The Myth of a Psychiatric Crime Wave

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Public Perception, Juror Research, and Mental Illness

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I dedicate this project to my wife, Amanda, who is the embodiment of strength, perseverance, and generosity. I also dedicate this project to my would-be sister-in-law Jennifer, whose illness, though recognized, was too often discounted; whose sadness, though profound was too often trivialized; whose life, though full of talent, wit, intelligence, and boundless potential, was too seldom celebrated.

—Dr. Corey J. Vitello

For all those deemed mentally ill or mentally disordered who pass throughout criminal justice system and into the halls of institutionalization. And to Erving Goffman, Thomas Szasz and other mental health pioneers who never stopped caring about the demise of those incarcerated within the walls of psychiatric facilities.

—Dr. Eric W. Hickey

If the juryman could rid himself of some of the popular but false ideas in regard to insanity, it would make things much easier for the alienist and afford a step in advance for the cause of criminal justice. For example: It is the general belief that anyone can know an insane person when he sees one, and it seems almost a reflection upon any person's intelligence to suggest that he cannot do so. It is the popular belief that insane persons are abnormally strong; that the insane man realizes that something is wrong with him; that it is an easy matter to railroad anyone into an asylum; that a high percentage of inmates of insane hospitals are not insane, but are simply detained there on one pretense or another; that insane persons are usually highly excited or most peculiar in their behavior; that if a person under rather casual observation can talk in a rational manner, and particularly if he has a good memory and good intelligence, he cannot possibly be insane. All these things may, however, be classed as popular delusions, because, in the main, they are false ideas.

—Dr. Edward Huntington Williams &
Dr. Ernest Bryant Hoag, 1922

"In a world gone mad, only the lunatics are truly insane."

—Homer Simpson, 2005

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Foreword

Throughout the history of Western culture, accurate definitions of mental illness have eluded philosophers, politicians, policy makers, psychologists and lawyers (e.g., Foucault, 1965; Perlin, 2000; Scheff, 2000; Winick, 1995). This is not surprising, especially since psychiatric health is (incorrectly) dichotomized as wellness or illness and then applied, through medicine's disease model, to an assessment of mental fitness (Szasz, 1997). Missing from this equation, however, is the notion that health is a continuous state of existence in which facets of it, including disorder; manifest themselves throughout the lifecourse (Williams & Arrigo, 2002). What this suggests, then, is that society's ambivalence toward the meaning of mental illness is more precisely a reflection of the general public's reluctance to embrace, indeed celebrate, different ways of knowing, different ways of feeling, different ways of being (Arrigo, 2002; Kittire, 1972).

The proof of the preceding statement derives from the overwhelmingly negative stereotypes concerning persons with psychiatric disorders that pervade our collective conscious. One clear source for such adverse perceptions is the media (Wahl, 1995). So entrenched are these (mis)interpretations that reality television shows such as *COPS* and *America's Most Wanted* rely on agents of social control (i.e., the police) to perpetuate a media manufactured culture about psychiatric disease and mental incompetence. In those television vignettes featuring persons with mental illness as citizen-suspects, they are alternatively vilified (as dangerous) or trivialized (as comical) in an effort to demonstrate the "protect and serve" law enforcement function (Shon & Arrigo, 2005). Consequently, the viewing and listening audience receives, in the comfort and privacy of their own living rooms, images about psychological wellness and dysfunction that confirm their deeply held suspicions. In the final analysis, the mentally ill are perceived to represent a deviant subculture in which the totality of their thoughts and actions render them incapable of ordinary life: they need to be normalized, de-pathologized, and disciplined as an expression of psychiatric justice (Arrigo, 1996). Moreover, given their

mostly disordered and unpredictable inclinations, efforts at surveillance control, and punishment are deemed as logical as they are prudent (Arrigo, 2002; Perlin, 2000).

Complicating this entrenched public mind-set is the everyday role of the police officer and his or her routine interactions with the mentally ill. Both under-trained and ill-equipped to appropriately intervene when confronted with such citizens, police officers typically contribute to criminalizing the mentally ill by turning to the mental health system for involuntary civil commitment orders or the correctional system for short-term confinement at local lock-ups and county jails (Patch & Arrigo, 1999; Teplin, 1984; 2000). These thoroughly inadequate responses often give way to revolving door treatment, homelessness, and sustained incarceration (Levy & Rubenstein, 1996), further solidifying the perception that the mentally ill are indeed diseased, deviant, and dangerous (Arrigo, 1996). Then, too, these social practices are especially problematic, given that the public steadfastly believes that the mentally ill are more dangerous than their non-mentally ill counterparts, even when the overwhelming empirical research indicates that this perception is incorrect (Bullock & Arrigo, 2005). The only exceptions here, however, are previously existing psychotic symptoms and/or the presence of substance abuse (Arrigo, 2006; Monahan, 1996).

It is at this juncture that we confront Drs. Vitello and Hickey's challenging and thought provoking work, *The myth of a psychiatric crime wave*. Central to their volume are people's opinions about mental illness and the extent to which these opinions relate to sentencing recommendations for such defendants. Developed as a mock jury study, Vitello and Hickey question whether, and to what extent, psychiatric disorder impacts one's assessment of a defendant's dangerousness and that person's responsibility for violent criminality. Does mental illness play any role in sentencing recommendations? Do jurors view psychiatrically disordered and non-psychiatrically disordered perpetrators of violent crime as equally dangerous and culpable, warranting similar punitive sanctions? Does the presence of mental illness aggravate or mitigate the response to these questions? These very practical and weighty concerns are at the core of *The myth of a psychiatric crime wave*, and the authors go to considerable lengths to address these issues with sound empirical evidence and fully reasoned judgment.

However, as a volume in the *Criminal Justice and Psychology* series, the authors also considered the implications of their findings. For example, if, as the authors suggest, jurors are able to make sentencing recommendations regardless of their opinions about mental illness, jury bias will not affect these

determinations for psychiatrically disordered defendants. In addition, though, how do such results impact the work of mental health advocates? What about criminal defense attorneys who might be inclined to invoke the affirmative defense of insanity? What about the likely affects to the plea bargaining process, especially in relation to sentences that would include mandatory treatment? These very real (and timely) issues are all carefully examined in this book.

While the plight of the mentally ill continues to confound social and behavioral scientists, policy makers, and advocates alike, *The myth of a psychiatric crime wave* offers sobering evidence of how the punishment of persons with psychiatric disorders is not predicated on prejudice. Indeed, as this volume reveals, sentencing recommendations for such citizens are principally based on the jury's assessment of future dangerousness and how much culpability should therefore attach given the crime the accused committed. Admittedly, results such as these must be viewed with caution; however, Vitello and Hickey have thoughtfully, cogently, and insightfully addressed these contentious and thorny matters.

From my perspective, this book is a must read for any person with genuine interests in law, psychology, and crime. It is a welcomed addition to the literature on jury studies and sentencing determinations. Practitioners, researchers, and students will find the prose accessible, incisive, and engaging. I commend Drs. Vitello and Hickey for their contribution to the field. I am pleased to include this volume in the Book Series, *Criminal Justice and Psychology*.

—Bruce A. Arrigo

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