



# The Constitutionality of Youth Interrogations

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## Introduction

Juvenile interrogations are interviews conducted by law enforcement officers when a youth is suspected of being involved in a crime. Parents do not have to be notified if authorities are questioning their children. They also do not need to be notified if they are witnesses or suspects to a crime. Often, this delays parents' time in speaking on behalf of their child. Additionally, studies show many youths are willing to give up their right to remain silent due to a lack of awareness of the seriousness of the situation. Educating youth and their parents with programs directed towards youth rights is essential to empower families to advocate for their youth. Additionally, communities can offer public assistance in the form of educational campaigns. Law enforcement agencies should require ongoing training regarding youth development and best practices in responding to juvenile justice issues.

## Literature Review

### History

- Pre-interrogation interviews are non-custodial, non-accusatory, and non-coercive, thus not requiring law enforcement to inform individuals of their Constitutional Miranda Rights (Redlich & Drizin, 2016).
- Research indicates judges, criminologists, and policymakers are generally unaware of what takes place during youth interrogation.

### Miranda Rights

- Miranda Rights refer to the warning provided by law enforcement against self-incrimination at the point of detainment (Zelle et al., 2015)
- Some officers might negate one's Miranda Rights by discussing the importance of telling the truth while emphasizing the sharing of one's side of the story (Redlich & Drizin, 2016).
- One study found that over 90% of youth waive their Miranda Rights (Cleary & Vidal, 2016).

### Vulnerabilities

- Low prefrontal development in youth may disrupt their planning, impulse controls, and executive functioning (Brandon, 2016).
- Due to the status of their developing brain, some youth may not understand the consequences of waiving their Miranda Rights (Brandon, 2016).

*“Children are two to three times more likely to falsely confess during interrogation than adults” (Crane et al., 2016, p. 12).*



## Key Issues

### Parental Knowledge

- While some states require a parent to be present during interrogations for younger youth (e.g., those under 14), parents may lack system knowledge (Cleary & Warner, 2017).
- In one study, 90% of parents wrongfully assumed they were to be notified if their child was a witness or suspect in a case (Cleary & Warner, 2017).
- While parents lack knowledge of youth representation, they understand that youth can terminate an interrogation after initiation (Cleary & Warner, 2017).

### False Confessions

- Coerced-compliant false confessions occur when an individual makes an incorrigible confession and retracts the statement after the interrogation (Scott, 2007).
- The lack of policing standards for interrogating youth has resulted in questionable practices, such as repeating questions to elicit different responses (Meyer & Reppucci, 2007).
- In one study, over half of youth (61%) confessed to or made incriminating admissions (Cleary, 2014).

## Policy Suggestions

### Community Responses

- Schools that invite officers to develop rapport with youth can implement more rights awareness campaigns during their visits (Woodlard et al., 2008)
- Schools and communities can implement more prevention programs developed by social service and public health agencies (Lipsey et al., 2010)

### Agency Responses

- All law enforcement officers should be required to attend training specific to youth arrests and interrogations (Cleary & Warner, 2016).
- Finding other interrogation methods that are not psychologically coercive and deceptive can help decrease the rate of false confessions (Meyer & Reppucci, 2007).

### System Responses

- Community members or school organizations can petition funding on the federal level to fund prevention and rights awareness programs.
- The judicial system should rely on required video or audio recordings of juvenile interrogations (Cleary, 2014).

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