



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective date: *5 July 2024*

Notice 33

NOTICE TO THE PROFESSION AND PUBLIC

NORTHERN VIRTUAL BAIL COURT (PRINCE GEORGE) FORENSIC LIAISON PROGRAM

Purpose & Background

The purpose of this Notice is to describe the process for referral of an adult accused person appearing in custody from the Prince George courthouse sheriff cells or a remand centre into the Northern Virtual Bail Courtroom VR1 (PG) to a Forensic Liaison¹ and, if requested by the Forensic Liaison, a Forensic Psychiatrist².

Forensic Psychiatric Services (FPS) has had a long-standing Forensic Liaison presence at the Vancouver Provincial Court (222 Main Street) and Downtown Community Court. The Forensic Liaison facilitates access to timely services for the accused, particularly those in-custody. There is a desire to expand this program outside Vancouver. Due to the combined sheriff and police shortages in the Northern Region, at this time, it is only possible to undertake the program to involve adult accused persons appearing from Prince George courthouse sheriff cells or a remand centre in the Northern Virtual Bail Courtroom VR1 (PG), with the following goals:

- Reducing the number of accused persons being held in custody pending a formal fitness assessment by FPS;
- Making available timely care and treatment and bridging services to the community for the accused;

¹ A Forensic Liaison (Nurse/Social Worker) will provide mental status exams, gather collateral information regarding prior treatment, treatment needs and options, and potential community resources to support the accused should they be released.

² A Forensic Psychiatrist will be available as requested by the Forensic Liaison to provide a further opinion on complex referrals, interview the accused should there be a question regarding fitness, and offer an expert opinion on certification and/or fitness.

- Providing the Court with information regarding the availability of specific bail conditions, which may reduce the risk to re-offend and support access to treatment; and
- Reducing community displacement.

The Court, in conjunction with FPS, will assess whether this program is sustainable, and when it may be expanded to other Virtual Bail Courts.

Notice

1. A Forensic Liaison and, if requested by the Forensic Liaison, a Forensic Psychiatrist, will be available virtually to provide the Northern Virtual Bail Courtroom VR1 (PG) with timely information that may assist the Court with determining, with respect to an adult in-custody accused appearing from Prince George courthouse sheriff cells or a remand centre, if:
 - a formal fitness assessment is required;
 - the accused should be detained or released; and/or
 - there are terms and conditions that would enhance public safety and facilitate access to treatment of the accused if released.
2. The process by which a referral to the Forensic Liaison may be made is set out as follows:
 - a. Where a need for the Forensic Liaison to interview an accused is identified by Defence/Duty Counsel, the police or the Court, and Defence/ Duty Counsel has confirmed with Crown Counsel their support for a referral to the Forensic Liaison, the Crown will contact the Forensic Liaison by telephone at the earliest opportunity and advise of the need for the accused to be interviewed.
 - b. Where a need for the Forensic Liaison to interview an accused is identified by the police, the police will alert the Crown to their identification on the Bail Slate and they will include a brief description of their reasons for flagging the accused in the Synopsis.
 - c. Before 10:00AM on a business day, Crown Counsel will send by email to the Forensic Liaison:
 - i. A completed **Virtual Bail Forensic Liaison Referral Form** (available on the Northern Virtual Bail Microsoft Teams Channel), including confirmation of agreement of Defence/Duty Counsel for Forensic Liaison to attempt a clinical interview with the accused; and
 - ii. The Report to Crown Counsel Synopsis.

- d. Defence/ Duty Counsel may sign the Virtual Bail Forensic Liaison Referral Form by e-signature, but the signature of Defence/ Duty Counsel is not required. It is sufficient for Defence/ Duty Counsel to communicate their agreement for the interview to Crown Counsel orally or by email.
- e. The Forensic Liaison will inform the Northern Virtual Bail Sheriff Quarterback of the referral.
- f. The Sheriff Quarterback will liaise with the Forensic Liaison to arrange a clinical interview meeting via Microsoft Teams videoconference between the Forensic Liaison and the accused to take place later that same business day morning.
- g. Prior to commencing any interview with an accused, the Forensic Liaison will obtain the consent of the accused to be interviewed.
- h. Following review of any available health care information pertaining to the accused and the virtual clinical interview meeting, the Forensic Liaison will prepare a **Summary Brief Report** of their initial clinical findings and recommended next steps, which may include:
 - i. the Forensic Liaison consulting with the Forensic Psychiatrist to determine if a referral is appropriate;
 - ii. referral of the accused to the Forensic Psychiatrist for a virtual clinical interview meeting; and/or
 - iii. recommendation of potential community treatment engagement options and conditions to support the individual should the Court order release of the accused.
- i. The Forensic Liaison will send via email a password-protected PDF copy of the Summary Brief Report to Defence/Duty counsel and Crown counsel and may also attend at the 1:15PM triage meeting to discuss the Summary Brief Report.
- j. A written Summary Brief Report is preferred, but where time does not permit the Forensic Liaison to draft a written Summary Brief Report on the day an accused is arrested, they may provide an oral report to Defence/ Duty Counsel, Crown Counsel and the Court.
- k. The Forensic Liaison may also attend at the bail hearing to provide written or verbal findings and/or request to adjourn for Forensic Psychiatrist consult and/or clinical interview to take place.

- I. If necessary, as may be arranged by the Forensic Liaison with the Sheriff Quarterback, an interview with the Forensic Psychiatrist will take place as soon as reasonably possible. However, an adjournment of up to 72 hours (as per *Criminal Code*, section 516) may be required in order for the Forensic Psychiatrist to assess the individual.

Cross-Reference

- CRIM 05 Practice Direction: Hearing of Bail Applications.

History of Notice to the Profession and Public

- November 23, 2023: New Notice to the Profession and Public.
- July 5, 2024: Updated to reflect current processes.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia