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Comprehension of Miranda rights by 14-18 year old African-American and Caucasian males with and without learning disabilities

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COMPREHENSION OF MIRANDA RIGHTS BY 14-18 YEAR OLD AFRICAN-AMERICAN AND CAUCASIAN MALES WITH AND WITHOUT LEARNING DISABILITIES

A Dissertation

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by

Barbara Anne Zaremba

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INTRODUCTION

According to a nationwide study completed by the National Center for State Courts in 1980, apprehended juveniles are usually notified of their Miranda rights at various times from the point of contact with the police through the adjudicatory hearing (Ketcham, Halbach, Hendryx, & Stapleton,1980). The manner of notification varies; a youth may be required to read from a standard form, the police or court representative may read the text aloud or a combination of both procedures will occur (Stapleton & Teitelbaum, 1972). In any case, a juvenile is required to sign a document attesting to his/her understanding of the Miranda warnings after expressing a desire to relinquish those rights. Yet, despite the admonishment from the Gault court that juveniles are required to have benefit of counsel when faced with any potentially coercive action (In re Gault,1967 pg.41), most apprehended juveniles who may not understand the legal consequences of such an act, waive their right to counsel (Stapleton & Teitelbaum, 1972). This descretionary privilege places the juvenile on the same constitutional footing as an adult (Feld, 1984; Levitt, 1977), a relatively new and critically important position for a population who just twenty-four years ago was considered in need of only paternalistic guidance from the court.

History of the Juvenile Court

From its very beginning in 1899 until 1966, there were people who felt that the parens patriae or fatherly posture of the juvenile court denied Constitutional rights to youths accused of wrongdoing (Arnold & Brungardt, 1983). Beginning in 1966, the United States Supreme Court ruled on those concerns in landmark cases which were to radically change the juvenile justice system. Those cases were Kent v. United States (1966), and In re Gault (1967). In each case, the questions of due process and procedural safeguards during juveniles' hearings were addressed.

Understanding the impact of those radical changes in juvenile court philosophy and ultimately the relationship between the court and errant youths begins with a brief history of the evolution of juvenile justice theory.

It is widely accepted that the first American juvenile court was founded in Chicago (July 1, 1899) as a separate system of justice dealing primarily with criminal conduct by children (Grisso, 1981; Stapleton & Teitelbaum, 1972; Wadlington, Whitebread, & Davis, 1983). By 1927 all states except Maine and Wyoming had juvenile courts, with Wyoming being the last to come into the fold by 1945 (Eldefonso, 1967). In previous centuries children charged with criminal acts were prosecuted and punished in much the same manner as adults (Faust & Brantingham, 1979; Grisso, 1981; Haskell & Yablonsky, 1974). Around the 15th century slight variations

were seen in English Common Law which served as the basis for emerging American legal practices. The tradition was that a child under the age of seven was presumed incapable of criminal intent or mens rea. Children between the ages of seven and fourteen could be accused of criminal intent by a preponderance of evidence and so were considered "rebuttably" incapable (Stapleton & Teitelbaum, 1972). Children fourteen and older were capable of criminal intent and treated as adults (Eldefonso, 1967; Fox, 1984; Grisso, 1981; Haskell & Yablonsky, 1974; Stapleton & Teitelbaum,, 1972). Classical criminology in America, pre-dating the 1900's, held that man and child alike were inherently bad and quick apprehension and punishment were logical means for their reform (Faust & Brantingham, 1979; Grisso, 1981). Punishment often took the form of imprisonment and it was common practice to house children with adult criminals.

Around the middle of the 19th century social reformers, or child savers as they eventually were called, exerted great pressure on legislators to respond to the callous treatment of children accused of criminal activity (Barrows, 1900). Faust & Brantingham (1979) explained that the social reformers drew upon the new positivistic approach to criminology which held that criminal behavior was determined by biological, psychological, or social conditions (Arnold & Brungardt, 1983). Certainly the urban, industrialized, poor and immigrant neighborhoods of Chicago gave the child saving

movement (Platt, 1972) some impetus and helped it to become a popular cause. Positivists felt it was important to diagnose the problems of children before they got into trouble and set them on the correct path, whereas in classical criminology intervention occured only after the criminal act.

Even before the Illinois Juvenile Court statute was adopted in 1899, other states had already begun to view children as needing protection and special treatment. In 1841, due mostly to the efforts of a Boston shoemaker named John Augustus, the concept of probation for juveniles was first tried with hopes of reforming them in their homes instead of exposing them to the influences of adult criminals in prison (Eldefonso, 1967; Haskell & Yablonsky, 1974). Then in 1869 the Massachusetts legislature officially established probation as a treatment measure for juveniles and also passed a law requiring the presence of an agent or officer of the State Board of Charity at any criminal proceeding against a child (Haskell & Yablonsky, 1974; Wadlington, et al, 1983). Beginning in 1877 children in New York were restricted to separate correctional facilities and in Massachusetts law makers required separate records and dockets for juveniles (Eldefonso, 1967).

With a wave of child- and family-centered enthusiasm sweeping through the social agencies, the enactment of legislation leading to a separate court dealing with

juveniles and families seemed logical (Haskell & Yablonsky, 1974). The new court would focus on the child and the condition that brought him/her into conflict with the law (Stapleton & Teitelbaum, 1972). In other words, it was the court's mission to find out what was responsible for the child's actions and develop a plan of rehabilitation. If the problem lay in parental inability to raise and guide the child, as was often suspected, the state had the right and duty to step in and provide the "love and education" necessary for the "cure" (Hurley, 1904, pg.39).

What had evolved then, was the focus being shifted from the crime to the conditions or environmental factors which caused the child to commit the crime. Once the cause was determined, it was thought, a cure could be developed and the child would be saved from a life of crime. The underlying philosophy of this new court put an emphasis on treatment rather than punishment; it was to be rehabilitative rather than punitive in nature (Brewer, 1978). In the majority of cases though, the treatment such as institutionalization was begun before the commission of a serious crime (Stapleton & Teitelbaum, 1972). Grisso (1981) pointed out, "the humanitarian efforts of the court resulted in the apprehension of children who had not committed crimes, but because of their family circumstances they were likely candidates for criminal activities" (p. 36). Children in certain social strata or of particular parentage were

considered likely to become trouble makers and would benefit from early intervention while they were still malable and able to be reformed (Barrows, 1900; Eldefonso, 1967; Grisso, 1981; Stapleton & Teitelbaum, 1972).

How then, did the court derive such power? Returning once more to early roots in English law, the new court adopted the parens patriae doctrine of the English Chancery Courts. These courts were created by the King in the 15th century as the parens patriae or father of his country to protect the children in his realm from abuse and neglect (Haskell & Yablonsky, 1974; Stapleton & Teitelbaum, 1972). The court had the power to intervene as a superior parent in affairs between parent and child when, if by the child's actions, it became evident that the parent seemed powerless to act or lacked the appropriate child-rearing skills (Eldefonso, 1967; Grisso, 1981; Stapleton & Teitelbaum, 1972; Wadlington et al, 1983). Later these powers were broadened to address youths engaged in wrongful behavior. The American juvenile court, by adopting the parens patriae doctrine, empowered itself to separate child and family whenever it was deemed necessary for the good of the child. Additionally, because the posture of the court was characterized as a father giving advice, the adversarial nature of a criminal court was rejected as a proper atmosphere for dealing with children (Arnold & Brungardt, 1983; 1984; Mack, 1909). Thus, the court was considered

civil in nature, thereby avoiding the embarrassment of criminal hearings and records. Even new and different termonologies for phases of the proceedings were developed. For example, the trial as it is called in the adult justice system is referred to as the adjudicatory hearing in the juvenile justice system and the disposition becomes the equivalent of a sentencing. Because of its informal and civil nature the court frowned upon the use of attorneys, for by their very presence the hearings took on an adversarial tone. The court intended to act in the best interests of the child by functioning as a loving father and would discipline the child as a means of preventing the potential crime (Mack, 1909). Because of the court's strict adherence to a non-adversarial, paternalistic philosophy, it is not surprising that throughout the first sixty years of its existence, social workers rather than attorneys were the front line defenders of youths' welfare (Stapleton & Teitelbaum, 1972).

In the 1960's though, as the nation became embroiled in the Civil Rights movement, questions once more were raised as to whether the basic doctrine of the court denied juveniles their Constitutional rights (Fox, 1984). Was it possible that the parens patriae stance resulted in a youth receiving far less protection under the law than he would if he were an adult? The essence of that question was argued before the United States Supreme Court in 1967 (<u>In re Gault</u>)

on the heels of an earlier landmark case, Miranda v Arizona, (1966).

Recognition of an individual right to due process in a criminal proceeding had been long standing. What the U.S. Supreme Court in Miranda v. Arizona, (1966) did though, was to carefully define the intricate requirements of the Fifth and Sixth Amendments rights of protection from self-incrimination and to counsel. The Court held that an accused should not have to be a witness against himself, should be accorded the rights of due process of the law and have access to assistance of an attorney throughout the entire judicial process, beginning with police interrogation. Thus the Court acknowledged that there exist two arenas of criminal justice: (1) in the courts where the accused usually has the opportunity to seek the advice of an attorney and (2) in the privacy of the police station where the accused must rely on their own ability to exert their rights and deal with any coercion by the police (Malone, 1986). The Supreme Court also required that for a confession to be accepted as valid, the accused must have made a knowing, intelligent and voluntary waiver of his/her fifth and sixth amendment rights, with the emphasis on voluntariness.

By handing down the ruling, the Supreme Court assumed that a recital of warnings would adequately educate an individual to make an intelligent decision whether to

undergo questioning without an attorney present. If an individual were to admit to a criminal act after stating that he understood the Miranda rights and waived them, "... he was usually taken at his word, no matter how confused or ignorant he may be proven later." (Grisso, 1981 p.18).

In 1967, a fifteen year old male named Gerald Gault was brought before an Arizona juvenile court for allegedly participating in making an obscene phone call to a teacher. Gerald was apprehended and held without notice of a charge being made known to him or his parents. He did not face his accuser in court, nor was he apprised of his constitutional rights. Gerald was adjudged to be delinquent and placed in a juvenile correctional facility. The state Supreme Court affirmed the decision on appeal, but the U.S. Supreme Court reversed the ruling. The U.S. Supreme Court ruling, In re Gault,(1967) accorded the same procedural safeguards at the adjudicatory stage to juveniles accused of criminal acts. Although the Court did not refer to Miranda warnings specifically (since Gerald had not confessed to anything), the majority opinion states; "..it would indeed be surprising if the privilege against self-incrimination were available to hardened criminals but not to children" (In re Gault at 48) Later the same year in People v Lara, the emphasis shifted from the singular focus on voluntariness to include additional requirements for determining the validity of a juvenile's waiver. The major question now revolved

around the juvenile's ability to make a knowing and intelligent waiver (Grisso, 1981; Klein, 1976; Stapleton & Teitelbaum ,1972; Wadlington et al, 1983). Justice Fortas had admonished in the majority opinion for the Gault Court that great care should be taken not only to assure a voluntary confession from juveniles, but "...also that it was not a product of adolescent fantasy, fright or despair" (387 U.S. at 55). Judges were to take special care in scrutinizing a juvenile's confession. Resultant questions existed as to whether a juvenile possessed a sense of judgement sophisticated enough to exercise his/her rights? The Court in People v. Lara (1967) held that the measure of the validity of a juvenile's waiver was to be taken in light of the totality of circumstances as articulated in Gallegos v.Colorado, 1962 and Haley v. Ohio, 1948, a test first established in Johnson v. Zerbst (1938) for use in judging the validity of adult confessions. It was reiterated in Fare v. Michael C (1979). In each case, judges were directed " to take into account the particular facts and circumstances surrounding the case including the background experience and conduct of the accused." (Johnson v. Zerbst, 1938). The circumstances when dealing with juveniles were also to include age, intelligence, and any other relevant characteristics of the child. Admissions and confessions of juveniles should be approached with caution,in no way though, should the decision to accept as valid a juvenile's

confession rely only on one or two factors. (People v. Lara, 1967).

The juvenile court began as a response to society's denial of a child's unique status. As it evolved into the present system, case law has developed which emphasizes that a juvenile's status is not different from that of an adult when Constitutional rights at critical stages in the judicial process are concerned.

Justification for the Study

Justification for this study centers on three points: (a) A large percentage of crimes being committed today are credited to juveniles; (b) there are disproportionate numbers of learning disabled youths within the juvenile justice system as compared to the general population; (c) court rulings since 1967 have resulted in juveniles being given responsibility for decisions concerning the exercise of their Miranda rights. Furthermore, law enforcement and court personnel must make judgments as to the validity of those decisions. The following paragraphs discuss each point in depth.

First, mass communication, including a wealth of newspapers and magazines, keeps the public aware of the extent of juvenile crime today. It appears that juveniles are being arrested and accused of crimes in growing numbers.

The Federal Bureau of Investigation publishes Crime in the United States:Uniform Crime Reports, a treatise that

systematically and in great detail describes the information gathered about arrests made throughout the United States in the previous year. The report released August 6, 1989 provided the following statistics which corroborate the impressions gleaned from the news media. It should be noted that these figures reflect only public facility data since data from private facilities were not available at the time of printing. Over a five year period from 1984 to 1989, arrests of persons under the age of 18 have increased by 6%. Sixteen percent of all persons arrested nationally are under the age of 18 with the majority (82%) being between the ages of 14 - 17 years old (43,898 of 53,503 total).

The United States Department of Justice (1991) published an update on the number of children in custody for the year 1989. The statistics contained therein were obtained when the United States Bureau of the Census conducted research in private and public juvenile facilities. The conclusions were forwarded to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), within the Department of Justice, who reported results from public facilities only. Juveniles held for violent personal offenses increased for the first time since 1983. Alcohol and drug related offenses for juveniles increased 150 per cent since 1985 (p.2).

Nearly all of the juveniles held were males (88%) or about "eight out of ten admissions to juvenile facilities"

(p.2). Racial/ethnic minorities constitute 56% of the confined juvenile population with African-Americans comprising 39% of that group. Arrests of Caucasians under the age of 18 (71%) outnumber by almost 3 to 1 those of African-Americans (26%) (Crime in the United States, 1989). Yet both races are almost evenly represented in public juvenile correctional facilities (Caucasians, 22,201 in 1989 and African-Americans, 23,836) with the percentage of African-Americans increasing steadily (15% from the 1985 level of 18,174) and the percentage of Caucasians decreasing slightly from 23,513 in 1985 (U.S. Department of Justice, 1991). For whatever reason, Caucasians under the age of 18 are arrested three times as often as African-Americans, but African-Americans are confined twice as often as Caucasians. Based on the preceding figures, this researcher feels justified in limiting this study to high school (14-18yr. old) African-American and Caucasian males.

The second point addresses the prevalence of learning disabled youth among the juvenile delinquent population. To further complicate the situation, there is a wide range of literature reporting a disproportionate number of handicapped (emotionally disturbed, ED; learning disabled, LD; & mentally retarded, MR) youths within the juvenile justice system (Berman, 1974; Crawford, 1985; Marogas & May, 1988; McGee, 1989; Murphy, 1986; Rutherford, Nelson, & Wolford, 1985). Depending on which study is being quoted,

the prevalence of learning disabled youth among the adjudicated population ranges from 26% to 76% (Bogin & Goodman, 1986; Duling, Eddy, & Risko, 1970; Marogas et al, 1988; Morgan, 1979; Murphy, 1986; Murray, 1976; Prout, 1981; Smykla & Willis, 1981; Wilgosh & Paitich, 1982; Zaremba, McCullough, & Broder, 1979). Keilitz, in 1987, completed a study funded by the Office of Special Education and Rehabilitation Services (OSERS) to develop a reliable estimate, based on available literature, of the prevalence of handicapping conditions among adjudicated delinquents. By using a meta-analysis technique, or an analysis of analyses, he determined that 35.6% of the juvenile offender population was learning disabled. This figure contrasts with that of the school population which can range from 1 percent to 30 percent depending on the criteria such as varying definitions and assessment intruments used to determine eligibility (Lerner, 1988; Brier, 1989). Official figures reported by the U.S. Department of Education, in the Tenth Annual Report to Congress on the Implementation of P.L. 94-142, The Education for All Handicapped Children Act, 1988, indicate that 4.8% of students ages 3-21 receiving Special Education services in the 1986-87 school year were learning disabled. Other conservative estimates place the figure even lower (Cartwright & Ward, 1984). Crawford (1985), reported that the chances of a juvenile with learning disabilities being taken into custody and adjudicated delinquent were 200

times greater than their NLD counterparts. She went on to report that those apprehensions were based on comparable offenses by NLD juveniles. It is logical, then, to include learning disabilities as a variable in this study.

The final point addresses litigation surrounding juveniles' waivers. In re Gault (1967) extended to juveniles during the fact finding phase the opportunity to exercise their fifth and sixth Amendment rights when faced with a loss of liberty by being accused of a criminal act. Although the Court was very careful to stipulate that the fifth Amendment privilege was applicable only at the investigatory stage, it felt compelled to quote from an earlier decision (Haley v. Ohio, 1948, p 45-46) bemoaning the fact that the young defendent had "no counsel or friend...during the critical hours of questioning." Subsequently courts have held that Miranda rights are applicable at the commencement of the custodial hearing (Levitt, 1977) which is considered to take place when the youth has reasonable belief that he/she is not free to leave (Grisso, 1981).

Many professionals (ie: judges, probation officers, and police) feel that a parent can be the interested adult referred to in the Gault (1967) decision. In fact, in most cases police make attempts to include parents/guardians in any process involving a juveniles' waiver of rights. Yet, as Grisso (1981) pointed out, parents who advised silence actually expected their children to make a statement to

police eventually, after a cooling off period. Most parents in his study, though, provided no advice or assistance to their children. Either the juveniles make statements before their parents arrival or the parents themselves are not competent to understand the process (Fay, 1988). In many cases, possibly out of embarrassment, frustration, or apathy, parents have simply refused to appear at the station house or to take part in the process. Some parents even aggrevate the situation; demanding that the child tell the police all they know (Stapleton & Teitelbaum,1972; State v. Snethen, 1976). It is not unusual for parents to hope the child will be found to be delinquent so the court can "cure" their problems (Halbach, 1990). Youths who have a parent by their side often may be unrepresented by legal counsel for a variety of reasons; parents refusal to employ an attorney, an inadequate number of free attorneys available through the court system, a predetermined diversion placement or the expectation of probation will be the probable disposition. The logical conclusion is that having parents present at the police station and involved in the interrogation does not necessarily guarantee that the juvenile's rights will be protected. The Indiana Supreme Court noted in Lewis v. State (1972) that police are treading on questionable ground when they choose to question juveniles who have waived their right to counsel and against self-incrimination.

The aim of this study was to help the court determine

if a juvenile's waiver, without benefit of counsel, is a rational choice based on a full understanding of the Miranda warnings.

Statement of the Problem

The problem is divided into three parts: (a) The juvenile justice system is in a period of transition. Individual courts and law enforcement personnel are faced with the task of accomodating the post-Gault legalistic approach with the traditional parens patriae doctrine when dealing with apprehended youths. Some of those persons easily shed the role of comforter for the legal advocate, while others find it difficult to relinquish the unrestrained and unmonitored power of earlier days (Halbach, 1990). A youth has no way of knowing which situation he/she will encounter prior to direct contact with the justice system. In each case, though, the youth is held responsible for the initial decision concerning exercise of the Miranda rights. (b) Juveniles accused of criminal acts, awarded the same fifth and sixth Amendment rights as adults, are required to make sophisticated decisions requiring the exercise of those rights. (c) Judges faced with the totality of circumstances mandate for deciding the validity of a juvenile's waiver, have as yet no comprehensive set of empirical data regarding youths' special characteristics to rely upon for quidance. One special characteristic which could exacerbate the youth's decision making process is the

presence of a learning disability. A computer search failed to yield any reported research specific to learning disabled juveniles' understanding of their Miranda rights in a school situation.

Purpose of the Study

The purpose of this study was to examine the ability of 14-18 year old, African-American and Caucasian males, with and without learning disabilities, to comprehend their Miranda rights. The data from this study, when discussed in light of Grisso's work, will provide juvenile justice personnel with an expanded empirical basis for determining the validity of a juvenile's waiver of the Miranda rights in light of the totality of circumstances. It will also add to the body of literature regarding the procedural safeguards a principal should consider when a student is accused of a criminal activity while on school property.

This study will add a comparative dimension to the data reported by Grisso (1981) at the conclusion of a study in the St. Louis Juvenile Court. That longitudinal study dealt with testing the comprehension of the Miranda warnings by a predominantly male population in a juvenile detention center (Grisso, 1981). There was no effort made, however, to develop baseline data on the general population of non-detained juveniles or to look at a specific handicap as a possible contributing factor to comprehension of the warnings (Grisso, 1981). A more in-depth discussion of his

research will be found later in this paper.

Research Questions

An underlying question of this study was whether or not general education or non-learning disabled (NLD) and special education (LD) males in the public high school population would understand their constitutional rights regarding self-incrimination and legal representation. The specific research questions that guided the study were:

(1) How will group scores on the Comprehension of Miranda Rights (CMR) measures compare between groups of high school age males with and without learning disabilities?

(2) Is SES a significant influence upon LD, NLD and combined group mean scores on the CMR subtests and total tests results?

(3) Does race significantly effect the LD, NLD and combined group mean scores on the CMR subtests and total test results?

(4) Does age impact significantly on the LD, NLD and combined group mean scores on the CMR subtests and total test results?

(5) Is IQ a significant factor in predicting success on the CMR measures?

(6) How will LD, NLD and combined group scores on the additional True-False question compare?

An attempt was made to answer the first question using the Comprehension of Miranda Rights measure developed by

Manoogian (1978) and expanded by Grisso (1981) (see Appendix B). Demographic data for the next three questions were obtained from interviews with the research participants. IQ data were obtained either from records of triennial evaluations for the LD cohort or by administration of the Henmon-Nelson Tests of Mental Ability - Revised (HN) for the NLD cohort.

Definition of Terms

The following terms are used throughout this paper.

Learning Disabilities: " A disorder in one or more of the basic psychological processes involved in understanding or in using language spoken or written, which may manifest itself in an imperfect abilitiy to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, mininal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage" (Education for All Handicapped Act, 1975).

LD Student: Any student identified by the public school system as in need of learning disability services. Criteria for inclusion in public school special education

classes are outlined in the Regulations Governing Special Education Programs for Handicapped Children in Virginia, 1984. pp. 133-134. (Appendix E).

NLD Student: Any student never found eligible for learning disabilities services within the public schools.

SES: Socioeconomic status "involving both social and economic factors" (Guralink, 1972). Determined, in this study, by appropriate sources in each town or city assigning membership (high, medium, low) based on the students' residential area.

Juvenile: " A young person who has not yet attained the age at which he or she should be treated as an adult for purposed of criminal law" (Black, 1979). In this study the term was used to refer to high school age students.

Counsel or Counsellor: " An attorney; lawyer. Member of the legal profession who gives legal advice and handles the legal affairs of client, including, if necessary, appearing on his or her behalf in civil, criminal, or administrative actions and proceedings" (Black, 1979).

Apprehension: "The seizure, taking or arrest of a person on a criminal charge" (Black, 1979).

Parens Patriae: "The term originates from the English common law where the King had a royal perogative to act as guardian to persons with legal disabilities such as infants, idiots and lunatics. Refers to role of the state as sovereign and guardian of persons under legal disability" (Black, 1979).

Mens Rea: "A guilty mind; a guilty or wrongful purpose; a criminal intent. Guilty knowledge and willfulness" (Black, 1979).

CMR: The first subtest in the Comprehension of Miranda Rights measures. It is an objective method for assessing an individual's understanding of standard Miranda warnings utilizing the reading and interpretation of the four Miranda warnings by the examinee (Grisso, 1981).

CMR T-F: The second subtest in the Comprehension of Miranda Rights measures. It consists of true or false items that correspond to the Miranda warnings (Grisso, 1981).

CMV: The third subtest in the Comprehension of Miranda Rights measures. It is "an objective method for assessing an individual's understanding of six critical words which appear in standard Miranda warnings" (Grisso, 1981, p.236)

Henmon-Nelson Tests of Mental Ability, Revised: The tests designed for elementary and secondary schools yield a single overall score. " The total score correlates well with other group intelligence test results. Normative data for the elementary and secondary school levels are good". (Thorndike & Hagen, 1961).

Limitations of the Study

Researcher imposed limitations: This study purposefully focused on high school males because they comprise the vast majority (86%) of youths within the juvenile justice system (Juvenile and Family Court Digest, 1990). Also, there are a disproportionate number of students with learning disabilities in the juvenile delinquent population. Dunivant (1982) and Crawford (1985) report that LD students are 200% more likely to be incarcerated for the same types of offenses as their NLD counterparts. It seemed germane to any discussion of the totality of circumstances requirements to include the effects of a learning disability.

The study was limited to samples from four public school systems in Virginia. Those students found eligible for learning disabilities services were identified using school system specific criteria in addition to state guidelines. Caution must be used when generalizing to another population not using similar placement standards.

A statistical analysis looking at combined variables requires a larger sample than found in this study.

Ethical Considerations: Since the study involved juveniles, the greatest care was taken to insure absolute anonymity. At no time was a student's name attached to any data form. Accurate and thoughtful scoring of the CMR battery requires that all responses be recorded on tape (Grisso, 1981). All tapes were erased once scoring of the tests had been completed. The proposal for the study was scrutinized not only by the two Human Subjects review committees at the College of William and Mary, but also by the research committees at the host school system. Any additional instructions relative to ethical procedures outlined in this proposal were followed with the utmost care.

Once permission to proceed was received from all committees involved, letters of cooperation from students and their parents were obtained. Any student or parent who did not wish to participate was assured of anonymity.

CHAPTER II

REVIEW OF THE LITERATURE

The purpose of this research was to determine if a given sample of juveniles was able to demonstrate an understanding of specific constitutional rights. Those rights, embodied in the Miranda warnings and as applied to juveniles, have not been the subject of a vast amount of research. Literary attention has been given, though, to the nature of the counsel given youths prior to the waiver. Yet, when discussing a youth's mental capacity, or I.Q., or any other measure of understanding addressed in the totality of circumstances requirements, no regard has been focused on the effect a specific learning disabilty may have on a youth's comprehension of the Miranda warnings.

The review of literature that follows is divided into three parts. In part one, previous research that addresses a youth's understanding of the Miranda rights is examined. In part two, a review of the case law that pertains to the research questions is provided. This demonstrates the courts' zealous efforts to re-examine and redefine (when necessary) juvenile rights. The last part discusses those characteristics of learning disabilities that effect comprehension of written or spoken information.

Previous Research

A computer search revealed only three previous studies

and none directed specifically at youths with learning disabilities. The first was undertaken in San Diego, California in 1969.

Both A.Bruce Ferguson and Alan Charles Douglas were on faculty at the University of San Diego, School of Law when a California Supreme Court ruling held that juveniles were to be given their Miranda warnings in language that they would understand. (In re Dennis M.,1969). They embarked upon an empirical study to determine if "1) should the Miranda warning be revised for the juvenile offender; and 2) does a minor have the capacity to knowingly and intelligently waive his Miranda rights?" (Ferguson and Douglas, 1970, p.39). Ferguson and Douglas' first step was to design a modified version of the Miranda warnings and pre-test it on 10 juveniles in the San Diego County Juvenile Hall. The standard Miranda warning used by the San Diego Police Department at the time was:

"1. You have a right to remain silent during any questioning now or at any time.

2. Anything you do say can and will by used in court against you.

3. You have a right to have an attorney present with you during this or any conversation, either an attorney or your own choosing or, if you cannot afford an attorney, one will be appointed for you prior to any questioning, if you so desire" (Ferguson & Douglas, 1970, p 40).

They did not report the original verbal substance of the modified version nor the basis for and nature of the changes made after pre-testing. Rather, they stated only that the original interviews were helpful in making further revisions to the Miranda warnings. The following is the text of the modified version they devised:

"You don't have to talk to me at all, now or later on it is up to you.

If you decide to talk to me, I can go to court and repeat what you say, against you.

If you want a lawyer, an attorney, to help you to decide what to do, you can have one free before and during questioning by me now or by anyone else later on.

Do you want me to explain or repeat anything about what I have just told you?

Remembering what I've just told you, do you want to talk to me?"(p.40)

The next step was to compare a larger sample of juveniles' understanding of the modified version versus the original or traditional version of the warnings. Ferguson and Douglas, as sole interviewers, conducted a study with 90 juveniles over a two month period. One half (45) of the sample were given the modified version and the other 45 juveniles were warned in the traditional Miranda language. In addition to testing the youths' understanding of the warnings, Ferguson and Douglas also asked them to reveal

information regarding any " previous arrests, police contacts and attorney contacts -- factors in the totality of circumstances" (p.41). The sample for the study was drawn from four testing sites; a girls' detention facility, a boys' detention facility, a junior high school located in a middle class suburban area, and another junior high school located in a low income area.

The institutions were asked to provide a random sample of their populations. The only request made by the researchers was that the age ranges be between 13-17 with an emphasis on 14 year olds. Once selection of the sample was complete, the researchers conducted the interviews under the following cicumstances:" To create the mentally distracting atmosphere of police field interrogation, and to assure accurate results, strict security rules were followed. None of the juveniles interviewed knew in advance an intervew or confrontation would occur. The interviewers revealed neither their identity nor their purpose until after the interview. The interviews were conducted in rooms which provided privacy for the interviewer and the juvenile. Upon contact with each juvenile, the interviewer attempted to create and to convey the impression he was investigating the juvenile's suspected involvement in crime. Juveniles were brought from classes or work individually by routine institutional procedures, as if special targets of investigation. After the interview, each juvenile was

segregated from potential further interviewees."(p. 42)

Scoring of the juveniles' responses was based on their warnings:" the right to SILENCE, court USE of statements, the right to an ATTORNEY, the right to an ATTORNEY NOW during questioning, and the appointment or COST OF AN ATTORNEY." (p.43) A maximum of two points could be scored for each element; 0 points equalling a lack of understanding, 1 point awarded for a correct response after one prompting question and 2 points awarded when the youth was able to "repeat and explain in his first response" the correct meaning of the statement (p.43). No subject was given more than one prompting question per statement to avoid prying an answer from him/her. A youth awarded two points on a statement was said to demonstrate conscious understanding. If a prompting question was required for a correct response, then latent understanding was demonstrated.

When reporting their results the authors presented frequency charts for each site and form used, listing each individual subject's score for the five elements and demographic information including race, age, IQ, and numbers of self-reported arrests for their delinquent population . According to their tabulations, Ferguson and Douglas (1970) came to the following conclusions. First, when comparing the combined scores on both versions of the warnings for the entire sample (90), the rank order understanding of the

elements (from most to least comprehension) was; SILENCE, ATTORNEY, USE, ATTORNEY NOW, COST OF ATTORNEY. Second, a comparsion of the averages on the traditional and modified version of the Miranda statements indicated only one warning, COST OF ATTORNEY, showing a vast difference. The authors concluded that the simplified version "appears generally to be less understood by the overall group." Third, when comparing delinquent and non-deliquent groups, the delinquent group scored higher. This caused the authors to raise the possibilty of frequent exposure to law enforcement personnel as an explanation. Fourth, the authors then directed attention to the 14 year old group and concluded that "among the 14 year old non-delinquent juveniles, the simplified warning was better understood" (p.50). Interestingly, the element least understood by this group was their right to an attorney during questioning (ATTORNEY NOW) with scores for this element on the simplified verson dramatically higher than on the traditional version. This fact led the authors to question whether 14 year old non-delinquents could make an intelligent waiver. Finally, as a general conclusion to the study, the authors noted that only a "small percentage of juveniles" could make a valid waiver.

It is important, at this point, to comment on the Ferguson and Douglas (1970) study. There is concern for the interpretation of results when one requirement for a maximum

score of two points was the ability to repeat the Miranda statement. Simple repetition of a statement may not demonstrate an understanding. No consideration was given to bi-lingualism as being a contributing factor to study results although 41% of the sample was Mexican-American. It should also be noted that even though information about I.Q. was collected on the subjects because it is considered within the totality of circumstances, these data were not analyzed. Nor was the sex of the subjects given any statistical treatment relative to the results of the interviews. It is evident that Ferguson and Douglas (1970) focused only on which version of the warnings appeared to be better understood. That fact is supported by an observation by Sam Thomas Manoogian in his doctoral dissertation (1978). In it Manoogian (1978) pointed out that Ferguson and Douglas (1970) concentrated primarily on 14 year old subjects, thereby ignoring the possibility of an "increasing gradient of comprehension...between early and late teen years" (p.19), a concept Manoogian (1978) demonstrated by re-analyzing the age grouping data. He ascertained that as the age of the group increased, so did their mean comprehension scores.

Based on the questions left unanswered by the Ferguson and Douglas (1970), Manoogian (1978) developed three detailed objectives for his research. The objectives were; "1) to devise a method to assess comprehension of the

Miranda rights statements; 2) to compare the diffential effects on comprehension of the standard Miranda form and the revised St. Louis County form with a juvenile population; and 3) to analyze which variables are significantly related to comprehension of Miranda rights and to construct expectancy tables which show the comprehension of rights as a function of these significant variables" (p.21).

The first objective presented him with two problems. First, in order to assess whether or not a subject understands a verbal message, one must first identify the meaning to be assessed. This problem was overcome by the use of legal consultants who could interpret the implicaton of the Miranda warnings. The second problem involved the dimensionality of comprehension. As Manoogian (1978) pointed out, "one can comprehend single word meaning or one can comprehend the semantic content of a sentence" (p.22). In his study juveniles' comprehension would be judged only by responses to oral and written stimuli, a method he felt was "restricted", but in concert with the process used by law enforcement officers.

He negated Ferguson and Douglas' (1970) contention that verbatim restatement would signify comprehension, but the low verbal skills (expressive language) of many juveniles exacerbated the problem of assessing comprehension. Manoogian (1970) resolved this problem by developing two

measures. The first he called CR-1 (Comprehension of Rights-1). On the CR-1 the subject was presented with a written text of each Miranda statement while it was read to him/her. The subject then was asked to paraphrase the rights statement. The second approach was called the CR-2 (Comprehension of Rights-2), a true-false measure. The CR-2 was presented as "two questions for each Miranda right statement of the following type: does this mean that you can (not...)?" (p.25) and the subject responded with an answer of true or false. Later the CR-2 would be expanded to three questions. The CR-1 allowed the juvenile with good expressive language skills to demonstrate understanding of the rights statements. The CR-2 became either a reliability check for correct responses on the CR-1, or a vehicle for demonstrating understanding by a youth with poor expressive language skills.

Research utilizing the CR-1 and CR-2 measures took place in the St. Louis County detention center. Youths placed in the detention facility earned privileges and other bonuses through a token economy system. Each of the voluntary subjects in the study was awarded 50 points (the equivalent of 5 cents) for their participation. The sample population consisted of fifty youths, both male and female, 11-17 years old. Participation was voluntary and any identifying information was not collected.

The researchers began by reading a scripted explanatory

statement to the subjects and answered questions until the juveniles indicated that they understood the procedure and were willing to participate. Manoogian (1978) was rigorous in his use of informed consents throughout the rest of the research.

Scoring on each measure followed the 0-1-2 point system similar to the one used by Ferguson and Douglas (1970); 0 points were awarded when the subject displayed a complete lack of understanding of the statement, 1 point was given for partial understanding, and 2 points for "total comprehension of the essential aspects of the rights statements" (p.35). No points were awarded to a subject who repeated verbatim, part or the whole of the statement. A standardized questioning procedure was developed so the examiner might discern the youth's level of understanding. A scoring manual was also developed and submitted for scrutiny to legal consultants who focused on "the correspondence between the scoring of responses and the interpretation of legal standards" (p. 36). Two researchers then assessed forty subjects using the CR-1 measure. Scoring of the responses was completed and the "phi coefficient of agreement between the two raters...for all subjects collapsed across forms and scoring categories was .88" (p. 38).

The second objective of this study was to determine juveniles' understanding of the Miranda statements using the

CR-1 and CR-2 presented in two different forms. One was described as the Standard form used by law enforcement personnel. The second simplified (Revised) form was developed by the Legal Department of the St. Louis County Juvenile Court. Subjects in this phase were 92 detained males (56 white, 36 black), 12-16 years old, who volunteered and were reimbursed with 50 token economy points. Interestingly, as in the Ferguson and Douglas study (1970), changing or simplifying the wording of the statements did not produce any significant differences between the scores obtained. This promotes the proposition that emphasis on the wording of the statement as a determining variable in the juvenile's comprehension of the Miranda statements is not supported. Rather, specific factors related to the juvenile (ie:, I.Q, sex, race, age, etc.) may be more related to a youth's comprehension of the statements.

The third phase of Manoogian's (1978) study did indeed address that possibility. In his own words, "An additional purpose of this study was to determine: 1) the degree to which the independent variables, alone and in combination, correlated with each of the dependent variables, CR-1 and CR-2) and to what extent would the correlations between the independent and dependent variables increase with additional information from multiple variables" (p.66). The subjects in this phase were 174 male and female detained youths, 11-16 years old who volunteered under the same token economy

system as the subjects in the two previous phases. Complete demographic information was available for only 126 subjects. Data on the entire sample were organized into the following groupings;" Race: Black (n=55)/White (n=119), Sex: Male (n=133)/Female (n=41), I.Q.: High(>91,n=62)/Low(<90,n=63), Previous Court Referrals: 0-3(n=46), 4-7 (n=41), 8+(n=38), Ages; 12-13(n=24), 14(n=38), 15(n=63), 16(n=48)" (Manoogian,1978, p.66). Statistical analyses consisted of a series of seven, two-way ANOVA procedures and a step-wise regression procedure. Results were reported first in terms of CR-1 results, then CR-2 results, and finally in terms of the relationship between the two measures." Main effects of the independent variables on each (dependent variable) measure (CR-1 and CR-2) changed throughout the single and interactive analyses. Yet, intelligence, as measured by I.Q., was the only single variable which significantly correlated with CR-1 and CR-2 composite index scores, .46 and .39 respectively" (p.1).

Manoogian (1978) not only took the questions left unanswered by Ferguson and Douglas (1970), but also devised a test of their original hypotheses. Results of both studies when looked at as general conclusions indicated the following; 1) changing or simplifying the wording of the Miranda statements did not necessarily make them easier to understand for the sample populations in each study. 2) Ferguson and Douglas (1970) did not include in their

analyses the demographic data they had collected on their sample. Manoogian (1978) did, however, collect and analyse demographic data and their relationship to the CR-1 and CR-2 measures. He found that variables such as I.Q., race, etc. had significant effects on the dependent variables when analyzed together. The only single variable that showed significance consistantly across all analyses was I.Q.

The products of Manoogian's research were the CR-1 and CR-2 measures as effective means of assessing juveniles' comprehension of their Miranda rights. Subsequently, Thomas Grisso (1981) of St. Louis University, designed a large scale, longitudinal study to use those measures. He would combine the scores with the demographics of his sample population and develop a profile of those youths whose waiver of rights should be questioned within the totality of circumstances.

Grisso's research actually took the form of seven studies, all completed within St. Louis County, Missouri. Each study was designed to add breadth and depth to Manoogian's research. The topics of each of the studies served to place in prospective juveniles' waivers of Miranda rights. The investigations covered the following issues; juvenile's waivers and their frequency (only in cases involving alleged felonies, p.25), parental attitudes toward their children's due process rights, a comparison of juvenile and adults' comprehension of the Miranda vocabulary

and meaning, juveniles' perceptions of the interrogation process and the presence of an attorney, and finally a study that focused on juveniles' understanding of the consequences of waiving their rights.

All of the studies progressed with strict attention to informed consent on the part of the participants. Juveniles involved in the studies were either in detention at the St. Louis County Detention Center or in a correctional facility. Adults sampled were offenders released to half-way houses and lower income non-offenders. Each of the seven studies had separate sample populations of approximately 300 subjects. The research covered a three year period. Juveniles in the detention center and corrections were voluntary participants and received points toward their token economy program.

Results of the first study, centered on the frequency of juvenile waivers, indicated that interrogation occurred in approximately 75% of the cases with juveniles asserting their right to silence only about 10% of the time. Younger subjects (below the age of 15) in Grisso's study, virtually never exercised that right, with 12-14% of interrogations involving 15-16 year olds resulting in their refusal to talk (Grisso, 1981, p.37).

Grisso used the CR-1 (now called the CMR or Comprehension of Miranda Rights) and the CR-2 (changed to the CMR-TF or Comprehension of Miranda Rights-True,False) in

assessing the comprehension of Miranda rights in his study. Additionally, he developed a third measure, the CMV (Comprehension of Miranda Vocabulary) which employed six words from the Miranda warnings, used in sentences unrelated to the Miranda statements, and required the examinee to provide definitions. "CMV scores are correlated substantially with CMR scores (Pearson r=.67), and the scoring system for the CMV is more easily employed and has produced slightly higher interscorer reliability coefficients than has the CMR" (p.237). Juveniles who volunteered in this study were interviewed the day after they arrived in detention to provide a relatively less-stressful setting (p.67). Data collected in this study were subjected to partial correlation and multiple regression analyses. Results indicated that there was "a substantial relationship between I.Q and Miranda scores...with blacks performing significantly poorer on all three measures than whites" (p.84). Youths below the age of 15 also experienced lower scores. The variables of sex and SES took on more statistical meaning when considered with other variables. Last, it was determined that "more prior felony referrals were associated with better Miranda comprehension when the juvenile was white and poorer when the juvenile was black" (p.91). When looking at the CMR series as a whole, about one-half the sample demonstrated adequate understanding of the Miranda statements.

When studying adults' comprehension of the Miranda warnings in the third study, Grisso (1981) discovered that there was a plateau effect. That is, scores on the CMR series increased as the juvenile aged through to about 14 years old. After that there did not seem to be any great advancement in group scores into the adult years. Actually, 15 and 16 year old juveniles scored about as well as many of the adults tested. This finding is consistent with Chief Justice Fay's (1988) contention that most of the adults who appear in court do not understand the Miranda warnings or their implications.

Juveniles, from the results of Grisso's next study in the series, appear to be aware of the adversarial nature of law enforcement questioning. Yet, at each age level below 16, they demonstrated a poor understanding of the role and their relationship to the defense attorney. In most instances (67%) they understood that they had to tell the truth to the attorney to help build their defense cases. The remaining one third of the juveniles, though, were not clear about the defense attorney's role as an advocate, thinking rather that they were gathering information to help the court.

Results from the data analysis in the next study, regarding juveniles' reasoning about waiving their rights, suggested that "black and younger youths feel powerless when faced with legal authorities" (p.58). Other youths expressed

a belief that by confessing they would become the object of more lenient treatment. The most popular alternative because it seemed to have the most positive immediate consequence, was to simple deny the charges. Although, as Grisso pointed out, this could actually be a more risky option since police might investigate with more vigor and find more incriminating evidence.

In the final study many parents (about 50%) who said they would advise silence also indicated that they expected the youths to make a statement eventually. In other words, it was a matter of when a statement would be made, not whether it would be made. Court officers cooperated with Grisso and recorded the numbers and types of communications that took place between parents and children during interrogation. "The vast majority of parents (71.3%) apparently offered no advice to their children and sought no information from the court officer, and very few juveniles sought the advice of their parents" (p.185). Parents, as Stapleton and Teitelbaum (1967) and Fay (1988) pointed out, often are the very ones who do not understand the Miranda rights themselves or who exacerbate the situation by insisting that the juvenile talk without the aid of defense counsel.

Taking into account the cumulative results of the research of Ferguson and Douglas (1970), Manoogian (1979) and Grisso (1981), some conclusions concerning juveniles'

comprehension of their Miranda rights would be; a) changing the format of the Miranda does not appreciably alter a youth's understanding of the warning; b) intelligence, as measured by I.Q., has a significant effect on comprehension of the warnings; c) age, sex, race and SES discussed in varying combinations also impact on comprehension, but not as greatly; d) most juveniles have a confused attitude toward the role of the defense attorney; e) adults' understanding of the Miranda warnings is not much better than that of an average 15 or 16 year old; and f) parents are often called by the police as the primary advocate for detained juveniles and as such, most of them counsel their children to waive their rights.

Grisso (1981) has provided a beginning profile of a juvenile whose waiver should be questioned, that is, a black male, 14 years old or under, with an I.Q of 80 or below. Although police still rely on parents to be the first-line advocates for detained juveniles, Grisso's study has added to the previous literature about the questionable benefits to the child of that position.

The literature revealed two published comments on Grisso's work and products. The first by James Wulach (1981) was an instructional manuscript for forensic psychologists and psychiatrists charged with determining a defendant's mental capacity to waive any of their constitutional rights while confessing to a crime. He quoted Grisso's statistics,

and his practical suggestions mirrored two of the procedures outlined by Grisso; requiring the subject to paraphrase each rights statement and asking the subject to define and use in sentences specific words from each right. Wulach called attention to Grisso's results particular to juveniles, emphasizing that "the vast majority of juveniles below the age of 15 misunderstood at least one of the standard Miranda warnings" (p.217).

Later, Gary Melton (1983) reviewed Juveniles' Waiver of Rights (1981), the composite report of all seven Miranda studies by Grisso. He concluded that the research techniques used by Grisso and his colleagues were of such careful scientific design that the results were legally relevant and deserving of serious study and attention. In addition, he suggested that Grisso's work presents a challenge to future researchers to examine more closely minors' ability to make "real-life decisions in legal contexts outside of juvenile justice" (p.85).

Relevant Case Law

Two landmark cases heard before the United States Supreme Court stand as the foundation for radical changes in the juvenile justice system, (Kent v. United States, 1966, In re Gault, 1967,) They defined the boundaries of the parens patriae philosophy in terms of procedural safeguards. In keeping with the intent of the original juvenile justice system established prior to the turn of this century,

juvenile courts, philosophically, have remained rehabilitative. Only within the past thirty years has subsequent litigation ensued to insure that juveniles received the requirements of due process. Due process is the legal steps that must be followed to protect the rights of an accused person and may be thought of a synonymous with procedural safeguards.

In the Kent case, which dealt with a juvenile's transfer to adult criminal court, the idea that protections of the Fourteenth Amendment should be applied to juveniles was established. In the majority opinion for the Supreme Court, the now famous quote was written; "There is evidence that the child receives the worst of two possible worlds: That he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children " (at 562). Transfers to adult court did not occur on a regular basis, so the impact of Kent seemed at first to be narrow in scope, but did provide an important basis for ensuing litigation. Conversely, the echos of the Supreme Court decision in the Gault case were to touch all areas within the juvenile court jurisdiction.

In re Gault (1976) was argued before the United States Supreme Court one year after the Miranda. The Court in Miranda instructed that persons accused of a crime be notified of their Fifth and Sixth Amendment rights of protection from self-incrimination and to counsel. The Court

in Gault extended those rights to juveniles at the adjudicatory stage. Prior to Kent and Gault, a youth suspected of a crime could be apprehended, held without a notice to parents and never have the opportunity to face an accuser in court.

Four months after Gault, the California Supreme Court heard People v. Lara. The defendants in the case were indigent minors with little education who were convicted of first-degree murder and kidnapping. In the opinion that followed, the Court reaffirmed the totality of circumstances rule, stating that the decision to accept a juvenile's waiver should not be based on one or two factors. Among other considerations should be the juvenile's intelligence, education, previous experience in the criminal justice system and ability to understand the consequences of the waiver.

"Following Gault, a great volume of litigation was generated in the lower courts, revolving around the interpretation of the due process requirement" (Brewer, 1978). The matters related to intelligent and voluntary waivers received many interpretations. In the Matter of Maricopa Cty. Juvenile Action , (1979) it was determined that due process requirements had been met soley by the defendent being aware of his rights when he chose to waive them.

Juveniles must be told of their Miranda rights when

they are in a custodial situation, that is, when they feel they do not have the option to leave. They must also be made aware that they are in an adversarial atmosphere, otherwise they may not realize the severe consequences of their waivers (State v. Loyd, 1973; State v. Luoma, 1977) The question of custodial interrogation has ramifications in school situations and is discussed in Chapter V. Even when in a custodial interrogation, whether or not a child can make a intelligent and voluntary waiver of rights without the required interested adult present has been the subject of much litigation. Some courts have rejected the notion that any juvenile who confesses without a parent or counsel present is doing so involuntarily. They cite the apparent sophistication and maturity of those juveniles, (In re J.F.T.,1974; People in the Interest of J.F.C.,1983; In the Matter of C.L.W.,1983). Other courts focused on having the parents present during interrogation as though the effect would be to increase the juveniles' comprehension of the Miranda warnings with their help (Com.v.A Juvenile, No.1,1983; State v. Nicholas S.,(1982); In re K.W.B, 1973; Commonwealth v.Rochester, 1982;). This last postulation is not supported by the research completed by Stapleton & Teitelbaum (1972) or Grisso (1981) or the personal opinion of Chief Justice Fay of the Rhode Island Supreme Court who states that "even adults don't understand their Miranda rights" (1988). In each case it has been indicated that

often parents themselves are not any more knowledgable than their children regarding their consitutional rights. Nor are they always the best advocates for their children as noted earlier.

The defendant's intelligence (as a consideration in the totality of circumstances) has been weighed regarding a waiver with different results. In the Matter of C.L.W (1983), after listening to expert testimony regarding a fifteen year old male with an IQ of 74, the court decided that the youth's waiver was valid despite his reading and learning difficulties. The expert, a clinical psychologist, stated that the defendant "could understand and reply to the question on the back of the PD-47 rights card if the warnings were read to him at least once" (at 709). She went on to contend that if the warnings were read to him repeatedly his comprehension would improve. Nothing in Grisso's research nor literature on learning or reading disabilities sustain that assertion.

Characteristics of Learning Disabilities

The following is an enumeration, first of the general features of learning disabilities, then a discussion of those specific to the comprehension of Miranda rights. Many experts in the field could produce lists containing various learning disabilities attributes. Janet Lerner (1988) has compiled a succinct list of what she terms the "common characteristics of learning disabilities"(p.13).

(1) Disorders of attention: hyperactivity, poor concentration ability, short attention span

(2) Failure to develop and mobilize cognitive strategies for learning: lack of organization, active learning set, metacognitive functions

(3) Poor motor abilities: poor fine and gross motor coordination, general awkwardness and clumsiness, spatial problems

(4) Perceptual and information processing problems: difficulty in discrimination of auditory and visual stimuli, auditory and visual closure and sequencing

(5) Oral language difficulties: problems in listening, speaking, vocabulary, linguistic competencies

(6) Reading difficulties: problems in decoding, basic reading skills, reading comprehension

(7) Written language difficulties: problems in spelling, handwriting, written composition

(8) Mathematics difficulties: difficulty in quantitative thinking, arithmetic, time, space, calculation facts

(9) Inappropriate social behavior: problems in social perception, emotional behavior, establishing social relationships (p.13-14).

It seems apparent that the presence of any one or more of these problems has an influence on a youth's judgement regarding giving up his/her constitutional rights. A number

of specific skills, though, are necessary for that task: reading and auditory comprehension, ability to concentrate, thought, organizational skills, auditory discrimination and attention span to name a few.

Cherry and Kruger (1983) in a study of the selective auditory attention skills of young children with learning disabilities, discovered that noise had significant (<.01) effects on performance scores. It is important to note that children in their study had problems focusing on the relevant stimuli especially when the distractor was a person speaking. This takes on special importance when related to an LD juvenile surrounded by multiple conversations as are possible in a police station.

When contrasting reflective versus impulsive styles of approaching, evaluating and solving problems, Keogh (1973) found that children with learning disabilities are more impulsive. Whereas successful learners will "delay responding in order to consider and evaluate solution alternatives" (p.83).

The Interagency Council on Learning Disabilities acting on a Congressional mandate, commissioned five studies to be carried out regarding various aspects of learning disabilities (Silver, 1988). In the study she directed, Doris Johnson of Northwestern University concluded that poor reading comprehension was the result of the student's inability to decode the text. In other words, if the student

does not recognize or understand the words of the passage, comprehension will not follow. She also noted that the children she studied had primarily short term memory, listening comprehension and semantic organization problems. All of which are related to obtaining meaning from spoken words.

Others have also found auditory memory and perceptual problems to be related to reading difficulties (Harber, 1980; Mastropieri, 1988; Swanson, 1989). Mann, Cowen, & Schoenheimer, 1989) suggest that poor readers have difficulty remembering spoken words, even when related in meaningful sentences, due to their limited ability to hold linguistic material in short-term memory. The children in their study who were poor readers made more listening comprehension errors than the good readers. This happened mainly because they were not listening for the prosodic cues ("pitch, stress & pause" p.77) which are markers of sentence meaning.

Wong (1980) when discussing the fact that children with learning disabilities have problems deriving inferences from what they read, suggested structured prompts as as possible solution. Students in her studies were able to extract essential information from the written material she presented when the passages were preceded by relevant questions.

Billingsley (1988) also agrees that providing an overview, or what she terms a macro-structure to what is going to be read or spoken, increases the chance of comprehension. This tactic allows the communicator to provide the organizational structure for the student.

For the justice system to adopt and operationalize those suggestions, they would coach the juveniles before issuing the Mirandas. Such prompting could simply consist of saying that they will be telling them about rights they have and what will happen if they give them up.

Summary

For centuries children have been given unique attention by the courts. Their special position and assumed need for protection by the state drove the early American courts to adopt the parens patriae or loving father posture of the 15th century English Chancery Courts. Children were to be protected and, when errant, were to be reformed. Social reformers and a new positivistic approach to criminology influenced the actions of juvenile courts and their dealings with youths in trouble. These courts would focus on treatment rather than punishment. As the civil rights movement gained momentum concerns arose regarding the acknowledgement of youths' constitutional rights. Were they indeed being suppressed or ignored in the name of paternal protection?

Since the 1966 Miranda v Arizona U.S. Supreme Court ruling specifically delineating the fifth and sixth amendment rights during a criminal prosecution, case law has followed addressing the accordance of those same protections to juveniles. Concurrently the question of the variables related to a youth's ability to make an intelligent and voluntary waiver of those rights has been the subject of litigation and research. Case law has defined the totality of circumstances test to be applied. Those conditions may include, but not be limited to age, mental age, IQ, education, presence of an attorney and previous juvenile court or police experience. Three research projects have tried to ascertain the means for evaluating a juvenile's ability to comprehend their constitutional privileges as enunciated in the Miranda rights warnings and to present some empirical data whereby a judge may wisely comply with the totality of circumstances mandate.

Further research in this area, bringing even more detail to bear, such as the effects learning disabilities have on the comprehension of the Miranda warnings, will give the courts more empirical and objective data to consider. Gary Melton (1983) in his review of Grisso' (1981) work suggested that "we do not have baseline data on "normal" children's concepts of attorneys and the legal process against which to compare Grisso's findings with delinquents" (p.82). Assessing non-delinquents in the non-stressful

school situation should provide the baseline data required.

In light of previous literature, case law and research alerting the judiciary to the dubious nature of juveniles' appreciation of the implications of the Miranda rights warnings, courts remain bound to determine the rationality of their waivers. Any police officer or jurist who choses to question a juvenile who has waived his/her Miranda rights and accepts a subsequent confession is treading on shakey ground (Indiana Supreme Court in Lewis v state, 1972).

CHAPTER III

METHODOLOGY

Population

A sample of 115 males, with (LD) and without learning disabilities (NLD), volunteered from five high schools in four Commonwealth of Virginia school systems. Those schools were housed in geographic areas that ranged from rural to urban. Parental consent/student assent were obtained from each student. Student interviews yielded information regarding age, ethnicity, school placement and socioeconomic status. Participants ranged in age from 14-18 years old and were either African-American (n=50) or Caucasian (n=65). Membership in the LD cohort (n=36) was approximately half of that of the NLD cohort (n=79), but was considered representative of the general school population. SES levels depicted by the sample were high (n=13), medium (n=56), and low (n=46). Statistical tests on the sample data, some completed using SPSSX (Statistical Package for the Social Sciences, Version X) were multivariate analysis of variance (MANOVA), chi-square, correlation analysis, frequencies and percentages. Alpha was set at .05 for all statistical analyses.

Data Collection

The following data were collected on each participating subject during the interview preceding the comprehension of Miranda rights testing:(a) assignment of a student

identification number that indicated cohort membership, (b) date of birth, (c) ethnicity, and (d) the family residence area within the city or town. Full scale IQ scores from the WISC-R were obtained from triennial evaluation reports of the LD cohort. The Henmon-Nelson Tests of Mental Ability, Revised were administered to the NLD cohort to secure an IQ score valid for comparison to the WISC-R for research purposes .

All responses to the Comprehension of Miranda Rights measures were tape recorded for later transcription and scoring. This method of chronicling responses was directed by Grisso in the instructions for test administration detailed in Juveniles' Waivers of Rights (1981). This method also frees the examiner from note taking and promotes a less stressful and somewhat conversational atmosphere by allowing a great deal of eye contact between both parties. To insure confidentiality, only student identification numbers were used on the demographics sheet and the tape recording. All tapes were erased after transcription.

Data Treatment

The objective of this study was to discover any relationship between LD and non-LD juveniles' comprehension of their Miranda rights prior to contact with the juvenile justice system. A causal-comparative design is appropriate for that goal and resulted in the information nescessary for an inferential discussion of the data.

The dependent variables in this study were each student's score on the Comprehension of Miranda Rights statements (CMR), Comprehension of Miranda Rights,True-False (CMR T-F), Comprehension of Miranda Vocabulary (CMV) subtests, and combined total test scores (Grisso, 1981). A summary of each of the subtests follows.

The CMR is the first subtest of the Comprehension of Miranda Rights measures (Grisso, 1981). It is an objective method of assessing an individual's understanding of standard Miranda warnings. It involves the reading of the four Miranda warnings (by the examiner), which are displayed on printed cards (for the examinee), and after each, requires the juvenile to say in his/her own words what it is the warning says (Grisso,1981, p. 48).

The CMR T-F is the second subtest. "It consists of twelve true or false items in four sets of three items. Each set corresponds to one of the Miranda warnings. The purpose of the measure is to assess a subject's understanding of each Miranda warning by his/her ability to identify whether or not a particular pre-constructed sentence has the same meaning as the Miranda warning statement" (Grisso, 1981, p.234).

The third subtest, or the CMV is "an objective method for assessing an individual's understanding of six critical words which appear in standard Miranda warnings. It employs a format which is similar to the Wechsler Vocabulary

subtest, but with a standardized inquiry or questioning which is employed when an examinee's original response requires clarification" (Grisso, 1981, p. 236).

The independent variables were school placement, race, socioeconomic status (SES) and IQ. An explanation of each of the variables follows.

School placements consisted of either general education (NLD) students or special education students with learning disabilities (LD). NLD students attended general education classes with no support from special education staff. With the exception of one site that housed a self-contained class, all LD participants attended resource room special education programs. These classes typically consisted of up to three 50 minute class periods supported by a state certified teacher with at least minimum endorsements in learning disabilities. All other classes for the LD participants were in general education classrooms. Confidentiality requirements denied access to names of LD students prior to parental consent. School placement for the LD students was indicated by the teacher submitting the signed parental consent forms to the researcher.

All 14-18 year old males in general education and special education (LD) classes were invited to volunteer, regardless of race. The race or ethnicity of those who chose to participate was either African-American or Caucasian.

During the information gathering interview, each

participant was asked to identify the area of the city or town in which he resided. No specific addresses were asked to protect confidentiality. The researcher contacted the planning offices in each host community. Each office identified two sources who could make a judgement of SES based on property values relative to their community. The sources usually were a city planner, an assistant superindendent of schools, social service director or director of school guidance services. Each person was given a list of the residential areas and asked to rate them for SES. Through the process of triangulation from different sources within each city or town, an assignment of SES (high, medium or low) was made for each student participant.

IQ for each participant was determined in one of two ways. For students with learning disabilities,, scores were obtained from their most recent triennial evaluation. In each school system those scores were derived using the WISC-R (Wechsler Intelligence Scales for Children-Revised). NLD students were administered the Henmon-Nelson Tests of Mental Ability, Revised to obtain an IQ score acceptable for research purposes. The Henmon-Nelson is a self-administered, self-scoring, test consisting of 100 items in analogy format. The IQ range for the entire sample was 50-138 with the mean being 96. IQ scores for each cohort (LD, NLD) were assigned the following groupings: (a) 0-70, (b) 71-80, (c) 81-90, (d) 91-100, (e) 101+. Table 4.1 presents the

demographic information on the sample.

Data were analyzed using parametric and descriptive statistics. Frequency counts, means and standard deviations were used to describe the demographic data: age, race, IQ and school placement. Scores on the CMR subtests and total test as means were compared and analyzed for each of the six research questions posed. With the aid of the Statistical Package for the Social Sciences-Version X (SPSSX), Multivariate Analysis of Variance (MANOVA) and Chi Square, statistical procedures were utilized to compute those means and discern any relationships between the independent and dependent variables.

Procedure for Obtaining Sample

Once approval was received from the College of William and Mary and the host school systems' research approval committees, the following steps were followed:

(1) The liaison person assigned by the school system was contacted. Often this was an administrator in the central office.

(2) Principals of the high school(s) within the school district were contacted by the administrator, and by letter and telephone by the researcher. At that point principals had the option of not allowing any of their students to participate. Of six high school administrators petitioned, one chose to exercise his option for refusal. The reason given related to the vast number of additional activities

taking place at the school at the time rather than a lack of support for the study.

(3) With the principal's approval, the researcher either spoke with the chairpersons of the special education and the social studies departments, or spoke to the teachers directly. The later tactic seemed to produce the best results. Teacher motivation for the study was easier to generate and the greatest asset.

(4) A date for testing was determined at the meeting with the teachers. It was important that students not miss any classroom tests or special school activities. A room for testing and a mechanism for accessing students was also planned on that day. Informed consent/student assent forms were given to the teachers to distribute in all their classes that day or the next (Appendix D). Students were given two days to return the forms. It was decided early in the study that allowing more time only increased the chances of students forgetting about the study. Problems with the LD cohort return rate were dealt with by giving their teachers extra forms for those students who lost theirs or forgot to return them; a situation that happened in all four schools.

(5) On testing day, accessing students was accomplished the same way in each school. The researcher collected signed consent forms from the teachers. The secretary in the respective Guidance offices summoned four students per period for the interview/test. Each interview and test took

a total of 15 minutes. Students in the LD cohort were then free to return to class. Students in the NLD cohort were instructed on how to complete the Henmon-Nelson Tests of the librarian monitored them and their allotted time.

(6) The interview/test areas assigned by the schools were isolated and conducive to optimal test results.

Limitations (Externally Imposed)

Sample randomization was not as originally planned. Because the return rate of the informed consent forms was low it was decided to allow the sample to "self-select" by interviewing all students who chose to participate.

The racial makeup of the sample also was uncontrolled by the researcher. Although the cooperating high schools contained multicultural student bodies (African-American, Caucasian, Native American, and Oriental) only African-American and Caucasian students volunteered.

Due to the low census in each variable category, effects were studied separately for each variable. The exception was when race and school placement were examined together in relation to success on the CMR measures.

Each of the cooperating school systems, while following state and federal guidelines for finding a student eligible for LD services, operationalized those strictures with similar criteria. The following is a combined list of those standards:

(1) A 25 point descrepancy between achievement and ability scores on the Woodcock-Johnson complete battery (using age norms) versus the full scale IQ score on the WISC-R.

(2) The same requirements as stated above only using grade norms.

(3) Clear evidence of a processing deficit, relying heavily on classroom observation and assessment, and taking into account scores on the WISC-R.

(4) A two to three year deficit in reading and math, a mild or severe descrepancy between the Verbal and Performance IQ scores on the WISC-R, and the number of grade retentions.

Research Questions

The purpose of this study was to determine the level at which a sample of juveniles with and without learning disabilities could demonstrate and understanding of their Miranda rights on the Comprehension of Miranda Rights (CMR) measures (Appendix C). In order to make that determination, the following research questions were investigated:

(1) How will group scores on the CMR measures compare between groups of high school males with and without learning disabilities?

(2) Is SES a significant influence upon LD, NLD and combined group mean scores on the CMR subtests and total

test results?

(3) Does race significantly effect the LD, NLD and combined group mean scores on the CMR subtests and total test results?

(4) Does age impact significantly on the LD, NLD and combined group mean scores on the CMR subtests and total test results ?

(5) Is IQ a significant factor in predicting success on the CMR measures?

(6) How will LD, NLD and combined group scores on the additional True-False question compare?

Appropriateness of Test Instruments

Comprehension of Miranda Rights Measures

(1) CMR - The Comprehension of Miranda Rights (CMR) measure was designed by Sam Thomas Manoogian in partial fulfillment of the requirements for a doctoral degree from St. Louis University in Missouri, as an objective method for assessing an individual's understanding of the standard Miranda warnings (Manoogian, 1979; p.26). The procedure involves the examiner first teaching the student how to paraphrase stimulus sentences. Once it is determined that the examinee understands the process, the examiner continues by reading four of the Miranda warnings to the examinee while at the same time displaying a written copy of the text. The examinee is then asked to tell in their own words what the warning says. If the examinee repeats verbatim what

he has heard or responds in a confusing manner, the examiner has a standardized inquiry form to follow. The intention in this procedure is "(a) to maximize the examinee's chances of manifesting whatever understanding might exist, but without providing clues which might supplement the examinee's understanding; and (b) to allow the examiner to understand clearly what the examinee is attempting to express" (Grisso, 1981; p.223). The test is administered individually and all three forms combined take about 15 minutes to complete. Responses are tape recorded for scoring at a later time. Scoring is completed using a written verbatim transcript.

The experimental or norming group for both the CMR and the CMR T-F were 40 randomly selected male and female subjects, ages 11-17 years old, who were in detention at the time.

" To the extent that the ...CMR...measures focus on a limited and circumscribed area (e.g. the comprehension of rights according to legal standards), the establishment of the validity of a measure of an abstract concept per se is unnecessary" (Manoogian, 1978, p. 40). Since subjects respond to open-ended questions, agreement between the raters became the important reliability factor. "The overall phi coefficient of agreement between the two raters (psychologists) collapsed across scoring categories and the Miranda rights forms was .88" (Manoogian, 1978, p 41). Inter-coder reliability suggests strong support for use of

the instruments in experimental situations.

(b) CMR T-F, The Comprehension of Miranda Rights, True or False subtest, consists of twelve true or false items which correspond to the Miranda warnings. The examinee must demonstrate an understanding of each warning by identifying another sentence with the same meaning. Once again the examinee is presented with both auditory and visual stimuli.

(c) CMV - The Comprehension of Miranda Vocabulary was developed by Grisso as a "companion" measure to the CMR (Grisso, 1981). Six words critical to the understanding of the Miranda warnings are presented on separate cards while the examiner reads the word aloud and then uses it in a sentence. The examinee must tell what the stimulus word means. Grisso suggests that the CMV may even be used as a singular indicator of a juvenile's comprehension of the Miranda warnings.

"CMV scores are correlated substantially with CMR scores (Pearson r = .67), and the scoring system for the CMV is more easily employed and has produced slightly higher interscorer reliability coefficients than has the CMR" (Grisso, 1981).

Henmon-Nelson Tests of Mental Ability, Revised

This is a test "designed to measure those aspects of mental ability which are important for success in school work" (Nelson and French in Ysseldyke and Salvia 1988,

p 213). It is divided into four levels, each taking about 30 minutes to administer. The grades 9 through 12 level were used in this study. That level sampled different behaviors such as vocabulary, sentence completion, opposites, general information, verbal analogies, verbal classification, verbal inference, number series, arithmetic reasoning and figure analogies. Results were combined into global, raw scores which can be transformed into deviation IQs (mean=100, standard deviation=16).

"The levels for grades 3 through 12 were standardized on 48,000 pupils (4,000 from each grade plus additional 4,000 per grade 6 and 9)" This was completed in regular classes with the sample stratified only by community size and location.

"The reliability coefficients estimated by use of parallel forms range from .87 to .94 for the total score" (Thorndike & Hagen, 1969, p. 666) and indicate that the test is satisfactory for use as a screening instrument (Salvia & Ysseldyke, 1978).

There are no validity data for levels above grade 9. Rather, correlations for grades 3, 6, and 9, generalized to elementary, middle and high school groups , between the Henmon - Nelson and other apptitude tests such as the Lorge-Thorndike Intelligence Test, the Otis - Lennon Mental Ability Tests and the Iowa Tests of Basic Skills ranged from .60 to .86 (Salvia & Ysseldyke, 1978). It was determined

that the IQ scores from this test of the NLD cohort would be appropriate to compare, for research purposes, to the full scale IQ scores on the WISC-R of the LD cohort.

Additional Question

On June 26, 1989, the United States Supreme Court ruled on a question of Miranda warnings in Duckworth v. Eagan. At that time Chief Justice Rehnquist chose, in his majority opinion, to refer to California v. Prysock (1981) when that same Court stated that Miranda warnings simply had to "reasonably convey" the list of rights due to the accused...thus laying a great burden on the accused who may be ignorant of the specific procedural safeguards due him/her. Since one of those rights is the right to counsel and since the Miranda Court did not require attorneys be "on call", the fact that an accused can stop answering questions at any time takes on greater meaning. In most instances, the accused is told he/she can consult with an attorney before interrogation, and have one present during interrogation, but seldom is it explained to him/her that he/she can stop answering questions until an attorney arrives. The standard warning used by the FBI seems to be unique ... it ends with the following sentence: "If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer." Such a detailed explanation seldom finds its way into standard

police practice (Duckworth v. Eagan, 1989).

It is this researcher's contention that it is important when assessing the totality of circumstances to determine if the juvenile understood the right to stop answering questions at any time. An additional question, therefore, was added after the completion of the three CMR measures. That question was:

" If you start to answer questions without a lawyer with you, can you stop answering and wait for a lawyer" ?

Test Scoring

All interviews and test scoring was completed by the researcher. A reliabity test was conducted between the researcher and a second rater. A random sample (n=10) of verbatim transcripts along with scoring instructions were given to the second rater. That person is a Master's level psychometrician employed at a regional center for psychological services. Her daily duties require the administration and scoring of tests having open ended questions requiring standardized responses. Scoring of those tests also requires that she attend only to the responses given and not read into them any implications for more complete answers. Both she and the researcher discussed the test and scoring instructions thoroughly.

Scoring for the CMR and CMV subtests were then compared. CMR-TF is an objective test and does not require an interpretation of responses. Rater/researcher agreements

and differences were tallied with the following results. Initial interrater agreement on 100 items (4 CMR + 6 CMV x 10 transcripts) was 87%. Differences were resolved through discussion. The researcher did not embark upon scoring the rest of the transcripts until there was total agreement.

Problems Encountered

Five problems arose during the course of the study; (a) sample randomization, (b) non-participation by a number of school systems due to their lack of interest in the study, (c) schools' concern over using race as a variable, (d) teacher cooperation, and (e) LD students' participation.

(1) Sample randomization was not as originally planned. Because the return rate of the informed consent forms was low , it was decided to allow the sample to "self-select" by interviewing all students who chose to participate.

(2) Before the four who participated, 16 school systems declined permission after application had been made to their research approval committees. Some schools systems who chose not to join in the study expressed a concern for the relative value of the study to education. The Constitution being addressed in a number of high school curricula and television exposure to the Mirandas being read was deemed sufficient for understanding. Other reasons ranged from a stated lack of interest in the topic to what emerged as the most prevailing concern; that of using race as a variable.

(3) Uneasiness was stated in a number of ways including " Your analytic method does not meet with the way we allow our students to be viewed in research" and "We fear ulterior motives". Strict research ethics, however, require that all variables to be analyzed be made known to the participants. For that reason and because results of the study were meant to be discussed in light of those of Grisso who also used race as a variable, no change was made in the research design.

(4) Those school systems who participated did so with a great amount of enthusiasm and support. Once permission to contact high school principals was received from the local research committees, the key was to obtain teacher cooperation. One teacher expressed scepticism regarding her students' possible performances, but she did distribute the informed consent forms to all of her eligible students. Only one teacher refused to allow specific students to leave class to be interviewed. He considered those students to be trouble makers who often were truant. Most social studies teachers saw the value of the research and encouraged their students to become involved and "test" their memories of recent class lectures on the Constitution.

(5) The final problem to be discussed deals with the participation of students with learning disabilities. The research design allowed for strict adherence to the special education privacy requirements for each school

system and never was seen as a problem for the research committees. Rather, teachers indicated that families of students in special education often were wary of research projects involving their children. Another equally possible and more probable cause of the low informed consent return rate was the students with learning disabilities inability to remember to take the forms home and return them. Many special education teachers reported that students were eager to participate. Unfortunately, they repeatedly asked for additional forms because the students had lost the original or left signed forms at home. Giving them extra days to return the forms did not solve the problem. Low participation rates on the part of those students seemed to be more a function of their learning disability (ie:, short/long term memory problems, inability to organize, etc;) than an unwillingness to take part in the study. It became a standard practice to leave extra sets of forms with the special education teachers.

Summary

This research was conducted to furnish information about the comprehension of Miranda rights by high school males with and without learning disabilities. To make that determination, six research questions were investigated.

A sample of 115 African-American and Caucasion males with and without learning disabilities was obtained from five high schools in four school systems within the

Commonwealth of Virginia. Parental consent and student assent were secured for each participant. All members of the sample were interviewed to obtain information regarding age, ethnicity, school placement, and socioeconomic status. The Comprehension of Miranda Rights measures were administered to each subject. Responses were tape recorded for later transciption and scoring. IQ scores, determined by the WISC-R, for the LD cohort were gleaned from their triennial evaluation reports. NLD cohort members were administered the Henmon-Nelson Tests of Mental Ability, Revised to obtain an IQ score.

Demographic data (age, ethnicity, school placement, socioeconomic status and IQ) were described using frequency counts, means and standard deviations.

LD, NLD and combined groups scores as means were compared and statistically analyzed relative to each research question utilizing ANOVA, MANOVA and Chi Square.

CHAPTER IV

RESULTS

The purpose of this study was to determine the level at which a sample of juveniles with and without learning disabilities could demonstrate an understanding of their Miranda rights. African-American and Caucasian male high school students from four school districts in Virginia were invited to participate in the study. All subjects were administered the Comprehension of Miranda Rights (CMR) battery (Grisso, 1981). Non-learning disabled (NLD) students were given the Henmon-Nelson Tests of Mental Ability-Revised (Thorndike et al, 1961) to obtain an IQ score for research purposes. The most recent IQ scores for subjects with learning disabilities were obtained from their school records. Total group and subgroup means were obtained relative to the research questions cited in Chapter I. With the aid of the Statisical Package for Social Sciences - Version X (SPSSX), Multivariate Analysis of Variance (MANOVA), ANOVA, and Chi Square statistical procedures were utilized to compute those means as well as discern any relationships between the independent variables (school placement, race, SES, IQ) and the dependent variables (subjects' scores on the CMR, CMR-TF, CMV, extra question). Alpha was set at .05 for all statistical tests.

This chapter is divided into four sections. A summary

of the demographic data that describes the sample is contained in the first section. The second describes the sampling technique and the third reports the data relative to the research questions. Several additional analyses were suggested not only by the data analyses, but also by responses from the research subjects. Results of those analyses are presented in the fourth section.

Demographic data

The sample consisted of 115 males from four school districts in Virginia. One school system is considered rural, another suburban, one is a mix of urban and suburban and the last is urban. There was a nearly even distribution of subjects across all age levels from 14 to 18 years old. The majority of subjects were from the medium (n=56) to low (n=46) SES bracket. The African-American and Caucasian membership was rather evenly split (A.A.=50, C.=65) and there were twice as many NLD students (n=79) as LD (n=36). Students provided the information regarding date of birth, race and school placement. SES was assigned by the appropriate personnel in each school system or town. Those persons were knowledgable about the property values of each residential area and designated SES categories to each one. Demographic data concerning school placement, race, socioeconomic status, age and IQ were compiled on the sample and are reported in Table 4.1.

Sample

The sample was obtained by interviewing all students who submitted signed informed assent and consent forms from themselves and their parents or guardians. The return rate for forms was about 10% for each school. That is, for every 200 forms sent home with the student, 20 were returned. This resulted in the sample being comprised of all male students across all four grades (9–12) in four school systems (five high schools) who chose to participate.

Assessment data

All 115 participants were interviewed individually utilizing the Comprehension of Miranda Rights measures (see Appendix C). A report of total test, subtest means and standard deviation scores are found in Table 4.2. The NLD cohort performed better than the LD cohort, although combined group scores were low overall. IQ scores were acquired in two ways; 1) school records of LD students were searched for scores and 2) NLD students were given the self-administered, self-scoring Henmon-Nelson Tests of Mental Ability-Revised. Table 4.3 presents the percent in IQ classifications looking at race and school placement. The mean IQ for the combined sample was within the average range of intelligence, indicating a representative sample. The remainder of this chapter will discuss results in reference to the research questions.

Research Question 1

How will group scores on the CMR measures compare between groups of adolescent males with and without learning disabilities?

This question was addressed through the administration of the CMR measures. Combined group significance values for each section of the CMR are reported in Table 4.2. Results of the anaysis were significant and indicate that the subjects without learning disabilities performed better than those with learning disabilities across all test areas.

Although Grisso (1981) did not specify what score on the CMR measures would indicate understanding of the Miranda rights, he did suggest that either a perfect score (32 points) or one in which no zero scores could be found in the subtests, would imply an adequate understanding (Grisso, 1981;p.73). Given those guidelines, simple percentage calculations were executed on the sample in this study. Subjects who received at least some credit (no zero scores) achieved at least a 91% for the total test battery. Only 9% (n=10) of the subjects in the study earned such scores and all were NLD. The sample population as a whole did not meet Grisso's standards for adequate comprehension, with LD students scoring less than NLD students on all subtests and the test total. Table 4.4 reports subtest means as percentages. Figure 1 illustrates LD and NLD students' percentage scores.

Research Question 2

Is SES a significant influence on the LD, NLD and combined group mean scores on the CMR subtests and total test results?

SES was found to be significant on combined group scores for two subtests (CMR-TF and CMV) as well as the total test scores (Table 4.5). It should be noted that scores on the CMV, or definition of vocabulary subtest, were especially low. Apparently students in the study were more successful at infering the meaning of a sentence (as in the CMR subtest) than in satisfactorily defining important vocabulary. This indicates that SES is one demographic that should be considered, along with other factors, when assessing a juvenile's ability to communicate an understanding of his Miranda rights. Means and standard deviations for this analysis are included in Table 4.5.

Research Question 3

Does race significantly effect the LD, NLD and combined group mean scores on the CMR subtests and total test results?

Race was found to be a significant factor on CMR subtests and total test scores for the combined group (see Table 4.6). Mean scores for Caucasians were higher than the combined sample means on all subtest totals as well as the test total score. However, when race and school placement were looked at together using an Analysis of Variance, there

were no significant scores (Table 4.7). That is, it did not matter if a suject with a learning disability was African-American or Caucasian, the scores on the CMR measures were lower than those of the NLD cohort.

Research Question 4

Does age impact significantly on the LD, NLD and combined group mean scores on the CMR subtests and total test results?

Upon analysis, age was not as a significant factor relative to combined (LD & NLD) scores on the CMR measures. (see Table 4.8).

Research Question 5

Is IQ a significant factor in predicting success on the CMR measures?

Correlation analyses were computed on this sample using subtest and total test scores with IQ to determine the degree of relationships between the variables. All coefficients were found to be statistically significant ($p<.01$, two-tailed). Table 4.9 lists the correlation coefficients by test totals. Table 4.10 reports individual cohort scores on each of the subtests and test total by the IQ range groupings suggested by Grisso. For example, students in the NLD cohort with IQs of 81+ were able to score in the 70%+ range of success, while LD cohort members required IQs of 91+ to achieve scores in the same range. The mean score for LD students with IQ's ranging from 81-90 was

17.2 or 54%

Grisso (1981) reported in his study that IQ was a significant factor in predicting success on the CMR. The above information supports Grisso's findings.

Research Question 6

How will LD, NLD and combined group scores on the additional True-False question compare?

Frequency calculations and percentages were computed and reported in Table 4.11. Both LD and NLD groups did well on this question. Combined group scores show a success rate of 88%. Individual group scores reflected the same (NLD=90%, LD=83%).

Additional Analyses

Borg and Gall (1989) recognize that often during the course of conducting research, additional questions and analyses become important. So it was with this study. It was noted while interviewing the subjects that there was confusion regarding the differences between an attorney and a social worker. For example, when asked to define an attorney (CMV 2) or discern between the legal privilege of having an attorney or social worker during questioning (CMR-TF 7, CMR-TF 10) subjects would comment to the researcher "aren't they the same thing?" Consequently, three additional Chi square statistics were computed looking at CMR-TF 7, CMR-TF 10, CMV 2 and SP (school placement). All results were statistically significant. Nearly two-thirds (63.5%) of the

combined LD and NLD sample incorrectly agreed that if they did not have the money for a lawyer the court would appoint a social worker to help them (CMR-TF 10) (Table 4.12). Approximately half (41.7%) of the sample said that talking to an attorney before and during interrogation was the same as talking to a social worker before anything happened (CMR-TF 7) (Table 4.13). The CMV 2 question asks the subject to define an attorney. Criteria for a two point score requires that the response contain any two of three elements: 1) an accurate synonym, 2) indication that an attorney is someone who can help them in court or 3) someone who is especially trained in law or legal processes (Grisso, 1981). Even with these loosely defined parameters, less than two-thirds (n=72 or 63%) of the combined groups could receive two point credit, leaving 43 (37%) students who could not adequately define what an attorney is or does.

It became apparent that a closer look at the individual CMR statements was also necessary once it was demonstrated that the subjects were unclear about the definition and role of an attorney as well as the vocabulary of the statements. Frequency and percentage calculations were computed on each CMR statement separating the LD and NLD groups. The percentage of each cohort who received either no credit or partial (1 point) credit were collapsed together and charted on Figure 2. This was done in order to determine exactly which of the four statements posed the most problems. CMR 3,

the right to an attorney before and during interrogation clearly was a problem for both groups While Figure 2 illustrates the success rate for each cohort on the four CMR statements, Figure 3 demonstrates the combined group mastery level.

Summary

A sample of 115 high school, African-American (n=50) and Caucasian (n=65) males, with (n=36) and without (n=79) learning disabilities, participated in the study. Each student was interviewed to obtain demographic data that were used in the analyses. The test data (using the CMR measures, Grisso, 1981) from the sample were analyzed by age, ethnicity, school placement, SES, and IQ.

Results of analyses indicate that students in the sample, especially those with learning disabilities, were not able to perform well enough on the CMR measures to indicate an adequate understanding for a valid waiver of their constitutional rights. SES and IQ were found to be significant predictors of success on the CMR measures.

Chapter V

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Summary

This research began as an attempt to provide a breadth to the information Grisso (1981) reported and to furnish details about the comprehension of the Miranda rights by high school students with and without learning disabilities.

A review of previous research was conducted and three studies were reported. The first (Ferguson & Douglas,1969) was rejected as a valid model due to lack of informed consents and poor analytic techniques. The second (Manoogian, 1978) and third (Grisso, 1981) served as the basis for this study. The Comprehension of Miranda Rights measures (CMR) were developed by Manoogian, and late refined by Grisso for use in a two year longitudinal study in the St. Louis juvenile courts. Both Manoogian's and Grisso's studies observed rigorous adherence to subject informed consent and pertinent statistical analyses.

A review of literature focused on relevant case law and the characteristics of learning and reading disabilities that impact on receptive language comprehension.

The case law examined revealed diverse interpretations by the courts of how due process mandates for juveniles should be applied. There appeared to be a wide variance in how courts applied the totality of circumstances rule. Most

felt that the presence of a parent or guardian at the time of interrogation fulfilled the "interested adult" criteria as directed by the Gault decision.

Literature reviewed on learning and reading disabilities centered on specific characteristics, such as auditory processing problems and impulsivity, that effect the manner in which members of the LD cohort interpret a situation.

For this study, demographic data were compiled during each interview session and later subjected to analyses. It was determined that a wide age range and representative sample had been obtained. Students (n=115) from five high schools in four schools sytems participated in the study.

The test data (using the CMR measures developed by Manoogian, 1979 and refined by Grisso, 1981) from the sample were analyzed by age (14-18 year olds), with the mean age for the combined sample being 15.8 years; race (African-American, n=50; Caucasian, n=65), school placement (NLD n=79; LD n=36); SES (High n=13, Medium n=56, Low n=46) and IQ. The mean IQ for the combined groups was 96. Mean IQ scores for the NLD cohort were 93 and 91 for the LD cohort.

Results of analyses indicate;

1. That students in both ethnic categories, with learning disabilities, were not able to perform well enough

on the CMR measures to indicate adequate comprehension for a valid waiver of their constitutional rights.

2. Combined group scores on the CMR measures, for this entire sample, did not meet the standards defined by Grisso as indicating adequate understanding of the Miranda rights.

3. It was also found that the age of the student was not a significant factor in predicting success on the CMR measures.

4. SES and IQ were found to be a significant predictors of success on the CMR measures.

5. Overall results of the study indicate that NLD students, although performing below the level recommended for judicial confidence in a waiver (Grisso, 1981), scored higher on all the subtests and total test scores than the LD students.

Implications for educators and juvenile justice personnel were discussed in light of the findings.

Conclusions

Results of statistical analyses show two noteworthy facts. First, when comparing students with learning disabilities and those without, the student without learning disabilities score higher on all subtests and the test as a whole (see Table 4.2). When looking at the four Miranda statements separately, the LD students were unable to perform as well as the NLD students with the exception of CMR4 (right to a free attorney). Even then mean scores for

the LD cohort were only slightly higher than NLD scores. Second, scores for the combined groups, when translated into percentages, did not approximate the level Grisso (1981) recommended to predict adequate comprehension. In fact, if one were to use the level of performance accepted by educators as indicating mininal success (70%) combined group (Figure 3) and individual cohort percentage scores (Figure 1) do not present encouraging results. The highest NLD mean score interpreted as a percentage (87%) was on the T-F subtest, while for the LD cohort, the mean score of 8.5 or 71% was the best for any subtest.

One possible explanation for both cohorts' relative success on the T-F questions is the obvious fact that a response does not require expressive language skills. Only a simple Yes/No or True/False is required. The LD cohort may have found it more difficult because they had to compare, evaluate and discriminate between two concepts before making a decision, a task that often is very difficult for LD students (Bruner, 1978).

Responses to questions related to a right to an attorney (CMR3), the definition of which needed to include comments about what they do and are (CMV2), and their differentiation from social workers (TF7 & TF10) indicate that both NLD and LD students are confused about the role of attorneys. Often they thought the names and roles were interchangable. Seventy-three percent (n=58) of the NLD

cohort could not obtain a 2 point or perfect score on CMR3 while 33% (n=12) of the LD cohort followed suit (see Figure 3). One possible explanation for this occurrence could be that an increasing number of juveniles have contact with social workers who intervene in their daily lives. Often the social workers interpret laws and court proceedings for families. When Social Services retains custody of a child they become their advocate in legal matters. One can predict the confusion when an LD child hears the words "attorney" and "assistance" and assumes the police will be calling their social worker to once more help them with the law. Most of the errors committed by both cohorts, though, centered on the time when an attorney could be called. One common response was, "I can have an attorney when I go to court". Another frequent reaction was, "I can have an attorney when I am questioned: with no mention of a right to an attorney prior to questioning. Clearly this confusion about the role of the attorney may be one of the primary reasons juveniles waive their right to counsel.

Data analyses support taking SES into account when considering the validity of a juvenile's waiver. As portrayed in Table 4.6, finding sufficient meaning in the Miranda statements to articulate them in one's own words was difficult for subjects from the lower socioeconomic status. The criteria required to demonstrate even partial understanding (for scoring purposes) included any non-

verbatim responses that communicate comprehension. Regional colloquialisms were acceptable. This study was not able to answer why SES had an impact on CMR scores.

As reported in Table 4.7, race was found to be a significant factor in CMR scores and also needs to be considered within the totality of circumstances venue. The effect of race as a variable lost importance when considered in concert with school placement. Table 5.1 presents subtest scores reported as means by school placement and race. In the NLD cohort, Caucasians scored higher than African-American students, but for the LD cohort, students' scores for both races were almost identical.

Grisso (1981) found that subjects in his study who were 14 years old and younger produced scores so low on the CMR measures that a waiver from them should never be accepted without benefit of counsel. In this study, age on CMR measures scores was not significant across all age levels (Table 4.8) and, therefore, should not be considered in any juvenile waiver made without an attorney present. This finding differs from that of Grisso and traditional judicial assumptions that logic and understanding increase with maturity. In this study, at least, growing up physically does not necessarily equate with cognitive development.

The fact that IQ was found to be statistically significant when related to subtest and total test scores for both cohorts, not only supports Grisso's findings, but

is logical. Someone of diminished cognitive ability does not always possess the organizational skills to evaluate a situation, even if placed there repeatedly. Grisso noted that it appeared that delinquents who were repeat offenders had nearly the same success on the CMR measures as did first time offenders. Conversely, students with higher IQ scores were able to perform better.

Interestingly, both LD and NLD cohorts had success with the extra question (Table 4.12). Although the Miranda decision does not require that a suspect be informed that they can stop answering questions at any time, students in this study (NLD and LD alike) were able answer this question correctly.

One can assume that it was the result of the way the question organized the concept and figurativly "walked" the student through the process of determining a response. This method was developed as per the suggestions of Wong (1980) and Billingsley (1988). The success of such a method is encouraging for increasing understanding

Recommendations for Educators

Judging from the low scores for the combined sample on the CMR measures, it seems imperative that educators increase their instructional efforts regarding the constitution for all students. If we are to accept that one of the goals of education is to produce an informed citizenry, then knowledge of their constitutional rights is

implied. The United States Supreme Court, specifically in Colorado v. Spring (1987), has stated that it is not the court's responsibility to educate a criminal suspect in all the possible consequences of his/her waiver of rights. To whom, then, does this responsibility fall? It seems apparent that defense attorneys have an obligation during the judicial process. Schools, on the other hand, have the responsibility to provide the foundation for making an educated descision. The following are some specific recommendations for teachers.

(1) Teachers should be confident that all students understand that a right is an entitlement and, most important, is protected. Students who failed to receive a two point score on CMV6 (define RIGHT) did so because they often failed to include those criteria in their answers. They usually knew a right was something they were entitled to, but only a few included the concept that a right was protected as part of their answer.

(2) The Miranda statements should be studied individually, with special emphasis on references to the availability and role of attorneys during the interrogation. Instruction should be focused on different court personnel and their roles. Teachers should be sure to differentiate between the training and responsibilities of attorneys and social workers.

(3) Teachers should discuss with the students the time

factors implicit in the right to remain silent statement. Several students indicated they did not have to talk until the police asked them questions.

(4) Teachers should ask students to discuss their understandings of the Miranda warnings. A common error made by the sample in this study was the misconception that the statement "Anything you say can and will be held against you in a court of law" meant it would be reported to the judge if the juvenile "smart-mouthed" the police.

(5) Teachers should be sure students not only understand the basic concept enunciated by the Miranda decision, but also the vocabulary of the warnings. Data can be provided by local police departments. A copy of their warnings may be obtained and used as the basis for instruction.

(6) When testing for understanding, educators should ask open ended questions and insist that students articulate not only comprehension of the language of the warnings, but also have such a grasp of the basic concepts they can restate them in their own words. Not knowing what their rights are and the consequences of waiving them could mean life or death to a student.

The following are four specific recommendations principals should take into account when dealing with students who allegedly commit a crime while on school property.

(1) School administrators should be aware of the recent speculation that principals will be taking on increased responsibility for special education programs in their schools. It is forecast that funding for special education will decrease as as fiscally strapped communities reduce financial support for education in general.

(2) Since they may be taking on increased responsibility for special education, school principals must have a basic understanding of the unique characteristics of each handicapping condition and a working knowledge of special education law. To date that has not been a requirement for certification of principals. Valesky and Hirth (1992) surveyed 57 State Directors of Special Education and discovered that: "No state requirements for a general knowledge of special education exists for 45% of the regular administration endorsements" and " a general knowledge of special education is acquired through general school administration courses for 10% of all regular education administrators" (p.401). A principal having little or no knowledge of the problems students with learning disabilities may encounter, when required to make a judgment about waiving their constitutional rights, may have disastrous results for the student. Enrollment in a special education college course is suggested for school principals.

(3) Unless states or school systems have a definite policy of action, principals should consider carefully their

legal position regarding students who allegedly commit criminal offenses on school property. Traditionally, the principal was said to act in loco parentis or in place of the parents while the student was in the school. This allowed the principal to use discretion when disciplining a student to protect the rights of other students to learn in a safe atmosphere. As school administrators are given greater autonomy within their own school buildings, the need for having many courses of action to choose from increases.

With the reports of the increased violence and drugs in high schools, police arriving on campus is a familiar sight. Is the principal then acting in loco parentis, as a private citizen, and therefore allowed to search and question a student without regard for their constitutional rights? Or is the principal acting in partnership with the police in order to keep the school free from criminals, and thereby should abide by the Miranda mandates ? Those questions have been the focus of litigation and literature. Examining both sides of the question may assist a principal in deciding the best role to adopt.

The concept of schools standing in loco parentis has historical roots in the principal's responsibility to maintain order in the school. The status of school administrators as either government officials, (and thereby subject to the restraints of the Bill of Rights) or a private citizen (acting in loco parentis) has been debated

in the courts. Early decisions stated that school officials were not agents of the state, so constitutional protections for students did not apply (Comm. v. Dingfelt, 1974; Mercer v. State, 1970; State v. McKinnon, 1977). Traditionally those cases centered on students moving to suppress evidence found during a search of their lockers or person and the resulting seizure of contraband.

Other courts have reasoned that school officials are employed by and subject to the supervision and control of the Board of Education. They are state employees and therefore state officials, subject to protecting the constitutional rights of all their students (State v. Baccino, 1971; State v. Walker, 1971). Shoop and Dunklee (1992) when commenting on the effects of In re Gault, (1967) and the resulting mandate to protect juveniles' due process rights noted, "Accordingly, educators across the United States received a warning that the traditional role of the school, standing in place of the parent had changed" (p.107).

(4) It is imperative that school principals know and understand the Miranda warnings themselves. Chief Justice Fay (1988), Grisso (1981), Jacoby (1988) and Stapleton and Teitelbaum (1967) have demonstrated through research and personal experience that adults are sorely lacking in their own understanding of the Constitutional Amendments. Teacher and administrator preparation courses should include a

thorough study of the Bill of Rights and how they pertain to students, for "...educators who understand the constitutional rights of students will presumably be more effective in protecting those rights" (Steele, 1990, p.165).

Recommendations for Juvenile Justice Personnel

The following are recommendations for juvenile justice personnel and law enforcement officers who are in a position to accept a waiver of rights from a youth accused of a criminal offense:

(1) Any legal representative of the state, issuing the Miranda warnings to juveniles should make every effort to insure understanding of those rights and the results of a waiver. The concept that posed the most problem for both cohorts was the role of the attorney before and during interrogation. Using more specific language as in the FBI warnings (see Chapter I) and the extra questions used in this study (Appendix C) produced better results.

(2) Persons issuing Miranda warnings should be aware of the high prevalence of juveniles with learning disabilites coming in contact with the justice system. Perhaps it would be wise to assume that the majority of young persons who are being interrogated have some kind of a learning problem. Any ensuing waiver may be looked on as questionable.

(3) Justice personnel should be familiar with the characteristics of learning disabilities as described in the literature. For example, they should know that such students

are often characterized as distractable and impulsive. A great deal of noise, commotion or multiple conversations taking place in the police car, station house or court intake only minimizes a juvenile's chances at making a rational decision regarding waiving their rights.

(4) No juvenile, especially one with a learning disability, should be allowed to waive without an attorney present. Care should be taken to provide professional counsel for them before and during interrogation to insure their full understanding of the consequences of their waiver.

(5) Juvenile justice workers should also take into account the IQ, SES, and ethnicity of the suspect who is about to invoke a waiver of their constitutional rights. All three variables were found to be significant indicators of success on the CMR measures.

Recommendations for Further Research

Based on previous research and this study, future research is encouraged regarding comprehension of Miranda rights. The following is a list of areas that may be explored in future research.

(1) Since Grisso's research was conducted ten years ago, a more contemporary comparison to the baseline data obtained in this study would be enlightening.

(2) Another similar study focusing on the population of students diagnosed as emotionally disturbed would add to the body of literature regarding the totality of circumstances test. As discussed earlier, juveniles with learning disabilities and emotional problems comprise the majority of the juvenile corrections population.

(3) Other handicapping conditions, such as deafness and blindness, impact on how juveniles perceive their surroundings. A study focusing on those populations would add scope to this study.

(4) Another similar study focused on those populations in which English is their second language, or that takes into account regional differences should be undertaken.

(5) There should be a feasibility study concentrating on methods used by juvenile courts that deliberately include the possibility of a learning disability as part of the totality of circumstances test.

(6) A national survey of law school juvenile justice curricula should be done to determine if there is (a)inclusion of information regarding characteristics of special populations, and (b) strategies for representing members of those populations.

(7) Consideration should be given to a national survey of law enforcement training centers investigating (a) the inclusion of information regarding characteristics of

special populations, and (b) the development and dessemination of lists of strategies to employ when encountering members of those populations.

(8) There should be research on the development of a curriculum and vehicle for training the judiciary and court service personnel about juveniles with learning disabilities.

APPENDIX A

Tables

TABLE 4.1

Demographic Data Variables of Sample (n=115)

Variable	Variable Categories	Variable Values 1	2	3	4	5	Means
School Placement	1=NLD 2=LD	79 (69)	36 (31)				
Race	1=Black 2=White	50 (43)	65 (57)				
Socioeconomic Status	1=High 2=Medium 3=Low	13 (11)	56 (57)	46 (40)			
Age	1=14 yo 2=15 yo 3=16 yo 4=17 yo 5=18 yo	25 (22)	27 (23)	21 (18)	25 (22)	17 (15)	15.8 yo
IQ	1=<=70 2=71-80 3=81-90 4=91-100 5=101+	3 (2)	18 (16)	17 (15)	38 (33)	39 (34)	96

* Numbers in parenthesis are percentages of the variable membership

TABLE 4.2

CMR Measures Subtest and Test Total Results Reported for School Placement as Means and Standard Deviations

		Mean	Std Dev	N
CMR (8)	Non LD	5.291	1.855	79
	LD	4.361	2.086	36
	Combined	5.000	1.969	115
TF (12)	Non LD	9.684	1.668	79
	LD	8.528	1.781	36
	Combined	9.322	1.780	115
CMV (12)	Non LD	9.468	2.536	79
	LD	8.333	2.575	36
	Combined	9.113	2.591	115
Test Total (32)	Non LD	24.152	4.344	79
	LD	21.222	4.934	36
	Combined	23.235	4.717	115

* Numbers in parenthesis indicate total possible points

Univariate F-Tests with (1, 113) Degrees of Freedom

Variable	Hypoth SS	Error SS	Hypoth MS	Error MS	F	Sig of F
CMR	21.39065	420.60935	21.39065	3.72221	5.74676	0.018
TF	33.03482	328.06083	33.03482	2.90319	11.37879	0.001
CMV	31.85955	733.67089	31.85955	6.49266	4.90701	0.029
Test Total	212.26143	2324.39944	212.26143	20.56991	10.31903	0.002

TABLE 4.3

Percent in IQ Classifications Reported by Race and by School Placement

	0-70	71-80	81-90	91-100	101+	Mean IQ
Race						
White (n=65)		11 (n=7)	14 (n=9)	29 (n=19)	45 (n=29)	101
Black (n=50)	6 (n=3)	22 (n=11)	16 (n=8)	38 (n=19)	20 (n=10)	91
School Placement						
NLD (n=79)	4 (n=3)	13 (n=10)	14 (n=11)	32 (n=25)	38 (n=30)	98
LD (n=36)		22 (n=8)	17 (n=6)	36 (n=13)	25 (n=9)	93

TABLE 4.4

CMR Measures Subtest and Total Test Means as Percentage Scores Reported by School Placement

	CMR (8)		TF (12)		CMV (12)		Total Test (32)	
School Placement	Mean	% Score	Mean	% Score	Mean	% Score	Mean	% Score
NLD (n=79)	5.3	66	9.7	81	9.5	79	24	75
LD (n=36)	4.4	55	8.5	71	8.3	69	21	65
Total Sample (n=115)	5.0	63	9.3	78	9.1	76	23.2	73

TABLE 4.5

CMR Measures Subtest and Test Total Results Reported for SES as Means and Standard Deviations

		Mean	Std Dev	N
CMR (8)	High SES	5.462	1.506	13
	Medium SES	5.413	2.058	56
	Low SES	4.622	1.922	45
	Combined	4.974	1.957	114
TF (12)	High SES	10.231	1.423	13
	Medium SES	9.464	1.747	56
	Low SES	8.844	1.809	45
	Combined	9.307	1.781	114
CMV (12)	High SES	10.385	1.502	13
	Medium SES	9.500	2.717	56
	Low SES	8.244	2.469	45
	Combined	9.105	2.601	114
Test Total (32)	High SES	25.846	3.555	13
	Medium SES	23.750	4.278	56
	Low SES	21.711	5.084	45
	Combined	23.184	4.707	114

* Numbers in parenthesis indicate total possible points

Univariate F-Tests with (2, 111) Degrees of Freedom

Variable	Hypoth SS	Error SS	Hypoth MS	Error MS	F	Sig of F
CMR	10.25536	422.66569	5.12768	3.80780	1.34663	0.264
TF	22.10701	336.14737	11.05351	3.02835	3.65000	0.029
CMV	63.34881	701.38803	31.67440	6.31881	5.01272	0.008
Test Total	207.69483	2295.43675	103.84741	20.67931	5.02173	0.008

TABLE 4.6

CMR Measures Subtest and Test Total Results Reported for Race Reported as Means and Standard Deviations

		Mean	Std Dev	N
CMR (8)	Black	4.54	1.929	50
	White	5.354	1.940	65
	Combined	5.000	1.969	115
TF (12)	Black	8.960	1.784	50
	White	9.600	1.739	65
	Combined	9.322	1.780	115
CMV (12)	Black	8.660	2.228	50
	White	9.462	2.807	65
	Combined	9.113	2.591	115
Test Total (32)	Black	22.160	4.782	50
	White	24.062	4.531	65
	Combined	23.235	4.717	115

* Numbers in parenthesis indicate total possible points

Univariate F-Tests with (1, 113) Degrees of Freedom

Variable	Hypoth SS	Error SS	Hypoth MS	Error MS	F	Sig of F
CMR	18.71846	423.28154	18.71846	3.74585	4.99710	0.027
TF	11.57565	349.52000	11.57565	3.0931	3.74241	0.056
CMV	18.15659	747.37385	18.15659	6.61393	2.74521	0.100
Test Total	102.18702	2434.47385	102.18702	21.54402	4.74317	0.031

TABLE 4.7

CMR Measures Subtest and Total Test Results
Reported for School Placement by Race Reported as Means and Standard Deviations

			Mean	Std Dev	N
CMR (8)	NLD	Black	4.636	1.997	33
		White	5.761	1.608	46
	LD	Black	4.353	1.835	17
		White	4.368	2.338	19
	Combined		5.000	1.969	115
TF (12)	NLD	Black	9.182	1.758	33
		White	10.043	1.520	46
	LD	Black	8.529	1.807	17
		White	8.526	1.806	19
	Combined		9.322	1.780	115
CMV (12)	NLD	Black	8.848	2.123	33
		White	9.913	2.731	46
	LD	Black	8.294	2.443	17
		White	8.368	2.753	19
	Combined		9.113	2.591	115
Test Total (32)	NLD	Black	22.667	4.820	33
		White	25.217	3.663	46
	LD	Black	21.176	4.694	17
		White	21.263	5.269	19
	Combined		23.235	4.717	115

* Numbers in parenthesis indicate total possible points

TABLE 4.8

CMR Measures Subtest and Test Total Results Reported for Age as Means and Standard Deviations

		Mean	Std Dev	N
CMR (8)	14 yo	4.960	1.989	25
	15 yo	5.037	2.210	27
	16 yo	4.429	1.859	21
	17 yo	5.120	2.166	25
	18 yo	5.529	1.281	17
	Combined	5.000	1.969	115
TF (12)	14 yo	9.080	2.326	25
	15 yo	9.185	1.688	27
	16 yo	8.952	1.532	21
	17 yo	9.640	1.551	25
	18 yo	9.882	1.576	17
	Combined	9.322	1.78	115
CMV (12)	14 yo	9.280	2.011	25
	15 yo	8.481	2.455	27
	16 yo	8.619	2.312	21
	17 yo	9.720	3.781	25
	18 yo	9.588	1.417	17
	Combined	9.113	2.591	115
Test Total (32)	14 yo	23.320	5.289	25
	15 yo	22.704	5.037	27
	16 yo	22.000	4.817	21
	17 yo	23.560	4.491	25
	18 yo	25.000	3.182	17
	Combined	23.235	4.717	115

* Numbers in parenthesis indicate total possible points

Univariate F-Tests with (4, 100) Degrees of Freedom

Variable	Hypoth SS	Error SS	Hypoth MS	Error MS	F	Sig of F
CMR	12.05889	429.94111	3.01472	3.90856	0.77131	0.546
TF	12.70449	348.39116	3.17612	3.16719	1.00282	0.409
CMV	29.63967	735.89007	7.40992	6.68992	1.10762	0.357
Test Total	95.43124	2441.22963	23.85781	22.19300	1.07502	0.372

TABLE 4.9

Correlation Coefficients for Subtest and Test Total Scores with IQ ($p<.01$)

CMR Total	0.3112
TF Total	0.3129
CMV Total	0.3422
Test Total	0.4408

TABLE 4.10

Individual Cohort and Combined Group Mean Total Test Scores as Percents by IQ Ranges

IQ Range	LD (n=36)	NLD (n=79)	Combined Groups (n=115)
0-70		22.6 (71)	22.6 (71)
71-80	17.5 (55)	21.9 (68)	19.9 (62)
81-90	17.2 (54)	24 (75)	21.6 (67)
91-100	23.3 (73)	23.4 (73)	23.5 (73)
101+	24.1 (75)	26 (80)	25.3 (79)

* Number in parenthesis represent means as percent scores

TABLE 4.11

Success Rates for Individual Cohorts and the Combined Group on the Additional True-False Question Reported as Frequences and Percentages

	LD (n=36)	NLD (n=39)
Incorrect Response	6 (17)	8 (10)
Correct Response	30 (83)	71 (90)

* Numbers in parenthesis are percentages

TABLE 4.12

True-False Subtest Question No. 10* Respones Explained by School Placement

	NLD (n=79)	LD (n=36)	Total (n=115)
Incorrect Responses	47 (53)	26 (72)	73 (63.5)
Correct Responses	32 (47)	10 (28)	42 (36.5)

* T-F Question No. 10 asks if the statement "If you cannot afford an attorny, one will be provided for you" and "If you don't have the money for a lawyer, the court will appoint a social worker to help you" are the same or different.

Numbers in parenthesis are percentages

TABLE 4.13

True-False Subtest Question No. 7* Respones Explained by School Placement

	NLD (n=79)	LD (n=36)	Total (n=115)
Incorrect Responses	27 (34)	21 (58)	48 (41.7)
Correct Responses	52 (66)	15 (42)	67 (58.3)

* T-F Question No. 7 asks the statements "You are entitled to consult with an attorney before interrogation and to have an attorney present at the time of interrogation" and "you can talk to your social worker before anything happens" are the same or different.

Numbers in parenthesis are percentages

APPENDIX B

Figures

FIGURE 1

LD and NLD Cohort Subtest and Total Test Means as Percentages

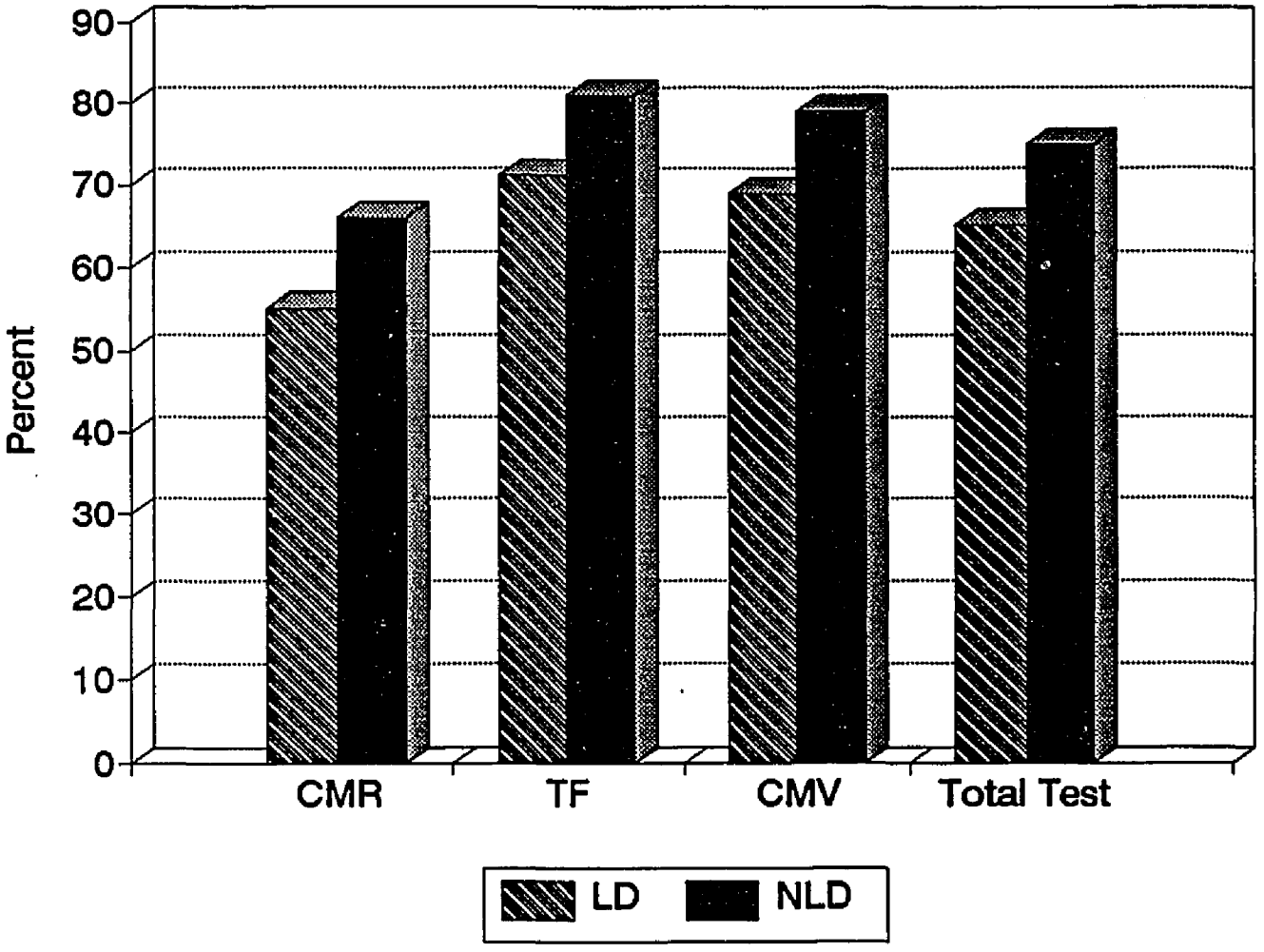


FIGURE 2

The Percent of the LD Cohort (n=36) and NLD Cohort (n=79) Who Received Full (2 points) and Partial Credit (0,1 points) on the CMR Measures

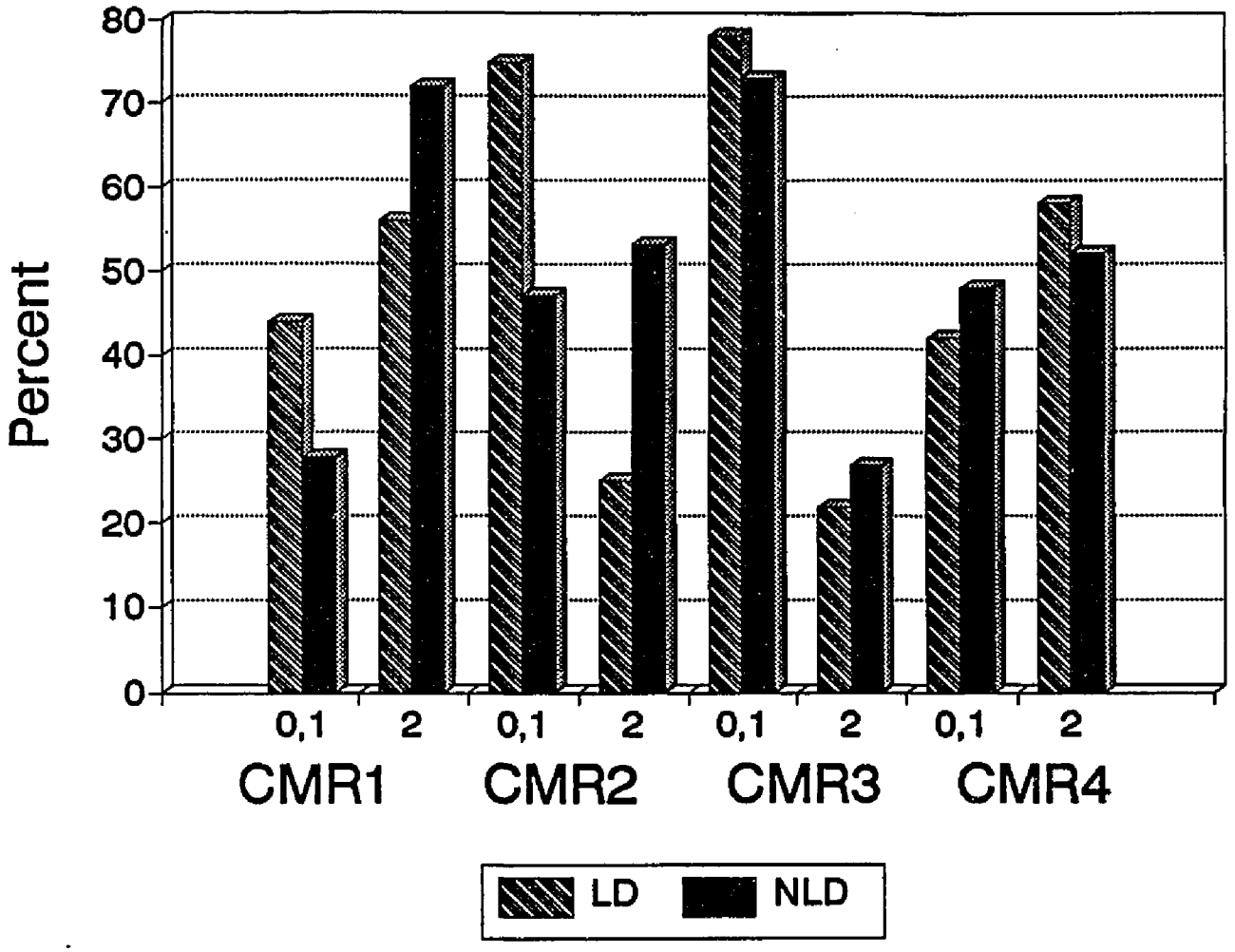
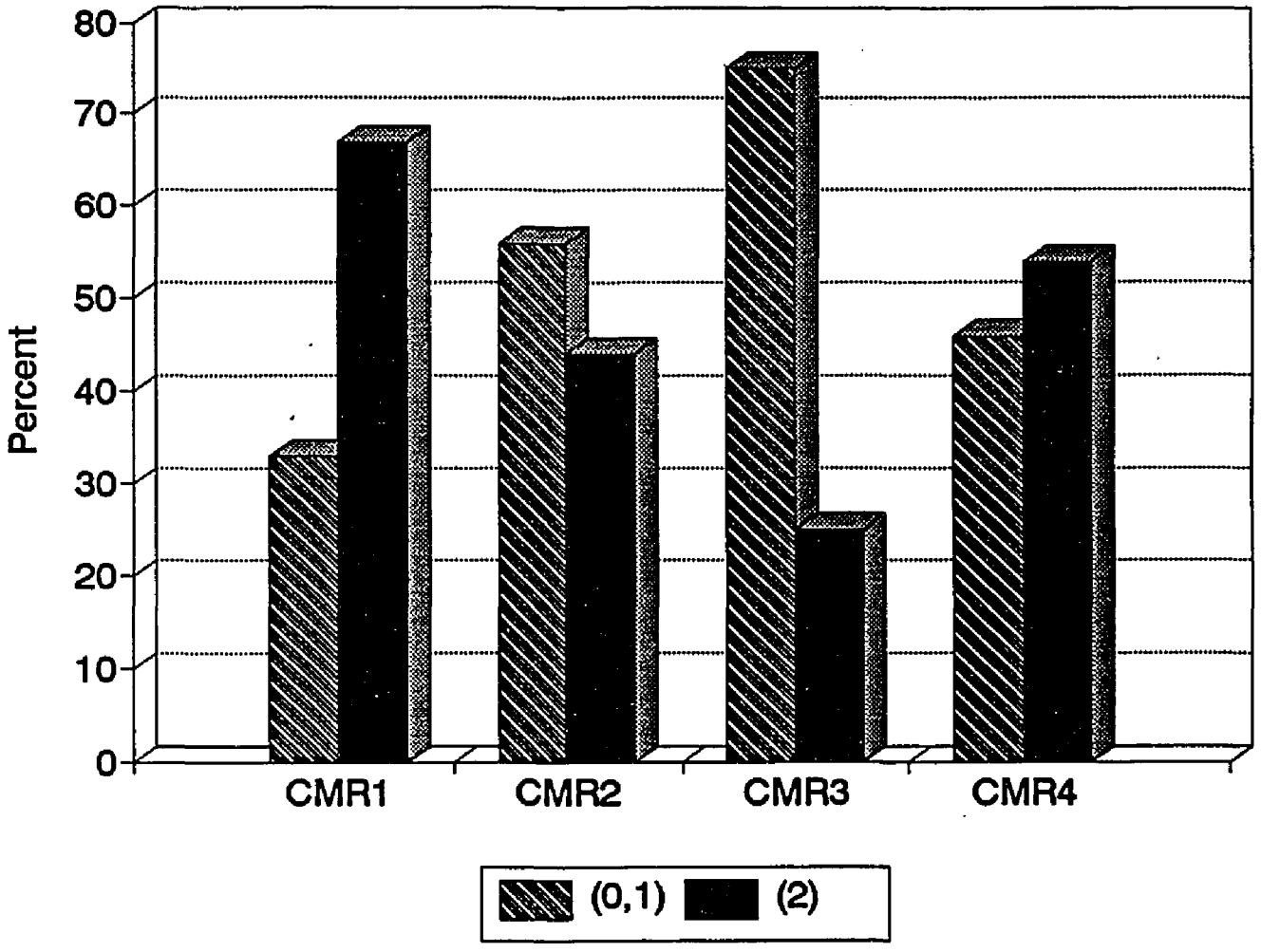


FIGURE 3

Percent of Combined Groups Who Received Full or Partial Credit on Each of the Four CMRs



APPENDIX C

CMR Measures Booklet

Additional Question

Due to a recent U.S. Supreme Court case, Duckworth v. Egan (1989), in which a major question argued was whether or not the defendant understood that he could have stopped answering questions **at any time**, the researcher will add (after the CMV T-F section) the following question:

If you choose to answer questions without a lawyer with you, can you change your mind, stop answering, and wait for a lawyer?

YES NO

CMR: Standardized Inquiry

PROMPT: " For the next few minutes I would like you to pretend that you have been just picked up by the police and are at the police station. Now, we will also pretend that the police are reading the next four sentences to you. I will be showing you some cards with those sentences on them. When I show you one, I will read the sentence to you. Then I want you to tell me what it says in your own words. Try to tell me just what it says, but in different words from those that appear in the sentence on the card. Now can you explain to me what it is I would like you to do?"

EXAMINEE'S ORIGINAL RESPONSE	INQUIRY
1. **You do not have to make a statement and have the right to remain silent.**	
A. If any of the following phrases occur verbatim: ... make a statement ... have a right ... remain silent	**What does ____mean?**
B. That it is best not to say anything. (I think I should keep quiet. It means keep your mouth shut: don't talk to the police.)	**Tell me what the sentence says in your own words.** (Reread sentence)
C. That one does not have to do anything they do not want to do. (They can't make you do a thing. You got to be quiet. You can decide what you want to do.)	**What do you mean by not do anything?"**

2. **Anything you say can and will be held against you in a court of law.**

A. If the following phrases occur verbatim:
... used against you
... use (it) against you
... used (in court)
... court of law

What does ____ mean?

B. General idea of negative consequences, but no mention of court or of use of confessions as evidence.

(I could get in trouble if I talk. What you say can hurt you or be held against you.)

Can you explain what you mean?

3. You are entitled to consult with an attorney before interrogation and to have an attorney present at the time of the interrogation.

A. If any of the following occur verbatim: ... entitled ... consult (consulted) ... interrogation (interrogated) (interrogating)	What does ____mean?
B. When identity of whom one can consult is stated merely as "someone."	Who can be consulted? OR Whom do you mean?
C. When no mention is made of who may be consulted (e.g., "You can get help when you are questioned.") (<u>You can have someone there when the police talk to you.</u>)	Can you tell me more about that?
D. When the time that one can have an attorney is not stated or is unclear.	Does this sentence tell you a certain time you can have an attorney?
E. When "before court" is stated as the time.	When before court?

4. If you cannot afford an attorney, one will be appointed for you.

A. If any of the following occur verbatim: ... afford ... appoint(ed)	**What does ____ mean?**
B. When identity of who will be appointed is stated merely as "someone".	**Who is it that you mean?**
C. When neither financial inability nor free counsel are mentioned.	**Please explain more about that.**

CMR: TRUE OR FALSE

PROMPT: "Now I am going to show you the sentence we just talked about. After I read a sentence to you, I will read three more statements. Each statement means either the same thing or not the same thing as the first sentence. I want you to tell me whether each statement is the same or different from the sentence on the card."

These instructions are followed immediately by the examples.

I. You do not have to make a statement and have the right to remain silent.

	CORRECT RESPONSE
1. It is not right to tell lies.	Different/false
2. You should not say anything until the police ask you questions.	Different/false
3. You do not have to say anything about what you did.	Same/true

II. Anything you say can and will be used against you in a court of law.

4. What you say might be used to prove you are guilty.	Same/true
5. If you won't talk to the police, that will be used against you in court.	Different/false

6. If you tell the police anything it can be repeated in court. Same/true

III. You are entitled to consult with an attorney before interrogation and to have an attorney present at the time of the interrogation.

7. You can talk to your social worker before anything happens. Different/false
8. A lawyer is coming to see you after the police are done with you. Different/false
9. You can have a lawyer now if you ask for one. Same/true

IV. If you cannot afford an attorney, one will be appointed for you.

10. If you don't have the money for a lawyer the court will appoint a social worker to help you. Different/false
11. You can get legal help even if your are poor. Same/true
12. The court will give you a lawyer free if you don't have the money to pay for one. Same/true

Additional Question:

If you choose to answer questions without a lawyer with you, can you change your mind, stop answering, and wait for a lawyer before answering any more questions?

YES NO

COMPREHENSION OF MIRANDA VOCABULARY

PROMPT: "I am going to give you some cards which have words on them. As I give you a card, I will read the word, then I will use it in a sentence, then read it again. Then I would like you to tell me in your own way what the word means."

EXAMINEE'S ORIGINAL RESPONSE TO WORD AND SENTENCE	INQUIRY
I. Consult. I want to consult him.	
A. When response refers to talking, but without the idea of aid or advice (e.g., to discuss or talk with someone.)	**How do you mean "discuss"?**
B. On any response which indicates recognition that discourse is involved, but without notion of aid, advice, or recognition of directed use of the discourse.	**Give me an example consulting.**

II. Attorney. The attorney left the building.

A. When only one of the three following elements is mentioned:

1. Someone who is empowered to act for (and in the interest of) another person in legal proceedings.
2. Someone especially trained in law and legal proceedings.
3. An accurate synonym. (lawyer, counselor, etc.)

Is there anything you can tell me what an attorney is or does?

III. Interrogation. The interrogation lasted quite a while.

A. When idea of investigation is conveyed, but without mention of questioning.

or

B. When other aspects of interrogation are mentioned, but not questioning.

Please tell me more about what interrogation is.

IV. Appoint. We will appoint her to be your social worker.

A. When idea of action to get a person into a position is clear, but idea of how this occurs is either non-essential or too specific.	Please tell me more about what appoint means.

V. Entitled. He is entitled to the money.

A. When the following specific answers are given without any addition: --- he has it --- he will get it --- he can have it	Can you tell me more about that? or How do you mean ___?

VI. Right. You have the right to vote.

A. When the idea that one is allowed to vote is clear, but without the notion that the privilege to lay claim to the right is protected.	Can you tell me more about what "right" means? or How do you mean ___?

APPENDIX C-1

CMR scoring booklet

(Grisso, 1981)

Appendix C-1

APPENDIX D

Informed Consent Letters

Dear Parent or Guardian,

I am a doctoral student at the College of William and Mary. As part of my dissertation project, I am conducting research to find out if students understand the wording of the Miranda statement. The research is being conducted with students in your son's High School and has been approved by the research review boards of _____ Public Schools and the College of William and Mary.

The students will be asked to pretend that they have been arrested and then will be asked to see how well they understand the Miranda rights statement. Of course, it will only be "pretend" and will not imply in any way that they have done anything wrong.

I am asking your permission to allow your son to help with my study. Before you decide you should know the following facts:

1. This is completely voluntary. No one will hold it against him if you decide not to allow him to participate.

2. If you allow him to participate, his name will <u>not</u> appear on any forms.

3. He may quit even after the study begins.

4. You may have a copy of the final report of the study if you like.

5. He will have to spend about 15 min. during the school day away from class. This should happen only one time.

6. His answers will be tape recorded for scoring purposes, but his name will <u>not</u> be on the tape and all tapes will be erased as soon as responses have been coded for computer analysis.

7. I will need your permission to look at your son's psychological evaluation contained in his school record.

Thank you for any help you can give me. If you have any questions or wish a fuller explanation, please feel free to contact Mrs. Barbara Zaremba, 599-8112 or Dr. Douglas Prillaman, 221-2344. If you have any complaints about the study, please contact Dr. Thomas Ward at the College of William and Mary, 221-2358.

If you decide to allow your son to join in the study, please put an X on the line in front of the sentence on the next page and follow the rest of the directions.

____ YES, I give my permission for my son _____ to help with the study.

_____ _____

(PRINT your name here) (SIGN your name here)

I feel that it is important that your son understand exactly what will be expected of him and agree to participate. He must also understand that he can "call it quits" at anytime without anything happening to him. Would you please explain this to him and then have your son sign below.

_____ _____

(Student's assent) (Date)

Thank you very much,

Barbara A. Zaremba

Please RETURN this letter to your son's teacher within 5 school days or as soon as possible.

Dear Parent or Guardian,

I am a doctoral student at the College of William and Mary. As part of my dissertation project, I am conducting research to find out if students understand the wording of the Miranda statement. The research is being conducted with students in _____High School and has been approved by the research review boards of the _____Public Schools and the College of William and Mary.

The students will be asked to pretend that they have been arrested and then will be asked to see how well they understand the Miranda rights statement. Of course, it will only be "pretend" and will not imply in any way that they have done anything wrong.

I am asking your permission to allow your son to help with my study. Before you decide you should know the folowing facts:

1. This is completely voluntary. No one will hold it against him if you decide not to allow him to participate.

2. If you allow him to participate, his name will <u>not</u> appear on any *forms*.

3. He may quit even after the study begins.

4. You may have a copy of the final report of the study if you like.

5. He will have to spend about 40 min. during the school day away from class. This should happen only one time.

6. He will be given a short test to evaluate his present level of performance.

7. The Miranda test answers will be tape recorded for scoring purposes,but his name will <u>not</u> be on the tape and all tapes will be erased as soon as as responses have been coded for computer analysis.

Thank you for any help you can give me. If you have any questions or wish a fuller explanation, please feel free to contact Mrs. Barbara Zaremba, 599-8112 or Dr. Douglas Prillaman, 221-2344. If you have any complaints about the study, please contact Dr. Thomas Ward at the College of William and Mary, 221-2358.

If you decide to allow your son to join in the study, please put an X on the line in front of the sentence on the next page and follow the rest of the directions.

_____ YES, I give my permission for my son _____ to help with the study.

_____ _____

(PRINT your name here) (SIGN your name here)

I feel that it is important that your son understand exactly what will be expected of him and agree to participate. He must also understand that he can "call it quits" at anytime without anything happening to him. Would you please explain this to him and then have your son sign below.

_____ _____

(Student's assent) (Date)

Thank you very much,

Barbara A. Zaremba

Please RETURN this letter to your son's teacher within the next 5 school days or as soon as possible.
to: Your son's teacher

References

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EDUCATION:

Ed.D. The College of William and Mary
Education Administration
(emphasis: Special Education)

Dissertation: The comprehension of Miranda rights by 14 to 18 year old males with and without learning disabilities

M.Ed. The College of William and Mary
(emphasis: Learning Disabilities)

B.S. Bowling Green State University
(dual emphasis: Regular and Special Education - Mental Retardation)

PROFESSIONAL EXPERIENCE:

College level:

University of Virginia (1993) Adjunct

Courses taught; Master's level
Career education for handicapped youth
Learning disabilities/juvenile delinquecy:Implications for classroom settings

The College of William and Mary 1985 - 1991
(Part-time)

Supervised Internships: Doctoral level
(emphasis: Special Education Administration)
Supervised Student Teaching: Masters level
(emphasis: Learning Disabilities and Emotionally Disturbed)
Supervised Practica: Masters level
(emphasis: Learning Disabilities and Emotionally Disturbed)
Course taught: Masters level
Adapting regular education curriculum for special education students.

Guest lecture topics:
Educating Deaf/Blind students
Handicapped students in the juvenile justice system
Serving handicapped students in the mainstream

Thomas Nelson Community College 1976 - 82

Adjunct courses taught: Developmental English and Reading.

Public and Private Schools:

Middle Peninsula Diagnostic Center 1976 - 78
Federal Grant - Title VI-G serving six school divisions
Saluda, VA

Educational Diagnostician
Diagnostic-Prescriptive Teacher

Lake Ridge Academy 1972 - 75
North Olmsted Public Schools (concurrently)
St. Richard's Catholic School
North Olmsted, OH

Educational Diagnostician (Ele. & H.S.)
Reading Tutor

Westlake Public Schools 1964-65
Westlake, OH

Teacher: First Grade

Barstow Union Public Schools 1962-64
Barstow, CA

Teacher: EMR - Grades 4,5,6

Fairview Park Public Schools 1961 - 62
Fairview Park, OH

Teacher: Second Grade

Management:
Riverside Psychiatric Institute 1991-present
Child and Adolescent Program
Newport News, VA

Education Program Designer, Administrator

The College of William and Mary 1987 - 89
Williamsburg, VA

State Coordinator of federal grant awarded to Virginia Department of Education for services to Deaf/Blind children.
Project Director of technical assistance center for special education administrators

Virginia Department of Education 1985 - 87
Richmond, VA

State Coordinator (part time) of services for Deaf/Blind children.

Charter Colonial Institute 1983 - 85
Newport News, VA

Education Coordinator for children and adolescents in a psychiatric facility.

The National Center for State Courts 1978 - 80
Williamsburg, VA

Research Project Manager for Learning Disabilities/Juvenile Delinquency project.

Research:

The United States Department of Justice 1992-
Office of Juvenile Justice and Delinquency Prevention: Juvenile Justice Research Consultant

The National Center for State Courts: Fall, 1985: Summer, 1986, Summer, 1987.

Researcher: Projects --

1. Testing and Evaluation of the Uniform Reciprocol Enforcement of the Support Act (URESA) Action Request.
2. The Prevalence of Handicapping Conditions Among Juvenile Offenders
3. Assisting Handicapped Persons in Court:An Exploratory Study.
4. Adoption Information Improvement Feasibility Study.

Eastern State Hospital 1982 - 83
Williamsburg, VA

Research and Evaluation Specialist

Research:
1. The psychophysiology of movement disorders.
2. Factors related to pilot stress during IFR landing procedures (NASA grant)

Evaluation:
1. The Community Support Services department

The National Center for State Courts 1978 - 81
Williamsburg, VA

Research Staff Associate: Projects --

1. The Study of Structural Characteristics, Policies, and Operational Procedures in Metropolitan Juvenile Courts -- Gault Revisited.
2. Education Equity Litigation

Grant Writing:

U.S. Department of Education (OSERS) to the Virginia Department of Education for services to Deaf/Blind children. **Author**

1986 - $155,000
1987 - $120,000
1988 - $94,000

ADDITIONAL EXPERIENCE:

Riverside Regional Medical Center 1992
Newport News, VA

Volunteer, Newborn Infant Nursery

Rita Welsh Adult Skills Program 1990 - 91
The College of William and Mary
Williamsburg, VA

Volunteer, English as a Second Language Tutor

Virginia Tech University 1990
Blacksburg, VA

Evaluation Consultant

Trained special education personnel to evaluate special education programs in their individual school systems.

Newport News Juvenile and Domestic Relations Court
Newport News, VA. 1981 - 83

Educational Diagnostician/Consultant

North Olmsted, OH 1965 - 72

Homemaker, Mother, Substitute Teacher

Cleveland, OH

Co-manager of judicial campaign to the Court of Common Pleas
Counselor, Cuyahoga County Council for Retarded Children and Adults.

Williamsburg, VA 1974-75

Volunteer newscaster for CENTEX, a radio station serving blind and visually impaired listeners.

MAJOR OFFICES HELD:

Vice Chair, Williamsburg/James City County Special Education Advisory Committee.

President of the Board, Williamsburg/James City County Day Care Center.

Charter member Board of Directors of the Isis Corporation, a women's investment group

PROFESSIONAL ORGANIZATIONS:

Council for Exceptional Children
National Council for Juvenile and Family Court Judges; Continuing Judicial Education Committee, Learning Disabilities Committee
Pi Delta Kappa Education Honors Society
Academy of Criminal Justice Sciences

INVITED LECTURES

"School law and teachers and students" presented to senior seminar students, Randolph-Macon College, May, 1992.

"The prevalence of learning disabled youth in the juvenile justice system" presented to the interns at the Supreme Court of the United States, Washington, DC, 1981.

"Handicapped children and PL 94-142" Summer session at the National College of Juvenile Justice, The University of Nevada at Reno, 1980.

PUBLICATIONS

Zaremba, B.A. (1992) "I don't have anything to say until the police ask me questions". Juvenile and Family Justice Today, Winter, 3.

Contributed to Court selection: Student litigation in state and federal courts, Marvel, Rockwell and Galfo, National Center for State Courts, 1982.

McCullough, B.C., Zaremba, B.A. (1979). A comparative analysis of standardized achievement tests with learning disabled and non-learning disabled adolescent boys. Learning Disabilities Quarterly, 2(4), 65-70.

Zaremba, B.A., McCullough, B.C. and Broder, P.K.. (1979). Learning disabilities and juvenile delinquency: A handbook for court personnel, judges and attorneys. Williamsburg, VA: The National Center for State Courts.

McCullough, B.C., Zaremba, B.A., and Rich, W.D. (1979). The role of the juvenile justice system in the link between learning disabilities and delinquency. The State Court Journal, 3(2), 24-26, 44-47.

Keilitz, I., Zaremba, B.A., Broder, P.K. (1979). The link between learning disabilities and juvenile delinquency:Some issues and answers. Learning Disabilities Quarterly,2(2), 2-11.

PRESENTATIONS

"Educational transitioning and the handicapped juvenile offender:Who will take the responsibility?" The Academy of Criminal Justice Sciences annual meeting, San Francisco, April, 1988.

"An analysis of special education litigation: 1977-1986" The International Council for Exceptional Children conference, Chicago, April, 1987.

"Transition for ED students: Sharing the committment." Virginia Council for Exceptional Children conference, Virginia Beach, March, 1987.

"Transition services for ED adolescents: An analysis of program models and research." The National Conference on Adolescents, Minneapolis, September, 1986.

"Handicapped student litigation" 7th Institute on Legal Problems of the Handicapped, Charleston, SC, May 1986.

"The impact of a community support service for the longterm mentally ill: Results of the first year." Poster session presented at the South Eastern Psychological Association meeting, New Orleans, 1984.

"Learning disabilities and juvenile delinquency: The need for cooperation between courts and schools." Bridge building: A national symposium to create an effective partnership for youth among schools, courts and the community. The National Council for Juvenile and Family Court Judges, Chicago, 1980.

"Learning disabilities and juvenile delinquency: Investigating the possible link." National Conference of Volunteers in Criminal Justice, Gulfport, MISS., 1979.

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THE COMPREHENSION OF MIRANDA RIGHTS BY 14-18 YEAR OLD BLACK AND CAUCASIAN MALES WITH AND WITHOUT LEARNING DISABILITIES

ABSTRACT

According to a nationwide study completed by the National Center for State Courts in 1980, apprehended juveniles are usually notified of their Miranda rights at various times from the point of contact with the police through and including the adjudicatory hearing. If the juvenile desires to relinquish those rights, he/she is required to sign a document attesting to his/her understanding of and wish to waive those rights. This descretionery privilege places the juvenile on the same Constitutional footing as an adult.

The purpose of this study was to examine the comprehension of Miranda rights by a sample population of juveniles within the public schools. It added a comparative dimension to the data reported by Grisso (1981) at the conclusion of a study in the St. Louis Juvenile Court. The two sets of data, when viewed in tandum, provide juvenile court judges with an empirical profile of juveniles whose waiver of Miranda rights require careful scrutiny. The data also provide guidelines to school administrators concerning the efficacy of curriculum content regarding Miranda rights and additional guidelines when dealing with possible "Miranda situations" on the school premises.