

The Toronto Mental Health Court— Decriminalizing People with a Mental Health Disability

During the mid-1990s, officials noticed a significant increase in the number of accused persons suffering from mental disorders who were appearing in court. Most were charged with relatively minor offences. It became clear that the regular criminal courts were not equipped to handle these cases. There were delays and inefficiencies in dealing with preliminary issues such as fitness hearings. For the most part, other options for people with a mental health disability were not being fully explored. The accused would often spend several weeks (if not months) in jail waiting for a trial date to be set or for the matter to be resolved.

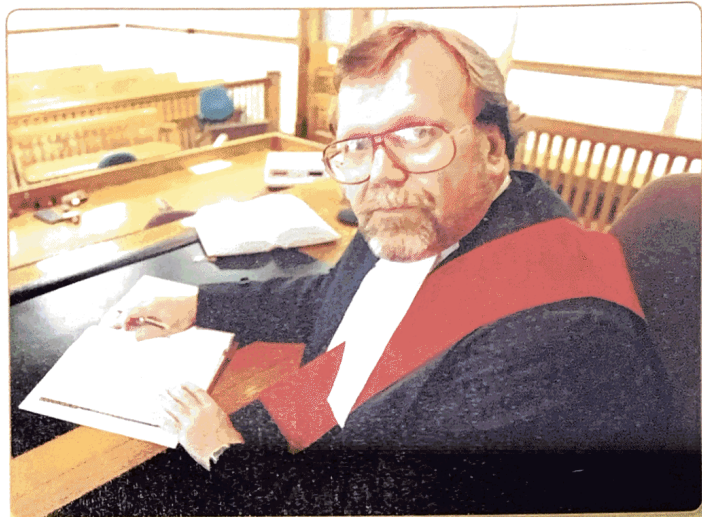
As well, mentally disordered accused persons were returning to court at an alarming rate because of repeated trouble with the law. In August 1997, this growing problem was brought to the attention of the justice officials. It was proposed that a court be set up to specifically accommodate mentally disordered accused persons. The Mental Health Court was opened in May 1998. It was the first in Canada and one of the first in the world. It was the only one (to date) to address the complex issues involved in dealing with mentally disordered accused persons.

The two primary objectives of the Mental Health Court are to do the following:

1. Deal with pre-trial issues of fitness hearings quickly and efficiently.
2. Try to slow down the “revolving door” of patients with a mental health disability returning to court for minor offences.

The court has also taken on the broader mandate of accommodating mentally disordered accused persons during NCR hearings and disposition hearings.

The Mental Health Court is staffed by two permanent Assistant Crown attorneys for the prosecution and two legal aid lawyers for the defence. There are nine social workers attached to the court. Every day, a psychiatrist attends to perform assessments on any individuals appearing before the court.



Justice Edward Ormston (shown here) was instrumental in making changes to the court system in the area of mental health. The Toronto Mental Health Court has a courtroom devoted to hearing mental health cases, as well as a designated judge. On May 11, 2008, the Mental Health Court in Toronto celebrated a decade of working on behalf of the mentally disordered accused.

The Mental Health Court assists with discharges of accused persons into the community. Staff try to ensure that when an accused leaves the court, he or she has a basic “survival kit.” This kit includes identification, a place to live, community psychiatric follow-up, social assistance, and clothing.

For Discussion

1. Identify the reasons why the Toronto Mental Health Court was established.
2. What are the objectives of the court?
3. Do you think that more communities should establish similar courts? Explain.
4. Do you think mental health courts are a good idea? Why or why not?