



Bias and Identity when Assessing for Criminal Responsibility in Oregon

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Other Notable Findings

Average time between date of crime and date of finalized report: 379.76 days (range: 87-1,079 days).

Women were more likely to be found not criminally responsible, $X^2(1, N = 69) = 5.4, p = .03$.

Individuals diagnosed with a psychotic disorder were more likely to be found not criminally responsible compared to those without a psychotic disorder diagnosis, $X^2(1, N = 69) = 8.6, p = .003$.

Men were more likely to have used substances at the time of the crime compared to women, $X^2(1, N = 70) = 4.2, p = .04$.

Discussion

A higher percentage of individuals are opined not responsible in this sample compared to previous research, however the average time between date of crime and date of report is comparable to previous research.

Further analyses is necessary to fully understand this sample and will be conducted.

Continued research is imperative to help conceptualize this population and the resources that may be beneficial moving forward.

Methodology

Archival data collected from 74 GEI reports (between 2019 and 2021) from the Oregon State Hospital's Forensic Evaluation Services Department.

Variables of interest independently transcribed into SPSS.

Oregon GEI Population Demographics:

Sex	13.5% women	86.5% men	--	Age Range	20-73 years old	--	Gender Expression	Identified in 1.4%
Reported Race (38 of 74)	44.6% White	8.1% Black	9.5% Latinx	4.1% Asian	2.7% Native American/Indian	2.7% Mixed or Biracial	1.4% Other	27% not reported
Education	21.6% less than HS	40.5% HS/GED	21.6% some college	6.8% associate degree	5.4% bachelor's degree	2.7% graduate degree	1.4% not reported	--
Employment	12.2% employed	31.1% disability	28.4% unemployed	1.4% retired	27% not reported	--	--	--
Marital Status	56.8% single	17.6% married	18.9% separated or divorced	1.4% widowed	5.4% not reported	--	--	--
Psych treatment hx	85.1% yes	14.9% no	--	--	Evaluator GEI opinion	54% responsible	39.2% not responsible	6.8% undetermined
Legal hx	77% yes	16.2% no	6.8% not reported	--	New testing	10.8% yes	89.2% no	--
Eval hx	54% yes	33.8% no	12.2% not reported	--	Psychotic disorder	48.6% yes	51.4% no	--

Background

Criminal responsibility (CR) evaluations are conducted when a defendant's mental state at the time of the crime is in question and occurs in less than 1% of criminal cases with approximately 25% success rate (Fuger et al., 2013).

Oregon Revised Statute 161.295 indicates "A person is guilty except for insanity if, as a result of a qualifying mental disorder at the time of engaging in criminal conduct, the person lacks substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law."

History of Inequality

The Sentencing Project (2018) reports minority populations are more likely to be incarcerated than white individuals.

Genna and Feske (2013) report individuals of color to be more likely to experience mental health symptoms but less likely to receive treatment.

Black individuals being diagnosed with Schizophrenia spectrum disorder more than white individuals (Hamilton et al., 2015) and sexual minority individuals have been found to be more likely to be diagnosed with BPD compared to their heterosexual counterparts (Rodriguez-Seijas et al., 2021).

Price et al. (2004) found Black and Asian individuals to have been placed in seclusion significantly more than other racial groups.

Literature Review

CR evaluations have been faced with many criticisms including concern for poor inter-rater reliability, blind spot bias, and adversarial allegiance (Zappala et al., 2018; Murrie et al., 2013; Gowensmith et al., 2013).

Recent research has been conducted to see if there are certain factors or variables that are more likely to be associated with non-responsibility.

Findings show the following to be related to non-responsibility: older age, in psychiatric treatment at the time of the crime, a greater number of involuntary hospitalizations and treatment episodes, a diagnosis of a schizophrenia spectrum disorder, a lower number of previous criminal charges, and a higher number of previous psycholegal evaluations. Inconsistent relationships have been found among race and gender.