



# Cost analysis of the Saskatoon Mental Health Strategy (MHS) court

Alexandra M. Zidenberg,\* Ashmini G. Kerodal,† Lisa Jewell,‡ and Glen Luther§

## ABSTRACT

Housing inmates, particularly those living with mental health concerns, is a very expensive prospect. Mental health courts (MHCs) are designed to divert justice-involved individuals living with mental health concerns away from the traditional criminal justice system and to mitigate some of the issues commonly seen in these systems. Given this diversion, it would seem that MHCs could reduce costs associated with crimes committed by this population. While intuitive, these cost savings are an untested assumption as there has been very little research examining the costs of these programs, particularly in Canada. Thus, this study presents the findings from a cost analysis of the Saskatoon Mental Health Strategy Court in Saskatchewan, Canada. Results demonstrated that Court costs increased in the first and second year post-Court entry. Most concerning, a large proportion of these increased costs seem to be attributable to administrative charges applied by the Court. Recommendations for MHC operation and potential impacts of the cost analysis are further explored.

**Key Words** Mental health court; administrative charges; recidivism.

## INTRODUCTION

Housing inmates in Canadian institutions is an expensive prospect, and costs related to incarceration are on the rise. According to Sagynbekov (2015), the marginal costs of each individual housed in the Saskatchewan corrections system is quite high, with estimates of \$22,000 in the short-run, \$35,000 in the long-run, and \$65,000 for remanded inmates. Overall, maintaining federal justice-involved individuals in the community tends to be less cost-intensive (\$32,327 per year) compared with housing an inmate in a prison setting (\$125,466 per year; Public Safety Canada Portfolio Corrections Statistics Committee, 2020). While there are no equivalent publicly available cost figures for housing individuals in provincial custody facilities from across the country, we would expect a similar reduction in costs at the provincial level. The cost savings of diversion to outpatient settings at the provincial level was demonstrated by Jacobs and colleagues (2016) who found that outpatient management (\$881/year) for psychiatric care in Alberta was less expensive than inpatient care for not criminally responsible cases (\$274,723/year), other inpatient cases (\$58,159/year), and federal psychiatric cases (\$126,315). Given these drastic differences in cost, diverting justice-involved individuals living with mental health concerns seems prudent.

## MENTAL HEALTH COURTS

Diversion can be achieved through participation in mental health courts (MHCs), which are designed to divert justice-involved persons with mental health concerns away from the traditional court system into community-based treatment (Baillargeon et al., 2009; Schneider et al., 2007). Operating under the principles of therapeutic jurisprudence, MHCs attempt to provide personalized treatment in order to disrupt the cycle of recidivism for justice-involved individuals living with mental health concerns (Lurigio & Snowden, 2009; Rankin & Regan, 2004; Schneider, 2008; Wiener et al., 2010; Winick, 2002; Winick & Wexler, 2003). While individuals are housed in the court system, MHCs provide intervention in the community through the use of multidisciplinary teams including community agencies that provide comprehensive, holistic services (e.g., group or individual therapy; medication; connections to social, vocational, and residential services) to clients (Lurigio & Snowden, 2009; Rankin & Regan, 2004; Wiener et al., 2010; Winick, 2002).

Common features of MHCs include a process of screening and determining client eligibility based on the current charge and prior criminal history, dedicated program staff (e.g., a presiding judge, prosecutor, mental health agency representatives and community service workers), regular

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court hearings, clients accepting responsibility for their behaviour and voluntarily entering into the program, case management services targeted to the client, compliance monitoring, charges being withdrawn/reduced after successful completion of the program, and access to services in the community (see: Campbell et al., 2015; Cissner et al., 2018; Hahn, 2015; Human Services and Justice Coordinating Committee [HSJCC], 2017; Reich et al., 2015; Schneider, 2008).

### *Mental Health Court Costs*

While, logically, MHCs seem to be an effective strategy to optimize criminal justice spending, this is a largely untested assumption as there are very few studies that have examined the cost of these programs—particularly in Canada. An evaluation of the Durham Region Drug and Mental Health Court in Ontario, Canada, indicated that there were large crime-related costs avoided by the participants of the court (i.e., \$6,779 per participant). These savings yielded a benefit-to-cost ratio of 1.74:1, providing evidence for the savings reported by the court (Bekker & Scott, 2014). Data from the United States paints a similar picture, with reductions in justice-related (Kubiak et al., 2015; Lindberg, 2009; Ridgely et al., 2007; Steadman et al., 2014) and mental health-related (Kubiak et al., 2015) spending for court participants. While these substantial savings were reported by the courts, it is important to note that, in almost all cases, the court's initial expenditures increased, later being offset by these justice and health savings (Lindberg, 2009; Steadman et al., 2014; Ridgely et al., 2007).

### *The Saskatoon Mental Health Strategy Court*

Bringing together a multidisciplinary team of community stakeholders and legal professionals, the Saskatoon Mental Health Strategy (MHS) Court aims to assist justice-involved individuals living with mental health conditions, fetal alcohol spectrum disorder (FASD), or cognitive impairments (Barron et al., 2015; Saskatchewan Law Courts, n.d.). The MHS Court is comprised of a designated Provincial Court Judge, a crown prosecutor, defence counsel, and representatives from a variety of services including Mental Health and Addiction Services, Saskatoon Community Corrections, FASD Network, Elizabeth Fry Society, Social Services, Saskatoon Crisis, and Saskatoon Community Mediation Services (Barron et al., 2015). Other community organizations that provide support to MHS clients include The Lighthouse Supported Living, The Salvation Army, Housing First, Community Living, Saskatchewan Brain Injury Association, Partners in Employment, 601 Outreach, Saskatoon Police Service, and various drug and alcohol treatment programs. Together, these court personnel and community organizations are the MHS Court professionals who strive to meet the needs of the clients. Since the MHS Court has no program funding, there is no dedicated coordinator, case manager(s), or data tracking or program staff. Justice-involved persons in custody, and those accused of driving offenses, sexual offenses, or offenses with a mandatory minimum sentence<sup>1</sup> are not eligible for the Court

(Saskatchewan Law Courts, n.d.). In addition, the alleged criminal behaviour and mental illness must be related in order to qualify (Saskatchewan Law Courts, n.d.). Provincial Court Judges provide referrals to the MHS Court based on assessments of individual clients and their mental health needs. A guilty plea is required, as the MHS Court is a sentencing court, and only pre- and post-plea matters are considered (Barron et al., 2015). Previous evaluations of the MHS Court have shown that professionals involved in the Court believed it was meeting its goals despite some challenges (Mathias et al., 2019; Zidenberg et al., 2021a) and mixed perceptions of the client experience (Dell, 2020). Further, clients had improved justice- and health-related outcomes following their participation in the Court (Zidenberg et al., 2020; Zidenberg et al., 2021b). Specifically, findings indicate that arrest recidivism was low for clients involved with the Saskatoon MHS Court although the seriousness of the charges received tended to increase after entry into the court. Of note was the fact that a large proportion of the recidivist cases and convictions resulted from system-generated or non-compliance issues. Additionally, clients were able to access several mental health services and treatments post-Court entry, while their hospitalizations and emergency room utilizations declined in the 1-year post-Court-entry period (Zidenberg et al., 2020; Zidenberg et al., 2021b). The purpose of the current study is to provide a cost evaluation detailing the outcomes of the MHS Court's first year cohort of defendants (see Zidenberg et al., 2020, and Barron et al., 2015, for more information regarding the Court's operation). This study was guided by the following question: Did involvement with the MHS Court reduce costs of clients who participated?

## METHODS

In order to answer the research question, the research team conducted a pre-post cost analysis of the first-year cohort of the Saskatoon MHS Court. The current cost analysis utilized (1) court case data from the Saskatchewan Ministry of Justice (MOJ) for the first cohort of MHS Court participants ( $N=89$ ) from 2014 and (2) Gabor's (2015) cost estimates by court case type, in August 1, 2014, Canadian dollars adjusted for inflation (see Table I). The authors were unable to obtain length of custodial and community sentences required to fully estimate transactional costs of MHS clients and instead elected to estimate costs by court case type. Thus, arrests that did not lead to arraignment in court were excluded from this cost analysis. Ethics approval to conduct this study was granted by the University of Saskatchewan's Behavioural Research Ethics Board (Beh# 14-290).

### *Measures*

Case type variables were computed for the following periods: 2- and 1-year prior (i.e., pre-Court entry date); the instant case; in-program; and 1- and 2-year recidivism (i.e., post-Court entry date). Case type was categorized as homicide, sexual assault/rape, assault, aggravated assault, robbery, motor vehicle theft, arson, burglary, theft, fraud, or other/administrative (breach of probation, failure to appear, and failure to comply). If a case had multiple charges, the charge with the highest cost estimate according to Gabor's (2015) study was used to determine case type. Case type count variables were then multiplied by the

<sup>1</sup> While Mandatory Minimum sentences have recently been repealed for a number of offences (see <https://www.canada.ca/en/department-justice/news/2021/12/mandatory-minimum-penalties-to-be-repealed.html>), they were in effect during the time period of this study.

**TABLE I** Cost estimates by cost category per case type in Canadian 2014 dollars (Gabor, 2015)

Case Type	Cost Category	Mean Cost (Outliers Removed)
Homicide	Victims' tangible/direct	1,222,126.83
	Victims' intangible	3,038,838.81
	CJS costs	399,582.98
	Criminal career	176,469.11
	Total cost	4,837,017.73
Sexual assault/rape	Victims' tangible/direct	25,545.84
	Victims' intangible	86,593.36
	CJS costs	13,097.89
	Criminal career	11,134.97
	Total cost	136,372.06
Assault	Victims' tangible/direct	40,002.59
	Victims' intangible	14,502.50
	CJS costs	4,381.34
	Criminal career/no data	—
	Total cost	58,886.43
Aggravated assault	Victims' tangible/direct	10,125.10
	Victims' intangible	73,699.73
	CJS costs	12,550.72
	Criminal career	2,569.80
	Total cost	98,945.35
Robbery	Victims' tangible/direct	5,706.12
	Victims' intangible	11,991.09
	CJS costs	9,371.48
	Criminal career	4,953.45
	Total cost	32,022.14
Motor vehicle theft	Victims' tangible/direct	6,318.72
	Victims' intangible	552.58
	CJS costs	846.26
	Criminal career	439.03
	Total cost	8,156.59
Arson	Victims' tangible/direct	24,481.18
	Victims' intangible	15,462.43
	CJS costs	5,308.82
	Criminal career	705.90
	Total cost	45,958.33
Burglary	Victims' tangible/direct	1,891.66
	Victims' intangible	786.00
	CJS costs	2,426.85
	Criminal career	823.16
	Total cost	5,927.67
Theft	Victims' tangible/direct	444.45
	Victims' intangible	113.32
	CJS costs	732.29
	Criminal career	140.25
	Total cost	1,430.31
Fraud	Victims' tangible/direct	40,848.22
	Victims' intangible/no data	—
	CJS costs	3,384.37
	Criminal career	797.77
	Total cost	45,030.36
Administrative/ other	Victims' tangible/direct	17,262.65
	Victims' intangible	22,633.45
	CJS costs	5,788.89
	Criminal career	2,396.04
	Total cost	48,081.03

CJS = criminal justice system.

associated costs and tallied to compute total costs for the respective time period. The “instant case” was the case transferred to the MHS Court during the initial year of operations (including administrative charges): the first scheduled appearance or MHS Court entry date was used to determine eligible cases for all other time periods. “In-program” court cases occurred between the MHS Court entry date and the last date the case appeared on the MHS Court docket. In-program court cases for up to 365 days were included in the 1-year recidivism cost computation and in-program court cases for up to 730 days were included in the 2-year recidivism cost computation.

### Analytic Approach

While Canadian estimates are available for policing, court proceedings, adult and youth custody, community supervision (Gabor, 2015), and mental health addictions by the Policy and Research Unit (Mental Health Commission of Canada, 2017), the evaluation team was unable to obtain length of custodial and community sentences required to fully estimate transactional costs of MHS clients. Instead, Gabor's (2015) cost estimates, which itemized total costs of crime by case type, were used to conduct the pre-post cost analysis. The main benefits of this technique are that it is intuitively easy for policymakers to understand, and Gabor (2015) provided cost estimates in August 1, 2014, Canadian dollars, which were appropriate for analyzing cost of clients with an MHS Court entry between November 18, 2013, and November 17, 2014. Gabor's (2015) cost estimates itemized costs of crime by court case type for four categories of costs:

1. Victim costs (including property losses, lost wages, and medical costs due to injuries)
2. Criminal justice system costs (law enforcement, court, corrections, programs and services)
3. Criminal career costs or the opportunity cost lost when someone forgoes legitimate employment in lieu of a criminal career
4. Intangible costs (loss in quality of life, pain and suffering of victims).

Gabor's (2015) cost estimates were based on a literature review of global publications from 1988 to 2016. To avoid the problem of overestimating costs due to outliers, cost estimates were computed using Gabor's (2015) “mean cost, outliers removed” estimates for case types (homicide, sexual assault/rape, assault, aggravated assault, robbery, motor vehicle theft, arson, burglary, theft and fraud) with the exception of administrative cases, which Gabor (2015) did not estimate. Three decisions were made to avoid overestimations of costs: homicide cases were excluded when estimating administrative and other case costs due to extremely high and low homicide cost estimates in some of the studies used by Gabor (2015); mean costs with outliers removed were used to estimate case costs; and cases were counted only once, coded based on the charge with the highest cost estimate. Cost estimates for administrative cases—coded as breach of probation, failure to appear and failure to comply charges—and other cases were based on the average cost for all case types, excluding homicide. No additional adjustments were made to Gabor's (2015) estimates. For more information about the ranges included in this study, see Zidenberg et al. (2020).

### Demographics

Ninety-two defendants participated in the MHS Court in the first-year cohort, that is, were transferred into the MHS Court between November 18, 2013, and November 17, 2014. Due to issues with aliases, the Saskatoon Police Service provided data for 91 MHS clients; however, two clients missed their MHS initial appearance and were dropped from the program. As such, the Ministry of Justice did not provide criminal records for those two individuals. From a practical standpoint, data from the 89 clients in this study constitute the first-year cohort population. Clients were born between 1950 and 1995 with a median birth year of 1985. Clients were processed by the MHS Court for index offenses committed between March 2008 and May 2014 (only three index offenses occurred before 2010), indicating that Court entry was triggered by an administrative charge stemming from a prior arrest. Administrative charges were recorded as their own charge in our dataset, allowing for them to be entry triggers despite not being the index offense that landed the client in contact with the criminal justice system. The vast majority of “administrative and other” were administrative charges (78%; e.g., failure to appear and failure to comply). Information on client gender and ethnicity or other demographic variables was unavailable.

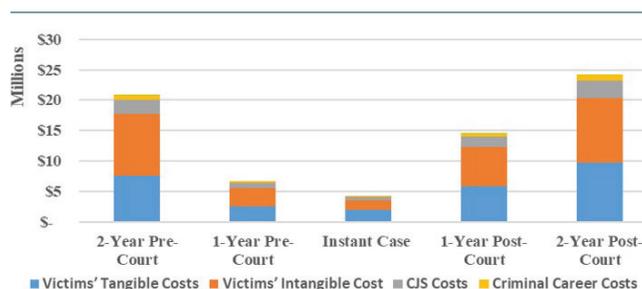
### RESULTS

#### Total Cost

As can be seen in Table II, approximately one quarter (26%) of instant cases were assault and less than one-fifth (16%) were administrative. Client costs associated with the time periods by cost type are displayed in Figure 1. Referring to Table II, when cases are analyzed by pre–post MHS Court entry, the administrative cases constitute the vast majority of clients’ pre-Court cases: approximately half of 1-year pre-Court

(52%; 75/145 cases) and 2-year pre-Court (48%; 173/357 cases) cases were administrative. The rate of administrative cases increased post-Court entry, to approximately two-thirds in the 1-year post-Court (62%; 207/336 cases) and 2-year post-Court (60%; 333/555 cases) periods. Detailed costs for these periods are presented in Table III. Based on Gabor’s (2015) mean costs excluding outliers estimate, total cost of the instant case was slightly over 4 million dollars. The majority of this expense was attributed to victim tangible (\$1.9M) and intangible (\$1.7M) costs, while the criminal justice system cost accounted for approximately 10% of the total cost (\$447,063).

Totals costs increased in both the 1- and 2-year pre–post intervals. Total 1-year recidivism cost (1-year post-Court cases: \$14.6M) was more than double the total 1-year pre-Court cost (\$6.7M). Again, the vast majority of costs were attributed to victim tangible and intangible costs for both periods, while criminal justice system costs accounted for slightly more than 10% of total costs (see Figure 1; grey bar). Although total costs of clients’ criminal behaviour increased each successive year after MHS Court entry, total cost increase was less drastic in the second year. Total 2-year recidivism cost exceeded total



**FIGURE 1** Total cost: Victim, criminal justice system and criminal career costs (millions of dollars). CJS = criminal justice system.

**TABLE II** Case type by time period

Case Type	Instant Case	2-Year Pre-Court Cases	1-Year Pre-Court Cases	1-Year Post-Court Cases	2-Year Post-Court Cases
Homicide	0	1	0	0	0
Sexual assault/rape	3	2	2	1	2
Assault	23	28	11	24	43
Aggravated assault	2	2	0	2	2
Robbery	2	2	2	1	3
Motor vehicle theft	9	26	8	37	57
Arson	1	1	0	1	3
Burglary	4	5	3	2	8
Theft	3	7	2	8	11
Fraud	2	0	0	5	6
Administrative/other	40	283	117	255	420
Youth Criminal Justice Act	2	29	4	3	4
Administrative	14	173	75	207	333
Other	24	81	38	45	83
Total	89	357	145	336	555

2-year prior cost (\$24.2M vs. \$20.9M), with the highest costs attributed to victim tangible and intangible costs.

### Administrative vs. Non-Administrative Cases

For this section of the cost analysis, cases generated by compliance failure were classified as “administrative,” which included breach of probation, failure to appear, and failure to comply with conditions charges. All other cases, referred to as “non-administrative”—homicide, sexual assault/rape, assault, aggravated assault, robbery, motor vehicle theft, arson, burglary, theft, fraud, and other—result from actual criminal behaviour (see Figure 2 for case counts by type). Given that the mean cost for administrative cases was higher than both violent and non-violent cases, the majority of the costs to the Court stemmed from administrative charges.<sup>2</sup> Figures 3 and 4 detail the victim, criminal justice, and criminal career costs for administrative and non-administrative cases itemized in Table IV. As seen in Figure 5, it is evident that clients’ non-conforming behaviour shifted from non-administrative

pre-Court (see Figure 4 for a detailed breakdown of non-administrative costs) to administrative post-Court (see Figure 3 for a detailed breakdown of administrative costs). Criminal recidivism also increased in the 1- and 2-year pre-post intervals, but at a more modest rate than with non-compliance/administrative cases (see orange portions of the stacked bars in Figure 1).

Furthermore, the brunt of clients’ criminal behaviour costs were tangible (e.g., loss of property, wages, and medical costs) and intangible (e.g., pain and suffering) costs borne by victims. Consequently, as illustrated in Figure 5, from a cost

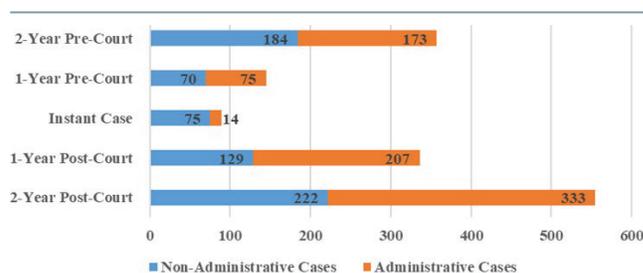


FIGURE 2 Case counts: Non-administrative vs. administrative cases

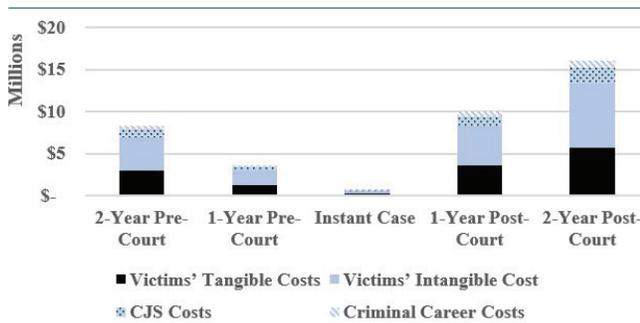
<sup>2</sup>Given space considerations, this analysis has been omitted from this manuscript. See Zidenberg et al. (2020) for detailed information related to administrative, violent, and non-violent costs.

TABLE III Total cost: Gabor’s (2015) mean excluding outliers estimate

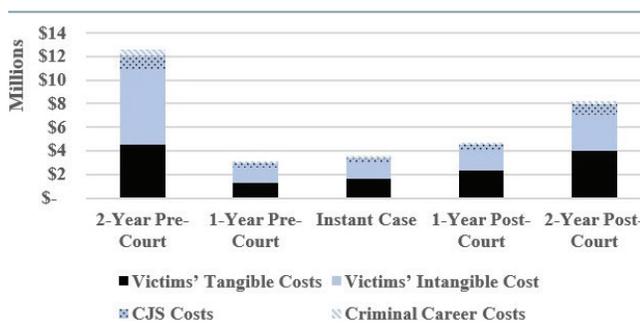
Total Cases	Instant Case	2-Year Pre-Court Cases	1-Year Pre-Court Cases	1-Year Post-Court Cases	2-Year Post-Court Cases
Victims’ tangible costs	\$1,890,812	\$7,511,622	\$2,579,376	\$5,883,395	\$9,757,608
Victims’ intangible cost	\$1,693,977	\$10,229,295	\$3,011,815	\$6,403,959	\$10,571,633
Criminal justice system costs	\$447,063	\$2,275,129	\$785,949	\$1,693,145	\$2,811,083
Criminal career costs	\$154,259	\$909,082	\$318,775	\$655,925	\$1,088,662
Total cost	\$4,186,110	\$20,925,128	\$6,695,916	\$14,636,423	\$24,228,986

TABLE IV Total cost: Administrative vs. non-administrative cases

	Instant Case	2-Year Pre-Court Cases	1-Year Pre-Court Cases	1-Year Post-Court Cases	2-Year Post-Court Cases
<b>Administrative cases</b>					
Victims’ tangible costs	\$241,677	\$2,986,439	\$1,294,699	\$3,573,369	\$5,748,464
Victims’ intangible costs	\$316,868	\$3,915,586	\$1,697,508	\$4,685,123	\$7,536,937
Criminal justice system costs	\$81,044	\$1,001,478	\$434,167	\$1,198,300	\$1,927,701
Criminal career costs	\$33,545	\$414,541	\$179,703	\$495,980	\$797,880
Total cost	\$673,134	\$8,318,018	\$3,606,077	\$9,952,773	\$16,010,982
<b>Non-administrative cases</b>					
Victims’ tangible costs	\$1,649,135	\$4,525,183	\$1,284,677	\$2,310,026	\$4,009,145
Victims’ intangible costs	\$1,377,108	\$6,313,709	\$1,314,306	\$1,718,836	\$3,034,696
Criminal justice system costs	\$66,018	\$1,273,651	\$351,782	\$494,844	\$883,382
Criminal career Costs	\$120,714	\$494,568	\$139,073	\$159,945	\$290,782
Total cost	\$3,512,976	\$12,607,110	\$3,089,839	\$4,683,650	\$8,218,005



**FIGURE 3** Cost of administrative cases: Victim, criminal justice system and criminal career costs (millions of dollars). CJS = criminal justice system.



**FIGURE 4** Costs of non-administrative cases: Victim, criminal justice system and criminal career costs (millions of dollars). CJS = criminal justice system.

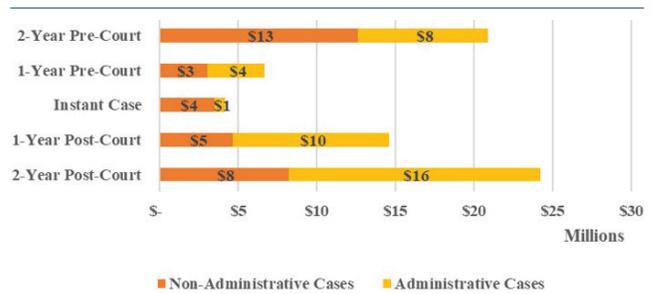
standpoint, the burden pre- vs. post-Court entry switched from non-administrative (i.e., criminal behaviour) to administrative charges (failure to comply with conditions/orders). Administrative cases accounted for 54% of total costs 1-year pre (close to \$4M out of approximately \$7M), and 40% of total costs 2-year pre-Court (approximately \$8M out of close to \$21M). In contrast, post-Court entry administrative case costs accounted for about two-thirds of total recidivism costs (almost \$10M out of \$14.5M 1-year post-Court; and approximately \$16M out of \$24M 2-year post-Court cost).

### Criminal Justice System Cost

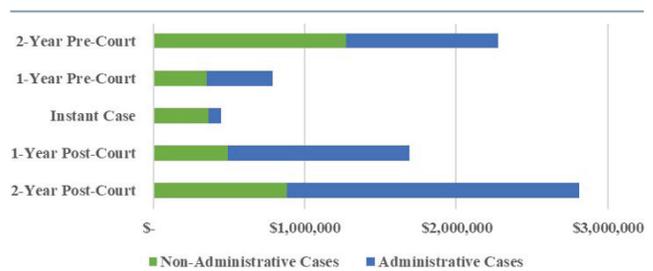
As noted previously, the justice system covers about 10–12% of the total societal cost of crime. This section focuses on the cost burden to the criminal justice system, rather than to society as a whole. Clients' criminal justice costs are illustrated in Figure 6. Similar to clients' total costs, administrative/non-compliance cases accounted for the majority of post-court criminal justice costs. As illustrated in the blue portions of the stacked bars in Figure 6, much of the 1-year and 2-year criminal justice recidivism costs resulted from administrative charges—71% of 1-year recidivism (slightly over \$1M), and 69% of 2-year criminal justice recidivism cost (almost \$2M) were due to non-compliance issues.

## DISCUSSION

Participation in the MHS Court increased costs associated with clients' criminal and compliance behaviours. These increases in costs at the 1- and 2-year intervals were primarily



**FIGURE 5** Total costs: Non-administrative vs. administrative costs (million dollars)



**FIGURE 6** Criminal justice costs: Administrative vs. non-administrative costs

due to an increase in administrative (i.e., non-compliance) cases and not due to the commission of new crimes. Total costs more than doubled in the 1-year pre–post interval, when clients were under supervision of the MHS Court. In the 2-year interval, when fewer than 1 in 10 clients were under the MHS Court supervision, clients' recidivism and the cost of this recidivism only increased by 16%. The increase in costs associated with participation in the Saskatoon MHS Court is not entirely surprising as increases in initial spending seem to be extremely common among MHCs that have been studied (Lindberg, 2009; Steadman et al., 2014; Ridgely et al., 2007).

Given that the administrative recidivism is higher than prior administrative offenses, and the court does not use in-program sanctions and incentives as an alternative or supplement to legal sanctions, the 1- and 2-year interval cost patterns strongly suggested an over-supervision effect of the MHS Court resulted in increased total and criminal justice related costs. While the effect of over-supervision in MHCs is largely unexplored, deleterious effects of over-supervision on prosocial associations have been observed in a number of forensic contexts. These negative impacts can include interruptions of prosocial associations in the community and increased exposure to antisocial associates through increased contact with the criminal justice system (Andrews & Bonta, 2010; Dishion et al., 1999; Jung, 2021; Lowenkamp & Latessa, 2005; Pederson & Miller, 2021). These negative impacts of over-supervision are supported by the Risk–Needs–Responsivity (RNR) approach commonly used in forensic contexts (Andrews & Bonta, 2010). Specifically, the Risk principle—which states that the intensity of interventions should be matched to the level of risk posed by the individual—is well supported by meta-analyses and seems to apply to this situation (Wormith & Zidenberg, 2018). A recent study focusing on the supervision of sexual offenders found that low-risk individuals supervised at high levels

were more likely to have compliance issues compared with their peers supervised at more appropriate levels (Pederson & Miller, 2021). If the clients of the Saskatoon MHS Court are facing similar issues of over-supervision, it would be reasonable to assume that the mismatch of risk and supervision could be driving the cost increases noted in this analysis. However, without a matched comparison group to determine whether this increase in administrative cases was due to changes in the Saskatoon MHS Court's policies and practices for charges such as breach of probation, failure to comply, and failure to appear, it is impossible to make any definitive conclusions about an over-supervision effect, thereby necessitating more research into this area. Employing the use of validated risk assessments to inform the provision of adequate and appropriate services and supervision, and hiring a dedicated MHS Court Co-ordinator to support clients' attendance at Court and related appointments, as well compliance with court orders, may also reduce non-compliance issues (Mathias et al., 2019). Additionally, it is worth noting that we are unaware of which community-based services were provided to individual clients, leading to a bit of a "black box" of treatment conundrum. A similar "black box" effect has been found for drug courts, resulting in a significant reduction in addictions but not recidivism (Lowenkamp et al., 2005; 2006; Shaffer, 2011). Further exploration into this "black box" of treatment would be beneficial for determining both cost and other outcomes of the Court. Ensuring treatment integrity has also been shown to be important to ensuring meaningful effects on recidivism (Lowenkamp et al., 2010).

Jurisdictions differ on their treatment of administrative or non-compliance charges. The Toronto MHC responds to compliance issues by adjusting case management and services, rather than generating a new charge—and subsequently, new arrest, court case, and conviction (HSJCC, 2017). A similar approach by the MHS Court could potentially save the province of Saskatchewan \$16M within a 2-year period. If subsequent cohorts of the MHS Court have a similar criminal and mental health background as the first-year cohort, reducing the use of administrative charges for non-compliance—similar to the Toronto MHC model (HSJCC, 2017)—could potentially save the province almost \$2M in criminal justice costs in the 2-year post-Court entry period.

Generally, our findings suggest the use of administrative charges should be reconsidered by MHCs. Considering many of the clients in this study had an administrative-based arrest or conviction, indicating an issue with compliance, this could be a larger issue present in the MHC diversion system. While compliance should still be considered, the high volume of administrative charges is in defiance of one of the main goals of the Saskatoon MHS Court and MHCs more generally—to divert justice-involved individuals away from the traditional court system and to connect them to services (Baillargeon et al., 2009; Schneider et al., 2007). In light of this goal, alternate means of ensuring compliance may be more appropriate for the Court, including, but not limited to, the implementation of judicial referral hearings (Public Prosecution Service of Canada [PPSC], 2020). Under s. 523.1(2) of the Criminal Code, judicial referral hearings are permissible for administrative breaches that have not resulted in physical or emotional harm, property damage, or emotional loss to a victim (PPSC, 2020). Judicial referral hearings have the potential to preserve public

safety while reducing recidivism and costs. Additionally, the use of judicial referrals would be more consistent with the concept of therapeutic jurisprudence on which the Court is based, which emphasizes celebrating successes rather than punishing mistakes.

## CONCLUSION

In conclusion, initial expenditures for the Saskatoon MHS Court increased by \$14,636,423 for the 1-year recidivism period and were more than double the total 1-year pre-Court costs (\$6,695,916). The majority of these costs can be attributed to administrative costs, pointing to a potential for over-supervision. This study may offer some evidence that over-supervision in the context of MHCs can have negative impacts, including an increase in costs associated with programming. Alternate approaches to supervision and compliance should be considered to remain consistent with the therapeutic jurisprudence approach on which MHCs are based.

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## CONFLICT OF INTEREST DISCLOSURES

No funding was provided for this research and the authors have no conflicts of interest to declare.

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