

YUKON COMMUNITY WELLNESS COURT (CWC)
MONITORING REPORT
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INTRODUCTION

The Yukon Community Wellness Court was established in May of 2007. The first quarter of its operation was dedicated to establishing its operational policies, including selection criteria, and intake and assessment processes and tools. Another task essential to this phase included reaching out to a variety of community partners whose involvement is essential to the success of the Court, including government and non-government programs offering wellness-related and other support services, as well as identifying businesses that could support the client incentive system. Also critical was contracting the services of a part-time Court coordinator, as well as the services of an external monitor.

By January 2008, the Court had 10 clients, 3 of whom had completed the assessment and planning process and were implementing their wellness plans. The wellness plans were proving to be an effective structure for the use of the Judge and probation officers for the type of intensive supervision process called for by the Court. The Steering Committee had developed, with the support of the external monitor, a theory of change document and monitoring framework. The most significant challenge for the Court continued to be the development of a comprehensive wellness program that could meet the diverse needs of its clients and build on community resources. Another ongoing challenge was the integration of Aboriginal resources and approaches to wellness into the Court's processes and services.

As of the end of April that year, the Court had gained considerable experience in working with clients at all stages of the process except for graduation and planning for after care. The challenge of providing services for clients with such a broad range of issues as outlined in the Court's formative documents—addictions, mental health challenges and cognitive impairment issues (which includes FASD)—continued to be a concern, however. It was proving difficult to find relevant and consistent community-based services and expecting Department of Justice personnel to be able to cover all these needs was not realistic. As well, as the many stakeholders who needed to collaborate in order to implement the Court—from the Judge, the Court personnel, addictions counselors, mental health practitioners, defense attorneys, crown prosecutors, the Court Coordinator and community-based services—continued to play their roles, differences in approach and perspective became increasingly visible. In spite

of these significant challenges, the Court continued to refine its procedures and to explore avenues for expanding the scope of wellness services available to clients.

At the beginning of October 2008, 13 offenders who were either currently part of the Community Wellness Court or who were accepted into the Court but did not complete the process were interviewed about their experiences and perceptions. These individuals provided a consistently positive account of the Court's impact on their lives. Even those individuals who elected not to complete their wellness program emphasized positive features of the Court, such as the following: 1) its role in helping people take responsibility for changing their own lives and dealing with the consequences when they make poor choices; 2) access to resources such as counseling, diagnosis and treatment for mental and physical health issues, addictions treatment, and help in finding housing; 3) the case management system that consists of a team of professionals who work together to address the complex life issues that people before the Court face; 4) the knowledge that someone cares and will be there for you; and 5) the support the Court offers in helping people make life goals and achieve those goals one step at a time (goals such as employment, further education, repairing family relationships, staying clean and sober, and staying out of trouble). At the same time, the offenders asked for clearer information about the Court's purpose, processes, programs, timelines and benchmarks for progress. They also noted that the wellness programming that clients of the Court were being offered did not differ in any noticeable way from that which is available to other offenders or to individuals not in trouble with the law who are seeking help for their addictions and mental health issues.

Other challenges at this point in the Court's development included the ongoing tension between the time and commitment required to benefit from therapeutic processes (which could possibly be up to 2 years for some offenders) and the principle of proportionality that recognizes that the length of a sentence must be proportional to the severity of the crime. This tension was being played out in the number of referrals to the Court from defense attorneys who were questioning whether the length of time that clients were being asked to remain under Court supervision was in the best interests of some of those clients. Another limiting factor at this point was the ongoing shortage of staff in the Department of Justice with the mandate to provide wellness programming. Both mental health practitioner positions were vacant, one addictions counselor had retired and the other was on leave.

For the next year, the Court focused on addressing some of the significant challenges outlined above, as well as consolidating its considerable progress in mainstreaming this innovative program within the overall justice framework for the Territory. A further 3-year funding mandate had been secured, and the Court was being held on a bi-weekly basis. By the middle of October 2009, the Court had graduated 4 clients and was benefiting from a significant base of experience about how it can make a very real differences in the lives of its clients, their families and other members of society that are impacted by their actions.

This report attempts to capture the most significant features of the Court's development over the past year. Its findings are based on interviews with 7 of the Court's clients, as well as its core implementers; namely, the presiding Judge, the Director of Court Services, the Director of Client Services, the Court Coordinator, three probation officers (including the officer tasked with coordinating the Department's services), the Crown Prosecutors, three defense attorneys and the Council for Yukon First Nations Aboriginal Court Worker. As well, a meeting of the CWC Steering Committee provided valuable insights into the past year's accomplishments and the significant challenges facing the Court in the months ahead.

Drawing on this rich data, the monitoring report represented by this document has been organized into the following five sections:

- Part One: The Court's Achievements
- Part Two: Challenges on the Way Forward
- Part Three: Perspectives from the Court's Clients
- Part Four: Lessons from the Journey
- Part Five: Recommendations

A companion document to the summary evaluation contained in this report has been compiled that presents the story of the start-up and early implementation phases of the Yukon Community Wellness Court as a case study. This material will situate the CWC within the larger context of the literature and growing body of experience related to therapeutic courts in Canada and elsewhere. It is clear that the Yukon CWC has a significant contribution to make to the field, not only because of the very ambitious goals it set for itself, but also because of the unique societal and geographic context within which it is operating.

PART ONE: THE COURT'S ACHIEVEMENTS

What follows are very brief highlights of the Court's achievements over the course of the past year.

1. **Transforming lives** - The Court is making a difference in the lives of participating offenders, as well as on the lives of their family members, friends and other people in the community. This is true for the four individuals who have graduated from the Court, and also for those who are at other stages of their wellness journey. Part Three shares the heartfelt comments made by some of these individuals during the interviews that informed this report.
2. **Sustainability** - The Court has secured funding for the next three years of its operation. This window of time should allow it to more fully develop the wellness programming available to participating offenders, as well as to firmly establish its contribution to crime reduction. Not only is the Court meeting the needs of clients, but it is also a good fit for the larger societal issues prevalent in the Yukon.
3. **Renewed vision and passion** – There were periods during the Court's work since its inception in 2007 when the challenges of achieving collaboration among key implementers and of building effective processes seemed to dwarf the capacity of those involved to maintain their enthusiasm and commitment. The key implementers report that the Court's progress in the past year has resulted in a clearer focus and a sense of renewed optimism, passion and enthusiasm.
4. **Governance and management** - The governance and management structure for the Court has been operating effectively. The Judge has provided valuable leadership and the Coordinator has been successful in playing a valuable role. Although the Steering Committee is not meeting frequently, it has achieved a level of collaboration and a focus that allows it to make decisions on issues as they arise.
5. **Pre-Court processes** - The pre-Court process is working well. Having the Judge participate has made a difference. For the most part, all the stakeholders are able to reach consensus. The Court Worker from CYFN is a valuable addition to the team.
6. **Court processes** - The Court is sitting every two weeks and the process is operating smoothly.

7. **Strategic plan** – The Court now has a draft strategic plan that sets out clear goals for the next stages of its development. Eight key lines of action have been identified for priority attention during the 2009 – 2011 period: a) more clearly assessing CWC impacts; b) fostering even better collaboration among CWC partners; c) improving communication and education about the Court to offenders; the public and decision-makers; d) enhancing programming related to FASD and mental health; e) ensuring that CWC continues to have adequate financial and human resources; f) enhancing the use and effectiveness of alternative justice approaches; g) providing better post-sentencing support and monitoring; and h) improving wellness planning and monitoring.
8. **Wellness plan development** – This process has been refined to provide participating offenders with clearer goals, progress benchmarks and indications of the time commitment for which they need to be prepared. The case management system being employed is proving to be very helpful.
9. **Wellness programming** – Although this area continues to present significant challenges, some progress has been made. For example, two probation officers are receiving training to deliver the Barbara Armstrong program, some clients are using the White Bison program, and clients are still able to benefit from the service of the Department of Justice’s addictions counselor. As well, Department staff is receiving training related to an anger management program from British Columbia. Clients are now able to receive services from the Health and Social Services Department programs, however, there is often a very long waiting list. Currently, discussions are underway about a collaborative submission from Justice and Health and Social Services to enhance available wellness services that would be available to clients of the Court. The services of the forensic psychiatrist continue to be very valuable.
10. **Community resources** – The City of Whitehorse has removed barriers to setting up halfway housing support for women. It is anticipated that the Elizabeth Fry Society will be approached to develop and implement a program to this end.
11. **Alternative justice approaches** – There are some early indications that the Community Wellness Court is creating interest and dialogue among key stakeholders about alternative approaches to justice that more effectively reflect the social realities in the North. This process will be enhanced as the Court graduates

more offenders who present convincing testimony about the impact of the Court on their capacity to lead more productive and healthy lives and to reduce their behaviour that causes harm to themselves and others (please see the *Part Three: Perspectives from the Court's Clients* of this document). The Court is also a voice for change within government in terms of service delivery related to addictions, mental health and FASD.

PART TWO: CHALLENGES ON THE WAY FORWARD

The next developmental steps for the Community Wellness Court, as described by key implementers during the October 2009 review process, can be summarized in the following ten points.

1. **Assessing and communicating impact** – The Wellness Court is resource intensive compared with “regular” court processes. This means that there is considerable pressure for the Court to be able to demonstrate its impact in terms of increased community safety and better quality of life outcomes for offenders and those whose lives they affect. There are clearly no easy ways to assess the impact of the Community Wellness Court, and the Yukon Court is not alone in this challenge. The literature on therapeutic courts does not offer any replicable tools for assessing impact, either in terms of cost savings or in terms of social good. The Court will, however, need to adopt a strategy for more rigorously monitoring outcomes. As well, many elements of the Court’s current evaluation framework are not yet being systematically tracked, and some tools that have been developed (such as the client exit survey) have not been implemented. The Court also needs to develop a strategy for communicating its impact to a variety of audiences including the general public, community partners, government agencies, funding partners, etc.
2. **Number of clients** – Although lately there has been an increase in the number of referrals to the Court after quite a lengthy period of low admissions, the number of participating offenders is small (11 active cases at the time of this review, with 4 offenders having graduated). While it can be argued that the percentage of offenders involved in the Court is actually higher than in many other jurisdictions, it is still true that justifying the cost of the Court relative to the number of offenders being served is an important challenge. Finding effective ways to demonstrate cost-effective impact is one part of this challenge (see point #1 above). Another is increasing the number of clients. Respondents during the stakeholder interview process that informed this report felt that the fact that several clients have recently graduated (and have experienced positive benefits, both in terms of sentencing severity as well as being able to build a positive life pattern) will help convince other offenders to try the Court. It was also suggested that remand might be a fruitful source of referrals.

3. **Proportionality** – One factor that is frequently cited as being a disincentive to participation in the Court is the length of time that clients can expect to remain under Court supervision. In this respect, it is argued that the essential justice principle of proportionality is being violated because the length of the treatment program often exceeds the period of time that an offender might have been ordered to custodial care. The arguments and rebuttals to this position have been explored in the Yukon Community Wellness Court’s literature review and will not be reiterated here. What is important here is the perception that this issue is impacting the number of offenders who may be willing to commit to a therapeutic process and the confidence that defense lawyers have in the viability of the approach this Court is taking.

4. **Community resources** – Most therapeutic courts across the country rely heavily on community resources to augment in-house treatment programs. Whitehorse, and the Yukon in general, have very few of the needed resources, both in the government and non-governmental sectors. Although the Department of Health and Social Services has now agreed to accept clients of the Court into their programs, these clients do not have any priority status and mental health services (whether for counseling or for medication) have waiting lists that can stretch to a year. The mental health practitioner positions attached to the Department of Justice are still vacant. There are also very few resources to assist people with addictions, either for initial treatment or for aftercare needs. The Department of Justice addictions worker is being expected to serve all those individuals who have legal issues, and not just clients of the Wellness Court. Housing is still cited as a defining issue in terms of being able to support people to create a new, healthier, safer and more productive life pattern. Structured housing is virtually unavailable for individuals with FASD or mental health issues, as is transitional housing for individuals who are leaving jail or who are opting to participate in the Wellness Court. As mentioned in Part One above, the City of Whitehorse has ruled that women’s half-way housing does not violate by-laws, but a specific program will need to be created to respond to this opportunity to fulfill an urgent need. Other services for individuals with FASD such as daily living support workers are desperately needed. For the time being, the Court is only accepting clients with FASD on a case-by-case basis because of the lack of appropriate services to meet their needs.

5. **Wellness programming** – This is an area that has received some much-needed and focused attention during the past year. As noted above, however, it is unrealistic to expect the Department of Justice to be able to develop in-house programs to meet all the therapeutic needs of a small and very diverse population. Not all programming resources were used during the first phase of the Court’s development because the Court had not developed a comprehensive wellness model and plan. Articulating and developing effective approaches to dealing with trauma-based mental health and addictions issues remains a priority. The Court is also looking for a cognitive skills program (i.e., criminal thinking). Enhancing the skills of existing staff has offered one approach to coping with the lack of community resources, but there is still a limit to what can be expected of probation officers, no matter how well trained and dedicated they are. As argued in point #6 below, an acknowledged weakness is the capacity of existing programs, both community-based and in-house, to effectively incorporate First Nations cultural perspectives. It should be noted in this regard that several First Nations communities are facilitating participation in the *Pursuit of Excellence* program for their members and early responses to the program are very favourable. Perhaps the Court should investigate the possibility of including this program as an option for clients.
6. **Cultural resources** – This aspect of developing effective wellness programming is significant enough to be listed separately. Although having the CYFN Native Court Worker participate in the pre-Court meetings is proving very helpful, the challenge of working closely with First Nations community partners to develop culturally safe wellness programs still exists. (Note: the White Bison program receives high commendation but cannot meet all the needs in this regard.) Another important aspect of culturally responsive programming is to more effectively include family and community resources (including elders) as part of First Nations clients’ support systems in their wellness plans. The challenge of incorporating cultural components into programming is one that remains a challenge for a broad range of government services that work with the Court’s clients and not just the Department of Justice.
7. **Aftercare and reintegration** – This essential component of the Court’s programming has received very little attention to date. One question raised in this regard is whether a model similar to that being offered through the correctional centre could be created.

8. **Human resources** – A number of human resource issues are pressing at this time.
 - a. **Court Coordinator** - The Court is in the process of hiring a new coordinator, and many informants expressed concern that this transition could result in at least a temporary loss of momentum. There is also the unresolved question about whether the Court Coordinator should be on staff with the Department of Justice or should remain a contracted position. This question is related to an ongoing discussion about who “owns” the Wellness Court—the Department of Justice or Court Services.
 - b. **Mental health practitioners** - The mental health practitioner positions within the Department of Justice have still not been filled, and these vacancies are having an impact on the capacity of the Court to offer clients adequate services in this area. One option that is being considered is building the capacity of existing staff, but the question remains whether or not the type of mental health issues some clients experience can be addressed through this option.
 - c. **Client advocate/social worker** – Most everyone interviewed agreed that there is an urgent need for at least a part-time staff person to serve as a client advocate and to offer some life skills programming, organize recreational opportunities, etc.
9. **Maintaining focus** – Most personnel who are working with the Wellness Court continue to do so “off the side of their desks”. Many of those interviewed for this report commented that they worried about the capacity of all those involved to retain a high degree of enthusiasm. Success is hard to see in the short and mid-term. Will it be possible to stay the course until the longer-term story can be told? Change is always a challenge. While many of those involved have embraced the change represented by the emergence of a new justice model, others remain unconvinced. It will be especially important to maintain consistent high-level support to protect the Court during what is still its developmental stage.
10. **Collaboration and communication** – A key to maintaining focus is to continue to improve communication within the system (for example, ensuring that defense counsel and the Crown are fully aware of new programming and case management developments). One important tool in this regard is consistent Steering Committee meetings, which have become fairly infrequent.

PART THREE: PERSPECTIVES FROM THE COURT'S CLIENTS

Seven of the Court's clients (two of whom have graduated) agreed to be interviewed as part of this monitoring process. Excerpts from their observations and suggestions are summarized below.

1. What it takes to Be Successful

a. Commitment on the part of the offender

You have to want to deal with your problems. When I got caught, I was done. I wanted to go to the hospital or get caught. It was a blessing. I could go home and sleep. I got a second chance. I could stop it right there. I wanted to be clean. I didn't want to go back.

I just started. It's working alright. I don't mind doing the program. I'm getting tired of going to jail. This will help me to build up my strength to overcome alcohol and drugs.

I don't mind that it takes a long time, whatever helps.

I met this one other lady that was in the wellness program, I knew her from the street, and then I met her after being in the court and she looked so healthy. She told me if you are willing to do the work, it will work for you. Whenever there are days when I don't want to do this anymore, I think about this woman. Some days something shitty happens, but then I think about how I used to handle it. It may sound weird, but some days I'm happy to go through the pain because then I know I'm making progress.

The Wellness Court, I remember when my probation worker said, "It's not a get-out-of-jail-free card." That's how people looked at it, but if you are willing to make a change, then the Probation and the Judge are willing to give you a second chance if you slip.

I looked at my life. It could only get worse. The name of the court says it all—wellness. That's what I want. I'm involved with addictions and it's ruined everything—my relationships, family, home.

It's when I looked in the mirror one day and said that's enough. My lawyer said the only way you are accepted is if you are really committed. At first I had some problems with getting rides, etc., but I've been able to work this out. I'm making my full effort.

b. Finding a new social network

I have new friends that aren't into drugs. I don't hang out with my friends who are doing drugs.

I have some cousins here that don't drink.

You make friends with other people in the program—other women with similar issues and without judgment.

The last few days I have been kind of down. I have some friends who still drink and they want me to go with them. So, sometimes I felt lonely. That's when I started

doing the books the addictions worker gave me. I use those feelings to work on myself through those books.

I've got a good stable place to live, except some times people bang on my door and want to come in and party. Alcohol is around me all the time. People come in and say hi, and ask me to go to a party. So it's kind of lonely. Sooner or later friends will realize and hopefully they will give me support.

c. Enough time to build a new life pattern

Before, my life revolved around drugs. It's got to be two years. You need that time. The first year anyone can fake it.

My lawyer said it would take over a year, a year and a half to complete it, and that's fine. You can't do it in one day. I thought about it when he told me that. Maybe a few years ago, I would have just gone to jail, and gotten out and then gotten in trouble again. Now, I want to change. I feel the Court will help me out.

I just found a place and moved in at the end of August. The transition from [___] was hard, but I had to stay in Whitehorse to be in the program. But, I have more access to the resources and there's more stuff to do. I talked to my probation officer about getting hobbies—I go swimming and to AA. One of the things I struggled with is why did I wait so long to do this? I'm older now. But still, I'm really grateful one of my friends told me about it.

It's a long process, but I like it. When I went to get sentenced, it got put off a few times. And even then I still had to be on curfew (for another three months). That was good because I needed support for making the transition. If I miss doing something out of my routine, it's still shaky.

I'm trying to rebuild my trust with my kids, but how many times did they hear that I was going to change, but I didn't.

2. Elements of the Wellness Court Process that are Helpful

a. Having to take responsibility for your actions

I didn't admit to my drugs until the CWC.

b. Intensive supervision

Every two weeks you go before the Judge and she tells you if you are doing good.

When people get sentenced, you clap.

I looked forward to seeing the Judge and telling her how my week went and what my problems are. She would tell you if you missed appointments and how important it is to stick with your plan.

It was hard at first being so closely monitored. But if I wasn't under conditions, I wouldn't be able to get help, because I would just drink when I got stressed.

Now I sincerely want to change my life, but it's just baby steps. I just want a magic wand. I think for a person dealing with addictions, they need recognition. And they do that. When I go to court and my lawyer says what I've been doing, I think, gee, I am doing something.

The Ark is great. I need the structure. The Breathalyzer is a good deterrent. Before, I was on house arrest, but they never came to check on me. I've been

trying to stop drinking for 6 years. Even though I only drink a few times, I get into trouble each time.

c. Consistent support from Department of Justice staff

It's seeing my probation worker every week. [___] is really great—just hard enough.

One-on-one with the alcohol counselor—you can talk about your troubles, whatever helps you.

Actually my lawyer brought it up to me. We talked about it and when I was incarcerated I heard about the Women dealing with Addictions Program. But because I was in remand, they said no. So, my lawyer got me out on bail and then I could go into the program. It made me consciously aware of how I was dealing with my issues—to consciously be aware and change my behaviours. It gave me a headache at first, but I completed the course. Then I started seeing the counselor and Dr. [___].

I got released and I saw some counselors and Dr. [___]. I went to the regular check-ins (every two weeks).

When all the counselors left at once, that period was really rough. That wasn't good when there were no counselors. Dr. [___] put me on drugs to deal with the cocaine addiction—it was still there after 27 months.

My probation worker has been great. She helped me a lot with my family issues too.

The one-on-one addictions counseling is really helpful. The counselor also gave me some books to work on. It's harder than I thought. It's your life that you're writing into the book. I have to think about things. Thinking of the past is really blurry. It's kind of like my memory is erased. I didn't realize that. There are certain times when something jogs my memory so then I go back to the question in the book. If I want to do it, I want to do it honestly.

You know what, maybe if I saw Dr. [___] at the beginning, I might have been able to answer some of his questions. But right now, I have a number if I need to call him. Somehow in December is the darkest time, and it is the darkest for me too. I never had that resource before. My answer was always the bottle.

Something that is frustrating with the programming is that usually I work a lot, and because of programming it's hard to find a job that will allow time the hours to do the programming. I do understand that I need to take responsibility for the programming.

Other than that, I'm happy. I don't really have my wellness plan yet. If we could move faster with having a wellness plan, that would be great.

d. Community treatment programming

I went to that White Bison program, and it has been very helpful. The tools that I was given, I use them. I read through it and it was helpful. It was 12 weeks 3 hrs a week. You get insights into how your life ended up the way it did. I'm my own worse enemy sometimes. When I start to beat myself up, I can go back to those resources.

When I first started to sober up, it was on the 12-step program and I went to AA meetings. It gave me quite a bit, but it didn't seem to be enough. When I took the White Bison course, I was the only White person there.

What really helps is going to the White Bison Program.

I go to NA and that is great. I don't find there are many resources for dealing with cocaine addictions up here. I don't think they were prepared for the big epidemic of crack. They need resources for addictions. There's only one NA meeting a week, but two AA a day. Drug and Alcohol, it's takes a long time to get in. There need to be more resources for addicts.

I just started a program on Tuesday—White Bison—and I know the facilitator. He speaks from the heart and he has been there. Plus, there are other people in the group who have been down that road too.

The White Bison is an excellent 12-step. I know the facilitator from before. I took the Gathering Power, and I benefited from that. I believe that the mental, emotional, physical and spiritual should be balanced.

The big problem is that the hours that the programs have are hard to get to. It's hard to get to AA.

I choose to do the programs rather than work. But maybe for the next group of people, maybe if they have work incorporated in it—sort of like work placement. I think to have stability, you need a house and a job.

e. Diagnosis and appropriate treatment for underlying issues

It helped me by finding my mental problem. I found out I had ADHD, and now I'm focused.

Most people who commit crimes have something underneath it.

Going through withdrawal was really tough. I didn't use detox. I tried AA, but it wasn't good. So, I've been doing it on my own, with help from my probation officer, the addictions counselor, the mental health doctor, my son, and my girlfriend.

I was in a clinically depressed state (suicidal). Between talking to [___] and medication, I've been able to cope.

I was surprised when I heard about the Wellness Court, and then I did some research about it. It has to do with my addictions. I knew there was something deep down, why I would get so angry or cry when I drink. This is just too good—that someone would help me when I got in trouble. I want to get to the root of the problem and I want to know if I can change.

I needed to know that I'm not a bad person.

I'd like to go to residential treatment on Vancouver Island. All of my charges come from alcohol. I do understand that all the trouble I'm in is from alcohol. I know I will get probation, get a pardon, and get my license back. I had such a big fine from driving impaired, that it's hard to see how I can pay it off.

f. Support for meeting basic needs

I'm trying to get a job here. One of the workers at the Ark is trying to help me with my resume.

I'm staying at the Ark so I can be part of the Court. I don't mind it there.

The native liaison used to help you have a house and a job—those are really big for reintegration into society.

g. Incentive Program

We're not rich; we all struggle who are in this program. My friend got a coffee card for Tim Hortons. I said I wanted to join Aquafit with my Mom, so they gave me an incentive of a swimming pass for 2 months. That was great!

I have a friend who is in the program right now, and they have given him bus passes and a pass to the Canada Games Centre. I have a job, but I'm constantly behind. I don't have money for anything like that. Exercising would kind of motivate me. My house is trash—the steps are broken—I haven't had the motivation to fix them. Now that I'm sober I have more will power to want to do things. That's where exercising would help.

I think it is excellent that we get a Canada Games Pass. The Tim Horton card is excellent. Also, the bus pass really helps, because going to a meeting or the Canada Games Centre—it costs a lot.

3. Impact of the Court

The Wellness Court—it saved my life.

Now I talk to my kids all the time and their mother. I can't wait to see them.

Now I'm focused. I'm good at work.

I've been self-sufficient. I'm doing really good, and all this is because of the Court.

To me it's been a rough experience. I've been an alcoholic for years. I've been sober now for many months. Every day is getting easier. I'm dealing with things in a different way. I would highly recommend it.

You are putting a lot of resources into a few people. It's worth it. Now I have an apartment that is furnished. It's nice to come home and watch TV, rather than going to the bar and having to watch what I drink so that I can go to work the next day.

Since I quit drinking, it's been great. I was always physical, but it hasn't been like that. I've started a relationship cold sober, not lies.

It feels so good to have a life, not to have the bill collectors phoning and to have a home, to have a girl friend, to be sober.

My step mom has been trying to tell me for years to get help, but when I read the report, my step mom said she was seeing much improvement in me. I am more relaxed. So, I've got some tools, and some insight about what the triggers are. When you get an urge or craving, you need to ride the wave, and then the craving or urge will be gone. When I went through the hard time of losing two aunts in a couple of weeks, I wanted to drink. Then I rode the wave and the craving went away. I now know I can do it. I made a behaviour sequence change. The Wellness Court gives us a chance. I'm thankful I had another chance. Without it, it would be incarceration and then back to the same pattern.

I tell people it's like a drug court. I had a trafficking charge. If I had gone through regular court, I would have gone to the pen. The Wellness Court was way better, because they were willing to help you if you wanted to make a change.

My family said it was like having the old me back. I have a relationship with my mother and father, brother and my two older boys. Without the Court, I would have lost my baby and I wouldn't have been able to get sober.

I came out of jail angrier than when I went in. When I go to jail, it affects everyone—my family.

If I come through this and don't re-offend, that would be the greatest program. I'd like to stay out of jail forever.

Another thing in jail, education only goes so far. Here I can go to the college at any level.

4. Who should be Eligible for the Court

I think CWC should be available for anyone, even people who are dealing because of their addictions. People who work for a criminal organization are different. I have a friend who is in jail every summer. He's a drunk. I feel bad for my buddies. People think that alcohol is OK because it is legal.

Some people pull the strings a little hard. They keep breeching, but somehow they still get to stay in the Court. That makes it hard for people who are trying to do it right.

It would be nice if the program could reach out to more people. I know a fellow who is going through a really hard time. He's come to me and I've told him about what I've experienced. But he's not in trouble with the law, so he can't participate. He spent \$350,000 on crack in the last 2 years.

PART FOUR: LESSONS FROM THE JOURNEY

A number of key lessons can be derived from the Court's experience to date. Those that participated in the interviews that provided the input for this report summarized these lessons as follows.

Lesson #1: You can't do everything at once (the importance of focus) – The Yukon Community Wellness Court took on a very ambitious project when it committed to working with clients with such a broad range of significant issues; namely, mental health, addictions and FASD. Indeed, many clients present with two or even all three of these challenges. The core implementers felt a lot of pressure to provide comprehensive services in all of these areas from the beginning of the Court's operation because of funding agreements related to the Court. This was in spite of the fact that therapeutic options in the community are very thin on the ground. In the past year, the Court has learned to prioritize—to focus more comprehensively on one issue at a time, beginning with addictions. This has relieved some the pressure on the system and has allowed the Court to gain experience and a sense of progress.

Lesson #2: You have to have the right people on the bus and in the right seats – So much is personality dependent. People have to have passion and commitment and give the work of developing and implementing the Court the time it needs. You need people involved who are open to change. A big challenge is ensuring that all those involved have the capacity to do what is required. Lots of people who are currently involved say they don't have time except off the corner of their desks. This situation makes it very difficult for the Court to remain sustainable.

Lesson #3: A clear and common vision for the Court and effective communication of that vision to a variety of audiences is a crucial ingredient for success – There is still a lot of support from key stakeholders for the vision of what the Court can achieve. There is a strong consensus that the Court is important. As one individual put it during the

interview process, “It’s easy to criticize the CWC as not working, but the way the Courts were dealing with these types of offenders before wasn’t working either.” It is likely that not enough time was put into educating key stakeholders (both within government and community partners) about therapeutic courts in terms of their purpose, effective practice and the outcomes that could reasonably be expected. This lack of basic understanding may have created unrealistic expectations.

Lesson #4: Achieving real outcomes and demonstrating the Court’s effectiveness will take time – The Court is still in early stages of its development. People continue to question the Court’s existence and basic functioning. It hasn’t yet become an integrated part of the way justice programming operates in the Yukon. The Court’s experience to date (as corroborated by the testimony of offenders who have either graduated or are still participating in the Court) has demonstrated that if you commit enough resources to supporting someone, it does make a difference. The Court has also not yet developed a comprehensive approach to tracking and reporting on outcomes, especially over the mid- to long-term.

Lesson #5: It takes time to build the necessary collaboration among all the stakeholders – According to the core implementers of the Court, building a common vision and learning how to cooperate were the biggest challenges. Understanding how to build unity while respecting differences in perspective and roles was a huge part of the learning that needed to occur. A lack of capacity in this area resulted in a lot of lost time. One key to successful collaboration is the right protocols and processes for communication among all the stakeholders (e.g. ensuring that messages from the Steering Committee go both down and up the system).

Lesson #6: Key programming elements contribute to the Court’s success – These elements include more intense supervision than would otherwise occur, including time with a Judge who is strongly committed to the Court, the routine of regular Court appearances and very systematic interaction with probation officers. Also essential is diagnostic and treatment support from relevant and skilled mental

health practitioners so that clients can work with the issues underlying their addictions and criminal behaviour.

Lesson #7: The Court Coordinator's role requires a degree of autonomy – The Court Coordinator is the champion and the glue for the Court. He/She needs to be given enough authority to move forward with pieces about which there has been general consensus (such as soliciting more community involvement). Bringing the coordinator in-house would help make authority and reporting lines clearer. On the other hand, government personnel can be restricted by protocol issues in terms of building community partnerships. This issue requires a clear resolution for an effective Court.

Lesson #8: Not everyone can be helped - The motivation and drive of the offender is an extremely important ingredient to success, as is steadfast support from the client's family. The match between the needs of offenders and existing resources is also a key factor for success. As well, it is important to remember that people often have to go through a program several times in order to succeed (also lesson from DVTO). In assessing the likelihood of success for particular clients, the Court needs to learn to recognize and value the coping skills and resilience that clients suffering from trauma exhibit, rather than only seeing the negative aspects of their behaviour. In view of all of this complexity, it is unlikely that the Court will always be able to be 100% effective in judging who will benefit from the Court and who may not be a good match at this time.

Lesson #9: It has been easier to build in-house capacity than to strengthen the capacity of community resources – As one individual expressed it, “I am still trying to find the community in the Community Wellness Court. This program requires a different approach to understanding wellness. It's not just about programs. It's also about community and family support.” While service providers within the Department of Justice have steadily become more skilled at playing their role, clients will only ultimately be able to sustain a safer, healthier and more productive pattern of life when they can access a broad range of formal and informal support systems that are a regular part of personal and civic life.

PART FIVE: RECOMMENDATIONS

Eight priority recommendations flow from the previous sections of this document. What follows is intended to be a summary rather than a thorough discussion of each of these issues, as greater detail has already been provided above.

Recommendation #1: Hold a retreat with key implementation

partners and confirm buy-in from “the top” - This is a strategic time for the Court to revisit its vision and strategies. The Court has made a great deal of progress and gained considerable experience since it first opened just over two and a half years ago. It has struggled with a great many issues, such as building a common sense of what the Court should try to accomplish and who it should be targeting (including the severity of issues with which clients are dealing), without coming to clear consensus among all the implementation stakeholders. Part of this discussion could be focused on clarifying such fundamental issues as whether justice should be the tool for dealing with the types of societal issues represented by the client base of the Wellness Court. As well, important decisions, such as narrowing the focus to clients whose primary issue is addictions, have been made, but not everyone involved has had the opportunity for input. The rush of everyday responsibilities that press in on those personnel playing key roles has made it very difficult to have extended reflection and planning processes. As interview participants explained, “We begin in the context of an hour’s session, and then we have to run off. We just get started, but no one can work on it full time. We need buy in at the top and the bottom.” A two-day retreat for the Steering Committee could provide the protected time to hammer out all the issues. A third day could be dedicated to consultation with high-level decision makers whose support is needed if the Court is ever to become a well integrated aspect of justice programming rather than a special project. This retreat would benefit from an outside facilitator so that the Steering Committee chair can be freed to participate substantively in the discussions.

Recommendation #2: Develop a clear outcome/impact evaluation

methodology – Although the Court’s caseload is still modest, its ability to retain buy-in and resources depends in part on its capacity to demonstrate strong outcomes. Part of this process can involve looking at the Court’s existing evaluation

framework to determine which aspects of it have been implemented. As well, a considerable body of assessment tools has been developed and not all of them are being used to advantage (e.g. the client exit survey). Other impact evaluation strategies should also be considered. One suggestion was to develop three to five case studies of clients that would provide a basis for doing a cost-benefit analysis.

Recommendation #3: Define and resource First Nations cultural contributions to the wellness programming – One step in moving forward in this regard might be to ask the Council of Yukon First Nations to prepare a learning forum event for the Court's key partners related to cultural perspectives and programming. A next step might be to request a working session with the managers and key staff of the justice and health departments of CYFN as well as the Kwanlin Dun and Ta'an Kwach'an First Nations to determine what role they could play in offering services to the Court and the resources they would need to move forward.

Recommendation #4: Develop a strategy for attracting more clients to the Court – Remand has been suggested as a potential source for more clients. It might be very helpful to have a report exploring gaps in the Court's recruitment process rather than relying on assumptions that defense lawyers are not informing clients about this option or that prospective clients are deterred by the length of time that Wellness Court clients remain under the Court's supervision.

Recommendation #5: Aftercare and reintegration programming development is a key next step – Four clients have already been sentenced and little is in place to support or even track their progress. Even though wellness plan completion may have retained clients under Court supervision for up to two years, many will still not have all the internal and external supports in place to sustain their gains. As well, it is recognized that some clients may have to go through the Court's program more than once (as sometimes happens with the clients of the DVTO Court). A strong aftercare and reintegration program could ensure that clients retain a strong enough connection with an ongoing wellness and personal development journey that they are able to continue to make consistent gains.

Recommendation #6: Use the Court's strategic plan as a tool for maintaining focus – A more detailed work plan should be developed on the basis of the Court's strategic plan and a tracking and monitoring process is needed to provide ongoing feedback to the implementation stakeholders about progress.

Recommendation #7: Continue a strong focus on enhancing access to therapeutic programming – Besides the issue of drawing more effectively on First Nations cultural resources, several therapeutic programming issues still require ongoing attention. There are still not enough addictions treatment options, programming that works effectively with deep trauma as an underlying issue is largely missing, programming is not accessible enough for clients who have daytime jobs, and programming that helps clients acquire further academic, workplace and life skills is needed. As well, more timely access to mental health counseling services came up again and again in interviews as an urgent priority.

Recommendation #8 – Bring a client advocate/support worker on board as soon as possible – Especially for those clients with poor family support systems and more challenging issues (such as FASD), a support worker who could work with daily living issues (such as housing and income adequate to meet basic needs) as well as assisting clients to internalize a life pattern that can sustain the commitment required to keep appointments and comply with conditions, as well as to eventually maintain a job is an urgent need.