



## Psychiatry & Behavioral Science—2020

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### I9 Is the Canadian Review Board Effective? An Evolving Forensic System Depending on Case Laws

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**Learning Overview:** After attending this presentation, attendees will be aware of how the forensic psychiatry system functions in Canada. Attendees will know the power that the Review Board has to ensure community safety and allow psychiatric rehabilitation. Attendees will also be aware of how the Review Board and the Forensic Psychiatric programs interconnect to achieve these goals. Attendees will be aware of the case laws that have defined the roles of the Review Board and that have recently changed some of its functioning.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by describing a system that is based in Canada to an audience that will likely be international. As the Canadian Review Board is a system that is focused on psychiatric rehabilitation, this presentation shows the efficiency but also the difficulties that professionals in forensic mental health may encounter.

The Canadian Review Board system has comprehensive procedures to allow individuals who suffer from a mental disorder and have committed a crime for which they were found to be not criminally responsible based on a mental disorder or permanently unfit to stand trial to be rehabilitated. Even though the “paramount” criterion is community safety, the Review Board has to order dispositions that will permit the patients to attend programs that will benefit their rehabilitations, notably therapeutic interventions that will address their risk factors. Based on a federal legislation, the Review Boards and its applications are described in the Criminal Code of Canada. Each hearing held by the Review Board allows a thorough analysis of the patients' situations. Its members are part of a multidisciplinary panel (lawyers, clinicians, and public members), allowing for the acquisition of several view points on the situation to decide about the most appropriate dispositions, tailored to the clinical requirements for both the community and the patient.

Case laws have been instrumental in refining the legal requirements and prerogatives of the Review Board. This presentation will highlight the legal mechanisms under which the Review Board operates. It will also present how some of the most recent decisions of the Court of Appeal have changed some outcomes and how the evidence needs to be presented. This presentation will provide a description on how the Review Board system operates and stimulate a discussion with attendees that will likely offer some international perspectives.

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#### **Criminal Code of Canada, Forensic Psychiatry, Risk Mitigation**