

**CRIMINAL CODE MENTAL DISORDER
REVIEW BOARD
ACTIVITY PLAN**

2023-26

Message from the Chairperson

I am pleased to present the Activity Plan for the Criminal Code Mental Disorder Review Board. The Activity Plan outlines the objective of the Review Board for the fiscal years April 1, 2023 to March 31, 2026. 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 (the 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.



Colin Flynn
Chairperson

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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 a 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 under the **Criminal Code**. The Review Board does not have a separate budget. Expenses are captured under the Administrative and Policy Support Activity Line within the Department of Justice and Public Safety's Budget.

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 April 1, 2023 are as follows:

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

The Review Board meets at the Waterford Hospital site in the City of St. John's. Administrative assistance for the Review Board is shared with the Royal Newfoundland Constabulary Public Complaints Commission and the Commissioner of Lobbyists. The shared office is located at 120 Conception Bay Highway, Suite 114, Villa Nova Plaza, in Conception Bay South.

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 Criminal Code Mental Disorder 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.

Strategic Issue

Meeting Criminal Code Obligations

The focus of the Review Board will remain consistent over the three-year planning cycle (2023-26) requiring the Review Board to meet **Criminal Code of Canada** 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 found not criminally responsible because of a mental disorder. The Review Board will meet on a monthly basis and more often as deemed necessary. The Review Board, in its dispositions and reviews, 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 cover activities for fiscal years 2023-24, 2024-25, and 2025-26. Each year, the Review Board will report on the results of this objective in its annual report.

Objective: 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 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**.

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