

NAVIGATING THE CRIMINAL JUSTICE SYSTEM



A Guidebook for those with Mental Health
needs in
Chatham-Kent

A publication of the Chatham Kent Human Services and Justice Coordinating Committee

PREFACE

The Chatham Kent Human Services and Justice Coordinating Committee is committed to providing education and information to ensure that individuals with mental health and developmental disabilities can access the resources and supports that they need when in contact with the justice system.

Debbie Wittenwerth, Chair
Chatham Kent HSJC

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Please Note:

The contents herein are for general information purposes only and are not a substitute for actual legal advice from a qualified lawyer. Nothing contained herein is binding on any of the participants.

FOREWORD

There are few experiences in life more daunting than being brought before the Court charged with a criminal offence. The justice system in Canada has evolved over centuries with the development of principles and procedures intended to deliver a fair and just result in each case. For most persons facing charges, the complexity of the law can be intimidating and confusing.

This can be particularly true for those accused persons who are suffering from a form of mental illness as well as their families. It is important therefore that information concerning the process and resources available to assist persons and their families be disseminated throughout the community.

Judges are directed to consider a number of factors in their treatment of such members of our community. Frequently it is apparent that the individual's conduct in the community cannot be condoned, but at the same time, timely and focused treatment of the person with mental health difficulties is the best course of action to avoid repetition of the unacceptable conduct and to ensure the safety and well-being of the community at large. Many cases are able to be diverted, that is disposed of without the necessity of a conviction. In these cases it is important to ensure that the individual is reconnected to a treatment plan that can be sustained in the community, thereby reducing the likelihood of a repeat of the offending behaviour.



It is important therefore that the offender be reconnected to the community in a thoughtful and organized way, to ensure that the resources best suited to the needs of offender are delivered as part of the holistic approach to rehabilitation.

I am thankful to the authors of this booklet for their efforts to shine a bright light on the communal resources available to support members of our society most in need.

The Honourable Justice Stephen Leith

TABLE OF CONTENTS

| | |
|---|-------|
| Preface | iii |
| Acknowledgements | iv |
| Foreword | v |
| Your Rights With Police | 5-6 |
| Police And Mental Health | 7 |
| Getting A Lawyer | 8 |
| Legal Advice | 9 |
| Bail | 10 |
| Court Support Program | 11 |
| Mental Health And Justice Program | 12 |
| Court Support And Diagnosis | 13 |
| Assessments | 14 |
| If You Are Hospitalized | 15 |
| Mental Health Division | 16-17 |
| Eligible Offences | 18 |
| Offences That Are Ineligible | 19 |
| Types Of Offences | 20 |
| What Can Be Expected During A Trial | 21-22 |
| Appeals | 23 |
| Legal Terms | 23-30 |
| Community Resources Chatham-Kent | 31-39 |
| Web Sites | 39 |
| References | 40 |

YOUR RIGHTS WITH POLICE

When can a police officer stop me on the street?

Although a police officer can attempt to speak to you at any time, a police officer can typically only stop you for three reasons:

1. The officer believes you have committed a crime.
2. The officer sees you committing a crime.
3. If you are driving a vehicle.

Does the police officer have to tell me why they stopped me on the street?

Yes. They must also tell you their name and badge number if you ask. If the police officer refuses you can file a complaint.

Do I have to answer a police officer's questions or tell him my name?

You do not have to answer any questions that a police officer asks. You also do not have to tell them your name unless you are driving a car. If the police believe you have committed a crime and you do not tell them your name they can arrest you and take you to the police station until they find out who you are.

Can a police officer search me?

Typically, a police officer can only search you and your immediate surroundings if you have been arrested or are lawfully detained. Generally speaking, they cannot open any closed container (backpack, purse, drawer, closet, closed door etc.) without a warrant. If you believe the police have improperly searched you, you can file a complaint and/or contact a lawyer. If you file a complaint, you will need the officer's name and badge number. If you are detained temporarily the police can frisk you to make sure you do not have a weapon.

What if the police are speaking to someone who does not understand English?

If someone does not understand what a police officer is saying a family member or friend can help the person speak to the police. If there is nobody around, the police officer has a list of interpreters who they can ask for help. Never sign anything unless you fully understand what it means! If you do sign anything, make sure your lawyer is in the room.

YOUR RIGHTS WITH POLICE

If You Are Arrested

If you are arrested, you have rights!

Your rights are:

1. To be told why you are being arrested.
2. To get a lawyer. If you cannot afford a lawyer, you will be told how to get a free lawyer (Legal Aid Counsel).
3. If you are under 18, you also have the right to speak to a parent or guardian.

Please Note: Anything that you say might end up being used against you in court.

Options for Release

If you have been arrested, the police can choose to release you until your first court date. You will be given an appearance notice to let you know when you will have to go to court. Police also have the option to serve you with a summons to make you attend court. However, if the police choose not to release you, you will go to court before a Justice of the Peace within 24 hours of your arrest. During bail court, the Justice of the Peace will decide if you will stay in custody until your trial.

Filing a Complaint about the Police

For a complete list of who can file a complaint, please visit the Office of the Independent Police Review Director (OIPRD) website (below). The complaint must be made before six months has passed. The complaint must be written in a signed letter or on a form that is available at the police station or online at www.oiprd.on.ca. The Director may decide to deal with a complaint after six months and will consider:

- If the complainant is a minor or is under a disability
- If the complainant is subject to a criminal proceedings
- Whether it is in the best interest of the public to proceed with an investigation

Complaints must be mailed to, or visit in person at:

Office of the Independent Police Review Director
655 Bay Street, 10th Floor
Toronto, ON M7A 2T4
Toll-free phone: 1-877-411-4773

Chatham-Kent Police Services
or Box 366 24 Third Street
Chatham, ON N7M 5K5

POLICE AND MENTAL HEALTH

Some Chatham-Kent officers are trained in the field of mental health. If there is a crisis involving someone with a mental health condition ask for a trained HELP team officer when calling 911 or indicate that it is a mental health related concern.

HELP Team

The Chatham-Kent Police Service has approximately 66 Sworn and Civilian members who have received specialized training in various mental health diseases as well as tools and services available in the community. The HELP Team has received Federal, Provincial and local recognition for its innovative ways of dealing with mental health related incidents.

Emergency (Fire, Ambulance, Police): 911

Non-Emergency Police Response Needed: 519-352-2334 extension 0

HELP Mobile Crisis Team (MCT)

The Mobile Crisis Team is a partnership between the Chatham-Kent Police Service and Chatham-Kent Health Alliance (CKHA). The Mobile Crisis Team has a HELP Team trained Constable with a CKHA Mental Health and Addictions Crisis Nurse. Together they respond to and follow up on mental health related incidents providing psychiatric assessments appropriate for individuals at the scene. The MCT provides support to front line members, builds and maintains relationships with community partners and develops various proactive measures establishing a trust between Police and persons affected with mental health issues.

Emergency (Fire, Ambulance, Police): 911

Non-Emergency Police Response Needed: 519-352-1234 extension 0

GETTING A LAWYER

Your lawyer works for you and together you will make the best decisions about your case. It is important for you to tell your lawyer everything so that he or she can defend you properly. Your lawyer cannot tell anyone what you say unless you say that you are going to commit another crime in the future.

Duty Counsel is a lawyer available in the court house for people who do not have a lawyer and meet financial criteria. Duty Counsel can represent you in Bail Court, First Appearance Court, and assist with Resolution. You may hire your own lawyer or if you cannot afford a lawyer, you may apply for legal aid.

Duty Counsel

Legal Aid Ontario

Courthouse, 425 Grand Avenue West

Chatham, ON N7M 6M9

Phone: 519-354-6231

Legal Aid is available to low-income individuals for a variety of legal problems including criminal matters if jail is probable. They also assist in family disputes, immigration and refugee hearings. If you are in court you may make an application at the courthouse. The application offices are on the ground floor or you may call toll-free and do your application over the telephone Monday to Friday 8 a.m. – 5 a.m.

Legal Aid Ontario

Courthouse, 425 Grand Avenue West

Chatham, ON N7M 6M9

Phone: 1-800-668-8258

LEGAL ADVICE

Chatham Kent Legal Clinic offers free legal advice, social benefits law (including Ontario Works and the Ontario Disability Support Program), and applications to the Criminal Injuries Compensation Board. Call to make an appointment. Legal Assistance of Kent will not provide a lawyer to represent you in court.

Chatham Kent Legal Clinic
6 Harvey Street
Box 97
Chatham, ON N7M 5K1
Phone: 519-351-6771



Please Note: You can choose to represent yourself in court.

BAIL

Bail Hearing

The outcome of the bail hearing will decide if you should be released or stay in custody until your trial date. Your lawyer will advocate for your release from custody. The Crown Attorney will typically have to prove:

1. Why you should not be released until your trial.
2. Why you should be released with conditions.

The Justice of the Peace will decide whether or not to release you on bail. You will not be released if the Justice of the Peace thinks:

1. That you are not going to show up for your next court date.
2. That you will, generally speaking, place the public in danger.
3. You need to be detained to maintain confidence in the administration of justice.

Bail Order

If you are released, the Justice of the Peace will issue a bail order to make sure that you show up for court and will also address other issues of concern.

There are three types of bail orders:

1. Undertaking: a signed promise that you will return to court.
 2. Personal Recognizance: a signed promise that you will return to court on a certain day and follow the conditions of your release.
 3. Recognizance with a Surety: a promise from one of your friends or family that he or she will make sure that you go to court and follow the conditions of your release.
- There are also situations where a cash deposit may be required.

Numbers 2 and 3 involve monetary pledges. In Canada, typically you do not have to actually pay the sum of money to be released, but if you do not show up for court you will have to pay the amount set in the bail order.

Some conditions on a bail order may be:

1. Staying away from certain places or people.
2. Staying close to home (no travelling).
3. Reporting to the police/probation office or bail supervisor.
4. Not having a weapon.
5. Living at a certain place.
6. Abiding by a curfew.
7. Abstaining from alcohol and non-medically prescribed drugs.

COURT SUPPORT PROGRAM

The Canadian Mental Health Association Lambton Kent's Mental Health Court Support service provides support to individuals with a serious mental illness who have been charged with criminal offenses. The worker assists with the process of Mental Health Diversion when indicated, develops support plans and provides consultation to individuals and to link them to mental health services in the community. Linkages to the mental health system and education are also provided to family members and friends, legal personnel, health/mental health service providers and the greater community.

The Court Support Program offers support services to residents of Chatham-Kent who are sixteen years-of-age and older and:

1. Are experiencing a serious mental illness and/or mental health symptoms,
2. Have become involved with the Criminal Justice System as a result of their mental health symptoms.

If you have not been diagnosed with a mental illness, but you are experiencing mental health symptoms, you are eligible for an assessment.

Services include:

- Initial assessment
- Client identification
- Assessment of needs
- Assertive outreach and linkage
- Referral to mental health services
- Client and systemic advocacy
- Counseling
- Mental health education
- Medication management
- Personal goal development

No fees are charged for this service. Funding is provided through the Erie St. Clair Local Health Integration Network (ESCLHIN).

MENTAL HEALTH AND JUSTICE PROGRAM

Release From Custody

The Release from Custody worker provides intensive case management for persons affected by a serious mental illness that have recently been released from custody. These services may include linking clients to housing, financial support, medical and psychiatric care, medication, and one-on-one support.

Supportive Housing Diversion

The Mental Health & Justice supportive housing program provides rent-subsidized housing and case management support to people with mental illness who are homeless and are involved with the justice system.

Concurrent Disorders Justice

Concurrent disorders include persons with a mental health illness as well as an addiction. This program provides intensive case management for persons with concurrent disorders who have or may become involved with the Criminal Justice system.

Canadian Mental Health Association
Lambton Kent Branch
240 Grand Avenue West Suite 100
Chatham ON N7L 1C1
Phone: 519-430-6100



No fees are charged for these services. Funding is provided through the Erie St. Clair Local Health Integration Network (ESCLHIN).

COURT SUPPORT DUAL DIAGNOSIS

Regional Support Associates
Justice Dual Diagnosis Case Manager
330 Richmond Street Suite 102
Chatham, ON
Phone: 519-354-2156
or
Administrative Secretary
Toll Free: 1-800-640-4108

The *Justice Dual Diagnosis Case Manager* provides short-term case management to assist with navigating the criminal justice process. Referral to longer term supports for ongoing intervention, individualized assessment, and referral to specialized supports is also available.

This program is available to people 18 years-of-age and older with a dual diagnosis (developmental disability and a mental health need, which does not have to be a serious mental illness). The individual can be at any stage of contact with the justice system (i.e. pre-arrest, police contact, charged and in court process, discharge from a correctional facility, probation, etc.). The services provided vary depending on the needs of the individual.

Please Note: Anyone can make a referral.

ASSESSMENTS

Criminal Responsibility

A person living with a mental illness may be found not criminally responsible on account of mental disorder. An assessment can be made under the Criminal Code of Canada to determine if a person's mental state, at the time of the crime, made him or her incapable of appreciating the nature and quality of their act or omission, or of knowing that it was wrong.

Fitness to Stand Trial

An assessment can be made under the Criminal Code of Canada to determine if a person is unfit to stand trial because a mental illness prevents him or her from:

1. Understanding what happens in court
2. Understanding the possible consequences of what happens in court
3. Communicating with and instructing his/her lawyer



Orders under the Mental Health Act

The court can order an assessment of the accused under the Mental Health Act (MHA) to help:

1. Determine the nature of a person's illness and recommend treatment options
2. Assist the court in determining sentencing options

IF YOU ARE HOSPITALIZED

Psychiatric Patient Advocate Office (PPAO)

The PPAO provides advocacy services to people who are in psychiatric facilities and people in the community.

Psychiatric Patient Advocate Office

Toll Free: 1-800-578-2343



Rights Advisor

Make sure that people are informed of their rights when their legal status is changed or when decisions are being made regarding their voluntary status. If the person is not capable of making decisions about their treatment, then their substituted-decision maker (SDM) must have the rights advice.

If for any reason you should end up hospitalized for mental health issues, you have a right to speak to a rights adviser.

Chatham-Kent Mental Health and Addictions Program

80 Grand Avenue West

Chatham, ON N7M 5L9

Phone: 519-351-6144

MENTAL HEALTH DIVERSION

People living with a serious mental illness or a developmental disability may access alternatives to criminal prosecution. This process is known as mental health diversion. If the Crown Attorney believes that symptoms of mental illness are related to the criminal activity, he or she may determine that mental health diversion is an appropriate option.

The Crown Attorney decides whether mental health diversion is appropriate or if the person should be prosecuted for the charge(s). If the Crown Attorney decides that mental health diversion is an option, the Court Support Worker can help the person to set up a mental health treatment plan in the community to divert the individual out of the criminal justice system and back into the mental health system. Supports are put into place to reduce the possibility of recidivism. If the Crown Attorney decides that mental health diversion is not appropriate, the Court Support Worker still works to put supports in place as he/she navigates the criminal justice system through resolution of the matter currently before the Court.

Who is Eligible?

Any individual 16 years-of-age or older living with a mental illness who has been charged with a criminal offence (see Eligible Offences). The person must volunteer for diversion. If diverted, then no guilty plea is entered. The person must also be fit to stand trial and criminally responsible to be eligible for mental health diversion.

Canadian Mental Health Association

Lambton Kent Branch

240 Grand Avenue West Suite 100

Chatham, ON N7L 1C1

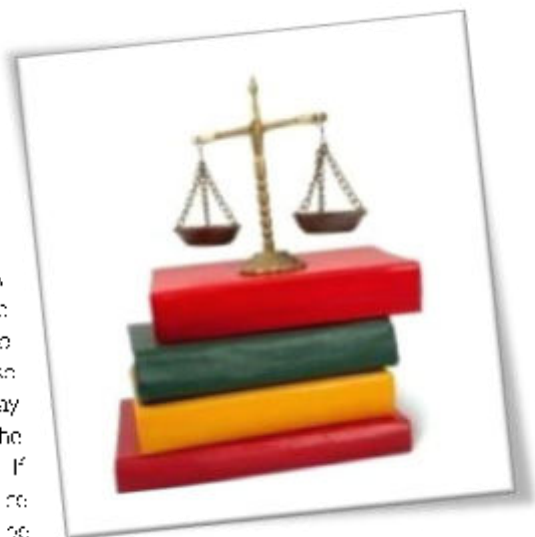
Phone: 519-436-6100

MENTAL HEALTH DIVERSION

Possible Outcomes of Mental Health Diversion

If the Crown Attorney agrees that mental health diversion is appropriate, there are three possible outcomes:

1. **Stay of Proceedings:** Once a treatment plan has been approved, the charges may be stayed for a period of one year. If you continue to follow your treatment plan and are doing well in the community, the Crown Attorney will not proceed with the charge(s). If there are new charge(s), you may be brought back to court for the original charge(s) and for the new charge(s).
2. **Peace Bond:** The court may be asked to impose a peace bond. This is a court order requiring you to keep the peace and be of good behavior. Peace bonds are usually used in situations where there is a known victim of the crime (such as minor assaults, harassment, or threatening). A peace bond order always tells the person accused of the crime to "keep the peace," but it may also have other conditions. These may include not communicating with the victim for a maximum of one year. If the peace bond is broken, the police can be called and legal action can be taken.
3. **Withdrawal of Charges:** Once your charges have been diverted, the Crown Attorney will withdraw them.



ELIGIBLE OFFENCES

There are three classes of offences. Only Class 1 and Class 2 are eligible to be considered for Mental Health Diversion. The classes are as follows:

Class 1:

- Theft under \$5,000
- Possession under \$5,000
- Joyriding
- Mischief under \$5,000
- Fraud and false pretences under \$5,000
- Food, travel and accommodation frauds
- Causing a disturbance

Class 2:

- Offering threats
- Public mischief
- Resisting arrest
- Fraud
- False pretences
- Soliciting
- Criminal breach of contract
- Simple Assault
- Dangerous driving (no bodily harm or death)
- Break and enter
- Theft
- Forgery
- Mischief to property
- Obstruction of justice

Class 1 and 2 offences may be eligible depending on the discretion of the Crown Attorney counsel.

The decision about eligibility will depend upon the Crown Attorney counsel's assessment of:

1. The circumstances of the offence
2. The circumstances of the accused
3. The needs of the community, including the victim

The more an offence resembles an ineligible offence, the less likely it is to be accepted for a program of treatment or supervision. The more it resembles a presumptively eligible offence, the more likely it is to be accepted.

OFFENCES THAT ARE INELIGIBLE

Class 3:

- Murder, manslaughter, infanticide
- Criminal negligence causing death
- Dangerous driving (with death or bodily harm)
- Any offence causing serious bodily harm
- Impaired driving
- Offences involving firearms
- Criminal organization offences
- Kidnapping
- Spouse/partner offences
- Child abuse
- Offences involving child pornography
- Sexual offences
- Specific hate offences
- Home invasions
- Perjury

Class 3 offences are never eligible for mental health diversion.



TYPES OF OFFENCES

Summary Offence:

A less serious offence than an indictable offence, these offences are tried in provincial courts without a jury. The maximum punishment for most summary offences is a fine of \$2000 and/or a jail sentence of six months.

Indictable Offence:

Includes more serious crimes, the person being charged with an indictable offence can, in most cases, choose to have a trial in either a Provincial Court or a Superior Court. The person also has the choice to be tried by a provincial court judge, a superior court judge sitting alone or with a jury.

WHAT CAN BE EXPECTED DURING A TRIAL

Adjournments

Adjournments are short court appearances used to schedule your court matter for another date. This may be necessary to:

1. Help you become stable in the community
2. Organize a treatment plan
3. Ensure good housing and support has been accessed in the community

Preliminary Inquiry

A preliminary inquiry is scheduled for indictable offences. It helps the judge decide if there is enough evidence to prosecute the person. If there is enough evidence a full trial will be scheduled. If there is not enough evidence the case will be dropped.

ENTERING A PLEA

Guilty: If you plead guilty there will be no trial. The judge will listen to facts about the crime, and sometimes witnesses from both sides, and will then make a decision about the sentence. In some situations a plea bargain will be agreed to if the person accused of the crime pleads guilty. A plea bargain may include:

1. Dropping some of the charges
2. Reducing the charge to a lesser charge
3. Asking for a lighter sentence

If you plead guilty, the judge may order that you arrange to meet with a Probation Officer at a set date and time to complete a Pre-Sentence Report. The purpose of the Pre-Sentence Report is to help the judge to learn more about you in order to aid in your sentencing.

WHAT CAN BE EXPECTED DURING A TRIAL

Not Guilty: If you plead not guilty there will be a trial and the Crown Attorney will have to prove you are guilty beyond a reasonable doubt.



Treatment Plans

A team of dedicated Judges, Crown Attorneys, Defence Counsel, Mental Health Court Support Workers and Mental Health Professionals may come together to discuss treatment plans that are based on your individual needs.

Verdicts

The verdict is the Judge or Jury's decision in a trial. For persons with a mental illness there are three possible verdicts:

Acquittal: If you are acquitted of the charge(s) this is a finding of not guilty. You are free to go.

Guilty: If you are found guilty and receive a criminal sentence special consideration may be given during sentencing. This means that your treatment plan will be considered during sentencing.

Not Criminally Responsible (NCR) on Account of Mental Disorder: The court can decide on a disposition which will be reviewed by the Ontario Review Board (ORB) each year. If the court does not decide on the disposition issue, the case is transferred to the ORB. The ORB will hold a hearing and decide on a disposition no later than 45 days after the verdict of NCR made by the court.

Adult Sentences

If found guilty, you may be:

1. Sentenced to a term of imprisonment.
2. Released into the community on a non-jail sentence, sometimes with strict conditions.

The sentences may be:

1. Concurrent sentences: More than one sentence served at the same time.
2. Consecutive sentences: Sentences run separately and begin one after the other.
3. Intermittent sentences: Custodial sentence of up to 90 days served on specific days only and not every day of the week.
4. Conditional sentences: A term of up to two years less a day that is served in the community under supervision rather than in jail.

WHAT CAN BE EXPECTED DURING A TRIAL

Youth Sentences

If found guilty, you may be sentenced to any of the following:

1. Reprimand
2. Absolute Discharge
3. Conditional Discharge
4. Fine to a maximum of \$1,000
5. Compensation
6. Restitution
7. Attendance Order
8. Community Service
9. Probation
10. Custody and Community Supervision
11. Intensive Support and Supervision Program

APPEALS

Anyone found guilty of breaking the law may ask a higher court to review what happened at the trial. An offender may file an appeal against the conviction and/or the sentence. The Crown may also appeal against an acquittal or a sentence, but, generally speaking, the Crown's right to appeal is much more restricted than that of the offender.



In which court will the appeal be heard?

The court will be different depending on the type of crime. Cases that usually have less serious penalties are called "summary conviction offences". These cases are appealed to the Superior Court of Justice and are heard before a judge of that court in the community where the trial was conducted.

Cases that usually have more serious maximum penalties, such as murder, are called "indictable offences" and are appealed to the Court of Appeal for Ontario, which sits in Toronto.

LEGAL TERMS

Absolute Discharge: A court decision made when, in the best interests of the accused and not contrary to the public interest, a person who has been found guilty of, or pleads guilty to, an offence under the Criminal Code or other federal legislation, is relieved from sentencing by that court, without conditions. The offender has no record of a criminal conviction for employment purposes. The offender does have a record of a finding of guilt.

Accused: A person who is charged with a criminal offence; the defendant in a criminal case.

Acquittal: A finding of not guilty in a criminal case.

Adjournment: The postponement of a hearing or court sitting, usually because the scheduled proceedings were not completed or ready to commence.

Adult Detention: The temporary care of adults in physically restricted facilities usually referred to as jails, detention centres, or lockups, pending court disposition or transfer to another jurisdiction or agency.

Alias: An assumed name.

Appearance Notice: A document that requires a person to appear in court to answer to charges against them in a criminal case.

Arrest: The act of restraining, seizing, or physically detaining a person by legal authority.

Arrest Warrant: The document signed by a judge or a justice of the Peace, authorizing those to whom it is addressed to apprehend a person and bring that person before a justice of the Peace.

Bail: The term refers to the form of release in which an amount of contingent cash is pledged by the accused as a condition of release pending trial ("his or her own bail"), or by his or her "surety" (a "surety bail") or, in some limited circumstances, the accused must make a cash deposit ("cash bail").

Bail Hearing: An appearance before a judicial officer, typically a justice of the Peace to determine if conditions exist for an accused's conditional release pending trial and, if so, what those conditions are.

Bail Order: An order of the court that tells you what to do while your charges are outstanding.

LEGAL TERMS

Bail Review/Bail DeNovo: An appeal over an alleged error in the decision at the bail hearing taken to a Superior Court regarding bail granted or refused by a lower Court.

Bail Verification: Investigation and confirmation of factual information about an accused person's community status, in preparation for a bail hearing.

Bail Supervision Program: The bail supervision program provides an alternative to incarceration while awaiting a court disposition. The program provides community supervision to eligible individuals who do not have the financial or social supports to meet bail requirements.

Bail Violation: A violation of a term of bail that may include the neglect of an undertaking, recognizance, summons, appearance notice or a promise to appear.

Bench Warrant: A warrant ordered by the court concerning the non-appearance of an accused person or witness in court, which authorizes the subject's immediate arrest. (See also "Discretionary Bench Warrant")

Case Management: Mode of service delivery for individuals with a mental illness. Case management is community based and focuses on the client's needs, strengths and assets based on a recovery model.

Charge/Count: The formal accusation against a person that alleges that he or she has committed a specific offence.

Community Programs: Programs that have been developed, usually by a government Ministry or Agency, that provide opportunities for the supervision of offenders in the community.

Community Service Order: An alternative to imprisonment whereby an offender is required to perform a prescribed number of hours of community work within a prescribed time, as a condition of a probation order.

Concurrent Sentence: A sentence that allows the convicted prisoner the privilege of simultaneously serving two or more sentences; the length of sentence being determined by the latest expiry date of the various sentences that are imposed.

Conditional Sentence: The offender serves his sentence of imprisonment in the community. Typically the person is to remain at home and is only allowed to leave his or her home for limited, specified purposes.

LEGAL TERMS

Conditions of Probation: The terms imposed on an individual by a probation order, requiring the performance of or abstention from specified actions.

Conviction: The formal recording of guilt and liability to sentencing after trial by a properly constituted court. A convicted person has a criminal record.

Court, Ontario Superior Court of Justice: A court of criminal and civil jurisdiction presided over by a Superior Court Judge appointed by the Governor in Council (i.e. the Federal Cabinet). It has the authority to try an indictable offence other than those enumerated in the Criminal Code of Canada as being solely within the jurisdiction of another court. Trials can be with or without a jury in accordance with the Criminal Code.

Court, Ontario Court of Justice: The lower, provincially appointed court, which hears criminal proceedings, proceedings under the Youth Criminal Justice Act and certain matters under the Family Law Reform Act and other provincial statutes.

CPIC: The Canadian Police Information Centre is a computerized police information and records system designed and operated for the police community. It keeps records of, among other things, convictions, discharges and acquittals.

Criminal Code: Federal legislation passed by the Parliament of Canada with respect to most of the criminal law of Canada. This legislation sets out the duties and responsibilities of the courts and their officers, stipulated offences and penalties, sets appeal procedures and legal jurisdiction.

Criminal Prosecution: A proceeding in which an accused person is tried.

Crown Attorney: A member of the Ontario Bar appointed by the Attorney General to aid in the administration of justice in the county or judicial district for which the Attorney is named. Specifically examining allegations or wrongdoing, conducting preliminary hearings and prosecutions for indictable and summary conviction offences and attending to all duties of Crown Attorneys under the laws in force in Ontario.

Criminal Record: A judicial record of conviction. A register of crimes maintained by the RCMP in Ottawa on persons convicted of offences.

Crown Brief: The Crown brief contains all the information about an individual's particular charge(s). In the brief will be a copy of the police synopsis, criminal record, a copy of the police notes, and any evidence such as videotapes.

Custody: A state of being kept in prison.

LEGAL TERMS

Defence Counsel: The lawyer who represents an accused person.

Detained: When a person is confined for questioning by the police.

Discharge: The court order by which a person held to answer a criminal charge is set free. In the Ministry of Correctional Services the act of releasing an inmate from custody upon satisfying the terms of imprisonment.

Discharge Possible Date: An inmate will be discharged if he or she serves all time in custody without parole, but minus his or her remissions at this date.

Discretionary Bench Warrant (or “Bench Warrant With Discretion”). This is a bench warrant that will not be executed unless the accused person fails to attend on the next court date, or if it is extended on a later one. Commonly used in cases where mental health is of concern. A warrant is necessary to avoid the court losing jurisdiction over the accused, however it is understood that the arrest should not actually take place if the accused shows up on the next date.

Disposition: Court outcome of charge.

Dual Diagnosis: Pre-existing developmental disability and a mental illness.

Duty Counsel: A lawyer sponsored by legal aid to represent individuals at the provincial court level in both criminal and family divisions. In the criminal courts, they can assist individuals (free of charge) with bail hearings, guilty pleas, set dates and general legal advice.

Fingerprint Classification (“FPS #”): A system of classifying fingerprints according to patterns in the friction edges on the fingers. **NOTE:** Any person charged with or convicted of an indictable offence may be fingerprinted and photographed in accordance with the Identification of a Criminals Act. Once on file, a person’s fingerprints are assigned an FPS number that appears on subsequent police reports.

Indictable Offence: Those offences that are listed as such by the Criminal Code or other federal statutes. These are subject to more serious penalties than summary conviction offences. The accused also has the right of election of how he will be tried – by a judge without a jury, or a court composed of a judge and jury. However, for certain offences, the Ontario Court of Justice has absolute jurisdiction – i.e. the jurisdiction of the Ontario Court of Justice to try the accused does not depend upon the consent of the accused.

LEGAL TERMS

Information: The written allegation or charging document, under oath, in which a person (usually a police officer) alleges that another individual has committed one or more offences.

Jurisdiction: The limits of authority of a criminal justice agency. For a law enforcement agency, the jurisdiction defines the legal boundaries of operation that generally coincide with political boundaries, such as the limits of a city and with the types of cases for which it assumes responsibility. The same basic description applies to courts.

Keep the Peace: To maintain quiet and harmless behaviour toward the sovereign, her government and her people, and to prevent and dissuade others from breaking the peace.

Legal Aid: A provincially funded service for those who need assistance from a lawyer. Legal Aid is available for those with low income and negligible assets. The service is free or contributory in nature, when financial eligibility is determined. Eligible accused get a Legal Aid Certificate from Legal Aid Ontario to take to a lawyer. If the lawyer accepts the certificate he or she is then paid directly by Legal Aid Ontario.

Mental Health Act (MHA): This act applies to every psychiatric facility R.S.O. 1990, c.M.1, s.1. It describes conditions under which people are admitted to and treated in a mental health facility in Ontario.

Mental Health Court Support Worker (MHCSW): A Mental Health Professional who is court based to offer assistance and support to mentally ill accused, their families & friends and lawyers.

Mental Health Diversion: Alternatives to criminal prosecution due to mental disorder.

Not Criminally Responsible (NCR): A verdict of not criminally responsible on account of mental disorder means a verdict that the accused committed the act or made the omission that formed the basis of the offence with which the accused is charged but is not criminally on account of mental disorder.

Occurrence: An incident or event reported to the police and recorded by them in the Ministry of Correctional Services, any significant but otherwise unclassified happening which requires its reporting to senior officials.

Offence: A punishable breach of the law.

LEGAL TERMS

Oath/Affirmation: A religious or solemn affirmation to tell the truth or to take a certain action.

Officer-in-Charge (OIC): Most cases before the court have been assigned to an Officer-in-Charge. The OIC is usually a detective and will deal with the case in court and communicate with the victim and Crown Attorney. [This is to be distinguished from the 'officer-in-charge' as defined by the Mental Health Act who is the most senior administrator of a psychiatric facility.]

Ontario Review Board (ORB): The ORB is made up of judges, lawyers, psychiatrists, Psychologists and public members appointed by the Lieutenant Governor in Council who annually reviews the status of every person who has been found to be not criminally responsible or unfit to stand trial for criminal offences on account of a mental disorder.

Outstanding Charges: Accusations before a court that have not received a formal disposition and are thus pending.

Pardon: The Crown's full or partial exemption of an offender from the punishment prescribed for an offence and from the disabilities consequent to conviction.

Parole: Parole is a means of releasing an offender to serve the remaining portion of his or her sentence in the community under supervision.

Parolee: An offender released from custody to serve the remainder of the sentence in the community, bound by the conditions of a parole certificate.

Peace Bond: The Crown Attorney has the discretion to pursue a peace bond, which is a court order requiring the person to whom it is directed to keep the peace and be of good behaviour.

Peace Officer: Any Police Officer, Mayor, Sheriff, Bailiff and others by virtue of their office.

Perjury: A willful act of false testimony while under oath.

Plea: The declaration made by a person accused of a crime as to whether he or she is guilty or not guilty of the charge.

Plea Bargain: Negotiated agreement between a prosecutor and an accused, including his or her lawyer, to settle a criminal case that is presented to a judge for their consideration.

LEGAL TERMS

Police Synopsis: A description of an alleged offence authored usually by the arresting officer.

Preliminary Inquiry: The proceeding at which the Crown must present its evidence against an accused in order to show that it has a reasonable case that warrants proceeding to trial. It is presided over by a lower court.

Pre-Sentence Report: Report prepared by the Probation Officer that provides information to the Court on an individual's personal history and criminal conduct in order to promote individualized sentencing.

Probation: Court order that releases a convicted person under supervision and with direction to obey certain conditions.

Recognizance: Either (A) An obligation of record that is entered into before a court, containing a condition to perform a particular act, such as making a court appearance, or (B) A sum of money pledged to assure the performance of such an act.

Registrar: Clerk of the court or Court Administrator.

Remand (Adjournment): Postponement of proceedings for various reasons including to allow for the gathering of evidence or retaining legal counsel. Remand refers to individuals in custody and adjournment refers to individuals out of custody.

Search Warrant: An order issued by a Justice of the Peace under statutory powers, authorizing a named person to enter a specified place to search for and seize specified property which will provide evidence of the actual or intended commission of an offence.

Serve: To deliver notice.

Sheriff: Representative of the court.

Special Duty Counsel: Defence lawyers appointed by Legal Aid Ontario to represent mentally ill accused/offenders.

Stay of Proceedings: A suspension of the court proceedings. For up to one year the Crown may lift the stay and re-institute the proceedings. After one year the matter is stayed permanently.

LEGAL TERMS

Summary Conviction Offence: A less serious offence usually carrying a penalty of no more than six months imprisonment or a maximum fine of \$2,000 or both. Some legislation sets out other penalties.

Summons: Legal document ordering the appearance in court of an accused person.

Subpoena: A summons ordering a person to appear in court to testify or produce a document.

Surety: A person who has pledged to pay back money or perform a certain action if the principal to a contract fails, as collateral, and as part of the original contract. A family member or friend may agree to monitor the individual while they are on bail in the community prior to their final court date.

Suspended Sentence: Judge's order that the sentence given a guilty person needs not be imposed, provided that the accused meets certain conditions set by the court. If the accused does not meet the conditions, the judge can pass sentence on the initial charges. A new charge may be laid for breaching a probationary term of the suspended sentence as well.

Terms of Release: Conditions under which an accused person is to abide after release. Non-compliance with the terms can result in additional charges and/or re-arrest.

Testimony: Any verbal evidence given. An assertion of fact, opinion, belief or knowledge, material or not, admissible or not, given in court for a hearing.

Unfit to Stand Trial: Unable on account of a mental disorder to conduct a defence at any stage of the proceedings or to instruct counsel to do so, and, in particular, unable on account of mental disorder to: 1) understand the nature or object of the proceedings; 2) understand the possible consequences of the proceedings; 3) communicate with counsel.

Warrant: Court order giving legal authority to execute a legal process.

Withdrawal: When charges against an accused are withdrawn, typically no further legal action will be taken against the accused on that matter.

Witness: A person having evidence that is relevant to a particular matter.

COMMUNITY RESOURCES CHATHAM-KENT

ACT Team

Phone: 519-355-0667

75 Thames Street 2nd Floor, Chatham

Assertive Community Treatment program (ACT) is a community-based program for individuals who have a severe mental illness. It reaches out to clients in their home and community to keep them as independent as possible.

AIDS Support Chatham-Kent

Phone: 519-352-2121 or Toll Free: 1-800-265-4858

67 Adelaide Street South, Chatham

Provides support and education services for people at risk of, living with, or affected by HIV/AIDS in Essex and Kent counties.

Alcoholics Anonymous

Toll free: 1-866-242-8811 or Crisis Line: 519-351-9821

A fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism.

Alzheimer's Society of Chatham-Kent

Phone: 519-352-1043

36 Memory Lane, Chatham

Provides support to people affected by Alzheimer's disease or related dementias via First Link® Counseling Support Groups, Cognitive Testing, Day Program, In-Home Respite Care, Public education, Safety Home® and In-Home Mobility Monitors. An on-site lending library is also available to the public.

Autism Ontario Chatham-Kent Chapter

Phone: 519-351-4531

179 Sheldon Avenue Unit 51, Chatham

Works to improve the quality of life for persons with autism and pervasive developmental disorders and their families and to ensure that those with these disorders live with dignity within their own communities.

Bluewater Methadone Clinic

Phone: 519-351-5800

69 Grand Avenue, Chatham

Methadone is an "opioid-replacement therapy". Opiates can be prescription drugs, morphine or heroin. Their goal is to gain management of drug addiction and help addicts get their lives where they want them.

COMMUNITY RESOURCES CHATHAM-KENT

Brentwood

Phone: 519-253-2441 or Toll Free: 1-800-561-3044

2335 Dougall Avenue, Windsor

Residential and day treatment centre for drug and alcohol addictions, substance abuse and related problems.

Canadian Pension Plan

Phone: 519-560-2500 or Toll Free 1-800-277-9914

Provides retirement pensions, disability benefits, death benefits, children's benefits and survivor's benefits to Canadians.

Canadian Mental Health Association Lambton Kent Branch

Phone: 519-436-6100 Crisis Line: 1-866-299-7447

240 Grand Avenue West Suite 100, Chatham

Provides people with the opportunity to enhance their mental health and to live to their fullest potential through direct services, education and advocacy. CMHA's vision for people with a mental illness is to have opportunities to gain knowledge, skills, resources, and support so that they may fully participate in the community.

Canadian Mental Health Association Lambton Kent Branch

Mental Health and Justice Program

Phone: 519-436-6100

For persons with serious mental illness who have come into conflict with the law or who are at risk of involvement with the law.

Changing Ways

Phone: 519-354-0430

425 McNaughton Avenue West, Chatham

Organization dedicated to helping end men's violence against women. Work with men in a group setting to help them make better choices.

Chatham Jail Health Care

Phone: 519-352-0150

17 Seventh Street, Chatham

Chatham-Kent Children's Services

Phone: 519-352-0440

495 Grand Avenue West, Chatham

Works with the community to strengthen families and promote the well-being and safety of children and youth. Services include Child Protection Services, Children's Mental Health Services, Child Development and Prevention Services.

COMMUNITY RESOURCES CHATHAM-KENT

Chatham-Kent Employment Resource Centre

Phone: 519-380-8878

120 Wellington Street West 1st Floor, Chatham

Free services for job seekers. Includes finding info on job posts, resumes, cover letters, interview skills, education, training, government funded programs, labor market and employment legislation.

Chatham-Kent Legal Aid Office

Phone: 519-352-1631

146 Queen Street, Chatham

Chatham-Kent Mental Health and Addictions Program

Phone: 519-351-6144

Phone: 519-436-2599

80 Grand Avenue West, Chatham

A place where men, women, and youth can receive an assessment and/or referral for treatment if they have a mental health condition, substance abuse issue, or gambling addiction.

Chatham-Kent Police Services

Emergency (Fire, Ambulance, Police): 911

Non-Emergency Police Response Needed: 519-352-1234 ex.0

Information Line: 519-436-6600

Crime Prevention & Community Safety: 519-352-4650

Crime Stoppers: 1-800-222-8477

24 Third Street, Chatham

Chatham-Kent Public Health Unit

Phone: 519-352-7270

435 Grand Avenue West 2nd Floor, Chatham

Focus on the health and well-being of the whole community: promoting health, preventing disease, prolonging life and improving the quality of life.

Chatham-Kent Sexual Assault Crisis Centre

Phone: 519-354-8908 or Crisis Line: 519-354-8688

405 Riverview Drive Unit 101, Chatham

A grassroots, anti-violence organization that provides confidential support, advocacy and information to women 16 years of age and older who have experienced the impact of sexual assault, abuse, or harassment.

COMMUNITY RESOURCES CHATHAM-KENT

Chatham-Kent Social Housing Division

Phone: 519-351-8573

435 Grand Avenue West, Chatham

Administers a single community coordinated application system which improves access for individuals and families to adequate and affordable housing in Chatham-Kent. CKSH assists applicants of every income level to make informed choices about their housing needs.

Chatham-Kent Women's Centre

Phone: 519-351-9144 extension 232 Crisis Line: 519-354-6360

20 Sandys Street, Chatham

A resource for women with any question, any time of the day or night. They provide Emergency Shelter and 24-hour crisis help lines to women and children in crisis.

Community Health Centre – Primary Care

Phone: 519-397-5455

150 Richmond Street, Chatham

Provide a comprehensive range of quality primary health care services for those that need it most.

Community Living Chatham Kent

Phone: 519-352-1174

650 Riverview Drive Unit 2

Chatham

Provides a wide range of services for persons who have an intellectual disability and their families.

Community Living Wallaceburg

Phone: 519-627-0777

Toll Free: 1-800-620-4425

Fax: 519-627-8905

1100 Dufferin Avenue

Wallaceburg

N8A 2W1

Web: www.getintocommunityliving.com

Offers a variety of supports throughout Chatham-Kent to individuals and their families with developmental disabilities.

COMMUNITY RESOURCES CHATHAM-KENT

Crown Attorney's Office

Phone: 519-355-2240

425 Grand Avenue West 3rd Floor, Chatham

The Crown Attorney's and their assistants exercise the Attorney General's discretionary powers with respect to prosecutions. They make recommendations to the police and private citizens who may wish to lay charges and appear as counsel for the crown at bail hearings and at trial at all levels of Court.

Employment Insurance Service Canada

Toll Free: 1-800-206-7218

Full-service, federal employment office.

Family Service Kent

Phone: 519-354-6221

770 Richmond Street, Chatham

Is a charitable, incorporated organization providing professional counselling services and community support services to residents of Chatham Kent.

Gamblers Anonymous

Phone: 1-519-971-5215

Ontario Problem Gambling Helpline

1-888-230-3505

Glengarda Child & Family Services – Supervised Access Program

Phone: 519-355-1127

444 Riverview Drive Unit 17, Chatham

Is a supervised access program that provides a safe, neutral environment for children and non-custodial parents and other family members to visit. There are toys, crafts and snacks available with professionally trained staff available to provide support to children.

Goodwill Future Focus

Phone: 519-354-4400

300 Lacroix Street

Chatham, ON N7M 6M6

Provides youth with basic employment skills to achieve their future goals. It is a 4-week program that teaches life skills, career exploration, portfolio development and assists with a job search.

HELP Mobile Crisis Team

Emergency (Fire, Ambulance, Police): 911

Non-Emergency Police Response Needed: 519-352-1234 extension 0

Responds to or follows up on mental health related incidents in the community. Consists of a 111 trained Constable with a Mental Health and Addictions Crisis Nurse.

COMMUNITY RESOURCES CHATHAM-KENT

HELP Team

Emergency (Fire, Ambulance, Police): 911

Non-Emergency Police Response Needed: 519-352-1234 extension 0

Members of the Chatham-Kent Police Service who have specialized training in regards to persons with mental health issues.

Legal Aid Ontario

Toll Free: 1-800-668-8258

Courthouse 425 Grand Avenue West, Chatham

Loads of Love Humanitarian Aid & Mission Society

Phone: 519-352-0911

15 Prince Street, Chatham

Mission is to care for the needy through acts of compassion.

Meals on Wheels

Phone: 519-354-0791

99 Park Street, Chatham

Provides and delivers hot and nutritious meals to seniors, convalescing patients, caregivers and shut in individuals enabling them to remain healthy and at home.

Mental Health Network

Phone: 519-351-3100

235 St. Clair Street, Chatham

Offers hope through education, support, networking, and advocacy to all people whose lives are affected by mental illness.

New Beginnings Club & Brain Injury Association of Chatham-Kent

Phone: 519-351-0297

9 Maple Leaf Drive, Chatham

Aims to enhance the quality of life for survivors of acquired brain injury and their family members. Are committed to providing access to support and advocacy services for survivors and their families.

Old Age Security

Toll Free: 1-800-227-9914

Financial benefits for individuals 65 years-of-age and older.

Ombudsman Ontario

Toll Free: 1-800-263-1830

Investigates and resolves complaints about administrative procedures of the provincial government and complaints stemming from a decision or recommendation made by the provincial government or one of its agencies.

COMMUNITY RESOURCES CHATHAM-KENT

Ontario Disability Support Program (ODSP)

Phone: 1-519-254-1651

Financial supports for adults 18 years and over with a verified physical or mental disability expected to last a year or more.

Ontario Court of Justice

Phone: 519-355-2200

Courthouse, 425 Grand Avenue West, Chatham

Ontario Provincial Offence Office

Phone: 519-352-8484

21633 Communication Road, Chatham

Ontario Provincial Police (OPP)

Phone: 519-352-1122

535 Park Avenue East, Chatham

Ontario Works

Phone: 519-351-8573

Employment and basic financial assistance for persons in need.

Outreach For Hunger

Phone: 519-351-8381

67 Centre Street, Chatham

Collects and distributes food to those in need.

Probation and Parole Office

Phone: 519-352-1243

234 Grand Avenue West, Chatham

The Ministry of Community Safety and Correctional Services is responsible for providing community supervision to adult offenders reporting to the ministry's probation and parole offices.

Regional Support Associates

Phone: 519-354-2156

330 Richmond Street Suite 102, Chatham

Provides specialized support (including Justice Dual Diagnosis Case Management) for adults with intellectual disabilities/and/or a dual diagnosis, their families and agencies supporting them.

COMMUNITY RESOURCES CHATHAM-KENT

Restorative Justice Chatham-Kent (RJCK)

Phone: 519-380-0931

25 Creek Road, Chatham

Aims to repair the community relationships that are damaged when a crime is committed by a youth

Salvation Army Housing Support Services

Phone: 519-354-1430

42 Harvey Street, Chatham

Provides housing support services to help prevent homelessness and provide assistance to those in need of adequate, affordable, permanent housing.

Schizophrenia Society of Ontario

Toll Free: 1-800-449-6367 Crisis Line: 1-800-449-6367

Offers support and education for families and friends of people living with Schizophrenia, psychosis and similar disorders.

Sexual Assault/Domestic Violence Treatment Centre

Phone: 519-352-6400 extension 6382

Provides specialized medical and emotional care for victims of sexual assault and those who have been physically assaulted by their spouse or partner.

Victim Quick Response Program

Phone: 519-436-6630

Chatham-Kent Police Service

24 Third Street, Chatham

This program aims to provide immediate assistance to victims in the aftermath of a violent crime, to lessen the impact of the crime through immediate support services to victims and to increase the immediate safety of victims. Financial assistance is provided for counselling, crime scene clean up, emergency home repairs, transportation costs, emergency care for children, elderly or special need dependents, emergency accommodations/meals and funding for funeral expenses.

Victim/Witness Assistance Program

Phone: 519-355-2200

Court House 425 Grand Avenue West, Chatham

Provides information, assistance and support to victims and witnesses of crime throughout the criminal court process in order to improve their understanding of, and participation in, the criminal court process.

COMMUNITY RESOURCES CHATHAM-KENT

Westover Treatment Centre

Phone: 519-692-5110 Crisis Line: 1-800-721-3232

2 Victoria Street South, Thamesville

Provides high quality community-based treatment to substance dependent persons and families in South Western Ontario. Provides counselling, guidance, support and friendship for those recovering from alcohol and drug addictions. The Centre also aids to individuals who have been affected by another person's addiction.

WEB SITES

<http://www.connexontario.ca/>

ConnexOntario Health Services Information is a corporation operating the following services 24 hours a day, 7 days a week:

The Drug and Alcohol Registry of Treatment (DART)

The Ontario Problem Gambling Helpline (OPGH)

Mental Health Service Information (MHSI)

<http://ementalhealth.ca/>

Provides information about mental health services and resources to Canadians of all ages. Provides online anonymous, confidential information, 24 hours a day, 365 days a year. Assists families and professionals to know where to go for local mental health help, when local mental health events are happening and information about various mental health topics and conditions.

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