



## Psychiatry & Behavioral Science Section - 2016

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### I34 Civil and Criminal Commitment for Homicidal Ideation

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After attending this presentation, attendees will better understand the role of homicidal thoughts for civil commitment and criminal charges.

This presentation will impact the forensic science community by providing insight into the nature and consequences of homicidal ideation.

Thoughts of killing other individuals are clinically referred to as homicidal ideation. Unfortunately, “thoughts” has multiple meanings and varies among individuals. “Thoughts” may refer to actual thoughts (both welcome and intrusive), fantasies, or threats. It is important to carefully delineate the exact nature of the “thoughts.” Homicidal ideation, while shocking, can be a normal human experience; however, there are several studies that suggest that these thoughts have an association with mental illness.<sup>1</sup> Further evaluation has demonstrated that offering individuals with homicidal ideation mental health treatment can be beneficial.<sup>2</sup> In a clinical and forensic setting, the evaluator must carefully evaluate the individual in order to determine what role mental illness and/or substance abuse or intoxication may play. This presentation will discuss the above issues in detail in order to improve the evaluation skills for individuals who encounter persons with homicidal ideation.

The United States Supreme Court held in *Foucha v. Louisiana* that an individual could not be civilly committed for just being dangerous.<sup>3</sup> The opinion of the court was that an individual must be mentally ill and dangerous. Over the last decade, there has been more scrutiny over civil commitment for dangerousness, specifically when an individual discloses (or a provider becomes aware of) thoughts of harming others.

The concept of civil commitment will be discussed. This is a process in which an individual is court ordered to a psychiatric hospitalization for either an evaluation, treatment, or both. The criteria for civil commitment depends on specific legal language and are jurisdiction-dependent. Most jurisdictions in the United States allow for commitment based on “dangerousness to others.” In this presentation, the different statutory phrases; specifically focusing on homicidal ideation will be reviewed.

The concept of civil commitment will be applied to an actual clinical case. The nature of the individual’s homicidal thoughts and their progression over time will be discussed. The patient’s psychiatric symptoms and substance use will be outlined. A review of the clinical Violence Risk Assessment will allow attendees to understand how clinicians gather evidence, then use that evidence to support an opinion while maintaining their ethical obligation to not harm the patient.

Besides civil commitment, an individual may face criminal charges based solely on thoughts and desires of harming other individuals. The actual charge varies based on the severity of the expressed thought. For example, an individual who expresses his thought as a threat could be charged with Terroristic Threatening. Again, this is jurisdiction-dependent. The different forms of crimes that an individual could be charged with for having homicidal thoughts will be discussed. This concept will then be applied in detail to a well-publicized case from New York, in which a police officer was arrested and prosecuted when his thoughts of cannibalizing individuals, including his wife, became known.<sup>4</sup>

#### Reference(s):

1. Crabb P. The Material Culture of Homicidal Fantasies. *Aggressive Behavior* 2000; 26: 225-334.
  2. Valenca A.M. Relationship between homicide and mental disorders. *Associação Brasileira de Psiquiatria* 2006; 28(Suppl. 2), s62-s68.
  3. *Foucha v. Louisiana*, 504 U.S. 71 (1992)
  4. Kolker R. A Dangerous Mind. *New York* magazine. January 12, 2014.
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#### Homicidal Ideation, Civil Commitment, Cannibalism