

CRIMINAL CODE MENTAL DISORDER REVIEW BOARD

ANNUAL ACTIVITY REPORT 2007/2008

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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 2007/2008 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.

The Criminal Code Mental Disorder Review Board is classified as a Category 3 Government Entity and, as such, must prepare an activity plan taking into consideration the strategic directions of the Minister of Justice. Those strategic directions have been taken into account and it has been determined that none are applicable at this time.

As Chair of the Criminal Code Mental Disorder Review Board, I, on behalf of the entire board accept accountability for the preparation of this report and responsibility for the results reported for the 2007/2008 fiscal year.



Chief Judge M. R. Reid
Provincial Court of Newfoundland and Labrador

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
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 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) and if found at a later review, to be fit to stand trial the Board must order return of the individual to court.

Vision

To provide an environment in which the review of dispositions of persons found unfit to stand trial and those who are found not criminally responsible due to mental disorder takes place in an open and transparent manner.

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.

Goal 1: By the end of the fiscal year 2007/2008 the Criminal Code Mental Disorder Review Board had met its obligations as contained in the Criminal Code of Canada.

Measure: Code obligations have been met.

Indicators	Results
Hearings held as required by the Code	30 hearings held
Hearings held as requested by individuals	None were requested
Dispositions made and reviewed Dispositions made and revised	30 dispositions made, reviewed and revised

Opportunities and Challenges Ahead

Without a dedicated budget allocation it is very challenging to provide the administrative support required to organize, schedule and hold the 30 hearings which took place in the past year. 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: 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-ordinator, 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 Review Board does not appear as a separate item under the Estimates of the Program Expenditure and Revenue of the Consolidated Revenue Fund 2007-08 and is contained in the Professional Services Budget of the Provincial Court. The Board is not required to provide a separate audited financial statement. The amount of \$15,200 has been allocated on annual basis to carry out the work of the Review Board. These monies are assigned to the Professional Services Account of the Provincial Court. In 2007-2008 the Board met a total of fifteen times and a total of \$57,580 was expended. This is broken down as follows: \$44,475 for the services of the psychiatrists who serve as Board members, these funds are initially paid from the Public Prosecutions Professional Services Account and then charged back to the Provincial Court. Additionally \$11,025 was spent on the services of psychiatrists who appear before the Board and prepare the required psychiatric reports. Further \$2,100 was expended on coffee breaks and lunches. Hearing room space is provided by the Waterford Hospital and the Office of the Chief Judge provides administrative support to the Board.