

CRIMINAL CODE MENTAL DISORDER REVIEW BOARD

ACTIVITY PLAN 2014 – 2017

Message from the Chairperson

I am pleased to present the Activity Plan for the Criminal Code Mental Disorder Review Board which outlines the objective for the fiscal years April 1, 2014 to March 31, 2017. This plan was prepared under my direction and in accordance with the provisions of the *Transparency and Accountability Act*.

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 Provincial Government as communicated by 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 plan and the achievement of its objective.



M. R. REID
Chairperson

TABLE OF CONTENTS

OVERVIEW	1
MANDATE.....	2
VALUES.....	2
WHO WE SERVE	3
VISION.....	3
MISSION STATEMENT	3
ISSUE	3

OVERVIEW

The *Criminal Code of Canada* contains specific provisions for the treatment by the courts of persons with mental disorders who are accused of committing criminal offences. Where a mental disorder exists the law may excuse an individual's responsibility for committing criminal activity. In some cases, individuals may be found unfit to stand trial while, in other cases, individuals may participate in a trial which results in findings that the individual was not criminally responsible for reasons of mental disorder. When the court makes such a finding the case comes under the jurisdiction of the Review Board. The Review Board tracks the number of individuals it reviews on an annual basis, the dispositions rendered, and provides a report at the end of each fiscal year documenting how the Board has met its obligations.

The Review Board has been chaired by retired Chief Judge M. R. Reid of the Provincial Court of Newfoundland and Labrador since February 1, 2006. Other current members of the Board include:

Dr. J. Neil Young, M.D., Psychiatrist, Interim Clinical Chief, Mental Health and Addictions Program

Dr. Christine Caravan, M. D., F.R.C. P.C.

Dr. John Angel, M.D., F.R.C.P.C.

Ms. Peggy Hatcher, MSW, RSW, Counselor/Consultant

The Board regularly meets at the Waterford Hospital site of Eastern Health in the City of St. John's. At the present time, administrative assistance is provided to the Board by staff at the Office of the Royal Newfoundland Constabulary Public Complaints Commission and the Commissioner of Lobbyists Office. Assistance provided to the Board includes office administrative services, accounts payable, coordination of hearings, and the general maintenance of individual case files, including: court orders; Review Board orders; any psychiatric assessment reports; and audio recordings of the Board's hearings.

Generally, the Review Board meets on average 11 or 12 times per year. As of March 31, 2014 there were 33 individuals under the jurisdiction of the Review Board, six of whom were found unfit to stand trial while the remaining 27 were found not criminally responsible by reason of a mental disorder.

Where the Review Board makes a disposition, it shall take into consideration the following factors: the need to protect the public from dangerous persons; the mental condition of the accused; the reintegration of the accused into society; and the other needs of the accused. The Board will then render one of the following dispositions that is the least onerous and least restrictive to the accused:

- Where a verdict of not criminally responsible on account of mental disorder has been rendered in respect of the accused, and in the opinion of the Review Board, the Accused is not a significant threat to the safety of the public, by order, direct the accused to be discharged absolutely;

- By order, direct that the accused be discharged subject to such conditions as the Review Board considers appropriate; or
- By order, direct that the accused be detained in custody in a hospital subject to such conditions as the Review Board considers appropriate.

In the case of persons who have been deemed unfit to stand trial, the Review Board will monitor their status until they become fit, at which time they will be ordered returned to court for trial.

MANDATE

Section 672.38(1) of the *Criminal Code* clearly sets out the mandate of the Mental Disorder Review Board. The *Criminal Code* states ...*a Review Board is established for each province to make or review dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of a mental disorder or unfit to stand trial is rendered.* The Review Board is appointed by the Lieutenant Governor in Council and consists of not fewer than five members, at least one of whom is entitled to practice psychiatry, and where only one member is a psychiatrist, another member who is entitled to practice medicine or psychology. The Chairperson of the Board must be a Judge of the Federal Court or of a superior, district, or county court of a province, or a person who is qualified for appointment to, or has retired from, such office (Section 672.4(1)). The Board meets regularly to review the circumstances of those who have been remanded to custody within its jurisdiction. Each individual is entitled to an annual review, and may be reviewed more often at the discretion of the Board or at the request of the individual, the crown or defence.

VALUES

The core values of the Criminal Code Mental Disorder Review Board provide a guiding framework for the members of the Board. These values are as follows:

- Dignity: Review Board members serve clients in a manner that preserves the dignity of the individual.
- Integrity: Review Board members maintain the highest professional and ethical standards in their interactions with clients and stakeholders.
- Impartiality and Fairness: Review Board members deal fairly, respectfully and equitably with all individuals and stakeholders to protect the rights and interests of all parties.
- Timeliness: Review Board members carry out their duties in a timely manner.
- Accountability: Review Board members act in accordance with the provisions of the *Criminal Code* respecting mental disorders.

- Independence: Review Board members maintain their independence when engaging in duties required by the provisions of the *Criminal Code* respecting mental disorders.

WHO WE SERVE

The Review Board serves the citizens of Newfoundland and Labrador by ensuring the proper management of those individuals who are found unfit to stand trial, or not criminally responsible by reason of mental disorder, in accordance with the provisions of the *Criminal Code* and the *Charter of Rights and Freedoms*.

Moreover, the Review Board serves those individuals that stand accused of crime and are deemed unfit to stand trial, or not criminally responsible by reason of a mental disorder, by ensuring their circumstances are reviewed as per the requirements of the *Criminal Code* and making appropriate dispositions in accordance with each individual case and the relevant sections of the *Criminal Code*.

VISION

To facilitate the reintegration of those persons back into society, who are charged with a crime but are deemed unfit to stand trial, or not criminally responsible on account of an existing mental disorder, while maintaining public safety and encouraging the continued mental health of these individuals.

MISSION STATEMENT

It would be inappropriate for the Review Board, as a category 3 government entity, which performs a quasi-judicial function at arms-length from Government, to adopt the Mission Statement of the Department of Justice. The Review Board has chosen not to develop its own mission statement at this time, as to do so would be repetitive of fulfilling its obligations as outlined in the *Criminal Code*.

ISSUE

Meeting *Criminal Code* obligations.

The focus of the Mental Disorder Review Board will remain consistent over the three-year planning cycle (2014-15, 2015-16 and 2016-17) which is: meeting *Criminal Code* obligations to ensure that mentally disordered individuals who are in conflict with the legal system do not languish in psychiatric facilities. The Board will make or review dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of a mental disorder, or unfit to stand trial, is rendered on an annual basis and more often as deemed necessary. The Board's review and dispositions will consider the protection of the public from

dangerous persons, the mental condition of the accused, the feasibility of reintegration of the accused into society, and the other needs of the accused. This objective and associated measure and indicators will be utilized for 2014-15, 2015-16, and 2016-17 fiscal years. Each year, the Review Board will report on the results of this objective in its annual report.

Objective:

By March 31, 2015, 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 were 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 Board's discretion, or at the request of the accused or a third party.