

Victoria Integrated Court

Integration of Health, Social and Justice Services in our Community

July 28, 2011

VICTORIA INTEGRATED COURT

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Message from the Chief Judge of the Provincial Court

The Victoria community has been challenged by persistent criminal activity in the downtown area over the past few years. Whether you are a resident, a business owner, a member of the public, a parent, a teacher, a police officer, a healthcare worker the impact of crime affects each one of us in the community.

The Victoria Integrated Court is a new initiative intended to complement existing efforts, already undertaken in the Victoria community. The Victoria Integrated Court is engaged in a focused approach to address crime in the community; to keep offenders accountable while engaging community resources to effectively support them in the community. Community involvement includes the VICOT and ACT Teams, police, government ministries, community agencies and business organizations.

The Victoria Integrated Court recently completed its first year of operation. This report provides a summary of how the Court operates, its goals, the agencies involved, and the results realized to date. What is particularly encouraging is that a community based response to crime has the potential, in the appropriate circumstances, to make a real difference. The Victoria Integrated Court demonstrates that people and agencies working together at the community level can make a significant difference in solving complex issues which motivate criminal behavior. At the same time the community itself has the opportunity to address the causes and impacts of crime by directing attention toward the core issues that contribute to people getting caught up in destructive behaviors. While it is too early to measure the long term impact of this new approach, it can be said with confidence that the support from the community has made a difference in many ways.

In the first year some very encouraging progress has been made. There are many individuals and agencies to acknowledge for their hard work and dedication to the Victoria Integrated Court. This effort has been led by a community liaison committee, which includes senior representatives from each organization involved, as well as members of the bar and the local community. I wish to thank each member of the committee for their dedication, insight and commitment to this initiative. I also wish to thank Judge Ernest Quantz for his continued efforts to develop and foster the Court and last but not least, the community for their engagement and participation in this very worthwhile initiative.

Thomas J. Crabtree
Chief Judge
Provincial Court of British Columbia

Executive Summary

Over recent years, Victoria has experienced a significant impact of street crime and disorder in the downtown core, as have many other cities in Canada and abroad. The criminal activity of individuals with unstable housing who abuse substances and/or are mentally disordered is placing significant demands on the justice system, health and social services and the community.

Following the work of the Street Crime Working Group and the Mayor's Taskforce on Homelessness, the Victoria Community Outreach Team and a number of Assertive Community Treatment Teams were established to begin to address the concerns regarding the demands placed on emergency service and health service providers by these individuals. These teams began appearing in Court to support individuals charged with criminal matters. The Provincial Court judiciary initiated consultation that led to the creation of the Victoria Integrated Court (VIC) to support the work of the teams. In the first year, the VIC expanded its services to hear cases where the offenders were supported by Community Living BC.

The VIC is a result of integrating the services available through existing resources; no new funding was provided. The local business community in Victoria was supportive of this new process and provided furnishings for a room to be used by the team members and counsel to plan for court sessions.

The VIC process differs from a traditional criminal court in a number of ways.

Every Tuesday morning is set aside for VIC matters. The VIC process begins with a calling of the list before a Judicial Justice who assesses whether cases are ready to proceed or require more time to ensure that appearances before the dedicated judge are meaningful.

Following the calling of the list, team members (including dedicated police officers who support the teams), forensic services (where appropriate for specific cases) and the dedicated crown counsel and defence counsel meet to plan for those appearances which are scheduled to be heard before the judge at 10:30 a.m. Discussions include the current behaviours and needs of the individual. Recommendations regarding sentencing are discussed and structured plans are developed for each individual offender to address concerns and to ensure intensive support and supervision of the offender will occur for any portion of their sentence that is served in the community. Many offenders spend time in jail before they are returned to the community. While in the community, the offender is held accountable for their compliance with court orders by the teams and Community Corrections and any concerns are swiftly brought to court. The Teams brief counsel and the judge and corrective action is taken. Positive results are also reported in court and the judge will commend offenders.

In proceedings before the judge, the VIC relies heavily on oral reports for low-risk offenders and orders written reports and psychiatric assessments for high risk offenders for whom more information is necessary in order to assess the risk they pose to public safety. The use of oral reports and a dedicated day for these matters ensures that team members spend less time in the court and their offices and more time on the street working with offenders.

The scheduling of the VIC day and the pre-court planning sessions ensures that the judge's time is reserved for those matters which are ready.

After the first year of the VIC's operation, preliminary results indicate that the offenders who appear in the VIC use less police and health services and are committing fewer new criminal offences than previously. This report appends an, independent, qualitative report summarizing an analysis of the VIC based on surveys and interviews with 33 participants in the project, including offenders.

Despite the integration of the justice system with the health and social services offered by the teams, there remain gaps in service for chronic offenders with unstable housing who are mentally disordered and/or drug addicted. This report discusses the gaps that have been identified.

The report describes the goals of the VIC for the next year including expanding community work service and outreach to help the community understand what the VIC sets out to accomplish and to provide more opportunities for involvement. The report concludes with observations about the ongoing commitment of the Provincial Court, the community, justice, health and social service providers to the VIC and recognizes the value of integrating services when addressing issues of street crime and homelessness.

1. Introduction

Not unlike many other cities in Canada and abroad, Victoria has experienced an increase in street crime and disorder in the downtown core caused by individuals with unstable housing who abuse substances and/or are mentally disordered. Their criminal activity has had a significant impact on the community.

In 2007, the Victoria Mayor's Task Force on Homelessness and Mental Illness released a report entitled *Breaking the Cycle of Mental Illness, Addictions, and Homelessness*.¹ The Task Force estimated the size of the homeless population in Victoria at that time was roughly 1,200. Approximately 50 per cent were struggling with problematic substance abuse and an estimated 25 per cent were affected by significant psychiatric problems, often caused or exacerbated by the abuse of substances. The Task Force observed that chronically homeless people consume an inordinate amount of available social services and are usually heavy users of emergency and acute healthcare services. They also often have frequent contact with the police and the justice system, and many are chronic offenders. It was estimated that the impact of homelessness on police, health and justice systems is \$50,000 a year per person, and the report found that the public and the police are "frustrated by a legal and court system that does not seem to provide effective tools to deal with criminal activity related to drugs."

Samuel (not his real name) is a 36 year old man with a long history of mental health issues. Samuel was a patient at Riverview Hospital for a number of years and thought of it as his home where he would live indefinitely. He was very distraught at being released from Riverview into the community and wants to go back to a secure psychiatric facility to live.

Samuel describes himself as "paranoid" and breaking down mentally on the street. It is extremely difficult to find housing for Samuel because he has been repeatedly convicted of arson including lighting a fire in a shelter and in a hospital. Samuel says he gets no pleasure from lighting fires but only sets them to draw attention to himself and get assistance. As a result of his behaviour, when not in jail, Samuel is generally homeless and is only housed occasionally in shelters.

Samuel reports being very afraid for his safety when he is on the street and says that he feels that people are out to hurt him. When his concern reaches a certain level he commits crimes to draw attention to himself and to receive a jail sentence so that he will be off the street and somewhere he feels safe.

Recently, Samuel committed another arson, turned himself in to the authorities and asked for and received a two year federal sentence believing that is the only place that he can receive the type of care that he needs.

Similarly, in Vancouver, where chronic offenders are a serious problem, the BC Justice Review Task Force had studied this problem in 2005 through its Street Crime Working Group, which included representatives of the judiciary, lawyers, police, BC Corrections, health and social service providers, and all levels of government. In its report, *Beyond the Revolving Door: A New Response to Chronic Offenders*², the Working Group detailed the challenges faced by the community in Vancouver, including eroding public confidence in the justice system and the need to better coordinate health and social services, as well as the need for a fundamental shift in how the criminal justice system and health and social service agencies interact together. The BC Justice Review Task Force recommended the creation of a community court to provide an integrated approach to managing offenders, and in response to these recommendations, the Downtown Community Court was established in Vancouver in 2008.

¹ Report is available at: http://www.victoria.ca/cityhall/pdfs/tskfrc_brcycl_strngc.pdf

² Report is available at: http://www.bcjusticereview.org/working_groups/street_crime/scwg_report_09_29_05.pdf -

The Street Crime Working Group found

*“Many communities are exploring ways to deal effectively with chronic offenders and help them improve their health and social circumstances so that they can break the cycle of reoffending. In *Beyond the Revolving Door: A New Response to Chronic Offenders*, the 2005 report of the Street Crime Working Group of the BC Justice Review Task Force concluded that:*

Public confidence in the criminal justice system is low, and is not likely to increase until the public feels involved in the systems’ [sic] response to street crime and disorder. If society wishes to reduce the incidence of minor crime, it will only do so by addressing the problems which underlie the offending behaviour. This is not a lenient approach to crime, but a realistic approach to long-term protection of the public...

Existing health and justice system responses are poorly coordinated, and as such, often ineffective. This is a source of frustration for the public, and also for the professionals who deal with the offenders. The ineffectiveness generally relates to the failure to address the problems which underlie the offending behaviour.

...fundamental changes are required to the culture of the criminal justice system, and to the way that health, social and justice system agencies interact...

Specifically, the Working Group found:

- A disconnect between the community and the criminal justice system.*
- Insufficient avenues for the community to participate in the criminal justice system.*
- A lack of adequate “triage” mechanisms to help the traditional justice system assess the complex problems that often affect the people who commit street crime offences and disorderly conduct.*
- A lack of court responses designed specifically for chronic offenders who repeatedly commit relatively minor offences.*
- A lack of alternatives to traditional court-imposed sanctions that would allow more referrals before and during the court process to mental health, detox, drug treatment and housing resources.*
- A lack of integration between enforcement and rehabilitation approaches, between health and justice information systems, and a lack of knowledge about relevant health and social resources.*

The key recommendations of the Street Crime Working Group which demonstrate this new approach are to:

- Involve the public in the criminal justice system through the creation of a Community Justice Advisory Board and annual Street Crime Plans.*
- Apply a triage approach to chronic offenders in the criminal justice system.*
- Integrate the justice system with health and social services by creating an Urgent Response Centre to provide “wrap-around services” and a Chronic Offenders Pilot Project.*
- Change how courts respond to street crime and chronic offenders by creating a Vancouver Community Court.*
- Ensure there is funding and accountability for these recommendations.”*

Although Victoria faced many of the same challenges as Vancouver, there was no new funding within the justice system to create a similar community court in Victoria. The community in Victoria, nevertheless, continued to advocate for a problem-solving or community court and pressed forward with the Victoria Mayor’s Task Force recommendations.

The Downtown Victoria Business Association advocated for a "problem-solving" or community court on the basis that:

"Victoria is uniquely prepared to support such a court as significant resources have already been invested in an integrated response. Victoria Integrated Community Outreach Teams (VICOT) link the Victoria Police Department with probation, community health, and social services in the management of our highest-need individuals. The housing-first approach has already produced a reduction in this group's use of police and other emergency social services. At this point, the only component not integrated into this response is the court system - even though that system is already occupied with most of the same client group." (Emphasis added).

The Mayor's Task Force had relied on the work of an expert panel, chaired by Dr. Perry Kendall, the Provincial Health Officer. It recommended acceptance of the expert panel's proposal for an integrated, client-centered, service delivery model that provided immediate and permanent shelter and supports for the homeless, regardless of their substance use or mental health issues. The panel acknowledged and supported the 2005 recommendations of the BC Justice Review Task Force, including the establishment of a community court and the integration of the criminal justice system and health and social service providers. Significantly, the panel and the Mayor's Task Force recommended the immediate creation of assertive community treatment teams as a model for providing integrated health services in Victoria. Following on these recommendations, four Assertive Community Treatment (ACT) teams were created in Victoria.

By 2009, some offenders were supported by members of the ACT teams when they appeared in the Victoria Provincial Court for sentencing. The attendance of team members reinforced the idea that the local justice system should support the community initiative of addressing issues related to individuals with addictions and/or mental health problems. The agencies supporting these teams, the local judiciary, and the broader community came together to discuss possible ways of integrating health and social services with justice services to better manage offenders. These discussions gave rise to the creation of the Victoria Integrated Court (VIC).

The VIC is a local community initiative supported by the Office of the Chief Judge of the Provincial Court. It began operation in March 2010 on the understanding that there were no new resources available for the justice system.

This is a report of the Court's progress to date following one year of operation which speaks to the following:

- the process for creating the VIC;
- how the court operates;
- how it differs from a traditional sentencing/bail court;
- its preliminary results;
- identified gaps in service;
- with the resources provided by the Ministry of Attorney General, an independent qualitative analysis of the VIC's operation to date and any recommended improvements; and
- goals for the upcoming year.

2. ACT Teams in Victoria

An informed discussion of the VIC requires an understanding of the history and work of the ACT teams in Victoria, as they are the foundation for this community initiative.

The History of ACT Teams

ACT teams started in the United States when psychiatric hospitals were being closed and patients, including those with serious mental illness, were discharged into the community with limited support. In 1970, a team at the Specialized Treatment Unit (STU) of the Mendota State Hospital in Madison, Wisconsin developed a program to assist persons with chronic schizophrenia to leave the hospital and successfully live in the community. Later, the program was expanded to stabilize patients before they became hospitalized. By the early 1980s, this team published papers that outlined the benefits of their program. Other communities modelled their programs on the STU team. In the 1980s, the dissemination of what became known as ACT teams progressed throughout the United States.

The first recognized ACT team in Canada was initiated in 1989 at the Brockville Psychiatric Hospital in Ontario. This team, led by Dr. Ian Musgrave, the current Clinical Director of the ACT teams in Victoria, assisted in successfully moving long-stay patients from that institution into the community, and in preventing first time admissions of seriously ill patients. A randomized controlled trial was conducted³. It established the clinical and fiscal rationale for intensive community-based supports to the mentally ill and addicted in Canada by demonstrating that this approach could replace hospital-based care for the majority of the “heavy users” of the formal mental health care system.

Over the following two decades, Ontario rolled out dozens of standardized ACT teams. There were annual evaluations of outcomes, which provided a template for other provincial initiatives. An accreditation training program, coupled with a “Technical Advisory Panel” (TAP) for ACT teams brought together key ministerial and clinical stakeholders. TAP continues to help in achieving the goals of the 79 ACT teams now serving over 5,300 patients.⁴ A report is published annually detailing the key measurements of hospital utilization, housing status and stability, as well as the recovery outcomes for patients. These reports demonstrate the value of these teams, and that their positive outcomes are consistent with those reported in the scientific literature concerning similar programs elsewhere.

In British Columbia in 2003, there was a focus on developing local ACT team services. Two pre-ACT teams were created under the leadership of Dr. Musgrave. One team served patients leaving the local tertiary care facility (Seven Oaks Transition Team), and another targeted the “heavy users” of the acute health care system (Downtown Outreach Team). This second team focused on persons who frequently attended for emergency health services and who were responsible for repeated admissions to local psychiatric in-patient care. Many of these patients were homeless or marginally housed and, not infrequently, were involved in the criminal justice system, including serving periods of incarceration.

³ HG Lafave et al., *Assertive Community Treatment of Severe Mental Illness: A Canadian Experience*, *Psychiatric Services* (1996) vol 47:757-759.

⁴ George, Lindsey et al., *System-Wide Implementation of ACT in Ontario: an ongoing improvement effort*, *Journal of Behavioral Health Services and Research* (2009) vol 36:309-319.

In October 2007, in response to the Victoria Mayor’s Task Force report, VIHA announced new funding for ACT teams. This funding enabled the two pre-existing teams to be fully constituted and established two additional ACT teams. The four teams were formally named the Seven Oaks ACT team (Seven Oaks), the Downtown ACT team (DACT), the Pandora ACT team (PACT), and the Victoria Integrated Community Outreach team (VICOT)

The ACT teams operate from a central downtown location in the 900 block of Pandora Avenue. The Seven Oaks ACT team is located at the Seven Oaks facility in a semi-rural setting. The ACT teams consist of 12 to 13 persons from various disciplines, including:

- a team leader who is a registered nurse or social worker;
- a psychiatrist;
- three nurses, including registered nurses and a psychiatric nurse;
- a nurse practitioner;
- an outreach worker from the Ministry of Social Development;
- social program officers (social workers or counselors);
- an employment and income assistance worker (shared with VICOT); and
- a nurse practitioner (shared with VICOT).

The VICOT team, primarily through its membership, which includes staff from the Victoria Police Department and Community Corrections, has a somewhat different focus on addressing the needs of a homeless population that has elevated levels of substance abuse and addiction and who have increased rates of engagement with the police and the criminal justice system. The VICOT team is composed of 12 to 13 members representing four agencies, including:

- the team leader and psychiatrist from VIHA;
- a police constable;
- an employment and income assistance case worker from the Ministry of Social Development;
- a probation officer from the Ministry of Public Safety and Solicitor General;
- psychiatric nurses from VIHA;
- a nurse practitioner; and
- two social program officers and a mental health worker from VIHA.

The ACT teams⁵ also receive clerical support from VIHA staff, and the ACT teams are assisted by the police constable who is a member of the VICOT team. The teams also work closely with a number of probation officers supervising the VIC clients.

⁵ For ease of reference, the ACT and VICOT teams will be referenced simply as “ACT”. This is not meant to detract from the fact that the VICOT team, unlike the other three ACT teams, is uniquely served by having a probation officer and police officer on the team.

The ACT teams use a housing first strategy and provide intensive support and supervision by:

- accessing and maintaining housing, including advocating on their clients' behalf for suitable private sector or public mental health subsidized and staffed housing;
- obtaining financial resources, including income assistance and disability benefits;
- providing health care, which may include the following outreach mental health and addiction services:
 - coordination of and assistance in attending medical and mental health appointments;
 - working with pharmacies and general practitioners in the distribution and supervision of medications;
 - providing physical health care to clients who may have undiagnosed and untreated conditions such as HIV/AIDs, Hepatitis C and diabetes;
 - day-to-day medication treatment and support in the client's home; and
 - counseling, including for addiction and anger management;
- offering respite hospital care to patients who are discharged from Seven Oaks and either voluntarily return for care or are "called back" under a Director's warrant under the *Mental Health Act*;
- offering crisis interventions and respite care to the hospital under the *Mental Health Act*, as required;
- managing money to account for the client's funds from government (or a trust), ensuring they are allocated as intended for housing, food and other essentials;
- providing life skills training, including maintaining a residence, grocery shopping and paying expenses;
- accessing vocational training, employment opportunities, and upgrading education; and
- supporting clients when appearing in the criminal justice system.

"I don't have really many friends, but [my ACT worker] is my friend that I get to see every day. Even if we just go out for coffee, it gives me a reason to get up in the morning and to stay accountable."

~ VIC Offender



DACT MEMBER AT VIHA OFFICES



VICOT MEMBER GATHERING MEDICATIONS FOR CLIENTS

Acceptance as a client supported by the ACT teams is prompted by the client's application or a referral from outside service providers, including: Our Place, the Victoria Cool Aid Society, a hospital, forensic services, the police or the justice system. Applications and referrals are reviewed by team leaders to determine eligibility. The benchmarks for admission vary somewhat from team to team, but generally focus on persons who are frequent users of the emergency health care system and heavy users of inpatient hospital services. Support for a client will be discontinued by the ACT teams if the client no longer requires support and supervision, or where, after a number of warnings, they refuse to cooperate with team members. The ACT teams were collectively at approximately 80 per cent capacity in April 2011, serving approximately 300 clients. Of these, approximately 80 individuals were involved with the criminal courts.

ACT teams are subject to ongoing evaluation of outcomes. These include:

- *client reduction in police contact;*
- *client reduction in use of hospital bed days and emergency health care services;*
- *reduced rates of incarceration;*
- *clients' personal achievements in obtaining and maintaining housing, skills development and education; and*
- *employment or volunteer work, reconnecting with family, and recovery from addiction.*

In addition to the services offered by the ACT teams, Community Living BC (CLBC), a provincial Crown agency mandated under the *Community Living Authority Act*, provides support and services to adults with developmental disabilities. CLBC assists these individuals with building social and life skills, connecting to appropriate housing, and obtaining employment. Under its umbrella, CLBC funds a Community Response Team which provides support to those adults with developmental disorders who demonstrate extreme behaviours, psychiatric disorders and/or have critical health needs. CLBC also offers the Personalized Support Initiative, a program that provides specific supports to individuals with a diagnosis of Fetal Alcohol Syndrome Disorder or Autism Spectrum Disorder who have significant limitations in adaptive functioning. Services provided by CLBC may involve support to individuals in conflict with the law who are required to appear in court and who may be under a probation order or serving a conditional sentence in the community. Community Response Team may also assist individuals who are incarcerated but are facing release from custody and may assist with transitional planning to reintegrate into the community.



LOW BARRIER HOUSING

Sunshine (not her real name) is a woman in her early thirties who has lived on the streets of Victoria for over nine years, chronically addicted to heroin and cocaine. Sunshine has a significant history of drug abuse and is a very high user of emergency services, including over 400 police contacts in a few short months. Thus far, multiple agencies have attempted to assist Sunshine but with limited success. Sunshine was admitted to the Downtown ACT Team in early 2010. Victoria Integrated Court sentenced Sunshine in March of 2010 to a CSO/Probation order that assisted in her working relationship with the team. Today, Sunshine lives in a supported low barrier one bedroom apartment and has continued to reside there for over one year. Sunshine is seen by her team on a daily basis and this has resulted in a significant decrease in use of Emergency services as well as improved her quality of life.

3. Getting Started

At the same time that the ACT teams were created in Victoria, the community faced an increasing level of criminal activity in the downtown core perpetrated by persons with a history of unstable housing and who were substance abusers and/or mentally disordered. Many had long criminal records for relatively minor offences. By autumn 2009, some of these persons were supported by members of the ACT teams when they appeared before the court for sentencing. The involvement of the teams demonstrated to the legal community, including the judges of the Provincial Court, that the services they provided may assist in reducing recidivism for these types of offenders.

This led the Provincial Court, with other members of the justice system, to initiate dialogue with the agencies supporting the ACT teams and to explore the idea of working with the teams to implement an integrated court in Victoria without using new resources. The intention was to explore the possibility of the court imposing more effective sentences by, in part, working with the teams and the community in the provision of integrated services for these offenders.



FIRST COUNSEL AND TEAM MEMBER
TO BRING A CLIENT TO THE VIC

Consultation

Members of the local justice community visited the Vancouver Drug Court and Vancouver's Downtown Community Court for assistance. In the late fall of 2009, formalized consultations began among representatives of the justice system, the persons responsible for the ACT teams, and the community at large, including the Downtown Victoria Business Association and the Chamber of Commerce. This consultation was facilitated by two committees: the Community Liaison Committee and the Working Group.

The Community Liaison Committee includes:

- Clinical Director for the ACT teams
- Deputy Chief Constable, Victoria Police Department
- senior managers, Vancouver Island Health Authority
- Deputy regional and administrative Crown counsel
- Public Prosecution Service of Canada
- senior members of the criminal defense bar
- Local Manager, Community Corrections & Corporate Programs Division, BC Corrections
- Regional Director, Island/Coastal Region, Community Corrections & Corporate Programs
- Deputy Warden, Vancouver Island Regional Correctional Center, Adult Custody Division, BC Corrections
- Director and Manager, Ministry of Social Development
- Regional Manager (ad hoc), Forensic Psychiatric Services
- Community Planning and Development Manager, Community Living BC (representing CLBC and contracted services by the Community Response Team)
- General Manager, Downtown Victoria Business Association
- Victoria Chamber of Commerce

- well-known member of the community with extensive knowledge of the non-governmental organizations working with this group of clients in downtown Victoria,
- Judicial Justice who now presides in Victoria Integrated Court, and the
- Chair: the Administrative Judge of the Provincial Court for the South Vancouver Island District.

The Working Group consists of front-line workers from the organizations represented on the Community Liaison Committee, all of whom are dedicated to the VIC process and include:

- presiding Judge and Judicial Justice,
- prosecutors (federal and provincial) and a representative for defence counsel
- the Native Court Worker
- members of the ACT teams and CLBC's Community Response Team, with the probation officer and police officer on the VICOT team.

“The development of the VIC with its emphasis on frequent reviews is a very positive step towards addressing issues in a timely manner and re-enforcing the core goals of rehabilitation and offender accountability. This is a proactive way of addressing possible areas of concern before they become major issues.”

~ Probation Officer

Setting the stage

The Community Liaison Committee and the Working Group commenced their work in late November 2010.⁶ All participants agreed to come to the table on the understanding that the proposed changes to the existing sentencing/bail court would be strictly focused on multiple repeat offenders with a history of unstable housing and substance abuse and/or mental disorder. Further, it was understood that this was a local community initiative and it would proceed with no additional resources. An empty room adjacent to the courtroom was obtained for the purpose of pre-Court planning. Members of the Victoria business community generously donated the furnishings for the room.

The challenge accepted by everyone was to look for efficiencies and to focus existing resources on this defined population in our community. It was understood this could only be done if all participants remained within their respective organizational structures, and work proceeded through ongoing electronic communication and weekly meetings at the courthouse. It was also agreed that if any additional resources became available they should be directed exclusively to increasing integrated services in the community and not to enhancements of the court facility or associated administrative functions.



DVBA AND CHAMBER OF COMMERCE SUPPORTERS WITH THE VIC JUDGES

⁶ The development of the VIC was assisted in part by reference to a publication issued by the Justice Center of the Council of State Governments in New York, and written by Lauren Almquist and Elizabeth Dodd, entitled *Mental Health Courts: a Guide to Research Informed Policy and Practice*, available at http://www.ojp.usdoj.gov/BJA/pdf/CSG_MHC_Research.pdf

VIC's Fundamentals

Early on in the consultation, the Administrative Judge in Victoria set the date for the first sitting of the VIC for March 2010. Discussions led to agreement on the broad plan for the VIC, including its goals, selection criteria for the accused, jurisdiction, and the types of sanctions to use. Additionally, since the initiative involved the collaboration of a number of stakeholder groups, it was necessary to discuss and acknowledge the cultural differences that exist.

The agreed VIC goals are:

- increased public safety by decreasing recidivism for substantive offences and reducing harmful antisocial behavior in the community;
- more effective sentencing through integrated case planning and intensive community supervision;
- support for the community teams; and
- decreased inappropriate use of emergency services.

"[My ACT worker] saw it the way I did and gave me a chance to prove myself. She knew that I was willing to change and willing to go to treatment, and I put such an effort into it."

~ VIC Offender

To be eligible for the VIC, an accused person must meet the following criteria:

- demonstrate a willingness to address the underlying causes of criminal activity with community support, including intensive supervision;
- have a history of substance addiction and/or mental disorder and unstable housing; and
- acceptance as a client of an ACT team, or
- support from other community services for an alternative plan of supervision in the community.

If accused persons are already supported by an ACT team, they are eligible to have their criminal charges proceed in the VIC. If they are not supported by an ACT team, they can complete an application to the teams. One of the teams must be willing and able to take the person on as a client in order to participate in the VIC. Accused persons who are not supported by an ACT team may be accepted into the VIC by the presiding judge if the judge determines that they otherwise meet the criteria for eligibility and that sufficient resources are available in the community through some other means, such as through Forensic Psychiatric Services Commission, the Brain Injury Program, or the Community Response Team funded by Community Living BC.

Additionally, in determining whether a person is eligible, the VIC also considers previous use of emergency services and whether the offender is a repeat offender who previously failed to comply with community supervision. Even following a lengthy period of incarceration offenders may be eligible for the VIC, provided there is a component of the sentence to be served in the community and they otherwise meet the criteria.

The VIC was intended to be primarily a disposition court. However, stakeholders agreed that it would deal with offenders at all stages of court proceedings, including bail hearings, sentences, and monitoring behavior while on a community disposition. Additionally, the VIC does not limit its application to specific offence types.

The VIC utilizes a broader range of sanctions, including:

- more frequent reviews to monitor offender progress;
- increased community supervision;
- restrictions of privileges;
- additional community work service to be performed prior to the next review; and, ultimately,
- incarceration following formal breach proceedings.

Conversely, compliance with the directions of the ACT teams or Community Corrections and court orders is supported through:

- judicial acknowledgment of success; and
- reducing or relaxing the number and type of conditions, and in appropriate cases, early termination of the order.

Since the teams share personal information about the accused with the court, it is essential to have informed consent from the accused, with the benefit of legal advice. A release form signed by the accused makes it clear that the authorization to share information is to inform case planning within the VIC only.

In moving forward, everyone agreed to be respectful of the culture and mandate of all participating agencies. For example, the therapeutic approach used by the ACT teams is not compromised by questioning their decision not to accept an accused as a client, or by attempting to turn team members into law enforcement officials. In the same way, the VIC Judge and Judicial Justice do not participate in any out-of-court discussions in the consultation room. The judge retains the authority to impose whatever sentences are believed appropriate. The Crown and defense counsel do not need to agree on the appropriate disposition, and these differences may be addressed in open court, as in a traditional sentencing proceeding.

“If all court was like the VIC, maybe there would not be as many people getting into trouble. The support teams are with us outside of court...making sure we’re ok.”

~ VIC Offender

In order to familiarize lawyers with the services and approach to supervision that the teams take when they work with their clients in the community, the Provincial Court sponsored a session with the criminal defence bar prior to launching the VIC.

4. The VIC's First Year

The VIC held its first hearing as planned on March 16, 2010 and has now been in operation for just over one year. During this time, the VIC has dealt with a variety of offences. While the majority of the offences were for shoplifting or public nuisance offences, the court has sentenced persons for offences including: breach of court orders, assault, mischief, uttering threats, domestic violence, fraud, breaking and entering, indecent exposure, and robbery.



THE VIC'S FIRST ANNIVERSARY

Court Process

The VIC is held on Tuesday mornings in Courtroom 101. Key features of the VIC include: a consistent time and location for the court hearings and consistent judiciary and Crown counsel; calling of the court list and pre-court planning meetings; court hearings that involve mostly oral reports about the offenders' progress in the community; case reviews; and a judicial justice calling the list and acting in the role of the VIC coordinator.

Originally, a six-month rotation was designated for the judge, but during the first year of operation, it became clear that this was not long enough. The rotation is now on an approximate annual basis. In addition to a dedicated judge, consistent Crown counsel work on VIC files. This consistency allows the judge and Crown counsel to become familiar with offenders and their circumstances.

Calling of the court list

The VIC begins at 9:00 a.m. with the calling of the court list before the Judicial Justice. As the list is called, new participants are advised of the process for applying to the ACT teams. Any disposition is adjourned until a determination as to eligibility has been made by the team leaders. A consent form to participate in the VIC must be signed as part of the application. The team's assessment takes approximately three weeks. If an applicant is not accepted, the court is advised of the reasons for rejection.

The Judicial Justice is informed about the reason for the appearance of existing VIC clients, and then decides whether the matter is stood down for consultation and planning, and a subsequent appearance before a judge later in the morning, or the matter needs to be adjourned to another date. It is not uncommon for the accused to be in custody at the time of these appearances. The accused often prefer to appear by video, especially women, as attendance in person requires them to spend at least one night in a local police lockup and to be transported, sometimes in shackles, from the correctional facility for women in the Lower Mainland. Regrettably these early morning video appearances remain problematic as the VIC is unable to access video facilities before 9:30 a.m. and, even then, it is a challenge to facilitate these video appearances because the available sheriffs are engaged with other routine activities at that time.

Once a decision is made about the status of each case, VIC stands down until 10:30 a.m. An hour is, generally, sufficient for case planning and consultation, and the VIC requires the remainder of the morning to hear cases. The VIC strives to conclude each session by 12:30 p.m. but will sit later to ensure that all VIC matters are addressed and the teams are able to get back into the community and not have to return to court in the afternoon or another day.

"The integrated approach allows for open communication and a plan that works for all involved. Everyone is on the same page and working towards the same goals instead of all having individual plans."

~ ACT Team Member



9 A.M. SITTING OF THE VIC



POLICE AND CROWN COUNSEL IN
PRE-COURT PLANNING MEETING



PRE-COURT PLANNING

Integrated planning meetings

In the consultation room, members from the ACT and CRT teams, including the probation officer and police officer assigned to the VICOT team, meet with Crown and defence counsel, to discuss the day's cases and prepare for court, and, if appropriate, a psychiatric nurse from Forensic Services to inform about specific cases. Crown counsel chairs these planning sessions and ensures that all matters scheduled to be heard by the judge have been discussed. In consultation with the teams, counsel will often agree to a joint submission concerning, where applicable, the appropriate jail sentence and, whether or not a jail sentence is imposed, a detailed, structured community based sentencing order that will be supervised by the teams in conjunction with Community Corrections. Where a joint submission cannot be agreed, counsel will approach sentencing in the ordinary course and make separate submissions to the court.



JUDGE BROOKS PRESIDING AT THE VIC

Hearings

As indicated above, the court reconvenes at 10:30. During sentencing proceedings, Crown counsel provides the court with the circumstances of the offence, the accused's criminal history and the Crown's position on sentence, whether as a joint submission or otherwise. If the accused has been directed by a team member to attend court for a review, the Crown will provide the court with the reasons for the review.

Reviews are generally not initiated by the judge as it is understood that team members are best able to determine when a review is necessary based on the offender's recent behavior. A review hearing may result in the offender being admonished, encouraged or congratulated for their efforts and may involve amendments to existing probation or bail orders to address any areas of concern or to acknowledge positive steps that have been taken.

The court next hears from the team member(s) involved with the accused. They may provide the court with information about the participant's willingness to engage with their team, changes since the last appearance, including housing status, concerns regarding the individual's health, or progress towards completion of community work service. The court also hears any recommendations from the team.

"[The Crown counsel] treated me exceptionally well. In the regular court you don't usually see the Crown looking for a solution like they do in the VIC."

~ VIC Offender

In order to maintain a strong therapeutic relationship between the teams and their clients, submissions for restrictions in liberty most often come from Crown counsel or the probation officer. From time to time the police officers who support the ACT teams provide information to the court regarding police contact with the accused or offender.

The court then hears from defence counsel concerning any additional relevant information about the offender's background and any mitigating circumstances regarding the offence.

Finally, the court hears from the offender, who is invited to speak but is not required to do so. The judge also seeks to engage the offender by explaining the court's decision and expectations.



TEAM MEMBERS OUTSIDE THE COURTHOUSE

Sentences

All sentences for criminal offences must be proportionate to the seriousness of the offence and contribute to public safety. The VIC judge applies the same sentencing principles as in any other court. VIC does not divert offenders from the justice system. Sentences imposed range from probationary terms to periods of incarceration.

Many of the offenders appearing in the VIC are sentenced for relatively minor offences. While the cumulative harm to the community is significant, the appropriate sentence in each individual case often does not include a lengthy period of incarceration. For low-risk offenders in the VIC, the advanced planning, support, and intensive supervision provided by the teams often enables the judge to place more emphasis on rehabilitation. In most cases, jail terms are followed by probationary periods ranging from one to two years duration, throughout which the offender is bound by the strict supervisory conditions that are the hallmark of the VIC's integrated approach to offender management.

Importantly, the court also seeks to identify those offenders who represent a significant risk of physical or psychological harm to others. For these high-risk offenders, the practice is to obtain a written pre-sentence report with a psychological component, to better inform the court of the sentence which best protects the public. In these cases greater emphasis is placed on deterrence and separating the offender from society. While nothing prevents counsel from seeking a federal sentence in the VIC, no case has yet arisen where such a sentence would be appropriate.

Following the imposition of a community-based sentence, an initial meeting takes place with the offender, ACT team member and designated probation officer to explain the expectations arising from the court order. The differing roles of the team member and the probation officer in supporting the goals of the sentence are also explained.

Court case review

A practice has evolved in which the probation officer and Judicial Justice are notified by the team member(s) of any cases proposed to be set on the court list for review. The Judicial Justice sets the matter for review and notifies Crown and defence counsel that a team is seeking to have a client brought back to court for a review. Formal breaches are processed by the probation officer and Crown counsel, and not team members.

"It is rare to be able to go into a courtroom and be happy to be there...I knew what was expected of me and that I was lucky to be in a supportive environment"

~ VIC Offender

The unique role of defence counsel

The function performed by defence counsel has proved important to the operation of the VIC because, for many of the accused, their defence lawyer is the only person in authority they trust. Nothing in the VIC process diminishes the role of defence counsel who still represent their clients zealously and independently. Counsel are duty bound to advocate for their clients and to argue against any part of Crown's sentencing proposals with which they disagree. All relevant information is put on the record along with the submissions of counsel and the judge makes a ruling in the VIC as in any other court.

Mentally disordered offenders, on occasion, resort to "hiring and firing their lawyer," repeatedly, making it necessary for the court to appoint counsel on their behalf in order to proceed.

The expanded role of the Judicial Justice

Over the course of the first year, the role of the Judicial Justice became more significant than initially anticipated. Through the Judicial Justice, team members and counsel are able to communicate via email with the court throughout the week to address outstanding concerns, or to arrange for cases to be added to the court list.

The Judicial Justice also facilitates communication with the teams and counsel by email, both in advance of court on Tuesdays (with the objective of reducing the number of required adjournments on the court date) and by advising team leaders of outcomes after each court proceeding. The Judicial Justice also attends the 10:30 a.m. court proceeding, to create an ongoing record of discussions in court and court outcomes for reference by the Court.

Neither the judge, nor the Judicial Justice participates in pre-court case planning in the consultation room.

Ongoing Community Collaboration and Participation

Community Liaison Committee and Working Group

The Community Liaison Committee meets twice a year to review and confirm the role and involvement of each agency and to be briefed on findings of the VIC and issues the court faces.

The Working Group has met 11 times since the VIC opened, and on occasions has addressed operational issues by email. The issues dealt with by the Working Group over the past year include consideration of an application by Community Living BC to have their clients' cases heard in this court, and for their Community Response Team to be supported in a similar way to that of the ACT teams. CLBC's application was endorsed by the Working Group and accepted by the VIC. The Working Group also invited the Native court worker to attend the court regularly to support First Nations members before

"Most of my VIC clients have significant health problems and the VIC is a very effective way to deal with their criminality by addressing the health and social problems underlying their behaviour. It avoids the ad hoc solutions so common in other settings. There is always an attempt to deal with the accused in a broad, holistic way."

~ Defense Counsel

"The judicial justice has been effective in trying to bring together resources and coordinate schedules, in a recent case that was fraught with difficulties. [The coordinator's] assistance in this regard was very valuable and much appreciated."

~ Defense Counsel

the court. The Native court worker is now a member of the Working Group and is providing regular assistance to First Nations accused and offenders.

In the early weeks of the VIC's operation, the Working Group reached an agreement to streamline the referral process to the ACT teams and for providing information to the court concerning the reasons the teams have for not approving individual applications. The VIC Working Group also addressed the requirement for a full psychiatric assessment for high-risk offenders.

Working Group Subcommittee on Community Work Service

A subcommittee of the Working Group met regularly to deal with the issue of community work service for offenders in the VIC. The Downtown Victoria Business Association and the community representative have been particularly helpful in this regard.

Everyone involved believes strongly in the importance of community work service as a means for offenders to make reparation to the community, and as a way of assisting them in gaining the experience necessary for increased self-esteem and potential employment opportunities. The Clean Team⁷ has provided successful placements for a number of offenders whose sentences included performing services for the community. Among other projects, the sub-committee is exploring the feasibility of a mural in the downtown core.

Several offenders have received work experience leading to offers of employment as a result of successfully completing their community service.

Community Corrections staff regularly attends the VIC to provide information regarding opportunities for community work and to update the court on community service that has been performed by an offender.

Sharing the VIC's Experience

Over the first year of the VIC's operations, the Working Group hosted visiting delegations from:

- Alberta Provincial Court
- Coastal Health Authority
- Vancouver City Police

⁷ The Downtown Victoria Business Association's Clean Team works to keep downtown Victoria clean by doing such tasks as picking up and disposing of needles and removing graffiti on public and private property.



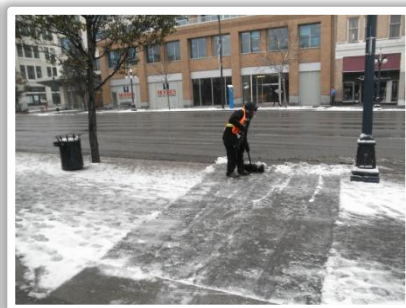
WORKING GROUP MEETING-JUDGE QUANTZ, CROWN AND TEAM LEADER



THE CLEAN TEAM



COMMUNITY WORK SERVICE BEING PERFORMED



- Drug Treatment Court, Edmonton
- Chiefs of Police Association
- Legal Services Society
- Ministry of Justice, Alberta
- Langley Citizens Group
- Kelowna Community Justice project team
- Chief Judges (B.C. and Alberta)
- Prolific Offender Management pilot project committee

The VIC has received media coverage locally and in the Globe and Mail, and has been featured in stakeholder newsletters. The Business Improvement Areas of British Columbia’s Best in the West award for Safety and Social Issues was awarded to the VIC “as the most successful BIA to utilize projects or programs that address social and/or safety concerns in their community”.

5. How the Court Differs from a Traditional Court

The VIC differs significantly from a traditional sentencing/bail court in a number of important ways described below.

Integration of Services

The justice system and health and social services in the VIC work together in an integrated manner while respecting the differing roles of the justice participants and the therapeutic relationship between the teams and their clients. The teams provide the court with realistic plans, and the intensive supervision and support necessary to make the plans a reality, thereby increasing the likelihood of rehabilitation. The court, within the parameters of sentencing that is in proportion to the crime committed, imposes orders that place conditions on the offenders’ conduct in the community. The teams and probation officers are authorized by these court orders to supervise the conduct of the offender in the community and the offender knows that the court has the ability to impose punitive sanctions for any breach of the court’s orders thus enabling the teams to direct offenders’ behavior in the community. The court uses its persuasive and punitive authority to assist the work of the teams in addressing the underlying causes of the offenders’ criminal activity.

“A large population of the clients ACT works with are involved in all mentioned systems. By collaborating together we are providing a community care approach as a whole. The legal system is now able to see clients on a regular basis and obtain collateral information that is significant to their charges and sentencing.”

~ ACT Team Member

The ACT team members and the probation officers have developed a working relationship that enables the probation officers to support the therapeutic role of the teams. The probation officers retain the primary responsibility for enforcing court orders and referring medium and high-risk clients to appropriate programs.

A unique aspect of the VIC is the role of Adult Custody staff at BC Corrections. The Vancouver Island Regional Correctional Centre’s (VIRCC) staff assists the court by ensuring access to appropriate services for those offenders who are in custody awaiting disposition or while serving a term of incarceration. The staff there assists individuals in completing the application forms for admission to an ACT team. Staff also works with the Forensic Psychiatric Services Commission and the teams to facilitate

psychiatric assessments when needed. They have also assisted the VIC by working with sheriffs to coordinate the transfer of inmates to and from treatment programs. Prior to offenders' release from custody, VIRCC staff work with the teams and counsel to bring offenders back to court to plan for their release into the community.

Frank has had a severe addiction to crack cocaine and alcohol since he was 15 years old and a family history of addiction and marginalization. He lived on the streets with his partner and a dog for 10 years. In addition to substance dependence, Frank suffers from depression and post traumatic stress. His love for his dog deterred him from shelters and low income housing for years. Businesses in Bastion Square were alarmed at the shopping buggy fort he was creating outside their storefronts. The City of Victoria was extremely concerned and a referral to the Pandora ACT team resulted. The team intervened and secured temporary housing for Frank, his partner and dog. Shortly afterwards, Frank, his partner and dog were relocated to a market rental, where he currently lives. Unfortunately, the support of Pandora ACT team, and the greater stability provided by housing, did not prevent Frank from assaulting his spouse during a substance-induced altercation last summer.

As a participant in the VIC court, Frank served several months in custody. While in jail, he took a number of rehabilitative programs, including: individual trauma counselling; anger management (twice); learning what it means to be in a healthy relationship; and a bicycle technician program (completed). As a condition of his release back into the community, he was required to attend a 70-day residential alcohol and drug treatment program - a first in his life. Although reluctant (but court-ordered), Frank completed the full program and returned to Victoria.

Today, Frank reports being sober for 10 months and is currently attending a relapse prevention program, with hopes of returning to his treatment centre to collect his one-year token. Over the last year, he has undergone a profound change in his life and still shakes his head over what he has done to change his life for the better. Frank is grateful for the help he has received, especially during the crisis points in his life this last year.

Participant's Consent

Unlike a traditional court, the offenders' initial decision to participate in the VIC, and to accept the more onerous conditions that may be imposed on them in their community-based sentence is consensual. When entering the VIC, accused individuals are asked to consent to the sharing of private information among VIC agencies, as necessary, for the development of their plans for rehabilitation. Many provide their consent to entering the VIC knowing they will be required to serve a period of incarceration before they are released under the supervision of the teams on the community-based portion of their sentence.

Expected Behaviour

While the VIC does not condone the use of illegal substances or the abuse of alcohol, it does recognize that for many of these offenders rehabilitation will not be immediate and there may be relapses. The court acknowledges this reality with the offender and emphasizes that, in exchange for the assistance of the team, it is expected that the participant will not commit further substantive criminal offences. It is also expected that offenders will not engage in activity that harms the community, e.g., drug use in public or there will be punitive consequences.

"I know several clients who previously were homeless and drug addicted for years and now they have their own one bedroom apartments for over a year now. Our clients require lots of limit setting, boundaries and consistency in their lives, VIC offers all of the above."

~ ACT Team Member

The court stresses with the offender that: law-abiding citizens are entitled to use public spaces without being accosted or faced with the consequences of open drug use; that businesses are entitled to operate in the downtown core without regularly dealing with drug addicted shoplifters or experiencing break and enters to the point where they no longer qualify for insurance; and that the public is entitled to park their vehicles in the downtown core without them being damaged by people who steal money or goods for illegal drugs.

Less Formal

The VIC operates less formally than traditional courts. Prior to making decisions, the judge in the VIC hears from Crown counsel, team members, defense counsel, the accused and their family members (if appropriate). Team members offer their perspective on their clients' level of engagement with the team, any challenges the team is facing in providing support and supervision, progress that is being made, and advice regarding conditions that would assist the team in supporting and supervising the offender.

Practical Problem Solving

The judge supports the teams and counsel in pre-sentence planning, where necessary. For example, where faced with an allegation that an offender has not followed their community-based sentence condition, the court has ordered, as part of a sentence, that the offender spend five days in custody to ensure detoxification, a necessary precondition to the offender's immediate transfer into the supervision of the team for direct transport to residential treatment. On occasion, the court has also timed the imposition of sentencing, or provided a community based sentence (including residential treatment for addictions) rather than incarceration to reduce the likelihood of offenders losing their residences. The court recognizes that being housed is a key component in reducing the likelihood of re-offending. The court has also ordered that offenders be transferred, in custody, to the court location closest to the site of drug and alcohol treatment, and then sentenced the offender by video to facilitate immediate release to the care of the service providers.

“The coordination between the various parties is key to this initiative. We are all better informed and as a result are making more appropriate and better decisions regarding this offender group.”

~ Crown Counsel

In a traditional court setting, the judge or other judicial officer does not engage in this level of pre-sentence planning. It is assumed that once an offender is released from custody he or she will go to the probation office and start the process of arranging for drug and alcohol treatment or community work service. In many instances, however, once released from jail, offenders find that they are not able to immediately obtain social assistance and have lost their housing. Not surprisingly, no matter how long the jail sentence, many offenders are not deterred from further criminal conduct and quickly fall back into the old pattern of abusing substances, living on the streets, and supporting their addiction through criminal activity.

Specialized Court Orders

To support the teams, the judge imposes specialized conditions on the release of the offender to support the offender's rehabilitation. Some of these conditions require the consent of the offender. For example, the following conditions are frequently imposed with offender consent:

- a money management condition to reduce the likelihood that social assistance monies end up in the hands of drug dealers and are used, instead, to provide food and housing;

- a requirement to submit to drug screening on demand; and
- a requirement to follow the general direction of the team and to take medication under the direction of a team member before leaving their residence for the day.

Specialized conditions for court orders are detailed in Appendix “A”.

Oral Reports and Immediate Consequences

The VIC emphasizes the use of oral reports by the probation officer or team members. This reduces cost and ensures up-to-date information about the offender is available to the court. The use of oral reports also reduces delay because it takes approximately six weeks to produce a written pre-sentence report. In the case of high-risk offenders, however, the judge orders a written pre-sentence report and a psychiatric assessment.

Offenders are often brought back to the VIC in response to a request from a team for a review following early warning signs and before further criminal offences are committed. Those who do re-offend, either by committing a new substantive offence or by failing to comply with a condition in their order, are promptly returned to court to answer for their conduct to the judge who imposed the sentence. In most cases their appearances are at the next sitting of the court. The VIC believes that a prompt measured response is often more effective than a more punitive consequence that is delayed. This approach is also used to provide immediate positive support from the court where the team believes this would assist and encourage the offender.

In a traditional court, offenders are usually only brought back to court after they have committed further offences. It may take weeks or months to process these cases. Additionally, their appearances are generally not before the judge who sentenced them. This enables offenders to keep making the same promises to the court without being held accountable for the earlier commitments made to a previous judge. Consistent with the approach of immediate consequences for breach behavior, the VIC also encourages immediate community work service, and in some cases sends offenders directly from court to report immediately for work with the Downtown Victoria Business Association’s Clean Team. The Clean Team supervisor stays in contact with the Judicial Justice for the VIC and advises if the offenders reported for work and the number of hours of service provided to the community. Failure to report for community service results in the offenders being brought back to court, promptly, to explain themselves.

“A big part of VIC is lending the coercive muscle of the court in aid of the Teams’ efforts to impose order on chaotic lives. Review appearances are essential for this. They are also highly useful in congratulating offenders for good performance.”

~ Crown Counsel

Better Coordination through Technology

In a traditional court, it is the responsibility of the parties to ensure cases are put on the court list, but in the VIC, the Judicial Justice, through the use of email technology, coordinates the court list throughout the week. This expedites the court process by reducing the number of adjournments due to lack of communication between the parties while ensuring prompt consequences for offending.

Dedicated Personnel

The court is presided over by a dedicated judge. As noted, earlier, judges rotate in and out of the VIC on an approximate one-year basis. The VIC has dedicated Crown counsel who also rotates on an annual basis. Crown counsel rotation is not synchronized with the judge’s rotation to enable the Crown to

assist a new presiding judge in the VIC and to orient a new prosecutor. The VIC also has a dedicated Judicial Justice.

The VIC also benefits from having members of the teams who consistently attend court proceedings to support their clients and to inform the court. A police officer, dedicated to the support of the teams, attends court weekly to provide information, assist in planning for the supervision of offenders in the community, facilitate the execution of warrants, and to inform other members of the police force concerning the approach the court is taking with the offenders. The court is also assisted by the regular attendance of the Community Work Service Manager (a probation officer) who provides timely information regarding work service opportunities and performance by offenders.

Having consistent personnel encourages more engagement by the offender, and to the degree appropriate, personalizes the relationship with the offender.

Continuity of Care

Offenders who successfully complete the community supervision portion of their sentence will continue to receive care in the community from the teams as long as their health requires it. The team's ongoing involvement in the individual's life is not dependent on an existing court order.

6. Preliminary Statistics

The following "snapshot" indicates the impact of the ACT teams on the utilization of health care services in VIHA:

- The Seven Oaks ACT team has served 35 clients over a period of several years following their discharge from the Seven Oaks facility. These clients used an average of 303 bed days in the year prior to discharge and in the years following discharge ranged from 19-22 bed days. This amounts to a reduction in excess of 90% with significant financial and clinical implications;
- The Downtown ACT team admitted 14 patients who had a history of using more than 50 bed days in the year prior to admission; the average bed day use was 123 per patient. This usage dropped to 43, 33 and 31 bed days in each of the three years following admission onto the Downtown ACT team. About half of the Downtown ACT team's patients, (i.e. 36 individuals) were homeless at the time of their admission onto the team with 18 "living rough" and 18 living in street shelter.
- By the spring of 2011, approximately 1/3 of the previously homeless patients of the Downtown ACT team were living in "low barrier" housing; 1/3 in other forms of supported mental health housing, and 1/3 were living in "market rent" accommodations (some with a rental subsidy).

The Victoria Police Department reports the following with respect to 61 of VICOT's clients who have appeared before VIC in its first year of operation:

- In the year prior to being accepted onto the VICOT, this client group generated an average of 123 calls per month to the Victoria Police Department;
- In the year following acceptance to the VICOT, this group generated an average of 76 calls per month to the Victoria Police Department; a 38% reduction in calls for service;

"Many offenders are mistrustful of the court system and have difficulty in keeping track of what is going on around them. Seeing the same people, especially the judge, each time they appear is comforting to them and builds trust.

~ Crown Counsel

- The impact of this reduction is significant as the typical nature of police calls for this client group is invariably time consuming, often involving lengthy arrest processing periods as well as escorts for medical and psychiatric assessments;
- Of these 61 VICOT clients, 19 have generated an increase in the monthly service calls by police in the past year but for many the increase was not significant. The remaining 42 clients have reduced their monthly calls for service with some reducing their calls by as many as 6.03 per month;
- Overall, police are experiencing a reduction of 573 calls per year just for this client group;
- No client who has been serviced by the VICOT over a three year period creates higher calls for police services in the 3rd year than in the 1st year and in most cases the 1 to 3 year reductions are dramatic. In one case, there was a reduction from 74 calls in the first year down to zero in the third year;
- Overall, the reductions have had significant time and cost implications for police operations as resources are freed up to undertake other tasks in the community;
- A further benefit is the reduction in police time required for court appearances as substantive offences and breach of court order offences are reduced for this client group.

While it is too early in the operation of the VIC to conduct a meaningful quantitative analysis of the court's progress, it is possible to point to the following early indicators of the impact of integrating the court with the work of the ACT teams. In the first year, the VIC noted that:

- 128 persons came through the doors of the VIC (most in the first few months after the VIC began), 100 of who have been subject to a bail or sentencing order. Approximately 80 of these 100 persons are working with ACT teams;
- 27 persons were not accepted by a team and two left the jurisdiction. The majority of the persons who were not accepted by a team were denied due to the fact that they were not sufficiently high users of emergency and other health services;
- Of the 100 persons who have been dealt with by the VIC, 84 have not been charged with a new substantive criminal offence;
- Of the 128 persons who have attended the court, 93 had reduced contact with the police, three experienced no change in the level of contact, 32 had increased involvement; and
- Of the 32 who generated increased police involvement:
 - four were declined by the teams;
 - 22 were supported and supervised by ACT teams;
 - two were members of the Brain Injury Program and received some support or services; and
 - four received some support and services from Forensic Psychiatric Services Commission.

7. Gaps in Service

Even with the integration of justice, health and social services at the community level, there remain gaps in service which limit the effectiveness of this community initiative in addressing the underlying causes of criminal behavior. The most notable gaps in the first year are as follows:

- there are insufficient secure hospital placements for persons suffering from mental disorders⁸;

⁸ The Court recognizes and supports the fact that facilities are being planned for Vancouver Island that will increase the number of secure beds and will provide further beds elsewhere in the VIHA area that will reduce demand for existing beds.

- the work of the VIC is made more difficult due to the fact that there are no publicly funded residential drug and alcohol treatment programs on southern Vancouver Island;
- the lack of a correctional facility for women on Vancouver Island makes it more difficult to coordinate services following incarceration and, in many cases, means that women are required to travel from the Lower Mainland and spend a number of nights in police lockup in order to appear in VIC other than by video;
- issues around legal aid tariffs for defence counsel appearing in VIC and the lack of a dedicated duty counsel (subsequent to VIC's first year of operation, duty counsel have been assigned to VIC on a "pilot" basis and the legal aid tariff issue is under discussion);
- as the principal funding for the ACT teams is from VIHA, understandably the focus is on persons who are high users of emergency health services. The community would be better protected with the addition of an ACT team⁹ dedicated to persons with mental health disorders who are regularly engaged with the police and the justice system, even though they are not frequent users of the emergency health care system; and
- Community Corrections and the Downtown Victoria Business Association are continuing to work with the VIC to identify new opportunities for community work service, given the challenges facing these offenders, and the perceived risk they may present to others while performing work service in the community. It is important that these offenders repay their debt to society and have the opportunity to learn skills that may assist them in achieving employment.

8. VIC Exploratory Process Report

Although it is too early to measure the court's outcomes, it is timely to report on the court's implementation and progress so far. Resources were provided by the Ministry of Attorney General to contract R.A. Malatest & Associates to conduct an independent, qualitative analysis of the court's operation to date. The intent of this report is to reflect on the first year of VIC implementation, including alignment with the original vision of the judiciary, approach to collaboration and integration, suggestions for improvement and preliminary perceived impacts.

Methodology

The Consultant worked in close consultation with the Ministry research team to develop the research instruments. Data collection consisted of a survey of key stakeholder groups and interviews with VIC offenders.

⁹ The following article is an example of these "forensic ACT teams". These teams should not be confused with the provision of services by the Forensic Psychiatric Services Commission.

Joseph Morrisey and Piper Meyer, *Expert Panel Meeting Discussion Paper: Extending ACT to Criminal Justice Settings: Application, Evidence, and Options*, February 18, 2005. (Bethesda MD)

Overall, the stakeholder groups are well-represented in the results of the study. The survey completions and response rates by stakeholder group are as follows:

| Respondent Group | Respondents | Sample Size | Response Rate |
|--|-------------|-------------|---------------|
| Assertive Community Treatment (ACT) Teams | 10 | 16 | 63% |
| Crown | 5 | 5 | 100% |
| Judiciary | 3 | 3 | 100% |
| Probation officers, including VICOT member | 6 | 14 | 43%* |
| Corrections Custody | 3 | 3 | 100% |
| Defence | 9 | 9 | 100% |
| Police | 3 | 3 | 100% |
| TOTAL | 39 | 53 | 74% |

*The response rate was calculated for the total PO staff, which includes individuals who deal with bail only and low risk offenders.

Nine interviews were conducted with VIC offenders: two women and seven men. Offenders gave informed consent to participate. The interview took a respectful, narrative-based approach based on offender experiences, capacity and level of comfort discussing his/her situation. This approach was very successful in connecting with this vulnerable group, and most offenders who participated expressed sincere appreciation for being given the chance to share their perspectives about the VIC.

Findings

The roles, responsibilities and processes of the VIC are generally clear to those involved in the VIC

Although there were a few challenges encountered during the implementation of the new processes, the VIC, as implemented, aligns with the original vision of the court as conceived by the judiciary. Roles and responsibilities of the various key players in the VIC process are generally clear to most of the stakeholders surveyed. Future clarity regarding the role of the Forensic Psychiatric Services Commission and to some extent the Judicial Justice in the role of VIC Coordinator may be warranted.

The VIC had facilitated increased communication and collaboration among stakeholders in a number of ways

Overall, stakeholders felt that communication in the VIC is more effective and occurs more frequently than in a traditional court. All stakeholders report increased communication amongst the various groups. As a result of the VIC, communication between the ACT teams and the other stakeholder groups is generally ongoing and informal as compared to the traditional court model. The pre-court planning meetings are seen to be useful in promoting information sharing, discussing appropriate conditions, updating offenders' progress or particular difficulties, and providing a venue for integrated case planning. Communication between Crown and defence counsel takes place outside of court more

often than in traditional court, and the ACT teams are found to be an invaluable resource for the most current information on the offenders.

Oral reports from the ACT teams are an integral component in the VIC process in that they provide a comprehensive understanding of the offender, which in turn allows for current information and progress updates, facilitates setting reasonable and relevant conditions and sentences, helps save time by reducing the need for written reports, and demonstrates to the offender that they are supported in the justice process. ACT team members feel that their opinions and advice are valued and respected by the judiciary and Crown counsel, which is reflected in sentencing and order conditions. Offenders report that they appreciate being able to address the court and 'have a voice' in the process, and they largely feel that they are listened to with respect and treated fairly.

It was suggested by survey respondents that breach or other enforcement-related issues are best conveyed to Crown in the planning meeting so the client does not feel betrayed by ACT staff and the intimate, therapeutic relationship that is essential to their work with their clients and ultimately the success of the VIC is not damaged.

Consistency of process is an integral aspect of the VIC

The VIC Coordinator is viewed as having a valuable role in the VIC process as a consistent point of reference, coordination and organization although at times is seen to be too involved with the process. The resulting consistency of process was found to be beneficial to all parties involved, particularly the offenders, whose mental health issues are often assuaged by stability in their environments.

There is one area where communication and consistency is reported to be less efficient in regards to the calling of the court list, the proceedings of which are seen by some to overlap with or duplicate that of some of the other elements of the VIC process.

Offenders have a favourable view of their involvement with the VIC

VIC offenders speak very favourably about the VIC process, including its personal approach, the warmth and understanding of the judiciary in particular, having a voice in the process, and its consistency. While some acknowledge it can be difficult to hear negative feedback about them, all agree that it is productive in the long term and that it is part of the responsibility of their ACT team and probation officers to report to the court on their progress in the community. The VIC process has given many offenders a greater understanding of the court system, additional incentive to improve their situations, and a sense of greater accountability.

Only a few offenders typically decline to participate in the VIC, often due to fears of bias, commitment, sharing too much information, or having too much accountability. Some offenders have left the VIC only to return at another date when they were more prepared to accept the support and conditions of the integrated court.

The VIC has improved the effectiveness of the justice process for the targeted group of offenders

The sentences and conditions set within the VIC are considered to be more effective in assisting the ACT teams in dealing with offenders than those set through the traditional court. Furthermore, offenders view the sentence conditions as being fair for the most part. Community Work Service (CWS) is used more frequently in the VIC than in the traditional court system although VIC offenders can be more difficult to place given their particular challenges.

Post-sentence court appearances are an important aspect of the VIC process to keep offenders on track. It is rare for an offender not to appear before a VIC judge post-sentence. VIC offenders most often return to court as a result of a breach of an order, to encourage adherence to court orders or to report to the court on progress. ACT team members most often identify the need for a post-sentence

appearance. Response to breach behaviour is often quicker in the VIC, and more discussion occurs about the way the response to a breach should be approached.

Stakeholders interviewed noted that VIC sentences can be affected by lack of services and support in the community due to the shortage of treatment centres, mental health services, and a correctional facility for women. Sentences are occasionally seen as too permissive or conditions too informal, particularly when offenders do not engage in the process.

Community awareness and engagement in the VIC could be increased

Awareness of the VIC among community members is generally seen to be low. Opportunities suggested for increased engagement of community members include additional CWS options, sharing progress reports with the community, and having regular columns/articles or educational forums for the public. The VIC is seen as having a positive effect on the community, sending out a positive message about the beneficial impacts of the rehabilitative approach and how to better support offenders with mental illnesses or substance abuse issues.

The VIC has generally had a positive impact on stakeholders' work

The VIC process has for the most part improved the way the stakeholders do their jobs, and has improved the ACT team and justice stakeholders' relationships. Although some stakeholders report a greater time commitment, this was viewed as being beneficial as it allows for more involvement in the court process. While the VIC has generally improved file management for Crown and defence counsel, defence noted that many of the VIC appearances are not covered by the Legal Aid process, which can be a deterrent for accepting VIC clients.

The VIC is perceived to help reduce recidivism and improve offenders' mental and physical health, as well as their access to and support by a variety of services

Ongoing collaboration and communication allows stakeholders to provide the most relevant information in order to make the most informed decisions on the clients' behalf, preventing overlap in services and allowing interventions to be tailored to the individuals' needs. Offenders feel supported by their ACT teams in taking an active role in their health, and many now have a more positive relationship with the justice system. Participation in the VIC is considered to positively influence offenders' circumstances, including improved health and/or personal circumstances such as stable housing, routines, jobs, overall health and sobriety. Survey respondents perceived that the VIC's model of community care and offender-centric focus has begun to reduce re-offending behaviour among offenders although it is too soon to begin assessing the measurable impact on recidivism.

It was agreed that the VIC could be expanded, although capacity issues would need to be addressed

Most stakeholders felt that the program should be expanded, although they noted that more resources would need to be put in place for this to occur. Some applicants to the VIC are not accepted because of caseload issues; specifically, the ACT teams are unable to manage or accommodate additions to their existing caseload. It was recommended that another ACT team be in place if the VIC were to be expanded.

Stakeholders and offenders exhibited positive support for the VIC on the whole, and many are personally proud and excited to be involved in such a revolutionary approach to integrated case planning and offender rehabilitation.

Malatest finding

For the full Process Report, see Appendix "B".

9. Goals for the Upcoming Year

The VIC has set the following goals for the 2011-12 year:

- The VIC would benefit from a further clarification of the role of the Forensic Psychiatric Services Commission;
- Refine the role of the Judicial Justice including during the Court's 9 a.m. planning session;
- Continue to follow up with Legal Services Society with respect to the legal aid tariff for counsel appearing in VIC and the need for dedicated duty counsel on an ongoing basis;
- Improve the organization of the pre-court planning sessions and the calling of the list before the judge;
- Increase community awareness about the VIC and the need for further community work service opportunities;
- Continue to gather data regarding offenders who appear in the VIC and develop outcome measurements regarding their contact with the criminal justice system, health and social services; and
- Support the appointment of a second police officer to the VICOT team.

10. Conclusion

The Victoria Integrated Court is one component in a community's response to the issues created by a homeless population of drug addicted and/or mentally disordered offenders in the downtown core. This Provincial Court initiative is built upon the integrated services of the teams, using existing resources. It follows the leadership provided in the Victoria Mayor's Task Force Report and the work of the Street Crime Working Group.

The qualitative analysis funded by the Ministry of Attorney General will assist the court in further refining its procedures, and has helped identify some of the goals for the upcoming year.

While gaps in service remain, after one year in operation the agencies supporting the Victoria Integrated Court are strongly committed to this initiative. The work of the teams has led to reduced use of health care and police services by offenders. It is the consensus of the agencies supporting VIC that the integration of justice services is providing further benefit to the community and that this initiative demonstrates that solutions to some of our most pressing social and justice issues can only be found through a comprehensive community-based response.

"It is important to view VIC not in isolation but as part of a community response to the issues created by a homeless population of drug addicted and/or mentally disordered offenders in our downtown core. Its success or failure, to a large degree, will depend on the ongoing commitment of all agencies. It is a clear demonstration that the solutions to some of our most pressing social and criminal justice issues will only be solved by a comprehensive community-based response."

~ Judiciary

Appendix “A” VIC Court Conditions - Conditional Sentence Orders¹⁰

- Keep the peace and be of good behaviour.
- When released from custody report immediately to the Supervisor’s office at 836 Courtney St. Victoria B.C and afterwards as directed by the Supervisor / VICOT/ ACT Team member.
- Report to Victoria Integrated Court, as directed by the Court /Supervisor/ VICOT / ACT Team member.
 - a. On the first Tuesday after your release from custody report to Victoria Integrated Court at 850 Burdett St. Victoria BC at 9 a.m.
 - b. Prior to your release from custody report to Victoria Integrated Court to plan for community supervision.
- Reside where directed by your Supervisor / VICOT Team Member / ACT Team member and obey the rules of that residence.
- When you first report to your Supervisor provide your residential address and phone number and do not change your address or phone number without the written permission of your Supervisor / VICOT Team Member / ACT Team member.
- Stay in your residence unless you have the written permission of your Supervisor / VICOT Team Member / ACT Team member to be outside your residence and then carry the written permission on you.
- Stay in your residence between the hours of __ pm and ___ a.m. unless you have the written permission of your Supervisor / VICOT Team Member / ACT Team member to be outside your residence and then carry the written permission on you.
- Answer the door of your residence when a Peace Officer /Supervisor / VICOT Team member / ACT Team member comes to the door to confirm that you are following the rules of the residence and the curfew.
- Do not possess hypodermic syringes; pipes or other drug paraphernalia when outside your residence.
- Do not enter into the area of Greater Victoria (the “Red Zone”) bounded by the following streets: _____ unless you have the prior written permission of your Supervisor / VICOT Team member / ACT Team member to enter the Red Zone and then carry this written permission on you.
- As you agreed in Victoria Integrated Court report for random drug screening on the direction of your VICOT Team member / ACT Team member and if you no longer consent to random drug screening immediately report to Victoria Integrated Court.
- As you agreed in Victoria Integrated Court, take reasonable steps to maintain your physical and mental health so that it will not likely cause you to be dangerous to yourself or anybody else or to commit any new offences. When directed by your Supervisor / VICOT Team member / ACT Team member see a medical or mental health professional for medical counselling and treatment. You do not have to take any treatment or medication; but if you refuse tell your Supervisor / VICOT Team member / ACT Team member and report to Victoria Integrated Court as directed. Give your doctor a copy of this Order and tell your doctor that if you do not take your medication or keep your appointments they are to advise your Supervisor / VICOT Team member / ACT Team member immediately.

¹⁰ Similarly worded VIC conditions are used for terms of judicial interim release (bail) and probation orders.

- As you agreed in Victoria Integrated Court follow the directions of your VICOT Team member / ACT Team member including participation in the money management program.
- Perform ___ hours of community work service when directed by the Court/Supervisor / VICOT Team Member / ACT Team member.
- Do not possess any weapons as defined in Section 2 of the *Criminal Code*.
- Do not possess a knife when outside your residence except for immediately preparing or eating food.
- Do not communicate directly or indirectly with _____.
- Do not possess or consume any alcohol or non-prescription drugs as defined in the *Controlled Drugs and Substances Act*.
- Do not enter a liquor store beer and wine store a bar or pub or any other business that mainly sells liquor.
- Attend, participate in, and successfully complete, any assessment, counselling, or treatment program (including residential treatment program) as directed by the Court/ Supervisor / VICOT Team Member / ACT Team member.

**Appendix “B” - Victoria Integrated Court Exploratory Process
Report: Reflections on the Court’s First Year of Operation,
R.A. Malatest & Associates Ltd., July 19, 2011**

(See attached Report)