

EXPLORING THE RELATIONSHIP BETWEEN KNOWLEDGE OF THE INSANITY DEFENSE AND POPULAR MEDIA

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ABSTRACT

A plea of not guilty by reason of insanity (NGRI) evokes specific expectations and beliefs often based on inaccurate speculations regarding the insanity defense. Research on public perceptions regarding NGRI has identified that people hold many myths and misconceptions about the defense. While it is clear the misconceptions of the NGRI defense exist, the source of these perceptions is not well understood. One common source for beliefs about the legal system has been popular media, some have coined the “CSI effect.” In this study, the relationship between exposure to popular media and perceptions of the NGRI defense was examined. Participants' knowledge and beliefs about the NGRI defense was measured as was the type and frequency of crime media watched. No significant relationship for type of media exposure and measures of knowledge and beliefs of the NGRI defense were identified; however, a significant relationship between exposure to the NGRI defense in an educational setting occurred for several specific categories of knowledge and beliefs participants held about the NGRI defense, with such exposure corresponding to decreases in misconceptions. The findings are discussed in relation to systematic methods to minimize popular misperceptions of the NGRI defense.

KEYWORDS: NGRI; Insanity Defense; Media; Television; Beliefs of NGRI

The not guilty by reason of insanity (NGRI) defense is a highly controversial and largely misunderstood part of the U.S. legal system (Silver, Cirincione, and Steadman 1994). Butler (2006) found that over 70% of venirepersons hold a negative view of and are typically against the use of the not guilty by reason of insanity defense. This study found that those that hold a negative view towards the insanity defense supported or endorsed a higher number of myths related to the NGRI defense. These myths are thought to have developed through the highly publicized cases where the insanity defense was successfully used (Melton, Petrila, Poythress, and Slobogin 2007). Some of the common myths identified by Melton et al. (2007) included that the NGRI defense is regularly used and that those who are found NGRI are released shortly after the trial. In an empirical review of the nine most common myths associated with the NGRI defense, Perlin (2017) found them all to have been discredited by the research and empirical data. These misperceptions fuel the largely negative view of the NGRI defense (Silver et al. 1994) and subsequently could have a significant impact on jurors asked to determine if the NGRI defense is appropriate.

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Another potential influencer of knowledge and misinformation regarding the not guilty by reason of insanity defense is popular media. Popular media, most often television and movies, has been shown to have significant impacts on people's perceptions including that of the legal system (Harris 1993; Mancini 2013; Taylor 2004). The NGRI defense has been a common component of movies and television for many years (Gans-Boriskin and Wardle 2005; Silver et al. 1994). With the popularity and prevalence of these shows, it is reasonable to expect them to have an impact on popular perceptions of the NGRI defense. One area of research on the media's influence on courtroom process has been coined by the media the "CSI effect" and refers to the notion that those who frequently watch television crime shows (e.g., CSI) have an altered expectation of court process, particularly how it works with scientific evidence (Mancini 2013). Brewer and Ley (2010) found a positive relationship between time spent watching crime shows and perceptions of DNA evidence as reliable. This study also found that those who reported watching a higher number of crime shows also reported a higher self-perceived understanding of DNA and DNA evidence. Additionally, Brewer and Ley (2010) indicated that participants who reported viewing crime shows more frequently also reported they were more likely to acquit a defendant if the prosecution did not present DNA evidence. Forensic investigations portrayed in these crime shows are often exaggerated and dramatized. Further, studies have also shown that increased frequency viewing these shows does not correlate with forensic knowledge (Vicary and Zaikman 2017). These studies suggest that the CSI Effect may have a negative impact on the judicial system.

Mancini (2013) compared the types of crime shows viewed (fiction vs. documentary-style) and found that those who frequently viewed fiction crime shows were more likely to acquit the defendant than those who viewed documentary-style shows. Though experts state that scientific techniques used in crime shows are inaccurate, jurors who view these shows are more likely to find forensic evidence such as DNA and fingerprints as more reliable and accurate than other forms of evidence (Smith, Stinson, and Patry 2011). Given much of the evidence related to the NGRI defense focuses on expert and scientific testimony, how jurors perceive such testimony could impact their decision making in a similar fashion. Further, the portrayals of NGRI cases on programs like CSI or Law & Order may not be accurate and often result in guilty verdicts (Gans-Boriskin and Wardle 2005). Thus, these portrayals may impact popular views of the NGRI defense perpetuating myths.

Daftary-Kapur, Groscup, O' Connor, Coffary, and Galiotta (2011) created the Knowledge of the Insanity Defense Scale (KIDS) which measured laypersons understanding and beliefs regarding the NGRI defense. This scale is based on nine myths regarding the not guilty by reasons of insanity defense. It was found that these beliefs affected juror's verdicts; the more misinformation the jurors held about the NGRI defense, the more likely they were to present a guilty verdict. While this research was able to confirm the misconceptions of the NGRI defense, it did not identify the potential sources of these misconceptions. Nor did they address the potential mediating factors that might exaggerate or mitigate these beliefs.

Much of the previous research identifies and confirms the existence of the myths regarding the insanity defense (Perlin 2017; Daftary-Kapur et al. 2011; Silver et al. 1994); however, the various sources for these misconceptions have not been clearly identified. Gans-Boriskin and Wardle (2005) argued that a majority of one's knowledge comes from story-telling which includes television. The power of story-telling suggests that shows, such as Law & Order, may provide a rich source for the public's information regarding the NGRI defense. Gans-Boriskin and Wardle (2005) found three common themes presented in Law & Order one of which was the use of mental illness as an escape from personal responsibility. This reoccurring theme thus exaggerates the frequency of the NGRI defense and delegitimizes the defense. Additionally, Mancini (2013) identified cultivation processes among those who viewed fiction crime shows. The process implies that those who frequently watch crime shows are more likely to believe that the television show reflects reality.

The purpose of the present study is to examine the relationship between misconceptions of the NGRI defense and the type and frequency of crime show viewed. It is hypothesized that a relationship will be seen between the frequency of crime show viewing and the number of misconceptions including overuse of the insanity defense, time released from custody, and the risk related to pleading not guilty by reasons of insanity.

METHOD

Participants

Four hundred and eighty-six undergraduate students in introductory psychology classes participated in the online survey, a total of 937 email invitation were sent reflecting a 52% response rate. Of those, 75% identified themselves as gender female, 22.7% as gender male, and 2.3% preferred not to answer. The number of females was slightly higher than the population of the university (61.8%). The mean age of respondents was 20.25 years ($SD = 3.46$) and ranged from 18 to 47; no other demographic data was collected. Self-reported knowledge of the NGRI defense mean was 3.41 ($SD = 1.36$) on a scale from 1 no knowledge to 7 very knowledgeable. Of those responding, 42 (8.7%) reported having discussed the NGRI defense in their coursework.

Materials

An online survey was created via LimeSurvey that asks participants to complete the KIDS, a series of 32 questions regarding an individual's knowledge and beliefs intended to assess participants' perception of the not guilty by reason of insanity defense (Daftary-Kapur et al. 2011). Participants were asked to indicate if they agree with the given statement using a 7 point Likert scale (Table 1). The KIDS questions were presented in randomized groups, with the order of statements in the groups also being randomized.

Following the KIDS, participants were asked to identify on a scale from 0 (not at all) to 7 (all the time) how often they watch a list of crime-related television shows. These shows were divided into three content types: Police drama, Lawyer dramas, and True crime shows. The types of shows were divided into three categories due to the featured content in each type of show and how it related to the portrayal of the NGRI defense. Shows listed under the police drama category focus on the crime and forensic investigation, often incorporating forensic science in solving crimes. While there may be components of the NGRI defense in the plotlines of these programs, the focus is generally on solving a crime, not on the trial process. Shows in this category included CSI, Criminal Minds, Hawaii Five-0, True Detective, NCIS, Rizzoli & Isles, and Chicago P.D. Shows listed under the lawyer drama category focus on the courtroom and legal proceedings; these shows often incorporate expert testimony and plotlines that revolve around a defendant's guilt, some of which have included the NGRI defense. Shows in this category included Law & Order, Boston Legal, and Suits. Finally, shows listed under the true crime shows focus on descriptions or portrayals of real crimes. These shows provide accounts of actual cases and often the ultimate resolution, or lack thereof, for the case. Shows in this category included Forensic Files, The FBI Files, Cold Justice, and 48 Hours. Given that the listing of every possible crime show that is currently airing (either with new episodes or in re-runs) is not feasible, participants were also given an option to indicate if they watch another, not listed show of that type and how often.

The survey also asked participants' perceptions of their knowledge of the legal system and if they have discussed the topic of the insanity defense in any of their coursework to determine if exposure to the defense influenced the type of frequency of misperceptions held by the participant. Finally, basic demographic information was collected.

Table 1. The Knowledge of the Insanity Defense Scale (KIDS) sub-scales and an example question (Daftary-Kapur, Groscup, O'Connor, Coffary, and Galietta, 2011)

<u>The insanity defense is overused</u> (Overused)
A lot of people use the insanity defense
<u>The insanity defense is used almost exclusively in cases that involve violent crimes</u> (Violent)
The insanity defense is mostly used in cases that involve the death of a victim
<u>No risk to defendants who plead NGRI</u> (Risk)
It is worth it for someone to plead insanity because there is no risk
<u>NGRI acquittees are quickly released from custody</u> (Release)
Defendants who are found NGRI are released from detention almost immediately
<u>NGRI acquittees spend less time in custody than others convicted of the same offense</u> (Time)
Defendants who are found NGRI spend much less time in detention than do defendants convicted of the same crime
<u>Defendants who plead insanity are usually faking</u> (Faking)
Most people who plead insanity are faking
<u>Expert witnesses in insanity trials are hired guns</u> (Expert Witnesses)
Expert witnesses are paid to make excuses for the defendant's behavior
<u>Trials involving an NGRI defense feature "battles of the experts"</u> (Battle of the Experts)
In most cases, even experts cannot agree that a person was insane when they committed the crime
<u>Pleading NGRI is a strategy used by defense attorneys to get their clients acquitted</u> (Strategy)
Lawyers use the insanity defense when their client is guilty as a way to get them off

A separate survey page was developed, not linked to their survey responses, to provide information for obtaining any extra credit that was offered. In addition, an alternate activity was produced that required roughly the same amount of time to complete for participants that wanted to earn the extra credit but not take the survey.

Procedure

Psychology faculty teaching introductory psychology classes were asked if the survey could be sent to the students in their classes. An email request for participation was sent which included an explanation of the study, a link to the survey, and a link to the alternate extra credit assignment. LimeSurvey was used to send the email request, and an anonymous token for each participant was generated to ensure that each individual participated in the survey only once. Those students electing to participate in the survey first read and agree to the informed consent and then were taken to the survey. Upon completion of the survey, participants were directed to the separate page where they were able to leave information needed for awarding any extra credit being offered for participation. Students electing to complete the alternate exercise were taken to the same page to leave their extra credit information, after completing the exercise.

RESULTS

Participants' reports indicated that 49.8% regularly watched (rating a 5 or higher) one or more of the Police Dramas, 37.1% at least one show listed in Lawyer dramas, and 27.9% for at least one show categorized as True crime show. Across all three show categorizations, 63.7% of participants reported a 5 or higher to at least one of the shows listed and only 3.1% reported not watching any of the shows at all. The most watched police drama listed was Criminal Minds (N = 321, M = 4.21, SD = 2.019), the most watched Lawyer drama was Law and Order SVU (N = 345, M = 4.66, SD = 1.986), and the most watched True Crime show was COPS (N = 300, M = 3.75, SD = 1.941). The overall mean KIDS score was a 4.052 (SD

= .635) indicating participants did have an overall less accurate knowledge and hold more negative beliefs about NGRI, the closer to 7 the stronger the belief in the myths.

To examine the relationship between misperceptions of the NGRI defense and the type and amount of popular media viewing, multiple regressions analyses were conducted for each of the nine subscales of KIDS. Predictor variables were the sums of self-reported viewing for the three types of media (Police drama, Law drama, and True crime shows) and if the participants had taken a course where the NGRI was discussed. To maintain a false discovery rate of .05 across the nine multiple regression tests using the same set of predictors, one for each of the nine KIDS subscales, the Benjamini-Hochberg correction (Benjamini and Hochberg 1995) was used to establish a corrected significance value of .039. The multiple regression models resulted in statistical significance for seven of the nine KIDS subscales: No Risk, Overused, Release, Time, Faking, Expert Witness, and Strategy (Table 2). This data suggests that exposure to the NGRI defense in an academic setting decreases most of the misperceptions held by the public. While the level of viewing for the three types of popular media exposure were not significant predictors for misperceptions of the NGRI defense, exposure to the NGRI defense in an academic setting was. Participants who indicated having discussed the NGRI defense in their classes had significant fewer misperceptions of the NGRI defense regarding the seven topic areas (Table 2) than those who had been exposed to the NGRI defense in any of their classes.

Table 2. Multiple regression table for select KIDS subscales

	<i>B</i>	<i>SE</i>	β	<i>t</i>	<i>p</i>	<i>R</i> ²	ΔR^2	<i>F</i>	<i>p</i>
<i>Risk to defendant</i>						0.040	0.032	4.817	0.001
Course exposure	.538	.191	.130*	2.823	.005				
True crime	.008	.006	.079	1.355	.176				
Law drama	.002	.009	.013	.178	.859				
Police drama	.006	.005	.090	1.334	.183				
<i>NGRI is overused</i>						.116	.108	14.856	0.000
Course exposure	1.384	.188	.327*	7.381	.000				
True crime	.005	.006	.049	.858	.391				
Law drama	.000	.009	.003	.038	.970				
Police drama	.004	.004	.064	.971	.332				
<i>Immediately released</i>						0.072	0.064	9.028	0.000
Course exposure	.750	.131	.258*	5.739	.000				
True crime	.002	.004	.030	.533	.594				
Law drama	-.000	.006	.000	-.004	.997				
Police drama	.003	.003	.062	.956	.340				
<i>Spend less time in custody</i>						0.037	0.028	4.383	0.002
Course exposure	.620	.155	.184*	4.004	.000				
True crime	.005	.004	.064	1.099	.272				
Law drama	-.004	.007	-.044	-.625	.532				
Police drama	.000	.004	-.007	-.106	.915				
<i>Faking</i>						0.028	0.020	3.396	0.009
Course exposure	.492	.142	.158*	3.457	.001				
True crime	.005	.004	.070	1.206	.228				
Law drama	.000	.007	.003	.038	.969				
Police drama	-.003	.003	-.058	-.868	.386				
<i>NGRI experts are hired guns</i>						0.027	0.018	3.173	0.014
Course exposure	.579	.185	.144*	3.137	.002				
True crime	.005	.005	.057	.999	.318				
Law drama	-.008	.009	-.062	-.902	.367				
Police drama	.004	.004	.067	1.013	.311				
<i>NGRI is a defense strategy</i>						0.036	0.028	4.386	0.002
Course exposure	.668	.180	.169*	3.721	.000				
True crime	.005	.005	.055	.949	.343				
Law drama	-.012	.008	-.101	-1.446	.149				
Police drama	.005	.004	.077	1.142	.254				

Viewing behavior for the three types of popular media was correlated (*r* values ranged from .552 to .726); thus, exploratory regressions were run collapsing across the three crime show types and class exposure for the KIDS subscale. The same seven scales produced significant *r* values and the while the beta values did change slightly, the significant impact of prior course exposure to the NGRI defense as a predictor did not change. However, for the KIDS subscales of No Risk and Overused, the regression model produced significant betas for overall crime show TV viewing (Table 3). For both subscales, increased crime show viewing was associated with increased misconceptions about these two facets of the NGRI defense. In all the remaining significant subscale models, overall crime show TV viewing was not a significant predictor.

Table 3. Multiple regression table for select KIDS subscales using overall crime show watching

	<i>B</i>	<i>SE</i>	β	<i>t</i>	<i>p</i>	<i>R</i> ²	ΔR^2	<i>F</i>	<i>p</i>
<i>Risk to defendant</i>						.040	.036	9.554	.000
<i>Course exposure</i>	.544	.190	.131*	2.868	.004				
<i>Crime show watching</i>	.006	.002	.157*	3.423	.001				
<i>NGRI is overused</i>						.115	.112	29.767	.000
<i>Course exposure</i>	1.388	.187	.328*	7.441	.000				
<i>Crime show watching</i>	.004	.002	.100*	2.263	.024				

DISCUSSION

Levels of self-reported exposure to the three specific types of popular crime shows were not significantly related to perceptions of the NGRI defense as measured by the KIDS subscales. However, exposure to the NGRI defense in an academic setting (e.g., class discussion) was associated with a reduction in misperceptions of NGRI for all but 2 of the KIDS subscales. Research on the impact of education on dispelling myths is mixed. Taylor and Kowalski (2004) found that while misperceptions about psychological phenomena are common, they can be nullified through refutational lectures and readings on the subject matter. However, Forrest, Honts, and Craig (unpublished) caution that for myths related to forensic psychology, certain types of material, such as emotional, single-story videos, can taint students' perceptions of the subject matter and create even more misperceptions. Similarly, Skurnik, Yoon, Park, and Schwarz (2005) found that familiarity and repetition increased the likelihood that participants would remember false information as true, even if it were being refuted. This suggests that when information is presented, even in the context of describing a myth, students are likely to misremember the information and increase the number of misperceptions. Although more research is needed in this area, our research suggests that discussing forensic psychological myths in an academic setting may decrease the number of misconceptions held by the public.

The failure to find a connection between the three different types of popular media exposure and misperceptions participants held about NGRI is inconsistent with the "CSI effect" where previous studies have identified popular media as a source of popular beliefs about the legal system. The exploratory analysis did indicate a potential relationship between increased exposure to general crime/legal based television media and beliefs about the overuse and risk to the defendant of the NGRI defense. The increase in overall exposure to crime-themed programs may, in turn, increase the number of examples of the NGRI defense the individual has to draw upon; thus, the overestimate the NGRI use in the legal system might be explained by the representative heuristic. The easier it is to recall examples of cases involving the NGRI defense, even those that are fictitious, the more commonly used it is thought to be. The impact of exposure to crime-themed programs on the myth that there is no risk to the defendant if they use the NGRI defense may reflect the "CSI effect" in that there is often no portrayal of the negative consequences of the NGRI plea in popular media.

The current study is not without limitations. The current study did not have an exhaustive list of the current police drama, lawyer drama, and true crime shows. There was also a lack of an objective measure of exposure. Similarly, the participants in this study were not representative of a global population but instead were representative of a university campus. Butler (2006) found that those with experience with psychology and those with some college education are more likely to be in favor of NGRI; thus, is it likely that the present population was not representative of all potential jurors. The present study did not assess the types of academic exposure participants had regarding NGRI, just self-report of having discussed it in a class; however, reported exposure did correspond to reduced misconceptions. In addition, the percentage of students who had discussed the topic in class was only 8.7% and thus a limited sample size from that population. Future research should assess the specific nature of the academic

discussions that are most effective at addressing the NGRI defense misperceptions. In addition, more focused media exposure (e.g., watching a specific episode that deals with NGRI) have on misconceptions of NGRI.

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