

## Vince Li: is he a public danger?

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Short answer: statistically, no.

Long answer:

In 2008, the international community was deeply disturbed by the killing of Tim McLean by an undiagnosed schizophrenic by the name of Vince Li. Mr. Li was found not criminally responsible on account of mental disorder (NCRMD)<sup>1</sup>. The finding of NCRMD was based on section 16 of the *Criminal Code* which reads:

*“No person is criminally responsible for an act committed or an omission made while suffering from a mental disorder that rendered the person incapable of appreciating the nature and quality of the act or omission or of knowing that it was wrong”<sup>2</sup>.*

In February of 2017, nearly 9 years after the incident, Mr. Li was granted an absolute discharge<sup>3</sup>. To some, Mr. Li’s absolute discharge is a shining example of how Review Boards and policies for individuals found NCRMD are effective for treatment and reintegration. To others, the absolute discharge is met with absolute repulsion at the thought of Mr. Li wandering the streets of Winnipeg, due to concern that he may stop taking his prescribed medication and kill again.

Some of the vocal public believe Mr. Li should be locked up forever, but should they really be concerned? The National Trajectory Project found that 0.06% of individuals found NCR recommit a serious violent crime once being released back into the community, which contrasts with the approximate 34% recidivism rate for people in the general correctional system<sup>4</sup>.

For many, this 0.06% chance of recidivism for Mr. Li is enough to “lock him up forever”. Unfortunately for these people, we can’t. During the course of his treatment, Mr. Li was often described as a “model patient” and showed no signs of dangerous or anti-social behavior after the initial incident<sup>5</sup>. According to the Supreme Court of Canada case *Winko v British Columbia (Forensic Psychiatric Institute)*, the court or Review Board cannot withhold an absolute discharge if the accused does not pose a significant threat to the safety of the public<sup>6</sup>. The one act nearly 9

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<sup>1</sup> “Vince Li, man who beheaded passenger on Greyhound bus, given absolute discharge”, *CBC news* (10 February 2017), online: <<http://www.cbc.ca/news/canada/manitoba/vince-li-discharge-1.3977278>>.

<sup>2</sup> *Criminal Code*, RSC 1985, c C-46, s 16.

<sup>3</sup> *Supra* note 1.

<sup>4</sup> National Trajectory Project, “Who are the people found not criminally responsible on account of mental illness?” (2005), online: <[http://www.mentalhealthcommission.ca/sites/default/files/NCR%252520Fact%252520Sheet-ENG\\_0.pdf](http://www.mentalhealthcommission.ca/sites/default/files/NCR%252520Fact%252520Sheet-ENG_0.pdf)>.

<sup>5</sup> “Vince Li could get absolute discharge”, *CBC news* (5 February 2017), online <<http://www.cbc.ca/news/canada/manitoba/vince-li-could-get-absolute-discharge-1.3968166>>.

<sup>6</sup> *Winko v British Columbia (Forensic Psychiatric Institute)*, [1999] 2 SCR 625 at para 3.

years ago, before Mr. Li received diagnosis and treatment, is not enough evidence to prove that he is dangerous now. His “model behaviour” for these past years demonstrates that he is not a significant risk to the public.

Are you mad that some judge with no connection to reality made the choice to allow Mr. Li back into society? Don't be. The Manitoba Review Board, who made the unanimous decision to grant Mr. Li an absolute discharge, is comprised of lawyer, a psychiatrist and a member of the public, as required by section 49(3) of the *Mental Health Act*<sup>7</sup>. The individuals who made the decision to allow Mr. Li an absolute discharge were impartial experts, and a layman, who acted in society's best interest.

It seems that despite statistics, case law, and a qualified panel of unbiased individuals supporting Mr. Li's absolute discharge, public stigma surrounding mental illness and NCRMD still persists. I believe that society should alter its perspective from horror, to one of pride. Mr. Li is a shining example of how existing NCRMD policies are effective, as he has been treated and reintegrated into society with a negligible risk of reoffending.

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<sup>7</sup> *The Mental Health Act*, CCSM c M110, online: < <http://web2.gov.mb.ca/laws/statutes/ccsm/m110e.php>>.