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It is a complex issue with no easy answers, lawyer Mary Park said, summarizing the grist of the National Symposium on Mental Disorder and Criminal Justice at Toronto's Osgoode Hall last month.

The summit of professionals representing the judiciary, legal profession, academia and psychiatry was organized to bring together the multi-tiered disciplines involved in criminal justice and mental health. Their heady objectives included exploration of transforming laws relating to mentally ill offenders, the evolving role of courts dealing with mental health issues and the NCR — not criminally responsible — defence.

Their unenviable task, to weigh the delicate balance between criminality, humanity and justice, is monumentally intricate, attendees heard.

The interaction of the criminal justice system with mentally disordered accused is challenged by the need to balance the competing interest of treating the mentally ill with dignity and fairness and protecting the public, Sack Goldblatt Mitchell LLP senior partner Marlys Edwardh said.

Finding the balance has been elusive and we continue to struggle in a world that readily reaches out to criminalize the mentally disordered offender, Ontario Review Board alternative chairperson Janet Leiper added.

Society and the justice system has evolved in light of what was colloquially termed the insanity defence, Centre for Addiction and Mental Health chief of forensic psychiatry Dr. Alexander Simpson said. So, too, has the medical community's ability to assess and treat individuals with mental disorders.

In the late Victorian era, mentally disordered offenders were simply locked up, said Dr. Simpson, who also serves as University of Toronto forensic psychiatry department head.

"Out of sight, out of mind," he said. "People feared mental illness. The 19th century asylum movement introduced sound hygiene and a range of approaches."

Today, there are significant advances for the NCR community, he said. Our understanding of neuroscience and therapies are improving and doctors are seeing increased recovery.

The spectrum of disciplines represented at the symposium are also wrestling with the thorny issues reflected in Bill C-54, the not criminally responsible reform act. The legislation is being studied by the House of Commons justice and human rights committee.

It's an emotionally charged issue. Some victims argue the act doesn't respect their rights, while mental health advocates wonder if the act will keep more mentally ill people in prison rather than in hospitals.

The bill calls for reforms, including a new high-risk accused category that would mean tighter restrictions on some people. The act, the government said, is a better balance between the need to protect the public and to treat people with mental illness who commit offences.

The act is controversial because it is not evidence based, Osgoode Hall Law School, York University, law professor Jamie Cameron said. Rather, it's widely thought to be a response to the voices of victims, many of whom don't want to see NCR offenders released early or ever.

With the NCR bill, you avoid a conviction, but you'll go through the forensic mental health system, she said, noting you're deflected. You don't walk away.

The bill will increase the burden on the criminal justice system, make it harder to transition NCR accused back into the community and risk stigmatizing people with mental health problems, the Canadian Psychiatric Association said.

Carol de Delley, the mother of Tim McLean, who was murdered on a Greyhound bus in 2008, took part in Bill C-54 consultations. Vince Li, an untreated schizophrenic at the time of the attack, was found not

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Documentary filmmaker John Kastner and Centre for Addiction and Mental Health chief of forensic psychiatry Dr. Alexander Simpson speak during the forum.

criminally responsible. Although he's detained in a Manitoba hospital, he has been granted unescorted day passes into the community.

Ms de Delley said there should be more treatment and support for people with mental illness as preventive measures, but that their rights should not overshadow victims' rights.

She wants access to details about an NCR accused's

treatment. She also wants to know who would be held responsible if someone re-offended.

There's no panacea for the issue that's seeing a major spike in mentally ill offenders flooding prisons and psychiatric institutions, Dr. Simpson said. According to psychiatric experts and available statistics, mentally disordered people in both systems is growing by 5 to 10 per cent yearly.

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