In this paper, the author makes the case that there are several different types of legal competence, such as competence to waive Miranda rights, competence to confess, and competence to stand trial. Although it can be surmised that many of the underlying factors that influence the different legal competencies are similar, little research has been conducted to empirically test this hypothesis. In this study, juveniles' and young adults' understanding and appreciation of their Miranda rights and their ability to stand trial were measured. Age, suggestibility, average grades in school, and frequency of previous policy involvement were also examined as possible factors that influence both types of legal knowledge. Results indicated that Miranda competence and adjudicative competence are indeed strongly related, especially for juveniles. Also, age and suggestibility were found to predict Miranda competence, whereas suggestibility and average school grades predicted competence to stand trial. Patterns of finding often diverged for juveniles and young adults. Implications for legal policy are discussed. (authors)

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Pre-Adjudicative and Adjudicative Competence in Juveniles and Young Adults

Allison D. Redlich, Ph.D.,* Melissa Silverman, B.A.,† and Hans Steiner, M.D.‡

There are several different types of legal competence, such as competence to waive Miranda rights, competence to confess, and competence to stand trial. Although it can be surmised that many of the underlying factors that influence the different legal competencies are similar, little research has been conducted to empirically test this hypothesis. In the present study, juveniles' and young adults' understanding and appreciation of their Miranda rights and their ability to stand trial were measured. Age, suggestibility, average grades in school, and frequency of previous police involvement were also examined as possible factors that influence both types of legal knowledge. Results indicated that Miranda competence and adjudicative competence are indeed strongly related, especially for juveniles. Also, age and suggestibility were found to predict Miranda competence, whereas suggestibility and average school grades predicted competence to stand trial. Patterns of findings often diverged for juveniles and young adults. Implications for legal policy are discussed. Copyright © 2003 John Wiley & Sons, Ltd.

When the word is used in legal matters, “competence” is a concept that is usually cemented in time and place. That is, for example, people's ability to competently waive their Miranda rights two weeks after interrogation may or may not strongly correlate with their ability to do so at the time of the interrogation. Any number of factors that are present on one occasion but not the other can influence one's ability. However, from a psychological standpoint, it is of import to determine how different types of legal competence are related and what factors concomitantly influence them. In the present study, we were interested in examining cognitive and social factors that may affect legal competence. Additionally, we were particularly interested in studying the relations between different types of legal competence in

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juveniles because of possible developmental deficits that can affect competence similarly in different legal domains, and because of recent controversies surrounding juveniles' participation in our legal systems.

The most notable controversy is the increased practice of trying juveniles as adults in criminal court (Grisso, 2000; Grisso & Schwartz, 2000). Because of this practice, the question of whether juveniles are legally competent to stand trial as adults is now being debated, and psycholegal research has been conducted to obtain definitive answers (see, e.g., Grisso et al., in press). Controversial cases, such as the King brothers in Florida, and Nathaniel Abraham in Michigan, have generated discussion and have highlighted the issues, but to date, the ability of juveniles to fully understand and appreciate the significance of a criminal court case has not been sufficiently addressed.

Questions have also been raised about the consistency of decision-making processes across different legal contexts (Woolard & Reppucci, 2000). For example, how does the ability to competently waive 
M\textit{i}randa\n rights relate to understanding of the plea process? Additionally, are juveniles (or adults) who do not comprehend their 
M\textit{i}randa\n rights less likely to meet the criteria to be considered competent to stand trial? To our knowledge, there is little to no published research examining the relations between competence to waive 
M\textit{i}randa\n rights and competence to stand trial (CST), save a few published case studies (e.g., DeVault & Long, 1988; Johnson & Torres, 1992). However, we would like to state early in this article that we do not advocate using a competent waiver of 
M\textit{i}randa\n rights as proof of competence to stand trial or vice versa. The two are clearly separate events that are relevant to different times and places, and can be influenced by different outside factors (e.g., the personality of the police officer or the ability of the attorney to facilitate legal understanding).

Nevertheless, to the extent that similar internal cognitive and social developmental factors underlie both types of competence, it is important (i) to empirically determine the relation between understanding and appreciation of 
M\textit{i}randa\n rights and competence to stand trial, and (ii) to investigate individual difference factors that could potentially affect legal competence, in the interrogation room and in the courtroom. From a theoretical standpoint, if it can be shown that the same factors lend themselves to findings of incompetence in more than one legal domain, it could be argued that these factors be requisitely examined when considering all legal domains, such as in determinations of culpability, waivers to criminal court, and amenability to reform. In the present study, we examine the relations between two legal domains—pre-adjudicative and adjudicative competence—and a subset of factors that may influence them.

**FACTORS AFFECTING PRE-ADJUDICATIVE COMPETENCE**

In 1966, in 
M\textit{i}randa\textit{ v. Arizona}, the Supreme Court decided that because of the inherent coerciveness involved in police interrogations, suspects must be made aware of their right against self-incrimination and their right to counsel. Now usually simply referred to as 
M\textit{i}randa\n rights, suspects have the choice to invoke their rights
or to waive them. However, for a waiver to be valid, it must be made knowingly, intelligently, and voluntarily. The "knowing" and "intelligent" portions, which are most relevant to cognitive factors, have been empirically studied, and research has revealed that factors such as young age, low intelligence (Grisso, 1981), mental retardation (Everington & Fulero, 1999; Fulero & Everington, 1995), and mental illness (Vijoen, Roesch, & Zapf, 2002) are associated with a lower likelihood of understanding one's legal rights. The factors that affect the voluntariness of a valid Miranda waiver, which is more likely to be influenced by social aspects, are not well understood. However, juvenile suspects may be more susceptible than adults to involuntarily waiving their rights (see State v. Nicholas S., 1982), even in the absence of explicit police coercion. Studies (Ferguson & Douglas, 1970; Grisso & Pomicter, 1977) have found that 90% or more of juvenile offenders give up their rights, and more recently, the American Bar Association discovered "that a disturbing number of juveniles waive the right to counsel" during the initial court hearing (Dodge, 1997). Finally, courts rarely question the validity of children's Miranda waivers (Feld, 2000; Kabah & Tobey, 1999), which may mean that for certain children the Miranda warning is simply a formality to be gotten over with rather than a means of protection.

Other factors that may affect the likelihood of a valid Miranda waiver, either directly or in combination with age, are the suspect's intelligence, level of suggestibility and experience with the criminal justice system. The police often minimize the Miranda warning by passing it off as a mere procedure (Leo, 1996) or by emphasizing the myth that the innocent do not need to invoke their Constitutional rights because they have nothing to hide. It is quite possible that suggestible persons are more likely to "fall" for these techniques than less suggestible persons. Everington and Fulero (1999) found suggestibility to be negatively related to Miranda understanding. Additionally, when cases of proven or probably false confession arise, the suspect is often described as suggestible (see, e.g., Ofshe, 1992), and empirical studies have uncovered positive relations between suggestibility and likelihood of false confession (Gudjonsson, 1990).

Relations between Miranda comprehension and previous legal experience are more complicated. Although commonly used as a factor in the "totality of circumstances" approach to bolster decisions of competence, Grisso (1981) found that prior legal experience was beneficial (in that Miranda understanding was higher) only for White boys with high intellect. Prior criminal experience was associated with a deficit in Miranda understanding for younger Black boys with low intellect. Thus, at this point in our knowledge, it is still unclear whether prior criminal justice experience is associated with a higher likelihood of understanding and appreciating the Miranda warning. In the present study, the authors will re-examine how prior legal experience is related to Miranda understanding and appreciation and hope to provide insight into this unresolved issue.

In addition to looking at relations between Miranda and age, suggestibility, and school performance, as others in the past have done, the authors will also attempt to determine how Miranda competence, a type of preadjudicative competence, and CST, a type of adjudicative competence, are related. The goal is to gain knowledge about how these two forms of competence are interrelated and the factors internal to the person that potentially underlie them both. The two forms of competence were anticipated to be positively related because similar legal knowledge is tapped in
both. Understanding and appreciating one's rights requires a basic knowledge of interrogation procedures (i.e., the police ask you questions about a crime), defense attorneys' roles, and realizing the significance of the situation. Being considered competent to stand trial involves much of the same knowledge. Finally, knowing and understanding that one has the right to make choices and informed decisions are additional common factors that cut across both forms of competence.

**FACTORS AFFECTING ADJUDICATIVE COMPETENCE**

To date, little research is available on juveniles' CST, which stands in stark contrast to the literature on adult trial competence (McGaha, Otto, McClaren, & Petrila, 2001). Nevertheless, findings from research studies that have been done (Cooper, 1997; McKee, 1998) are generally consistent with what is known about children's cognitive development: Pre-teens and younger teens are less likely to be found competent to stand trial than older teens and adults. More specifically, McKee (1998) found that although 13- and 14-year-olds were "equivalent to mid-adolescents and adults on many trial functions, they were not equal to older persons in their competence to cite and define all the charges against them, to know the responsibilities of the prosecuting attorney, nor to appreciate the adversarial nature of court proceedings" (p. 96). However, as noted in the above finding, younger and older children and adults can perform similarly depending upon the aspect of competence.

Similar to *Miranda* comprehension, CST has been linked to cognitive factors such as low intelligence (Heller, Traylor, Ehrlich, & Lester, 1981), severe mental illness (Viljoen et al., 2002), and mental retardation. The authors have seen little research on other factors that may affect adjudicative competence. One study that examined relations between gender, race, and previous criminal justice and competence did not uncover any significant associations (Cowden & McKee, 1995). However, McKee and Shea (1999) found that history of juvenile arrest distinguished between competent and incompetent juveniles with 76.6% of juveniles found to be competent having a prior arrest history compared to only 30.8% of juveniles found to be incompetent, although the findings may have been confounded by other factors such as age and whether mental retardation was present.

Additional social factors that may influence competence to stand trial include the juvenile's suggestibility, parental influence, and the personality characteristics of the attorney. For instance, highly suggestible juveniles who do not possess a full understanding of trial issues may be more willing to accept plea offers or to blindly go along with whatever their attorney says. Tobey, Grisso, and Schwartz (2000) conducted an exploratory study examining perceptions of youths and their attorneys in regard to trial participation. The attorneys remarked that their youthful clients lacked understanding of the legal process, and had difficulty retaining information, paying attention, and making independent decisions. The youths also claimed a lack of understanding, trouble expressing themselves in court and to their attorneys, and a desire to just get the process over with. Moreover, "For several youths the only role that they could describe for themselves in the trial process was that of showing up at
court and avoiding acting inappropriately’ (p. 235). On the basis of this small study, factors other than cognitive-based ones can play a role in competence knowledge and understanding. In the present study, the investigators address both cognitive and social factors, as well as the interrelations between preadjudicative and adjudicative competence.

THE PRESENT STUDY

In the present study, juveniles’ and young adults’ legal knowledge was tested. Specifically, participants’ Miranda understanding, appreciation, and knowledge related to adjudicative competence were assessed, as well as their level of interrogative suggestibility, a proxy for intelligence (i.e., average grades in high school), and prior experience with the police. The investigators examined relations among these factors and, based on previous findings hypothesized that (i) younger age, higher suggestibility, lower intelligence, and lower frequency of past police interactions would be associated with decreased Miranda comprehension and lower CST scores; and (ii) lower Miranda comprehension would be associated with lower CST scores, and vice versa. It is reasonable to expect Miranda understanding and CST to be positively related because both regard legal knowledge and understanding. The study also particularly examined differences between juveniles and young adults.

METHOD

Subjects

Subjects included 35 individuals (69% male): 18 juveniles (aged 14–17 years) and 17 young adults (aged 18–25 years). They were recruited from the local community through cooperation with a high school and a community center, and through newspaper advertisements. The ethnic breakdown was as follows: 60% European American, 23% African American, 6% Asian American, and 11% “Other”/Mixed background. Subjects were paid $20.00.

Measures

Demographics Questionnaire

This one-page questionnaire included questions on participant’s age, gender, parental education, and parental marital status. Also, we asked about average grades in high school (1 = I generally do/did very well, mostly As, to 5 = I generally do/did not pass classes, mostly Fs), and grade-point average in high school.

Gudjonsson Suggestibility Scale (GSS)

The GSS is a measure of interrogative suggestibility that generates two distinct forms of suggestibility: the extent to which people yield to misleading questions, and
the extent to which people *shift* their answers after receiving negative feedback. Yield suggestibility is thought to be influenced more by cognitive abilities (e.g., (mis-)remembering the details of the story) and shift suggestibility is thought to be influenced by social factors. The GSS consists of a narrative about a woman being mugged. The GSS has a standardized scoring system and high interrater reliability, and overall has excellent psychometric properties (Clare, Gudjonsson, Rutter, & Cross, 1994; Gudjonsson, 1992). The GSS has also been used with juveniles and adults. The Americanized version of the GSS was used (Warren, Hulse-Trotter, & Tubbs, 1991). Subjects were asked for free recall twice (once immediately after the reading of the narrative and again after a delay), and were then asked 20 questions, 15 of which were misleading. After answering the questions, participants were informed that they had made mistakes and that they would need to be asked the questions again.

**Understanding and Appreciation of Miranda Rights** *(Grisso, 1998)*

This measure assesses the “knowing” and “intelligent” part of a *Miranda* waiver. It consists of four parts: Comprehension of *Miranda* Rights (CMR); Comprehension of *Miranda* Rights—Recognition (CMR-R); Comprehension of *Miranda* Vocabulary (CMV); and Function of Rights in Interrogation (FRI). Respondents are asked to paraphrase the four main *Miranda* components, define relevant words, and answer questions that assess appreciation of the purpose of one’s rights. The instrument was developed for use with juveniles and adults (Grisso, 1981) and is considered a reliable and valid measure (see Grissio, 1998).

*MacArthur Competence Assessment Tool—Criminal Adjudication* *(MacCAT-CA)* *(Poythress et al., 1999)*

The MacCAT-CA tests (i) Understanding, (ii) Reasoning, and (iii) Appreciation as related to the *Dusky* standard of adjudicative competence. At the beginning of the instrument, respondents are read a brief story about Fred and Reggie who got into a fight at a bar. Respondents further learn that Fred hit Reggie so hard that Reggie nearly died. The Understanding and Reasoning questions follow from this story.

The measure, which has sufficient psychometric properties, was developed for use with adult defendants. Thus some accommodations were necessary to render it suitable for use with the present subjects. Questions in the Appreciation section, which were primarily designed to assess mental impairment (e.g., delusions), are specific to the respondent’s ongoing legal case. Although many in our sample had participated in legal cases as defendants, none was currently involved in a case. Thus, we asked participants Appreciation questions in the hypothetical. For example, the original question “Compared to other people who are charged with the same offense as you are, do you think you are more likely, less likely, or just as likely to be found guilty?” was changed to “Compared to other people who are charged with the same offense as you are, do you think you would be more likely, less likely, or just as likely to be found guilty?”. Immediately prior to asking the questions in this section, participants were asked to pretend that they were in trouble with the...
law and to answer the next set of questions accordingly. None of the participants had trouble understanding these instructions.

Procedure

For minor subjects, parents or guardians were first approached and written consent for their child to participate was obtained. Informed written consent from subjects was obtained as well. Subjects were interviewed at one of three locations: a high school, a community center, or a University laboratory. Total time for participation ranged from one and one-half to two and one-half hours.

Participants first completed the demographics questionnaire, were read the GSS narrative, and were asked for the first GSS free recall. Next, participants were either administered the Miranda instrument or the MacCAT-CA (i.e., these two instruments were counterbalanced). Following completion of the first of these two instruments, free recall for the GSS was again obtained, and the two sets of GSS questions were asked. Then, the second instrument (either the Miranda or MacCAT-CA) was administered. Subjects were then asked a series of questions about their interactions with the police, if they had had any (This portion of the interview is not discussed in the present article, with the exception of the number of times participants had interacted with the police as suspected criminals). Finally, participants were debriefed and compensated.

RESULTS AND DISCUSSION

Relations between competence to understand and appreciate Miranda rights and GST were examined. In addition, the influence of age, suggestibility, and other individual difference factors were investigated. Gender, administration order of the Miranda and competence instruments, and place of recruitment were not significantly related to any of the variables of interest and thus will not be discussed further.

Preliminary Analyses

The juveniles and young adults were not significantly different from each other in terms of their ethnic and socioeconomic backgrounds, in whether they had ever had police contact or in the frequency of police contact, F(1, 33) ≤ 1.18, ps ≥ 0.29. Overall 68% of the sample had had police contact as suspected criminals. Analyses were first conducted to examine the interrelations among age group, suggestibility (yield 1 and shift), intelligence (average grades), and frequency of police contact. There was only one significant correlation: that between average grades in high school (1 = I generally do/did very well, mostly As, to 5 = I generally do/did not pass classes, mostly Fs), and grade-point average (GPA) was highly significant, r = -0.88. (Higher average grades were associated with higher GPAs but the two were scored in opposite directions.) Average grades in high school were subsequently used as the measure of intelligence, because a few participants did not know their high school GPA, thus resulting in missing data.

and frequency of police contact, \( r = 0.36, \ p < 0.05 \). Subjects who reported receiving lower grades in school had a higher number of contacts with the police as suspects.

**Factors Influencing Miranda Competence and Competence to Stand Trial**

To examine the influence of individual difference factors on *Miranda* and CST scores, a series of multiple regressions was performed. First, the four *Miranda* components and the total score were separately regressed on age group, suggestibility scores (yield 1 and shift), average grades, and frequency of police contact. The \( F \), adjusted \( R^2 \), and Beta values are presented in Table 1, with significant findings in bold. The regression models predicting *Miranda* Recognition, *Miranda* Vocabulary, and the total *Miranda* score were significant. In comparison to adults, juveniles performed significantly worse on three of the four *Miranda* instrument subscales, which is consistent with results found by Grisso (1981).

Interestingly, suggestibility was a significant predictor of *Miranda* but yield and shift scores affected understanding in different directions. Higher suggestibility in terms of yielding to misleading questions was associated with higher recognition scores and the overall score and slightly higher comprehension scores. Alternatively, higher suggestibility in terms of shifting answers after receiving negative feedback was associated with lower comprehension and an overall score, and slightly lower recognition and vocabulary scores. The shift results are consistent with our prediction and with results found by Everington and Fulero (1999). However, the yield results are perplexing. When examined apart, the correlation between yield and *Miranda* total scores approaches zero, \( r = 0.06 \). Also, when regressions are performed separately with yield 1 scores and the other predictors individually, yield 1 is never a significant predictor of total *Miranda*. It is possible that yield 1 is acting as a suppressor variable, whereby yield 1 is acting to suppress the variance not accounted for by the dependent variable. Indeed, when yield 1 scores are removed from the regression analysis, adjusted \( R^2 \) decreases to 0.17 from 0.26. However, why

<table>
<thead>
<tr>
<th>Table 1. Multiple regressions predicting <em>Miranda</em> scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehension</td>
</tr>
<tr>
<td>( F(5,31) = )</td>
</tr>
<tr>
<td>Ad. ( R^2 = )</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Beta</th>
<th>Beta</th>
<th>Beta</th>
<th>Beta</th>
<th>Beta</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age group</td>
<td>0.30</td>
<td>0.43*</td>
<td>0.45**</td>
<td>0.50**</td>
</tr>
<tr>
<td>Yield 1</td>
<td>0.36*</td>
<td>0.41*</td>
<td>0.26</td>
<td>0.25</td>
</tr>
<tr>
<td>Shift</td>
<td>-0.45*</td>
<td>-0.34*</td>
<td>-0.32*</td>
<td>-0.24</td>
</tr>
<tr>
<td>Ave. grades</td>
<td>0.07</td>
<td>0.12</td>
<td>0.02</td>
<td>-0.15</td>
</tr>
<tr>
<td>Frequency of police contact</td>
<td>0.04</td>
<td>-0.06</td>
<td>0.36*</td>
<td>0.03</td>
</tr>
</tbody>
</table>

\( ^* p < 0.10; ^* ^* p < 0.05; ^* ^* ^* p < 0.01. \)

yield scores become positively correlated with Miranda is unclear. These unusual findings concerning yielding to misleading questions and Miranda deserve further attention.

Average grades and frequency of police contact were generally unrelated to Miranda understanding, with one exception. Vocabulary competence (defining words such as “consult,” “entitled,” and “interrogation”) was significantly related to frequency of police contact. Subjects who had more contact with the police were less able to accurately define the six Miranda words. This latter finding is consistent with what is known about criminals, particularly juvenile criminals; in comparison to the non-criminal general population, criminals have lower IQs, a higher number of learning disabilities, and are more often developmentally delayed.

A second series of regressions was conducted with the four CST scores (Understanding, Reasoning, Appreciation, and total score) (see Table 2). The Understanding and total Competence scores regressions were significant. The same age patterns found for Miranda understanding were not found for CST scores, although two of the four approached significance in the expected direction. Findings concerning age and CST have been inconsistent. Several studies have revealed age differences in regard to certain aspects of competence and legal knowledge but not for other aspects (e.g., Peterson-Badali & Koegl, 1998; see Grisso, 1997, for a review). The MacCAT-CA also has a low threshold for correct answers because competence is a construct that is designed to be restorative. On some questions, if a respondent is incorrect, the correct answer is immediately provided and the respondent can then obtain a correct response by simply paraphrasing what they have just learned. There was a nonsignificant tendency for juveniles to be more likely to be asked these follow-up questions than adults. On average, juveniles needed to be asked 3.39 follow-up questions compared with adults, who were asked an average of 2.70 questions, F(1, 34) = 2.38, p = ns.

Additionally, shift suggestibility was a significant predictor of the total CST score: Participants who were more likely to change answers after receiving negative feedback were less likely to be considered competent. CST total scores were also related to average grades in high school; higher grades were associated with improved competence.

Table 2. Multiple regressions predicting competence to stand trial scores

<table>
<thead>
<tr>
<th></th>
<th>Understanding</th>
<th>Reasoning</th>
<th>Appreciation</th>
<th>Competency total</th>
</tr>
</thead>
<tbody>
<tr>
<td>( F(5, 31) = )</td>
<td>2.65*</td>
<td>1.52</td>
<td>0.56</td>
<td>3.90**</td>
</tr>
<tr>
<td>Adj. ( R^2 = )</td>
<td>0.21</td>
<td>0.08</td>
<td>-0.08</td>
<td>0.33</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Beta</th>
<th>Beta</th>
<th>Beta</th>
<th>Beta</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age group</td>
<td>0.42d</td>
<td>0.24</td>
<td>0.22</td>
<td>0.32d</td>
</tr>
<tr>
<td>Yield 1</td>
<td>0.25</td>
<td>0.30</td>
<td>0.16</td>
<td>0.20</td>
</tr>
<tr>
<td>Shift</td>
<td>-0.35t</td>
<td>-0.34t</td>
<td>-0.05</td>
<td>-0.43*</td>
</tr>
<tr>
<td>Ave. grades</td>
<td>-0.31t</td>
<td>0.03</td>
<td>-0.29</td>
<td>-0.36*</td>
</tr>
<tr>
<td>Frequency of police</td>
<td>-0.19</td>
<td>-0.27</td>
<td>-0.01</td>
<td>-0.20</td>
</tr>
</tbody>
</table>

\(^{d}p \leq 0.10; ^{t}p \leq 0.05; ^{**}p \leq 0.01.\)
Table 3. Correlations between Mirada scores and competence to stand trial scores. 95% confidence intervals in parentheses

<table>
<thead>
<tr>
<th>Miranda</th>
<th>Understanding</th>
<th>Reasoning</th>
<th>Appreciation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Entire sample</strong></td>
<td><strong>0.51</strong> (0.27: 0.69)</td>
<td><strong>0.63</strong> (0.42: 0.78)</td>
<td>0.04 (-0.24: 0.32)</td>
<td><strong>0.48</strong> (0.23: 0.67)</td>
</tr>
<tr>
<td>Comprehension</td>
<td>0.30 (0.02: 0.54)</td>
<td>0.60 (0.38: 0.76)</td>
<td>0.25 (-0.03: 0.50)</td>
<td>0.28 (0.00: 0.52)</td>
</tr>
<tr>
<td>Recognition</td>
<td>0.55** (0.33: 0.72)</td>
<td>0.67** (0.48: 0.80)</td>
<td>0.22 (-0.07: 0.47)</td>
<td>0.59** (0.37: 0.75)</td>
</tr>
<tr>
<td>Vocabulary</td>
<td>0.47** (0.21: 0.66)</td>
<td>0.40* (0.13: 0.61)</td>
<td>0.29 (-0.01: 0.53)</td>
<td>0.44 (0.18: 0.64)</td>
</tr>
<tr>
<td>Total</td>
<td>0.54** (0.30: 0.72)</td>
<td>0.63** (0.42: 0.78)</td>
<td>0.31 (0.03: 0.55)</td>
<td>0.58** (0.36: 0.74)</td>
</tr>
</tbody>
</table>

**Juveniles**

| Comprehension  | 0.55* (0.19: 0.78)     | 0.60* (0.26: 0.81)     | 0.20 (-0.22: 0.56) | 0.47 (-0.06: 0.67)     |
| Recognition    | 0.41 (0.01: 0.70)     | 0.71* (0.43: 0.87)     | 0.41 (0.01: 0.70)  | 0.41 (0.01: 0.67)     |
| Vocabulary     | 0.58** (0.23: 0.80)   | 0.76** (0.52: 0.89)   | 0.46 (-0.05: 0.66) | 0.67** (0.37: 0.84)   |
| Function       | 0.49* (0.12: 0.75)    | 0.39 (-0.01: 0.68)    | 0.36 (0.09: 0.73)  | 0.39 (-0.01: 0.68)    |
| Total          | 0.57** (0.22: 0.79)   | 0.66** (0.34: 0.84)   | 0.47 (0.37: 0.84)  | 0.58* (0.23: 0.80)    |

**Young Adults**

| Comprehension  | 0.36 (-0.06: 0.67)    | 0.69** (0.39: 0.86)   | -0.24 (-0.59: 0.19) | 0.46 (0.06: 0.73)    |
| Recognition    | -0.19 (-0.50: 0.24)   | 0.15 (-0.28: 0.53)    | -0.08 (-0.47: 0.34) | -0.11 (-0.50: 0.32) |
| Vocabulary     | 0.44 (0.03: 0.72)     | 0.30 (-0.13: 0.63)    | -0.25 (-0.60: 0.18) | 0.36 (-0.06: 0.67)   |
| Function       | 0.33 (-0.10: 0.65)    | 0.28 (-0.15: 0.62)    | 0.12 (-0.30: 0.51)  | 0.43 (0.02: 0.72)    |
| Total          | 0.45 (0.05: 0.73)     | 0.55* (0.17: 0.78)    | -0.06 (-0.46: 0.36) | 0.56* (0.19: 0.79)   |

*p ≤ 0.05; **p ≤ 0.01; ***p ≤ 0.001.

Relations between Mirada Competence and Competence to Stand Trial

Next the relations between Mirada and CST outcomes were examined (Table 3). Generally, subjects who understood and appreciated their Mirada rights were more likely to be considered competent to stand trial. Correlations were also computed for each age group separately. Although both groups suffered reduced n, the correlations for juveniles were much more robust than for young adults (e.g., for juveniles, 95% of correlations were 0.36 or higher; for young adults, only 45% were 0.36 or higher and 40% were 0.15 or below). In fact, several of the correlations for young adults were negative (albeit not significant) or close to zero, indicating no meaningful relation between Mirada understanding and CST. Young adults’ scores on these two measures were plotted to determine whether the nonsignificant correlations were because adults were performing near ceiling on both measures, thus reducing variability. The scatter plots revealed that this was not the case.

Findings for juveniles and young adults diverged in other areas as well. For example, the patterns for juveniles and young adults were different for the inter-relations among the four Mirada components. For juveniles, the correlations were highly significant and ranged from 0.58 to 0.85. These correlations are similar to what Grisso (1998) reports, although he reports that FRI scores were less strongly correlated with the other three components. In contrast, for young adults in the present study, all of the inter-correlations were nonsignificant and ranged from -0.31 to 0.20. We do not know the inter-correlations computed separately for juveniles and adults in Grisso’s sample.

These distinct findings for juveniles and young adults preliminarily suggest that the factors that underlie Mirada comprehension and adjudicative competence are...
similar for juveniles but not for adults. It is possible that, because development is less incomplete for juveniles, the cognitive and social developmental factors that are not yet present or that are under-evolved are the same factors that lend themselves to competence or incompetence. For young adults who are further along in development, different sets of factors may influence the two forms of legal competence. These findings, however, by no means indicate that a valid *Miranda* waiver is equivalent to meeting the standard for competence to stand trial for either age group. For individual cases, particularly when the juvenile is being tried as an adult, each competence (i.e., competence to provide a valid waiver of *Miranda* rights and CST), if questioned, should be assessed separately and in light of the other surrounding circumstances, as is currently done.

**Specific Limitations on Miranda and Competence to Stand Trial**

Although competence is usually referred to as a general construct, there are specific components that are harder or easier to grasp. Indeed, as mentioned above, most other studies on legal competence have found that juveniles and adults can perform comparably to one another depending upon the aspect being studied (e.g., Peterson-Badali & Koegl, 1998). Several common mistakes on specific aspects of the legal measures as the present study progressed were noted, and they are described here because they may be of interest for those readers who defend, adjudicate, or provide forensic assessments of juveniles.

In regard to the *Miranda* instrument, there were seven common mistakes; differences between juveniles and young adults are highlighted in Table 4. The first three mistakes occurred in the Recognition portion of the instrument. In this portion, subjects were given one of the four components of the *Miranda* warning, and then three accompanying sentences that either have the same meaning or a different meaning as the *Miranda* component. The first common error concerned the right to silence. Whereas none of the adults erred, 44% of the juveniles thought that waiting for the police to ask you questions meant the same as having the right to remain silent. The other two mistakes in this section (see Table 4) concerned confusion between an attorney and a social worker, which is an important distinction. In *Fare v. Michael C.* (1979), the United States Supreme Court ruled that asking for a probation officer is not equivalent to asking for an attorney. Thus, in an actual case, statements will not be protected that are made by a juvenile who asks for his or her social worker and who thinks he or she is invoking his or her rights.

The remaining four common *Miranda* mistakes occurred in the Function of Rights portion. Subjects were shown pictures of cases involving a juvenile in an interrogation or courtroom situation and were asked questions. One case involves a boy named Greg who is suspected of stealing money from a store, but the police are unsure whether Greg is the true perpetrator. When subjects were asked, “If Greg decides not to talk, what is the most important thing the police are supposed to do?” juveniles were much more likely to be incorrect than adults. Incorrect answers included “Convince him to talk” and “Interrogate him.” Next, when asked, “If Greg says he doesn’t want to talk but the police tell him he has to talk, what should happen then?” one juvenile stated, “Basically says he did it if he doesn’t want to
Table 4. Common mistakes on Miranda instrument

<table>
<thead>
<tr>
<th>Recognition: Same or different as Miranda component?</th>
<th>Juveniles: % incorrect</th>
<th>Adults: % incorrect</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Miranda component</td>
<td>44</td>
<td>0</td>
</tr>
<tr>
<td>2. Non-Miranda component</td>
<td>28</td>
<td>18</td>
</tr>
</tbody>
</table>

Function of rights

Polic e interrogation of Greg

1. If Greg decides not to talk, what is the most important thing the police are supposed to do? 56 6
2. If Greg says he doesn’t want to talk but the police tell him he has to talk, what should happen then? 28 0

Greg facing a judge

1. If the judge finds out that Greg wouldn’t talk to the police, then what should happen? 67 35
2. Greg did not tell the police anything about what he did. Here in court, if he were told to talk about what he did that was wrong, will he have to talk about it? 61 47

"talk," and another juvenile stated, "They can force it out of him somehow. Have to get him to back there, maybe eventually he’ll talk."

In the next picture, Greg has gone to court and is in front of a judge. Again, we see that juveniles are less likely to understand the function of their rights (Table 4). When subjects were asked what should happen if the judge finds out that Greg would not talk to the police, wrong answers included, “Send him to jail,” and, “Then the judge would get suspicious and want Greg to talk. Find the slightest bit of evidence to prove guilt.” Finally, subjects were asked a yes/no question about whether he has to talk in court. Sixty-one percent of juveniles and 47% of young adults answered “yes.” Clearly, a majority of subjects did not understand that their Fifth Amendment right against self-incrimination applies in the courtroom as well as the interrogation room.

These findings make it clear that simply reading the Miranda warning and asking whether suspects understand does not truly assess whether the person
comprehends. As an illustration of this point, many participants who performed well on the portion of the *Miranda* instrument where they have to explain the four components of the *Miranda* in their own words (i.e., *Miranda Comprehension*) made errors later that indicated they did not truly possess a full understanding or appreciation. For example, of the 11 people who answered incorrectly when asked what should the police do if Greg does not want to talk, five people got seven out of eight on the Comprehension portion and four people got all eight points. Thus, whereas people may be able to paraphrase the words of the *Miranda* warning, they may not understand the function of the warning, and therefore cannot provide a knowing and intelligent waiver.

There were far fewer common mistakes on the MacCAT-CA. One common mistake was a yes/no question that asked whether if Fred (the defendant in the instrument) pleads guilty he can still try to prove his innocence. Of those answering, "Yes" (and therefore incorrectly), 39% were juveniles and 24% were young adults. The second common mistake was in the Reasoning section. Subjects were asked to choose which of two facts would be more important to tell the lawyer. Fact 1: At the bar, Fred had drunk a lot of beer before the fight with Reggie [the victim] started. Fact 2: Fred and Julie [Fred's girlfriend] ate dinner at a restaurant before going to the baseball game. Overall, 34% of subjects (39% of juveniles and 29% of young adults) chose fact 2, because they thought it demonstrated that Fred was in a clear state of mind before going to the bar (and thus was not looking for a fight) and/or because they thought it would not look good if Fred was drinking. Thus, a significant minority of participants did not understand that they must tell everything to their lawyer so their lawyer can best help them.

In summary, findings from the present study suggest that youths and some adults do not fully understand and appreciate their *Miranda* rights, and that many of the factors that contribute to *Miranda* understanding also contribute to understanding in the courtroom. Figure 1 is a pictorial representation of preliminary findings from the present study combined with findings from other similar studies. Findings from the present study are italicized to differentiate between findings that did not emerge in this study but are in the literature. It is included here to further discussion and thought.

As can been seen in the figure, lower intelligence and higher suggestibility (Gudjonsson, 1989; Gudjonsson & Singh, 1984) are often associated with higher rates of police contact or convictions. Once in police contact, the chances for police interrogation are heightened, along with the opportunity to have your *Miranda* rights read. Young age, heightened suggestibility, and low intelligence are all factors that have been shown (albeit not definitively) to affect *Miranda* comprehension. In turn, decreased *Miranda* understanding is more likely to lead to self-incrimination, which increases the possibility of prosecution. Once in court or at the plea phase, the same three factors—young age, heightened suggestibility, and low intelligence—may contribute to a lower likelihood of meeting the standards set forth in *Dusky v. U.S.* (1960) that are used today to define adjudicative competence.

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2Age is not included as a factor influencing police contact, because there is not a simple linear relationship between the two. The relationship is curvilinear. Older teens are more likely to have police contact than younger teens, but police contact rates usually drop off and plateau in the late teens and early twenties.
Figure 1. Factors potentially affecting increased likelihood of police contact/interrogation, self-incrimination, and achieving legal competence.
LIMITATIONS AND CONCLUSIONS

The sample size in the present study was small, and thus statistical power was limited. However, many strong and significant correlations were found despite the small number of subjects. Although the sample was small, the sample is representative of the population of juveniles and young adults who are likely to come into contact with the legal system (as the majority of them had). Also, several of our results are consistent with those found by others studying similar issues. Another limitation concerning the sample is that participants were not currently involved in the legal system as suspects/defendants. Performance on the main measures may have been different under the stress and anxiety of criminal charges that were presumably absent from the present study. It is recommended that the present findings be replicated in future studies with more relevant samples.

A related limitation concerns use of the MacCAT-CA, which was designed for populations other than the present sample (e.g., defendants in criminal cases). This was especially problematic for the Appreciation section, and these results should be viewed with particular caution. Finally, the present study did not address the voluntariness of Miranda waivers, which is an important aspect of a competent waiver. In the future, more research attention should be devoted to the factors that affect juveniles' and adults' decisions to voluntarily waive or invoke their rights.

Despite these limitations, findings presented are informative. Although Grisso (1981) found similar results in his seminal study on juveniles' understanding and appreciation of their Miranda rights some 25 years ago, little has changed in the area of protecting children's rights during a police interrogation. On the contrary, attitudes and legal practices have become harsher and more adversarial towards juvenile offenders (see Fagan & Zimring, 2000). Throughout the years, recommendations have been advanced that would help to ensure protection of due process rights for children suspected of committing crimes but have never to our knowledge been adopted (Chao, 2000; Grisso, 1997; Holtz, 1987; Huang, 2001). For example, it has been suggested to take a per se approach and always have an attorney present for young juvenile offenders, and/or to videotape all juvenile interrogations (Johnson & Hunt, 2000).

The present study is not the first study to compare juveniles' versus adults' performance on Miranda comprehension or on adjudicative competence. However, it is one of the few studies to examine relations between the two competencies. Our results tentatively suggest that for juveniles factors that affect understanding and appreciation of Miranda may be the same factors that affect CST, whereas for young adults this pattern did not emerge. This preliminary finding may indicate that the development that is occurring during the teen years should be a necessary consideration in competence decisions. For young adults, whose development is more complete than adolescents, considerations of developmental phases in competence determinations may be less important. Others (e.g., Grisso & Schwartz, 2000; Reppucci, 1999; Steinberg & Cauffman, 2001) have stressed the importance of accounting for development in legal contexts, and findings from the present study support this view.

These results should not be taken to mean that competence in one legal area predicts competence in another legal area. As we have tried to make clear throughout
the article, there are other circumstances to consider, including, but not limited to, the time of day questioning occurred, the experience of the police officer, the experience of the attorney, the suggestibility of the suspect, the perception of whether the suspect believed he was free to go, the mood of the judge, and a multitude of other possible factors. However, after examining the totality of circumstances, it may be the case that juveniles who are not competent to waive their Miranda rights are also not competent to stand trial because the same or similar underlying processes are creating deficits in both types of legal competence.

Competence to stand trial and competence to waive Miranda rights are assumed to be present unless questions are raised about possible impairments. When juveniles and other vulnerable persons (e.g., mentally impaired defendants) are involved, these assumptions should not be made. There are cognitive developmental factors as well as social developmental factors (e.g., psychosocial maturity; Steinberg & Cauffman, 1996) that limit the confidence of such assumptions. In particular, when probes are made into juveniles’ actual understanding of the function of their rights, or when juveniles are asked to do more than simply paraphrase Miranda components, it becomes readily apparent that some juveniles do not comprehend the purposes behind their Constitutionally provided rights. Results from the present study are thought provoking and should be replicated with larger and more generalizable samples. A deeper understanding of the factors that influence legal competence can help to ensure fair and judicious proceedings.

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REFERENCES


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