

COMMISSION D'EXAMEN DES TROUBLES MENTAUX

What is the Commission d'examen des troubles mentaux?

The Commission d'examen des troubles mentaux (CETM) is responsible for rendering decisions concerning persons who have been charged with a criminal offence and found unfit to stand trial or not criminally responsible on account of mental disorder. Its decisions are intended to ensure the safety of the public and promote the accused's reintegration.

The Social Affairs Section of the Tribunal administratif du Québec is designated as a Review Board.

Why do I have to appear before the CETM?

You must appear before the CETM if:

- A criminal court judge has decided that you are unfit to stand trial. The judge concluded that you were unable to understand the nature of the charges against you or the possible consequences of these charges, or to communicate with your lawyer to conduct your defence.

In such a case, the CETM will assess your mental condition and determine whether you have become fit to stand trial.

- A criminal court judge has decided that you are not criminally responsible because you were incapable of appreciating the nature and quality of the offence committed due to a mental disorder.

In this case, the CETM must assess whether you are a significant threat to the safety of the public and, if necessary, decide what measures need to be taken to control that threat and allow you to reintegrate into society.

How do I find out about the date of the hearing?

You will receive a notice of hearing informing you of the date and place where it will be held.

Where will the hearing be held?

Hearing is usually held in the hospital where you are being detained or where you are receiving treatment. In some circumstances, a hearing is held elsewhere (for example, at the detention centre if you are in custody).

What happens at the hearing?

Hearing is conducted before three members of the CETM: a lawyer, a psychiatrist and a third person, usually a psychologist or a social worker. A hearing generally involves four steps.

➤ Step 1: Information

You are told what will happen at the hearing.

➤ Step 2: Presentation of the evidence

A psychiatric report is presented. This report must inform the members of the CETM about your mental condition, your past and present behaviour, and the seriousness of the threat you are to the safety of the public. The report must also include a recommendation on the decision that the CETM should render.

Witnesses are heard, including yourself, members of the treatment team, and if necessary, other people.

➤ Step 3: Deliberation by the CETM

The members withdraw to discuss the decision they should render.

➤ Step 4: The decision

You are informed of the decision and will receive written reasons at a later date.

Useful information

If you need help finding a lawyer, contact the Barreau du Québec's referral service at one of the following numbers:

MONTRÉAL: 514 866-2490

LAVAL: 450 686-2958

LONGUEUIL: 450 468-2609

QUÉBEC: 418 529-0301

ELSEWHERE IN QUÉBEC: 1 866 954-3528 (toll-free)

HOW TO CONTACT US

Toll-free:

1 800 567-0278

www.taq.gouv.qc.ca

tribunal.administratif@taq.gouv.qc.ca

In Québec

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Our staff is available to help you
Monday to Friday, 8:30 a.m. to 4:30 p.m.

I HAVE
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IMPARTIALITY / ENGAGEMENT / RESPECT
COMPETENCE / INDEPENDENCE

Should I be represented by a lawyer?

Verdict of unfit to stand trial

Yes, you must be represented by a lawyer at the hearing. If you are not, the CETM will appoint a lawyer to represent you. You can retain the services of the lawyer of your choice.

Verdict of not criminally responsible

You can represent yourself or retain the services of the lawyer of your choice.

If you do not have a lawyer and it is in the CETM's opinion that it is in the interests of justice that you be represented, it may appoint a lawyer to represent you.

Can my friends or family attend the hearing?

Yes, the hearing is public. Any person may attend, unless prohibited by the CETM, but cannot speak on your behalf. Only a lawyer can speak for you. They can, however, testify.

Can the victim attend the hearing?

Yes. The victim can also file a statement describing any damage suffered as a result of the offence.

Can I refuse to appear before the CETM?

No, you must appear before the CETM when you are convened.

You must inform the CETM, however, if you have serious reasons that prevent you from appearing on the date indicated. The Board will decide whether or not to postpone the hearing.

The CETM has all the powers necessary to authorize the police to compel a person to appear if that person refuses to.

What decisions can the CETM render?

Verdict of unfit to stand trial

- The CETM might determine that you have become fit to stand trial. You will then be sent back to the criminal court who will hear your case.
- The CETM might determine that you are still unfit to stand trial. You will then remain under the supervision of the CETM, who will render one of the following decisions:
 - conditional discharge;
 - detention in custody in a hospital with conditions, such as the possibility of unaccompanied outings for periods defined by the CETM;
 - detention in custody in a hospital without the possibility of outings unless accompanied.

Verdict of not criminally responsible

- The CETM must assess the risk that you are to the safety of the public and render one of the following decisions:
 - absolute discharge;
 - conditional discharge;
 - detention in custody in a hospital with conditions, such as the possibility of unaccompanied outings for periods defined by the CETM;
 - detention in custody in a hospital without the possibility of outings unless accompanied.

How long does the CETM decision remain valid?

Verdict of unfit to stand trial

If the CETM determines that you have become fit to stand trial, its decision is valid until you return before the criminal court. The decision of that court then applies.

However, if the CETM determines that you are still unfit to stand trial, it must review that decision within 12 months or, in exceptional cases, no later than 24 months from the date on which it is rendered.

Verdict of not criminally responsible

The CETM's decision must be reviewed within 12 months or, in exceptional cases, no later than 24 or 36 months from the date on which it is rendered.

In all cases, the CETM's decision can be reviewed earlier if you or the hospital makes such a request, provided that there have been significant developments and that it is in the CETM's opinion that these developments justify a review.

Every application for review must be sent in writing to the CETM and state the reasons justifying the application. You can also ask your lawyer to submit your application.

Do I have to comply with the CETM's decision?

Yes, you must comply with the CETM's decision.

What can I do if I am not satisfied with the CETM's decision?

You can appeal the decision rendered by the CETM before the Quebec Court of Appeal.

You have a maximum of 15 days to contest the decision.

For more information, consult the CETM's Guide, available on the website of the Tribunal administratif du Québec.

