

The Intersection of Legal and Clinical Pathways:

Views from the Mental Health Perspective

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October 17, 2018

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Our sense....

- That the problem of SMI is getting worse in the CJ system
- Fears of increasing public risk
- Difficulty in assessing actual risk

Let's not commit the Gingrich error

- Interviewer: But crime rates are down
- Gingrich: No, that's your view...
- Gingrich: "Liberals have a whole set of statistics which may be theoretically right... but that isn't where the people are"
- Gingrich : "I will go with how people feel, I'll let you go with the theoreticians"

<https://www.youtube.com/watch?v=xnhJWusy4I>

What pathways are we talking about?

- The (broad) relationships between serious mental illness and criminality

Serious mental illness

Shared causative factors

E.g. adversity, substance use, limited personal resources

Disability

with poorer personal functioning, poverty and overcrowding

Symptoms of illness

Delusions of grandiosity, persecution
Command hallucinations
Mood disturbance

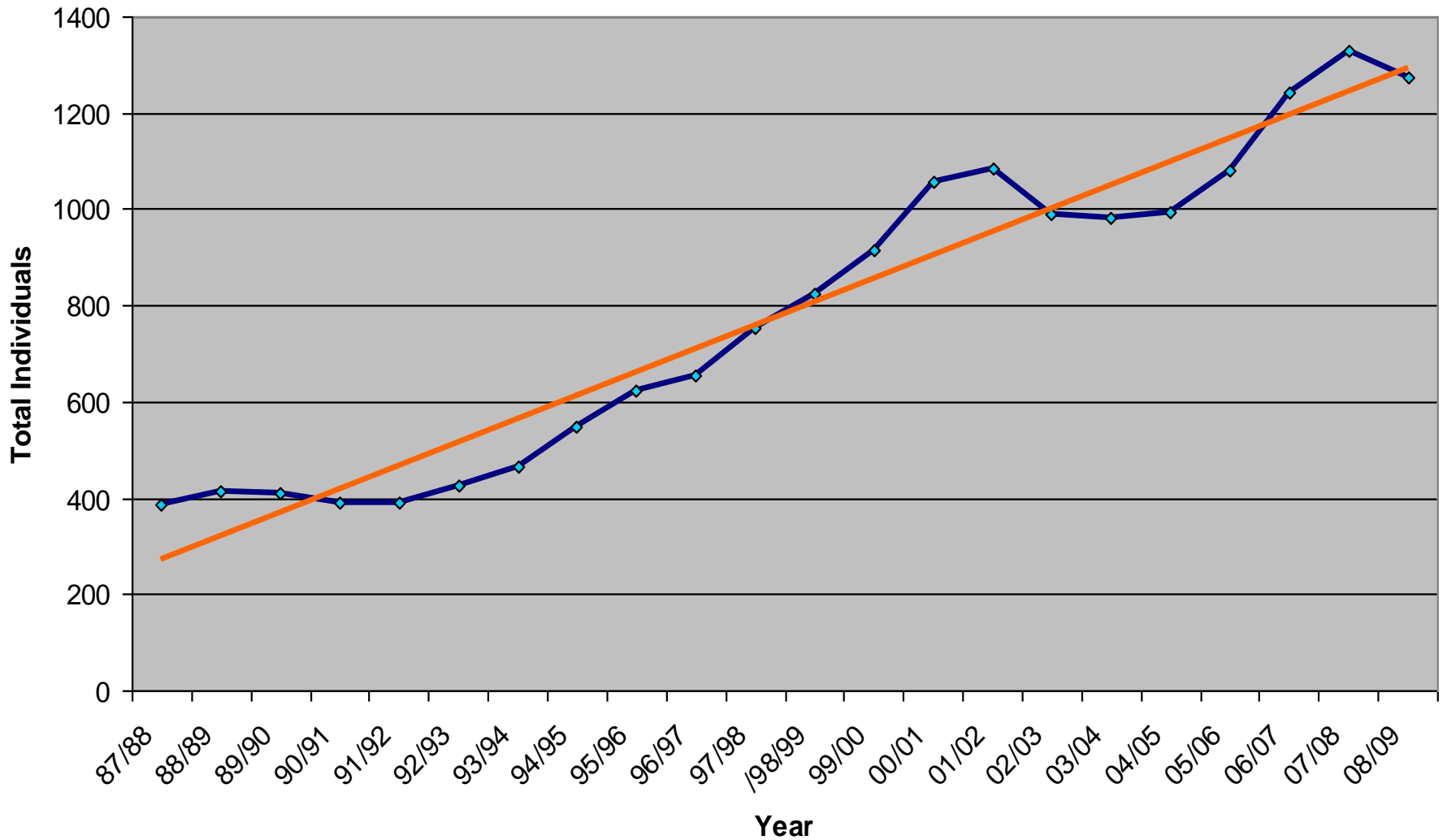
Violence

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**Are more
people with
serious mental
illness
behaving more
violently?**

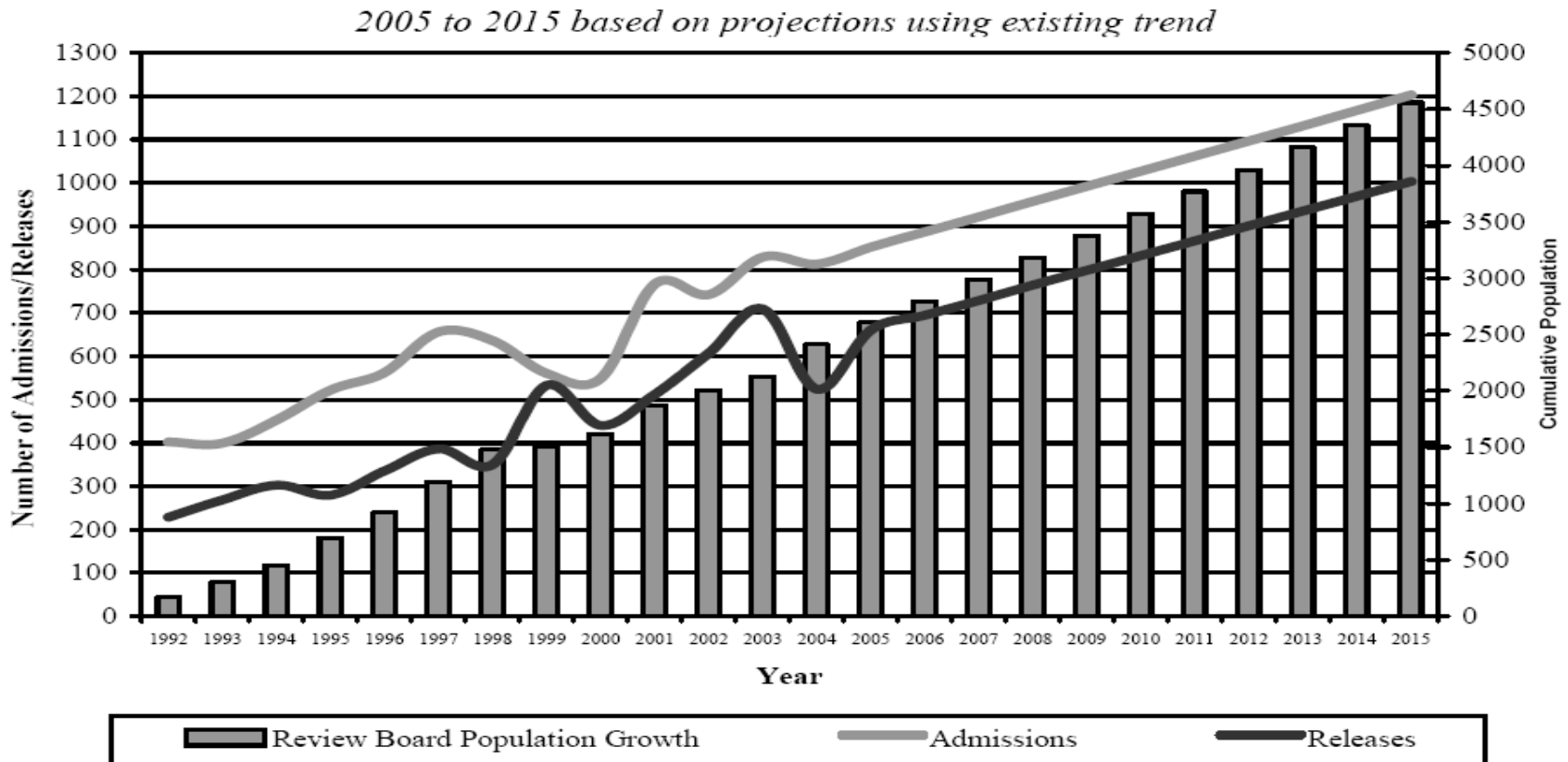
ORB patients in Ontario

Number of Individuals Under the ORB



Canadian Review Board Study (DoJ, 2006)

FIGURE 1:
ANNUAL ADMISSIONS, RELEASES AND REVIEW BOARD POPULATION GROWTH (1992-2015)



1. Releases includes all cases that were given an absolute discharge or returned to court and found fit, cases where the charges were withdrawn or stayed, cases that were transferred to another province, or cases where the accused died.
2. Population growth represents the accumulated difference between admissions and releases each year.

Actual number of people under Review Boards in Canada in 2017?

- DOJ projection (2006) = 4500
- Actual number (2018)= 4503

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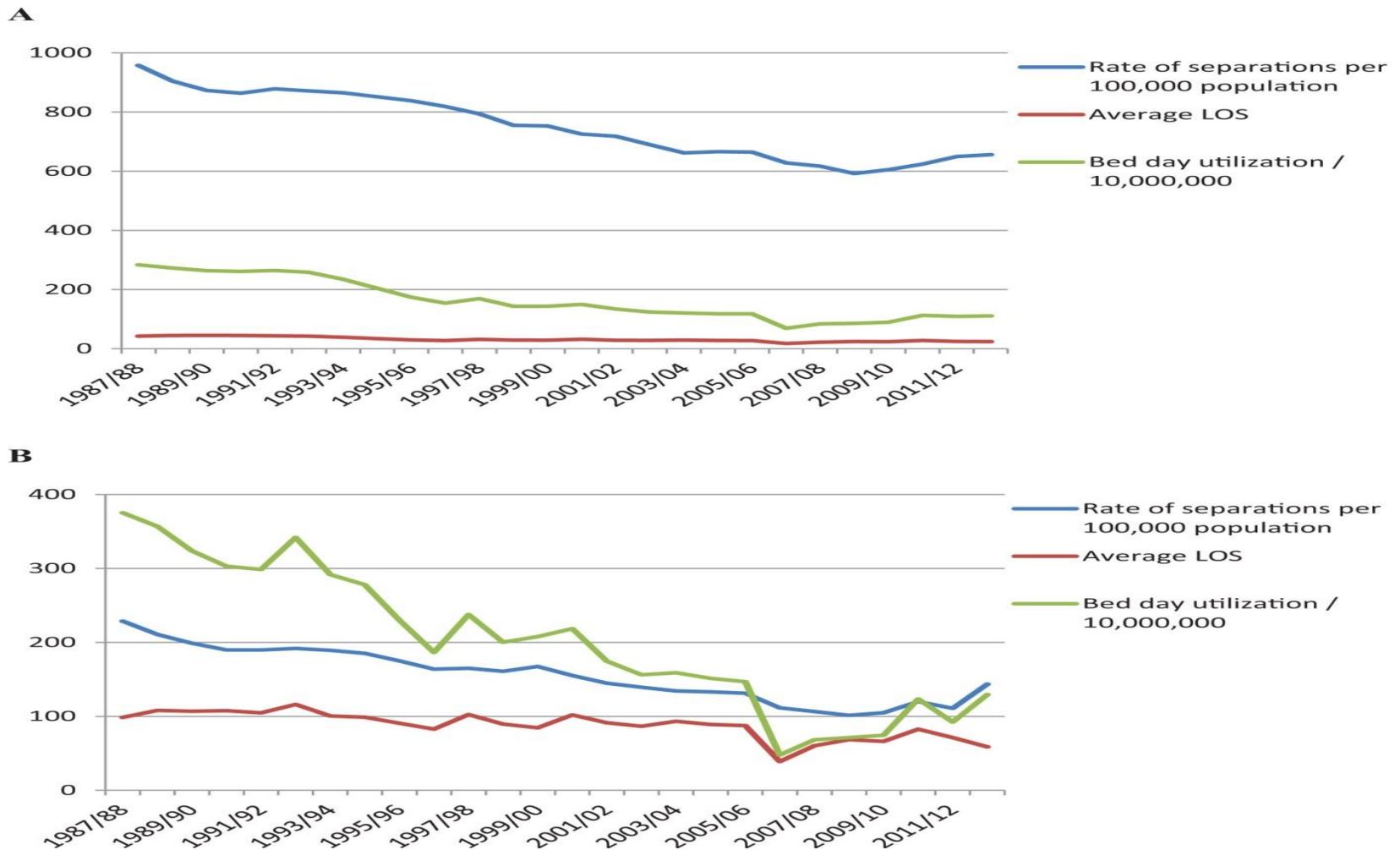


Figure 1. Annual number of separations, average length of stay, and bed day utilization for all mental health (A) and psychiatric hospital (B) admissions in Ontario, 1987 to 2012. Separations refer to the discrete number of discharges from all psychiatric hospitals in Ontario and include patient deaths. LOS, length of stay (days).

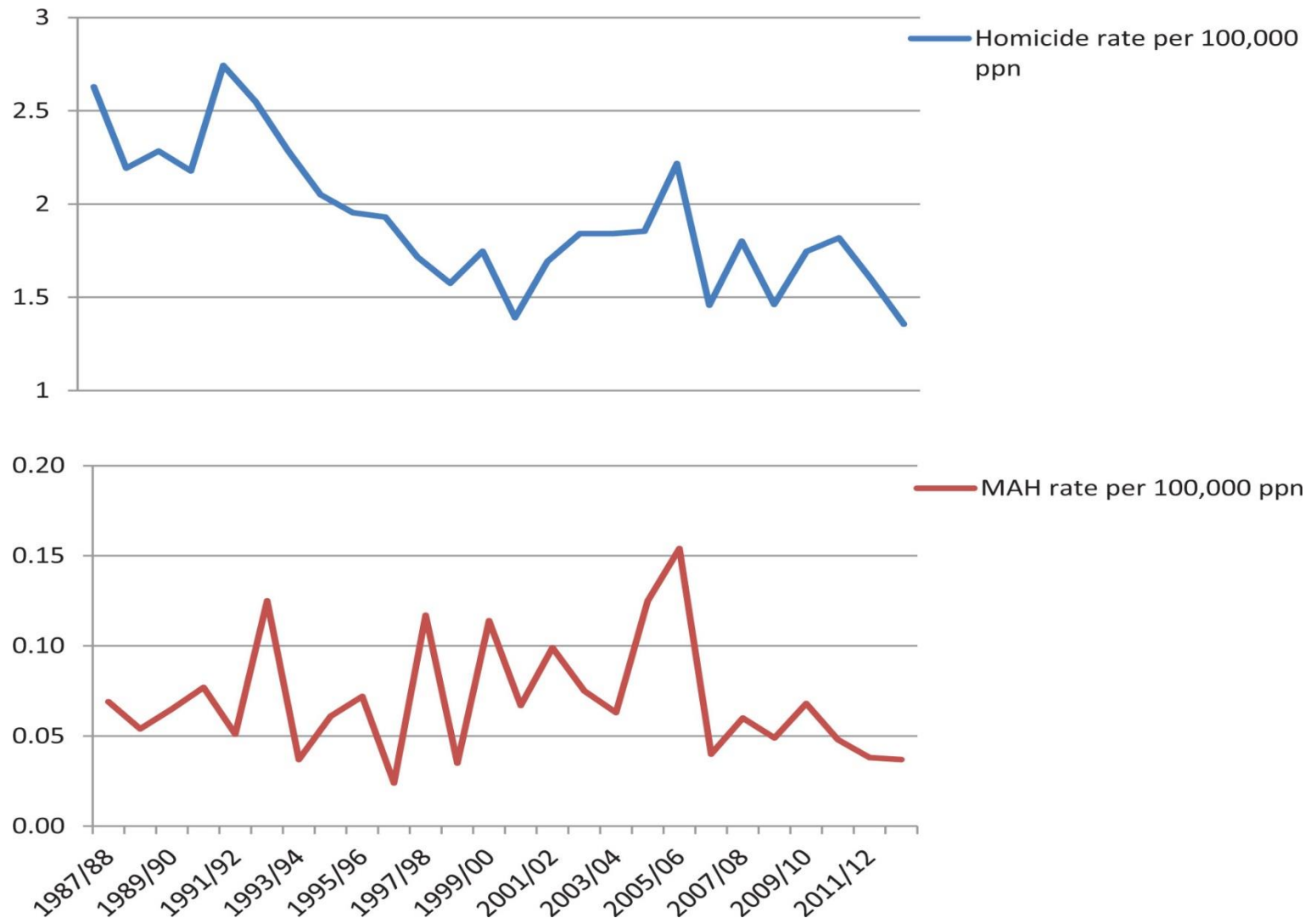


Figure 2. Rates of mentally abnormal and nonabnormal homicide in Ontario, 1987 to 2012.

Are more people with serious mental illness behaving more violently?

- No evidence for this
- But there is evidence of the Review Board system becoming more popular post 1992.

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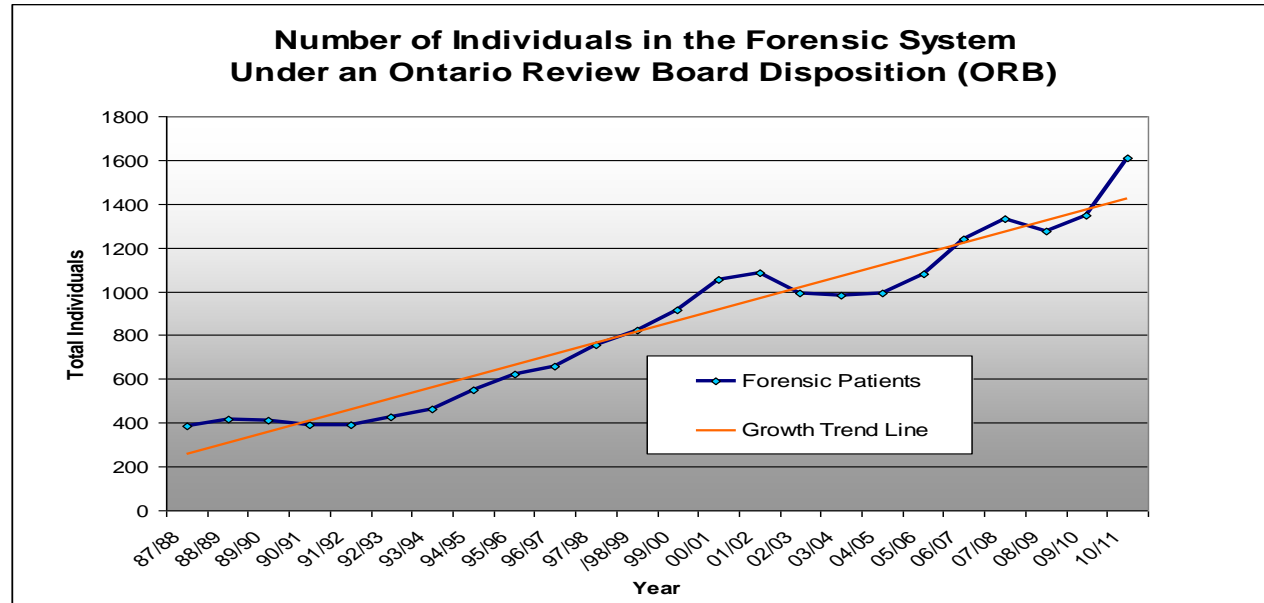
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Is there more crime on our communities and that is what is driving this?

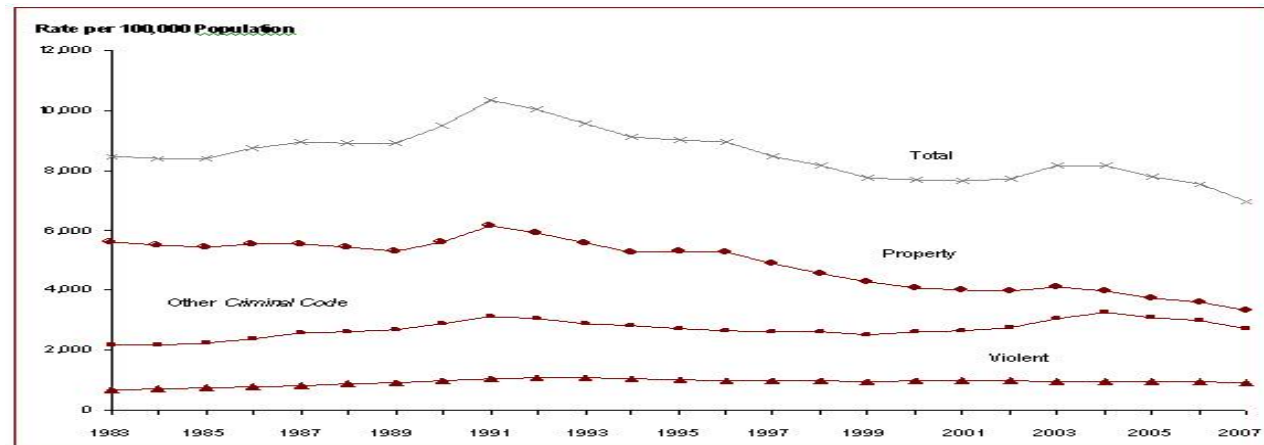
- A different question

So...

When ORB numbers have done this:



Crime has done this:



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Canada's incarceration static for last 20 years, above most Western European countries (still 114 in 2015)

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2007-08*
United States	618	649	682	682	699	700	701	714	723	762
New Zealand	127	137	150	149	149	145	155	168	168	185
Scotland	101	119	119	118	115	120	129	132	136	155
England & Wales	107	120	125	125	124	125	141	142	141	153
Australia	--	95	110	108	108	110	115	117	120	130
Canada	131	126	123	118	116	116	116	108	107	108
Austria	84	86	86	85	84	85	100	106	110	95
Germany	83	90	96	97	97	95	98	96	98	91
France	90	90	88	91	89	80	93	91	91	91
Italy	85	86	85	89	94	95	100	98	96	83
Switzerland	85	88	85	81	79	90	68	81	81	76
Sweden	65	59	60	59	64	65	73	75	81	74
Norway	52	53	57	56	--	60	59	65	65	69
Finland	58	56	54	46	52	50	70	71	66	64
Denmark	61	62	64	66	61	60	64	70	70	63

Source: World Prison Brief, International Centre for Prison Studies, retrieved October 2008

Is there more crime on our communities and that is what is driving this?

- So, no, it is not that crime is getting more common, or that we are detaining more people

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Are social conditions and personal disability driving criminal justice involvement of people with SMI?

- Poverty?
- Drugs?
- Housing
- A little data from the coal face....

CAMH Forensic Early Intervention Service

- A remand prison service in Vanier and Toronto o South Detention Centres
- We see 32 % of all male receptions, and 45% of all female, or about 2200 men and 1200 women each year
- All flag positive for mental health issues (including medication, prior admissions, current symptoms)
- Of these, @75% need to see a psychiatrist

What are they in for?

Offences:

- **Breaches of orders** @30%
 - Assault etc.: @25%
 - Drug offences @7%
 - Property offences: @25%
 - **Minor theft/public order:** @6%
- So almost half are crimes of poverty or disorganization....

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So the action really is..

The social policy failures related to housing, community mental health services, mental health legislation, disability and drugs of abuse

The courts, prisons and mental health services need to address these themes, and look for opportunities to make inroads.

Each of us has a role, not least to improve the social conditions that people with serious mental illness are confronted by.

Each a small response to a profound problem.

Thank You

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