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Legal Definitions and Trial Outcomes

Week 5 Application Assignment

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Our famous case study of Jeffrey Dahmer portrays a sadistic and violent criminal who committed his atrocities over the course of thirteen years from 1978 until his capture in 1991. Leading up to his trial, Dahmer submitted the plea of “not guilty by reason of insanity” and the evaluation of his mental state at the time of the crime underwent evaluation by psychologists for both the prosecution and the defense. Aside from the challenge of determining Dahmer’s state of mind across 17 incidents that occurred over 13 years, psychologists were faced with different legal definitions of insanity.

### **Competing Definitions**

Potentially either of these psychologists could have been contemplating one of two definitions of insanity, the Federal Insanity definition (U.S. Code, Title 18) or the American Law Institute’s (ALI) Model Penal Code Insanity definition. While the definitions are very similar, there are some important distinctions that could result in different verdicts.

In the Federal definition the defense in pursuit of the NGRI defense must demonstrate that due to the “disease or defect”, the defendant was unable to “appreciate...(the) wrongfulness of his acts” where as in the ALI definition the defense must demonstrate that the individual could not “appreciate the criminality of his conduct or to conform his conduct to the requirements of the law.” These are related constructs but could result in very different evaluations.

### **Challenges in the Dahmer Case**

In the case of Dahmer, his state of mind at the time of his crimes may have been such that he could not appreciate that his acts were wrong (meeting the Federal

requirements) but a case could be made that he may have maintained the capacity to conform his behavior to the expectations of the law (failing the ALI definition). A case could also be made that the “wrongfulness” of a deed and the “criminality” of the same deed measure different things. Clearly, to some degree, Dahmer’s sense of “wrongfulness” was not aligned with more popular sense of right and wrong, but this may not be due to mental illness as much as to do with his moral character. However, mental illness can impact an individual’s judgment of right and wrong and thus case could be made that Dahmer’s illness interrupted his ability to make this determination. From the ALI perspective, Dahmer’s perception of the social contract of law and how it applied to him would have to be assessed. His perception of the “criminality” of his act may or may not have been impacted by mental illness.

Clearly, in the end, the insanity plea did not work for Dahmer and his days ended in jail serving 15 life sentences. I do not know the facts of the case but he was clearly found to be knowledgeable and accountable for the wrongfulness and criminality of his acts.

### **Example in Maine**

In January 1996, Mark Bechard entered a Waterville, ME Chapel and murdered two nuns and severely injured two others. Bechard was tried in Somerset County Superior Court and was found to be not criminally responsible. According to expert testimony by Dr. Charles Robinson, Mr. Bechard lacked the substantial capacity to appreciate the wrongfulness of his actions. The role of Bechard’s delusions and hallucinations were considered primarily and separately from his substance abuse and anti-social personality disorder.

Clearly, in this case, the Federal definition was applied. It is particularly telling as well that the evaluation focused on Bechard's delusions and hallucinations as strong cases against his ability to assess the wrongfulness of his actions. Under the influence of delusions and hallucinations the case for insanity under the ALI definition would have had to demonstrate that he also lacked the capacity for appreciating the criminality of the act and the capacity to conform his behaviors. I think that this is a harder case to be made. While Bechard may have been under the influence of hallucinations and delusions he may have been able to still see that what he was doing was against the law. His inability to conform his behavior may have been due more to his substance abuse than other factors, which may have been an even more challenging argument to make.

Controversy continues to this day as Mr. Bechard has been allowed to begin residing in a group home and has had period of unsupervised time in the community in the summer of 2013. District Attorney Maeghan Maloney of Augusta, ME spoke out strongly against Bechard's release to the community stating that she felt things were moving "too quickly" and that Bechard still presented a risk.

### **Conclusion**

Forensic Psychologists have a challenging task in both determining the state of mind of a person at the time of the crime and in determining if a person is actually safe to return to public life. This is coupled with the reality that in cases such as Bechard, defendants are found "not guilty" thus once there is evidence that the mental state attributed to the act is under control, there has to be compelling evidence to keep the individual incarcerated (or institutionalized).

**References**

Adams, B. (May 31, 2013). Nun slayer Bechard granted unsupervised time in

Augusta. Morning Sentinel. Maine Today Media, Inc.

State v. Bechard. Somerset Superior Court.

[http://www.forensic-psychologist.com/what/9.html#CASE\\_1](http://www.forensic-psychologist.com/what/9.html#CASE_1)