

# Misprision Instrument<sup>1</sup>

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Month Day Year

\_\_\_\_\_|\_\_\_\_\_  
Last name First name

Street\_\_\_\_\_

City\_\_\_\_\_State\_\_\_\_\_ Zip\_\_\_\_\_ Country

Thank you for participating in our study. We are examining professional decision making in ambiguous situations. We hope to use the results of this study to further the understanding of such decision making. This study is being conducted by Michael L. Commons, Ph.D., and Thomas G. Gutheil, M.D. of the Program in Psychiatry and the Law of the Harvard Medical School. If you have any questions or contacts, please contact us at (617) 497-5270.

## Instructions

Before beginning the survey, please read and sign the consent form below.

Please recall the scenario you have just discussed and then answer the questions that follow. It is important that you answer all the questions by circling your answer **and**, when requested, by fully explaining the reasons for your choice. If you need more than the space provided, you may use the backs of these pages.

## Consent Form

I, the undersigned, understand the basic intent and requirements of these tasks. I understand that the information I have given regarding my personal history, as well as the responses I give to the tasks, will be kept strictly confidential. I understand that my identity and personal history will not be divulged in any discussion, lecture, address, or publication derived from this project. This cover sheet will be removed from the questionnaire before scoring.

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Signature Month Day Year

c 1992, Dare Association, Inc. Cambridge, MA 02138-1328, Michael L. Commons, Ph.D., and Thomas A. Gutheil, M.D., January 23, 1992

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It is your first session with a patient who has called for an appointment saying she has something urgent to discuss. She shifts in her chair uncomfortably for the initial half-hour, responding to your questions with only vague generalities. Finally, she exclaims, "I can't take this anymore. I used to work as an accountant for a supermarket chain, and last week before I left my job, I embezzled \$10,000. I fixed the books so no one will ever find out that the money is missing. You are the only person I've told. I don't want you to tell anyone else."

For the rest of the session, you barely listen to the patient, as you try to figure out how to handle this. The patient is adamant about your not revealing the embezzlement and says firmly that she has no intention of turning herself in. At last, the session ends.

**Questions:**

1. Do you have a legal obligation to report the information that you have obtained about the embezzlement to the police? (Circle Number)

Yes                      No  
1 2 3 4

2. Why or why not?

3. Taking into account whatever legal obligations you might or might not have, along with your ethical obligations as a mental health professional, how would you respond to this situation?

It is your first session with a patient who has called for an appointment saying she has something urgent to discuss. She shifts in her chair uncomfortably for the initial half-hour, responding to your questions with only vague generalities. Finally, she exclaims, "I can't take this anymore. I killed my ex-husband's lover last week. The body is hidden where no one will find it and the police don't even know she's missing yet. You are the only person I've told. I don't want you to tell anyone else."

For the rest of the session, you barely listen to the patient, as you try to figure out how to handle this. The patient is adamant about your not revealing the murder and says firmly that she has no intention of turning herself in. At last, the session ends.

**Questions:**

1. Do you have a legal obligation to report the information that you have obtained about the murder to the police? (Circle Number)

Yes                      No  
1 2 3 4

2. Why or why not?

3. Taking into account whatever legal obligations you might or might not have, along with your ethical obligations as a mental health professional, how would you respond to this situation?

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## Misprision Coding Scheme

This survey asks the worker to weigh their legal obligations against their professional obligations. The essential question is: "Given that a patient has committed a crime, which obligation do you feel is greater, professional obligation to the patient or your obligation to the law?" In this study, there are two scenarios that are being:

1. Subject number

Independent Variables:

2. Sex of doer                    1 She      2 He  
 3. Type of Crime:                1 Murder 2 Embezzlement

Dependent Variables:

4. Legal Obligations to Report:      1 Yes 2    3      4 No
5. Reasons:                                1      2      3      4      5  
    safety pro- legal liability safety  
    others fessional     self
6. Stage of reason                        9      10    11      12  
    (3)    (3/4) (4)      (5)
7. Professional Obligation to Report:    1 Yes 2    3      4 No
8. How to respond Reporting to Others      1      2      3      4    5  
    Report TalkTalk Try to  
    Crime to my to Find out  
    Attor my more  
    ney Supervisor
9. How to respond Dealing with the Patient      1      2      3      4      5    6  
    Insti- Refer Another Continue Same Decrease  
    tution Patient Consult Therapy Level  
    ize     More  
        Intensively
10. Stage of Action                        9      10    11      12