

Ministry of Health

Forensic Mental Health – Landscape and System Overview

Provincial Human Services and Justice Coordinating
Committee Conference

November 17, 2021

Presentation Overview

1. The Intersection of Mental Health and Justice
2. Forensic Mental Health System Overview
3. Inter-ministerial Relationships and Stakeholder Linkages
4. Focus – Dual Diagnosis TRHP
5. Focus – Youth Forensic Service
6. Next steps in Forensic Mental Health

Intersection Between Mental Health and Justice

When someone with a mental illness commits a criminal act, the courts may take their mental illness into account when deciding what legal actions may be taken.

Forensic Mental Health System

When a crime is directly related to a person's mental illness, and they do not understand that they are committing a crime (or lack the *intent* to do it) they cannot be prosecuted in court. For example, psychosis may cause a person to hear voices that tell them to hurt someone in order to save the world. These individuals often enter the **forensic mental health system** to receive treatment, rehabilitation and reintegration into their community.

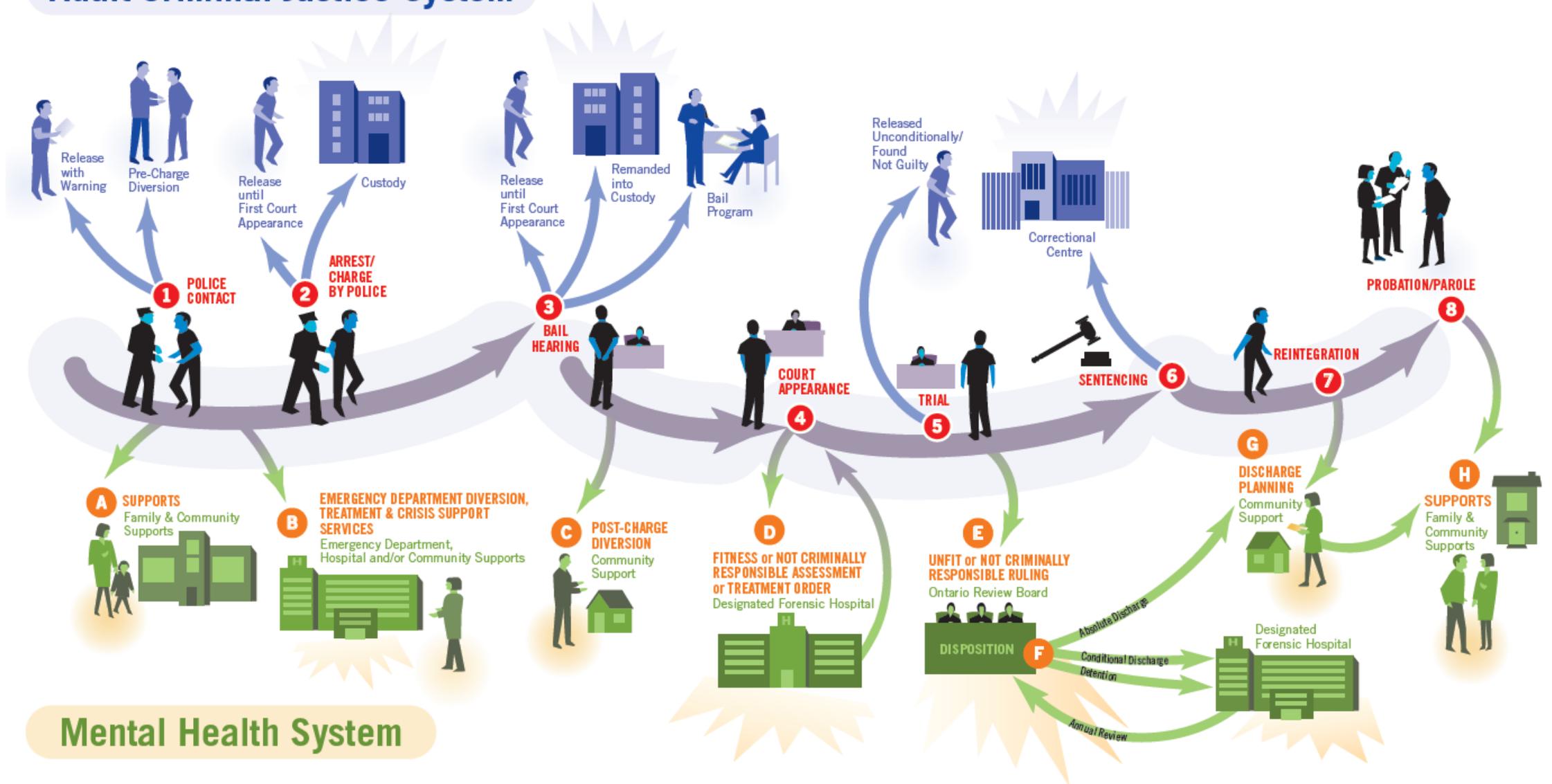
The role of the forensic mental health system is not intended to punish. The fundamental purpose is to provide treatment and help safely reintegrate people into their communities.

Mental Health and Justice Services

Some crimes are committed by people who also happen to have a mental illness but are aware that what they are doing is wrong. These people continue through the criminal justice system, but may receive specialized **mental health and justice services**, such as mental health court diversion or release from custody supports. Depending on the outcome of the court proceedings, they may still receive a sentence.

Navigating the Adult Criminal Justice & Mental Health Systems

Adult Criminal Justice System



Mental Health System



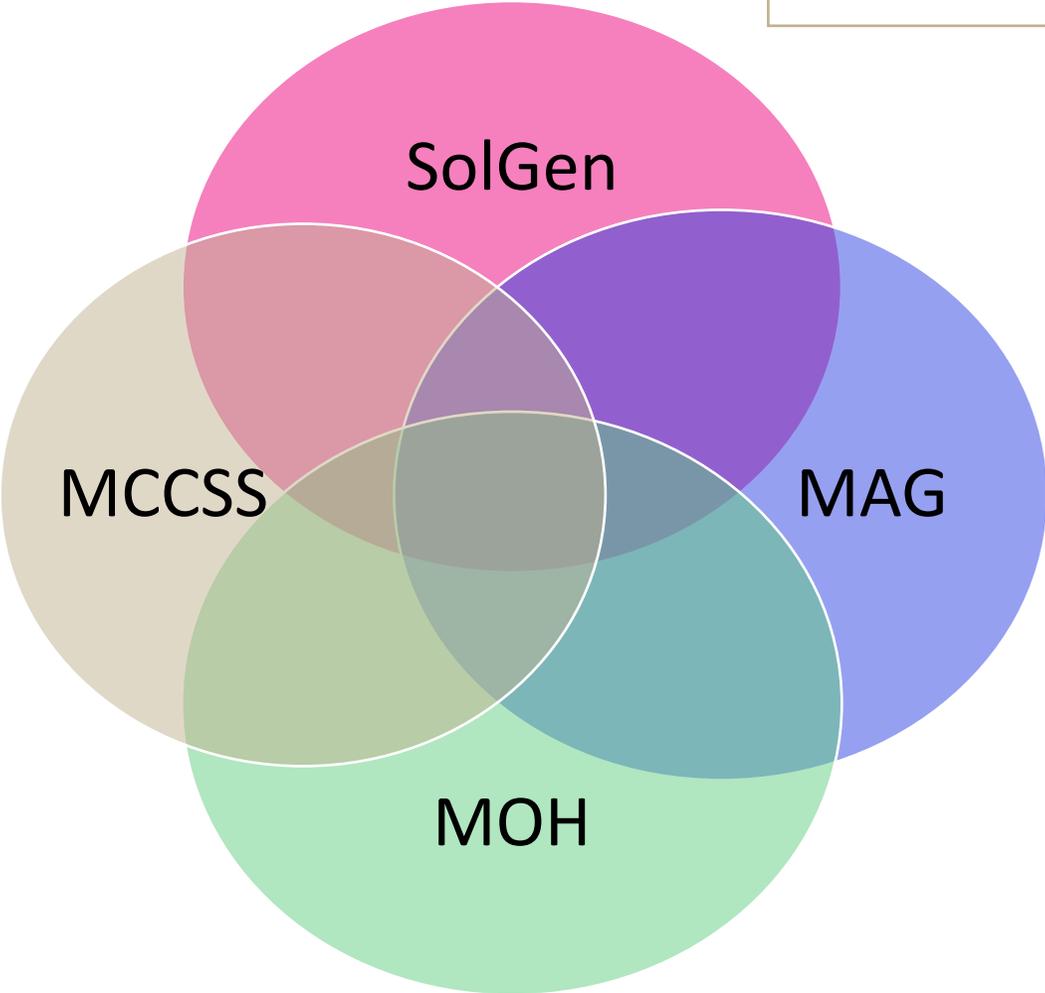
Inter-Ministerial Relationships

Forensic Early Intervention Service (FEIS)

Acute Care/ Stabilization Beds

Work with Crown Law / Civil Law

Inter-ministerial Mental Health and Justice Committee (IMHJ)



Mental Health Court Consortium

Forensic Mental Health Programs

- MOH funds 10 hospitals and Kinark Child and Family Services (Syl Apps Youth Centre) to provide forensic mental health services. These services include providing assessment and treatment to accused persons before the Courts and treatment and rehabilitation for persons found “unfit to stand trial” or “not criminally responsible”.
- MOH also funds several community mental health service providers to provide programs outside of the hospitals, including Transitional Rehabilitative Housing Programs (TRHP), Transitional Case Managers (TCM), and Forensic Supportive Housing (FSHP).
- We also work with MCCSS to support 5 Dual Diagnosis TRHP (DD TRHP) programs across the province, with the intention of eventual expansion of up to 5 additional DD TRHPs.

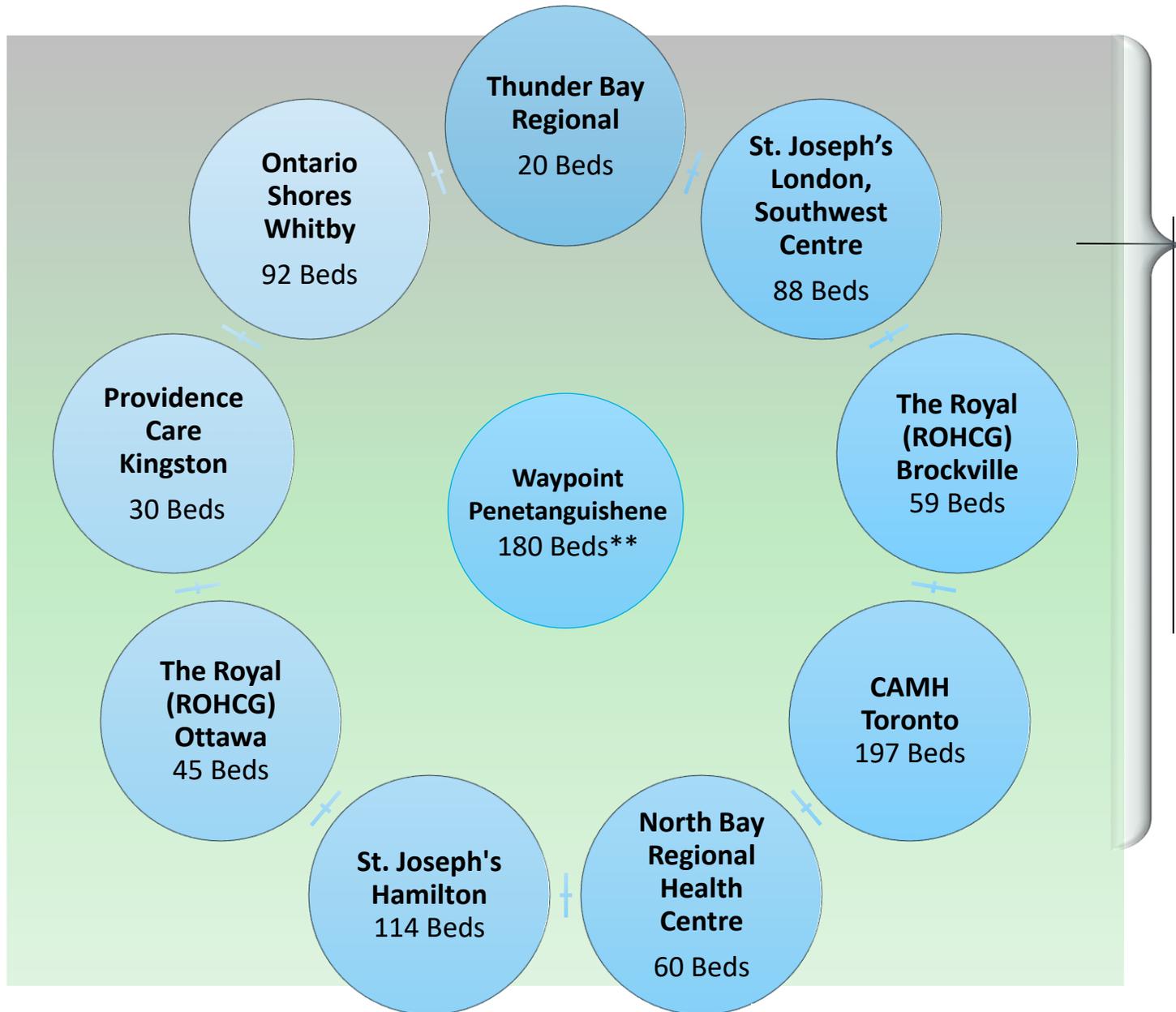
- **Forensic services to support the Courts include:**

- Expert opinion as to whether an accused person is “unfit to stand trial” (Unfit) and if Unfit, treatment to make them fit (treatment orders)
- Expert opinion as to whether an accused is “not criminally responsible” (NCR) because of a mental disorder

- **Forensic services for people under the Ontario Review Board’s (ORB) jurisdiction, including hospital and community-based services, include:**

- Ensuring the safety of the community and of the person
- Providing psychiatric treatment and rehabilitation
- Support to maintain a good quality of life
- Delivering ongoing reports to the ORB regarding the psychiatric and rehabilitation status of forensic patients and disposition recommendations

Forensic Mental Health System



885 Forensic Beds for Adults

- 160 Maximum Secure
- 430 Medium Secure
- 271 Minimum Secure
- 24 Hybrid Beds

Plus over 1,000 Outpatients

Syl Apps Youth Centre provides inpatient forensic services for youth, with 8 beds currently in their Secure Treatment Unit



Waypoint Forensic Program

Forensic Mental Health System

Fitness

- The court must first assess if the person is able to participate in the court proceedings.
- A person is considered *unfit* if they cannot understand the nature, object or consequences of what happens in court, OR they are unable to communicate with and instruct their lawyer.
- A trial cannot continue until the person is found *fit*. The court may make a *Treatment Order*, to have the individual treated in a forensic hospital for 30 to 60 days.
- If the individual remains unfit, they will be placed under the authority of the Ontario Review Board (ORB),

Not Criminally Responsible

- If the court finds that the person's mental illness prevents them from understanding what they have done, or prevents them from realizing what the result of their actions will be, they may be found Not Criminally Responsible (NCR).
- The individual will be placed under the authority of the ORB.

Ontario Review Board

- The ORB will have a hearing to determine one of three outcomes for the person, an absolute discharge, a conditional discharge, or a detention order.
- For a conditional discharge or a detention order, the ORB will create a disposition order that will determine:
 - what level of security the person should have
 - whether they will go to a hospital, and which hospital
 - when they can have privileges to go back into the community
 - what kind of supervision and support they should have in the community
- The ORB must hold a hearing annually (or up to every three years for high-risk accused) to review the disposition.
- The ORB is an independent tribunal. Members are appointed by the Lieutenant Governor in Council.
- The Health Boards Secretariat in MOHLTC provides corporate administrative, financial and case management services, as well as policy analysis and related support to adjudicative health tribunals, including the ORB.

Forensic mental health services are required by 672.1 Part XX.1 of the *Criminal Code of Canada (CC(C))*
Requirements include:

- Forensic services to support the administration of justice and secure psychiatric treatment and rehabilitation for forensic patients
- Minister of Health designated forensic programs where such services are to be provided, including both inpatient and outpatient care
- A Review Board (ORB) to conduct hearings and make the dispositions according to the stipulations set out in the *CC(C)*

Forensic Mental Health and Justice Unit Role

Information and analysis to support forensic system planning and development and responding to relevant legal issues

Information

- Tracks the demand for forensic services imposed by the courts and ORB including monitoring trends in service requirements (e.g. the need for services to special populations)
- Tracks the capacity of the forensic programs to provide services (e.g. forensic bed inventory)
- Analysis supports planning and accountability functions
- Support Communities of Practice in the sector to help share knowledge and best practices, and understand barriers to service

Forensic Services

- Plans new forensic services including both capacity and type
- Oversees implementation of new forensic programs and services
- Supports coordination of forensic service delivery in partnership with Ontario Health
- Engaging Forensic Hospitals to help implement programs supporting people in provincial correctional facilities

Law and Litigation

- Monitors changes to legislation and jurisprudence that impact on forensic service provision and the province's responsibilities
- Responds to court cases involving the Crown
- Facilitates resolution of situations with potential for litigation against the Crown

Policy

- Provides policy advice to government on forensic mental health issues
- Works with our policy partners in the Ministry of Health to identify ways in which forensic mental health services can be better coordinated across the mental health and addictions service continuum
- Works with partners to ensure policy direction is translated into high quality services and with measurable results

Forensic Mental Health Program Drivers

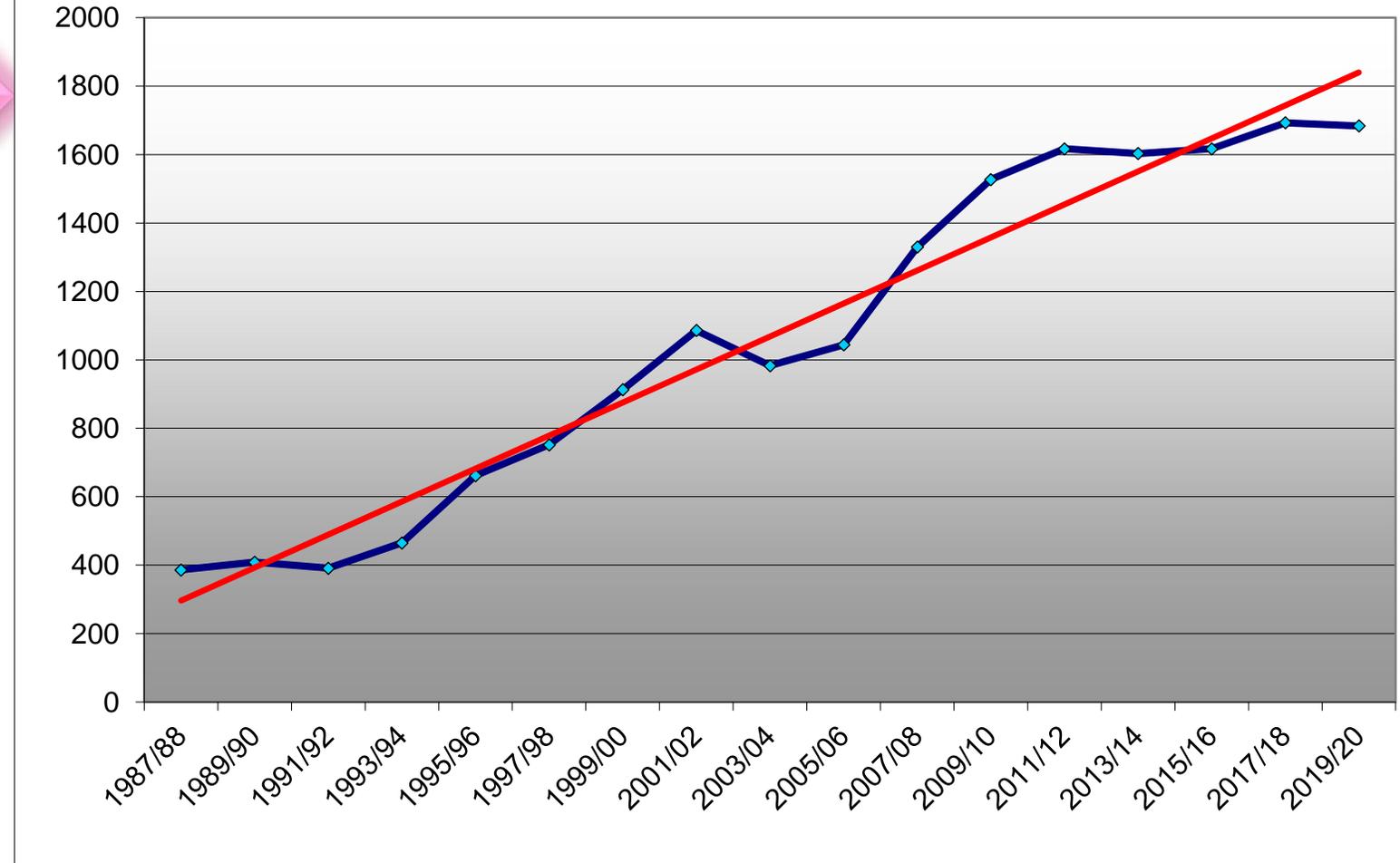
Admissions to and discharges from forensic programs are on the basis of Court orders and ORB dispositions. The hospitals (and province) must comply with these orders.

Over the last 20 years, the demand for forensic services has grown by an average annual rate of 5%

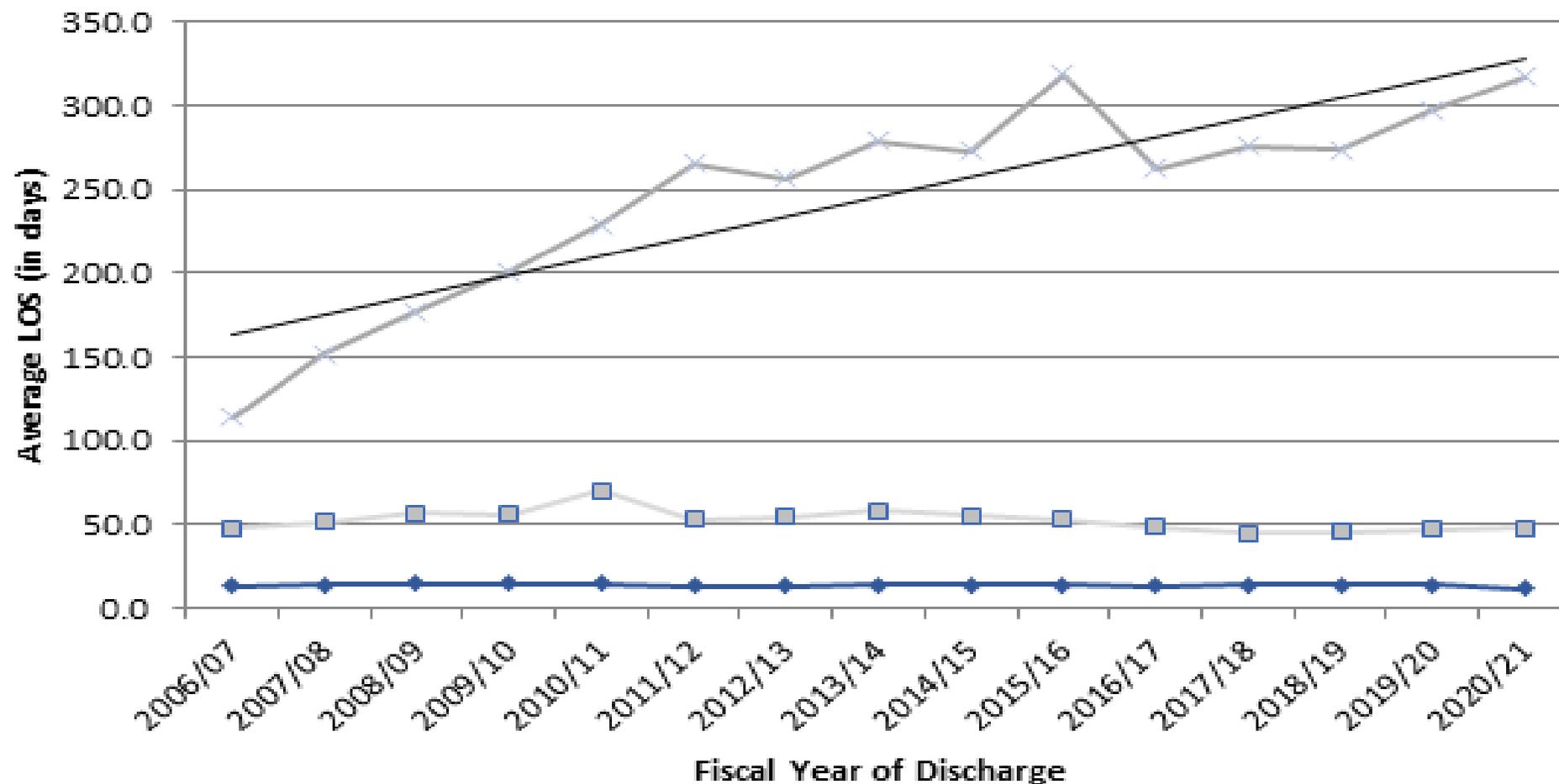
Other drivers include:

- Amendments to the Criminal Code of Canada made in 2014 (the addition of high-risk accused rulings and related decisions) may place additional pressure on the forensic system in the form of longer average length of stays and increased legal system costs

Number of Individuals in the Forensic System Under an Ontario Review Board Disposition (ORB)



Average LOS in adult designated MH units by unit type and fiscal year, 2006/07-2020/21



◆ Acute

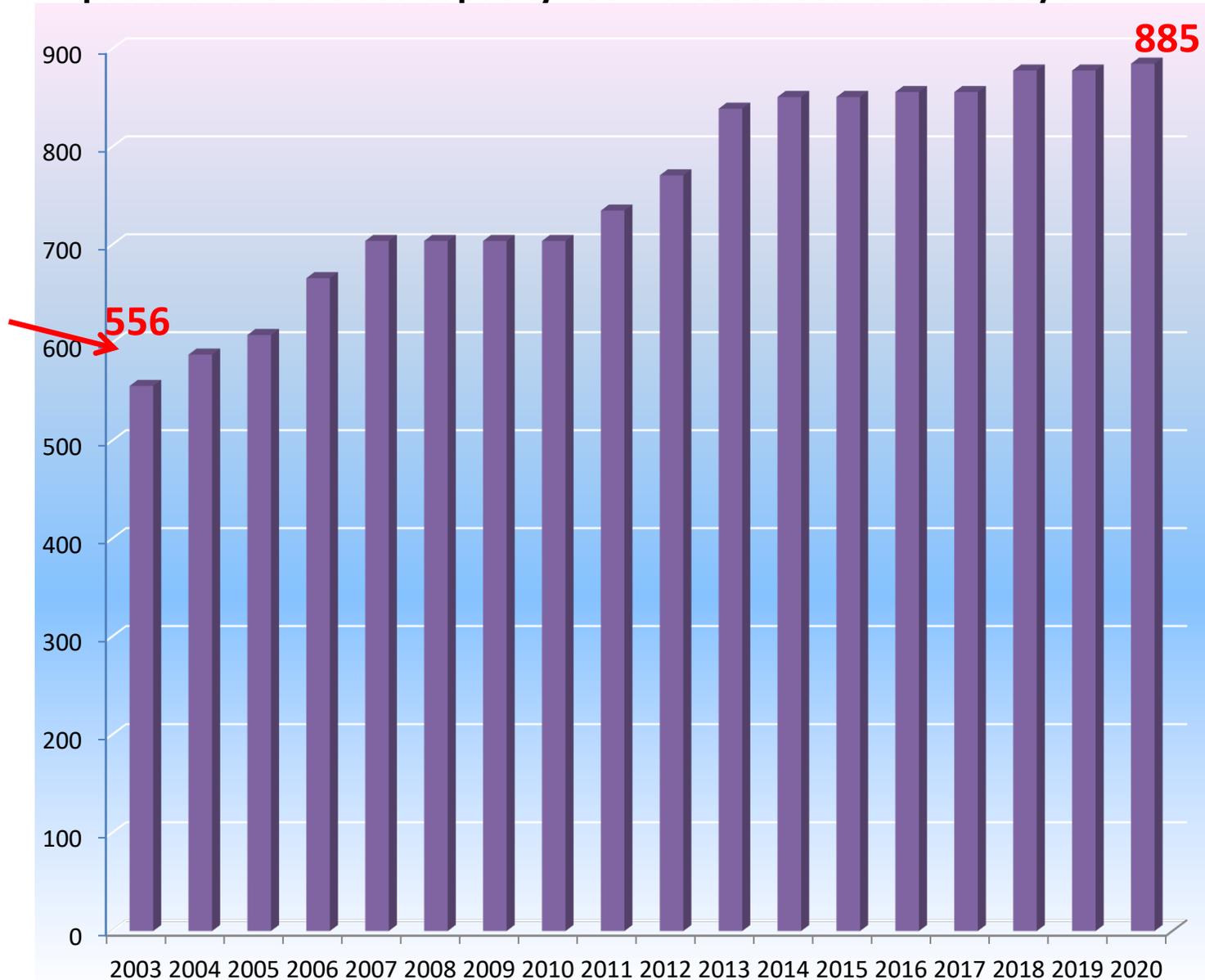
■ Selected Specialty - Non-Forensic

× Selected Specialty - Forensic

— Linear (Selected Specialty - Forensic)

Forensic Hospitals and Beds

Inpatient Forensic bed capacity has increased 59% since 2003/04



New Forensic Facilities

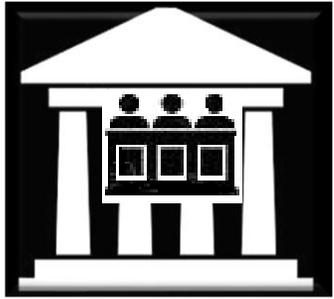
Since 2003, the MOH has funded new forensic facilities in:

- Thunder Bay Regional Health Sciences Centre, 2005
- Royal Ottawa Mental Health Centre, 2006
- Brockville Mental Health Centre, 2007
- North Bay Regional Health Centre, 2011 and the newly opened Women's unit in 2020
- St Thomas - St Joseph's Health Care, 2013
- St. Joseph's Healthcare Hamilton, 2014
- Waypoint Centre for Mental Health Care, Penetanguishene, 2014
- Providence Care Hospital, Kingston, 2017

As well, the Centre for Addiction and Mental Health in Toronto has begun planning for redevelopment of their forensic facilities (Phase 1D).

Linkages and Partnerships

Key partners of the forensic system include the Ontario Review Board, Ontario Health, and the Forensic Directors Group



Key Partners

- The Ontario Review Board (ORB) is an independent, quasi-judicial tribunal established under the *CC(C)* which is responsible for holding hearings and making decisions about the custody or release of offenders whom a court finds unfit to stand trial (UST) or not criminally responsible (NCR) on account of mental disorder.
- The ORB, alongside the Criminal Courts in the province are the two main drivers for forensic bed utilization, wholly determining demand for forensic mental health services and admission to forensic beds in the province.
- Ontario Health funds the forensic programs through the global funding of the hospitals.
- The Integrated Accountability Act (IAA) sets out the roles of the MOH and OH in relation to forensic services
- The Forensic Directors Group of Ontario (FDG) is made up of the chiefs of psychiatry and the administrative directors of all of the forensic programs in the province. Regular meetings with the FDG provide up-to-date information about current service issues and expert advice.

Special Focus — Youth Forensic Service (YFS)

- Forensic Services for youth are provided by Syl Apps Youth Centre (SAYC), with 8 beds in the Secure Treatment Unit designated for youth in the forensic system, for:
 - Court-ordered forensic assessments
 - Treatment for youth under the jurisdiction of the Ontario Review Board
- In 2013, the MOH funded 5 Youth Forensic Service (YFS) programs across the province:
 - Ontario Shores for Mental Health Sciences, Whitby
 - Southwest Centre for Forensic Mental Health Care, St. Thomas
 - Thunder Bay Regional Health Sciences Centre
 - North Bay Regional Health Centre
 - The Royal (ROH), Ottawa

Special Focus — Youth Forensic Service (YFS)

Program Goals

Primary Goals

To provide **access to clinical service/ evaluation** to Unfit or NCR youth in contact with the criminal justice system, while-

- Minimizing psychosocial and emotional impact on the young person
- Promoting community tenure, continuity and stability by providing services as close to the youth's home and community as practicable
- Optimizing their psychosocial, emotional and developmental milestones.

Secondary Goals

- **Work together** to solve operational and systemic issues, share best practices and exchange information
- Provide **Advocacy and knowledge exchange** for forensic mental health services for youth
- **Consultation for courts**, including outreach and liaison

Special Focus - Dual Diagnosis Transitional Rehabilitation Housing Program (DD-TRHP)

- DD-TRHPs support forensic patients with a dual diagnosis to successfully transition out of forensic hospitals and into appropriate community placements
- The programs are jointly funded by the Ministries of Health (MOH) and Children, Community and Social Services (MCCSS):
 - The MOH provides funding to forensic hospitals to provide specialized supports for DD clients following their discharge from hospital. The hospitals engage with the developmental sector, to build capacity in the community to help transition DD patients
 - MCCSS provides funding directly to local developmental service agencies to support those clients with dedicated beds and developmental services in the community

Special Focus - Dual Diagnosis Transitional Rehabilitation Housing Program (DD-TRHP)

DD TRHPs have been successfully implemented in five areas/communities of the province:

- Whitby
- Brockville
- North Bay
- Penetanguishene*
- Toronto

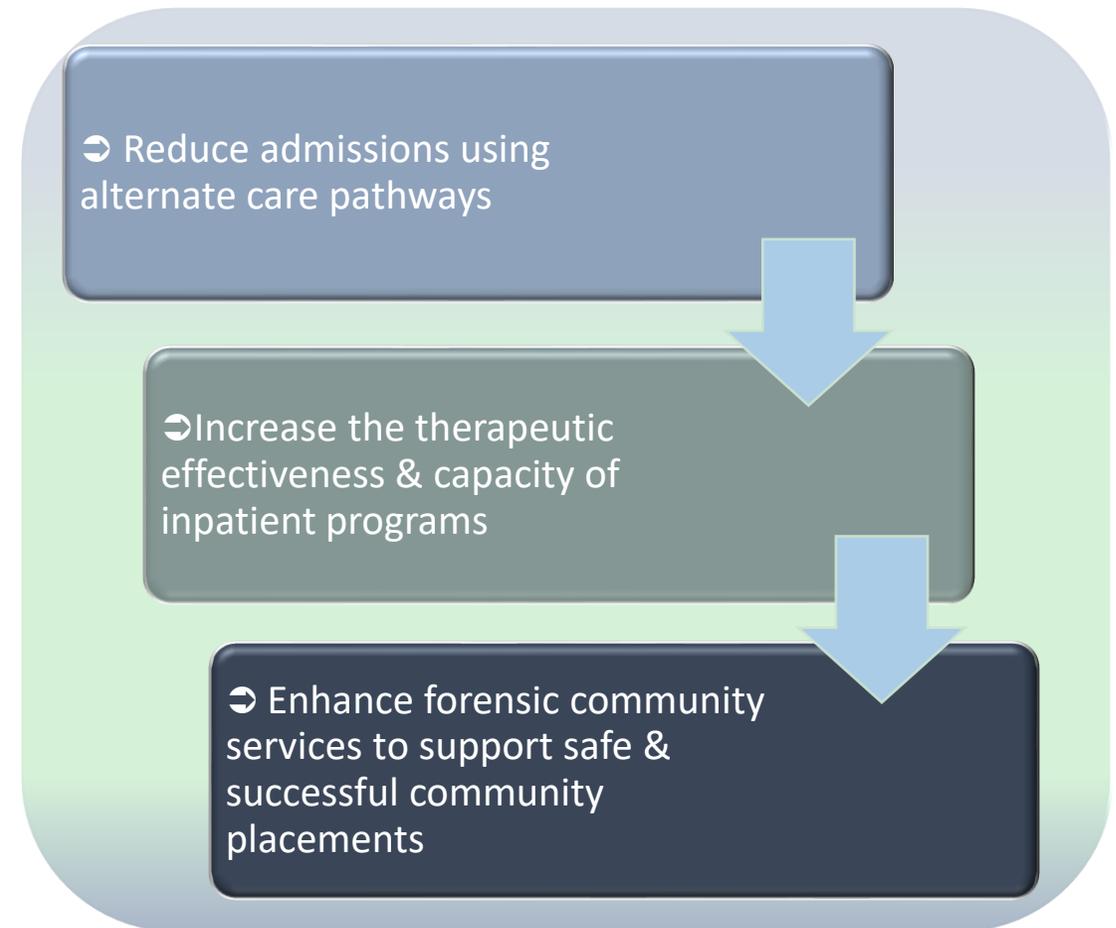
Dual Diagnosis TRHPs can be expanded to the following areas/ communities:

- Hamilton
- St. Thomas
- Thunder Bay
- Ottawa
- Kingston

Forensic System Dynamics

With the ongoing increase in demand for forensic services, strategies for optimal use of resources has been developed to improve system throughput

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- More individuals are being ordered into inpatient forensic beds by the courts and ORB than are being discharged by the ORB
 - Continuing to simply build beds will not address this pressure
 - The key challenge is that the 'throughput' of the forensic system does not match the input



Next Steps for Forensic Mental Health

2021-22 Plans

- Work with ministry to identify Forensic Mental Health Services' place in the Roadmap to Wellness Core Services Framework
- Work with OH and CoE to look at standards and funding models for Forensic Mental Health Services
- Develop Forensic Bed Projections across the province, and determine needs for specialized services and special populations in the system
- On-going work with MAG to ensure flow through Forensic Mental Health Assessment Beds
- Implementation of \$8M funding to all forensic hospitals to support safety and security of forensic programs and patients
- Continue to work with SolGen to support their mental health and addictions strategy
- Mental Health and Addictions Programs Branch will continue to target high leverage, transformative strategies to meet the ongoing challenges of the forensic system.

Dianna Cochrane, Manager

Forensic Mental Health and Justice Unit

Ministry of Health

Dianna.Cochrane@ontario.ca

Oana Decuseara, Senior Program Consultant

Forensic Mental Health and Justice Unit

Ministry of Health

Oana.Decuseara@ontario.ca