



Ontario Review Board Business Plan 2013-2016

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Introduction

The Ontario Review Board (the “Board”) is an adjudicative tribunal established under Part XX.1 of the *Criminal Code of Canada*. Every province and territory in Canada is required to have a Review Board in order to supervise and determine the issues of liberty for those persons found by the courts to be either unfit to stand trial (‘unfit’) or not criminally responsible (‘NCR’) on account of mental disorder, to maintain jurisdiction over these accused persons and to provide dispositions which maximize the liberty of the individual while safeguarding the public.

History

1892 – In adopting the 19th century draft British *Criminal Code* as its first *Criminal Code*, Canada adopted a system for dealing with this population of mentally disordered accused. Within the statutory provisions of that system, the Lieutenant Governor of each province had custody of the mentally disordered accused. The decisions made by the Lieutenant Governor did not require formal input from any body but in most cases an advisory board reviewed and made recommendations to the Lieutenant Governor.

In Ontario, that board was called the Lieutenant Governor’s Board of Review, and it was restricted by law to reporting only its findings, opinions and conclusions to the Lieutenant Governor. Persons who were subject to a Lieutenant Governor’s Warrant were kept in strict custody until the Lieutenant Governor’s pleasure was known through Warrants issued in his or her name.

1991 - The Supreme Court of Canada struck down the system that the *Criminal Code* set out for dealing with persons found unfit to stand trial or not guilty by reason of insanity, ruling that parts of the system violated the rights of the accused as defined by the *Canadian Charter of Rights and Freedoms*. The Court directed the federal government to develop a new system for the supervision of mentally disordered accused. On February 4, 1992, Bill C-30 was enacted creating Review Boards in every province and territory.

1992 - The Bill C-30 amendments modernized the language of the *Criminal Code*. Prior to this time, some of the language had been in use for over 100 years. For example, the verdict “not guilty by reason of insanity” was changed to “not criminally responsible” (NCR). Bill C-30 converted the “advisory” boards into adjudicative Review Boards with an expansion of their responsibilities to include the actual making of the “order,” which was now referred to as a “Disposition.” Bill C-30 eliminated automatic “strict custody” following a verdict of NCR in court. Instead, the court is now able to hold a Disposition hearing immediately following the verdict and to make its own Disposition for the accused, although this task is most often left to the Review Boards. The main part of Bill C-30 is found in Part XX.1 of the *Criminal Code*. Further, for the first time the test of ‘unfit to stand trial’ was included in the *Criminal Code*.

Bill C-30 also eliminated the role of the Lieutenant Governor in the review process, putting an end to what had been referred to as the Lieutenant Governor’s Warrant system.

Mandate

The Board's mandate is to review the cases of individuals who have been found unfit to stand trial or not criminally responsible for the commission of a crime due to a mental disorder.

As mentioned, the *Criminal Code* mandates that each province and territory establish or designate a Review Board that will oversee people whom a court has found unfit to stand trial or not criminally responsible due to mental disorder:

A Review Board shall be established or designated for each province to make or review Dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of mental disorder or unfit to stand trial is rendered, and shall consist of not fewer than five members appointed by the Lieutenant Governor in council of the province... a Review Board shall be treated as having been established under the laws of the province. (s.672.38)

The Ontario Review Board is an independent adjudicative tribunal governed by the *Criminal Code of Canada* and portions of the *Public Inquiries Act*. Unlike adjudicative agencies that are created by provincial statute, the Ontario Review Board is not subject to the provisions of the *Statutory Powers and Procedures Act*. Appeals from decisions of the Ontario Review Board are made directly to the Court of Appeal for Ontario.

The Board is required by law to make annual dispositions for each accused person under its jurisdiction, and in doing so it must take into account 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. In meeting this mandate, the Board must accord proper consideration to the interests of all those involved in its process. In practical terms, the Board is responsible for conducting over 2000 hearings annually for the approximately 1600 persons under its jurisdiction and to process dispositions and reasons for those dispositions to meet its statutory obligations.

Through quasi-judicial hearings, the Board makes or reviews Dispositions, which delineate the restrictions on the liberty of the accused. Parties to a hearing include: the accused; the person in charge of the hospital in which the accused is detained or to which the accused reports, and may include the Attorney General of the province where the disposition is to be made or from which the accused is transferred; and any other person who has a substantial interest in protecting the interests of the accused.

Overview of Board's Current and Forthcoming Programs/Activities

Core Functions:

The Board's core function is to hold hearings and to make dispositions and render decisions in accordance with Part XX.1 of the *Criminal Code*.

When a verdict of not criminally responsible on account of mental disorder or unfit to stand trial is rendered, the Review Board must hold a hearing and make a Disposition not later than 45 days after the verdict was rendered. In the event that the court makes an initial disposition, the Review Board has 90 days to review that disposition and make its own.

At the conclusion of a hearing, the Ontario Review Board renders one of three Dispositions:

- 1) An absolute discharge (for NCR's only), if the accused person is not a significant threat to the safety of the public;
- 2) A discharge subject to conditions; or
- 3) Detention in a hospital, subject to conditions.

After making a Disposition, the Review Board must hold another hearing within 12 months, and every 12 months thereafter for as long as the Disposition remains in force, to review any Disposition that it has made in respect of an accused, other than an absolute discharge.

The Review Board issues its Reasons for Disposition as soon as it is practicable after issuing its Disposition.

Accused:

At present, the Board maintains jurisdiction over approximately 1600 persons.

Pre-Hearing Conferences:

In the last couple of years, the Board has implemented a pre-hearing conference process to manage complex or potentially lengthy cases, for any case identified by the Board or any party as requiring more than 1.5 hours of hearing time. This process has allowed the Board to best rationalize the time allotted for annual review hearings. This process also plays a key role in ensuring that the Board acts in a proactive manner to identify and narrow issues and to allot appropriate resources to cases that have greater complexity.

Some other potential efficiency measures being developed involve:

- 1) Providing each hearing panel with the technology required to enable them to file disposition memos by e-mail, eliminating some delay. This innovation could also assist in helping panels confirm their decisions and avoid errors and to recognize issues before the panel disbands, so clarification of their decision can be obtained.
- 2) A log-in and chat room for members – to keep them informed of issues affecting the Board and to help supplement other formal educational efforts.
- 3) We continue to develop the members' login section of the ORB website where members can access resources.
- 4) A secure shared site for members to electronically access documents, allowing for faster distribution of hearing materials.
- 5) Electronic distribution and filing of hearing documents, in transition to achieving the paperless office.

Organizational Structure

Board Members:

The Lieutenant Governor in Council appoints each member of the Review Board by an Order-in-Council. The *Criminal Code* requires the Board to have no fewer than five members. It specifically states that at least one member must be qualified to practice psychiatry. In the event that there is only one such member, there must be one other member who has “training and experience in the field of mental health and is entitled to practice medicine or psychology.” Members of the Ontario Review Board must be residents of Ontario.

The Chairperson must be a judge of the Federal Court or of a provincial superior, district or county court, or a person who has retired from or is entitled to be appointed to such a judicial office. “Chairperson” by definition includes not only the Chairperson as appointed by the provincial Cabinet, but also any other qualified member who the Chairperson designates as an “Alternate Chairperson” to act on the Chairperson’s behalf. A quorum of the Board consists of the Chairperson, a psychiatrist and “any other member.”

The Board is comprised of 158 members as of June 1, 2013:

- 42 - Chair/Alternates
- 13 - Lawyers
- 77 - Psychiatrists/Psychologists
- 26 - Public Members

Members of the Board are located around the province and are capable of providing hearings in both English and in French.

Staff Numbers

The Board’s operations are supported by a staffing complement of 18 members consisting of the positions listed below.

1. Chair	10. Case Coordinator
2. Registrar and Senior Manager	11. Case Coordinator
3. Executive Assistant	12. Distribution Coordinator
4. Deputy Registrar	13. Distribution and Records Clerk
5. Board Order Administrator	14. Coordinator, Business Operations
6. Board Order Administrator	15. Administrative and Financial Assistant
7. Board Order Administrator	16. Bilingual Receptionist/Secretary
8. Case Coordinator	17. Secretary to Chair/Counsel
9. Case Coordinator	18. Systems Officer

Strategic Direction

The work of the Review Board continues to evolve quantitatively and qualitatively. There has been a well documented increase in the number of accused persons coming under the jurisdiction of the Review Board. In addition, with the 2010 Supreme Court of Canada decision in *Regina v. Conway*, every Review Board's jurisdiction to rule on *Charter* applications and to provide remedies that fall within their statutory jurisdiction has been confirmed. These factors require the Board to upgrade and provide continuing legal supports for Members to ensure that both the Board's processes, and the application of substantive law to its decision making, are on solid legal ground. Ensuring this serves the administration of justice, the public and the parties who appear before the Board.

Accordingly, the Ontario Review Board must be able to adapt and react to changing circumstances to provide the best system possible for carrying out its mandate, and to accommodate and strengthen relationships with its stakeholders. In 2013-2016 the Ontario Review Board plans to focus on the following key areas:

Initiatives Involving Third Parties

The Ontario Review Board:

- Was instrumental in the establishment of the Mental Disorder Court ('102 Court') in the City of Toronto which was initiated to identify and expedite the assessment of mentally disordered persons who have come into conflict with the law in order that their cases may proceed expeditiously. This court also assists in connecting those accused individuals with mental health workers, and provides follow-up treatment in the community. This model has been instrumental in providing a model for, and assisting, the now seven mental health courts in the province who continue the work to improve the system and increase the quality of outcome for the participants. The Court regularly receives visitors from around the globe who are interested in establishing similar courts in their home jurisdictions.
- As one of the busiest Review Boards in Canada, the Ontario Review Board often finds itself in a leadership role. The Board has also continued to support a collaborative relationship with other provincial Review Boards through increased communication and an annual meeting with the other provincial Review Boards.
- The Board fields and responds to inquiries from judicial, legal, medical and academic communities across Canada about its mandate and jurisdiction.
- The Board is accessible to courts and the judiciary for consultation on issues that may arise when an accused person is found NCR or unfit, endeavours to enhance the timeliness and quality of service provided to the criminal justice system and the community at large and fosters support for the accused persons who come within our jurisdiction.
- The Board works with the federal government and other provincial Review Boards to support research and recommend policy development by way of amendments to the *Criminal Code*.

- The Board will continue its efforts to rationalize and promote efficient hearings, especially in respect of Initial and Restriction of Liberty hearings. This may involve consultation with stakeholders, and initiating pilot projects to test scheduling and hearing procedures.

Information Management and Information Technology

The Board will:

- Continue to provide Dispositions and Reasons for Dispositions to QuickLaw, and WestLaw, allowing the legal community access to Ontario Review Board decisions and promoting the transparency of the process;
- Continue to update and expand its web site to inform the public and the media about the Ontario Review Board.
- Ensure that its web site is restructured to comply with the Accessibility for Ontarians with Disabilities Act (AODA) and the French Language Services Act (FLS).
- Continue to develop capacity for electronic communication with Board members and parties in an effort to increase efficiency.
- Continue to engage in green initiatives by promoting electronic distribution of documents, and maximize records management efficiencies by scanning and electronically filing hearing and exhibit materials.
- Continue to build a Member Resources section on its web site which will include up to date legal support, member-accessible versions of Part XX.1 of the *Criminal Code*, provide links to caselaw and Board dispositions, and include an e-binder of significant decisions with a detailed Table of Contents and Member-supported tools, including informational Bulletins of legal and clinical interest.

Education and Continuous Learning

The Board has a firm commitment to providing a high quality of service and expertise for the community and the accused persons who come before the Board. Board member education and training is a key component of this commitment and is carried out in a number of ways throughout 2013-2016:

- **New Board Member Training**: New members will continue to receive reading materials and resources directed specifically to their needs including slides, case law, and textbook material. In addition, new members are provided with training and on-site opportunities to observe hearings prior to being scheduled to sit on hearings.
- **Annual Education Sessions**: The Board will continue to provide three Education Sessions every year, including an Annual Conference for all members, and an education conference for legal member/Alternate Chairs and public members, with

meetings for mental health practitioners (psychologists and psychiatrists) on an as needed basis. In consultation with the Board's Chair and legal counsel, the Board's Coordinator of Psychiatric Resources will present topical speakers and agendas designed to provide Board members with the most up-to-date clinical information relevant to their day-to-day work as decision-makers.

- **Periodic Communiques:** The Board will communicate updates and changes in the law and forensic psychiatry/psychology to its members throughout the year. The Board will ensure that its members (lawyers, judges, laypersons, and mental health professionals) are kept up-to-date with the scientific, clinical and legal developments relevant to the adjudicative, forensic and decision-making processes that members must engage in.
- The Board will provide the resources, training and team building to both staff members and Board members, which are appropriate for the roles and responsibilities of each group.

Relationship with the Ministry of Health and Long-Term Care

The *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* (ATAGAA) strives to ensure that the Board functions accountably, transparently and efficiently, while remaining independent in its decision-making. The *Act* was fully proclaimed in June 2011.

As required by ATAGAA, the Board has filed and made publicly available eight governance and public accountability documents. The Board has participated in an administrative review of the tribunal which is required by the Act once every six years. The Board will, after consultation with the Ministry, and upon agreement as to which of the ATAGAA recommendations should be implemented, work collaboratively with the Ministry as to prioritization of recommendations and implementation strategy.

The following eight documents have been completed by the ORB and made public:

1. Memorandum of Understanding
2. Mandate and Mission Statement
3. Consultation Policy
4. Service Standard Policy
5. Ethics Plan
6. Member Accountability Framework
7. Business Plan
8. Annual Report

With the appointment of a new Chair in June 2012, a revised MOU was finalized in 2013-14.

Environmental Scan: Assessment of Issues Facing the Board

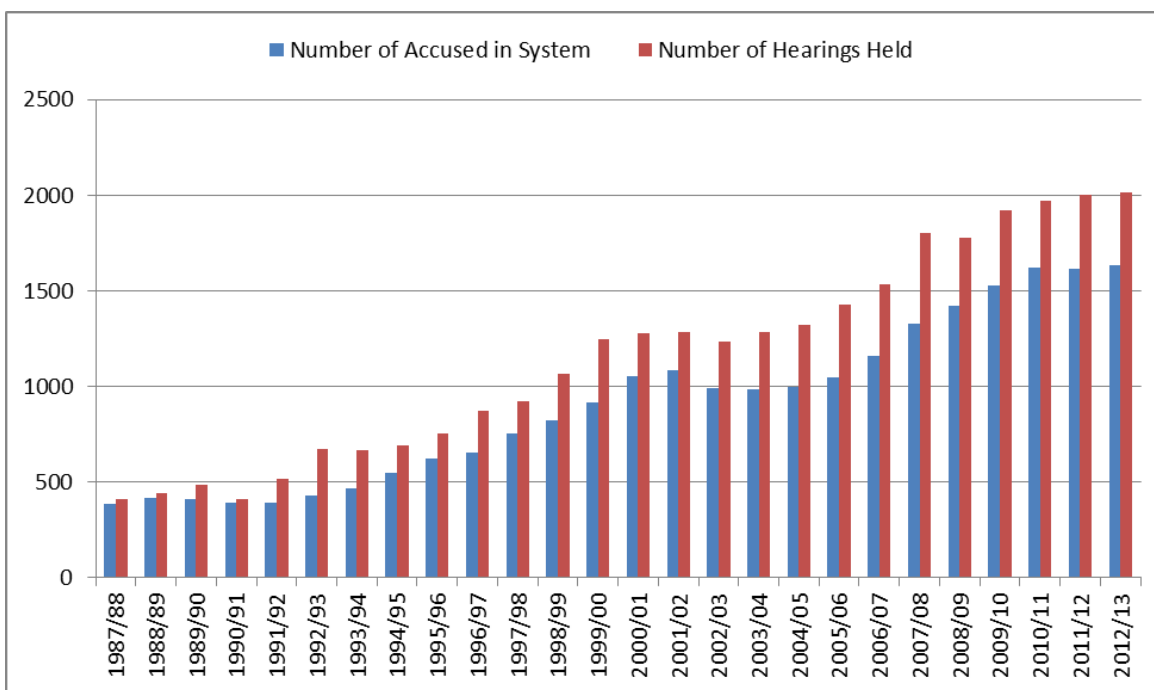
An Increasing Caseload

At present, the Board has over 1600 persons subject to its jurisdiction. Each of these individuals has come under the Board's jurisdiction following a verdict in court of either unfit to stand trial, not criminally responsible due to mental disorder or not guilty by reason of insanity, due to mental disorder. The latter verdict refers to those persons who entered the system prior to 1992 when Bill C-30 changed “not guilty by reason of insanity” to “not criminally responsible.”

An Increase in Hearings

The Board is not only required to hold an initial hearing for each new accused person within a prescribed time period, but must hold an annual hearing for every accused person already in the system. Therefore, as the number of accused persons entering the system increases, the number of initial hearings increases. When more individuals are entering the system than are exiting it, the subsequent increase in annual hearings exerts ongoing pressure. (See Performance Measures and Targets section for specific timelines.)

Number of Accused vs. Number of Hearings



The number of accused persons who are subject to the jurisdiction of the Board has been increased by approximately 75% since 1999 (*Winko* decision). For example in 1999/2000 the number of accused persons under the Board's jurisdiction was 913. Over the past ten years, there has been an average of 250 new accused per year. This resulted in an increased number of hearings. In comparison to 2002/2003 when the Board held 1233 hearings, in 2012/2013, the Board conducted 2,012 hearings.

It seems to be the case that as lawyers, representing the Attorney General and the accused person, become more familiar with Part XX.1 of the *Criminal Code*, there is a consequential increase in the number of unfit and NCR verdicts. At the same time hearing complexity, and public scrutiny and media attention over high profile cases is also increasing. Most hospitals have now elected to be represented at their hearings by counsel. Additionally, recent appellate decisions have re-emphasized the need to schedule and conduct certain hearings without delay, increasing administrative and fiscal pressures. The Board has no control over these trends.

Changes to the *Criminal Code*

In 2006, Part XX.1 was amended in a number of ways. Some of these amendments have altered the jurisdiction of the Board and assisted it in its mandate to seek out and obtain information. Others have increased the obligations of the Board and resulted in increased costs. The following amendments are worthy of note:

- Victim Impact Evidence and the Participation of Victims:

The Board is satisfying the requirement that it notify victims of upcoming proceedings and of their statutory right to provide a victim impact statement in writing or to attend and read their victim impact statement to the Board in person. Since the 2006 amendments to the *Criminal Code*, and continuing to date, increased administrative time is required to meet the Board's obligations to victims, and to provide them with information about the Board. The Board's database of notified victims now surpasses the number of accused persons under the Board's jurisdiction.

- Board Ordered Assessments:

The ability of the Review Board to order assessments under section 672.121 of the *Criminal Code* enhances the ability of the Board to carry out its inquisitorial function and to carry out its mandate. The Review Board makes assessment orders and receives a report from a psychiatrist in accordance with each of those orders. In 2009/2010, 40 assessments were ordered; in 2010/2011, 32 assessments were ordered; 16 assessments were ordered in each of the fiscal years, 2011/2012 and 2012/2013.

- Board Recommended Stays of Proceedings for Permanently Unfit Individuals:

Pursuant to the Supreme Court of Canada's decision in the *Demers* case, the Review Board may now make a recommendation that the court which found the accused unfit hold a hearing and grant a stay of proceedings. That is contingent upon the Board concluding that the person is both permanently unfit and no longer a significant threat to the safety of the public. This legislated change allows the courts to retain the final decision-making power, but includes the Review Boards in making recommendations. This amendment permits mentally disordered persons who are permanently unfit to be discharged from the system who would, under the previous statutory regime, not be eligible for an absolute discharge despite no longer being a threat to the public. In 2009, 5 unfit accused were recommended for stays of proceedings under this section.

- Bill C-54:

Should Bill C-54 be proclaimed as presently drafted, the Board’s obligations in this regard will add considerably to the time required to manage our case load. The Board will now be required to notify victims whenever an accused is either absolutely or conditionally discharged, every time the Board sends a High Risk Accused (‘HRA’) to court for review, and every time the Board receives a new accused with a verdict of NCR. The Board must also ensure hearings are adjourned at any of the junctures to permit the victim time to file statements.

Divestment of Provincial Psychiatric Hospitals

All provincial psychiatric hospitals formerly operated by the Ontario government have now been divested, including the Waypoint Centre for Mental Health Care, the single institution designated as maximum secure. The governance of these hospitals has been transferred to public controlling bodies, such as Boards of Directors. So far this change in governance has not had a profound effect on the processes and overall service delivery of the Ontario Review Board. There are some indications, however that stakeholders in the forensic system will look to the Board as a source to indemnify them for hearing- related costs, and beyond. This issue was recently litigated in the case of *R v. Taylor* [2010] ONCA 35 (CanLII) in which the Court of Appeal for Ontario determined that the Board *via* the Ministry of Health is required to fund the costs of Board-ordered assessments. The Board will continue to monitor and report on the impact of divestment on its operations as issues arise. This is an anomalous situation in that psychiatric assessments ordered in respect of the same accused by the courts are paid for by the Ministry of the Attorney General.

Resources needed To Meet Goals and Objectives

Financial Resources

The Board receives its annual funding allocation through a separate Vote and Item. The Board’s allocation remained constant at \$3,975,400 from 2008-09 through 2011-12 and throughout this period the Board exceeded its budget in order to meet its statutory obligation. The deficit was a result of an increasing caseload and related operational costs of the Board. The government ‘right-sized’ to an allocation of \$7,035,900 in the 2012-13 fiscal year. However, based on recent trends, the Ontario Review Board does not anticipate any change in the cost pressures flowing from caseloads or from the costs relating to Board ordered assessments.

	2010-2011	2011-2012	2012-2013
Allocation	3, 975, 400	3, 975, 400	7, 035, 900
Expenditure	7, 349, 259	7, 121, 298	6, 727, 568

Proposed Operating Expenditures

Standard Accounts	2013-2014	2014-2015	2015-2016
Salaries and Wages	1, 294, 683	1, 320, 577	1, 346, 988
Employee Benefits	187, 729	191, 484	195, 313
Transportation and Communication	733, 975	748, 655	763, 628
Services	4, 733, 119	4, 827, 781	4, 924, 337
Supplies and Equipment	41, 572	42, 403	43, 252
Total	6, 991, 078	7, 130, 900	7, 273, 518

Human Resources

Board Members:

In order to ensure that the hearings are conducted efficiently and cost-effectively, it is critical that the Board continues to attract qualified, experienced individuals to adjudicate at its hearings as mandated in the *Criminal Code*. The *Code* requires that both a psychiatrist and alternate chair be in attendance at every hearing. The Board continues to be well served by the retired justices and respected senior lawyers who preside as alternate chairs, but it is essential that the Board maintain an adequate number of psychiatrists, including French-speaking psychiatrists, who must be available as members of the Board to attend hearings throughout the province. The Chair ensures that the diversity of Ontario is reflected through the Board's membership.

Staff:

The Staff are committed to working within the legislated time frames in order to meet the Board's mandate. However, an increasing caseload, FTEs at capacity and budget pressures combine to present a challenge to the Board. The Board continues to review its operational processes regularly to ensure balance between caseload and staff resources.

Due to the high number of hearings, issuing Dispositions and Reasons for Dispositions in a timely fashion can also be challenging for the Board's administrative staff.

Performance Measures and Targets

As mentioned, the core function of the Ontario Review Board is to conduct hearings and issue Dispositions in accordance with the *Criminal Code*, and within the legislated timeframes. For initial hearings this represents 45 or 90 days after the court verdict is rendered, as the case may be. Once an initial Disposition has been made, the Review Board must hold a hearing within every 12 months thereafter for as long as the Board retains jurisdiction over the person. Meeting these legislative requirements represent the primary measures of the Board's performance.

Board members, all of whom are appointed on a part time basis, are generally flexible in accommodating the fluctuating demand for scheduling hearings as dictated by the legislated deadlines. While hearing schedules are adequately met, the Board's performance may be affected by the administrative requirements of each hearing.

Performance Management:

Currently, Dispositions are generally issued from two days to two weeks post- hearing. Reasons for Dispositions follow. It is a priority of the Board to issue a Disposition within ten days after the hearing.

The Board is also pursuing a number of initiatives which may assist in reducing hearing costs and facilitating the process, such as:

- Educating Board members on administrative issues;
- Working with the other provincial Review Boards to make recommendations to the federal government concerning proposed changes to the *Criminal Code of Canada*;
- Working with the province's designated psychiatric hospitals on measures to reduce overall hearing costs and to improve efficiency;
- Improving administrative efficiency through technology.

Targets:

Meeting the legislated timelines in the *Criminal Code of Canada* represents a chief target for the ORB. The annual deadline is set according to the previous hearing for each accused person.

- The Board will schedule and convene hearings 45 days post NCR/Unfit court verdicts;
- The Board will schedule and convene hearings 90 days post NCR/Unfit verdict if the court makes a disposition;
- The Board will schedule hearings as soon as practicable following notification of Restriction of Liberty and when convening Early Reviews;
- The Board will schedule annual hearings 12 months post disposition date
- The Board will issue dispositions within 10 days of hearings.

The Board will encourage all members to provide reasons for dispositions within four weeks on routine matters and as soon as practicable for more complex cases. The Board maintains a tracking system to follow up and encourage compliance with these targets.

The Board will continue to pursue methods for increasing the efficiency of its operations and processes, and for delivering a high quality of service.

Three key target objectives have been identified:

1. Reduction in hearing times through more extensive pre-hearing conferencing,
2. Reduction in the time from hearing to the production of Reasons (with 4 weeks being the goal),
3. Reduction in the number of adjourned hearings, accomplished through:
 - i. More extensive pre-hearing conferencing, and
 - ii. Scheduling of hearings 9 months in advance (so as to avoid parties' 'conflicts')

Risk Assessment and Management

RISK	MANAGEMENT OF RISK
<p>The Board is a quasi-judicial tribunal and adjudicative decisions are made by a panel.</p> <p>Lack of evidence and/or information on significant risk and clinical assessment may affect the liberty and treatment of the accused and the safety of the public.</p>	<p>A panel consists of an alternate chair, a legal member, two psychiatrist members or one psychiatrist member and one psychologist member, and a public member.</p> <p>The panel has expertise in the fields of criminal law, forensic psychiatry, and mental health. The Board has the authority to order Assessments.</p>
<p>The <i>Criminal Code</i> specifically provides that there must be at least one member of the Board qualified to practice psychiatry, and, in the event there is only one such member, one other who has "training and experience in the field of mental health and is entitled to practice medicine or psychology".</p> <p>If there is a shortage of psychiatric members, hearings would be delayed, resulting in the Board not meeting its mandate.</p>	<p>Chair and management team review a number of psychiatric membership appointments regularly to determine which regions of Ontario require an increase in psychiatric membership.</p>
<p>Members of the Board are appointed by the Lieutenant Governor in Council for each province. An order-in-council is issued for each member appointed to the Board.</p> <p>Delay in appointments and re-appointments would result in membership not being adequate to convene hearings across the province within legislated timeframes.</p>	<p>Chair reviews membership listing regularly and makes appropriate recommendations to Public Appointments Secretariat to ensure new members are appointed and where applicable, existing members are reappointed prior to OIC expiration date.</p>

RISK	MANAGEMENT OF RISK
<p>Threshold issue in each hearing is determining whether the accused person poses a significant threat to public safety. This can be a complex and difficult determination.</p> <p>Where so, a further decision must be made concerning how the accused person is then supervised. The Board must decide whether the accused is detained and if so what level of security, and what access, the accused person will have to the community.</p>	<p>Chair, legal counsel, and coordinator of psychiatric resources facilitate training of new members. Observation of hearings and training is confirmed immediately after OIC is received. New members are not assigned to hearings until training program is completed.</p> <p>The Board continues to provide education sessions on relevant topics and communicates updates in the area of law and forensic psychiatry.</p>
<p>The Board is mandated by the <i>Criminal Code of Canada</i> to schedule hearings within 45 or 90 days of the court verdict or every 12 months or more thereafter, according to the legislated timeline.</p> <p>The increase in caseload has impacted on the Board's ability to meet prescribed timelines as outlined in the <i>Criminal Code</i>.</p> <p>Failure of the Board to meet its mandate within the timeframes prescribed could result in serious consequences, such as increased appellate oversight, and a potential for loss of confidence in the processes of the Board, unwarranted intrusion into the liberty of those who are entitled to increased liberty or increased risk to the public due to delays.</p>	<p>Daily initial hearing and weekly caseload scheduling reports are automatically generated from the case management system and reviewed by management with staff.</p> <p>Disposition and Reasons for Disposition status reports are used by the staff board order administrators to verify with the Alternate Chairs the number of outstanding dispositions that need to be issued within the 45 and 90 days and reasons that need to be issued within the Board's standard expectation of 60 days. These reports are a tool to manage both workload priorities and address backlog issues due to increased work load or staff absence with the assigned backup staff administrators.</p>
<p>The steady pattern of caseload increase of the Ontario Review Board and member <i>per diem</i> increases per Government directives places a constant pressure on its allotted funding.</p>	<p>Keep Ministry informed of expenditures with timely financial reporting. The Board commences early in the fiscal year to prepare for and manage shortage of funds by a Treasury Board Order.</p>

Communications Plan

Target Audiences

- Board Members
- Parties including accused persons, hospitals and clinical staff
- Other Review Boards in Canada
- Ministry of Health & Long-Term Care

- Federal government
- Federal Ministry of Justice
- Attorney General
- Police agencies
- Judiciary
- Public

Board Members

- Annual Board meeting – Advise and educate members on new issues and ongoing concerns of which they need to be aware
- Education sessions throughout the year
- On-going communication regarding major cases in Canada
- Web site: will have a Members-only Area to supplement on-going education and training and to promote an exchange of ideas and information

Parties

- Advocacy outreach to all parties via written communications, speaking opportunities, participation in panels and seminars
- Dispositions and Reasons for Dispositions provided to legal reporting services to QuickLaw and WestLaw allowing the legal community access to Ontario Review Board decisions

Provincial Review Boards

- Meet annually with other Review Boards in Canada
- On-going communication throughout the year between Chairs, lawyers, administration
- Liaise with federal government via Standing Committee on Justice regarding recommended amendments, research initiatives, etc.

Ministry of Health & Long-Term Care

- Liaise with Corporate Management Branch to ensure timely and effective delivery of service and accountability
- Provide updates on communications activities that may directly impact the ministry

Attorney General

- Advising and listening to representatives of the Attorney General's office with respect to policy, appeals, best practices advocacy and procedural imperatives of part XX.1 of the *Code*
- Discussions and communication is frequent and on-going including annual appearances at Crown's Annual Education and Training conference

Public

- Updating of web site regularly to keep public informed
- Restructuring of web site to make information accessible to people with disabilities
- QuickLaw and WestLaw access to Board's decisions is available through these legal reporting services

Police Services

- Informing regional police services of Disposition information by forwarding the OPP copies of all dispositions and reasons for data entry Canada-wide on CPIC
- Communicating with police regarding accused, explanation of community access, sex offender registry and victim notification

The Board will continue to build relationships with stakeholders and interested parties in the forensic system, other Review Boards in Canada, parties and major partners including members of the judiciary, in working to solve mutual problems and to identify strategies for everyone to help deal with them.