

CRIMINAL CODE MENTAL DISORDER REVIEW BOARD

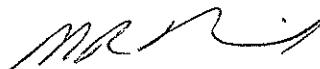
ACTIVITY PLAN 2007-08

Message from the Chairperson:

I am pleased to present the Activity Plan for the Criminal Code Mental Disorder Review Board which outlines the goals for the 2007/2008 fiscal year. This is a transitional plan for the one year period ending March 31, 2008. A three (3) year plan will follow for the 2008 to 2011 timeframe. This plan was prepared under my direction and in accordance with the provisions of the *Transparency and Accountability Act*.

The Criminal Code Mental Disorder Review Board is classified as a Category 3 Government Entity and, as such, must prepare an activity plan taking into consideration the strategic directions of the Minister of Justice. Those strategic directions have been taken into account and it has been determined that none are applicable at this time.

As Chair of the Criminal Code Mental Disorder Review Board, I, on behalf of the board, accept accountability for the preparation of this plan and the achievement of its goals and objectives.



Chief Judge M. R. Reid  
Provincial Court of Newfoundland and Labrador

## Introduction

The *Criminal Code of Canada* contains specific provisions for the treatment by the Courts of persons with mental disorders who are accused of committing a criminal offence. Where a mental disorder exists the law may excuse an individual's responsibility for committing criminal activity. In some cases individuals may be found unfit to stand trial while, in other cases, individuals may participate in a trial which results in a finding that the individual was not criminally responsible for reasons of mental disorder. In both cases individuals are placed under the jurisdiction of the Criminal Code Mental Disorder Review Board (the Review Board).

The Review Board must be comprised of not fewer than five members at least one of whom is entitled to practise psychiatry and, where only one member is a psychiatrist, another who is entitled to practice medicine or psychology. The Chair of the Board must be a Judge of the Federal Court, or of a superior, district or county court of a province or a person who is qualified for appointment to, or has retired from, such office (Section 672.4(1)). The Board meets regularly to review the circumstances of those who have been remanded to custody within their jurisdiction. Each individual is entitled to an annual review and may be reviewed more often at the request of the individual, the crown or the defence.

The Review Board determines the custody arrangements of those individuals who are unfit to stand trial. Where the Review Board determines that a person who has been unfit to stand trial becomes fit, the Review Board must order return of the person to court for trial. The Review Board has the authority, where an individual is not criminally responsible on account of mental disorder, to order an absolute discharge, a discharge with conditions or to continue any custody arrangements it deems appropriate.

## Plan at a Glance

**Vision:** To provide an environment in which the review of dispositions of persons found unfit to stand trial and those who are found not criminally responsible due to mental disorder takes place in an open and transparent manner.

**Mission:** A mission statement is a result oriented statement which answers the who, what and why questions related to an organization and informs the reader of how the work of the entity supports or contributes to that of a larger supporting entity, such as a board or department or benefits the public or society at large.

The Review Board, as a category 3 government entity, has the option of adopting the Department of Justice mission statement indicating how it contributes to that mission, or developing its own mission statement. The Review Board acts as a quasi-judicial arms length entity. As such its relationship with the Department of Justice is for reporting purposes only. It is not appropriate to adopt the Mission Statement of the Department of Justice. The Departmental Mission statement is focused on the work of the Department but the Review Board does not have a direct role in the Department's work at this time.

Given this, the intent of the mandate, and the fact that this transition plan is for a one year period, development of a mission statement with measures and indicators would be redundant to the objectives which are already developed in the current activity plan. At the time of developing a multiyear plan (2008-2011) the Review Board will give further consideration to developing its own mission statement.

Goal 1: By the end of fiscal year 2007/2008 the Review Board will have met its obligations as contained in the *Criminal Code of Canada*.

### Overview

The Review Board is chaired by the Chief Judge of the Provincial Court, Judge M. R. Reid. The Review Board usually meets at the Waterford Hospital site of Eastern Health in the City of St. John's. Members of the Board are appointed by the province's Lieutenant Governor in Council and include:

Judge M. R. Reid, Chief Judge  
Judge J.A. Woodrow  
Dr. Martin W. Hogan, M.D., F.R.C.P.C., Psychiatrist  
Dr. Michael C. Nurse, M. D., F.R.C.P.C., Psychiatrist  
Dr. Kevin P. Hogan, M.D., F.R.C.P.C., Psychiatrist  
Ms. Peggy Hatcher, EAP Coordinator, Public Service Commission, Government of Newfoundland and Labrador

The Review Board is provided administrative assistance by the office of the Chief Judge. At the time of writing, there are 41 individuals who fall under the jurisdiction of the Review Board. Of these, 9 are individuals who were found not fit to stand trial and the remainder were found not criminally responsible by reason of mental disorder. On an annual basis the Review Board will become responsible for an average of four new individuals and will reduce its case load by a similar number through various dispositions.

### Mandate

The mandate of the Review Board is contained Part XX.1 - Mental Disorder of the *Criminal Code of Canada, R.S., 1985, c. C-46*. The Review Board is responsible for making dispositions related to the management of those individuals who have been found unfit to stand trial or those individuals who have been found not criminally responsible by reason of 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.<sup>1</sup>

For those who are found unfit to stand trial the Review Board may impose a conditional discharge or hospital detention with or without conditions. Such individuals are reviewed at least annually and if found, at a later review, to be fit to stand trial the Board must order return of the individual to court. <sup>2</sup>

### Lines of Business

Identical to the mandate – so no need to include in activity plan.

### Values

The core values of the Review Board provide a guiding framework for the members of the Review Board. The Review Board has reviewed and has chosen to adopt some of the values of the Provincial Court of Newfoundland and Labrador as stated in its Strategic Plan 2002-2005 and some of the values of the Department of Justice as stated in its Strategic Plan 2006-2008. These values and related action statements, appropriate to the Board, are:

- Ethical: each person performs their duties in an ethical and timely manner
- Integrity: each person maintains the highest professional and ethical standards in dealings with all those who come into contact with the Board.
- Impartiality and Fairness: each person deals fairly, respectfully and equitably with all individuals and organizations to protect the rights and interest of all parties.
- Accountability: each person is responsible to ensure their actions are in accordance with the provisions of the *Criminal Code* respecting Mental Disorders.
- Independence: each person maintains their independence when engaging in duties required by the provisions of the *Criminal Code* respecting Mental Disorders.

### Who We Serve

The Review Board serves the province of Newfoundland and Labrador by ensuring that the management of those individuals with mental disorders who are found unfit to stand trial or are not criminally responsible is in accordance with the provisions of the *Criminal Code of Canada* and the *Charter of Rights and Freedoms*.

The Review Board serves our clientele by ensuring their circumstances are reviewed annually, or more often as requested, in accordance with established procedures to maintain appropriate custody and disposition of individual cases.

## Vision

To provide an environment in which the review of disposition of charges against persons found unfit to stand trial and found not criminally responsible due to mental disorder takes place in an open and transparent manner.

## Mission

A mission statement is a result oriented statement which answers the who, what and why questions related to an organization and informs the reader of how the work of the entity supports or contributes to that of a larger supporting entity, such as a board or department or benefits the public or society at large.

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## Issues

In consideration of Government's strategic directions and those of the Department of Justice, the following area has been identified as the key priority of the Review Board for the next year. As this is an activity plan for one year, both the goal and objective have an annual focus.

Goals, Objectives and Measures:

### *Issue 1: Meeting Code Obligations*

The *Criminal Code of Canada* imposes an obligation on the Review Board to ensure that mentally disordered individuals 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 individuals.

Goal 1: By the end of fiscal year 2007/2008 the Review Board will have met its obligations as contained in the *Criminal Code of Canada*.

Measure: *Code* obligations are met

Indicators: Hearings held as required by the *Code*.  
Hearings held as requested by individuals.  
Dispositions made and reviewed .  
Dispositions made or revised.

Footnotes:

1. Raaflaub, Wade. "The Mental Disorder Provisions of the Criminal Code"  
Parliamentary Information and Research Service, Library of Parliament, Ottawa. 22  
June 2005. p. 5
2. *ibid.*, p. 5