

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

***ANNUAL ACTIVITY REPORT 2009/2010***

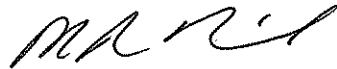
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## Message from the Chair

I am pleased to present the Annual Activity Report for the Criminal Code Mental Disorder Review Board (NL 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.



M. R. Reid, Chair  
NL Review Board

## **Overview**

The Criminal Code Mental Disorder Review Board (NL Review Board) is chaired by the retired Chief Judge of the Provincial Court, 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:

M.R. Reid (retired Chief Judge)  
Dr. Martin W. Hogan, M.D. F.R.C.P.C., Psychiatrist  
Dr. Michael Nurse, M.D. F.R.C.P.C., Psychiatrist  
Dr. Kevin P. Hogan, M.D. F.R.C.P.C., Psychiatrist  
Ms. Peggy Hatcher, RSW, BSW, Counsellor/Consultant

The Board is provided administrative assistance by way of a part-time Executive Assistant and is housed at the premises of the Royal Newfoundland Constabulary Public Complaints Commission.

## **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 found unfit to stand trial the Board may impose either:

- (a) a conditional discharge; or
- (b) hospital detention.

For those who are found not criminally responsible the Board may choose one of three dispositions:

- (a) an absolute discharge;
- (b) a conditional discharge; or
- (c) detention, with or without conditions.

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 *Criminal Code of Canada* 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 the *Criminal Code of Canada* obligations concerning mentally disordered individuals who are in conflict with the law.

The following objectives and indicators will be the same for 2010/11.

**Measure:** *Criminal Code of Canada* Obligations are met.

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

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

<b>INDICATORS</b>	<b>RESULTS</b>
Hearings held within 45 days, if there is no court disposition	7
Hearings held within 90 days of a court disposition	1
Hearings held within 12 months after making a disposition	39
Cases discharged from Board	7
<b>Total No. of Active Cases</b>	<b>40</b>

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

<b>INDICATORS</b>	<b>RESULTS</b>
Hearings held at Board's discretion and/or within 12 months	64
Hearings held at request of the Accused	8
Hearings held at request of third party	0
<b>Total No. of Hearings</b>	<b>72</b>

Tables Nos. 1 and 2 refer to the same cases and show that during the past year the Board actually dealt with a caseload of 47 comprised of the 7 cases discharged from our jurisdiction and the 40 active cases remaining at the end of the fiscal year. The data in Table 1 also indicates that all hearings were conducted within the timeframes set by law.

The information in Table 2 indicates that for the 47 cases the Board conducted a total of 72 hearings. Of those 72 hearings, 64 were either mandatory hearings required by the *Criminal Code* or were initiated by the Board for the purpose of eliciting additional information or for re-assessment, 8 were conducted at the request of the Accused.

The Board had no requests from third parties for hearings during the past year.

### **Challenges Ahead**

The Board continues to see a significant increase in workload and we do not anticipate much change in the near future. During the past year we experienced an increase of 32% in the number of hearings giving us a total increase of about 96% since we filed our 3-year Activity Plan in 2008/2009. The significance in this comes from the fact that a file containing all pertinent medical and legal information must be maintained and updated for each individual 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 following persons:

- The Accused
- Counsel for the Accused
- Counsel for the Attorney General
- Clinical Chief, Waterford Hospital
- Treating Psychiatrist
- Forensic Unit Co-coordinator, Waterford Hospital
- Forensic Mental Health Coordinator, Waterford Hospital
- Review Board Members
- Court Administrator at the Provincial/Supreme Court location where the matter was heard

**Financial Statements**

The budget of the Review Board is contained in the Professional Services Budget of the Department of Justice 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 expenditures are provided below.

<b>Approximate Budget NL Review Board</b>	
In 2009-2010 the Board met 11 times and a total of \$119,106.90 was expended. Hearing room space is provided by the Waterford Hospital. The Board is provided administrative assistance by way of a part-time Administrative Assistant.	
Professional Services	99,699.75
Other Operating Costs	19,407.15
<b>Total</b>	<b>119,106.90</b>