

# **Criminal Code Mental Disorder Review Board Annual Report 2015-16**

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## Message from the Chair

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In keeping with the requirements of a Category 3 entity under the *Transparency and Accountability Act*, I am pleased to present the 2015-16 Annual Report for the Criminal Code Mental Disorder Review Board (hereinafter referred to as the Review Board) which outlines the progress on the objective identified in the 2014-17 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 as contained in Part XX.1 Mental Disorder of the *Criminal Code*. 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.



**M. R. Reid, Chair**

Criminal Code Mental Disorder Review Board

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## Overview

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The Criminal Code Mental Disorder Review Board (Review Board) is chaired by retired Chief Judge of the Provincial Court, M.R. Reid. The Review Board meets an average of 11 or 12 times per year to review and make dispositions on cases of persons who have been charged with offences but have been found by the Courts to be not criminally responsible on account of mental disorder or are unfit to stand trial on account of major mental illness.

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.

At March 31, 2016, the Review Board consisted of the following members:

M.R. Reid (retired Chief Judge)

Dr. J. Neil Young, MD, Psychiatrist, Interim Clinical Chief, Mental Health & Addictions Program

Dr. Christine Caravan, MD, F.R.C.P.

Dr. John Angel, MD, F.R.C.P.C.

Ms. Peggy Hatcher, MSW, RSW, Counselor/Consultant

The Review Board is provided administrative assistance by way of a part-time administrative assistant and is housed at the premises of the Royal Newfoundland Constabulary Public Complaints Commission, 689 Topsail Road, St. John's, NL.

## Mandate

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Section 672.38(1) of the *Criminal Code* clearly sets out the mandate of the Mental Disorder Review Board. The *Criminal Code* states ...a Review Board is established for each province to make or review dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of a mental disorder or unfit to stand trial is rendered. The Review Board is appointed by the Lieutenant Governor in Council and consists of not fewer than five members, at least one of whom is entitled to practice psychiatry, and where only one member is a psychiatrist, another member who is entitled to practice medicine or psychology. The Chairperson 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 its jurisdiction. Each individual is entitled to an annual review, and may be reviewed more often at the discretion of the Board or at the request of the individual, the crown or defence.

## Vision

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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.

## Report on Performance

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### Issue 1: Meeting *Criminal Code* Obligations

The *Criminal Code* 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 parties as defined in Part XX.1 of the *Criminal Code*, or as deemed necessary by the Review Board. The focus of the Mental Disorder Review Board will remain consistent over the next year and this objective, measure and indicators will be reported on again in 2016-17.

**Objective:** By March 31, 2016, the Criminal Code Mental Disorder Review Board will have met *Criminal Code* obligations concerning mentally disordered individuals who are in conflict with the law.

**Measure:** *Criminal Code* obligations are met.

**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 Review Board's discretion, or at the request of the accused, or a third party.

**TABLE 1 – Categories of Cases**

Indicators	Results
Hearings held within 45 days, if there is no court disposition	6
Hearings held within 90 days of a court disposition	0
Hearings held within 12 months after making a disposition	30
Cases discharged from board	7
<b>Total No. of Active Cases as of March 31, 2016</b>	<b>28</b>

*\*Note: There were 35 individuals on the caseload and 36 hearings held, i.e., some individuals had more than one hearing within the reporting timeframe. Seven cases were discharged during the fiscal year (three absolute discharged; one transferred to another province; one deceased; one stay of proceedings and one had charges withdrawn) which left an active caseload of 28 individuals.*

**TABLE 2 – Basis for Hearings**

<b>Indicators</b>	<b>Results</b>
Hearings held at Review Board’s discretion and/or within 12 months	4
Hearings held at request of the Accused	2
Hearings held at request of third party	0
Annual Mandatory Hearings	30
<b>Total No. of Hearings</b>	<b>36</b>

Tables 1 and 2 refer to the same cases and show that, during the past year, the Review Board actually dealt with a caseload of 35 individuals, comprised of the seven cases discharged from our jurisdiction and the 28 active cases remaining at the end of the fiscal year. The data in Table 1 also indicates that 36 hearings were conducted for these cases within the timeframes set by law.

The information in Table 2 indicates that, for the 35 cases, the Review Board conducted a total of 36 hearings. Of those 36 hearings, 30 were mandatory hearings required by the *Criminal Code*, four were initiated by the Review Board for the purpose of eliciting additional information or for re-assessment, and two were conducted at the request of the Accused.

The Review Board had no requests from third parties for hearings during the past year.

## **Opportunities and Challenges Ahead**

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During the fiscal year, Review Board activities continued at a high level, with increasing numbers of clientele opting to reside outside the metropolitan St. John’s area thus engaging increased use of video and teleconferencing processes. This continues to present a challenge as the Review Board strives to meet the needs of victims and families of its clientele in their quest for meaningful participation in Review Board hearings.

The Review Board and Eastern Health continue to meet on a cooperative basis to ensure that our mutual mandate, to provide for the safety of the community and the needs of mentally ill offenders, is carried out.

## **Financial Statements**

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The budget of the Review Board is contained in the Professional Services Budget of the Department of Justice and Public Safety and, 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 2015-16, the Review Board met 11 times and a total of \$45,426.48 was expended.