

**CRIMINAL CODE MENTAL DISORDER REVIEW BOARD
ACTIVITY PLAN
2020-2023**

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, 2020 to March 31, 2023. 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.



GREGORY O. BROWN
Chairperson

Table of Contents

- Message from the Chairperson**..... i
- Table of Contents**..... 1
- Overview** 2
 - Mandate**..... 3
 - Values**..... 3
 - Who We Serve** 3
 - Vision** 3
- Strategic Issues** 4
 - Issue 1: Meeting Criminal Code Obligations** 4
 - Issue 2: Improving Openness and Transparency** 4

Overview

The **Criminal Code of Canada, R.S.C., 1985, c. C-46** (“**Criminal Code**”) 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 Judge Gregory O. Brown of the Provincial Court of Newfoundland and Labrador. Other members of the Board as of April 1, 2020 include:

- Dr. John Angel, M.D., 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 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 12 times per year. As of March 31, 2020, there were 15 individuals under the jurisdiction of the Review Board, one of whom was found unfit to stand trial while the remaining 14 were found not criminally responsible by reason of a mental disorder.

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 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. The Criminal Code Mental Disorder Review Board does not present separate Lines of Business as they are reflected in the Mandate.

Values

The core values of the Criminal Code Mental Disorder Review Board provide a guiding framework for the members of the Board. These values are as follows:

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

Who We Serve

The Review Board serves the citizens of Newfoundland and Labrador by ensuring that the management of those individuals who are found unfit to stand trial or not criminally responsible by reason of mental disorder in accordance with the provisions of the Criminal Code and the Charter of Rights and Freedoms. Moreover, the Review Board serves those individuals that stand accused of crime and are deemed unfit to stand trial or not criminally responsible by reason of a mental disorder by ensuring their circumstances are reviewed annually, or more often as requested, and making appropriate dispositions in accordance with each individual case and the relevant sections of the Criminal Code.

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.

Strategic Issues

Issue 1: Meeting Criminal Code Obligations

The focus of the Review Board will remain consistent over the three-year planning cycle (2020-23) 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 fiscal years 2020-21, 2021-22 and 2022-23. Each year, the Review Board will report on the results of this objective in its annual report.

Objective 1: By March 31, each year, 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;
- 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.

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. Over the next three years, the Review Board will focus on leveraging technology to build a more transparent and open process, including public awareness or notices of hearing dates and general information.

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 increasing need to adopt technology in our day-to-day operations. We are committed to continuously improving our public facing information and rethinking how we can efficiently and effectively fulfill the statutory role of the Review Board.

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

Indicators:

- Explored ways to increase online presence and use of technology to improve openness and transparency.
- Identified initiatives to improve public access to Review Board information and operations.
- Identified content areas requiring updates and improvements, including exploring the creation of a website.

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

Objective 2.3: By March 31, 2023, the Review Board will have demonstrated enhancements to improve openness and transparency.

**NEWFOUNDLAND AND LABRADOR
CRIMINAL CODE MENTAL DISORDER REVIEW BOARD
ACTIVITY PLAN
2020-2023**
