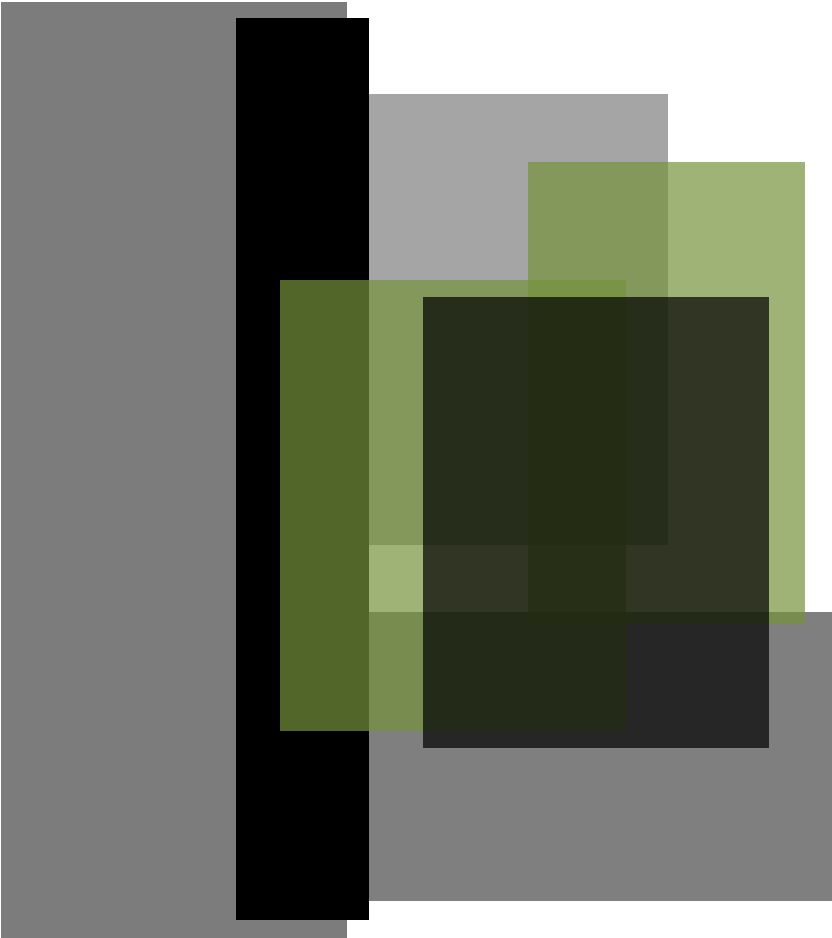


Criminal Code Mental Disorder Review Board
Annual Report 2019-20



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 2019-20 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 of Canada**. 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.



Gregory O. Brown
Chairman
Criminal Code Mental Disorder Review Board

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Overview

Provincial Court Judge (retired), Gregory Brown, 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.

On March 31, 2020, the Review Board consisted of the following members:

- Mr. Gregory Brown, Chair;
- Dr. John Angel, MD, F.R.C.P.C.;
- Ms. Peggy Hatcher, MSW, RSW, Counselor/Consultant;
- Mr. Randolph J. Piercey, QC, Alternate Chair; and
- Mr. Joseph A. Woodrow, Alternate Chair.

During this reporting period, Chairman Reginald Reid and Board Member Dr. Christine Caravan retired from the Board. Chairman Gregory Brown was appointed to the Board in this reporting period.

The Review Board is provided administrative assistance by a part-time administrative assistant who is located at Suite 114, Villa Nova Plaza, 120 Conception Bay Highway in Conception Bay South, NL.

Mandate

The mandate of the Review Board is contained in **Part XX.1 Mental Disorder of the Criminal Code**. The Board is responsible for reviewing and issuing dispositions related to the management of those individuals accused of committing a crime and 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 not fit to stand trial, the Board may impose a conditional discharge or hospital detention. The 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 found at a later review, to be fit to stand trial, the Board must order return of the individual to court.

Report on Performance

Issue 1: Meeting Criminal Code Obligations

The **Criminal Code of Canada** 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.

Objective: By March 31, 2020, 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
Cases discharged from board	7
Total No. of Active Cases as of March 31, 2020*	15

*As of April 1, 2019, there were twenty-five individual cases. Thirty-four hearings were held in fiscal year 2019-2020, i.e., some cases required more than one hearing within the reported timeframe. Seven cases were absolutely discharged during the fiscal year; two cases were returned to court; one client passed away. There were fifteen active cases as of March 31, 2020. Two of the total active cases were new cases in the reporting timeframe.

TABLE 2 - Basis for Hearings

Indicators	Results
Hearings held at Review Board's Request	7
Hearings held due to Breach of Review Board Order	3
Hearings held at request of the Accused	4
Hearings held at request of third party	0
Annual Mandatory Hearings	16

Hearings for New Cases	4
Total No. of Hearings	34

Tables 1 and 2 refer to the same cases and show that during the past fiscal year the Review Board actually dealt with twenty five individual cases, comprised of the seven cases discharged from our jurisdiction; two cases returned to court and one client deceased; 15 active cases remaining at the end of the fiscal year. The data in Table 2 also indicates that all 34 hearings were conducted for these cases within the legislated timeframes.

The information in Table 2 indicates that for the twenty-five cases the Review Board conducted a total of thirty-four hearings. Of those thirty-four hearings, twenty-three were mandatory hearings, required by the **Criminal Code** and seven were initiated by the Review Board for the purpose of eliciting additional information or for reassessment and four were 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. A number of the Review Board's clientele reside outside the St. John's area, thus it is increasingly necessary to adopt the use of video and teleconferencing technology. This continues to present a challenge as the Review Board strives to meet the needs of victims and families of its clients and accomplish its quest for meaningful participation in Review Board hearings.

At the present time the board consists of the minimum members to achieve quorum. The **Criminal Code** prescribes that the Review Board shall consist of not fewer than five members appointed by the Lieutenant Governor in Council of the province. Also the Criminal Code mandates that at least one member of the board be entitled under the laws of the province to practise psychiatry and, where only one member is so entitled, at least one other member must have training and experience in the field of mental health, and be entitled under the laws of the province to practise medicine or psychology. A quorum of the Review Board is constituted by the chairperson, a member who is entitled under the laws of a province to practise psychiatry, and any other member.

All present members of the Review Board are of an age where retirement from the Review Board in the near future is a realistic probability. New additional appointments to the board, with the necessary professional backgrounds, are essential to fulfil the Review Board's mandate and represents a significant opportunity for any interested psychiatrists, psychologists, or judges to serve on the Review Board and fulfill its important function in the justice system. The Review Board will work with the Department of Justice and Public Safety to make new appointments and achieve a renewed membership on the Review Board.

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 2019-20, the Review Board met 12 times and a total of \$76,621.45 was expended.

	Actuals
Salaries	9,967.05
Transportation & Communication	305.5
Supplies	1,070.15
Professional Services	65,278.75
Property, Furnishings & Equipment	-
Total	76,621.45