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Suspected vs. Diagnosed Mental Illness, Race, and the NGRI Plea

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Suspected vs. Diagnosed Mental Illness, Race, and the NGRI Plea

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TAKEAWAY

Aversive racism may influence jury decisions, perpetuating systemic biases in the legal system.

ABSTRACT

This study investigated the effects of mental illness (suspected, diagnosed) and the defendant's race (Black, White) on receiving the NGRI plea in a Second-Degree murder case. Participants were more likely to assign the NGRI plea to a Black defendant than a White defendant if the defendant had a diagnosed mental illness, but were more likely to assign a guilty plea to the Black defendant than the White when the diagnosis was only suspected.

INTRODUCTION

The Not Guilty by Reason of Insanity (NGRI) plea is used to establish that the defendant had a severe mental illness or disability, and it impaired their cognitive and/or volitional capacity (Borum, 2003). Previous studies have shown that Black defendants receive NGRI more than (Poulson, 1990) or equal to (Gamache et al., 2021) White defendants, despite evidence of bias toward Black defendants in other areas of the legal system (Sommers & Ellsworth, 2001). To explain this potential discrepancy, we applied aversive racism theory (Dovidio & Gaertner, 2004) to test whether participants would give more leniency to Black defendants unless there is another reason to discriminate.
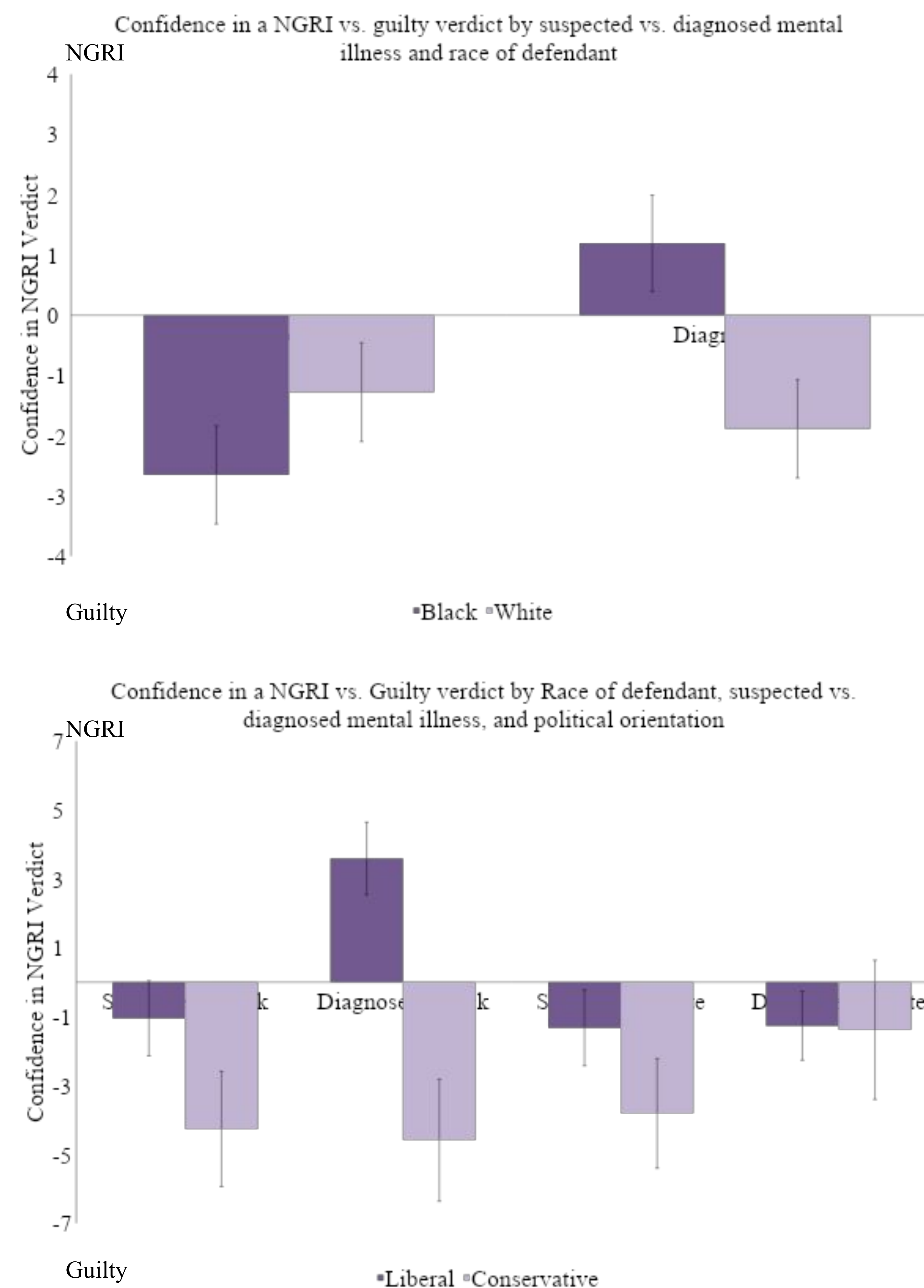
We expected participants would assign the NGRI plea more to Black defendants and be more confident in their verdict compared to White defendants if the defendant had a diagnosed mental illness, but there would be no difference or more NGRI given to White defendants when the diagnosis is suspected.

Exploratory Hypothesis: We expected that liberals (those who indicated that they are liberal or somewhat liberal) would show a stronger interaction effect of race by diagnosis than conservatives (those who indicate that they are conservative or somewhat conservative).

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FIGURES

Confidence in a NGRI vs. guilty verdict by suspected vs. diagnosed mental illness and race of defendant

Confidence in a NGRI vs. Guilty verdict by Race of defendant, suspected vs. diagnosed mental illness, and political orientation

METHOD

Participants:
329 White U.S. resident participants (49% male, M_{age} = 40, SD = 12.6) completed a study through Prolific.

Procedure:
Participants read one of four randomly assigned legal case vignettes (based on Johnson, 2017) that varied clarity of mental illness (suspected vs. diagnosed) and race of the defendant (Black vs. White). The vignette described the alleged perpetrator seeming to hear voices before committing a murder on a bystander and an arrest report outlining the crime. Afterwards, participants stated their verdict and confidence and completed demographic information.

Measures:
Verdict and Confidence Scale (Bolin, 2019):
Participants determined their final verdict based on their choice of not guilty, guilty, or not guilty by reason of insanity. Participants' confidence was assessed on a 11-point Likert type scale, asking "how confident are you in your verdict?" The scale ranged from "not at all confident" (0) to "extremely confident" (10). To get a continuous measure of the stronger confidence in the participants' verdicts, the verdict (-1 = guilty, +1 = NGRI) was multiplied by confidence to get a scale from -10 (very confident of guilty verdict) to 10 (very confident of NGRI verdict).

Weiner Attribution Scale (Graham et al., 1986):
Participants reported to what extent (King/Ethan)'s behavior was a result of stable personality characteristics, to what extent (King/Ethan) had control over his actions, to what extent (King/Ethan) was responsible for his actions, and to what extent (King/Ethan) should be blamed for his crime on separate 9-point Likert type scales.

Demographics:
The demographics questionnaire assessed age, gender identity, race/ethnicity, U.S. citizenship, highest education level, political orientation, and familiarity with mental illness.

RESULTS AND DISCUSSION

- There was a significant interaction between mental illness and race, η^2 = .012, p = .047 . There was higher confidence in a NGRI verdict for the Black defendant when he was diagnosed vs. suspected with a mental illness, d = .533, p <.001. There were no differences for the White defendant, d = .083, p = .602.
- There was a significant interaction between mental illness and race for liberals, η^2 = .026, p = .033. There was no difference for conservatives, η^2 = .009, p = .441.
- The Weiner Attribution items supported the above results, as well as the aversive racism theory with the diagnosed, Black defendant being rated less harsh than the other groups.

Participants, and especially those who were liberal, were more lenient toward Black than White defendants when there was a diagnosed mental illness, but more harsh otherwise, supporting the predictions of aversive racism theory.

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