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**A Preliminary Study of Views Toward the Mentally Ill and the Criminal Justice System: A Survey of College Students**

Eric G. Lambert, Professor, Wayne State University, dz9258@wayne.edu  
David N. Baker, Associate Professor, The University of Toledo, dbaker@utnet.utoledo.edu  
Lois Ventura, Associate Professor, The University of Toledo, lventur@utnet.utoledo.edu

**Abstract**

Many scholars contend that the criminal justice system is not equipped to handle mentally ill offenders. Students from various majors were surveyed at a large Ohio university. Most did not feel that individuals with a mental illness were dangerous and felt that, with proper treatment, a mentally ill person could lead a productive life. The respondents were split on whether mentally ill offenders should be treated differently, whether mentally ill persons should be incarcerated in correctional facilities, and whether "not guilty by reason of insanity" should be allowed. In multi-variate analysis, gender was the best predictor of responses.

**Introduction**

Increasingly, the criminal justice system is being called upon to deal with mentally ill persons who have committed infractions, crimes, or are otherwise in need of help. Responsibility for quality of life offenses (e.g., loitering in front of a business, being loud or disruptive, sleeping on a park bench, etc.) has shifted to the criminal justice system (Thompson, Reuland, & Souweine, 2003). This, combined with fewer treatment programs, whether institutional or community-based, has led to many in need of help being abandoned in the community (Hartwell, 2004). The number of mentally ill persons in the criminal justice system has grown substantially (The Sentencing Project, 2002). Individuals with mental health problems, especially those suffering severe problems, frequently come into contact with the police, and many of these individuals are arrested (Clark, Ricketts, & McHugo, 1999; Cooper, McLearn, & Zapf, 2004; McFarland, Faulkner, Bloom, Hallaux, & Bray, 1989). Many of those arrested are for minor nuisance crimes (Cooper et al., 2004; Torrey, 1997). Moreover, they are often arrested because police officers feel frustrated and do not know how to handle the situation (Hails & Borum, 2003). In a study of officers with three large police departments, encounters with mentally ill persons were very common, and the majority of the officers felt that individuals with mental illness in crisis presented a moderate to significant problem to the department (Borum, Deane, Steadman, & Morrissey, 1998).

In the last ten years, the number of incarcerated individuals with mental illness has more than doubled, and there has been almost a five hundred percent increase in the arrest rate of individuals suffering from mental illness (Hartwell, 2004). Moreover, those offenders with mental illnesses generally receive longer sentences and serve longer proportions of their sentences before being released (Hartwell, 2004; Porporino & Motiuk, 1995). Most of the people with mental illness who come into contact with the criminal justice system are relatively non-serious offenders (Hails & Borum, 2003).

Abramson (1972) coined the phrase "criminalization of the mentally ill" to refer to what he saw as an increasing number of persons with mental illness being swept into the criminal justice system. "The 'homogenization of the mad and the bad' has been ongoing for several decades" (Cooper et al., 2004, p. 296). The U.S. criminal justice system has become heavily involved with mentally ill persons for two reasons – first, because criminal justice agencies are readily available and, second, because of the idea that the public wants the criminal justice system to be involved (The Sentencing Project, 2002). While these postulations have been largely untested, what is clear is that "the criminalization of the mentally ill" has grown over the past several decades and continues to increase today (Cotton, 2004). The U.S. criminal justice system, however, is not designed to deal properly with people suffering from mental illness. Mentally ill individuals are harmed by being processed through a system where the agents are not properly trained or equipped to deal with them. It also diverts valuable resources from an already overstretched and underfunded criminal justice system. Nevertheless, removing the mentally ill persons from the criminal justice system would require public support. "Public opinion plays an important role in criminal justice policy making" (Roberts & Stalans, 2000, p. 6). Yet, little is known about the views of the people toward individuals who are mentally ill and their interaction with criminal justice system; therefore, this preliminary study was undertaken to determine what the views of college students were toward mentally ill individuals and the criminal justice system and whether these views differed by demographic characteristics.

## Literature Review

Over the past four decades, there have been many studies on the public's attitude toward people with mental illness. For example, in a 1955 study, many people viewed mentally ill persons as lacking self-control and, therefore, dangerous (Segal, 1978). Additionally, attitudes toward mentally ill persons have been found to vary by demographic characteristics. Gender has been linked to attitudes toward mentally ill individuals, with women having more positive views than men (Morrison, DeMan, & Drumheller, 1993; Segal, 1978). In addition, women appear to be less harsh in their willingness to punish mentally ill offenders. In a survey of jury pool members in a Florida county, men were more likely than women to support capital punishment for mentally incompetent defendants (Cochran, Boots, & Heide, 2003). Education has been linked to views of mentally ill persons as well, with those with higher levels of education having more positive views (Chou & Mak, 1998; Ojanen, 1992; Rabkin, 1974). Age is also associated with attitudes toward mentally ill persons, with younger people having more positive views (Chou & Mak, 1998; Rabkin, 1974). Race may be tied to attitudes toward people with mental illness. For example, Cooper et al. (2004) found that Black mentally ill persons were more likely to be arrested and sent to jail by the police than were White mentally ill individuals.

The perspective of social restrictiveness holds that mentally ill persons pose a threat to society and must be controlled (Morrison et al., 1993). People who are mentally ill are often incorrectly perceived to be dangerous (Rabkin, 1980). There is a view that those with a mental illness are potentially dangerous even though there is no evidence that mental illness per se is linked to violent behavior (Angermeyer & Schulze, 2001). A major reason that there is a stereotype of the mentally ill as being dangerous is the messages sent by the mass media where mentally ill persons are often portrayed negatively (Hyler, Gabbard, & Schneider, 1991; Thornton & Wahl, 1996; Wahl, 1992; Wahl & Lefkowitz, 1989). Research indicates that while the incidence of newspaper articles dealing with mental illness is infrequent, the vast majority of stories deal with mentally ill individuals who have committed crimes, particularly violent crimes (Angermeyer & Schulze, 2001). This probably influences people's views of mentally ill individuals. In a study of undergraduate students in an introductory psychology class, those who had read a newspaper article about a murder committed by a psychiatric patient were significantly less likely to accept mentally ill individuals in the community and were more fearful of these individuals than were those students who read another article on health issues not involving mental illness (Thornton & Wahl, 1996). Thornton and Wahl concluded that "news stories about mentally ill killers may encourage fear of and harsher attitudes toward those with mental illnesses" (p. 24).

Additionally, many arguments against the placement of community mental health facilities revolve around issues of safety, such as risks posed to young children (Cowan, 1999). This suggests that many people have a false perception that mentally ill individuals are dangerous. The negative views of mentally ill persons, especially a perception that they are dangerous, could translate into a greater willingness to have the criminal justice system deal with mentally ill individuals who commit infractions or crimes. Yet, little is known about people's views of mentally ill people and the criminal justice system and whether these views differ by demographic characteristics, as is the case with general attitudes toward mentally ill persons.

## Methods

Using a convenience sample design, 20 undergraduate classes were selected at a large Ohio university to administer a survey to students in the Spring of 2002. The typical class size was 20 to 25 students. The classes represented a wide array of majors and included general education classes required by all undergraduate students at the university. After obtaining permission from human subjects review, instructors were asked for access to their classes. No instructor denied access to his/her class to administer the survey, but several requested that the survey date be changed. A survey was provided to students who attended the class on the day of the survey administration. The students were informed that the survey was voluntary. It was estimated by those who administered the survey that more than 95% of the students present took the survey. All students were told not to complete the survey if they had previously completed one in another course. This was done to prevent multiple participation by students in who were enrolled in two or more of the courses selected. A total of 484 usable surveys were returned and used in this study.

In terms of demographic characteristics, 46% of the respondents were women and 54% were men. The median age was 20 and ranged from 18 to 51 years of age. The mean age was 22.06, with a standard deviation of 6.45. Approximately 73% of the respondents were White, 16% were Black, 3% were Hispanic, and 7% were another race/ethnic group. For purposes of analysis, race/ethnicity was collapsed into a dichotomous variable representing whether the respondent was Nonwhite (coded 0) or White (coded 1). In terms of academic level, 28% were freshmen, 26% were sophomores, 23% were juniors, and 24% were seniors. Students were also asked about political affiliation. Thirty-eight percent indicated that they were affiliated with the Democratic party, 28% with the Republican party, and 34% indicated that they were Independents.

Many of the past studies on people's attitudes toward mental illness have used the Opinions about Mental Illness (OMI) measurement instrument created by Cohen and Struening (1962). While the OMI has been judged to be a valid and reliable measure (Graessle, 1997; Rabkin, 1972), it, however, is limited in its application (Shokoohi-Yeka & Retish, 1991). As it deals with only attitudes toward mental illness and mentally ill persons in general and not about the mentally ill in the criminal justice system, OMI was not appropriate for this exploratory/preliminary study; therefore, five questions were developed for this study. These five questions are presented in Table I and were answered using a five-point Likert response scale ranging from strongly disagree to strongly agree.

## Results

The percentage results for the five questions of views toward mentally ill persons and the criminal justice system are presented in Table I. The majority of the students did not see most mentally ill people as violent; however, a fair number (30%) were uncertain whether mentally ill individuals are violent. The vast majority of the respondents felt that mentally ill persons can lead productive lives if they receive proper medication and treatment. Nonetheless, 20% were uncertain whether this was possible. Very few (7%) disagreed with this question. The students were divided on how to treat a mentally ill person who commits a crime. Thirty percent felt they should be treated the same as non-mentally ill criminals, 30% were uncertain, and 40% felt that they should be treated differently. The students were also divided on whether people with a serious mental illness should be incarcerated in jails or prisons. Thirty-six percent of the respondents felt that they should be incarcerated in jails and prisons, 19% were uncertain, and 45% felt that they should not be placed in jails or prisons. The students were also divided in their views of finding a person not guilty by reason of insanity. Thirty-eight percent of the respondents opposed the verdict of not guilty by reason of insanity, while 30% supported it, and 23% were uncertain.

Table I. Percentages of Respondents Views of Mentally Ill Individuals and the Criminal Justice System (N = 484)

Question	SD	D	U	A	SA
Most people with serious mental illness are violent.	16	36	30	14	2
Most people with mental illness can lead productive lives if they receive proper medication and treatment.	1	6	20	53	21
I believe a mentally ill person who commits a crime should be treated like anyone else who commits a crime.	10	30	30	24	6
People with serious mental illness should not be incarcerated in jails or prisons.	5	31	19	35	10
I oppose finding anyone "not guilty by reason of insanity".	12	28	23	30	8

Note. Percentages may not total 100% due to rounding. SD = strongly disagree, D = disagree, U = uncertain, A = agree, SA = strongly agree.

To determine the impact of demographic characteristics on the five questions, Ordered Ordinal Regression was utilized, the recommended statistical technique when the dependent variable is an ordinal level measure (Long, 1997; Menard, 1995). All the questions were ordinal level because they were measured using a five-point Likert response scale. The five questions presented in Table I were entered into Ordered Ordinal Regression as the dependent variable, with gender, race, age, academic standing, Democratic party affiliation, and Independent affiliation as the independent variables (for how each independent variable was measured, see the note under Table II).

Of the demographic variables, gender had the greatest number of significant effects in the multi-variate analyses. In fact, for each of the five questions, the gender variable had a statistically significant impact. Women were less likely than men to feel mentally ill people were dangerous, that they should be treated the same as non-mentally ill offenders, or that they should be incarcerated in either jails or prisons. Women were more supportive of the use of not guilty by reason of insanity and were more likely to feel that people with a mental illness could lead a productive life with proper treatment. For three of the questions, academic level had a significant association. As academic level increased, agreement that most people with a serious mental illness are violent dropped. Additionally, the more education the respondent had, the more likely they felt that mentally ill people with proper treatment could live productive lives. With more education, there was also more support for the verdict of not guilty by reason of insanity.

Being affiliated with the Democratic party was related to the responses for three of the questions. As compared to Republicans, Democrats were less likely to feel that seriously mentally ill persons were violent and were less supportive for placing seriously mentally ill offenders in jails or prisons. Additionally, Democratic respondents were more likely to agree that, with treatment, mentally ill people could lead productive lives. Being an Independent had only one significant relationship. As compared to Republican respondents, Independent respondents also felt with treatment that mentally ill people could lead productive lives.

Table II. Multi-Variate Analysis of Views Toward Mentally Ill Individuals in the Criminal Justice System Using Ordinal Ordered Regression.

Question	Gender	Race	Age	Level	Dem	Indep	R <sup>2</sup>
Most people with serious mental illness are violent.	.68**	-.20	-.01	-.30**	-.63**	-.40	.10
Most people with mental illness can lead productive lives if they receive proper medication and treatment.	-.92**	.22	.02	.20*	.93**	.44*	.13
I believe a mentally ill person who commits a crime should be treated like anyone else who commits a crime.	.81**	.26	-.05**	-.10	-.39	-.11	.12
People with serious mental illness should not be incarcerated in jails or prisons.	-.80**	-.20	.05**	-.01	.48*	.14	.11
I oppose finding anyone "not guilty by reason of insanity".	.68**	.44*	.01	-.24**	-.16	-.10	.08

*Note.* Gender measured as 0=females and 1=males. Race measured as Nonwhites=0 and Whites=1. Age was measured in continuous years. Level was measured as freshmen=1, sophomores=2, juniors=3, and seniors=4. Dem stands for Democrat political affiliation and was measured as 0=non-Democrat and 1=Democrat. Indep stands for Independent political affiliation and was measured as 0=non-Independent/other and 1=Independent/other political party. The reference group for the Democrat and Independent measures was Republican political affiliation. R<sup>2</sup> represents the Nagelkerke R-Squared statistic.

\* p ≤ .05. \*\* p ≤ .01.

For age, there were two significant relationships. As age increased, support for treating mentally ill offenders the same as non-mentally ill offenders dropped. Likewise, older respondents were less supportive of placing mentally ill offenders in jails or prisons. Only on one question was there a difference between White and Nonwhite respondents. Nonwhite respondents were more supportive of allowing the verdict of not guilty by reason of insanity than were White respondents. Finally, the Nagelkerke R-Squared statistic ranged from .08 to .13 (i.e., demographic variables explained between 8% and 13% of the observed variance in responses to the five questions). This means that other factors in addition to the demographic variables accounted for the observed variance in views.

## Discussion and Conclusion

Most of the findings were positive. The majority of the respondents felt that people with mental illness could lead a productive life with treatment. In addition, many felt that mentally ill offenders should not be treated the same as non-mentally ill offenders. It is unclear whether this view translates into a willingness to divert mentally ill persons from the criminal justice system. It could be that most of the respondents still desire the criminal justice system to deal with mentally ill offenders but to treat them differently than non-mentally ill offenders. This position is partially supported by the findings of Preston (2003). In a poll of Pennsylvania residents, 72% supported a separate justice system for mentally disabled offenders. While this finding indicates that there is support for a separate justice system for mentally disabled offenders, it is unclear whether Pennsylvania respondents included mentally ill offenders in the group of mentally disabled offenders. In addition, it is unclear what type of separate system they wanted. Separate systems could refer to a mentally ill offender being processed through the criminal justice system and receiving treatment during this process, or it could refer to removing the mentally ill person entirely from the criminal justice system. The same applies to the findings of this study.

While it is clear that many respondents in this study wanted mentally ill offenders to be treated differently than non-mentally ill offenders, it is unclear of how mentally ill offenders should be treated differently. Similarly, many (38%) of the respondents did not wish to allow the verdict of not guilty by reason of insanity for offenders. This implies that they wish mentally ill offenders to be convicted and handled by the criminal justice system rather than the mental health system. This may explain why many states have enacted the guilty but mentally ill verdict option (Poulson & Braithwaite, 1997). The guilty but mentally ill verdict option allows for mentally ill offenders to be sentenced to fixed sentences but must receive treatment during said sentences (Slobogin, 1985). This type of sentence allows for the criminal justice system to handle a mentally ill person in a supposedly different fashion than it does for non-mentally ill offenders (Slobogin, 1985). On the other hand, the finding for the question of favoring or not favoring the not guilty by reason of insanity verdict option also suggests that almost equal number of respondents (40%) support a non-criminal justice approach to dealing with mentally ill persons who come to the attention of criminal justice agents (e.g., police). These respondents were willing to support the removal of offenders with mental illnesses to the mental health system for treatment.

Similarly, there was support by many of the respondents (45%) for removing mentally ill persons from jails and prisons. This again suggests that there is support for responding in a different manner to mentally ill persons who are brought into the criminal justice system. There is no agreement on what should be done with offenders with serious mental illness if they should not be incarcerated in jails or prisons. The public may wish them to be diverted to a secure mental health facility. Conversely, the respondents might support the treatment of these offenders in a less secure mental health facility, even including one in the community. In sum, it is clear that many of the respondents feel that mentally ill offenders should not be treated the same as non-mentally ill offenders. It is unclear on how they should be treated differently.

One consistent finding in the literature is that persons with mental illness are viewed as dangerous and unpredictable (Segal, 1978). This past finding was not supported in this study. Most of the respondents in this study either felt that people with a serious mental illness were not violent or they were not sure. Very few (16%) thought that individuals with a serious mental illness were violent. One reason for this finding could be that people's views of mentally ill persons being dangerous has changed over time and there are far fewer people today who have such false perceptions. This, of course, is speculation. It is also possible that the result was due to the group studied, college students. All the respondents were college students, and, as previously indicated, those with higher levels of education generally have more positive views of persons with mental illness. It is possible that education has a liberalizing impact.

The multi-variate analyses were interesting. Gender was the best predictor of why respondents varied in their views. This finding is probably the result of how women feel about mentally ill persons and their views of how to respond to criminal offenders. As mentioned in the literature review section, past studies have found that women tend to have more positive views of mentally ill people. These views probably translated to less willingness to use the criminal justice system to respond to people with mental illness. In addition, a gender gap in punishment has been observed between men and women. Studies have found that women tend to be more supportive of rehabilitation for all offenders (Applegate, Cullen, & Fisher, 2002; Cullen, Clark, Cullen, & Mathers, 1985) and tend to be less punitive than are men (Applegate et al., 2002; Grasmick & McGill, 1994; Lawrence & Hore, 1993; MacDonald & Erickson, 1999). Gilligan (1982) argues that women and men have different moral reasons and different views of justice. Specifically, men emphasize punishment, individual rights, and holding persons responsible for their actions, while women advocate compassion, rehabilitation, sensitivity to others, and sanctions that benefit the group rather than sanctions that punish the individual. Thus, the gender difference in responding to criminals is probably also reflected in the responses toward mentally ill individuals and the criminal justice system.

Democratic respondents were different than Republican respondents on three of the questions. The reasons for this difference are not known. This is an area that needs to be explored. Additionally, those with more college education had more positive attitudes. This is consistent with past findings. It appears that education can have a "liberalizing" affect and may be able to reshape people's views toward mentally ill people and the criminal justice system. Unlike previous studies which found that younger individuals generally had more positive views, older respondents were less supportive of treating mentally ill offenders the same or placing them in jails or prisons. All the respondents, however, were college students, which means that most were young individuals. One of the goals of a college education is to increase students understanding of others who are different from themselves. This may help account for the understanding attitudes towards persons with mental illness that were expressed by most college students in the study. Additionally, the finding in this study of a positive association between education and more positive views of persons with mental illness is consistent with the earlier findings of Chou and Mak (1998).

Finally, White respondents were less supportive for the verdict of not guilty by reason of insanity. Criminal justice research has frequently illustrated the fact that Nonwhite people's experiences of the criminal justice system are certainly more negative than those experienced by their White counterparts (Baker, Lambert, & Jenkins, 2005; Walker, Spohn, & DeLone, 2000). In general, Nonwhite individuals are more supportive of treatment and rehabilitation than are White individuals (Baker et al., 2005; McCorkle, 1993).

There are limitations of the current study. This was only an exploratory study of college students at one university, which used only five questions. There is a need to survey more people and to use many more questions dealing with mentally ill individuals and the criminal justice system. We recommend that there be a more detailed analysis of attitudes on this area using a representative random sample of the public. Only this way will a better understanding of views toward mentally ill persons and criminal justice system and how these views differ will be gained. Future research should examine other demographic characteristics (e.g., religion, socioeconomic status, etc.) to determine whether they are associated with different views. People who are mentally ill are often portrayed negatively in the mass media (Hyer et al., 1991; Thornton & Wahl, 1996; Wahl, 1992; Wahl & Lefkowitz, 1989), and this could have influenced people's views in this study. There is a need to study whether the mass media, especially sensational headlines about mentally ill individuals, influence people's views about whether and how the criminal

justice system should deal with mentally ill individuals. In addition, research is needed to determine what factors can change people's views about mentally ill people in the criminal justice system. Education is known to be important in reshaping people's views of people on many criminal justice issues (Preston, 2003). It is unclear whether education would change people's support for processing mentally ill persons through the justice system. This is important information which must be known, at least for those who advocate removal of the mentally ill from the U.S. criminal justice system. Other factors which help shape people's views must be identified and understood. For example, increased contact has also been tied to more positive attitudes toward mentally ill persons, even when the contact did not result by choice (Chou & Mak, 1998; Link & Cullen, 1986; Oyefeso, Osinowo, & Idemudia, 1989). Again, it is unknown whether increased contact with mentally ill people would change people's views about mentally ill persons in the criminal justice system. It is clear that much more research on this topic is required.

The authors hope that this study will spur more research and interest about mentally ill people being handled by the criminal justice system. The U.S. criminal justice system is ill-prepared to handle mentally ill persons. Most criminal justice personnel do not have extensive training or expertise to deal with mentally ill persons, especially those individuals suffering from severe mental illness. There is a need to divert mentally ill persons from the criminal justice system. Most departments do not have procedures or policies on how police officers should respond to calls involving mentally ill individuals (Ruiz & Miller, 2004). In addition, many police officers feel unprepared and uneasy dealing with mentally ill people (Borum et al., 1998). Jails and prisons are also ill-equipped to deal and treat persons with mental illnesses (Lamb & Weinberger, 1998). This places the mentally ill offender, criminal justice employees, and others at a greater risk of being harmed or hurt.

Moreover, the individuals with mentally illness who enter the criminal justice system face a double stigma, being mentally ill and being labeled as a criminal. In a study of college students, ex-mental patients had a greater level of stigmatization than ex-inmates (Lamy, 1966). This implies that persons with a mental illness and who have been processed by the criminal justice system could face far greater stigma from society than those from either single group shunned by society. Furthermore, mentally ill individuals who are incarcerated face stigmatization by other inmates (Edwards, 2000). Additionally, for mentally ill persons sentenced to prison, it also means greater difficulty of being admitted to community care and residences upon their release from prison. Without adequate reiteration services, these individuals face a greater likelihood of being returned to the criminal justice system within a short time frame, often a year or less (Harris & Koepsell, 1996). Corrigan and Penn (1999) argued that "reducing stigma is essential for improving the quality of life of people with severe mental illness" (p. 772).

Rather than use the punishment aspects of the criminal justice system, mentally ill offenders could be diverted into non-criminal justice related treatment programs (Nuehring & Raybin, 1986). For example, some police departments are now using social workers and other treatment specialists to help respond to calls involving mentally ill persons and other cities have psychiatric emergency drop-off centers to deal with mentally ill offenders picked-up by the police rather than booking them into a jail or detention center (Borum et al., 1998; Deane, Steadman, Borum, Vesey, & Morrissey, 1999). Furthermore, having the criminal justice system deal with mentally ill persons in crisis diverts valuable resources that could be used to combat more traditional crime, especially violent crime (Thompson et al., 2003). Hails and Borum (2003) argue people with mental illness who are incarcerated are "overloading correctional systems (jails and prisons) with relatively non-serious but high maintenance offenders" (p. 52). In sum, public support is needed to divert mentally ill people from the criminal justice system. The findings in this exploratory/preliminary study suggest that there is support for doing so.

In closing, there is a need to understand people's views toward mentally ill individuals and the criminal justice system and how these views differ from various groups in society. In addition, there is a need to identify and understand interventions which could change people's views. This information is needed not only to understand the issue but to provide an impetus for change. Until the views of mentally ill people and the criminal justice system are known and understood, it is doubtful that there will be change. This was only an exploratory/preliminary study. A more in-depth analysis needs to be conducted. In any event, identifying these views and how they differ among various groups in society sheds further light on the way our system of justice works and on what we must do if we are to improve it.

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