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## The Effect of Intellectual Disability on the Perception of the Validity of Confessions

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The Effect of Intellectual Disability on the Perception of the Validity of Confessions

A Thesis

Presented to

the Faculty of the Department of Psychology

Murray State University

Murray, KY

In Partial Fulfillment

of the Requirements for the Degree of

Masters in Arts in Clinical Psychology

by Audree Carner

**Abstract**

Research shows that false confessions are more likely to occur in certain vulnerable populations, one of those being individuals with intellectual disabilities. The aim of the current study was to gain insight into the current knowledge and attitudes the layperson has about the possibility of an individual with an intellectual disability falsely confessing. Data were collected from 180 participants and after exclusion criteria were implemented, 94 participants were included in the current sample. It was hypothesized that participants would more often rate suspects as guilty and be more confident in their verdict if the suspect did not have an intellectual disability, but this was not supported. It was also hypothesized that more participants would rate suspects as not guilty and would be less confident in their verdict if the suspect recanted his confession. This was partially supported in that participants were less confident in their verdict when the suspect recanted his confession. Limitations of the current study, implications for research and clinical applications, and future directions are discussed.

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### **The Effect of Intellectual Disability on the Perception of the Validity of Confessions**

False confessions are often underestimated and overlooked by the general population because most cannot comprehend the notion that an individual would confess to a crime they did not commit - the ramifications are too costly. Being found guilty of a crime comes with a potentially lengthy sentence in a jail or prison, strained family or spousal relationships, stigmatizing social consequences from the community, and unequal opportunities for things like being able to vote, qualifying for housing, or the ability to get a job, yet people still falsely confess. In 1989, 16-year-old Huwe Burton came home from school to find his mother stabbed to death. After five days of interviews with the police, he confessed to killing his mother. Burton stated, "Whatever they needed me to say to get out of that room, I would have said... and I did." After spending 19 years of his life in prison, he was released on parole in 2009. It wasn't until the non profit legal organization The Innocence Project took interest in Burton's case that coercive interrogation tactics and a new suspect were uncovered and eventually led to the proof of his innocence in 2019 (Today, 2019; Innocence Project, n.d.). Since 1989, 354 cases in the United States have been exonerated by false confessions, with an average incarceration of 13 years of those wrongly convicted. Of these individuals who falsely confessed, 242 (68%) were convicted of murder (National Registry of Exonerations, 2021). Research by Drizin and Leo (2004) examined 125 known false confessions, in

most of which the defendant was convicted without corroboration of their confession. Shockingly, even when the confession was contradicted by other evidence presented at trial, a majority of the defendants in these cases were still found guilty. This study demonstrates the immense impact that just a confession alone, whether proven to be false or not, has on the verdict of a trial. Confessions are highly persuasive, particularly as we tend to believe statements more when the statement goes against the individual's own self-interest (Kassin, 2015). Individuals often act in their own self-interest, so this behavior deviates from the norm. When a suspect confesses to a crime they did not commit, they are willingly putting themselves in a position to endure negative consequences. Our need for attribution causes us to believe that this confession must be true (Kassin, 2015).

False confessions can be grouped into three different categories, summarized by Kassin and Wrightsman in 1985: voluntary, coerced-compliant, and coerced-internalized. Voluntary false confessions are a product of the accused feeling compelled to confess based on their own internal needs, such as "attention-seeking behaviors, a wish for notoriety, protecting the real perpetrator, or underlying psychopathology" (Gudjonsson & Pearse, 2011, p. 35). Coercive interrogation techniques are the cause of coerced-compliant false confessions. A coerced-compliant false confession is made when a suspect decides that the short-term benefits of confessing based on the situation they are in outweigh the long-term costs, for example, if they have been promised an escape from the aversive interrogation process and a possible lenient punishment for confessing (Leo, 2009). Suspects who make these confessions still believe their own innocence, unlike



those who make coerced-internalized false confessions. These latter individuals believe themselves to be guilty, due to the coercive nature of the interrogation. They can become convinced of their own guilt, but believe that they have forgotten or repressed the memory, as suggested by police, although the length of time of this internalized belief in their own guilt varies (Paton, et al., 2018).

The counterintuitive nature of false confessions proves to be a barrier in explaining how and why they occur. To answer the question of “Why does this happen?,” we must first ask “Where can this happen?” The source of false confessions can come from either the interrogation room or the courtroom. While studies have been conducted on false confessions originating during trial, these will not be discussed further because they are beyond the scope of the current study. When an individual is brought in for questioning by the police about a crime that was committed, either as a witness or a potential suspect, this procedure is called interviewing. The purpose of an interview is to gather objective information about the crime that occurred (Walsh, n.d.). If the police suspect guilt, the interviewing process then becomes the interrogation process. It is important to note that interviewing does not always turn into an interrogation, nor do all interrogations begin as interviews. When authorities have established probable cause or have sufficient evidence, they can bring someone into custody and straight into an interrogation. The main goal of an interrogation is to “elicit incriminating statements, admissions, and perhaps a full confession,” thus presuming guilt of the suspect (Kassin, et al., 2010, p. 6).

### **Risk Factors for False Confessions**

This primary motivation for an interrogator to receive a confession is consistent with the existing evidence that “many criminal investigations can only be solved by obtaining a confession” (Gudjonsson, 2003, p. 11). Many police departments are required to press charges in a relatively short time frame. To do this, they must have sufficient evidence. While forensic evidence typically may take longer than the given time frame to be analyzed, a confession serves as sufficient evidence to press charges (Costanzo, 2004); therefore, it seems as if the best solution is to gain a confession during that short time-frame. Often, a confession serves as the most ideal form of evidence to secure a conviction (a guilty verdict decided by a judge or jury). To illustrate this point, Kassin and Neumann (1997) conducted a study in which mock jurors were given case vignettes of crimes of varying severity. Each case vignette consisted of circumstantial evidence (evidence that is considered fact based on implication or inference alone), along with either a character testimony, eyewitness identification, or a confession. Out of all three additional pieces of evidence, confessions led to the highest conviction rate of 73%. The authors ran a second experiment to retest their hypothesis. Rather than presenting the mock juror with either a character witness testimony, eyewitness identification, *or* a confession, they were presented with all three types of evidence and given an aggravated assault case vignette. Although the conviction rate based on confessions was lower (39.54%), results showed that mock jurors considered a confession to be more incriminating than the other pieces of evidence for this type of crime (i.e., aggravated assault). To test these results in the context of another violent crime, the authors ran a third experiment using the same methods as the second experiment, but this time using a

rape case vignette. Once again, the conviction rate for this study was not high, however, mock jurors viewed the confession as the most incriminating piece of evidence (Kassin & Neumann, 1997).

The techniques interrogators use in the room can become coercive or intimidating due to the motivation to obtain a confession. These coercive and intimidating techniques make certain vulnerable populations more susceptible to confessing to a crime they did not commit. Individuals with intellectual disabilities, children and adolescents, and those with certain mental illnesses are more likely to fall victim to these techniques than the general population (Paton, et al., 2018). The National Registry of Exonerations provides data on these vulnerable populations and the proportion with which they falsely confessed. Although a more recent breakdown could not be found, they reported in 2019 that 146 exonerations involved an individual with an intellectual disability or mental illness. Of these 146, researchers identified that there was evidence of an intellectual disability or learning disability in 101 of these individuals (Johnson, et al., 2018). As of 2020, those with a known intellectual disability or mental illness made up 70% of those exonerated later due to false confession. Further, 36% of individuals who were exonerated during this same time frame were under the age of 18 at the time of the crime. In their most recent report, the percentage of false confessions increased as the age of the defendant decreased (16-17 years of age: 28%, 14-15 years of age: 57%, under 14 years of age: 86%);(National Registry of Exonerations, 2020). Kassin (2015) adds that adolescents and the intellectually disabled can have difficulty comprehending their Miranda rights. Also referred to as a Miranda warning, police are required to inform a

suspect of their right to silence and their right to counsel, which preserves admissibility of statements made during interrogation (Leo, 1996).

Innocence can also be seen as a risk factor for making false confessions. Initially, innocence as a risk factor seems odd, as the definition of a false confession requires that the suspect must be innocent. However, research shows that those who are innocent are more likely to waive their Miranda rights and answer police questions without counsel (Kassin & Norwick, 2004). Being innocent, suspects may believe that they do not need protection and they will not suffer any negative consequences, as long as they are being honest. These individuals also do not see the necessity of self-presentation strategies due to the strong belief of their own innocence (Kassin, 2015).

Paton and colleagues (2018) highlight three different coercive interviewing techniques used by interrogators: minimization, leading questions, and repetitive questioning. They begin with minimization, a method used to displace guilt onto the victim and understate the seriousness and consequence of the crime. Minimization also attributes the motivation of the crime to external factors outside of the suspect's control and normalizes the crime. The normalization of the crime is defined by Inbau and colleagues (2013) as theme development. When interrogators use theme development, they are "minimizing the moral seriousness of the crime." Appleby and colleagues (2013) provide some examples including blaming the victim, peer pressure, being under the influence of drugs and/or alcohol, and insisting that the crime was an accident. Research continuously supports the claim that using minimization during interrogation can lead to false confessions (Appleby, et al., 2013).

Leading questions are another suggestive interrogation technique. A leading question is phrased in such a way that the answer given provides information the interrogator intended on confirming (e.g., “So you heard gunshots outside of your home last night, maybe around 10 p.m.?”). Leading questions can have a serious impact on the suspect’s memory. Memories can be completely reconstructed or partially distorted and suspects can have difficulty accurately recalling information once exposed to leading questions. This technique, along with repetitive questioning, increases uncertainty and susceptibility to suggestibility, both risk factors for false confessions (Paton, et al., 2018). The repetitive questioning technique automatically assumes guilt of the suspect and implies that their first answers to questions asked during interrogation are not sufficient. Although this technique generates risk of false confessions, research does not show how much of an effect repetitive questioning has on the likelihood of false confessions (Paton et al., 2018).

Another police tactic that may contribute to false confessions is deception. The use of deception (e.g., theme development, false-evidence ploy, etc.) during interrogation has been widely criticized. The U.S. Supreme Court even acknowledged that involuntary false confessions are a possible outcome of deception, but this was not explicitly addressed until *Miranda v. Arizona* (1966). This Supreme Court case birthed Miranda rights or the Miranda warning, an individual’s right to silence when in police custody until they have counsel present. In 1969, the federal court case of *Frazier v. Cupp* ruled that police deception alone is not enough to determine that a confession is involuntary. In this case, police used a false-evidence ploy to obtain a confession. A false-evidence ploy

consists of simply presenting the suspect with incriminating evidence that has been fabricated in order to gain a confession. Research has proven that using the false-evidence ploy can lead to false confessions, however, the legal status of this method of deception still stands (Kassin, et al., 2018).

### **The Reid Technique of Interrogation**

While there are many techniques used in interrogation, most of them are influenced by the infamous Reid technique. There are varying descriptions of this technique, but what is consistent across descriptions is the presence of a three-phase process consisting of a factual analysis, a Behavior Analysis Interview (BAI), and the nine-step interrogation procedure (Inbau, 2013). Factual analysis is the first phase of the Reid technique. In factual analysis, the investigator's goal is to gather corroborating evidence in the event that the suspect confesses. Reid (2018) describes two types of corroborating evidence: dependent (information about the crime privy to only the police) and independent (information about the crime privy to only the suspect). The second phase of the Reid technique is the Behavior Analysis Interview (BAI). The BAI is a 30-40 minute non-accusatory interview intended to give the investigator insight into the suspect's credibility by observing inconsistencies in verbal responses and behavioral cues that may imply guilt. The investigator first gathers demographic information about the suspect, then directs the line of questioning toward information specific to the crime (i.e., the suspect's alibi, potential motives, and propensity to commit the crime)(Reid, 2014). Lastly, the investigator will ask questions that are expected to be answered differently by an individual who is innocent than an individual who is guilty (e.g., "Under any

circumstance, do you think the person who committed (crime) deserves a second chance?”)(Reid, 2014, pp. 13). Reid (2014) explains that the investigator pays close attention to and notes changes in body language or paralinguistic behaviors (e.g., pitch, speed changes, inappropriate laughter, etc.) to evaluate whether or not these behaviors are consistent with guilt.

Inbau (2013) explains briefly the nine-step interrogation process, beginning with a direct positive confrontation. This step simply involves the investigator telling the suspect that there is reason to believe that they have committed the crime. Step 2 consists of theme development, previously discussed as emphasizing a moral justification for the crime. Step 3 teaches investigators how to handle denials from the suspect. They are trained to “discourage the suspect’s repetition or elaboration of the denial” and double down on theme development (Inbau, 2013, p. 100). In the next step, Step 4, the investigator overcomes the suspect’s objections, which are defined by Inbau (2013) as explanations given by the suspect that there is no possibility they did or could have committed the crime in question. Step 5 places an emphasis on the seating arrangement in the room. The investigator will move their chair closer to the suspect, maintain more direct eye contact, and adopt a softer, more sincere tone of voice. If the suspect displays a passive attitude toward the investigator’s efforts, the investigator will continue emphasizing a moral justification for the crime in Step 6 by exhibiting an understanding demeanor through body language. Step 7 leads the investigator to pose an “alternative” question, that is, presenting the suspect with a double-barreled question that either implicates their guilt or uses theme development (e.g., “Did you plan on hurting her, or

did it just happen because she was making you angry and she just wouldn't let you speak?"). This alternative question almost always functions as a leading question by asking a question that the investigator already planned on confirming. Once the suspect chooses one of the options presented in the alternative question, the investigator performs Step 8. Step 8 consists of having the suspect relay the specific details of the crime back to the investigator. Although in some cases, there might be no explicit confession, Step 9 is where the suspect will convert their oral confession to a written or recorded confession for evidence. Before these nine steps take place, the author notes that the investigator must act in a professional, somewhat detached manner, allow the suspect to sit in the room alone for approximately five minutes, and enter with an evidence file (or simulation of one) and evidence props to produce an environment that is likely to draw out a confession from the suspect (Inbau, 2013, p. 100).

### **Rationale for the present study**

Given all that is mentioned above (the goal of gaining a confession, the intimidating nature of interrogation techniques widely used among the U.S., and the statistics on exonerations and false confessions in vulnerable populations), it should be clear to most how susceptible those with intellectual disabilities might be to falsely confessing in comparison to those with average intellectual abilities. In addition to a difficulty comprehending their Miranda rights (Kassin, 2015), individuals with intellectual disabilities might struggle with comprehending and responding to complex questions asked by police officers, often tend to respond in the affirmative when met with repetitive questioning, and alter approximately 40% of their responses (Cederborg,



Danielsson, La Rooy, & Lamb, 2009; Maras & Wilcock, 2013; Sigelman et al., 1981). Those with intellectual disabilities often exhibit communication difficulties such as an eagerness to please those in positions of authority (e.g., police officers), a diminished ability to remember events that are subjectively unimportant, and a tendency to affirm the last choice (The Criminal Justice Advocacy Program, 2014). In a study conducted by Clare and Gudjonsson (2010), results showed that participants with intellectual disabilities were less likely than those with average intellectual abilities to believe there would be any serious consequences from a police interview or false confession for the suspect in question (Clare & Gudjonsson, 2010). All of these difficulties make those with intellectual disabilities more vulnerable than the general population to confessing to a crime they did not commit.

However, little progress has been made with regard to making effective changes to interrogation techniques and police procedures that accommodate those with intellectual disabilities, despite an attempt to safeguard individuals with intellectual disabilities through Title II of the Americans with Disabilities Act (ADA). In many cases, police lack awareness of an individual's disability status. Schatz (2018) stated that of offenders who were identified as having an intellectual disability, approximately 75% of those individuals were not identified as having an intellectual disability at the time of their arrest. Also, those with intellectual disabilities may fail to realize that this ADA safeguard, put into place to prevent discrimination from public entities (e.g., police departments, government agencies, etc.), is an option for them. Bringing awareness to the difficulties those with intellectual disabilities might face in an interrogation, the rate of

false confessions in this population, and accommodations that could be provided might further push for reform of the interrogation process. The purpose of the current study was to gain insight into the current knowledge and attitudes the layperson has about the possibility of an individual with an intellectual disability falsely confessing.

### **Hypotheses**

**Hypothesis I.** It was hypothesized that more participants would rate suspects as guilty and would be more confident in their verdict if the suspect did not have an intellectual disability.

**Hypothesis II.** It was predicted that more participants would rate suspects as guilty and would be less confident in their verdict if the suspect recanted his confession.

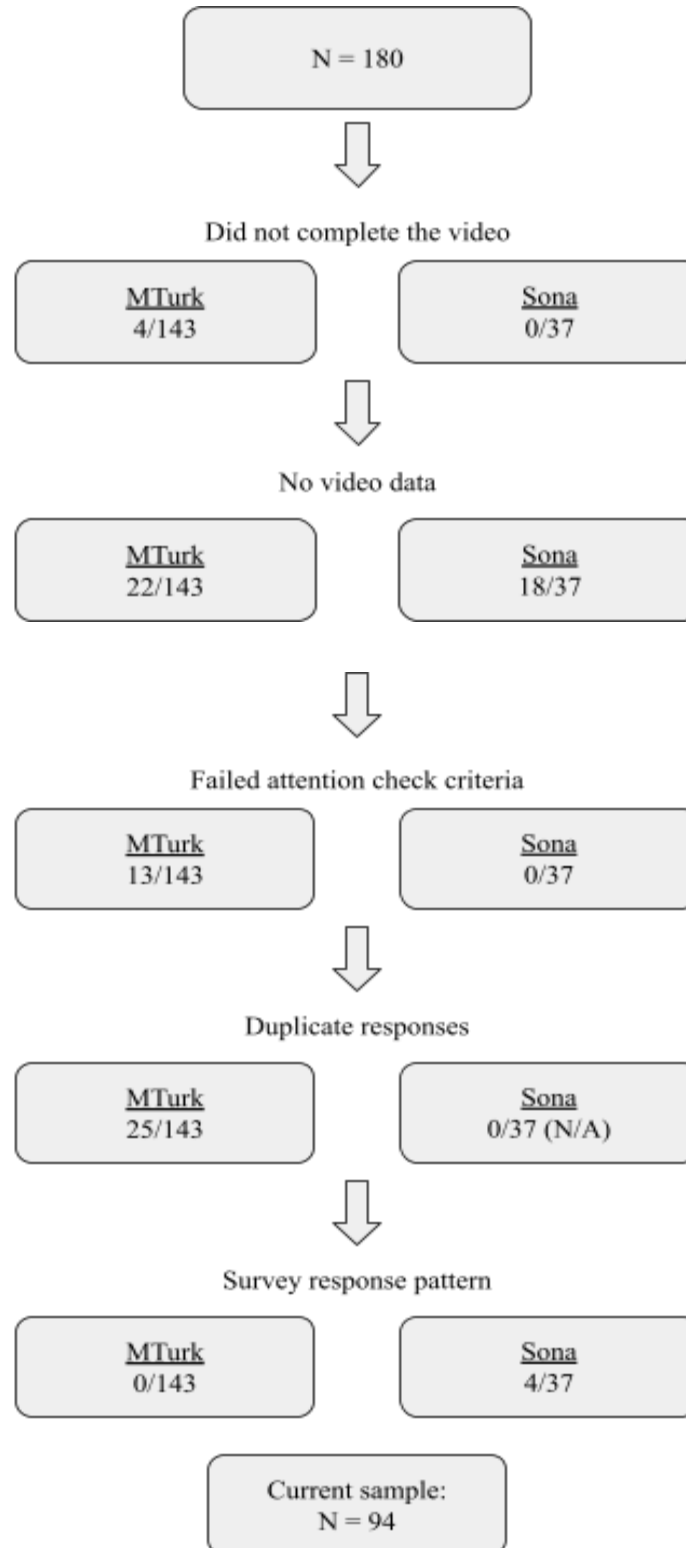
**Research question I.** A relationship between attitudes toward the competence of individuals with intellectual disabilities in an interrogation setting and guilt/confidence ratings was explored.

## **Methods**

### **Participants**

Data for this study were collected via a third-party service called mTurk and Murray State's SONA system from a sample of 180 participants. As data were collected for the study, multiple exclusion criteria were implemented to increase the likelihood of producing reliable and reproducible data. The first exclusion criterion applied was whether or not the participant completed the video. This included participants who followed identifier instructions correctly, completed the survey, started the video, but did not finish the video or the attention check questions included in the video (N=4). The next group of participants whose data were excluded from the current study did not correctly follow the instructions to provide an identifier in both the survey and the video (See Procedure section) in order for the researcher to match survey and video response data. Without the corresponding identifiers, the researcher was unable to conclude if the participant(s) completed the video (N=40). Thirteen participants failed to meet the attention check criterion discussed in the Materials section (i.e., they missed more than one attention check question during the video). The next exclusion criterion applied to the current sample was applicable only to MTurk participants. The study was posted multiple times due to researcher error, allowing for participants to complete the study more than once. Twenty-five responses were omitted due to this error. The last exclusion criterion applied was irregular survey response patterns, specifically, when participants responded

to the survey questions using only one response throughout (e.g., On a 7-point Likert scale, the participant recorded a response of “4” for every question asked on the survey;  $N=4$ ). See Figure 1 for a breakdown by data collection method. After these exclusion methods were implemented, 94 participants were included in the final sample. From the final sample, the participants’ sex assigned at birth was nearly evenly distributed (Female = 50%, Male = 48.94%). Participants were mostly White (or not of Hispanic or LatinX descent, 64.89%) and Asian or Pacific Islander (20.21%), with ages ranging from 18 to 78 ( $M = 39.77$ ,  $SD = 14.10$ ). A majority of the participants who completed the study had at least a bachelor’s degree (53.19%). Some (28.72%) of the participants in the current sample had been interviewed by the police in their lifetime, 15.96% had been interrogated, and 10.64% had been arrested.



**Figure 1.** *Data exclusion procedure.*

## Materials

### *Interrogation video*

The interrogation video used in this study (Titled: *Police Interview & Confession: "I Kicked Her Car"*) was obtained from a YouTube channel named *Real World Police*, which publishes investigative news videos regarding United States law enforcement and crime. This video was then uploaded to *Playposit*, an interactive video assessment program. Using this program, participants were required to answer eight factual multiple choice questions periodically throughout the approximately 12 minute video, which acted as attention checks (i.e., "What relationship did the suspect have to the host of the party?" and "According to the police officer, what is the biggest piece of evidence against the suspect?"). There was no playback enabled for the video and participants had to respond to the question before the video would resume playing. Closed captions were provided as an aid in the case that the participant had a difficulty hearing or understanding the suspect and police officer's conversation. Before the video began, participants were instructed to pay close attention to the video, as they were required to answer questions throughout, and were informed of the closed captions. A pilot test was conducted to determine if the attention check questions functioned appropriately. Six participants watched the interrogation video and answered the attention check questions throughout. Five out of the six participants obtained a perfect score, while one participant missed one question with a score of 88% ( $M = 98\%$ ). Using this data, the threshold with which participants were omitted from the study for failing the attention-check questions was two incorrect answers.

***Level of guilt and confidence in verdict***

Participants were asked to rate their impression of the suspect's guilt using a dichotomous item (1 = guilty, 0 = not guilty). They were also asked to rate how confident they were in their answer to the previous question on a 10-point scale. Responses ranged from 1, being "Not confident at all" to 10, being "Extremely confident."

***Attitudes Toward Competency measure***

The questionnaire used in this study was created by adapting and editing two unpublished measures by Albott (1999) and O'Neal (1999) regarding attitudes towards child witnesses in court and the competence of children. Items were selected based on their correspondence with the current research question (e.g., questions like "Using children as witnesses in a trial is a form of child abuse in and of itself," and "Very young children are still innocent and so any testimony is probably true because they don't know how to lie yet" were omitted). Once the relevant items were selected, they were edited to replace "children," with "those with intellectual disabilities" (e.g., "If an allegation is true, then any leading questions will not influence the child's responses" was edited to "If a confession is true, then any leading questions will not influence the responses of individuals with intellectual disabilities"). Four filler questions were not included in the total score. The resulting survey used in the study consisted of 29 items and the internal consistency of the measure was acceptable, Chronbach's alpha,  $\alpha = .81$ .

**Procedure**

Participants were given an informed consent document to read and the opportunity to ask the researcher any questions via email before signing and proceeding

with the study. After informed consent was given, participants were required to provide an identifier (MTurk participants: first and last initials, Sona participants: Sona ID number) to solely be used to match survey response data and video response data. Participants were randomly sorted into four conditions: suspect has an intellectual disability and recants (ID/recant), suspect has an intellectual disability and does not recant (ID/no recant), suspect does not have an intellectual disability and recants (no ID/recant), and suspect does not have an intellectual disability and does not recant (no ID, no recant). Upon opening the video link associated with their condition, participants were required to enter the same identifier they previously provided in the survey for the video data in a blank (labeled "Last Name, First Name" by Playposit video program) before the video would begin. MTurk participants were instructed to enter their first and last initials in the respective first and last name blanks and Sona participants were instructed to enter their Sona ID in either or both blanks. Participants were shown a video (approximately 12 minutes in length) containing an excerpt of an interrogation using the Reid technique that ends in a confession. Before the video began, it was revealed to the participants in the ID condition that the suspect has an intellectual disability (see instructions in Appendix B). Throughout the video, using the Playposit 3.0 program, participants were asked attention check questions that were required before they could move on to the next part of the study (see questions in Appendix C). At the end of the video, a statement was provided to those in the recant condition that the suspect has decided to recant his confession, along with a formal definition of the word recant. After the video was completed, participants were directed back to the survey and asked two questions that addressed their



belief about how guilty they believe the suspect to be and their confidence in that belief. Participants then completed a questionnaire on their attitudes toward the competence of individuals with intellectual disabilities in an interrogation setting and then were asked to complete a short demographic questionnaire. The end of the demographic questionnaire section of the survey included a question regarding the participants' involvement with the legal system (i.e., "Have you ever been interviewed, interrogated, or arrested by the police? Check all that apply).

### Results

A 2x2 ANOVA revealed that there was not a statistically significant interaction between the effects of the presence of an intellectual disability and the presence of a recanted confession ( $F(1,90) = 0.38, p = .54$ ). Simple main effects analysis showed that the presence of an intellectual disability did not have a statistically significant effect on participants' confidence in their verdict,  $F(1,90) = .02, p > .05$ ; however, the presence of a recanted confession did have a significant effect on participants' confidence in their verdict,  $F(1,90) = 8.19, p < .05$ . These findings suggest that participants were less confident in their verdict when the suspect recanted his confession ( $M = 7.56; SD = 2.27$ ) than when the suspect did not recant ( $M = 8.67; SD = 1.33$ ).

**Table 1**

*Means and standard deviations for confidence in verdict*

	Recant					
	Yes			No		
ID	<i>n</i>	<i>M</i>	<i>SD</i>	<i>n</i>	<i>M</i>	<i>SD</i>
Yes	21	7.43	2.54	20	8.80	1.20
No	25	7.68	2.06	28	8.57	1.43

*Note.* ID = Intellectual Disability.

A chi square test of independence was performed to examine the relationship between the presence of an intellectual disability and the verdict assigned by the participant,  $\chi^2(1, N=94) = 1.3385, p = .25$ . No significant relationship was found

between the two variables. There was also no significant relationship found between the presence of a recanted confession and the verdict assigned by the participant  $\chi^2(1, N=94) = 0.3738, p = .54$ . The majority of participants across conditions found the suspect guilty (ID = 43.6%, No ID = 56.4%, Recant = 48.9%, No recant = 51.1%).

There was no relationship between the verdict assigned by the participant and their scores on the survey ( $r_{pb}(88) = -.17, p > .05$ ). The relationship between the participants' confidence in their verdict and their scores on the survey was also not significant ( $r(88) = -.08, p > .05$ ).

### **Discussion**

The purpose of this study was to examine if people would be less inclined to believe the confession of someone with an intellectual disability or someone who later recants their confession. Although some in the general public have been exposed to the idea of an individual with lower cognitive functioning falsely confessing to a crime through various forms of media like the hit documentary series “Making a Murderer,” do they truly understand the prevalence of this issue? Would they be able to look at a suspect who has a known ID and recants their confession and have an opinion on whether or not they are guilty? Would they ask questions about the nature of the interrogation tactics used? Although there are some safeguards put into place to attempt to prevent false confessions from happening to individuals with intellectual disabilities, the statistics are still unfortunately high. Over the years, lawyers have tried to supply these individuals with resources such as Title II of the ADA to reduce false confessions. It has also been addressed that there is a disconnect when it comes to police officers’ ability to recognize the presence of an intellectual disability in a suspect. Given both of these steps toward better protecting this population from false confessions, what else can the rest of us do to help these individuals? By gaining an understanding of the general public’s knowledge on this subject, it can serve as a platform for new research, new legislation, improved training for police officers and legal professionals, and awareness and advocacy for individuals with intellectual disabilities. If the public does know how serious this

problem is and how often it can occur, it would be expected that they would be able to watch an interrogation, knowing that the suspect has an ID, where the suspect recants his or her confession, and likely determine that the suspect is not guilty of the crime.

Although their confidence in this verdict will vary due to the many other factors that come into play, their final verdict would most likely be not guilty. This is what was predicted in the current study.

In the present study, it was expected that the participant would less often rate the suspect as guilty after learning that they either had an intellectual disability, later recanted their confession, or both. This hypothesis was not supported. There was no significant relationship between the verdict (guilty or not guilty) the participant assigned, regardless if the suspect had an intellectual disability. This finding suggests that participants were not influenced by the knowledge of the suspect's level of intelligence while watching the interrogation. Participants found the suspect to be credible and reliable, whether or not he had an intellectual disability and believed his confession. Likewise, the relationship between the verdict and whether or not the suspect recanted his confession was not statistically significant. This was contradictory to the outcome that was expected. It was hypothesized that if the suspect recanted his confession, participants would less often rate the suspect as guilty. This hypothesis was not supported; in the current sample, the presence of a recanted confession did not have an effect on the participants' verdict.

When looking at how confident participants were in their verdict, it was found that the presence of an ID had no effect on the participants' confidence in their decision of guilty or not guilty. However, as expected, participants were less confident in their

verdict when the suspect recanted his confession. The suspect's recantation might be more persuasive than the presence of an intellectual disability due to a potential lack of knowledge regarding risk factors of an individual with an intellectual disability falsely confessing or intellectual disabilities in general. On the other hand, a recanted confession is a more straightforward idea in the context of an interrogation.

The purpose of the survey given at the end of the study was to gauge the participants' attitudes and beliefs toward individuals with ID and see if a relationship is present between these attitudes and whether or not the participant would believe the suspect is guilty even if they have a known ID and recanted their confession. Attitudes toward the competence of individuals with intellectual disabilities and the verdict assigned by the participant were examined, as well as their confidence in that verdict. Contrary to the hypothesis, the participants' scores on the measure did not correlate with their verdict. In other words, their attitudes and beliefs about ID and accuracy and honesty of individuals with an ID in an interrogation setting did not predict their verdict. In addition, it was found that there was no statistically significant correlation between the participants' confidence in their verdict and their scores on the survey.

One limitation of this study would be the amount of data that had to be excluded from the current sample. While the instructions for the study were clearly stated, 22% of participants had to be excluded due to not following instructions. After multiple exclusion criteria were used, 86 participants' (approximately half of the sample) data had to be thrown out. The goal of using MTurk in addition to Sona Systems was to hopefully gain a diverse and robust sample to produce more generalizable results. However, having

this smaller sample size lessens the chance of the study having good external validity.

Another limitation of the study that could have affected the validity of the results would be the means of collecting data through online research databases. Without a researcher present, participants may feel more comfortable not fully paying attention or following directions. Further, when incentives are given (i.e., university required research credits for Sona participants and a monetary reward for MTurk participants), they may be more focused on getting to the reward rather than carefully and accurately providing their responses. This factor, combined with the number of participants' data that was thrown out (approximately half of the sample) shows an interactive effect because there is no way to know how much attention the remaining participants actually paid to the study.

Much work remains to be done before a full understanding of the extent of the public's recognition of intellectual disability as a risk factor for false confessions is established. To further this line of research, the current study could be replicated with a larger sample size and could be given in an in person setting. The concept that people sometimes might behave differently when they know they are being watched is a risk factor that should be considered when it comes to online research. Participants might be more inclined to follow directions and pay closer attention to the video in the study if a researcher is present in the room. This idea is similar to that of the notion that individuals with intellectual disabilities are more compliant when in the presence of authority figures, as discussed by The Criminal Justice Advocacy Program (2014). There may be use in extending the current findings by examining whether or not any personal experience within the legal system (i.e., having been interviewed, interrogated, or arrested by the

police or having been involved in the interrogation process in any way) has an effect on how the participant views the guilt or innocence of the individual in the interrogation video and their confidence in that view. Future research could possibly use the survey from the current study and rather than administering the survey after they have been exposed to the independent variable(s), administer the survey before to explore a potential relationship between the scores on the survey and the verdict that they come to and their confidence in that verdict. It could be beneficial to conduct a study of police officers to learn about their awareness, understanding, and training regarding limitations of individuals with intellectual disabilities in interrogations and the risk of false confessions. Further, comparing this across municipalities, cities, states, and regions might show valuable differences due to certain sociological factors (e.g., the racial and ethnic makeup of the population or cultural influences).

Despite these limitations, this research can be seen as a step towards investigating the current knowledge and attitudes the layperson holds toward the propensity for an individual with an intellectual disability to falsely confess to a crime. It is our hope that the current research will stimulate further investigation of this important area. These results, regardless of statistical significance, pose new questions and highlight the potential contribution of this topic to the slowly growing awareness and advocacy for the difficulties the community of individuals with intellectual disabilities face within the legal system.



**Appendix A: IRB Document****Institutional Review Board**

328 Wells Hall  
Murray, KY 42071-3318  
270-809-2916 • msu.irb@murraystate.edu

**TO:** Laura Liljequist,  
**FROM:** Jonathan Baskin, IRB Coordinator *JB*  
**DATE:** 11/19/2021  
**RE:** Human Subjects Protocol I.D. – IRB # 22-089

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The IRB has completed its review of your student's Level 1 protocol entitled *The Effect of Intellectual Disability on the Perception of Police Interrogation Tactics*. After review and consideration, the IRB has determined that the research, as described in the protocol form, will be conducted in compliance with Murray State University guidelines for the protection of human participants.

**The forms and materials that have been approved for use in this research study are attached to the email containing this letter. These are the forms and materials that must be presented to the subjects. Use of any process or forms other than those approved by the IRB will be considered misconduct in research as stated in the MSU IRB Procedures and Guidelines section 20.3.**

**Your stated data collection period is from 11/19/2021 to 11/18/2022.**

If data collection extends beyond this period, please submit an Amendment to an Approved Protocol form detailing the new data collection period and the reason for the change.

**This Level 1 approval is valid until 11/18/2022.**

If data collection and analysis extends beyond this date, the research project must be reviewed as a continuation project by the IRB prior to the end of the approval period, 11/18/2022. You must reapply for IRB approval by submitting a Project Update and Closure form (available at [murraystate.edu/irb](http://murraystate.edu/irb)). You must allow ample time for IRB processing and decision prior to your expiration date, or your research must stop until such time that IRB approval is received. If the research project is completed by the end of the approval period, then a Project Update and Closure form must be submitted for IRB review so that your protocol may be closed. It is your responsibility to submit the appropriate paperwork in a timely manner.

The protocol is approved. You may begin data collection now.

**Opportunity  
afforded**

[murraystate.edu](http://murraystate.edu)

**Appendix B: SONA Descriptions**

SONA Title: Attitudes Toward Competency in an Interrogation Setting

Short Description: This study asks participants to watch a 12-minute interrogation video, make a determination of the suspect's guilt or innocence, then complete a questionnaire.

Long Description: This study asks participants to watch a 12-minute interrogation video. While watching the video, participants will be asked several questions to assess their attention to the video. After the video, they will be asked to make a determination of the suspect's guilt or innocence. Lastly, they will complete a brief questionnaire. Participants must be at least 18 years of age. Participants will receive 15 credits for completing the study.

**Appendix C: Informed Consent**

Project Title: Police Interrogation Tactics  
Investigators: Audree Carner and Dr. Laura Liljequist  
Department of Psychology  
Murray State University, Murray, KY 42071  
(270) 809-2990

You are being invited to participate in a project conducted through Murray State University. You must be at least 18 years of age to participate. Below is an explanation of the purpose of this project, the procedures to be used, and the potential benefits and possible risks of participation.

**Nature and Purpose of the Project:** The purpose of the study is to gain insight into the current knowledge and attitudes about interrogation techniques.

**Explanation of Procedures:** Your participation in this study will require you to watch a 12-minute video, respond to two post-video questions, and complete a measure provided.

**Discomforts and Risks:** The risks to you as a participant are minimal. Regardless, please know that you can quit participating at any time without penalty.

**Benefits:** There are no direct individual benefits to you beyond the opportunity to learn first-hand what it is like to participate in a research study and to learn about some of the methods involved in psychological research. A general benefit is that you will add to our knowledge of the research subject.

**Confidentiality:** Your responses and participation in all tasks will be completely anonymous; they will only be numerically coded and not recorded in any way that can be identified with you. Dr. Liljequist will keep all information related to this study secure for at least three years after completion of this study, after which all such documents will be destroyed.

**Refusal/Withdrawal:** Your participation in this study should be completely voluntary. Your refusal to participate will involve no penalty. In addition, you have the right to withdraw at any time during the study without penalty or prejudice from the researchers.

I acknowledge that the risks and benefits involved and the need for the research have been fully

explained to me; that I have been informed that I may withdraw from participation at any time without prejudice or penalty; and the investigator has offered to answer any inquiries that I may make concerning the procedures to be followed or my rights as a participant, and has answered to my satisfaction any questions that I have. I voluntarily consent to participate in this research project.

THIS PROJECT HAS BEEN REVIEWED AND APPROVED BY THE MURRAY STATE

UNIVERSITY INSTITUTIONAL REVIEW BOARD (IRB) FOR THE PROTECTION OF HUMAN SUBJECTS. ANY QUESTIONS PERTAINING TO YOUR RIGHTS AS A PARTICIPANT OR ACTIVITY-RELATED INJURY SHOULD BE BROUGHT TO THE ATTENTION OF THE IRB COORDINATOR AT (270) 809-2916. ANY QUESTIONS ABOUT THE CONDUCT OF THIS RESEARCH PROJECT SHOULD BE BROUGHT TO THE ATTENTION OF DR. LAURA LILJEQUIST IN THE MSU PSYCHOLOGY DEPT., AT (270) 809-2990.

**Appendix D: Video Instructions and Prompts***Instructions:*

Before you begin watching the video (approximately 12 minutes), please take notice that you will be asked to answer eight questions periodically throughout the video. You will NOT be allowed to rewind once you have started the video. For this reason, please pay close attention. Closed captioning will be optional if needed. To turn on closed captioning, press the “CC” button on the bottom-right corner of the screen.

*Before the video (ID condition):*

Johnny is a 25-year-old male who was brought in for questioning by the police. Johnny dropped out of school in the eleventh grade and works full-time at a local restaurant. While in school, Johnny was diagnosed with a mild intellectual disability (FSIQ= 70). Individuals with similar IQ scores learn and understand new information as well or better than approximately 2% of others their age.

*Before the video (No ID condition):*

Johnny is a 25-year-old male who was brought in for questioning by the police. Johnny dropped out of school in the eleventh grade and works full-time at a local restaurant.

*After the video (Recant condition):*

Shortly after the police arrested him and he consulted with an attorney, Johnny recanted his confession. To recant is to withdraw, or take back, a prior statement in a public manner, meaning he no longer acknowledged any guilt in this incident.

**Appendix E: Attention Check Questions**

Correct answer is *italicized*.

1. What was the name of the person that the suspect gave Sam's phone to?
  - a) Erin
  - b) *Carson*
  - c) Amanda
2. What reason did the police officer give for shutting the door during the interview?
  - a) *To lessen the background noise*
  - b) The room was too hot
  - c) The suspect was talking too loudly
3. What relationship did the suspect have to the host of the party?
  - a) They were cousins
  - b) *They were coworkers*
  - c) They were in a romantic relationship
4. How did the suspect leave the party?
  - a) *He drove his car down the street slept in it*
  - b) A friend drove him home
  - c) He did not leave. He spent the night at the party
5. What brand of shoes was the suspect wearing the night of the party?
  - a) Adidas Boosts
  - b) Converse Chuck Taylors
  - c) *Nike Air Jordans*
6. What type of physical evidence does the police officer provide to the suspect?
  - a) A Nike Air Jordan shoe
  - b) A written statement from a witness at the party
  - c) *A photograph of a shoeprint that was left on Samantha's car*
7. According to the police officer, what is the biggest piece of evidence against the suspect?
  - a) Verbal accounts from others at the party
  - b) *Evidence left behind by the shoeprint*
  - c) The damage to the vehicle
8. In what condition was the suspect in when the police officer stated that he had placed the suspect under arrest?
  - a) *He was silent and crying*
  - b) He was trying to remove his handcuffs
  - c) He was denying his involvement in the crime

**Appendix F: Attitudes Towards Competence Questionnaire**

Read each statement carefully and select a number between 1 and 7 to indicate the degree

to which you agree with the statement using this scale:

**1 = strongly disagree, 2 = moderately disagree, 3 = mildly disagree, 4 = neutral, 5 = mildly agree, 6 = moderately agree, 7 = strongly agree**

1. Individuals with intellectual disabilities have a basic understanding of how our legal system functions.  
1      2      3      4      5      6      7
2. Individuals with intellectual disabilities are competent to communicate about events they have witnessed or experienced.  
1      2      3      4      5      6      7
3. It is difficult for individuals with intellectual disabilities to understand questions posed to them by police officers.  
1      2      3      4      5      6      7
4. Individuals with intellectual disabilities have a tendency to tell lies.  
1      2      3      4      5      6      7
5. Inconsistencies often occur when individuals with intellectual disabilities describe past events.  
1      2      3      4      5      6      7
6. In general, individuals with intellectual disabilities are more honest than those with average intellectual abilities.  
1      2      3      4      5      6      7
7. Individuals with intellectual disabilities who act highly confident during an interrogation are lying.  
1      2      3      4      5      6      7
8. It is difficult for an individual with an intellectual disability to understand the significance of their Miranda rights.  
1      2      3      4      5      6      7
9. Most individuals with intellectual disabilities have the ability to remember events accurately.  
1      2      3      4      5      6      7
10. The physical presence of the police officer in the interrogation room affects an individual with an intellectual disability's ability to recall information.  
1      2      3      4      5      6      7

11. Individuals with intellectual disabilities are able to distinguish fantasy from reality.  
1      2      3      4      5      6      7
12. Individuals with intellectual disabilities are easily suggestible by police officers during an interrogation.  
1      2      3      4      5      6      7
13. I would be more likely to believe the confession of an individual with average intellectual ability than the confession of an individual with an intellectual disability.  
1      2      3      4      5      6      7
14. If an individual with an intellectual disability understands what a lie is and knows that he or she will be punished for telling lies, then he or she will not lie.  
1      2      3      4      5      6      7
15. Individuals with intellectual disabilities are very susceptible to leading questions (questions that assume a right answer).  
1      2      3      4      5      6      7
16. Individuals with average intellectual abilities are more accurate in their recollection of events than individuals with intellectual disabilities.  
1      2      3      4      5      6      7
17. Both individuals with intellectual disabilities and individuals with average intellectual abilities have similar definitions of the truth.  
1      2      3      4      5      6      7
18. Individuals with intellectual disabilities cannot tell between fact and fantasy much of the time and cannot be trusted.  
1      2      3      4      5      6      7
19. Individuals with intellectual disabilities will stick to the facts and will be immune to the influence of the questions asked.  
1      2      3      4      5      6      7
20. If an individual with an intellectual disability confesses and then changes his or her mind, the confession was probably a lie in the first place.  
1      2      3      4      5      6      7
21. If a police officer or some other adult investigator is present during an interrogation, an individual with an intellectual disability is more likely to tell the truth.  
1      2      3      4      5      6      7
22. If a confession is true, then any leading questions will not influence the responses of individuals with intellectual disabilities.  
1      2      3      4      5      6      7



23. If an individual with an intellectual disability is very confident when being questioned by the police, then they are probably telling the truth.  
1    2    3    4    5    6    7
24. If a police officer decides an individual with an intellectual disability is competent to be questioned, then that individual is probably believable.  
1    2    3    4    5    6    7
25. Competency of an individual with an intellectual disability being questioned by the police should be based on their intelligence, their understanding of the difference between right and wrong (that is, truth and falsehood), and their knowledge of their responsibility to tell the truth.  
1    2    3    4    5    6    7
26. If an individual with an intellectual disability is capable of translating a memory into simple words and answering simple questions about the memory, their confession is probably reliable.  
1    2    3    4    5    6    7
27. Most individuals with intellectual disabilities are suggestible.  
1    2    3    4    5    6    7
28. Individuals with intellectual disabilities want to please authority figures.  
1    2    3    4    5    6    7
29. Individuals with intellectual disabilities can remember things that happened to them just as well as individuals with average intellectual abilities.  
1    2    3    4    5    6    7

**Appendix G: Demographic Survey**

Age: \_\_\_\_\_

**Biological Sex Assigned at Birth:**

Male

Female

Prefer not to answer

**Which of the following best describes your ethnic background? Check all that apply.**

White, not of Hispanic/LatinX background

Hispanic or LatinX

Black or African American

Native American or American Indian

Asian / Pacific Islander

Other (please specify): \_\_\_\_\_

Prefer Not to Answer

**Highest level of education completed:** \_\_\_\_\_

**Have you ever been interviewed, interrogated, or arrested by the police? Check all that apply.**

Interviewed

Interrogated

Arrested

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