

Guest Editorial

The National Trajectory Project of Individuals Found Not Criminally Responsible on Account of Mental Disorder in Canada

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When the topic of mental illness is raised, few issues stir public and media interest, and generate as much controversy, as the verdict of not criminally responsible on account of mental disorder (NCRMD). Rare but sensational cases make the news, such as Vincent Li,¹ found NCRMD for killing a fellow Greyhound bus passenger, and Allan Schoenborn,² found NCRMD for killing his children. However, there is a firmly established legal doctrine in criminal justice systems around the world that recognizes that it is inappropriate to punish people who do not have the capacity to form criminal intent at the time of an offence. In Canada, section 16 of the Criminal Code defines the verdict of NCRMD as

No person is criminally responsible for an act committed or an omission made while suffering from a mental disorder that rendered the person incapable of appreciating the nature and quality of the act or omission or of knowing that it was wrong.³

The increase in the number of people found NCRMD during the past 20 years,⁴ some recent high-profile cases, and the increasing voice of victim advocacy groups has brought to the forefront issues around processing and dispositions of people found NCRMD. The prominence of these types of cases has supported the current tough on crime approach to legislative reforms in Canada, including the trend toward longer detentions.^{5–7} The foundation of this approach is its appeal to the public desire for safer communities and decreased violence and crime. However, recent crime statistics have continued to show trends of decreasing criminality, and in particular violent criminality, in Canada.⁸ As our colleagues very eloquently demonstrated, current tough on crime policies are not supported by the current scientific evidence.^{6,7} In fact, theory (Risk-Need-Responsivity)⁹ and research firmly demonstrate that excessive intervention disproportionate to risk can actually increase the rate of adverse events, such as criminal recidivism, suggesting that the platform on which tough on crime laws are stationed are unstable and lacking an evidence base. Recently, the federal government introduced Bill C-54, which then became Bill C-14,⁵ now known as the Not Criminally Responsible Reform Act, which took effect on July 11, 2014. This legislative amendment to Part XX.1 of the Criminal Code on Mental Disorders consists of 3 main components, namely the explicit recognition that public safety is the paramount consideration in the decision-making process related to accused people found NCRMD, the creation of a new category of high-risk NCRMD accused, and the involvement of victims in the decision-making process related to people found NCRMD. Some elements of the act, particularly the high-risk designation and dispositions, run counter to the most recent scientific evidence on the trajectories of Canadian individuals found NCRMD. This legislative controversy in addition to the recent tough on crime policy trends⁶ are

likely to have significant effects on vulnerable populations, such as people living with a mental illness,⁷ and highlight the disconnect between evidence, public discontent, and current legislative policies in Canada.¹⁰

In this special section of *The Canadian Journal of Psychiatry*, we present the initial results of the National Trajectory Project.¹¹ The National Trajectory Project investigated the trajectories of people found NCRMD in the 3 most-populated Canadian provinces (British Columbia, Ontario, and Quebec), each of which has a distinct organizational structure of forensic mental health services and varying general crime statistics. The goal of the study was to examine the operation of current criminal justice provisions for people declared NCRMD by the courts, and made subject to the jurisdiction of a provincial or territorial review board.

This special feature addresses some of the current beliefs and perceptions about the NCRMD population and contextualizes some of the observed profiles and trends through 4 empirical papers following a detailed description of the methodology used to conduct the study across provinces (see Part 1¹²). Part 2¹³ provides a cross-provincial overview of the sociopsychocriminological characteristics of people found NCRMD between 2000 and 2005. Part 3¹⁴ addresses the processing of people found NCRMD through the review board system and the criminological outcomes among this cohort, followed until 2008. Part 4¹⁵ examines the criminal recidivism rates and associated factors among NCRMD–accused people. Finally, Part 5¹⁶ focuses on examining gender differences and similarities in the characteristics and processing of NCRMD–accused people.

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