



VIA EMAIL

17 August 2021

Dear Federal Party Leaders:

**Re: Roadmap to Justice
Criminal Defendants with Dementia**

With the 2021 federal election underway, Dementia Justice Canada is seeking your party's commitment to developing and implementing a national *Roadmap to Justice* to ensure the fair, just and compassionate treatment of persons with dementia who enter the criminal justice system due to symptoms of their disease.

Established in 2017, Dementia Justice Canada is a public advocacy and research association dedicated to advancing the rights, needs and dignity of people with dementia who come into conflict with the criminal justice system. We aim to make a positive impact by advocating for systemic reforms and by conducting interdisciplinary legal and policy research.

As you know, nearly 750,00 Canadians live with dementia. Mercifully, the vast majority of these individuals will not have contact with the criminal justice system; however, the small number of justice-involved dementia patients does not undermine the importance and need for reform because entering the justice system can have devastating consequences for their health and wellbeing. It can also result in serious violations of their rights and dignity.

While criminal justice is a shared responsibility among federal and provincial/territorial governments, a number of dementia-related issues fall within federal jurisdiction. Yet Canada's national dementia strategy, launched in June 2019, does not address the challenges facing criminal defendants with dementia—seniors, for example, who are charged with theft after forgetting to pay for an item, or with assault for harming a fellow care home resident.

To be sure, the national dementia strategy briefly mentions the important issue of older inmates in federal custody; however, it ignores the broader population of criminal defendants with dementia who are moving through the justice system prior to conviction.

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People with dementia like World War II veteran Jack Furman, who at age 94 was charged with second degree murder after he allegedly attacked his care home roommate with a shelf; and 74-year-old Piara Singh Sandhu who was charged with two counts of second degree murder after he allegedly pried the metal base off a bedside table and bludgeoned his two care home roommates to death; and Peter Lee who was detained in a forensic unit for over seven years after being found unfit to stand trial at age 85.

Given that the national dementia strategy overlooks the plight of such individuals, as well as those who are charged with less serious offences, we urge the next federal government to work with its provincial/territorial partners and stakeholders to create a supplementary plan that aims to improve access to justice for criminal defendants with dementia.

As a starting point, we propose that the *Roadmap to Justice* commission studies on the following matters:

- ✚ Amending s 672.851 of the *Criminal Code* to ensure that permanently unfit accused persons with dementia who under current law and policy “pose a significant threat to the safety of the public” do not languish indefinitely in the criminal justice system.
- ✚ Amending s 717 of the *Criminal Code* to ensure, when appropriate, that persons with dementia who have diminished capacity can access alternative measures.
- ✚ Codifying the diminished responsibility defence into the *Criminal Code*.

With the revival of the Law Commission of Canada, as announced in the last budget, we are hopeful that these and other issues affecting the ageing justice population—and those with dementia in particular—will be included in the agency’s mandate to improve and modernize this country’s criminal laws.

We also recommend that:

- ✚ The Parliament of Canada amend subsection 4(3) of the *National Strategy for Alzheimer’s Disease and Other Dementias Act* to expand the Ministerial Advisory Board’s role to matters beyond the health sector so as to include criminal justice reform.
- ✚ The Parliament of Canada amend subsection 4(4) of the *National Strategy for Alzheimer’s Disease and Other Dementias Act* to expand the Ministerial Advisory Board’s sectoral representation to include a justice sector representative.
- ✚ Even in the absence of legislative reform, the federal Minister of Health appoint a justice sector representative to the Ministerial Advisory Board on Dementia.

With these issues in mind, we look forward to hearing whether your party will commit to developing and implementing a *Roadmap to Justice* to ensure the fair, just and compassionate treatment of persons with dementia who enter the criminal justice system.

Kindly note that we intend to post party responses on our website as they are received so voters and the public can stay informed about your dementia-justice plans.

During these busy times, we truly appreciate your time and consideration. If you have any questions about dementia and the criminal justice system, please do not hesitate to contact us.

Thank you.

Yours sincerely,

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