

The Fifth Amendment guarantees the right against compelled self-incrimination. In *Miranda v. Arizona* (1966), the U.S. Supreme Court extended this right to police interrogations. In that landmark ruling, the Court required police to inform suspects in custody of their rights to silence and counsel during custodial interrogations. Custody is determined by evaluating the objective circumstances of the questioning and asking whether a reasonable person would have felt free to leave. Previous research on attributions of freedom shows that people perceive situations with regard to freedom differently depending on their perspective—for example, a person in a stressful situation may not feel free to leave, while an outside observer would perceive the person to be free. The custody standard does not consider this difference between actors and observers. Since custody is the trigger for Miranda warnings and other legal protections, it is important to study custody from a psychological standpoint to ensure that those who need legal protections do in fact receive them.

This dissertation is an extension of previous research showing that actors and observers differ in their perceptions of custody (Alceste, Luke & Kassin, 2018). Importantly, the Court believes that subjects in noncustodial interviews should feel freer to leave than those in custodial interrogations. Although observers of questioning sessions did differentiate between the two, those actually being questioned did not feel freer in interviews than in interrogations. The current studies test new samples of observers. First, I compare the perceptions of adolescents (who reliably display low comprehension of Miranda warnings) to adults. Participants watched either an interview or an interrogation and provided their perceptions of the subject's freedom. As expected, adolescents perceived greater restriction than adults across questioning type. Next, I compared laypeople to samples of police and judges, two legally relevant samples whose custodial perceptions have not yet been tested. These participants read vignettes of questioning scenarios with varying degrees of custody and provided their perceptions of freedom. As expected, participants reported the greatest perceptions of freedom in the low-custody vignettes, followed by ambiguous and then high-custody. Laypeople generally perceived more restriction than police and judges, although this result was especially pronounced in the low-custody vignette—judges and, to an even greater extent, police overestimated both how free the suspect was and how free they thought he would feel, compared to laypeople. Interestingly, the way the perceptions of freedom question was worded had a great influence on responses—participants reported that the suspect was objectively freer than he felt, and that they themselves would feel freer than the suspect. The implications of these results are discussed, especially the fact that there was substantial variation in participants' responses despite the Court's assertion that custody is an objective standard.