

Juvenile and false confession



I have heard the police repeat the Miranda right time and again in television movies involving police and crime suspect. Prior to my MS in forensic psychology program in Walden University, I had not the slightest idea that the words embedded in Miranda rights are actually legal right, I thought they were mere lines used in movie acting and I never envisaged its importance; even Police in Nigerian movies recites this right to crime suspects even though the Nigerian constitution is silence about such right.

Historically, Miranda right was a landmark decision of the United States Supreme Court which passed 5-4 in 1966 in the lawsuit *Miranda v. Arizona*, 384 U. S. 436. Miranda rights gives suspects the right to remain silent when arrested, the knowledge that any statement made can be used against them in a Court of law and an understanding they have the right to an attorney and they reserve the right to waive this right and succumb to interrogation by the police. Research abound that addresses the inability of juveniles in fully comprehending the implication of waiving Mirada rights.

Ferguson, Jimenez & Jackson (2010) conducted literature review of relevant research studies and lawsuits to establish the fact that juveniles are not properly developed to make informed decisions when it comes to upholding their right to remain silence in the wake of police arrest and their competence to stand trial. Studies has confirmed the fact that age an IQ level of juveniles is related to juveniles' ability to comprehend Mirada rights (Goldstein, Condie, Kalbeitzer, Osman, & Geier, 2003).

Grisso (1997) also noted that juveniles' limited understanding of legal terminologies leads to increased risk of waiving their Miranda rights. Ferguson, Jimenez and Jackson further reviewed articles on cognitive and

psychological abilities in juvenile citing the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. The foundation's study indicated that adolescents and adult differed significantly in psychosocial abilities.

The most important result of this research work which symbolized a compilation of findings from literature reviewed on competency to stand trial and vulnerability to false confession which is of immense value to the police setting is the finding by Kassin and Norwick (2004) which indicated that innocent individuals were more likely to waive their Miranda rights than guilty individuals because of their faith in the legal system. Another important finding was gotten from the review of

Viljoen, Klaver and Roesch (2005) study which revealed that defendants aged between 11 to 17 years, older ones remained silent while younger ones were more likely to confess. This was in consonant with Redlich and Goodman (2003) who assessed false confession between 3 age groups: 12 to 13, 15 to 16 and 18 to 26. the 12 to 1 age group were more prone to false confession. Older juveniles were however more prone to false confession when presented with " evidence. " Overall, the research found juveniles between the age of 12 and 16 were practically vulnerable to false confessions.

The various results reported is of immense value in police settings. The police using the results of this research must pay particular attention to defendants who refuse to waive their Miranda rights because as Kassin And Norwick (2004) study has revealed, innocent defendants are quick to waive their Miranda rights. However, care must be taken by police to find out the

waiving of rights by defendants is due to psychological immaturity on account of age of the defendant (Goldstein et al. , 2003) or is due to the defendants' lack of understanding of legal terminologies (Grisso, 1997).

The results of this research also revealed that juveniles between the age of 16 to 18 may give false confession when presented with " evidence. " The police must explore other ways of interrogating juveniles to obtain reliable and correct information other than presenting false evidence which influences juveniles negatively thereby leading them to make false confession. Knowledge gleaned from Eckhardt, Norland, and Bradley(2004) study is that sometimes, offenders' maladaptive behavior is specific to the individual characteristic of the perpetrator.

Forensic psychology professionals working in police setting must understand juveniles on account of their age lacks the capacity to understand legal terminologies which may be one of the reasons they more readily waive their Miranda rights (Grisso, 1997). Forensic Psychology Professionals in police settings must therefore work with juveniles with the understanding that their stage of psychosocial development is below that of the adults. REFERENCES

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