

Baumgartner, POLI 203

Spring 2016

Mental Illness

Guest lecturer today: Betsy Neill

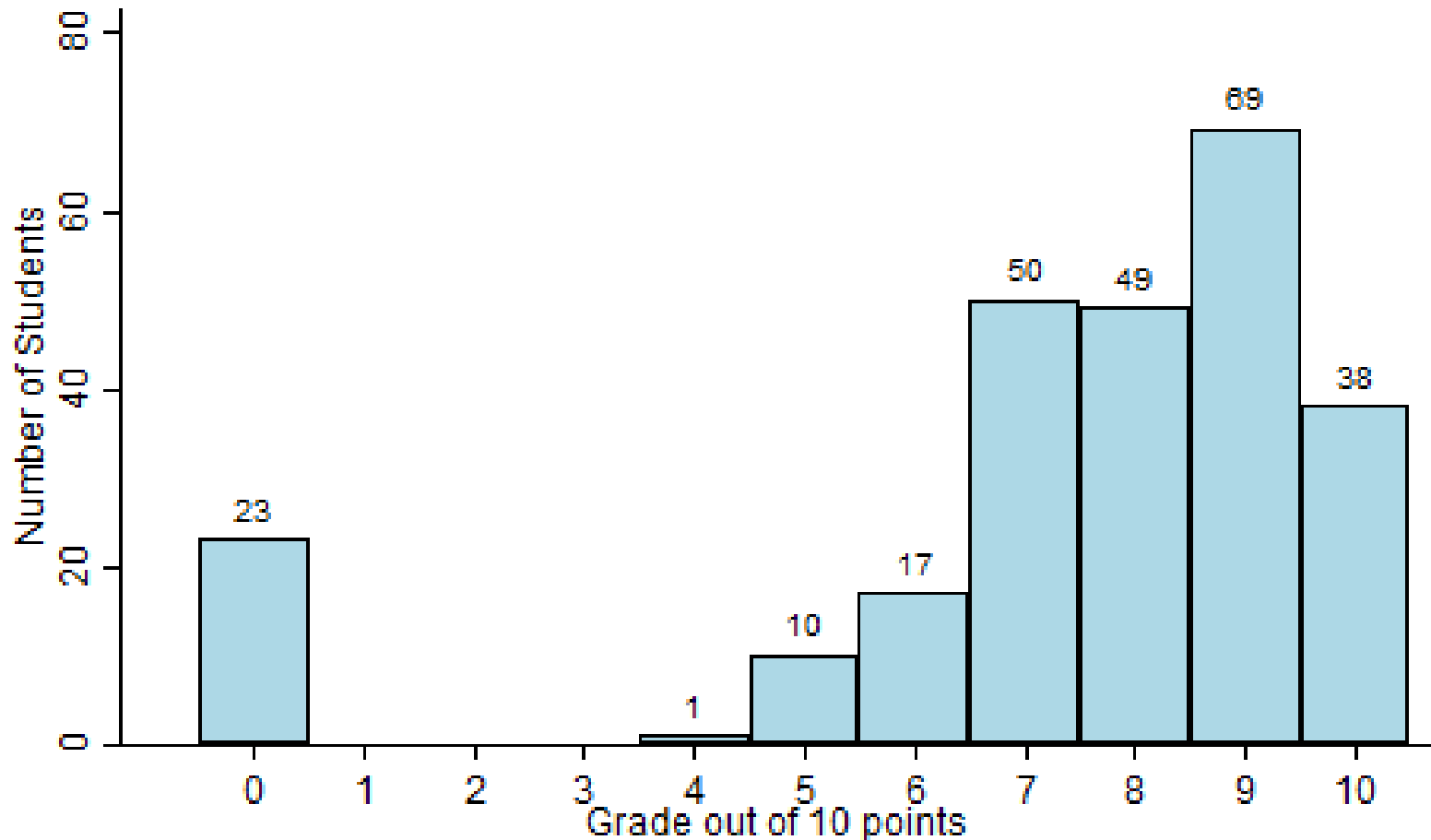
April 18, 2016

Catching Up

- Prison visit Friday 4/22 and 4/29. Please confirm you are really coming so others can come if you don't want to.
- Speakers tonight, bring your friends, could be a full house.
- Public opinion from last week.
- Today, another chapter from our book, *A Statistical Portrait of the Death Penalty*, focused on mental illness.
- Betsy Neill is helping to draft this chapter and plans to follow up with a senior thesis next year. Betsy is currently a junior.

Most recent quiz, doing better...

Sixth graded quiz, out of 10
Much better, Tar Heels!



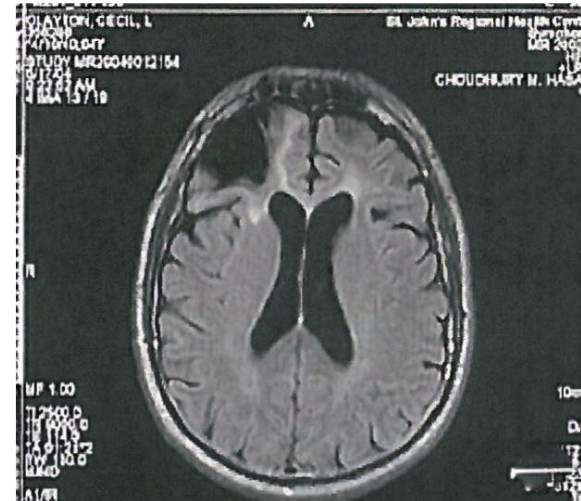
Mean grade: 7.49; Median grade, 8. N = 244 / 257.

What is Mental Illness?

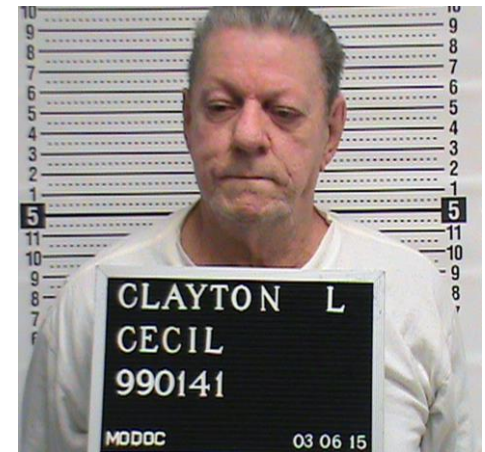
- Interaction between biology and environment
- Behaviors= f (Biology x Environment)
- Murder=
 - Biology: [warrior gene], [low functioning amygdala], [small frontal lobe]
 - Environment: [sexually abuse by father], [grew up in foster home], [dropped out of high school at age 16]
- Situation: Someone steals from you
- Goal for the lecture: See the murders from their perspective, not from your own.

Case Example: Cecil Clayton

- In 1972, he was in a saw mill accident and 20% of his frontal lobe was removed
- Frontal lobe: Planning, impulse control, problem solving, and social behavior.
- After the accident:
 - Schizophrenia
 - Violent impulses
 - Extreme paranoia
 - IQ of 71
- Checked himself into a mental hospital



Clayton's Murder

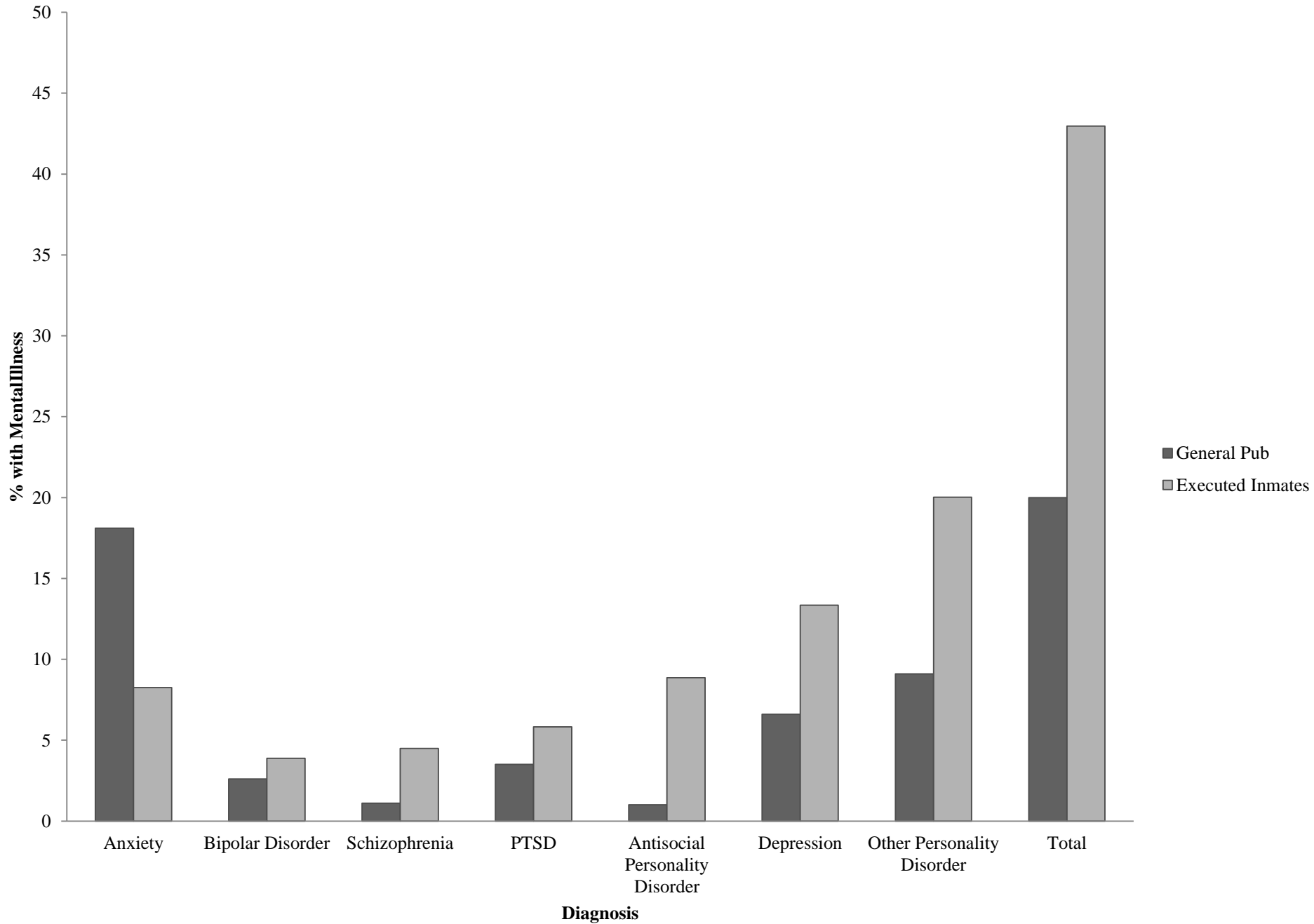


- Think about this from his perspective, not your own.
- He asks his girlfriend to eat with him
- She says no, making him angry. They were fighting so loudly, that the store owner called the police.
- Storeowner told the police that Clayton was an intruder in the store.
- When the officer arrived, Clayton shot him in the head while sitting in the car.

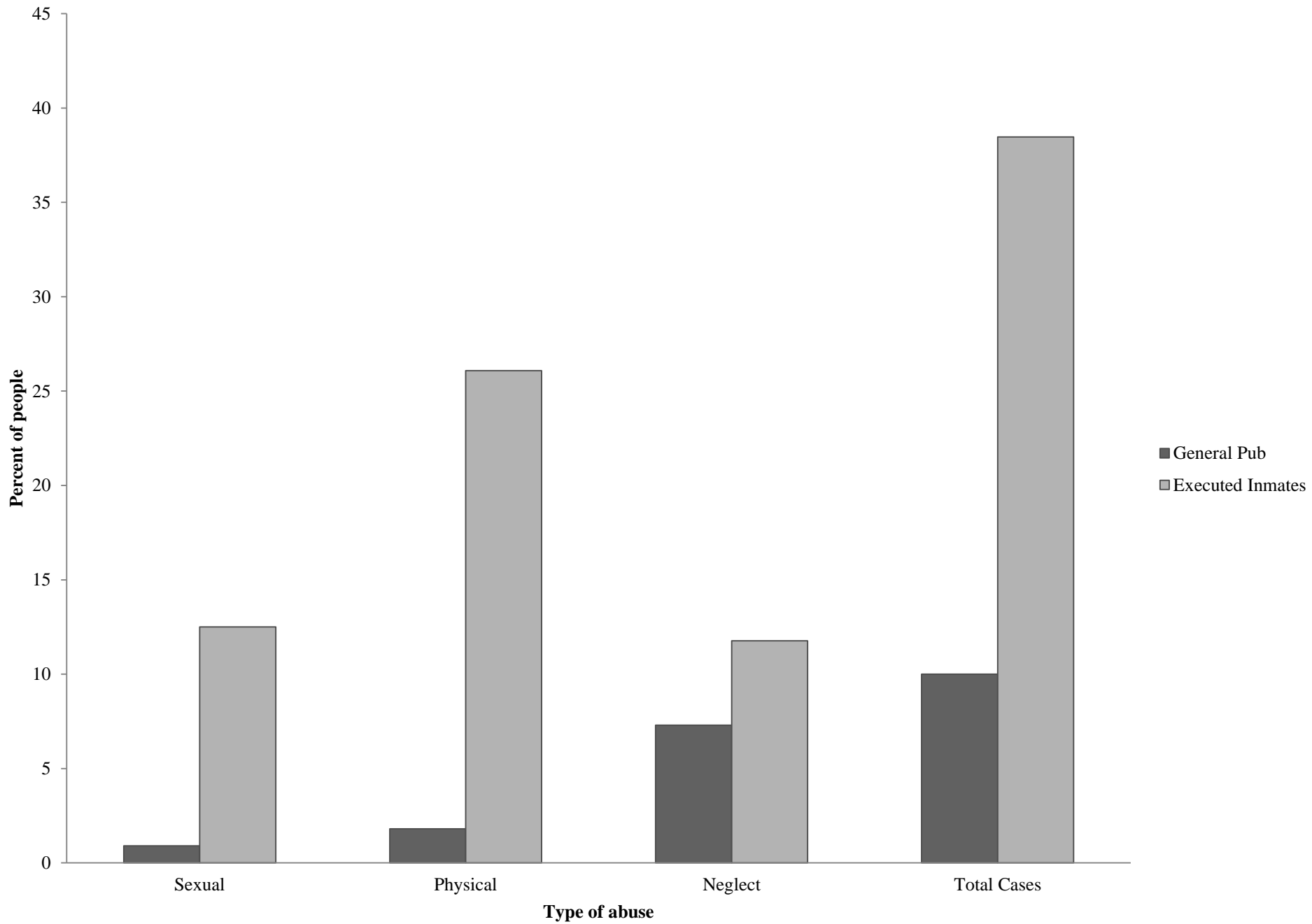
Data

- Inmates executed in the United States from 2000-2015
- Coded search words
- These are the bare minimum numbers!
 - News articles (Clark County Prosecutor)
 - Court cases (JUSTIA)
 - Other sources such as Murderpedia

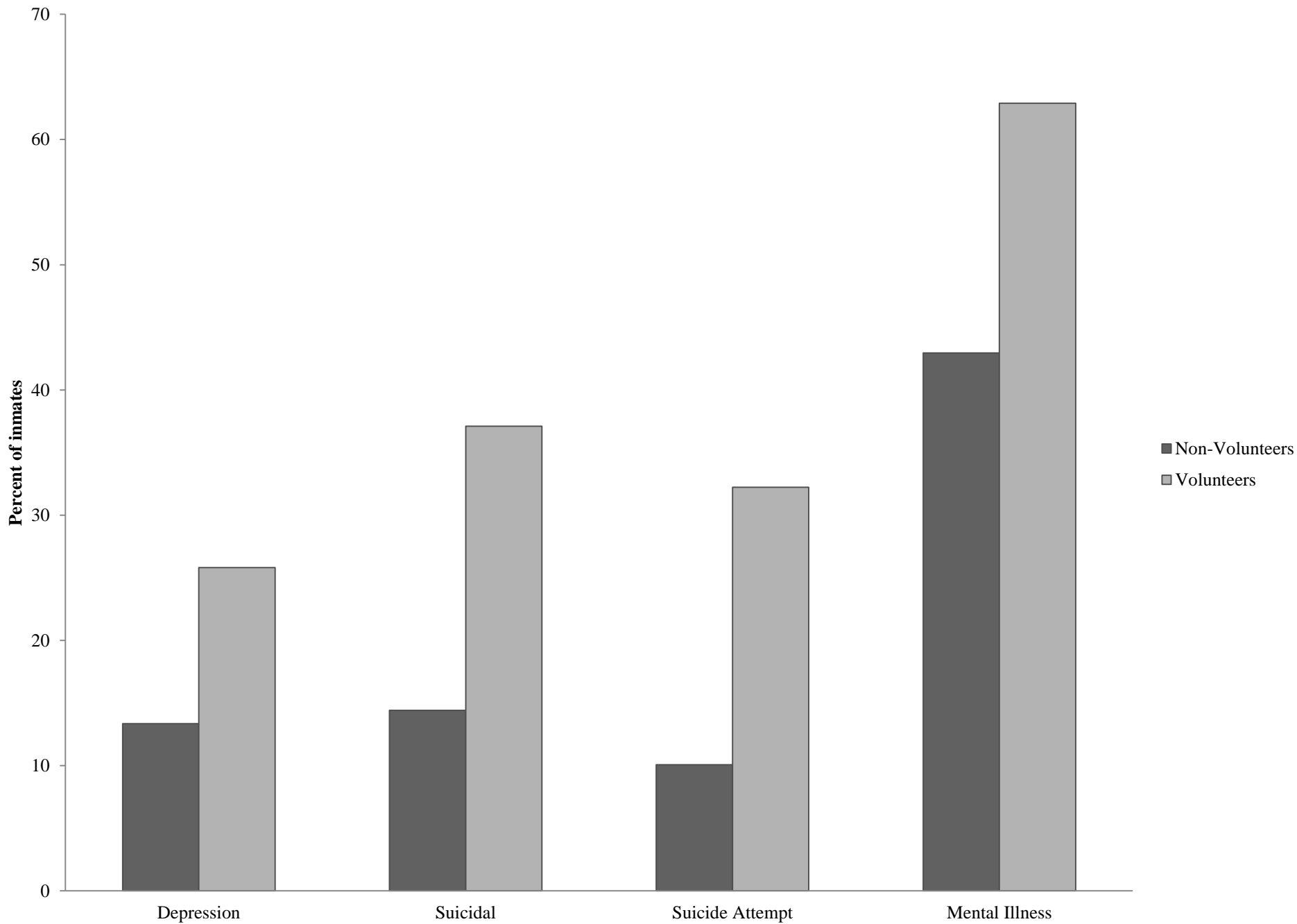
Mental Illness



Childhood Abuse



Suicide and Depression



Expert Testimonies

- Clinical Psychologist (PhD or PsyD)
- Forensic Psychologist (PhD)
- Psychiatrist (MD)
- Social Worker (MA)
- Specialization expert



What they do

- Defendant admitted to hospital
 - Extensive testing
 - Can be there for hours, even days
- Brief testing
 - Go in for a quick test
 - One hour
- No testing
 - Testify about generics
 - Make assumptions based on other cases

What they testify about:

Mitigating:

- Mental Illness
- Intellectual Disabilities
- Trauma of any kind
- Substance abuse/use
- Remorse (suicidal)

Aggravating:

- Future Dangerousness

The big question:

Why is there such a high prevalence of these mental health factors when they in theory are mitigating?

1. The jury does not know about the mental health factors pertaining to the individual
2. Mental health is actually an aggravating factor
3. Mental health factors can be very arbitrary
4. They no longer have those mental health factors

1. The jury does not know

- This is rarely the case
- You can never be denied a mental health testimony
- When this happens, the defense attorney usually purposefully excludes the information in fear that it will hurt their case:

– Suzanne Margaret Basso

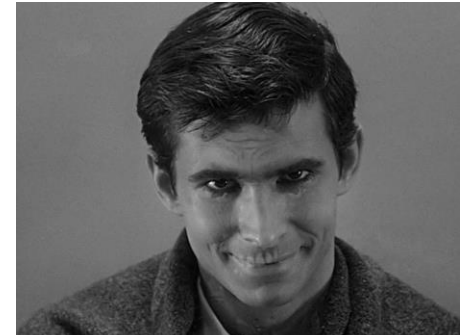


- Sexually abuse by step-father, step-brother, and uncles
- Physically abuse by mother, and step-father
- The specific details of the abuse she received were so similar to the abuse Basso's kids received before the murders, that the attorney thought her abusive background would incriminate her.

2. Mental health is aggravating

Negative stigmas about mental illness:

- Faking (“get over it” mentality)
- Not a physical illness
- Crazy people



In the context of a capital trial:

- Unpredictable
- Dangerous
- Scary
- Mad/crazy
- Violent
- Unable to be helped
- Dehumanized



2. Mental health is aggravating

- Future dangerousness assessments
 - Proven inaccurate on multiple occasions
 - Defense attorneys are arguing that they should not be allowed because they are so inaccurate
- Violence Risk Appraisal Guide (VRAG)
 - Elevated risk if personality disorder
 - Elevated risk if Schizophrenic
 - Elevated risk if score high on psychopathy exam
 - Substance use/abuse
 - Childhood maltreatment/unstable upbringing
- Mental health factors are so intertwined with future dangerousness that the jury is presented with testimonies about how they make the defendant more dangerous.

3. Mental health as arbitrary

- Atkins v. Virginia (2002):
 - Atkins has an IQ of 59
 - IQ of 70 is the threshold for having an intellectual disability
 - Cruel and unusual to execute someone with an intellectual disability
- Hall v. Florida (2015):
 - IQ of 71, stating that there should be a margin of error
 - You could be executing individuals with intellectual disabilities
 - Ruled that if you are within the margin of error, you must also have a psychological assessment done as additional evidence

3. Mental health is arbitrary

- Barnard v. Collins (1994)
 - The difference between awareness and mental illness
 - You can be mentally ill and competent if you were not under the influence of your mental illness at the time of the crime
 - Difficult to determine this in retrospect
- Differing psychological opinions when they interview people at different times:
 - James Willie Brown:
 - Diagnosed with schizophrenia by 17 different psychological experts
 - Deemed incompetent to stand trial twice
 - Competency reversed when an 18th psychologist testified that he was not schizophrenic, instead was suffering from flashback from when he was high on LSD in the 1970's

4. No longer applicable

- Perry v. LA (1990)
 - Unconstitutional to execute someone whose competency was changed due to medication
- Washington v. Harper (1990)
 - You can medicate someone to change their competency IF they are a threat to themselves or society
- Sell v. United States (2003)
 - Unconstitutional to forcibly medicate someone with a mental illness with the intent of changing his or her mental status from incompetent to competent as it **violates the 14th amendment**
 - Denies individual's liberty to deny medical treatment without due process of law

Final Case Study: Inmate X

The Crimes

- In prison for murder
- Solitary Confinement for 2.5 years
 - Only thing to think about: crime, self-hatred, wanting to die, being violent because he is so angry
- Released with no warning
- Stabs another inmate in the shower, strangles an officer until he is inches away from death
- Wants to kill and be violent because, what else does he have to lose?
- Gets the death sentence

Final Case Study: Inmate X: The transformation

- After 7.5 more years in solitary confinement, he is released into the death row prison
- On the news: friend shoots out the courtroom
- Watches “Vanilla Sky”
 - Your today determines your tomorrow
- Converts to Islam
- Leader of Islam community on the death row population and recruits members to live a non-violent life
- Currently one of the most influential men on death row in a positive way

Questions?