

**EXAMINING THE ADMINISTRATION OF YOUTH INTERROGATION**

**RIGHTS: A FIELD STUDY OF CANADIAN POLICE PRACTICES**

by © Meagan McCardle A Thesis submitted

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## **Abstract**

The delivery of legal rights in interrogations ( $N = 31$ ) with youth suspects, and behaviours surrounding delivery of interrogation rights (e.g., whether or not police interrogators checked, verified, and sought evidence that youth comprehended their rights) were examined. The interrogation rights were delivered in full for approximately one-third of interrogations. The rights were delivered verbally in all interrogations, and youth were asked to read along as the rights were delivered in less than 10% of interrogations. Verification of youth's comprehension was attempted rarely, and interrogators asked the youth to explain each right in their own words in less than 10% of interrogations. The implications of these findings for youth comprehension of interrogation rights and the administration of justice are discussed.

*Keywords:* Youth Criminal Justice Act, legal rights, police interrogation, justice, forensic psychology, youth

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## Table of Contents

Abstract	ii
Acknowledgements	iii
Table of Contents	iv
List of Figures	v
Introduction	1
Canadian Case Law	2
Youth Waiver Forms	3
Youth Comprehension	5
Delivery of the Youth Waiver	9
The Current Study	10
Method	11
Sample	11
Coding Guide	14
Youth waiver	14
Data reliability	18
Results	19
Delivery of Legal Rights	19
Right to Silence	19
Right to Legal Counsel	21
Right to Consult	24
Right to Person Present	28
Invoking of Legal Rights	30
Right to Silence	30
Right to Legal Counsel	30
Right to Consult	31
Right to Person Present	32
Discussion	32
References	40
Legislation Cited	45
Cases Cited	45

## **List of Figures**

Figure 1	Right to Silence	22
Figure 2	Right to Legal Counsel	25
Figure 3	Right to Consult	27
Figure 4	Right to Person Present	29

## **Introduction**

The Canadian Youth Criminal Justice Act (YCJA) was introduced in 2003 with the overarching goal of enhancing the protection of youth – those between the ages of 12 and 18 – during the entirety of their contact with the criminal justice system. One area of improvement targeted by the enactment of the YCJA was the protections afforded to youth suspects. Section 146 outlined that police interrogators must explain to a youth that (a) they are not obligated to provide a statement, (b) any statement given may be used as evidence against them in court proceedings, (c) they can consult with counsel and a parent/adult relative/appropriate adult, and (d) any statement given must be in the presence of counsel or a parent/adult relative/appropriate adult, unless the youth desires otherwise. The major additions to youth rights pertained to consulting with an appropriate adult prior to police questioning, and allowing the adult to be present and advise the youth during the statement-giving process. Any of the aforementioned rights are only beneficial, however, if the youth understands them completely. The onus is therefore placed on interrogators to deliver legal rights such that the Crown can demonstrate that the rights were delivered to the youth in language appropriate to their age and level of understanding, and that the rights were understood. The current study is a systematic examination of how youth interrogation rights are delivered in Canada, and more specifically, examines the extent to which officers engage in behaviours related to checking and verifying comprehension of these rights.

## **Canadian Case Law**

Canadian case law reinforced the YCJA legislation that any waiver of legal rights will only be valid if it can be demonstrated that the youth understood the rights and the consequences of waiving them in the case of *R. v. L.T.H.* (2008). L.T.H. was a young person brought to a police station for questioning in relation to a police chase. As part of a videotaped interrogation, the police officer delivered a legal waiver to L.T.H. verbally, who acknowledged that he understood the waiver and proceeded to waive his rights. L.T.H. initialed and signed the youth waiver form, and provided inculpatory statements during the subsequent interrogation. The Crown intended to introduce the videotaped statement as evidence. At trial, however, the Court heard evidence that L.T.H. had a learning disorder. The trial judge was unconvinced that L.T.H. understood his rights and the consequences of waiving them, and deemed that L.T.H.'s statement was inadmissible. The trial judge stated that, "[o]ther than an affirmative reply to the questions 'do you understand?' there is no other evidence that in fact [L.T.H.] fully and clearly understood his rights" (*R. v. L.T.H.*, 2008: para 35). The Crown called no further evidence and the case was dismissed.

Upon appeal, the Supreme Court of Canada affirmed the trial judge's decision. As outlined in *R. v. L.T.H.* (2008):

The trial judge did not err in finding that police officers must form an opinion as to the level of understanding of the accused. A failure, as in this case, to make any inquiry in this regard will generally prove fatal to the admissibility of the

statement, since the Crown must demonstrate that the explanation given was appropriately tailored to the particular young person (para. 51).

These rulings align with the scientific literature which has shown that self-reported confidence in understanding legal rights is an unreliable measure of comprehension. For example, in Cooke and Phillip's (1998) study, legal rights were delivered verbally to Scottish young offenders and then asked "Do you understand?". The youth were then asked to explain the meaning of the right in their own words. Their responses were examined to determine which aspects were reported correctly and explained adequately. While 89% of the youth *claimed* to fully understand their rights, only 11% were deemed to have *complete understanding*. Comparable results emerged from more recent research by Sim and Lamb (2018), who analyzed real-world police transcripts with youth suspects in the UK. Of 15 youth suspects who claimed to understand the rights read to them during the interrogation, none were able to provide complete explanations when asked to do so (see Fenner, Gudjonsson, & Clare, 2002; Freedman, Eastwood, Snook, & Luther, 2014; Hughes, Bain, Gilchrist & Boyle, 2012; Shepherd, Mortimer, & Mobasher, 1995 for similar findings).

### **Youth Waiver Forms**

To deliver legal rights to youth in a way that meets legislative and case law requirements, police organizations in Canada created what is known colloquially as *youth waiver forms*—written documents that outline the legal rights afforded to youth. The forms were developed to promote understanding of legal rights; a basic underlying assumption is that these forms are an effective medium through which police



interrogators should deliver rights to youth prior to questioning them about their potential involvement in criminal events. However, an analysis of waiver forms being used by Canadian police organizations revealed that the forms are lengthy, lack standardization, and contain difficult-to-understand terminology and concepts (Eastwood, Snook, & Luther, 2015). Specifically, it was found that waiver forms are typically 4-6 pages in length and can range from 200 words to over 1,000 words. Further, the majority of the forms contain at least one section with more than 75 words, which exceeds the recommended amount of information that a person can process in working memory (Baddeley 1994; Rogers, Harrison, Shuman, Sewell, & Hazelwood, 2007). The vast majority of the forms also contain at least one section that would require a post-secondary education to understand. Eastwood and colleagues concluded that some sections of the waiver forms are more complex than the police cautions delivered to adults, thus reducing confidence that the waiver forms actually help youth understand their rights (Eastwood et al., 2015).

Research has shown that the comprehensibility of youth interrogation rights can be increased with proper modifications to youth waiver forms. Eastwood, Snook, Luther, and Freedman (2016), engineered a youth waiver form consisting of only the five core rights contained in the YCJA and relevant case law (e.g., *R v. Bartle*, 1994; *R v. Brydges*, 1990). Referred to as the “created form”, the engineered form was a simplification of a Canadian police organization’s youth waiver form. The created form was constructed to be as comprehensible as possible by using short sentences, small sections, overall shorter form length, simplified language, as well as explaining each key right multiple times,

ensuring an overall low reading level, and listing the number of rights explicitly to aid recall (see Eastwood & Snook, 2012). The results indicated that the created form allowed youth to recall significantly more of their legal rights than the original youth waiver form. In fact, 43% of youth who read the created form recalled all of their interrogation rights correctly, compared to just 2% of students who read the original waiver form. There was also a 43% increase in understanding of the rights between youth who read the original form and youth who read the created form. This research shows (a) that implementing a standardized, simplified waiver form may increase youth understanding of their legal rights, and (b) altering police practice can help ensure the protection of youth in the criminal justice system.

### **Youth Comprehension**

Research has shown that Canadian youth understand less than half of their interrogation rights after being presented the youth waiver form (Eastwood et al., 2015; Eastwood et al., 2016; Freedman et al., 2014). Freedman, Eastwood, Snook, and Luther (2014) had Canadian students in grades 7 to 11 follow along with the youth waiver form as the rights were read aloud, and found that youth, on average, recalled just 14.53% of their rights; with only two (1.25%) of the 160 students recalling all five rights correctly. Youth struggled most with the Right to Silence (no obligation to make a statement) and the Right to Have a Person Present (the statement can be made in the presence of a lawyer and/or appropriate adult). In the same study, researchers uncovered a significant positive correlation between grade and recall, reporting that students gained a better understanding of their legal rights with each passing grade. These findings were

supported by subsequent research with Canadian students in grades 9, 10, and 11, which also demonstrated improvements in comprehension with increasing grade level (Eastwood et al., 2016). More specifically, students in grade 9 recalled significantly fewer details about their interrogation rights, and scored lower on a subsequent multiple-choice test about their interrogation rights compared to students in grades 10 and 11 (Eastwood et al., 2016). Studies conducted on the comprehension of *Miranda* warnings with youth in Canada and the United States provide additional support to the notion that the ability to comprehend interrogation rights increases with age (e.g., Goldstein, Condie, Kalbeitzer, Osman, & Geier, 2003; McLachlan, Roesch, & Douglas, 2011).

Behavioural studies and research in cognitive neuroscience have shown that many cognitive and socioemotional skills develop throughout adolescence. The changes that occur to the human brain during adolescence, and the learning and socialization that occur during these years of life, are related to improvements in inhibitory control, cognitive processing speed, working memory, selective attention, decision-making, social perspective-taking, strategic self-organization, goal-improvement, means-to-end thinking, and emotional processing (Anderson, Anderson, Northam, Jacobs, & Catroppa, 2001; Blakemore & Choudhury, 2006; Hooper, Luciana, Conklin, & Yarger, 2004; Leon-Carrion, Garcia-Orza, & Perez-Santamaria, 2004; Luciana, Conklin, Cooper, & Yarger, 2005; Luna, Garver, Urban, Lazar, & Sweeney, 2004; Monk et al., 2003; Ford, 1982). The age of youth in this context spans the length of adolescence and the onset of puberty. Due to these ongoing developments, among others, it is unsurprising that older youth are

better able to understand, recall, explain, and recognize their interrogation rights (Freedman et al., 2014, Eastwood et al., 2016).

It appears, however, that even though comprehension increases with age, there is no discernable age at which an individual is capable of understanding all of their interrogation rights. Research with Canadian adults has shown that they, too, have poor understanding of their interrogation rights. In two samples with undergraduate students, researchers found that participants understood only about a third of their interrogation rights, with only 4% fully understanding their Right to Silence, and 7% understanding their right to legal counsel (Eastwood & Snook, 2010; Eastwood, Snook, & Chaulk, 2010). Subsequent research with Canadian adult offenders revealed that they also understand only 30% of their rights, converging with research on adult offenders and the general population in the United Kingdom (Chaulk, Eastwood, & Snook, 2014; Clare, Gudjonsson, & Harari, 1998; Fenner et al., 2002).

For most individuals, police interrogations present an atypical, novel, and stressful social context. Theories in psychology such as processing efficiency theory dictate that when individuals are under stress, their problem-solving and decision-making skills are compromised; making more errors, relying on cognitive shortcuts, and taking longer to process information than they would under non-stressful circumstances (e.g. Eysenck, 1983; Eysenck & Calvo, 1992). As explained by Sim & Lamb (2018), “experimental research conducted with university students in the United States found that situational stressors, such as committing or being accused of a mock crime, were associated with significantly poorer recall and comprehension of the *Miranda* warning”

(p. 4) (Rogers, Gillard, Wooley, & Fiduccia, 2011; Scherr & Madon, 2012). This suggests that even the minimal stress induced in a laboratory environment is enough to have negative effects on legal right comprehension.

Additionally, young offenders perform worse than control groups on measures of language and social skills, and lack oral and communication skills typical of their age groups (Bryan, 2004; Bryan, Freer, & Furlong, 2007; Humber & Snow, 2001; Sanger, Creswell, Dworak, & Schultz, 2000; Sanger, Hux, & Ritzman, 1999; Snow & Powell, 2004; Snow & Powell, 2005). For example, Bryan, Freer and Furlong (2007) found that none of the 58 juvenile offenders in their sample scored as age equivalent on linguistic measures of listening or speaking. As the researchers concluded based on the existing literature, it is probable “that a much higher proportion of the juvenile offender population has language limitations than would be expected within the typical adolescent population” (p. 515). Some researchers hypothesize that difficulties with language may limit young offenders in their ability to organize and articulate their thoughts and experiences (Snow & Powell, 2005; Snow & Powell, 2008). These skills that young offenders apparently lack hinder their full participation in social interactions, including police interrogations (Snow & Powell, 2005; Snow & Powell, 2008).

Considering these findings, it is important that police officers ensure the rights are delivered in an understandable manner to all youth, with emphasis on younger detainees. Many factors including the stressful social context of the interrogation, the limited communication and social abilities of young offenders, and the inherently complex nature of legal rights, make this task even more challenging. Delivering the rights with the

added care of continuously checking and verifying that the youth genuinely understands their rights is thus ideal.

### **Delivery of the Youth Waiver**

Although youth waiver forms were implemented to ensure that all pertinent legal rights are delivered to youth, the structure and content of the forms may be detrimental to understanding and protection (Eastwood et al., 2015). In addition, there is no empirical data on how Canadian police officers deliver interrogation rights to youth (e.g., medium, rate of speech, comprehension checks). Research into the delivery of interrogation rights with Canadian *adults* has shown that there is much room for improvement. Specifically, Snook, Eastwood and MacDonald (2010) found that police officers did not deliver the legal rights reliably (e.g., omitting sections), spoke too quickly (above 200 words per minute), and attempted to verify that the suspect understood the rights in less than 20% of the cases examined. The researchers also found that police interviewers typically attempted to gauge suspect understanding of their legal rights only by asking the suspect if they understood—a finding that converges with similar research (Medford, Gudjonsson, & Pearse, 2003; Snook et al., 2010; Walsh & Bull, 2012).

There have only been a few published studies providing insights into the delivery of legal rights in other jurisdictions. For example, Sim and Lamb (2018) provided the only description of how the police caution (similar to the Right to Silence in Canada) is delivered to youth in the UK. They examined 34 real-world interviews with youth suspects and found that the cautions were delivered at an average speech rate of nearly 300 words per minute, which is well-above the recommended rate of speech for aiding

comprehension (Carver, 1982; Jester & Travers, 1966). They also reported that interviewers checked for comprehension (by asking the youth if they understood the caution) in just over half of the interviews examined. When asked to explain the caution in their own words, the youth suspects responded with a number of misconceptions about their rights. Also troubling was that in three-quarters of the interviews, interviewers stated misconceptions to the youth when providing additional explanations of the caution.

In the USA, Cleary and Vidal (2016) examined the delivery of *Miranda* rights in 28 interrogations with youth suspects. They found that the warning was presented with a combination of verbal and written explanation in half of the interrogations, just verbally in 10 interrogations, and the youth were instructed to read the warning on their own in the remaining interrogations. Comprehension was mainly assessed by simply asking the youth whether or not they understood the *Miranda* warning once the entire warning was presented; it should also be noted that no attempt to check comprehension was made in five interrogations. The majority (i.e., 90%) of the youth suspects waived their *Miranda* rights. Similar results have been reported in other USA-based studies (Feld, 2006; Feld, 2013). Overall, these studies from the UK and USA show that there is much room for improvement in terms of how legal rights are delivered to youth, as well as how comprehension is checked.

### **The Current Study**

The aforementioned research suggests that the waiver forms used to deliver interrogation rights to youth are complex and youth struggle to comprehend them. If the rights are delivered in a manner that does not promote comprehension and youth struggle

to understand their rights, they may waive their procedural safeguards without appreciating the consequences of doing so. There are potential negative outcomes when a youth does not understand their rights fully. First, a lack of understanding means that the youth are unable to exercise their rights and make the informed decisions during an interrogation. Second, public safety may be jeopardized as the perpetrator remains active in the community if an innocent youth is jailed. Conversely, a guilty youth who is not delivered their rights properly may be released back into the community due to their statement being ruled inadmissible in court. Thus, the human rights of youth, the integrity of police investigations, and public safety are contingent upon youth understanding their legal safeguards. Research with adult suspects shows that interrogators are not administering interrogation rights in a manner that allows a suspect to make fully informed decisions during their interrogation (Snook et al., 2010). However, little is known about how legal rights are delivered to youth in actual police interrogations. The goal of the current study is to conduct a systematic examination of the delivery of interrogation rights to youth in Canada.

## **Method**

### **Sample**

A convenience sample of 31 audio-recorded police interrogations with youth suspects ( $M_{age} = 15.77$ ,  $SD = 1.14$ , range: 13-17) was obtained from a Canadian police organization. The sample was collected by a senior member of the participating organization who asked administrative personnel to search their files for recorded youth interrogations conducted by officers in the criminal investigation division. The sample



consisted of 24 (77.42%) male youth suspects and seven (22.58%) female youth suspects. One (3.23%) youth was 13 years old, two (6.45%) were 14 years old, 11 (35.48%) were 15 years old, five (16.13%) were 16 years old, 11 (35.48%) were 17 years old, and age information was not available for one (3.23%) youth. The interrogations occurred between 2008 and 2016, with one (3.23%) occurring in 2008, nine (29.03%) in 2011, five (16.13%) in 2012, two (6.45%) in 2013, one (3.23%) in 2014, six (19.35%) in 2015, and seven (22.58%) in 2016. A total of 15 different police officers were the primary interrogator; 10 (66.67%) of them were men and 5 (33.33%) were women. No other demographic information about the investigators was available (age, ethnicity, years of experience). The average length of the interrogation was 78.83 minutes ( $SD = 47.05$ , range: 11.22 – 185.57).

Regarding the most serious offence under investigation in a particular interrogation, 10 (32.26%) pertained to aggravated assault, four (12.90%) to armed robbery, three (9.68%) to sexual assault, three (9.68%) to theft over five thousand dollars, two (6.45%) to assault with a weapon, and two (6.45%) to break and enter, and one (3.32%) count of each of the following: attempted murder, possession of a stolen vehicle, mischief, uttering threats, arson, false messages, and failure to comply with an undertaking; sixteen (51.61%) of the investigations pertained to multiple offenses.

The interrogator(s) and youth were the only people present in 11 (35.48%) interrogations. An appropriate adult was present in the remaining 20 (64.52%) interrogations; specifically, at least one parent was present in 17 (54.84%) interrogations, both a mother and father were present for six (19.35%) interrogations, only the mother

was present in seven (22.58%) interrogations, and only the father of the youth was present in four (12.90%) interrogations. An appropriate adult that was not a parent was present in the remaining three (9.68%) interrogations, which consisted of a grandfather (primary guardian; 3.23%), an older sister (3.23%), and the manager of the youth's boarding house (3.23%).

Of the 26 appropriate adults, 20 (76.92%) were present from the beginning of the interrogation, one (3.85%) arrived after jeopardy was explained to the youth but before the youth waiver was delivered, one (3.85%) arrived after the Right to Consult was delivered, two (7.69%) arrived after the Right to Person Present was delivered, and two (7.69%) arrived as a youth was providing a statement. Jeopardy was stated before legal right delivery in all interrogations.

An interrogator did not deliver any of the rights in one interrogation because the appropriate adult advised the youth to invoke their Right to Legal Counsel after jeopardy was provided, thus ending the interrogation. At least one aspect of one of the four rights was delivered in the remaining 30 interrogations. The rights were delivered verbally in 28 (93.33%) interrogations, and the interrogator delivered the rights verbally and instructed the youth to follow along with the waiver form in the other two (6.67%) interrogations. The rights were delivered in their entirety in nine (29.03%) of the 30 interrogations.

The average length of the introduction phase, before delivery of legal rights, was 4.69 ( $SD = 4.81$ ,  $N = 31$ ) minutes. The average length of the rights delivery phase was 23.70 ( $SD = 21.11$ ,  $n = 30$ ) minutes. The interrogation ended before the statement phase due to the invoking of a right in five (16.13%) interrogations, with the remaining 26

(83.87%) having a statement phase; the average length of the statement phase (i.e., post-delivery of legal rights) was 48.07 ( $SD = 44.40$ ,  $n = 26$ ) minutes. The average rate of speech of the interrogator during the rights delivery phase was 205.60 ( $SD = 30.08$ ,  $n = 30$ ) words per minute (wpm). The average rate of speech of the interrogator during the statement phase was 205.10 ( $SD = 40.76$ ,  $n = 26$ ) wpm.

### **Coding Guide**

**Youth waiver.** The youth waiver was broken down in terms of four key rights, which included the: (1) Right to Silence, (2) Right to Legal Counsel, (3) Right to Consult an Appropriate Adult, and (4) Right to Have a Person Present (the latter two are henceforth shortened as the Right to Consult, and Right to Person Present, respectively).

The Right to Silence was comprised of the following three sentences:

1. *You do not have to say anything.*
2. *You do not have to give a statement.*
3. *Anything you say, and any statement you give, can be used as evidence in court.* This sentence contained two discrete components; namely, (a) the youth's statement may be used against them, and (b) the statement may be used against them in court.

The Right to Legal Counsel was comprised of the following three sentences:

1. *You have the right to retain and instruct counsel, which is a lawyer, in private, without delay.* The three components embedded in the sentence were: (a) the youth has the right to a lawyer, (b) the youth

may speak to a lawyer in private, and (c) the youth may speak to a lawyer without delay.

2. *This means that immediately and before we proceed further with this statement, you may call any lawyer you wish, or get immediate free legal advice from legal aid duty counsel.* The embedded components being: (d) the youth may speak to a lawyer immediately and before the statement begins, (e) the youth speak to any lawyer they wish, and (f) the youth may speak to free legal aid duty counsel.
3. *If you want to call duty counsel, or if you wish to contact any other lawyer, you can use the telephone free of charge and access to telephone numbers will be provided.* The embedded components being: (g) the youth may use the telephone free of charge, and (h) telephone numbers will be provided.

The Right to Consult was comprised of the following two sentences:

1. *You also have the right to consult with a parent, an adult relative, or another appropriate adult of your choice, in private, before we proceed.* This sentence was comprised of five components: the youth could consult with (a) a parent, (b) an adult relative, (c) another appropriate adult of their choice, (d) in private, (e) before the interrogation began.
2. *If you wish to call any of these persons I will provide you with a telephone and access to telephone numbers.*

The Right to Person Present was comprised of the following two sentences:

1. *You also have the right to have a lawyer and the adult with whom you consult here with you while I talk to you.*
2. *If you want either or both of these persons present you will be given a reasonable chance to have them with you.*

Whether or not each sentence of the four rights were delivered in full, and whether or not any of the sentences were missed or read incorrectly was coded. The following variables were coded at the end of the entire right, *and* with regards to each sentence: whether or not the youth was asked if s/he understood the right, the youth claimed to have understood the right, or the interrogator attempted to verify that the youth actually understood the right.

Also coded was whether or not the interrogator asked the youth to explain the right (or part of it) in their own words, the youth attempted to explain any aspect of the right in their own words, the youth included all the necessary information when explaining the right in their own words, any of the right was reviewed by the interrogator a second time, the right was invoked at any point during the interrogation, the youth invoked the right on their own accord, or the youth invoked the right on advice of the appropriate adult or third party. Whether the invoking of the right was immediately granted by the interrogator and the number of times the youth asked for the right to be invoked before it was granted (if at all) were also coded.

The “check for understanding” variable was used to code whether or not the interrogator asked the youth if they understood the right, or sentence, presented to them.

Interrogators were considered to have checked for understanding if they ask a closed yes/no question such as “Do you understand?” or “Does that make sense to you?”.

Interrogators could have checked for understanding after each sentence, or after each complete right.

The “claimed to understand” variable was used to code whether or not, after being asked “Do you understand?”, the youth claimed to understand the right presented to them. If the youth answered “yes”, they were considered to have claimed understanding. If they youth replied “no”, asked for clarification, or began offering an explanation in their own words, they were not considered to have claimed understanding.

The “verifying understanding” variable was used to code whether or not the interrogator made an attempt to verify that the youth’s claim to understanding was legitimate. Verifying understanding was considered asking questions such as “Are you *sure* you understand?”, or “Do you need me to go over that again?”. Verifying understanding is conceptually different from checking understanding, as verification represents a follow-up effort in addition to a previous check for understanding. Although asking these types of questions does not aid in gathering evidence of the youth’s understanding, or advancing the youth’s understanding, interrogators were given credit for these efforts.

The “seeking evidence of understanding” variable coded for whether or not the interrogator asked the youth to explain the right, or any part of it, in their own words. Arguably, having the youth explain the right in their own words is a more reliable way to gauge whether or not they understood the right in the midst of delivery as opposed to

relying upon yes/no answers in response to “Do you understand?” (see Eastwood & Snook, 2010 for research demonstrating a minimal relationship between self-reported confidence in understanding and accurate recall of interrogation rights). If the interrogator instructed “Explain that for me in your own words”, or “Tell me what that means in your own words”, they were considered to have sought evidence of the youth’s understanding. Also coded was whether the interrogator reviewed any of the rights or sentences a second time.

A “quality of delivery” score was calculated for each of the four rights in all interrogations. The quality of delivery score encompassed whether or not the officer spoke at an appropriate speed (i.e., at or less than 200 wpm), delivered each sentence of the right, checked for youth understanding at the end of each sentence and at the end of the entire right, attempted to verify claims of understanding after each sentence and at the end of the entire right, asked the youth to explain the right in their own words at any point during the right’s delivery, and attempted to review any of part of the right a second time. These criteria represented one potential quality point each. The rate of speech was calculated for the delivery of legal rights as a whole, not for each individual right. Therefore, the quality score for each right was affected by the average rate of speech for the delivery of all legal rights in that transcript. A total quality score for each interrogation was calculated by summing the quality of delivery scores for each right delivered in that interrogation.

**Data reliability.** The author coded all of the interrogations. Agreement on the coding of the variables was assessed by having a research assistant code nine (29.03%)

randomly selected interrogations. The research assistant was provided with a one-hour training session regarding the content of the coding dictionary before coding. Interrater agreement yielded a mean Kappa of 0.79 (Range: 0.47 - 0.98), suggesting agreement between the raters.

## **Results**

### **Delivery of Legal Rights**

The following descriptive statistics pertaining to the *delivery* of legal rights are based on 30 interrogations; as mentioned, the rights were not delivered in one interrogation. An additional interrogation ended before the Right to Consult was delivered, as the youth invoked the Right to Legal Counsel. The descriptive statistics for the Right to Consult and Right to Person Present are thus based on 29 interrogations.

**Right to Silence.** The frequency of delivery, whether or not the police officer checked for youth understanding, whether or not the youth claimed to understand, and officer attempts to verify the youth's claim to understanding for each sentence of the Right to Silence can be seen in Figure 1. As shown in Figure 1a, sentence one of the Right to Silence (*do not have to say anything*) was delivered in 28 (93%) interrogations, and was checked for understanding immediately after it was delivered in four (13%) instances. Three of the four youth claimed that they understood this sentence and verification was attempted for two (7%) of those youth.

As shown in Figure 1b, sentence two (*do not have to provide statement*) was delivered in 29 (97%) interrogations, and was checked for understanding immediately after it was delivered in 14 (47%) instances. Thirteen (43%; one response was inaudible)



of the youth claimed that they understood this sentence and verification was attempted for one (3%) of those youth.

As shown in Figure 1c, sentence three (*statement may be used in court*) was delivered in all interrogations and was checked for understanding immediately after it was delivered in 16 (53%) instances. Fifteen (50%; one response was inaudible) of the youth claimed that they understood this sentence, and verification was attempted for four (13%) of those youth. Although sentence three was delivered in all interrogations, the interrogator failed to mention the first component of that sentence (i.e., the youth's statement may be used against them) in one (3%) interrogation.

Frequency of checking for youth understanding after the entire Right to Silence was delivered, whether or not the youth claimed to understand, and officer attempts to verify the youth's claim to understanding in these instances are shown in Figure 1d. The Right to Silence was checked for comprehension after it was delivered in its entirety in 13 (43%) interrogations. Twelve (40%) of the youth claimed to understand the right in these instances, and interrogators attempted to verify six (20%) of these claims. The interrogator did not attempt to verify the two (7%) inaudible responses from youth.

Behaviours involving seeking evidence of youth understanding and reviewing the Right to Silence are displayed in Figure 1e. As can be seen, interrogators asked the youth to use their own words to explain the right (or part of it) in 11 (37%) interrogations. All of the youth who were asked to explain this right attempted to do so; one (3%) response was inaudible, leaving 10 (33%) responses that could be coded. Two (7%) youth recalled that they did not have to say anything, but none specifically recalled that they did not

have to give a statement. Four (13%) youth recalled that any statement they gave could be used against them in court, three (10%) youth recalled that their statement could be used against them, and all 10 youth specifically recalled that their words may be used in court. None of the youth included every aspect of the right when explaining in their own words. The interrogator reviewed at least one sentence in seven (23%) interrogations.

**Right to Legal Counsel.** The frequency of delivery, whether or not the police officer checked for youth understanding, whether or not the youth claimed to understand, and officer attempts to verify the youth's claim to understanding for each sentence of the Right to Legal Counsel can be seen in Figure 2.

As shown in Figure 2a, sentence one of the Right to Legal Counsel (*hire and speak with a lawyer in private, without delay*) was delivered fully in 28 (93%) interrogations, and was checked for understanding immediately after it was delivered in one (3%) instance. In this one instance, the youth claimed that they understood this sentence and verification was attempted by the interrogator.

Sentence two (*immediate access to free legal aid*) was delivered in full in all 30 interrogations, and was checked for understanding immediately after it was delivered in 18 (60%) instances (see Figure 2b). Seventeen (57%; one response was inaudible) of the youth claimed that they understood this sentence and verification was attempted for four (13%) of those youth; the interrogator did not attempt to verify the one inaudible response.

As shown in Figure 2c, sentence three (*provision of telephone and number for legal aid*) was delivered in full in all 30 interrogations, and was checked for

RIGHT TO SILENCE

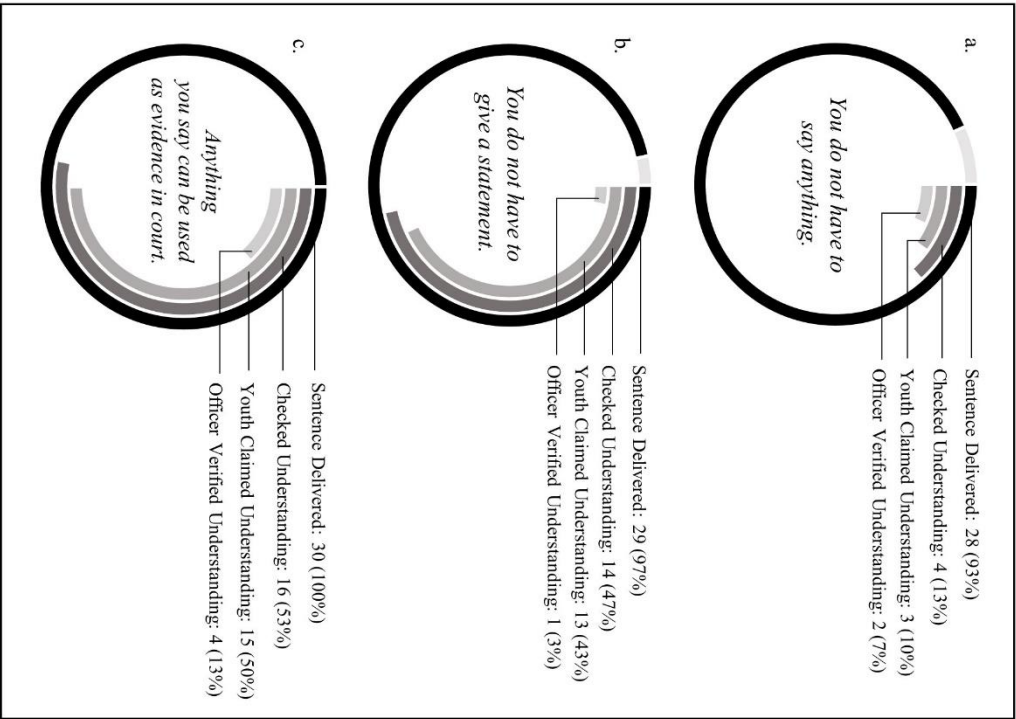


Figure 1a-c. Frequency of delivery, officer checks for youth understanding, youth claims of understanding, and officer attempts to verify youth understanding after each sentence of the Right to Silence.

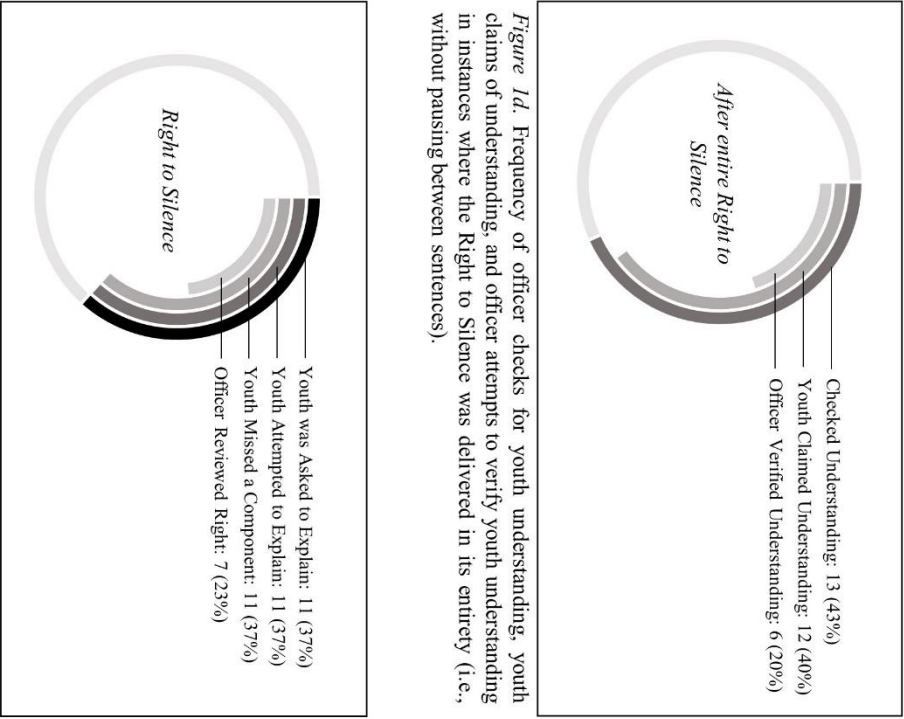


Figure 1e. Extra efforts taken by police officers to verify youth comprehension. Number of officers who asked the youth to explain the right in their own words, youth who attempted to explain the right in their own words when asked, youth who missed at least one component of the right when explaining in their own words, and officers who reviewed at least one aspect of the right a second time.

N = 30

understanding immediately after it was delivered in 18 (60%) instances. Seventeen (57%; one response was inaudible) youth claimed that they understood this sentence and verification was attempted for two (7%) of those youth; the interrogator did not attempt to verify the one (3%) inaudible response.

Frequency of checking for youth understanding after the entire Right to Legal Counsel, whether the youth claimed to understand, and officer attempts to verify the youth's claim to understanding in these instances are shown in Figure 2d. The Right to Legal Counsel was checked for comprehension after it was delivered in its entirety in eight (27%) interrogations. Seven (23%) of the youth claimed that they understood in these instances and verification was attempted for two (7%) of those youth.

Behaviours involving seeking evidence of youth understanding and reviewing the Right to Legal Counsel are displayed in Figure 2e. As can be seen, youth were asked to explain the right (or part of it) in their own words in eight (27%) interrogations (all youth complied), and one (3%) youth volunteered an explanation without a request from an interrogator. Eight (27%) of the youth recalled at least one aspect of sentence one; one (3%) youth recalled they could speak to a lawyer without delay; one (3%) youth recalled they could speak to a *someone* in private; and six (67%) youth recalled they could speak to *someone* without delay (i.e., acknowledged they could speak to someone but did not specify that the individual could be a lawyer or legal professional). Four (13%) youth recalled at least one aspect of sentence two; three (10%) mentioned only that they could speak to a lawyer before the statement began, and one (3%) mentioned only that they could speak with any lawyer they wish. Three (10%) youth recalled at least one aspect of

sentence three; two (7%) recalled only that they could use the telephone, and one (3%) recalled only that telephone numbers would be provided. None of the youth recalled every aspect of the right. At least one section of the right was reviewed by the interrogator in six (20%) of the 30 interrogations.

**Right to Consult.** The frequency of delivery, whether or not the police officer checked for youth understanding, whether or not the youth claimed to understand, and officer attempts to verify the youth's claim to understanding for each sentence of the Right to Consult can be seen in Figure 3.

Of the 29 interrogations that reached the Right to Consult, the first sentence (*the right to consult with an adult in private, before proceeding*) was never delivered in full. The youth was told they could consult a parent in every interrogation, and were told they could consult an adult relative and other appropriate adult in 28 (97%) interrogations each. The youth was told the consultation would be in private in 26 (90%) interrogations, and told they could consult with the adult before the interrogation began in 12 (41%) interrogations. The average delivery rate of these important components, 24.6 (85%), was used to represent the frequency of delivery of sentence one displayed in Figure 1a. Four (14%) youth were asked if they understood immediately after sentence one was delivered, and all four claimed to understand the sentence. There were no attempts to verify understanding in any instance where a youth claimed to understand sentence one.

## RIGHT TO LEGAL COUNSEL

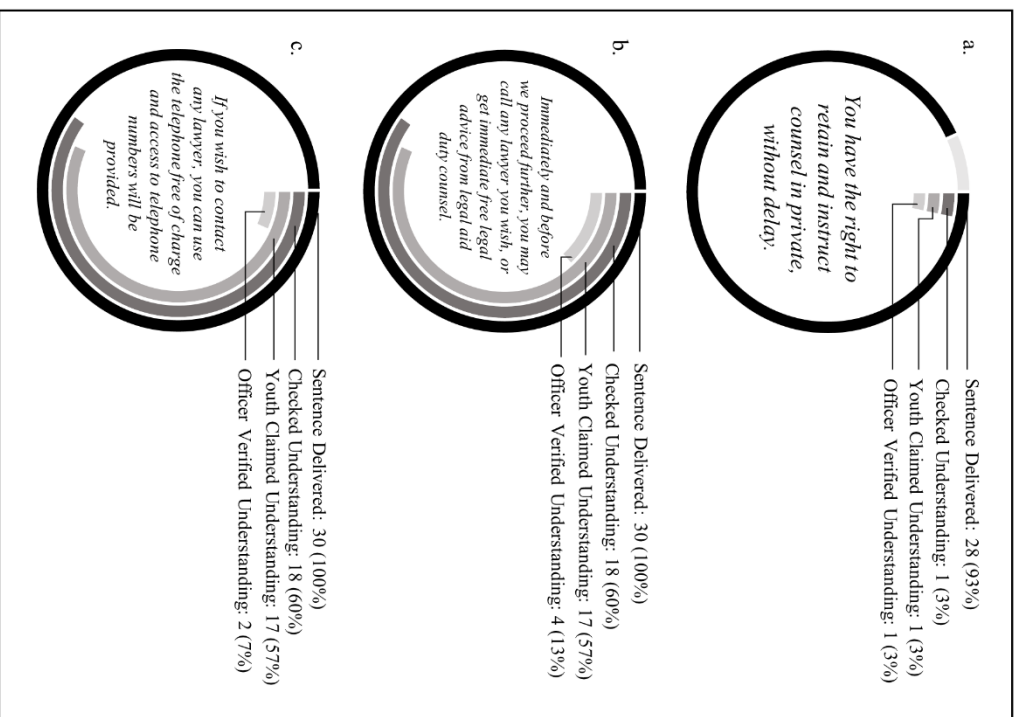


Figure 2a-c. Frequency of delivery, officer checks for youth understanding, youth claims of understanding, and officer attempts to verify youth understanding after each sentence of the Right to Legal Counsel.

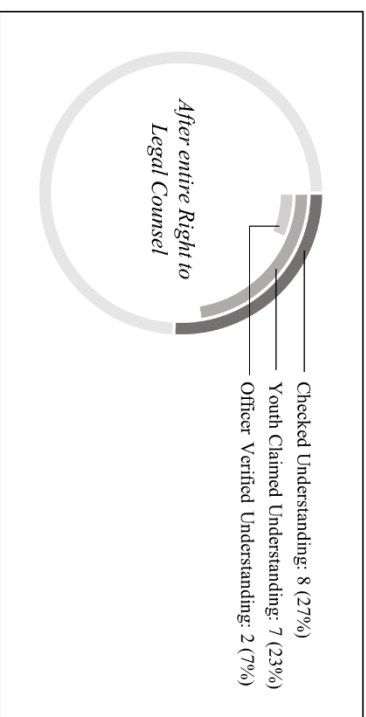


Figure 2d. Frequency of officer checks for youth understanding, youth claims of understanding, and officer attempts to verify youth understanding in instances where the Right to Legal Counsel was delivered in its entirety (i.e., without pausing between sentences).

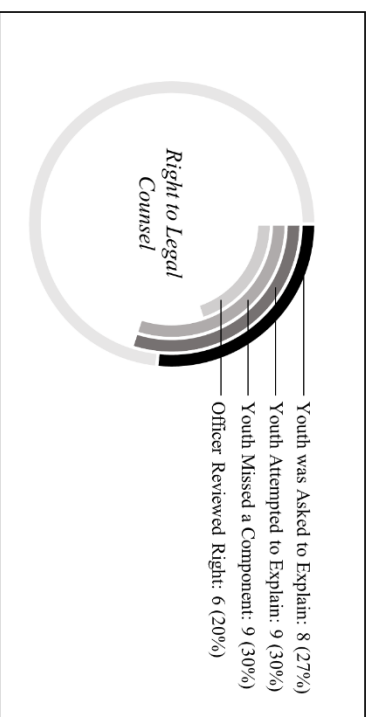


Figure 2e. Extra efforts taken by police officers to verify youth comprehension. Number of officers who asked the youth to explain the right in their own words, youth who attempted to explain the right in their own words when asked, youth who missed at least one component of the right when explaining in their own words, and officers who reviewed at least one aspect of the right a second time.

N = 30

As shown in Figure 3, sentence two (*provision of telephone access and telephone numbers*) was delivered fully in 12 (41%) interrogations, and no interrogator checked for understanding of this sentence.

Frequency of checking for youth understanding after the entire Right to Consult, whether or not the youth claimed to understand, and officer attempts to verify the youth's claim to understanding in these instances are shown in Figure 3c. The entire Right to Consult was read before comprehension was checked in 20 (69%) interrogations, and 19 (66%) youth claimed to understand the right (one response was inaudible). Interrogators attempted to verify claims of understanding in two (7%) instances; verification was not attempted for the inaudible response.

Behaviours involving seeking evidence of youth understanding and reviewing the Right to Legal Counsel are displayed in Figure 3d. Youth were asked to explain the Right to Consult (or part of it) in their own words in three (10%) interrogations; all complied with the request. With regards to the first sentence, two (7%) youth recalled that they could consult a parent, no youth recalled that they could consult an adult relative or another appropriate adult of their choosing, one (3%) youth recalled they could consult with the adult in private, and no youth recalled that they could consult the adult before the interrogation began. One (3%) youth recalled sentence two. A section of the right was reviewed in three (10%) interrogations; these were the same interrogations in which the youth attempted to explain the right in their own words.

RIGHT TO CONSULT

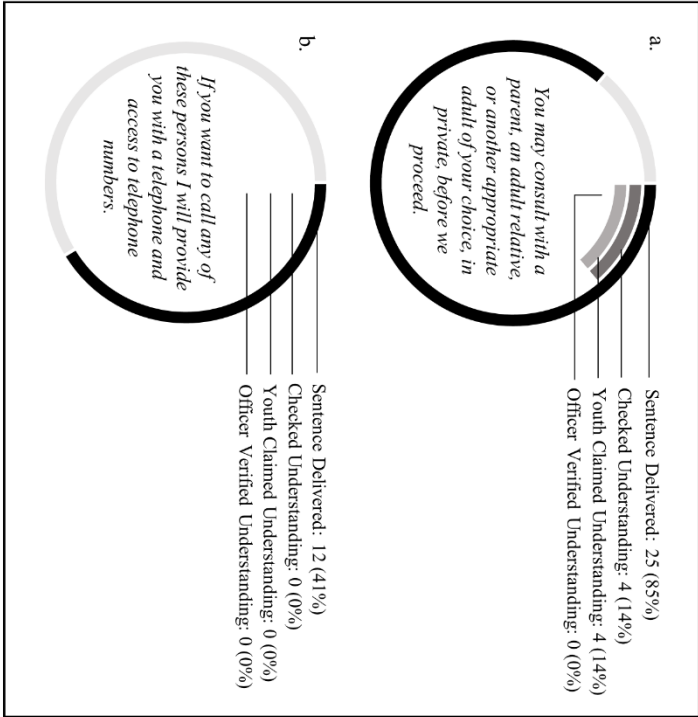


Figure 3a-b. Frequency of delivery, officer checks for youth understanding, youth claims of understanding, and officer attempts to verify youth understanding after each sentence of the Right to Consult. Frequency of delivery for sentence one is the average frequency of delivery for the five components of that sentence.

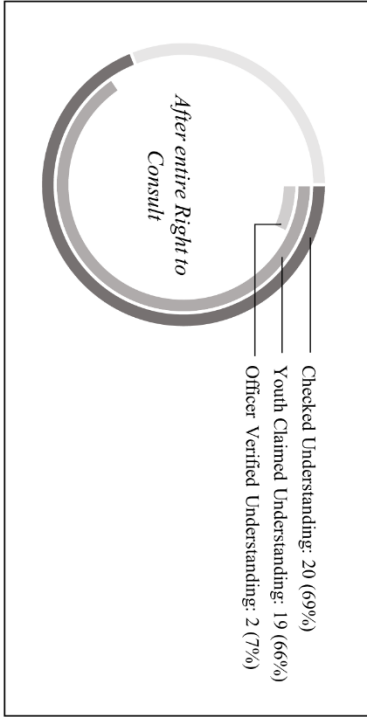


Figure 3c. Frequency of officer checks for youth understanding, youth claims of understanding, and officer attempts to verify youth understanding in instances where the Right to Consult was delivered in its entirety (i.e., without pausing between sentences).

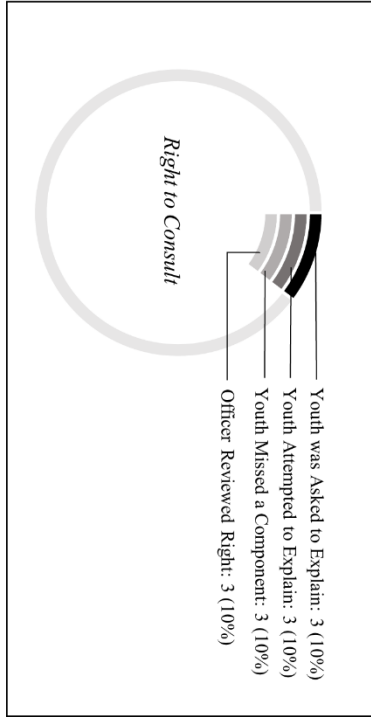


Figure 3d. Extra efforts taken by police officers to verify youth comprehension. Number of officers who asked the youth to explain the right in their own words, youth who attempted to explain the right in their own words when asked, youth who missed at least one component of the right when explaining in their own words, and officers who reviewed at least one aspect of the right a second time.

N = 29



**Right to Person Present.** The frequency of delivery, whether or not the police officer checked for youth understanding, whether or not the youth claimed to understand, and officer attempts to verify the youth's claim to understanding for each sentence of the Right to Person Present are shown in Figure 4.

Sentence one (*right to have an adult and/or lawyer present*) was delivered in 27 (93%) interrogations and sentence two (*reasonable chance for adult/lawyer to be present*) was delivered in 14 (48%) interrogations, as seen in Figures 4a and 4b, respectively. As shown in Figure 4c, in 24 (83%) interrogations the entire right was read before the youth was asked if they understood. Checks on comprehension of this right were only ever conducted after both sentences were delivered (i.e., at the end of the entire right). Twenty-three (79%) youth claimed to understand the right (one response was inaudible) and verification of those claims was attempted for five (17%) youth.

Behaviours involving seeking evidence of youth understanding and reviewing the Right to Person Present are displayed in Figure 4d. Interrogators asked three youth (10%) to explain the right in their own words. None of the three youth were able to recall any sections of the right. Three (10%) interrogators reviewed the right, and in each case it was reiterated that the youth could have a parent or lawyer present but it was only reiterated in one interrogation (3%) that the adult and lawyer could be present simultaneously.

RIGHT TO PERSON PRESENT

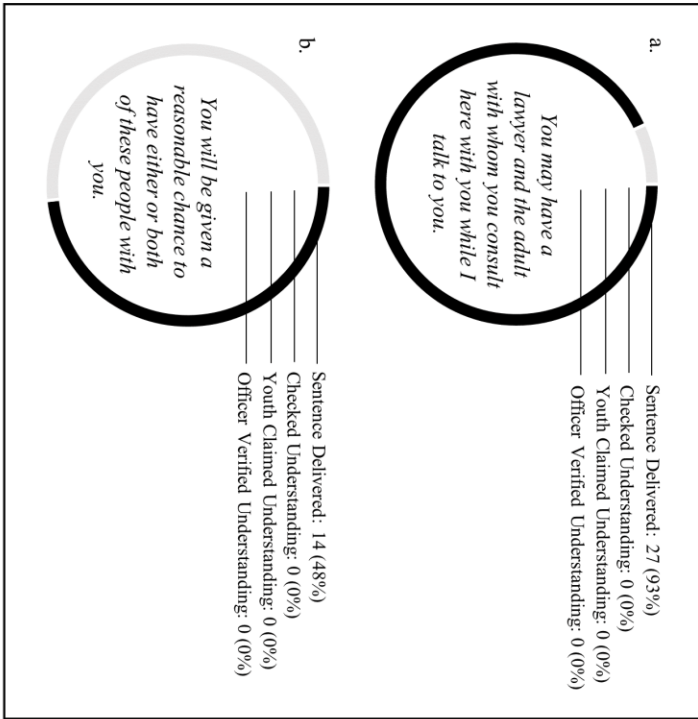


Figure 4a-b. Frequency of delivery, officer checks for youth understanding, youth claims of understanding, and officer attempts to verify youth understanding after each sentence of the Right to Person Present.

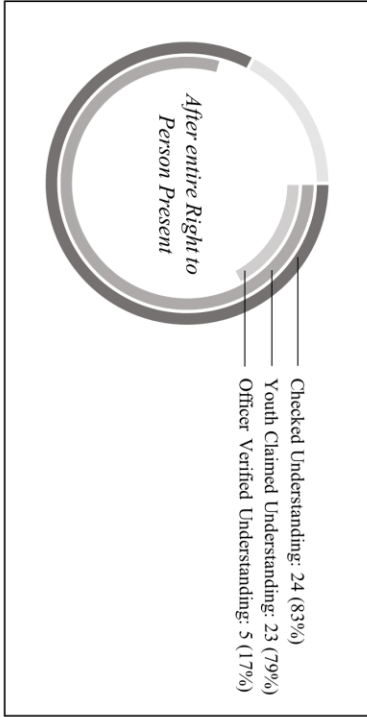


Figure 4c. Frequency of officer checks for youth understanding, youth claims of understanding, and officer attempts to verify youth understanding in instances where the Right to Person Present was delivered in its entirety (i.e., without pausing between sentences).

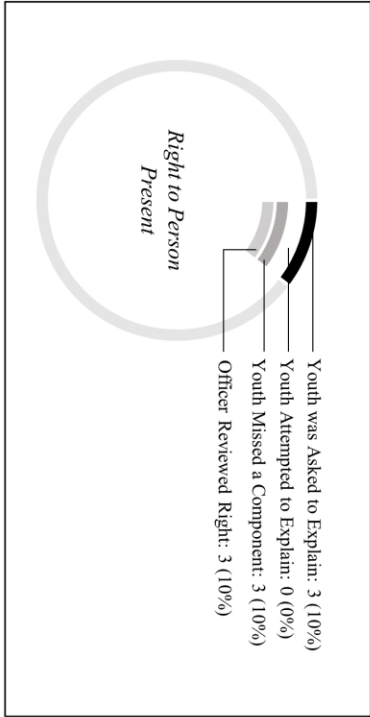


Figure 4d. Extra efforts taken by police officers to verify youth comprehension. Number of officers who asked the youth to explain the right in their own words, youth who attempted to explain the right in their own words when asked, youth who missed at least one component of the right when explaining in their own words, and officers who reviewed at least one aspect of the right a second time.

N = 29

## **Invoking of Legal Rights**

The variables regarding the *invoking* of each legal right are based on the total sample of 31 interrogations as the rights do not need to be administered by a police officer to be invoked. For example, as was the case in one interrogation, if a youth has an appropriate adult present from the beginning of the interrogation, they have invoked their Right to Person Present without having been formally delivered that right.

**Right to Silence.** The Right to Silence was invoked in ten (32%) of the 31 interrogations; on the youth's own accord in six (19%) interrogations and on the advice of the appropriate adult in the remaining four (13%) interrogations. Of the interrogations where an appropriate adult was present ( $n = 20$ ), 7 (35%) of the youth invoked their Right to Silence. Of the youth without an appropriate adult present ( $n = 11$ ), 3 (27%) invoked their Right to Silence. The interrogator granted the invoking of the right immediately in five (50%) cases, after further questioning in three (30%) cases, and the invoking was not granted in the remaining two (20%) cases.

The quality of delivery for the Right to Silence was graded out of a possible 15 quality points. The average quality score for the delivery of the Right to Silence was 6.33 (Range: 3 – 13). There was no significant difference in the quality of delivery of the Right to Silence between interrogations in which the youth did and did not invoke this right,  $t(28) = 0.28$ ,  $p = .782$ ,  $d = 0.11$ .

**Right to Legal Counsel.** The Right to Legal Counsel was invoked in eight (26%) of the 31 interrogations; on the youth's own accord in four (13%) interrogations and on the advice of an appropriate adult in the remaining four (13%) interrogations. Of the

youth with an appropriate adult present ( $n = 20$ ), 6 (30%) invoked their Right to Legal Counsel. Of the youth without an appropriate adult present ( $n = 11$ ), 2 (18%) invoked their Right to Legal Counsel. The interrogator granted the invoking of the right without further questioning in all eight instances.

The quality of delivery for the Right to Legal Counsel was graded out of a possible 15 quality points. The average quality score for the delivery of the Right to Legal Counsel was 5.93 (Range: 3 – 12). There was no significant difference in the quality of delivery of the Right to Legal Counsel between interrogations in which the youth did and did not invoke this right,  $t(28) = 0.50$ ,  $p = .621$ ,  $d = 0.21$ .

**Right to Consult.** The Right to Consult was invoked in nine (29%) of the 31 interrogations. The right was invoked by the youth on their own accord in seven (23%) interrogations and was invoked on the advice of the appropriate adult in the remaining two (6%) interrogations. Of the youth with an appropriate adult present ( $n = 20$ ), 6 (30%) invoked their Right to Consult. Of the youth without an appropriate adult present ( $n = 11$ ), 3 (27%) invoked their Right to Consult. The interrogator granted the request without further questioning in all nine cases.

The quality of delivery for the Right to Consult was graded out of a possible 17 quality points. The average quality score for the delivery of the Right to Consult was 5.55 (Range: 1 – 12). There was no significant difference in the quality of delivery of the Right to Consult between interrogations in which the youth did and did not invoke this right,  $t(27) = 1.83$ ,  $p = .078$ ,  $d = 0.64$ .

**Right to Person Present.** The Right to Person Present was invoked in 21 (68%) of the 31 interrogations. In 16 (52%) interrogations, an adult was present at the outset of the interrogations. The right was invoked after jeopardy was stated in one (3%) interrogation, after the Right to Consult was delivered in one (3%) interrogation, after the Right to Person Present was delivered in two (6%) interrogations, and during the statement in one (3%) interrogation. The interrogator granted the invoking of the right immediately in all cases.

The quality of delivery for the Right to Person Present was graded out of a possible 10 quality points. The average quality score for the delivery of the Right to Person Present was 4.17 (Range: 0 – 10). There was no significant difference in the quality of delivery of the Right to Person Present between interrogations in which the youth did and did not invoke this right,  $t(27) = 0.14$ ,  $p = .886$ ,  $d = 0.06$ .

The average quality of delivery score for interrogations in which all four rights were delivered was 21.86 ( $SD = 6.95$ , range: 8 - 41) out of a possible 57 points, or 38%. For the one interrogation in which only the Right to Silence and Right to Legal Counsel were delivered, the quality score was 16 out of a possible 30, or 53%. The quality of delivery scores for the four rights were each significantly correlated with one another ( $r = .41$  to  $.78$ ,  $ps < .05$ ).

## **Discussion**

It is essential that legal rights are delivered to young people in a manner that facilitates comprehension. Young people must comprehend their legal rights so they are able to exercise them and make informed decisions during their interactions with police.

In the case of *R. vs. L.T.H.* (2008), it was ruled that simply reading rights to a youth suspect and asking if they understand may not satisfy the requirements of section 146 of the YCJA. Thus, interrogators are required to make an extra effort to ensure the youth understands those rights. The goal of the current study was to measure the extent to which police interrogators checked, verified, and sought evidence that youth comprehended their rights. In general, the results of the current study revealed that interrogation rights were delivered inconsistently, leading to the conclusion that there is much room for improvement in ensuring legislative and case law requirements are being met.

The first key finding was that the rights were not delivered in full in nearly three-quarters of the interrogations. The average quality of delivery when all four rights were delivered was 39% and ranged from 33% - 42%. This means that, on average, interrogators rarely engaged in ideal behaviours appropriate for promoting youth understanding. If youth are not fully informed of their rights, there are a multitude of potential negative consequences, such as the youth being unable to make informed decisions, or a guilty individual being released back into the community due to their statement being ruled inadmissible in court.

Procedural misunderstandings on the part of interrogators may be to blame for the omission of some legal rights. For example, interrogators are required to inform the youth of their Right to Consult and Right to Have Person Present, even if an adult is already present in the interrogation room. The importance of informing youth of all of their afforded rights is highlighted by one particular case in the sample. Although anecdotal, a

father was present in the interrogation room with a youth when the rights were being delivered. Upon learning about the Right to Have Person Present, and learning it was his choice to have his father present *or not*, the youth decided he would be more comfortable speaking with the interrogators if his father was absent. Had the officer omitted this right, the youth's ability to make an informed decision about the presence of his father would have been diminished. Training for interrogators must emphasize that each component of the youth waiver is important, and that all components should be delivered with careful attention.

The second key finding was that the vast majority of interrogators did not make use of multiple and varied methods to assess and aid youth understanding. Consistent with previous studies, the youth in this sample typically claimed to understand the rights with a 'yes' answer, even though research has shown that youth tend to demonstrate a lack of understanding when explaining legal rights in their own words (Cooke & Philip, 1998; Fenner et al., 2002; Shepherd et al., 1995); very rarely did interrogators in this sample attempt to verify the youth's understanding. With respect to seeking evidence of the youth's understanding, in less than 10% of interrogations were youth asked to explain all four rights in their own words, and in only just over a third of interrogations were youth asked to explain at least one of the rights in their own words. Asking youth to explain in their own words provides police officers with a more nuanced understanding of which aspects of the interrogation rights the youth had difficulty understanding, compared to simple yes/no assertions in response to closed ended questions. The importance of this issue is highlighted by the fact that none of the youth in this sample

who attempted to explain the rights in their own words did so adequately enough to demonstrate full understanding, yet all had answered “yes” when asked if they understood. Although interrogators should have reviewed and repeated the legal rights in every interrogation, they only did so in less than a quarter of cases. In instances where youth did not demonstrate full recall of the rights, police officers would better meet the expectations of the court, and protect youth suspects, by reviewing and filling gaps in their understanding. One possible explanation for the lack of interrogator follow-up is that affirmative answers by the youth were misconstrued as a valid indicator of comprehension. Such a finding is understandable because there is no formal training for interrogators on how to provide an in-depth delivery of youth legal rights.

There are documented ways, however, to improve the delivery of interrogation rights. For instance, with the knowledge that youth rights are predominantly delivered verbally, listenability characteristics of the waiver should be considered as a factor that may affect youth comprehension. Listenability is defined as the ease of understanding spoken communication (Rubin, 2012). Prototypical police cautions, including the youth waiver form, are missing some fundamental characteristics of listenable text. Each piece of information presented in the waiver is immediately followed by a new piece of information, with no pauses or repetitions to allow listeners to review the initial information (Eastwood & Snook, 2012). The importance of these listenability characteristics was demonstrated by Eastwood and Snook (2012), who verbally presented adult participants with one of eight police cautions, and asked them to record their understanding of the legal rights. Adding three listenability modifications to the base



police caution increased average comprehension from 35% to 70%. More specifically: (a) providing instructions that foreshadow the legal right information and what youth will be expected to do with that information; (b) presenting the information in a list format to help with categorisation; and (c) building redundancy into the waiver by repeating the content, had large effects on recall. Previous research also suggests that speech rates should not exceed 200 wpm to improve comprehension (Carver, 1982; Jester & Travers, 1966). Interrogators in the current sample spoke to youth suspects at approximately 205 wpm when delivering the legal rights; a rate that is slightly above what is acceptable for maximum comprehension. Simplifying the youth waiver form, providing simple explanations of the legal concepts, and slowing speech rates are thus all improvements police officers could make to increase youth understanding (Eastwood et al., 2012; Eastwood et al., 2016).

An unintended observation from this research was that, on occasion, the appropriate adult present in the interrogation room was uncooperative, served as a distraction, or interjected inappropriately. Additionally, there were other interrogations in this sample where youth invoked their rights because the appropriate adult advised them to do so. There is no way to know if the true desire of the youth was to invoke their right, or if they were simply following the wishes of the adult. While lawyers were contacted in some (approximately one-quarter) interrogations, they were never present during the interrogation. These observations open up the fundamental question about the validity of the assumption that having adults present assists youth during the interrogation. Appropriate adults are often not trained legal professionals, and as no lawyers were

present in any of the interrogations, appropriate adults were the individuals providing youth with legal advice. Research has consistently shown that adults struggle to understand their legal rights (Eastwood & Snook, 2010; also see Fenner et al., 2002; Grisso, 1981; Rogers et al., 2007; Viljoen, Zapf, & Roesch, 2007 for research demonstrating a lack of comprehension by adults in other countries). Thus, if adults do not understand the legal rights or legal proceedings, they cannot adequately assist youth. Youth may also feel less compelled to put effort into understanding their rights when an appropriate adult is present, and may not appreciate that how the interrogation proceeds is their own decision. In addition, research has shown that, on average, adults answer fewer than half of questions about juvenile interrogation practices correctly (Cleary & Warner, 2017). Research from the UK has also shown that the role of the appropriate adult often remains unexplained (Clarke & Milne, 2001) and that appropriate adults frequently contribute inappropriately to the interrogation (e.g., act as an advocate for the police rather than the youth; Medford et al., 2003). Further research on the nature of parental presence and knowledge of youth rights is necessary to fully appreciate what role appropriate adults play during youth interrogations.

Police interrogators are attempting to make the best of an unfavourable situation. That is, with minimal or no training, police are tasked with assessing youth cognitive abilities and delivering a complex set of legal rights to youth while ensuring their comprehension. Not only are the rights difficult for youth to understand, research has shown that interrogators themselves struggle to demonstrate full understanding of

interrogation rights (Clare et al., 1998). If interrogators do not understand the rights properly themselves, they cannot help youth gain proper understanding.

This research examined real-world police transcripts with youth suspects—documents which are considered sensitive and highly confidential. As such, obtaining a large sample of interviews with youth suspects proves difficult. Although this research provides a meaningful glimpse into the delivery of youth interrogation rights in Canada, the small sample size necessitates that caution be taken in generalizing these findings. Demographic information regarding the representativeness of this sample to all youth suspect interviews conducted at the participating police organization from 2008-2016 remains unknown, as access to that information was unavailable. Research of this nature must be replicated in numerous regions across the country to paint a clearer picture of how police interrogators in Canada deliver youth interrogation rights.

Future research would benefit from obtaining demographic variables that were not accessible for the present study. Demographic information pertaining to the police officer, including age, years of police service, interviewing experience, understanding of the youth interrogation rights, or any youth interview training received would provide meaningful information on how the quality of delivery may be influenced by officer experience. Collecting additional information about the youth suspects in these interrogations would also be beneficial; such as the youth's first language, history of mental health issues, learning disabilities, socioeconomic status, citizenship status/nationality, ethnicity, living arrangements, grade in school, IQ, prior exposure to the interrogation rights, prior convictions, or time incarcerated. These variables would

allow researchers to better understand what youth suspects could be reasonably expected to understand, what types of interactions police officers should be prepared and trained for, and whether these details are related to the amount of effort police officers dedicate to ensuring youth understand their interrogation rights.

Overall, this preliminary research suggests that there is room for improvement in the delivery of youth interrogation rights, as police interrogators rarely sought evidence of youth understanding. A standardized approach to the delivery of rights that stresses the importance, necessity, and value of ensuring youth understanding may encourage interrogators to check and verify comprehension more thoroughly. In cases where understanding is not clearly demonstrated, youth statements are not admissible in court. Additionally, and perhaps more importantly, youth suspects remain vulnerable and unprotected in the criminal justice system when they do not understand their legal rights. It is therefore crucial that understanding is demonstrated clearly by the youth, and that the youth's full understanding is sought after by the interrogator. As concluded by The Honourable René Marin:

A warning obviously should not be merely a hasty recitation of some formula; it should be a careful compliance with the requirement of the law. Mere recitation of some words printed on a card will never satisfy the court that there was an adequate warning (Marin 2004, p. 60).

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