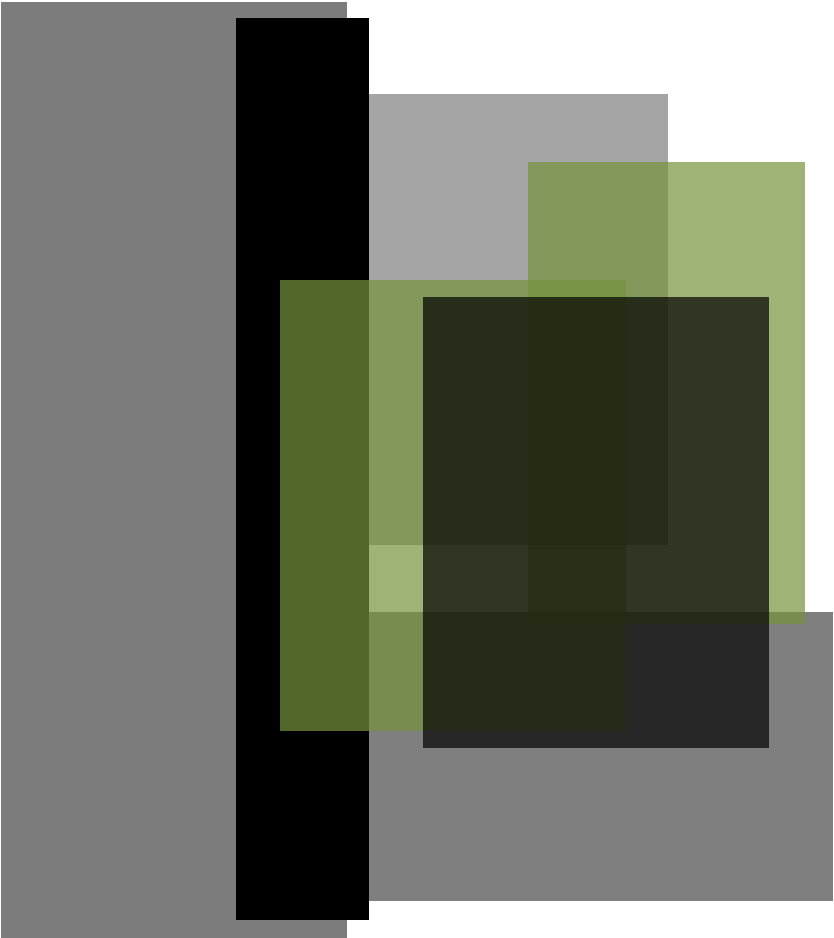



Criminal Code Mental Disorder Review Board
Annual Report 2020-21



Message from the Chair

In keeping with the requirements of a Category 3 Entity under the **Transparency and Accountability Act**, I am pleased to present the 2020-21 Annual Report for the Criminal Code Mental Disorder Review Board (“Review Board”). This report outlines the progress on the objectives identified in the 2020-23 Activity Plan.

This report was prepared under my direction and I acknowledge the efforts of all members of the Review Board in successfully carrying out the Review Board’s mandate, pursuant to Part XX.1 (Mental Disorder) of the **Criminal Code of Canada**. The Review Board is responsible for reviewing and issuing dispositions related to the management of those individuals accused of committing a crime who have been found unfit to stand trial, or not criminally responsible by reason of a mental disorder. As Chair of the Review Board, my signature below is indicative of the Review Board’s accountability for the preparation of this report and the results contained therein.



GREGORY O. BROWN
Chairperson

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Overview

Provincial Court Judge (retired), Gregory Brown, chairs the Criminal Code Mental Disorder Review Board (Review Board). The Review Board meets an average of 12 times per year to review and make dispositions on cases of persons who have been charged with offences but who have been found by the Courts to be not criminally responsible on account of a mental disorder or are unfit to stand trial on account of major mental illness.

In rendering dispositions, the Review Board is guided by the following factors: the need to protect the public from dangerous persons; the present mental condition of the accused; the reintegration of the accused into society; and any other needs of the accused. The range of dispositions available to the Review Board may be characterized as follows:

- Absolute discharge;
- Discharge with conditions; and
- Detention in hospital, with or without conditions.

On March 31, 2021, the Review Board consisted of the following members:

- Mr. Gregory Brown, Chair;
- Dr. John Angel, MD, F.R.C.P.C.;
- Ms. Peggy Hatcher, MSW, RSW, Counselor/Consultant;
- Mr. Randolph J. Piercey, QC, Alternate Chair; and
- Mr. Joseph A. Woodrow, Alternate Chair.

The Review Board is provided administrative assistance by a part-time administrative assistant who is located at Suite 114, Villa Nova Plaza, 120 Conception Bay Highway in Conception Bay South, NL.

Mandate

The mandate of the Review Board is contained in **Part XX.1 Mental Disorder of the Criminal Code**. The Board is responsible for reviewing and issuing dispositions related to the management of those individuals accused of committing a crime and who have been found unfit to stand trial, or not criminally responsible by reason of a mental disorder.

For those who are found not criminally responsible, the Board may choose one of three dispositions: an absolute discharge, a conditional discharge or detention, with or without conditions. For those found not fit to stand trial, the Board may impose a conditional discharge or hospital detention. The individuals are reviewed at least annually (or more frequently at the discretion of the Board or the request of the individual, the Crown, or the defence). If found at a later review, to be fit to stand trial, the Board must order return of the individual to court.

Highlights and Partnerships

The Review Board works with the Department of Justice and Public Safety on certain matters such as the reporting requirements under the **Transparency and Accountability Act** and appointments of Review Board members.

Report on Performance

Issue 1: Meeting Criminal Code Obligations

The **Criminal Code of Canada** imposes an obligation on the Review Board to ensure that individuals with a mental disorder who are in conflict with the legal system do not languish in psychiatric facilities. There is an obligation to annually review the remand arrangements and to conduct further reviews at the request of parties as defined in Part XX.1 of the **Criminal Code**, or as deemed necessary by the Review Board. The following objective and indicators will be reported on for each year of the 2020-2023 planning period.

Objective: By March 31, 2021, the Criminal Code Mental Disorder Review Board will have met **Criminal Code** obligations concerning mentally disordered individuals who are in conflict with the law.

Indicators: Review Board hearings will have been held:

- within 45 days, if there is no court disposition;
- within 90 days of a court disposition;
- within 12 months after a previous board disposition; or
- at the Review Board's discretion, or at the request of the accused, or a third party.

TABLE 1 - Categories of Cases

Indicators	Results
Hearings held within 45 days, if there is no court disposition	0
Hearings held within 90 days of a court disposition	0
Cases discharged from board	2
Total No. of Active Cases as of March 31, 2021*	11

*As of April 1, 2020, there were fifteen individual active cases. Twenty hearings were held in fiscal year 2020-21, i.e., some cases required more than one hearing within the reported timeframe. The Review Board received no new cases requiring a hearing. One active case was newly filed in late 2020-21 but did not have a hearing prior to March 31, 2021. As such, this matter will proceed in 2021-22.

Two cases were absolutely discharged during the fiscal year; one client passed away and one client was transferred to another province. There were 11 active cases as of March 31, 2021.

TABLE 2 - Basis for Hearings

Indicators	Results
Early hearings held at Review Board's request	7
Early hearings held due to Breach of Review Board Order	2
Early hearings held at request of the accused	1
Hearings held at request of third party	0
Annual mandatory hearings	10
Hearings for new cases	0
Total No. of Hearings	20

Tables 1 and 2 refer to the same cases and show that during the past fiscal year the Review Board actually dealt with 15 individual cases, comprised of the two cases discharged from our jurisdiction; one client deceased; one client transferred to another province; 11 active cases remaining at the end of the fiscal year. The data in Table 2 also indicates that all 20 hearings were conducted for these cases within the legislated timeframes.

The information in Table 2 indicates that for the 15 cases the Review Board conducted a total of 20 hearings. Of those 20 hearings, 10 were mandatory annual hearings required by the **Criminal Code** and seven were initiated by the Review Board for the purpose of eliciting additional information or for reassessment and one was at the request of the accused and two were mandatory because of breach of Review Board Order.

The Review Board had no requests from third parties for hearings during the past year.

Issue 2: Improving Openness and Transparency

The Review Board is committed to improving its openness and transparency by identifying and developing initiatives that increase public awareness and information related to the Board's work. This includes identifying and leveraging technology to build a more transparent and open process, including public awareness or notices of hearing dates and general information on the work of the Board.

As the work of the Review Board continues to expand, with a number of clients residing outside the St. John's area, there is an increased need to adopt technologies to assist operations. In addition, the physical distancing required to help stop the spread of COVID-19 also meant that several hearings were held virtually. Further to this, the Review Board is committed to continuously improving public facing information and rethinking how to efficiently and effectively fulfill the role of the Review Board.

Objective 2.1: By March 31, 2021, the Review Board identified initiatives that improve openness and transparency.

Indicators	Results
Explored ways to increase online presence and use of technology to improve openness and transparency.	During 2020-21, the Review Board explored potential actions to enhance its online presence to bring greater public awareness of its work. For this, the Review Board identified that a website would be an effective way to provide the public with information on work of the Review Board.
Identified initiatives to improve public access to Review Board information and operations.	During 2020-21, the Review Board, identified that a separate website for the Review Board would improve the public's access to information on the Board and its operations by consolidating information on the Board in one webpage that is easier for the public to find.
Identified content areas requiring updates and improvements, including exploring the creation of a website.	During 2020-21, the Review Board explored the possibility of creating a website to make information about the Review Board more publically accessible. In order to determine appropriate content for a Review Board website, the Review Board conducted a review of the content of Review Board websites in other provinces. In accordance with the requirements of the Criminal Code of Canada , other Canadian jurisdictions also have Review Boards similar to the one in Newfoundland and Labrador. The Review Board identified potential content such as, a Frequently Asked Questions (FAQ) page, board membership page, an About Us page, and a Publications page to host the Review Board's Activity Plans and Annual Reports.

Objective 2.2: By March 31, 2022, the Review Board will have implemented initiatives that improve openness and transparency.

- Developed and made available a new website for the Review Board.

Opportunities and Challenges Ahead

During the fiscal year, Review Board activities continued at a high level. A number of the Review Board's clientele reside outside the St. John's area, thus it is increasingly necessary to adopt the use of video and teleconferencing technology. This continues to present a challenge as the Review Board strives to meet the needs of victims and families of its clients and accomplish its quest for meaningful participation in Review Board hearings.

At the present time the board consists of the minimum members to achieve quorum. The **Criminal Code** prescribes that the Review Board shall consist of not fewer than five members appointed by the Lieutenant Governor in Council of the province. Also, the **Criminal Code** mandates that at least one member of the board be entitled under the laws of the province to practice psychiatry and, where only one member is so entitled, at least one other member must have training and experience in the field of mental health, and be entitled under the laws of the province to practice medicine or psychology. A quorum of the Review Board is constituted by the chairperson, a member who is entitled under the laws of a province to practice psychiatry, and any other member.

Several members of the Review Board are of an age where retirement is a realistic probability. The Review Board is working with the Department of Justice and Public Safety to make new appointments and achieve a renewed membership on the Review Board. New appointments will be essential to fulfil the Review Board's mandate and represents a significant opportunity for interested psychiatrists, psychologists, or judges to serve on the Review Board and fulfill its important function in the justice system. The Review Board has been working with the Department of Justice and Public Safety and the Public Service Commission to advertise the opportunity to serve on the Review Board. New appointments are anticipated for 2021-22.

Financial Statements

The budget of the Review Board is absorbed under the Professional Services Budget contained within the Administrative and Policy Support Activity of the Department of Justice and Public Safety. Thus, the Review Board is not required to provide a separate audited statement. While the Review Board does not appear as a separate item under the Estimates of the Program Expenditure and Revenue of the Consolidated Revenue Fund, the approximate expenditure is provided below.

In 2020-21, the Review Board met 20 times and a total of \$40,049.00 was expended.

	Actuals
Salaries	6,429
Transportation & Communication	169
Supplies	352
Professional Services	33,099
Property, Furnishings & Equipment	0
Total	\$40,049.00