The Fate of the Mentally Ill Criminal Offender

In America, many citizens believe firmly in the motto which gained its popularity as a result of a 1970’s ABC television show. “Don’t do the crime, if you can’t do the time” has been adapted several times over to fit into personal lessons of morality since it debuted as a part of the theme song of detectivedrama Baretta in 1975. Its concept of consequences for crimes committed has widely been held as a pop-culture reflection of the US criminal justice system. The problem, however, is that more than half of those currently “[doing] the time” are mentally ill, according to the New York Times. In 2006, it was reported that 56% of all inmates nationwide were found to have a mental illness. Meanwhile, 40 state hospitals have been shut down in the last ten years and 400 new correctional institutions have been erected (Listichge, 542). In a society where accountability for our actions is considered a sacred building block for the institution of justice, and facilities for criminals take higher priority than facilities for the ill, how should the incarceration of those who need treatment for mental illnesses be handled?  
 One option, of course, is to stick to the status quo. At this time, the criminal justice system does take into consideration the mental state of those accused of crimes when issuing verdicts and sentencing, and some prisons do offer treatment within their facilities. Tax dollars have been allocated to ensure that the prison system is appropriate for mentally ill offenders and well equipped to handle them. It may be, therefore, unreasonable to think that all individuals with mental illnesses should be immune to consequence. If an individual with a severe mental illness (SMI), such as Bipolar Mania, Schizophrenia, or Major Depression, commits a crime and is sentenced to prison, and that prison is equipped to handle the symptoms of their illness, then that offender should serve their term. The government does, after all, have a responsibility to protect their citizens, and if these individuals are behaving in such a way that they are a threat to other individuals in their society, then it is the government’s responsibility to ensure that the community is safe from that threat. Therefore a continued subscription to the status quo, and perhaps, even less understanding legislation, may be the best approach in dealing with mentally ill criminals; consider them on a case by case basis, but do not hesitate to incarcerate offenders of the law.

The rights of all individuals must be protected, that cannot be refuted. Individuals should not feel threatened, nor their human rights endangered, because dangerous individuals are allowed to roam freely. It is important to understand, however, that for mentally ill individuals, the time spent in incarceration is often synonymous to time spent stripped of human rights. The symptoms that SMI inmates often suffer from, delusions, hallucinations, uncontrollable mood swings, debilitating fear, disruption of consciousness and “command hallucinations” urging them to commit violent crimes against themselves and others, cause these inmates to act in such a way that the prison system considers unruly (Feller). The behaviors displayed by inmates experiencing symptoms of an SMI are, in many cases, behaviors of punishable misconduct. For an individual with an SMI, such punishments as segregation or solitary confinement, in which the prisoner is refused what poor treatment is offered to prisoners, often provoke further symptomatic behavior, and the ultimately the prisoner enters a cycle of symptom and punishment. Human rights experts have actually concluded in recent years that the prolonged confinement of those with mental illnesses is a a violation of primary human rights. While it is important that individuals understand the consequence of law breaking actions, the US justice system was not built on the principle of stripping individuals of basic human rights.   
 SMI individuals, in most cases, do not have any control of their actions or an understanding of consequences. The legal definition of mental illness is such that an individual cannot conduct their affairs due to psychosis, a state of lost contact with reality which is inevitable for individuals with a severe mental illness. These individuals, then, are not making decisions of their own free will, and are being punished, essentially, for being ill. Prisoners with mental illnesses who are sent to prison instead of the alternative, hospitalization, after being arrested are more likely to have repeat incarcerations and lead a life laden with substance abuse and homelessness (Eckholm). This means that in the cases of non-violent crimes, mentally ill individuals who have been incarcerated and will, eventually, be paroled, are likely to become a higher financial burden on society by necessitating the spending of tax dollars on multiple stays in prison. These individuals who have no control over their actions will be destined to lead lives of homelessness and substance abuse; their incarceration is only a means to the eventual end that will be a life that holds little consequence and much misery. The US justice system is not only sentencing these individuals to a prison term, but also to a wasted life.

The seemingly more economical, humane, and ultimately just solution to the prevention of disruptive and violent crimes committed by the mentally ill might be a more regular practice of hospitalization sentencing. Tax money might be better spent hospitalizing these individuals with the intent of stabilizing them, than repeatedly sending them to prison. Additionally, the government would be upholding their duty to protect the public from the dangers and disrtuption of both violent and petty crimes committed by the mentally ill. While the status quo does address the exceptional circumstances of mentally ill offenders, a more regular practice of hospitalizing, instead of incarcerating, may be a better solution to the growing epidemic of mentally ill individuals being mistreated in the prison system.

It is important that the government protect its people, and equally important that the justice system upholds the principles on which it was built. Along those lines, it is of upmost importance that the human rights of all individuals remain intact and that the United States does not become a society in which individuals are punished for illnesses that are beyond their control. To address these equally important concepts within the national community, individuals with serious mental illnesses which impair judgment, decision making and the ability to understand consequences should not be incarcerated as typical criminals, but instead offered the opportunities to recover from their illnesses and lead productive lives within society.