

Bill C-54

*An Act to amend the Criminal Code
and the National Defence Act (mental disorder)
The Not Criminally Responsible Reform Act*

Standing Committee on Justice and Human Rights



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The Canadian Resource Centre for Victims of Crime (CRCVC) is grateful for the opportunity to appear today before the Justice and Human Rights committee. The CRCVC is a national, non-profit, non-government advocacy group for persons impacted by serious crime. We provide resources and emotional support to victims across the country, as well as advocating for public safety and improved services and rights for crime victims.

We are pleased to appear before you in support of Bill C-54. Our clientele includes families and individuals impacted by persons who have been found Not Criminally Responsible and we remain very concerned about serious acts of violence committed by this small population of offenders and its lasting impacts on victims. We believe mental illness should be treated as a medical and health issue, outside of the criminal justice system, so that patients are stabilized and no longer suffer from symptoms. We are particularly concerned with medication compliance and the ongoing community supervision of forensic mental health patients.

Putting Public Safety First

We support the legislative amendments to the mental disorder regime of the *Criminal Code*, proposed in the *Not Criminally Responsible Reform Act*, which would explicitly make public safety the paramount consideration in the court and the review board decision-making process relating to accused persons found to be NCR or unfit to stand trial. We understand that this is a divergence from the current approach, which balances four factors, namely: 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.

We support the proposed reforms to codify the meaning of the phrase "significant threat to the safety of the public," which is the test stated by the *Criminal Code* to determine whether the review board can maintain jurisdiction and continue to supervise a mentally disordered accused. Consistent with the Supreme Court of Canada's interpretation, the phrase means a risk of physical or psychological harm to members of the public, resulting from conduct that is criminal in nature, but not necessarily violent. The codification aims to ensure more consistency in the application of this test.

Enhancing Victims' Involvement

We believe the legislation will enhance the safety of victims and provide them with opportunities for greater involvement in the *Criminal Code* mental disorder regime by:

- ensuring they are notified, upon request, when the accused is discharged;
- allowing non-communications orders between the accused and the victim; and
- ensuring that the safety of victims be considered when decisions are being made about an accused person.

We understand that there is not always consistent interpretation and application of the law across the country and particularly want to ensure the information needs of victims

are met (meaning that they are informed about the accused, if they wish), as well as having their personal safety concerns heard and understood by Review Boards.

Creating a High-Risk Designation

Given our work with family members who have been impacted by NCR rulings, we want to reiterate what we hear from victims and that is that they do not want what happened to them or their loved one to happen to anyone else. Public safety is their primary concern. In the most horrific cases, where serious personal injury or death has occurred, victims are often very upset by the fact that the accused person was free in the community prior to the offence, and had not received proper help and support for their mental illness. They deteriorated, were unable to recognize early symptoms of deterioration and caused serious harm to someone or took a life. Victims are fearful that this cycle will repeat itself, especially when it comes to ensuring that the offender will remain on their medication for the rest of their life.

We support the proposed high-risk designation which would be applied where the accused person has been found NCR for a serious personal injury offence and there is a substantial likelihood for further violence that would endanger the public, or in cases in which the acts were of such a brutal nature as to indicate a risk of grave harm to the public. Those designated as high-risk NCR accused persons would not be granted a conditional or absolute discharge, and the designation could only be revoked by the court following a recommendation of the review board. This designation would apply only to those found NCR and not to persons found unfit to stand trial.

We feel that this amendment will only apply to a handful of very serious cases in Canada on an annual basis and agree that a high-risk NCR accused person should not be allowed to go into the community unescorted; that escorted passes would only be allowed in narrow circumstances and only if a structured plan is in place to address any undue risk to public safety. Furthermore, we agree with the proposed amendment that the review board MAY decide to extend the review period to up to three years for those designated high-risk, instead of annually. We are pleased that the high-risk NCR designation would not affect access to treatment by the accused.