



**TREATMENT
ADVOCACY
CENTER**

STATEMENT

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Supreme Court weakens insanity defense, affirms importance of early treatment for mentally ill

Our systems are strong in retribution, weak in prevention

The U.S. Supreme Court ruling in *Clark v. Arizona* shattered the hopes of long-term psychiatric treatment for Eric Clark, the young man with schizophrenia who killed a police officer while delusional, and instead upheld his sentence of 25 years to life in prison. The Court backed Arizona's minimally protective insanity defense, saying the Constitution guarantees no more than that for people with severe mental illnesses who commit a crime.

For Clark, who was only 17 when his delusions led him to commit the brutal crime, that means a life behind bars with inconsistent, if any, treatment for a brain disease not of his choosing. For the rest of America, it means more people with mental illnesses landing in our already crowded prisons, fewer chances for treatment once a crime has been committed, and more urgency for policies promoting early and sustained treatment for citizens with severe mental illnesses.

The ruling should act as a thunderous wakeup call to the nation's mental health system to step up and ensure people get early and sustained treatment for severe mental illnesses. People who are mentally ill deserve to get real help from the civil treatment system before situations occur that lead them to be punished by the criminal one.

What waits for someone like Eric Clark who commits a crime in the grip of a debilitating brain disease? The Court's ruling makes it clear relying on the insanity defense as a last-ditch effort to get someone help is not just a terrible substitute for early treatment, but one very likely to fail.

Yet there is ever-growing evidence of the mental health system's readiness to abandon people they are unwilling or unable to help and assume the criminal justice system will pick up the slack.

Too many people with untreated schizophrenia and bipolar disorder slip through the loopholes in our civil commitment system. Untreated symptoms such as delusions and hallucinations significantly increase the risk of violence. Yet it can be virtually impossible to

get early and sustained treatment for the mentally ill who refuse help until they are dangerous – which is often too late.

Eric Clark had untreated schizophrenia. He was delusional. And his family tried and tried to get him treatment. But he refused, and ended up brutally killing a police officer because his deluded mind thought the officer was an alien.

The failure of the system to avert such tragedies is directly caused by badly written laws and poorly used policies that turn their back on those too ill to make rational treatment decisions.

In places with more humane laws and policies that actually get implemented, the results are different for people like Eric Clark. Of participants in New York's assisted outpatient treatment program, for instance, 83% fewer experienced arrest and 87% fewer experienced incarceration. Violent episodes were reduced. Medication compliance improved. Quality of life was restored.

The Court's ruling dealt a tremendous personal blow to Eric and his family, who were hoping not for exoneration, but transfer to a secure forensic treatment facility. The Clark family has never stopped fighting to get treatment for their son – first in the community, now in prison. Eric Clark's family did everything they could – it is the mental health community that failed to help Eric when it might have actually made a difference. The system failed everyone involved in this tragedy. We need to do better.

Our current systems are strong in retribution, weak in prevention. They block needed treatment for the severely mentally ill unless they are dangerous, but deliver punishment with ease when the untreated mentally ill commit a crime.

We as a nation need to finally stop counting on the insanity defense to keep mentally ill people out of prison and start counting on treatment to keep people from committing crimes in the first place.

[Full press kit](http://www.psychlaws.org) on Clark v. Arizona available at www.psychlaws.org.

The Treatment Advocacy Center (www.psychlaws.org) is a national nonprofit organization dedicated to eliminating barriers to timely and humane treatment for millions of Americans with severe mental illnesses. We take no money from pharmaceutical companies. The American Psychiatric Association [awarded](#) TAC its 2006 presidential commendation for "sustained extraordinary advocacy on behalf of the most vulnerable mentally ill patients who lack the insight to seek and continue effective care and benefit from assisted outpatient treatment."