

PLEA COMPREHENSION AMONG DIVERSE POPULATIONS

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by

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## ABSTRACT

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Plea bargaining has become such an integral part of our justice system today that the U.S. Supreme Court has stated plea bargaining “*is the criminal justice system*” (*Missouri v. Frye*, 2012, p. 7). While plea bargaining can be beneficial, it can also be problematic. Many researchers have expressed concerns with the widespread use of plea bargaining, as this is considered a “low visibility process” that can have lasting collateral consequences (Alschuler, 1981; Edkins & Dervan, 2018; Kipnis, 1976; Subramanian et al., 2020). For these reasons, plea bargaining has recently become a growing area of research, with many of these studies focusing on factors impacting plea decisions.

Studies have found racial disparities in regard to plea decision making and outcomes, but the possible impact of language barriers among racially and ethnically diverse populations has not been addressed (Albonetti, 1990, Digard & Swavola, 2019, Kutateladze, et al., 2014; Subramanian et al., 2020). Although there is a large body of research regarding a defendant’s competence to stand trial, the research related to a defendant’s competence to plead guilty is fairly limited, even though guilty pleas are required to be entered knowingly, intelligently, and voluntarily. The current study examined plea comprehension among foreign born and limited English proficient (LEP) populations and found significant differences in plea comprehension, with foreign born and LEP defendants having significantly lower comprehension compared to U.S. born and English proficient defendants.

**KEY WORDS:** Plea bargaining, Plea comprehension, Limited English proficient, Foreign born, Defendants.

# TABLE OF CONTENTS

	<b>Page</b>
ABSTRACT.....	iii
TABLE OF CONTENTS.....	v
LIST OF TABLES .....	vii
CHAPTER I: INTRODUCTION .....	1
History of the Plea Bargain System in the U. S.....	1
Factors that Impact Plea Decision Making .....	5
Plea Comprehension .....	9
Foreign Born and Limited English Proficient (LEP) Defendants .....	10
Current Study.....	12
Hypotheses.....	13
CHAPTER II: METHODS .....	15
Participants .....	15
Measures .....	15
Procedure .....	19
Data Analysis.....	20
CHAPTER III: RESULTS .....	22
Participant Language .....	22
Case-Related Demographics.....	23
Acculturation .....	26
Plea Comprehension .....	28
Plea Comprehension, Demographic Variables, and Acculturation .....	33

Plea Comprehension, Interpreter Use, and Nativity .....	34
Multivariate Analyses .....	34
Summary of Findings Related to Hypotheses .....	35
CHAPTER IV: DISCUSSION .....	38
Criminal History .....	38
Age.....	39
Language and Acculturation .....	39
Implications .....	42
Study Limitations and Future Research.....	44
Conclusion .....	46
REFERENCES .....	47
APPENDIX A.....	56
APPENDIX B .....	60
APPENDIX C .....	66
APPENDIX D.....	68
APPENDIX E .....	74
VITA.....	76

## LIST OF TABLES

<b>Table</b>		<b>Page</b>
1	Participant Demographics .....	16
2	Participant Language .....	22
3	Case-Related Demographics .....	23
4	Plea Comprehension, Perceptions, and Decision Making .....	25
5	Participant Acculturation and Language Proficiency (Bidimensional Acculturation Scale).....	27
6	Intercorrelations Among Bidimensional Acculturation Scale Scores .....	27
7	Redlich and Summers (2012) Plea Comprehension Measure (n = 79).....	29
8	Correlations between Demographic and Acculturation Variables and Plea Comprehension Scores.....	33
9	Plea Comprehension Regressed on to Previous Charges, English Mastery, and Spanish Mastery .....	34
10	Plea Comprehension Regressed on to Native Country and Use of Interpreter .....	35

## CHAPTER I

### Introduction

When we think of the criminal justice system in America, we often picture lawyers arguing their case in front of a judge in a court room. This image is perpetuated in the media, through various court-room dramas on television. Similarly, the majority of criminal justice research has emphasized courtroom proceedings. However, most cases in the criminal justice system today never make it to trial. In 2014, 90% of convictions in federal court and 97% of convictions in large urban state courts were the result of guilty pleas (Reaves, 2013). These guilty pleas are typically a result of plea bargaining. Plea bargaining has been defined as “an informal and unregulated process by which prosecutors and defense counsel negotiate charging and sentencing concessions in exchange for guilty pleas and waivers of constitutionally guaranteed trial rights” (Subramanian et al., 2020). Plea bargaining has become so common place, it has been estimated that a criminal case is resolved through plea bargaining every two seconds during a typical workday in America (Colquitt, 2001).

#### **History of the Plea Bargain System in the U. S.**

The concept of plea negotiation in the United States dates back to the mid-1800's. It was not until *Brady v. United States* (1970) that plea bargaining was formally recognized as a constitutional method of adjudication. Today, plea deals are offered and accepted at the discretion of the prosecutor. Pleas usually involve “charge bargaining,” or agreeing to a conviction of a lesser charge or dismissal of one or more charges, “sentence bargaining,” which is agreeing to a more lenient sentence, whether it be the length or type of sanction (i.e., probation or incarceration), or “fact bargaining,” which is an agreement



to omit certain facts that may predispose someone to a harsher sentence. These negotiations are usually conducted off the record and rather informally with little to no documentation, usually taking place in courtroom hallways, conference rooms, over the phone, or via email. These negotiations are often done without witnesses, investigation, testimony, fact-finding, and are not required to abide by the burden of proof. The length of time spent on plea negotiations varies greatly depending on the complexity of the case, however most plea negotiations for misdemeanors and lesser offenses tend to be offered and accepted without much deliberation at all. In some cases, a defendant may plead guilty without any offer or assurances by the prosecution, which is known as an “open plea,” “blind plea,” or “pleading to the sheet” (Berend, 1998; Bibas, 2006; Caldwell, 2011; McConkie, 2015; Oliver, 2013; 13-16, Scott & Stuntz, 1992; Subramanian et al., 2020).

The decision in *Brady v. United States* (1970) specified that for plea bargaining to be constitutional and valid, a guilty plea must be entered *voluntarily, knowingly, and intelligently*. Recent case law has argued what is exactly meant by these terms. When discussing the term voluntary, courts have recognized “the imposition of difficult choices [is] an inevitable—and permissible—attribute of any legitimate system which tolerates and encourages the negotiation of pleas” (*Brady v. U.S.*, 1970, p. 750) and in turn has determined there are very few instances of “improper pressure that would . . . overbear the will of some innocent persons which would deem a guilty plea involuntary” (*U.S. v. Pollard*; 1992, p. 1011; *Corbitt v. New Jersey*, 1978, p. 218). When assessing whether an individual is entering a plea knowingly and intelligently the judge will often have the defendant recite a “plea colloquy” in court, which is usually a short, scripted, affirmative

statement made by the defendant. Whether a plea is entered “knowingly and intelligently” is rarely questioned further beyond this minimal statement (Miethe, 1987; Piehl & Bushway, 2007; Redlich & Summers, 2012; Subramanian et al., 2020, Vance et al., 2019).

A large criticism of the plea-bargaining process is the lack of accountability, as the pleas are often difficult to review or view publicly. Prosecutorial discretion within plea bargaining has gained attention, as prosecutors have been awarded more flexibility within the law to impose harsher penalties (Burke, 2007; Devers, 2011; Finkelstein, 1975; Ma, 2002; Subramanian et al., 2020). Historically, prosecutors have abused these powers by using threats of harsher sentences or indefinite pre-trial detention to coerce defendants to accept guilty pleas when the evidence against them is not substantial enough to get a conviction at trial (Finkelstein, 1975; Subramanian et al., 2020). Prosecutors have consistently sought longer sentences for defendants who chose to go to trial, ultimately punishing these individuals for choosing to exercise their Sixth Amendment right to trial (Devers, 2011). Researchers have also found prosecutorial discretion may allow for prosecutorial biases to significantly impact the plea-bargaining process and case outcomes (Burke, 2007; Ma, 2002).

The loss of constitutional rights through this system has also been scrutinized. When pleading guilty and waiving the right to a jury trial, there are other legal rights that are also inherently waived, such as the right against self-incrimination, the right to confront their accusers, and historically this has also meant the defendant waives their right to appeal (*Class v United States*, 2018). After entering a guilty plea, a defendant also faces collateral consequences, or additional penalties, associated with their criminal

conviction. These collateral consequences are extensive, but some examples include the loss of the right to vote, eviction from public housing, loss of professional or occupational licenses and certifications, denial of federal aid, restrictions on adoption, and automatic deportation for some crimes depending on the defendant's immigration status (Edkins & Dervan; 2018). Although these consequences can have a lasting impact on the defendant, attorneys are not always required to inform their clients of these additional rights they will forfeit when pleading guilty (Roberts, 2009).

In the past ten years, as the plea-bargaining process has gained attention, the Supreme Court has attempted to place more regulations on this process. In *Padilla v. Kentucky* (2010), the court ruled defendants have a constitutional right to effective legal counsel during the client counseling phase of plea bargaining. Additionally, it was determined that a guilty plea alone does not inherently waive the defendant's right to challenge the conviction on direct appeal, and even if this right is specifically waived in their plea deal, the defendant still retains the right to appeal if they were provided ineffective assistance of counsel (*Class v. U.S.*, 2018). The legitimacy of "open pleas" has also been questioned recently in court, as the U.S. Second court of appeals reversed an appellate waiver in 2018, stating the plea was not supported by "consideration," or the benefit each party is expected to receive when reaching an agreement, as the defendant received no benefit in exchange for the loss of the right to appeal (*U.S. v. Lutchman*, 2018).

## **Factors that Impact Plea Decision Making**

Most of the contemporary research related to plea bargaining has examined the different factors affecting an individual's decision to plead guilty. Pretrial detention, charge severity, criminal history, age, gender, race, and plea comprehension have been identified as factors that significantly impact whether a defendant will plead guilty or go to trial.

### ***Pretrial Detention***

Pretrial detention has been identified as one of the strongest and most coercive factors that can influence a defendant's decision to plead guilty (Digard & Swavola, 2019, Subramanian et al., 2020; Edkins & Dervan, 2018). Once a defendant is charged with a crime and arrested, they are taken to jail and detained until they are able to pay their bail amount. If the defendant is unable to afford bail or bail is revoked, the defendant is detained indefinitely until the date of their trial. Pretrial detention has been criticized on the basis that defendants in our justice system are legally presumed innocent until proven guilty but may still spend years of their life in jail awaiting trial. Although pretrial detention is seen as inherently problematic, it also has significant consequences on the plea-bargaining process. Research has shown pretrial detention is associated with an increased likelihood of pleading guilty, with these pleas being accepted at a faster rate, and often leading to worse outcomes (Donnelly & MacDonald, 2018; Sacks & Ackerman, 2012; Subramanian et al., 2020). Donnelly & MacDonald (2018) examined 76,000 defendants from Delaware and found pretrial detention led to a 46% increase in the likelihood a defendant pleading guilty. Additionally, misdemeanor cases from 2008 to 2013 in Harris County, Texas, showed defendants detained pretrial were 25% more likely

to plead guilty (Heaton, Mayson, & Stevenson, 2017). Other studies have found pretrial detention increases a defendant's likelihood of pleading guilty between 4.7 and 10% (Stevenson, 2016; Leslie & Pope, 2017).

### ***Charge Severity***

With respect to charge severity, it has been found that defendants faced with lesser offenses and lesser penalties are significantly more likely to plead guilty than defendants facing more severe charges (Albonetti, 1990; Meyer & Gray, 1997; Subramanian et al., 2020). Meyer and Gray (1997) examined 200 defendants from California facing drunk driving charges, and they found the length of the jail term defendants were facing significantly increased the likelihood of pleading not guilty ( $OR = 1.0037, p < .01$ ). In fact, the plea-bargaining processes for misdemeanors often include "standard deals" such as case dismissal or a civil or community based-sentences that are usually offered for specific crimes and are typically accepted without much deliberation as early as the first court appearance (Kohler-Hausmann, 2018; Natapoff, 2016; Smith & Maddan, 2011; Subramanian et al., 2020).

In the most severe cases, the possibility of a death penalty conviction has also been argued to be a coercive factor that is associated with an increased likelihood of pleading guilty (Kuziemko, 2006; Thaxton, 2013). Kuziemko (2006) found defendants facing murder charges were 25% more likely to plead guilty when the death penalty was a possible outcome.

### *Criminal History*

Research conducted by Miller et al. (1978) suggested criminal history may affect a defendant's willingness to plead guilty. However, more current research has found criminal history does not significantly impact a defendant's likelihood of pleading guilty (Redlich, Bushway, & Norris; 2016). Although the evidence is insufficient to conclude criminal history significantly impacts a defendant's decision to plead guilty, it has been found that criminal history significantly impacts the plea deal a defendant is offered. Defendants with extensive criminal histories are more likely to receive harsher plea deals that include incarceration than defendants without criminal history (Ulmer & Bradley-Engen, 2006; Ulmer, Eisenstein, & Johnson, 2009; Kutateladze, Lawson, Andiloro, 2015; Subramanian et al., 2020). Kutateladze et al. (2015) examined 3,723 felony drug cases in New York City and found defendants with prior offenses and prior prison sentences were more likely to receive plea-to-the-charge-offers, resulting in no reduction of charges, and custodial plea offers, or offers including incarceration, compared to defendants without prior offenses.

### *Age*

There is a small body of research focusing on plea decision making among adolescents. This research has generally found younger defendants to be more likely to accept a plea offer, while being less likely to consider the collateral consequences associated with pleading guilty (Grisso et al., 2003; Helm, et al., 2018). Specifically, Helm et al. (2018) found adolescents were more likely to plead guilty to crimes they did not commit. When discussing plea bargain decision making among adolescents, the young defendant's understanding of the plea-bargaining process was brought into

question, as Grisso et al. (2003) has found adolescents under the age of 15 were significantly more likely to have impaired adjudicative competencies compared to older adolescents and young adults. Additionally, Adolescents were also found more likely than young adults to accept a plea offer (Grisso et al., 2003). There is evidence to suggest their attorneys may not be providing juvenile clients with enough information regarding the consequences of pleading guilty and other options they may have (Fountain & Woolard, 2018; Subramanian et al., 2020).

### ***Gender***

The impact of gender differences in plea-bargain decision-making is difficult for researchers to quantify, primarily because attaining an adequately sized sample of female defendants is challenging. Initial work in the area suggests women receive more lenient treatment and favorable plea offers relative to male counterparts, and they are up to 20% more likely to have their initial charges dropped or reduced (Berdejo, 2019). One consequence of this gender difference is that women are more likely than men to falsely plead guilty in both real and simulated plea-bargaining situations (Jones, 2011; Zimmerman & Hunter, 2018).

### ***Race***

Black and Latinx defendants face less favorable outcomes in the plea-bargaining process compared to white defendants (Digard & Swavola, 2019, Kutateladze, et al., 2014, Subramanian et al., 2020). Race is also associated with factors such as pretrial detention, as black and Latinx defendants are also more likely to face pretrial detention than white defendants (Digard & Swavola, 2019). Additionally, black and Latinx defendants are offered more punitive plea offers compared to white defendants, with

black defendants being 70% more likely to receive a plea offer including incarceration compared to white defendants (Kutateladze, et al., 2014)

When specifically examining racial differences among defendants who were detained pretrial, black defendants were 10% less likely than white defendants to accept a plea bargain (Albonetti, 1990) This is likely due to the fact that the plea deals offered to black defendants were less favorable than those offered to white defendants.

Additionally, it was hypothesized that black defendants may be more distrustful of the justice system due to the injustices they experience and in turn are less likely to accept a plea (Albonetti, 1990).

### **Plea Comprehension**

Although there has been a growing field of research exploring different factors that may influence a defendant's decision to plead guilty, one area that has not received as much attention outside of the adolescent literature is whether or not the defendant understands the decision they are making when choosing to plead guilty. There is an extensive body of research focused on adjudicative competence, or an individual's competence to stand trial, but a defendant's competence to plead guilty is rarely studied or questioned. The U. S. Supreme court ruled in *Godinez v. Moran* (1993) that competence to stand trial and competence to plead guilty do not require different standards, however, competency to stand trial requires the defendant has the "ability to understand the proceedings," while the competence to plead guilty requires the defendant "actually *does* understand the significance" of their decision (Godinez v Moran, 1993, p. 401).



Despite this ruling, a defendant's understanding is rarely questioned or sufficiently evaluated. In order to determine a guilty plea is entered voluntarily, intelligently, and knowingly, the judge will typically ask the defendant questions as part of a plea colloquy, or the defendant will be given a written tender-of-plea form (Redlich, 2010b). These often consist of basic questions, such as "Do you speak and understand the English language?" or "Did you have enough time to think about your decision to plead guilty?" (Redlich, 2010a). There is no standard for these colloquies and forms, causing there to be great discretion by the court and judge in regard to the content they cover and how comprehensible they are. Redlich & Summers (2012) found that although 89% of defendants stated they understood the plea-bargaining process, their actual comprehension of plea bargaining was poor, with 65% of defendants answering less than 60% on the comprehension questions correct.

Plea comprehension has been found to be related to age, with adolescents demonstrating lower plea comprehension compared to adults (Redlich & Summers, 2012; Redlich & Shteynberg, 2016). Other factors positively associated with plea comprehension include years of education, number of previous charges, and severity of current charges (Redlich & Summers, 2012). Additionally, plea comprehension impacts plea decision making, as plea competency is weakly positively correlated with willingness to plead guilty (Redlich & Shteynberg, 2016).

### **Foreign Born and Limited English Proficient (LEP) Defendants**

The existing literature regarding plea bargain decision making has revealed racial differences within the plea-bargaining process, with black and Latinx defendants experiencing worse outcomes than white defendants (Albonetti, 1990; Digard &

Swavola, 2019; Kutateladze, et al., 2014; Subramanian et al., 2020). However, these studies do not discuss the outcomes for foreign born individuals who may face additional challenges. They may be less familiar with the U.S. justice system and may face a potential language barrier that could impact their understanding of the plea-bargaining process and the consequences of their convictions. These consequences are especially important for foreign born defendants to understand, as it can directly impact their immigration status and can lead to automatic deportation for certain offenses.

There has been limited research addressing the challenges LEP defendants face when communicating with their attorneys, highlighting the need for more bilingual attorneys. As bilingual attorneys are often few and far between, interpreters are often needed to aid in this communication. Although the Court Interpreters Act of 1978 states defendants have the right to an interpreter in federal proceedings, this has been limited only to federal criminal court proceedings; therefore, interpreters are not guaranteed for defendants facing criminal charges, state charges, or any communication outside of the courtroom (Abel; 2013; Varela et al., 2011). As much of the plea-bargaining process occurs outside of the courtroom, a court interpreter is unlikely to be provided during these communications, which could significantly impair the defendant's understanding of the plea bargain being offered.

There is some research to suggest LEP defendants are treated differently by their attorneys compared to English-speaking defendants. Varela et al. (2011) found attorneys were less likely to refer Spanish-speaking defendants for competency to stand trial evaluations compared to English-speaking defendants. Additionally, scholars have noted the difficulties attorneys face when representing LEP defendants, such as the inability to

discuss the defendant's goals, key facts in the case, and trial strategy prior to appearing in court (Rearick, 2004).

As the percentage of foreign-born individuals living in the U.S has increased significantly over the last decade, specifically individuals immigrating from Latinx countries, the percentages of foreign-born individuals coming in contact with the U.S. justice system is also increasing (Motivans, 2019; U.S. Census Bureau, 2018). More research is needed to ensure these defendants are receiving fair and equal treatment within the justice system compared to American born, English speaking defendants, especially in the less researched plea-bargaining process.

### **Current Study**

Upon reviewing the literature regarding plea comprehension and the literature regarding LEP and foreign-born defendants, there appears to be a lack of research focused on the intersection of these two topics. As overall comprehension of the plea-bargaining process among English-speaking American defendants is relatively poor, it is important to examine plea comprehension among immigrant and LEP groups since these individuals face specific barriers that may significantly impair their comprehension.

I proposed to examine plea comprehension among a diverse sample of LEP and foreign-born defendants. Specifically, I had planned to compare the average comprehension of these individuals to the average comprehension among English-speaking and American defendants. Additionally, I investigated possible mediators and moderators that may influence plea comprehension and decision making. The variables of interest include if the defendant was subjected to pretrial detention, the severity of the charge, the defendant's criminal history, age, gender, race, immigration status, country of

origin, level of acculturation, language proficiency, if the defendant's attorney speaks their native language, and if an interpreter was used. I also planned to determine whether plea comprehension significantly impacts plea decision making.

It was hypothesized that plea comprehension among LEP and foreign-born defendants will be lower than plea comprehension among English-speaking and American born defendants. Based on the previous research, it was hypothesized that criminal history, age, immigration status, country of origin, level of acculturation, language proficiency, attorney's language, and the use of interpreter would impact plea comprehension. Specifically, criminal history, age, language proficiency, and level of acculturation were hypothesized to be positively associated with plea comprehension and immigrant status. Representation in a language other than defendant's native language and not using an interpreter are also hypothesized to be associated with lower plea comprehension. Additionally, lower plea comprehension was expected to be associated with increased likelihood of accepting a plea bargain, as these defendants may not understand the full consequences associated with accepting a plea offer.

### **Hypotheses**

In sum, hypotheses are as follows:

#### ***Hypothesis 1***

There will be a significant difference in average plea comprehension, with foreign born and LEP defendants having lower average comprehension compared to American and English-speaking defendants.

***Hypothesis 2***

There will be significant positive correlations between plea comprehension and criminal history, age, language proficiency, and level of acculturation.

***Hypothesis 3***

There will be significant association between plea comprehension and immigration status, attorney language, and use of interpreter, with lowest plea comprehension among immigrant defendants with an attorney that does not speak their native language, who were not provided an interpreter.

***Hypothesis 4***

Lower plea comprehension will significantly increase the likelihood that a defendant will plead guilty.

## CHAPTER II

### Methods

#### Participants

Seventy-nine participants completed the study. All participants were non-detained, post-adjudication adults, who pleaded guilty in Harris County criminal court. Participants were recruited through the Harris County Public Defender's Office or the 339<sup>th</sup> District Court in Houston, Texas. The average age of participants was 32.89 ( $\pm$  9.96) and average years of education were 11.40 ( $\pm$  2.15). The majority of participants were black (41.8%), male (88.60%), native-born (86.10%), and although 46.1% of the sample spoke Spanish, 89.90% of the sample reported English as their preferred language (see Table 1 and Table 2 for demographic characteristics and language preferences).

#### Measures

##### *Demographic Questionnaire*

Participants completed a 12-item, researcher-developed questionnaire related to gender, age, ethnicity, marital status, income, education, country of origin, time in the U.S., immigration status, language preference, previous legal involvement, and experience with the U.S. legal system. The items were translated into Spanish for use with Hispanic and Latinx limited-English proficient participants. Demographic information is presented below (see Table 1). The full English and Spanish language demographic forms can be found at Appendix A.

**Table 1**  
*Participant Demographics*

Characteristic	Percent or Mean (SD)
<i>Gender (n = 79)</i>	
Male	88.60 %
Female	11.40 %
<i>Age (n= 79)</i>	32.89 (9.96)
<i>Race (n = 79)</i>	
White	13.90 %
Black	41.80 %
Latinx	38.00 %
Asian	1.30 %
Biracial	5.10 %
<i>Education (n = 77)</i>	11.40 (2.15)
<i>Source of Income (n = 79)</i>	
Full Time Work	72.2%
Part Time Work	12.7%
Public Assistance	2.5%
Family	6.3%
Other	6.3%
<i>Native Country (n = 79)</i>	

(continued)

Characteristic	Percent or Mean ( <i>SD</i> )
United States	86.10%
Other <sup>1</sup>	13.90%
<i>Immigration Status<sup>2</sup></i>	
U.S. Citizen	9.10%
Visa	27.30%
Lawful Permanent Resident	45.50%
Undocumented	18.20%
<i>Previously Deported</i>	1.3%
<i>ICE Hold Pending</i>	1.3%
<i>Mental Health History</i>	20.3%

*Note.* <sup>1</sup>Individuals in this group were from Mexico, El Salvador, Guatemala, Cuba, Puerto Rico, Africa, and the United Kingdom. <sup>2</sup>Percentage of non-native participants only ( $n = 11$ )

### ***Understanding of Current Legal Situation Questionnaire***

Participants completed a 19-item, researcher-developed questionnaire related to the participant's current legal situation, their relationship with their attorney, if their attorney speaks their native language, whether or not an interpreter has been used, nativity status (i.e., U.S. born, foreign born), and if they have consulted with an immigration attorney. Additionally, there were questions regarding the plea-bargaining process, whether or not they have been offered a plea bargain, if they plan to accept a plea bargain, and what their motivations are for doing so. The last five items measure the defendants' feelings of distrust with the justice system as a whole. The items were



translated into Spanish for use with Hispanic and Latinx limited-English proficient participants. Some of this information is presented below in Table 3 and Table 4. The English and Spanish language versions of this questionnaire can be found at Appendix B.

***Plea Comprehension Scale (Redlich & Summers, 2012)***

The Plea Comprehension Scale was developed as part of an in-person standardized interview conducted by Redlich and Summers (2012). It is made up of three series of true/false/I don't know questions that aim to measure the participant's understanding of the plea process, requirements, and consequences. The first series consists of 14 statements such as, "Guilty pleas do not have to be a voluntary choice of the defendant." The next series consists of 14 statements starting with, "When taking a guilty plea, people are agreeing to..." and the final series consists of 12 statements starting with, "If people do [or do *not*] follow the conditions of a guilty plea, they can..." Each statement consists of actual or false statements regarding procedures, requirements, and consequences of plea bargaining. Each answer is scored as correct or incorrect, with answers of "I don't know" being counted as incorrect. A total score is derived by summing the 40 items and Cronbach's alpha for this measure is .82 (Redlich & Summers, 2012). This measure was translated into Spanish using forward-translation and back-translation protocol to ensure validation for use with Spanish-speaking populations. The English and Spanish language versions of the scale can be found at Appendix C.

***Bidimensional Acculturation Scale for Hispanics (Marin & Gamba, 1996)***

The BAS is a 24-item measure of acculturation for Hispanic and non-Hispanic culture. Each cultural domain comprises 12 items which are measured using a four-point scale. The Hispanic and non-Hispanic domains are broken down into three language-

related areas—language use, linguistic proficiency, and electronic media. Each subscale across both cultural domains receives a score of 1 to 4, which represents their average rating (of items answered), across the items in that area for that specific cultural domain. Additionally, participants receive an overall score for each cultural domain, which is the calculated by averaging the items responses (ranging from 1 to 4) for each culture. The BAS is available for use in English and Spanish and both versions were used in this study (see Appendix D for English and Spanish versions). The BAS is recommended for use with a heterogeneous group of Hispanic individuals including Mexicans and Central Americans (Marin & Gamba, 1996; Wallace, Pomery, Latimer, Martinez & Salovey, 2010). The BAS is considered to demonstrate adequate internal reliability with Cronbach alpha coefficients of .90 for the Hispanic domain and .96 for the non-Hispanic domain (Cabassa, 2007; Dawson, 2009).

### **Procedure**

Prior to completing the questionnaire, participants were explained the purpose, risks, and benefits of the study and were provided a copy of the informed consent document for their records. Given that the participants were justice involved and citizenship status was discussed, a waiver of signed informed consent was granted by the university's Institutional Review Board. Participation in the current study took place mainly in person within the Harris County Criminal Court immediately following the participant's plea hearing and completion of any subsequent paperwork. Once consent was verbally obtained, a brief interview was administered one-on-one, in either English or Spanish by myself or a trained bilingual graduate research assistant consisting of a demographic questionnaire, questionnaire of understanding of current legal situation,

BAS, as well as the plea comprehension scale. Participation in the study took approximately 15 minutes and participants were compensated with a \$5 gift card for their time. Completed questionnaires were kept in a locked filing cabinet in a locked room and no identifying data was collected.

### **Data Analysis**

The originally proposed data analysis plan consisted of conducting descriptive statistics and preliminary analysis examining potential covariates using bivariate correlations for the variables of age, language proficiency, and level of acculturation. Multivariate Analysis of Variance MANOVA was proposed to examine immigration status, use of interpreter. Additionally, multiple linear regression (MLR) analysis was proposed to determine the amount of variance explained by each predictor variable (e.g., criminal history, age, language proficiency, level of acculturation, immigration status, attorney language, and use of interpreter) on the outcome variable of plea comprehension. A second linear regression was also proposed to determine if language proficiency and level of acculturation are significant predictors of plea decision making. Additionally, independent two-sample t-tests were proposed to compare the mean plea comprehension scores for English-speaking and LEP participants, as well as U.S. born and foreign-born participants.

Due to unforeseeable difficulties with data collection, most notably the inability to access defendants in custody due to pandemic restrictions, the analysis plan was changed slightly to accommodate the limitations. Immigration status and attorney language were not examined, as the percentage of the sample that were non-U.S. citizens and whose attorney did not speak their native language was too small to include in analyses. In place

of immigration status, country of origin was used as an alternative predictor variable. Plea decision making was unable to be measured as well, as all participants had already accepted a plea before participating in the study. Plea perception was used as an alternative outcome variable to measure level of satisfaction with plea decision making. Additionally, due to the limited number of monolingual Spanish speaking participants included in the study, language was re-operationalized from a dichotomous variable to a continuous variable of language proficiency. For this reason, regression analyses were used to determine if language proficiency was a significant predictor of plea comprehension, instead of using *t*-tests.

## CHAPTER III

### Results

#### Participant Language

Participant experiences related to language are summarized in Table 2. Most participants (91.9%) chose to complete the survey in English, with 89.9% of the sample identifying English as their preferred language. A small number of participants ( $n = 7$ ; 8.9%) were primarily Spanish speaking and utilized a court-appointed professional interpreter during court proceedings.

**Table 2**

*Participant Language*

Characteristic	Percent
<i>Preferred Language</i>	
English	89.90
Spanish	10.10
<i>Spanish Speaking</i>	46.10
<i>Use of Interpreter</i>	8.90
<i>Questionnaire Language</i>	
English	91.10
Spanish	8.90

### Case-Related Demographics

48.1% of participants were provided legal representation through the Harris County Public Defender's Office while 26.6% were represented by a court-appointed contracted private attorney and 25.3% hired their own legal representation. The majority of participants' cases were disposed of in the 339<sup>th</sup> District Court (64%), while the other participants' cases were located in various other felony and misdemeanor courts within the Harris County Criminal Courthouse. More case and plea related descriptive statistics are provided below in Table 3 and Table 4.

**Table 3**

*Case-Related Demographics*

Characteristic	Percent or Mean ( <i>SD</i> )
<i>Attorney Type</i>	
Public Defender	48.10%
Private – Paid	25.30%
Private - Contracted	26.6%
<i>Number of Times Meeting with Attorney</i>	5.20 (4.63)
<i>Attorney Satisfaction</i>	6.17 (1.65)
<i>Attorney speaks native Language</i>	94.9%
<i>339th District Court</i>	64.00%
<i>Number of Previous Criminal Charges</i>	3.00 (5.05)
<i>Previously Accepted Plea Bargain</i>	41.8%
<i>Previously Served Time in Prison</i>	34.2%

(continued)

Characteristic	Percent or Mean ( <i>SD</i> )
<i>Number of Current Criminal Charges</i>	1.41 (0.89)
<i>Current Felony Charge</i>	87.3%
<i>Jail Time Related to Current Charge</i>	73.4%
<i>ICE Detention Related to Current Charge</i>	1.3%
<i>Current Charge Type</i>	
Assault	34.2%
Robbery	6.3%
Burglary/Theft	6.3%
Child Endangerment	1.3%
Attempted Murder	1.3%
Fraud/Money Laundering	2.5%
Possession/Discharge Firearm	6.3%
Possession of a Controlled Substance	7.6%
DUI/DWI	8.9%
Engaging/Promoting Prostitution	1.3%
Unauthorized Use of a Motor Vehicle	1.3%
Stalking	1.3%
Criminal Mischief	2.5%
Criminal Trespass	1.3%
Conspiracy to Commit Crime	1.3%

(continued)

Characteristic	Percent or Mean ( <i>SD</i> )
Retaliation	1.3%
Evading Arrest	8.9%
Unsure	6.3%

**Table 4***Plea Comprehension, Perceptions, and Decision Making*

Characteristic	Percent or Mean ( <i>SD</i> )
<i>Total Plea Comprehension</i>	23.55 (6.11)
<i>Plea Confidence</i>	6.05 (1.57)
<i>Plea Satisfaction</i>	5.68 (1.95)
<i>Plea Fairness</i>	5.53 (2.01)
<i>Type of Plea Bargain Offered</i>	
Reduction in Severity of Charges	50.6%
Reduction in Number of Charges	24.1%
Recommends More Lenient Sentencing	83.5%
<i>Factors Considered in Decision Making</i>	
Possibility of Longer Sentence	67.1%
Protecting Another Person	13.1%
Expense of Trial	26.6%
Spare Family from Suffering	54.4%

(continued)



Characteristic	Percent or Mean ( <i>SD</i> )
Advice from Family/Friends	48.1%
Advice from Attorney	77.2%
Evidence Against You	54.4%
Expected Outcome of Trial	64.6%
Immigration Status	7.6%
Type of Plea Offered	72.2%
Personal/Religious Beliefs	31.6%
Rights that could be lost	54.4%

### **Acculturation**

The BAS was used to measure acculturation and language use. Results indicate all subscales of the BAS were significantly intercorrelated, with Spanish language use and linguistic proficiency having a positive correlation of .89, while English language use and linguistic proficiency have a positive correlation of .74. As participant language is particularly relevant related to the primary research questions, to reduce collinearity effects between these constructs, the language use and linguistic proficiency subscales were summed to represent a Spanish and English total language score for each participant, herein referred to as Spanish language mastery and English language mastery. The subscale scores and intercorrelations are listed below (see Table 5 and Table 6).

**Table 5**

*Participant Acculturation and Language Proficiency (Bidimensional Acculturation Scale)*

Domains and Scores	Mean ( <i>SD</i> )
BAS Spanish Cultural Domain Total	1.79 (.98)
Language Use	1.69 (.96)
Language Proficiency	1.93 (1.14)
Electronic Media	1.59 (.60)
BAS English Cultural Domain Total	3.73 (.55)
Language Use	3.75 (.56)
Language Proficiency	3.79 (.55)
Electronic Media	3.64 (.74)

**Table 6**

*Intercorrelations Among Bidimensional Acculturation Scale Scores*

Scales	1	2	3	4	5	6	7	8
1. Spanish Total	--							
2. Spanish Use	.95**	--						
3. Spanish Proficiency	.98**	.89**	--					
4. Spanish E-Media	.92**	.88**	.85**	--				
5. English Total	-.68**	-.79**	-.59**	-.69**	--			
6. English Use	-.69**	-.75**	-.62**	-.67**	.89**	--		
7. English Proficiency	-.56**	-.68**	-.45**	-.62**	.94**	.74**	--	
8. English E-Media	-.69**	-.78**		-.63**	.92**	.79**	.77**	--

*Note.* \*  $p < .05$ , \*\*  $p < .00$

### **Plea Comprehension**

As shown above in Table 3, the mean plea comprehension score for all participants was 23.55 ( $SD = 6.11$ ) out of a total possible score of 40, which equates to an average score of 58.9% correct. The percentage correct for each item is listed below in Table 6. There were 15 items that were answered incorrectly by more than half of the participants in the sample, with only 7.6% of the sample identifying the item, *If defendants withdraw their guilty plea, anything they said or did as part of the plea deal can be used against them*, as false while only 12.7% correctly identified that pleading guilty is *not* a mitigating factor in sentencing. Additionally, point-biserial correlations were completed for each item to determine the relation between English language mastery and plea comprehension at the item level. There were several significant positive correlations between English language mastery and correct responses for items, which are shown in Table 7.

**Table 7***Redlich and Summers (2012) Plea Comprehension Measure (n = 79)*

Comprehension Items		Key	% Correct	Correlation with English Language Mastery
1a.	Guilty pleas do not have to be a voluntary choice of the defendant	F	41.80	.11
1b.	Defendants must have a lawyer in order to plead guilty	F	50.60	.26*
1c.	A defendant's previous convictions (criminal history) can affect the punishment or sentencing that results from a guilty plea	T	86.10	.30*
1d.	It is the court or judge's responsibility to make sure the defendant understands his or her rights and what is involved in pleading guilty	T	86.10	.03
1e.	Pleading guilty can affect the punishment of future crimes	T	83.50	-.15
1f.	The court or judge must accept the prosecutor's plea offer to the defendant	F	36.70	.08
1g.	If defendants refuse to admit responsibility for the crime, they can still plead guilty	T	54.50	.04
1h.	Agreeing to plead guilty is a mitigating factor in sentencing	F	12.70	.02
1i.	Defendants who are innocent cannot plead guilty	F	65.80	.36*
1j.	If defendants withdraw their guilty plea, anything they said or did as part of the plea deal can be used against them	F	7.60	.13
1k.	The sentence or punishment from a guilty plea cannot be longer than the sentence defendants could get if they went to trial	T	41.80	.05

(continued)

Comprehension Items		Key	% Correct	Correlation with English Language Mastery
1l.	It is legal for prosecutors to lie to defendants during plea discussions	F	65.80	.09
1m.	Prosecuting and defense attorneys are allowed to work out a plea deal without the defendant present	T	48.10	-.09
1n.	Defendants who are high on drugs or alcohol at the time of the plea are not allowed to plead guilty	T	48.10	-.13
<b>When taking a guilty plea, people are agreeing to:</b>				
2a.	Admit guilt for the crimes they have been charged with	T	87.30	.14
2b.	Give up their right to a trial before a judge or a jury	T	82.30	.25*
2c.	Live with a family member or friend, either now or when let out of jail/prison	F	48.10	.34**
2d.	Make the prosecutor or District Attorney prove their guilt beyond a reasonable doubt	F	39.20	.33**
2e.	Let the Judge have the final say about their sentence	T	70.90	-.12
2f.	Most likely be deported if they are not a US citizen	T	69.60	-.08
2g.	Take lie detector tests	F	67.10	-.05
2h.	Never legally own a firearm or ammunition	T	63.30	-.07
2i.	Not do any criminal acts	T	72.70	-.04
2j.	Do physical exercise	F	79.70	.28*
2k.	The fact that no one made promises to get them to plead guilty	T	64.60	.16

(continued)

Comprehension Items		Key	% Correct	Correlation with English Language Mastery
2l.	Have the same lawyer for any and all future cases	F	70.90	.15
2m.	Not use alcohol or drugs	T	58.20	-.12
2n.	Allow the court to see their health records	F	48.10	.21
<b>If people do follow the conditions of the guilty plea, they can:</b>				
3a.	Have the arrest or conviction from the guilty plea erased from their criminal record	F	32.90	.11
3b.	Have their criminal justice problems done away with	F	39.20	.18
3c.	Never be arrested again	F	79.70	.58**
3d.	Get more money from the government	F	81.00	.55**
3e.	Get access to health or alcohol/drug treatment	T	53.20	-.04
3f.	Appeal and get the conviction reversed	F	51.90	.24*
<b>If people do NOT follow the conditions of the guilty plea, they can:</b>				
3g.	Be sent back to for trial on the same charge	F	27.80	.15
3h.	Be sent back to jail or prison	T	89.80	.13
3i.	Have their disability or government checks taken away	F	39.20	-.17
3j.	Have their original charges or sentences put back	T	75.90	-.17
3k.	Be kicked out of their housing programs	T	64.60	.10

(continued)

Comprehension Items	Key	% Correct	Correlation with English Language Mastery
31. Be charged again for the same crime	F	39.20	.06

*Note.* Significance test refers to differences by English language mastery

\*  $p \leq .05$

\*\*  $p \leq .001$

### Plea Comprehension, Demographic Variables, and Acculturation

As shown in Table 8, plea comprehension correlated positively and significantly with number of previous charges ( $r = .34, p = .002$ ), the BAS English linguistic proficiency subscale ( $r = .40, p < .001$ ), BAS English language use subscale ( $r = .31, p = .006$ ), and BAS English cultural domain ( $r = .38, p < .001$ ). Age and BAS Spanish language proficiency were not significantly correlated with plea comprehension scores. However, the BAS Spanish language use correlated negatively and significantly with plea comprehension scores ( $r = -.32, p = .004$ ) and BAS Spanish cultural domain ( $r = -.28, p = .014$ ).

**Table 8**

*Correlations between Demographic and Acculturation Variables and Plea Comprehension Scores*

Variables	Plea Comprehension
Previous Charges	.34*
Age	.092
Spanish Language Use	-.32*
Spanish Language Proficiency	-.21
English Language Use	.31*
English Language Proficiency	.40**
Spanish Acculturation Total	-.28*
English Acculturation Total	.38**
Plea Perception	.06

*Note.* \* $p \leq .05$ , \*\*  $p < .01$



### **Plea Comprehension, Interpreter Use, and Nativity**

Mean plea comprehension scores were significantly lower for participants who used an interpreter during their plea proceedings ( $M = 16.14$ ,  $SD = 8.63$ ) compared to those who did not use an interpreter ( $M = 24.28$ ,  $SD = 5.35$ ),  $t(76) = 3.62$ ,  $p < .001$ ,  $d = 1.43$ . Also, the mean plea comprehension scores for participants who were born in the United States ( $M = 24.37$ ,  $SD = 5.49$ ) was significantly higher than the mean plea comprehension scores for those born outside of the United States ( $M = 18.55$ ,  $SD = 7.54$ ),  $t(76) = 1.82$ ,  $p = .003$ ,  $d = 1.01$

### **Multivariate Analyses**

Given the observed correlation between plea comprehension and number of previous charges as well as language scores, simultaneous multiple regression was used to examine the relation between plea comprehension and these aforementioned significant variables. The model achieved significance,  $R = .51$ ,  $R^2 = .26$ ,  $F(3,72) = 8.28$ ,  $p < .001$ , accounting for approximately 26% of the variance in plea comprehension (see Table 9). Number of previous charges, and English language mastery were significant predictors, while Spanish language mastery was not significant,  $t(75) = -.002$ ,  $p = .999$ .

**Table 9**

*Plea Comprehension Regressed on to Previous Charges, English Mastery, and Spanish Mastery*

Variables	B	SE <sub>B</sub>	t	p	r <sub>sp</sub>
Number of previous charges	.320	.097	3.300	.002*	.362
English Language Mastery	.155	.645	2.325	.023*	.264
Spanish Language Mastery	-.001	.327	-.002	.999	.000

*Note.* \*  $p \leq .05$ , \*\*  $p \leq .001$

A second multiple linear regression model was created based on hypothesized findings including the following dummy coded predictor variables: country of origin (reference group: U.S.) and use of interpreter (reference group: no interpreter used). Attorney language was originally included in the analysis plan, however, due to the limited number of participants whose attorneys did not speak their native language, this variable was excluded from the model. The model achieved significance overall,  $R = .400$ ,  $R^2 = .160$ ,  $F(2,75) = 7.124$ ,  $p = .001$ , and accounted for approximately 16% of the variance in comprehension (see Table 10). While country of origin was not a significant predictor of plea comprehension, use of interpreter was significant,  $t(77) = -2.071$ ,  $p = .042$ .

**Table 10**

*Plea Comprehension Regressed on to Native Country and Use of Interpreter*

Variables	B	SE <sub>B</sub>	<i>t</i>	<i>p</i>	<i>r</i> <sub>sp</sub>
Native Country	-2.591	2.419	-1.071	.288	-.122
Use of Interpreter	-6.100	2.946	-2.071	.042*	-.233

*Note.* \*  $p \leq .05$ , \*\*  $p \leq .001$

**Summary of Findings Related to Hypotheses**

*Hypothesis 1*

It was hypothesized there would be a significant difference in average plea comprehension, with foreign born and LEP defendants having lower average plea comprehension compared to American and English-speaking defendants. This hypothesis was supported, as the mean plea comprehension was significantly lower for foreign-born participants compared to U.S. born participants. English language proficiency was found

to be positively correlated with plea comprehension, with the average plea comprehension being significantly lower for primary Spanish speakers using interpreters.

### ***Hypothesis 2***

It was hypothesized there would be significant positive correlations between plea comprehension and criminal history, age, English language proficiency, and level of acculturation. This hypothesis was partially supported, as plea comprehension was positively correlated with criminal history, English language proficiency, and English acculturation, while Spanish language use and Hispanic acculturation were negatively correlated with plea comprehension. However, age was not found to be significantly related to plea comprehension.

### ***Hypothesis 3***

It was hypothesized there would be a significant association between plea comprehension and immigration status, country of origin, attorney language, and use of interpreter, with lowest plea comprehension among immigrant foreign born defendants with an attorney that does not speak their native language, who were not provided an interpreter. This hypothesis was partially supported, as use of interpreter was a significant predictor of plea comprehension, with higher plea comprehension among those who were not provided an interpreter. However, the relation between plea comprehension and attorney language was unable to be evaluated due to the small sample size of individuals whose attorneys did not speak their language. Although there was a significant difference in mean plea comprehension scores between foreign born and U.S. born participants, country of origin was not a significant predictor of plea comprehension.

***Hypothesis 4***

It was hypothesized that lower plea comprehension will significantly increase the likelihood that a defendant will plead guilty. As all defendants included in the sample had accepted a plea prior to participating in the study, confidence and satisfaction in the plea decision was used as an alternate outcome variable known as plea perceptions. However, plea comprehension was not significantly related to plea perceptions (see Table 7).

## **CHAPTER IV**

### **Discussion**

In support of the hypotheses, plea comprehension was found to be positively correlated with criminal history and English acculturation, while Hispanic acculturation was negatively correlated with plea comprehension. Most notably, findings strongly supported the hypothesized relation between language mastery and plea comprehension, with lower English language mastery as well as the use of interpreter and foreign country of origin resulting in significantly lower plea comprehension.

### **Criminal History**

The existing literature regarding plea bargaining and criminal history is focused on the type of plea offered and the likelihood of pleading guilty (Miller et al., 1978; Ulmer & Bradley-Engen, 2006; Ulmer, Eisenstein, & Johnson, 2009; Kutateladze, Lawson, Andiloro, 2015; Redlich, Bushway, & Norris; 2016; Subramanian et al., 2020). This is the first study (or one of the first) to examine the relation between criminal history and plea comprehension. The findings were as hypothesized, plea comprehension increased as the number of previous charges increased. This suggests experience with the criminal justice system may lead to familiarity with the plea bargaining process, especially for defendants who have previously been through the plea bargain process. In contrast, defendants with no previous experience with the justice system are likely younger and unfamiliar with the legal proceedings and plea bargain process, resulting in a lower plea comprehension.

## **Age**

The previous research regarding age and plea bargaining has mainly focused on plea decision making among adolescents. There is evidence to suggest younger adolescents have more impairments in adjudicative competencies compared to older adolescents, suggesting age may be a significant factor in plea comprehension (Grisso et al., 2003). It was hypothesized age would be positively correlated with plea comprehension, as older defendants may have more experience with the system and more knowledge overall. This was not supported, as age was not significantly related to plea comprehension. This was surprising, as many would assume age would be associated with more previous charges, which was indeed related to plea comprehension. Although age was associated with number of previous charges ( $r = .29, p = .01$ ), these variables were not as strongly correlated as originally anticipated. Additionally, it is possible younger defendants may be more familiar with court processes due to possible recency effects related to education and exposure to the legal system in school, such as in social studies, political science, or other law related courses.

## **Language and Acculturation**

Prior to this study, the existing research examining the relation between language proficiency and acculturation within the plea-bargaining process was sparse, although there was some evidence found to suggest racial differences exist in regard to plea outcomes (Digard & Swavola, 2019, Kutateladze, et al., 2014, Subramanian et al., 2020). This is a crucial area to examine, as foreign born and limited English proficient defendants face unique barriers, such as unfamiliarity with the U.S. justice system and

language barriers while also facing additional collateral consequences of pleading guilty, such as possible deportation.

Ten participants in the study identified as being born outside of the United States (Mexico, El Salvador, Guatemala, Cuba, Puerto Rico, Africa, and the United Kingdom). While there was a significant difference in mean plea comprehension between these participants compared to U.S born participants, it was not a significant predictor of plea comprehension when placed in a regression model. This may be due to the small sample of foreign-born participants and should be re-evaluated with a larger sample. Level of acculturation was also examined using the total BAS Hispanic and Non-Hispanic cultural domains. The Non-Hispanic cultural domain was significantly positively correlated with plea comprehension, while the Hispanic cultural domain was significantly negatively correlated with plea comprehension, suggesting stronger acculturation to Hispanic and Latinx cultures was associated with lower plea comprehension.

This may also be a proxy for language, as those with stronger acculturation to Latinx and Hispanic cultures are more likely to primarily speak Spanish rather than English and those with stronger acculturation to the United States would be more likely to speak English as their primary language (Marin & Gamba, 1996). While almost half of the sample identified as Spanish speaking ( $n = 35, 46.1\%$ ), only a small percentage of the study identified Spanish as their primary language ( $n = 8, 10.1\%$ ) with seven participants requesting an interpreter for the court proceedings and plea hearings. The survey language was provided in order to be consistent with the language of their court proceedings, resulting in those seven participants also completing the survey in Spanish. Results of this study indicate language is significantly associated with plea

comprehension, with English language mastery and use of interpreter both being significant predictors of plea comprehension. As English language mastery increases, plea comprehension also increases while the use of an interpreter is predictive of lower plea comprehension. It is unclear if the differences in plea comprehension with interpreter use is due to the unique barriers related to communicating through interpretation, or if this can be explained by this group of participants being the most limited in their English proficiency.

As the Harris County Public Defender's Office is unique in that it has a large team of Spanish-speaking attorneys, only four participants (5.1%) reported their attorney did not speak their native language. Three of these individuals indicated they were not provided an interpreter, while one reported they relied on a friend or family member as an interpreter for their conversations with their attorneys. Due to the small number of participants in this category, the proposed analysis regarding attorney language was unable to be examined. More research with a larger sample of participants would be needed to determine if there is a significant relation between attorney language and plea comprehension.

The findings related to limited English proficiency and interpreter use being predictive of lower plea comprehension are especially troubling, as previous research has found attorneys less likely to refer Spanish-speaking defendants for competency to stand trial evaluations compared to English-speaking defendants (Varela et al., 2011). This suggests attorneys may be less likely to question the competence or plea comprehension of Spanish-speaking individuals during the plea process, while it appears these defendants are the ones that are most likely to have the lowest comprehension of the plea



process. Qualitatively, it was observed that the defendants who used an interpreter received shorter plea colloquies and were not always informed during the colloquy of the risk of deportation associated with pleading guilty, compared to the defendants without an interpreter, the majority of whom were primarily English Speaking and U.S. born. This may have been done consciously or unconsciously to simplify the colloquy for the ease of translation, however, it is clear based on these findings that this group of defendants are the individuals that would most benefit from a more comprehensive and thorough plea colloquy.

### **Implications**

As this is one of few studies examining plea comprehension among actual defendants involved in criminal proceedings, these findings have significant implications with high external validity. Moreover, this study is the first known study to examine plea comprehension among Spanish speaking and limited English proficient defendants. The findings specifically related to language are especially concerning, as it is clear limited English proficient defendants are significantly disadvantaged within the plea-bargaining process compared to their English proficient counterparts. It is crucial for all court personnel and interested parties to understand the extent of the limitations faced by these individuals within the justice system in order to ensure all defendants, regardless of language proficiency, are fully informed of the plea-bargaining process and the associated collateral consequences. The analysis of the item level responses is especially beneficial for this purpose, in order to provide in-depth information for legal counsel and judges to better understand which specific areas may need more elaboration when counseling defendants and during plea colloquies.

One example of possible resources to provide to clients include consultation with an immigration attorney for defendants that are not citizens. This is a service the Harris County Public Defender's Office provides to their clients, however, not all attorneys provide this for their clients. The mean plea comprehension was found to be significantly lower for the foreign-born participants compared to U.S. born participants, however country of origin was not found to be a significant predictor of plea comprehension when entered into a model with use of interpreter. This may be due to language differences in country of origin being accounted for by the interpreter use construct. Additionally, as the foreign-born participants represented by the Harris County Public Defender's Office did consult with an immigration attorney prior to accepting a plea, this may have provided a buffer for some of the possible deficits to plea comprehension these individuals may have faced if this service had not been provided.

With regard to the findings related to use of interpreter and language mastery, other possible solutions may include different forms of interpretation, as simultaneous interpretation may not be easily comprehended. Different methods, such as using transceivers, or wireless simultaneous interpreting equipment, may be beneficial, as it may be easier for the defendant to focus on the interpretation, rather than the language being spoken by the judge (National Association of Judiciary Interpreters and Translators, 2020). Additionally, it would likely increase comprehension for limited English proficient defendants to be provided copies of their plea paperwork in their native language, as many courts, including Harris County, do not have this paperwork available in languages other than English for these defendants. Being able to read over

their agreement themselves, rather than just having their attorney or an interpreter reading it to them, could possibly increase comprehension significantly.

It is hoped these findings will highlight aspects of the plea-bargaining process that are in need of more clarity and resources in order to ensure all defendants regardless of language are able to obtain a stronger understanding of this process and be able to come to an informed decision regarding whether or not taking a plea would be in their best interest.

### **Study Limitations and Future Research**

One of the limitations of the study is that the sample obtained was limited to non-detained defendants post adjudication. As pretrial detention and likelihood of pleading guilty were two variables of interest included in the original data analysis plan, these variables had to be removed and were unable to be examined. It would be beneficial to continue this research also examining plea comprehension and decision making among detained defendants and being able to collect data pre-adjudication so likelihood of pleading guilty could also be explored in relation to plea comprehension and language proficiency.

Additionally, although significant findings were attained with moderate-high effect sizes, the main limitation of the study was the small sample size. Although the total sample achieved adequate power, the groups of monolingual Spanish speakers and foreign-born participants were limited. While these groups were small, the findings related to country of origin and use of interpreter related to plea comprehension were still in fact significant, suggesting further research with a larger sample of foreign born and

monolingual Spanish speaker may result in even stronger associations with plea comprehension.

Given the results regarding use of interpreter, this is an area in much need of further research. It is necessary to continue exploring the interpretation process and what aspects are significantly impeding comprehension, such as the style of interpretation, dialect of the interpreter, level of involvement of the interpreter, and whether or not other court personnel, such as the attorneys and judge, also speak the defendant's native language. Although interpretation often consists of verbal interpretation during the actual hearings, further research should be conducted examining the language of plea paperwork, as the court system used for this study did not have Spanish versions of the plea paperwork available for Spanish speaking defendants to review, sign, and keep for their records. These forms were indeed provided to all defendants in English, regardless of native language. These are all nuanced aspects of the interpretation process that require more attention in order to ensure all essential information is properly and adequately relayed for maximal comprehension.

Moreover, given the complexity of interpreting certain legal jargon and the nuances within dialectical variations, it is possible the Spanish-translated version of the plea comprehension measure included terms inconsistent with the terms used by interpreters, which may have resulted in confusion and superficially lowered plea comprehension scores overall for these individuals who completed the Spanish version of the questionnaire. It would be beneficial for future studies to examine the legal terminology used among court-appointed translators across various courts to determine the level of variation among translators, but also to establish whether there is a level of

consistency with the terms used in the translated version of the plea comprehension measure compared to the vocabulary and terminology used by the interpreter.

Given the promising results of this study, more research is greatly needed examining use of interpreter and language barriers to plea comprehension in order to determine how to best ensure all defendants, including those who are limited English proficient, are truly accepting pleas knowingly, intelligently, and voluntarily.

### **Conclusion**

While this study has identified important issues within the plea-bargaining system that have significant implications regarding legal decision making, the findings are limited due to the small sample size and paucity of monolingual Spanish speakers. Despite this limitation, this study should serve as a foundation for further research regarding language barriers and interpreter effects related to plea comprehension and how these may further impact decision making. As many non-native speakers may be less familiar with U.S. legal proceedings and may face additional collateral consequences related to immigration, it is even more essential to ensure these individuals are also fully informed and aware of the decision they are making and what rights they are waiving during this process.

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## APPENDIX A

### Demographic Questionnaire [English Version]

**Instructions:** Please answer the following questions about yourself. All information you give will be used for research only. This is ***not*** meant to substitute any legal advice or consultation, and your answers will have ***no*** effect on your case.

Where is this interview taking place?  Court \_\_\_\_\_  Jail  Home  Lawyer's Office  
 What type of attorney is representing you?  Private-Paid  Private- Court Appointed  Public Defender

1. What is your gender?  Male  Female  Other
2. How old are you? \_\_\_\_\_
3. What is your ethnicity?  Caucasian/White  African American/Black.  Hispanic/Latino  
 (Check **all** that apply)  Asian/Pacific Islander  Middle Eastern  Native American  
 Other:
4. What is your marital status?  Married/Living Together  Single  Divorced  
 (Check **only one**)  Widow/Widower  Other:
5. How many children do you have?
6. What is your primary source of support/income?  Full-Time Work  Part-Time Work (Check **only one**)  Public Assistance  Family/Relative  
 Other:
7. What is the last grade/year you **completed** in school? \_\_\_\_\_ (ex. **7<sup>th</sup> grade** or **2<sup>nd</sup> year in college**)  
 A. Did you earn a high school diploma?  Yes  No  
 B. Did you earn a GED?  Yes  No
8. In what country were you born?  
If you were **NOT** born in the U.S., please answer the following questions:  
 A. How many years ago did you move to the U.S.? \_\_\_\_\_ (ex. 5 years)  
 B. What is your immigration status?  
 U.S. Citizen  Visa (U, T, Student, Visitor, Work)  
 Lawful Permanent Resident (Green Card)  Asylee/Refugee  
 Temporary Protected Status  Conditional Permanent Resident  Undocumented  
 Other: \_\_\_\_\_  
 C. What is your first (native) language? \_\_\_\_\_  
 D. Have you ever been deported previously?  Yes  No
9. What language do you like to speak in? \_\_\_\_\_
10. Have you ever been treated for a mental illness?  Yes  No  
 A. If YES, what were you treated for?  
 Depression  Anxiety  
 Post-traumatic Stress Disorder  Substance Abuse  
 Schizophrenia  Other: \_\_\_\_\_

11. How familiar are you with court proceedings in the U.S.? (Circle **one** answer)  
1-----2-----3-----4-----5-----6-----7  
(Not familiar at all)(Very familiar)
12. The next 5 questions are about your legal history as an **adult**. Please do not include your instant offense(s) or charges you received as a juvenile. Instant offenses are the ones you are currently facing.  
Number of **previous** charges:
- A. Of your previous charges, have you ever been **found guilty**?  Yes  No
  - B. Of your previous charges, have you ever been **offered a plea bargain**?  Yes  No
    - a. If so, did you **accept the plea bargain**?  Yes  No
  - C. Did you serve time in prison?  Yes  No
    - a. If yes, for how long?



**Cuestionario Demográfico [Spanish Version]**

Instrucciones: Por favor, responda a las siguientes preguntas sobre usted. Toda la información que proporcione será usada sólo por la investigación. Esto no sustituye a ningún consejo o consulta legal, y sus respuestas no tendrán ningún efecto en su caso.

¿Dónde se lleva a cabo esta entrevista?  Cárcel  En casa  La oficina de abogado

13. ¿Cuál es tu género?  Masculino  Femenino  Otro: \_\_\_\_\_

14. ¿Cuántos años tiene?

15. ¿Cuál es tu raza?  Caucásico/Blanco  Afroamericano/Negro (Marque todo lo que corresponda)  Hispano/Latino  Asiático/Isleño del pacífico  Medio oriental  Nativo Americano  Otro:

16. ¿Cuál es tu estado civil?  Casado/ Viviendo juntos  Soltero  Divorciado (Marque **solo uno**)  Viudo  Otro:

17. ¿Cuántos hijos tiene?

18. ¿Cuál es su principal fuente de ingresos?  Trabajo a tiempo completo  Trabajo a tiempo parcial (Marque **solo uno**)  Asistencia publica  Familia/Pariente  Otro:

19. ¿Cual es el último año escolar que completo? \_\_\_\_\_ (ej. **7º grado** o **2º año de universidad**)

C. ¿Obtuviste un diploma de escuela secundaria?  Sí  No

D. ¿Obtuviste un GED?  Sí  No

20. ¿En que país naciste?

**Si NO nació en los EE. UU., responda a las siguientes preguntas:**

B. ¿Hace cuantos anos te mudaste a los EE. UU.? \_\_\_\_\_ (ej. 5 años)

B. ¿Cual es su estatus migratorio?

Ciudadano estadounidense  Visa (U, T, Estudiante, Visitante, Trabajo)

Residente legal permanente (Tarjeta verde)  Asilado/Refugiado

Estado protegido temporal  Residente permanente condicional

Indocumentado  Otro: \_\_\_\_\_

C. ¿Cual es tu primer idioma (idioma nativo)? \_\_\_\_\_

D. ¿Ha sido deportado antes?  Sí  No

21. ¿En que idioma te gusta hablar? \_\_\_\_\_

22. ¿Alguna vez ha sido tratado por un trastorno mental?  Sí  No

A. Si es así, ¿Por qué te trataron?

Depresión  Ansiedad

Trastorno de estrés postraumático  Abuso de sustancias

Esquizofrenia  Otro: \_\_\_\_\_

23. ¿Qué tan familiarizado está con los procedimientos judiciales en los EE. UU.? (Encierre en un círculo una respuesta)

1-----2-----3-----4-----5-----6-----7

(No familiar en absoluto)(Muy familiar)

24. Las siguientes 5 preguntas son sobre su historia legal como **adulto**. Por favor no incluya sus delitos actuales o cargos recibidos como menor.

Numero de cargos anteriores:

D. De tus cargos anteriores, ¿alguna vez has sido encontrado culpable?  Sí  No

E. De tus cargos anteriores, ¿alguna vez le han ofrecido **un acuerdo de culpabilidad**?  
 Sí  No

i. Si es así, ¿aceptó **el acuerdo de culpabilidad**?  Sí  No

F. ¿Cumpliste tiempo en prisión?  Sí  No

ii. Si es así, ¿por cuanto tiempo? \_\_\_

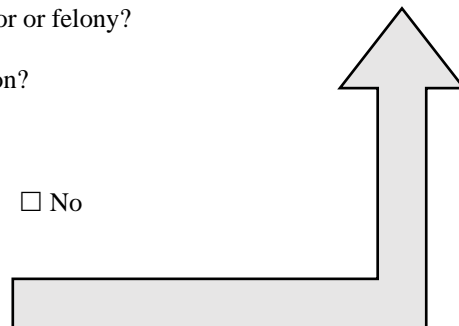
## APPENDIX B

### Understanding of Current Legal Situation [English Version]

**Instructions:** Please answer the following questions about your **current** legal situation. All information you give will be used for research only. This is ***not*** meant to substitute any legal advice or consultation, and your answers will have ***no*** effect on your case.

1. How many offenses are you currently facing? \_\_\_\_\_
  - A. What is the offense, or the most serious offense?  
\_\_\_\_\_
  - B. Is your offense, or the most serious offense, a misdemeanor or felony?  
 Misdemeanor       Felony
  - C. If convicted, how long do you think you would go to prison?  
 months (ex. 18 months)
  - D. Have you been in jail for this offense?  Yes.       No
    - a. If **YES**, how long? days (ex. 10 days)
  - E. Have you been in ICE custody for this offense?  Yes       No
    - a. If **YES**, how long? days (ex. 10 days)

Questions #2-10 refer to the offense/conviction you listed in #1A



2. How satisfied are you with your lawyer/defense attorney in your case? (Circle **one** answer)

0-----1-----2-----3-----4-----5-----6-----7  
 (Not satisfied at all) (Very satisfied)

3. How well do you think your lawyer/defense attorney represented you in your case? (Circle **one** answer)

0-----1-----2-----3-----4-----5-----6-----7  
 (Not well at all) (Very well)

4. How many times have you met with your lawyer/ defense attorney prior to today? \_\_\_\_\_

5. Did your lawyer explain the plea bargain process to you?  Yes.       No

If **YES**, how well did they explain it to you?

0-----1-----2-----3-----4-----5-----6-----7  
 (Not well at all) (Very well)

6. Did the police speak your native language during your arrest?  Yes.       No

If **NO**, were you provided with an interpreter?  Yes.       No

If **YES**, what type of interpreter was provided?

- Professional Interpreter       Another police officer.       Witness  
 Other: \_\_\_\_\_

If **YES**, was the interpretation provided in person or over the phone?       Phone       In-Person

7. Does your lawyer/defense attorney speak your native language?  Yes       No

If **NO**, have you been provided with an interpreter?  Yes       No

If **YES**, what type of interpreter was provided?

- Professional Interpreter     Another attorney/Spanish speaker     Family/Friend  
 Other: \_\_\_\_\_

If **YES**, was the interpretation provided in person or over the phone?     Phone     In-Person

8. If you were **not** born in the U.S., have you met with an immigration attorney?     Yes     No

9. If you were **not** born in the U.S., do you have an ICE hold pending?     Yes     No

10. Regarding your current charges, were you offered a plea bargain?     Yes     No

a. If yes, did the plea bargain **offer to**:

- i. Reduce the seriousness of charge     Yes     No  
ii. Reduce the number of charges     Yes     No  
iii. Recommend more lenient sentencing     Yes     No

b. If yes, how did you hear about the plea bargain? (Check **all** that apply)

- Prosecutor/District Attorney     Your Lawyer/Defense Attorney.     Judge  
 Family/Friends.     Other: \_\_\_\_\_

c. If yes, regardless of your final decision, did you consider the following in your decision to **accept or reject** the plea bargain you were offered?

- |  |                               |                             |
|--|-------------------------------|-----------------------------|
| i. Possibility of longer sentence/more severe punishment   | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| ii. Protecting the person who actually committed the crime | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| iii. Too expensive to go to trial                          | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| iv. Spare family from suffering                            | <input type="checkbox"/> Yes. | <input type="checkbox"/> No |
| v. Advice from family/friends                              | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| vi. Evidence against me                                    | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| vii. Advice from your lawyer                               | <input type="checkbox"/> Yes. | <input type="checkbox"/> No |
| viii. Expected outcome of trial                            | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| ix. Immigration status                                     | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| x. Type of bargain offered                                 | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| xi. Personal/religious beliefs                             | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |
| xii. Rights I can lose by pleading guilty                  | <input type="checkbox"/> Yes  | <input type="checkbox"/> No |

11. Regarding your current charges, have you accepted or plan to accept a plea bargain?     Yes     No

12. How confident are you in your decision to **accept or reject** a plea bargain? (Circle **one** answer)

1-----2-----3-----4-----5-----6-----7

(Not confident at all)

(Very confident)

13. How satisfied are you with your **decision** about your plea bargain? (Circle **one** answer)

1-----2-----3-----4-----5-----6-----7

(Not satisfied at all)

(Very satisfied)

14. How fair of a plea bargain do you believe you were offered? (Circle **one** answer)

1-----2-----3-----4-----5-----6-----7

(Not fair at all)

(Very fair)

<i>How much do you agree with the following statements?</i>	<b>Strongly Disagree</b>				<b>Strongly Agree</b>		
15. Minorities are treated unfairly within the justice system	1	2	3	4	5	6	7
16. Police are honest and concerned with helping others	1	2	3	4	5	6	7
17. Judges usually make fair decisions	1	2	3	4	5	6	7
18. Defense attorneys care more about money than their clients	1	2	3	4	5	6	7
19. A trial by jury is the only way to ensure fair treatment	1	2	3	4	5	6	7

**La Comprensión de La Situación Legal Actual [Spanish Version]**

**Instrucciones:** Por favor, responda a las siguientes preguntas sobre su situación legal actual. Toda la información que proporcione será usada sólo por la investigación. Esto **no** sustituye a ningún consejo o consulta legal, y sus respuestas **no** tendrán ningún efecto en su caso.

2. ¿Cuántos cargos enfrenta actualmente? \_\_\_\_\_  
 F. ¿Cual es el cargo o el cargo más grave? \_\_\_\_\_  
 G. ¿Es el cargo o el cargo más grave, un delito menor o mayor?  
 Un Delito Menor     Un Delito Mayor  
 H. ¿Si te encuentran culpable, cuanto tiempo cree que iría a la cárcel?  
 meses (ej. 18 meses)  
 I. ¿Ha estado en la cárcel por este delito?  Sí  No  
 a. Si es así, ¿Por cuánto tiempo? días (ej. 10 días)  
 J. ¿Ha estado en custodia de ICE por este delito?  Sí  No  
 a. Si es así, ¿Por cuánto tiempo? días (ej. 10 días)

**Preguntas #2-10 se refieren al delito mencionado en #1A:**

2. ¿Que tan satisfecho estás con su abogado en su caso? (Encierre en un círculo una respuesta)

0-----1-----2-----3-----4-----5-----6-----7  
 (No satisfecho en absoluto) (Muy satisfecho)

3. ¿Qué tan bien cree que su abogado lo representó en su caso? (Encierre en un círculo una respuesta)

0-----1-----2-----3-----4-----5-----6-----7  
 (Nada bien) (Muy bien)

4. ¿Cuántas veces se ha reunido con su abogado antes de hoy? \_\_\_\_\_

5. Su abogado le explico que es un acuerdo de culpabilidad?  Sí  No

Si es así, ¿qué tan bien te lo explicaron?

0-----1-----2-----3-----4-----5-----6-----7  
 (Nada bien) (Muy bien)

6. ¿La policía hablaba su idioma nativo durante su arresto?  Sí  No

Si no, ¿te proporcionaron un intérprete?  Sí  No

Si es así, ¿Qué tipo de intérprete se proporcionó?

- Intérprete Profesional     Otro oficial de policía     Un Testigo  
 Otro: \_\_\_\_\_

Si es así, ¿se proporcionó la interpretación en persona o por teléfono?

- Por Teléfono     En Persona

7. ¿Su abogado habla su idioma nativo?  Sí  No

Si no, ¿te proporcionaron un intérprete?  Sí  No

Si es así, ¿Qué tipo de intérprete se proporcionó?

- Intérprete Profesional.     Otro abogado/hispanohablante     Familia/Amigo  
 Otro: \_\_\_\_\_

Si es así, ¿se proporcionó la interpretación en persona o por teléfono?

Por Teléfono  En Persona

8. Si no nació en los EE. UU., ¿se ha reunido con un abogado de inmigración?  Sí  No

9. Si no nació en los EE.UU., ¿tiene una retención de ICE pendiente?  Sí  No

10. ¿Con respecto a sus cargos actuales, le ofrecieron un acuerdo de culpabilidad?  Sí  No

a. Si es así, el acuerdo de culpabilidad ofrecido a:

i. Reducir la gravedad de los cargos  Sí  No

ii. Reducir el número de los cargos  Sí  No

iii. Recomendar sentencias más ligeras.  Sí  No

b. Si es así, ¿cómo se enteró del acuerdo de culpabilidad? (Marque todo lo que corresponda)

El fiscal de distrito  Tu abogado/Abogado defensor  El Juez

Familia/Amigos.  Otro: \_\_\_\_\_

c. Si es así, independientemente de su decisión final, consideró lo siguiente en su decisión de aceptar o rechazar el acuerdo de culpabilidad que se le ofreció?

i. La posibilidad de una sentencia más larga/menos severa  Sí  No

ii. Demasiado caro para ir a juicio  Sí  No

iii. Evitar el sufrimiento de la familia  Sí.  No

iv. Los consejos de familia/amigos  Sí  No

v. Evidencia en mi contra  Sí  No

vi. El consejo de su abogado  Sí  No

vii. Resultado esperado del juicio  Sí  No

viii. Estado de inmigración  Sí.  No

ix. Tipo de acuerdo ofrecida  Sí  No

x. Creencias personales/religiosas  Sí  No

xi. Derechos que puedo perder si me declaro culpable  Sí  No

11. ¿Con respecto a sus cargos actuales, ha aceptado o planea aceptar un acuerdo de culpabilidad?  
 Sí  No

12. ¿Qué tan seguro está de su decisión sobre el acuerdo de culpabilidad? (Circule **una** respuesta)

1-----2-----3-----4-----5-----6-----7  
(No seguro en absoluto) (Muy seguro)

13. ¿Qué tan satisfecho está con su decisión sobre el acuerdo de culpabilidad? (Circule **una** respuesta)

1-----2-----3-----4-----5-----6-----7  
(No satisfecho en absoluto) (Muy satisfecho)

14. ¿Qué tan justa de la oferta cree que recibió?

1-----2-----3-----4-----5-----6-----7  
(No es justo en absoluto) (Muy justo)

<i>¿Cuánto esta usted de acuerdo con las siguientes declaraciones?</i>	<b>Totalmente en Desacuerdo</b>				<b>Totalmente de Acuerdo</b>		
	1	2	3	4	5	6	7
15. Las minorías son tratadas injustamente en el sistema judicial	1	2	3	4	5	6	7
16. La policía son honestos y preocupados por ayudar a los demás	1	2	3	4	5	6	7

17. Los jueces suelen tomar decisiones justas	1	2	3	4	5	6	7
18. Los abogados defensores se preocupan más por el dinero que sus clientes	1	2	3	4	5	6	7
19. Un juicio con jurado es la única manera de garantizar un trato justo	1	2	3	4	5	6	7



## APPENDIX C

### BAS [English Version]

Please place a checkmark next to the most appropriate answer to the following questions:

	Almost always (4)	Often (3)	Sometimes (2)	Almost never (1)
1) How often do you listen to music in English?				
2) How often do you listen to music in Spanish?				
3) How often do you watch television programs in Spanish?				
4) How often do you listen to radio programs in English?				
5) How often do you think in English?				
6) How often do you watch television programs in English?				
7) How often do you speak English?				
8) How often do you speak English with your friends?				
9) How often do you speak in Spanish?				
10) How often do you think in Spanish?				
11) How often do you listen to radio programs in Spanish?				
12) How often do you speak in Spanish with your friends?				
	Very well (4)	Well (3)	Poorly (2)	Very Poorly (1)
13) How well do you understand radio programs in English?				
14) How well do you write in English?				
15) How well do you read in English?				
16) How well do you understand music in English?				
17) How well do you write in Spanish?				
18) How well do you understand music in Spanish?				
19) How well do you read Spanish?				
20) How well do you speak English?				
21) How well do you understand radio programs in Spanish?				
22) How well do you understand television programs in English?				
23) How well do you understand television programs in Spanish?				
24) How well do you speak Spanish?				

**BAS [Spanish Version]**

	Casi Siempre (4)	Frecuentemente (3)	Algunas veces (2)	Casi nunca (1)
1) ¿Con que frecuencia escucha usted música en Inglés?				
2) ¿Con que frecuencia escucha usted música en Español?				
3) ¿Con que frecuencia ve usted programas de televisión en Español?				
4) ¿Con que frecuencia escucha usted programas de radio en Inglés?				
5) ¿Con que frecuencia piensa usted en Inglés?				
6) ¿Con que frecuencia ve usted programas de televisión en Inglés?				
7) ¿Con que frecuencia habla usted en Inglés?				
8) ¿Con que frecuencia habla usted en Inglés con sus amigos?				
9) ¿Con que frecuencia habla usted en Español?				
10) ¿Con que frecuencia piensa usted en Español?				
11) ¿Con que frecuencia escucha usted programas de radio en Español?				
12) ¿Con que frecuencia habla usted en Español con sus amigos?				
	Muy bien (4)	Bien (3)	No muy bien (2)	Muy mal (1)
13) ¿Que tan bien entiende usted los programas de radio en Inglés?				
14) ¿Que tan bien escribe usted en Inglés?				
15) ¿Que tan bien lee usted en Inglés?				
16) ¿Que tan bien entiende usted música en Inglés?				
17) ¿Que tan bien escribe usted en Español?				
18) ¿Que tan bien entiende usted música en Inglés?				
19) ¿Que tan bien lee usted en Español?				
20) ¿Que tan bien habla usted Inglés?				
21) ¿Que tan bien entiende usted los programas de radio en Español?				
22) ¿Que tan bien entiende usted los programas de televisión en Inglés?				
23) ¿Que tan bien entiende usted los programas de televisión en Español?				
24) ¿Que tan bien habla usted Español?				

## APPENDIX D

### Redlich and Summers (2012) Plea Comprehension Measure [English Version]

**Now I want to read you some specific statements about pleading guilty. Some of these things can happen and some things cannot. Please answer true, false, or I don't know.**

1.	True	False	NA	RF	DK
a. Guilty pleas do not have to be a voluntary choice of the defendant	1	2	7	8	9
b. Defendants must have a lawyer in order to plead guilty	1	2	7	8	9
c. A defendant's previous convictions (criminal history) can affect the punishment or sentencing that results from a guilty plea	1	2	7	8	9
d. It is the court or judge's responsibility to make sure the defendant understands his or her rights and what is involved in pleading guilty	1	2	7	8	9
e. Pleading guilty can affect the punishment of future crimes	1	2	7	8	9
f. The court or judge must accept the prosecutor's plea offer to the defendant	1	2	7	8	9
g. If defendants refuse to admit responsibility for the crime, they can still plead guilty	1	2	7	8	9
h. Agreeing to plead guilty is a mitigating factor in sentencing	1	2	7	8	9
i. Defendants who are innocent cannot plead guilty	1	2	7	8	9
j. If defendants withdraw their guilty plea, anything they said or did as part of the plea deal can be used against them	1	2	7	8	9
k. The sentence or punishment from a guilty plea cannot be longer than the sentence defendants could get if they went to trial	1	2	7	8	9
l. It is legal for prosecutors to lie to defendants during plea discussions	1	2	7	8	9
m. Prosecuting and defense attorneys are allowed to work out a plea deal without the defendant present	1	2	7	8	9
n. Defendants who are high on drugs or alcohol at the time of the plea are not allowed to plead guilty	1	2	7	8	9

Now I am going to read a series of statements of what people are agreeing to as part of pleading guilty. Please answer True, False, or I Don't Know. Like before, some of these statements can happen and some cannot.

<b>2. When taking a guilty plea, people are agreeing to:</b>		<u>TRUE</u>	<u>FALSE</u>	<u>NA</u>	<u>RF</u>	<u>DK</u>
a.	Admit guilt for the crimes they have been charged with	1	2	7	8	9
b.	Give up their right to a trial before a judge or a jury	1	2	7	8	9
c.	Live with a family member or friend, either now or when let out of jail/prison	1	2	7	8	9
<b>When taking a guilty plea, people are agreeing to:</b>						
d.	Make the prosecutor or District Attorney prove their guilt beyond a reasonable doubt	1	2	7	8	9
e.	Let the Judge have the final say about their sentence	1	2	7	8	9
f.	Most likely be deported if they are not a US citizen	1	2	7	8	9
<b>When taking a guilty plea, people are agreeing to:</b>						
g.	Take lie detector tests	1	2	7	8	9
h.	Never legally own a firearm or ammunition	1	2	7	8	9
i.	Not do any criminal acts	1	2	7	8	9
<b>When taking a guilty plea, people are agreeing to:</b>						
j.	Do physical exercise	1	2	7	8	9
k.	The fact that no one made promises to get them to plead guilty	1	2	7	8	9
l.	Have the same lawyer for any and all future cases	1	2	7	8	9
<b>When taking a guilty plea, people are agreeing to:</b>						
m.	Not use alcohol or drugs	1	2	7	8	9
n.	Allow the court to see their health records	1	2	7	8	9

Now I want to read you some specific statements about what can happen if people DO and DO NOT do everything they are supposed to do as a condition of pleading guilty. Again, some of these things can happen and some things cannot. Please answer true, false, or I don't know.

<b>3. If people do follow the conditions of the guilty plea, they can:</b>		<b><u>TRUE</u></b>	<b><u>FALSE</u></b>	<b><u>NA</u></b>	<b><u>RF</u></b>	<b><u>DK</u></b>
a.	Have the arrest or conviction from the guilty plea erased from their criminal record	1	2	7	8	9
b.	Have their criminal justice problems done away with	1	2	7	8	9
c.	Never be arrested again	1	2	7	8	9
<b>If people do follow the conditions of the guilty plea, they can:</b>						
d.	Get more money from the government	1	2	7	8	9
e.	Get access to health or alcohol/drug treatment	1	2	7	8	9
f.	Appeal and get the conviction reversed	1	2	7	8	9
<b>If people do NOT follow the conditions of the guilty plea, they can:</b>						
g.	Be sent back to for trial on the same charge	1	2	7	8	9
h.	Be sent back to jail or prison	1	2	7	8	9
i.	Have their disability or government checks taken away	1	2	7	8	9
<b>If people do NOT follow the conditions of the guilty plea, they can:</b>						
j.	Have their original charges or sentences put back	1	2	7	8	9
k.	Be kicked out of their housing programs	1	2	7	8	9
l.	Be charged again for the same crime	1	2	7	8	9

**Redlich y Summers (2012) Medida de Comprensión del Acuerdo de Culpabilidad [Spanish Version]**

*Ahora quiero que lea unas declaraciones específicamente sobre declarándose culpable. Algunas de estas cosas pueden o no pasar. Por favor responda cierto, falso, o yo no se.*

1.		<u>CIERTO</u>	<u>FALSO</u>	<u>NA</u>	<u>RF</u>	<u>No Lo Se</u>
a.	Declaraciones de culpabilidad no tienen que ser una decisión voluntaria del acusado	1	2	7	8	9
b.	Es requerido que los acusados tengan un abogado para poder declararse culpable	1	2	7	8	9
c.	Las condenas anteriores (historia criminal) del acusado pueden afectar los castigos penales o sentencias que resultan de una declaración de culpabilidad	1	2	7	8	9
d.	Es la responsabilidad de la corte o el juez de asegurar que el acusado entienda sus derechos y lo que involucra el declararse culpable	1	2	7	8	9
e.	Declararse culpable puede afectar los castigos penales de crímenes en el futuro	1	2	7	8	9
f.	La corte o el juez debe de aceptar el acuerdo de declaración del fiscal para el acusado	1	2	7	8	9
g.	Si los acusados se rehúsen de admitir responsabilidad por el crimen, ellos todavía pueden declararse culpable	1	2	7	8	9
h.	Estando de acuerdo con declararse culpable es un factor de mitigación en sentencias	1	2	7	8	9
i.	Los acusados que son inocentes no pueden declararse culpable	1	2	7	8	9
j.	Si los acusados retiran sus declaraciones de culpabilidad, cualquier cosa que ellos hayan dicho o hecho de parte del acuerdo de culpabilidad puede ser usado contra ellos	1	2	7	8	9
k.	La sentencia o el castigo penal por una declaración de culpabilidad no puede ser mas larga que la sentencia que recibiría el acusado si hubiera elevado el caso a juicio	1	2	7	8	9
l.	Es legal que el fiscal le mienta a el acusado durante discusiones de culpabilidad	1	2	7	8	9
m.	El fiscal y abogados defensores pueden negociar un acuerdo de culpabilidad sin que el acusado este presente	1	2	7	8	9
n.	Es prohibido estar bajo los efectos de drogas o bebida a la hora de declararse culpable	1	2	7	8	9

*Ahora voy a leer una serie de declaraciones sobre lo que gente que acepta como parte de declararse culpable. Por favor contesté Cierto, Falso, o Yo no se. Como anteriormente, unas declaraciones pueden o no pasar.*

<b><u>2. Cuando toman un acuerdo de culpabilidad, las personas están de acuerdo con/AI aceptar una declaración de culpabilidad, las personas están de acuerdo en:</u></b>		<b><u>CIERTO</u></b>	<b><u>FALSO</u></b>	<b><u>NA</u></b>	<b><u>RF</u></b>	<b><u>No Lo Se</u></b>
a.	Admitir culpabilidad por crímenes por cuales son acusados	1	2	7	8	9
b.	Renunciar sus derechos a un juicio ante un juez o jurado	1	2	7	8	9
c.	Vivir con miembros de su familia o amigos, ahora o cuando sean liberados se la cárcel/prisión	1	2	7	8	9
<b><u>Cuando toman un acuerdo de culpabilidad, las personas están de acuerdo con/AI aceptar una declaración de culpabilidad, las personas están de acuerdo en:</u></b>						
d.	Hacer que el fiscal o abogado del distrito demuestre su culpabilidad fuera de cualquier duda razonable	1	2	7	8	9
e.	Dejar que el juez tenga la palabra final en su sentencia	1	2	7	8	9
f.	Lo más probable ser deportado si no son ciudadanos estadounidenses	1	2	7	8	9
<b><u>Cuando toman un acuerdo de culpabilidad, las personas están de acuerdo con/AI aceptar una declaración de culpabilidad, las personas están de acuerdo en:</u></b>						
g.	Tomar una prueba de detector de mentiras	1	2	7	8	9
h.	Nunca poseer legalmente un arma de fuego o munición	1	2	7	8	9
i.	No hacer un acto criminal	1	2	7	8	9
<b><u>Cuando toman un acuerdo de culpabilidad, las personas están de acuerdo con/AI aceptar una declaración de culpabilidad, las personas están de acuerdo en:</u></b>						
j.	Hacer ejercicio físico	1	2	7	8	9
k.	El hecho de que nadie hizo promesas para conseguir que se declaren culpables	1	2	7	8	9
l.	Tener el mismo abogado para todos y cada caso futuro	1	2	7	8	9

<b><u>Cuando toman un acuerdo de culpabilidad, las personas están de acuerdo con/AI aceptar una declaración de culpabilidad, las personas están de acuerdo en:</u></b>						
m.	No consumir alcohol ni drogas	1	2	7	8	9
n.	Permita que la corte vea sus registros de salud	1	2	7	8	9

Ahora quiero leerle algunas declaraciones específicas sobre lo que puede suceder si la gente HACE y NO HACE todo lo que se supone que debe hacer como condición para declararse culpable. Una vez más, algunas de estas cosas pueden suceder y algunas cosas no.

Por favor, responda cierto, falso, o no lo sé.

<b>3. Si las personas siguen las condiciones de la declaración de culpabilidad, pueden:</b>		<b><u>CIERTO</u></b>	<b><u>FALSO</u></b>	<b><u>NA</u></b>	<b><u>RF</u></b>	<b><u>No Lo Se</u></b>
a.	Tener el arresto o condena criminal borrado de sus registros criminales	1	2	7	8	9
b.	Acabar con sus problemas de justicia criminal	1	2	7	8	9
c.	Nunca vuelvas a ser arrestado	1	2	7	8	9
<b>Si las personas siguen las condiciones de la declaración de culpabilidad, pueden:</b>						
d.	Obtener más dinero del gobierno	1	2	7	8	9
e.	Obtener acceso a tratamiento para su salud o para problemas de alcohol y drogas	1	2	7	8	9
f.	Apelar y obtener la condena revocada	1	2	7	8	9
<b>Si las personas NO siguen las condiciones de la declaración de culpabilidad, pueden:</b>						
g.	Ser enviado de vuelta a juicio por el mismo cargo	1	2	7	8	9
h.	Ser enviado de vuelta a la cárcel o prisión	1	2	7	8	9
i.	Perder sus beneficios de discapacidad o los cheques del gobierno	1	2	7	8	9
<b>Si las personas NO siguen las condiciones de la declaración de culpabilidad, pueden:</b>						
j.	Tener sus cargos o sentencias originales puesto otra vez	1	2	7	8	9
k.	Ser expulsados de sus programas de vivienda	1	2	7	8	9
l.	Ser acusado de nuevo por el mismo delito	1	2	7	8	9



**APPENDIX E**

Date: Jul 9, 2021 5:03:48 PM CDT

TO: Lauren Rubenstein Jorge Varela

FROM: SHSU IRB

PROJECT TITLE: Plea Bargain Comprehension and Decision Making

PROTOCOL #: IRB-2020-382

SUBMISSION TYPE: Initial

ACTION: Approved

DECISION DATE: July 9, 2021

ADMINISTRATIVE CHECK-IN DATE: July 9, 2022

EXPEDITED REVIEW CATEGORY: 7. Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.

OPPORTUNITY TO PROVIDE FEEDBACK: To access the survey, click [here](#). It only takes 10 minutes of your time and is voluntary. The results will be used internally to make improvements to the IRB application and/or process. Thank you for your time.

Greetings,

The above-referenced submission has been reviewed by the IRB and it has been Approved. This study received expedited review, and the IRB determined that a renewal submission is needed, but only in the form of an administrative check-in submission. You will receive an email notification on the anniversary of this study approval, which will be on July 9, 2022. This study approval is based on an appropriate risk/benefit ratio and a project design wherein the risks have been minimized. All research must be conducted in accordance with this approved submission.

Since Cayuse IRB does not currently possess the ability to provide a "stamp of approval" on any recruitment or consent documentation, it is the strong recommendation of this office to please include the following approval language in

the footer of those recruitment and consent documents: IRB-2020-382/July 9, 2021/July 9, 2022.

Please remember that informed consent is a process beginning with a description of the project and insurance of participant understanding followed by a signed consent form. Informed consent must continue throughout the project via a dialogue between the researcher and research participant. Federal regulations require each participant receive a copy of the signed consent document.

Modifications: Please note that any revision to previously approved materials must be approved by this committee prior to initiation. Please submit a Modification Submission through [Cayuse IRB](#) for this procedure.

Incidents: All UNANTICIPATED PROBLEMS involving risks to subjects or others and SERIOUS and UNEXPECTED adverse events must be reported promptly to this office. Please submit an Incident Submission through [Cayuse IRB](#)

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for this procedure. All Department of Health and Human Services and sponsor reporting requirements should also be followed.

Study Administrative Check-In: Based on the risks, this project does require a renewal in the form of an Administrative Check-In procedure. This means you are required to administratively check in with the IRB on an annual basis. July 9, 2022 is the anniversary of the review of your protocol. To get started with your next Administrative Check-In procedure, you will submit a Renewal Submission through [Cayuse IRB](#). A reminder email will be sent to you on the anniversary of your most recent approval of Plea Bargain Comprehension and Decision Making .

Please note that all research records should be retained for a minimum of three years after the completion of the project. If you have any questions, please contact the Sharla Miles at [REDACTED] or [irb@shsu.edu](mailto:irb@shsu.edu). Please include your protocol number in all correspondence with this committee.

Sincerely,

Chase Young, Ph.D. Chair, IRB  
Hannah R. Gerber, Ph.D. Co-Chair, IRB

## VITA

## CURRICULUM VITAE

Lauren Rubenstein, M.A.

Department of Psychology and Philosophy  
Sam Houston State University

## EDUCATION

**Doctor of Philosophy in Clinical Psychology**

Sam Houston State University

Huntsville, TX

Expected May 2023

*Dissertation: Plea bargaining comprehension among diverse populations*

GPA: 4.0

*Co-Chairs: Jorge G. Varela, Ph.D. & Tiffany D. Russell, Ph.D.**Proposal Defense: December 2020***Master of Arts in Forensic Mental Health Counseling**

John Jay College of Criminal Justice, City University of New York

New York, NY

May 2018

*Thesis: Prior mental health treatment and mental health court program outcomes*

GPA: 4.0

*Chair: Philip T. Yanos, Ph.D.*

Cross Cultural Center for Learning Rabat, Morocco

Study Abroad, Winter Term January 2017

**Bachelor of Science in Psychology****Bachelor of Arts in Criminal Justice**

High Point University

High Point, NC

May 2016

GPA: 3.95

*Minors: Statistics and Spanish*

The Washington Center

Law and Criminal Justice Program

Washington, DC

August – December 2014

Pontifical Catholic University of Valparaíso

Study Abroad, Maymester

Valparaíso, Chile

May – June 2014

## CLINICAL SUPERVISION

**WESTERN STATE HOSPITAL***Pre-Doctoral Psychology Intern*

Lakewood, WA

August 2022 - Present

Supervisor: Richard Yocum, Ph.D., Emily Mackelprang, Ph.D.Population: Adult and adolescent inpatient care for those with severe mental illness, hospitalized for competency restoration, civil commitment, and not guilty by reason of insanityResponsibilities:

- Provide individual psychotherapy to hospitalized adolescent clients using empirically supported techniques (e.g., TF-CBT, DBT)
- Conduct ACT based mindfulness group therapy for adolescents
- Will conduct psychological evaluations of inpatient adult clients to include
  - Competency to stand trial evaluations
  - Criminal responsibility and diminished capacity evaluations

- Sexually violent predator evaluations
- Psychodiagnostic and response style testing
- Receive individual and group supervision weekly with clinical supervisor
- Timely completion of all clinical documentation
- Serve as a member of multi-disciplinary treatment teams (team meetings, intradisciplinary consultation)

### **RUSK STATE HOSPITAL**

Rusk, TX

*Student Clinician and Evaluator*

June 2021- July 2022

Supervisor: Sarah Rogers, Ph.D.

Population: Adults in inpatient care for those with severe mental illness, hospitalized for competency restoration and found not guilty by reason of insanity

Responsibilities:

- Provide individual psychotherapy to hospitalized clients using empirically-supported techniques (e.g., CBTp, IRT)
- Conduct competency restoration groups for individuals found not competent to stand trial
- Conduct psychological evaluations of inpatient clients
  - Risk assessments
  - Competency to stand trial evaluations
  - Neuropsychological assessments
  - Write integrated reports
- Receive individual supervision weekly with clinical supervisor
- Timely completion of all clinical documentation
- Serve as a member of interdisciplinary treatment team (team meetings, intradisciplinary consultation)

### **SHSU PSYCHOLOGICAL SERVICES CENTER**

Huntsville, TX

*Student Forensic Evaluator*

August 2019 – July 2022

Supervisor: Dr. Mary Alice Conroy, Ph.D., ABPP (forensic), Darryl Johnson, Ph.D.

Population: Incarcerated and community-based justice involved adults and juveniles from suburban and rural counties in Texas. Evaluations conducted in jails, outpatient clinics, and remotely via videoconferencing technology

Responsibilities:

- Conduct court-ordered pre-trial evaluations for adult defendants, including competency to stand trial and mental state at the time of the offense
- Perform court-ordered juvenile evaluations for fitness to proceed and criminal responsibility
- Completed risk assessments for individuals facing criminal proceedings
- Review Collateral records
- Write court-ordered reports documenting treatment recommendations and psycholegal opinions in accordance with state statutes

### **WALKER COUNTY COMMUNITY SUPERVISION AND CORRECTIONS**

Huntsville, TX

*Student Clinician*

June 2020 – May 2021

Supervisor: Darryl Johnson, Ph.D.

Population: Ethnically diverse, male and female adults on probation for felony or misdemeanor charges in several rural counties

Responsibilities:

- Delivered psychosocial intervention to adult probation clients
  - Individual psychotherapy
  - Substance use counseling
  - Anger management
- Conducted psychological and substance use evaluations with clients at local probation department using assessment tools including the MMPI-2-RF, WASI, WRAT, and ASI
- Maintained caseload of approximately 10-20 clients and conduct weekly and bi-weekly sessions
- Met one-hour weekly with supervisor to discuss client caseload
- Implemented diverse therapeutic techniques including DBT, CBT, ACT, CGT, Unified Protocol and STAIR/NST
- Wrote progress notes, maintain documentation of sessions, and completed integrated assessment reports

### **SHSU PSYCHOLOGICAL SERVICES CENTER**

Huntsville, TX

*Student Clinician*

August 2019 - September 2020

Supervisors: Laura Drislane, Ph.D., Temilola Salami, Ph.D., Jaime Anderson, Ph.D.

Population: Low-income adults with diagnoses including anxiety, mood disorders, personality disorders, trauma, and academic stress

Responsibilities:

- Conducted individual therapy sessions
- Developed empirically-based treatment plans
- Attended regular clinical supervision
- Wrote weekly progress notes and conduct treatment monitoring assessment
- Wrote comprehensive reports upon intake, every 120 days, termination, and for assessments
- Gained experience providing telepsychology services during COVID-19 pandemic
- Conducted psychodiagnostic and learning disability assessments and provided client's feedback

### **QUEENS COUNSELING FOR CHANGE**

Queens, NY

*Mental Health Counseling Intern*

May 2017 – January 2018

Supervisor: Larry Menzie, LCSW-R

Population: Ethnically diverse low-income adults court-mandated for group treatment for anger management and sexual offending

Responsibilities:

- Co-facilitated outpatient sexual offender psychoeducation groups in Spanish.

- Developed comprehensive lesson plans and activities that address offenders' risks and needs and translate material from English to Spanish when necessary.
- Conducted individual therapy sessions once a week.
- Wrote weekly progress notes and court updates for each client, as well as monthly updates for client's probation or parole officer as a method of tracking their participation in treatment.

## RELATED INTERNSHIP EXPERIENCE

### **METROPOLITAN POLICE DEPARTMENT**

Washington, DC

*Intern, Domestic Violence Unit / The Washington Center*

August 2014 – December 2014

Supervisor: Lt. Michelle Robinson

- Assisted victims of domestic violence in filing civil protection orders against their abusers.
- Helped the officers with their daily tasks of recording the status of civil protection order cases.
- Completed 32 hours of internship work weekly.

### **GUILFORD COUNTY JAIL**

High Point, NC

*Life Skills Class Instructor*

September 2013 – December 2013

Supervisor: Heather Ahn-Redding, Ph.D.

- Taught a weekly, hour-long course on various life skills, such as anger management, job skills, and money management, to twenty female inmates at a local jail in hopes of easing their reintegration into society following release in collaboration with a classmate.
- Implemented appropriate material based on needs of the inmates.
- Exerted classroom management techniques in order to maintain controlled dynamic during classes.

## RESEARCH EXPERIENCE

### **Multicultural Research Lab**

Huntsville, TX

*Sam Houston State University*

August 2018 – July 2022

Lab Manager, Department of Psychology

Supervisor: Jorge Varela, Ph.D.

Duties:

- Scheduled and led lab meetings
- Composed agenda for lab meetings
- Corresponded with lab members regarding upcoming lab meetings
- Proposed independent research projects in collaboration with external organizations.
- Assisted with coding and data analysis of ongoing studies.
- Meet regularly to discuss progress of research projects.

### **Victimology Research Lab**

New York, NY

*John Jay College of Criminal Justice*

May 2017 – May 2018

Research Assistant, Department of Psychology

Supervisor: Chitra Raghavan, Ph.D.

Duties:

- Transcribed and coded wiretap data for Sex Trafficking research focused on coercive control.
- Met with other group members weekly to discuss progress with research.
- Organized interviews of sex trafficking victims to supplement wiretap data.

**Sex Offender Research Lab**

New York, NY

*John Jay College of Criminal Justice*

September 2016 – May 2018

Research Assistant, Department of Psychology

Supervisors: Elizabeth Jeglic, Ph.D. & Cynthia Calkins, Ph.D.

Duties:

- Worked with other lab members to conduct various studies related to sexual offenses.
- Attended weekly lab meetings to discuss progress of ongoing research projects and discuss topics relevant to sexual offending.
- Presented research findings at various research conferences nationwide.

**Mental Health Recovery Research Lab**

New York, NY

*John Jay College of Criminal Justice*

September 2016 - May 2018

Graduate Researcher, Department of Psychology

Supervisor: Philip Yanos, Ph.D.

Duties:

- Conducted independent research regarding factors that affect mental health court program completion.
- Assisted other lab members as a research assistant and collaborated on lab projects with other lab members.
- Attended weekly lab meetings to discuss ongoing projects in the lab

**High Point University**

High Point, NC

*Undergraduate Researcher*, Department of Psychology

September 2015 – May 2016

Supervisor: Deborah Danzis, Ph.D.

Duties:

- Proposed and conducted an original research project on victim blaming in situations of marital rape, acquaintance rape, date rape, and stranger rape to determine if one certain type of rape victim is blamed more for the crime committed against them than another type of victim.
- Collected data and subsequently inputted and analyzed using SPSS.
- Completed write-up and oral defense.

**High Point University**

High Point, NC

*Telephone Interviewer*, Survey Research Center

January 2015 – May 2016

Supervisor: Martin Kifer, Ph.D.

Duties:

- Collected research data for various politically oriented surveys of North Carolina residents via telephone interviews for three hours weekly.
- Data collected has been reported on local and national news channels such as FOX News, NBC, ABC, and CBS.

**High Point University**

High Point, NC

*Research Assistant*, Department of Criminal Justice

February 2014 – August 2014

Supervisor: Heather Ahn-Redding, Ph.D.

Duties:

- Assisted with researching and coding data on mass murders throughout America's History for five hours weekly.
- Examined if the demographic trends of mass murder would be affected if the definition of mass murder were changed to include attempted cases of mass murder.

## PUBLICATIONS

**Rubenstein, L.,** & Yanos, P. T. (2019). Predictors of mental health court completion. *Journal of Forensic Psychiatry & Psychology*, 30(6), 959-974.  
doi:10.1080/14789949.2019.1659389

**Rubenstein, L.,** Tabaczyk, O., & Jeglic, E. (2019). Barriers to Education: Policies and perceptions of individuals with histories of sexual offenses in higher education. *International Journal of Offender Therapy and Comparative Criminology*, 63(11), 2038-2049. doi:10.1177/0306624X19842031

**Rubenstein, L.** (2016). Who is blamed the most? An investigation into the factors that affect the amount of blame attributed to victims of crime. *Innovation Journal of Creative and Scholarly Works*, 4, 51-60.

## CONFERENCE PRESENTATIONS

**Rubenstein, L.,** Varela, J. G., Holdren, S. M., Kurus, S. J., Harris, P. B., Turner, D. B. (2020, March). *Predictors of behavioral abnormality findings in sexually violent predator evaluations*. Poster presented at the Annual American Psychology-Law Society Conference, New Orleans, LA.

Kurus, S. J., Holdren, S. M., **Rubenstein, L.,** Varela, J. G., Boccaccini, M. T., Harris, P. B., Turner, D. B., Hamilton, P. M. (2020, March). *Evaluator differences in trends in PCL-R scoring and risk level determination in sexually violent predator civil commitment evaluations*. Poster presented at the Annual American Psychology-Law Society Conference, New Orleans, LA.



**Rubenstein, L.,** Yanos, P. T., & Varela, J. G. (2019, March). *Predictors of mental health court completion*. Paper presented at the Annual American Psychology-Law Society Conference, Portland, OR.

Kurus, S. J., Holdren, S. M., **Rubenstein, L.,** Varela, J. G., Harris, P. B., Strauss, J. P., Franklin, D. W., Turner, D. B., & Hamilton, P. M. (2019, March). *Correlates of behavioral abnormality among sexual offenders evaluated for civil commitment as sexually violent predators*. Poster presented at the Annual American Psychology-Law Society Conference, Portland, OR.

**Rubenstein, L.,** & Tabaczyk, O. (2018, March). *Barriers to education: Administrator perceptions of individuals convicted of sexual offenses*. Poster presented at the Annual American Psychology-Law Society Conference, Memphis, TN.

**Rubenstein, L.,** Tabaczyk, O., & Austenfeld, A. (2017, May). *Barriers to education: Policies for individuals with histories of sexual offenses in higher education*. Workshop presented at the Annual Hunter College Psychology Conference, Hunter College, New York, NY.

**Rubenstein, L.** (2017, May). *Prior mental health treatment and mental health court completion*. Poster presented at the Annual Master's Student Research Group Conference, John Jay College of Criminal Justice, New York, NY.

**Rubenstein, L.** (2016, April). *Who is blamed the most? A further investigation*. Paper presented at the Annual High Point Undergraduate Research Creative Symposium, High Point, NC.

**Rubenstein, L.** (2016, January). *Who is blamed the most? An investigation into the factors that affect the amount of blame attributed to victims of crime*. Poster presented at the Annual National Society for Personality and Social Psychology Conference, San Diego, CA.

### INVITED PRESENTATIONS

**Rubenstein, L.** (2020, October). *Barriers to higher education for persons convicted of sexual offenses*. Forensic Grand Rounds Presentation at Alberta Health Services, University of Alberta, Alberta, Canada.

### AD HOC REVIEWING

Law and Human Behavior (Impact Factor = 2.78)

Journal of Offender Rehabilitation (Impact Factor = 1.02)

### SUPERVISORY EXPERIENCE

**SAM HOUSTON STATE UNIVERSITY**

Huntsville, TX

*Peer Supervisor*

January 2020-August 2021

- Provided supervision alongside licensed faculty to junior doctoral students
  - Supervised first-year doctoral students learning foundational clinical skills

- Supervised practicum students providing therapy and assessment services for community-dwelling clients
- Met one hour weekly to co-facilitate supervision of a student clinician providing therapy services
- Reviewed and provided feedback on clinical documentation and integrated reports
- Provided formative and summative performance feedback to supervisees

## PROFESSIONAL CONSULTATION

### **CONROE POLICE DEPARTMENT: RACIAL SENSITIVITY TRAINING** Conroe, TX

*Graduate Student Presenter*

June 2021

Supervisor: Darryl Johnson, Ph.D.

- Created curriculum to present to law enforcement on topics including implicit bias, emotion regulation, empathy, in-group/out-group bias, normative social influence, and attitudinal change
- Collaborated with a multidisciplinary team including members of the police department and psychologists from various disciplines to develop relevant and meaningful content for presentation

### **CONROE POLICE DEPARTMENT: MENTAL HEALTH** Conroe, TX

#### **PEACE OFFICER AND CRISIS INTERVENTION TEAM TRAINING**

June 2019

*Graduate Student Presenter*

Supervisor: Darryl Johnson, Ph.D., Wendy Elliot, Ph.D., ABPP

- Created and presented lectures for Mental Health Peace Officer Training and Crisis Intervention Team Training
- Coordinated with police sergeants to develop effective mental health training for officers, including topics such as suicide risk assessment, multicultural issues, psychopathology, and de-escalation techniques
- Participated in roleplay exercises and feedback sessions with officers illustrating how to effectively communicate with individuals experiencing mental health crises in the community

## TEACHING EXPERIENCE

### **SAM HOUSTON STATE UNIVERSITY**

Huntsville, TX

*Class Instructor, Psychology Department*

August 2019-May 2020

Supervisor: Yuma Tomes, Ph.D.

PSY1301: Introduction to Psychology

- Instructed 200 undergraduate students twice weekly regarding introductory psychology material
- Created all lectures and course materials for the course
- Graded all exams and assignments

- Strengthened skills using Blackboard to provide course material to students

**JOHN JAY COLLEGE OF CRIMINAL JUSTICE**

New York, NY

*Teaching Assistant, Psychology Department*

September 2016 – May 2018

Supervisor: Suzanne Elgandy, Ph.D.

PSY311: Research Methods in Psychology, PSY101: Introduction to Psychology, PSY242: Abnormal Psychology

- Provided up to 120 undergraduate students with extra assistance and mentorship in psychology courses.
- Held review sessions prior to exams for lecture course.
- Assisted Professor in grading of exams and assignments.
- Gained experience using Blackboard in order to input grades and access uploaded assignments.

**TRAININGS AND WORKSHOPS**

**CLINICAL SUPERVISION SEMINAR**

Huntsville, TX

Presenter: Mary Alice Conroy, Ph.D., ABPP

August 2019-May 2020

**APA TELEPSYCHOLOGY BEST PRACTICES 101 WEBINAR SERIES**

Huntsville, TX

Presenter: Greg Neimeyer, Ph.D.

April 2020

**2020 ASYLUM NETWORK TRAINING**

Houston, TX

Presented by: Physicians for Human Rights at Baylor College of Medicine

February 2020

**REFUGEE MENTAL HEALTH AND WELLNESS CONFERENCE**

Houston, TX

Presented by: The Alliance for Multicultural Community Services

February 2020

**RORSCHACH TRAINING WORKSHOP**

Huntsville, TX

Presenter: Jaime Anderson, Ph.D.

July 2019

**CLIENT SUICIDE TRAINING**

Huntsville, TX

Presenters: Elise Yenne, M.A., Jessi Hart, M.A., Katherine Schrantz, M.A., Wendy Elliot, Ph.D., ABPP, Darryl Johnson, Ph.D.

June 2019

**HAVEN DIVERSITY LGBTQ+ ADVOCATE TRAINING**

Huntsville, TX

Presenter: Michelle Stone, Ph.D.

August 2018

**CONCEPT PROFESSIONAL TRAINING WORKSHOP**

New York, NY

## HONORS AND AWARDS

American Psychology-Law Society BRIDGE Diversity Research Award, Sam Houston State University, **2021**

Psychology Doctoral Student Scholarship, Sam Houston State University, **2021**

Psychology Doctoral Student Scholarship, Sam Houston State University, **2020**

CARES Summer Scholarship, Sam Houston State University, **2020**

Psychology Doctoral Student Scholarship, Sam Houston State University, **2020**

Office of Graduate Studies Travel Fund, Sam Houston State University, **2019-2020**

Psychology Doctoral Student Scholarship, Sam Houston State University, **2019**

Office of Graduate Studies Travel Fund, Sam Houston State University, **2018-2019**

Psychology Doctoral Student Scholarship, Sam Houston State University, **2019**

Psychology Doctoral Student Scholarship, Sam Houston State University, **2018**

American Psychology-Law Society Student Travel Award, Sam Houston State University, **2018**

Robert S. Morrow Prize for Academic Achievement, John Jay College of Criminal Justice, **2018**

Psychology Department Graduate Merit Scholarship, John Jay College of Criminal Justice, **2017**

Junior Marshal, High Point University, **2015**

All University Honors Scholarship Recipient, High Point University, **2015**

Outstanding Psychology Student of the Year, High Point University, **2014-2016**

High Point University Honors Program, **2012-2016**

Dean's List, High Point University, **2012-2016**

Presidential Scholarship Recipient, High Point University, **2012-2016**

## PROFESSIONAL HONOR SOCIETIES

Psi Chi, International Psychology Honor Society

Alpha Chi, National Collegiate Honor Society

Alpha Phi Sigma, National Criminal Justice Honor Society

Sigma Delta Pi, National Spanish Honor Society

Order of Omega, Greek Leader Honor Society

National Society of Leadership and Success

## PROFESSIONAL AFFILIATIONS

American Psychological Association

American Psychology-Law Society

Society for Personality and Social Psychology

## LEADERSHIP & VOLUNTEER ORGANIZATIONS

### **SHSU Clinical Psychology Doctoral Program Diversity Committee**

Huntsville, TX

*Student Member*

May 2020 – July 2022

- Meet weekly to discuss issues related to diversity within the program and field of psychology
- Plan events to promote diversity and provide education regarding diverse groups
- Come up with action items in order to promote social justice within the program and the university

### **Court Appointed Special Advocate (CASA) of Walker County**

Huntsville, TX

*Volunteer Advocate*

February 2019 – July 2022

- Serve as guardian ad litem for children within the foster care system
- Advocate for child's medical, educational, behavioral, and social needs
- Meet with child, caregivers, and supervisor on monthly basis
- Attend educational in-service presentations regularly to better assist children in need

### **SHSU Graduate Student Psychological Organization**

Huntsville, TX

*Treasurer*

May 2019 - September 2020

- Organized fundraisers for the psychology graduate programs
- Planned social events for the psychology graduate programs
- Participated in volunteer opportunities in collaboration with other campus organizations

## RELATED SKILLS

- Advanced Proficiency in Spanish Language.
- Advanced Proficiency in Titanium, CSS, SPSS, R, STATA, WINCATI, Qualtrics, Blackboard, Microsoft Excel, PowerPoint, and Word.