

VICTORIA INTEGRATED COURT REPORT 2015-16

I. INTRODUCTION

This is the fifth report of the Victoria Integrated Court (VIC). The prior reports are available on the Provincial Court of British Columbia website which can be found at www.provincialcourt.bc.ca. The initial report of the Court, dated July 28, 2011, provides the background as to the formation of the Court and its practice and procedures since its first sitting on March 16, 2010. Subsequent reports summarize the work year by year and the ongoing issues facing the Court. These prior reports provide the introduction and context to this year's report.

The work of the Court continues to be with mentally disordered, low IQ and substance addicted offenders who are necessarily supported in the community by a number of community workers and their teams. In addition, dedicated police officers, correctional workers and sheriffs assist in achieving successful outcomes for these offenders. Any work done by VIC is based on, and in support of, the hard work and skill of these individuals and teams.¹

This report is intended to provide information to the community about the work of VIC in the past year. It is also intended to identify the progress of the Court from prior years and the challenges which have emerged.

II. THE YEAR'S ACTIVITIES

a. Who is in VIC?

Victoria Integrated Court sits every Tuesday for one half day. That half day is divided between the Judicial Justice's sitting commencing at 9:00, the meeting of counsel, the community teams and the police from 9:30 to 10:30 and, finally, the sitting of the Court from 10:30 to 12:30. A great deal of work by all involved has to get done in a limited amount of time. Not surprisingly,

¹ Please see *Appendix A* for excerpts from a letter received in September 2015 from an offender on the value of the VICOT team.

therefore, the number of individuals and the complexity of the issues associated with those individuals is a closely watched statistic in VIC.

For 2015-16, VIC had fewer demands placed on the limited time available. There were more occasions when the lists were shorter than they have traditionally been and the work was completed prior to the 12:30 cut off. The Court saw fewer offenders than were seen last year: 97 persons in 2014-2015 and 83 persons have been seen since that report. Anecdotally, it was noted that there appeared to be fewer referrals to the Court than had occurred in the past.

This decreasing numbers in VIC was raised at a Working Group meeting for discussion amongst the Court's participants. While there was much helpful information exchanged at that meeting, no firm conclusion could be drawn as to the reason for the unused capacity of the Court. Two courses of action resulted from that meeting. First, it was decided that more effort would be expended to ensure that the work of the Court was known more broadly in the community. This action was suggested in the event that the reduced referrals were as a result of groups not being aware of the existence and availability of VIC. Reference will be made later in this report to some of the precise steps which have been taken to inform the community of the work of VIC. Second, it was decided that the restriction on the number of offenders working with the 713 Outreach team coming in to the Court would be lifted². It will be remembered from last year's report that only 5 individuals associated with the 713 Outreach team were going to be accepted into the Court. This action was suggested given the available capacity of the Court and the positive results for offenders from that team. Those positive results were reported in last year's report and continue to be noted this year.

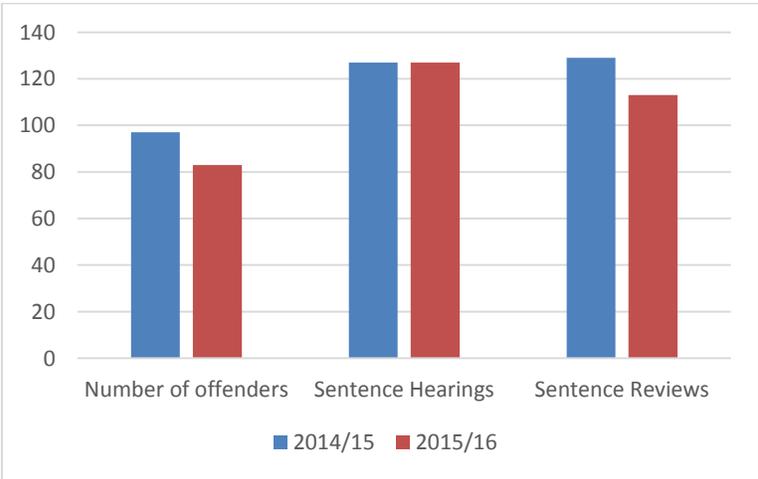
Since those steps have been taken the number of referrals of individuals has increased and the time set aside for hearings in VIC is being more efficiently utilized.

² The 713 Outreach team deals with homeless individuals who are not engaged with any community supports. It attempts to engage them in efforts to find and maintain housing and work on their other issues.

It should be noted that the reduction in the court lists is not as a result of a change in the composition of the individuals who are in VIC. The numbers of individuals supported by each team are as follows:

- 19 supported by VICOT (the Victoria Community Outreach Team)
- 7 supported by the Downtown Assertive Community Treatment Team;
- 7 supported by the Pandora Assertive Community Treatment Team;
- 11 supported by the 7 Oaks Assertive Community Team;
- 15 supported by Community Living BC Community Response Team;
- 7 followed by Forensic Services or no other team; and
- 9 supported by the 713 Outreach team.

Nor does there appear to be a reduction in the amount of monitoring of these individuals: 52 are currently on active court orders. The number of reviews of sentence (a topic of some significance in prior years) was lower than it was last year but only marginally so: 113 this year and 129 last year. The number of sentencing hearings was similar to last year: 127. The persistence of mental health issues continues to add to the complexity of work which must be done with individuals in VIC. In the last year, seven persons were referred for psychiatric reports or were certified under s. 28 of the *Mental Health Act*. VIC has had many individuals appear before it through the years with documented brain injuries. In 2015-2016, five appeared before the court. The chart below depicts the two year comparison of offenders in VIC, sentence hearings, and sentence reviews.



Finally, the reduced work load was not as a result of the removal of offenders from the VIC lists. This past year one person was removed from VIC as a result of his continuing non-compliance. The step of removing a person from VIC is one that is rarely taken and only after careful consideration by all of the court's participants. This is the case because it is recognized that removing an individual from VIC may limit that offender's access to resources and assistance. It also returns that offender to the regular court system where the offender was originally: a system that had originally referred the offender to VIC due to its own inability to obtain compliance. Nevertheless, there are offenders who simply will not cooperate at all with the processes of VIC and ought not to be a drain on its limited available time. In the past year, that point was reached with one offender and he was adjourned to regular Court to be dealt with there.

Nor is it reasonable to conclude that the reduced lists are as a result of the large numbers of successes achieved by offenders. Certainly there have been successes. Some individuals who were well known, weekly attendees of VIC are now established in the community and not coming before the Court. Fourteen individuals attended residential treatment in order to deal with their substance abuse issues. Although mere attendance at a treatment centre is not the final step in their rehabilitation, it is, especially for this population, a very encouraging first step. At the same time, offenders can be a transient population and there is no certainty as to whether some have stopped offending or have simply moved away. That said, there were also notable positive reviews for offenders which were given special recognition in VIC.

In conclusion, the last year has seen a reduction in the amount of time needed to deal with the court lists. The reason or reasons for that reduction are not clear. In any event, the Court is taking steps to ensure that it continues to use its time efficiently and effectively.

As in prior years, the Working Group has been active in the past year. There have been four meetings so far in 2016. Each has had a full agenda as the Group seeks to monitor the issues that arise on an ongoing basis for the Court. Mention has already been made of the decision to inform the community of the work of the Court. In order to do so, a pamphlet has been

produced which summarizes the goals of the Court and the work done by the teams. On the cover of the pamphlet is a reproduction of the Chatham Street mural done by VIC participants and volunteers.³ The pamphlet was designed by Ms. Kristine Parker, a student at the University of Victoria, who became interested in the work of VIC and volunteered her time in order to assist the work of the teams and the Court. The pamphlet is now widely available to those interested in VIC and is attached to this report as *Appendix B*.

During the past year a documentary film was made on the subject of the impact of brain injury. It is titled "A Change of Mind" and was directed by the documentary filmmaker Hilary Pryor. VIC itself played a minor role in the documentary with some of the proceedings and participants of the Court appearing to show the work of the Court. The film, on its completion, was shown to the Working Group followed by a discussion of a recurring issue in VIC: how to best support the brain injured clients who attend Court.

The Working Group continues to monitor the operation of the Court. At a recent meeting, it was decided that the unique conditions⁴ attached to conditional sentence, probation and bail orders ought to be reviewed given that a concern had been expressed that the ability of offenders to understand, and therefore follow, VIC orders may be hampered by the wording of those orders. There has also been discussion amongst some members of the Group as to the increased use of apologies by offenders in order to enhance responsibility and accountability.

A repeated topic at Working Group meetings is housing. Housing is the necessary first step to effective management of offenders when they are in the community under court ordered release or as a part of a sentence which they are serving. It is an observation made every day in the Victoria community that housing is a significant challenge. While there is nothing that the Court can do directly on a social issue such as housing, the Working Group discussions permit participants to keep abreast of all developments on the housing front.

³ See the [June 26, 2012 VIC Report](#).

⁴ See [Appendix A of the July 28, 2011 Report](#).

b. Have the processes of VIC been working?

The first report on Victoria Integrated Court summarized the processes of the Court. Those processes were organized around the principle of the integration of health, social and justice services in Victoria. In order to achieve the best outcomes for the offender and the community, attention was placed on judicial oversight and monitoring of offenders and their court orders. Prior reports have attempted to articulate the positive outcomes which have been observed as a result of the VIC processes.

In August of 2016, the Centre for Justice Innovation in the United Kingdom published their report, "[Problem Solving Courts: An Evidence Review](#)". The report is based on a review, internationally, of the evidence based reports on the effectiveness of problem solving courts. The report concluded that there was 'strong evidence' that these courts contributed to the reduction in reoffending. In reviewing the reasons for that success, the report noted, firstly, the features of problem solving courts:

- specialization of the court model around a target group;
- collaborative intervention and supervision;
- accountability of offenders through judicial monitoring;
- a procedurally fair environment; and
- a focus on outcomes.

The report went on to conclude that "the most important factor in driving better outcomes" is the perception of fair treatment. Additionally, the report noted that effective judicial monitoring rests on certainty and clear communication and concluded that "these factors are more important than the severity of sanctions".

It is worth noting that the conclusions of the report are congruent with the processes of VIC. The report provides much more food for thought about problem solving courts and their effectiveness. Accordingly, the report has been circulated to the Working Group for their consideration as to how VIC may improve its processes.

Certainly the processes of VIC continue to attract attention for what lessons they may provide. On August 2, 2016 the Minister of Justice, Suzanne Anton Q.C. attended a session of the Court to observe its operation. As well, in September, Crown Counsel, a member of the VICOT team and Judicial Justice Brenda Edwards met with representatives from the City of Surrey who had expressed interest in learning more about the integrated justice model and lessons learned in VIC.

One of the processes of VIC which remains a challenge is the continuity of personnel. The benefits of that continuity have been remarked on in each of the previous reports. That continuity allows the court to become familiar with the individual circumstances of each person who appears in VIC. That familiarity maximizes the opportunity to communicate directly with that individual in order to increase the chances of integration into the community. That familiarity may not be quantifiable but it clearly is part of the success of VIC.

While the community teams, the police and Crown Counsel have been able to have consistent personnel attend VIC over the past year, the Court itself has not been able to achieve that continuity. Over the past year, six different judges have presided in VIC. Ideally, there would have been only two judges who presided in the Court over that period of time.

Also, 2016 saw the retirement of Ken Kelly, the longtime Manager of the Downtown Victoria Business Association. Ken had been an ardent supporter of VIC since its inception and was an important voice at the Working Group meetings providing input and information from the perspective of the business community. He will be sorely missed.

c. Community Work Service

In 2015 the Serenity Farm garden again operated from April to October. It was a very successful summer with the total number of participant hours up from 1157 to 1614 compared to the previous summer. Market sales also increased from \$5,115.00 in 2014 to \$6,800.00. These sales were made to volunteers, the Local General Store, Ministry of Justice employees in the Sussex Building and Souper Meals. Additionally, the participants took home any vegetables

they could use free of charge and some of the 3400 pounds of produce grown was donated to Our Place and the Mustard Seed. Finally, one of the participants, who in the past regularly appeared in VIC, took the initiative to organize a bottle drive with the goal of \$500.00 and raised over \$1000.00 for the garden's operating expenses. Further information regarding the garden is available on the garden's website at [Feeding Ourselves and Others](#), and on the Facebook page at [Feeding Ourselves and Others at Serenity Farm](#).

III. GAPS IN SERVICE

Prior reports have noted that Forensic Services have not participated in VIC. The number of individuals who attend (and re-attend) VIC with mental health issues has made this non-participation a noticeable gap in service.

Fortunately, conversation has begun with representatives of Forensic Services to discuss how this gap might be overcome. It is a significant step forward that Forensics is available to engage in this conversation. It is hoped that the 'clarification of the role of the Forensic Psychiatric Services Commission' in the 2011 report may occur by the time of next year's report.

The issue of homelessness was referred to earlier in this report. A part of this complex problem is the issue of appropriate treatment of substance abuse. It is a common observation that substance abuse can lead a person away from stable housing and toward criminal activity. Unfortunately the gap in service noted in the 2011 report of 'no publicly funded residential drug and alcohol treatment programs on southern Vancouver Island' continues to impact the work of the Court and the community in 2016.

IV. GOALS

1. Build on our relationship with Forensic Services, the brain injury program and other service providers whose clients appear in VIC.
2. Work with the DVBA and other community representatives to increase opportunities for community work service and community engagement.

3. Continue outreach efforts to police and community agencies in order to reach target clients for VIC.
4. Review and refine current court conditions to simplify language usage while meeting legal requirements.
5. Increase use of letters of apology to affected parties to encourage personal responsibility and accountability on the part of offenders.
6. Ensure that the Court provides stability in the judges presiding in VIC.

V. CONCLUSION

Now into its seventh year, Victoria Integrated Court continues to assist offenders in being accountable for their actions and motivating them to re-integrate into the community. Each year has had different challenges and successes in achieving that goal. None of those successes would have been possible without the dedication and hard work of police and sheriff services, Community Corrections, the business community, Crown and defence counsel and the supportive teams and agencies. The Victoria community has greatly benefited from all their work.

APPENDIX A

Below are excerpts from a letter sent to the VICOT team from one of its clients.

I would like to relate my experience with the VICOT team in Victoria. I am a ... former heroin addict ... I was a prolific Offender for the last 25 years of my life, I was involved in the drug trade as well as Theft Under's and commercial Break and Enters ... Rarely did I manage to stay out of jail for more than a month at a time.

Then I was referred to a newish program of Intensive Supervision by an Outreach Team that had everything rolled into one, Social Services, Probation, Healthcare, Mental Health and a Primary and Secondary Worker that supervises in the community. Even with all this, I still found ways to mess up ...

Then something extraordinary happened. My Primary Worker came into court and stood up and said, "I believe that I can work with him and we have a rapport" and with that I was given a second chance. Then I started to change. This did not come over night nor is this a process that is done yet. But I sincerely believe that without the VICOT team, this change would not have come. I really did not like the team at first, they were always at my door, taking me to appointments, mental health and medical, and just to get me out of the apartment for an hour or two. And I have connected with my primary worker and I do believe that, with this connection and this team, (it) has saved my life, not to sound too dramatic, but at least from a further life in prison, at most from an overdose death or worse.

I absolutely believe that this program can bring a positive change to this community and to the people who live in the fringes of this city. Of course this program will not be the answer for all offenders, and I can only speak for myself but, for the people who won't change, I think that this is the way to go, it was for me. Since ... 2010, I have not had any new charges. For me this is a miracle. Thank you.

The Goals of VIC.

- Increasing public safety by decreasing recidivism and reducing harmful antisocial behavior in community.
- More effective sentencing through integrated case planning and intensive community supervision.
- Decreasing inappropriate use of emergency services.

Work of the Teams.

VIC works with several teams: Assertive Community Treatment teams, including the VICOT team (Victoria Integrated Community Outreach Team), the Community Response Team and 713 Outreach Team. (VICOT has a dedicated police presence and a probation officer to address elevated levels of use of emergency and judicial services.)

The teams assist VIC court client offenders with a broad range of issues including:

- Accessing and maintaining housing
- Obtaining financial resources, including income assistance and disability benefits
- Support in the criminal justice system
- Distribution and supervision of medication
- Counseling for addictions and anger issues
- Life skills training, and more

VIC Process.

When & Where: Tuesday mornings in Courtroom 101 - Courthouse, 850 Burdett Ave., Victoria, B.C.

9:00 AM – Court convenes. Offenders must be present for calling of the court list and behavior review by a Judicial Justice.

9:30 AM- 10:30 AM - Support teams meet with Crown and defence counsel to discuss potential joint submissions for appropriate sentencing.

10:30 AM-12:30PM – Court reconvenes before a Provincial Court judge for bail hearings, sentencing or to amend existing court orders. The judge will hear from Crown and defence plus team members regarding their client's behavior in the community and willingness to address the underlying causes for offending.

After court, Team members and/or probation officer explain expectations in court order.

Community Involvement

Contact us to see how you or your organization can get involved.

Contact VIC Coordinator,
Brenda Edwards
bedwards@provincialcourt.bc.ca

Opportunities are currently open to assist at the VIC supported community garden, Serenity Farm –
www.feedingourselvesandothers.com

VIC -Victoria Integrated Court

Justice + health + social services working together.

APPENDIX B