

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.



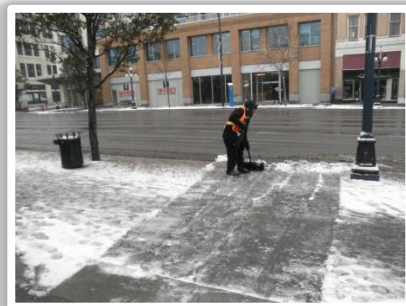
WORKING GROUP MEETING-JUDGE QUANTZ, CROWN AND TEAM LEADER



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 Morrissey 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)

**Victoria Integrated Court Exploratory Process Report
Reflections on the Court's First Year of Operation**

FINAL REPORT

July 19, 2011

Prepared by: R.A. Malatest & Associates Ltd.
Prepared for: Ministry of Attorney General, Justice Services Branch



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1. Executive summary

1.1. Introduction

The Victoria Integrated Court (VIC), which began in March 2010, is a community initiative that brings together justice, health and social services to manage offenders, who have a history of substance addiction or mental disorder and unstable housing and whose criminal activity is having a significant impact on the community. The VIC is not a new court but is part of the Victoria Law Courts' existing sentencing/bail court dedicated to hearing cases involving a restricted group of offenders. In the community, these offenders are managed by Assertive Community Treatment teams (ACT teams) led by Vancouver Island Health Authority. The VIC aims to increase public safety by decreasing recidivism for substantive offences and reducing harmful antisocial behavior in the community, provide more effective sentencing through integrated case planning and intensive community supervision, as well as decrease inappropriate use of emergency services.

The VIC has been in operation for just over one year, and 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.

1.2. 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.

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:

Table 3-1.1: Survey completions and response rates

Respondent Group	Respondents	Sample Size	Response Rate
Assertive Community Treatment (ACT) teams	10	16	63%
Crown counsel	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%

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.

1.3. 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 themselves, 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.



2. Introduction

2.1. Background

The Victoria Integrated Court (VIC) is a community initiative that brings together justice, health and social services to manage offenders, who have a history of substance addiction or mental disorder and unstable housing and whose criminal activity is having a significant impact on the community. The VIC began its operation in March 2010 and is part of the Victoria Law Courts' existing sentencing/bail court dedicated to hearing cases involving a restricted group of offenders. It is not a new or separate court, and new resources have not been used to implement this initiative.

The VIC is facilitated by a Community Liaison Committee that includes members of the Victoria Police Department, Downtown Victoria Business Association, Victoria Chamber of Commerce, Provincial Court Judiciary, Crown counsel (Ministry of Attorney General), defence counsel, Community Corrections and Victoria Island Regional Correctional Centre (Ministry of Public Safety and Solicitor General), Vancouver Island Health Authority (VIHA), and other community representatives. Operational issues of the VIC are handled by the VIC working group which includes members from local Crown offices, community teams and Community Corrections.

The main goals of the VIC are:

- to increase public safety by decreasing recidivism for substantive offences and reducing harmful antisocial behavior in the community;
- to provide more effective sentencing through integrated case planning and intensive community supervision;
- to support the ACT teams that work with offenders in the community; and
- to decrease inappropriate use of emergency services.

Eligibility for the VIC

All accused and offenders that are accepted to the VIC have a history of substance addiction and/or mental health problems as well as problems with unstable housing. In order to be eligible for the VIC, accused and offenders must demonstrate a willingness to address the underlying causes of their criminal activity and be willing to accept community support and intensive supervision to do so. Accused and offenders must already be supported by one of the Assertive Community Treatment (ACT) teams or the Victoria Integrated Community Outreach Team (VICOT), or one of these teams must be willing and able to take them on as clients. An accused person may still be accepted into the VIC if the presiding judge determines that there are sufficient resources available through other means to support the person in the community.



ACT Teams

Since community teams are responsible for working with and managing offenders in the community, they are an integral part of the VIC. The ACT teams are led by VIHA and include the Downtown ACT (DACT) team and the Pandora ACT (PACT) team. These teams work with their clients to help them access stable housing, obtain financial resources, manage their finances, access healthcare services, and find employment opportunities. They also provide counselling services, life skills training, and generally support their clients in the community. Not all ACT team clients are offenders. VICOT has a slightly different focus; it addresses the needs of the homeless population that has elevated levels of substance abuse and addiction and increased rates of engagement with police and the criminal justice system. VICOT has a probation officer and police officer as part of its team.¹

Court Process

The VIC uses a somewhat unique court process that revolves around consistency, coordination, and collaboration. The court is held on Tuesday mornings in Courtroom 101, which allows for a consistent time and location to hear all cases. A dedicated judge presides over the court on an approximately annual rotation, and consistent Crown counsel work on VIC files. This allows the judge and Crown counsel to become familiar with offenders and their circumstances. Additionally there is a Judicial Justice who acts as the VIC coordinator to organize all aspects of the VIC. The court process begins with a court list triage to determine which matters will proceed in court that morning. This is followed by a planning meeting where Crown counsel, defence counsel, ACT teams, police, and probation officers discuss each of the cases that are ready to proceed. Recommendations are made to Crown counsel for conditions and sentencing to recommend to the judge later in court.

During the VIC hearings, Crown counsel, defence counsel, ACT team members, police, probation officers and the offender may be invited to speak to the case. ACT team members and probation officers provide oral reports to the court about their clients. This allows the judge to hear about offenders' progress in the community directly from those responsible for working with and managing offenders. ACT team members are able to speak about their clients from the perspective of day-to-day health and social achievements and concerns. This information helps the judge make more informed decisions when sentencing and setting conditions. After sentencing, offenders may appear in the VIC again to deal with a breach or new charge, to provide a progress update to the court or to change sentence conditions.

¹ For ease of reference, the ACT teams and VICOT will be referred to as "ACT teams" throughout the report.



2.2. Exploratory Process Report

The VIC has been in operation for just over one year, and 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. This process report is structured as follows:

- Executive summary of key findings;
- Introduction to report and background of VIC;
- Research methodology used;
- Research findings;
- Summary of key findings.

Key findings from each section are summarized at the end of the sub-topics throughout the report, with overall findings presented in the final section.

3. Methodology

The intent of this exploratory process report is to reflect on the first year of VIC operation, including the alignment with the original judiciary vision, approaches to collaboration and integration, suggestions for improvement and preliminary perceived impacts. In order to achieve this, the following methodological approaches were used:

- Development of research tools;
- An in-depth survey/questionnaire of key stakeholders; and
- Interviews with VIC offenders/participants.

Each methodological approach will be described in this section.

3.1. Development of research tools

The Consultant worked very closely with the Ministry of Attorney General to establish appropriate and achievable parameters for the exploratory approach. This consultative process was essential to ensure that a research methodology appropriate to the preliminary stages of the VIC was undertaken, yielding the most productive results for the judiciary and other stakeholders going forward. The Ministry, with input from members of the Victoria Integrated Court Working Group and other individuals, reviewed and modified each of the research instruments as appropriate and gave their approval to the final version of the tools.



3.2. Survey

The decision to use a survey/questionnaire approach to solicit feedback from the key stakeholders in the VIC process was made to allow for a structured, in-depth account from the various individuals. Using a mix of quantitative, scale-based questions and qualitative open-ended responses, the master survey was designed by the Consultant in collaboration with the Ministry with ongoing input from the Working Group (see Appendix A for the complete survey). Eight separate surveys were created for each of the designated respondent groups:

- ACT team members;
- Crown counsel;
- Judiciary;
- BC Corrections, Community Corrections & Corporate Programs Division;
- ACT team members in role of probation officer;
- BC Corrections, Adult Custody Division;
- Defence counsel; and
- Police.

The list of key stakeholders was developed by the Ministry, as well as by key contacts from some of the stakeholders, who identified appropriate individuals to complete the survey. After final approval from the Ministry research team, the master survey was programmed in an online format to reflect the eight separate surveys. The specific links were sent to each identified stakeholder, with the exception of two groups where the key contacts circulated the link to the relevant parties themselves.

The estimated completion time for the survey ranged from 15 to 45 minutes, depending on the level of involvement with the VIC (e.g., the police survey was shorter than the ACT team survey). The survey period was open for just under two weeks to allow enough time for the stakeholders to submit their perspectives. Reminders to complete the survey were sent out a week prior to the survey close date, as well as on the last day. In general, there is good representation from most groups surveyed. Table 3-1.1 below represents the survey response rates by stakeholder group.

Table 3-1.1: Survey completions and response rates

Respondent Group	Respondents	Sample Size	Response Rate
Assertive Community Treatment (ACT) teams	10	16	63%
Crown counsel	5	5	100%
Judiciary	3	3	100%
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Corrections Custody	3	3	100%
Defence	9	9	100%
Police	3	3	100%
Total	39	53	74%

3.3. Interviews

In order to develop a full understanding of the implementation process and preliminary effects of the VIC, it was essential to speak with VIC offenders². An interview guide was developed to be consulted as needed during the interviews (see Appendix B), with the understanding that the interviews themselves would proceed in a respectful, narrative fashion in a contextually appropriate manner.

The three ACT teams were asked to identify some of their clients who had gone through the VIC and would be interested in participating in the project; twelve individuals were identified. The list was passed on to the Consultant, who coordinated with the ACT team leads to set up the interviews. In the end, nine interviews were conducted; the remaining three were unable to commit or opted out of involvement. Two women and seven men were interviewed, representing a range of ages (20s to 60s) and ethnicities. Most, if not all, of those interviewed were Canadian-born, representing a variety of ethnicities including Caucasian, Aboriginal and East Asian.

Offenders were informed that they would be asked to recount their personal stories and their involvement with the justice system. The nature of the research and the sensitivity of the topic were explicitly acknowledged. Offenders who chose to participate in the interviews were informed, verbally and by a written consent form (see Appendix C), of the specifics of the project and the purpose of the interviews. Offenders were told to share only the information they were comfortable sharing and that, at any point during the interview, they could stop the interview if they wished.

² VIC participants (offenders involved with an ACT team who have appeared in the VIC) are referred both as VIC offenders/accused and VIC participants in this report. They were directly referred to as participants when speaking with/about them individually.



The conduct of the interviews varied, depending on the individuals' willingness to share their experiences as well as their personal capacity to respond to certain questions or recount certain events. Each interview was attended by either the offender's ACT worker or a different team member. Although there were some initial concerns that the presence of a team member would reduce the offenders' openness in expressing their opinions (of the ACT teams in particular), the presence of the workers did not appear to be a deterrent and occasionally was an asset. The workers could help jog the participants' memory or explain any questions that were unclear to offenders. The participating offenders were also advised that they could choose to have their worker step outside the room .

In the end, the informal, narrative-based nature of the interviews was a very successful way of connecting with this vulnerable group, and most offenders expressed sincere appreciation for having the chance to share their perspective and have it included in the report. At the conclusion of the interview, participants were provided with a small gratuity in the form of a gift card as a token of appreciation for sharing their time.

3.4. Methodological considerations

This report is meant only to function as an **exploratory process report** – that is to say that the objective is to primarily review the implementation of the VIC and its preliminary effects on the key stakeholders, including best practices, modifications to the process, and areas for improvement. This report is not intended to depict any outcomes of the VIC, as it is both too early in the process to ascertain measurable effects in addition to being outside of the scope or capability of the research approaches used. Thus, any preliminary perceived impacts discussed in this report should be interpreted as just that – preliminary indications based on the early perceptions and experiences of the stakeholders most involved with the process. A more formal evaluation of the outcomes and measurable impacts of the initiative will only be possible after a longer period of operation, using a very rigorous research design and methodology.

In regards to the specific methodologies used in this preliminary process report, it should be kept in mind that a relatively small number (39) of respondents completed the survey, across eight different groups. In some cases, the number of respondents per group is extremely small, limited to one or two individuals. Any quantitative results presented in this report are to be interpreted only as an indication of certain trends, as the sample size is far too small to allow for any statistical significance to be considered.

In addition, the majority of the perceptions and feedback gathered were of a qualitative nature, both in terms of the interviews conducted as well as the abundance of open-ended questions contained in the survey. When conducting the qualitative analysis of these responses, the following framework was loosely employed:



No/None: refers to instances where no individual identified the particular issue.

Few/Very Few: refers to instances where only one or two individuals identified the particular issue

Some/Several: refers to instances where more than a few individuals but less than the half expressed a specific opinion

Many/Most: refers to instances where more than half identified the particular issue, although several did not

Almost All: refers to instances where all but one or two individuals expressed a particular opinion.

All: reflects consensus across all individuals within a stakeholder group. All interviewees questioned on the topic expressed the same view or held the same/similar opinion.

4. Findings

4.1. Alignment with Original Vision of the VIC

Due to the innovative and collaborative nature of a community justice model such as the Victoria Integrated Court (VIC), it is important to examine how the initiative was introduced and taken up. In the case of the VIC, the design and implementation was led by the judiciary. Judges and judicial justices were asked to reflect on how and in what ways the actual implementation of the VIC initiative has aligned with their original vision to identify the benefits and challenges that have arisen during the implementation phase of the project. Two out of the three surveyed judiciary were able to speak to implementation since the third has only become involved with the VIC more recently.

Respondents identified five key ways that the VIC has aligned with their original vision:

- ACT teams and the justice system support one another while respecting their individual mandates and utilizing different roles;
- The therapeutic and close relationship of the teams with their clients allows them to provide the court with realistic plans to effectively support the clients in the community and the tools required to make the plans a reality;
- The VIC delegates authority to ACT teams (within parameters of proportionate sentencing) to direct offenders' behaviour in the community with court order support;
- A working relationship has developed between ACT teams and probation officers that allows probation officers to support the therapeutic role of the teams while retaining primary responsibility for supervising court orders;
- The dedicated judge and Crown counsel and a consistent time for court hearings ensure consistency in dealing with clients at the VIC.



With any new initiative, challenges can occur during the implementation stages. The judiciary outlined six obstacles that have been encountered:

- Developing an understanding of stakeholders' respective roles and responsibilities, including how outreach teams operate;
- Determining consistency of the teams' culture with court's obligations concerning sentencing, including issues surrounding offenders' consent to certain conditions of their sentence;
- Agreeing on how the court would operate when implemented, including types of sentence conditions that could best support the teams in their work with VIC clients;
- Convincing participating agencies that the court was committed to implementing the initiative without additional costs;
- Managing with a lack of dedicated duty counsel, which makes it difficult for the court to deal with accused who are unrepresented or whose lawyer is not available on Tuesdays when the VIC sits; and
- Managing without certain resources and support services such as a local residential treatment facility or a correctional centre for women on Vancouver Island.

4.2. Roles and Responsibilities

The VIC involves collaboration and information sharing among participating agencies and in order to be successful, all projects require participating agencies to be familiar with processes and understand their roles and responsibilities as well as the roles and responsibilities of others. Survey respondents from all participating agencies indicated that familiarity with the VIC design and their associated roles and responsibilities within the VIC has improved from the initial uncertainty over how the court would operate. When surveyed, all respondents were familiar with the project, and all groups except BC Corrections unanimously reported that they were very familiar with the project. This can be expected given that most BC Corrections staff have a less direct role in the VIC process than staff in other stakeholder groups. The majority of respondents indicated that other members of their organizations were at least somewhat familiar with the VIC. The Adult Custody Division of BC Corrections and Police were most likely to indicate that members of their organizations are somewhat unfamiliar with the VIC, which is also to be expected given their less direct role in the process.

For all groups, roles and responsibilities were perceived to be clear or very clear by over 90% of respondents, as indicated in the Table 4.2-1. Nevertheless, some respondents commented on certain roles and responsibilities that lack clarity. For example, one Crown counsel respondent commented that he/she was not sure of the difference between the judicial justice and the judicial justice in the role of VIC coordinator. Clarification regarding the role of the Forensic Psychiatric Services Commission and what it offers to the VIC may be warranted.

Table 4.2-1: Clarity of roles and responsibilities

Stakeholder	Very clear	Total Somewhat or Very Clear
ACT teams	96%	100%
Judges	96%	100%
Judicial Justice	52%	91%
Judicial Justice in the role of VIC Coordinator	55%	96%
Defence counsel	87%	100%
Probation Officers	82%	91%
Correctional Officers at the Vancouver Island Regional Correctional Centre	59%	91%
Forensic Psychiatric Services Commission	50.0%	91%
Crown counsel	96%	100%
Police	87%	96%

Source: VIC stakeholder survey.

There was some uncertainty reported among the team members about their role/responsibility with respect to reporting their clients' problem behaviour. Ordinarily, probation officers are responsible for handling situations where offenders breach sentence conditions. Within the VIC, ACT team members speak directly to the court about their clients and may notify probation officers and Crown counsel when clients are not adhering to sentence conditions. Challenges related to this relationship and suggestions for improvement will be further explored in section 4.5.

Vision, roles and responsibilities: Key findings

- Although some challenges related to the introduction of a new process were experienced during implementation of the VIC, it largely aligns with the original vision as conceived by the judiciary
- Roles and responsibilities of the various key players in the VIC process are seen to be clear, although clarification of the role of the Forensic Psychiatric Services Commission and to some extent the VIC Coordinator may be warranted.

4.3. Communication and Collaboration in the VIC

Communication and collaboration is at the heart of the VIC initiative, both within the courtroom setting and outside of it. Therefore, in addition to understanding the roles and responsibilities of those involved with the court, it is important to determine how collaboration occurs among these stakeholders and whether there are any challenges related to collaboration.

4.3.1. ACT Teams

ACT team members were asked to describe how frequently they communicate with various stakeholders outside of the VIC court hours, the results of which are outlined in Table 4.3-1 below.

Table 4.3-1: Frequency of ACT team communication outside of court hours

	Frequently	Occasionally	Rarely	Never
Crown	20%	60%	10%	10%
Defence	10%	40%	40%	10%
VIC Coordinator	10%	50%	30%	10%
Probation	50%	30%	20%	0%

Source: ACT team survey

As depicted, ACT teams communicate with probation officers most often outside of regular VIC hours, followed by Crown counsel, the VIC Coordinator, and finally defence counsel. ACT team members were also asked to describe their reasons for communicating with the various parties. Common responses are listed in Table 4.3-2.

Table 4.3-2: ACT reasons for communicating with other stakeholders outside VIC

Party	Reasons for communication
Crown	<ul style="list-style-type: none"> • Ongoing planning, including to convey updates/changes • Provide input into options • To communicate with clients about coming back to VIC for review or formal breach • Report non-compliance • Update or seek information.
Defence	<ul style="list-style-type: none"> • Planning and case management • Provide updates in preparation for court • Following up on care plans • Advising of a return to VIC
Judicial Justice in the role of VIC Coordinator	<ul style="list-style-type: none"> • Add clients to list • Find out information on defence counsel • Provide status updates • Ask procedural questions • VIC committees • Communicate about ACT teams in general • Answering questions/replying to requests
Probation officers	<ul style="list-style-type: none"> • Case management, planning and support • Adherence/non-adherence to orders (violations) and breaches • Referrals • Requests for more frequent contact • Seek support for enforcing conditions • CWS • Organizing/attending appointments

All ACT team members felt that their collaboration with probation officers is effective, and most felt that their collaboration with custody staff at the Vancouver Island Correctional Centre is effective. ACT team members described several ways in which they collaborate with probation officers. Several explained that they often meet with them after an order is made, with ongoing communication occurring through a number of modes: in person, on the phone or by email, and often on an informal basis. Some commented on the workload of the probation officers, which can make it difficult to get in contact with them, particularly when clients are transferred between staff and it becomes hard to connect and re-establish contact.

In terms of their relationship with custody staff at Vancouver Island Regional Correctional Center at Wilkinson Road, ACT teams collaborate with staff to plan for discharge into the community. The teams coordinate referrals for clients being released depending on the needs of the clients and can arrange face-to-face visits with clients and may receive updates on mental health issues, behaviours observed and medications given while in custody. One ACT team member indicated that it has been helpful to have a point person at the Correctional Centre, and as a result, prisoner releases have gone more smoothly.

However, some challenges mentioned by the ACT team related to discharging and planning for releases is that VIRCC staff often seems too busy to effectively plan for discharge. It was noted, however, that there is excellent will on both sides to do what is possible within the limitations of the system.

4.3.2. BC Corrections

BC Corrections respondents were asked about trends in communication with various stakeholders regarding VIC offenders as compared to similar offenders in traditional court, as outlined in Table 4.3-3.

Table 4.3-3: BC Corrections' communication with stakeholders in VIC vs. traditional court

Party	More	About the same	Less
Crown Counsel	89%	11%	0%
Defence Counsel	56%	22%	22%
VIC Coordinator	67%	22%	11%
ACT Teams	89%	0%	0%

Source: Corrections surveys

As is clear from the response rates, probation officers communicate with all parties more regarding VIC offenders than they would regarding similar offenders in a traditional court, particularly Crown counsel and ACT teams. In fact, almost all indicated that they communicate



with ACT teams much more than in a traditional court. It was explained by most probation officer respondents that they have a very close and essential relationship with the ACT teams in regards to VIC clients due to the integrated nature of case management that is inherent in the process. They find the ACT teams to be an invaluable resource for up-to-date, ongoing information on clients because teams interact with them more often and more closely. In general, they think of the ACT teams as partners that support one another in achieving common goals. Increased communication between counsel and probation officers often occurs to provide updates and discuss their thoughts regarding particular files, to discuss sentencing options, and to provide insight into mental health and addictions issues faced by accused, including relevant treatment options. Probation officers are also communicating more with counsel by virtue of the regular Tuesday meetings themselves and more frequent appearances of VIC clients in court. BC Corrections generally find the Crown to be more involved in the files, and ask for input when release is considered due to the unique needs of VIC clients.

Probation officers' communication with the VIC Coordinator is similar to that of the ACT teams in that they typically connect to request court dates, give weekly updates, arrange court reviews, receive assistance with the VIC process, and work to determine what is in the best interests of the clients.

4.3.3. Crown and Defence Counsel

When Crown and defence counsel were asked if communication between them is more effective than in traditional court, approximately two-thirds of respondents agreed. One defence counsel, however, indicated that communication is not more effective with Crown counsel in the VIC than those in traditional court. Approximately two-thirds of respondents indicated that communication between Crown and defence counsel occurs more frequently than in traditional court. In addition, 81% of Crown counsel, defence counsel and judiciary agreed that communication between Crown and defence counsel occurs outside of court rather than during court. Proportions were similar across the three groups although the same defence counsel disagreed with each of these statements.

Communication and collaboration: Key findings

- All stakeholders report an increase in communication among various groups, particularly more ongoing and informal communication between the ACT teams and other stakeholder groups
- Common types of communication that occur between stakeholders include: ongoing planning, information seeking/sharing, and relaying changes in the offenders' circumstances, case management, and following up on care plans
- Although there is great will on both sides to effectively plan for inmate release, capacity issues at the Wilkinson Road correctional centre can affect the ability to plan and execute inmate release more effectively
- Communication between Crown and Defence is taking place outside of court more often, and many agree that it has been more effective although some respondents noted that it could still be improved
- In general, the ACT teams are found to be an invaluable resource for up-to-date, ongoing information on the VIC offenders

4.4. Access to the VIC

As the VIC is designated as a court specifically for individuals with mental health and addictions issues, it is necessary to consider these individuals' ability to access the court and identify any barriers to access. In terms of their involvement with the VIC, some offenders expressed that their lawyer, probation officer, or ACT worker urged them to join while others were not entirely aware of their transition to the VIC. A couple of offenders indicated that they had not really been given a choice or that they were under the impression that it was a way of avoiding jail time.

4.4.1. Declined VIC Applications

Community teams, Crown counsel, defence counsel, the judiciary and police were asked what proportion of accused and offenders who apply to the VIC are declined. One quarter of respondents indicated that approximately half of accused or offenders who apply to the VIC are not accepted, while the other three quarters of respondents indicated that fewer applicants are not accepted.

To account for any barriers to access, respondents were given a list of possible factors why applicants may be denied participation in the VIC. Respondents most commonly indicated that:

- Characteristics of the offender do not allow them to qualify (e.g., no mental health, addiction or housing problems, not a chronic offender or not a frequent user of emergency services) (77%)



- ACT teams are unwilling to manage them (e.g., individual does not engage with team members) (58%)
- ACT teams are unable to accommodate them because the appropriate resources are not available to manage the offender (54%)

A smaller proportion of respondents (19%) indicated that applicants are denied because the circumstances of the court case do not allow them to qualify (e.g., trial elsewhere, other cases proceeding to disposition elsewhere).

Further to the point that appropriate resources may not be available to manage offenders, some respondents indicated that clients may not be able to be admitted to the ACT teams because ACT teams have many compelling simultaneous referrals from different sources and are only able to take on a fixed number of clients. It comes down to prioritizing resources, and filtering some potential clients to other programs that may also be suitable, such as Community Living BC or Forensics Psychiatric Services Commission. It was also mentioned by a police respondent that incomplete referral forms are occasionally an issue because it results in the teams not having enough information to make an informed decision about whether they are able to manage an offender.

4.4.2. Opting out of participation

ACT teams, Crown counsel and judiciary were asked what proportion of accused and offenders choose not to participate in the VIC when offered. Additionally, VIC offenders provided some feedback during the interviews about why accused or offenders may be disinclined to participate in the VIC. The majority of survey respondents indicated that only a few accused or offenders decline to participate when given the opportunity, and one-third of respondents stated that they did not know (typically Crown counsel and the judiciary were less able to respond to this question).

Generally, respondents indicated that individuals usually declined to participate because they are unwilling to release personal information to the court or because they think that there is a chance that there is a chance their issues or history will be used against them, given that the court deals specifically with individuals who have mental health and addictions issues. It was also mentioned that since the VIC entails taking responsibility for one's actions and working closely with clinical and legal sanctions (as opposed to voluntarily working with the teams), some accused and offenders are unwilling to commit to their part in this responsibility or their culpability for the crime. Judiciary respondents were less aware of the personal reasons indicated by the ACT teams for accused and offenders declining to participate. While few potential VIC offenders decline to participate once they are involved with the court, there are some accused and offenders who decline to participate to their ACT team lead when the idea is first presented to them.

A few interviewed VIC offenders mentioned that the VIC requirement of taking accountability for one's actions translates into being pushed to plead guilty in order to continue participation in the VIC even in situations where offenders felt they were not guilty or not sure that they were guilty of the charge. Some offenders feel this is not entirely fair, as they want to continue participating in the VIC but do not want to take responsibility for actions or offences they do not think they committed. Other offenders commented that, at times, they have been frustrated with the invasiveness of some of the sentence conditions and requirements by both the court and the ACT teams. One of the interviewed offenders indicated that she actually discontinued contact with the ACT teams because she felt frustrated and unable to keep up with the meetings, appointments and demands required of her. She did, however, end up returning to the VIC and her ACT team in the interest of seeking support and is now satisfied with their relationship.

4.4.3. Expanding Services

Most respondents indicated that the VIC program should be expanded to allow for more offenders. However, most respondents also acknowledged that more resources (both court and ACT team resources) would have to be in place to allow for this to happen. More resources would also allow for quicker turnaround time in regards to VIC eligibility and ACT involvement. A few cautioned that the scope (those with mental health and addictions issues being cared for by an ACT team) should remain the same, but more resources should be added. Others felt that the mandate and scope could be somewhat expanded to include individuals who may not currently qualify (e.g. individuals with FASD, mild disabilities, etc.)

Access to the VIC: Key findings

- Some applicants to the VIC are not accepted, typically due to non-qualifying characteristics or that the ACT teams are unable to manage or accommodate them
- 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
- Most respondents felt that the program should be expanded, although more resources (such as another ACT team) would need to be put into place for this to happen. Some also felt that the mandate/scope could be expanded to include others who would benefit from the VIC structure, but a few thought the scope should remain the same

4.5. VIC Court Process

The VIC involves somewhat unique court processes that differ from traditional courts. These include:

- A judicial justice acting in the role of a the VIC coordinator;
- Consistency, including a consistent time and location and consistent judiciary and Crown counsel;
- Calling of court list triage and pre-court planning meetings; and
- Frequent oral reports from ACT teams and probation officers.

This section explores how these unique processes work for each of the various stakeholders involved, including any aspects that could be improved.

4.5.1. *Judicial Justice in the Role of VIC Coordinator*

A judicial justice in the role of VIC Coordinator is designated to organize and streamline the VIC process, as well as to act as a centralized source of information on VIC cases. Survey respondents were very positive for the most part about the role of the judicial justice in the role of VIC coordinator. Many stated that the role is an integral part of the process as a central liaison and conduit for information for all matters related to the VIC court. The Coordinator is a consistent point of reference and contact, acting as a key interface between the court system and community resources by providing information, support, and organization and by keeping record of the status of all VIC cases. The Coordinator is also seen to have an important logistical role in following up with service agencies and helping to coordinate support and treatment for offenders, from transportation to access to treatment facilitation. ACT team members, Crown counsel and judiciary respondents indicated overall that the constant flow of organized information to and from the Coordinator allows for the VIC to run in an effective and efficient manner. The police respondents also indicated that having a Coordinator is an excellent and productive liaison between the police and the court system.

The JJP keeps notes of all proceedings and coordinates many of the offender reviews and other last minute appearances [and] has also been invaluable in creating standard form bail, probation, and CSO documents, and in the general administration of the Court, including preparing backgrounders and intermittent progress reports. [The coordinator] is vital to continuity because although we have dedicated judges and Crown, these positions nevertheless rotate every 9-12 months. VIC would not work without [this role].

Crown counsel

Many defence counsel respondents provided similarly positive feedback about the judicial justice in the role of VIC Coordinator. However, it was mentioned by a couple of defence counsel that the Coordinator role can sometimes be a hindrance, as this role, and to some

extent the judiciary, can become too involved in the court operations as opposed to functioning as a facilitator and administrator.

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.
Defence counsel

The record keeping aspect of the role provides consistency to the in court process, including the ability to remind the offender of "promises" that the offender has made to the court. This record keeping allows the judge to recall in detail what has gone on with each specific offender and provides the ability for the court to do follow up with the various participants to monitor the progress of accessing resources and the compliance of the offenders. All of this is important to the proper functioning of a rehabilitative program designed to attack the root issues behind chronic offenders.
Defence counsel

4.5.2. Consistency of staff and process

Another key aspect of the VIC process is the emphasis on consistency of both the court process and involved individual staff. To explore the perceived importance of this aspect, respondents were asked how useful they find the following aspects of the VIC related to consistency: time and location, judge, and Crown counsel. All respondents found all aspects to be either very or somewhat useful. Similarly, many VIC offenders mentioned consistency as a positive attribute and indicated that they appreciate cultivating a relationship with the judge in particular. As many of the offenders have mental health issues that are exacerbated by a lack of stability, the consistency of the VIC has been greatly appreciated and for many has made the negative experience of attending court less intimidating and more personal.

Crown counsel and the judiciary were most likely to state that the consistent time and location is very useful, while defence counsel were less likely than the other groups to indicate that the consistent judge is very useful (two-thirds indicated this, as compared to 100% of the other groups). Interestingly, Crown counsel were least likely to indicate that having consistent Crown counsel is very useful (40%), followed by defence counsel (56%). All ACT team members, judiciary and police find consistent Crown counsel in the VIC to be very useful.

All respondents were given a list of possible advantages of this overall consistency and asked to select which applied, in their experience. The following list represents the proportion of respondents who selected each outcome,³ from most to least prevalent:

³ Corrections respondents were not asked this question; the probation officer/ACT team member was asked –, and this person's responses are combined with the other ACT teams.



- Better informed Crown counsel familiar with offenders and their cases: 90% selected;
- More informed and effective court proceedings: 80% selected;
- Sends a message to offenders that everyone is working together: 73% selected; and
- Makes the court operate more efficiently: 70% selected.

The ACT teams and police respondents were also provided two options related to consistency relevant to their work specifically. These were:

- Easier to attend court
- Makes more effective use of my/my team's time

Three-quarters of the two groups selected each of these factors; ACT team members were more likely to select these outcomes than police.

In addition, Crown and defence counsel and the judiciary were provided other options specific to their roles. The statements and associated proportions of this sub-group who selected them, arranged again in descending order, are:

- Better informed judiciary familiar with offenders and their cases: 88% selected;
- Makes post-sentence court appearances more effective and efficient: 71% selected; (Crown counsel most likely to chose this outcome)
- Makes more efficient use of judges' time: 65% selected; (all judiciary indicated this impact, but only just over half of Crown and defence counsel did)
- Effective troubleshooting, coordination, and support for integration: 65% selected; (while all judges indicated this outcome, only 67% of defence counsel and 40% Crown counsel indicated the effect)

As can be observed, there is somewhat of a gap in perception regarding outcomes related to VIC consistency between the judiciary, Crown counsel, and defence counsel. While the judiciary unanimously agree these effects have occurred, a significantly smaller proportion of defence and Crown counsel believe that the consistency has led to more efficient use of judges' time, as well as effective troubleshooting and support for integration. It was noted by defence counsel that consistency and predictability is only useful if all of the players in the process are informed and work well together.

Respondents were also able to select an 'other' option in order to describe unlisted impacts of the VIC consistency. ACT team members and defence counsel were most likely to choose this option, typically describing the positive effects on the clients in relation to the predictability and familiarity of the often intimidating and impersonal traditional court system.

The notion of the courts "mimicking" the ACT philosophy of tertiary long term continuity is critical in forming relationships over time and creating synergies and collective experiences and

effectiveness that span both the relationship to the offender (the collective message of working together) and the enhanced effectiveness of the interagency/system collective.

ACT team member

VIC court has had a positive impact as it provides consistency. The inmates go through less anxiety prior to court as they are familiar with all the players.

Corrections Adult Custody

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.

Defence counsel

VIC court process – coordination and consistency: Key findings

- The judicial justice in the role of VIC Coordinator is viewed to have a valuable role in the VIC process as a consistent point of reference, coordination and organization. Some did suggest, however, that the VIC Coordinator and to some extent judiciary can become too involved with the process
- The consistency of both the process and VIC staff members was found to be very useful by stakeholders and offenders, whose mental health issues often benefit when they have stability in their environments

4.5.3. Calling of Court List, Planning Meetings, and Court Hearings

Tuesday mornings in Courtroom 101 are designated for the VIC, which allows court processes to take place at a consistent time and location. The process begins with the calling of the court list at 9:00am, which is led by a judicial justice. The hearing list is reviewed to ascertain which matters are ready to proceed and who will speak to each case. Following the calling of the court list, informal pre-court planning meetings take place at approximately 9:30 in the meeting room beside Courtroom 101. Each VIC case that is confirmed to proceed during the earlier triage is brought up for informal discussion among those in attendance, including Crown counsel, defence counsel, ACT team members, and police and probation officers designated to participate in the VIC. These discussions are typically led by Crown counsel. Discussions allow all participating agencies to weigh in on the progress or current status of an accused or offender, based on his/her past and current behaviour and involvement with the justice system. Recommendations are made to Crown counsel for conditions and sentencing to recommend to the judge later in court. Actual VIC hearings proceed at 10:30am, where Crown counsel, defence counsel, ACT team members, police, probation officers and the offender may be invited to speak to the case.

Respondents were asked to indicate their attendance and then rate the usefulness of each of the three VIC court-related subcomponents.⁴ In terms of attendance, almost two-thirds of the ACT team members, defence counsel and police attend the court listings triage every week or almost every week, and 61% attend both the pre-court planning meetings and VIC hearings every week or almost every week. Defence counsel was most likely to attend the three components most often.

Table 4.5-1: Attendance and usefulness of VIC components

	Attendance (every week or almost every week)	Perceived usefulness (very or somewhat useful)
Calling of the court list	65%	71%
Planning meetings	61%	89%
VIC hearings	61%	--

Source: Stakeholder survey. Were not asked about usefulness of VIC hearings specifically.

Calling of the Court List

In terms of perceived effectiveness, most Crown counsel, judiciary and defence counsel find the calling of the court list to be somewhat or very useful. Over half of the ACT team members and police respondents indicated that they find the calling of the court list useful.

The principal reasons that Crown counsel, judiciary and defence find the calling of the court list useful are that court appearances before the judge proceed more efficiently and that judges' time is spent only on cases that are ready to proceed. Similarly, many of the ACT teams and police respondents indicated that it organizes the process and is efficient in that it allows them to see who will appear that day and prepare accordingly, whether through ensuring that an offender appears at the designated time, ascertaining whether their presence as an ACT representative is required, or deciding whether an adjournment is necessary or a matter can be addressed that day.

Of those who felt the calling of the court list was not useful, the majority claimed that significant duplication and overlap occurs with the other components of the VIC. It was noted by a defence counsel respondent that the calling of the court list could be dealt with in an informal process or in the discussion room. This respondent noted that the judicial justice's role seems to overlap with that of a judge, and some consider this inappropriate. One Crown counsel mentioned that often times people are not present or are not prepared at 9:00am to speak to their matter, while others mentioned that the calling of the court list does not allow time to sort through issues prior to deciding if a hearing will proceed.

⁴ Respondents were not specifically asked to rate the usefulness of the VIC hearings, but rather to describe them qualitatively, the results of which are presented later in this section.



Planning Meetings

Survey respondents were asked how useful they find the pre-court planning meetings.⁵ The majority of respondents felt they are useful, and only two respondents claimed that they were not very useful. The ACT teams and police unanimously consider the pre-court planning meetings to be very useful. Defence counsel were least likely to consider the planning meetings to be useful, with half stating that they were either not very useful or only somewhat useful. All of the Crown and judiciary consider the meetings useful to some degree.

Those who indicated that the planning meetings were useful were asked to identify from a list of factors which contribute most to their effectiveness. Almost all aspects were selected by the majority of those surveyed, including:

- ACT teams inform Crown and defence counsel of services available for offenders (96%)
- ACT teams, probation officers, and police inform Crown and defence counsel of appropriate conditions that would help them effectively manage offenders in the community (96%)
- ACT teams, probation officers, and police inform Crown of offenders' progress or difficulties (88%)
- Opportunity for Crown counsel, defence counsel, ACT teams, probation officers, and police to engage in integrated case planning for offenders (88%)

In addition, Crown, Defence counsel and the judiciary respondents agreed that the meetings give an opportunity for Crown and defence counsel to discuss the case and develop informed and joint submissions when appropriate. The Crown and judiciary also indicated that it allows for an opportunity for both Crown and defence counsel to prepare for court. Overall, the respondents view the planning meeting to be an integral part of the VIC process, as it allows for informal and honest collaboration and consultation between the different groups, involves previously excluded groups, and builds cooperative relationships. As a defence counsel stated, "Without this meeting, the process falls apart."

Some critical feedback was given about the planning meetings, particularly from defence counsel. These respondents stated that the meetings can be somewhat crowded and disorganized, and a couple of respondents explained that they sometimes have difficulty getting sufficient information ahead of time from ACT team members to properly prepare. Defence counsel respondents also note that their court schedule does not always allow for participation, given that the planning meetings are largely informal and do not follow a specific timeline.

⁵ With the exception of Corrections officers, who were not asked this question. The probation officer/ACT team member was asked this question.

Court Hearings

Because the VIC uniquely requires ACT team members to play an active role in the court process, ACT team respondents that attend court were asked to describe the kinds of roles they typically assume during VIC hearings. Their responses are profiled in Table 4.5-2 below.

Table 4.5 -2: ACT team members' roles at VIC hearings

	Always	Often	Sometimes	Rarely
Observe proceedings	60%	10%	20%	10%
Provide information about client	50%	20%	30%	0%
Support client	60%	0%	20%	20%
Advocate	50%	10%	30%	10%

Source: ACT team survey

The most common roles for ACT team members within the VIC hearings are to observe proceedings and to provide information about the client.

For police who attend VIC hearings, it is generally to keep abreast on any strategic issues as well as to keep track of where offenders are in the court process and be aware of sentencing conditions so they can assist teams in managing offenders.

VIC court process – Triage, planning meetings and hearings: Key findings

- The morning calling of the court list is seen to be significantly less useful than the planning meetings and VIC hearings. While the calling of the court list organizes and structures the VIC process, some see it to duplicate and overlap with other elements within the court process
- The pre-court planning meetings are useful to promote the sharing of information, discussion of appropriate conditions, updating on offenders' progress, or particular difficulties, and providing a venue for integrated case planning. However, some organizational difficulties were noted due to their informal nature

4.5.4. Oral Reports to the Court

While probation officers traditionally report directly to the court, the VIC is unique in the frequency of oral reports ACT team members provide to the court about their clients; probation officers may also provide oral reports more frequently. This unique aspect of the VIC allows the judge to hear about offenders' progress in the community directly from those responsible for working with and managing offenders. ACT team members are able to speak about their clients from the perspective of day-to-day health and social achievements and concerns. Because this



is a key part of the VIC, it is essential to understand how well this process works and whether there are any challenges and areas that could be improved.

Reports from Probation Officers

Probation officers were asked if they provide written or oral updates more or less frequently than they would in similar situations in a traditional court. In regards to written updates, the response was divided: two indicated that they submit written updates somewhat more, two stated it was about the same, and the remaining two stated that they submit written updates much less frequently. Half of the group indicated that they make oral updates much more or somewhat more frequently. One person said that he/she makes oral updates about the same, while one indicated that he/she makes them somewhat less.

Those that responded that they make oral updates more frequently were asked what the advantages and disadvantages are related to this increase; only advantages were listed. It was indicated by all respondents that oral updates are easier and more efficient than written reports as well as allowing for on-the-spot, two-way discussion and clarification with the judges and/or counsel.

Reports from ACT Teams

All ACT team members expressed that it is beneficial for them to provide oral reports to the court. Similarly, nearly all other survey respondents (94%) agreed that the VIC is better informed through the oral reports from ACT teams and probation officers.

One of the main benefits of oral reports mentioned by the ACT team members was the fact that they allow for the conveyance of timely, effective and up-to-date first-hand information, which reduces miscommunication, misinterpretation and delays for report writing. They also allow for a whole-picture view of the client and his/her overall well-being, from mental health to medical status and current and previous care plans. ACT teams are also able to answer direct questions for clarification and are able to inform sentence conditions and note conditions that are particularly achievable by the client.

Many ACT team members mentioned that oral reports are a way to show the offender that they are supported in the justice process, which facilitates their trust in the court. In regard to the perceived impact of their oral reports and client advocacy, almost all ACT team members feel that their opinions and advice are taken into account by the judge and Crown counsel:

- The judge values and respects their opinions and advice in the VIC hearings;
- The judge takes their opinions and advice into consideration when sentencing and setting order conditions; and
- Crown counsel respect their opinions and advice.



Additionally, most ACT team members feel that defence counsel values and respects their opinions and advice.

Crown counsel, judiciary and defence counsel were also asked for their perspective on whether the ACT team members' oral reports are beneficial and if there are any concerns. Feedback in this regard was also positive and similar in nature, revolving around the notion that the oral reports are timely, efficient, and allow for a whole-picture perspective. "All of this results in a more informed Judge who can then make better decisions about the offender" (Crown counsel).

It was particularly noted by Crown counsel and judiciary that oral reports save a significant amount of time because they eliminate the six-week delay typically required for pre-sentence reports. This allows for more immediate and up-to-date offender reports, which are of utmost importance in considering sentencing conditions as well as reducing the workload for team members and probation officers in terms of written reporting. It was noted by one Crown counsel and one judiciary that a slight drawback is not having a report in advance to refer to and confirm the accuracy of.

Oral reports are concise, current and focus on the information the Court needs and wants at that moment [and] can respond to questions or concerns of the judge that might not otherwise be known. Oral reports ensure that Team members and Probation Officers are engaged with their clients on the street and not sitting at a desk writing reports that will be dated and of limited use. Oral reports allow the client to see that information is being shared openly and that the Court is aware of what is happening with the person in the community and the PO or Team member is aware of Court expectations... information sharing occurs at many levels because of this style of reporting.
Judiciary

Although, oral reports from the teams were generally seen as positive, some respondents expressed concerns related to the teams' relationship with their clients. Some ACT team respondents noted that if the information conveyed by the ACT team worker is negative (e.g., breach behaviour or non-compliance), the team may be put in an awkward position, as the oral report is made to the court in front of the client. This could impact their ability to maintain a trust-based relationship with their clients. Despite this concern, most ACT team members agreed or strongly agreed that they feel comfortable speaking about their clients to the court.

To the clients who are violating the conditions, it appears the teams are the "bad guys" breaching them, when really it's the POs responsibilities. ACT/VICOT team members don't want to tarnish the therapeutic relationship with their clients, which often take several years to develop.
ACT team member

Two probation officers indicated that many ACT team members do not seem entirely comfortable with the "quasi-officer of the court/enforcement role" that they are asked to take on

as they have a therapeutic focus and are not always comfortable being enforcers. Similarly, defence counsel commented on concerns about conflict of interest for the teams when they report on negative outcomes or breaches of their clients. This could result in offenders disengaging from their support workers, as well as a loss of trust in the ACT teams if offenders hear their worker openly reporting in court about negative behaviour or actions. In addition, the reports could possibly be misleading or incomplete, particularly if Crown or defence counsel is not aware of the content of the oral report before it is made.

The downside is that oral reports introduce elements which neither Crown nor defence may be aware of before the report: this can cause tensions as differences in versions of events can be revealed: arguments generated: sensitivities bruised: misunderstandings created. Preferably Crown and Defence are briefed and can make the case to the court.
Defence counsel

Most VIC offenders spoke very favourably about the advocacy and support that the ACT workers give them within the actual court setting. A couple of offenders, however, indicated that they were hurt, angry or frustrated when their ACT worker/probation officer “breached them” or spoke negatively about them in court, but all acknowledged that although they were angry at the time, they later understood that it is part of the job and legal responsibility of their workers to accurately report on their circumstances. Offenders generally recognize the important role reporting plays in supporting and advocating for them.

Oral reports: Key findings

- Oral reports from the ACT team members are an essential part of the VIC hearing process because they provide a whole-picture perspective of the offender, allow for up-to-date information and progress updates, set of reasonable and relevant conditions and sentences, save time by reducing the need for written reports, and demonstrate 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
- VIC offenders appreciate being able to address the court and ‘have a voice’ in the process. They largely feel that they are listened to with respect and treated fairly
- ACT team members can find it challenging to report on negative or breach behaviour to the court in front of their clients. It was suggested that breach or other enforcement-related issues are best conveyed to Crown counsel in the planning meeting so the client does not feel betrayed by ACT staff and the intimate therapeutic relationship that is essential to the success of the VIC is not damaged

4.5.5. *Offender Perspective on the VIC*

Interviewed VIC offenders were reasonably aware of the structure of the VIC and how it differs from traditional court. There was an awareness that the intent of the court is to serve those with mental health and addictions challenges in a more supportive manner. Some were more aware than others of the different components of the VIC, including the actual process and pre-court planning meetings.

VIC offenders' relationship with their ACT team and probation officers was largely affected by the team with which they were involved. For example, the VICOT team is the only team with a probation officer among its members and the responsibility has been consistently with the same individual. As a result, VICOT offenders tended to have closer relationships with their probation officer/VICOT team member.

While the PACT team offenders typically had positive relationships with the ACT workers, there has been a substantial amount of staff turnover in the past couple of years, which has affected the depth of the therapeutic relationships that have been able to develop. In addition, by design, the VICOT team has different roles and responsibilities than the ACT teams, and seemed (from the offenders' perspective) not to have as much day-to-day involvement with the clients. The DACT team also has a direct, ongoing role in the VIC offenders' lives, including money management. Although each team has a different approach to support and monitoring, most offenders were happy with the care they were receiving. The key factor to successful relationships with the ACT teams was stability (i.e. the continued involvement of the team with the client and the continued involvement of individual staff with the client). Several offenders expressed that their ACT support team keeps them accountable and has a very important role in their lives, assisting them with finding and keeping housing, finding a job, getting groceries, finding things to do, and even just providing company.⁶

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

Aside from one individual who mentioned that she had been hurt and frustrated in the past regarding what her probation officer and ACT worker said about her in court, all VIC offenders were satisfied with the roles and accountabilities of the different players in the process. Across the board, all VIC offenders that were interviewed expressed that they greatly appreciated how open and understanding the court process is particularly how kind and consistent the judiciary

⁶ The participants were selected by their ACT teams to take part in the interviews based on their willingness and ability to respond to interview questions; therefore, the sample may not reflect the range of experiences that VIC clients may have in dealing with the teams.

tends to be. Most acknowledged that the VIC is much different than a traditional court in that they do not feel like “just a number.” It is felt that the judge, Crown counsel and all other key players are aware of their personal circumstances and history and take that into account when sentencing and setting conditions. Several VIC offenders explicitly stated that they appreciate ‘having a voice’ in the process and welcome the chance to explain themselves and their stories. One offender recounted how he sat in on another offender’s VIC appearance and was amazed by how much they let him speak about his situation, stating “I would have told him to shut it way before then, but the judge kept letting him speak and listened to what he had to say.”

The VIC is very optimistic. They want to see you doing stuff and being productive. It is a forgiving, understanding and humane proceeding.
 VIC offender

[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

[The judge is] patient, sympathetic and concerned with my feelings – he asks how I am doing, and understands me. He recognizes the good things that I’m doing, and explains his decisions.
 VIC offender

The judges actually look at the true person. Not a lot of people understand the pain people are in, but the VIC shows an understanding of this.
 VIC offender

One VIC offender felt that the fact that he was participating in a court dedicated to individuals with mental illness and addictions issues was somewhat of a drawback because he felt that he was not really understood outside of the preconceived notions of his mental illness. However, he concluded that the judge seemed to value his involvement with the mental health team over jail time, which he likely would have been given in a traditional court.

Overall, most offenders appreciated the positive feedback from the teams and court and have had increasingly favourable interactions with both the police and the court system. As a result of their participation in the VIC, many noted that they have a much better understanding of their charges, conditions and the court process in general. Several noted that their participation in the process has given them the confidence to move forward in their lives and do meaningful work. For others, their relationship with their ACT worker has given them a sense of accountability and meaning that they previously did not have.

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

[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

They have a mothering instinct in VIC court
 VIC offender

Offender perspective on VIC process: Key findings

- 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
- VIC offenders often have close relationships with their ACT worker and/or probation officer, although this varies by specific ACT team
- While some offenders acknowledge that it can be difficult to hear negative feedback about themselves, all agree that reports to the court on their progress are productive in the long term and that they are part of the responsibility of their ACT team and probation officers
- 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

4.6. Sentencing

Involvement of community teams, information sharing and collaboration among VIC stakeholders is intended to help the judge make more informed decisions when sentencing offenders, which is designed to be better suited to offenders' particular circumstances while still holding them accountable. By obtaining information from the teams, the judge may be able to apply sentences that assist in managing offenders in the community. It was therefore important to determine how, if at all, sentences in the VIC differ from sentences for similar offenders in traditional court and whether sentences increase the teams' ability to manage offenders in the community.

Nearly 90% of Crown counsel, judiciary, BC Corrections, defence counsel and police respondents indicated that VIC sentences are somewhat or much more effective in assisting the ACT teams in dealing with offenders than sentences in the traditional court system, with over half reporting the sentences were much more effective. Likewise, ACT team members generally agreed that the VIC overall has helped them manage offenders, as will be further explored in Section 4.9. In addition, two of three surveyed police respondents agreed that sentences in the



VIC are effective in holding offenders accountable for their reoffending behaviour; the remaining respondent was neutral on the subject.

Nevertheless, several stakeholders recommended more consistent and stricter sentencing. For example, it was mentioned that in some cases stricter sentencing should be employed for offenders who have been offered supports but do not engage. Both an ACT team member as well as a probation officer expressed that while the VIC has allowed for flexible conditions that can benefit the client in the long term, they sometimes feel the judge gives VIC clients too many chances.

Many clients who would normally be sentenced to jail are instead given a Conditional Sentence Order which is not always in the interest of public safety given that they continually breach the CSO and are released. [This can be] very frustrating sometimes.
Probation Officer

Others noted concerns in regard to sentencing when the judge's approach to dealing with a charge or breach is more informal, or involves non-traditional court order conditions. This highlights the fact that the VIC is breaking new ground in the approach to justice, where legal and social implications are still evolving.

I am increasingly concerned about the use of the court as a punishment for behaviours that would not generally be considered for formal charges. This is a reflection on the minimal knowledge of the health professionals on the potential impact on their clients, and not on the court or court process. The new avenue may appear to be an easy solution for issues that really should not be brought forward, such as breaches for not "keeping the peace" and other low-level acts. The on-going detention of clients for planning purposes needs to be carefully monitored, so that a person does not wait in jail for a community resource. This is happening now and is not appropriate.
ACT team member

Probation officers were asked whether Community Work Service (CWS) is used differently in the VIC than elsewhere, as CWS orders can be given as a condition of the VIC sentence. Respondents indicated that CWS conditions are ordered more frequently in the VIC although in a less formal manner that is not as highly supervised by BC Corrections staff. One probation officer mentioned, however, that VIC clients are more difficult to place in CWS due to their mental health and substance abuse issues; there are currently only two locations that have agreed to accept VIC offenders.

I think that there is a belief that CWS is a valuable condition, and that the offender is paying back to their community. There is also an ability to directly order CWS to certain agencies (Clean Team). The CWS supervisor from Victoria Probation is always in court and available to provide information and assistance.
Probation Officer

One respondent mentioned one drawback is that sometimes certain conditions are overused and occasionally are not appropriate, which can quickly lead to breach. This has had an impact on the amount of administrative work for Probation Officers, Court Registry and Crown counsel, and “the imposition of such sentences (given the high violation rates) seems to have little positive impact for the offender” (Probation officers).

When asked if there are instances where sentences in the VIC are influenced by lack of services and supports for offenders, judiciary respondents indicated that the VIC sentences have been affected in this way. For example, lack of treatment and mental health facilities and support; regional residential drug and alcohol centres; mental health services and facilities; and correctional facilities for women on Vancouver Island have a limiting effect on the sentences and conditions they can order.

There are no secure psychiatric beds - the Court is repeatedly faced with jailing a person for an offence when Crown, Defence and the Court believe the person belongs in a secure psychiatric facility not a jail. The offender then serves their time, is released and the cycle starts again as the person fails to take medication or follow instruction in the community.
Judiciary

VIC offenders were asked to reflect on whether they felt that their sentences and conditions were reasonable and fair. For the most part, offenders felt that the conditions and sentences were fair; they are most perceived to be lenient and reflect the individuals’ circumstances. Some explained that, where previously they might have been breached for every small misstep, the probation officers and ACT team members are more understanding and take context into consideration. Most of the sentences and conditions also take into account the personal wishes and circumstances of the offender. For example, in her CWS placement, one offender did not want to work in an environment involving addictions or substance abuse issues as it was too close to her own situation while struggling to remain sober; the team found her suitable work elsewhere that she was comfortable with, which she expressed great appreciation for.

As to be expected, there were several aspects highlighted that VIC offenders did not like or did not find useful related to conditions or sentencing. One significant issue was imposing conditions or sentencing that is not easily achievable for the offender. As one offender stated: “the pressure of conditions is sometimes unmanageable...make sure that the conditions and requirements don’t set them up for failure.” The most common example of this issue was regarding red zone orders, which are often imposed to keep offenders away from areas where



they get into trouble, typically where those with substance abuse issues congregate. However, many of these areas, such as the 900 block of Pandora Avenue, are where most of the social and health service supports are located. As a result, it makes it difficult for offenders under these conditions to attend their various appointments and meetings. One offender described how she has to stand on the next block over and wait for her ACT worker to come collect her, or she has to keep an eye out for police officers and run over to her psychiatrist's office to avoid being breached.

The other key issue that was brought up by several VIC offenders concerns substance abuse and mental health treatment and in-patient facilities. In the VIC, offenders are sometimes given the choice between going to jail or going to a live-in rehabilitation facility for a defined duration. While this is posed as choice, many of the offenders expressed that it did not feel like one; instead, they felt boxed in and pressured to attend the treatment facility. It was noted by several offenders that it is often not productive to force someone to rehabilitation facilities; instead, in order for the treatment to be effective, the patient must arrive on their own volition. One VIC offender explained that he had decided on his own to go to a treatment centre, and then the judge made it a condition of his sentencing. He expressed frustration about this, stating that instead of doing it for himself, he was now doing it for the court. Several of the offenders noted that they have been forced to go to treatment in the past and it has not worked, yet when they choose to go themselves or are guided to by their team, they get so much out of it. One offender who has seen herself in this scenario suggested that possibly the court could make it mandatory to attend meetings such as AA or other support groups – a small commitment each day – as opposed to something like treatment, which needs to be more self-initiated.

A few other issues mentioned by VIC offenders in regard to sentencing and conditions included:

- There are far more conditions on offenders than in traditional court; to some offenders, it feels like too many and they feel like many of the conditions do not help them;
- There can be too much contact ordered with the ACT teams and probation officers; it can feel like they are being over-analyzed and constantly followed; and
- Some miss social activities and their friendships due to location restrictions and curfew hours.

Defence counsel and to a lesser extent ACT team members noted that the supportive and monitoring nature of the VIC can occasionally be a detriment to their clients, as the process can be “very paternalistic” to the point of almost being invasive in the lives of VIC offenders. For example, conditions can include restrictions on movement or access to parts of the city, curfews, and requirements that the ACT teams take control over the client's financial management, drawbacks that were also mentioned by the VIC offenders themselves as previously described. A few defence counsel and ACT team members remarked that they have had some clients wish to withdraw from the VIC for these reasons.

The reviews are a problem and have caused several of my clients to say that they would rather be on probation and have decided to no longer cooperate. Money management is also a huge issue. I of course understand the reason but again, if we are hell bent on control, it will fail. There are too many reviews and set on too short notice.

Defence counsel

Sentencing: Key findings

- The sentences and conditions within the VIC are seen to be more effective in assisting the ACT teams with offenders. Offenders view them as being fair for the most part
- Some conditions can pose challenges to offenders, such as locating red zones in areas where most health and support services are located, being seen as too invasive, or forcing offenders to attend treatment, which is largely seen as unproductive when it is not self-initiated
- Community Work Service (CWS) is used more frequently in the VIC, although VIC offenders can be more difficult to place given their particular challenges
- VIC sentences can be affected by lack of services and support in the community due to a lack of treatment centres, forensic intervention services, and a correctional facility for women
- Sentences are occasionally seen as too permissive or conditions too informal, particularly when offenders do not engage. This balance, however, is to be expected given the still-evolving legal and social implications of the VIC

4.7. Post-sentence trends

After sentencing in the VIC, offenders can be brought back to court for a variety of reasons. All VIC offenders interviewed have returned to the VIC to deal with either a breach, new charge, progress update or change to their sentence conditions. Table 4.7-1 outlines the extent to which survey respondents feel offenders appear before a judge in the VIC post-sentence, .

Table 4.7-1: Reasons for post-sentence appearances in VIC

Reason	Always/Often	Sometimes	Rarely/Never
To report to the court on their progress	33%	48%	19%
To change conditions of their orders	11%	67%	22%
To encourage adherence to court orders	37%	52%	11%
To address a breach of an order	52%	41%	7%
To recognize and encourage success	19%	52%	29%

Source: Stakeholder survey; asked of: ACT teams/ACT probation officer, Crown, judiciary, and defence

Over half of the respondents indicated that it is rare that offenders do not appear before a VIC judge post-sentence. The most common reasons for returning before a judge in VIC court are to encourage adherence to court orders or to address a breach of an order. Less common reasons are to recognize and encourage success or to change conditions of their orders, indicating that returning to the VIC court typically operates within a disciplinary approach.

As the VIC process involves a variety of stakeholders, a number of groups can identify the need for a post-sentence appearance. Survey respondents were asked to identify the frequency that each stakeholder group identifies the need for a post-sentence appearance, as outlined in Table 4.7-2.

Table 4.7-2: Identification of need for post-sentence appearance

Party	Always/Often	Sometimes	Rarely/ Never
Judge	53%	24%	24%
Crown counsel	18%	65%	18%
Defence counsel	0%	24%	77%
ACT teams	88%	12%	0%
Two or more parties jointly request appearance	29%	41%	29%

Source: Stakeholder survey. Asked of Crown, judiciary and defence

ACT teams most commonly identify the need for post-sentence appearances, followed by the judge and/or Crown counsel. Defence counsel is least likely to identify this need.

Many of the respondents emphasized that encouraging post-sentence appearances is a positive, if not at times essential part of the VIC process; nearly all respondents agreed that

progress monitoring by the VIC judge helps to keep offenders accountable for their behaviour. It was indicated that supervision and accountability is very important for the VIC sentences and conditions to succeed; for some offenders, post-sentence appearances are critical in getting and keeping them on track. Most respondents agreed that recognition by the VIC judge of offenders' progress has a positive impact on their future behaviour, and only one police respondent disagreed.

Continued involvement with the VIC demonstrates to offenders that their teams are constant and vigilant in their support. ACT team respondents indicated that post-sentence appearances keep offenders goal-focused by providing positive feedback and encouragement, as well as allowing for an opportunity to address and remedy any problems. The interviewed VIC offenders largely felt that post-sentence appearances are a beneficial part of the process; some indicated that the judge or Crown counsel had directly congratulated them on their progress. One offender even said that he received a round of applause after recounting his successes.

Many respondents mentioned that the process allows for adjustments to conditions, either as a reward or to provide an opportunity to reinforce the importance of conditions and warn against breaches. It promotes flexibility to adjust sentences to fit offenders' circumstances, a process that allows the offender "to move forward without having every slip result in breach charge" (Defence counsel). Finally, a judicial respondent also indicated that the post-sentence appearances allow the offender and the VIC stakeholders to better prepare for an offenders' release near the conclusion of a custodial sentence.

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

More often than not the effect of a post sentence appearance is positive reinforcement because the offender sees the judge as someone caring about what happens to them instead of just making them do things as punishment. Even if the reason for the appearance is for a breach of the order seeing the same judge who remembers them, and is concerned about why the breach happened, has a beneficial effect on the offender.
 Defence counsel

As ACT team members have a direct role in providing feedback to the court about their clients' behaviour, they also can be involved in reporting when their clients do not follow the conditions of their orders. ACT team members were asked how often they report to different parties in these cases, outlined in Table 4.7-3.

Table 4.7-3: Reporting by ACT teams of failure to follow conditions

Party	Often	Sometimes	Rarely	Never
VIC Coordinator	30%	30%	10%	30%
Crown Counsel	60%	20%	0%	20%
Probation Officers	80%	10%	0%	10%

Source: ACT team survey

ACT team members most often report to clients' probation officers when they do not follow the conditions of their orders, and least often report to the judicial justice in the role of VIC Coordinator. It should be noted that reporting tendencies varied significantly between the respondents. Most ACT team members indicated that there are few challenges in reporting to these parties, as they communicate regularly and the parties have been open and receptive to concerns regarding clients not following their conditions.

Probation officers and police respondents were asked if a response to breach behaviour is different for VIC offenders than it is for similar offenders in traditional court. All respondents indicated that their response is different in a number of ways. Almost all mentioned that it was quicker, if necessary, but involves more discussion with the ACT team and Crown counsel as to whether to involve a formal breach process, which may not be productive for a particular offender. More flexibility and contextual consideration is possible, which is viewed as being positive for this particular group who struggle with day-to-day living. The police respondents indicated that they have greater involvement with the teams to discuss breaches, and while they cannot always do what the team requests, they work together to look at what options are available. It was indicated that VIC offenders receive much more leniency from the police, with different mechanisms available through contacting their ACT officer; "it is a good alternative rather than the traditional "arrest and process" response" (police).

Post-sentence trends: Key findings

- VIC offenders most often return to court to address a breach of an order. They often return to court to encourage adherence to court orders or to report to the court on their progress. It is rare for an offender not to appear before a VIC judge post-sentence
- ACT team members most often identify the need for a post-sentence appearance. ACT teams most frequently report failure to follow conditions to probation officers
- Response to breach behaviour is often quicker in the VIC, and more discussion occurs as to the way the response to a breach should be approached
- Post-sentences appearances are seen to be an essential part of the VIC process and keep offenders accountable for their behaviour. They allow for adjustments to conditions and promote flexibility to adjust sentences to fit offenders' circumstances, as well as recognize success and support offenders

4.8. Community Involvement in the VIC

Community awareness, including engagement and support of the process, is also an ongoing aspect to be considered in terms of the development of the VIC court. Survey respondents were more or less neutral regarding the perceived level of the community's awareness and knowledge of the VIC. The same proportion of respondents felt that community members are somewhat aware and knowledgeable about the VIC as those who felt that they are not very or not at all aware AND knowledgeable (43%). ACT team members were least likely to feel that community members are knowledgeable about the VIC (20% agreed), while Crown counsel, judiciary and police were comparable to one another (64% agreed).

Respondents were also asked if there were opportunities for the community to be more engaged in the VIC. The most frequent response was to offer more community work service opportunities as a way to increase community engagement. It was also indicated that the Downtown Victoria Business Association has been very helpful in creating opportunities for volunteer and paid community work. Other suggestions included sharing the progress report with the public through a communication plan and/or a press release. Ongoing courtroom news columns on the VIC as well as educational forums for the public were also suggested as ways to engage the community.

A Crown respondent suggested that additional communication is needed beyond stakeholders and with others in the community about the purpose of the VIC and the deficiencies in the traditional court system that VIC is trying to address.

Almost all respondents agreed that the VIC is having a positive overall impact on the community. Some commented that the message being sent to the community positively

highlights the beneficial impacts of the rehabilitative approach of the VIC. Some emphasized that there is a stronger message being sent into the community about the justice system, and another response emphasized that the community is becoming more aware of ACT teams and the support they offer offenders with serious illnesses.

Members of the justice community are much more informed as to services available or lacking in our community. [There is] a greater sense within the community that the court is willing to shoulder part of the responsibility in making our city safer, by working with other agencies.

Judiciary

Community involvement in the VIC: Key findings

- Community members at large are not seen to be very aware/knowledgeable about the VIC for the most part. Opportunities suggested for increased engagement include additional CWS options, sharing progress reports with the community, and having a regular column/article 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

4.9. VIC Process Impacts

Although the VIC is still in its early stages of operation, it is useful to profile stakeholders' impressions of the initial impacts at the process level. Stakeholders commented on how the VIC has impacted them and the way they do their jobs as well as how it has affected the court.

4.9.1. Time Commitment

One point of consideration is whether the VIC requires a greater time commitment of various stakeholders. Just over half of the surveyed ACT team members and police indicated that they attend court about the same amount of time or much less since the introduction of the VIC. Almost one-quarter, however, indicated that they attend court much more often. The police respondents were more likely to state that they attend court more than before, while the ACT team members were more likely to indicate that they attend it about the same or less.

For those that responded that they attend court more frequently, respondents were asked to explain if that increase has been advantageous or disadvantageous. All respondents indicated that it is advantageous because there is a consistent time to meet and the process allows for better information dissemination in a systematic way. The police in particular feel more involved



in the process and are more aware of relevant information, such as offenders' current conditions, red zones and warrants. This group expressed appreciation for their involvement in the process.

The teams now use me for almost all the court and police issues that their clients (not just VIC clients). This trust has been gained through my involvement with VIC court. VIC court has brought meaning to my job. The clients of VIC also know me and know that I know their conditions and generally how they are doing and how they are working with the teams. The consistency has been really helpful.
Police

Crown counsel, defence counsel and the judiciary were asked whether they respectively dedicate more time to VIC files than similar files in a traditional court. Just over half agreed that they do. One-quarter were neutral on the subject while one respondent from each of the three groups disagreed. Defence counsel were somewhat less likely than Crown counsel and judiciary to agree that they dedicate more time to VIC files than comparable files in a traditional court.

Most Crown counsel agreed that the VIC has improved their ability to manage files associated with VIC offenders, while one disagreed. In addition, surveyed judiciary all agreed that the judges' time is used more effectively on VIC offenders than similar offenders in traditional court. Overall, many respondents indicated that the court process itself has been improved in that overall court time is reducing, with more expedient turn-around time.

Several Crown and defence counsel respondents mentioned that while most of the clients of the VIC receive legal aid, many of the appearances in the VIC are not covered by the program. As such, defence counsel can end up spending a significant amount of time in court for which they cannot bill. This can be a deterrent for counsel to bring clients into the VIC. In addition, one Crown counsel indicated that set expectations for defence counsel in regards to attendance at morning triage and attendance in the consultation room would assist in the efficiency and value of the court.

Most VIC clients are legal aid, and defence counsel spends a great deal of time in court and making appearances that often cannot be billed for. LSS [the Legal Services Society] has made accommodation for the Vancouver drug court, but not VIC. Unfortunately, this is another deterrent for counsel to bring clients into VIC.
Defence counsel

4.9.2. Prisoner Release

Almost all ACT team members agreed that the VIC has improved their ability to plan for inmate release with Adult Custody, correctional officers. Similarly, BC Corrections and police

respondents were asked if the VIC has improved the ability of the correctional officers to plan for inmate release, and three quarters of this group indicated that it has. Respondents indicated that the VIC has had a positive impact because it keeps custody staff in touch with key players and that sentences are long enough to allow the time needed to refer an inmate to a treatment centre and be accepted. Overall, it was indicated that there are fewer surprises when planning releases with VIC offenders. However, while correctional officers all strongly agreed with this statement, the opinions of probation officers were more varied. Two agreed, two were neutral or could not comment, and one strongly disagreed. All police agreed that the VIC has improved planning for inmate release. This indicates that while correctional officers and police are very satisfied with the VIC's positive impact on planning for inmate release, probation officers have not seen as significant an effect.

4.9.3. Managing and Working with Offenders

BC Corrections and police respondents were asked if the VIC has improved Corrections' ability to manage offenders, and most respondents agreed that it had, while one disagreed. Almost all ACT members agreed that the VIC has improved their ability to work with probation officers to manage offenders. Corrections respondents feel that their work is very much supported and appreciated by the court.

ACT members were asked if, overall, the VIC has made a difference in their ability to work with their clients, and in what ways; the majority of respondents agreed that it has. ACT team members indicated that the VIC has made a positive difference in their ability to work with and support their clients in a number of respects, including:

- Increased therapeutic leverage
- Increased client accountability; facilitates teachable moments with immediate consequences
- Increased checks and balances in place to support monitoring and prevent relapse
- Improved lines of communication
- Clients recognizing integrated and united front supporting them
- Stronger relationships with clients

I believe that the integrated service has improved the lines of communication. That offenders have been recognized for compliance, and brought before the Judge quickly when not following their orders. Clients are realizing that VIC is truly an Integrated Court and staff on the front line feel more supported as a result.

ACT team member

Probation officers and custody staff reported that the creation of the VIC has had a positive impact on the way in which they see offenders supported by the system.

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 pro-active way of addressing possible areas of concern before they become major issues.

Probation Officer

Court process impacts: Key findings

- The VIC process has, for the most part, improved the way stakeholders do their jobs and has improved the ACT teams' and justice stakeholders' relationships
- Although some stakeholders report a greater time commitment, this was viewed as being beneficial because 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

4.10. Perceived Preliminary Impacts

Although the VIC is still in its preliminary stages, many survey respondents and VIC offenders anecdotally noted that they have already seen some impacts, particularly in regards to services that VIC offenders receive and the resulting improvement in offenders' circumstances and criminal behaviour. It will take several years for the impacts of the VIC to be fully realized, but it is worth noting stakeholders' views on the impacts they have observed so far on a case-by-case basis.

4.10.1. Integration of Health and Social Services with the Justice System

One of the hallmark features of the VIC is the integration of justice services with health and social services. Stakeholders were asked to describe the ways in which this integration has been beneficial or how it could be improved. All respondents unanimously agreed that it has been beneficial to integrate justice services with health/social services, with 82% indicating that it has been very beneficial. Respondents recognized that since many of the offenders involved in the VIC are also accessing various parts of the health, social services and justice systems, the integration of these key players has had a significant positive impact on the relevance of services that VIC offenders have access to.



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

There seems to be a strong correlation among these services for these offenders. A change in one service seems to result in a change in the need for the other services. It makes sense, then, when planning one type of service for an offender, to keep the other services in mind.

Crown Counsel

A Crown counsel respondent also expressed that that the VIC has helped Crown and defence counsel present a more comprehensive plan to the court for the offenders who require a high level of community support while on release. Overall, it was indicated that the VIC provides more effective and immediate assistance and reduces the incidence of VIC offenders failing to access services when released on their own with little or no initial support.

Many respondents indicated that it has been very beneficial to have all service providers planning for a client's treatment, resulting in stakeholders communicating and working together to achieve the same, agreed-upon goals. All groups agreed that the VIC is better informed through integrated case planning. This ongoing collaboration and communication allows VIC stakeholders to consider a broader range of services and resources available across the various systems and to recommend those that are most appropriate for the client, and best facilitate the goal of reducing recidivism and improving the client's health and social circumstances. The integration also prevents unnecessary overlap in services and allows interventions to be tailored to the individual's needs.

In my experience prior to VIC, getting assistance for offenders that fall into the VIC mandate was difficult because there was no way to meet with each of the service providers together. We had to rely on probation services to try to do it when they could after sentence, and that was not very efficient as often the offender ran into trouble before help could be organized. Now the help is organized first and then the offender is sentenced with the help already in place.

Defence counsel

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



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

The lawyers are phenomenal – it feels like a tight, understanding group. There is real problem-solving happening instead of them just saying “next!”
VIC offender

Many of the responses reflected the notion that the community care approach that VIC offers has been very positive because it offers the hands-on care VIC offender require to be successful. Respondents indicated that the VIC system recognizes crime as resulting from many underlying factors such as health and social issues, and provides offenders with the resources they need to address such challenges. The focus of the VIC places clients at the center of care, working to create a best fit of support around their illnesses, medical needs, addiction problems, and criminal involvement.

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.
Defence Counsel

One of the principal resultant benefits of integrating health and social services with justice services as perceived by the stakeholders has been improved overall support for offenders. Most respondents agreed that offenders at the VIC are referred to appropriate health and social services/programs. Most also agreed that offenders at the VIC now receive more services that help them address underlying health and social issues. Almost all respondents agreed that services for offenders are better coordinated with the implementation of the VIC.

This increased opportunity for offenders to take part in available services has been seen as very beneficial. The system gives offenders opportunities to be accountable and move forward, while the desire to avoid jail time leads to effective court diversions. The VIC focuses on what one respondent refers to as “court-enforced therapeutic physical and mental wellness leading to non-recidivism.” The court aims to provide boundaries to lifestyles and behaviours that enable offenders to succeed. Having all the support systems work in collaboration makes it easier for offenders to be successful and ensures that they will not fall through the cracks or experience a gap in services.

Offenders are made more accountable for their offending behaviour and the sources of that behaviour. The engagement of the teams assists in removing the practical barriers

that the offenders of VIC can easily stumble over, i.e. money management, taking medications, arriving at appointments etc.

Judiciary

Integrating these services has provided a greater opportunity for many clients to actually connect with health services and helps eliminate "gaps" that often occurred in orders where an offender is released from custody days before any services are available to them, thus reducing the likelihood they will access them.

Crown counsel

The benefit is to the offender who is able to have access to the resources that assist her or him to survive, and to have the Courts respect the circumstances in which these offenders exist. The spill over benefit is to the community in which the offender resides in a more supportive environment than that which existed before the VIC with the supportive environment helping to reduce crime and tension in the community. This should result further in a more supportive environment for the offender.

Defence counsel

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

4.10.2. Recidivism and Improvements in Offenders' Circumstances

As noted previously, it is too soon to empirically measure whether the VIC has affected recidivism rates for its target offenders. Generally, at least two years must pass after sentencing to determine whether there has been any change in an offender's criminal behaviour. Similarly, any improvements in offenders' circumstances should be measured over the long term. With this being said, it is worth noting that over half of survey respondents are of the opinion that the VIC's model of community care has a positive effect on reducing recidivism. Respondents believe that VIC offenders dealing with mental illness and/or drug addiction are more able to appear in a venue that understands the difficulties they face, leading to more rehabilitative and proportionate sentencing. The focus on addressing underlying factors that may lead to criminal behaviour, such as homelessness, addiction and mental illness, is seen to be a more productive way of working with these particular offenders than the approach offered in the traditional system. Overall, the VIC's focus on rehabilitation of offenders with drug addiction and mental illness instead of incarceration has been seen as quite positive for the clients as well as the community; one Crown respondent, for example, suggested that the VIC could be helping to reduce recidivism amongst difficult and prolific offenders. . As a consequence, it was generally felt that those individuals supported by the ACT teams have had fewer charges arising and received better support for their health issues.



The community approach recognizes the interconnectivity of the programs for these offenders. It was also said that the community approach addresses criminogenic factors which in turn reduces recidivism.

ACT team member

Streamlining clients to address criminogenic factors is key to reducing recidivism and VIC Court assists with this process in a more integrated approach with case management focused interventions.

Probation officer

Many of the offenders who are now in integrated court would simply be recidivists if they were charged and convicted in traditional court. Outside of integrated court, probation officers simply do not have the time or resources to impact the offender's lifestyle.

Defence counsel

The number of new substantive offences committed by VIC clients has dropped dramatically; a significant number of individuals sentenced in this Court and provided support services have not re-attended this Court; perhaps most significantly, one woman is alive today because of the intervention of the Team and the Court; a significant number of individuals are housed now who have been homeless for many years. A number of individuals have successfully completed residential treatment and are stable in the community.

Judiciary

Much of the feedback related to positive initial outcomes of the VIC revolved around the impact on the offenders themselves. Almost all ACT team members, Crown counsel, judiciary and defence counsel agreed that the VIC has a positive impact on offenders' circumstances. Meanwhile, three-quarters of the group agreed that the VIC and the ACT Teams have a positive –effect on offenders' criminal behaviour. This indicates that the VIC is thought to have a positive influence on offenders' circumstances, and could potentially impact offenders' criminal behaviour. Similarly, almost all respondents agreed that engagement with the ACT teams appears to help make positive changes on offenders' circumstances, while most agreed that engagement with the teams positively affects offenders' criminal behaviour. ACT team members and the judiciary were most likely to agree that the VIC has had positive influence on offenders' circumstances and criminal behaviour, while defence respondents were somewhat less likely to agree.

Although more than half of the respondents indicated that the VIC seems to be reducing recidivism, it is important to note that they also acknowledged that there are a number of factors that influence an offender's tendency to re-offend. These sorts of long-term outcomes will take some time to be fully considered, as reflected in the findings above.

In the shorter term, however, many stakeholders specifically mentioned the benefit of increased client accountability regarding both their charges and their own future. It was suggested that addressing and treating the underlying issues behind recidivism has provided clients with the opportunities that they need to change their behaviour. The VIC's focus on prioritizing rehabilitation over incarceration was seen by some to send a clearer message to the offenders and the community that rehabilitation is a primary goal of the justice system, although it was acknowledged that by its very nature the VIC exists as a balancing act between social/health-related support/rehabilitation and adhering to the principles of the justice system.

Consistency in sentencing and seeing the client's entire situation instead of just another face in the courtroom. The consistency has allowed for offenders to be more accountable as the judge remembers exactly what they committed to in previous courts.

ACT team member

It has helped many of my clients deal with their mental, physical and social problems and therefore to undermine the causes of their criminal behaviour. Several of them had previously been deeply entrenched in the criminal justice system.

Defence counsel

In addition to increased client accountability, another key benefit noted by many ACT team members is the increase in stability in offender's lives, as well as a greater consistency in their care.

We have seen positive impacts in many areas, our relationship with members of the legal system, a streamline of services, consistency in care, increase in clients' health and well-being, more accountability from the clients on their legal charges and probation orders, a better understanding of the legal and social service systems.

ACT team member

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

On the whole, VIC offenders themselves indicated a variety of benefits and improvements in their own lives that they have experienced as a result of their involvement with the VIC. In fact, not one offender who participated in this research stated that the VIC had had anything but a positive outcome on his/her life overall (although some took issue with some of the aspects of the initiative, as explored above). Even though treatment has worked for some and not others, it was indicated that they have had the support of their teams regardless of the outcome. While

VIC offenders sometimes feel restricted by conditions or sentencing, most appreciated the sense of structure and personalized support they received. A couple of offenders commented that in the lives of those with mental illness or addictions issues, stability and support are paramount.

Most, if not all, VIC offenders had seen some improvement in their health or personal circumstances, such as stable housing, routines, jobs and some are now even sober. Many noted that their ACT worker is concerned about and takes an active role in their health – making sure they eat properly, help with groceries, ensuring they take their medication regularly, and supervising substance use in a controlled environment. As one offender stated, his ACT support worker “is chiselling my bad habits down little by little.”

A judiciary respondent indicated that the key issue for VIC is how to move forward from here; further steps need to be taken to integrate offenders into the community through market housing, employment, and other channels.

Perceived preliminary impacts: Key survey findings

- 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
- The VIC is successful largely because it recognizes underlying factors that may contribute to criminal behaviour, placing clients at the centre of care to create a best fit of support
- VIC offenders largely 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 has had a positive preliminary impact on offenders’ circumstances, including improved health and/or personal circumstances such as stable housing, routines, jobs, overall health and sobriety
- The VIC’s model of community care and offender-centric focus may help to reduce re-offending behaviour among the offenders, although it is too soon in the process to begin assessing the measurable impact on recidivism

4.11. Final remarks

The following quotations represent a sample of concluding remarks from various stakeholders within the VIC.



While a formal evaluation needs to take place it appears that for many of these multiple repeat offenders there has been a reduction in criminal conduct and increased stability in their lives. Members of the justice community are much more informed as to services available or lacking in our community. [There is] a greater sense within the community that the court is willing to shoulder part of the responsibility in making our city safer by working with other agencies.

Judiciary

None of the clients that I have had go through the court have had the process be a complete failure. Some clients have had difficulty with the program and one disengaged, but while on the program all of the clients had a significant reduction in offending and all have benefited from the assistance they received which has led to the reduction in offending. The benefit of this cannot be underestimated.

Defence counsel

A sense of winning rather than treading water. There have been dramatic reductions in police calls for service around clients serviced by ACT/VIC. The business community has also bought into this approach at certain levels which is a very positive step.

Police

I am just very proud and honoured to be a part of this amazing program. Working with everyone has been a fantastic experience.

ACT team member

It has had positive impacts on the community and on the offenders who appear. For the community the repeated use of services has been reduced. The community and the offender benefit by the engagement of the offender with the services necessary to change the offending behaviour

Judiciary

Wonderful initiative. I have great admiration for Judge Quantz in having a vision and making it happen.

Crown

I think it's a worthwhile project that saves lives and money.

Crown

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

This service is an outstanding example of what can and does happen to address clients' ongoing issues and to minimize their effect on the community.

Adult custody staff

The concept is great! The importance of a knowledgeable, sympathetic and skilled member of the Court cannot be overstated. The supportive involvement of various agencies (police, health, community corrections) is extremely positive. The access to these resources (and the supportive attitude) should be expanded.

Defence counsel

It is a welcome and positive change for everyone involved in the treatment of offenders as people who need help rather than as criminals who need punishment. There is plenty of punishment available for those who do not want help but prior to VIC there was no coordinated effort to get help for those who wanted it. The help was there but it was difficult to access, especially for those who face the kind of challenges that the VIC court addresses.

Defence counsel

5. Summary of Key Findings

From the key findings that are highlighted throughout the report, the following points represent a summary of the overall results found during this exploratory research:

- The roles, responsibilities and processes of the VIC are generally clear to stakeholders;
- Communication among stakeholders in the VIC is largely more effective and occurs more frequently than in traditional court;
- It was agreed that the VIC could be expanded, although capacity issues would need to be addressed;
- The planning meetings, collaborative court hearings and consistency of staff and process are viewed as being integral aspects of the VIC;
- Oral reports from the ACT teams are an essential component of the VIC process, although it can be challenging for the teams to report on negative behaviour;
- VIC offenders have a favourable view of their involvement with the initiative;
- It is believed that the VIC has improved the effectiveness of the justice process for the target group of offenders;
- Post-sentence court appearances are an important aspect of the VIC process to keep offenders on track;



- Community awareness and engagement in the VIC could be increased;
- The VIC has generally had a positive impact on stakeholders' work; and
- The VIC is perceived by stakeholders to have a positive influence on reoffending and improving offenders' mental and physical health, as well as their access to and support by a variety of services.

Overall, 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.