

***SOCA Undergraduate Symposium 2021***  
*Department of Sociology and Anthropology*  
*West Virginia University*

**Presentation 14**

Mental Health and Mental Illness as Mechanisms in the Criminal Justice System

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**ABSTRACT**

The death penalty is a product of unfulfilled justice and punishment. In this paper, I will examine death sentences carried out on mentally ill defendants to demonstrate that mental health and mental illness as a mechanism in the Criminal Justice System. Why do courts sometimes disregard the mental health of a defendant? Why don't the courts always take the mental health of the defendant into account during sentencing? Should people with a mental illness be sentenced to death? We see evidence of this when we examine different cases in which the courts have disregarded Mens Rea, and mentally ill defendants have been executed. According to the doctrine of Mens Rea, mental health and mental illness should shape criminal processing. The importance of addressing this issue is also discussed.