

STATEMENT OF DISTRICT ATTORNEY

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June 12, 1978

Now that David Berkowitz' indictment is no longer in pre-conviction litigation, with the Court's permission, I wish to address one of the problems within the Criminal Justice System that it has highlighted.

Despite the pressure to speak out earlier, I have been compelled by the Code of Professional Responsibility as well as the ethical considerations incumbent upon a prosecutor to refrain from doing so. Now that sentence has been imposed I believe I am free to speak, and place my position upon the public record.

The facts of this case and the public discussion it has engendered make it clear to me that the laws concerning the defense of insanity must now be re-examined. The present law does not serve the best interests of our society, our court system, individual defendants or the psychiatric profession. Whether or not a defendant is criminally responsible for his actions, is now determined upon psychiatric testimony governed by legal definitions which are often totally at variance with accepted medical theories of human behavior. Justice is not served when the determination of guilt or innocence is confused by speculation and compromise emanating from the conflicting testimony of expert witnesses who adopt opposing

interpretations same data. It is simply nonsensical to expect lay jurors to justly solve a problem about which experts cannot agree nor at times even acc define.

Many ayes to the present law have been proposed by honorable well-meaning es, and much disagreement can be contemplated in solving a problis magnitude. However, my own position and recommendatiange in the law is that insanity should be eliminated as a criminal t. Every accused should be afforded a trial to determine guilt or innocely upon the facts of the alleged criminal act. Evidence concerning mease and defect of reason should be received by the Court and by tctions Department only after factual responsibility has been establishings of mental disability or the need for psychiatric treatment shode only for the purpose of determining how the sentence will be served professional treatment should be afforded the convicted defendant. Inrograms now existing within the Department of Correctional br the care and treatment of convicted persons who suffer from pal ills, it is no longer abhorrent to incarcerate such individuals.

Whethhis position is ultimately adopted, I do hope that because of the public ow focused upon the entire problem of criminal responsi-bility as affectal disease, thoughtful study will produce meaningful change.