

# Examining Perceptions of Intellectual Disability and Age in False Confessions



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## INTRODUCTION

- False confessions (i.e., the false admission of guilt to authorities) account for as many as 35% of wrongful convictions, and this number may even be rising (Leo, 2009; Schrantz et al., 2020).
- According to the National Registry of Exonerations, those with an intellectual disability are overrepresented among false confessors.
- Sixty-nine percent of exonerees with a known mental illness or intellectual disability gave a false confession compared to only 8% of those with no known mental illness or intellectual disability (Mogavero, 2020).
- Another significant risk factor for individuals making false confessions is age. Compared to adults, juveniles are more likely to give a false confession (Drizin & Leo, 2004).
- In a sample of juvenile exonerations, 42% were false confessions (Grove & Kukucka, 2021).
- Although research has established that individuals in these populations are at a higher risk for giving a false confession, much of the literature does not evaluate one's perceptions of those with intellectual disabilities or juveniles, and if they view the credibility of their statements as more or less credible. Given the power of confessions to produce a conviction, understanding people's perception of the credibility of a possible coerced confession is important.
- Understanding perceptions about false confession cases involving those with intellectual disabilities and juveniles will allow for more reasoned and fairer judgment from jurors.

## CURRENT RESEARCH

- The purpose of this study is to examine the effects of intellectual disability status and juvenile status (i.e., age of the person being described) on perceived credibility of false confessions.
- If participants are using relevant information to evaluate the credibility of the confession critically, we should find that 1) participants will view the confessions made by juveniles as less credible, 2) participants will view the confessions made by intellectually disabled individuals as less credible, 3) that an interaction will exist between the factors of juvenile status and intellectual disability, meaning that the combination of being both a juvenile and an intellectually disabled individual will lead to a lower credibility rating than the sum of those effects, and 4) participant's rating of credibility, will in turn will predict participant's decision of guilty vs. not guilty.
- If, on the other hand, participants are not critical of the confession and simply believe the confession to be true, we would expect to see weak to non-existent relationships, with a high proportion of credible ratings across the manipulations.

## METHOD

### Inclusion Criteria:

- At least 18 years of age
- U.S. citizen
- Can read, write, and speak English
- Never convicted of a crime and sentenced to imprisonment for more than one year

### Participants

- $N=201$  recruited through Prolific Academic
- Sample size was considered a priori. For a path analysis, a rule of thumb is to sample between 10 to 20 times the number of parameters, with the proposed analysis having no more than 10 parameters (Kline, 1998). Therefore, 200 was the chosen sample to obtain.
- 54.73% women, 45.27% men
- Mean age of participants was 37.83 ( $SD = 11.87$ )
- 64.68% White, 19.90% Black, 8.46% Multi/Other, 3.98% Hispanic, and 2.99% Asian

### Design

- 2x2 between-subjects factorial

### Materials

- Four case vignettes edited from Bernhard and Miller (2018)
  - 30-year-old suspect with no intellectual disability present
  - 30-year-old suspect with an intellectual disability present
  - 15-year-old suspect with no intellectual disability present
  - 15-year-old suspect with an intellectual disability present
- Credibility rating
  - "On a scale of 1 (Not at all credible) to 7 (Completely credible), how credible do you find Mr. Smith's confession?"
- Guilt
  - "If you were a juror in this case, what would you decide?" → Guilty vs. Not guilty
  - Guilt was also assessed with a 1-7 Likert item
- Two memory/attention check questions

## METHOD

### Procedure

- Participants who met inclusion criteria were directed to a Qualtrics link via their Prolific account
- Following the informed consent, participants were randomly assigned to one of the case vignettes.
- After reading one of the cases, participants answered questions about the perceived credibility of the confession, decided on guilt, answered two memory/attention check questions, and demographic questions.

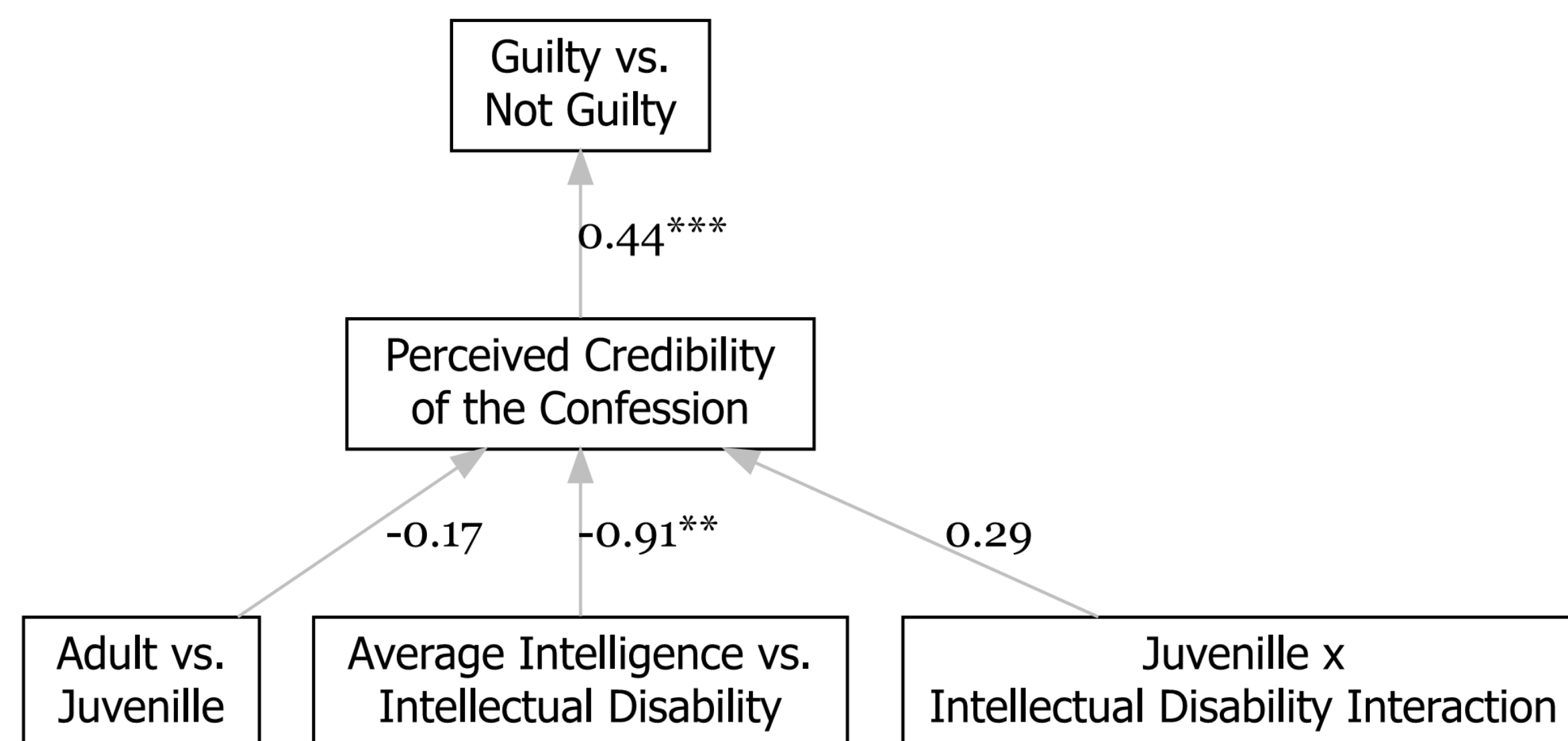
## RESULTS

### Data Screening

- 8.5% of participants ( $n=16$ ) did not pass the manipulation check and were removed from the data analysis. Two participants ( $n=2$ ) failed the Recaptcha Verification but passed both manipulation checks, so these participants were included in data analysis.

### Path Analysis

- To model the relationships the Lavaan package in R was used (Rosseel, 2012).
- The model was fit based on the hypothesized direct and indirect effects.
- Based on the hypotheses we did not model the direct effects of the three parameters on guilt, only their indirect effects. However, see R-Markdown file of the results for additional models and plots.
- Diagonally weighted least squares was used to estimate the model parameters.
- The model ended normally after 23 iterations.
- Evidence indicated that having an intellectual disability vs. no disability had a significant direct effect on the perceived credibility of the confession.
- Juvenile vs. adult had no significant direct effect on the perceived credibility of the confession.
- The interaction on the perceived credibility of the confession was also not significant.
- There was a significant direct effect of the perceived credibility of the confession on guilt.
- The indirect effects were examined using bootstrapping.
- The indirect effect of intellectual disability vs. no disability 95% CI[-0.707, -0.097] on guilt rating was significant.
- The indirect effect of juvenile vs. adult 95% CI[-0.358, 0.212] on the guilt rating were not significant.
- The indirect effect of the interaction 95% CI[-0.305, 0.563] on the guilt rating were not significant.
- The results for the Likert-scale rating of guilt had similar results to the dichotomous guilt variable.
- The figure below shows the variables and their modeled relationships. Path coefficients are standardized. Asterisks represent significant paths,  $p < 0.05$



## DISCUSSION

- The purpose of this study was to examine the effects of age and intellectual disability on the perceived credibility of false confessions and deciding on guilt.
- Only evidence for hypothesis 2 and 4 was found.
- Results indicated that confessions that were possible false confessions, were perceived as less credible when given by someone with an intellectual disability, but there was no evidence for significant effects of juvenile status (i.e., age) and their interaction on perceived credibility. There was also no evidence for two of the hypothesized indirect effects.
- The hypothesis that guilty votes would be driven by the credibility of the confession was supported.
- Therefore, although jurors may not consider all the factors that can cause people to give a false confession, their assessment of the credibility of the confession does drive the guilt effect.
- Findings suggest that further research into other factors that may influence someone's perception of credibility, such as memory, may be valuable.
- The study's findings have significant implications for defendants. The knowledge that false confessions from juveniles are not perceived as less credible than those made by adults suggests that if a defense attorney wants the jury to consider the age of the client as a factor, the mere fact that they are young, will likely not be enough. The jury may have to be informed about risks of false confessions.
- On the prosecution side, prosecutors may have to take measures to convince a jury that a confessions made by an individual with an intellectual disability is a true confession, if that confession contains evidence of coercion.
- One limitation is that participants in this research acted as mock jurors; however, in a real jury, people deliberate. It is unknown how deliberation would change these findings.
- Future research may investigate expert testimony, which could enhance the participants' understanding of juveniles' likelihood of falsely confessing.

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## ACKNOWLEDGEMENTS

We would like to extend our thanks to Dr. Joshua Reynolds, the Silsbee Family, and the University of Scranton Psychology Department for their support.

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All materials, data, and results are available by accessing: <https://www.reynolds-legal-psych.com/lab-forensic-and-legal-psychology> or by scanning the QR code

