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November 15, 2006

Mark R. Fremgen
Kindt Phillips Friedman & Fremgen, S.C.

[REDACTED]

Re: Brendan Dassey
Manitowoc County Case No. 06-CF-88

Dear Mr. Fremgen:

Thank you for referring Brendan Dassey, a 17-year-old white single male, for psychological evaluation. Brendan was informed of the purpose of the present evaluation, that it was being conducted with regard to his pending legal charges, that he did not have to answer any questions that he chose not to answer, and that a report would be sent to you regarding the present assessment. Brendan appeared to understand the purpose of the present evaluation and consented to being assessed.

Prior to discussing the results of the current evaluation, it is necessary to emphasize that no scientifically valid assessment procedure exists for a psychologist or other mental health professional to determine if a confession is true or false. The determination obviously is ultimately made by and is in the purview of the trier of fact. Nevertheless, the psychologist becomes potentially most useful when discussing psychological characteristics that increase the defendant's risk for potentially uttering a false confession or succumbing to police influence. The purpose of the present evaluation was to determine whether such characteristics were present for Brendan.

A number of psychological factors need to be considered when evaluating whether a defendant presented with an increased risk to give a false confession or to succumb to police influence.

For example, research shows that intelligence is related to acquiescence and suggestibility. In addition, other cognitive variables such as impaired memory are also correlated with suggestibility. Research further shows that various personality factors are associated with suggestibility and they include passivity, anxiety, avoidance, and social withdrawal. Sleep deprivation is also correlated with suggestibility, and research also has shown that the lack of prior criminal convictions is correlated with increased suggestibility. Finally, it is important to point out that research has shown that adolescents and especially children are significantly more suggestible than are adults. They are significantly more responsive

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to negative feedback up until the age of 17 when they begin to respond more like adults.

In order to evaluate these characteristics, Brendan was not only interviewed on November 3, 2006 and November 10, 2006 but he was also psychologically evaluated by means of a battery of tests. The battery of tests include the Kaufman Brief Intelligence Test-2 (KBIT-2), the Wechsler Abbreviated Scale of Intelligence (WASI), the Minnesota Multiphasic Personality Inventory-Adolescent version (MMPI-A), the 16PF, the State-Trait Anger Expression Inventory (STAXI-2), and the Gudjonsson Suggestibility Scales.

Collateral data consisted of a videotaped interview of Brendan Dassey by the Calumet County Sheriff's Department, as well as a written narrative based on that interview dated February 27, 2006.

When Brendan was interviewed on November 3, 2006 and on November 10, 2006, he presented as being serious and subdued. His affect was sad and he reported feeling "a little bit sad." He was slow to respond to questions posed to him. He did not appear to intentionally try to be passively aggressive but instead was simply slow to respond because of his personality characteristics and somewhat limited intellectual functioning. Brendan was polite and passive during both interview sessions. In addition, he also was softspoken, polite, passive, and slow to respond when interviewed by police officers. Thus, his manner of interacting on November 3, 2006 and on November 10, 2006 was very similar to the way he presented when he was interviewed by police officers. Brendan was taking no medication at the time of the present evaluation.

In terms of his social history, Brendan said he was born on October 19, 1989 in Whitelaw, Wisconsin. He said he is currently in eleventh grade and has never repeated any grades. He said he has been in "Special Ed ever since I've been in school" but he could not state why he has been placed in those programs. He said he has been detained in the Juvenile Detention Center for the past ten months.

Brendan said he was raised by his mother. He said he has three brothers, aged 21 (Bryan), 20 (Bobby), and 17 (Blaine). He also has a 23-year-old stepbrother (Brad). He stated that Bobby and Blaine continue to live with their mother. Brendan was not sure when his parents divorced. Prior to his current detention, he said he saw his father "a few times a year."

Brendan reported having no history of being physically or sexually abused. He said he was not popular at school but then he went on to state that he had about ten friends who were in the same grade as he.

Brendan said he has never previously received counseling or taken psychotropic medication.

Brendan reported being nervous in the past "if I had to get up in front of a lot of people." When asked to elaborate, he stated that he used to feel nervous "like if you had to make a poster of something in eighth grade" or stand up in front of the class and present other demonstrations of information to them. He also said that he feels nervous when he meets new people and he has felt that way "all my life." Brendan said he never has participated in any after school activities and never has been

active in any clubs or sports. He also stated, "Sometimes I like to do things by myself but when I'm in a group I don't like to."

When asked how he felt when he was interviewed by police officers, Brendan stated, "Nervous and scared." When asked why he felt that way, he stated, "I didn't know 'em and I was scared they were gonna arrest me."

Brendan reported having no prior history of criminal behavior. He said he began drinking alcohol at age 15. He said he drinks about 3 or 4 times per year and consumes "a few bottles of wine coolers" when he drinks. He denied having a history of "blackouts" associated with alcohol use. He also reported having no personality change when he has consumed alcohol. He denied having a history of illicit drug use. He said he has never received alcohol treatment.

No psychotic symptoms were present. Brendan denied having any history of hallucinations. There was no evidence of loose associations, delusions, or paranoia.

Brendan said he occasionally feels sad "like when my girlfriend broke up with me." When asked whether he could think of other reasons for any particular sadness that he may have experienced, he stated, "Not that I can think of." Brendan denied having any significant vegetative signs of depression. Sleep and appetite are normal. He was not sure if he has lost or gained any weight. He reported having no problem with headaches or stomachaches. He denied having a problem with crying spells. He reported having crying spells only during the first several weeks of his detention. He denied having any suicidal thoughts and any history of suicide attempts.

As noted above, Brendan was assessed by means of a battery of psychological tests. His intellectual functioning was assessed by means of the Kaufman Brief Intelligence Test-2 and the Wechsler Abbreviated Scale of Intelligence. On both tests, he received comparable IQ scores. On the WASI, Brendan obtained a Full Scale IQ of 81. On the KBIT-2, he received a Verbal IQ of 84, a Nonverbal IQ of 87, and an IQ Composite of 83. Thus, according to Wechsler norms, Brendan's IQ scores all fall within the "low average" range of intelligence. In contrast, according to DSM-IV-TR norms, his WASI Full Scale IQ score and his KBIT-2 Verbal and IQ Composite IQ scores fall within the upper end of the "borderline" range of intelligence. His IQ Composite on the KBIT-2 is at the 13th percentile. That is, on the KBIT-2, 87 out of 100 17-year-old males would have intellectually performed better than Brendan did on the KBIT-2.

As noted above, personality characteristics were also evaluated by means of a battery of tests. Only the personality characteristics that directly relate to matters being considered by the Court will be included in the present report. For example, on the MMPI-A, there was an elevation on a scale measuring psychosomatic complaints. Individuals who have elevated scores on this scale often report numerous somatic complaints that involve gastrointestinal difficulties, sensory deficits, cardiovascular symptoms, or respiratory problems. It is deemed unnecessary to include such conclusions that can be drawn from the psychological testing in the present report because it is judged that they are not germane to the questions that need to be considered by the Court in the present case.

The validity scale configuration on the MMPI-A shows that Brendan was open and cooperative when answering the personality test questions posed to him. He did not

present himself in either an overly negative or overly positive fashion. Thus, it is judged that the personality test results on the personality scales are an accurate reflection of Brendan's emotional functioning. On the MMPI-A, individuals with this type of profile tend to be somewhat shy. They tend to have social anxiety and inhibitions. They tend to be hypersensitive about the reactions of others and are occasionally concerned about their relationship with others. They quite often are inhibited in personal relationships and social situations and have difficulty expressing their feelings. They try to avoid crowds, parties, and school activities which is consistent with interview data provided by Brendan. Instead, they find it difficult to be around other people and prefer to engage in solitary activities. They often avoid situations where numerous people are present. They have difficulty making friends and they do not like meeting new people. In addition, on the Social Avoidance subscale of the Social Introversion scale on the MMPI-A, Brendan's score was significantly elevated showing that his profile is similar to individuals who go to great lengths to avoid social interaction.

The 16PF is a personality inventory that was administered to Brendan because it, in particular, evaluates normal personality characteristics instead of personality characteristics that are exhibited in individuals who have psychopathology. In particular, three scales from the 16PF are most related to suggestibility. They are the Global Factor of Independence and two primary scales. One primary scale is Factor E which measures deferential versus dominant personality characteristics and Factor H which measures shyness versus social boldness characteristics.

On the Global Factor of Independence, Brendan did not obtain a score on the end of the continuum that is associated with independence but instead had a score on the opposite end of the continuum which is associated with "accommodation."

Brendan's scores on Factor E and Factor H were also consistent with individuals who are suggestible. That is, on Factor E, Brendan's score was similar to individuals who are deferential, submissive, and humble instead of dominant, assertive, and competitive. Similar findings were obtained on the Factor H scale on which Brendan was similar to individuals who are shy and socially timid instead of socially bold, venturesome, and attention-seeking. That is, individuals who have this type of overall profile on the 16PF tend to be humble and unassertive. They are often described by others at times as being submissive. They usually are not comfortable in situations that require a great deal of force or drive. They usually do not speak up when their needs need to be known and, for that reason, their points of view are often ignored. Individuals with this type of 16PF profile usually are cautious individuals who shy away from the spotlight and find it difficult to handle confrontational social situations.

The State-Trait Anger Expression Inventory was further used to assess for features of anger, passivity, and anxiety. On the STAXI-2, Brendan's score was similar to individuals who have difficulty making everyday decisions due to difficulty knowing what their feelings are. They instead tend to be rather passive. They almost never become angry or annoyed when others treat them poorly. The overall score on the STAXI-2 is low, indicating that Brendan may over-control his anger. Individuals with this type of profile usually do not express much anger but instead are passive, withdrawn, or both.

Finally, Gisli Gudjonsson has conducted extensive studies regarding why suspects confess to having committed crimes. As contained in a book chapter by Dr. Bruce

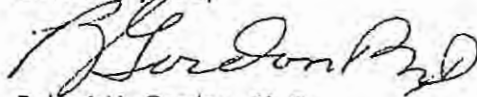
Frumkin entitled "Psychological Evaluation in Miranda Waiver and Confession Cases," Gudjonsson uses the term suggestibility to refer to "the extent to which an individual comes to accept messages or information communicated during formal questioning, essentially coming to believe as true the information given." Against the background of this general definition, Gudjonsson developed tests of Interrogative suggestibility which imitate the types of social pressure which are at times applied to subjects during police interrogation. These tests are known as the Gudjonsson Suggestibility Scales. These scales measure two specific aspects of interrogative suggestibility. The two aspects of the scale are "Yield" and "Shift." Yield is the extent to which the individual yields to leading questions and Shift is the extent to which the individual is prepared to shift their answers following negative feedback and/or interpersonal pressure. Considerable normative data have been collected regarding the GSS scales in both general populations and forensic populations.

On this scale, the examinee is presented with a story about a crime and they are told that their memory is being assessed. After 45 minutes of time has elapsed, they are then requested to answer a series of leading questions. After they answer those questions, they are then informed that their answers were very poor, that they certainly can do better, and that they should try again and improve their score after the same questions are asked again. These two respective sets of 25 identical questions result in the Yield and Shift scores. In Brendan Dassey's case, his scores were significantly elevated for both the Yield and Shift scores, again showing that he is significantly suggestible when presented with a situation that is comparable to a police interview regarding a crime scene.

In summary, the present interview results, test results, and review of collateral data show that Brendan is somewhat intellectually limited, passive, anxious, avoidant, and reserved. If he is presented with leading questions during an interview and/or presented with interrogative pressure, his personality, as shown by interview data, behavior during the police interview and interview by the present psychologist, research regarding adolescents and suggestibility, and current test data, is very susceptible to suggestibility.

If you have any questions regarding the present evaluation, please feel free to contact me.

Sincerely yours,



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