

## Brown, Doug PREM:EX

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**From:** tno@gov.bc.ca  
**Sent:** Thursday, June 30, 2011 12:25 PM  
**To:** Brown, Doug PREM:EX  
**Subject:** TNO: Sinclair slams Bloy's HST stance

CHAN  
Global BC Noon News  
30-Jun-2011 12:07

Jim Sinclair is blasting Harry Bloy for supporting the HST when it will cost his constituents in Surrey over \$60m a year. [fin, jti, agmc, tran, zpz. lbr]

### TNO...

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**From:** tno@gov.bc.ca  
**Sent:** Sunday, July 3, 2011 6:45 AM  
**Subject:** TNO: Jail last resort for mentally disabled man - Lindsay Kines and Lindsay Kines - Times Colonist (Victoria)

**Jail last resort for mentally disabled man**

Times Colonist (Victoria)

03-Jul-2011

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By Lindsay Kines and Lindsay Kines

A young man with the mental age of six has been sent to jail in Victoria because the B.C. government has no other place to house him, court documents show.

In the latest case highlighting gaps in services for the developmentally disabled, the 23-year-old man pled guilty to a series of charges for break and enter and theft. He was sentenced in May to three months at Vancouver Island Regional Correction Centre on Wilkinson Road.

Nanaimo provincial court judge Tony Dohm said the sensible option would have been to give the man a suspended sentence with probation. But there was no ready place in the community where the young man could live and receive the 24-hour supervision he needs, the judge said. "This is a case where the provisions made by society are inadequate," Dohm said.

Dohm said a person of normal mental capacity could expect a lengthy jail sentence due to the seriousness of the offences. In one incident, the man broke into a home and stole a wallet while the 81-year-old male resident was asleep - a crime that posed risk to both the elderly man and the young intruder, the judge said. The young man also has a previous record.

But Dohm noted that sentences have to be just. "I have no difficulty in concluding that to send a six-year-old to jail for a year or more would fall within the term of cruel and unusual punishment," he stated.

The court was told that the man was raised in an abusive home and suffers from fetal alcohol spectrum disorder, post-traumatic stress disorder and attachment disorder. His overall IQ tested on three occasions at 63, 67, and 72.

The Ministry of Children and Family Development was involved in his life from age 10. At 19, responsibility for his care shifted to Community Living B.C., the government agency that provides services to the developmentally disabled. "It is obvious that [he] relies on the state to look after him," the judge said.

The Times Colonist, which is not identifying the man to protect his safety, first reported on his case in 2007, when he ended up homeless. He eventually walked 20 kilometres to the residence of Michael Steele, a former foster parent, where he stayed for several months.

Steele said at the time that CLBC was balking at spending enough money to provide proper care. The situation improved after the case was raised in the legislature.

But the man has rarely received the kind of round-the-clock intensive supervision required, said Steele, who continues to advocate for him. As a result, the man eventually gets in trouble and winds up on the street or back in court.

"People like [him] require a level of professional care and supervision and intervention that the average citizen cannot supply them," Steele said. "It's not enough to shove them into somebody's house and pay that person a thousand bucks a month or \$1,500 a month and say, 'You take care of them.' It just doesn't work."

The judge agreed with Steele and decided to hold the young man in jail while CLBC tries to find a place with 24-hour supervision in the community.

Once out, the man is required to spend the first of three years probation confined to his residence unless he goes out in the company of an approved adult.

Dohm said he decided on a three-month sentence, in part, because he figured the province's financial situation would make it difficult to find an appropriate living arrangement. It is costing government nearly \$6,000 a month to keep the man in jail.

Social Development Minister Harry Bloy was asked to comment, but his office said he does not discuss individual cases in the media.

CLBC issued a statement calling the young man's situation unfortunate, but saying it speaks to the challenges of supporting adults with developmental disabilities. It also said that the man was receiving 24-hour support before his arrest.

"In some cases, there are no easy solutions and one has to keep in mind that accessing CLBC services and programs is a voluntary decision on the part of adults with disability-related needs," the statement said.

lkines@timescolonist.com

The B.C. government has come under fire for allowing a man with the mental age of six to go to jail instead of caring for him in the community.

"The fact that we're defaulting to the jail system in the absence of adequate supports for people with developmental disabilities is a human tragedy," Faith Bodnar, executive director of the B.C. Association for Community Living, said.

"The vulnerability that they're going to experience while in those settings is probably the highest vulnerability ever, and it is an entirely inappropriate place for this young man."

The 23-year-old man was sentenced in May to three months at the Vancouver Island Regional Correctional Centre after pleading guilty to criminal charges for break and enter and theft.

Nanaimo provincial court Judge Tony Dohm said the sensible option would have been to give the man a suspended sentence and probation, but there was no place in the community where he could receive 24-hour supervision that he requires.

Bodnar said it's not the first time she's seen the developmentally disabled end up in the correctional system. She said it's not only "extremely precarious" for the individuals, but makes little financial sense for government. The Ministry of the Solicitor General says it costs \$190-a-day, and an estimated \$70,000 a year, to keep people in jail.

In the case of this young man, Bodnar said that if the money spent keeping him in jail was funnelled into the community, it would "probably ensure that he has a decent life."

NDP leader Adrian Dix noted the case comes at a time when the Liberal government is closing group homes for the developmentally disabled across the province. Social Development Minister Harry Bloy told Dix

legislature recently that his government shut down 40 group homes in the fiscal year ending March 31 as it tries to find money to deal with a rising demand for services.

"The government suggests perhaps that closing group homes saves money," Dix said. "But it's quite clear in this case that it hasn't. The idea that someone has to be held in jail under these circumstances because there are not adequate supports in the community should be a call to all of us to advocate for better supports."

The Ministry of Children and Family Development was involved in his life from age 10. At 19, responsibility for his care shifted to Community Living B.C., the government agency that provides services to the developmentally disabled.

Bloy was asked to respond, but his office said he does not comment on specific individuals. CLBC issued a statement calling the young man's situation unfortunate, but saying it speaks to the challenges of supporting adults with developmental disabilities.

CLBC is struggling to meet a rising demand for services and has been busy trying to save money by closing group homes that provide around-the-clock care. It received a one-percent budget increase from the B.C. government this year, while the number of people eligible to receive services will climb five per cent.

In many cases, people have been moved to less expensive home-share arrangements, where they live with a family or caregiver.

Critics have been raising concerns that that CLBC's ongoing financial problems will lead to developmentally disabled people joining the mentally ill in jails, hospitals, and on the street.

Last month, the Times Colonist reported on the case of a developmentally disabled woman confined to a psychiatric ward in Powell River, while officials debated how to care for her in the community. She was eventually released into the care of her mother until a permanent solution could be found.  
[lkines@timescolonist.com](mailto:lkines@timescolonist.com)

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