

## The Test of Memory Malingering and Offence Severity

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**Abstract :** In Singapore, the death penalty remains in active use for murder and drug trafficking of controlled drugs such as heroin. As such, the psychological assessment of defendants can often be of high stakes. The Test of Memory Malingering (TOMM) is employed by government psychologists to determine the degree of effort invested by defendants, which in turn inform on the veracity of overall psychological findings that can invariably determine the life and death of defendants. The purpose of this study was to find out if defendants facing the death penalty were more likely to invest less effort during psychological assessment (to fake bad in hopes of escaping the death sentence) compared to defendants facing lesser penalties. An archival search of all forensic cases assessed in 2012-2013 by Singapore's designated forensic psychiatric facility yielded 186 defendants' TOMM scores. Offence severity, coded into 6 rank-ordered categories, was analyzed in a one-way ANOVA with TOMM score as the dependent variable. There was a statistically significant difference ( $F(5,87) = 2.473, p = 0.038$ ). A Tukey post-hoc test with Bonferroni correction revealed that defendants facing lower charges (Theft, shoplifting, criminal breach of trust) invested less test-taking effort ( $TOMM = 37.4 \pm 12.3, p = 0.033$ ) compared to those facing the death penalty ( $TOMM = 46.2 \pm 8.1$ ). The surprising finding that those facing death penalties actually invested more test taking effort than those facing relatively minor charges could be due to higher levels of cooperation when faced with death. Alternatively, other legal avenues to escape the death sentence may have been preferred over the mitigatory chance of a psychiatric defence.

**Keywords :** capital sentencing, offence severity, Singapore, Test of Memory Malingering

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