointment dates

If in custody: Prior to being released, a court staff member will attend the police cells to have the DTO signed and take a photo of the participant for the court records

When released from the Dandenong Police Station, the participant must see their case manager at Drug Court House immediately to receive information about how the DTO will proceed. A urine sample will also need to be provided at that time to the pathology collector on the premises.

If unsuitable

If the Magistrate determines the defendant is not suitable for a DTO, they may impose a sentence at that time or refer the matter back to the Magistrates Court for sentencing.

NOTE: All appearances for Drug Court hearings are required to be made to the Drug Court Registrar in Court 8 by 9.30 am.

Drug Court Postcode Areas – Government Gazette 38, 21 September 2006

- 3148** Chadstone, Chadstone Centre, Holmesglen
- 3149** Mount Waverley, Pinewood, Syndal
- 3150** Glen Waverley, Wheelers Hill
- 3151** Burwood East, Burwood Heights
- 3152** Knox City Centre, Studfield, Wantirna, Wantirna South
- 3156** Ferntree Gully, Lysterfield, Lysterfield South, Mountain Gate, Upper Ferntree Gully
- 3158** Upwey
- 3159** Menzies Creek, Selby
- 3160** Belgrave, Belgrave Heights, Belgrave South, Tecoma
- 3166** Hughesdale, Huntingdale, Oakleigh, Oakleigh East
- 3167** Oakleigh South
- 3168** Clayton, Notting Hill
- 3169** Clarinda, Clayton South
- 3170** Mulgrave, Waverley Gardens
- 3171** Sandown Village, Springvale
- 3172** Dingley Village, Springvale South
- 3173** Keysborough
- 3174** Noble Park, Noble Park East, Noble Park North
- 3175** Bangholme, Dandenong, Dandenong East, Dandenong North, Dandenong South, Dunearn, Lyndale
- 3177** Doveton, Eumemmering
- 3178** Rowville
- 3179** Scoresby
- 3180** Knoxfield
- 3195** Aspendale, Aspendale Gardens, Braeside, Mordialloc, Mordialloc North, Parkdale, Waterways
- 3196** Bonbeach, Chelsea, Chelsea Heights, Edithvale
- 3197** Carrum, Patterson Lakes
- 3198** Belvedere Park, Seaford
- 3201** Carrum Downs
- 3781** Cockatoo, Mount Burnett, Nangana
- 3782** Avonsleigh, Clematis, Emerald, Macclesfield
- 3783** Gembrook, Gillwell Park
- 3800** Monash University
- 3802** Endeavour Hills
- 3803** Hallam
- 3804** Narre Warren East, Narre Warren North
- 3805** Fountain Gate, Narre Warren, Narre Warren South
- 3806** Berwick, Harkaway
- 3807** Beaconsfield, Guys Hill
- 3808** Beaconsfield Upper, Dewhurst
- 3809** Officer, Officer South
- 3810** Pakenham, Pakenham South, Pakenham Upper, Rythdale, Toomuc Valley
- 3812** Maryknoll, Nar Nar Goon, Nar Nar Goon North
- 3813** Tynong, Tynong North
- 3814** Cora Lynn, Garfield, Garfield North, Vervale
- 3815** Bunyip, Bunyip North, Iona, Tonimbuck
- 3816** Labertouche, Longwarry, Longwarry North, Modella
- 3975** Lynbrook, Lyndhurst
- 3976** Hampton Park
- 3977** Cannons Creek, Cranbourne, Cranbourne East, Cranbourne North, Cranbourne South, Cranbourne West, Devon Meadows, Five Ways, Junction Village, Skye, Tooradin North
- 3978** Cardinia, Clyde, Clyde North
- 3980** Blind Bight, Tooradin, Warneet
- 3981** Bayles, Catani, Dalmore, Heath Hill, Koo Wee Rup, Koo Wee Rup North, Yannathan