

## **Announcement Regarding the Halton Community Treatment Court**

The Ontario Court of Justice in Halton Region is opening a Community Treatment Court on May 4, 2012.

This Court is designed to be a therapeutic Court. The emphasis will be on providing people suffering from mental illness and/or drug addictions with a venue to address the issues that brought them into conflict with the law. The Court will unite and focus the resources that exist in Halton Region into a dedicated Court.

Halton's new Community Treatment Court has been developed through the cooperative efforts of representatives from the Crown Attorney's office (both Provincial and Federal), the defence bar, the Halton Regional Police Service and mental health treatment providers.

The Court will be starting on an incremental schedule at once per month, progressing to twice per month, and finally with a projected sitting frequency of once per week in the Fall of this year. Sitting dates of the Court are available from the trial coordinator upon request.

This new Court will be located in the Court House at 2021 Plains Road East in Burlington, Ontario, L7R 4M3.

# **Halton Community Treatment Court**

## **Background**

### **Justice and Mental Health**

Across Canada and in Halton, there is growing recognition of the tremendous social, economic and individual costs brought on by the failures of our institutions, including the justice system, to adequately deal with the challenges of mental health. The number of people with mental disorders who come into conflict with the justice system is increasing at a significant rate. Up to 20 per cent of all Canadians will suffer from some form of mental illness during their lifetime and some of those individuals will come into conflict with the criminal justice system.

The Community Treatment Court (hereinafter CTC) is an initiative to address the inequities and gaps in coverage that exist in our criminal justice system for people with mental health issues and/or addictions, when these problems are driving them into the criminal justice system.

The benefits of this Court will be felt by those suffering with mental illness, their families, victims and our community.

Ultimately, people who might otherwise become chronic offenders will be given the chance to benefit from a directed and therapeutic plan that addresses their issues and allows them to live pro-social and satisfying lives.

Individuals afflicted with mental health issues will retain the dignity, respect, and discretion that they deserve and that is a right to which they are entitled. More importantly, they will be directed to appropriate and successful treatment programs that can be monitored and adjusted as necessary. No one with a true mental illness ever wished that upon himself or herself; just as no one diagnosed with cancer or heart disease has.

The public benefits by having options other than incarceration to “punish” the mentally ill, with all its costs and ineffectiveness.

## **Need for Specialized Court**

We have dedicated and talented professionals in our community who have the knowledge and skill to address these issues effectively; yet they are a disparate group. To date, no court in Halton has sought to bring all of these resources together to deal with these problems.

The importance of early intervention in the effective treatment of mental illness has been well established. Persistent criminal behavior may be driven by suspected, yet not formally recognized, mental health or addiction issues. Currently, the psychiatric assessment process in our court system requires a lengthy remand that too often results in a mentally ill person languishing in a custodial facility that is ill equipped to deal with their immediate mental health or drug issues.

By integrating mental health workers more effectively into the judicial system, the new Court will improve access to services. Various agencies can provide assessment, a plan of care, support, and a monitoring function that will direct the limited resources and will provide these individuals with the best chance of addressing mental illness and addictions.

The legal system can be a confusing and intimidating process for anyone. This is particularly true for those suffering with mental health or addiction issues. The CTC will be a less formal Court, with one constant Judge who will become familiar with the accused. The accused person will become familiar with the Judge, the Crown and Duty Counsel. Familiarity often engenders trust, which is the first step to understanding and rehabilitation.

## **Referrals to the Community Treatment Court**

Federal and Provincial Crowns will play key roles in the operation of the new Court, acting as screeners to approve referrals of individuals to the Court who they believe will benefit from its supervision and restorative justice approach. Recommendations for referral can be made by lawyers, both Duty Counsel and the private bar, the police, probation officers, doctors or other care providers, and any other individuals including family members of the accused or the victims.

All Judges and Justices of the Peace have the authority to refer a case to the CTC if they think that the process may benefit the accused or the proper progression, resolution, or case management of the matter in the system, even from the bail hearing stage.

The Crowns are the gatekeepers of the Court and can decide not to admit referred individuals whom they think are malingering, or who will not benefit from the restorative justice approach of the Court. They can also refuse to refer those who have committed such serious crimes as to disqualify them from appearance in the Court. These could include allegations of serious violence or drug trafficking for profit, as opposed to supporting the accused's addiction.

Participation in the Court is entirely voluntary. Individuals not wishing to participate will be remanded back to the normal stream in our Courts where our judicial officers have the authority to order assessments for fitness to stand trial or NCR assessments or mental health assessments under the *Mental Health Act* if the required parameters are met.

### **Community Treatment Court Services**

Once referred, the individual will appear in the CTC. Access to a psychiatrist will normally be available on the day of the appearance for an initial assessment. This is not designed to be a comprehensive, determinative, or in-depth formal assessment.

This initial assessment is designed to focus available resources to assist the Court and the accused in implementing immediate and effective measures that will facilitate access to needed services in the community. The goal is to stabilize and encourage the accused to address the issues that may have been at the root of, or a substantial contributing factor to, the alleged criminal behavior that brought them before the Court.

The Canadian Mental Health Association (hereinafter CMHA) will provide access to experienced and skillful workers who will direct the accused to the resources needed. These mental health workers will support the accused as they progress through the Court. They will be relied upon by the Court in the final sentencing of the accused if it proceeds to that stage. As well, the

unrepresented individual will have access to competent and dedicated Duty Counsel for advice if they are not privately represented.

### **Support for the Halton Community Treatment Court**

The successful operation of Halton's Community Treatment Court will depend, in large part, on the ongoing cooperation of its participants. The tremendous enthusiasm and cooperation with which the partners have come together to plan and develop this new Court certainly bodes well for its future success.

The support and encouragement for this initiative from Ms. Charon Kerr, the Deputy Crown of the Halton Crown Attorney's office, and Mr. Ted Graham of the Federal Crown's office has been remarkable. Both have contributed their valuable time and skills in developing a working concept for the Court.

Defence counsel in this province know the need for a more focused approach to mental health and drug issues and are willing to give their expertise to the evolution of this Court. Ted Graham, who is also uniquely situated as the Halton Region Director of the Criminal Lawyers Association of Ontario, has fully reflected that sentiment and the perspectives of the defence counsel in Halton.

Dr. Thomas Hastings from the Oakville Trafalgar Hospital, who is in charge of the early intervention program for young people with first episode psychosis problems called the Phoenix Program, has been an essential and integral part of this initiative. His brilliant suggestions, questions and analysis of what this Court can and should be, and his commitment to engaging other psychiatrists to participate in the Court as assessors, has been essential to the development of this Court. The Phoenix Program has helped innumerable people with mental health afflictions and this community should be indebted to them for the wonderful, yet sometimes unsung work that they do.

The commitment, enthusiasm and support of the Halton Regional Police Service, represented by Detective Sergeant Nick Milinovich and Inspector Jackie Gordon, is welcomed and appreciated. The police face a most difficult role in being the "front line psychiatrists" who are required to make an assessment of a complex and difficult situation that may scream of mental health issues. Their assessment has to be made in a fast, evolving time

frame without the luxury of hindsight, all the while serving their obligation to protect the public. Their willingness and acceptance of this Court as a therapeutic and restorative approach to justice is evidence that the police service recognizes that the long term protection of the public is best served by providing mentally ill people with effective services as soon as possible.

Other key players in the legal community and the health providers in our community have also supported the development of this Court; the CMHA, who will play a lead role in this Court, Legal Aid, Probation Services, and Courts Administration have all been supportive, encouraging and essential.

Finally, I must thank my colleagues, who have supported and encouraged this endeavour from its inception. Their commitment to this initiative is appreciated.

We will face many challenges at the start, but we will be encouraged to get up and go on and make this a success for the betterment of our community. Such is the struggle that most of the clients will face in this Court; such is the struggle of life that we all face.

This specialized Court will make mistakes, stumble and lurch forward awkwardly at times, but we are committed to making it into the finest Court that the province has seen by sheer hard work and commitment.

### **Community Treatment Court Steering Committee**

I will append to this document the names of the members of the steering committee for the Halton Community Treatment Court. Although I cannot thank each of them individually in this document, my gratitude to all of them is immense, and I am indebted to them for their support and encouragement.

**“Justice Stephen D. Brown”**

Chair of the Halton Community Treatment Court Steering Committee

April 12, 2012

## Appendix

### Community Treatment Court Steering Committee Members

- Claudia Barning, Outpatient Mental Health Services, Halton Health Care
- Lloyd Bowers, Manager of Partnership Programs, CMHA
- Russ Browne, Solicitor – Criminal and Mental Health Law
- Dr. Gary Chaimowitz, Psychiatrist, Forensic Services, St. Joseph's Hospital, Hamilton
- Gina Chiarelli, Supervisor, Courts Administration, Halton
- Ian Clarke, Health Care Coordinator, Maplehurst Complex
- Terry Corbin, Manager, Youth Justice Program, ADAPT
- Debbie Dunn, Acting Manager, Courts Administration, Halton and Dufferin Regions
- Her Worship Marsha Farnand, Local Administrative Justice of the Peace, Halton
- Diane Farr, Chief Psychologist, Vanier Centre for Women
- Rhonda Frank, Deputy Superintendent of Programs, Maplehurst Complex
- Scharlean Glasgow-Allen, Alternative Measures Program Director, Elizabeth Fry Society
- Inspector Jackie Gordon, Halton Regional Police Service
- Ted Graham, Federal Prosecutor/Halton Director of the Criminal Lawyers Association of Ontario
- Dr. Tom Hastings, Psychiatrist, Phoenix Program, Halton Health Care
- Marie Hoy, Director of Services, Canadian Mental Health Association
- Angie Kays-Burden, Director of Innovative Practice, ROCK
- Charon Kerr, Deputy Crown Attorney, Halton Region
- Joe Kovacich, Forensic Intake Coordinator, St. Joe's Healthcare, Hamilton
- Detective Sergeant Nick Milinovich, Halton Regional Police Service
- Janet Moss, Legal Aid Supervisor, Halton
- Nancy Nicol, Registered Nurse, Vanier Centre for Women
- Glen Ricketts, Program Director, ADAPT
- Norma Skeoch-Taverner, Probation and Parole, Halton Court
- Natalie Snyder, Manager of Mental Health Services, Joseph Brant Hospital, Burlington
- Donna Sverdrup, Area Manager, Halton Probation and Parole
- Chondrena Vieira-Martin, Manager, Concurrent Disorders Program, ADAPT
- Chris Whittaker, Health Care Manager, Vanier Centre for Women
- Charlene Winger, Manager, North Halton Mental Health Clinic