Law, Society, and the Mental Health Profession

TOPIC OVERVIEW

How Do Clinicians Influence the Criminal Justice System?
- Criminal Commitment and Insanity during Commission of a Crime
- Criminal Commitment and Incompetence to Stand Trial

How Do the Legislative and Judicial Systems Influence Mental Health Care?
- Civil Commitment
- Protecting Patients’ Rights

In What Other Ways Do the Clinical and Legal Fields Interact?
- Malpractice Suits
- Professional Boundaries
- Jury Selection
- Psychological Research of Legal Topics

What Ethical Principles Guide Mental Health Professionals?

Mental Health, Business, and Economics
- Bringing Mental Health Services to the Workplace
- The Economics of Mental Health

The Person within the Profession

Putting It Together: Operating within a Larger System

LECTURE OUTLINE

I. LAW, SOCIETY, AND THE MENTAL HEALTH PROFESSION
   A. Psychological dysfunctioning of an individual does not occur in isolation
      1. It is influenced—sometimes caused—by societal and social pressures
2. It affects the lives of relatives, friends, and acquaintances

B. Clinical scientists and practitioners do not conduct their work in isolation
   1. They are affecting and being affected by other institutions of society

C. Two social institutions have a particularly strong impact—the legislative and judicial systems—collectively called “the legal field”
   1. This relationship has two distinct aspects:
      a. Mental health professionals often play a role in the criminal justice system—“Psychology in law”
      b. The legislative and judicial systems act upon the clinical field, regulating certain aspects of mental health care—“Law in psychology”
   2. The intersection between the mental health field and the legal and judicial systems are collectively referred to as forensic psychology

II. PSYCHOLOGY IN LAW: HOW DO CLINICIANS INFLUENCE THE CRIMINAL JUSTICE SYSTEM?

A. To arrive at just and appropriate punishments, the courts need to assess a defendant’s responsibility for committing a crime and his or her capacity to contribute toward a defense
   1. For example, people who suffer from “severe mental instability” may not be responsible for their actions or able to aid in their defense in court
   2. These determinations are guided by the opinions of mental health professionals

B. When people accused of crimes are judged to be mentally unstable, they are usually sent to a mental institution for treatment
   1. This process is called criminal commitment
      a. Several forms:
         (a) Mentally unstable at the time of the crime = NGRI: Found not guilty by reason of insanity and committed until improved enough to be released
         (b) Mentally unstable at the time of trial: Committed until competent to stand trial

C. The determination of mental instability has stirred many arguments
   1. Some consider the judgments “loopholes”
   2. Others argue that a legal system cannot be just unless it allows for extenuating circumstances, such as mental instability
   3. The practice of criminal commitment differs from country to country

D. Criminal commitment and insanity during commission of a crime
   1. “Insanity” is a legal term
      a. Defendant may have a mental disorder but not qualify for a legal definition of insanity
   2. The original definition can be traced to the murder trial of Daniel M’Naghten in England in 1843:
      a. The M’Naghten test/rule states that experiencing a mental disorder at the time of a crime does not by itself mean that the person was insane; the defendant also had to be unable to know right from wrong
   3. In the late 19th century, some U.S. courts adopted a different standard of insanity:
      a. The irresistible impulse test
         (a) This test emphasizes the inability to control one’s actions (“fit of passion” defense)
   4. A third test also briefly became popular:
      a. The Durham test
         (a) People are not criminally responsible if their “unlawful act was the product of mental disease or defect”
   5. In 1955, the American Law Institute (ALI) developed a test that combined aspects of the M’Naghten, irresistible impulse, and Durham tests
      a. The American Law Institute test held that people are not criminally responsible if at the time of the crime they had a mental disorder or defect that prevented them from knowing right or wrong or from being able to control themselves and to follow the law
b. The test was adopted but criticized for being too “liberal”

6. In 1983, the American Psychiatric Association recommended a return to M’Naghten
a. This test now is used in all cases tried in federal courts and about half of state
courts
b. The more liberal ALI standard is still used in the remaining state courts, save 5, which have essentially eliminated the insanity plea altogether
c. Under this standard, about two-thirds of defendants acquitted by reason of insanity qualify for a diagnosis of schizophrenia
   (a) The vast majority have a history of past hospitalization, arrest, or both
   (b) About 50 percent are Caucasian
   (c) About 86 percent are male
   (d) About 65 percent of cases involve violent crime of some sort
      (i) Close to 15 percent of those acquitted are accused specifically of murder

E. What concerns are raised by the insanity defense?
1. Despite changes in the insanity standard, criticism of the defense continues
   a. One concern is the fundamental difference between the law and the science of human behavior
      (a) The law assumes that individuals have free will and are generally responsible for their actions
      (b) In contract, several models of human behavior assume that physical or psychological forces act to determine the individual’s behavior
   b. A second criticism points to the uncertainty of scientific knowledge about abnormal behavior
   c. The largest criticism is that the defense allows dangerous criminals to escape punishment
      (a) In reality, the number of such cases is small

2. During most of U.S. history, successful insanity pleas equaled long-term prison sentences
   a. Today, offenders are being released earlier and earlier as the result of the increasing effectiveness of drug therapy and other treatments in institutions, the growing reaction against extended institutionalization, and a greater emphasis on patients’ rights

F. What other verdicts are available?
1. Over the past few decades, another verdict has been added—guilty but mentally ill
   a. Defendants receiving this verdict are found mentally ill at the time of their crimes, but their illness was not fully related to or responsible for the crime

2. Some states allow for another defense—guilty with diminished capacity
   a. A defendant’s mental dysfunction is viewed as an extenuating circumstance which should be considered

G. What are sex offender statutes?
1. Since 1937 when Michigan passed the first “sex psychopath” law, many states have placed sex offenders in a special category—mentally disordered sex offenders
   a. Like people found NGRI, mentally disordered sex offenders are committed to a mental health facility
   b. Over the past two decades, a number of states have changed or abolished these laws

H. Criminal commitment and incompetence to stand trial
1. Regardless of their state of mind at the time of trial, defendants may be judged to be mentally incompetent to stand trial
2. This requirement is meant to ensure that defendants understand the charges they are facing and can work with their lawyers to present an adequate defense
   a. This standard of competence was specified by the U.S. Supreme Court in 1960
3. If the court decides that the defendant is incompetent, the person is assigned to a mental health facility until competent to stand trial
a. Many more cases of criminal commitment result from decisions of mental incompetence than from verdicts of NGRI

4. The majority of criminals currently institutionalized are convicted inmates whose psychological problems have led prison officials to decide they need treatment

III. LAW IN PSYCHOLOGY: HOW DO THE LEGISLATIVE AND JUDICIAL SYSTEMS INFLUENCE MENTAL HEALTH CARE?

A. Just as clinical science and practice have influenced the legal system, so has the legal system impacted clinical practice

B. Courts have developed the process of civil commitment which allows certain people to be forced into mental health treatment

C. Also, the legal system, on behalf of the state, has taken on the responsibility for protecting patients' rights during treatment
   1. This protection extends to patients who have been involuntarily committed and to those who have sought treatment voluntarily

D. Civil commitment
   1. Generally our legal system permits involuntary commitment of individuals who are considered to be in need of treatment and dangerous to themselves or others
      a. May include suicidal or reckless patients
      b. May include patients who put others at risk intentionally or unintentionally
   2. The state’s authority rests on its duties to protect the interests of the individual and of society:
      a. Principle of parens patriae (“parent of the country”)
      b. Principle of police power

E. What are the procedures for civil commitment?
   1. Civil commitment laws vary from state to state
   2. Family members often begin the proceedings
   3. Few guidelines have been offered by the Supreme Court
      a. 1979: Minimum standard of proof required:
         (a) Must be “clear and convincing” proof of illness and of meeting the state’s criteria for commitment

F. Emergency commitment
   1. Many states give clinicians the right to certify certain patients as needing temporary commitment and medication
      a. Requires the agreement of two physicians and/or mental health professionals
      b. These certifications often are referred to as “2PCs”—two-physician certificates
      c. The length of stay is often limited to three days

G. Who is dangerous?
   1. Historically, people with mental illnesses were less likely than others to commit violent or dangerous acts due to mass hospitalizations
   2. Due to deinstitutionalization, however, this is no longer true
      a. Findings do not suggest that people with mental disorders are generally dangerous, but studies now suggest at least a small relationship between severe mental disorders and violent behavior
   3. A judgment of “dangerousness” often is required for involuntary civil commitment
   4. Research suggests that while mental health professionals very often are wrong in making long-term predictions of violence, short-term predictions—predictions of imminent violence—can be accurate

H. What are the problems with civil commitment?
   1. Civil commitment has been criticized on several grounds:
      a. It is difficult to assess dangerousness
      b. The legal definitions of “mental illness” and “dangerousness” are vague
      c. Civil commitment has questionable therapeutic value
   2. On the basis of these and other arguments, some clinicians argue that involuntary commitment should be abolished
I. Trends in civil commitment
1. The flexibility of involuntary commitment laws peaked in 1962
2. Supreme Court ruled that imprisoning people who suffered from drug addictions might violate the constitutional ban on cruel and unusual punishment
3. As the public became aware of these issues, states passed stricter standards for commitment
4. Today, fewer people are institutionalized through civil commitment proceedings than in the past

J. Protecting patient’s rights
1. Over the past two decades, court decisions and state and federal laws have greatly expanded the rights of patients with mental disorders, in particular the right to treatment and the right to refuse treatment

K. How is the right to treatment protected?
1. When people are committed to mental institutions and do not receive treatment, the institutions become prisons for the unconvicted
   a. In the late 1960s and 1970s, large mental institutions were just that
2. Some patients and their attorneys began to demand that the state honor their right to treatment.
3. Several court rulings addressed this issue:
   a. 1972—A federal court ruled that the state was constitutionally obligated to provide “adequate treatment” to all people who had been committed involuntarily
   b. 1975—The Supreme Court ruled that institutions must review case files periodically and that the state cannot continue to institutionalize against their will people who are not dangerous and who can survive on their own or with willing help from responsible family
   c. 1982—The Supreme Court ruled that people committed involuntarily have a right to “reasonable nonrestrictive confinement conditions” and “reasonable care and safety”
   d. In 1986, Congress passed the Protection and Advocacy for Mentally Ill Individuals Act
      (a) This act set up protection and advocacy systems in all states and U.S. territories

L. How is the right to refuse treatment protected?
1. During the past two decades, the courts also have decided that patients, particularly those in institutions, have the right to refuse treatment
   a. Most rulings center on biological treatments, including psychosurgery
2. In addition, some states have acknowledged a patient’s right to refuse ECT and/or psychotropic medications
3. In the past, patients did not have the right to refuse psychotropic medications
   a. As the possible harmful effects of these drugs have become known, some states have granted patient’s permission to refuse them

M. What other rights do patients have?
1. Court decisions also have protected other patient rights:
   a. Patients who perform work in mental institutions are now guaranteed at least a minimum wage
   b. Patients released from state mental hospitals have a right to aftercare and appropriate community residence
   c. People with mental disorders have a right to receive treatment in the least restrictive facility available
2. While people with psychological disorders have civil rights that must be protected at all times, many clinicians express concern that patients’ rights rulings may unintentionally deprive these patients of opportunities for recovery
3. While these are legitimate concerns, it is important to remember that the clinical field has not always been effective in protecting patients’ rights
4. Since clinicians themselves often disagree, it seems appropriate for patients, their advocates, and outside evaluators to play key roles in decision making

IV. IN WHAT OTHER WAYS DO THE CLINICAL AND LEGAL FIELDS INTERACT?
A. Mental health and legal professionals also may influence each other’s work in other ways
B. During the past two decades, their paths have crossed in four key areas:
   1. Malpractice suits
   2. Professional boundaries
   3. Jury selection
   4. Psychological research of legal topics
C. Law in psychology: Malpractice suits
   1. The number of malpractice suits against therapists has risen sharply in recent years
   2. These claims have addressed a number of different issues, including patient suicide, sexual activity with a patient, failure to obtain informed consent, negligent drug therapy, omission of drug therapy, improper termination of treatment, and wrongful commitment
   3. A malpractice suit, or fear of one can have major effects on clinical decisions and practice
D. Law in psychology: Professional boundaries
   1. During the last several years the legislative and judicial systems have helped to change the boundaries that separate one clinical profession from another
   2. These bodies have given more authority to psychologists and have blurred the lines between psychiatry and psychology
      a. 1991—The Department of Defense set up a training program for Army psychologists to gain prescription writing privileges (previously the domain of psychiatrists only)
      b. The success of the program prompted the APA to recommend that all psychologists be granted permission to take such training courses and several states have introduced legislation regarding the expansion of prescription privileges
E. Psychology in law: Jury selection
   1. During the past 25 years, more and more lawyers have turned to clinicians for advice in conducting trials
   2. A new breed of clinical specialist—“jury specialists”—has evolved
      a. They advise lawyers about which jury candidates are likely to favor their side and which strategies are likely to win jurors’ support during trials
F. Psychology in law: Psychological research of legal topics
   1. Psychologists have sometimes conducted studies and developed expertise on topics of great importance to the criminal justice system
   2. Two areas have gained particular attention:
      a. Eyewitness testimony
         (a) In criminal cases testimony by eyewitnesses is extremely influential
         (b) Research indicates that eyewitness testimony can be highly unreliable
            (i) The events usually are unexpected and fleeting
            (c) Laboratory subjects can be fooled into misremembering information
            (d) Research also has found that accuracy in identifying perpetrators is influenced by the method used in investigation
      b. Patterns of criminality
         (a) The study of criminal behavior patterns and the practice of “profiling” has increased in recent years and has been the topic of an increasing number of media programs
         (b) However, it is not as revealing or influential as the media and the arts would have us believe!

V. WHAT ETHICAL PRINCIPLES GUIDE MENTAL HEALTH PROFESSIONALS?
A. Each profession within the mental health field has its own code of ethics
B. The code of the American Psychological Association (APA) is typical:
1. Psychologists are permitted to offer advice
2. Psychologists may not conduct fraudulent research, plagiarize the work of others, or publish false data
3. Psychologists must acknowledge their limitations
4. Psychologists who make evaluations and testify in legal cases must base their assessments on sufficient information and substantiate their findings appropriately
5. Psychologists may not take advantage of clients and students, sexually or otherwise
6. Psychologists must follow the principle of confidentiality
   a. Exceptions: a therapist in training to a supervisor, Tarasoff’s “duty to protect”

VI. MENTAL HEALTH, BUSINESS, AND ECONOMICS
A. The legislative and judicial systems are not the only social institutions with which mental health professionals interact
1. The business and economic fields are two other sectors that influence and are influenced by clinical practice and study
B. Bringing mental health services to the workplace
1. Collectively, psychological disorders are among the 10 leading categories of work-related disorders and injuries in the United States
2. The business world often has turned to clinical professionals to help prevent and correct such problems
3. Two common means of providing mental health care in the workplace are employee assistance programs and problem-solving seminars
   a. Employee assistance programs (EAPs) are mental health services made available by a place of business, and run either by mental health professionals who work directly for a company or by outside mental health agencies
   b. Stress-reduction and problem-solving seminars are workshops or group sessions in which mental health professionals teach employees techniques for coping, solving problems, and handling and reducing stress
C. The economics of mental health
1. Economic decisions by the government may influence the clinical care of people with psychological disorders
   a. For example, financial concerns were of primary consideration in the deinstitutionalization movement
2. Government funding has risen, however, for people with psychological disorders over the past four decades, although little of the rise has gone directly to the provision of mental health services
3. The large economic role of private insurance companies has had a significant effect in the way clinicians go about their work
4. Managed care programs and peer review systems have been implemented and criticized by many mental health professionals

VII. THE PERSON WITHIN THE PROFESSION
A. The actions of clinical researchers and practitioners not only influence and are influenced by other institutions, they are closely tied to their personal needs and goals
B. Surveys found that as many as 84 percent of therapists have reported being in therapy themselves at least once
   1. It is not clear why so many therapists report having psychological problems
   2. Possible theories include: job stress, increased awareness of negative feelings, biased entry into the field itself
C. The science and profession of abnormal psychology seeks to understand, predict, and change abnormal functioning, but we must not lose sight of the broader context in which its activities are conducted
LEARNING OBJECTIVES

1. Define and discuss criminal commitment and insanity during the commission of a crime.
2. Discuss criticisms of the insanity defense.
3. Define and discuss criminal commitment and incompetence to stand trial.
4. Compare and contrast the M’Naghten test, the irresistible impulse test, the Durham test and the ALI test.
5. Define civil commitment and include the topics of why one ought to consider commitment, current procedures, emergency commitments, who is dangerous, and criticisms of civil commitment.
6. Define and discuss the concept of protecting patients’ rights. Include the topic of the right to treatment, the right to refuse treatment, and other patients’ rights.
7. Discuss the concepts of business and mental health and economics and mental health.

KEY TERMS

American Law Institute test
civil commitment
code of ethics
confidentiality
criminal commitment
dangerousness
Durham test
duty to protect
employee assistance program
forensic psychology
guilty but mentally ill
guilty with diminished capacity
irresistible impulse test
jury selection
malpractice suit
managed care program
mental incompetence
minimum standard of proof
M’Naghten test
not guilty by reason of insanity (NGRI)
persons patriae
peer review system
police power
right to refuse treatment
right to treatment
stress-reduction and problem-solving seminar
two-physician certificate (2 PC)

MEDIA RESOURCES

Abnormal Psychology Student Tool Kit

Produced and edited by Ronald J. Comer, Princeton University and Gregory Comer, Princeton Academic Resources. Tied directly to the CyberStudy sections in the text, this Student Tool Kit offers 57 intriguing Video Cases running three to seven minutes each. The Video Cases focus on persons affected by disorders discussed in the text. Students first view the video and then answer a series of thought-provoking questions. Additionally, the Student Tool Kit contains multiple-choice practice test questions with built-in instructional feedback for every option.

PowerPoint Slides

Available at the Instructor’s site on the companion Web site are comprehensive PowerPoint slide presentations and supplemental student handouts for Chapter 19. The slide files reflect the main points of the chapter in significant detail. Student handouts were created using the instructor slides as a base, with key points replaced as “fill-in” items. Answer keys and suggestions for use also are provided.
Internet Sites

Please see Appendix A for full and comprehensive references.

Sites relevant to Chapter 19 material are:

http://www.apa.org/journals/law/
This Web page, provided by the American Psychological Association, supplies links to detailed information on the journal Psychology, Public Policy, and Law. The journal focuses on the links between the scientific study of psychology and the topic of law and public policy.

http://bama.ua.edu/~jhooper
Links to the field of forensic psychiatry.

http://bama.ua.edu/~jhooper/law-psy.html
This Law for Psychiatrists page discusses how most psychiatrists have to deal with the law since there are many legal issues related to mental illness, such as civil commitment, informed consent, and competency.

http://bama.ua.edu/~jhooper/psy-law.html
This site defines mental illness specifically for attorneys.

http://bama.ua.edu/~jhooper/insanity.html
This site is a brief summary of the insanity defense.

http://www.aapl.org
American Academy of Psychiatry and the Law is an organization of psychiatrists dedicated to excellence in practice, teaching, and research in forensic psychiatry.

http://www.bazelon.org/
The Judge David L. Bazelon Center for Mental Health Law contains issues related to mental health law.

http://www.psychlaws.org
This is the site of the Treatment Advocacy Center, a non-profit organization dedicated to eliminating legal and clinical barriers for Americans with severe brain disorders who are not receiving appropriate medical care.

Copycat
This 1996 film stars Sigourney Weaver as a forensic psychologist who develops agoraphobia as the result of an assault. Her help is needed to capture a psychopath who is copying the crimes of renowned serial killers. P, T, serious/commercial film

Murder in the First
This 1995 drama centers on an ambitious young public defender who takes on the case of a man (Kevin Bacon) whose cruel treatment at Alcatraz turned him into a killer. P, serious film

Nuts
From 1987, this film stars Barbra Streisand as a prostitute who kills a customer in self-defense. To avoid scandal, her parents try to have her declared mentally incompetent. P, E, drama/commercial film

One Flew Over the Cuckoo’s Nest
Award-winning 1975 film about a convict who feigns mental dysfunction in order to gain admission to a psychiatric hospital rather than spend time in prison. P, T, E, serious film

Primal Fear
From 1996, this film stars Edward Norton as an accused killer claiming DID and Richard Gere as his attorney. The film is full of plot twists and turns. P, T, E, commercial/thriller/serious film

Prince of Tides
In this 1991 film, an adaptation of a Pat Conroy novel, Nick Nolte plays a football coach who is estranged from his wife and who enters into an affair with the psychiatrist (Barbra Streisand) of his suicidal sister. P, T, E, serious/commercial film

Seven
This dark film from 1995 examines how a sociopathic serial killer uses the seven deadly sins—gluttony, greed, sloth, envy, wrath, pride, and lust—to punish sinners for their ignorance. P, E, thriller

This 1991 film of the Thomas Harris book follows an ambitious FBI agent (Jodi Foster) who enlists the aid of a criminally insane ex-psychiatrist (Anthony Hopkins as Hannibal Lecter) to help track down a serial killer. P, E, thriller/serious/commercial films

Snake Pit
Based on an autobiography, this film, made in 1948, is one of the first and best about mental illness and the treatment of patients in asylums and hospitals. Olivia
de Haviland portrays a woman suffering from a nervous breakdown. P, T, E, serious film

Other Films:
Sleeping with the Enemy (1991) P, serious film
Tillicut Follies (1967) institutionalization. P, T, E, serious documentary
A Woman under the Influence (1974) institutionalization and ECT. P, T, E, serious film

Comer Video Segments
Available as a supplement, this revised set of videotapes contains short clips depicting various topics related to abnormal psychology. Please see the accompanying Video Guide for specific clips linked to Chapter 19.

Recommendations for Purchase or Rental
The Comer Video Segments include excerpts from many superb clinical documentaries. While the segments alone are ideal for use in lectures, it often is useful to assign the entire documentary for special class screenings or library use by students. The following videos and other media are available for purchase or rental and appropriate for use in class or for assignment outside of class.

The Iceman and the Psychiatrist
Films for the Humanities and Sciences
P.O. Box 2053
Princeton, NJ 08543-2053
Phone: 800-257-5126
Fax: 609-275-3767
Email To: custserv@films.com

False Memories
Films for the Humanities and Sciences
P.O. Box 2053
Princeton, NJ 08543-2053
Phone: 800-257-5126
Fax: 609-275-3767
Email To: custserv@films.com

Inside the Criminal Mind
Films for the Humanities and Sciences
P.O. Box 2053
Princeton, NJ 08543-2053
Phone: 800-257-5126
Fax: 609-275-3767
Email To: custserv@films.com

CLASS DEMONSTRATIONS AND ACTIVITIES

Case Study
Present a case study to the class.

Guest Speaker
Invite a mental health consumer, consumer advocate, or attorney into your class to discuss his or her experiences with the legal profession and the mental health care system. NAMI (National Alliance for the Mental Illness) sponsors several excellent programs designed to foster understanding and discussion of the problems impacting those with severe mental illness and their loved ones.

“It’s Debatable: Sex Offender Statutes Are Ethical” (see Preface instructions for conducting this activity)
Have students volunteer (or assign them) in teams to opposite sides of the debate topic. Have students present their case in class following standard debate guidelines.

“It’s Debatable: Deinstitutionalization Was/Is Ethical” (see Preface instructions for conducting this activity)
Have students volunteer (or assign them) in teams to opposite sides of the debate topic. Have students present their case in class following standard debate guidelines.

“Presume you are a therapist . . .”: Duty to Protect
Present the following case to the class: you are a therapist, and your client tells you that he intends to kill a woman he was having obsessional thoughts about, a woman he met once at a party. What do you do?

In August 1969, Prosenjit Poddar was in treatment and told his therapist that he intended to kill Tatiana Tarasoff, a woman he was having obsessional thoughts about, a woman he met once at a party. The therapist notified the police, who arrested Poddar and held him briefly. (Neither Tarasoff nor her family was
informed of the threat.) Two months later, Poddar killed Tarasoff. The young woman’s parents sued the therapist and his employer, the University of California, charging that they should have been warned of the man’s intention. The California Supreme Court ruled in favor of the Tarasoffs, saying that “when a therapist determines . . . that a patient presents a serious danger of violence to another, he incurs an obligation to use reasonable care to protect the intended victim.”

The Insanity Defense

The insanity plea is grossly misunderstood in our society. On March 30, 1981, John Hinckley aimed and fired six hollow-tipped, exploding bullets from a .22-caliber revolver at President Ronald Reagan. One of the bullets ricocheted off the presidential limousine and entered Reagan’s chest. Another hit a police officer, another a secret service agent, and another James Brady, the president’s press secretary, who was paralyzed as a result. The act was caught on film. In June 1982, Hinckley stood trial and was found not guilty by reason of insanity. He was committed to Saint Elizabeth’s Hospital in Washington, D.C., to stay there until he is viewed by the hospital as no longer dangerous as a result of his mental illness.

Discuss the differences between descriptive responsibility (Did the person do the action?) and ascriptive responsibility (Is the person responsible for behaving in this fashion?). The following arguments can be presented: Thomas S. Szasz argues that “[b]y codifying acts of violence as expressions of mental illness, we neatly rid ourselves of the task of dealing with criminal offenses as more or less rational, goal-directed acts, no different in principle from other forms of conduct” (1963, p. 141). In other words, the insanity defense is a way for society to avoid taking responsibility. It has also been argued that the insanity defense actually does the exact opposite. Alan A. Stone argues that “[t]he insanity defense is in every sense the exception that proves the rule. It allows the courts to treat every other defendant as someone who chose between good and evil” (Stone, 1975). By not pleading insanity, everyone who stands before a court is saying, “I was responsible for what I am found guilty of doing.”

GROUP WORK: “Presume you are a therapist . . .”

Divide students into groups, then present them with the following issue: You are a therapist seeing a 16-year-old female patient. She discloses to you that she is sexually active with multiple partners, and that she occasionally (once a month) gets drunk and then drives. You are seriously concerned about her safety. Do you have an obligation to inform the parents, even over the objections of the patient (i.e., are you obliged to break confidentiality)? Assign these two positions: one is that confidentiality should not be broken, the other is that it should be. Alternatively, have groups argue from the perspective of the adolescent versus the perspective of the parents.

GROUP WORK: The Defendant’s Mental State

Divide students into small groups. The issue is whether juries should take information about the defendant’s mental state into account in their deliberations about guilt (i.e., whether a defendant’s mental state should affect a verdict). Present a specific example from national headlines in which an insanity plea was successful (e.g., Lorena Bobbitt or Theodore Kazinski). One side should be assigned the task of working for the prosecuting attorney (i.e., arguing that mental state does not influence culpability). The other side, working for the defense attorney, should argue that mental state is relevant and should result in a verdict of not guilty by reason of insanity. Ask each group to present its argument to the class. Point out at the end of the discussion that such an arrangement is almost always present in such cases: the two sides will hire their own advisors, who will argue their particular position (resulting in somewhat embarrassing contradictions being presented by two different “mental health experts”).

OPEN DISCUSSION: Homelessness and Mental Health

Lead a discussion on the issue of homeless people. How much has the revolving-door syndrome of mental hospitals contributed to this problem? Should selected patients be kept in a hospital setting for longer periods of time? What about the problem of individuals who do not seek or want treatment for their disorders? Should they be forced into treatment?
Open Discussion: Therapist Abuse

Lead a discussion on the consequences that should be imposed on therapists who seduce their clients. Should they lose their licenses? Should they be prosecuted for sexual abuse or rape? When would it be acceptable for a therapist to develop a relationship with a former client?

Open Discussion: Who Is Responsible?

Present a hypothetical example of a severely mentally ill person committing murder. Ask the class to discuss the culpability of the person’s parents in the behavior. Ask some to take the role of advising the plaintiff’s attorney (i.e., take the perspective that the parents are responsible), and ask others to adopt the role of advisor to the defense attorney (i.e., take the perspective that the parents are not responsible).

ASSIGNMENTS/EXTRA CREDIT SUGGESTIONS

“Write a Pamphlet”

With the use of a software program like Microsoft Publisher or simply paper and markers, students can create a pamphlet on one or all the ethical principles that guide mental health professionals. Students should be encouraged to be as accurate and up-to-date as possible and also to present all sides of the disorder (e.g., alternate treatment approaches or theories).

Abnormal Psychology Student Tool Kit Video Questions

As a homework assignment, have students watch a video clip and answer the accompanying questions. Students can answer the questions directly into the online assessment feature. The results of these quizzes report to the site’s built-in grade book.

Web Site Quiz

For homework or extra credit, have students complete the quiz for Chapter 19 located on the companion Web site. Students can complete an on-line test of the key chapter material (using questions NOT from the test bank) and have their scores e-mailed directly to the course instructor.

Essay Topics

For homework or extra credit, have students write an essay addressing one (or more) of the following topics:

1. Discuss the issues of “Madness or Badness” in Psych Watch (pp. 640–641 in the text). How can we understand this behavior?

2. Table 19-1 addresses some multicultural issues in forensic psychology. Discuss some of the findings reported here, especially in light of other multicultural findings discussed throughout the text.

3. Discuss the issues of “Madness or Badness” in Psych Watch (pp. 640–641 in the text). How can we understand this behavior?

4. Discuss the APA’s Code of Ethics. Is it sufficient? Are there areas you think should be strengthened? Weakened? Eliminated? Added?

Research Topics

For homework or extra credit, have students write a research report addressing one (or more) of the following topics:

1. Conduct a “Psych Info” search and write an annotated bibliography on forensic psychology and the area of criminal profiling. What empirical research is being done in this area?

2. Research and review the literature on managed care and psychological treatment. What changes have been suggested? Implemented? What are the primary complaints of practicing clinicians and their patients?

3. Research and review the literature on employee assistance programs. What are the main areas of focus of these programs? How common and effective are they?
**Film Review**

To earn extra credit, have students watch one (or more) of the mainstream films listed in this chapter and write a brief (3–5) page report. Students should summarize the plot of the film in sufficient detail to demonstrate familiarity but should focus their papers on the depiction of psychological abnormality. What errors or liberties did the filmmaker take? What is the message (implicit or explicit) concerning the mentally ill?

**Crossword Puzzles**

As a homework assignment or for extra credit, have students complete and submit Crossword Puzzle #19.

**Word Searches**

As a homework assignment or for extra credit, have students complete and submit Word Search #19.