Mentally disordered offenders pose a unique challenge to the criminal justice system and have done so for some time. It was widely undisputed when Prins described the plight of this group on the fringes of society as 'the people that nobody owns' (Prins 1993: 152, 571-78). However, by 1998, Nigel Stone had made the claim that this was no longer the case, as a number of official reports had addressed this issue. These included official reports and guidance from the Home Office and the Department of Health, such as the Reed Report (1992), various committees of inquiry (e.g. Ritchie 1994 on the events leading up to the killing of Jonathan Zito by Christopher Clunis; Blom-Cooper 1995 on the management of Andrew Robinson at Torbay) and a flurry of other publications (e.g. Staite 1994, CLC 1994, Vaughan and Badger 1995). Stone claimed that all of these contributed to a concerted focus on mentally disordered offenders as a special challenge within the criminal justice system and a particular priority within mainstream health service provision (Stone 1998). However, the question is raised as to whether all this attention has meant that the marginalization of mentally disordered offenders has been properly addressed.
Mentally disordered prisoners. A disordered offender may have mental health treatment needs after being convicted and sentenced to prison. The U.S. Supreme Court held in Estelle v. Gamble, 429 U.S. 97 (1976), that the state must provide medical services to prisoners that are necessary to avoid "deliberate indifference" to prisoners' serious needs. Penal incarceration is typically limited and thus many such predators may be released to prey on the community. Usually, however, custodial confinement in our legal order is justified only by criminal desert or by nonresponsible dangerousness.