

Ottawa Youth Mental Health Court

Finding hope in a Courtroom

Moderator:

The Honourable Madam Justice H. Perkins-McVey

Presenters:

Hillary McCormick, Crown Counsel, Ottawa

Johanne Leger, Fed. Crown Counsel

Tania Breton, Youth Court Worker

Greg Motayne, Adolescent Forensic Psychiatrist

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Youth and Mental Illness

- Most major mental illnesses first manifest in adolescence.
- In Ontario, 1 in 5 persons age 4 to 16 suffer from some type of psychiatric disorder
- Only 1 of every 6 children and adolescents receive professional mental health care resources
- 3 of every 4 adolescents in conflict with the law have a diagnosable and treatable mental illness
- Most Children who suffer from depression also have another mental disorder U.S Surgeon General RMH

Youth and Mental Illness

Youth with Mental Health Disorders

- suffer the double jeopardy of being both youth and mentally ill.
 - are at greater risk of
 - Dropping out of school
 - Being in jail
 - Failing as fully functional members of society in adulthood
Unicef Adolescence : a time that matters 2002
 - Suicide → 2nd leading cause of death age 15 to 19 year olds
(24% of all deaths) Stats Can 1999
- Bullying, abuse, poverty, homelessness and substance abuse all increase the risk of suicide attempts

Youth and Mental Illness

Mental Health Services

- Children's mental health services are the most neglected piece of the Canadian health care system.

Senator Michael Kirby CMA Journal August 2005

- Ontario:- 1 Child and Adolescent Psychiatrist/ 32,000 youth.
- Estimated need:- 1 /4,000 youth

The Canadian Academy of Child and Adolescent Psychiatry

- 15 to 24 Year olds have the highest level of unmet mental health needs of any age group.

Statistics Canada 2003

Youth and Mental Illness

Definition:

- Clinically significant patterns of behavioural or emotional functioning in a child/adolescent associated with some level of distress, suffering or impairment in one or more areas of psychosocial functioning
 - (school, work, social and family interactions)
- Basis of impairment →
 - Behavioural, psychological or biological dysfunction , or combination thereof.

Youth and Mental Illness

- **Misunderstandings** lead to:
 - misuse and abuse of terms
 - reinforce myths,
 - Inhibit drive to gain access to needed services
- **Initial steps to Effective Treatment**
 - Family awareness/education
 - Early identification and intervention

Youth and Mental Illness

PROTECTIVE FACTORS

- Healthy early childhood attachment
- Parental supervision
- Non abusive home
- Prosocial Adult role models
- School completion

Mental Health Courts

- Recognition of the overwhelming need for better mental services for wide subset of the accused.
 - Mental Health Courts for adult offenders established a decade ago in USA.
- New awareness of specific needs for **youth** with mental illness and concurrent disorders
- Youth Mental Health Courts :-
 - California in 2001
 - Ohio in 2004
 - **Ottawa, ON in May 2008**
 - London, ON

Immediate Goals

- Early intervention
- Faster processing times; diversion where possible
- Individualized and appropriate treatment and intervention

Immediate Goals

- Sustained and consistent monitoring of youth's progress under court supervision
- Education and teaching for families and guardians
- Referral to community based treatment and rehabilitative programs
 - Possibly facilitate transition to the Adult mental health system

The Ontario Court of Justice

The Court Clerks and Staff

The Crown's Office

Case Management Coordinator

The Defense Counsel

The Forensic Psychiatrist

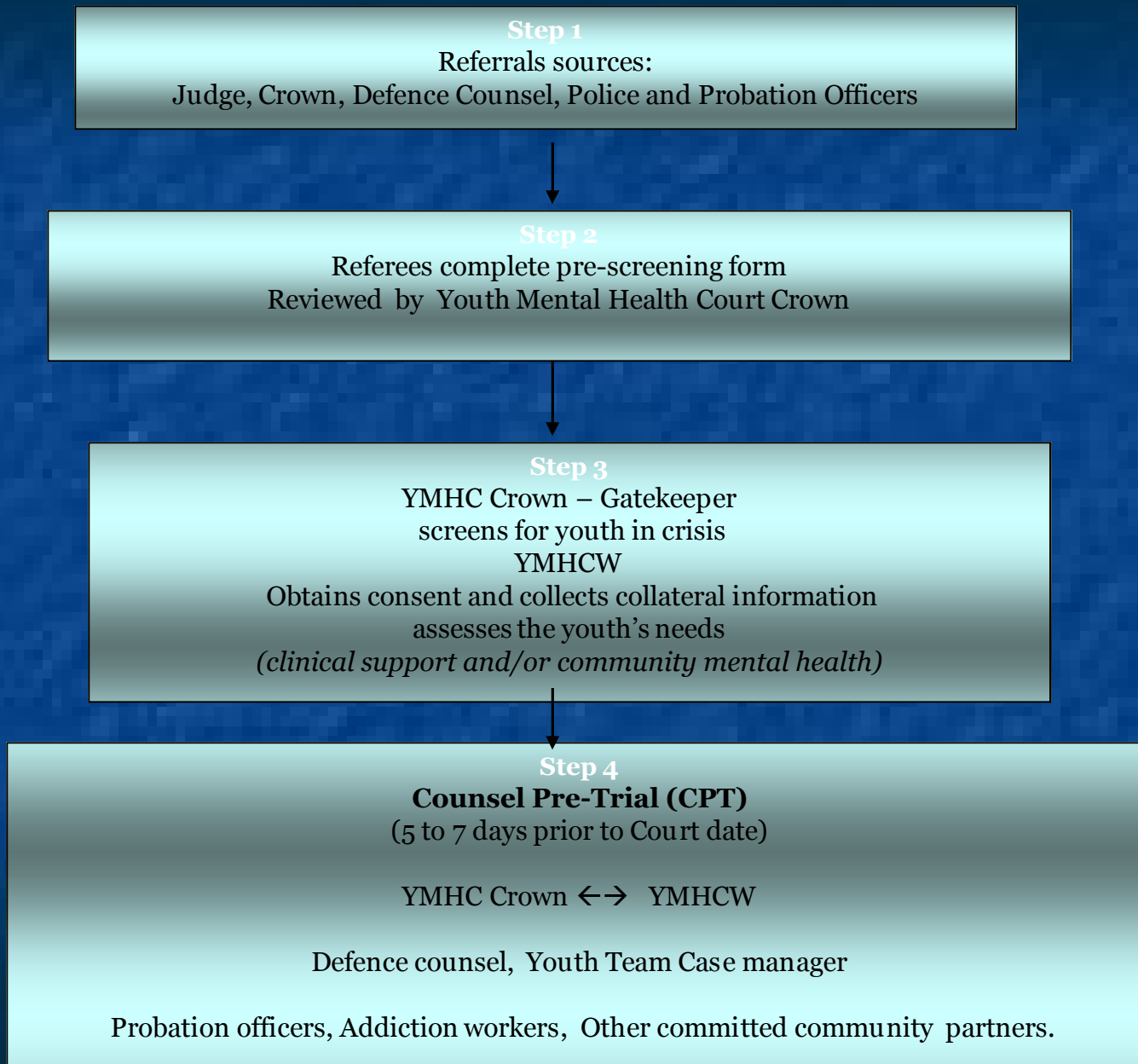
The Addiction Worker

The Youth Mental Health Court Worker

The Probation Officer

The Community Partners and Families

Youth Mental Health Court Process



Youth Mental Health Court Process

Step 5

YMHCW - PSYCHIATRIST meeting
Review of youth admitted to YHMC
Review of clinical assessments/ reports
Develop tentative treatment plan



Step 6

Youth Mental Health Court Clinic --- Psychiatrist
(runs adjacent to YMHC)
Conducts brief screening evaluation of youth
Meets with parent(s)/caregiver(s)
Implements/modifies tentative plan
Makes recommendations to YMHC



Step 7

YMHC

Youth appears in YMHC
Submissions by Crown and Defense
YMHC Psychiatrist Recommendations
Court makes ruling

Role of the Crown

- Crown acts as gatekeeper:
- Reviews applications and the related files to determine suitability for the YMHC program. Participation is voluntary, no signed agreement to participate.
- Crown works with defence counsel, psychiatrist, youth court worker and other community groups ex. addictions counsellor to create a treatment plan at the pre-court meeting, crown monitors progress thereafter

Role of the Crown

- Rehabilitative focus to the Court
- Contested trials not held
- Youth must acknowledge responsibility for the crime to the satisfaction of the Crown
- Youth are sometimes subject to EJS, s. 810, Stays or other forms of diversion depending on the circumstances of each case.

Role of the Crown

- Serious cases dealt with by the YMHC not diverted but factor of their mental health problems factored into determining a sentence with a rehabilitative focus
- Crown seeks information from families, defence counsel, service providers , psychiatrist and YMHCW before proposing a disposition or diversion option to the Court.

YMHC – Federal Offences

Role of the Counsel for the Public Prosecution Service of Canada

- Gatekeeper for charges under the Controlled Drugs and Substances Act (CDA)
 - drug possession and drug trafficking
- Collaborate with Provincial Crown to develop a global sentencing approach for youth in YMHC
 - Many have Federal and Provincial charges
 - Many have concurrent disorders
 - substance issue likely influenced commission of offence

YMHC – Federal Offences

■ **Role of the Counsel for the Public Prosecution Service of Canada**

- Develop Bail and Sentencing plan to include addressing the substance abuse .
- Collaborate with YMHCW
 - to facilitate connection with addiction counsellors/community partners at CPT
 - Address mental health needs
- Willingness of youth to actively participate is critical

Role of Defence Counsel

- Gatekeeper to protect the interests of the Youth
- Ensures that the Crown has sufficient evidence to support the charge before recommending participation
- Advocates with crown and others to communicate client needs and concerns
- Communicate with youth and their families to ensure they understand how the court works and what services may be offered and ensure engagement in the treatment plan.

Role of the Judge

- Not involved in the Counsel Pre-Trial (CPT) where treatment plan determined
- Ultimate decision maker
- Ensures treatment plan proportional to offence and in keeping with the YCJA
- Where appropriate makes orders under s. 34 YCJA , and s. 21 MHA etc

Role of the Judge

- At time of Sentencing, determines the length and type of sentence and appropriate terms of probation

Youth Mental Health Court Worker

Criteria

Youth (12-18 less a day) with Mental Health Illness in conflict with the law and:

- Are at risk of being charged by Police
- Have been charged by the Police
- Have been found unfit to stand trial, not criminally responsible, or are on an Ontario Review Board disposition
- Whose offense is considered low risk and whose mental illness can be appropriately managed through services based in the community.

NOTE: Youth with mental illness who commit serious crimes will continue to be prosecuted under the Criminal Code.

Youth Mental Health Court Worker

Targeted Age

- Transitional Aged Youth
 - Young person age $\geq 16+$ within the jurisdiction of YJC
 - Where appropriate YMHCW may provide available services to younger youth in similar situations.

Youth Mental Health Court Worker

GOALS OF THE PROGRAM

- Facilitate the diversion of youth whose primary issues are related to mental health, not criminal behavior.
- Respond to the needs of older youth who are consistently identified as "falling between the cracks".
- Support MCYS continuum of integrated services.
- Enhance continuity of service bridging youth who cross-over to adult mental health system.
- Expand and develop new community partnerships.

Youth Mental Health Court Worker

Roles and Responsibilities

■ Intake and Assessment:

- Interview youth and prepare an assessment
- Share findings with psychiatrist/mental health professionals; Request input/recommendations.
- Arrange/Facilitate formal assessments for youth without mental health professional connections.
- Make other appropriate referrals as needed

Youth Mental Health Court Worker

Detention and Custody

- Re-integrative support role in collaboration with Youth Justice probation case manager.
- Establish contact with detaining facility (in collaboration with probation case manager) for the youth in custody.
- Continuous support and consultation for youth not diverted.

Youth Mental Health Court Worker

Roles and Responsibilities

Consultation /Liaison:

- Recommendations to Judge, Crown and Defense counsel re- conditions for youth.
- Information and support to family members.
- Serve as a resource to the youth justice and mental health systems regarding service delivery gaps.

Youth Mental Health Court Worker

Roles and Responsibilities

Consultation /Liaison:

- Facilitate court ordered psychiatric assessments and collaborate with Crown to arrange earlier return court date.
- Liaise with youth's community mental health workers to identify issues and strategies to improve services

Youth Mental Health Court Worker

Roles and Responsibilities

Consultation /Liaison:

Collaborate with other YMHCWs

- Share practices
- Review data collection
- Explore improvements in service.

YMHC Outcomes

- Unique opportunity to intervene prior to manifestation of greater negative outcomes
- workers provide tools and services to enable youth to live with mental illness and to reintegrate into the community

YMHC Outcomes

- No longitudinal data on the effectiveness of Youth Mental Health Court interventions
- Internal U.S Studies
 - Reduction in recidivism.
California :-
From **25 %** general youth population
to 7% for youth in YMHC

YMHC Outcomes

- Ottawa Youth Court
 - **Clear reduction in recidivism rates for youth in the mental health court**
 - faster processing times
 - increased diversion
 - sustained referrals to community based mental health programs for youth and their families

Future Goals for Ottawa YMHC

Aspirations

Limitations

Increase in the number of court sittings/month

Availability of Judges; court rooms etc

Increase in available mental health professionals for assessments/court process

Availability of Adolescent Forensic Mental Health professionals
Availability of **FUNDING**
Easier access to Community Resources and specialized evaluation/treatment sources
Establishing shared-care management of youth

Greater efficiency in processing court cases to completion

Education of Counsel about YMHC process
Gaining quicker access to collateral information on youth for CPT