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A Critical Discussion of Youth *Miranda* Waivers, Racial Inequity, and Proposed Policy Reforms

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Courts often assume that youth and adult suspects are equally capable of making decisions about whether to talk to police officers—decisions that carry serious long-term consequences. In *Miranda v. Arizona*, the Supreme Court ruled that prior to custodial interrogation, police officers must remind suspects of their rights to silence and legal counsel, and a suspect must waive their rights "voluntarily, knowingly, and intelligently" for police to continue questioning. This legal standard was extended to youth without affording them additional protections, despite decades of research on adolescent cognitive and socioemotional development demonstrating that youth have inherent difficulties understanding and appreciating their *Miranda* rights. Navigating interrogation situations is likely even more challenging for youth of color, who not only face disadvantages due to their developmental immaturity, but also systemic racism within the legal system. As biased police practices put youth of color at a higher risk of police contact, it is especially important to consider how adolescent development and racial bias interact to impact youths' ability to make valid *Miranda* waivers. Researchers and legal advocates have made multiple youth interrogation reform recommendations, but many of these recommendations fall short by failing to take into full account the impact of adolescent development and racial bias on youths' ability to navigate interrogation. This paper analyzes proposals for reform through a developmental and racial equity lens and makes recommendations about future research needed to determine the most effective way to protect youth during interrogation.

Keywords: Miranda waiver, adolescent development, racial equity, juvenile justice

Decades of research has clearly established that youth are at particular risk in the criminal legal system. At the earliest formal contact with the justice system, youth who become custodial suspects must be informed of their rights to silence and counsel in what have now become referred to as *Miranda warnings*. Despite substantial psycho-legal research on *Miranda* waivers—the decision to waive the rights to silence and/or counsel—virtually no empirical works have approached youth *Miranda* waivers from an equity perspective. To address this, the current paper traces the history of *Miranda* as it relates to youth, describes salient problems with youth *Miranda* advisements and waivers informed by several areas of research (i.e., adolescent development, racial biases, and interrogation tactics), critically reviews proposed policy solutions as a contribution to *Miranda* theory and practices, and suggests important areas for future research. This review is not conceptualized as an exhaustive account of youth *Miranda* research. Instead, it is intended as an interdisciplinary review of salient research findings and a novel discussion of policy changes—including potential contributions and limitations—aimed at addressing the problems associated with youth *Miranda* practices. Forensic practitioners, legal scholars and actors, and those with the power to inform policy are strongly urged to consider this a call to action on behalf of our most vulnerable youth.

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Need for a Developmentally and Racially Informed Analysis

One might ask: Just how vulnerable are youth who enter the justice system? The case of Kirk Otis (*Otis v. State*, 2005) provides a disheartening but important response. Kirk Otis was just 14 years old when he was charged with capital murder. He waived his *Miranda* rights and agreed to talk to police. However, during stages of the initial trial and subsequent appeal, Kirk's history of hardships (i.e., mitigating factors) became clear and raised questions about whether his decision to waive his *Miranda* rights was valid. Kirk had endured long-standing physical abuse from his father, had a history of mental health difficulties including psychiatric inpatient

services and psychiatric medications, and had been diagnosed with borderline intellectual functioning with an IQ of 68 or 69 and functioning consistent with 9- through 12-year-olds (*Otis v. State*, 2005). Kirk was described by those close to him and those who worked with him (e.g., teachers, psychiatrists) as someone who struggled with developmentally appropriate maturity, likely related to his cognitive functioning, and he had difficulties with judgment and decision-making.

Kirk was convicted in adult court and sentenced to serve 10 years in prison, despite limited evidence of guilt (e.g., there was no physical evidence implicating him, and Kirk claimed another person committed the murder). During interrogation, Kirk provided four tape-recorded statements in which he denied involvement in the crime, but then after being subjected to a polygraph examination, he confessed. One day after his confession, he recanted, again asserting that he did *not* commit the murder. For Kirk, the damage was done. On appeal, Kirk's defense attorney argued that he did not voluntarily waive his *Miranda* rights prior to his singular confession, but the Arkansas Supreme Court disagreed, and his 10-year sentence was affirmed. The constellation of factors relevant to Kirk's life (e.g., borderline intellectual functioning, developmental immaturity) clearly suggests that Kirk would have had considerable difficulties navigating interrogation and making informed decisions about whether to talk to police. Kirk was not able to act in own best interest—much like most youth.

Even more egregious—but not at all uncommon—at least two police officers reportedly made derogatory racial remarks toward Kirk during his interrogation. Given what is known about the negative impact of racial discrimination and stereotype threat on cognitive ability and socioemotional functioning, which impact decision-making (Fenn et al., 2019; K. B. Kahn et al., 2018), Kirk's ability to make a valid *Miranda* waiver was likely further compromised by this experience of racism during interrogation. Furthermore, legal socialization likely taught Kirk that he was facing physical danger if he did not obey the officers, and so he may have felt incredible pressure to comply with their wishes. It is not difficult to imagine Kirk as an overwhelmed and scared boy who struggled to navigate a stressful and hostile situation.

Sadly, Kirk's case is not unique. Over 90% of youth waive their *Miranda* rights, which can have dire consequences (Feld, 2013), especially given that police officers primarily aim to elicit incriminating statements or confessions in subsequent interrogations (Kassin et al., 2010). Kirk's case sends a strong message: Youth need and deserve protections during the *Miranda* process. Adolescent development—and the ways in which developmental immaturity is compounded by systemic racism—must be highlighted when designing policies to reform interrogation practices. However, adequate protection of youth, especially youth of color, during interrogation is not yet the reality.

This paper is informed by the perspective that youth waiving their rights without the presence of an attorney is always harmful. Due to a wealth of factors discussed in detail in subsequent sections, adolescents are not equipped to make complex legal decisions—especially those that relinquish their rights—without guidance. Although there may be an incredible minority of cases in which youth can act in their own best interest in the absence of counsel, we believe that, at the very least, advice and guidance from an attorney are crucial during youth interrogation. It is important to note that some of the concerns related to youth *Miranda* practices also extend to emerging adults (e.g., Domanico et al., 2012; Redlich et al., 2004). Although we focus this paper on adolescents due to the additional vulnerabilities they face during interrogation simply due to their young age, other researchers are strongly encouraged to advance research and scholarship on emerging and young adults.

Additionally, literature regarding persons of color and *Miranda* practices is limited. Of the work that does exist, most has focused on Black (e.g., Blandón-Gitlin et al., 2020; Najdowski, 2011) or Latine Americans (Fenn et al., 2019), but overwhelmingly more on the former. For non-Black youth of color, virtually no theories or research exist about how race and racial bias may impact the *Miranda* process. Importantly, we acknowledge the focus on Black Americans as crucial given systemic bias against Black Americans in the legal system (e.g., Nellis, 2016) and acknowledge the relative dearth of information regarding other groups as problematic. Despite this limitation, racially and ethnically based injustices likely impact all persons of color (Black and non-Black). Researchers are strongly encouraged to advance this body of literature with an increased focus on racially and ethnically diverse samples.

The Legal Landscape of *Miranda*

In *Miranda v. Arizona* (1966), the Supreme Court ruled that prior to custodial interrogation (i.e., police questioning in which a suspect would believe they are not free to leave), suspects must be warned of their Fifth and Sixth Amendment rights to silence and free counsel in "clear and unequivocal terms" (pp. 467–468). Waivers of these rights must be made "knowingly" (i.e., suspect factually understands waiving), "intelligently" (i.e., suspect appreciates the implications of waiving), and "voluntarily" (i.e., waiver was free from police coercion; Goldstein et al., 2018). If police officers question a suspect without first obtaining a waiver or continue with questioning after a suspect asserts their rights, anything said is inadmissible against that suspect during trial or adjudicatory hearing (*Berghuis v. Thompkins*, 2010). Similarly, if a judge finds that a waiver was made invalidly (i.e., not knowingly, intelligently, and voluntarily), then any statements the suspect made will be suppressed in court.

Prior to *Miranda v. Arizona* (1966), several cases had already established that youth needed special protections during interrogation. However, they failed to consider the impact of a youth's race on their *Miranda* decisions. *Haley v. Ohio* (1948) asserted that since custodial interrogation is inherently coercive, youth struggle with "full appreciation" of their rights or "freedom of choice" in exercising them without assistance from counsel (p. 601). When discussing the various factors of the interrogation that led to an invalid confession (e.g., interrogation occurring before advisement of *Miranda*; denial of a lawyer), Haley is identified as Black. Despite this acknowledgment, there is no deeper discussion around the potential impact of racial bias on the outcome of his case. Furthermore, in their opinion, the Justices wrote, "age 15 is a tender and difficult age for a boy of any race," failing to consider how the interrogation experience may differ across racial groups. This phrase is cited in later cases, such as *Gallegos v. Colorado* (1962). In this case, the court recognized that the immaturity of youth leads to an inability to "protect his own interests" or "get the benefits of his constitutional rights" but asserted that the presence of a parent could compensate for such inabilities. And when the Supreme Court extended *Miranda* protections to youth, it acknowledged that young age presents unique challenges to navigating

complex legal situations, warranting "the greatest care" to be taken to avoid invalid waivers (*In re Gault*, 1967). By establishing that adaptations may be necessary when administering *Miranda* warnings to children, the Court extended pre-*Miranda* cautions about the special risks youth face in interrogation.

For another 12 years following *Gault*, there was a lack of clarity regarding the nature of the additional protections that should be provided to youth interrogations. In 1979, the case of *Fare v. Michael C.* ended the Court's special consideration of youth indicated in *Haley*, *Gallegos*, and *Gault*. *Fare* established that when determining the acceptability of a youth *Miranda* waiver, courts should apply the same "totality of circumstances" standard used for adult waivers, to allow judges consideration of all possible factors that may have influenced waiver decisions. No exhaustive list of such factors was provided by the court, and the ruling did not require that specific factors, such as developmental immaturity, be taken into account when assessing the validity of youth waivers. Furthermore, the totality of the circumstances approach allows for broad discretion without providing a system that checks the thoroughness of judges' decisions (Feld, 2013), which "results in almost unlimited judicial discretion" (Grisso, 1980, pp. 1138–1139). Of course, this approach means that some judges could appropriately consider factors related to racism and inequity in their decision-making process, but it also means that judges' racial bias may inappropriately impact their decisions. For example, due to the phenomenon of adultification, which occurs when Black children are perceived to be older than they are (Goff et al., 2014), judges may inaccurately believe a Black youth is old enough to understand and appreciate their rights. Notably, throughout the Supreme Court's lengthy consideration of the special vulnerabilities youth face during interrogation, none of its opinions have discussed the possible influence of race and racism in this critical stage.

More recently, in *J.D.B. v. North Carolina* (2011), the Supreme Court drew from recent opinions on adolescent criminal responsibility and sentencing (e.g., *Roper v. Simmons*, 2004) and held that, because of youthful immaturity, the custodial analysis must be different for youth. Prior to *J.D.B.*, *Miranda* protections adhered when police questioning occurred in a situation in which a "one-size-fits-all reasonable person" would believe they were not free to leave (p. 283). Following *J.D.B.*, *Miranda* protections apply during interrogation when a reasonable youth of the same age as the youth being interrogated would not feel free to leave. Legal advocates have attempted to extend *J.D.B.*'s reasoning to require special consideration of youthfulness in evaluating the validity of *Miranda* waivers, but with limited success (see, e.g., *Dassey v. Dittman*, 2017, later vacated by the 7th Circuit Court of Appeals en banc).

The Court's lack of explicit recognition that developmental immaturity should be considered when assessing *Miranda* validity stands in stark contrast to the body of research demonstrating that the skills necessary to understand and appreciate *Miranda* warnings exceed youths' developmental capabilities. The limited protections afforded to youth are also in line with a slow chipping away at the protections initially envisioned by *Miranda v. Arizona*—Supreme Court jurisprudence has repeatedly clarified or reinterpreted the holding in *Miranda* to reduce safeguards for suspects (Brookman et al., 2019). Since *Miranda* protections were first devised by the Court, rhetoric has consistently (despite ample evidence to the contrary) blamed *Miranda* for hampering police effectiveness, putting criminals back on the street, and increasing crime (Arenella, 1996). Unsurprisingly, then, as our scientific understanding of *Miranda* and interrogations has advanced, the law has largely failed to integrate research findings into policy.

Youth Comprehension of *Miranda* Rights

Miranda Warning Language, Length, and Delivery

Miranda warnings are far from standardized. To the contrary, advisements are heterogeneous as there exist no standards of language, length, or delivery method (i.e., presented orally, as a written document, through a recording, or some combination; Cleary & Vidal, 2016; Kassin et al., 2007). Understandably, the comprehensibility and readability of *Miranda* warnings vary considerably (Rogers et al., 2007). Juvenile-specific *Miranda* warnings exist in some precincts and jurisdictions, but it appears that modifications to general (i.e., adult) warnings are uncommon in practice (Cleary & Vidal, 2016). Furthermore, although research has yet to examine how racial or cultural inequities may interact with aspects of youths' developmental immaturity to impact them during *Miranda* advisement, it does suggest that warnings translated into Spanish do not advise suspects of their rights in "clear and unequivocal terms" (Acosta, 2016; Rogers et al., 2021). This would certainly add an additional burden for Latine or Hispanic youth during interrogation. Future research should seek to understand how to improve translated warnings or how legal decision-making is impacted by language differences.

Warning Language

Understanding *Miranda*-related vocabulary is a prerequisite to comprehension of the rights as a whole. Warnings are often padded with uncommon words and "legalese," which impair comprehension (Rogers, Hazelwood, Sewell, Harrison, et al., 2008) and increase misunderstandings of the rights (Grisso, 1980; Zelle et al., 2015). For example, terms like "consult," "right," and "interrogation" are common among *Miranda* warnings and commonly misunderstood by youth (Goldstein et al., 2003; Zelle et al., 2015). Fundamental misconceptions about *Miranda* vocabulary casts doubts not only on the ability of youth to comprehend the warnings, but also on their ability to meaningfully make decisions based on the information presented in warnings.

Relatedly, analyses of the Flesch–Kincaid grade-equivalent reading level and length of 371 juvenile-specific *Miranda* warnings across the United States have demonstrated that most warnings written for youth are too complicated for them to understand (Rogers et al., 2012). Particularly concerning are findings that, despite intentions to simplify the *Miranda* rights, juvenile warnings are actually more complicated to understand than adult versions. Juvenile warnings are, on average, written at a higher grade level than adult *Miranda* warnings (Rogers, Hazelwood, Sewell, Shuman, et al., 2008) and have lower readability ease scores (i.e., are harder to understand) than adult warnings (J. L. Helms, 2003; R. Kahn et al., 2006).

Warning Length

Juvenile-specific warnings are often longer than general warnings, which contributes to reduced comprehensibility. Rogers et al. (2012) found that almost half (44.2%) of the juvenile warnings they surveyed were at least 225 words long. This is problematic given that after roughly 1 min, youth forget about two-thirds of the ideas they were read (Rogers et al., 2014). As Kurzon (2000)

established, longer warnings increase cognitive complexity, which easily overwhelms arrestees. How, then, can youth be expected to retain the information in a *Miranda* warning, engage their working memory to make quick decisions, and store enough to inform later decision-making? Put simply: They very likely cannot.

Longer warnings are clearly problematic, but there are also problems associated with warnings that are too short, as they may not provide all the necessary information for youth to make a knowing and intelligent waiver. For example, Rogers et al. (2012) found that very few juvenile warnings (i.e., 7.2%) specified to youth that once they asserted their rights, the interrogation would end. Compounding this, juvenile warnings do not offer opportunities for youth to express confusion or seek clarification (Rogers et al., 2012). It may be that this is a tactic used by police officers to reduce the frequency with which youth exercise their rights, but it could also be the result of rushed or brief warnings. Either way, short, or potentially rushed, warnings do not adequately inform youth of their rights.

Warning Delivery Method

Additionally, the way police officers typically deliver the warnings poses a threat to comprehension. Despite oral warnings being more difficult for suspects to comprehend, in the United States and Canada, interrogation rights are most often administered orally (Kassin et al., 2007; McCardle et al., 2021). Multimedia elements such as animation and captions may increase comprehension, but use of such aids is rare (Lively et al., 2023). Furthermore, police officers tend to speak significantly faster when delivering the warnings than during the 30 s before and after delivering the warnings (Domanico et al., 2012). These methods are likely particularly burdensome to youth, especially younger youth whose cognitive abilities are still developing, making it unlikely that they can utilize the executive functioning skills necessary to make informed legal decisions. Although there is not yet research to determine whether there are racial disparities in how police officers administer *Miranda* warnings to youth, it is likely that racial bias infects this process as it does at every other stage of system involvement.

Warning Comprehensibility

Although readability and delivery method have demonstrated significant impacts on comprehension, youth also appear to struggle regardless. Rogers et al. (2016) compared youths' understanding of six versions of *Miranda* warnings each of which varied by reading level (i.e., easy at a fourth-grade reading level or moderate at an eight-grade reading level) and modality (i.e., oral, written, or both) and found that participants recalled less than 50% of key *Miranda* details. These findings indicate that regardless of the language used to explain the rights, there may be something inherent about *Miranda* concepts that make them difficult for youth to comprehend. Furthermore, over 40% of mock interrogation participants, regardless of whether they waived their rights, failed to understand that waiving results in formal questioning by the police (Abramovitch et al., 1993). Beyond failure to comprehend warnings, youth do not readily appreciate the basic function of their rights or the implications of waiving them.

An Inequity Perspective

Lack of comprehension due to warning length, delivery method, and comprehensibility is a serious concern for youth. The reality of this is even more troubling when considered from a perspective of inequitable access to education. Level of education is among the factors judges might consider in determining the validity of youth *Miranda* waivers (e.g., *West v. United States*, 1968). Similarly, scholars note that the assessment of academic achievement and literacy is relevant to *Miranda* evaluations (Oberlander & Goldstein, 2001). Although not directly empirically tested yet, it stands to reason that in practice the quality of youths' education may have important implications for *Miranda* comprehension abilities. For example, more (and more quality) education may be reasonably expected to increase youths' contact and familiarity with challenging vocabulary, which could be included in *Miranda* advisements.

Troublingly, Ladson-Billings' (2007) critical commentary on the unequal access to quality education for Black and Brown youth suggests rampant systemic racism. Rooted in white supremacy and lack of action following *Brown* (*Brown v. Board of Education*, 1952), Ladson-Billings (2007) posits that as a country we have "never fully committed to desegregation and equal (and equitable) funding" for education (p. 1287). As a direct example of this, across three major cities in the United States (i.e., Chicago, Philadelphia, and New York), educational spending varies considerably by neighborhood and demographics with more funding available in largely White areas; "New York City Public Schools spend $11,627 per pupil for a student population that is 72% black and Latino, while suburban Manhasset spends $22,311 for a student population that is 91% white" (Ladson-Billings, 2007, pp. 1287–1288). Comparisons between neighborhoods in Chicago and Philadelphia were similarly inequitable. The systemic inequities could not be clearer: Affluent communities are able to invest in kids' education consistent with the importance of quality education, and affluent communities are almost exclusively White. Youth who are denied equitable access to educational resources may be that much more likely to misunderstand jargon and legalese common among *Miranda* warnings. In acknowledgment of this grave injustice, Julian Bond (quoted in Ladson-Billings, 2007) stated "violence is black children going to school for 12 years and receiving 6 years' worth of education." For youth of color, then, challenges to comprehension are compounded by structural racism inherent in neighborhood segregation and education funding practices.

Adolescent Development and Waiver Capacities

Despite the Court permitting equal treatment of adults and youth in police custody (*Fare v. Michael C.*, 1979), developmental immaturity puts youth at risk of compromised comprehension of their rights and, therefore, compromised legal decision-making (Cauffman & Steinberg, 2012; Goldstein et al., 2012; Rogers et al., 2014). Research on adolescent cognitive and socioemotional functioning supports the finding that youth have developmental constraints on their abilities to comprehend and make decisions regarding *Miranda* waivers (Cleary, 2017). Additionally, youth may lack meta-awareness or may demonstrate only emerging meta-awareness (e.g., Martinez, 2017), suggesting that they are likely unaware of their failure to comprehend *Miranda*. Normative development puts kids at risk when making decisions to navigate procedures in the criminal legal system.

By mid-adolescence, capacities for reasoning and understanding have plateaued and are about equal to those of adults (Scott & Steinberg, 2003). However, the prefrontal cortex, the portion of the brain responsible for executive functioning skills including

inhibitory control, continues to develop into the mid-20s (Cauffman & Steinberg, 2012). For youth, it will be difficult and developmentally unlikely to have refined logical thinking, reasoning, and appreciation of long-term consequences during decision-making (Icenogle et al., 2019). Furthermore, stress inhibits cognitive performance (Palmer, 2013), and therefore, the anxiety-inducing nature of interrogations may interfere with *Miranda* comprehension. During interrogation, adolescents exhibit greater cognitive deficits than both children and adults (Casey & Caudle, 2013), suggesting that they are the most vulnerable group. Stress interferes with *Miranda* warning comprehension (Scherr & Madon, 2012) and abilities to recall and reason about *Miranda* (Rogers et al., 2011), even among adults. Although similar studies have not been conducted with adolescent participants, it is reasonable to extrapolate findings and conclude that stress has deleterious effects on youths' *Miranda* understanding.

Building on this, during puberty, dopamine—the neurotransmitter responsible for learning about rewards—levels increase (Spear, 2009; Steinberg, 2014), resulting in heightened reward- and pleasure-seeking (Braams et al., 2014; Galvan, 2010; Steinberg, 2014). As such, adolescent brains are driven by both anticipated and actual pleasure (Casey et al., 2008; Scott & Steinberg, 2008), thereby reducing capacity for good judgment (Cleary & Warner, 2017). When making legal decisions, youth are more likely to consider short-term benefits over long-term consequences (Daftary-Kapur & Zottoli, 2014) and may therefore be less capable of appreciating the significance of waiving. For example, youth may waive their rights and talk to police if they believe doing so will allow them to end the interrogation earlier, disregarding the possibility of punishment associated with being adjudicated delinquent (Grisso, 1981; Grisso et al., 2003). This is concerning given that youth and emerging adults (i.e., ages 14–25) who have faced interrogation report that police often imply they can go home if they provide case-relevant information (Redlich et al., 2004). Furthermore, younger adolescents (i.e., ages 11–14) may make decisions without considering relevant factors about their case (Viljoen et al., 2005).

The voluntariness of waivers is also negatively impacted by developmental immaturity. High levels of suggestibility and compliance are characteristic of adolescence, which raises questions about youths' ability to make voluntary *Miranda* waivers (McLachlan et al., 2011). Adolescents are likely to prioritize appeasing authority over their own needs, meaning they may feel pressure to comply with the wishes of authority figures, such as police officers (Goldstein et al., 2018). Compared to adults, youth are more susceptible to influence and are more likely than adults to believe they need to obey authority, including police officers (Kassin et al., 2010; Meyer & Reppucci, 2007). This can be understood considering that adolescents are conditioned by teachers and parents to listen to authority figures and therefore believe they are required to comply with law enforcement officials (August & Henderson, 2021). As noted by attorneys, because parents teach their children to be honest, youth often think that they will get in trouble if they do not tell police officers the truth (August & Henderson, 2021).

The deleterious effects of trauma must also be considered given its significant impact on brain development and functioning. Specifically, exposure to traumatic events leads to increased amygdala reactivity and decreased connectivity between the amygdala and prefrontal cortex (Bremner, 2006). The most relevant functional consequence of this is reduced inhibitory control over emotions, which further exacerbates normative adolescent risk-taking and impulsivity. A significant amount—about 75%—of youth in the justice system have experienced traumatic victimization (Abram et al., 2004), and over half (i.e., 56.8%) of youth in detention settings reported experiencing six or more lifetime traumatic events (Abram et al., 2013). Furthermore, Black and Latine youth are exposed to a greater number of potentially traumatic events compared to White youth (Bernard et al., 2021; López et al., 2017). The explanation for this is twofold: Direct and vicarious experiences of racial discrimination are inherently traumatic, as they result in symptoms of posttraumatic stress disorder (J. E. Helms et al., 2012), and structural racism results in home, school, and neighborhood environments in which adverse events are more likely to occur (Jernigan & Daniel, 2011; Saleem et al., 2022). For example, the racist origin of the child welfare system has resulted in racial disparities in surveillance and reporting of families, increasing the likelihood that Black and Latine youth are separated from their parents (Dettlaff & Boyd, 2020; Merritt, 2021). From an equity perspective, youth of color in the juvenile legal system are particularly vulnerable to brain development being impacted by trauma. It is reasonable to assume that the consequences of this in interrogation settings are detrimental.

The Institution of Policing

Given the central role of police officers in interrogation, the following section critically reviews aspects of police culture and policing, which may disadvantage minoritized youth. Importantly, it is not our perspective that all officers intend to cause harm to youth or that racism is a problem that is best solved on an individual level. Instead, we discuss policing as an institution rooted in racism such that significant improvements in the treatment of Black and Brown youth would require a considerable overhaul of the system.

Police Officers' Perspectives

Research regarding police officers' perspectives of the *Miranda* process is limited but raises concerns. Officers endorse beliefs that that *Miranda* comprehension abilities of youth 15 years old or older are similar to adult comprehension abilities (Meyer & Reppucci, 2007). Although not examined empirically, research on adultification in other contexts suggests that Black and Brown youths' *Miranda* understanding is even more likely to be overestimated. A survey of police chiefs (90.5% of which were White) revealed that a vast majority (90.5%) believe that officers have sufficient training regarding how to provide *Miranda* advisements (Time & Payne, 2002). However, many (62.1%) disagreed that the abolishing of *Miranda* warnings would change the way they do their job, some (35.8%) reported that *Miranda* advisements makes their job difficult, and a small but notable percentage (5.3%) disclosed that officers in their department do not routinely conduct *Miranda* advisements. These police chiefs appear to hold misconceptions about, devalue, and, in some cases, disregard *Miranda* rights. Furthermore, police chiefs reported believing that suspects already know their *Miranda* rights, which stands in contrast to research showing substantial misconceptions about *Miranda* among both youth and adults (e.g., Rogers et al., 2016).

How Interrogation Tactics Exploit the Hallmarks of Adolescence

Police officers operate in a highly adversarial system where the goal of interrogation is to obtain incriminating information, which positions them and arrestees on opposing sides. Despite a wealth of evidence suggesting that youth differ from adults in terms of legal capacities, police officers are trained to use the same techniques when questioning adults and youth (Cleary & Warner, 2016). In fact, officers report being aware that traditional interrogation practices may be problematic with youth, but then do not make appropriate accommodations (Meyer & Reppucci, 2007). Officers also report using techniques to intentionally increase a suspect's anxiety (Meyer & Reppucci, 2007). These manipulative tactics may explain why estimates of false confessions have ranged from 14% to 25% (Drizin & Leo, 2004). False confessions significantly increase the risk of false conviction, especially because police may willingly lie in court, as demonstrated by evidence found by Covey (2012). This may disparately impact youth of color: In a youth-specific sample, Black youth wrongfully convicted of crimes and later exonerated were more likely to have been wrongfully convicted following, among other factors, false confessions, perjury, and official police misconduct (Webb et al., 2020).

These exploitative tactics also apply to *Mirandizing* practices as police officers approach advisements with the goal of eliciting waivers. Prior to *Mirandizing*, officers emphasize rapport-building with suspects in the hopes of increasing their comfort and decreasing perceptions of confrontation (Domanico et al., 2012; Inbau et al., 2001). Officers then routinely downplay the significance of *Miranda* rights by treating them as administrative formalities and often using neutral, unassuming tones of voice (Cleary & Vidal, 2016). They may go as far as to suggest that waiving is in the suspect's best interest because it gives them the power to tell their side of the story (Feld, 2013; Leo & White, 1999). Compounding this, police officers infrequently take developmentally appropriate steps, like asking them to repeat back the rights in their own words, to ensure younger (i.e., ages 14–27) suspects understand their *Miranda* rights (Domanico et al., 2012). As a particularly exploitative tactic, officers may present evidence before reciting the *Miranda* rights so that suspects feel compelled to waive their rights and talk in an effort to explain the evidence (Feld, 2013). These police tactics reflect officers' beliefs that *Miranda* protections stack the deck against police investigators and prevent officers from obtaining needed confessions—which are viewed as an especially compelling and desired piece of evidence by U.S. detectives (Brookman et al., 2019). Detectives, therefore, use a wide variety of approaches to circumvent *Miranda* and reduce the likelihood of invocation. Youth, who are particularly susceptible to compliance, are at considerable risk.

Younger adolescents may be particularly susceptible to interrogation tactics. Interestingly, age, regardless of level of *Miranda* understanding and appreciation, has been shown to predict self-reported likelihood of giving a confession (Rogers et al., 2012). In fact, low levels of *Miranda* comprehension are associated with increased likelihood of both waiving rights and making false confessions (Abramovitch et al., 1993; Haney-Caron et al., 2018), indicating that young legal system-involved individuals are vulnerable to waiving *Miranda* unknowingly and unintelligently, regardless of other demographic factors. In other words, those who cannot understand or appreciate the consequences of waiving their rights are most vulnerable to doing so, which is contradictory to the intentions of the *Miranda v. Arizona* ruling.

Race and Youth *Miranda* Waivers

For youth of color, the impact of racism in the interrogation process is compounded and exacerbated by developmental immaturity. At the earliest stage, racial biases may impact how police officers deliver *Miranda* warnings and, in turn, youths' waiver decisions (Haney-Caron & Fountain, 2021). Personal and vicariously experienced injustice within the legal system may influence how persons of color respond to police officers during interrogations. Black adults report expecting that police officers will not comply with their *Miranda* decisions, which may reduce the likelihood that they will assert their rights (Johnson et al., 2015). This dynamic likely remains true for youth, as parents' mistrust of law enforcement is often transmitted to their children through the process of legal socialization (April et al., 2022). For Black youth, waiver decisions are likely heavily impacted by racial inequity.

Black youth are particularly at risk of mistakenly thinking they must obey police officers. Black youth and parents are frequently exposed to videos and vicarious accounts of police interactions during which perceived noncompliance leads to violence or death (Henning, 2022). Asserting rights may be viewed as dangerous for Black youth, and therefore not a viable option. Black parents, in frantic efforts to ensure safety, often stress to youth the need to prioritize physical safety in police interactions while maintaining respect and compliance (Henning & Omer, 2020). Unintentionally, parents' best efforts to protect their kids paired with coercive and manipulative police tactics may implicitly and explicitly pressure youth to waiver their rights.

Police interrogations are inherently stressful situations (Gudjonsson, 2003) and, as mentioned above, youth may find them even more stressful than adults do, leading to an increased difficulty making waiver decisions (Goldstein et al., 2018). From an equity perspective, racial identity—and associated experiences of racial bias—may play a salient role for youth of color. As Black youth experience and witness disproportionate levels of police violence, they often experience fear and distrust of police officers (Outland, 2021; Smith Lee & Robinson, 2019). Aware of the potential lethality of police interrogations, Black youth likely struggle more to regulate emotions, which further threatens their decision-making abilities. As a result, for youth of color, challenges associated with their developmental immaturity are compounded by additional challenges that arise due to systemic racism within the legal system.

Stereotype Threat in Interrogations

Stereotype threat—when one's awareness of negative stereotypes about their group prompts fears about conforming to said stereotypes—also has a significant impact on behavior (Steele, 1997). A body of research has demonstrated that stereotype threat significantly impacts academic performance among Black, Native American, and Latine students (Jaramillo et al., 2016; Seo & Lee, 2021; Steele & Aronson, 1995; Wout et al., 2009). In an interrogation, false stereotypes about Black Americans' inherent criminality prompt Black adult arrestees to self-regulate behavior and engage in impression management in the hope that such adjustments deter officers' assumptions of guilt (Blandón-Gitlin et al., 2020; Najdowski, 2011). However, police officers often interpret such behavioral changes

(e.g., avoiding eye contact; Najdowski et al., 2015) as indicative of deception and guilt. Police officers suspecting deception may therefore apply additional pressures to Black Americans when trying to elicit a *Miranda* waiver. Indeed, stereotype threat has consistently been linked to increased false confessions among adults (e.g., Davis & Leo, 2012; Najdowski, 2011; Villalobos & Davis, 2016). Given these findings, we posit that the same processes also increase the likelihood of invalid *Miranda* waivers for Black youth, as well as for other non-Black youth of color, but additional research is critically needed in this area.

Stereotype threat also reduces cognitive capacity (K. B. Kahn et al., 2018), which may make comprehension of *Miranda* rights that much harder for youth of color. Specifically, stereotype threat exacerbates information processing difficulties and worsens recall (Najdowski, 2011). Confirming this, Fenn et al. (2019) found that stereotype threat impaired memory of *Miranda* warnings among Black and Latine college students. In addition, because stereotype threat reduces one's ability to control emotions, thoughts, and behaviors, the ability to resist pressure from police officers becomes compromised, undermining the validity of consent (Henning, 2022). Although more research is needed to further understand the impact of race-based experiences on *Miranda* waivers, it is likely that people of color, and particularly Black Americans, face significant difficulties during police interactions all of which inhibit their ability to validly waive their rights. Future research in this area should incorporate the role of colorism, which is the phenomenon by which people of color with lighter skin-tones and more Eurocentric features are treated more favorably (Hunter, 2007). Considering that skin tone disparities are seen at other stages of legal processing (e.g., diversion and sentencing; Sissoko et al., 2023), it is likely that colorism also impacts youths' experiences during interrogation, perhaps creating additional burdens that make *Miranda* waiver more difficult.

Policing, Racism, and Poverty

The long-standing tensions between police officers and communities of color are well-established (Henning & Omer, 2020). The institution of policing began as an extension of slavery with the development of the Slave Patrol, a force of violence with one goal: suppress uprisings of enslaved individuals (National Association for the Advancement of Colored People [NAACP], 2021). Although the Slave Patrol disbanded formally after the Civil War, militia-like groups continued to uphold discriminatory policies (e.g., Black Codes). Jim Crow laws (i.e., laws that enforced racial segregation) eventually replaced Black Codes, and police departments began forming (NAACP, 2021). Although this is a very abbreviated account of the history of policing, the sobering conclusion is that policing has always been rooted in racism and White supremacy.

Today, youth of color are disproportionately subjected to policing in their communities and therefore are at a profoundly greater risk of facing arrest and interrogation. Specifically, police presence is typically highest in communities largely populated by those of color even when these communities do not experience increased crime (Evans et al., 2014). This targeting has been attributed to problematic police practices including stop-and-frisk and zero tolerance (Meares, 2015), which have contributed to the considerable legal mistreatment of persons of color. Unsurprisingly, youth of color know overpolicing to be rooted in racial discrimination (Nadal et al., 2017). Black, Latine, and Native American youth with system involvement describe that police officers give them fewer chances than White youth and that they experience unnecessary use of force more often than White youth (Feinstein, 2015). Continuously witnessing discriminatory policing practices shapes how youth of color come to view the legal system as illegitimate, thereby reducing the desire to comply with police (Henning, 2018); reflective of a vicious cycle, "policing happens to youth of Color regardless of delinquency, and that policing then creates delinquency among youth, which is then policed" (Haney-Caron & Fountain, 2021, p. 679). The overpolicing of communities of color thereby creates increased risk of interrogation for youth of color, which then threatens youths' freedom and safety.

Taking an intersectional perspective, systemic racism also profoundly impacts the perpetuation of socioeconomic differences by race, which has clear implications for *Miranda* waivers. Youth of color, who are more likely to be financially vulnerable than their White counterparts (Lowery et al., 2018), may hesitate to assert their right to legal counsel because they (a) have not been informed that these services will be provided at no cost, (b) do not have the familial financial resources to secure an attorney, or (c) may have experienced or witnessed others (e.g., family members) receive a substantial bill for court-appointed counsel. For many youth of color, perhaps all three are true. An author's anecdotal experiences working with juvenile legal system stakeholders and conducting forensic evaluations provide important real-world examples of these disparities. White youth whose families have the financial means to hire an attorney commonly have one intervene before interrogation can occur. On the contrary, youth of color often do not have families with the financial means or connections needed to hire an attorney privately and quickly following arrest. Furthermore, because public defenders are provided by the court, it is possible that youth of color may have suspicions about their true intentions given the long history of racism within the legal system (Alexander, 2020). Although there is not yet any research on this point, this may make it more difficult for youth to trust that their court-appointed attorney will provide them with the best legal advice. This ability to secure counsel viewed as trustworthy as quickly as possible has the potential to drastically change the course of an adolescent's life and here, yet again, youth of color are unlikely to benefit.

How Do We Better Protect Youth? Equitable Policy Recommendations

In light of youths' profound developmental limitations in navigating interrogations and making sound legal decisions by themselves, scholars and legal organizations have called for reforms in the youth interrogation process to better protect adolescents. Importantly, reforms related to policing are challenging. Although we strongly support reform efforts, we also recognize that true reform would constitute a total overhaul of the institution of policing, a true reconciling of its racist origins, clear considerations for reparations, and a reimagining of resources needed for public safety. Recommendations for additional police trainings, for example, although important are not likely to produce the kind of widespread change needed to address systemic racism in policing.

The following section discusses five proposed solutions, as well as their potential limitations. Most solutions only address part of the problem and often fail to account for all impacts of adolescent developmental immaturity. Furthermore, they do not account for

the role that racial bias plays in interrogations and therefore fall short in protecting youth of color. The proposed solutions range in the amount of necessary reform required and are discussed in order beginning with those requiring the least substantial changes.

Video Recording Youth Interrogations

Researchers (e.g., Leo, 2001) have purported that the mandatory videotaping of interrogations would help courts more effectively determine if *Miranda* waivers are made knowingly, intelligently, and voluntarily. As a secondary benefit, doing so may discourage police officers from acting in coercive ways to elicit waivers (Leo & Drizin, 2010). Similarly, several defense attorneys believe that requiring police officers to wear body cameras during interrogations would protect youth from making invalid waivers (August & Henderson, 2021).

Limitations

From a legal perspective, there are several issues with this proposal. First, a waiver may only be deemed invalid after it happens, meaning that although self-incriminating statements made after an invalid *Miranda* waiver may be inadmissible in court, police officers may still be able to build their case based on other information gathered during interrogation. For example, police officers can use physical evidence found resulting from statements made by a suspect and can also use incriminating statements as evidence against coconspirators (*United States v. Escobar*, 1995; *United States v. Patane*, 2004). Therefore, agreeing to speak to police officers at all, regardless of whether it is being filmed, puts youth at risk of receiving a juvenile court adjudication (i.e., finding of guilt) or criminal conviction.

Having videos of youth interrogations may not actually help judges accurately determine whether an adolescent waiver was valid. Research is clear that youth struggle with various emotional and cognitive challenges while attempting to make waiver decisions; youth must regulate the emotions associated with high stress, weigh the potential short- and long-term consequences of waiving versus asserting their rights, and determine the best way to communicate their decision to police officers. Youth also may feel pressured to waive their rights due to the power differential between them and police officers, even if police officers do not use illegal methods of coercion that can be seen on a videotape (e.g., physical violence). Video recordings would be ineffective at capturing these internal processes. This is particularly relevant for youth of color who may engage in intensive impression management due to stereotype threat, and who may feel additional pressure to comply with police officers to maintain their safety (Blandón-Gitlin et al., 2020). Just as police interrogators may incorrectly interpret signs of stereotype threat as being indications of guilt, so too may attorneys, judges, or jurors who later watch video of the interrogation—creating the possibility that videotaped interrogations are harmful for youth of color in ways they are not for White youth.

In addition, the position and angle of recording can be manipulated to change judges' perceptions of what occurred during interrogation (Bang et al., 2018). People judge confessions as more likely to be voluntarily when the video focuses on the suspect alone rather than on the suspect and the interrogators, especially when the suspect is a person of color (Wynn, 2020). Likewise, a judge without full appreciation of the impact of developmental immaturity on waiver validity may mistakenly see video footage that is focused solely on a youth as support that they understood and appreciated their *Miranda* rights. Research showing that Black boys are perceived as older and less innocent in police contexts (Goff et al., 2014) may also have implications for video recording: Racial bias may lead judges watching interrogations to perceive Black youth (and especially boys) as more mature and capable of effectuating a valid waiver. Although videotaping interrogations may be a promising way to reduce police officer misconduct during interrogation, it would not fully protect youth from invalid waivers nor allow for a thorough examination of the validity of waivers, especially for youth of color.

Implementing the "Interested Adult" Rule

As a mechanism to account for youths' developmental capacity, several states have enacted an "interested adult" rule, which requires that youth have the opportunity to consult with some important adult (e.g., parent, legal guardian) prior to an interrogation (Farber, 2004). As of 2018, 34 states required police officers to notify a parent or guardian when taking a child into custody and nine states required that a parent be present and *Mirandized* for youth waivers to be valid (Goldstein et al., 2018).

Limitations

Research does not consistently support the effectiveness of the "interested adult" rule. In fact, there is no empirical evidence to show that parents provide the best advice to their children regarding *Miranda* waivers, nor is there any evidence examining whether children listen to the advice provided by their parents regardless of its quality (Viljoen et al., 2005). In fact, research shows that parents are not well positioned to help their kids and may even fall prey to the same police officer tactics discussed above.

As a salient example, parents may have their own conflicts of interests that compromise their ability to effectively assist their children. Farber (2004) noted that parents might have personal relationships with the victim or other suspects, may feel responsible for their child's moral development, or be concerned about acquiring legal fees, all of which impact their ability to advise their child. Parents themselves also hold significant misconceptions about *Miranda* rights and legal procedures (Cleary & Warner, 2017; Warner & Cleary, 2022; Woolard et al., 2008). For example, Warner and Cleary (2022) found that only 20% of parents surveyed knew that they were not allowed in the interrogation room with their child if their child did not want them present. Less than one-third of the parents knew that police interrogations could be recorded without their permission (Warner & Cleary, 2022).

The "interested adult" rule also does not impact all children equally. For example, some parents may have greater legal knowledge than others and, in such cases, parents are more likely to advise their children to assert their rights (Baker et al., 2022). On the other hand, greater perceptions of police legitimacy are associated with an increased likelihood that parents advise their children to waive their rights (Baker et al., 2022). Parents and youth of color are again at a greater disadvantage as parents of a minoritized race are less likely to accurately understand Miranda rights and legal procedures (Woolard et al., 2008). In contrast, though, race is also an established mediator between perceptions of police legitimacy and parental advice regarding *Miranda* waivers; compared to White parents, Black parents had

lower perceptions of police legitimacy, which, in turn, increased the likelihood that they would advise their child to assert their rights (Baker et al., 2021). These findings suggest that direct and vicarious experiences of racism in the criminal legal system influence parents' actions during youth interrogations and make clear that parent involvement in interrogations is shaped by many factors that are mostly poorly understood. Without more data on the impact of racialized identity on parental reactions to youth interrogation, we cannot fully predict whether this protection differentially impacts youth of different racial and ethnic identities.

The presence of a parent during interrogations may also increase the cognitive load experienced by youth, making it more difficult for them to hold the rights in working memory while they make decisions about waiver. Hartley and Somerville (2015) found that youth struggle to efficiently integrate multiple sources of information when making decisions. Therefore, a parent's feedback during interrogation could do more to overwhelm youth than help them. Interrogations are incredibly stressful for youth and parents alike. If youth perceive their parents to be emotional, they may feel pressure to appease them (e.g., avoid getting in trouble, avoid punishment at home) as well as police officers. Although more research in this area is needed to determine the impact of parent advice on youths' decision-making abilities, extant literature is clear that relying on parents to protect youth during interrogations is inadequate.

Simplifying Youth Miranda Warnings

The American Bar Association and several psycho-legal researchers (e.g., Hynes, 2010; Rogers et al., 2012) have called for adaptations of *Miranda* warnings for children and adolescents. Some jurisdictions (e.g., King County, Washington) have even begun using simplified versions of *Miranda* with adolescents (Clarridge, 2017).

Limitations

Despite changes in legislation, there is a lack of empirical evidence to support such policy decisions; some research even suggests that simplified warnings are ineffective at improving understanding and appreciation of legal rights (Talbot, 2020). Research in other countries regarding the impact of simplified waivers on *Miranda* comprehension has been mixed (Eastwood et al., 2016; Talbot, 2020), suggesting that changing the language of the rights may not be enough to meaningfully help youth make decisions that require cognitive and socioemotional processes beyond reading or listening comprehension. Importantly, simplifying *Miranda* language is also not enough to overcome the additional barriers faced by youth of color during interrogation. For example, Black youth who comprehend *Miranda* may still believe that the risk of asserting their rights is higher than the risk of waiving, as legal socialization has taught them that doing the former can lead to physical danger (April et al., 2022).

To date, only one study in the United States, which is dated, has directly compared youths' comprehension of traditional *Miranda* warnings to their comprehension of simplified warnings (Ferguson & Douglas, 1970). Ninety youth between the ages of 13 and 17 from detention facilities (i.e., had prior legal system involvement) and junior high schools (i.e., had no prior legal system involvement) were pulled into interview scenarios from class or work under the false pretenses that they were being investigated for involvement in criminal activity. Interviewers read either traditional or simplified warnings to the youth, and after the youth waived their rights, interviewers asked them what they understood about each of the five warnings. The overwhelming majority (95.6%) waived their rights, and of these, only five demonstrated full understanding of *Miranda*. Beyond this, results did not demonstrate that youth had greater comprehension of the simplified warning compared to the traditional. Importantly, the generalizability of these findings is limited; each institution involved in the study was responsible for randomly selecting youth participants, participants' sample sizes were limited, and racial–ethnic identity representation was minimal. Although we recognize these limitations, the results suggest that youth, simply due to their young age, did not have the capacity to understand and appreciate their *Miranda* rights. We expect that more rigorous designs would likely conclude similarly given widespread *Miranda* rights comprehension concerns for youth.

Requiring the Presence of an Attorney

Rather than relying on parents to adequately guide their children during the interrogation process or on judges to determine the validity of statements after they are made, perhaps adolescents would be best protected if the presence of a defense attorney were required prior to youth interrogation (J. L. Powell, 2016). In other words, youth should not have the option to waive their *Miranda* rights and talk to police without legal counsel. Given that the youngest youth are most vulnerable to making invalid waivers, researchers have proposed that attorney presence be required for youth 15 and under (Goldstein et al., 2018). More broadly, some (Fountain et al., 2021; Tepfer et al., 2010) have suggested that the presence of an attorney be required for all individuals under 18 years of age given universal developmental limitations with executive functioning and emotional regulation, which compromise legal abilities. Ogletree (1987) argued that not only would require the presence of an attorney during interrogation protect youth from waiving their rights without understanding them, but also it would protect the court by ensuring that statements or confessions were not made invalidly. Some states have begun to recognize this need for added protections, including California and Washington, where youth must consult with an attorney in person or via phone or videocall, prior to waiver (395 Welfare and Institutions Code § 625.6, 2017; Washington House Bill 1140, 2021–2022) and Illinois, where attorney presence is required during interrogation for youth under 15 years old (Public Act 099-082, 2017). Other states, such as Maryland, New Jersey, and New York, are currently considering enacting similar policies (Maryland House Bill 269, 2022; New Jersey Senate Bill 269, 2022; New York Assembly Bill 5891, 2022). It is important to note that California's and Washington's policies may not be enough; after consulting a lawyer, youth may still face interrogation alone and then may be just as vulnerable to making a waiver due to developmental immaturity and racial bias. Unfortunately, because any changes have been implemented within the past 5 years, empirical evidence has not yet established the impacts of such policy reforms. It is likely that even more robust protections are needed to help youth overcome the substantial obstacles they face during interrogation. It is our hope that, in time, the effects of these reforms will help clarify whether legislative changes regarding consultation with or the presence of an attorney have profound and positive impacts on the rate of youth waivers and false confessions.

Limitations

Prohibiting youth *Miranda* waivers without the presence of counsel may be the best way to ensure that youth are protected during interrogation, but future research is needed to determine if this is equally protective for all youth. There is evidence that nonevidentiary factors, such as race and ethnicity, influence the advice defense attorneys give to their clients, indicating that racial bias may impact the quality of representation (Redlich et al., 2016). Furthermore, mistrust of counsel, especially court-appointed counsel, is common among persons of color, which may impact how comfortable youth of color feel working with their attorney (Clair, 2020).

Lack of trust in counsel is a multifaceted issue, which expectedly includes racial biases and discrimination. As Henning (2017) poignantly wrote, "in theory, defense attorneys [are] the heroes of justice" (p. 1), a perspective that developed in the Civil Rights era following landmark cases like *In re Gault* (1967). During this time, defense counsel was thought to "stand in the gap between the coercive power of the state and the relatively limited power of the indigent accused, who were and still are disproportionately black and Latino" (Henning, 2017, p. 1). Despite this idealized perspective, defense counsel may be just as likely to be impacted by and perpetuate racial biases against youth as prosecutors and police officers. Youth defense counsel are also tasked with navigating the challenge of paternalism (i.e., acting on behalf of youth clients in ways that limit their freedom of choice)—something adult defense counsel do not have to do (Henning, 2017). Considering these limitations together, requiring the presence of attorneys during interrogation may be differentially protective for White youth. It is therefore vital that jurisdictions that require the presence of an attorney take steps to ensure racial equity, such as documenting the frequency of waiver by youth race and evaluating trial outcomes to determine whether quality of representation differs by race.

Prohibiting Statement From Being Used in Court

Constituting a substantial change to youth justice procedures, the development of statutes regarding the admissibility of youths' statements during interrogations may be advantageous. Kohlman (2012) proposed that statements made by youth 15 years old and younger should only be admissible if a lawyer was present. For youth 16 years old and older, the burden of proof should be on the court to prove that statements are admissible by demonstrating that waivers were knowing, intelligent, and voluntary (Kohlman, 2012). Even more directly, when asked about their opinions on safeguards for youth, defense attorneys surveyed (albeit a small proportion, i.e., two of 19), suggested that among other reforms, youth statements could be made inadmissible in court to better protect kids (August & Henderson, 2021). This is not to say that the remaining 17 did not endorse this idea, but rather that they did not offer it as a potential solution and instead highlighted other changes that could be made. This qualitative research serves to demonstrate that defense attorneys recognize that something must be done to ensure youth have adequate protections in the system.

Limitations

Unless youth do not talk to police officers at all, they are still vulnerable to many of the negative consequences of interrogations described above. Although this policy would help safeguard youth from self-incrimination, any statements made during interrogation may still be used to strengthen a case against them if they lead to discovery of physical evidence. These statements could also be used to build cases against other youth. Developmentally, youth are unlikely to consider these long-term consequences, and they are unlikely to appreciate the nuances of the protections afforded by *Miranda.* Furthermore, youth of color may be at most risk of talking to police due to legal socialization, which teaches them to be compliant to police officers owing to valid fear of negative consequences, including death, if they refuse (Henning & Omer, 2020). As such, this reform in isolation might disproportionately improve practices with youth depending on their race; prohibiting youth statements from being used in court is likely going to be most protective for youth if enacted in conjunction with additional policy reforms.

Reimagining Policy Protections for Youth

The reforms discussed here have all been proffered as solutions to protect youth during interrogations for at least the last several years and, for some reforms, over multiple decades. However, despite a growing body of research on youth *Miranda* waivers and confessions, youth remain at significant risk for uninformed, pressured waivers—many of which will lead to confessions that will subsequently be deemed admissible. Although courts—either the United States Supreme Court or state courts of last resort—could interpret fifth amendment protections in the U.S. Constitution and in state constitutions as necessitating special protections and separate legal standards for youth, there is currently no indication that such judicially initiated change is likely. Courts largely continue to show deep deference to police in considering confession admissibility and other interrogation-related issues, continuing the decades-long trend of chipping away at the protections of *Miranda* (see Vitiello, 2020). Courts have also continued to incentivize—or at least failed to deter—police violations of existing *Miranda* protections (Arenella, 1996) by, for example, allowing illegally taken statements to be used against codefendants, admitting physical evidence found as a result of illegally taken statements, and providing civil immunity to officers who intentionally violate suspects' *Miranda* rights (see *Vega v. Tekoh*, 2022, holding that a *Miranda* violation does not constitute a fifth amendment violation).

Moving forward, meaningful reform will likely need to come through legislative initiatives and is most likely to occur at the state level. Such reforms must include creative solutions to deter officers from violating Miranda rights. For example, state judges could interpret state constitutional protections as requiring *Miranda* constitutionally rather than as a prophylactic requirement, and state legislatures could implement a fruit of the poisonous tree doctrine for *Miranda* violations. States or individual jurisdictions may also implement disciplinary procedures for officers who knowingly violate *Miranda* protections, especially for youth. However, state-level reforms (such as initiatives to ensure attorney presence during interrogation) have themselves faced "law-and-order" backlash, resulting in legislative compromises that weaken the reform's ultimate scope or impact; for example, compare New York Assembly Bill 6982 (2019), which would have limited youth interrogation to times when a person's life or health is in imminent danger and the child may have information that could help, with New York Assembly Bill 5891 (2022), which omits that provision. We are left, then, in a moment in which previously advocated reforms are likely to fall

short from a racial equity perspective and are, in any case, difficult to enact. We have no silver bullet to suggest.

Instead, we urge researchers and advocates moving forward to carefully integrate a developmentally informed, racial equity-focused approach to all research, scholarship, and change efforts related to youth interrogations. Critical race realism (e.g., Parks, 2007) may provide an ideal framework for approaching the needed work in this area, advancing empirical research that not only identifies racism inherent in the law but also intentionally paves a path forward toward meaningful policy reform. Legal psychology research too often fails to meaningfully reach needed audiences to create system improvement, and we believe that researchers ultimately must take responsibility for translating their work into system impact—through trainings for stakeholders, legislative memoranda and testimony, public education efforts, and other nonacademic dissemination. Critical race realism offers a path forward for beginning to view impact as a critical stage of the research process. We hope that this article can provide a first step in pushing the field in that direction and that, ultimately, the work of the research community and legal stakeholders together—informed by the deep knowledge of impacted youth and parents—will develop more effective, equitable solutions than we currently have available.

As we wait for additional research and creative policy solutions, youth of color are being disproportionately impacted *now* by interrogation practices and policies; attempts to address this disparity cannot wait until we have an ideal answer. We recognize that the reforms we propose here may do little to address the racial bias and racial disparities this article details, but we also know that the youth most likely to be suspected of crime and face interrogation are youth of color. Therefore, any protections that can reduce the number of youth being interrogated will protect youth of color. Although we recognize the barriers to these reforms at this juncture, we make several initial recommendations: (a) prohibit questioning youth unless necessary to prevent an imminent life-threatening situation, (b) require all youth to consult with an attorney prior to *Miranda* waiver and require unwaivable attorney presence through the entirety of interrogation, (c) require that youth paraphrase the meaning of each right *before* waiver is permissible, so that poor comprehension of the rights is clearly documented and judges have the information needed to suppress invalid confessions, and (d) require that police explicitly state that their goal is to obtain information that will help convict the youth and explicitly describe the possible ways in which information provided by the youth during interrogation could harm them later. None of these reforms will fix what is broken about our legal system or cure the racism inherent in the system; these are temporary Band-Aids when what is ultimately needed is a reenvisioning of the culture and goals of policing (and perhaps the juvenile and criminal legal systems as a whole). However, reform cannot wait, and we must think creatively about where we can begin.

How Do We Better Protect Youth? Equitable Research

This article bridges several bodies of research to comprehensively examine the many ways in which youth of color are at risk in the criminal legal system. However, the empirical landscape leaves much to be done. When evaluating what youth do and do not understand about the function and goals of interrogations, a specific focus should be on youth and families of color to clarify what additional vulnerabilities they face compared to White youth. Future research in interrogations among youth should develop a focus on increasing equity and protecting youth in interrogations and waivers; we highlight here some possible avenues for this needed work.

Youth experience discriminatory police practices on both the individual and community levels (e.g., Solis et al., 2009). As such, research efforts should actively involve community stakeholders (e.g., community organizers, faith leaders, teachers, parents, and police officers) to provide researchers with a better understanding of these issues in practice. Consistent with this perspective, participatory action research geared toward better protecting communities and decreasing prejudicial police practices could drastically change the experiences of youth of color.

As noted above, the research available on non-White youth is very limited and what is available largely focuses on Black youth. This is appropriate and understandable given the unique vulnerabilities faced by Black youth; however, researchers (e.g., Solis et al., 2009) have encouraged the consideration of other, less well-studied groups including, for example, Latine and Indigenous youth. The unanswered questions are many: What unique vulnerabilities do Latine youth vulnerable in interrogations? Do Indigenous youth understand *Miranda*? What misunderstandings or misconceptions do they have? In what ways are Latine or biracial youth uniquely targeted by police officers?

In addition to robust research on race and ethnicity, researchers are strongly urged to consider intersectional identities and factors. For example, what do Black transgender youth experience in interrogations? What about neurodivergent Latine youth who primarily speak Spanish? What does legal socialization look like in multigenerational Asian households? This body of work can contribute to a nested understanding of race and ethnicity in the criminal legal system. Given that youth cannot disentangle and isolate their identities, neither should research.

An Empirical Paradigm Shift

Research has long focused on system variables (i.e., factors the system can control like lineup instructions) while controlling for estimator variables (i.e., factors the system cannot control like a youth's race; Wells et al., 2006). This approach to psycho-legal research can be understood as a focus on main effects (e.g., relationship between youth's crime and sentencing outcomes) while ignoring crucial interaction effects (e.g., differences in sentencing outcomes for youth of color compared to White youth) that are most certainly present. Notably, psycho-legal outcomes of interest are inherently tied to the racial–ethnic background of those involved (e.g., youth, police officers, attorneys, and researchers) and much of current psycho-legal research obfuscates, or disregards entirely, this point.

Problematic assumptions underly the focus on system variables. Such an approach assumes that research findings related to the manipulation of system variables will be consistent across groups and that the role of estimator variables is secondary (Goldstein et al., 2018), which promotes the idea that race is "noise" in data and simply complicates analyses and findings. This approach disrespects the lived experiences of arrestees and defendants of minoritized races for whom race and racialized experiences are central. Additionally, race is often simply ignored in psychological research (Roberts et al., 2020) with few researchers even acknowledging the racial demographics of their samples (DeJesus et al., 2019). As a broad recommendation, we encourage researchers to fully embrace

the complexities of identities, to focus intentionally on interaction effects, particularly with regard to race, and to understand that doing so is critical to an equitable approach to scholarship.

Concluding Thoughts

Miranda decisions (i.e., to waive or assert rights) represent a considerable decision point in an adolescent's trajectory in the criminal legal system. Following a waiver, youth are vulnerable during interrogations and these outcomes are likely worse for youth of color. Black youth specifically face cumulative disadvantages at each step of legal processing, such as plea bargaining and disposition/sentencing (Haney-Caron & Fountain, 2021). Juvenile court adjudications and criminal court convictions carry a wide range of collateral consequences that affect mental and physical health, education and employment opportunities, and the likelihood of subsequent juvenile and adult legal system involvement (Barnert et al., 2018; Jung, 2015; K. Powell, 2022). Incarceration, in particular, has deleterious impacts on health, which disparately impact youth of color because adjudicated/convicted youth of color are more likely to be placed in residential facilities than White youth (Rodriguez, 2010). Incarcerated youth tend to exhibit high rates of mental health concerns including suicidality, neurodevelopmental disorders, and alcohol and substance use, as well as an increased exposure to diseases (Barnert et al., 2017; Borschmann et al., 2020; Gilman et al., 2015). Over time, these difficulties contribute to greater recidivism, mortality, and overall health problems (Borschmann et al., 2020; Craig et al., 2020). Furthermore, individuals incarcerated during adolescence face various barriers when attempting to reenter society that impact their ability to obtain housing such as disruption in social networks, reduced earnings, and restrictions on eligibility to receive public housing (Geller & Curtis, 2011; Grieb et al., 2013; Jung, 2015). Consequently, youth incarceration increases the likelihood of homelessness (Cox et al., 2021; Tam et al., 2016). If youth are unable to effectively assert their *Miranda* rights, they are at greater risk for each and all of these negative outcomes.

Due to developmental immaturity that limits decision-making capacities, adolescents are at increased risk of making unknowing, unintelligent, and involuntary *Miranda* waivers (Steinberg, 2009). Indeed, a body of research has demonstrated that youth struggle to understand the meaning of *Miranda* warnings and appreciate the long-term implications of waiving their rights (e.g., Goldstein et al., 2018). Interrogation techniques take advantage of the developmental aspects of adolescence that put youth at risk of making invalid waivers (DeClue, 2007). This is especially the case for youth of color, as racism and bias held by legal actors increase their vulnerability in interrogation (Blandón-Gitlin et al., 2020). Given the consequences of uninformed *Miranda* waivers for youth, research exploring the utility of possible solutions, such as the avenues for future research and the five outlined policy reforms, is critical.

There have been numerous calls to reform youth *Miranda* policies to encourage more consistency with best-practice recommendations and extant knowledge about adolescent development. Unfortunately, many of these proposed reforms fall short. Requiring that interrogations be videotaped, requiring parent presence during interrogation, simplifying *Miranda* rights, and prohibiting youth statements from being used in court likely to do not enough to protect youth, and may still lead to negative consequences. Other proposed reforms may be promising, but research has yet to examine them in depth. Fully protecting youth will require new solutions not yet proposed.

It is our hope that this and similar calls to action prompt continued research and resource devotion to reform efforts for youth. Such efforts could significantly reduce outcomes like that of Kirk Otis, the 14-year-old Black boy sentenced to 10 years all the while struggling with mental health, impaired cognitive functioning, and longstanding abuse. Kirk's case is by no means an anomaly, but perhaps 1 day it could be.

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