

## FACT SHEET

### Magistrates Early Referral Into Treatment Program (MERIT)

#### What is MERIT?

MERIT is a special program based in Local Courts that provides the opportunity for adult defendants with drug problems to work, on a voluntary basis, towards rehabilitation as part of the bail process.

Participants can be identified by the Magistrate, solicitor, police, or the defendants themselves as suitable for assessment for the MERIT program. Based on the assessment, the defendant may be accepted into MERIT to receive targeted drug treatment. The MERIT treatment program will be developed to match the defendant's individual needs. The Court will make the defendant's involvement in MERIT a condition of bail.

Defendants are closely case-managed by the MERIT Team throughout the program and the Magistrate receives regular reports on the participant. The final hearing and sentence generally coincide with the completion of the MERIT program. Magistrates are then able to consider the defendant's progress in treatment as part of final sentencing.

#### Eligibility Criteria

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

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). Treatment generally commences 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 nature of their drug problem and the type of treatment that is available and suitable for them.

**What type of treatment is available?**

- ▶ Detoxification
- ▶ Methadone and other pharmacotherapies
- ▶ Residential rehabilitation
- ▶ Individual and group counselling
- ▶ Case management
- ▶ Welfare support and assistance

**What happens during the bail period?**

Participants:

- ▶ undertake the drug treatment program as agreed with the Caseworker and the Magistrate.
- ▶ abide by all conditions of bail and the MERIT program undertaking.
- ▶ have the support and guidance of their MERIT Caseworker.
- ▶ appear before the Magistrate during this period, to provide 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 Caseworker. However, the Court will be notified if participants:

- ▶ Fail to attend any two consecutive scheduled appointments
- ▶ Commit further offences
- ▶ Do not comply with the bail conditions

**Sentencing/Hearing**

The completion of the treatment program coincides with the hearing or sentencing of the outstanding court matter(s). Failure to respond to the MERIT 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.

- ▶ The Magistrate hearing the case is provided with a report from the MERIT Team.
- ▶ The report gives information on the participant's drug treatment and provides recommendations for any further treatment.
- ▶ Where possible, a detailed aftercare program is formulated to assist participants to further their drug rehabilitation.
- ▶ The implications of the participants compliance or non-compliance with the drug treatment program is at the discretion of the Magistrate.