



**AN BORD ATHBHREITHNITHE MEABHAIR-SHLÁINTE
(AN DLÍ COIRIÚIL)**

MENTAL HEALTH (CRIMINAL LAW) REVIEW BOARD

Tuarascáil Bhliantúil 2021

An Bord Athbhreithnithe Meabhair-Shláinte (An Dlí Coiriúil)
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CLÁR AN ÁBHAIR

Réamhrá an Chathaoirligh	Lch 3
Feidhm an Bhoird Athbhreithnithe Meabhair-Shláinte (An Dlí Coiriúil)	Lch 6
Athbhreithnithe ag an mBord	Lch 7
An Scéim um Chúnaimh Dlíthiúil fá Mheabhair-Shláinte (An Dlí Coiriúil)	Lch 9
Orduithe um Urscaoileadh	Lch 10
Cionta nó Cionta Líomhnaithe	Lch 11
Faisnéis Airgeadais	Lch 11
Nochtadh Cosanta	Lch 12
Cosaint Sonraí	Lch 12
Dualgas na hEarnála Poiblí um Chombhionannas agus Cearta an Duine	Lch 12
Rialachas agus Rialuithe Inmheánacha	Lch 13

FOSCRÍBHINNÍ

Foscríbhinn A – Líon na nÉisteachtaí in aghaidh na Míosa i 2021/2020	Lch 18
Foscríbhinn B – Líon na nOthar arna nAthbhreithniú in aghaidh an Fháthmheasa i 2021/2020	Lch 19
Foscríbhinn C – Líon na nÉisteachtaí de réir Chineál an Athbhreithnithe i 2021/2020	Lch 20
Foscríbhinn D – Líon na nÉisteachtaí i 2021/2020 de réir an Ailt den Acht um an Dlí Coiriúil (Gealtacht), 2006, arna leasú	Lch 21
Foscríbhinn E – Meánlíon na gCásanna arna Sannadh d’Ionadaithe Dlíthiúla ar an bPainéal um Chúnaimh Dlíthiúil i 2021/2020	Lch 22
Foscríbhinn F – Líon na nOthar arna nUrscaoileadh go Coinníollach i 2021/2020	Lch 23
Foscríbhinn G – Cionta nó Cionta Líomhnaithe	Lch 24

1. RÉAMHRÁ AN CHATHAOIRLIGH

Tá áthas orm, mar Chathaoirleach ar an mBord Athbhreithnithe Meabhair-Shláinte (An Dlí Coiriúil) Tuarascáil Bhliantúil 2021 an Bhoird, ina dtugtar forléargas ar ghníomhaíochtaí an Bhoird le linn 2021, a thíolacadh. Is í seo an 15ú Tuarascáil Bhliantúil ón mBord Athbhreithnithe.

Le linn 2021, fad a bhí na srianta sláinte poiblí a bhain le COVID-19 i bhfeidhm, lean an Bord Athbhreithnithe d'éisteachtaí athbhreithnithe a sheoladh trí theileachomhdháil. I mí Lúnasa, áfach, tar éis comhairle a fháil ón gCoiste um Rialú In-fhabhtuithe sa Phríomh-Ospidéal Meabhair-Ghalar, d'atosaigh an Bord ar éisteachtaí ar an láthair san ospidéal. Cuireadh socruithe i bhfeidhm maidir le scaradh sóisialta le linn éisteachtaí athbhreithnithe, agus d'éirigh go maith leis na socruithe sin trí éisteachtaí a sheoladh i gceoláras an ospidéil.

I 2021, tháinig laghdú beag ar líon na n-éisteachtaí athbhreithnithe a seoladh i gcomparáid leis an mbliain roimhe sin. Sheol an Bord 196 athbhreithniú i gcomparáid le 203 i 2020, ina ndearnadh athbhreithniú ar choinneáil 87 n-othar. As na 87 n-othar a ndearnadh athbhreithniú ar a gcoinneáil, deonaíodh urscaoileadh coinníollach do sheisear díobh. Deonaíodh urscaoileadh coinníollach don líon céanna othar i 2020, as líon iomlán 90 a ndearnadh athbhreithniú ar a gcoinneáil an bhliain sin.

I mí an Mheithimh, chuir Stiúrthóir Cliniciúil an Phríomh-Ospidéil Meabhair-Ghalar in iúl don Bhord go ndearna sé othar amháin a bhí urscaoilte go coinníollach a

aisghairm ar an bhforas go raibh tuairim réasúnach aige go raibh sárú ábhartha déanta ag an othar ar an Ordú um Urscaoileadh Coinníollach.

Chomh maith leis sin, i 2021, chuaigh an Bord ar aghaidh go dtí an 36^ú agus an 37^ú hathbhreithniú a sheoladh maidir le coinneáil roinnt othar.

Fuair an Bord ceithre iarratas ar urscaoileadh neamhchoinníollach i 2021. Bhí iarratas amháin ar feitheamh ón mbliain roimhe sin, freisin. Dheonaigh an Bord ur-scaoileadh neamhchoinníollach amháin as na ceithre iarratas a fuarthas. Cuireadh siar an breithniú ar dhá iarratas, ar iarraidh ó na hiarratasóirí, agus cuireadh tús leis an éisteacht ar an gceathrú hiarratas agus cuireadh ar atráth é lena bhreithniú tuilleadh i 2022. Cuireadh an éisteacht ar an iarratas ar feitheamh ón mbliain roimhe sin ar atráth gan teorainn ama, tar éis don Bhord an t-iarratas a bhreithniú faoi dhó i 2021.

Thar ceann mo chomhghleacaithe, gabhaim buíochas le Stiúrthóir Feidhmiúcháin Cliniciúil an Phríomh-Ospidéil Meabhair-Ghalar, an tOllamh Harry Kennedy, agus an Stiúrthóir Cliniciúil, an Dr. Brenda Wright, as a gcabhair le linn na bliana. Gabhaim buíochas, freisin, leis na foirne ildisciplíneacha as an obair a rinne siad le linn dóibh tuarascálacha síciatracha a ullmhú d'othair roimh a gcuid éisteachtaí athbhreithnithe. Is eol don Bhord gur obair fhadálach atá san obair sin do gach duine a bhíonn páirteach inti. Tá an Bord buíoch as an gcabhair agus as an gcomhoibriú leanúnach ó shíciatraithe comhairleacha, altraí, teiripeoirí, seirbhísí sóisialta agus foireann riaracháin an ospidéil. Ba mhaith liom an deis seo a thapú, freisin, chun gach rath a ghuí ar fhoireann agus othair an Phríomh-Ospidéil Meabhair-Ghalar maidir le haistriú an ospidéil go dtí a ionad nua i bPort Reachrann atá ar tí tarlú.

Arís, ba mhaith liom obair chomhaltaí Phainéal Ionadaithe Dlíthiúla an Bhoird, a leanann d'fheidhmiú go cumasach coinsiasach ar son othar a thagann os comhair an Bhoird chun a gcoinneáil a athbhreithniú, a mholadh agus iad a mholadh as a gcomh-oibriú leis na socruithe chun filleadh ar éisteachtaí i bpearsa san ospidéal.

Mar fhocal scoir, ba mhaith liom buíochas an Bhoird a chur in iúl do Paula Connolly Uas., iarPhríomh-Oifigeach Feidhmiúcháin an Bhoird, a chuaigh ar scor go luath i 2021, agus fáilte a chur roimh Aisling Brennan Uas., a tháinig ar an mBord mar Phríomh-Oifigeach Feidhmiúcháin i mí Aibreáin. Ba mhaith liom, freisin, buíochas an Bhoird a chur in iúl do Catherine Uas. Hayes agus Ann Uas. Casey as an tseirbhís shármhaith éifeachtúil a thugadar don Bhord le linn na bliana.

Iarfhlaithe Ó Néill
Cathaoirleach

31 Márta 2022

2. **FEIDHM AN BHOIRD ATHBHREITHNITHE MEABHAIR-SHLÁINTE (AN DLÍ COIRIÚIL)**

Bunaíodh an Bord Athbhreithnithe Meabhair-Shláinte (An Dlí Coiriúil) ar an 27 Meán Fómhair, 2006, faoi Alt 11 den Acht um an Dlí Coiriúil (Gealtacht), 2006. Tá an Bord neamhspleách go reachtúil i bhfeidhmiú a fheidhmeanna.

Tá an Bord freagrach as athbhreithniú a dhéanamh ar choinneáil othar a atreoraíodh chuig lárionaid ainmnithe ag eascairt as cinneadh arna dhéanamh ag na cúirteanna go bhfuil siad neamhinniúil ar dhul faoi thriail nó ar cinneadh iad a bheith neamhchiontach i gcion de dheasca gealtachta. Faoi Acht 2006, arna leasú leis an Acht um an Dlí Coiriúil (Gealtacht), 2010, tá sé de chumhacht ag an mBord a ordú leanúint d'othair a choinneáil nó a n-urscaoileadh coinníollach, nó a n-urscaoileadh neamhchoinníollach, a ordú. Le linn dó teacht ar chinneadh, ní foláir don Bhord aird a thabhairt ar leas agus sábháilteacht an othair agus ar leas an phobail.

Déanann an Bord athbhreithniú, freisin, ar choinneáil príosúnach, lena n-áirítear príosúnaigh mhíleata, a ndearnadh iad a aistriú chuig lárionad ainmnithe agus neamhord meabhrach orthu. Féadfadh an Bord a ordú leanúint dá gcoinneáil nó iad a chur ar ais sa phríosún.

Is lárionad ainmnithe an Príomh-Ospidéal Meabhair-Ghalar, Dún Droma, faoin Acht agus tá Aonad amháin ar champas nua na Seirbhíse Náisiúnta Meabhairshláinte Fóiréinsí i bPort Reachrann ainmnithe faoin Acht, freisin. Ainmníodh an tAonad sin chun aistriú sealadach líon beag othar a éascú mar go raibh gá le cóiríocht bhreise mar gheall ar phaindéim COVID-19. Cuireadh cóiríocht ar fáil do na hothair ar feadh roinnt

míonna san Aonad nua agus tá siad aistrithe ar ais chuig an bPríomh-Ospidéal Meabhair-Ghalar ó shin.

3. **ATHBHREITHNITHE AG AN MBORD**

De réir mar a fhoráiltear le hAcht 2006, ní foláir don Bhord coinneáil gach othair a athbhreithniú i gceann agaí nach faide ná sé mhí. De ghnáth, bíonn dhá éisteacht athbhreithnithe in aghaidh na bliana ag othair fhadtéarmacha ach d'fhéadfadh níos mó a bheith ag cuid acu de bharr go bhféadfar athbhreithniú a sheoladh ar thionscnamh an Bhoird nó ar iarraidh ó othar nó ó Stiúrthóir Cliniciúil an Phríomh-Ospidéil Meabhair-Ghalar, ar leith ó na héisteachtaí a sceidealtar go rialta. Féadfaidh an tAire Dlí agus Cirt a ordú don Bhord athbhreithniú a sheoladh maidir le coinneáil príosúnaigh a thugtar isteach san ospidéal dá ainneoin nó dá hainneoin.

De ghnáth, bíonn idir 80 agus 90 othar á gcoinneáil aon tráth áirithe sa Phríomh-Ospidéal Meabhair-Ghalar faoi Acht 2006. Tagann athrú ar an líon sin mar go ndéantar, seachas na hothair arna gcoinneáil ar feadh tréimhsí níos faide, othair a aistriú ón bpríosún, le toiliú nó dá n-ainneoin, le haghaidh cúraim nó cóireála nach mbíonn ar fáil dóibh sa phríosún. D'fhéadfadh sé, áfach, nach dtiocfadh daoine de na hothair sin os comhair an Bhoird chun athbhreithniú a dhéanamh ar a gcoinneáil mar go bhféadfaidh an Stiúrthóir Cliniciúil, tar éis dul i gcomhairle leis an Aire Dlí agus Cirt, iad a aistriú ar ais chuig an bpríosún tráth ar bith.

Rinne an Bord athbhreithniú ar choinneáil 87 n-othar i 2021, ar laghdú beag é ar líon na n-othar a ndearnadh athbhreithniú ar a gcoinneáil i gcomparáid le 2020 nuair a rinneadh athbhreithniú ar 90 othar. As na 87 n-othar, mná a bhí i 10 nó 11% díobh

agus fir a bhí i 77 nó 89% díobh. Sheol an Bord 196 éisteacht athbhreithnithe san iomlán i gcomparáid le 203 sa bhliain roimhe sin, ar laghdú de bheagán os cionn 3% é ar líon na n-éisteachtaí athbhreithnithe. As na 87 n-othar, fáthmheasadh scitsifréine a bheith ar 62% díobh, neamhord scitseamhothachtálach a bheith ar 22% díobh agus neamh-oird eile a bheith ar 16% de na hothair. Tá sin inchomórtais le 2020, bliain inar fáthmheasadh scitsifréine a bheith ar 66% de na hothair, neamhord scitseamhothachtálach a bheith ar 17% díobh agus neamhoird eile a bheith ar 17% díobh. Is ceart a thabhairt do d'aire go ndéanann an Bord athbhreithniú ar an gcroíghrúpa céanna othar gach bliain. (Féach Foscríbhinní A agus B maidir leis seo).

Den chéad uair, sheol an Bord an 36^ú agus an 37^ú hathbhreithniú ar choinneáil roinnt othar i 2021. De na 196 éisteacht athbhreithnithe, an 36^ú hathbhreithniú a bhí i gceist i gcúig chás agus an 37^ú hathbhreithniú a bhí i gceist in dhá cheann. Bhí 4% san iomlán de na héisteachtaí ag an 36^ú go dtí an 37^ú céim athbhreithnithe. Bhí 18% de na héisteachtaí ag an 1^ú go dtí an 5^ú céim athbhreithnithe, i gcomparáid le 21% i 2020. Astu sin, an 1^ú hathbhreithniú a bhí i gceist le seacht n-athbhreithniú nó 4%, i gcomparáid le 2020 nuair a bhí ocht gcinn d'athbhreithnithe den sórt sin ann, líon ar 4% d'iomlán na bliana sin é, freisin. (Féach Foscríbhinn C maidir leis seo).

Mar a bhain i mblianta eile, bhain tromlach na n-éisteachtaí athbhreithnithe le hothair arna gcimiú chun an Phríomh-Ospidéal Meabhair-Ghalar faoi Alt 5(2) d'Acht 2006, tar éis iad a fháil neamhchiontach i gcion de dheasca gealtachta. I 2021, bhain 147 n-éisteacht, sin 75% den líon iomlán, le coinneáil othar a cimíodh faoi Alt 5(2). 161 an líon a bhí sa chatagóir sin i 2020, sin 79% de líon iomlán na n-éisteachtaí an bhliain sin. Arís i 2021, bhain an dara líon ba mhó de na héisteachtaí athbhreithnithe le hothair a

coinníodh faoi Alt 15(2) den Acht, ar phríosúnaigh iad a aistríodh dá n-ainneoin chuig an bPríomh-Ospidéal Meabhair-Ghalar le haghaidh cúraim nó cóireála nach bhféadfaí a thabhairt dóibh sa phríosún. Bhain 12% de na héisteachtaí athbhreithnithe i 2021 leis an ngrúpa sin, i gcomparáid le 9% i 2019. Bhain 9% de na héisteachtaí athbhreithnithe i 2021 le hothair a coinníodh faoi Alt 4(5) i gcomparáid le 8% an bhliain roimhe sin. (Féach Foscríbhinn D maidir leis seo).

4. AN SCÉIM UM CHÚNAMH DLÍTHIÚIL FÁ MHEABHAIR-SHLÁINTE (AN DLÍ COIRIÚIL)

Ceanglaítear ar an mBord Athbhreithnithe, le hAlt 12(1)(c) d'Acht 2006, ionadaí dlíthiúil a shannadh do gach othar ar ábhar d'athbhreithniú a choinneáil nó a coinneáil, mura mbeartaíonn an t-othar ionadaíocht dlíthiúil a fhostú ar a chostas nó a costas féin. Chuige sin, bhunaigh an Bord an Scéim um Chúnadh Dlíthiúil fá Mheabhair-Shláinte (An Dlí Coiriúil), 2006, faoinar bunaíodh painéal d'ionadaithe dlíthiúla agus déantar socrú maidir leis na táillí dlí a bhaineann le hionadaíocht os comhair an Bhoird Athbhreithnithe. Féadfaidh othair, más mian leo, seirbhísí aturnae a shanntar ón bpainéal a dhiúltú agus aturnae eile ón bpainéal a iarraidh nó féadfaidh siad aturnae nach ón bpainéal a fhostú ar a gcostas féin. Ar mhaithe le leanúnachas d'othair, ag féachaint don fhíoras go bhfuil neamhord meabhrach orthu, déanann an Bord a dhícheall an t-aturnae céanna a shannadh chun feidhmiú ar son othair ag éisteachtaí athbhreithnithe ina dhiaidh sin.

25 aturnae a bhí ar Phainéal na nIonadaithe Dlíthiúla ag tús na bliana 2021. D'éirigh aturnae amháin as i rith na bliana agus cuireadh aturnae amháin leis an bPainéal.

8 gcás an meánlíon cásanna a sannadh d'aturnaetha ar an bPainéal i 2021. Sannadh meánlíon 14 chás an duine don chéad cheathairíl d'aturnaetha, i gcomparáid le 15 an bhliain roimhe sin. Sannadh meánlíon 9 gcás don dara agus an tríú ceathairíl, an líon céanna a bhí ann i 2020. Sannadh meánlíon d'aon chás amháin an duine don bhuncheathairíl i 2021, an líon céanna leis an mbliain roimhe sin. (Féach Foscríbhinn E maidir leis seo).

5. ORDUITHE UM URSCAOILEADH

Cheadaigh an Bord urscaoileadh coinníollach i leith seisear othar ón bPríomh-Ospidéal Meabhair-Ghalar i 2021. Ocht mbliana an meánfhad coinneála san ospidéal do na hothair a urscaoileadh go coinníollach. Beagán os cionn 6 bliana an meánfhad a mhair an dá cheann ba ghiorra agus 10.5 mbliana an meánfhad a mhair an dá cheann ab fhaide. Is ceart a thabhairt do d'aire nach foras riachtanach ná leordhóthanach, ann féin, é an t-achar ama a dhéantar othar a choinneáil san ospidéal chun urscaoileadh coinníollach a dheonú. (Féach Foscríbhinn F maidir leis seo).

Aisghaireadh othar amháin ó urscaoileadh coinníollach le linn 2021, mar go raibh Stiúrthóir Cliniciúil an Phríomh-Ospidéil Meabhair-Ghalar tagtha ar an tuairim go raibh sárú ábhartha déanta ag an othar ar an ordú um urscaoileadh coinníollach.

Fuair an Bord ceithre iarratas ar urscaoileadh neamhchoinníollach i 2021 ó othair a bhí urscaoilte go coinníollach ar feadh 12 mhí nó níos faide agus bhí iarratas amháin ar feitheamh ón mbliain roimhe sin. Dheonaigh an Bord urscaoileadh neamhchoinníollach amháin astu sin. Cuireadh éisteachtaí ar dhá iarratas ar ceal ar iarraidh ó na hiarratasóirí agus cuireadh an éisteacht ar an gceathrú hiarratas ar athló, le hatosú

i 2022. Cuireadh an éisteacht ar an iarratas a bhí ar feitheamh ón mbliain roimhe sin ar athló freisin, gan teorainn ama.

6. **CIONTA NÓ CIONTA LÍOMHNAITHE**

Ar áireamh sna cineálacha cionta, nó cionta líomhnaithe, inar cúisíodh nó inar ciontaíodh othair a coinníodh sa Phríomh-Ospidéal Meabhair-Ghalar bhí dúnmharú, iarracht ar dhúnmharú, dúnorgain agus ionsaí ba chúis le mórdhíobháil choirp. As na 87 n-othar a ndearnadh athbhreithniú ar a gcoinneáil, bhí 39 díobh cúisithe, nó ciontaithe, i ndúnmharú. Duine de theaghlach an othair ba ea móramh d'íospartaigh an chiona nó an chiona líomhnaithe sin. Cúisíodh nó ciontaíodh 8 n-othar in iarracht ar dhúnmharú / dúnorgain/bás de dheasca tiomáint chontúirteach. Cúisíodh nó ciontaíodh 25 othar in ionsaí ba chúis le díobháil / ionsaí ba chúis le mórdhíobháil choirp agus triúr díobh i gcoirloscadh. Ar áireamh sna cionta eile bhí ionsaí gnéasach, bagairt duine a mharú, ciapadh, príosúnú neamhdhleathach, trombhuirgléireacht agus iarracht leanbh a fhuadach, foghail agus scian a shealbhú le hintinn díobháil a dhéanamh, carr a ghoid agus damáiste a dhéanamh de dheasca tiomáint chontúirteach agus sceana a shealbhú agus imeaglú. (Féach Foscríbhinn G maidir leis seo).

7. **FAISNÉIS AIRGEADAIS**

Maoinítear an Bord Athbhreithnithe as Mírcheann A.13 de Vóta Oifig an Aire Dlí agus Cirt. Cloíonn an Bord Athbhreithnithe leis an gCód Caiteachais Phoiblí. I 2021, fuair an Bord Athbhreithnithe leithdháileadh buiséid €439,000. Méadú 52% a bhí ansin ar leithdháileadh na bliana roimhe sin don mhéadú a raibh súil leis ar chaiteachas an Bhoird Athbhreithnithe agus a eascróidh nuair a aistreofar an Príomh-Ospidéal Meabhair-Ghalar chuig an ionad nua i bPort Reachrann, le méadú ar an acmhainn

leapacha. Mar sin féin, ós rud é nár tharla an t-aistriú i 2021, níor tháinig an méadú a raibh súil leis ar chaiteachas an Bhoird. €289,000 an caiteachas iomlán a bhí ann faoi Mhírcheann A.13. Leagtar amach thíos na príomh-mhíreanna caiteachais:

Cúnamh Dlíthiúil in Aisce	€99,000
Táillí na gComhaltaí Boird	*€99,000
Táille an Chathaoirligh	€70,875
Comhairle dlí	€13,192

*Táillí a bhain le Nollaig 2020 agus a íocadh i mí Eanáir 2021 san áireamh. Níl táillí a bhain le Nollaig 2021 agus a íoctar i mí Eanáir 2022 san áireamh.

8. NOCHTADH COSANTA

Tá Beartas um Nochtadh Cosanta na Roinne Dlí agus Cirt glactha ag an mBord Athbhreithnithe mar bheartas an Bhoird maidir le nochtaí cosanta san áit oibre. I gcomhréir le ceanglais tuairiscithe, dearbhaítear nach bhfuarthas aon tuairisc maidir le nochtadh cosanta i 2021.

9. COSAINT SONRAÍ

Tá beartas um chosaint sonraí na Roinne Dlí agus Cirt glactha ag an mBord Athbhreithnithe. Mar gheall ar a mhéid, ní mheastar é a bheith indéanta ag an mBord Oifigeach Cosanta Sonraí dá chuid féin a cheapadh. Tá Oifigeach Cosanta Sonraí na Roinne ceaptha mar Oifigeach Cosanta Sonraí don Bhord.

10. DUALGAS NA hEARNÁLA POIBLÍ UM CHOMHIONANNAS AGUS CEARTA AN DUINE

Tá an Bord Athbhreithnithe tiomanta dá chinntiú go gcomhlíontar a freagrachtaí faoi alt 42 den Acht fá Choimisiún na hÉireann um Chearta an Duine agus Comhionannas, 2014 lena gcuirtear oibleagáid dhearfach ar chomhlachtaí poiblí, le linn dóibh a bhfeidhmeanna a chomhlíonadh, aird a thabhairt ar an ngá atá ann deireadh a chur leis

an idirdhealú, combhionannas deiseanna a chur chun cinn agus cearta daonna na foirne agus na ndaoine dá soláthraítear seirbhísí a chosaint. Choimeád an Bord Athbhreithnithe an dualgas sin i gcuimhne le linn dó a fheidhmeanna a chomhlíonadh i 2021.

11. RIALACHAS AGUS RIALUITHE INMHEÁNACHA

Struchtúr agus Comhaltas an Bhoird Athbhreithnithe

Is comhlacht gar-bhreithiúnach, seachas bord rialachais, atá sa Bhord Athbhreithnithe Meabhair-Shláinte (An Dlí Coiriúil) a dhéanann athbhreithniú ar choinneáil othar a bhíonn á gcoinneáil i lárionaid ainmnithe faoin Acht um an Dlí Coiriúil (Gealtacht), 2006. Is iad atá ar an mBord Cathaoirleach agus cibé líon gnáthchomhaltaí a cheanglóidh an tAire Dlí agus Cirt tar éis dul i gcomhairle leis an Aire Sláinte. Breitheamh scortha den Ard-Chúirt atá sa Chathaoirleach atá ann faoi láthair agus tá tríur gnáthchomhaltaí ann, ar síciatraithe comhairleacha beirt díobh agus ar comhairleoir-shíciteiripeoir duine díobh. An tAire a cheapann comhaltaí uile an Bhoird ar feadh tréimhse cúig bliana, de réir mar a fhoráiltear le hAcht 2006. Leagtar amach faoi seo comhaltas an Bhoird i 2021 agus dáta ceaptha na gcomhaltaí:

Comhalta	Ceaptha
An Breitheamh Uasal Iarfhlaith Ó Néill	Meán Fómhair 2014 Athcheaptha Meán Fómhair 2019
An Dr. Katherine Brown Síciatraí Comhairleach	Bealtaine 2017
Nóra McGarry, Uas. Comhairleoir-Shíciteiripeoir	Meán Fómhair 2011 Athcheaptha Meán Fómhair 2016 Athcheaptha Meán Fómhair 2021
An Dr. Elizabeth Walsh Síciatraí Comhairleach	Eanáir 2013 Athcheaptha Eanáir 2018

Cothromaíocht Inscne

Is faoin Roinn Dlí agus Cirt atá sé comhaltaí a cheapadh ar an mBord Athbhreithnithe agus níl aon bhaint ag an mBord le ceapacháin. Amhail ar an 31 Nollaig 2021, bhí comhalta fireann amháin (25%) agus triúr comhalta baineann (75%) ar an mBord Athbhreithnithe.

Freastal ar Éisteachtaí agus Táillí

Is annamh a thagann an Bord Athbhreithnithe le chéile, seachas le haghaidh éisteachtaí sa Príomh-Ospidéal Meabhair-Ghalar. Le linn dó coinneáil othar a athbhreithniú, suíonn an Bord i bpainéal de thriúr, agus bíonn an Cathaoirleach agus síciatraí comhairleach amháin ar a laghad ar an bpainéal i gcónaí.

Táille €250 a íoctar le gnáthchomhaltaí in aghaidh gach éisteachta athbhreithnithe ar a ndéanann siad freastal. Íoctar an táille chéanna as freastal ar éisteachtaí i dtaca le hiarratais ar urscaoileadh neamhchoinníollach agus i dtaca le hiarratais chun coinníollacha a bhaineann le hurscaoileadh a leasú nó a athrú. I 2021, d'fhreastail comhaltaí uile an Bhoird ar na héisteachtaí a raibh siad sceidealta freastal orthu. D'fhreastail an Dr. Brown ar 114 éisteacht, d'fhreastail Nóra Uas. McGarry ar 200 éisteacht agus d'fhreastail an Dr. Walsh ar 86 éisteacht.

An Cathaoirleach a bhíonn i gceannas ar gach éisteacht athbhreithnithe agus ar éisteachtaí chun iarratais ar urscaoileadh neamhchoinníollach a bhreithniú agus iarratais chun coinníollacha a leasú. Tugann an Cathaoirleach comhairle agus treoir don Phríomhoifigeach Feidhmiúcháin, freisin, maidir le gnó an Bhoird a bhainistiú

agus maidir le bainistiú aon chásanna dlí inar páirtí an Bord. Íoctar táille bhliantúil €70,875 leis an gCathaoirleach.

Fostaithe

Is Leas-Phríomh Oifigeach sa Roinn Dlí agus Cirt í Príomh-Oifigeach Feidhmiúcháin an Bhoird, Aisling Uas. Brennan, a chaitheann cuid dá cuid ama le dualgais Phríomh-Oifigeach Feidhmiúcháin an Bhoird. Tá an Príomh-Oifigeach Feidhmiúcháin freagrach as gnó agus acmhainní an Bhoird a bhainistiú agus a riaradh ó lá go lá. Ní íoctar táille ar leithligh leis an bPríomh-Oifigeach Feidhmiúcháin as a cuid oibre leis an mBord Athbhreithnithe.

Tacaíonn Ardoifigeach Feidhmiúcháin agus Oifigeach Cléireachais, atá ar iasacht ón Roinn Dlí agus Cirt, leis an mBord Athbhreithnithe. Is státseirbhísigh iad foireann an Bhoird Athbhreithnithe agus íoctar rátaí pá cuí na státseirbhíse a bhaineann lena ngrád leo.

Déanann Ionad Seirbhísí Comhroinnte Párolla na Roinne Caiteachais Phoiblí agus Athchóirithe íoc tháillí na gComhaltaí Boird a phróiseáil. Déanann Lárionad Seirbhísí Comhroinnte Airgeadais na Roinne Dlí agus Cirt íocaíochtaí eile a phróiseáil.

Formhaoirsiú agus Rialuithe Inmheánacha

Thángthas ar Chomhaontú Formhaoirsithe don tréimhse 2020-2022 leis an Roinn Dlí agus Cirt agus shínigh an Príomh-Oifigeach Feidhmiúcháin é thar ceann an Bhoird Athbhreithnithe. Leanfaidh an Comhaontú i bhfeidhm go dtí deireadh na bliana 2022 agus foráiltear go ndéanfar é a athbhreithniú agus a nuashonrú tuairim is gach 12 mhí,

más gá. Comhaontaíodh sa Chomhaontú, mar gheall ar fheidhmeanna reachtúla cúnga an Chathaoirligh, neamhspleáchas reachtúil an Bhoird agus chomh beag is atá sé, go ndéanfaidh an Príomh-Oifigeach Feidhmiúcháin an Tuarascáil Chuimsitheach a cheanglaítear a thabhairt don Aire de réir an *Chóid Cleachtais chun Comhlachtaí Stáit a Rialú, 2016*. Maidir le comhlíonadh an *Chóid Cleachtais*, tá an fhoráil den *Chód* a bhaineann le '*Comhlíon nó Mínigh*' curtha i bhfeidhm ag an Roinn maidir leis an mBord Athbhreithnithe.

Maidir le rialuithe inmheánacha agus bainistiú priacail, mar gheall ar mhéid an Bhoird Athbhreithnithe, ní mheastar gurb indéanta don Bhord Aonad Iniúcháireachta nó Coiste Iniúcháireachta agus Priacail a bhunú. Ina ionad sin, tá socruithe eile bunaithe chun rochtain a thabhairt don Bhord ar Aonad Iniúcháireachta Inmheánaí agus ar Choiste Iniúcháireachta agus Priacail na Roinne i ndáil le rialachas airgeadais. Déanann an Príomh-Oifigeach Feidhmiúcháin measúnú ar phríomhphriacail an Bhoird Athbhreithnithe agus déantar na priacail a shainaitheann a áireamh ar an gClár Priacail arna chothabháil ag an Roinn. Is é an priacal is mó atá sainaitheanta ná nach ndéanfar éisteachtaí athbhreithnithe a chur i gcrích laistigh de na teorainneacha ama reachtúla. Leis na bearta maolaithe atá glactha, táthar á chinntiú go ndéantar athbhreithnithe a chur i gcrích de réir an dlí.

Ní cheanglaítear leis an reachtaíocht bhunaitheach ar an mBord Athbhreithnithe Ráitis Airgeadais a chur ar fáil. Déanann an Bord, tríd an bPríomh-Oifigeach Feidhmiúcháin, idirchaidreamh le hIonad Seirbhísí Comhroinnte Airgeadais na Roinne Dlí agus Cirt, agus tugann an tIonad tuarascáil ar ioncam agus caiteachas an Bhoird i dtuarascálacha bainistíochta míosúla na Roinne. Déanann an Príomh-Oifigeach Feidhmiúcháin na

tuarascálacha míosúla a choimeád faoi athbhreithniú agus tá nósanna imeachta curtha ar bun chun a chinntiú go n-údaráítear caiteachas de réir threoirlínte na Roinne.

Ag féachaint do mhéid an Bhoird agus don bhonn reachtúil atá lena shainchúram, ar sainchúram é nach n-athraítear mura leasaítear reachtaíocht, ní mheastar gur gá don Bhord plean straitéiseach a ullmhú. Mar sin féin, foilsíonn an Bord Athbhreithnithe staidreamh iomchuí maidir lena aschur ina Thuarascáil Bhliantúil a chuirtear faoi bhráid an Aire Dlí agus Cirt agus a fhoilsítear ar shuíomh gréasáin an Bhoird.

Cloíonn an Bord Athbhreithnithe le treoirlínte agus beartais na seirbhíse poiblí maidir le soláthar. Más gá sin, is i gcomhairle le hAonad Soláthair na Roinne Dlí agus Cirt agus Oifig Soláthair an Rialtais a dhéantar aon chomórtas sainfhála a sheoladh.

Tabhair do d'aire:

Tá na nithe seo a leanas le fáil ar shuíomh gréasáin an Bhoird www.mhclrb.ie

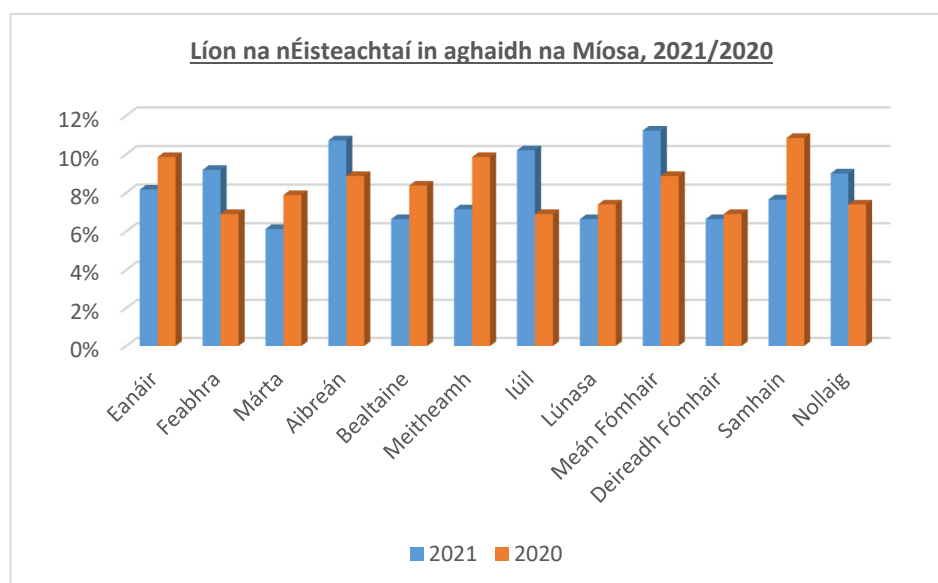
Comhdhlúthú riaracháin ar an Acht um an Dlí Coiriúil (Gealtacht), 2006, arna ullmhú ag an gCoimisiún um Athchóiriú an Dlí ([www.lawreform.ie/ fileupload/revisedacts/withannotations/en_act_2006_0011.pdf](http://www.lawreform.ie/fileupload/revisedacts/withannotations/en_act_2006_0011.pdf))

Nósanna Imeachta an Bhoird Athbhreithnithe Meabhair-Shláinte (An Dlí Coiriúil)
<https://www.mhclrb.ie/wp-content/uploads/2020/06/Procedures-MHRB.pdf>

Téarmaí agus Coinníollacha na Scéime um Chúnaimh Dlí fá Mheabhair-Shláinte (An Dlí Coiriúil), 2006
<https://www.mhclrb.ie/wp-content/uploads/2020/06/Terms-Conditions-of-MHCLRB.pdf>

Líon na nÉisteachtaí in aghaidh na Míosa, 2021/2020

Mí	Líon na nÉisteachtaí i 2021	% den Iomlán i 2021	Líon na nÉisteachtaí i 2020	% den Iomlán i 2020
Eanáir	16	8%	20	10%
Feabhra	18	9%	14	7%
Márta	12	6%	16	8%
Aibreán	21	11%	18	9%
Bealtaine	13	7%	17	8%
Meitheamh	14	7%	20	10%
Iúil	20	10%	14	7%
Lúnasa	13	7%	15	7%
Meán Fómhair	22	11%	18	9%
Deireadh Fómhair	13	7%	14	7%
Samhain	15	8%	22	11%
Nollaig	19	9%	15	7%
Iomlán	196	100%	203	100%



Líon na nOthar arna nAthbhreithniú in aghaidh Diagnóise i 2021/2020

Diagnóis	Líon na n-othar a athbhreithníodh i 2021	% den Iomlán i 2021	Líon na n-othar a athbhreithníodh i 2020	% den Iomlán i 2020
Scitsifréine	54	62%	60	66%
Neamhord Scitseamhothachtálach	19	22%	15	17%
Neamhoird eile	14	16%	15	17%
Iomlán	87	100%	90	100%

Áirítear ar na Neamhoird Eile:

Neamhord Mothachtálach Dépholach

Dúlagar Síocóiseach

Neamhord de chuid Speictream an Uathachais

Siondróm Asperger

Síocóis Mhothachtálach

Síocóis Orgánach

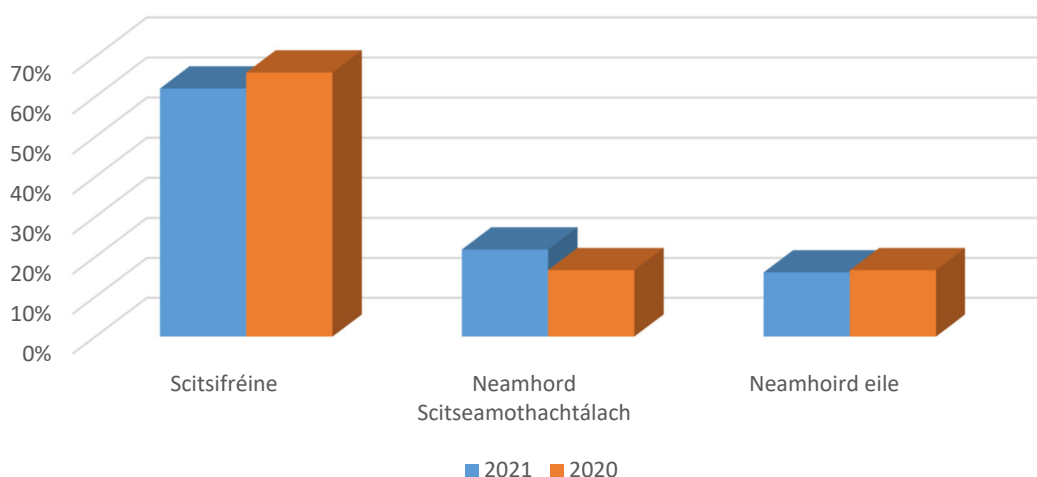
Neamhord Dúlagair Athfhillteach Trom le Gnéithe Síocóiseacha

Taom Síocóise / Géarthaom Síocóise

Neamhord Dúlagair

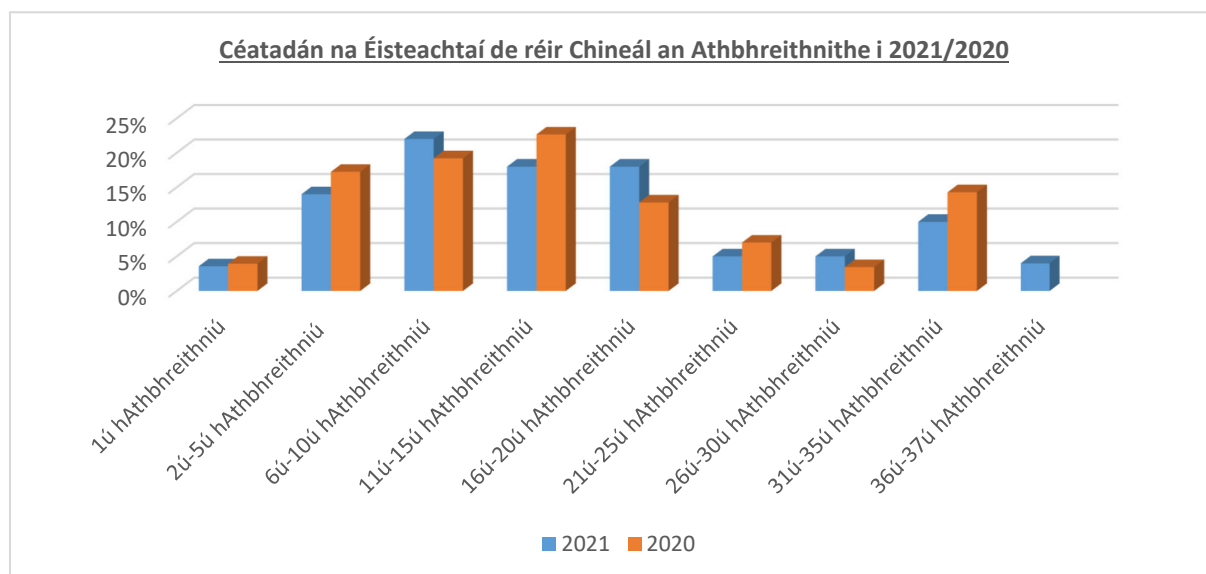
Síocóis de dheasca Drugaí

Neamhord Pearsantachta de dheasca a bheith Míshocair ó thaobh na Mothúchán de

Céatadán na nOthar a Athbhreithníodh in aghaidh Diagnóise i 2021/2020

Líon na nÉisteachtaí i 2021/2020 in aghaidh Chineál an Athbhreithnithe

Cineál an Athbhreithnithe	Líon na Athbhreithnithe i 2021	% den iomlán i 2021	Líon na Athbhreithnithe i 2020	% den iomlán i 2020
1ú hAthbhreithniú	7	4%	8	4%
2ú-5ú hAthbhreithniú	28	14%	35	17%
6ú-10ú hAthbhreithniú	43	22%	39	19%
11ú-15ú hAthbhreithniú	35	18%	46	23%
16ú-20ú hAthbhreithniú	36	18%	26	13%
21ú-25ú hAthbhreithniú	9	5%	13	7%
26ú-30ú hAthbhreithniú	10	5%	7	3%
31ú-35ú hAthbhreithniú	21	10%	29	14%
36ú-37ú hAthbhreithniú	7	4%		
Iomlán	196	100%	203	100%

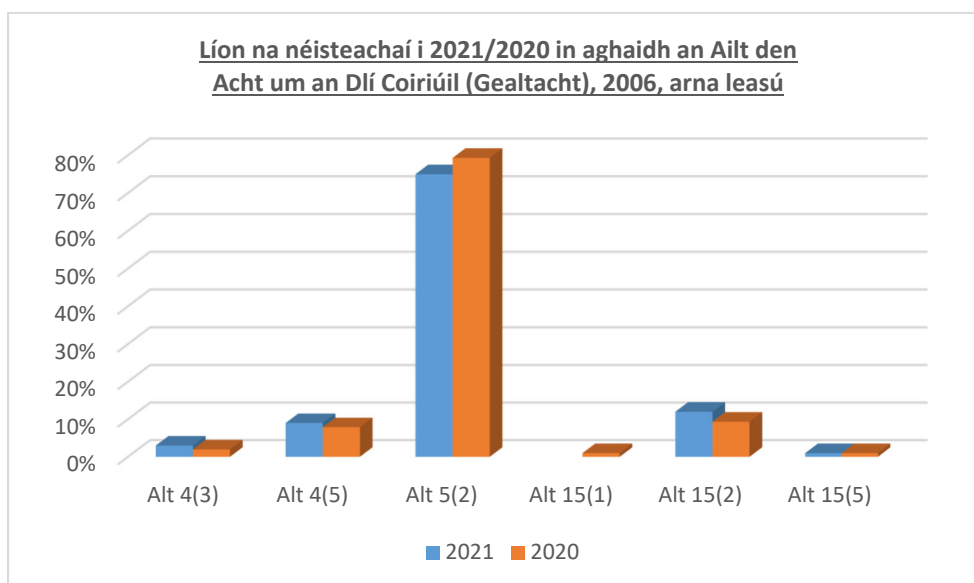


Líon na nÉisteachtaí i 2021/2020 in aghaidh an Ailt den Acht um an Dlí Coiriúil (Gealtacht), 2006, arna leasú

Alt d'Acht 2006	Líon na Éisteachtaí 2021	% d'Iomlán 2021	Líon na Éisteachtaí 2020	% d'Iomlán 2020
Alt 4(3)	7	3%	4	2%
Alt 4(5)	17	9%	16	8%
Alt 5(2)	147	75%	161	79%
Alt 15(1)			1	1%
Alt 15(2)	23	12%	19	9%
Alt 15(5)	2	1%	2	1%
Iomlán	196	100%	203	100%

Tabhair do d'aire: Tá othar amháin coinnithe faoi Alt 5(2) agus Alt 15(1).
Níl coinneáil an othair sin á comhaireamh ach faoi Alt 5(2).

Alt 4(3)	Neamhinniúil ar Phléadáil, an Cúirt Dúiche
Alt 4(5)	Neamhinniúil ar Phléadáil, Cúirt Eile
Alt 5(2)	Neamhchiontach de dheasca gealtachta
Alt 15(1)	Aistriú deonach ón nPríosún
Alt 15(2)	Aistriú neamhdheonach ón bPríosún
Alt 15(5)	Leanúint d'aistriú deonach ón bPríosún (iar ndiúltú do chúram nó do chóireáil)



Foscríbhinn E

Meánlín na gCásanna a Sannadh d'Ionadaithe Dlíthiúla ar an bPainéal um Chúnadh Dlíthiúil i 2021/2020

Bliain	Líon na nIonadaithe Dlíthiúla ar an bPainéal	Meánlín na gcásanna a sannadh	Meánlín na gcásanna a sannadh An chéad Ceathairíl	Meánlín na gcásanna a sannadh An 2 ^ú 7 an 3 ^ú Ceathairíl	Meánlín na gcásanna a sannadh An Bhuncheathairíl
2021	25*	8	14	9	1
2020	25	8	15	9	1

* Ag deireadh 2021 bhí 25 comhalta ar an bPainéal. Le linn na bliana, ceapadh comhalta breise amháin agus d'éirigh comhalta amháin as.

Foscúbhinn F**Líon na nOthar a Urscaoileadh go Coinníollach i 2021/2020**

Mí an Ordaithe um Urscaoileadh Coinníollach	Líon na nOthar 2021	Líon na nOthar 2020
Feabhra	1	1
Márta	1	
Bealtaine	1	
Meitheamh		2
Meán Fómhair	2	
Samhain	1	2
Nollaig		1
Iomlán	6	6

Cionta nó Cionta Líomhnaithe othar a ndearnadh athbhreithniú ar a gcoinneáil i 2021

Cineál an Chiona nó an Chiona líomhnaithe	Líon na n-othar a cúisíodh, nó a ciontaíodh, i gcion	
Dúnmharú inar dhuine den teaghlach an t-íospartach ina raibh aithne ag an othar ar an íospartach inar strainséir an t-íospartach	39	20 9 10
Iarracht ar Dhúnmharú / Dúnorgain/Bás de dheasca tiomáint chontúirteach inar dhuine den teaghlach an t-íospartach / ina raibh aithne ag an othar ar an íospartach inar strainséir an t-íospartach	8	4 4
Ionsaí ba chúis le díobháil/mórdhíobháil choirp inar dhuine den teaghlach an t-íospartach ina raibh aithne ag an othar ar an íospartach inar strainséir an t-íospartach	25	4 5 16
Coirloscadh	3	
Eile	12	
Iomlán	87	

Tabhair do d'aire

1) Maidir le hothair a ciontaíodh, nó a cúisíodh i níos mó ná cion/cion líomhnaithe amháin, cuireadh i gcatagóir iad de réir an chiona/an chiona líomhnaithe ba thromchúisí.

2) I mionlach de na cásanna, bhí níos mó ná íospartach amháin i gceist sa chion inar cúisíodh nó inar ciontaíodh othar.

3) Áirítear sa chatagóir “Eile” ionsaí gnéasach, bagairt duine a mharú, ciapadh, príosúnú neamhdhleathach, trombhuirgléireacht agus iarracht leanbh a fhuadach, foghail agus scian a shealbhú le hintinn díobháil a dhéanamh, carr a ghoid agus damáiste a dhéanamh de dheasca tiomáint chontúirteach agus sceana a shealbhú agus imeaglú.



**AN BORD ATHBHREITHNITHE MEABHAIR-SHLÁINTE
(AN DLÍ COIRIÚIL)**

MENTAL HEALTH (CRIMINAL LAW) REVIEW BOARD

Annual Report 2021

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TABLE OF CONTENTS

Chairperson's Foreword	Page 3
Function of the Mental Health (Criminal Law) Review Board	Page 6
Reviews by the Board	Page 7
Mental Health (Criminal Law) Legal Aid Scheme	Page 9
Orders for Discharge	Page 9
Offences or Alleged Offences	Page 10
Financial Information	Page 11
Protected Disclosure	Page 11
Data Protection	Page 12
Public Sector Equality and Human Rights Duty	Page 12
Governance and Internal Controls	Page 12

APPENDICES

Appendix A - Number of Hearings per Month in 2021/2020	Page 17
Appendix B - Number of Patients Reviewed per Diagnosis in 2021/2020	Page 18
Appendix C - Number of Hearings by Type of Review in 2021/2020	Page 19
Appendix D - Number of Hearings in 2021/2020 per Section of the Criminal Law (Insanity) Act 2006, as amended	Page 20
Appendix E - Average Number of Cases Assigned to Legal Representatives on Legal Aid Panel in 2021/2020	Page 21
Appendix F - Number of Patients Conditionally Discharged in 2021/2020	Page 22
Appendix G - Offences or Alleged Offences	Page 23

1. CHAIRPERSON'S FOREWORD

I am pleased as Chairperson of the Mental Health (Criminal Law) Review Board to present the Review Board's 2021 Annual Report, which provides an overview of the Board's activities during 2021. This is the 15th Annual Report of the Review Board.

During 2021, as the COVID-19 public health restrictions remained in place the Review Board continued to conduct review hearings via tele-conferencing. However, in August following advice from the Infection Control Committee in the Central Mental Hospital, the Board resumed in-person hearings in the hospital. Arrangements were put in place for social distancing during review hearings which have worked well, with hearings being held in the concert hall at the hospital.

In 2021 there was a slight decrease in the number of review hearings held, by comparison with the previous year. The Board held 196 reviews compared with 203 in 2020, reviewing the detention of 87 patients. Of the 87 patients whose detention was reviewed, six were granted a conditional discharge. The same number of patients were granted a conditional discharge in 2020, out of a total of 90 who had their detention reviewed that year.

In June, the Clinical Director of the Central Mental Hospital informed the Board that he had recalled one conditionally-discharged patient to the hospital on the grounds that he had a reasonable belief the patient was in material breach of their Conditional Discharge Order.

Also in 2021, the Board progressed to holding 36th and 37th reviews into the detention of some patients.

Four applications for unconditional discharge were received in 2021. There was also one outstanding application from the previous year. Of the four applications received, one unconditional discharge was granted by the Board. The consideration of two applications was postponed, at the request of the applicants and the hearing of the fourth application was commenced and adjourned for further consideration in 2022. The hearing of the application which had been outstanding from the previous year was adjourned indefinitely, following the Board's consideration of the application on two occasions in 2021.

On behalf of my colleagues, I thank the Executive Clinical Director of the Central Mental Hospital Professor Harry Kennedy and the Clinical Director Dr. Brenda Wright for their assistance during the year. I also thank the multi-disciplinary teams in the hospital for their work in the preparation of psychiatric reports for patients prior to their review hearings. The Board is mindful that this work can be time consuming for all involved. The Board is appreciative of the assistance and co-operation of the consultant psychiatrists, nursing, therapists, social services and administrative staff of the hospital. I would also like to take this opportunity to wish the staff and patients in the Central Mental Hospital well with the imminent move of the hospital to its new location in Portrane.

Once again, I would like to compliment the work of members of the Board's Legal Representatives Panel who continue to ably and conscientiously represent patients

coming before the Board for review of their detention and for their co-operation with the arrangements for the return to in-person hearings in the hospital.

Finally, I wish to extend the Board's thanks to Ms. Paula Connolly, the former CEO of the Board who retired in early 2021 and welcome Ms. Aisling Brennan who joined the Board as CEO in April. I would also like to extend the Board's thanks to Ms. Catherine Hayes and Ms. Ann Casey for their excellent and efficient service to the Board during the year.

Iarfhlaith O'Neill
Chairperson

31 March 2022

2. **FUNCTION OF MENTAL HEALTH (CRIMINAL LAW) REVIEW BOARD**

The Mental Health (Criminal Law) Review Board (An Bord Athbheithnithe Meabhair-Shláinte (An Dlí Coiriúil) was established on 27 September 2006 under Section 11 of the Criminal Law (Insanity) Act 2006. The Board is statutorily independent in the exercise of its functions.

The Board is responsible for reviewing the detention of patients who have been referred to designated centres arising from a decision by the courts that they are unfit to stand trial or having been found not guilty of an offence by reason of insanity. Under the 2006 Act, as amended by the Criminal Law (Insanity) Act 2010, the Board has the power to order the continued detention of patients or to order either their conditional, or unconditional discharge. When coming to its decision, the Board must have regard to the welfare and safety of the patient and to the public interest.

The Board also reviews the detention of prisoners, including military prisoners, who have been transferred to a designated centre suffering from a mental disorder. The Board can order their continued detention in a designated centre or their return to prison.

The Central Mental Hospital, Dundrum is a designated centre under the Act and one Unit at the new National Forensic Health Service campus in Portrane is also designated under the Act. This Unit was designated to facilitate the temporary transfer of a small number of patients as additional accommodation was required due to the COVID-19 pandemic. The patients were accommodated for a number of months in the new Unit and have since transferred back to the Central Mental Hospital.

3. **REVIEWS BY THE BOARD**

As provided by the 2006 Act, the Board must review the detention of each patient at intervals of not greater than six months. Long-term patients usually have two review hearings per year but some may have more because, outside of the regularly scheduled hearings, a review can be held on the initiative of the Board or at the request of a patient or the Clinical Director of the Central Mental Hospital. The Minister for Justice can direct the Board to hold a review into the detention of a prisoner who is involuntarily admitted to the hospital.

At any one time, there are usually between 80 to 90 patients detained in the Central Mental Hospital under the 2006 Act. This number fluctuates because, apart from the longer-detained patients, patients are transferred from prison, either by consent or involuntarily, for care or treatment which is not available to them in prison. However, some of these patients may not come before the Board for review of their detention in the hospital as the Clinical Director, having consulted with the Minister for Justice, may transfer prisoners back to prison at any time.

The detention of 87 patients was reviewed by the Board in 2021, representing a slight decrease in the number of patients whose detention was reviewed compared with 2020 when the detention of 90 patients was reviewed. Of the 87 patients, 10 or 11% were female and 77 or 89% were male. The Board held a total of 196 review hearings compared with 203 the previous year, representing a decrease of just over 3% in the number of review hearings. Of the 87 patient, 62% had been diagnosed as suffering from schizophrenia, 22% were suffering from schizoaffective disorder and 16% were diagnosed with other disorders. This compares with 2020 when 66% of patients were

diagnosed as suffering from schizophrenia, 17% were suffering from schizoaffective disorder and 17% from other disorders. It should be noted that it is primarily the same core group of patients reviewed by the Board each year. (Appendices A and B refer).

The Board, for the first time in 2021 conducted 36th and 37th reviews into the detention of some patients. Of the 196 review hearings, five were a 36th review and two were a 37th review. A total of 4% of the hearings were at 36th to 37th review stage. 18% of hearings were at 1st to 5th review stage, compared with 21% in 2020. Of these, seven reviews or 4% were a 1st review, compared with 2020 when there were eight such reviews, which is also 4% of the total that year. (Appendix C refers).

As in previous years, the majority of review hearings were of patients who had been committed to the Central Mental Hospital under Section 5(2) of the 2006 Act, having been found not guilty of an offence by reason of insanity. In 2021, 147 hearings, which is 75% of the total, were into the detention of patients committed under Section 5(2). The number in this category in 2020 was 161 which is 79% of the total number of hearings that year. Again in 2021 the second largest number of review hearings was of patients detained under Section 15(2) of the Act, being prisoners transferred involuntarily to the Central Mental Hospital for care or treatment which could not be provided in prison. This group accounted for 12% of review hearings in 2021 compared with 9% in 2020. Patients detained under Section 4(5) accounted for 9% of review hearings in 2021 compared with 8% the previous year. (Appendix D refers).

4. **MENTAL HEALTH (CRIMINAL LAW) LEGAL AID SCHEME**

The Review Board is required by Section 12(1)(c) of the 2006 Act to assign a legal representative to each patient whose detention is the subject of review, unless the patient proposes to engage legal representation at their own expense. Having regard to this, the Board put in place the Mental Health (Criminal Law) Legal Aid Scheme 2006, under which a panel of legal representatives was established and the legal fees for representation before the Review Board is provided for. Patients may if they wish decline the services of an assigned panel solicitor and request another solicitor from the panel or they can engage a non-panel solicitor at their own expense. The Board endeavours, for continuity for patients, having regard to the fact that they are suffering from a mental disorder, to assign the same solicitor to represent a patient at subsequent review hearings.

At the beginning of 2021 there were 25 solicitors on the Legal Representatives Panel. During the year, one solicitor resigned and one solicitor was added to the Panel.

The average number of cases assigned to solicitors on the Panel in 2021 was 8. The top quartile of solicitors was assigned an average of 14 cases each, compared with 15 the previous year. The second and third quartiles combined were assigned an average of 9 cases each, the same as in 2020. The bottom quartile was assigned an average of one case each in 2021, the same number as the previous year. (Appendix E refers).

5. **ORDERS FOR DISCHARGE**

The Board approved the conditional discharge of six patients from the Central Mental Hospital in 2021. The average duration of detention in the hospital for the

conditionally discharged patients was 8 years. The two shortest durations averaged just over 6 years and the two longest averaged 10.5 years. It should be noted that the length of time a patient is detained in the hospital is neither a necessary nor a sufficient ground, in itself, for granting a conditional discharge. (Appendix F refers).

One patient was recalled from conditional discharge during 2021, the Clinical Director of the Central Mental Hospital having formed the opinion that the patient was in material breach of their conditional discharge order.

The Board received four applications for unconditional discharge in 2021 from patients who had been conditionally discharged for 12 months or more and there was one outstanding application from the previous year. Of these, the Board granted one unconditional discharge. The hearing of two applications were postponed at the request of the applicants and the hearing of the fourth application was adjourned, to be resumed in 2022. The hearing of the outstanding application from the previous year was also adjourned indefinitely.

6. **OFFENCES OR ALLEGED OFFENCES**

The type of offences, or alleged offences, which patients detained in the Central Mental Hospital in 2021 were charged with, or convicted of, included murder, attempted murder, manslaughter and assault causing serious bodily harm. Of the 87 patients whose detention was reviewed by the Board, 39 had been charged with, or convicted of murder. The majority of the victims of this offence, or alleged offence, were a family member of the patient. A total of 8 patients were charged with, or convicted of, attempted murder/manslaughter/death by dangerous driving. 25 patients were

charged with, or convicted of assault causing harm/serious bodily harm and 3 with arson. Other offences include sexual assault, threat to kill, harassment, false imprisonment, aggravated burglary and attempted kidnap of a child, trespass and possession of a knife with intent to cause harm, theft of a car and causing damage by dangerous driving and possession of knives and intimidation. (Appendix G refers).

7. FINANCE INFORMATION

The Review Board is funded from Subhead A.13 of the Vote of the Office of the Minister for Justice. The Review Board adheres to the Public Spending Code. In 2021, the Review Board received a budget allocation of €439,000. This was an increase of 52% from the previous year's allocation to cater for the expected increase in the Review Board's expenditure which will arise when the Central Mental Hospital moves to its new location in Portrane, with an increase in bed capacity. However as the Central Mental Hospital's move did not take place in 2021 the Board's expenditure did not increase, as anticipated. Total expenditure from Subhead A.13 in 2021 was €289,000.

The main expenditure items are set out beneath:

Free Legal Aid	€99,000
Board members' fees	*€99,000
Chairperson's fee	€70,875
Legal advice	€13,192

*Includes fees for December 2020 which were paid in January 2021. Does not include fees for December 2021 which are paid in January 2022.

8. PROTECTED DISCLOSURE

The Review Board has adopted the Protected Disclosure Policy of the Department of Justice as its policy on protected disclosures in the workplace. In line with reporting

requirements, it is confirmed that there were no protected disclosure reports received in 2021.

9. **DATA PROTECTION**

The Review Board has adopted the data protection policy of the Department of Justice. Because of its size it is not deemed feasible for the Board to appoint its own Data Protection Officer (DPO). The Department's DPO has been appointed as DPO for the Board.

10. **PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY**

The Review Board is committed to ensuring it fulfils its responsibilities under Section 42 of the Irish Human Rights and Equality Commission Act 2014 which places a positive obligation on public bodies to have regard, in the performance of their functions, to the need to eliminate discrimination, promote equality of opportunity and protect the human rights of staff and persons to whom services are provided. The Review Board was mindful of this duty in the performance of its functions in 2021.

11. **GOVERNANCE AND INTERNAL CONTROLS**

Structure and Membership of the Review Board

The Mental Health (Criminal Law) Review Board is a quasi-judicial body, rather than a governance board, which reviews the detention of patients detained in designated centres under the Criminal Law (Insanity) Act 2006. The Board consists of a Chairperson and any number of ordinary members as the Minister for Justice, having consulted with the Minister for Health, may require. The current Chairperson is a retired High Court Judge and there are three ordinary members, two of whom are

consultant psychiatrists and one is a counsellor psychotherapist. All Board members are appointed by the Minister for a period of five years, as provided by the 2006 Act. Membership of the Board in 2021 and the date of appointment of members is set out beneath:

Member	Appointed
Mr. Justice Iarfhlaith O'Neill	September 2014 Re-appointed September 2019
Dr. Katherine Brown Consultant Psychiatrist	May 2017
Ms. Nora McGarry Counsellor Psychotherapist	September 2011 Re-appointed September 2016 Re-appointed September 2021
Dr. Elizabeth Walsh Consultant Psychiatrist	January 2013 Re-appointed January 2018

Gender Balance

The appointment of members of the Review Board is a matter for the Minister of Justice and the Board has no input into appointments. As of 31 December 2021, the Review Board had one male (25%) and three (75%) female members.

Attendance at Hearings and Fees

The Review Board rarely convene, other than for hearings in the Central Mental Hospital. When reviewing the detention of patients, the Board sits in a panel of three, with the Chairperson and at least one consultant psychiatrist always on the panel.

Ordinary members are paid a fee of €250 per review hearing attended. The same fee is paid for attendance at hearings in connection with applications for unconditional discharge and applications to amend or vary conditions of discharge. In 2021 all Board members attended those hearings which they were scheduled to attend. Dr. Brown

attended 114 hearings, Ms. McGarry attended 200 hearings and Dr. Walsh attended 86 hearings.

The Chairperson chairs all review hearings and hearings to consider applications for unconditional discharge and applications to amend conditions. The Chairperson also advises and guides the CEO in the management of the business of the Board and in managing any legal cases to which the Board is a party. The Chairperson is paid an annual fee of €70,875.

Employees

The Chief Executive Officer of the Review Board, Ms. Aisling Brennan, is an Assistant Principal Officer in the Department of Justice who devotes a portion of her time to the duties of CEO of the Board. The CEO is responsible for the day-to-day management and administration of the business and resources of the Board. The CEO is not paid a separate salary for her work with the Review Board.

The Review Board is supported by a Higher Executive Officer and a Clerical Officer, seconded from the Department of Justice. The staff of the Review Board are civil servants and are paid the appropriate civil service pay rates for their grade.

The processing of the payment of Board members' fees is provided by the Payroll Shared Services Centre of the Department of Public Expenditure and Reform. The processing of other payments is provided by the Financial Shared Services Centre of the Department of Justice.

Oversight and Internal Controls

An Oversight Agreement for 2020-2022 was reached with the Department of Justice and signed on behalf of the Review Board by the CEO. The Agreement remains in place until the end of 2022 with a provision for a review approximately every 12 months and update, if necessary. In the Oversight Agreement it was agreed that, because of the narrow legislative functions of the Chairperson, the statutory independence of the Board and its very small size, the CEO, rather than the Chairperson, will furnish the required Comprehensive Report to the Minister in accordance with the *2016 Code of Practice for the Governance of State Bodies*. Regarding compliance with the *Code of Practice*, the 'Comply or Explain' provision of the *Code* has been applied by the Department to the Review Board.

In regard to internal controls and risk management, because of the Review Board's size, it is not deemed feasible for the Board to establish its own Audit Unit or Audit and Risk Committee. Instead, alternative arrangements are in place to allow the Board have access to the Department's Internal Audit Unit and Audit and Risk Committee in relation to financial governance. An assessment of the principal risks of the Review Board is carried out by the CEO and risks identified are notified and incorporated into the risk register maintained by the Department. The principal risk identified is that review hearings are not completed within the statutory time. Mitigating measures taken are ensuring that reviews are completed in accordance with the law.

The Review Board's founding legislation does not require the production of Financial Statements. The Board, through the CEO, liaises with the Financial Shared Services Centre of the Department of Justice which reports on the Board's income and

expenditure in the Department's monthly management reports. The monthly reports are kept under review by the CEO and procedures are in place to ensure that expenditure is authorised in accordance with the Department's guidelines.

Having regard to the size of the Review Board and the statutory basis for its remit which does not change unless legislation is amended, it is not deemed necessary for the Board to prepare a strategic plan. However, the Review Board publishes relevant statistics with regard to its output in its Annual Report which is submitted to the Department and is published on the Board's website.

The Review Board adheres to public service procurement policies and guidelines. Where necessary, any procurement competition conducted by the Review Board is done in consultation with the Procurement Unit of the Department of Justice and the Office of Government Procurement.

Note:

The following are available on the Board's website www.mhclrb.ie

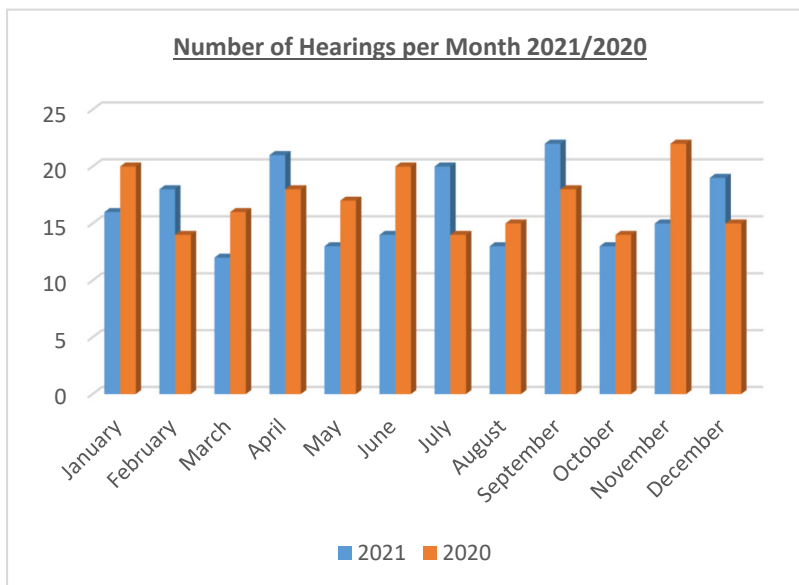
An administrative consolidation of the Criminal Law (Insanity) Act 2006, prepared by the Law Reform Commission; ([www.lawreform.ie/ fileupload/revisedacts/withannotations/en_act_2006_0011.pdf](http://www.lawreform.ie/fileupload/revisedacts/withannotations/en_act_2006_0011.pdf))

Procedures of the Mental Health (Criminal Law) Review Board
<https://www.mhclrb.ie/wp-content/uploads/2020/06/Procedures-MHRB.pdf>

Terms and Conditions of the Mental Health (Criminal Law) Legal Aid Scheme 2006
<https://www.mhclrb.ie/wp-content/uploads/2020/06/Terms-Conditions-of-MHCLRB.pdf>

Number of Hearings per Month 2021/2020

Month	No. of Hearings 2021	% of 2021 Total	No. of Hearings 2020	% of 2020 Total
January	16	8%	20	10%
February	18	9%	14	7%
March	12	6%	16	8%
April	21	11%	18	9%
May	13	7%	17	8%
June	14	7%	20	10%
July	20	10%	14	7%
August	13	7%	15	7%
September	22	11%	18	9%
October	13	7%	14	7%
November	15	8%	22	11%
December	19	9%	15	7%
Total	196	100%	203	100%

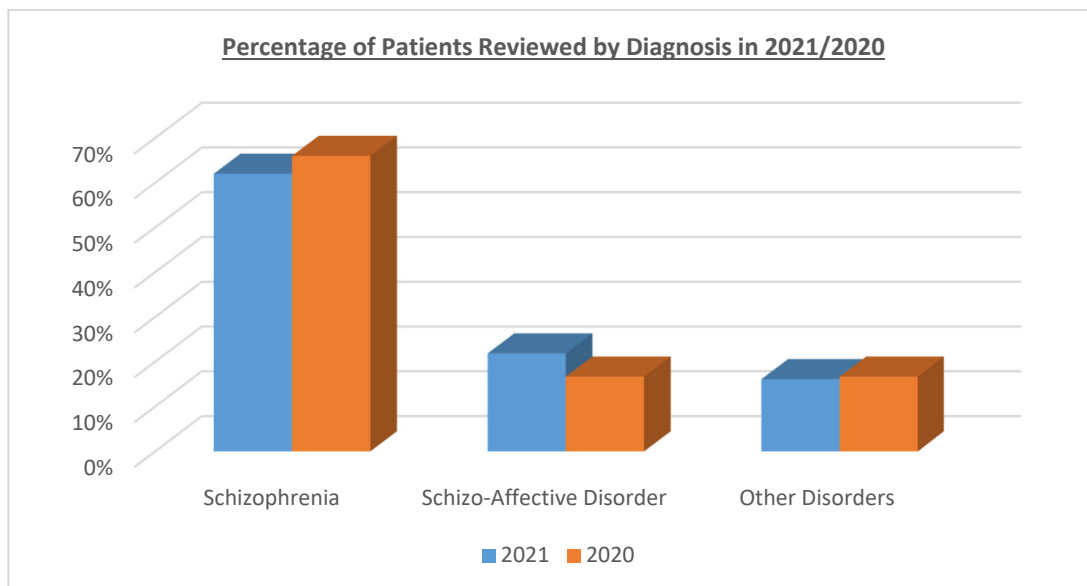


Number of Patients Reviewed per Diagnosis in 2021/2020

Diagnosis	No. of patients reviewed 2021	% of 2021 Total	No. of patients reviewed 2020	% of 2020 Total
Schizophrenia	54	62%	60	66%
Schizo-Affective Disorder	19	22%	15	17%
Other Disorders	14	16%	15	17%
Total	87	100%	90	100%

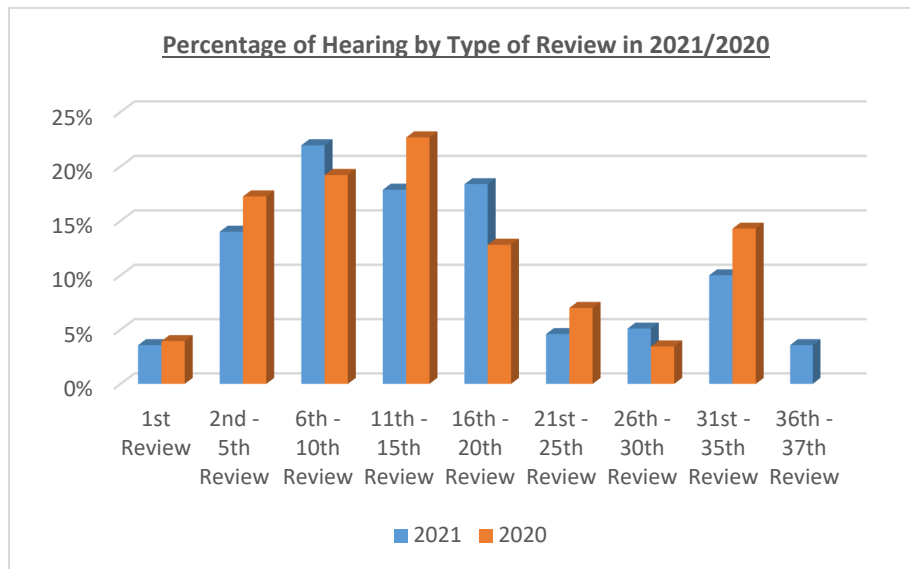
Other Disorders include:

- Bi-Polar Affective Disorder
- Psychotic Depression
- Autistic Spectrum Disorder
- Asperger's Syndrome
- Affective Psychosis
- Organic Psychosis
- Recurrent Severe Depressive Disorder with Psychotic Features
- Psychotic Episode / Acute Psychotic Episode
- Depressive Disorder
- Drug Induced Psychosis
- Emotionally Unstable Personality Disorder



Number of Hearings by Type of Review in 2021/2020

Type of Review	No. of Reviews 2021	% of 2021 Total	No. of Reviews 2020	% of 2020 Total
1st Review	7	4%	8	4%
2nd - 5th Review	28	14%	35	17%
6th - 10th Review	43	22%	39	19%
11th - 15th Review	35	18%	46	23%
16th - 20th Review	36	18%	26	13%
21st - 25th Review	9	5%	13	7%
26th - 30th Review	10	5%	7	3%
31st - 35th Review	21	10%	29	14%
36th - 37th Review	7	4%		
Total	196	100%	203	100%

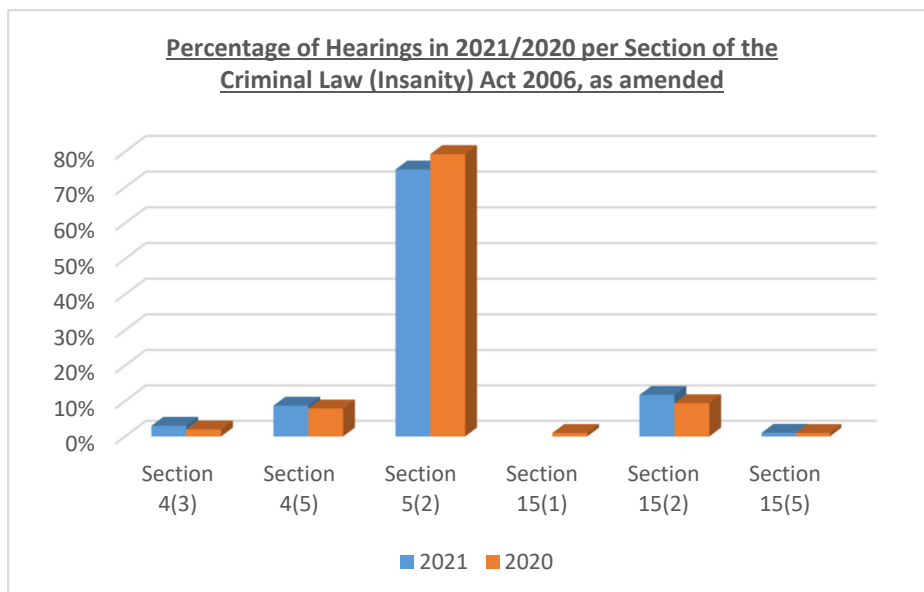


Number of Hearings in 2021/2020 per Section of the Criminal Law (Insanity) Act 2006, as amended

Section of 2006 Act	No. of Hearings 2021	% of 2021 Total	No. of Hearings 2020	% of 2020 Total
Section 4(3)	7	3%	4	2%
Section 4(5)	17	9%	16	8%
Section 5(2)	147	75%	161	79%
Section 15(1)			1	1%
Section 15(2)	23	12%	19	9%
Section 15(5)	2	1%	2	1%
Total	196	100%	203	100%

Note: One patient is detained under Section 5(2) and Section 15(1). That patient's detention is counted under Section 5(2) only.

- Section 4(3)** Unfit to Plead, District Court
- Section 4(5)** Unfit to Plead, Other Court
- Section 5(2)** Not guilty by reason of insanity
- Section 15(1)** Voluntary transfer from Prison
- Section 15(2)** Involuntary transfer from Prison
- Section 15(5)** Continuation of voluntary transfer from Prison (after refusal of care or treatment)



**Average Number of Cases Assigned to Legal
Representatives on Legal Aid Panel in 2021/2020**

Year	No. of Legal Representatives on Panel	Average no. of cases assigned	Average no. of cases assigned Top Quartile	Average no. of cases assigned 2nd & 3rd Quartiles	Average no. of cases assigned Bottom Quartile
2021	25*	8	14	9	1
2020	25	8	15	9	1

* At the end of 2021 there were 25 Panel members. During the year one additional member was appointed and one resigned.

**Number of Patients Conditionally
Discharged in 2021/2020**

Month of Conditional Discharge Order	No. of Patients 2021	No. of Patients 2020
February	1	1
March	1	
May	1	
June		2
September	2	
November	1	2
December		1
Total	6	6

**Offences or Alleged Offences of patients whose
detention was reviewed in 2021**

Type of Offence or Alleged offence	No. of patients charged with, or convicted of, offence	
Murder of which victim was family member of which victim was known to patient of which victim was stranger	39	20 9 10
Attempted Murder / Manslaughter/Death caused by dangerous driving of which victim was family member/known to patient of which victim was stranger	8	4 4
Assault causing harm/serious bodily harm of which victim was family member of which victim was known to patient of which victim was stranger	25	4 5 16
Arson	3	
Other	12	
Total	87	

Note

- 1) Patients convicted of, or charged with more than one offence / alleged offence, have been categorised according to the most serious offence / alleged offence.
- 2) In a minority of instances there was more than one victim of the offence with which a patient was charged, or convicted.
- 3) The category "**Other**" includes sexual assault, threat to kill, harassment, false imprisonment, aggravated burglary and attempted kidnap of a child, trespass and possession of a knife with intent to cause harm, theft of a car and causing damage by dangerous driving and possession of knives and intimidation.