



F6 “I thought if I Told Them I Did It, They Would Let Me Go ...” and the Unintended Consequences of *Miller v. Alabama*

Antoinette E. Kavanaugh, PHD*, Chicago, IL 60647

Learning Overview: The goal of this presentation is to educate attorneys, judges, and other criminal justice stakeholders how unreliable Miranda waivers and false/involuntary confessions create undue financial burdens on the justice system and violate an individual’s constitutional rights and the changes needed after the United States Supreme Court decision of *Miller v. Alabama*.¹

Impact on the Forensic Science Community: Attendees will be able to describe and identify factors that contribute to youth providing unreliable Miranda waivers and false confessions and will also be able to identify unintended consequences of *Miller v. Alabama* in their respective jurisdictions.¹ This presentation impact the forensic science community by assisting attendees in identifying systemic changes needed in response to *Miller v. Alabama*.¹

Better education among the legal stakeholders relating to the science behind juvenile Miranda waivers and juvenile involuntary confessions will lead to more reliable statements and better outcomes for juveniles and the integrity of the criminal justice system following the decision of *Miller v. Alabama*.¹

Unreliable Miranda waivers and false/unreliable confessions create undue financial burdens on the justice system and violate an individual's constitutional rights. There often seems to be a disconnect between the knowledge of stake holders in the criminal justice system (law enforcement, prosecutors, defense attorneys, and judges) and the scientific research relating to vulnerabilities unique to juveniles and the need for special protections for juveniles who are being interrogated. Courts appear to frequently admit statements made by juveniles based on interrogation processes that were intended for adults and do not take into account the vulnerabilities associated with being a youth. At the conclusion of this presentation, attendees will have a better understanding of the factors that make youth vulnerable to providing unreliable waivers and confessions. By understanding the factors that make youth vulnerable, there can be a better ability to identify cases where statements made by youths are not reliable based on the findings within the scientific research. By being able to better identify improper techniques based on the scientific research and the unique vulnerabilities associated with youth, the criminal justice system can make further reforms relating to juveniles.

Regardless of the severity or actual participation in the alleged offense, many juvenile suspects believe this statement: “I thought if I told them I did it, they would let me go” Research findings will be presented that explain how this belief: (1) is related to vulnerabilities associated with being a youth; (2) contributes to an inability to provide a voluntary, knowing, and intelligent waiver; and (3) contributes to youths providing unreliable or false confessions.

The Criminal Justice System has started to take notice at the sentencing stage that youths are different than adults. The Supreme Court ruled in *Miller v. Alabama* that before a defendant who committed a charged crime before their 18th birthday is sentenced to Life Without Parole (LWOP), the court must consider the defendant’s: (1) home life and environment; (2) age and characteristics associated with youth; (3) the circumstances of the offense, including the defendant’s role in the offense; and (4) the possibility for rehabilitation.¹ While some saw this as a victory, the decision caused many unintended consequences. This presentation will discuss the following four consequences that have become especially problematic after the decision in *Miller v. Alabama*: (1) the lack of individuality of some of the responses to *Miller*; (2) the implication for the parole board systems; (3) implications for the adult prison and parole system; and (4) the procedure for obtaining a forensic mental health evaluation.¹

Reference(s):

¹. *Miller v. Alabama*, 567 U.S. 460 (2012).

Juvenile, Miranda, *Miller v. Alabama*