

THE ADVICE PARENTS GIVE THEIR CHILDREN DURING POLICE QUESTIONING

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Abstract

Justice systems often assume that the participation of a trusted adult compensates for the developmental differences young people exhibit when understanding and applying their legal rights. We recruited a community sample of parents with children between the ages of 10-18 years to examine the advice they provided in hypothetical police questioning situations. All participants read scenarios where they imagined their child was being questioned by police, then selected the advice they would give their child. Participants were quasi randomly allocated to the Extra Information (EI) condition ($n = 49$) or the Business as Usual (BAU) condition ($n = 56$). Those allocated to the EI group watched a video which told them their child's legal rights, explained these rights to them and explained their role as their child's nominated person. Those allocated to the BAU group watched a video in which they were informed of their child's legal rights. Parents then read more scenarios and asked what advice they would give their child. Pre-video advice was problematic with the optimum legal advice being provided 2.85% of the time, and participants advising their child to remain silent 13.57% of the time. Advice improved post-video in both groups, with the EI group improving slightly more than the BAU group. Overall, post-video advice to 'remain silent' increased significantly, and post-video advice to 'tell the police everything' decreased significantly. However, levels of optimum advice post-video remained low with just over half of participants being unable to provide the optimum legal advice for any of the post-video scenarios. Our results point to gaps in parents' understanding of their children's legal rights. This may prevent children from receiving the full benefit of the extra protections accorded to them by law. Future research should examine parents' advice to their children in actual police interviews to establish the ecological validity of the current study.

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Introduction

In 2018, a 14 year old male (FG) was questioned twice by police on suspicion of his involvement in a series of crimes. In both instances his mother (HG) was his nominated person (New Zealand Police v FG, 2020). A nominated person in New Zealand is usually an adult family member, but can be any adult whose role it is to emotionally support a young person and to ensure they understand their rights when they are questioned by police (Lynch, 2019). In a recent Youth Court judgement, Judge AJ Fitzgerald ruled the content of the interviews and the DNA evidence taken during the interviews inadmissible in court. In doing this he commented that due to HG's lack of understanding of her son's legal rights and the circumstances of the second interview, it was unreasonable to expect that HG would be able to provide her son with emotional support as well as ensuring he understood his legal rights. Judge Fitzgerald noted that HG clearly did not understand her sons legal rights (New Zealand Police v FG, 2020). She is not alone in this position, evidence suggests many adults don't understand their child's legal rights (Woolard et al., 2008). In his written decision, Judge Fitzgerald points out that not only did HG fail to understand her son's rights, but she also advised him against his right to silence (New Zealand Police v FG, 2020). It becomes clear when studying this case that HG did not understand her sons rights and did not perform the role of nominated person adequately.

With these issues in mind, our study looks into the advice parents give their children in police questioning situations. We focus on parents and children as we know that when young people ask for a nominated person, it is a parent they ask for in the vast majority of cases (Broeking, 2009). We explore how we might present parents with their children's legal rights more effectively and investigate whether providing extra information on their role as a nominated person and their children's rights will improve the advice they receive when questioned by police. In FG's case, it is

possible that information delivered in a clear and simple way, incorporating visual presentation and further explanation may have protected FG from self-incrimination and the police from having their evidence ruled inadmissible in court.

Background

In many western countries, when an individual is questioned by police, they are read their legal rights. This act is known by different names in different countries, for example, the Miranda Warning in the United States (Rogers et al., 2010), or the New Zealand Rights Caution - Adults (New Zealand Police, 2011). In New Zealand we have a different version of the rights caution for those 17 years and younger, the New Zealand Rights Caution - Children/Young Persons (New Zealand Police, 2011).

In New Zealand, our rights caution is focused on two key rights; the *right to remain silent* and the *right to a lawyer*. The New Zealand Rights Caution – Adults, states that people who are arrested, detained, or questioned when there is sufficient evidence to charge them with an offence should be advised that they have the *right to remain silent*. They are informed that this means they do not have to make any statement and anything they do say will be recorded and may be given in evidence in court. As well as the right to silence the New Zealand Rights Caution - Adults states that those detained, arrested or questioned have the *right to speak with a lawyer*. They are informed that they are allowed to speak with a lawyer without delay and can speak to a lawyer in private before deciding whether to answer any questions. They are also advised that police have a list of lawyers that they can speak to free of charge (New Zealand Police, 2011).

The New Zealand Rights Caution - Children/Young Persons includes the same rights as the adult version and also includes one extra right, the *right to a nominated person*. A young person (defined as age 17 and younger) has the right to speak with a person nominated by them, without

delay, and in private before deciding whether to make any statement or answer any questions. They have the right to have their nominated person with them while they make any statement or answer any questions (New Zealand Police, 2011). Where possible, the Oranga Tamariki Act, (1989) prefers that a nominated person is a parent or guardian, but where this is not possible the nominated person should be an adult family member, for example a grandparent, uncle/aunt, or adult sibling (Lynch, 2019). In practice, parents are called to be nominated people more often than other relatives or adults (Broeking, 2009).

Why do we have a rights caution?

When a person is questioned by police, there is an imbalance in power that favours the police. Police hold influence over the individual's immediate fate, for example, whether they are arrested and detained or whether they are released with no charge. Police also hold influence over the individual's longer-term fate, for example, the extent of the charges and the evidence that is presented to the court (Cleary, 2010). With this in mind, a rights caution is delivered to ensure that individuals who are questioned by police are informed of and understand their rights. A rights caution provides information as to the possible consequences of a person waiving their legal rights (Rogers et al., 2010). The purpose of this measure is to level the playing field so that both the police and the individual being questioned are aware of and understand what the individual's legal rights are. The intention is that the person being questioned can understand their legal rights to a level where they can make informed decisions, avoid unintended self-incrimination and access legal assistance (Rogers, 2011). Not only does a rights caution protect the individual being questioned, but it is also designed to protect the police by guiding their investigation process and minimising the chance that a defendant's comments/statements could be excluded at trial (New Zealand Law Commission, 1994).

Why do young people have extra legal protections?

There is a wealth of research that suggests young people do not remember and/or fully understand their legal rights. Thomas Grisso (1980) was the first to measure young people's understanding and appreciation of their rights. Grisso created an instrument that assessed understanding across four dimensions; 1) the ability to explain the rights in your own words, 2) the ability to distinguish if the right meant the same thing or something different to another statement, 3) the understanding of how a right may be applied in a legal scenario and 4) the understanding of the vocabulary used in Miranda rights. Grisso found that young people displayed significantly lower understanding of their rights than their adult counterparts and that recall and comprehension increased with age. In recent years researchers have observed similar results in the United States (see Freedman et al., 2014; Rogers et al., 2016) as well as in New Zealand (Gaston, 2017). Gaston (2017) examined young people's ability to recall, understand and apply their rights. Young people exhibited limited recall of their rights along with a superficial understanding of their rights, demonstrated by difficulty applying the rights they did remember in hypothetical police questioning situations. In particular, they found that young people misunderstood the right to silence, often confusing it with a command to be quiet as well as often believing their lawyer would not only help them but would also help the police or the judge (Gaston, 2017). These results suggest young people do not understand their rights to the same level as their adult counterparts and therefore may not get the full benefit of the protections provided to them. This creates a legal problem; we want our citizens to be able to understand their rights and make informed decisions during the legal process but we have a specific group who display less understanding of and ability to apply their rights. In New Zealand, we seek to overcome this issue by giving our young people the right to a nominated person. The inclusion of a nominated person in police questioning is designed to mitigate young people's lack of comprehension of their legal rights (Lynch, 2019).

In addition to the significantly lower recall and understanding of legal rights young people display, they have also been found to weigh risk and reward differently to adults. Young people tend to give value to short term outcomes ahead of long term outcomes (Cauffman & Steinberg, 2000; Scott et al., 1995). If we apply this to a police questioning context, a young person might recognise the risks of talking to police (e.g. an appearance in a youth court, community service) and might recognise the rewards of talking to police (e.g. get through the questioning, get back to their friends). Although the risks and rewards may be equal in value to the young person, they are more likely to talk to police as the rewards are immediate (e.g. get through the questioning, get back to their friends) and the risks are delayed (e.g. an appearance in a youth court, community service). This suggests a nominated person not only needs to attempt to fill the gaps in a young person's understanding of their rights but also needs to assist them in weighing up the risks and benefits of each course of action. Ideally the nominated person would ensure the young person is taking the course of action that is best for them in the long term rather than falling victim to their own development by making decisions based on their immediate interests.

The need for extra safeguards in the legal system for young people is further supported by evidence of young people's tendency to comply with authority figures (Kassin, 2017; Owen-Kostelnik et al., 2006). Drizin and Leo's (2004) study of 125 proven false confessions highlighted the vulnerability of young people to suggestion and/or coercive tactics from law enforcement officers. One third of those who falsely confessed to serious crimes were aged 17 or under. Further, they found that as the age of the confessors got lower, they were more highly represented in the sample, suggesting those 15 years and under are especially vulnerable. The United States Supreme Court has recognized that young people are more vulnerable in this domain and required that "the greatest care must be taken to assure that [a minor's] confession was voluntary in the sense that it was not coerced

or suggested” (Gault, 387 U.S. 1, 55 (1967)). Similarly, New Zealand Law recognised the vulnerability of young people to compliance with authority figures and false confession through introduction of strong protective provisions for young people in the Oranga Tamariki Act (1989). These provisions included the right to a nominated person and a provision that young people must not only be informed of their rights but must also understand them (Lynch, 2019). The provisions quickly resulted in the dismissal of evidence in at least one high profile case where the Judge found the young person did not understand their rights and was not advised of their right to a nominated person (R v Irwin, 1991).

Does the right to a nominated person protect young people?

Parents’ assistance to children in navigating police questioning and court proceedings is an integral tenet to most youth justice systems (Rozzell, 2013; Grisso & Pomicter, 1977), this is no different in New Zealand where the Oranga Tamariki Act (1989), prefers a nominated person is a parent or legal guardian of a young person (Lynch, 2019). This approach assumes that adults, especially parents, are able to make up for young people’s shortfalls in the recall, understanding and application of their legal rights. This would mean that a parent is able to listen to a young person’s legal rights, recall them as needed in a police interview situation and educate/advise their child appropriately as to how and when to apply them. It assumes that parents have a deeper understanding of legal rights and police process but the question remains as to whether or not nominated people actually meet these assumptions and protect young people from their vulnerabilities when involved in the justice system. There is very little research that directly studies the advice nominated people give young people in police questioning situations. However, retrospective interviews with justice involved young people as well as studies on adults understanding of their own legal rights may give us some indication on how adults might fare when acting as nominated people.

Studies that review what children and their parents actually say and do in relation to their child's legal rights suggest that parental involvement in police questioning does not increase the frequency with which young people apply their rights (Broeking, 2009; J. T. Grisso & Pomicter, 1977). Viljoen et al., (2005) give us some indication as to why this might be, while they were specifically interested in what factors predict young people's decision making in legal situations they measured the advice parents gave to their children in actual police questioning situations. The researchers interviewed 152 young people aged 11–17 who were detained in a pretrial detention facility in the state of Washington. They found that of those young people who had their parent's present during their police questioning, 56% were advised to confess by their parents, and 33% were advised to tell the truth. In a more concerning finding, not one of 30 parents who were present during their child's police questioning advised their child to remain silent. Viljoen et al., (2005) suggest this indicates parental presence may not actually be protective. Although they did not discuss the reasons for these findings, other researchers have suggested this type of result may be explained by the dual role parents manage during police questioning. On the one hand, parents may feel responsible for protecting their child from legal consequences, yet on the other hand they may feel they need to teach their child to take responsibility for their actions and or teach them moral values such as truth and honesty (Cavanagh et al., 2020; Cleary & Warner, 2017). It has also been proposed that parents may see it as their role to elicit information from their child in order to help police with their investigation (Cleary, 2014), or to teach their child a lesson (Broeking, 2009). These findings and explanations suggest that parents may not always act in the best interests of their child in police questioning situations. It is possible that a lack of understanding of the child's legal rights and the protection they afford the child may underpin these decisions. This notion is supported by research that measures adults understanding of their own rights. Adult understanding of their own rights was first measured in a classic set of studies by Grisso (1980), as part of this set of studies Grisso measured how well

adults convicted of an offense in the United States understood their legal rights by reading four components of a Miranda Warning aloud and then asking participants to interpret the meaning in their own words. He found that only 42% of adults fully understood their rights.(Fenner et al., 2002) studied comprehension of the rights cautions in England and Wales using a similar approach to Grisso. Participants (police station suspects and job centre attendees) were given a written copy of the caution and had each sentence read out to them one at a time. After each sentence they were asked to explain the meaning of what they just heard. Findings indicated understanding was limited, overall, only 11% of participants were able to demonstrate a full understanding of the cautions meaning. When the understanding of each right was analysed, 77% of participants were able to demonstrate a complete understanding of the right to silence, but only 17% we able to explain how invoking the right to silence might harm their defence. A number of participants believed it would harm their defence as the court would look on them less favourably if they decided to remain silent. This is particularly concerning as it represents the same process that is currently employed in New Zealand when young people are advised of their rights (Lynch, 2019).

In addition to research on adult understanding there is one piece of research that directly compares adult understanding of rights cautions with child understanding. Woolard et al., (2008) used a family dyad approach to measure parent vs. child understanding of the United States Miranda warnings. The authors developed a four component scale measuring comprehension of the right to remain silent, protection against self-incrimination, the right to a lawyer and the right to free legal assistance. Findings indicated that parents scored better than their children in regards to their understanding of rights cautions, however 22.9% of parents still scored in the impaired range on one or more of the four components. Results also identified two distinct groups of dyads by response. One group of dyads included participants who consistently performed well on all items whereas the

second group demonstrated incomplete or incorrect knowledge in one or more of the four components. This second group included more than 50% of participants. The authors concluded that there was a sizable subset of parents who may not have an adequate understanding of police practices and youth rights during police questioning to protect their children's legal interests as the law presumes. It appears from this study and research on adults understanding of their own rights, that some parents do achieve the necessary level of understanding to be able to successfully act as a nominated person in our justice system. However it is also apparent that many parents do not understand their own rights or their child's and would struggle to support their child and assist them in understanding their rights when faced with a police questioning situation. This problem may be magnified when we consider that the parents who do not fully understand rights cautions are also likely have children who exhibit incomplete comprehension.

The current study

With the results discussed above this in mind, the current study provides parents with a short educational video that explains the role of the nominated person in a police questioning situation while at the same time explaining the rights and their importance in more depth. The video is intended to improve parents' understanding of their child's rights to a point where they also advise their child in a legally optimal way. Although this approach has not been studied in the legal rights field, results from other fields such as public health suggest that brief educational videos outperform written and spoken information in increasing our understanding and changing our behaviour, (Armstrong et al., 2011; Tuong et al., 2014). Our video will include both written and spoken information, as well as footage of a child being questioned by police and asserting their right to silence and a lawyer. Video modelling has been found effective in increasing health care behaviours (Tuong et al., 2014) and it is proposed that this effect may generalise to the legal rights field. Our video also attempts to add extra

information by explaining why each right is important, for example, the New Zealand Rights Caution - Children/Young Persons states that,

“Young people have the right to remain silent at any time when they are with the police. If your child has already started telling the police something, they can change their mind and stop talking at any time.” (New Zealand Police, 2011, p. 30)

Our Extra Information video adds explanation to this statement by informing the parent that “Saying nothing can be important whether your child has done anything wrong or not. Speaking to police could get your child into more trouble, regardless of what they did or did not do”. There is extensive evidence for the importance of explanation in learning from research in many fields including science, technology, cognitive psychology and philosophy to name a few (see Fonseca & Chi, 2010; Lombrozo, 2012) and it is anticipated this effect will also generalise to the field of legal rights.

The current study uses a pre/post-test design, participants begin by answering questions about what they would advise their children to do in hypothetical police questioning situations. They will then be quasi-randomly allocated to one of two groups, the Business as Usual group or the Extra Information group. The Business as Usual group (BAU) will watch a video of a person reading them their child’s rights, this represents current police practice in New Zealand. The Extra Information (EI) group will watch a video where they are informed of a young person’s rights as well as having the rights explained in more detail. In addition, they will also have their role as a nominated person explained to them.

Research questions and hypotheses

With the evidence above in mind, the overarching question of the current study asks, can we improve parents' advice to their children in hypothetical police questioning situations? To answer this, we ask three more specific questions:

- 1) How well do parents currently understand their children's legal rights?

We hypothesise that parents' understanding of their children's legal rights will be low, as measured by the accuracy of the advice they give their children in hypothetical police questioning situations at the pre-test stage. This hypothesis is based on evidence suggesting there are significant gaps in adults' understanding of their own legal rights (Fenner et al., 2002; Woolard et al., 2008) and evidence that parents do not always act in the best interests of their child (Viljoen et al., 2005). This question also allows us to establish a baseline for parents' existing knowledge and understanding of their children's legal rights before they received any information.

- 2) Does the frequency with which each response is selected change with information?

This question is somewhat exploratory as we have little evidence on the impact of information on the frequency with which each right is advised. However, based on the evidence above in relation to education we might expect that the provision of information will have some positive effect. We would expect an effect such that those responses that are not legally protective are reduced and those that are legally protective increase.

- 3) Do the BAU and EI videos improve the advice parents give to their children, and is one approach better than the other?

Here we hypothesise that the advice of parents in both conditions will improve simply due to the fact they receive information they did not have pre-video. We hypothesise that our enhanced

presentation of the legal results in the EI condition will improve advice more than the BAU advice due to the beneficial learning effects of explanation (Fonseca & Chi, 2010; Lombrozo, 2012) and video modelling (Tuong et al., 2014).

Method

Design

Our original intention was to utilize a 2 (time: pre-test, post-test) x 2 (condition: extra information, business as usual) repeated mixed measures design to measure any change in advice as a result of our two interventions, either Extra Information (EI) or Business as Usual (BAU). While checking the assumptions for this analysis it was discovered that our data was significantly skewed with very low levels of legally accurate advice. After investigating other possible statistical tests that might allow for this skew and finding no suitable option we decided on a descriptive analysis of the difference between groups at the two times. We utilized paired sample t-tests to measure any change in the average percentage of times participants chose each response between pre- and post-test scenarios.

Participants

Participants were parents ($n = 105$) of children between the ages of 10 and 18 years, who resided in New Zealand (along with their child) at the time of data collection. Participants were quasi-randomly allocated to either the EI condition ($n = 49$) or the BAU condition ($n = 56$), whilst ensuring each condition's age and gender were broadly similar. Parents were predominantly female (90.5%, $n = 95$), with some males (9.5%, $n = 10$), no parents reported identifying as non-binary. The majority of parents reported being in the 40-49 year age group (53.3%, $n = 56$), with most others in the 30-39 year (26.7%, $n = 28$) and the 50-59 year (16.2%, $n = 17$) age groups. Most parents had either one or two children between the ages of 10 and 18 years (87.6%, $n = 92$). Our

Table 1
Participant Demographics

	Extra Information Group		Business as Usual Group	
Parents Age	<i>n</i>	(%)	<i>n</i>	(%)
Under 30	0	(0)	2	(4)
30 to 39	14	(29)	14	(29)
40 to 49	25	(51)	31	(63)
50 to 59	9	(18)	8	(16)
60 or older	1	(2)	1	(2)
Parents Gender				
Female	47	(96)	48	(86)
Male	2	(4)	8	(14)
Education				
No formal Qualification	4	(8)	2	(4)
Secondary Qualification	15	(31)	9	(16)
Tertiary or Vocational	30	(61)	45	(80)
No. of Children (10 - 18 Years)				
1 Child	26	(53)	30	(54)
2 Children	16	(33)	20	(36)
3 Children	6	(12)	4	(7)
4 Children	1	(2)	2	(4)
Age of Child Imagined				
10 Years	3	(6)	7	(13)
11 Years	4	(8)	7	(13)
12 Years	8	(16)	3	(5)
13 Years	5	(10)	9	(16)
14 Years	6	(12)	6	(11)
15 Years	5	(10)	6	(11)
16 Years	4	(8)	10	(18)
17 Years	8	(16)	6	(11)
18 Years	6	(12)	2	(4)
Gender of Child Imagined				
Female	19	(39)	26	(46)
Male	30	(61)	30	(54)

sample was well educated with 71.4% ($n = 75$) reporting a tertiary or vocational qualification.

Table 1. contains more information on the demographics of participants.

Participants were a community sample recruited via social media. The majority of our participants were recruited via Facebook community groups/pages that the main researcher, supervisors, or lab members belonged to. The community pages advertised on were widely spread across the Wellington region including Karori, Tawa, Miramar, Stokes Valley, Lower Hutt, Upper Hutt, and the Kapiti Coast; communities that vary in socio-economic status. We also recruited via social media using a snowballing approach. An advertisement with a link to the online task was shared with the researchers' personal contacts. These contacts were asked if they would like to complete the survey and also asked if they would like to share the advertisement with their own personal contacts (see Appendix I for full social media advertisement text).

Procedure

The online task was delivered using Qualtrics online survey software. Participants entered the survey through the link provided to them in the advertisements. The initial page of the survey provided participants with information on the study. This included the aim of the study, what the study involved (e.g. demographic questions, reading scenarios), what would happen to the information they provided, and their rights as a research participant. Participants then clicked on a 'next' icon which took them to a consent page; this page explained participation in the study was voluntary and participants could stop answering questions at any time by closing the browser window. It explained the responses they gave up until the point they exited the survey may be used if they did not complete the questionnaire. The consent page explained participants had the choice as to whether they provided identifying information or not.

Identifying information (i.e. contact details) were required if the participant wanted to receive Koha (a \$10 voucher in recognition of the time and effort spent completing the task) and/or a summary of the overall results. If the participant did not provide this information, their responses would remain anonymous. If they did provide this information, their identifying information was separated from their responses automatically, effectively keeping their responses anonymous to anyone who viewed the data. Identifying data was deleted as soon as koha and/or summaries were sent out. To give consent, participants checked a box saying, “I consent to taking part in the study and understand the above conditions” and clicked on the ‘next’ icon. Checking the “I do not consent” box meant they exited the study and could not access the task.

Participants were then screened to ensure they met inclusion criteria. They were asked if they had at least one child between the ages of 10-18 years (inclusive). They were asked if both themselves and the child currently resided in New Zealand. If the answer to either of these questions was no, they were advised that “unfortunately our research is focused on those parents who currently reside in New Zealand and have children between 10 and 18 years currently residing in New Zealand”. We then thanked them for their time.

Demographic’s. Participants who met inclusion criteria were then asked some demographic questions. The first of these were the ages and gender identities of themselves and their children aged between 10 and 18 years. Participants were asked their highest education level with three options; No Formal Qualification/s, Secondary School Qualification/s and Tertiary/Vocational Qualification/s. Lastly, they were asked if they had worked in a legal and/or justice setting, for example as a Lawyer, Police Officer, Court Official or in a similar profession.

Quasi-Random Allocation. At this point participants were allocated to one of two conditions – EI or BAU. Descriptive statistics indicated that quasi-random allocation ensured that the age and gender of parents were reasonably equally distributed across the two conditions.

Pre-video Scenarios. Before reading the pre-video scenarios, participants were asked to imagine one of their children (aged 10 to 18) was involved in a scenario where they were being questioned by police, then they were asked to record the age and gender of this child. The ages and genders recorded were relatively evenly distributed.

For example, one pre-video scenario read:

“Your child and some friends are being questioned at the police station. The police tell you that they suspect your child and/or one of their friends have stolen some items from a clothing store. The police officer reads you your child’s rights. You then get the chance to speak to your child alone...”

(See Appendix III for the full list of scenarios).

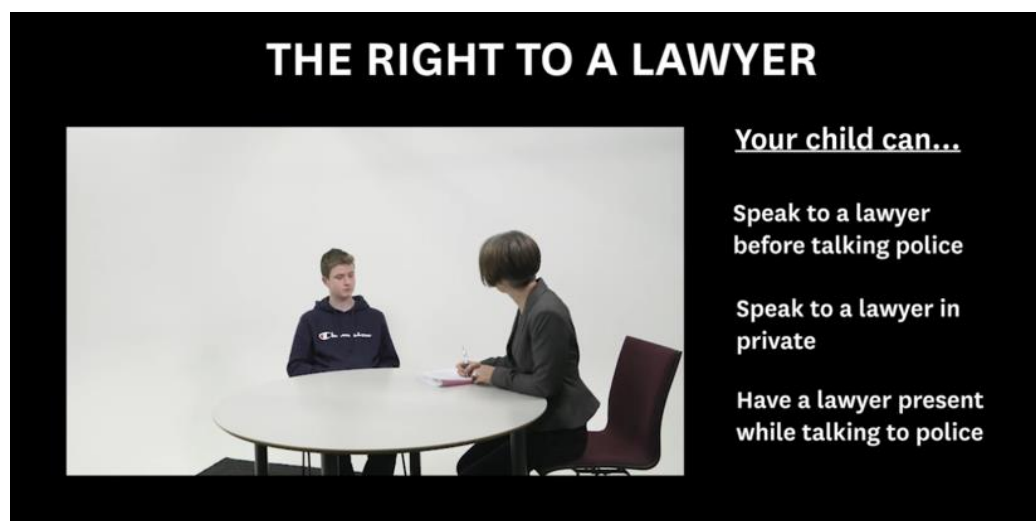
Participants were then asked to select the advice they would give their child from a list of five possible pieces of advice. They could choose as many pieces of advice as they saw fit. The possible pieces of advice were:

- a) tell the police everything they know about what happened.
- b) tell the police they don’t know anything about it.
- c) tell the police they were not the one involved.
- d) tell the police nothing.
- e) tell the police they want to speak to a lawyer.

Video groups. Once the pre-video scenarios were completed, participants watched a video (either EI or BAU video). Both groups of participants were informed they would watch a video that

would give them some important information about their child's legal rights and that this information may help them to give better advice to their child.

EI condition participants watched a video that included footage of a male child during the police questioning process. This included the voice of a narrator explaining what the child's rights were and why these were important. The first scene explained the "right to a nominated person" and why it was important. The second explained the "right to silence" and why this was important. The third explained the "right to a lawyer" and why this was important. Each scene included text that emphasised the key messages participants should take from the video. See the screenshot below for an example of how the video appeared.



The narrator explained the "right to a lawyer" by saying... "Your child has the right to have a lawyer. Your child can speak to a lawyer before they talk to the police and without the police in the room. They can also have a lawyer with them while they are questioned by police." During this narration, a graphic appeared on screen saying "your child has the right to have a lawyer with them during police questioning" to emphasise the key message (see Appendix II for the full EI video script).

BAU condition participants watched a video of a man reading them the New Zealand Rights Caution – Child/Young Persons version. This represents current police practice when a nominated person arrives at a police station to support a young person in a police questioning situation. See below for an example of how the video appeared (see Appendix II for the full BAU video script).



Post-Video Scenarios. Participants were advised that they would be presented with some more scenarios (post-video scenarios) and to imagine the same child they used for the pre-video scenarios was the child in these scenarios. After each scenario they were asked the same questions on the advice they would give and how confident they were in each piece of advice.

Overall, there were 16 scenarios that were organised into two sets of 8 scenarios. At the pre-video scenario stage, the sets were counterbalanced to control for any difference in difficulty or content. For example, at the pre-video scenario stage, 26 participants in the EI group received the first set of scenarios and 23 participants in the EI group received the second set of scenarios. The order the scenarios were presented in was randomised to control for any effect of the order of presentation. The scenarios were equally distributed to each position in the order of presentation.

At the post-video scenario stage, participants read the remaining set of scenarios, with order of presentation randomised and each scenario represented equally in each position. For example, at

the post-video scenario stage, 23 participants in the EI group received the first set of scenarios, and 26 participants in the EI group received the second set of scenarios.

Debriefing. Participants were then advised they had completed the task and were debriefed about the purpose and practical applications of the study. Participants were thanked for their time and effort. Those who wished to leave their contact details in order to receive Koha and/or a summary of the overall results could do so by clicking on a web link to a new Qualtrics document.

Data manipulation.

To analyse what advice parents chose before watching informational videos we counted the number of times (out of 8) during the pre-video scenarios participants chose each of the responses and turned it into a percentage. This individual percentage was then added to the other participants scores and a full sample average was calculated. To employ a more conservative measure we then counted the number of times (out of 8) parents chose the two optimal responses, ‘tell the police nothing’ and ‘tell the police they want to speak to a lawyer’ and did not at the same time select one of the problematic responses and turned it into a percentage. This individual percentage was then added to the other participants scores and a full sample average was calculated. This process was also applied to the post-video scenarios and compared with pre-video percentages to look at how effective each video was at improving the advice parents give to their children and whether one video was more effective than the other. To answer the question as to whether the frequency with which each response is chosen changes with information, we repeated the process of counting the number of times (out of 8) participants chose each of the responses during the post-video scenarios and turned the data into individual and then full sample percentages.

Results

The overarching question of the study asked if it was possible to improve parents' advice to their children in hypothetical police questioning situations. To answer this broad question, the analysis was designed to answer three more specific questions. Firstly, how well do parents currently understand their children's legal rights? Secondly, were there any changes in the rights parents advised their children to apply after information on the rights was provided, and lastly, to what extent did the Business as Usual (BAU) and Extra Information (EI) videos change the advice parents gave to their children and is one approach better than the other?

How well do parents understand their children's legal rights?

This measure was utilised to establish a baseline for parents' existing knowledge and understanding of their children's legal rights before they received any information, this also allowed us to measure any changes in the advice given as a result of the information included in the BAU and EI videos. To do this we analysed the percentage of times participants chose each response available to them, participants could choose any combination of responses they saw fit.

As displayed in Table 2, participants most frequently advised their child to 'tell the police everything' and to 'ask to speak to a lawyer' (just over 50% of the time for both). Parents advised their children to 'tell the police nothing' much less frequently and rarely chose to advise their child to 'tell the police they don't know anything' or 'tell the police they were not involved'. See Table 2. for the percentages.

We then applied a more conservative measure to establish how many participants advised

Table 2.

Pre Video Responses – Percentage of times each response chosen

	<i>Mean (SD)</i>
Tell the police everything	53.45 (41.29)
Tell the police they don't know anything	2.14 (6.12)
Tell the police they were not involved	4.53 (10.27)
Tell the police nothing	13.57 (28.28)
Ask to speak to a lawyer	53.57 (38.71)

their child with the optimal legal advice on all of the pre-video scenarios. To do this we measured the percentage of parents who chose the two optimal responses, 'tell the police nothing' and 'tell the police they want to speak to a lawyer' and did not at the same time select one of the problematic responses for each of the eight pre-video scenarios. The data indicated very few participants (2.85%) chose the optimal response for all eight scenarios, meaning that before any information on their child's legal rights is presented to them, more than 97% of parents would not advise their child to make use of the two key legal protections available to them.

Does the frequency with which each response is selected change with information?

To answer our second question, we used paired samples t-tests to compare the percentage of times each response was chosen after information was provided on the child's rights with the percentage before information was provided.

Compared to pre-video scenarios ($M = 13.57$, $SD = 28.38$), for post-video scenarios ($M = 42.98$, $SD = 47.18$), participants displayed a significant increase in the percentage of times they reported they would advise their children to ‘remain silent’ $t(104) = 8.33$, $p < .001$, $d = .81$. Similarly, compared to pre-video scenarios ($M = 53.57$, $SD = 38.71$), for post-video scenarios ($M = 83.09$, $SD = 32.42$), participants displayed a significant increase in the percentage of times they reported they would advise their children to ‘ask for a lawyer’ $t(104) = 8.75$, $p < .001$, $d = .85$. Compared to pre-video scenarios ($M = 53.45$, $SD = 41.29$), for post-video scenarios ($M = 20.60$, $SD = 35.52$), participants displayed a significant decrease in the percentage of times they reported they would advise their children to ‘tell the police everything’ $t(104) = 9.01$, $p < .001$, $d = .88$.

The percentage of times where parents reported they would advise their child to ‘tell the police they don’t know anything’ for pre-video scenarios ($M = 2.14$, $SD = 6.12$), was not significantly different to the percentage of times they reported this advice in the post-video scenarios ($M = 1.67$, $SD = 4.92$), $t(104) = 0.67$, $p = .51$, $d = .07$. Similarly, the percentage of times where parents reported they would advise their child to ‘tell the police they were not involved’ for pre-video scenarios ($M = 4.53$, $SD = 10.27$), was not significantly different to the percentage of times they reported this advice for post-video scenarios ($M = 4.17$, $SD = 9.12$), $t(104) = 0.38$, $p = .71$, $d = .04$.

Overall, these results suggest that across conditions we observed a reduction in the amount of times parents chose potentially problematic advice such as ‘tell the police everything’ in hypothetical police questioning situations. Our results also indicate there was an increase in parents reporting they would provide legally helpful advice, such as advising their child to ‘remain silent’ and to ‘ask for a lawyer’.

Did the Business as Usual and Extra Information videos change advice?

Our next question was whether or not the BAU and EI videos improved the advice that parents gave their children. Upon examination of the frequency of optimal responding, that is, selecting the two legally protective responses and not selecting any legally problematic responses, we found we did not have a normal distribution, see Figure 1 and Figure 2 below. With this in mind we have opted to analyse our data descriptively.

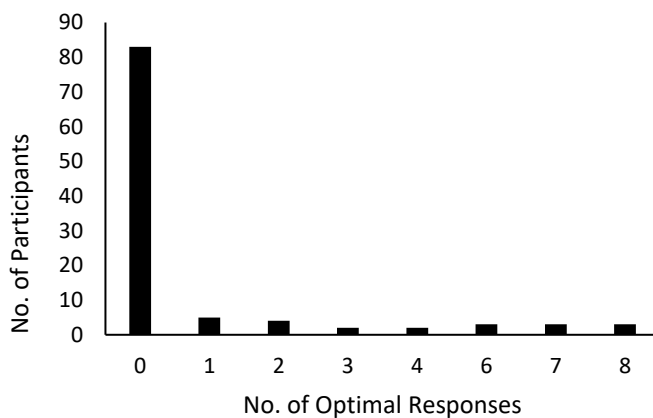


Figure 1. Pre-video distribution of completely correct responses

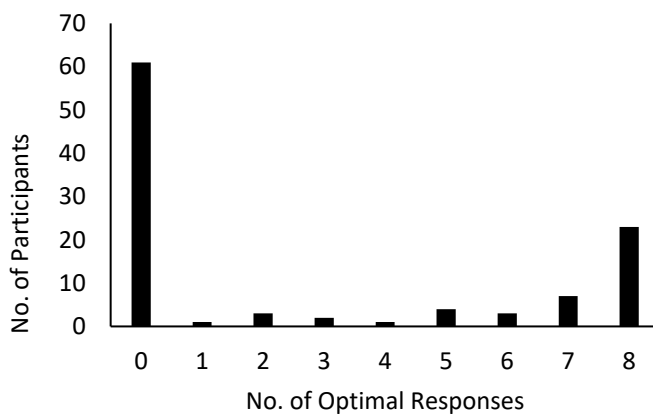


Figure 2. Post-video distribution of completely correct responses

Business as Usual Video

The BAU participants were shown a video of a person reading the New Zealand Rights Caution - Children/Young Persons, as happens in current police questioning situations in New Zealand. Analysis of completely correct responses in the BAU condition revealed that 85.71% of participants did not give their child the optimal legal advice on *any* of the 8 pre-video scenarios. There was an improvement in the BAU groups advice post video, as the percentage of participants who did not give their child the optimal legal advice on *any* of the 8 port-video scenarios dropped to 66.07%. When looking at the percentage of participants who gave the optimal advice on *all* 8 scenarios in the BAU condition we find that 1.79% of participants gave the optimal advice pre-video, and this improved to 17.86% post video.

Extra Information Condition

The EI condition participants were shown a video of a person explaining what their child's rights are in New Zealand, why this is important, and what their role might be if they are asked to be their child's nominated person. Analysis of completely correct responses in the EI condition revealed that 71.43% of participants did not give their child the optimal legal advice on *any* of the 8 pre-video scenarios. There was an improvement in the EI groups advice post video, the percentage of participants who did not give their child the optimal legal advice on *any* of the 8 pre-video scenarios dropped to 48.98%. When looking at the percentage of participants who gave the optimal advice on *all* 8 scenarios in the BAU condition we find that 4.08% of participants gave the optimal advice pre-video, and this improved to 26.53% post video.

Analysis of our data indicates that both the intervention videos reduced the number of participants who gave their child problematic legal advice on every occasion. In addition, both

intervention videos increased the number of parents who gave their child the optimal legal advice on every occasion. However, analysis of our data shows that post-video, the frequency of problematic advice remained high in both conditions (BAU - 66.07%, EI - 48.98%) and the frequency of optimal advice remained low (BAU - 17.86%, EI - 26.53%).

Is the EI approach more effective than the BAU approach?

Analysis of the number of parents that gave problematic advice on all occasions indicates a reduction in the percentage of problematic advice in the BAU group of 19.64% and a reduction of 22.45% in the EI group. Analysis of the number of parents that gave the optimal advice on all occasions shows an increase in the percentage of optimal advice in the BAU group of 16.07% and an increase of 22.45% in the EI group. Although these figures indicate the EI video improved advice slightly more than the BAU video, due to the non-normal distribution of responses we cannot report whether or not these differences were statistically significant.

Mechanism of change

To test for the possibility that change may be due to practice effects rather than the differences in the information and the style of presentation of the two videos we conducted three paired sample t-tests.

The first test looked for any changes during the pre-video scenarios. We compared the levels of optimal advice given for the first pre-video scenario ($M = 0.09$, $SD = 0.28$), with the levels of optimal advice for the last pre-video scenario ($M = 0.17$, $SD = 0.38$). Participants gave their children optimal advice significantly more often for the last pre-video scenario than they did for the first, $t(104) = 2.80$, $p = .006$, indicating some learning during the pre-video scenarios.

The second test looked for any changes in optimal advice between the pre and post-video scenarios. We compared the levels of optimal advice given for the last pre-video scenario ($M = 0.17$, $SD = 0.38$) with the first post-video scenario ($M = 0.33$, $SD = 0.47$). Participants gave their children optimal advice significantly more often for the first post-video scenario than they did for the last pre-video scenario, $t(104) = 3.76$, $p < .000$, indicating the videos influenced responding above and beyond any effect of repeated exposure.

The third test looked for any changes during the post video scenarios. We compared the levels of optimal advice given for the first post-video scenario ($M = 0.33$, $SD = 0.47$) with the last post-video scenario ($M = 0.38$, $SD = 0.49$). There was no significant difference in levels of optimal advice between the first post-video scenario and the last post-video scenario, $t(104) = 1.52$, $p = .132$, suggesting that post-video responding was more stable than pre-video responding.

Discussion

In order to investigate whether we could improve parents' advice to their children in hypothetical police questioning situations we created an online survey whereby parents read eight scenarios (pre-video scenarios) in which they imagined their child was the child being questioned by police. Parents then selected the advice they would give their child from five possibilities; two pieces of advice were congruent with their legal rights; three pieces of advice were incongruent with their legal rights. Parents then watched one of two videos, either the Business as Usual (BAU) video or the Extra Information (EI) video. The BAU video represented current police practice and included a person reading the parents their child's legal rights. The EI video included the child's rights being repeated more than once, extra information on the rights and some context as to their role as the

child's nominated person. Participants then read eight more scenarios (post-video scenarios) and selected the advice they would give their child.

How well do parents currently understand their children's legal rights?

In answering the broader question of whether we could improve parents' advice to their children we began by asking a more specific question, how well do parents understand their children's legal rights before we provide them with any information. This approach allowed us to assess the participants' knowledge and understanding of a young person's legal rights and compare it with other research in this field. It also allowed us to establish a baseline for parents' understanding which allowed us to measure changes in advice after parents watched the videos. Considering previous research into parents' understanding of young people's legal rights (Woolard et al., 2008) we hypothesised that the accuracy of the advice parents gave pre-video would be low. We first analysed the percentage of times that participants chose each of the five possible responses. We found parents advised their child to 'tell the police everything they know about what happened' and to 'tell the police they want to speak to a lawyer' just over 50% of the time, we found parents advised their children to 'tell the police nothing' 13.57% of the time.

Our findings appear to support research suggesting there are substantial gaps in parents understanding of their children's legal rights. For example, in research from the United States, (Viljoen et al., 2005) found 55.66% of parents of defendants aged 11-17 years advised their child to confess to police and none of the parents advised their child to remain silent. Woolard et al., (2008) found that, although parents' understanding of young people's rights were better than their child's, there were still some gaps in their knowledge and understanding. For example, they found 23% of

parents fell into the clinically impaired range on at least one measure of comprehension of legal rights.

Although we did not measure the frequency with which participants advised their child to ‘tell the police everything they know’ *and* ‘tell the police they want to speak to a lawyer’, the fact that parents in our current study chose these pieces of advice just over 50% of the time each indicates that some parents may inadvertently undermine their own advice to ask for a lawyer by advising their child to tell police everything. These contradictory statements imply that participating parents did not understand the role of a lawyer as being someone who would help their child decide what to say and not to say, based on their best legal interests. Further to this, if we take the 13.57% of parents that advised their child to remain silent away from the 53.57% who advised their child to ask for a lawyer, at best we have 40% of parents advising their child to ask for a lawyer but not advising their child of their other key right, the right to silence. In a more concerning finding, 86.43% of the time parents did not advise their child to utilise both of their key rights (the right to silence and a lawyer). This appears to display a pattern of parents giving sub-optimal advice to their children. This pattern is concerning as it points to a lack of knowledge or understanding of young people’s legal rights in our community, remembering these are the same adults who are most likely to be called to be a nominated person and therefore mitigate the developmental difficulties young people display in remembering, understanding, and applying their legal rights.

Does the frequency with which each response is selected change with information?

To measure whether there were changes in which pieces of advice parents gave after they watched either of the videos we compared the percentage of times they advised each right pre-video with the percentage of times they advised each right post-video. As we could not find any research

that measures the change in parents' advice after they have received more information, this question was exploratory. We found that after information on the rights of the young person was presented to parents there was a significant decrease in the percentage of times they advised their child to 'tell the police everything they know about what happened.' We also found significant increases in the percentage of times parents advised their children to remain silent and the percentage of times parents advised their children to ask for a lawyer.

These findings suggest that providing information may decrease the number of parents undermining their own advice or not advising both of their child's key legal protections. Although these results indicate significant positive changes in the types of advice parents gave their children they need to be interpreted with caution. When we break down the post-video advice, we find that parents are still advising their child to 'tell the police everything they know about what happened' 20% of the time and are advising their child to 'tell the police nothing' only 43% of the time. On the other hand, parents are advising their child to ask for a lawyer 83% of the time, a much more acceptable level.

It is apparent there is a disparity between the parents advising the right to silence and advising the right to a lawyer. This disparity has also been found in previous research. Grisso & Ring (1979) studied parents attitudes towards their children's rights and found moderate to strongly negative attitudes towards young people exercising their right to silence yet a positive attitude towards a young person exercising their right to legal counsel.

Our findings, however, do not fit with previous research that found considerably higher levels of parental understanding of the right to silence. For example, Cleary & Warner (2017) found that 77.2% of parents understood the young person's right to silence when they were arrested by the

police. This is much higher than our study, where parents advised their child of the right to silence only 14% of the time pre-video and 43% of the time post-video. There is however field based research that supports our findings, one study found 55% of parents who were present while their adolescent child was being questioned wanted their child to confess and 33% wanted them to tell the truth. No defendants reported their parents wanted them to remain silent (Viljoen et al., 2005). It may be that by asking our participants to apply their understanding through hypothetical advice we have tapped into some underlying beliefs, such as believing that a police questioning situation is an opportunity to teach their child to tell the truth (Cavanagh et al., 2020; Cleary & Warner, 2017) or believing it is their role to elicit information from their child in order to help police with their investigation (Cleary, 2014). This may have resulted in our findings being influenced by the same bias that is observed in field studies but not observed when researchers measure knowledge and understanding outside of a police questioning context.

Did each of our videos improve the advice parents gave their children?

Our third question was whether the BAU and the EI videos improved the advice parents gave their children. The BAU video was designed to represent what happens in New Zealand when a parent is asked to be a nominated person for their child. When the nominated person arrives at the police station the child's legal rights are read to the parents and they are asked if they understand them. We hypothesised the BAU group would show improvement post-video. We found 85% of the BAU group did not give the optimal advice for any of the pre-video scenarios, this percentage dropped to 66% post-video. Only 2% of participants gave optimal advice on all 8 scenarios pre-video, and this improved to 18% post video.

The EI video was designed to provide more information, to repeat important information and to provide this information in a way that research has shown to be more beneficial to learning (Fonseca & Chi, 2010; Lombrozo, 2012; Tuong et al., 2014). For example, the information was presented verbally while at the same time text appeared on the screen which reinforced the main points. In addition to this, a video of a parent, child, police officer and lawyer acting out the key points was played in the background. With this research in mind we hypothesised that the EI group would show improvement post-video. We found 71% of the EI group did not give the optimal advice for any of the pre-video scenarios, this percentage dropped to 49% post-video. Only 4% of participants gave optimal advice on all 8 scenarios pre-video, and this improved to 27% post video.

These results indicate that both the BAU and the EI approach to providing information is beneficial to parents' understanding of their young person's rights and therefore the advice they provide. Both approaches to presenting the rights caution information are likely to result in better parental advice than not presenting the rights caution at all. However, the low levels of optimal advice being consistently delivered suggests young people may not be getting the most out of the protection that the right to a nominated person is intended to provide.

Was the Extra Information approach more effective than the Business as Usual approach?

Our last question was whether or not the EI video was more effective than the BAU video. We had hypothesised the EI video would improve advice above and beyond any improvement in advice observed as a result of the BAU video. Our analysis found slightly lower levels of problematic advice in the EI group than in the BAU group, and we also observed slightly more optimal advice in the EI group as compared to the BAU group. Due to the non-normal distribution of our data, we were unable to say whether these differences were statistically significant.

Our results indicate that presenting the information contained in the New Zealand Rights Caution – Children’s/Young Person’s to nominated people in a way that is known to be beneficial to learning and with extra information on the role of a nominated person is likely to improve the advice nominated people give to young people who have become involved in the justice system. Although we did see greater improvement in advice in the EI group, when compared to the BAU group, the level of improvement was small, and the overall level of optimal advice was low. This suggests that, although parent’s knowledge and understanding of their child’s rights is an important aspect of the advice they give in police questioning situations, it might not be the only variable driving high levels of legally problematic advice. As discussed earlier, prior research has identified attitudes towards the justice system, inaccurate beliefs about the justice system and personal values as factors that may also influence the advice nominated people give their young person in police questioning situations (Cavanagh et al., 2020; Cleary & Warner, 2017; Cleary, 2014).

Mechanisms of change

To check that any change in responding occurred as a result of the intervention videos rather than an effect of repeated questioning we conducted three paired sample t-tests. These tests revealed a significant difference in the advice given between the first and last pre-video scenarios. We interpret this as an effect of repeated information on advice. It is possible that participants became more conservative in the advice they gave as they considered the possible outcomes of their advice and the possible seriousness of the situation their child was hypothetically involved in. This suggests that repeating information on legal rights for parents in police questioning situations is likely to be an effective strategy in helping them consider the consequences of the advice they give. After repeated consideration of young people’s rights, and why they may be important, nominated people may well take a more conservative approach to advising their child. Secondly, we found a significant change

in advice between the last pre-video scenario and the first post-video scenario. We interpret this as being due to the effect of the videos. This change implies that presenting nominated people a young person's rights in either format improves the advice they give their young person above and beyond any changes that were due to the repeated questioning. Lastly, we tested for changes in advice between the first and last post video scenario. We did not find any significant differences, suggesting that most learning had been done by this point and participants were unlikely to change their advice due to further repetition of questioning. It is suggested that this finding represents an increase in the confidence parents have in their advice post information and therefore may imply they are more likely to deliver this advice consistently. Further, research suggests that people who are more confident in the information they deliver are more likely to influence the decisions of those they impart the information to (Vulllioud et al., 2017). Considering the low levels of accurate advice observed in this study, it appears it is even more important that nominated people's understanding of young people's legal rights is improved as providing information on legal rights may increase parents confidence in the advice they give and therefore the frequency with which it is taken up.

Limitations and future research

Completing our study using an online questionnaire gave us the opportunity to step carefully into a new area of research. This approach allowed us control over variables and provided a cornerstone to build on in future research. Saying this, our sample was highly educated and therefore also likely to be of a higher socioeconomic status, and of European descent (Marie et al., 2014). It is likely that Māori and Pasifika, who are represented more highly in youth justice populations (Lynch, 2019) are not represented at this same rate in our sample. To increase our confidence in the patterns and effects we observed it would be useful to mirror the ethnic diversity of youth justice involved parents in a follow up study. The hypothetical nature of our research also meant the advice parents

gave lacked meaningful consequences. In real police questioning situations, the consequences of parents providing problematic advice is likely to increase the pressure they experience and we do not know the extent to which this influences the advice parents give. Further, police questioning situations are likely intimidating for parents although this may well not be the police officer's intention. Being called to the police station, officers in uniform and interview rooms with recording devices may be quite an intimidating environment for a parent. We do not currently know the effect environmental stress has on the advice parents give their children, however when we look at research into the effect of situational stress on legal rights comprehension we find that a mild increase in situational stress can result in decreased recall of legal rights and a significant increase in poor legal reasoning (Rogers et al., 2011). With this research in mind, we might expect the process of police questioning to influence the decisions parents' make. They may advise their child to speak to police more, and advise their child to ask for a lawyer less, when met with a more stressful questioning environment.

To address these limitations, future research might focus on ecological validity. Firstly, this research could be replicated with those who have been involved in our youth justice system. It is likely that using this approach would overcome the likely inflated education levels and socio-economic status of our participants. Further, this approach may resolve the likely differences in ethnicity between our sample and a youth justice involved sample. Secondly, our study could be replicated in real police questioning situations, for example, those parents whose children are being questioned could be split into two groups and provided with the BAU and EI videos, the advice they then give to their child could be monitored via video and analysed. It is likely this approach would overcome ethnic, educational and socio-economic differences while at the same time addressing the effect of a lack of meaningful consequence and situational stress.

Another area that future research might explore is a community education approach. As previously discussed, police questioning environments can be intimidating and stressful and might affect parents' ability to remember and understand their child's rights (Rogers et al., 2011). To navigate this issue a preventative approach, where parents in the community receive classroom style legal rights education before it's needed in a police questioning situation, might improve parents' understanding of a young person's legal rights. The pre/post-test method employed in this study, could be used to test whether preventative education elicits greater improvement in advice than the current studies extra information video approach. Varying the amount of time between the education session and the post-test would also assess the effectiveness of this approach across time.

Conclusion

Our study's key question was whether or not we could improve the understanding of the New Zealand Rights Caution – Children's/Young Person's version, such that the extra understanding improved the advice parents gave their children in hypothetical police questioning situations. It appears from our analysis that our new approach, including repetition and extra contextual information improved the advice parents gave to their children. However, we found the levels of legally optimal advice were still very low overall, especially around the right to silence. Patterns of responding emerged, suggesting parents may be undermining the advice they provide their child to get a lawyer by the frequency with which they advised their child to 'tell the police everything' or did not advising their child to remain silent. These patterns suggest young people may not be getting the full protection of their legal rights. This appears problematic as young people exhibit developmental differences which mean they often understand their rights at lower rates than adults. The right to a nominated person for young people in New Zealand is designed to ameliorate these developmental differences. It assumes that nominated people can make up for these differences. Our findings however indicate that

adults can also have difficulty understanding a young person's legal rights. They may therefore struggle to advise them in the best possible way. This suggests the way our nominated people are advised of their young people's rights needs further work, as it is unlikely our young people are currently receiving the full benefit of the extra protections accorded to them by law.

Returning to the case of FG, he did not receive the benefit of a nominated person who both understood his rights and advised him as the law intended. Following on from this, he incriminated himself, and the police had their evidence ruled inadmissible in court. Our findings suggest that improvement in nominated people's understanding and advice in relation to their young person's legal rights is possible. In FG's case, a nominated person who understood their role, understood his legal rights and advised him accordingly, may well have protected him from self-incrimination and protected the police from having evidence ruled inadmissible in court. Likely resulting in a more accurate, just and reliable legal process.

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Appendix I

Social Media Advertisement Text

PARTICIPATE – LEGAL RIGHTS STUDY

We are a team of researchers from the School of Psychology at Victoria University. We are looking for parents/caregivers of young people aged 10 to 18 years, to participate in a research project. This project looks at the advice parents give young people on their legal rights when questioned by the police.

Victoria University of Wellington Human Ethics Committee Application No. 28587.

For more information and to participate click on the link below:

https://vuw.qualtrics.com/jfe/form/SV_0eTJPb7jJfGjT8N

Appendix II

Video scripts

Extra Information group video script

Introduction

Written “Shortly, you will be asked some more questions about the advice you would give your child in police questioning situations. Before you do this you will watch a video that will give you some important information about young people’s legal rights. This information may help you give better advice to your child.”

Narrator “Your child has three important rights that you need to be aware of if they are questioned by the police. The right to a nominated person, the right to silence and the right to a lawyer.”

The right to a nominated person

Narrator “Young people have the right to have a nominated person help them when they are being questioned by police. A nominated person can be any adult; such as a parent, caregiver, teacher, or sports coach. If your child asks you to be their nominated person, they are allowed to speak to you in private *before* talking to the police. Your child can also have their nominated person with them *while* they talk to police.

“If your child asks you to be their nominated person it is your job to help them make good decisions. This may include helping them understand what may come of the decisions they make. You might have to explain to your child why it is a good idea to remain silent and to ask to speak with a lawyer. You can tell them what you think the best thing to do is, but what they decide to do is their choice.”

“Your job is also to support your child. This means you may need to encourage and reassure your child if they decide not to answer police questions and ask to talk to a lawyer.”

The right to remain silent

Narrator “Young people have the right to remain silent at any time when they are with the police. If your child has already started telling the police something, they can change their mind and stop talking at any time.”

“Saying nothing can be important whether your child has done anything wrong or not. Speaking to police could get your child into more trouble, regardless of what they did or did not do”

The right to a lawyer

Narrator “Your child has the right to have a lawyer. Your child can speak to a lawyer *before* they talk to the police and without the police in the room. They can also have a lawyer with them *while* they are questioned by police.””

“A lawyer is the best person to help your child decide whether they should talk to the police or not.”

“Having a lawyer may be important whether they have done anything wrong or not”.

Business as Usual group video script

Written “Shortly, you will be asked some more questions about the advice you would give your child in police questioning situations. Before you do this you will watch a video

that will give you some important information about young people's legal rights. This information may help you give better advice to your child."

Narrator "Your child has the following rights... They have the right to remain silent. They do not have to make any statement or answer any questions. If your child agrees to making a statement and/or answering any questions they can change their mind and stop at any time. Anything they say will be recorded and may be given in evidence in court – this means if they are taken to court for an offence, what they say to police may be retold to the judge or jury. Your child has the right to speak with a lawyer without delay and in private before deciding whether to make any statement or answer any questions. They have the right to have their lawyer and/or nominated person with them while they make any statement or answer any questions. Police have a list of lawyers your child may speak to for free."

Appendix III

Scenarios – Full text

Each question will involve a scenario, five possible pieces of advice, a rating of the participants confidence in their advice. The wording of the scenarios below may change slightly during the creation of the online task. Only those pieces of advice that are selected will be presented for confidence rating. Scenario 1.1 is displayed in full below...

Scenario 1.1

Your child and some friends are being questioned at the police station. The police tell you that they suspect your child and/or one of their friends have stolen some items from a clothing store. The police officer reads you your child's rights. You then get the chance to speak to your child alone...

What would you advise your child to do? (Choose as many options as you see fit)

- a) Tell the police everything they know about what happened
- b) Tell the police they don't know anything about it
- c) Tell the police that they were not the one involved
- d) Tell the police nothing
- e) Tell the police they want to speak to a lawyer

You chose the following advice, how confident are you in this advice?

Advice	Very Unsure	Unsure	Confident	Very Confident
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Tell the police everything they know about what happened				
Tell the police they don't know anything about it				
Tell the police that they were not the one involved				
Tell the police nothing				
Tell the police they want to speak to a lawyer				

The other scenarios follow below, in the interests of being concise I have only listed the scenario, all scenarios will be followed by the same advice choices and confidence rating as presented for Scenario 1.1.

Scenario 1.2

Your child and their friend have been taken to the police station on suspicion that they stole a carton of cigarettes from a delivery van that was parked outside a dairy. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 1.3

Your child is at the police station. The police tell you that they suspect your child set a fire that ended up spreading to a neighbour's shed. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 1.4

You arrive at the police station because your child and some of their teammates are being questioned by police. The police officer tells you that drugs were found on your child while at sports practice. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 1.5

Your child is at the police station. Police tell you they suspect your child has taken a significant amount of money from a store near your house. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 1.6

Your child is at the police station, police tell you that your child was found with a group of friends who were selling drugs to other teenagers. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 1.7

Your child and some friends are at the police station. The police tell you that they suspect your child and/or one of their friends lit a fire that damaged the back entrance to a local business. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 1.8

Your child is at the police station. Police tell you they suspect your child has taken a significant amount of money from a store near your house. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 2.1

Your child is at the police station for questioning. A police officer tells you that your neighbour has alleged that your child stole their i-Pad while it was left unattended in the neighbour's back yard. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 2.2

Your child and some friends are being questioned at the local police station. The police tell you that it has been alleged that your child and/or one of their friends have stolen a pair of sunglasses from a shop in the local mall. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 2.3

Your child and their friend have been taken to the police station after police found them walking away from a crashed car. Your child's friend is being questioned in a separate room. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 2.4

You arrive at the police station as your child is being questioned on suspicion of damaging cars and property while walking around the streets with friends. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 2.5

You arrive at the police station; your child and their friend are being questioned on suspicion of damaging cars and property while walking around local streets. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 2.6

You get called to the police station. Your child is in an interview room. They have been accused of stealing an expensive ring from a Jewellery store. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 2.7

You arrive at the police station and are told by a police officer that it is suspected that your child has been drinking and has caused an accident in which another driver was injured. The police officer reads you your child's legal rights. You then get the chance to speak to your child alone...

Scenario 2.8

Police suspect your child damaged property while wandering the streets with two friends. When you arrive at the police station the police officer reads you your child's legal rights. You then get the chance to speak to your child alone