

Effective date: *02 July 2025*

Notice 34

NOTICE

FORENSIC LIAISON PROGRAM AT DESIGNATED COURT LOCATIONS

Purpose & Background

The purpose of this Notice is to describe the process for referral of an adult accused person appearing in custody for a bail hearing to a forensic liaison¹ for a mental health examination.

This Notice only applies to accused in sheriff cells for criminal files originating at the Kamloops, Kelowna, Nelson, Cranbrook, Surrey², Victoria, Nanaimo, and Courtenay courthouses (Designated Courts).

Forensic Psychiatric Services (FPS) has had a long-standing forensic liaison presence at the Vancouver Provincial Court (222 Main Street), the Downtown Community Court and more recently the Northern Virtual Bail Forensic Liaison Program (Notice 33).

The forensic liaison facilitates timely access to services for the accused, particularly those in-custody, 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;
- 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 For the Surrey court this process is in addition to the FPS Overnight Assessments completed by Forensic Psychiatrists.

The Forensic Liaison Program is distinct from the Forensic Psychiatric Services (FPS) Overnight Assessments completed by forensic psychiatrists for accused in court locations in the Lower Mainland; and the Northern Virtual Bail Court Forensic Liaison Program.

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 may be available to provide a designated court with timely information that may assist the Court 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 confirm if the interview will be in-person or if arrangements can be made for a virtual interview to take place. This may require the support of the local sheriff or the sheriff coordinator.
- g. The sheriff coordinator will liaise with the forensic liaison to arrange a clinical interview either via Microsoft Teams videoconference or in-person between the forensic liaison and the accused. Should the interview not be possible the same day, the sheriff will inform counsel that an adjournment will be required to facilitate the interview.
- 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 clinical interview, the forensic liaison will prepare a **Summary Brief Report** of their initial clinical findings.
- j. The forensic liaison will send by email a password-protected PDF copy of the Summary Brief Report to defence/duty counsel and Crown counsel.
- k. A written Summary Brief Report is preferred, but they may provide an oral report to defence/duty counsel, Crown counsel and the Court where time does not permit a written summary report.
- l. The forensic liaison may also attend at the bail hearing to provide written or verbal findings.

3. If there is an adjournment for the purposes of access to a forensic liaison the accused must be transported to a correctional centre and must not be held over in police cells for that purpose, except with the agreement of the relevant police agency and sheriffs.

Cross-Reference

- CRIM 05 Practice Direction: Hearing of Bail Applications.
- Notice 33: Northern Virtual Bail Court Forensic Liaison Program

History of Notice

- July 2, 2025: New Notice

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia