

# **Criminal Code Mental Disorder Review Board Annual Report 2016-17**

---



## Message from the Chair

---

In keeping with the requirements of a Category 3 entity under the *Transparency and Accountability Act*, I am pleased to present the 2016-17 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

## Table of Contents

---

Message from the Chair.....	i
Table of Contents.....	1
Overview .....	1
Report on Performance .....	1
Opportunities and Challenges Ahead .....	3
Financial Statements.....	3

## Overview

---

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, 2017, 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.C.
- 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.

## Report on Performance

---

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

The *Criminal Code* imposes an obligation on the Review Board to ensure that individuals with a mental disorder 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 2017-18.

**Objective:** By March 31, 2017, 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	0
Hearings held within 90 days of a court disposition	0
Hearings held within 12 months after making a disposition	21
Cases discharged from board	5
<b>Total No. of Active Cases as of March 31, 2017*</b>	<b>21</b>

*\*Note: There were 26 individuals on the caseload and 34 hearings held, i.e., some individuals had more than one hearing within the reporting timeframe. Five cases were discharged during the fiscal year (two absolute discharged; three were returned to court) which left an active caseload of 21 individuals. There were no new cases in the reporting timeframe.*

**TABLE 2 – Basis for Hearings**

Indicators	Results
Hearings held at Review Board’s discretion and/or within 12 months	9
Hearings held at request of the Accused	4
Hearings held at request of third party	0
Annual Mandatory Hearings	21
<b>Total No. of Hearings</b>	<b>34</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 26 individuals, comprised of the five cases discharged from our jurisdiction and the 21 active cases remaining at the end of the fiscal year. The data in Table 2 also indicates that 34 hearings were conducted for these cases within the timeframes set by law.

The information in Table 2 indicates that, for the 26 cases, the Review Board conducted a total of 34 hearings. Of those 34 hearings, 21 were mandatory hearings required by the *Criminal Code*, nine were initiated by the Review Board for the purpose of eliciting additional information or for re-assessment, and four 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

---

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

---

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 2016-17, the Review Board met 13 times and a total of \$61,890 was expended.

	Actuals
	2016-17
Salaries	8,860
Employee Benefits	450
Transportation & Communication	1,424
Supplies	719
Professional Services	50,039
Property, Furnishings & Equipment	399
<b>Totals</b>	<b>61,890</b>