

You Have the Right to...What?

A Study of Knowledge of Americans' Rights in Criminal Proceedings

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Research Questions:

- What do people *really* know about Americans' rights during criminal proceedings?
- How confident are they in that knowledge?
- How is experience with the Criminal Justice System, field of study or employment, and viewership of crime-based TV shows associated with that knowledge?

Method:

- Research topics included:
 - Bill of Rights (13 items)
 - *Miranda* Rights (27 items)
 - Interviews & Interrogations (24 items)
 - Rights During Trial (9 items)
 - Post-Conviction Rights (14 items)
- Information was used to design a survey with 87 T/F items regarding each of the 5 topic sections.
- Ps responded "T" or "F" to each item and indicated their confidence from 1-5.

Findings:

- 4 of 87 items were answered **correctly** by all Ps (N=37), (e.g., Suspects have the right to "be warned that anything he says can be used against him in a court of law," and to "an attorney, private or publicly provided")
- Ps indicated the **most** knowledge in the "Bill of Rights," "Rights During Trial," and "Post-Conviction Rights" sections, responding correctly to an average of 75% of the items in each section
 - However, Ps indicated **low confidence** (score of 1 or 2) on 21% of **correctly** answered items in the "Post-Conviction Rights" section
- 31 of 37 Ps **incorrectly** answered "Simply remaining silent during questioning is considered an assertion of one's *Miranda* right to remain silent" as True; 19 Ps did so with **high confidence**
- Ps indicated the **least** knowledge in the "*Miranda* Rights" and "Interviews and Interrogations" sections, responding correctly to an average of 61% of the items in each section
 - Further, Ps indicated **high confidence** (score of 4 or 5) on 18% of **incorrectly** answered items in the "Interviews and Interrogations" section
- Overall, women were less likely than men to be confident in their correct responses, $t(34)=-2.11, p < .05$.
- No significant associations were found among correctness, confidence, or demographic variables (age, ethnicity, level of education, encounters with the CJS, viewership or perception of crime-based shows).
- **Not a single question was answered both correctly and confidently by all participants.**

Demographics:

 19 Female, 17 Male

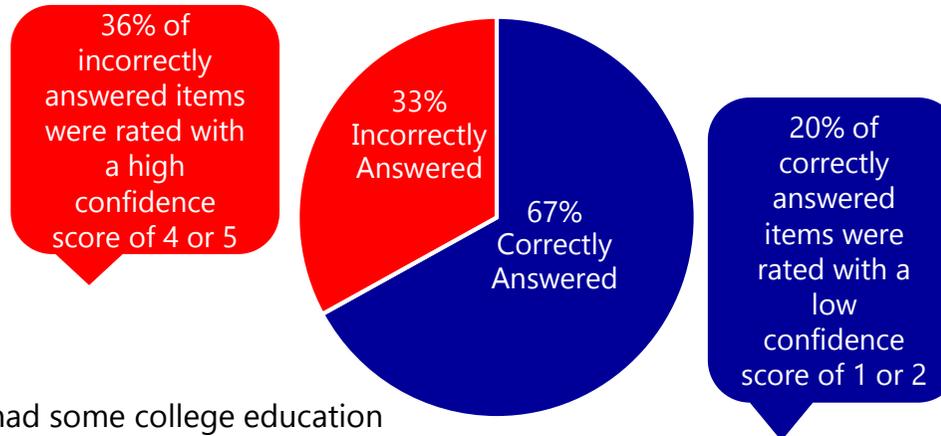
 56% between 18-20 years old

 89% were Caucasian

 51% had some college education

 78% had no encounters with CJS

 65% watched crime-based TV, 65% watched < 1 hour/week, and 32% found the shows to be somewhat realistic



Conclusion:

- The average person is not very knowledgeable about Americans' rights in criminal proceedings.
- More education for citizens and law enforcement is needed.
- Perhaps with increased education, confidence will also increase.
- Confidence is essential, given the power differential between citizens and authorities in the Criminal Justice System.