

## TITLE

By (Author's name)

One of the most controversial topics in the criminal justice industry is the "insanity defense" and its applicability or validity in prosecuting criminal cases. The purpose of this assignment is to identify and discuss psychopathology and crime causation in terms of mental illness, research, and the insanity defense. For this evaluation, information was gathered from scholarly research, textbooks, dictionaries, and published literature. These sources were then carefully reviewed and applied to the evaluation in a concise, yet informative, manner. This assignment also addresses some of the key terms in psychopathology and crime causation, including various theories, definitions, and less commonly known relevant factors influencing claims of mental instability or insanity. The conclusion of this evaluation shows that mental illness is a very real issue facing society and the criminal justice system. This evaluation is not exhaustive and while it does provide insight into the factors of psychopathology and crime causation, the evaluation could benefit from the input of professionals currently working within the criminal justice industry.

## INTRODUCTION

Crimes are committed for numerous reasons. In some cases, the acts are malicious, violent, and damaging. In other cases, the crimes committed inflict no physical damage and could be considered nothing more than a simple mistake or lapse in good judgment. Anyone who has studied or worked within the criminal justice system knows that the two foundational elements of criminal acts are the mens rea and the actus reus. Mens rea is the legal term for the intent exhibited by the perpetrator to commit a crime. Actus reus refers to the actual action of committing a crime. While these two concepts are present in most all criminal cases, the question must be asked of what happens when an individual suffers from a mental disorder or other issue that influences his or her cognition toward mens rea? Is it really possible for an individual to lack the cognitive control needed to abstain from criminal activity? Research on the subject of crime causation and psychopathology certainly seem to indicate that this is the case for many individuals. Psychopathology is one of the most important elements to studying and understanding crime causation. As Garner (2004) noted, a psychopath is someone "...with a mental disorder characterized by an extremely antisocial personality that often leads to aggressive, perverted, or criminal behavior" (p. 1263). This formal definition serves as the basis for common terms, such as mentally ill, unstable, antisocial, insane, etc. This type of definition also paves the way for science and medicine to influence the usability of criminal defenses based on mental illness or "insanity". There is a multitude of research and published works regarding crime causation, and psychopathology is an element that is commonly included across studies. Since the 19th century, psychopathology has factored into the study of crime causation. While more is known about crime causation today, the question remains of whether psychopathology points toward insanity as causation, or as an excuse for illicit behavior for violent offenders.

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## DISCUSSION AND APPLICATION OF KEY TERMS/CONCEPTS

In discussing crime causation, it is important to also understand the terminology used in many publications. For example, actus reus and mens rea are common, but less commonly used terms like strain theory may cause readers a bit of confusion or uncertainty. The first term relevant to this evaluation is psychopathology. The standard definition of psychopathology is the "...study of psychopathic mental conditions" (Schmallegger, 2011, p. 90). The study of psychopathology in the context of the modern criminal justice system dates back to the early 20th century. Though many scholars, psychologists, psychiatrists, and experts have discussed and theorized the link between psychopathology and crime causation, Raine (1993) pointed out that a conclusive and acceptable definition is difficult to ascertain. One of the reasons that defining psychopathology is so difficult is because of the categorical nature of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR). Under the DSM-IV-TR, mental disorders are categorized, assuming that an individual will either be a member or nonmember of the categories listed, without allowing for gradation of the disorders listed (Krueger & Markon, 2006). Next is psychosis. Psychosis is one of the most common mental conditions linked to criminal behavior. Schmallegger (2011) defines psychosis as a condition that causes the individual to lose touch with reality. According to the National Alliance on Mental Illness (NAMI), psychosis is not itself an illness, but is most often a symptom associated with physical or mental illness, trauma or stress, or substance abuse (Psychosis, n.d.). This NAMI definition suggests that several elements of crime or disturbing behavior may be linked to psychosis, with or without a diagnosed mental illness. Another important factor to understanding psychopathology and crime causation is understanding diagnosis. The Diagnostic and Statistical Manual of Mental Disorders (DSM) is the official guide for diagnosing mental disorders. The DSM is a relevant connection between the criminal justice system and the health and mental care industries. Because humans commit crimes, it is important that each of these elements is included. The DSM is routinely updated and expanded to meet the needs of society on a current and future basis.

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### Theories

#### Strain Theory

Strain theory is another important element of researching crime causation and psychopathology. Strain theory suggests that individuals who commit crimes do so in order to relieve some sort of psychological strain or stress. For example, an individual facing financial ruin may turn to theft, while someone who is angry may seek revenge (Agnew, 2002). In severe cases, the psychological strain or stress may result in a drive to commit more serious crimes, including sexually-directed crimes or even murder. Notable criminals like Jeffrey Dahmer and Ted Bundy are thought to have had strong compulsions that led them to criminal behavior. During Dahmer's trial, expert witnesses testified that he was not insane, but that he had strong psychological motivation to rid his life of the homosexual urges he felt - therefore, he killed his victims (Worthington, 1992). In the case of Ted Bundy, he was considered to be a sexual sadist, but was not "psychotic" by the textbook diagnosis (Holmes & Holmes, 2010). Unlike Dahmer, Bundy was 2 Fidei et Veritatis: The Liberty University Journal of Graduate Research, Vol. 1 [2015], Iss. 1, Art. 4 [http://digitalcommons.liberty.edu/fidei\\_et\\_veritatis/vol1/iss1/4](http://digitalcommons.liberty.edu/fidei_et_veritatis/vol1/iss1/4) not seeking to rid himself of an urge, but rather to fulfill a fantasy he had created with a former fiancé. In

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Bundy's case, he killed his victims to relieve the stress and strain of that relationship which had caused him pain in the past. Bundy suffered in that relationship, and his crimes were a way of relieving his pain by punishing other women (Holmes & Holmes, 2010). Testimony and research on criminals like Dahmer and Bundy continue to be sources of interest for criminal justice and criminology professionals, as well as students.

#### Social Learning Theory

Social learning theory suggests that individuals may be conditioned by their environment to commit crimes. That is to say that they learn criminal activity from the people around them (Agnew, 2002). This theory has been applied to crime causation for many years, and by some of the most noted psychologists in recent decades. Consider, for example, the predisposition to commit crime that many young people in low income and high crime areas of society hold.

#### Control Theory

Control theory suggests that individuals who commit crime do so because they view it as being easier than the alternative. For example, an individual should not have to work to obtain money if he or she can simply steal it (Agnew, 2002). In terms of violent crime, some individuals choose to murder another person in order to solve a problem, rather than take appropriate and legal measures.

#### Anomie Theory

The most common, albeit loose, translation for anomie theory suggests that anomie is a "...condition of normlessness" (Schmalleger, 2011, p. 94). That is to say that an individual exhibiting anomie may have a sense of alienation from "normal" groups within society. In a societal context, an individual may experience anomie after making a change in culture or political beliefs that are in contrast to their "usual" patterns. There are also many people groups in society that could fall under the umbrella of anomie theory, including groups that purposefully deviate from the acceptable standards of society, school, religion, or the law. It is important to note that not all individuals falling under the umbrella of anomie theory are criminals.

### HOW PSYCHOPATHOLOGY AND CRIME CAUSATION FITS WITHIN CRIMINAL JUSTICE/CRIMINOLOGY

Crime causation clearly fits into the context of criminal justice and criminology. Without crimes, there would be no need for either of these two areas of study. Accordingly, it becomes paramount that students, researchers, and experts in the field learn everything possible about why crime is committed, by whom, and for what purpose. The only ways to fight crime effectively, reduce recidivism, and transform the lives of those in the community affected by crime, is to understand these concepts.

Research supports the idea that brain dysfunction and criminal behavior are linked. Schlesinger (2007) pointed out that criminal behavior often stems from a combination of one or more factors such as "...disinhibition, impaired social judgement, hypersexuality, aggression, and/or violence" (p. 66). Each of these factors links, in some way, back to the study of

psychopathology and crime causation, and is important elements of study for law enforcement, profilers, and corrections personnel.

Another way that psychopathology and crime causation fits into the criminal justice and criminology industries is that psychopathological factors often become an issue during court proceedings. Since the mid-19th century, defendants have been using insanity or mental incapacity (i.e. disorder) to, in essence, excuse the illegal behavior they are accused of committing, and pursue a softer sentence. According to Winters, Globokar, and Roberson (2014), almost half of U.S. states still observe the legal standard dictating the insanity defense, which states that the defendant "...could not... know the nature and quality of the act he was doing or, if he did know it, that he did not know what he was doing" (p. 218). In cases where the mental capacity of the defendant is questioned, it becomes the duty of the jury to review all information, hear expert witness testimony, and decide whether the individual possessed mens rea, or was capable of doing so. Another way that psychopathology applies to the criminal justice and criminology fields is because there are so many disorders falling into the umbrella of psychosis or mental disorder. Raine (1993) provided a list of behaviors that can fall into the spectrum of psychopathology, including pedophilia, exhibitionism, substance abuse, sexual sadism, voyeurism, pyromania, and kleptomania. Interestingly enough, today's society hardly views exhibitionism, voyeurism, and even sadism as behaviors restricted to the mentally ill. In fact, these elements are often expressed in the media, on television, through pornography, and in literature.

Consider, for example, the recent phenomenon of books and the movie 50 Shades of Gray, which is centered on what society has historically deemed a sexually deviant set of behaviors. Even so, thousands of people around the U.S. have become interested in the same or similar behaviors. Is this a crime? In most cases, likely not, however the lines do appear to be blurred. Two consenting individuals may participate in mildly sadistic sexual behaviors and be well within their legal rights. However, an individual with a mental disorder, or those under the influence of alcohol or drugs, may believe that these behaviors are the "norm", and may pressure others to participate or may force another individual to participate without understanding that the behavior is wrong or illegal. This begs the question of whether society as a whole is truly aware of the common elements of mental disorders, and how sedate they can appear. There are numerous instances throughout history where psychosis, mania, and severe mental illness have gone completely unnoticed until the individual snapped and lives were changed.

The behavior and maintenance of prisoners is another consideration in the context of psychopathology and crime causation. The first reason why is because psychopaths and sociopaths often are capable of presenting themselves one way, while fighting within themselves to control delusions, paranoia, and other mental disorders. Karpman (2012) noted that often, prisoners will behave within acceptable guidelines, but will withdraw themselves from other inmates, and often will be paranoid that corrections officers and staff are trying to harm or kill them. This type of delusional mindset can make it very difficult for criminal justice administrators and officers, as the individual could become dangerous without the mental capacity to stop themselves or change their mindset. This further reinforces the importance of medical and psychological services and support within correctional facilities in order to protect inmates and officers.

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