

Random stabbing raises several issues

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Another random stabbing in Vancouver, this one at a 7-Eleven at Denman and Comox Streets, underscores again how important it is that mental illness be adequately taken into account when the wheels of justice turn, and how equally important it is that if psychotic illness is at the root of a violent assault, the court consider a finding of not criminally responsible on account of a mental disorder (NCRMD).

The case involves a 39-year-old Vancouver man, Jorden Lee Degroot, who stabbed a 30-year-old woman he didn't know multiple times until he was pulled away by customers and staff inside the store. The woman fortunately survived.

What bears on the case is that in 2008 Degroot was sentenced to five years in jail, less one year for prior custody, for aggravated assault after another incident, where he viciously beat a man with a club, apparently fashioned from a tree branch. The original charge was attempted murder and assault with a weapon. We cannot say for sure that Degroot was mentally ill at the time, but all indications point to it. The presiding judge referred to "mental health issues" and to Degroot, who had a master's degree and previous employment, having "been in some sort of downward spiral since about 2004." Nor did Degroot know the victim of the assault or have any relationship to him. "There is really no explanation for [the assault]," the judge commented.

One other important detail, however: There was no psychiatric assessment, which raises a major question in itself: Why, if he was unstable, was no psychiatric assessment ordered? The upshot was that where he might have been found NCRMD and assigned to the Forensic Hospital, where treating illness is what the facility does and discharge doesn't happen until stability is achieved, he ended up in an ordinary prison where psychiatric treatment is problematic and discharge occurs automatically at the end of a given sentence. So there he was, out of prison, apparently unstable again, and stabbing a woman he didn't know. By good fortune, she wasn't fatally hurt.

Degroot, in a different way, was a victim, too. Somewhere along the line, in the 2008 trial and subsequently, he should have been given better help. Or as the judge in the 2008 case put it, "It is a very sad thing to see a young man like Mr. Degroot, with all his potential, in this very terrible situation." We've attempted to find out exactly what help was in fact given to Degroot in prison – whether he did receive treatment, what was its nature, and what follow-up provisions were made to help him with his difficulties when he was discharged. As of press time, unfortunately, we don't have those details.

The Degroot case raises another issue. The federal government has proposed legislation to make discharge of those found NCRMD more difficult in cases of violent crimes. The proposed legislation has been widely criticized. It treats those who are ill as ordinary criminals, not acknowledging how paranoid psychosis, for example, or command hallucinations (voices giving instructions), can lead even the most gentle of people to commit homicide, and how treatment and follow-up can return that person safely to society.

It doesn't recognize, either, that the current system, where Review Boards decide on discharge, works well, with public safety already a primary concern and with some people,

because of continuing instability, kept in forensic hospital, a secure facility, longer than they would have been in prison.

This leads to another criticism of the proposed legislation: that if discharge from forensic has inappropriate difficulties standing in its way, defence lawyers would be more inclined to advise a guilty plea, knowing that when the prison sentence ends, the person will be assured of leaving, rather than being subject, perhaps, to a longer stay in forensic if they were found NCRMD.

Somebody who is severely ill, in this scenario, will likely still be ill when they get out of prison and could be a greater danger to the public, not to mention their suffering the severe mental disorder all this time and being vulnerable to abuse in prison on top of that.

We don't know exactly how ill Degroot was or what the diagnosis might have been. The case, though, reminds us that for someone with a serious mental disorder, prison isn't the answer, and that forensic psychiatric facilities have been created for just such instances, to get the person well and, by doing so, to protect society at the same time.