

Criminal Code Mental Disorder Review Board Annual Report 2018-19



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 2018-19 Annual Report for the Criminal Code Mental Disorder Review Board (“Review Board”). This report outlines the progress on the objectives identified in the 2017-20 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, pursuant to 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

Retired Chief Judge of the Provincial Court, M.R. Reid, chairs the Criminal Code Mental Disorder Review Board (Review Board). The Review Board meets an average of 12 times per year to review and make dispositions on cases of persons who have been charged with offences but who have been found by the Courts to be not criminally responsible on account of a 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, 2019, the Review Board consisted of the following members:

- M.R. Reid, Chair
- 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
- Mr. Randolph J. Piercey, QC, Alternate Chair
- Mr. Joseph A. Woodrow, Alternate Chair

The Review Board is provided administrative assistance by a part-time administrative assistant who is housed on 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 and indicators will be reported on again in 2019-20.

Objective: By March 31, 2019, the Criminal Code Mental Disorder 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 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	4
Hearings held within 90 days of a court disposition	0
Hearings held within 12 months after making a disposition	31
Cases discharged from board	4
Total No. of Active Cases as of March 31, 2019*	21

*Note: There were 25 individual cases and 35 hearings held, i.e., some cases required more than one hearing within the reported timeframe. Four cases were discharged during the fiscal year (two absolute discharges; two were returned to court) which left 21 active cases. Three of the total active cases were new cases in the reporting timeframe; one individual was a new file in the reported timeframe but was also discharged in the same timeframe.

TABLE 2 – Basis for Hearings

Indicators	Results
Hearings held at Review Board’s discretion and/or within 12 months	23
Hearings held at request of the Accused	0
Hearings held at request of third party	0
Annual Mandatory Hearings	12
Total No. of Hearings	35

Tables 1 and 2 refer to the same cases and show that during the past fiscal year the Review Board actually dealt with 25 individual cases, comprised of the four 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 all 35 hearings were conducted for these cases within the timeframes set by legislation.

The information in Table 2 indicates that for the 25 cases the Review Board conducted a total of 35 hearings. Of those 35 hearings, 12 were mandatory hearings, required by the **Criminal Code** and 23 were initiated by the Review Board for the purpose of eliciting additional information or for reassessment.

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. A number of the Review Board's clientele reside outside the metropolitan St. John's area, thus it is increasingly necessary to adopt the 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.

Financial Statements

The budget of the Review Board is absorbed under the Professional Services Budget contained within the Administrative and Policy Support Activity of the Department of Justice and Public Safety. 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 2018-19, the Review Board met 13 times and a total of \$44,243.34 was expended.

	Actuals
	2018-19
Salaries	5,315.76
Transportation & Communication	1,609.75
Supplies	2,661.98
Professional Services	24,496.25
Property, Furnishings & Equipment	10,159.60
Total	44,243.34