

"Ambiguous Crossroads": Persons with Mental Health Problems and the Criminal Justice System



FRIDAY, FEBRUARY 1, 2013

Schulich School of Law, Dalhousie University
Halifax, Nova Scotia

This conference is intended to bring together many of the actors responsible for ensuring equitable treatment for persons with mental health problems who come into contact with the criminal justice system. As many challenging cases have revealed and as the ratification by Canada of the Convention on the Rights of Persons with Disabilities mandates, this is a time for change. Persons with lived experience and their advocates, police officers, lawyers and judges, among others, will collaborate to present and discuss the latest developments and preferred practices at the often difficult intersection of criminal justice and mental health. The goals of the conference include updating attendees, fostering discussion and enabling participants to emerge with better tools and firmer links to other justice, health and social service professionals and to the community.

Seeking and Finding: Locating Answers at the Intersection of the Criminal Justice and Mental Health Systems

Program Agenda

8 – 9 A.M.	REGISTRATION
9 – 10:30 A.M.	OPENING REMARKS AND PROGRAM OVERVIEW LIVING IN THE COMMUNITY

This module will begin by presenting an overview of the history of the ways in which the criminal justice system has responded to the needs of persons with mental health problems and will scrutinize both contemporary reality and future aspirations.

A panel whose members have intensive experience in the mental health community will review some of the major issues that remain to be confronted in the region.

Chair

Professor Archibald Kaiser, Professor School of Law, and Department of Psychiatry, Dalhousie University, Halifax, NS

Panel

Keith Brumwell, supporter of two family members living with mental illness, and Board Member, Halifax Dartmouth Branch, Canadian Mental Health Association, Halifax, NS

Peter Duke, Community Support, Education and Employment Counselor, Laing House, Halifax, NS

Bob Jollota, Employment Development Specialist, Lake City Employment Services Association, Dartmouth, NS

Dr Steve Ayer, Executive Director, Schizophrenia Society of Nova Scotia, Halifax, NS

Cynthia Carroll, Executive Director, Nova Scotia Autism Centre, Halifax, NS

Dr. Aileen Brunet, Forensic Psychiatrist and Clinical Director, East Coast Forensic Hospital, Dartmouth, NS

10:30 – 10:45 A.M.	HEALTH BREAK
10:45 – 12:00 P.M.	FIRST CONTACT WITH THE JUSTICE SYSTEM: PROVIDING POLICE SERVICES FOR PERSONS WITH MENTAL HEALTH PROBLEMS

Are there actually "Psychiatrists in Blue", or should there be? As one of the few 24/7 operations in the social service system, Police come in contact with mental health consumers in a myriad of ways and situations. Some interactions lead to the Criminal Justice System, deciding which do and which do not is a hotly contested topic. Expectations are high and Police have been working toward a better response mechanism through training, partnerships and specialized units. This section will feature serving police officers who have surveyed contemporary policing policies, practices and problems, urban and rural issues and responses.

- Emerging understandings of persons with mental health problems and the adaptation of police attitudes and services
- Ensuring respectful and peaceful outcomes
- Protecting the rights of suspects, witnesses and victims with mental health problems
- Developing awareness of the mental health dimensions when providing police services.

Delegates will hear from Police leaders on the approaches being undertaken to provide enhanced service, what seems to be working, the impact of location: urban vs. rural and the challenges that remain.

Chair

Deputy Chief Bill Moore, Halifax Regional Police, Halifax, NS

Panel

Constable Michael Alford, Court Liaison Officer, RCMP, Kings County District, Kentville, NS

Constable David Fairfax, Community Safety Resource Officer, RCMP, Annapolis County District, Bridgetown, NS

12:00 – 1:00 P.M. **LUNCH**

1:00 – 2:15 P.M. **ROLE EXPECTATIONS FOR CROWN AND DEFENCE COUNSEL**

Lawyers who are closely involved in different aspects of the relationship between persons with mental illness will discuss: Fitness and not criminally responsible determinations; lessons of experience from a mental health court; and the range of post-verdict issues, such as criminal review board dispositions, conditions of detention, risk assessments and prospective amendments to the criminal code.

Chair

Karen Hudson, QC, Executive Director, Nova Scotia Legal Aid, Halifax, NS

Panel

Mark Heerema, Crown Attorney, Special Prosecutions Section, Public Prosecutions Service, Halifax, NS

Terri Lipton, Crown Attorney, Dartmouth, NS

Connie MacIsaac, Nova Scotia Legal Aid, Halifax, NS

Roger Burrill, Nova Scotia Legal Aid, Halifax, NS

2:15 – 2:30 P.M. **HEALTH BREAK**

2:30 – 3:45 P.M. **COURTROOM DILEMMAS:
THE JUDICIAL ROLE AT THE JUNCTION OF
CRIMINAL JUSTICE AND MENTAL HEALTH**

Judges and a mental health professional will explore themes including: providing fair and responsive proceedings for accused/witnesses who have mental health issues; avoiding prejudice and suppressing stigma; addressing concurrent disorders (mental illness and addiction); sentencing challenges; judicial recommendations on sentencing offenders with mental health problems to custody; reports and assessments – what they contain and how they are utilized; Mental Health Court; and youth with mental health issues in conflict with the law.

Chair

Judge Anne Derrick, Provincial Court of Nova Scotia, Chair, *Hyde Inquiry*, Halifax, NS

Panel

Associate Chief Judge Pamela Williams, Provincial Court of Nova Scotia, Halifax, N.S. and presiding judge of the Nova Scotia Mental Health Court

Justice Peter Rosinski, Supreme Court of Nova Scotia, Halifax, NS

Dr. Andrew Starzomski, Clinical and Forensic Psychologist, East Coast Forensic Hospital, Halifax, N.S.

3:45 – 4:25 P.M. **PUTTING THE PIECES TOGETHER**

Representatives from the criminal justice system will examine what was learned and what needs to be done or how to implement the lessons of the conference; more effective collaboration in the face of a history of silos; maintaining vigilance about the mental health of justice participants; unanswered questions and ongoing challenges. *The Audience will be encouraged to pose questions and to make comments.*

Chair

Justice Joel Fichaud, Nova Scotia Court of Appeal, Halifax, NS

Panel

Professor Archibald Kaiser, Professor School of Law, and Department of Psychiatry, Dalhousie University, Halifax

Deputy Chief Bill Moore, Halifax Regional Police, Halifax, NS

Judge Anne Derrick, Provincial Court of Nova Scotia, Halifax, NS

Mark Heerema, Crown Attorney, Special Prosecutions Section, Public Prosecutions Service, Halifax, NS

Roger Burrill, Nova Scotia Legal Aid, Halifax, NS

4:25 – 4:30 P.M. **CLOSING REMARKS**

Program Organizing Committee

Co-Chairs

Judge Anne Derrick, Provincial Court of Nova Scotia, Chair, *Hyde Inquiry*, Halifax

Justice Joel Fichaud, Nova Scotia Court of Appeal, Halifax

H. Archibald Kaiser, Professor, Schulich School of Law and Department of Psychiatry, Dalhousie University, Halifax

Members

Constable Michael Alford, RCMP Court Liaison Officer, Kings County, Nova Scotia

Staff Sergeant John D. Ennis, Advisory NCO Southwest Nova (District), New Minas, Kings County, Nova Scotia

Constable David Fairfax, Community Safety Resource Officer for the RCMP in Nova Scotia

Ms. Emma Halpern, Equity Officer, Nova Scotia Barristers' Society, Halifax

Deputy Chief Bill Moore, Halifax Regional Police, Halifax

Beth Symes, C.M., LSM, Symes Street Millard, LLP, Toronto

Who will attend?

**Judges • Adjudicators • Crown and Defence Counsel
Law enforcement professionals • Mental Health Providers
Legal and Mental Health Professionals • Court Administrators.**