

# 2ND NATIONAL SYMPOSIUM ON MENTAL DISORDER: AT THE CROSSROADS OF MENTAL HEALTH AND CRIMINAL JUSTICE



Join a distinguished faculty of judges, Review Board Chairs, defence and Crown counsel, mental health and criminal justice experts to explore timely and challenging issues, including:

- Latest hot button cases and issues on mental health trending before the courts and Review Boards
- Police interactions with the mentally ill; special mobile units diversionary measures and privacy issues
- How to make optimal tactical and procedural decisions on the availability and desirability of an NCR defence
- Avoiding procedural pitfalls involving the "consent" NCR verdict
- Instructing Juries on the NCR defence
- A year in review on the NCR Reform Act; has anything changed?
- Effective options for youth with mental health issues before, during and after engagement with the criminal process

A unique and essential program for any professional engaged in these complex issues.

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OUTSTANDING  
PROGRAM ALL AROUND.  
VERY INFORMATIVE.  
EVERYTHING WAS GREAT."**

**Defence lawyer**

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## **Chairs**

**Joan Barrett**, *Deputy Director  
Crown Law Office-Criminal, Ministry  
of the Attorney General (Ontario)*

**The Hon. Justice Riun Shandler**  
*Ontario Court of Justice*

## **Date and Time**

Friday, February 26, 2016  
9:00 a.m. - 4:30 p.m. EST

## **Location**

Osgoode Professional Development  
1 Dundas St. W., 26th Floor  
Toronto, ON

## **Keynote Speaker**

**The Hon. Frank Iacobucci, CC**,  
*Retired Justice, Supreme Court  
of Canada*

**Webcast Available**



## 2ND NATIONAL SYMPOSIUM ON

## MENTAL DISORDER: AT THE CROSSROADS OF MENTAL HEALTH AND CRIMINAL JUSTICE

From the challenges facing police when dealing with mentally ill persons, through the criminal process, the use of the not criminally responsible defence, to litigation before the Review Board, this ground-breaking OsgoodePD program will probe the crossroads of mental health and criminal justice. A truly expert faculty from across Canada, with representation from the judiciary, Review Board, legal profession, academia, policing community and the field of psychiatry and psychology, will explore the essential and emerging issues, including:

- Challenges and responses involving policing and mentally ill persons; the use of mobile crisis units, pre-charge diversion, vulnerable persons registries and other criminal justice system entry point challenges
- Grappling with the covert challenges of stereotypes and public prejudice involving the defence of NCR
- Key Cases and practical guidelines for Review Board Hearings
- Examining the practical impact of the *NCR Reform Act* on the legal landscape, including the use of high risk accused designations and plea negotiations

### WHO SHOULD ATTEND

- Lawyers
- Judges
- Review Board members
- Law enforcement officials
- Mental health court workers and other support workers
- Psychiatrists
- Forensic psychologists

REGISTER NOW BY VISITING [WWW.OSGOODEPD.CA](http://WWW.OSGOODEPD.CA),  
CALLING 416.597.9724  
EMAILING [OSGOODEPD@OSGOODE.YORKU.CA](mailto:OSGOODEPD@OSGOODE.YORKU.CA)  
OR FAXING 416.597.9736

### Chairs

**Joan Barrett**, Deputy Director, Crown Law Office-Criminal,  
Ministry of the Attorney General (Ontario)

**The Hon. Justice Riun Shandler**, Ontario Court of Justice

### Keynote Speaker

**The Hon. Frank Iacobucci, CC**, Retired Justice of the  
Supreme Court of Canada

### Faculty

**Janice Blackburn**, Bersenas  
Jacobsen Chouest Thomson  
Blackburn LLP Barristers  
Solicitors

**Inspector Chris Boddy**  
Toronto Police Service

**Dr. John Bradford**, Forensic  
Mental Health, The Royal  
Ottawa, Brockville Mental  
Health Centre

**Tania Breton**  
Justice Lead, CAMH (Ottawa)

**Gregory Brodsky, QC**  
Brodsky & Company, Barristers

**Sarah Burtenshaw**  
Mental Health Worker, Crisis  
Outreach and Support Team

**Gina Clark**, Regional  
Implementation Coordinator  
CAMH (Northwest Region -  
Kenora Rainy River District)

**Professor Steve Coughlan**  
Schulich School of Law  
Dalhousie University

**Margaret Creal**, Chair  
Consent and Capacity  
Board, Ontario

**Erin Dann**, Di Luca Barristers

**Michael Davies**, Foord  
Davies LLP

**The Hon. Justice  
Peter DeFreitas**  
Associate Chief Justice  
Ontario Court of Justice

**Michael Feindel**, Crown  
Coordinator, Ontario Review  
Board, Ministry of the Attorney  
General (Ontario)

**Dr. Janelle Hawes**, Lead Manager  
Forensic Services, SAYC - Kinark  
Child and Family Services

**Lyle Hillaby**, Crown Counsel  
British Columbia Ministry of  
Justice and Attorney General

**Shayne Kert**, Alternate Chair  
Consent and Capacity Board  
Ontario

**Dr. Philip Klassen**  
Vice-President, Medical Services  
Ontario Shores Centre for  
Mental Health Sciences

**Christine McGoeey**, Retired Crown  
Attorney, Ministry of the Attorney  
General (Ontario)

**The Hon. Justice Heather  
Perkins-McVey**  
Ontario Court of Justice

**JoAnn Miller-Reid**, Assistant  
Deputy Minister, Youth Justice  
Services, Ministry of Children  
and Youth Services (Ontario)

**Robert S. Richardson**, Barrister

**The Hon. Justice  
Gary Trotter**, Ontario Superior  
Court of Justice

# AGENDA - FRIDAY, FEBRUARY 26, 2016

**8:15**

## **Registration and Continental Breakfast**

**9:00**

## **Welcome and Introduction from the Chairs**

**9:15**

### **The NCR Defence 2016: Meeting the Challenges of Stereotyping and Public Prejudice**

THE HON. JUSTICE GARY TROTTER, *Ontario Superior Court of Justice*

GREGORY BRODSKY, QC, *Brodsky & Company, Barristers*

CHRISTINE MCGOEY, *Retired Crown Attorney, Ministry of the Attorney General (Ontario)*

DR. PHILIP KLASSEN, *Vice-President, Medical Services Ontario Shores Centre for Mental Health Sciences*

ROBERT S. RICHARDSON, *Barrister*

There are a number of tactical and procedural decisions that arise when an NCR defence is at play in criminal proceedings. These include:

- Grappling with public prejudice towards the NCR verdict
- Whether solicitor-client privilege extends to court ordered assessment reports
- Overcoming prejudice by instructing the jury on the consequences of an NCR verdict
- Procedural pitfalls with "consent" NCR verdicts

**10:15**

### **Latest Court Cases and Trending Hot Button Issues**

MARGARET CREAL, *Chair, Consent and Capacity Board, Ontario*

LYLE HILLABY, *Crown Counsel, British Columbia Ministry of Justice and Attorney General*

ERIN DANN, *Di Luca Barristers*

- *R. v. Jaser* – Is it time to extend fitness to the sentencing stage?
- *R. v. Conception* – the last word on forensic bed litigation?
- *J. J. G.*, Re: protection for accused's utterances at a Board hearing
- *R. v. S. (P.)*: Does this mean the end of involuntary committal of long-term detainees under Ontario's *Mental Health Act*?

**11:15**

## **Refreshment Break**

**11:30**

### **Best Practices in Preparing and Effectively Conducting Hearings Before the Review Board**

SHAYNE KERT, *Alternate Chair, Consent and Capacity Board, Ontario*

MICHAEL DAVIES, *Foord Davies LLP*

JANICE BLACKBURN, *Bersen Jacobsen Chouest Thomson Blackburn LLP Barristers, Solicitors*

A significant body of jurisprudence exists relating to what constitutes procedural fairness and guidance on litigation

of *Charter* claims before the Review Board. This panel of experts will guide you through key cases and provide you with practical guidelines.

**12:30**

## **Networking Luncheon**

**1:00**

### **Keynote Address**

#### ***Lessons Learned from Police Encounters with People in Crisis***

THE HON. FRANK IACOBUCCI, CC

*Retired Justice Supreme Court of Canada*

**1:30**

### **Policing and the Mentally Ill: Current Challenges and Responses**

THE HON. JUSTICE PETER DEFREITAS, *Associate Chief Justice, Ontario Court of Justice*

SARAH BURTENSHAW, *Mental Health Worker Crisis Outreach and Support Team (COAST)*

DR. JOHN BRADFORD, *Forensic Mental Health The Royal Ottawa, Brockville Mental Health Centre*

INSPECTOR CHRIS BODDY, *Toronto Police Service*

- Challenges unique to police encounters with the mentally ill
- Using specially trained mobile units to handle calls involving mentally ill persons
- Diversionary measures at the initial contact stage without the laying of charges
- Development and use of Vulnerable Persons registries for police
- Privacy issues (e.g. *Mental Health Act* apprehensions on CPIC, use of registries)
- Factoring in the unique challenges and vulnerabilities of Aboriginal communities

**2:30**

### **Interface of Youth with Mental Health Issues and Canada's Youth Justice System**

THE HON. JUSTICE HEATHER PERKINS-MCVEY  
*Ontario Court of Justice*

TANIA BRETON, *Justice Lead, CAMH (Ottawa)*

GINA CLARK, *Regional Implementation Coordinator CAMH (Northwest Region - Kenora Rainy River District)*

JOANN MILLER-REID, *Assistant Deputy Minister, Youth Justice Services, Ministry of Children and Youth Services (Ontario)*

DR. JANELLE HAWES, *Lead Manager Forensic Services, SAYC - Kinark Child and Family Services*

- Options before engagement in the criminal process
- How can police and justice system professionals link up youth with the specialized resources they need?
- Lessons learned from the specialized youth mental health

## AGENDA (cont'd)

courts and their application to centres without specialized resources

- Can the current youth criminal justice assessment and sentencing tools be utilized for youth with mental health issues or do they need to be revised?

**3:30**

### Refreshment Break

**3:45**

### The NCR Reform Act: Much Ado About Nothing?

PROFESSOR STEVE COUGHLAN, *Schulich School of Law Dalhousie University*

MICHAEL FEINDEL, *Crown Coordinator, Ontario Review Board, Ministry of the Attorney General (Ontario)*

- Has the status quo changed as a result of this Act? Are high-risk accused applications being made?
- Is there a consensus in Canada as to whether the *NCR Reform Act* is of retroactive application?
- Use of HRA designation in plea discussions
- Is "necessary and appropriate" the new "least onerous least restrictive"?
- What does "brutal nature of the offence" mean? Is this really just public opprobrium?

**4:30**

### Program Concludes



**OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC.**



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## REGISTRATION

Please complete all registrant information.

### 2nd National Symposium on Mental Disorder

I will attend: ☐ On site ☐ Via webcast (single viewer)

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### Fee Per Delegate

**Early Bird Price (until December 15, 2015): \$495 plus HST**

**Regular Price: \$545 plus HST**

Group discount: Register 4 members of the same organization at the same time, and receive 25% off each registration fee!

### CLA members receive 25% off.

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for details. Please inquire about financial assistance.

### Dates & Times

Friday, February 26, 2016

9:00 a.m. - 4:30 p.m. EST

Online Replay:

April 29, 2015

### Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Location

Osgoode Professional Development  
1 Dundas St. W., 26th Floor, Toronto, ON

Please arrive a half hour early for sign-in and material pick-up.  
Dress is business casual.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$75 administration fee) is available if a cancellation request is received in writing 5 days prior to the program date. No other refund is available.



## 4 Convenient Ways to Register

1. **MAIL** your registration form to:  
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Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
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2. **ONLINE** at  
[www.osgoodepd.ca](http://www.osgoodepd.ca)
3. **FAX** your registration  
to 416.597.9736
4. **CALL US** at 416.597.9724  
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