Parental Understanding of Miranda Rights

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PARENTAL UNDERSTANDING OF MIRANDA RIGHTS

Date Recommended 7/17/03

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Acknowledgements

I would like to thank my major professor, Dr. Frederick Grieve, for his guidance and support. I would also like to thank Dr. Jeffrey Helms for his integral part in designing and completing this project as well as his extensive knowledge in this area. Also I would like to thank Dr. Elizabeth Jones for her guidance in this and other areas of my education. Additionally, I would like to thank Dr. Thomas Grisso and Professional Resource Press for allowing the use of their instrument in this project. Also, I would like to thank the Warren County Sheriff’s Department and the Bowling Green City Police Department for the quick response and permission to use their copies of the *Miranda* warnings. Thank you also to my parents, Charles and Cecelia Callis, and friends for giving me love and support throughout my educational career.
PARENTAL UNDERSTANDING OF MIRANDA RIGHTS

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July 2003

58 Pages

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Abstract

The current research focuses on parents’ level of understanding of Miranda rights and parents’ likelihood of encouraging their teenagers to waive their Miranda rights. The previous research suggests that parents alone may not adequately protect juveniles’ rights during interrogation and waiver. Prior research also suggests that parents’ and juveniles’ past experience with the justice system may not help them during their current interrogation and waiver.

A 17-item questionnaire was used to assess the two dependent variables and the two independent variables. The two dependent variables were parents’ understanding of Miranda rights and parents’ likelihood of encouraging arrested teens to waive their rights. The two independent variables were whether or not a parent has been arrested and whether or not the teenager has been arrested. There were four conditions: parents who had been arrested with teenagers who had been arrested, parents who had been arrested with teenagers who had not been arrested, parents who had not been arrested with teenagers who had been arrested, and parents who had not been arrested with teenagers who had not been arrested.

Several ANOVAs (Analyses of Variance) and one ANCOVA (Analysis of Covariance) revealed patterns in the data supporting the hypothesis that parents may not provide adequate support for teenagers during the waiver process. Overall, past
experience was shown not to have an effect on the likelihood for parents to encourage waiver or on their score on the *Comprehension of Miranda Rights – Recognition* (CMR-R) (used to measure level of understanding of the Miranda warnings) (Grisso, 1998). Furthermore, the implications for this study supported the notion that having legal counsel present during the waiver process is beneficial to the arrested teenager.
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Introduction

The early juvenile court system, the first court being in Chicago in 1899, was based on the assumption that young offenders possessed the potential for rehabilitation. Juveniles were viewed as childlike, psychologically troubled, and easily changeable. Additionally, criminal conduct in general was seen as having an underlying cause that needed treatment rather than as “bad” behavior that needed punishment (Forst & Blomquist, 1991).

However, many critics of the juvenile justice system contended that the system did not meet the goals of rehabilitation, and, with the reform movement beginning in the late 1960s, it began to undergo a change. Supreme Court decisions such as In re Gault et al. (1967) introduced procedural regularity, and the juvenile justice system’s formality increased significantly (Scott & Grisso, 1997). Many of the changes seen at the time were caused by a shift in public perception regarding the purpose of the juvenile justice system from one of rehabilitation to one of punishment. Critics argued that not only was the juvenile justice system not adequately rehabilitating youth but also that rehabilitation in general was not effective with juveniles. According to some writers on the topic (i.e., Halikias, 2000; Holtz, 1987; Scott & Grisso, 1997), many people believed and still believe that juveniles should be subject to the same punishment as adults for the harm that they have allegedly caused.

However, many researchers (e.g., Halikias, 2000; Holtz, 1987; Scott & Grisso, 1997; Wall & Furlong, 1985; Zimring, 1982) still reported on the immaturity of youth
and that youth were less culpable and therefore less deserving of the punishment given to adults. As a result of these disparate views and given that the inalienable rights of youth are at stake, two options have been proffered. One school of thought suggests abolishing the bifurcation of the two systems (i.e., adult and juvenile) creating one system in which age could be offered up as a mitigating factor in sentencing (Feld, 1993). However, the most commonly touted option that is currently used is to transfer juvenile offenders who are alleged to have committed serious or violent offenses to the adult court system. Regardless of the option held, the original view of juvenile offenders as immature and changeable now is giving way to a view of them by those in power, within the court system, as savvy adult-like offenders who commit serious crimes (Feld, 1993).

*Transfer of Juveniles to Adult Court*

The transfer of juveniles from the juvenile justice system to the adult justice system, where the juvenile will be tried and sentenced as an adult, has become increasingly more common (Bishop, Frazier, Lanza-Kaduce, & Winner, 1996). *Kent v. United States* (1966) established that a juvenile might be transferred to an adult court. This landmark case marked the first Supreme Court case concerning the transfer of a juvenile to an adult court. It also stated that juvenile courts are required to provide youth with some procedural *due process* protections like those afforded to adults within the adult justice system. In addition, the *Kent* decision formalized the waiver process by specifying waiver criteria that must be met in order to transfer a juvenile to the adult court (Feld, 1993; *Kent v. United States*, 1966). It also marked the beginning of the end for the idea of rehabilitation as the only function of the juvenile justice system (Tanenhaus, 2000). Researchers and policy makers saw transfer as a way of reducing juvenile crime and
increasing public safety. This viewpoint led researchers to study two questions: Are transfer mechanisms targeting the correct juveniles, and are transferred youth punished more harshly in the adult system than they would be in the juvenile system? For the most part it appears that youth selected for transfer are not appropriate, with the majority of the arrested youth that are transferred to adult court being property offenders rather than serious status offenders (Bishop, Frazier, Lanza-Kaduce, & Winner, 1996). Considering that juveniles often waive their Constitutional rights (Grisso, 1980, 1981) it has become increasingly important that juveniles not be unduly transferred to adult courts without the protection of these rights. Furthermore, research has not consistently shown that the transfer of juveniles to adult courts, in order to increase public safety, prevents recidivism more than adjudication through the juvenile system. In fact, juveniles often receive harsher sentences within the juvenile justice system than their adult counterparts in the adult justice system (Bishop et al., 1996). Additionally, the case In re Gault et al. (1967) demonstrated that youth sentenced in the juvenile justice system often receive much harsher sentences than their adult counterparts who are sentenced in the adult justice system. For making lewd phone calls to a neighbor, Gerald Gault was sentenced to be committed to the state industrial school for six years until he turned twenty-one. An adult with the same charge would be subject to a maximum of a $50 fine and two months in jail (In re Gault et al., 1967).

Miranda v. Arizona

In 1966, the Supreme Court in Miranda v. Arizona stated that a person could not be forced to be a witness against himself or herself. In other words, a person cannot be forced to answer questions posed by the police; he or she has the right to protection
against self-incrimination and to remain silent. In addition, a person has the right to an interrogation free of coercion as well as the right to counsel. The *Miranda* warnings that followed from this decision are designed to protect a person's 5th Amendment and 14th Amendment Constitutional rights. The *Miranda* decision stems from a case in which four defendants were not given a warning of their rights but in which a confession was received. In all four cases the defendants were held and questioned without receiving any contact with the outside world. Though warnings about the right to remain silent had been previously created, it was not until the *Miranda v. Arizona* case that it became legally mandated that all defendants receive their *Miranda* warnings before interrogation (*Miranda v. Arizona*, 1966).

*In re Gault et al. (1967)* and *In re Dennis M. (1969)*

Further court proceedings led to refinement of the *Miranda* decision as well as to clarification of how the *Miranda* decision applies to juveniles. The Supreme Court case, *In re Gault et al. (1967)*, extended *Miranda* rights to juveniles. Gerald Gault, a 15-year-old boy, was arrested in Arizona for making lewd telephone calls to a neighbor. Gault’s parents were never notified of his arrest, Gault did not receive any warnings (regarding his *Miranda* rights), standard trial procedures were not followed, and *due process* protections were not insured. Additionally, Gault received a much more severe penalty than would an adult charged with the same offense. The violations in this case led to the following decisions concerning juveniles. *In re Gault et al.* stated that a juvenile’s *due process* rights are essential under the 14th Amendment. In addition, the Supreme Court ruled that neither the 14th Amendment nor the Bill of Rights was intended for adults.
alone. It also stated that a juvenile’s rights must be explained in a way that is understandable to him or her (In re Gault et al., 1967; State v. Benoit, 1985).

This interpretation was further emphasized with the decision in the In re Dennis M. (1969) case that stated the prosecutor bears the burden of proof that the juvenile’s Miranda warnings were given to the juvenile in a way that he or she was able to understand. In order for the juvenile’s admission of guilt to be admitted as evidence, the prosecutor must first prove that the juvenile’s rights were relayed in terms reflecting the language and experience of the juvenile. In essence, the juvenile must be advised of his or her rights as well as understand those rights (Holtz, 1987; In re Dennis M., 1969). If the prosecution cannot prove that the juvenile was given his or her Miranda warning in an understandable manner, then the confession cannot be admitted in court (State v. Nicholas S., 1982; State v. Benoit, 1985).

Subsequently, some researchers (Ferguson & Douglas, 1970; Grisso 1980 & 1981; Holtz, 1987) suggest that in order for juveniles to knowingly and intelligently waive their Miranda rights, they must be given their warnings in an age-appropriate format. The researchers argue that there should be a separate version of the Miranda warnings for juvenile offenders (Ferguson & Douglas, 1970; Holtz, 1987) or a simplified version that officers may use with juvenile offenders (Holtz, 1987). These arguments are supported by a study by Ferguson and Douglas (1970) that showed that only 5 out of 86 juveniles scored perfect understanding of their rights, indicating that a separate set of warnings might be needed.
Juvenile Miranda Waiver Assessment

A juvenile's waiver of his or her Miranda warnings is often under extreme scrutiny, especially if the juvenile has been transferred to an adult court. A juvenile’s waiver is assessed in one of two manners, the totality of circumstances approach and per se approach. The totality of circumstances approach takes into account a juvenile’s intelligence, psychological functioning, maturity or immaturity, and the whole situation of the arrest. The court is then allowed to make a decision regarding the admissibility of the juvenile’s waiver on a case-by-case basis. The totality of circumstances approach focuses on two central tenants: the features of the situation in which the youth confessed and the personal characteristics of the youth that might affect his or her ability to understand the Miranda warnings (Fare v. Michael C., 1979).

However, researchers (Grisso, 1980 & 1981; Grisso & Ring, 1979) report that the totality of circumstances approach is rejected, by some jurisdictions, in favor of the per se approach. These jurisdictions would argue that the totality approach overlooks some juveniles and does not adequately protect their rights. Furthermore, according to Helms and Godwin (2002), per se proponents emphasize that juveniles must have a concerned adult present, usually a parent, while the totality of circumstances approach does not insist on a concerned adult.

The per se approach emphasizes that most juveniles under a jurisdictionally specified age (usually under age 16) need special protection. Essentially it postulates that a juvenile is unable to understand his or her rights without the help of an interested adult, usually a parent. However, research has questioned the usefulness of the assistance provided by parents during an interrogation (Grisso, 1981). Grisso found that the majority
of parents encourage their children to cooperate with the police by waiving their rights (Grisso, 1981). According to Helms and Godwin (2002) the per se approach has been criticized for giving too much protection to those juveniles who have previous knowledge of the justice system. However, researchers have questioned if prior interaction with the justice system has any effect on the juvenile’s ability to understand his or her Miranda rights (Grisso, 1981). Findings have led researchers to suggest that all juveniles under the age of 15 automatically be given legal counsel during waiver (Grisso, 1981). Neither the totality of circumstances approach nor the per se approach is nationally accepted, allowing courts to use only that method that is state-mandated (Grisso, 1980 & 1981; Helms & Godwin, 2002).


Each of the previous Supreme Court decisions discussed was a precursor to the Federal Juvenile Justice and Delinquency Prevention Act of 1974. The Act in part applied federal mandates to each of the decisions reached with In re Gault et al. (1967) and In re Dennis M (1969). It stated that juveniles will be advised of their legal rights in a language understandable to them and that a parent or guardian will be notified immediately of the juvenile’s alleged offense. The Act was established to maintain Constitutional protection for juveniles as well as applying protection from the moment of initial law enforcement interaction (The Federal Juvenile Justice and Delinquency Prevention Act, 1974).

Juvenile’s Ability to Waive Miranda Rights

The application of these due process rights to juveniles led to important questions. For example, does a juvenile have the ability to intelligently waive his or her Miranda rights?
rights? Ensuring that a juvenile can knowledgeably waive his or her Miranda rights is necessary to protect the juvenile’s Constitutional rights against self-incrimination and involuntary confessions. This question has become an important issue in forensic psychology because In re Gault et al. (1967) specified that the 14th Amendment and the Bill of Rights applied to juveniles as well as adults. It is also important to protect the rights of those juveniles who are transferred from juvenile to adult courts (Grisso, 1981; Johnson & Hunt, 2000; Wall & Furlong, 1985). Additionally, with the necessity in many jurisdictions of having a concerned adult, usually a parent, present during interrogation, it is important to know the level of parental understanding of Miranda rights. Knowledge of the level of parental understanding is important because the majority of juveniles still waive their rights even when a concerned adult is present. One might assume that knowledgeable parents who were interested in and involved in their child’s legal process would try to protect their child’s rights by encouraging that he or she remain silent and not involuntarily or unknowingly incriminate himself or herself (Helms & Godwin, 2002). Additionally, some researchers have postulated that some juveniles with previous exposure to the justice system might have a better understanding of and a better ability to knowledgeably waive their Miranda rights than juveniles without previous exposure (Grisso, 1981; Wall & Furlong, 1985).

Grisso’s Miranda Measures

Thomas Grisso, the foremost researcher concerning a juvenile’s ability to knowledgeably waive his or her Miranda rights, has found that most juveniles, despite receiving Miranda warnings, waive rather than exercise their rights (Grisso, 1980). This finding led Grisso to develop a way to objectively and reliably measure juveniles’ levels
of understanding of their *Miranda* warnings. He postulated that if a juvenile does not adequately understand his or her rights, then the decision of *In re Gault et al.* to exercise the greatest care when working with juveniles is not being upheld (Grisso, 1980). Grisso began by assessing the juvenile’s comprehension of the words and phrases in the *Miranda* warnings. He defined comprehension as understanding the meaning of the words as well as an ability to understand the meanings conveyed in the context of the phrase. Grisso developed five separate measures in his study in order to eliminate errors that might occur with the use of only one test. For instance, he thought that a juvenile might have an adequate understanding of a word but lack the verbal skills to express this understanding. Grisso proceeded to develop three measures to be used to assess comprehension of the words and phrases in the *Miranda* warnings (Grisso, 1980, 1981).

Two of the three comprehension measures, *Comprehension of Miranda Rights* (CMR) and *Comprehension of Miranda Vocabulary* (CMV), require verbal expression by the examinee. The third test, *Comprehension of Miranda Rights True/False* (CMR-TF), requires only true/false responses.

The *CMR* asks participants to paraphrase in their own words each of the four *Miranda* warnings. Participants in a pilot study conducted in a juvenile detention facility were used to establish the scoring criteria for this measure (Grisso, 1980). The *CMV* asks participants to define six critical words taken from the *Miranda* warnings. The critical words were identified in a pilot study as those words that were difficult for some juveniles to understand. Finally the third measure, the *CMR-TF*, used three paraphrased rewordings for each of the four *Miranda* warnings. Participants were required to judge if a rewording was an accurate or inaccurate rewording of the original *Miranda* warning. In
other words the participants were required to say if each reworded *Miranda* warning statement means the same as the original *Miranda* warning statement (Grisso, 1980).

In addition to measuring comprehension, Grisso measured juveniles’ appreciation of the function and significance of the warnings (Grisso, 1980). He thought that a juvenile might adequately understand the meaning of a word but not have a clear understanding of how the rights serve a protective function during investigations (Grisso, 1980). Three areas were identified as crucial to the meaningful waiver of rights. First, juveniles must understand the nature and function of interrogation and view the police as adversaries trying to get information from them. Second, the juveniles must understand that the attorney is an advocate and is required by ethical convention and law to hold all information in confidence. Last, the juveniles should view the right to silence as an absolute protection against self-incrimination.

Grisso (1980) devised a measure to assess these three areas (i.e., nature of interrogation, right to silence, and right to counsel) called the *Function of Rights in Interrogation (FRI)*. This instrument, designed to measure comprehension of the function and significance of the *Miranda* warnings, is a structured interview that requires the juvenile to respond to a drawing of an interrogation scene (Grisso, 1980). Participants are given pictures accompanied by a brief vignette and then are asked standard questions to assess their understanding of the picture and story. The *FRI* essentially measures a person’s appreciation of his or her *Miranda* rights (Grisso, 1980).

*The Development of the Miranda Comprehension Measures*

Grisso’s development and standardization of the *Miranda* measures consisted of a sample of juvenile participants who were recently admitted to a detention facility,
residents of a boy's town, and residents of a correctional boy's school as well as a sample of adults consisting of both ex-offenders and nonoffenders. Adults were used so that the juveniles could be compared to an adult sample. The largest sample, adolescents who were recently admitted to a juvenile detention center, consisted of 359 juveniles who remained in detention for at least 24 hours, were not being held on a felony charge, and did not display serious emotional disturbance. The other juveniles, selected from a boy's town and a correctional boys school (groups of 72 and 39 participants, respectively), were used to correct for under-representation of younger juveniles and low-socioeconomic African American juveniles, making the sample adequately stratified for SES and race. The adult sample consisted of 203 ex-offender parolees and 57 volunteers who were nonoffenders (Grisso, 1980).

Overall the most striking finding of this study was that juveniles had consistent differences from their adult counterparts on their degree of comprehension of *Miranda* warnings. Most notably, as a class, juveniles under the age of 15 failed to meet any of the adult standards for comprehension of their *Miranda* rights (Grisso, 1980). Results of the CMR showed that while 42.3% of adults showed adequate understanding of all four warnings, only 20.9% of juveniles did. Additionally, 55.3% of juveniles displayed inadequate comprehension of at least one right, while only 23.1% of adults did (Grisso, 1980). Results of the CMV displayed similar results. For instance, 60.1% of adults and 33.2% of juveniles attained the highest possible scores. Additionally, at least one of the crucial words was completely misunderstood by 63.3% of the juveniles and 37.3% of the adults. The CMR-TF test, which required no verbal expression, showed that only the
adults adequately understood which rewordings matched or had the same meaning as the original *Miranda* warning (Grisso, 1980).

When juvenile and adults scores were analyzed separately, juveniles' scores were significantly related to age, ethnicity, and intelligence level. Furthermore, the results indicated that age was only related to comprehension for the younger juveniles. Age only mattered for those youths between the ages of 10 through 14, after which a plateau was reached. In other words, juveniles under the age of 15 as a whole did not adequately understand their *Miranda* warnings, while those over the age of 15 had an understanding statistically similar to that of the adults. Additionally, race was only related to comprehension in the lower intelligence ranges. Specifically, African American juveniles with low intelligence levels had greater difficulty understanding *Miranda* warnings than White juveniles with low intelligence levels. Moreover, this pattern was displayed across all three tests, indicating that the results were not due to language capacities (Grisso, 1980).

When adults were compared, it was found that ex-offenders had no better comprehension of the *Miranda* warnings than did the nonoffenders. This finding has important implications concerning juveniles and the assertion that juveniles previously in the justice system have better comprehension of their *Miranda* rights than their non-adjudicated counterparts (Grisso, 1980). Since adult ex-offenders had no better comprehension of *Miranda* than did nonoffenders, one might assume the same to be true for juveniles. Perhaps juveniles with experience in the justice system do not have a better understanding of *Miranda* warnings than those who have never been in contact with the
system. Research is currently underway to examine this issue (J. L. Helms, personal communication, March 3, 2003).

**Law Related Training**

Similarly, some (e.g., Wall & Furlong, 1985) suggest that youth with training in a law-related program, designed to inform juveniles of their rights, may have a better understanding of their *Miranda* warnings. Wall and Furlong evaluated juveniles’ levels of understanding after the juveniles had completed a program, called Street Law, designed to improve their comprehension of the *Miranda* warnings. Street Law is a program in which law students spend one semester teaching high school students criminal and civil law using mock trials, role-play, case studies, and discussions with legal authorities. Participants were 48 high school students from families in the low to middle socioeconomic status range who had Street Law training and had never been arrested. Using Grisso’s measures, the juveniles’ reading levels and their levels of understanding of the *Miranda* warnings were assessed (Wall & Furlong, 1985).

The researchers believed that these students had the maximum number of benefits available to aid in their understanding of the *Miranda* warnings. They were in a non-stressful classroom, unlike an actual stressful interrogation; they were in a Street Law class, maximizing training in the level of understanding; and they were relatively well rounded, unlike the many arrested juveniles who often are younger, less educated, or have more serious learning problems (Wall & Furlong, 1985).

The researchers found that 81% of the juveniles did not wish to answer questions posed by the police and 92% stated that they did not want to answer questions posed by the police without an attorney present, signifying that they were unwilling to waive their
rights (Wall & Furlong, 1985). However, using Grisso’s measures, 75% of the students were unable to define one or more of the words in the Miranda warning. In addition, the students did not show an adequate understanding of the significance and function of their rights, with 88% having a completely incorrect answer on at least one of the items. More importantly, analysis showed that there was a positive relationship between reading and listening comprehension scores and Miranda comprehension (Wall & Furlong, 1985). Higher reading and listening comprehension scores were associated with higher Miranda comprehension scores (Wall & Furlong, 1985).

Although the majority of juveniles enrolled in the Street Law program reported that they would refuse to waive their rights, they also reported that they would answer questions in court. The researchers hypothesized that this reaction might be due to their familiarity with the Miranda warnings gained through the Street Law program but a lack of understanding concerning the role and function of the court system. Furthermore, the juveniles, though not displaying perfect understanding of all Miranda terms and functions, did display an adequate level of understanding of the meaning of the Miranda warnings (Wall & Furlong, 1985). However, since the juveniles reported that they would talk in court, the aforementioned studies’ results led researchers to call for a consideration of education, specifically in law-related areas, as a factor in juveniles’ understanding and that juveniles be given legal counsel to protect their rights during interrogation (Grisso, 1980; Wall & Furlong, 1985).

Mental Retardation and Waiver

As mentioned previously, juveniles with lower intellectual functioning pose a special concern for an adequate waiver of rights. However, a literature review yielded no
studies regarding juveniles with mental retardation concerning their ability to knowledgeably waive their *Miranda* rights. Adults with mental retardation have been studied, and one might assume that the difficulties they experience might coincide with many of the difficulties that juveniles' experience. The critical issue concerning defendants with mental retardation is their competence to knowledgeably waive their *Miranda* rights (Everington & Fulero, 1999). Adult defendants with mental retardation cause concern for several reasons. First, there is a greater likelihood that they will be susceptible to coercion. Also, they are more susceptible to leading questions and most likely do not have a complete understanding of the *Miranda* warnings (Fulero & Everington, 1995). Furthermore, adults with mental retardation often display characteristics such as the desire to please others, especially those in authority, and the tendency to answer questions with a “yes” response regardless of the correct answer (Everington & Fulero, 1999).

The research conducted on juveniles concerning their waiver of *Miranda* warnings shows that they experience problems similar to those that adults with mental retardation experience (Grisso, 1981). Therefore the results of the Everington and Fulero (1999) study on individuals with mental retardation could shed light on some of the questions regarding a juvenile’s ability to knowledgeably waive his or her *Miranda* rights. First, it was found that in general defendants with mental retardation had significant difficulty comprehending *Miranda* warnings (Everington & Fulero, 1999). Furthermore, those with mental retardation were more susceptible to suggestion and are more likely to change their answers when disapproval is shown (Everington & Fulero, 1999). The same might be true of juveniles due to developmental reasons.
Grisso, per se, and Parents

As previously mentioned, when Grisso compared the level of understanding of adults and juveniles, it was found that generally juveniles under the age of 15 do not demonstrate an adult level of understanding, while those 16 and older statistically are generally more like adults (Grisso, 1980). However, it was also shown that greater experience within the justice system leads to a somewhat better understanding of the role of Miranda rights within the legal system for some juveniles. In other words, greater experience leads to a greater understanding of the function of Miranda rights but not to an appreciation of those rights (Grisso, 1980; Wall & Furlong, 1985).

These results led Grisso to advocate for a per se approach to determine the admittance in court of a juvenile’s waiver of Miranda rights. He stated that while the per se approach would not eliminate all uncertainties, it would be possible to structure exclusionary rules that would supply minimal criteria for a waiver of Miranda rights to be valid (Grisso, 1980).

One of the most widely criticized per se exclusionary rules concerns the statement that a concerned adult, usually a parent, must be present at the time of interrogation. Researchers have observed that some parents are at the same level of understanding as their child and are therefore ill-equipped to handle the complexities of waiver of Miranda rights (Grisso & Ring, 1979). It has also been shown that nearly three-fourths of a sample of parents believed that children should not be allowed to withhold information from the police during an investigation (Grisso & Ring, 1979). Furthermore, it was observed that more than two thirds of parents present at a pre-interrogation did not make any comments or offer any advice to their children (Grisso, 1981).
The Present Research

The previous research outlines that there is a need for further research regarding the many areas within the overarching area of juvenile Miranda waiver. This study was intended to examine the comprehension levels of Miranda rights of parents of juveniles. The fact that parents are sometimes required to be present during the juvenile’s interrogation and often encourage their children to waive their rights supports the intent of this study. Parents often either offer no advice to their children or do not themselves understand the meaning and function of the Miranda warnings and therefore encourage their children to waive their Miranda rights (Grisso, 1981; Grisso & Ring, 1979). Since there is the possibility that juveniles may be transferred to adult courts, it is imperative that they receive and understand their due process rights, including the Miranda warnings.

It is important that juveniles understand their Miranda rights so that they may knowledgeably make a decision regarding waiver. If a juvenile’s waiver is found to be invalid because the court deems that he or she did not understand his or her Miranda warnings, then important information for the case may be lost. On the other hand, it is important that juveniles do not give false confessions because they do not understand their rights. Juveniles are especially susceptible to persuasion and harsh interrogation and must therefore be shown the utmost care and concern. One might assume that allowing a concerned adult, such as a parent, to be present during interrogation would ensure that the juvenile has a better chance of clearly understanding his or her rights. This assumption is not always the case, considering some parents do not offer advice. More importantly, the majority of parents encourage their children to waive their rights (Grisso, 1981; Grisso &
If parents have a clear understanding of what the *Miranda* warnings entail as well as their function, then they may be more likely to encourage their children to exercise their rights. Therefore, it is important to understand why parents are encouraging their children to waive their *Miranda* rights. There are several possibilities: (a) parents themselves do not understand the *Miranda* warnings; (b) parents simply do not believe their children have done anything wrong; and (c) parents do not know how to be an appropriate advocate for their child. This might also stem from the misconception that if nothing illegal was done, then it cannot hurt to talk about it. Knowledge does not always promote action. Parents may need to be empowered or taught how to be appropriate advocates for their children and to use the knowledge that they might possess about the *Miranda* warnings and their children's rights correctly.

There are several hypotheses that were examined in this study. The first hypothesis was that parents who had been arrested would show higher levels of understanding of their *Miranda* warnings, as measured by the *Comprehension of Miranda Rights-Recognition (CMR-R)* (Grisso, 1998), than parents who had not been arrested. This hypothesis was expected to concur with Wall and Furlong's (1985) study that showed slightly better understanding among law-trained juveniles. The second hypothesis was that parents who had been arrested would be less likely to encourage their teens to waive their rights than parents who had not been arrested. This outcome was expected due to their increased experience and therefore better understanding of the *Miranda* warnings. In terms of the juvenile's arrest, the third hypothesis was that parents of children who had been arrested would have a higher understanding of *Miranda* rights, as measured by the *CMR-R*, than parents of children who had not been arrested. This
outcome was expected with parents who took an active interest in their children’s arrest and waiver. The fourth hypothesis was that parents of children who had previously been arrested would be less likely to encourage waiver than parents of children who had not been arrested. Again, the parents had previous experience with the system and a better understanding of the *Miranda* warnings. In terms of both parent and child having been arrested, the fifth hypothesis was that parents who had been arrested and had children who had been arrested would have a higher understanding of *Miranda* rights, as measured by the *CMR-R*, than parents who had not been arrested with children who had not been arrested. This outcome was expected due to the additional increase in experience with the system on behalf of themselves and their children. The sixth hypothesis was that parents who had been arrested and had children who had been arrested would be less likely to encourage waiver of *Miranda* rights than parents who had not been arrested who have children who had not been arrested. This result was expected due to their experience and increased understanding leading from that experience.
Method

Participants and Design

Participants were 192 parents of teenagers from south-central Kentucky. Parents were defined as anyone who has or has had in the past a teenager between the ages of 13 through 17. The parents were volunteer participants and were assigned, based on their and their children’s arrest records, to one of four conditions. Overall age of the participants ranged from 28 to 72 years, with a mean of 47.40 years ($SD = 8.86$). The mean level of education for all participants was 15.05 years ($SD = 2.53$). There were 162 (84.4%) White participants, 21 (10.9%) African American participants, 4 (2.1%) Native American participants, 2 (1.0%) participants who indicated their race as “other,” 1 (.5%) Hispanic participant, and 1 (.5%) Asian/Pacific Islander participant. Demographic information for each of the individual cells is presented in Table 1.
Table 1

*Demographic characteristics for participants in each cell*

<table>
<thead>
<tr>
<th>Parents arrested/Teenagers arrested</th>
<th>Mean</th>
<th>Standard Deviation</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
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<tr>
<td><strong>Age</strong></td>
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<td>8.76</td>
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<td>56</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>13.29</td>
<td>2.84</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td><strong>N</strong></td>
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<td></td>
<td></td>
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<tr>
<td><strong>%</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Caucasian</strong></td>
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<td>70.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>African American</strong></td>
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<td>29.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Male</strong></td>
<td>10</td>
<td>58.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Female</strong></td>
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<table>
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<th>Standard Deviation</th>
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<th>Maximum</th>
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<td>56</td>
</tr>
<tr>
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<td>12</td>
<td>18</td>
</tr>
<tr>
<td><strong>N</strong></td>
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<td><strong>%</strong></td>
<td></td>
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<td></td>
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Table 1 (continued)

Demographic characteristics for participants in each cell

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<th>Maximum</th>
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</thead>
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<td>Native American</td>
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<table>
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<td>25.6</td>
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Table 1 (continued)

Demographic characteristics for participants in each cell

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<th>Teenagers not arrested</th>
<th>Mean</th>
<th>Standard Deviation</th>
<th>Minimum</th>
<th>Maximum</th>
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</thead>
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<td>29</td>
<td>72</td>
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<tr>
<td></td>
<td>Education</td>
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<td>12</td>
<td>18</td>
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<td>N</td>
<td></td>
<td></td>
<td>%</td>
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</tr>
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<td>103</td>
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<td></td>
<td>African American</td>
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<td>Native American</td>
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<td>Asian/Pacific Islander</td>
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<tr>
<td></td>
<td>Female</td>
<td>91</td>
<td>76.5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The design of the study was a between subjects $2 \times 2$ (parental arrest vs. no arrest) X (teenager arrest vs. no arrest) design. The two independent variables were whether or not a parent had been arrested and whether or not the teenager had been arrested. There were four conditions: parents who had been arrested with teenagers who had been arrested ($n=18$), parents who had been arrested with teenagers who had not been arrested ($n=13$), parents who had not been arrested with teenagers who had been arrested ($n=45$), and parents who had not been arrested with teenagers who had not been arrested ($n=119$).
The two dependent variables being measured were parents’ understanding of *Miranda* rights and whether parents would encourage arrested teens to waive their rights.

**Measures**

*Demographics.* Basic demographic data (i.e., age, race, sex, years of education, marital status, and household income) were collected using a questionnaire (see Appendix A, questions 1-6).

*Arrest History.* Arrest history was determined from answers to several questions addressing the parents’ and teens’ number of arrests, whether or not the *Miranda* warnings were read in both their cases, teenagers’ age at most recent arrest, and questions assessing the parents’ involvement in and knowledge of their teens’ arrest, interrogation, and subsequent waiver (see Appendix A, questions 7-10).

*Comprehension of Miranda Rights.* Parental understanding of *Miranda* rights was assessed using the *Comprehension of Miranda Rights – Recognition (CMR – R)*, which is part of the *Instruments for Assessing Understanding and Appreciation of Miranda Rights* developed by Grisso in 1981 and published as a freestanding set of instruments in 1998. These recognition items assess an examinee’s understanding of each of the four *Miranda* warnings by measuring his or her ability to recognize whether or not a preconstructed sentence has the same meaning as the presented *Miranda* warning statement (See Appendix A, questions 11-14). Since the examinee is allowed to simply circle “same” or “different,” the examinee can show understanding without a large amount of verbal expression. The examinees are then given a score of 0 to 12 based on their number of correct responses.
Interscorer reliability data show that the CMR-R is a highly consistent measure of a participant’s comprehension (Pearson $r$ coefficients of .92 to .96; Grisso, 1980). Test-retest reliability yielded a Pearson $r$ coefficient of .84, indicating that the test produces stable responses (Grisso, 1980). Additionally, the CMR-R takes its content directly from the Miranda warnings; therefore, the content closely resembles what suspects are expected to understand when they waive their rights. This content leads to a high face validity. Additionally, it is expected that a measure of understanding of Miranda warnings should correlate with general intelligence because comprehension in general is related to intelligence. The CMR-R was significantly and positively correlated ($r = .45$) with intelligence level (Grisso, 1981).

Grisso has advised researchers to use the particular Miranda warnings utilized by the jurisdiction where the study is being completed (J. L. Helms, personal communication, March 6, 2003). Given that the phrasing of the Miranda warnings differs across jurisdictions and that the current study took place in a jurisdiction not used in Grisso’s original Miranda comprehension studies, and as suggested by researchers in the area (Helms, 2003; Helms & Godwin, 2002), the Miranda warnings given by the Bowling Green, Kentucky, Police Department and the Kentucky State Police were used in the CMR-R.

Parents’ waiver of rights. Waiver was assessed with one question: Did you waive your rights? (See Appendix A, question 7)

Parents’ encouragement of their teenagers to waive their rights. Encouragement was assessed with a brief two-sentence vignette. A short story about their teenage child being arrested was presented to participants. Parents then reported on a 7-point Likert-
type scale ranging from 0 = not at all likely to 6 = extremely likely (See Appendix A, question 16) whether or not they would encourage their teens to waive their rights. Parents were then requested to explain why they had picked the particular point on the Likert scale for their likelihood to encourage waiver by their juvenile (See Appendix A, question 17).

Procedures

After informed consent was obtained from participants (See Appendix B), they were then given a 17-item questionnaire. The questionnaire was used to obtain basic demographic data (e.g., race, sex, age, etc.) and admissions of waiver (e.g., “If you were arrested did you waive your rights,” “If your teens were arrested did they waive their rights”). The second part of the questionnaire consisted of the CMR-R and a brief story/question asking if parents would encourage their teenagers to waive their rights. Finally, participants received a short debriefing statement and were thanked for their participation (See Appendix C). The entire process took approximately 10 to 15 minutes to complete.
Results

The main purpose of this study was to examine juveniles’ parents’ level of understanding of the Miranda rights. It was based on the self-reported parent and child arrest record as well as parents’ level of education. Based on the results, the differences between parents who were arrested and parents who were not arrested were interpreted. Thus, responses on the CMR-R were scored as a continuous variable from 0 to 12. Both dependent measures (measured level of parental understanding of Miranda warnings and report of whether parents would encourage their juveniles to waive their Miranda rights) were submitted to a 2 (parental arrest vs. no arrest) X 2 (teenager arrest vs. no arrest) between subjects Multivariate Analysis of Variance (MANOVA) to determine if there were interaction effects or main effects.

The multivariate analysis yielded statistically significant results, $F(1,187) = 7.16$, $p = .008$; $F(1,187) = 2.80$, $p = .096$, so two 2 (parental arrest vs. no arrest) X 2 (teenager arrest vs. no arrest) Univariate Analyses of Variance (ANOVAs) were performed on the dependent measures separately. When a significant interaction was found, appropriate follow-up tests were performed. As an additional follow-up one other 2 (parental arrest vs. no arrest) X 2 (teenager arrest vs. no arrest) ANOVA was performed on parents’ self-reported level of education and one 2 (parental arrest vs. no arrest) X 2 (teenager arrest vs. no arrest) Analysis of Covariance (ANCOVA) was performed on parents’ CMR-R scores.
Knowledge of Miranda Rights. Responses to the CMR-R were summed to achieve a score range from 0 to 12. This total score was examined using a 2 (parental arrest vs. no arrest) X 2 (teenager arrest vs. no arrest) between subjects ANOVA to determine if there were interaction effects or main effects. No interaction effects were found. ANOVA results indicated a main effect, approaching significance, concerning teenagers' arrest history and parents' scores on the CMR-R, $F(1,187) = 2.80, p = .096$. Results showed that parents who had teenagers who were arrested scored marginally lower, ($M = 10.4; SD = 1.55$), on the CMR-R than parents of teens who had not been arrested, ($M = 10.8; SD = 1.23$).

Encouragement to Waive Miranda Rights. Results from the question pertaining to a parent's likelihood to encourage waiver by their teenager were subjected to a 2 (parental arrest vs. no arrest) X 2 (teenager arrest vs. no arrest) between subjects ANOVA. There was a significant interaction effect between parents’ arrest and teen’s arrest, $F(1,188) = 4.659, p = .032$, (see Table 1 for means and standard deviations). Parents who had been arrested with teenagers who had been arrested were less likely to encourage waiver by their teens than parents who had been arrested with teens who had not been arrested, parents who had not been arrested with teenagers who had been arrested, and parents who had not been arrested with teenagers who had not been arrested. The data were placed in four groups for further analysis: (a) parents arrested and teenagers arrested; (b) parents arrested and teens not arrested; (c) parents not arrested and teens arrested; (d) parents not arrested and teens not arrested. Further analysis showed that groups three and four were significantly different, $F(3,190) = 4.072, p = .026$. 

Figure 1
The interaction between parental arrest and teen arrest on likelihood to encourage waiver of Miranda rights.
Table 2

CMR-R scores and encouragement to waive for participants in each cell

<table>
<thead>
<tr>
<th></th>
<th>Mean</th>
<th>Standard Deviation</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parents arrested/</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teenagers arrested</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>CMR-R</td>
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<td>1.39</td>
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<td>12</td>
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<td>6</td>
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<td></td>
</tr>
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<td>Teenagers not arrested</td>
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<td></td>
<td></td>
<td></td>
</tr>
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<td>1.26</td>
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<td>12</td>
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<td>5</td>
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<tr>
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<td>Teenagers arrested</td>
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<td>1.59</td>
<td>5</td>
<td>12</td>
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<tr>
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<td>6</td>
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<tr>
<td>Teenagers not arrested</td>
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</tr>
<tr>
<td>CMR-R</td>
<td>10.83</td>
<td>1.23</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Encouragement to waive</td>
<td>1.25</td>
<td>1.62</td>
<td>0</td>
<td>6</td>
</tr>
</tbody>
</table>
There was also a significant main effect concerning teenagers' arrest and their parents' encouragement of waiver, $F(1,188) = 98.52, p = .000$. Parents of teenagers who had been arrested were less likely to encourage waiver, $M = 2.25; SD = .728$, than parents of teenagers who had not been arrested, $M = 2.99; SD = .087$. In addition there was a significant main effect concerning parents' arrest and their encouragement of waiver, $F(1,188) = 4.23, p = .041$. Parents who had been arrested were less likely to encourage waiver by their teenagers, $M = 2.43, SD = .728$, than parents who had not been arrested, $M = 2.82, SD = .472$.

*Effects of Education.* To help understand the results of the CMR-R analysis, parental education was examined. The level of education was subjected to a 2 (parental arrest vs. no arrest) X 2 (teenager arrest vs. no arrest) between subjects ANOVA. No interaction effect was found. There was a main effect for teenagers' arrest, $F(1,187) = 5.40, p = .021$, and a main effect approaching significance for parents' arrest, $F(1,187) = 2.83, p = .094$. Parents of teenagers who had been arrested had a lower mean number of years of education, $M = 14.44; SD = 2.90$, than parents of teenagers who had not been arrested, $M = 15.33; SD = 2.30$. Also, parents who had been arrested displayed a lower mean number of years of education, $M = 14.13, SD = 2.72$, than parents who had not been arrested, $M = 15.22, SD = 2.46$.

When education was used as a covariate to arrest history, there was no significant difference found concerning parents' CMR-R total scores. When education was included as a covariate in a 2 (parental arrest vs. no arrest) X 2 (teenager arrest vs. no arrest) between subjects Analysis of Covariance (ANCOVA), the main effect for teen arrest disappeared, $F(1,186) = 1.48, p = .225$. Education, however, was a significant covariate,
$F(1, 186 = 3.93, p = .049$, indicating that education level, not arrest record, better accounts for the variance in CMR-R scores.
Discussion

This study examined the effects of parents’ and teenagers’ arrest records and parents’ level of education on parents’ likelihood of encouraging their teens to waive their *Miranda* rights and the parent’s understanding of *Miranda* rights. Each hypothesis will be discussed in turn.

The first hypothesis under study stated that parents who had been arrested would have a higher understanding of their Miranda rights, as measured by the *CMR-R*, than parents who had not been arrested. Previous research has shown that adult ex-offenders have no better understanding of the *Miranda* warnings than do nonoffenders (Grisso, 1980). The current study showed that parents who had not been arrested displayed a significantly higher level of understanding of their *Miranda* warnings than parents who had been arrested. This result was opposite of what was hypothesized and was different from what past research had indicated.

Because this result was counter to what had been predicted, data were subjected to an ANCOVA using level of education as the covariate. Since previous research had shown that ex-offenders (more experience) had no better understanding than nonoffenders, the ANCOVA was used to determine if level of education might account for parents who had not been arrested having a higher level of understanding of the *Miranda* warnings. The ANCOVA demonstrated that all differences between parents who had been arrested and parents who had not been arrested could be attributed to the parent’s level of education.
Furthermore, in this sample, parents who had been arrested had lower levels of education. Therefore, the present findings could be attributable to the fact that the majority of arrested parents had lower levels of education and, correspondingly, lower scores on the CMR-R, while non-arrested parents had on average a higher level of education and higher scores on the CMR-R. This supports the research of Wall and Furlong (1985) that found a positive relationship between reading and listening comprehension scores and Miranda comprehension scores. Therefore, level of education may have a direct effect on level of Miranda comprehension in that level of education may increase reading and listening comprehension scores and, subsequently, produce higher scores on the CMR-R.

The second hypothesis tested stated that parents who had been arrested would be less likely to encourage their teens to waive their rights than parents who had not been arrested. Past research looking at understanding of Miranda rights has shown that ex-offenders have no better understanding than nonoffenders (Grisso, 1980) and that juveniles taking part in law-related training have no better understanding of the meaning and function of the Miranda rights than do juveniles not participating in law-related training (Wall & Furlong, 1985). The current study showed that parents who had been arrested were less likely to encourage waiver by their teenagers than parents who had not been arrested. Past research (Grisso, 1981) has hypothesized that this type of result could be due to increased experience with the justice system, possibly leading to a better understanding of the Miranda warnings and their function. However, current literature does not support this theory (Grisso, 1980; Wall & Furlong, 1985). Grisso (1980) found that ex-offenders had no better comprehension of the Miranda warnings than did
nonoffenders. Therefore, past experience leading to increased understanding of the Miranda rights and higher scores on the CMR-R may account for the results found in the current study. Further research is currently underway looking at the issue of past experience leading to increased understanding of the Miranda warnings (J. L. Helms, personal communication, March 2, 2003).

The third hypothesis under study stated that parents of children who had been arrested would have a higher understanding of their Miranda rights than parents of children who had not been arrested. Past research has shown that some juveniles with previous exposure to the justice system might have a better understanding of their Miranda warnings than juveniles without previous exposure (Grisso, 1981; Wall & Furlong, 1985). Grisso’s (1981) research in this area led him to advocate for all juveniles under the age of 15 to have legal counsel present during waiver. Wall and Furlong (1985) showed that juveniles participating in a law-related training course stated that they would not answer questions without a lawyer present, indicating that they would hold rather than waive their Miranda rights. However, the majority of those juveniles did not have an adequate understanding of the function and meaning of the Miranda rights. The current study showed that parents of teenagers who had been arrested scored lower on the Miranda measure than parents of teens who had not been arrested. This result did not coincide with past research, and, when covaried with level of parental education, the effect was eliminated. Therefore, the parent’s level of education may affect the variance in CMR-R scores rather than arrest record and past experience with the justice system. Also, parents’ level of involvement during the waiver process with their child may affect their understanding of the Miranda warnings. For example, parents who are interested in
and involved with their child’s legal case may have a better understanding, due to
experience, of their child’s *Miranda* warnings than parents who are not involved in their
child’s legal case. This idea again supports the notion that education, specifically law-
related education, may have an effect on a person’s measured level of understanding of
his or her *Miranda* rights.

The notion that education has an effect in the measured level of understanding of
*Miranda* rights has been demonstrated in past research (Wall & Furlong, 1985) with
juveniles. Wall and Furlong (1985) showed that juveniles enrolled in a Street Law
Program reported they would not waive their rights but would answer questions in court.
This reaction might be due to familiarity with the *Miranda* warnings, gained through the
Street Law training Program, but a lack of understanding concerning the warnings’
purpose and function in the justice system. Similar results could be seen with parents
concerning their level of education. Increased level of education may lead to increased
scores on the *Miranda* measures because of increased knowledge. However, it may also
lead to a greater likelihood of encouragement of waiver due to a lack of experience with
the justice system and an unclear understanding of the role and function of the *Miranda*
warnings within the justice system.

Additionally, in order to better understand the current study’s results it was
hypothesized that parents’ level of education may have an effect on some of the
conflicting results. This hypothesis was found to be the case. For example, the main
effects found for teen arrest disappeared when co-varied with parents’ level of education.
The indication is that education level, not arrest record or past experience, better accounts
for the variance in parents’ level of understanding of the *Miranda* rights. First, parents of
teenagers who had been arrested on average had a lower level of education, thereby supporting the notion that parents who had been arrested scored marginally lower on the CMR-R because of the parent’s level of education rather than arrest record (i.e., past experience). Also, parents who had been arrested reported a lower mean number of years of education than parents who had not been arrested, which may indicate that some parents may not be equipped to provide the appropriate support to their teenagers during arrest, interrogation, and waiver. This finding (i.e., low average education level for parents who had been arrested) may also explain why parents who were arrested, despite previous experience with the Miranda warnings, were more likely to encourage waiver by their teens. Parents who had been arrested overall had a lower mean level of education and reported more encouragement to waive. On the other hand, parents who had not been arrested overall had a higher mean level of education and a better understanding of the Miranda rights, and they reported less encouragement to waive their rights. The present study suggests the possible large effect that level of education may have on the waiver process for adults and for their children.

The fourth hypothesis stated that parents of children who had been arrested would be less likely to encourage waiver than parents of children who had not been arrested. Past research has produced conflicting results. Grisso and Ring (1979) found that 75% of a sample of parents believed children should not be allowed to withhold information from police (waive rights), while Grisso (1981) observed that 66% of a sample of parents did not make any comment concerning their child’s waiver (no encouragement to waive or hold). However, when an ANOVA was used to assess the effect between parents’ and teen’s arrest, the finding was that parents of teenagers who had been arrested were less
likely to encourage waiver than parents of teenagers who had not been arrested, thus supporting the hypothesis. This support could be due to the fact that parents, who have had more experience with the justice system, in the form of a child’s arrest, are better acquainted with the *Miranda* warnings and are therefore less likely to encourage their child to waive his or her rights.

Further analysis of the data regarding parents’ and teenagers’ arrest records’ effect on encouragement to waive supported the notion that encouragement to waive was associated with teenagers’ arrest rather than parents’ arrest. The follow-up test showed that parents who had not been arrested and had teenagers who had not been arrested were significantly different from parents who had not been arrested with teenagers who had been arrested. Perhaps more differences would have been found if a larger sample size had been used.

The fifth hypothesis, that parents who had been arrested and have children who had been arrested would have a higher understanding of *Miranda* rights than parents who had not been arrested with children who had not been arrested, was not supported or refuted because there were no interaction effects found within the data. Past research has shown that adults’ scores on *Miranda* measures were significantly related to intelligence level (Grisso, 1980), again possibly due to the main effect found concerning parent’s level of education.

The sixth hypothesis, that parents who had been arrested and have children who had been arrested would be less likely to encourage waiver than parents who had not been arrested with children who had not been arrested, was supported by the current study. Again, past research (Grisso, 1980; Wall & Furlong, 1985) has shown conflicting
results concerning past experience and understanding of *Miranda* warnings, but no research has been completed to date concerning past experience and encouragement of waiver by parents. The current study found that parents who had been arrested and had children who had been arrested were less likely to encourage waiver than parents who had not been arrested and had children who had not been arrested. This finding again might be due to the increased experience that parents have during their own and their child’s arrests. Also, level of education had a particularly strong effect concerning level of understanding. Therefore, this study’s finding could be attributed more to experience than to education, because the parents on average with the most education (parents not arrested) were more likely to encourage waiver than the parents on average with lower levels of education (parents with more experience with the justice system in the form of their child’s arrest).

The current study emphasizes the need to ensure that parents have an adequate understanding of the purpose and function (achieved through education) of *Miranda* rights before they are allowed to encourage their children to waive their rights or to attempt to be an advocate for their children. For example, if parents do not understand the *Miranda* warnings, then they are not helping to uphold the decision of *In re Gault et al.* (1967). Having a parent, regardless of arrest history and level of understanding about the *Miranda* warnings, present during interrogation does not help the child in any way if the parent does not understand the function of the *Miranda* warnings. This lack of understanding on the part of the parent could lend support to the notion that juveniles, especially those under the age of 15, should have legal counsel present, instead of, or in addition to, a parent during interrogation. Furthermore, past arrest record appears to have
little effect on the extent of a parent’s understanding of *Miranda* warnings, while level of education appears to have a larger effect.

It will be important in the future to understand why parents tend to automatically encourage waiver by their children regardless of their level of understanding of the *Miranda* warnings. One might assume that if parents adequately understood the meaning and function of the *Miranda* warnings, then they would encourage their children to hold rather than waive their *Miranda* rights. Therefore, parents’ level of education in relation to their ability to understand and help their child through the waiver process should be studied in more depth. Also, it would be important in the future to assess if parents are encouraging their children to waive their *Miranda* rights because they see that as the best chance for their children to remain at home and out of trouble. Additionally, it would be beneficial to study the separate effects of arrest record and level of education on level of understanding of the *Miranda* warnings as well as the likelihood for a parent to encourage waiver. In order to clarify conflicting research findings on this matter, it would be beneficial to look into the effect that past experience may have on the understanding of *Miranda* rights and encouragement of waiver.

*Limitations*

A limitation of the current study is its uneven number of participants within the cells. This limitation could have possible implications on the results concerning the greater number of participants in the no arrest cells. This limitation could lead to biased and conflicting results concerning those hypotheses that use parents’ and children’s arrest record. Sample size is also a limitation of the current study and could lead to biased and conflicting results concerning parents’ and child’s arrest record. This limitation could be
due to the reduced number of participants in the parents arrested cells. Results showed
differences between juveniles’ arrest record, but more differences between parents’ arrest
and children’s arrest could be expected with an increased sample size. Also participants
could have experienced unexpected events between the time that their teenagers were
arrested and the time that they filled out the questionnaire, leading to possible increases
or decreases in their measured level of understanding of the *Miranda* warnings and their
likelihood of encouraging waiver. Additionally, the current studies’ participants were
collected in south-central Kentucky, and therefore the results may be generalizable only
to similar populations.

In addition, a limitation of this study is that it measured actual education level
using reported years of education. However, education level is an entire class of variables
including intelligence level, cognitive ability, and ability to benefit from experience.
This limitation could lead to an inability to generalize the current studies findings to other
definitions of education level.

Another possible limitation of the study is the lack of juveniles. There are no data
to compare parents’ responses to their own juvenile children’s responses. This data could
provide useful information for further study. Also, the participants were not randomly
assigned to cells. Since the four groups are defined there was no random assignment to
conditions. A parent who has been arrested and who has a child who has been arrested
had to be assigned to the corresponding cell. This assignment to cells could lead to bias in
that perhaps people who meet the requirements for the particular cells have other factors
in common that lead them to have a high or low understanding of the *Miranda* rights (i.e.,
level of education). Lack of randomization in assigning participants to cells may also reduce the generalizability of the study.

Additionally, the study is based on volunteers and they might, in general, be more or less likely to have an adequate understanding of the *Miranda* rights than non-volunteers. Also, participants were not matched on any variable such as age, race, or socioeconomic status; thus the groups that were compared may be fundamentally different. Future research may benefit from matching participants on level of education in order to help control its effects. In addition, though participants were given a quiet, private place in which to answer their questionnaires, some may have communicated with one another on responses, leading to a possible misrepresentation in response scores. Additionally, the measure used in the study does not have a large literature base regarding its reliability and validity. However, Grisso’s *Miranda* measures are currently the only widely used instruments to measure understanding of *Miranda* rights and are therefore the most appropriate measure for this study. As always, unconscious actions of the researcher may also have affected the participants’ responses.

In conclusion, parents of teenagers who have been arrested show marginally lower levels of understanding of their *Miranda* warnings than parents of teenagers who have not been arrested. This finding was accounted for more by level of education than past experience (i.e., arrest record). Furthermore, parents of teenagers who had been arrested were more likely to encourage waiver by their teens than parents of teenagers who had not been arrested. This finding was also accounted for by education. Additionally, as past research would indicate, parents who had been arrested were less likely to encourage waiver by their teenagers. Parents who had been arrested and who
had teens that had been arrested also reported a lower average number of years of education. Implications for the waiver process might be that level of education, rather than past experience, could better account for the level of understanding of *Miranda* rights that a parent possesses. Accordingly, a change from requiring that a parent be present during interrogation and waiver to requiring that a law-trained individual, such as counsel, be present during interrogation and waiver may be in order.
References


New York: Plenum Press.


_In re Dennis M., 450 P. 2d 296, 70 Cal. 2d 444, 75 Cal. Rptr. 1* (Cal. 1969).

_In Re Gault et al., 387 U.S. 1* (1967).


Criminology, 88, 137-190.


State v. Nicholas S. 444 A 2d. 373 (Me. 1982).


Appendix A

Questionnaire
Questionnaire

1) What is your sex? Male Female

2) What is your age? 

3) What is your race/ethnicity? (Check only one)
   ___ African American   ___ Hispanic   ___ Caucasian
   ___ Asian/Pacific Islander ___ Native American   Other ____________

4) How many years of education have you completed? (Circle one response)
   Completed Jr. high        Senior in college
   Completed high school     Graduated college
   Freshman in college       Masters degree
   Sophomore in college      Doctorate
   Junior in college

5) What is your marital status? (Check one response)
   ___ Married   ___ Divorced   ___ Single   ___ Re-married
   ___ Widowed   ___ Other

6) What is the average income for your household before taxes? (Check one response)
   ___ 100,000 +
   ___ 70,000 – 99,000
   ___ 50,000 – 69,000
   ___ 30,000 – 49,000
   ___ 15,000 – 29,000
   ___ less than 15,000
This study is designed to measure your level of understanding of the *Miranda* warnings.

The *Miranda* warnings are:

- You have the right to remain silent.
- Anything you say can and will be used against you in court.
- You have the right to an attorney before making any statement and may have your attorney with you during questioning.
- If you cannot afford an attorney, and you desire one, the court will appoint one for you.

**PLEASE ANSWER THE FOLLOWING QUESTIONS:**

7) Have you ever been arrested?  
   Yes  No  
   How many times have you been arrested?  

Answer the following questions about your most recent arrest.

   Were you read the *Miranda* warnings?  Yes  No  Not Applicable
   Did you waive your *Miranda* rights and answer the questions asked by the police?  Yes  No  NA

8) Has your teenager ever been arrested?  Yes  No  NA
   How many times has your teen been arrested?  

Answer the following questions about your teenager’s most recent arrest.

9) What was your teenager’s age at arrest?  13  14  15  16  17  NA

10) Was your teenager read his/her *Miranda* warnings?  Yes  No  Don’t Know
   Were you present when your teen was read his/her *Miranda* rights?  Yes  No  NA
   Did you encourage your teen to waive his/her *Miranda* rights and answer questions asked by the police?  Yes  No  NA
   Did your teen waive his/her *Miranda* rights?  Yes  No  NA
Did you encourage your teen to cooperate with the police and answer their questions?  

Yes  No  NA

Directions: Read each sentence carefully and then decide if each of the following three statements means the same thing as the first sentence. If they mean the same thing circle SAME, if they do not mean the same thing, circle DIFFERENT.

11) YOU HAVE THE RIGHT TO REMAIN SILENT.

1. It is not right to tell lies.

2. You should not say anything until the police ask you questions.

3. You do not have to say anything about what you did.

12) ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN COURT.

4. What you say might be used to prove you are guilty.

5. If you won’t talk to the police, then that will be used against you in court.

6. If you tell the police anything it can be repeated in court.

13) YOU HAVE THE RIGHT TO AN ATTORNEY BEFORE MAKING ANY STATEMENT AND MAY HAVE YOUR ATTORNEY WITH YOU DURING QUESTIONING.

7. You can talk to your social worker before anything happens.

8. A lawyer is coming to see you after the police are done with you.

9. You can have a lawyer now if you ask for one.

14) IF YOU CANNOT AFFORD AN ATTORNEY, AND YOU DESIRE ONE, THE COURT WILL APPOINT ONE FOR YOU.

10. If you don’t have the money for a
lawyer the court will appoint a social worker to help you.

11. You can get legal help if you are poor. SAME DIFFERENT

12. The court will give you a lawyer free if you don’t have the money to pay for one. SAME DIFFERENT

15) At what age does a person understand his/her *Miranda* rights? ______

READ CAREFULLY:

Your teenager has just been arrested and is at the local juvenile detention facility. He/she has been read their *Miranda* rights.

16) WOULD YOU encourage your teenager to WAIVE their *Miranda* rights and cooperate with the police by answering their questions? (Circle one response)

Not at all likely
Not very likely
Somewhat likely
Most likely
Very likely
Very much likely
Extremely likely

| 0 | 1 | 2 | 3 | 4 | 5 | 6 |

17) Why? ____________________________________________
Appendix B

Informed Consent Document
Parental Understanding of *Miranda* Rights
Informed Consent Document

You are being asked to take part in a study that is measuring how well a parent understands the *Miranda* warnings and how much they believe their children understand the *Miranda* warnings. Please read the following material carefully. It tells you the purpose of the study, the procedure to be used, risks and benefits of your participation, and what will happen to the information that is collected from you. This study is being done through Western Kentucky University. The University requires that you give your signed agreement to participate in this project.

The researcher will explain to you in detail the purpose of the study, the procedures to be used, and the potential benefits and possible risks of participation. You may ask him/her any questions you have to help you understand the study. The details of the study are written below. Please read the details and ask the researcher any questions you may have.

If you decide to participate in the study, please sign on the last page of this form while the person who explained the project to you is present. You should be given a copy of this form to keep.

1. **Nature and Purpose of the Project:** This study is being done to measure parental effectiveness during juvenile interrogation and waiver of *Miranda* warnings. The study is also going to complete the requirements of a Master’s thesis. What this means is that we are interested in how well parents understand the *Miranda* warnings and how well they think their juvenile’s understand the *Miranda* warnings.

2. **Explanation of Procedure:** You will be asked to fill out a 17-item questionnaire about yours and your juvenile’s number of arrests, items used to measure your level of understanding of the *Miranda* warnings, and a question about the advice you would give your child during an interrogation. You will also be asked to answer questions about how much you think your child understands his/her *Miranda* rights. The whole questionnaire should take about 10-15 minutes to finish.

3. **Discomfort and Risks:** The risks for filling out the questionnaire seem to be small. Some discomfort in answering personal questions about your arrest history may be possible. However, the information will be kept confidential. Please let the researcher know if a question has bothered you.

4. **Benefits:** There are no direct personal benefits. However, you may have a sense of having helped add to science and a sense of being helpful to a graduate student who is completing the requirements for her Master’s Thesis project.

5. **Confidentiality:** The information collected from you will be held confidential. No names will be attached to the information. All information will be released only in the form of averages, which makes it impossible to identify any single participant. The identity of individual people will not be revealed in any manner, unless mandated by law. No one will have access to your data besides the examiner and their supervisor.

6. **Refusal/Withdrawal:** Refusing to be in this study will have no effect on any future services you may receive. Anyone who agrees to participate in this study is free to quit at any time with no penalty.

7. **Questions:** If you have any questions about the study, please ask them now. If you think of questions later on, you may direct them to Rick Grieve, Ph.D., at (270) 745-4417, Monday-Friday from 9:00 am until 4:30 pm. You may also call Abby Callis, MA candidate, at (270) 745-2698, and leave a message.
You understand also that it is not possible to identify all potential risks in an experimental procedure, and you believe that reasonable safeguards have been taken to minimize both the known and potential but unknown risks.

Signature of Participant ___________________________ Date ____________

Witness ___________________________ Date ____________

THE DATED APPROVAL ON THIS CONSENT FORM INDICATES THAT THIS PROJECT HAS BEEN REVIEWED AND APPROVED BY THE WESTERN KENTUCKY UNIVERSITY HUMAN SUBJECTS REVIEW BOARD

Dr. Phillip E. Myers, Human Protections Administrator

TELEPHONE: (270) 745-4652
Appendix C

Debriefing Statement
Parental Understanding of *Miranda* Rights
Debriefing Statement

Thank you for your help in this study. We are interested in how much a parent understands the *Miranda* rights, how much parents think children understand the *Miranda* warnings, and what advice parents would give their children in an interrogation situation. This information is important because of a recent rise in the need for parents to be present during a child’s interrogation. It is important to know what kind of advice parents would give and how much they understand about the *Miranda* rights to be able to protect children’s rights. If you have any questions about the study or if you would like a final copy of the project, please contact Dr. Rick Grieve at (270) 745-4417 or at the department of Psychology, Western Kentucky University, 1 Big Red Way, Bowling Green, KY 42101. You may also call Abby Callis, MA candidate at (270) 745-2698, and leave a message. The final copies will not be available until after June 5, 2003. Again, thank you for your participation and cooperation.
Appendix D

Human Subjects Review Board Approval
Abby Callis  
Psychology  
TPH

Dear Abby:

Your research project, "Parental Understanding of Miranda Rights," was reviewed by the HSRB and it has been determined that risks to subjects are: (1) minimized and reasonable; and that (2) research procedures are consistent with a sound research design and do not expose the subjects to unnecessary risk. Reviewers determined that: (1) benefits to subjects are considered along with the importance of the topic and that outcomes are reasonable; (2) selection of subjects is equitable; and (3) the purposes of the research and the research setting is amenable to subjects' welfare and producing desired outcomes; that indications of coercion or prejudice are absent, and that participation is clearly voluntary.

1. In addition, the IRB found that: (1) signed informed consent will be obtained from all subjects. (2) Provision is made for collecting, using and storing data in a manner that protects the safety and privacy of the subjects and the confidentiality of the data. (3) Appropriate safeguards are included to protect the rights and welfare of the subjects.

   a. Your research therefore meets the criteria of Full Board Review and is Approved.

2. Please note that the institution is not responsible for any actions regarding this protocol before approval. If you expand the project at a later date to use other instruments please re-apply. Copies of your request for human subjects review, your application, and this approval, are maintained in the Office of Sponsored Programs at the above address. Please report any changes to this approved protocol to this office. A Continuing Review protocol will be sent to you in the future to determine the status of the project.

Sincerely,

Phillip E. Myers, Ph.D.  
Director, OSP and  
Human Protections Administrator