

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

***ANNUAL ACTIVITY REPORT 2010-2011***


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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 objective identified in the 2008-11 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.

A handwritten signature in black ink, appearing to read 'M. R. Reid', with a stylized flourish at the end.

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) detention in a forensic psychiatric facility.

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 upon the request of the individual, the Crown, the Attorney General or the hospital). If persons who are designated unfit to stand trial are found at a later review to be fit, the Board is obligated to 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 parties as defined in Part XX.1 of the Criminal Code, 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.

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

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

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

INDICATORS	RESULTS
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	34
Cases discharged from Board	6
Total No. of Active Cases	41

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

<b>INDICATORS</b>	<b>RESULTS</b>
Hearings held at Board's discretion and/or within 12 months	54
Hearings held at request of the Accused	7
Hearings held at request of third party	0
<b>Total No. of Hearings</b>	<b>61</b>

Table numbers 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 six cases discharged from our jurisdiction and the 41 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 61 hearings. Of those 61 hearings, 54 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, seven were conducted at the request of the Accused.

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

### **Challenges Ahead**

Activities of the Board are increasing and becoming increasingly complex as more demands are being made for participation by victims of crime and by families of review subjects. The Board is seeing requests for participation by electronic conferencing which have not previously been seen.

The Board is engaging in more and longer review hearings and is also called upon to authorize an increased number of conditional discharges of subjects to rural and remote areas where adequate psychiatric and mental health services are sparse, and in some instances non-existent.

It is unlikely that those trends will abate and the challenge ahead for the Board will not only mean an impact on resources but will engage a challenge in terms of creativity in crafting dispositions and in accommodating the desires of victims and families to participate in the process, both of which the Board is obligated to do by the terms of its mandate.

**Financial Statements**

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

<b>Approximate Budget NL Review Board</b>	
In 2010-2011 the Board met 11 times and a total of \$134,787.76 was expended.	
Professional Services	134,459.39
Other Operating Costs	328.37
<b>Total</b>	<b>134,787.76</b>