Fitness to Stand Trial in Ireland: An Investigation into Attitudes and Legal Decision-Making.

by
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A Thesis Submitted for the Degree of Master of Arts by Research at South East Technological University

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Submitted to South East Technological University, June 2022

DECLARATION BY CANDIDATE

I hereby declare that this thesis is my own work and effort and that it has not been submitted anywhere for any award. Where other sources of information have been used, they have been acknowledged and referenced.

Signature:

Date: 1-9-2022

ACKNOWLEDGEMENTS

ABBREVIATIONS

FST – Fitness to stand trial

CMH – Central Mental Hospital

HSU – High Support Unit

CST – Competency to Stand Trial

PAS – Punitive Attitudes Scale

SAB – Stigmatising Attitudes Believability Scale

CSO – Central Statistics Office

WHO – World Health Organisation

ECHR – European Convention on Human Rights

SDO – Social Dominance Orientation

GAP – Group for the Advancement of Psychiatry

ABSTRACT

This study investigated whether gender, race, punitiveness, and perceptions of mental illness influenced attitudes and legal decision-making in fitness to stand trial (FST) proceedings through the use of surveys and a vignette, with a sample of legal professionals and legal professionals in training. This approach was enacted as most FST research typically examines current legal frameworks and evaluation-related matters and does not offer an insight into how the aforementioned variables can influence the decision-making or attitudes of legal professionals. Previous research suggests that legal decision-makers are significantly influenced by their own personal prejudices, biases and beliefs when making decisions which thus may affect the treatment of a defendant at trial. Understanding if this is present in Irish FST practices may serve to create a platform in which issues in FST law can be addressed and refined to enhance FST practices. Applying an exploratory, online, quantitative methodology, the present study recruited a sample of N=99 legal professionals and future professionals in Ireland. The participants responded to a set of questions after reading a hypothetical vignette court situation in which a defendant's FST was raised, in addition to several surveys which measured their attitudes regarding the relevancy of FST indicators (Competency to Stand Trial Scale), punitiveness levels (Punitive Attitudes Scale) and attitudes toward mental illness (Stigmatizing Attitudes Believability Scale). The results of the study show that the participants endorsed the majority of items (22 out of 26) in the CST Scale as relevant to finding a defendant fit or unfit to stand trial. Regarding the factors that can influence FST attitudes, the study found that females were more likely to support the items in the CST Scale as relevant than males (p=.019). However, participant race did not hold an influence here (p=.504). Additionally, the race and gender of the participant did not influence whether they found the defendant fit or unfit to stand trial in the vignette case, highlighting that these demographics may not be influential in FST decision-making; this contrasts with previous literature which states that females are more likely to find a defendant 'unfit' and be accepting of the use of psychology in court than males. In the same regard, the gender and race of the defendant in the vignette case did not significantly affect the decisions returned, again contrasting with prior literature which argues that females are more prone to be deemed 'unfit' than males, and Black defendants are more likely to be found 'unfit' than White defendants. Although punitiveness and attitudes toward mental illness were significantly correlated with each other and the CST Scale, these extra-legal attitudes were determined to not be significantly predictive of FST

decision-making. The study concludes that legal decision-making biases and prejudiced attitudes may not hold a significant influence over FST decision-making, which is in line with what is expected of legal decision-makers. The findings are discussed in further detail in the discussion chapter alongside the study's limitations (including a small sample size, methodological flaws) and implications for future research. The knowledge gained from this study contributes to addressing a gap in FST literature regarding attitudes and decision-making of legal professionals. It is hoped that this study will encourage further exploratory research in theory and empirical FST research.

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

This chapter will introduce the context of the present study through an exploration of the concept of fitness to stand trial in Irish law. The findings of attitudinal insanity defence research, gender and racial disparities in fitness assessments and legal decision-making, and current challenges and limitations of this research (such as a lack of attitudinal Irish research and issues with finding unfit defendants fit) will be considered. The chapter will end with a justification for the present study in light of these limitations. The present study seeks to investigate whether gender, race, punitiveness, and perceptions of mental illness influence attitudes and legal decision-making in fitness to stand trial (FST) proceedings through the use of surveys and a vignette. Understanding whether FST practices can be influenced by these factors aims to contribute to the review and reform of legislation and to tackle some of the shortcomings in FST procedures (Houidi & Paruk, 2021). The next section will set the context of the present research by examining the background to the FST concept, how FST is implemented in a court setting, and briefly review attitudinal FST research.

1.2 Background to Fitness to Stand Trial

Crucially, every defendant is ensured of the right to a fair trial as set out in Article 38.1 of the Irish Constitution. This right requires that the defendant have a fair opportunity to formulate a reasonable defence against the charges being brought against them. Such a liberty may be threatened when mental issues reduce the defendant's ability to meet the demands of a criminal trial (Grisso, 2014). Additional impetuses for the FST standard include assuring dignity in the judicial process, preserving natural justice and sustaining judicial integrity (Adjorlolo & Chan, 2017; Brown, 2019; Grisso, 2014). Historically, the FST concept can be dated back to 14th-century English common law (Howitt, 2018; Pirelli, Gottdiener & Zapf, 2011; Roesch & Golding, 1980; White, Meares, & Batchelor, 2013). The concept has roots in cases where individuals were not physically and mentally present at trial and chose to remain mute instead of pleading guilty or innocent (Brown, 2019; Mossman et al., 2007; Roesch, Eaves, Sollner,

Normandin & Glackman, 1981; Verdun-Jones, 1981). In these cases, Medieval Courts allowed juries to determine whether the accused was mute of malice, i.e., consciously withholding a plea if it seemed beneficial, or by visitation of God (Brown, 2019; Grubin, 1993; Melton et al., 1997; Mossman et al., 2007; Pirelli et al., 2011). A century later, the Courts acknowledged the need for a defendant to have their entire mental faculties about them so they may adequately defend themselves at trial (Brown, 2019; Grubin, 1996; King v Frith 1790; R v Dyle 1756; R v Dyson 1831). Therefore, a precise examination of the defendant's FST has a highly influential impact on the defendant, the justice system and society.

The FST process is essential in delivering a fair trial, considering that mentally ill and cognitively impeded individuals pass through the criminal justice system every day (Brown et al., 2018; Finnerty, 2021; Gulati & Kelly, 2018). Finnerty (2021) argues that mentally ill people are frequently present before the court for minor offences. This has forced the Irish courts to become a surrogate for mental health services: detecting and selecting the best treatment for mentally ill defendants (Finnerty, 2021). When a defendant is being charged with a crime, there may be a time when the issue of a defendant's FST is raised, typically prior to the commencement of the trial. This can be done by the defence counsel, the prosecution, or the presiding judge, but the ultimate conclusion regarding the defendant's fitness remains with the governing judge (Hanly, 2015; Ní Choileáin, 2017; Section 4 of the Criminal Law (Insanity) Act 2006). Where an individual is found to be suffering from legal insanity by reason of mental disorder[1], this insanity may strip the individual of the capacity to comprehend the court proceedings being brought against them. Undoubtedly, such an individual is not able to adequately defend themselves and justice stipulates that the trial cannot proceed (Hanly, 2015; Ní Choileáin, 2017). Subsequently, in cases where a defendant's fitness is a concern, psychiatrists and psychologists may be enlisted to determine whether the defendant is fit to fairly stand trial, and these clinical examinations may be utilised when deciding if the trial should continue (Brown et al., 2018). If the defendant is deemed 'fit' for trial, proceedings will continue. However, if the defendant is found 'unfit', the proceedings are halted and the defendant is brought to a mental health facility for treatment (Hanly, 2015; Ní Choileáin, 2017).

Despite the importance of the FST process, research into the area of attitudes and legal decision-making within the FST framework is under investigated (Adjorlolo & Chan, 2017).

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[1] Section 1 of the Criminal Law (Insanity) Act 2006 defines a mental disorder as including 'mental illness, mental disability, dementia or any disease of the mind but does not include intoxication'.

However, many studies have investigated attitudes and decision-making in the insanity defence, which can provide some insight into factors affecting the legal decision-making process. These studies highlight that legal decision-makers are influenced by their own prejudices, beliefs, and previous experiences (Baez et al., 2020; Berthet, 2022; Howitt, 2018; Skeem, Louden, & Evans, 2004). Importantly, the gender[2] and race[3] of both the decision-maker and the defendant play a role. Regarding gender, Adjorlolo and Chan (2017) illustrate that females are more probable to view a defendant as unfit than males. This finding correlates with previous insanity defence research which highlights that females are more accepting of the use of psychology in the courtroom and hold a more positive attitude toward the insanity defence than males (Breheney, Groscup, & Galietta, 2007; Finkel & Handel, 1988, 1989; Hans & Slater, 1984). Concerning a defendant's gender, women are treated more leniently than men at all stages of the criminal justice system (Godfrey et al., 2005; Kempinen, 1983; Kruttschnitt, 1984; Nagel & Johnson, 1994; Spohn, 1999; Spohn & Welch, 1987; Willison, 1984; Visher, 1983). Similarly, in fitness evaluations, women are more likely to obtain a clinical evaluation of unfit to stand trial (Nicholson & Kugler, 1991). Regarding race, research states that legal decision-makers often grant harsher judgements for defendants who are from other racial groups than their own and make more favourable judgments for defendants from the same racial group as themselves (Devine & Coughlan, 2014; Hunt, 2015; Mitchell, Haw, Pfeifer, & Meissner, 2005). In fitness assessments, Black defendants and are more inclined to be deemed unfit for trial than White defendants (Nicholson & Kugler, 1991; Pinals, Packer, Fisher, & Roy-Bujnowski, 2004). These studies illustrate that gender and race may impact FST procedures, highlighting a problematic relationship between a defendant's demographics and legal processes. However, an investigation examining the intersectionality of race, gender and legal decision-making in an Irish context must be undertaken to ensure the authenticity and sincerity of the justice system.

1.3 Current Problems in FST Decision-Making

This section will examine the current state of the FST standard by considering the malleability of legal decision-making and difficulties faced by legal professionals in understanding

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[2] Please see Appendix A for a discussion of how the term "gender" is used in the present study.
[3] Please see Appendix B for a discussion of how the term "race" is used in the present study.

defendant behaviour and FST indicators. FST indicators are the legal criteria that must be satisfied to find the defendant 'unfit' for trial.

There is a lack of research focused on FST intersectionality, especially in relation to attitudes, decision-making and the influence of race and gender (Riley, 1998). A defendant's race and gender may influence the ultimate decision concerning their fitness because gender-bias and race-bias may be apparent in determinations (Harris & Weiss, 2018; Riley, 1998). This is alarming because the justice system is directed to focus on responsibility (Wolfson, 2014), not demographic characteristics. If bias exists, human rights and constitutional guarantees may be violated (Burton, 1990; Nicholson & Johnson, 1991; Nicholson & Kugler, 1991; Rogers, Gillis, McMain, & Dickens, 1988). Moreover, studies have demonstrated that gender and race have a significant impact in legal decision-making, particularly judicial decision-making, juror decision-making, and attorney decision-making (see Gleason, Jones, & McBean, 2018; Hahn & Clayton, 1996; Manning, Carroll, & Carp, 2004; Mitchell, Haw, Pfeifer, & Meissner, 2005; Mossiere & Dalby, 2008; Steffensmeier & Britt, 2001)[4]. These groups of decision-makers – attorneys and judges – are of particular importance due to their ability to raise the issue of a defendant's FST (Hanly, 2015); despite this, studies examining decision-making in FST proceedings are lacking.

A heavy burden is placed on legal practitioners to make the behaviours indicative of unfitness apparent to the court as judges are not obliged to question a defendant's fitness. Unfortunately, many lawyers may not have knowledge and training in the effects of mental illness on courtroom behaviour (Adjorlolo & Chan, 2017). As a result, these lawyers may be unable to determine how these subtle behaviours correspond to the legal indicators of FST. This can make the detection of unfitness challenging, and due to the absence of mandatory fitness assessments (Rogers, Blackwood, Farnham, Pickup, & Watts, 2008), many unfit defendants may be deemed 'fit' and subsequently placed into the justice system without their fitness issues being addressed (Adjorlolo & Chan, 2017; Grubin, 1991). Hence, it is essential to investigate professional opinions regarding the relevance of certain FST indicators to address

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[4] Please note, much of the research reviewed in this thesis comes from the UK, USA and Canada as there is a lack of available Irish research concerning FST attitudes and decision-making. Therefore, cultural differences may affect the transferability of these findings to an Irish context. Still, the Irish criminal justice system possesses many similarities with the UK, USA and Canada such as being adversarial in nature and stemming from English common law. Furthermore, the FST concept has been shown to be similar across adversarial, common law legal jurisdictions (see Adjorlolo & Chan, 2017; Houidi and Paruk, 2021). Consequently, utilising international research is warranted in the absence of Irish data.

these issues, and to explore attitudes and legal decision-making in the concept to ensure that every defendant is treated fairly in the criminal justice system.

1.4 Rationale for the Present Study

Regarding the FST studies that have been carried out to date, few have been conducted in Ireland. Most of the Irish research typically concerns the legal formulation of the concept and critiques of FST law (e.g., Whelan, 2007). Importantly, no research has been conducted concerning attitudes and decision-making in an Irish setting, providing a further impetus for the present study. Indeed, issues are also evident within previous studies. Studies concerning gender radically exclude female defendants from examination (Riley, 1998), and as a result, Riley (1998) calls for large scale, quantitative designs to be implemented to bring a halt to the vague understanding of the current gender relationship in FST procedures. Fundamentally, of the studies that have been conducted, many have focused solely on exploring assessment-related difficulties such as assessment guidelines, methods of assessment, and the quality of assessment tools (Adjorlolo & Chan, 2017). Consequently, Adjorlolo & Chan (2017) invite researchers to partake in further empirical exploration into the factors which can affect legal decision-making regarding FST.

Vitally, it is understood that prison populations globally have an elevated prevalence of mental illnesses, substance dependence disorders, learning disabilities and additional developmental disorders (Fazel & Danesh, 2002). Studies of psychiatric morbidity in Irish prisons conclude that there is a high frequency of individuals with severe mental illnesses in all parts of the prison population (Kennedy et al., 2005; Duffy, Linehan & Kennedy, 2006; Smith, O'Neill, Tobin, Walshe, & Dooley, 1996). Finnerty (2021) states that many psychiatric services within prisons are overwhelmed by the proportion of mental illness among prisoners and diversion to the Central Mental Hospital (CMH) is difficult. For instance, the High Support Unit (HSU) at Mountjoy prison is continuously at maximum capacity (Finnerty, 2021). Moreover, lower rates of literacy, low IQs and substantial degrees of intellectual disability are evident in Irish prison populations (Morgan & Kett, 2003; Murphy, Harrold, Carey, & Mulrooney, 2000). When these difficulties cause an individual to be incapable of understanding the court process, it would be unfair to force that individual to stand trial until they are fully capable of participating in court proceedings. More precisely, if these individuals were found

to be 'unfit', they would be brought to the CMH for treatment instead of prison (Hanly, 2015). Yet, decisions pertaining to a defendant's fitness may be faulty as unfit defendants may be determined 'fit' and in certain cases, referrals for a decision may not be made (Grubin, 1991; Hoge, Bonnie, Poythress, & Monahan, 1992; Poythress, Bonnie, Hoge, Monahan, & Oberlander, 1994). This may force a vulnerable individual into a situation where they are forced to stand trial and are subsequently convicted despite their inability to participate in their defence. The individual may then be processed through the criminal justice system (Grubin, 1991), which according to WHO (n.d.) is the wrong locale for individuals in need of mental health treatment.

Therefore, the present study seeks to examine attitudes and decision-making in FST decisions to address the gap in the literature, understand the issues with previous studies, and to identify whether prejudices concerning race, gender, mental illness, and punitiveness may hinder the referral process and consequently protect vulnerable defendants from prison.

1.5 Purpose of the Research, Aims and Objectives

The aim of this study is to determine whether the factors of gender, race, and extra-legal variables (defined as variables which are not governed by law but can affect legal decision-making such as defendant age, gender, socio-economic status etc. (Brewster, 2002; Hilinski-Rosick, Freiburger, & Verheek, 2014)) of punitiveness levels and attitudes toward mental illness have an influence on a legal professional's/professional in training's attitude and decision-making in FST procedures. Legal professionals (judges, solicitors/barristers, law lecturers) and trainees (from professional law courses in Ireland) are the population of interest as these individuals have knowledge in the area of FST and currently oversee or will likely, in the future, oversee the raising of the issue of FST. If a vulnerable defendant is forced to stand trial when they are mentally incapable of assisting in their defence, or if a defendant is mistakenly deemed fit when they are not, this would be problematic. If FST procedures are influenced by demographics like race and gender or by extra-legal factors, the integrity of the judicial system may be called into question. Subsequently, the Constitutional guarantee of a fair trial may be impeded. Establishing possible biases in attitudes and decision-making may positively affect the content of the curriculum employed to train legal staff and future lawmakers. Therefore, FST law and practices may be refined to prevent bias in decision-

making (Adjorlolo & Chan, 2017; Houidi & Paruk, 2021; Kamba, 1974). Overall, by using a quantitative, exploratory, survey-based methodology, the present study seeks to contribute to the FST literature by expounding on the demographic and extra-legal factors which may affect FST decision-making and attitudes.

Specifically, the present study aims to investigate:

1) Attitudes regarding the relevance of FST indicators.

2) Whether gender has an influence on legal attitudes and decision-making in FST decisions.

3) Whether race has an influence on legal attitudes and decision-making in FST decisions.

4) Whether the extra-legal factors of punitiveness and attitudes towards mental illness have an influence on FST decisions.

This dissertation will be presented in the following chapters: Introduction, Literature Review, Methodology, Results, and Discussion. The Introduction has discussed the overall context and findings of the research area. The Literature Review will critically discuss the existing literature on the topic of attitudes and legal decision-making within the FST standard. The Methodology chapter will outline how the present study's exploratory, online, quantitative survey-based methodology was used to collect data. Following, the Results chapter will answer the present study's research questions using SPSS analysis. Finally, the Discussion chapter will further scrutinise the results by comparing the present study's findings with existing FST literature.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This study aims to examine whether the demographic factors of gender and race have an influence on legal attitudes and decision-making in fitness to stand trial (FST), and whether the additional legal decision-making influences of punitiveness levels and attitudes regarding mental illness affect such a belief. Accordingly, this chapter will investigate previous academic research examining attitudes towards and legal decision-making in FST determinations. In order to understand what can influence FST attitudes and decision-making, it is essential to comprehend the legal underpinnings of the FST concept, attitudes regarding the relevancy of FST indicators, and studies investigating the influences of gender, race, punitiveness and opinions pertaining to mental illness in FST attitudes, determinations and decision-making.

The literature review will begin by defining FST and examining its legal underpinnings, including a review of the Irish formulation of FST. Academic literature on the legal concept of FST and attitudes regarding the relevancy of FST indicators will be examined. The academic literature on attitudes and legal decision-making focused on the FST standard will be analysed. Here the impact of race and gender on FST attitudes, determinations and decision-making will be explored. Additionally, the effect of extra-legal decision-making factors like punitiveness and attitudes towards mental illness and their effect on FST attitudes and decision-making will be considered. Finally, the chapter will highlight the relevance of these findings to the present study.

2.2 Fitness to Stand Trial

The criminal justice system is fixed upon responsibility. To be convicted of a crime, it must be shown that the defendant was consciously aware of what was done, when it was done (Wolfson, 2014). The impetus that the prosecution verify the *mens rea*, or the culpable mental element of the offence – i.e., knowledge and intent – translates to the idea that criminal penalties should not be enforced upon an individual unless they were responsible for the commission of the crime (Bull et al., 2006; Hanly, 2015). This responsibility derives from the defendant's ability to understand the wrongdoing in their act, the risks involved in such an act, or their failure to

behave in a reasonable manner (Hanly, 2015). Criminal law handles such instances by regarding insane offenders as patients who possess no criminal accountability for their actions but ensures that these individuals are subject to medical care if necessary (Hanly, 2015). As a result, the topic of insanity and FST within criminal law has been contentious (Arrigo & Bardwell, 2000; Caplan, 1995; Daftary-Kapur, Groscup, O'Connor, Coffaro, & Galietta, 2011; Hanly, 2015). Nevertheless, FST is an important part of the legal system, especially in common law countries (Van den Anker, Dalhuisen, & Stokkel, 2011). According to Stone (1975, p. 200) FST decisions are "the most significant mental health inquiry pursued in the system of criminal law".

Many criminal justice systems emphasise that defendants should be able to effectively assist in their own defence at trial (Hollin & Swaffer, 1995). FST[5] is related to a defendant's ability to satisfactorily participate in this court process and requires that the defendant aid in formulating their own defence (Adjorlolo & Chan, 2017; Brown, 2019; Howitt, 2018). FST does not concern whether the individual was sane at the time of the offence's committal as is the case with the insanity defence nor does it question the rationale for having committed the crime, rather it involves whether the individual is sane at the time of the trial's occurrence (Hanly, 2015; Howitt, 2018). As Verdun-Jones (1989a) states, the doctrine exclusively regards the accused's state of mind at the time of the trial and is guided toward determining their capacity to participate adequately in that trial. A 'fit' defendant should possess the ability to consult with their lawyer, assist in making their defence, comprehend the charges, evidence and proceedings against them, plead to a charge, and understand court procedures (Adjorlolo & Chan, 2017; Berman, 1988; Section 4 of Criminal Law (Insanity) Act 2006). An 'unfit' defendant would typically lack one or more of these abilities.

The reasons for finding an individual unfit often incorporate poor cognitive functioning or mental illness on the part of the individual (Howitt, 2018). If a defendant is subsequently found to lack in cognitive resources or possess a mental illness, they cannot sustain a sufficient psychological presence in court and therefore, the validity of the proceedings, the veracity of the trial, and the morality of the judicial process is brought into question (LaCombe-Hitchen, 1994; Winick, 1983). As a result, the criminal justice system demands that the trial cannot begin (Hanly, 2015). Essentially, FST is a twofold construct, in which the defendant is found

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[5] Also referred to as competency to stand trial, fitness to plead, fitness to be tried, and adjudicative competency.

either competent/fit or incompetent/unfit to stand trial (Rogers, Blackwood, Farnham, Pickup, & Watts, 2008). There is no room for degrees or variations of fitness within this construct (Adjorlolo & Chan, 2017). This sets out the formulation of FST and the next section will review the current laws governing a defendant's FST in Ireland to provide an understanding of the existing criteria utilised for finding a defendant 'unfit' to stand trial.

2.2.1 Fitness to Stand Trial in Ireland

FST in Ireland is governed by the Criminal Law (Insanity) Act 2006, as amended by the Criminal Law (Insanity) Act 2010. This act was brought in to consolidate Irish insanity law and address the issues evident with the previous FST precedent set out in *State (Coughlan) v Minister for Justice (1968)* such as breaches of the Irish Constitution and ECHR and problems with the detainment of mentally ill defendants to the CMH (Carolan, 2005; Hanly, 2015: Whelan, 2007). Presently, Section 4 of the 2006 Act regulates FST. The issue of the defendant's FST can be raised by either the prosecution, the defence, or the court itself, but the ultimate decision regarding FST lies with the presiding judge. If an individual is to be declared unfit to stand trial by reason of a mental disorder under Section 4(2), it must be shown that they are unable to comprehend the proceedings before them with regards to:

- making a plea;
- making a defence;
- challenging a juror;
- understanding the evidence;
- electing for a jury trial; and
- instructing legal counsel.

If the individual satisfies this criterion to be found unfit for trial, the trial may be postponed, and the individual may be consigned to a mental health facility for treatment until they are capable of standing trial. Alternatively, if the defendant is deemed fit for trial, the prosecution will proceed before the appropriate court (Hanly, 2015; Ní Choileáin, 2017).

Crucially, this Irish FST test has suffered criticism. It is argued that the test should be raised to a higher standard of analytical capacity to include a broader test of intellectual abilities rather than an examination of traditional cognitive criteria (Schneider & Bloom, 1995; Whelan, 2007). It has also been proposed that the law should require an individual to possess decisional

capacity to legitimately participate in the trial process (Mackay, 1995). Additionally, it has been put forward that the test should encompass the defendant's capabilities to participate effectively in their proceedings (Scottish Law Commission, 2004). This proposition is based on European caselaw, and it is suggested that this widening of the scope of the fitness test would better protect the right to a fair trial (Whelan, 2007). Regardless, Conway (2003) affirms that the inclusion of a general standard of the capability to make an adequate defence in the unfitness criteria permits the widening of such criteria beyond the scope of mere cognitive elements. This conveys the Irish law regulating FST with its formulation under Section 4 of the Criminal Law (Insanity) Act 2006 and criticisms the test has faced. Interestingly, a precise comprehension of Irish legal professionals' attitudes toward FST indicators has not been undertaken. Understanding which indicators are deemed relevant or irrelevant by legal professionals may provide an insight into the merits and demerits of the Irish FST test. This may have policy implications and may permit policymakers to consider viable ways to improve FST legislation and practices (Houidi & Paruk, 2021; Michaels, 2012). Following, the next section will review attitudes regarding the relevancy of FST indicators.

2.3 Attitudes toward the Significance of FST Indicators

Trial fitness is concerned with the accused's level of competence to permit a suitable level of participation in the court mechanism (White, Mears, & Batchelor, 2013). Therefore, the FST indicators employed for judging the accused's level of competence are fundamental in a court setting. Unfortunately, there is little research concerning decision-makers' attitudes toward the relevancy/significance of these FST indicators. Nevertheless, a US Group for the Advancement of Psychiatry (1974) provided a list of abilities associated with trial fitness, highlighting which indicators are relevant to a FST determination. This group submits specific court-related functions as signs for an accused's FST, which include the capacity to comprehend the arrest process, understand the appropriate facts, identify and locate witness, appraise the likely outcome of the case, and understand the roles of court staff, etc.

Building upon this list of fitness elements and incorporating FST criteria from England and Wales, the US, Canada, Australia and Hong Kong, Adjorlolo and Chan (2017) constructed the Competency to Stand Trial (CST) Scale. Fundamentally, when examining the factors which can influence FST determinations, these researchers found that participants supported the

majority of items (22 out of 26) endorsed in the CST Scale as relevant to whether a defendant is fit or unfit for trial. This indicates that certain items are viewed as more significant than others when determining whether a fitness evaluation is required for a defendant. For instance, participants believed that the defendant's ability to understand the charges against them was more relevant to trial fitness than the ability to challenge the prosecution. More specifically, Adjorlolo and Chan (2017) found that numerous factors can influence this FST attitude. Female participants and those low in punishment-oriented attitudes were more likely to be supportive of the relevancy of an array of FST indicators than males and those high in punishment-oriented attitudes (these influences will be discussed in further detail later in this review). However, this study is limited by using a small, student sample and an inability to manipulate numerous variables (Adjorlolo & Chan, 2017). Despite these limitations, it is clear that attitudes regarding the relevancy of FST indicators can vary and these attitudes may be affected by a variety of variables. Consequently, investigating the FST attitudes of Irish professionals and the influences of demographic and extra-legal variables is warranted.

Again, as previously mentioned, problems may arise here. Legal professionals are not psychological experts and may not understand how human behaviour correlates with FST indicators (Adjorlolo & Chan, 2017). Typically, the issue of a defendant's FST is raised when there are implications that the defendant is suffering from a mental disorder (Adjorlolo, Chan, & Agboli, 2016; Jackson, 2003; Rogers et al., 2008; White, Batchelor, Pulman, & Howard 2012; Zapf, Roesch, & Pirelli, 2014). Yet, in instances where a professional lacks the ability to understand how legal FST indicators relate with mentally ill behaviour, the issue of FST may not be raised. Therefore, understanding legal professionals' attitudes regarding the significance of FST indicators may serve to highlight the inner workings of the Irish FST system and thus provide a deeper insight into FST attitudes, which may facilitate legislative and practical developments within FST law (Eberle, 2009; Maine, 1871).

Another underexplored area within FST research is attitudes and the decision-making process, especially the influence of factors like gender, race, punitiveness, and attitudes toward mental illness which may be probable to influence this process. This underexplored area will be investigated next.

2.4 Attitudes and Legal Decision-Making in Fitness to Stand Trial

Attitudes are defined as a pre-disposition to react to a specific object in either a favourable or unfavourable manner (Allport, 1935; Ajzen, 1982). They can be formed through various means such as positive and negative reinforcement, direct personal experience, associations with stimuli and responses, by observing others, and through genetic factors (Bordens & Horowitz, 2001; De Lamater et al., 2018; Plomin, 1989), but can be altered for numerous reasons including social influence, cognitive dissonance, and persuasive communication (Aronson, Wilson, & Akert, 2007; De Lamater et al., 2018; Festinger, 1957; Petty & Cacioppo, 1986). Legal decision-making is concerned with the legal determinations made by any individual participating in the legal process (Hawkins, 1986; Kagan, 1984). Essentially, these decision-makers, which include persons like judges, lawyers, members of the jury etc., can be influenced by stereotypes and biases which permit efficiency in the making of complex legal decisions (Bodenhausen & Lichtenstein, 1987; Bornstein & Rajki, 1994; Farrell & Holmes, 1991; Collins, Manning, & Carp, 2010; Hamilton, 1979; Howard 1984; Lurigio & Carroll, 1985; Prentice & Koehler, 2003; Sudnow, 1965). These stereotypes are continually reinforced through daily court-related interactions (Emerson, 1983; Farrell & Holmes, 1991; Sudnow, 1965). Vitally, these stereotypes are resistant to change and are persistently reaffirmed by the official accounts of crime published in police, probation, coroner, and court reports (Drass & Spencer, 1987; Lurigio & Carroll, 1985; Ross & Anderson, 1982). Attitudes and legal decision-making are relevant to this study because the present study is specifically examining whether FST attitudes and decision-making can be influenced by gender, race and extra-legal decision-making elements.

Attitudes and legal decision-making in the FST standard are relatively unexplored. Typically, studies have focused on exploring assessment-related difficulties instead of examining FST attitudes and decision-making (Adjorlolo & Chan, 2017). However, certain research has examined attorney referrals for fitness evaluations. Attorneys question the fitness of their clients in approximately 8-15% of cases, but only refer around 20-50% of these defendants for an evaluation (Hoge, Bonnie, Poythress, & Monahan, 1992; Poythress, Bonnie, Hoge, Monahan, & Oberlander, 1994). It is believed that attorneys raise the issue of FST for conflicting reasons. Hoge et al. (1992) explain that attorneys raise the issue of fitness due to their client's impaired behaviour and inability to construct a defence, whereas Melton, Pemla, Poythress, and Slobogin (1987) state that attorneys utilise the issue for more strategic reasons

like delaying the proceedings to allow for time to gather information. Still, these percentages do not provide a clear insight into FST attitudes and how these attitudes can affect FST decision-making.

Many studies have investigated attitudes and the effects of gender, race, and legal decision-making in the insanity defence (Costanzo & Krauss, 2012; Zapf et al., 2014). Although there are numerous differences evident between the insanity defence and FST – mainly, FST focusses on the defendant's mental capabilities at trial whereas the insanity defence concerns the defendant's mental abilities at the time of the offence's committal (Louw, 2001; Zapf, Zottoli, & Pirelli, 2009) – there is an overlap between the two legal doctrines. These similarities include: the two concepts' implementation of psychology/psychiatry within the courtroom; the concepts are of importance to defendants for whom mental capacity may be a problem; both have been denoted as "insanity" by the courts; many defendants who successfully plead insanity have prior judgements of unfitness; and the parallels apparent between the characteristics of insanity acquittees and those referred for a fitness assessment (Cirincione, Steadman, & McGreevy, 1995; Golding, Skeem, Roesch, & Zapf, 1999; Louw, 2001; Lymburner & Roesch, 1999; Nicholson & Kruger, 1991; Roesch & Golding, 1980; Roesch, Ogloff, Hart, Dempster, Zapf, & Whittemore, 1997; Zapf et al., 2009; Zapf & Roesch, 1998). Thus, due to the lack of FST research, the use of literature pertaining to attitudes and decision-making in the insanity defence is warranted (see Adjorlolo & Chan, 2017). Chiefly, studies portray that legal decision-makers are not blank slates; rather, they are heavily influenced by their own prejudices, personal beliefs and implicit biases, and these biases can significantly affect the decisions they make (Englich, Mussweiler, & Strack, 2006; Miller, 2018; Rachlinski, Johnson, Wistrich, & Guthrie, 2008; Rachlinski, Wistrich, & Guthrie, 2015; Skeem et al., 2004; Wistrich, Rachlinski, & Guthrie, 2015). As Rachlinksi et al. (2008) put it: "Justice is not blind" (pp. 1196).

In general, attitudes towards the insanity defence are overwhelmingly negative (Daftary-Kapur et al., 2011; Hans, 1986; Skeem & Golding, 2001). Perceptions about the defence are inflexible and pessimistic due to misconceptions about the defence's use, success rate, and its legal footing (Bloechl, Vitacco, Neumann, & Erickson, 2007; Hans, 1986; Jeffrey & Pasewark, 1984; Pasework & Seidenzahl, 1979; Silver, Cirincione, & Steadman, 1994). It has been proposed that these negative attitudes may stem from the media's reporting of the defence as individuals may formulate a view that the insanity defence grants violent, mentally

ill individuals re-entry into society (Golding, 1992; Silver et al., 1994; Wilber, 2019; Zapf et al., 2009). Considering that the FST standard is often seen as a legal loophole to avoid criminal responsibility (Dolmage & Singletary, 2018), the above discoveries may also be applicable to attitudes therein. Research shows that legal decision-makers' implicit theories of insanity powerfully influence the conclusions they make about a defendant's cognitive state (Roberts & Golding, 1991; Zapf et al., 2009). For instance, utilising an insanity case vignette, Daftary-Kapur et al. (2011) found that knowledge of the insanity defence can predict verdict decision-making such that those who believed there was no risk to a defendant who pleads insanity were less likely to find the defendant not guilty by reason of insanity (NGRI). In conjunction, studies outline that differences in the wording of the insanity standard have little effect on the decision-making procedure (Finkel, 2000; Finkel & Duff, 1989; Finkel & Handel, 1988; Finkel, Shaw, Bercaw, & Koch, 1985). This suggests that legal decision-makers depend on their own conceptualisations of insanity and therefore, decisions made and issues raised can rely on the decision-maker's previous attitudes and understandings rather than the appropriate legal formulation (Zapf et al., 2009).

Regarding legal professionals, attitudes towards the insanity defence are mixed. As no relevant Irish data is available, US-based research must be scrutinized but cross-cultural applicability issues must still be appreciated. Essentially, defence attorneys possess a more favourable opinion of the defence, while prosecutors hold a less favourable attitude (Blau & McGinley, 1995; Burton & Steadman, 1978; Jordan & Myers, 2003). This is likely since a prosecutor's aim is to convict defendants, whereas a defence attorney aims to have their client acquitted or limit their exposure to criminal sanctions (Jordan & Myers, 2003). Yet, studies examining attorney perceptions are often limited due to small sample sizes, imbalances in populations and volunteer bias (Blau & McGinley, 1995; Jordan & Myers, 2003). Attorney attitudes may be affected by experience with insanity cases (Craig, 1980; Pasewark & Craig, 1980). Pasewark and Craig (1980) found that attorneys with more professional involvement in the insanity defence hold a more positive attitude toward the defence than those with less involvement. However, in addition to a small sample size and only examining attorneys in Wyoming, the researchers did not examine statistical significance between groups, thus limiting the conclusions. Also, conflicting studies suggest that experience may not be a significant foreteller of insanity defence attitudes (see Jordan & Myers, 2003).

Therefore, it is clear legal decision-makers' attitudes toward the insanity defence may vary; however, research indicates they appear to be more negative than positive. Consequently, it is fundamental to develop a precise comprehension of whether FST attitudes similarly vary as there is presently no research in this regard; this may provide an understanding of how such FST attitudes can guide FST decision-making. While FST attitudes cannot be directly tied to behaviour concerning FST – for instance, whether the issue of FST would be raised – they may provide an insight into the systematic implicit biases of legal decision-makers and how these biases affect FST decision-making. An analysis of the possible influence of gender, race, punitiveness and mental illness attitudes in this regard is necessary to determine whether decision-makers' implicit biases affect the decisions made in the legal system.

2.5 The Influence of Gender

2.5.1 Gender and the Criminal Justice System

In all areas of the criminal justice and legal systems, gender[6] plays a role; it has a significant impact on legal decision-making and attitudes, and the defendant's gender can also be an influencing factor (Godfrey, Farrall, & Karstedt, 2005; Nagel & Johnson, 1994; Miller, 2018). Therefore, possible gender divergences must be explored to substantiate a possible explanation for these differences. However, it must be stated that the majority of research in this regard is US based which requires recognition of cross-cultural applicability issues. Considering that Ireland and the US are not the same jurisdictions and have different laws and differing societal views, this may limit the generalisability of US research to Ireland (Buil, de Chernatony, & Martinez, 2012; Deffner, Rohrer, & McElreath, 2021; Durvasula, Lysonski, & Andrews, 1993). Still, Ireland does possess similarities to the US legal system, namely they are both adversarial, have roots in English common law, and their court structures and FST procedures are similar (Houidi & Paruk, 2021; Washington University Law, 2014). Therefore, reviewing US based research for the present study is a plausible alternative where there is an absence of Irish research.

Research highlights that women are treated more compassionately than men at every stage of the criminal justice system as women receive more lenient sentences and softer

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[6] Please note that in the following sections the studies reviewed examine gender as a binary construct, i.e., male or female. Please see Appendix A for a discussion of how "gender" is used in the present study.

penalties for identical crimes to men, reflecting a prosecution and sentencing bias (Carson & Sabol, 1990; Godfrey et al., 2005; Kempinen, 1983; Kruttschnitt, 1984; Nagel & Johnson, 1994; Spohn, 1999; Spohn & Welch, 1987; Willison, 1984; Visher, 1983). In essence, women are viewed as more favourable defendants (Daly & Bordt, 1995; Freiburger, 2010; Spohn & Beichner, 2000). This "gender gap" – as it has been called (Geppert, 2022) – can further be seen from discrepancies amidst male and female prison committals, with 6,276 male imprisonments compared to 894 female confinements in Ireland in 2019 (Irish Prison Service, 2020). Critically, judicial decision-making can be affected by gender biases. Miller (2018) examined more than 500 US judges to reveal that cultural ideations about gender prejudices may influence judges' decision-making as judicial expertise does not inhibit gender bias. This study possesses numerous strengths, particularly a large sample size, which adds trustworthiness and validity (Faber & Fonseca, 2014) to the findings. Effectively, a defendant's treatment at trial can be significantly influenced by their gender (Geppert, 2022; Miller, 2018).

Numerous explanations have been proposed as to why this gender dissimilarity exists. Fundamentally, men are seen as considerably more dangerous than women. Women tend to enact crimes against family members whereas men attack strangers, constituting the view that males are more threatening (Breheney, Groscup, & Galietta, 2007; Seig, Ball, & Menninger, 1995; Xie, 2000). Thus, men are seen as less sympathetic defendants. This notion has been evident throughout history and is upheld by General Strain Theory, which states that women's anger causes them to blame themselves, resulting in self-destructive behaviour, whereas men tend to blame others and are less worried about the effects of their anger, leading to violent crime (Broidy & Agnew, 1997; O'Grady, 2007; Prior, 2006). Despite criticisms over the theory being too broad, it entertains longitudinal empirical support (e.g., Paternoster & Mazerolle, 1994) and is supported by the claim that men are accountable for most serious crimes (Agnew, 2001; Agnew & Whiter, 1992; Carey, 2016; Jensen, 1995). Similarly, studies which use developmental and life course theories of crime like Moffitt, Caspi, Rutter and Silva (2001) conclude that antisocial behaviour is more likely to develop in males due to the influence of neurodevelopmental disorders like hyperactivity and autism, and socialisation theories posit that teaching boys typically masculine traits like toughness can force them to become more delinquent than girls (Cloward & Ohlin, 1960; Sutherland, 1924). Additionally, it has been theorised that women are treated more favourably due to their perceived position in the home. Daly (1987a; 1987b; 1989b) found from interviewing judges that men and women with families

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are treated more leniently. However, judges favour a caretaking role over breadwinning, thus leading to more favourable treatment for women, particularly those in caretaking roles. Geppert (2022), in more contemporary research, finds that judges tend to view women as caretakers and treat them more leniently to protect the family's best interests. Men in a caretaking role do not experience this same treatment (Geppert, 2022). Taken together, it is notable that societal views of gender may play a role in why a gender gap endures in the criminal justice system.

These various studies into gender differences within the criminal justice system emphasise that the gender of the defendant can influence the treatment they receive at trial, but contradictory evidence exists. Mossiere and Maeder (2016) propose that the defendant's gender does not always have an influence on their treatment at trial, albeit the behaviour of the defendant can be attributed to the defendant's gender. In their study, it was concluded that gender differences can stem from mock-jurors' perceptions of internal characteristics and the solidity of criminal behaviour (Mossiere & Maeder, 2016). This can be further explained by the Fundamental Attribution Error, where the female defendant's actions are perceived to stem from her personality, whereas the male's behaviour is perceived to develop from environmental and societal influences. Shortcomings of this research include the unrepresentativeness of the jury sample and an absence of juror activities like deliberations (Mossiére & Maeder, 2016). Furthermore, the idea of a declining gender gap in crime has been put forward by scholars, arguing that women are committing more offences, leading to a rise in women's convictions for violent offences (see Estrada, Backman, & Nilsson, 2016 for a review).

Again, cross-cultural differences between Ireland and the US must be appreciated when interpreting this research. Notwithstanding, an abundance of research implies that men and women undergo immensely different experiences when confronted with the criminal justice system: women are treated more leniently and men are treated more harshly. Therefore, it may be inferred that legal decision-making tends to favour female defendants, i.e., when a defendant is female they will receive more sympathetic treatment from legal decision-makers than if they were male. In the next section, the influence of gender in FST decisions will be considered.

2.5.2 Gender in FST Determinations

FST determinations are a prerequisite for a trial to proceed, and gender biases may result in alternate outcomes for male and female defendants (Kois, Pearson, Chauhan, Goni, &

Saraydarian, 2013; Riley, 1998). Yet, the effect of gender in this area is relatively unexplored and many jurisdictions cannot identify the number of women found unfit for trial (Riley, 1998; Steadman, 1987). Unfortunately, there is no available Irish data concerning gender and FST decisions. Consequently, data from alternative sources must be scrutinised. According to Kois, Chauhan and Warren (2019), the majority of research carried out concerning the demographic characteristics of defendants referred for FST evaluations has been done in the US or Canada (Zapf & Roesch, 2009), so these conclusions may not necessarily reflect the situation in Ireland due to cultural deviations. Still, with a lack of Irish and European data on this topic, the North American-based research is the only available alternative to review.

For years, researchers have questioned whether the judicial system discriminates between male and female FST defendants (Nicholson & Kugler, 1991; Sikorski & Benedek, 1977; Steadman, 1987; Steadman, Rosenstein, MacAskill, & Manderscheid, 1988). Although the area is underexamined, a meta-analysis of 8,170 FST evaluations by Nicholson and Kugler (1991) found that, when compared to males, females were more inclined to receive a clinical evaluation of unfit to stand trial. It is not known whether gender divergences within the expression of mental illnesses or differences within the performance on standardised competency tests justify these findings (Riley, 1998). Similarly, Yourstone, Lindholm, Grann and Svenson (2008) argue that gender-biases are evident within forensic psychiatric evaluations with female defendants having an elevated probability of being found legally insane and unfit for trial, thus forcing a gender bias to be noteworthy in FST proceedings. Comparably, although limited by a small number of unfit defendants, Riley (1998) concluded that females were more likely to be found unfit due to their presentation of psychopathic symptomology, particularly schizophrenic hallucinations. Schizophrenic women are more probable to convey persecutory delusions than schizophrenic men which can lead to extreme misinterpretations in a defendant's understanding of the trial process, ultimately prompting an unfitness judgment (Goldstein & Burd, 1990; Goldstein & Link, 1988; Goldstein, Santangelo, Simpson, & Tsuang, 1990; Hambrecht, Maurer, Hafner, & Sartorius, 1992).

Research has demonstrated that defendants diagnosed with a psychotic disorder are eight times more prone to be declared unfit (Pirelli, Gottdiener, & Zapf, 2011). Interestingly, Caldwell, Mandracchia, Ross, and Silver (2003) note that females are more inclined to be diagnosed with psychotic disorders during a fitness evaluation, and the resulting psychotic symptoms appear to predict unfitness findings more so for females than males (Crocker,

Favreau, & Caulet, 2002; Riley, 1998). Additional research supports that individuals accused of nonviolent crimes, compared to violent crime, are more likely to be opined as unfit for trial (Pirelli et al., 2011). Considering that females tend to commit nonviolent crime and males tend to commit violent crime (Messner & Sampson, 1991), this provides further support for the female inclination to be deemed unfit. There is a lack of conclusive findings regarding the role of gender in FST determinations as many studies contain a notably small sample size of females compared to males, disregard the gender variable when conducting multivariate analysis, or remove female participants from the study entirely (APA, 2011; Kois et al., 2013; Reich & Wells, 1985; Riley, 1998; Steadman, 1987). Regardless, it is postulated that a relationship between gender and FST decisions may be in existence (Riley, 1998), thus highlighting the need for further investigation. Recent Irish statistics portray that more men were admitted to the Central Mental Hospital in 2019 than women, with 92 male committals and 11 female committals (Daly & Craig, 2019), but it is unclear how many, or if any, of these individuals were referred for a FST examination.

In contrast to previous findings where females are more likely to be deemed unfit, in their meta-analysis, Pirelli et al. (2011) found that men and women were equally probable to be adjudged as fit or unfit to stand trial. However, the authors highlight abundant methodological shortcomings in the research they analysed. For instance, only 37 out of the 68 studies included incorporated female defendants and within these 37 studies only 17% of defendants were female, limiting the generalisability of the findings (Kois et al., 2012; Kukull & Ganguli, 2012). Also, Crocker et al. (2002) argue that males accused of violent crimes are ten times more inclined to be found unfit than those charged with a nonviolent crime. Zapf, Zottoli and Pirelli (2009) and Zapf and Roesch (2009) similarly state that in North America, defendants most commonly referred for fitness evaluations are male. However, as men are more likely to commit crimes and be present before a judge, it is expected that male referral statistics would outnumber female statistics.

Again, cultural deviations between Ireland and the North American based research reviewed must be respected. Notwithstanding, a gender disparity amidst male and female FST determinations may be apparent. Female defendants appear to be much more likely to attain a judgment of "unfit to stand trial" than males, possibly due to the expression of certain mental illnesses or the differences in diagnosing mental illnesses in men and women, but contrary evidence makes these conclusions more ambiguous. Despite this, it is possible to deduce that

FST decision-making may be affected by the defendant's gender; if the defendant is female, the likelihood of attaining a finding of "unfit" is higher than if the defendant were male. Next, the possible effect of gender on FST attitudes and FST decision-making will be investigated. Considering that attitudes and decision-making can be influenced by demographics like gender, its effect in FST proceedings must be questioned.

2.5.3 Gender and FST: Attitudes and Legal Decision-Making of the Decision-Maker

There is a lack of empirical data concerning the influence of gender on attitudes and decision-making in legal professionals (i.e., judges and lawyers). Much of the research focussed on attitudes and gender in legal professionals typically concerns employment matters (e.g., the number of female lawyers versus male lawyers, how implicit gender biases can affect the recruitment of lawyers). As Berthet (2022) and MacCoun (1989) argue: much of the research concerning legal decision-making centres on jurors and how they decide cases as it can be difficult to access professionals. Still, Howitt (2018) states that often, similar theoretical ideas can apply equally between legal professionals and jurors/laypeople. Legal professionals can be just as vulnerable to biases as laypeople, especially gender biases (Howitt, 2018; Miller, 2018).

Studies investigating the impact of gender on legal decision-making and attitudes have concluded that gender differences are evident (Adjorlolo & Chan, 2017). Using the CST Scale and a vignette, Adjorlolo and Chan (2017) propose that females are far more likely to adjudge a defendant as incompetent/unfit than males. Fundamentally, this finding conforms to previous insanity defence findings (Adjorlolo & Chan, 2017). Regarding gender and insanity, females hold a much more positive attitude toward the insanity defence than males (Breheney et al., 2007), females are more in favour of the use of psychiatry within the courtroom and are more inclined to give an NGRI verdict and acquit based on insanity (Finkel & Handel, 1988, 1989; Hans & Slater, 1984). Similarly, females attribute less criminal liability to an assailant when a description of the assailant's psychiatric illness has been provided, tend to ascribe less responsibility to an accused with a history of mental illness, and are more lenient than males when discerning that the defendant is mentally ill (Breheney et al., 2007; Faulstich, 1984; Hans & Slater, 1984).

Males and females possess different opinions when defining legal insanity. Females define the concept under the idea that the defendant was unaware of the actions they were

committing – "Don't know what you're doing" – whereas males characterise it in harsher ways – "dangerous to others, cannot cope in society" (Hans & Slater, 1984, p. 109). These findings are supported by Jordan and Myers (2003) who found that when professional respondents identified as liberal, females were more supportive of the insanity defence than males; this was not the case for conservative respondents. Moreover, studies of judicial decision-making suggest that female judges are more liberal and more sympathetic in decision-making (Songer & Crews-Meyer, 2000; Steffensmeier & Hebert, 1999) but this topic is heavily debated (see Gruhl, Spohn, & Welch, 1981; Kritzer & Uhlman, 1977; Myers & Talarico, 1987; Spohn, 1990; Steffensmeier & Hebert, 1999). Sadly, there is no available literature concerning gender, judicial decision-making and attitudes toward the insanity defence or FST. Nevertheless, the numerous studies into juror gender differences highlight that female decision-makers are generally more prone to be accepting of a verdict of NGRI than men, reinforcing the conclusion that women possess a more supportive attitude toward psychology's use within the court in comparison to men.

Much of the research above has limitations which are congruous with simulated jury studies (Breheney et al., 2007). For example, the generalizability of the mock jury findings can be called into question as an absence of authenticity can be concluded. It is also difficult to clone courtroom proceedings and atmosphere, which can impact the validity of results. The employment of college students in certain studies is troublesome as they may not acknowledge the gravity of the research being carried out (Breheney et al., 2007). In conjunction, contrary evidence states that legal decision-makers' gender and the verdicts they select may present mixed results (see Devine & Caughlin, 2014; Dunn, Cowan, & Downs, 2006; Yamamoto, Maeder, Mossiere & Brown, 2019). For example, Dunn et al. (2006) indicated that no difference was evident in insanity ratings dependent upon gender. Dunn and colleagues further concluded that the gender of the juror and its interaction with other variables such as the perpetrator's gender and method of killing, had no effect in predicting the legal decision-makers' attitudes. Yet, this experiment contains shortcomings in line with those of mock jury studies and includes limitations such as a disproportionate representation of females and issues with its description of a filicide case (Dunn et al., 2006). In any case, the abundance of empirical support for the existence of a gender bias is convincing.

Therefore, it can be acknowledged that gender plays a role within legal attitudes and decision-making with female decision-makers generally being more supportive of the insanity

defence than males. However, further investigation is warranted. In the interests of the present study, this may translate to the idea that female decision-makers may possess more supportive attitudes toward the FST standard and be more sympathetic in their FST decision-making (i.e., be more likely to adjudge a defendant as unfit and raise the issue of fitness more times than males). The next section will outline the influence of race in the FST concept. The effect of race within the criminal justice system, FST decisions, as well as attitudes and legal decision-making will be investigated.

2.6 Race and the Criminal Justice System

In the criminal justice system, race[7] is an issue. In the US and across Europe, Black communities are over-represented in prison populations (Fair Trials, 2021; Nellis, 2016). Black defendants experience a greater deal of incarceration, are over-policed and are arrested at higher levels (Barbee, 2002; Chesney-Lind, 2002; Fair Trials, 2021). The US National Prisoner Statistics Program specified that in 2014, African American males had the highest rate of imprisonment and were detained at a rate of 3.8-10.5 times higher than Caucasian males (Carson, 2015). Similarly, in the UK, Black men are 26% more probable to be held in custody than White men and are also 53% more likely to be sent to prison (Prison Reform Trust, 2020). However, certain statistics empahsise that this racial gap in prison committals is shortening (see Carson, 2020; Gramlich, 2019), but these findings are limited to inmates serving more than a year in state or federal US prisons (Gramlich, 2020). And still, Black detainees and other ethnic groups e.g., Hispanics, outnumber Whites in these statistics. Black defendants have a higher propensity for receiving harsher punishments, longer sentences, and are more prone to be sentenced to death (Baldus, Pulaski, & Woodworth, 1983; Mitchell, 2005).

It is proposed that the disparity in the treatment of Black and White defendants can occur as a result of stereotypes (Maeder et al., 2020). For example, there are socially manufactured stereotypes which correlate Black individuals with hostility, aggressiveness, and dangerousness (Correll, Park, Judd, & Wittenbrink, 2007). Eberhardt, Goff, Purdie, and Davies (2004) note that individuals generally recall information that is consistent with pre-existing stereotypes, and mock decision-makers are more probable to denote defendants with

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[7] Please see Appendix B for a discussion of how the term "race" was implemented in the present study.

stereotypical traits of Black persons, like 'thick lips' or 'dark skin', as criminal. Individuals are also more likely to recall blame-related characteristics and endorse criminal stereotypes when adjudging people of other races, which may lead to biased decision-making (Chatman & von Hippel, 2001; Maeder, Yamamoto, and McLaughlin, 2020; Pettigrew, 1979). The above research is US-based, so it may be limited in its cross-jurisdictional applicability because of societal and legislative differences. These prejudices may not be evident Irish criminal justice system[8] as to date the number of individuals who identify as Black, Black Irish or African in the Irish State is approx. 10,100 out of an entire population of 4,904,000 (CSO, 2020). Still, considering the absence of available data regarding race within the Irish criminal justice system as Irish prison services examine nationality group instead of race (Irish Prison Service, 2020; Struge, 2020), the US/UK based evidence must be scrutinised.

In essence, it can be understood that a defendant's race may impact their treatment when confronted with the criminal justice system: Black persons are more likely to be treated harshly than White persons. Therefore, it may be inferred that a racial bias exists in the criminal justice system with legal decision-makers favouring non-Black defendants, i.e., when a defendant is White they may be treated less harshly than if the defendant were Black. In the next section, the influence of race in FST decisions will be reviewed.

2.6.1 Race in FST Determinations

Even though fitness evaluations should be solely based upon the legislative criteria provided, researchers have argued that certain demographic factors can impact the establishment of fitness (Harris & Weiss, 2018). Importantly, it must be reiterated that most of the research concerning the characteristics of those referred for a FST assessment has been carried out in North America (Kois et al., 2019; Zapf & Roesch, 2009), so cultural differences may limit the

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[8] However, this is not to say that the Irish criminal justice system is without its prejudices. Racism against members of The Travelling Community & Roma People is a major issue. For instance, a 2012-2014 report found that Garda views towards ethnic minorities and non-nationals, particularly Travellers and Roma people, were worrisome (Gallagher, 2020). Gardaí regarded Travellers and Roma people in a negative light, stating that they were "always causing trouble" and "up to no good" (Gallagher, 2020). Furthermore, while Irish Prisons do not produce statistics on the number of Travellers in the penal system, it is stated that they are significantly over-represented in the prison system – they account for 0.6% of the population but make up about 22% of female prison population and 15% of male prison population (Costello & Ward, 2021; Lalor, 2017). So, racism may be apparent in the Irish justice system, it's just not primarily focussed on skin colour as is the case in the research above. Please see Appendix B for an explanation on how race is used in this study and why research concerning Black vs White persons is the focus of this study.

applicability of these findings across jurisdictions. With a lack of Irish data in this regard, the North American research must be reviewed instead. Specifically, Black defendants are more likely than defendants from other racial groups to obtain a referral for a fitness examination and subsequently be deemed unfit (Nicholson & Kugler, 1991; Pinals, Packer, Fisher, & Roy-Bujnowski, 2004). Pirelli et al. (2011) suggest that non-White defendants are 1.5 times more likely than White defendants to be deemed unfit. Similarly, Caldwell et al. (2003) and Cooke, Pogany, and Johnston (1974) conclude that Black defendants are more inclined to suffer from a psychotic disorder, subsequently elevating their likelihood of being deemed unfit, and Ho (1999) denotes that Black defendants with intellectual difficulties are more likely to be found unfit in comparison to White defendants with the same disabilities.

Hicks (2004) explains that the relationship between race and fitness is in existence for a plethora of reasons including: the higher probability for non-Whites to possess a severe mental illness; the higher likelihood of non-Whites being seen as illogical and irrational by legal and forensic mental health professionals; and the unlikeliness of non-Whites being successfully involved in treatment plans. The latter element may serve as a signal for evaluators that non-White defendants will be less equipped to participate in planning their defence (Kois et al., 2013). Crucially, a study of 470 Canadian patients determined that a notable relationship existed between FST decisions and socio-demographic factors (Rogers, Gillis, McMain, & Dickens, 1988). Unfit individuals were most probable to be non-White, older and female, confirming the presence of a racial influence within FST determinations. Fundamentally, these conclusions appear to be backed up by insanity defence research. Specifically, Poulson (1990) found that mock student decision-makers were remarkably more likely to find a Black defendant NGRI than a White defendant.

Contradictory evidence states that racial biases may not be present in FST determinations. In an investigation of 468 defendants referred for a fitness evaluation, Cooper and Zapf (2003) discovered that sociodemographic variables did not predict clinical decisions. Instead, clinical variables and employment status significantly forecasted the fitness determination (Cooper & Zapf, 2003). In addition, a study comparing fit and unfit individuals indicated that participants did not notably differ on race, intellectual abilities or the seriousness of their crimes (Advokat, Guidry, Burnett, Manguno-Mire, & Thompson, 2012). Although, this study is restricted by its small sample size of 58 participants (Harris & Weiss, 2018). Regarding the insanity defence, certain evidence suggests that White defendants are more likely than

minority groups to be found insane (see Warren, Murrie, Chauhan, & Dietz, 2004), and additional studies argue that racial disparities in insanity do not exist (Kois, Wellbeloved-Stone, Chauhan, & Warren, 2017). Berman and Osborne (1987) also concluded, although limited by using a retrospective design and unreliable questionnaires, that attorneys are not affected by the race of their clients when referring them for a fitness examination. This is supported by Harris and Weiss (2018) who found that professional experience within the legal sector did not increase racial biases, and Riley (1998) who reports that race bias at the FST outcome stage is non-existent.

Still, Harris & Weiss (2018) note that law students may possess a potential racial bias when referring defendants who are unfit because of a failure to comprehend the legal case. Similarly, a finding from McCallum, Maclean, and Gowensmith (2015) proposes a significant impact for the defendant's race/ethnicity on clinicians' suggestions and attorneys' referrals. The researchers examined the files of Hawaiian male defendants and discovered the presence of discrepancies between the referring of Asian and Caucasian defendants. Asian defendants were arrested at a percentage of 8.6% but were referred for a fitness determination at a rate of 36%, and this discrepancy did not occur in other groups. Asian defendants were also opined as unfit 49% of the time in contrast to 34% for the other groups. Comparably, Valera, Boccaccini, Gonzalez, Gharagozloo, and Johnson (2011) found, although limited by the shortcomings of vignettes, that White attorneys were more inclined to consider defendants to be more mentally ill when the mentally ill defendant spoke English rather than Spanish, highlighting that cultural and language discrepancies between attorneys and clients may be implicated as a cause for racial biases at trial. This bias in fitness referrals may stem from the attorney's inclination to misattribute signs of mental illness as a cultural deviation (Harris & Weiss, 2018).

Of course, the above evidence mainly comes from North America so its pertinency to Ireland is limited. With all the evidence considered, there seems to be a racial imbalance in fitness determinations: Black defendants seem to have a higher propensity for being referred for a fitness assessment and being found unfit to stand trial than White defendants. Therefore, it may be inferred that FST decision-making may be influenced by the defendant's race; if the defendant is Black, the probability of being found "unfit" is higher than if the defendant were White. Considering that research typically highlights that Black defendants are more likely to suffer from severe mental illnesses (Schwartz & Blankenship, 2014), are more prone to be referred for fitness evaluations (Harris & Weiss, 2018), and are more likely to be found NGRI

(Dirks-Linhorst, 2013; Linhorst, Hunsucker, & Parker, 1998; Perry, Neltner, & Allen, 2013), the increase in likelihood of finding this group of defendants unfit for trial is not surprising. Next, the impact of race on FST attitudes and FST decision-making will be explored. Bearing in mind that attitudes and decision-making can be influenced by racial biases, its possible effect in FST actions must be evaluated.

2.6.2 Race and FST: Attitudes and Legal Decision-Making of the Decision-Maker

As is the case with gender, not a lot is known about the effect of race on legal professionals' decision-making and attitudes. Eisenberg and Johnson (2004) argue that there has been little interest expressed into the attitudes of lawyers, but a lot of research has been carried out regarding the general population's racial attitudes. Notably, it is postulated that attorneys may not be free from these racial biases (Eisenberg & Johnson, 2004).

The relationship between race and decision-making is a debated topic that has garnered lots of attention, with research typically illustrating that race can impact trial outcomes (Sommers, 2007). Generally, legal decision-makers make harsher decisions about defendants from different racial groups to their own (i.e., outgroup) and make more favourable judgments for defendants from the same racial group as themselves (i.e., ingroup) (Devine & Coughlan, 2014; Mitchell, Haw, Pfeifer, & Meissner, 2005). This is known as the similarity-leniency effect (Kerr, Hynes, Anderson, & Weathers, 1995). Mitchell et al. (2005) note from their meta-analysis that a significant effect is present for legal decision-making bias, in which mock jurors are more inclined to return guilty verdicts when defendants are of a different racial group. Correspondingly, jurors suggest more severe punishments for other-race defendants. This finding is supported by several archival investigations and meta-analyses (e.g., Baldus, Woodworth, & Pulaski, 1990; Bowers, Steiner, & Sandys, 2001; Devine & Coughlan, 2014; Gross & Mauro, 1989; Ugwuegbu, 1979). Further research supports that White jurors are more punitive toward Black defendants. Sweeney and Haney (1992) confirm that White mock jurors are harsher in their punishment recommendations for Black defendants. Foley and Chamblin (1982) found that White decision-makers are more prone to convict Black offenders when presented with an audiotape of a rape trial. However, these studies are limited due to small sample sizes and methodological, mock-juror problems which prevent the extraction of definitive conclusions (Sommers, 2007).

Conversely, research has found that Black decision-makers are harsher in their punishments of White defendants. Skolnick and Shaw (1997) identified that Black jurors were much harsher in their evaluations when the defendant was White, but the impact of the OJ Simpson trial may limit these findings. Abwender and Hough (2001) acquired similar results utilising a vehicular manslaughter case. These conclusions conform to judicial decision-making literature. Rachlinksi et al. (2008) found that White judges exhibit an automatic preference for White defendants over Black defendants. Black judges can display a similar preference for Black defendants, but certain Black judges portrayed a preference for White defendants or no preference at all. However, judges can quell these biases when instructed to do so. Despite this, Rachlinksi et al. (2008) conclude that legal professionals can harbour the same implicit racial biases as laypeople which may influence the decisions they make. Likewise, Eisenberg and Johnson (2004) conclude that attorneys' automatic reactions are influenced by race, just like the rest of the population.

There are numerous rationales put forward to explain why this racial discrepancy exists. Firstly, the phenomenon of implicit bias proposes that legal decision-makers rely on their unconscious, stereotyped attitudes when making quick decisions (Goodman, 2018). Therefore, the stereotypical association between Blacks, violence and crime may lead to harsher treatment for Black offenders (Smith & Levinson, 2012). Criticisms against implicit bias have been proposed regarding ambiguity in its definition and measurement (Goodman, 2018). Secondly, Hunt (2015) argues that legal decision-making biases can occur as a response to the interaction of races within trial parties. For instance, decision-makers may have more pessimistic perceptions of Mexican-American defendants when their defence counsel is also Mexican-American (Espinoza & Willis-Esqueda, 2008). Similarly, Cohen and Peterson (1981), albeit limited by an unrepresentative sample, discovered that African American defendants were found guilty more often and given harsher punishments when represented by African American counsel. Supplementary explanations for biased legal decision-making encompass the type of offence committed, whereby decision-makers tend to give harsh sentences to those who have committed a crime that is stereotypically related to their race; the social dominance orientation (SDO) proposition, in which decision-makers high in SDO are tougher in their sentencing and biases and those low in SDO are more unbiased and fair; and the idea that White jurors have less empathy towards defendants than Black jurors (Bowers, Steiner, & Sandys, 2001; Garvey, 2000; Hunt, 2015; Jones & Kaplan, 2003; Kemmelmeier, 2005; Skorinko & Spellman, 2013).

Conflicting evidence regarding the role of race remains. Some studies have found no consistent effect for a defendant's race on White jurors' decisions (e.g., McGuire & Bermant, 1977; Skolnick & Shaw, 1997). Other studies have discovered that White jurors are tougher in their punishments of defendants of the same race (McGowen & King, 1982; Poulson, 1990). Mazzella and Feingold's (1994) analysis of over 6,700 participants determined that there was an absence of significant evidence confirming racial bias in verdicts and sentencing. Albeit the authors admitted that this finding may be misleading, and the previously mentioned studies suffer from shortcomings regarding sample representativeness with Whites often outnumbering Blacks (Blanchette, 2020). Studies investigating the influence of race within legal-decision making are flawed. Dane & Wrightsman (1982) propose that the findings in this area are inconsistent, as seen from the contradictory evidence discussed above. Because of this inconsistency, researchers tend to not ground their investigations in any specific theoretical frameworks and use differing materials which makes comparisons difficult (Sommers, 2007). There is also the potential of bias within participants as many White subjects may strive to be viewed as unprejudiced and may alter their decisions to appear more race neutral (Gaertner & Dovidio, 1986; Hunt, 2015; Pearson, Dovidio, & Gaertner, 2009).

Numerous critics argue that a racial disparity exists within legal decision-making (Hunt, 2015; Sommers, 2007), leading to a consensus that the race of both the defendant and the decision-maker can have an influence over the trial process. Particularly, individuals are more likely to grant harsher judgements for defendants who are from other racial groups than their own. Therefore, regarding the present study, it may be possible that participants may make FST decisions more favourably when the defendant is of the same race as them; for instance, a White participant may be more likely to find a White defendant 'unfit' than a Black defendant. In conjunction with the effects of race, numerous auxiliary factors can influence legal decision-making and attitudes. These influences will be studied in the next section of this review.

2.7 Additional Factors Influencing Legal Decision-Making and Attitudes: Punitiveness & Attitudes Toward Mental Illness

In addition to race and gender, other variables can affect FST decisions, attitudes and legal decision-making (Adjorlolo & Chan, 2017). These include punitiveness levels and attitudes towards mental illness. Legal decision-making can be influenced by a variety of factors. Judges, lawyers, jurors and anyone involved in the making of legal decisions are human and they may not be free from the influence of bias (Baez et al., 2020; Berthet, 2022; Gibson, 1978). Steinhauser (2020) states that every legal professional can suffer from bias and these biases can influence how they approach a case and handle their clients. Vitally, legal decision-makers levels of punitiveness can significantly affect the decisions they make. Typically, those high in punitive attitudes will be harsher in their decision-making (Adjorlolo & Chan, 2017; Boehm, 1968; Daftary-Kapur et al., 2011; Finkel & Handel, 1988; Jordan & Myers, 2003; Peters & Lecci, 2012; Redding & Reppucci, 1999; Yourstone et al., 2008). Similarly, attitudes toward mental illness may affect legal decision-making (Aspinwall, Brown, & Tabery, 2012; Berryessa & Wohlstetter, 2019; Eden & Cox, 2012; Remmel, Glenn, & Cox, 2019). As FST can be incorporated into the topic of 'insanity' by the criminal courts, the influence that attitudes toward mental illness may play in FST proceedings needs to be examined. Therefore, the factors of punitiveness and attitudes toward mental illness are included in the present study.

2.7.1 Punitiveness

Punitiveness is defined as "an attitude toward sanctioning and punishment that includes retribution, incapacitation, and a lack of concern for offender rehabilitation" (Courtright & Mackey, 2004, pp. 317). Punitive attitudes have been associated with legal authoritarianism – the propensity to indiscriminately approve of acts representing authority or punitive acts (Boehm, 1968; Mackey & Courtright, 2000). Chomos and Miller (2014) outline that punitiveness levels can influence legal decisions as decision-makers' pre-existing attitudes can affect how they understand, process, and interpret evidence (Lecci & Myers, 2008). Specifically, those with an elevated inclination for legal authoritarianism and punitiveness are more likely to be vindictive in their manufacturing of legal decisions (Daftary-Kapur et al., 2011). Adjorlolo and Chan (2017) found a significant, positive relationship between the punishment-oriented constructs of punitiveness and authoritarianism. In their study concerning

FST, punitive attitudes were noteworthy predictors of fitness determinations. When given a vignette case outlining a defendant with difficulties in understanding courtroom procedures, participants high in punitiveness were far more likely to find the defendant 'fit' to stand trial. Conversely, those low in punitiveness tended to adjudge the defendant as 'unfit'.

Punitive, punishment-oriented attitudes can be formed through object-evaluation associations that are held in the memory, endure over time, and are persuasive enough to mould a legal decision-maker's thinking (Van Over-Walle & Siebler, 2005). This can lead to the creation of negative attitudes towards criminal defendants regardless of their backgrounds (Gakhal & Brown, 2011). Fundamentally, pessimistic attitudes can unfavourably influence behaviour without any volitional effort or intention on behalf of the decision-maker and can subsequently guide information processing and behaviour when dealing with decision-making relating to a criminal offender (Adjorlolo & Chan, 2017; Bargh, Chaiken, Govender, & Pratto, 1992). Studies have universally portrayed that punishment-directed attitudes result in cruel, adverse, and prejudiced legal decision-making in a variety of legal contexts, and this bias can occur in spite of whether the decision-maker is undertaking legal training, has undergone legal training, or has been given judicial instructions (Adjorlolo & Chan, 2017; Finkel & Handel, 1988; Peters & Lecci, 2012; Yourstone et al., 2008). This is supported by previous insanity defence research where those measuring high in punitiveness are less likely to return NGRI verdicts in vignette cases (see Daftary-Kapur et al., 2011; Skeem et al., 2004), and is in line with Boehm's (1968) affirmation that punishment-oriented attitudes correlate with the likelihood of making harsh legal decisions. However, Kaariainen (2019) argues that punitive attitudes are a weak predictor of sentence severity, but these findings are limited as the research examined laypeople in Finland where crime policies are relatively liberal. Further research has shown that individuals possess punitive attitudes to differing degrees (see Cochran & Chamlin, 2005; Robbers, 2006).

Studies focussing on student populations found that those with more legally based backgrounds, like law and criminal justice students, tend to possess a more punitive attitude towards defendants than students of different courses (Lambert, 2004; Mackey & Courtright, 2000). Lambert (2004) states that these students will likely become professionals in the criminal justice system in the future, therefore increasing the findings' applicability to the present study. Using the Punitive Attitudes Scale, Mackey and Courtright (2004) found that criminal justice students who desired jobs in law enforcement were higher in punitiveness.

Similarly, Lambert (2004) discovered that criminal justice students possess more punitive attitudes toward crime than non-criminal justice students. This is supported by Packer's (1968) due process/crime control model whereby criminal justice students tend to believe punishment is the most significant function of the criminal justice system. However, contrary evidence exists. Tsoudis (2000) argues that criminal justice majors are more opposed to harsh punishments and Falco (2008) posits that criminology students are less punitive in their views, but this could be caused by differences between criminal justice and criminology courses, with a notable contrast being the influence psychology plays in criminology, whereas criminal justice and law courses are more legally rooted. These studies can be limited in their generalisability due to the use of US college students.

Therefore, it is clear that levels of punitiveness can influence legal decision-making: those measuring high in punitive, punishment-directed attitudes are more likely to be harsh when making decisions than those measuring low in punitiveness. In the interests of the present study, punitiveness may affect FST decision-making. Specifically, individuals with a high propensity for punitiveness may be more likely to view a defendant as 'fit' to stand trial regardless of the defendant's background. Next, the relationship between attitudes towards mental illness and legal decision-making will be reviewed.

2.7.2 Attitudes Towards Mental Illness

In conjunction with punishment-oriented attitudes, legal decision-makers' attitudes towards mental illness significantly affect the decisions they make (Aspinwall et al., 2012; Berryessa & Wohlstetter, 2019; Eden & Cox, 2012; Remmel et al., 2019; Roberts, Golding, & Fincham, 1987; Updike & Shaw, 1995). Considering that many defendants referred for fitness evaluations have previous contact with the mental health system and may have a major mental illness (Nicholson & Kruger, 1991; Roesch & Golding, 1980; Zapf & Roesch, 1998), the inclusion of attitudes towards mental illness as a variable is necessary in the present study. As stated, legal decision-makers can be influenced by their own attitudes and prejudices (Baez et al., 2020; Goodwin, 2018; Skeem & Golding, 2001), so therefore, their actions in relation to FST may be heavily influenced by these personal beliefs. Legal decision-makers are individuals with differing life experiences, prejudices and stores of knowledge that can influence their decisions (Adjorlolo, Abdul-Nasiru, Chan, & Bentum, 2016; Finkel, 1995;

Werner, Kagehiro, & Strube, 1982), and attitudes relating to mental illness may have an effect therein (Aspinwall et al., 2012; Daftary-Kapur et al., 2011; Eden & Cox, 2012; Sloat & Frierson, 2005).

Often, stigma can be incorporated into views of mental illness. Stigma can lead to difficulties for people with mental illness, and within the criminal justice system the mentally ill are a denigrated group (Brett, 2003). Acting under the misinterpretation of mental illnesses, stereotypes are created which can lead to biased behaviour (Gilbert & Fiske, 1998). Due to the negative stereotype surrounding mental disorders, discrimination often results in the formulation of a fearful attitude towards those suffering from mental illnesses (Corrigan, Rafacz, & Rusch, 2011). However, attitudes toward mental illness can be both positive and negative. For instance, Masuda, Price, Anderson, Schmertz and Calamaras (2009) inferred from their study utilising the Stigmatising Attitudes-Believability Scale (SAB) – which examines an individual's attitude towards mental illness – that higher rates of stigma are associated with lower understandings of mental health. This is supported by Wolff, Pathare, Craig, and Leff (1996b) who reached the same conclusion utilising the Community Attitudes Toward the Mentally Ill Scale, and Papadopoulos, Leavey, and Vincent (2002). The effect of education on this unfavourable attitude has produced mixed results (see Addison & Thorpe, 2004; Wolff, Pathare, Craig, and Leff, 1996c), but those with a greater education of mental illness are believed to be more sympathetic toward the mentally ill (Eker, 1989; Keane, 1991; Kemal, 2018; Morrison, 2011; Penny, Kasar, & Sinay, 2001). Regrettably, many legal decision-makers, especially professionals, believe that their education on mental illnesses is inadequate (Adjorlolo & Chan, 2017; Akanni, Igbinomwanhia, Ogunwale and Osundina, 2020; Frierson, Boyd, & Harper, 2015). As a result, the decisions they make concerning FST may be negatively influenced by this lack of education as they may encounter difficulties in understanding how mental illnesses can influence defendant behaviour (Adjorlolo & Chan, 2017). Accordingly, the issue of fitness may not be raised (Grubin, 1991).

Regarding legal professionals, opinions towards mental illness are mixed, just like attitudes toward the insanity defence. Generally, studies highlight that attorneys' attitudes towards the mentally ill are positive, with most possessing a favourable view of mental health treatment, a moderate understanding of mental illness as well as rejecting negative stereotypes/stigma regarding the mentally ill (e.g., Batastini, Lester, & Thompson, 2017). Differences are evident between defence attorneys, the prosecution, and judges. Typically,

defence attorneys are more sympathetic toward mentally ill defendants as they are more knowledgeable of mental health defences (Barastini et al., 2017; Frierson, Boyd, & Harper, 2015; Lowder Ray, & Gruenewald, 2019). However, Frierson et al. (2015) study of 492 US lawyers infers that attorneys prefer to work with clients that are not mentally afflicted. Nevertheless, Frierson et al. (2015) note that through experience with mentally ill defendants, attorneys become more knowledgeable and are more inclined to work with mentally ill clients.

Research on attitudes towards mental illness and legal decision-making portrays that mental illness can affect legal decisions (Sorman et al., 2020). When making decisions, decision-makers consider the possibility of future reoffending (Citizens Information, 2022), and mental illness can have an influence here. For instance, when studying psychopathy, mental afflictions can be viewed as either aggravating or mitigating factors when making decisions (Aspinwall et al., 2012; Eden & Cox, 2012; Remmel et al., 2019). Typically, if the mental illness causes an individual to partake in actions outside of their control, the sanction returned is softer than if the individual were capable of understanding the difference between right and wrong but chose not to do so (Aspinwall et al., 2012; Berryessa & Wohlstetter, 2019; Monterosso, Royzman, & Schwartz, 2005; Nahmias, Coates, & Kvaran, 2007; Weiner, Perry, & Magnusson, 1988). This is supported by attribution theory whereby decision-makers assume attributions of defendants' behaviour in relation to controllability, which then affects the extent to which they sympathise with or punish the defendant (Corrigan, Markowitz, Watson, Rowan, & Kubiak, 2003). Yet, as mentally ill defendants are often stigmatised and labelled pessimistically, mental illnesses have been significantly associated with harsher, more punitive sanctions and negative attitudes toward treatment plans (Berryessa & Wohlstetter, 2019). Aspinwall et al. (2012) argue that judges tend to list mental illness as an aggravating factor when dealing with mentally ill defendants. However, this research is limited by its use of psychopathy – a mental illness that is highly stigmatised – which restricts generalisability to other psychiatric disorders. It seems apparent that perceptions of mental illness can influence how mentally ill defendants are treated in the legal system (Sorman et al., 2020). In relation to insanity defence research, verdicts in these cases are influenced by perceptions of mental illness (Skeem & Golding, 2001). Generally, a more positive attitude towards mental illness would lead to a positive opinion of the insanity defence (Finkel & Handel, 1989; Mossiere & Maeder, 2016). Conversely, if an individual holds a negative attitude toward mental illness, the individual will also have a pessimistic attitude toward the insanity defence (Steadman et al.,

1998; Vitacco, Malesky, Erickson, Leslie, Croysdale, & Bloechl, 2009). Accordingly, it is possible to infer that a negative attitude toward mental illness may lead to a higher likelihood of finding a defendant 'fit' to stand trial instead of 'unfit' based upon this.

Therefore, attitudes towards mental illness may influence legal decision-making: those high in negative mental illness attitudes may have a pessimistic view of mental illnesses within a court setting. As a result, their decision-making can be tougher than those with a positive attitude toward mental illness when presented with a mentally ill defendant. In the interests of the present study, attitudes toward mental illness may affect FST decision-making such that individuals with a high propensity for negative attitudes toward mental illness may be more likely to view a defendant as 'fit' to stand trial as opposed to 'unfit' or may fail to raise the issue of a defendant's fitness altogether, even when a defendant is clearly mentally ill.

Overall, the academic literature suggests that FST attitudes and decision-making can be influenced by bias. Legal decision-makers are not immune to a variety of biases such as gender bias, racial bias, punitive attitudes and the stigmatisation of mental illness, and these prejudices may influence the decisions they make. Subsequently, a defendant's treatment at trial can be affected. Thus, these conclusions and their influence in FST proceedings provide a foundation for the present study to build upon.

2.8 The Present Study

Within the FST literature, there are two under addressed areas which merit empirical examination. The first relates to understanding which court-related actions constitute the questioning of a defendant's fitness (i.e., the perceived relevance of FST indicators). Utilising the Competency to Stand Trial (CST) Scale – which consists of an array of FST indicators – Adjorlolo and Chan (2017) highlighted that participants endorsed the majority of the indicators within the scale as relevant to finding a defendant 'unfit', suggesting that certain FST items are significant in FST determinations. The present study recruits a sample of legal professionals (judges, solicitor/barrister, law lecturers) and future professionals (trainees from professional law courses in Ireland). Understanding this sample's assessment of the relevance of FST indicators is necessary to ascertain the extent to which a defendant's rights will be upheld during the criminal adjudication process (Adjorlolo & Can, 2017). In addition, deducing FST indicator attitudes may aid in ascertaining the possibility of homogenizing a FST measure

which may serve as an additional quantitative measure to the existing range of resources utilised when examining biased legal decision-making, like the Insanity Defence Attitudes-Revised Scale (IDA-R; Skeem et al., 2004) which screens juror prejudices in insanity trials (Adjorlolo & Chan, 2017). Thus, the first goal of the present study is to understand which courtroom-related actions and behaviours on the part of the defendant are indicative of unfitness from a legal professional's point of view.

The second underexplored area concerns whether decision-making and attitudes in FST determinations may be influenced by demographic and extra-legal factors. Fundamentally, legal decision-makers are not immune to biases and their decisions may be affected as a result (Baez et al., 2020; Howitt, 2018). Regarding gender, prior findings suggest that female legal decision-makers are far more accepting of the use of psychology in court and are more prone to ascribe less accountability to criminal defendants where their actions come about because of mental illness (Breheney et al., 2007; Faulstich, 1984; Hans & Slater, 1984). Also, female defendants are treated more leniently in the criminal justice system and are more prone to be found 'unfit' for trial (Godfrey et al., 2005; Kempinen, 1983; Kruttschnitt, 1984; Nagel & Johnson, 1994; Nicholson and Kugler, 1991; Riley, 1998; Spohn, 1999; Spohn & Welch, 1987; Willison, 1984; Visher, 1983), suggesting that a gender discrepancy may be in effect. With respect to race, studies highlight that a racial disparity may exist amidst FST evaluations, with Black defendants possessing an elevated probability of being deemed unfit in comparison to White defendants (Caldwell et al., 2003; Ho, 1999; Nicholson & Kugler, 1991; Pinals, Packer, Fisher, & Roy-Bujnowski, 2004; Pirelli et al., 2011). Decision-makers are also more inclined to give harsher sentences and judgments to defendants from other racial groups than their own, highlighting a possible racial bias within decision-making (Eisenberg and Johnson, 2004; Hunt, 2015; Rachlinski et al., 2008). Therefore, it is suggested that a racial and gender discrepancy may exist within the FST standard. Furthermore, extra-legal decision-making factors like punitiveness and attitudes towards mental illnesses may play a role in FST attitudes and decision-making. Previous research highlights that those high in punishment-oriented attitudes are more likely to find a defendant fit to stand trial (Adjorlolo & Chan, 2017). It is also indicated that mental illness attitudes can influence decision-making (Aspinwall et al., 2012; Eden & Cox, 2012), so it is predicted that those with negative attitudes towards mental illness will hold pessimistic FST attitudes and be more likely to find a defendant fit for trial.

Although previous research (mostly insanity defence research) highlights that decision-making may be influenced by demographics and extra-legal factors, little is known about whether this is the case in FST determinations (Adjorlolo & Chan, 2017). With respect to this, the present study aims to expand on prior research by exploring the extent to which gender, race, punitiveness and attitudes towards mental illness influence FST decision-making and attitudes. To measure FST attitudes, punitiveness and mental illness attitudes, the Competency to Stand Trial Scale, Punitive Attitudes Scale, and Stigmatising Attitudes-Believability Scale are used respectively, and to assess FST decision-making, an altered vignette based on an insanity case by Daftary-Kapur et al. (2011) is used (see Methodology for a discussion of these instruments). Understanding the potential influences of these factors may aid in constructing appropriate measures (e.g., training and recognition of the effects of personal and non-personal elements in decision-making) to thwart the possibility of biased decision-making (Adjorlolo & Chan, 2017). To sum, the present study seeks to contribute to the existing FST literature by investigating the significance of FST indicators, as well as the demographic and extra-legal elements which may impact FST attitudes and decision-making.

2.9 Conclusion

This chapter described the current literature surrounding the FST standard within the Irish criminal justice system with specific emphasis placed upon the legal indicators/criteria for a finding of 'unfit to stand trial'. The influence of gender and race within the standard were questioned and supplementary extra-legal factors like punitiveness and opinions pertaining to mental illness were scrutinised. Furthermore, numerous studies in relation to attitudes toward, and decision-making within, the insanity defence – a doctrine with similarities to FST – were compared. The present study's research questions are formulated from the current literature and will be highlighted in the next chapter, in addition to the research design and methodology.

CHAPTER THREE: METHODOLOGY

3.1 Introduction

This chapter will present the methodology of the current study and will describe the research aims and questions; the quantitative research design used to assess attitudes and decision-making in FST; and the materials needed to collect the data (i.e., the scales and vignettes). Following, the participant sample of legal professionals and trainee legal professionals and quantitative data collection procedures will be described. Finally, issues for consideration such as ethical acknowledgements and possible limitations within the research methodology will be explored.

3.2 Research Questions

The core aim of this study was to ascertain whether gender, race, levels of punitiveness and mental illness attitudes influence legal attitudes and decision-making in the fitness to stand trial (FST) standard. More specifically, the study had four research questions which were designed to address this research aim:

1) What are participants' attitudes regarding the relevance of certain FST indicators and does this attitude influence FST decision-making?

2) Will the participants' gender and/or race influence their FST decision-making, attitudes regarding the relevance of FST indicators, levels of punitiveness and attitudes towards mental illness?

3) Will the gender and/or race of the vignette defendant influence participant FST decision-making?

4) Will levels of punitive attitudes and attitudes toward mental illness affect FST decision-making and attitudes regarding the relevance of FST indicators?

3.3 Research Design

To investigate the above research questions, various research methodologies and data collection procedures were scrutinized for their appropriateness. Ultimately, an exploratory, online, quantitative methodology was deduced to be the best approach to the present study, which employed four data collection instruments: a vignette and three attitude surveys.

As the study was novel in Ireland, an exploratory lens was employed. Exploratory research is used when there is little known about a phenomenon and aims to encourage the development of initial knowledge about such a phenomenon (Davies & Francis, 2018; Swedberg, 2020). Typically, exploratory studies employ a small sample size, and it was predicted that a small sample size would result in the present study as access to large numbers of legal professionals and professionals in training can be difficult due to time and administrative constraints (Adjorlolo & Chan, 2017). As the only previous study to examine attitudes and decision-making in FST (see Adjorlolo & Chan, 2017) was also exploratory in nature, the impetus to use the approach in the present study was further justified.

An online methodology was used in the present study. As a result of Covid-19 restrictions, the present study's data collection instruments could not be disseminated in person. Therefore, by using an online approach, the surveys could be easily distributed to participants through social media and email, and the Covid-19 restrictions were not breached. The online survey was also desirable because participants were afforded more time to complete the survey instruments; this was preferred as the sample of legal professionals and those in training may have been unable to complete the survey in one sitting. Additionally, the survey link was easy to share and distribute online; thus, permitting the survey to reach a greater number of potential participants across Ireland (for a more in-depth description of online, web-based research methodologies and a review of its merits and limitations, see Appendix C).

Finally, a quantitative, statistical approach was employed in the present study. (See Appendix D for a discussion of quantitative methodologies). Quantitative methodologies – which stem from the positivist research paradigm (see Appendix E for a review of positivism) – are best for investigating attitudes and legal decision-making. Previous studies outline that quantitative methods are preferred when gathering legal decision-makers' attitudes and when investigating decision-making (e.g., Adjorlolo & Chan, 2017; Baez et al., 2020; Harris & Weiss, 2018). Therefore, the use of a quantitative methodology in the present study was

warranted as comparisons will be made between these studies and the present study's findings. A quantitative research methodology is focused on quantifying or testing existing ideas or theories and typically surmises that reality is independent of human construction and experience (Davies & Francis, 2018). Crucially, quantitative techniques allow for more replicability (Maruna, 2010), and as this study was rather novel, the ability to replicate the study in future research was desirable. The quantitative approach is much speedier than qualitative (Bryman, 2016; Carr, 1994; Connolly, 2007), which was advantageous in the current study as legal professionals and those in training may be unable to complete an hourlong, qualitative interview due to time constraints. Although qualitative techniques can provide a deeper understanding of phenomena, quantitative methods, coming from a positivist research paradigm, provide more objectivity. Accordingly, the effect of the researcher's personal bias on the present study's findings would be reduced (Bryman, 2016; Rahman, 2017; for a further review of the strengths, weaknesses, and the quantitative research methodology as a whole, see Appendix D). Fundamentally, a quantitative methodology can incorporate the use of a variety of data collection instruments; in the interests of the present study, these include attitude surveys and vignettes.

To address the research questions concerning attitudes (e.g., FST attitudes, punitiveness and mental illness attitudes), attitude surveys – a self-report method in which a respondent expresses their attitude by responding to a series of questions (Bordens and Horowitz, 2001) – were used. Questions can be accompanied by a rating scale wherein participants indicate their level of agreement with a series of statements by selecting a number on a scale (Brown, 2006). The most popular of these is the Likert Scale[9], which asks participants to agree or disagree with an array of attitude statements on a five-point scale with (5) meaning strongly agree and (1) meaning strongly disagree[10]. The statements typically consist of those signifying both a positive and negative attitude to prevent the inclination to blindly agree, or disagree, consistently with the statements (Brown, 2006). In the Likert technique, the selected scores are summated to reveal a final total score and the individual's attitude, whether positive or negative, is determined by the score yielded (Bordens & Horowitz, 2001). Criticisms of

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[9] Alternative Scales include Thurstone's Equal Appearing Interval Scale (Thurstone, 1928), the Semantic Differential Scale (Osgood, Suci, & Tannenbaum, 1957), Sociometry (Moreno, 1953), and Guttman's Scalogram Method (Guttman, 1944) (as cited in Brown, 2006), but these were not employed for the present study.
[10] This is not the style that all Likert Scale responses follow. For instance, in certain scales (5) may represent strongly disagree and (1) may represent strongly agree. Also, Likert Scales are not always numbered 1-5; they can be greater than 5 points.

attitudes surveys include the strictness in question wording, formatting, and the context in which the question is asked (Bordens & Horowitz, 2001; Goleman, 1993; Schwartz, 1999; Semin & Fiedler, 1996). Crucially, participants may lie when answering (Williams, 1994). Paulhus and Reid (1991) explain that respondents may lie as they do not want to confess that they failed to do a socially desirable action. Auxiliary criticisms include the idea that scales do not account for actual behaviour; the use of rating scales may lead to forced choice replies which do not accurately reflect a person's attitude; and the absence of a common attitude measurement tool which can cause problems when comparing data (Brown, 2006). Alternatively, there are numerous advantages of attitude surveys. Regarding the use of a Likert Scale, benefits include the simplicity of scale construction, its malleability for a plethora of research topics and designs, as well as its relative simplicity to interpret (Allen, 2017). Further advantages encompass the ability to employ a large sample size which improves the validity of findings, the capacity to utilise several different scales in one study which provides an understanding of the 'bigger picture', the idea that participants can be surveyed and respond to surveys rapidly, and generalisations to a wider population can be formulated provided the appropriate sample is recruited (Hartley, 2013; Treadwell, 2011). Therefore, the use of surveys was warranted as it is the most common approach to measure attitudes and thus, satisfied the present study's research aims regarding attitudes.

To examine participant's FST decision-making, data was collected using vignettes. When measuring legal decision-making, the use of vignettes in a quantitative style is the most common approach (Maguire, Beyens, Boone, Laurinavicius, & Parsson, 2015). Vignettes are defined as a short narration of a hypothetical event, situation or occurrence that is given to individuals to obtain their views, attitudes, opinions and responses (Hughes, 1998; Schoenberg & Ravdal, 2000). Questions that ask the individual to respond to the particular incident often accompany the vignette; these can include queries regarding what course of action should be enacted or by asking the individual to outline what they would do in the given scenario (Hughes, 1998; Schoenberg & Ravdal, 2000). Vignettes are useful for investigating levels of coherence in the decisions reached by legal decision-makers. By requiring decision-makers to react to a common situation, they permit a comparison of decision-makers' reactions to a uniform stimulus (Austin & Williams, 1977; Palys & Divorski, 1986). Any observed dissimilarity in replies represent the divergences between decision-makers instead of any differences in case factors (Maguire et al., 2015).

Shortcomings of the vignette method include difficulties with language and phrasing, problems with interpretations, methodological issues, and difficulties with trustworthiness (O'Dell, Crafter, de Abreu & Cline, 2012; Torres, 2009; Wilson & While, 1998). Further issues incorporate problems with reflecting real-life decision-making situations (Maguire et al., 2015; Parkinson & Mansfield, 1993), and a lack of ecological validity whereby there may be a difference between what people believe they would do and how they actually behave (Barter & Renolds, 2000; Hughes, 1998; Hughes & Huby, 2004). However, many of these issues are combatted by vignettes declaring themselves as fictional and providing a situated context instead of cloning real-life events (Barter & Renolds, 2000; Finch, 1987; Hughes, 1998). Additionally, vignettes have the advantage of being more ethically and legally sound, and more flexible, meaning that they can be integrated with a variety of data collection strategies including the use of surveys/scales, which can augment ecological validity (Maguire et al., 2015; Mann, 1998; Wilson & While, 1998). Therefore, the employment of vignettes was necessary as it is the most common approach to measure legal decision-making and thus, satisfied the present study's research aims regarding decision-making.

In sum, an exploratory, online, quantitative methodology was utilised in the present study through the employment of vignettes and attitude surveys. The next section will describe each data collection instrument in further detail.

3.4 Data Collection Instruments

The study contained a vignette, the Competency to Stand Trial (CST) Scale, Punitive Attitudes Scale (PAS), the Stigmatising Attitudes Believability (SAB) Scale, as well as an information sheet, consent form and demographic questionnaire.

3.4.1 Vignette

The study employed the use of one vignette, with 4 variations (vignette A-D). The vignette outlined a uniform hypothetical murder case in which the issue of the defendant's FST was raised.

In each vignette, the identical case is presented, but the gender and race of the defendant were manipulated as follows:

- Vignette A (See Appendix F): a white, female defendant (Answered by 21 participants).
- Vignette B (See Appendix G): a white, male defendant (Answered by 28 participants).
- Vignette C (See Appendix H): a black, female defendant (Answered by 24 participants).
- Vignette D (See Appendix I): a black, male defendant (Answered by 26 participants).

The vignette case was based on an insanity defence vignette constructed by Daftary-Kapur et al. (2011)[11] and the hypothetical trial section was constructed specifically for the present study to depict instances where a defendant's FST may be called into question in an Irish court. As stated, in Ireland either the prosecution, defence or the Court itself can raise the issue of the defendant's fitness. In the vignettes for the present study, the defence raised the issue of the defendant's FST by highlighting certain aspects of the courtroom procedures that the defendant was unable to comprehend. At the end of the vignette, the participant was asked to respond to 2 yes/no questions as to whether they would find the defendant fit or unfit to stand trial, and if they would raise the issue of the defendant's fitness to stand trial.

3.4.2 Competency to Stand Trial Scale (CST Scale)

The Competency to Stand Trial Scale (CST, See Appendix J) constructed by Adjorlolo and Chan (2017) was employed in the present study to measure participants' attitudes regarding the relevance of certain FST indicators for finding a defendant unfit for trial. To construct the scale, Adjorlolo and Chan (2017) drew from FST items outlined in the Group for the Advancement of Psychiatry's (GAP) 1974 report (GAP, 1974; Melton et al., 2007) and pertinent fitness items which were developed from a thorough review of the FST literature (e.g., Costanzo & Krauss, 2012; Melton et al., 2007; *R v Leung Tak-Choi,* 1995; Rogers et al.,

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[11] In this vignette case, a defendant was charged with murder after confessing to stabbing the victim. However, as it was US and insanity defence based, alterations were made in the interests of the present study. For instance, "Miranda rights" was changed to "rights" to bring the case in line with Irish law. The insanity defence courtroom scene written by Daftary-Kapur et al. (2011) was altered to highlight that the defendant was not fit to stand trial, e.g., instead of the defendant showing signs of schizophrenia, the defendant now showed signs of unfitness for trial like refusing to plead, an inability to understand the evidence etc.

2008; Zapf et al., 2014). Following a comprehensive discussion and evaluation, a total of 26 items were applied to the scale (Adjorlolo & Chan, 2017). The 26-item CST Scale measures a participant's level of agreement with a list of FST indicators regarding their relevancy for finding a defendant unfit to stand trial. Participants were asked to score the relevance of each FST (competence) item for finding the defendant unfit to stand trial on a five-point Likert Scale ranging from 1= strongly disagree and 5= strongly agree. The scale is scored by summing all 26 items with a minimum total of 26 and a maximum total of 130. Higher scores indicate a greater disposition for finding the defendant unfit to stand trial and highlight greater support for the use of an array of FST items. Further, the scale has an internal consistency of $\propto$ = .86, and all 26 fitness items significantly contribute to the scale as statistical analysis (corrected item-total correlations, squared multiple correlations, Cronbach's alpha) indicates that the items measure the same construct (Adjorlolo & Chan, 2017).

3.4.3 Punitive Attitudes Scale

This 15-item scale, developed by Courtright and Mackey (2004), specifically measures punitive attitudes (See Appendix K). As it is proposed that punitive attitudes can influence legal decision-making and attitudes in FST procedures (e.g., Adjorlolo & Chan, 2017; Daftary-Kapur et al., 2011), the measurement of this variable was warranted in the presented study. The scale incorporates terms in favour of punishment and many of the items assessing punitiveness were chosen because they seemed to tap the concepts of retribution and incapacitation (Courtright & Mackey, 2004; Mackey & Courtright, 2000). Participants were asked to rate their level of agreement with each statement on a five-point Likert Scale with (1) meaning 'strongly disagree' and (5) meaning 'strongly agree'. In scoring the scale, scores are added up, ranging from 15 to 75. Higher scores on this scale portray a more punitive attitude. The scale has an internal consistency of $\propto$ = .85, which was confirmed in a study by Chen and Einat (2014), where the internal consistency was found to be $\propto$ = .86. According to DeVellis (1991), this reliability score is within the respectable to very good range.

3.4.4 Stigmatising Attitudes-Believability Scale

In order to assess stigmatisation and attitudes towards mental illness, the Stigmatising Attitudes-Believability Scale (SAB, See Appendix L) created by Masuda, Schmertz, Anderson, Price and Calamaras (2009) was adopted. This 8-item self-report questionnaire evaluates the participant's attitude towards individuals with psychological disorders (Masuda et al., 2009). Considering that attitudes to mental illness can affect attitudes and legal decision-making (e.g., Daftary-Kapur et al., 2011; Skeem & Golding, 2001), the inclusion of this variable was necessary for the present study. The participant was instructed to score an array of negatively phrased statements relating to individuals with psychological disorders on a seven-point Likert scale, with 1 meaning "not believable at all" and 7 meaning "completely believable." When scoring the scale, the scores are summed to a comprehensive score spanning from 8-56. Higher scores signify high levels of stigma regarding those with mental illness. The SAB Scale has an internal reliability of $\propto = .78$ (Masuda et al., 2009), which was confirmed by Masuda and Boone (2011) where the Cronbach's alpha was .83 and .79 for each demographic group studied. According to Kline (1999) and Field (2018), this score suggests a good reliability as scores ranging from .7 to .8 are viewed as desirable.

3.4.5 Demographic Questionnaire

A demographic questionnaire (See Appendix M) was utilised to determine the gender, ethnicity/race, legal employment status, and course of study (if relevant) of the participants. The ethnicity/race questions were adapted from the Central Statistics Office, particularly Q14 from the Irish Census (CSO, 2020). The gender question asked participants whether they identified as male, female, other, or if they would prefer not to say. This is in line with the categories suggested by SurveyMonkey (2021) as the CSO (e.g., in the 2016 Irish Census) only offered "male" or "female" response options.

3.5 Participants

As outlined in the 2006 Act, it is the responsibility of either the prosecution or the defence lawyers, or the Court itself, to raise the issue of a defendant's FST (Hanly, 2015). Therefore, the present study incorporated two populations of interest: currently employed legal professionals in Ireland (judges, barristers/solicitors, law lecturers) and future legal professionals (trainees from professional law courses in Ireland[12]). The employment of professionals within the sample was necessary as these individuals are presently in charge of raising the issue of a defendant's FST and it is more desirable to recruit professionals with knowledge in this legal area than to examine laypersons without any legal knowledge (Adjorlolo & Chan, 2017). The rationale for including trainees from professional legal courses was that these students will likely work in the criminal justice system in the future, where they may be called upon to take part in FST determinations. A sample of N=99 was recruited (inclusive of both populations), and all participants were over the age of 18. Purposive and snowball sampling methods were used in the study. Purposive sampling involves deliberately choosing participants due to the qualities and knowledge they possess (Bernard, 2002; Etikan, 2016) which was applicable to this study as individuals with academic and professional legal knowledge were the preferred sample.

To access this sample, law lecturers in WIT and members of the Crime and Justice Research Group (CJRG) at WIT were contacted to provide assistance with recruitment; these individuals were sought as they had links and networks with the desired population (See Appendix N). Also, participants were recruited through personal networks by using social media and WIT email (See Appendix O for recruitment email to potential participants). To access trainees from professional legal courses in Ireland, informal networks were used by employing the use of social media sites – particularly Twitter – and gatekeepers (See Appendix P for social media post; See Appendix Q for email to gatekeeper). Snowball sampling depends on referrals from originally sampled participants to other individuals who have the desired qualities of the sample population (Johnson, 2014), and was suitable for this study as the initial participants recruited were permitted to disseminate the surveys to fellow professionals and

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[12] Institutions which include these courses include Dublin Institute of Technology, Griffith College Dublin & Cork, University College Cork Law School, Trinity College Dublin School of Law, Maynooth University, NUIG School of Law, UCD Sutherland School of Law, University of Limerick School of Law, and Kings Inn. Specifically, these schools offer an FE1 Preparation course which prepares students to undertake the FE1 solicitor exams; offer masters programmes in law; or prepare students to undertake the Bar Exam to become a barrister.

future professionals. In emails and social media posts (See Appendices xvi and xviii) participants were encouraged and given permission to share and forward the survey link to their colleagues if they wished. All participants were familiar with, and trained in, Irish law rather than the law of other jurisdictions. This was desired in order to avoid the possible influence of alternative jurisdictional legislative provisions on their responses. Further, the study included both male and female participants to ensure a gender balance (Dickinson, Adelson. & Owens, 2012), with 54 male participants and 45 female participants. Unfortunately, a racial balance was harder to achieve. The study contained 85 participants who identified as White and 14 participants who identified as Black or Black Irish. This disparity may be due to the small number of ethnic minority persons within Ireland, with the 2016 Census highlighting that 94.1% of the population identified themselves as 'White Irish' (CSO, 2020). Please see the Results Chapter for further discussion on these demographic frequencies.

3.6 Data Collection Procedure

Due to the COVID-19 global pandemic and the subsequent restrictions, all data in the present study was collected online through SurveyMonkey as it was GDPR compliant and possessed a random distribution feature to randomly disseminate one of the four categories of vignette. This ensured that 25% of participants received vignette A, 25% received vignette B and so on. Once the surveys were constructed on SurveyMonkey, a link was created for dissemination. This link was then disseminated to participants that had previously agreed to take part, given to gatekeepers, and placed on social media sites (See Appendix P for social media post and Appendix R for email to participants/gatekeepers). Participants were required to read and complete an information sheet and consent form before they could commence the filling out of the surveys to ensure voluntary participation and informed consent were achieved, and if the participants had any questions before starting the study, contact information for both the researcher and supervisors were provided here. As the data was collected online, the participants had as much time as they needed to complete the data collection instruments but it was predicted that the surveys would take approximately 15-20 minutes to complete. Before the participants submitted their finished surveys, they were reminded that their data could only be withdrawn from the study up until the point of data analysis. As the data was anonymised, this was achieved by using a unique identifier code for each participant (which participants

were instructed to create on the information sheet and consent form) so their data could be withdrawn if requested. Once the participants acknowledged their right to withdraw up until the point of data analysis and submitted their responses, they were thanked for their participation. The survey was made available from late July to early November (approx. 15 weeks). When all the data was ultimately collected, it was downloaded from SurveyMonkey and inserted into SPSS.

3.7 Data Analysis Procedure

All the collected data was inputted into the Statistical Package for Social Sciences (SPSS) for analysis. A visual representation of the participants overall demographics such as the proportions of gender, race and legal employment status was created using descriptive statistics (e.g., percentages, frequencies, bar graphs and pie charts). Next, tests for reliability were run to determine the consistency of each data collection instrument. Ensuing this, the Shapiro-Wilk test ($p > .05$) was used to question the normality of the collected data to determine what statistical tests should be exercised for analysis. All the data collected was found to be non-normal (i.e., the data was not normally distributed) so non-parametric tests needed to be employed. Non-parametric tests are defined as a group of statistical procedures that do not depend on the strict assumptions of parametric testing, particularly that the sample is normally distributed (Field, 2018). As a result, the following non-parametric tests were run to investigate the research questions of the present study:

Descriptive statistics were employed to examine the endorsement of each item in the CST scale and to produce percentages from the vignette data. Mann-Whitney tests (Mann & Whitney, 1947; Wilcoxon, 1943) were run to measure the influence of gender, race, and legal employment status (demographic variables) on CST scale item endorsement, punitiveness, and attitudes towards mental illness (study variables). Also, two-way between-groups ANOVAs were employed to test the combined effects of the demographic variables on the study variables (see below for justification). Chi-square tests were used to explore the effects of gender and race, for both the participant and the defendant, in the vignette decision. Contingency tables were created first to summarise the association between the two categorical variables and Chi-square tests were used next to examine the significance of these associations. Kendall's correlations (or Kendall's tau) were exercised to measure the relationship between the study

variables. Specifically, whether punitiveness, CST scale item endorsement, and attitudes towards mental illness were correlated with one another. Finally, logistic regression analysis, namely binary logistic regression, was used to investigate the associations and predicting power of the demographic and study variables on FST decision-making in the vignette.

3.7.1 Justification for using ANOVA on non-normal data

Although ANOVA can typically only be applied to normal data as it is a parametric test which assumes normal distribution, contrary evidence suggests that this may not always be the case. According to Blanca, Alarcon, Arnau, Bono and Bendayan (2017), ANOVAs remain robust even when there are minor, modest or extreme departures from normality. Their findings imply that, with regards to Type 1 error, ANOVA continues to be a legitimate statistical procedure under conditions of non-normality (Blanca et al., 2017). Similarly, Reis & Ribeiro (2007) argue that ANOVAs do not need to be replaced with their nonparametric equivalents even when normality assumptions are violated as the ANOVA presents a greater empirical power and can control for Type 1 error rates (as cited in Ferreira, Rocha, & Mequelino, 2012). Crucially, these conclusions are consistent with previous research regarding the robustness of ANOVAs in non-normally distributed data (e.g., Black, Ard, Smith, & Schibik, 2010; Feir-Walsh & Toothaker, 1974; Gamage & Weerahandi, 1998; Schmider, Ziegler, Danay, Beyer, & Buhner, 2010; Vieira, 2006). Furthermore, certain studies argue that ANOVAs are stronger and more powerful than nonparametric alternatives, particularly the Kruskal-Wallis test, even when normality is violated (see Ferreira et al., 2012; Feir & Toothaker, 1974; Reis & Ribeiro, 2007 as cited in Ferreira et al., 2012). Taken together, this evidence seems to suggest that ANOVAs are powerful enough to remain valid statistical tests regardless of the sample's normality status. Admittedly, contrary evidence which advocates for the use of ANOVA only when data is normal or when the normality assumption is minorly violated exists (e.g., Keppel, 1982; Lantz, 2013; Montgomery, 1991). However, Lantz (2013) states that our understanding of ANOVA's performance is incomplete, and many academics suggest that further research is needed regarding ANOVA's functioning in non-normally distributed data (e.g., Blanca et al., 2017; Schmider et al., 2010). For the present study, two-way between-groups ANOVAs were utilised as there was no nonparametric alternative.

3.8 Ethical Considerations

Prior to the commencement of this research, ethical approval from Waterford Institute of Technology's (WIT) Ethics Committee was granted (See Appendix S). This was needed to safeguard the rights of all the study's participants. Also, the researcher completed the Epigeum training (See Appendix T). In the present study, there were seven main ethical considerations:

1) SurveyMonkey & GDPR Compliance

   SurveyMonkey was employed to distribute the surveys as this site was GDPR compliant (Savitzky, 2021; SurveyMonkey, 2021) and therefore did not violate WIT's GDPR and Data Protection Regulations. SurveyMonkey complies with privacy regulations like the General Data Protection Regulation (GDPR) and the California Consumer Privacy Act (CCPA). SurveyMonkey adheres to the EU General Data Protection Regulation (GDPR) legislation and takes data security very seriously (SurveyMonkey, n.d.). The legislation makes sure that individuals have control over their personal data and know exactly where and how that data will be used (CitizensInformation, 2021). All data collected in the present study was anonymous. The 'anonymous responses' option was selected by the researcher so no identifiable information was collected in the survey results (SurveyMonkey, 2021). Any IP addresses that were collected were stored in backend logs and will be deleted after 13 months (SurveyMonkey, 2021). The content utilised in the surveys and questionnaires remained in direct control of the researcher and the researcher had full control over the data (SurveyMonkey, 2021). Crucially, the researcher was able to delete, edit, modify and remove data (SurveyMonkey, 2021). Therefore, in the event that a respondent wished to have their data removed, this could be done effectively. This complied with the respondent's right to access, remove or rectify their data. In relation to security, SurveyMonkey encrypts data using TLS cryptographic protocols to protect and safeguard the data (SurveyMonkey, 2020). However, a limitation must be acknowledged here: SurveyMonkey provide much of the evidence cited regarding GDPR compliance; therefore, this is not an independent, unbiased source.

2) Voluntary Participation & Informed Consent

   Informed consent is an ethical and legal prerequisite for research concerning human participants (Nijhawan et al., 2013). Therefore, through the employment of an

information sheet and consent form (see Appendix U and V, respectively), voluntary participation and informed consent were achieved. Participants were briefed on the objectives/purpose of the research, what would happen if they agreed to participate, and how their identity would be protected on the information sheet, and were then requested to fill out a consent form (Appendix U and V). No participant was made to feel compelled into participating and participants were reminded that they do not have to take part in the study if they wished not to. Participants were also granted the freedom to ask questions to resolve any queries as contact information for the researcher and supervisors was available on the information sheet.

3) Right to Withdraw

Participants were informed of their right to have their data withdrawn from the study up until the point of data analysis (November 2021). They were asked to and instructed on how to create a unique identifier code at the end of their consent form so their data could be withdrawn if requested (Appendices xix, xx). Also, at the end of the study, participants were told that once they submitted their responses, they acknowledged that they could only withdraw from the study up until the point of data analysis.

4) Confidentiality/Anonymity

Confidentiality was secured as only the researcher and supervisors had access to the raw data. Privacy of all participants was protected as all copies of the data were stored in WIT's OneDrive which was password protected. The data was analysed on an aggregate level instead of at an individual level, and the data collected was anonymous as no identifying information such as the respondent's name, email, place of work, or school of study was collected. Participants were also informed that their personal information would not be collected, and there was no unauthorized sharing of data. According to the European Patent Office (n.d.) when participants respond to an anonymous survey, no contact information will be included in their response and their responses cannot be linked to them, further protecting the participant's anonymity.

5) Storing of Data & Data Protection

The survey data was held in SurveyMonkey for as long as the researcher determined sufficient. The researcher controlled how long the data stayed in the SurveyMonkey

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account. When the data was deleted from the account, it only existed in back-ups for a limited period of no more than 12 months. After this time, the data was permanently deleted (SurveyMonkey, 2021). Once the data was removed from SurveyMonkey, it was stored only in WIT's OneDrive; this data will be held here for a period of 10 years. OneDrive was GDPR compliant as the data stored remained in the control of the researcher and was owned solely by the researcher, and Microsoft only acted as a custodian (Rose, 2018). OneDrive was also secure as it was password protected and only the researcher and supervisors had access to the OneDrive account. OneDrive complied with WIT's Data Protection Policy (Section 5.1, 5.8) as it allowed the data to be processed in a secure manner which had appropriate technical and organisational measures in place to prevent the unauthorised or unlawful access to such data and prevented accidental loss or destruction to the data. Additionally, a Data Protection Impact Assessment Template was constructed to identify and mitigate against any data protection related risks which may have stemmed from this study (See Appendix W).

6) Data Retention

As stated in WIT's Data Retention Policy, it was the responsibility of the researcher to comply with the retention periods set out in these policies. Therefore, the research data and findings were inputted into WIT's OneDrive and will be retained here for 10 years after the date of submission. Once 10 years have passed, the researcher must destroy the data through permanent deletion. Alternatively, if this ten-year period surpasses the researcher's attendance at the institute, the data will be given to the research supervisors to be held. Once the period of 10 years has passed and if the researcher no longer attends the institute, it is then the supervisors' responsibility to destroy the data through deletion. Fundamentally, in the event of a suspected retention policy breach, it was the researcher's responsibility to report such a breach to the Head of Department. However, no such breach occurred during the carrying out and writing up of the present study.

7) Protection of Participants

The study was predicted to pose a low risk to participants as it had been designed to reduce potential harm to participants where possible. All survey materials were attitudinal (and not based on reporting of actual experiences) and had been widely used in the academic literature (see Adjorlolo & Chan, 2017). Furthermore, in the event that

participants may have become distressed during or after the study, contact information for services like the Samaritans, Pieta House and YourMentalHealth, as well as contact information for the researcher and supervisors, were provided on the information sheet (Appendix U). There was a possibility that some of the participants may become distressed when answering either the questionnaires or the vignette. For instance, the vignette outlined a murder case which may have been upsetting for some participants and the Stigmatising Attitudes-Believability Scale consisted of negatively phrased questions regarding mental illness. To combat this problem, the participants were informed of the content of the instruments before participation (See Appendix U) and reminded that they do not have to take part. Moreover, as the sample population consisted of professionals and advanced postgraduate students, the content used in the vignettes and surveys may have been similar to previous cases they have studied and/or experienced during their careers. This further ensured the protection of the participants as they were familiar with the topic being studied.

3.9 Possible Limitations of the Research Methodology

Fundamentally, limitations to this study were recognised. In addition to the criticisms outlined in relation to positivism, the quantitative research methodology (see Appendices iv and v) and the use of vignettes and surveys/scales, numerous supplementary pitfalls were evident. Notably, sampling proved to be an issue. Considering that an exhaustive list of professionals and future professionals within this legal area was not readily accessible, it was not possible to attain a significantly sized random sample (see Appendix X for a discussion on the study's sample size). However, as the study was exploratory in nature, Daniel (2012) states that a small sample size can suffice. Typically, studies that use an exploratory approach have a small number of participants (Nargundkar, 2008). Although a gender balance was present amongst participants, a racial/ethnic balance was not, limiting the representativeness of the sample. The collection of data online further restricted the sample as only individuals with access to the internet (i.e., social media platforms and email) could be studied. In conjunction with this, the geographical spread of the participants was ambiguous. As participants were not asked to name their places of study or employment, it was impossible to determine if the sample came from all over Ireland or merely a certain area of Ireland like the southeast, which may limit the generalisability of the conclusions attained. The collecting of the data in an online format is

relatively novel, and thus the validity of the collection of data online is unclear (Al-Salam & Miller, 2017). Although anonymity is provided, some research outlines that participants are less likely to respond honestly and accurately when data is being collected online and it is proposed that the physical disconnection from the researcher may lead to an elevated likelihood of careless answering (Aust, Diedenhofen, Ullrich, & Musch, 2013; Harde, Crowson, & Xie, 2012; Ward & Pond, 2015). Al-Salam and Miller (2017) go on to argue that results taken from individuals who partake in online research may not strengthen the validity of data. Further limitations of the present study will be considered in the Discussion chapter.

3.10 Conclusion

In order to investigate the present study's specific research questions, the study's design utilised an exploratory, online, quantitative, statistically based methodology by employing vignettes and surveys as data collection instruments. These instruments were administered to current legal professionals and future professionals in Ireland through social media, email, and connections the researcher possessed. Both males and females were sought for the study to ensure a gender balance but unfortunately a racial balance was harder to achieve due to the small amount of minority persons in Ireland. Data was collected online using SurveyMonkey and all ethical guidelines such as ensuring voluntary participation, obtaining informed consent and the protection of participant's identity and data were followed. Possible limitations within the study's methodology like issues with sampling and the use of online data collection methods were noted and will be further discussed in the Discussion chapter. The data collected from the study was coded into SPSS for statistical analysis to allow for conclusions and inferences to be made. These results will be examined in the next chapter.

CHAPTER FOUR: RESULTS & DATA ANALYSIS

4.1 Introduction

This chapter will present the findings of the current study by conveying the results of each statistical test. The purpose of this research was to determine whether attitudes and legal decision-making in FST proceedings can be influenced by factors such as gender, race, punitiveness, and attitudes towards mental illness. Considering that previous research mainly focuses on the insanity defence, the impetus to examine these factors regarding FST was warranted. By selecting a sample of legal professionals and future legal professionals in training, it was possible to focus on a population with expertise in the area as these individuals currently oversee or will oversee the raising of the issue of a defendant's FST. In the present study, data was obtained using a demographic questionnaire, a vignette, the Competency to Stand Trial Scale (CST), Punitive Attitudes Scale (PAS), and the Stigmatising Attitudes Believability Scale (SAB). The responses from these were entered into the Statistical Package for the Social Sciences (SPSS) version 26, then scored and analysed. First, this chapter will present an overview of the participants' demographic attributes through the use of descriptive statistics, namely frequency analysis, and then outline the distribution of the study's vignettes. Following, the results of the statistical analysis of each research question will be presented. These results will be discussed and interpreted in further detail in the Discussion chapter.

4.2 Survey Response/Sample Population Size

The survey was made available to legal professionals and future legal professionals in training using social media sites (e.g., Twitter), email, gatekeepers, and connections the researcher possessed. Overall, the survey was answered 105 times. However, 6 of these surveys were returned incomplete or unanswered. Therefore, for the purposes of data analysis, these 6 incomplete survey responses were removed from the study, bringing the total sample population to N=99 for the present study.

4.3 Demographic Data

The demographic questionnaire was constructed to ascertain specific demographic details about the participants. These questions included queries regarding the participant's gender, race, legal employment status (i.e., whether the participant was a professional or future professional in training), and course of study if the participant was in training. To gain a general view of the present sample's (N=99) demographic frequencies, frequency analysis was employed.

4.3.1 Gender

Regarding the sample population (N=99), 54 (54.5%) participants were male and 45 (45.5%) were female (See Figure 1). No participants chose the 'other' or 'prefer not to say' option when completing the gender section of the demographic form.

Figure 1

Bar Graph of Gender Frequencies
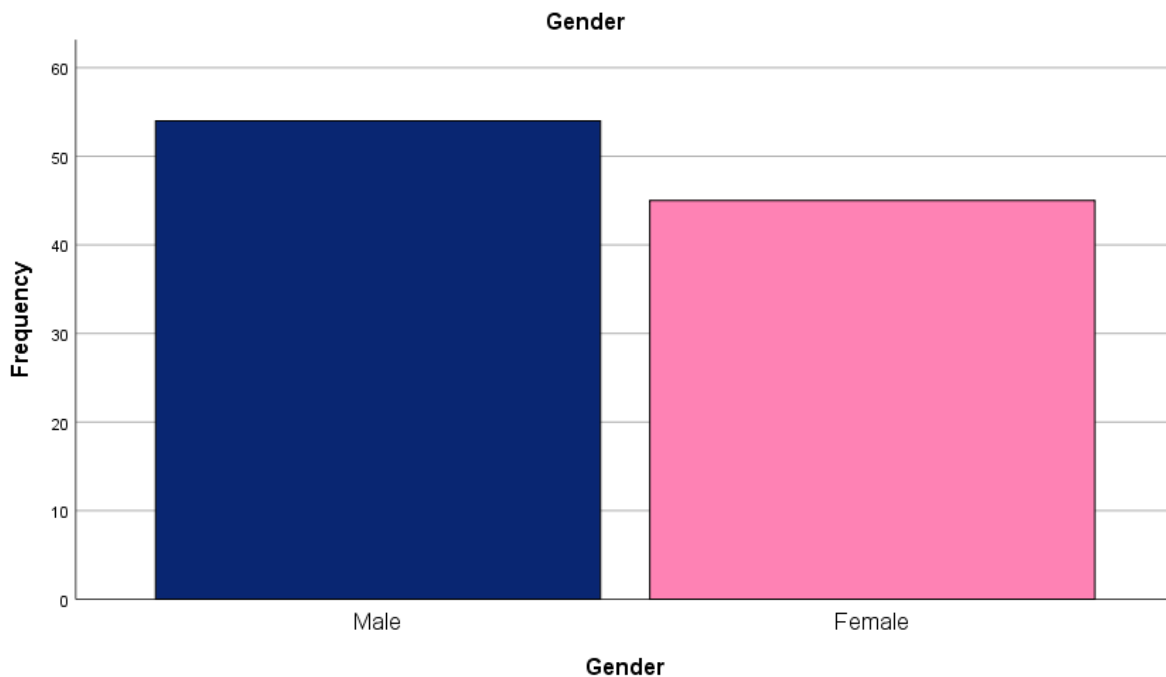
4.3.2 Race

85 (85.9%) of the participants identified as White and 14 (14.1%) identified as Black or Black Irish (Figure 2). No participants identified as Asian or Asian Irish, and none selected the 'other' or 'prefer not to say' option.

Figure 2

Bar Graph of Race Frequencies
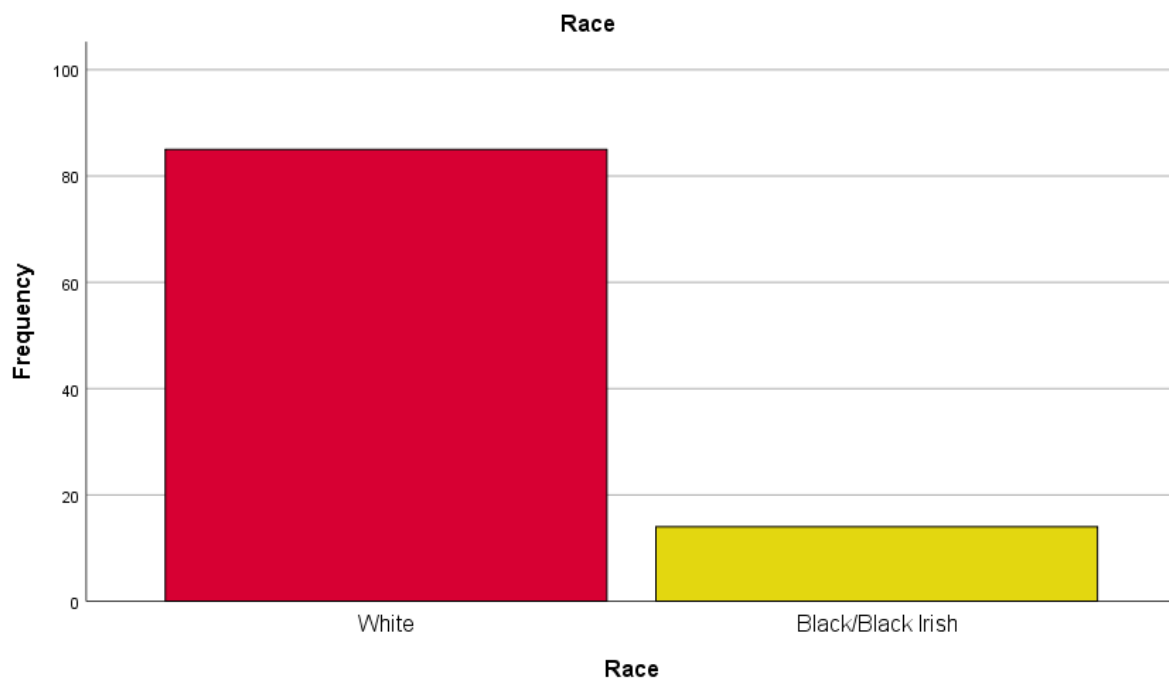
4.3.3 Legal Employment Status

In relation to legal employment status, 53 (53.5%) participants satisfied the criteria for the legal professionals population (See Figure 3), with 45 (84.9%) of these being solicitors/barristers and 8 (15.1%) being law lecturers (See Figure 4). 46 (46.5%) survey respondents fulfilled the criteria for the future professionals in training population (See Figure 3). Of this future professionals population, 20 (43.5%) were postgraduates, 18 (39.1%) were studying on the FE1 Preparation Course, and 8 (17.4%) were studying the Degree of Barrister at Law (See Figure

5). No judges responded to the survey and no participant picked the 'other' option for these demographic queries.

Figure 3

Bar Graph of Legal Employment Status Frequencies
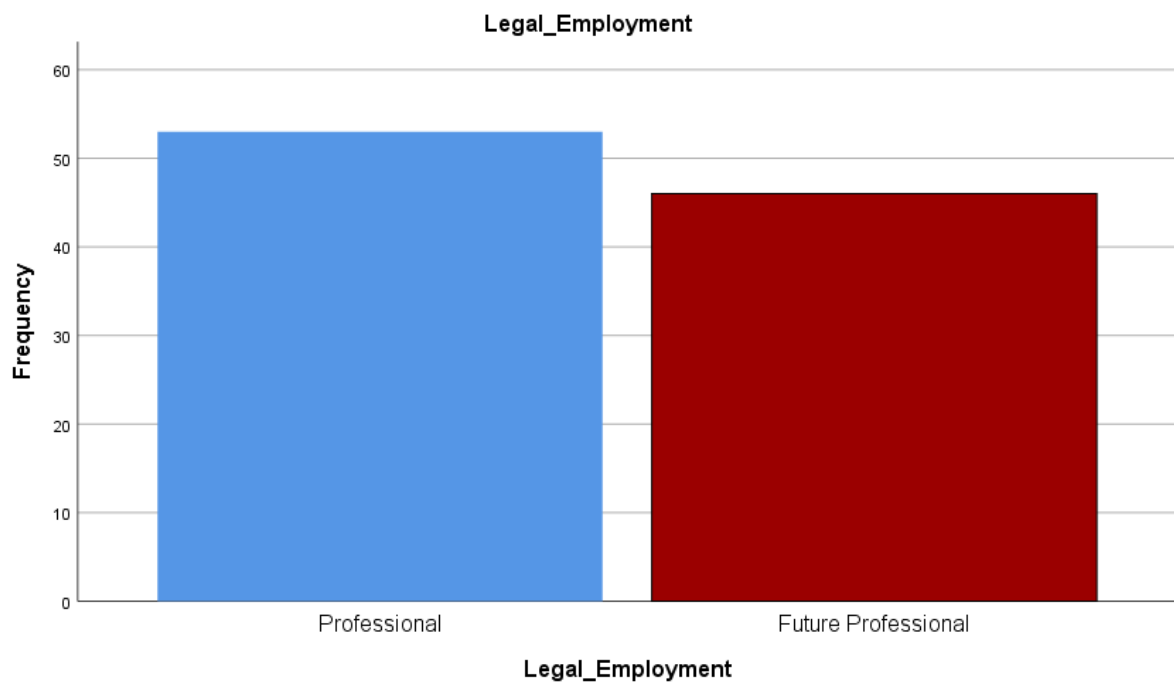
Figure 4

Bar Chart of Professional Sample Distribution
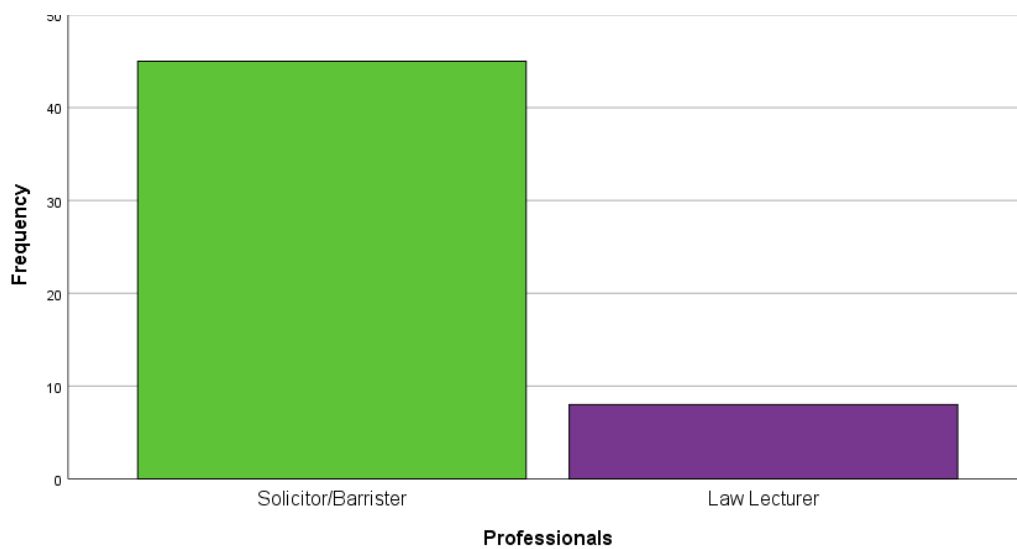
Figure 5

Bar Chart of Future Professionals in Training Sample, Course of Study Distribution
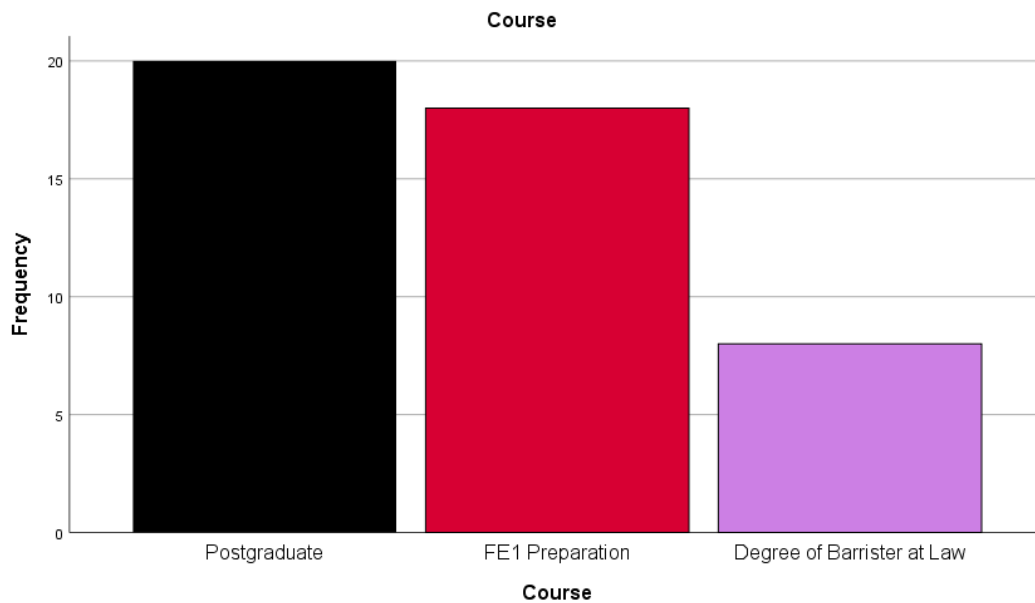
4.4 Vignette Distribution

The vignette was completed by all participants. 21 (21.2%) participants received vignette A, 28 (28.3%) participants answered vignette B, 24 (24.2%) responded to vignette C, and 26 (26.3%) participants responded to vignette D (See Figure 6). All participants answered the required questions so there was no missing data. Regarding vignette A (white, female defendant) question 1 ("Would you consider that this defendant is fit to stand trial?"), 2 (9.5%) participants chose the 'yes' option and 19 (90.5%) chose 'no' (See Table 83 Appendix Y). For question 2 ("Would you raise the issue of this defendant's fitness to stand trial?"), 20 (95.2%) participants responded with 'yes', and only 1 (4.8%) responded with 'no' (See Table 84 Appendix Y). Following this, for question 1 in vignette B (white, male defendant) 'yes' was selected by 8 (28.6%) participants and 'no' was selected by 20 (71.4%) participants (See Table 85 Appendix Y). Further, 20 (71.4%) participants chose 'yes' and 8 (28.6%) chose 'no' for question 2 (See Table 86 Appendix Y). In relation to vignette C (black, female defendant), 'yes' was picked by 4 (16.7%) participants and 'no' was picked by 20 (83.3%) (See Table 87

Appendix Y). For question 2, the inverse occurred, with 20 (83.3%) participants selecting 'yes' and 4 (16.7%) selecting 'no' (See Table 88 Appendix Y). Finally, regarding question 1 in vignette D (black, male defendant), 3 (11.5%) participants chose 'yes' and 23 (88.5%) chose 'no' (See Table 89 Appendix Y). Additionally, 25 (96.2%) picked 'yes' and 1 (3.8%) picked 'no' for question 2 (See Table 90 Appendix Y). The demographic particulars of the vignettes will be further discussed in the Discussion Chapter.

Figure 6

Pie Chart of Vignette Distribution

Pie Chart of Vignette Distribution

- Vignette A - Vignette B - Vignette C - Vignette D
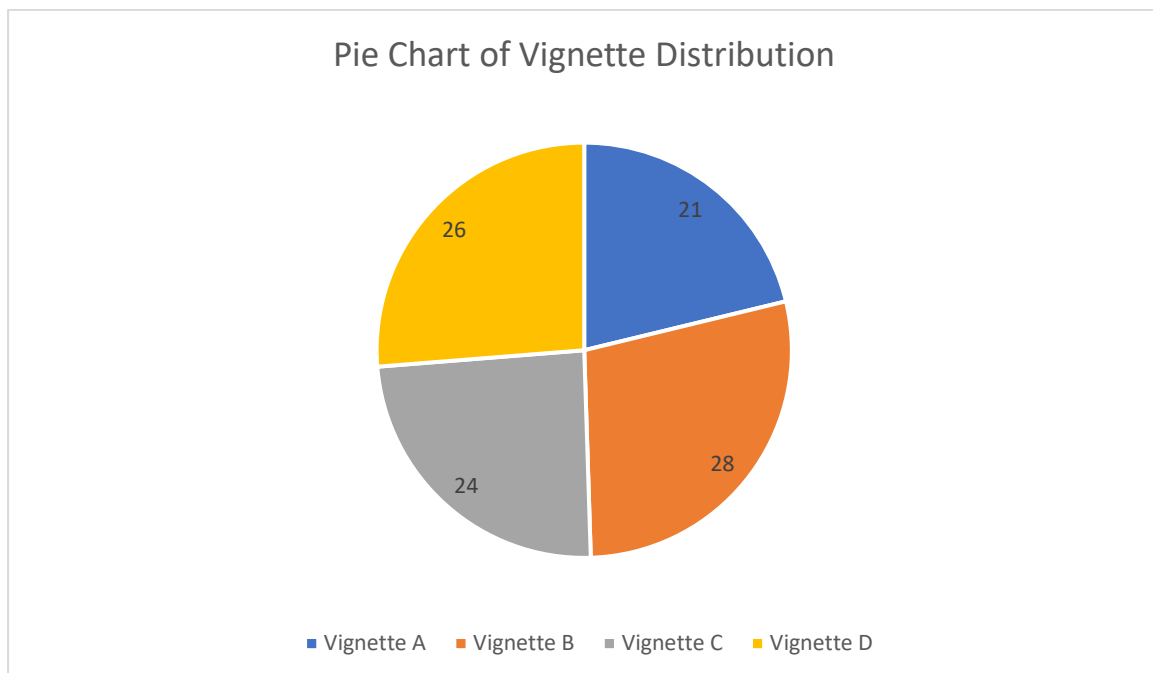
4.5 Data Collection Instrument Reliability Analysis

Before beginning the preliminary analysis, the reliability of each scale needed to be tested. Reliability refers to the extent to which a measure of a concept is stable and free from random error, and in terms of internal scale consistency, it measures the stability of the items that make up a scale (Aaker, Kumar, & Day, 1998; Bryman, 2016; Davies, Chun, Da Silva, & Roper, 2003; Zikmund, 1997). Effectively, reliability is concerned with the consistency, dependability, precision, and predictability of research findings (Chisnall, 2001; Field, 2018; George & Mallery, 2018). When using the split-half reliability method to test scale reliability, a statistic – known as a Cronbach's alpha coefficient ($\propto$) – is computed (Bryman, 2016; Field,

2018). This ∝ number will range between 0 and 1. It is typically outlined that a score of 0.8 and above indicates a satisfactory level of internal reliability, however a score of 0.7 and above is also considered acceptable to ensure reliability (Bryman, 2016; Field, 2018). Also, certain scholars note that a score of 0.6 is 'good' (Berthoud, 2000b, p. 169) and others argue that a score as low as 0.5 will suffice when in the early stages of research (Nunnally, 1978). For a review of the shortcomings of Cronbach's alpha, see Cortina (1993), Field (2018), McNeish (2017), and Schmitt (1996). For an understanding of why Cronbach's alpha is still used as an accepted reliability measure, see Bryman (2016), Hogan, Benjamin and Brezinski (2000), McNeish (2017), and Revelle and Zinbarg (2009).

For the present study, the CST Scale had a high reliability score of ∝ = 0. 948 (See Table 1). Further, all items within the scale appeared to correlate well with one another as stated by *The Corrected Item-Total Correlation* column (See Figure 19 Appendix Z). According to Field (2018), provided that the scores within this column remain above 0.3, one can assume that the scale items correlate well with the total score from the questionnaire and thus, the scale can be deemed reliable. For the Punitive Attitudes Scale, a reliability score of ∝ = 0.931 was calculated (See Table 2). Regarding *The Corrected Item-Total Correlation*, question 8 on the Punitive Attitudes Scale may present some difficulties as its score is at 0.190, below Field's (2018) guideline of 0.3 (See Figure 20 Appendix AA). Also, *The Cronbach's Alpha if Item Deleted* is well above 0.931 at 0.972, highlighting that the removal of this item would improve the overall scale reliability (Field, 2018). However, as the overall Cronbach's alpha is already quite high and above the recommended score of 0.7 for reliability, the researcher did not remove question 8 from the scale. Furthermore, the SAB Scale produced a reliability score of ∝ = 0.953 (See Table 3). Moreover, *The Corrected Item-Total Correlation* produced numbers above 0.3, implying that the scale items correlate to the total questionnaire score, and *The Cronbach's Alpha if Item Deleted* suggested that the removal of questions from the scale would not improve reliability (See Figure 21 Appendix BB). To sum, as all scales produced a Cronbach's alpha score above 0.7, the scales in the present study were deemed to be reliable.

Table 1

CST Scale Reliability Analysis

Reliability Statistics

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.948	.948	26

Table 2

Punitive Attitudes Scale Reliability Analysis

Reliability Statistics

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.931	.964	15

Table 3

SAB Scale Reliability Analysis

Reliability Statistics

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.953	.953	8

4.6 Vignette Validity

Validity concerns the significance of research components and whether a measure specifically assesses the concept that it intends to assess (Bryman, 2016; Drost, 2011; Nelson, 1980). For the present study, the validity of the vignette was measured using face validity methods. Essentially, face validity is a subjective judgment test that questions the degree to which the items or content of a test appropriately measure a specific concept at face value (APA, 2020; Bryman, 2016; Drost, 2011; McGartland Rubio, 2005). It may be determined by asking fellow scholars their opinion regarding the measure's accuracy at gauging the concept that it aims to evaluate (Bryman, 2016). In the present study, the researcher sought the expertise of academic

scholars. Fellow research postgraduate students and the researcher's supervisors were consulted regarding the vignette's structure and authenticity. Also, the research project (vignettes included) successfully passed the scrutinization of the WIT Ethics Committee, and no concerns regarding the vignette's validity were voiced. Therefore, at face value, the vignette appeared to be a valid measure. Limitations of the face validity test must be acknowledged: these include a lack of empirical reliability and the weakness of the test due to its subjective nature (APA, 2020; Drost, 2011). Such limitations will be further discussed in the final chapter of this thesis.

4.7 Tests of Normality

Before testing the specific research questions in the present study, tests of normality needed to be run to determine which statistical test should be applied to each question. The normality of the data was tested to investigate if the variables breached the assumption of normality for parametric examination. A significance value that is greater than $p = .05$ implies that data is normally distributed. Anything below $p = .05$ suggests that the data obtained is not normally distributed. The Shapiro-Wilk test of normality was the most suitable test to employ as the Kolmogorov-Smirnov test is not considered to be a valid test of normality (Razali & Yap, 2011; Thode, 2002). Tests for normality were carried out on each data collection instrument: the CST Scale, Punitive Attitudes Scale, SAB Scale, and each vignette. The results from these tests are outlined and discussed below.

4.7.1 CST Scale

As can be seen from Table 4 and Figure 7, the data obtained from the CST Scale was not normal ($p = .001$ is not greater than .05). Therefore, it was determined that normal parametric tests could not be applied to data from this scale. Accordingly, the appropriate non-parametric tests were applied instead to test the affected research questions.

Table 4

CST Scale Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	Df	Sig.
CST_TotalScore	.118	99	.002	.946	99	.001

a. Lilliefors Significance Correction

Figure 7

Histogram of CST Scale Normality Test
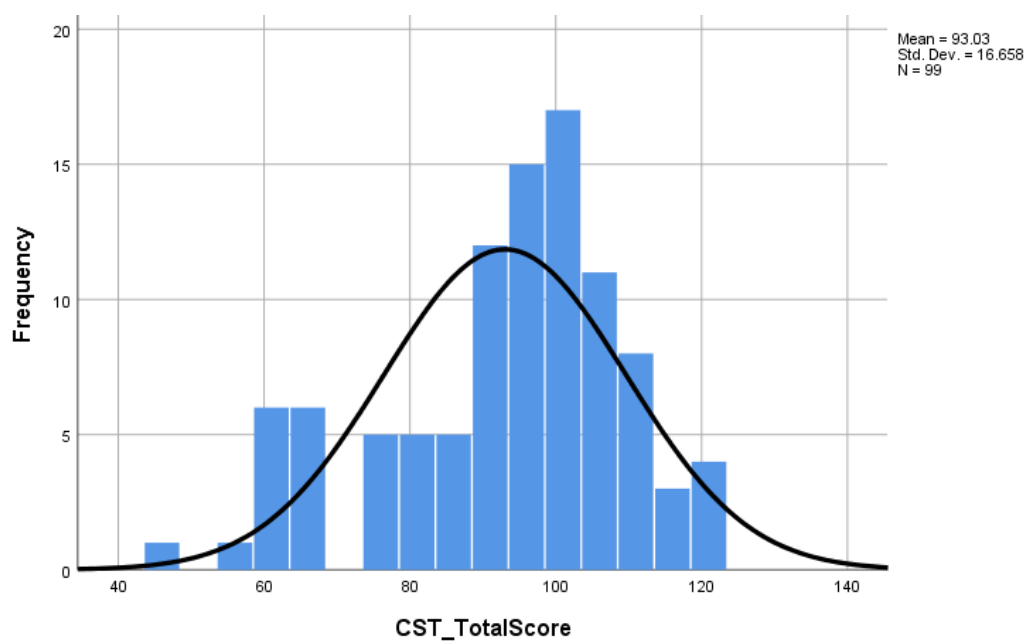
4.7.2 Punitive Attitudes Scale

Similarly, the data collected from the Punitive Attitudes Scale (PAS) was not normal (See Table 5 & Figure 8; $p = .007$ is not greater than .05). Accordingly, non-parametric tests were applied to the testing of the affected research questions.

Table 5

Punitive Attitudes Scale Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	Df	Sig.
PAS_TotalScore	.097	99	.023	.963	99	.007

a. Lilliefors Significance Correction

Figure 8

Histogram of Punitive Attitudes Scale Normality Test
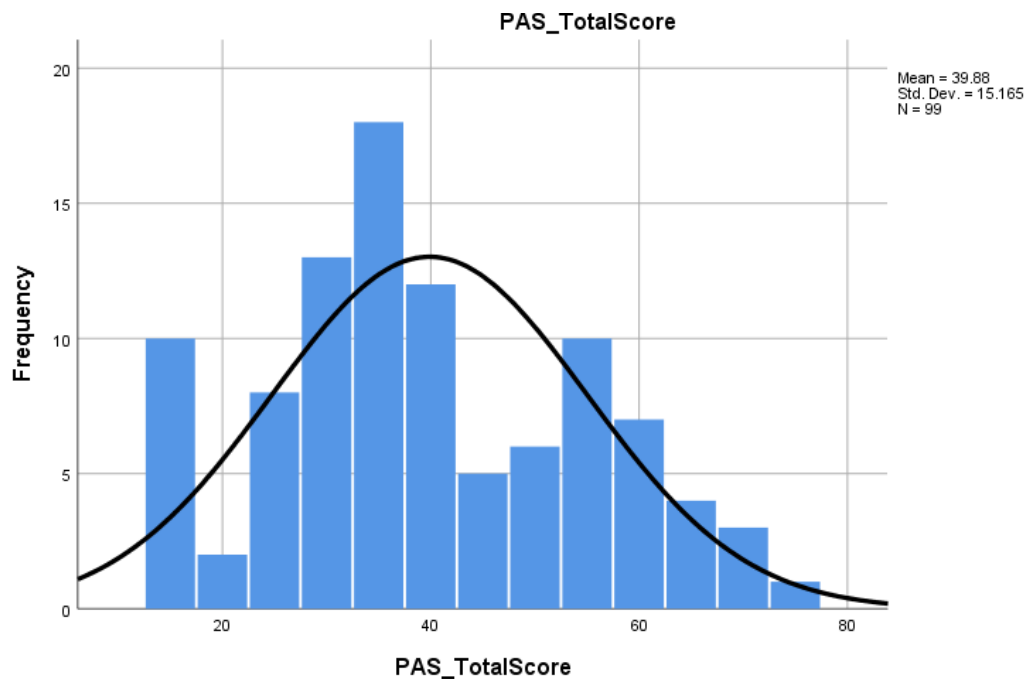
4.7.3 SAB Scale

Again, SAB Scale data was found to not be normal (See Table 6; See Figure 9). As a result, non-parametric tests were employed when investigating the affected research questions.

Table 6

SAB Scale Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	Df	Sig.
SAB_TotalScore	.160	99	.000	.927	99	.000

Figure 9

Histogram of SAB Scale Normality Test
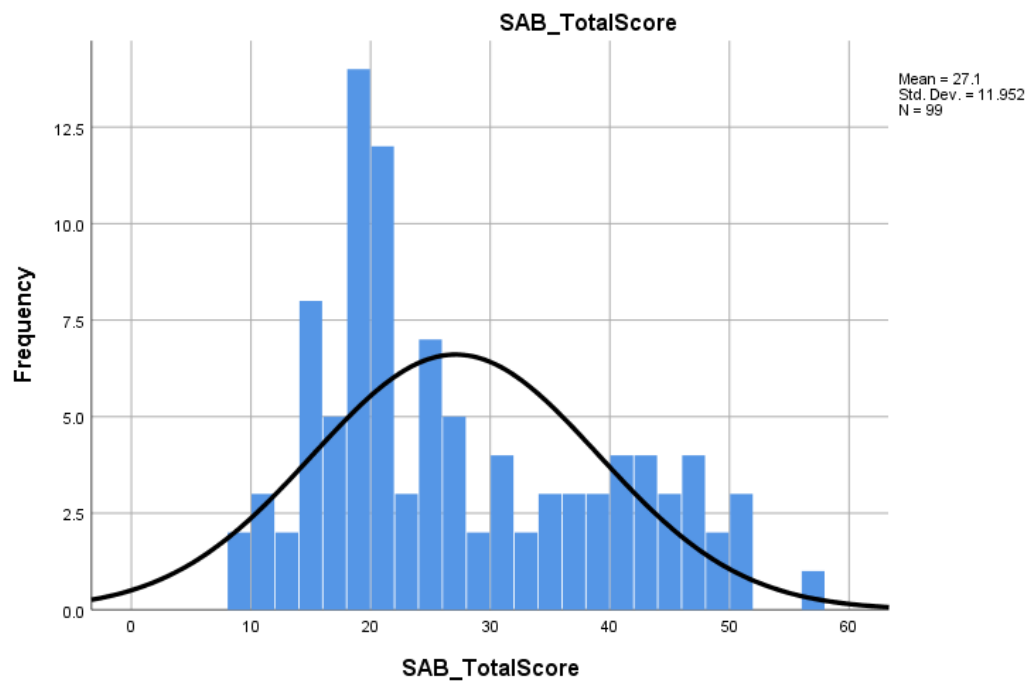
4.7.4 Vignette Test of Normality

With respect to the various sets of vignettes, the Shapiro-Wilk test of normality highlighted that the assumption of normality was violated for each vignette. The test affirmed a significance score of $p = .000$ for vignette A, B, C & D (See Table 7 for Vignette A; Table 8 for Vignette B; Table 9 for Vignette C; Table 10 for Vignette D). Hence, it can be inferred that the data collected from the vignettes was not normally distributed and therefore, non-parametric statistics were used to investigate the research questions involving the vignettes.

Table 7

Vignette A Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	Df	Sig.
VA_Q1	.529	21	.000	.341	21	.000
VA_Q2	.539	21	.000	.228	21	.000

a. Lilliefors Significance Correction

Table 8

Vignette B Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	Df	Sig.
VB_Q1	.447	28	.000	.568	28	.000
VB_Q2	.447	28	.000	.568	28	.000

a. Lilliefors Significance Correction

Table 9

Vignette C Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	Df	Sig.
VC_Q1	.503	24	.000	.454	24	.000
VC_Q2	.503	24	.000	.454	24	.000

a. Lilliefors Significance Correction

Table 10

Vignette D Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	df	Sig.
VD_Q1	.523	26	.000	.376	26	.000
VD_Q2	.539	26	.000	.198	26	.000

a. Lilliefors Significance Correction

4.8 Attempts to Transform the Non-Normal Data

Attempts to transform the non-normally distributed data into normally distributed data were made, particularly for the CST Scale, Punitive Attitudes Scale and SAB Scale. This was attempted so parametric tests could be employed to analyse the data as parametric tests

typically have a higher statistical power than non-parametric tests (Chin & Lee, 2008; Savani & Barrett, 2009). Log transformation and square root transformation techniques were utilised but according to the Shapiro-Wilk test of normality, the data remained non-normal after these procedures were implemented (See Tables 91-96 Appendix CC). Consequently, non-parametric testing was applied in addition to the use of the parametric ANOVA as ANOVAs are powerful enough to remain valid statistical tests in non-normally distributed data (Blanca et al., 2017; Reis & Ribeiro, 2007; see Data Analysis Procedure Section in Methodology Chapter for a discussion).

4.9 Research Question Analysis

4.9.1 Research Question 1:

What are participants' attitudes regarding the relevance of certain FST indicators and does this attitude influence FST decision-making?

This research question possesses two parts: (1) attitudes regarding the relevance of FST indicators, and (2) the effect of this attitude on FST decision-making.

4.9.1.1 Attitudes of FST indicator Relevancy

To investigate part one of this research question, descriptive statistics were run to highlight the participant's endorsement of the numerous items in the CST Scale. Descriptive statistics are used to summarise collected data by describing the association between variables using measures of central tendency (mean, mode, median) and dispersion (standard deviation), and crucially, are unaffected by the data's distribution (Bickel & Lehmann, 1975; Hanna & Dempster, 2012; University of South Australia, 2021; Yellapu, 2018). The results of this analysis are presented in Table 11. The participants could select the responses of strongly agree, agree, neutral, disagree and strongly disagree. The choosing of strongly agree or agree indicated that a participant believed that a specific scale item was useful in finding a defendant unfit to stand trial. On the other hand, selecting strongly disagree or disagree reflected that the participant considered the item to be irrelevant in determining fitness for trial. The neutral response suggested a degree of ambiguity as to the item's significance. For this analysis, the response which the majority of participants selected (i.e., the response with the highest percentage for each item in Table 11) was used as the determining factor regarding the item's

relevance (see Adjorlolo & Chan, 2017). Based on this and the SPSS output seen in Table 11, items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 21, 24, and 25 have a high agreement rate (i.e., the majority of participants selected either 'agree' or 'strongly agree' when responding), suggesting that these items may be deemed as relevant when considering trial fitness/unfitness. Regarding items 13, 14, 20, 23, and 26, there appears to be high levels of uncertainty amongst participants here. For these items, the majority of participants chose the 'neutral' option, leading to elevated levels of uncertainty/ambiguity regarding the importance of these items in FST proceedings. Finally, for items 11, 12 and 22, participants picked the 'disagree' or 'strongly disagree' option more often than the other responses when answering. This insinuates that these particular items may be viewed as irrelevant in determining trial fitness.

As enacted by Adjorlolo and Chan (2017), in further examination, the 'neutral' response options were coded as missing values and removed from the analysis. This was performed to get a greater perspective regarding which items are considered relevant to finding a defendant unfit and which items are irrelevant from the participants' point of view. Effectively, the previously neutral items (13, 14, 20, 23, and 26) transformed from uncertain to either relevant or irrelevant. Adjorlolo and Chan (2017) describe this as a "crude" approach (p. 213). The results indicate that the majority of participants endorsed items 13, 14, 20, and 23 as relevant to finding a defendant unfit to stand trial. Therefore, items 1-10, 13-21, and 23-25 are relevant indicators. On the contrary, item 26 was considered irrelevant to a finding of unfit to stand trial. Consequently, items 11, 12, 22, and 26 of the CST Scale are irrelevant indicators. To sum, the majority of the items within the CST Scale (22 out of 26) were denoted as significant indicators for finding a defendant unfit to stand trial by the present study's participants.

Table 11

Participant (N=99) endorsement of CST Scale items in (%). Ranked in order relevance, i.e., based on highest level of agreement (Strongly Agree) with CST Scale question.

CST Scale Items	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
CST Q6 - Understand the roles of the judge	1.0	9.1	3.0	22.2	64.6
CST Q25 - Understand the roles of the prosecutor	1.0	3.0	11.1	20.2	64.6
CST Q24 - Understand the roles of defence counsel	0.0	4.0	9.1	24.2	62.6

CST Q8 - Understand the possible penalties if convicted	1.0	9.1	9.1	37.4	43.4
CST Q5 - Refrain from irrational and unmanageable behaviours during trial (shouting, singing, disobeying orders)	2.0	13.1	10.1	31.3	43.4
CST Q7 - Understand the pleas available	1.0	8.1	6.1	42.4	42.4
CST Q1 - Understand the charges against him/her	2.0	5.1	11.1	39.4	42.4
CST Q19 - Understand the charges, both in nature and severity	0.0	8.1	11.1	43.4	37.4
CST Q2 - Understand his/her current legal situation	0.0	12.1	7.1	43.4	37.4
CST Q4 - Trust and communicate with defence counsel	1.0	19.2	8.1	35.4	36.4
CST Q9 - Be able to appraise the likely outcome of the case	3.0	18.2	20.2	27.3	31.3
CST Q3 - Understand the arrest process	4.0	17.2	20.2	28.3	30.3
CST Q10 - Testify relevantly and be cross-examined if necessary	2.0	18.2	20.2	38.4	21.2
CST Q18 - Make decisions after receiving advice	0.0	9.1	16.2	59.6	15.2
CST Q21 - Be able to disclose pertinent facts surrounding the alleged offence	1.0	14.1	20.2	49.5	15.2
CST Q17 - Maintain a collaborative relationship with counsel	0.0	10.1	32.3	42.4	15.2
CST Q20 - Be able to follow testimony for contradictions or errors	1.0	26.3	31.3	29.3	12.1
CST Q26 - Help plan legal strategy for his/her defence	8.1	21.2	43.4	15.2	12.1
CST Q15 - Ability to provide a reasonable account of one's behaviour prior to, during, and subsequent to the alleged crime	2.0	9.1	19.2	59.6	10.1
CST Q13 - Be of sound mind (Absence of mental illness)	3.0	14.1	38.4	34.3	10.1
CST Q16 - Make appropriate decisions about trial strategy	5.1	24.2	30.3	33.3	7.1
CST Q23 - Be able to tolerate stress at the trial and while awaiting trial	8.1	17.2	49.5	20.2	5.1
CST Q14 - Have the capacity for rational manipulation of information	5.1	11.1	40.4	40.4	3.0
CST Q22 - Be able to challenge prosecution witnesses	28.3	53.5	12.1	4.0	2.0
CST Q12 - Aid in developing a strategy for cross-examining witnesses	22.2	38.4	25.3	14.1	0.0
CST Q11 - Help locate witnesses	11.1	47.5	36.4	5.1	0.0

4.9.1.2 The effect of FST indicator attitude on FST Decision-Making

To explore part two of this research question, binomial – in this case, binary – logistic regression was used (as performed by Daftary-Kapur et al., 2011 in their analyses of scale and

vignette data). Regression questions whether one or more variables can foretell an outcome variable and denotes the level of variance in one variable that is explained by another variable (Hanna & Dempster, 2012). Notably, binary logistic regression is a special form of binomial logistic regression where the dependent/outcome variable has only two categories (Field, 2018; Fritz & Berger, 2015). Specifically, for the current study, a model using logistic regression was formulated to test whether participants' scores on the CST scale predict their answering in a case concerning a defendant's fitness to stand trial. The outcome variable in the model was the participant's answer to the vignette questions (coded as 0 = yes and 1 = no). Firstly, a model was created to test the effect of CST Scale score on vignette decision-making in general (i.e., not assessing the race and gender of the defendant). Following this, models were created which took the defendant's gender and race into account. As there were four vignettes and two questions for each, a model was created eight times in this regard.

Before the binomial logistic regression could commence, certain assumptions had to be met. These included:

1) The requirement that the dependent variable be measured on a dichotomous scale
2) There is one or more independent variables measured at a continuous or categorical level
3) The independence of errors
4) Linearity of the logit
5) The absence of multicollinearity (Field, 2018; Laerd, 2018; Stoltzfus, 2011).

Assumption number 1 was satisfied as the dependent variable had two responses: "yes" or "no". Assumption 2 was satisfied as the independent variable was measured at the ordinal level (i.e., Likert responses). For Assumption 3, according to the Durbin-Watson test – a score which p value ranges from 0 to 4 – a score of approximately 1.5 to 2.5[13] is desirable to ensure the independence of observations (Grande, 2015; Karadimitriou & Marshall, n.d.). Also, if the scatterplots can be interpreted to symbolise a rectangle, the assumption is met (Grande, 2015). Therefore, as the results highlighted a p value of between 1.5 and 2.5 or very close to it (See Tables 97 – 106 Appendix DD), and the scatterplots are relatively rectangular (See Figures 22-31 Appendix DD), Assumption 3 is not violated. Assumption 4 requires that the independent

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[13] Certain authors argue that a score between 1 and 3 is acceptable (See Field, 2018)

variable be linearly associated to the log of the outcome variable (Field, 2018). This assumption was mostly satisfied as each test revealed significance values of greater than 0.05 for certain vignette question (See Tables 107, 108, 109, 110, 113, 114, 115 & 116 Appendix EE), implying that the assumption of linearity of the logit had been met for the CST Scale and these questions. However, vignette B questions 1 & 2, did not satisfy this as scores of $p < 0.05$ were found (See Tables 111 & 112 Appendix EE). Of course, the researcher recognises this violation and understands that the reliability of the models created in relation to vignette B may be limited as a result. Regarding the final assumption, multicollinearity is only relevant where there is more than one predictor variable (Daoud, 2017; Field, 2018; Jensen & Ramirez, 2013). As the current model had only one independent variable (CST Scale score), this assumption was not applicable. Crucially, all assumptions for binomial logistic regression were satisfied.

Firstly, a logistic regression model was created to examine the predicting power of CST Scale score on FST decision-making in general (i.e., analysing the vignettes as a whole, not taking gender and race into account). This logistic regression tested the effects of attitudes regarding the relevance of FST indicators (CST Scale score) on participants' decisions regarding a defendant's fitness for trial (vignette question 1). It was found that the logistic regression model was not significant, $X^2(1) = 1.97$, $p = .160$. The model explained 3.3% of variance in answering (Nagelkerke $R^2 = 0.033$) but correctly predicted 82.8% of answers. Also, it was found that CST Scale score was not a significant predictor of FST decision-making, ($\beta = .023$, Wald $X^2 = 2.009$, $p = .156$, OR = 1.023, 95% CI [0.991, 1.057]).

Next, the influence of beliefs regarding FST item relevancy on the raising of the issue of FST (vignette question 2) was tested. The model was not statistically significant, $X^2(1) = 1.97$, $p = .161$. The model accounted for 3.5% of variance in answering (Nagelkerke $R^2 = 0.035$) but correctly predicted 85.9% of answers. CST Scale score was not a statistically significant predictor of whether the issue of FST would be raised, ($\beta = -.025$, Wald $X^2 = 2.012$, $p = .156$, OR = 0.976, 95% CI [0.943, 1.009]).

Therefore, it may be deduced that in general, opinions regarding the relevance of FST items was not a significant predictor of FST decision-making. The next sections will investigate whether attitudes concerning FST item significance influence predicting power in FST decision-making when the gender and race of the defendant is considered.

Firstly, logistic regression was performed to ascertain the effects of CST Scale score on the participant's response to vignette A question 1. The logistic regression model was statistically significant, $X^2(1) = 5.59$, $p < 0.05$. The model explained 50% of variance (Nagelkerke $R^2 = .500$) in answers and accurately classified 90.5% of answers. However, for this question, CST Scale score was not a significant predictor of the answer returned in the vignette ($\beta = .160$, Wald $X^2 = 2.628$, $p = .105$, OR = 1.174, 95% CI [0.967, 1.424]; See Table 12), suggesting that the probability of selecting 'no' to consider the defendant unfit is not influenced by the participant's CST Scale score. Still, as the score in the CST Scale increased by one unit, the likelihood of the participant selecting 'no' to find a defendant unfit to stand trial also increased by 1.174 times, implying that the CST Scale does have some predicting power, just not a statistically significant amount.

Table 12

Logistic Regression of Predictor (Vignette A (Q1))

Variables in the Equation

	B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ª CST_TotalScore	.160	.099	2.628	1	.105	1.174	.967	1.424
Constant	-10.745	7.350	2.137	1	.144	.000		

a. Variable(s) entered on step 1: CST_TotalScore.

Next, for vignette A question 2, the logistic regression model was statistically significant, $X^2(1) = 8.05$, $p < 0.05$. The model explained 100% of variance (Nagelkerke $R^2 = 1.000$) in answers and accurately classified 100% of answers. Again, CST Scale score was not a significant predictor for the response to the vignette ($\beta = -9.667$, Wald $X^2 = .000$, $p = .988$, OR = .000, 95% CI [0.000]; See Table 13), highlighting that the CST Scale does not influence the selecting of a response when participants were probed regarding the raising of the issue of fitness to stand trial.

Table 13

Logistic Regression of Predictor (Vignette A(Q2))

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ª	CST_TotalScore	-9.667	665.241	.000	1	.988	.000	.000	.
	Constant	623.595	43012.190	.000	1	.988	6.666E+270		

a. Variable(s) entered on step 1: CST_TotalScore.

Secondly, a logistic regression model was created determine the effects of CST Scale score on participants' responses to vignette B question 1. This logistic regression model was not statistically significant, $X^2(1) = 3.23$, $p = 0.072$. The model accounted for 15% of variance (Nagelkerke $R^2 = 0.156$) in answers but correctly predicted 75.0% of answers. Also, it was found that CST Scale score was not a significant predictor for answering ($\beta = .036$, Wald $X^2 = 2.923$, $p = .087$, OR = 1.037, 95% CI [0.995, 1.081]; See Table 14). This indicated that the CST Scale did not significantly affect the participant's answering when asked about the defendant's FST. Still, it is noteworthy that with every one unit increase in CST scores, the probability of determining the defendant to be unfit increased by 1.037 times.

Table 14

Logistic Regression of Predictor (Vignette B(Q1))

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ª	CST_TotalScore	.036	.021	2.923	1	.087	1.037	.995	1.081
	Constant	-2.360	1.915	1.519	1	.218	.094		

a. Variable(s) entered on step 1: CST_TotalScore.

Following this, the logistic regression model was not statistically significant for vignette B question 2, $X^2(1) = 3.23$, $p = 0.072$. The model accounted for 15% of variance (Nagelkerke $R^2 = 0.156$) in answers but correctly predicted 75.0% of answers. Further, CST Scale score was not a significant predictor for vignette answering ($\beta = -.036$, Wald $X^2 = 2.923$, $p = .087$, OR = .964, 95% CI [0.925, 1.005]; See Table 15), suggesting that as the CST Scale score increased, the probability of raising the issue of the defendant's FST did not significantly increase too. However, according to the β scores, as the number was negative it was implied that as the CST Scale score increased, the likelihood of not raising the issue of the defendant's FST decreased. Albeit this effect was small and not significant.

Table 15

Logistic Regression of Predictor (Vignette B(Q2))

Variables in the Equation

	B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B)	
							Lower	Upper
Step 1ª CST_TotalScore	-.036	.021	2.923	1	.087	.964	.925	1.005
Constant	2.360	1.915	1.519	1	.218	10.590		

a. Variable(s) entered on step 1: CST_TotalScore.

Thirdly, a logistic regression model was made to uncover the influence of CST Scale score on the participant's response to vignette C question 1. The model was statistically significant, $X^2(1) = 9.62$, $p < 0.05$. The model justified 56% of variance (Nagelkerke $R^2 = 0.556$) in answers and properly predicted 95.8% of answers. For this question, CST Scale score was found to be a significant predictor for vignette responses ($\beta = .127$, Wald $X^2 = 5.564$, $p = .018$, OR = 1.135, 95% CI [1.022, 1.262]; See Table 16), illustrating that the probability of adjudging the defendant as 'unfit' increased with CST Scale score. Furthermore, as the β score was positive, it can be inferred that as CST Scale scores increases, so does the likelihood of finding the defendant 'unfit'. Also, with every increase in the CST Scale score, the propensity to find the defendant unfit increases by 1.135 times.

Table 16

Logistic Regression of Predictor (Vignette C(Q1))

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B)	
								Lower	Upper
Step 1ᵃ	CST_TotalScore	.127	.054	5.564	1	.018	1.135	1.022	1.262
	Constant	-9.294	4.467	4.329	1	.037	.000		

a. Variable(s) entered on step 1: CST_TotalScore.

Similarly, the logistic regression model was statistically significant for vignette C question 2, $X^2(1) = 9.62$, $p < 0.05$. The model justified 56% of variance (Nagelkerke $R^2 = 0.556$) in answers and properly predicted 95.8% of answers. Again, CST Scale score was found to be a significant predictor for vignette responding ($\beta = -.127$, Wald $X^2 = 5.564$, $p = .018$, OR = .881, 95% CI [0.792, 0.979]; See Table 17). This portrays that the raising of the defendant's FST is significantly influenced by CST Scale score, with higher scores indicating a propensity to not raise the issue.

Table 17

Logistic Regression of Predictor (Vignette C(Q2))

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B)	
								Lower	Upper
Step 1ᵃ	CST_TotalScore	-.127	.054	5.564	1	.018	.881	.792	.979
	Constant	9.294	4.467	4.329	1	.037	10869.713		

a. Variable(s) entered on step 1: CST_TotalScore.

Finally, for vignette D question 1, the logistic regression model was not statistically significant, $X^2(1) = 3.49$, $p = 0.62$. The model accounted for 24.6% of variance (Nagelkerke $R^2 = 0.246$) in answers but correctly predicted 88.5% of answers. CST Scale score was not found to be a statistically significant predictor of vignette answering either ($\beta = .078$, Wald $X^2 = 3.014$, $p = .083$, OR $= 1.081$, 95% CI [0.990, 1.180]; See Table 18). This highlighted that finding the defendant 'unfit' does not increase with CST Scale score. Though, with every one unit increase in CST Scale score, the likelihood of finding the defendant 'unfit' also elevates by 1.081 times (odds ratio) and the positive β score indicates that increasing CST score elevates the likelihood of membership to the 'unfit' group, showing that CST Scale score does have a small amount of predicting power just not a statistically significant amount.

Table 18

Logistic Regression of Predictor (Vignette D(Q1))

Variables in the Equation

| | | B | S.E. | Wald | df | Sig. | Exp(B) | 95% C.I.for EXP(B) | |
								Lower	Upper
Step 1ª	CST_TotalScore	.078	.045	3.014	1	.083	1.081	.990	1.180
	Constant	-4.728	3.711	1.623	1	.203	.009		

a. Variable(s) entered on step 1: CST_TotalScore.

Dissimilarly, for vignette D question 2, the logistic regression model was statistically significant, $X^2(1) = 4.23$, $p < 0.05$. The model accounted for 54.0% of variance (Nagelkerke $R^2 = 0.540$) in answers and correctly predicted 96.2% of answers. Yet, CST Scale score was found to not be a statistically significant predictor when asked about the raising of the issue of the defendant's FST ($\beta = -.222$, Wald $X^2 = .886$, $p = .346$, OR $= .801$, 95% CI [0.504, 1.272]; See Table 19).

Table 19

Logistic Regression of Predictor (Vignette D(Q2))

Variables in the Equation

| | B | S.E. | Wald | df | Sig. | Exp(B) | 95% C.I.for EXP(B) | |
							Lower	Upper

Step 1ª	CST_TotalScore	-.222	.236	.886	1	.346	.801	.504	1.272
	Constant	13.331	15.334	.756	1	.385	615810.809		

a. Variable(s) entered on step 1: CST_TotalScore.

To sum, in certain instances the binomial logistic regression models were found to be statistically significant (as was the case for vignette A (Q1 & 2), vignette C (Q1 & 2), and vignette D (Q2)). For every vignette question, the models accounted for variance in answers and correctly predicted the outcomes. However, CST Scale score was not found to be a significant predictor of vignette answering in many cases (vignette A (Q1 & 2), vignette B (Q1 & 2), and vignette D (Q 1 & 2)). Still, other pieces of output, particularly the odds ratio and β values, suggested that CST Scale score did possess a certain amount of predicting power for vignette answering, but the amount was not statistically significant.

4.9.2 Research Question 2:

Will the participants' gender and/or race influence their FST decision-making, attitudes regarding the relevance of FST indicators, levels of punitiveness and attitudes towards mental illness?

This research question possesses many subsections. Accordingly, the investigation of each subsection will be separated and presented in different parts.

4.9.2.1 The Influence of Gender on FST Decision-Making

To investigate this, crosstabulations examining gender proportions for each vignette were run first. Essentially, 10 male and 11 female participants responded to vignette A, with 9 of these males and 10 females believing that the defendant was unfit for trial, and 9 of these males and 11 females agreeing that they would raise the issue of FST (See Table 20 & 21); 16 men and 12 women answered vignette B, with 10 of the males and 10 females finding the defendant unfit, and 10 males and 10 females agreeing to raise the issue of FST (Table 22 & 23); 14 males and 10 females answered vignette C, with 11 of these males and 9 females adjudging the defendant as unfit, and 11 males and 9 females agreeing to raise the issue of FST (Table 24 & 25); 14 men and 12 women responded to vignette D: 11 men and 12 women found the

defendant unfit, and 13 men and 12 women agreed to raise the issue of the defendant's FST (Table 26 & 27). Next, to assess the impact of gender on decision-making, Chi-Square tests - which measure the significance of a relationship between two categorical variables (Field, 2018; Moore, Notz, & Flinger, 2013) – were utilised.

For vignette A question 1, Fisher's Exact Test was used as the assumption regarding expected counts for a 2x2 table was violated. This number was then compared to a significance level of 0.05. As $p = 1.000$ is greater than 0.05, the result is not considered to be significant (See Table 28). Thus, it can be concluded that gender does not have an impact on deciding whether the defendant is fit or unfit to stand trial, when that the defendant is a white female ($X^2(1, N = 99) = 1.00$ two-sided Fisher's exact test, $p = 1.000$). For question 2, Fisher's Exact Test produced a score 0.476 (See Table 29), highlighting that gender does not influence the raising of the issue of FST when the defendant is a white female ($X^2(1, N = 99) = 0.476$ two-sided Fisher's exact test, $p = 0.476$).

For vignette B question 1, Fisher's Exact Test was used as the assumption regarding expected counts was violated again. A statistically insignificant score of 0.401 was found (See Table 30), suggesting that the participant's gender does not affect their decision regarding whether the defendant is fit or unfit for trial, when the defendant is a white male ($X^2(1, N = 99) = 0.401$ two-sided Fisher's exact test, $p = 0.401$). For question two, a statistically insignificant score of 0.401 was also computed (See Table 31; $X^2(1, N = 99) = 0.401$ two-sided Fisher's exact test, $p = 0.401$), implying that gender does not influence the raising of the issue of FST in this case.

Regarding vignette C question 1, the assumption of expected counts was violated so Fisher's exact test was utilised. An insignificant score was found (See Table 32; $X^2(1, N = 99) = 0.615$ two-sided Fisher's exact test, $p = 0.615$), so it was determined that the participant's gender does not affect their adjudging of a defendant's fitness when the defendant is a black female. In addition, it was found that the participant's gender did not affect their raising of the issue of the defendant's FST (See Table 33; $X^2(1, N = 99) = 0.615$ two-sided Fisher's exact test, $p = 0.615$).

For vignette D, Fisher's exact test was used again. No statistically significant relationships were found between the variables (See Tables 34 & 35), highlighting that the participant's gender did not influence their determining of the defendant's fitness or the raising

of FST when the defendant was a black male. For question 1: $X^2(1, N = 99) = 0.225$ two-sided Fisher's exact test, $p = 0.225$. For question 2: $X^2(1, N = 99) = 1.000$ two-sided Fisher's exact test, $p = 1.000$.

To sum, there were no statistically significant associations found between the participant's gender and their FST decision-making for either of the hypothetical vignette cases. Accordingly, it can be deduced that gender does not have an impact in FST decision-making.

Table 20

Crosstabulation of Gender Frequency for Vignette A

VA_Q1 * Gender Crosstabulation

			Male	Female	Total
			Gender	
VA_Q1	Yes	Count	1	1	2
		% within VA_Q1	50.0%	50.0%	100.0%
		% within Gender	10.0%	9.1%	9.5%
	No	Count	9	10	19
		% within VA_Q1	47.4%	52.6%	100.0%
		% within Gender	90.0%	90.9%	90.5%
Total		Count	10	11	21
		% within VA_Q1	47.6%	52.4%	100.0%
		% within Gender	100.0%	100.0%	100.0%

Table 21

Crosstabulation of Gender Frequency for Vignette A

VA_Q2 * Gender Crosstabulation

			Male	Female	Total
			Gender	
VA_Q2	Yes	Count	9	11	20
		% within VA_Q2	45.0%	55.0%	100.0%
		% within Gender	90.0%	100.0%	95.2%
	No	Count	1	0	1
		% within VA_Q2	100.0%	0.0%	100.0%

			Male	Female	Total
		% within Gender	10.0%	0.0%	4.8%
Total		Count	10	11	21
		% within VA_Q2	47.6%	52.4%	100.0%
		% within Gender	100.0%	100.0%	100.0%

Table 22

Crosstabulation of Gender Frequencies for Vignette B

VB_Q1 * Gender Crosstabulation

			Gender		
			Male	Female	Total
VB_Q1	Yes	Count	6	2	8
		% within VB_Q1	75.0%	25.0%	100.0%
		% within Gender	37.5%	16.7%	28.6%
	No	Count	10	10	20
		% within VB_Q1	50.0%	50.0%	100.0%
		% within Gender	62.5%	83.3%	71.4%
Total		Count	16	12	28
		% within VB_Q1	57.1%	42.9%	100.0%
		% within Gender	100.0%	100.0%	100.0%

Table 23

Crosstabulation of Gender Frequency for Vignette B

VB_Q2 * Gender Crosstabulation

			Gender		
			Male	Female	Total
VB_Q2	Yes	Count	10	10	20
		% within VB_Q2	50.0%	50.0%	100.0%
		% within Gender	62.5%	83.3%	71.4%
	No	Count	6	2	8
		% within VB_Q2	75.0%	25.0%	100.0%
		% within Gender	37.5%	16.7%	28.6%
Total		Count	16	12	28
		% within VB_Q2	57.1%	42.9%	100.0%
		% within Gender	100.0%	100.0%	100.0%

Table 24

Crosstabulation of Gender Frequencies for Vignette C

VC_Q1 * Gender Crosstabulation

| | | | Gender | | |
			Male	Female	Total
VC_Q1	Yes	Count	3	1	4
		% within VC_Q1	75.0%	25.0%	100.0%
		% within Gender	21.4%	10.0%	16.7%
	No	Count	11	9	20
		% within VC_Q1	55.0%	45.0%	100.0%
		% within Gender	78.6%	90.0%	83.3%
Total		Count	14	10	24
		% within VC_Q1	58.3%	41.7%	100.0%
		% within Gender	100.0%	100.0%	100.0%

Table 25

Crosstabulation of Gender Frequency for Vignette C

VC_Q2 * Gender Crosstabulation

| | | | Gender | | |
			Male	Female	Total
VC_Q2	Yes	Count	11	9	20
		% within VC_Q2	55.0%	45.0%	100.0%
		% within Gender	78.6%	90.0%	83.3%
	No	Count	3	1	4
		% within VC_Q2	75.0%	25.0%	100.0%
		% within Gender	21.4%	10.0%	16.7%
Total		Count	14	10	24
		% within VC_Q2	58.3%	41.7%	100.0%
		% within Gender	100.0%	100.0%	100.0%

Table 26

Crosstabulation of Gender Frequency for Vignette D

VD_Q1 * Gender Crosstabulation

| | | | Gender | | |
			Male	Female	Total
VD_Q1	Yes	Count	3	0	3

			Male	Female	Total
		% within VD_Q1	100.0%	0.0%	100.0%
		% within Gender	21.4%	0.0%	11.5%
	No	Count	11	12	23
		% within VD_Q1	47.8%	52.2%	100.0%
		% within Gender	78.6%	100.0%	88.5%
Total		Count	14	12	26
		% within VD_Q1	53.8%	46.2%	100.0%
		% within Gender	100.0%	100.0%	100.0%

Table 27

Crosstabulation of Gender Frequency for Vignette D

VD_Q2 * Gender Crosstabulation

			Gender		
			Male	Female	Total
VD_Q2	Yes	Count	13	12	25
		% within VD_Q2	52.0%	48.0%	100.0%
		% within Gender	92.9%	100.0%	96.2%
	No	Count	1	0	1
		% within VD_Q2	100.0%	0.0%	100.0%
		% within Gender	7.1%	0.0%	3.8%
Total		Count	14	12	26
		% within VD_Q2	53.8%	46.2%	100.0%
		% within Gender	100.0%	100.0%	100.0%

Table 28

Chi-Square Test, Vignette A (Q1)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.005[a]	1	.943		
Continuity Correction[b]	.000	1	1.000		
Likelihood Ratio	.005	1	.944		
Fisher's Exact Test				1.000	.738
Linear-by-Linear Association	.005	1	.945		

N of Valid Cases	21				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is .95.

b. Computed only for a 2x2 table

Table 29

Chi-Square Test, Vignette A (Q2)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	1.155[a]	1	.283		
Continuity Correction[b]	.002	1	.961		
Likelihood Ratio	1.539	1	.215		
Fisher's Exact Test				.476	.476
Linear-by-Linear Association	1.100	1	.294		
N of Valid Cases	21				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is .48.

b. Computed only for a 2x2 table

Table 30

Chi-Square Test, Vignette B(Q1)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	1.458[a]	1	.227		
Continuity Correction[b]	.616	1	.432		
Likelihood Ratio	1.520	1	.218		
Fisher's Exact Test				.401	.218
Linear-by-Linear Association	1.406	1	.236		
N of Valid Cases	28				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is 3.43.

b. Computed only for a 2x2 table

Table 31

Chi-Square Test, Vignette B(Q2)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	1.458[a]	1	.227		
Continuity Correction[b]	.616	1	.432		
Likelihood Ratio	1.520	1	.218		
Fisher's Exact Test				.401	.218
Linear-by-Linear Association	1.406	1	.236		
N of Valid Cases	28				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is 3.43.

b. Computed only for a 2x2 table

Table 32

Chi-Square Test, Vignette C(Q1)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.549[a]	1	.459		
Continuity Correction[b]	.034	1	.853		
Likelihood Ratio	.577	1	.447		
Fisher's Exact Test				.615	.437
Linear-by-Linear Association	.526	1	.468		
N of Valid Cases	24				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is 1.67.

b. Computed only for a 2x2 table

Table 33

Chi-Square Test, Vignette C(Q2)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.549[a]	1	.459		

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Continuity Correction[b]	.034	1	.853		
Likelihood Ratio	.577	1	.447		
Fisher's Exact Test				.615	.437
Linear-by-Linear Association	.526	1	.468		
N of Valid Cases	24				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is 1.67.

b. Computed only for a 2x2 table

Table 34

Chi-Square Test, Vignette D(Q1)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	2.907[a]	1	.088		
Continuity Correction[b]	1.187	1	.276		
Likelihood Ratio	4.048	1	.044		
Fisher's Exact Test				.225	.140
Linear-by-Linear Association	2.795	1	.095		
N of Valid Cases	26				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is 1.38.

b. Computed only for a 2x2 table

Table 35

Chi-Square Test, Vignette D(Q2)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.891[a]	1	.345		
Continuity Correction[b]	.000	1	1.000		
Likelihood Ratio	1.272	1	.259		
Fisher's Exact Test				1.000	.538
Linear-by-Linear Association	.857	1	.355		
N of Valid Cases	26				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is .46.

b. Computed only for a 2x2 table

To examine this, the same procedure employed for part 1 of this research question was enacted. For vignette A, 19 respondents were white and 2 were black/black Irish (See Tables 36 & 37). Of these, 17 white participants and 2 black participants believed that the defendant was unfit for trial, and 18 white and 2 black participants agreed to raise the issue of FST. For vignette B, 26 respondents identified as white and 2 as black/black Irish (See Tables 38 & 39). Here, 18 white and 2 black participants adjudged the defendant as unfit, and 18 white and 2 black participants agreed to raise the FST issue. Regarding vignette C, 19 participants were white and 5 were black/black Irish (See Tables 40 & 41). Of these, 15 white and 5 black respondents believed the defendant to be unfit and agreed to raise the issue of FST. For vignette D, there were 21 white and 5 black/black Irish participants (See Tables 42 & 43). Here, 20 white and 3 black participants considered the defendant unfit, and 20 white and 5 black participants agreed to raise the issue of FST. Ensuing this, to examine the effect of race on FST decision-making, Chi-Square tests were employed. For each vignette answer, the assumption regarding expected counts for a 2x2 table was violated, so Fisher's Exact Test was used. The score from this test was compared to a score of 0.05 to determine statistical significance.

For vignette A, it was determined that the participant's race did not significantly influence their FST decision-making. For question 1 and 2, Fisher's Exact Test produced a significance score of $p = 1.000$ (See Tables 44 & 45; $X^2(1, N = 99) = 1.000$ two-sided Fisher's exact test, $p = 1.000$), suggesting that the participant's race did not affect their consideration of the defendant's fitness or their decision to raise the issue of FST when the defendant is a white female.

Regarding vignette B, it was found that the participant's race did not significantly influence their FST decision-making. For both questions 1 and 2, Fisher's Exact Test provided a score of $p = 1.000$ again (See Tables 46 & 47; $X^2(1, N = 99) = 1.000$ two-sided Fisher's exact test, $p = 1.000$). From this, it can be inferred that the race of the participant does not control their adjudging of the defendant's fitness or their likelihood to raise the issue of FST when the defendant is a white male.

For vignette C, it was also discovered that the participant's race did not significantly influence their FST decision-making. A score of $p = 0.544$ was given by each Fisher's Exact

Test for both vignette questions (See Tables 48 & 49; $X^2(1, N = 99) = 0.544$ two-sided Fisher's exact test, $p = 0.544$). Thus, it may be understood that the race of the participant does not affect their determining of the defendant's fitness or their likelihood to raise the issue of FST when the defendant is a black female.

For vignette D, it was deduced that the participant's race did not significantly influence their FST decision-making. For question 1, Fisher's Exact Test produced a statistically insignificant score of $p = 0.085$ (See Table 50), implying that the participant's race does not impact their decision regarding a defendant's fitness for trial when the defendant is a black male ($X^2(1, N = 99) = 0.085$ two-sided Fisher's exact test, $p = 0.084$). For question 2, another statistically insignificant score was found ($p = 1.000$; See Table 51; $X^2(1, N = 99) = 1.000$ two-sided Fisher's exact test, $p = 1.000$). Therefore, the participant's race does not affect their raising of the issue of FST either.

To sum, there were no statistically significant associations found between the participant's race and their FST decision-making for either of the hypothetical vignette cases. Accordingly, it can be inferred that race does not have an impact in FST decision-making.

Table 36

Crosstabulation of Race Frequency for Vignette A

VA_Q1 * Race Crosstabulation

			Race		
			White	Black/Black Irish	Total
VA_Q1	Yes	Count	2	0	2
		Expected Count	1.8	.2	2.0
	No	Count	17	2	19
		Expected Count	17.2	1.8	19.0
Total		Count	19	2	21
		Expected Count	19.0	2.0	21.0

Table 37

Crosstabulation of Race Frequency for Vignette A

VA_Q2 * Race Crosstabulation

			Race		Total
			White	Black/Black Irish	
VA_Q2	Yes	Count	18	2	20
		Expected Count	18.1	1.9	20.0
	No	Count	1	0	1
		Expected Count	.9	.1	1.0
Total		Count	19	2	21
		Expected Count	19.0	2.0	21.0

Table 38

Crosstabulation of Race Frequency for Vignette B

VB_Q1 * Race Crosstabulation

			Race		Total
			White	Black/Black Irish	
VB_Q1	Yes	Count	8	0	8
		Expected Count	7.4	.6	8.0
	No	Count	18	2	20
		Expected Count	18.6	1.4	20.0
Total		Count	26	2	28
		Expected Count	26.0	2.0	28.0

Table 39

Crosstabulation of Race Frequency for Vignette B

VB_Q2 * Race Crosstabulation

			Race		Total
			White	Black/Black Irish	
VB_Q2	Yes	Count	18	2	20
		Expected Count	18.6	1.4	20.0
	No	Count	8	0	8
		Expected Count	7.4	.6	8.0
Total		Count	26	2	28
		Expected Count	26.0	2.0	28.0

Table 40

Crosstabulation of Race Frequency for Vignette C

VC_Q1 * Race Crosstabulation

			White	Black/Black Irish	Total
			\<Race\>		
VC_Q1	Yes	Count	4	0	4
		Expected Count	3.2	.8	4.0
	No	Count	15	5	20
		Expected Count	15.8	4.2	20.0
Total		Count	19	5	24
		Expected Count	19.0	5.0	24.0

Table 41

Crosstabulation of Race Frequency for Vignette C

VC_Q2 * Race Crosstabulation

			White	Black/Black Irish	Total
			\<Race\>		
VC_Q2	Yes	Count	15	5	20
		Expected Count	15.8	4.2	20.0
	No	Count	4	0	4
		Expected Count	3.2	.8	4.0
Total		Count	19	5	24
		Expected Count	19.0	5.0	24.0

Table 42

Crosstabulation of Race Frequency for Vignette D

VD_Q1 * Race Crosstabulation

			White	Black/Black Irish	Total
			\<Race\>		
VD_Q1	Yes	Count	1	2	3
		Expected Count	2.4	.6	3.0
	No	Count	20	3	23
		Expected Count	18.6	4.4	23.0
Total		Count	21	5	26
		Expected Count	21.0	5.0	26.0

Table 43

Crosstabulation of Race Frequency for Vignette D

VD_Q2 * Race Crosstabulation

			White	Black/Black Irish	Total
				Race	
VD_Q2	Yes	Count	20	5	25
		Expected Count	20.2	4.8	25.0
	No	Count	1	0	1
		Expected Count	.8	.2	1.0
Total		Count	21	5	26
		Expected Count	21.0	5.0	26.0

Table 44

Chi-Square Test, Vignette A (Q1)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.233[a]	1	.630		
Continuity Correction[b]	.000	1	1.000		
Likelihood Ratio	.422	1	.516		
Fisher's Exact Test				1.000	.814
Linear-by-Linear Association	.222	1	.638		
N of Valid Cases	21				

a. 3 cells (75.0%) have expected count less than 5. The minimum expected count is .19.

b. Computed only for a 2x2 table

Table 45

Chi-Square Test, Vignette A(Q2)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.111[a]	1	.740		
Continuity Correction[b]	.000	1	1.000		
Likelihood Ratio	.205	1	.650		
Fisher's Exact Test				1.000	.905
Linear-by-Linear Association	.105	1	.746		
N of Valid Cases	21				

a. 3 cells (75.0%) have expected count less than 5. The minimum expected count is .10.

b. Computed only for a 2x2 table

Table 46

Chi-Square Test, Vignette B(Q1)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.862[a]	1	.353		
Continuity Correction[b]	.013	1	.908		
Likelihood Ratio	1.407	1	.236		
Fisher's Exact Test				1.000	.503
Linear-by-Linear Association	.831	1	.362		
N of Valid Cases	28				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is .57.

b. Computed only for a 2x2 table

Table 47

Chi-Square Test, Vignette B(Q2)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.862[a]	1	.353		
Continuity Correction[b]	.013	1	.908		
Likelihood Ratio	1.407	1	.236		
Fisher's Exact Test				1.000	.503
Linear-by-Linear Association	.831	1	.362		
N of Valid Cases	28				

a. 2 cells (50.0%) have expected count less than 5. The minimum expected count is .57.

b. Computed only for a 2x2 table

Table 48

Chi-Square Test, Vignette C(Q1)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	1.263[a]	1	.261		
Continuity Correction[b]	.202	1	.653		
Likelihood Ratio	2.070	1	.150		
Fisher's Exact Test				.544	.365
Linear-by-Linear Association	1.211	1	.271		
N of Valid Cases	24				

a. 3 cells (75.0%) have expected count less than 5. The minimum expected count is .83.

b. Computed only for a 2x2 table

Table 49

Chi-Square Test, Vignette C(Q2)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	1.263[a]	1	.261		
Continuity Correction[b]	.202	1	.653		
Likelihood Ratio	2.070	1	.150		
Fisher's Exact Test				.544	.365
Linear-by-Linear Association	1.211	1	.271		
N of Valid Cases	24				

a. 3 cells (75.0%) have expected count less than 5. The minimum expected count is .83.

b. Computed only for a 2x2 table

Table 50

Chi-Square Test, Vignette D(Q1)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	4.913[a]	1	.027		
Continuity Correction[b]	2.067	1	.151		
Likelihood Ratio	3.826	1	.050		
Fisher's Exact Test				.085	.085
Linear-by-Linear Association	4.724	1	.030		
N of Valid Cases	26				

a. 3 cells (75.0%) have expected count less than 5. The minimum expected count is .58.

b. Computed only for a 2x2 table

Table 51

Chi-Square Test, Vignette D(Q2)

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.248[a]	1	.619		
Continuity Correction[b]	.000	1	1.000		
Likelihood Ratio	.437	1	.509		
Fisher's Exact Test				1.000	.808
Linear-by-Linear Association	.238	1	.626		
N of Valid Cases	26				

a. 3 cells (75.0%) have expected count less than 5. The minimum expected count is .19.

b. Computed only for a 2x2 table

4.9.2.3 The Influence of Gender on Attitudes of FST indicator relevance (CST Scale Score)

To analyse the influence of demographic variables on study variables, non-parametric Mann-Whitney tests (Mann & Whitney, 1947; Wilcoxon, 1943) were run as these tests determine if there are differences evident between two independent samples. The Mann-Whitney is the non-

parametric alternative to an independent t-test, which examines whether two means collected from individual samples differ significantly (Field, 2018; Hanna & Dempster, 2012).

To investigate the influence of gender on attitudes regarding the relevance of FST indicators, a Mann-Whitney test was employed. The CST Scale score was run against the independent variable of gender. From the preliminary descriptive statistics, it can be seen that the means of CST Scale scores did differ between males (M=88.81, SD=17.663) and females (M=98.09, SD=13.940) (See Table 52 & Figure 10). Moreover, according to the Mann-Whitney test, this difference was statistically significant as $p = 0.019 < 0.05$ (See Table 53), $U = 881.50$, $z = -2.345$, $p = 0.019$, $r = 0.06$. Therefore, the gender of the participant does affect their attitude regarding the relevance of FST indicators, with female participants being more likely to support the use of the indicators contained in the CST Scale than males.

Table 52

Gender Frequency for CST Scale

Statistics

CST_TotalScore

Male	N	Valid	54
		Missing	0
	Mean		88.81
	Median		94.50
	Mode		108
	Std. Deviation		17.663
	Sum		4796
Female	N	Valid	45
		Missing	0
	Mean		98.09
	Median		100.00
	Mode		121
	Std. Deviation		13.940
	Sum		4414

Table 53

Mann-Whitney Test: Gender and CST Scale

Test Statistics[a]

	CST_TotalScore
Mann-Whitney U	881.500
Wilcoxon W	2366.500
Z	-2.345
Asymp. Sig. (2-tailed)	.019

a. Grouping Variable: Gender

Figure 10

Means of Male and Female CST Scale scores

Simple Bar Mean of CST_TotalScore by Gender
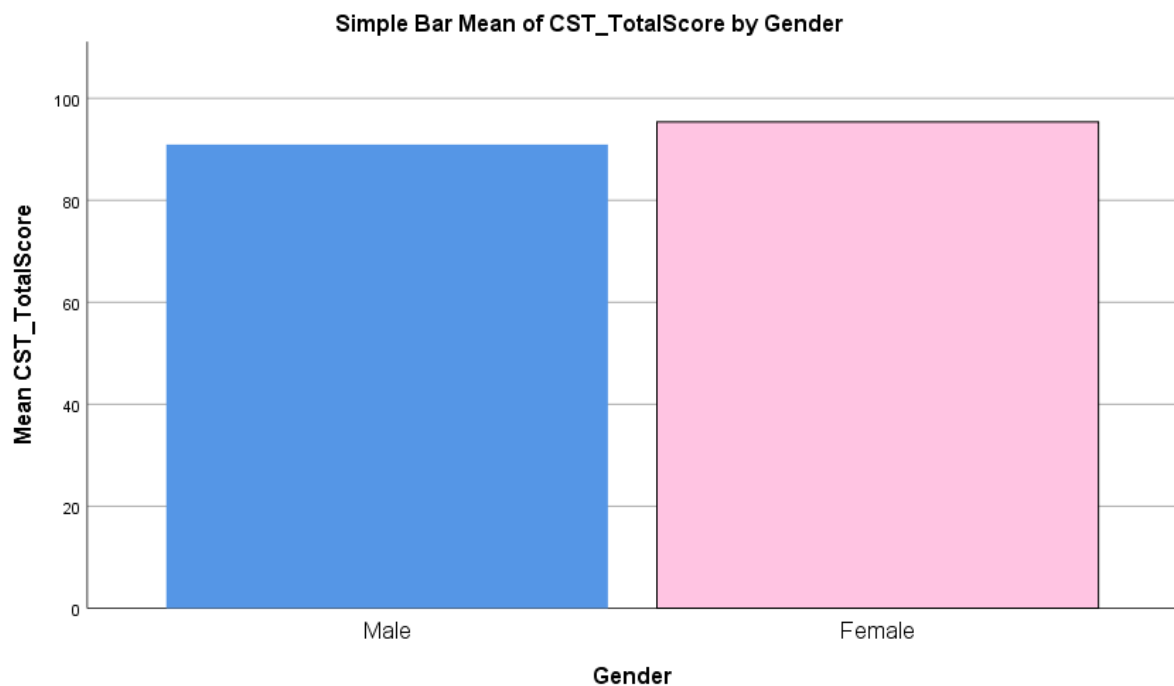
4.9.2.4 The Influence of Race on Attitudes of FST indicator relevance (CST Scale Score)

To analyse the influence of the participant's race on their attitude regarding the relevance of FST indicators, a Mann-Whitney test was employed. This time, the CST Scale score was run against the independent variable of race. From the initial descriptive statistics, there wasn't a large difference between the mean CST Scale score for white (M=93.04, SD=17.667) and black (M=93.00, SD=8.674) participants (See Table 54 & Figure 11). Crucially, the Mann-Whitney test revealed that this difference was not statistically significant: $p = 0.504$ (See Table 55), $U = 528.50$, $z = -0.668$, $p = 0.504$, $r = 0.005$. Consequently, the race of the participant does not influence their attitude regarding the relevance of FST indicators, with neither white

participants or black participants being more probable to support or oppose the use of the indicators contained in the CST Scale.

Table 54

Race Frequency for CST Scale

Statistics

CST_TotalScore

White	N	Valid	85
		Missing	0
	Mean		93.04
	Median		97.00
	Mode		108
	Std. Deviation		17.667
	Sum		7908
Black/Black Irish	N	Valid	14
		Missing	0
	Mean		93.00
	Median		94.00
	Mode		91
	Std. Deviation		8.674
	Sum		1302

Table 55

Mann-Whitney Test: Race & CST Scale

Test Statistics[a]

	CST_TotalScore
Mann-Whitney U	528.500
Wilcoxon W	633.500
Z	-.668
Asymp. Sig. (2-tailed)	.504

a. Grouping Variable: Race

Figure 11

Means of Races CST Scale Scores

Simple Bar Mean of CST_TotalScore by Race
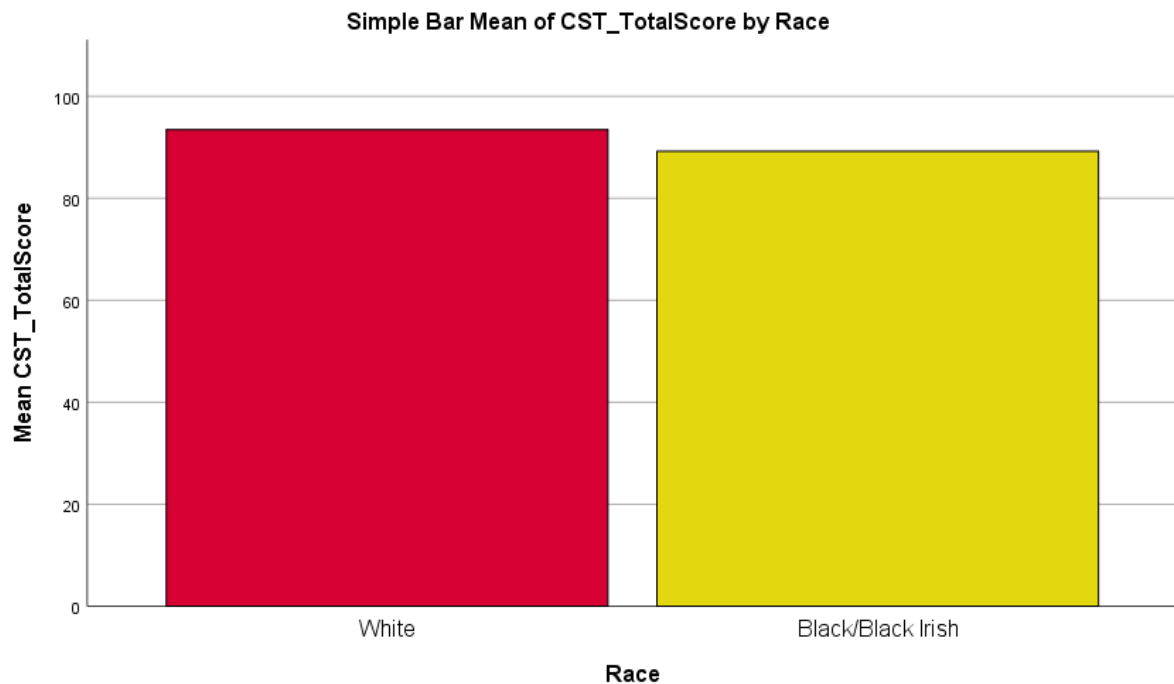
4.9.2.5 The Influence of Gender on Punitive Attitudes

To assess the relationship between gender and levels of punitive attitudes, a Mann-Whitney test was employed. For this analysis, the Punitive Attitudes Scale (PAS) score was run against the independent variable of gender. Descriptive statistics portrayed that there was a difference evident between the mean PAS scores for males (M=44.30, SD=17.384) and females (M=34.58, SD=9.771) (See Table 56 & Figure 12). Further analysis conducted using the Mann-Whitney test showed that this difference was statistically significant $p = 0.002$ (See Table 57). Therefore, levels of punitive attitudes are significantly higher in male participants than in female participants, $U = 767.00$, $z = -3.150$, $p = 0.002$, $r = 0.10$.

Table 56

Gender Frequency for PAS Scale

Statistics

PAS_TotalScore

Male	N	Valid	54
		Missing	0

98

	Mean		44.30
	Median		46.50
	Mode		56
	Std. Deviation		17.384
	Sum		2392
Female	N	Valid	45
		Missing	0
	Mean		34.58
	Median		35.00
	Mode		35
	Std. Deviation		9.771
	Sum		1556

Table 57

Mann-Whitney Test: Gender & PAS Scale

Test Statistics[a]

	PAS_TotalScore
Mann-Whitney U	767.000
Wilcoxon W	1802.000
Z	-3.150
Asymp. Sig. (2-tailed)	.002

a. Grouping Variable: Gender

Figure 12

Means for Male and Female PAS Scale scores

Simple Bar Mean of PAS_TotalScore by Gender
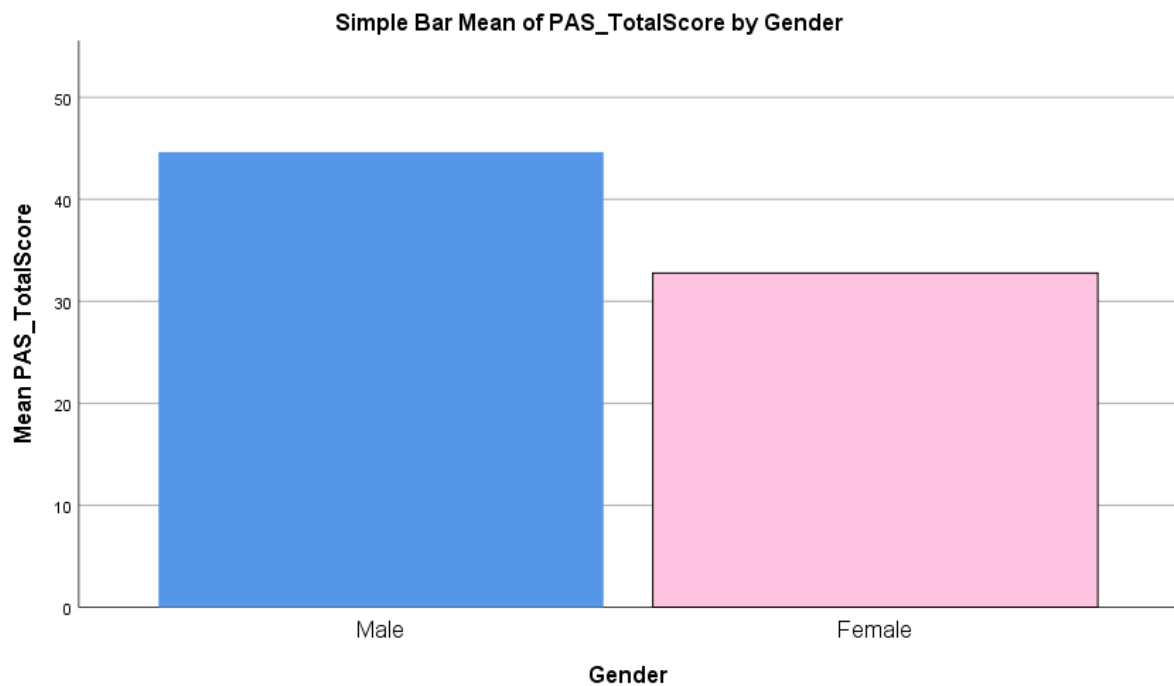
4.9.2.6 The Influence of Race on Punitive Attitudes

To investigate the association between race and levels of punitive attitudes, a Mann-Whitney test was run. Initial descriptive statistics outlined that there was a divergence in mean PAS scores for white (M=40.88, SD=15.654) and black (M=33.79, SD=10.184) participants (See Table 58 & Figure 13). However, results from the Mann-Whitney test revealed that this divergence is not statistically significant $p = 0.183 > 0.05$ (See Table 59). Hence, it may be inferred that there is no statistically significant difference evident in levels of punitive attitudes based upon race, $U = 462.50$, $z = -1.331$, $p = 0.183$, $r = 0.02$.

Table 58

Race Frequency for PAS Scale

Statistics

PAS_TotalScore

White	N	Valid	85
		Missing	0
	Mean		40.88

	Median		38.00
	Mode		28a
	Std. Deviation		15.654
	Sum		3475
Black/Black Irish	N	Valid	14
		Missing	0
	Mean		33.79
	Median		35.00
	Mode		35
	Std. Deviation		10.184
	Sum		473

a. Multiple modes exist. The smallest value is shown

Table 59

Mann-Whitney Test: Race & PAS Scale

Test Statistics^a

	PAS_TotalScore
Mann-Whitney U	462.500
Wilcoxon W	567.500
Z	-1.331
Asymp. Sig. (2-tailed)	.183

a. Grouping Variable: Race

Figure 13

Means for Race PAS Scale score

Simple Bar Mean of PAS_TotalScore by Race
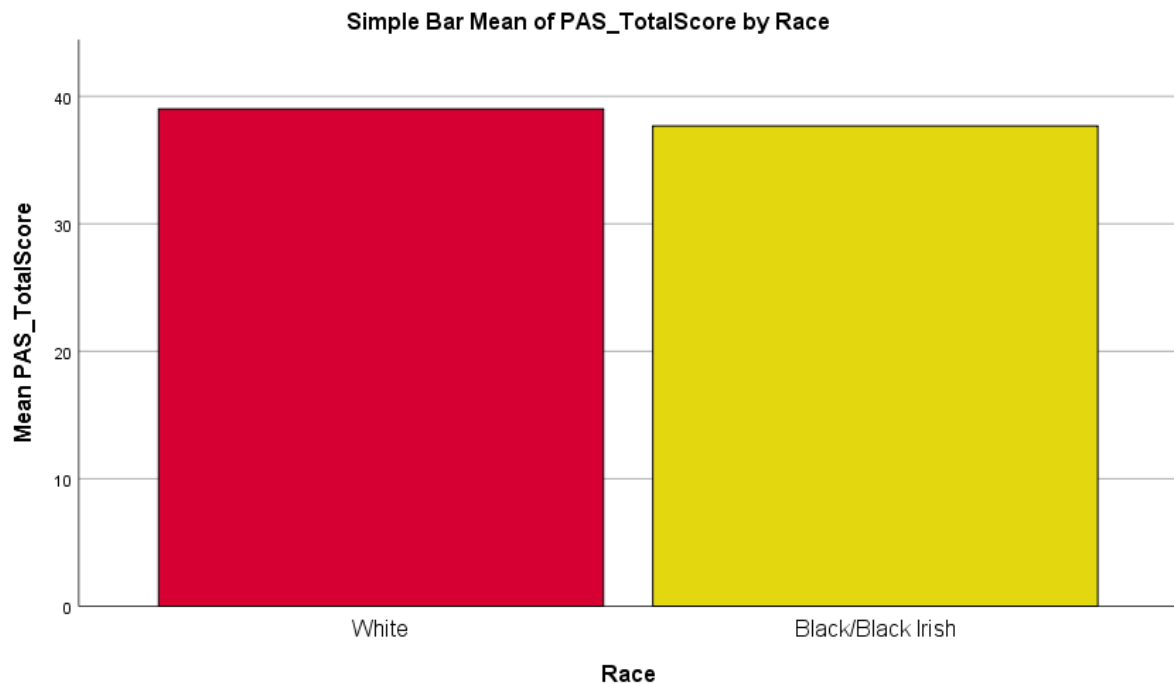
4.9.2.7 *The Influence of Gender on Attitudes toward Mental Illness*

To question the influence of gender on attitudes toward mental illness, a Mann-Whitney test was exercised. For this, the total scores from the Stigmatizing Attitudes Believability (SAB) Scale were run against the independent variable of gender. Descriptive statistics illustrated that a discrepancy existed amidst the mean scores for males (M=31.98, SD=12.897) and females (M=21.24, SD=7.315) (See Table 60 & Figure 14). The Mann-Whitney test demonstrated that this discrepancy between males and females was statistically significant, $U = 622.00$, $z = -4.171$, $p = 0.000$, $r = 0.18$ (See Table 61). Accordingly, it is clear that male participants possess a more unfavourable attitude toward mental illness than females.

Table 60

Gender Frequency for SAB Scale

Statistics

SAB_TotalScore

Male	N	Valid	54
		Missing	0
	Mean		31.98
	Median		34.00

	Mode		25
	Std. Deviation		12.897
	Sum		1727
Female	N	Valid	45
		Missing	0
	Mean		21.24
	Median		20.00
	Mode		20
	Std. Deviation		7.315
	Sum		956

Table 61

Mann-Whitney Test: Gender & SAB Scale

Test Statistics[a]

	SAB_TotalScore
Mann-Whitney U	622.000
Wilcoxon W	1657.000
Z	-4.171
Asymp. Sig. (2-tailed)	.000

a. Grouping Variable: Gender

Figure 14

Means for Gender SAB Scale score

Simple Bar Mean of SAB_TotalScore by Gender
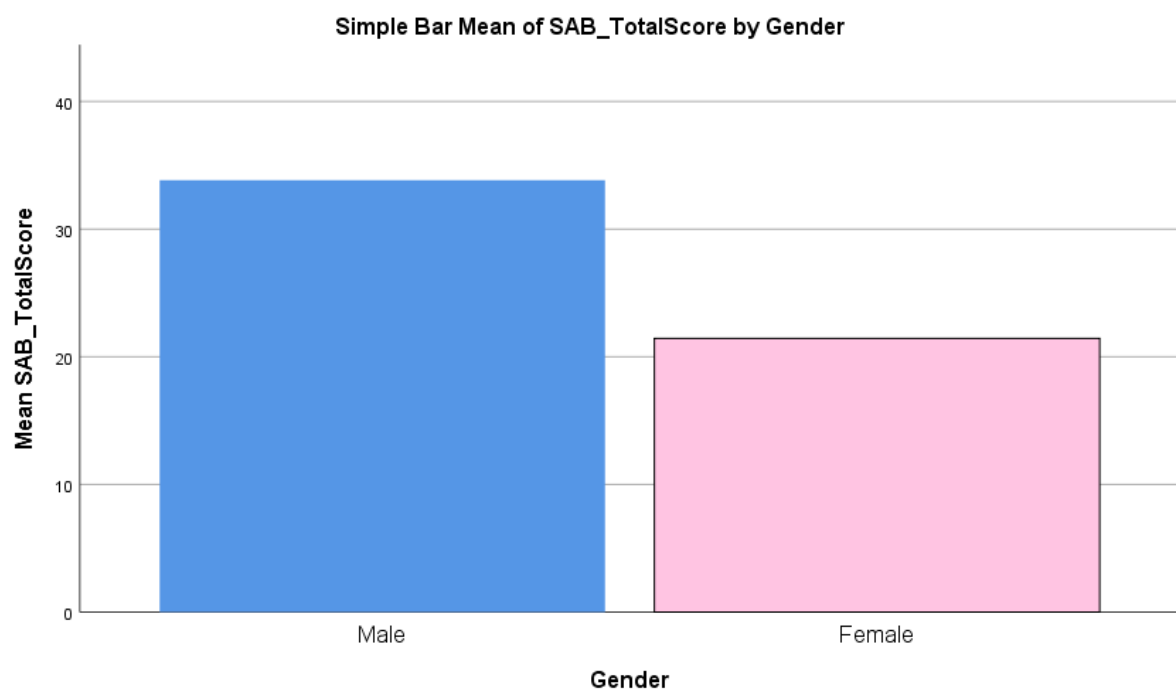
4.9.2.8 The Influence of Race on Attitudes towards Mental Illness

In line with the examination regarding gender, a non-parametric Mann-Whitney test was also utilised to examine the influence of race on attitudes towards mental illness. Primary descriptive statistics suggested that there was a difference in mean SAB scale scores for white (M=28.09, SD=12.207) and black (M=21.07, SD=8.269) participants (See Table 62 & Figure 15). Following this, the Mann-Whitney test confirmed that this difference was statistically significant, $p = 0.042 < 0.05$ (See Table 63). As a result, it may be determined that white participants possess a higher stigma and unfavourable attitude towards mental illness than black participants, $U = 392.50$, $z = -2.035$, $p = 0.042$, $r = 0.04$.

Table 62

Race Frequency for SAB Scale

Statistics

SAB_TotalScore

White	N	Valid	85
		Missing	0
	Mean		28.09
	Median		25.00
	Mode		19
	Std. Deviation		12.207
	Sum		2388
Black/Black Irish	N	Valid	14
		Missing	0
	Mean		21.07
	Median		19.00
	Mode		14[a]
	Std. Deviation		8.269
	Sum		295

a. Multiple modes exist. The smallest value is shown

Table 63

Mann-Whitney Test: Race & SAB Scale

Test Statistics[a]

	SAB_TotalScore
Mann-Whitney U	392.500
Wilcoxon W	497.500
Z	-2.035
Asymp. Sig. (2-tailed)	.042

a. Grouping Variable: Race

Figure 15

Means for Race SAB Scale score

Simple Bar Mean of SAB_TotalScore by Race
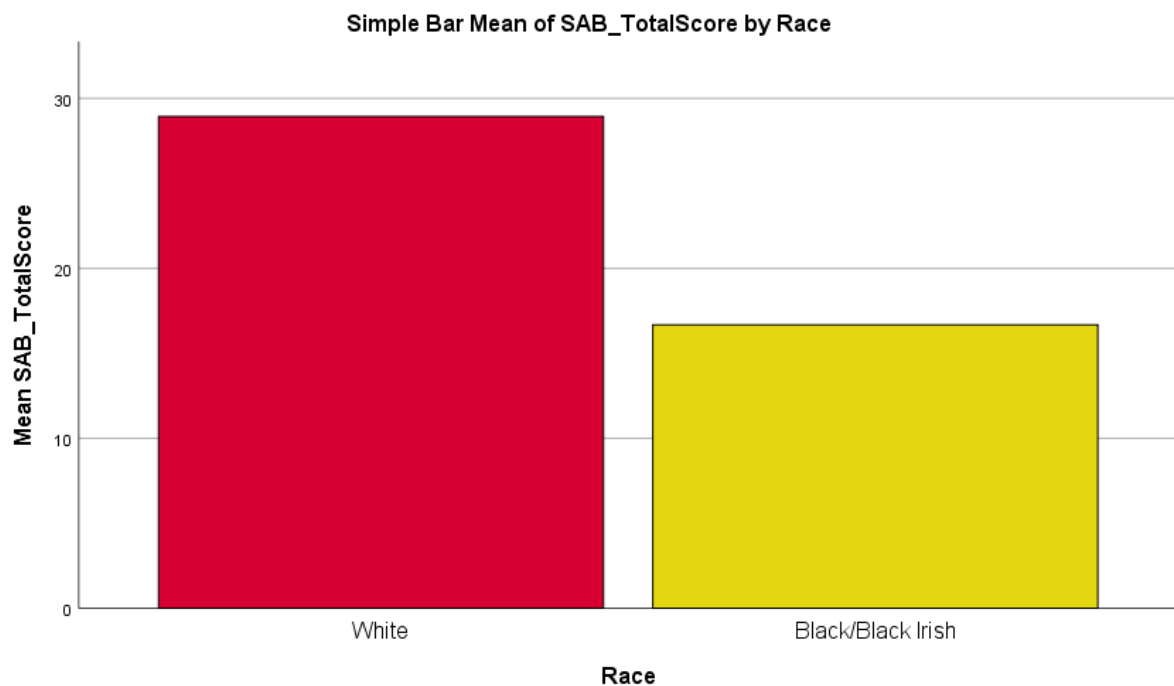
4.9.2.9 The Combined Effects of Demographic Variables (gender, race, legal employment status) on Study Variables (CST Scale, PAS Scale, SAB Scale)

This subsection of research question two concerns the combined influence of demographic variables on the study variables. To examine this, the parametric two-way between-groups ANOVA tests were run (for a justification of using a parametric test on non-normal data, please see the data analysis section of the Methodology Chapter). These ANOVA analyse divergences involving two or more independent variables and one dependent variable (Field, 2018; Hanna & Dempster, 2012).

Firstly, the combined influence of race, gender, and legal employment status on attitudes regarding the relevance of FST indicators (CST Scale) was questioned. Although the significance values according to the Levene's Test of Equality of Error Variances are not all above 0.05 (See Table 64) which therefore violates the assumption of homogeneity of variances, the two-way ANOVA is robust enough to violate this assumption and remain a valid test (Grande, 2015). However, it still must be acknowledged that this violation limits the test's effectiveness. The two-way between-groups ANOVA with race (white (M=93.445, SD=1.818), black/black Irish (M=91.357, SD=5.631)), gender (male (M=87.529, SD=3.745), female (M=97.273, SD=4.581)), and legal employment status (professional (M=91.089, SD=5.148), future professional (M=93.713, SD=2.917)) revealed no main effect for race, $F(1,91) = 0.13$, $p = 0.725$, gender, $F(1,91) = 2.71$, $p = 0.103$, or legal employment status, $F(1,91) = .20$, $p = 0. 658$ (See Table 65). There was no statistically significant interaction effects for either of the variables, notably there was no significant interaction effect for gender and race, $F(1,91) = 0.00$, $p = 0.996$, gender and legal employment status, $F(1,91) = 0.88$, $p = 0.350$, race and legal employment status, $F(1,91) = 0.89$, $p = 0.347$, and gender, race and legal employment status, $F(1,91) = 0.51$, $p = 0.476$ (See Table 65). Interaction plots of these tests were also formulated (See Figures 32 & 33 Appendix FF). The plots insinuated that white female professionals and future professionals score higher (portrays more support for FST item relevancy) on CST scale than white male professionals, and black female professionals score higher than black male professionals. White female professionals are most supportive and black male professionals are the least supportive. Regarding future professionals, there was no difference between black males and females, but white females did score higher than white males. White females were most supportive, followed by black males and females, and then white males. However, as stated, these divergences are not statistically significant. Post hoc tests could not be run as each variable only had two levels; also, there were no significant main or interaction effects so there was no impetus to perform a post hoc test. Accordingly, it can be inferred that the combined effects of gender, race, and legal employment status do not significantly influence attitudes regarding the relevancy of FST indicators.

Table 64

Levene's Test of Equality of Error Variances for Influence of Gender, Race, & Legal Employment Status on CST Scale

Levene's Test of Equality of Error Variances[a,b]

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		Levene Statistic	df1	df2	Sig.
CST_TotalScore	Based on Mean	3.338	6	91	.005
	Based on Median	1.998	6	91	.074
	Based on Median and with adjusted df	1.998	6	75.139	.076
	Based on trimmed mean	3.128	6	91	.008

Tests the null hypothesis that the error variance of the dependent variable is equal across groups.

a. Dependent variable: CST_TotalScore

b. Design: Intercept + Gender + Race + Legal_Employment + Gender * Race + Gender * Legal_Employment + Race * Legal_Employment + Gender * Race * Legal_Employment

Table 65

Test of Between-Subjects Effects for Influence of Gender, Race, & Legal Employment Status on CST Scale

Tests of Between-Subjects Effects

Dependent Variable: CST_TotalScore

Source	Type III Sum of Squares	Df	Mean Square	F	Sig.	Partial Eta Squared
Corrected Model	2805.507[a]	7	400.787	1.495	.179	.103
Intercept	261437.996	1	261437.996	975.459	.000	.915
Gender	726.828	1	726.828	2.712	.103	.029
Race	33.369	1	33.369	.125	.725	.001
Legal_Employment	52.723	1	52.723	.197	.658	.002
Gender * Race	.007	1	.007	.000	.996	.000
Gender * Legal_Employment	236.174	1	236.174	.881	.350	.010
Race * Legal_Employment	239.204	1	239.204	.893	.347	.010
Gender * Race * Legal_Employment	137.058	1	137.058	.511	.476	.006
Error	24389.402	91	268.015			
Total	884004.000	99				
Corrected Total	27194.909	98				

a. R Squared = .103 (Adjusted R Squared = .034)

Secondly, the influence of gender, race, and legal employment status on levels of punitive attitudes (PAS Scale) was examined. Again, it must be acknowledged that the assumption of homogeneity of variances was violated here (See Table 66). The two-way

between-groups ANOVA with gender (male (M=40.613, SD=3.299), female (M=34.705, SD=4.036)), race (white (M=39.952, SD=1.601), black/black Irish (M=35.366, SD=4.960)), and legal employment status (professional (M=39.831, SD=4.535), future professional (M=35.488, SD=2.570)) as between-subjects factors confirmed that there were no main effects for gender, $F(1, 91) = 1.29$, $p = 0.260$, race, $F(1, 91) = 0.77$, $p = 0.381$, or legal employment status, $F(1, 91) = 0.694$, $p = 0.407$. There was no statistically significant interaction effects for the combined influence of gender and race, $F(1, 91) = 0.56$, $p = 0.457$, gender and legal employment status, $F(1, 91) = 0.56$, $p = 0.457$, race and legal employment status, $F(1, 91) = 0.22$, $p = 0.643$, and gender, race, and legal employment status, $F(1, 91) = 0.01$, $p = 0.937$ (See Table 67). Interaction plots of these tests were also formulated (See Figures 34 & 35 Appendix FF). The plots advised that white female professionals score lower (portrays less punitiveness) on PAS scale than white male professionals, and black female professionals score lower than black male professionals, but there is less of a divergence than with white participants. Regarding future professionals, white males are most punitive, followed by white females, black females, and black men. However, as stated, these divergences are not statistically significant. Post hoc tests could not be run as each variable only had two levels; also, there were no significant main or interaction effects so there was no impetus to perform a post hoc test. Thus, it may be inferred that the combined influences of the independent variables of gender, race, and legal employment status do not significantly influence levels of punitive attitudes.

Table 66

Levene's Test of Equality of Error Variances for Influence of Gender, Race, & Legal Employment Status on PAS Scale

Levene's Test of Equality of Error Variances[a,b]

		Levene Statistic	df1	df2	Sig.
PAS_TotalScore	Based on Mean	4.309	6	91	.001
	Based on Median	2.482	6	91	.029
	Based on Median and with adjusted df	2.482	6	62.853	.032
	Based on trimmed mean	4.189	6	91	.001

Tests the null hypothesis that the error variance of the dependent variable is equal across groups.

a. Dependent variable: PAS_TotalScore

b. Design: Intercept + Gender + Race + Legal_Employment + Gender * Race + Gender * Legal_Employment + Race * Legal_Employment + Gender * Race * Legal_Employment

Table 67

Test of Between-Subjects Effects for Influence of Gender, Race, & Legal Employment Status on PAS Scale

Tests of Between-Subjects Effects

Dependent Variable: PAS_TotalScore

Source	Type III Sum of Squares	Df	Mean Square	F	Sig.	Partial Eta Squared
Corrected Model	3611.646ᵃ	7	515.949	2.481	.022	.160
Intercept	43426.777	1	43426.777	208.817	.000	.696
Gender	267.175	1	267.175	1.285	.260	.014
Race	161.020	1	161.020	.774	.381	.008
Legal_Employment	144.381	1	144.381	.694	.407	.008
Gender * Race	115.831	1	115.831	.557	.457	.006
Gender * Legal_Employment	116.224	1	116.224	.559	.457	.006
Race * Legal_Employment	45.016	1	45.016	.216	.643	.002
Gender * Race * Legal_Employment	1.314	1	1.314	.006	.937	.000
Error	18924.900	91	207.966			
Total	179978.000	99				
Corrected Total	22536.545	98				

a. R Squared = .160 (Adjusted R Squared = .096)

Thirdly, the collective effect of gender, legal employment status, and race on attitudes towards mental illness (SAB Scale) was explored. Once more, the assumption of homogeneity of variances was violated (See Table 68). Nevertheless, the robust, parametric two-way between-groups ANOVA with gender (male (M=29.196, SD=2.451), female (M=20.197, SD=2.998)), race (white (M=27.090, SD=1.190), black/black Irish (M=22.304, SD=3.685)), and legal employment status (professional (M=25.880, SD=3.369), future professional (M=23.513, SD=1.909)) as between-subjects factors established that there were was a statistically significant main effect for gender, $F(1, 91) = 5.401$, $p = 0.022$, but no statistically significant main effect for race, $F(1, 91) = 1.528$, $p = 0.220$, or legal employment status, $F(1, 91) = 0.374$, $p = 0.543$. There was no statistically significant interaction effects for the combined influence of gender and race, $F(1, 91) = 0.082$, $p = 0.776$, gender and legal

employment status, $F(1, 91) = 0.00$, $p = 1.000$, race and legal employment status, $F(1, 91) = 0.063$, $p = 0.802$, and gender, race, and legal employment status, $F(1, 91) = 0.239$, $p = 0.626$ (See Table 69). Interaction plots of these tests were also formulated (See Figures 36 & 37 Appendix FF). The plots suggested that white female professionals and future professionals score lower (portrays a positive attitude to mental illness) on SAB scale than white male professionals and future professionals, and black female professionals and future professionals score lower than black male professionals and future professionals. Also, black professionals and future professionals score lower than whites. However, as stated, these divergences are not statistically significant. Post hoc tests could not be run as each variable only had two levels; also, there were no significant main (except for gender which was explored in the Mann-Whitney test) or interaction effects so there was no impetus to perform a post hoc test. Thus, it may be extrapolated that the shared influences of the independent variables of gender, race, and legal employment status do not significantly influence participant's attitudes toward mental illness.

Table 68

Levene's Test of Equality of Error Variances for Influence of Gender, Race, & Legal Employment Status on SAB Scale

Levene's Test of Equality of Error Variances[a,b]

		Levene Statistic	df1	df2	Sig.
SAB_TotalScore	Based on Mean	5.022	6	91	.000
	Based on Median	3.345	6	91	.005
	Based on Median and with adjusted df	3.345	6	76.475	.006
	Based on trimmed mean	4.881	6	91	.000

Tests the null hypothesis that the error variance of the dependent variable is equal across groups.

a. Dependent variable: SAB_TotalScore

b. Design: Intercept + Gender + Race + Legal_Employment + Gender * Race + Gender * Legal_Employment + Race * Legal_Employment + Gender * Race * Legal_Employment

Table 69

Test of Between-Subjects Effects for Influence of Gender, Race, & Legal Employment Status on SAB Scale

Tests of Between-Subjects Effects

Dependent Variable: SAB_TotalScore

Source	Type III Sum of Squares	Df	Mean Square	F	Sig.	Partial Eta Squared
Corrected Model	3553.267[a]	7	507.610	4.422	.000	.254
Intercept	18676.386	1	18676.386	162.703	.000	.641
Gender	619.940	1	619.940	5.401	.022	.056
Race	175.367	1	175.367	1.528	.220	.017
Legal_Employment	42.884	1	42.884	.374	.543	.004
Gender * Race	9.368	1	9.368	.082	.776	.001
Gender * Legal_Employment	3.789E-6	1	3.789E-6	.000	1.000	.000
Race * Legal_Employment	7.262	1	7.262	.063	.802	.001
Gender * Race * Legal_Employment	27.407	1	27.407	.239	.626	.003
Error	10445.723	91	114.788			
Total	86711.000	99				
Corrected Total	13998.990	98				

a. R Squared = .254 (Adjusted R Squared = .196)

4.9.3 Research Question 3:

Will the gender and/or race of the vignette defendant influence participant FST decision-making?

To assess this research question, a Chi-Square Test of Independence was applied as it is a non-parametric test which ordains whether there is an association amidst categorical variables. As outlined above in the vignette's descriptive statistics, a total of 82 participants (19 in vignette A, 20 in vignette B, 20 in vignette C, and 23 in vignette D) agreed that the defendant was not fit to stand trial. Conversely, 17 (2 in VA, 8 in VB, 4 in VC, and 3 in VD) believed the defendant was fit for trial. When question about raising the issue of fitness, 85 (20 in vignette A, 20 in vignette B, 20 in vignette C, and 25 in vignette D) participants confirmed that they would raise it, and 14 (1 in VA, 8 in VB, 4 in VC, and 1 in VD) chose not to raise the issue of FST.

In relation to finding the defendant fit or unfit (question 1), the assumption of expected counts for a Chi-Square test was violated. Therefore, the Likelihood Ratio was used for significance instead of Pearson's statistic. Here, the Likelihood Ratio revealed that the gender

and race of the defendant did not statistically influence the decision regarding fitness, X^2 (3, N = 99) = 3.867 Likelihood Ratio, $p = 0.276$ (See Table 70). Accordingly, it can be deduced that there is no significant association between the defendant's gender and race and the decision regarding their fitness for trial.

Regarding the raising of the issue of FST (question 2), the assumption of expected counts was violated again. Consequently, the Likelihood Ratio was used. Interestingly, based on the results of the Likelihood Ratio, the defendant's race and gender does significantly influence whether the participant will raise the issue of their fitness X^2 (3, N = 99) = 9.041 Likelihood Ratio, $p = 0.029$ (See Table 71). Therefore, it may be inferred that there is a significant association between the defendant's gender and race and whether the issue of their FST will be raised. Post hoc analysis (as described by Beasley & Schumacker, 1995; Garcia-Perez & Nunez-Anton, 2003) revealed that, although the case concerning the white male defendant was initially thought to be statistically significant as $z = 2.59 > z = 1.96$, when these scores were converted to p values, this case and the other vignette cases were not statistically significant. As a result, it may be noted that the defendant's gender and race did not significantly impact the decision to raise the issue of FST.

Table 70

Chi-Square Test of Independence: Vignette Q1

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)
Pearson Chi-Square	4.006[a]	3	.261
Likelihood Ratio	3.867	3	.276
Linear-by-Linear Association	.123	1	.726
N of Valid Cases	99		

a. 4 cells (50.0%) have expected count less than 5. The minimum expected count is 3.61.

Table 71

Chi-Square Test of Independence: Vignette Q2

Chi-Square Tests

	Value	Df	Asymptotic Significance (2-sided)
Pearson Chi-Square	8.719[a]	3	.033
Likelihood Ratio	9.041	3	.029
Linear-by-Linear Association	.531	1	.466
N of Valid Cases	99		

a. 4 cells (50.0%) have expected count less than 5. The minimum expected count is 2.97.

4.9.4 Research Question 4:

Will levels of punitive attitudes and attitudes towards mental illness affect FST decision-making and attitudes regarding the relevance of FST indicators?

This final research question possessed two parts: (1) the influence of punitiveness and mental illness attitudes on FST item relevance/endorsement, and (2) the effect of punitiveness and mental illness attitudes on vignette answering.

4.9.4.1 The Influence of Punitiveness and Attitudes Towards Mental Illness on FST Item Relevancy Attitudes

A correlation was run to investigate the relationship between the variables of attitudes regarding the relevance of FST indicators (CST Scale) punitiveness (PAS Scale) and attitudes towards mental illness (SAB Scale). Kendall's Tau correlation was employed as it is the non-parametric equivalent to a Pearson correlation. Kendall's Tau was used instead of Spearman's correlation (another, more popular non-parametric substitute to Pearson's correlation) as it is more accurate and better equipped to handle smaller data sets with tied ranks (Field, 2018; Hanna & Dempster, 2012). Kendall's correlations utilise a correlation coefficient – which is a measure of the strength of the relationship between two variables (Field, 2018). This coefficient can take any value from -1 to +1. The closer the coefficient is to either -1 or +1 (i.e., further from 0), the stronger the relationship between the variables. A negative coefficient shows a negative relationship where an increase in one variable leads to a decrease in another, and a positive coefficient outlines a positive relationship where an increase in one variable leads to an increase in the other (Moore et al., 2013). For the present study, a value of 0.1 indicated a small effect, 0.3 suggested a medium effect, and 0.5 portrayed a large effect (Hanna & Dempster, 2012).

Firstly, the association between punitiveness and attitudes towards mental illness was investigated. The correlation analysis revealed a medium, positive, statistically significant correlation between the two variables: $\tau(97) = 0.45$, $p = 0.000$ (See Table 72 & Figure 16), suggesting that as punitiveness levels increased so did negative attitudes toward mental illness. Secondly, the relationship between punitiveness and FST item relevance was questioned. A small-medium, negative, statistically significant correlation was found: $\tau(97) = -0.29$, $p = 0.000$ (See Table 72 & Figure 17), indicating that as punitiveness levels rose, support for the use of the FST items and the likelihood of finding a defendant unfit decreased. Next, the association between attitudes towards mental illness and FST item relevancy was examined. It was determined that a small-medium, negative, statistically significant correlation existed: $\tau(97) = -0.29$, $p = 0.000$ (See Table 72 & Figure 18), signifying that as negative attitudes toward mental illness increased, the endorsement of the FST items and the probability of finding a defendant unfit decreased.

Table 72

Kendall's Tau Correlation: CST, PAS & SAB Scale

Correlations

			CST_TotalScore	PAS_TotalScore	SAB_TotalScore
Kendall's tau_b	CST_TotalScore	Correlation Coefficient	1.000	-.287**	-.288**
		Sig. (2-tailed)	.	.000	.000
		N	99	99	99
	PAS_TotalScore	Correlation Coefficient	-.287**	1.000	.453**
		Sig. (2-tailed)	.000	.	.000
		N	99	99	99
	SAB_TotalScore	Correlation Coefficient	-.288**	.453**	1.000
		Sig. (2-tailed)	.000	.000	.
		N	99	99	99

**. Correlation is significant at the 0.01 level (2-tailed).

Figure 16

Kendall's Tau Correlation Scatterplot (PAS & SAB Scale)
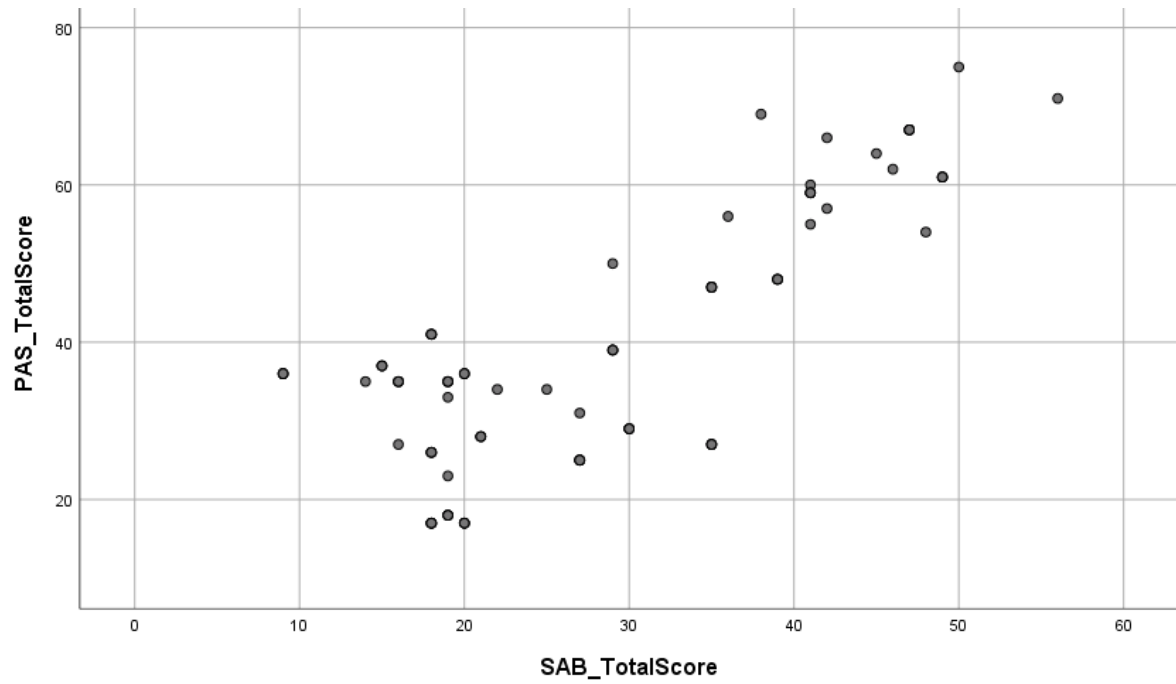
Figure 17

Kendall's Tau Correlation Scatterplot (PAS & CST Scale)
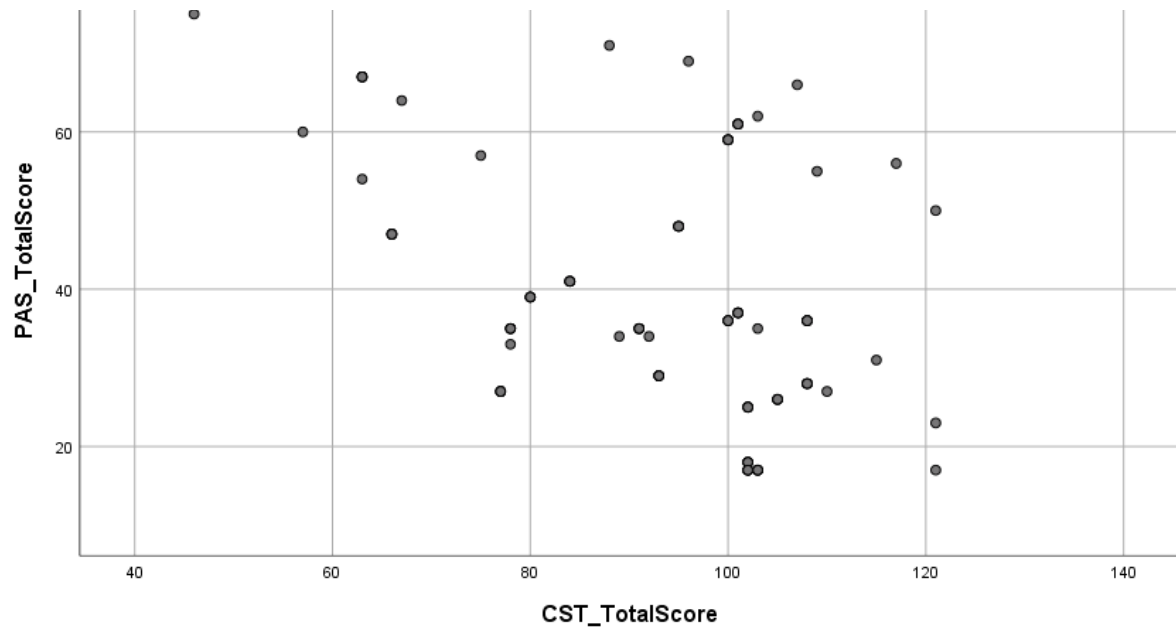
Figure 18

Kendall's Tau Correlation Scatterplot (SAB & CST Scale)
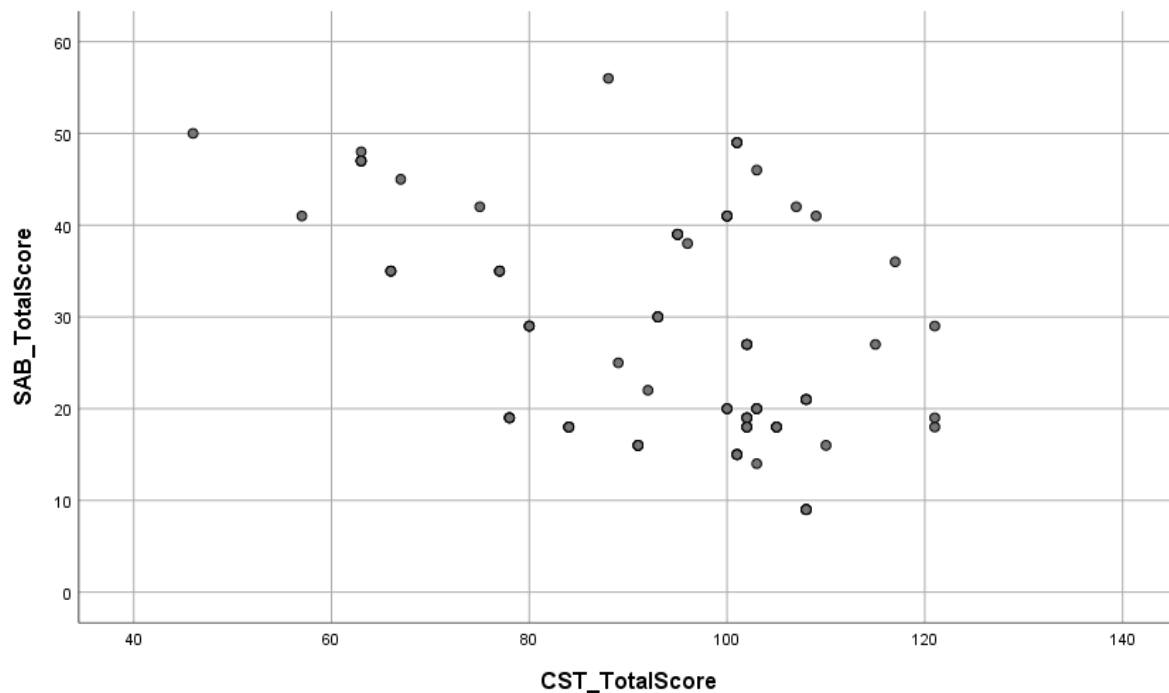
4.9.4.2 The Influence of Punitiveness and Attitudes Towards Mental Illness on FST Decision-Making

To explore the effect of punitiveness levels and attitudes towards mental illness on FST decision-making, binomial logistic regression was used. Crucially, the assumptions to perform logistic regression were met (See Appendix GG). Accordingly, logistic regression could be applied to this research question. Similar to research question 1, a model was created for the influence of punitiveness (PAS Scale score) and attitudes towards mental illness (SAB Scale score) in general (i.e., not taking the defendant's gender and race into account), and then models which considered the defendant's race and gender were formulated.

First, the influence of PAS Scale score and SAB Scale score on FST decision-making in general was investigated. This logistic regression model examined the influence of punitive attitudes (PAS Scale score) and attitudes towards mental illness (SAB Scale score) on participant's decisions concerning a defendant's fitness for trial (vignette question 1). The logistic regression model created was determined to be statistically insignificant, $X^2(2) = 5.65$, $p = .059$. The model only accounted for 9.2% of variance in answers (Nagelkerke $R^2 = 0.092$)

but managed to correctly predict 82.8% of answers. Crucially, it was observed that PAS Scale score ($p = .269$) and SAB Scale score ($p = .823$) were not significant predictors of vignette answering, $\beta = -.034$, Wald $X^2 = 1.224$, $p = .269$, OR = .966, 95% CI [0.909, 1.027]; $\beta = -.009$, Wald $X^2 = .050$, $p = .823$, OR = .991, 95% CI [0.918, 1.071] respectively (See Table 73). Accordingly, it may be inferred that attitudes toward mental illness and levels of punitiveness do not significantly predict decisions regarding a defendant's fitness for trial.

Table 73

Logistic Regression of Predictor Vignette in general (Q1)

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ᵃ	PAS_TotalScore	-.034	.031	1.224	1	.269	.966	.909	1.027
	SAB_TotalScore	-.009	.039	.050	1	.823	.991	.918	1.071
	Constant	3.275	.823	15.819	1	.000	26.444		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

Next, the influence of punitiveness and mental illness attitudes on the raising of the issue of FST (vignette question 2) was tested. The model was statistically significant, $X^2(2) = 6.57$, $p = .037$. The model accounted for 11.5% of variance in answering (Nagelkerke $R^2 = 0.115$) and correctly predicted 85.9% of answers. However, PAS Scale score (p = .365) and SAB Scale score ($p = .616$) were not statistically significant predictors of whether the issue of FST would be raised, $\beta = .031$, Wald $X^2 = 0.820$, $p = .365$, OR = 1.032, 95% CI [0.964, 1.104]; $\beta = .022$, Wald $X^2 = 0.252$, $p = .616$, OR = 1.023, 95% CI [0.937, 1.116] respectively (See Table 74). Thus, it may be understood that mental illness attitudes and levels of punitiveness were not statistically significant predictors of whether the issue of FST would be raised.

Table 74

Logistic Regression of Predictor Vignette in general (Q2)

Variables in the Equation

	B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper

		B	S.E.	Wald	Df	Sig.	Exp(B)	Lower	Upper
Step 1ᵃ	PAS_TotalScore	.031	.034	.820	1	.365	1.032	.964	1.104
	SAB_TotalScore	.022	.045	.252	1	.616	1.023	.937	1.116
	Constant	-3.822	.924	17.092	1	.000	.022		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

The following sections will investigate whether rates of punitiveness and attitudes concerning mental illness have an effect on FST decision-making when the gender and race of the defendant are considered.

Firstly, the influence of punitiveness and mental illness attitudes on vignette A was tested. The logistic regression model for punitiveness, attitudes towards mental illness and the declaring of trial fitness for the white, female defendant was statistically insignificant, $X^2(2) =$ 2.64, $p = .267$. The model explained 25.3% of variance in answering (Nagelkerke $R^2 = 0.253$) and correctly foretold 90.5% of answers. Vitally, PAS Scale score ($p = .281$) and SAB Scale score ($p = .438$) were not found to be significant predictors of FST decision-making regarding the declaration of fitness, $\beta = -.175$, Wald $X^2 = 1.162$, $p = .281$, OR $= .840$, 95% CI [0.611, 1.154]; $\beta = .112$, Wald $X^2 = .601$, $p = .438$, OR $= 1.118$, 95% CI [0.843, 1.484] respectively (See Table 75). Alternatively, the regression model for punitiveness, mental illness attitudes and the raising of the issue of FST was statistically significant, $X^2(2) = 8.04$, $p = .018$, accounted for 100% of variance in responses (Nagelkerke $R^2 = 1.000$), and successfully predicted 100% of answers. Yet, PAS score ($p = .996$) and SAB score ($p = .999$) were noted to be statistically insignificant predictors of decision-making, $\beta = 5.194$, Wald $X^2 = 0.000$, $p = .996$, OR $= 180.114$, 95% CI [0.000]; $\beta = -1.621$, Wald $X^2 = 0.000$, $p = .999$, OR $= 0.198$, 95% CI [0.000] respectively (See Table 76). Therefore, it may be concluded that punitiveness and attitudes towards mental illness do not significantly influence decision-making when the defendant was a white female.

Table 75

Logistic Regression of Predictor Vignette A (Q1)

					95% C.I.for EXP(B)	
B	S.E.	Wald	Df	Sig.	Exp(B)	Lower	Upper

Variables in the Equation

	B	S.E.	Wald	Df	Sig.	Exp(B)	Lower	Upper
Step 1ᵃ PAS_TotalScore	-.175	.162	1.162	1	.281	.840	.611	1.154
SAB_TotalScore	.112	.144	.601	1	.438	1.118	.843	1.484
Constant	6.731	4.262	2.494	1	.114	837.718		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

Table 76

Logistic Regression of Predictor Vignette A (Q2)

Variables in the Equation

	B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ᵃ PAS_TotalScore	5.194	1174.589	.000	1	.996	180.114	.000	.
SAB_TotalScore	-1.621	1449.608	.000	1	.999	.198	.000	.
Constant	-255.622	31804.001	.000	1	.994	.000		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

Secondly, the influence of punitiveness and mental illness attitudes on vignette B was explored. Here, logistic regression was used to explore the influence of punitiveness and attitudes toward mental illness on the declaration of trial fitness when the defendant is a white male. The model was statistically significant, $X^2(2) = 12.17$, $p = .002$, accounted for 50.5% of variance in responses (Nagelkerke $R^2 = 0.505$), and successfully anticipated 85.7% of answers. However, PAS score ($p = .635$) and SAB score ($p = .107$) were not statistically significant predictors of decision-making, $\beta = .037$, Wald $X^2 = 0.226$, $p = .635$, OR = 1.038, 95% CI [0.890, 1.210]; $\beta = -.206$, Wald $X^2 = 2.591$, $p = .107$, OR = 0.814, 95% CI [0.633, 1.046] respectively (See Table 77). Likewise, the model for punitiveness, mental illness attitudes and the raising of FST was determined to be significant, $X^2(2) = 12.17$, $p = .002$, explain 50.5% of variance in responses (Nagelkerke $R^2 = 0.505$), and successfully predicted 85.7% of answers. Again, PAS ($p = .635$) and SAB ($p = .107$) were statistically insignificant predictors of decision-making, $\beta = -.037$, Wald $X^2 = 0.226$, $p = .635$, OR = 0.963, 95% CI [0.826, 1.123]; $\beta = .206$, Wald $X^2 = 2.591$, $p = .107$, OR = 1.229, 95% CI [0.956, 1.579] respectively (See Table 78). As a result, it may be interpreted that punitiveness and attitudes toward mental illness were

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not statistically significant predictors of FST decision-making when the defendant was a white male.

Table 77

Logistic Regression of Predictor Vignette B (Q1)

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ᵃ	PAS_TotalScore	.037	.078	.226	1	.635	1.038	.890	1.210
	SAB_TotalScore	-.206	.128	2.591	1	.107	.814	.633	1.046
	Constant	6.435	2.350	7.502	1	.006	623.527		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

Table 78

Logistic Regression of Predictor Vignette B (Q2)

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ᵃ	PAS_TotalScore	-.037	.078	.226	1	.635	.963	.826	1.123
	SAB_TotalScore	.206	.128	2.591	1	.107	1.229	.956	1.579
	Constant	-6.435	2.350	7.502	1	.006	.002		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

Thirdly, the effect of punitiveness and mental illness attitudes on Vignette C was investigated. Binomial logistic regression was employed to explore the effect of punitiveness and mental illness attitudes on the determining of fitness for trial when the defendant was a black female. The model created was not statistically significant, $X^2(2) = 2.29$, $p = .318$, clarified 15.3% of variance in answers (Nagelkerke $R^2 = 0.153$), and successfully projected 83.3% of answers. PAS score ($p = .394$) and SAB score ($p = .448$) were not statistically significant predictors of decision-making, $\beta = .057$, Wald $X^2 = 0.726$, $p = .394$, OR = 1.059, 95% CI [0.928, 1.208]; $\beta = .067$, Wald $X^2 = 0.575$, $p = .448$, OR = 1.069, 95% CI [0.900, 1.270] respectively (See Table 79). Similarly, the model for punitiveness, mental illness

attitudes and the raising of the issue of FST was statistically insignificant, $X^2(2) = 2.29$, $p = .318$, clarified 15.3% of variance (Nagelkerke $R^2 = 0.153$), and successfully projected 83.3% of answers. Once more, PAS score ($p = .394$) and SAB score ($p = .448$) were not statistically significant predictors of decision-making, $\beta = -.057$, Wald $X^2 = 0.726$, $p = .394$, OR = 0.944, 95% CI [0.828, 1.077]; $\beta = -.067$, Wald $X^2 = 0.575$, p = .448, OR = 0.935, 95% CI [0.787, 1.111] respectively (See Table 80). As a result, it may be suggested that punitiveness levels and attitudes toward mental illness were not statistically significant predictors of FST decision-making when the defendant was a black female.

Table 79

Logistic Regression of Predictor Vignette C (Q1)

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ᵃ	PAS_TotalScore	.057	.067	.726	1	.394	1.059	.928	1.208
	SAB_TotalScore	.067	.088	.575	1	.448	1.069	.900	1.270
	Constant	-1.636	2.698	.368	1	.544	.195		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

Table 80

Logistic Regression of Predictor Vignette C (Q2)

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ᵃ	PAS_TotalScore	-.057	.067	.726	1	.394	.944	.828	1.077
	SAB_TotalScore	-.067	.088	.575	1	.448	.935	.787	1.111
	Constant	1.636	2.698	.368	1	.544	5.136		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

Finally, the influence of punitiveness and mental illness attitudes on vignette D was tested. To assess the predicting influence of punitiveness and attitudes toward mental illness on the adjudging of FST when the defendant was a black male, logistic regression was utilised. The model was statistically insignificant, $X^2(2) = 0.08$, $p = .959$, accounted for 0.6% of variance in answers (Nagelkerke $R^2 = 0.006$), and successfully projected 88.5% of answers. PAS score ($p = .925$) and SAB score ($p = .789$) were not statistically significant predictors of decision-making, $\beta = -.006$, Wald $X^2 = 0.009$, $p = .925$, OR = 0.994, 95% CI [0.882, 1.121]; $\beta = .020$, Wald $X^2 = 0.071$, $p = .789$, OR = 1.020, 95% CI [0.882, 1.179] respectively (See Table 81). Similarly, the model for punitiveness, mental illness attitudes and the raising of the issue of FST was statistically insignificant, $X^2(2) = 1.53$, $p = .466$, clarified 20.5% of variance (Nagelkerke $R^2 = 0.205$), and successfully projected 96.2% of answers. Once more, PAS score ($p = .452$) and SAB score ($p = .520$) were not statistically significant predictors of decision-making, $\beta = -.097$, Wald $X^2 = 0.566$, $p = .452$, OR = 0.906, 95% CI [0.706, 1.168]; $\beta = -.152$, Wald $X^2 = 0.413$, $p = .520$, OR = 0.859, 95% CI [0.539, 1.367] respectively (See Table 82). Therefore, it may be concluded that punitiveness levels and attitudes toward mental illness were statistically insignificant predictors of FST decision-making when the defendant was a black male.

Table 81

Logistic Regression of Predictor Vignette D (Q1)

Variables in the Equation

		B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ª	PAS_TotalScore	-.006	.061	.009	1	.925	.994	.882	1.121
	SAB_TotalScore	.020	.074	.071	1	.789	1.020	.882	1.179
	Constant	1.725	1.864	.856	1	.355	5.612		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

Table 82

Logistic Regression of Predictor Vignette D (Q2)

Variables in the Equation

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B)	
							Lower	Upper
Step 1ᵃ PAS_TotalScore	-.097	.129	.566	1	.452	.908	.706	1.168
SAB_TotalScore	-.152	.237	.413	1	.520	.859	.539	1.367
Constant	2.841	6.383	.198	1	.656	17.134		

a. Variable(s) entered on step 1: PAS_TotalScore, SAB_TotalScore.

To sum, although certain models were significant, punitiveness levels and attitudes towards mental illness did not possess a statistically significant amount of predicting power regarding FST decision-making in general or in any of the vignette situations.

4.10 Conclusion

This chapter presented a comprehensive overview of the results of the statistical analyses performed through SPSS to answer the specific research questions of the present study. The results indicate that generally, participants endorsed the majority of items as relevant to finding a defendant 'unfit' to stand trial in the CST Scale and this opinion was influenced by the participant's gender (females more likely to endorse items than males), but not by the participant's race. This attitude regarding FST item relevancy did not influence FST decision-making, nor was FST decision-making (the vignette study) impacted by levels of punitiveness, attitudes towards mental illness, the participant's gender and race, or the combined interaction of the participant's gender, race and legal employment status. Interestingly, FST decision-making was not impacted by the race and gender of the vignette defendant either. Levels of punitiveness, attitudes regarding mental illness and beliefs concerning FST item relevancy were found to be correlated with one another, with a rise in one variable leading to a small-medium fall or rise in another. Additionally, participants' gender affected attitudes toward mental illness and rates of punitiveness with males scoring higher on both scales, but participants' race only influenced mental illness attitudes. In the next chapter these findings will be reviewed in greater detail and contextualized with findings in the literature.

CHAPTER FIVE: DISCUSSION

5.1 Introduction

The focus of this study was to explore attitudes and legal decision-making in fitness to stand trial (FST) proceedings. Specifically, the study questioned the influence of gender, race, punitiveness, and attitudes to mental illness on FST attitudes and decision-making. This chapter will contextualise the results presented in chapter four with findings in the broader academic literature. This chapter will discuss the results of the research findings with regards to previous research conducted in the area, as outlined in the literature review chapter.

5.2 Discussion

5.2.1 Research Question 1: What are participants' attitudes regarding the relevance of certain FST indicators and does this opinion influence FST decision-making?

The first research question explored participant's attitudes regarding the relevancy of certain FST indicators. The indicators were listed in the CST Scale (Adjorlolo & Chan, 2017), which consisted of an amalgamation of FST indicators. As this study was exploratory and relatively novel, there is a dearth of research to contextualise the findings. Adjorlolo and Chan (2017) found that the majority of law student participants found the fitness items in the CST Scale relevant to finding a defendant fit or unfit to stand trial. More precisely, only 4 of the scale items (items 12, 16, 22, & 26) were determined to be irrelevant for trial fitness by Adjorlolo and Chan (2017). Similarly, the present study deduced that the majority of participants endorsed the CST Scale items as relevant for judging fitness. Again, 4 CST Scale items (11, 12, 22, & 26, discussed below) were determined to be irrelevant in the present study. Although not completely uniform, these findings are in line with Adjorlolo and Chan (2017). Effectively, participants believe that 22 out of 26 CST Scale items are relevant indicators for determining trial fitness, including the ability to denote the role of court staff, understand the legal situation, make decisions after receiving advice to name a few.

The present study's findings are also consistent with a proposal from the Group for the Advancement of Psychiatry (1974). In this influential report, the Group propose a set of

abilities associated with FST including but not limited to the ability to: understand the current legal situation, appraise the role of the defence, prosecution, judge, jury witnesses, understand the charges, etc. Of course, many items in the CST Scale were taken from this report so this similarity is unsurprising. Still, the present study adds further validation to their relevancy in FST proceedings, especially in an Irish context as the sample was composed of participants working/training in Ireland. Moreover, the findings are similar to the opinions of professionals that evaluate fitness. According to Kois et al. (2019), during the interview process to examine fitness, evaluators consider questions like: Do defendants understand the court process? Can they identify the roles of actors in the courtroom? Do they understand the evidence and the possible outcome of the case? In addition, many instruments used to assess fitness are composed of similar questions (see the ECST-R and MacCAT-CA). Fundamentally, these questions are almost uniform to CST Scale indicators. This highlights that most of the CST Scale indicators are used in practice, thus adding to their significance in FST determinations.

The findings from research question one also suggest that numerous psycho-legal abilities which are not legislatively stated may be significant in determining a defendant's ability to participate in criminal proceedings, such as managing their behaviour, appreciating the charges and penalties, and testifying (McGarry, 1973). Therefore, Ireland's use of 'by reason of mental disorder' in Section 4(2) of the Criminal Law (Insanity) Act 2006 may contain a variety of unexpressed fitness characteristics in it. For instance, if a defendant can converse with and instruct their lawyer or plead to the charge but willingly decides not to do so and remains mute, this defendant may be viewed as fit, but where this defendant lacks the ability to do so because of a mental disorder (e.g., depression or anxiety), the issue of their FST may arise (for a similar description, see Adjorlolo & Chan, 2017; Melton et al., 2007). Thus, the significance and understanding of 'by reason of mental disorder' is dependent upon the facts of a specific case, in addition to the evidence and the defendant's behaviour before, during and after the crime. The finding that participants deemed items 11, 12, 22, & 26 ('Help locate witnesses', 'Aid in developing a strategy for cross-examining witnesses', 'Be able to challenge prosecution witnesses', and 'Help plan a legal strategy for his/her defence', respectively) as insignificant indicators for trial fitness may indicate that these abilities are viewed as the duty of the defence lawyer rather than a requirement of the defendant (Adjorlolo & Chan, 2017). However, this may undermine the true meaning of FST: participants must be able to effectively participate in the trial process – i.e., aid in developing a defence and challenge evidence (Hanly,

2015). Still, the present study indicates that a wide variety of abilities may be incorporated into Ireland's FST legislation, even though they are not expressly stated. It is impossible to list all these abilities, and nevertheless, every criminal case is unique and accordingly, distinctive fitness requirements will be presented by different defendants; not every defendant will satisfy the same criteria for fitness or unfitness (Whelan, 2007). This argument is in line with everyday judicial practice where every ruling is based on a case's exclusive facts but still follows the relevant legal criteria (Adjorlolo & Chan. 2017).

The second aspect of research question one concerned whether participants' attitudes regarding the relevancy of FST indicators can influence FST decision-making. It was predicted that as CST Scale score increased (i.e., support for FST indicator relevancy increased), the likelihood of finding a defendant 'unfit' to stand trial and raising the issue of fitness would increase too. According to Adjorlolo and Chan (2017), higher scores on the CST Scale indicate a higher likelihood of finding a defendant unfit to stand trial. This is consistent with previous insanity defence research which outlines that as negative attitudes toward the insanity defence increase, the probability of returning a verdict of NGRI decreases (see Skeem et al., 2004; Daftary-Kapur et al., 2011). The present study found that, in general, CST Scale score was not a statistically significant predictor of FST decision-making. This is inconsistent with previous research that suggests legal decision-makers are not fully immune to implicit biases; they rely on their own implicit conceptualisations and therefore the decisions they make are based on their previous attitudes – whether positive or negative – not case facts or legal formulations of concepts (Baez et al., 2020; Greenwald & Banaji, 1995; Roberts & Golding, 1991; Zapf et al., 2009). Instead, the present study implies that participants were able to disconnect their attitude regarding the relevancy of FST indicators from the vignette case and focus on the case's unique facts. This is more in line with proposals that legal decision-makers should focus on a case's distinctive characteristics and not their previously held attitudes to provide an impartial, fair legal process (Baez et al., 2020; Gewirtz, 1996; Guthrie, Rachlinski, & Wistrich, 2008).

When the vignettes were examined more closely, it was found that CST Scale score was a significant predictor when the defendant was a black, female. Here, the probability of adjudging the defendant as 'unfit' increased with CST Scale score but the likelihood of raising the issue of FST did not increase. This is worrisome as it was expected that if participants determined the defendant to be 'unfit', then they would subsequently raise the issue of fitness. This discrepancy may have come about due to possible misinterpretations of the vignette

questions. Nevertheless, although the present study did not find a statistically significant influence for CST Scale score in predicting FST decision-making, other pieces of SPSS output suggest that CST Scale score does have a certain amount of predictive power. For instance, in all vignette cases, the odds ratio and β values imply that when CST Scale score increases, the probability of finding the defendant 'unfit' also increases. This is more consistent with previous research (e.g., Adjorlolo & Chan, 2017, and aforementioned insanity defence studies), but it must be noted that this effect was statistically insignificant.

5.2.2 Research Question 2: Will the participants' gender and/or race influence their FST decision-making, attitudes regarding the relevance of FST indicators, levels of punitiveness and attitudes towards mental illness?

The second research question incorporated multiple variables. Firstly, the effect of participant gender on FST decision-making was investigated. Prior research outlines that a decision-maker's gender can influence the decision they make. Female decision-makers are more accepting of the use of psychology in court, are more lenient in mock insanity trials and are more sympathetic to mentally ill defendants (Breheney et al., 2007; Faulstich, 1984; Finkel & Handel, 1988, 1989; Hans & Slater, 1984; Yourstone et al., 2008). The present study found no significant influence for participant gender in FST decision-making. Yet, 91.1% of female respondents opined the defendant as unfit whereas only 75.93% of males did so. Although not statistically significant, this discovery is more in line with prior affirmations that men are harsher in decision-making (see Songer & Crows-Meyer, 2000 for comparison of judges). This may raise questions regarding the purity of the legal system as defendants may be treated differently from case to case depending on the gender of their counsel, the jury, and judges. Likewise, no significant influence for participant race in FST decision-making was found, even though previous research argues otherwise (Baez et al., 2020; Harris & Weiss, 2018). The similarity-leniency effect and theories of implicit bias suggest that decision-maker race has an influence on decision-making (Devine & Coughlan, 2014; Goodwin, 2018; Mitchell et al., 2005). It was expected that participants would treat other race defendants harsher than they would a defendant of their own race. However, in the present study black participants determined the white defendants (vignette A & B) to be unfit 100% of the time and White participants found black defendants (vignette C & D) unfit 87.5% of the time. The raising of

the issue of FST reached similar percentages (see Results Chapter). This is more in line with suggestions that racial biases may not exist in decision-making (Mazzella & Feingold, 1994; McGuire & Bermant, 1977; Skolnick & Shaw, 1997). Possibly, legal education and professional experience may have permitted the participants to become less prejudiced in their decision-making (Baez et al., 2020). Future research should pursue this, especially as there is an absence of data concerning legal professionals and FST decision-making prejudices.

Secondly, the influence of the participants' gender and race on attitudes regarding the significance of FST indicators was assessed. Regarding gender, the present study discovered that females (M=98.09) scored higher on the CST Scale than males (M=88.81), indicating that females are more supportive of the use of an array of FST indicators. This is supported by Adjorlolo and Chan (2017) who found uniform results and is backed up by insanity defence research; female decision-makers have a more supportive attitude toward the insanity defence than males (Breheney et al., 2007; Faulstich, 1984; Finkel & Handel, 1988; Hans & Slater, 1984; Jordan & Myers, 2003). Dissimilarly, participant race did not influence CST Scale score (Whites M=93.04; Blacks M=93.00), but this may have resulted due to the notable difference in sample sizes for each racial group. This contrasts with insanity defence research (e.g., Hui, 2005; Jordan & Myers, 2003). For example, Jordan & Myers (2003) found that White attorneys possess a more negative attitude toward the defence than non-Whites. Therefore, it was expected that race would affect support for FST indicator relevancy but that was not the case; the races were almost evenly split in their mean scores. This partly conforms to Bloechl et al.'s (2007) affirmation that ethnicity does not predict insanity defence attitudes. To sum, the present study conveys that participant gender can influence their support for FST items with females being more supportive than males. However, participant race does not have an influence here, neither does the combined effect of gender, race, and legal employment status. Although, much of the research is based on students or laypersons as there is a dearth of data concerning legal professionals to compare these findings to. The present study therefore acts as a steppingstone, encouraging future research to examine gender and racial divergences in legal professionals' FST attitudes.

Thirdly, levels of punitiveness were evaluated. Overall, males (M=44.30) were significantly more punitive than females (M=34.58). This is supported by research which suggests that female students – students likely to work in the legal profession – are more empathetic and less punitive than males (e.g., Courtright & Mackey, 1999; Mackey &

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Courtright, 2000), and is supported by Gilligan's (1982) developmental theory where it is posited that women operate out of "ethics of care" (p. 5). Conflicting findings exist, nonetheless (see Adjorlolo & Chan, 2017; Gruhl, Spohn, & Welch, 1981; Kritzer & Uhlman, 1977; Myers & Talarico, 1987; Steffenmeiser & Hebert, 1999). The present study found that participant race did not significantly influence punitiveness. The notable difference in sample sizes for each racial group may have caused this statistically insignificant difference, limiting this finding. Previous research on this topic is mixed (see Hoffman, Shen, Iyengar, & Krueger, 2020 for a review). Nevertheless, the present study found that White participants (M=40.88) were slightly more punitive than Black participants (M= 33.79), but this difference was not statistically significant. No statistically significant interaction effect for gender, race, and legal employment status on punitiveness was found in the present study either. Perhaps future studies could address the inconsistency in this area of research to reach a consensus, especially with regards to legal professional's attitudes.

Lastly, participant's attitudes toward mental illness were examined. In general, male (M=31.98) participants held more pessimistic attitudes toward mental illness than females (M=21.24). This conforms to Doherty's (2013) finding that female law students hold more positive attitudes toward the mentally ill and is supported by research which outlines that female decision-makers are more sympathetic to mentally ill offenders (Breheney et al., 2007; Faulstich, 1984; Finkel & Handel, 1988, 1989; Hans & Slater, 1984). Also, the present study found White participants (M=28.09) to be significantly more negative in their mental illness attitudes than Black participants (M=21.07). Previous research states that Black persons are more likely to be negative in their attitudes than White persons (Anglin, Bruce, & Phelan, 2006), so the present study conflicts with this. Again, the present study's disproportionate dispersion of participant race limits this conclusion. There were no significant interaction effects for gender, race, and legal employment status on attitudes toward mental illness in the present study. Nonetheless, many researchers argue that legal professionals have more pessimistic attitudes toward mental illness than professionals in other fields (Doherty, 2013; Morrison, Madrazo-Peterson, Simons, & Gold, 1977; Woodward, 1951). Future research could explore why this is the case and question if this attitude affects FST proceedings.

5.2.3 Research Question 3: Will the gender and/or race of the vignette defendant influence participant FST decision-making?

Research question three examined whether the gender and/or race of the defendant in a vignette case influenced FST decision-making. Firstly, regarding gender, prior studies suggest that female defendants are far more likely to be treated more leniently than men at all stages in the criminal justice system by receiving softer penalties (Godfrey et al., 2005; Kempinen, 1983; Kruttschnitt, 1984; Nagel & Johnson, 1994; Spohn, 1999; Spohn & Welch, 1987; Willison, 1984; Visher, 1983). In addition, females are more inclined to be found unfit to stand trial and legally insane in comparison to males (Crocker et al., 2002; Nicholson & Kugler, 1991; Riley, 1998; Yourstone, et al., 2008). Regarding race, previous research outlines that Black defendants are treated much harsher than White defendants (Baldus et al., 2005; Barbee, 2002; Carson, 2015; Chesney-Lind, 2002; Nellis, 2016). Numerous studies also argue that attorneys can suffer implicit racial biases and their decision-making can be influenced because of it (see Eisenberg & Johnson, 2004; Goodwin, 2018). Black defendants are more prone to be found unfit for trial than White defendants (Caldwell et al., 2003; Harris & Weiss, 2018; Ho, 1999; Nicholson & Kugler, 1991; Pinals et al., 2004; Pirelli et al., 2011; Rogers et al., 1988).

As a result, it was predicted that the defendant's gender and race would influence participants' decision-making regarding the defendant's fitness. In contrast, the present study found no statistically significant association between the defendant's gender and/or race when adjudging the defendant's FST. More specifically, 82 out of 99 (82.83%) participants opined the defendant to be unfit to stand trial. For gender, 86.67% of female defendants were found unfit in comparison to 79.63% of male defendants. Although not statistically significant, this breakdown is more in line with previous research arguing that female defendants are more likely to be determined unfit than males. This may have occurred as men are viewed as more dangerous defendants (Xie, 2000) and thus, are sent to prison whereas females are more likely to be diverted to hospitals for treatment (Yourstone et al., 2008). Similarly for race, 86% of Black defendants were adjudged as unfit compared to 79.59% of White defendants. This conforms to previous research suggesting that Black defendants are more inclined to be deemed unfit. Black defendants are more likely to suffer from a major mental illness and be viewed as more irrational and illogical by legal experts (Hicks, 2004). These stereotypes may explain why Black defendants were found unfit more times than White defendants in the present study. Nevertheless, these differences were narrow (only approx. 6% in both cases) and crucially, the

differences were statistically insignificant, possibly due to the small sample size and imbalance in demographics between groups.

The second aspect of research question three tested the influence of race and/or gender on raising the issue of a defendant's FST. The present study did not find a statistically significant influence for gender and/or race when participants were queried regarding the raising of fitness. This finding is inconsistent with McCallum et al. (2015), Valera et al. (2011), and Harris and Weiss (2018). These researchers found that the race of the defendant can influence whether the issue of FST is raised. Still, the present study is consistent with Berman and Osborne (1987) who found that attorneys are not affected by race when deciding to refer a defendant for a fitness assessment. Regarding gender, although female defendants are more likely to be found unfit, male defendants are more likely to be referred for fitness assessments (Zapf & Roesch, 2009; Zapf et al., 2009). Again, the present study conflicts with this. Nonetheless, certain scholars argue that demographic factors like race and gender are not influential when adjudging fitness or raising the issue of fitness (e.g., Advokat et al., 2012; Cooper & Zapf, 2003; Daniel, Beck, Herath, Schmitz, & Menninger, 1984; Pirelli et al., 2011; Reich & Wells, 1985); factors such as age, country of origin, marital status, the expression of psychotic symptoms, previous psychiatric history, and the socioeconomic factors of employment status and education may be more influential (see Cooper & Zapf, 2003; Crocker et al., 2002; Hubbard et al., 2003; Kois et al., 2012; Nicholson & Kugler, 1991; Reich & Wells, 1985; Warren et al., 2006; Zapf et al., 2009; Zapf & Roesch, 1998). However, with specific regard to socioeconomic status variables and their influence on FST attitudes and decision-making, there is a significant absence of research in this regard. From the limited studies that have been conducted, it seems that education and employment status may be influential in FST decision-making, whereby those with a lower education level are more likely to be referred for an evaluation and deemed unfit (Nicholson & Kugler, 1991; Steadman, 1979), and similarly those who are unemployed are more inclined to be found unfit due to the effects of moderate to severe mental illness limiting their employability (Cooper & Zapf, 2003; Hubbard et al., 2003). Still, it is important to note that the present study did not examine the influence of these socioeconomic variables so perhaps future studies could further explore the role of socioeconomic status in FST decision-making to address this dearth in research; this topic may have the potential for a future PhD study also. Nevertheless, taken together, the findings from

the present study portray that the gender and/or race of the defendant do not significantly influence FST decision-making.

5.2.4 Research Question 4: Will levels of punitive attitudes and attitudes towards mental illness affect FST decision-making and attitudes regarding the relevance of FST indicators?

Research question four considered whether participants' levels of punitiveness and attitudes toward mental illness affected their attitudes of FST indicator relevancy and FST decision-making. The first aspect regarded the relationship between punitiveness, attitudes toward mental illness and FST indicator relevancy. The present study determined that punitiveness and attitudes toward mental illness were moderately, significantly correlated with one another ($\tau = 0.45$), such that an increase in punitiveness led to an increase in negative attitudes toward mental illness. Unfortunately, there is no specific research regarding legal decision-makers/professionals to which to compare this finding. However, the findings conform to research conducted on mental health professionals. Adjorlolo, Abdul-Nasiru, Chan and Bambi (2018) found that punitiveness was significantly, negatively correlated with participants' scores on the Community Attitudes Towards Mental Illness questionnaire. The combination of these attitudes can predict negative attitudes toward mentally ill defendants, which can subsequently influence the way offenders are treated: negative attitudes lead to harsher, unfavourable treatment (Adjorlolo et al., 2018; Hansson, Jormfeldt, Svedberg, & Svensson, 2013; Kapungwe et al., 2011). In addition, studies centring on students imply that those in more legally based courses tend to be more punitive in their attitudes (see Falco, 2008; Lambert, 2004; Mackey & Courtright, 2000). Similarly, students from these courses also possess more pessimistic attitudes toward mental illness (see Weaver, Lee, Choi, Johnson, & Clements, 2018). Taken together, it may be suggested that if a decision-maker possesses a high level of punitiveness, they may also possess a pessimistic attitude toward mental illness; the implication of this negative attitude is that it may negatively influence the decision-maker's treatment of mentally ill offenders.

The present study also found a small-medium, significant, negative correlation between punitiveness and support for FST item relevancy ($\tau = -0.29$); that is, high levels of punitiveness led to less support for FST items. This is supported by Adjorlolo and Chan (2017) and seems to be in line with postulations that related attitudes – e.g., punishment-oriented attitudes – can

influence attitudes regarding mental illness in court (i.e., the insanity defence; see Daftary-Kapur et al., 2011; Skeem et al., 2004). This finding is also supported by the idea that those who are more punitive are more inclined to be in favour of punishment rather than rehabilitation (Adriaenssen & Aertsen, 2015; Courtright & Mackey, 2004; Materni, 2013) and is similarly backed up by insanity defence research (see Butler & Wasserman, 2006). Considering that FST and the insanity defence are contentious issues, wherein decision-makers may view the concepts as ways for defendants to escape accountability – as the trial may be halted indefinitely or the defendant may be taken to a mental health facility instead of prison – the discovery that those high in punitiveness are less supporting of the use of an array of FST items is expected.

Finally, it was deduced that attitudes toward mental illness were small-mediumly, significantly correlated with opinions regarding FST item relevancy ($\tau = -0.29$). Effectively, those with negative attitudes toward mental illness gave less support for FST item relevancy. This was expected as typically if an individual holds a pessimistic attitude toward mental illness, they too would hold a negative attitude toward mental illnesses in court (Vitacco et al., 2009). This can be compared with Daftary-Kapur et al. (2011) postulation regarding the insanity defence, wherein related attitudes – for instance attitudes toward mental illness – can influence insanity defence attitudes, i.e., negative attitudes toward mental illness lead to negative attitudes toward the defence. However, this research focusses on lay decision-makers; research into attitudes, mental illness and legal professionals is lacking (Akanni et al., 2020). Generally, research indicates that due to misconceptions regarding mental illness, stereotypes are often formed which can lead to prejudice and stigmatisation. This stigmatisation can have an effect on mentally ill defendants as legal decision-makers may be influenced by these misconceptions (Baez et al., 2020; Skeem & Golding, 2001; Wistrich, Rachlinski, & Guthrie, 2014), thus influencing their court proceedings.

Notably, as these attitudes (punitive and mental illness attitudes) are presumably attained through object-evaluation relationships (e.g., 'mentally ill defendant' and 'dangerous') that are stored in decision-makers' memories, once the negative attitudes are activated, they can guide information processing about an attitude object. Subsequently, these vilifying attitudes can affect decision-making without any conscious effort or intention on the decision-maker's behalf (Bargh, Chaiken, Govender, & Pratto, 1992; Van Overwalle & Siebler, 2005). The decision-maker's duty is to interpret legislation in an unbiased manner. However, legal

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decision-makers' can be influenced by their implicit biases (Goodman, 2018) and accordingly, decision-makers may interpret legislative provisions – e.g., FST criteria – in such a way as to rationalise their previously selected outcome and satisfy their pre-existing attitudes, i.e., confirmation bias. Therefore, it is unsurprising that the present study found that attitudes toward mental illness and punitiveness effect this process. Still, Frierson et al. (2015) outline that working with mentally ill clients can improve attorneys' negative attitudes toward them, so professional experience may alter these object-evaluation associations. Future research should explore this avenue to determine the relationship between punitiveness and mental illness attitudes in legal professionals to reach a consensus on whether experience can override bias. To sum, the present study discovered significant associations between levels of punitiveness, mental illness attitudes and attitudes of FST item relevancy. This is consistent with previous attitudinal research and the next section will question the variables' influence on FST decision-making.

The second aspect of research question four concerned the relationship between punitiveness, attitudes regarding mental illness and FST decision-making. Legislation and legal codes are drawn up to prevent biased decision-making in the judicial system. Though, an evolving body of research suggests that this may not be the case. Numerous studies emphasise that legal decision-makers are significantly influenced by extra-legal factors (Adjorlolo & Chan, 2017; Baez et al. 2020); in the interests of the present study, these include: punitiveness and attitudes towards mental illness (Adjorlolo & Chan, 2017; Chomos and Miller, 2014; Lecci & Myers, 2008; Roberts et al., 1987; Updike & Shaw, 1995; Yourstone et al., 2008). Crucially, legal decision-makers are not fully immune to implicit biases (Goodman, 2018; Greenwald & Banaji, 1995) and can be biased by a diverse range of factors regardless of whether they have undergone legal training or are in training (Adjorlolo & Chan, 2017; Baez et al., 2020; Wistrich & Rachlinski, 2017; Yourstone et al., 2008). Prior research underlines that decision-making can be affected by punitive attitudes and attitudes toward mental illness. More specifically, those who are high in levels of punitiveness are more likely to be harsh and vindictive when making decisions (Boehm, 1968; Daftary-Kapur et al., 2011; Finkel & Handel, 1988; Jordan & Myers, 2003; Peters & Lecci, 2012; Redding & Reppucci, 1999; Yourstone et al., 2008). With regards to FST decision-making, punitiveness can be a significant predictor; that is, high levels of punitiveness lead to a lower probability of determining the defendant unfit to stand trial (Adjorlolo & Chan, 2017). Further, the present study found a significant correlation

between FST item relevancy and punitiveness, providing further impetus to believe that high levels of punitiveness lead to harsher FST decision-making. Similarly, decision-making can be influenced mental illness attitudes (Aspinwall et al., 2012; Berryessa & Wohlstetter, 2019; Eden & Cox, 2012; Remmel et al., 2019). Those with negative views toward mental illness tend to hold negative attitudes toward mental illness defences and consequently, this can lead to stigmatized, biased decision-making for mentally ill offenders (see Adjorlolo et al., 2018; Daftary-Kapur et al., 2011; Steadman et al., 1998; Vitacco et al., 2009). As a result (and based on the significant correlation between pessimistic mental illness attitudes and FST item relevancy), it was predicted that a negative attitude toward mental illness would lead to a decrease in the likelihood of finding the defendant unfit.

The present study challenges these claims as no statistically significant predicting power for punitiveness and attitudes toward mental illness in FST decision-making was found. Still, decision-makers are supposed to be unbiased, focus on facts, evidence, and highly controlled legal conditions so they should not be influenced by their pre-existing attitudes (Skeem & Golding, 2001; Guthrie et al., 2008). The present study's findings are more in line with the findings of Baez et al. (2020) who argue that academic background and professional experience can mould the minds of legal decision-makers such that legal expertise may supersede cognitive, emotional, and physiological biases in decision-making. As the present study's participants had relevant criminal law expertise and/or professional experience, this knowledge may have overridden their implicit biases to result in fair, unbiased decision-making. Cullen, Golden, and Cullen (1983) similarly state that legal knowledge and experience provide professionals with distinct legal perspectives which can make them more accepting of rehabilitation. This is supported by Schmittat and Englich (2016) who claim that domain-specific legal expertise can lead to less sensitivity to conformity bias.

It is likewise supported by attitudinal research, whereby direct professional experience can influence attitude formation and change (Allport, 1935; Bordens & Horowitz, 2001; De Lamater et al., 2018; Fazio, Zanna, & Cooper, 1978; Garner, 2005). Here, participants may have once held more punitive and negative attitudes toward mental illness (see Lambert, 2004; Mackey & Courtright, 2000; Falco, 2008; Morrison et al., 1977; Weaver et al., 2018 for student research). However, once they gained experience working with mentally ill clients (working with mentally ill clients can improve attitudes, see Barastini et al., 2017; Frierson et al., 2015; Lowder Ray, & Gruenewald, 2019), their professional experience may have permitted them to

set aside or alter their pre-existing negative attitudes in the interests of their client. This may partly explain why punitiveness and attitudes toward mental illness did not predict FST decision-making in the present study. Yet, the present study did not incorporate a control group with whom to compare professionals like that of Baez et al. (2020) so the lack of predicting power for extra-legal factors may have come about due to the small sample size, not because of levels of expertise in overriding decision-making biases. This limitation provides an avenue for future research to pursue. Overall, although there were significant associations between punitiveness, attitudes toward mental illness and FST indicator significance found in the present study, the affinity for the extra-legal factors of punitiveness and attitudes toward mental illness to predict FST decision-making was not statistically significant.

The next section will examine the limitations of the present study. These shortcomings may account for the lack of statistically significant results found in the present study and the absence of conformity to previous research where relevant.

5.3 Limitations of the Study

Although the present study furthers our understanding of FST and how the attitudes and decision-making of professionals and future professionals in training can affect FST proceedings, as with all areas of research, the present study is not without its limitations. Accordingly, the findings and conclusions should be judged cautiously. In addition to previous limitations identified in the Methodology Chapter – the pitfalls of quantitative methodologies, issues with sampling, problems with utilising vignettes and surveys, and shortcomings of online research – several additional limitations are evident.

Firstly, the significantly small sample size of N=99 participants is an issue. Due to time constraints and difficulties in accessing professional legal practitioners in Ireland, a small sample was used. Having a small sample size can affect the normality of data, leading to the collection of non-normal data (Altman & Bland, 1995; Krithikadatta, 2014), which was the case for the present study. Non-parametric testing was used as a result, which is less powerful than parametric testing (Conover, 1999; Savani & Barrett, 2009; Shaik, n.d.), but still, scholars argue that non-parametric tests are just as powerful as parametric ones (e.g., Chin & Lee, 2008). Small sample sizes can trigger statistical irregularities, increase the likelihood of retrieving inaccurate results, and cause significant issues with reliability and alpha testing, especially

when the sample is composed of less than 200 participants (Faber & Fonseca, 2014; Yurdugul, 2008). In addition, during statistical analysis, there was a large margin of error in the present study (See Appendix X for a discussion), which further limits the generalisability of the findings.

Regarding the small sample size, effect sizes may also be affected. To produce stable results, a sample of 250 is needed (Schonbrodt & Perugini, 2013). However, when the sample is small, untrustworthy and/or inaccurate effects may be yielded (Funder and Ozer, 2019). Therefore, the statistical power of this research is limited (Rahman, 2013). Even so, Rahman (2013) argues that when the research is new and small sample sizes are unavoidable (as was the case with the present study), the research can still proceed if the limitations of the sample size are noted; subsequent research can then build upon this.

The 'representativeness' of the sample may be affected by the small sample size (Rahman, 2013). For instance, 53 participants identified as legal professionals in the present study, but the true number of legal professionals working in Ireland is approx. 14,677. Subsequently, the ability to generalise the findings is threatened (Delice, 2010; Faber & Fonseca, 2014; Tipton, Hallberg, Hedges, & Chan, 2016). The sample representativeness was also impacted by the lack of racial diversity: White participants outnumbered Black participants 85:14. Therefore, the sample may not be representative of all legal professionals and professionals in training who are or will be making fitness decisions (Harris & Weiss, 2018). This racial imbalance can cause difficulty in deducing differences between groups (Keppel & Wickens, 2004), and may explain why minimal statistically significant differences between racial groups were found in the present study.

Secondly, because of time constraints, the survey was only made available for a specific amount of time: late July to early November 2021. Also, due to the Covid-19 pandemic, the survey was only available to those with internet access and access to specific social media platforms. Perhaps keeping the survey window open for longer and increasing its distribution would have allowed for more responses. This may have aided in dispelling limitations concerning the small sample size.

Thirdly, combining the professionals and future professionals samples and analysing their responses as a whole may be troublesome. Crucially, the two populations are different. The future professionals in training may not have the experience that professionals do,

especially with regards to raising the issue of FST, and their responses may not necessarily reflect the opinions of legal professionals (Adjorlolo & Chan, 2017). This undoubtedly may limit the results. Having said this, previous research examining FST attitudes and decision-making (e.g., Adjorlolo & Chan, 2017; Harris & Weiss, 2018) made use of professionals in training (i.e., law students). And there are benefits to the inclusion of future professionals: an insight into their decision-making process can mould the content of legal curricula and advise strategies which encourage unbiased decision-making (Adjorlolo & Chan, 2017).

Fourthly, the use of self-report measures is an issue. Instead of answering truthfully, participants may select an answer that they consider to be more socially desirable, thus endangering the reliability of answers (Caputo, 2017; Demetriou, Ozer, & Essau, 2015). Still, it is argued that the use of online surveys may reduce social desirability bias (see Atkeson, Adams, & Alvarez, 2014; Poder, Bellemare, Bedard, & Lemieux, 2015; Tourangeau, 2014). The use of vignettes is worrisome as well. One key issue with vignettes is that cases/situations can be 'hypothetical', which may not reflect real life decision-making (Maguire et al., 2015). For the present study, a frequent response given by participants in the comment box was that the vignette case was "unbelievable". Likewise, the vignette may be limited by an inability to control numerous important variables at once like crime severity and the raising of FST, which may affect the findings of the study. For instance, participants' responses could have been different if the prosecutor raised the issue of FST (Adjorlolo & Chan, 2017) or if the defendant committed theft instead of murder. However, to establish levels of consistency amongst decision-makers, the case described needed to be uniform (Austin and Williams 1977; Palys and Divorski 1986). In addition to this, participants stated that data collection instruments appeared more US-based. As no Irish data collection instruments were readily available and because most of the research concerning attitudes and decision-making comes from the US, US-based instruments were used. Therefore, cultural differences may limit the comparisons made between the present study and previous research (Burchett, Mayhew, Lavis & Dobrow, 2012).

Similarly, much of the research reviewed throughout this study focussed on the insanity defence. Considering the study was rather novel, there was a dearth of FST literature to scrutinise and compare findings to. Very few studies have been carried out which examine legal professionals' attitudes, decision-making and FST. However, FST and the insanity defence are similar standards and, of the limited studies that examine FST, insanity defence

research was reviewed and used to contextualise findings where necessary (e.g., Adjorlolo & Chan, 2017). In a similar regard, there was a dearth of research concerning legal professionals to compare the findings with. Typically, studies either investigate the influence of the defendant's demographics on attorney decision-making instead of the attorney's demographics or examine the effects of the attorney's demographics on juror decision-making. Where possible, comparisons were made with legal professionals, but where it was not possible, studies examining judicial sentencing, jurors and students from legally based courses were used.

Again, these limitations need to be considered when interpreting the conclusions of this study. It must be noted that this study was exploratory in nature so many of these shortcomings were unavoidable. Still, the present study offers a foundation for future research to build upon and suggestions for future research are explored below.

5.4 Implications for Future Research

Based upon the outcomes of this study, it can be understood that FST decision-making is not influenced by variables such as race, gender, attitudes toward mental illness and punitiveness. This differs from previous literature where legal decision-makers are said to be influenced by their pre-existing attitudes and biases (Baez et al., 2020; Goodwin, 2018; Miller, 2018; Skeem et al., 2004), but is supported by more recent findings (see Baez et al., 2020). Still, the present study's sample was problematic. Due to the small sample size (N=99) and uneven racial balance, it is difficult to generalise the findings. It would be advantageous for future research to employ a larger, more representative sample which may aid in establishing statistical significance between groups. For instance, the present study did not find any statistically significant results for variables on FST decision-making. Yet, other pieces of SPSS output suggested that some variables possessed a certain amount of decision-making predicting power while other variables implied that there were differences between males and females, or Blacks and Whites. Therefore, a larger, more representative sample may allow these differences to reach statistical significance and consequently, the results may conform to previous literature. In addition, the study found that participants' gender and race can influence their attitudes, specifically, their attitudes toward FST item relevancy, levels of punitiveness, and attitudes toward mental illness. This is supported by previous studies. Another interesting avenue for

future research to pursue may be the influence of socioeconomic status on FST attitudes and decision-making. There is a dearth of research in this regard, so determining its influence in FST decisions and the effects of the intersection of employment status, education and income may provide a broader perspective on socioeconomic status and FST, thus increasing the current, limited understanding of this relationship. There is a significant absence of research regarding the attitudes in general of legal professionals. This may be in part due to the difficulty in accessing this population. Future research would benefit from exploring this professional population further to conclusively determine their attitudes. As lawyers, judges and other professionals play an important role in society and more specifically within the criminal justice system, understanding their attitudes, biases, and whether these attitudes influence the decisions they make is vital. This exploratory study merely scratches the surface on this phenomenon of FST attitudes and decision-making so additional research would be beneficial. Indeed, the present study acts as steppingstone and contributes to the limited amount of literature regarding attitudes, decision-making and FST.

5.5 Conclusion

Regarding FST, attitudes and decision-making, studies which examine this area are lacking (Adjorlolo & Chan, 2017). Based on the limited amount of research available and insanity defence research – FST and the insanity defence are similar – it is understood that attitudes and decision-making in the FST standard may be influenced by demographic and extra-legal factors. Research outlines that legal decision-makers can be influenced by their own pre-existing prejudices, implicit biases, and attitudes, and these preconceptions can affect the decisions they make (Baez et al., 2020; Goodwin, 2018; Skeem & Golding, 2001). For this reason, the influence of gender, race, punitiveness, and attitudes concerning mental illness were investigated to explore their link to FST attitudes and decision-making.

Overall, the present study has found both complimentary and contradictory findings with respect to the research outlined in Chapters 2 and 5. Adjorlolo and Chan (2017) found that most items in the CST Scale were supported as relevant to determining trial fitness. The present study's findings are in line with this, similarly finding that participants endorsed 22 out of the 26 items. However, the present study found no predicting power for these attitudes on FST decision-making, a contrast to previous FST and insanity defence studies (see Adjorlolo &

Chan, 2017; Skeem et al., 2004; Daftary-Kapur et al., 2011). Additional research proposes that this opinion and other attitudes may be influenced by gender. The present study supports this by finding females are more supportive of FST items (in line with Adjorlolo & Chan, 2017), less punitive (in line with Courtright & Mackey, 1999; Mackey & Courtright, 2000), and hold more positive mental illness attitudes (in line with Breheney et al., 2007; Doherty, 2013; Faulstich, 1984; Finkel & Handel, 1988, 1989; Hans & Slater, 1984). Race was found to significantly influence mental illness attitudes as well with Black participants being more sympathetic than Whites. Regarding FST decision-making, legal decision-makers can be influenced by implicit biases and pre-existing attitudes (Baez et al., 2020; Goodwin, 2018). Yet, the present study does not conform to this affirmation. No statistically significant predicting power was unearthed for attitudes regarding FST item relevancy, mental illness attitudes, punitiveness, or participant gender and race.

The current study discovered no significant influence for the race and/or gender of the defendant in FST decision-making, a contrast to research which argues that females and Black defendants are more inclined to be determined as 'unfit' in comparison to males and Whites respectively (Caldwell et al., 2003; Crocker et al., 2002; Harris & Weiss, 2018; Ho, 1999; Nicholson & Kugler, 1991; Pinals et al., 2004; Pirelli et al., 2011; Riley, 1998; Rogers et al., 1988; Yourstone, et al., 2008). The revelations of the present study are heavily limited, particularly due to the shortcomings of vignettes, a lack of research concerning FST attitudes and decision-making in legal professionals, and sample issues which greatly effect statistical significance. It would be beneficial for future research to address these limitations to improve the current, limited understanding of attitudes and decision-making in FST proceedings. Effectively, the results of the present study, although limited, show that most items in the CST Scale are supported by participants; this opinion is influenced by gender, attitudes toward mental illness, and punitiveness. Further, levels of punitiveness and attitudes toward mental illness are affected by race and gender. However, FST decision-making may not be influenced by gender, race, mental illness attitudes, or punitiveness.

To conclude, although the present study did not find statistical significance for the predicting power of numerous variables in FST decision-making, or statistically significant differences between demographic groups in certain instances, other pieces of SPSS output suggest that certain variables and demographics may be influential, albeit not statistically significantly influential. These findings are both similar and contradictory to previous research

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but nonetheless highlight the role attitudes and demographics may play in FST decision-making. Further research is needed here to address the limitations of this study and attain more conclusive findings. As mental illness within the Irish criminal justice system is a growing problem (Finnerty, 2021), it is notable that mental illness has a position in the legal system within the FST doctrine. Therefore, education pertaining to mental illnesses should be offered to professionals working in this area (i.e., legal professionals) and those hoping to attain a career within this sector (i.e., future professionals in training). Crucially, as the present study determined that attitudes may affect decision-making (although not significantly), education programmes and strategies must be developed for legal decision-makers to ensure that these preconceptions do not impact the decisions they make, thereby bringing their decision-making in line with the law (Adjorlolo & Chan, 2017). Legal decision-making must be unbiased and just, and every defendant must be treated fairly, especially if mental illness afflicts their understanding of the court process. Upholding this affirmation is vital to ensure the right to a fair trial.

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APPENDICES

Appendix (A) – Discussion of the use of the term "gender" in the present study

Gender is defined as the socially constructed characteristics of women, men, boys and girls, and refers to the attributes of being male or female (United Nations Office for the Coordination of Humanitarian Affairs, 2012; WHO, 2022). According to Lindqvist, Senden and Renstrom (2020), most often, in quantitative, social science research, gender is measured as a dichotomous variable, i.e., woman/man or male/female. Importantly, this is the case with FST research. Previous FST, attitudinal and decision-making research measures gender as a binary variable, i.e., male/female or woman/man are the only levels measured (e.g., Adjorlolo & Chan, 2017; Breheney et al., 2007; Faulstich, 1984; Hans & Slater, 1984; Jordan & Myers, 2003; Nicholson & Kugler, 1991; Pirelli et al., 2011). Previous studies also use the term "gender" to refer to male and female, or woman and man (e.g., Adjorlolo & Chan, 2017; Breheney et al., 2007; Yourstone et al., 2008). Therefore, in the interests of the present study, the term "gender" is used to denote male/female or man/woman. These terms are used interchangeably throughout this thesis as this was enacted in previous research (e.g., Breheney et al., 2007; Riley, 1998).

Appendix (B) – Discussion of the use of the term "race" in the present study

Race is defined as a socially constructed human categorization system that is used to differentiate between groups of people who share phenotypic traits, e.g., skin colour (Ray & DeLoatch, 2018). In previous FST, attitudinal and decision-making research, typically "race" has been used to denote whether the individual is White or non-White (i.e., Black, Hispanic, Asian, Latino, etc.); this can be seen in numerous studies (e.g., Goodwin, 2018; Harris & Weiss, 2018; Kois et al., 2012; Pirelli et al., 2011; Sommers, 2007). Notably, according to Hunt (2015), studies examining the influence of race in legal attitudes and decision-making usually focus on the differences between Black persons and White persons (e.g., Maeder, Yamamoto, & McLaughlin, 2020; Mitchell et al., 2005). Therefore, for the present study, the term "race" is used to denote Black or White. Furthermore, the present study focusses specifically on the differences between Black and White participants (as all participants identified as either 'White' or 'Black/Black Irish'), although studies which employ participants from other racial groups are reviewed where necessary. The impetus for examining the differences between White participants and Black participants only is to allow the present study to contextualise Irish findings with conclusions attained from current, international FST, attitudinal and decision-making literature. Perhaps future research could incorporate other non-White groups like the Travelling Community or Roma People in analyses.

Appendix (C) – Discussion of Online Research Methodologies

Online Research

As a result of Covid-19, online data collection methods were employed in the present study. There are numerous methods for obtaining data online, but the two most common approaches include email and web-based surveys (Granello & Wheaton, 2004; Lefever, Matthiasdottir and Dal, 2006). With regards to a web-based survey (which was used in the present study) the data collection instrument is available on a website and potential participants are invited to participate through email, telephone, social media, and other websites (Granello & Wheaton, 2004; Ali, Foreman, Capasso, Jones, Tozan, & DiClemente, 2020). Participants are then instructed on how to access the survey; they complete the survey online and then click a 'submit' button once they have finished to give their responses to the researcher. Critically, pitfalls are evident in online research. These include the possibility of a low response rate when compared to other types of surveys (see Fricker & Schonlau, 2002), external technical issues such as interpreting the survey as 'junk mail' and the requirement of computer and literacy skills on the part of the participant, which may limit the population representativeness (Braun & Clarke, 2013; Chandler, Mueller, & Paolacci, 2014; Lefever et al., 2006; Paolacci, Chandler, & Ipierotis, 2010; Terry & Braun, 2017), the widely recognised 'digital divide' which threatens to exclude disadvantaged, vulnerable participants (Braun, Clarke, Boulton, Davey & McEvoy, 2020; Hargittai, 2011; Van Deursen & Van Dijk, 2019), and the impersonal nature of the approach which limits the capacity to delve in-depth about a particular issue (Evans & Mathur, 2005; Scholl, Mulders, & Drent, 2002). Still, benefits are clear. These advantages include the attainment of a large, more geographically diverse, sample size due to the simplicity of sending the survey, low costs, speediness, and a global reach through the use of the internet which can increase representativeness and population diversity (Braun, Clarke, & Gray, 2017b; Kannan, Chang, & Whinston, 1998; Scholl et al., 2002), as well as flexibility in survey dissemination (Braun et al., 2020; Evans & Mathur, 2005). Fundamentally, Lefever et al. (2006) propose that online data collection may replace written surveys and questionnaires in the future, and Granello and Wheaton (2004) state that online data collection is becoming progressively more popular as a research methodology. Moreover, the use of online surveys in criminological research is growing (Pickett, Mancini, & Mears, 2013; Van Gelder & Van Daele, 2014), and it is proposed that measuring attitudes towards aspects of the criminal justice system of both practitioners and the public with an online questionnaire is an effective approach (Ballard & Prine, 2002; Dillman, 2000; Pierpoint, 2005).

Quantitative Research

A quantitative approach was utilised for the present study as it is the most appropriate data collection method to employ when investigating attitudes and decision-making. A quantitative research methodology is focused on quantifying or testing existing ideas or theories and typically surmises that reality is independent of human construction and experience (Davies & Francis, 2018). It is historically associated with a positivistic philosophy, where the view is that the world exists independently of human interaction and one's comprehension of it. Essentially, positivism argues that society influences the individual whereas its interpretive counterpart explains that the individual affects society (Sandberg n.d. as cited in Weber, 2004). Quantitative research incorporates the gathering of data in numerical forms which is then interpreted using mathematical methods such as statistics (Bows, 2018; Creswell, 1994; Davies & Francis, 2018; Garwood, 2006). This numerical data can be scores, ratings, scales, or counts of incidents. The research involves the collection of data through the use of experiments, surveys, questionnaires, polls, vignettes and various other techniques (Babbie, 2010; Muijs, 2010). The defining element of this research method is its affinity for producing numerical data, in which numbers are formulated from the initial data collection phase or as part of converting non-numerical values into numbers during the analysis process (Garwood, 2006). This research method is also rooted in scientific fact which can be tested using meticulous scientific examination. Reliability and validity are paramount in this approach and utilising the scientific method is viewed as the superior practice in discerning valid, reliable knowledge (Bows, 2018).

Strengths & Weaknesses of Quantitative Research

Silverman (2005) stresses that quantitative and qualitative research methodologies are relatively equal, with neither being more superior or better than the other. Instead, Silverman states that the method picked must be suitable to ascertain conclusions from what the researcher is investigating. Although both methodologies have uniform strengths and benefits (Sarantakos, 2005), the preference of one methodology over the other is often based on philosophical issues related to the researcher's ontological and epistemological positions (Davies & Francis, 2018; Tuli, 2010). For the present study, a quantitative approach is the most suitable methodology to use because of its superiority when examining attitudes on a large scale. Yet, it must be noted that certain studies have found no evidence to support one approach's use over the other when examining attitudes (e.g., Maciejewski, 2018).

According to Maruna (2010), quantitative methodologies do little of what qualitative methodologies do, such as producing rich, holistic data and engaging in procedures that allow for a deep awareness of situational and contextual elements. Nevertheless, quantitative research possesses strengths where qualitative research is lacking. Quantitative methods are unambiguous and do not depend on a 'take my word for it' approach. As a result, the quantitative approach allows for more replicability and precision. Furthermore, statistical procedures permit the elimination of confounding influences and are superior in examining

cause and effect associations between variables. When published, quantitative methodologies provide findings that are noteworthy for their coherence, transparency, trueness and accuracy (Maruna, 2010). Moreover, the quantitative approach allows for greater generalisability due to the larger sample size, which is randomly chosen, and is less time consuming than the qualitative alternative (Bryman, 2016; Carr, 1994; Connolly, 2007). In turn, this allows the study to become trustworthy as it is free from the researcher's own bias as is evident in qualitative research (Rahman, 2017). This personal bias is circumvented as the researcher can distance themselves from the participants. More specifically, the employment of surveys has numerous advantages; these include, a low development time, high representativeness, objectivity, cost-effectiveness and a far reach (Bryman, 2016; Queiros, Faria, & Almeida, 2017). Even though concerns have been voiced over the use of self-report methods like surveys, studies examining the effectiveness of self-reporting have found that in general, self-report data is valid and reliable (Thornberry & Krohn, 2000). It is also stressed that the authenticity of self-report data is supported by extensive scientific research and statistical examination (Center for Health & Safety Culture, 2011). Auxiliary strengths of using the quantitative method include the ability to summarise large amounts of information and make comparisons across categories, the propensity to compare findings to similar studies and the capacity for greater objectivity and validity in results (Babbie, 2010; McNabb, 2008; Singh, 2007).

Although the quantitative approach has numerous advantages, it does entertain a substantial amount of criticism (Bryman, 2016). The positivistic paradigm disregards the common meanings of social phenomenon (Denzin & Lincoln, 1998); it fails to discern a deeper understanding and explanation of phenomena and provides less detail about the motivations of participants, which in turn can result in an inability to clarify the results (Rahman, 2017). In conjunction, positivism cannot describe how social reality is formed and maintained, or how individuals interpret their actions and the actions of others (Blaikie, 2007). Another limitation of quantitative research is its inclination to merely take a snapshot of phenomena. Instead of giving a deep understanding of the information, the quantitative approach provides an overall picture of the variables (Rahman, 2017). It measures a specific variable at a specific moment in time, and ignores the context surrounding the measuring of that variable (Bryman, 2016; Schofield, 2007). Also, the mathematical techniques required for analyses, measurement and the subsequent employment of advanced statistical software may be complex and difficult to use due to the need for a spurious sense of precision and accuracy (Bryman, 2016; Queiros et al., 2017). In addition, the dependence on instruments and strict procedures hampers the association between research and everyday life, forcing questions to be raised about the ecological validity of the process (Bryman, 2016). Crucially, the survey method also contains shortcomings. The reliability of the data obtained relies on the quality of the answers and on the internal structure of the survey itself; the rigidity of the survey does not allow for any flexibility within the process; its self-report method can be worrisome; and the survey cannot capture the participant's emotions, changes of emotions and their behaviour during the study (Center for Health & Safety Culture, 2011; Queiros et al., 2017). Supplementary weaknesses of the quantitative method include the missing of contextual details, the collection of a narrower dataset and the absence of 'real word results' as studies take place in unnatural artificial environments (Babbie, 2010; Brians, Willnat, Manheim, & Rich, 2011; McNabb, 2008; Singh, 2007).

Yet, regardless of these disadvantages, quantitative methods are still dominant throughout the social sciences, especially in criminology (Hall, 2018). Tewksbury, DeMichele and Miller (2005) discovered that 95% of articles published in the top five criminal justice articles are based on research that utilised a quantitative methodology. Even though certain researchers argue that qualitative research is better all-round due to the quantitative method's failure to predict the crime decline of the 1990's (Hall, 2018; Young, 2004), a more recent study outlines that quantitative work is still more dominant in criminological journals, even in journals that are more receptive of qualitative methodologies (Tewksbury, Dabney, & Copes, 2010). Therefore, the use of a quantitative methodology in the present study is further solidified and warranted.

Appendix (E) – Discussion of The Positivist Research Paradigm

The Positivist Research Paradigm

Given that the present study seeks to use quantitative methods, it is essential to look at the epistemology of the research method as it shapes how researchers structure their research to uncover knowledge. The positivist paradigm (positivism) is an objective methodological philosophy in quantitative research where methods of natural science are applied to uncover the study of social sciences and reality (Bryman, 2016; Crotty, 1998; Davies & Francis, 2018). It is a philosophical facet of science, where one presumes that an objective reality is in existence which can be measured systematically and numerically without the influence of the researcher's bias and subjectivity (Davies & Francis, 2018). Essentially, positivism incorporates the following principles. Firstly, only phenomena and knowledge verified by the senses can accurately be described as knowledge, i.e., the principle of phenomenalism. Secondly, the function of theory is to permit the formulation of questions that can be tested and will therefore allow justifications of laws to be investigated, i.e., the principle of deductivism. Thirdly, through the principle of inductivism, knowledge is attained from the collection of facts that provide the basis for law. Fourthly, studies must be conducted in an objective manner. Finally, a clear differentiation between scientific and normative statements must be present (Bryman, 2016). Sandberg (n.d.) goes on to explain that in positivism, the individual and reality are separate; objective reality exists beyond the human psyche; the main research methods are statistical or content analysis; the validity of the data is the true measure of reality; results can be reproduced to test reliability; and the research object has elements that exist independently of the researcher (as cited in Weber, 2004). As a nomothetic philosophy, positivism believes that only factual knowledge obtained through observation and measurement is trustworthy (Bryman, 2012; Dudovskiy, 2018). In studies that utilise the positivist method, research findings are generally observable and quantitative in nature (Collins, 2010). The research takes place in a dualistic, objective world, where the researcher refrains from interacting with the study's participants to eliminate any potential bias (Park, Konge, & Artino, 2020). In essence the positivist paradigm is concerned with explanation and prediction, and the main source of investigating phenomena come from quantitative methods which examine the relationship between variables by making causal inferences which stem from empirical experimental designs (Cohen, Manion, & Marison, 2011; Crotty, 1998; Park et al., 2020; Pham, 2018). As a result, it is suggested that conclusions formed by positivist researchers have a high standard of reliability and validity and can be generalised to large amounts of the general population (Johnson & Onwuegbuzie, 2004; Pham, 2018). Although the paradigm suffers from pitfalls including possible inaccuracies in data because of respondents choosing random responses instead of authentic answers, a lack of flexibility when answering, and the notion that it is difficult to test phenomena like human intentions and behaviour within this approach (Hammersley, 2013; Pham, 2018), the positivist paradigm still possess numerous strengths. These advantages incorporate the saving of time and expenses, a higher degree of objectivity, and an increase in reliability and trustworthiness (Cohen et al., 2011; Dornyei. 2007; Johnson, 2014; Johnson & Onwuegbuzie, 2004). Therefore, the positivist paradigm is a suitable approach for the present study.

Please read the following description of a hypothetical case and answer the questions below.

The following is a summary of evidence presented in a criminal trial.

On the night of April 17th, 2003, a body was discovered outside of a restaurant. The police were called to the scene by a white woman claiming to have killed the victim. A knife was found next to the victim. The victim was stabbed repeatedly. The victim suffered multiple lacerations on their arms and legs. The defendant was covered in blood when the police arrived and was waiting outside the restaurant beside the body. When asked what she was doing there, she replied, "I was waiting for you. I'm the one who did this." The police arrested her and brought her in for questioning. Upon arrival at the police station, the defendant was read her rights. While in the interrogation room, detectives observed the woman acting calmly and willing to answer the detective's questions. At that time, the defendant confessed to the crime.

At the trial, the prosecution presented evidence of the crime to show the defendant was guilty of first-degree murder. During the trial, the defendant's behaviour concerned the defence lawyer. When required to enter a plea of guilty or not guilty, the woman remained mute and refused to answer. The defendant seemed confused as to the operation of courtroom proceedings and did not understand the difference between a jury and bench trial. She also did not understand the gravity of the evidence being put before her and was unable to fully comprehend the possible consequences if she was found guilty. Further, she did not fathom her ability to challenge a juror and instruct her lawyer. She attempted to dismiss her defence counsel on numerous occasions, preferring to represent herself even though she had no legal knowledge. Moreover, when asked to outline the roles of each person in the courtroom, she could not answer.

Ultimately, defence counsel raised the issue as to the defendant's fitness to stand trial.

Based on this summary:

WOULD YOU CONSIDER THAT THIS DEFENDANT IS FIT TO STAND TRIAL?

YES _____   NO _____

WOULD YOU RAISE THE ISSUE OF THIS PARTICULAR DEFENDANT'S FITNESS TO STAND TRIAL BASED UPON THEIR ACTIONS IN THE COURTROOM?

YES _____   NO _____

Appendix (G) - Vignette B (*White Male Defendant).*

Please read the following description of a hypothetical case and answer the questions below.

The following is a summary of evidence presented in a criminal trial.

On the night of April 17th, 2003, a body was discovered outside of a restaurant. The police were called to the scene by a white man claiming to have killed the victim. A knife was found next to the victim. The victim was stabbed repeatedly. The victim suffered multiple lacerations on their arms and legs. The defendant was covered in blood when the police arrived and was waiting outside the restaurant beside the body. When asked what he was doing there, he replied, "I was waiting for you. I'm the one who did this." The police arrested him and brought him in for questioning. Upon arrival at the police station, the defendant was read his rights. While in the interrogation room, detectives observed the man acting calmly and willing to answer the detective's questions. At that time, the defendant confessed to the crime.

At the trial, the prosecution presented evidence of the crime to show the defendant was guilty of first-degree murder. During the trial, the defendant's behaviour concerned the defence lawyer. When required to enter a plea of guilty or not guilty, the man remained mute and refused to answer. The defendant seemed confused as to the operation of courtroom proceedings and did not understand the difference between a jury and bench trial. He also did not understand the gravity of the evidence being put before him and was unable to fully comprehend the possible consequences if he was found guilty. Further, he did not fathom his ability to challenge a juror and instruct his lawyer. He attempted to dismiss his defence counsel on numerous occasions, preferring to represent himself even though he had no legal knowledge. Moreover, when asked to outline the roles of each person in the courtroom, he could not answer.

Ultimately, defence counsel raised the issue as to the defendant's fitness to stand trial.

Based on this summary:

WOULD YOU CONSIDER THAT THIS DEFENDANT IS FIT TO STAND TRIAL?

YES _____   **NO** _____

WOULD YOU RAISE THE ISSUE OF THIS PARTICULAR DEFENDANT'S FITNESS TO STAND TRIAL BASED UPON THEIR ACTIONS IN THE COURTROOM?

YES _____   **NO** _____

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Please read the following description of a hypothetical case and answer the questions below.

The following is a summary of evidence presented in a criminal trial.

On the night of April 17th, 2003, a body was discovered outside of a restaurant. The police were called to the scene by a black woman claiming to have killed the victim. A knife was found next to the victim. The victim was stabbed repeatedly. The victim suffered multiple lacerations on their arms and legs. The defendant was covered in blood when the police arrived and was waiting outside the restaurant beside the body. When asked what she was doing there, she replied, "I was waiting for you. I'm the one who did this." The police arrested her and brought her in for questioning. Upon arrival at the police station, the defendant was read her rights. While in the interrogation room, detectives observed the woman acting calmly and willing to answer the detective's questions. At that time, the defendant confessed to the crime.

At the trial, the prosecution presented evidence of the crime to show the defendant was guilty of first-degree murder. During the trial, the defendant's behaviour concerned the defence lawyer. When required to enter a plea of guilty or not guilty, the woman remained mute and refused to answer. The defendant seemed confused as to the operation of courtroom proceedings and did not understand the difference between a jury and bench trial. She also did not understand the gravity of the evidence being put before her and was unable to fully comprehend the possible consequences if she was found guilty. Further, she did not fathom her ability to challenge a juror and instruct her lawyer. She attempted to dismiss her defence counsel on numerous occasions, preferring to represent herself even though she had no legal knowledge. Moreover, when asked to outline the roles of each person in the courtroom, she could not answer.

Ultimately, defence counsel raised the issue as to the defendant's fitness to stand trial.

Based on this summary:

WOULD YOU CONSIDER THAT THIS DEFENDANT IS FIT TO STAND TRIAL?

YES _____   NO _____

WOULD YOU RAISE THE ISSUE OF THIS PARTICULAR DEFENDANT'S FITNESS TO STAND TRIAL BASED UPON THEIR ACTIONS IN THE COURTROOM?

YES _____   NO _____

Please read the following description of a hypothetical case and answer the questions below.

The following is a summary of evidence presented in a criminal trial.

On the night of April 17th, 2003, a body was discovered outside of a restaurant. The police were called to the scene by a black man claiming to have killed the victim. A knife was found next to the victim. The victim was stabbed repeatedly. The victim suffered multiple lacerations on their arms and legs. The defendant was covered in blood when the police arrived and was waiting outside the restaurant beside the body. When asked what he was doing there, he replied, "I was waiting for you. I'm the one who did this." The police arrested him and brought him in for questioning. Upon arrival at the police station, the defendant was read his rights. While in the interrogation room, detectives observed the man acting calmly and willing to answer the detective's questions. At that time, the defendant confessed to the crime.

At the trial, the prosecution presented evidence of the crime to show the defendant was guilty of first-degree murder. During the trial, the defendant's behaviour concerned the defence lawyer. When required to enter a plea of guilty or not guilty, the man remained mute and refused to answer. The defendant seemed confused as to the operation of courtroom proceedings and did not understand the difference between a jury and bench trial. He also did not understand the gravity of the evidence being put before him and was unable to fully comprehend the possible consequences if he was found guilty. Further, he did not fathom his ability to challenge a juror and instruct his lawyer. He attempted to dismiss his defence counsel on numerous occasions, preferring to represent himself even though he had no legal knowledge. Moreover, when asked to outline the roles of each person in the courtroom, he could not answer.

Ultimately, defence counsel raised the issue as to the defendant's fitness to stand trial.

Based on this summary:

WOULD YOU CONSIDER THAT THIS DEFENDANT IS FIT TO STAND TRIAL?

YES _____   NO _____

WOULD YOU RAISE THE ISSUE OF THIS PARTICULAR DEFENDANT'S FITNESS TO STAND TRIAL BASED UPON THEIR ACTIONS IN THE COURTROOM?

YES _____   NO _____

Please rate the relevance of each item for finding the defendant <u>UNFIT</u> to stand trial.

1= Strongly Disagree   2= Disagree   3= Neutral   4= Agree   5= Strongly Agree

1. **Understand the charges against him/her**

1   2   3   4   5

2. **Understand his/her current legal situation**

1   2   3   4   5

3. **Understand the arrest process**

1   2   3   4   5

4. **Trust and communicate with defence counsel**

1   2   3   4   5

5. **Refrain from irrational and unmanageable behaviours during trial (shouting, singing, disobeying orders)**

1   2   3   4   5

6. **Understand the roles of the judge**

1   2   3   4   5

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7. Understand the pleas available

1   2   3   4   5

8. Understand the possible penalties if convicted

1   2   3   4   5

9. Be able to appraise the likely outcome of the case

1   2   3   4   5

10. Testify relevantly and be cross-examined if necessary

1   2   3   4   5

11. Help locate witnesses

1   2   3   4   5

12. Aid in developing a strategy for cross-examining witnesses

1   2   3   4   5

13. Be of sound mind (Absence of mental illness)

1   2   3   4   5

14. Have the capacity for rational manipulation of information

1   2   3   4   5

15. Ability to provide a reasonable account of one's behaviour prior to, during, and subsequent to the alleged crime

1   2   3   4   5

16. Make appropriate decisions about trial strategy

1   2   3   4   5

17. Maintain a collaborative relationship with counsel

1   2   3   4   5

18. Make decisions after receiving advice

1   2   3   4   5

19. Understand the charges, both in nature and severity

1   2   3   4   5

20. Be able to follow testimony for contradictions or errors

1   2   3   4   5

21. Be able to disclose pertinent facts surrounding the alleged offence

1   2   3   4   5

22. Be able to challenge prosecution witnesses

1   2   3   4   5

23. Be able to tolerate stress at the trial and while awaiting trial

1   2   3   4   5

24. Understand the roles of defence counsel

1   2   3   4   5

25. Understand the roles of the prosecutor

1   2   3   4   5

26. Help plan legal strategy for his/her defence

1   2   3   4   5

Scoring: The scale is scored by summing all 26 items with a minimum total of 26 and a maximum total of 130. Higher scores indicate a greater disposition for finding the defendant unfit to stand trial.

Please rate how much you agree or disagree with the following statements. You may interpret the five points on this scale as follows:

1= Strongly Disagree   2= Disagree   3= Neutral   4= Agree   5= Strongly Agree

1. **We are entirely too soft on people convicted of crime.**

1   2   3   4   5

2. **Offenders should be harshly punished to make them pay for their crimes.**

1   2   3   4   5

3. **We should use the old saying "an eye for an eye and a tooth for a tooth" as a guideline for determining punishment for criminals.**

1   2   3   4   5

4. **To better control the crime problem, more prisons need to be built.**

1   2   3   4   5

5. **Prisons today are much too lenient.**

1   2   3   4   5

6. **Using the death penalty helps us to better control crime.**

1   2   3   4   5

7. Prison and jail inmates deserve the humiliation, intimidation, and degradation they may receive.

1   2   3   4   5

8. Drug dealers should be given life sentences for their crimes.

1   2   3   4   5

9. A person who sexually abuses children should never be released from prison.

1   2   3   4   5

10. Probation supervision is a joke.

1   2   3   4   5

11. A person who has three convictions for very serious crimes (felonies) should receive life without the possibility of parole.

1   2   3   4   5

12. People choose to commit crimes; therefore, they deserve the punishment they get.

1   2   3   4   5

13. Harsh and severe punishments are necessary to preserve a sense of justice in our society.

1   2   3   4   5

14. Speedy, severe and certain penalties are the only way to prevent people from committing crime.

1   2   3   4   5

15. Inmates who participate in programs while confined (such as education, counselling, vocational training, etc.) do so only because they are trying to impress the parole board so they can possibly gain an early release.

1   2   3   4   5

Scoring: Scores are added up, ranging from 15 to 75. Higher scores on this scale portray a more punitive attitude.

Appendix (L) - SAB Scale (Masuda et al., 2009).

Imagine the following ideations developed within you right now.

How accurate or conceivable would each be? Please circle the appropriate answer using the following scale.

Scale

<div align="center">

1   2   3   4   5   6   7

</div>

Not at all believable   Completely believable

Q.1.   Those with psychological disorders are dangerous to others.

        1   2   3   4   5   6   7

Q.2.   A person with a psychological disorder is unpredictable.

        1   2   3   4   5   6   7

Q.3.   Those with psychological disorders are hard to talk to.

        1   2   3   4   5   6   7

Q.4.   I feel that I am different from those with psychological disorders.

        1   2   3   4   5   6   7

Q.5.   A person with a psychological disorder is the one to be blamed for his/her problems.

        1   2   3   4   5   6   7

Q.6.   A person with a psychological disorder cannot pull himself/herself together in order to appropriately function in society.

        1   2   3   4   5   6   7

Q.7.   Those with a psychological disorder will not improve even if they are treated.

        1   2   3   4   5   6   7

Q.8.   Those with psychological problems will never recover.

            1   2   3   4   5   6   7

SAB SACLE SCORING: Item responses are summed to an overall score ranging from 8 to 56. High scores indicate a high level of stigma towards people with schizophrenia.

Please read the questions below and tick the appropriate box.

1. **Gender**

Male   _____

Female   _____

Other (please specify) _____

Prefer not to say   _____

2. **Ethnicity or Cultural Background**

White   _____

Asian or Asian Irish   _____

Black or Black Irish   _____

Other (please specify) _____

Prefer not to say   _____

3. **Legal Employment Status**

Judge   _____

Barrister/Solicitor   _____

Lecturer   _____

Legal Professional in training   _____

Other   _____

4. If in training, Course of Study

Postgraduate   _____

FE1 Preparation Course   _____

Degree of Barrister-at-Law   _____

Other (please specify)   _____

Appendix (N) – Email to WIT lecturers and Crime and Justice Research Group members

Dear ____,

I am currently a postgraduate MA student in WIT in the Department of Applied Arts under the supervision of Dr. Jennifer O'Mahoney and Dr. Lorraine Bowman-Grieve. I am conducting research into the area of 'attitudes and legal decision-making in fitness to stand trial,' and was hoping to include legal professionals such as solicitors/barristers and law lecturers within my research. I was wondering if you possess any sort of connections or networks where I can access this sample and if so, would it be possible for assistance in disseminating my surveys to this sample through social media or otherwise, i.e., through sharing a link on Twitter or by email? I understand that you are very busy and may not have the time to provide assistance, but would like to sincerely thank you for reading my email. Please let me know if you require any further information before you can get in contact. Thanks again and I look forward to hearing back from you.

Sincerely,

Ryan Cogley.

Appendix (O) – Email to recruit potential participants

Dear ___

I am currently a postgraduate MA student in WIT in the Department of Applied Arts under the supervision of Dr. Jennifer O'Mahoney and Dr. Lorraine Bowman-Grieve. I am conducting research into the area of 'legal attitudes towards fitness to stand trial,' and was hoping to include legal professionals such as lawyers within my research. I was wondering if it would be possible to gain access to ___ in order to recruit them to take part in the study. Participation within the study will be entirely voluntary so nobody will be compelled to take part. Further, the research will be gathered online via the site SurveyMonkey and all ethical guidelines will be followed. I understand that you are very busy and would like to sincerely thank you for reading my email. Please let me know if you require any further information before you can get in contact. Thanks again and I look forward to hearing back from you.

Sincerely,

Ryan Cogley.

Post: Are you a legal professional or future legal professional in training? Do you wish to partake in a study of Fitness to Stand Trial in Ireland?

If so, please fill out this survey: https://www.surveymonkey.com/r/SNTB6VG

Retweets and sharing are welcomed and appreciated.

Fitness to Stand Trial in Ireland: An Investigation into Attitudes and Legal Decision-Making

Purpose of Study: The purpose of this study is to examine attitudes towards, and legal decision-making in, the fitness to stand trial standard and consider whether additional factors like gender, race, punitiveness, and attitudes towards mental illness have an influence therein.

Participants: All participants must be over the age of 18 and currently employed as a legal professional or a future professional in training. Participant's may be:

Legal Professionals: Judges, Barristers/Solicitors, Law Lecturers

Future Professionals in Training: Postgraduate students, students studying the FE1 Preparation Course or the Degree of Barrister at Law.

The Researcher: Ryan Cogley (20079958@mail.wit.ie) is a Master's student in Waterford Institute of Technology working under the supervision of Dr Jennifer O'Mahoney and Dr Lorraine Bowman-Grieve.

Appendix (Q) – Email to gatekeeper

Hi [name removed to ensure anonymity],

As you know, I'm currently pursuing a Master's by Research in WIT. I'm wondering if you could give me a hand. I'm hoping to recruit participants from professional law courses in Ireland – i.e., those pursuing postgraduate studies, those on the FE1 preparation courses, and those studying the Degree of Barrister at Law. As you work in the library at [name of work removed to ensure anonymity] I was wondering if there was any way that I could gain access to students on these courses through you or if you could steer me in the right direction regarding who I should get in contact with? Many thanks in advance.

Best Wishes,

Ryan.

Dear ____,

Thank you for agreeing to take part in my study, "Fitness to Stand Trial in Ireland: An Investigation into Attitudes and Legal Decision-Making.' I sincerely appreciate the time you are taking to complete my survey. Please find the survey here: https://www.surveymonkey.com/r/SNTB6VG

Again, if you have any questions or queries, please do not hesitate to get in contact. Also, please feel free to forward the survey link to any of your colleagues if you wish. Many thanks.

Sincerely,

Ryan Cogley.

Appendix (S) – Ethical Approval Certificate

Institiúid Teicneolaíochta Phort Láirge   Waterford Institute *of* Technology

14th May, 2021.

Port Láirge, Éire.
T: +353-51-302000
info@wit.ie

Waterford, Ireland.
T: +353-51-302000
www.wit.ie

Mr. Ryan Cogley,

Student Number: 20079958

20079958@mail.wit.ie

Dear Ryan,

Thank you for submitting your project and amended documentation in relation to your project 'Fitness to Stand Trial in Ireland: An Investigation into Attitudes and Legal Decision-Making' to the School of Humanities Research Ethics Committee, WIT.

Based on the revised WIT ethical approval application form and supporting documentation, I am pleased to inform you that we now fully approve the conduct of this project.

We will convey this decision to Academic Council.

We wish you well in the work ahead.

Yours sincerely,

Dr. Michael Bergin,

Chairperson,

School of Humanities Research Ethics Committee, WIT

cc: Dr Jennifer O Mahoney

Dr. Lorraine Bowman Grieve

Appendix (T) – Epigeum Certificate

OXFORD UNIVERSITY PRESS · epigeum

Certificate

Number: 5354610692

This is to certify that

Ryan Cogley

Successfully completed the course
Research Integrity - Arts and Humanities

as part of the Epigeum Online Course System with a score of 91%.

Dated: 29 October 2020

Copyright Oxford University Press 2018

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<u>**Appendix (U) – Information Sheet**</u>

You are being invited to participate in a research study. Thank you for taking the time to read this information sheet. This research is being completed as part of my Masters degree at WIT. I am working under the supervision of Dr Jennifer O'Mahoney and Dr Lorraine Bowman-Grieve in the Department of Applied Arts, and contact details are available at the end of this sheet. Please note, this project has received ethical approval from the School of Humanities Ethics Committee at WIT.

What are the aims of the study?
The aim of this study is to examine attitudes towards, and legal decision-making in, the fitness to stand trial standard and consider whether additional factors like gender, race, punitiveness, and attitudes towards mental illness have an influence therein.

What will happen if I volunteer?
Your participation is entirely voluntary. If you agree to participate you will be requested to read this information sheet and complete the consent form to access the survey. The survey is comprised of a demographic form and data collection instruments (Vignettes, Competency to Stand Trial (CST) Scale, Punitive Attitudes Scale, and the Stigmatising Attitudes-Believability Scale (SAB)). Once you have finished the questionnaires and vignettes, you can submit the completed surveys by clicking the submit button.

Please note, the vignettes outline a hypothetical murder case, and the SAB Scale consists of negatively phrased questions regarding mental illness. I would like to remind you that you have the right to not take part in the study if you wish and also have the right to discontinue at any time. Once submitted, you have the right to withdraw your data up until the data analysis phase.

Confidentiality:
All individual information collected as part of the study will remain confidential to the researcher and supervisors. At the end of the consent form, you will be asked to create a unique identifier code so your data can be withdrawn from the study later if you wish. This code can be created by using a combination of numbers or words, or by using key words themselves. Only you will know your specific code. Please remember to take note of the code you make. However, your data can only be withdrawn up until the point of data analysis. The collection of your IP address will be blocked, and all data will be analysed as an aggregate rather than at an individual level, so the researcher cannot identify you. All data will be kept safe for the duration of the project by storing the data in WIT's OneDrive which is password protected. This data will be held for a maximum of five years in line with WITs Data Polices and Protections and the Data Protection Act (2018) and GDPR (2018) before final destruction.

Contact Details

If you have any further questions about the research you can contact:

RESEARCHER: Ryan Cogley Email: 20079958@mail.wit.ie

SUPERVISOR: Dr Jennifer O'Mahoney Email: jomahoney@wit.ie

Dr Lorraine Bowman-Grieve Email: lbowmangrieve@wit.ie

Helplines:

Pieta House Tel: (01) 4585490

Samaritans Ireland Tel: 116 123

YourMentalHealth Tel: 1800 111 888

Fitness to Stand Trial in Ireland: An Investigation into Attitudes and Legal Decision-Making

Please indicate your response to each question by placing a tick in the appropriate box:

I have read and understood the information sheet

I am aware that I can email the researcher with any questions about this study before I proceed further.

I confirm that I am over the age of 18

I confirm that I am either a legal professional (including but not limited to judge, barrister/solicitor, academic) or a current legal trainee and at postgraduate level

I understand that I have the right to not take part in this study

I provide my consent to participate in this study.

PLEASE INSERT YOUR UNIQUE IDENTIFIER CODE IN THE BOX BELOW

(Once again, it may be any combination of words or numbers that you choose and the code will be unique to you. Please keep note of the unique identifier you make. This will be used so the researcher can remove your responses if you request to do so).

Waterford Institute *of* Technology
INSTITIÚID TEICNEOLAÍOCHTA PHORT LÁIRGE

Data Protection Impact Assessment Template

Background:
Data Protection Impact Assessments ('DPIAs') can be used to identify and mitigate against any data protection related risks arising from a new project, which may affect Waterford Institute of Technology. DPIAs are mandatory for any new high risk processing projects.

When to use a DPIA:
Under the GDPR, a DPIA is mandatory where data processing "is likely to result in a high risk to the rights and freedoms of data subjects (the person to which the data relates). However, carrying out a DPIA is required as a standard practice in WIT and will serve as a useful tool to help comply with data protection law. The DPIA should be carried out prior to the processing of data and a copy sent to the Data Protection Coordinator to retain on file.

Who must carry out the DPIA:
It is the responsibility of the project team to ensure that a DPIA is carried out for any new data processing projects.

DPIA Process:
1. **Need for DPIA:**

   Summarise the need for a DPIA

2. **Describe the information flows:**

   Describe the collection, use and deletion of personal data here and it may also be useful to refer to a flow diagram or another way of explaining data flows. You should also say how many individuals are likely to be affected by the project.

3. **Identify data protection and related risks**

   Identify the key privacy risks and the associated compliance and corporate risks.

4. **Identifying data protection solutions to reduce or eliminate the risks**

   Describe the actions you could take to reduce the risks, and any future steps which would be necessary.

5. **Signing off on the outcomes of the DPIA**

   Ensure appropriate sign off of outcomes is formally documented and retained.

6. Integrating data protection solutions into the project

Ensure the controls and actions identified are tracked through to completion to ensure the rights of the data subject are upheld.

Template

1. Need for a DPIA	
Please answer the below questions	
Will the project involve the collection of new information about individuals?	Yes
Will the project compel individuals to provide information about themselves?	Yes
Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?	No
Are you using information about individuals for a purpose it is not currently used or in a way it is not currently used?	No
Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	No
Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?	No
Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private.	No
Will the project require you to contact individuals in ways that they may find intrusive?	No

2. Describe the information flows	
Date of Assessment:	31-12-2020
Assessment performed by:	Ryan Cogley

Function/Department:	Masters student, Department of Applied Arts
Process Name:	
Description of the envisaged processing operations: (Including collection, deletion and use)	All data will be collected online due to the recent COVID-19 outbreak and restrictions. Microsoft Forms will be employed to distribute the surveys as this site is GDPR compliant and therefore, will not violate WIT's GDPR and Data Protection Regulations. Further, the researcher will make sure that the IP addresses of the participants are not collected from the use of this site and will also ensure that other non-identifying information is not collected. Confidentiality will be secured as only the researcher and the supervisor will have access to the data. Privacy of all participants will be protected as copies of data will be kept in a password protected computer file in WIT OneDrive. The data will be analysed on an aggregate level instead of at an individual level, and the participant will not be asked to give or sign their name on any forms in order to safeguard the protection of their identity and to ensure the anonymity of the participant. Participants will also be informed that their personal information will not be collected and there will be no unauthorized sharing of data. Crucially, the data collected will be anonymous as no identifying information such as the respondent's name, email, place of work or

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	school of study will be collected. According to the European Patent Office (n.d.) when participants respond to an anonymous survey, no contact information will be included in their response and their responses cannot be linked to them. Also, identifying information such as IP addresses are not connected to a participant's survey responses as IP addresses are not recorded in Microsoft Forms. Also, according to the current WIT Data Retention Policies, the data will be retained for a minimum of 10 years after the date of publication and if the data retention period surpasses the researchers attendance at the institute, the data will be passed to the project's supervisors to be held. Moreover, this data will be retained in the institute's OneDrive in order to safeguard the compliance with GDPR and Data Protection Regulations. copies that are stored in OneDrive will be deleted. However, the assistance of computer services may be sought in order to permanently erase the digital data as in certain instances, deleting may not totally destroy the information. Therefore, with the assistance of computer services, all the digital soft copies will be destroyed.
Purposes of the processing:	To ensure GDPR Compliance and compliance with WIT's Data Retention Policies and WIT's GDPR and Data Protection Regulations.

Legal basis for processing:	In order to be GDPR compliant and to comply with WIT's Data Retention Policies and WIT's GDPR and Data Protection Regulations.
Necessity of the processing (Justification)	To ensure GDPR Compliance and compliance with WIT's Data Retention Policies and WIT's GDPR and Data Protection Regulations.
Proportionality of the processing (Estimated number of Data Subjects Affected)	It is estimated that the study will employ a population if N=100
Individuals consulted during the performance of DPIA (Include internal and external consultations held)	Dr. Jennifer O'Mahoney Dr. Lorraine Bowman-Grieve

3. Identify data protection and related risks			4. Identifying data protection solutions to reduce or eliminate the risks				
No.	Privacy Issue	Risk	Existing Controls Identified	Risk Rating L x I	Additional Controls/ Actions Required	Action Owner	Deadline Date
1 *2* *3*	Micorsoft Forms may collect identifying information about the participants Anonymisation techniques may turn out to be ineffective and possible breach of data held	1. Unlikely 2. Unlikely 3. Unlikely	1. In order to eliminate this risk, the collection of IP addresses will be shut off on the site. 2. Data will be stored in password protecte	3-5 3-5	1. No identifying information will be collected in the study. Participants will not be asked to give their name or place of work and all		

electronically			d file in WIT OneDrive and no identifying information will be collected.	3-5	data will be anonymised and analysed at an aggregate level.		
Risks to corporate organisations – results could interfere with trust in organisation			3. To prevent this, no identifying information regarding the participant's place of work will be obtained		2. Collection of non-identifying information.		
					3. Ensure participants are informed of how results will be used.		

<table>
<tr><td colspan="8" style="background:#f5a800">5. Signing off on the outcomes of the DPIA</td></tr>
</table>

DPIA Assessment result: (Pass- risk eliminated, avoided or accepted; Fail- risk un-avoided)	Pass
Approved by:	Ryan Cogley

<table>
<tr><td colspan="2" style="background:#f5a800">6. Integrating data protection solutions into the project</td></tr>
</table>

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Next steps/Actions	All the necessary controls outlined above will be employed within the study to ensure that the rights and fair treatment of the participants are upheld.

Guidance

Example Risks to Individuals:

- Inappropriate disclosure of personal data internally due to a lack of appropriate controls being in place.

- Accidental loss of electronic equipment may lead to risk of disclosure of personal information to third parties.

- Breach of data held electronically by "hackers".

- Vulnerable individuals or individuals about whom sensitive data is kept might be affected to a very high degree by inappropriate disclosure of personal data.

- Information released in anonymised form might lead to disclosure of personal data if anonymisation techniques chosen turn out not to be effective.

- Personal data being used in a manner not anticipated by data subjects due to an evolution in the nature of the project.

- Personal data being used for purposes not expected by data subjects due to failure to explain effectively how their data would be used.

- Personal data being used for automated decision making may be seen as excessively intrusive.

- Merging of datasets may result in a data controller having far more information about individuals than anticipated by the individuals.

- Merging of datasets may inadvertently allow individuals to be identified from anonymised data.

- Use of technology capable of making visual or audio recordings may be unacceptably intrusive.

- Collection of data containing identifiers may prevent users from using a service anonymously.

- Data may be kept longer than required in the absence of appropriate policies.

- Data unnecessary for the project may be collected if appropriate policies not in place, leading to unnecessary risks.

- Data may be transferred to countries with inadequate data protection regimes.

Corporate Risks:

- Failure to comply with the GDPR may result in investigation, administrative fines, prosecution, or other sanctions. Failure to adequately conduct a DPIA where appropriate can itself be a breach of the GDPR.
- Data breaches or failure to live up to customer expectations regarding privacy and personal data are likely to cause reputational risk.
- Public distrust of organisation's use of personal information may lead to a reluctance on the part of individuals to deal with the organisation.
- Problems with project design identified late in the design process, or after completion, may be expensive and cumbersome to fix.
- Failure to manage how your company keeps and uses information can lead to inefficient duplication, or the expensive collection and storage of unnecessary information. Unnecessary processing and retention of information can also leave you at risk of non-compliance with the GDPR.
- Any harm caused to individuals by reason of mishandling of personal data may lead to claims for compensation against the organisation. Under the GDPR the organisation may also be liable for non-material damage.

Compliance Risks:

The organisation may face risks of prosecution, significant financial penalties, or reputational damage if it fails to comply with the GDPR. Individuals affected by a breach of the GDPR can seek compensation for both material and non-material damage.

Failure to carry out a DPIA where appropriate is itself a breach of the legislation, as well as a lost opportunity to identify and mitigate against the future compliance risks a new project may bring.

Examples of data protection solutions:

- Deciding not to collect or store particular types of information.
- Putting in place strict retention periods, designed to minimise the length of time that personal data is retained.
- Reviewing physical and/or IT security in your organisation or for a particular project team and making appropriate improvements where necessary.
- Conducting general or project-specific training to ensure that personal data is handled securely.
- Creating protocols for information handling within the project, and ensuring that all relevant staff are trained in operating under the protocol.
- Producing guidance for staff as reference point in the event of any uncertainty relating to the handling of information.
- Assessing the need for new IT systems to safely process and store the data, and providing staff with training in any new system adopted.

- Assessing the portability of using anonymised or pseudonymised data as part of the project to reduce identification risks, and developing an appropriate anonymisation protocol if the use of anonymised data is suitable.
- Ensuring that individuals are fully informed about how their information will be used.
- Providing a contact point for individuals to raise any concerns they may have with the organisation.
- If using external data processors, selecting appropriately experienced data processors and putting in place legal arrangements to ensure compliance with data protection legislation.
- Deciding not to proceed with a particular element of a project if the data privacy risks associated with it are inescapable and the benefits expected from this part of the project cannot justify those risks.

Risk Assessment Guidance:

Likelihood/Potential for an Incident to occur	Impact/Outcome of Incident	Risk Level Calculation L X I	Guideline Action Timetable
1 - Rare: No history of event occurring over period of years. This event may occur but in exceptional circumstances.	1. Minor compromise of privacy (e.g. un-sensitive personal data such as helpdesk ticket compromised)	1 – 2 Acceptable	No Action
2 - Unlikely: The event would be expected to occur annually	2. Minor data breach (e.g. inappropriate contact of data subject via email)	3 – 5 Low	Prioritise after medium risk actions complete
3 - Possible: This could occur monthly, as such it has a reasonable chance of occurring.	3. Moderate data breach (Sensitive data e.g. payroll compromised)	6 – 10 Medium	Prioritise after high risk actions complete
4 - Likely: Expected to occur at least weekly, the event will occur in most situations	4. Significant data breach (Financial loss, severe stress for a data subject or data subjects	11 – 15 High	Prioritise Action as soon as Practical
5 - Certain: Expected to occur almost daily, it is more likely to occur than not.	5. Major data breach (Risk of severe financial loss to a large number of data subjects)	16 – 25 Very High	Action Urgent

Appendix (X) – Email to Supervisors regarding Sample Population Size

Hi Jennifer and Lorraine,

Apologies in advance for the length of this email and I also apologise for it being a little bit all over the place.

With regards to the professional population, as of December 31st 2020, there are 11,854 solicitors with practicing certificates (https://www.lawsociety.ie/gazette/in-depth/2020-pc-numbers), and 2,823 barristers (https://www.lawsociety.ie/gazette/top-stories/2021/07-july/last-year-far-from-normal-for-legal-sector). This brings the total to approx 14,677 for the professional population.

Regarding the legal professionals in training, this number was harder to determine. Firstly, the colleges I investigated were Trinity, UCD, Griffith, King's Inn, UCC, TU Dublin, Maynooth, NUIG, and UL as these are the main LLM colleges in Ireland (as outlined in a 'Top 9 LLM Programmes in Ireland List'). Of course, I recognise that there are postgraduate law courses in other colleges across Ireland as well but still, this way we can still achieve an estimate regarding the number of future professionals, even if the number is limited. Certain colleges did respond to my emails (UCD, TU Dublin & Trinity) but others did not respond to initial and follow-up emails, did not answer the phone or did not answer the message I left, and when I emailed course leaders, I still received no reply. Therefore, for the colleges that did not respond, I watched the college's graduation ceremony (these colleges being: UCC & Maynooth) and counted all of the postgraduate law students that were named. However, NUIG and UL did not respond to emails or phone calls and did not have their graduation ceremonies accessible so numbers from these colleges were unattainable. I understand these methods do not give us an exact, precise number but considering the time-crunch of a Masters, at least we now have somewhat of an approximate number re legal professionals. Furthermore, Griffith would not provide numbers due to GDPR issues. Nevertheless, in 2020, 183 students commenced the Barrister at Law Degree (https://www.lsra.ie/wp-content/uploads/2021/06/KI-S33-Admissions2020AR-Submission.pdf), and there are 459 of Postgraduates (found from my emailing and graduation watching). Accordingly, the number of professionals in training is approximately 642. So, I propose, for argument's sake, that we double this number to cover the colleges that did not respond. Therefore, we get appox. 1,284 legal professionals in training.

Using the SurveyMonkey Sample Size Calculator (Professional Sample):

With a 95% Confidence Interval and 10% Margin of Error - expected sample size of 96 participants (unfortunately, we do not have this many participants yet and likely will not get this much). Interestingly, a 14% margin of error and 95% confidence interval brings the sample size to 49. So it looks like we may have to use this as research seems to indicate that for a small sample of 50, the 14% margin of error is unavoidable, but I can acknowledge this as a limitation under the exploratory angle.

Using the SurveyMonkey Sample Size Calculator (Professionals in Training Sample):

With a 95% Confidence Interval and 10% Margin of Error - expected sample size of 90 participants. Once again, we do not have this many future professional participants, but similar to the previous estimation regarding the professional sample, a 14% margin of error and 95% Confidence Interval works for the numbers we do have (As they are under 50).

Using the SurveyMonkey Sample Size Calculator (Both Populations):

When we combine both samples (i.e., professionals and future professionals) we get an overall population number of 15,961. So, using a 95% confidence interval and a 10% margin of error, the estimated sample that is needed is 96 participants and so far, we have 99 participants. Finally, one number seems to be working out for us which is promising. Once again, I recognise the large margin of error size but I can acknowledge this as a limitation and try to justify it using the exploratory angle.

Again, I'm sorry for the length of this email. Thank you sincerely for taking the time to read it. Please let me know your thoughts on everything and many thanks again! Of course, I will keep you updated if the numbers change and if colleges get back to me during the week.

Best Wishes,

Ryan.

Table 83

Vignette A, Question 1 Frequency

VA_Q1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	2	2.0	9.5	9.5
	No	19	19.2	90.5	100.0
	Total	21	21.2	100.0	
Missing	System	78	78.8		
Total		99	100.0		

Table 84

Vignette A, Question 2 Frequency

VA_Q2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	20	20.2	95.2	95.2
	No	1	1.0	4.8	100.0
	Total	21	21.2	100.0	
Missing	System	78	78.8		
Total		99	100.0		

Table 85

Vignette B, Question 1 Frequency

VB_Q1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	8	8.1	28.6	28.6
	No	20	20.2	71.4	100.0
	Total	28	28.3	100.0	
Missing	System	71	71.7		
Total		99	100.0		

Table 86

Vignette B, Question 2 Frequency

VB_Q2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	20	20.2	71.4	71.4
	No	8	8.1	28.6	100.0
	Total	28	28.3	100.0	
Missing	System	71	71.7		
Total		99	100.0		

Table 87

Vignette C, Question 1 Frequency

VC_Q1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	4	4.0	16.7	16.7
	No	20	20.2	83.3	100.0
	Total	24	24.2	100.0	
Missing	System	75	75.8		

		Frequency	Percent	Valid Percent	Cumulative Percent
Total		99	100.0		

Table 88

Vignette C, Question 2 Frequency

VC_Q2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	20	20.2	83.3	83.3
	No	4	4.0	16.7	100.0
	Total	24	24.2	100.0	
Missing	System	75	75.8		
Total		99	100.0		

Table 89

Vignette D, Question 1 Frequency

VD_Q1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	3	3.0	11.5	11.5
	No	23	23.2	88.5	100.0
	Total	26	26.3	100.0	
Missing	System	73	73.7		
Total		99	100.0		

Table 90

Vignette D, Question 2 Frequency

VD_Q2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	25	25.3	96.2	96.2
	No	1	1.0	3.8	100.0
	Total	26	26.3	100.0	
Missing	System	73	73.7		
Total		99	100.0		

Appendix (Z) – Reliability Analysis: Item-total Statistics for CST Scale

Figure 19

Reliability Analysis Output Table: Item-total Statistics for CST Scale

Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Squared Multiple Correlation	Cronbach's Alpha if Item Deleted
CST_Q1	88.88	256.577	.657	.726	.945
CST_Q2	88.97	251.397	.821	.821	.943
CST_Q3	89.39	246.996	.771	.802	.944
CST_Q4	89.16	246.280	.836	.840	.943
CST_Q5	89.02	247.857	.805	.868	.943
CST_Q6	88.63	255.849	.653	.855	.945
CST_Q7	88.86	254.388	.744	.810	.944
CST_Q8	88.90	254.582	.697	.773	.945
CST_Q9	89.37	249.196	.717	.741	.945
CST_Q10	89.44	253.760	.657	.701	.945
CST_Q11	90.68	264.323	.520	.514	.947
CST_Q12	90.72	265.552	.346	.524	.949
CST_Q13	89.69	267.952	.278	.426	.949
CST_Q14	89.78	260.807	.557	.526	.946
CST_Q15	89.36	259.111	.640	.612	.946
CST_Q16	89.90	261.786	.441	.665	.948
CST_Q17	89.40	258.855	.644	.692	.946
CST_Q18	89.22	257.338	.756	.687	.945

CST_Q19	88.93	256.944	.686	.767	.945
CST_Q20	89.78	254.685	.673	.647	.945
CST_Q21	89.39	256.262	.675	.729	.945
CST_Q22	91.05	266.702	.354	.425	.948
CST_Q23	90.06	259.772	.548	.539	.947
CST_Q24	88.58	260.104	.629	.925	.946
CST_Q25	88.59	258.123	.655	.947	.945
CST_Q26	90.01	259.418	.482	.586	.947

Figure 20

Reliability Analysis Output Table: Item-total Statistics for Punitive Attitudes Scale

Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Squared Multiple Correlation	Cronbach's Alpha if Item Deleted
PAS_Q1	37.12	202.250	.833	.817	.923
PAS_Q2	37.19	200.524	.857	.831	.922
PAS_Q3	37.70	204.642	.812	.722	.924
PAS_Q4	37.63	202.522	.801	.718	.923
PAS_Q5	37.09	199.083	.815	.790	.922
PAS_Q6	38.16	206.545	.667	.604	.926
PAS_Q7	37.52	201.742	.833	.763	.923
PAS_Q8	37.18	202.150	.190	.102	.972
PAS_Q9	36.96	211.427	.718	.610	.927
PAS_Q10	36.76	196.818	.822	.793	.922
PAS_Q11	37.03	197.764	.848	.812	.921
PAS_Q12	36.37	199.257	.782	.751	.923
PAS_Q13	37.21	197.842	.879	.870	.921
PAS_Q14	37.21	197.985	.868	.864	.921
PAS_Q15	37.17	199.184	.836	.794	.922

Figure 21

Reliability Analysis Output Table: Item-total Statistics for SAB Scale

Item-Total Statistics

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Squared Multiple Correlation	Cronbach's Alpha if Item Deleted
SAB_Q1	23.23	111.772	.815	.775	.947
SAB_Q2	22.75	116.211	.754	.763	.951
SAB_Q3	23.56	107.862	.864	.767	.944
SAB_Q4	23.13	118.891	.751	.668	.952
SAB_Q5	24.42	111.941	.772	.674	.950
SAB_Q6	23.99	103.275	.907	.856	.941
SAB_Q7	24.26	104.971	.881	.932	.943
SAB_Q8	24.36	105.907	.868	.922	.944

Appendix (CC) – Attempts to Transform the Non-Normal Data

Table 91

CST Log Transformation Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	df	Sig.
CST_Log	.159	99	.000	.900	99	.000

a. Lilliefors Significance Correction

Table 92

CST Square Root Transformation Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	df	Sig.
CST_SQRT	.138	99	.000	.926	99	.000

a. Lilliefors Significance Correction

Table 93

Punitive Attitudes Log Transformation Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	df	Sig.
PAS_LOG	.076	99	.183	.956	99	.002

a. Lilliefors Significance Correction

Table 94

Punitive Attitudes Square Root Transformation Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	df	Sig.
PAS_SQRT	.080	99	.126	.971	99	.029

a. Lilliefors Significance Correction

Table 95

SAB Log Transformation Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	df	Sig.
SAB_LOG	.102	99	.013	.967	99	.013

a. Lilliefors Significance Correction

Table 96

SAB Square Root Transformation Test of Normality

Tests of Normality

	Kolmogorov-Smirnov[a]			Shapiro-Wilk		
	Statistic	Df	Sig.	Statistic	df	Sig.
SAB_SGRT	.135	99	.000	.954	99	.002

a. Lilliefors Significance Correction

Appendix (DD) – Tests of Independence of Errors for Logistic Regression (Research Question 1).

Table 97

Independence of Errors Vignette (in general) Q1

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.145[a]	.021	.011	.377	1.714

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VignetteAnswerQ1

Figure 22

Vignette (in general) (Q1) Independence of Errors Scatterplot

Scatterplot
Dependent Variable: VignetteAnswerQ1

Table 98

Independence of Errors Vignette (in general) Q2

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.145[a]	.021	.011	.348	1.509

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VignetteAnswerQ2

Figure 23

Vignette (in general) (Q2) Independence of Errors Scatterplot

Table 99

Vignette A (Q1) Independence of Errors Output

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.518ª	.269	.230	.264	1.862

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VA_Q1

Figure 24

Vignette A (Q1) Independence of Errors Scatterplot

Scatterplot
Dependent Variable: VA_Q1

Table 100

Vignette A (Q2) Independence of Errors Output

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.481ª	.232	.191	.196	2.002

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VA_Q2

Figure 25

Vignette A (Q2) Independence of Errors Scatterplot

Scatterplot
Dependent Variable: VA_Q2
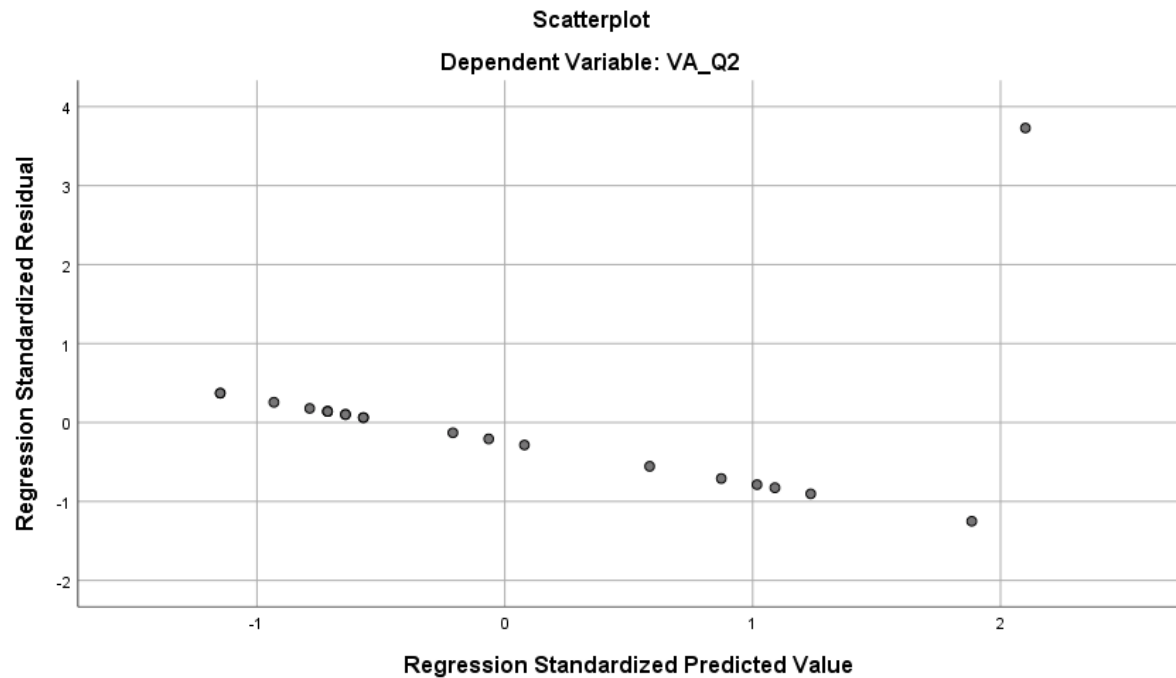
Table 101

Vignette B (Q1) Independence of Errors Output

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.340^a	.116	.082	.441	1.372

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VB_Q1

Figure 26

Vignette B (Q1) Independence of Errors Scatterplot

Scatterplot
Dependent Variable: VB_Q1

Table 102

Vignette B (Q2) Independence of Errors Output

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.340[a]	.116	.082	.441	1.372

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VB_Q2

Figure 27

Vignette B (Q2) Independence of Errors Scatterplot

Scatterplot
Dependent Variable: VB_Q2
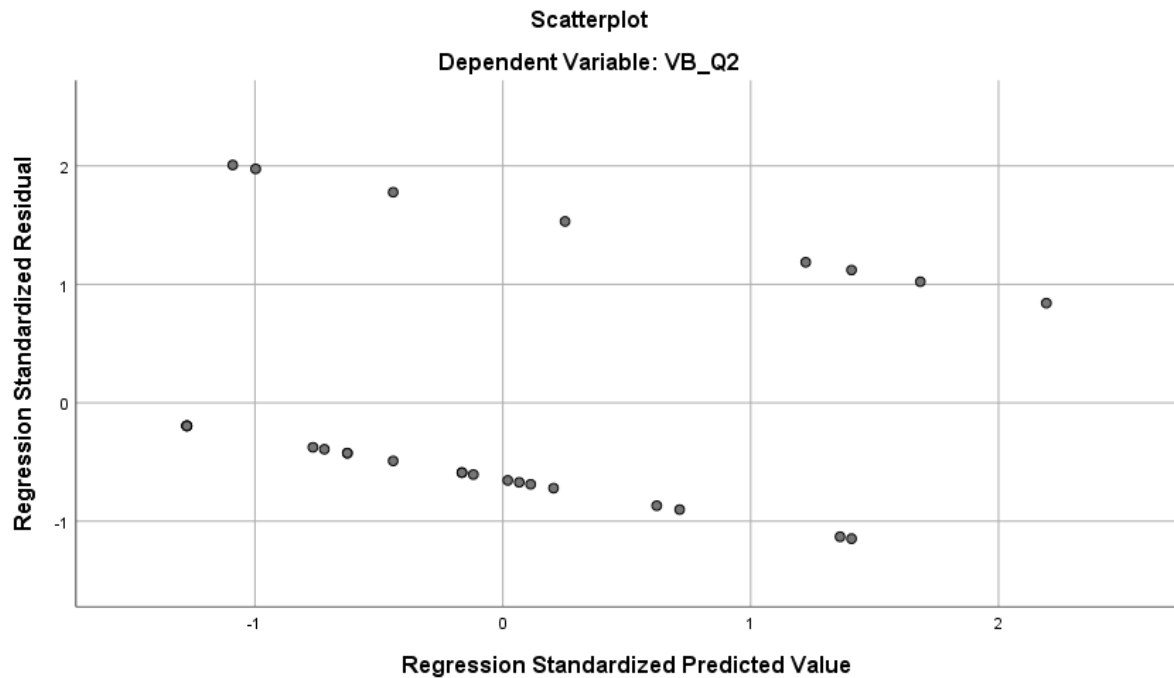
Table 103

Vignette C (Q1) Independence of Errors Output

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.656[a]	.431	.405	.294	1.603

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VC_Q1

Figure 28
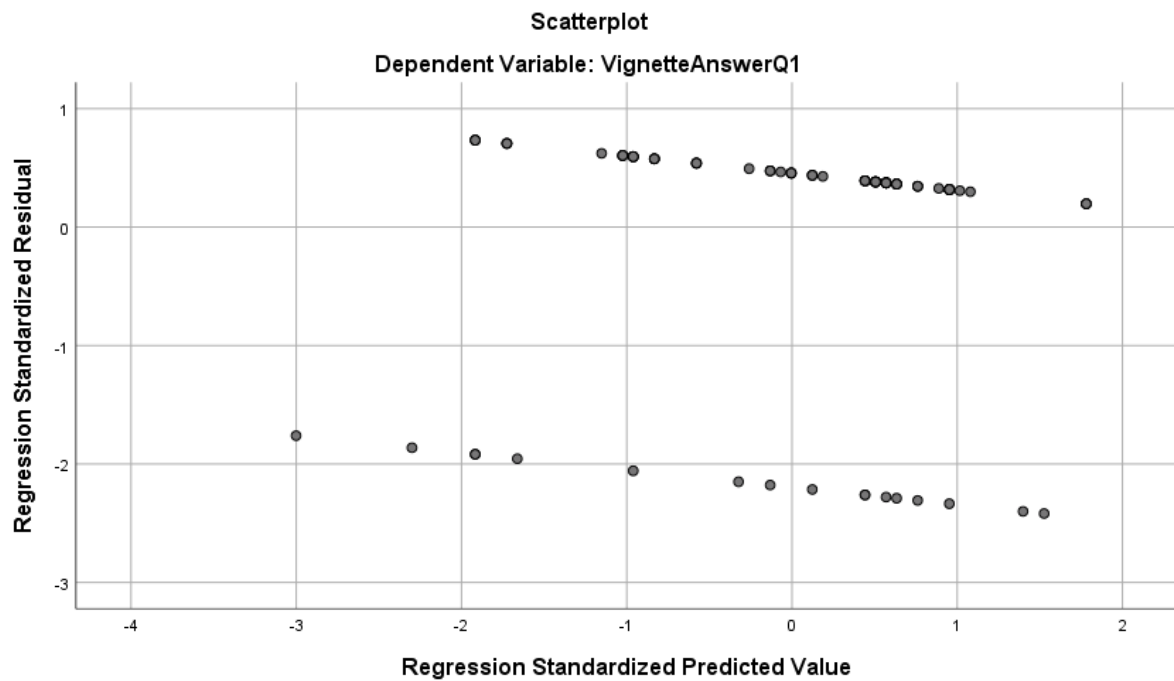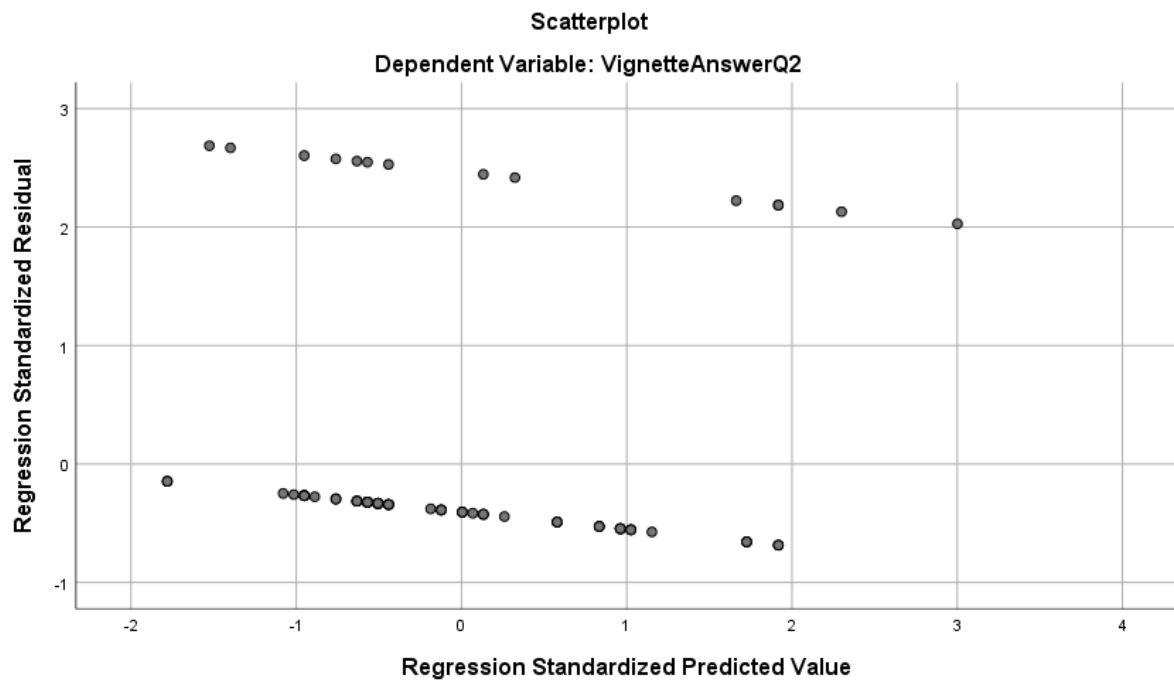
Vignette C (Q1) Independence of Errors Scatterplot

Scatterplot
Dependent Variable: VC_Q1
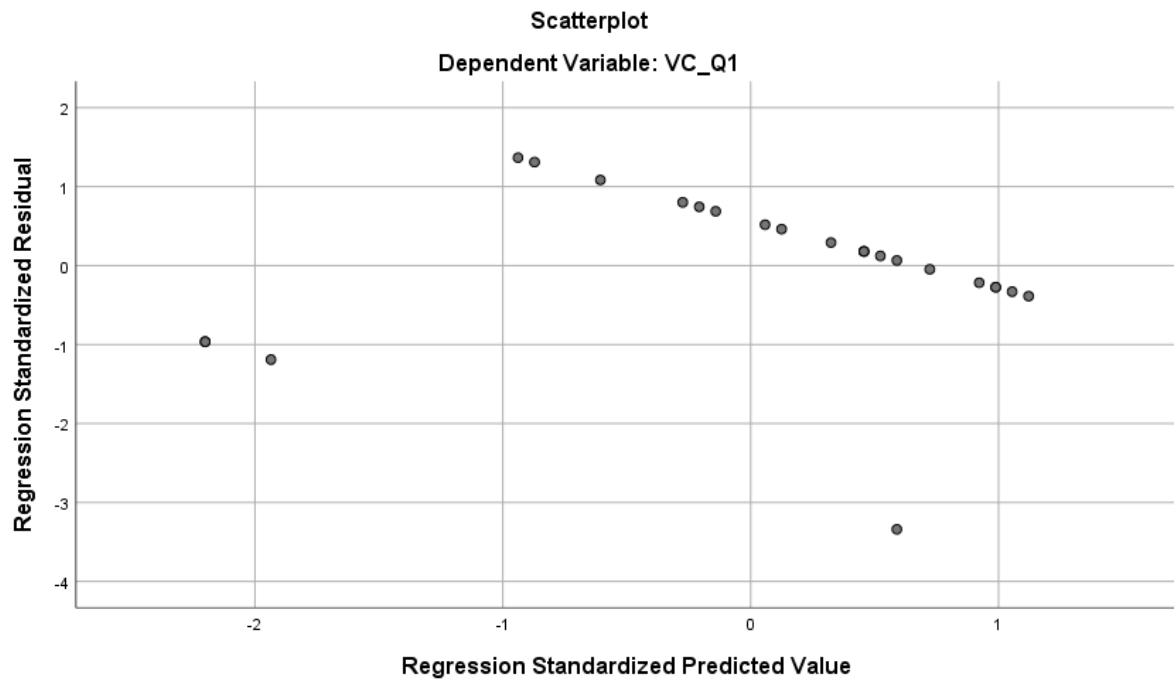
Table 104

Vignette C (Q2) Independence of Errors Output

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.656[a]	.431	.405	.294	1.603

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VC_Q2

Figure 29

Vignette C (Q2) Independence of Errors Scatterplot

Scatterplot
Dependent Variable: VC_Q2

Table 105

Vignette D (Q1) Independence of Errors Output

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.379^a	.144	.108	.308	2.478

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VD_Q1
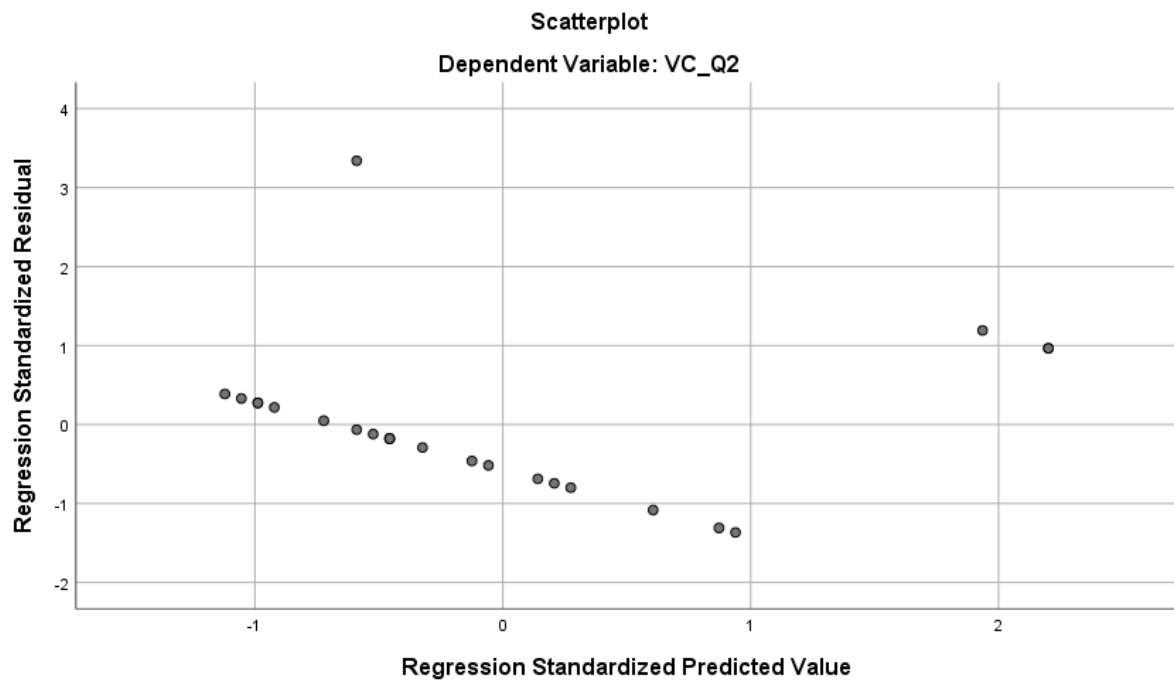
Figure 30

Vignette D (Q1) Independence of Errors Scatterplot

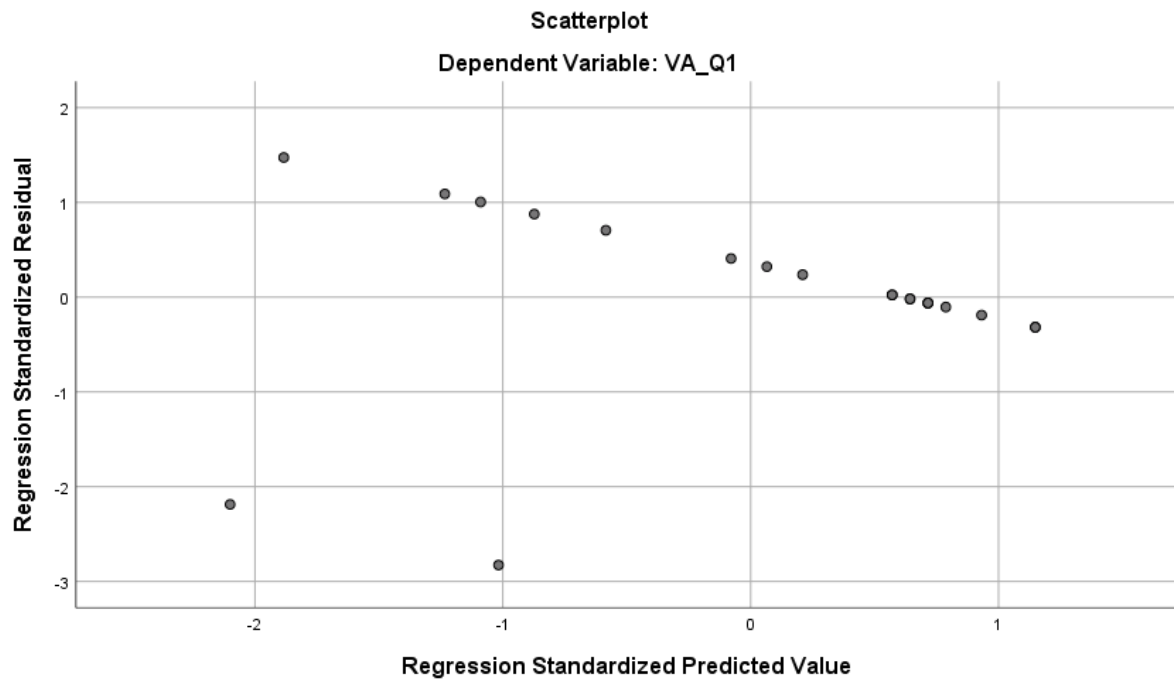Scatterplot
Dependent Variable: VD_Q1
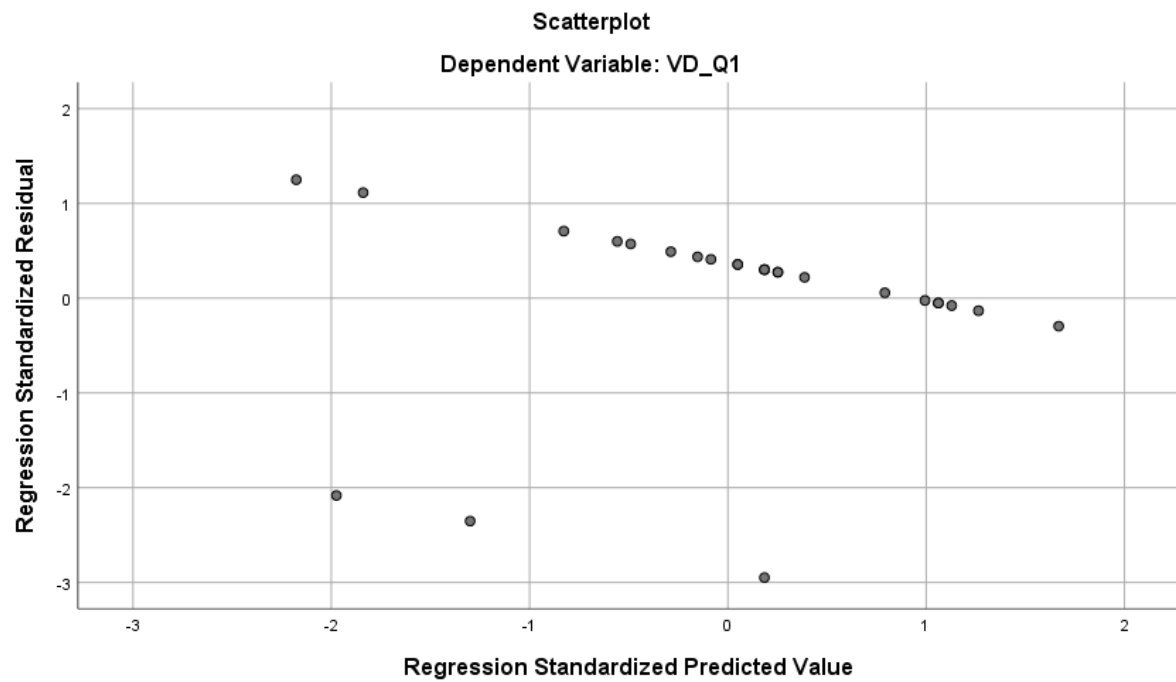
Table 106

Vignette D (Q2) Independence of Errors Output

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.403[a]	.162	.127	.183	2.354

a. Predictors: (Constant), CST_TotalScore

b. Dependent Variable: VD_Q2

Figure 31
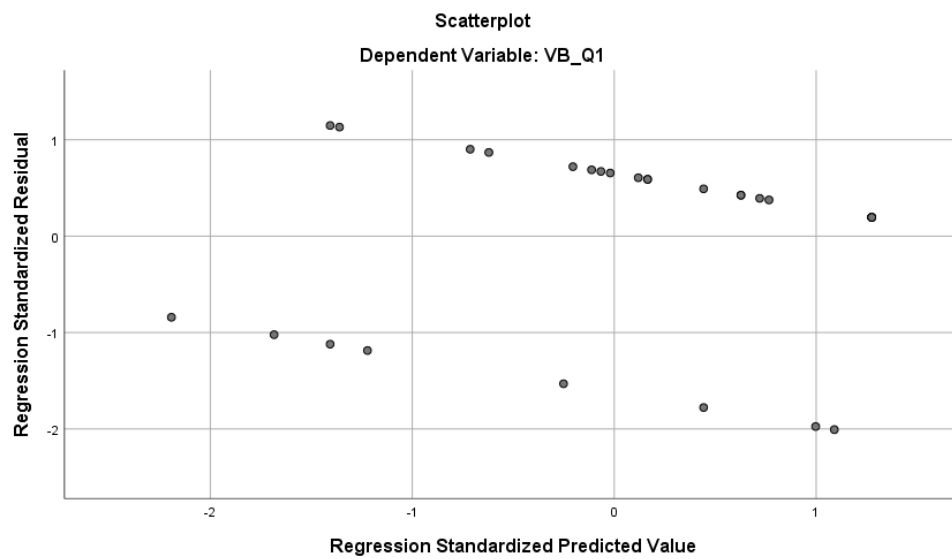
Vignette D (Q2) Independence of Errors Scatterplot

Scatterplot
Dependent Variable: VD_Q2
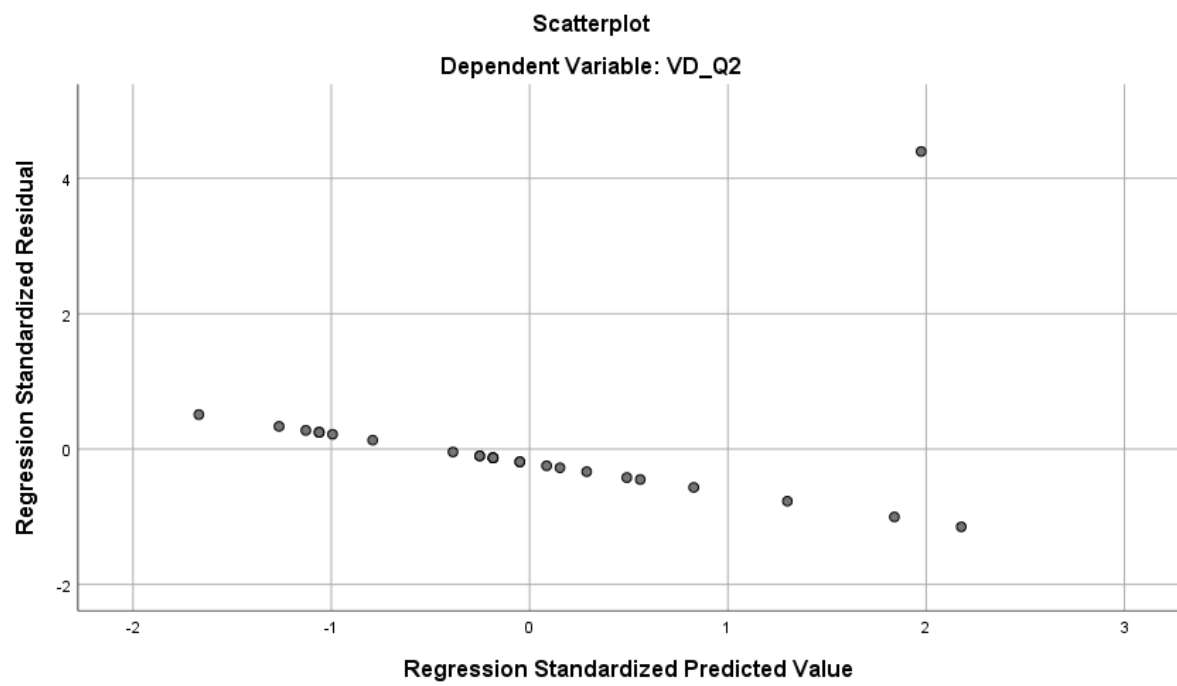
Appendix (EE) – Test of Linearity of Logit (Research Question 1)

Table 107

Vignette (in general) (Q1) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	95% C.I.for EXP(B) Upper
Step 1ᵃ	CST_TotalScore by LnCST_TotalScore	.004	.003	1.863	1	.172	1.004	.998	1.010
	Constant	-.122	1.243	.010	1	.922	.885		

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Table 108

Vignette (in general) (Q2) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	95% C.I.for EXP(B) Upper
Step 1ᵃ	CST_TotalScore by LnCST_TotalScore	-.004	.003	1.827	1	.176	.996	.989	1.002
	Constant	-.011	1.322	.000	1	.994	.989		

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Table 109

Vignette A (Q1) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ᵃ	CST_TotalScore by LnCST_TotalScore	.030	.019	2.559	1	.110	1.030

		B	S.E.	Wald	df	Sig.	Exp(B)
	Constant	-8.470	6.028	1.974	1	.160	.000

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Table 110

Vignette A (Q2) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ᵃ	CST_TotalScore by LnCST_TotalScore	-1.863	124.673	.000	1	.988	.155
	Constant	500.726	33610.057	.000	1	.988	2.900E+217

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Table 111

Vignette B (Q1) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ᵃ	CST_TotalScore by LnCST_TotalScore	.009	.004	4.031	1	.045	1.009
	Constant	-2.701	1.812	2.222	1	.136	.067

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Table 112

Vignette B (Q2) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ᵃ	CST_TotalScore by LnCST_TotalScore	-.009	.004	4.031	1	.045	.991
	Constant	2.701	1.812	2.222	1	.136	14.893

Table 113

Vignette C (Q1) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ᵃ	CST_TotalScore by LnCST_TotalScore	-.011	.011	1.003	1	.317	.989
	Constant	6.632	5.207	1.623	1	.203	759.077

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Table 114

Vignette C (Q2) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ᵃ	CST_TotalScore by LnCST_TotalScore	.011	.011	1.003	1	.317	1.011
	Constant	-6.632	5.207	1.623	1	.203	.001

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Table 115

Vignette D (Q1) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1[a]	CST_TotalScore by LnCST_TotalScore	-.017	.015	1.309	1	.253	.983
	Constant	9.376	6.728	1.942	1	.163	11798.771

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Table 116

Vignette D (Q2) Linearity of Logit

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1[a]	CST_TotalScore by LnCST_TotalScore	.053	.053	.991	1	.319	1.055
	Constant	-28.013	26.027	1.158	1	.282	.000

a. Variable(s) entered on step 1: CST_TotalScore * LnCST_TotalScore .

Figure 32

Interaction Plot: Effects of Gender and Race on CST Scale Score for Professionals Sample

Figure 33

Interaction Plot: Effects of Gender and Race on CST Scale Score for Future Professionals Sample
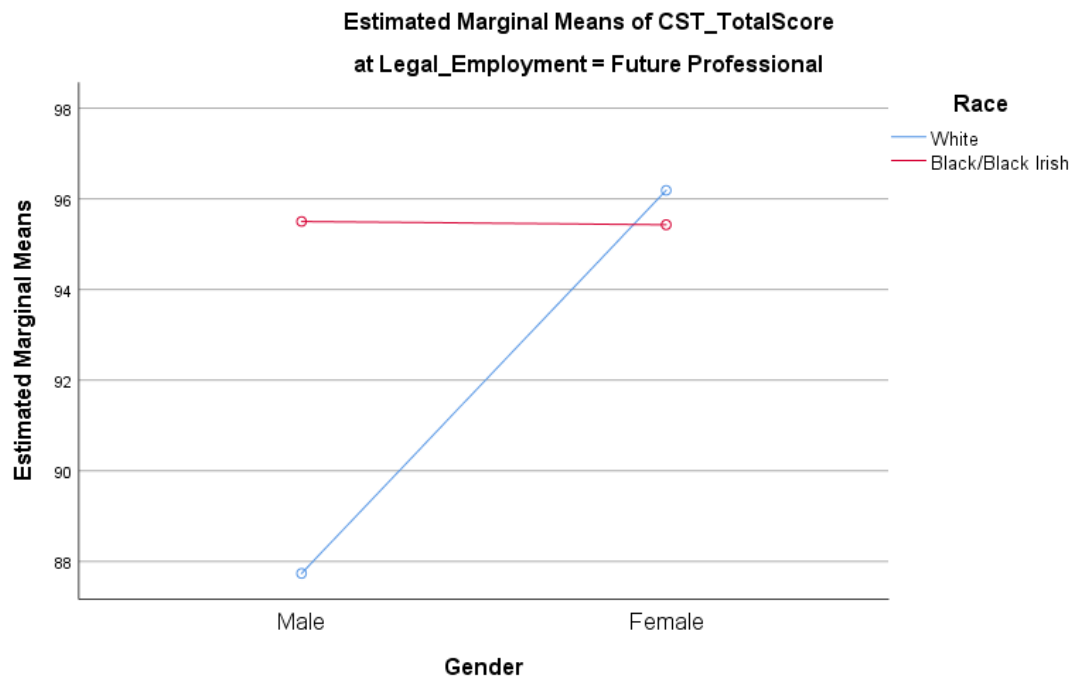
Figure 34

Interaction Plot: Effects of Gender and Race on PAS Scale Score for Professionals Sample
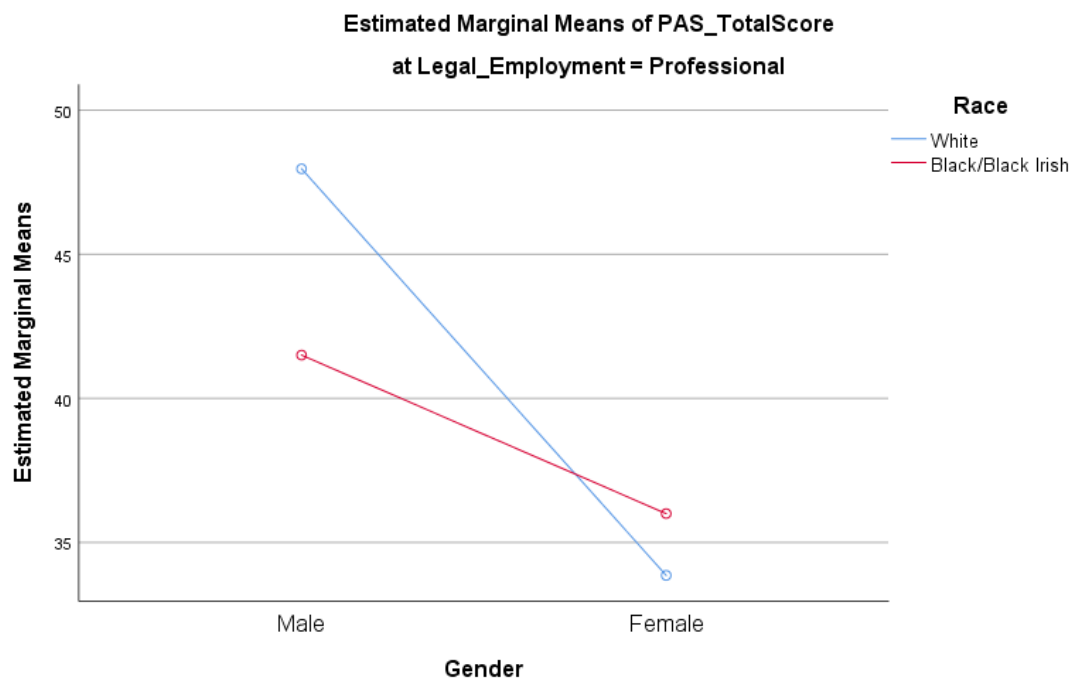
Figure 35

Interaction Plot: Effects of Gender and Race on PAS Scale Score for Future Professionals Sample
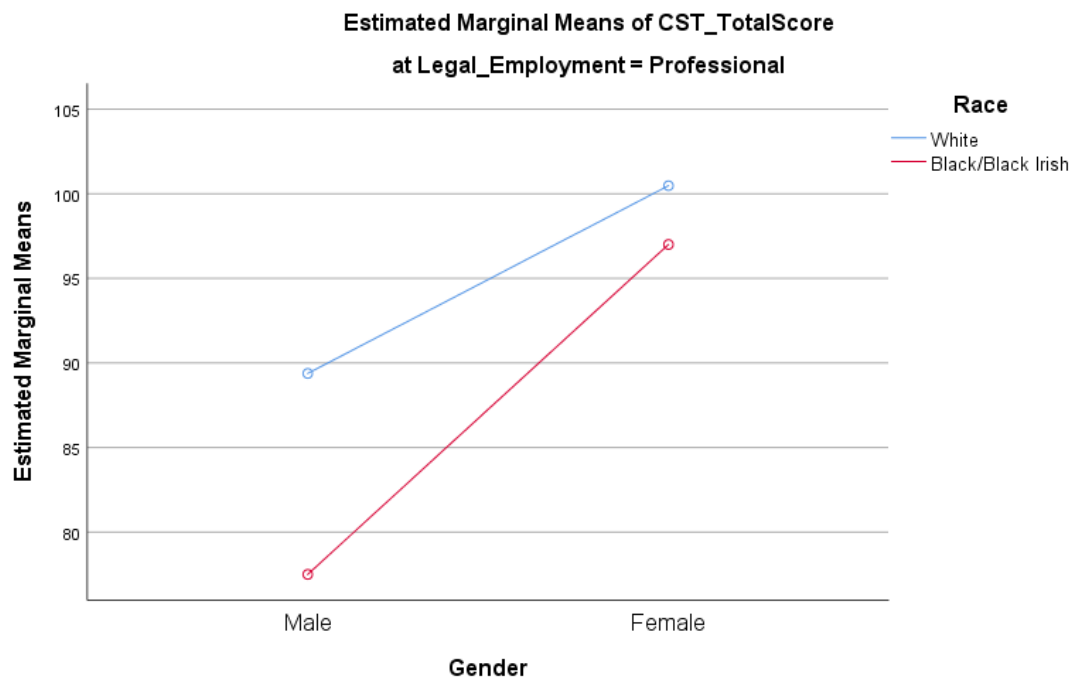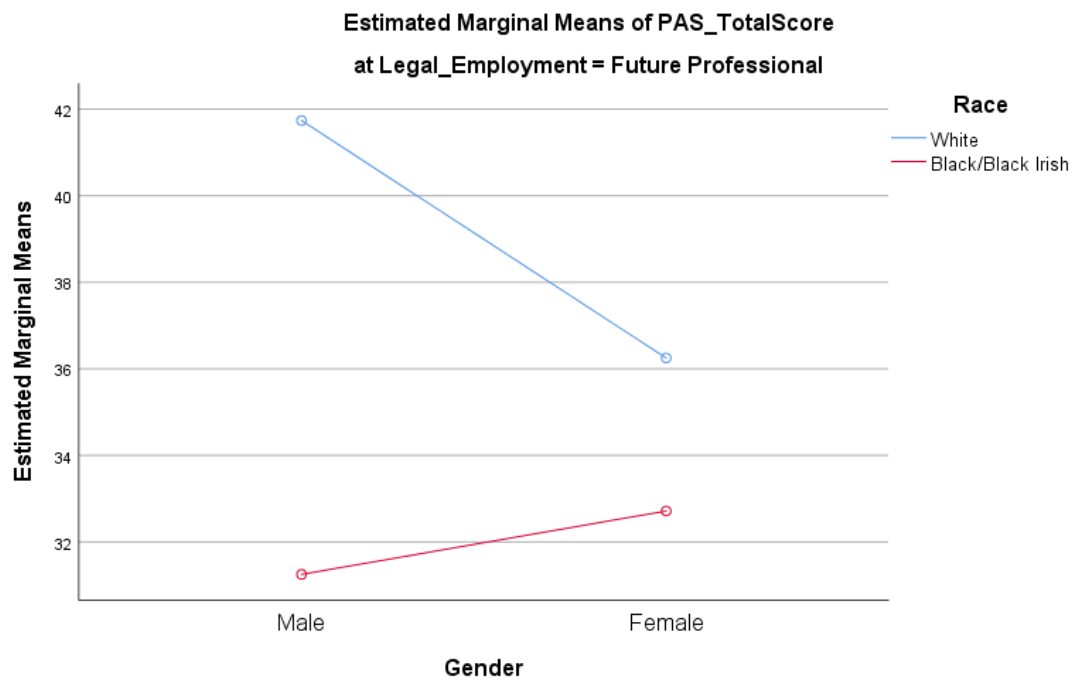

Figure 36

Interaction Plot: Effects of Gender and Race on SAB Scale Score for Professionals Sample
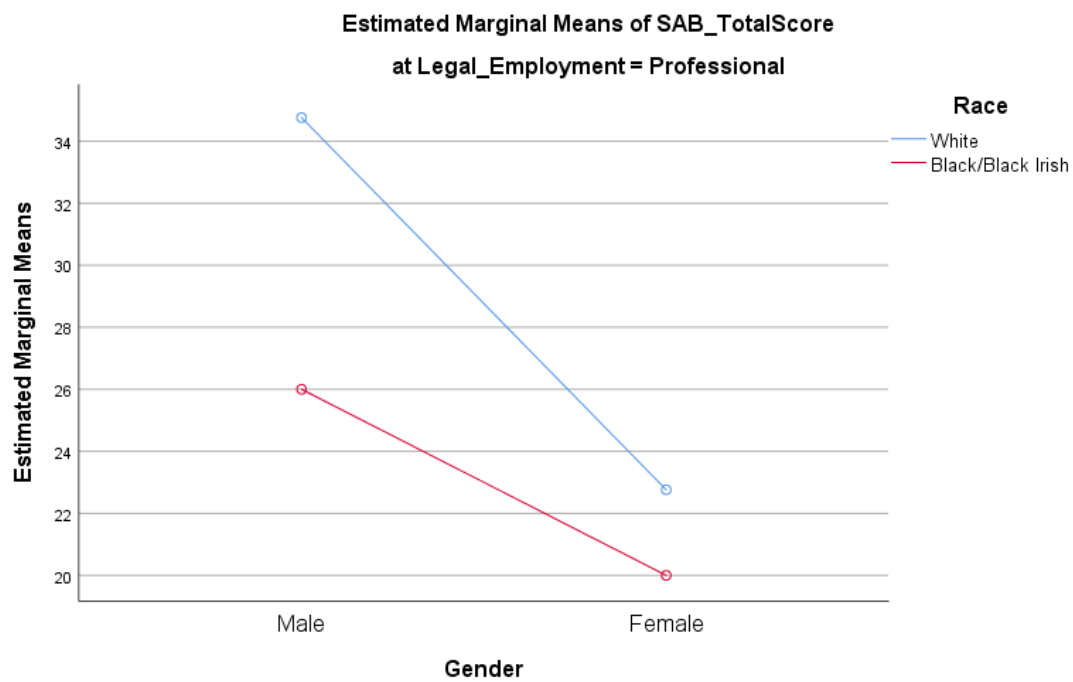
Figure 37

Interaction Plot: Effects of Gender and Race on SAB Scale Score for Future Professionals
Sample

Estimated Marginal Means of SAB_TotalScore at Legal_Employment = Future Professional
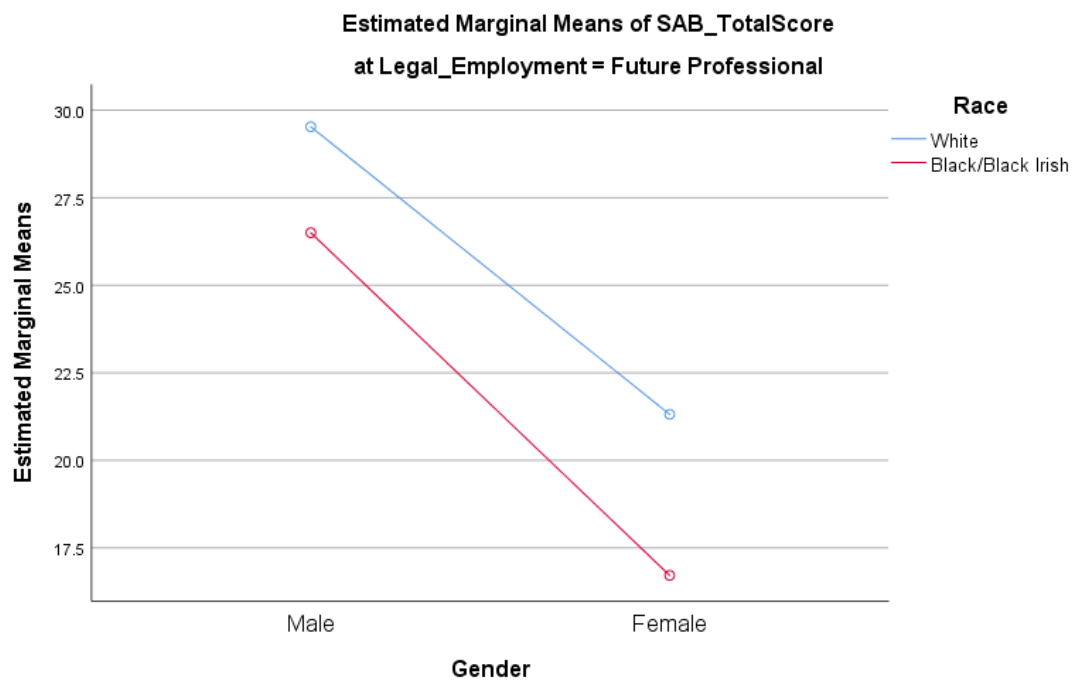
Appendix (GG) – Assumptions for Logistic Regression (Research Question 4)

Assumptions to perform Logistic Regression

1) <u>The requirement that the dependent variable be measured on a dichotomous scale</u>

This assumption was met as dependent variable has two response options: "yes" and "no".

2) <u>There is one or more independent variables measured at a continuous or categorical level</u>

This assumption was met as independent variable was measured at the ordinal level (i.e., Likert Responses).

3) <u>The independence of errors</u>

This assumption was not violated as each vignette question possessed a Durbin-Watson score of between 1 and 3 (See Tables 117-126), highlighting that the assumption of independence of errors was met.

Table 117

Independence of Errors Vignette (in general) (Q1)

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.245^a	.060	.040	.371	1.778

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VignetteAnswerQ1

Table 118

Independence of Errors Vignette (in general) (Q2)

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson

1	.267[a]	.071	.052	.341	1.597

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VignetteAnswerQ2

Table 119

Independence of Errors Vignette A (Q1)

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.321[a]	.103	.003	.300	2.218

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VA_Q1

Table 120

Independence of Errors Vignette A (Q2)

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.471[a]	.222	.135	.203	1.963

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VA_Q2

Table 121

Independence of Errors Vignette B (Q1)

Model Summary[b]

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.616[a]	.380	.330	.376	1.439

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

Table 122

Independence of Errors Vignette B (Q2)

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.616ª	.380	.330	.376	1.439

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VB_Q2

Table 123

Independence of Errors Vignette C (Q1)

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.258ª	.067	-.022	.385	1.800

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VC_Q1

Table 124

Independence of Errors Vignette C (Q2)

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.258ª	.067	-.022	.385	1.800

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VC_Q2

Table 125

Independence of Errors Vignette D (Q1)

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.057ª	.003	-.083	.339	2.291

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VD_Q1

Table 126

Independence of Errors Vignette D (Q2)

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.180ª	.032	-.052	.201	2.199

a. Predictors: (Constant), SAB_TotalScore, PAS_TotalScore

b. Dependent Variable: VD_Q2

4) <u>Linearity of the logit</u>

Analysis revealed that this assumption was not violated. Each variable had a significance score of above 0.05 (See Tables 127-136), indicating that the assumption of linearity of the logit was met for SAB Scale score and PAS Scale score.

Table 127

Linearity of Logit Test Vignette (in general) (Q1)

Variables in the Equation

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B)

			Lower	Upper
Step 1a	LnPAS_TotalScore by PAS_TotalScore	-.007	.007	1.167	1	.280	.993	.980	1.006
	LnSAB_TotalScore by SAB_TotalScore	-.002	.009	.037	1	.848	.998	.980	1.017
	Constant	2.938	.683	18.519	1	.000	18.880		

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore * SAB_TotalScore .

Table 128

Linearity of Logit Test Vignette (in general) (Q2)

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1a	LnPAS_TotalScore by PAS_TotalScore	.007	.008	.809	1	.368	1.007	.992	1.022
	LnSAB_TotalScore by SAB_TotalScore	.005	.011	.213	1	.644	1.005	.984	1.026
	Constant	-3.438	.771	19.889	1	.000	.032		

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore * SAB_TotalScore .

Table 129

Linearity of Logit Test Vignette A (Q1)

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1a	LnPAS_TotalScore by PAS_TotalScore	-.041	.037	1.248	1	.264	.960

		B	S.E.	Wald	df	Sig.	Exp(B)
	LnSAB_TotalScore by SAB_TotalScore	.031	.037	.703	1	.402	1.031
	Constant	6.119	3.670	2.780	1	.095	454.562

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore *
SAB_TotalScore .

Table 130

Linearity of Logit Test Vignette A (Q2)

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ª	LnPAS_TotalScore by PAS_TotalScore	1.012	237.429	.000	1	.997	2.752
	LnSAB_TotalScore by SAB_TotalScore	-.335	314.360	.000	1	.999	.716
	Constant	-208.391	27088.118	.000	1	.994	.000

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore *
SAB_TotalScore .

Table 131

Linearity of Logit Test Vignette B (Q1)

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ª	LnPAS_TotalScore by PAS_TotalScore	.007	.016	.185	1	.667	1.007
	LnSAB_TotalScore by SAB_TotalScore	-.044	.027	2.583	1	.108	.957
	Constant	5.239	1.899	7.608	1	.006	188.446

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore *
SAB_TotalScore .

Table 132

Linearity of Logit Test Vignette B (Q2)

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1[a]	LnPAS_TotalScore by PAS_TotalScore	-.007	.016	.185	1	.667	.993
	LnSAB_TotalScore by SAB_TotalScore	.044	.027	2.583	1	.108	1.045
	Constant	-5.239	1.899	7.608	1	.006	.005

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore * SAB_TotalScore .

Table 133

Linearity of Logit Test Vignette C (Q1)

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1[a]	LnPAS_TotalScore by PAS_TotalScore	.013	.016	.669	1	.413	1.013
	LnSAB_TotalScore by SAB_TotalScore	.018	.023	.617	1	.432	1.018
	Constant	-1.014	2.186	.215	1	.643	.363

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore * SAB_TotalScore .

Table 134

Linearity of Logit Test Vignette C (Q2)

Variables in the Equation

	B	S.E.	Wald	df	Sig.	Exp(B)

Step 1ᵃ	LnPAS_TotalScore by PAS_TotalScore	-.013	.016	.669	1	.413	.987
	LnSAB_TotalScore by SAB_TotalScore	-.018	.023	.617	1	.432	.982
	Constant	1.014	2.186	.215	1	.643	2.757

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore * SAB_TotalScore .

Table 135

Linearity of Logit Test Vignette D (Q1)

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1ᵃ	LnPAS_TotalScore by PAS_TotalScore	-.001	.014	.006	1	.940	.999
	LnSAB_TotalScore by SAB_TotalScore	.005	.018	.070	1	.792	1.005
	Constant	1.756	1.497	1.376	1	.241	5.792

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore * SAB_TotalScore .

Table 136

Linearity of Logit Test Vignette D (Q2)

Variables in the Equation

	B	S.E.	Wald	df	Sig.	Exp(B)

Step 1[a]	LnPAS_TotalScore by PAS_TotalScore	-.024	.031	.602	1	.438	.976
	LnSAB_TotalScore by SAB_TotalScore	-.042	.067	.400	1	.527	.959
	Constant	1.859	5.209	.127	1	.721	6.415

a. Variable(s) entered on step 1: LnPAS_TotalScore * PAS_TotalScore , LnSAB_TotalScore * SAB_TotalScore .

5) <u>The absence of multicollinearity</u>

In order to satisfy this assumption, a tolerance value of greater than 0.1 (Menard, 1995) and a VIF value of not greater than 10 (Myers, 1990) must be achieved. For the present analysis, all of the numbers for each vignette answer satisfied these conditions (See Table 137-146), highlighting that the assumption regarding the absence of multicollinearity was met.

Table 137

Test of Multicollinearity Vignette (in general) (Q1)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF
1	PAS_TotalScore	.390	2.562
	SAB_TotalScore	.390	2.562

a. Dependent Variable: VignetteAnswerQ1

Table 138

Test of Multicollinearity Vignette (in general) (Q2)

Coefficients[a]

Model	Collinearity Statistics

		Tolerance	VIF
1	PAS_TotalScore	.390	2.562
	SAB_TotalScore	.390	2.562

a. Dependent Variable: VignetteAnswerQ2

Table 139

Test of Multicollinearity Vignette A (Q1)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF
1	PAS_TotalScore	.456	2.194
	SAB_TotalScore	.456	2.194

a. Dependent Variable: VA_Q1

Table 140

Test of Multicollinearity Vignette A (Q2)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF
1	PAS_TotalScore	.456	2.194
	SAB_TotalScore	.456	2.194

a. Dependent Variable: VA_Q2

Table 141

Test of Multicollinearity Vignette B (Q1)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF

Model		Tolerance	VIF
1	PAS_TotalScore	.169	5.909
	SAB_TotalScore	.169	5.909

a. Dependent Variable: VB_Q1

Table 142

Test of Multicollinearity Vignette B (Q2)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF
1	PAS_TotalScore	.169	5.909
	SAB_TotalScore	.169	5.909

a. Dependent Variable: VB_Q2

Table 143

Test of Multicollinearity Vignette C (Q1)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF
1	PAS_TotalScore	.557	1.795
	SAB_TotalScore	.557	1.795

a. Dependent Variable: VC_Q1

Table 144

Test of Multicollinearity Vignette C (Q2)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF

Model		Tolerance	VIF
1	PAS_TotalScore	.557	1.795
	SAB_TotalScore	.557	1.795

a. Dependent Variable: VC_Q2

Table 145

Test of Multicollinearity Vignette D (Q1)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF
1	PAS_TotalScore	.526	1.903
	SAB_TotalScore	.526	1.903

a. Dependent Variable: VD_Q1

Table 146

Test of Multicollinearity Vignette D (Q2)

Coefficients[a]

		Collinearity Statistics	
Model		Tolerance	VIF
1	PAS_TotalScore	.526	1.903
	SAB_TotalScore	.526	1.903

a. Dependent Variable: VD_Q2