INTERROGATION TECHNIQUES AND POTENTIAL SAFEGUARDS FOR

JUVENILES: SYSTEMATIC REVIEW

by

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Systematic Review

Thesis directed by Associate Professor Henriikka Weir

**ABSTRACT**

The present paper systematically reviews the current literature on juvenile interrogations by exploring police interrogation techniques regarding juveniles, as well as potential safeguards for juveniles during these interrogations. The current paper also examines whether adult and juvenile interrogation techniques should align based on findings from the current literature. Further, several 21st Century Supreme Court cases regarding juveniles’ rights in the criminal justice system are reviewed and the implications these rulings could have on juvenile interrogations are discussed. Finally, overall findings from this systematic review are summarized and results are used to provide guidance on how both, the policy and practice regarding juvenile interrogation should move forward.
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CHAPTER I
INTRODUCTION

*Making A Murderer* is a show about Teresa Halbach’s murder, which follows the case of an accused murderer, Brenden Dassey, for a 10-year period from the beginning of the case to the present day (“Free Brenden Dassey”, 2017). Dassey has recently appealed that he was wrongfully committed of being part of the murder and rape of Halbach based on a coerced confession (“Free Brenden Dassey”, 2017). Dassey, who was 16 at the time of his confession, was believed to admit to Halbach’s murder after being extensively questioned by police (“Free Brenden Dassey”, 2017). It has been asserted that Dassey was giving very vague answers to leading questions from police in which he eventually agreed to the story the police were suggesting (“Free Brenden Dassey”, 2017).

According to sources supporting Dassey’s release, police presented themselves in a friendly manner, gaining Dassey’s trust, and through the leading questions, Dassey ultimately agreed with the story the police presented him with (“Free Brenden Dassey”, 2017). According to the same sources, there was no physical evidence supporting his conviction and his imprisonment rested almost solely on his assumed coerced confession (“Free Brenden Dassey”, 2017). After *Making A Murderer* aired on television, it caused an uproar exposing gaps in the prosecution’s case, which eventually led to the appeal of Brenden Dassey’s conviction on bases of coerced confession due to his potential vulnerability to suggestion as a juvenile (“Free Brenden Dassey”, 2017).

Dassey’s case described above, and numerous others like it, have increasingly called attention to police interrogation techniques in the recent few decades, especially
regarding juveniles. Before further exploring interrogations, however, it will be useful to distinguish between the interrogation and interview. Interviewing a suspect and interrogating a suspect might be similar in terms of the end product, of a confession or gathering information, but there is also a very noticeable difference. An interview merely gathers any evidence possible about the suspect, possible suspects, and does not propose any guilt what so ever (Jayne & Buckley, 2014). An interview does not even have to happen with a suspect or probable suspect but police could interview a victim of the crime to gather similar information as stated above (Jayne & Buckley, 2014). An interrogation differs in the fact that when someone is being interrogated, there is some sort of proposed guilt in connection to the crime (Jayne & Buckley, 2014). Also in an interrogation, police are able to manipulate the techniques and environment around them as they see fit so they have the best chance of someone confessing to a crime (Jayne & Buckley, 2014). An interrogation is used mostly when hoping to elicit a confession and an interview is used mostly when just merely needing information (Jayne & Buckley, 2014).

A scant scholarly literature that currently exits on the juvenile interrogations suggests that children under the age of 18 may not be safeguarded when it comes to the rights that they have in interrogation rooms (Feld, 2006; Cleary, 2014; Sharf, Rogers, & Williams, 2017). Therefore, the present paper attempts to explore how adolescents’ developmental traits, maturity, and age may impact the juvenile interrogations (Feld, 2006; Cleary, 2014; Sharf, Rogers, & Williams, 2017). Juvenile, here, is defined as someone between ages of 11-17 based on the U.S. Federal Law. However, it should be mentioned that only 13 states have set a minimum criminal culpability age, varying from
6 to 12. The rest of the states typically follow a common law and their criminal responsibility ages vary from 7 to 14 (Unicef.org, n.d.). Yet, research arising from neurosciences and psychology have suggested that the cognitive abilities and maturity of juveniles needs to be taken into consideration during the interrogation process and the techniques that are used on the juvenile inside an interrogation room (Feld, 2006; Cleary, 2014; Sharf, Rogers, & Williams, 2017).

There is a strong need for more research on juvenile interrogations and their effectiveness as well as ethicality in the criminal justice field. There is only a small amount of scholarly literature that directly and specifically outlines the way in which juveniles are interrogated (Cleary, 2017; Kaal et al., 2012). Even fewer studies have examined whether juveniles are even able to informatively make a statement during an interrogation that could potentially be used in a court proceeding or weigh in on someone’s fate, often their own (Cleary, 2017; Kaal et al., 2012). While the aforementioned research is sparse, comparing and contrasting the studies conducted so far could help scholars to better focus their research efforts in regards to the juvenile interrogation and help practitioners to develop more effective interrogation techniques for juveniles as well as safeguard the rights of the juveniles during the interrogations.

Toward that end, this systematic review seeks to examine several issues. First, the current paper reviews the general contemporary scholarly knowledge about the juvenile interrogations. Second, the present paper briefly examines the police officers’ perceptions of the juvenile interrogation techniques. Next, this systematic review investigates what the scholarly literature says about the appropriateness of the currently used juvenile interrogation techniques. Finally, this paper reviews a landmark Supreme
Court case regarding juvenile rights and several most recent Supreme Court cases to determine how these rulings could or should have impacted the juvenile interrogations and to provide potential safeguards for juveniles in the future. To summarize, in the following chapters, the present paper will cover many different topics related to juvenile interrogations and safeguards for such juveniles. Specifically, Chapter 2 establishes a background for juvenile interrogations by reviewing the neurological and psychological development of the juvenile brain, the impact of age on interrogations, and providing an explanation of the Reid Technique. Chapter 3 will then explain the methods used in this paper by presenting the data collected, criteria imposes, the articles included, and the articles that were excluded from this systematic review. Chapter 4 will offer results from this systematic review by synthesizing four separate themes arising from the findings. Finally, Chapter 5 will conclude this thesis with a discussion of limitations, future research, as well as policy and practical implications.
CHAPTER II
BACKGROUND

The interrogation of juveniles, including techniques and potential safeguards, is a highly debated subject that lacks extensive research, which makes it even more important for continued study (Feld, 2006). The lack of clear guidelines, concerning what juvenile interrogation techniques should be used on minors, essentially forces the court to deem juveniles as adults (Owen-Kostelnik, Reppucci, & Meyer, 2006). The way our criminal justice system operates currently, committing a serious crime could very easily result in a juvenile to be treated as an adult while being interrogated due to the lack of clear guidelines on how to handle juvenile suspects (Owen-Kostelnik, Reppucci, & Meyer, 2006). That then suggests that present-day society, including policy makers, knows very little about how police are questioning juveniles when minors are suspected of committing a crime (Feld, 2006; Feld, 2013; Owen-Kostelnik, Reppucci, & Meyer, 2006). There are many reasons for this. Police seem to be very reluctant to allow researchers into their departments and allow researchers unrestricted access to juvenile interrogations (Feld, 2006). Having such little enquiry about what happens inside an interrogation room poses threat to the rights of juveniles and has created a huge push for evidence-based interrogation techniques for the juveniles (Dopp, Borduin, White, & Kuppens, 2017). However, this is where the disagreement often lies between the research and the practice. Majority of research tends to suggest that juveniles and adults should be treated differently, yet little guidelines are provided how they should be treated differently. The same research also often finds that police departments are training their police officers to use the exact same interrogations techniques with juveniles as they do
with adults regardless of the doubts that psychologists have of the cognitive ability of children and adolescents (Feld, 2006). The gap between the research and practice arises from the fact that juveniles are often perceived as adult-like criminals in the juvenile justice system even though science has shown that their neurological and psychological abilities are not adult-like (Owen-Kostelnik, Reppucci, & Meyer, 2006). Due to the fact that juveniles and adults have different brains structurally and chemically, it seems apparent that adults and juveniles should not be held to the same standard of interrogation techniques (Owen-Kostelnik, Reppucci, & Meyer, 2006). Toward this end then, it is important to understand what the literature says about the neurological and psychological processes that happen in the developing child and adolescent brain.

2.1 Neurological and Psychological Development of Adolescent Brain

In re Gault (1967) was a landmark juvenile justice case that awarded juveniles safeguards and the same due process that adults have in the Criminal Justice System. This case showed that juveniles and adults should both, as separate entities, be granted safeguards instead of juveniles just being their parents property (In re Gault, 1967). Roper v. Simmons (2005), Graham v Florida (2010), J.B.D v. North Carolina (2011), and Miller v. Alabama (2012) all advocate that minors are noticeably unlike adults. Two of these Supreme Court cases, Roper v. Simmons (2005) and Graham v. Florida (2010), barred states from executing youth that were under the age of eighteen at the time of the murder and then extended that decision to say that life without parole was also banned for those who were under eighteen for non-homicidal offenses (Feld, 2013). It could be asserted that these landmark decisions should have implications to police interrogation techniques regarding juveniles as well. The characteristics that were distinguished as
different in juveniles, based on the findings from the most recent and robust research, and used as bases for these Supreme Court decisions were juveniles’ impulsivity, susceptibility to social influences, and immaturity. These same characteristics could certainly increase the juveniles’ vulnerability to false confessions in the interrogation room (Feld, 2013). Neuroscientists have found that the difference between how juveniles and adults think and behave can be attributed to brain maturation and how the prefrontal cortex performs executive tasks and regulates impulses (Feld, 2013). Indeed, Roper v. Simmons (2005), Graham v Florida (2010), J.B.D v. North Carolina (2011), and Miller v. Alabama (2012) heavily relied on the research that involved developmentally based arguments that juveniles are different from adults and therefore should be treated differently when dealing with the justice system (Cleary, 2014). All three of these court decisions have made the first step in understanding how to handle juveniles in the justice system. However, what these court decisions are missing is how interrogations fit into the mix. These court decisions clearly state that juveniles should be treated differently in the criminal justice system but don’t mention anything about interrogations. They should have included interrogations because it is probably one of the most important pieces of the criminal justice process as it sets the stage to how the rest of the process will ensue.

To take it a step further, neuroscientists have also identified maturation and actual structural changes in juveniles’ susceptibility to peers and the sensitivity to reward (Cleary, 2017; Feld, 2013; Sharf, Rogers, & Williams, 2017). Cleary (2017) suggests that the biggest piece of literature that is missing from juvenile interrogation research is the cognizance of the developmental factors that needs to be taken into consideration with juveniles. It has been found in many studies that a juvenile’s brain is consistently
growing and forming until well into young adulthood (Cleary, 2017). Both neurological and psychological aspects have been linked to explain the developmental processes in the adolescent brain (Cleary, 2017). The younger a juvenile is, the less his/her brain has developed, but no adolescent brain is as competent as a fully developed adult brain will be (Cleary, 2017; Owen-Kostelnik, Reppucci, & Meyer, 2006). Since juvenile brains are not mature until, for most, in young adulthood, it could be asserted that they should not be trusted to always accurately be able to give information under not only stressful situations but also because of their age. Understanding the developmental importance of juvenile delinquency and the developmental stage of the juvenile being interrogated could potentially be a breaking point for interventions used by the legal system and how to handle situations involving juvenile interrogations (Arndorger, Malloy, & Cauffman, 2015).

Overall, it can be concluded that juveniles are in fact cognitively different than adults in their decision-making abilities (Scott-Hayward, 2007). Scott-Hayward (2007) suggests that even though juveniles may develop at different rates compared to each other, generally adolescents are less mature than adults. This is specifically important regarding to interrogation techniques used by police with juveniles, because the cognitive abilities, developmental, and psychological factors of the adolescents are much different than adults (Vilijoen, Klaver, & Roesch, 2005). In sum, “although some adolescents may be cognitively as matures as adults, they are still likely to suffer from deficiencies in decision-making capacity” (Scott-Hayward, 2007, p. 58).
2.2 Impact of Age on Interrogations

Unfortunately, the research that has been done regarding juvenile interrogation techniques seems to be overshadowed by the research that is comparing juvenile and adult interrogations instead of focusing merely on juvenile interrogations (Cleary, 2017). Even though the neurological understanding of juveniles is beyond imperative, the actual age the juveniles that are being interrogated give more of a tangible understanding of boundaries to eventually help and/or support future research and Supreme Court decisions on safe guarding juveniles. Feld (2006) suggests that juveniles who are fifteen years and younger are at the greatest risk of vulnerability during an interrogation.

Those who are fifteen years and younger do not possess the ability to make any kind of legal decisions especially under the stress of being interrogated (Feld, 2013; Cleary, 2017; Kaal et al., 2012). Feld (2006) also proposes that juveniles who are sixteen years and older can appear to function similarly to adults but still have a substantial susceptibility in an interrogation room. Later research by Feld (2013) and Vilijoen, Klaver, & Roesch (2005) further reveals that most juveniles will not reach maturity and adult-like competencies until in their twenties.

2.3 The Reid Technique

Most major police departments are trained in the Reid Technique on conducting investigative interviews, including interrogations. The Reid Technique was founded by John E. Reid, who systematized a technique in which he formatted an interview process that evaluates a person’s honesty aside from the polygraph examination (Jayne & Buckley, 2014). Reid followed psychological principals from Fred Inbau who was a leader in creating an approach using these particular principals (Jayne & Buckley, 2014).
In the 1930s, Inbau discovered that an interrogator’s methods could possibly cause an innocent person to confess due to intimidation and coercion (Jayne & Buckley, 2014). When Inbau discovered this fact, Inbau felt it was necessary to have a technique that could bridge the gap by teaching those who interrogate so less innocent people confessed (Jayne & Buckley, 2014). This is how the Reid Technique was born. The Reid Technique consists of three different factors: Factual analysis, interviewing, and interrogation (Jayne & Buckley, 2014). Each different component builds on each other.

Factual analysis is the part that sifts through a large group of suspects (Jayne & Buckley, 2014). During this phase, sifting through suspects can help the investigators identify characteristics about the suspects themselves and the crime that will be helpful during the interrogation (Jayne & Buckley, 2014). Once these suspects are characterized, the suspects personality can also be assessed which can help during an interrogation because the investigators can suggest certain interrogational strategies that may aid and avoid techniques that would be less helpful (Jayne & Buckley, 2014).

The interviewing stage is only about 30-40 minutes, doesn’t suggest any guilt on the suspect, and only asks demographic background questions of the suspect (Jayne & Buckley, 2014). The interviewing stage also profiles the probable suspect, conducts interviews with the victims (sometimes those victims turn out to be the guilty party), and gathers information about the sequence of events (Jayne & Buckley, 2014).

The last stage is the interrogation stage which consists of nine steps: The positive confrontation, theme development, handling denials, overcoming objections, procurement and retention of suspects attention, handling the suspects passive mood, presenting an alternative question, having the suspect orally relate various details of the
offense, and converting an oral confession to a written confession (Jayne & Buckley, 2014). During the first step, the investigator will bring the results of the investigation and present that to the suspect (Jayne & Buckley, 2014). While evaluating the suspect’s response to the investigation results, the investigator will decide how to proceed but will ultimately respond in a sympathetic and understanding manner (Jayne & Buckley, 2014). The second step is theme development and this is where the investigator will present a justification to the suspect’s actions by placing the blame on some other person or set of circumstances (Jayne & Buckley, 2014). The third step is handling the denial of the suspect in which the suspect will continually deny being a part of the crime (Jayne & Buckley, 2014). It is very hard for an innocent person to move past the denial stage and this is usually obvious to investigators (Jayne & Buckley, 2014). The fourth stage is overcoming objections and in this stage the suspect fails and will no longer deny their participation in the crime but will object that the crime happened the way the police are indicating the crime happened (Jayne & Buckley, 2014). Step five includes the procurement and retention of the suspect’s attention. At this part in the interrogation the investigator has to continue to hold the suspects attention and this can be done by closing the physical distance between the investigator and the suspect (Jayne & Buckley, 2014). Step six will be handling the suspect’s passive mood by understanding that the suspect now will be close to understanding that telling the truth in soon to be inevitable (Jayne & Buckley, 2014). The investigator should continue the rapport that they have been building throughout this interrogation and demonstrate sympathy and understanding (Jayne & Buckley, 2014). Step seven is presenting an alternative question by giving choices concerning the parts of the crime (Jayne & Buckley, 2014). Step eight is having
the suspect orally relate various details of the offense (Jayne & Buckley, 2014). Once an alternative choice that the interrogator has introduced has been accepted from the suspect, the investigator should react by using a statement of reinforcement that will acknowledge the suspect's admission of guilt (Jayne & Buckley, 2014). Once the suspect verbally confesses, the last step is changing the verbal confession into a written confession (Jayne & Buckley, 2014).

The Reid Technique does not specifically address any difference that the investigator should take in his or her approach between a juvenile suspect and adult suspect. The technique explanation does, however, later suggest that special precautions should be taken when interrogating juveniles. However, the warning regarding juvenile precaution is very limited and simply states that if dealing with a juvenile, an investigator should take extreme caution and may have to modify the approach taken (Jayne & Buckley, 2014). Further, the technique recommends that if a child is under the age of ten that child should not be subjected to active persuasion techniques which would consist steps two and seven (Jayne & Buckley, 2014). The Reid Technique recognizes that children of this age group do have memory skills but it is very selective and can be persuaded by the opinions of someone who has authority (Jayne & Buckley, 2014). The technique provides no clear rules on how to interrogate juveniles over the age of ten. Yet, as explained above, the research has clearly shown that adolescents up to sixteen and in many cases, in their early 20s, are impulsive and vulnerable to suggestion due to their still developing pre-frontal cortexes (Cleary, 2017; Jayne & Buckley, 2014).

Based on the above background, it could be concluded that juveniles deserve special safeguards when dealing with the Criminal Justice System, especially in
interrogation rooms (Feld, 2006; Feld, 2013; Cleary, 2017; Jayne & Buckley, 2014). Juveniles have a different neurological composition than adults, which is continually developing as that juvenile ages (Owen-Kostelnik, Reppucci, & Meyer, 2006; Cleary, 2017; Feld, 2006). Thus, the main purpose of this paper is to examine the views of the recent scholarly literature on whether the juveniles should be held at the same standard (i.e., should the same interrogation techniques be used on juveniles and adults) as adults while being interrogated and are there currently any safeguards for juveniles being questioned.
CHAPTER III

METHODOLOGY

3.1 Systematic Review

In this paper, a systematic review approach will be used to analyze the present literature about the interrogation of juveniles, focusing on the techniques used and potential safeguards for juveniles, to comprehend the differences between adult and juvenile interrogation techniques and what potential safeguards are needed for juveniles who are interrogated. A systematic review is a technique collecting multiple resources (typically peer-reviewed literature) to be analyzed and through those resources, research questions can ideally be answered based on themes arising out of the synthesis of the said resources. It is important to use a systematic review for the purposes of this paper because the only way to improve how juveniles are represented in the Criminal Justice System and implement policy is to review the literature on juvenile interrogation techniques and potential safeguards, find the short falls, conduct future research, and then implement policy.

3.2 Data Collected

The articles collected for this thesis were gathered from two different databases available through the UCCS Kraemer Family Library online search. The ProQuest Database and the APA PsychNET Database were utilized to get a comprehensive assortment of both the criminal justice factors and psychological factors to explore the demographics of juveniles who are interrogated in the search. All articles collected were peer-reviewed and published in 2000-2017 with the exception of one landmark Supreme Court case in 1967.
Key words such as “juvenile interrogation,” “juvenile delinquency,” “police interrogations,” “juvenile offenders,” “gender differences,” “ethnic differences,” “meta-analysis,” and “demographics,” were used. All articles were reviewed to affirm that they contained pertinent information concerning juvenile interrogation demographics, as well as comparisons between adult and juvenile interrogations, and/or information regarding safeguards for juveniles during the interrogation process. These key words were used in conjunction with each other to aid a larger pool of articles. Just using juvenile interrogations caused in very little results.

3.3 Articles Excluded

All articles that were published before the year 2000 were excluded from this analysis with the exception of one landmark Supreme Court case in 1967. This decision was made to solely analyze the research that has been conducted in the last seventeen years since there has been much more sensitivity to the issue of juvenile interrogations during the past few decades. Further, all four Supreme Court rulings examined in this paper and believed to have considerable impact on juvenile rights’ in the Criminal Justice System, specifically due to their still developing brains, have taken place after the year 2000. Further, all articles that did not include information about juvenile interrogations were excluded as the purpose of this study was to solely to understand the interrogation techniques and potential safeguards for juveniles. All articles, besides the Supreme Court decisions that were used to support the thesis, were peer-reviewed and written in the English language. Anything not peer-reviewed was excluded for the purpose of this study. All studies that were conducted outside of the United States were excluded from the data collection as well.
3.4 Articles Included

For an article to be included in the present systematic review, the article had to include information about interrogations in general but also explore interrogations of juveniles specifically. Further, included articles could have also contained information about the psychological properties of juveniles to later relate to interrogations of juveniles. Articles that also integrated juvenile delinquency, mental illness, and/or developmental processes of juvenile brain were incorporated. All articles included in this thesis were selected on the basis that they were peer-reviewed, published between the years 2000 and 2017, written in English, and conducted in the United States.

Sources such as previous Supreme Court decisions were accompanied with the peer-review articles to get a diverse perspective and a real foundation of what has been done/decided by the highest court in regards to juvenile safeguards and justice. Five supreme court decisions were chosen to keep uniform with the peer-review articles in terms of when those decisions were made; years 2000-2017, with the exception of one Supreme Court case which was included since it was a landmark case for juvenile rights in the Criminal Justice System. In other words, all these court rulings were made in the last seventeen years and reflect the climate of the current policy changes in the Criminal Justice System. Only one Supreme Court case was included that was outside of year 2000-2017 spectrum. This was because it is a landmark case which was one of the first of its kind and initially separated how the courts look at adults and juveniles. Finally, one book was allowed into this review to aid in understanding a major interrogation technique that is used in many different police departments in the United States. This book follows
the stipulation that it was published between the years of 2000-2017 to keep the research as relevant and present as possible.

Four tables displayed below demonstrate the details of all the articles that are included in this systematic review. Table 3.1, titled “Juvenile Interrogation Research” presents studies that have been done in general since the year 2000 analyzing specifically juvenile interrogations and the techniques that juveniles experienced during their time in an interrogation room. The seriousness of the crime, location of the interrogation, and the length of the interrogation were documented from the studies to summarize some of the experiences that the participant endure during their interrogations.

Table 3.1

*Juvenile Interrogation Research*

<table>
<thead>
<tr>
<th>Author</th>
<th>Year</th>
<th>Age</th>
<th>Race</th>
<th>Seriousness of Crime</th>
<th>Location of Interrogation</th>
<th>Length of Interrogation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feld</td>
<td>2006</td>
<td>16-17 Years Old (66 cases)</td>
<td>69% (White) 18% (Asian) 12% (African American) Less than 2% (Native American)</td>
<td>Charged with felony level crimes</td>
<td>66% (Detention Center) 30% (Police Station) 5% (Non-custodial)</td>
<td>X</td>
</tr>
</tbody>
</table>
Table 3.2, titled “Police Officer Survey”, was included to merely provide information on how police officers are trained and offer their perspective on what they feel that interrogations features. This table represents police officers from the local and federal agencies and simply asks what techniques they were trained in and what they

<table>
<thead>
<tr>
<th>Study</th>
<th>Year</th>
<th>Age</th>
<th>Race Distribution</th>
<th>Offense Level</th>
<th>Custody Type</th>
<th>Custody Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feld</td>
<td>2013</td>
<td>16-17 Years Old (307 Cases)</td>
<td>52.1% (White) 34.9% (Black) 13% (Hispanic, Native American, African American)</td>
<td>Charged with Felony level crimes</td>
<td>72.2% (Less than 15 min) 13.3% (16-30 min) 1.1% (More than 1.5 hours)</td>
<td></td>
</tr>
<tr>
<td>Malloy, Shulman, Cauffman</td>
<td>2014</td>
<td>14-17 Years Old</td>
<td>5.7% (White) 28% (Black) 55.4% (Hispanic) 9.8% (Other)</td>
<td>High Risk Crimes</td>
<td>Secure Facility</td>
<td>65% (More than 2 hours) 34.9% (Less than 2 hours)</td>
</tr>
<tr>
<td>Cleary and Vidal</td>
<td>2016</td>
<td>13-17 years (57 interviews)</td>
<td>White (25%) Black (57%) Latino/Latina (7%) Race not identified (11%)</td>
<td>Serious Crimes</td>
<td>Under Arrest (50%) Voluntary (25%) Not Known (25%)</td>
<td></td>
</tr>
<tr>
<td>McLachlan, Roesch, &amp; Douglas</td>
<td>2011</td>
<td>12-18 Years</td>
<td>White (85.4%) Hispanic (2.4%) Aboriginal (2.4%) Other (9.8%)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
have experienced in terms of the length of interrogations they have been part of. This synthesis was included to gain a different perspective as to what is experienced in an interrogation room as a police officer contrary to what is experienced by a juvenile and to provide evidence as to what officers are trained in when learning how to conduct interrogations.

Table 3.2

*Police Officer Survey*

<table>
<thead>
<tr>
<th>Author</th>
<th>Year</th>
<th>Location</th>
<th>Age</th>
<th>Where they are employed</th>
<th>Length of Interrogation</th>
<th>Technique Trained In</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kassin et al.</td>
<td>2007</td>
<td>Five American States</td>
<td>21-62 Years of Age</td>
<td>Local Police (91%) Federal Law Enforcement (9%)</td>
<td>Longest interrogation that was conducted was 4.95 hours with a mean of 1.6 hours</td>
<td>Received Special Training (82%) - of that 11% reported it was specifically the Reid Technique</td>
</tr>
</tbody>
</table>

Table 3.3, titled “Should Juveniles be Treated as Adults and Potential Safeguards” takes every study other than the Supreme Court cases and the actual studies of juvenile interrogations to evaluate whether that particular article has a suggestion for potential safeguards for juveniles in the Criminal Justice System and concludes whether that article agrees or disagrees that juveniles should be treated the same as adults in the Criminal Justice System.

Table 3.3

*Should Juveniles be Treated as Adults and Potential Safeguards?*
<table>
<thead>
<tr>
<th>Source</th>
<th>Potential Safeguards for Juvenile Interrogations</th>
<th>Do they agree that juvenile interrogations should align with adult interrogations?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feld (2006)</td>
<td>Juveniles 15 years old and younger should have additional protections for being more vulnerable</td>
<td>No – Only juveniles 16 years and older are similar to adults</td>
</tr>
<tr>
<td>Feld (2016)</td>
<td>Juveniles 15 years old and younger should have additional protections for being more vulnerable and should be accompanied by a professional</td>
<td>No – Only juveniles 16 years and older are similar to adults</td>
</tr>
<tr>
<td>Cleary (2017)</td>
<td>Focusing knowledge and resources on everyday interactions between law enforcement and youth is a step towards promoting justice for all youth citizens.</td>
<td>Yes – The problem lies within the interrogations itself and all ages would benefit from transforming interrogation techniques.</td>
</tr>
<tr>
<td>Malloy, Shulman &amp; Cauffman (2014)</td>
<td>There are three potential safeguards presented in this article.</td>
<td>No – There is a need to reform policies regarding juvenile suspects.</td>
</tr>
<tr>
<td></td>
<td>1. Law Enforcement has to move forward carefully when questioning juvenile suspects.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Juvenile interrogations need to be recorded.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>There is a need for additional research on interrogations among youth.</td>
<td></td>
</tr>
<tr>
<td>Reference</td>
<td>Topic</td>
<td>Conclusion</td>
</tr>
<tr>
<td>----------------------------</td>
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<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>López et al. (2017)</td>
<td>N/A – Based on race and delinquency</td>
<td>N/A – Based on race and delinquency</td>
</tr>
<tr>
<td>Hein et al. (2017)</td>
<td>N/A - Based on juveniles vs. violent offending</td>
<td>N/A – Based on juveniles vs. violent offending</td>
</tr>
<tr>
<td>Sharf, Rogers, &amp; Williams</td>
<td>Research is clearly emphasized to protect constitutional rights for juveniles.</td>
<td>No - Juveniles do not have the same ability as adults.</td>
</tr>
<tr>
<td>(2017)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dopp et al. (2017)</td>
<td>Policymakers are under pressure to implement mediations for juveniles.</td>
<td>No – there is a need for evidence-based interventions for juveniles specifically</td>
</tr>
<tr>
<td>Low, Sinclair, &amp; Shortt</td>
<td>N/A – Based on economic strain and how juvenile delinquency results</td>
<td>N/A - Based on economic strain and how juvenile delinquency results</td>
</tr>
<tr>
<td>(2012)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Source</td>
<td>Argument</td>
<td>Position</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Arndorfer, Malloy, &amp; Cauffman (2015)</td>
<td>More research on juveniles involved in the criminal justice system</td>
<td>Yes – Youth may be interrogated more aggressively.</td>
</tr>
<tr>
<td>Kaal et al. (2012)</td>
<td>There is an issue with concerning juveniles in the justice system and extra attention is required.</td>
<td>No – Extra attention to cognitive and social skills are required for juveniles.</td>
</tr>
<tr>
<td>Scott-Hayward (2007)</td>
<td>Juveniles should get a mandatory non-waivable right to counsel.</td>
<td>No – juveniles should get the extra mandatory protection of counsel in a pre-interrogation setting.</td>
</tr>
<tr>
<td>Kassin et al. (2010)</td>
<td>N/A – does not specifically identify juveniles but suggests that there is more information needed to understand the psychological processes that lead to confessions.</td>
<td>Yes – states that in general there is a need for more information on interrogative technique to lessen false confessions.</td>
</tr>
<tr>
<td>Owen-Kostelnik et al. (2006)</td>
<td>Suggests that the <em>totality of circumstances</em> approach gives courts the discretion when deciding whether or not a juvenile is competent and should be ordered extra protection.</td>
<td>No – Juveniles deserve to be awarded extra protection due to their lack of maturity</td>
</tr>
</tbody>
</table>
Kassin et al. (2007) | N/A – Focused on the perceptions of law enforcement on interrogations. | N/A – Focused on the perceptions of law enforcement on interrogations.

Viljoen, Klaver, & Roesch (2005) | N/A – suggests that juveniles don’t have differing cognitive abilities. | Yes – They found that the cognitive abilities of juveniles do not affect their decisions so they should be treated.

Steinberg (2004) | Understanding why juveniles make the decisions they do; especially if those are criminal decisions | No – Juveniles have a different decision – making process contrary to adults.

Finally, Table 3.4, titled “Recent Supreme Court Cases Involving Juveniles” was included to demonstrate that even the highest court in the nation has agreed, based on the robust research from the hard sciences on juvenile brain development, that juveniles, in general, need to be treated differently than adults in the Criminal Justice System. In the landmark case of 1967, it was ruled that juveniles should also have safeguards just like adults do. This was the one of the first cases that separated juveniles and adults in the Criminal Justice System. Unfortunately, there has yet been no rulings to suggest that juveniles need to have specific safeguards in interrogations. However, the rulings mentioned in Table 4 are a start to safeguarding for juveniles.
Table 3.4

*Recent Supreme Court Cases Involving Juveniles*

<table>
<thead>
<tr>
<th>Court Case</th>
<th>Ruling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roper v. Simmons (2005)</td>
<td>It is unconstitutional to impose capital punishment on anyone under the age of 18.</td>
</tr>
<tr>
<td>Miller v. Alabama (2012)</td>
<td>It is unconstitutional for juveniles who were under the age of 18 at the time of the offense to receive a sentence of mandatory life without parole.</td>
</tr>
<tr>
<td>In re Gault (1967)</td>
<td>This case separated juveniles and adults and gave juveniles the same safeguards as adults. Juveniles were no longer deemed as property of their parents in the courts eyes. This case was a landmark case for juvenile justice.</td>
</tr>
</tbody>
</table>
CHAPTER IV

RESULTS

4.1 Juvenile Interrogation Research

In table 3.1, a systematic review of the studies that have been completed between the years of 2000-2017 were compared with each other to expose any differing results on juvenile interrogation techniques. All the evidence that is represented in table 3.1 are from studies that survey juveniles, who have been interrogated in the past, about their experiences. Participants in all studies were between the ages of 12-18 (Feld, 2006; Feld, 2013; Malloy, Shulman, & Cauffman, 2014; Cleary and Vidal, 2016; McLachlan, Roesch, & Douglas, 2011). Feld (2006), Malloy, Shulman, & Caffman (2014), and Cleary & Vidal (2016) ask their juvenile participants about the location of the interrogation that they were part of. This is important because the location of the interrogation can be a technique used on juveniles. As can be seen from Table 3.1, a large majority of the interrogations took place at the secure facility (i.e., police station or detention center). The authority figure in the interrogation can have power over where the interrogation takes place and therefore used as a technique.

Also shown in table 3.1 is the reported length of the interrogation by the participants. This could also be a technique. For example, if the interrogation was long that could be a technique to coerce a confession out of a juvenile. Interestingly, Feld (2013) found that 72.2% of the participants were in an interrogation room for less than 15 minutes and 13.3% of participants were there under 30 minutes. However, Malloy, Shulman, & Caffman (2014) discovered that only 34% of juveniles were in an interrogation room for less than two hours and 65% of participants were in the
interrogation room for more than two hours. Thus, findings from these studies are conflicting, even though both studies were performed in a similar part of the United States and both studies included participants that were investigated for serious crimes.

Indeed, and as can be seen in Table 3.1, all four studies on actual juvenile interrogations had participants who committed serious crimes. It can be seen that in the early 2000’s the majority of those found in interrogation rooms were white and as time went on, there was a shift from people who identified as white were less likely to be found in an interrogation room. Those identified as black became the majority; even those who identified as Hispanic decreased as time went on as well. Taking what was found out about race over the course of 10 years, it seems that the length of interrogations had increased as well. This might be a correlation or not but it cannot be ignored. It can also be concluded that between the years of 2006-2016, researchers have lowered the age of the participants that they are researching. For example, in 2006, Feld only examined participants that were 16-17 years old. However, ten years later, Cleary and Vidal (2016) included participants between 13-17 years old.

4.2 Police Officer Survey

Table 3.2 (Kassin et al., 2007) was included to merely show a different perspective on interrogations from a police officer view. This particular study was used because it ended up showing what techniques police officers self-report that they were trained in. As mentioned above, the Reid Technique is a popular technique that police officers are trained in when preparing to interrogate. This is important because if police officers are reporting that they are being trained in interrogation techniques but are not
reporting that they are specifically being trained to interrogate adults or juveniles. The discretion is up to that police officer.

It was, however, very important to recognize Kassin et al. (2007) study because it was the only study discovered by the present systematic review that revealed the police officers’ perception of the juvenile interrogations as well as their training on the interrogation techniques. As far as demographics go, police officers surveys in this study came from five different U.S. states and were between the ages of 21-62 years old. Eighty-six percent of the respondents were male and fourteen percent were female. Ninety-one percent of the respondents were from the local police and nine percent were from Federal Law Enforcement. In terms of the length of an interrogation, it was found that the longest interrogation the participants had conducted on a juvenile was 4.95 hours with a mean of 1.5 hours for all interrogations conducted. The most interesting part about the entire survey was which technique were these police officers being trained in. Eighty-two percent of the respondents said that they had received some sort of special training in interrogations in general which eleven percent of the eighty-two percent said they were specifically trained in the Reid Technique.

4.3 Should Juveniles Be Treated as Adults and Potential Safeguards for Juveniles

In table 3.3 all the peer-reviewed articles were compared with each other to see what the literature reports in regards to potential safeguards for juveniles and if juveniles should be treated like adults in an interrogation setting. Of the peer-review articles, all but six articles had suggestions for potential safeguards. A couple articles suggested that there should be future research on how public policy could change to help safeguard juveniles (Cleary, 2014; Sharf, Rogers, & Williams, 2017; Dopp et al., 2017). Three of
the articles gave specific safeguards which included that the totality of circumstances approach is giving the courts discretion, law enforcement needs to be careful when questioning juveniles, and juveniles should be able to get non-waivable right to counsel (Malloy, Shulman, & Cauffman, 2014; Scott-Hayward, 2017; Owen-Kostelnik et al., 2006). It was also suggested that there needs to be some sort of reform policies (Dopp et al., 2017). One article recommended that juveniles need the extra mandatory protection of counsel as well (Scott-Hayward, 2007). Lastly, there were only two articles that had general safeguards recommended. Both articles proposed that juveniles that are fifteen years and younger need additional protections because they are vulnerable (Feld, 2006; Feld, 2016).

Articles that did not have suggestions for potential safeguards were still included in the systematic review for their contribution in explaining whether juveniles and adults should be treated differently during interrogations, potentially because of neurological differences. Ten of the eighteen articles in Table 3.3 suggest that juvenile interrogations should not align with adult interrogations. In summary, the articles supporting the differing interrogation processes for juveniles asserted that juveniles do not have the same cognitive abilities as adults, juveniles lack the similar social skills, and juveniles have a different decision-making process than adults (Malloy, Shulman, & Caffman, 2014; Sharf, Rogers, & Williams, 2017; Kaal et al., 2012; Steinberb, 2004). Some other reasons that juvenile interrogations should not align with adult interrogations, according to these articles, was the age factor. Feld (2006; 2016) strongly argued that that juveniles who are fifteen years and younger absolutely should not be treated at all like an adult in an interrogation setting. Feld (2006; 2016), however, furthermore explained that those
16-18 years old could possibly be deemed as adults during interrogations, depending on their maturity.

The articles that suggested that juveniles should be treated like adults were important addition to this systematic review because they showed the opposite opinion contrary to the above-discussed articles and to the prevailing research from hard sciences regarding to adolescent brain development. In general, those articles recommended that juveniles should be treated as adults but expressed that the problem lies within the overall interrogation techniques used on both, juveniles and adults. According to these articles, it is these interrogation techniques that are to blame for false/coerced confessions among the juveniles and adults alike (Cleary, 2017; Arndorfer, Malloy, & Cauffman, 2015; Kassin et al., 2010; Viljoen, Klaver, & Roesch, 2005).

4.4 Recent Supreme Court Cases Involving Juveniles

Some additional safeguards can be seen in the four court cases that were reviewed in Table 3.4 and through the landmark case, it shows that juveniles and adults are separate and even though they are awarded similar safeguards, they are still treated differently in the eyes of the Criminal Justice System (In re Gault, 1967). Although it is obvious these rulings are not directly related to juvenile interrogations, they should provide guidance for the entire Criminal Justice System in recognizing that juveniles should be treated differently than adults. These court cases are exposing the need for juvenile safeguards, and spurring research specifically on juvenile interrogations. To briefly summarize, Roper v. Simmons (2006) found that it was unconstitutional to impose any kind of capital punishment to those under the age of eighteen. J.D.B v. North Carolina (2011) decided that age needs to be considered when determining police custody
for Miranda purposes. Graham v. Florida (2010) found that juvenile offenders should not be given a life sentence without parole when sentenced to non-homicidal offenses. Finally, Miller v. Alabama (2012) ruled that it was unconstitutional for those under eighteen to be given a life sentence without parole. Although none of these court cases specifically mention interrogation techniques, all of these recent court cases uphold that juveniles need to be treated differently than adults in the Criminal Justice System. All these court cases heavily relied on the most recent and robust research from hard sciences on the juvenile brain development to make these decisions to treat juveniles differently from adults in the Criminal Justice System (Juvenile Law Center, n.d.). Up until the 21st century, there haven’t been court rulings that advocate for juveniles to be treated differently than adults in the Criminal Justice System.

It is important to recognize how the courts react to juveniles and their Miranda Rights. The Supreme Court gives the lowers courts discretion and has coached the lower courts to consider the age and experience of the person in question, yet they themselves abstain from recognizing that the Constitution demands that all children should receive greater protections, like an attorney or guardian/parent (Rogers, Shuman, & Drogin, 2008). Rogers, Shuman, & Drogin (2008) suggest that based on the cognitive limitations juveniles are in need for simple and easily understood Miranda warnings. It is vital to recognize that this literature is highlighting that the Supreme Court has the power to demand that juveniles are treated differently in the justice system. The above court cases are showcasing exactly what Rogers, Shuman, & Drogin (2008) are suggesting and that is youth cannot be held to the same standards as adults.
CHAPTER V

DISCUSSION

Based on the studies included in this systematic review, it can be concluded that there is an obvious need for juvenile safeguards. Results arising out of hard sciences on juvenile neural and brain development indicate that juveniles need to be treated differently than adults but often are not, especially when it comes to police interrogations (Malloy, Shulman, & Caffman, 2014; Sharf, Rogers, & Williams, 2017; Kaal et al., 2012; Steinberb, 2004). Also, the recent court cases (21st century rulings) provide clear direction that juveniles must be treated differently than adults in the Criminal Justice System (Roper v. Simmons, 2005; J.B.D v North Carolina, 2011; Graham v. Florida, 2010; Miller v. Alabama, 2012). While there have not yet been direct court rulings about juvenile interrogations, over half of the articles collected in this systematic review strongly argue that juvenile interrogations should not be conducted in the same manner as with adults and there needs to be some sort of policy change (Malloy, Shulman, & Caffman, 2014; Sharf, Rogers, & Williams, 2017; Kaal et al., 2012; Steinberb, 2004).

While the findings from the present review show that the current Criminal Justice System regarding juveniles might be flawed, especially in terms of juvenile interrogations, the mere fact that research exists advocating safeguards for juveniles and arguing that juveniles should not be treated as adults during the police interrogations is a promising starting point. The challenge, of course, is to get this research to the hands of the practitioners, namely police departments across the country. In the U.S., where states have their own laws in addition to federal laws, this can be very difficult indeed. However, and as mentioned before, the highest court of the nation is starting to take
notice of the research on juvenile development and on the vital differences between juveniles and adults, providing grounds for differing treatment. This subsequently offers hope for the gap between the research and practice to decrease.

With this said, the present study is not without limitations. First, the number of articles that specifically examined juvenile interrogations was scarce. There has not been a lot of research done on juvenile interrogations due to the fact that juvenile cases in general are sealed and not easily accessible to researchers. Also, it is very hard to recreate a legitimate interrogation environment after the fact without someone sitting in on interrogations that involve juveniles. Some other limitations lie in the fact that there is not much interrogation-related policy that specifically discusses juveniles and how juveniles are screened for cognitive ability. That is what the present paper is indeed suggesting that is needed- a policy change regarding juvenile interrogations. The subject of juveniles in the Criminal Justice System and safeguards for juveniles is something that needs to be researched much more in general. Specifically, there absolutely needs to be further research analyzing active interrogations to get a full perspective on how we can produce policies regarding juvenile interrogations that will lead into the implementation of better practices. According to Crane, Nirider, & Drizin (2016) state that children are two to three times more likely to untruthfully admit to a crime during an interrogation. Also, Crane, Nirider, & Drizin (2016) state that from a study of 320 exonerations forty-two percent were juveniles who falsely confessed. This is a very large number and a high likelihood that a juvenile will falsely confess in an interrogation. That is why it is so important to implement policy, so the likelihood of falsely confessing is less.
It has been said over and over throughout this paper that there needs to be safeguards for juveniles because juveniles and adults should be treated differently during interrogations. This starts with a policy, which will eventually lead into practice. There needs to be specific policies for juvenile interrogations on what techniques should and should not be used. No progress will be made and injustice cannot be minimized unless there are specific rules that police departments need to follow. Owen- Kostelnik et al. (2006) & Dopp et al. (2017) identify that the only way to move forward is creating some policy that safeguards juvenile interrogations. With these policies, ideally based on the most recent and robust research on the best practices, safeguards can be put into place and the Criminal Justice System for juveniles can be improved. This would be ideal for the society as a whole from the rehabilitation perspective, where the idea is to reduce future re-offending by keeping children out of prisons (Juvenile Law Center, n.d.). However, policies alone are useless if they are not implemented correctly. Implementation, on the other hand, cannot be done without standardizing the training in police departments. But the hope should never be lost. Small steps are already being taken by increased research as well as recent Supreme Court rulings on recognizing that juveniles should not be treated the same as adults. However, there is a lot more work to be done.
REFERENCES


**In re Gault, 387 U.S. 1 (1967).**


