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TREATMENT OR PUNISHMENT FOR THE MENTALLY ILL

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A mentally ill individual who commits a crime stands trial. According to Israeli law, patients who committed crimes as a direct result of their illness, are not tried but are sent for treatment. The decision to hospitalize the mentally ill offender reflects humane concern for the patient. However, public safety must also be protected. When the patient's condition improves, s/he no longer requires hospitalization, and by law, can be discharged. Thus, a patient who committed a serious offense may be released to the community much to the displeasure of society. Seemingly the patient "evades" punishment, though others claim that offenders must be punished.

There are three possible solutions:

- a. The patient should be hospitalized for as long as necessary, and thereafter, if s/he is still considered dangerous, should be sent to prison.
- b. The patient should be hospitalized for a period determined by the Court, and can not be discharged prior to the court determined discharge date.
- c. "Treatment years" model: The court determines "mandatory treatment years" for a patient who was not sentenced due to lack of criminal responsibility.

Thus, when necessary the patient is hospitalized, and when his/her situation improves, the psychiatric tribunal may transfer the patient to compulsory ambulatory care with the option for re-hospitalization when necessary. Non-adherence to ambulatory treatment, is treated as any other violation of court orders.

The law should find the middle road between treating the patient and protecting society coincident with punishment and determent of crime, when necessary.