

# Alternative Resolution Court

To ask a question please go to:

Website: [Slido.com](https://www.slido.com)

Code: **HSJCCARC**

**COURTROOM 207-7755**

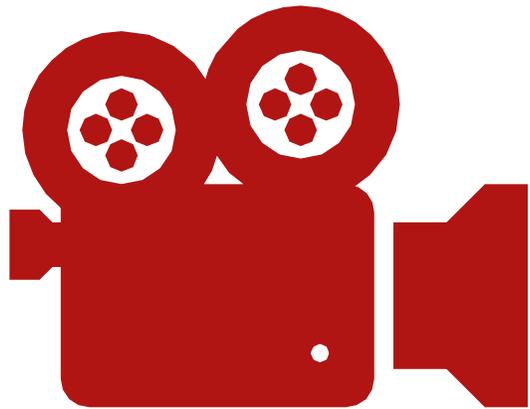
**HURONTARIO STREET**

**BRAMPTON ONTARIO**

**L6W 4T6**



# Justice O'Marra Video



# History



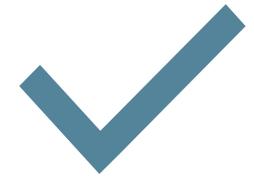
In existence since the late 1990s



Mental Health Court began to meet in 1999 and is now known as Alternative Resolution Court (ARC)

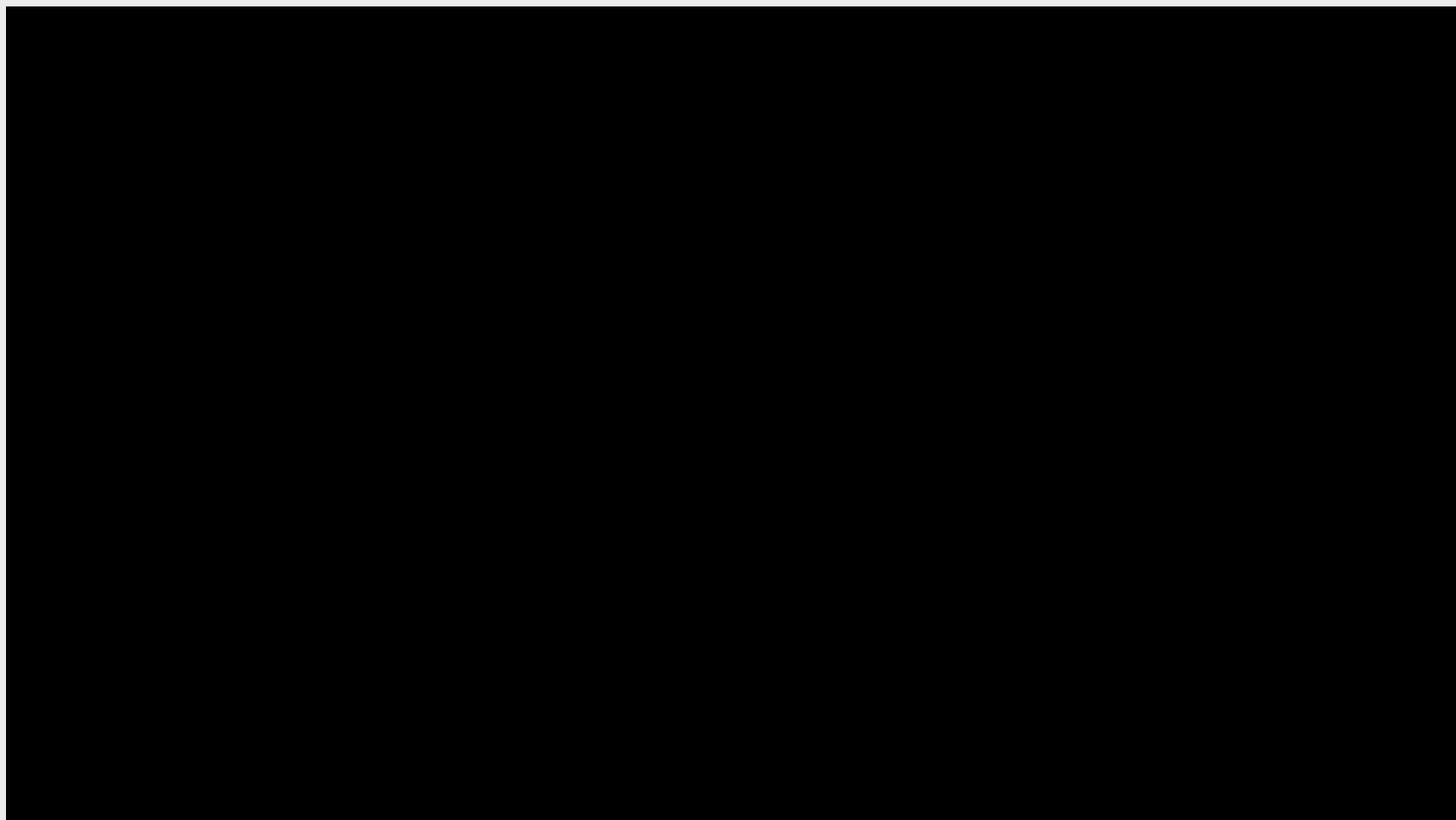


Mental Health Court Structure was established June 2000



Currently runs 2 full days on Tuesdays and Thursdays with Diversion matters

# Mental Health Court



<https://www.youtube.com/watch?v=VwPOtLgHnPU>

# Mission Statement



The Alternative Resolution Court mandate consists of a collaborative process between Legal Aid Ontario, the state and non-profit agencies to provide avenues to support the development of insight for individuals with mental illness; including those with developmental and intellectual delay, dual diagnosis, concurrent disorders, acquired brain injury and aging related illnesses, who come into contact with the criminal justice system.

This court supports eligible individuals with the above noted complexities and aims to redirect them from the criminal justice system to local mental health agencies and social supports. This process promotes recovery and reduces recidivism by approaching people with respect and dignity thus, empowering positive change.

# Core & Extended Team

## CORE

- Ontario Court Justices
- Crown's Office
- Defence Bar
- Duty Counsel
- Canadian Mental Health Association Peel Dufferin
- Peel Regional Police Court Liaison Officers
- Court Clerks

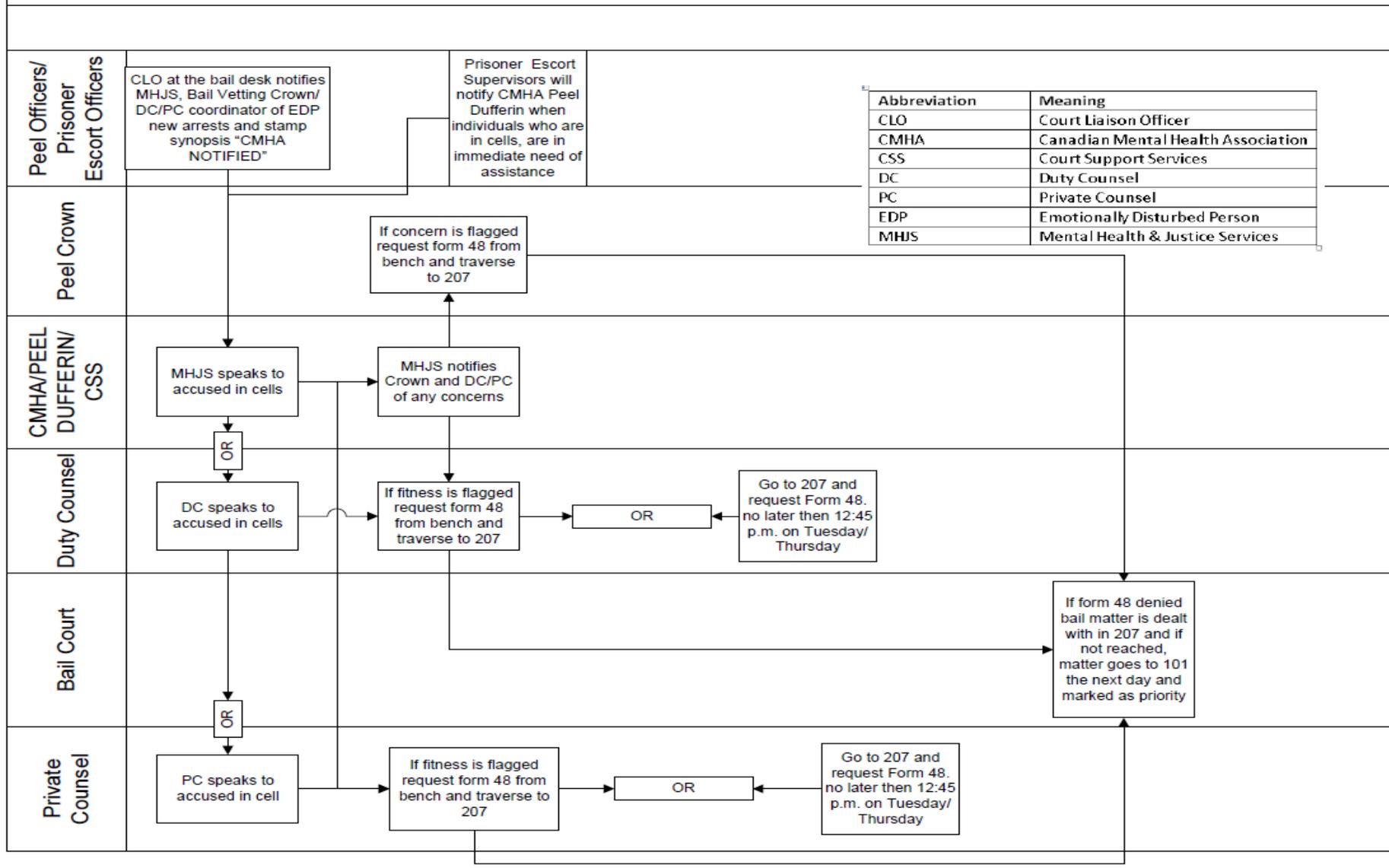
## Extended

- John Howard Society
- Elizabeth Fry Society, Carow
- The Indigenous Network
- Peel Regional Police Escort Officers



# Pathways

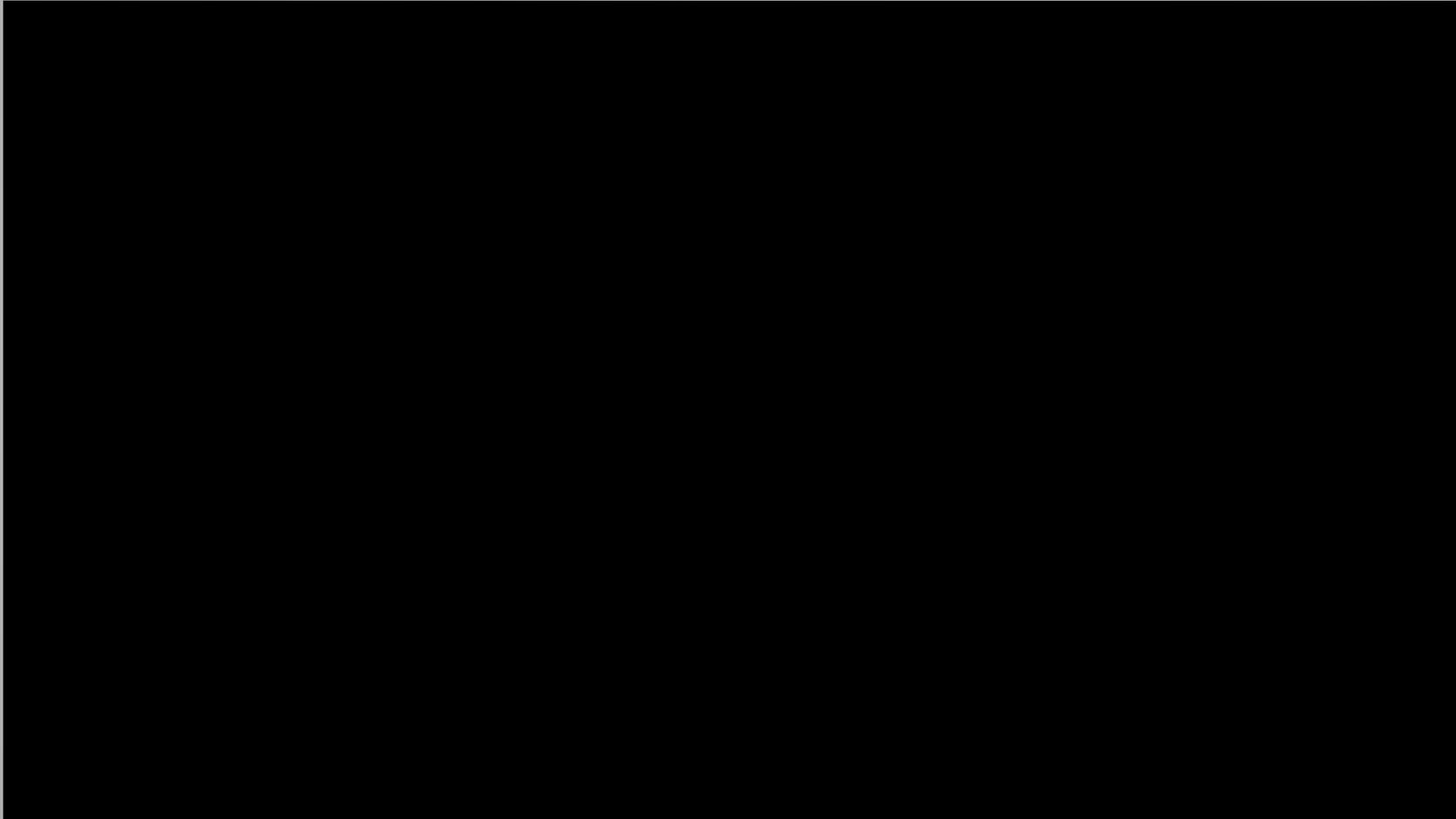
## ALTERNATIVE RESOLUTION COURT PATHWAYS: FITNESS (BAIL)



✓ Arrest

✓ Bail

# This Is Wonderland



<https://www.youtube.com/watch?v=eEI72CtLpQM>,  
Season 1 Episode  
8

# Fitness/Form 48

## Legal Definition of fitness

“unable on account of mental disorder to conduct a defence at any stage of the proceedings before a verdict is rendered or to instruct counsel to do so, and, in particular, unable on account of mental disorder to

(a) understand the nature or object of the proceedings,

(b) understand the possible consequences of the proceedings, or (c) communicate with counsel

CCC

## Fitness Assessment / Form 48

A “fitness to stand trial” assessment is commonly done by a forensic psychiatrist and commonly referred to as a “Form 48” (referring to the numerical legal form the court must fill out).

If an accused is sent for this type of assessment, it’s as if the regular criminal process is put on hold until a judge has made a decision about whether the accused is unfit to stand trial or not.

# Fitness/Treatment Order

## Treatment Order

**672.58** Where a verdict of unfit to stand trial is rendered the court may, on application by the prosecutor, by order, direct that treatment of the accused be carried out for a specified period not exceeding sixty days, subject to such conditions as the court considers appropriate for the purpose of making the accused fit to stand trial.

The testimony required by the court for this purpose shall include a statement that the medical practitioner has made an assessment of the accused and is of the opinion, based on the grounds specified, that

- a) the accused, at the time of the assessment, was unfit to stand trial;
- (b) the psychiatric treatment and any other related medical treatment specified by the medical practitioner will likely make the accused fit to stand trial within a period not exceeding sixty days and that without that treatment the accused is likely to remain unfit to stand trial;
- (c) the risk of harm to the accused from the psychiatric and other related medical treatment specified is not disproportionate to the benefit anticipated to be derived from it; and
- (d) the psychiatric and other related medical treatment specified is the least restrictive and least intrusive treatment

CCC 1991, c. 43, s. 4

# NCR Hearings

**Not Criminally Responsible on account of Mental Disorder (NCRMD)**

**Legal Defence of mental disorder section 16 (1) of Criminal Code of Canada**

No person is criminally responsible for:

an act committed or an omission made while suffering from a mental disorder that rendered the person incapable of appreciating the nature and quality of the act or omission or of knowing that it was wrong.

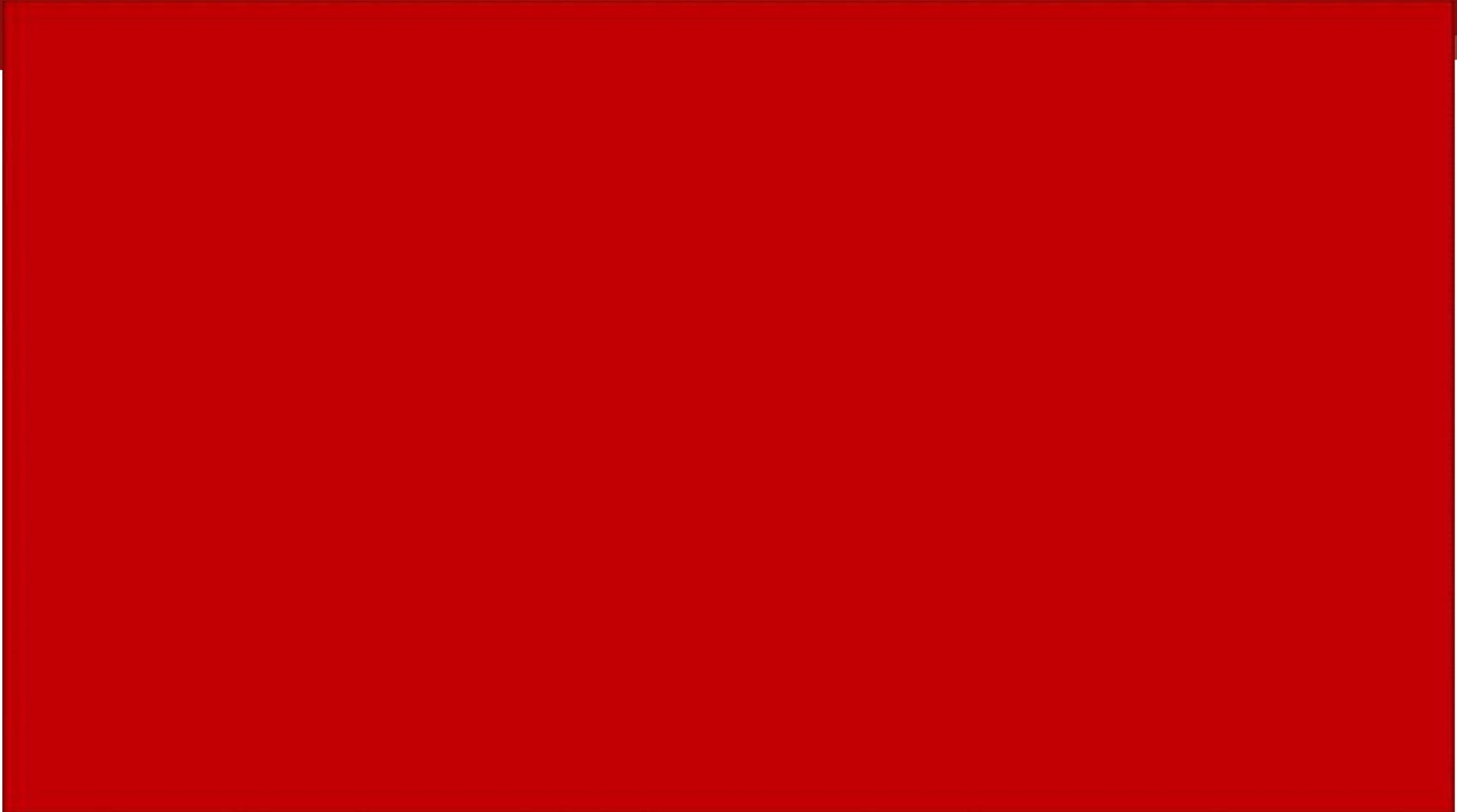
# ARC (207)

- ▶ Police Role
- ▶ Types of cases typically eligible for diversion
- ▶ Formal diversion
- ▶ Informal diversion
- ▶ JPT's
- ▶ Pleas
- ▶ Setting trials



# Marc's Journey Through ARC

# Theresa's Testimonial





Questions?