

# Criminal Responsibility among Murderer Presented to Forensic Committee in Al-Rashad Training Hospital/ Forensic Department, 2016-2017

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## Abstract

**Background:** The insanity defense, also known as the mental disorder defense, is a defense by excuse in a criminal case, arguing that the defendant is not responsible for his or her actions due to an episodic or persistent psychiatric disease at the time of the criminal act. This is contrasted with an excuse of provocation, in which defendant is responsible, but the responsibility is lessened due to a temporary mental state. The aim of current study was to find out the results of criminal responsibility assessment for the murderers and related mental illness as well as to study a sociodemographic and personal criterion for murderers. **Methods:** The study was conducted in AL-Rashad Hospital, forensic department in Baghdad. It was a descriptive retrospective study. Case files of (70) murderers, examined by the forensic committee during the period from 1<sup>st</sup>, January 2016 till 31<sup>st</sup>, December 2017, were studied. Comprehensive data were collected and analyzed by the SPSS version 23. **Results:** The study showed that murderers were mainly young adults within age group (20-40) years that were married, illiterate/low educational level and had no job or unstable type of jobs. About 30% of victims were 1<sup>st</sup> degree relative and 30% of them were family in law. The main weapon was used in the murder was gun (45.7%) and knife (40%). According to murderers who presented to the committee, about 38.6% had no mental illness, 17.1% had personality disorder, 32.9% had psychotic disorders and 8.6% had neurotic disorders. The majority of murderers (52.9%) presented to committee were considered responsible, 8.6% had partial responsibility and 28.6% considered irresponsible. **Conclusions:** This study showed that about more than half of murderers presented had full criminal responsibility and insanity defenses were succeeded only in one third of the cases. The studied murders appeared to be obvious among young adult age groups, with no job or unstable financial resources, and illiterate or had low educational level. The victims were more likely to be from 1<sup>st</sup> degree relatives or family in-law. The available weapon (gun and knife) was mostly used.

**Keywords:** murderer, criminal responsibility, mental illness, forensic psychiatric committee.

## Introduction

The concept of defense by insanity has existed since ancient Greece and Rome. The first known recognition of insanity as a defense to criminal charges was recorded in a 1581 English legal treatise stating that “If a madman or a natural fool, or a lunatic in the time of his lunacy” kills someone, they cannot be held accountable. The British courts came up with the “wild beast” test in the 18<sup>th</sup> Century in which defendants were not to be convicted if they understood the crime no better than “an infant, a brute, or a wild beast”<sup>(1)</sup>.

The M’Naghten test was the product of an English judicial commission created in response to another controversial insanity verdict. It required the defendant to prove that he or she was “laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong.” Notwithstanding criticism of the rule’s exclusive reliance on cognitive incapacity, it was quickly adopted in most American jurisdictions. At least before the latter part of the 20<sup>th</sup> Century, reform efforts were largely directed at softening the rigid cognitive test, with alternatives such as the Durham product test when

the “unlawful act was the product of mental disease or defect (Durham v.U.S., 1954) and the American Law Institute’s proposal to exculpate a defendant who “lacks substantial capacity to either appreciate the criminality of his conduct or to conform his conduct to requirements of law (2).

The aim of current study was to find out the results of criminal responsibility assessment for the murderers and related mental illness as well as to study a sociodemographic and personal criterion for murderers.

### Materials and Method

A descriptive retrospective study was conducted in the forensic psychiatry department at AL-Rashad Hospital in Baghdad, which is the only hospital in Iraq for psychiatric diseases. Clinical data was collected from records of forensic psychiatric committee (which usually joins twice weekly) for the period from 1<sup>st</sup> January 2016 to 31<sup>st</sup> December 2017 for all murder cases which were 70 cases.

Comprehensive data was collected about the murderers’ sociodemographic criteria (as age, sex, marital status, education and occupation) and data about crimes (as weapons used and degree of relationship with victim). The murderers were divided into 4 age groups (<20yr, 20-40yr, 40-60yr and >60yr). The victims were divided according to the degree of relationship with murderers into (1<sup>st</sup> degree, 2<sup>nd</sup> degree or 3<sup>rd</sup> degree relatives, or family in-law and foreign) (14).

Clinical data and psychiatric diagnosis by the committee were considered in this study. The courts asked forensic psychiatrists to evaluate the psychiatric disorder, criminal responsibility and if there was a need for mandatory treatment of the murderers. Criminal responsibility decision falls into four categories; ●full responsibility, ●partial responsibility, ●irresponsibility and ● no decision (due to long period between the murder and time of presentation and no clear information of mental state at time of murder).

The assessments by the committee are a duty of a team of three board certified psychiatrists who perform psychiatric diagnostic interviews, mental and physical examinations, psychological assessments, routine laboratory workups and, sometimes, brain-imaging studies. The diagnosis was made according to DSM-5 criteria.

## Results

### Sociodemographic data

Seventy murderers presented to forensic committee, their age ranged from 14 to 76 years (mean age = 36.39 years, STD=14.095).

**Table (1) Socio demographical data of the studied sample**

Variables	Frequency	%
<b>Gender</b>		
Male	63	90.0
Female	7	10.0
Total	70	100.0
<b>Age/yr</b>		
<20 (adolescent)	6	8.6
20-40 (early adulthood)	39	55.7
40-60 (middle adulthood)	18	25.7
>60 (late adulthood)	7	10.0
Total	70	100.0
<b>Marital status</b>		
Single	21	30.0
Married	45	64.3
Divorced	4	5.7
Total	70	100.0
<b>Employment</b>		
Idle	17	24.3
House wife	6	8.6
Self-employed	30	42.9
Military	6	8.6
Retired	4	5.7
Employed	7	10
Total	70	100.0
<b>Educational level</b>		
Illiterate	24	34.3
Primary school	26	37.1
Secondary school	12	17.1
Diploma	3	4.3
Bachelor degree	5	7.1
Total	70	100.0

Table (1) showed that about 55.7 % of murderers were in early adulthood (20-40 years old), 90% were males, 64.3% were married, the majority of them were unemployed or have unstable type of work and majority of them were illiterate or just attended primary school.

**Table (2) Relationship between victims and murderers**

Relation of victims to murderers		Frequency	Percent	Cumulative Percent
1 <sup>st</sup> degree relative	Father	6	8.6	30%
	Mother	2	2.9	
	Brother	10	14.3	
	Sister	2	2.9	
	Daughter	1	1.4	
2 <sup>nd</sup> degree relative	Uncle	5	7.1	8.6%
	Nephew	1	1.4	
3 <sup>rd</sup> degree	Cousin	3	4.3	4.3%
Family in-law	Husband	3	4.3	30%
	Wife	12	17.1	
	Ex-wife	1	1.4	
	Mother in-law	1	1.4	
	Sister in-law	1	1.4	
	Brother in-law	3	4.3	
Foreign	Foreigner	17	24.3	27.1%
	Neighbor	2	2.9	
Total		70	100.0	

Table (2) showed that about 73% of victims were family relatives with murderer (30% were 1<sup>st</sup> degree family relatives and 30% were family in-law).

**Table (3) Weapons used in murders**

weapons used in murders	Frequency	Percent
Strangulation	4	5.7
Knife	28	40.0
Gun	32	45.7
Cooperate with other	1	1.4
Hit on head	3	4.3
Drowning	1	1.4
Burning	1	1.4
Total	70	100.0

Table (3) showed that the main weapons used in murders were guns (45.7%) and knives (40%).

**Table (4) Psychiatric illnesses of the murderers diagnosed by forensic committee**

Psychiatric illnesses	Frequency	Percent
No mental illness	27	38.6
Schizophrenia	22	31.4
Personality disorder	10	14.3
Mental retardation	2	2.9
Depression	5	7.1
Delusional disorder	1	1.4
Borderline PD	2	2.9
PTSD / Dissociative	1	1.4
Total	70	100.0

Table (4) showed that the majority of murderers had no mental illness (38.6%), while (14.3%) were diagnosed with personality disorders and about (33%) were diagnosed with psychotic disorders (schizophrenia/ delusional disorder).

**Table (5) Relationship between responsibility and sociodemographic state**

Responsible		Responsibility				Total	P Value
		Partial responsibility	Irresponsible	No decision			
Sex	Male	31 49.2%	5 7.9%	20 31.7%	7 11.1%	63 100.0%	0.063
	Female	6 85.7%	1 14.3%	0 0.0%	0 0.0%	7 100.0%	
Age group/ yr	<20 adolescent	5 83.3%	0 0.0%	1 16.7%	0 0.0%	6 100.0%	0.395
	20-40 adult	22 56.4%	3 7.7%	10 25.6%	4 10.3%	39 100.0%	
	40-60 middle age	9 50.0%	1 5.6%	6 33.3%	2 11.1%	18 100.0%	
	>60 elderly	1 14.3%	2 28.6%	3 42.9%	1 14.3%	7 100.0%	

**Cont... Table (5) Relationship between responsibility and sociodemographic state**

Marital status	Single	10	1	8	2	21	0.727
		47.6%	4.8%	38.1%	9.5%	100.0%	
	Married	24	5	11	5	45	
		53.3%	11.1%	24.4%	11.1%	100.0%	
	Divorced	3	0	1	0	4	
		75.0%	0.0%	25.0%	0.0%	100.0%	

Table 5 showed that female and younger age murderers were more likely to be responsible for their crimes.

**Table 6 Relationship between responsibility and sociodemographic state**

Responsible		Responsibility				Total	P value
		Partial responsibility	Irresponsible	No decision			
Education	Illiterate	13	2	6	3	24	0.478
		54.2%	8.3%	25.0%	12.5%	100.0%	
	Primary school	18	2	5	1	26	
		69.2%	7.7%	19.2%	3.8%	100.0%	
	Secondary school	3	1	6	2	12	
25.0%		8.3%	50.0%	16.7%	100.0%		
High education	3	1	3	1	8		
	37.5%	12.5%	37.5%	12.5%	100.0%		
Occupation	Idle	7	2	5	3	17	0.049
		41.2%	11.8%	29.4%	17.6%	100.0%	
	House-wife	5	1	0	0	6	
		83.3%	16.7%	0.0%	0.0%	100.0%	
	Self-employed	18	0	10	2	30	
		60.0%	0.0%	33.3%	6.7%	100.0%	
	Military	3	1	2	0	6	
		50.0%	16.7%	33.3%	0.0%	100.0%	
Retired	0	2	2	0	4		
	0.0%	50.0%	50.0%	0.0%	100.0%		
Employed	4	0	1	2	7		
	57.1%	0.0%	14.3%	28.6%	100.0%		

Table 6 showed that murderers who had lower level of education and unstable type of job (self-employed) were more likely to be responsible for their crimes.

## Discussion

In reviewing the results of this study, we found that murderers had mean age of about 36 years and the young adults were in their 3<sup>rd</sup> to 4<sup>th</sup> decade of life (20-40 years old) mostly had committed a murder (55.7%), while adolescents and elderly people were less likely to involve in murders. This result was compatible with the study of (3).who found that the mean age of murderers was 34 years.

Gender had a significant relation with committing murder because most of murderers (90%) were men this is probably related to physical ability difference and weapons accessibility with making attention to the basic difference between males and females in dealing with quarrel due to social and biological aspects. This result was compatible with study done by (4) who found that about 87.7% of murder defendants were males

Regarding marital status, most of murderers were married (64.3%), this result was not compatible with many national studies and literature which showed that most of murderers had not been involved in long-term relationships or were not married (9,12). This may be related to our society differences when marriage and its continuation do not guarantee stable relationship or stable type of life because our society forces people to get married and continue their relation regardless of how the situation is bad. So, this factor may be misleading when we put in our mind that data collected reported the official type of relation instead of its quality (5).

We noticed that those who were unemployed (24.3%) or had unstable type of jobs (self-employed; 42.9%) were the main part of the sample. That may be related to financial difficulties which lead to unstable type of life with multiple problems and crises which lead to involvement in such criminal acts. This result was compatible with other national studies and literature which showed that most of the murderers were unemployed at time of arrest (1,8).

Regarding educational level, those who were illiterate or had low educational level (34.3% were illiterate and 37.1% had just attended primary school) are more likely to commit murder, that may be related to type of life which make those who have low educational level more difficult to have stable type of job and good financial income so that make them more prone to fall in difficulties and problems. Also, we must put in mind those who can't precede in education more likely to

due to their lower IQ level so that makes them more impulsive and less aware about legal consequences when they drive to do such act. This result was also compatible with study done by (4) who found that most of murder defendants had low educational level. Also, this result was compatible with study from USA (6) who found that schooling significantly reduces the probability of incarceration. In addition, they found that arrest and crime reduction are associated with high school graduation (6).

According to the victims, the majority of them were 1<sup>st</sup> degree relatives (30%) (the brothers were about half of cases in this group) or family in-law (30%) (The wives were more than half of cases in this group). These findings could be due to high likelihood for murderers to be involved in quarrel with those who have close relationship with them and it is easier for murderers to commit such crime to the persons who live with them in the same house. These results were compatible with literatures and studies which showed that people are more likely to commit crimes against those they know, and the spouses are the principal victims (7).

The main weapons used in murders were guns (45.7%) and knives (40%). That may be due to accessibility of guns and knives especially in Iraqi society. Also, such weapons have more success rate in committing complete murder. This result was compatible with most common methods used to murder in USA which put the firearm as the 1<sup>st</sup> method followed by cutting/piercing as a 2<sup>nd</sup> method (8).

Moreover, we found that 38.6% of murderers had no mental illness, 17.1% were diagnosed as having personality disorders, 32.9% were diagnosed as having psychotic disorders and 8.6% were diagnosed with neurotic disorders. This finding was also compatible with (4) who reported that 30% of murder defendant files noted a DSM-IV Axis I disorder and 28% of defendants were reported to have an Axis II disorder, whereas 38% had no psychiatric diagnosis (9-11).

Regarding the sociodemographic state and its relation to criminal responsibility, we found that females are more likely to be considered responsible about their murders, but we put in our mind that female sample is not enough to consider this result ( $P$  value = 0.063).

Also, we found that those who had younger age more likely to be considered as responsible for their crimes even this result was not significant statistically ( $P$

value = 0.395), but that can be explained by that those who became older in age are less likely to commit such crimes or act in impulsive way without complaint of specific illness.

There was no significant relation between marital status and criminal responsibility ( $P$  value = 0.727)

Also, there was no statistically significant relation between educational level and criminal responsibility ( $P$  value = 0.478) even results showed that those who were illtreat, or had low educational level, were more likely to be considered responsible.

### Conclusions

This study showed that about more than half of murderers presented had full criminal responsibility and insanity defenses were succeeded only in one third of the cases. The studied murders appeared to be obvious among young adult age groups, with no job or unstable financial resources, and illiterate or had low educational level. The victims were more likely to be from 1<sup>st</sup> degree relatives or family in-law. The available weapon (gun and knife) was mostly used.

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**Conflict of Interest:** The authors declare that they have no conflict of interest.

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