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REVISTA ESPAÑOLA DE MEDICINA LEGAL

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ORIGINAL ARTICLE

Mental disorders and criminal responsibility in arsonists[☆]

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Received 3 July 2016; accepted 17 October 2016

KEYWORDS

Arson;
Arsonist;
Psychiatric
assessment;
Criminal
responsibility;
Mental disorder

Abstract

Introduction: The purpose of the study is to describe arsonists in their demographic, psychiatric and criminological dimensions and to explore factors associated with the expert opinion of insanity.

Material and methods: A series of cases accused of arson and assessed in the adult Psychiatric Unit of the Legal Medical Service of Chile, during the period 1999–2012 (N=197) is described. With a cases and controls design, the factors associated with the opinion of insanity are explored.

Results: The series of cases had a high prevalence of mental disorders, social and family problems. Expert opinion compatible with the condition of criminal responsibility was achieved in 52.3% of the cases; and in 24.4% it was compatible with insanity and in 23.3% with diminished criminal responsibility.

Conclusions: The conditions of insanity and diminished criminal responsibility, grouped together as "expert opinion of altered criminal responsibility" were significantly associated with bizarre behaviour, pathological motivation, emotional motivation, self-harm and cooperative attitude of the accused.

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DOI of original article: <http://dx.doi.org/10.1016/j.reml.2016.10.002>

[☆] Please cite this article as: Dresdner Cid R, Folino JO. Trastornos mentales y responsabilidad criminal en incendiarios. Rev Esp Med Legal. 2016. <http://dx.doi.org/10.1016/j.reml.2016.10.002>

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PALABRAS CLAVE

Incendio;
Incendiario;
Evaluación
psiquiátrica;
Imputabilidad;
Trastorno mental

Trastornos mentales y responsabilidad criminal en incendiarios**Resumen**

Introducción: Los objetivos del estudio son describir a acusados del delito de incendio en las dimensiones demográfica, psiquiátrica y criminológica y explorar factores asociados a la opinión pericial de inimputabilidad.

Material y métodos: Se describe la serie de casos acusados de incendio y evaluados pericialmente (N=197) en la Unidad de Psiquiatría de Adultos del Servicio Médico Legal de Chile, durante el periodo 1999-2012 y con diseño de casos y controles se exploran factores asociados con la opinión de inimputabilidad.

Resultados: La serie de casos tuvo alta prevalencia de problemas sociales, familiares y de trastornos mentales. En el 52,3% se alcanzó conclusión pericial compatible con la imputabilidad, en el 24,4% con la inimputabilidad y en el 23,3% con la imputabilidad disminuida.

Conclusiones: Las condiciones de inimputabilidad e imputabilidad disminuidas, agrupadas como «opinión pericial de imputabilidad comprometida» se asociaron significativamente a la verificación de conducta bizarra, motivación patológica, motivación afectiva, autolesiones y actitud colaboradora del acusado.

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Introduction

Previous studies have shown that those who set fires have diverse motivations^{1,2} and a high prevalence of various mental disorders, mainly substance use disorders, psychosis, personality disorders and intellectual disability.³⁻¹⁵ The clinical diagnosis of “pyromania” has been questioned in regard to its theoretical validity and utility for forensic investigation as it does not correspond with the majority of arsonists.^{16,17} It has also been reported that in this population, personality disorders are one of the most common psychiatric diagnoses.¹⁸⁻²⁰ Research on psychopathy in the arsonist population add no particularities in relation to this type of subject other than those described in psychopathy in general.^{21,22}

Other authors report that it is common here to find socioeconomic problems and relational difficulties,^{23,24} and they relate arsonists’ behaviour to psychological, emotional, mood-related and sexual factors, lack of impulse control, substance use, suicidal intentions and economic interests.²⁵⁻²⁷

Although Ganon²² indicates that women constitute a little-studied group, at the same time, other authors observe an absolute and relative increase of up to 38% of the total in populations of arsonists.^{28,29} Some studies of women arsonists report that the frequency of psychiatric diagnoses was higher than among men, with prevalences ranging from 42% to 92%, and also that women had a high frequency of suicidal behaviour.^{30,31} Other studies report that female arsonists report a history of significant abuse and deprivation in childhood, and this is similar to that found in non-arsonist women offenders.³²⁻³⁵ Bourget,²⁰ by contrast, observed that women arsonists, when compared with female non-offenders, would be more likely to be single or separated.

Among these contributions, none comes from Latin American studies; from Chile, there is one descriptive study

(Koppmann et al.).¹² In other words, we know little about local arsonists, which disorders they have, what motivations lead them to set fires, and how they compare and contrast with arsonists in other countries, even though such information would presumably be relevant as input for public policies and primary and secondary prevention plans.

To contribute to filling in these gaps in information, this article describes a series of cases of arsonists studied in Chile’s Legal Medical Service, over a period of 13 years, considering their demographic, clinical and criminological dimensions. It also explores the relationship between these variables and the expert opinion compatible with non-imputability.

Material and methods

A quantitative design was employed, consisting of a descriptive section of case series and another analytical section with a design of “cases and controls”. The cases were defined by the dependent variable “expert opinion compatible with non-imputability”. Given that Articles 10 and 11 of the Chilean Penal Code³⁶ stipulate two conditions for establishing criminal responsibility, namely, non-imputability and diminished imputability, for the final analysis, both variants of establishing imputability have been subsumed in the dependent variable “expert opinion compatible with implicated imputability”. The alternative hypothesis was formulated as follows: demographic, psychiatric and criminological factors are associated differently with the condition of being an arsonist, with “expert opinion compatible with implicated imputability” than with that of being an arsonist but with “expert opinion compatible with imputability”.

The information was obtained from 197 psychiatric reports corresponding to the total number of individuals

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