



Wrongful Juvenile Conviction

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Abstract — This policy brief analyzes the history of wrongful juvenile convictions and evaluates possible policy options to reduce these risks, including youth interrogation protections, access to qualified defense counsel, and stricter evidence screening requirements.

Keywords — Juvenile Justice, Interrogation Practices

I. EXECUTIVE SUMMARY

Wrongful juvenile convictions cause lasting harm for young people, their families, and the communities around them. Because adolescents are still developing, they are often more vulnerable to pressure from law enforcement, hence more likely to misunderstand their legal rights, and less prepared to make decisions that could affect the rest of their lives. Although the juvenile justice system was created to treat youth differently from adults and focus on rehabilitation, later tough-on-crime policies and uneven legal protections have left many youth at risk of wrongful conviction. These convictions can interrupt education, damage mental health, limit future employment, and weaken trust in the justice system, especially when the actual perpetrator remains free. This brief argues that states should reduce these risks by adopting stronger youth interrogation protections, improving access to qualified juvenile defense counsel, and requiring courts to more carefully

screen unreliable evidence before it is used against minors

II. OVERVIEW

Wrongful juvenile convictions in the criminal justice system destabilize and create long-lasting harm for numerous individuals. In particular, an individual who gets wrongly convicted is at risk of losing many years of their childhood/adulthood, experiencing long-lasting trauma, and being separated from economic/educational opportunities. These convictions affect future employment, future quality of life, and at risk of future involvement in the criminal justice system. Because of coercive strategies used by law enforcement, misunderstanding of the situation, and development limitations, juveniles are at risk of wrongful convictions. Thus, this policy brief addresses the systemic risks that contribute to wrongful convictions and aims to reduce the long-term consequences that juveniles experience. These solutions consist of youth interrogation rules and qualified juvenile defense counsel.

III. HISTORY

The nuanced history of wrongful juvenile conviction began to develop as the American justice system we know today was established. The first juvenile court was [built in 1899 in Chicago](#) and focused on rehabilitating delinquent youth. Prior to this creation, children and adolescents who committed crimes were treated as adults in the eyes of the law. However, children often were not provided with the constitutional protections that adults possess. While not directly related to legal protections, the first federal child labor law protecting children from child labor was only passed in 1916 and would later be invalidated through the [Supreme Court case of Hammer v. Dagenhart](#). The 1944 court case of *Prince v. Massachusetts* declared children as individuals who were deserving of having unique protections that were distinct from those of their parents. In the realm of schools, the [1969 court case of Tinker v. Des Moines Independent Community School District](#) established that students would not lose their constitutional rights of freedom of speech or individual expression when they entered school. In 2005, the *Roper v. Simmons* court case declared that it would be unconstitutional to impose monetary punishments on individuals who committed crimes as minors.

A major turning point would arrive in 1967 through the Supreme Court ruling of [In re Gault](#). This federal ruling would give juveniles the right to due process as well as legal counsel. Nonetheless, the following tough-on-crime era of the [1980s and 1990s](#) would lead to harsher consequences for juvenile delinquents. This general trend of an increased prioritization of

addressing crime meant that many juveniles were wrongfully convicted. Advancements in technology, particularly DNA tracking, revealed the wrongful convictions of many juveniles nationally. The first [DNA exoneration took place in 1989](#), revealing over 375 wrongful convictions. It was later reported that eyewitness misidentification was involved in 69% of these convictions.

The [Justice4All Act of 2004](#) would strive to expand access to DNA testing and would prioritize preventing backlogs in forensic science. This would make exoneration more feasible for wrongfully convicted juveniles. Although these legal cases have promoted a sense of reform, there are still many changes that need to be made in order to truly protect the youth.

IV. POLICY PROBLEM

A. Stakeholders

Young people are far [more vulnerable to false confessions](#) than adults, often affected by deceptive interrogation techniques legally used by police, a sense of short-term gratification, and deference to authority. In fact, 1 in 4 people between the [ages of 16 and 17](#) who were wrongly convicted produced false confessions. In the last 25 years, [38% of exonerations](#) for crimes allegedly committed by youth under 18 involved false confessions, compared with only 11% for adults.

B. Risks of Indifference

Researchers [conducted thematic analysis on data from 20 different papers](#) focused on the effects of wrongful conviction and exoneration. Their systematic literature review published in *Medicine, Science, and the Law* found that the psychological consequences of wrongful

convictions severely affected the lives of those who were accused, even following exoneration. Eight main themes were identified, including loss of identity, relationships with others, psychological and physical health, traumatic experiences in custody, and stigma. Participants primarily reported negative impacts, with problems continuously compounding each other. Traumatic experiences during incarceration served to worsen these difficulties.

Juveniles are [disproportionately affected](#) by the harms of wrongful conviction, as they experience a developmental epoch marked by numerous physical, intellectual, hormonal, and social changes. Resultantly, the risk factors of wrongful conviction, taken in tandem with [adolescent neuroplasticity](#), put youth at a [higher risk of mental health problems](#) such as emotional and behavioral disorders.

Additionally, wrongful convictions in general [reduce confidence in the criminal justice system](#) and community safety. An innocent person is unjustly prosecuted for a crime, and a guilty person escapes accountability, eroding faith in law enforcement. When a vulnerable individual, such as a juvenile, suffers the impacts of wrongful conviction, these factors are only exacerbated across the community.

C. Nonpartisan Reasoning

When an individual is wrongfully imprisoned, the [underlying truth](#) will always be that the liberty of an innocent person is stripped away, regardless of their political affiliation, socioeconomic status, or race. When the person in question is a juvenile, the effects of wrongful conviction are substantially intensified, limiting their future prospects in life even beyond exoneration. On top of this, [the true perpetrator remains at large](#), leaving neighborhoods at a high

risk of future harm. Justice and safety are principles that go beyond party lines, making it urgent that policies are passed aimed at reducing the number of juvenile wrongful convictions.

V. POLICY OPTIONS

Policy reforms should target the youth-specific vulnerabilities that lead to wrongful juvenile convictions by preventing unreliable evidence from entering the system, strengthening youth defense, and reducing the long-term harm of wrongful convictions.

First, because adolescents are especially vulnerable to pressure, fatigue, and authority figures, states should adopt youth-specific interrogation rules, including but not limited to:

1. Requiring an attorney to be present before police can interrogate a minor.
2. Banning police deception during juvenile interrogations, especially fake evidence or false promises of leniency.
3. Requiring full electronic recording of interrogations from start to finish.
4. Limiting interrogation length
5. Requiring breaks, food, water, and sleep protections.

Individual states have already started to take some of these precautions, but these protections should extend nationwide. For example, [in July 2021, Illinois Governor JB Pritzker signed a law into place that made Illinois the first state to prohibit law enforcement officers from using deception while interrogating people under the age of 18](#). This type of law does not prevent police from investigating crimes or interviewing youth. Rather, it creates basic

guardrails so that any statement obtained from a minor is more likely to be reliable.

When interrogations are recorded, courts, attorneys, and juries can later review whether a confession was voluntary or whether it was shaped by pressure or threats. Similarly, requiring counsel before interrogation helps ensure that juveniles fully understand their rights before making decisions that could affect the rest of their lives.

Second, states should strengthen access to qualified juvenile defense counsel. While youth-specific interrogation rules are important, they will not be enough if minors later waive counsel, accept plea deals, or fail to challenge unreliable evidence without fully understanding the consequences. Courts should require youth to consult with a qualified juvenile defense attorney before waiving counsel or entering any admission or plea.

For a waiver of counsel to occur, the affected party must be [knowing, intelligent, and voluntary](#). If a youth is not able to have a meaningful consultation with an attorney who is trained in the intricacies of juvenile justice, it will be [difficult for them to meet that standard](#) – especially given that the developmental capacities of youth are not the same as those of adults.

The [National Juvenile Defense Standards](#) also emphasize that juvenile defense requires specialized practice informed by adolescent development. Therefore, states should require specialized training for juvenile defenders and provide enough funding for attorneys to investigate cases, challenge questionable evidence,

and explain the long-term consequences of legal decisions.

Finally, states should require stronger reliability screening before key evidence is used against a juvenile. Wrongful convictions often depend on evidence that appears persuasive but may be unreliable, including confessions, [eyewitness identifications](#), [informant testimony](#), and [overstated forensic evidence](#).

Courts should hold pretrial reliability hearings before admitting juvenile confessions, especially when the interrogation involved deceptive practices. Judges should also allow expert testimony on [false confessions](#) and adolescent susceptibility so that juries understand why a minor might confess to something they did not do.

Beyond confessions, states should require stronger safeguards for eyewitness identifications, informant testimony, and forensic evidence, including disclosure of benefits offered to informants and closer judicial review of forensic claims. These reforms would not exclude all prosecution evidence, but they would make sure evidence is tested before it becomes the basis for a plea or conviction.

VI. CONCLUSIONS

In order to address the problem of wrongful juvenile convictions, the United States must strengthen youth defense by restricting possibly coercive methods of extracting evidence through interrogations and ensuring a thorough understanding of youth vulnerabilities by both the jury and defense counsel. Youth are much more [susceptible](#) to manipulative police tactics

that lead to false confessions, and their reasoning skills have yet to develop fully. The truth is that 69% of [children wrongly convicted](#) between the ages of 12 and 15 falsely confessed, and over [44%](#) of cases with a false confession included a juvenile. Youth are some of the most vulnerable members of society to the emotional duress of a police investigation and trial. Therefore, the most should also be done to protect them from unnecessary harm.

VII. ACKNOWLEDGEMENT

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