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Insanity: Hunting Pedophiles and Growing Wings

Countless criminals who plead insanity do not go to prison, however enforced new practices give prisons the capabilities to help the mentally ill and still give them their sentence. Criminal Laura Sorensen is just one example of a mentally unstable criminal whom was found not guilty due to reason of insanity. She believed she was hunting pedophiles, starting a revolution, and growing wings. She wounded two men and killed a third when she went into a Peninsula Market in August 2012. She was taken to the Western State Hospital in Lakewood. However, she has no sentence. Sorensen may never be released and she could be, with unset grounds, this opens the door to disputation.

Although criminals can plead insanity, such actions should not change their sentence due to the mental factor. They can still complete their sentence in the prison, they can receive help from counselors and psychiatrists in the prison facilities, and mental illness is not the only factor that leads to crimes. In today’s criminal justice system, people acknowledge the crime that they committed but they plead insanity which does not make them responsible for their actions. The current issue of allowing criminals to plead insanity is extremely controversial.

Many criminals who plead insanity do not have to go to prison. These criminals then go to a mental facility to get help. An average criminal who commits murder would receive a life sentence, unless they plead insanity and win the case. Jennifer Bigham of California, drown her 3-year-old daughter. However, she walked away guilt free. The judge found her to be not guilty due to insanity and allowed her to re-enter into society. She went to a treatment center for three years and now she is free. “I don't care what they did, they should be punished.” If she was deemed safe to reenter into society, then after going to the treatment center for the three years she should be stable and safe enough to go to prison. What factors contributed to her winning the insanity plea? The psychologists look at many factors. These factors determine what the final assessment is. So when determining who is mentally ill, numerous factors are looked at to determine the mental health.

"Any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma. Also called emotional illness, mental disease, mental disorder" (Death Penalty Information Center).

Such factors can have an impact on the criminals’ sentence, where they will be placed and how long they will be there. However, if mentally ill criminals are stable enough to enter into society, and then they should be stable enough go to prison. Some may argue that they were mentally incompetent and they did not understand the wrong doing of their actions. But, that still does not give a person the right to walk away from a crime they committed, and not receive the punishment they deserve.

Additionally, with new developments in prisons, the facilities have better capabilities to hold and care for a mentally ill criminal. Through the addition of new employees such as psychiatrists and counselors, mentally ill inmates can be cared for in the prison. There is new training in prisons that allow the staff to learn how to deal with prisoners with disabilities. This allows the staff to safely take care of the detainees. Also this project gives assistance to offenders the basic services needed to help their daily lives. If the prisons do not have to capabilities then they can attend the mental facility first until then are allowed to leave, then they can go to prison. That way the prisoners would receive the help they need and complete their sentence without being a harm in the prison or to the public. A new program in Massachusetts is also helping mentally ill criminals make a safe transition to community living.

“Treatment for inmates is coordinated with the Massachusetts Dept. of Mental Health, which links inmates to programs providing medication, rehabilitation, counseling and other supports necessary to ease the transition to community living. In essence, the authors say, "client engagement begins while clients are still incarcerated and continues in the community." Data on the participants and on their functioning in the community were collected at three time points during the program's first year. Clients were interviewed three months before release, two weeks after release, and three months after release. Results during the first year indicated that most clients served by the program were serving sentences of less than 2.5 years in county houses of correction (53 percent). Forty-four percent were completing sentences for major felonies at state correctional facilities” (MH Services).

Not only does mental illness factor into these crimes, but there are many things that affect a person and the crime. There is such an over-representation of mentally ill criminals, that we dismiss the reality of such crimes and the hanus acts that are being committed.

“So how do we explain the significant over-representation of individuals with a serious mental illness in the criminal justice system if in fact there is only a limited causal connection between serious mental illness and crime?” (Marley and Buila).

The link between mental illness and crimes is absent. The key connections between the crime and the person are more than just being mentally ill.

“A criminal defendant who is found legally insane (or "not guilty by reason of insanity") cannot be held accountable for crimes resulting from the condition. After all, prosecutors are required to show a defendant's willful intent in order to prove guilt for most criminal charges. State courts use one of several established legal tests to determine whether someone was insane at the time of the incident or simply faking it. These include the [M'Naghten Rule](http://criminal.findlaw.com/criminal-procedure/the-m-naghten-rule.html); the [Irresistible Impulse test](http://criminal.findlaw.com/criminal-procedure/the-irresistible-impulse-test.html); the [Durham Rule](http://criminal.findlaw.com/criminal-procedure/the-durham-rule.html); and the Model Penal Code test. Using the MPC test, a criminal defendant must be found not guilty by reason of insanity if he is diagnosed with a relevant mental defect (for example, severe mental retardation or schizophrenia disorder) and at the time of the incident was unable to either: appreciate the criminality of his conduct; or conform his conduct to the requirements of the law Therefore, using the MPC test, a legally insane individual must have been diagnosed with a mental defect (typically by a court-appointed mental health professional) and either did not know right from wrong or lacked the ability to control an impulse that led to the incident” (Thomas Reuters).

Various components make up the crime. The crimes may be committed by a mentally ill person, but such actions are not caused by a mentally disability. According to the Treatment Advocacy Center, greater chances of crimes are by individuals who are not mentally ill, young male, or a substance abuser.

“The vast majority of people with mental illness are not violent. The public is misinformed about the link between mental illness and violence. Inaccurate beliefs about mental illness and violence lead to widespread stigma and discrimination. The link between mental illness and violence is promoted by the entertainment and news media” (Mental Health Reporting).

People argue that not all prison facilities have these capabilities to help mentally ill criminals. Which may be true, not all facilities have the funding or the staff to help care for these mentally ill people. But not all prisons are like that. There are some prisons that can take care of them and so they can be moved to that place instead of a mental hospital where they can get out of their sentence faster.

Additionally, a new facility can be build that is strictly for mentally unstable criminals. It would be a prison for the mentally ill, the trial can still go on, the accused can plead insane, but instead of going to a mental institution, they can be given a sentence like any other criminal but they would attend the mental prison.

In contrast to the opposition of the insanity plea, there are many reasons why people support it.

“Society has long recognized the need for judges and juries to discern which defendants are “criminally responsible” for their acts and which are not. The insanity defense refers to a defendant’s plea that he or she is not guilty of a crime because he or she lacked the mental capacity to appreciate that what she or he did was wrong” (Mental Health America).

In the fight of supporting the insanity plea, the defendant argues that it is not right to punish the mentally ill for many reasons. These reasons include, it is wrong to punish people who do not understand that what they did was wrong, if they are punished, jail is not a safe place for the mentally ill and when they go to institutions, they can get the help they need. However, when people are diagnosed as insane and are not responsible for their actions, they are diagnosed by a psychiatrist. It is in that psychiatrist’s opinion that they believe the criminal is mentally unstable. But the same criminal may go to another psychiatrist and may be found complete sane. It is then that the insanity plea may swing both directions. How can we trust one person’s opinion and not another?

In conclusion, with the supporting evidence, mentally ill criminals can complete their sentence without leaving the facility, get help from counselors and psychiatrists while in prison, and criminals who are mentally ill have other factors that affect the crime other than just the mental factor. Why should a drug addict have to go to prison and not rehab? The same goes for a mentally ill person, why should they get help and not the drug addicts. Through this controversy, people can argue both ways.

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