"I thought it would help" A Review of Criminal Justice Undergraduate Knowledge of Miranda Rights

Ellen Marcia McLeod

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“I THOUGHT IT WOULD HELP” A REVIEW OF CRIMINAL JUSTICE
UNDERGRADUATE KNOWLEDGE OF MIRANDA RIGHTS

by

Ellen Marcia McLeod

A Thesis
Submitted in Partial Fulfillment of the
Requirements for the Degree of
Master of Arts

Major: Criminal Justice

The University of Memphis

March 2024
Dedication

To my sister, thank you for inspiring this project.
Acknowledgements

To my mom, dad, and sister, thank you. Thank you for the support in various forms, whether through words of encouragement, acts of service (Mom, I’m talking about the laundry!), or just laughs- you all are my “why”. I know there were a lot of times where I had to hold myself up in the office, missing family dinners or outings; thank you for being understanding and always saving me a plate. There aren’t words in the English language to adequately express my gratitude to you guys, I am the luckiest girl in the world because I have the support system of a queen! I love you guys.

To my academic mom & dad, Dr. McCuddy and MK, you guys are just what every first-generation college student needs. I honestly don’t know how anyone makes it through college without a set of academic parents like you. McCuddy, your guidance and mentorship are things I will value for the rest of my career. I can honestly say that you have helped me fall in love with research through teaching and allowing me to participate in your own projects. I am eternally grateful to you for the patience, guidance, and grace (check out that oxford comma!) that you have shown me in these past few years. MK, the greatest advocate this world has ever seen! I am sorry that you have been through things that made you so good at advocacy, but you have taken what others use to fuel bitter actions and turned it into momentum used to help your students. I can only hope to be the perfect mix of both of you guys for my future mentees.

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I am grateful to you all for helping me develop a thesis I am proud of. To Oakley, my cousin/best friend, I have never met anyone who I felt understood me better. You have been instrumental in my sanity, thank you for the advice, the listening ear, and the travel.

To the folks at Bartlett Police Department, thank you for your critical lens. Thanks for showing me how important it is to consider the entire picture; you have greatly expanded my thinking. To my friends, both in school and out of, I love you guys! Thank you for being an escape from the stress of academia, you are my chosen family.
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This study aims to better understand the levels of understanding of Miranda rights amongst college undergraduate students who are studying criminal justice. By considering many factors like race, education, exposure, and confidence in understanding, this study looks to narrow down the components of Miranda rights that are misunderstood and what could be contributing to misunderstanding. The data were collected from a vignette style survey that measured various factors that could be contributing to the understanding or misunderstanding of Miranda rights. Results indicate that there are differences in Miranda understanding across different components of Miranda. However, results show that Black students have much lower odds of being correct on questions that gauge understanding of Miranda. This study will help the criminal legal system better understand the potential misconceptions of Miranda rights. Specifically, which components of Miranda are not being understood and what demographics of people are lacking comprehension.
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Chapter 1

Introduction

Although the supreme court case, Miranda v. Arizona (1966), made it federal law to mirandize all people being arrested in the United States, many people do not understand their protections under arrest (Rogers et al., 2013). Self-reported data from a pool of jurors suggests that a third of the registered voting population reports being “truly uninformed” (Rogers et al., 2013). Accounting for the limitations in only surveying registered voters, it is likely assumed that the percent of the population who reports a lack of knowledge is much higher. When considering a population who has been absolved of the right to vote by the millions, due to incapacitation or felon status (Uggen et al., 2020), defendants who had been arrested as recently as two weeks ago were reported to have had several misconceptions about their Miranda Rights (Rogers et al., 2010). For example, fifty two percent of those questioned reported believing things uttered “off the record” could not be used against them. (Rogers et al., 2010). With both jurors and defendants reporting having high misconception rates, it is probable that few citizens involved in the legal processes, aside from those employed by the court or police department, truly understand their rights.

Research shows that college students, a considerably educated population, are also not clear on their Miranda rights. Over a third (36.4%) of undergraduate students reported believing that silence was incriminating, nearly 6% more than defendants when asked the same question (Rogers et al., 2010). Understanding that college students are lacking in their understanding of Miranda rights could be especially concerning when we consider the ramification of the population with higher education not understanding their
rights. Taking that a step further, this study considers Criminal Justice college students understanding of Miranda rights. In understanding the potential discrepancies in a population that is likely to understand rights better than many other populations is an important step in acknowledging the lack of Miranda understanding amongst the American population as a whole.

A sense of false confidence could be incredibly dangerous to those facing the risk of self-incrimination. Specifically, amongst college students, confidence and understanding do not always produce a positive correlation (Newton, 2015). Newton (2015) concluded that college students reported having high confidence in their understandings of plagiarism but performed poorly on “simple tests of referencing”. False confidence is especially alarming when we consider the ramifications of being inaccurate but confident in the criminal justice system, things like coerced confessions, false statements, and consent searches are potential consequences of falsely understanding Miranda rights. In adding a confidence question to the proposed study, the effects of a false sense of confidence can begin to be assessed.

Current research suggests that much of the population trusts their understanding from sources such as television, radio, and cinema to adequately conceptualize their Miranda Rights; however, this may not be the case (Rogers et al., 2010). To best understand the source of confidence, an exposure question was added to the survey as research suggests that the type of media you are consuming can dramatically alter feelings, specifically on social science issues (De Vreese & Boomgaarden, 2006). This is particularly important when considering criminal justice issues as the media is incorrectly representing the true figure of crime and other criminal justice related concepts (Oliver,
Exposure to criminal justice media, actors, and education should be increasing general understanding amongst those who report exposure, however, little research has been conducted to consider how exposure might be affecting knowledge and confidence of comprehension.

The current study aims to further understand criminal justice college undergraduate students’ knowledge and understanding of their Miranda rights by considering how demographic variables, confidence in understanding, exposure to tv/movies, and close relationships with law enforcement/attorneys might be associated with understanding. Results from the current study will further elaborate on discrepancies in college students who are studying criminal justice and their knowledge of Miranda rights. Understanding the knowledge of arrest rights amongst a population who is being trained on the criminal justice system will help develop implications for other populations understanding of Miranda, who are less educated on the criminal justice system.
Chapter 2

Miranda v. Arizona

“You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?” (Federal Courts’ Educational Resources, n.d.)

The Case

Ernesto Miranda, a young Mexican immigrant, became uniquely influential to the American criminal legal system through his 1966 supreme court case (U.S. Civil Liberties, 2012). Miranda, despite being found guilty of a heinous crime, has become a household name for many who watch investigative television shows, listen to true crime podcasts, and follow national cases in the media. Americans, at large, are aware they have ensured rights upon arrest and that they should be advised of those Miranda rights, but how they secured their name is not so widely known by many. Miranda, child of a non-traditional family dynamic, began getting in trouble during his adolescent years. He was no stranger to jail and was considered by psychiatrists as lacking maturity and impulse control. Miranda was not new to the criminal legal system upon the case that would generate his fame.

On March 13, 1963, Miranda, was arrested by local law enforcement in Phoenix, Arizona (Police1, 2017). Police had initially arrested Miranda on suspicion that he had stolen a few dollars from a bank employee in the area. They soon began questioning Miranda about an abduction and rape that had occurred some days prior to his arrest for the robbery. According to the United States Court (n.d.), Miranda confessed to police that
he had been involved in the woman’s kidnapping and sexual assault. Additionally, Miranda confessed to the robbery, the crime which he was originally arrested.

After his confessions, Miranda provided written confessions, which he signed with the promise that the statements had been made by his own desire, i.e. not coerced, and the statement was a compilation of his own knowledge of the crime (U.S. Civil Liberties, 2012). Miranda never alleged that law enforcement had coerced his statement; instead, there was concern that Miranda did not know he had the right to an attorney. Miranda had no idea that the American constitution protected the accused by allowing them the right to silence and obtain counsel. Upon his trials, the prosecution relied heavily on the signed confessions from Miranda. The defense counsel did object to the introduction of the confessions as evidence, claiming they should be considered involuntary confessions because Miranda was ignorant of his rights upon arrest and questioning. The judge did not sustain the objection from the defense and Miranda was found guilty, receiving twenty to thirty years in prison for his crimes. Miranda’s defense appealed the decision of the lower court with the Arizona Supreme Court. The defense was not successful, and Miranda’s conviction was held.

In early 1966, Miranda’s team of attorneys argued his conviction in front of the Supreme Court of the United States (Miranda v. Arizona, 1966). Three years after his initial confession, Miranda petitioned the court to consider what he and his legal team considered a trial that violated Miranda’s constitutional rights. In June 1966, the Supreme Court ruled in favor of Miranda, with a five to four majority (Thirteen PBS, 2006). The majority opinion from Justices Earl Warren, Hugo Lafayette Black, William Orville
Douglas, William Joseph Brennan, Jr., and Abe Fortas cited the fifth \(^1\) and sixth \(^2\) amendments arguing that the police department in Arizona had violated Miranda’s right to counsel and against self-incrimination (Miranda v. Arizona, 1966). In the opinion written by Justice Warren, the court determined that a suspect is required to be informed of their rights prior to being asked incriminating questions by law enforcement. They ruled that a suspect could waive these rights but only after being advised and understanding their protections. Also, that evidence acquired prior to proper Mirandization could not be used in the case against the suspect (Miranda v. Arizona, 1966).

**Miranda Now**

Despite its normalcy now, the decision in Miranda v. Arizona was widely criticized at the time of its ruling. Many believed that the Supreme Court was prohibiting justice by giving suspects more opportunities to avoid prosecution (Chemerinsky, 2016). Despite the criticism, the ruling has increased the ways in which evidence can be deemed inadmissible, and provided knowledge of protections for people who, under American law, are presumed innocent until otherwise proven to be guilty (Library of Congress, n.d.). In more recent cases, the Supreme Court continues to consider the bounds of Miranda’s promises. In 2022, they heard a case from an L.A. officer who failed to

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\(^1\) The fifth amendment states “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” (U.S. Const.)

\(^2\) The sixth amendment states “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.” (U.S. Const.)
Mirandize, or read the detainee their Miranda rights, a suspect who was accused of sexually assaulting a patient in his care at a hospital in Los Angeles (Padilla, 2023). The suspect, Terence Tekoh, was not Mirandized upon his questioning and was also denied counsel when he requested it. Unfortunately, Tekoh did not have enough understanding of his Miranda rights to know, at the time of interrogation, that his rights had been violated. Tekoh was found not guilty in the lower-level criminal courts (Oyez, n.d.). Upon the not guilty verdict, Tekoh sued Officer Vega for violating his Miranda rights. Vega appealed the lawsuit with the Supreme Court where the court determined that an individual could not sue an officer for not Mirandizing them (Ballotpedia, n.d.). Cases like Vega v. Tekoh (2022) continue to threaten American’s Miranda rights as the court continues to evolve proceedings. Decisions like those of Vega v. Tekoh, increase protections for law enforcement who may not be honoring detainees fifth amendment rights.

While people who are arrested are required to be informed of their rights, it is questionable whether or not the level of understanding is sufficient. Although all people arrested in America are afforded the right to be aware of the Miranda rights as a protection against false confessions and unnecessary accusation, not all people are aware that they are guaranteed this right by the federal government. The lack of awareness of Miranda’s protections places all detainees at risk for offering false confessions and self-incrimination. Even more dangerous is the risk that people are falsely confident in their understanding of their Miranda rights. Current literature does consider how many people do not have accurate understanding of their Miranda rights but does not extensively
evaluate how false confidence can be contributing to misinformation and potentially
dangerous interactions with law enforcement.
Chapter 3

Literature Review

Special Populations

College Students

Of the populations chosen for research on Miranda rights, there seems to be a common theme of researching the bounds of special populations and their understanding of Miranda rights. Although they may be perceived as a group not so likely to be arrested because of their status as college students, it is important to consider those who are enrolled in higher education when assessing levels of knowledge. If assessments are showing that those with the academic ability to be admitted and successful in higher education are not understanding their Miranda rights, it can be reasonably assumed that those who are not enrolled in secondary degree programs are not likely to comprehend them either. Understanding that people who are enrolled in college but not in criminal justice programs will likely have even less understanding than those who are, we can also assume that people who do not have any secondary education would be even less likely to have high levels of comprehension of Miranda. Even less than those without college education, would be special populations like juveniles and the mentally handicapped. In few articles are college students’ understanding of Miranda rights closely studied. Those that have researched young academics found issues with the comprehension level of Miranda (Davis et al., 2011; Rogers et al., 2010; Rost et al., 2012; Scherr & Madon., 2012). Whether it be because of delivery method (Davis et al., 2011), stress level (Scherr & Madon, 2012), misunderstanding (Rogers et al., 2010) or suspect verbal skills and language IQ (Rost, 2012), studies from scholars suggest that college student populations
are not having their due process right to understand respected by those that are questioning them.

Davis and colleagues (2011) identified that the language that is currently used in Mirandization contributing to the waiver of arrest rights and ultimately misunderstanding of Miranda rights. The college enrolled participants were asked to consider themselves in a scenario in which they were being interviewed by police in relation to a crime. They delivered the survey with the traditional version of Miranda to some of the participants while delivering their updated version to the others. The updated version included new language, different sentence structure, and information about the potential risks of waiving arrest rights, they also had the participant read their rights for each charge they had been given. The updated version focused on increasing compressibility, then started the reading of rights with a sentence that told participants they were going to be given two important pieces of information in the next few sentences. Also, they simplified the sentences that contained rights; for example, the right to remain silent was reduced to a concise and short sentence. Lastly, they added information about how refusing to talk to law enforcement could not be used against the suspect. They found that of the 105 participants, those given the updated version of Miranda were more likely to comprehend and were less likely to waive their right to silence. Such findings indicate that even those who are held to a higher level of academic standard are having trouble understanding their rights in the delivery method they currently come in. Based on this finding, it is likely that those who do not have at least some college education, approximately 85% in the United States, are also going to report low levels of comprehension (U.S. Census Bureau, 2021).
Comprehension of Miranda rights in college students could also be affected by having false levels of confidence (Rogers et al., 2010). Rogers and colleagues (2010) report findings that suggest high levels of confidence matched with low levels of comprehension. In a quiz administered to 119 college students and 149 pretrial defendants, they find that only 31.5% of the sample report their understanding of Miranda as “poor”; however, they report that approximately 66% were not aware that direct language must be used, such as “yes” and “no”. Almost a third of the respondents indicated, incorrectly, that they believed questioning from law enforcement could continue, even after the right to counsel had been evoked, until their attorney arrived. Rogers and colleagues (2010) suggest that their findings from the college students did not significantly differ from the findings from the pretrial defendants, this indicates a general lack of understanding and knowledge in Americans from various different lifestyles.

Of those who do report comprehension, research suggests that it could be being affected by the stress level of the potential suspect. Scherr & Madon (2012) concluded that college students’ comprehension of their rights was affected by the nature of accusation. Mock interviews conducted by the research team separated the students into two groups, one being accused of cheating and the other not being accused. Using Grisso’s instrument, a commonly used test for assessing comprehension of Miranda rights, they concluded that the stress being induced by accusatory actions decreases a suspect’s ability to comprehend their Miranda rights (Frumkin et al., 2012; Scherr & Madon., 2012; Grisso, 1998). The tool used for assessing comprehension, Grisso’s Instrument, was developed by Thomas Grisso in 1981, and has been used by many to help assess defendants’ capacity to understand their Miranda rights (Ryba et al., 2007).
The measure has been used by mostly clinicians and was decided to assess defendants’ understanding and appreciation of Miranda. Grisso’s experiment was considered for the current study but ultimately, I decided to develop an additional measure that was more conducive to college students and that could consider the different components of Miranda. Also, confidence was an important measure to the study and in designing my own tool, I was able to gauge confidence from the respondents on their correctness.

In other words, in situations where stress levels are considerably and assumingly higher, like police interrogations, it is possible that stress and comprehension could have a negative relationship with one another. Interviews with law enforcement, conversations where the stakes are arguably high, could inherently reduce the ability to understand for those who are most at risk of having their rights violated. In addition to stress levels induced by the nature of an interrogation, Rost and colleagues (2012) suggest that language impairments in college students could also be contributing to the lack of understanding upon Mirandization. Also using Grisso’s measure of Miranda understanding, the researchers developed a sample of college students with language impairments. They defined these impairments as disabilities, not foreign barriers. They find that those with a diagnosed language impairment were less likely to accurately understand their Miranda warnings than those of the same age and education status. They highlight how those who have low verbal IQ may be especially at risk as they may be just above the threshold of mental retardation but outside of protections against Miranda misconceptions and legal misunderstandings in general. Considering those with language impairments and intellectual skills high enough to achieve college admission are having trouble with comprehension, it is plausible to assume the rate of comprehension could be
dramatically affected amongst those who possess similar language disabilities combined with lower IQs.

Amongst the current literature that has researched college students’ comprehension of their Miranda rights, there is little consideration of how area of study could be affecting not only knowledge but also confidence in understanding. It is likely to assume that college students who are studying legal practices or criminal legal systems are more exposed to Miranda than those who study Biology or Anthropology for example. Controlling for major of study as an indicator of knowledge and perception could begin to assess what is contributing to better comprehension of Miranda rights for citizens who otherwise report low levels of understanding when it comes to their rights upon arrest. This study looks to consider how being enrolled in undergraduate criminal justice courses, especially as majors, could be contributing to enhanced understanding and higher levels of confidence in their perceptions of understanding.

**Vulnerable People**

While the current research on Miranda rights comprehension does briefly consider college students, most of the research considers specific populations and how their vulnerable status could be impacting their ability to adequately waive or enact their protections. Literature suggests that minors are at a disadvantage when it comes to comprehension in a matter that is widely misunderstood amongst the adult population. Specifically, research on juvenile comprehension of Miranda finds that minors need deeper explanation of their rights and what the process means (Abramovitch et al., 1993). Also, that IQ, age, and race all matter when predicting comprehension (Goldstein et al.,
and interrogations on school grounds could be mirroring police interrogations and should therefore require Mirandization (Short, 2016).

Abramovitch and colleagues (1993) maintain the point that juveniles should be receiving a heightened level of explanation from those who are delivering their rights. In their study, Canadian sixth grade students were asked to waive their Miranda rights in mock police interrogations. The authors find that youth who were given extra effort from explainers were more likely to understand their Miranda rights. Of the students who were interviewed, some were assigned guilty, and some were not, however, over 70% reported not being willing to waive their Miranda rights, despite their assigned status for the survey. Sixty percent reported understanding the implications of their decisions and eighty-two percent thought they would be able to speak with an attorney. While high levels of understanding were self-reported, the researchers found that only a few students actually understood the implications of agreeing to waive their Miranda rights.

Goldstein and colleagues (2003) find that it is also important to consider the demographic differences in juveniles. While the study does only consider the understanding of boys, it does provide some context about how differences in age, race and IQ could be contributing to misunderstanding. For this study, a comprehension quiz was administered to male juveniles in post-adjudication facilities. They found that, when controlling for IQ, older children were more likely to understand Miranda than younger children. While controlling for age, lower IQ produced lower comprehension levels. They also found understanding levels were significantly higher in African American boys relative to the other races in the sample. Also, they noted that exposure to special education for those with lower intelligence quotients was significant in predicting
comprehension. Understanding the impact of demographic differences in minors could help us interpret those differences in adults who have been the subject of less Miranda comprehension research. Assuming that Miranda is comprehended by youth, scholars still advocate for increased protection for minors, especially in a school setting which can commonly mirror a prison facility (Short, 2016; Mallett, 2016).

In addition to minors, there is a common concern that those with mental handicaps are not capable of adequate comprehension. While the law does protect those that are intellectually disabled or affected by mental illness, like psychosis and post-traumatic stress disorder, there are many cases where the suspects could be just above the burden of insanity or inability according to the law (Rost et al., 2012). Also, those who lack diagnoses are often treated as mentally capable until proven otherwise, defendants with financial struggles or inadequate counsel might not receive necessary evaluations. This is particularly important when considering those who might not have the capacities to understand their Miranda rights but are unable to receive diagnoses that would eliminate them from the burden of waiver due to mental handicaps. The current literature suggests that there is a large portion of the intellectually disabled population who reports not understanding their Miranda rights (Cooper & Zapf, 2008). Cooper and Zapf (2008) assessed the understanding of psychiatric patients, they found that, even when controlling for IQ, there are significant differences in levels of comprehension between psychiatric patients and non-psychiatric patient. In addition, it is particularly noteworthy that using different assessments, Grisso’s *Instrument for assessing understanding and appreciation of Miranda rights* and Goldstein’s *Revised instruments for assessing understanding and appreciation of Miranda rights*, had no impact on the level of understanding for the
patients who participated indicating that the type of assessment administered was not significant when predicting understanding differences. Goldstein had revised Grisso’s instrument in an effort to include more updated language and incorporate additional warnings given in Miranda. Similar to the reasoning Grisso’s instrument was not used for this current study, Goldstein’s instrument was developed with clinicians and defendants in mind (Goldstein et al., 2011).

Current literature on comprehension capabilities is predominantly focused upon special populations. While there seems to be an adequate basis for making assumptions about these specific groups, the current research lacks generalizability. The current body of research lacks evidence that can be used to draw conclusions about more general populations. Although the current study focuses on only criminal justice undergraduate students, the results can be used to fill in the gaps on populations that are not juveniles or mentally handicapped.

**Misunderstanding/Misinformation**

Criminal legal scholars find that Miranda rights are being misunderstood amongst Americans and that members of the legal community are neglecting to acknowledge such ill-comprehension (Rogers, 2011). Using the same data from Rogers and colleagues (2010), Rogers considered how neglect from legal community members in explanation could be attributing to the detriment of suspected peoples who otherwise do not have adequate comprehension of their rights. They concluded that legal professionals have incorrect assumptions about their clients, assuming they have comparable Miranda knowledge. Although there seems to be differences in populations sampled for comprehension, they all seem to bear the same conclusions; Miranda is not
comprehensible for certain populations (Abramovitch et al., 1993; Goldstein et al, 2003; Patry et al, 2016; Rogers, 2011; Rogers et al., 2010; Wing, 2023). Despite age, race and IQ differences controls, there seems to be a general misunderstanding amongst civilians who otherwise reported various levels of confidence (Goldstein et al, 2003).

Not only are civilians not comprehending Miranda to the degree of its protections, but they also seem to be unaware that they may have misinformation or misunderstanding about their arrest rights (Rogers et al., 2010). In a study of pretrial defendants and college students, Rogers and colleagues (2010) highlight the inconsistencies between respondent’s knowledge and their perception of their knowledge of Miranda rights. They elaborate by considering how the laypersons’ knowledge is accurate for “basic rights” such as the right to silence and the right to counsel from a legal professional, but they find that when faced with situation where their rights would be pertinent, people are not understanding the totality of their protections, potentially making mistakes that could be fatal to their status of incrimination. They also challenge the common misconception that defendants or people with criminal legal experience are more informed than their unexposed counterparts, which is not accurate.

The literature that considers how race might be associated with levels of understanding of Miranda is incredibly limited. In a single study, it was found that juveniles with low IQ levels (specifically less than 80) were more likely to report higher levels of misunderstanding if they were Black children (Goldstein et al., 2003). When considering prior experience with the criminal justice system, Black youth with three or more felony charges were still more likely to have lower levels of comprehension relative to White youth with three or more felony charges.
Although race and comprehension of Miranda is not a broadly researched topic, we do know that minorities are more likely to deliver false confessions to law enforcement (Villalobos & Davis, 2016). False confessions are often delivered when suspects, or people of interest, are not aware of their rights upon arrest. The Innocence Project (2024) reports that misunderstanding of constitutional rights is a major contributor to falsely confessing. Misunderstanding of Miranda rights in minority races could be significantly higher if there are notable differences in the race demographics of the people who are making false confessions to law enforcement officers during periods of questioning.

Research suggests that misinformation is common amongst the population, but the source of the misinformation is not as clear. Popular television media, like Criminal Minds and Law and Order: SVU, often depict instances of law enforcement investigations and arrest. These shows often show some form of Miranda warning, which is often not administered correctly (Wing, 2023). Often times, popular television shows perpetrate misconceptions by incorrectly depicting when Miranda rights should be read, to who they should be read to, and even how they should be delivered. Wing considered the accuracy of the Mirandization process on television specifically citing the likelihood of law enforcement to assume understand because of a suspect’s media exposure. In his study, a content analysis of a popular law enforcement show showed that, in three seasons of Law and Order: SVU, Miranda had only been administered eight percent of the time that it should have been, in those few times that Miranda was administered, it was never in totality. He notes that although television shows are seen as the standard for obtaining knowledge on many topics, specifically Miranda rights- the current standard for
television shows are not portraying an accurate depiction and are not aimed at being educational sources. This misunderstanding could be attributed largely to the *CSI Effect*, a phenomenon that considers how popular forensic television could be contributing to incorrect public perception, which has been credited with contributing to jurors’ misconceptions about criminal legal processes (Shelton, 2008; Alldredge, 2015).

**Push to Change Delivery**

Recognizing that there seems to be a culture of misunderstanding associated with Miranda rights, propositions for how to address ill-comprehension are looking to adjust the current method of delivery. Whether through readable/written delivery (Eastwood et al., 2010), selective invocation, a concept proposed by scholars that would allow detainees to invoke their rights selectively, (Rushin, 2011), or climate adaptations (Rogers et al., 2011; Scherr & Madon, 2012), arrest rights scholars are consistently recognizing that the current method of delivery is not effective for laypersons, continued misunderstanding would likely contribute to the rate of false confessions and wrongful convictions of those who were not aware of their protections under Miranda v. Arizona (1966).

One philosophy suggests that mandating a written delivery for detainees to read could increase comprehension (Eastwood et al., 2010). Eastwood and colleagues indicated that, when assessing a college student sample understanding of the right to counsel and the right to silence, there were much larger percentages of the sample that understood their rights when they were given a written sample. Comparatively, they indicated a forty five percent increase in comprehension for the written sample on right to silence and a twenty five percent increase in comprehension for the written sample on right to counsel.
Another suggestion for how to alter the current delivery of Miranda right is to change the fundamental premises of the protections, specifically the right to silence. Rushin (2011) argues for the expanse of Miranda protections, specifically advocating for the right to silence to be less ambiguous. He suggests implementing selective invocation would be beneficial to detainees who are incriminated based on their silence, specifically citing Doyle v. Ohio (1976), which protects silence from being used as evidence as guilt, but also considers Anderson v. Charles (1980), which limited this protection of silence. Selective invocation would allow a suspect to assert their right to silence sporadically while still protecting their choice to remain silent when asked certain questions rather than asserting silence and no longer being permitted to hear and respond to law enforcement inquiries.

In addition to advocating for a change in delivery method and ambiguity, scholars are urging law enforcement to acknowledge the potential effects of stress on the ability to comprehend arrest rights, understanding that reading comprehension and anxiety tend to have a negative relationship with one another (Barnes et al., 2023). Rogers and colleagues (2011) considered how undergraduate students would respond in a mock crime experiment, they not only found that comprehension was higher when participants were given a written format, they also indicated that those who were under stress indicated higher levels of faulty recall. Assessing changes in states of anxiety, they found that those who reported being severely affected by anxiety were highly likely to not retain more than fifty percent of the Miranda warning. In a similar study, Scherr and Madon (2012) found that participants who were being accused of delinquent activity were less likely to possess the ability to comprehend their rights. The stress the participants faced
from accusations was affecting their ability to adequately assess and provoke their protections. This suggests that the high stress environment of police interrogations may be contributing to a high level of misunderstanding. Considering the effects of stress, faulty delivery methods and right extremity- it is no wonder that civilians are electing to waive their rights without having adequate comprehension.

**Conclusion**

The current literature assessing Miranda right knowledge and comprehension suggests that many peoples, especially vulnerable populations, do not have an adequate understanding of their protections under Miranda v. Arizona (1966). Those who have studied arrest rights and Miranda rights, more specifically, find a few common conclusions. Amongst college students, independent of college major, there are issues in comprehension- the “why” is debated by different researchers and is often cited as issues in the Miranda delivery method, high stress levels of college students, and general misunderstanding of Miranda rights. Similarly, vulnerable populations like juveniles and the mentally ill are also reported to not have high levels of comprehension of their Miranda rights. Research on vulnerable populations reveals that demographic variables like age and race are important to consider when predicting comprehension of Miranda.

A large portion of the Miranda rights literature considers misunderstanding specifically, through this consideration scholars have found that confidence in understanding is not a good predictor of actual accuracy. This suggests that despite confidence, respondents are lacking accuracy in their understanding of Miranda rights. In an effort to amend the common theme of misunderstanding, many scholars suggest changing the method of delivery for Miranda rights with many scholars pushing for a
written Mirandization for all detainees that are being asked incriminating questions by law enforcement.

**Limitations**

Those who are not college students, mentally disabled, juveniles or incarcerated have little known about their ability to understand and their confidence in their knowledge of Miranda. Current literature is limited on considering those who have been exposed to the criminal justice system via avenues that are not arrest. Those who are studying criminal justice at a collegiate level are likely to have an increased knowledge of the system and therefore more likely to have correct understanding of Miranda rights. Current research is also limited in its consideration of how having a close relationship with law enforcement or an attorney might impact one’s comprehension of their Miranda rights. The proposed study considers college students only; however, it controls for other important factors like age, proximity to law enforcement, and college studies. It is imperative that scholars continue to assess the comprehension of Miranda amongst generalizable samples so that improvisions can be made to increase understanding of Miranda.

Another limitation of the current literature is that it mostly considers Miranda as a whole. While Mirandization is done with one reading of rights, there are many components of Miranda. There could be some components, like the right to understand Miranda, which could be contributing to misunderstanding more than others. The current study considers Miranda in six different measures: when Miranda should be read to a suspect, the right to understand Miranda rights, the right to counsel, the right to evoke Miranda rights at any time, the right to silence, and the right to protections against self-
incrimination. By breaking Miranda down into different measures, we can better understand what components are being misunderstood and better develop specific implications to address the lack of comprehension.
Chapter 4
Methodology

Current research suggests that American citizens do not comprehend their Miranda rights, more specifically, research on specific populations suggests that there is a lack of understanding from those who are enrolled in higher education institutes (Rogers et al., 2010; Davis et al., 2011; Rost et al., 2012). Criminal Justice students report high levels of confidence in their understanding of rights, likely due to their area of study, but it appears they are not meeting their confidence with accurate comprehension. This study considered a sample of 193 undergraduate students from the University of Memphis who were enrolled in at least one criminal justice course at the time of surveying. Using a vignette style survey, the study was able to assess understanding of Miranda and confidence in accuracy of comprehension. The following chapter will provide information on the hypothesis developed, the sample, data collection and the context of analyses chosen for the project.

In developing informed hypotheses, I considered how various measures might be impacting understanding of Miranda. More specifically, I assume that confidence is not going to be associated with Miranda knowledge. I suspect that college students who are enrolled in criminal justice courses will perceive high levels of Miranda comprehension but will be misinformed. Due to the CSI effect that is widely recognized as a catalyst for misinformation of legal processes, I suspect that exposure to tv/movies that respondents report increased their confidence in understanding of Miranda will not be associated with correctness on Miranda rights questions. Current literature shows that people from various special populations are having high levels of misunderstanding when it comes to
their Miranda rights, despite race. Also, the participants in the current study are all participating in the same program through the University of Memphis criminal justice department, it is reasonable to assume the education will be standard even across races. I predict that race will not have an impact on the odds of being correct on questions about Miranda understanding. Lastly, I hypothesize that having a close relationship with either a law enforcement officer or an attorney will be significant in predicting correct comprehension. It is assumed that having regular contact with people who utilize Miranda in their everyday lives will have a positive effect on comprehension.

Hypotheses

1. Confidence in students’ understanding of Miranda rights is not associated with actual understanding of Miranda rights.

2. Exposure to TV/movies that depict Miranda rights is not associated with comprehension of Miranda rights.

3. There will be no difference between races in comprehension of Miranda rights.

4. Reporting a close relationship with law enforcement or an attorney will increase comprehension of Miranda rights.

Sample

Vignette style surveys were administered to 220 University of Memphis undergraduate students who were enrolled in at least one criminal justice course at the time of surveying, the fall 2023 semester. Criminal justice courses were the intended sample population for the survey due to the interest in gauging knowledge of those studying the criminal legal system. Of the 25 classes offered by the criminal justice department, 17 classes either agreed to allow me to come to their class to administer the
survey or agreed to share the link with their students. I was able to survey both online and in-person students using this method. Surveying lasted two months, beginning in October 2023 and ending in November 2023.

The total number of students enrolled in the major, at the time of sampling, was about 450. The target sample size was 200 in an effort to get a sample that was as generalizable as possible but feasible for research as not all professors allowed for the survey to be administered in their courses, not all students would be willing to take the survey, and I wanted to account for those who would be absent on survey dates. The final sample size, after cleaning the data and eliminating respondents who had not answered all questions of particular interest for the study, was 193.

**Data Collection**

An email was sent to all people teaching criminal justice courses to undergraduate students at the University of Memphis main campus and Lambuth camps, in total, 15 criminal justice faculty/staff were contacted with request to survey in 25 different criminal justice undergraduate courses. The email sent to instructors for in person classes requested a few minutes of class time to read the consent form to students and provide them with the QR code or link to take the survey. Of the 17 total classes (11 in person and 6 online courses) who allowed me to share survey details. Seven professors who taught in person allowed me to come administer the survey in person, the agreeing professors allowed me access to 11 classes. In the classes where the survey was permitted, I stayed for approximately 15 minutes after the survey started to ensure there were no questions from the participants. Most students elected to use those minutes to take the survey, but a few did prefer to record the link and take the survey at another
time. For the in-person courses, I was able to both read the consent form and provide a copy to each student along with the electronic survey. In preparation for those who might not have the means to take the electronic version, a loaner laptop was provided. The instructors who taught online were also reached via email but were asked to share the link and QR code with their students. Six of the instructors, each teaching one online course, elected to share the details with their students via an online platform, whether email or canvas announcement. These students were provided a copy of the consent form at the beginning of the electronic survey. In total, there were four faculty/staff who did not respond to the request and therefore, did not permit me to survey their classes.

**Vignettes**

To properly assess knowledge of rights, researchers have used quiz style questionnaires. Quiz styled surveys are often used as a standardized tool to understand knowledge across a sample (Doron & Werner, 2008). Specifically, vignette style scenario questions have proved success for conducting research, specifically within social science studies. Vignettes, which provide short, story-like scenarios to produce attitudes or behaviors from the reader (Steiner et al., 2016), can increase the reality of the questions and often allow the respondent to understand the questioning on a level that places them at the scene (Bowen et al., 2016). In additional studies, vignettes have been used to portray victimization to college student recipients (Franklin & Garza, 2018). Using such style allowed the researchers to analyze things like empathy and myth acceptance as opposed to using a traditional questionnaire which likely would not have yielded the same results as using vignette style questions which allow the researcher to gauge measures, like empathy, that are not as easily defined in other survey styles. In additional
studies, vignettes have been used to portray victimization to college student recipients (Franklin & Garza, 2018).

The proposed study looks to measure both knowledge and confidence. Both measures are important and vital to understanding what influences true misconception. Current research suggests that much of the population trusts their understanding from sources such as television, radio, and cinema to adequately conceptualize their Miranda Rights, however, this may not be the case (Rogers et al., 2010). A sense of false confidence could be incredibly dangerous to those facing the risk of self-incrimination. Specifically, amongst college students, confidence and understanding do not always produce a positive correlation (Newton, 2015). Newton concluded that college students reported having high confidence in their understandings of plagiarism but performed poorly on “simple tests of referencing” (Newton, 2015). In adding a confidence question to the proposed study, the effects of a false sense of confidence can begin to be assessed. To best understand the source of confidence, an exposure question was added to the survey as research suggests that the type of media you are consuming can dramatically alter feelings, specifically on social science issues (Vreese & Boomgaarden, 2006).

A series of vignette style questions were given via the survey, specifically two different vignettes with six total questions looking to gauge understanding of the different components of Miranda rights. The first vignette gave a scenario of a young man who had been pulled over by a law enforcement officer for speeding. During the course of the traffic stop, the man was cited for being in violation of additional laws. Questions one through four were regarding the first vignette, they asked about the following: the correct time for Miranda rights to be administered, the right to understand your Miranda rights,
right to an attorney, right to invoke your Miranda rights at any time. All vignette
questions had the same confidence question asked retrospectively. This yielded six
different confidence questions, each unique to the vignette question it followed. The first
vignette read as follows:

Vignette #1

John is pulled over on his way home from work by a police officer who was using a radar
speed detector. The officer observes John driving 62 mph on a road where the speed limit
is 45 mph. During the traffic stop, the officer observes the top of a vodka bottle peeking
out from under John’s seat. This combined with John’s slurred speech and red eyes gives
the officer reason to suspect John has been driving under the influence. The officer asks
John to step out of his vehicle to conduct a search, John agrees and gets out of his car
without trouble. During a search, the officer discovers 3 more empty beer cans in the
floorboard, a bottle of vodka under John’s seat and a firearm with the serial code
scratched off. The officer requests that John complete a Field Sobriety Test (FST) to
confirm. John fails the FST conducted by the officer and is taken into custody. The
officer places John in handcuffs and sits him in the backseat of the police car. At this
time, the officer places John under arrest but has not yet read John his Miranda rights.
The officer drives John to the jail and leads him into an interview room where he plans to
question John about the firearm with the serial number scratched off. Before beginning
the questioning, the officer reads John his Miranda rights.

1. Did the officer read John his Miranda rights at the correct time?
   a. Yes, the officer is not required to read John his Miranda rights until he
      was being asked incriminating questions in custody. However, nothing
      John may utter can be used against him until he is Mirandized.
   b. Yes, the officer was busy placing John under arrest so he couldn’t have
      read him his Miranda rights.
   c. No, the officer should have read John his Miranda rights on the drive to
      the jail.
   d. No, the officer should have read John his Miranda rights when he was
      placing him under arrest.

I am confident I answered question 1 correctly.

   a. Strongly agree
   b. Somewhat agree
   c. Neither agree nor disagree
   d. Somewhat disagree
The officer reads John his Miranda rights, covering all the protections John has. At the end of the recitation, the officer asks John if he understands all his Miranda rights. John tells the officer he does not quite understand his right to an attorney, he does not have the money for one right now but is not quite sure how to get one appointed for him. John asks the officer how that works, saying he would prefer to talk to the officer with an attorney present. The officer tells John if he does not currently have the details of an attorney, he can’t have one present in the room. The officer tells John that it is not his job to explain the court system and help John get an attorney. Although John is confused and tells the officer he does not understand, he agrees. John talks to the officer about the gun, confessing to scratching off the serial number after taking it from a family member.

2. Was John’s right to understand his Mirandization violated?
   a. Yes, the officer should have kept re-stating the same words to John until he understood his Miranda rights.
   b. Yes, the officer should have explained John’s right to an attorney by telling him about the court appointed public defender
   c. No, the officer is only involved in the arrest and questioning, he is not required to show John how to contact the public defender
   d. No, the officer did more than he needed to by even telling John he had the right to the public defender.

I am confident I answered question 2 correctly.

3. Was John’s right to an attorney violated?
   a. Yes, the officer needs to help John find an attorney that is within his price range and then continued to question him until the attorney arrived.
   b. Yes, the officer should have told John the court would appoint the public defender if he qualified and then stopped all questioning until John could meet with an attorney.
   c. No, the process for getting the public defender takes too long so the officer could still question John but then give the public defender the recording of the questioning.
   d. No, if John did not specifically request the public defender, the officer was not required to tell John about the service when John said he could not afford an attorney.

I am confident I answered question 3 correctly.

After speaking with the officer for some time, John starts to feel weary about the conversation. The questions keep growing more incriminating and John is worried. John tells the officer he would like to now evoke his right to remain silent. The officer tells John that is not how things work, John already agreed to forfeit his right to silence and
now has to speak to the officer until the questioning is finished. John is hesitant but thinks he will be better off to listen to the officer. John continues talking to the officer for the remainder of the interrogation.

4. Could John have evoked his right to remain silent during the middle of the interrogation, after he had already forfeited that right?
   a. Yes, one of the rights promised under Miranda v. Arizona is the right to evoke at any time.
   b. Yes, because the officers had the authority to question John until they deemed the interrogation finished once John agreed to talk.
   c. No, the officer was correct. Once you make a decision to speak to officers, you have to continue to speak to them until the end of the interrogation.
   d. No, but only because John did not have an attorney. If he had an attorney, he could’ve changed his mind about speaking to officers.

I am confident I answered question 4 correctly.

The second vignette considered a woman who had been detained after seen fleeing from the scene of a shoplifting. During the course of the interaction, the woman has to consider many of her protections. Questions five and six were a separate vignette and were designed in an effort to gauge understanding of the following: the right to silence and the protection against self-incrimination. The second vignette read as follows:

Vignette #2

Officers receive a complaint from the department store regarding a potential shoplifting. Officers arrive on scene and see a female, matching the description from the call fleeing the store with a cart full of items that appear to be unpaid for. Based on knowledge and previous experience, officers detain the female who was seen fleeing. The store manager was positive the person presented by police was the suspect they saw. The officers also view the security footage and see a woman who matches the physical appearance of the person they have detained collect items through the store, totaling $347, and then passing all points of sale without paying. Based on this information, officers place the female, identified as Alexis Roberts, under arrest. The officers read Alexis her Miranda rights, advising her of all her protections. The officers then proceed to ask Alexis what she planned to do with all the stolen merchandise, citing the recent increase in sale of stolen goods. Alexis says she wishes to remain silent and not answer any questions. The officers tell Alexis that right only applies to this current offense (shoplifting) and not potential future offenses and therefore she must tell them what she planned to do with the stolen
goods. They advise her that if she does not tell them what she planned to do with the stolen goods, they will have to charge her with obstructing justice. Alexis is unsure if this is true but does not want to risk getting into further trouble, so she tells officer that she had planned to sell them to a third party who buys stolen merchandise for resale on the black market. Alexis believes if she tells officers the truth, she will be better off.

5. Was Alexis’ right to remain silent violated?
   a. Yes, the officers were not truthful. The right to remain silent applies to past, current, and future offense details. As long as Alexis verbally expressed her desire to remain silent, the officers could not have charged her with obstruction of justice for remaining silent.
   b. Yes, the officers were only partially truthful. The right to remain silent does apply to past, current and future offense details but the officers could have charged her with obstruction of justice because she was hindering an investigation.
   c. No, Alexis’ right to remain silent only applied to the crime officers had arrested her for. If the officers had reason to suspect Alexis was involved in other crimes, they could question her and she would have to talk to them.
   d. No, Alexis’ right to remain silent only applies if she has an attorney present who can talk on her behalf.

I am confident I answered question 5 correctly.

Officers begin to suspect that Alexis might have been involved in other shopliftings. They ask Alexis where she was on the evenings of June 8th, 2022 and June 10th, 2022 (dates of other shoplifting reports). Alexis was involved but does not want to tell officers. Officers tell Alexis that they will tell the prosecutor she cooperated if she agrees to talk. Officers then ask Alexis again where she was on the nights of other shopliftings, she confesses and tells officers that she was involved.

6. Were any of Alexis’ Miranda rights violated?
   a. Yes, the right against self-incrimination was violated
   b. Yes, the right to remain silent was violated
   c. No, officers are allowed to offer negotiations to suspects.
   d. No, officers can promise immunity in exchange for suspect testimony.

I am confident I answered question 6 correctly.
Dependent Variables

The dependent variable in this study was correctness. While the respondents were given four answer choices for each question, the cleaned version of the correct variable was dummy coded and combined all three incorrect answers to represent the absence of correctness while the correct answer was the other possibility. The responses from the first question, “Did the officer read John his Miranda rights at the correct time?” were recoded as follows: “Yes, the officer was busy placing John under arrest so he couldn’t have read him his Miranda rights.”, “No, the officer should have read John his Miranda rights on the drive to the jail.”, and “No, the officer should have read John his Miranda rights when he was placing him under arrest.” were all recoded to 0=incorrect. ”Yes, the officer is not required to read John his Miranda rights until he is being asked incriminating questions in custody” was recoded to 1= correct.

The responses from the second question, “Was John’s right to understand his Mirandization violated?”, were recoded as follows: “Yes, the officer should have kept re-stating the same words to John until he understood his Miranda rights”, “No, the officer is only involved in the arrest and questioning, he is not required to show John how to contact the public defender.”, and “No, the officer did more than enough than he needed to by even telling John he had the right to the public defender.” were all recoded as 0=incorrect. “Yes, the officer should have explained John’s right to an attorney by telling him about the court appointed public defender.” was recoded as 1=correct.

The responses for the third question, “Was John’s right to an attorney violated?”, were recoded as follows: “Yes, the officer needs to help John find an attorney that is within his price range and then continued to question him until the attorney arrived.”,
“No, the process for getting the public defender takes too long so the officer could still question John but then give the public defender the recording of the questioning.”, and “No, if John did not specifically request the public defender, the officer was not required to tell John about the service when John said he could not afford an attorney” were all recoded to 0=incorrect. “Yes, the officer should have told John the court would appoint the public defender if he qualified and then stopped all questioning until John could meet with his attorney.” was recoded to 1=correct.

The responses from the fourth question, “Could John have evoked his right to remain silent during the middle of the interrogation, after he has forfeited that right?”, were recoded as follows: “Yes, because the officers had the authority to question John until they deemed the interrogation finished once John agreed to talk.”, “No, the officer was correct. Once you make a decision to speak to officers, you have to continue to speak to them until the end of the interrogation.”, and “No, but only because John did not have an attorney. If he had an attorney, he could’ve changed his mind about speaking to officers.” were all recoded as 0=incorrect. “Yes, one of the rights promised under Miranda v. Arizona is the right to evoke at any time.” was recoded to 1=correct.

The responses to the fifth question, “Was Alexis’ right to remain silent violated?”, were recoded as follows: “Yes, the officers were only partially truthful. The right to remain silent does apply to past, current, and future offense details but the officer could have charged her with obstruction of justice because she was hindering an investigation.”, “No, Alexis’ right to remain silent only applied to the crime officers had arrested her for. If the officers had reason to suspect Alexis was involved in other crimes, they could question her and she would have to talk to them.”, and “No, Alexis’ right to
remain silent only applies if she has an attorney present who can talk on her behalf.” were all recoded to 0=incorrect.

The responses for the final question, “Were any of Alexis’ Miranda rights violated?” were recoded as follows: “Yes, the right against self-incrimination was violated.”, “Yes, the right to remain silent was violated.”, and “No, the officers can promise immunity in exchange for suspect testimony.” were all recoded as 0=incorrect. “No, the officers are allowed to offer negotiations to suspects.” was recoded as 1=correct. All six vignette questions had their own correctness variable as each question provided an additional opportunity to be correct. Each correctness variable was considered in conjunction with all independent variables and controls.

**Independent Variables**

After each question in the vignette section of the survey, there was a confidence question to gauge the respondent’s confidence in the correctness of their response to the previous question. Doing so will provide the opportunity to determine if confidence varies dependent upon the Miranda right in question. The confidence questions were all the same and used a five-point Likert type scale with the following options: strongly agree, somewhat agree, neither agree nor disagree, somewhat disagree, strongly disagree. There were six confidence questions, each corresponding with one vignette question. The respondents were also asked to indicate whether or not they have had any exposure to television or movies that had increased their confidence in their understanding of Miranda rights. The original question considered several things that the respondent could have been exposed to (i.e. classes in school that taught about Miranda rights; books about Miranda rights; tv/movies that discuss Miranda rights; podcasts that discuss Miranda
rights; social media that discussed Miranda rights; family or friends working closely with law enforcement; themselves working closely with law enforcement; completing self-led research about Miranda rights; learned experience through being arrested). In analysis, a new dummy variable was created to only consider those with exposure to tv/movies that influenced their confidence in understanding Miranda rights.

Respondents were asked to indicate whether or not they, a family member, or close friend who worked for or closely with law enforcement. Those who indicated they did have a relationship with someone close to law enforcement were given a table to list their relationship to and the position of the persons identified. Using this information, I created a dummy variable to consider those who indicated they had a close relationship, whether themselves as, family member, or close friend were either a law enforcement officer themselves or an attorney. To do so, I recoded all people who had selected yes on the initial relationship question but indicated that their selves, family or friends were in a position other than law enforcement officer or attorney as no. This created a new dummy variable for those who had at least one close relationship with a law enforcement officer or attorney.

Various demographic variables were collected to act as control variables. The respondents were asked to indicate their gender, race, ethnicity, and age in the first few questions of the survey. Gender was collected as a categorical variable and later coded to be a dummy variable with male (65%) and non-male (35%) as the two options. There was only one respondent who identified as non-binary in the initial results, as such, other (n=0), non-binary (n=1), and female (n=130). The recode was done due to the low statistical value of both other and non-binary. Male was chosen as the reference group.
due to the commonality of male as a reference group in social science research. Race was also a categorical variable and had options based upon the races included on the U.S. Census (i.e. White; Black or African American; American Indian or Alaska native; Asian, Asian American, or Pacific Islander), with an *other* option (United States Census Bureau, n.d.). Respondents were asked to select all races that applied to them in an effort to include those who identified as multiracial. The categorical variable was used in analysis with a reference group of White to allow comparison between White and minority populations. The categorical variable was used with a reference group of White to maintain comparison with the national majority, even though the survey majority was Black with 44% of respondents indicating they identified as Black. The other respondents were mostly White, 37%, 13% other, indicating the race the respondent identified as was not White, Black, or multiracial, and 6% indicating they identified as multiracial.

Ethnicity was asked separate of race and allowed respondents to select *yes* or *no* based on their ethnic identity, 16% of the sample indicated they identified as Hispanic. Age was also asked on the survey and was a categorical variable with ages from 18 and older. 68% of the sample indicated they were between 18-21 years old, 18% indicated they were 22-25, 3% indicated they were 26-29, 4% indicated they were 30-33, and 9% reported being 34-year-old or older. For the use of this project, age remained categorical for analysis.

Demographic questions unique to being a student were also included in the survey. Students were asked to indicate their classification with freshman status through senior status options as graduate students were not permitted to participate in the survey. Lastly, students were asked to indicate what their major at the university was with an open-ended response. In the following question, students were asked if they had a second
major and if they indicated yes they were provided another open-ended response question to list their second major. In recoding, I decided to combine the information from both the major and second major questions to create a dummy variable for those who were criminal justice majors, as first or second majors. The dummy variable was created with Criminal Justice as the reference. For those who were coded as non-criminal justice majors, they indicated that they were majoring in another field (e.g. Psychology, Anthropology, Business). The response rate for non-criminal justice majors was so small, 16%, that I combined all the non-criminal justice majors into one category to represent all respondents who were taking a criminal justice course but were not majoring in the discipline

**Analytic Strategy**

The data were analyzed using logistic regression. This statistical technique was chosen due to the dichotomous nature of the dependent variable (correctness) on the vignette question (Levin et al., 2010). Logistic regression is used to find the relationship between two measures, specifically it is used to estimate probability or odds. Using Stata statistical software, all six questions were considered with the respective controls (gender, race, ethnicity, age, classification, and major) and independent variables (close relationship with law enforcement or an attorney, confidence in understanding from tv/movies, and confidence in question correctness). The odds ratio of each regression was used to interpret the odds of the significant variables from each logistic regression (Levin et al., 2010). Odds ratios are used to calculate the odds that a certain outcome will happen in the presence of a certain measure (Szumilas, 2015). We can calculate the odds ratio by evaluating the odds of something occurring with the exposure of some measure versus
the odds of something not occurring with exposure of some measure. (Steven & Hoffman, 2023) This will help us determine the unit increase caused by exposure. If the OR is greater than one, the odds increased. If OR is less than one, we know the odds are lower (Psych Scene Hub, n.d.).

Using logistic regression, five different combinations of controls and independent variables were used to create five models for each question. The first model, or the baseline model, considers correctness with all control variables. The second model first considers only the respondent’s confidence in their correctness of the question and then incorporates demographic controls to determine the strength of the potential significance. The third model considers, first, only confidence gained from watching tv or movies and then adds in demographic controls. The fourth model, similar to the second and third, first considers only closeness with a law enforcement officer or attorney and then incorporates demographic controls. The final model considers all independent and control variables association with correctness on the vignette question. The same five models were repeated for all six questions.
Chapter 5

Results

The sample was mostly non-male respondents; 65.3% (n=126) reported being either female, non-binary or other. Due to the low response rate from non-binary (n=1) and other (n=0) respondents, other, non-binary, and women were combined to a new category called non-male. Respondents indicated that they were mostly Black at 44.0% (n=85); with 36.8% (n=71) identifying as White, 13.5% (n=26) identifying as other, and 5.7% (n=11) indicated they identified as multiracial. Most respondents identified with being non-Hispanic, 83.9% (n=162) and 16.1% (n=31) indicating they were Hispanic. The age variable indicated that most of the respondents were between 18 and 21 years old, 67.4% (n=130), 17.6% (n=34) were between 22 and 25 years old, 2.6% (n=5) were between 26 and 29 years old, 3.6% (n=7) were between 30 and 33 years old, and 8.8% (n=17) indicated they were 34 years old and older. Around 18.1% (n=35) indicated they were Freshman at the University of Memphis at the time of the survey, 23.3% (n=45) were Sophomores, 33.7% (n=65) were Juniors, and 24.9% (n=48) were Seniors. Lastly, the respondents were mostly students who had Criminal Justice as either a first or second major, 83.9% (n=162), non-criminal justice majors were 16.1% (n=31) of the sample. See table 1 for demographic statistics of the sample.
Table 1: Descriptive Statistics for all Variables Used in the Analysis

<table>
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<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
<th>Minimum</th>
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**Descriptive Results**

Amongst the two vignettes, respondents were asked to answer questions about various components of Miranda rights. The first vignette asked respondents to answer four questions along with a confidence question using a four-point Likert-type scale, one unique interval for each question. Question one, considering if respondents know when the correct time for Miranda right to be read, was the most missed question on the survey with 84.5% (n=158) of respondents responding incorrectly and 15.5% (n=29) answering correctly. See figure 1.

![Q1: Correct time to Mirandize](image)

**Figure 1. Q1: Correct time to Mirandize**

The second question, considering the right to understand Miranda rights, showed much higher rates of accuracy with 84.9% (n=163) being correct and 15.1% (n=29) being incorrect. See figure 2.
Figure 2. Q2: Right to Understand Miranda Rights

Question three, which considered the right to an attorney, had a correct response rate of 87.5% (n=168) and an incorrect response rate of 12.5% (n=24). See figure 3.

Figure 3. Q3: Right to an Attorney
Question four, which asked respondents about the right to evoke their silence at any time during an investigation, was answered correctly by 80.1% (n=153) of respondents and incorrectly by 19.9% (n=38). See figure 4.

Figure 4. Q4: Right to Evoke Miranda Rights at Anytime

For the second vignette, respondents were asked to answer two questions, the first considering the right to silence (question five) and the second (question six) considering self-incrimination. For question five, 73.4% (n=135) of respondents answered the question correctly and 26.7% (n=49) answered incorrectly. See figure 5.
Figure 5. Q5: Right to Remain Silent

No, Alexis’ right to remain silent only applied to the crime officers had arrested her for. If the officers had reason to suspect Alexis was involved in other crimes, they could question her and she would have to talk to them.

No, Alexis’ right to remain silent only applies if she has an attorney present who can talk on her behalf.

Yes, the officers were not truthful. The right to remain silent applies to past, current, and future offense details. As long as Alexis verbally expressed her desire to remain silent, the officers could not have charged her with obstruction of Justice for.

Yes, the officers were only partially truthful. The right to remain silent does apply to past, current and future offense details but the officers could have charged her with obstruction of justice because she was hindering an investigation.
Lastly, question six showed similar correctness percentages as question one, with the majority of respondents being incorrect in their answer choice, 69.9% (n=130) were incorrect and 30.1% (n=56) were correct. See figure 6.

![Figure 6. Q6: Right to Protections Against Self-Incrimination](chart)

**Closeness with Law Enforcement or Attorney**

The survey asked respondents to indicate whether or not they had a close relationship, either themselves, family, or friends who work closely with law enforcement. Students who answered *yes* were given a table to fill out with relationship to self and the position of the person who worked closely with law enforcement. Sixty-eight respondents indicated they had a close relationship with someone who worked closely with law enforcement. However, only 62 indicated a relationship in the table provided. The relationships were various and ranged in job positions. In an effort to answer hypothesis four, “reporting a close relationship with law enforcement or an
attorney will increase comprehension of Miranda rights”, the variable was recoded to only include those who reported a close relationship with a law enforcement officer or an attorney. About 25.9% (n=50) indicated that themselves, their family, or friend was either a law enforcement officer or attorney and 74.1% (n=143) indicated they did not have a close relationship with someone who was either a law enforcement officer or an attorney.

**Confidence in Miranda Understanding from TV/Movies**

Respondents were also asked to indicate if they had consumed content that that increased their confidence in their knowledge of Miranda rights. Specifically, the question asked respondents “*What experiences have helped you gain confidence in your understanding of Miranda Rights? (Select all that apply)*”. Various response categories allowed respondents to share experiences that contributed to their understanding of Miranda rights, those categories were as follows: “I have taken classes in school that taught me about Miranda rights”, “I have read books about Miranda rights”, “I have seen TV/movies that discuss Miranda rights”, “I have watched or listened to podcasts that discuss Miranda rights”, “I have consumed something on social media that discussed Miranda rights”, “My family or friends who work closely with law enforcement have taught me about Miranda rights”, “I work closely with law enforcement with has taught me about Miranda rights”, “I have done my own research via the internet, books, etc.”, “I have learned experience through being arrested”, “I have no confidence in my understanding of Miranda rights”, and “Other (please explain)” with a text box for open ended answers. In an effort to answer hypotheses 2a “Exposure to TV/movies that depict Miranda rights is not associated with comprehension of Miranda rights.” And 2b “Exposure to TV/movies is associated with confidence in
comprehension of Miranda rights.”, a new variable. The new variable, \textit{conf\_tvmov}, was created to recode “\textit{I have seen TV/movies that discuss Miranda rights}” as 1= conf from tv/movie and all other response categories to 0= not conf from tv/movie. Of the 193 respondents, 62.7\% (n=121) indicated they had consumed tv or movies that increased their confidence, and 37\% (n=72) indicated they had not.

\textbf{Confidence in Correctness}

For question one, although most respondents were incorrect, 62.7\% (n=121) indicated they strongly agreed when asked if they were confident that they had answered the question correctly. Of the other respondents, 28.0\% (n=54) indicated they somewhat agreed, 6.2\% (n=12) indicated they neither agreed nor disagreed, 1.6\% (n=3) indicated they somewhat disagreed about being confident in their correctness, and 1.6\% (n=3) said they strongly disagreed. See Figure 7.

![Figure 7. Q1 Confidence](image-url)
The second confidence question showed that respondents were mostly confident in their correctness once again, 44.0% (n=85) indicated they strongly agreed when asked if they were confident that they had answered the question correctly. Of the other respondents, 36.3% (n=70) indicated they somewhat agreed, 12.4% (n=24) indicated they neither agreed nor disagreed, 3.6% (n=7) indicated they somewhat disagreed about being confident in their correctness, and 3.6% (n=7) said they strongly disagreed. See figure 8.

Figure 8. Q2 Confidence

Respondents have mixed levels of confidence in their understanding of question three with 48.4% (n=93) indicating they strongly agreed to being correct on the question, 34.9% (n=67) indicated they somewhat agreed, 11.5% (n=22) indicated they neither agreed nor disagreed, 3.7% (n=7) indicated they somewhat disagreed about being confident in their correctness, and 1.6% (n=3) said they strongly disagreed. See figure 9.
Confidence responses were once again mixed for the question four confidence question, with 39.0% (n=74) indicating they strongly agreed to being correct on the question, 38.4% (n=73) indicated they somewhat agreed, 14.2% (n=27) indicated they neither agreed nor disagreed, 5.8% (n=11) indicated they somewhat disagreed about being confident in their correctness, and 2.6% (n=5) said they strongly disagreed. See figure 10.
Figure 10. Q4 Confidence

Confidence responses reflected that 33.2% (n=62) of respondents were confident in their correctness on question five. Other respondents selected 47.1% (n=78) somewhat agree, 17.1% (n=32) neither agree nor disagree, 5.4% (n=10) somewhat disagree, and 2.7% (n=5) strongly disagreed in their confidence of correctness for the question. See figure 11.
Figure 11. Q5 Confidence

Different from the other question with predominantly incorrect answers (question 1), students were majorly in somewhat agreement of their confidence in correctness for question 6, 44.1% (n=82) and 20.4% (n=38) strongly agreed. 25.3% (n=47) indicated they neither agreed nor disagreed, 7.5% (n=14) somewhat disagreed and 2.7% (n=5) strongly disagreed. See figure 12.
Table two reflects the results from the logistic regression analysis of the first vignette question. From the first model, only being Black was significant in predicting correctness on question one, which asked about the correct timing for officers to advise a person of interest of their Miranda rights. Black students have .82 times lower odds (p=.001) of being correct relative to White students. Results indicate, in the second model, that confidence in correctness is not significant when predicting correctness for question one. However, when adding in the demographic controls, gender, race, and age are significant. Male students have 2.5 times higher odds (p=.047) of being correct relative to non-male students when controlling for confidence in correctness. Black students have .83 times lower odds (p=.001) of being correct relative to White students when controlling for confidence in correctness and a one unit increase in age classification is associated with having a 1.4 times higher odds (p=.043) of being correct relative to younger students when controlling for confidence in correctness.
In the third model, confidence gained from tv/movies is not significant in predicting correctness, however, being Black is. Black respondents have .81 times lower odds (p=.001) of being correct relative to White students when controlling for confidence from tv/movies. In the fourth model, being close with a law enforcement officer or attorney is not significant in predicting correctness. Gender and being Black are significant though, Black respondents have .89 times lower odds (p=.001) of being correct relative to White students, when controlling for a close relationship with law enforcement or an attorney. Male students have 2.5 times higher odds (p=.05) of being correct, relative to non-male students, when controlling for a close relationship with law enforcement or an attorney. In the final model, gender and being Black are, again, the only significant variables in predicting correctness while controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Black respondents have .82 times lower odds (p=.001) of being correct, relative to White students, when controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Male students have 2.5 times higher odds (p=.05) of being correct relative to non-male students when controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. In sum, these results suggest that Black students, relative to White students, and non-male students, relative to male students, have lower odds of being correct in their understanding of when to be Mirandized.
Table 2: Logistic Regression examining predictors of students correctness on question 1 (n=187)

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Note: *p < .05, **p < 0.01, ***p ≤ .001
Table three reflects the results from the logistic regression analysis of the second vignette question. From the first model, only being Black was significant in predicting correctness on question one. Indicating that being Black is associated with .72 times lower odds (p=.013) of being correct relative to White students. Results indicate, in the second model, that confidence in correctness is significant when predicting correctness for question two. A one unit increase in confidence is associated with having 1.7 times higher odds (p=.003) of being correct relative to those who reported neutral or lower confidence. When adding in the demographic controls, confidence remains significant at the same odds ratio, 1.7 (p=.006). Black students have .67 times lower odds (p=.035) of being correct relative to White students when controlling for confidence in correctness. In the third model, confidence gained from tv/movies is significant in predicting correctness. Those who reported having exposure to tv or movies that increased their confidence in their understanding of Miranda have 2.4 times higher odds (p=.031) of being correct. When adding in the demographic controls, confidence from tv/movies remains significant. Those who reported having exposure to tv or movies that increased their confidence in their understanding of Miranda have 2.8 times higher odds (p=.021) of being correct. Black respondents have .76 times lower odds (p=.007) of being correct relative to White students when controlling for confidence from tv/movies. In the fourth model, being close with a law enforcement officer or attorney is not significant in predicting correctness. Being Black is significant though, Black respondents have .71 times lower odds (p=.013) of being correct relative to White students, when controlling for a close relationship with law enforcement or an attorney. In the final model, confidence in correctness, confidence from tv/movie exposure, and being Black the only
significant variables in predicting correctness while controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Black respondents have .74 times lower odds (p=.017) of being correct, relative to White students, when controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. A one unit increase in confidence is associated with having 1.8 times higher odds (p=.005) of being correct relative to those who were neutral or had low confidence when controlling for having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Respondents who reported having confidence in their understanding of Miranda from tv/movie exposure had 3.1 times higher odds (p=.018) of being correct relative to respondents who indicated they did not have exposure, when controlling for having a close relationship with law enforcement or an attorney, and confidence from tv/movies. In sum, these results suggest that Black students, relative to White students, students with low confidence in their correctness, and students who report not having confidence from tv/movies have lower odds of being correct in their understanding of their right to understand their Miranda rights.
Table 3: Logistic Regression examining predictors of students correctness on question 2 (n=192)

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<td>0.203</td>
<td>0.204</td>
</tr>
<tr>
<td><strong>Gender (ref = male)</strong></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Gender</td>
<td>0.618</td>
<td>0.274</td>
<td>0.55</td>
<td>0.254</td>
<td>0.634</td>
<td>0.288</td>
<td>0.655</td>
<td>0.294</td>
<td>0.566</td>
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</tr>
<tr>
<td>Age</td>
<td>0.89</td>
<td>0.15</td>
<td>0.824</td>
<td>0.145</td>
<td>0.947</td>
<td>0.163</td>
<td>0.88</td>
<td>0.15</td>
<td>0.863</td>
<td>0.155</td>
</tr>
<tr>
<td>Classification</td>
<td>0.887</td>
<td>0.202</td>
<td>0.917</td>
<td>0.216</td>
<td>0.805</td>
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<td>0.88</td>
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<tr>
<td>Major</td>
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<td>0.778</td>
<td>0.465</td>
<td>1.063</td>
<td>0.63</td>
<td>0.899</td>
<td>0.522</td>
<td>0.91</td>
<td>0.566</td>
</tr>
<tr>
<td>Student report confidence in correctness</td>
<td>---</td>
<td>---</td>
<td>1.714</td>
<td><strong>0.335</strong></td>
<td>---</td>
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<td>---</td>
<td>---</td>
<td>1.767</td>
<td><strong>0.357</strong></td>
</tr>
<tr>
<td>Student report confidence in Miranda from tv/movie</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>2.841</td>
<td>*1.283</td>
<td>---</td>
<td>---</td>
<td>3.08</td>
<td>*1.468</td>
</tr>
<tr>
<td>Student report a close relationship with law enforcement or an attorney</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0.596</td>
<td>0.268</td>
<td>0.602</td>
<td>0.287</td>
</tr>
</tbody>
</table>

Note: *p < .05, **p < 0.01, ***p ≤ .001
Table four reflects the results from the logistic regression analysis of the third vignette question. From the first model, only gender was significant in predicting correctness on question three. Indicating that being male is associated with .72 times lower odds (p=.008) of being correct relative to non-male students. Results indicate, in the second model, that confidence in correctness is significant when predicting correctness for question three. A one unit increase in confidence is associated with having 3.2 times odds higher (p=.000) of being correct relative to those who reported neutral or lower confidence. When adding in the demographic controls, confidence remains significant, a one unit increase in confidence is associated with having 3.8 times higher odds (p=.000) of being correct relative to those who report neutral or low confidence. Male students have .83 times lower odds (p=.004) of being correct relative to non-male students when controlling for confidence in correctness. In the third model, confidence gained from tv/movies is not significant in predicting correctness. When adding in the demographic controls, confidence from tv/movies remains non-significant. Male respondents have .74 times lower odds (p=.008) of being correct relative to non-male students when controlling for confidence from tv/movies. In the fourth model, being close with a law enforcement officer or attorney is not significant in predicting correctness. Gender is significant though, male respondents have .71 times lower odds (p=.013) of being correct relative to non-male students, when controlling for a close relationship with law enforcement or an attorney. In the final model, confidence in correctness, and gender are the only significant variables in predicting correctness while controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Male respondents have .82
times lower odds (p=.005) of being correct, relative to non-male students, when controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. A one unit increase in confidence is associated with having 3.8 times higher odds (p=.000) of being correct relative to those who were neutral or had low confidence when controlling for having a close relationship with law enforcement or an attorney, and confidence from tv/movies. In sum, these results suggest that male students, relative to non-male students and students with low confidence in their correctness have lower odds of being correct in their understanding of their right to an attorney.
Table 4: Logistic Regression examining predictors of students' correctness on question 3 (n=191)

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th></th>
<th>Model 2</th>
<th></th>
<th>Model 3</th>
<th></th>
<th>Model 4</th>
<th></th>
<th>Model 5</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Odds Ratio</td>
<td>SE</td>
<td>Odds Ratio</td>
<td>SE</td>
<td>Odds Ratio</td>
<td>SE</td>
<td>Odds Ratio</td>
<td>SE</td>
<td>Odds Ratio</td>
<td>SE</td>
</tr>
<tr>
<td><strong>Race (ref =white)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Race</td>
<td>1.175</td>
<td>1.114</td>
<td>0.705</td>
<td>0.698</td>
<td>1.169</td>
<td>1.109</td>
<td>1.071</td>
<td>1.037</td>
<td>0.683</td>
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<tr>
<td>Black</td>
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<td>0.25</td>
<td>0.376</td>
<td>0.238</td>
<td>0.463</td>
<td>0.249</td>
<td>0.461</td>
<td>0.248</td>
<td>0.382</td>
<td>0.244</td>
</tr>
<tr>
<td>Multiracial</td>
<td>1.468</td>
<td>1.765</td>
<td>1.003</td>
<td>1.262</td>
<td>1.46</td>
<td>1.758</td>
<td>1.42</td>
<td>1.696</td>
<td>0.995</td>
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<tr>
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<td>0.592</td>
<td>1.776</td>
<td>1.688</td>
<td>0.731</td>
<td>0.59</td>
<td>0.71</td>
<td>0.58</td>
<td>1.715</td>
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</tr>
<tr>
<td><strong>Gender (ref = male)</strong></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td>0.266</td>
<td><strong>0.133</strong></td>
<td>0.179</td>
<td><strong>0.108</strong></td>
<td>0.27</td>
<td><strong>0.134</strong></td>
<td>0.288</td>
<td><em>0.144</em></td>
<td>0.184</td>
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<td>Age</td>
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<td>0.221</td>
<td>0.887</td>
<td>0.187</td>
<td>0.865</td>
<td>0.182</td>
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<td>1.649</td>
<td>0.513</td>
<td>1.632</td>
<td>0.436</td>
<td>1.633</td>
<td>0.435</td>
<td>1.666</td>
<td>0.528</td>
</tr>
<tr>
<td>Major</td>
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<td>1.239</td>
<td>0.939</td>
<td>0.923</td>
<td>0.662</td>
<td>0.872</td>
<td>0.616</td>
<td>1.224</td>
<td>0.945</td>
</tr>
<tr>
<td>Student report confidence in correctness</td>
<td>---</td>
<td>---</td>
<td>3.793</td>
<td>***0.1057</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>3.773</td>
<td>***1.06</td>
</tr>
<tr>
<td>Student report confidence in Miranda from tv/movie</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>1.084</td>
<td>0.522</td>
<td>---</td>
<td>---</td>
<td>0.944</td>
<td>0.522</td>
</tr>
<tr>
<td>Student report a close relationship with law enforcement or an attorney</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0.626</td>
<td>0.616</td>
<td>0.733</td>
<td>0.416</td>
</tr>
</tbody>
</table>

Note: *p < .05, **p < 0.01, ***p ≤ .001
Table five reflects the results from the logistic regression analysis of the fourth vignette question. From the first model, only other race was significant in predicting correctness on question four. Indicating that being other race is associated with .84 times lower odds (p=.017) of being correct relative to White students. Results indicate, in the second model, that confidence in correctness is significant when predicting correctness for question four. A one unit increase in confidence is associated with having 2.8 times odds higher (p=.000) of being correct relative to those who reported neutral or lower confidence. When adding in the demographic controls, confidence remains significant, a one unit increase in confidence is associated with having 3.1 times higher odds (p=.000) of being correct relative to those who report neutral or low confidence. Other race students have .99 times lower odds (p=.004) of being correct relative to non-male students when controlling for confidence in correctness. Hispanic students have 6.0 times higher odds (p=.031) of being correct relative to non-Hispanic students when controlling for confidence in correctness. In the third model, confidence gained from tv/movies is not significant in predicting correctness. When adding in the demographic controls, confidence from tv/movies remains non-significant. Other race respondents have .84 times lower odds (p=.016) of being correct relative to White students when controlling for confidence from tv/movies. In the fourth model, being close with a law enforcement officer or attorney is not significant in predicting correctness. Other race is significant though, other race respondents have .82 times lower odds (p=.026) of being correct relative to White students, when controlling for a close relationship with law enforcement or an attorney. In the final model, confidence in correctness, other race, and ethnicity are the only significant variables in predicting correctness while controlling for confidence in
correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Other race respondents have .99 times lower odds (p=.006) of being correct, relative to White students, when controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Hispanic students have 6.3 times higher odds (p=.027) of being correct relative to non-Hispanic students when controlling for having a close relationship with law enforcement or an attorney, and confidence from tv/movies. A one unit increase in confidence is associated with having 3.2 times higher odds (p=.000) of being correct relative to those who were neutral or had low confidence when controlling for having a close relationship with law enforcement or an attorney, and confidence from tv/movies. In sum, these results suggest that other students, relative to white students, non-Hispanic students, relative to Hispanic students, and students with low confidence in their correctness, have lower odds of being correct in their understanding of their right to evoke their Miranda rights at any time during questioning with law enforcement.
<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th></th>
<th>Model 2</th>
<th></th>
<th>Model 3</th>
<th></th>
<th>Model 4</th>
<th></th>
<th>Model 5</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Odds Ratio</td>
<td>SE</td>
<td>Odds Ratio</td>
<td>SE</td>
<td>Odds Ratio</td>
<td>SE</td>
<td>Odds Ratio</td>
<td>SE</td>
<td>Odds Ratio</td>
<td>SE</td>
</tr>
<tr>
<td><strong>Race (ref = white)</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Race</td>
<td>0.165 *</td>
<td>0.125</td>
<td>0.087 **</td>
<td>0.074</td>
<td>0.162 *</td>
<td>0.122</td>
<td>0.184 *</td>
<td>0.14</td>
<td>0.094 **</td>
<td>0.081</td>
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<tr>
<td>Black</td>
<td>0.432</td>
<td>0.201</td>
<td>0.469</td>
<td>0.251</td>
<td>0.425</td>
<td>0.199</td>
<td>0.428</td>
<td>0.201</td>
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<tr>
<td>Multiracial</td>
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<td>1.72</td>
<td>1.726</td>
<td>2.213</td>
<td>1.504</td>
<td>1.73</td>
<td>1.489</td>
<td>1.734</td>
<td>1.53</td>
<td>1.921</td>
</tr>
<tr>
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<td>2.776</td>
<td>2.023</td>
<td>5.988 *</td>
<td>4.96</td>
<td>2.794</td>
<td>2.035</td>
<td>2.792</td>
<td>2.022</td>
<td>6.349 *</td>
<td>5.324</td>
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<tr>
<td><strong>Gender (ref = male)</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td>0.958</td>
<td>0.399</td>
<td>0.829</td>
<td>0.401</td>
<td>0.951</td>
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<td>0.372</td>
<td>0.736</td>
<td>0.362</td>
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<tr>
<td>Age</td>
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<td>0.321</td>
<td>1.305</td>
<td>0.325</td>
<td>1.391</td>
<td>0.321</td>
<td>1.415</td>
<td>0.324</td>
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<td>0.334</td>
</tr>
<tr>
<td>Classification</td>
<td>1.372</td>
<td>0.284</td>
<td>1.433</td>
<td>0.344</td>
<td>1.389</td>
<td>0.29</td>
<td>1.383</td>
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<td>0.344</td>
</tr>
<tr>
<td>Major</td>
<td>0.786</td>
<td>0.463</td>
<td>0.507</td>
<td>0.346</td>
<td>0.76</td>
<td>0.451</td>
<td>0.794</td>
<td>0.472</td>
<td>0.47</td>
<td>0.331</td>
</tr>
<tr>
<td>Student report confidence in correctness</td>
<td>---</td>
<td>---</td>
<td>3.125 ***</td>
<td>0.726</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>3.221 ***</td>
<td>0.762</td>
</tr>
<tr>
<td>Student report confidence in Miranda from tv/movie</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0.824</td>
<td>0.338</td>
<td>---</td>
<td>---</td>
<td>0.901</td>
<td>0.426</td>
</tr>
<tr>
<td>Student report a close relationship with law enforcement or an attorney</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>0.794</td>
<td>0.831</td>
<td>---</td>
<td>---</td>
<td>2.15</td>
<td>1.238</td>
</tr>
</tbody>
</table>

Note: *p < .05, **p < 0.01, ***p ≤ .001
Table six reflects the results from the logistic regression analysis of the fifth vignette question. From the first model, only being Black was significant in predicting correctness on question five. Indicating that being Black is associated with .56 times lower odds (p=.036) of being correct relative to White students. Results indicate, in the second model, that confidence in correctness is significant when predicting correctness for question five. A one unit increase in confidence is associated with having 1.6 times odds higher (p=.009) of being correct relative to those who reported neutral or lower confidence. When adding in the demographic controls, confidence remains significant, A one unit increase in confidence is associated with having 1.8 times higher odds (p=.003) of being correct relative to those who report neutral or low confidence. Black students have .59 times lower odds (p=.026) of being correct relative to White students when controlling for confidence in correctness. In the third model, confidence gained from tv/movies is not significant in predicting correctness. When adding in the demographic controls, confidence from tv/movies remains non-significant. Black respondents have .56 times lower odds (p=.038) of being correct relative to White students when controlling for confidence from tv/movies. In the fourth model, being close with a law enforcement officer or attorney is not significant in predicting correctness. Being Black is significant though, Black respondents have .56 times lower odds (p=.036) of being correct relative to White students, when controlling for a close relationship with law enforcement or an attorney. In the final model, confidence in correctness, and being Black are the only significant variables in predicting correctness while controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Black respondents have .59 times lower odds (p=.026) of
being correct, relative to White students, when controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. A one unit increase in confidence is associated with having 1.8 times higher odds (p=.003) of being correct relative to those who were neutral or had low confidence when controlling for having a close relationship with law enforcement or an attorney, and confidence from tv/movies. In sum, these results suggest that Black students, relative to White students, and students with low confidence in their correctness have lower odds of being correct in their understanding of their right to silence.
Table 6: Logistic Regression examining predictors of students' correctness on question 5 (n=184)

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
<th>Model 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Race (ref = white)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Race</td>
<td>0.607 ± 0.486</td>
<td>0.454 ± 0.381</td>
<td>0.61 ± 0.489</td>
<td>0.566 ± 0.458</td>
<td>0.417 ± 0.354</td>
</tr>
<tr>
<td>Black</td>
<td>0.44 * ± 0.172</td>
<td>0.406 * ± 0.164</td>
<td>0.442 * ± 0.173</td>
<td>0.439 * ± 0.172</td>
<td>0.406 * ± 0.165</td>
</tr>
<tr>
<td>Multiracial</td>
<td>0.555 ± 0.434</td>
<td>0.65 ± 0.528</td>
<td>0.562 ± 0.441</td>
<td>0.567 ± 0.444</td>
<td>0.663 ± 0.538</td>
</tr>
<tr>
<td>Hispanic</td>
<td>2.637 ± 1.905</td>
<td>3.789 ± 2.929</td>
<td>2.646 ± 1.91</td>
<td>2.598 ± 1.89</td>
<td>3.81 ± 2.971</td>
</tr>
<tr>
<td><strong>Gender (ref = male)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td>0.972 ± 0.362</td>
<td>0.818 ± 0.321</td>
<td>0.968 ± 0.362</td>
<td>1.008 ± 0.379</td>
<td>0.844 ± 0.334</td>
</tr>
<tr>
<td>Age</td>
<td>0.986 ± 0.14</td>
<td>0.934 ± 0.138</td>
<td>0.982 ± 0.142</td>
<td>0.982 ± 0.14</td>
<td>0.927 ± 0.14</td>
</tr>
<tr>
<td>Classification</td>
<td>0.975 ± 0.179</td>
<td>0.999 ± 0.192</td>
<td>0.979 ± 0.182</td>
<td>0.972 ± 0.18</td>
<td>0.999 ± 0.194</td>
</tr>
<tr>
<td>Major</td>
<td>1.284 ± 0.589</td>
<td>1.234 ± 0.585</td>
<td>1.272 ± 0.587</td>
<td>1.287 ± 0.59</td>
<td>1.234 ± 0.587</td>
</tr>
<tr>
<td>Student report confidence in correctness</td>
<td>---</td>
<td>---</td>
<td>1.781 ** ± 0.342</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Student report confidence in Miranda from tv/movie</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>0.939 ± 0.347</td>
</tr>
<tr>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

Note: *p < .05, **p < .01, ***p ≤ .001
Table seven reflects the results from the logistic regression analysis of the sixth vignette question. From the first model, only being Black was significant in predicting correctness on question five. Indicating that being Black is associated with .58 times lower odds (p=.021) of being correct relative to White students. Results indicate, in the second model, that confidence in correctness is not significant when predicting correctness for question six. When adding in demographic controls, confidence remains non-significant. Black students have .58 times lower odds (p=.021) of being correct relative to White students when controlling for confidence in correctness. In the third model, confidence gained from tv/movies is not significant in predicting correctness. When adding in the demographic controls, confidence from tv/movies remains non-significant. Black respondents have .59 times lower odds (p=.020) of being correct relative to White students when controlling for confidence from tv/movies. In the fourth model, being close with a law enforcement officer or attorney is not significant in predicting correctness. Being Black is significant though, Black respondents have .58 times lower odds (p=.021) of being correct relative to White students, when controlling for a close relationship with law enforcement or an attorney. In the final model being Black is the only significant variable in predicting correctness while controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. Black respondents have .59 times lower odds (p=.020) of being correct, relative to White students, when controlling for confidence in correctness, having a close relationship with law enforcement or an attorney, and confidence from tv/movies. In sum, these results suggest that Black students, relative to
White students have lower odds of being correct in their understanding of their right to protection against self-incrimination.
Table 7: Logistic Regression examining predictors of students correctness on question 6 (n=186)

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
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<th>Model 5</th>
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<tr>
<td>Gender</td>
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<tr>
<td>from tv/movie</td>
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<td>1.019 0.395</td>
</tr>
<tr>
<td>or attorney</td>
<td>---</td>
<td>---</td>
<td>---</td>
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<td>1.015 0.394</td>
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</tbody>
</table>

Note: *p < .05, **p < .01, ***p ≤ .001
Chapter 6

Discussion

Major Findings & Implications

While the current literature that focuses on understanding of Miranda does have some focus on college students, the current study was able to consider an additional element of how college students might be understanding their Miranda rights. Through focusing on students taking criminal justice courses, this study could help contribute to identifying the potential of understanding amongst populations who are not exposed to criminal justice in higher education. The current study was able to support the findings of Rogers and colleagues (2010), specifically that college educated respondents are victims of misunderstanding their Miranda rights. Rogers and colleagues suggested that students are reporting high levels of confidence in their understanding but when asked about Miranda, they are not correct in their interpretation. Such findings were replicated in this study, specifically on the two questions where students were more likely to be incorrect than correct. On the questions that considered when to be Mirandize someone and the right to protections against self-incrimination, students had high levels of incorrect responses but reported highly confident more so than any other option. While the current study did not examine how stress levels or delivery method might be contributing to misunderstanding, the findings that support some misunderstanding amongst college students in this study is helpful in establishing a need to re-examine the current methods of Mirandization (Davis et al., 2011; Scherr & Madon, 2012). Findings from this study suggest that the CSI effect, or more specifically misconceptions of Miranda rights in television, might not be as detrimental to false understanding as hypothesized by Wing (2023). I found that exposure
to television or movies that increased confidence in Miranda understanding was not significant in predicting correctness/incorrectness on the majority of the questions that considered components of Miranda rights.

The first hypothesis that I developed suggested that confidence in respondents’ understanding of Miranda and their actual understanding of Miranda would not have a significant relationship. This hypothesis did not hold for questions where respondents were mostly correct in their responses to the vignette questions. For questions two through five, confidence was significant in predicting correctness. Those who reported higher confidence were more likely to get questions two through five correct. However, for questions one and six, the questions with the highest incorrect response rates, confidence was not significant in predicting correctness. Question one asked respondents to indicate if they understood when their Miranda rights should be read to them. Over 80% indicated they thought an officer should Mirandize a suspect immediately upon arrest. Question six asked respondents to indicate if they understood their promises against self-incrimination. Respondents were mostly incorrect but much more divided on their answer choices, indicating there is not a singular misconception about self-incrimination like there seems to be with understanding when Miranda should be read to a person in custody. Even when respondents reported high confidence in their correctness, they were still not likely to get the question correct. These findings indicate that there might be a sense of false confidence for aspects in understanding of Miranda that are not accurately understood by criminal justice college students. This study indicates that criminal justice students do not have accurate knowledge on when their
Miranda rights should be read to them and their Miranda right that protects against self-incrimination.

A potential cause for this sense of false understanding and false confidence is legal consciousness. Legal Consciousness is a concept developed by legal scholars to understand people’s relationship with law and legal system concepts (Cowan, 2004). Legal consciousness refers to the perceptions given about the law by people and how those perceptions are shared by individuals (Ewick & Silbey, 2008). These perceptions, even if false, can cause people to create patterns and eventually become part of the institution of criminal justice overtime. False portrayals of Miranda, often spread by media, television or movies, could be creating a false perception of Miranda that have been spread amongst society as reality due to a sense of legal consciousness. Incorrect concepts of Miranda, such as when your Miranda rights should be read to you, being spread throughout society as truth could be enabling a false understanding and contributing to a confidence in understanding that is not founded for components of Miranda that are misunderstood amongst criminal justice students, like when to be Mirandize and the protections against self-incrimination.

Legal consciousness could also be contributing to the high level of respondents, on question one, who answered that the vignette suspect should have Mirandized upon arrest. Over three-fourths of the respondents indicated the same misconception indicating that not only do the majority of respondents not have an accurate understanding of when to be Mirandized but are also commonly under the same misconception. This could be because of the common portrayal of officers mirandizing upon arrest on television or in movies. While it is not incorrect or a violation of rights to Mirandize a suspect upon
arrest, it is not necessary unless there are incriminating questions going to be asked by law enforcement.

The second hypothesis that I tested was considering how confidence from consuming tv/movies that portrayed Miranda rights could be affecting correctness of understanding of Miranda. I hypothesized that exposure to tv/movies that increased confidence in understanding of Miranda would not be significant in predicting accuracy on the vignette questions. This was mostly a correct hypothesis. On questions one and three through six, exposure to tv/movies was not significant in predicting correctness. This indicates that reporting having consumed tv/movies that increased your confidence, was not associated with actual accuracy. However, on question two, confidence gained from watching tv/movies was significant in predicting accuracy. Question two of the survey considered how well respondents understood their right to understand their Miranda rights. This is a component of Miranda that may not be as widely mentioned by people when having conversations about Miranda rights. For example, the right to silence and the right to counsel are components of Miranda that are often talked about when having conversations about Miranda rights. Miranda, as portrayed in television or movies, might be more comprehensive and therefore expose viewers to more components of Miranda than other sources of information.

Another potential explanation of the exposure to media being significant in relation to students’ understanding their right to understand their Miranda rights, could be because it is a component of Miranda that is not explicitly stated in the Mirandization process. Components such as right to silence, an attorney, and protections against self-incrimination are all explicitly mentioned in the widely used version of Miranda.
Respondents could be gaining their understanding of the right to understand from television or movies versus other components of Miranda which may not be affected by exposure to tv/movies because they are already components that are understood. The first question about when to Mirandize a suspect is also considering a component of Miranda that is not explicitly stated in the Miranda warning- however, we do not see the same media effect. This could be because the majority of respondents (85%), do not know when the correct time to be Mirandized is and therefore the exposure to tv/movies is not having the same effect as on question two.

The third hypothesis developed assumed that there would be no differences between races when considering accuracy. Almost every question variable has a significant race association, indicating the hypothesis was incorrect. The regression analysis for questions that considered the following: when the correct time to be Mirandized, right to understand Miranda rights, right to remain silent, and right to a protection against self-incrimination showed that being Black was significant in predicting incorrectness. Black respondents were more likely to be incorrect, relative to White students, on questions that considered when Miranda should be read, the right to understand Miranda rights, right to silence, and right against self-incrimination. On question four, identifying as other race was significantly associated with correctness. Respondents who identified as something other than White, Black, or multiracial were more likely to be incorrect relative to White respondents. As an outlier, question three did not have a significant race association, this could be due to the high correct response rate, indicating that no matter race, respondents were likely to get this question correct anyway. Question three had the highest correct response rate amongst all vignette questions.
The consistent race association could be explained by the systematic racial disparities in the criminal legal system. Specifically, people of color are less likely to view law enforcement as satisfactory partners in the community (Sampson & Bartusch, 1998). Police legitimacy, the community’s willingness to accept the authority of police because they perceive them as fair and trustworthy, is directly threatened by communities who do not have positive perceptions of the police (Tyler, 2004). Communities of color, who are more likely to reject the authority of police, may be less likely to have accurate understanding of police procedures if they do not accept the power of law enforcement. This lack of merit given to police who have notoriously treated racial minorities with disparate actions, could be a reason why we see less accuracy of Miranda in respondents who report being Black or other. Cynical views of police and legal partners might, traditionally, make people more likely to take extra steps to understand their legal protections. However, for people of color who belong to communities where there are not only cynical views, but also illegitimate views, community members might be less likely to take acts to understand the police and their rights when interacting with law enforcement as they are much less likely to involve police in interactions. Specific to the current study, there must be factors outside of what is being learned in criminal justice courses at the University of Memphis as, in theory, all students are subjected to the same education through their studies. There must be an additional influence that is contributing to how students of color, particularly Black students, are understanding their Miranda rights. Another potential explanation for the race association found in this study could be that citizens of color are prioritizing other elements in their conversations about the criminal justice system. Pew Research Center (2013) reported that 70% of Black people
in America believe that Black people in their community are treated less fairly than White people in dealing with law enforcement. Members of minority communities may be more concerned with teaching their peers and youth about how to avoid dangerous, potentially fatal, interactions with law enforcement rather than how to ensure that your arrest rights are not violated. Conversations for Black people when discussing how to interact with police are likely incredibly different than conversations amongst other races, especially when we consider that Black people are the victims of fatal police shootings over twice as often as White people (Statista Research Department, 2024).

Another interesting finding about how demographic factors influence correctness is the high odds of non-Hispanic students to miss question four which considered respondents understanding of their right to evoke Miranda rights at any time during an interrogation with law enforcement. Non-Hispanic students were much more likely to be incorrect on question four, relative to white students. Being non-Hispanic was only significant in the model with question four, indicating this could be a component of Miranda that is understood more by Hispanic communities. This could possibly be an element of Miranda that Hispanic families are emphasizing with their children when teaching them about how to interact with law enforcement in America. In Mexico, the country of origin for over 37 million Hispanic people living in the U.S., arrest rights are protected differently than in America (Pew Research Center, 2023). The culture of Mexican arrest law may not be emphasizing the right to evoke arrest rights at anytime during an interrogation with law enforcement and therefore, it may be a difference between foreign and American constitutional law that is being emphasized by Hispanic
parents when teaching their children about the differences between Hispanic countries’

laws and America’s (Library of Congress, 2016).

The fourth hypothesis that I developed suggested that those who had a close
relationship with law enforcement or an attorney would have higher accuracy levels than
those who did not report having a close relationship with law enforcement or an attorney.
Interestingly, having a close relationship with law enforcement was never significant in
predicting accuracy in understanding Miranda rights. This suggests that no matter
proximity to people with professions that are the most likely to use Miranda, respondents
did not have an increased likelihood to respond correctly to the vignette questions. This
lack of association could be due to the nature of the work done by both law enforcement
and attorneys. Both professions are held to a higher standard of secrecy due to the privacy
of the civilians that they interact with. Specifically with law enforcement, police officers
are likely to embrace the blue wall of silence, the concept amongst police officers to
remain quiet about co-officer misconduct (Nolan, 2009). Although discussing Miranda
rights amongst non-officer peers is not inherently discussing misconduct, officers are
likely socialized to avoid talking about aspects of work due to the sensitive nature and the
protective wall of silence. Attorneys, although not a part of the blue wall of silence, are
also held to a high level of secrecy with their work. Discussing client details, such as the
violation of Miranda rights, could yield consequences as severe as mistrial for attorneys
cought sharing details of the client’s case.

More generally, I found differences in the levels of understanding across the six
different components of Miranda that were included in the survey. The questions that
were developed to gauge understanding of when a person of interest should be
Mirandized, the right to understand Miranda rights, the right to silence, and the right to protection against self-incrimination were all significantly more likely to be missed by Black respondents. I also found that confidence was only significant on the questions that considered understanding of the right to understand Miranda right, the right to an attorney, the right to evoke Miranda rights at any time, and the right to silence. Differences in what independent variables and controls were significant in regressions with different questions (components of Miranda) speaks to the need to observe Miranda as various components. There appears to be varied factors influencing correctness on the different components of Miranda.

Lastly, there were some interesting differences in gender findings across the different questions in the survey. I found that gender was only significant in predicting correctness on two of the six questions. On the questions considering when to be Mirandized and the question considering the right to attorney, gender was significant. However, the gender associations were opposite on each question. On the first question, when to be Mirandized, male students were more likely to be correct relative to non-male students whereas on the third question, how to apply the right to an attorney, non-male students were more likely to be correct relative to male students. Unfortunately, gender differences in the understanding of Miranda rights is not something widely represented in the current literature. However, scholars who study gender and the legal system more broadly suggest that there are differences in gender experiences that can certainly be affecting perceptions where the legal system is concerned (Fossati & Meeker, 1997). More specifically, gender biases show that women are not being given equal treatment or opportunity in the legal system (Schafran, 1990). Gender biases, while ever present in the
criminal justice system, are mostly studied through victim/suspect gender differences. Current literature considers how the gender of the perpetrator, or the victims alters the perception of the community member (Pica, Thompson, Pozzulo, & Sheahan, 2019; Gould & Gertz, 1994). However, results from this study do indicate that there could be some gender differences in how people perceive their rights and legal processes. Whether that be through perception differences in what is important to focus on when learning Miranda, or differences in what is being predominantly taught versus male and non-male citizens, more research on how gender differences contribute to understanding Miranda is certainly needed to make definite claims about why we see such juxtaposition.

**Limitations & Future Directions**

While this study did contribute to the knowledge of criminal justice college students understanding of Miranda rights, it does lack generalizability. The sample was specific to University of Memphis criminal justice undergraduate students and therefore cannot make definite contributions to the rest of the population’s understanding of Miranda rights. While assumptions can be made for similar populations, like other college students, such assumptions would not be empirically assumed just based upon the results from this study. It is possible that results from other populations will show different findings, potentially lower levels of understanding as the sampled population was predisposed to criminal justice content at a higher rate than other groups. Secondly, the study did aim to consider how recent arrest might be influencing knowledge of Miranda rights. However, due to the low response rate from people who had been arrested in the past two years (n=2), this study was not able to incorporate that into the analysis. Much of the literature on how interactions with law enforcement affect perceptions and
knowledge of the justice system focuses on interactions with police broadly, whether through stop, arrest, incarceration, etc. The current study used a variable that only considered how interaction with law enforcement or attorneys influence confidence in understanding of Miranda, not necessarily interactions with law enforcement influencing actual understanding. Future research on the understanding of Miranda should aim to get data from people who have lived experience through being arrested.

There were also some findings in the current study that need to be explored more deeply in order to develop more informed reasonings. Specifically, there are results that suggest that Hispanic students might have higher odds of being correct on components of Miranda, specifically on the right to evoke Miranda rights at any time during an interrogation. Reasons for this associated have been hypothesized but future research should survey a larger Hispanic population to suggests implications with more internal validity.

In addition to considering what variables might be contributing to correctness, future research should consider the contributing factors to high confidence amongst respondents. Whether lived experience, race, education, etc., considering what is contributing to confidence, especially false confidence, could be instrumental in developing a plan to address the reasons why people do not have accurate understanding of their Miranda rights. It is imperative that members of the criminal justice system, specifically law enforcement and policy makers, understand the lack of comprehension of Miranda. Law enforcement should be intentional to deliver Miranda in a method of delivery that is clear and concise for people to understand in high stress environments where rational thinking skills might be clouded by adrenaline. Policy makers should
consider how overwhelming the research for delivery change is. Scholars like Eastwood and colleagues (2010) and Rushin (2011) have proposed ways to alter Miranda that could decrease the lack of comprehension that is highlighted by this study’s results.

Future researchers should also be intentional to consider how results of misunderstanding might be lower than reality on survey style studies. While these studies are able to gather information about misunderstanding, it is likely that they are underrepresenting the true misconceptions levels due to the inability to recreate the very stressful environment of a police-suspect interaction. While this survey was not able to recreate the high stakes of a police interrogation, I did find levels of misunderstanding. These levels of misunderstanding would likely be increased if I was able to recreate the high stress levels felt by suspects, which could be contributing to lack of rationale, reasoning and comprehension skills.

In an effort to bridge the disparity between racial groups in their understanding of Miranda, educational opportunities should focus on minority racial groups. However, due to frequent mistrust of police, these opportunities for education should be conducted by non-law enforcement partners. Schools, attorneys, non-profit organizations should be some of the partners to take on the responsibility of sharing Miranda right knowledge with communities of color.

**Conclusion**

Despite federal law that made Mirandization mandatory upon interrogation, there are still high levels of misconception amongst the American population. Current literature on Miranda rights suggests that members of various special populations are lacking adequate understanding of their Miranda rights. Even more concerning is the misunderstanding
among people who are enrolled in higher education criminal justice courses. This study showed that criminal justice undergraduate students are victims of misconceptions in different components of Miranda. Specifically, when to be Mirandized and the right to protection against Miranda, are two elements of Miranda that are understood incorrectly by majority of the respondents in this study. Students of color, specifically Black students had higher odds of being incorrect in their understanding of three of six of the Miranda components. Also, students who reported high levels of confidence in their correctness had higher odds of being correct on questions where the sample, as a whole, was more likely to be correct than incorrect (questions 2-5). These findings could be instrumental in developing plans to address the gaps in the knowledge of Miranda rights amongst the American population. Also, these findings suggest that the lack of knowledge and understanding of Miranda rights might be more prominent than is currently acknowledged by the criminal legal system. If people who are receiving collegiate level education on the criminal legal system are reporting levels of misunderstanding, it is probable that people who have had little to no education on the criminal legal system are also lacking adequate understanding of Miranda rights. This is especially concerning when we consider the high stakes of not fully understanding arrest rights: false confessions, incriminating statements, misinformed bargaining, and more.
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U.S. Const. amend. 5

U.S. Const. amend. 6


Appendix A

Participant Consent Form

“I THOUGHT IT WOULD HELP” A REVIEW OF CRIMINAL JUSTICE UNDERGRADUATE KNOWLEDGE OF MIRANDA RIGHTS

WHY ARE YOU INVITED TO TAKE PART IN THIS RESEARCH?

You are being invited to participate in this survey because you are a University of Memphis undergraduate student taking one of the courses selected for sampling. The results of the study will remain confidential, your identity cannot be connected to your answers regarding this survey. A summary of the survey findings will be available upon request.

WHO IS DOING THE STUDY?

The person in charge of this study is Ellen M. McLeod from the Department of Criminology and Criminal Justice at the University of Memphis. She is being guided in this research by Timothy McCuddy, Ph.D.

WHAT IS THE PURPOSE OF THIS STUDY?

This survey is being conducted to better understand college student’s knowledge and perception of understanding of Miranda Rights. Specifically, what disparities lead to misunderstanding.

ARE THERE REASONS WHY YOU SHOULD NOT TAKE PART IN THIS STUDY?

Only those who are 18 years of age or older should participate in this survey.

WHERE IS THE STUDY GOING TO TAKE PLACE AND HOW LONG WILL IT LAST?

The research procedures will be conducted in University of Memphis classrooms. The survey should take approximately 10 minutes to complete but it is not timed, and the respondent may take as long as needed.

WHAT WILL YOU BE ASKED TO DO?

You will be asked to complete the electronic survey via your smartphone, computer, or tablet. If you would like to participate and do not have access to these devices, a paper copy will be provided. The survey can be reached via QR code given by the researcher. You may take part in this study if you are currently involved in another research study.

WHAT ARE THE POSSIBLE RISKS AND BENEFITS?
To the best of our knowledge, the things you will be doing have no more risk of harm than you would experience in everyday life.

However, some of the survey questions regarding past arrests could cause stress for some participants. If you should experience any discomfort during the survey you are encouraged to withdraw. **There will be no penalty for withdrawing from this survey at any time.** Please contact the Student Health Center at (901) 678-2287 to receive any medical assistance needed. [https://www.memphis.edu/health/](https://www.memphis.edu/health/). Your willingness to take part may, in the future, help society as a whole better understand this research topic.

**DO YOU HAVE TO TAKE PART IN THE STUDY?**

If you decide to take part in the study, it should be because you really want to volunteer. You will not lose any benefits or rights you would normally have if you chose not to volunteer. You can stop at any time. You may also skip any question in the survey that you do not wish to answer. As a student, if you decide not to take part in this study, your choice will have no effect on your academic status or grade in the class.

**WHAT ARE THE COST/REWARDS FOR YOU TO PARTICIPATE?**

There are no costs associated with taking part in the study. You will not receive any rewards or payment for taking part in the study.

**WHO WILL SEE THE INFORMATION THAT YOU GIVE?**

This study is confidential. That means that no one will know that the information you give came from you.

**CAN YOUR TAKING PART IN THE STUDY END EARLY?**

If you decide to take part in the study, you still have the right to decide at any time that you no longer want to continue. You will not be treated differently if you decide to stop taking part in the study.

**WHAT IF YOU HAVE QUESTIONS, SUGGESTIONS, CONCERNS, OR COMPLAINTS?**

Before you decide whether to accept this invitation to take part in the study, please ask any questions that might come to mind now. Later, if you have questions, suggestions, concerns, or complaints about the study, you can contact the investigator, Ellen M. McLeod at emmcleod@memphis.edu. If you have any questions about your rights as a volunteer in this research, contact the Institutional Review Board staff at the University of Memphis at 901-678-2705. We will give you a signed copy of this consent form to take with you.
Appendix B

Survey
Please answer the following questions to the best of your ability

1. Which gender do you most closely identify with?
   a. Female
   b. Male
   c. Non-binary
   d. Other

2. What race do you most closely identify with (circle all that apply)?
   a. White
   b. Black or African American
   c. American Indian or Alaska Native
   d. Asian, Asian American or Pacific Islander
   e. Other

3. Are you of Hispanic, Latino or Spanish origin?
   a. Yes
   b. No

4. What is your age group?
   a. 18-21 years old
   b. 22-25 years old
   c. 26-29 years old
   d. 30-33 years old
   e. 34 or older

5. What classification most closely aligns with your status at the University of Memphis?
   a. Freshman
   b. Sophomore
   c. Junior
   d. Senior

6. What is your major at the University of Memphis?
   ____________________________________________
   Do you have a second major?
   a. Yes
   b. No
   If yes, what is your second major?
   ____________________________________________
7. Do you, your family or close friends work for or closely with law enforcement?
   a. Yes
   b. No

If you selected yes, please list the relation to and the position of the person who works for or closely with law enforcement in the table below. (Ex: Sister, police officer or self, court clerk)

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<th>Position</th>
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</table>

8. How many times in the past 2 years (August 2021 - August 2023) have you been arrested as an adult? Only answer considering arrests after turning 18.
   a. 1-2 times in the past 2 years
   b. 3-4 times in the past 2 years
   c. 5-6 times in the past 2 years
   d. More than 6 times in the past 2 years
   e. I have not been arrested in the past 2 years.

9. I am confident that I understand all my rights under Miranda v. Arizona, the Supreme Court case that requires all police officers to inform people of their arrest rights).
   a. Strongly agree
   b. Somewhat agree
   c. Neither agree nor disagree
   d. Somewhat disagree
   e. Strongly disagree

10. I am confident that I would know if a police officer violated any of my Miranda rights.
    a. Strongly agree
    b. Somewhat agree
    c. Neither agree nor disagree
    d. Somewhat disagree
    e. Strongly disagree
11. What experiences have helped you gain confidence in your understanding of Miranda Rights? (Circle all that apply)
   a. I have taken classes in school that taught me about Miranda rights
   b. I have read books about Miranda rights
   c. I have seen TV/movies that discuss Miranda rights
   d. I have watched or listened to podcasts that discuss Miranda rights
   e. I have consumed something on social media that discussed Miranda rights
   f. My family or friends who work for or closely with law enforcement have taught me about Miranda rights
   g. I work for or closely with law enforcement which has taught me about Miranda rights
   h. I have done my own research via the internet, books, etc.
   i. I have learned experience through being arrested
   j. I have no confidence in my understanding of Miranda rights
   k. Other (please explain) ____________________________________________
The final section of this survey involves scenario style questions (Vignettes) to best gauge your knowledge and understanding of Miranda rights, please read each scenario as many times as you need to and then answer the questions to the best of your ability. All hypothetical people mentioned in these scenarios are adults.

Vignette #1

John is pulled over on his way home from work by a police officer who was using a radar speed detector. The officer observes John driving 62 mph on a road where the speed limit is 45 mph. During the traffic stop, the officer observes the top of a vodka bottle peeking out from under John’s seat. This combined with John’s slurred speech and red eyes gives the officer reason to suspect John has been driving under the influence. The officer asks John to step out of his vehicle to conduct a search, John agrees and gets out of his car without trouble. During a search, the officer discovers 3 more empty beer cans in the floorboard, a bottle of vodka under John’s seat and a firearm with the serial code scratched off. The officer requests that John complete a Field Sobriety Test (FST) to confirm. John fails the FST conducted by the officer and is taken into custody. The officer places John in handcuffs and sits him in the backseat of the police car. At this time, the officer places John under arrest but has not yet read John his Miranda rights. The officer drives John to the jail and leads him into an interview room where he plans to question John about the firearm with the serial number scratched off. Before beginning the questioning, the officer reads John his Miranda rights.

7. Did the officer read John his Miranda rights at the correct time?
   a. Yes, the officer is not required to read John his Miranda rights until he was being asked incriminating questions in custody. However, nothing John may utter can be used against him until he is Mirandized.
   b. Yes, the officer was busy placing John under arrest so he couldn’t have read him his Miranda rights.
   c. No, the officer should have read John his Miranda rights on the drive to the jail.
   d. No, the officer should have read John his Miranda rights when he was placing him under arrest.

I am confident I answered question 1 correctly.
   
   f. Strongly agree
   g. Somewhat agree
   h. Neither agree nor disagree
   i. Somewhat disagree
   j. Strongly disagree
The officer reads John his Miranda rights, covering all the protections John has. At the end of the recitation, the officer asks John if he understands all his Miranda rights. John tells the officer he does not quite understand his right to an attorney, he does not have the money for one right now but is not quite sure how to get one appointed for him. John asks the officer how that works, saying he would prefer to talk to the officer with an attorney present. The officer tells John if he does not currently have the details of an attorney, he can’t have one present in the room. The officer tells John that it is not his job to explain the court system and help John get an attorney. Although John is confused and tells the officer he does not understand, he agrees. John talks to the officer about the gun, confessing to scratching off the serial number after taking it from a family member.

8. Was John’s right to understand his Mirandization violated?
   a. Yes, the officer should have kept re-stating the same words to John until he understood his Miranda rights.
   b. Yes, the officer should have explained John’s right to an attorney by telling him about the court appointed public defender
   c. No, the officer is only involved in the arrest and questioning, he is not required to show John how to contact the public defender
   d. No, the officer did more than he needed to by even telling John he had the right to the public defender.

I am confident I answered question 2 correctly.
   a. Strongly agree
   b. Somewhat agree
   c. Neither agree nor disagree
   d. Somewhat disagree
   e. Strongly disagree

9. Was John’s right to an attorney violated?
   a. Yes, the officer needs to help John find an attorney that is within his price range and then continued to question him until the attorney arrived.
   b. Yes, the officer should have told John the court would appoint the public defender if he qualified and then stopped all questioning until John could meet with an attorney.
   c. No, the process for getting the public defender takes too long so the officer could still question John but then give the public defender the recording of the questioning.
   d. No, if John did not specifically request the public defender, the officer was not required to tell John about the service when John said he could not afford an attorney.
I am confident I answered question 3 correctly.

   a. Strongly agree
   b. Somewhat agree
   c. Neither agree nor disagree
   d. Somewhat disagree
   e. Strongly disagree

After speaking with the officer for some time, John starts to feel weary about the conversation. The questions keep growing more incriminating and John is worried. John tells the officer he would like to now evoke his right to remain silent. The officer tells John that is not how things work, John already agreed to forfeit his right to silence and now has to speak to the officer until the questioning is finished. John is hesitant but thinks he will be better off to listen to the officer. John continues talking to the officer for the remainder of the interrogation.

10. Could John have evoked his right to remain silent during the middle of the interrogation, after he had already forfeited that right?
   a. Yes, one of the rights promised under Miranda v. Arizona is the right to evoke at any time.
   b. Yes, because the officers had the authority to question John until they deemed the interrogation finished once John agreed to talk.
   c. No, the officer was correct. Once you make a decision to speak to officers, you have to continue to speak to them until the end of the interrogation.
   d. No, but only because John did not have an attorney. If he had an attorney, he could’ve changed his mind about speaking to officers.

I am confident I answered question 4 correctly.

   a. Strongly agree
   b. Somewhat agree
   c. Neither agree nor disagree
   d. Somewhat disagree
   e. Strongly disagree
Vignette #2

Officers receive a complaint from the department store regarding a potential shoplifting. Officers arrive on scene and see a female, matching the description from the call fleeing the store with a cart full of items that appear to be unpaid for. Based on knowledge and previous experience, officers detain the female who was seen fleeing. The store manager was positive the person presented by police was the suspect they saw. The officers also view the security footage and see a woman who matches the physical appearance of the person they have detained collect items through the store, totaling $347, and then passing all points of sale without paying. Based on this information, officers place the female, identified as Alexis Roberts, under arrest. The officers read Alexis her Miranda rights, advising her of all her protections. The officers then proceed to ask Alexis what she planned to do with all the stolen merchandise, citing the recent increase in sale of stolen goods. Alexis says she wishes to remain silent and not answer any questions. The officers tell Alexis that right only applies to this current offense (shoplifting) and not potential future offenses and therefore she must tell them what she planned to do with the stolen goods. They advise her that if she does not tell them what she planned to do with the stolen goods, they will have to charge her with obstructing justice. Alexis is unsure if this is true but does not want to risk getting into further trouble, so she tells officer that she had planned to sell them to a third party who buys stolen merchandise for resale on the black market. Alexis believes if she tells officers the truth, she will be better off.

11. Was Alexis’ right to remain silent violated?
   a. Yes, the officers were not truthful. The right to remain silent applies to past, current, and future offense details. As long as Alexis verbally expressed her desire to remain silent, the officers could not have charged her with obstruction of justice for remaining silent.
   b. Yes, the officers were only partially truthful. The right to remain silent does apply to past, current and future offense details but the officers could have charged her with obstruction of justice because she was hindering an investigation.
   c. No, Alexis’ right to remain silent only applied to the crime officers had arrested her for. If the officers had reason to suspect Alexis was involved in other crimes, they could question her and she would have to talk to them.
   d. No, Alexis’ right to remain silent only applies if she has an attorney present who can talk on her behalf.

I am confident I answered question 5 correctly.

   a. Strongly agree
   b. Somewhat agree
   c. Neither agree nor disagree
   d. Somewhat disagree
   e. Strongly disagree
Officers begin to suspect that Alexis might have been involved in other shopliftings. They ask Alexis where she was on the evenings of June 8\textsuperscript{th}, 2022 and June 10\textsuperscript{th}, 2022 (dates of other shoplifting reports). Alexis was involved but does not want to tell officers. Officers tell Alexis that they will tell the prosecutor she cooperated and will advocate for a deal if she agrees to talk. Officers then ask Alexis again where she was on the nights of other shopliftings, she confesses and tells officers that she was involved.

12. Were any of Alexis’ Miranda rights violated?
   a. Yes, the right against self-incrimination was violated
   b. Yes, the right to remain silent was violated
   c. No, officers are allowed to offer negotiations to suspects.
   d. No, officers can promise immunity in exchange for suspect testimony.

I am confident I answered question 6 correctly.

   a. Strongly agree
   b. Somewhat agree
   c. Neither agree nor disagree
   d. Somewhat disagree
   e. Strongly disagree

Thank you for your willingness to participate, this is the end of the survey.
Appendix C

IRB Approval

Institutional Review Board
Division of Research and Innovation
Office of Research Compliance
University of Memphis
315 Admin Bldg
Memphis, TN 38152-3370

October 9, 2023

PI Name: Ellen McLeod
Co-Investigators:
Advisor and/or Co-PI: Timothy McCuddy
Submission Type: Initial
Title: MA Thesis Survey
IRB ID: PRO-FY2023-390
Exempt Approval: October 6, 2023

The University of Memphis Institutional Review Board, FWA00006815, has reviewed your submission in accordance with all applicable statuses and regulations as well as ethical principles.

Approval of this project is given with the following obligations:

1. When the project is finished a completion submission is required
2. Any changes to the approved protocol requires board approval prior to implementation
3. When necessary submit an incident/adverse events for board review
4. Human subjects training is required every 2 years and is to be kept current at citiprogram.org.

For any additional questions or concerns please contact us at irb@memphis.edu or 901.678.2705
# Appendix D

## Codebook

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<th>Items and Variables Names</th>
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