

Assignment 2.3: Legal System Reflection

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### Legal System Reflections

When I visited the courthouse this week, I was not surprised to find a lack of mental health professionals present. The justice system in this country does not focus on mental health care and is severely lacking in this area. The case I witnessed focused solely on the facts of the incident (a driver hit a pedestrian and left the scene of the crime). Mental health issues were not officially addressed, nor were mental health professionals a part of these proceedings (in the parts I witnessed). The only time the mental status of anyone was addressed was in passing when it was briefly stated that the defendant “may have panicked causing him to leave the scene”. The driver claimed he was going less than half a mile away to fetch his girlfriend who had both a cell phone and medical training as a first responder. He didn’t know what to do and “felt horrible” and was, as the lawyer stated, “in a state of panic”.

Had a mental health professional been a part of the proceedings, s/he could have offered the judge and jury some insight on what happens during a traumatic event and explained that this event should be considered traumatic for all parties involved: the driver, the victim, and the victim’s boyfriend who witnesses the event. Inclusion of the various mental health considerations into the court proceedings would allow a more complete picture of the incident and the events that followed rather than the very narrow, sterilized, factual version of the events. Instead, only the facts were discussed, and this painted a picture of the driver leaving the scene of the accident and nothing more. His intentions, thoughts, and fears were not allowed to be discussed further and did not seem to be welcome in the court. I did not stay for the resolution as the court went into recess, but I did not have high hopes for this defendant being let off easy.

The court proceedings were very bland, sterilized, and parts felt very rehearsed. The whole thing felt dehumanizing. All involved parties were reduced to their roles (victim, witness,

driver) instead of portrayed as actual people with full and complex lives. If mental health professionals were better integrated into our justice system, it is my hope that the courts can be reminded of the human factor of the participants in its proceedings. In jurisdictions in which individuals within the criminal justice system have increased access to mental health care services, there is a reduction in recidivism (Kim, Becker-Cohen, & Serakos, 2015). Most states do not truly take into account the role that mental illness can play on an individuals actions and behaviors, other than when the mental illness renders the person legally incompetent to determine right from wrong (Kim, Becker-Cohen, & Serakos, 2015), which is simply not the case with most mental illnesses.

In my opinion, this limited view of mental illness is continuing to hurt not only the people who are already a part of the justice system in some way, but the general population suffers as a result as well. When more than half of the prisoners at the local, state, and federal levels suffering from mental illness and only 16-33% receiving any sort of mental health services, it is clear there is a problem (Kim, Becker-Cohen, & Serakos, 2015). The mentally ill are over-represented in the criminal justice system and it would be helpful if mental health services were more readily available within the community, or failing that, within the court system itself.

## References

Kim, K., Becker-Cohen, M., & Serakos, M. (2015, March). The processing and treatment of mentally ill persons in the criminal justice system. *Urban Institute*. Retrieved from <http://webarchive.urban.org/UploadedPDF/2000173-The-Processing-and-Treatment-of-Mentally-Ill-Persons-in-the-Criminal-Justice-System.pdf>