

Juveniles, especially those age 15 and younger, frequently do not adequately comprehend or appreciate the Miranda warnings they waive: as a group they understand the words of the warnings, and the function and significance of the rights to silence and counsel, less well than adults -- raising doubt about whether a juvenile's waiver is knowing and intelligent.

Evidence strength: Moderate

Scientific consensus: Established

BOTTOM LINE

The forensic field broadly accepts that younger adolescents understand and appreciate Miranda warnings less well than adults, which is why simplified juvenile warnings and waiver scrutiny are widely recommended. What is debated is the size of the effect and how it applies to an individual waiver -- not the existence of the deficit.

WHAT THIS CLAIM DOES NOT SAY

- Does not claim that any particular juvenile failed to understand the specific warning they waived -- it is a group-level finding, not a per-person determination.
- Does not claim that a juvenile's waiver or resulting confession is necessarily invalid, involuntary, or false.
- Does not claim that all juveniles lack waiver capacity -- comprehension varies widely with age, cognitive ability, and prior legal experience, and many adolescents comprehend adequately.
- Does not claim a specific age at which waiver capacity is reliably achieved; the development of legal comprehension is gradual and individual.
- Does not claim that reciting or comprehending the words equals appreciating their legal significance, or that either can be inferred from anything other than direct assessment of the individual.

SCOPE — WHERE IT HOLDS

A population-level developmental generalization grounded in standardized assessments of Miranda comprehension and appreciation. The deficit is most pronounced for younger adolescents (roughly 15 and under) and for those with lower cognitive or verbal ability or little prior legal experience; many older or higher-functioning adolescents comprehend adequately. It describes group averages and the validity conditions of a waiver -- not whether any particular juvenile understood a particular warning, and not the voluntariness or truth of any statement that followed.

EVIDENCE SYNTHESIS

Standardized assessments of how well people understand the Miranda warnings -- the words themselves and the function and significance of the rights to silence and to counsel -- show that juveniles, particularly those age 15 and

younger and those with lower verbal or cognitive ability, perform substantially worse than adults. The foundational empirical work (Grisso 1980, 1981) developed the instruments still used today and documented that a large share of juveniles do not adequately grasp what they are giving up when they waive. Later studies of adolescent defendants (Viljoen & Roesch 2005) replicate the pattern and tie it to cognitive development. The legal significance is that a juvenile's waiver may not be knowing and intelligent in the way the law requires -- a concern adjacent to *J.D.B. v. North Carolina*, where the Court held that a child's age bears objectively on the custodial-interrogation analysis.

STUDIES (VERIFIED SOURCES)

SEMINAL

Grisso, T (1980). Juveniles' capacities to waive Miranda rights: An empirical analysis. *California Law Review*, 68(6), 1134-1166.

Observational · juveniles (approx. 10-16) vs. adults

Foundational standardized study establishing that juveniles, especially the younger, comprehend and appreciate Miranda warnings less well than adults; source of the field-standard instruments.

SUPPORTING

Grisso, T (1981). Juveniles' Waiver of Rights: Legal and Psychological Competence. *Plenum Press (Perspectives in Law & Psychology, Vol. 3)*, 302 pp.

Review

Book-length synthesis integrating the empirical comprehension data with juvenile-law procedure and the validity of juvenile waivers.

Owen-Kostelnik, J., Reppucci, N. D., & Meyer, J. R (2006). Testimony and interrogation of minors: Assumptions about maturity and morality. *American Psychologist*, 61(4), 286-304.

Review · doi.org/10.1037/0003-066X.61.4.286

Developmental review of why youth heightens suggestibility and compliance and complicates a valid waiver during interrogation.

Redlich, A. D., Silverman, M., & Steiner, H (2003). Pre-adjudicative and adjudicative competence in juveniles and young adults. *Behavioral Sciences & the Law*, 21(3), 393-410.

Cross-sectional · juveniles and young adults · doi.org/10.1002/bsl.543

Independent (non-Grisso) study finding Miranda/pre-adjudicative competence is strongly related to adjudicative competence in juveniles, with age and suggestibility predicting both -- corroborates the waiver-comprehension deficit beyond the Grisso research program.

LIMITATIONS

The core evidence is observational group comparison, not experimental, so it shows an association between youth and poorer comprehension rather than a manipulated cause; much of it rests on one dominant research program; foundational data are decades old and predominantly U.S.-based; comprehension measured by instrument may differ from comprehension during a real, stressful interrogation; and group averages mask wide individual variation, so the finding cannot establish that a particular juvenile failed to understand a particular warning.

COMMON MISCONCEPTIONS

(1) That a juvenile confession is valid simply because the juvenile said they understood -- self-reported understanding overstates actual comprehension. (2) That all juveniles, or no juveniles, can validly waive -- capacity varies with age and ability. (3) That poor comprehension makes a confession false -- it bears on the validity of the waiver, not the truth of the statement.

EXPERT WITNESS NOTES

Use to explain, at the population level, why a juvenile's Miranda waiver may not be knowing and intelligent, and to support case-specific assessment with the standardized instruments. Tie to J.D.B.'s recognition that age is objectively relevant to the interrogation encounter. Be explicit that the science establishes a group-level deficit and the need for individualized evaluation -- it does not, by itself, prove this client failed to understand. Concede on cross that the evidence is observational and that comprehension varies widely; the standardized instruments are what bridge from the group finding to the individual case.

LEGAL MAPPING

RELEVANT TO

J.D.B. v. North Carolina — 564 U.S. 261 (2011)