

Young People's Comprehension of the Rights Caution in New Zealand

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## Abstract

In New Zealand we have a child/youth, and an adult version of the Rights Caution, which are the rights read to an individual when they are arrested, detained, or questioned by police. The child/youth version was created with the developmental needs of young people in mind, however, it remains unclear whether it is assisting young people to better understand their rights. No research has been completed in New Zealand looking at young people's comprehension of the Rights Caution, however, international research has shown that 1) the majority of individuals under 15 years old have limited rights comprehension, and 2) adapted versions of rights do not increase young people's understanding. In consideration of these findings, the current research aimed to answer three key questions: 1) Do young people in New Zealand understand the Rights Caution, 2) what level of understanding do they have, and does this change with age, and 3) is the child/youth version of the Rights Caution helping to increase young people's level of understanding of their rights, compared to the adult version? Participants were recruited from two Wellington region schools ( $N=101$ ). They were interviewed using *The New Zealand Rights Caution Competency Questionnaire*, which was designed for this study, to assess young people's understanding of the New Zealand Rights Caution. Participants were divided into either a 10-to-13-year-old age group ( $n=58$ ), or a 14-to-16-year-old age group ( $n=43$ ), and were randomly selected to be interviewed using either the child/youth, or adult version of the Rights Caution. It was found that participants had limited understanding of the Rights Caution, exhibiting more basic understanding, compared to in depth knowledge around the application of the rights. Level of understanding was not affected by participant's age; the older participants knew as little as the younger ones did. Furthermore, it was found that the child/youth version of the Rights Caution did not assist participants in their understanding, and actually contained language that participants found more difficult to understand. These findings suggest that the New Zealand Rights Caution may not be effective in providing young people with the legal protection that it is intended to, and the processes around its use with New Zealand youth may need to be revised.



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## **Young People's Comprehension of the Rights Caution in New Zealand**

### **Introduction**

In a society governed by law and order there is an underlying and ongoing conflict: The importance of protecting the individual from wrongful incrimination, and the importance of protecting society from dangerous individuals (New Zealand Law Commission, 1994). Through our media, we are often shown exemplary police men and women working to bring individuals who break the law to justice. However, we are less frequently shown more morally challenging examples, where the role and obligations of the police are less clear. One example of such a situation is where an individual has an increased need for legal protection due to vulnerabilities, such as being young, but they also potentially pose a threat to society because of their antisocial behaviour (Doob & Tonry, 2004; Henning, 2012; Klinger, 2007; New Zealand Law Commission, 1994).

Internationally, and in New Zealand, legal rights have been developed to guide the police and protect the individual during the processes involved in the interrogation and arrest of suspects in, and witnesses to, a crime (Cleary, 2010; New Zealand Law Commission, 1994). Developmental changes in how well young people understand the protection afforded them by these rights in interrogation situations is the focus of this research. There is some variation between countries and jurisdictions, but in general people are afforded two key rights in order to protect themselves during police interrogation: The right to remain silent, and the right to speak with a lawyer (Cornell University Law School, n.d.; Legal Aid Western Australia, 2014; New Zealand Police, 2011; Queensland Government, 2016).

Rules outlining police processes for questioning, arresting or detaining individuals are intended to protect people from incriminating themselves, and from situations where they might feel intimidated or coerced by police (Cornell University Law School, n.d.; Dixon & Cowdery, 2013; Grisso, 1998; New Zealand Law Commission, 1994). They also provide police

with clear limitations around how they can obtain evidence, and arrest or detain someone. This is intended to minimise occurrences of misconduct, and ensure the evidence obtained is effective and admissible in court (Cornell University Law School, n.d.; Hughes, Bain, Gilchrist, & Boyle, 2013; New Zealand Law Commission, 1994).

In recent years, however, instances of young people experiencing miscarriages of justice due to them not understanding their rights, have come to the attention of the government and public alike. One poignant example of this is the widely publicised New Zealand case, where a 17-year-old boy, Teina Pora, confessed to being involved in the murder and rape of a woman in 1992. After 20 years of imprisonment, it was ruled that Teina had falsely confessed to his involvement, following which, he received a government apology and compensation for his wrongful incrimination. Details of Teina's interrogation showed that he had been questioned for an extended period of time with no lawyer present, during which he felt coerced into providing the police with false information regarding the crime (Taylor, 2016). Such examples highlight the shortcomings of interrogation processes, and the need to address the flaws in the system that allowed these miscarriages to occur (Doob & Tonry, 2004; Henning, 2012).

### **Why it is Important that Young People are Protected by Legal Rights**

Although adolescent crime is extremely common, it is generally relatively minor, and is often associated with young people attempting to act in an adult way. For example, teenagers drinking alcohol before they are legally old enough to do so (Bryan-Hancock & Casey, 2010; Cauffman, Steinberg, & Piquero, 2005; Moffitt, Caspi, Harrington, & Milne, 2002). The high levels of crime in adolescence tends to peak around 17 to 18 years old and then steadily begins to decrease in people's 20s. This decrease is thought to reflect young people's increasing levels of psychological and social maturity which tends to occur at this time also (Bryan-Hancock & Casey, 2010; Cauffman et al., 2005; Moffitt et al., 2002). Meta-analytic research has

highlighted the negative long-term outcomes associated with incarceration, such as increased recidivism and antisocial behaviour (Lipsey & Cullen, 2007). In consideration of the high rate of crimes committed by adolescents, the New Zealand youth justice system has developed multiple ways of reducing the likelihood of young people serving prison sentences to try and protect young people from these negative long-term outcomes (Lynch, 2008).

However, even with these processes in place, young people are still frequently encountering police. Therefore, it is important that they understand and utilize the protection of legal rights in these situations. This is why the child and youth version (hereinafter called the youth version) of the Rights Caution was developed in New Zealand (Goodwin, 2009; Lynch, 2008; Morris, 2004; New Zealand Law Commission, 1994). However, the effectiveness of youth versions of rights are not always clear, with some international research showing that youth versions are in fact more difficult than adult versions for young people to understand (Eastwood, Snook, & Luther, 2015; Freedman, Eastwood, Snook, & Luther, 2014; Redlich & Bonventre, 2015). For all people, but particularly young people, there are several reasons why legal rights may fall short of effectively protecting them in interrogation situations (Cleary, 2010; Feld, 2013; King, 2006).

### **Are Young People Able to Understand and Exercise Their Rights**

International research, conducted mainly in America, the United Kingdom, Australia, and Canada, has looked at young people's comprehension of their legal rights (Clare, Gudjonsson, & Harari, 1998; Goodwin, 2009; Grisso, 1980; Kidd & Sullivan, 2014), and their overall ability to engage with legal processes (Driver & Brank, 2009; Ficke, Hart, & Deardorff, 2006; Goldstein, Condie, Kalbeitzer, Osman, & Geier, 2003). These studies have used a variety of tools, have looked at rights comprehension across varying age groups (Crawford & Bull, 2006; Ficke et al., 2006; Kelley, 2014; Thomsen, 2006), and populations, such as the general

population (Clare et al., 1998), and groups of individuals involved in the justice system (Cleary, 2010; Colwell et al., 2005; Rogers, Sharf, et al., 2016).

A large portion of research around young people's rights comprehension has been conducted in America with researchers such as Thomas Grisso completing some of the earliest research in this area (Grisso, 1998). Grisso's *Instruments for Assessing Understanding and Appreciation of Miranda Rights* assesses an individual's Miranda Rights comprehension across four different dimensions: 1) Ability to explain the rights meaning in an individual's own words; 2) ability to discern whether a right means the same thing, or is different from something else; 3) understanding of how a right would be applied in a legal scenario; and 4) understanding of the vocabulary used in the Miranda Rights (Grisso, 1980, 1998). In his early research, Grisso's main finding was that participants younger than 15 years old consistently performed more poorly than adults in their comprehension of the Miranda Rights across all four dimensions (Grisso, 1980, 1998).

The findings of Grisso's research have been replicated numerous times in more recent years (Cooke & Philip, 1998; Crawford & Bull, 2006; Goldstein et al., 2003; Goodwin, 2009; Viljoen, Klaver, & Roesch, 2005; Viljoen, Zapf, & Roesch, 2007). For example, Viljoen, Klaver and Roesch (2005) used Grisso's instrument to assess Miranda Rights comprehension in 152, 11-to-17-year-old juvenile offenders. Again, they found that individuals under the age of 15 had poorer comprehension of their rights compared to those over the age of 15. Additionally, of their participants, only 8% of the 11-14 year olds asserted their right to silence, none of them had asked for a lawyer during their questioning, and 67% of participants across all age groups had confessed during police questioning (Viljoen et al., 2005).

Overall results from research in this area have been largely consistent: 1) Within the general population, understanding of legal rights is typically low, and it's even lower for individuals involved in the justice system (Clare et al., 1998; Ficke et al., 2006; Rogers, Sharf,



et al., 2016); 2) there is a clear influence of age in addition to this overall low level of understanding, with those under the age of 15 consistently understanding less of their rights compared to those over 15 (Crawford & Bull, 2006; Ficke et al., 2006; Kelley, 2014; Thomsen, 2006); and 3) modified versions of rights do not assist young people to understand their rights (Eastwood et al., 2015; Redlich & Bonventre, 2015). To date research in New Zealand has only focused on people experiencing issues comprehending their rights due to mental illness or neurological impairment (Klinger, 2007). Some New Zealand research has been completed looking at youth rights within a broad context, but there has been no research completed looking specifically at young people's comprehension of the New Zealand Rights Caution (Klinger, 2007; Lynch, 2008; Morris, 2004; Watt, 2003).

Although the current research base makes it clear that young people have limited comprehension of their legal rights, it is important for research to gain further insight around the extent of their understanding, and whether there is indeed an age where a shift in their understanding takes place (Cleary, 2010). This is particularly important for New Zealand as we currently do not have any information regarding young people's understanding of the Rights Caution. If, as international research suggests, there is a marked difference in understanding between individuals under and over the age of 15, this would be useful information for informing our current youth justice practices (Cleary, 2010). For this reason, investigating young people's level of understanding of the Rights Caution in New Zealand, and any age based differences in this, is the first aim of the present research.

### **Young People's Difficulty Understanding Legal Rights**

Developmental changes in young people's language, psychological, and social abilities are associated with them having low levels of understanding of legal rights (Bryan-Hancock & Casey, 2010; Cauffman & Steinberg, 2000; Colwell et al., 2005; Iselin, DeCoster, & Salekin, 2009; LaVigne & Rybroek, 2013; McLachlan, Roesch, & Douglas, 2011; Rost & McGregor,

2012; Snow & Powell, 2012; Snow & Powell, 2007). One of the clearest examples of when legal rights fail to protect young individuals, is when they do not understand the terminology used in the rights, and therefore do not understand the protection that they can provide (Crawford & Bull, 2006; Saywitz, Jaenicke, & Camparo, 1990; Warren-Leubecker, Tate, Hinton, & Ozbek, 1989).

For example, although everyone has the right to a lawyer, some young people may not know what a lawyer is, or believe that the role of a lawyer is to help the police (Crawford & Bull, 2006; Goldstein, Zeele, & Grisso, 2014). As was found by Saywitz et al. (1990) young people at all ages often believed that they knew what a term meant, but had mistaken it for another that sounds similar. Also, when a term had more than one meaning, often young children explained the meaning of that term in its non-legal context, for example, explaining court with reference to a basketball court rather than a court room (Saywitz et al., 1990).

Potentially exacerbating this issue is the way legal rights are presented (Hughes et al., 2013; Rogers, Steadham, et al., 2016). Young people differ in their ability to understand legal terminology dependent on whether it is read to them or shown to them in written form (Hughes et al., 2013; Rogers, Steadham, et al., 2016). On average, young people can recall more information about legal rights when they are shown them in written form, compared to when they are read to them. For example, in a sample of 60 participants only 5% of individuals who were verbally read the Scottish police caution could fully explain its meaning, compared to 40% who were read and shown a written version of the caution (Hughes et al., 2013). In the present research we aim to investigate whether the language used in the New Zealand Rights Caution is understood by young people, and whether their level of understanding of the terminology has any impact on their comprehension of the meaning, and intended purpose of each of the rights contained in the Rights Caution.

### **Young People's Difficulty Incorporating Legal Rights into Decision-Making**

Another issue related to the legal protection of young people, is their limited ability to incorporate their rights into their decision-making (Goodwin, 2009; Reppucci & Fried, 2001). To benefit from the protections offered by legal rights young people must not only be able to understand the language and content of them, but they must also be able to effectively apply them (Grisso, 1980, 1998). Young people's poor decision-making abilities have been shown to stem from developmental issues such as poor impulse control, and limited understanding of the consequences of certain actions, particularly if there are no immediate negative penalties. Adolescents also tend to possess lower levels of personal responsibility, often finding it difficult to understand the point of view of others, which is an important ability in situations such as receiving legal advice (Cauffman et al., 2007; Cauffman & Steinberg, 2000; Colwell et al., 2005; Iselin et al., 2009; Reppucci & Fried, 2001).

The implications of young people's immature decision making skills in relation to their rights is that, even if a young person does understand their rights, they may fail to utilise this information when making decisions (Goodwin, 2009; Reppucci & Fried, 2001). For example, even if a young person understood they have the right to remain silent, due to their immaturity, they may not accept their responsibility in a situation, and therefore waive this right as they don't think it's necessary (Bryan-Hancock & Casey, 2010; Colwell et al., 2005; Kelley, 2014; Malloy, Shulman, & Cauffman, 2014; Reppucci & Fried, 2001).

Another impediment in young people's ability to exercise their rights in an interrogation situation is the power imbalance present between a young suspect or witness, and an adult in a position of authority, such as a police officer. Even if a young person understands their rights, and makes the decision that they want to exercise them, they may still not do this due to the amount of pressure and intimidation that they experience because of this power imbalance (Feld, 2013; Goodwin, 2009; Kassin et al., 2010; Malloy et al., 2014; McLachlan et al., 2011; McMullen, 2005).

Interrogation techniques used by police are often focused on eliciting a confession (Feld, 2013; Grisso, 1998; Kassin et al., 2010; King, 2006; McMullen, 2005). For example, police will often minimise or maximise the seriousness of a situation, making a suspect feel that everything will be alright if they confess, or that because of the amount of evidence that they have against them, they have no choice but to confess (Feld, 2013; Kassin et al., 2010; McMullen, 2005). These techniques are both examples of ways in which police may coerce or intimidate a suspect into waiving their rights and talking. Research has shown that young people are particularly susceptible to such techniques (Goodwin-De Faria & Marinos, 2012; Grisso, 1998; Kassin et al., 2010; King, 2006; Malloy et al., 2014; McMullen, 2005).

Malloy et al. (2014) interviewed 193 14-to-17-year-old males who were incarcerated for serious crimes in America. One third of the participants claimed that they made false confessions at the time of their interrogation because they felt as though they were under a huge amount of pressure to do so. Similarly, Goodwin (2009) interviewed 50 juvenile offenders about their understanding of their rights and their experience of power imbalance in legal processes. They found that while age and understanding played a role in the likelihood of young individuals exercising their rights in an interrogation situation, a much stronger predictor was the amount of perceived lack of power that the young individuals experienced (Goodwin, 2009).

For the above reasons, it is important to research not only young people's understanding of their rights, but also their ability to exercise these rights. It may be that even when young people have a good understanding of their rights, specific concessions may need to be made for the fact that young people tend not to exercise their rights because of factors such as immature decision-making abilities (Bryan-Hancock & Casey, 2010; Cauffman et al., 2005), and influence from authority figures (Feld, 2013; Goodwin, 2009; Kassin et al., 2010; Malloy et al., 2014; McLachlan et al., 2011; McMullen, 2005). The current research assesses young

people's ability to apply their understanding of the Rights Caution in legal scenarios that require them to make decisions about the best possible outcome for a fictitious character.

### **The New Zealand Rights Caution and Youth Specific Modifications**

The New Zealand Rights Caution explains the process and rules for questioning, arresting and detaining individuals in New Zealand, and it is taken from sections of legislation such as the Bill of Rights 1990, the Crimes Act 1961, and the Judge's Rules (New Zealand Law Commission, 1994). There are currently two versions of the Rights Caution in New Zealand, an adult and a youth version. The youth version of the Rights Caution contains additional protective rights, it gives more information around the meaning of each of the rights, and the possible implications of not exercising them. No research has been completed looking at the effectiveness of the youth version of the New Zealand Rights Caution.

This is of concern, as international research has found that modifications intended to simplify rights for young people can in fact have the opposite effect (Eastwood et al., 2015; Redlich & Bonventre, 2015). For example, Eastwood et al. (2015) found that, on average, the 31 variations of the Canadian youth waiver forms were longer than the 75 word limit recommended for accurate working memory processing, and were written using language with a high reading grade level (Eastwood et al., 2015). When 32 high school students were asked if they could explain the meaning of one of the youth forms, the students were only able to accurately explain approximately 40% of the information contained in the waiver form (Eastwood et al., 2015).

In general, the rights afforded to an individual when being questioned by police are similar across many Western countries with just a few variations, however, in the following paragraphs, we will discuss the New Zealand Rights Caution specifically (Cornell University Law School, n.d.; Legal Aid Western Australia, 2014; New Zealand Law Commission, 1994; New Zealand Police, 2011; Queensland Government, 2016). The first right in both the youth

and adult versions of the Rights Caution is an individual's right to know what the police wish to talk to them about, and/or why they have been detained or arrested. This right is intended to ensure that individuals understand what they are being questioned about, or detained/arrested for, so that they can make an informed decision about whether a lawyer is needed, and/or whether they want to exercise their right to silence (New Zealand Law Commission, 1994; New Zealand Police, 2011).

Following this, in the youth version only, individuals are informed that they are required to disclose their name and address, which clarifies the fact that this information is exempt from the right to silence (New Zealand Law Commission, 1994). Also in the youth version is information about the right to leave when being questioned, if the individual is not detained or arrested. This is intended to ensure that a suspect is not feeling coerced into talking to the police (New Zealand Law Commission, 1994; New Zealand Police, 2011). Next in both the adult and youth versions of the Rights Caution is the right to silence, one of the most important protective rights in the interrogation process (New Zealand Law Commission, 1994; New Zealand Police, 2011). The right to silence means that when questioned by a police officer, an individual may choose not to make any statements or answer any of the officer's questions. This protects individuals from self-incrimination, and situations where an individual may feel intimidated into disclosing information (New Zealand Law Commission, 1994; New Zealand Police, 2011).

Both the adult and youth versions of the Rights Caution then explain that anything an individual says will be recorded and may be given as evidence in court, with the youth version further explaining that this means it may be given to the judge and jury (New Zealand Police, 2011). This is intended to explain the implications of not exercising the right to silence, and ensure that any information disclosed to police is done so voluntarily (New Zealand Law Commission, 1994; New Zealand Police, 2011). Both the adult and youth versions next explain

an individual's right to privately speak with a lawyer. The right to speak with a lawyer provides individuals with assistance and advice about how to best answer questions in a non-incriminating manner, how to plead, if appropriate, and it is intended to lessen the disadvantaged position of the detained or arrested suspect, in comparison to the police (New Zealand Law Commission, 1994).

The youth version of the Rights Caution also contains information about young people's right to contact a nominated person, such as a parent or guardian, and explains that they can have them and/or their lawyer present while they answer police questions (New Zealand Law Commission, 1994; New Zealand Police, 2011). This right is an acknowledgement of young people's additional disadvantage due to their developmental stage, in that they may be at a greater risk of a miscarriage of justice (New Zealand Law Commission, 1994; New Zealand Police, 2011; Woolard, Cleary, Harvell, & Chen, 2008). Finally, both the youth and adult versions of the Rights Caution explain that an individual may request that the police provide them with the contact information of free lawyers, to ensure that all people have access to the same legal protections, regardless of their ability to pay for legal assistance (New Zealand Law Commission, 1994; New Zealand Police, 2011).

Police are required to read a suspect or witness their rights as soon as practicable, and are required to ascertain whether the individual understands their rights, before they ask them any questions (New Zealand Law Commission, 1994). It is common practice to use the question "do you understand?" as a measure of comprehension, however, the New Zealand youth version of the Rights Caution has an additional comprehension check of asking young people to explain the meaning of each right in their own words (New Zealand Police, 2011). Although this additional comprehension check is an improvement on just asking young people if they understand their rights, there are still potential issues with this method. For example, young people in general, but particularly young offenders, often have limited language abilities,

making it difficult for them to not only understand what is being said, but also to explain their understanding of it (Snow & Powell, 2012; Snow & Powell, 2007).

The protection of vulnerable young people is dependent on the youth versions of legal rights assisting them to understand their rights, and police being able to ascertain whether they do in fact understand them. Therefore, it is important that we have research assessing the effectiveness of youth rights adaptations, and the techniques used to test young people's comprehension of legal rights (Freedman et al., 2014). The current research aims to assess whether the youth version of the Rights Caution assists young people to better understand and apply their rights in legal scenarios, compared to the adult version. It also aims to assess whether the process of asking young people to reword the Rights Caution in their own words is effective in helping to ascertain young people's level of understanding.

### **The Current Research**

Whilst the findings of the current research base highlight some possible concerns with using the Rights Caution with younger individuals, international research may not be able to be generalised to a New Zealand population. The most obvious restriction for this being that this research is conducted using versions of legal rights that are different from the New Zealand Rights Caution, based on different laws, within different populations. This could influence our ability to generalise results because of differences in legal processes, the language used, and other cultural differences (Rost & McGregor, 2012).

Additionally, many of these studies were completed using samples of young offenders potentially making their results invalid for generalisation to a non-offender population (Colwell et al., 2005; Driver & Brank, 2009; Ficke et al., 2006). It is important to establish levels of understanding within the general population, as the Rights Caution is intended to protect all individuals in interrogation situations, and the current research base indicates that both offender, and general populations have low understanding of their rights (Ficke et al., 2006;



Hughes et al., 2013; Kidd & Sullivan, 2014; Rogers, Sharf, et al., 2016). It is also important to establish population norms, so that specific cohorts of the population can be compared against these to determine any differences. This could identify groups of individuals who may be particularly vulnerable and need additional steps to assist in protecting their rights (Rogers, Sharf, et al., 2016).

Based on the extant research base, three key questions stand out as necessary to research within a New Zealand sample: 1) Do young people in New Zealand understand the New Zealand Rights Caution; 2) what level of understanding do they have, and does this change with age; and 3) is our youth version of the New Zealand Rights Caution helping to increase young people's level of understanding of their rights, compared to the adult's version? To address these questions, the current research investigated young people's understanding of the New Zealand Rights Caution across six different domains: Young people's prior knowledge, understanding of specific terms, ability to recall information contained in the rights, ability to describe the meaning of the rights in their own words, ability to differentiate the meaning of the rights from sentences with a different meaning, and young people's ability to apply the rights in legal scenarios. Whether using the youth or adult version of the Rights Caution had any influence on young people's level of understanding was also explored.

We hypothesised that, overall, participants would have incomplete understanding of the Rights Caution, and younger children would understand less of the Rights Caution in comparison to the older children. We also hypothesised that there would be certain terms contained within the Rights Caution that participants would not understand, which would influence their overall understanding of the Rights Caution. Furthermore, it was hypothesised that participants would show greater basic understanding of the rights, compared with deeper understanding around the application of the Rights Caution in legal scenarios. Finally, it was hypothesised that the use of the youth version of the Rights Caution would not increase

participant's understanding, or application of their rights, nor would it assist in ascertaining young people's level of understanding.

## Method

### Design

The study used a 2 x 2 factorial design, with two age groups (younger and older) of participants being interviewed with either the youth or adult version of the New Zealand Rights Caution.

### Participants

Participants were two groups of younger (10-13 years,  $M = 11.75$ ,  $SD = 0.63$ ,  $n = 58$ ) and older (14-16 years,  $M = 14.70$ ,  $SD = 0.71$ ,  $n = 43$ ) youth drawn from the general community. Participants were recruited from an intermediate school (decile rating 7) and a high school (decile rating 1) in the Wellington region. We obtained consent from 104 students: One participant was excluded because they were the only 17 year old in the study, another because they had a limited understanding of English, and another because they identified as having a learning disability. Table 1 shows the demographics for each age group. Females represented 57% of the younger group ( $n = 33$ ), and 53% of the older group ( $n = 23$ ).

In the younger age group, most participants identified as New Zealand European, followed by Pasifika, and then New Zealand Māori. However, around 29% of participants did not disclose their ethnicity in the younger age group. In the older age group, most participants identified as Pasifika, followed by New Zealand European, and then New Zealand Māori. Again, approximately 33% did not disclose their ethnicity in the older age group. The fact that a large percentage of participants did not disclose their ethnicity in both age groups meant that an exact calculation and comparison of the ethnic composition of age groups was not able to be made. However, it appears that the distribution of ethnicity across the two age groups is not equal.

Table 1.

*Participant demographics*

Demographic	Young Age Group	%	Older Age Group	%
	10-13 Years		14-16 Years	
	( <i>n</i> = 58)		( <i>n</i> = 43)	
Gender				
Male	( <i>n</i> = 25)	43	( <i>n</i> = 20)	47
Female	( <i>n</i> = 33)	57	( <i>n</i> = 23)	54
Ethnicity				
New Zealand European	( <i>n</i> = 26)	45	( <i>n</i> = 6)	14
New Zealand Māori	( <i>n</i> = 3)	5	( <i>n</i> = 3)	7
Pasifika	( <i>n</i> = 8)	14	( <i>n</i> = 18)	42
Other	( <i>n</i> = 4)	7	( <i>n</i> = 2)	5
Not Disclosed	( <i>n</i> = 16)	29	( <i>n</i> = 14)	33

**Independent Variables**

Participant's age was the first independent variable, with the study being designed to assess if there were any differences in Rights Caution comprehension between the 10-to-13-year-old age group, and the 14-to-16-year-old age group. The second independent variable was the version of the Rights Caution used during the interview; the adult or the youth version.

**Dependent Variables**

The dependent variables were participant's scores on each of the sections of *The New Zealand Rights Caution Competency Questionnaire* (NZRC-CQ). The NZRC-CQ was designed for this study to assess young people's understanding of the New Zealand Rights Caution. It was adapted, to suit New Zealand context, from *The MacArthur Competence Assessment Tool - Criminal Adjudication* and *The Miranda Rights Comprehension Instruments* which are both established tools used in America to assess understanding of legal processes, and Miranda Rights comprehension respectively (Goldstein et al., 2014; Grisso, 1998). The

NZRC-CQ assesses young people's understanding of the Rights Caution through six different domains: Prior knowledge, vocabulary, cued recall, comprehension, recognition, and application of the New Zealand Rights Caution. Each of the sections of the NZRC-CQ are described in detail below. The complete list of questions, response forms, and scoring criteria are contained in appendices A, B and C (only the youth version questions, and response forms, are included, as these cover everything in the adult version also).

Inter-rater reliability was assessed for the NZRC-CQ by comparing two independent coders' scores. Approximately 37% of the interviews ( $n = 37$ ) were coded, and Cohen's Kappa was used to determine the level of agreement between the coding. There was a very high overall level of agreement between the coders' judgements,  $\kappa = .82$ , 95% CI [.79, .85],  $p < .001$ . The Inter-rater reliability for each of the sections were  $\kappa = .80$ , 95% CI [.74, .86],  $p < .001$  for the vocabulary section;  $\kappa = .78$ , 95% CI [.72, .84],  $p < .001$  for the comprehension section; and  $\kappa = .84$ , 95% CI [.80, .88],  $p < .001$  for the application section. Inter-rater reliability was not assessed for the prior knowledge, cued recall or recognition sections, as these sections did not depend on a coder's assessment of an answer. These sections were given a score based on the number of concepts known, or recalled, in the free and cued recall sections, and the number of correct matches achieved by participants in the recognition section.

### **Prior Knowledge**

Participants were first asked to describe what they knew of the New Zealand Rights Caution, and where they had learnt this information. This was intended to measure participant's average base level of knowledge about their rights. If participants responded with "I don't know," they were prompted to "give it their best guess." If participants were able to give some information, this was followed up with the question: "Can you tell me where you learnt that from?" The prior knowledge section was scored by how many of the eleven components contained in the youth version of the Rights Caution the individual could recall. For example,

1 point was given if the participant knew about the right to silence, another if they knew that they can contact their parents or a lawyer immediately. Participants could score a maximum of 11 points. The number of components contained in the youth version was used for scoring as this is the version of the Rights Caution that all the participants would be read by police, as they are below 17 years of age.

### **Vocabulary**

The vocabulary section of the NZRC-CQ tested participant's knowledge of 9 or 15 key words contained in the adult and youth versions of the rights, respectively. The vocabulary section was administered at the start of the interview to assess vocabulary knowledge prior to exposure to the terms in the later sections of the questionnaire. Each term was read and shown to participants in written form, and they were then asked to explain what each word meant in their own words. If participants gave the response "I don't know," they were prompted to "give it their best guess." Additionally, if participants gave a response that did not seem related to the meaning of the word, or conveyed some, but not complete understanding, the interviewer asked the participant to explain this further. The vocabulary test was intended to identify words that participants did not fully understand, which might cause comprehension issues in the later sections. Responses were scored as either 0 (*incorrect or no understanding*), 1 (*partial understanding*), or 2 (*accurate understanding*). Maximum scores were 18 and 30 for the adult and youth versions respectively. Examples of participant's actual responses with their corresponding scores are given in Table 2.

Table 2.

*NZRC-CQ Vocabulary section scoring examples with score given in parentheses*

Word	Verbatim Response	Score
Arrested	“When you do something wrong, the police put you in handcuffs and take you away”	0 1 (2)
Detained	“Detained is something you conceal, like hidden in a suitcase”	(0) 1 2

### **Cued Recall**

In the cued recall section of the NZRC-CQ, participants were read either the youth or adult version of the Rights Caution. They were then asked to recall as much information about it as they could in any order. This was intended to measure participant's ability to hold the information contained in the Rights Caution in their working memory, and whether the different versions have any effect on this. If participants gave the response “I don't know,” they were prompted to “give it their best guess.” The cued recall section is scored in the same manner as the prior knowledge section, by how many of the components of the Rights Caution each participant could remember. Participants were scored out of either 11 if they were read the youth version, or 9 if they were read the adult one, as the youth version contains more information than the adult version.

### **Comprehension**

The comprehension section of the NZRC-CQ assessed the participant's understanding of the Rights Caution. This was done by reading each component of the Rights Caution to the participant, whilst also showing it to them in written form. The participant was then asked to explain in their own words what they thought that component of the Rights Caution meant. If participants gave the response “I don't know,” they were prompted to “give it their best guess.” Additionally, if participants gave a response that did not seem related to the meaning of the

right, or conveyed some, but not complete understanding, the interviewer asked the participant to explain this further. This part of the NZRC-CQ follows the requirements of the youth version of the New Zealand Rights Caution, which states that police officers should, after they read each component of the Rights Caution, ask the young person to explain it back to them in their own words. Responses were scored as either 0 (*no or incorrect comprehension*), 1 (*partial comprehension*), or 2 (*accurate comprehension*). Maximum scores were 16 and 24 for the adult and youth versions respectively. Examples of participant's actual responses in the comprehension section are displayed in Table 3.

Table 3.

*NZRC-CQ Comprehension section scoring examples with score given in parentheses*

Portion of Rights Caution	Verbatim Response	Score
“Anything you say will be recorded and may be given in evidence in court - this means if you are taken to court for a crime, what you say to me may be retold to the judge or jury”	“They will record what you say and give it to the judge” Prompt: “Do you think you could try and explain that to me in different words?” “No, I don't know”	0 (1) 2
“You are not obliged to accompany me, and if you consent, you can withdraw that consent at any time”	“I think consent means approval, so maybe you don't get to choose?”	(0) 1 2

## Recognition

The recognition section of the NZRC-CQ again assessed participant's understanding of each of the rights contained in the Rights Caution. However, it did not rely on participant's ability to articulate their understanding in their own words. Each component of the Rights Caution was read and shown to the participant along with three other sentences that either have the same meaning as the right, or a different meaning from the right. If participants gave the

response “I don’t know,” they were prompted to “give it their best guess.” The participant only needed to say whether they believe the sentence to be the same or different from the right, therefore navigating any verbal barriers around articulating their understanding. Each recognition question was scored out of three based on how many comparisons participants got correct, with a maximum score of 21 and 15 for the youth and adult versions respectively.

### **Application**

The application section of the NZRC-CQ was designed to assess participant’s ability to apply the intended protection of each of the rights in a legal context. Participants were shown illustrations depicting four different scenarios (appendix D), and what was happening in each illustration was briefly explained to them. Participants were then asked four questions regarding each scenario. If participants gave the response “I don’t know,” they were prompted to “give it their best guess.” Additionally, if participants gave a response that did not seem related to the question, or conveyed some, but not complete understanding of the question, the interviewer asked the participant to explain this further.

Questions were designed to assess participant’s understanding of the adversarial nature of police interrogation, the application of the right to silence, and their understanding of the advocacy role of lawyers. The questions were also designed to assess participant’s ability to transfer their understanding of the rights across different situations. Responses were scored as either 0 (*incorrect or no understanding/application*), 1 (*some understanding/application*), or 2 (*accurate understanding/application*). The maximum score for the application section was 32. This was the same for both the adult and youth versions as the application section did not assess understanding of individual components of the rights (of which there are different numbers of in the adult and youth versions), it assessed participant’s broader understanding of the key rights in different contexts. Examples of participant’s actual responses in the application section are displayed in Table 4.



Table 4.

*NZRC-CQ application section scoring examples with score given in parentheses*

Application Question	Verbatim Response	Score
“If Kiri decides that she doesn’t want to talk to the police, what are some of the things that the police officer might do?”	“Get her a lawyer”	0 1 (2)
“What is the main job of Stephen’s lawyer in the court?”	“Tell the judge and jury what he's done, that he's stolen clothes”	(0) 1 2

### **Total New Zealand Rights Caution Competency Questionnaire**

The participant’s total scores were calculated by aggregating their scores on each of the sections of the NZRC-CQ. This score was used as an overall measure of participant’s understanding of the New Zealand Rights Caution. Participants could receive a maximum score of 129 if they were interviewed using the youth version, and a maximum score of 101 if they were interviewed with the adult version.

### **Procedure**

Participants were recruited through phone calls to schools in the wider Wellington area. Schools that were interested were given information pamphlets about the research (appendix E). Interviews were completed at the schools during class time, and were held in quiet, well-lit, private rooms. Participants were randomly assigned to be interviewed using either the adult or youth version of the Rights Caution. In the group of participants used for analysis, 50 were interviewed using the youth version, and 51 using the adult version. Interviews took between 21.39 – 71.37 minutes, with an average interview time of 37.11 ( $SD = 8.71$ ) minutes. The length of the interviews differed dependent on the version of the Rights Caution used  $t(99) = 6.92, p$

$< .001$ . When interviewed using the youth version of the Rights Caution, interviews took between 22.29 – 71.37 minutes, with an average time of 42.21 ( $SD = 8.31$ ) minutes. When interviewed using the adult version of the Rights Caution, interviews took between 21.39 – 48.29 minutes, with an average time of 32.01 ( $SD = 5.58$ ) minutes. Interviews were audio recorded, and participant's responses were also written on response forms.

Consent was obtained from participants, and their guardians for those under the age of 16, through an information and consent pamphlet (appendix F). Verbal consent from each participant was also obtained before the beginning of each interview. Ethics approval was given by the School of Psychology Ethics Committee under delegated authority of Victoria University of Wellington. Interviewers were trained by the primary interviewer, and all interviewers had previous training and experience in clinical interviewing. The rationale and purpose behind each section of the questionnaire, and the coding scheme, was explained to each interviewer.

Interviewers familiarised themselves with the NZRC-CQ questions before listening to four interviews, whilst writing down the participant's answers and scoring them. The primary and trainee interviewers then discussed any discrepancies between the original scores and the trainee's scores, with the primary interviewer clarifying any scoring rules that influenced these. The trainee interviewer then scored four more interviews and the reliability of these was examined using Cohen's Kappa. It was required that this be above .80, representing good agreement, before any actual interviews took place. The trainee interviewer then observed two interviews led by the primary interviewer, and led two interviews with the primary interviewer observing and recording responses. The interviews were then discussed with feedback given around any areas for improvement. The primary interviewer also listened to the audio recordings of five of the trainee interviewer's interviews to check for consistency.

Following the completion of the interviews at each school, participants were given a debriefing pamphlet containing further information about the background and purpose of the study (appendix G). Participants were also given a movie voucher as recognition of their time, and contribution to the research. The researchers also provided the school's faculty with morning tea to show appreciation for their assistance, and arranged to present the findings of the research to the school, upon completion.

### **Analysis**

A multiple analysis of variance (MANOVA) was conducted to look at the effects of age, version, and their interaction for participants' scores in the prior knowledge, vocabulary, cued recall, comprehension, recognition, and application sections of the NZRC-CQ. An analysis of variance (ANOVA) was used for participants' total NZRC-CQ score as it was too highly correlated with the other scores to be included in the MANOVA (Field, 2013; Laerd Statistics, 2016). In the MANOVA, a significant difference in participants' scores in the prior knowledge section was found  $F(1, 97) = 5.10, p = .03$ , partial  $\eta^2 = .05$ . By chance, the participants assigned to be interviewed using the adult version of the Rights Caution had slightly more prior knowledge about their rights than those assigned to be interviewed using the youth version.

The marginal means for participants' scores in the youth version group were 5% ( $SE = 1\%$ ) and 8% ( $SE = 1\%$ ) for the adult version. There was a statistically significant mean difference of 3%, 95% CI [0.55% – 5%],  $p = .03$ . Due to this finding, a multiple analysis of covariance (MANCOVA), and an analysis of covariance (ANCOVA) was run to analyse differences for the remaining sections, and the total score of the NZRC-CQ, controlling for the difference in participants' prior knowledge. Individual questions contained within each of the sections of the NZRC-CQ were also analysed. The frequencies of each score for these are given, along with the average score, and specific types of errors that participants made.

### **Data Preparation and Assumptions**

Due to the difference in maximum scores that could be obtained by participants who were interviewed using the adult or youth version of the Rights Caution, scores for all sections were calculated as percentages so that they could be compared to each other. However, for the MANCOVA and ANCOVA analyses, these percentages were transformed to arsine scores so that the data was normally distributed. For ease of interpretation however, the data displayed in tables is presented in percentages (Winer, Brown, & Michels, 1971).

Data was entered into IBM SPSS statistics version 23 to perform all analyses. The data was assessed as suitable for MANCOVA and ANCOVA analysis following the testing of the required assumptions (Field, 2013; Laerd Statistics, 2016). There were, however, some assumption violations, which are described below: 1) Despite the arsine transformation, normality was violated for some of the NZRC-CQ section scores. However, as MANCOVA and ANCOVA are robust to deviations from normality with respect to type I error, it was deemed that this was an acceptable violation (Field, 2013; Laerd Statistics, 2016; Schmider, Ziegler, Danay, Beyer, & Bühner, 2010); 2) outliers in the data were identified using box plots, and these were rounded to the nearest data point, with either .5 added or subtracted dependent on where the outliers were originally placed (Field, 2013); 3) sample size was assessed as adequate to perform MANCOVA and ANCOVA analyses, however, a sample of 180 participants would have been required for there to be .80 power for the four group design of this study (Cohen, 1992; Laerd Statistics, 2016); 4) the assumption of homogeneity of covariance matrices was violated, as assessed by Box's M test ( $p < .001$ ). However, as there was close to equal sample size in each cell of the design this was deemed acceptable, and Pillai's trace was used to interpret the findings of the MANCOVA analysis, as this is a more powerful test against this violation (Field, 2013; Laerd Statistics, 2016).

## Results

The findings for the interaction of the two dependent variables, age and version of the Rights Caution, are reported, followed by any main effects for age and version separately. Following this, the findings for each of the individual questions contained within each section of the NZRC-CQ are reported.

### Interaction of Version and Age on Total Scores

Table 5 displays the mean total scores for the younger and older participants who were interviewed using the youth and adult versions of the Rights Caution, for each of the sections, and for the total score of the NZRC-CQ. MANCOVA was conducted to determine the presence of any interaction effects for age and version. There were no significant interaction effects for the age of the participants, and version of the Rights Caution, on the combined dependent variables (excluding total NZRC-CQ score)  $V = .03$ ,  $F(5, 92) = .55$ ,  $p = .74$ , partial  $\eta^2 = .03$ . ANCOVA was conducted to determine any interaction effects of age and version for the total NZRC-CQ score. There was no statistically significant interaction effect for version and age on the total NZRC-CQ score  $F(1, 96) = 1.25$ ,  $p = .27$ , partial  $\eta^2 = .01$ . These findings show that younger and older participants performed at comparable levels irrespective of whether they were interviewed using the adult or the youth version of the Rights Caution, in all sections, and overall on the NZRC-CQ.

Table 5.

*Mean scores for interaction of version of the Rights Caution and participant's age for each section, and total NZRC-CQ scores*

NZRC-CQ Section	Age	Version	<i>M</i> % Score	95% CI
Vocabulary	Younger	Youth	61	55 – 67
		Adult	76	71 – 82
	Older	Youth	72	66 – 79
		Adult	79	72 – 85
Cued Recall	Younger	Youth	36	31 – 41
		Adult	38	33 – 43
	Older	Youth	40	34 – 45
		Adult	36	30 – 42
Comprehension	Younger	Youth	66	60 – 72
		Adult	73	67 – 79
	Older	Youth	72	65 – 79
		Adult	71	63 – 78
Recognition	Younger	Youth	80	74 – 85
		Adult	81	76 – 87
	Older	Youth	82	76 – 89
		Adult	82	76 – 89
Application	Younger	Youth	58	53 – 64
		Adult	55	50 – 61
	Older	Youth	65	59 – 72
		Adult	60	53 – 66
NZRC-CQ Total	Younger	Youth	58	54 – 61
		Adult	59	55 – 63
	Older	Youth	64	59 – 68
		Adult	60	56 – 65

### Age Total Scores

Table 6 displays the mean total scores for participants in the younger and older age groups, for each section, and for the total score on the NZRC-CQ. MANCOVA was conducted to determine the presence of any main effects for age. There was not a statistically significant effect of participant's age on the combined dependent variables (excluding total NZRC-CQ score),  $V = .09$ ,  $F(5, 92) = 1.71$ ,  $p = .14$ , partial  $\eta^2 = .09$ . ANCOVA was conducted to determine any main effect of age for the total NZRC-CQ score. Again, there was no statistically significant effect of participant's age on the total NZRC-CQ score  $F(1, 96) = 2.70$ ,  $p = .10$ , partial  $\eta^2 = .03$ . These findings show that across age groups there was no difference in level of understanding, in the vocabulary, cued recall, comprehension, recognition, application sections, or for the total NZRC-CQ score. The older participants knew as much or as little as the younger ones did.

Table 6.

*Mean scores for main effect of participant's age for each section, and total NZRC-CQ scores*

NZRC-CQ Section	Age	<i>M</i> % Score	95% CI
Vocabulary	Younger	68	64 – 72
	Older	75	71 – 80
Cued Recall	Younger	37	33 – 41
	Older	38	34 – 42
Comprehension	Younger	69	65 – 74
	Older	71	66 – 76
Recognition	Younger	80	77 – 84
	Older	82	78 – 87
Application	Younger	57	53 – 61
	Older	62	58 – 67
NZRC-CQ Total	Younger	58	56 – 61
	Older	62	59 – 65

### Version Total Scores

Table 7 displays the mean total scores for participants who were interviewed using the youth and adult versions on the Rights Caution, for each of the sections, and for the total score on the NZRC-CQ. MANCOVA was conducted to determine the presence of any main effects for version. There was a statistically significant effect of version on the combined dependent variables (excluding total NZRC-CQ score),  $V = .22$ ,  $F(5, 92) = 5.23$ ,  $p < .001$ , partial  $\eta^2 = .22$ .

As shown in Figure 1, there was a statistically significant main effect of version for participants' vocabulary scores  $F(1, 96) = 9.89$ ,  $p = .002$ , partial  $\eta^2 = .09$ . The marginal means for participants' scores in the youth version group were 67% ( $SE = 2\%$ ), and 77% ( $SE = 2\%$ ) for the adult version group in the vocabulary section. There was a statistically significant mean difference between the version groups of 10%, 95% CI [7%, 15%],  $p = .002$ . There was also a statistically significant main effect of version for participants' application scores  $F(1, 96) = 4.53$ ,  $p = .04$ , partial  $\eta^2 = .05$ . The marginal means for participants' scores in the youth version group were 62% ( $SE = 2\%$ ), and 58% ( $SE = 2\%$ ) for the adult version group in the application section. There was a statistically significant mean difference between the version groups of 4%, 95% CI [0.10%, 9%],  $p = .04$ . There were no statistically significant main effects for cued recall,  $F(1, 96) = .14$ ,  $p = .71$ , partial  $\eta^2 = .002$ ; comprehension,  $F(1, 96) = .17$ ,  $p = .68$ , partial  $\eta^2 = .002$ ; or recognition,  $F(1, 96) = .10$ ,  $p = .75$ , partial  $\eta^2 = .001$ .

These findings show that participants who were interviewed using the youth version of the Rights Caution performed more poorly in the vocabulary section than those who were interviewed using the adult version. Additionally, they show that participants who were interviewed using the youth version of the Rights Caution performed slightly better in the application section than those interviewed using the adult version. There was no difference in participants' recall, comprehension, or recognition between the two version groups. ANCOVA



was conducted to determine any main effect of version for the total NZRC-CQ score. There was not a statistically significant effect of version on the total NZRC-CQ score,  $F(1, 96) = .90$ ,  $p = .35$ , partial  $\eta^2 = .01$ , showing that the two versions did not influence participants overall level of understanding of the New Zealand Rights Caution.

Table 7.

*Mean scores for main effect of version of the Rights Caution for each section, and total NZRC-CQ scores*

NZRC-CQ Section	Version	<i>M</i> % Score	95% CI
Vocabulary*	Youth	67	62 – 71
	Adult	77	73 – 82
Cued Recall	Youth	38	34 – 42
	Adult	37	33 – 41
Comprehension	Youth	69	64 – 73
	Adult	72	67 – 77
Recognition	Youth	81	77 – 85
	Adult	82	78 – 86
Application*	Youth	62	58 – 66
	Adult	58	53 – 62
NZRC-CQ Total	Youth	61	58 – 64
	Adult	60	57 – 63

\*Sig at  $p < .05$

\*\* Sig at  $p < .001$

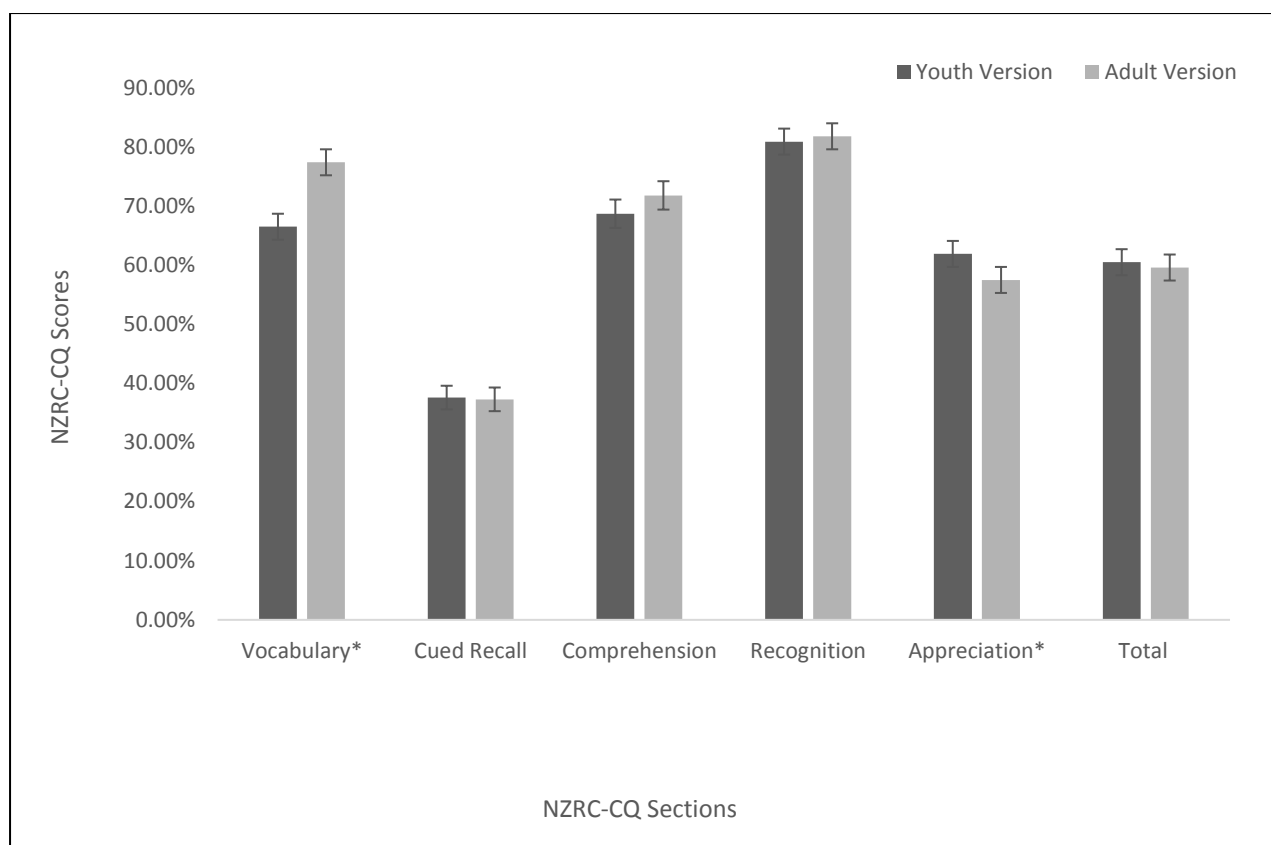


Figure 1. Mean percentage scores for each section, and total NZRC-CQ scores, compared between versions of the Rights Caution, and collapsed across younger and older age groups.

Note: \*Sig at  $p < .05$ , \*\* Sig at  $p < .001$

### Prior Knowledge Section Items

The mean amount of prior knowledge that participants initially had about their rights was .73 out of a possible score of 11 ( $SD = .94$ ), and scores ranged from 0 to 4. Just over half of the participants (53%) scored 0 in the prior knowledge section, indicating that they knew nothing about what their rights were, 29% knew one right, 13% knew two of their rights, 5% knew three rights, and 1% identified four rights. Participants' knowledge of each right is displayed in Table 8. Most participants knew very little of their rights, however, there were three rights that some participants did know; the right to silence, that what they say will be used against them, and that they have the right to speak with a lawyer. Still only 25%, 20%, and 18% respectively knew of these rights, and most reported that they had heard about them through television.

Table 8.

*Participants' prior knowledge of each right*

Item	Knew Right (n)	Did Not Know Right (n)	% Knew Right
Speaking About	2	99	2
May be Arrested	0	101	0
Not Obligated	0	101	0
Right to Silence	25	76	25
No Statement	1	100	1
Stop Statement	1	100	1
Recorded	3	98	3
Used Against	20	81	20
Speak with Lawyer	18	83	18
Lawyer Present	0	101	0
Police Have lawyers	2	99	2

### Vocabulary Section Items

Table 9 displays the frequency of 0, 1, and 2 scores, and the average score, for each of the items in the vocabulary section of the NZRC-CQ. The items underlined are contained in only the youth version of the Rights Caution. There was a lot of variation in participant's scores in the vocabulary section, however there were a few particularly low scores that are of note: When asked to explain what "detained" means, 86% of participants received a score of 0 or 1 out of a possible 2, 88% for the term "not obliged," 82% for "withdrawing consent," and 66% for the question, "what is a jury?" In contrast, there were a few terms that most participants received a score of 2 for, showing that they had a good understanding of them. For example, 88% of participants could explain what the terms "recorded" and "lawyer" meant.

In the vocabulary section participants frequently appeared to understand a term, but when asked to explain it further, it was found that their understanding was incorrect. For example, in response to the question "what does having a right mean?" a participant responded,

“having a right, you’re allowed to do certain things, [you] can get arrested or fined if you disobey them.” Or when asked to explain what “not obliged” means, one participant answered “not allowed to do something, people don’t want you to do that.”

Another common error made in the vocabulary section was participants mistaking the term for another that sounds similar, or explaining the meaning of a term that is incorrect in this context. For example, one participant when asked to explain the meaning of “accompany,” answered “a company, like a business.” Or another participant when asked to explain what “withdrawing consent” means, responded with “like withdrawing something from your bank.”

Table 9.

*Participants’ scores for specific terms in the vocabulary section*

Item	0 Scores	1 Scores	2 Scores	<i>M</i> Score	<i>SD</i>
Arrested	1	3	97	1.95	0.26
Detained	67	20	14	0.46	0.73
<u>Not Obligated</u>	43	1	6	0.26	0.66
<u>Accompany</u>	19	3	28	1.18	0.96
<u>Withdrawing Consent</u>	39	2	9	0.40	0.78
Having a Right	32	26	43	1.11	0.86
A Statement	14	22	65	1.51	0.73
Recorded	1	11	89	1.87	0.37
Evidence	3	18	80	1.76	0.49
<u>Judge</u>	5	15	30	1.5	0.68
<u>Jury</u>	26	6	18	0.84	0.93
Lawyer	7	5	89	1.81	0.54
Delay	12	9	80	1.67	0.68
In Private	8	13	80	1.71	0.61
<u>Nominated Person</u>	5	6	39	1.68	0.65

### Cued Recall Section Items

The mean amount of information that participants could recall in the cued recall section was 37% ( $SD = 14\%$ ) with scores ranging from 9% to 82%. The number of participants who could recall each right after having it read to them is displayed in Table 10 below. The rights underlined are contained in only the youth version of the Rights Caution. There was a lot of variation in the amount of information recalled by participants, however, there were certain rights that a high number of participants had difficulty recalling. For example, only 6% of participants remembered that they are not obliged to go with police, 19% and 12% remembered that you do not have to make a statement, and that if you start to make a statement, you can stop at any time, and only 18% remembered that you can have a lawyer present when answering questions. In contrast, there were some rights that more participants did remember. For example, 66% of participants remember that they have the right to silence, and 60% remembered that they can speak with a lawyer before answering any police questions.

Table 10.

*Participants' recall of each right in the cued recall section*

Item	Recalled ( <i>n</i> )	Not Recalled ( <i>n</i> )	% Recall
Speaking About	41	60	40
<u>May be Arrested</u>	21	29	42
<u>Not Obligated</u>	3	47	6
Right to Silence	67	34	66
No Statement	19	82	19
<u>Stop Statement</u>	6	44	12
Recorded	41	60	40
Used Against	52	49	51
Speak with Lawyer	61	40	60
<u>Lawyer Present</u>	9	41	18
Police Have Lawyers	57	44	56

**Comprehension Section Items**

Table 11 displays the frequency of 0, 1, and 2 scores, and the average score, for each of the items in the comprehension section of the NZRC-CQ. The rights underlined are the ones contained in only the youth version of the Rights Caution. There were some components of the Rights Caution that a high number of participants had difficulty understanding. For example, 78% of participants, when asked to explain the meaning of "you are being detained for a crime," scored either a 0 or a 1 out of a possible 2, 74% when asked to explain the meaning of "you are not obliged to go with the police, and if you consent you can withdraw that consent at any time," and 60% when asked to explain the meaning of "the right to silence." There were, however, some rights that more participants could understand. For example, 76% of participants understood that "police can get them a lawyer to speak to for free," and 68% of participants understood that "what they said to the police could be used against them."

A common error made by participants was not understanding that the Rights Caution is intended to provide protection - they believed it to be a set of rules that people must abide by. For example, one participant responded "[police] want you to be silent for the other people to speak, you're butting in," when asked to explain what "the right to silence" meant. Another common error made was participant's misunderstanding of a person's role. For example, when asked to explain what "police have a list of lawyers that you can speak to for free" means, one participant responded, "[the lawyers will] get evidence of you talking and give it to the police, they are working for the police."

Table 11.

*Participants' scores for each right in the comprehension section*

Item	0 Scores	1 Scores	2 Scores	<i>M</i> score	<i>SD</i>
Speaking About	3	16	81	1.78	0.48
Arrested For	2	11	88	1.85	0.40
Detained For	54	25	22	0.68	0.81
<u>May be Arrested</u>	2	10	38	1.72	0.54
<u>Not Obligated</u>	35	2	13	0.56	0.88
Right to Silence	54	7	40	0.86	0.96
No Statement	18	12	71	1.52	0.78
<u>Stop Statement</u>	12	11	27	1.30	0.84
Recorded and Used	11	21	69	1.57	0.68
Speak with Lawyer	12	28	61	1.48	0.70
<u>Lawyer Present</u>	7	15	28	1.42	0.73
Police Have Lawyers	9	15	77	1.67	0.63

**Recognition Section Items**

Table 12 displays the frequency of 0, 1, and 2 scores, and the average score, for each of the items in the recognition section of the NZRC-CQ. The rights underlined are the ones contained in only the youth version of the Rights Caution. The average scores all being greater than 2 shows that, overall, participants performed well in the recognition section, and there were some rights where participants found the same/different comparison particularly easy. For example, participants on average scored highly on the comparisons for the rights “you do not have to make a statement,” “what you say will be recorded and may be given as evidence in court,” and “the police have lawyers that you can speak to for free” (scores of 2.51, 2.66, and 2.66, out of a possible 3, respectively). This indicates that participants overall had a good enough understanding of these rights to be able to discern when they had the same meaning or

a different meaning from other sentences (see appendix A for full list of comparative sentences).

Table 12.

*Participants' scores for each right in the recognition section*

Item	0 Scores	1 Scores	2 Scores	3 Scores	<i>M</i> score	<i>SD</i>
Right to Silence	3	24	36	38	2.08	0.86
No Statement	5	9	16	71	2.51	0.86
<u>Stop Statement</u>	1	12	14	23	2.18	0.87
Recorded and Used	0	4	26	71	2.66	0.55
Speak with Lawyer	2	11	33	55	2.39	0.76
<u>Lawyer Present</u>	2	3	20	25	2.36	0.78
Police Have Lawyers	0	3	28	70	2.66	0.54

### **Application Section Items**

Table 13 displays the frequency of 0, 1, and 2 scores, and the average score, for each of the items in the application section of the NZRC-CQ. There were some rights that participants had difficulty applying in the fictitious scenarios. For example, 65% of participants, when asked “what could happen if Jane chooses not to talk to the police officer?” scored either a 0 or a 1 out of a possible 2, and 62% when asked the question “the lawyer asks Stephen to truthfully tell him exactly what happened, why do you think the lawyer said this?” also scored either a 0 or a 1.

However, there were some aspects of the application section that more participants understood. For example, 88% of participants understood the adversarial nature of police interrogation, as displayed by one participant's answer to the question of “why do you think the police officer wants to talk to Jane?” being “because she's done something wrong, and is in trouble.” Furthermore, 81% of participants displayed understanding of the advocacy role of a lawyer giving responses like “to help Stephen” to the question “what is the main job of



Stephen's lawyer in the court?" Interestingly though, it was found that many participants had a dual understanding of the role of a lawyer. They understood that the lawyer helped the offender, but frequently believed that lawyers also helped the police. For example, when asked the question "the lawyer asks Stephen to truthfully tell him exactly what happened. Why do you think the lawyer said this?" several participants responded "he wants the truth to help the police."

It was also common for participants to not apply the right to silence in the legal scenarios, despite this being one of the most important rights. For example, some answers to the question "if Kiri starts to talk to the police, but then changes her mind and decides to stop talking to them, what should the police do next?" were, "force her to keep talking somehow, make her talk again" and "arrest her, [she] might not be telling the truth." This shows that participants were unable to understand/apply the protective, and enduring, nature of the right to silence in these legal scenarios.

Table 13.

*Participants' scores for each question in the application section*

Item	0 Scores	1 Scores	2 Scores	<i>M</i> Score	<i>SD</i>
Jane 1	2	10	89	1.86	0.40
Jane 2	3	14	84	1.80	0.47
Jane 3	58	8	35	0.77	0.93
Jane 4	8	22	71	1.62	0.63
Stephen 1	7	8	86	1.78	0.56
Stephen 2	35	17	49	1.13	0.91
Stephen 3	18	26	57	1.39	0.77
Stephen 4	39	24	38	0.99	0.88
Kiri 1	18	11	72	1.53	0.78
Kiri 2	58	14	29	0.71	0.89
Kiri 3	73	0	28	0.55	0.90
Kiri 4	44	27	30	0.86	0.85
Stephen (2) 1	11	8	82	1.70	0.66
Stephen (2) 2	80	10	11	0.32	0.66
Stephen (2) 3	13	75	13	1.00	0.51
Stephen (2) 4	49	11	41	0.92	0.95

### Discussion

The current research addressed three key questions: 1) Do young people in New Zealand understand the Rights Caution, and does this change with age, 2) what level of understanding do they have, and 3) is the youth version of the Rights Caution associated with higher levels of understanding of rights compared to the adult version. In regards to these questions the following four hypotheses were made: 1) It was hypothesised that participants would have incomplete understanding of the Rights Caution, and that the younger participants would understand less of the Rights Caution in comparison to the older participants. It was also hypothesised that 2) there would be certain terms contained within the Rights Caution that

participants would not understand, which would influence their overall understanding of the Rights Caution. Furthermore, it was hypothesised that 3) participants would show more basic level of understanding, compared with deeper understanding around the application of the Rights Caution in legal scenarios. Finally, it was hypothesised that 4) the youth version of the Rights Caution would not assist in participant's understanding, or application of their rights, nor would it assist in ascertaining their level of understanding.

### **Hypothesis One – Comprehension of the Rights Caution Will be Incomplete, and Will Increase with Age**

This hypothesis was partially confirmed. Similar to other research, this sample of participants from the general population showed incomplete and inaccurate understanding of their rights (Clare et al., 1998; Kidd & Sullivan, 2014; Rogers, Sharf, et al., 2016). Unexpectedly, however, there were no significant differences in participants' levels of understanding across the two age groups. Across both age groups, and versions of the Rights Caution, participants on average scored about 60% on the total NZRC-CQ. There was variation in participants' average scores from section to section, ranging from about 80% to below 10%. Participants received the highest average scores in the recognition section (approximately 80%), followed by vocabulary (approximately 70%), comprehension (approximately 70%), then application (approximately 60%), cued recall (approximately 40%), and then the lowest average score in the prior knowledge section (approximately 7%).

Although scores of 60%, 70% and 80% do not sound particularly low, if these scores are thought about inversely, they mean that participants were not understanding 40%, 30%, and 20% of their rights. Depending on which rights were not understood, this could cause them serious problems. For example, as research such as Freedman et al. (2014) also found, the right to silence was one of most frequently misunderstood rights in this research. This was one of the few rights that some participants reported knowing about in the prior knowledge section,

and it was the most frequently remembered right in the cued recall section. However, in the following sections of the NZRC-CQ it became apparent that although participants were perhaps more familiar with the right to silence, they actually had a very inaccurate understanding of it. Participants often answered questions regarding the right to silence in a manner that was familiar to them, like being told to be silent by a teacher or parent. Many participants did not understand that the right to silence is to protect them from incriminating themselves, they thought that it was a rule stating that they had to stay quiet while the police were talking.

The right to silence is one of the key protective rights in the Rights Caution, even if a young person understood every other right, but misunderstood the right to silence, the likelihood of them making a false confession, or feeling coerced into talking with police would be greatly increased (Crawford & Bull, 2006; Goodwin, 2009; Malloy et al., 2014; Saywitz et al., 1990; Warren-Leubecker et al., 1989). This is not only an issue for the protection of young people, but also an issue for the effectiveness of police processes. If young people are not understanding their rights, this makes the information that police obtain from them at risk of being deemed inadmissible, creating barriers for police in effectively performing their role (Cornell University Law School, n.d.; Hughes et al., 2013; New Zealand Law Commission, 1994).

Additionally, it needs to be considered that the results of this study may well be a generous portrayal of young people's understanding of the Rights Caution. In this research, participants were interviewed in controlled conditions intended to allow for them to obtain optimal scores. Interviews took place in private, quiet rooms, with a non-intimidating adult. The interviewers also read, and showed participants the rights in written form, while emphasising the key points of the question. Participants were also encouraged to ask questions if they did not hear or understand what the interviewer said. In a in a highly stressful situation, such as being interviewed by a police officer, with the possibility of imminent punishment, it

is unlikely that young people would do as well (Goodwin, 2009; Malloy et al., 2014). Furthermore, as research has shown, young people who are involved in the justice system are likely to have even poorer understanding of their rights, compared to the general population, due to developmental differences such as immature language and decision making abilities (Goodwin, 2009; LaVigne & Rybroek, 2013; Reppucci & Fried, 2001; Rost & McGregor, 2012; Snow & Powell, 2012).

If, in the best-case scenario, young people from the general population do not understand their rights, then it is unlikely that they are providing the protection they are intended to for the young people and young offenders who are needing them in actual interrogation situations. Retrospective research that looks at young offender's understanding of their rights, and the decisions that they made around exercising them, could provide a more accurate assessment of their levels of understanding of the Rights Caution in New Zealand (Goodwin, 2009; Malloy et al., 2014; Viljoen et al., 2005).

In contrast to previous research, we did not find significant differences across age groups in any of the aspects of understanding assessed (Crawford & Bull, 2006; Ficke et al., 2006; Grisso, 1980; Kelley, 2014; Thomsen, 2006; Viljoen et al., 2007). One possible explanation for this unexpected finding is that age and school decile were unfortunately confounded in our group of participants. The high school, where our older age group of participants were recruited from, had a decile rating of 1 indicating that it has a high proportion of students from low socio-economic communities, compared to the intermediate school that had a rating of 7 (Ministry of education, 2016). The high school also had several students who did not speak English as their first language, which may have contributed to difficulties with comprehension. These differences could have resulted in the participants from the older age group scoring less than they would have, had they been from a school that was better matched with the intermediate school for decile, and ethnic make-up.

Nonetheless, the finding of no age differences is concerning. Though residing in a low socio-economic community is not in itself a risk factor for becoming involved in antisocial behaviour, it is associated with factors that are, such as low educational achievement and association with antisocial peers (Andrews & Bonta, 2010). As has been shown by numerous other studies, the implications of this are that the young people most at risk of becoming involved in the justice system, are also the ones who are most likely to not understand, or exercise their rights when they need them (Goodwin, 2009; LaVigne & Rybroek, 2013; Reppucci & Fried, 2001; Rost & McGregor, 2012; Snow & Powell, 2012).

Additionally, the fact that in this research, we did not see a change in understanding as participants got older raises concerns for drawing an adult/youth distinction for determining whether an individual requires additional protective rights. In this research, the 16-year-old participants knew as little as the 10-year-old ones did, and it is unlikely that when these young people turn 17 they will suddenly be able to understand their rights. These findings support research such as that of Bryan-Hancock and Casey (2010) and Cauffman and Steinberg (2000) which showed that young people's levels of maturity, and associated legal competency, tend to reach their peak and become stable in their 20s. The low levels of understanding shown by these results may not be isolated to only young people. As other research has found, it is likely that some adults will also not understand their rights (Clare et al., 1998; Rost & McGregor, 2012). This is concerning for the use of the Rights Caution as legal protection of offenders at all ages, and further research looking at a wider range of age groups within the New Zealand population is needed to explore this (Bryan-Hancock & Casey, 2010; Cauffman & Steinberg, 2000; Clare et al., 1998).

**Hypothesis Two – Participants Will Not Understand Certain Terms in the Rights Caution, Which Will Influence Their Overall Understanding of the Rights Caution**

This hypothesis was confirmed. Participants did not know the meaning of several words contained in the Rights Caution, and this lack of understanding followed through into the comprehension section of the NZRC-CQ. In the vocabulary section, a high number of participants were unable to explain the meaning of key words and phrases, such as “detained” (86%), “not obliged” (88%), and “withdrawing consent” (82%). This lack of understanding for key terms clearly followed through into participants’ overall understanding. For example, in the comprehension section, 78% of participants could not explain the meaning of “you are being detained for a crime,” and 74% could not explain the meaning of “you are not obliged to go with the police, and if you consent you can withdraw that consent at any time.”

Furthermore, even when participant’s scores indicated that they did understand a term, it was frequently shown that they had an inaccurate understanding of this term in later questions. For example, in the vocabulary and comprehension sections, participants on average gained high scores in their explanations for the term “lawyer.” However, participant’s answers in the application section showed that several of them did not understand: that a lawyer works for the offender and not the police, that they are someone who should be trusted, and that they will help, even when an individual is guilty. If a young person does not understand the protective role that a lawyer plays, it may mean that they choose to not exercise their right to have one, or they choose to not take their lawyers advice (Viljoen et al., 2005).

The implications of this are that they would remain in a disadvantaged position when it comes to making informed decisions regarding their situation (Cauffman & Steinberg, 2000; Iselin et al., 2009; New Zealand Law Commission, 1994; Reppucci & Fried, 2001). It may be, however, that police can easily navigate the issue of young people not understanding key terms by explaining the meaning of these word to young people, or replacing them with ones that are

easier for them to understand. Further research needs to be completed looking at what police currently do regarding this issue, and whether these terms could effectively be replaced by ones that are easier for young people to comprehend (Gibbons, 2001).

### **Hypothesis Three – Participants Will Show Basic Understanding, but Less In-Depth Understanding around the Application of the Rights Caution in Legal Scenarios**

This hypothesis was also confirmed, with participants showing greater levels of understanding in the vocabulary, comprehension, and recognition sections compared to the application section. Participants on average scored between 80–70% for the vocabulary, comprehension and recognition sections, showing that they did have some understanding of the meaning of the Rights Caution, and the terminology used within it. However, participants' average score of 59% in the application section shows that they were frequently unable to apply this understanding in legal scenarios.

In line with international research, the young participants' immature decision making skills were exhibited in their answers in the application section of the NZRC-CQ (Goodwin-De Faria & Marinos, 2012; Goodwin, 2009; Malloy et al., 2014; Reppucci & Fried, 2001). For example, participants on average scored very low for the application question designed to elicit their awareness of the power imbalance between a young person, and the police, in interrogation situations ("if the police tell Kiri that she has to tell them what happened, what should Kiri do?") Several of the participant's answers showed that they felt they must do what a person in a position of authority tells them to, regardless of the right to silence.

The results of this research, and existing developmental research show that young people tend not to exercise their rights, even if they do understand them, and this is likely due to issues around the power imbalance between police and young people, and their poor decision making abilities (Bryan-Hancock & Casey, 2010; Cauffman et al., 2005; Feld, 2013; Goodwin, 2009; Kassin et al., 2010; Malloy et al., 2014; McLachlan et al., 2011; McMullen, 2005).



Perhaps further safeguards are necessary for young people to protect them from this disadvantage, such as making it a requirement to always have a guardian or lawyer present when young people are being questioned (Freedman et al., 2014; Medford, Gudjonsson, & Pearse, 2003). The presence of legal counsel during this time would serve to negate the power imbalance present between young people and the police, and having a guardian present during questioning has been shown to lessen young people's experience of intimidation (Malloy et al., 2014; Medford et al., 2003).

It is, however, difficult to make confident conclusions regarding young people's decision making abilities from this research. The questions used in the application section involved decisions based around fictitious scenarios that did not directly involve the participants, and carried no future consequences for them. We cannot know how the participants would have responded in real legal scenarios. Further research, (like that completed by Goodwin, 2009; Malloy et al., 2014; and Viljoen et al., 2005) is needed to examine young people's decisions made in real interrogation scenarios, which would better assess young people's ability to incorporate their rights into actual decisions.

#### **Hypothesis Four - The Youth Version of the Rights Caution Will Not Assist in Participant's Understanding, or Application of Their Rights, nor in Ascertaining Participant's Understanding**

Our results confirmed this hypothesis. Overall, participants did not perform better when interviewed using the youth version of the Rights Caution compared to the adult version. Participants on average performed more poorly in the vocabulary section when interviewed using the youth version, however, in the application section participants performed better. There was, however, only a small difference (about 4%) in participants' scores in the application section, and when placed in the context of no improvement in the other sections, it does not support the idea that the youth version of the Rights Caution assists young people to

better understand their rights. The interviews using the youth version of the Rights Caution on average took longer to complete than the interviews using the adult version, which could possibly have been a confound. Participants could have become bored or distracted, resulting in them receiving a lower score when interviewed using the youth version. However, as the vocabulary section of the NZRC-CQ was completed at the start of the interview, it is unlikely that the difference in participants' scores for this were caused by the interview length.

Participants' performance in the vocabulary section of the NZRC-CQ shows that the language used in the youth version of the Rights Caution was too difficult for the participants to fully understand. For example, there are an additional six terms contained in the youth version, but not in the adult version of the Rights Caution. Out of these terms, participants on average scored very low for three of them ("not obliged," "withdrawing consent," and "jury"). This suggests that the language chosen to help police to explain the rights to young people, may not be appropriate for this purpose. If a young person is not able to understand the words contained within the Rights Caution, they are less likely to understand the protection that the rights afford them (Saywitz et al., 1990). Additionally, as research has indicated, this issue would likely be compounded by poor language skills in young offenders, with them understanding even less (Snow & Powell, 2012). As was discussed in regards to hypothesis two, further research needs to be completed looking at how young people's low understanding of the terms contained in the Rights Caution could be mitigated.

Further evidence that the additional information contained in the youth version of the Rights Caution does not help young people to understand their rights can be found in the results of the cued recall section. Though there was no significant difference in participants' amount of recall between the two versions, participants frequently forgot the additional, explanatory rights contained in the youth version, in their recall of the Rights Caution. One reason for this may have been because it takes longer to read it all, and possibly the additional information

was too much for participant's working memory to hold (Eastwood et al., 2015; Redlich & Bonventre, 2015; Snook, Luther, Eastwood, Collins, & Evans, 2014). For example, the longest sentence in the adult version is 20 words, compared with the longest sentence in the youth version, which is 36 words. Research around memory shows that people are not very effective at processing and remembering large amounts of information unless they are able to implore strategies such as rehearsal, and grouping information into several smaller amounts (Snook et al., 2014).

Furthermore, as was seen in the prior knowledge section, participants had a very limited base level of knowledge about their rights. Cognitive research around learning shows that it is a gradual process. People are best able to remember and understand information when it is presented to them on several occasions, over an extended period of time (Vermunt, 1996). It has also been shown that people are better able to understand complex information when they are given a non-restrictive time frame to do so, and they are shown the information in written form (Rogers, Steadham, et al., 2016; Scherr, Alberts, Franks, & Hawkins, 2016).

The implication of this are that in a situation where a young person is read the Rights Caution, often for the first time, in a stressful situation, they are not likely to be able to utilise any strategies to help them remember the information. They are also unlikely to have prior knowledge to draw upon, nor the required time and type of information needed to assist them with their understanding (Vermunt, 1996; Snook et al., 2014). Further research should be completed to investigate if young people are able to better remember and understand the information presented in the Rights Caution if it was altered. For example, emphasising, summarising, and repeating the important information (Snook et al., 2014).

Additionally, if young people had more prior knowledge to draw upon, the need for them to learn, remember, and understand all of this information in a less than ideal situation may be lessened (Vermunt, 1996). In the interviews, only a handful of participants said that

they had learnt about their rights at school, with the majority reporting that what they knew, they had learnt from television. This is concerning as police questioning situations portrayed on television are generally non-realistic and dramatized. They are also frequently from America, which has different rights and processes to New Zealand. The implications of this are that the information that young people do have about their rights is often inaccurate to start with, highlighting the need for more education for young people around their legal rights.

Finally, the youth version of the Rights Caution instructs that police must check young people's comprehension by asking them to explain its meaning in their own words, with police providing additional explanation if necessary. One thing to be considered, that became apparent in this research, is that participants' limited language skills made it difficult for them to explain the rights in their own words. Most participants required prompting around their answers to gain more information about their understanding, as their initial answer was frequently just a repetition of the same words contained in the right.

The difficulty experienced by young people when trying to explain their understanding in their own words would pose a challenge for police in ascertaining a young person's comprehension, and it may also elicit biased responses from young people (Malloy et al., 2014; Snow & Powell, 2012; Snow & Powell, 2007). When young people feel unable to explain something, particularly to a person in a position of authority, they are likely to resort to a response that will enable them to avoid further questioning and stress, such as saying "yes I understand" (Malloy et al., 2014). The youth version of the Rights Caution does instruct police to prompt young people to explain their understanding of the rights. However, in a highly stressful, dangerous, or volatile situation, it is possible that this level of care and consideration would not be applied. This finding, in conjunction with established research, indicates that asking young people to explain the Rights Caution in their own words may not be a suitable measure for young people's understanding (Snow & Powell, 2012).

Further research is required to investigate the effectiveness of asking young people to explain their understanding in actual police questioning situations. However, perhaps the best option to overcome these barriers is to focus on teaching young people the Rights Caution before they find themselves in a situation where they need them, so that the need for young people to learn, as well as explain, their understanding of them in such an environment is eliminated (Vermunt, 1996).

### **Strengths and Limitations**

The findings of this study are a good starting point for New Zealand research in this area in that they show that even in the best circumstances, young people are not understanding the Rights Caution. However, given that there was considerable variation in some aspects of comprehension within the present sample, clearly more research is needed to further understand what contributes to, and undermines, young people's comprehension. As it was not the goal of this study, this research did not test for the influence of factors such as participant's IQ, and maturity level. However, research has shown that these can all be contributing factors in people's understanding of their rights. Further research would need to be conducted looking at these factors, as they may be mediating young people's level of understanding of the Rights Caution (Bryan-Hancock & Casey, 2010; Cauffman & Steinberg, 2000; Iselin et al., 2009; Reppucci & Fried, 2001).

Contrary to previous research, we did not find any evidence for a developmental progression in comprehension of the Rights Caution. As was previously discussed, this may have been because of a possible confound in that there were decile and ethnicity differences between the intermediate and high schools that participants were recruited from. This also could have been due to the smaller than planned sample size affecting the power of the analysis. To investigate this further, future research should aim to have a larger group of participants that are recruited from schools better matched for decile, and ethnic make-up. However, as was

discussed in relation to hypothesis one, this unintentional confound could also be considered a strength of this study. The findings of this study, in line with what has been found in other countries, indicates that it is likely that certain cohorts of New Zealanders, such as people from low socioeconomic communities, may have particularly low levels of understanding of their rights, and therefore require additional protection (Clare et al., 1998; Ficke et al., 2006; Rogers, Sharf, et al., 2016).

A further limitation, but also strength of this study, was that it was the first research looking at understanding of the Rights Caution in New Zealand, and it was the first time that the questions in the NZRC-CQ were used to assess this. It may be that some of the NZRC-CQ questions were not valid in their assessment of young people's understanding of the Rights Caution. For example, participants' higher scores in the recognition section could have been due to the correct answer being too obvious, as opposed to them finding this method of explaining their understanding easier. If future research was to use the method of this study, it would be important to establish the validity and reliability of the NZRC-CQ questions before they were used again (Field, 2013). Additionally, as there is no New Zealand based research that these results can be compared against, it is not possible to make a confident conclusion regarding young people's understanding at a population level from the results of this study (Rogers, Sharf, et al., 2016). Hopefully, however, the results of this research will instigate further research in this area so that these issues can be addressed.

### **Conclusions and Further Suggestions**

The findings from this research show that young people in New Zealand have a limited understanding of the Rights Caution. The implications of this are that, should they ever need them, they would be less likely to exercise them, and would, therefore, not be protected by them. Furthermore, this research looked at understanding in a sample of young people from the general population, so it is important to remember that the level of understanding shown by

these participants is likely to be higher than that of a sample of young offenders. This research also found that the youth version of the Rights Caution does not assist young people with their understanding of their rights. The language in the youth version is too difficult, and the additional information that it gives young people does not help them to understand. For the Rights Caution to be a comprehensible document that is accessible to young people, it needs to be revised.

It is important that the language used in the Rights Caution is youth appropriate, and effective communication strategies are drawn upon in its design (Goodwin, 2009; LaVigne & Rybroek, 2013; Reppucci & Fried, 2001; Rost & McGregor, 2012; Snow & Powell, 2012). For example, perhaps the terms that are most difficult for young people to understand in the Rights Caution should be replaced, and features for improved listenability should be included, such as emphasis on points to remember, and summaries of the key information included (Eastwood, Snook, Luther, & Freedman, 2016; Gibbons, 2001; Snook et al., 2014). Furthermore, the way the Rights Caution is presented to young people should perhaps be revised to assist them in remembering, understanding, and exercising their rights. For example, the rights could also be given to young people in written form, with more time allowed for them to go over each right individually (Rogers, Steadham, et al., 2016; Scherr et al., 2016). Additionally, perhaps a guardian or lawyer should always be present when a young person is being questioned by police to reduce the disadvantages that they experience due to immature decision making abilities, and the innate power imbalance present in such situations (Freedman et al., 2014; Medford et al., 2003).

Importantly, this research has also shown that the method of asking young people to explain their understanding in their own words may be an ineffective technique for ascertaining competency, as it may be surpassing the language and cognitive learning abilities of some young people (Snook et al., 2014; Snow & Powell, 2012). This may be a difficult issue to

overcome, as young people's language and cognitive learning abilities are determined by their developmental stage, which is not something that can be changed. Therefore, perhaps in order to navigate this issue, it is necessary to focus on education programmes aimed at increasing young people's knowledge around their rights before they find themselves in a situation where they are needing to use them (Vermunt,1996). If young people were encouraged to develop a good knowledge of their rights early in life, and were then presented with a developmentally appropriate explanation of them if the time came that they needed to use them, this hopefully would assist them in protecting themselves, and it would assist police in obtaining the information that they need in a legal and effective way.



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## Appendix

### Appendix A: NZRC-CQ question booklet (youth version)

## Questions - Y

*NB: Check that student still consents to take part in research*

*Firstly, I would just like to explain that we are using the same questions for students aged 10-16 years old, so we would expect that you might find some of the questions quite difficult, and others not so difficult, you don't need to worry about this though. You may have seen on television at some point when a police officer is talking to someone they first read them their rights. In New Zealand, we have a version of this called the Rights Caution, and this is what I want to talk with you about today. If you don't understand something, or didn't hear what I said, please tell me and I will say it again for you. Also, a lot of the questions are very similar with just one or two differences, so you might like to ask me to repeat some questions to make sure that you hear what the differences are.*

### **Prior knowledge initial question:**

*Firstly, I would like you tell me everything you know about what your rights are when you are being arrested, detained, or questioned by a police officer. Do you understand what it is that I would like you to do?*

**Note** If the examinee doesn't appear to understand, repeat the instructions and answer any specific questions that they have.

### **Inquiries:**

- If response is *I don't know*, prompt to *give it your best guess*.
- If participant is able to give you some information, follow up with the question: *Can you tell me where you learnt that from?*

### **Vocabulary:**

*Now I am going to read you some words and show them to you on these cards. I would like you to tell me in your own words what they mean. Do you understand what it is that I would like you to do?*

**Note** If the examinee doesn't appear to understand, repeat the instructions and answer any specific questions that they have.

**Note** continue with non-abbreviated sentences if examinee appears to have difficulty remembering what to do.

**Inquiries:** All 0 or 1 point answer must be enquired.

- If response is *I don't know*, prompt to *give it your best guess*.
- Enquire when:
  - The response does not seem to be related to the meaning of the word.
  - When it seems related, but does not convey complete understanding of the meaning of the word, e.g. it seems repeated from something heard on television.
- One enquiry per question, but you can enquire following a *give it your best guess* response also.
- Enquiry examples: *What do you mean by... Can you tell me more about that... Can you give me an example... is there anything else...*

**Questions:**

- *Can you please explain to me in your own words what **arrested** means?*
- *Can you please explain to me in your own words what **detained** means?*
- *In your own words, what does **not obliged** mean?*
- *In your own words, what does **accompany** mean?*
- *What does **withdrawing consent** mean?*
- *What does **having a right** mean?*
- *What is a **statement**?*
- *What does **recorded** mean?*
- *What does **evidence** mean?*
- *What is a **judge**?*
- *What is a **jury**?*
- *What is a **lawyer**?*

- What does *delay* mean?
- What does *in private* mean?
- What is a *nominated person*?

**Cued Recall:**

*Now I am going to read you the Rights Caution, after I have read it I would like you to tell me everything that you can remember about what I said. Do you understand what it is that I would like you to do?*

Read them the youth version of the Rights Caution aloud.

*Now tell me everything that you can remember from what I just read, it can be in any order.*

**Note** If the examinee doesn't appear to understand, repeat the instructions and answer any specific questions that they have.

**Inquiries:**

- If response is *I don't know*, prompt to *give it your best guess*.

**Comprehension:**

*Now I am going to read through the rights one sentence at a time, they are also on these cards. After I read each right I want you to explain to me in your own words what it means to you. Do you understand what it is that I would like you to do?*

**Note** If the examinee doesn't appear to understand, repeat the instructions and answer any specific questions that they have.

**Note** continue with non-abbreviated sentences if examinee appears to have difficulty remembering what to do.

**Inquiries: All 0 or 1 point answer must be enquired.**

- If response is *I don't know*, prompt to *give it your best guess*.
- Enquire when:
  - The response does not seem to be related to the meaning of the sentence.
  - When it seems related, but does not convey complete understanding of the meaning of the sentence, e.g. it seems repeated from something heard on television.
  - When response contains the wording of the original sentence.

- One enquiry per question, you can enquire following a “give it your best guess” response also.
- Enquiry example: *What do you mean by... Can you tell me more about that... Can you give me an example... Is there anything else... In your own words...*

**Questions:**

- ***I am speaking to you about a crime. Please explain to me in your own words what this means to you?***
- ***You have been arrested for a crime. Please explain to me in your own words what this means to you?***
- ***You are being detained for a crime. What does this mean to you?***
- ***You may be arrested if you refuse to give your name and address. What does this mean to you?***
- ***You are not obliged to accompany me, and if you consent, you can withdraw that consent at any time. What does this mean to you?***
- ***You have the right to remain silent. What does this mean to you?***
- ***You do not have to make a statement or answer any questions. What does this mean to you?***
- ***If you agree to make a statement and/or answer any questions you can change your mind and stop at any time. What does this mean to you?***
- ***Anything you say will be recorded and may be given in evidence in court - this means if you are taken to court for a crime, what you say to me may be retold to the judge or jury. What does this mean to you?***
- ***You have the right to speak with a lawyer and/or any person nominated by you without delay and in private before deciding whether to make any statement or answer any questions. What does this mean to you?***
- ***You have the right to have your lawyer and/or nominated person with you while you make any statement or answer any questions. What does this mean to you?***
- ***Police have a list of lawyers you may speak to for free. What this mean to you?***

**Recognition:**

*Now I am going to read you each right again, they are also written on these cards. After I read each one, I will read three other sentences that either have the same meaning as, or a different meaning from the right. After I read each one I would like you to tell me if the sentence is the same or different from the right. Do you understand what it is that I would like you to do?*

**Note** if the examinee doesn't appear to understand, repeat the instructions and answer any specific questions that they have.

**Note** place emphasis on the highlighted part of the sentence when reading it

**Note** continue with non-abbreviated sentences, and additional explanation, if examinee appears to have difficulty remembering what to do.

- *The sentence that I am pointing at says you have the **right** to remain silent does this mean the same thing, or something different from:*
  - a) *You **must** tell the police the truth?*
  - b) *Does you have the right to remain silent mean the same or something different from: Don't say anything **unless the police tell you to**?*
  - c) *Does it mean the same, or something different from: You **don't have to** say anything to the police?*
- *The sentence I am pointing at says that you **do not have to** make any statement or answer any questions. Does this mean the same thing, or something different from:*
  - a) *You **don't need to** tell the police anything?*
  - b) *Does it mean the same or something different from: You **need to tell** the police something about what happened?*
  - c) *Does it mean the same or something different from: You **need to tell** the police if you had something to do with what happened?*
- *Does if you agree to make a statement/answer any questions you can change your mind and **stop at any time** mean the same thing, or something different from:*
  - a) *You can **choose** to answer some questions, but not others?*
  - b) *Does it mean the same or something different from: If you answer some of the police's questions you **can't stop** until the police have finished?*
  - c) *Does it mean the same or something different from: If you want to stop answering questions, the **police will let you stop after** they ask some important questions?*

- *Does anything you say will be recorded and may be **given in evidence** in court which means that if you are taken to court for a crime, **what you say to the police** officer may be retold to the judge or jury mean the same thing, or something different from:*
  - a) *What you say may be **used to prove** that you did a crime?*
  - b) *Does it mean the same or something different from: If you **don't say anything** to the police, then that will be used against you in court?*
  - c) *Does it mean the same or something different from: What you say to the police can be **told to people in court**?*
  
- *Does you have the right to speak with a lawyer and / or any person nominated by you without delay, and in private, **before** deciding to make any statement or answer any questions mean the same thing, or something different from:*
  - a) *You **must** to talk to someone like a parent before saying anything to the police?*
  - b) *Does it mean the same or something different from: A lawyer or someone like a parent will come and talk to you **after** the police have finished asking questions?*
  - c) *Does it mean the same or something different from: You can have a lawyer or someone like a parent come and talk to you **before** saying anything to the police?*
  
- *Does you have the right to have a lawyer and/or nominated person **with you while** you make any statement or answer any questions mean the same thing, or something different from:*
  - a) *You can have a lawyer, or someone like a parent, with you **while** you talk to the police?*
  - b) *Does it mean the same, or something different from: You can have a lawyer, or someone like a parent, talk with you **after** you have finished talking to the police?*
  - c) *Does it mean the same, or something different from: You can have a lawyer, or someone like a parent, help you **when** you talk to the police?*
  
- *Does police officers have a list of lawyers that you can speak to for free mean the same thing, or something different from:*
  - a) *If you don't have money for a lawyer, you can **only** have someone like a parent come and help you?*
  - b) *Does it mean the same or something different from: If you don't have money for a lawyer you can **still** get legal help?*
  - c) *Does it mean the same, or something different from: If you and your family don't have money for a lawyer, the **police can get you one** for free?*

### **Application of Rights:**



*Now I am going to show you pictures with different people in them. I am then going to ask you some questions about what you think might be happening in the pictures. Do you understand what it is that I would like you to do?*

**Note** If the examinee doesn't appear to understand, repeat the instructions and answer any specific questions that they have.

**Inquiries: All 0 or 1 point answer must be enquired.**

- If response is *I don't know*, prompt to *give it your best guess*.
- Enquire when:
  - The response does not seem to be related to the purpose of the question.
  - When it seems related, but does not convey complete understanding of the purpose of the question, e.g. it seems like it may be repeated from something heard on television.
- One enquiry per question, you can enquire following a "give me your best guess" response also.
- Enquiry examples: *What do you mean by... Can you tell me more about that... Can you give me an example... Is there anything else... In your own words...*

**Questions:**

*This is a picture of a girl named Jane, and a police officer. They are at the police station because there has been a crime, and the police officer wants to talk to Jane about it.*

- *Why do you think the police officer wants to talk to Jane?*
- *What do you think they are hoping to learn from asking her questions?*
- *What could happen if Jane chooses not to talk to the police officer?*
- *What are some things that the police officer might do with what Jane tells them?*

*Here is a different picture of a boy named Stephen, Stephen is also at the police station. The police have told Stephen that they think he has stolen from a clothing shop. Stephen has not talked to the police, but is speaking to a lawyer who is the other person in the picture with Stephen.*

- *What will Stephen's lawyer want to know?*
- *Why do you think his lawyer will want to know this?*
- *What do you think is the best thing for Stephen to do while he is talking with his lawyer?*
- *The lawyer asks Stephen to truthfully tell him exactly what happened. Why do you think the lawyer said this?*

*Here is another picture of a girl named Kiri who has been taken to the police station to be questioned, Kiri's mother has also come to the police station with her. Kiri's neighbour has said that Kiri stole some money from them, but the police don't have any evidence as no one saw her do it. Kiri knows that she doesn't have to talk to the police officer, and she is trying to decide if she should or not.*

- *If Kiri decides to talk to the police officer about what happened, what might the police officer do with the information that Kiri tells them?*
- *If Kiri decides that she doesn't want to talk to the police, what are some of the things that the police officer might do?*
- *If the police officer tells Kiri that she has to tell them what happened, what should Kiri do next?*
- *If Kiri starts to talk to the police, but then changes her mind and decides to stop talking to them, what should the police do next?*

*This is Stephen one week later in court. Stephen's dad is at court with him, along with Stephen's lawyer, and a judge.*

- *What is the main job of Stephen's lawyer in the court?*
- *If the judge finds out that Stephen did not to speak with the police, what difference might it make to what the judge does?*
- *Stephen has told his lawyer that he did steal from the clothing store. The lawyer said that he thinks it's a good idea for Stephen to tell the judge this, but Stephen still doesn't want to. Do you think Stephen should listen to his lawyer? Why?*
- *Stephen decides to tell the judge that he didn't steal the clothing. The judge then tells Stephen that some video camera footage has been found showing Stephen stealing. What do you think Stephen's lawyer could do?*

Appendix B: NZRC-CQ Response form (youth version)

**Responses - Y**

**Prior Knowledge:**

Record responses verbatim:

Where do they know this from?

**Vocabulary:**

**0: Response does not convey any understanding of the meaning of the word, contains a contradiction or fundamental misunderstanding (even if some correct info is given)**

**1: Response conveys some, but not in depth meaning of the word (e.g. a response that requires an inquiry, if following an inquiry response conveys adequate understanding, then score 2)**

**2: Response conveys adequate or complete understanding of the meaning of the word**

<u>Word</u>	<u>Verbatim Response</u>	<u>Score</u>
Arrested		0 1 2
Detained		0 1 2
Not Obligated		0 1 2
Accompany		0 1 2
Withdrawing Consent		0 1 2
Having a Right		0 1 2

<b>A Statement</b>		<b>0 1 2</b>
<b>Recorded</b>		<b>0 1 2</b>
<b>Evidence</b>		<b>0 1 2</b>
<b>Judge</b>		<b>0 1 2</b>
<b>Jury</b>		<b>0 1 2</b>
<b>Lawyer</b>		<b>0 1 2</b>
<b>Delay</b>		<b>0 1 2</b>
<b>In Private</b>		<b>0 1 2</b>

Nominated Person		0 1 2

**Cued recall:**

Record responses verbatim:

**Comprehension:**

**0:** Response does not convey any understanding of the meaning of the sentence, contains a contradiction or fundamental misunderstanding (even if some correct info is given)

**1:** Response conveys some, but not in depth understanding of the meaning of the sentence (e.g. a response that requires an inquiry, if following an inquiry response conveys adequate understanding, then score 2)

**2: Response conveys adequate or complete understanding of the meaning of the sentence**

<b><u>Portion of Right</u></b>	<b><u>Verbatim Response</u></b>	<b><u>Score</u></b>
<b>I am speaking to you about...</b>		<b>0 1 2</b>
<b>You have been arrested for...</b>		<b>0 1 2</b>
<b>You have been detained for...</b>		<b>0 1 2</b>
<b>You may be arrested if...</b>		<b>0 1 2</b>
<b>You are not obliged to accompany...</b>		<b>0 1 2</b>
<b>You have the right to remain silent...</b>		<b>0 1 2</b>

<b>You do not have to make a statement...</b>		<b>0 1 2</b>
<b>If you agree to make a statement...</b>		<b>0 1 2</b>
<b>Anything you say will be recorded...</b>		<b>0 1 2</b>
<b>You have the right to speak to a lawyer...</b>		<b>0 1 2</b>
<b>You have the right to have your lawyer present...</b>		<b>0 1 2</b>
<b>Police have a list of lawyers...</b>		<b>0 1 2</b>

**Recognition:**



<b><u>Right</u></b>	<b><u>Correct response</u></b>	<b><u>Response</u></b>
To remain silent...	D, D, S	
Do not have to make a statement or answer any questions...	S, D, D	
Can change your mind...	S, D, D	
What you say will be recorded may be retold to judge or jury...	S, D, S	
Right to speak with lawyer or nominated person...	D, D, S	
Have a lawyer / nominated person present ...	S, D, S	
Police have a list of lawyers	D, S, S	

### **Application of Rights:**

**0: Response does not convey any understanding of the purpose of the question, contains a contradiction or fundamental misunderstanding (even if some correct info is given)**

**1: Response conveys some, but not in depth understanding of the purpose of the question (e.g. a response that requires an inquiry, if following an inquiry response conveys adequate understanding, then score 2)**

**2: Response conveys adequate or complete understanding of the purpose of the question**

<b>Application Question</b>	<b>Verbatim Response</b>	<b>Score</b>
<b>Jane, Scenario 1</b>  - Why do you think the police...		<b>0 1 2</b>
- What do you think they are hoping...		<b>0 1 2</b>

- What could happen...		<b>0 1 2</b>
- What are some things...		<b>0 1 2</b>
<b>Stephen, Scenario 2</b> - What will Stephen's lawyer want to know...		<b>0 1 2</b>
- Why do you think he will want to know this...		<b>0 1 2</b>
- What do you think is the best thing...		<b>0 1 2</b>
- The lawyer asks Stephen to truthfully...		<b>0 1 2</b>

<b>Kiri, Scenario 3</b>  - If Kiri decides to talk to the police...		<b>0 1 2</b>
- If Kiri decides that she doesn't want to talk...		<b>0 1 2</b>
- If the police officer tells Kiri that...		<b>0 1 2</b>
- If Kiri starts to talk...		<b>0 1 2</b>
<b>Stephen, scenario 4</b>  - What is the main job of Stephen's lawyer...		<b>0 1 2</b>
- If the judge finds out that...		<b>0 1 2</b>

- Stephen has told his lawyer...		<b>0 1 2</b>
- Stephen decides to tell the judge...		<b>0 1 2</b>

## Appendix C: NZRC-CQ scoring criteria

**2-point response examples****NB:**

**If any answer contains a contradiction or a fundamental misunderstanding, it gets scored as a 0, even if it contains some correct information. E.g. believing a lawyer helps you, but also helps the police.**

**If an answer is somewhat correct, but unclear this should be scored a 1 e.g. Explaining that you are allowed to see a lawyer, and giving no further info. This is correct, but we are unable to determine if they fully understand the right.**

**Vocabulary:**

**-Arrested:** When a police officer takes you to the police station (or court etc.) and locks you up for committing a crime. Police handcuff you and take you away.

**-Detained:** When a police officer needs to ask you questions about a crime so they take you away somewhere. Police think you might have committed a crime so they don't let you leave. Police keep you somewhere.

**-Not obliged:** When you do not need to do what someone asks you to.

**-Accompany:** Go somewhere with someone else.

**-Withdrawing consent:** When you agree to do something, but then you change your mind and decide not to do it anymore.

**-Having a right:** Allowed to do something, having an entitlement.

**-A statement:** Telling someone about what happened. Saying something.

**-Recorded:** Writing down or videoing something so that it can be read or listened to later. **NB:** A 2 can be given even if the word recorded is used in answer, most important that they indicate understanding that info will be used again later.

**-Evidence:** Something that proves whether something is true or not.

**-Judge:** A person who decides whether someone has committed a crime or not. Helps to decide if you are guilty or not.

**-Jury:** A group of people who listen to evidence and decide whether someone has committed a crime or not.

**-Lawyer:** A person who knows what the laws are and helps you in court. Tries to prove you are not guilty. Tries to get you less punishment.

**-Delay:** Waiting for something to happen. Something is put off. The time is changed.

**-In private:** Away from other people, so they don't know what you are talking about or doing. Just you and one other person.

**-Nominated person:** Someone who you choose.

### **Comprehension:**

**-Speaking to you about:** The police officer is telling you that they want to talk about a crime or something that happened.

**-Arrested for:** You have done something illegal so the police lock you up for it. You are taken away, into custody.

**-Detained for:** You have been taken away by the police to be asked questions about something illegal that has happened. You are kept somewhere because of a crime.

**-May be arrested:** If you don't tell the police your name and where you live they can take you away and lock you up.

**-Not obliged:** You do not have to go with me, but if you do agree to go with me, you can change your mind and leave whenever you want.

**-Right to silence:** You do not have to say anything to the police. You can be quiet so you don't give them evidence.

**-Make a statement:** You do not have to tell the police what happened, or answer any questions about what happened.

**-Agree to make a statement:** If you decide that you want to tell the police what happened, or answer their questions, you can change your mind and stop talking to them whenever you want.

**-Will be recorded:** What you say now will be written down or videoed and may be given to the court to prove that you have done / have not done something.

**-Right to a lawyer:** You are allowed to talk to a lawyer or someone like your parents straight away, before talking to the police, to help you decide whether you want to talk to the police about what happened.

**-Lawyer while questioned:** You are allowed to have a lawyer or someone like a parent with you while you talk to the police about what happened so that they can help you.

**-Police have a list:** Police can get you a lawyer to help you, and it won't cost you any money

**Application:**

- **Why do you think the police officer wants to talk to Jane?**
  - They will want to talk about the crime that happened. They think she might have information. She might be a witness or might have been involved in the crime.
- **What do you think they are hoping to learn from asking her questions?**
  - Information about the crime, like who was involved, and what happened. Anything to help them know who did it.
- **What could happen if Jane chooses not to talk to the police officer?**
  - Nothing will happen, Jane is allowed to remain silent. The police might have to talk to other people.
- **What are some things that the police officer might do with what Jane tells them?**
  - Tell judge, use it to prove that she did/didn't do the crime.
- **What will Stephen's lawyer want to know?**
  - Information about whether Stephen did or did not steal from the clothing shop, and any other information about what happened.
- **Why do you think he will want to know this?**
  - So that he has all the information to be able to help Stephen as much as he can.
- **What do you think is the best thing for Stephen to do while he is talking with the lawyer?**
  - Tell him the truth so that the lawyer knows what to do to help him.
- **The lawyer asks Stephen to truthfully tell him exactly what happened. Why do you think the lawyer said this?**
  - Because if he does not tell the truth it will be more difficult for the lawyer to help him.
- **If Kiri decides to talk to the police officer about what happened, what might the police officer do with the information that Kiri tells them?**
  - They might use the information that Kiri tells them to prove that Kiri did / did not commit a crime. Tell it to the Judge and Jury.

- **If Kiri decides that she doesn't want to talk to the police, what are some of the things that the police officer might do?**
- The police officers should stop questioning her as she is allowed to decide not to talk to them. They should offer for her to speak to a lawyer. They won't make her talk because she has the right not to. Talk with other people e.g. Neighbour.
- **If the police officer tells Kiri that she has to tell them what happened, what does Kiri have to do next?**
- The police officers aren't allowed to say this, so Kiri doesn't have to tell them what happened if she doesn't want to.
- **If Kiri starts to talk to the police, but then changes her mind and decides to stop talking to them, what will the police do?**
- They should do nothing; she is allowed to decide to stop talking to them. They should offer for her to speak to a lawyer.
- **What is the main job of Stephen's lawyer in the court?**
- To help Stephen by telling the judge evidence that will help Stephen get off, or get the least punishment. To try and prove he is innocent, to defend/fight for him.
- **If the judge finds out that Stephen did not speak with the police officers, what difference might it make to what the judge does?**
- Stephen was allowed to not talk with the police so the judge will not do anything differently.
- **Stephen has told his lawyer that he did steal from the clothing store. The lawyer said that he thinks it's a good idea for Stephen to tell the judge this, but Stephen still doesn't want to. Do you think that Stephen should listen to his lawyer? Why?**
- Yes, Stephen should do what the lawyer tells him to because he is trying to help him. He shouldn't lie because the lawyers has said not to. N.B. to get a 2 on this question the participant must show understanding that they should not lie because of what the lawyer says. If they indicate that they shouldn't lie because it's wrong to lie etc. They should be scored a 1.
- **Stephen decides to tell the judge that he didn't steal the clothing. The judge then tells Stephen that some video camera footage has been found that shows Stephen stealing. What do you think Stephen's lawyer will do?**
- Tell Stephen to tell the Judge the truth to try and stop him from getting in more trouble. Try and explain to the judge why he should get less punishment.



Appendix D: Illustrations used in NZRC-CQ application section

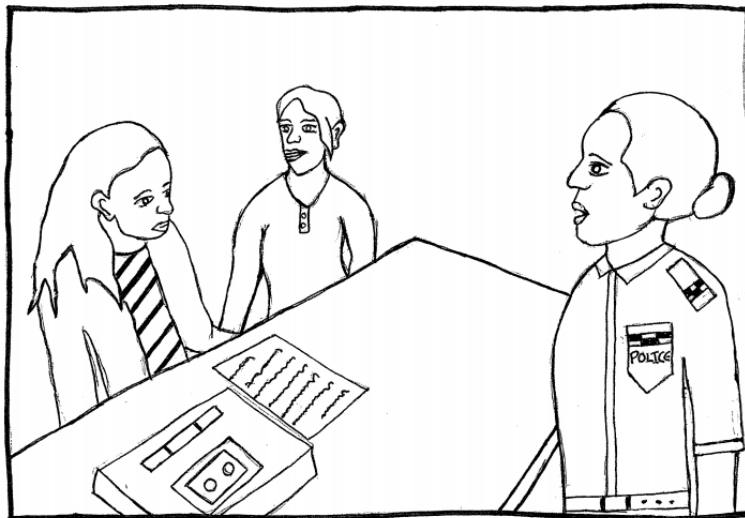
Jane scenario one:



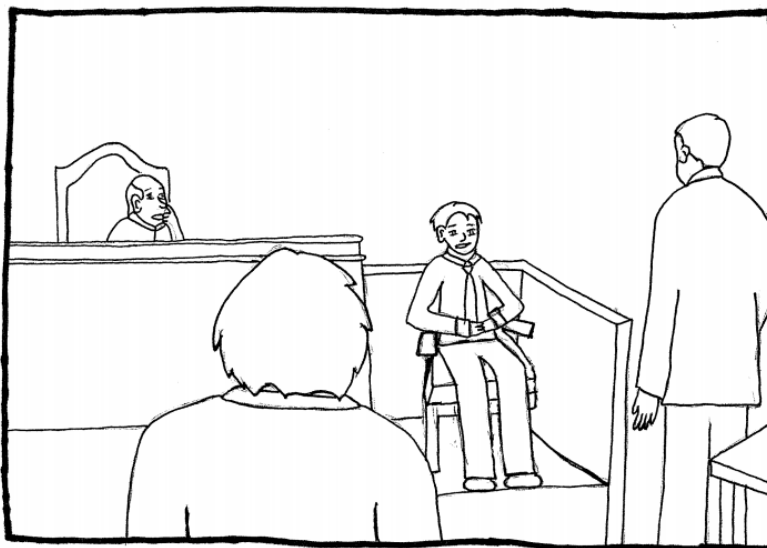
Stephen scenario two:




Kiri scenario three:



Stephen scenario four:



## Appendix E: Information pamphlet for schools

<p><b>Educational value:</b></p> <p>During the interview process, all participants will be read each of the rights contained within the New Zealand Rights Caution giving them the opportunity to gain knowledge and information about the purpose of each of the rights. Because we are wanting to test young people's base level of knowledge of the Rights Caution, we ask that you try not to discuss the Rights Cautions with students until the interviews are complete.</p> <p><b>Overall Study Results:</b></p> <p>A summary of the overall results of this study will be made available on both Dr Clare-Ann Fortune's <a href="http://youthfpsy.com/">http://youthfpsy.com/</a> and Dr Deirdre Brown's <a href="http://applieddevelopmentallab.com">http://applieddevelopmentallab.com</a> websites early 2017.</p> <p>Additionally, schools will be presented with a summary of the research in a manner that suits them, such as through a poster, summary report, and/or a short presentation.</p>	<p><b>Who is on the research team?</b></p> <p>We are a team of researchers from the School of Psychology, Victoria University of Wellington</p> <p><b>Principle investigators:</b></p> <p>Dr Clare-Ann Fortune  <a href="mailto:Clare-Ann.Fortune@vuw.ac.nz">Clare-Ann.Fortune@vuw.ac.nz</a></p> <p>Dr Deirdre Brown  <a href="mailto:Deirdre.Brown@vuw.ac.nz">Deirdre.Brown@vuw.ac.nz</a></p> <p><b>Forensic Psychology Masters Student:</b></p> <p>Frances Gaston  <a href="mailto:Frances.Gaston@vuw.ac.nz">Frances.Gaston@vuw.ac.nz</a></p> <p><b>Please feel free to contact us with any questions about this project.</b></p> <p><i>This research has been approved by the School of Psychology Human Ethics Committee under delegated authority of Victoria University of Wellington's Human Ethics Committee (Project # 22642).</i></p> <p>If you have any queries regarding ethics, the Chair of the HEC, Associate Professor Susan Corbett can be contacted:</p> <p><a href="mailto:susan.corbett@vuw.ac.nz">susan.corbett@vuw.ac.nz</a></p> <p>+64-4-463 5480</p>	<p><b>Young People's Comprehension of the Rights Caution in New Zealand</b></p> <p><b>?</b></p> <p><b>What is this research project about?</b></p> <p>International research regarding young people's understanding of their rights, when being questioned or arrested by police, shows that the majority of young people under the age of 15 mis-understand their rights, even when read a simplified version. This research will assess young New Zealander's comprehension of the youth and adult versions of the New Zealand Rights Caution.</p> <p><b>Why is this important to research?</b></p> <p>If young people do have limited understanding of the Rights Caution this would mean they are not benefiting from the legal protection that these rights are intended to provide when being questioned or arrested by police, putting young people at a disadvantage in our legal system.</p> <p></p>
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**What is involved?**

Interviews will take place on school grounds, and will require one or two private rooms large enough for the interviewer and student to sit in. Generally interviews will need to take place during class time, we will liaise with you to minimise disruption.

The interview will be conducted by a member of the research team in a private space at school and will take 30 to 50 minutes. All participants will receive a movie voucher as compensation for their time.

The interview will consist of a series of questions regarding each of the key aspects of the Rights Caution. Participants will be asked about their understanding of the Rights Caution, not their own experiences/contact with the Police. However, should any student reveal any information that we were required by law to report, the key contact person at the school will be notified by the research team.

**Consent**

Signed consent will be obtained from all participants, and their parent/guardian if they are under 16 years. We will also check with all students prior to beginning the interview that they are still happy to participate.

**Can students change their minds?**

Yes. Students can withdraw from the study without giving any reason, up until the interview session has ended. Students can let us know if they would like to withdraw in person, or via email.

**What happens to the information collected:**



Participant confidentiality will be maintained. The names of participant's will never be included in any published form nor will they be used in presentations at conferences, etc. Quotes, without any identifying information, may be included in things such as publications, presentations, etc.

Consent forms will be kept securely for at least 5 years after publication, then destroyed. Audio recordings will be transcribed then destroyed. Transcriptions, and an electronic database, with no identifying information, will be kept indefinitely. Results, including quotations, from this research may be used in publications and/or presentations. The anonymous database may be used in future research, and may be shared with other competent professionals upon request.

**Overview of the project***Key Points....*

- ◊ Interviews will take place on school grounds and will take between 30 to 50 minutes. Participants will be compensated with a movie voucher for their time and participation.
- ◊ Student participation in this study is voluntary and they can withdraw at any time, up until the end of their interview session.
- ◊ The information participant's give is confidential, and without any names, may be stored long term and shared with other competent researchers.

## Appendix F: Information and consent pamphlet for children and parents

<p><b>Demographic Information:</b></p> <p>Child's Name: _____</p> <p>Child's Gender: _____</p> <p>Date of Birth: _____</p> <p>Child's Ethnicity (list all): _____</p> <p>Parent's / Guardian's Name: _____</p> <p><b>Information relating to difficulties that relate to learning e.g. Dyslexia, ADHD (not compulsory):</b></p> <p>_____</p> <p><b>I agree for myself / my child to take part in this study:</b></p> <p>Participant's Signature: _____</p> <p><b>For Participants under 16 years:</b></p> <p>Parent / Guardian's Signature: _____</p> <p><i>Please Note This Form Has Two Sides</i></p>	<p><b>Who is on the research team?</b></p> <p>We are a team of researchers from the School of Psychology, Victoria University of Wellington</p> <p><b>Principle investigators:</b></p> <p>Dr Clare-Ann Fortune</p> <p><a href="mailto:Clare-Ann.Fortune@vuw.ac.nz">Clare-Ann.Fortune@vuw.ac.nz</a></p> <p>Dr Deirdre Brown</p> <p><a href="mailto:Deirdre.Brown@vuw.ac.nz">Deirdre.Brown@vuw.ac.nz</a></p> <p><b>Forensic Psychology Masters Student:</b></p> <p>Frances Gaston</p> <p><a href="mailto:Frances.Gaston@vuw.ac.nz">Frances.Gaston@vuw.ac.nz</a></p> <p><b>Please feel free to contact us with any questions about this project.</b></p> <p><i>This research has been approved by the School of Psychology Human Ethics Committee under delegated authority of Victoria University of Wellington's Human Ethics Committee (Project # 22642).</i></p> <p>If you have any queries regarding ethics, the Chair of the HEC, Associate Professor Susan Corbett can be contacted:</p> <p><a href="mailto:susan.corbett@vuw.ac.nz">susan.corbett@vuw.ac.nz</a></p> <p>+64-4-463 5480</p>	<p><b>Young People's Comprehension of the Rights Caution in New Zealand</b></p> <p></p> <p><b>What is this research project about?</b></p> <p>International research regarding young people's understanding of their rights, when being questioned or arrested by police, shows that the majority of young people under the age of 15 misunderstand their rights, even when read a simplified version. This research will assess young New Zealander's comprehension of the youth and adult versions of the New Zealand Rights Caution.</p> <p><b>Why is this important to research?</b></p> <p>If young people do have limited understanding of the Rights Caution this would mean they are not benefiting from the legal protection that these rights are intended to provide when being questioned or arrested by police, putting young people at a disadvantage in our legal system.</p> <p></p>
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### What is involved?

Interviews will take place on school grounds. They will take 30 to 50 minutes and will be conducted by a member of the research team in a private space. Generally interviews will need to take place during class time, which will be arranged in consultation with the school to minimise disruption.

The interview will consist of a series of questions regarding each of the key aspects of the Rights Caution. Participants will be asked about their understanding of the Rights Caution, not their own experiences/contact with the Police. Confidentiality will only be breached following interviews if it is required by law.

### Educational value:

During the interview process, all participants will be read each of the rights contained within the New Zealand Rights Caution giving them the opportunity to gain knowledge and information about purpose of each of the rights. Because we are wanting to test young people's base level of knowledge of the Rights Caution, we ask that you try not to discuss the Rights Cautions at home, or with friends until after the interview.

### Can we change our minds?

Yes. Participants can withdraw from the study without giving any reason, up until the interview has ended. Either you or your parents can let us know if you would like to withdraw in person, or via email. We will also check again prior to beginning the interview that you are still happy to participate. If you do not want to, or want to stop at any time, then we will stop straight away.

### What happens to the information collected:

Participant confidentiality will be maintained. The names of participant's will never be included in any published form nor will they be used in presentations at conferences, etc. Quotes, without any identifying information, may be included in things such as publications, presentations, etc.

Consent forms will be kept securely for at least 5 years after publication, then destroyed. Audio recordings will be transcribed then destroyed. Transcriptions, and an electronic database, with no identifying information, will be kept indefinitely. Results, including quotations, from this research may be used in publications and/or presentations. The anonymous database may be used in future research, and may be shared with other competent professionals upon request.

### Statement of consent

*If you wish to take part in the proposed study, please read the following carefully and return to your school by ...*

- ◊ I / we have read the information concerning the proposed study and I / we are aware of the type of information that is required.
- ◊ I / we understand participation in this study is voluntary and I / my child can withdraw at any time, up until the end of their interview session.
- ◊ I / we understand that the information I / my child provide is confidential, and without any names, may be stored long term and shared with other competent researchers.
- ◊ I / we have had the chance to ask questions about the research and have those questions answered to my / our satisfaction.

### Overall Study Results:

A summary of the overall results of this study will be made available on both Dr Clare-Ann Fortune's <http://youthfpsy.com> and Dr Deirdre Brown's <http://applieddevelopmentallab.com> websites in early 2017.

Additionally, schools will be presented with a summary of the research in a manner that suits them, such as through a poster, summary report, and/or a short presentation.

## Appendix G: Debriefing pamphlet for children and parents

	<p><b>Who is on the research team?</b></p> <p>We are a team of researchers from the School of Psychology, Victoria University of Wellington</p> <p><b>Principle investigators:</b></p> <p>Dr Clare-Ann Fortune  <a href="mailto:Clare-Ann.Fortune@vuw.ac.nz">Clare-Ann.Fortune@vuw.ac.nz</a></p> <p>Dr Deirdre Brown  <a href="mailto:Deirdre.Brown@vuw.ac.nz">Deirdre.Brown@vuw.ac.nz</a></p> <p><b>Forensic Psychology Masters Student:</b>          Frances Gaston  <a href="mailto:Frances.Gaston@vuw.ac.nz">Frances.Gaston@vuw.ac.nz</a></p> <p><b>Please feel free to contact us with any questions about this project.</b></p> <p><i>This research has been approved by the School of Psychology Human Ethics Committee under delegated authority of Victoria University of Wellington's Human Ethics Committee (Project # 22642).</i></p> <p>If you have any queries regarding ethics, the Chair of the HEC, Associate Professor Susan Corbett can be contacted:  <a href="mailto:susan.corbett@vuw.ac.nz">susan.corbett@vuw.ac.nz</a> +64-4-463 5480</p>	<p><b>Young People's Comprehension of the Rights Caution in New Zealand</b></p>  <p>Thank you for taking part in this research.</p> <p>We are looking at whether young people in New Zealand understand the Rights Caution, which are the rights that the police read to people when they are arrested or questioned.</p> <p>We want to find out whether there are any differences in what young people understand of their rights depending on how old they are.</p> <p>We also want to find out what level of understanding young people have, and whether the young people's version of the Rights Caution helps young people to understand their rights better.</p>
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### What We Know Now:

The reason people are read the Rights Caution when they are questioned or arrested, is to give everyone the same legal protection, such as being able to talk to a lawyer, before talking with the police. In New Zealand we have two versions of the Rights Caution, one for young people and one for adults.

Research done overseas has looked at young people's understanding of their legal rights. This research has shown that 1) most young people under the age of 15 don't fully understand their rights, and 2) young people are more likely than older people to confess to something they didn't do when they are being questioned by police.

It has also been found that simplified versions of Rights Cautions (like New Zealand's youth version) do not help young people to understand their rights, and younger people who do have some understanding, often still don't fully understand.

No research has been done in New Zealand looking at young people's understanding of the Rights Caution.

### What More Do We Need To Know:

The information that we have about young people's understanding of their rights raises the question of whether they are really giving young people the legal protection they are meant to.

Getting information regarding the effectiveness of New Zealand's use of a youth version of the Rights Caution is important because it will show whether our justice system is doing the best thing for young people in New Zealand.

Also, by looking at the different levels of understanding that young people have of their rights, we could find out if there are any particular parts of the Rights Caution that young people were finding difficult to understand. This information could be helpful with changing the Rights Caution, if this is found to be necessary.

As we are currently collecting data in New Zealand, we do not know if our findings will match overseas research findings.

### Overall Study Results:

A summary of the overall results of this New Zealand study will be made available on both Dr Clare-Ann Fortune and Dr Deirdre Brown's websites in early 2017.

-<http://youthfpsy.com/>

-<http://applieddevelopmentallab.com>

Additionally, schools will be presented with a summary of the research in a way that suits them, such as through a poster, summary report, and/or a short presentation.

Thank you again for participating in this research. We could not have done it without your help.