

APPLIED CRIMINAL PSYCHOLOGY

ABOUT THE EDITOR

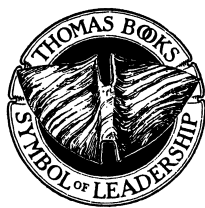
Richard N. Kocsis, Ph.D., is a forensic psychologist in private practice. He is the author/coauthor of close to 90 scholarly publications (articles, book chapters, etc.) on the topics of criminal profiling, serial violent offenders, and their investigation. He has served as an expert consultant to law enforcement, emergency, and prosecution agencies as well as to law firms. In addition to his clinical and forensic work, he has held various academic positions in the areas of forensic psychology and criminology. In 2000, he was awarded the Australian Museum's prestigious *Eureka* prize for critical thinking in recognition of his scientific research in the area of criminal profiling.

APPLIED CRIMINAL PSYCHOLOGY

A Guide to Forensic Behavioral Sciences

Edited by

RICHARD N. KOCSIS, PH.D.



CHARLES C THOMAS • PUBLISHER, LTD.
Springfield • Illinois • U.S.A.

Published and Distributed Throughout the World by

CHARLES C THOMAS • PUBLISHER, LTD.
2600 South First Street
Springfield, Illinois 62704

This book is protected by copyright. No part of
it may be reproduced in any manner without
written permission from the publisher.
All rights reserved.

©2009 by CHARLES C THOMAS • PUBLISHER, LTD.

ISBN 978-0-398-07842-3 (hard)
ISBN 978-0-398-07843-0 (paper)

Library of Congress Catalog Card Number: 2008035459

With THOMAS BOOKS careful attention is given to all details of manufacturing and design. It is the Publisher's desire to present books that are satisfactory as to their physical qualities and artistic possibilities and appropriate for their particular use. THOMAS BOOKS will be true to those laws of quality that assure a good name and good will.

Printed in the United States of America
LAH-R-3

Library of Congress Cataloging-in-Publication Data

Applied criminal psychology : a guide to forensic behavioral sciences
/ edited by Richard N. Kocsis

p. cm.

Includes bibliographical references and index.

ISBN 978-0-398-07842-3 (hard) -- ISBN 978-0-398-07843-0 (paper)

1. Criminal psychology. I. Kocsis, Richard N

HV6080.A69 2009

364.0--dc22

2008035459

*Anyukám,
Ebben az életben mindenemet neked köszönhetem*

CONTRIBUTORS

Justin S. Albrechtsen

Justin S. Albrechtsen is a Ph.D. candidate in the Legal Psychology Doctoral Program at the University of Texas at El Paso. He is currently investigating the underlying cognitive processes involved in detecting deception and in the study of alibis, including their production and assessment in a legal context.

Coral Dando

Doctor Coral Dando, BSc (Hons), Ph.D., is a Research Associate at the University of Leicester, United Kingdom and is currently conducting research aimed at assisting the process of investigating criminal and terrorist activity. She is also a tutor at London South Bank University, teaching Investigative Forensic Psychology. Prior to commencing an academic career, Coral served as a Police Officer with the Metropolitan Police Service London where her primary duties involved conducting investigative interviews with both the victims and the perpetrators of serious sexual offences. Coral has both a first degree and a Ph.D. in Psychology. Her Ph.D. research falls into the domain of Forensic and Investigative Psychology but draws on the theoretical aspects of memory and cognition with an applied focus.

Pär Anders Granhag

Pär Anders Granhag is Professor of Psychology at Göteborg University. He has conducted research within legal psychology for more than 15 years and has published more than 130 scientific reports and several books. His main research topics are eyewitness testimony, deception detection, and issues pertaining to investigative psychology. He is on the editorial board of the following scientific journals: *Applied Cognitive Psychology*; *Psychology, Crime & Law*; *Legal & Criminological Psychology*; and *Journal of Investigative Psychology & Offender Profiling*. Since 2000 he has been the head of the research unit for Criminal, Legal, and Investigative Psychology (CLIP), which is situated at the Department of Psychology, Göteborg University.

James S. Herndon

Doctor James S. Herndon has been a police psychologist for more than twenty years. He served as the Staff Psychologist for the Orange County (Florida) Sheriff's Office

from 1992 to 2002. In that capacity, he was a member of the Crisis Negotiation Team and responded to more than 100 calls involving barricaded subjects and hostage situations. Prior to that, he was the Executive Director of Police Psychological Services of Hampton Roads, Inc. in Virginia, and in that capacity provided assistance to 14 law enforcement agencies, including crisis intervention advice and training. He has been trained by the FBI and other law enforcement organizations in the techniques of Crisis Negotiation. He is a past president of the Council of Police Psychological Services (COPPS), as well as a past president of the Society for Police and Criminal Psychology (SPCP). He holds a Diplomate in police psychology from SPCP and is the Chair of the Diplomate Committee. He serves on the editorial board of the *Journal of Police and Criminal Psychology*. Additionally, he holds Diplomate status from the American College of Forensic Examiners. He currently consults with law enforcement agencies on organizational and operational issues and serves as an adjunct professor at four colleges and universities in Florida. His Ph.D. is in industrial/organizational psychology from Old Dominion University, and his Ed.D. is in counseling psychology from the University of Sarasota.

Allyson J. Horgan

Allyson J. Horgan is a Ph.D. candidate in the Legal Psychology Doctoral Program at the University of Texas at El Paso. Her research interests include false confessions, interrogation techniques, and the evaluation of alibis.

Andreas (Andros) Kapardis

Andreas (Andros) Kapardis is Professor of Legal Psychology and Acting Chairman of the Department of Law, University of Cyprus. He has a Ph.D. in Criminology from Cambridge University and for a number of years taught in the Law and Legal Studies Department of La Trobe University. He also teaches forensic psychology at the Cyprus Police Academy. Since 1995, he has also been teaching as a part of the Masters in Criminology program at Cambridge University. His research interests center around criminology, penology, and legal psychology. He has published extensively internationally, and his books include *Psychology and Law* (2nd edition, Cambridge University Press, 2003); *Sentencing by English Magistrates as a Human Process* (1985); *They Wrought Mayhem: an Insight into Mass Murder* (River Seine Press, Melbourne, 1989); *Sentencing in Cyprus* (Sakkoulas Press, Athens, 2003); *Economic Crimes in Cyprus* (Sakkoulas Press, 2001) and *Society, Crime and Criminal Justice in Cyprus in the First Years of British Rule* (Sakkoulas Press, 2001).

Cara Laney

Cara Laney is a lecturer of Forensic Psychology at the University of Leicester in the United Kingdom. She received her Ph.D. in Psychology and Social Behavior from the University of California, Irvine in 2006. She has conducted research in various aspects of memory, including false memory, and the interaction between emotion and memory.

Elizabeth F. Loftus

Elizabeth F. Loftus is Distinguished Professor at the University of California - Irvine. She holds faculty positions both in Criminology, Law & Society and in Psychology and Social Behavior. She is also Professor of Law. She received her Ph.D. in Psychology from Stanford University. Since then, she has published 20 books and more than 400 scientific articles. Loftus' research for the last 30 years has focused on the malleability of human memory. She has been recognized for this research with five honorary doctorates and election to the National Academy of Sciences, the American Philosophical Society, and the Royal Society of Edinburgh. She is past president of the Association for Psychological Science, the Western Psychological Association, and the American Psychology-Law Society.

Christian A. Meissner

Christian A. Meissner is Associate Professor of Psychology & Criminal Justice at the University of Texas at El Paso. He holds a Ph.D. in Cognitive & Behavioral Science from Florida State University (2001) and conducts empirical studies on the psychological processes underlying investigative interviews, including issues surrounding eyewitness recall and identification, deception detection, and interrogations and confessions. He has published more than 35 peer-reviewed journal articles and book chapters, and he has been funded by both the National Science Foundation and the U.S. Department of Defense. Because of his research, Dr. Meissner has also served as a consultant and expert witness on issues of eyewitness misidentification and false confession in numerous state and federal courts in the United States.

Rebecca Milne

Doctor Rebecca Milne, BSc (Hons), Ph.D. in Criminal Psychology & Criminal Science is a Principal Lecturer at the Institute of Criminal Justice Studies at the University of Portsmouth. She is the course leader of the FdA Investigation and Evidence, a distance learning degree program specifically for investigators. A chartered forensic psychologist and scientist and Associate Fellow of the British Psychological Society, she is an Associate Editor of the *International Journal of Police Science and Management* and is the academic lead member of the Association of Chief Police Officers' Investigative Interviewing Strategic Steering Group. She has worked closely with the police and other criminal justice organizations (in the United Kingdom and abroad) through training of the enhanced cognitive interview, and witness interview advising and also in the interviewing of vulnerable groups (Tier 3 and 5) and providing case advice. Recently Rebecca was part of a writing team that developed the Achieving Best Evidence Document (Home Office, 2007), and national guidance regarding how best to interview vulnerable and intimidated witnesses and victims and she co-organized the Second International Conference on Investigative Interviewing that took place in Portsmouth in July 2006.

Alan Newman

Alan Newman, M.D., is an Associate Professor of Clinical Psychiatry at Georgetown University Medical School, where he is Director of Residency Training and Codirector of the Fellowship in Forensic Psychiatry. He is the Medical Director of the inpatient psychiatry service at Georgetown University Hospital. He is the former director of the Fellowship in Forensic Neuropsychiatry at Tulane University. He is board certified in Psychiatry and Forensic Psychiatry. Dr. Newman attended medical school and residency at the University of Arkansas, where he was elected to Alpha Omega Alpha. Dr. Newman was a 1996 Rapoport Fellow of the American Academy of Psychiatry and the Law and the 1997 Daniel X. Freedman Congressional Fellow, where he served on the Health Staff of the U.S. Senate Committee on Labor and Human Resources. He completed his Fellowship in Forensic Neuropsychiatry at Tulane University in 1998. He is the former chair of a 1999 Insanity Defense reform taskforce in Arkansas, which led to substantial legislative changes in how criminal responsibility and trial competency evaluations are administered in Arkansas. Dr. Newman lectures extensively on forensic issues and has published articles and book chapters on a variety of forensic psychiatry topics, including cyberstalking, the misuse of hypnosis by police, admissibility of hypnotically refreshed testimony, and the treatment of stalking victims. Dr. Newman is a member of the Executive Council of the American Academy of Psychiatry and the Law. He is the former president of the Southern Chapter of American Academy of Psychiatry and the Law.

George B. Palermo

Dr. George B. Palermo graduated from the University of Bologna Medical School, Bologna, Italy, and was trained in general medicine and psychiatry in the United States. He is a Diplomate of the American Board of Psychiatry and Neurology in Psychiatry and a Fellow of the American Board of Forensic Examiners and a Diplomate of Forensic Medicine. In 2004 he received a Master of Science Degree in Criminology from the University of Rome, La Sapienza. He is presently Clinical Professor of Psychiatry at the University of Nevada Medical School and at the Medical College of Wisconsin and Professor Adjunct of Criminology and Law Studies at Marquette University in Milwaukee, Wisconsin. Dr. Palermo is Editor-in-Chief of the *International Journal of Offender Therapy and Comparative Criminology* and is a member of the Executive Board of the International Academy of Law and Mental Health. In addition, he is on the review boards of various national and international psychiatric and criminology journals. He has published numerous articles and book chapters on forensic psychiatry and criminology as well as several books. Dr. Palermo operates a private practice of forensic psychiatry, with offices in Milwaukee, Wisconsin, and Henderson, Nevada. He was the court-appointed psychiatrist in the case of the serial killer Jeffrey Dahmer and in various other high-profile criminal cases.

Georgia Panayiotou

Georgia Panayiotou is an Assistant Professor in the Psychology Department, University of Cyprus. She holds a Ph.D. in Clinical Psychology from Purdue University and has taught at Mississippi State University. Her research interests are emotional processes in antisocial behavior, anxiety and affective disorders, emotional and cognitive processes in psychopathology, and the psychophysiology of emotion and cognition. She has published extensively in international journals.

Phillip J. Resnick

Dr. Resnick is a Professor of Psychiatry and Director of the Division of Forensic Psychiatry at Case School of Medicine in Cleveland, Ohio. Dr. Resnick has served as a consultant in many high-profile cases, including those of Jeffrey Dahmer; Susan Smith; Timothy McVeigh; Andrea Yates; Scott Peterson; William Kennedy Smith; and Theodore Kaczynski, the Unabomber. Dr. Resnick has served as President of the American Academy of Psychiatry and the Law. He has published more than 130 articles and book chapters.

Charles L. Scott

Charles L. Scott, M.D., is Chief of the Division of Psychiatry and the Law, Forensic Psychiatry Training Director, and Associate Clinical Professor of Psychiatry at the University of California, Davis. He is board certified in general psychiatry, child and adolescent psychiatry, addiction psychiatry, and forensic psychiatry. He is a member of the American Academy of Psychiatry and the Law (AAPL), a national task-force to develop guidelines for the evaluation of criminal responsibility and insanity. Dr. Scott is also the AAPL Forensic Psychiatry Review Course faculty instructor for psychiatry and the death penalty. He has served as a forensic psychiatric consultant to jails, prisons, and maximum security forensic inpatient units and to the National Football League (NFL), providing training on violence risk assessment for NFL counselors. Dr. Scott has published articles and book chapters in the areas of risk assessment of violence and aggression, the death penalty, juvenile violence, and mental health law. He has coauthored book chapters on child psychiatry and the assessment of dangerousness. His research interests include the relationship of substance use to aggression among mentally disordered offenders. He was first editor of *The Handbook of Correctional Mental Health*, from American Psychiatric Publishing, Inc., and was guest editor for the September 2006 edition of the *Psychiatric Clinics of North America* devoted specifically to forensic psychiatry. Dr. Scott is a member of the California Judicial Action Committee and is a counselor for AAPL. He lectures nationally on the topics of violence risk assessment, juvenile violence, substance use and violence, the assessment of sex offenders, correctional psychiatry, and malpractice issues in mental health. His academic subspecialty is child forensic psychiatry. He is a graduate of Emory University School of Medicine.

Leif A. Strömwall

Leif A. Strömwall is an Associate Professor at the Department of Psychology, Göteborg University, Sweden. He has published on topics such as deception detection in general, police interrogations, verbal correlates of deception, and adults' ability to detect children's lies. He, with collaborators and alone, has received funding for several research grants. He has furthermore developed courses in legal and investigative psychology for graduate and undergraduate students and regularly instructs legal professionals such as prosecutors and police investigators in legal and investigative psychological matters.

John W. Thompson, Jr.

John W. Thompson, Jr., received his medical degree at the University of Texas Medical Branch in Galveston, Texas. He completed psychiatry residency training and a forensic psychiatry fellowship at the University of Florida College of Medicine in Gainesville, Florida. He is board certified in psychiatry with added qualifications in forensic psychiatry and addiction psychiatry. He is presently the Director of Forensic Neuropsychiatry and Vice-Chairman of Adult Psychiatry in the Department of Psychiatry and Neurology at Tulane University School of Medicine in New Orleans. In addition, Dr. Thompson is the Founding Director of the Tulane Fellowship in Forensic Psychiatry and is Clinical Director of Eastern Louisiana Mental Health System, a 500-bed civil and forensic hospital system in Louisiana. Dr. Thompson's major research interests include the fields of competency restoration, gambling, aggression and violent behavior, and the insanity defense.

Hjalmar J. C. van Marle

Hjalmar J. C. van Marle is Professor of Forensic Psychiatry at the Erasmus Medical Center and the School of Law of the Erasmus University in Rotterdam, The Netherlands. He is also the scientific adviser of the Center of Expertise for Forensic Psychiatry in Utrecht and a sworn expert witness. As a forensic psychiatrist, he works in the outpatient clinic Het Dok in Rotterdam.

FOREWORD

I am delighted to welcome this new book on forensic aspects of psychology, psychiatry, and behavioral sciences. The volume is introductory and wide-ranging and provides valuable information about many key forensic issues, including personality disorders, risk assessment, the forensic psychologist as an expert witness, detecting deception, eyewitness memory, cognitive interviewing, forensic hypnosis, false confessions, criminal profiling, and crisis negotiation. These are all topics in which psychologists and other behavioral scientists have made great contributions. The book is international and interdisciplinary in its scope and focus. It should be of great interest to both scholars and practitioners and indeed is highly relevant to forensic practice.

The editor, Richard Kocsis, is well-known, especially for his contributions to criminal profiling. His book *Criminal Profiling: Principles and Practice* (Humana Press, 2006) contains a valuable compendium of knowledge about profiling and presents his own theory of "Crime Action Profiling." Many of the contributors to this book are also well-known scholars or practitioners. All of them have useful information to impart.

Forensic psychology is a booming subject. Every year, there is a greater appreciation of the contributions of psychology to understanding and working with offenders, victims, and witnesses in prisons, hospitals, courts, and police settings. Consequently, the need for trained scholars and practitioners in forensic behavioral sciences grows every year, and their work is increasingly valued by government agencies. In the United Kingdom, the number of psychologists employed by the prison service more than doubled in the early years of this century. This book should be of great interest to students who are planning careers in forensic psychology, criminology, and policing.

In the view of the general public and the mass media, forensic psychology seems to be dominated by criminal profiling. This book shows that criminal profiling, while extremely important, is only one of many topics that are included within forensic behavioral sciences. The real contribution of applied criminal psychology is in applying scientific methods and scientific knowledge to problems involving human behavior and human decision-

making. The work of psychologists should contribute greatly in reducing the prevalence of many troubling social problems, including crime and violence. This book is an excellent showcase of the contributions of those who apply criminal psychology methods.

David P. Farrington

Professor of Psychological Criminology,
Cambridge University

PREFACE

The human race has held an almost primordial interest in seeking to fathom the psyche of those within our societies who commit crime. Although scholars from a variety of disciplines have contemplated this issue over the centuries, only recently has a dedicated focus begun to emerge on the issue of crime from the discipline of psychology. Distinct from the care provided by psychiatrists and psychologists to the mentally ill who have perpetrated crimes or the various mental state evaluations of individuals (Melton, Petrila, Poythress & Slobogin, 2007; Rogers & Shuman, 2000) for the purpose of court/legal proceedings,¹ the application of psychology in the context of crime, its perpetration and investigation, is a comparatively recent development. In this sense, much has been developed in the past few decades in terms of our knowledge about the many manifestations of crime.

In contemplating the application of psychology in the context of crime and the criminal justice system, it occurred to me that no one text seemed to encapsulate the spectrum of topics that can be conceptualized as criminal psychology. There seemed to be a range of fine books available on discrete topics such as the reliability of eyewitness memories, the detection of deception, and even hostage negotiation. What appeared to be absent however was a text that cohesively drew together the diverse topics comprising this area of criminal psychology. With this apparent paucity in the scholarly literature, I decided to embark upon the production of the book.

However, in setting out to produce this text on the growing area of criminal psychology I did not want to simply try and offer my summary and interpretation of the existing and quite sophisticated literature. Rather, I wanted to identify what I saw as the key topic areas and enlist the aid of experts in those respective topics to write the best possible overview for the uninitiated reader.

The result is this book, which comprises three core components. The first

1. *The Oxford English Dictionary* (1970, p. 438) defines the word forensic as “pertaining to, connected with, or used in courts of law” and is derived from the Latin word *forensis*, which translates as relating to the forum. In ancient Rome, the forum was the legal structure of the civilization analogous to courts encountered in contemporary western common law jurisdictions (Jolowicz & Nicholas, 1972). Thus, the application of a body of disciplinary knowledge using the prefix forensic is typically in reference to the application of such knowledge or expertise in the context of the courts and legal proceedings.

part examines the various forms of mental disorder and their relationship or manifestation in criminal behavior. Additionally, within this section is some discussion on the role and input of both psychologists and psychiatrists in examining that interface. The second part of the book focuses on the key areas of deceit, eyewitness memory and confessions; the third and final part of the book is dedicated to examining the application of psychology in terms of investigating or responding to crime.

Consequently, the opening chapters focus on human psychopathologies and how they manifest themselves in crime. The first chapter examines the not always clear interplay between mental disorder and criminal behavior as well as typical DSM Axis I disorders associated with criminal behavior. Chapter Two then provides an overview of the DSM Axis II or personality disorders and their specific relevance to criminal behavior. In the third chapter, the role and assessment techniques employed by psychologists and psychiatrists and their application in the criminal justice context are discussed. These issues are discussed by reference to Western based case law from various countries, including the United States of America, the United Kingdom, Canada, Australia, and New Zealand. Chapter Four then examines one of the key applications of criminal psychology (excluding traditional forensic psychological evaluations such as competency or insanity) in the assessment of dangerousness, and thus the evaluation of risk in a potentially diverse range of contexts.

The second part of the book is concerned with the detection of deceit in assessing the guilt or otherwise of individuals and in judging the veracity of what suspects and witnesses assert. The reliability of eyewitness memory is explored: how reliable is human memory, for instance, in circumstances of stress, illness, or trauma? The psychology of interviewing witnesses for the purpose of extracting statements is also examined, along with the fallibility of memory and techniques for enhancing memory in the form of cognitive interviewing. This part of the book also discusses the technique of hypnosis, not within the traditional context as a psychotherapeutic tool, however, but in the sense of whether it has application in an investigative context to improve eyewitness memory. Finally, the last chapter of this section deals with another rapidly developing field of study – the phenomenon of false confessions. In investigating crimes, circumstances can be created whereby people falsely confess to crimes. The complexity of the reasons for this phenomenon is discussed in detail.

The third and final part of the book deals with topics related to the application of psychology in the context of responding to and investigating crimes. Thus, the technique of criminal profiling and the capacity to examine exhibited crime behaviors for the purpose of identifying probable char-

acteristics of the likely perpetrator of the crime is explored. Following on from criminal profiling is the perhaps lesser-known technique of psychological autopsy, wherein psychology is applied to the evaluation of equivocal deaths as in the context of coroners' inquiries to ascertain the purpose or motive(s) underlying a suspicious death. Was the death the result of suicide, murder, accident, or some natural cause? The final and concluding chapter to the book examines the topic of crisis negotiation and when individuals such as psychologists, psychiatrists, or law enforcement personnel assume a highly specialized communicative role in attempting to foster a desired outcome in various crisis situations. Examples range from the release of hostages in kidnapping or siege contexts through to communicating with individuals who have barricaded themselves in an area. Negotiation techniques in such situations are intended to encourage a peaceful resolution of a siege situation in place of a forced incursion by law enforcement to extract the individual and thus end the siege.

It has been a great pleasure for me to produce this book and an immense honor to be able to secure the cooperation of such an esteemed collection of scholars for this project. I have learned a great deal in the process, and I only hope that the reader derives the same amount of satisfaction and enjoyment in reading the final text as I have had in gathering together the material.

R.N.K.

REFERENCES

- Jolowicz, H.F., and Nicholas, B. (1972). *Historical introduction to the study of Roman law*. Cambridge: Cambridge University Press.
- Melton, G.B., Petrila, J., Poythress, N.G., and Slobogin, C. (2007). *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers* (3rd ed.). New York: Guilford Press.
- Rogers, R., and Shuman, D.W. (2000). *Conducting insanity evaluations* (2nd ed.). New York: Guilford Press.

CONTENTS

	<i>Page</i>
<i>Foreword – David P. Farrington</i>	xiii
<i>Preface</i>	xv

PART A: CRIMINAL BEHAVIOR AND MENTAL DISORDER

1. MENTAL DISORDERS AND CRIMINAL BEHAVIOR.	5
<i>Hjalmar van Marle</i>	
2. ANTISOCIAL BEHAVIORS AND PERSONALITY	
DISORDERS	21
<i>George B. Palermo</i>	
3. THE ROLE OF THE FORENSIC PSYCHOLOGIST	45
<i>Andreas Kapardis and Georgia Panayiotou</i>	
4. RISK ASSESSMENT.	69
<i>Charles L. Scott and Phillip J. Resnick</i>	

PART B: DECEIT, MEMORY AND CONFESSIONS

5. THE DETECTION OF DECEIT	95
<i>Pär Anders Granhag and Leif A. Strömwall</i>	
6. EYEWITNESS MEMORY	121
<i>Cara Laney and Elizabeth F. Loftus</i>	
7. COGNITIVE INTERVIEWING	147
<i>Coral J. Dando and Rebecca Milne</i>	
8. FORENSIC HYPNOSIS	169
<i>John W. Thompson, Jr. and Alan W. Newman</i>	
9. FALSE CONFESSIONS	191
<i>Christian A. Meissner, Allyson J. Horgan and Justin S. Albrechtsen</i>	

PART C: INVESTIGATING OR RESPONDING TO CRIME

10. CRIMINAL PROFILING	213
<i>Richard N. Kocsis</i>	
11. PSYCHOLOGICAL AUTOPSY.....	235
<i>Richard N. Kocsis</i>	
12. CRISIS NEGOTIATION.....	257
<i>James S. Herndon</i>	
<i>Index</i>	281

APPLIED CRIMINAL PSYCHOLOGY

Part A

**CRIMINAL BEHAVIOR AND MENTAL
DISORDER**

Chapter One

MENTAL DISORDERS AND CRIMINAL BEHAVIOR

HJALMAR VAN MARLE

In the criminal court, forensic psychiatrists and psychologists are sometimes called upon as expert witnesses to answer questions relating to responsibility for a crime, dangerousness for reoffending (i.e. risk-assessment), and treatment for the prevention of reoffending given the presence of a mental disorder. The main purpose is to describe the connection, if any, between the presence of any mental disorder and the criminal behavior of the accused to enable a judgment to be made about the offender in court.

Forensic psychiatry entails both a medical and psychiatric/psychological assessment of the individual within a legal context. “Forensic” means that accumulated medical and psychological knowledge is interpreted according to the law in an explanation of the individual under examination (Rogers & Shuman, 2005). The results of the person’s examination are interpreted in terms of the relevant law so that legal questions can be answered.

Forensic psychiatry has as its paradigm the biopsychosocial model (Engel, 1980), which is an interpretive philosophy and research model of a person as a unity of different levels of functioning – molecular, cellular, biological, psychological, and social – and leads to different forms of psychiatric and psychological treatment. The question of why one person develops one disorder but not another, or no disorder at all, is an important question in medicine. It leads researchers not only toward disease-promoting factors but also to “resilience”, the often-unknown factors, that prevent illness. For contemporary psychiatry, it is biological research into neurological (i.e. brain) activity that strives to answer why some people develop a mental disorder but others do not. Personal and social factors should not be underestimated because

their impact on criminal behavior is essential and determinative. The effect of psychological and social factors on the functioning of our brain is the central question, because it is the seat of our actions. For forensic psychiatry, a key question is which patient becomes an offender and which offender becomes a patient (van Marle, 1996) and what was first, the proclivity toward crime or the mental disorder (Goethals, Fabri, Buitelaar & van Marle, 2007). There are many disturbed mental patients and a number of offenders, but the forensic behavioral sciences concern themselves with the combination “mad and bad” and “disorder and offense” coming together in one person. Forensic psychiatrists/psychologists judge the person in the totality of these aspects and offer their professional opinion about that person. Questions typically posed to forensic psychiatrists/psychologists can include the following:

1. Is a mental disorder present now and was it present at the time of the crime?
2. Can a connection between the two be demonstrated?
3. If so, what is the nature of this connection and what is the strength of it?
4. What is the level of responsibility of the offender for the crime?
5. What is the risk for reoffending, and which risk factors are present?
6. Is treatment possible to reduce reoffending? (van Marle, 2007)

The objective of this chapter is to briefly explore the range of mental disorders and their relationship to criminal behavior. Emphasis is placed predominantly on mental disorders, that are frequently observed among criminal offenders, although others are also mentioned.

UNDERSTANDING AND DEFINING MENTAL DISORDER

Disorders are diagnosed by clinicians. Mental health experts agree on a certain number of symptoms and their combination (as syndromes) and their possible interplay with causal factors. These combinations can be labeled as mental “disorder”, “disease” or “illness.” Mental disorders only exist via the manifestation of symptoms and behaviors. The patient, the person with a disorder, is a unique person who prints his or her unique picture on the phenotype of the disorder, depending on his or her personality and circumstances. People with the same psychiatric disorder can manifest themselves totally differently as patients because of these unique individual differences in the manifestation of the disorder.

For mental health researchers, the ideal disorder for scientific research is one that always has the same cause, a typical course, measurable organic

abnormalities, agreed-upon characteristic treatments with a steady prognosis and a known terminal stage, with and without treatment. A holistic perspective is required (Kaplan & Sadock, 1995). Unfortunately, psychiatric/psychological sciences are not currently able to describe mental disorders in this ideal way. This is the reason why the word illness in psychiatry and psychology is replaced by the broader term disorder. Additionally, in mental disorders, there is no such thing as “the cause”. Causality depends on many factors, including those of a biological, psychological, or social origin, or a combination of these. As such, vulnerabilities in childhood development and even in pregnancy may be involved as well as situational factors leading directly to the origin of the disorder and more circumstantial factors sustaining the disorder by their persisting influence. Some factors can be influenced by education whereas others relate to the brain’s functioning. Treatments exist both in biologically influencing the brain’s functions by medication and in psychological therapies.

In forensic psychiatry and psychology one has to be extremely cautious because of the danger that criminal behaviors (abnormalities in a social way) may be labeled as mental disorders. A conflict between a person and public authority can never be held as a mental disorder *per se*. Someone committing an offense, and as such being socially deviant, is not mentally ill until proven so by the existence of a mental disorder.

In mental health assessments the examiner does not avoid using the psychodynamic model: a model that is based on the axiom of psychic forces in the personality that strive together to produce a healthy balance between the person and his environment (adaptation). Central is the connection between this unique individual – his behavior and actions – and the context of the legal system in which he lives. That is, between his personality and his criminal behavior and his capacity as a human being to act responsibly. Why a person committed a crime or why a certain mental disorder has led to a certain impairment can only be understood by looking at the functioning of this personality directly within the context of the crime. At this time we cannot examine specific biological brain functions within any theory of aggression or crime because we cannot identify biological data that discriminate one person from another with respect to certain criminal behavior. For example, to date no brain abnormality or structure can be identified that is commonly inherent to all individuals who commit crimes of arson. Similarly, social theories of crime cannot be applied to individual perpetrators in terms of determining questions about individual responsibility. Accordingly, individual psychiatric/psychological evaluations are resorted to and often involve measuring personality traits by psychological tests that have good validity for the purposes of a court. Mental health questions that a court and mental health practitioners are often interested in understanding include the following: