

Virginia Tech

Personal rights versus public safety

For most of us, tragedies like Virginia Tech and Columbine evoke sadness, anger, and confusion. We ask ourselves: Why do such things happen? Can they be prevented? Is it the product of our loose gun laws? Why wasn't this guy put away?

There are no clear answers to these legitimate questions. We will never know what was going on inside Seung-Hui Cho's head, or what made him that way. He obviously had severe psychiatric problems, and despite these problems - and contact with the mental health system - was still able to purchase handguns to carry out his twisted plan.

The United States Secret Service and Department of Education studied 37 incidents of school violence, and in 2002 published their findings. They found that such acts are rarely sudden, impulsive acts. In most cases other people knew of the plan to attack prior to the incident. They also determined that there is no accurate or useful profile of students who engaged in targeted school violence. However, most attackers exhibited behavior prior to the attack that caused others concern or indicated a need for help, and many had considered or attempted suicide.

Cho's case is consistent with the government's findings. Cho planned his attack in advance: he purchased guns and produced his now famous NBC manifesto days

and weeks prior to the attack. "He also displayed behavior that scared his teachers and students and many believed he was a suicide risk." So why wasn't he identified, isolated and stopped?

Well, it's not that easy. The United States Constitution protects our freedom of speech. Our laws also restrict involuntary commitments only to those mentally ill individuals who are a "danger to themselves or others." Despite the fact that Cho's writings displayed warped and dangerous thoughts, and his unwanted emails to coeds were scary, he never threatened anyone and did not commit a crime. Without more overt acts or threats of harm, the Virginia courts could not mandate that Cho be committed. Without an involuntary commitment, Cho passed the Virginia background check laws and was therefore able to purchase handguns.

It's not like the campus police and local authorities weren't trying to prevent Cho from acting out his macabre writings. At the urging of campus police, Cho was admitted to a psychiatric hospital, but as is all too often the case, according to Mark Reinstein President and CEO of the Mental Health Association in Michigan, was released after a day or two.

Faced with the dilemma of potentially dangerous mentally ill people going unchecked, the Michigan legislature passed Kevin's Law in

2005. The new law is named for Kevin Heisinger, 24, who was beaten to death in a Kalamazoo bus station in August 2000 by a forty-year-old man with untreated schizophrenia. The man cycled in and out of mental institutions and the criminal justice system for years. When he was in treatment he was functional, but his condition would deteriorate when he stopped taking his medications.

Kevin's law allows judges to order outpatient treatment

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for people with untreated severe mental illnesses who meet specific criteria, including a recent history of hospitalizations or incarcerations. Kevin's law does not require that the subject be a threat to himself or others. The law allows for extended monitoring of people with severe mental illness in the hope that they will stay on their medications and out of trouble. That has been the experience in New York, which passed a similar law called "Kendra's Law." In the five years since passage of Kendra's law, the people in the program have experi-



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enced 74% less homelessness, 77% less psychiatric hospitalization, 83% fewer arrests, 87% less incarceration, 47% less harm to others, and 55% fewer suicide attempts.

Although Kevin's Law might not have prevented the Virginia Tech or Columbine massacres, it would likely have prevented the recent outburst of Anthony LaCalamita III. As you may recall, LaCalamita is the east side accountant who shot up his accounting firm after being fired. As it turns out, LaCalamita has a psychiatric history that might have brought him within the purview of Kevin's Law. Had that been the case, outpatient psychiatric care could have been mandated by the court and lives could have been saved.

Complex problems require complex solutions. We need to identify, treat, and monitor the mentally ill so that they pose less of a danger to themselves and others. We also need to limit the accessibility of guns to dangerous persons. And we have to do all this in an open society that holds personal freedom as a fundamental tenet.

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