

Defending insanity: an in-depth look at the insanity defense



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The insanity defense was established so people who commit crimes due to severe mental illness are not responsible for their crimes. Throughout the years the insanity defense has evolved along with the court system but are the mentally ill being treated fairly in the court of law? Changes in the insanity defense laws and the abolishment of the defense in some states have made proving not guilty by reason of insanity nearly impossible. The tougher laws on the insanity defense have put people who should be in psychiatric institutions in prison where their illness are only intensifying and getting worse. Regulating the insanity defense into a standard shared by all states would allow the mentally ill to defend themselves fairly in court and prevent others from taking advantage of the system.

To understand the insanity defense one must first understand the different types of mental illnesses and how they affect the way people act. According to The American Heritage Medical Dictionary, mental illness can be defined as, " Any of various psychiatric conditions, usually characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by physiological or psychosocial factors (The Free Dictionary by Farlax, 2007, para. 1). " Some mental illnesses are more severe than others and not all mental illnesses can be blamed for a person committing a crime. Figure 1 illustrates the most common mental illnesses found in prison inmates and their symptoms. Figure 1 Common mental disorders and the symptoms they cause

| Disorder Name | Symptoms |
|---------------|--|
| Schizophrenia | Delusions, hallucinations, paranoid behavior, angry outburst, lack of emotion. |

Bipolar Disorders Emotional highs (mania), crippling lows (depression), impulsive behavior, severe psychosis episodes that cause delusions and hallucinations. Depression Feeling down, suicidal thoughts, loss of interest in everyday activities, feelings of impending doom. Personality Disorders Impulsive behavior, strong emotions that frequently change, loss of control over emotions, sudden bursts of rage, suicidal thoughts and depression.

Note.

Received from Revolutionhealth. com Copyright 2008 Revolution Health Group LLC All the above mental illnesses, if left untreated, may cause a person to act violently. With proper treatment people suffering from mental illnesses can be productive members of society. People with mental illnesses that have the potential to be rehabilitated should have that opportunity instead of suffering in prison. Without such an opportunity, there is a likelihood that person will return to or remain in prison.

Throughout history the court systems have taken special consideration for crimes committed by the mentally insane. The insanity defense can be traced back all the way back to the fourteenth century and has evolved with the court systems over the years. One of the first rules for determining if a criminal should be held accountable for ones crimes is the M'Naughten rule or Wild Beast rule. This rule states that " A defendant should not be held responsible for his actions if he could tell that his actions were wrong at the time he committed them (PBS, 2005, para.).

" This rule came about after a Scottish wood cutter was acquitted of attempted assassination of England's Prime Minister and murder in 1843 due

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to mental illness (PBS, 2005). Variations of the M'naughten rule are still used in some states today (PBS, 2005). While the M'Naughten rule is a good basis for determining criminal responsibility there is no consideration for crimes committed out of irresistible impulse. Certain mental illnesses such as schizophrenia or bi polar disorders cause people to commit crimes out of self control or impulse.

In 1962 The American Law Institute or A. L. I founded a standard that took different mental disorders into account, this standard stated, ' A defendant will not be held criminally responsible if at the time of the behavior in question was a result of a mental disease or defect and lacks substantial capacity either to appreciate the criminality of his conduct to the requirement of the law. ' (PBS, 2005, para. 9)". This standard excluded antisocial behaviors such as those of serial killers.

Versions of the A. L. I. Standard were used in many states. While court systems are always adjusting rules and laws, it was not until the attempted assassination of President Ronald Regan by John Hinckley Jr. that caused a major reform in the insanity defense.

After the acquittal of John Hinckley Jr. due to his use of the insanity defense, the public and politicians called for tougher standers and in some states abolishment of the insanity defense altogether. The Insanity Defense Reform act of 1984 dismissed the A. L. I standard and shifted the burden of proof to the defense.

(PBS, 2005). The burden of proof is now placed on the defense to prove

insanity rather than the prosecution to prove guilt without reason of doubt. "
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The late 1990's brought about the Guilty But Mentally Ill in which the defendant is still held criminally responsible for one's crime but entitled to receive medical treatment while institutional (PBS, para. 19). " The insanity defense has evolved from basic rules used to prove insanity to complex standards that are difficult to prove. These standards leave the public confused and misinformed about the defense.

There is a common misconception that pleading insanity is an easy way to get out of serving prison time and healthy minded criminals often try to use the defense. The truth is that less than one percent of all court trials are cases where the defendant pleaded not guilty by reason of insanity. Out of that one percent only a quarter of those pleas was successful (Raletz, 2007). Proving that a defendant is not criminally responsible due to insanity is a difficult task for lawyers. Even with a diagnosis of mental defect or disease from credible psychologists does not mean the defendant cannot be held criminally responsible. According to Charles Robison a psychologist who testifies in court trials " A diagnoses of an illness does not mean that a person lacked the substantial capacity to appreciate the wrongfulness of their crimes (Williams, 2007, para.

5). " Take the case of The State of Arizona versus Eric Clark, for example. Eric Clark is a young man who shot a police officer because he believed the officer was a space alien (Randall, 2006). The young man was diagnosed as being a paranoid schizophrenic. Although Clark was diagnosed with having a mental disorder his plea of insanity was rejected by the courts (Applebaum, 2006).

Arizona law states a defendant can only plead insanity if one cannot establish right from wrong at the time of the crime (States can set rules for insanity defense, 2006). Clark argued he was able to establish right from wrong but his actions were caused by delusions. Clark was left without a way to defend himself against prosecutors who convinced the jury that Clark killed the police officer even though he knew his actions were wrong. Clark was convicted of murder and sentenced to 25 years in prison (Applebaum, 2006).

Even after a review from The Supreme Court the conviction and sentencing was upheld. If Clark had been acquitted he most likely would have not just walked away a free man like so many people assume. Defendants plead insanity mostly because they committed a crime due to mental illness. Faking a mental condition just for an insanity plea is nearly impossible.

Expert psychologist's interviews and reviews of personal and medical histories, easily determine if one is merely acting insane for one's defense (Williams, 2007). When a defendant is acquitted of a crime or in some cases found guilty but mentally ill they are usually sentenced to a psychiatric hospital for an undetermined amount of time. These criminally insane people usually spend more time in the hospital than they would have in prison (Justice and the mentally ill, 2006). " According to the Northwest Missouri Psychiatric Rehabilitation Center out of their 111 population 48% were found not guilty by reason of insanity. ' Some of the patient's crimes were minor but they are not fit to leave by medical or court standards. ' (Raletz, 2007 para.

5). " A study of 60 people who successfully used the insanity defense in Maine since 1970 showed, 22 of them are still in psychiatric hospitals (Justice and the mental illness, 2006). People who commit crimes out of insanity are usually not free to walk the streets they are in hospitals getting treated appropriately for their illnesses. Strict rules and the abolishment of the insanity defense in some states have caused many people with severe mental illnesses to go to prison. Figure 2 illustrates the estimated amount of people in prison that are suffering from mental illnesses. Figure 2.

An estimated amount of how many people in prison are suffering from a mental illness. Note. From The Bureau of Justice Statistics, 2006. The illnesses range from schizophrenia and bipolar disorder to depression and addiction. The people who are suffering from severe mental illness are not getting the appropriate treatment in prison. Some pose a risk to themselves as well as other prisoners and prison personal.

Many prison guards are not trained to deal with inmates with mental illnesses. Guards can get easily frustrated with outbursts and episodes caused by inmates with mental disorders and punish them harshly (Benjamin, 2005). The trial of the State of Texas vs. Andrea Yates is an example of how the mentally ill are treated in a court of law. Andrea Yates was the mother of five children. She had a history of post partum psychosis and had been in and out of institutions.

Due to lack of insurance coverage she was forced out of the hospital early and back into her home. On June 20th, 2001 Andrea Yates drowned each of her children after she heard voices telling her to do so. Andrea's Yates

entered a plea of not guilty by reason of insanity. “ Due to the Texas Criminal Code jurors are not to be informed that if a defendant is acquitted of crime because of the plea of not guilty by reason of insanity, they will still be institutionalized (Ramsland, 2008). This crucial piece of information could have had affected the outcome of the trial. While Andrea Yates dodged the death penalty, she was still found guilty and sentenced to 77 years in prison (Ramsland, 2008).

A retrial found Andrea Yates not guilty by reason of insanity, she now is in a state psychiatric hospital until a board of judges and doctors deem her fit to re enter society (Parker, 2008). Many people still believe Andrea Yates belongs in jail but this is one case where the insanity defense was justified and the outcome is benefiting the defendant and not punishing her for suffering from a mental illness. Throughout the centuries courts have taken special consideration for the mentally ill. While the court systems and laws have evolved, consideration should still be taken in certain cases. The courts have a responsibility to provide everyone with a fair trial.

Juries need to be provided with the right information to determine whether a defendant that pleads insanity should be imprisoned or hospitalized one's crimes. The insanity defense should be regulated to provide a standard in which where a person lives does not have an affect on one's treatment in court. George Parnham, Andrea Yates's lawyer stated “ I don't think that how mental illness is handled by states ought to be so diverse as to have different outcomes depending on what you address is (Reinhart, 2006, para. 4). ” References Applebaum, P. (2006).

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