

**STANDING COMMITTEE ON
JUSTICE AND HUMAN RIGHTS**



**COMITÉ PERMANENT DE LA
JUSTICE ET DES DROITS DE LA
PERSONNE**

Tuesday, June 19, 2018

The Honourable Jody Wilson-Raybould
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Ms. Wilson-Raybould:

The House of Commons Standing Committee on Justice and Human Rights writes to you to recommend that you consider amending section 672.1 of the *Criminal Code* to allow psychologists with training in clinical forensic psychology to perform assessments of fitness to stand trial and criminal responsibility.

This issue was brought to our attention by the Canadian Psychological Association which maintains that although section 672.1 of the *Criminal Code* allows, in addition to a medical practitioner, any person designated by the Attorney General of the province to conduct assessments of the mental condition of an accused, psychologists have never been designated to perform these assessments in any Canadian jurisdiction.

As noted by the Canadian Psychological Association, allowing trained psychologists to perform assessments of fitness to stand trial and criminal responsibility “would significantly increase the number of mental health professionals that are available to the courts, as psychologists are Canada’s largest group of specialized and regulated mental health providers”.

Considering the analytical framework established by the Supreme Court of Canada in [R. v. Jordan](#), later confirmed in [R. v. Cody](#), governing the right of the accused to be tried within a reasonable time, the Committee believes that such amendment may assist the administration of justice, particularly in jurisdictions where there are few professionals with forensic mental health expertise available.

The Committee invites you to review the arguments presented in the letter and position paper submitted to the Committee by the Canadian Psychological Association (see enclosures) and consider amending the *Criminal Code* to list trained psychologists as being qualified to conduct assessments of the mental condition of the accused.

The Committee would appreciate a response to this letter at your earliest convenience.

Sincerely yours,

Anthony Housefather
Chair

The Honourable Rob Nicholson
Vice-Chair

Murray Rankin
Vice-Chair