

Few juvenile suspects exercise constitutional rights during interrogations

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Even when not under arrest, juvenile suspects being interrogated for a crime may be strikingly unaware of their constitutional rights and confess without legal counsel or even a parent present, according to research presented at the American Psychological Association's 122nd Annual Convention.

An analysis of 57 videotaped juvenile interrogations at 17 [police departments](#) around the country revealed none of the suspects, who ranged in age from 13 to 17, had an attorney present while they were questioned, according to Hayley Cleary, PhD, of Virginia Commonwealth University. Parents were present for only 12 interrogations, she found.

Nearly a third of the teenagers were not actually under arrest at the time of questioning. Of those, 28 percent fully confessed, another 28 percent made incriminating admissions; all of these youth had already waived their Miranda rights.

"From a due process perspective, this was very troubling to see," said Cleary, a developmental psychologist. "Laboratory-based studies have shown that adolescents may not fully understand their right to decline police questioning when not in custody, or they may not be developmentally able to assert themselves when asked to consent to questioning and those vulnerabilities can continue into the interrogation room. We need more research examining why juveniles in particular are waiving their [constitutional rights](#) so frequently and confessing to crimes

before they've obtained advice from an attorney."

Cleary's presentation came two days after APA's governing Council of Representatives approved a [resolution](#) recommending that all law enforcement interrogations of felony suspects be videotaped in their entirety and from a "neutral" angle that focuses equally on the suspect and the interrogator. The measure, which relied heavily on psychological research, notes that [law enforcement officers](#) often close their investigations after a criminal suspect confesses, even in cases where the confession is inconsistent, contradicted by evidence or coerced. Many adults with mental disabilities and younger suspects don't fully understand their right to remain silent and to have a lawyer present, and are more likely to waive their rights, according to the resolution.

Most of the suspects, 93 percent, were questioned for serious and/or violent offenses, Cleary said. Eighty-four percent of the interrogators were white men and in 74 percent of the interrogations, the juvenile was sitting in a corner or against a wall and 16 percent were handcuffed. The interrogations lasted anywhere from six minutes to nearly five hours.

The suspects were mostly boys, of whom 41 percent were white and 41 percent were black, with the remaining Latino or of an unknown race or ethnicity. There were six female suspects.

Parents' behavior varied widely, with the majority remaining silent during most of the interviews. In five cases, parents defended their children, making excuses for their behavior or explaining their whereabouts at the time of the crime. Three parents attempted to reassure or comfort their children during the interrogation. Two parents implicated their child in the alleged crimes or even confessed on their behalf.

"This information is a first step toward determining what the

implications are for [law enforcement](#) and the youths when parents are around during questioning," Cleary said.

Twelve percent of all arrests for violent crimes are committed by 15- to 17-year-olds and 4 percent are committed by youth younger than 15, according to the FBI's annual Uniform Crime Report. Cleary partnered with FBI researchers to find police departments that recorded juvenile interrogations and requested those departments' participation in the study.

More information: Session 2095: ["What Happens When Police Question Youth? An Observational Study of Actual Juvenile Interrogations."](#) Symposium, Friday, 9 a.m. to 9:50 a.m. EDT, Room 150A, Walter E. Washington Convention Center, 801 Mount Vernon Pl., NW, Washington, D.C.

Provided by American Psychological Association

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