

Diversion Criteria and Process



Chief T. McLaren

Criteria:

1. A non-violent property criminal offence or disturbance related offence has been committed.
2. Accused appears to be or is known to be suffering from a mental disorder.
3. Police believe that the accused will benefit from pre-charge diversion program.
4. Accused voluntarily agrees to take part in a pre-charge program.
5. Peterborough Canadian Mental Health Association believes the offender will benefit from the program.
6. Access is 16-years-old or older.

Process:

1. Pre-charge diversion intake dates at the Peterborough CMHA are Tuesday and Thursday between 1 pm and 4 pm each week.
2. Upon explanation of the program, offenders must indicate that they will attend this alternative court measure.
3. The Pre-Charge Diversion form is completed by the arresting police officer.
4. A copy of the Pre-Charge Diversion form is given to the offender.

Process - cont'd...

5. Police agency will explain to offenders who are offered Pre-Charge Diversion that if they do not attend the Peterborough CMHA located at 466 George Street North, Peterborough within seven days and/or they are determined not be suitable for the program, criminal charges will be processed in accordance with police departmental policy.
6. If the offender fails to attend Peterborough CMHA within seven days, and/or fails to cooperate in the CMHA diversion program, appropriate criminal charges will be pursued.

Process - cont'd....

7. If an offender does not cooperate or is not a suitable candidate for the Diversion Program, Peterborough CMHA will notify the appropriate police agency so police can pursue a criminal prosecution.
8. The police will fax a copy of the Pre-Charge Diversion Form and arrest report to the Peterborough CMHA at (705) 748-2577.
9. Should the Peterborough CMHA require additional information, they will contact the police agency involved.
10. Peterborough CMHA will notify the police agency within 30 days that the offender has taken part in the Diversion Program so police may close their files.



**Peterborough Lakefield Community Police Service
Mental Health Pre-Charge Diversion Program**



- CPIC and NICHE checks are required.
- A non-violent property criminal offence or disturbance related offence has been committed.
- Offender appears to be or is known to be suffering from a mental disorder.
- Police believe that the offender will benefit from Pre-Charge Diversion Program.
- Offender voluntarily agrees to take part in a Pre-Charge Diversion Program.
- Peterborough C.M.H.A. believes the offender will benefit from the program.
- Offender must be over 16 years of age.

Upon explanation of the Mental Health Pre-Charge Diversion Program, offenders must indicate that they will attend the program as an alternate court measure. Offenders must register for the Pre-Charge Diversion Program at the Peterborough C.M.H.A. within **7 days**. The Peterborough C.M.H.A is located at 466 George Street North, Peterborough, with intake hours being Tuesdays and Thursdays between the hours of 1:00 p.m. and 4:00 p.m.

Offenders who are offered the pre-charge diversion, and who do not successfully complete same or fail to co-operate in the program, will be charged with the appropriate offence.

Officer's Comments:

Name: _____ Address: _____ _____ Phone #: (____) _____ Offence Date: _____ Occurrence #: _____ Investigator: _____ Number: _____ Diversion Completed On: _____ By: _____	<table border="1"> <thead> <tr> <th>Criteria Checklist:</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>• NICHE/CPIC Negative</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>• Meets Offence Criteria</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>• Understands Program</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </tbody> </table>	Criteria Checklist:	Yes	No	• NICHE/CPIC Negative	<input type="checkbox"/>	<input type="checkbox"/>	• Meets Offence Criteria	<input type="checkbox"/>	<input type="checkbox"/>	• Understands Program	<input type="checkbox"/>	<input type="checkbox"/>
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One Copy To Offender
 One Copy Faxed to Peterborough C.M.H.A With Arrest Report (705)748-2577



**Canadian Mental Health Association
Peterborough Branch
Pre Charge Mental Health Diversion Program**

Beverley Kinnear
Coordinator
HKPR Mental Health Court Diversion Program

History

In January of 1995 a number of community members from the Criminal Justice and Mental Health Sectors met to discuss the needs of individuals who were at risk or already in conflict with the law. During this meeting, new funding was announced for the development of Mental Health Diversion Programs in the Haliburton, Kawartha and Pine Ridge Region. During that meeting, Chief McLaren indicated that his priority was to have a mental health pre-charge diversion process in place as quickly as possible. Over the next few months, meetings were held with CMHA and PLCPS and a mental health pre-charge diversion program was developed.

Court Diversion Program

A Ministry of Health and Long
Term Care funded program
offered by Canadian Mental
Health Association:
Peterborough Branch in
coordination with the Criminal
Justice System.

HKPR Mental Health Court Diversion Program

- ❑ A number of individuals who are “mentally disordered” are in conflict with the law. Often this has been as a result of illness driven behavior and may have been avoided given the opportunity to access required mental health services.
- ❑ The Court Diversion Program has been developed to address the challenges faced by these individuals.

Program Goals

- ❑ To co-ordinate, access and provide mental health services, including specialized and intensive services, where appropriate.
- ❑ To divert, when appropriate, people with mental illness from the criminal justice to local mental health care and social service agencies.



The Court Diversion Program

Pre Charge Court Diversion

Post Charge Diversion

Consultation

Case Management

Pre Charge Diversion

Pre Charge Diversion is a venture of the Peterborough Lakefield Community Police Services and Canadian Mental Health Association-Peterborough Branch.

Individuals who are M. D., and in conflict with the law over nuisance charges, (at the discretion of the Police) will be given the option of entering into a diversion plan instead of being charged.

Pre Charge Diversion: CMHA Process

- ❑ We receive incident report.
- ❑ Individual has seven days to attend our office.
- ❑ We are available Tuesday and Thursday afternoon.
- ❑ We will contact PLCPS to indicate that they reported, or not.
- ❑ We will do an assessment and if appropriate, develop a treatment plan.

Treatment Plan

- ❑ The purpose of a plan is to establish or strengthen current relationships with mental health services. The Diversion Plan will include:
- ❑ Medication if appropriate.
- ❑ On going appointments with Mental Health providers and or physician.
- ❑ Plan for restitution if appropriate. Ie: damaged property.
- ❑ Assessment (and treatment if recommended) with Addictions Services if the incident involved alcohol/drugs.

Accountability

- ❑ A time frame will be set at the beginning of the pre-charge diversion according to the seriousness of the crime.
- ❑ Due to the fact that the individual may not have been charged in the first place, CMHA has agreed to insure follow through by the individual. This lessens the criminalization of the seriously mentally ill and provides linkage to a variety of mental health/social services.

Benefits to the Client and Community

- ❑ Individualized support and intervention to clients who are not otherwise supported in the community.
- ❑ Provide advocacy, education to individuals and their families.
- ❑ Monitor medication and symptom management.
- ❑ Linking to other community services and service providers including mental health, police and probation/parole.

Eligibility for Diversion

- ❑ Individual is suffering from a serious diagnosed mental health impairment. However this does not preclude diversion for individuals who have not yet been diagnosed and are presenting with mental health symptoms.
- ❑ Individual is 16 years or older.
- ❑ Individual has been charged with a relatively minor offence.
- ❑ Individual agrees to participate in mental health diversion. Program is strictly voluntary.

Mental Health Court Diversion Plan

- ❑ The Treatment Plan/Undertaking is developed after assessment, taking into account the needs of the individual.
- ❑ A standard psycho-social assessment is completed. This includes reviewing medical documentation and interviews of the individual and significant others.
- ❑ All plans are written in accessible language.

Scenarios

Thirty year old John Doe has been diagnosed with a developmental challenge and serious mental illness. He has been reported to the police by a public member, as he was screaming obscenities on the street. The individual he is addressing is in fact someone he lives with in a group home on George St. He is well known to the police and they have had to quiet him down on a number of occasions. They are considering a charge of mischief however they offer him the option of pre-charge diversion and have him sign the consent. He signs in to the CMHA office within 7 days and an appointment is made with the worker. During a brief meeting with the individual it is recognized by the worker that he is suitable for diversion. The Consent for Pre Charge Diversion is signed and sent back to the police department. After a full assessment which has included community partners, a diversion plan is developed and the process is implemented.

Scenario (cont'd)

Pre Charge Diversion Agreement of Undertaking

I, John Doe, of the City of Peterborough, on this date agree to the following course of action:

1. To go to my Doctor appointments.
2. To take my pills on a daily basis.
3. To work with my community support worker towards managing my anger
4. To meet regularly with my Court Diversion Worker.

Follow up required

Three months Six Months 12 months

Signatures.

Case Management Services

Once an individual has been approved for diversion, they will be assigned a case manager. They may be provided with the following services if required:

- ❑ Assistance with medication and medical services.
- ❑ Life skills
- ❑ Housing, financial, social rec, vocational
- ❑ Education and support for the individual and family.
- ❑ 24 hour crisis line

Challenges

- ❑ **To encourage the Police to use this as a tool:** Education, on going communication and experience are the key to participation.
- ❑ **Insuring that the individual is successful in completing the plan:** Developing plans which are negotiated with the client and in which you receive their “buy in”. Resources for case management are needed for the period of diversion.

Potential for Success

- ❑ Increasing legitimacy in the Criminal Justice system.
- ❑ Tangible outcomes and positive feedback from those who are assisted through the program.
- ❑ Provision of treatment for individuals who may have never entered the Mental Health System.
- ❑ Re-introduction of services to individuals who may have not participated for a period of time.
- ❑ **Lowered recidivism rate of Mentally Disordered individuals.**