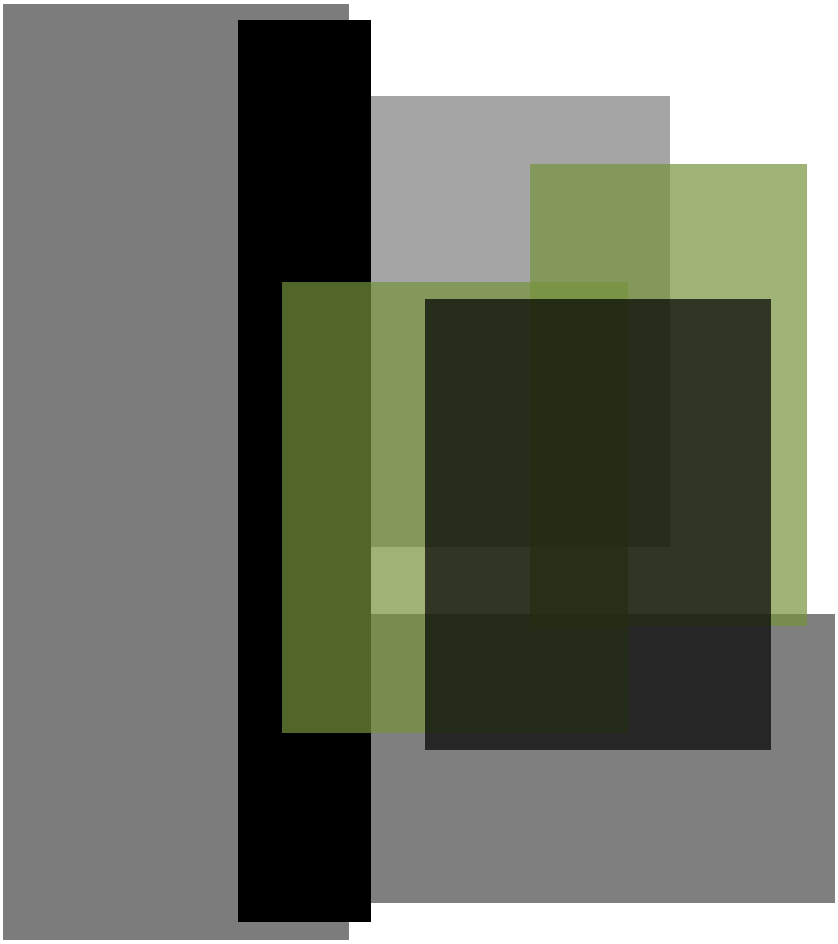
Criminal Code Mental Disorder Review Board
Annual Report 2024-25



Message from the Chairperson

In keeping with the requirements of a Category 3 Entity under the **Transparency and Accountability Act**, I am pleased to present the 2024-25 Annual Report for the Criminal Code Mental Disorder Review Board (Review Board). This report outlines the progress on the objectives identified in the 2023-26 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.

Table of Contents

Message from the Chairperson i
Table of Contents ii
Overview 1
  Vision 2
Report on Performance 2
  Issue 1: Meeting Criminal Code Obligations 2
Opportunities and Challenges 4
Financial Statements 5

Overview

The **Criminal Code of Canada, R.S.C., 1985, c. C-46** (**Criminal Code**) contains specific provisions which courts must follow when dealing with persons with mental disorders who are accused of committing criminal offences. In some cases, an individual may be found unfit to stand trial. Such persons cannot be prosecuted unless and until they become fit. In other cases, an individual may participate in a trial which results in a finding that the individual was not criminally responsible by reason of mental disorder. When a person is either found unfit to stand trial or is found not criminally responsible on account of mental disorder, that person comes under the jurisdiction of the Review Board. The Review Board tracks the number of individuals it reviews on an annual basis, the dispositions rendered and provides a report at the end of each fiscal year documenting how the Review Board has met its obligations.

The Review Board is chaired by retired Judge Colin Flynn of the Provincial Court of Newfoundland and Labrador. The members of the Review Board as of March 31, 2025, are as follows:

- Colin Flynn, Chairperson
- Joseph A. Woodrow, Alternate Chairperson
- Catherine Allen-Westby
- Kerri-Lynn Hayley
- Dr. Michelle Sullivan
- Dr. Erin O'Keefe
- Dr. Angela Penney, and,
- David Orr

The Review Board meets at the Waterford Hospital site of Newfoundland and Labrador Health Services in the City of St. John's. Administrative assistance is provided to the Board by shared staff at the Office of the Royal Newfoundland Constabulary Public Complaints Commission and the Commissioner of Lobbyists Office, which is in Conception Bay South.

Generally, the Review Board meets at least 12 times per year. As of March 31, 2025, there were 12 individuals under the jurisdiction of the Review Board.

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

Mandate
The mandate of the Review Board is contained in Part XX.1 (Mental Disorder) of the **Criminal Code**. The Board is responsible for making dispositions and reviewing such dispositions of all persons under its jurisdiction at times determined by the provisions of the **Criminal Code**.

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 unfit to stand trial, the Board may impose a conditional discharge or hospital detention. All individuals are reviewed at least annually (or more frequently at the discretion of the Board or at the request of the individual, the Crown, or the defence). In the case of those individuals found by the Review Board to be fit to stand trial, the Board must order the return of the individual to court. The Review Board does not present separate Lines of Business as they are reflected in the Mandate.

Vision
To facilitate the reintegration of those persons back into society, who are charged with a crime but are deemed unfit to stand trial or not criminally responsible on account of an existing mental disorder, while maintaining public safety and encouraging the continued mental health of these individuals.

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

Under the **Criminal Code of Canada**, the 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. 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 (Mental Disorder) of the **Criminal Code**, or as deemed necessary by the Review Board. The following objective and indicators are reported on for each year of the 2024-25 planning period.

Objective: By March 31, 2025, the 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 under subsection 672.47(1) of the **Criminal Code**;
- within 90 days of a court disposition under subsection 672.47(2) of the **Criminal Code**;

- within 12 months after a previous Board disposition under section 672.81 of the **Criminal Code**; or,
- at the Board's discretion, or at the request of the accused or any other party section 672.82 of the **Criminal Code**.

TABLE 1 - Categories of Cases

Indicators	Results
Hearings held within 45 days, if there is no court disposition (new files in reporting period)	4
Hearings held within 90 days of a court disposition (new file within reporting period)	1*
Hearings held within 12 months after a previous Board disposition	8
Hearings held at the Boards discretion or at the request of the accused or any other party, including hearings for breaches of Orders of the Board	9
Cases discharged from board by absolute discharge or found fit or court entered stay of proceedings	4
Total Number of Active Cases as of March 31, 2025*	**12**

*Twenty-two hearings were held in fiscal year 2024-25, i.e., some cases required more than one hearing within the reported timeframe. One case was heard outside the 90-day period as the Review Board was never notified of the court disposition of that person within the 90-day period).

At the start of 2024-25 the Review Board had 11 active cases. During 2024-25, the Review Board received five new cases. Four cases were discharged during the fiscal year, two of which were found fit to stand trial and returned to court, and two were stayed by the court pursuant to section 672.851 of the **Criminal Code** as permanently unfit, leaving 12 active cases as of March 31, 2025.

TABLE 2 - Basis for Hearings

Indicators	Results
Hearings held at Review Board's request	4
Early hearings held due to Breach of Review Board Order	3
Early hearings held at request of the accused	2
Hearings held at request of third party	-
Annual mandatory hearings	8
Hearings for new cases	5
Total Number of Hearings	**22**

Tables 1 and 2 refer to the same cases. The Review Board held 22 hearings. Some of the matters overlap and require more than one hearing. The information in Table 2 indicates that the Review Board conducted a total of 22 hearings. Of those hearings, eight were mandatory annual hearings required by the **Criminal Code**, five were hearings of new cases, three were because of a breach of a Review Board Order, two held at the request of the accused, and

four held at the request of the Review Board. The data in Table 2 also indicates that all but one hearing was conducted for these cases within the legislated timeframes. The Review Board was not notified of the existence of one case until it was brought to the Board's attention by counsel for the individual after the 90-day period had expired.

Opportunities and Challenges

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.

In 2024-25, there were eight members of the Review Board. 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. Not all Review Board members attend each hearing.

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 2024-25, the Review Board met 12 times and a total of $40,406 was expended.

	Actuals
Salaries	-
Transportation & Communication	-
Supplies	-
Professional Services	$ 40,406
Property, Furnishings & Equipment	-
Total	**$40,406**