

Benzodiazepines, crime and violence

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Jurisdictions

UK, Australia, USA
Legislation, common law, "judge-made" law

Rest of Europe
Romano-Napoleonic "investigative" law

Muslim countries
Sharia law

EU Law
Laws, regulations, directives

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Main Concepts

Actus Reus

The actual event

Mens Rea

State of mind (intention) at the time

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Mens rea and culpability

- Homicide (non-legal term in England)
- Murder – mens rea of intent to kill or inflict Grievous Bodily Harm
- Manslaughter – no such intent to kill or inflict GBH
- Drug-induced automatism (from epilepsy or head injury cases)

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Main Relevant Properties of Benzodiazepines

- 1. Sedative – clouding of consciousness – amnesia partial – total failure of recall (subjective)
- 2. Disinhibitory – lack of control – paradoxical responses (out of character) - ?amnesia
- 3. Potentiation of alcohol

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Normal dose crimes - 1

- Road Traffic Accident
- Warning from GP with or without alcohol must document:
- CASE 1: 57 year-old CEO developed insomnia, treated with nitrazepam, went to exclusive golf course, drove erratically causing damage to parked cars totalling 1,000,000 pounds sterling. GP could not prove that he had warned his patient. Driver not guilty. Settlement out of court by medical defence organisation

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Normal dose crimes - 2

- Aggression with amnesia usually with alcohol as well
- Wake up in police cell with no recollection of events
- Alcohol alone no defence nor usually a mitigating circumstance
- Benzodiazepine alone can be a defence if not warned
- Combination not usually a defence but may influence sentencing

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Normal dose crimes - 3

1. Shoplifting in middle-aged women – often pointless
2. Sexual crimes in middle-aged men usually claim amnesia
 - previously good character
 - mixed verdicts

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Murder or Manslaughter?

CASE 2. 35-year –old man with an unfaithful wife. She met her lover at 7 am. Returned to house at 10 am to be confronted by angry cuckolded husband. He rushed into the kitchen , seized a knife and stabbed her to death.

His defence was that he was taking 5mg of zolpidem every night at 10 pm for insomnia. But time interval was 12 hours and his actions were deliberate and he could remember everything. Defence of drug-induced automatism was dropped.

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"Date-Rape"

- Flunitrazepam
- GHB
- Probably exaggerated claims
- Usually with alcohol
- Alcohol in sufficient concentration to explain complainant's state of mind and amnesia, partial or complete

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Case 3

- A 40 year-old gynaecologist in private practice
Accused of "spiking" his assistant nurse's gewurztraminer with an unidentified benzodiazepine, and raping her
- No drug found in blood 72 hours later
- Doctor convicted and struck off medical register

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Consent to marriage

- Roman Catholics- divorce usually unavailable
- Many women claiming annulment of marriage on the grounds that they could not have given valid consent because they had taken a benzodiazepine before the ceremony and could not remember anything of the day
- Practitioners of canonical law asked me to explain the issues.

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High dose abuse

- Major cause of crime such as petty robberies, prostitution to raise funds for habit.

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Conclusions

- Different jurisdictions
- Different drugs
- Importance of intent
- Importance of memory – but usually a probative matter
- Interaction with alcohol

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