

Sentencing of Defendants Struggling with Post Traumatic Stress Disorder

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Abstract

This literature review examines research on defendants and inmates struggling with Post-Traumatic Stress Disorder. Judges have the role of making crucial decisions on the sentencing of defendants. Judges should take into consideration various aspects affecting the defendant, including the person's psychological diagnoses. Post-Traumatic Stress Disorder is a psychological disorder that has led to a dramatic impact on civil and criminal jurisprudence (Feigenson, 2016).

Possible Sentencing Alternatives

- ❖ Prisons often lack the conditions that can address the needs of individuals with PTSD, and most inmates with PTSD become more violent in jail or prison, and their condition deteriorates (Louden & Skeem, 2007).
- ❖ Potential solution: Identify PTSD at sentencing and sentence relevant individuals to rehabilitation centers where they can receive therapy to improve their psychological health (Smith, 2016).
- ❖ Rehabilitation centers are considered a better alternative to prison by ensuring that there is a general improvement of inmates' lives.

PTSD in the Legal System

- ❖ Many people with PTSD struggle to initiate or maintain relationships due to an inability to trust others and therefore have the tendency to avoid and isolate themselves from others (Gootzeit, Markon, & Watson, 2015).
- ❖ The sentencing of people with PTSD to prison may lead to an increase in mental torture, an aspect that deprives them from quality of life.
- ❖ PTSD symptoms typically begin within three months of when the individual experienced the traumatic event although some individuals may have delayed expression of symptoms (APA, 2013; Gootzeit et al., 2015).
- ❖ Consequently, it becomes difficult to determine severity of symptoms and PTSD development, a factor likely to impact legal decision-making.
- ❖ PTSD has been accepted as a basis for the insanity defense, but jurors tend to find defendants guilty in such cases.
- ❖ Research results are mixed on the influence of PTSD on jurors' judgments of the defendant (Louden & Skeem, 2007).
- ❖ In some cases, PTSD enhances juror views of the defendant and in other cases PTSD leads jurors to view the defendant more harshly (e.g., see Jacquin & Hester, 2010; Louden & Skeem, 2007).



Summary

- ❖ Research suggests that jurors must take PTSD into consideration when delivering verdicts (Louden & Skeem, 2007).
- ❖ The ordering of alternative sentencing and treatment options could be essential to reduce trauma related symptoms, in turn, may reduce the incidence of recidivism.
- ❖ In most instances, when symptoms are untreated, inmates' symptoms worsen and PTSD sufferers may develop psychotic symptoms due to negative thoughts associated with risks in their lives when in prison.
- ❖ Judges should, therefore, consider the diagnosis as a mitigating factor by ordering rehabilitation program for defendants with PTSD instead of sentencing them to prison without treatment.
- ❖ Findings have demonstrated that remarkable positive changes can occur after incredible adversity when efforts are placed on improving overall quality of life for the affected.

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