

## **INTEGRATED COURT REPORT 2014-15**

### **I. INTRODUCTION**

This is the fourth 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](http://www.provincialcourt.bc.ca). Those reports provide the reader with the genesis of the Court, its practices and procedures and the work of the Court since its first sitting on March 16, 2010. Much of what is said in those reports serves as an introduction to this report.

The work of the Court continues to be with offenders who are supported by a variety of community workers and teams. These workers and teams have intensive and frequent interaction with the offenders. Any work done by VIC is based on, and in support of, the hard work and skill of these workers and teams.

Since its inception, the Court has recognized that it has been and continues to be an initiative of the Victoria community. As such it is important that the community be fully informed of the current operation and work of the Court including its successes and its challenges. This report is intended to provide that information to the community. It is necessary to do so in order to see what is being done in the Court that is beneficial and why. It is also necessary to identify what challenges exist for the Court and the community.

This year's report will cover more than one calendar year taking us up to the fifth anniversary of the Court. In doing so, this report is endeavouring to provide the most up to date information. It will also refer to gaps in service identified during the past year and the goals of the Court for the next year.

## **II. THE YEAR'S ACTIVITIES**

### *a. Who is in VIC?*

Victoria Integrated Court sits only one half day per week. That half day is divided between the Judicial Justice's sitting at 9:00, the meeting of the participants including the community teams in the consultation room from 9:30 to 10:30 and, finally, the sitting of the Court from 10:30 to 12:30. A lot of work by all involved has to get done in a limited amount of time. Accordingly, the number of individuals and the complexity of the issues associated with those individuals is a closely watched statistic in VIC.

For 2014-2015, VIC continues to operate well above its capacity. The broad spectrum of individuals is reflected by the number of community teams supporting their appearances in VIC. The number of individuals supported by each team is as follows:

- 20 supported by the VICOT team
- 16 supported by the DACT team
- 13 supported by the PACT team
- 12 supported by the 7 Oaks ACT team
- 13 supported by CLBC/CRT

-2 supported by Forensic Services

-6 supported by the 713 Outreach team.

The characteristics of the persons seen include 13 who are developmentally delayed and 5 who are brain injured. This composition of the individuals in VIC is not significantly different from prior years. The numbers continue to reflect the persistence of mental health issues among this offending population.

The over representation of Aboriginal offenders before the Courts is reflected in VIC: 11 of the participants in the Court are first nations. This over representation has remained constant over the five years of VIC.

A significant proportion of the work of the Court is in the reviews conducted of offenders who are on a form of court supervision. The reviews are a necessary part of what VIC does and set it apart from the work of traditional courts. Indeed, some offenders require, and have had for many years, regular reviews of their performance on their orders. In 2014-15 there were 13 individuals who had more than five reviews in order to closely monitor their behaviour.

The scheduling of a review reminds an offender that they will continue to be monitored closely by the Court. Each offender will be aware that the Court can create sanctions when orders are not complied with or expectations not met. On an appearance for a review, the Court receives up to date information on any problems the person is having

in meeting the expectations of the community teams and the Court. For example, reviews are used to encourage individuals to attend residential treatment programs. In the past year, 18 individuals attended residential treatment. That number of attendees is a significant increase from 10 individuals the year before.

The total number of reviews in 2014-2015 was 129. That was a significant decrease from the 219 reported two years ago and 215 reported in the last report.

These fewer reviews come in the context of a greater number of sentences (137) in 2014-2015 than in 2013 (117). The decrease of reviews was intentional. It was the experience of the Court that the numbers of reviews were taking up so much of the Court day that their effectiveness was compromised. Clearly, there is much greater value in doing a few reviews very well than a much higher number ineffectively. Accordingly, after discussion at a Working Group meeting, it was decided that greater care would be taken in scheduling reviews. In that context, the fewer reviews being done reflect a commitment to a higher quality of work. At the same time, the fewer reviews were a reflection of the limited amount of time available to conduct the work of VIC.

It will be noted that there is a new team participating in VIC: the 713 Outreach team. This team works with individuals who are homeless and are not connected with any services. As a result, they are not heavy users of health facilities or other resources: they are simply not connected at all. These individuals are frequently heavy substance

abusers but do not have serious or persisting mental health problems. The 713 Outreach team works with these individuals on housing and engaging them in substance abuse treatment.

To include the 713 Outreach team in VIC presented a dilemma. First, the Court has been and continues to operate at above the capacity first envisaged for the Court. Second, one of the criteria for admission to VIC has been the use or misuse of resources on the logic that focusing on those who misuse resources will translate into effective use of those resources. However, to include a clientele who does not use resources would not translate into an improvement in the effective use of resources. In the result there would be less opportunity to see measurable success by a reduced use of services by these individuals: they were not using the services in the first place. At the same time, the concern over homelessness is the same as it is for the other participants in VIC. The problems for the community of homelessness were at the heart of the formation of VIC. Additionally, the 713 Outreach team members have had to attend Court on various days through the week to assist their clients wasting the valuable resource of their time. The ability to attend on one morning per week would free up time for the team to assist their many clients. After discussion at a Working Group meeting, it was decided to have five clients of the 713 Outreach team participate in VIC and to then review the matter of resources in approximately six months. That review will necessarily discuss the extent to which VIC can absorb any more than the present five clients. Certainly the need to attend VIC is present for the 713 Outreach team who have approximately 25 of their clients before the Courts.

Although a close review has not been done, the results so far of the inclusion of the 713 Outreach team has been positive. At least three of those who have been included in VIC have now made a commitment to go to treatment.

*b. Have the processes of VIC been working?*

The amount of work which VIC regularly has before it occupies every minute of the allotted Tuesday morning. Indeed, there are some mornings when the offenders must have their cases completed so quickly that the effectiveness of the work of the Court is impacted. The ability to get the work done at all is the result of a combination of factors, but not least, the experience and skill of the participants. That experience arises from the continuity of personnel in VIC. The value of that continuity cannot be underestimated. In a previous report it was noted that Crown Counsel had struggled with that continuity. Fortunately that challenge has been resolved and the Court has the benefit of a highly experienced Crown counsel regularly assigned to VIC. Defence counsel continues to regularly represent the difficult clients who appear in VIC despite much of their time and effort being donated. Unfortunately, it is the Court which has struggled with having continuity in VIC. While efforts are made to have one or two judges assigned to VIC, this is not always possible. Over the period covered by this report, in addition to the two assigned judges, 5 other judges have presided in VIC. The Court recognizes the significance of this challenge and is committed to maintaining consistency to the extent that it is possible to do so.

Despite the challenge of the large case load, the diverse nature of the offenders in VIC and issues such as consistency of personnel, there is a satisfaction that the process and procedures in VIC are the appropriate ones. That judgment may best be expressed by a mother who attended the Court on many occasions as her son struggled with mental health issues. Here is what she had to say:

I would like also to take this opportunity to express my gratitude to many of the people and services engaged in supporting my son and our family during this difficult, painful time. In particular, I would like it to be known that my experiences with both the Saanich and the Victoria police departments were impressive. I appreciate very much the caring, understanding, patience and support that I experienced in my interactions with the police. My appreciation also extends to many others, including but in no way limited to Crown Counsel Barb Penty, VICOT probation officer Holly Craig, Claire Tollefson and other lawyers who were supportive throughout this experience. Many members of VICOT have also worked on behalf of finding care for my son and I appreciate their efforts. Finally, I am wanting to express my gratefulness for the existence of the "Mental Health-Integrated Court" system. We are fortunate to have this Integrated Court in Victoria. I was comforted by my observation of the Court's genuinely expressed, respectful, and compassionate regard for the diverse array of individuals who appeared each week. Thank you all very much for your efforts, time and for your obvious concern for all of these individuals and their families/supports.

I sat in the courtroom while experiencing tremendous strain, concern and emotional pain. Observing the Court in action lifted my spirits and imbued me with a sense of hopefulness. Thank you.

Others have come over the past year to observe the processes and procedures of VIC including Victoria Mayor Lisa Helps and Councilor Charlene Thornton-Joe.

The processes and procedures continue to be monitored on an ongoing basis during meetings of the Working Group. The collaborative approach in the Working Group continues to assist the quality of the work of the Court. Unfortunately neither the

Forensic Psychiatric Services Commission nor the Native Court worker participate in the Working Group.

*c. Community Work Service*

Those involved in VIC have long recognized that community work service is not merely a means of paying back to the community for a wrong done. Community work service is also an opportunity to have clients acquire skills and contacts that may lead to employment or, at least, engage in activity that increases their sense of “community”. As such community work service is much more about community involvement and that is how it will be referred to in this report.

To that end, a great deal of work has continued on the Community Garden project. The garden opened on May 9, 2013. In November, 2014 a report was released on the garden entitled, “Feeding Ourselves and Others”. That report summarizes the accomplishments of the project, the observations of the coordinators and the stories of some of the participants and volunteers. The report also summarizes the number of hours put in by participants (1307 in 2014) and the number of pounds of food produced for sale (2558 in 2014). The positive outcomes are not just reflected, however, in numbers. One participant stated, “My mental health is improving exponentially because of the garden. I have a place to go and feel like I belong”. The ACT/VICOT staff noted that anxiety levels were lower in participants and they showed improved mood and socialization. The garden project has been a positive example of the benefits of community involvement programs.

VIC would like to acknowledge the work of all the coordinators, community partners, volunteers and participants for their dedication and commitment to this tremendous project. It is important to also acknowledge the sponsorship of the John Howard Society whose efforts have been crucial to the success of the project.

*d. Evaluation of the Court*

The report on the first year of VIC had appended an Exploratory Process Report of R.A. Malatest and Associates Ltd. That report served as a first step in understanding the value of the integrated planning model of VIC. Since that time the reports of VIC have as a stated goal that further evaluation of the integrated services model be conducted.

In 2014 a master's thesis was prepared by two students of the School of Public Administration at the University of Victoria on the VIC model. Their thesis asked the research question, "to what extent is the VIC effective as a healthcare model and a justice model?" The positive answer to that research question was provided in detail by the authors.

The thesis concluded that VIC provided benefits to the healthcare system and the administration of justice. Those benefits (lowered costs, reduced recidivism) were ones ultimately felt by the community at large. The strain on VIC created by a high case load was noted in the thesis and a recommendation made that the level of demand be

reviewed and monitored. Finally, it was recommended that VIC explore options to increase public awareness of the court.

As the thesis noted, generating the information from which statistic based conclusions can be drawn is a challenge. Nevertheless, it was recommended that further evaluations be considered.

Since the thesis was prepared, the eNews section of the Provincial Court website tweeted out a story on April 2, 2015 on a positive result in VIC. The chain of responses to that story totaled more than 6000 people around the world. With Court web site users totaling nearly 30,000 per month there is an opportunity to address the public awareness issue raised in the thesis.

One limitation of the thesis was the contact with only one participant in VIC. The advantage of this report is the opportunity to tell more of the stories of participants as they have been told in VIC. Five of those stories are presented here.

*M.A. has been a participant in VIC since 2010. He has a very long list of challenges including being HIV positive, having Hep C, severe diabetes, impaired hearing and brain injury. He also abuses substances. During 2013 he had twenty appearances in VIC. His criminal record runs to 8 pages. Yet through the hard work of the PACT team and the support of VIC, M.A. has not returned to*

*VIC for any offences or breaches of his current probation order since he was last sentenced in July 2014.*

*M.R. appeared in VIC originally in 2014 as a client of the 713 Outreach team and VICOT. He had been hospitalized for a significant period of time after his offending behaviour and attended VIC on his release. He was eventually housed and given a program of medication. He was seen at least five days per week by his community worker with whom he established a positive therapeutic relationship. Eventually he was sentenced to probation and has not come before the Court again. He wrote a note of his positive interaction with VIC, a note his worker said he would never have written previously: "They take into account the small life decisions and whereabouts instead of just dealing with the amount of time to be given. For example, while I was in Hospital counted as time served!" In a short time and with the appropriate attention, M.R. had come a long way.*

*C.E. was regularly using a psychiatric bed in 2010 for, among other things, medication non-compliance. He was diagnosed as a severe disorganized schizophrenic. He was arrested for spitting on a police officer in August and appeared in VIC for the first time in December 2010. He was eventually placed on an order crafted in the consultation room of VIC which, according to his worker, "helped establish a support care plan that could not have otherwise been utilized so quickly." C.E. struggled over the next year however the reviews were thought to have a positive effect and they continued until C.E. began to receive*

*consistently positive reports in Court. He was last before the Court in June 2012 and now has stable housing, works in the community garden and is seeing his mother. He has now opened up a bank account to save money.*

*R.D. is a woman with multiple challenges. She has FASD and abuses alcohol and drugs. When she does so she can become violent and she can engage in self harm. She first appeared in VIC in April 2013. Over the ensuing two years she has appeared frequently in the Court, however, is starting to form positive relationships with her community supports, particularly the 7 Oaks ACT team and Community Living BC. Unlike most offenders in traditional court, R.D. recently said: "I would like to come back. It helps me."*

*B.M. is a young man with mental health problems. He was also abusing substances at the time he came to VIC in 2012. He had six convictions in the previous two years and came to be sentenced on five more offences in October 2012. His numerous reviews before the Court showed that he struggled with the conditions of that sentence for the next 18 months. However, he then went to Baldy Hughes (a full time treatment program for substance abuse located in the interior of British Columbia) to deal with his substance abuse issues and successfully completed that treatment. He returned to VIC on April 14, 2015 being one year clean and sober. He was congratulated by the presiding Judge and was given a round of applause by all in the court room.*

*In two prior reports, updates have been provided on the progress of 'Sunshine' in VIC. The desperation created by her challenges is clear from those reports. This is likely to be the last mention of her in any of these reports. That is because she is living with a new partner outside Victoria and has a 6 month old baby boy. She has come from a difficult and desperate life style to one of stability. And happiness!*

### **III. GAPS IN SERVICE**

Each year presents its own challenges and the past two years have been no different. A particularly difficult problem has risen to the forefront recently.

Housing for offenders in VIC is both a high priority and very difficult to achieve. At one point at least twelve offenders in VIC did not have housing available for them. Without housing it was virtually impossible to fashion orders that would assist their rehabilitation. The reason was a frequently occurring one. The behaviour of these individuals was disruptive to the extent that they were 'banned' from the housing facility. Yet their behaviour was often related to their addictions occurring in housing which is not 'dry'. The result is that the behaviours are taken out into the street thereby jeopardizing public safety.

There is a clear need for more creative housing options. If there is an inability to house then all the other opportunities for treatment and management are lost.

## **IV GOALS**

### *a. Community Involvement*

The success of the garden project raises the possibility that there may be more opportunities for community involvement for VIC participants. The benefits of that involvement to the participants and to the community are so significant that any opportunity in that regard is worthy of exploration.

### *b. Housing*

Housing has consistently been a first priority for the teams working with the participants in VIC. Without appropriate housing, there is no proper foundation for all the necessary work of the teams and the Court. As difficult as this issue is, progress on it is essential to the work of VIC.

### *c. Demand on VIC resources*

The operation of the Court at numbers beyond its capacity has been noted. To effectively deal with the matters before it, the Court must monitor carefully the demands made upon its time and resources.

## **V. CONCLUSION**

During the time covered by the report, Victoria Integrated Court passed its five year anniversary. While there have been many challenges during those five years there have been many successes. Those successes would not have been possible without

the dedication and hard work of police services, community corrections, the business community, the supportive teams and agencies and Crown and defence counsel. The Victoria community has greatly benefited from the work of these men and women.