

BRITISH COLUMBIA REVIEW BOARD



ANNUAL REPORT & BRIEFING BOOK Fiscal Year: April 2016 – March 2017

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

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PART 1:

LETTER FROM THE CHAIR



BRITISH COLUMBIA REVIEW BOARD

August 14, 2017

The Honorable David Eby
Attorney General
PO Box 9044 Stn Prov Gov't
Victoria BC V8W 9E2

Minister:

I submit the **Annual Report** of the **British Columbia Review Board (BCRB)**, established under the ***Criminal Code of Canada (the Code)***, for Fiscal Year 2016 - 2017. While the **Code** does not specifically require an annual report and there exists no statutory requirement that one be tabled in the legislature, this document is intended to satisfy the reporting requirements of s.59.2 of the ***Administrative Tribunals' Act ("ATA")***.

I hope this document will also serve as an introduction to the work and mandate of the Tribunal. In this respect I would advise the reader that the Appendix constitutes an integral and important part of this letter.

Bill C-14: Not Criminally Responsible Reform Act (NCRRA) Update

The **NCRRA** was proclaimed in force on July 11, 2014. The Bill was remarkable in galvanizing social scientists, researchers, psychiatrists, psychologists, judges and lawyers to speak almost universally against its unfounded policy underpinnings. Key concerns included that:

- It was motivated by a number of controversial, high-profile cases mostly at the court, rather than the Review Board stage
- Its restrictive, punitive orientation would encourage mentally ill offenders to avoid the NCRMD verdict and opt to serve a term of imprisonment during which they would be untreated before being released back into society upon the expiration of their sentence;
- Its focus on the brutality of a past offence is inconsistent with accepted science or research about the prediction of future violence;
- It would precipitate *Charter* challenges; and
- It would ultimately render communities less safe without any persuasive evidence of problems with the existing system of dealing with mentally disordered offenders, which has far lower recidivism rates than the Corrections system.

I am somewhat relieved to report that, at least at this early juncture in its operation, these identified concerns with the legislation have not manifested in a significant or noticeable way.

Indeed, speaking solely to the British Columbia experience, the Review Board's caseload has in fact, for almost the first time since 1999, slightly increased this year (7%), although we have managed to reduce the number of actual hearings held in 2016 - 2017 (-4%), (**See Statistical Report at Part 5**). Again, it would be premature to consider this small increase in new cases a trend.

Electronic Evidence Initiative: E-Binders

Many accused persons remain under the **BCRB's** jurisdiction for years: in some cases for decades.

In recent years, the **Board** has been converting its documentary evidence, which remains relevant at every hearing in respect of an individual accused, to a more efficient electronic format.

In an earlier report, I indicated that converting paper evidence files to more compact electronic "**E-binders**" and distributing evidence via the internet would generate savings in terms of copying, paper, supplies, and would eliminate courier and postage costs. We submitted a business case and achieved Ministry approval for capital funds to purchase tablet computers for **BCRB** members, for use during their tenure.

In May and June of 2016, all **BCRB** members were trained to use the new **E-binders**, including in the areas of receiving and accessing evidence prior to a hearing, to enable proper preparation for, and to access documents during, a hearing.

The **Board** takes pride in reporting that **E-binders** have now been fully implemented. They have been utilized for all **BCRB** hearings during the last ten months of FY 2016-2017. Users access documents through a secure government sharepoint site, created specifically for the **BCRB**, to ensure the confidentiality and security of the evidence.

In addition to some early cost savings, the apparent initial success of this initiative will now eliminate the need for the Board to maintain its original vast volume of archival evidence binders, which remain in paper form.

Once fully converted to the electronic format, hard copy files will be discontinued and removed. This will eliminate the need for one multi-function copying, scanning and faxing device; will significantly reduce the **Board's** real estate foot print by eliminating the need for filing space, and will further reduce paper and delivery costs.

Becoming a truly “**paperless**” workplace will allow the Board to further reduce its environmental footprint/impact.

Overall as well, this initiative comports with the Government's Lean philosophy.

Fiscal Update

The **BCRB** has, with minor exceptions during the past two decades, taken considerable pride in consistently under-expending its annual budget delegation.

Until recently the **Board** was, with some dismay, projecting a budget deficit for FY 2016 – 2017. This was almost entirely attributable to my dual role in also chairing the BC Human Rights Tribunal since 2010, leaving me less available to preside over BCRB hearings. My chairing a day of hearings saves the Board at least \$1,300 in per diems that would otherwise be paid to a designated alternate chair.

Returning to my **BCRB** duties on a full time basis as of September 2016, has enabled me to once again chair sufficient hearings so as to eliminate a projected deficit of \$35K, and has made it possible to once more end the year declaring a small budget surplus of \$8K in FY 2016 – 2017.

Cost containment strategies for the coming year will include changes in the hearing scheduling process to reduce travel; encouraging parties to conduct more hearings using video and teleconferencing; reducing orders that are reviewable within a shorter period than their presumptive 12 month duration, and closely managing the actual hearing process to adhere to schedules and to avoid adjournments and continuations.

In the interest of efficiency and succession planning, training materials for new members, which are already in electronic form, will be updated and streamlined.

ATA Reporting Requirements

Amendments to the **ATA** in 2016, at section 59.2, set out the contents and scope of tribunal reporting requirements. Although no regulations which prescribe the form and content of these requirements have been promulgated, I consider it timely and appropriate to at least address the spirit of the legislation in this report. As an attachment (**Appendix**) to this letter, I provide a clause-by-clause commentary intended to serve as a detailed response to the specific items listed in s.59.2. Please see in particular **s.59.2(e): Surveys**.

Member Remuneration

Finally, it is troubling, that after a gap of 10 years with no adjustment in annual remuneration for tribunal members, the government has, without sound rationale, declined to fully implement Treasury Board Directive 1/17, which has now been in effect for almost a year. I note that in the past, the discretion to implement (within parameters), has routinely been left to Tribunal chairs. Viewed in the context of its overarching policy approach, which gives scant attention to fundamental justice principles, this issue further reflects the Province's ongoing and pervasive lack of respect for the Administrative Justice System.

Yours truly



Bernd Walter
Chair
BC Review Board

PART 1 (CONT):

APPENDIX TO THE LETTER FROM THE CHAIR

ADMINISTRATIVE TRIBUNALS ACT **REPORTING REQUIREMENTS**

Surveys

- 59.1** For the purposes of evaluating and improving its services, the tribunal may conduct surveys in the course of or after providing those services.

Reporting

- 59.2** At the times, and in the form and manner, prescribed by regulation, the tribunal must submit the following to the minister responsible for the tribunal:
- (a) a review of the tribunal's operations during the preceding period;
 - (b) performance indicators for the preceding period;
 - (c) details on the nature and number of applications and other matters received or commenced by the tribunal during the preceding period;
 - (d) details of the time from filing or commencement to decision of the applications and other matters disposed of by the tribunal in the preceding period;
 - (e) results of any surveys carried out by or on behalf of the tribunal during the preceding period;
 - (f) a forecast of workload for the succeeding period;
 - (g) trends or special problems foreseen by the tribunal;
 - (h) plans for improving the tribunal's operations in the future;
 - (i) other information as prescribed by regulation.

Section 59.2 (a): Review of the Tribunal's Operations

See Chair's letter and contents in Part 5 and 6 of this report.

Section 59.2(b): Performance Indicators for the Preceding Period

Absent any more specific direction, I consider the Chair's letter and the data in this report to satisfy these requirements.

Section 59.2(c): Details of the Nature and Number of Applications Received

The BCRB's caseloads and hearings are driven by verdicts which are rendered by the Courts of criminal jurisdiction and as set out in the *Criminal Code*. The BCRB does not receive applications from individuals in the sense of complaints or appeals.

Details of the Board's caseload, including new matters referred to it by the Courts, cases closed during the period and the number of hearings convened and completed, are set out in the Statistical Report at Part 5.

Section 59.2(d): Details of Filing Time to Decision

The timelines for convening hearings and proceedings of the Board are generally set out in the *Criminal Code*. That is, hearings are convened within statutory or otherwise imposed timelines. Decisions or dispositions are routinely rendered within 24 to 36 hours of a hearing. Reasons for Disposition are provided within 35 days.

Hearing and decision backlogs do not exist at the BCRB.

Section 59.2(e): Surveys (Note also s.59.1)

I. Recent Qualitative Research Survey Data

The consumers of the Review Board's process and dispositions are mentally disordered persons who have (allegedly) committed criminal acts and in respect of whom Courts have imposed verdicts of Unfit to Stand Trial or Not Criminally Responsible Due to Mental Disorder ("NCRMD"), and the Province's Adult and Youth Forensic Psychiatric Services.

The Board's decisions, in all cases, involve and affect the *Charter*-protected liberties of a mentally disordered accused person, taking into account public safety, which is the paramount consideration.

The win-lose orientation of the Criminal justice process, as well as the fact that an accused party is, by definition, mentally ill, are two factors which argue against subjecting or expecting them to provide meaningful evaluation survey data.

However the Mental Health Commission of Canada has, as part of its overarching research mandate, conducted a limited qualitative study of the views and experiences of Review Board 55 participants, including some in BC. Researchers interviewed 26 NCRMD accused persons; 13 family members, and 16 professionals, in BC, Ontario and Quebec.

The following sets out the themes of the interviews and sample narrative excerpts:

Key Themes and Assumptions

- An individual's perceptions about authority figures and dispute resolutions processes are shaped by whether they believe they were treated fairly, with dignity and respect and felt heard.
- People who believe they were treated fairly are more likely to adhere to a decision thus affecting public safety

Results:

1. Many participants felt included and that they were given opportunities to participate, they had a “voice” at hearings:

I was particularly pleased with the fact that they [RB] asked me to testify on my behalf and gave me a chance to speak for myself. They listened very carefully to what I had to say which was greatly appreciated. (NCR Person 24)

A parent echoed this sentiment:

“My son was given ample time to say what he needed to say and they [RB] questioned him directly, not just talking to his lawyers” (Family 3). Several professionals also expressed the view that their clients were involved in the RB hearings: “They [people found NCRMD] get their turn to speak; they are referred to politely; they’re part of the process. I think it’s fair” (Professional 4).

2. Overall, participants felt others were treated respectfully and fairly.

A mother discussed how her son was treated during a RB hearing:

“He was treated like a true person. He wasn’t treated like ‘well, you’re sick and you won’t understand this.’ It’s totally the opposite. They [RB] were very kind and respectful. There was place for dignity” (Family 8).

A few participants contrasted the RB hearings with court process:

What struck me about it was that it was a much kinder process than going through the courts [...] the process of going through the court system was brutal, in my opinion [...] People were a lot more patient with him [son]. (Family 3)

“The treatment team and my lawyer treat me with the utmost respect” (NCR Person 9)

Being treated humanely by RB members was mentioned several times:

“I was happy to be treated like a person, and not like a criminal. I’ve been involved in the criminal system a lot, and I like how you’re not brought out into a little box”.

A family member also commented on the non-stigmatizing tone of the RB hearing:

“There was no arrogance or contempt. In the general population, mental illness is not quite accepted, we can expect some prejudice towards those affected. That was not the case in the hearing” (Family 11).

“They talked to me in a respectful manner, they didn’t talk down to me or talk to me like I didn’t understand what was going on” (NCR Person 10)

Terms such as *compassionate, gentle, understanding, polite, sensitivity,* and *friendly* were used to describe the approach taken by the RB members and others during the hearings.

Feeling like the RB was acting impartially and objectively was also viewed as important:

“They were attentive and referred to me with much respect [...] they asked questions very diplomatically with no preconceived ideas about my case” (NCR Person 24).

3. Participants seem to understand the RB’s need to balance competing objectives:

I see them [RB]... as sort of a government appointed watchdog for the public. Their role obviously is of protecting the public, but also promoting rehabilitation and reintegration of patients into society. So, they sort of sit on that fence and in general I think do a very good job of balancing risk to the public with what is necessary to benefit the patient. (Professional 7)

A victim expressed:

He [her son] committed an offense that put me at risk, and so I think that their [RBs] primary goal is protection of the public, but they also have his interests in mind to the extent they want to make sure he’s well before releasing him [...] maybe it’s more indirect, but they do have his best interests at heart. (Family 3)

4. Outcomes and impacts:

[Interviewer] So at the last hearing, were you satisfied with the way they treated you? [Participant] Yes... I was happy. I was more than satisfied... Because I got outings [...] I was happy that I got what I asked for. (NCR Person 5)

Reflecting on her disappointment with receiving a conditional discharge, one participant said:

I do not like what it [RB hearings] represents in my life and I also do not like the demoralizing and stigmatizing nature of it. Being monitored so closely is very demoralizing for a human being and having to attend annual meetings is just a constant reminder of that dark chapter in my life. (NCR Person 24)

"I was very happy with the review board members and the fact that they used their judgement to evaluate all aspects and not just take the doctor's recommendation" (NCR Person 24).

From:

***Forensic Mental health Tribunals:
A Qualitative Study of Participants
Experiences and Views***
Psychology, Public Policy and the Law,
2016, Vol. 22, NO 2, .73-184

It is hoped that future evaluative initiatives will yield insights into how Review Board processes might be improved or experienced as even more fair and just.

The BCRB does not currently have the financial resources to undertake such data gathering on its own.

II. Member Performance Evaluation Survey

In a related vein, the BCRB periodically assesses the performance of its members against the expectations of its Code of Conduct (**See Part 7**), with which all members undertake to comply, on the understanding that this may influence the Chair's recommendations relating to re-appointments.

The assessment survey (**See Part 8**) is distributed to all BCRB parties – Crown Counsel, defence counsel, Forensic Psychiatric services counsel and physicians. Anonymous feedback and comments are invited. The Chair invites interested members to hear the feedback in summary form.

This form of assessment, as well as periodic stakeholders meetings, is another means by which the Tribunal obtains the input and heeds the voices of its participants and can be receptive to their concerns.

Section 59.2(f): Workload Forecast

See Part 5.

Section 59.2(g): Trends and Special Problems

See letter.

Section 59.2(h): Plans for Improving Operations

See letter.

Section 59.2(i): Other Information

See letter.

PART 2: BCRB MANDATE

The **British Columbia Review Board (BCRB)** is an independent adjudicative tribunal, established pursuant to s. 672.38 of **Part XX.1** of the **Criminal Code of Canada**. The BCRB's mandate is to make and to review dispositions (orders) with respect to individuals charged with offenses in respect of whom verdicts of **not criminally responsible** on account of mental disorder or **unfit to stand trial** on account of mental disorder, have been rendered by a Court.

The fundamental policy objectives of Part X.X.1 as affirmed by the Supreme Court of Canada in **Winko v. B.C.** (June 17, 1999), are:

- *The protection of the public and treating mentally disordered accused persons fairly and appropriately.* [Par. 21, 22, 30]
- *To improve protection for society against those few mentally disordered accused who are dangerous; and to recognize that mentally disordered offenders need due process, fundamental fairness and need the rights accorded to them for their protection when they come into conflict with the criminal law.* [Par. 22]

The criteria which govern the Board decisions were amended by s.672.54 of the **Not Criminally Responsible Reform Act** (in force July 12, 2014):

s. 672.54: "Where a court or Review board makes a disposition pursuant to subsection 672.54(2), or subsection 672.64(3), or section 672.83 or 672.84, it shall, **taking into account the safety of the public, which is paramount consideration, the mental condition of the accused, the reintegration of the accused into society and the other needs of the accused, make one of the following dispositions that is necessary and appropriate in the circumstances** (emphasis added)

- (a) where a verdict of not criminally responsible on account of mental disorder has been rendered in respect of the accused and, in the opinion of the court or Review Board, the accused is not a significant threat to the safety of the public, by order, direct that the accused be **discharged absolutely**;
- (b) by order, direct that the accused be **discharged subject to such conditions** as the court or Review Board considers appropriate; or
- (c) by order, direct that the accused be **detained in custody** in a hospital, subject to such conditions as the court or Review board considers appropriate. SC 1991. C43, s.4."

Appellate decisions since these amendments have held that the words “necessary and appropriate” have the same meaning as the prior language of “least onerous and least restrictive” disposition: see **Re Osawe**, 2015 Onca 280, at par. 45; **Re Ranieri**, 2015 ONCA 444, at par. 20; **Re McAnuff**, 2016 ONCA 280, at par. 22

The Review Board’s jurisdiction is founded on a finding that an accused poses a “significant threat”:

s.672.5401 defines “significant threat”:

For the purposes of section 672.54, a significant threat to the safety of the public means a risk of serious physical or psychological harm to members of the public — including any victim of or witness to the offence, or any person under the age of 18 years — resulting from conduct that is criminal in nature but not necessarily violent.

Since the implementation of s.672.5401, courts have indicated that this definition does not alter the definition of significant threat imposed by the SCC in **Winko**:

The threat posed must be more than speculative in nature; it must be supported by evidence. The threat must also be significant; there must be a real risk of physical or psychological harm and this potential harm must be serious. A miniscule risk of grave harm will not suffice; a high risk of trivial harm will not meet the threshold; the conduct or activity must be criminal in nature. [Par.57]

PART 3:

BCRB OPERATING ENVIRONMENT

- Unlike any other provincial tribunal, the **BCRB** is a judicial tribunal established by federal legislation, pursuant to S.672.38 of the ***Criminal Code of Canada***. **Part XX.1 of the *Criminal Code*** deals exclusively with **mentally disordered criminal offenders**. The **BCRB** is in fact, and in law, considered a part of **Canada's criminal justice system**.
- The **BCRB** has ongoing jurisdiction over individuals who have received verdicts of **Unfit to Stand Trial** or **Not Criminally Responsible on Account of Mental Disorder (NCRMD)**¹.
- The **BCRB** operates in the sensitive balance between **public safety and individual liberty**. **BCRB** hearings carry the due process expectations of a Court proceeding. They are entirely governed by, and carry the constitutional force of sections 7 and 11 of the ***Charter of Rights and Freedoms***: **Winko**, [1999] S.C.R. 625 at Par. 63:

“The provisions of Part XX.1 of the Criminal Code permit the state, through **a court or Review Board**, to deprive the N.C.R. accused of his or her liberty. Any law that does this must conform to the principles of fundamental justice pursuant to s.7 of the Charter.”: **Winko**, [1999] 2 S.C.R. 625, paragraph 63; (see also **Blencoe**, [2000] 2 S.C.R. 307.”

- The **fundamental objectives** of the **BCRB's** hearings and decisions (dispositions), as consistently reiterated by the Supreme Court of Canada, are **to protect public safety and to safeguard the legal/procedural rights and liberty interests of mentally disordered offenders**.
- **Hearings** must occur **within statutory timelines** (45 or 90 days), as well as **annually**, and **mandatorily** on the occurrence of certain events which **affect** an accused person's **liberties**: **hearing backlogs cannot exist by law**.
- **Hearings** are conducted at the **Forensic Psychiatric Hospital (FPH)** (Detainees) and **in communities** throughout **BC** (Dischargees); the ***Criminal Code*** allows **video hearings**.

¹ Formerly referred to as Not Guilty, or, Unfit to Stand Trial, by “reason of insanity”

- The vast majority of accused under the **BCRB's** jurisdiction are represented by counsel. The **Attorney General of BC** is **designated a standing party** at all **BCRB** hearings.
- The **Tribunal** is required to gather and distribute documentary evidence and to **produce orders** and **legally sound reasons** for its **decisions**.
- Appeals of **BCRB** decisions go directly to the **BC Court of Appeal**, without leave.
- **BCRB** member **qualifications** are **prescribed by statute**: a quorum is 3; must be **chaired by a judge, retired judge or lawyer qualified for judicial office**; and **must include a psychiatrist** (other provinces may use panels of 5 at increased cost).
- **Fiscal Year 2016-2017 caseload/volume (summary) (see Part 5):**
 - 367 Accused cases handled.
 - 353 Hearings conducted.

PART 4:

BCRB MEMBERS AND QUALIFICATIONS AS AT MARCH 31, 2017

CHAIR

Bernd Walter

ALTERNATE CHAIRS (LAWYERS)

Frederick Hansford, QC	Expires July 31, 2017
David Renwick, QC	Expires July 31, 2017
Ingrid Friesen	Expires December 31, 2017
Barry L. Long	Expires January 31, 2018
Steven Boorne	Expires February 28, 2018
Alison MacPhail	Expires February 28, 2018

PSYCHIATRISTS

Dr. Jeanette Smith	Expires September 19, 2018
Dr. Werner Pankratz	Expires December 31, 2018
Dr. Linda Grasswick	Expires December 31, 2018
Dr. Sam Iskander	Expires September 1, 2019
Dr. Todd Tomita	Expires September 22, 2019
Dr. Peter Constance	Expires December 31, 2020
Dr. Ron Stevenson	Expires December 31, 2020

OTHER MEMBERS

Alan Markwart	Expires February 28, 2018
Paula Cayley	Expires September 26, 2018
Dr. Lynda Murdoch	Expires December 15, 2018
Maryam Majedi	Expires September 1, 2019
Kim Polowek	Expires July 31, 2020

QUALIFICATIONS

Section 672.38 of the *Criminal Code* establishes the Review Board and provides the following professional qualifications for Board members:

- A Superior Court Judge or person qualified for appointment thereto as Chair
- Psychiatrists
- “Lay Persons”, such as social workers, criminologists or others (no specific professional qualifications prescribed), who have training, experience in mental health or who are entitled to practice medicine or psychology.

THE BOARD SEEKS APPOINTEES WITH THE FOLLOWING COMPETENCIES:

Knowledge in the areas of the Board’s Jurisdiction:

- Understanding of governing legislation and Board’s mandate (*Criminal Code*)
- Criminal law and procedure
- Administrative law, procedure and practice
- Forensic law/criminology/risk assessment
- Mental health law, practice and service delivery systems
- BC’s cultural and ethnic diversity
- Forensic psychiatry
- Issues of Public Safety and Security
- Understanding of, and sensitivity to, the interests and perspectives of victims

Skills/Experience

- Conducting a hearing
- Decision making, research and writing skills
- Ability to interpret legislation

- Listening skills
- Decisiveness
- Experience in matters related to the Board's mandate in particular in the field of Mental Health and forensic psychiatry
- Critical analysis

Values/Attitudes

- Respect for culture and diversity
- Impartiality/objectivity/open mindedness/flexibility
- Empathy, ethics, judgment & integrity
- Commitment to public service

PART 5:

BCRB STATISTICAL REPORT FOR FISCAL YEAR 2016-2017



**BRITISH COLUMBIA
REVIEW BOARD**

**WORKLOAD
STATISTICS**

APRIL 1, 2016 - MARCH 31, 2017

PREPARED: May 2017

GLOSSARY OF TERMS/ACRONYMS

NGRI: Refers to the now obsolete verdict of “**Not Guilty by Reason of Insanity**” under the *Criminal Code* provisions predating the current Part XX.1. This verdict **ceased to apply as of February 1992. This category will eventually disappear.**

NCRMD: Refers to the current verdict of “**Not Criminally Responsible on Account of Mental Disorder**” under Part XX.1 of the *Criminal Code*.

UST: Refers to the verdict of “**Unfit to Stand Trial on Account of Mental Disorder**” as defined in s.2 of the *Criminal Code*.

CHART 1.0: SUMMARY OF CASELOAD/VOLUME (1992 – 2017)

YEAR	CASES AT BEGINNING OF YEAR	NEW CASES	NEW CASE INCREASE OR DECREASE	TOTAL CASES HANDLED	TOTAL CASE INCREASE OR DECREASE	CASES CLOSED	YEAR END TOTAL	YEAR END INCREASE OR DECREASE
92/93	152	43		195		70	125	
93/94	125	96	123%	221	13%	49	172	38%
94/95	172	75	-22%	247	12%	46	201	17%
95/96	201	97	29%	298	21%	54	244	21%
96/97	244	119	23%	363	22%	74	289	18%
97/98	289	96	-19%	385	6%	81	304	5%
98/99	304	103	7%	407	6%	87	320	5%
99/00	320	122	18%	442	9%	114	328	3%
00/01	328	83	-32%	411	-7%	88	323	-2%
01/02	328	82	-1%	410	0%	99	311	-4%
02/03	311	77	-6%	388	-5%	82	306	-2%
03/04	305	74	-4%	379	-2%	71	308	1%
04/05	308	57	-23%	365	-4%	71	294	-5%
05/06	294	77	35%	371	2%	68	303	3%
06/07	303	72	-6%	375	1%	61	314	4%
07/08	314	65	-10%	379	1%	78	301	-4%
08/09	301	60	-8%	361	-5%	101	260	-14%
09/10	260	63	5%	323	-11%	70	253	-3%
10/11	253	57	-10%	310	-4%	49	261	3%
11/12	261	55	-4%	316	2%	54	262	0%
12/13	262	58	5%	320	1%	50	270	3%
13/14	270	59	2%	329	3%	40	289	7%
14/15	289	42	-29%	331	1%	39	292	1%
15/16	292	51	21%	343	4%	38	305	4%
16/17	306	61	20%	367	7%	47	320	5%

EXPLANATORY NOTES:

This chart shows caseload fluctuations since the proclamation of **Part XX.1 (Mental Disorder) of the *Criminal Code* in February 1992**, in a number of key dimensions: **total cases at beginning of year; intake of new cases during the year; cases closed; total caseload at year end**. It also assigns **percentage values** to year over year changes in these critical dimensions. Note decrease in overall case load since FY 1999/2000, likely due to accelerated case closures attributable to the Supreme Court of Canada’s decision in **WINKO**. Please note that in fiscal 01/02 the BCRB implemented a new method for calculating new case intake in a fiscal year. For this fiscal year, the number of new cases received was used to calculate intake. In previous years, the number of initial hearings was used to count new cases. For this reason there is a discrepancy between the number of cases open at the end of 00/01 fiscal (323) and the number of cases open at the beginning of 01/02 fiscal (328).

**CHART 2.0: CASE MOVEMENT BY CASE TYPE
APRIL 1, 2016 – MARCH 31, 2017**

VERDICT	CASES AT YEAR BEGINNING APR 1 2015	NEW CASES	TOTAL CASES HANDLED	CASES CLOSED/ CONSOLIDATED	TOTAL CASES CARRIED OVER AT YEAR END MAR 31 2017
NGRI	11	0	11	0	11
NCRMD	275	47	322	30	292
UST	20	14	34	17	17
TOTAL	306	61	367	47	320

Explanatory Notes:

This chart reflects the number of current, intake and closed files by verdict or consolidated records, under the Review Board's jurisdiction at the commencement and at the end of the Reporting period; as well as the total number of cases handled (beginning cases + cases opened) during the period. One accused may have more than one verdict; therefore, their verdicts are consolidated.

Total number of cases handled is the true reflection of the Review Board's workload. This number has declined from a high of 442 cases in FY 1999/2000.

**CHART 3.0: PROFILE OF NEW CASES BY MONTH AND VERDICT
APRIL 1, 2016 – MARCH 31, 2017**

MONTH	NCRMD	UST	TOTAL NEW CASES
April	5	1	6
May	4	1	5
June	5	1	6
July	6	0	6
August	1	1	2
September	3	1	4
October	3	1	4
November	5	1	6
December	5	0	5
January	5	1	6
February	2	3	5
March	3	3	6
TOTAL	47	14	61

EXPLANATORY NOTES:

This chart profiles FY 2016/2017 **New Case Intakes by month and verdict type**. Case intake is driven by court verdicts of NCRMD or UST and has been declining somewhat since 1999/2000.

The Board experienced a 20% increase in intake of new cases in FY 2016/2017.

**CHART 4.0: CASES CLOSED BY MONTH AND VERDICT
APRIL 1, 2016 – MARCH 31, 2017**

MONTH	NCRMD	UST	NGRI	TOTAL
April	3	1	0	4
May	4	1	0	5
June	5	2	0	7
July	1	3	0	4
August	0	1	0	1
September	1	4	0	5
October	1	1	0	2
November	2	1	0	3
December	1	0	0	1
January	3	0	0	3
February	7	2	0	9
March	2	1	0	3
TOTAL	30	17	0	47

EXPLANATORY NOTES:

This chart profiles **cases closed during FY 2016/2017 by month and verdict type**. **NGRI** type cases will eventually reduce to zero.

The Board experienced 29% increase in cases closed in FY 2016/2017 over the previous fiscal year.

**CHART 5.0: CASE CLOSURE BY REASON
APRIL 1, 2016 – MARCH 31, 2017**

Absolute Discharge	27
Deceased	2
Found Fit to Stand Trial	11
Interprovincial Transfer	3
Stayed	4
Appeal - Verdict Quashed	0
Consolidated Verdict/Proceeding	0
TOTAL	47

EXPLANATORY NOTES:

***Consolidated Verdict/Proceeding** refers to an accused person with more than one verdict. These are dealt with as a consolidated proceeding resulting in a single Disposition.

**CHART 6.0: CASE LOAD CHARACTERISTICS AT YEAR END
APRIL 1, 2016 – MARCH 31, 2017**

18 Years and Under	2	1%
Over 18 Years	318	99%
TOTAL	320	100%

Male	284	89%
Female	36	11%
TOTAL	320	100%

In Custody	157	49%
Out of Custody	163	51%
TOTAL	320	100%

Outside Lower Mainland	65	20%
Lower Mainland	255	80%
TOTAL	320	100%

CHART 7.0: SUMMARY OF HEARINGS (1992 – 2017)

YEAR	NUMBER OF HEARINGS	INCREASE OR DECREASE
92/93	280	
93/94	272	-3%
94/95	336	24%
95/96	404	20%
96/97	506	25%
97/98	519	3%
98/99	537	3%
99/00	572	7%
00/01	530	-7%
01/02	515	-3%
02/03	488	-5%
03/04	455	-7%
04/05	445	-2%
05/06	480	8%
06/07	442	-8%
07/08	410	-7%
08/09	403	-2%
09/10	334	-17%
10/11	347	4%
11/12	312	-10%
12/13	313	0%
13/14	293	-6%
14/15	338	15%
15/16	326	-4%
16/17	353	8%

EXPLANATORY NOTES:

In FY 2016/2017 the Board experienced a 8% increase in hearings held.

**CHART 8.0: HEARINGS BY TYPE AND MONTH
APRIL 1, 2016 – MARCH 31, 2017**

MONTH	INITIAL HRGS	ANNUAL HRGS 672.8	SHORT ORDER/ EARLY REVIEW 672.63	ROL 672.81 (2)(a)	DIR. REQ. 672.81 (2)(b)	DUAL STATUS 672.81 (3)	ENF. ORDER 672.94	ACC. REQ. 672.82	TOTAL HRGS	AVG. # HRGS PER DAY	TOTAL # of HRG DAYS
Apr	5	19	6	1	0	0	1	0	32	2.000	16
May	5	21	9	1	0	0	1	0	37	2.176	17
Jun	5	28	3	1	0	0	2	0	39	2.294	17
Jul	7	24	2	1	0	0	1	0	35	2.059	17
Aug	3	2	2	1	0	0	2	0	10	1.667	6
Sep	7	17	5	1	0	0	2	0	32	2.133	15
Oct	1	28	2	0	0	0	2	0	33	2.063	16
Nov	5	16	6	1	1	0	2	1	32	2.133	15
Dec	8	7	0	0	0	0	1	0	16	2.000	8
Jan	5	21	2	2	3	0	0	1	34	2.125	16
Feb	3	14	3	1	1	0	0	0	22	1.833	12
Mar	5	16	5	1	3	0	1	0	31	1.938	16
TOTAL	59	213	45	11	8	0	15	2	353	2.064	171

**CHART 9.0: FOUR-YEAR COMPARISON OF HEARINGS BY TYPE
FISCAL 13/14 – 16/17**

HEARING TYPE	FISCAL 13/14	FISCAL 14/15	FISCAL 15/16	FISCAL 16/17
Initial 45 Days	57	46	44	56
Initial 90 Days	2	4	4	3
Annual	157	215	192	213
Director Request	0	3	5	8
Discretionary Hearing	1	2	4	2
Enforcement Order	13	20	12	15
Restriction of Liberties	12	12	16	11
Early Review	51	36	49	45
Dual Status Offender Placement Hearing	0	0	0	0
TOTAL	293	338	326	353

CHART 10.0: PROCEDURAL MATTERS
APRIL 1, 2016 – MARCH 31, 2017

PROCEDURAL MATTER	
Extension of Disposition Orders on Consent - s.672.81(1.1)	56
Adjournments - s.672.5(13.1)	44
Adjournments - s.672.5(15.3) (Victim Requested)	0
Victim Requests to Read VIS - s.672.5(15.1)	0
Assessment Order - s.672.121	15
Recommendation to Court Re Stay of UST Matter - s.672.851(1)	0
TOTAL	115

PART 6:

BCRB BUDGET AND EXPENDITURE OVERVIEW FOR FISCAL YEAR 2016-2017

FY 2016/17 Delegation	FY 2016/17 Expenditures	FY 2016/17 Variance
\$1,372,000	\$1,363,784	\$8,216

VARIANCE EXPLANATIONS:

2016-2017

- STOB 50/52 – Salaries and Benefits – Staffing vacancies - **\$22,384** under budget
- STOB 55 – Board Member Fees and Expenses – previous two fiscal years were over budget by \$129k and \$118k respectively; the return of the Chair to full-time duties mid-fiscal has significantly reduced the forecasted expenditure – **\$59,293** over budget
- STOB 60 – Professional Services – Operating & Regulatory: this fiscal year saw no unusual legal or professional contract expenses - **\$44,568** under budget
- STOB 65 – Office and Business Expenses – Increased use of office staffing services to replace staff on temporary appointments and staffing vacancies – matched by underutilization of STOB 50.52 – **\$12,423** over budget

PART 7:
BCRB MEMBER CODE OF CONDUCT

**MEMBER CODE
OF CONDUCT**

Revised: August 27, 2002

BC REVIEW BOARD

CODE OF CONDUCT

1.0 PURPOSE OF THIS CODE OF CONDUCT

- To establish and articulate the **values and conduct expectations** of Board membership; including diligence, prudence, respect, confidentiality and ethics
- To identify the **criteria against which members' performance will be assessed** and which will affect their appointment or re-appointment
- To emphasise the concept that Board membership constitutes a public trust
- To foster, **reinforce and maintain high standards of professional conduct** and performance
- To **promote public confidence** in, and the independence and credibility of, the Board
- **To identify** and provide guidelines respecting specific activities which may give rise to problematic perceptions **of conflict**.

1.1 SCOPE

The Code addresses the key areas of expectations and responsibilities including membership expectations/obligations; conduct during hearings/decision making; public and Media Comment; conflict of interest.

The Code is based on and recognizes the fundamental principle and requirement of independence in adjudicative decision making.

The Code will be revised and expanded as necessary.

2.0 ROLES AND AUTHORITIES OF BOARD MEMBERSHIP

British Columbia Review Board members exercise the authorities of membership and speak on behalf of the Tribunal only while seated as members of a panel in the course of conducting a hearing. They do not function or speak on behalf of the Board on policy matters in the sense of a Board of Directors.

Board members are expected to act honestly and in good faith and to comply with these conduct expectations and with the administrative practices and procedures of the Board.

3.0 RESPONSIBILITIES TO THE BOARD

CONFIDENTIALITY

Board members do **not divulge confidential information** obtained as a result of their appointment unless legally required.

PARTICIPATION

Board membership includes the reasonable expectation that the **member will attend and participate in periodic meetings, policy discussions, orientation and training opportunities/programs.**

ORIENTATION AND TRAINING

Board **members are expected to read and acquaint themselves with the orientation and training materials** provided, prior to participation in hearings; to undertake ongoing efforts to understand the area under the Tribunal's jurisdiction and mandate and its governing legislation/law.

LOYALTY

Board members are expected to bring to the Chair's attention the conduct of a colleague which they reasonably believe is in breach of this Code or which may threaten the integrity of the Tribunal.

JUDGEMENT

Board members are expected to exercise judgment regarding appropriate conduct on matters or in situations not specifically mentioned in this Code.

KNOWLEDGE

Panel members must know and understand the legislation and case law which governs a decision.

4.0 CONDUCT OF MEMBERS IN THE HEARING CONTEXT

The British Columbia Review Board adjudicates on and determines Charter-protected matters of personal liberty and public safety which are accorded the highest values and legal protection in Canadian society.

NATURAL JUSTICE

The hearing process must be **fair and reasonable**, must accord with **rules of procedural fairness or natural justice**, and must be so viewed by all parties. Members of the Board must understand the elements of natural justice and the obligation of fairness.

IMPARTIALITY

Bias, or the reasonable perception of bias, must be avoided. Board members should not display bias, or the appearance of bias, or offer **preferential treatment** to any party in a hearing. The appearance of bias voids the hearing and the resulting decision.

4.1 PRE-HEARING REQUIREMENTS / EXPECTATIONS

Panel **members must be fully prepared for hearings**; to have reviewed and become familiar with all of the historic and documentary evidence (disposition information) provided. **This is an unconditional requirement.** If a member has been unable to properly prepare for a hearing for any reason, he/she should notify the Chair and offer to withdraw from the panel prior to the hearing.

Panel **members must be present and ready to proceed prior to the scheduled time** of the hearing, and to be available throughout the proceeding and decision making process otherwise they should not commit to being empanelled. This communicates respect for the process and for the participants.

Panel **members must maintain an appropriate professional distance** from parties or their counsel by:

- avoiding casual, social or private conversations or pleasantries or spending time with parties or counsel, either before, during or after the hearing or adjournments;
- avoiding the use of first names or any other behaviour which may give an impression that a personal or social relationship or a bias exists.

4.2 CONDUCT DURING THE HEARING

Tribunal/panel members must, in the context of the hearing:

- Be **impartial**.
- Demonstrate receptiveness and an **open mind** and avoid doing or saying anything that could cause any person to think otherwise. Board members may **question** a witness in order to clarify the evidence, but **should not show impatience or a negative attitude toward a witness; do not ask leading questions** which simply confirm a perspective; do not frame questions in such a way that it appears sides are being taken or that minds are already made up. Do not make speeches, propound theories, debate, offer a second opinion, or give advice;
- Members should **limit their questions and examination**. If the question has already been asked, answered or is repetitive, serves no useful purpose or is **not relevant** to the inquiry, do not ask it.
- Ensure that parties who are unrepresented by counsel are not unduly **disadvantaged** at a hearing; at the same time do not unfairly favour an unrepresented party.
- Through their demeanor, timeliness and language **behave seriously and courteously** at all times; demonstrate **respect** for the parties, counsel, witnesses, for the dignity of the hearing process itself, and for the issues at stake. It is **inappropriate to demonstrate hostility, disdain or sarcasm** toward parties, counsel, or witnesses, beyond commenting on, or admonishing improper conduct;
- Listen **patiently and carefully** to the views, evidence and submissions of the parties and their representative(s), while maintaining control of the hearing;
- Conduct the hearing in a manner that demonstrates **sensitivity to the culture and heritage** of the parties, counsel and witnesses;
- Maintain a sense of **decorum**;
- Conduct the hearing as **formally or as informally** as is appropriate under prevailing circumstances;
- Conduct the hearing **expeditiously**, preventing unnecessary delay while ensuring that all parties have a fair opportunity to present their case;
- **Listen and seek clarification** from parties/counsel if the evidence is not understood. Focus on the subject matter of the hearing. It is inappropriate to

discuss matters or pass notes during the hearing; if an interruption is required this should be communicated to the Panel Chair;

- **Avoid expressions of fatigue** or attending to extraneous or personal matters e.g. diaries, palm pilots, etc., which can be interpreted as a lack of interest or **boredom** with the proceedings. If you are tired and a break is needed, request the Panel Chair to call a recess;
- **Avoid unnecessary interruptions** in the submissions of a party or counsel, except as may be necessary to clarify a submission or to ensure the relevance of a particular argument. **Avoid interference** in the examination of **witnesses**. Parties should be given a full and fair opportunity to examine and cross examine witnesses and present relevant evidence.

4.3 EVIDENCE

Any oral **evidence**, document or other form of information **relevant** to the subject matter of the proceeding may be admitted whether or not such evidence would be admissible in a court. The Board will ultimately decide what "weight" to attach to it.

The **Board may accept "hearsay evidence"**. The issue is how much weight should be placed on the hearsay evidence. Here a decision will be required on whether the Board is reasonably satisfied as to the "reliability" of the hearsay evidence. Consult Panel Chair for direction.

The Board may, if they are disclosed to other parties, admit written documents or reports from any source whether or not produced by the person preparing the document or report. It is, however, preferable to receive evidence and documentation through witnesses who have first-hand knowledge.

Although evidence may be admitted without oath or affirmation, the Board **has the authority to require evidence to be given under oath or affirmation**. Consult Panel Chair as to when this may be appropriate.

Full **disclosure of information** and documentation is fundamental to fairness. Panel members may not accept any evidence or receive any information from parties except during the formal part of a hearing. Board members **should not communicate directly or indirectly with any party, witness, agent or lawyer in respect of a proceeding, except in the presence of all parties and their representatives**. If a Panel member is provided, is aware of, or considers relevant information which is not provided to the parties, this may constitute ex parte communication and amount to a denial of natural justice. Panel members aware of information which may be relevant must disclose this to their colleagues

and to the parties. If disclosure of a persons' name would pose a risk to safety, this may be withheld. Consult Panel Chair for direction.

Decisions must be based **only on the merits and the evidence received**. If the Board makes a finding of fact with no relevant evidence to support it, the entire decision may be overturned by a court on review or appeal.

Seek independent advice, through the Panel Chair if necessary, provided that the advice is made known to the parties and that they are given the opportunity to make submissions as to the law.

Receive legal advice only from Panel Chair or Board resources.

4.4 DECISION MAKING AND WRITING

In the course of deliberating and decision making members must:

- Understand that the Board's decision making authority/jurisdiction is circumscribed or modified by legislation and judicial interpretation;
- Notwithstanding personal views or values, **not come to any judgment, conclusion or decision on an issue until all the evidence has been submitted**, all documents have been entered and all arguments have been concluded;
- **Be present** for all of the decision-making process;
- Apply the law to the evidence in **good faith** in accordance with its underlying intent and to the best of their ability, notwithstanding the potential unpopularity of the result. The prospect of disapproval from any party, institution or community must not deter a member from making a decision which he/she believes is correct **based on the law and the evidence**; not fetter their discretion by considerations other than the proper purposes of the legislation.
- **Render decisions promptly and plainly**. Panel members must **be prepared to give explicit reasons** for their dispositions. Reasons enhance the confidence of parties, assist with future cases and render the decision less prone to challenge. Reasons must be adequate to the extent of enabling a party to assess whether grounds for appeal exist.
- Although the decision of a majority of a panel forms the Board's decision, where a member(s) of a panel, having duly listened to and considered the views/reasons of the majority, is unable to agree, he/she should **dissent**. Unanimity is not a

value in itself. A dissent serves an important purpose. **Adjudication is not negotiation.** Members may consult but are bound to **reach their own decisions.**

- In the interests of consistency, consider previous Board decisions on similar issues. While these are not necessarily binding, **panels should give reasons for departing from previous decisions.**
- Make and retain their **own careful notes** of a hearing to assist their recollection of the evidence; these should be used as the basis for the decision. Notes should be stored appropriately on a permanent basis.
- Respond as quickly as possible with comments on a draft decision.
- Adhere to or attempt to model the following attributes of good decisions:
 - Clear, early identification of the issue(s)
 - Clear findings of fact based on the evidence and the reasons for the findings
 - Responsive to submissions/arguments
 - Identification and application of law.
- When drafting reasons or dissents:
 - consider your audiences -- often a number of different groups of varying capacities;
 - use plain language; avoid jargon
 - use the active, rather than the passive voice;
 - use short sentences and paragraphs;
 - be as concise, clear, understandable, and logical as possible.
- **Maintain documents and binders in a confidential and secure manner.**

4.5 OBLIGATIONS OF PANEL CHAIRS

Designated Alternate or Panel Chairs are expected, as the presiding member, to ensure they and other members of a panel adhere to the foregoing conduct requirements and to take any necessary steps to ensure compliance, including:

- To **resolve any conflict** between members of a hearing panel on a procedural or substantive issue but do so privately, not during the hearing or in the presence of parties;

- To **limit panel members' questions** if they are irrelevant, repetitive, leading, prolix;
- To anticipate and be prepared to **deal with preliminary or procedural issues** in an independent and decisive manner;
- To identify and **deal with conflicts which may disqualify** a member from participating in a hearing;
- To ensure they and their colleagues **comport themselves with dignity** and in keeping with these conduct expectations; and to bring breaches to the attention of the colleague and the Chair;
- To **maintain appropriate control of the proceeding**; attempt to conduct and complete hearings within times allocated;
- To ensure that **deliberations and decision making are professionally controlled/orderly**, thorough and courteous/respectful, and outcomes are timely, based on the evidence adduced and sound in law;
- To ensure that **Reasons for Disposition are produced in a timely fashion** and are legally sound;
- To **intervene decisively** when the conduct of their colleagues in the hearing in any way threatens the credibility of the Tribunal.

5.0 CONFLICT OF INTEREST

While on Board business or serving on a hearing panel, Board members function primarily as members of the Board, not of any other constituency or interest group.

Board members must be vigilant in identifying and diligent in avoiding **real and/or apparent conflict of interest**.

Board members shall not participate in Board matters or serve on a hearing involving any individual with whom they have any current or past financial, personal, private or professional involvement. **In the case of the British Columbia Review Board, prior professional involvement is the most likely type of conflict to arise: members must take all reasonable steps to identify accused or other parties with whom they have or have had previous professional involvement (e.g. as counsel or assessor) and to recuse themselves from serving on any panel/hearing involving such individuals.** You must disclose anything which could reasonably be expected to affect or appear to affect your ability to adjudicate in a neutral, objective manner. Remember this is a

subjective, “eye of the beholder” test. Where a Board member **suspects** that **conflict of interest** may exist, he/she shall immediately take steps to declare and/or remove it. If a member is in doubt as to whether or not a conflict exists, he/she must seek the advice of the Panel Chair.

Members shall not accept **gifts or benefits** from person(s) who are directly or indirectly affected by a decision of the Board; nor indeed from anyone if the gifts are in relation to their membership on the Board. Offers of gifts shall be brought to the Chair’s attention.

Board members shall not knowingly take advantage, **make personal use of, or benefit** from information obtained in the course of official duties which is not generally available to the public.

Board members shall avoid **partisan political or advocacy activities** which could jeopardize the neutrality and impartiality, both real or perceived, of the Board.

Board members shall use **Board/government property or assets and time** only for official Board activities.

Board members must never engage in conduct which exploits for personal benefit their position of authority.

Board members should avoid **donations to, or memberships in** charitable, recreational, community or special interest organizations where it is likely that such organizations will:

- a. be parties or participants in hearings which Board members may preside, and / or
- b. publicly espouse positions or issues that are or may be the subject matter of Board reviews.

Board members shall not engage in any **work or business** undertaking:

- a. that interferes with the performance of their duties as a member;
- b. in which they have an advantage derived from their appointment as a member;
- c. that will, or is reasonably likely to, influence or affect the carrying out of their duties as a member.

Former members should not take **improper advantage** of their previous office.

Tribunal members are expected to respect this Code even after their appointment has expired.

6.0 PUBLIC AND MEDIA COMMENT

The Attorney General or Cabinet speak for government policy.

The BC Review Board Chair or his/her delegate is the public spokesperson for Board policies or procedures.

Tribunal members or staff do not speak publicly for the Board on any matter.

Board members or staff **do not, unless expressly requested by the chair, make public comment**, orally or in writing, on any aspect of a matter before the Board, either before or after a decision. Board members do not discuss in private, outside the Board, any matter before the Board.

Board members do **not publicly criticize or comment on** the decisions, policies, procedures or structures of the Board or on the conduct of colleagues at a hearing. Questions relating to any policy, procedure or standard are raised with colleagues and the Chair at the appropriate forum. Board members advise the Board Chair when they become aware of the professional or personal conduct of a colleague which may threaten the **integrity** of the Board or its processes.

Board members should alert the Chair to any issue or situation that may attract media attention or possibly arise in the Legislature.



BRITISH COLUMBIA REVIEW BOARD

UNDERTAKING

I, _____ have been appointed as a member of the British
Columbia Review Board (the “Tribunal”), pursuant to OIC # _____.

I have been provided with, read and understand the Member Code of Conduct established by the Tribunal.

I undertake to comply fully and to the best of my ability with the provisions of the Code of Conduct, and any subsequent amendments, understanding that I am required to maintain independence in decision making.

I understand that my failure to comply in a substantial way with the Code, and any subsequent amendments may result in a recommendation for revocation of my appointment or a recommendation against my re-appointment.

Dated at: _____, this _____ day of _____, 20_____

PART 8:

BCRB MEMBER PERFORMANCE ASSESSMENT

RE: (panel member name)

As a regular participant in BCRB hearings, you are being asked to provide your assessment or opinion of the above board member's conduct and performance at board hearings, in relation to the specific areas covered by the following questions.

Member performance is evaluated against the BCRB's Member Code of Conduct. The Code articulates the standards with which all board members agree to comply.

Please circle the number between 1 and 3 which most closely matches your experience of this member's performance. The number 1 signifies that the individual's performance in a particular area falls below Code of Conduct expectations or criteria; 2 indicates the member meets Code expectations; 3 indicates the member exceeds expectations.

The Member:

- 1. Does not appear biased or preferential in his/her treatment of any participant at a hearing and actually treats all hearing participants in an unbiased, non-preferential manner.**

1 2 3

- 2. Is present and ready to proceed at or before the time scheduled for the commencement of the hearing.**

1 2 3

- 3. Prior to, and throughout the course of a hearing, maintains appropriate professional distance from participants; avoids casual conversation or over-familiarity with any participant whether or not all participants are present.**

1 2 3

- 4. Appears familiar with historic evidence and is prepared to meaningfully participate in/conduct the hearing.**

1 2 3

5. Demonstrates patience and an open mind during a hearing.

1 2 3

6. Asks questions which are relevant to subject matter of the inquiry and the Tribunal's mandate.

1 2 3

7. Asks questions in a manner which communicates an open mind rather than to affirm a point of view.

1 2 3

8. Demonstrates courtesy and respect for participants in the circumstances, despite the need to ask potentially difficult or sensitive questions.

1 2 3

9. Demonstrates an appropriate balance of formality and informality in the circumstances.

1 2 3

10. Provides all parties with the opportunity to fully present their case.

1 2 3

11. Demonstrates attention to the evidence and submissions throughout the hearing.

1 2 3

As an Alternate Chair:

- 12. As panel chair, maintains appropriate control, orderly conduct, fairness and dignity of the proceeding.**

1 2 3

- 13. As panel chair, generally manages hearing process efficiently and is reasonably able to adhere to allotted/scheduled time periods.**

1 2 3

- 14. Produces reasons for disposition which are logical, clear, understandable and consistent with the relevant evidence and case law, and is responsive to relevant submissions.**

1 2 3

- 15. Is prepared to assist panel members to maintain and adhere to their own conduct, procedure and legal expectations.**

1 2 3

Additional comments which you believe are relevant to this member's participation and performance on the BC Review Board:

PART 9:

BCRB ORGANIZATION CHART AS AT MARCH 31, 2017

