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THE BLOG

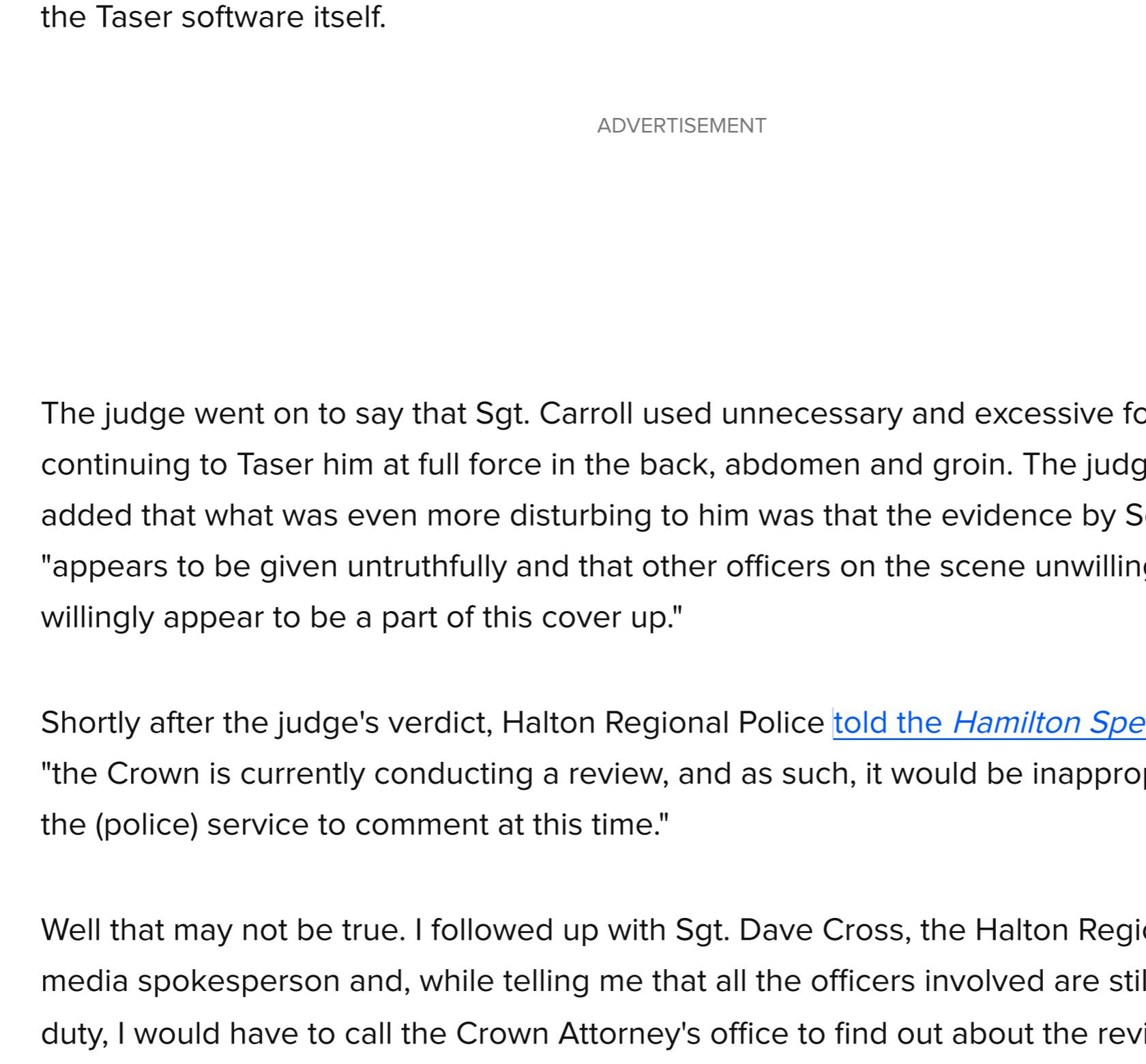
Where Is Justice When Someone With Schizophrenia is Wronged?

As I reported in early April, Douglas Brown of Burlington, Ontario who suffers from schizophrenia was found not guilty of assaulting two Joseph Brant Hospital staff and of attempting to grab a police officer's revolver. The judge had very harsh words for the two hospital staff and for the five cops and their Tasering of Mr Brown.

By Marvin Ross, Contributor

Writer, publisher

06/03/2013 12:15pm EDT | Updated August 3, 2013



In this photo taken Tuesday, Dec. 11, 2012, at the court of Los Angeles Superior Court Judge Miguel Tynan addresses a Veterans Court in Los Angeles. Tynan, still going strong at 76, has presided over alternative sentencing programs for nearly two decades to help military veterans, drug addicts, the mentally ill and women convicts tackle problems that lead to crime. While courts tailored to help drug addicts and veterans exist elsewhere, Tynan may be the only judge in the nation running so many alternative sentencing programs for some of the most troubled people in the criminal justice system. (AP Photo/Damian Dovarganes)

As I reported in [early April](#), Douglas Brown of Burlington, Ontario who suffers from schizophrenia was found not guilty of assaulting two Joseph Brant Hospital staff and of attempting to grab a police officer's revolver. The judge, in his findings stated "this case is an indictment of the treatment of mentally ill individuals in our public health system and in our judicial system."

The judge had very harsh words for the two hospital staff and for the five cops and their Tasering of Mr Brown. Of the testimony by Sgt Carroll, the senior police sergeant, the judge concluded that he "was not giving truthful evidence when he testified that he did not deploy the Taser to Mr. Brown's back or to his groin," as generated by the data from the Taser software itself.

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The judge went on to say that Sgt. Carroll used unnecessary and excessive force by continuing to Taser him at full force in the back, abdomen and groin. The judge then added that what was even more disturbing to him was that the evidence by Sgt Carroll "appears to be given untruthfully and that other officers on the scene unwillingly or willingly appear to be a part of this cover up."

Shortly after the judge's verdict, Halton Regional Police told the [Hamilton Spectator](#) that "the Crown is currently conducting a review, and as such, it would be inappropriate for the (police) service to comment at this time."

Well that may not be true. I followed up with Sgt. Dave Gross, the Halton Regional Police media spokesperson and, while telling me that all the officers involved are still on active duty, I would have to call the Crown Attorney's office to find out about the review. The Crown Attorney's office then referred me to Brendan Crawley, the media spokesperson for the Attorney General. His response was:

"After a careful review of the judge's decision, the Crown has decided not to appeal."

"With respect to the comments made by the trial judge about witness credibility, I can make this general comment:

"According to Crown policy, where there has been judicial finding or comment that an officer has been deliberately untruthful under oath, the trial Crown will refer the matter to his/her Crown Attorney for review."

If the Crown Attorney determines there are grounds to believe the officer has been deliberately untruthful under oath, the matter is forwarded to the Director of Crown Operations for the Region, who will review the matter and decide whether it should be forwarded to police.

The Ministry does not comment on the results of any such review."

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When I told him that the Crown's office refused to talk to me and referred me to him, he replied that:

"As I said below, the ministry does not comment on the results of any such review."

So, of course I asked him who could or would. The reply was:

"Neither the ministry nor the Crown will be making any further comment."

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Seems to me that some accountability to the public is required. As the [Hamilton Spectator](#) said in a lead editorial on April 20, "Actions of police, hospital need full scrutiny."

As for the hospital, the nurse and the social worker who the judge also suggested were not truthful in their testimony, have been suspended. The judge described the evidence given by nurse Katherine Sharman (formerly Katherine Szostak) and social worker, Carol Veecock, as having "an utter lack of credibility." He found their evidence "so replete with inconsistencies, both internally and externally, their demeanour in testifying so unsatisfactory that I can attribute little if any weight to anything they say."

Finally, after close to two months, the hospital announced, that they are investigating what happened to Mr. Brown. But, I must say that they do seem to be playing games in who they tell. On May 23, hospital vice president Mario Joannette replied to my email request for an update with "Just to follow up on our earlier conversation we will be making a statement in the next couple weeks on who is leading our outside team investigation. I will send that to you when it happens."

The next day, he emailed me to say "We will be sending out a media release next week with our next steps that will include an announcement of who is leading our review and when it will be done. I will send you a copy of the media release when it goes out."

I followed up with him on Thursday, May 30 as the announcement was to have been made that week. His reply "Next week we will be putting new information out. I will inform you at that time on who are the four people doing the review, when the review will begin, and the process we will be following for the review."

On Sunday, June 2, Douglas Brown sent me an email that the [Hamilton Spectator](#) was running another article on the case and asking for a comment. And on June 3 the [Spectator](#) reported that the hospital is investigating the incident under Dr. Eric Letovsky the chief of emergency services at Mississauga's Credit Valley Hospital. He will be assisted by three unnamed staff -- an ER nurse from his own hospital, a social worker from St Michael's Hospital in Toronto and a psychiatrist from the William Osler Health System in Brampton.

Douglas Brown told the [Spectator](#) that "it (the report) won't be truthful. They treated me inhumanely. Their care for me was no care. It was inflicting pain and brutality."

If the hospital can't even be forthcoming with the media in announcing the investigation, you have to wonder. And nobody, Mr. Brown told me, has ever apologized to him for what happened.

Suggest a correction

DOUGLAS BROWN

HALTON REGIONAL POLICE

HAMILTON SPECTATOR

JOSEPH BRANT HOSPITAL BURLINGTON

LIVING

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