



# Mental Health Courts in Ontario

A Review of the Initiation and Operation of Mental Health  
Courts Across the Province

OCTOBER 2017



@HSJCC



# Mental Health Courts Project

## Objectives

**Phase 1:** To raise awareness and increase general knowledge of mental health courts in Ontario.

**Phase 2:** Narrowed focus to determine where adult Mental Health Courts exist across the province, and to provide a description of them.

These courts are also referred to as Community Treatment Courts or Wellness Courts.

# Mental Health Courts Project

## The Project Advisory Committee

- Guided and informed the design of the key informant interview questionnaire
- Members included: Connex Ontario, MOHLTC, LAO, St.Leonard's Community Services, CMHA branches
- The Project also received support from The Ministry of the Attorney General

# Mental Health Courts Project

- A key informant interview questionnaire was developed to generate descriptive elements of Ontario's mental health courts
- 22 courts in Ontario were identified to participate in the interviews
  - Out of these 22 courts, 19 were deemed Mental Health Courts
  - Drug Treatment Courts or other specialty courts were *not* included
- Interviews were conducted over the phone, usually with an Assistant Crown Attorney and a Mental Health Court Worker from each court participating jointly

# Overview of the Questionnaire

## Pre-Court

- What is the eligibility criteria for acceptance into this mental health court?
- What is the custody status of clients (in/out, form of release)?
- Who primarily makes referrals?
- Who (if anyone) screens clients in or out?
- Are there regular pre-court meetings? If so, who attends and what is the main purpose?

## Court

- How often does this court sit?
- Is there any dedicated funding for this court?
- Is there a psychiatrist available to this court? If so, how often do they attend?
- Does the court use any technology such as video link?

## Post-Court

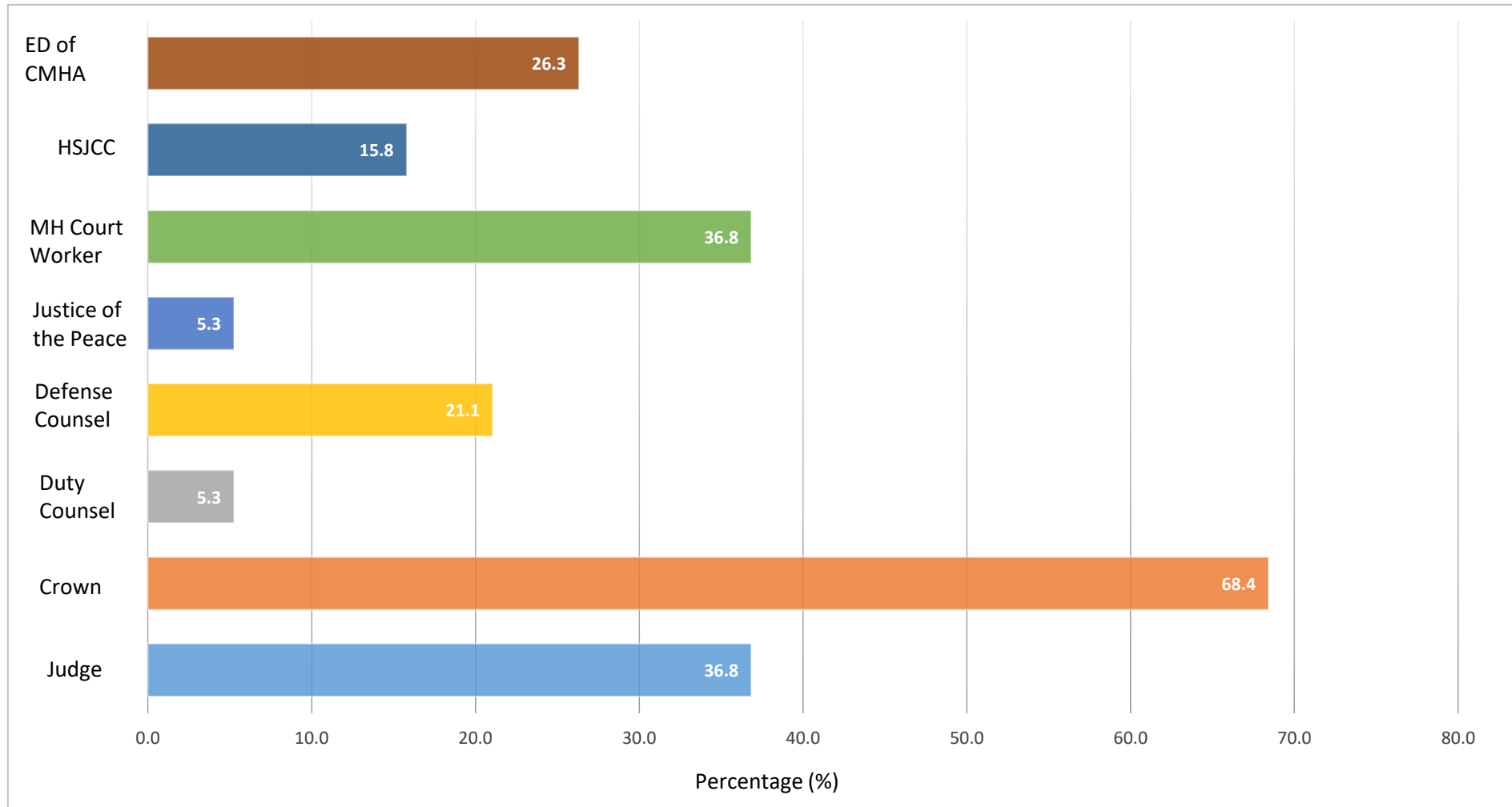
- What does the follow-up or reporting process look like?
- What are the most common outcomes?

# Mental Health Courts in Ontario

Location	Name of Court	Year Established
Barrie	Barrie & Orillia Mental Health Courts	2012
Belleville/Hastings	Belleville Community Treatment Court	2007
Burlington	Burlington Community Treatment Court	2012
Kawartha Lakes	City of Kawartha Lakes Community Court	2010
Kenora	Kenora Mental Health Court	2010
London	Adult Therapeutic Court	1997
Newmarket	The Community Treatment Court	2001
Ottawa	Ottawa Mental Health Court	2005
Owen Sound	Owen Sound Courthouse	2004
Oxford (Woodstock)	Woodstock Community Treatment Court	2014
Peel	Alternative Resolution Court (ARC)	1999
Peterborough	Peterborough Community Support Court	2012
Sault St. Marie	Sault Community Court	2010
Sudbury	Sudbury Community Wellness Court	2014
Toronto	102 Court, Old City Hall	1998
Walkerton (county of Bruce)	The 672 Court	2011
Waterloo	Region of Waterloo Courthouse	2005
Windsor	672 Therapeutic Court	2006

Total: 18

# Who initiated the creation of the mental health court?



Multiple parties (from both mental health and justice sectors) have been involved in initiating mental health courts

# Main goals of mental health courts

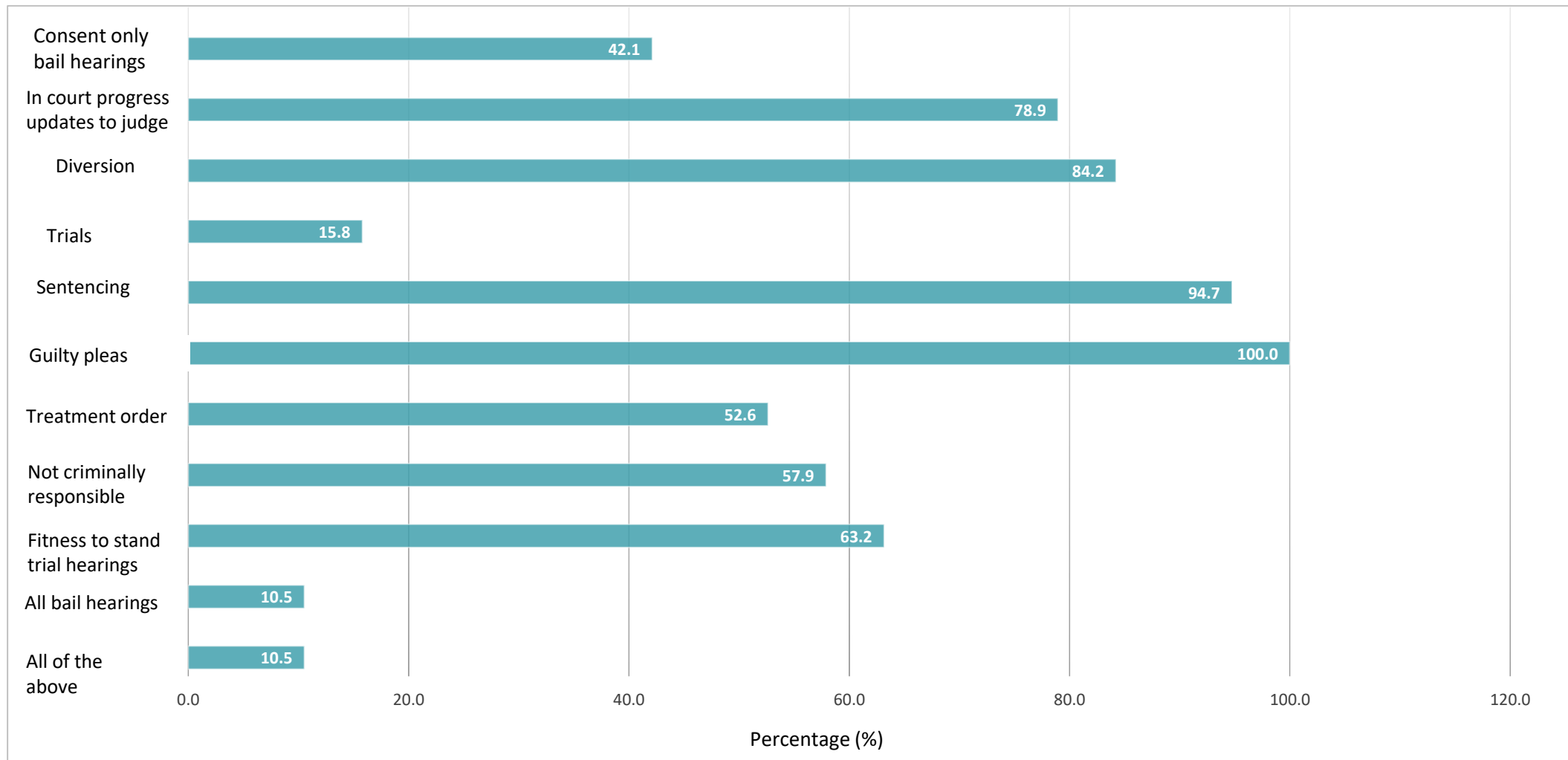
- Improve client access to community services and supports
- Improve general well-being of clients
- Reduce recidivism
- Improve community safety
- Identify systemic issues; advocacy
- Reduce stigma
- Provide alternatives to incarceration



# How often does the mental health court sit and for how long?

- 50% of the courts sit twice per month
- 15% sit weekly
- 15% sit once per month
- The remainder sit more frequently:
  - Peel court – twice per week
  - Ottawa court – three times per week
  - Toronto Old City Hall court – five days per week

# Proceedings included in the mental health courts



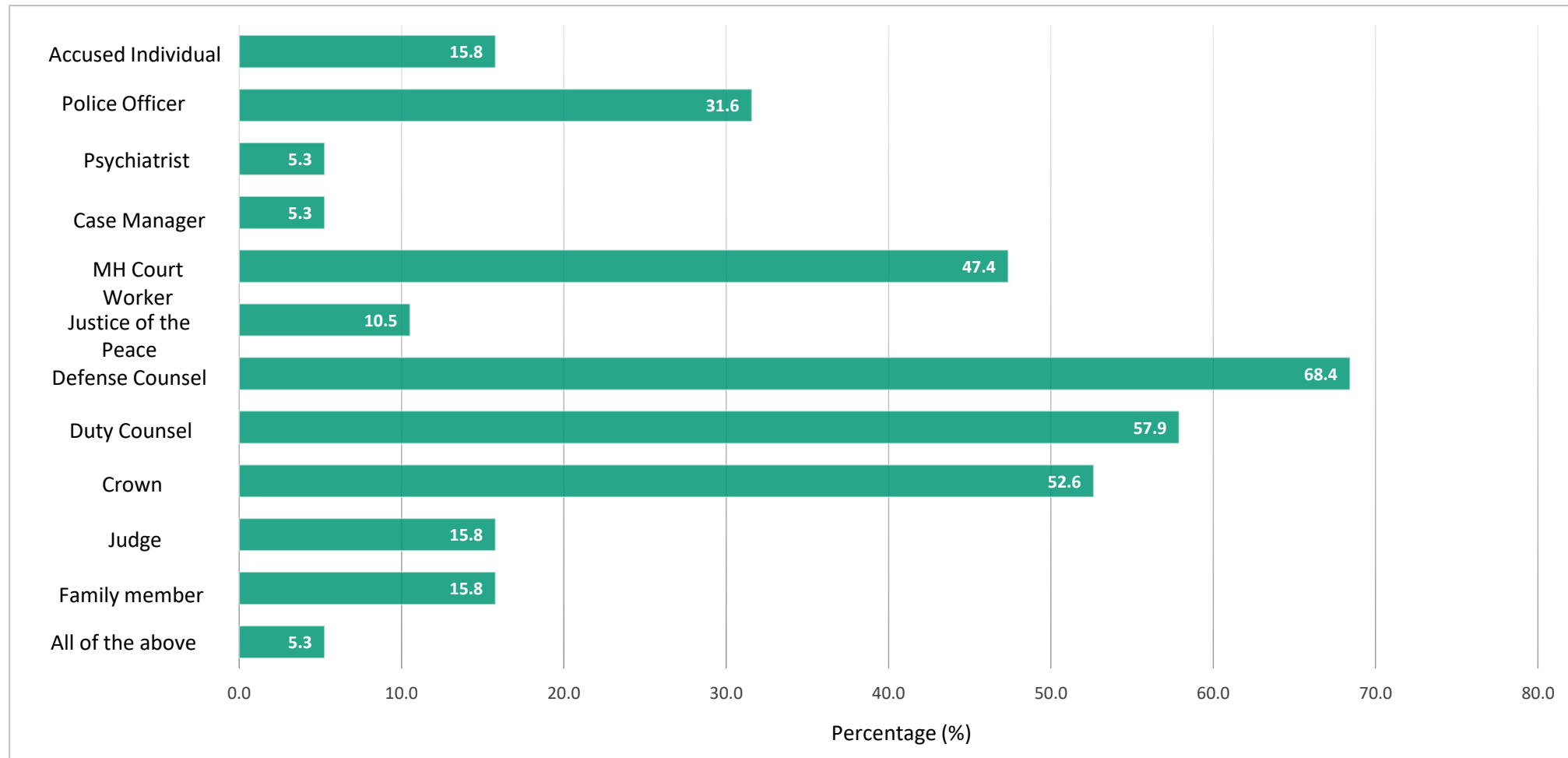
Guilty Pleas, In-court Progress Updates and Diversion are the top three proceedings that occur in the MH courts

# Outcomes seen in mental health courts

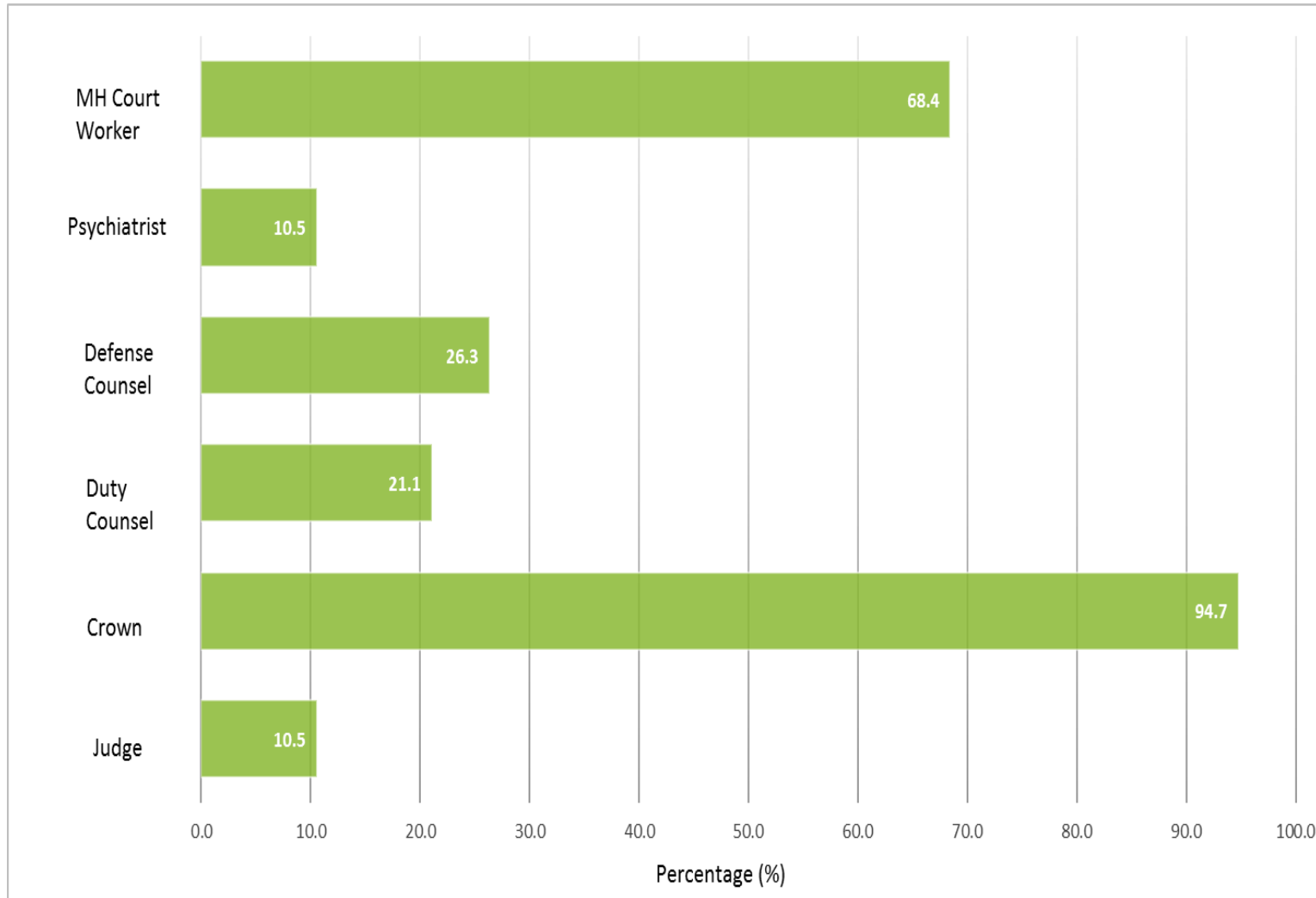
All of the courts surveyed reported favourable outcomes for clients, such as withdrawal of charges (diversion), or non-custodial dispositions on sentencing following a guilty plea.

The goal, as described by one court, is to work toward more productive outcomes for the clients, which can sometimes mean seeking more creative solutions.

# Who most often makes the referral to mental health courts?



# Who makes the final decision on eligibility?

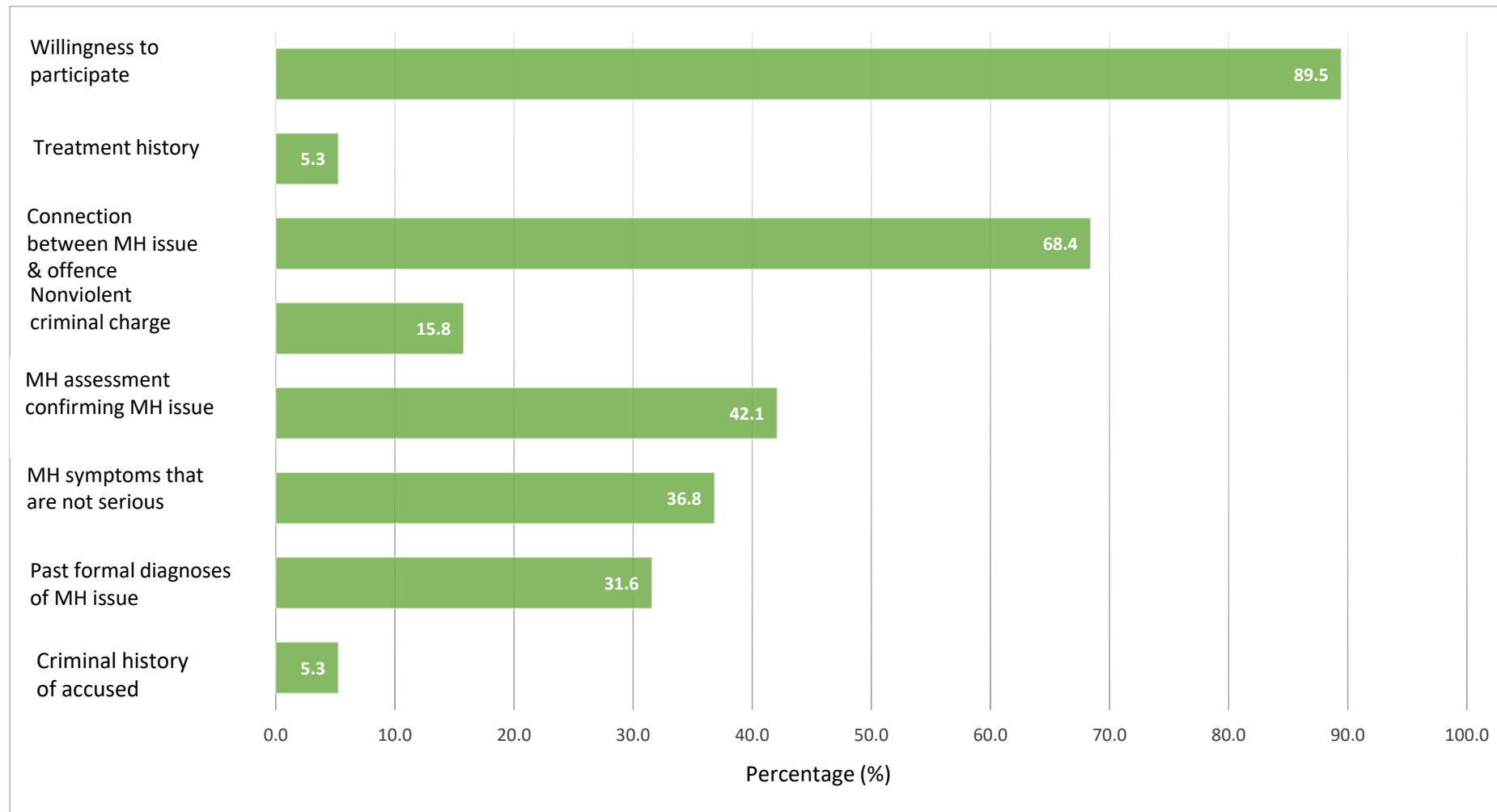


While several stakeholders can participate in assessing the eligibility of a client into MH court, the Crown often makes the final decision.

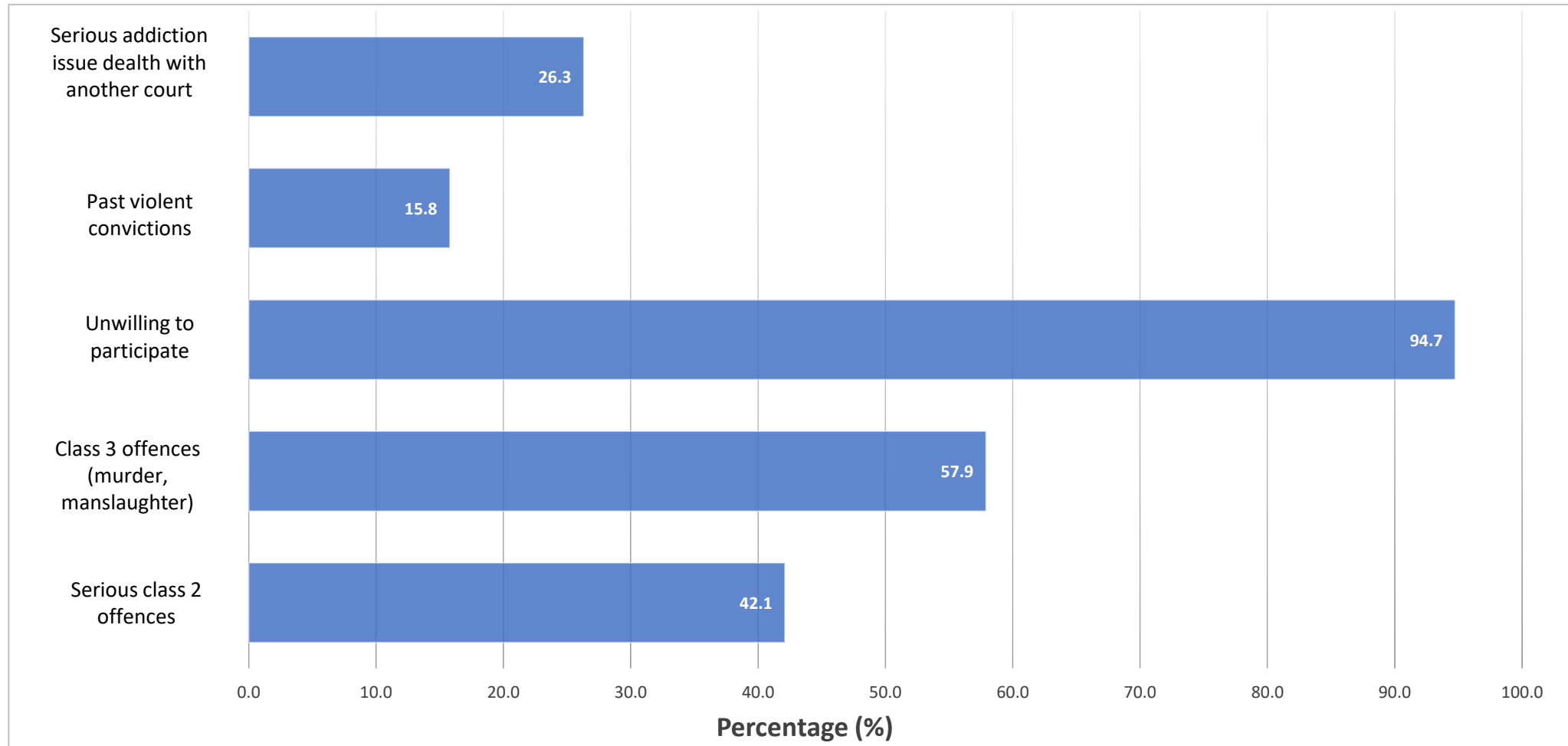
MH court workers often use screening tools for their assessment purposes.

The Crown will usually take the mental health assessment into account when determining eligibility, in addition to the charges/facts of case and any other relevant factors.

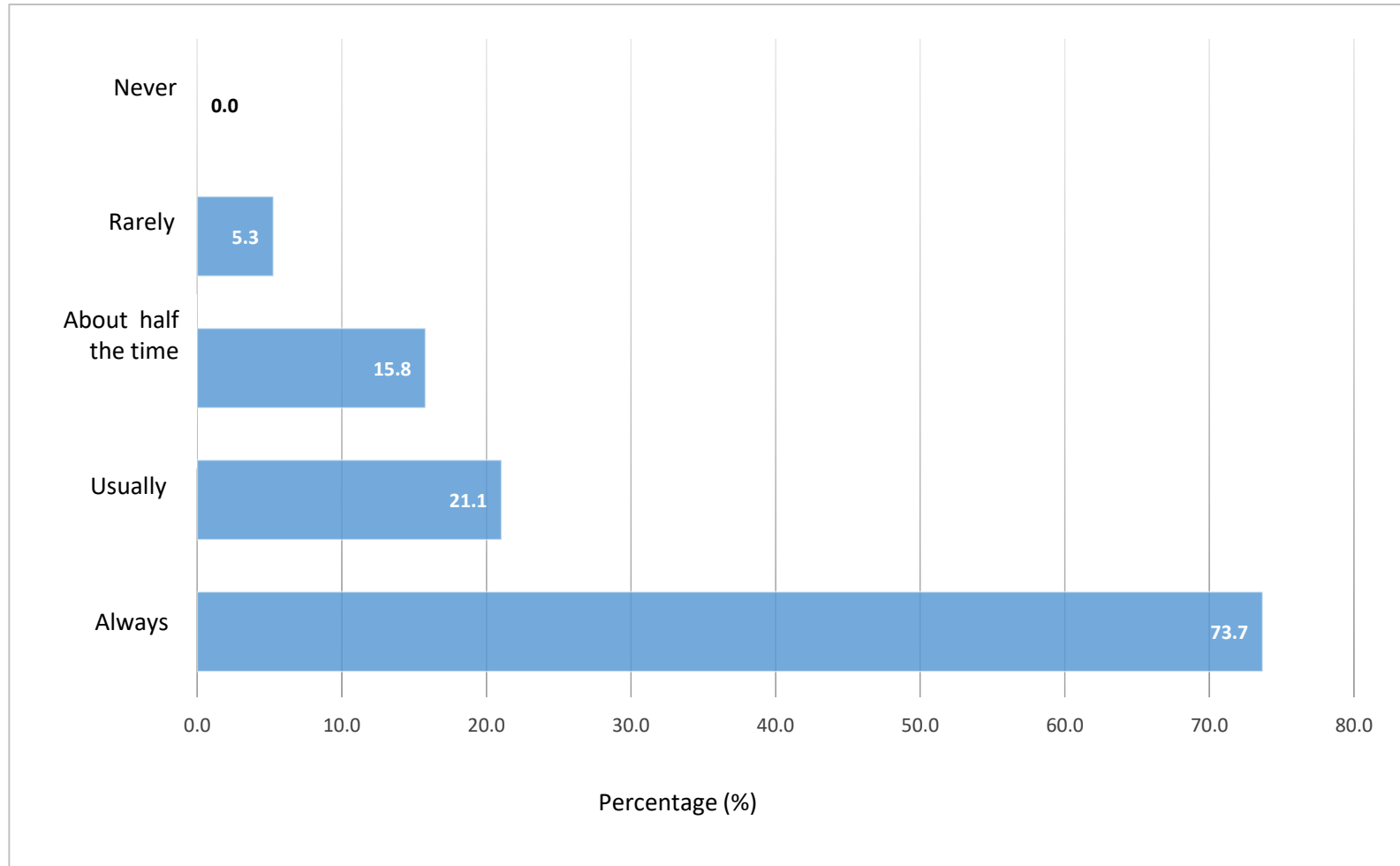
# Inclusion Criteria for Eligibility



# Exclusion Criteria for Eligibility



# Do you have pre-court meetings to discuss individual cases?



All the courts have some form of pre-court meeting to discuss cases. These meetings are usually held between the Crown and MH Court support workers. They will sometimes involve Duty Counsel or Defence Counsel as well.

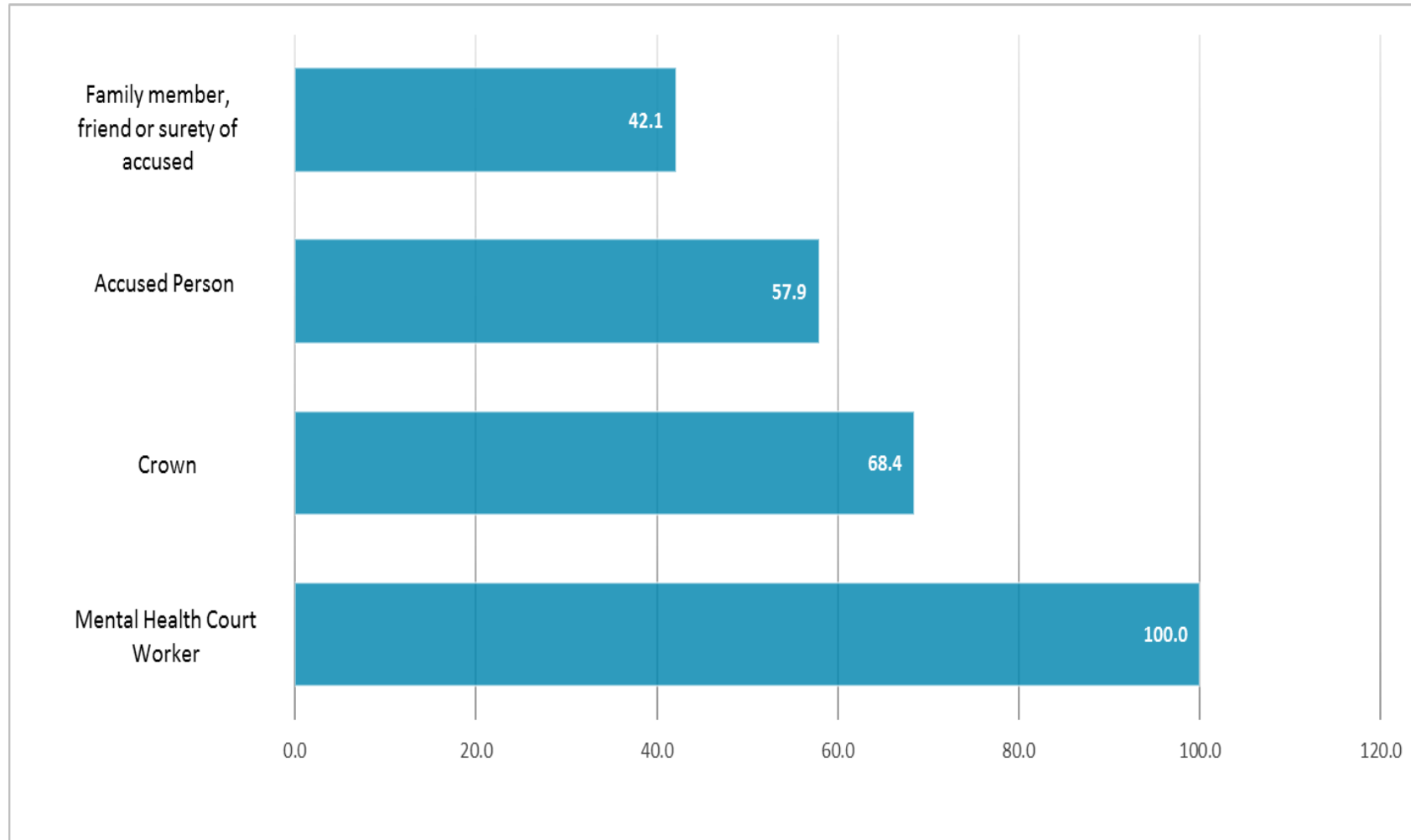
The purpose of these meetings is to provide status updates on client progress and to discuss possible outcomes and disposition/release planning. It is also a useful time to discuss complex cases.



# Designated Professionals in Mental Health Courts

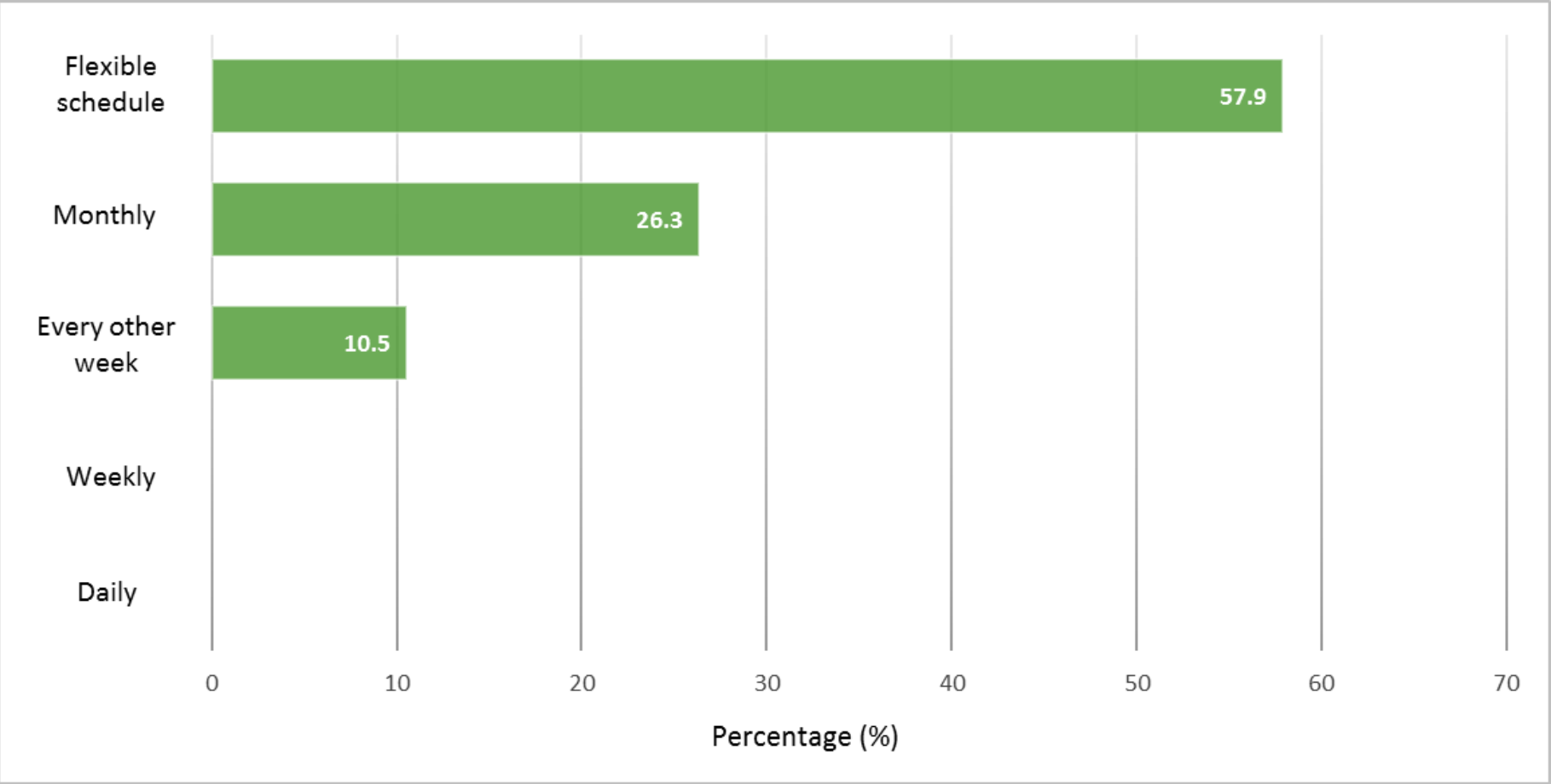
- 100% of MH Courts have **MH Court support staff** always in attendance
- 95% of MH Courts have a designated **Crown Attorney** always in attendance
- 42% of MH Courts have a designated **Judge** always in attendance
- 42% of MH Courts have designated **Duty Counsel** always in attendance

# Who develops the Mental Health Diversion Plan?



Mental Health Diversion Programs are designed to divert people out of the criminal justice system through various measures such as participating in treatment and other community programs to provide the client with stability and necessary supports.

# How often do individuals going through mental health diversion have to attend court?



Clients in MH Courts are required to report back to either the Court or the MH Court support staff, depending on their progress in the diversion program or status otherwise.

# Defining features of mental health courts

- Initiation of the mental health court
- Fixed schedule
- Eligibility criteria
- Designated staff (Crown, Judge, Duty Counsel, Mental Health Court Worker)
- Mental health diversion program



# Mental Health Courts Forum

- In April 2017 we hosted a Forum for project participants and other stakeholders from the mental health and justice sectors



MENTAL HEALTH COURTS FORUM—APRIL 24 TH. 2017



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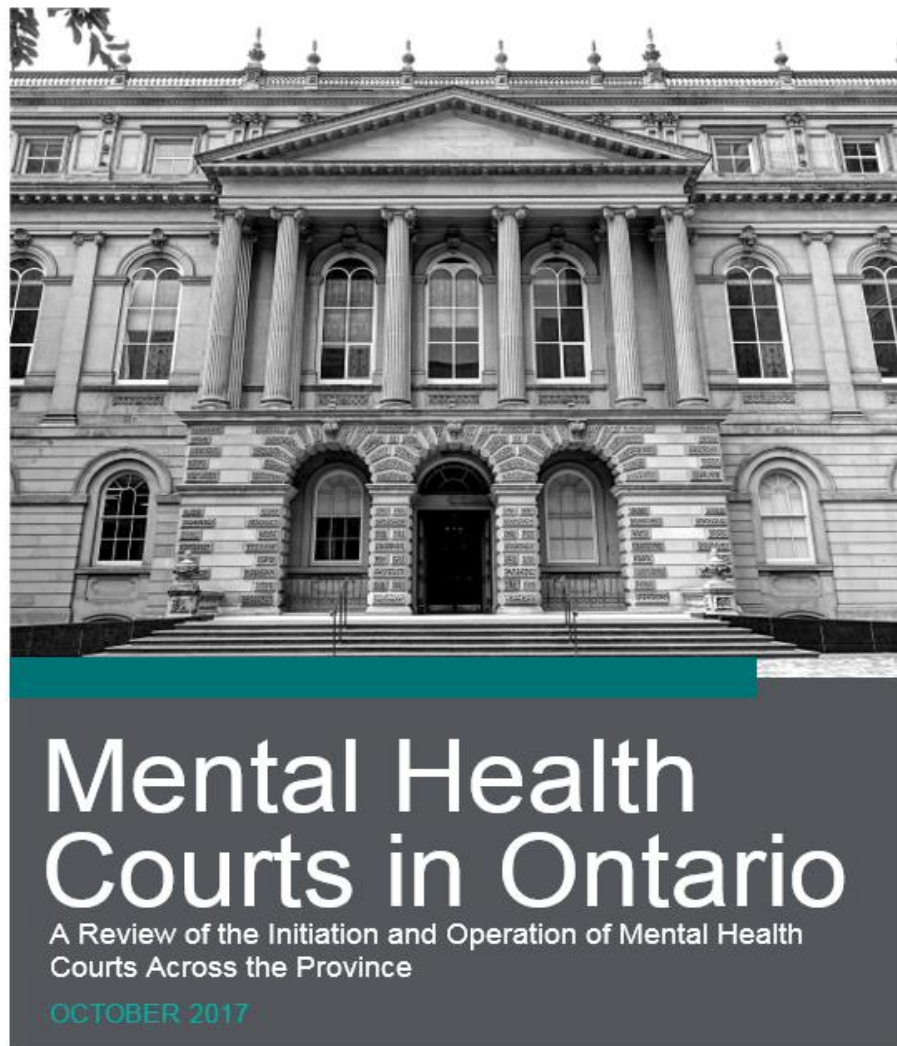
## Next Steps

- Encourage mental health-justice community to continue to engage in dialogue and build a community of practice
  - Host future Forums
  - Strengthen network
  - Examine best practices and resources
- Continue to monitor the operation of mental health courts, methods of initiation and operation
- Develop an evaluation of mental health courts in Ontario



# Mental Health Courts Report

- Mental Health Courts Report – available on our website:  
<http://www.hsjcc.on.ca/>



Thank you for listening!

Questions/Comments?

