

**LEGAL KNOWLEDGE AND DECISION-MAKING IN ADOLESCENTS:
PLEA DECISIONS AND COMPETENCY TO WAIVE CHARTER CAUTIONS**

by

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ABSTRACT

The purpose of this dissertation was to examine adolescents' understanding of plea decisions and *Charter Cautions* (their rights at the time of arrest). Participants were 240 adolescents (incarcerated young offenders and high school students). Participants were individually interviewed regarding their knowledge of plea decisions and their reasoning for these decisions in hypothetical situations. Further, participants were individually administered the *Young Offenders' Test of Charter Cautions*. In addition to the above measures, each participant was administered a short test of verbal reasoning and asked about their experiences with the legal system (previous convictions, etc.). The results suggested that high school students demonstrate better understanding than young offenders of their *Charter* cautions and the guilty plea. Age and verbal reasoning emerged as significant predictors of understanding of *Charter* cautions for the young offenders. For the high school sample verbal ability and gender were significant predictors of understanding *Charter* cautions. Young offenders' and high school students' understanding of the guilty plea was significantly related to their verbal abilities. Interestingly, the only legal experience variables that predicted young offenders' understanding of the guilty plea was negatively correlated with understanding. Participants' plea decision reasoning capabilities were dependent upon their plea decision and whether or not the hypothetical dilemma involved criminal intent. The implication of these results and directions for future research are discussed.

DEDICATION

▪ This dissertation is dedicated to my mother for her encouragement, to my sisters for their friendship, to the memory of my father for his love of knowledge, and to the memory of my grandparents for their values.

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INTRODUCTION

Legal Knowledge and Decision-Making in Adolescents:

Plea Decisions and Competency to Waive Charter Cautions

There is a growing interest in determining young people's understanding of the legal process by both social scientists and judicial personnel. It is essential that judicial personnel are aware of children's and adolescents' legal knowledge and legal decision-making capacities, if these young people are to fully participate in criminal proceedings. According to Section 3(1) of *The Young Offenders Act* (YOA), "young persons have rights and freedoms in their own right, including those stated in the *Canadian Charter of Rights and Freedoms* or in the *Canadian Bill of Rights*, and in particular a right to be heard in the course of, and to participate in, the processes that lead to decisions that affect them"

An example of the importance of determining young people's understanding of the legal process and their capacity to make legal decisions is illustrated in a case Goodman (1984) describes. The case involved an eight-year-old boy who was wrongly convicted of a crime. The boy was present when a group of older boys started a fire at a school and fled. When the school authorities arrived, the younger boy was watching the blaze and holding a box of matches. He was charged with the offence. The young boy's lawyer discussed the case with his client and was satisfied that the youngster could clear his name as a witness. However, the young boy denied the existence of the fire when questioned by the judge. The judge concluded that the boy was lying and found him guilty after being

presented with information from fire officials and photographs of the damaged building. Ironically, the young boy's decision to lie about the fire was an attempt to vindicate himself. This case illustrates how ignorance of the legal process may lead to decisions with disastrous outcomes.

According to Leon (1978), if a child can make a competent decision on an issue, then legal counsel should advocate that position before the Court. Determining legal capacity in young people involves assessing both their legal knowledge and legal decision-making capacities. To fully participate in criminal proceedings, adolescents should have knowledge of the role of their lawyer, legal proceedings, legal terms, and their rights. In addition to this knowledge, young people should be permitted to make their own decisions, if capable.

When young people have been charged with a crime they must make important legal decisions. Two important legal decisions that accused young people must face are whether or not to waive their charter rights (their rights at the time of arrest) and whether or not to plea guilty.

The purpose of this thesis was to examine young people's understanding of their Charter cautions and plea decisions, as well as their reasoning behind these decisions. Further, this thesis aimed to investigate what factors predict young people's understanding of Charter cautions and plea decisions. This thesis also sought to determine what factors predict young people's sophistication of their legal reasoning to support plea decisions. Factors of interest included age, verbal reasoning, and legal experience. Finally this thesis sought to determine if there are differences between young offenders and nonoffenders in their knowledge of their Charter cautions and plea decisions.

Past Research on Young People's Understanding and Assertion of Their Rights

Only recently have researchers examined the extent to which Canadian adults and adolescents understand Charter cautions. There have been a number of studies, however, examining Americans' understanding of their constitutional legal warnings. In 1966, the Supreme Court of United States held that the individual must be informed that "he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney" (*Miranda vs. Arizona*, 1966, p. 436). Further, *In re Dennis M.* the California Supreme Court proposed that "juvenile officers and police be prepared to give their compulsory *Miranda* warnings in terms that reflect the language and experience of today's juveniles."

As a result of the above ruling, Ferguson and Douglas (1970) compared adolescents' understanding of the formal *Miranda* warnings with a simplified version they devised. They concluded that only a small percentage of the 13- to 17-year-old adolescents they interviewed were capable of "knowingly and intelligently waiving *Miranda* warnings". Although most of their adolescent sample understood the right to silence, many of these participants did not have a reasonably good understanding of the right to counsel before and during any questioning. Adolescents' understanding on the two versions of their rights--*Miranda* warnings and the simplified version--was relatively comparable, the simplified version did not dramatically increase understanding.

Grisso (1980 & 1981) developed several tests designed to measure people's comprehension of *Miranda* warnings. Researchers employing these tests have found, in general, that most adolescents have difficulty comprehending *Miranda* warnings (Grisso, 1980 & 1981; Wall & Furlong, 1985). Grisso (1980, 1981) administered his test to over

430 young offenders. He concluded that most of the young offenders that were younger than fifteen years of age and nearly half of the 15-year-olds and 16-year-olds had difficulty comprehending *Miranda* warnings. Further, relative to the adults, the adolescents performed poorly in demonstrating their understanding of these warnings. In addition to age, Grisso found that IQ and race were related to understanding. The correlation between race and understanding was substantially reduced, however, when controlled for IQ and age. Socio-economic status, gender, and prior experience with the justice system were unrelated to understanding.

Wall and Furlong (1985) examined young people's understanding of their legal rights using measures adapted from Grisso's (1981). These authors concluded that although youths tend to have a basic understanding of their rights, many youths lack understanding concerning the function of their rights. These researchers found that youths 16 to 18 years of age were able to recognize both correct paraphrases of the *Miranda* warnings and correct statements conveying the meaning of these warnings when administered true-false items and multiple choice questions. They were, however, less proficient in defining the vocabulary within these statements. Further, Wall and Furlong determined that reading and listening comprehension skills were positively correlated with scores for Miranda comprehension. Finally, when presented with hypothetical situations and questions these youths had difficulty demonstrating their understanding of the significance and function of these rights.

In Canada when individuals are arrested they are guaranteed certain rights under Section 10 of the *Canadian Charter of Rights and Freedoms*. They have the right to be informed of the reason of their arrest and the right to "retain and instruct counsel without

delay and to be informed of that right" (*Charter*, 1982). In addition to the Charter, Section 3(1) of the YOA states "young persons have the right, in every instance where they have rights or freedoms that may be affected by this Act, to be informed as to what those rights and freedoms are" Further, Section 56 of the YOA states that "no . . . statement given by a young person to a peace officer . . . is admissible against the young person unless . . . the person to whom the statement was given has, before the statement was made, clearly explained to the young person in language appropriate to his age and understanding" It is recognized by Canadian lawmakers, therefore, that in order for young people to competently decide whether or not to waive their rights, they must first understand these rights. Further, merely reading to the offender his or her rights has been cited as an invalid method of obtaining a waiver (*R. v. M.*, 1986; *R. v. G.*, 1985; *R. v. W.*, 1986). Only three studies have investigated people's understanding of their *Charter* cautions (Abramovitch, Higgins-Biss, & Biss, 1993; Abramovitch, Peterson-Badali, & Rohan, 1993; Olley, 1993).

Abramovitch, Higgins-Biss, and Biss (1993) in a sample of Canadian 113 youths, ranging in ages from 10 to 20 years, found that over 30% of the participants did not understand the basic meaning of a waiver form (i.e., the right to call a lawyer or parent) that was used by a regional police force. Further, the participants who did not understand the meaning of the waiver form were more likely to sign it than participants who demonstrated understanding. These authors also reported that most of the participants could not adequately rephrase the statement: "You have the right to retain and instruct counsel without delay." Also, participants generally had difficulty with the terms "retain" and "instruct". In terms of developmental differences, there were no significant age

differences in the decision to sign or not to sign the waiver nor were there any age differences in the "basic" understanding of the form. In contrast, the younger participants (sixth graders) were less competent than the older participants (twelfth graders) in their ability to paraphrase their rights and in their understanding of terms such as "retain" and "instruct".

Abramovitch, Peterson-Badali, & Rohan, (1993) concluded that the majority of Canadian Grade 10 and 13 students understood their right to counsel and their right to silence. In contrast, significantly fewer of the younger students--Grade 6 and Grade 8 students--understood these rights. These authors also examined grade-related differences in students assertion of these rights. They presented participants with four vignettes each describing an event leading up to an arrest. In each vignette the character was either guilty or innocent of the charges. Further, in each vignette the accused is read his or her rights and the police remark on the strength of the evidence against the accused. In half of the vignettes the accused is told the evidence against him or her is weak and in the remaining vignettes the accused is told that the incriminating evidence is strong.

Following the presentation of each vignette, participants were asked questions to tap their understanding of their rights and their propensity to assert these rights. For example, participants were asked "what does it mean that [the accused] has the right to retain and instruct counsel without delay?" Regardless of their response to this question, participants were then supplied the correct definition. They then were asked "if you were [the accused], would you get a lawyer or not?" Similarly, participants were probed about their understanding of the right to remain silent and their assertion of this right. These authors concluded that participants' decisions whether or not to assert the right to counsel were

not grade-related. In contrast, their assertions of the right to silence were grade-related--a larger percentage of younger participants than older participants responded that they would make a statement if questioned by the police. Further, participants were more likely to state that they would request a lawyer when presented with the vignette in which the accused was innocent of the charges, but the evidence against the accused was strong, than in the other three conditions (innocent-weak evidence, guilty-strong evidence, and guilty-weak evidence). Finally, with regards to the right to silence, older participants were more likely to state they would remain silent if the accused was guilty than if the accused was innocent. In contrast, the younger participants' decisions to remain silent were not dependent on the guilt-innocent manipulation.

To examine people's understanding of the Canadian *Charter* cautions Ogloff and Olley (1992) developed *The Test of Charter Comprehension (ToCC)* patterned after Grisso's tests. Olley (1993) administered this test to adult participants from the general public, undergraduate students, and male inmates. Olley concluded that many of the participants demonstrated poor understanding of their *Charter* cautions and especially those with limited cognitive abilities.

Past Research on Young People's Knowledge of the Legal Process and Their Legal Decision-Making Capabilities

According to Bala (1994), "adolescents are generally not sophisticated consumers of legal services, and may not even appreciate that they are receiving inadequate legal representation" (p. 267). In order for adolescents to be sophisticated consumers they must be able to understand their rights, various legal concepts including plea decisions, and be

able to make competent legal decisions, which involves legal reasoning.

Declarative Knowledge of the Law

There have been several studies investigating children's and adolescents' declarative knowledge of the law. Researchers who have assessed children's and adolescent's declarative knowledge of the law--for example, their knowledge of legal processes, legal terms, and the roles of various legal personnel--have uncovered developmental patterns in the growth of this knowledge (Grisso, 1981, Peterson-Badali & Abramovitch, 1992; Saywitz, 1989; Warren-Leubecker, Tate, Hinton, & Ozbek, 1989). In a comparison of juvenile delinquents with adult offenders, Grisso (1981) concluded that the juveniles below age 16 "demonstrated significantly poorer understanding of the defense lawyer's role and the attorney-client relationship than did participants 16 years of age or older" (p. 118).

Saywitz (1989) investigated developmental changes in legal understanding and competence in children ages 4 to 14 years. She found that children approximately eight years of age or older made accurate descriptions of the roles of various legal workers (e.g., judge, witness, and lawyer). It is noteworthy, however, that if the children stated only a minimum of one defining characteristic, their response was considered accurate. In contrast to the younger children, Saywitz found that older children (ages 12 to 14 years) were able to sense the societal role of the court process. Further, they were able to realize that although the process seeks to determine the truth, a court decision does not always reflect the truth. This distinction is important in understanding the legal process. Interestingly, children who had legal experience (e.g., as a witness) demonstrated less knowledge of the legal system than their inexperienced peers.

Warren-Leubecker and her colleagues (1989) also examined developmental trends in children's knowledge of the legal system. The children ranged in age from 2 years, 9 months to 14 years. Not surprisingly, these authors found that the older children had a greater understanding of the court procedures and the roles of various courtroom personnel than the younger children. Although these older children possessed a fair degree of legal knowledge, there was still a fairly large percentage (30%) of 13-year-old children who did not understand that lawyers defend or represent their clients ("wins case for client").

In a large Canadian sample of students from grade's 5, 7, 9, and 13, Peterson-Badali & Abramovitch (1992) assessed legal knowledge including understanding of the guilty and not guilty pleas. The results of their study indicated that students' responses to most of the interview questions improved with age. The majority of the students understood the meaning of the guilty plea and the defense lawyer's role. These authors concluded that by middle childhood most children expressed a general understanding of the advocacy role of the defense lawyer. Despite this knowledge, only 50% of Grade 9 students understood that the purpose of supplying information to their defense lawyer was to aid their defense. In general, many of the younger children believed information should be supplied to their lawyer to avoid negative sanctions rather than to assist their defense. Further, the majority of the students had misconceptions regarding lawyer-client confidentiality and younger children were especially ignorant regarding lawyer-client privilege. These authors also found that most of the students, regardless of age, were unsophisticated in their understanding of the not guilty plea. Finally, these authors found that, in addition to age differences, high verbal ability participants were more accurate in

their knowledge of many of the legal concepts than the low verbal ability participants. The high verbal ability participants were more likely to accurately define the guilty plea, and to mention the role of the defence lawyer, crown attorney, and jury.

The above studies suggest there is an increase in the comprehension of legal concepts with age, though there are some legal processes or concepts that are elusive to most youths. For example, youths generally have misconceptions regarding the lawyer-client relationship and the not guilty plea (Peterson-Badali & Abramovitch, 1992; Warren-Leubecker et al., 1989). Interestingly, the understanding of the role of the lawyer appears to develop late in relation to the development of other legal knowledge (Saywitz, 1989; Warren-Leubecker et al., 1989).

Capacity for Legal Decision-Making

Although declarative knowledge is critical if a young person is to fully participate in legal proceedings, equally important is the capacity for legal decision-making. Leon (1978) suggests that in order for young people to properly instruct legal counsel they must be able to both communicate their wishes and have the "ability to reach a competent decision on the question in dispute" (p. 379). Although there is a paucity of research in the area of legal decision-making, there is one study of particular interest that examined students' reasoning about plea decisions with a sample of Canadian students (Peterson-Badali & Abramovitch, 1993). In this study, participants were read hypothetical vignettes and were asked to imagine that they were the main character in these stories. In each vignette the main character was charged with a crime varying in complexity and severity. To vary the strength of the incriminating evidence--strong or weak--against the character

in each vignette, participants were told what evidence the police had gathered, as well as the lawyer's assessment of the evidence. These authors reasoned that there were two critical components of a well-reasoned plea choice--"the use of legal criteria to arrive at a plea and a consideration of the potential consequences of various plea options" (p. 540). The results showed that the mean ratings for reasonableness of plea were higher (i.e. more reasonable based on the evidence) for the Grade 13 students than for the Grade 5 students. Moreover, Grade 5 students were less likely than Grade 13 students to base their pleas on potential legal or social consequences. Peterson-Badali and Abramovitch (1993) also found that participants who had high verbal abilities demonstrated relatively more sophisticated legal reasoning than the participants who had low verbal abilities. Further, these authors found that the majority of the students in all grade levels made no mention of the character's actual guilt in their plea justifications. However, reference to the character's guilt was more likely to be made by the younger participants than the older participants, but only in two of the four vignettes. It is important to note that in this study that the characters were guilty of a crime in all four of the vignettes.

The Present Study

The purpose of the present study was to assess young people's competency to understand *Charter* cautions and to assess their abilities to make plea decisions. To examine plea decisions and plea reasoning adolescent participants were presented with two vignettes similar to those employed by Peterson-Badali and Abramovitch (1983). Similarly to these researchers, the ability to reason about plea decisions was based on the extent participants' based their decisions on the evidence. The present study departed from

their study in several ways. First, the vignettes did not vary the strength of evidence. The strength of evidence manipulation by Peterson-Badali and Abramovitch consisted of telling participants what evidence the police had obtained and a statement by the lawyer in the vignette that the evidence was either weak or strong. This manipulation may be tapping people's abilities or willingness to consider their lawyer's expertise or their tendency to comply with authority rather than their ability to reason about the legalities of their case. As suggested by Ramsey (1983), lawyers can manipulate their clients into choosing options that the lawyers prefer. Although the evidence in the vignettes was not manipulated, it was a variable of interest. That is, participants' legal reasoning, in part, was assessed by their capacity to base their plea decisions on the evidence. Second, the actual guilt of the protagonists was varied in these vignettes to assess the participants' abilities to base their legal judgment on the evidence and not on criminal intent or guilt. That is, does actual guilt or criminal intent influence adolescent's plea reasoning? Third, both high school students and young offenders were participants in the present study. Finally, in addition to verbal ability and age, measures of legal experience for the young offender sample were assessed to determine if they were predictors of sophisticated legal decision-making.

To examine adolescents' understanding of their *Charter* cautions, a young offenders' version of Ogloff's and Olley's *ToCC* was developed for this study. This study examined the degree to which age, verbal ability, and legal experience can predict comprehension of *Charter* cautions.

Correlates of Young People's Legal Knowledge and Decision-Making

The following variables were measured to determine if they were related to adolescents' understanding of their *Charter* cautions and their plea decisions.

Age

As noted above, most researchers examining young people's understanding of the legal system have focussed on developmental changes--differences across age groups. In general, these researchers have found older children exhibit a greater degree of legal knowledge than younger children. After middle adolescents these differences become less pronounced.

Intelligence and Verbal ability

Not surprisingly, cognitive ability or IQ scores are correlated with understanding of legal rights and sophistication of plea decisions (Grisso, 1981; Olley, 1993; Peterson-Badali & Abramovitch, 1993). Peterson-Badali and Abramovitch (1993) found that high verbal ability students were more likely than low verbal ability students to base plea decisions on the evidence rather than irrelevant legal considerations. Further, these authors found that higher verbal ability students were more sophisticated in their consideration of the consequences of their pleas than the lower verbal ability students. Grisso (1981) concluded that IQ was positively correlated with his measure of comprehension of *Miranda* warnings. He also found that age and IQ made unique contributions to predicting adolescents' *Miranda* comprehension.

Legal experience.

As pointed out by Grisso (1981), several court rulings regarding adolescents' competency to waive their legal rights have been based on the adolescent's experience with the law. There are several studies that have examined the relationship between court experience, and legal knowledge and legal decision-making (Grisso, 1981; Grisso & Pomicter, 1977; Saywitz, 1989). Grisso (1981) concluded that juvenile offenders' understanding of their rights is unrelated to their experience with the courts. Further, Saywitz (1989) found that children with courtroom experience--these children had been actively involved in legal cases as witnesses--demonstrated less accurate knowledge of the legal system than their less experienced peers. In contrast, Grisso & Pomicter (1977) found that both the age and experience of juvenile offenders are factors in *exercising* the right to remain silent during interrogation. Older juveniles are more likely to remain silent than younger juveniles. Also, the number of prior felonies is positively related to the likelihood of remaining silent.

Grisso (1981) found that only 67% of the juveniles offenders--compared to 88% of adult offenders--realized that lawyers needed to know the truth about the alleged offence in order to build a defense for their client. Further, juveniles with only one or no prior felony referrals were less likely than juveniles with multiple felony referrals to provide an adequate response why lawyers seek the truth regarding a criminal offense.

A Comparison of Young Offenders and High School Students

With the exception of Ferguson's and Douglas's (1970) and Grisso's (1980, 1981) studies, the majority of the past research involved examining nonoffenders' knowledge of

the legal system. Therefore, in addition to determining what variables predict adolescents' understanding of their *Charter* cautions and their plea decisions, this study will compare young offenders' degree of understanding with high school students' degree of understanding.

Awad (1984) proposes that many youth offenders receive inadequate legal counsel because a high proportion of these offenders are from lower socio-economic classes and are forced to retain duty-counsel or legal-aid lawyers who lack involvement in the case. Moreover, Ferster, Courtless, and Snethen (1970-1971), found that many lawyers reported they would reveal admissions of guilt supplied during confidential communications. Many of these lawyers determined plea decisions based on their judgments of the "morality" of the juvenile and the juvenile's past record. In light of these findings, it appears especially important to assess young offenders legal decision-making capacity and their ability to aid the direction of their legal defenses. Are offenders more sophisticated than nonoffenders in their understanding of the Charter cautions and competency to make plea decisions?

It is possible that young offenders demonstrate less understanding than nonoffending high school students. West (1984) reports that middle-class adolescents are less likely than lower-class adolescents to be formally arrested, charged, and found guilty. It is probable that social class has an impact on the reasoning behind legal decision-making. It seems likely that the sophistication of legal reasoning, not unlike moral reasoning, may be enhanced by participation in decision-making--not necessarily or exclusively legal decision-making. Tapp and Keniston (1976) found that adults' legal reasoning may be enhanced by decision-making opportunities. According to Tapp and

Melton (1983), "lower-class children are less likely than more privileged peers to experience . . . decision making [opportunities]" (p. 225). It follows, therefore, that the typical young offender experiences less decision making opportunities, which may be valuable in developing advanced reasoning for legal decisions, than their nonoffending counterparts. In addition to these decision-making opportunities, it is possible that formal education and predictors of academic abilities (intelligence tests) may influence understanding of legal concepts. Researchers have found an association between juvenile delinquency and academic performance (Rutter & Giller, 1983).

It is also possible that young offenders are more sophisticated than nonoffenders, because they have experience with the legal system. They have had their rights read, and presumably explained, to them. Also, they have had the opportunity to learn from other detainees, their lawyers and their court experiences. Further, there is the public perception that young offenders are aware of their legal rights and that they take advantage of the procedural safeguards of the YOA, including Section 56, which outlines the procedures for admissibility of confession evidence (Corrado & Markwart, 1994). According to Corrado & Markwart (1994), "many repeat offenders are seen as 'laughing' at the youth justice system because . . . if these youths play the adversarial 'game' (e.g., remain silent during interrogation) they learn from their cohorts or previous experience, they will either go unconvicted or only receive tariffed sentences . . ." (p. 344).

Questions Addressed By This Study

This study addressed the following questions: (1) Do young offenders differ from nonoffenders in their understanding of Charter *cautions*? (2) What variables (age, verbal

IQ, gender, legal experience) predict participants' understanding of their *Charter* cautions

(3) Do young offenders differ from nonoffenders in their understanding of the guilty and

not guilty pleas? (4) What variables predict participants' understanding of the guilty and

not guilty pleas? (5) Do young offenders differ from nonoffenders in their reasoning

behind plea decisions? (6) Does criminal intent or actual guilt affect participant's

reasoning behind their plea decisions? (7) What variables (age, verbal IQ, gender, legal

experience) predict the level of sophistication of participants' legal reasoning behind their

plea decision? (8) Is there a relationship between participant's plea decisions and their plea

reasoning scores?

METHOD

Participants

Participants were 241 adolescents--120 students, attending a high school in the Lower Mainland of British Columbia and 121 young offenders detained at a detention facility in the Lower Mainland. This facility detains both sentenced offenders and offenders awaiting trial or court hearings. The high school students ranged in age from 13 to 17 years ($M=15.17$, $SD=1.44$) and the age range of the young offender sample also was 13 to 17 years ($M=15.29$, $SD=1.39$). Among the students there were 52 males (43.3%) and 68 females (56.7%). For the young offender group there were 73 males (60.3%) and 48 females (39.7%). The student sample consisted of adolescents who were from primarily middle class families. It was not possible to ascertain the socioeconomic statuses of the young offenders. Question regarding whether the young offenders resided with their parents or were wards of the province prior to their detainment were not permitted, it was not possible, therefore, to accurately determine their socioeconomic status.

Selection of Participants

The student sample was obtained by selecting classrooms from different grade levels. Inclusion of a classroom was dependent upon obtaining permission from the classroom teacher. Students were briefed on the nature of the study and told that all participants would be entered in a draw for a set of gift certificates. Students were included in the study if they volunteered and had a signed parental consent form. Seventy-one percent of the students returned the completed consent form.

The offender sample consisted of volunteers detained at a youth detention centre. Participants were selected from a list and were included in the study if they were available and willing to participate. In addition to these two requirements, there was an attempt to recruit both male and female participants, as well as a sample of participants from various age levels. Twelve percent of the young offenders that were approached refused to participate in this study. Because the young offenders were being detained, it was not feasible to enter their names in a draw similar to the one for the high school students.

Procedure

Participants were interviewed individually. The length of the interviews varied from 1 to 1 1/2 hours. The purpose of the study was explained to all participants and their informed consent was obtained. Prior to each interview, participants completed a demographics questionnaire. In the first part of each interview, participants were administered two vignettes (See Appendix A). These vignettes were patterned after a theft vignette employed by Peterson-Badali and Abramovitch (1993). In Peterson-Badali's and Abramovitch's (1983) research participants were asked to make plea decisions for a hypothetical character. For each vignette in the present study, participants were asked to imagine that they have been arrested for theft. In one of the vignettes the theft charge resulted from suspicion of stealing compact discs from a store (shoplifting vignette) and in the other vignette the charge resulted from suspicion of stealing money from a neighbor (theft vignette). In both vignettes the charge was theft under \$1000.00, therefore, each vignette was equivalent in terms of seriousness of the charge.

In half of the vignettes the participants were asked to imagine that they had

criminal intent (fulfilling both the physical element--actus reus--and the mental component--mens rea) and in the other half there was no criminal intent. Criminal intention was counterbalanced across the two vignettes. For half the participants, there was criminal intent in the shoplifting vignette and there was no criminal intent in the theft vignette. For the remaining participants, the theft vignette involved criminal intent and there was no criminal intent in the shoplifting vignette. Prior to the presentation of the first vignette, participants were asked the following questions: what does it mean to plead guilty and what does it mean to plead not guilty? Participants were then presented with the first vignette.

Following the presentation of each vignette, participants were provided with the following brief description of the criminal charge and the function of the guilty and not guilty pleas:

Theft means that a person steals something. To steal something a person must intend to take something that does not belong to him or her without permission. If a person pleads guilty there is no need for a trial and the judge decides the appropriate sentence. However, if a person pleads not guilty there is a trial and the court must find that the person charged with the crime is guilty. By pleading not guilty, the accused is saying "you have to prove in court that I did it."

Participants were then asked the following questions: (1) What does it mean to plead guilty? (2) What does it mean to plead not guilty? (3) What should you plead, guilty or not guilty? (4) What would your lawyer advise you to plead? Why? (5) Is there enough

evidence to find you guilty? (6) Are there any other reasons that the judge might find you guilty? (7) Why might you consider pleading guilty/not guilty (option not originally chosen by the participant)? (8) Did you commit the crime that resulted in the charges against you in the story? (9) How well were you able to imagine you were the person in the story?

In the next part of the interview participants were administered the *Young Offenders' Test of Charter Cautions (YoToCC)* (see Appendix B). This test was designed to be the corresponding young offenders' version of *The Test of Charter Comprehension (ToCC)*, developed by Olley and Ogloff (1992) to assess adults' understanding of the Canadian *Charter* cautions. The ToCC was patterned after Grisso's tests assessing comprehension of the American *Miranda* warnings (Grisso, 1981, 1980). Analogous to the ToCC and Grisso's measure, the YoToCC consists of three subtests. The first subtest consists of a set of four cards each with a sentence from the *Charter* cautions read to young offenders in the Lower Mainland of British Columbia. The interviewer read each sentence. Following each sentence, participants were asked to explain the meaning of these statements. The second subtest involved presenting the same sentences from the first subtest with a set of parallel statements. Participants were then asked if the parallel statement has the same or different meaning than the original sentence. The third subtest involved presenting participants with vocabulary from the *Charter* cautions read to young offenders and asking the participants to define these terms. Following the administration of the YoToCC, participants were administered the Quick Test, which measures verbal reasoning. Finally, participants were asked to complete questionnaires regarding their personal experiences with the justice system.

Measures

Demographic Questionnaire

Participants were asked their age, gender, whether or not English is their first language, and, how long they have spoken English.¹

Plea Decisions

Participants' plea decisions from the question "what should you plead" were coded for each vignette.

Plea Definitions

Participants' responses from the questions "what does it mean to plead guilty" and "what does it mean to plead not guilty" were rated on a modified version of Peterson-Badali and Abramovitch's (1992) rating scale. Participants' responses for each question were scored on a three point scale--a 3-point score was assigned to responses with accurate definitions and zero points were assigned to responses indicating a complete lack of understanding of the concepts (see Appendix C). Twenty percent of the interviews were randomly chosen for interrater reliability. Interrater agreement was 88.6% and 86.6% for exact agreement on the four point scale, for the guilty and not guilty definitions, respectively. The correlation coefficient between the two raters assigned scores were r 's (35) = .86 and .68, for the guilty and not guilty definitions.

The Use of Legal Criteria

Participants' abilities to base their plea decisions on legal criteria were assessed on a 3-point scale from their responses to question 3 (what would you plead and why?). The

scoring scheme is a modified version of Peterson-Badali and Abramovitch's system (see Appendix D). Twenty percent of the interviews were randomly chosen for interrater reliability. Interrater reliability was 91% for exact agreement on the 3-point scale. The correlation coefficient between the two raters' assigned scores was .72, $p < .000$.

Young Offenders' Test of Charter Comprehension.

To examine participants' understanding of their *Charter* cautions, the YoToCC was administered. This test yields four scores for each participant--a score for each subtest and a total test score (a composite score of the three subtests) (see Appendix E). Each item on the first subset (YoToCC1) was scored on a 3-point scale. A score of "0" was given to responses that indicated a lack of understanding. A score of "1" indicated partial understanding and a score of "2" indicated understanding. Possible scores on the first subset, therefore, could range from 0 to 8. For the second subset (YoToCC2), 1 point was assigned to each correct response. Possible scores on the second subset also could range from 0 to 8. For the third subset (YoToCC3), each item was scored on a 3-point scale. The scoring system is analogous to that of the first subset. There are nine items on this subset, therefore possible scores could range from 0 to 18. Possible total YoToCC scores could range from 0 to 34 points.

Interrater reliability was conducted on 16% of the YoToCC interviews for subsets 1 and 3 (subset 2 is based on an objective scoring system). Potentially, participants' scores could range from 0 to 26 on these two subsets combined (actual scores from this randomly selected sample ranged from 6 to 23.) Interrater agreement was 100% within 2 points, 63% within 1 point, and 32% for exact agreement. The correlation coefficient

between the raters' assigned scores for subset 1 and 3 combined was .88, $p < .001$.

Verbal Ability

The Quick Test (QT) developed by Ammon and Ammon (1962) was administered to evaluate participants' verbal reasoning skills. This skills were assessed to determine if verbal reasoning is related to participants' understanding of their rights and plea decisions. This test of verbal skills was chosen because it is short, easily administered, is not dependent on literacy, and was designed to provide a quick estimate of general intelligence. In addition to these attributes, the QT is a standardized procedure designed for both children and adults--the age range was an important consideration in the choice of a quick intelligence screening device, because participants' ages ranged from 12 to 17 years. Also, it is suitable for administering to individuals with short attention spans. Although the QT consists of three forms, "if general information about intellectual ability is desired, then one single form of the QT should be enough to give" (Ammon & Ammon, 1962, p. 140). Form 1 of this test was chosen for this study.

In terms of its psychometric properties, Ammon and Ammon report reliability data from 10 different studies. The estimated reliability coefficients among the three forms range from .60 to .96. Validity measures have consisted of mainly concurrent validity. Ammon and Ammon (1962) report validity coefficients (correlations) ranging from .77 to .96 between the QT and the revised versions of the Stanford-Binet and the Wechslers. Subsequent researchers also have concluded that the scores between the QT and Wechslers yield high to modest correlations (Parmesh, 1982; Simon, 1995; Vance & Hankins, 1990). Further, correlations between Form 1 of the QT and Wechslers also yields

similarly strong positive correlations (Kendall & Little, 1977; Paramesh, 1982; Price, Hebert, Walsh & Law, 1990; Traub & Spruill). The intercorrelations between 7th graders' school grades in social studies, reading, and spelling, and Form 1 of the QT were .33, .45, and .43, respectively (Ammon & Ammon, 1962). In a Canadian sample of preschool and elementary school children, researchers concluded that Form 2 of the QT was a significant predictor of academic achievement (Violato, White, & Travis, 1984). Finally, the QT manual provides separate standardized age norms for children and adults.

Each form consists of four simple drawings on a single plate. The interviewers asked the participants to point to the best picture for a given word. Participants were told to simply state "don't know" if they were uncertain of the meaning of a word. The words were read out in ascending order of difficulty. The test continued until the participant experienced six consecutive failures. Prior to the actual test the participants were read two easy words and two difficult words from Form 2 to ensure that they understood the instructions and to prevent guessing. Participants who appeared to be guessing were asked if they understood the meaning of the word and were reminded to simply say "don't know," if they did not know the meaning.

Legal Experience Interview

Each participant was asked a series of questions regarding their previous experience with the law. Such questions included the number of prior arrests, the length of time served in detention centres, the number of times sentenced to detention centres, the number of court appearances, and the number of times their *Charter* Cautions had been read to them.

RESULTS

The results are presented in four main sections (a) sample comparisons (b) comprehension of *Charter* Cautions, (c) accuracy of plea definitions, and (d) sophistication of plea reasoning. The alpha level selected was .05 for all statistical analyses. In all the relevant statistical analyses, the adjusted degrees of freedom were used when there was heterogeneity of variance between grouping factors.

Sample Comparisons

T-tests were conducted to examine whether or not there were differences between the young offender and the student samples in age and verbal ability. The two samples did not significantly differ in their mean ages, $t(239) = .67$. The mean scaled scores for the two samples on the verbal reasoning test were significantly different, $t's (238) = 7.80$, $p's < .05$. The scaled mean scores the secondary school sample and the young offender sample were 106.9 ($SD = 14.5$) and 91.7 ($SD = 15.7$), respectively.

Comprehension of Charter Cautions

Descriptive Statistics

The means, standard deviations, and range of scores for the three YoToCC subsets and the total YoToCC across all participants are shown in Table 1. The mean score and standard deviation for Subset 2 suggests a ceiling effect for this particular subset.

Table 1

Means, Ranges, and Standard Deviations for the YoToCC Subsets and Total Score

Across Both Samples

	Subset 1	Subset 2	Subset 3	Total
Means	5.05	7.03	11.01	23.09
Ranges	0 - 8	0 - 8	-2 - 16	6 - 26
Standard Deviations	(1.88)	(1.27)	(2.74)	(4.68)

Relation Among YoToCC Subset Scores

As shown in Table 2, correlations among the three subsets of the YoToCC ranged from .40 to .44 (p 's < .05). As noted in Table 3, the correlations among these subset scores and total scores yielded a similar pattern within for the high school and young offender samples. The only relationship that failed to reach conventional levels of statistical significance was the correlation between Subset 2 and Subset 3 within the student sample ($r = .17, p < .07$). Given the overall strength of the intersubset correlations, the total YoToCC scores were utilized in subsequent analyses.

Table 2

Relation Among YoToCC Subsets and YoToCC Total Scores

	Subset 1	Subset 2	Subset 3	Total
Subset 1	-	.41	.44	.77
Subset 2	-	-	.40	.67
Subset 3	-	-	-	.87
Total	-	-	-	-

All the above correlational coefficients were statistically significant, $p < .01$.

Table 3

Relation Among YoToCC Subsets and YoToCC Total Scores for the Young Offender and Student Sample

	Subset 1	Subset 2	Subset 3	Total
Young Offender Sample				
Subset 1	-	.41*	.43*	.77*
Subset 2	-	-	.40*	.69*
Subset 3	-	-	-	.86*
Student Sample				
Subset 1	-	.31*	.32*	.76*
Subset 2	-	-	.17	.51*
Subset 3	-	-	-	.82*

*The above correlational coefficients are statistically significant at $p < .01$.

Differences between young offenders and the high school students in comprehension of Charter cautions

To determine if there were any sample and gender differences in the mean total YoToCC scores a 2(Sample) x 2 (Gender) ANOVA, with Total YoToCC scores as the dependent variable was conducted. There were significant main effects for sample and gender $F_s(1, 235) = 45.06$ and 5.08 , (respectively), $p's < .05$. As shown in Table 4, the student sample had a higher mean YoToCC score than the young offender sample and females had a higher mean score than males. The interaction effect was not statistically significant, $F(1, 235) = .02$.

Table 4

Mean YoToCC Scores

Sample	Young Offender (n = 119)	High School (n = 120)
	21.11 (4.89)	25.03 (3.51)
Gender	Males (n = 124)	Females (n = 115)
	22.18 (4.56)	24.07 (4.59)

Standard Deviations are shown in parantheses.

To examine the possibility that differences in verbal reasoning ability accounted for the above findings, a 2(Sample) x 2 (Gender) ANCOVA with scaled verbal reasoning scores as the covariate and total YoToCC scores as the dependent variable was conducted. There were significant main effects for sample and gender, $F(1, 234) = 11.15$ and 13.77 (respectively), p 's $< .001$ and the sample x gender interaction was not statistically significant, $F(1, 234) = .53$.

Predictors of Charter Comprehension

As shown in Table 5, for the young offender sample, age and scaled verbal reasoning scores were the only variables that were significantly correlated with the total YoToCC scores. Interestingly, correlations using all the legal experience variables-- number of prior arrests, length of time served in detention centres, number of times sentenced to detention centres, number of court appearances and number of times their *Charter* Cautions had been read to them--failed to reach statistical significance. A regression analysis, revealed that scaled verbal reasoning scores, and age accounted for 26% of the variance (adjusted $R^2 = .25$) in the total YoToCC scores for the young offenders, $F(2, 116) = 20.24$, $p < .001$.

Scaled verbal reasoning scores and gender were significantly correlated with total YoToCC scores for the student sample. A partial correlational analysis revealed that the tendency for females to have higher YoToCC scores was not influenced by verbal ability, $r(118) = .29$, $p < .001$. A regression analysis, which included gender and scaled verbal scores, revealed that these variables accounted for 16% of the variance (adjusted $R^2 = .14$) for the total YoToCC scores for the high school students, $F(2, 117) = 10.82$, $p < .001$.

Table 5

Correlations Among YoToCC Total Scores and Predictor Variables

Predictors	Sample	
	Young Offenders (n = 119)	High School (n = 120)
Age	.22*	.12
Gender	.12	.18*
Verbal Reasoning	.39*	.28*
Number of Arrests	.01	
Total Time in Custody	.06	
Number of Times in Custody	.01	
Number of Charter Caution Readings	.06	
Number of Court Appearances	.13	

* The above correlations are statistically significant at the $p < .05$.

Accuracy of Plea Definitions

Differences between young offenders and high school students in the accuracy of the guilty plea definition

A 2(sample) x 2(gender) ANOVA with the guilty plea definition scores as the dependent variable was conducted. There main effect for sample was statistically

significant. As summarized in Table 6, the mean guilty plea definition score for the high school sample was higher (more accurate) than the mean score for the young offender sample, $F(1, 236) = 8.41, p < .005$. The main effect for gender and the sample x gender interaction effect failed to reach statistical significance, $F's(1, 236) = .01$ and $.75$ (respectively). A 2(Sample) x 2 (Gender) ANCOVA with scaled verbal reasoning scores as the covariate and guilty plea scores as the dependent variable was conducted to determine if the sample differences were, in part, due to verbal reasoning. Once verbal reasoning was covaried no significant main effects or interactions emerged, $F's(1, 235) = .37$ to 1.36 .

Table 6

Means, Ranges, and Standard Deviations of the Guilty Plea Definition for the Young Offender and the High School Sample

	Young Offender	High School	All Participants
Means	2.37	2.64	2.51
Ranges	.00 - 3.00	.00 - 3.00	.00 - 3.00
Standard Deviations	(.82)	(.55)	(.71)

Differences between young offenders and high school students in the accuracy of the not guilty plea definition

A 2(sample) x 2(gender) ANOVA with the not guilty plea definition scores as the dependent variable was conducted. The main effect for sample was marginally significant, $F_s(1,236) = 3.66, p < .06$. The main effect for gender and the interaction effect were not statistically significant, $F_s(1, 236) = .01$ and 1.20 . The means, ranges, and standard deviations of the not guilty plea definitions are presented in Table 7.

Table 7

Means, Ranges, and Standard Deviations of the Not Guilty Plea Definition for the Young Offender and the High School Sample

	Young Offender	High School	All Participants
Means	1.86	1.97	1.91
Ranges	.00 - 3.00	.00 - 3.00	.00 - 3.00
Standard Deviations	(.51)	(.32)	(.42)

Predictors of plea definition accuracy

As shown in Table 8, for the young offender sample, there was a positive correlation between scaled verbal reasoning scores and the guilty plea scores, $r(118) = .17$, $p < .05$. The only correlation coefficients for the legal experience variables and the guilty plea scores to reach statistical significance were the total amount of time spent in custody and the number of court appearances. Surprisingly, these two variables were negatively correlated with the guilty plea scores, $r(118) = -.18$, and $-.19$, p 's $< .05$. When the effects of verbal ability on these legal experience variables were controlled, the negative correlation remained the same in magnitude. Scaled verbal reasoning, and the two legal experience variables together accounted for 11% of the total variance (adjusted $R^2 = .09$) of the guilty plea scores, $F(3, 111) = 4.54$, $p < .005$.

Age, scaled verbal reasoning, and YoToCC scores were the only variables that were significantly correlated with the guilty plea scores within the high school sample, r 's(119) = .19, .22, and .32, p 's $< .02$ and .002 (respectively). A subsequent correlational analysis, with the effects of verbal reasoning partialled out, revealed a significant effect between YoToCC scores and guilty plea definition scores, $r(117) = .28$, $p < .002$. Age, scaled verbal reasoning, and YoToCC scores together accounted for 17.5% of the total variance (adjusted $R^2 = .15$), $F(3, 116) = 8.20$, $p < .001$.

Table 8

Correlations Among Guilty Plea Definition Scores and Predictor Variables

	Sample	
	Young Offenders (n = 119)	High School (n = 120)
Predictors		
Age	-.03	.19
Gender	.04	.08
Verbal Reasoning	.17*	.22*
YoToCC Scores	.16	.32*
Number of Arrests	-.02	
Total Time in Custody	-.18*	
Number of Times in Custody	-.04	
Number of Charter Caution Readings	.00	
Number of Court Apperances	-.19*	

*These correlation coefficients are statistically significant at $p < .05$.

As shown in Table 9, all of the correlations between the predictor variables and the not guilty plea scores failed to reach statistical significance within each of the two samples (young offenders and high school student samples) and across both of the samples.

Table 9

Correlations Among the Not Guilty Plea Definition Scores and Predictor Variables

Predictors	Sample	
	Young Offenders (n = 119)	High School (n = 120)
Age	-.06	-.02
Gender	.06	.09
Verbal Reasoning	-.04	.07
YoToCC	-.02	.15
Number of Arrests	.09	
Total Time in Custody	-.05	
Number of Times in Custody	.01	
Number of Charter Caution Readings	.13	
Number of Court Appearances	.12	

Sophistication of Plea Reasoning

Order of presentation effects for the shoplifting vignette

A t-test analysis with presentation or order of the no criminal intent shoplifting vignette as the grouping variable and plea reasoning scores as the dependent variable, revealed no significant differences in mean scores for order, $t(121) = .32$. Similarly there were no significant differences for order on the criminal intent shoplifting vignette, $t(115) = .05$. Considering the lack of difference in the mean scores, subsequent analyses for these vignettes were collapsed across order of presentation.

Order of presentation effects for the theft vignette

Similarly, a t-test analysis of the theft vignette involving no criminal intent with presentation or order as the grouping variable and plea reasoning scores as the dependent variable, revealed no significant differences in mean scores for order, $t(115) = .28$. Further, there was no significant difference for order for the theft vignette involving criminal intent, $t(121) = .09$. Subsequent analyses for these vignettes were collapsed across order of presentation.

Differences between young offenders and high school students in plea reasoning on the shoplifting vignette

A 2(sample) x 2(gender) x 2(participant's plea decision) x 2(criminal intent) ANOVA with participants' reasoning scores as the dependent variable revealed no significant main effects for sample, gender, plea decision, or criminal intent, $F's(1, 225) = .42, .29, 2.75, \text{ and } 1.59$. There were no two-way or three-way interaction

effects, F 's (1, 225) = .09 to 1.56.

Differences between young offenders and high school students in plea reasoning on the theft vignette

A 2(sample) x 2(gender) x 2 (participant's plea decision) x 2(criminal intent) ANOVA with participants' reasoning scores on the theft vignette as the dependent variable revealed a significant main effect for plea decision, $F(1, 224) = 17.48$, $p < .001$, and a significant main effect for criminal intent, $F(1, 224) = 12.78$, $p < .001$. Participants who decided on a not guilty plea had a greater mean reasoning score than those who decided on a guilty plea. Further, participants who were administered the no criminal intent condition had a lower mean reasoning score than those who were administered the criminal intent condition. The main effects for sample and gender were not statistically significant, F 's (1, 224) = .18 and .30 (respectively). The only interaction effect to reach statistical significance was the criminal intent x plea decision interaction, F 's (1, 224) = 4.14, p 's < .05. Simple effects tests for the criminal intent x plea decision interaction revealed that participants who decided on a not guilty plea in the criminal intent condition had significantly higher mean reasoning scores than participants who decided on a not guilty plea in the condition with no criminal intent, $t(136) = 5.00$, $p < .001$. Further, participants who were administered the criminal intent theft condition and decided on a not guilty plea had higher mean reasoning scores than those participants who decided on a guilty plea, $t(121) = 5.37$, $p < .000$. Figure 1 illustrates the effect of the criminal intent manipulation by plea decisions participants' plea reasoning scores.

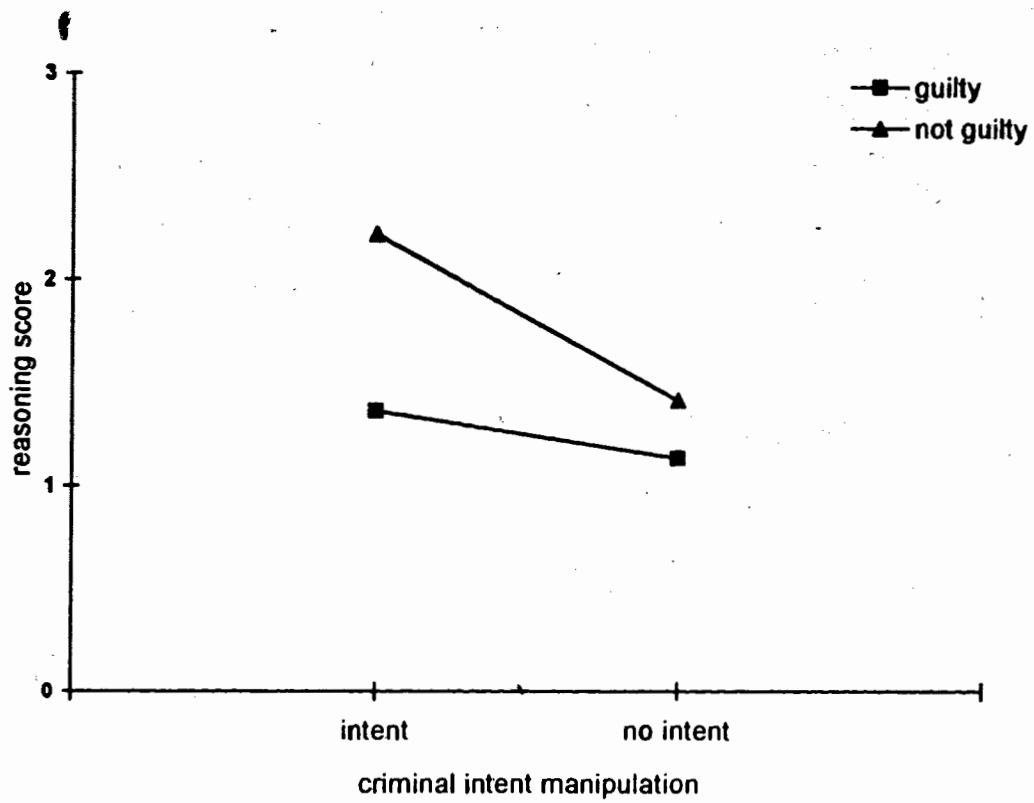


Figure 1: Mean plea reasoning scores as a function of criminal intent condition and plea decision.

Predictors of plea reasoning scores on the shoplifting vignette

Table 10 shows the correlations among the reasoning scores on the shoplifting vignette and predictor variables, including the YoToCC total score, the plea guilty and the plea not guilty accuracy score, and plea decisions on the vignette. Within the young offender sample, age and plea decision variables were the only predictors of reasoning scores on the shoplifting vignette that reached statistical significance. There was a positive correlation between age and reasoning, $r(118) = .19, p < .04$ and a significant correlation between plea decisions and reasoning, $r(118) = .46, p < .001$. That is, higher reasoning scores were associated with guilty plea decisions. As shown in Table 10, the other variables failed to reach statistical significance. Within the student sample, the only statistically significant predictor of reasoning scores on the shoplifting vignette was plea decisions, $r(119) = .38, p < .001$.

Predictors of plea reasoning scores on the theft vignette

Table 11 shows the correlations among the reasoning scores and the predictor variables on the theft vignette. Within the young offender sample, age and plea decisions were significant predictors of reasoning scores, $r(118) = .20$ and $.38, p < .03$ and $p < .001$ (respectively). Higher reasoning scores were associated with not guilty plea decisions on the theft vignette. The other predictor variables failed to reach statistical significance (see Table 11). All of the correlational coefficients for reasoning scores and the predictor scores, within the student sample, failed to reach statistical significance.

Table 10

Correlations Among the Reasoning Score on the Shoplifting Vignette and Predictor Variables

	Sample	
	Young Offenders (n = 119)	High School (n = 120)
Predictors		
Age	.19*	-.03
Gender	.06	.01
Verbal Reasoning	-.08	.09
YoToCC	.05	.01
Plea Guilty Accuracy Score	-.13	.04
Plea Not Guilty Accuracy Score	-.03	-.06
Plea Decision	.46*	.38*
Number of Arrests	.07	
Total Time in Custody	-.08	
Number of Times in Custody	.02	
Number of Charter Caution Readings	.10	
Number of Court Appearances	.09	

*These correlation coefficients are significant at the $p < .05$ level.

Table 11

*Correlations Among the Reasoning Score on the Theft Vignette and Predictor**Variables*

	Sample	
	Young Offenders (n = 119)	High School (n = 120)
Predictors		
Age	.20*	.07
Gender	.01	.10
Verbal Reasoning	.08	.12
YoToCC	.16	.10
Plea Guilty Accuracy Score	-.06	.14
Plea Not Guilty Accuracy Score	-.17	.06
Plea Decision	.38*	.04
Number of Arrests	.05	
Total Time in Custody	.08	
Number of Times in Custody	.09	
Number of Charter Caution Readings	.02	
Number of Court Appearances	-.12	

*These correlation coefficients are statistically significant at the $p < .05$ level.

Relationship among plea reasoning scores and plea decisions within the criminal intent and no criminal intent conditions

To illustrate the relationship between the plea decisions to the various conditions and plea reasoning scores, correlational analyses were conducted. Table 12 shows the correlations among plea reasoning scores and plea decisions on the shoplifting vignette within each condition. Within the young offender sample, the correlation coefficient in the intent condition was not statistically significant, whereas, the correlation coefficient in the no intent condition reached statistical significance, $r(60) = -.38, p < .003$.

As noted in Table 12, only one high school student gave a not guilty plea decision in the criminal intent condition and only two students gave guilty plea decisions in the no criminal intent conditions. Because of the lack of variance in plea decisions, within this sample on the shoplifting vignette, correlational analyses were not performed. Table 13 shows the correlations among plea reasoning scores and plea decisions on the theft vignette within each condition. Within the young offender sample, the correlation between reasoning scores on the theft vignette and plea decisions was statistically significant in the criminal intent condition, $r(61) = .61, p < .001$. The correlation between reasoning scores and plea decision in the no criminal intent condition, however, failed to reach statistical significance, $r(57) = .25, p < .07$. Within the high school sample the correlation between reasoning and plea decisions in the theft criminal intent condition was statistically significant, $r(60) = .26, p < .05$. The correlation between reasoning and plea decision on the theft no criminal intent condition failed to reach statistical significance, $r(59) = -.02$.

Table 12

Relationship Among Plea Reasoning Scores and Plea Decisions on the Criminal Intent and No Criminal Intent Conditions for the Shoplifting Vignette

Sample			
Young Offenders		High School	
Intent	No Intent	Intent	No Intent
-.13 (n = 58)	-.38* (n = 58)	n/a	n/a

Note: Only one high school student decided on a not guilty plea for the criminal intent condition and only two students decided on a guilty plea decision for the criminal intent condition.

*These correlation coefficients are statistically significant at the $p < .05$ level.

Table 13

Relationship Among Plea Reasoning Scores and Plea Decisions on the Criminal Intent and No Criminal Intent Conditions for the Theft Vignette

Sample			
Young Offenders		High School Students	
Intent	No Intent	Intent	No Intent
.61*	.25	.26*	-.02
(n = 62)	(n = 58)	(n = 61)	(n = 59)

*These correlation coefficients are statistically significant at the $p < .05$ level.

DISCUSSION

This study was designed to examine the factors that determine adolescents' understanding of their *Charter* cautions and plea decisions. Another purpose of this study was to examine differences between detained young offenders and a sample of high school students in their understanding of these legal rights and decisions.

The YoToCC, patterned after Grisso's (1980) *Miranda* measure, was designed to measure comprehension of *Charter* cautions for adolescents. Grisso (1980) examined American young offenders' understanding of their *Miranda* rights. The results of the present study, for the young offender sample, parallel Grisso's findings. That is, age and verbal reasoning (a measure of verbal IQ) were found to be related to understanding cautions; whereas, legal experience and gender were found to be unrelated. These findings seem to support the assumption of Section 56 of the YOA--that a young person's appreciation of their rights varies with age and level of understanding. These results, however, also suggest that adolescents' prior experience with the legal system should not be a factor when determining "the appropriate level of understanding" of their rights at the time of arrest.

Verbal ability also was a significant predictor of understanding *Charter* cautions for the high school students. Another factor that emerged as a significant predictor for this sample was gender. Female high school students exhibited more competency on the YoToCC than male students. Gender was not a significant predictor of competency for the young offender sample. Unlike the results of the studies conducted by Abramovitch,

Higgins-Biss, and Biss (1993) and Abramovitch, Peterson-Badali, and Rohan (1993), age was not a factor in the competency to understand *Charter* cautions for this sample of students. Abramovitch's studies, however, had a larger age range of participants and found significant differences between students in the upper grade levels and students in grades 6 and 8. The sample in the present study did not consist of grade 6 (or grade 7) students and the age range was considerably narrower (13 to 17 years in the present study versus 10 to 20 years in Abramovitch's studies).

The high school sample out-performed the young offenders on the YoToCC. It is noteworthy that verbal reasoning skills did not completely account for the young offenders' relatively less sophisticated understanding of their *Charter* cautions. Perhaps, understanding *Charter* cautions may involve other experiences such as the exposure to other legal rights and exercising other rights. According to Melton (1980), it is reasonable to assume that rights are not equally accessible to all groups. It is plausible that because the high school students were from a relatively high SES background that they had more of these relevant experiences than the young offenders.

It is possible that although young offenders may not possess the ability to demonstrate understanding of their legal rights in an explanatory or verbal test, they may be able to "act" in a knowledgeable manner when deciding what to do during interrogations. As previously mentioned, the Abramovitch, Higgins-Biss and Biss (1993) study suggested that those who understood the waiver form were more likely to sign it. Their sample, however, consisted of non-offenders. Perhaps, young offenders may behave differently than non-offenders. For example, although the young offenders performed relatively poorer on the YoToCC, anecdotal evidence from the present study suggests

that, in practice, many had adhered to the idea that you do not talk under any circumstances.

The high school sample was relatively more accurate in defining the guilty plea than the young offender sample. Although the high school students had a higher mean guilty plea definition score than the young offenders, it appears that verbal reasoning skills accounted for this finding. Verbal reasoning skills also predicted the accuracy of the guilty plea definition for both groups of participants. This finding is analogous to past research that has found a significant relationship between verbal abilities and accuracy in defining the not guilty plea (Peterson-Badali & Abramovitch, 1992). Considering the verbal demands of providing a definition of the guilty plea were not large, the relationship of verbal ability to accuracy of plea definitions may be reflecting general knowledge rather than actual verbal skills. Surprisingly, for the young offender sample, the number of court appearances and the length of time in custody were negatively related to the accuracy of the definitions for the guilty plea. Perhaps the young offender who has more experience in the courtroom confuses the definition of guilty (i.e., admitting guilt) with being "found guilty."

There were no significant differences between the young offender sample and the high school sample in their mean accuracy scores for the definition of the not guilty plea. Past studies have suggested that participants have greater difficulty providing an accurate definition of the not guilty plea compared to the guilty plea (e.g., Peterson-Badali & Abramovitch, 1992). Perhaps this creates a floor effect and less variability between the two groups. Further, the predictor variables all failed to be significantly correlated with participants' not guilty definition scores. Peterson-Badali and Abramovitch (1992) also

failed to find a significant effect of verbal ability on the not guilty plea definition scores.

Although there were no differences between the young offenders and the high school students in the reasoning of their plea decisions on either vignette, it is interesting to note that participants' reasoning scores on the theft vignette were affected by their plea decisions and the criminal intent manipulation. In the theft vignette, participants who decided on a not guilty plea in the criminal intent condition vignette had higher a higher mean reasoning score than those who pleaded guilty. In this condition, participants were asked to imagine they had stolen money from a neighbor's home, therefore, they were guilty in this condition (i.e., they had criminal intent). Conceivably, those who were more sophisticated in their legal reasoning recognized that although there was criminal intent, the evidence for this particular crime was relatively weak and they were able to defend their not guilty plea decision. In contrast, those participants who pleaded guilty in this condition were possibly basing their decision on "actual" guilt rather than the evidence. Further, an examination of the relationship between plea decision and reasoning scores in the various conditions revealed that participants who were administered the no criminal intent condition of the shoplifting vignette had higher reasoning scores when they decided on a guilty plea decision. Although there was no actual criminal intent in this condition, the evidence is strong and supports a conviction. It is possible that the participants who were more sophisticated in their plea reasoning recognize this fact and were better able to base their guilty decision on the evidence than those participants who are less sophisticated and decide on a not guilty decision based on the "actual" guilt of the situation.

Unlike the results of Peterson-Badali & Abramovitch (1993), age was not a significant predictor of sophisticated plea reasoning for the student sample. In their study, however, only the grade five students had significantly lower scores than the other grade levels and the present study did not consist of relatively younger minors. Further, these researchers in their vignettes varied the lawyer's presentation of the evidence. That is, the lawyer would state that the evidence was either weak or strong. Perhaps younger participants are more apt to comply to a lawyer's advice than adolescents. For the young offender sample, other than plea decision, the only significant predictor of plea reasoning scores was age. Age was related to plea reasoning scores on both the shoplifting and the theft conditions. Reasoning became more sophisticated with age. As previously mentioned, age was also a factor in predicting YoToCC scores for the young offender sample. It is possible that, in comparison to high school students, young offenders may mature at a different rate than high school students. Hence, age may be differentially related to competency for offenders and non-offenders. Interestingly, the legal experience variables for young offender sample were unrelated to reasoning scores.

This study revealed that the young offenders were less sophisticated than the high school students in their definitions of the guilty plea and in their understanding of their *Charter* cautions. These findings are in contrast to the popular view that young offenders are particularly knowledgeable about their rights and the law. In view of the fact that the young offenders performed relatively poorer than the high school sample, this study points to the importance of competent legal representation for young offenders. As stated by Awad (1984), however, many young offenders receive inadequate representation.

Surprisingly, the only legal experience variables that correlated with any of the

competency measures were negatively related to competency. Considering these findings, it seems that lawyers and law enforcement officers should not assume that adolescents with legal experience “know” their rights and have sufficient background to make competent plea decisions. Rather, lawyers and law enforcement officers should take steps to ensure that adolescents charged with crimes understand their rights and legal decisions. One possibility is that police officers could use items from the YoToCC to help determine whether or not a young person understands his or her rights. If this screening test suggests that the young offender does not understand their *Charter* cautions, then additional steps should be taken. For example, the police officers could rewarn the young person in a different manner. For those who still cannot understand their rights, the police should not question them, but should arrange for legal representation for these young offenders. Perhaps it is not enough for the YOA to state that cautions must be presented and explained, but it should dictate how these rights should be explained.

It is also noteworthy that the factors that predict competency to comprehend *Charter* cautions in a student sample do not necessarily predict competency in an offender sample. This finding suggests that future research examining competency in criminal legal issues should include both young offender and non-offender samples of participants. It is also interesting to note that the different predictor variables emerged for the different legal competency measures. Other research endeavours could determine modal ages and skills related to both explanatory and behavioural measures of competency. In addition to measures such as age and verbal ability, research should examine emotional and social developmental factors related to legal understanding. For example, how does impulsivity and attitudes towards risk impact on legal decision-making?

Future research also should focus on ways to determine competency in adolescents' understanding of their *Charter* cautions and plea decisions. For example, scoring procedures for determining competency could be established for the YoToCC. Further, research should continue to establish behavioral measures for assessing the competency to waive *Charter* cautions and make plea decisions. Also, this line of research could suggest ways to present information at levels suitable to the adolescents (once these levels have been established). Further future studies should examine how we can educate adolescents about their legal rights and legal decisions.

Finally, It is important to consider the difference between decision-making in a classroom setting and decision-making under duress. As noted by others, adolescents and adults may differ in the gap between their level of competency and actual performance in their decision-making abilities (Scott, Repucci, & Woodward, 1995). Further, it is possible that adolescents may have a larger gap than adults between their level of competency and performance when under pressure.

NOTE

1. There were five (4.2%) ESL participants in the student sample and 13 (11%) ESL participants in the young offender sample. All of the ESL participants in the high school sample and eleven (82%) of the ESL participants in the young offender sample acquired english before nine years of age. All of the analyses reported in this study were repeated with the ESL participants excluded and the direction of the findings were unaffected.

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APPENDIX A

Shoplifting Vignette/Not Guilty

Imagine that you went to the mall with two of your friends to do some shopping. While you were shopping, your friends stole some CD's without you knowing. They put one of the CD's in your knapsack when you were not looking. A clerk thought you and your friends were acting in a suspicious manner and as you were leaving the store he stopped you. He called the police and all three of you were arrested for shoplifting. The police charged you with Theft Under \$1000.

Theft Vignette/Guilty

Imagine you were baby-sitting a child for your neighbours. After you put the child to bed there wasn't anything interesting to watch on TV and you were bored. At around 10:00 p.m. you decided to phone and ask a friend to come over. You and your friend saw some money that was on top of your neighbours dresser. You both decided to steal the money and put it in your wallet. The next day, your neighbours noticed the missing money and called the police. The police came to your house. They arrested you and charged you with Theft Under \$1000.

Shoplifting Vignette/Guilty

Imagine that you went to the mall with two of your friends to do some shopping. While you were shopping, you and your friends decided to steal some CD's. You put one of the CD's in your knapsack. A clerk thought you and your friends were acting in a suspicious manner and as you were leaving the store he stopped you. He called the police and all three of you were arrested for shoplifting. The police charged you with Theft Under \$1000.

Theft Vignette/Not Guilty

Imagine you were baby-sitting a child for your neighbours. After you put the child to bed there wasn't anything interesting to watch on TV and you were bored. At around 10:00 p.m. you decided to phone and ask a friend to come over. Your friend saw some money that was on top of your neighbours' dresser. Your friend decided to steal the money and put it in your wallet. The next day, your neighbours noticed the missing money and called the police. The police came to your house. They arrested you and charged you with Theft Under \$1000.

APPENDIX B

YOUNG OFFENDERS' TEST OF CHARTER COMPREHENSION (YOTOCC) INTERVIEW

Part 1

Administration

I am going to show you some cards with some 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. Do you understand what I want you to do?

If the examinee does not understand, repeat the instruction slowly or answer specific questions. When it seems that the examinee understands, the examiner presents the examinee a card on which a practice sentence has been typed, and says:

The first card is just for practice so you can get used to what I want you to do. Here is the card. It says, "I have volunteered to be in this study." Now tell me in your own words what is said in that sentence.

The primary reason for the use of a practice sentence is to "teach" the examinee to avoid verbatim use of words or phrases appearing in the stimulus sentences. Thus, if the examinee uses the words "volunteer" and/or "study" in his or her original response, the examiner should ask: "What do you mean by (volunteer) (study)?" The examiner proceeds to the next stimulus sentence after the examinee has expressed an understanding of the elements of this practice sentence. Present each of the following sentences in the above fashion. Each sentence is presented on a separate card, and an examinee's response to one statement (as well as any necessary inquiry) is completed before proceedings to the next sentence. Inquiries should be restricted to a standard statement, namely, "Tell me more about it."

The sentences are as follows:

1. You are under no obligation to give an oral or a written statement.
2. Any oral or written statement that you may give may be used as evidence in proceedings against you.
3. You have the opportunity to speak to a lawyer or a parent or, in the absence of a parent, an adult relative or, in the absence of a parent or an adult relative, an adult of your own choosing.
4. You have the right to give a statement in the presence of your lawyer, or your parents, or an adult relative, or another adult of your own choosing.

Test of Charter Comprehension
Part 2

Administration

Now I am going to show you the same set of cards. After I read a sentence to you, I will show you two more cards with statements on them. 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.

Here are two examples so that you know what to do.

Present the example sentence and say:

This sentence says, "I have volunteered to be in this study." Now look at this card.

Present the card bearing the first corresponding statement next to the initial sentence, and say:

"I have agreed to do this task and nobody forced me to do it." Now, does that card say the same thing or something different from the first sentence?

Then present the second example and say:

Here is the next card. "I have to do this task whether I want to or not." Is that the same as the first sentence or something different?

The first example statement should be identified as meaning generally the same thing as the initial sentence, whereas the second example statement should be identified as meaning something different. If the examinee makes an error on either of these examples, the correct responses should be indicated and explained to the examinee before continuing with the remaining sentences.

Once the examinee indicates an understanding of the procedure, the examiner places a card bearing the first sentence before the examinee and reads the sentence aloud. The examiner then proceeds through the two related statements in the manner shown in the examples. That is, each statement should be presented next to the corresponding sentence and read aloud. After the two statements, the examiner should remove the cards and proceed to the second sentence, and so on.

Once the examinee is familiar with the pattern, the examiner's question may be shortened to a simpler form (i.e. Are they the same or different?; Same or different?). Examiners should be alert to examinees evaluating the sentences as "true" or "false." In such cases, the examinee should be reminded that the task is to indicate whether the sentences have the same meaning or different meanings, rather than whether the sentences are true or false.

The sentences are as follows:

1. You are under no obligation to give an oral or a written statement.
 - a. You should not say or write down anything until the police ask you questions.
 - b. You do not have to say or write down anything about what you did.
2. Any oral or written statement that you may give may be used as evidence in proceedings against you.
 - a. If you won't talk to the police or write anything down, then that will be used against you in court.
 - b. As long as you are polite to the police, whatever you say or write down will not be used against you in court.
3. You have the opportunity to speak to a lawyer or a parent or, in the absence of a parent, an adult relative or, the absence of a parent or an adult relative, an adult of your own choosing.
 - a. You may choose to speak with anyone you wish (for example a friend) to give you advice when you are arrested.
 - b. If you are not able to talk to a lawyer, parent, or an adult relative, you still may choose to speak to another adult.
4. You have the right to give a statement in the presence of your lawyer, or your parents, or an adult relative, or another adult of your own choosing.
 - a. You must give a statement to the police officer and only if a lawyer, or your parents, or another adult is present.
 - b. If you choose to give a statement, you may give it when your lawyer, or your parents, or another adult of your choosing is with you.

Test of Charter Comprehension

Part 3

Administration

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

The examiner then performs the procedure just described for the first word (Counsel) and asks:

"What does 'obligation' mean?"

The examiner may inquire as needed when an examinee's original response is confusing because of double negatives, grammatical confusion, slang, or disorganization. Also, if the examinee provides only a synonym as a response, the examiner should inquire for further explanation. Inquiries should be restricted to a standard statement, namely, "Tell me more about it."

Present each of the following words consecutively in the above fashion. Each word is presented on a separate card, and an examinee's response to one statement (as well as any necessary inquiry) is completed before proceeding to the next word.

The words and corresponding sentences are as follows:

1. oral The student gave an **oral** presentation in her class.
2. absence In the **absence** of the teacher, the class will be cancelled.
3. statement After his car accident, the driver gave a **statement** to the police.
4. obligation The boy has an **obligation** to follow the rules of the game.
5. evidence The **evidence** against the defendant in court was overwhelming.
6. right You have the **right** to vote.

7. proceedings After the suspect was arrested, there were **proceedings** against him.

8. presence He enjoyed performing stunts on his skateboard in the **presence** of others.

9. lawyer The **lawyer** was late for court.

APPENDIX C

Plea Definition Coding System

Plead Guilty

Admit Guilt (e.g., "saying he did it", "admitting responsibility") 3 points

Actual Guilt (i.e., a definition of 'guilty' rather than 'plead guilty' or if the response is ambiguous to whether the person is admitting guilt or providing a definition of actual guilt, for example, "when you give yourself up") 2 points

Proven Guilty (e.g., "when they prove you did it") 1 point

Other (responses that indicate a complete lack of understanding of the concept) 0 points

Plead Not Guilty

Accurate (most importantly the fact that the court must prove that the person charged is guilty) 3 points

Deny Guilt or Actual Innocence (e.g., "saying that you didn't do it", "saying that you're innocent", "actually not guilty", "you didn't do the crime") 2 points

Found Not Guilty (e.g., "when they let you off") or *Inaccurate definition* (more specifically "you have to prove your innocence") 1 point

Other

APPENDIX D

Use of Legal Criteria

Mentions evidence and relates it to the likelihood of a verdict *(3 point)*

(egs., Plead not guilty, because, there is no proof that I took it unless they found the money in my wallet; Plead Guilty, because if there's a witness, you'll get Guilty anyway)

Mentions evidence but there is uncertainty whether the response is referring to actual guilt(or innocence) or the likelihood of a verdict *(2 point)*

(e.g., Guilty, because I had the CD on me, so it was in my possession)

Neglects to mention evidence and focusses on actual guilt or innocence, or pragmatic concerns *(1 point)*

(egs., Guilty, because I did take the money and I'm not going to lie; Not Guilty because I didn't do it and I'm not going to blame it on anyone else; Guilty, you may as well if you did it because it goes faster. There's no trial or anything; Guilty, because I wouldn't rat out on my friends; Guilty, because the punishment would probably be less harsh).

APPENDIX E

YOUNG OFFENDERS' TEST OF CHARTER COMPREHENSION (YoToCC)

SCORING MANUAL

**DO NOT QUOTE, CITE, OR REPRODUCE IN ANY FORM WITHOUT
WRITTEN PERMISSION OF THE AUTHORS.**

**Test of Young Offenders's Charter Comprehension
Part 1**

The sentences are as follows:

1. You are under no obligation to give an oral or a written statement.
2. Any oral or written statement that you may give may be used as evidence in proceeding against you.
3. You have the opportunity to speak to a lawyer or a parent or, in the absence of a parent, an adult relative or, in the absence of a parent or an adult relative, an adult of your own choosing.
4. You have the right to give a statement in the presence of your lawyer, or your parents, or an adult relative of your own choosing.

Scoring

1. You are under no obligation to give an oral or a written statement.

2 points

- A. A statement that one does not have to say [or write] anything to the police, but that one may speak freely if one wishes to do so. The right to not speak should be clearly implied if it is not specifically stated.
- B. A paraphrase regarding one's choice or implied choice of whether or not to talk, without explanation.

Examples: You don't have to say anything to the police but you can; they can't make you say anything; if you want to say something, you can. You have a choice on whether or not to say anything. You don't have to say anything unless you wish to do so.

1 point

- A. Choice or implied choice is present, but rationale for the right is erroneous, illogical, or inaccurate.
- B. The idea that it is better not to say anything under any circumstances.
- C. A statement of the right not to say anything without mention of the right to speak freely if one desires.

Examples: You don't have to answer the questions. You don't have to say anything if you don't want to. You can choose to make a response. I don't have to speak unless I feel I have to (does not indicate the desire to speak freely)* I'm not required to speak unless I feel the need.

0 point

- A. Response indicating lack of understanding.
 - B. The idea that you must remain silent.
 - C. The idea that you have to talk, stated generally or under certain circumstances, or that if you do not talk, it will go against you either with police or in court.
2. Any oral or written statement that you may give may be used as evidence in proceeding against you.

2 points

The idea that confession or any other provision of information can be repeated in court and can be used as evidence to convict the suspect. That is, what you say can be brought up in court and may be incriminating.

Examples: Anything I say can be used in a legal proceeding, in a court of law; it may or may not be used against me depending on what I say; I can be questioned about it in a court of law. If you say something, it may be used against you in court.

1 point

- A. The idea that if you talk to the police or provide any information, it may be used in court, without indicating that it may be incriminating to the suspect.
- B. The idea that if you talk to the police or provide any information, it may be incriminating to the suspect, without indicating that it may be used in court or some other legal proceeding.
- C. A response which would qualify as a 2-point response, except that erroneous qualifiers have been added which spoil the response or indicate only partial understanding. Included here are responses referring to consequences in settings other than the court hearing.

Examples: Anything I say could be used against me. Whatever you do say can be presented in court. Whatever I say may be used as proof.

0 point

- A. Response indicating lack of understanding.
- B. Failure to indicate that anything you say either may be used in court or that it may be incriminating to the suspect.

Examples: You'd be held responsible for anything you say. Whatever I say will be supporting something.

3. You have the opportunity to speak to a lawyer or a parent or, in the absence of a parent, an adult relative or, in the absence of a parent or an adult relative, an adult of your own choosing.

2 points

All three should be present for a 2 point answer.

- A. The idea that one has the *choice* to speak to a lawyer or a parent, or an adult relative, or if his or her parent is not available, then another adult of his or her choice.
- B. The idea that the person chosen to speak with must be an adult.
- C. The idea that the person chosen should be preferably a parent or lawyer.

Examples: I can talk to a lawyer or, my mom or dad. If my mom or dad can't be here, I can talk to another adult.

1 point

- A. Responses in which the opportunity to talk to someone is expressed but no mention that this person must be an adult.

Examples: If the police catch you--you don't have to say anything until someone is at your side.

0 point

- A. Response indicating lack of understanding.
- B. Failure to explicitly mention the right or opportunity to speak to a lawyer, their parent or another adult of their choosing.

4. You have the right to give a statement in the presence of your lawyer, or your parents, or an adult relative or another adult of your own choosing.

2 points

Responses which include both of the following:

- A. That you have the choice to give a statement.
- B. You can wait to give your statement when your parent or lawyer (etc.) is present.

Examples: If I want to give a statement to the police, I can wait until my lawyer or parent is with me.

1 point

- A. The idea that you can wait to give your statement when your lawyer, or parent, etc. must be expressed.

Examples: I can give my statement when my parent is present.

0 points

- A. Responses indicating lack of understanding.
- B. Failure to mention that one can wait to give their statement when their parent, or lawyer, etc. is present.

Examples: you can tell things to your lawyer--or another person you choose. A statement is confidential and can't be used against you.

Test of Charter Comprehension

Part 2

The sentences are as follows:

1. You are under no obligation to give an oral or a written statement.
 - a. You should not say anything until the police ask you questions. **(D)**
 - b. You do not have to say anything about what you did. **(S)**

2. Any oral or written statement that you may give may be used as evidence in proceedings against you.
 - a. If you won't talk to the police, then that will be used against you in court. **(D)**
 - b. As long as you are polite to the police, whatever you say will not be used against you in court. **(D)**

3. You have the opportunity to speak to a lawyer or a parent or, in the absence of a parent, an adult relative or, in the absence of a parent or an adult relative, an adult of your own choosing.
 - a. You may choose to speak with anyone you wish (e.g. a friend) to give you advice when you are arrested. **(D)**
 - b. You can speak to a lawyer or a parent or, an adult relative or, or if your parents are not able to be here, then you can choose to talk with another adult. **(S)**

4. You have the right to give a statement in the presence of your lawyer, or your parents, or an adult relative, or another adult of your own choosing.
 - a. You must give a statement to the police officer and only if a lawyer, or your parents, or another adult is present. **(D)**
 - b. If you choose to give a statement, you may give it when your lawyer, or your parents, or another adult of your choosing is with you. **(S)**

Scoring

One point is given for each correct answer for a maximum score of 8.

Test of Charter Comprehension

Part 3

The words and corresponding sentences are as follows:

1. oral The student gave an **oral** presentation in her class.
2. absence In the **absence** of the teacher, the class will be cancelled.
3. statement After his car accident, the driver gave a **statement** to the police.
4. obligation The boy has an **obligation** to follow the rules of the game.
5. evidence The **evidence** against the accused was overwhelming.
6. right You have the **right** to vote.
7. proceedings Following the arrest of the suspect there were **proceedings** against him.
8. presence He enjoyed performing stunts on his skateboard in the **presence** of others.
9. lawyer The **lawyer** left the building.

Scoring

All items will be scored according to the following criteria:

- 2 points: An explanation similar to the given definition.
- 1 point: A partial definition.
- 0 point: Responses indicating lack of understanding; an incorrect definition; or an incorrect synonym.

1. Oral

Definition: Oral; spoken, verbal. *To convey information through a verbal message.*

2 points

Responses should suggest that oral refers to information expressed verbally or spoken information.

Examples: a vocal presentation; spoken; to speak

1 point

Responses suggest that oral refers to vocalization

Examples: out loud

0 point

Responses indicating lack of understanding; an incorrect definition; or an incorrect synonym.

2. absence

Definition: time in which one is away.

2 points

Responses should mention that absence refers to a period of time in which someone is not present; not there, lack of presence.

Examples: not being there; not with you at the time.

0 point

Responses indicating lack of understanding; an incorrect definition; or an incorrect synonym.

3. statement

Definition: A written or oral account of what happened.

2 points

Responses should include the idea that it is a written or an oral report of what occurred or happened.

Examples: He gave what he thought happened or his side of the story--a report.

1 point

A definition of statement as a description with no reference to a particular event.

Examples: a definition; your opinion or viewpoint; you say something or write down something.

0 point

Responses indicating lack of understanding; an incorrect definition; or an incorrect synonym.

4. obligation

Definition: A requirement by law, duty, or a gratitude to do something.

2 points

Responses must clearly indicate why something (the behaviour) is a requirement (i.e., a feeling, conscience, bound by duty or law).

Examples: Obligation; he feels he has to. Obligation; feels compelled to. Feel a need to. Feel compelled. Kind of forced to; your conscience is telling you to. Required by law or duty.

1 point

Examples: Expected. Had to. Necessary. The right thing to do. Forced. Something you're supposed to do. Required; something you should do.

0 point

Examples: Told; asked. Honoured. Felt freely to.

5. evidence

Definition: Something legally presented before a court, as a statement of a witness, an object, etc., which bears on or establishes the point in question.

2 points

Examples: Information that was presented against the person pertaining to the case. The material which works in someone's favour in litigation to prove innocence or guilt. The information found about a person's guilt or innocence.

Note: Responses should mention or clearly imply the court as the context.

1 point

Examples: Something to support something. Something that is used to prove something. The information presented. Proof; the facts. Fact.

0 point

Examples: What was presented to whoever. Physical, verbal, not necessarily actual stuff.

6. right

Definition: That to which a person has a just claim; a power, privilege, etc. that belongs to a person by law, nature or tradition.

2 points

Examples: Like a privilege that you're entitled to. An act which no one can legally prevent you from doing. An inherent privilege. Something you're entitled to.

1 point

Examples: Allowed to. Opportunity. Privilege. A choice. What you're allowed to do.

0 point

Examples: An obligation. The okay. You are able to; something in your favour most of the time.

7. proceedings

Definition: legal action; the taking of legal action (often against a person).

2 points

Responses should express an understanding that the proceedings refers to legal actions taken against someone following an arrest etc.

Examples: actions that the police would take to arrest you or put you in court or jail.

1 point

Responses should refer to either legal action (court, trial) or follow-ups after an occurrence.

Examples: following the original act; court case; trial.

0 point

Responses indicating lack of understanding; an incorrect definition; or an incorrect synonym.

8. presence

Definition: A person that is present; others who are present.

2 points

Responses should refer to *other people* who are present.

Examples: with others around; with an audience; they're there with you.

1 point

Responses refer to being present with no mention of others being present.

Example: being there; when you're there.

0 point

Responses indicating lack of understanding; an incorrect definition; or an incorrect synonym.

9. lawyer

Definition: Someone who is empowered to act for and in the interest of another person in legal proceedings; someone especially trained in law and legal process.

2 points

Responses should mention professional training or background, and one or more duties performed by lawyers (e.g., giving legal advice, representing clients).

Examples: Somebody who is an expert on legal matters; can defend people and can be consulted for legal advice. Somebody with knowledge of law who either defends or prosecutes.

1 point

Examples: A person with knowledge of laws; had schooling in law. Someone that stands up for you in court. Someone with legal education and legal registration. Legal counsel.

0 point

Examples: A person that represents you with whatever you need. Somebody who can help you when you're in need.