

Table of Contents

About the Author xxi
Acknowledgments xxiii

Introduction 1

Learning Objectives 2
Prologue 2
Introduction Overview 3
Chapter Structure 5
Thematic Organization 6
Special Features 8
Epilogue 9
Summary 9
Chapter Review Questions 10

PART I **TOOLS FOR UNDERSTANDING** 11

CHAPTER 1 **Introduction to Criminal Justice and Mental Health Systems** 13

Learning Objectives 14
Prologue 15
Chapter Overview 16
Framing the Issues 17
American Criminal Justice System 18
 The Beginning of the Cycle 18
 The Authority of the Courts 19

Welfare Checks: “How ya doin’? Whatcha doin’?” — From Arrest to Initial Court Appearances	21
Waiver of the Right to Remain Silent	22
Trials	25
Probation	25
Jail and Prison	25
Parole	26
Historical Perceptions of Mental Illness	26
Mental Illness in Classical Antiquity	28
The Perpetuation Legacy of Ancient Greece	28
European History and Mental Illness	29
Treatment for Mental Illness in America	30
Modern American Mental Healthcare System	34
Policies and Laws on Mental Healthcare	35
Providing Mental Healthcare	36
<i>Epilogue</i>	37
<i>Summary</i>	38
<i>Chapter Review Questions</i>	39
<i>Critical Thinking Discussions and Questions</i>	40
<i>Key Terms</i>	40

CHAPTER 2

The Brain and the Mind 41

<i>Learning Objectives</i>	42
<i>Prologue</i>	42
<i>Chapter Overview</i>	44
Framing the Issues	44
Understanding the Mind	47
Understanding and Measuring Brain Function	52
Reflexive Behaviors	52
Genetic Scrutiny and Brain Mapping	55
Defining and Measuring Personalities	57
Historical Perspective on Identifying Personality Categories	60
Clinical Assessment of Personality Types	61
Cognitive Functions	64
Cognitive Assessment	64

Rewiring the Healthy Mind	65
Deprogramming a Mindset	67
The Future: Understanding and Measuring Brain Function	67
Sustaining a Healthy Brain (and a Healthy Mind)	72
A Boost to Brain Power	73
Are We Talking Too Much About Mental Health?	74
<i>Epilogue</i>	75
<i>Summary</i>	78
<i>Chapter Review Questions</i>	79
<i>Critical Thinking Discussions and Questions</i>	79
<i>Key Terms</i>	80

CHAPTER 3

Mental Illness Defined and Described (Etiology) 81

<i>Learning Objectives</i>	82
<i>Prologue</i>	82
<i>Chapter Overview</i>	84
Framing the Issues	84
The Role of Theory	85
The Goals of Theories	87
Theory of Causation and Effect of Mental Illnesses	88
Application of Theory to Mental Illnesses	88
Research, Terminology, and Its Application to Mental Illness	90
Defining Mental Illness	92
Theoretical Sources Ascribed to Mental Illnesses	92
Biological Causes	93
Genetic Disorders	94
Genetic Links to Mental Disorders	95
Types of Spectrum Disorders	97
Autism Spectrum Disorders	98
ADHD	98
Bipolar Disorder	98
Schizophrenia	99
Psychotic Depression	99
Progressive Mental Disorders	99
Traumatic Brain Injury	100

Biochemical Causes 101

Biochemistry Note 101

Neurotoxins and Behavior 102

Drug Abuse and Comorbidity 104

Psychological Causes 105

Sociological Causes 107

Social Forces and Mental Disorders 107

The Psychopath Personality 108

Criminally Deviant Psychopaths 110

Epilogue 111

Summary 112

Chapter Review Questions 113

Critical Thinking Discussions and Questions 113

Key Terms 114

PART II

Providing Justice, Providing Mental Healthcare 115

CHAPTER 4

Encounters with Mental Disorders in a Community 117

Learning Objectives 118

Prologue 118

Chapter Overview 120

Framing the Issues 121

Encounters 121

Homelessness 122

Hoarding 127

Animal Hoarding 128

Stalking: Target Victims, Target Encounters 131

Scary Stranger Issues of Stalking and Responsive Remedies 132

Cyberattackers 135

Neighborhood Fights, Fits, and Run-Ins 138

Law and Mental Health: Legal Challenges for Changing Policies and Practices with Noncriminal Conduct 140

Best Practices for Nonviolent Encounters with the Mentally Ill	141
Crisis Intervention Teams (CITs)	141
Contemporary Concerns	146
<i>Epilogue</i>	147
<i>Summary</i>	148
<i>Chapter Review Questions</i>	149
<i>Critical Thinking Discussions and Questions</i>	149
<i>Key Terms</i>	150

CHAPTER 5

Involuntary and Voluntary Commitments 151

<i>Learning Objectives</i>	152
<i>Prologue</i>	152
<i>Chapter Overview</i>	153
Framing the Issues	156
Establishing Dangerousness	157
Treatment	157
Danger to Self and Others	158
Behavioral Elements: A Starting Point	158
History Behind the Hesitancy	160
Overview of Sample State Laws	162
State Statutes—Sample References	163
Filing the Petition	166
The Hearings	169
The Length of Stay	170
Voluntary Commitment	172
State Statute Examples	172
Discharge from Voluntary Commitment	173
Outpatient Commitments	174
<i>Epilogue</i>	175
<i>Summary</i>	176
<i>Chapter Review Questions</i>	177
<i>Critical Thinking Discussions and Questions</i>	178
<i>Key Terms</i>	179

CHAPTER 6

Legal Competency and the Criminal Trial 181

Learning Objectives 182

Prologue 182

Chapter Overview 183

Framing the Issues 184

Incompetency 185

Constitutional Considerations 185

Criminal Rules of Procedure 188

Ethical Obligations 191

Legal Proceedings 192

Court-Ordered Synthetic Restoration of Competency 196

Competency in Practice: Kendra's Law 198

Epilogue 199

Summary 201

Chapter Review Questions 202

Critical Thinking Discussions and Questions 203

Key Terms 203

CHAPTER 7

Mentally Ill Defendants: Defenses, Pleas, and Verdicts 205

Learning Objectives 206

Prologue 206

Chapter Overview 208

Framing the Issues 208

History of the Insanity Defense 209

Criminal Procedure: The When and the How of a Plea of Insanity 210

Timing in the Investigation of a Not Guilty/Insanity Plea 211

The Verdict: Proving Insanity 211

Guilty but Mentally Ill or Guilty but Insane or Guilty Except Insane 214

Legal Tests for Insanity 217

Applying the M'Naghten Rule 217

Applying the Irresistible Impulse Test for an Insanity Defense 219

Applying the Model Penal Code 219

Identifying Violent Criminals: National Center for Analysis of Violent Crimes 219

No Insanity? 222

Temporary Insanity and Diminished Capacity Defenses 223

The Defense of Diminished Capacity 225

Homicide and Dementia 226

Post-Traumatic Stress Disorder 227

*Epilogue 228**Summary 229**Chapter Review Questions 230**Critical Thinking Discussions and Questions 231**Key Terms 231***CHAPTER 8****Correctional Treatment of the Mentally Ill 233***Learning Objectives 234**Prologue 234**Chapter Overview 236***Framing the Issues 237****Community Corrections 237**

Suspending the Sentence: Solutions and Problems 238

Mental Health Clients 241

Mental Health Screening Programs 242

School to Prison Pipeline 244

Institutional Corrections 246

COVID-19 and Mental Healthcare 246

Extent of the Problem 247

Who Are the Mental Health Prisoners? 247

Institutional Mental Health Programs 249

Treatment Programs 252

Executing the Mentally Ill 253

Executions and Competency 253

*Epilogue 255**Summary 256**Chapter Review Questions 257**Critical Thinking Discussions and Questions 257**Key Terms 258*

PART III

Special Issues 259

CHAPTER 9

Juveniles and Mental Illness: Special Considerations 261

Learning Objectives 262

Prologue 262

Chapter Overview 264

Framing the Issues 265

Strand One: Juvenile Justice System 266

Strand Two: Children and Adolescents — Issues of Mental Illness 270

Triggers of Mental Illness in Early Childhood 273

Conduct Disorders and Delinquency 276

Substance Abuse and Addiction with Juveniles 280

External Addiction 281

Suicidal Ideation 284

Strand Three: Children and Justice 287

Child Protective Systems 287

Mental Competency of a Juvenile 289

Insanity as a Special Legal Defense for Minors 292

Education: Schools and Misconduct 292

Recidivism 294

The “No Sense Strand”: Juvenile School Shooters 295

Parental Accountability for the Criminal Behavior of Mentally

Disturbed Juveniles 296

Are There Answers? 296

Epilogue 298

Summary 299

Chapter Review Questions 300

Critical Thinking Discussions and Questions 300

Key Terms 301

CHAPTER 10**Justice and the Mentally Ill 303**

*Learning Objectives 304**Prologue 304**Chapter Overview 305***Framing the Issues 306****Human Rights Issues 307**

Global Views on Mental Health Rights 307

Mental Health Rights and Issues in the United States 308

Race and Ethnicity 310

Understanding the Issues 310

Working Toward Solutions 311

Elder Mistreatment 311

Understanding the Issues 313

Working Toward Solutions 313

Guardianships 314

Alternatives to Guardianships 317

Veterans 318

Understanding the Numbers 318

Working Toward Solutions 319

Domestic Violence and Protective Orders 320

Understanding the Issues 321

Working Toward Solutions 321

*Epilogue 324**Summary 326**Chapter Review Questions 326**Critical Thinking Discussions and Questions 327**Key Terms 328***CHAPTER 11****Civil Law, Criminal Law, and the Intersection with Risk Assessment 329**

*Learning Objectives 330**Prologue 330**Chapter Overview 332*

Framing the Issues 333

Civil Laws and Liability 334

Compare and Consider Basic Elements of Criminal Law 336

Essential Elements in Civil Law 337

Proving the Lawsuit 340

Liability of a Government 342

Civil Rights Violations 343

Civil Liability and Criminal Police Behavior 344

Risk Management in Responding to the Mentally Ill 346

Alternative Non-Confrontational Interventions 347

Alternative Encounters with the Mentally Ill 349

Epilogue 351

Summary 352

Chapter Review Questions 353

Critical Thinking Discussions and Questions 353

Key Terms 354

Glossary 355

References and Resources 367

Index 417