

***CRIMINAL CODE MENTAL DISORDER REVIEW BOARD***

***ANNUAL ACTIVITY REPORT 2008/2009***

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## Message from the Chair

I am pleased to present the Annual Activity Report for the Criminal Code Mental Disorder Review Board which outlines the progress on the goals/objectives identified in the 2008/2011 Activity Plan. This report was prepared under my direction and I acknowledge the efforts of all members of the Board in successfully carrying out the mandate of the Review Board as contained in Part XX.1 Mental Disorder of the *Criminal Code of Canada, R.S., 1985, c. C-46*. The 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 Criminal Code Mental Disorder Review Board, my signature below is indicative of the Board's accountability for the preparation of this report and the results contained therein.

A handwritten signature in black ink, appearing to read 'M. R. Reid', written in a cursive style.

M. R. Reid, Chair  
NL Mental Health Review Board

## **Overview**

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

Judge M.R. Reid  
Judge J.A. Woodrow (no longer a member due to retirement as of Jan. 31, 2009)  
Dr. Martin W. Hogan, M.D. F.R.C.P.C., Psychiatrist  
Dr. Micheal 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 Board is provided administrative assistance by the Office of the Chief Judge.

## **Mandate**

The mandate of the Review Board is contained in Part XX.1 Mental Disorder of the *Criminal Code of Canada, R.S., 1985, c. C-46*. The 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.

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 the request of the individual, the crown, or the defence). If persons who are designated unfit to stand trial are found to be fit at a later review, the Board must order return of those individuals to court for trial.

## **Vision**

To facilitate the reintegration back into society of individuals, who are charged with a crime but are deemed unfit to stand trial, or not criminally responsible by reason of a mental disorder, while maintaining public safety and encouraging the continued mental health of those individuals.

## Activities

### Issue 1: Meeting Code Obligations

The *Criminal Code of Canada* imposes an obligation on the Criminal Code Mental Disorder 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, or as deemed necessary by the Board.

**Objective:** To meet Criminal Code obligations concerning mentally disordered individuals who are in conflict with the law.

The following objectives and indicators will be the same for 2009/2010.

**Measure:** Code Obligations are met.

**Indicators:** Review hearings will have been held as follows:

**TABLE NO. 1 – (Indicates categories of cases)\*\***

INDICATORS	RESULTS
Hearings held within 45 days, if there is no court disposition	8
Hearings held within 90 days of a court disposition	1
Hearings held within 12 months after making a disposition	40
<b>Total No. of Cases</b>	<b>49</b>

**TABLE NO. 2 – (Indicates basis for hearings)\*\***

INDICATORS	RESULTS
Hearings held at Board's discretion and/or within 12 months	46
Hearings held at request of the Accused	3
Hearings held at request of third party	0
<b>Total No. of Cases</b>	<b>49</b>

\*\*Tables No. 1 and 2 refer to the same cases

### **Challenges Ahead**

Without a dedicated budget allocation it was very challenging to provide the administrative support required to organize, schedule and hold the 49 hearings which took place in the past year. That is up by 64% from the previous year when 30 hearings were held. A file containing all pertinent medical and legal information must be maintained and updated for each individual that is reviewed by the board. In addition, as a result of each hearing a disposition is rendered and must be typed and forwarded to the: accused, counsel for the accused, counsel for the Attorney General, Clinical Chief, Waterford Hospital, Administrator, Waterford Hospital, Chief Executive Officer, Health Care Corporation of St. John's, Treating Psychiatrist, Forensic Unit Co-coordinator, Waterford Hospital, Forensic Mental Health Coordinator, Waterford Hospital, all Review Board Members, and the Court Administrator at the Provincial/Supreme Court location where the matter was heard

Previous to the Chief Judge chairing the Review Board a half-time position was assigned to perform the administrative work of the Board. That half-time position was eliminated in February 2006 but the work of the Board has increased considerably since that time.

### **Financial Statements**

The budget of the Review Board is contained in the Professional Services Budget of the Provincial Court and 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 budget is provided here.

<b>Approximate Budget Criminal Code Mental Disorder Review Board</b>	
In 2008-2009 the Board met ten times and a total of \$64,526 was expended. Hearing room space is provided by the Waterford Hospital and the Office of the Chief Judge provides administrative support to the Board.	
Professional Services	\$63,600
Other Operating Costs	\$926
<b>Total</b>	<b>\$64,526</b>