

**CRIMINAL CODE MENTAL DISORDER REVIEW BOARD**

**ACTIVITY PLAN 2017-20**

## Message from the Chairperson

I am pleased to present the Activity Plan for the Criminal Code Mental Disorder Review Board which outlines the objective for the fiscal years April 1, 2017 to March 31, 2020. 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 Provincial Government as communicated by the Minister of Justice and Public Safety. Those strategic directions have been taken into account.

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



M. R. REID  
Chairperson

## **OVERVIEW**

The *Criminal Code of Canada* contains specific provisions for the treatment by the courts of persons with mental disorders who are accused of committing criminal offences. Where a mental disorder exists the law may excuse an individual's responsibility for committing criminal activity. In some cases, an individual may be found unfit to stand trial while, in other cases, an individual may participate in a trial which results in a finding that the individual was not criminally responsible for reasons of mental disorder. When the court makes such a finding the case 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 Chief Judge M. R. Reid of the Provincial Court of Newfoundland and Labrador. Other members of the Board include:

- Dr. J. Neil Young, M.D., Psychiatrist, Interim Clinical Chief, Mental Health and Addictions Program;
- Dr. Christine Caravan, M. D., F.R.C.P.C.;
- Dr. John Angel, M.D., F.R.C.P.C.; and
- Ms. Peggy Hatcher, MSW, RSW, Counselor/Consultant.

The Review Board meets at the Waterford Hospital site of Eastern Health in the City of St. John's. Administrative assistance is provided to the Board by staff at the Office of the Royal Newfoundland Constabulary Public Complaints Commission and the Commissioner of Lobbyists Office.

Generally, the Review Board meets an average of 11 or 12 times per year. As of March 31, 2017 there were 26 individuals under the jurisdiction of the Review Board, 5 of whom were found unfit to stand trial while the remaining twenty-one were found not criminally responsible by reason of a mental disorder.

Where the Review Board makes a disposition, it shall take into consideration the following factors: the need to protect the public from dangerous persons; the mental condition of the accused; the reintegration of the accused into society; and the other needs of the accused. The Board will then render one of the following dispositions that is the least onerous and least restrictive to the accused where a verdict of not criminally responsible on account of mental disorder has been rendered in respect of the accused, and in the opinion of the Review Board, the accused is not a significant threat to the safety of the public:

- By order, direct the accused to be discharged absolutely;
- By order, direct that the accused be discharged subject to such conditions as the Review Board considers appropriate; or
- By order, direct that the accused be detained in custody in a hospital subject to such conditions as the Review Board considers appropriate.

In the case of persons who have been deemed unfit to stand trial, the Review Board will monitor their status until they become fit, at which time they will be ordered returned to court for trial.

## **ISSUE**

Meeting *Criminal Code* obligations.

The focus of the Review Board will remain consistent over the three-year planning cycle (2017-18, 2018-19 and 2019-20) which is: meeting *Criminal Code* obligations to ensure that mentally disordered individuals who are in conflict with the legal system do not languish in psychiatric facilities. The Review Board will make or review dispositions concerning any accused found unfit to stand trial or in respect of whom a verdict of not criminally responsible by reason of a mental disorder is rendered. The Review Board will meet on an annual basis and more often as deemed necessary. The Review Board's review and dispositions will consider the protection of the public from dangerous persons, the mental condition of the accused, the feasibility of reintegration of the accused into society, and the other needs of the accused. This objective and associated indicators will be utilized for 2017-18, 2018-19, and 2019-20 fiscal years. Each year, the Review Board will report on the results of this objective in its annual report.

### **Objective:**

By March 31, each year, 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 Board's discretion, or at the request of the accused or a third party.