

Criminal prosecutions and brain scan technology

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Since all behavior is caused by our brains, wouldn't this mean all behavior could potentially be excused? Neuroscience evidence has been admitted to show everything from head trauma to the tendency of violent video games to make children behave aggressively, but it seems it's in death-penalty litigation that neuroscience evidence is having the most revolutionary effect. The prosecution counters that this type of evidence shouldn't be admitted, but under the relaxed standards for mitigating evidence during capital sentencing, it usually is.

Indeed, a Florida court has held that the failure to admit neuroscience evidence during capital sentencing is grounds for a reversal. Skeptics fear that the use of brain scanning technology (MR., PET and CT scans) as a kind of super-mind reading device will threaten our privacy and mental freedom, leading some to call for the legal system to respond with a new concept of "cognitive liberty". The University of Vanderbilt has just opened a 27 million dollar nonrecurring center that has conducted a bunch of experiments that revolve around brain scanning technology and the intentions of the criminal mind.

These experiments involved monitoring how the brain reacts when asked to impose various punishments to determine if the subjects were focusing on the intent of the crime or the actual harm it caused. Another experiment recorded which parts of people's brains were activated while thinking of faces versus places. The scientists were actually able to tell if the subject was thinking of a face or a place, by which area of the brain lit up with activity. This could be used to determine if someone actually recognizes a suspect or crime scene, even if they are stating that they don't.

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The article also discussed the studies of Ruben Gur who was a national expert of PET scans from Penn U School of medicine. He studied the concept of how Injury can actually turn a law abiding brain into a criminal minded one. The case of the "classified-ad killer" in the early 90s drew on neuroscience as a defense. The convicted serial killer Bobby Joe Long responded to classified ads to sell household items posted by females. He would then rape and murder them. The defense pointed out that he was involved in a motorcycle accident which severely damaged his amygdala.

Shortly after waking up from a coma, the divided supreme court came to a conclusion to strike down the death penalty for offenders who committed crimes when they were under the age of 18. This is because Gur stated that adolescents are not as capable of controlling impulses as adults are because the development of neurons in the pre frontal cortex of the brain is not complete until the early 20s. There is also discussion of the use of Transcranial magnetic stimulation (T. M. S) which is a technique that is used to stimulate or inhibit specific regions of the brain.

This could be used to "fix" a broken criminal mind or, in the case of potential juror selections, fine tune a brain to be made more emotional or deliberative with magnetic interventions. There is also a T. M. S procedure that supposedly suppresses the area of the brain involved in lying, making a person less capable of not telling the truth. Finally, the article raises the big questions like can police issue a search warrant for your brain? Should the 4th amendment protect our minds the same way it protects our homes? The biggest question of all, I think, is would people be held accountable for their thoughts rather than their actions?

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Should we be prosecuted for thinking about committing a crime, even if we never actually carry it out? If so, how can we tell the difference between passing thoughts and genuine intentions? Science has come up with the technology to change the legal system as we know it... But should we actually use it? I think this article is a pro because it shows how we can use this new technology to both convict and prove innocence. I don't think it should be the main deciding factor, but rather another tool o shed light on the subject's mental state. I learned a lot from this article.

I learned that cerebral injury can affect your brain in criminal ways. I learned certain areas of the brain light up on a scan when you lie and that you can stimulate certain areas of the brain to change behavior. It is like tapping into someone's mind and controlling it, almost like a science fiction movie. Two disagreements I have are charging people with crimes based on what they are thinking instead of actually doing since nobody gets hurt by thoughts alone and I think the use of T. M. S is unethical, since people should have their own free will and way of thinking.

The brain scan that can read people's intentions by Ian Sample This article discusses the use of brain scans to identify people's predisposition to commit a crime. It talks about the ability to use high-resolution brain scans to identify patterns of activity before translating them into meaningful thoughts, revealing what a person planned to do in the near future. With these new tools, we could actually eavesdrop on peoples thoughts to read their intentions before they act. This research builds on scent studies in which brain imaging is used to identify activity patterns linked to activities like lying, violent behaviors and racial prejudice.

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The article discusses the rapid pace at which these technological advances are becoming reality and the serious need for an ethical debate on how they should be used. There was a study that took place asking subjects to either add or subtract two numbers that they were shown during a brain scan. The result was that the scientists could determine with 70 % accuracy which people were thinking about adding the two numbers and which people were thinking about subtracting them based on changing activity in a specific area of the brain.

These technologies not only have criminal law implications, but thoughts before the person is conscious of them can be of great use to advance brain-controlled computers, leading to machinery and artificial limbs that respond to thoughts. But the criminal use could be that we are able to pick out people who plan to commit a crime before they carry it out. The article refers to the movie *Minority Report* ", were people were prosecuted based solely on intention to break the law determined by an incriminating brain scan.

It won't be long till we have the technology to do just that in real life. I think this article was a con. It describes all the applications of the brain scans as an intrusive invasion of privacy. I don't agree with using brain scans on non-criminal offenders. If the person has not committed any crime and has a clean criminal record, they should not be subjected to this intrusion. I also don't agree with the fact that we will go crazy using this technology in ways described in the article, with a lack of ethics.

I think, with clearly laid out rules and guidelines, we can use these advancements in great ways. I like the fact that we will be able to better the

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life of the handicapped and create super smart machinery. I would like to know when the author thinks these machines will start to be used in the court and why he is so against them. My position is, As long as they are used as a kind of " warning signal" and not to prosecute an " intended" crime, then it should be an opportunity to better our society as a whole. They say hindsight is 20/20.... But foresight is even better.