

NAMD

The Changing Landscape of the Forensic System in Ontario

HSJCC Conference

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Forensic System Legislative Mandate

Criminal Code Canada

Part XX.1 – Mental Disorder

This section of the *Criminal Code Canada (CC(C))* defines a “mentally disordered offender”, fitness to stand trial and criminal responsibility and the options for dealing with an accused person who may be unfit to stand trial (unfit) or not criminally responsible (NCR) because of a ‘mental disorder’. It also sets out the requirements and the parameters for forensic services and the requirements of the Province.

Ontario Review Board (ORB)

The ORB is an independent, quasi-judicial tribunal established under Part XX.1/- Mental Disorder of the Criminal Code (Canada)

The ORB holds hearings and makes decisions about the custody/release of offenders who have been found Unfit or NCR on account of mental disorder

The possible disposition orders for the ORB are:

- Custody in a designated hospital
- Conditional discharge or
- Absolute discharge

Designated Hospitals

When there is a custodial or conditional disposition mentally disordered accused may only be taken into the custody of “designated hospitals” defined as places in the province designated by the Minister of Health and Long-Term Care for the assessment, treatment and/or custody of individuals detained under court or Ontario Review Board (ORB) orders

Inter-Ministerial Context

The formal MOHLTC funded forensic system is interdependent with the broader criminal justice system and human services provided by other Ministries including:

- Activities under the authority of the **Ministry of the Attorney General (MAG)** such as the court administration, Crown Attorneys and litigation (e.g. constitutional law)
- Activities of the **Ministry of Community Safety and Correctional Services (MCSCS)** such as policing, remand services and offender transportation services
- Services delivered by **Ministry of Community and Social Services (MCSS)** and **Ministry of Children and Youth Services (MCYS)** funded agencies
- Other **MoHLTC-Local Health Integration Network (LHIN)** funded mental health and justice services such as court diversion programs

These components interact at the levels of direct forensic services, operational policy and administration of law. Daily transactions among these systems occur at the local, regional and provincial levels

What are forensic mental health services?

Forensic mental health services include the assessment, management and treatment of mentally disordered persons in conflict with the law.

Forensic Services to the Courts

Services to the criminal justice system that support the trial process

- Fitness assessments
- Treatment orders (to make a person fit for trial)
- Keep fit orders (to keep a person fit until the trial)
- Not criminally responsible assessments

services typically involve hospital admissions of less than 60 days

With the exception of treatment orders, the courts do not require the hospital's consent for the admission

Forensic Services for Unfit and NCR Accuseds under the ORB

Treatment and rehabilitation services for persons under the ORB's jurisdiction including community based services

- Ensuring the safety of the community and of the person
- Psychiatric care
- The maintenance of a good quality of life
- Ongoing reports re the psychiatric and rehabilitation status of ORB patients and disposition recommendations

The length of stay for people under the ORB is typically a number of years but for some individuals it can be 20 years or more.

Forensic Mental Health Services

The forensic system consists of a broad continuum of mental health services, from secure inpatient settings to integrated mental health programs and community services and supports

All hospitals offer a common set of core services

Secure Inpatient Services

- Two levels of security-general and secure across the ten regional forensic programs and a provincial high security facility at Penetanguishene
- Short term court ordered assessment and treatment services
- Longer-term inpatient treatment and rehabilitation services

Outpatient Services

- Multidisciplinary forensic outreach teams
- Forensic transitional case management (TCM)
- Forensic Transitional Rehabilitation Housing Programs (TRHP)

Forensic Mental Health Services

Additional Forensic System Services

Besides the core services, the forensic hospitals offer an array of other services

Consultation, Coordination and Knowledge Transfer

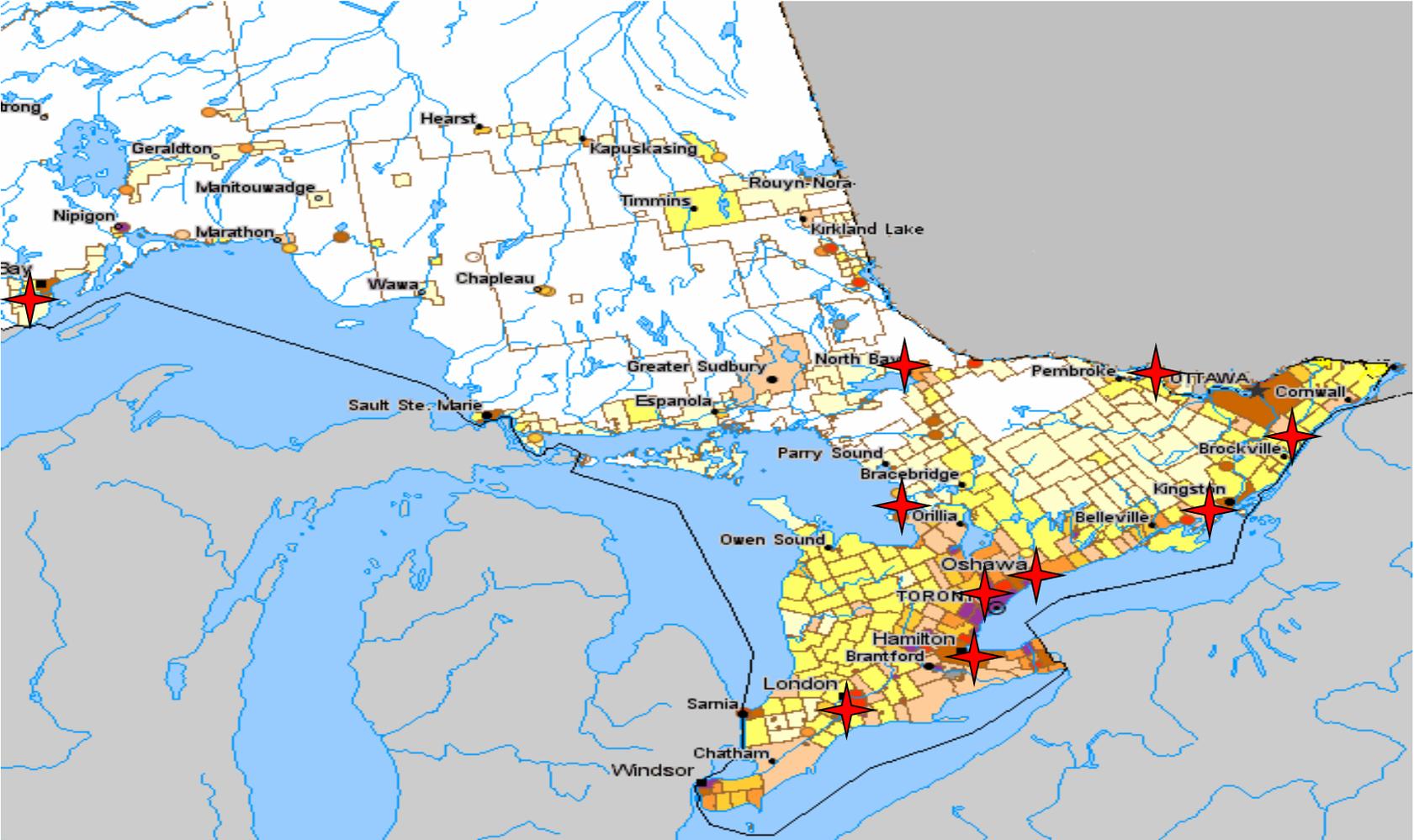
- Public education, training, consultation to agencies/practitioners
- Research, Quality initiatives
- HSJCC memberships, Forensic Directors' Group

Specialty Services and Clinics

- Forensic video assessment and consultation services
- Metabolic clinics
- Sexual Behaviour and Treatment Clinics
- Court support services
- Anger management and aggressive behaviour services

Location of Forensic Programs on a Population Density Map of Ontario

- Under the CCC, the Ontario Minister of Health has designated 9 hospitals at 10 sites as forensic service providers.



Forensic Programs in Ontario

Ontario Forensic Hospital Bed Inventory by Type							
Bed Designations terms below are from "Security Designation of Psychiatric Facilities"							
Facility	Secure Forensic Units	ATR	TR	General Forensic Units	ATR	TR	Total Forensic Designated Beds
Centre for Addiction and Mental Health – Toronto	90	28	62	83		83	173
Waypoint Centre for Mental Health Care – Regional				20	6	14	20
Waypoint Centre for Mental Health Care - Oak Ridge	160	40	120	0			160
North Bay Regional Health Centre - North Bay	28	10	18	24		24	52
Providence Care Centre – Kingston	30	5	25	0			30
Royal Ottawa Health Care Group - Brockville	59	3	56	0			59
Royal Ottawa Health Care Group – Ottawa	43	21	22	0			43
St. Joseph's Healthcare – Hamilton	22	14	8	20		20	42
Southwest Centre for Mental Health Care - St. Thomas	40	16	24	40		40	80
Thunder Bay Regional Health Sciences Centre - Thunder Bay	20	8	12	0		0	20
Ontario Shores Centre for Mental Health Sciences - Whitby	82	32	50	10		10	92
TOTAL	558	177	381	213	6	207	771

ATR= Court Ordered Assessment and Treatment Remand Beds
 TR = Treatment and Rehabilitation Beds

Unique System Dynamics

Forensic mental health services and requirements are defined by the federal *Criminal Code of Canada*

Forensic programs, unlike other Ontario health care services, do not control patient admissions or discharges. These are controlled by the courts and ORB through their authority under the CC(C)

This creates a unique system dynamic that is very different from virtually all other health care delivery in the province

Forensic MH Information Systems

Forensic Bed Registry (FBR): Daily online information on forensic bed availability in the province

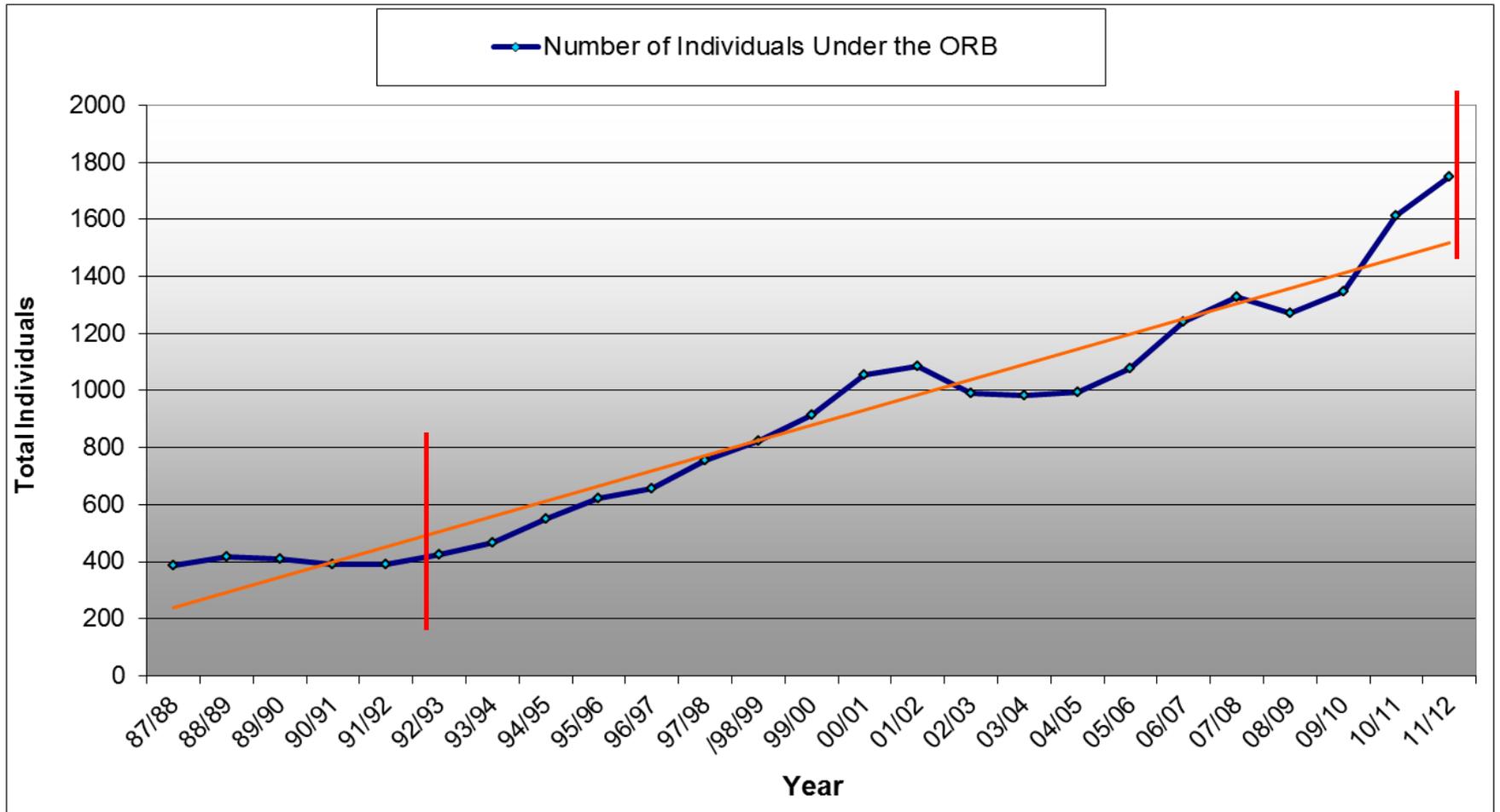
Offender Tracking Information System (OTIS): Weekly data on demand for forensic inpatient beds from the Ministry of Community Safety and Correctional Services

Ontario Review Board (ORB) Monthly wait lists and wait times information for individuals under the jurisdiction of the ORB

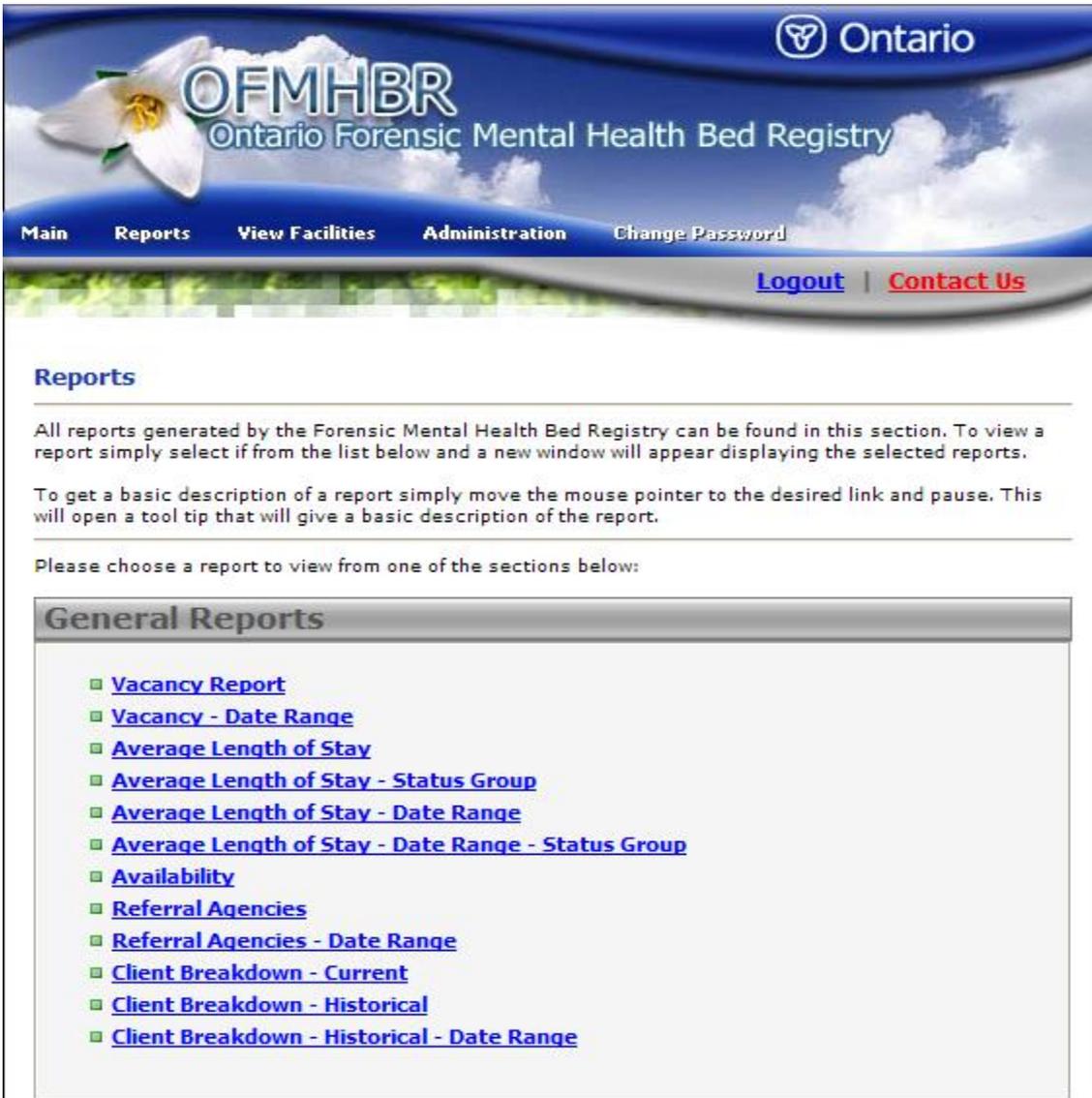
RAI- Mental Health and Ontario Mental Health Reporting System (OMHRS): Annually compiled demographic information

Volume of Service - ORB

Changes made in 1992 to the *Criminal Code (Canada)* resulted in a significant increase in the demand for forensic services.



Provincial Forensic Bed Registry



The screenshot shows the Ontario Forensic Mental Health Bed Registry (OFMHBR) website. The header features the Ontario logo and the text "OFMHBR Ontario Forensic Mental Health Bed Registry". A navigation menu includes "Main", "Reports", "View Facilities", "Administration", and "Change Password". Below the menu are "Logout" and "Contact Us" links. The "Reports" section is active, displaying a list of report options under the heading "General Reports".

Reports

All reports generated by the Forensic Mental Health Bed Registry can be found in this section. To view a report simply select if from the list below and a new window will appear displaying the selected reports.

To get a basic description of a report simply move the mouse pointer to the desired link and pause. This will open a tool tip that will give a basic description of the report.

Please choose a report to view from one of the sections below:

General Reports

- [Vacancy Report](#)
- [Vacancy - Date Range](#)
- [Average Length of Stay](#)
- [Average Length of Stay - Status Group](#)
- [Average Length of Stay - Date Range](#)
- [Average Length of Stay - Date Range - Status Group](#)
- [Availability](#)
- [Referral Agencies](#)
- [Referral Agencies - Date Range](#)
- [Client Breakdown - Current](#)
- [Client Breakdown - Historical](#)
- [Client Breakdown - Historical - Date Range](#)

- ✓ Daily tracking of assessment bed availability
- ✓ Generating standardized reports
- ✓ Monitoring service delivery trends across province
- ✓ Up-to-date forensic program information for Crown attorneys

Transformation Investment Framework

FUNDAMENTAL PRESSURE

- More individuals are being ordered into the forensic system by the courts and ORB than are being discharged by the ORB
- Continuing to simply build beds will not change this fundamental pressure
- The core issue is that the ‘throughput’ of the forensic system does not match the input

STRATEGIC INTERVENTION

- Reduce the number of persons entering the forensic system using alternate care pathways
- Increase the therapeutic effectiveness of inpatient programs
- Increase forensic community services to support safe and successful community placements
- Increase ‘throughput’

Prior Forensic System Investment – Enhanced Efficiency

2005 Forensic Bed Registry: The Forensic Bed Registry began operations providing daily information about the availability of forensic beds across Ontario to the courts

2006 : New transitional programs were funded to assist individuals to move into the community and open beds: 2 Transitional Rehabilitation Housing Programs (TRHP) & 24 Transitional Case Manager positions

2008 : Funding was provided to Centre for Addiction and Mental Health (CAMH) to provide alternative care pathways to reduce inpatient admissions

2009: Additional TRHP programs were added in Whitby, London and North Bay to assist individuals to move into the community and free beds

2010: Ministry supported an inter-ministerial initiative to locate video fitness assessment capacity in five correctional centres to improve access to forensic services in rural and remote areas and reduce the need for a number of forensic admissions

2010 Fall: New alternative care pathway forensic service capacity was added at CAMH to serve the courts

Transitional Case Management Program



Purpose

- The Transitional Case Management (TCM) program is designed to facilitate and support the successful transition to the community of eligible persons in secure forensic beds with an Ontario Review Board disposition that allows for community placement
- TCMs work in forensic hospitals and in community agencies
- TCM Roles:
 - discharge planning
 - service brokerage
 - short-term supportive counselling
 - psychosocial rehabilitation
 - linking to existing community mental health resources
 - facilitating temporary hospitalization & maintaining person's housing

Transitional Case Management Program (TCM)



2008/09 to 2012/13 TCM aggregate data shows:

- 24 Transitional Case Managers across the province carried an average of **403** clients on their caseloads per year; or an average **17** clients per TCM at any given time
- TCMs facilitated the transition to the community of **500** clients over the 5 years of the program
- Average Length of Service provided to clients increased to **16 months**
- Few clients were subject to new charges while on TCM caseloads – **less than 1% a year!**

Transitional Rehabilitation Housing Program



Transitional Rehabilitation Housing Programs (TRHP) serve eligible forensic clients requiring transitional, intensive, housing supports not otherwise available and forensic supervision/oversight

TRHPs are:

- based on a psychosocial rehabilitation recovery model
- a model for partnership development between hospitals and community programs with common clients
- an opportunity for clients to develop or enhance daily living skills after spending a period of time in a forensic hospital setting in a high intensity, supportive environment
- a pathway for clients to utilize on their way to accessing generic community services and achieving full community integration

Transitional Rehabilitation Housing Program



- There are 7 TRHP programs in Ontario with a total of 50 spaces for clients
- An expansion of TRHP programs to all forensic hospitals is expected to occur over the next year
- Data shows that TRHP is working:
 - The average length of stay is between 18 and 24 months
 - There are few re-hospitalizations
 - The re-offending rate of TRHP graduates is very low

Prior Forensic System Investment – New Beds



New Forensic Beds

2006-07 : \$20.4 million to improve access to forensic mental health services resulting in 90 new forensic beds

2010-11: New funding for 20 new forensic beds at the Ontario Shores Centre for Mental Health Sciences and for 16 additional forensic beds at the Centre for Addiction and Mental Health

Since 2002 the number of forensic beds in Ontario has increased 68%

Ongoing Infrastructure Investment:

Starting in 2005 Ontario has made major investments in the infrastructure of forensic programs building four new state-of-the-art forensic facilities in Ottawa 2006, Brockville 2007, North Bay in January 2011 and St. Thomas in 2013.

In addition, new forensic facilities are in development in two other locations Hamilton and Penetanguishene. In Hamilton the new facility will have space for 68 additional forensic beds.

2012-2013 Forensic System Investment

Initiatives

- **Enhanced video fitness capacity at five forensic programs** to provide fast efficient court ordered services without inpatient admission
- **New alternative care pathway collaboration** between CAMH and the new Toronto South Detention Centre of the Ministry of Community Safety and Correctional Services in Mimico
- **Additional outpatient capacity** including a Forensic Intensive Case Management Team at CAMH and 16.5 FTE new outpatient staff for the remaining forensic programs to provide enhanced services for forensic outpatients
- **Increased TRHP capacity** for two existing programs in London and Whitby and new TRHPs in Brockville, Hamilton, and Thunder Bay, a total of 24 new beds

2013-2014 Forensic System Investments

- **Forensic Intensive Case Management Teams** (outpatient) allocated to high demand forensic programs in Whitby and Ottawa. These FICMs will provide enhanced supervision, rehabilitation and treatment to complex forensic patients in the community enhancing community safety, preventing unnecessary re-hospitalisations and supporting successful discharge from the forensic system
- **Alternative Care Pathway - Brief Assessment Capacity** to provide court ordered services on an outpatient or day hospital basis in Ottawa, St. Thomas/London and Thunder Bay
- **Advance Practice Knowledge Transfer Staffing** for all forensic programs prorated by the size of the program to provide the clinical and programmatic expertise needed to serve the complex patients and requirements of the forensic system
- **20 new forensic beds**, 2 in Ottawa and 18 in Toronto
- **Increased TRHP capacity** for North Bay and Ottawa and new TRHPs in Kingston and the Penetanguishene area to support safe and successful community placements and make beds available to those who need them
- **Alternative Care Pathway – Youth Forensic Services** are under consideration in response to the recommendations of the G.A. Inquest

Forensic Mental Health Section

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