

Mahwish Cheema

The Controversial Insanity Defense

The insanity defense is often used by people who are not medically diagnosed with a psychological disorder and this leads to the risk of acquitting guilty people who deserve to be punished. The insanity defense should be an aid for those people who are truly mentally ill, not just for any average person. If people just use the insanity defense as a last resort, they may sway the jury with an emotional appeal. This act is unjust and could even be potentially dangerous to the public if violent criminals are released.

The insanity defense is also known as the “non-responsibility defense” (“The Story of Ralph...”). The basis of the insanity defense states that the person who committed the crime was mentally ill *at the time the crime was committed* and could not distinguish between right or wrong (“Insanity Defense”). This is actually different from medical insanity, more often referred to as abnormal psychology, which comprises of just a mental illness (“Insanity Defense”). Technically, to be proven legally insane, the defendant must show the occurrence of a mental illness that made them unable to know the wrongfulness of their crimes (“Insanity Defense”). When the criminal in question wins the court case by using this defense it is described as “not guilty by reason of insanity” or NGRI (“State Insanity Defense Laws”). In the states of Idaho, Montana, and Kansas, the NGRI laws have been abolished (“State Insanity Defense Laws”). Now, many states have the “guilty but mentally ill” laws or GBMI. (“State Insanity Defense Laws”) These are supposed to provide the mentally ill criminals who have been proven guilty with psychological treatment before or during jail time (“Insanity Defense”).

The insanity defense should only be allowed to be used if a person is suffering a mental illness and every criminal who is recognized with having medical mental health problems should

be given psychiatric therapy before enduring a jail sentence. Many times people can get away with the insanity defense even when they have had no legitimate mental illness, and many times people with mental illnesses are cast away and just sentenced to prison without any proper treatment (“The Jailed and Imprisoned...”). According to a Criminal Psychology professor, June Tangney, “70% of inmates suffer from mental illnesses” and are not properly treated for it. She believes that there needs to be an effort from the government to provide all of these people with proper mental health treatment (Tangney). These practices are exceedingly cruel and they need to be hindered as soon as possible. There are many court cases in which the insanity defense had proven to be effective or ineffective, including cases that involved Ralph Tortorici and John Hinckley. Many statistics also show how many jailed criminals are actually mentally ill and they still do not receive treatment (“The Jailed and Imprisoned...”). Many aspects of the insanity defense need to be adjusted so all of the innocent people out there receive whatever they need.

According to *Frontline*, a highly publicized case involving Ralph Tortorici displayed how the insanity defense can be ineffective in helping innocent people (“Story of Ralph...”). Ralph started out with schizophrenia in his teenage years. It slowly grew worse and worse till a point that he could not hold off the “voices in his head” anymore (“Story of Ralph...”). He took a room full of college students hostage and told his professor to go get the congressional representatives. He thought that the government had implanted a microchip into his brain and he wanted to “stop the experiment” (“Story of Ralph...”). Ralph was obviously extremely delusional and paranoid, which are symptoms of schizophrenia. How can he be held accountable for his actions when multiple, disturbing voices were telling him that the government was after him? He was literally going crazy, and the jurors overlooked that. His defendant lawyer filed a NGRI or insanity defense, but they lost (“Story of Ralph...”). The prosecution claimed that

Ralph may have been mentally ill, but he was still responsible for the crimes he committed (“Story of Ralph...”). When someone cannot tell reality apart from fiction, how can someone be held responsible for a crime they have committed? A couple of years later, Ralph committed suicide (“Story of Ralph...”). If Ralph had been treated accordingly, he may have been alive today. Ralph Tortorici should have won his case with the insanity defense, but he did not. People who are as delusional as Ralph have no sense of reality; they cannot be held accountable for their actions.

An effective use of the insanity defense was shown in the case of John Hinckley. Hinckley had tried to assassinate President Ronald Reagan so he could impress Jodie Foster (Martin). Hinckley had developed a dangerous obsession with the actress, Jodie Foster (Martin). He devised a plan to shoot the president just so Jodie would reciprocate the love. Hinckley had been diagnosed with depression, but the medications he was taking at the time were not helping him. He continued to brood over being with Jodie, so he finally put his plan into action. On March 30, 1981 Hinckley fired at Reagan (Martin). To the public’s surprise, Hinckley was found not guilty by reason of insanity (Martin). The public was outraged, but psychiatrists had proven that Hinckley really had not understood how shooting at the president was a bad thing. All Hinckley could think about was the mere idea that Jodie would start to “love” him after he shot the president. Hinckley was confined in St. Elizabeth’s Hospital in Washington, D.C ever since (Martin). After the Hinckley case the government went back and passed the Insanity Defense Reform Act of 1984. This made the insanity defense criteria more specific. (Vatz “Those Crazy Insanity...”) Still, we do not have perfect insanity defense laws that will make sure to help those in need.

Many experts believe that we should not have the insanity defense; they want to eliminate it all together (Witkin). This would put all the mentally ill people in a state of vulnerability. These people need to have the insanity defense to help them. On the other hand, many people are just fine with the insanity defense as it is now (Witkin). But, as we can see, the insanity defense is not always effective. It sometimes frees guilty people, and turns away mentally ill people, who end up suffering in jail. The insanity defense cannot be used by all defendants and the insanity defense cannot be eliminated all together. Both of these opposing views are ineffective and will help no one in the long run.

The insanity defense needs to be revised so that people who are truly suffering from a medical mental disorder can be treated efficiently. People, who cannot win the insanity defense but are still mentally ill, need to be provided psychological treatment (Tangney). They need to be able to fully recover and *then* be sentenced to jail. All jailed people need to be checked for mental illnesses and they need to be shifted to a proper place to be treated. Also, the insanity defense should only be allowed to be used in the first place if someone has had a long history of medical psychological disorders. At this time, anyone can use this defense, and this is risky because in many cases the jury is swayed by an emotional appeal (Vatz "Doing Away with..." 66-68). In simpler terms, mentally ill patients need to be taken care of and treated and the guilty people cannot be allowed to take advantage of insanity defense. This is an issue that needs to be resolved as soon as possible for the wellbeing of our society.

Works Cited

- - -. "Daniel Sickles Trial: 1859." Law Library, 2011. Web. 20 Oct. 2011.
- - -. "Insanity Defense." *Issues & Controversies on File* 17 Feb. 2009: n. pag. *Facts on File News Services*. Web. 20 Oct. 2011.
- - -. "Insanity Defense FAQs." *Frontline*. WGBH Educational Foundation, 2010. Web. 20 Oct. 2011.
- - -. "State Insanity Defense Laws." *Frontline*. WGBH Educational Foundation, 2010. Web. 16 Oct. 2011.
- - -. "The Jailed and Imprisoned Mentally Ill." *Frontline*. WGBH Educational Foundation, 2010. Web. 20 Oct. 2011.
- - -. "The Story of Ralph Tortorici." *Frontline*. WGBH Educational Foundation, 2010. Web. 19 Oct. 2011.
- Martin, John. "The Insanity Defense: A Closer Look." *The Washington Post*. The Washington Post, 27 Feb. 1998. Web. 20 Oct. 2011.
- Tangney, June. Phone Interview. 4 Nov. 2011.
- Vatz, Richard E. "Those Crazy Insanity Pleas." *USA Today Magazine* 135.2736 (2006). *Academic Search Complete*. EBSCO. Web. 20 Oct. 2011.
- Vatz, Richard E. "Doing Away with the 'Only One-Fourth of One Percent' Solution." *USA Today Magazine* 138.2778 (2010): 66-68. *Academic Search Complete*. EBSCO. Web. 21 Oct. 2011.
- Witkin, Gordon. "What Does it Take to be Crazy." *U.S. News & World Report* 12 Dec. 1998: Vol. 124, Issue 1. *Academic Search Complete*. EBSCO. Web. 20 Oct. 2011.