

The Police Caution and Courtroom Language as Procedural Barriers for Suspects and Defendants with Intellectual Disabilities

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Abstract

People with intellectual disabilities (ID) have been overrepresented in the suspect and defendant populations. However, the two key language-related procedural moments which affect their legal status (police caution and courtroom communication) have been traditionally studied separately. Objectives: To compile and review empirical evidence from the peer-reviewed literature both at the investigative and trial stages, determine if the linguistic nature of cautions is associated with poorer understanding, and propose an agenda for future research. A targeted integrative review of 35 peer reviewed sources and an exploratory analysis of the readability and linguistic features of caution wordings in standard format. Even in optimal conditions (when the caution is sent by sentence and not read at once) there is an extremely low rate of full comprehension (10% of suspects, 96% reporting comprehension). In recent experimental studies with adults with ID (n = 30), none of the participants had a sufficient understanding of the Scottish caution regardless of listenability modifications. The present alert, which contains a legally complicated adverse inference warning, has a Flesch-Kincaid Grade Level (FKGL) of 5.2, a result that is easier to understand than the previous (pre-1995) alert, which had an FKGL of 8.0. This means that the surface readability measures do not accurately predict comprehension. Other adults with mild developmental disabilities had 75% correct for only 8 of 34 legal terms (vs. 28 of 34 for non-delayed controls at an 85% criterion). In addition, procedural support for witnesses with ID continues to be poorly developed in the courtroom, and former defendants report very little procedural support. The Cumulative Procedural Barrier Model proposes that when non-comprehension goes unrecognized during the caution stage, it will be systemically carried forward in police interviewing, plea negotiation, and trial. Some future research directions of particular interest are: developing and testing comprehension checks that are valid for students with ID, identifying and testing interventions that are targeted to ID students, and conducting courtroom studies of defendants which are linked-stage empirical designs and cross-jurisdictional studies.

Keywords Intellectual Disability, Police Caution, Right to Silence, Courtroom Language, Legal Comprehension, Miranda Warning, Cumulative Procedural Barrier Model, Readability Metrics, Access to Justice, Vulnerable Defendants.

Introduction

Intellectual disability (ID) is defined by significant limitations both in intellectual functioning and in adaptive behavior originating during the developmental period. The terms are sometimes used interchangeably in the United Kingdom with 'learning disability', and are often used in the historical or international literature with 'mental retardation'. People with ID are systematically over represented in the criminal justice system. Two types of comprehensive, systemic reviews on prisoner populations estimate prevalence of ID at about 0.5% to 1.5%, while screening programs in magistrate courts estimate ID in about 4% of defendants [1][2]. There is very high psychiatric morbidity among defendants and a significant percentage of them are not identified and in need of special help [3]. This research takes place within the context of current international policies that are focused on creating legal frameworks and procedures that are readily available to persons with disabilities and providing guarantees of due process, whose implementation is not uniform [33].

Language is a key factor in procedural justice on two important points. The first happens when a police officer gives a verbal warning to a person who is being held for breaking the law. The first happens when someone is arrested for breaking the law and the police tell the person that he may not talk to them. The caution was substantially amended after the Criminal Justice and Public Order Act 1994 allowed English and Welsh courts to make adverse inferences on a suspect's pre-trial failure to speak, which has led to the current caution of 37 words. The constitutional equivalent in the U.S. is the Miranda warning. Wider perceptions of the quality of police service are closely linked to perceptions of the first contact with the police [35]. The second critical moment is in the courtroom itself where defendants are expected to be able to handle the legal jargon, understand their counsel, and answer questions in registers that would prove daunting to even most non-disabled adults.

The difficulties go beyond mere language understandings. Mild ID individuals are easily suggestible, confabulate and acquiesce, significantly affecting the validity of statements given under police questioning [8]. As a result, ID has been extensively acknowledged as a significant risk factor for police-induced false confessions [9][10]. An individual who doesn't understand the caution can unwittingly waive essential rights, give compliant responses to ambiguous questions, be subject to negative inferences in court, and then be subjected to court language that is not accessible to them.

Although there has been significant research on police custody or on cross-examination in court, there has been little empirical literature connecting the two phases of the criminal process, examining the source of language-based cautions, or directly exploring the language of criminal defendants. These pressing needs are met in this paper using a specific, integrative review of both stages of the procedures, as well as an exploratory analysis of text and linguistic features of caution words.

This study makes four distinct contributions:

1. Combination of substantiated peer-reviewed evidence from investigations and trials.
2. Providing evidence in the text analysis that suggests a dissociation between the surface readability and depth of understanding of cautions, which is why standard readability indices are not a good predictor of the depth of understanding of cautions.
3. Proposing the Cumulative Procedural Barrier Model to represent the systemic transmission of language failures along the justice continuum.
4. Describing a work program that includes well-defined research questions and gaps in the current research literature.

The paper is organized into six main sections: 1. Introduction (framing the issue and gaps), 2. Literature Review (examining prevalence, comprehension, and safeguards), 3. Methodology (detailing review design and text analysis), 4. Findings (presenting data on prevalence, caution comprehension, and courtroom barriers), 5. Discussion and Implications (introducing the Cumulative Procedural Barrier Model), and 6. Conclusion, Limitations and Future Work (summarizing key insights and future research needs).

Literature Review

Prevalence and Identification

Empirical evidence on the prevalence and formal diagnosis of ID comes together to three main findings. First, ID is found throughout the criminal process—from arrest through disposition. Second, formal identification is still at a very low level; the investigation in South London found that only 16.7% of those defendants charged in custody and 4.6% of community charged defendants were IDed successfully for access to liaison and diversion services. People with ID consistently describe that they experience great challenges in understanding and expressing themselves when in police contact, saying there are no accessible accommodations to the procedure. On the other hand, law enforcement officials often point to the lack of identification markers as a problem and state that they are in dire need of training [32].

Comprehension of Cautions and Rights

There has been a significant amount of research which shows that there is often a huge gap between what someone thinks they understand and what they actually do [13]. There is extensive literature to document the marked differences between what one believes they understand and what they actually do when it comes to police cautions and Miranda warnings. Research assessing the England and Wales warnings shows that people are not fully comprehending the warnings, and even less so when warnings are given in full, rather than sentence by sentence. Many members of university communities, even those who had no prior knowledge of legal warnings, have big problems with the interpretation of these warnings [18]. There is a consistent difference in the performance of adults with ID compared to comparison groups, and "listeningability" modifications are not effective in improving comprehension [19]. This is the same pattern that is seen in United States scholarship on memory for Miranda comprehension among just above the diagnostic threshold defendants [15][21][22]. One of the constant conclusions is that a subjective understanding is not equivalent to an objective understanding, and is often accompanied by misplaced institutional trust.

Interviews and Safeguards

The police interview is a serious risk of non-comprehension compounded by the caution period. People with mild ID have greater tendencies towards suggestibility, confabulation, acquiescence [8], and the failure of Miranda to serve as a procedural safeguard is a major risk factor for coerced or false confessions [9][10]. The appropriate adult scheme is the main statutory protection in England and Wales but observational studies show that appropriate adults are often not proactive in their approach and do not step in [24]. In addition, the safeguard is frequently ignored because of police subjectivity in their assessment of vulnerability, and lack of a conceptual framework [25][26]. Both of these depend upon the basic vulnerability recognition, the initial barrier to identification.

Courtroom Language and Barriers

Evidence from language barriers within the courtroom focuses on three key areas:

- **Legal Vocabulary:** Adults with mild developmental disabilities have much smaller legal lexicons than do their non-delayed counterparts, and their self-assessment of knowledge of legal terms is not a reliable marker for their actual knowledge.
- **Witness Questioning:** Cross-examination practices involving witnesses with ID remain virtually unadapted compared to general-population proceedings, despite cross-examination inherently struggling to elicit accurate testimony from any witness [14][27]. In addition, there are severe interpretive obstacles for jurors and defendants alike in judicial instruction on the right to silence, which echoes caution terminology [28].
- **Defendant Participation:** Qualitative and doctrinal research indicates that systemic barriers to active defendant participation persist despite being remediable [29]. There is a structural asymmetry in intermediary eligibility that systematically disadvantages defendants compared to complainants and witnesses, and support mechanisms to ensure defendants' compliance with proceedings are inconsistent and much less available than support for victims [31].

By synthesizing this literature, it is clear that there are several key gaps: there are few experimental data about the IDs themselves, and these are based on small sample sizes; there is a lack of short, validated, operational screening instruments for comprehension of ID; defendants are poorly studied compared to witnesses; and the empirical evidence base is largely from Anglophone common law countries.

Methodology

Review Design and Source Verification

The targeted integrative review was undertaken August through September 2026. Combining the following search terms, systematic searches of scholarly databases, academic publisher portals and institutional repositories were conducted: police caution, right to silence, Miranda, intellectual disability, learning disability, comprehension, suggestibility, appropriate adult, cross-examination, legal terminology, effective participation, and intermediary. Three systematic reviews were used to provide citations for the search that led to the other three.

Eligibility Criteria

The process of screening was conducted with clear criteria to guarantee the methodological rigor, transparency and source traceability. Inclusion parameters included peer-reviewed empirical investigations, systematic or narrative literature reviews and formal legal-linguistic analyses of police cautions, Miranda warnings, or equivalent statutory notices published in academic journals, as well as studies specifically aimed at understanding the comprehension of police cautions, Miranda warnings, or equivalent statutory notices. Qualifying studies also had to explore cognitive risk factors like intellectual disability, borderline intellectual functioning, suggestibility, and acquiescence during police questioning or in a custodial setting, along with courtroom language barriers, ability to comprehend legal terms, witness cross-examination registers, and effective defendant participation. Non-peer-reviewed literature, such as institutional white papers, government briefing reports, conference abstracts, doctoral dissertations and master's theses, were systematically excluded. In addition, publications that had no resolvable or verifiable identifiers were excluded to ensure that all literature included in this literature review was of a high academic level and that any literature outside of the criminal justice continuum or that did not have an explicit operational focus on adult populations of suspects, defendants, and/or witnesses with cognitive impairments was excluded. The bibliographic metadata of all retrieved items were cross-referenced independently with the publishers' repositories, to confirm. The quantitative assessment of the formal quality was not carried out, and the results were not expressed in numbers: in keeping with the standards of integrative review.

Textual and Linguistic-Feature Analysis Method

The following are contemporary England and Wales cautions: "You don't have to say anything. But it might prejudice your defence if you don't mention, when you are questioned, something that you later mention in court. Anything you say may be given in evidence. The 37-word structure corresponds to the literature and has been established. The analysis compared the pre-1995 caution text (made from historical reproductions of the archival version; no primary source verification), a generic version of the Miranda warning (indicated inter-jurisdictional US differences), and an illustrative version of the plain-language warning (no primary source verification and no clinical testing).

For each text, total word and sentence counts, mean sentence length, syllables per word, Flesch Reading Ease (FRE), and Flesch–Kincaid Grade Level (FKGL) were computed [16], calculated as defined in equation (1) & (2):

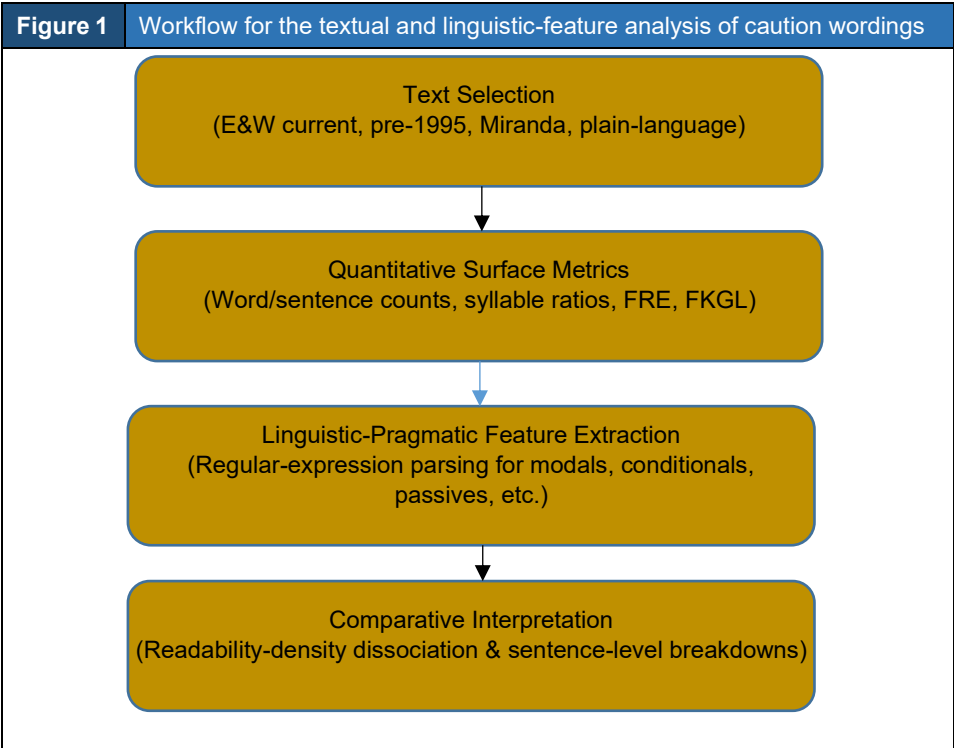
$$FRE = 206.835 - 1.015 \left(\frac{\text{words}}{\text{sentence}} \right) - 84.6 \left(\frac{\text{syllables}}{\text{word}} \right) - \quad (1)$$

$$FKGL = 0.39 \left(\frac{\text{words}}{\text{sentence}} \right) + 11.8 \left(\frac{\text{syllables}}{\text{word}} \right) - 15.59 - \quad (2)$$

The number of syllables per word was counted using the Python textstat library. Micro-linguistic and pragmatic features have been manually extracted using fixed regular-expression rules that were applied to: negation, modal verbs, conditionals, subordinators (which, when, that), passive voice constructions, and temporal-shift markers (now, later,

then). Because of the length of the caution text, formula outputs should be considered as exploratory indices.

Figure 1 summarizes the methodological workflow: This flowchart maps the four sequential stages of the analytical methodology: (1) Curation of a set of caution texts to be candidates; (2) calculation of quantitative surface features of the readability (word count, syllable ratio, FRE, and FKGL); (3) extraction of micro-linguistic features through regular-expression parsing; and (4) comparative interpretation of the features of the dissociation between readability and sentence-level.



Findings

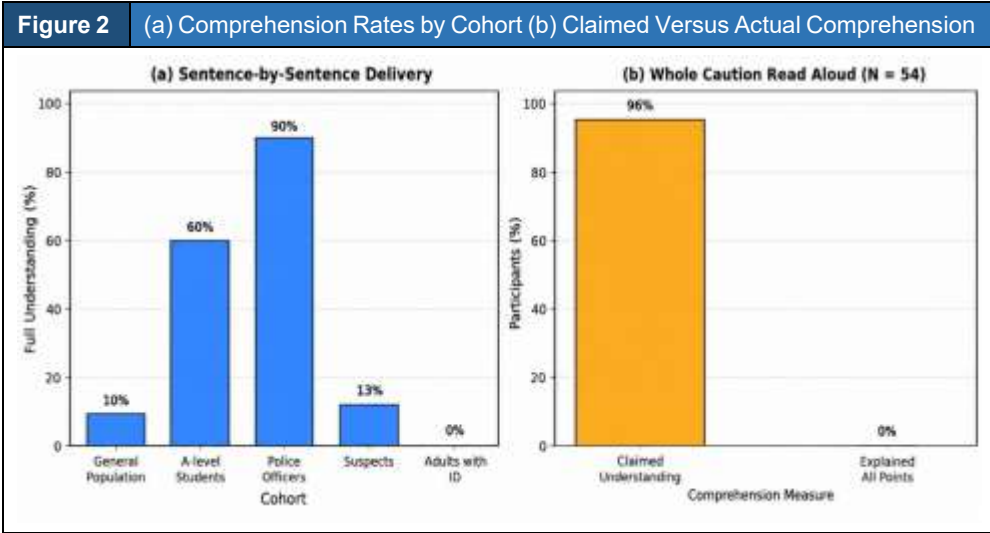
Prevalence and criminal process formal identification is described empirically below. Research shows that intellectual disability is found throughout all populations in prison and in court dockets, but only a small proportion of individuals with intellectual disability are identified and referred to a liaison service [11], and law enforcement officers continue to experience problems with identification and communication [12]. The distribution of intellectual disability and identification metrics in various investigative and judicial settings are summarized in table 1.

Table 1	Prevalence and Identification of Intellectual Disability Across Criminal Justice Settings	
Setting and Research Design	Key Quantitative Findings	Reference
Prisons; systematic review across 4 countries (N=11,969)	Estimated intellectual disability prevalence of 0.5% to 1.5% across diverse carceral cohorts.	[1]
Five London magistrates' courts; diversion data analysis (N=9,088)	Approximately 4% of defendants screened positively for intellectual disabilities.	[2]
South London courts; two-stage screening (N=3,322)	High psychiatric morbidity combined with low referral rates of 16.7% from custody and 4.6% from community.	[3]
Police contact; narrative systematic review (N=1,199)	Documented severe communicative barriers and a lack of procedural or emotional support.	[11]
Police officers; systematic review (N=983 officers)	Highlighted widespread training needs, identification difficulties, and communicative obstacles.	[12]

Table 2 presents empirical comprehension outcomes in various international studies on cautions and warnings. When presented as a series of clauses, it is estimated that about 1 in 10 members of the general public could explain all three clauses of the England and Wales caution, which works out to about 9 in 10 A-level students and 9 in 10 police officers, and then the percentage of people able to explain each clause decreased during whole-text presentation 4]. In the cases where the suspects were in police custody, 10% clarified all the fundamental concepts when the caution was read in full; 0% did so when read sentence by sentence, although 96% verbally said they understood it [17]. As part of a Scottish study of 30 adults with ID, none of these adults understood the standard or listenability modified cautions [20]. Of 820 pre-trial defendants in the United States, those whose IQ was 70–85 showed significantly poorer recall or demonstrated a deficit in legal vocabulary [5]; and more than one-fourth of the 847 pre-trial detainees indicated a legal responsibility to obey the police [23].

Table 2 Empirical Findings on the Comprehension of Police Cautions and Warnings		
Ref.	Setting, Sample, and Experimental Task	Key Empirical Result
[4]	England & Wales; general public (n=15), A-level students (n=72), police officers (n=21); sequential sentence explanation task	Full comprehension (sentence-by-sentence): ≈10%, 60%, and 90% respectively; performance declined markedly during whole-text administration.
[17]	England & Wales; detained suspects (n=30), intellectually matched non-suspect controls (n=24)	Read in full: 96% claimed understanding, 0% explained core points. Sentence-by-sentence: 10% (suspects) and 13% (controls) achieved full comprehension.
[18]	Queensland, Australia; university students (N=140); awareness and comprehension testing	High subjective awareness contrasted with widespread objective failure of caution comprehension.
[20]	Scotland; adults with ID (n=30); standard vs. listenability-modified cautions; cognitive and anxiety measures	Listenability modifications failed to improve comprehension; 0% of participants exhibited adequate understanding under either condition.
[13]	Systematic review; 13 studies (mostly US; 2 UK, 2 Canadian)	Substantial justice-involved populations exhibit severe comprehension deficits; higher IQ and verbal abilities strongly predict better performance.
[22]	Texas, USA; psychiatrically disordered defendants (n=107); Miranda comprehension and reasoning scales	Most participants failed to comprehend warnings exceeding grade 6 reading ease; lowest quartile comprehended only ≈25%.
[21]	USA; adults with intellectual	Scored substantially lower than normative adult and juvenile comparison samples on Grisso Miranda scales.

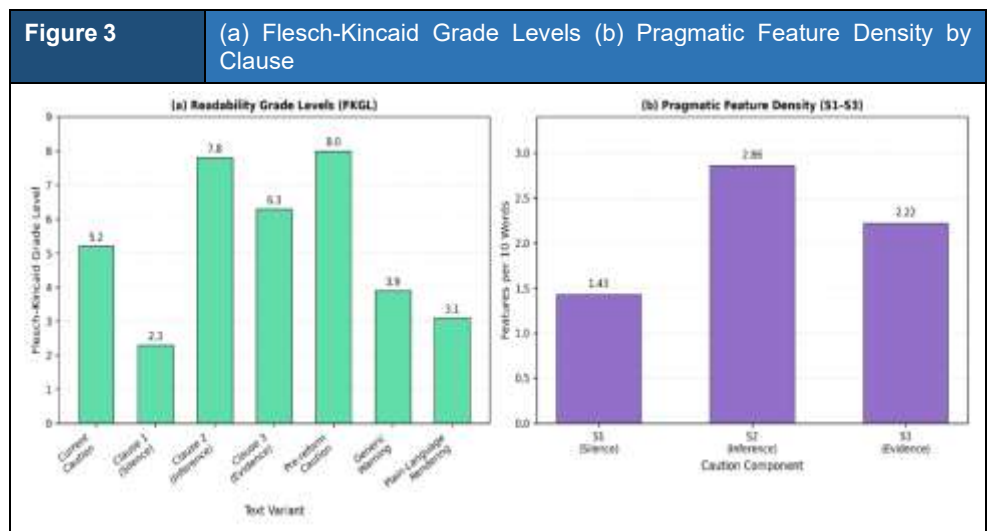
	disability/mental retardation (n across sheltered workshop and probation cohorts)	
[5]	USA; pre-trial defendants (N=820); Standardized Assessment of Miranda Abilities (SAMA)	IQ 70–85 cohort demonstrated profound recall deficits, legal vocabulary poverty, and severe misconceptions regarding police neutrality.
[23]	USA; pre-trial detainees (N=847); Miranda Acquiescence Questionnaire	>20% with impaired reasoning believed cooperation was invariably beneficial; >25% believed absolute compliance with police was mandatory.



The dual panel graph in figure 2 illustrates an objective understanding and subjective claim. In Panel (a), the percentages are the percentage of people's understanding of the text under each delivery method, with the top bar indicating 90% comprehension among police officers, the middle bar showing 10% comprehension among adults with no sentence-by-sentence delivery, and the bottom bar showing 0% comprehension among adults with ID under sentence-by-sentence delivery. The second panel (b) shows the remarkable illusion of understanding in detained persons, with 96% saying that they understood when the full caution was read to them, but 0% being able to explain all the main points.

As seen in table 3, modern caution structures score well on measures of the surface readability of the text, and fall in the easy bands (below grade 6). Older comparators (2004–2007) earned higher scores, suggesting that split texts earned lower scores despite the presence of legally novel adverse inference warnings. Specific warning clauses, with combinations of negation, modals, conditionals and temporal shifts, have the highest grade levels and densities of linguistic features, so they present the greatest difficulty.

Table 3	Readability Metrics and Linguistic Feature Densities Across Various Caution Text Formulations						
Textual Variant	Word Count	Sentences	Words/ Sentence	Syllables/ Word	FRE	FKGL	Pragmatic Features / 10 Words
Caution Variant (Current)	37	3	12.3	1.35	80.0	5.2	2.43
<i>Clause 1 (Silence)</i>	7	1	7.0	1.29	91.0	2.3	1.43
<i>Clause 2 (Inference)</i>	21	1	21.0	1.29	76.7	7.8	2.86
<i>Clause 3 (Evidence)</i>	9	1	9.0	1.56	66.1	6.3	2.22
Pre-reform Caution	22	1	22.0	1.27	76.8	8.0	—
Generic Warning Style	41	4	10.2	1.32	85.0	3.9	—
Plain-Language Rendering	48	5	9.6	1.27	89.6	3.1	—



The surface-depth readability dissociation is illustrated in this figure 3 visual breakdown. The overall current caution level of 5.2 is superficially easy, compared to the cognitive level of 7.8 in Clause 2 (the adverse inference warning). As shown in panel (b), the proportion of complex pragmatic features (modals, conditionals and passives) per 10 words also shows the highest value for clause 2.

A courtroom language evaluation showed that non-delayed adults were successful in defining a high percentage of legal terms, while adults with developmental disabilities had performance criteria below the non-delayed group and varied widely for the different legal vocabulary evaluations tested [6]. The analyses of transcripts indicate that attorneys' questioning of witnesses with intellectual disabilities is largely not adapted, leading to shorter and more suggestive answers [7]. In addition, past defendants say that they had no support to understand proceedings and none had access to specialists to help them [30].

Table 4	Empirical evidence regarding courtroom language and participation barriers	
Research Design and Sample	Key Empirical Result	Reference
Adults with developmental disability vs. non-delayed controls (N=80)	Non-delayed group mastered 28/34 terms; developmental disability group mastered only 8/34 terms.	[6]
Trial transcript analysis of witness testimony (N unstated)	Questioning styles were unadapted, yielding shorter, highly suggestible witness accounts.	[7]
Socio-legal interviews with former defendants (n=9)	Only 3 defendants received support, with zero access to intermediaries.	[30]

Table 4 outlines empirical findings regarding courtroom language and participation barriers. It provides empirical evidence of the communication barriers in the legal system, comparing the legal vocabulary mastery of non-delayed adults with adults having mild developmental disability. It also specifies unadapted forms of questioning during the trials as described in the transcripts, as well as draws attention to the fact that the most part of the former defendants interviewed were not given any courtroom intervention or intermediary contact

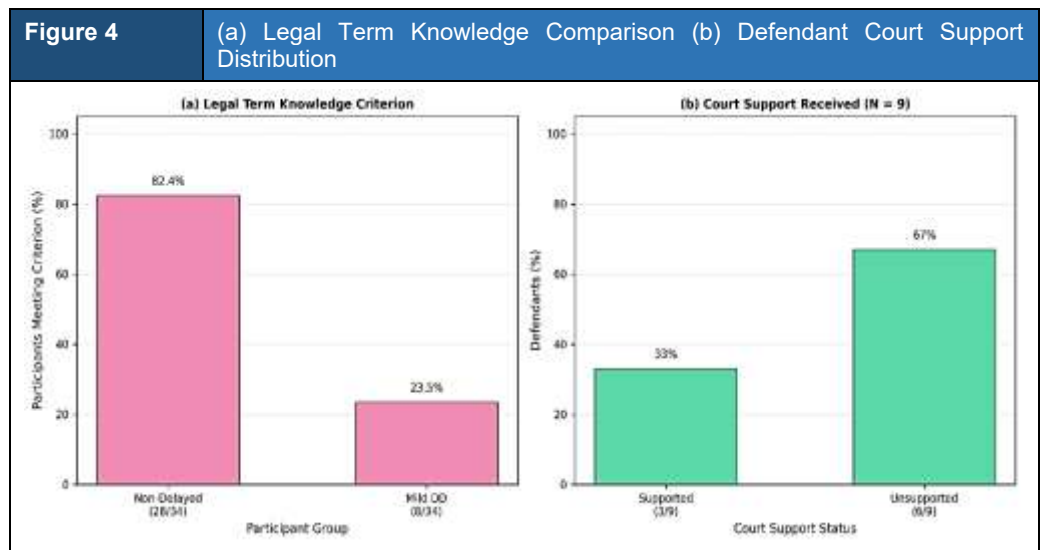


Figure 4 highlights systemic judicial barriers. Panel (a) shows that the non-delayed controls were successful for 82.4% of the tested legal terms (28/34), whereas adults with mild developmental disabilities achieved criterion for 23.5% (8/34) of the legal terms tested. The interviewed former defendants reported that 67% received no help from the court and that no one had access to professional intermediaries in panel (b).

Discussion and Implications

Synthesizing the empirical evidence indicates that the police caution and courtroom communication function not as isolated events, but as sequential links within an integrated chain of procedural barriers. Communicative and cognitive failures at the point of caution don't stop there, but rather extend in a systematic way throughout the legal process, influencing interviews, plea negotiations and trial results. This integrative approach leads to the Cumulative Procedural Barrier Model that identifies five key issues to consider in the administration of justice for individuals with intellectual disabilities who are suspects and defendants.

The analysis shows, first and foremost, that there is a surface-depth readability dissociation in the sense that legal texts have shallow grade levels assigned by traditional surface readability metrics, and high semantic and syntactic difficulty in the depths of the legal texts. Second, in custodial settings there is an illusion of understanding: subjective claims of understanding by the suspect often do not accurately predict objective understanding. Third, increased acquiescence and suggestibility have the effect of amplifying, turning the unacknowledged lack of understanding into involuntary waivers of rights and self-incriminating statements. Fourth, there is systematic attenuation of formal procedural safeguards, typically not being met because of ongoing challenges for law enforcement to recognize indicators of intellectual disability. Fifth, uncorrected non-comprehension at the caution stage simply translates directly to the court room, adding to the challenges faced by

people when dealing with complex legal terminology and out-of-key witness questioning registers.

The results call for urgent and structural changes in the investigative and judicial process. Routine, closed-ended comprehension checks that ask a yes/no question need to be replaced by an active explain-back approach and chunked delivery formats by law enforcement agencies. Early identification mechanisms need to be developed to identify cognitive capacities which are not formally diagnosed and not just at the end of the formal identification process; interviews in custody should be documented in a way that enables post-hoc understanding audits [34]. Ground rules hearings and plain language questioning should be made a standard part of the courtroom process within the courtroom, and there must be equal access to specialized intermediaries for defendants.

Conclusion, Limitations and Future Work

Police and courtroom language are strongly interrelated procedural barriers, which disproportionately hinder individuals with intellectual disabilities to access justice. These barriers are starkly illustrated by the empirical record, with the percentage of suspects fully understanding the police caution dropping to zero when read in full when detained, and a basic adaptation resulting in only a partial understanding for adults with intellectual disability. In addition, comparative legal vocabulary studies indicate that adults with mild developmental disabilities achieve success in learning only 8 of 34 core legal terms as compared to non-delayed peers and that trial support is woefully inadequate. A multi-faceted strategy is needed to redress these systemic injustices, focusing on the adoption of sound comprehension checks, empirically-tested communication interventions, and rigorous research conducted over extended periods of time on the defendants themselves, across various international jurisdictions. Although this integrative review covers a wide spectrum of issues, there are some methodological limitations that should be noted. First, the search and inclusion criteria were designed to exclude a large number of institutional reports, white papers or grey literature, while focusing on peer-reviewed journal articles, which required source verification, but which nonetheless proved to be valuable. Second, the analysis of texts was based on exploratory readability measures that were based on short texts that are useful for comparative benchmarking but reflect only at the level of the sentence and not at the level of the pragmatic meaning conveyed. Third, the reviewed empirical evidence is geographically limited, primarily to common law countries, and thus may lack generalizability beyond these countries. These restrictions set a clear and pressing agenda for future research. There are still several key areas where there are significant gaps in the data on caution comprehension—including limited data on disability population, no empirical evidence on effective communication interventions, and limited and unvalidated data on brief screening tools suitable to frontline use, as well as limited empirical research in the areas relevant to defendant populations and unlinked empirical treatment of sequential procedural stages and a narrow jurisdictional focus.

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