

## Patients Held on Lieutenant Governor Warrants

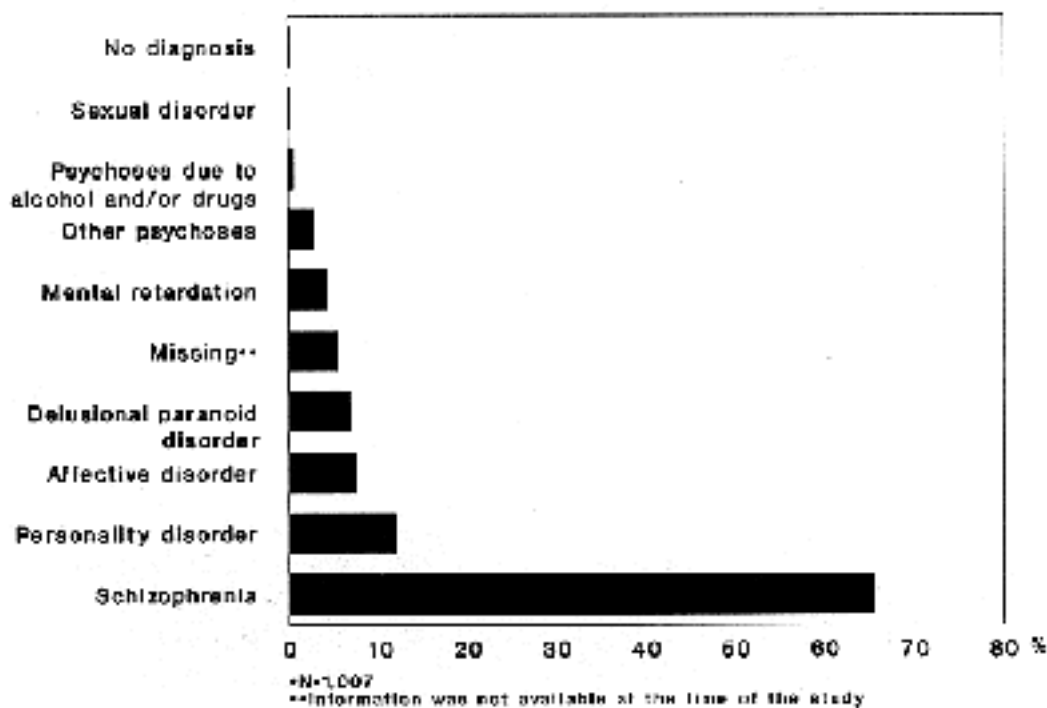
Recent data collected by the Department of Justice Canada show that many individuals held on Lieutenant Governor Warrants have a previous criminal history and previous experience with the mental health system before being placed on warrant.

Information collected beginning in March 1988 shows slightly more than 1,000 patients on Lieutenant Governor Warrants. According to the data, more than one third of these persons had a previous criminal conviction at the time they were placed on warrant.

In addition, more than three quarters of patients were previously hospitalized for a mental disorder. Schizophrenia was the diagnosis identified in two thirds of the cases (see figure). Almost 90% of the patients were male, and the average age was 38.9 years.

**Figure 1**

**Diagnoses of Patients (%) held on Lieutenant Governor Warrant\***



The Lieutenant Governor Warrant is employed when the accused is deemed unfit to stand trial or is found to have been insane when the offence was committed. The majority of patients held on warrant (nearly 90%) had been deemed not guilty by reason of insanity, and the remaining 10% had been found unfit to stand trial. The warrant was used most often for serious crimes, such as homicide and sexual assault. On average, the patients had been held on warrant for six years.

During the year of the study, more than 300 new patients were placed on warrant and some 251 patients

left the system.

The data for the study was gathered from the provincial boards of review. The essential purpose of the data base is to allow for the continuous collection of information on all patients, both new and old. The documentation of the data does not, therefore, represent the completion of the study. Data will continue to be collected during the second and third years of the study.

The findings from the study will be used to assist the Department of Justice in planning legislative amendments with respect to mental disorders.

The data have broad implications for legal and social research, perhaps even for the Charter of Rights and Freedoms. For example, the length of time that patients are kept on warrant varies considerably from province to province. Many patients are kept longer than if they had been found guilty of the offence and had been incarcerated. Review board hearings also vary from province to province. The majority of patients are not represented by counsel, and in some cases they are not present at the hearing.

Noting the similarities between the psychiatric background of warrant patients and that of many federal patients, the report speculates that the insanity plea may be used arbitrarily. There also seems to be a group of chronic patients who continually move through the legal, health care, and correctional systems. The new data base provides the department with a strong foundation for further study in years two and three of the research project.

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Hodgins, S., Webster, C., Paquet, J., & Zellerer, E. (1990). Canadian Database: Patients Held on Lieutenant Governor Warrants. Produced under contract for the Department of Justice Canada.