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Center on Wrongful Convictions of Youth

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Why Youth Contributes to Wrongful Convictions

Just like faulty eyewitness identifications and junk science, youth is a cause of wrongful convictions. A disproportionate number of exonerees were accused and convicted when they were adolescents or younger. However, insufficient attention has been paid to the unique issues that may contribute to these wrongful convictions of youth.

False Confessions

False confessions are one of the leading causes of wrongful convictions, accounting for roughly 25% of all DNA exonerations. There is no doubt that, contrary to what seems logical, people do falsely confess to heinous crimes. In all studies of false confessions, youth are overrepresented.

Traditional (and legal) police interrogation tactics focus on convincing the suspect that their situation is hopeless, that their guilt is already known, and that the only way to improve their situation is to confess. Police accomplish this goal by relentless and intense leading questions to suspects, rejecting any denials of guilt from the suspect, lying about the evidence they have, minimizing the culpability or moral reprehensibility of the crime, and making implied promises of leniency.

Police use these same interrogation tactics with young suspects!

These tactics are tailor-made to get young people to confess, even innocent young people. Exonerated youth who falsely confessed often explain that they confessed merely to stop the intense interrogation so they could go home. Youth are taught to trust the police and categorically are unable to view long-term consequences like adults. Even though they were confessing to heinous crime, these young people actually believed they could go home if they confessed.

Police are trained to avoid all these same techniques when they interview young victims so that they can be assured the victims' statements are reliable. There is no reason this same caution should not be used when interviewing young suspects.

False Accusations

The same interrogation tactics that can cause youth to falsely confess can cause them to falsely implicate other youth. At the urging of police, youth place the blame on someone else so that they can go home, failing to see the long-term consequences of their actions. Their lack of maturity may cause them to falsely implicate their enemies or rival gang members.

Looking to satisfy the police, youth may also make false eyewitness identifications during lineups or photo arrays. Often these identifications implicate other youths.

Inability to Understand or Exercise Rights

Studies show that youth simply do not understand their Miranda rights – including their rights to counsel and to remain silent – when read to them. Accordingly, they do not exercise their rights and are often left to attempt to fend off their interrogators on their own, without the help of counsel, a friendly adult, or even their parents.

Overcharging, Transfer, and False Guilty Pleas

A prosecutor charges a young people with a serious criminal act for either innocent or minor conduct. Transfer statutes then force these charges to be heard in adult court, where these young people are looking at long prison sentences if they are found guilty. To avoid a long prison sentences, the youth will take an offer to plead guilty to a lesser offense or a lesser sentence.

It is impossible to know how often this scenario plays out, but there are known examples of youth falsely pleading guilty.

Attorneys are not skilled in dealing with young clients

Accused youth have difficulty understanding criminal proceedings and actively participating in the process. They may not fully understand the role of their counsel. Attorneys need to spend extra time working and communicating with youth so that they can effectively prepare a defense.

Attorneys are also not educated on the suggestibility of youth, issues of adolescent development, and why youth may falsely confess or falsely accuse others. Attorneys who see a confession may assume the defendant is guilty and encourage a guilty plea, even when the confession may in fact be false.

Wrongful Convictions in Juvenile Court

The overwhelming majority of known and proven wrongful convictions involve individuals who were serving long prison terms. However, there is reason to believe that juvenile courts may be a breeding ground for wrongful convictions.

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