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**The Construction of Insanity:
The Impact of Informational Cues on Perceptions of Criminal Responsibility**

by

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Thesis

submitted in partial fulfilment of the

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Abstract

The purpose of this thesis was to assess the impact of common elements of planning behaviour on perceptions of criminal responsibility and insanity. 183 jury-eligible participants were recruited from the community. Each participant read one of eight crime scenarios that manipulated the planned or spontaneous choice of a weapon, the presence or absence of stalking, and the severity of the crime. Participants rendered a verdict and completed several attribution scales. The results suggest that the presence of a previously selected weapon and the increased severity of the crime reduced verdicts of Not Criminally Responsible by Reason of Mental Disorder (NCR-MD) and increased jurors' perceptions of the defendant's ability to understand and control his actions. The interaction of crime severity and stalking indicated that generally when the victim died and stalking was involved, verdicts of NCR-MD and perceptions of the defendant's insanity increased. When the victim survived the assault and stalking was involved, however, verdicts of NCR-MD and perceptions of the defendant's insanity decreased. Implications for future research and the criminal justice system are discussed.

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The Construction of Insanity:

The Impact of Informational Cues on Perceptions of Criminal Responsibility

The question of a defendant's sanity has long been a mitigating factor in the dispensation of justice. Jurors are faced with the near impossible task of determining the defendant's mental state at the time that the crime was committed. More specifically, the triers of fact must ascertain whether or not the individual was capable of appreciating that his or her actions were wrong (Watt & Fuerst, 1998). Although legal standards for the determination of insanity are provided by the judicial system, the judgement of criminal responsibility is not a simple and straightforward task. A multitude of extraneous factors may influence the jury, the ramifications of which are immeasurable to the accused, the victims, and society in general. By reviewing the legal and extra-legal factors that may influence jurors it becomes clear that the research on the determination of criminal responsibility is far from complete. The purpose of this thesis is to add to the knowledge of potentially influencing factors on decision-making processes regarding the defence of insanity.

The legal interpretation and application of the insanity defence in Canada was reformed in 1992 in Bill C-30. The suggestion has been made that the new provisions make the defence more 'consumer friendly'. That is, people will be able to defend their actions based on their mental illness, and receive the proper treatment and rehabilitation without the threat of indefinite detention through a Lieutenant Governor's warrant. Under the proposed 'capping' procedure, people could be detained for only the maximum amount of time that they would be if they were found

to be criminally responsible for their crimes. As a result, many mental health providers are of the opinion that under the new provisions, the insanity defence may be used more frequently for a more diverse cluster of crimes (Davis, 1993). It is, therefore, essential for the criminal justice system to recognize the extraneous factors that may impinge on the fair application of the insanity defence. An initial overview of the current Canadian provisions for mentally disordered offenders, and the effects of Bill C-30 will be provided, followed by a review of the literature regarding influences on jury decision-making and the insanity defence. The experimental component of this thesis will investigate the potentially biasing effects of two elements indicative of premeditation on the insanity defence.

Summary of the Canadian Legal Provisions for Mentally Disordered Defendants

In 1992, the Canadian Federal Government made several changes to the provisions in the *Criminal Code* for dealing with mentally disordered offenders. Although these amendments had been in process for several years (Verdun-Jones, 1994), the Supreme Court's decision in *Regina v. Swain* created a necessity to pass the new legislation quickly and resulted in Bill C-30 which was implemented in February 1992 (Davis, 1993). A brief overview of the old *Criminal Code* provisions for mentally disordered offenders will be discussed followed by a summary of two landmark cases, *Swain* and *Chaulk*, and the resulting amendments to the present *Criminal Code*. For the purposes of brevity, only the sections relevant to the trial and post-trial phases will be discussed. Major changes were implemented to the pretrial stage as a result of *Swain* and are discussed elsewhere at length (see Davis, 1993; Greenberg & Gratzer, 1994; Verdun-Jones, 1994).

The old *Criminal Code* addressed the issue of mentally disordered offenders under the provisions for a defence of insanity. Section 16(4) stated that a defendant was assumed to be sane until proven insane, with the burden of proof resting on the balance of probabilities. If the accused was judged by the jury to be insane at the time that the offence was committed, then the defendant was acquitted by a verdict of 'not guilty by reason of insanity'.

The criteria for an acquittal by reason of insanity, as stated in Section 16(2), hinged on the cognitive ability of the accused to be "incapable of appreciating the nature and quality of an act or omission or of knowing that an act or omission is wrong". The definition of 'wrong', at this time, was interpreted as legally wrong. Thus defendants would be considered responsible for their actions if they could appreciate that their actions were contrary to the law, regardless of whether they believed that their actions were justified on some other basis.

The decision of whether to raise the insanity defence was not restricted to the discretion of the defence but could also be raised by the prosecution or the judge. This was problematic as the issue of the defendant's sanity could be raised even over the objections of the accused (Verdun-Jones, 1994). In this event, the possibility existed that the accused might be forced to be acquitted by reason of insanity and detained post-trial in psychiatric custody indefinitely under a Lieutenant Governor's Warrant. Although the psychiatric status of the acquitted person was reviewed in every twelve-month period, there was no guarantee of release following the restoration of the acquittee's sanity. As a result, the length of detention could be

considerably greater than if convicted and sentenced to a fixed prison sentence, especially for minor offences (Greenberg & Gratzer, 1994).

Two landmark cases, *Regina v. Chaulk* (1990) and *Regina v. Swain* (1991), exerted considerable influence over the amendments to the *Criminal Code* and eventually resulted in Bill C-30. The first, *Regina v. Chaulk*, involved two adolescents, Chaulk and Morrissette, who broke into a Winnipeg home and murdered the occupant in September of 1985. During the trial, evidence was presented that the defendants were suffering from paranoid psychoses that allegedly were linked to the beliefs that they had to kill their victim in order to rule the world. Although they understood the legal ramifications of their actions they believed that they were above the law and it was therefore irrelevant to them. The trial judge would not let them forward the defence of insanity based on their cognitive recognition of legal wrongdoing. They were subsequently found to be guilty in adult court and the defence appealed the decision up to the Supreme Court. The Supreme Court, however, recognized that the (then) current definition of wrongdoing was too narrow and redefined the meaning of “wrong” to include the concept of moral understanding (Watt & Fuerst, 1998).

The second landmark case that contributed to the formation of Bill C-30 into legislation (Davis, 1993) was *Regina v. Swain* (1991). The defendant, Swain, assaulted his wife and two children while under the delusion that they were being attacked by devils. He was acquitted on all charges on the basis of a claim of mental illness that was put forward by the prosecution, against his wishes. Prior to the trial he was treated with anti-psychotic drugs which reduced his symptoms to the extent

that he was not detained in custody prior to trial. Following the verdict of not guilty by reason of insanity, however, Swain was remanded in strict custody under a Lieutenant Governor's Warrant (*Regina v. Swain*, 1991). On appeal, the Supreme Court of Canada ruled that the indefinite detention by a Lieutenant Governor's Warrant was contrary to the sections 7 and 9 of the *Canadian Charter of Rights and Freedoms* that protects an individual's right to freedom and against arbitrary detention respectively (Greenberg & Gratzner, 1994). The power of the Crown to raise the insanity defence was also challenged. The Supreme Court decided that the use of the insanity defence against the wishes of the accused violated section 7 of the *Canadian Charter of Rights and Freedoms* because it preempted the individual's right to control his or her own defence (Watt & Fuerst, 1998).

These issues were solidified through Bill C-30 that, in turn, resulted in several changes to the interpretation of the *Criminal Code*. The amended Section 16 in the current *Criminal Code* that pertains to mentally disordered offenders now reads as follows:

16 (1) Defence of Mental Disorder- No person is criminally responsible for an act committed or an omission made while suffering from a mental disorder that rendered the person incapable of appreciating the nature and quality of the act or omission or of knowing that it was wrong.

(2) Presumption- Every person is presumed not to suffer from a mental disorder so as to be exempt from criminal responsibility by virtue of subsection (1), until the contrary is proved on the balance of probabilities.

(3) Burden of Proof- The burden of proof that an accused was suffering from a mental disorder so as to be exempt from criminal responsibility is on the party that raises the issue (Watt & Fuerst, 1998).

The contrasts between the old and the new provisions are significant. The term 'insanity' has been replaced by 'mental disorder' but is still defined as a 'disease of the mind' thus maintaining continuity between the old and new *Criminal Codes* (Verdun-Jones, 1994). As a result, the verdict based upon this defence was changed from 'not guilty by reason of insanity' (NGRI) to 'not criminally responsible on account of mental disorder (NCR-MD)' (Section 672 of the *Criminal Code*). As previously discussed, the Chaulk decision redefined the interpretation of 'wrong' to include the concept of morally wrong in addition to the previous standard of legally wrong. As Davis (1993) illustrates, "...if a person murdered someone under the delusion that the victim was Satan this would be legally wrong but (arguably) morally justifiable." (p. 124). The moral justification, however, must be causally tied to the mental disorder therefore not permitting the substitution of personal morals for those of society. The accused, therefore, must be incapable of understanding that his or her actions would be considered morally wrong by society in general (Verdun-Jones, 1994). The issue of who may raise the question of the defendant's sanity was also subjected to amendments. In contrast to the former *Criminal Code*, the issue of the defendant's sanity may now be raised during any point of the trial by the defence but may only be raised by the prosecution after a verdict of guilty and prior to sentencing (Verdun-Jones, 1994).

The disposition of the acquitted following NCR-MD verdicts has also been modified. Under the old provisions, the acquitted person was held indefinitely under a Lieutenant Governor's Warrant without the opportunity to appeal. Following the *Swain* decision, individuals receiving a verdict of NCR-MD may be discharged absolutely, discharged with conditions, or remanded into custody. A 'capping' provision has been suggested (although not yet put into force) that would limit the detention of the individual to be not more than the maximum length of time that the individual would serve if he or she were found guilty and sentenced to imprisonment under the justice system (not including the most serious of offenses such as murder for which there is no suggested capping proposal). In addition, the acquitted person can appeal the disposition. A loophole is provided, however, for individuals who are still considered a danger to society by the option of the authorities to seek involuntary commitment under the various provincial mental health acts (Greenberg & Gratzner, 1994).

Empirical Research on the Mentally Disordered Defendant

In an ideal world, jurors would render verdicts based solely on the evidence presented and by the legal guidelines provided. In actual practice, however, jurors are influenced by a multitude of variables. A review of the literature on mitigating factors that may influence verdicts of NCR-MD (or the equivalent) suggests that the decision-making processes of the jury members are far from straightforward.

Legal Factors

The legal procedures of trials involving mentally disordered defendants have been a popular area of research. The issue of how to determine insanity legally is

contentious and has resulted in the development of several different standards that are presently used in American state courts (see generally Finkel, Shaw, Bercaw, & Koch, 1985; Roberts & Golding, 1991). Canada currently uses a test for insanity that is derived from the 1843 decision of the House of Lords in the M’Naghten case. The accused, Daniel M’Naghten, was found to be not guilty by reason of insanity for the assassination of the Prime Minister’s secretary, Edward Drummond. M’Naghten mistakenly shot and killed Drummond instead of his intended target, the Prime Minister. Evidence raised during the trial indicated that the defendant suffered from delusions of persecution by the Tories. The resulting verdict was contested and the House of Lords requested advice from Her Majesty’s judges for guidance on a final ruling (Roach, 1996). The result was a compilation of the legal criteria for insanity that is referred to as the M’Naghten Rules (Lane, 1992). The essence of the M’Naghten decision required that in order for the defendant to establish insanity, “...it must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong” (*M’Naghten’s Case*, 1843, p. 722).

The question of the effectiveness of the various legal tests for insanity have been addressed by numerous researchers, many of whom conclude that the legal tests that are given to mock juries do not significantly affect the verdicts rendered (see Finkel, 1982; Finkel et al., 1985; Finkel & Handel, 1986; Ogloff, 1991a). In fact, when Finkel and Handel (1986) directed jurors in a mock insanity case to render a verdict without the legal test instructions for insanity, they found that there were no

significant differences from jurors who did receive legal instructions. Similar research has been conducted on disposition instructions, or what will happen to the accused if found not responsible by reason of insanity. Whittemore and Ogloff (1995) conducted research that investigated the common assumption that jurors who are not informed about the disposition of the acquitted person would be less likely to render NCR-MD verdicts for fear of the defendant being set free (Ogloff, 1991b; Slovenko, 1983). The study manipulated jury instructions that differed only in regards to the disposition of the defendant if found NCR-MD (indeterminate, capped, or no disposition instructions). The manipulation of the disposition instructions did not appear to affect the verdicts of the jurors significantly. Whittemore and Ogloff state that "...disposition instructions, as they are currently given, may not be a crucial factor in jury decision making about the insanity defence. Indeed, a majority of participants neither understood nor attended to the potential disposition of the defendant should he or she be found NCR-MD" (p. 297).

Research conducted thus far on the influence of legal factors, including tests of insanity and the disposition of the acquitted persons has highlighted factors that, surprisingly, do not influence judgements of criminal responsibility. So what information do people use when determining criminal responsibility? Research that has focused on psychological factors has begun to clarify this question.

Psychological Factors

Several researchers have looked at the defendant's mental illness as a potential contributor of the success or failure of an insanity plea. In an American study that investigated the use of the insanity plea for capital crimes, Ellsworth,

Bukaty, Cowan, and Thompson (1984) investigated the effects of perceptions of mental illnesses as being organically-based or psychogenically-based. The illnesses that were presented as non-organic were two types of schizophrenia (paranoid and schizoaffective) with retardation and epilepsy presented as the organically based illnesses. The researchers found that subjects who were qualified to sit on death penalty cases (that is, they said they could be fair and impartial when rendering a verdict regardless of the potential consequence to the defendant) were more likely to reject a plea of insanity when the root cause of the mental illness was perceived to be non-organic (schizophrenia). Jurors who were opposed to the death penalty (to the extent that they would not be able to participate in a capital trial) did not significantly differ in their verdicts between illnesses that were considered organic or psychogenic. There was no significant difference between the verdicts rendered by either group when the cause of the mental illness was linked to an organic basis.

More recent research, however, has failed to support the findings of a distinction between organic and non-organic illnesses (Finkel, 1988; Finkel et al., 1985). Finkel et al. (1985) investigated the influence of different types of mental illnesses on the success of pleading insanity. They presented their subjects with five case scenarios involving a female defendant who plead insanity to a charge of murder. The mental illnesses of the defendant were manipulated in each of the scenarios and included epilepsy, chronic alcoholism, split-brain commissurotomy, paranoid schizophrenia, and stress-induced psychosis. The researchers discovered that mock jurors not only make distinctions between the types of mental illnesses when rendering a verdict, but also attribute different levels of responsibility for the

defendant's actions, responsibility for the illness, and the degree of mitigation due to the mental illness. Jurors accepted the insanity plea most frequently in the cases involving epilepsy, paranoid schizophrenia, and stress-induced psychosis (69%, 68%, and 74%, respectively) but were less likely to do so in cases involving chronic alcoholism and split-brain commissurotomy (13% and 48%, respectively). Similarly, jurors' perceptions of the defendant's responsibility for the crime were lowest in scenarios involving epilepsy, paranoid schizophrenia, and stress-induced psychosis, and highest in scenarios involving chronic alcoholism, with the split-brain commissurotomy scenarios falling in between. Similar results were found for the jurors' perceptions of the mitigating effects of the mental illnesses. The perceptions of the defendants' responsibility for the illnesses were found to be lowest in cases involving paranoid schizophrenia and stress-induced psychosis and highest in the chronic alcoholism case, with epilepsy and split-brain commissurotomy falling in between. The researchers concluded that jurors make distinctions between types of mental illnesses when determining criminal responsibility, but that the distinction does not reflect an organic/non-organic paradigm. More recently, research conducted by Roberts, Golding, and Fincham (1987) revealed that the primary determinant of an insanity acquittal was if the mental illness was a psychosis rather than a characterological disorder. Survey research in the United States has added to the external validity of their findings and shows positive correlations between the success of insanity acquittals and the diagnosis of major mental illnesses such as schizophrenia, other psychosis, or major affective disorder (Cirincione, Steadman & McGreevy, 1995; Seig, Ball, & Menninger, 1995).

Other categorizations of the defendant, such as gender, may also influence the determination of criminal responsibility. Monahan and Loftus (1982) found that the plea of insanity is more likely to be raised by women defendants. Research suggests that women are also more likely to be successful in the use of the insanity defence (Boyd, 1988). Additionally, Seig, Ball, and Menninger (1995) found in their survey of insanity acquitted persons in Colorado that women were more likely than men to be acquitted of the crime of murder. Their victims, however, were predominantly their children or spouses.

Planning

As previously discussed, most legal tests of insanity operate on the common ground of the evaluation of the individual's capacity for normal emotional and mental functioning. The specific offenses, or elements of the offenses, are technically irrelevant for the determination of insanity. There is, however, growing evidence that the specific elements of the crime do influence jurors' judgements of the individual's capacity for normal mental functioning. The elements of planning, such as purchasing a weapon, stalking a victim, having a 'get away' car, etc. are typically perceived as premeditation, or the rational forethought, that precedes a crime. In American and British legal history, the presence of planning behaviours indicated rationality and, therefore, guilt even when the crimes were committed by children or mentally disturbed people (Platt & Diamond, 1966). In the present day, elements of planning are still used by the prosecution as evidence, and frequently accepted by the general public, of the defendant's intentions and rational abilities even when there is a plethora of medical and psychological evidence to the contrary. In 1995, for

example, Wendell Williamson went on a shooting spree in Chapel Hill, North Carolina. Williamson had been diagnosed as a paranoid schizophrenic and was well known to mental health professionals. He walked up a main street in Chapel Hill shooting at several people, killing two and wounding eleven others. His confession detailed his delusions that he was telepathic and had to carry out a violent act in order to spread the word of his telepathy to President Clinton. He also believed that he would receive the Congressional Medal of Honor for his telepathy. The prosecution, however, stated that Williamson's purchase of 600 rounds of ammunition, his targeting of males riding bicycles as evidenced by his telling a woman to run away and immediately after shooting a man, and his knowledge that shooting at people was illegal, all indicated the presence of rationality, intention, and thus sanity. Although Williamson was eventually found to be not guilty by reason of insanity, the public outcry following the verdict reflected the common perception that Williamson understood his actions, acted rationally, and should have been found guilty.

Empirical research prompted by trials similar to Williamson's has supported the assertion that the presence of planning can be construed as evidence of sanity. Roberts and Golding (1991) investigated the elements of planning as judgement cues in the social construction of criminal responsibility. They found that participants construed planful acts as indicative of the defendant's ability to appreciate the nature of the crime. Interestingly, it was the degree of planning as perceived by the jurors, rather than the objective degree of planning manipulated by the researchers, that was more predictive of the choice of verdict. Earlier research conducted by Roberts et. al. (1987) found that when evidence of planning, defined as purchasing the murder

weapon the day before the crime and calling in sick to work on the day of the crime, was present in a scenario involving a psychotic defendant whose delusions were related to his crime, approximately half of the participants found the defendant insane. When the elements of planfulness were not present, however, almost all of the participants found the defendant insane. The authors conclude that the presence of planning variables is a significant influence in the social construction of criminal responsibility.

The most evident shortcoming of the research conducted to date on the effects of planning on the construction of insanity is the manipulation of the planning variables. The empirical research that directly addresses planfulness revolves around several elements of planful behaviour presented together. Although previous research (Roberts & Golding, 1991; Roberts et al., 1987) has indicated that a combination of planning elements are influential on the social construction of insanity, the effects of individual planning variables and their simple interactions have not yet been empirically examined.

Rationale of the Present Study

This research attempted to clarify further the effects of planfulness on laypersons' adjudication of criminal responsibility and insanity. The larger variable of planfulness utilized by Roberts et al. (1987) was broken down to isolate two elements of planning, acquiring a weapon prior to the crime and stalking the victim. These two elements were chosen for analysis because they are common elements in the insanity defence trials that create public controversy (e.g., *United States v. Hinckley*, 1981). The effects of these elements on the determination of insanity in

isolation, and in combination, were assessed. A pilot study conducted during the development of the crime scenarios revealed a strong bias against the verdict of NCR-MD when the crime committed was murder. For this reason a third manipulation, the severity of the crime committed, was added to the study. The current study, therefore, employed a 2 (Stalking: the presence or absence of stalking) x 2 (Weapon: prior selection of a weapon or the spontaneous selection of a weapon) x 2 (Victim: victim is alive or dead) design.

Hypotheses and Predictions

The first hypothesis of this research was that the influence of the two elements of planning (Weapon and Stalking) and the third element of the severity of the crime (Victim) would predict verdict choice. Specifically, it was predicted that the prior selection of a weapon, the presence of stalking, or the death of the victim would predict guilty verdicts individually, as would the interactions of these elements.

The second hypothesis of this research was that the two elements of planning (Weapon and Stalking) and the element of crime severity (Victim) would influence judgements of the defendant's criminal responsibility, sanity, and planning. Specifically, it was predicted that the prior selection of a weapon, the presence of stalking and the death of the victim would individually, and in combination, increase judgements that the defendant was criminally responsible, sane, and planned the crime.

The third hypothesis was that the three manipulated elements (Weapon, Stalking, and Victim) would influence the judgements of the defendant's awareness of his actions, knowledge of legal and moral wrongdoing, clarity of thought, rationality,

control, and motivations. It was predicted that the prior selection of a weapon, the presence of stalking, and the death of the victim would increase perceptions that the defendant was aware of his actions, understood that his actions were morally and legally wrong, was thinking clearly, was able to behave rationally, was in control of his actions, and had criminal intentions.

Method

Participants

A total of 684 adult people residing in the Annapolis Valley, Nova Scotia, were contacted by telephone using a random selection of phone numbers obtained from the telephone directory. Of these, 398 indicated that they were eligible to sit on a jury (Canadian citizenship, age of majority) and would be willing to participate in the research. One hundred and eighty-three participants correctly completed and returned the research materials for a final response rate of 26.74%. The final community sample consisted of 79 men and 101 women with three of the participants not disclosing their sex. The mean age of the participants fell within the 46-55 years category and the mean family income was within the range of \$30,000 to \$40,000 [see Table 1 for sample characteristics]. A prize draw was offered as an incentive for participation.

Materials

Eight brief descriptions of a crime and the background of the person accused of committing the crime were created for use as stimuli (Appendix A). Variations between the scenarios were made to manipulate the three independent variables (planned or spontaneous weapon, the presence or absence of stalking, and the death or survival of the victim). All additional information was held constant. Each set of stimulus materials included a brief description of the crime, the mental and social background history of the defendant, and the plea entered by the defendant.

Judicial instructions about the law that are intended to guide the jurors in their decisions were omitted based on research indicating that these instructions do

Table 1

Demographic Characteristics (Age and Income) of the Sample

<u>Age (years)</u>	<u>N</u>	<u>%</u>	<u>Income</u>	<u>N</u>	<u>%</u>
18-25	13	7.1	Under \$ 10 000	15	8.2
26-35	25	13.7	\$ 10 000 - \$ 20 000	16	8.7
36-45	44	24.0	\$ 20 000 - \$ 30 000	19	10.4
46-55	49	26.8	\$ 30 000 - \$ 40 000	33	18.0
56-65	28	15.3	\$ 40 000 - \$ 50 000	22	12.0
65+	20	10.9	\$ 50 000 - \$ 60 000	20	10.9
Missing	4	2.2	\$ 60 000 - \$ 100 000	23	12.6
			\$ 100 000+	12	6.6
			Missing	23	12.6

not significantly affect the verdicts rendered (Finkel & Handel, 1988; Finkel et al., 1985; Finkel, 1982; Ogloff, 1991a). By the same token, disposition instructions, information regarding what would happen to the defendant if acquitted of the crime, were also omitted because it is not required that a Canadian judge inform the jury about the potential disposition of the defendant. In addition, research conducted by Whittemore and Ogloff (1995) concluded that disposition instructions do not significantly affect verdict choice. Subjects were not asked to deliberate with each other, as actual juries do, because the study addressed the individual's decision-

making processes and jury deliberations involve group dynamics that were beyond the scope of this study (Hans & Vidmar, 1986).

Measures

Verdict

Participants were instructed to place themselves in the role of a juror and to render a verdict of guilty or Not Guilty by Reason of Mental Disorder (NCR-MD) and to explain in their own words why they chose their verdict. They were then asked to provide a rating of their perception of the defendant's criminal responsibility (referred to as 'Responsible') on a 10-point scale ranging from "1 = not at all criminally responsible" to "10 = completely criminally responsible". This measure of criminal responsibility was included to assist in making finer distinctions in the degree of perceived criminal responsibility than is possible using the dichotomous variable of verdict.

Judgements of Cognitions, Behaviours, and Motivations

Jurors were presented with a series of nine 10-point scales, anchored by extreme statements (e.g., 1= completely insane, 10= completely sane) and asked to rate their perception of the defendant on nine measures (Appendix B). Low scores were indicative of insanity. Five of the questions were derived from the research of Finkel and Handel (1988) and are thought to represent common constructs used by jurors in the decision-making process. These five constructs, incapacity/capacity, impaired/unimpaired awareness, distorted/clear thinking, could not/could control actions, no evil motive/evil motive, were modified for clarity (e.g., substituting 'Mr.

Scott' for 'the defendant') and general comprehension (substitution of irrational / rational thinking for incapacity / capacity, evil intent / no evil intent for no evil motive/evil motive). An additional four questions were developed by the author to assess participants' perceptions of the amount of planning involved in the crime (Planning), the defendant's sanity (Sane), and the defendant's understanding of wrongdoing (Legal wrongdoing and Moral wrongdoing) as defined in the current Canadian Criminal Code. These nine components were analysed individually to determine whether the presence of planning variables affected jurors' constructions of insanity. Three of the scales, Rational, Clear, and Planning, were reversed (low scores were indicative of sanity and high scores were indicative of insanity) to prevent biased responding such as the endorsement of scores of 10 for all of the scales.

Attitudes Towards the Insanity Defence

Jurors were asked to respond with a "yes" or "no" to eight questions from the Insanity Defence Attitudes Scale (Hans, 1986). The eight questions were selected to create a sub-scale that provided a brief measure of general attitudes towards the insanity defence. Modifications were made to the questions for Canadian content (e.g., substitution of NCR-MD for Not Guilty by Reason of Insanity). This sub-scale is referred to as the 'IDA sub-scale' (Appendix C). The eight questions were scored as 1 (pro-insanity defence attitudes) or 2 (anti-insanity defence attitudes) and were totaled to provide a final score ranging from 8 to 16. A score of eight indicated that pro-insanity defence responses were endorsed for all eight questions. A score of 16 indicated that anti-insanity defence responses were given for all eight questions.

Disposition

Jurors were asked to recommend where the defendant should be sent following the trial (prison or psychiatric hospital) and for how long (in years and / or months). This measure was included on the basis of Finkel et al.'s (1985) argument that although the disposition of the defendant following the trial is not legally relevant to the juror, jurors still consider what happens to the defendant prior to rendering their verdicts. This measure, therefore, provided a consistency check between the verdict choice and disposition recommendation, and an indication of the perceived retribution and / or rehabilitation required.

Impartiality

To determine if the jurors were aware of any personal biases that would interfere with their role as a juror, they were asked to assess their own ability to remain impartial by responding yes or no to the following question:

Assume that you were called as a potential juror in a criminal trial in which the defendant entered the plea of "Not Criminally Responsible on Account of Mental Disorder". Assume that the judge told you that it was your duty to keep an open mind about the insanity defence. Do you think that you would be able to be a fair and impartial juror?

Demographics

A series of demographic questions were included to assess gender, age, and income (Appendix D). Jurors were presented with a series of age and income ranges and asked to indicate which category was applicable to them.

Procedure

Participants were randomly assigned to one of eight experimental conditions manipulating the three independent variables (see Table 2). Each participant was mailed a package containing a consent form (see Appendix E), instructions (Appendix F), a brief description of the crime and background information of the defendant (Appendix A), questionnaire (Appendix G), debriefing form (Appendix H), an addressed and postage paid envelope, and a prize ballot form (Appendix I). Participants were instructed to complete the questionnaire and mail it back to the author.

Table 2

Scenario Manipulations of the Independent Variables

Scenario	Victim	Weapon	Stalking
1	Alive	Spontaneous	Not present
2	Alive	Prior selection	Present
3	Alive	Spontaneous	Not present
4	Alive	Prior selection	Present
5	Dead	Spontaneous	Not present
6	Dead	Prior selection	Present
7	Dead	Spontaneous	Not present
8	Dead	Prior Selection	Present

Preparatory Analyses

The questionnaire responses were coded and entered into SPSS. The independent variables of Weapon, Stalking, and Victim were dummy coded into dichotomous categories (e.g. No stalking present = 0, stalking present = 1). The dependent variables of verdict choice (1 = NCR-MD, 2 = guilty), disposition recommendation (1 = psychiatric hospital, 2 = prison), and juror impartiality (1 = able to remain impartial, 2 = not able to remain impartial) were dichotomously coded to assist in statistical analyses. Three of the questions assessing the perceptions of the defendant's cognitions, behaviours, and motivations (Rational, Clear, and Planning) were reverse scored. As a result, the lowest scores indicate a perception of insanity and the highest scores are indicative of sanity.

Prior to analysis, the data were screened for outliers. None were found. The degrees of skewness and kurtosis for each ordinal measure were found to be within acceptable limits as described by Tabachnick and Fidell (1996). The violations of the homogeneity of variance-covariance for all ordinal measures were examined with Box's M tests and found to be non-significant.

The means and standard deviations for the dependent variables collapsed across all conditions are presented in Table 3. The means and standard deviations for the dependent variables within each of the eight conditions are presented in Appendix J.

Design and Analyses

Analyses for Verdict

The predictive qualities of Weapon, Stalking, and Victim on verdict choice, individually and in combination, were analyzed with hierarchical multiple regression analyses.

Analyses for Criminal Responsibility, Sanity, and Planning

The effects of Weapon, Stalking, and Victim on jurors' ratings of sanity (Sane), planfulness (Planning), and criminal responsibility (Responsible) were assessed with a 2 x 2 x 2 multivariate analysis of variance (MANOVA) and post-hoc analyses.

Perceptions of Legal and Moral Wrongdoing

The effects of Weapon, Stalking, and Victim on judgements of the defendant's knowledge of moral (Moral Wrongdoing) and legal (Legal Wrongdoing) wrongdoing were examined with a 2 x 2 x 2 MANOVA and the post-hoc tests where appropriate.

Perceptions of Thought Quality, Control, and Motivation.

The effects of Weapon, Stalking, and Victim on judgements of the defendant's awareness of his actions (Aware), clarity of thought (Clear), rationality of behaviour (Rational), control over his actions (Control), and intent (Intent) were analyzed with a 2 x 2 x 2 MANOVA with post-hoc tests.

Analyses of Attitudes Towards the Insanity Defence

The relationships between attitudes towards the insanity defence, as assessed by the IDA sub-scale total, and ratings of Sane, Moral Wrongdoing, Legal

Wrongdoing, Rational, Aware, Clear, Control, Intent, and Planning were examined with Pearson's correlations.

Disposition

Disposition recommendations collapsed across all scenarios were initially analyzed with frequency analyses to determine the proportion of jurors who found the defendant to be NCR-MD. The data were then divided into two groups based on verdict choice and z-approximation tests were conducted on each group to determine whether jurors were consistent between their verdicts and disposition recommendations (i.e., a verdict of NCR-MD should be followed by a disposition recommendation of commitment to a psychiatric setting). The lengths of the recommended sentences for the two groups were separately analyzed with frequency analyses to determine the most common sentence lengths.

Impartiality

The determination of whether jurors were aware of their potential partiality for and against the insanity defence was assessed through a self-report measure as previously described. A simple frequency analysis was conducted on the sample, collapsing across all conditions.

Demographics

The demographic characteristics (gender, age, and income) of the participants, collapsed across all conditions, were obtained through frequency analyses.

Table 3

Means and Standard Deviations for the Dependent Variables**Collapsed Across All Conditions**

Dependent variable	Total N	Mean	Standard deviation
Verdict	183	1.59	0.49
Responsible	183	5.09	3.14
Rational	180	4.36	3.05
Clear	181	5.37	3.28
Plan	182	5.55	3.26
Sane	181	3.71	2.71
Legal Wrongdoing	180	5.34	3.10
Moral Wrongdoing	179	4.51	3.08
Aware	181	7.33	3.01
Control	182	4.71	3.33
Intent	180	5.12	3.35
IDA sub-scale total	154	11.22	2.31
Impartiality	183	1.18	0.39
Place	176	1.12	0.33
Length	180	248.70	104.67
Gender	180	1.56	0.50
Age	179	3.64	1.39
Income	160	4.52	2.06

Note: IDA = Insanity Defence Attitude Sub-scale.

Results

Verdict

A hierarchical multiple regression analysis was conducted to evaluate the influence of planning variables on the prediction of verdict choice (Table 4). The predictors were, listed in the order in which they were entered, Weapon, Stalking, Victim, the interaction of Weapon and Stalking, the interaction of Weapon and Victim, the interaction of Stalking and Victim, and the interaction of Weapon, Stalking, and Victim. The criterion variable was the choice of verdict (guilty or NCR-MD).

Table 4

Hierarchical Regression with Verdict as the Dependent Variable

Predictor	R ²	F	Final beta
Added to model			
Weapon	.038	7.155**	-.187
Stalking	.040	3.724*	-.144
State of Victim	.057	3.577*	-.320*
Weapon x Stalking	.069	3.296*	.053
Weapon x Victim	.070	2.656*	.182
Stalking x Victim	.077	2.445*	.396*
Weapon x Stalking x Victim	.095	2.023*	-.372

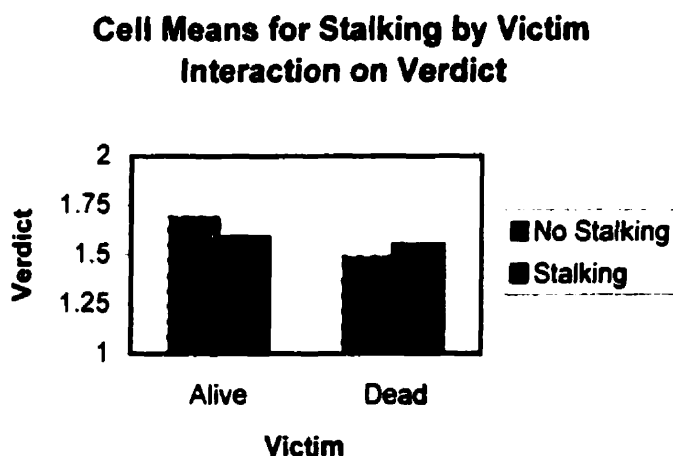
*p < .05 **p < .01

The first predictor, Weapon, was significant, $F(1, 181) = 7.155, p = .008$ and accounted for 3.8% of the variance. The final regression model was significant, $F(7, 175) = 2.623, p = .013$, and accounted for a total of 9.5% of the variance. In the final model with all predictors entered in the regression equation, only two predictors were significant, Victim ($\beta = -.320, p = .029$), and the Stalking by Victim interaction ($\beta = .396, p = .033$). The results of the first model suggest that when a weapon is selected prior to the commission of the crime, there are fewer verdicts of NCR-MD than when a weapon is spontaneously chosen. When interaction effects were included, however, Victim became a significant predictor of verdict, as did the interaction of Victim and Stalking. The predictive value of Victim suggests that jurors are more likely to reach verdicts of NCR-MD when the victim survives the attack than when the victim dies. An analysis of the cell means for the Victim by Stalking interaction (Figure 1) indicates that jurors are more likely to render verdicts of NCR-MD when the victim survives and is not stalked ($M = 1.69$) than when the victim survives and is stalked ($M = 1.59$). When the victim is killed, however, jurors are more likely to render verdicts of NCR-MD when the victim is stalked ($M = 1.55$) than when the victim is not stalked ($M = 1.49$).

These results provide partial support for the first hypothesis as the individual predictor of Weapon, when first entered into the regression equation, predicted NCR-MD verdicts. As anticipated, the presence of a pre-selected weapon reduced the number of NCR-MD verdicts. In addition, Victim also predicted verdict choice when interactions were included as predictors. As hypothesized, verdicts of NCR-MD decreased when the victim was killed. The interaction of the Stalking and Victim

predictors did significantly predict verdict choice, but not consistently with the hypothesis. The presence of stalking did reduce NCR-MD verdicts, but only when the victim survived the assault.

Figure 1



Criminal Responsibility, Sanity, and Planning

A 2 x 2 x 2 MANOVA was conducted to evaluate the effects of the Victim, Weapon, and Stalking manipulations on ratings of Responsible, Sane, and Planning. There was no significant 3-way interaction, Wilks' $\Lambda = .986$, $F(3, 171) = .785$, $p = .504$, $\eta^2 = .01$, nor were there 2-way interactions for Victim by Weapon, Wilks' $\Lambda = .982$, $F(3, 171) = 1.03$, $p = .379$, $\eta^2 = .02$, Victim by Stalking, Wilks' $\Lambda = .990$, $F(3, 171) = 0.56$, $p = .645$, $\eta^2 = .01$, or Weapon by Stalking, Wilks' $\Lambda = .975$, $F(3, 171) = 1.45$, $p = .229$, $\eta^2 = .03$. There were no significant main effects for Victim, Wilks' $\Lambda = .965$, $F(3, 171) = 2.06$, $p = .108$, $\eta^2 = .04$, or Stalking, Wilks' $\Lambda = .976$, $F(3, 171)$

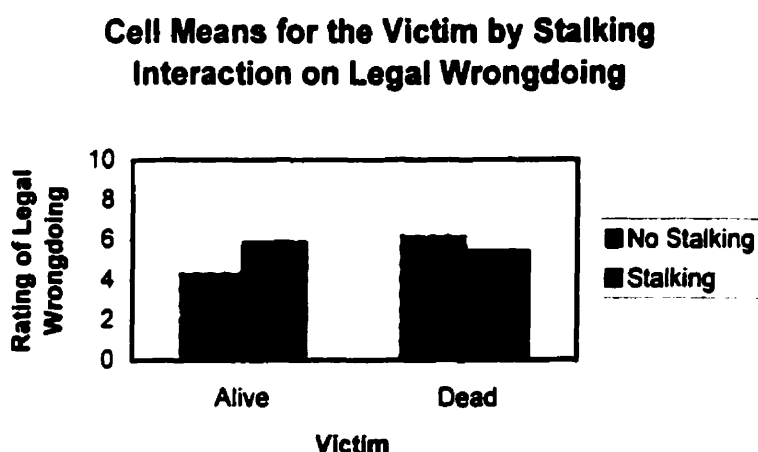
= 1.37, $p = .253$, $\eta^2 = .02$. A significant main effect was found for Weapon, Wilks' $\Lambda = .918$, $F(3, 171) = 5.12$, $p = .002$, $\eta^2 = .08$. There were significant univariate analyses of the Weapon main effect for Planning, $F(1, 173) = 11.60$, $p = .001$, and for Sane, $F(1, 173) = 9.39$, $p = .003$. These results indicate respectively that when a weapon was selected prior to the crime, the crime was rated to be more planned ($M = 6.36$, $SD = 3.32$) than when a weapon was spontaneously obtained ($M = 4.75$, $SD = 3.04$). In addition, the defendant was perceived as more sane ($M = 4.32$, $SD = 3.01$) when the weapon was selected before the commission of the crime as compared to when the weapon was spontaneously chosen ($M = 3.10$, $SD = 2.23$). These results partially support the second hypothesis as the prior selection of a weapon did increase the perception that the defendant was sane and the crime was planned.

Perceptions of Legal and Moral Wrongdoing.

A 2x2x2 between groups MANOVA was conducted to evaluate the effects of Victim, Stalking, and Weapon on the ratings of Moral wrongdoing and Legal wrongdoing. There was no significant 3-way interaction, Wilks' $\Lambda = .995$, $F(2, 170) = 0.421$, $p = .657$, $\eta^2 = .005$, nor were there 2-way interactions for Victim by Weapon, Wilks' $\Lambda = 1.00$, $F(2, 170) = 0.032$, $p = .969$, $\eta^2 = .001$, or Weapon by Stalking, Wilks' $\Lambda = .999$, $F(2, 170) = 0.421$, $p = .922$, $\eta^2 = .001$. There was a significant 2-way interaction between Victim and Stalking, Wilks' $\Lambda = .961$, $F(2, 170) = 3.49$, $p = .033$, $\eta^2 = .039$. There were no significant main effects for Victim, Wilks' $\Lambda = .968$, $F(2, 170) = 2.81$, $p = .063$, $\eta^2 = .032$, Weapon, Wilks' $\Lambda = .972$, $F(2, 170) = 2.41$, $p = .093$, $\eta^2 = .028$, or Stalking, Wilks' $\Lambda = .996$, $F(2, 170) = .37$, $p = .69$, $\eta^2 = .004$.

The multivariate interaction of Victim and Stalking was explored using one-way analyses of variance (Figure 2) and was found to be significant for ratings of Legal wrongdoing, $F(3, 176) = 3.30, p = .022$. Post-hoc analyses were conducted using Scheffe's test to evaluate differences among the mean ratings of Legal

Figure 2



wrongdoing. The results of this test are presented in Table 5. When no stalking was involved, jurors rated the defendant who murdered his victim as more aware that his actions were legally wrong in comparison to the defendant who did not murder his victim.

Perceptions of Thought Quality, Control, and Motivation.

Participants also rated their perceptions of the defendant on Aware, Clear, Rational, Control, and Intent. A $2 \times 2 \times 2$ MANOVA evaluating the effects of Weapon, Stalking, and Victim on these five dependent variables was conducted.

There was no significant 3-way interaction, Wilks' $\Lambda = .994$, $F(5, 165) = 0.190$, $p = .966$, $\eta^2 = .006$, nor were there 2-way interactions for Victim by Weapon, Wilks' $\Lambda = .993$, $F(5,$

Table 5

Comparisons of Cell Means for the Stalking by Victim Interaction

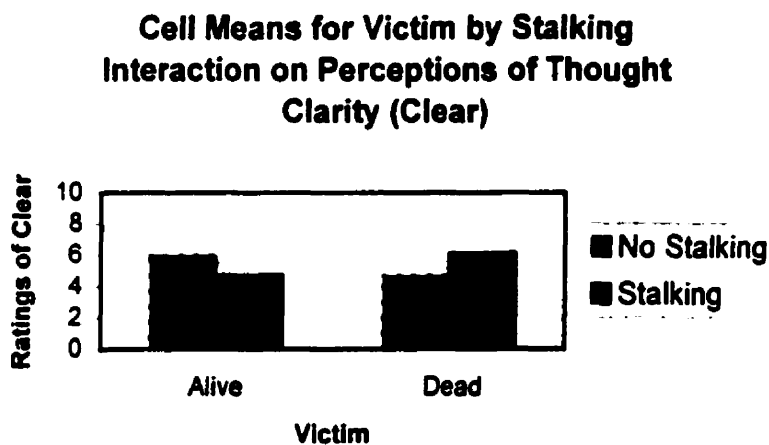
Victim x Stalking Interaction	Mean	Standard Deviation
Alive / No stalking	*4.308	3.03
Dead / No stalking	*6.154	3.25
Alive / Stalking	5.846	2.87
Dead / Stalking	5.400	3.02

*Significantly different from each other at $p < .05$

165) = 0.232, $p = .948$, $\eta^2 = .007$, or Weapon by Stalking, Wilks' $\Lambda = .973$, $F(5, 165) = 0.924$, $p = .467$, $\eta^2 = .027$. A statistically significant 2-way interaction was found for the Victim and Stalking manipulations on the dependent measures, Wilks' $\Lambda = .889$, $F(5, 165) = 4.121$, $p = .001$, $\eta^2 = .11$. There was a significant main effect for Stalking, Wilks' $\Lambda = .936$, $F(5, 165) = 2.26$, $p = .05$, $\eta^2 = .06$, but no statistically significant main effects for Victim, Wilks' $\Lambda = .976$, $F(5, 165) = .798$, $p = .55$, $\eta^2 = .02$, or Weapon, Wilks' $\Lambda = .976$, $F(5, 165) = .826$, $p = .532$, $\eta^2 = .02$. Follow up 2 x 2 univariate analyses for the Victim by Stalking interaction were found to be non-significant although ratings of Clear approached significance, $F(3, 173) = 2.477$, $p = .063$. Examination of the cell means for the Victim by Stalking interaction (Figure 3)

reveal the trend that for ratings of Clear in scenarios in which the victim survives the attack, the defendant is perceived as thinking less clearly when the victim is stalked ($M = 4.68$) in comparison to when there is no stalking ($M = 5.94$). In contrast, when the victim is killed, the presence of stalking ($M = 6.08$) increases the perception that the defendant was thinking clearly than when stalking is not involved ($M = 4.67$). Univariate analyses for the Stalking main effect were found to be non-significant although ratings of Intent approached significance, $F(1, 169) = 2.96, p = .087$. An examination of the cell means indicates the trend that the presence of stalking decreases perceptions that the defendant had an evil motive ($M = 4.66$) in

Figure 3



comparison to when stalking was absent ($M = 5.57$).

The results of the MANOVA for the seven measures of the defendant's thought quality, control, and motivations do not support the third hypothesis as the

main effect of Stalking, and the interaction of Victim and Stalking, influenced perceptions of the defendant's ability to think and behave sanely contrary to the hypothesis. The exception was the trend for the Victim by Stalking interaction on ratings of Clear for scenarios involving a slain victim.

Attitudes Towards the Insanity Defence

Pearson's correlation coefficients were computed for the IDA sub-scale total score and the nine perception scales, Sane, Legal Wrongdoing, Moral Wrongdoing, Rational, Aware, Clear, Control, Intent, and Planning. All nine correlations were found to be statistically significant and positively correlated with the IDA sub-scale. The results suggest that as anti-insanity defence attitudes increase so do the perceptions of the defendant's sanity ($r(153) = .526, p = .001$), knowledge of legal wrongdoing ($r(152) = .424, p = .001$), knowledge of moral wrongdoing ($r(151) = .516, p = .001$), capability of rational thought ($r(152) = .275, p = .001$), awareness of what he was doing ($r(153) = .182, p = .025$), clarity of thought ($r(153) = .213, p = .008$), control over his actions ($r(154) = .561, p = .001$), intent ($r(154) = .501, p = .001$), and amount of planning ($r(154) = .261, p = .001$).

Disposition

Collapsing across all conditions, the majority (58.5%) of participants selected the NCR-MD verdict, with the remainder choosing the guilty verdict (41.5%). As a verdict of guilty indicates the conclusion that the defendant was sane during the commission of the crime, this should be reflected by disposition recommendations of criminal sentencing (prison). The recommended disposition of the defendant following the trial was examined with a two-tailed, z -approximation test to assess if

41.5 % of jurors did choose criminal commitment. The observed proportion of .119 jurors recommending criminal commitment significantly differed from the hypothesized proportion of .415, $p = .001$. These results indicate that the majority of jurors who found the defendant guilty did not recommend that he be sent to prison, but rather that he should be committed to a psychiatric institution.

The length of the recommended sentences for prison and psychiatric institutions were also examined (Table 6). The median recommended prison sentence

Table 6

Recommended Sentence Lengths

Sentence	Psychiatric Hospital		Prison	
	N	%	N	%
12-18	4	3.7	-	-
24-36	8	7.5	1	1.3
60	4	3.7	9	11.9
84	-	-	1	1.3
120	11	10.3	6	7.9
180	1	.9	1	1.3
300	10	9.3	21	27.6
Indefinite	66	61.7	36	47.4
Missing	3	2.8	-	-
Total	107	100.0	76	100.0

was 300 months. The median recommended length of psychiatric commitment was “indefinite”. The modal recommended sentence length for both prison and psychiatric commitment was “indefinite”.

Impartiality

Finally, participants were asked if they would be able to be a fair and impartial juror for a criminal trial in which the defendant raised the insanity defence. Collapsing across all conditions, 82% of subjects stated that they could remain impartial with the remaining 18% of jurors stating that they could not.

Discussion

Verdict

As hypothesized, Weapon, Stalking, and Victim contributed to the prediction of verdict choice. Regression analyses showed that Weapon significantly predicted verdict choice when the independent variables were examined individually. When interactions between Weapon, Stalking, and Victim were included in the regression model, the single element of Victim and the interaction of Victim and Stalking became significant. For the individual predictor of Victim, the prediction that the death of the victim would decrease verdicts of NCR-MD supported the first hypothesis. The predictive values of the effects of Weapon and Victim are important but must be interpreted with caution as isolated variables can be examined in theory only. When one considers criminal acts in reality, interactions are most relevant. Jurors cannot evaluate the impact of the prior selection of a weapon unless it is used as a weapon in the commission of a crime. In turn, the crime itself would define the charges laid against the individual for which the jury renders a verdict. For these reasons, the predictive value of the Victim by Stalking interaction is more applicable to actual jury decision-making. Interestingly, the interaction only partially supported the first hypothesis. The interaction of Stalking and Victim suggests that stalking may alter the perception of sanity within the context of the severity of the crime. It appears that when the severity of the crime increases to murder and stalking is involved, jurors are more willing to perceive the defendant as insane. When the victim survives and stalking is involved, however, jurors are more likely to perceive the defendant as sane. It is unknown why jurors tend to perceive the combination of

stalking and murder as an “insane” act yet consider assault and stalking to be a “sane” act. It is possible that jurors have a prototype of murders committed by insane individuals and the action of stalking the victim is an integral part of that prototype. As one participant wrote, “no one in their right mind would follow someone around then kill them”. But this does not account for the conflicting effect of the stalking and assault interaction. Conclusive explanations for the contrasting perceptions of stalking when the stakes are raised are unclear and further research is warranted to examine this effect.

Criminal Responsibility, Sanity, and Planning

The effects of Victim, Stalking, and Weapon on perceptions of the defendant’s criminal responsibility, sanity, and planning of the crime provided partial support for the second hypothesis. The results of the 2 x 2 x 2 MANOVA revealed that the prior selection of a weapon did significantly increase the perception that the defendant was sane and planned the crime. These results are consistent with the previous finding that the pre-selection of a weapon decreases verdicts of NCR-MD. It is possible that the prior obtainment of a weapon suggests sanity and planning as it is a direct link to potential violence. In keeping with research conducted by Fincham and Emery (1988) on civil attributions of responsibility, peoples’ perceptions of responsibility for action increases when the consequences of the actions are foreseeable. In the present research, potential uses of a weapon are limited to threatening or inflicting harm. It is conceivable that jurors reasoned that the defendant was sane and planned the crime because the act of selecting a weapon prior

to the crime suggests some forethought of violence by the very nature of the inherent uses of a weapon.

Perceptions of Legal and Moral Wrongdoing.

The knowledge of wrongdoing is a central component to the legal interpretation of insanity as the jurors must decide if the presence of a mental illness interfered with the defendant's knowledge of the rules of society. The results of the 2 x 2 x 2 MANOVA on ratings of Moral Wrongdoing and Legal Wrongdoing suggest that the interaction of Stalking and Victim appear to influence the jurors' perceptions of the defendant's knowledge of moral and legal wrongdoing. Univariate analyses indicated that in the absence of stalking, ratings of the defendant's knowledge of legal wrongdoing are higher when the victim was murdered in comparison to when the victim survived the assault. This is consistent with the general conclusions of Robinson and Darley's (1995) research that found that lay people tend to be "harm-oriented". That is, greater liability is assigned to the defendant who murders his victim in comparison to the defendant who attempts murder but is unsuccessful, even though the intent to kill in both cases is the same. In this light, it is not surprising that greater responsibility, in the form of ratings of legal wrongdoing, was attributed to defendants in the murder scenarios than in the assault scenarios. There were no significant differences between ratings of Legal Wrongdoing for crimes of assault and murder when stalking was present. It appears that the presence of stalking may equalize the effects of crime severity on the perception that the defendant understood that what he was doing was legally wrong. That is, in terms of knowledge of legal wrongdoing, the lesser crime of assault with stalking is viewed as comparable to the

crime of murder with stalking. Again, further research is required to examine the perception of stalking in crimes of varying severity.

Perceptions of Thought Quality, Control, and Motivation.

The effects of Weapon, Stalking, and Victim on ratings of Aware, Clear, Rational, Control, and Intent were examined with a 2 x 2 x 2 MANOVA. A significant main effect for Stalking was found, however, univariate analyses were non-significant. The effect of the manipulated variables on Intent, however, indicated the tendency of the presence of stalking to reduce the perception of evil intentions. In addition to the main effect for Stalking, the results indicated a significant Victim by Stalking interaction. Again, no significant univariate effects were found although ratings of Clear approached significance. In general, there was a tendency to perceive the defendant as having a clearer mind in crimes of murder when stalking was present, in comparison to when there was no stalking. In contrast, when the victim survived, the defendant was perceived to have a clearer mind when there was no stalking, in comparison to when stalking was present. This trend appears to deviate from the earlier findings of the Victim by Stalking effects, particularly in regards to the results for ratings of legal wrongdoing. Although one may expect knowledge of legal wrongdoing to reflect the defendant's clarity of thoughts, this may not be accurate. Instead, jurors may interpret thought clarity as separate from the knowledge of wrongdoing. For example, it is possible that jurors were relating thought clarity to persecutory delusions. That is, as the clarity of the defendant's delusions increased, the perception of the defendant's clarity of thought increased and his knowledge of

legal wrongdoing decreased. These speculations, however, are as yet untested by empirical data.

Support for the third hypothesis was not conclusively found in the results of analyses evaluating the effects of Victim, Stalking, and Weapon on measures of the defendant's cognitions, behaviours, and motivations. The presence of Victim, Weapon, and Stalking did influence jurors' perceptions of the defendant's actions and thought processes, but not always in a consistent manner. The effects of Stalking in combination with Victim are problematic as exemplified by the contrasting effects on ratings of Legal Wrongdoing and Clarity.

The question of why the act of stalking in combination with assault is perceived as a sane act whereas stalking combined with murder is indicative of insanity is not yet clear. One possible explanation is that whereas stalking may be considered to be an indication of mental instability, it occurs too frequently in our society to be considered an act only committed by insane people. Murder, on the other hand, is a relatively rare occurrence. Several participants expressed their opinions that the act of murder directly indicated insanity, a viewpoint only partially supported by the results of the current research. It is possible that the perception of stalking as an unstable action, combined with the "insane" act of murder may be strong enough to tip the scales of justice in favour of a successful insanity defence.

Attitudes Towards the Insanity Defence

Jurors' attitudes towards the insanity defence exerted a strong influence on the perceptions of the defendant's thoughts and actions as revealed by correlational analyses. Not surprisingly, jurors with negative attitudes towards the insanity defence

increasingly perceived the defendant as more sane, capable of rational thought and control over his actions, responsible for his mental state, knowledgeable about moral and legal wrongdoing, having evil intentions, and having planned his crime, in comparison to jurors who were sympathetic to the insanity defence. These findings may be explained by research conducted by Balis et al. (1995) that found that people with negative attitudes towards the insanity defence were more conservative in their estimates of the cognitive and control dysfunction that are indicative of insanity. Alternatively, the research of Roberts and Golding (1991) suggests that people with anti-insanity defence attitudes may subjectively process and construe the elements of the case differently from people that are more accepting of the insanity defence. Whether the relationship between attitudes towards the insanity defence and perceptions of the defendant's thoughts and behaviours are related to conservatism or separate constructs of insanity is still a matter of debate.

Disposition

Although it was expected that verdicts of guilty, reflecting criminal responsibility and culpability, would be followed by recommendations for prison incarceration, it appears that this is not always the case. Although almost half of the jurors rendered a verdict of guilty, the overwhelming majority of jurors recommended that the defendant be placed in a psychiatric hospital. These initially contradictory results may be explained by the consideration that jurors may be reluctant to find the defendant not criminally responsible for his actions, especially as there was irrefutable proof that he did indeed commit the crime. Furthermore, these results suggest that many of the jurors wanted their verdicts to acknowledge that the

defendant did commit the crime and therefore be labeled as 'guilty', but at the same time recognizing that the defendant's mental illness was a mitigating factor thus prompting their recommendations of civil commitment. This reluctance to find the defendant not guilty due to his mental illness is in keeping with the research by McGlynn and Dreilinger (1981) which found that the distinction between breaking the law and the defendant's responsibility for his behaviour in breaking the law was problematic for jurors.

The most frequently recommended length of confinement for criminal and psychiatric incarceration was 'indefinite'. Jurors recommending civil commitment to a psychiatric hospital frequently added the stipulation that the defendant had to be 'cured' and/or 'no longer a risk to society' before being released. In consideration that the majority made recommendations for civil commitment and an indeterminate sentence it seems that jurors recognize that civil commitment is the most appropriate course of action for this individual, but also want to prevent him from returning to the community in the near future. Robinson and Darley (1995) contend that lengthy sentences, in addition to providing retribution, incapacitate the individual from committing further crimes; "(Civil commitment) is how one may treat a man-eating tiger, were one to stray into the legal system. One would recognize that it is in the nature of tigers to eat men, so one would not morally condemn the tiger for doing so. But exactly because it is in the nature of tigers to do so, one would lock the tiger up so that it would not have the opportunity to eat more men" (p. 134).

Impartiality

In light of the assertion by the majority of jurors that they could remain impartial, the results of the present research appear problematic. The results suggest that elements indicative of planning such as the presence of stalking and the prior selection of a weapon, in addition to crime severity, do influence jurors' constructions of insanity and culpability even when the mental state of the defendant is clearly abnormal. Yet, jurors stated that they could set aside their biases and judge the case with an open mind. One conclusion to draw from this contradictory information is that the jurors are unaware of their biases. Perhaps the presence of certain planning elements is so intrinsically tied with laypersons' constructions of sanity that they overshadow all other information to the contrary even when the juror is making a concerted effort to judge the case fairly. If this contention were accurate and could be generalized to actual criminal trials, then it would be prudent to be wary of this possible unconscious bias and to communicate to the members of the jury that planning elements do not necessarily exclude insanity. The present research, however, indicates that the actual ability of the juror to remain impartial, in contrast to the reported ability to remain impartial, is questionable.

Attitudes towards the insanity defence also appear to significantly affect how jurors construe insanity. Finkel and Handel (1989) argue that jurors reaching different verdicts are using different constructs of responsibility, based upon unknown individual differences, which in turn affects how they evaluate the trial information. Jurors rendering guilty or NGRI verdicts significantly differed in how they construed information. Jurors reaching guilty verdicts were more likely to

consider the defendant's culpable actions as the most relevant construct in deciding the case whereas jurors giving verdicts of NGRI most commonly cited the defendant's incapacity to make rational choices as the most relevant construct. In short, jurors reaching NGRI verdicts use 'insane' constructs to interpret the evidence whereas jurors reaching guilty verdicts use 'guilty' constructs to evaluate the evidence. These conclusions are supported by the current research which reveal a strong correlation between anti-insanity defence attitudes and the perception that the defendant was sane based on ratings of the defendant's cognitions, behaviours, and motivations.

In the present study, it is contended that the impartiality of jurors is suspect, both overtly and covertly. Whereas the potentially biasing effects of jurors' attitudes towards the use of the insanity defence are relatively straightforward and obvious, the effects of elements indicative of premeditation, particularly when compared within the context of different crimes, are subtler. As a result, the assertion by the majority of jurors that they could be fair and impartial in a trial involving the insanity defence may need to be tempered with caution.

Other Research Considerations

This study has several limitations. The effects of only two elements of planning were addressed in the current study. Similarly, only two levels of crime severity were explored. For all of these variables, there are numerous variations and combinations that may modify the current results.

The stimuli used in this research do not approach the length and complexity of information that would be found in an actual criminal trial. This, however, can be

defended on the grounds that by isolating the relevant elements of the trial, effects may be detected that could otherwise be shrouded in more complex research designs. In addition, several other researchers have utilized similar methods with favourable results (Finkel & Handel, 1988; McGlynn & Dreifinger, 1981; Pickel, 1998; Roberts & Golding, 1991; Roberts et al., 1987).

Another limitation is that the mock jurors do not deliberate and there is some evidence that deliberations do influence the final outcome (Kerwin & Shaffer, 1994; MacCoun & Kerr, 1988). The lack of deliberations can be defended on the basis of evidence that deliberations may only be effective in reducing errors when a majority of the jurors are correct in their understanding of the information. Otherwise, the process of deliberation may strengthen the misunderstandings of the majority of jurors (Diamond & Levi, 1996). Diamond (1997) concludes that individual juror decisions will generally predict the outcome of the jury, however, the importance of jury deliberations should not be overlooked and should be addressed in future research.

Finally, the sample used in this research may not be representative of the general population. Only 26.74% of the people who were contacted actually participated and, similar to most research utilizing voluntary participants, their motivations for participating in the project are unclear. Again, further research to replicate and expand on the present results should be conducted to address this issue.

In summary, the present research provides some support for the effects of planning elements on the construction of insanity (Roberts & Golding, 1991; Roberts et al., 1987). Jurors seem to perceive the prior selection of a weapon as indicative of

criminal responsibility as measured by verdict choice and ratings of planning and sanity. Similarly, the individual influence of crime severity did exert an effect on the choice of verdict with the likelihood of a NCR-MD verdict decreasing with the death of the victim. In contrast, the individual influence of stalking on the perception of intent revealed a trend that was contrary to the original hypothesis. That is, the presence of stalking decreased the perception that the defendant had an evil motive. The most interesting results, however, were found in the stalking by crime severity interactions. Jurors seem to perceive the presence of stalking in assault scenarios as indicative of sanity. In crimes of murder, however, the presence of stalking appears to be more indicative of insanity. In light of the proposed “capping” procedures that would permit defendants’ accused of lesser crimes (e.g., assault) to raise the question of insanity without the threat of indeterminate sentencing, the current results are troubling. Although the amendments to the provisions for the mentally ill were intended to further safeguard the rights of individuals who have previously fallen through the cracks in our health care system and ended up in a prison system, the adequacy of the justice system is still questionable. The current research suggests that jurors are influenced by the presence of planning elements which, in turn, may interfere with the defendant’s right to a fair and impartial trial.

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Appendix A

Scenario 1

Facts of the Crime

The victim, Mr. John Bates, was found seriously wounded outside his business office on Friday May 1, 1998. He had lost a large amount of blood as a result of a stab wound in the neck that nicked a major artery. Several pedestrians who witnessed the incident identified Mr. Paul Scott as the attacker. According to the witnesses, Mr. Scott had been walking a distance behind Mr. Bates when he suddenly picked up a steel spike from a neighbouring construction site, ran up behind Mr. Bates and attacked him. Witnesses stated that they heard Mr. Scott shout, "stop sending me messages" during the attack. Two construction workers restrained Mr. Scott while three others called for help and administered first aid.

Background of Mr. Scott (defendant)

The defendant, Mr. Paul Scott, was a factory worker at a local tire manufacturing plant. Mr. Scott has a history of mental illness and was diagnosed with paranoid schizophrenia in his early twenties and hospitalised on and off for the next ten years. Mr. Scott has been under the care of various psychologists and psychiatrists and has been given medication to help control his persecutory delusions. One month prior to the incident, Mr. Scott assaulted two of his co-workers whom he believed were conspiring to brainwash him. The co-workers did not press charges. According to several psychiatrists and psychologists, Mr. Scott has a long history of complex beliefs that people are out to hurt him, to steal his thoughts, and to take over the

world. These delusions had been increasing in intensity and frequency over the past year.

Mr. Scott testified that earlier on the day of the assault he had first seen Mr. Bates at a university hockey game. He said that when he saw him he suddenly realised that his thoughts were being stolen by Mr. Bates who then telepathically sent him new thoughts. Mr. Scott stated that he was afraid of Mr. Bates because he knew that after all of his thoughts were stolen, he would be killed. When asked under examination why he believed that his thoughts were being stolen, Mr. Scott said that Mr. Bates was a part of a secret cult who wanted to take over the country. He then stated that his life was in danger because the cult knew that he (Mr. Scott) was aware of their plans and they wanted to silence him. Mr. Scott stated that he knew that he would die unless he showed Mr. Bates that he was “onto the cult’s plan”. Mr. Scott testified that he attacked Mr. Bates so that Mr. Bates would return to the rest of the cult and warn them that he (Mr. Scott) was able to protect himself and therefore the cult should stop sending him telepathic messages and just leave him alone.

Mr. Scott admits to assaulting Mr. Bates. He has entered a plea of “Not Criminally Responsible on Account of Mental Disorder”.

Scenario 2

Facts of the Crime

The victim, Mr. John Bates, was found seriously wounded outside his business office on Friday May 1, 1998. He had lost a large amount of blood as a result of a stab wound in the neck that nicked a major artery. Several pedestrians who witnessed the incident identified Mr. Paul Scott as the attacker. According to the witnesses, Mr.

Scott had been walking a distance behind Mr. Bates when he suddenly pulled a large hunting knife out of his pocket, ran up behind Mr. Bates and attacked him. Witnesses stated that they heard Mr. Scott shout, "stop sending me messages" during the attack. Two construction workers restrained Mr. Scott while three others called for help and administered first aid. The knife was recovered at the scene. When questioned about the knife, Mr. Scott told the arresting police officers that he had purchased the knife a week ago. He had it with him at all times in case he had to protect himself because there were people who were 'trying to take over the entire country by brainwashing everyone'.

Background of Mr. Scott (defendant)

The defendant, Mr. Paul Scott, was a factory worker at a local tire manufacturing plant. Mr. Scott has a history of mental illness and was diagnosed with paranoid schizophrenia in his early twenties and hospitalised on and off for the next ten years. Mr. Scott has been under the care of various psychologists and psychiatrists and has been given medication to help control his persecutory delusions. One month prior to the incident, Mr. Scott assaulted two of his co-workers whom he believed were conspiring to brainwash him. The co-workers did not press charges. According to several psychiatrists and psychologists, Mr. Scott has a long history of complex beliefs that people are out to hurt him, to steal his thoughts, and to take over the world. These delusions had been increasing in intensity and frequency over the past year.

Mr. Scott testified that earlier on the day of the assault he had first seen Mr. Bates at a university hockey game. He said that when he saw him he suddenly

realised that his thoughts were being stolen by Mr. Bates who then telepathically sent him new thoughts. Mr. Scott stated that he was afraid of Mr. Bates because he knew that after all of his thoughts were stolen, he would be killed. When asked under examination why he believed that his thoughts were being stolen, Mr. Scott said that Mr. Bates was a part of a secret cult who wanted to take over the country. He then stated that his life was in danger because the cult knew that he (Mr. Scott) was aware of their plans and they wanted to silence him. Mr. Scott stated that he knew that he would die unless he showed Mr. Bates that he was “onto the cult’s plan”. Mr. Scott testified that he attacked Mr. Bates so that Mr. Bates would return to the rest of the cult and warn them that he (Mr. Scott) was able to protect himself and therefore the cult should stop sending him telepathic messages and just leave him alone.

Mr. Scott admits to assaulting Mr. Bates. He has entered a plea of “Not Criminally Responsible on Account of Mental Disorder”.

Scenario 3

Facts of the Crime

The victim, Mr. John Bates, was found seriously wounded outside his business office on Friday May 1, 1998. He had lost a large amount of blood as a result of a stab wound in the neck that nicked a major artery. Several pedestrians who witnessed the incident identified Mr. Paul Scott as the attacker. According to the witnesses, Mr. Scott had been walking a distance behind Mr. Bates when he suddenly picked up a steel spike from a neighbouring construction site, ran up behind Mr. Bates and attacked him. Witnesses stated that they heard Mr. Scott shout, “stop sending me messages” during the attack. Two construction workers restrained Mr. Scott while

three others called for help and administered first aid. A notebook describing in detail Mr. Bates' movements during every day of the past week was found in Mr. Scott's possession. When questioned about the notebook, Mr. Scott told the arresting police officers that he had been following Mr. Bates for the past week because he was collecting evidence that there were people who were "trying to take over the entire country by brainwashing everyone".

Background of Mr. Scott (defendant)

The defendant, Mr. Paul Scott, was a factory worker at a local tire manufacturing plant. Mr. Scott has a history of mental illness and was diagnosed with paranoid schizophrenia in his early twenties and hospitalised on and off for the next ten years. Mr. Scott has been under the care of various psychologists and psychiatrists and has been given medication to help control his persecutory delusions. One month prior to the incident, Mr. Scott assaulted two of his co-workers whom he believed were conspiring to brainwash him. The co-workers did not press charges. According to several psychiatrists and psychologists, Mr. Scott has a long history of complex beliefs that people are out to hurt him, to steal his thoughts, and to take over the world. These delusions had been increasing in intensity and frequency over the past year.

Mr. Scott testified that the week before the assault he had first seen Mr. Bates at a university hockey game. He said that when he saw him he suddenly realised that his thoughts were being stolen by Mr. Bates who then telepathically sent him new thoughts. Mr. Scott stated that he was afraid of Mr. Bates because he knew that after all of his thoughts were stolen, he would be killed. When asked under examination

why he believed that his thoughts were being stolen, Mr. Scott said that Mr. Bates was a part of a secret cult who wanted to take over the country. After the hockey game he began to follow Mr. Bates to collect evidence on the cult's plot to take over the world. He was going to give this evidence to the police so that they could stop the cult before it was too late. Just seconds before the assault, Mr. Scott said that he suddenly realised that Mr. Bates was reading his mind and understood what he was doing. Mr. Scott stated that he believed that his life was in danger because the cult knew that he (Mr. Scott) was aware of their plans and they were going to silence him. Mr. Scott said that he would die unless he showed Mr. Bates that he was "onto the cult's plan". Mr. Scott testified that he attacked Mr. Bates so that Mr. Bates would return to the rest of the cult and warn them that he (Mr. Scott) was able to protect himself and therefore the cult should stop sending him telepathic messages and just leave him alone.

Mr. Scott admits to assaulting Mr. Bates. He has entered a plea of "Not Criminally Responsible on Account of Mental Disorder".

Scenario 4

Facts of the Crime

The victim, Mr. John Bates, was found seriously wounded outside his business office on Friday May 1, 1998. He had lost a large amount of blood as a result of a stab wound in the neck that nicked a major artery. Several pedestrians who witnessed the incident identified Mr. Paul Scott as the attacker. According to the witnesses, Mr. Scott had been walking a distance behind Mr. Bates when he suddenly pulled a large hunting knife out of his pocket, ran up behind Mr. Bates and attacked him. Witnesses

stated that they heard Mr. Scott shout, “stop sending me messages” during the attack. Two construction workers restrained Mr. Scott while three others called for help and administered first aid. The knife was recovered at the scene. When questioned about the knife, Mr. Scott told the arresting police officers that he had purchased the knife a week ago. He said that he had it with him at all times in case he had to protect himself because there were people who were ‘trying to take over the entire country by brainwashing everyone’. A notebook describing in detail Mr. Bates’ movements during every day of the past week was found in Mr. Scott’s possession. When questioned about the notebook, Mr. Scott told the arresting police officers that he had been following Mr. Bates for the past week because he was collecting evidence on the brainwashing cult.

Background of Mr. Scott (defendant)

The defendant, Mr. Paul Scott, was a factory worker at a local tire manufacturing plant. Mr. Scott has a history of mental illness and was diagnosed with paranoid schizophrenia in his early twenties and hospitalised on and off for the next ten years. Mr. Scott has been under the care of various psychologists and psychiatrists and has been given medication to help control his persecutory delusions. One month prior to the incident, Mr. Scott assaulted two of his co-workers whom he believed were conspiring to brainwash him. The co-workers did not press charges. According to several psychiatrists and psychologists, Mr. Scott has a long history of complex beliefs that people are out to hurt him, to steal his thoughts, and to take over the world. These delusions had been increasing in intensity and frequency over the past year.

Mr. Scott testified that a week before the assault he had first seen Mr. Bates at a university hockey game. He said that when he saw him he suddenly realised that his thoughts were being stolen by Mr. Bates who then telepathically sent him new thoughts. Mr. Scott stated that he was afraid of Mr. Bates because he knew that after all of his thoughts were stolen, he would be killed. When asked under examination why he believed that his thoughts were being stolen, Mr. Scott said that Mr. Bates was a part of a secret cult who wanted to take over the country. After the hockey game he began to follow Mr. Bates to collect evidence on the cult's plot to take over the world. He was going to give this evidence to the police so that they could stop the cult before it was too late. Just seconds before the assault, Mr. Scott said that he suddenly realised that Mr. Bates was reading his mind and understood what he was doing. Mr. Scott stated that he believed that his life was in danger because the cult knew that he (Mr. Scott) was aware of their plans and they were going to silence him. Mr. Scott said that he would die unless he showed Mr. Bates that he was "onto the cult's plan". Mr. Scott testified that he attacked Mr. Bates so that Mr. Bates would return to the rest of the cult and warn them that he (Mr. Scott) was able to protect himself and therefore the cult should stop sending him telepathic messages and just leave him alone.

Mr. Scott admits to assaulting Mr. Bates. He has entered a plea of "Not Criminally Responsible on Account of Mental Disorder".

Scenario 5

Facts of the Crime

The victim, Mr. John Bates, was found dead outside his business office on Friday May 1, 1998. He had died as a result of a stab wound in the neck that severed a major artery. Several pedestrians who witnessed the incident identified Mr. Paul Scott as the attacker. According to the witnesses, Mr. Scott had been walking a distance behind Mr. Bates when he suddenly picked up a steel spike from a neighbouring construction site, ran up behind Mr. Bates and attacked him. Witnesses stated that they heard Mr. Scott shout, "stop sending me messages" during the attack. Two construction workers restrained Mr. Scott while three others called for help and administered first aid. Mr. Bates died before the ambulance arrived.

Background of Mr. Scott (defendant)

The defendant, Mr. Paul Scott, was a factory worker at a local tire manufacturing plant. Mr. Scott has a history of mental illness and was diagnosed with paranoid schizophrenia in his early twenties and hospitalised on and off for the next ten years. Mr. Scott has been under the care of various psychologists and psychiatrists and has been given medication to help control his persecutory delusions. One month prior to the incident, Mr. Scott assaulted two of his co-workers whom he believed were conspiring to brainwash him. The co-workers did not press charges. According to several psychiatrists and psychologists, Mr. Scott has a long history of complex beliefs that people are out to hurt him, to steal his thoughts, and to take over the world. These delusions had been increasing in intensity and frequency over the past year.

Mr. Scott testified that earlier on the day of the murder he had first seen Mr. Bates at a university hockey game. He said that when he saw him he suddenly realised that his thoughts were being stolen by Mr. Bates who then telepathically sent him new thoughts. Mr. Scott stated that he was afraid of Mr. Bates because he knew that after all of his thoughts were stolen, he would be killed. When asked under examination why he believed that his thoughts were being stolen, Mr. Scott said that Mr. Bates was a part of a secret cult who wanted to take over the country. He then stated that his life was in danger because the cult knew that he (Mr. Scott) was aware of their plans and they wanted to silence him. Mr. Scott stated that he knew that he would die if he didn't kill Mr. Bates first, so after the game he followed Mr. Bates downtown to his office where he attacked him.

Mr. Scott admits to fatally stabbing Mr. Bates. He has entered a plea of "Not Criminally Responsible on Account of Mental Disorder".

Scenario 6

Facts of the Crime

The victim, Mr. John Bates, was found dead outside his business office on Friday May 1, 1998. He had died as a result of a stab wound in the neck that severed a major artery. Several pedestrians who witnessed the incident identified Mr. Paul Scott as the attacker. According to the witnesses, Mr. Scott had been walking a distance behind Mr. Bates when he suddenly pulled a large hunting knife out of his pocket, ran up behind Mr. Bates and attacked him. Witnesses stated that they heard Mr. Scott shout, "stop sending me messages" during the attack. Two construction workers restrained Mr. Scott while three others called for help and administered first aid. Mr.

Bates died before the ambulance arrived. The knife was recovered at the scene.

When questioned about the knife, Mr. Scott told the arresting police officers that he had purchased the knife a week ago. He had it with him at all times in case he had to protect himself because there were people who were 'trying to take over the entire country by brainwashing everyone'.

Background of Mr. Scott (defendant)

The defendant, Mr. Paul Scott, was a factory worker at a local tire manufacturing plant. Mr. Scott has a history of mental illness and was diagnosed with paranoid schizophrenia in his early twenties and hospitalised on and off for the next ten years. Mr. Scott has been under the care of various psychologists and psychiatrists and has been given medication to help control his persecutory delusions. One month prior to the incident, Mr. Scott assaulted two of his co-workers whom he believed were conspiring to brainwash him. The co-workers did not press charges. According to several psychiatrists and psychologists, Mr. Scott has a long history of complex beliefs that people are out to hurt him, to steal his thoughts, and to take over the world. These delusions had been increasing in intensity and frequency over the past year.

Mr. Scott testified that earlier on the day of the murder he had first seen Mr. Bates at a university hockey game. He said that when he saw him he suddenly realised that his thoughts were being stolen by Mr. Bates who then telepathically sent him new thoughts. Mr. Scott stated that he was afraid of Mr. Bates because he knew that after all of his thoughts were stolen, he would be killed. When asked under examination why he believed that his thoughts were being stolen, Mr. Scott said that

Mr. Bates was a part of a secret cult who wanted to take over the country. He then stated that his life was in danger because the cult knew that he (Mr. Scott) was aware of their plans and they wanted to silence him. Mr. Scott stated that he knew that he would die if he didn't kill Mr. Bates first, so after the game he followed Mr. Bates downtown to his office where he attacked him.

Mr. Scott admits to fatally stabbing Mr. Bates. He has entered a plea of "Not Criminally Responsible on Account of Mental Disorder".

Scenario 7

Facts of the Crime

The victim, Mr. John Bates, was found dead outside his business office on Friday May 1, 1998. He had died as a result of a stab wound in the neck that severed a major artery. Several pedestrians who witnessed the incident identified Mr. Paul Scott as the attacker. According to the witnesses, Mr. Scott had been walking a distance behind Mr. Bates when he suddenly picked up a steel spike from a neighbouring construction site, ran up behind Mr. Bates and attacked him. Witnesses stated that they heard Mr. Scott shout, "stop sending me messages" during the attack. Two construction workers restrained Mr. Scott while three others called for help and administered first aid. Mr. Bates died before the ambulance arrived. A notebook describing in detail Mr. Bates' movements during every day of the past week was found in Mr. Scott's possession. When questioned about the notebook, Mr. Scott told the arresting police officers that he had been following Mr. Bates for the past week because he was collecting evidence that there were people who were "trying to take over the entire country by brainwashing everyone".

Background of Mr. Scott (defendant)

The defendant, Mr. Paul Scott, was a factory worker at a local tire manufacturing plant. Mr. Scott has a history of mental illness and was diagnosed with paranoid schizophrenia in his early twenties and hospitalised on and off for the next ten years. Mr. Scott has been under the care of various psychologists and psychiatrists and has been given medication to help control his persecutory delusions. One month prior to the incident, Mr. Scott assaulted two of his co-workers whom he believed were conspiring to brainwash him. The co-workers did not press charges. According to several psychiatrists and psychologists, Mr. Scott has a long history of complex beliefs that people are out to hurt him, to steal his thoughts, and to take over the world. These delusions had been increasing in intensity and frequency over the past year.

Mr. Scott testified that the week before the murder he had first seen Mr. Bates at a university hockey game. He said that when he saw him he suddenly realised that his thoughts were being stolen by Mr. Bates who then telepathically sent him new thoughts. Mr. Scott stated that he was afraid of Mr. Bates because he knew that after all of his thoughts were stolen, he would be killed. When asked under examination why he believed that his thoughts were being stolen, Mr. Scott said that Mr. Bates was a part of a secret cult who wanted to take over the country. After the hockey game he began to follow Mr. Bates to collect evidence on the cult's plot to take over the world. He was going to give this evidence to the police so that they could stop the cult before it was too late. Just seconds before the murder, Mr. Scott said that he suddenly realised that Mr. Bates was reading his mind and understood what he was

doing. Mr. Scott stated that he believed that his life was in danger because the cult knew that he (Mr. Scott) was aware of their plans and they were going to silence him. Mr. Scott said that he would die if he didn't kill Mr. Bates first so he attacked him.

Mr. Scott admits to fatally stabbing Mr. Bates. He has entered a plea of "Not Criminally Responsible on Account of Mental Disorder".

Scenario 8

Facts of the Crime

The victim, Mr. John Bates, was found dead outside his business office on Friday May 1, 1998. He had died as a result of a stab wound in the neck that severed a major artery. Several pedestrians who witnessed the incident identified Mr. Paul Scott as the attacker. According to the witnesses, Mr. Scott had been walking a distance behind Mr. Bates when he suddenly pulled a large hunting knife out of his pocket, ran up behind Mr. Bates and attacked him. Witnesses stated that they heard Mr. Scott shout, "stop sending me messages" during the attack. Two construction workers restrained Mr. Scott while three others called for help and administered first aid. Mr. Bates died before the ambulance arrived. The knife was recovered at the scene. When questioned about the knife, Mr. Scott told the arresting police officers that he had purchased the knife a week ago. He said that he had it with him at all times in case he had to protect himself because there were people who were 'trying to take over the entire country by brainwashing everyone'.

A notebook describing in detail Mr. Bates' movements during every day of the past week was found in Mr. Scott's possession. When questioned about the notebook, Mr.

Scott told the arresting police officers that he had been following Mr. Bates for the past week because he was collecting evidence on the brainwashing cult.

Background of Mr. Scott (defendant)

The defendant, Mr. Paul Scott, was a factory worker at a local tire manufacturing plant. Mr. Scott has a history of mental illness and was diagnosed with paranoid schizophrenia in his early twenties and hospitalised on and off for the next ten years. Mr. Scott has been under the care of various psychologists and psychiatrists and has been given medication to help control his persecutory delusions. One month prior to the incident, Mr. Scott assaulted two of his co-workers whom he believed were conspiring to brainwash him. The co-workers did not press charges. According to several psychiatrists and psychologists, Mr. Scott has a long history of complex beliefs that people are out to hurt him, to steal his thoughts, and to take over the world. These delusions had been increasing in intensity and frequency over the past year.

Mr. Scott testified that a week before the murder he had first seen Mr. Bates at a university hockey game. He said that when he saw him he suddenly realised that his thoughts were being stolen by Mr. Bates who then telepathically sent him new thoughts. Mr. Scott stated that he was afraid of Mr. Bates because he knew that after all of his thoughts were stolen, he would be killed. When asked under examination why he believed that his thoughts were being stolen, Mr. Scott said that Mr. Bates was a part of a secret cult who wanted to take over the country. After the hockey game he began to follow Mr. Bates to collect evidence on the cult's plot to take over the world. He was going to give this evidence to the police so that they could stop the

cult before it was too late. Just seconds before the murder, Mr. Scott said that he suddenly realised that Mr. Bates was reading his mind and understood what he was doing. Mr. Scott stated that he believed that his life was in danger because the cult knew that he (Mr. Scott) was aware of their plans and they were going to silence him. Mr. Scott said that he would die if he didn't kill Mr. Bates first so he attacked him.

Mr. Scott admits to fatally stabbing Mr. Bates. He has entered a plea of "Not Criminally Responsible on Account of Mental Disorder".

Appendix B

Judgements of Cognitions, Behaviours, and Motivations

The interpretations for low and high scores immediately follow each scale. The abbreviation for the measure is indicated within the brackets following each measure.

The rating scales of three of the measures (Rational, Clear and Planning) were reversed to control for biased response sets (i.e. giving a rating of '10' on all measures) but are presented here in their final form for analyses.

1. How sane was Mr. Scott when he committed the crime.

(1 = completely insane, 10 = completely sane) (Sane)

2. Did Mr. Scott know that what he was doing was legally wrong?

(1 = absolutely did not know, 10 = absolutely knew) (Legal wrongdoing)

3. Did Mr. Scott know that what he was doing was morally wrong?

(1 = absolutely did not know, 10 = absolutely knew) (Moral wrongdoing)

4. How possible was it for Mr. Scott to behave rationally?

(1 = not possible, 10 = possible)(Rational)*

5. Was Mr. Scott aware of his actions?

(1 = completely unaware, 10 = completely aware) (Awareness)*

6. How clear were Mr. Scott's thoughts when he committed the crime?

(1 = completely unclear, 10 = completely clear) (Clarity)*

7. How much control did Mr. Scott have over his actions?

(1 = no control, 10 = complete control) (Control)*

8. What kind of intent did Mr. Scott have when he committed the crime?

(1 = no evil intent, 10 = evil intent) (Intent)*

9. To what extent do you believe that Mr. Scott planned the crime?

(1 = completely unplanned, 10 = completely planned) (Planning)

- Derived from research conducted by Finkel and Handel (1989).

Appendix C

Insanity Defence Attitudes Sub-scale (IDA sub-scale)

1. The insanity defence is sometimes justified.
2. The insanity plea is a loophole that allows too many guilty people to go free.
3. Even if people are insane, we should punish them if they break the law.
4. The insanity defence is a necessary part of our legal system.
5. Insane people should be punished for their crimes just like everyone else.
6. Too often the insanity defence allows dangerous people to go back out on the streets.
7. It is wrong to punish insane people who break the law.
8. The insane should be treated rather than punished if they commit crime.

Appendix D**Demographics**

1. Gender: Male () Female ()
2. Age: 18-25 () 26-35 () 36-45 () 46-55 () 56-65 () 65+ ()
3. Which of the following categories best describes your total household income, from all members, before taxes?
 - Under \$10,000 ()
 - \$10,000 to \$20,000 ()
 - \$20,000 to \$30,000 ()
 - \$30,000 to \$40,000 ()
 - \$40,000 to \$50,000 ()
 - \$50,000 to \$60,000 ()
 - \$60,000 to \$100,000 ()
 - \$100,000 or over ()

Appendix E

Consent Form

You are invited to be a participant in a study that looks at people's opinions about the criminal justice system. You will be asked to read a short scenario detailing a crime and some of the background information about the defendant. You will then be asked to complete a short questionnaire. It should take no more than a half-hour of your time.

Your participation is voluntary and you may withdraw from the study at any time without penalty. All information is confidential, no names will be required and the responses will be analysed as a group. This study is being conducted as part of the requirements for the Master of Science degree in clinical psychology.

I acknowledge that I have read and understand the above information. If I have any questions before beginning the study I will contact the researcher (see below).

Signature of participant: _____

Date: _____

Appendix F

Instructions

Thank you for agreeing to participate in this research project. Included in this package you will find a consent form, a booklet of 6 pages, a prize ballot form, a folded piece of paper (do not open) and a stamped self-addressed envelope. Please complete the survey by yourself, as we are interested in your individual opinion. Do not write your name anywhere on the booklet, as we want to keep your answers completely confidential. The survey should take approximately a half-hour of your time. Please follow the instructions carefully.

1. Please read and sign the consent form.
2. Read the 'Facts of the Crime' and the 'Background of Mr. Scott'.
3. Pretend that you are a juror for Mr. Scott's trial. As a juror, please answer all of the questions (Parts 1, 2, 3 & 4) based on the information that you read in "Facts of the Crime" and "Background of Mr. Scott".
4. If you would like to be entered in a prize draw, please fill out your name and address on the prize ballot form.
5. Place the completed questionnaire, the consent form and the prize ballot form in the stamped, self-addressed envelope and seal it.
6. Open the folded piece of paper and read it. This is a debriefing form that tells you more about the research.
7. Drop the return envelope in the nearest mailbox/ post office.

If you mail the envelope back to the researcher within one week of receiving it you will be entered in the grand prize lottery of \$100. If you mail the envelope back after one week, you will be entered in the prize lottery of \$50.

**Thank you very much for taking the time and effort to participate in this research!
Best of luck in the lottery!**

Appendix G

Questionnaire**Part I**

In Canada the Criminal Code provides that if a person accused of a crime was suffering from a mental disorder that rendered him (or her) incapable of appreciating the nature and quality of that criminal act or to know that the act was wrong, the person should not be held criminally responsible for the crime.

1. Assume that you are a juror at Mr. Scott's trial. Would your verdict be that he is:
 - (A) criminally guilty for the crime, or
 - (B) not guilty because of a mental disorder.

2. On a scale from 1 to 10, where 1 is "not at all criminally responsible" and 10 is "completely criminally responsible" how criminally responsible is Mr. Scott for his actions? (choose a number from 1 to 10)

1	2	3	4	5	6	7	8	9	10
Not at all								Completely	
criminally responsible								criminally	
due to mental disorder								responsible	

3. Please explain your reasoning about why he should or should not be held criminally responsible (that is, guilty or not guilty):

4. What should happen to Mr. Scott following the trial?

(A) Placed in a psychiatric hospital
 (B) Placed in a prison

5. If you believe that he should be sent to a psychiatric hospital or prison, how long should he be kept there?

_____ Years
 _____ Months

Go to the next page and answer Part II

Part II

Each of the following questions asks you to indicate the degree of beliefs about Mr. Scott and his behaviour on scales from 1 to 10. For each item, please circle a number from 1 to 10 to indicate the degree to which you believe the item is true.

1. How sane was Mr. Scott when he committed the crime?

1	2	3	4	5	6	7	8	9	10
Completely insane									Completely sane

2. Did Mr. Scott know that what he was doing was legally wrong?

1	2	3	4	5	6	7	8	9	10
Absolutely did not know									Absolutely knew

3. Did Mr. Scott know that what he was doing was morally wrong?

1	2	3	4	5	6	7	8	9	10
Absolutely did not know									Absolutely knew

4. How possible was it for Mr. Scott to behave rationally?

1	2	3	4	5	6	7	8	9	10
Possible									Not possible

5. Was Mr. Scott aware of his actions?

1	2	3	4	5	6	7	8	9	10
Completely Unaware									Completely Aware

6. How clear were Mr. Scott's thoughts when he committed the crime?

1	2	3	4	5	6	7	8	9	10
Completely clear									Completely unclear

7. How much control did Mr. Scott have over his actions?

1	2	3	4	5	6	7	8	9	10
No control									Complete Control

Part III

Please answer yes or no to the following questions by placing a checkmark in the appropriate brackets.

1. The insanity defense is sometimes justified.
Yes () No ()
2. The insanity plea is a loophole that allows too many guilty people to go free.
Yes () No ()
3. Even if people are insane, we should punish them if they break the law.
Yes () No ()
4. The insanity defense is a necessary part of our legal system.
Yes () No ()
5. Insane people should be punished for their crimes just like everyone else.
Yes () No ()
6. Too often the insanity defense allows dangerous people to go back out on the streets.
Yes () No ()
7. It is wrong to punish insane people who break the law.
Yes () No ()
8. The insane should be treated rather than punished if they commit crime.
Yes () No ()
9. Assume that you were called as a potential juror in a criminal trial in which the defendant entered the plea of "Not Criminally Responsible on Account of Mental Disorder". Assume that the judge told you that it was your duty to keep an open mind about the insanity defense. Do you think that you would be able to be a fair and impartial juror?
Yes () No ()

Go to the next page and answer Part IV

Part IV**Demographic questions**

1. Gender: Male () Female ()

2. Age: 18-25 () 26-35 () 36-45 () 46-55 () 56-65 () 65+ ()

3. Which of the following categories best describes your total household income, from all members, before taxes?

- Under \$10,000 ()
- \$10,000 to \$20,000 ()
- \$20,000 to \$30,000 ()
- \$30,000 to \$40,000 ()
- \$40,000 to \$50,000 ()
- \$50,000 to \$60,000 ()
- \$60,000 to \$100,000 ()
- \$100,000 or over ()

Appendix H

Debriefing Form

The Construction of Insanity:

The Impact of Informational Cues on Perceptions of Criminal Responsibility

By: Mikaela Vidmar-Perrins

PARTICIPANT DEBRIEFING STATEMENT

You have just participated in a study on the effects of informational cues on people's perceptions of sanity and criminal responsibility. It is my hypothesis that the presence of planning behaviour, such as purchasing a weapon or stalking the victim, will increase people's perceptions of the defendant's criminal responsibility.

Additionally, I hypothesised that the type of crime committed (murder or assault) will also influence the perception of the defendant's criminal responsibility with the more serious crime being associated with higher ratings of sanity and criminal responsibility. Your responses to the crime scenario will be compared to people who received the same version and to people's responses to other versions of the scenario.

I hope that this experience has been interesting for you. Please feel free to contact me if you have any questions or comments about this research project.

Thank you for your participation. If you would like to receive a copy of the results acquired in this study, please contact me at the end of May.

Mikaela Vidmar-Perrins

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Acadia University
Wolfville, Nova Scotia
B0P 1X0

Appendix I

Prize Ballot Form**PRIZE BALLOT**

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

THANK YOU AND GOOD LUCK!

Appendix J

**Means and Standard Deviations of the Dependent Variables
For Each Scenario**

Dependent variable	Scenario 1		Scenario 2		Scenario 3	
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>
Verdict	1.79	0.42	1.61	0.50	1.65	0.49
Responsible	4.42	2.70	5.00	3.52	5.35	3.03
Rational	4.17	2.93	4.04	3.19	4.30	3.20
Clear	6.13	2.94	5.61	3.68	4.00	3.06
Plan	4.92	2.93	5.57	3.48	4.10	2.75
Sane	2.67	1.43	3.79	3.13	4.05	3.02
Legal Wrongdoing	3.75	2.36	4.79	3.47	5.55	3.19
Moral Wrongdoing	3.29	2.42	4.43	3.24	4.95	3.43
Aware	6.58	2.98	6.46	3.36	7.00	3.13
Control	3.58	2.83	4.11	3.44	4.75	3.42
Intent	5.35	3.51	5.96	3.27	4.65	3.31
IDA sub- scale Total	11.04	2.12	10.96	2.23	10.84	2.34
Impartiality	1.25	0.44	1.21	0.42	1.15	0.37
Place	1.04	0.20	1.19	0.40	1.10	0.31
Length	216.50	128.10	240.43	114.24	248.40	97.34
Gender	1.46	0.51	1.64	0.49	1.37	0.50
Age	3.42	1.32	4.18	1.39	3.21	1.40
Income	4.65	2.64	4.19	1.72	4.67	2.06

Dependent variable	Scenario 4		Scenario 5		Scenario 6	
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>
Verdict	1.53	0.51	1.48	0.51	1.50	0.51
Responsible	4.89	2.98	5.05	3.14	6.00	3.37
Rational	6.05	2.78	4.24	2.57	3.84	3.29
Clear	5.26	2.54	5.19	3.30	4.06	3.33
Plan	5.47	2.99	5.90	3.05	6.79	3.61
Sane	4.32	2.65	3.00	1.79	4.58	3.17
Legal Wrongdoing	6.16	2.54	5.90	2.93	6.44	3.65
Moral Wrongdoing	5.53	2.48	4.65	2.98	5.22	3.73
Aware	7.95	2.48	8.00	2.66	7.94	2.60
Control	5.58	2.71	4.76	3.59	4.84	3.45
Intent	4.89	2.63	5.10	3.63	5.47	3.27
IDA sub- scale Total	12.25	1.91	11.00	2.42	11.71	2.85
Impartiality	1.11	0.32	1.10	0.30	1.25	0.44
Place	1.11	0.32	1.11	0.32	1.21	0.42
Length	213.79	120.49	265.80	87.34	276.67	85.79
Gender	1.63	0.50	1.60	0.50	1.53	0.51
Age	3.00	1.17	3.19	1.17	4.26	1.59
Income	4.71	1.45	4.14	2.31	4.38	2.36

Dependent variable	Scenario 7		Scenario 8	
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>
Verdict	1.77	0.43	1.32	0.48
Responsible	3.96	3.23	6.28	2.75
Rational	3.68	3.15	4.84	3.05
Clear	5.69	3.54	6.28	3.20
Plan	4.15	3.20	7.56	2.77
Sane	2.85	2.34	4.75	3.08
Legal Wrongdoing	4.60	3.20	6.20	2.65
Moral Wrongdoing	3.48	2.60	5.08	3.33
Aware	7.38	3.31	7.72	3.06
Control	4.50	3.24	5.84	3.66
Intent	4.23	3.61	5.16	3.46
IDA sub- scale Total	10.90	2.34	11.37	2.36
Impartiality	1.23	0.43	1.12	0.33
Place	1.04	0.20	1.17	0.38
Length	273.23	89.76	256.32	98.22
Gender	1.73	0.45	1.48	0.51
Age	3.81	1.33	3.72	1.40
Income	4.71	1.95	4.75	2.13