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Pleading Insane: A Right or A Fight?

In today's Criminal Justice System, there is a strong belief on social media that recently, white criminals, mostly mass shooters, have been pleading insanity and getting away with it. The opposing side of this states that this is invalid because there are actually insane white criminals who do deserve to walk or get a shorter sentence because of their mental illness. This is a good point because not every person pleading insanity is doing it to corrupt, but is doing it because they are advised to because they actually are insane. Saying that every white criminal pleading insane is lying can be very discriminatory and judgemental. But, a criminal can plead insane, but it still would not be fit for court because of various circumstances. A person can be mentally ill and commit a crime, but are they acting on their illness, or are they acting in reality and using their mental illness to get away with it?

Under some instances, there are reasons to believe that the fact that white criminals who plead insanity are lying is invalid. There are indeed severely mentally ill/insane people who have a history of violence, including gun violence. Severe mental illness including psychosis, substance abuse, and schizophrenia (Van Dorn) can trigger violent behavior in some instances.

So, if a white criminal has a severe mental illness and commits a heinous crime such as murder or any crime that is close to equivalent, in theory, they should have the right to plead insane.

Those with severe mental illnesses should indeed have the right to plead insane, but if someone does not have a severe mental illness or they are not acting because of that mental illness, then pleading insane is not the most ideal. Mass shooters are people who deliberate and plan before they decide to commit a shooting. This is different than a person who simply acts because of their mental illness. A person acting on mental illness do not plan to commit a crime, it is just out of impulsivity. If mass shooters were acting out of impulsivity, it would not be a mass shooting because most of the mass shooters who have plead insanity have used military weapons. Usually, a person does not randomly carry around a military weapon. A handgun is normal to carry around, but a semiautomatic rifle with many rounds of ammunition is not.

This is not to say that a mass shooter cannot be mentally ill. They indeed can, but if they did not act on mental illness, then it is immoral to plead insane. A direct relationship in this instance is defined as “only influence of symptoms involved in the crime.” (Peterson et al. 443) So, if there is no direct relationship, the recent white mass shooters should not be able to plead insane and win their cases. There are many white criminals who have the right to plead insane because they do have a direct relationship, but recently there have been many mass shooters in the media doing this and getting away with it. There are mentally ill people who have a direct relationship, but they do not win their cases and then have to spend time in prison when they should be rehabilitated instead.

If the opposition side believed that those who plead insanity should be the ones acting on their mental illness, then their thesis would make a lot more sense. Those with severe mental

illness should be rehabilitated, but only if they were acting on their illness. It would not be fair if every single mentally ill person who committed a crime could use the “insanity card,” because then it would become a trend. This trend would start a spark in insanity pleas and then people would believe that they can commit a crime and then because if they suddenly remember they are mentally ill, they will believe they can get away with what they did. This not only sparks insanity pleas, but also turns people’s heads as to what is happening in the world right now.

Although in the media there has been a spark of mass shooters using the insanity card, maybe they really could have been insane. As a whole, we really do not know if they were acting on mental illness or not. But, because it has happened a lot more often, it looks like they are using it as a scapegoat, and not because they really are mentally ill. The sentencing for acts as horrible as mass shootings are long and dreadful, so it would not be a surprise if they plead insane to get a shorter sentence or to get rehabilitated instead.

To conclude, on one side, there are those who believe that white criminals, such as mass shooters, use the insanity plea as a scapegoat, then are those who believe that they should be able to use it. To make a compromise, if these criminals were using the insanity plea, there needs to be a good reason for it. As stated before, there should be a direct influence during the time the crime was committed. The only way an insanity plea works and goes through is if the person pleading insane actually acted on their actions because their mental illness forced them to do. Saying they are mentally ill, therefore you should not be guilty is immoral in the criminal justice system and in life in general.

Works Cited

- Van Dorn, Richard et al. "Mental Illness and Crime: Is There a Relationship Beyond Substance Use?" *Social Psychiatry and Psychiatric Epidemiology*, vol. 47, pp. 487-503, *Springerlink search complete*, <https://doi.org/10.1007/s00127-011-0356-x>. Accessed Sept 2018.
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