BRADFORD WRITES!
Fall 2023

The Role of Psychology in Law

By Haley Baron

"There has been a 13% increase in mental health conditions and substance use disorders in the last decade." According to the World Health Organization, "…around 20% of the world's children and adolescents have a mental health condition… with suicide being the leading cause of death among 15 to 29-year-olds" ("Mental Health"). With mental disorders on the rise, what does that conclude for the law and court system? Imagine a homicide has just occurred at one's hometown, with the news quickly traveling through the media. Later in the trial, the defendant pleads not guilty by reason of insanity due to an entangled web of complexities in their mind, a mental disorder. Assuming the judge and jury accept, and the plea is successful, is this defendant getting away without any legal consequences?

This interaction between mental disorders and the law is a complicated area that poses challenges to the legal system. One may ask, "Is there an exception around the fine line between guilty and not guilty?" Therefore, if someone commits a crime and later in court is presented with a mental illness, what changes occur in the law process? Investigating the role that mental disorders have in the court system and examining the impact it has on legal processes, such as responsibility, commitment, and sentencing, is the first step to answering this complex and controversial question.

Looking at this matter in question, understanding it from both a psychological and ethical perspective is important when it comes to the responsibilities in a courtroom. There must be a psychological understanding when it comes to the role of a disorder, as well as the disorder itself. This interplay requires the intricacies of behavior, cognitive processes, and emotional well-being.

Additionally, ethics is a necessary discipline for just about everything, especially when deciding the fate of a human being. Trying to decide what is right for a certain individual with these backgrounds is a hard balance with the issue of societal opinions. Studies are a key factor in finding the answers to these questions due to recurrent gaps in the court system when involving mental disorders.

During a standard court case, there are a few processes that take place in determining the fate of an individual. It consists of the pretrial process, arraignment and first appearance, preliminary hearing, the trial, and a sentencing hearing. There is a structured process where the facts of a case are presented to the jury, in which they then decide the fate of the defendant based on the charge offered. Additionally, in the preliminary hearing, the defendant has the opportunity to either plead guilty or not guilty ("Criminal Case Process"). It's important to understand and recognize the law processes before justifying the psychology behind it. Now, with the role of mental disorders involved, it's more intricate with decisions and defendants can plead not guilty by reason of insanity ("Trial…"). This plea is used when the defendant admits to the act, but claims they were mentally disturbed at the time of the crime, and therefore are not held responsible for the crimes committed. The court can make the decision in agreement or disagreement, while psychologists and psychiatrists provide knowledge and evidence in the defendant's circumstance.

According to Jeffrey S. Nevid et al. in the tenth edition of *Abnormal Psychology in a Changing World*, "The insanity defense is based on the belief that when a criminal act derives from a distorted state of mind, the individual should not be punished but rather should be treated for the underlying mental disorder." This belief in treatment and "second chances" for these defendants has made the court system a more just process. Although not just anyone can plead

this defense. There are some standards from past important court cases that established the basis of this defense and helped the United States court system come up with a way for this to be determined fairly. An early case from 1834 in Ohio ruled, “people could not be held responsible if they are compelled to commit criminal actions because of impulses they are unable to resist,” which is now known as the Irresistible Impulse rule. (Nevid 576). Meaning, if there is such a strong impulse driving an individual to commit an act that they can’t resist, they shall not be responsible. Being one of the first cases that enlightened this issue of defendants with incompetence and mental illnesses, the court quickly realized there were a lot of gaps and questions from this standard alone that has risen in more cases over the past century. Therefore, more standards needed to be set in place.

According to doctorate Richard Lettieri, “The insanity defense as a legal concept was born in England, in 1843…” Furthermore, the M’Naghten test was born, from a man named Daniel M’Naghten who attempted to assassinate the Prime Minister of Britain due to his psychosis (Perina). This rule states, “people do not bear criminal responsibility if, by reason of mental disease or defect, they either have no knowledge of their actions or are unable to tell right from wrong.” There must be presence of a mental disease and not have wisdom of right from wrong, they are unaware of the extremities of their actions. Another landmark case that set a common rule for this defense was Durham v. United States in 1843, which declares, “accused is not criminally responsible if his unlawful act was the product of mental disease or defect” (Nevid 576). This rule is the least used of the three, as the only standard is that the crime must be proven committed due to the mental disease itself. These three standards helped form the basis and determination of this defense that the United States use today.

Consequentially, some states do not agree with some of the standards. “There is no one standard determining the basis of the insanity defense from state to state” (577). Every state jurisdiction and court system have a different perspective and only uses certain standards compared to others. Although, the M’Naghten test is common in most. Specifically, in the state of Pennsylvania, the M’Naghten test is used to determine insanity and an important factor includes that the standards must all have taken place at the time of the crime. To declare a person legally insane in Pennsylvania, “as a result of mental disease or defect, either incapable of knowing what he or she is doing, or if that person does know what he is doing, he is incapable of judging that it is wrong.” (“Mental Illness…”). Therefore, a defendant who has a successful plea of not guilty by reason of insanity, is deemed not guilty. These pleas in a courtroom are very black and white, there is no in-between or exception. “The doctrine of free will… requires that people can be held guilty of a crime only if they are judged to have been in control of their actions at the time.” Meaning, since the said defendant is not in control and incapable of holding incompetence or meets the standards, they are not guilty. Although, there are still repercussions for their actions.

Some in society and the public wonder if these mentally ill defendants are “getting away” with their act of crime, or evading their actions without any legal consequences, when their plea of insanity is successful. Jeffrey S. Nevid et al states, “Contrary to common perception that the insanity defense is widely and often successfully used, it is in fact used rarely and usually is unsuccessful.” To be specific, it’s used and brought up in fewer than one percent of felony cases, and only a fraction of those are successful. This belief is centered around the fact that most of the cases this defense is used in are more popular and well-known cases. Therefore, when the public sees this defense in action, sone think it’s a common use.

Therefore, what happens when this plea is one of the few that is successful? Thomas Hafemeister's article known as *Criminal Trials and Mental Disorders* states, "… the criminal justice system is expected to provide criminal defendants with fair and just trial, a defendant's mental disorder can play a potentially significant role in these proceedings" (Hafemeister). This examines that each defendant is getting the specific help and "punishment" they deserve, whether it's hospitalization or persecution. The defendant's unlawful act is judged in the court of law, and treatment is provided in psychiatric and mental institutions for those not guilty by reason of insanity. There are multiple varieties of outcomes that defendants can be ordered to, all depending on the circumstances. When one is sentenced and confined to a mental hospital, there they receive a diverse amount of medication and therapy to aid in the betterment of the individual. Most cases, those confined to these hospitals are often confined for longer periods of time than they would have otherwise served in prison if proclaimed guilty (Nevid 578). This fact itself eliminates the constant questioning and doubts of this insanity defense. Although, looking at the rate of unsuccessful cases, how can the court decide what's just?

Furthermore, more individuals and defendants with mental illnesses are being incarcerated rather than hospitalized, possibly due to such an unsuccessful rate in the insanity defense. Alisa Roth and her book *Insane: America's Criminal Treatment of Mental Illness* highlight this issue, and pose a potential bias in the court room. She exclaims, "…the mental health crisis in our courts, jails, and prisons… America has made mental illness a crime." Throughout the stories integrated into this novel, Roth makes known of the fact some individuals are pure "evil" while some are "sick," and how sticking them into prisons with no treatment results in worsening of the disease. Additionally, she compares the current treatment and stigma on mental illnesses to how it was in the 19th century with asylums. The comparison between

asylums and prison is common, in which she states, “Overcrowding is common, oversight is poor, and abuse is widespread.” (Roth 14). This differentiation makes those wonder if we are taking a step back in society. “This book seeks to understand why we are shunting some of the most vulnerable people in America into jails and prisons—and why have they been so mistreated when they get there” (16). Additional and excessive screening and assessments is the least our law system could do in preventing a step back in society.

On the contrary, there are some well-known controversies and cases that bring to light holes and gaps in the court system with the insanity defense. Jeffrey Dahmer, a high-profile case, was convicted of murder for 15 men in 1992. Over a span of 13 years, between 1978 and 1991, no one had suspicions of this man performing such acts. When caught, Dahmer admitted to these killings and plead not guilty by reason of insanity. According to Gina Tron, she states, “Gerald Boyle, lead defense attorney for Dahmer, promised the jury that he would prove that Dahmer was ‘sick’ and not ‘evil.’” This statement is true, some individuals are in fact mentally sick, but is that considered and determined in this case? On the defense, they stated he had borderline personality disorder and had extreme delusions. Prosecution concluded that there was no force pushing him to kill and he knew between right and wrong, “Dahmer took preventative measures for each one of the killings as to not get caught, including putting fake security cameras…” (Tron). Therefore, his plea of not guilty by reason of insanity was rejected, due to evidence that he was sane at the time of the murders. Although there was presence of a mental defect, the other two standards were not met and could not prove his case. The public reacted, and this case was considered by many to be the death of the insanity defense. *A Case of Insanity* by PBS states, “If such a clearly deranged killer could not be found legally insane, it seemed unlikely that the

defense would ever be successful…" ("A Case of Insanity"). Since this was such a high-profile case, many wondered if there is any point in this plea, and continues to be an inquiry to this day.

Another murder case from 2001 was Andrea Yates, a mother of five. To be specific, she drowned the five children in a bathtub, due to strong delusional thinking from postpartum psychoses. She was a religious woman who struggled with mental problems her whole life, with a history of schizophrenia, depression, and delusions. She stated that her children were "destined for hell" and that killing them was saving them before they grew up and unholy mistakes. Immediately after the crimes, Andrea called the police and her husband. In 2002, they sentenced her to prison. However, according to scholar Faith McLellan, in 2006, "her conviction was later overturned on the basis of false testimony given by a witness…and she was granted a new trial." She was later found not guilty by reason of insanity due to her prolonged history of disorders and hallucinations from the Texas state legislation. Yates is currently in a hospital under supervision, and her case will continue to be reviewed. Initially, critics wanted the death penalty among Andrea Yates, as what they saw and heard was disgraceful. Although as more information about the trial came out, individuals learned more about her history of mental illnesses. George Parnham, her attorney, states this case "opened the nation's eyes to mental illness" (McLellan). On this account, this case was more a "successful" instance in the insanity plea.

The case with the largest impact on this defense was John Hinckley Jr., a man who attempted to assassinate President Ronald Reagan in 1981. According to scholars Valerie P. Hans and Dan Slater, "No verdict in recent history has evoked so much public indignation." This crime was on live television, therefore was very public, and there was an uproar of societal opinions. Hinckley was proven to be suffering from major depressive disorder and schizophrenia at the time of the crime, and was later sentenced not guilty by reason of insanity. There was a

poll released by ABC News for thoughts from fellow Americans, which revealed, “three quarters of the Americans surveyed felt ‘justice had not been done…’” and the verdict was viewed as unfair (Hans and Slater). Due to these such strong opinions, some states tightened the use and standards of the insanity defense, as well as creating a new verdict called “guilty but mentally ill.” In simple terms, if someone were to use this verdict, they would receive treatment while incarcerated (Nevid 575). The point of this verdict was simply experimental, and to squash all the controversy and unhappiness that came with John Hinckley Jr.’s trial. As more cases challenge certain standards in the legal system, the law is constantly changing, with society’s opinion proving to have a major impact.

Studies have been conducted due to a vast concern in the mental health field, which is whether psychiatric and mental disorders increase the risk of violence that comes with such crimes. There have been numerous case studies and surveys conducted regarding this topic to improve the understanding and knowledge of this matter and answer the question, “do mental illnesses play a large role in violence behavior?” According to Jeffrey S. Nevid et al, “…only a small majority of people with mental disorders commit violent crimes.” A certain study proves that a very small number of illnesses are actually involved in a crime. This study conducted by Daniel Whiting et al shows that between 2006 and 2016 in a homicide defendant population of the United Kingdom, 384 homicides were committed by people with schizophrenia and delusional disorders. This is estimated to account for 6% of the homicides in the given population. (Whiting). This percentage is incredibly small compared to the given popular, especially for over the course of ten years. Scholars Christine Martone et al state, “…clinical factors appear to play a limited role in homicide in general, but their importance in a minority of specific cases has yet to be fully explored in systematic investigations” (Martone). Although

results differ for certain populations, countries, and individuals, this data still proves mental disorders have a very small correlation.

Additionally, there are studies based on the connection between mental disorders and violent actions, for instance, what specific psychological disorders correlate with what crimes or felonies based on past criminal defendants. A study conducted in Sweden shows, "…some individual psychiatric disorders, particularly schizophrenia spectrum, personality, and substance use disorders, are clearly associated with the increased relative risks of violence" (Whiting). In general, severe violence is rare among those with mental illnesses, although these disorders are higher on the scale due to symptoms of delusions, hallucinations, and impulses stemmed from each disorder. There were over 20 primary studies that showed this risk compared to general population samples. While observing which disorders have a more likely connection to violence, David Vinkers et al conducted their own study, "We found that all types of mental disorder were related to all types of criminal charge but that some crime: disorder relationships could be identified which were stronger than others." This group wondered what specific crimes are most associated, and found that arson was the largest among the group, followed by battery, homicide, and sexual crimes (Vinkers, 318). With these results, it opened many eyes as a way to use this data for preventative measures.

Identifying how greatly psychological factors play a role in specific criminal violence could be a potential way to prevent these such actions. Currently, professionals tend to overpredict dangerousness, and aren't very reliable. To be fair, they are trying to predict a very rare occurrence, almost considered a phenomenon. The best way to predict such dangerousness and actions is based on past behavior, although the issue lies upon, "Recognizing violent tendencies after a violent incident occurs is easier than predicting it beforehand" (Nevid 567).

Therefore, by the time this dangerousness is most easily predictable, a crime has already occurred. Not everyone with a mental illness is a risk to society to committing these actions. Although, if there's a way the law can improve risk assessments and recognize underlying factors with this particular group, the overall violence rate could start to decrease.

Due to the insanity defense, defendants with mental disorders or illnesses have a chance to receive treatment, get better, and change themselves for the greater good. Rather than rotting in a prison, they have a chance at reclaiming human dignity. Even though it is a controversial topic with varying different opinions, and some believe that if one commits a crime that they must suffer the consequences, the law is only trying to make what is right for others in these situations. Who are we to decide what is just when we are not involved or in the situation ourselves.

Challenges persist in finding consistent gaps and holes in this system, which is difficult to find the balance in accountability and addressing this stigma associated with mental disorders. With the rise of mental disorders occurring over the past decade, the court system needs to prepare in making these ethical decisions with concrete reasoning. Each new case or situation, such as the John Hinckley Jr. case, has a big impact on the court system, and we need to start being one step ahead to avoid such controversy. This intersection between psychology and the law is crucial and constantly shapes legal systems worldwide. This understanding is a key component in providing justice and compassion for these individuals in need. Overall, mental illnesses play a significant role in law processes and our understanding in this field continues to advance.

Works Cited

"A Case of Insanity." *PBS*, 2014, https://www.pbs.org/wgbh/pages/frontline/shows/crime/trial/other.html#:~:test=At%20trial%2C%20he%admitted%20the,sentences%20without%20chance%20of%20parole.

"Criminal Case Process." *Miller Lyden Attorneys at Law*. https://millerlyden.com. Accessed 10 Dec 2023.

Hafemeister, Thomas L. "Criminal Trials and Mental Disorders." *New York University Press*, 2019, pp. 1-318, doi:10.18574/9781479850754. Accessed 25 Oct. 2023.

Hans, Valerie P. & Dan Slater. "John Hinckley, Jr. and the Insanity Defense: The Public's Verdict." *Public Opinion Quarterly*, vol. 47, no. 2, p. 202, 1983, doi: 10.1086/268780.

Martone, Christine et al. "Psychiatric Characteristics of Homicide Defendants." *The American Journal of Psychiatry*, vol. 170, no. 9, 2013, pp. 994-1002, https://doi.org/10.1176/appi.ajp.2013.12060858. Accessed 25 Oct. 2023

Margaritoff, Marco. "Andrea Yates, The Texas Woman Who Drowned Her Kids To Save Them From The Devil." *Ati*, 2023, https://allthatsinteresting.com/andre-yates. Accessed 10 Dec 2023.

"Mental health." *World Health Organization*, 2023, https://www.who.int/health-topics/mental-health#tab=tab_1. Accessed 10 Dec 2023.

"Mental Illness vs. Insanity in Pennsylvania Criminal Defense." *Gambone Law*, 2023, https://gambonelaw.com/library/why-mental-illness-isnt-a-complete-defense-in-pennsylvania/#:~:text=Under%20the%20M%27Naughten%20Test%20a%20person%20legally%20insane,judging%20that%20it%20is%20wrong. Accessed 1 Dec 2023.

McLellan, Faith. “Mental Health and justice: the case of Andrea Yates.” *The Lancet*, vol. 368, no. 9551, 2006, pp. 1951-1954, doi: https://doi.org/10.1016/S0140-6736(06)69789-4.

Nevid, Jeffrey S., Spencer A. Rathus, & Beverly Greene. *Abnormal Psychology in a Changing World*. Tenth Edition. New York, NY, Pearson Education, Inc., 2018.

Perina, Kaja. “A Brief History of the Insanity Defense.” *Psychology Today,* 2021, https://www.psychologytoday.com/us/blog/decoding-madness/202106/brief-history-the-insanity-defesne. Accessed 10 Dec 2023.

Roth, Alisa. “Insane: America’s Criminal Treatment of Mental Illness.” *New York: Basic Books,* 1st ed, 2018, pp 1-304. Accessed 25 Oct. 2023.

“Trial: Steps in the Federal Criminal Process.” *Office of the United States Attorneys. U.S. Department of Justice,* 2023, https://www.justice.gov/usao/justice-101/charging. Accessed 28 Nov 2023.

Tron, Gina. *“*Why Jeffrey Dahmer Was Declared Sane in his Murder Trial*.” Oxygen True Crime*, 2022, https://www.oxygen.com/true-crime-buzz/serial-killer-Jeffrey-Dahmer-was-declared-sane-why. Accessed 10 Dec 2023.

Vinkers, David et al. “The Relationship Between Mental Disorders and Different Types of Crime.” *Criminal Behavior and Mental Health,* vol. 21, no. 5, 2011, pp 307-320, doi:10.1002/cbm.819. Accessed 25 Oct. 2023.

Whiting, Daniel et al. “Violence and mental disorders: a structured review of associations by individual diagnoses, risk factors, and risk assessment.” *Lancet Psychiatry*. vol. 8, no. 2, 2021, pp. 150-161, doi:10.1016/S2215-0366(20)30262-5. Accessed 10 Dec 2023.