Age, Intelligence, and Understanding of Police and Lawyers as Predictors of Juveniles’ Decisions in Police Interrogation and Consulting with Legal Counsel

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Abstract

The increased proportion of arrested juveniles processed in courts and the trend towards more punitive sentencing
reveal that juveniles entering the legal system are required to make increasingly more legal decisions that bear weightier consequences. The current study addressed age, intelligence, and understanding of police and lawyers as predictors in juveniles’ decisions to confess during police interrogation and talk to the attorney during consultation with legal counsel. One hundred fifty-two youths (aged 11-17) answered factual questions about police and attorneys and formed decisions regarding two hypothetical legal scenarios. Findings revealed significant differences in juveniles’ decisions based on an interaction of age and intelligence. No effects of understanding about police and lawyers were found. Implications and suggestions for future research are discussed.

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Introduction

While the rate of juvenile arrests decreased steadily from 1994 to 2002, the proportion of those arrests being referred to juvenile court gradually increased (Snyder, 2004). Juvenile courts saw roughly 1.67 million delinquency cases in 1999, which is over four times the amount seen in 1960 (Puzzanchera et al., 2003). In addition to an increasing proportion of juveniles being sent to court each year, juveniles are receiving more punitive sentencing and are more frequently transferred to criminal courts (Bonnie & Grisso, 2000). In effect, the trend to bring more alleged juvenile offenders to court and to punish them more severely suggests that juveniles are being treated more like adults in legal contexts. The concern of some researchers is that a more “adult like” treatment of juveniles may be
incongruent with their relative cognitive and social immaturity, which implies they have an inferior ability to make competent decisions than adults (Woolard, 2002). Decision-making is critical throughout the pre-adjudicative and adjudicative processes, such as during police interrogation and consultation with legal counsel. Thus, as the proportion of arrested juveniles in court increases, it becomes even more critical to assess their ability to make competent decisions in the legal process.

Steinberg and Schwartz (2000) have likened the current juvenile justice system to a “pipeline,” throughout which there are several “diversion valves,” or points of decision-making, that will ultimately determine the fate of the juvenile. Though the details of how a justice system functions vary slightly by state, the pipeline model proposes five potential decision points: arrest, detention, adjudication, disposition, and disposition review (Steinberg & Schwartz, 2000). The decision to divert the juvenile out of the justice system at any of these points is made by an official, yet Steinberg and Schwartz stress how a youth’s development and his/her own decisions impact each stage. For instance, during intake, a child’s explanation to the intake officer of his or her alleged wrongdoing may be a factor in part whether he/she is diverted from the system, sent home to await a trial, or detained immediately following arrest (Steinberg & Schwartz, 2000). The child’s decision to waive his/her right to silence during police interrogation and confess may contribute to the likelihood of being detained. Also, during the adjudicatory hearing, the child will not only need to work competently with legal counsel, but will need to decide whether to admit to the offense for which he/she is being tried if actually guilty (Steinberg & Schwartz, 2000). This perspective of the juvenile justice system demonstrates how one misdirected decision by the juvenile could result in a series of negative consequences.

The pipeline model of the juvenile justice system illustrated by Steinberg and Schwartz also emphasizes the role of the juvenile’s developmental status on decision-making. Developmental psychology posits that social, emotional, and intellectual abilities develop with age through the processes of learning and maturation (Steinberg and Schwartz, 2000). These abilities in turn affect a juvenile’s ability to make decisions that have direct implications for
the legal process (Woolard, 2002). While there is insufficient research on the juveniles’ legal decision-making in general, the research that exists to date has explored such factors as psychosocial abilities (Fried & Reppucci, 2001), age, and intelligence (Grisso et al., 2003). A few studies have also examined understandings of police and legal counsel as potential factors affecting the decisions juveniles make in the legal process (e.g. Grisso et al., 2003; Peterson-Badali & Abramovitch, 1992; Peterson-Badali, Abramovitch, Koegl, & Ruck, 1999). As the pipeline model demonstrated, juveniles interact with police and legal counsel at critical points of decision.

The current paper contributes to a larger study of parents and juveniles’ understanding of the legal system. It explores further the relation of juveniles’ age, intelligence, and their understanding of police and legal counsel with the decisions they make in the legal process. First I provide a brief summary of the history of the juvenile justice system and the existing research on juveniles’ decision-making in the legal process. Next, I examine what is known of youths’ age, intellectual ability, and understanding of police and lawyers as they pertain to juveniles’ legal decision-making.

**Historical Overview of Juvenile Justice**

According to Scott (2000), the history of the juvenile justice system in the United States can be characterized by three dramatic periods of reform. Prior to the late nineteenth-century, there was no explicit age minimum for prosecution in criminal court. A child as young as five-and-a-half years old could be tried in the same court as an adult, and juvenile offenders could be subject to the same punishments as adult offenders. While it appears courts were aware of youths’ incapacities due to immaturity, there was no formal recognition or mandate of exceptions for youths (Bonnie & Grisso, 2000).

The first era of reform commenced with the establishment of the first juvenile court, on July 1, 1899 (Mack, 1909). The first juvenile court, which would lay the foundation for juvenile justice proceedings for the next 68 years, was founded on the idea of *parens patriae* (Grisso, 1981). Tracing back to laws of medieval England, the underlying philosophy of *parens patriae* was that the state would take the place of the juvenile’s parent(s), who had
proved inadequate in the upbringing or discipline of the child (Mack, 1909). The state’s goal was primarily rehabilitative, not punitive, treatment of delinquent youth. The new, paternalistic basis for juvenile justice law did not treat the child as an adult as in previous times, thus shielding him/her in part from the potentially detrimental affects of criminal punishment.

However, the patriarchal treatment of juveniles also potentially precluded or affected juveniles’ constitutional right to a fair trial, or due process of law, conflicts that ultimately catalyzed the second era of reform. Youths were exempt from due process because the parens patriae ideology believed that the exclusion of a delinquent child from formal processing would protect him/her from the “ordeal” of being tried in court (Mack, 1909). This notion first came under fire in 1966 with Kent v. United States (Grisso, 1981). In his opinion for Kent, Justice Fortas asserted that juveniles were subject to “the worst of both worlds” when they were transferred from juvenile to criminal court, because they were not receiving the rehabilitative benefits promised to children by parens patriae, nor were they privy to the same legal safeguards as adults. The Supreme Court thus held that juveniles could retain their right to due process in the specific circumstance of transfer to criminal court. However, In re Gault (1967) catalyzed a much greater change in the juvenile justice system by expanding the right of due process to juvenile court proceedings in any case that may lead to the imprisonment of the juvenile. By granting juveniles rights previously reserved for adults, Gault signaled the transition towards a belief that juveniles needed at least some of the same due process protections in court as adults.

In the wake of In re Gault, the juvenile justice system strove to bridge the divide between protecting children still viewed as developmentally immature while also holding them more responsible for their offenses (Scott, 2000). What resulted was a gradual distancing from the parens patriae ideal, away from rehabilitation programs as the primary mode for treating juvenile offenders. The American Bar Association contributed to this movement in 1980 with the issuance of their Juvenile Justice Standards Project, in which they defined guidelines for determinate sentencing to potentially aid in standardization of juvenile court sentencing (though the guidelines were not mandatory; Grisso, 1996). Determinate sentencing encouraged more uniform punishment for juvenile offenders,
thus less deliberation over rehabilitation treatment for individual cases.

Punitive measures in juvenile justice took precedence and have contributed to the system’s present state, which is known as the third era of juvenile justice reform. The shifting focus towards retribution and punishment coincides with an apparent emphasis on protecting society from delinquent youth as opposed to protecting juveniles in the legal system or providing them with rehabilitative treatment (Scott, 2000). In contrast to the juvenile justice system of a century ago, most children, particularly those transferred to criminal court, are being viewed and treated as adults in juvenile courts today. The general notion held by “get tough” advocates is that youthful offenders “are criminals who happen to be young, not children who happen to be criminal,” (Regnery, 1985, as cited in Scott & Grisso, 1997, p. 148). The steadily increasing proportion of juveniles processed in formal juvenile delinquency cases to those who are processed informally, or without an adjudicatory or waiver hearing, in the 1990s (from 50% in 1990 to 57% in 1999; Puzzanchera et al., 2003) indicates that alleged juvenile offenders are facing an increasing likelihood of ending up in a formal court process. As Steinberg and Schwartz’s pipeline model illustrated, a formal court process ensures the alleged juvenile offender will make more decisions that will affect his/her fate than if he/she were processed informally and diverted from the court system. Also, given the recent trend towards more punitive sentencing, the decisions made by alleged juvenile offenders have the potential to result in more severe outcomes. Thus it is of the utmost importance to understand the factors that affect juveniles’ decision-making in the pre-adjudicative and adjudicative processes.

*Juvenile Decision-Making*

The progression away from the patriarchal juvenile justice system and towards the current, more adversarial system has created an environment in which the child is seen as more adult-like and is obligated to form decisions much as an adult would be in criminal court. Juveniles’ increased involvement in the legal system brings into question whether they are comparable to adults in their effectiveness as defendants. Research on adults and juveniles’ capacity to participate has traditionally focused on abilities relevant to the waiver of Miranda rights and competence to stand trial (Woolard, 2002). However, some researchers contend that juveniles may differ from adults
in ways that may be critical to their role as defendants yet lie beyond the confines of legal competence, such as in their legal decisions (Grisso et al., 2003).

Decision-making remains a vaguely defined construct in the research community because the term can be viewed from many perspectives; for instance, the definition varies between legal, medical, and psychological standpoints. In particular, with regards to decision-making in the legal process, there are conflicting views of how it can be measured and what factors (e.g. cognitive, psychosocial) affect one’s decisions. According to Scott, Reppucci, & Woolard (1995), past research relied on evaluating decision-making according to the framework of informed consent. The legal basis behind informed consent standards is that one must be competent enough to accept or refuse a medical treatment (Scott, Reppucci, & Woolard, 1995). The ability to make a decision in this context relies on three legally relevant capacities, as defined by legal doctrine: understanding treatment-specific information, appreciation of that information relevant to one’s self, and use of reason to evaluate potential risks and benefits (Appelbaum & Grisso, 1988). However, many have posited that this framework for evaluating one’s ability to form decisions is context-specific, and is not a comprehensive outline for evaluating adolescents’ decision-making abilities in the legal domain (Cauffman & Woolard, 2005; Fried & Reppucci, 2001; Scott, Reppucci, & Woolard, 1995; Steinberg & Cauffman, 1996).

Scott, Reppucci, and Woolard (1995) proposed a framework that emphasized psychosocial factors, in addition to the cognitive factors of an informed-consent approach, as crucial to adolescents’ decision-making in legal situations. They asserted that adolescents may be critically different from adults because certain psychosocial abilities are less developed in adolescence. Adolescents may be more inclined to conform or comply with peers or parents, may hold a different attitude toward and perception of risks, and may have an under-developed temporal perspective. It is important to note that none of these capacities are included in the legal definition of adult defendants’ adjudicative competence (Scott, Reppucci, & Woolard, 1995). However, each of these factors may potentially have an impact on adolescents’ competence and culpability in the legal context because they affect one’s
decisions and develop over the course of adolescence and into adulthood (Cauffman & Woolard, 2005). Steinberg and Cauffman (1996) proposed a fundamentally similar model of decision-making, in that they also held psychosocial factors as critical in adolescents’ decision-making.

Regardless of the nuances of individual frameworks, the premise of the developmental perspective to decision-making is that adolescents, in general, form decisions that are influenced by capacities that are continually developing. In theory, adolescents’ psychosocial abilities will progress as they mature (Scott, Reppucci, & Woolard, 1995). While adults are also capable of making “poor” decisions, they are assumed to be simply a reflection of subjective preferences (Cauffman & Woolard, 2005). The relevance of psychosocial factors or of factors other than solely cognitive abilities, to adolescents’ blameworthiness in criminal contexts and ability to participate competently in the legal process is clear by example. An adolescent may fully understand the different outcomes between pleading not guilty (i.e. invoking his/her right to a trial) and pleading guilty (i.e. accepting a plea bargain), but may lack an adequate temporal perspective. Thus he/she might choose the option with the most favorable and least negative short-term consequences, pleading guilty, because he/she is unable to conceptualize the benefits of the long-term consequences. In a case study of juveniles’ trial participation, at least one youth claimed he pled guilty because it afforded him the quickest avenue to returning home (Tobey, Grisso, & Schwartz, 2000).

However, there is a paucity of empirical research on the influence of psychosocial factors on adolescents’ decision-making, particularly in the legal context. This is due in part to the developmental perspective being fairly new in relation to the informed-consent framework. Very few studies to date have directly examined adolescents’ decision-making in relation to the above-mentioned psychosocial factors (e.g. Fried & Reppucci, 2001; Grisso et al., 2003). Other studies have addressed criminal decision-making as a part of similarly focused or broader studies, such as adolescents’ trial participation (e.g. Tobey, Grisso, & Schwartz, 2003), and age-related differences in reasoning about plea decisions or other legal issues (e.g. Peterson-Badali & Abramovitch, 1993; Peterson-Badali, Abramovitch, & Duda, 1997). As research on the development of psychosocial factors suggests that youths may
produce decisions that are in compliance with their parents’ desires, youths’ decisions may display a similar compliance with key players in the legal process, such as police and lawyers. However, there is insufficient research to explore this relationship. The current study will explore whether juveniles’ legal decisions can be predicted by their knowledge of law enforcement officials and attorneys.

**Age**

Research has consistently demonstrated age-based differences in youths’ decision-making in the legal process (Fried & Reppucci, 2001; Grisso, 1981; Grisso et al., 2003; Peterson-Badali & Abramovitch, 1993; Viljoen, Klaver, & Roesch, 2005). More specifically, studies have demonstrated age-based differences in the psychosocial abilities that affect youths’ decision-making (Fried & Reppucci, 2001; Grisso et al., 2003) and youths’ legal decision outcomes (Viljoen, Klaver, & Roesch, 2005). Differences in juveniles’ and adults’ abilities to reason about legal decisions have also been demonstrated in research (Peterson-Badali & Abramovitch, 1993). These differences amongst youth and between youths and adults provide reason to believe age plays a critical role in predicting juveniles’ legal decisions.

In an expansive, multi-site study of adolescents (aged 11-17) and young adults (aged 18-24), Grisso and collaborators (2003) assessed a range of capacities relevant to stand trial. Their sample included participants from both the general community and detention, or jail, settings. As part of their study, participants were asked to form decisions in response to three vignettes of typical legal situations, each of which involved one choice that was compliant with authority, and one that was not (whether to confess in a police interrogation, whether to disclose all information to one’s attorney, and whether to accept a prosecutor’s plea bargain that promised decreased consequences). Their findings revealed a significant age effect for authority compliance, or how often a participant chose the “compliant” response. Regardless of ethnicity, gender, and status as a “community” or “detained” youth or young adult, youths aged 11-15 years old tended to show greater authority compliance in forming decisions than did those aged 16-24 years old. For example, the decision to confess to police became less frequent as age decreased.
(Grisso et al., 2003). Their findings were critical in identifying age-based differences in authority compliance and other psychosocial factors that affect decision-making. The results may also be fairly generalizable, due to their adequate representation of normative and detained participants and their strong sample size. However, their study is limited in that participants were requested to form decisions in response to hypothetical situations that did not replicate real-time situational variables such as time constraints or stress.

Although participants’ decisions in Grisso and colleagues’ (2003) study may not necessarily reflect their decisions in real-life situations, further research has supported age-based differences in youths’ legal decision outcomes. Viljoen, Klaver, & Roesch (2005) studied juvenile defendants’ (aged 11-17) decisions relevant to their own legal case. They reported that decisions to confess and waive the right to legal counsel were more frequent among youths 15 years old or younger than older defendants. The older defendants reported more frequently than younger defendants that they would discuss disagreements with their attorney or appeal their case. Similar to Grisso’s study, Viljoen et al. (2005) also reported conformity played a role in adolescents’ decision-making; a significant predictor of their likelihood of pleading guilty was advice from peers, parents and/or attorneys. The results of these two studies give cause to believe age plays a meaningful role in predicting youths’ legal decision-making and merits further exploration. In addition to age, the current study will examine intellectual capacity as it predicts adolescents’ legal decisions. Because intellectual abilities develop with age (Steinberg & Schwartz, 2000), there is potential for both factors to be key predictors in decision-making.

**Intellectual Capacity**

Intellectual capacity is of concern in this study because it has been shown to interact with age in determining Miranda rights comprehension (Grisso, 1981) and studies have consistently indicated it is linked to juveniles’ decision-making in legal situations (e.g. Grisso 1981; Peterson-Badali & Abramovitch, 1993). Two of such studies by Grisso (1981) and Peterson-Badali and Abramovitch (1993) have examined specifically youths’ quality of decision outcomes regarding legal scenarios and their reasoning about legal decisions.
Grisso (1981) reported important findings regarding the interaction of age and intelligence as factors in determining youths’ comprehension of *Miranda* rights in his study of 431 juvenile offenders. Using results from three measures he developed to assess understanding of the *Miranda* warnings (CMR, CMR-TF, CMV), Grisso found a greater correlation between understanding and age and IQ together, as opposed to a correlation between understanding and age alone or IQ alone (though both age and IQ independently were significantly related to scores on two of the three tests). Increased age and increased IQ both correlated to higher CMR scores for all participants. However, the effect of IQ on understanding varied within different age groups and the effect of age varied within different IQ groups. For instance, Grisso’s results showed that 10- and 11-year-olds with above average IQ (91-100) performed better on CMR on average than did 15- and 16-year-olds with very low IQ (70 or below). Also, the average CMR score for participants aged 15 to 16 with very low IQ was lower than the average score for all 12 year olds. However, 15- and 16-year-olds with average intelligence (81-90) showed mean CMR scores higher than those of 10-14-year-olds overall. Grisso’s findings indicate that, with regards to comprehension of *Miranda* rights, intelligence or juvenile status alone is not sufficient to determine whether he or she is likely to understand their rights during the pre-adjudicative process. In contrast, even those juveniles thought to be old enough to understand their rights may have an impaired understanding due to low intelligence. Though his study of CMR performance did not address juveniles’ decision outcomes, Grisso (1981) conducted a subsequent study to address their reasoning about decisions to waive or accept their rights.

In Grisso’s (1981) study of reasoning about the waiver of *Miranda* rights, he observed juvenile offenders’ (ages 10-16) responses to three hypothetical legal situations. Each vignette describes a young boy who is taken by police to a detention center or police station for questioning about an alleged offense. The subject then had to respond what the boy’s options were and what he should do when questioned by the police. Findings revealed the effect of intelligence was significant in predicting the likelihood of juveniles’ “meaningful” waiver of rights and recommendation to obtain a lawyer. A juvenile’s waiver, or decision to talk to the police, was meaningful only if he
or she had previously indicated comprehension of the rights to remain silent and/or legal counsel. Juveniles with IQ scores greater than 90 were more likely to provide a meaningful waiver of rights than juveniles with scores below 81, demonstrating that juveniles with IQ below 81 were less likely to recognize their rights to silence and/or a lawyer. In regards to what the boy should do, participants with IQ scores below 81 were less likely than those with IQ scores above 90 to recommend the boy obtain a lawyer (in two of the three vignettes; Grisso, 1981). Grisso’s findings regarding intellectual capacity in the context of legal decisions were important in linking intelligence to juvenile offenders’ legal decisions, however he did not examine IQ as a predictor of actual decision outcomes and his sample did not include youths from the general community.

In their study of youths’ reasoning about plea decisions, Peterson-Badali and Abramovitch (1992) observed a sample of youths (ages 9-16) from school settings and young adults (18-23) from the community. Participants were presented with four legal scenarios that involved various criminal charges. After participants were provided with relevant legal information (e.g. explanation of due process, guilty/not guilty pleas), each was asked if he or she would decide to plead guilty or not guilty in response to each vignette. Though Peterson-Badali and Abramovitch did not report differences in the subjects’ plea decision outcomes based on intellectual capacity (as measured by verbal ability), they found that verbal ability was a significant main effect in two factors of participants’ reasoning about their plea decisions. Participants with higher verbal ability scored higher on measures of their ability to use legal criteria (e.g. strength of evidence) and their consideration of consequences (i.e. legal or social) in reasoning about their decision (Peterson-Badali, 1992).

Peterson-Badali and Abramovitch’s data on youths’ intellectual capacity and reasoning augment Grisso’s (1981) findings by including a normative sample and exploring reasoning behind youths’ legal decisions. However, their study was limited in that performance on reasoning measures was somewhat dependent on expressive language skills (Peterson-Badali & Abramovitch, 1992). Therefore, variations in reasoning scores may not be the result of differences in cognitive functioning, but rather differences in verbal expressivity. The current study will attempt to
lessen the confounding effect of expressivity by asking the participant to select from one of two possible choices in each legal vignette. To ensure further validity of results, intellectual capacity will be determined using measures of both verbal ability and matrix reasoning.

Understanding of Police and Attorneys

The developmental perspective of decision-making stresses that adolescents may be more vulnerable to influence from authority figures when making decisions (Scott et al., 2005; Cauffman & Woolard, 1996). Research on adolescents’ decision-making in the legal process has supported this, showing that youths have a proclivity to form legal decisions that are in compliance with authority figures, such as police (Grisso et al., 2003). There is also evidence that adolescents are more suggestible, or may be more easily coerced in interrogation, than adults (Richardson, Gudjonsson, & Kelly, 1995). Richardson, Gudjonsson, and Kelly (1995) reported that adolescent offenders were more vulnerable than adult offenders to interrogative pressure, meaning they were more likely to alter their responses after receiving negative feedback from the interviewer. Their data compare to similar studies of adolescent non-offenders (Singh & Gudjonsson, 1992). Data on youths’ suggestibility and tendency towards authority compliance provide some insight into their interactions with police, yet little is known about youths’ factual understanding of the roles and responsibilities of police. Juveniles’ understanding of police may also have implications for their interactions with police, namely in deciding to waive or accept their right to remain silent during police interrogation.

Previous research on juveniles’ relationship to or interactions with police has generally taken two paths: to examine juveniles’ attitudes towards police (Hurst & Frank, 2000; Taylor, Turner, Esbensen, & Winfree, 2001) or to evaluate juveniles’ comprehension of Miranda rights as they pertain to the pre-adjudicative process (e.g. Grisso, 1981; Redlich, Silverman, & Steiner, 2003). Results from studies of suburban and urban youths’ perceptions of police support previous findings that support for law enforcement is not as prevalent amongst youth as adults and that youth are generally more indifferent towards police than adults (Hurst & Frank, 2000; Taylor, Turner, Esbensen,
Winfree, 2001). Taylor et al. (2001) reported adolescents were more indifferent because, overall, their perceptions of police were neither critical nor supportive. Although these results are not necessarily a reflection of youths’ factual knowledge of police, there is reason to believe that youths differ from adults in their relationship to police. Studies of individuals’ understanding of *Miranda* rights have consistently shown that juveniles perform significantly worse than adults (Grisso, 1981; Redlich, Silverman, & Steiner, 2003). The discrepancy between juveniles’ and adults’ rights comprehension suggests there is reason to be concerned that juveniles may have different interactions with police than adults as a result of not understanding their rights.

However, there is no data on juveniles’ factual knowledge of the role of police. Nor is there data to demonstrate whether juveniles’ understanding of police predicts decisions in the pre-trial process, such as the decision to assert or waive their *Miranda* rights. The current study will assess adolescents’ knowledge of police by posing a series of right-or-wrong questions about the roles and responsibilities of police that may be relevant to youths and will analyze how their understanding of police predicts their decision to talk to the police or remain silent during interrogation.

While little is known about youths’ factual knowledge of police, there is more data to explain youths’ knowledge of attorneys. Research on juveniles’ adjudicative competence has often addressed the role and function of legal counsel as an element of legal knowledge, which has revealed that youths may have a basic, but not sufficient, understanding of attorneys (Peterson-Badali & Abramovitch, 1992; Peterson-Badali, Abramovitch, & Duda, 1997; Schnyder & Brodsky, 2002). With regards to the role of an attorney, some studies have shown that even children and adolescents between the ages of 7 and 12 have a general understanding of the lawyer as an advocate in the trial process (Peterson-Badali & Abramovitch, 1992; Peterson-Badali, Abramovitch, & Duda, 1997).

However, there appear to be consistent misconceptions about the lawyer-client confidentiality among adolescents and some misconceptions in their reasoning about disclosing information to a lawyer. Nearly three-quarters of 7-12 year old participants in Peterson-Badali and colleagues’ (1997) study believed the lawyer could tell
“anyone” what his client said, and an even greater number believed the lawyer could tell specifically the judge, police, or parents. Younger participants (ages 7-9) were more likely than older participants (ages 10-12) to report that the lawyer could break confidentiality with at least one of the three specific parties (Peterson-Badali, Abramovitch, & Duda, 1997). The discrepancy between the two age groups’ understandings of confidentiality suggests that youths’ understanding of attorneys may be positively correlated to age. Nearly forty percent of participants who believed it was best to tell the attorney the “whole story” reasoned it was to avoid negative consequences, such as punishment, for either the client or attorney as a result of not telling all. It is necessary to learn more about what adolescents and young adults believe about legal counsel because their misconceptions may have a critical impact on the nature of the juvenile’s relationship with the attorney and the juvenile’s decisions, such as to disclose or withhold information from his or her attorney.

Hypotheses

Recent research has demonstrated clear differences between the decision-making abilities of adolescents and young adults or adults, and that decision-making abilities may vary by intellectual ability. Specifically, juveniles may make decisions that are more compliant with authority and may not fully understand the roles of lawyers and the nature of the lawyer-client relationship. In contrast, there is very little information on juveniles’ understanding of police. The present study explores whether juveniles’ understanding of police and lawyers predicts their legal decisions. I hypothesize that increased age, higher IQ and greater understanding of police and lawyers will predict a greater likelihood of remaining silent during vignettes about police interrogation and disclosing information to the attorney. I predict older adolescents will be less likely to confess to police and to refuse to talk with the attorney.

Method

Participants

Of 179 parent-child pairs interviewed for the original study, twenty-six participants were excluded from analyses due to excessive missing data, and one participant was 18 years old. Table 1 shows the demographic
composition of the sample. Youths were divided into two groups for data analysis, “younger” (11-14) and “older” (15-17) adolescents. Females and males were represented almost equally in the sample. African-Americans comprised the majority of the sample, followed by Whites, Asians, and other racial identities. A small portion of participants reported to be of Hispanic ethnicity. Data for socioeconomic status of participants were collected but were not available at the time of data analysis. About one-fifth of the participants reported having plead guilty or been found guilty by a judge or jury, and all others reported having not had that experience. Adolescents with an average or above average IQ (90+) were over represented in the sample, accounting for 61% of all participants. Roughly a third (33%) were of average IQ (75-89), and a very small number (about 7%) were of very low IQ (≤74). Because there were so few youths in the lowest IQ category, I collapsed the two lowest for data analysis.

All participants were recruited from the Washington, DC metropolitan area (DC, northern VA, and MD) through newspaper advertisements, flyers posted in the community, postcard mailings, website advertisement, and notices distributed by local court service units. The interviews took place at Georgetown University or various community locations. All participants were compensated $35 for their participation in the study and were offered reimbursement for transportation to the study site.

Materials

Four measures from the original study were used in data analysis: the Wechsler Abbreviated Scale of Intelligence, Understanding About Police questionnaire, Understanding About Lawyers questionnaire, and a legal decision-making vignette measure (see Appendix A).

Demographics. Data regarding participants’ age, gender, race, ethnicity, and prior justice system experience were obtained through self-report. For justice system experience, all participants were asked if they had ever pled guilty or been found guilty by a judge or jury. Participants who answered “yes” were also asked for what offense he or she was charged and whether he or she had been “locked up” after that or ever locked up.

developed four instruments to study juveniles’ waiver of *Miranda* rights. The CMR is one subscale of the four *Miranda* assessments, which measures an individual’s understanding of the *Miranda* warnings by his or her ability to paraphrase the warnings. Individuals are given up to two points for their responses to each of the four warnings for a total CMR score out of eight. The measure has been used with youths and adults alike, and CMR score norms for delinquent youth and adult offenders are available.

*Intelligence.* Two subtests of the *Wechsler Abbreviated Scale of Intelligence* (WASI; Psychological Corporation, 1999) were used in this study to approximate participants’ general intellectual ability. The two subtests measured verbal ability (Vocabulary) and nonverbal reasoning (Matrix Reasoning). Based on the Wechsler Adult Intelligence Scale (WISC-III) and the Wechsler Intelligence Scale for Children (WISC-III), the WASI functions as an expedient (albeit less thorough) alternative to estimating IQ. The WASI has been standardized for use with individuals aged six to 89.

*Understanding About Police Interrogation.* This measure is based in part on a series of questions about police discussed by Bergman & Berman-Barrett (2003). The questionnaire developed for this study consists of eight “yes” or “no” questions regarding children’s rights during police interrogation (e.g. “Do you have to answer a police officer’s questions?”) and the role or responsibilities of police during interrogation (e.g. “Do police have to contact parents when they take their children to the police station?”). Two of the questions from the original questionnaire were not included in data analysis for this study due to their ambiguous wording. The number of correctly answered questions was summed for each participant to form a total score out of six. A copy of the full measure can be found in Appendix A.

*Understanding About Lawyers.* This eight-item questionnaire is based on a similar measure developed by Peterson-Badali & Abramovitch (1992). It is composed of a series of questions to assess juveniles’ overall understanding of lawyers. This includes two multiple choice questions regarding their factual understanding, such as “Which of the following is the most important role of defense lawyers?” (choices: to do what “your parents,” “you,”
or “the judge” wants them to do). A series of four “yes” or “no” questions appraise youths’ understanding of lawyer-client confidentiality by asking whether the lawyer can disclose privately discussed information with the child’s parents, the judge, police, or a probation officer. The final four questions address juveniles’ knowledge of who the lawyer “works for” in varying situations, such as when the court or parents hire the lawyer for the child. As with the Understanding About Police measure, each participants’ correct responses to the Lawyers survey was summed to form their score.

**Decisions in the Legal Process.** This instrument is a modification of a three-vignette measure titled the MacJEN that was developed for use in a study of adjudicative competence funded by the MacArthur Foundation (Grisso et al., 2003). Each vignette presents a scenario common in the delinquency/criminal process. Data from the first two vignettes, “Police Interrogation” and “Meeting with Attorney,” were used for analyses in this study. In the first vignette, the participant was told he or she had been taken to the police station after stealing a Sony Playstation from Wal-Mart. The child then had to decide whether to talk to the police or remain silent. The second vignette continued the scenario, by reporting the child had been charged with felony theft and had gone to meet with a public defender about the child’s case. The child was asked whether he or she would talk to the lawyer at the meeting with the parent out of the room.

**Procedure**

Prior to data collection, the Georgetown University Institutional Review Board of Social and Behavioral Sciences approved this study. All data were collected in one-on-one interviews with a child and a trained research assistant. A second research assistant interviewed the parent of each youth at the same time but in a separate room. The researchers recorded data obtained during the interviews in a computer program or on paper and read all instructions and measures aloud to participants. Each youth provided informed assent (see Appendix B) prior to the start of the interview and consent from a parent or legal guardian was also obtained. Demographic information was obtained at the start of each interview for all participants.
The measures used in this study were part of a longer protocol that researchers administered for the original study. The larger protocol contained measures pertaining to four categories: knowledge and beliefs about the legal system, legal decision-making, task experience with parents, and parent-child relationship. Measures for the present study were drawn from knowledge and beliefs about the legal system (Comprehension of Miranda Rights, Understanding About Police and Lawyers) and legal decision-making (Decisions in the Legal Process).

For Comprehension of Miranda Rights, participants were shown each of the four Miranda warnings individually on paper stimuli and asked to paraphrase. Questions for the Understanding of Police and Lawyers measures were presented one at a time on a computer screen, along with the possible responses for each question. The child was told he or she would be asked some questions about people in the legal system and was asked to pick the answer he or she thought was best. Participants were provided as much time as needed to answer. The questions regarding police immediately followed the questions about attorneys and the same instructions were given. Participants were offered the option of taking a short break at about halfway through the interview, after which the researcher administered the WASI Vocabulary and Matrix Reasoning subtests. The decision-making vignettes were administered last. Researchers read the first vignette aloud to both the child and parent participants simultaneously but in separate rooms. Each participant was asked to pick one of two options regarding the legal decision in the scenario. The pair was then brought together to discuss the scenario for five minutes with each other and form a decision together. The parent and child were again separated to repeat the process for two subsequent vignettes.

Results

Descriptive statistics were run for the independent variables IQ, Comprehension of Miranda Rights, Understanding About Police, and Understanding About Lawyers. The mean IQ score for the entire sample \((N = 152)\) was 93.3 \((SD = 14.2)\). For CMR, the mean score was 5.4 \((SD = 2.3)\). The mean Understanding About Police score of the sample was 2.4 \((SD = 1.2)\). The mean Understanding About Lawyers score of the sample was 7.3 \((SD = 2.2)\).
**Univariate Descriptions of Dependent Variables.** Overall, just under half (46%) of participants chose confession in the Police Vignette. Confession was chosen by 43% of youths in the below average/average IQ group (≤ 89) and 48% of youths in the average/above average IQ (90+) group. A little more than half (52%) of the younger adolescents (ages 11-14) chose confession and 37% of older adolescents (ages 15-17) chose confession. Figure 1 shows the frequency of confession decisions in the Police Vignette based on age and IQ groups.

In the Attorney Vignette, the majority (82%) of participants chose to talk to the attorney. Younger adolescents chose refusal to talk 18% of the time and older adolescents 19% of the time. Almost 12% of participants in the average IQ group and about 23% of those in above average IQ group chose not to talk to the attorney. Figure 2 demonstrates the percentage of participants in each age and IQ group that chose not to talk in the Attorney Vignette.

**Relationship between Age, Intelligence, and Police Vignette Decision.** Logistic regression analysis was employed to predict the probability that a participant would choose confession in the police interrogation vignette. The predictor variables for confession were age, IQ, gender, three dummy variables coding for race and ethnicity, justice system experience, Comprehension of *Miranda* rights score, and an age x IQ interaction term. A test of the full model versus a model with intercept only was statistically significant, \( \chi^2 (10, N = 152) = 22.88, p < .011 \).

Table 2 shows the logistic regression coefficient, Wald test, and odds ratio for each of the predictors of participants’ decisions in the police vignette. Using a .05 criterion of statistical significance showed main effects for age, IQ, justice system experience and an interaction effect for age x IQ were significant. The odds ratio for justice system experience shows that when holding other variables constant, juveniles who have had experience are more likely to confess to police than juveniles who have not. An average/above average IQ predicted a greater likelihood of confession in younger adolescents but a decreased likelihood of confession in older adolescents. Increasing age predicted a decreased likelihood of confession in both IQ groups.

**Relationship between Age, Intelligence, and Attorney Vignette Decision.** A second logistic regression
analysis was run to predict the probability that a participant would choose to not talk to the attorney. The predictor variables were age, IQ, gender, three dummy variables coding for race and ethnicity, justice system experience, and age x IQ. A test of the full model versus a model with intercept only failed to reach statistical significance, $\chi^2 (9, N = 152) = 6.72$, NS.

Discussion

While there were no significant predictors of adolescents’ vignette-based decisions regarding consultation with the attorney, some predictions regarding the effect of age and intelligence on adolescents’ decisions during police interrogation were affirmed. The hypothesis that increased age would predict increased likelihood of decisions to remain silent was supported for the police interrogation vignette. Increased IQ was expected to predict a greater likelihood of remaining silent during interrogation, however this only held for older adolescents. Results also showed the interaction of age and intelligence played a significant role in predicting adolescents’ vignette-based decisions to waive or accept their right to silence during police interrogation. Adolescents’ increased understanding of police did not predict a greater likelihood of remaining silent, contrary to expectation, nor did the understanding of police score significantly predict any likelihood of a particular decision in the police vignette.

Examined independent of intelligence, the effect of age in predicting adolescents’ decisions during police interrogation is consistent with previous findings. In agreement with Grisso et al. (2003) and Viljoen et al. (2005), younger adolescents were more likely to confess to police than older adolescents. Age may be a predictor in decision outcomes because of developmental factors, such as psychosocial abilities, that have been found correlated to juveniles’ decision-making (Grisso et al., 2003). Psychosocial abilities (i.e. future orientation, risk perception, susceptibility to peer pressure) are believed to develop continuously throughout adolescence (Scott, Reppucci, & Woolard, 1995), which may help explain why the decisions of younger adolescents differ from those of older adolescents. Grisso et al. (2003) evaluated future orientation in youths and adults by measuring the average number of long-term consequences participants cited as possible outcomes of three legal decision-making vignettes. They
found that 11- to 13-year-olds, compared to 16- to 17-year-olds, identified fewer long-term consequences that could result from their legal decisions. This finding indicates 11- to 13-year-olds may be more likely to confess in police interrogation because they are less aware of future consequences, such as the possibility of their confession being used against them in court. Younger adolescents’ proclivity to confess to police, as the current and previous studies have demonstrated, may also be a reflection of their tendency to form decisions that align with the desires of authority. Grisso et al. (2003) demonstrated that 11-15-year-olds were significantly more compliant with authority in their decisions than older adolescents (aged 16-17) and young adults (18-24), which they attest may be a reflection of younger adolescents’ psychosocial immaturity.

There is no data with which to compare the findings of intellectual capacity as a predictor of legal decision outcomes. However, these results do not appear consistent with the observed relationship between intellectual capacity and legal decision-making. In Peterson-Badali and Abramovitch’s (1993) study, they found verbal ability significantly predicted youths’ ability to use legal criteria and consider legal and social consequences when forming a decision about a plea agreement. According to their data, better verbal ability predicted better performance in these two reasoning abilities. If applied to the current study, use of legal criteria and consideration of consequences in reasoning would theoretically enable the youth to make a more informed, perhaps better, decision. Although my study did not apply value labels to the possible decision outcomes, it may be in the youth’s best interest to remain silent during police interrogation to protect against self-incrimination, and disclose all information to the attorney in the interest of composing the best defense for the child. Thus if Peterson-Badali and Abramovitch’s (1993) findings held for my study, intellectual capacity would be positively correlated to the likelihood of remaining silent and talking to the lawyer. However, IQ predicted a greater likelihood of remaining silent only for older adolescents in the police vignette and IQ was not a significant predictor in the attorney vignette. Furthermore, there was a significant age x IQ interaction, which may be more important to examine than the affect of age or IQ alone.

This study highlights the importance of considering both age and intelligence in predicting juveniles’ decision
to waive or accept their right to silence during police interrogation. While average/above average IQ predicted a greater likelihood of confessing for younger adolescents, the opposite was true for older adolescents. Older adolescents were more likely to confess if they had an IQ that was below average/average. In Grisso’s (1981) study of juvenile and adult offenders’ comprehension of *Miranda* rights, he also found a significant age x IQ interaction effect. His findings showed age differences in mean scores on the CMR were greater at the lower IQ levels (70 or lower, 71-80, 81-90) than at higher IQ levels. Juveniles aged 10-14 in his study with below average IQ averaged CMR scores far more impaired than adults with below average IQ, suggesting that age and intelligence together determine an individual’s understanding of *Miranda* rights. Grisso’s results indicate that, while decreased intelligence in an adult does correlate with poorer performance on *Miranda* rights comprehension (as it does with youth), the degree of impairment is greater for juveniles than adults. Grisso (1981) found a similar age x IQ interaction effect on CMR scores within his adolescent sample, showing that the 12-year-old with average intelligence was likely to have a greater understanding of his/her rights than 15-16-year-olds with low intelligence.

Although Grisso’s findings regarded youths’ understanding of *Miranda* rights and this study examined youths’ decisions about accepting or waiving their rights, understanding of one’s may possibly affect his/her decision to confess to police or remain silent. For instance, an inadequate understanding of the phrase “anything you say can and will be used against you,” might not prevent an offender from confessing and revealing self-incriminating information that is harmful to his/her legal case. If there is in fact a correlation between comprehension and decision outcome, the interaction effect of age x IQ found in my study is consistent with Grisso’s results. Younger juveniles with below average/average intelligence chose confession more frequently than older juveniles with below average/average intelligence, which could potentially be due to younger juveniles’ poorer understanding of their rights in police interrogation.

Justice system experience also significantly predicted a greater likelihood of confessing, which is worthy of note because it is consistent with previous findings that juvenile offenders are more likely to confess than remain
silent during police interrogation (Grisso, 1981; Viljoen, Klaver, & Roesch, 2005). There are several factors that may contribute to youth offenders’ observed propensity to confess, such as a lack of understanding of their rights, mental illness, or lower intellectual functioning. Previous research has found youth offenders may have a decreased understanding of the right to remain silent in comparison to youths from the general community (Redlich, Silverman, & Steiner, 2003). Juvenile offenders’ tendency to confess may also be due in part to the increased prevalence of mental illness and problem behaviors among delinquent versus normal youth, which are factors that may affect decision-making (Kazdin, 2000). Intellectual functioning is another possible factor; as Grisso et al. (2003) indicate, detained juveniles overall tend to have lower IQ scores than their non-offender counterparts. Since research has shown intellectual functioning positively correlates to youths’ adjudicative competence and reasoning (Grisso et al., 2003), youth offenders’ poorer intellectual functioning may mean they are more likely to be impaired in skills related to competence to stand trial.

Although previous research provides some explanation of why justice system experience may be a significant predictor in juveniles’ legal decision-making, it is difficult to determine if any of these factors were responsible for results found in this study. More research is needed to explore the relationship of justice system experience and decision-making and to compare the decision-making of normal versus detained youth. In addition to justice system experience as a significant predictor of likelihood to confess, results showed Latino status significantly predicted a greater likelihood of confessing to police. However, this finding must be interpreted with caution due to the very small number of Latino youths in the sample ($n = 6$).

The data from the attorney vignette are somewhat similar to those of a study by Grisso and others (2003) that employed an almost identical vignette measure. In this study, roughly 82% and 80% of younger and older adolescents chose disclosure, respectively, while more than 75% of each age group in Grisso et al.’s (2003) study chose this option as well. The low variability in participants’ responses in both studies may be responsible in part for the lack of a significant predictor of decisions. However, while participants were not asked explicitly to make a
value judgment in the current study (rather, they were asked what they should do), Grisso et al. (2003) did ask participants to decide on a “best choice” for each vignette. The high number of participants who choose to talk with the attorney in both studies suggests there is a general agreement, amongst the majority of adolescents and adults, that disclosing information to the attorney is the preferred option. Why adolescents and adults often believe this is the best choice is not as clear. Peterson-Badali and Abramovitch (1992) reported similar findings in a study of adolescents’ legal knowledge (98% of adolescent subjects recommended disclosure), but they did not report significant predictors of participants’ decision outcomes. Their study also revealed that the majority of subjects, regardless of age, understood the lawyer as the client’s advocate in the legal process (Peterson-Badali & Abramovitch, 1992). Their findings suggest that unanimity in choosing to talk to the lawyer might reflect the majority of participants’ belief that either full disclosure will benefit their situation or that not disclosing all information could be detrimental to their situation. The general agreement on full disclosure could also indicate the majority understands that the attorney is meant to assist the client, thus disclosing information facilitates assistance.

However, Peterson-Badali and Abramovitch (1992) reported additional findings that suggest there may be age differences in youths’ reasoning about disclosure of information to the attorney. They found that youths (ages 9-16) cited negative sanctions as explanations for talking to the attorney less frequently as age increased (Peterson-Badali & Abramovitch, 1992), which indicates younger adolescents are more likely to believe he/she or the attorney will be punished if he/she does not disclose information to the attorney. Peterson-Badali and Abramovitch’s (1992) findings suggest that younger adolescents’ fear of being punished for non-compliance, not their desire to reach a beneficial objective (i.e. help the attorney help them), is what compels them to talk to the attorney. If this is the case, it suggests younger juveniles may not fully comprehend the nature of the attorney-client relationship, despite their apparent willingness to disclose information to the attorney. Future research on the influence of age on youth defendants’ decisions during attorney consultation might observe adolescents’ decisions in real-life as opposed to hypothetical situations, as the latter cannot authentically replicate the environment.
The primary limitations for this study relate to issues of sampling bias, exclusion of socioeconomic status from data analysis, and potentially also instrument reliability. In addition to over representation of average/above average IQ adolescents in the younger group, generalizability of the sample to the general population may be limited by the under representation of Asians and Latinos. Future studies on this subject would benefit from a larger sample size that draws from multiple geographic locations. Research limited to a single location is restricted because certain ethnicities may be under represented in that area, which may make it difficult to obtain a diverse sample. Multiple locations would allow researchers to draw from populations that vary in diversity, thus contributing to a sample that is more representative of ethnicities in the general population. Socioeconomic status was not included in data analysis, although there is some data to suggest SES may be related to factors involved in juveniles’ legal decision-making and their decision outcomes (Grisso et al., 2003; Viljoen, Klaver, & Roesch, 2005). In Grisso et al.’s (2003) study using vignettes of legal situations, a main effect for SES was significant in analyses of juveniles’ risk recognition and risk likelihood, two aspects of juveniles’ ability to appraise the positive and negative outcomes of their vignette-based decisions. This means SES was significantly correlated with the average number of potential risks participants identified and how likely they believed the risks to be. In their study of 152 male and female juvenile defendants aged 11-17, Viljoen, Klaver, and Roesch (2005) found that juveniles of low socioeconomic status were more likely than those of higher socioeconomic status (by Hollingshead classifications, exact levels of “low” and “high” not defined) to have chosen confession when interrogated by police.

Two other possible limitations concern the instruments “Understanding About Police” and the “Legal Decisions Vignettes.” The former measure was created for the purpose of this study to assess individuals’ knowledge of police and has not been used in previous studies, which raises questions of its validity and reliability. Also, the substitution of hypothetical vignettes for real-life police interrogations and meetings with attorney poses the problem of validity. It is difficult to say whether juveniles’ decision outcomes in response to the vignettes reflect the decisions they would make in a real-life police interrogation or meeting with legal counsel, because certain
environmental variables (e.g. stress) can not be re-created in a laboratory setting.

Despite this study’s limitations, its findings may have critical implications for real-life juvenile justice.

Primarily, the possibility of an age x IQ interaction may affect youths’ pre-adjudicative competence, whether they are more likely to waive or accept their rights during interrogation, and potentially also the path they are likely to take through the justice system. These findings, in addition to those of Grisso (1981), suggest juveniles are not all comparable in their pre-adjudicative decision-making. In predicting whether a child is likely to waive or accept his/her right to silence, one must consider his/her intellectual functioning in addition to age. An individual that is more likely to confess may be more likely to disclose incriminating information or possibly even offer a false confession.

It is critical to distinguish what characteristics of a child indicate he/she is likely to confess or talk to police because it may suggest certain subpopulations are more likely to self-incriminate than others. If a child is thought to be more likely to confess to police because he/she is not only young but has a below average intelligence, it may be necessary to take extra precautions to ensure that the child makes an informed decision during police interrogation.

Some states have recognized the potential need for extra precautions to ensure youths understand their Miranda rights, or the potential for juveniles to be more vulnerable during police interrogation (Feld, 2000). Feld (2000) cites that states have attempted different approaches to this problem, such as requiring an adult to be present before acquisition of a juveniles’ waiver or acceptance of rights. The adult would ordinarily be someone with a vested interest in the welfare of the child (e.g. parent, guardian, attorney; Feld 2000). However, Feld (2000) also notes, whether the adult’s presence is beneficial or detrimental to the juvenile’s decision is debatable; for instance, parents have sometimes been known to pressure children into waiving their right to silence and confessing to police. Because the requirement of an adult’s presence is advantageous in theory, but not always in practice, it must be considered with caution.

Instead of requiring another party to assist in, or at least monitor, a child’s waiver of rights, better alternatives might be to enhance juveniles’ own comprehension of Miranda rights or protect against police coercion.
Recommendations to this effect have included providing a revised explanation of *Miranda* rights that is more easily understood by those with poorer verbal ability; however there is no uniform requirement for a simpler version of *Miranda* rights to be administered to youths (Feld, 2000). Other suggestions have included videotaped interrogations (to discourage police coercion) or mandatory presence of an attorney prior to rights waiver or acceptance; however, both tactics have been met with opposition by proponents of equal treatment for youths and adults, who believe special immaturity protections would decrease youth confessions and thus decrease protection of society (Feld, 2000). Furthermore, the potential benefits of attorney presence during interrogation contradict the ideology of “get tough” advocates who believe juvenile and adult offenders should be treated equally.

However, while protections such as attorney presence may inhibit ease of interrogating youths, they may also help to ensure juveniles’ rights are protected and that police obtain a valid waiver or acceptance of rights (Feld, 2000). Ultimately, the debate over special protections for youths rests on which ideology is perceived to be more important: protection of the juvenile defendant or protection of the society. The ability to predict juveniles’ legal decisions may ultimately help to restore protection of the juvenile to a justice system that has shifted towards a greater focus on protection of society. If future research can confirm the ability to predict juveniles’ legal decisions, it may help to demonstrate that at least certain subpopulations (e.g. younger adolescents with low IQ) of juveniles are at a significant disadvantage during police interrogation. Protection of subpopulations would be a small but significant step in the direction of protecting the rights of juvenile defendants.

The current study focused very little on youth participants’ understanding of police and lawyers, although mean scores of the two understanding measures suggest these topics merit further attention. On average, youths answered only about 40% of Understanding About Police questions correctly and no participants were able to answer all questions correctly. These data indicate that youths may have an impaired understanding of the role of police in the legal process. Future research on this matter might develop a more extensive measure to assess juveniles’ understanding about police. Participants’ performance on the Understanding About Lawyers measure was
somewhat better overall, with participants answering about 70% of questions correctly on average, though data from the current study and previous research reveal that juveniles do not completely understand the role and function of attorneys in the legal system (Peterson-Badali & Abramovitch, 1992; Peterson-Badali, Abramovitch, & Duda, 1997; Schnyder & Brodsky, 2002). A better understanding about what youths do not know about police and attorneys would serve to better educate youths about these key figures in the justice system.

Ultimately, this study provides a small but meaningful contribution to the body of knowledge on juveniles’ legal decision-making. As an increasing proportion of youths pass through juvenile and criminal courts, it becomes even more critical to understand the factors involved in their legal decision-making. This information will help to determine whether juveniles are comparable to adults in their capacities as legal defendants. Despite its shortcomings, this study represents the first attempt to examine how youths’ knowledge of key authority figures in the legal system may predict specific legal decisions.

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of the Canadian youth justice system: Interacting with police and legal counsel.


Appendix A

**Understanding About Police Interrogation Scale**

Can a police officer stop you on the street and question you even if you have done nothing wrong?*

  - **Yes**
  - **No**
Do you have to answer a police officer’s questions?
   Yes  No

Can you walk away from a police officer who is questioning you?*
   Yes  No

If you start to answer a police officer’s questions, can you change your mind and stop the interview?
   Yes  No

Can the police lie to you during an interview?
   Yes  No

Do police officers have to contact parents when they take their children to the police station?
   Yes  No

Do police officers have to wait for a parent to arrive at the station before questioning a child?
   Yes  No

Do police officers have to tell parents if their children are being viewed as witnesses or suspects?
   Yes  No

*Questions excluded from data analysis.

Understanding About Lawyers Scale
Now I’m going to ask you some more questions about people in the legal system. Sometimes I’ll show you the choices on a card and you pick the answer you think is best.

What is the difference between a lawyer and an attorney?
An attorney is appointed by the judge while a lawyer is someone you hire
An attorney is a prosecutor while a lawyer is on the side of the defense
Nothing, an attorney and a lawyer are the same thing

Which of the following is the most important role of defense lawyers?
To do what your parent(s) wants them to do
To do what you want them to do
To do what the judge wants them to do

Can your lawyer tell any of the following people, without your permission, what you talk about when you meet? (select yes or no for each one).
Your parents?  Yes  No
The judge?  Yes  No
The police?  Yes  No
Your probation officer?  Yes  No
If the court gets you a lawyer because you cannot afford to pay for one, who is the lawyer there for?
The judge
You
Your parents

If you hire a lawyer and pay the lawyer, who does the lawyer work for?
The judge
You
Your parents

If your parents hire a lawyer for you, who does the lawyer work for?
The judge
You
Your parents

If you or your parents disagree about your legal case, who should the lawyer listen to?
The judge
You
Your parents

Is it a good idea for people charged with a crime to tell the lawyer the whole story?
Yes  No

Now I will read you a few situations that juveniles might find themselves in. I will give you a short description of what has happened. Please think about these situations as if it were actually happening to you. Then, I’ll ask what you might do in each situation.

**Story 1: Police Interrogation**

**Juvenile Story**

You and your friends were hanging out at the Wal-Mart one afternoon. You saw a Sony PlayStation that you really wanted but you didn’t have the money to pay for it. When no one was looking, you slipped it into your backpack and left the store without paying for it. After you left the store, the security guard called the police and the police came and arrested you for stealing. When you got to the police station, the police told you that you have the right to remain silent, that anything you say could be used against you, and you have the right to have an attorney present. Then, you parent shows up, and all he/she knows is that you’ve been arrested. You have to decide whether you are going to talk to the police or remain silent. If you decide to talk to the police, you need to figure out what you will tell them.

What do you think you should do?

How confident are you in your decision?

1 = not at all confident, 3 = somewhat confident, 5 = very confident

**Parent**
One afternoon you get a call from the police who tell you that your son/daughter has been arrested for stealing from a store at the mall. They tell you he/she is at the police station. You go to the police station and they let you into the interrogation room. Your son/daughter has to decide whether he/she is going to talk to the police or remain silent. If he/she decides to talk to the police, he/she needs to figure out what to tell them.

What do you think your son/daughter should do?

4. How confident are you in your decision?
   1 = not at all confident, 3 = somewhat confident, 5 = very confident

**Story 2: Meeting with Attorney**

**Juvenile**

The police have charged you with felony theft and you had a hearing where the judge appointed an attorney, a public defender, to represent you. You are going to the lawyer’s office to meet with her and talk about your case. She sits down with you and your parent and says, “This is a serious charge. In order for me to do the best job possible and help you make decisions that you will have to make, I need to talk to you for a few moments without your parent present. When we’re alone, I need you to be honest with me and tell me what happened that day at Wal-Mart. Then, your parent can come back in and we will talk about what might happen in your case.” Then, someone knocks on the door and she has to leave for a few minutes. You have to decide whether you are going to talk to your attorney about what happened with your parent out of the room. If you decide to talk to her, you need to figure out what you will tell her.

What do you think you should do?

How confident are you in your decision?
   1 = not at all confident, 3 = somewhat confident, 5 = very confident

**Parent**

The police have charged your son/daughter with felony theft and he/she had a hearing where the judge appointed an attorney, a public defender, to represent him/her. You are going to the lawyer’s office with your son/daughter to meet with her and talk about the case. She sits down with you and your son/daughter and says to your son/daughter, “This is a serious charge. In order for me to do the best job possible and help you make decisions that you will have to make, I need to talk to you for a few moments without your parent present. When we’re alone, I need you to be honest with me and tell me what happened that day at Wal-Mart. Then, your parent can come back in and we will talk about what might happen in your case.” Then, someone knocks on the door and the attorney has to leave for a few minutes. Your son/daughter has to decide whether to talk to the attorney about what happened with you out of the room. If your son/daughter decides to talk to her, he/she needs to figure out what to tell her.

What do you think your son/daughter should do?

How confident are you in your decision?
   1 = not at all confident, 3 = somewhat confident, 5 = very confident

Appendix B
INTRODUCTION

You are invited to consider participating in a research study to look at adolescents’ and parent’s attitudes and beliefs about the legal system. The decision to participate, or not to participate, is yours. If you decide to participate, please be sure to sign and date the last page of this form.

WHY IS THIS RESEARCH BEING DONE?

The purpose of this study is to help us learn what youths and parents know about the legal system and how they think about it. If we knew more about this, we believe we could help courts make the legal system more understandable for youth and their parents, and could help youths and parents participate more effectively in the legal system.

HOW MANY PEOPLE WILL TAKE PART IN THE STUDY?

About 600 people will take part in this study. Participants in the study are referred to as “subjects.”

WHAT IS INVOLVED IN THE STUDY?

If you agree to take part in this study, we will do four kinds of things.

I will ask you questions about your background, like age, school grade, work experience, who is in your family, and how much experience you’ve had in the past with police officers and courts.

I will ask you a lot of questions about court trials – like what they are for, what happens in them – and about things that people do when they are in the legal system, like talking to police officers and lawyers. For some of these questions, I will ask you to talk about situations that youths and parents might find themselves in when they are involved with the legal system. We will videotape you two talking about these situations because we can’t write everything down while you both are talking.

I will also ask you some questions to learn about your general abilities, like things we learn in school.

Finally, I will ask you some questions about your own thoughts and feelings about yourself, and about situations that youths get into.

HOW LONG WILL I BE IN THE STUDY?

We expect that you will be in the study for approximately 2 hours. The investigators may stop the study or take you
out of the study at any time they judge it is in your best interest. They may also remove you from the study for various other reasons.

**WHAT ARE THE RISKS OF THE STUDY?**
This study involves the following risks. You should discuss these risks with the researcher, and with anyone else that you wish to. There may also be other risks that we cannot predict.

You may get tired because of the length of the study or feel uncomfortable answering some of the questions. If you start feeling bad while answering the questions, just tell me and we will stop. We can also talk a little about it if you want. We will do several things to try to minimize discomfort. We will take several breaks throughout the interview. We have research staff that are trained to work with parents and youth.

**ARE THERE BENEFITS TO TAKING PART IN THE STUDY?**
Besides the snacks and the payment, you won’t get anything else personally from taking part in the study. Others may benefit in the future from the information we obtain in this study because we might be able to help courts work better with families who become involved with the legal system.

**WHO CAN PARTICIPATE IN THE STUDY?**
You can participate if you are an adolescent between the ages of 11 and 17 who has had certain types of prior contact or non-contact with the justice system, and a proficient English speaker.

**WHAT ABOUT CONFIDENTIALITY?**
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GEORGETOWN UNIVERSITY
CONSENT TO PARTICIPATE IN RESEARCH –
Parents of District of Columbia Adolescents with Court Experience Form

PROJECT TITLE: Thinking About the Legal System

PROJECT DIRECTOR: Dr. Jennifer Woolard

PRINCIPAL INVESTIGATOR: Dr. Jennifer Woolard   PHONE: (202) 687-9258

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<table>
<thead>
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</thead>
</table>

Table 1.

*Sample Demographics*

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<tr>
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<th>Age Group</th>
<th>Total</th>
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<tr>
<td></td>
<td>11-14</td>
<td>15-17</td>
</tr>
<tr>
<td>Participants (n)</td>
<td>90</td>
<td>62</td>
</tr>
<tr>
<td>Male (%)</td>
<td>56.7</td>
<td>50</td>
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<tr>
<td>Race/Ethnicity (%)</td>
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<td></td>
</tr>
<tr>
<td>African-American</td>
<td>72.2</td>
<td>66.1</td>
</tr>
<tr>
<td>Latino/a</td>
<td>6.7</td>
<td>11.3</td>
</tr>
<tr>
<td>White</td>
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<td>16.1</td>
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<tr>
<td>Other</td>
<td>8.9</td>
<td>6.5</td>
</tr>
<tr>
<td>Justice System Experience (%)</td>
<td>6.7</td>
<td>40.3</td>
</tr>
<tr>
<td>IQ (%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Below Average/Average (≤ 89)</td>
<td>33.3</td>
<td>48.4</td>
</tr>
<tr>
<td>Average/Above average (90+)</td>
<td>66.7</td>
<td>51.6</td>
</tr>
</tbody>
</table>

Table 2.

*Logistic Regression Predicting Police Vignette Decision from Independent Variables*

<table>
<thead>
<tr>
<th>Predictor</th>
<th>( \beta )</th>
<th>Wald ( \chi^2 )</th>
<th>( p )</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>1.74</td>
<td>5.98</td>
<td>.01</td>
<td>5.72</td>
</tr>
<tr>
<td>IQ</td>
<td>0.26</td>
<td>6.37</td>
<td>.01</td>
<td>1.30</td>
</tr>
<tr>
<td>Gender</td>
<td>0.60</td>
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Figure 1