

Presentation title:

Ethnic bias in psychiatric evaluation and judicial decisions regarding insanity

Speakers: Tomer Einat (Bar Ilan University, Israel) and Anat Yaron Antar (Yezreel Valley College, Israel)

Multiple studies in criminology and penology have revealed that minorities, compared to the general population, are discriminated by the criminal justice system in several countries. This discrimination is manifested in policing, sentencing and punishment. In Israel, such discrimination was documented particularly with regard to the ethnic Arab minority. Regardless of the rich theoretical and empirical literature regarding this topic in both Western countries and in Israel, to the best of our knowledge no study has hitherto examined discrimination in psychiatric discretion regarding criminal responsibility (for reason of insanity) and competency to stand trial. The current study fills this gap by quantitatively and qualitatively analyzing 142 psychiatric evaluations and judicial decisions concerning individuals who committed murder who and were referred by court to psychiatric evaluation. The main findings of the study are as follows. First, most individuals referred by evaluation were Jews. Moreover, disproportionately to their share in Israel's population (73.9%), 83% of the murderers found not guilty by reason of insanity (NGRI), were Jews, and only 16.8% were Arabs. Third, among murderers found responsible for the murder, only 45.8% were Jews, and 58.1% Arabs. Fourth, Whereas 71.9% of the Jews referred to evaluation were found NGRI, this was true of only 28.1% of their Arab counterparts. Finally, nearly all evaluations and judicial decisions were written by Jewish psychiatrists. The study concludes that the field of forensic psychiatry in Israel is affected by bias against minorities.