



Dual Diagnosis and the Criminal Justice System

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Dual Diagnosis Justice Case Managers for the Southwest and Hamilton/Niagara Regions

June 28, 2012

History of the Dual Diagnosis Justice Case Management (DDJCM) Program

Service Enhancements Strategy – Phase 1

On January 12, 2005, the Health and Long Term Care Minister announced the Service Enhancements Strategy with a Phase 1 investment of \$27.5 million annually in community mental health services to help individuals with a mental illness stay out of the criminal justice and correctional systems and receive the care and support they need as close to home as possible.

History of the DDJCM Program

Service Enhancements Strategy – Phase 2

On May 19, 2006, the Minister announced further funding in Phase 2 for the Service Enhancements Strategy with an additional investment of \$22.5 million annually in community mental health services to create a province wide "Diversion Network" for at risk populations who come into contact with the law.

History of the DDJCM Program

Memorandum of Understanding

Subsequent to the Phase 2 announcement, a Memorandum of Understanding was drawn up between the Ministry of Health and Long-Term Care and the Ministry of Community and Social Services to help individuals with a Dual Diagnosis who are in conflict with the law to ensure they receive appropriate services.

History of the DDJCM Program

Memorandum of Understanding Cont'd

As per the Memorandum of Understanding, the Ministry of Community and Social Services (MCSS) agreed to assume responsibility for the administration of 12 Dual Diagnosis Justice Case Management positions throughout the province.

Lead Agencies

Lead Agencies in the South

Regional Support Associates (RSA) is the lead agency for the Southwest Region, they received funding for 1.5 FTE

Bethesda is the lead agency for the Hamilton/Niagara Region, they received funding for 1.5 FTE

Who Do We Support

- Must be 18+ years of age.
- Must have a Developmental Disability and/or a Dual Diagnosis.
- Must have had contact with the Criminal Justice System at some point.
 - Pre-charge (Contact with Police but no charge laid)
 - Post-charge (Various stages of court process)
 - Diversion, Probation
 - Release from Correctional Facility or Hospital

What is a Developmental Disability

- There are three criteria to be diagnosed with a Developmental Disability:
 - IQ is below 70;
 - Impairments in at least two areas of adaptive functioning;
 - An onset before the age of 18 and continues throughout the person's life.

What is a Mental Health Need?

- Does not have to be formally diagnosed.
- Does not have to be a serious mental illness such as Schizophrenia, Bipolar Disorder or Schizoaffective Disorder.
- Determining a Mental Health need can be difficult. Literature suggests that 33-49% of individuals with a Developmental Disability, who access Developmental Services, have a Mental Health need.

What is a Dual Diagnosis?

- An individual has a Developmental Disability associated with a Mental Health need.

Prevalence

- Studies have shown 2 - 3% of the general population have a Developmental Disability, but they also represent 2 - 10% of the prison population (Griffiths, Stavrakaki, and Summers, 2002, p. 388).
- Three studies since 2006 identified up to 20% of people in prison have IQs less than 70 (Sondena, Rasmussen, and Nottestad, 2008).
- Most frequent offences are crimes against persons followed by property crimes. Sex offences and arson are over represented. (Prem-Stein, and Gamboli, 2003).

Common Experiences for Dual Diagnosis Persons and Police

- More susceptible to being the “fall guy” or doing something illegal for someone else.
- When questioned by police, they may not understand the questions asked or their rights.
- More likely to confess to crimes they did not do.
- Past experiences have proven that if they agree people will usually leave them alone.

Common Experiences for Dual Diagnosis Persons and the Courts

- More often held in custody during pre-trial due to an inability to follow recognizance orders or they are unable to obtain bail.
- Usually depend on ODSP so depending on the offence they are not always eligible to obtain legal aid.
- Typically do not understand criminal proceedings.

Common Experiences for Dual Diagnosis Persons and Corrections

- Taken advantage of in jail. Can be victimized sexually, physically, financially and verbally.
- More likely to be disciplined for not following institutional rules. Also have difficulty following institutional hierarchy.
- Frustration/fear/anxiety can create challenging behaviour resulting in additional charges, longer sentences, the use of segregation and a need for higher security.

Our Goal

- To reduce the number of people with a Dual Diagnosis entering the Criminal Justice System.
- To decrease the time spent in a Correctional Facility or Hospital.

DDJCM Service Components

- Consultation
- Court Support
- Release from Custody Planning
- Case Management
- Diversion

Consultations

The DDJCM is present in the criminal court to:

Assist Mental Health Court Support personnel by providing support in the area of Dual Diagnosis and acting as a single point of contact in navigating MCSS funded services and supports.

Assist Defense and Crown by assessing individuals in custody at court that are suspected of having a Dual Diagnosis.

Provide education to individuals, defense, crown, families, court support personal, special constables, police and judiciary regarding the dually diagnosed individual and available options for them.

Court Support

The DDJCM is present in the criminal court to:

Work along with both the Crown and Defense to prepare an Individual Support Plan that addresses the needs of both the individual and the Crown. In doing so, best attempts are made to advocate for a non-custodial disposition so that the individual can access community based programs in an attempt to address the individual's needs, thus avoiding further contact with the law and avoiding a criminal record if possible.

When non-custodial dispositions are not an option the DDJCM will build a case advocating for a shorter sentence, or at times a longer sentence, so that the individual can be classified to a treatment program within the Ministry of Community Safety and Correctional Services.

Release From Custody

The DDJCM attends the various Correctional Facilities within there catchment area and:

- Partners with the various facilities and assists the release from custody planners and social workers to develop appropriate discharge plans.
- Acts as a contact in accessing MCSS funded services and supports.
- Transitions individuals being released back into the community to ensure follow through with discharge plans.
- Provides education to Correctional Officers on best practices working with the "Dually Diagnosed – Special Needs Offender".

Justice Case Management

The DDJCM provides justice case management by:

- Keeping all involved with the individual up to date and in the loop with regard to court proceedings.
- Obtaining appropriate documentation to access community services such as a Health Card, SIN card, Birth Certificate, etc.
- Ensuring links are made to longer term community and regional supports upon discharge from the DDJCM program.
- Ensuring referrals are made on the individual's behalf for appropriate assessments, i.e., psychological, psychiatric, etc.

Diversion

The DDJCM will:

- Make application to the Crown for Diversion when a dually diagnosed individual commits a minor/low level offence.
- Monitor and encourage compliance with diversion and treatment measures if and when diversion is granted.
- Provide open communications with the courts regarding progress made by the diversion individual and obstacles that have affected the diversion plan.

Taking the Fear Out of the Justice System

Criminal Courts have made much progress in regard to addressing the "Special Need's Offender:

- Mental Health Court – London Ontario
- 672 Court – Windsor Ontario
- Mental Health Crown's in the Hamilton/Niagara Regions

Length of Service

How long can the DDJCM stay involved?

The individual is involved with the DDJCM program until the conclusion of their current criminal proceedings (varies from individual to individual).

The DDJCM offers linkages to long-term supports in order to provide successful transitions into the community and limit the opportunity for further contact with the criminal justice system.

Who Refers to the Program?

Anyone can make a referral to the program.

- There is the common misconception that the referral needs to be initiated by contacting Developmental Services Ontario (DSO) and this is not the case.
- Our referrals come from Lawyers, Crown's, Police, Corrections, Hospital, Family, Probation, Legal Aid, Community Service Providers, Court Support Workers, etc.

Referral Process

Referrals can be made in two ways:

- Contacting the DDJCM program in your area directly and speaking to one of the members of the team.
- Contacting Developmental Services Ontario and initiating a referral.

How to Contact Us

Jen Procop – London RSA Office

Serving: London, Middlesex, Oxford, Elgin, Huron, Perth, Grey and Bruce Counties
Phone # 1-519-433-7238, Ext. 2164

Anne-Marie Dodge – Windsor RSA Office

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