

STREET CRIME FORUM - JUNE 23, 2004

SESSION 2 - DISCUSSION GROUP D

SPECIALIZED vs. NON-SPECIALIZED COURTS

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REGULAR COURT SYSTEM VERSUS SPECIALIZED MENTAL HEALTH COURT

Regular Court

- Now core defence represent mentally ill
- If had dedicated Crown (like before) from charge approval
- Charge approval is critical, if aware mental illness and aware of options then Crown and defence are focused, can take to judges
- Give information to judge to make informed decision
- Cost of specialized court may take funds away from other places, e.g. housing
- If had appropriate adequate resources – links are there except for dedicated Crown
- Currently have MPA Court workers and forensic liaisons worker in Vancouver
- Great potential in Vancouver
- Drug treatment court example, can't do it for everyone
- Specialized courts not necessarily good for everyone, e.g. dual diagnosis/multi problem, although works for some who could follow a regimented schedule
- Hard to keep track of requirements of specialized court
- Used to be a special diversion project
- Stigma attached to specialized court, e.g. Mental Health Court
- Problem with current system, difficult to get an assessment and then would be sent to another place
- Jail doctor used to fill out form indicating whether may be mental health issues or other medical issues, Crown used to receive this information – now do not
- Confidentiality may have been an issue or liability issue
- Now F.L.W. go in, talk to nurse and ask for info but won't approach person without consent of defence
- Whole issue of early intervention needs to be addressed
- No meaningful pre-hearing program
- Not as pro-active as it could be
- Police do include information if mental health issue
- Problem criminal court limited in assessments that they can order, e.g. now only fitness/NCRMD
- Process of trying to prevent them from entering "door" of court critical
- Police contact and health and health care resources critical prior
- Issue of duty of confidentiality versus duty of care
- Crown may not know person is on certificates – which could be relevant to placement
- Information is not currently being coordinated
- Maybe need statutory reforms
- Information bank

- Maybe consider having information available, by consent of some people, to police? e.g. contact info, etc.
- Pilot project CHASE, Vancouver Coastal Health Authority, coordination of information to health workers
- Not big problem identifying people with mental illness but not so much Court can do except refer to MPA (unclear), F.L.W.
- Needs to be social support service because judge would release but nowhere to go
- Resources not there to stabilize them
- If people were not let in the system to begin with for “nuisance” type offences, would not need to use court (specialized or not) to try to deal with issue
- Need police to take them to hospital (or somewhere for housing?) and have them accepted
- Currently charge laid, mental health issue raised, forensic psychiatric system gets involved then services are mandated
- Perhaps if mental health system had beds, person could be certified and hospitalized without charges
- If Crown knew they would go to hospital, may stay charges
- Frustration with current problem with service
- Community court system in New York have police work together to develop different way of handling situation re coordinated existing resource – identified whether housing issue, mental health issue, etc.
- Resources brought to court system
- What is next step for people
- Maybe businesses in area can be involved
- Davie Village B.I.A. is putting together a brochure for businesses on resources in community to hand out to homeless, etc.
- Everyone has an important role to play in solutions
- Need to educate community
- Are people who want to get involved but don't know how
- Want to reach out to people in a helpful way
- Need more prevention
- Business could perhaps figure out a way to donate extra food, etc. To individuals who may not have enough
- Specialized courts may not necessarily solve all problems