

P-677 - PERSONALITY DISORDERS AND CRIMINAL RESPONSIBILITY IN ITALY: FORENSIC PSYCHIATRIC CONSIDERATIONS ABOUT THE IMPORTANCE OF GOING BEYOND A CATEGORICAL VIEW

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In 2005 the Italian Supreme Court held that also persons suffering from “severe personality disorders” may enter a plea of NGRI.

Since then, offenders with personality disorders have become a challenge for the Italian forensic psychiatric system, because criminal offenders have a high rate of personality disorders and the identification of the “severe” threshold is particularly difficult in a jurisdiction which includes the volitional prong.

The aim of this study is to determine how personality disorders are viewed in relation to criminal responsibility within the Italian criminal judicial system, discussing the results in light of evidence from international literature.

We conducted a retrospective study of sentences of the Italian Supreme Court between 2006 and 2010, collected via a judicial database and we reviewed the articles published in English from 2000 to 2010 with the keywords “personality disorder” and “criminal responsibility”.

The results indicate that personality disorders have become very common in Italian insanity defense cases. The disorders most frequently indicated are antisocial, borderline and non otherwise specified. The majority of these are associated with another Axis I disorder, in particular with substance abuse.

According to the literature, the proof of a “mental disease” is necessary, but not sufficient, to establish an “insanity defense”. In fact, in forensic psychiatry a mental disorder can be defined as “insanity” only if, in the specific case, it has caused such “psychopathological functioning” of the acting subject as to compromise his capacity for cognition and/or volition and that it was causally linked with the crime.