

MENTAL HEALTH COURT INFORMATIONAL SHEET

Enhancement of Mental Health Court Options

The Winnipeg Mental Health Court now has an option for those individuals on charge for offences that are suitable for Diversion.

The Crown will consider cases applying similar criteria as for any matter where a Diversion or Restorative Justice approach may be viewed as appropriate. Generally speaking, this will mean situations where the individual's record is minimal, unrelated or dated and the offence is not involving significant violence.

The key element for the MHC Diversion option is that there is (or is a suspected) mental health issue at play that was a factor in the commission of the offence.

It should be noted that:

1. Individuals suffering from FASD, ARND, Autism, Brain Injury will not be considered unless they have a co-occurring mental illness. Appropriateness will be assessed by the MHC treatment team.
2. Individuals who have a form of an organic brain issue such as dementia associated with Alzheimer's or late stage AIDS are not candidates for this specific form of diversion.

In line with the provisions of the Criminal Code, (s.717(f)), the Crown will have reviewed the file to determine that there is sufficient evidence to proceed with a charge and (s.717(e)), that the person accepts responsibility for the act or omission that forms the basis of the alleged offence.

This option will be managed on the Mental Health Court docket. This does not necessarily mean that a participant will have more than one Court appearance. After counsel has discussions with the Crown and the referral is made, counsel will ensure that the necessary consent form and medical information is made available. The person will be assessed by FACT's consulting psychiatrist for the determination of the medical suitability of the person for the program. The assessment will allow for the proper consideration of the approach offered to the person. This can include participation in the Seeking Safety Program. The SSP is an empirically supported program for working with individuals with a history of trauma and substance abuse developed to address these issues concurrently; topics address a range of safe coping behaviours across interpersonal, cognitive and behavioural domains. It is expected that participation in the Diversion (which may include personal meetings with the FACT Service Coordinator as determined) to last up to six (6) months. Successful participation will result in the charge being stayed by the Crown.

The goals of this approach are to:

- Stabilize mental health
- Develop interpersonal and personal management skills
- Connect to resources
- Address substance abuse issues
- Hold the individual accountable for their behaviour
- Encourage community engagement
- Reduce the risk of criminal re-involvement

Counsel are encouraged to assess the suitability of this option and speak with the Crown accordingly.

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