



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective date: *02 July 2025*

Notice 33

NOTICE

NORTHERN VIRTUAL BAIL COURT FORENSIC LIAISON PROGRAM

Purpose & Background

The purpose of this Notice is to describe the process for requesting a mental health status examination of an adult accused person appearing in custody from specific Northern Region courthouse sheriff cells or the Prince George Regional Correctional Centre (PGRCC) into the Northern Virtual Bail Courtrooms VR1 and VR2 by a forensic liaison¹ and, if requested by the forensic liaison, a forensic psychiatrist².

This Notice only applies to the Northern Virtual Bail Courtrooms originating at the Prince George, Prince Rupert, Terrace and Smithers courthouses (Designated Courts).

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 timely access to services for the accused, particularly those in-custody. The Northern Virtual Bail Forensic Liaison Program has 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;
- 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.

¹ A forensic liaison (Nurse/Social Worker) will provide mental status exams, gather collateral information regarding prior treatment, treatment needs, 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.

In appropriate cases, after discussion between Crown counsel and defence/duty counsel, a referral may be sent to a forensic liaison requesting a mental health status examination. Upon providing a non-confidentiality warning advising the accused that their criminal charges will not be discussed, and receiving consent of the accused, a forensic liaison will complete a mental status examination, gather collateral information regarding prior treatment and prior assessments, and make recommendations regarding treatment needs and options and potential community resources to support the accused should they be released on bail. Should the accused not consent or be unable to consent, the forensic liaison will limit their assessment to observation and any health-related information available consistent with privacy legislation.

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 Courtrooms VR1 and VR2 with timely information that may assist the Court with respect to an adult in-custody accused appearing from courthouse sheriff cells or RCMP Detachment located in Prince George, Prince Rupert, Smithers and Terrace or PGRCC for matters arising out of the above identified Courts, with determining:
 - a. The treatment needs and availability of community supports to assist in the Court's assessment of the accused's risk to re-offend;
 - b. Whether a formal fitness assessment is required; and
 - c. If there are conditions that would enhance public safety and facilitate the accused's access to treatment if released.
2. The process by which a referral to the forensic liaison may be made is set out as follows:
 - a. The need for a referral to the forensic liaison may be identified by the police, Crown counsel, defence/duty counsel or the Court.
 - b. Where the police identify a need for a referral to the forensic liaison, the police will alert the Crown to the need on the Bail Slate and include a brief description of their reasons for flagging the accused in the Synopsis. Upon receipt of the alert from police, Crown counsel will notify Defence/Duty counsel and the sheriff coordinator as soon as possible.
 - c. Once defence/duty counsel is notified, the sheriff coordinator will attempt, where feasible, to facilitate a priority interview via MS Teams videoconference between defence/duty counsel and the accused by 9:30 a.m.
 - d. After considering the available information, defence/duty counsel will advise Crown

counsel of their position regarding referral to the forensic liaison. It is sufficient for defence/duty counsel to communicate their position to Crown counsel orally or by email.

- e. Where defence/duty counsel has consented to or does not oppose a referral to the forensic liaison, before 10:00 a.m. on a business day Crown counsel will send by email to the forensic liaison:
 - i. A completed **Forensic Liaison Referral Form**, including confirmation of the position of defence/duty counsel for the forensic liaison to attempt a clinical interview with the accused. If the defence/duty counsel has not interviewed the accused but does not object to the forensic liaison attempting to interview the accused, the referral form should note same; and
 - ii. The **Report to Crown Counsel Synopsis**.
- f. The forensic liaison will inform the sheriff coordinator of the referral.
- g. The sheriff coordinator 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.
- h. Prior to commencing any interview with an accused, the forensic liaison will provide a non-confidentiality warning and advise that the criminal charges will not be discussed; the forensic liaison will then obtain the consent of the accused to be interviewed before proceeding with the interview.
- i. 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;
 - iii. and/or recommendation of potential community treatment and engagement options and conditions to support the accused should the Court order release of the accused.
- j. 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 1:15 PM triage meeting to discuss the Summary Brief Report.

- k. 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.
 - l. The forensic liaison may also attend at the bail hearing to provide written or verbal findings, and/ or recommend a forensic psychiatrist consult and/ or a clinical interview take place.
3. If necessary, as may be arranged by the forensic liaison with the sheriff coordinator, 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 accused.

Cross-Reference

- CRIM 05 Practice Direction: Hearing of Bail Applications.
- Notice 34: Forensic Liaison Program at Designated Court Locations

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.
- November 7, 2024: Updated to include effective dates for Prince Rupert, Smithers and Terrace. Also updated to reflect current processes.
- July 2, 2025: Add paragraph to Purpose & Background section explaining process upon receiving consent/not receiving consent of the accused; revise process in para. 2. to reflect current processes; and change name of 'Sheriff Quarterback' to 'sheriff coordinator.'

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia