

**Serial Killers: Capital Punishment for the Most Evil Crimes**

by

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## Abstract

According to our criminal justice system, criminals should receive penalties that are proportionate to the severity of their crimes. Because serial killers commit the most bizarre and hideous crimes, they should receive the ultimate punishment according to this principle. However, not all serial killers get arrested since they carefully plan out their crimes. Those that get arrested and charged with murder do not always receive death sentences. The purpose of this research paper is to investigate and inform about the nature of serial murder and its punishments by using qualitative data from existing documents and surveys. Based on psychological and legal analysis of serial murders, this thesis provides reasons supporting and opposing the death penalty in serial murder cases.

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## Chapter 1: The Ultimate Punishment

Punishing individuals for their wrongdoing is definitely not a new practice. Throughout history, society has been exercising the right to punish criminal acts. In ancient times, the type of punishments they used included banishment, torture, mutilation, and death. In many cases, the punishments were worse than the crime committed. For example, people caught stealing had their hands cut off so they wouldn't be able to steal again. In the early days, there were 200 felonies punishable by execution under the English law, including not only murder and rape, but also other less serious crimes such as burglary, robbery, and animal theft (Siegel, J.S., 2009, pp.527). The ancient methods used to execute criminals were usually cruel and inhumane; such methods consisted of stoning, hanging, crucifixion, boiling in oil, beheading, and drawing and quartering. Since society is constantly changing with time, today we view those punishments as barbaric and unacceptable in a civilized society. According to Siegel, the methods of punishments they used and the amount of physical pain inflicted on even minor offenders are unacceptable today because they are viewed more as acts of sadism rather than an attempt to correct or deter crime (pp.527).

In today's criminal justice system, we use the process of sentencing to impose a specific penalty on a person convicted of a crime (Siegel, J.S., 2009, pp.528). Sentence options include probation, restitution, compensation, a fine, community service, imprisonment, and in some cases death (Greene, E. & Heilbrun, K., 2011. pp.14). The goals of sentencing depend on the nature of the crime, the offender's characteristics, the judge's temperament, and even the public sentiment. One of the goals of sentencing is to take revenge on criminal offenders because they deserve to be punished for their crimes; this is known as retribution or just deserts. Offenders should not benefit from their crimes; instead, they should pay the consequences of their actions.

The idea of retribution holds that criminals should receive what they justly deserve for getting involved in illegal activities (Greene, E. & Heilbrun, K., 2011. pp.355). “Punishment can give society a means of catharsis and relief from the feelings of frustration, hurt, loss, and anger that result from being victims of crime; it promotes a sense of satisfaction that offenders have paid for what they have done to others,” Green and Heilbrun stated (pp. 356).

Deterrence is another goal of sentencing, which is based on the idea that people will avoid committing crimes because of the fear of punishment. Deterrence can be general or individual. General deterrence attempts to prevent potential criminals from offending by creating and imposing harsh penalties. For example, a person will not commit murder because of the fear of being sentenced to death. Individual deterrence punishes convicted offenders in order to keep them from reoffending. This theory focuses on the idea that many convicted offenders will not continue engaging in criminal activities after being punished for their crimes because they don't want to relive the experience.

Moreover, the goal of incapacitation seeks to eliminate future crimes by incapacitating convicted offenders in a jail or prison. If a person is incarcerated, his or her opportunities of committing crimes against society significantly diminish. In this ways, society feels safer by keeping the convicted offender in prison. On the other hand, the goal of rehabilitation is used to change the behavior of convicted offenders through psychological and educational treatments. In this way, they are less likely of reoffending. The purpose of rehabilitation is to help the offender recognize his or her mistakes and develop a different lifestyle following the rules of society.

In other cases, sentencing also tries to make offenders confront the harm they caused to their victims and their families. The goal is to make the victim “whole again” through restoration. Finally, another goal is restitution, which demands that the offender must pay the

victims for their loss, the criminal justice system, and society as a whole (Schmallegger, F., 2010, pp.313). Restitution and restoration allow offenders to take responsible for their actions and give them the opportunity to fix their mistakes in some way by either showing the victims their remorse or by paying them for the harm being caused.

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During the process of sentencing, the most influential element is the nature of the crime. Criminals should receive penalties that are proportionate to the severity of the crimes they committed. Therefore, only a person committing the most serious crime should receive the most severe punishment, which is death in some cases. In 2008, the Supreme Court decided that the death penalty does not apply for rape of a child in *Kennedy v. Louisiana*. In this case, the death penalty is disproportionate to the crime of raping because a rapist does not take the victim's life. Therefore, executing a rapist would be unconstitutional. The Eighth Amendment of the US Constitution prohibits cruel and usual punishments. In cases where the death penalty applies, the method used to execute convicted felons cannot inflict unnecessary pain. Most states and the US government use lethal injection as their primary method of execution (DPIC, 2012). It is important to note that throughout time, the death penalty statutes change as society progresses. According to *Trop v. Dulles* (1958), the Eight Amendment is not static and should change as society changes (law.cornell.edu). The Supreme Court prohibited the execution of juveniles in *Roper v. Simmons* in 2005. In addition, executing defendants with mental retardation was found unconstitutional in *Atkins v. Virginia* in 2002 (DPIC, 2012).

Today, the death penalty is the “ultimate punishment imposed for murder or other capital offenses” (Gifis, 2010, pp.138). Forty three countries, including the United States, use the capital punishment (Fisher, 2011). In the United States, the federal government, the US Military, and 33 of the 50 states use the capital punishment for murder (DPIC, 2012). Since 1608, more than

18,800 legal executions have been carried out in the United States (Schmallegger, 2010, pp. 337). According to the Death Penalty Information Center (DPIC, 2012), the number of death sentences per year has dropped dramatically since 1999 in the United States; there were 277 death sentences in 1999 and 128 in 2005.

The states with the death penalty have their own death penalty statutes. In Texas, the death penalty was re-enacted in 1974. The Texas Death Penalty statute reads as follows:

Sec. 12.31. CAPITAL FELONY. (a) An individual adjudged guilty of a capital felony in a case in which the state seeks the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole or by death. (b) In a capital felony trial in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on conviction of a capital felony (Title 3, Ch 12, Sec. 12.31).

In addition, the Texas law for capital murder reads as follows:

Sec. 19.03. CAPITAL MURDER. (1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman; (2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction or retaliation, or terroristic threat; (3) the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration; (4) the person commits the murder while escaping or attempting to escape from a penal institution; (5) the person, while incarcerated in a penal institution, murders another: (A) who is employed in the operation of the penal institution; or (B) with the intent to establish, maintain, or



participate in a combination or in the profits of a combination; (6) the person: (A) while incarcerated for an offense under this section or Section 19.02, murders another; or (B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another; (7) the person murders more than one person: (A) during the same criminal transaction; or (B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct; (8) the person murders an individual under 10 years of age; or (9) the person murders another person in retaliation for or on account of the service or status of the other person as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court. (b) An offense under this section is a capital felony. (c) If the jury or, when authorized by law, the judge does not find beyond a reasonable doubt that the defendant is guilty of an offense under this section, he may be convicted of murder or of any other lesser included offense (Title 5, Ch 9. Sec. 19.03).

The Texas Death Penalty statute is very clear. Here, the death penalty only applies in serious cases of homicide, which means that the punishment is not disproportionate to the crime committed. Only murder under certain circumstances is punishable by death in Texas. For example, multiple homicides and murders while committing other felonies are considered capital murders whose punishment should be death.

Although the death penalty seems to be proportionate to the crime of murder, it is definitely a controversial topic. Since public opinions about the death penalty usually involve emotions and values, many people view the death penalty as unethical. First of all, religious believers of the

sanctity of human life oppose the killing of a person under any circumstances. In addition, scientific research shows evidence contradicting the goals of the death penalty, which are deterrence and retribution (Lambert, E.G., Camp, S.D., Clarke, A. & Jiang, S., 2008, pp.574). The death penalty may even increase crime rates rather than deter crime. The idea of deterrence states that potential murderers will not commit crimes because of the fear of being executed (Honeyman, J.C., & Ogloff, J.R., 1995, pp.28). Based on studies made in the states without the death penalty, the number of homicides has not significantly changed. The DPIC states that 84% of the former and present presidents of the country's top academic criminological societies rejected the notion of the death penalty as a deterrent to murder. In addition, "the 2006 FBI Uniform Crime Report showed that the South had the highest murder rate. The South accounts for over 80% of executions. The Northeast, which has less than 1% of all executions again had the lowest murder rate" (DPIC, 2012). The death penalty may actually increase murder rates because of the "brutalization hypothesis," which suggests that criminals will copy the behavior of authorities and learn no view death as an acceptable way to punish wrongdoing (Honeyman, J.C., & Ogloff, J.R., 1995, pp. 28). The other goal of the death penalty is retribution, which is the desire to punish individuals for their wrongdoings. However, there is the risk of sentencing innocent people to death. This can be possible and has been done throughout history. In the past 20 years, more than 120 wrongly convicted individuals have been exonerated and released from death row (Lambert, E.G., Camp, S.D., Clarke, A. & Jiang, S., 2008, pp.576). Because of technology advances and DNA testing, new evidence proving the innocence of convicted offenders may be found (Schmallegger, F., 2010, pp. 340). According to the Death Penalty Information Center (DPIC, 2012), over 120 people were freed from death row since 1973 after proving their innocence. However, the death penalty is not carried out immediately after the

sentence has been stated; there is a waiting period of 8 months to 10 years. The goal of this rule is to have time to determine that the person is being held legally. This is known as the Habeas Corpus Review (Schmalleger, F., 2010, pp.338). There is time to prove that a person is guilty beyond reasonable doubt of a capital offense. Moreover, President George Bush signed the Innocence Protection Act in 2004, which “provides federal money to analyze backlogged DNA samples, so that the innocent would not be convicted” (Schmalleger, F., 2010, p.341).

Moreover, the cost of judicial appeals and the executions themselves is a strong claim against the death penalty. The DPIC says that North Carolina spends \$2.6 million per execution more than what they spend on a sentence of life imprisonment (Schmalleger, F., 2010, pp.346). This shows that the death penalty is too expensive, and even more expensive than housing criminals for life. Lastly, the death penalty also presents issues with equality because it seems to be applied in a discriminatory manner. “In 96% of the states where there have been reviews of race and the death penalty, there was a pattern of either race-of victim or race-of-defendant discrimination, or both” (DPIC). Connecticut is one of the most recent states passing a bill to replace the death penalty with a sentence of life without parole; it was passed on April of 2012. The three reasons given by the death penalty study commission of this state when they recommended the abolition of the death penalty were: racial discrimination, innocent people in the death row, and the high cost of executions (DPIC).

On the other hand, proponents of the death penalty argue that some crimes are too hideous that there is no other option than extreme punishment. For example, crimes of cold blooded murderers such as serial killers justify a sentence of death. Many crimes serial killers commit are so bizarre and terrifying that many people would agree the death penalty is the best punishments for them. Therefore, sometimes it is fair to punish those threatening the peace and safety of our

society. Besides deserving to be punished, some criminals such as serial killers are so dangerous that they should never be allowed to go back into society. “The death penalty is a sure way of preventing these people from ever harming others,” Siegel stated (pp. 535). The feelings of the victim’s family and friends should also be considered. Even though the execution of the killer will not bring their loved one back, they will feel safer and pleased in some way knowing that no more innocent lives will be taken (Siegel, J.S., 2009, pp. 536). Revenge, retribution, and protection are definitely some of the reasons why the death penalty is supported by some people.

## Chapter 2: Serial Killers

Death as a punishment for criminals is a controversial topic since some people support it and others strongly oppose it. However, in most cases, death as a crime is definitely unacceptable in our society. First degree murder, or the unlawful killing that is willful and premeditated, is the most serious offence in the United States. Although murder has existed among us throughout history, the act of a human being killing another human being is always saddening and frightful. Nonetheless, it is even more terrifying knowing that a single person could be capable of haunting, torturing, and killing multiple people without feeling any remorse. Such cold blooded murders are better known as serial killers.

On December 29, 1977, a 51 year old man was shot in the chest with a .22 caliber automatic when he was on his way to retrieve groceries from his car. About a year later, the murderer named Richard Chase went back to the same neighborhood looking for more victims. Besides committing burglaries, Chase also urinated in a drawer and defecated in a bed of one of the houses he entered. His next victim was a 22 year old woman, whose body was found by her husband at their house. After shooting her, Chase dragged her dead body into the house and mutilated the body in the most savage way a human being can imagine. He opened up her body and took out her intestines. Nonetheless, what really got my attention and surely the attention of the authorities was the fact he used a cup to drink the woman's blood. In January 27, 1978, police responded to what appeared to be a multiple murder. A 36 year old woman was killed as well as her boyfriend and 6-year old son. Her 22-month-old baby was missing and was later found that the actor took the baby's body with him. All the victims were shot to death, but only the woman's body was eviscerated like the previous female victim. Chase became known as the

“Vampire Killer,” whose crimes were so bizarre that most people wouldn’t believe all the things he did were acts of a human being.

In fact, serial killers like Richard Chase have been between us for a while. According to the FBI Behavioral Analysis Unit, the topic of serial murder attracts attention not only from the criminal justice system, but also from the media, psychology experts, students, and the general public. FBI Special Agent Robert J. Morton stated: “Serial murder is a relatively rare event, estimated to comprise less than one percent of all murders committed in any given year.

However, there is a macabre interest in the topic that far exceeds its scope and has generated countless articles, books, and movies” (2005). There seems to be a fascination for serial murders because the acts of serial killers transcend human understanding. Some people sometimes refer to serial killers as animals. However, animals do not torture, mutilate, and sodomize their prey; animals kill for biological survival.

The term serial killer was first used in the early 1980s (Thio, A., Calhoun, T., & Canyers, A., 2010, pp.67). Compared to other countries, serial murder has been a big problem in the United States. According to the Radford University Serial Killer Database, large countries such as Brazil have a record of 14 serial killers while the United States has a number of 1782 serial killers.

Table 1

#### Serial Killers by Country

<b>Country</b>	<b>Number of Serial Killers</b>
United States	1782
Italy	101

England	95
Canada	59
China	28
Mexico	20
Brazil	14

*Note.* From the Radford University Serial Killer Database (2012. pp.9)

A serial killer is a person who murders two or more individuals in three or more separate events. Between each event, there is a cooling period, in which the actor is capable of going back to his normal life (Siegel, J.S., 2009, pp. 299). Serial murder takes place in different locations at different times. It is important to differentiate serial murder and mass murder; those two terms do not have the same definition although both refer to multiple homicides. Mass murder involves the killing of multiple victims in one single event, and it usually ends with the murderer dying at the scene by suicide or police's lethal action. (Thio, A., 2010, pp. 67). One of the most recent cases of mass murder took place in Aurora, Colorado, in July 20, 2012. The killer, James Holmes, entered a movie theater and began a shooting rampage during the premier of a movie. He was charged with murder and attempted murder after killing 12 and injuring 58 other people (Kim, S., 2012). James Holmes had no criminal record and is not classified as a serial killer because the killings occurred during the same event. Cases of mass murder are surprisingly committed mostly by young people and very likely to occur in schools and college campuses. Based on a study about school ground homicide, researchers found common characteristics among young people responsible for mass murders in schools (Greene, E. & Heilbrun, K., 2011. pp. 56). Those characteristics include showing fascination for firearms, feelings of rejection, attraction to violent video games, music, or television, low self-esteem, and development of

aggressive ideas. The study also found that boys responsible for recent school killings were likely to tell their plans of aggressions to others in the days prior to the event.

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“While mass murderers are nearly always caught, serial killers are far more elusive because they are practiced and accomplished at what they do” (Thio, A., 2010, pp. 68). Serial killers carefully plan out their murders and take all precautions to avoid prosecution. They usually don’t share their criminal ideas with others like mass murderers do, because serial killers understand such action would link them to the crimes and increase the possibilities of getting caught. Serial killers usually stalk their victims from a distance and lure them into a trap or hold them captive. They are liars and manipulators, many of them will gain the victim’s confidence by using their charm before killing them. In the process of killing their victims, they take delight in the victim’s agonies and cries of despair (Thio, A., 2010, pp. 68). Although such behavior is definitely abnormal, serial killers are not mentally ill. They are capable of living a normal life and successfully hiding their horrendous crimes.

The first known case of serial murder occurred in England in 1888. Whitechapel became a place of terror and chaos. During this time, people in this place were facing many difficulties. As a result of immigration, the place became overcrowded. In an attempt to fight poverty and hunger, many women prostituted themselves. Prostitutes were vulnerable to danger since they were usually alone in the streets during night time. Jack the Ripper, as he was called, took advantage of this and murdered five women. The first victim, Mary Nichols was murdered on August 31, 1888; she was found lying on the pavement by two men. “But what neither man had noticed in the pitch darkness of Bucks Row was that the woman’s throat had been slashed so savagely that her head had almost been cut from her body” (Jones, R., 2010). Annie Chapman was murdered on September 8<sup>th</sup>, and Elizabeth Stride and Catherine Eddowes were murdered on



September 30<sup>th</sup> of the same year. After two months, the last victim named Mary Kelly was found dead on November 9<sup>th</sup>. Besides gaining pleasure from killing, Jack the Ripper also enjoyed teasing the authorities and getting attention from the media. In one of his letters to the police he wrote:

*Dear Boss*

*I keep on hearing the police have caught me but they wont fix me just yet. I have laughed when they look so clever and talk about being on the right track. That joke about Leather Apron gave me real fits. I am down on whores and I shant quit ripping them till I do get buckled. Grand work the last job was. I gave the lady no time to squeal. How can they catch me now. I love my work and want to start again. You will soon hear of me with my funny little games. I saved some of the proper red stuff in a ginger beer bottle over the last job to write with but it went thick like glue and I cant use it. Red ink is fit enough I hope ha. ha. The next job I do I shall clip the ladys ears off and send to the police officers just for jolly wouldn't you. Keep this letter back till I do a bit more work, then give it out straight. My knife's so nice and sharp I want to get to work right away if I get a chance.*

*Good luck.*

*Yours truly*

*Jack the Ripper* (Morton, J.R. 2005)

His words show no remorse and emotions at all; he describes his crimes as a “job” and as “funny little games.” He even took and saved their victim’s blood to use as ink. Jack the Ripper’s crimes brought a significant investigative challenge to the law enforcement and took over the media creating a period of terror in Whitechapel. His reign of terror didn’t last long; however, he undoubtedly became one of the most well-known serial killers (Jones, R., 2010).

“Serial killers are generally white males in their late 20s or 30s who span a broad range of human qualities including appearance and intelligence” (Thio, A., Calhoun, T., & Conyers, A., 2010, pp.68). Most serial killers are not loners or reclusive human beings. Most of them have families, homes, and a job. Many serial killers look like the average person, which helps them not to stand out from the crowd or not to look suspicious.

Many of them look and act much like ‘the boy next door’; they hold full-time jobs, are married or involved in some other stable relationship, and are members of various local community groups...they are exceptionally skillful in their presentation of self so that they can appear beyond suspicion. This is part of the reason why they are so difficult to apprehend (Thio, A., 2010, pp. 69).

Robert Yates was married with five children, lived in a middle class neighborhood, and was a U.S. Army National Guard helicopter pilot. He killed seventeen prostitutes in Washington during the 1990s. Yates pleaded guilty to thirteen of the murders. Gary Ridgeway, also known as the Green River Killer, had been married three times, went to church regularly, and confessed to killing 48 women over a twenty-year time period. Another well known serial killer is Dennis Rader, the BTK killer, who killed ten victims in Kansas. He was married, had two children, attended church, and served in the U.S. Air Force (Morton, J.R. 2005).

Although many serial killers rape or sodomize their victims, not all serial killers are motivated by sexual sadism. According to Thio, Calhoun, and Conyers, serial murderers can be classified into three categories, each with two subtypes (pp.72). The first category includes the thrill killer. This is the most common serial murderer who kills for sexual sadism or dominance. Thrill killers have a need for pleasure and/or power. The second category refers to mission-oriented serial killers who murder for a cause or purpose. One type of mission-oriented killer is

the reformist, who attempts to free the world from evil by killing prostitutes, homosexuals, or homeless people. The other type of mission-oriented killer is the visionary killer. He or she hears voices instructing them to kill. This type of serial killers is rare because visionary killers tend to be disorganized and usually get caught before they become serial killers (Thio, A., Calhoun, T.C., & Conyers, A., 2010, pp.73). Lastly, the third category includes the expedience killer, who kills for a profit or protection. Some serial killers kill as a way to make money and others to cover up other criminal activity.

Among the most infamous serial killers is Henry Lee Lucas, who was convicted of 11 murderers and linked to 140 others (Schmallegger, F., 2010, pp.40). However, he confessed to 600 murders and later retracted. Jeffrey Dahmer was convicted for the murder of 15 young men and sentenced to 936 years in prison. Carl Eugene Watts was responsible for the death of 12 females between the ages of 14 and 44. He used methods such as strangulation, stabbing, drowning, and beatings. He died of cancer after being sentenced to life in prison. Ted Bundy is another well known serial killer who besides killing his victims, he kept trophies such as the victim's heads from each murder. He confessed to more than 30 murders of females. Bundy's killing zone included different states in the United States such as Utah, Idaho, Oregon, Florida, and Washington. Bundy was sentenced to death and faced execution by electrocution in Florida in 1989 (J.M., 2010).

Although serial killers are mostly males, female serial killers do exist. According to the Kelleher Typology Study, female serial killers can be divided into five categories (Gibert, N. J., Thone, H., Gregory, M., & Millien, M., 2003). First, women who kill their spouses, children, and family members are Black Widows. Second, Angels of Death are women who murder individuals in their care. For example, a nurse systematically murders her patients. The third

category involves Sexual Predators, whose main motive to kill is sexual pleasure. Fourth, Revenge Killers are motivated by anger and high levels of stress. Lastly, Profit Killers are women who kill for profit. The study found that Black Widows and Angels of Death are the most common. This means female serial killers are more likely to kill someone they know. This may happen because female serial killers are usually diagnosed with a psychological disorder called Munchausen Syndrome by Proxy (Gibert, N. J., Thone, H., Gregory, M., & Millien, M., 2003). It is a form of child abuse whereby the parent deliberately fabricates or inflicts injuries in children in order to gain attention, praise, or sympathy (Geberth, 2006, pp. 720). Therefore, female serial killers murder those close to them as a way to gain sympathy from others. A good example is the case of Mary Beth Tinning; she was convicted for the murder of her nine children who died from 1971 to 1985 (Montaldo, C., n.d.). Mary's third child, Jennifer, was the first one to die. She died eight days after she was born and the autopsy report stated she died of meningitis. During the funeral, Mary realized she became the central focus of those surrounding her. Then, Mary murdered her other 8 children in order to gain the attention of her sympathizing friends and family members. She was sentenced to 20 years to life, and has been up for parole three times since her incarceration (Montaldo, C, n.d.).

### Chapter 3: Psychological Analysis

Even though serial killers may have different motivations to commit multiple homicides, there is no doubt there is something different about them. Many people at some point in their lives may experience anger, passion, and a need for power; however, most people do not become serial killers. Besides the nature of their crimes, there are many other factors we need to learn about serial killers. Understanding how their mind works definitely helps to comprehend why serial killers are capable to commit such inhumane acts. Serial killers are neither clinically nor legally insane; they deliberately choose and plan out their actions. In addition, studying serial killers is essential for apprehension and prevention of more serial murders. Psychologically speaking, professionals try to focus more in the personality of offenders rather than the crimes alone to explain their deviant behavior. In general, there are two main types of offenders: the organized offender, and the disorganized offender.

In clinical terms, the disorganized offender has a psychotic personality according to the DSM-IV (Diagnostic and Statistical Manual IV). “The psychotic personality suffers from a psychosis, which is a major mental disorder in which the personality is very seriously disorganized and contact with reality is usually impaired” (Geberth, 2006, pp.785). The disorganized offender is usually a loner, sexually incompetent, feels uncomfortable around people, and lacks social skills. For this type of offender, it is very difficult to maintain good relationships with others. Delusions, hallucinations, disorganized speech, strange mannerism, and inappropriate response are some of the symptoms of psychosis. Those suffering from psychotic disorder develop at least one of those symptoms (Geberth, 2006, pp.786). The disorganized offender is below average intelligence; therefore, when it comes to murder, he clearly shows up his personality in the way he acts. Disorganized offenders are spontaneous,

which means that they don't plan the murder ahead of time. Most times they know their victims, and there are minimal conversations and any sexual acts occur only after death. This can be explained by their lack of social skills and failure to make healthy relationships. Crime scenes are very sloppy and random, and the body as well as the weapon is left at the death scene. Most serial killers do not fit in the description of a disorganized offender because they are very clever and many times difficult to catch. Most serial killers do not suffer from psychosis, which means their actions are not a product of hallucinations or delusions.

On the other hand, organized offenders have antisocial personalities. "The essential feature of Antisocial Personality Disorder is a pervasive pattern of disregard for, and violation of, the rights of others that begins in childhood and early adolescence and continues into adulthood" (Geberth, 2006, pp.784). Therefore, an organized offender does not care about standards and completely lacks remorse. For this reason, they fail to learn by punishment. Those suffering from an antisocial personality disorder do not react in the same way normal people do. For example, many people find excitement in riding roller coasters while those with antisocial personalities will not feel excitement at all. People with antisocial personalities have to engage in extreme activities such as murder for thrill seeking. Organized offenders, also classified as psychopaths, seem to have above average intelligence. They are socially competent and able to maintain a job and relationships. Many of them are married or live with a partner, and are sexually competent. They do not suffer of hallucinations of any other type of mental illness. However, psychopaths have a great desire for immediate satisfaction and sexual experimentation (Geberth, 2006. pp.784). When committing a murder, the organized offender plans the perfect crime. Even though victims may be strangers to the offender, they are usually targeted by the offender before the attack. Psychopaths are very aggressive; there is a demand for a submissive victim. One of

the main differences between an organized and a disorganized murder is the crime scene.

Organized offenders take all precautions to leave as little evidence as possible. They understand the importance of biological and trace evidence to identify suspects. For this reason, organized offenders destroy weapons and evidence, clean the crime scene, and hide the body or transport it to a different scene to confuse the investigators.

Disorganized offenders clearly have mental problems requiring medical interventions. However, organized offenders fall into a more complicated category because they are not considered to be clinically insane. Serial killers are mostly described as psychopaths or organized offenders; it is a personality problem rather than a mental illness. Serial killers show “superficial charm and good intelligence” (Geberth, 2006, pp.784). Most importantly, serial killers lack guilt feelings, which is a sign of psychopathic or antisocial behavior. “They are irresponsible and impulsive and cannot appreciate the pain and suffering they inflict on others. This explains why they can torture and mutilate another human being without the least concern” (Geberth, 2006, pp.785).

According to Geberth, there are three components forming a pattern of behavior among serial killers. Those components can help to predict antisocial personalities (pp.796). The first component or activity is childhood cruelty to animals. Such action includes sadistic acts, which clearly show violent behavior and a demand for dominance over submissive victims. Animal cruelty appears to be common during the childhood of many serial murderers. “The link between animal cruelty during childhood and subsequent physical violence during adulthood has been demonstrated in a number of studies leading animal cruelty to be added to the DSM III-TR as a symptom under the diagnosis of conduct disorder in 1987” (Knoll, J., 2006, pp.67). Kellert and Felthous found many different motivations for animal cruelty. One motivation is the need to

control the animal; however, the force used to shape the animal's behavior becomes excessive (Kellert, S.R., & Felthous R.A., 1985, pp. 1122). Some people tend to punish animals to retaliate against the animal. Kellert and Felthous believe killing a dog for barking too much is considered animal cruelty because of the actor's intensity of revenge and the joy taken from punishing. Cruelty to animals is being used as a way to express violence; a child may express aggressive behavior through an animal. Furthermore, animal cruelty also increases the likelihood of violent acts by improving aggressive skills. In other words, the more they practice, the more aggressive they become. Some people simply decide to torture animals as a joke for attention or amusement. Thus, children having such motivation show little concern for others (Kellert, S.R., & Felthous R.A., 1985, pp.1123). In some cases, people displace hostility from a person to an animal because it is easier to be aggressive towards a defenseless animal than against another human being, especially when the actor is a child. The last motivation Kellert and Felthous discussed was nonspecific sadism (pp.1124). Sadism involves gaining pleasure from inflicting pain to animals. There is a need for gratification from others' suffering and pain. Kellert and Felthous' studies concluded "aggression among adult criminals may be strongly correlated with a history of family abuse and childhood cruelty toward animals" (pp. 1127).

Geberth's second component is childhood fire setting, which expresses a desire to cause damage. According to Nestor Lopez-Duran, "the killing and torturing of animals for pleasure is one of the strongest signs of serious psychopathology. Fire setting is likely a close second, with most adults and adolescents who engage in arson also have a history of childhood fire setting" (2009). The Journal of Child Psychology and Psychiatry published a study from the University of Toronto in Canada examining fire setting among 3,965 children and adolescents in grades 7 to



12 (Lopes-Duran, N., 2009). The study's results concluded that children who frequently engaged in fire settings were more likely to become deviant. The results were the following:

1. 72% of the sample had either never engaged in fire setting (32%) or had engaged sometime during their lives but not during the past year (40.5%)
2. 27% reported engaging in fire setting during the past 12 months.

While controlling for other variables:

3. When compared to those with no history of fire setting, the high frequency fire setters were more likely to be male, have low parental monitoring, be binge drinkers, cannabis users, illicit drug users, have a history of delinquent behaviors, be sensation seeking, have high levels of psychological distress, and have suicidal ideation (Lopes-Duran, N., 2009).

Finally, the third component is childhood bed wetting or enuresis. There are many reasons why a child could be suffering from enuresis. The child may simply not wake up when his or her bladder is full or some children just ignore the urge to urinate. However, there are also medical and emotional problems leading to bedwetting. For example, urinary tract infections produce strong and frequent urges to urinate and diabetes produce more urine than the normal in attempt to get rid of the sugar in the body. Also, problems with the nervous system can influence the neurological balance that controls urination. Furthermore, emotional issues can also cause bedwetting because of the high levels of stress. "A stressful home life, as in a home where the parents are in conflict, sometimes causes children to wet the bed. Major changes, such as starting school, a new baby, or moving to a new home, are other stresses that can also cause bedwetting. Children who are being physically or sexually abused sometimes begin bedwetting" (Sonne, J.L., 2007). According to an FBI study of 36 serial murderers, many serial killers had a history of

either abuse or neglect: “43% reported a history of childhood sexual abuse, and 74% reported a history of psychological abuse that typically involved humiliation” (Knoll, J., 2006, pp.67). Bed wetting alone cannot be considered to be a sign of abnormal behavior. However, a combination of the three components, childhood cruelty to animals, bedwetting, and fire setting, suggests psychopathic behavior.

Most serial murderers can be described as psychopaths. Besides not being able to show emotions or compassion for their victims, some serial murderers experience euphoria or an intense feeling of excitement during their murders. They view their victims as objects, which statement explains the bizarre methods serial killers use to torture and kill their victims. To sum up, Geberth stated that “while every serial killer is mentally disordered, nearly all are psychopathic sexual sadists, and few, if any, are psychotic. Psychotic offenders rarely have the wherewithal repeatedly to escape apprehension” (pp.790).

One of the best examples of a classic organized offender is Ted Bundy. Theodore Robert Cowell, also known as Ted Bundy, was born on November 24, 1946. He didn't know his father and he believed his biological mother was his older sister. His grandparents raised him like their son in order to protect Ted's mother from being judged by society. His mother got married and Ted had a difficult time adapting to such a drastic change in his life. He preferred to be alone and emotionally detached from the other new members of his family. Even though his childhood was frustrating, his high school years were much better. He became a popular kid; he was charming, intelligent, and active. He even attended college at the University of Puget Sound and the University of Washington (Bell, R., n.d.). However, Ted Bundy was responsible for the deaths of 30 young women between 1973 and 1978. He was a sexual psychopath who enjoyed murder as a way to express sadistic sexual fantasies (Geberth, 2006, pp. 798). Bundy enjoyed having

control over his victims, and he even practiced necrophilia after killing his victims. However, many of his victims were first raped, traumatized, and then murdered. Even though his victims were strangers, he carefully targeted his victims. He preferred to select what he called a “worthy prey” (Geberth, 2006, pp. 800). According to Bundy, a worthy prey was a young, attractive, and intelligent woman with good backgrounds. Besides the killing itself, the hunt of the victims was also thrilling for Bundy. The way Bundy approached his victims was very clever; he faked an injury so people will feel sorry for him and try to help him. In other situations, he pretended to be a police officer and was able to approach his victims. After his victims died, Bundy either beheaded or cut off the hands of the bodies. In order to explain such behavior, Bundy stated the following:

You feel the last bit of breath leaving their body. You are looking into their eyes. A person in that situation is God! You then possess them and they shall forever be a part of you. And the grounds where you kill them or leave them become sacred to you, and you will always be drawn back to them (Geberth, 2006, pp. 801).

In other words, Bundy killed simply because he liked to kill. He was definitely an organized offender who planned out his crimes, targeted and hunted his victims, selected a burial site, and acted upon his sadistic fantasies. He had an incredible ability to compartmentalize; this means Bundy was able to separate his murderer life from his normal life. Moreover, after committing his crimes, Bundy was aware of what the media and police officers had to say about the murders. He took many precautions to prevent police officers from obtaining evidence about the cases. For example, Bundy dismembered the bodies to make identifications more difficult. He also moved the bodies from their original locations to mislead the police. Such actions suggest Bundy actually took his time to study criminal investigation and police procedures.

“Bundy was extremely conscious of the value of forensic evidence and took pains to assure that he had left no traces behind” (Geberth, 2006, pp. 802). Nonetheless, Bundy was not aware of the value of forensic deontology. In the murders at the Chi Omega Sorority dorm, bite marks were inflicted to the bodies of the victims. After a forensic evaluation, results showed the bite marks were inflicted by Ted Bundy. He was finally executed in 1989 in the electric chair in Florida for the abduction and murder of his last victim, 12-year-old Kimberly Diane Leach.

Dr. Helen Morrison also studied serial killers in order to explain their behavior. According to Dr. Helen Morrison, “there's no country that's been immune to a serial killer” (Rogers, A. 2012). Morrison interviewed a total of 135 serial killers and aimed to identify what causes them to become a serial killer. Based on her studies, she found many interesting similarities among most serial killers. One of the causes of becoming a serial killer may be a chromosome abnormality, which begins to express during puberty (Rogers, A. 2012). The person displays homicidal tendencies when the chromosome abnormality expresses itself. Since most serial killers are males, Morrison stated “there is change associated with the male chromosome make up” (Rogers, A. 2012). However, even though the chromosome abnormality begins to express homicidal tendencies during puberty, Morrison believes their “desire to kill becomes ingrained much earlier in life” (Rogers, A. 2012). While most babies become attached to their parents or primary caregiver, serial killers don't develop that feeling. Morrison explained that attachment is necessary for developing a full psychology because it “is a baby's first awareness that it's a separate being dependent on other people” (Rogers, A. 2012). Therefore, if the attachment is not there, the child learns to see himself as not being part of the world and becomes emotionally detached from other people. Serial killers show they never developed emotional attachment in the nature of their crimes. Morrison believed serial killers have no motives to kill. While some

people may kill out of rage or jealousy, serial killers are unable to feel such attachment to their victims. "They have no appreciation for the absolute agony and terror and fear that the victim is demonstrating. They just see the object in front of them," Morrison stated (Rogers, A. 2012). Since serial killers view others as mere objects, they are capable of committing the most terrifying murders. Morrison believed the most shocking thing in the life of serial killers is that their partners were clueless. Out of all the serial killer's wives Morrison interviewed, none of them knew about their husbands' crimes or they just never questioned it (Rogers, A. 2012).

#### Chapter 4: Profiling and Investigation

Based on this information about the mind and personality of serial killers, homicide investigators use a technique called profiling to identify possible serial murder cases. Criminal profiling involves “providing investigative agencies with specific information as to the type of individual who would have committed a certain crime” (Geberth, 2006, pp. 773). Profiling is a valuable tool because it uses information from the scene and the victims to identify suspects. It may not be very helpful to prevent crimes, but profiling certainly helps investigators to understand the nature of the crime and the perpetrator as well. However, profiling has limitations and should not be used alone as evidence of proof to charge somebody. The technique of profiling consists of using psychological evaluations of personalities to determine behavioral characteristics of an individual who committed certain crime.

All people have personality traits that can be more or less identified. However, an abnormal person becomes more ritualized, displaying a distinct pattern to his behavior. Many times, the behavior and personality are reflected in the crime scene in the same manner that furnishing in a home reflect the character of the owner, Ressler stated (Geberth, 2006, pp. 774).

For example, many serial murderers target some victims over others. Some may target prostitutes and others may target old women. Jack the Ripper’s victims were all female and prostitutes and Richard Chase only mutilated the body of his female victims. Finding what all the victims have in common can help to determine whether there is only one murderer and what are his characteristics. Also, the crime scene itself can show whether the actor was an organized or disorganized offender. If the actor of multiple murders took time to hide and eliminate significant evidence, it definitely suggests an organized offender as the main suspect. Identifying

personality traits is extremely important to understand the possible reasons behind a murder and to predict future behavior. As I discussed before, psychopaths tend to be very aggressive and emotional detached. Therefore, the possibilities of a psychopath for being responsible of the death of a woman, whose body has been tortured, raped, killed, and dismembered, are very high.

Whenever presented with homicide series, police's primary investigative challenge is to determine whether a single person is responsible for all the different murders. One of the ways to show the work of a serial killer is by linking two or more cases using forensic or behavioral evidence. However, identifying homicide series is not always easy, especially in cases involving high risk victims in multiple jurisdictions (Morton, J.R., 2005). High risk victims are those more vulnerable to become victims and less likely to be reported missing by their families or friends. For example, prostitutes are considered high risk victims. Also, since murders may take place in different jurisdictions, there is a lack of communication between agencies that makes it more difficult to link cases. For these reasons, the investigation should be directed by experienced and competent homicide investigators. The FBI's investigative practices for solving serial murder cases include the issue of external pressures from political entities, victims, families, and the media to solve cases (Morton, J.R., 2005). Certainly, law enforcement personnel face external pressure especially in serial murder cases because of the terror it creates in any community. In order to deal with external influences and focus in the investigation, FBI's investigative practices suggest "a strong management throughout the chain of command must continually reinforce the supreme goal of the investigation: To arrest and prosecute the offender" (Morton, J.R., 2005). Organization and communication are also very important in multiple homicide investigations. Once serial murders had been identified, law enforcement personnel must work together and create a strategy to track down the serial killer. Communication within the task force and among

jurisdictions is necessary because any new information discovered about the serial killer may be crucial for the investigation.



## Chapter 5: The Insanity Defense

There is no doubt serial killers suffer from psychological defects such as psychopath personality that should be brought into consideration in court. In any case, defendants are allowed to claim the insanity defense, which states the individual lacked mental capacity to understand right and wrong or to control his or her actions at the time the crime was committed (Martin, P. J., 1998). Rule 2C:4-1 of New Jersey states the insanity defense as follows:

A person is not criminally responsible for conduct if at the time of such conduct he was laboring under such a defect of reason, from a disease of the mind as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know what he was doing was wrong. Insanity is an affirmative defense which must be proved by a preponderance of the evidence (Verniero, P., 2011. pp.200).

Every defendant has the presumption of being sane; therefore, evidence is needed to rebut such presumption (Ingram, L. J., 2012, pp. 162). The general rule states the defense has the burden to prove insanity by clear and convincing evidence, which is less than proving beyond a reasonable doubt and more than the preponderance of evidence (Ingram, L. J., 2012, pp. 49). Nonetheless, the burden of proof could vary in each jurisdiction. If the defense fails to prove insanity, the presumption of sanity stays the same and the defendant no longer has a defense. It is important to remember that an approved defense of insanity does not suggest the person is not guilty or reduces his or her culpability. Whenever a defendant pleads the insanity defense, he is pleading not guilty by reason of insanity. For this reason, the jury is required in New Jersey to receive instructions about the insanity defense. If the jury fails to understand how this defense works, they might make false speculations significantly influencing their verdict. Some jurors

might believe that by finding a serial killer not guilty by reason of insanity will give him the opportunity to somehow walk back on the streets.

Proving the insanity defense in trial is not easy; the few who do plead insanity hardly succeed. According to Samaha, “mental illness may or may not be legal insanity. Mental disease is legal insanity only when the disease affects a person’s reason and/or will” (Samaha, J., 2008, pp. 175). Therefore, the fact serial killers suffer from psychological defects does not necessarily mean they are legally insane. In order to determine insanity, jurisdictions use different tests. New Hampshire uses the Durham rule, which is a product-of-mental-illness test. This test of insanity states that “acts that are products of mental disease or defect excuse criminal liability” (Samaha, J., 2008, pp. 186). Many jurisdictions do not use this test because it assumes mental illness and legal insanity have the same definition. However, the general rule of the insanity defense requires the analysis of mental illness in order to determine legal insanity, which suggests there is a difference between both terms. Another test of insanity is the substantial capacity test, which holds “a person is not responsible of criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirement of law” (Samaha, J., 2008, pp. 182). As the name of the test suggests, the person needs to lack substantial mental capacity. This test does not require complete or total lack of knowledge or control. Moreover, few jurisdictions use the volitional incapacity rule or irresistible impulse test. This rule assumes someone cannot be found guilty for losing self-control as result of a mental disease or defect. The reasoning behind this rule focuses on the fact some people may know and appreciate their wrongfulness but completely lack self control at the time the crime was committed as result of a disease of the mind (Samaha, J., 2008, pp.181).

Most jurisdictions, including New Jersey, adopted the M’Naghten rule also known as the right-wrong test. In an 1843 English case, defendant Daniel M’Naghten attempted to kill the prime minister but shot and killed his secretary by mistake. After a psychological evaluation, results showed M’Naghten suffered from delusions. His paranoid delusion involved the prime minister having a plan to kill M’Naghten. Therefore, since he actually believed his life was in danger, he thought he was doing the right thing by defending himself. The jury found M’Naghten not guilty by reason of insanity (Samaha, J., 2008, pp. 177). Based on this case, the M’Naghten rule was created. The test consists of two main elements. First, the defendant suffered from a mental disease or defect at the time the crime was committed. Second, such disease or defect caused the person “not to know either the nature and quality of his actions or that what he was doing was wrong” (Samaha, J., 2008, pp. 177). According to Samaha, a mental disease in legal terms generally means psychosis, which involves paranoia and delusions. A mental defect is a type of mental retardation or brain damage that is so serious that it makes the person unable to make reasonable decisions (pp. 177). In most cases, the M’Naghten rule does not include personality disorders such as psychopathic or antisocial personality. This is the main reason why many serial killers suffering from personality disorders fail to prove insanity in trial.

Jeffrey Dahmer pleaded the insanity defense in July 13, 1992. Dahmer confessed he was guilty but by reason of insanity. The question was no longer whether Dahmer committed the crimes because he already admitted his culpability. The prosecution’s goal during this case was to provide evidence to prove Dahmer was not insane at the time the crimes were committed. On the other hand, the defense had to prove Dahmer was legally insane because only an insane person would do what he has done. In short, the purpose of the trial was to determine whether Dahmer was evil or sick. According to the prosecutor;

Dahmer was a master manipulator and deceiver who knew exactly what he was doing every step of the way, able to turn his urges on and off as easily as flipping a light switch. Did he attack other soldiers while he was in the army? Other students while at Ohio State University? The deaths, he said were not the acts of a madman, but the result of meticulous planning (Bardsley, M., n.d.).

On the other hand, the defense attorney stated:

Skulls in locker, cannibalism, sexual urges, drilling, making zombies, necrophilia, drinking alcohol all the time, trying to create a shrine, lobotomies, defleshing, calling taxidermists, going to grave yards, masturbating.....This is Jeffrey Dahmer, a runaway train on a track of madness... (Bardsley, M., n.d.).

Dahmer himself also addressed the judge and the court by stating:

It is now over. This has never been a case of trying to get free. I didn't ever want freedom. Frankly, I wanted death for myself. This was a case to tell the world that I did what I did, but not for reasons of hate. I hated no one. I knew I was sick or evil or both. Now I believe I was sick. The doctors have told me about my sickness, and now I have some peace. I know how much harm I have caused... Thank God there will be no more harm that I can do. I believe that only the Lord Jesus Christ can save me from my sins... I ask for no consideration (Bardsley, M., n.d.).

At the end, the court determined Dahmer was evil. He knew his actions were wrong before, during, and after the murders. He clearly had psychological defects, but those were not enough to prove him legally insane. He was sentenced to 957 years in prison. On the morning of November 28, 1994, Dahmer was murdered in prison by other dangerous inmate. The case of Jeffrey

Dahmer shows that it is very difficult for serial killers to successfully use the insanity defense even though their behavior is clearly abnormal.

There were other cases of serial murderers pleading the insanity defense. In 2009, Anthony Sowell pleaded not guilty by reason of insanity. Charges against him included 11 counts of murder, as well as attempted murder, kidnapping, rape, assault and corpse abuse (Robbins, L., 2009). Sowell was a registered sex offender residing in Cleveland. He murdered 11 women and buried the bodies around his house. While the defense was trying to prove insanity, the prosecution was seeking the death penalty for Sowell. In order to prove insanity, Sowell's defense had to present evidence showing he was unable to determine right or wrong at the time the crimes were committed as a result of a mental disease or defect. The prosecution stated Sowell "knew what he was doing by the way he covered it up. He took the bodies and hid them. He obviously knew that if he left them lying on the front porch he would get caught" (Robbins, L. 2009). The defense attorney tried to prove his point by stating: "There are 11 dead bodies and three documented assaults, I don't know what else he could have done. In these types of very heinous crimes, the only place you can turn is to say you're insane" (Robbins, L. 2009). However, Sowell's defense failed to prove insanity. The defense focused on the fact serial killers have to be able to carefully plan their crimes so that they would not get caught. Their premeditated and planned out crimes suggest the actor knew what he was doing was wrong and took the necessary measures to avoid punishment. According to the court, an insane person must have a mental disease or defect that is so severe that would not allow the person to commit the perfect crime. Sowell was sentenced to death by lethal injection (Associated Press. 2011.). According to a report in the New York Times News, the insanity defense has not worked in many cases of other serial killers, from Lee B. Malvo to Jeffrey Dahmer (Robbins, L., 2009).

According to Allison, there should be another type of defense including personality defects.

It is clear that serial killers suffer from psychological disorders, which is why we as a society need to present a new defense, a psychological defect plea. With a defect plea, the serial killer would still serve time for his or her crimes but could not be put to death. He or she would be able to receive treatment or therapy and would be subjected to psychologists and criminologists' studies (Allison, I., 2010).

However, psychological analysis of psychopathic disorders show there is no such cure or rehabilitation for this type of psychological defects. A serial killer will always be a serial killer.

## Chapter 6: Serial Killers and the Death Penalty

Since the insanity defense cannot be proved in most cases of serial murders, jurors usually view defendants as evil murderers deserving the most extreme punishment. Many crimes serial killers commit are so hideous and bizarre that many people would agree the death penalty is the best punishment for them. In order to determine whether serial killers should receive a mandatory death sentence, we can analyze the three justification arguments for the death penalty (Schmallegger, F., 2010, pp.346). The first justification is revenge. Even if victims of serial killers were neither our friends nor family members, just knowing the horrible things those people had to go through has a tremendous impact on society as a whole. The justification of revenge appeals to the idea that those suffering as result of the actions of a cold blooded murderer deserve the opportunity to retaliate. It is important to remember serial killers have multiple victims, which suggests there are many people affected by their atrocious actions. “Survivors, victims, and the state are entitled to closure; only the execution of the perpetrator will heal the psychological and social wounds” (Schmallegger, F., 2010, pp.346). On the other hand, those opposing retaliation believe that two wrongs do not make one right action. The ethical dilemma of killing a human being as a punishment for killing another human being seems to contradict our belief that killing is wrong. Moreover, revenge can produce negative effects on those seeking it. Killing the killer may not always create a peaceful thought; such revengeful action may produce feelings of guilt. A serial killer also has family members; many of them are married and have children. Those seeking justice by killing the perpetrator have to consider the important fact of another mother losing his son, another wife losing his husband, and another child growing up without a father.

The second justification states that serial killers deserve to die for what they have done. Their crimes are so atrocious that it is impossible to feel compassion for them. In the article "Death Penalty-The only Justice for Killers," Charles Montaldo stated:

In time, the convicted murderer will adjust to their incarceration and find within its limitations, time when they feel joy, times when they laugh, talk to their family, etc., but as the victim, no more are such opportunities available to them (...). Think of the phrase itself, "life sentence." Does the victim get a "life sentence"? The victim is dead. To serve justice, that person who ended their life should have to pay with their own in order for the scale of justice to remain in balance (About.com).

According to Montaldo, a killer cannot expect others to appreciate his life when he or she showed no respect for human life. For the victims, the best way of achieving justice is doing to the killer the same thing he did to them. Anything less than death is not enough to show justice. The issue under this justification is not whether killing serial killers is right or wrong; serial killers simply deserve to die as a consequence of their own actions.

The last justification is protection, which attempts to prevent more murders by killing the actor. If dangerous criminals such as serial killers are put to death, they are unable to reoffend. Serial killers suffer from personality defects they cannot control. Being violent, manipulating, and thrill seeking is part of their nature. Since serial killers are unable to feel remorse for their actions, they cannot be rehabilitated and put back in society. Moreover, allowing serial killers to live increase the risk of injury or death to other inmates and prison guards.

Another well known serial killer is the cult leader Charles Manson. By the 1960s, Manson founded a cult known as "The Family." Charles manipulated members of these groups and



convinced them to do whatever he asked them to do. Members were sent to kill on his behalf. Charles Manson was born in Cincinnati, Ohio. He is the son of a runaway teenager. His mother had drinking issues and spent some time in jail. For these reasons, Manson had a tough childhood and by the age of nine he had already started to steal. The first time he got caught, he was released on parole after showing a good behavior. Then, he got married and had a son. However, he continued stealing cars and was sent to prison. His wife divorced Manson after one year he had spent in prison. After his release, Manson remarried. Although he had been incarcerated for other offenses besides murder, incarceration did not deter crime in the case of Manson. As soon as he was put back into society, he continued with his deviant behavior. Manson was very good at manipulating others, he convinced his followers that a race war was going to happen and they must prepare when “blacks rise up and slaughter all the white people.” Manson sent his followers to commit murders. In the trial of Manson, many of his followers were arrested. In 1971, Manson was found guilty of first degree murder and conspiracy to commit murder and was sentenced of death. However, a year after his sentencing, California outlawed the death penalty and Manson was removed from the death row. Today, Manson is serving a lifetime sentence (Linder, D., 2008). The case of Charles Manson shows that incapacitation is efficient only during the time of incarceration, but incarceration neither deters nor eliminates crime. That is the reason why Manson got out of prison and continued committing serious crimes.

There is no doubt the death penalty creates ethical dilemmas in our society. Many people simply believe killing is wrong under any circumstance. Nonetheless, besides the ethical and moral reasons, there are other reasons why many people oppose the death penalty. Giving the death penalty to all serial killers will significantly affect our court system and society in many

negative ways. In death penalty cases, the jury decides the guilt of the defendant first. Once the defendant has been found guilty, the next step is sentencing. During the sentencing phase, jurors have to determine whether the defendant should receive the capital punishment. Making such decision is definitely not easy. Even if a person is pro death penalty, he or she may have many doubts and issues when making the decision of having another human being killed. Therefore, evidence of aggravating and mitigating factors is presented to help the jury to determine the best sentence in a particular case. Aggravating factors refer to the elements of the crime that makes a defendant more likely to get the death sentence (Greene, E. & Heilbrun, K., 2011. pp. 370). For example, killings involving heinous acts or children victims are aggravating factors. Mitigating factors, on the other hand, are the elements of crime such as defendant's mental illness or acting under duress that make the death sentence not appropriate for a specific case (Greene, E. & Heilbrun, K., 2011. pp. 371). For example, if defendant is found legally insane, he or she cannot be sentenced to death because the goal of the death penalty is to punish people for their actions. There is no point in punishing someone that is incapable of understanding right from wrong. Before sentencing, the judge instructs the jury on how to weight aggravating and mitigating factors. According to Greene and Heilbrun, "generally, a jury cannot vote for a death sentence unless it determines that the prosecution has proven at least one aggravating factor" (pp. 371). In serial killings cases, surely there are more aggravating factors than mitigating factors. The fact that a serial killer tortures, rapes, mutilates, and kills in brutal manners definitely influences jurors' decision of a death sentence.

While some researchers claim the death penalty deters crime, others contend that it actually increases crime through an effect known as brutalization (Greene, E. & Heilbrun, K., 2011. pp. 373). The brutalization effect refers to the idea of sending the wrong message to society by

making killings acceptable under some circumstances. As a result, society becomes more violent and learns to view murder as an acceptable way to punish wrongdoing. Nonetheless, evidence to support brutalization effects is not better than the evidence in favor of deterrence (Greene, E. & Heilbrun, K., 2011. pp. 373).

In addition, one of the biggest problems involving the death penalty is the issue of equality. Since some states have death penalty statutes and others don't, there is not an equal treatment for all individuals. Even within the states having the death penalty, there are different rates of executions (Greene, E. & Heilbrun, K., 2011. pp. 374). Therefore, a serial killer can be put to death in one state or receive a life sentence in another state for the same crimes. This definitely shows an unequal and unfair treatment. Nonetheless, requiring mandatory sentences of death for all serial killers is not the best solution. It is extremely important to notice that not every case is identical; each case is unique because the circumstances vary in different situations. Therefore, allowing mandatory sentences of death limits jury' discretion to take certain facts into consideration. For this reason, mandatory sentences are not allowed since the trier of fact should consider every detail before making a decision. In 1976, the United States Supreme Court struck down mandatory death sentences holding that the practice violates the Eighth Amendment of the Constitution. In *Woodson v. North Carolina*, the court stated:

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The respect for human dignity underlying the Eighth Amendment requires consideration of aspects of the character of the individual offender and the circumstances of the particular offense as a constitutionally indispensable part of the process of imposing the ultimate punishment of death. The North Carolina statute impermissibly treats all persons convicted of a designated offense not as uniquely individual human beings, but as members of a faceless, undifferentiated

mass to be subjected to the blind infliction of the death penalty (428 U.S. 280, 1976 ).

Moreover, sentencing all serial killers to death would cost much more than keeping them in jail for life. The death penalty is more expensive because of the numerous court appeals involved (Schmallegger, F., 2010, pp. 355). Even if executions haven't occurred, the death penalty is still very expensive. A 2005 New Jersey study found that the death penalty costs more than \$253 million in prosecution, appellate, and imprisonment costs since 1992, even though there were no executions since 1963 in New Jersey (Schmallegger, F., 2010, pp. 346).

## Chapter 7: Conclusion

Ethical, economic, and equality issues influence people's view of the death penalty. Studies show that support for the death penalty has dropped from 80% in 1989 to about 65% in 2005 (Lambert, E.G., Camp, S.D., Clarke, A. & Jiang, S., 2008, pp.573). Nonetheless, in the case of serial murders, we all think about the possibility of sentencing serial killers to death for their horrendous acts. Unquestionably, serial Killers are dangerous individuals lacking remorse. Between 1970 and 1990, there were many cases of serial killers in the United States creating terror in many communities.

Table 2

### Serial Killer Frequency by Decade

<b>Decade</b>	<b>US</b>	<b>International</b>	<b>Total</b>
1950	39	32	71
1960	132	56	189
1970	364	110	474
1980	475	154	630
1990	371	213	585
2000	194	139	333
2010	16	12	28

*Note.* From the Radford University Serial Killer Database (2012. pp.2)

However, according to the Radford University Serial Killer Information Center, the number of serial murders has significantly decreased in the last decade. In 2000, the serial killer frequency in the United States was 194. The frequency decreased to 16 by 2010 (Table 2). This statistics suggest serial murders are less common today. Certainly, today's society does not live

in fear of serial killers like people did during the 1980s. In recent years, mass murder has become more common than serial killing. We hear more often about young people going to school or work places to kill many people in one single event. There may be less serial murders today or our society probably became desensitized of serial murder for some reason. Also, there is the possibility of having many serial killers successfully covering their murders to avoid apprehension. If officers fail to identify a case of serial murder, they will look for different murderers instead of a serial killer. Also, the media does not portray serial killers as terrifying as they did in the 1980s. Today, most serial killers do not choose to send notes to the newspapers or the police in order to create terror and feel superior by avoiding apprehension. It seems like serial killers today are more concerned about destroying evidence and avoiding punishment. However, even though the number of serial murder has significantly decreased in the last years, serial killers still exist today and continue committing the most cruel and bizarre crimes. After getting arrested for the death of Samantha Koenig, Israel Keyes admitted to eight slayings in Alaska and confessed he had killed four people between 2001 and 2006 in Washington (Pearce, M. & Murphy, K., 2012).

Geberth uses the term “the psychology of evil” to describe the behavior of serial killers (pp. 845). This is certainly not a clinical definition, but it is very interesting how serial killers’ behavior is explained using the devil’s characteristics. Geberth’s discussion is based on Dr. M. Scott Peck’s writings on human evil. Not every individual becomes evil because we have free will to choose between good and evil. Based on this statement, serial killers are considered evil predators because they consciously choose to kill.

The serial murder is extremely selfish and narcissistic. His goal is power and sexual gratification. An evil person is characteristically hedonistic and feels superior to other

human beings. Despite any intrapsychic conflict between guilt and his ability to exercise his free will, the serial murder opts for free will and chooses to do evil (Geberth, 2006, pp. 846).

Psychopaths' most significant characteristic is the lack of a conscience. A serial killer "lacks the internal prohibition that keeps most of us from giving full expression to our most primitive and sometimes violent impulses" (Geberth, 2006, pp. 847). They kill for pleasure and power, to satisfy their id impulses. Since they are unable to feel any remorse or guilt, they are violent, hedonistic, and impulsive. However, they seem to be very clever. They avoid getting caught by the police and try to assure their well being before, during, and after committing a murder. Serial killers view other individuals as objects; for this reason, they are emotionally detached.

As society we certainly do not want serial murder to occur more frequently, nor do we want it to occur at all. But, it does, and we need to take advantage of what we do know to bring us closer to a 'cure.' Thus far, information on serial murder has been more limited to specific theories due to the lack of available research. Research on serial murder needs to be extended in all areas in order for a better understanding to be gained on the causation of serial murder, stated Daniel Larson (University of Iowa).

We are being confronted by a reality of human evil and we need to work on a solution if possible. Understanding how the mind of a serial killer works is necessary to understand his crimes. Clearly, serial killers are not mentally ill; they suffer from a personality disorder known as psychopathic or antisocial disorder. Serial killers know right from wrong, but they freely choose to do wrong. Killers suffering from such defects never stop killing (Geberth, 2006, pp.

847). Geberth's opinion as an expert in homicide investigation held that there is no cure for a psychopathic sexual sadist except life in prison or death.



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