

<p align="center">BALTIMORE POLICE DEPARTMENT – EDUCATION AND TRAINING SECTION</p> <p align="center">LESSON PLAN</p>		
<p>COURSE TITLE: Youth Interactions Training</p> <p>LESSON TITLE: Module 8: Youth Interrogations</p>		
<p>New or Revised Course [X] New [] Revised</p> <p>Prepared By: BPD Education and Training Staff Date: March 9, 2022</p> <p>Academic Director Approval: Director Gary Cordner Date:</p>		
PARAMETERS	Lesson hours: 1.5	<input type="checkbox"/> Entry-level
	Class size: 30 students	<input checked="" type="checkbox"/> Continuing Education
	Space needs: Classroom	<input type="checkbox"/> Other
<p>STUDENT/COURSE PREREQUISITES/QUALIFICATIONS (if any)</p> <p>Modules 1-7</p>		
<p>LESSON HISTORY (previous versions, titles if applicable)</p> <p>None</p>		
<p>PERFORMANCE OBJECTIVES</p> <p>1. Students will examine the steps for interrogation of a Youth suspect to include location, procedures, and Miranda warning by reviewing scenario summaries and answering relevant questions to the satisfaction of the facilitator.</p>		<p>ASSESSMENT TECHNIQUE</p> <p>All: Through facilitated discussion and review of scenarios, students' level of comprehension of the lesson will be identified through feedback.</p>

COURSE DESCRIPTION
<p style="text-align: center;">MPCTC OBJECTIVES (if applicable)</p> <p style="text-align: center;"><i>(Include all terminal objectives. Include supporting objectives if they help elaborate what needs to be covered in the lesson. Ensure that all terminal objectives mentioned here are also added to the "Facilitator Notes" column where they are addressed in the lesson.)</i></p>
<p style="text-align: center;">INSTRUCTOR MATERIALS</p> <p>Lesson Plan PowerPoint</p>
<p style="text-align: center;">TECHNOLOGY/EQUIPMENT/SUPPLIES NEEDED</p> <p>Lecture:</p> <ul style="list-style-type: none"> 1 Computer w/PowerPoint and internet access (for group/individual feedback questions). (Set the computer up in dual-screen mode so that the interactive portion can be brought over to the projected screen) 1 Projector 1 Projector screen (mirrored screens required for larger audience size)
<p style="text-align: center;">STUDENT HANDOUTS</p> <p>Interrogation Techniques/Case Study handout Large Stickie Pad at each table</p>
<p style="text-align: center;">METHODS/TECHNIQUES</p> <p>Lesson will be presented by lecture with facilitated discussion and group activity.</p>
<p style="text-align: center;">REFERENCES</p> <p>The following sources of law and policy are used as a basis for this lesson plan. The instructor should be familiar with the material in these reference documents to effectively teach this module.</p> <p><i>Maryland constitutional and procedural law related to seizures</i> <i>Federal constitutional and procedural law related to seizures</i> <i>Draft Baltimore Police Department policies:</i> <i>Policy 1207- Youth Interrogations</i> <i>Policy 1202- Youth Interactions</i> <i>Policy 1105, Custodial Interrogations</i></p>

GENERAL COMMENTS

In preparing to teach this material, the instructor should take into consideration the following comments or suggestions.

This lesson plan is intended for use with experienced instructors who have significant teaching experience, moderate technology experience, and exceptional knowledge of constitutional law.

Lesson Plan Checklist (Part 1)



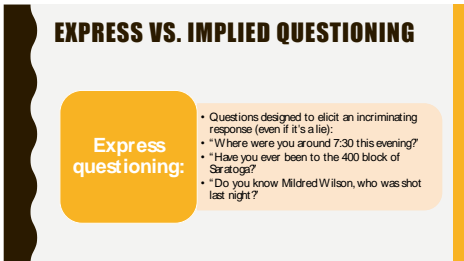
Format	Yes	No	N/A
1. All sections and boxes are completed.	X		
2. Performance objectives are properly worded and included in content.	X		
3. Assessment techniques are aligned with performance objectives.	X		
4. Copies of handouts and other instructional aids (if any) are included.	X		
5. References are appropriate and up-to-date.	X		
6. Instructions to facilitators are in the right-hand column.	X		
7. Content is in the left-hand column.	X		
8. Timing of instructional content and activities is specified.	X		
9. Instructional content and PowerPoint slides are consistent & properly aligned.	X		
10. Student engagement/adult learning techniques are included.	X		
a. Instructional content is not primarily lecture-based.	X		
b. Questions are posed regularly to engage students and ensure material is understood.	X		
c. Case studies, role-playing scenarios, and small group discussions are included where appropriate.	X		
11. Videos are incorporated.	X		
a. Video introductions set forth the basis for showing the video and key points are highlighted in advance for students.	X		
b. Videos underscore relevant training concepts.	X		
c. Videos do not contain crude or offensive language or actions that are gratuitous or unnecessary.	X		
d. Videos portray individuals of diverse demographics in a positive light.	X		
12. Meaningful review/closure is included.	X		
a. Important points are summarized at the end of lesson plan.	X		
b. Assessments are provided to test knowledge of concepts.	X		

Lesson Plan Checklist (Part 2)

Integration	Yes	No	N/A
13. Does the lesson incorporate BPD technology?	X		
14. Does the lesson plan integrate BPD policies?	X		
15. Does the lesson reinforce BPD mission, vision, and values?	X		
16. Does the lesson reinforce the Critical Decision Making Model?			X
17. Does the lesson reinforce peer intervention (EPIC)?			X
18. Does the lesson incorporate community policing principles?	X		
19. Does the lesson incorporate problem solving practices?			X
20. Does the lesson incorporate procedural justice principles?	X		
21. Does the lesson incorporate fair & impartial policing principles?			X
22. Does the lesson reinforce de-escalation?			X
23. Does the lesson reinforce using most effective, least intrusive options?			X
24. Does the lesson have external partners involved in the development of training?		X	
25. Does the lesson have external partners in the delivery of training?		X	
Subject Matter Expert: Rena Kates	Date: 2-10-2022		
Curriculum Specialist: Danalee Potter	Date: 3-2-2022		
Reviewing Supervisor: Tim Dixo	Date:		
Reviewing Commander: Major Derek Loeffler	Date:		

COURSE TITLE: Youth Interactions

LESSON TITLE: Module 8: Youth Interrogations

PRESENTATION GUIDE	FACILITATOR NOTES
<p>I. ANTICIPATORY SET</p> <p>SAY: Now that we've spent time talking about why kids are so different than adults, I'd like to see you apply this knowledge to a new topic, youth interrogations.</p>	<p>Time: 15 minutes</p> <p>Slide 1</p> 
<p>SAY: There are three goals for this training:</p> <ol style="list-style-type: none">1- Part I: When do you have to read Miranda? A Youth might think they are in custody when a reasonable adult would not.2- Part II: How do you make sure confessions are voluntary? How do you avoid applying improper pressure to a Youth you are interrogating? What are some ways you can build rapport with Youth and make sure your interviews are voluntary?3- Part III: Review of BPD policies and practice scenario <p>SAY: There are two types of questions that are considered to be interrogation, Express and Implied .</p> <p>ASK: Who can tell me what express questioning is?</p>	<p>Slide 2</p>  <p>Slide 3</p> 

ASK: How about implied questioning, what is that?

Slide 4

EXPRESS VS. IMPLIED QUESTIONING



Implied Questioning:

- Any words or actions that an officer knows or should know are reasonably likely to get an incriminating response from the suspect.
- Also referred to as the equivalent of questioning Example:
 - "bhny says you hit him"
 - Presenting evidence

SAY: There are requirements for all statements:

- The law says that if you have someone in custody, and you are interrogating them, you HAVE to read their Miranda rights.
- The law also says that all interrogations have to be VOLUNTARY, and you cannot force a person to confess against their will.

ASK: What happens if these Constitutional requirements are not met?

Slide 5

CONSTITUTIONAL REQUIREMENTS FOR STATEMENTS

5th Amendment

- You must read suspect Miranda rights if there is custody + interrogation

14th Amendment

- All statements must be given voluntarily (you cannot coerce someone into confessing)

Expected Response:

- Evidence can get suppressed at trial
- Wrongful convictions
- Lawsuits from civil rights violations
- Departmental discipline

Reasonable Child standard:

SAY: We've spent the past two days talking about how kids are different, and how what might seem reasonable to an adult is actually coercive to a kid.

This applies to interrogations as well. Today we're going to go over some new policies that take youth development into account, and are designed to ensure that BPD's interrogations of youth are voluntary.

Slide 6

REASONABLE CHILD STANDARD

Because Youth are more susceptible to police pressure, a reasonable child might feel they are in custody when an adult would not.

A Youth suspect might feel pressure to make a statement, while an adult suspect would not feel that same pressure

New BPD policies take into account adolescent development and concepts discussed earlier in the course

SAY: This training will help you in your investigations because making sure that Youth confessions are voluntary:




- 1. will help you build rapport with your interviewees, and get more helpful information
- 2. Will make your statements more likely to be admissible in court.

Slide 7

<ul style="list-style-type: none"> - 3. Will help build trust with youth and families, which can help in future investigations. - 4. It can prevent false confessions. When there is a false confession, not only do you run the risk of convicting an innocent person, but the actual perpetrator remains free from accountability and is a continuing risk to the public. 	<p>HOW WILL THIS TRAINING HELP YOUR INVESTIGATIONS?</p> <ul style="list-style-type: none"> • Build rapport • Ensure admissible confessions • Build trust with youth and families • Prevent false confessions <p>Ensuring that all Youth confessions are voluntary will help.</p>
<p>II. INSTRUCTIONAL INPUT (CONTENT) Part 1: Knowing when to read Miranda rights to Youth</p> <p>SAY: You need to read Miranda when there is Custody + Interrogation.</p>	<p>Time: 55 minutes Slide 8</p> <p>PART I: WHEN DO YOU HAVE TO READ MIRANDA RIGHTS TO A YOUTH?</p>
<p>SAY: The age of the suspect is a factor too! We're going to spend a lot of time on that one in this class, because it's particularly relevant for Youth.</p>	<p>Slide 9</p> <p>MIRANDA "CUSTODY" INDICATORS</p> <p>Even if the suspect was <u>not</u> formally arrested, the court will consider these factors to see if they were in CUSTODY (an "arrest-like" situation) while he was being questioned:</p> <ul style="list-style-type: none"> Length of time and location of the questioning Were the suspects isolated? How did they get to the location? "Threatening presence" of several police officers Any weapons displayed or physical touching of the suspect Age of the suspect Intimidating tone of voice or language Restrictions on movement, handcuffs or other restraints Was the suspect "confronted with evidence"? Accused of a crime?
<p><u>Learning Activity Is Miranda Required?:</u> SAY: Find the handout in your binder labeled "Youth Interrogations Activity". Read the fact pattern as a group from the handout at your table. Then, discuss the questions as a group. We're going to go over our answers as a class once you've had time to discuss.</p> <p>I'm also going to put the fact pattern up on the screen as well.</p> <p>SAY: Here are the facts</p> <ul style="list-style-type: none"> - Police suspected Johnny, a 13-year-old special education student in 7th grade, of two home break-ins - A uniformed police officer on detail at Johnny's school took Johnny out of his 	<p>Slide 10</p> <p>IS THIS YOUTH IN CUSTODY? IS MIRANDA REQUIRED?</p> <ul style="list-style-type: none"> • Police suspected Johnny, a 13-year-old special education student in 7th grade, of two home break-ins • A uniformed police officer on detail at Johnny school took Johnny out of his classroom to a conference room where, with the door closed, the police and school administrators questioned him for 30 minutes. • Before beginning, they did not give him Miranda warnings or the opportunity to call his grandmother, his legal guardian, nor tell him he was free to leave the room. • At first, Johnny denied that he was involved. But after police urged him to tell the truth, and told him that he could go to juvenile detention, he confessed. <p><i>Give students 5 minutes to read over the fact pattern, and 3 minutes to discuss the questions.</i></p> <p><u>NOTE:</u> DO NOT reveal that it is a</p>

<p>classroom to a conference room where, with the door closed, the police and school administrators questioned him for 30 minutes.</p> <ul style="list-style-type: none"> - Before beginning, they did not give him Miranda warnings or the opportunity to call his grandmother, his legal guardian, nor tell him he was free to leave the room - At first, Johnny denied that he was involved. But after police urged him to tell the truth, and told him that he could go to juvenile detention, he confessed. 	<p><i>Supreme Court Case until after the discussion has concluded!</i></p>
<p>SAY: After he confessed, police then told him that he could refuse to answer questions and was free to leave.</p> <ul style="list-style-type: none"> - Johnny was asked if he understood his rights, and Johnny nodded. He then provided further detail about the crime, including the location of the stolen items. He also wrote a statement, at the police officer's request. - When the school day ended, he was permitted to leave to catch the bus home. Two juvenile petitions were filed against Johnny, charging him with breaking and entering and with larceny. 	<p>Slide 11</p> <div data-bbox="971 636 1430 894"> <p>IS THIS YOUTH IN CUSTODY? IS MIRANDA REQUIRED?</p> <ul style="list-style-type: none"> • After he confessed, police then told him that he could refuse to answer questions and was free to leave. • Johnny was asked if he understood his rights, and Johnny nodded. He then provided further detail about the crime, including the location of the stolen items. He also wrote a statement, at the police officer's request. • When the school day ended, he was permitted to leave to catch the bus home. Two juvenile petitions were filed against Johnny, charging him with breaking and entering and with larceny. </div>
<p>SAY: Here are the questions:</p> <ul style="list-style-type: none"> - Would a reasonable Youth feel like he was in "custody"? - Would a reasonable Youth feel free to leave in this situation? To refuse to answer questions? - Does it matter that the Youth was a special education student who did not have the comprehension of a typical 13-year-old? - Should the detectives have read the Youth his Miranda rights? - Were the Youth's statements "voluntary"? Or the product of improper police pressure? <p>SAY: Think back to when you were in seventh grade. Would you have felt you could walk out of the principal's office without getting into more trouble?</p> <p>Would a 13 year old in a conference room with police and school principals feel free to walk away, even if they were told they could?</p>	<p>Slide 12</p> <div data-bbox="971 1077 1430 1335"> <p>QUESTIONS TO DISCUSS:</p> <ul style="list-style-type: none"> • Would a reasonable Youth feel like they were in "custody"? • Would a reasonable Youth feel free to leave in this situation? To refuse to answer questions? • Does it matter that the Youth was a special education student who did not have the comprehension of a typical 13-year-old? • Should the detectives have read the Youth his Miranda rights? • Were the Youth's statements "voluntary"? Or the product of improper police pressure? </div> <p><i>Go around the room, have a representative from each table answer questions</i></p> <p><i>Call on members at each table to respond to the questions as a group.</i></p> <p><i>Challenge participants on their answers (no need to reveal the "right" answer yet)</i></p> <p><i>If they say "Yes, there is custody"</i></p>

	<p><i>counter with “but they never put him in handcuffs!”</i></p> <p><i>If they say “No, there is not custody”, counter with “but would a child in his position really have felt free to leave?”</i></p>
<p>SAY: Now that we’ve discussed these facts, surprise! These are actually the facts from a 2011 Supreme Court case called “JDB vs. North Carolina”</p> <p>ASK: What do you think the Supreme Court decided?</p> <p>SAY: If you did not think that the Youth was in custody, you’re in decent company, because the judges of the lower court agreed with you.</p> <p>But for those of you who said that the Youth WAS in custody, congratulations! You’ve got the Justices of the Supreme Court on your side.</p>	<p>Slide 13</p> <p>J.D.B. VS. NORTH CAROLINA, 564 U. S. (2011)</p> <ul style="list-style-type: none"> • These were the facts from a Supreme Court case, decided in 2011 • The lower courts thought the confession was admissible, as they said that because the Youth was not in custody, the officer did not have to read Miranda. They said that age did not matter in deciding custody. <p>What do you think the Supreme Court decided?</p> <p><i>Call on volunteers to share</i></p> <p>Expected response: Some will say yes, custody. Some will say no, not custody.</p>
<p>Presenter: Yes, Miranda was required here.</p> <ul style="list-style-type: none"> - The lower court kept in the confession and said “age didn’t matter.” But the Supreme Court disagreed. - This is the Supreme Court case that says you have to consider age when deciding whether or not a Youth is in custody for purposes of Miranda. - Custody: reasonable child would not have felt free to leave - Interrogation: questions designed to get an incriminating response - "It is beyond dispute that children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave. Seeing no reason for police officers or courts to blind themselves to that commonsense reality, we hold that a child's age 	<p>Slide 14</p> <p>YES, MIRANDA WAS REQUIRED HERE.</p> <ul style="list-style-type: none"> • The Supreme Court overturned the lower court decisions that said age didn't matter. Age does matter in deciding whether or not a Youth is in custody for purposes of Miranda. • "It is beyond dispute that children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave. Seeing no reason for police officers or courts to blind themselves to that commonsense reality, we hold that a child's age properly informs the <i>Miranda</i> custody analysis." <p><i>J.D.B. vs. North Carolina, 564 U.S. (2011)</i></p>

<p>properly informs the <i>Miranda</i> custody analysis"</p>	
<p>SAY: Now, let's put what we've learned about custody into practice.</p> <p><u>Learning Activity:</u></p> <ul style="list-style-type: none"> - Picture 1: - Is this Youth in custody? Yes! - Why? Clearly he's under arrest - Does the officer need to read him Miranda before interrogating him? Yes! 	<p>Slide 15</p> <div data-bbox="971 304 1430 562"> <p>IS THIS YOUTH IN CUSTODY?</p>  </div> <p><i>Call on students to answer the questions BEFORE confirming whether or not the answer is correct based on the content in the left column of the LP</i></p>
<p>SAY: Is this Youth in custody? Yes!</p> <ul style="list-style-type: none"> - Why? - Location: He's in an interrogation room, - Officer: Officer is standing in uniform, blocking the door, two officers in the room - Weapon: visible at waist - Positioning of officers: officers standing, youth sitting - Relative size differential between youth and officers - Detective: handing him a piece of paper, a waiver? 	<p>Slide 16</p> <div data-bbox="971 787 1430 1045"> <p>IS THIS YOUTH IN CUSTODY?</p>  </div> <p><i>Call on students to answer the questions BEFORE confirming whether or not the answer is correct based on the content in the left column of the LP</i></p>
<p>SAY: Is this Youth in custody?</p> <ul style="list-style-type: none"> - Probably not - But if he had just pulled him out of a stolen car and was asking him about the offense, maybe? 	<p>Slide 17</p> <div data-bbox="971 1270 1430 1528"> <p>IS THIS YOUTH IN CUSTODY?</p>  </div> <p><i>Call on students to answer the questions BEFORE confirming whether or not the answer is correct based on the content in the left column of the LP</i></p>

SAY: Additional factors to consider:

- Age of the child
 - o **Ask:** How old do you think this boy is?
 - o Younger child = more likely to feel like he's in custody
- Position of the officer
 - o Officer sitting very close to the child
 - o Look on the child's face
 - o Size difference between officer and child
- Location
 - o Officer appears to be at the youth's home
 - o Youth appears to have come outside of his home to sit. Is he there voluntarily?

SAY: These and other factors can influence whether a statement is voluntary.

SAY: According to BPD Policy 1207, Before starting the interrogation, you need to gather some additional information to make sure that the Youth has the capacity to understand your questions

- Ask the Youth and parent/guardian about learning and developmental disabilities
- Is the Youth enrolled in school?
- What grade? (consider if the child is behind)
- Has the Youth ever received special education services or an IEP? (Individualized Education Program)
- Has the Youth ever been diagnosed with a disability, including a learning disability? (if so, ask for more information)
- Language barriers?
- Literacy?
- Impaired by drugs or alcohol?
- If their ability to understand is impaired by a behavioral health disability or intellectual disability, the interrogation must stop.

(Crying by itself is not a behavioral health crisis)

ASK: Has anyone had a suspect experience a behavioral health crisis during an interrogation? What might this look like?

Slide 18

BEFORE STARTING THE INTERROGATION

BPD Policy 1207 requires that you ask:

- Is the Youth enrolled in school? At or below appropriate grade level? Receive special education services? Been diagnosed with a disability (including a learning disability)?
- Impaired by drugs or alcohol?
- Experiencing a behavioral health crisis?

If the Youth shows signs that their ability to understand is impaired by a behavioral health or intellectual disability, you must stop the interrogation.

SAY: If a member encounters Youth of any age displaying signs that their ability to understand is impaired by a behavioral health or intellectual disability (including use of alcohol or other drug use, suicidal ideation, mental illness, or a developmental disability), the member shall stop the Interrogation immediately. Members shall document the reason for terminating the Interrogation, and consult with their supervisor in order to determine whether the Interrogation may resume at a later time.

Part II: What makes a statement voluntary?

SAY: The waiver of Miranda rights must be KNOWING and VOLUNTARY.

- If the Youth does not understand their rights, they cannot give a KNOWING waiver and the statement is not VOLUNTARY either.
- Make sure that the Youth you are interviewing actually understands what a “RIGHT” is (that is it not a privilege that can be taken away)

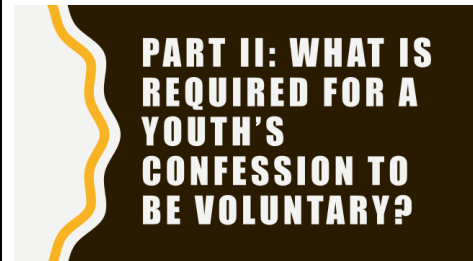
BPD Policy 1207 addresses how to go through these rights and why it’s important to check for understanding

ASK: What can happen if a judge finds that a Youth’s statement was involuntary (forced)?

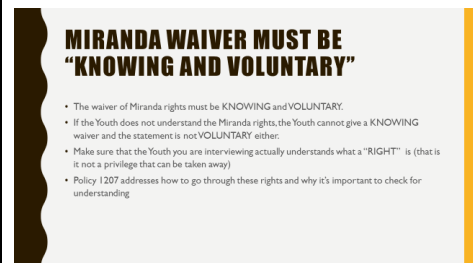
Miranda Waiver:

ASK: Based on what you have learned about Youth development over the past couple days, what do you think would make a Youth especially susceptible to

Slide 19



Slide 20



Desired Response:

The statement will be suppressed. All evidence derived from the statement will be suppressed as “fruit of the poisonous tree”.

Slide 21

<p>give an involuntary statement?</p>	<div data-bbox="1008 216 1390 289"> <p>WHY ARE YOUTH VULNERABLE TO MAKING INVOLUNTARY STATEMENTS?</p> </div> <div data-bbox="1019 310 1406 432"> <p>Susceptible to pressure</p> <p>Focus on immediate reward (i.e., getting home) vs. long term risks</p> <p>Scared of consequences if they do not tell police what they want to hear</p> </div> <p>Expected Responses:</p> <ul style="list-style-type: none"> • Susceptible to pressure • Are socialized to obey adults (at home, at school, etc.); especially socialized to comply with authority figures like police • Focus on immediate reward (i.e., getting home) vs. long term risks <p>Scared of consequences if they do not tell police what they want to hear</p>
<p>ASK: Are these examples of coercion? Why or why not?</p> <p>SAY: Threats and promises of this nature are enough to overcome a person's free will, and amount to unconstitutional pressure.</p>	<p>Slide 21</p> <div data-bbox="967 932 1430 1192"> <p>COERCION? WHY OR WHY NOT?</p> <p>"Tell me what you know or I'll arrest your friend"</p> <p>"Tell me what you know and I'll make sure your brother's case goes well"</p> <p>What if the Youth tries to bargain with YOU?</p> <p>"If I tell you what I know, can you help with my case?"</p> </div> <p>Answer: yes! They make promises that are too good to pass up, and threats that are too bad to refuse.</p>
<p>Learning Activity: Video presentations and discussion Case Study #1:</p> <p>SAY: As you watch this video, think about how the detective is putting pressure on the Youth, and whether or not this makes his confession involuntary</p>	<p>Slide 23</p> <div data-bbox="967 1339 1430 1600"> <p>CASE STUDY #1: YOUTH INTERROGATION IN NEWPORT NEWS, VA</p> <p>As you watch this video, think about how the detective is putting pressure on the Youth, and whether or not this makes his confession involuntary.</p> </div>
<p>Play Video</p> <p>ASK: Given the training you now have on adolescent development, what do you think was wrong with this</p>	<p>Slide 24</p>

interrogation?

ASK: Was Gabriel's confession voluntary?



Show video from Newport News, Virginia

https://www.youtube.com/watch?v=Vybt0VHRj_k

SAY: So, here are things that were wrong with the Interrogation:

- Length of time- 8 hours with few breaks
- Miranda- less than 10 seconds, did not check for comprehension, not in writing
- Miranda waiver not voluntary
 - o Child handcuffed in painful position prior to Miranda warning,
 - o Child could believe they must waive in order to get better treatment from pain.
- Statement not voluntary
 - o Detective intimidated and coerced the Youth into giving a statement:
 - o Sat very close to youth nearly touching youth, backed him into a corner, locked knees with him
 - o Intimidated him with photos of other youth and discussion of death and sexual assault in jail
 - o Lied by implying that the Youth could end up in adult prison (which is not possible for a Youth in the juvenile system).

Slide 25

CASE STUDY #1: YOUTH INTERROGATION IN NEWPORT NEWS

Ways that the detective applied pressure to the Youth during the interrogation:

- Length of time of the interrogation (8 hours with few breaks)
- Very short Miranda advisement with no check for comprehension
- Detective sat very close to him
- Detective frightened him about prison rape
- Threatened him with stories about other kids

NOTE: Additional factors:

- Did not make an effort to locate the parents
- Did not ask about education, physical, or mental disabilities, if any, or whether Youth was impaired.

Part 2: Review of new BPD procedures

Topic 1: Before Starting the Interrogation:

Slide 26

SAY: Before you start an interrogation, you need to have a parent/guardian or attorney present.

BPD YOUTH INTERROGATION POLICY 1207

SAY: Parental notification requirements include:

- You cannot interrogate a Youth under 18 without a parent, guardian, or attorney present
- Contact parent/guardian when you get to BPD facility for questioning
- Attempt to contact an attorney through the Office of the Public Defender
- Document your attempts

For Youth ages 16 and 17:

You can begin advise of rights and interrogation once parent/guardian or attorney is present

Slide 27

PARENTAL NOTIFICATION REQUIRED

BPD Policy 1207:

- You cannot interrogate a Youth under 18 without a parent, guardian, or attorney present
- Contact parent/guardian when you get to BPD facility for questioning
- Attempt to contact an attorney (Office of Public Defender)
- Document your attempts
- For Youth ages 16 and 17:
 - You can begin advise of rights and interrogation once parent/guardian or attorney is present

SAY: For Youth age 15 and under:

Parent/guardian must **consent** before beginning advisement of rights and interrogation

Youth must have the chance to consult with an

attorney before advisement of rights and interrogation

Public defender 24 hour hotline: 410-999-8287

SAY: Here is what you need to tell the parent/guardian:

- Youth can consult them prior to/during questioning
- They have to be there to conduct interrogation
- If they want interrogation to stop, it will stop

Slide 28

REQUIREMENTS FOR YOUTH 15 AND UNDER

What are the unique requirements for youth 15 and under?

Public Defender 24 hour hotline number

Parent/guardian must consent before beginning advisement of rights and interrogation

Youth must have the chance to consult with an attorney before advisement of rights and interrogation

SAY: Here are some exceptions where the parent/guardian should not be allowed in the room.
EXCEPTIONS:

- Do not allow the parent/guardian into the Interrogation if he/she:
- Is a complainant/victim in the offense under investigation
- Is suspected of being an accomplice in the offense (or accessory, co-conspirator, etc.)

Slide 29

WHAT TO TELL THE PARENT/GUARDIAN


Tell the parent/guardian:

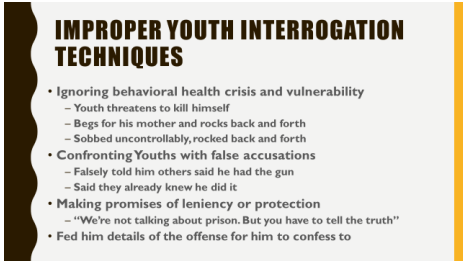
- Youth can consult them prior to/during questioning
- They have to be there to conduct interrogation
- If they want the interrogation to stop, it will stop

EXCEPTIONS: Do not allow the parent/guardian into the Interrogation if they:

- Are a complainant in the offense under investigation
- Are suspected of being an accomplice in the offense
- Express strong hostility towards Youth
- If parent/guardian wants to be present, but the Youth states they do not want them to be present, an attorney must be present to proceed with the Interrogation

<ul style="list-style-type: none"> - Expresses strong hostility towards Youth <p>SAY: If parent/guardian wants to be present, but the Youth states they do not want them to be present, an attorney must be present to proceed with the Interrogation</p> <p>During our learning activity with JDB vs. North Carolina, some of you mentioned that the fact that the Youth was a 13 year old special education student made a difference for whether he was in custody.</p> <p>BPD policy recognizes this as well, and has added some additional questions that you need to ask to make sure that the Youth can understand your questions.</p>	<p>Expected response: Yes. Crimes where the child has committed a crime against the parent (like an assault), or when parent might have tried to hide the child's involvement.</p>
<p>SAY: BPD policy includes many of the ideas that you just said.</p> <p>Here is how you should go over the Explanation and Waiver of Rights Form for Youth</p> <ul style="list-style-type: none"> - Give everyone the form, and go through it line by line with the Youth, parent/guardian, and attorney - Youth can read it to themselves - Read the form aloud to the Youth - Ask Youth to explain, in their own words, what each right means - If Youth asks for a lawyer, contact a lawyer! - If Youth doesn't want to talk, stop the interrogation - A parent cannot waive a Youth's Miranda rights <p>ASK: For those of you who conduct interrogations, what are some strategies that work for you in building rapport with your suspect?</p>	<p>Slide 30</p> <div data-bbox="971 852 1430 1110"> <p>READING MIRANDA RIGHTS</p> <p>BPD Policy 1207: Use Explanation and Waiver of Rights Form for Youth</p> <p>How should you present it to the Youths and their guardians?</p> <ul style="list-style-type: none"> • Give everyone the form, and go through it line by line • Youth read it to themselves, then you read it to them • Ask Youth to explain, in their own words, what each right means • If Youth asks for a lawyer, contact a lawyer • If Youth doesn't want to talk, stop the interrogation </div> <p>Expected responses: Respectful tone, full explanations, put the person at ease</p>
<p>SAY: Here is what you should do when conducting a Youth interrogation</p> <ul style="list-style-type: none"> - Ask age appropriate questions, take into account education and prior experience - Build rapport, interrogation plan - Ask open ended questions 	<p>Slide 31</p>

<ul style="list-style-type: none"> - Give brief overview of BPD procedures and prosecution with clear, simple language - Tailor questions to Youth's age, maturity, and experience <p>You can reference "Youth Interrogation Techniques" in your handout folder for more suggestions.</p>	<p>WHAT SHOULD YOU DO DURING A YOUTH INTERROGATION?</p> <p>BPD Policy 1207:</p> <ul style="list-style-type: none"> • Ask age appropriate questions, take into account education and prior experience • Build rapport, have an interrogation plan • Ask open ended questions • Give brief overview of BPD procedures and prosecution with clear, simple language • Tailor questions to Youth's age, maturity, and experience
<p>SAY: To protect against that, here are some things you cannot do during an interrogation of a Youth.</p> <ul style="list-style-type: none"> - No deception - Can't tell Youth: You have evidence against them, video, other people said Youth involved- if this is FALSE <p>SAY: Kids are already so easily manipulated, lying makes it so much worse. If you lie during a Youth interrogation, the confession will likely get suppressed in court as most judges will consider the confession to be involuntary. And, you could end up with a false confession as well, with all the consequences that follow (we're going to talk about an example of this on the next slide)</p> <ul style="list-style-type: none"> - Don't go beyond 2 hours, unless circumstances require it (get supervisor approval) - Don't shackle unless safety issue (Youth engaging in behavior likely to injury themselves or others) - Don't proceed if Youth is experiencing behavioral crisis 	<p>Slide 32</p> <p>BPD POLICY 1207: WHAT YOU CANNOT DO DURING AN INTERROGATION</p> <p>NO DECEPTION:</p> <ul style="list-style-type: none"> • Can't tell Youth: You have evidence against them, video, other people said Youth involved- if this is FALSE Don't go beyond 2 hours, unless circumstances require it (get supervisor approval) Don't shackle unless safety issue Don't proceed if Youth is experiencing behavioral crisis
<p>III. REVIEW/EVALUATION/CLOSURE</p> <p>SAY: We're going to wrap up this module with a case study which shows the consequences of NOT following these policies, and the dangers of coercing kids into making confessions.</p> <p>EXPLAIN: In August 2013, police in St. Clair County, Illinois arrested 17 year old Trevon Yates for an armed robbery. Trevon has an IQ of 60 and other mental health vulnerabilities.</p> <p>Police had no evidence tying him to the robbery. All</p>	<p>Time: 15 minutes</p> <p>Slide 33</p> <p>CASE STUDY #2: TREVON YATES</p>  <p>Desired Response:</p>

<p>detectives had was a tip that a youth named “Trayvon” was involved, and Travon Yates didn’t even match the description provided by the witness.</p> <p>Yet, detectives told him they knew he was involved, and they fed him details of the crime which they incorporated into the confession.</p> <p>ASK: As you watch this case study, think about how this detective may have violated the teen’s constitutional rights, and BPD policy.</p> <p>SAY: In case you can’t hear what he’s saying. He’s crying out for his mother, and God saying “I’m going to kill myself” (1:52)</p> <p>ASK: What are some examples of improper interrogation techniques?</p> <p>ASK: What would be violations of BPD policy?</p>	<ul style="list-style-type: none"> - Ignoring behavioral health crisis and vulnerability <ul style="list-style-type: none"> o Youth threatens to kill himself o Begs for his mother and rocks back and forth o Sobbed uncontrollably, rocked back and forth - Confronting Youths with false accusations <ul style="list-style-type: none"> o Falsely told him others said he had the gun o Said they already knew he did it - Making promises of leniency or protection <ul style="list-style-type: none"> o “We’re not talking about prison. But you have to tell the truth” - Fed him details of the offense for him to confess to
<p>SAY: For review, here is a summary of the improper techniques that were used.</p>	<p>Slide 34:</p>  <p><i>Instructor: Go over any responses that were not generated by the class.</i></p>
<p>SAY: Here are some additional details about what happened to Travon.</p>	<p>Slide 35:</p>

<p>ASK: Do you think youth in general are more likely to confess to a crime falsely?</p> <p>ASK: What were the consequences of the false confession for Travon in this case?</p> <p>ASK: What were the consequences of the false confessions for his family? For his community?</p>	<div data-bbox="1115 205 1297 262"> CASE STUDY #2: TREVON YATES </div> <div data-bbox="1015 273 1401 430"> <p>Consequences of police coercion for Youth suspects:</p> <ul style="list-style-type: none"> • Trevon was charged as an adult with armed robbery. • Trevon thought he would go home after confessing. Instead, his mugshot appeared in the newspaper identifying him as the suspect. • Unable to meet \$500,000 bond, he spent nine months in jail before the State's Attorney's Office dropped the charges, after viewing the video. • Police never identified another suspect. </div> <p>Expected Responses: Yes. Developmental factors discussed during Day 1. Age, education, other disabilities known or unknown that might affect ability to make decisions.</p> <p>Expected Responses Further trauma, ACES, distrust of police and criminal justice systems</p> <p>Expected response: Family may have felt like he was manipulated, betrayed, lack of trust.</p>
<p>III. TRAINING REVIEW/EVALUATION/CLOSURE</p>	
<p>SAY: We'd like to end with our final activity, called "Teach Backs". Each table will be assigned a topic from the Youth Interactions training</p> <p>You will have 5 minutes to discuss one thing you will take with you from this training that relates to your assigned topic. We will then go around the room and share.</p> <p>Thank you for attending this training, and please let us know if you have any questions.</p>	<div data-bbox="964 1121 1430 1413"> <p>Slide 36</p> <div data-bbox="1101 1169 1313 1197"> FINAL TEACH BACKS </div> <div data-bbox="1015 1211 1382 1272"> <ul style="list-style-type: none"> • Each table will be assigned a topic from the Youth Interactions training • You will be responsible for making a short presentation to "Teach Back" one thing that you learned from your assigned topic that you will take with you when you leave the training. • You can do an illustration, skit, pop quiz, Q&A with the class, whatever you'd like! </div> <div data-bbox="1015 1289 1180 1383"> <p>Here are the assignments:</p> <ul style="list-style-type: none"> • Adolescent Development • Mental Health Vulnerabilities or Trauma • Stops, Searches and Arrest • Diversion • Youth Interrogations </div> <p><i>Give participants 5 minutes to discuss their key take away points. Then, go around the room and ask them to share their "Take Away" points with the class.</i></p> </div>

APPENDIX A

Youth Interrogations Activity

Case Study for Discussion:

Police suspected Johnny, a 13-year-old special education student in 7th grade, of two home break-ins. A uniformed police officer on detail at Johnny's school took Johnny out of his classroom to a conference room where, with the door closed, the police and school administrators questioned him for 30 minutes. Before beginning, they did not give him Miranda warnings or the opportunity to call his grandmother, his legal guardian, nor tell him he was free to leave the room.

At first, Johnny denied that he was involved. But after police urged him to tell the truth, and told him that he could go to juvenile detention, he confessed. After he confessed, police then told him that he could refuse to answer questions and was free to leave. Johnny was asked if he understood his rights, and Johnny nodded. He then provided further detail about the crime, including the location of the stolen items. He also wrote a statement, at the police officer's request. When the school day ended, he was permitted to leave to catch the bus home. Two juvenile petitions were filed against Johnny, charging him with breaking and entering and with larceny.

- Would a reasonable Youth feel like he was in "custody"?
- Would a reasonable Youth feel free to leave in this situation? To refuse to answer questions?
- Does it matter that the Youth was a special education student who did not have the comprehension of a typical 13-year-old?
- Should the detectives have read the Youth his Miranda rights?
- Were the Youth's statements "voluntary"? Or the product of improper police pressure?

Appendix B

Youth Interrogation Techniques

Youth can often misunderstand questions.

Members should tailor their questions to their knowledge or reasonable assessment of the following characteristics: the Youth's age, maturity, level of education, apparent mental ability, and other information known to the member at the time of the Interrogation.

The following guidelines should be followed as appropriate in consideration of those characteristics:

- Avoid police or legal jargon.
- Use names and places instead of pronouns.
- Use short, simple words and sentences.
- Avoid questions with multiple parts.
- Avoid "yes/no" questions, instead use targeted, open-ended questions that elicit a narrative response (e.g., "What did you do last night?").
- Avoid leading questions. Instead, use questions beginning with "who," "what," "where," "when," and "how" to get more information about specific parts of the Youth's story (e.g., "Where was the victim standing?").
- Avoid offering the Youth a limited set of options. (e.g., "Was the victim standing by the couch or by the door?")
- Connect time events to concrete events in the Youth's life (e.g., "Did this happen when you were on summer break or when you were going to school?").
- Avoid completing the Youth's sentences.
- Avoid jumping ahead in the conversation.
- Double-check responses by asking questions that elicit the information in a different way.