

BRITISH COLUMBIA REVIEW BOARD



Procedural Guidelines at Hearings

*Safeguarding the Rights and Interests of Mentally Disordered
Accused Persons
and of Society with Fairness and Dignity*

December 2009

Table of Contents

1.0 Purpose.....	3
2.0 Definitions	3
3.0 Types of Hearings and Scheduling	4
4.0 Adjournments: s.672.5(13.1)	7
5.0 Continuations	8
6.0 Notice of Hearings	9
7.0 Written or Physical Evidence	10
8.0 Counsel	11
9.0 Subpoenas	12
10.0 Cross-Examination of Witnesses	12
11.0 Lengthy Hearings	13
12.0 Adding or Designating Parties	13
13.0 Excluding Members of the Public	13
14.0 Conduct of Hearings.....	14
15.0 Alternative Hearing Procedures	14
16.0 Dispositions and Reasons for Disposition	16
17.0 Miscellaneous	18

Practice Guidelines

1.0 Purpose

- 1.1 The purpose of these guidelines is to communicate the practices and procedures to be followed at hearings of the British Columbia Review Board held pursuant to Part XX.1 of the **Criminal Code**. They are intended to provide consistency, predictability, fairness and efficiency to the hearing process.
- 1.2 In cases not contemplated by, or of non-compliance with these guidelines, the Review Board will determine the procedures to be followed on a case by case basis.

2.0 Definitions

- 2.1 Terms used in these guidelines are as defined in the **Criminal Code**, unless otherwise stated.
- 2.2 In these guidelines:

Annual hearing means a hearing scheduled, pursuant to section 672.81(1), to be held within 12 months after the last disposition made or within a shorter period fixed by the Review Board pursuant to section 672.63, and includes dispositions made or extended under s.672.81(1.1) and (1.2) of the **Criminal Code**.

Mandatory hearing means a hearing scheduled by the Review Board pursuant to section 672.81(2), (2.1), (3) or s.672.94 of the **Criminal Code**.

Call date conference means a regular telephone conference held for the purpose of scheduling hearings and resolving other issues, attended by, and in consultation with, representatives of the Director, the Crown and legal counsel who appear before the Review Board, and presided over by the Registrar of the Review Board or a delegate.

Panel Chair means the chairperson or designated alternate chairperson of a panel of the Review Board conducting a fitness to stand trial, disposition review, placement, or any other hearing or administrative proceeding of the Review Board.

Crown means the Attorney General of British Columbia or his agent.

Director means the person in charge of a designated hospital, and includes the director of the Maples Adolescent Treatment Centre, the director of Youth Forensic Psychiatric Services, the director of Adult Forensic Psychiatric Services and the director of the Regional Treatment Centre (Corrections Canada) or their delegates.

Hospital means any place designated by the Minister of Health for British Columbia pursuant to section 672.1 of the **Criminal Code** and specifically includes the facilities designated as hospitals by the **Minister of Health's Orders M213/03 and M143/05** for the custody, treatment or assessment of accused persons, in British Columbia.

Paper Proceeding means a disposition review hearing, an administrative or interlocutory proceeding, or if the court has extended the time to hold a disposition hearing {s.672.47(2)}, conducted in camera, in the absence of parties, and may, inter alia, include making or extending a disposition with the consent of parties {s.672.81(1), or (1.1)}; an adjournment {s.672.5(13.1) or (15.3)}; an assessment order or extension thereof {s.672.121, s.672.14(3), s.672.15)}; or any other administrative, procedural or interlocutory matter {e.g., s.672.501(7)} (see section 19, infra).

Parties include persons listed in section 672.1 of the **Criminal Code**.

Ex Parte Hearing means a hearing or proceeding held in the absence of any party.

Telephone Hearing means a hearing where the accused participates by telephone or any other method that allows the Review Board and the accused to engage in oral communication.

Video Hearing means a hearing held pursuant to section 672.5(13) of the **Criminal Code**, where one or more of the parties participates by closed-circuit television or by any other means that allows the Review Board and the accused to engage in simultaneous visual and oral communication.

3.0 Types of Hearings And Scheduling

Section 672.47(1) of the Criminal Code requires that the Review Board hold a hearing within 45 days after a court has rendered a verdict of not criminally responsible on account of mental disorder (NCRMD) or unfit to stand trial (Unfit) and the court has made no disposition.

Section 672.47(3) of the Criminal Code requires that the Review Board hold a hearing within 90 days after a court has rendered a verdict of not criminally responsible on account of mental disorder or unfit to stand trial and the Court has made a disposition or has extended the 45 day period in s.672.47(1) pursuant to s.672.47(2).

Section 672.81(1) of the Criminal Code requires that the Review Board hold a hearing to review the disposition of an accused not later than twelve months after making a disposition and every twelve months thereafter as long as the disposition remains in force.

Section 672.81(1.1) and (1.2) authorize the Review Board to extend the time for holding the next hearing for up to a maximum of 24 months after making or reviewing a disposition, under specific circumstances.

3.1 Scheduling Initial Hearings

Within 14 days of receiving the record of proceedings of the Court referred to in section 672.52 of the ***Criminal Code***, verifying the accused's verdict of NCRMD or Unfit to Stand Trial, along with Disposition or Deferral Notice, the Review Board will advise parties of the proposed date for an initial disposition hearing.

3.2 Scheduling "Annual", "Early" and "Extended Disposition" Review Hearings

Subject to paragraph 3.3 below, the Review Board will schedule an annual hearing within the 30 days immediately prior to the review/hearing date imposed pursuant to section 672.81(1), (1.1), (1.2) or 672.63 of the Criminal Code.

3.3 The Review Board may schedule annual hearings prior to the time fixed in paragraph 3.2 to enable a number of hearings to be held on the same date in locations outside the Lower Mainland where it is convenient and cost effective to do so or for any other appropriate reason.

3.4 Mandatory Hearings at the Request of the Person in Charge of the Hospital

Section 672.81(2) of the Criminal Code requires the Review Board to schedule a hearing as soon as practicable when a Director requests a hearing.

3.4.1 The Director's request for a hearing will be in writing to the Review Board and will indicate:

- (a) why a hearing is required;
- (b) what changes to the disposition, or its conditions, the Director is seeking.

3.5 Mandatory Hearings Due to a Significant Restriction on Accused's Liberty

Section 672.81(2.1) of the Criminal Code requires the Review Board to schedule a hearing to review the Director's decision, as soon as practicable after receiving notice that the Director has significantly increased the restrictions on the liberty of the accused for a period exceeding seven days {s.672.56(2)}.

3.5.1 A notice of a significant restriction on liberty referred to in section 672.81(2.1) of the ***Criminal Code*** will be in writing to the Review Board and will identify:

- (a) the date on which the liberties of the accused were restricted;
- (b) the nature of the restriction; and
- (c) the reason(s) the accused's liberties were restricted: s.672.56(2).

3.6 Own Motion and Discretionary Hearings at the Request of Accused or Other Party

Section 672.82 of the Criminal Code provides that the Review Board may hold a hearing to review a disposition at anytime of its own motion or at the request of the accused or any other party.

- 3.6.1 A request for a hearing pursuant to section 672.82 of the ***Criminal Code*** will be made to the Review Board in writing and circulated to all other parties and will indicate:
- (a) why a new hearing is justified;
 - (b) what circumstances have changed substantially since the last hearing; and
 - (c) what outcome or changes to the existing disposition are sought.
- 3.6.2 A party who receives a copy of a request for a hearing may respond to the Review Board in writing, and shall circulate its response to the other parties.
- 3.6.3 On receiving a request under section 672.82 of the ***Criminal Code***, the Review Board may consider:
- (a) whether there has been a significant change of circumstances that could reasonably be expected to affect the disposition or the conditions imposed at a previous hearing;
 - (b) whether new relevant evidence has become available;
 - (c) when the next hearing is expected to be scheduled;
 - (d) the response of any other party to the request; and
 - (e) any other information the Board considers relevant.
- 3.6.4 If the Review Board determines to convene a hearing of its own motion (s.672.82(1)), it will schedule the hearing in consultation with parties (par.3.5) and will provide notice to the parties, including the basis for ordering the hearing (par.10).

3.7 Scheduling Mandatory, Discretionary or Own Motion Hearings

Within 14 days after receiving a notice referred to in paragraph 3.5 (Notice of Restriction of Liberties), a request referred to in paragraph 3.4 (Director's Request), or a notice of an order made by a justice pursuant to section 672.93 (Enforcement Order) of the ***Criminal Code***, or after granting a request referred to in paragraph 3.6 (Accused Request), the Review Board will advise the parties of the date for the hearing to review the disposition of an accused.

- 3.8 The Review Board will schedule a hearing after consulting with the parties or their counsel. If the parties are unable to agree on a date for the hearing, the Review Board will set a date peremptorily.

3.9 The Review Board will schedule hearings according to the following priorities:

- (1) ensuring that hearings are held within the statutory time limits imposed under s.672.47;
- (2) ensuring that hearings are held within the statutory time limits imposed by s.672.81(1), (2), (1.2) or s. 672.63;
- (3) ensuring hearings are held as soon as practicable, or within 45 days, after receiving a notice referred to in s.672.81(2), (2.1), or (3);
- (4) ensuring hearings are offered or held within 14 days or otherwise as soon as practicable if the Court has detained an accused pursuant to an enforcement order referred to in s.672.93; and finally;
- (5) other hearings. (e.g., s.672.82).

3.10 The Panel Chair will indicate at the start of the hearing or in the Reasons for Disposition, the provision or provisions of the ***Criminal Code*** that authorize or require the Review Board to convene the hearing or proceeding.

3.11 Rescheduling Hearings

3.11.1 A request to reschedule a hearing may be made in writing or via electronic communication and must be copied to all affected parties prior to the hearing.

3.11.2 If a request to reschedule a matter is received by the Review Board prior to the hearing or a call date conference, and all parties consent, the hearing may be rescheduled at the call date conference without a formal adjournment ordered under s.672.5(13.1), unless the effect of rescheduling the matter would have the effect of exceeding the 12 month period imposed by s.672.81(1).

4.0 Adjournments: s.672.5(13.1)

Section 672.13.1 of the Criminal Code provides that The Review Board may adjourn the hearing for a period not exceeding thirty days if necessary for the purpose of ensuring that relevant information is available to permit it to make or review a disposition or for any other sufficient reason.

4.1 An application for an adjournment may be made at or before a scheduled hearing and may be considered at hearing or at an in camera proceeding prior to the scheduled time of the hearing.

4.2 An application for adjournment before a scheduled hearing may be made in writing or via electronic communication and must be copied to all parties.

- 4.3 A panel receiving a request for an adjournment at the hearing may
- (a) grant the adjournment without starting the hearing; or
 - (b) start the hearing and adjourn prior to receiving evidence;
 - (c) proceed with the hearing and adjourn it at any stage for completion on another date; or
 - (d) deny the request.

**4.5 Adjournments to allow preparation of Victim Impact Statements:
s. 672.5(15.3)**

Section 672.5(15.3) of the *Criminal Code*, on application of the prosecutor or a victim or of its own motion, allows the court or Review Board to adjourn a hearing held under section 672.45 or 672.47 to permit the victim to prepare a victim impact statement if the court or Review Board is satisfied that the adjournment would not interfere with the proper administration of justice.

- 4.6 The application for an adjournment from the prosecutor or a victim must be received in writing by the Review Board at least 10 days before a scheduled hearing date and should include the reasons for the adjournment request.
- 4.7 The application and the positions of the parties will be considered by a panel of the Review Board and a decision will be made in the absence of Parties, unless a viva voce proceeding is specifically requested.
- 4.8 The Review Board will notify parties of its decision in writing.
- 4.9 If the Review Board grants the adjournment, the Victim Impact Statement must be provided to the Review Board at least fourteen days before the next hearing date so that it can be distributed to the other participants before the hearing.

5.0 Continuations

- 5.1 Where the Review Board begins but does not complete a hearing, the Board may:
- (a) cancel and reschedule the hearing; or
 - (b) reschedule the hearing at a date agreed to by the parties, to be continued and completed by the same panel.

6.0 Notice of Hearings

Section 672.5(5) of the Criminal Code states that notice of the hearing shall be given to the parties, the Attorney General of the Province where the disposition is to be made and, where the accused is transferred to another province, the Attorney General of the province from which the accused is transferred, within the time and in the manner prescribed, or within the time and in the manner fixed by the rules of court or of the Review Board.

- 6.1 The Review Board will give all parties two months' notice of an annual hearing, and as much notice as is practicable of all other hearings.
- 6.2 Subject to section 10.4, the following documents constitute notice of a hearing:
- (a) a written or electronic copy of a Schedule of Hearings in Form 1;
 - (b) a Notice of Hearing in Form 2; or
 - (c) a Notice of a Change of Hearing in Form 3.
- 6.3 The Review Board will provide a Notice of Hearing to:
- (a) the person representing an accused at an upcoming hearing;
 - (b) the accused;
 - (c) an organization contracted by the Legal Services Society to represent accused persons appearing before the Review Board;
 - (d) the Director;
 - (e) the Crown/agent of the Attorney General for BC;
 - (f) the parents of an accused who is a "young person" as defined in the **Youth Criminal Justice Act (Can)** unless such notice has been dispensed with;
 - (g) any person added as a party to the proceeding pursuant to s.672.5(4). CC;
 - (h) a victim who has requested notice of hearings of the Review Board (s.672.5(5.1)).
- 6.4 The Review Board shall send a written notice of a hearing in Form 2 by mail to an accused at:
- (a) the hospital in which the accused is detained; or
 - (b) if the accused is not detained, at the last address known to the Review Board.
- 6.5 Subject to paragraph 10.4 above, the Review Board may, if practical, provide notice of a hearing by mail, by facsimile or, with prior approval of the party, by electronic mail. If it is not practical to provide notice of a hearing in any of these methods, oral notification of a hearing or change of hearing constitutes notice of the hearing.

7.0 Written or Physical Evidence

Section 672.51 of the Criminal Code requires all disposition information to be made available for inspection by, and the court or Review Board to provide a copy of it to, each party and any counsel representing the accused; disposition information, means assessment reports or other relevant written information.

The Board will, in its discretion, determine whether written information other than assessment reports, will be admitted in evidence.

- 7.1 Physical evidence or exhibits provided to the Review Board by the trial court may be entered as Disposition information, will be retained and available for inspection, and on request, be made available at a hearing.
- 7.2 Disposition information in the form of written documents to be considered by the Review Board, will be submitted to the Review Board for distribution to all parties 14 days prior to the date of the hearing.
- 7.3 Parties shall, in advance of the hearing, submit to the Review Board 3 copies of any decision of a court or review board they intend to rely upon at a hearing.
- 7.4 Except as provided at paras.11.3 and 11.5, any document may be provided to the Review Board in paper format, by facsimile or in an appropriate electronic format.
- 7.5 A party who seeks to introduce a document which consists of more than 15 pages, shall provide 6 copies of the document to the Review Board Registry in advance of the hearing.
- 7.6 The Review Board will provide all disposition information submitted, to all other parties as early as possible.
- 7.7 The Review Board will provide a copy of a victim impact statement as defined in s.672.5(14), to the accused, or counsel for the accused, and to the Crown, as soon as practicable or one week before the hearing, whichever is later. *(check reference to s.672.5(14))*
- 7.8 A party who objects to the introduction of disposition information should, if possible, notify the Board and parties of the objection and the basis of the objection, in writing, prior to the hearing.

7.9 Requests to withhold specific disposition information from an accused pursuant to section 672.51(3) may be made to the Review Board in writing, stating why disclosing the information to the accused:

- (a) would endanger the life or safety of another person;
- (b) would seriously impair the treatment or recovery of the accused; and/or
- (c) is not necessary to the proceeding and would be prejudicial to the accused.

7.10 A party intending to call a witness who has not produced a report submitted to the Review Board, to give oral evidence, shall, in advance of the hearing, notify the Review Board of the identity of the witness, as well as an estimate of the amount of time required to receive such testimony/evidence, and the Review Board shall provide such notice to the other parties.

8.0 **Counsel**

Section 672.5(8) of the Criminal Code provides that (if an accused is not represented by counsel) the court or the Review Board shall, before or at the hearing, assign counsel to act for any accused

- (a) who has been found unfit to stand trial; or***
- (b) wherever the interests of justice so require.***

8.1 A person who has been retained to represent an accused before the Review Board shall inform the Review Board of the retainer forthwith.

8.2 A person who ceases to represent an accused (after notifying the Review Board of their retainer) shall inform the Review Board as soon as possible.

8.3 In deciding whether the interests of justice require the assignment of counsel, the Review Board will consider:

- (a) whether a disposition of detention is a likely outcome of the hearing;
- (b) whether the accused is capable of adequately representing his/her views or interests and of participating in the hearing in an orderly manner;
- (c) whether the accused is capable of participating meaningfully in the hearing;
- (d) whether the hearing involves complex legal issues;
- (e) whether the accused wishes to be represented by counsel;
- (f) what actions the accused has taken to retain counsel; and
- (g) any other information the Board considers relevant.

8.4 The Review Board shall notify the Crown of all assignments of counsel pursuant to section 672.5(8), including the name of the accused, the name of the counsel assigned, and the date of the assignment.

8.5 The Review Board shall indicate on Form 1 when it has received notification that counsel has been retained by the accused.

9.0 **Subpoenas**

Section 672.5(12) of the Criminal Code states that a party may request the court or the chairperson of the Review Board to compel the attendance of witnesses.

- 9.1 A request to compel the attendance of a witness will be submitted in writing to the Chair before a hearing or, if prior notice of the request is impossible, by application at a hearing.
- 9.2 A request to compel the attendance of a witness shall indicate the information sought from the witness, and why a subpoena is necessary.
- 9.3 A request pursuant to paragraph 13.1 shall be circulated to the other parties.
- 9.4 A party receiving a request referred to in paragraph 13.1 may
 - (a) respond to the Review Board in writing and shall circulate the response to the other parties; or
 - (b) make submissions on the request at the hearing.
- 9.5 The party making a request pursuant to paragraph 13.1 will provide all witness fees, travel or other expenses associated with the witness' attendance at the Review Board hearing.

10.0 **Cross-Examination of Witnesses**

Section 672.5(11) of the Criminal Code states that any party may adduce evidence, make oral or written submissions, call witnesses and cross-examine any witness called by any other party, and on application, cross-examine any person who made an assessment report that was submitted to the court or Review Board in writing.

- 10.1 A party submitting written evidence referred to in paragraph 11.1 shall ensure that the author of the report is available for examination at the hearing, in person or, with the prior approval of the Review Board, by telephone.
- 10.2 A party wishing to examine a witness not referred to in paragraph 14.1 must ensure that the witness will be present at the hearing, in person or, with the prior approval of the Review Board, by telephone.

11.0 Lengthy Hearings

- 11.1 If counsel or a party anticipates that a hearing may require more than 2 hours to complete, counsel shall advise the Review Board as soon as practicable.
- 11.2 The Review Board may require a pre-hearing conference where it has received a notice referred to in paragraph 15.1, or of its own motion, to clarify the positions of the parties, and to determine if written submissions and answers are required, the dates on which such submissions will be filed, settle procedural issues and the appropriate amount of time to be scheduled for the hearing.
- 11.3 Where a hearing involves novel or complex legal issues, the Review Board may require the parties to submit written arguments, authorities and replies within set dates before the hearing, and to provide other parties with copies of their submissions.

12.0 Adding Or Designating Parties

Section 672.1 of the Criminal Code defines “party.” Section 672.5(4) of the Criminal Code states that the court or the Review Board may designate as a party any person who has a substantial interest in protecting the interests of the accused, if the court or the Review Board is of the opinion that it is just to do so.

- 12.1 The Review Board acting within the scope of section 672.5(4) may on its own motion, or on request, designate any person as a party to a hearing, either before or at a hearing.
- 12.2 A request to make any person a party to a hearing pursuant to section 672.5(4) may be made:
 - (a) in writing before the hearing, or
 - (b) by application at the hearing.
- 12.3 A written request referred to in paragraph 16.2 shall state why the person making the request has a substantial interest in protecting the interests of the accused and why it is just that the person be designated a party.

13.0 Excluding Members of the Public

Section 672.5(6) of the Criminal Code permits the Review Board to exclude members of the public from hearings or parts of hearings.

- 13.1 A person may request the Review Board to order the public or any member of the public excluded from the hearing:
 - (a) in writing to the Review Board, or
 - (b) on application at the hearing.

- 13.2 A request referred to in paragraph 17.1 shall disclose why the order would be in the best interests of the accused, and not be contrary to the public interest.
- 13.3 The Review Board may distribute a written request referred to in paragraph 16.2 and paragraph 17.1 to the parties for the purposes of obtaining their views on the appropriateness of the application, and may convene a separate hearing or proceeding to determine the issue.

14.0 Conduct of Hearings

14.1 Attendance

Parties, representatives of parties, or witnesses are expected to attend Review Board hearings, unless

- (a) parties other than the accused have notified the Review Board prior to the hearing that they will be not be attending the hearing;
 - (b) the accused has notified the Review Board that he or she intends to apply pursuant to section 672.5(10) to be absent from the hearing and the Panel Chair rules on the matter; or
 - (c) parties or their representatives have made alternative arrangements in consultation with the Review Board to receive their evidence (See 19.1).
- 14.2 An accused or the accused's counsel will notify the Review Board as soon as possible of an application to excuse an accused from the hearing pursuant to section 672.5(10) of the *Criminal Code*.

14.3 Interpreters

The Review Board shall provide an interpreter at the request of a party or of its own motion if it appears that the accused or any witness at the hearing requires assistance to participate meaningfully in the hearing.

14.4 Evidence under Oath

The Review Board may require any witness or party to give evidence under oath or affirmation.

15.0 Alternative Hearing Procedures

- 15.1 A request for a party requesting a Paper Proceeding or a Telephone Hearing shall:
- (a) be made in writing to the Review Board including why such a hearing would be appropriate; and
 - (b) request that the other parties to provide their written consents to the Review Board.

- 15.2 A Telephone Hearing may be convened if:
- (a) all parties have provided the Review Board with their written consent to conduct the hearing as a Telephone Hearing; and
 - (b) the Panel Chair has decided it is appropriate to conduct the hearing as a Telephone Hearing.
- 15.3 A written consent for a Telephone Hearing shall include a phone number where the party may be contacted during the hearing.
- 15.4 A hearing may be conducted as a Paper Proceeding if:
- (a) all parties have provided the Review Board with written consent to conduct the hearing as a Paper Proceeding;
 - (b) no change in the accused's disposition is being sought; and
 - (c) the Panel or Panel Chair determines it is appropriate to conduct the matter as a Paper Proceeding.
- 15.5 The Panel or Panel Chair will consider holding a Paper Proceeding under the following circumstances:
- (a) the Review Board is unable to schedule a hearing on or before the anniversary date of the disposition and another disposition of the same nature, terms and conditions to 'bridge' the period with in which a full hearing can be scheduled, is required;
 - (b) section 672.81(2)(b) requires the Review Board to hold a hearing, but the accused's liberties are restored prior to the date of the hearing;
 - (c) clinical reports submitted as disposition information disclose no actual or likely change in the condition or circumstances of the accused since the accused's last review, and the accused consents to a disposition of the same nature, terms and conditions as the order already in effect.
- 15.6 A Video Hearing pursuant to section 672.5 (13) of the **Criminal Code** may be convened if
- (a) the accused or counsel has provided the Review Board with his or her consent prior to the hearing;
 - (b) all parties other than the accused have been provided with an opportunity to comment on the appropriateness of a Video Hearing;
 - (c) the Alternate Panel Chair has decided it is appropriate to conduct the hearing as a Video Hearing; and
 - (d) appropriate facilities exist.

15.7 Extension of Dispositions/Orders

Section 672.81(1.1) states that the Review Board may extend the time for holding a hearing to a maximum of twenty-four months after the making or reviewing of a disposition if the accused is represented by counsel and the accused and the Attorney General consent to the extension.

15.8 A party may request an extension of a current review Board Disposition provided:

- the effect does not result in extending the Disposition or period between hearings beyond 24 months from the last hearing;
- an Enforcement Order has not been made since the Review Board's Disposition was made.

15.9 A request to extend an existing Disposition must be made in writing and must be copied to all affected parties prior to the hearing.

15.10 The Review Board will require the written consent of the other party(s) prior to hearing and schedule a "paper hearing" (Ex Parte proceeding) before a panel of the Review Board, in the absence of the parties, where the request will be considered and a decision made.

15.11 A panel receiving a request for an extension by consent at the hearing may

1. proceed with the hearing,
2. grant the extension, provided,
 - (a) that the extension will not put the accused beyond 24 months without actually appearing, in person, at a hearing;
 - (b) an Enforcement Order has not been made by a court since the Review Board Disposition was made;
 - (c) the accused and crown counsel consent to the extension.

Note: an extension under s.672.81(1.1) requires consent of the accused and crown only, and may be granted on filing of those consents alone.

16.0 Dispositions and Reasons for Disposition

Section 672.63 of the *Criminal Code* states that a disposition shall come into force on the day on which it is made or on any later day that the court or Review Board specifies in it, and shall remain in force until the Review board holds a hearing to review the disposition and makes another disposition.

16.1 The Review Board shall issue a new Disposition and Reasons for Disposition after each hearing, and shall distribute them to the Parties.

- 16.2 The Review Board will provide a copy of a Disposition and Reasons for Disposition to all parties and their counsel, and, subject to the **Youth Criminal Justice Act**, the **Freedom of Information and Protection of Privacy Act** and **Part XX.1** of the **Criminal Code**, to any other person who requests such a copy.
- 16.3 A disposition shall:
- (a) be signed by the Panel Chair, or the Panel Chair's designate; and
 - (b) be effective on the date the disposition is pronounced by the Review Board, unless the disposition indicates it is to be effective at some later date pursuant to section 672.63 of the **Criminal Code**.
- 16.4 The Review Board may amend a Disposition or Reasons for Disposition at any time to correct clerical or typographical errors that do not affect the substance of the disposition.
- 16.5 The Review Board may make amendments to a disposition other than those referred to in paragraph 1.4 above, without reassembling the parties provided:
- (a) all of the parties have consented to the amendment; and
 - (b) the Panel or Panel Chair who made the disposition agree with the amendment.
- 16.6 The Review Board shall amend a Disposition or Reasons for Disposition by issuing an amended disposition that:
- (a) highlights the amendment that was made;
 - (b) indicates that an amendment was made; and
 - (c) the date of the amendment.
- 16.7 The Review Board shall distribute Dispositions and Reasons for Disposition to all parties, to any counsel that appeared at the hearing on behalf of one of the parties, and to the parents or legal guardians of the accused, if the accused is a "young person" as defined in the **Youth Criminal Justice Act**.
- 16.8 The Reasons for Disposition of the Review Board shall consist of written reasons, or if oral reasons were given at the conclusion of the hearing, a transcript of those oral reasons.
- 16.9 The Review Board will provide the parties with written Reasons or a transcript of its oral reasons within 45 days after the hearing.
- 16.10 Written Reasons for Disposition of the Review Board shall identify the author of the majority opinion, and if there is a dissent, the author of the dissent.

17.0 **Miscellaneous**

17.1 **Transcripts**

Any parties desiring a transcript of a hearing shall order such a transcript directly from the transcription service employed by the Review Board for that hearing, and will bear responsibility for all costs thereof.

17.1 **Intra-Province Transfers**

Any party who intends to request that the Review Board issue a disposition of custody assigning the accused to a designated Hospital other than the Hospital at which the accused resides at the time of the hearing shall, prior to the hearing, provide notice of request to:

- (a) the other parties;
- (b) the hospital at which the accused would reside if the request is granted; and
- (c) the Review Board.