



## Policy 1207



### YOUTH INTERROGATIONS

Date Issued:

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By Order of the Police Commissioner

#### POLICY

It is the policy of the Baltimore Police Department (BPD) to safeguard and respect the constitutional rights of Youth through acknowledgement of and accommodations for the unique legal and practical considerations that apply when conducting Interrogations of Youth. All Youth shall be advised of their constitutional rights prior to Custodial Interrogation. Members shall use the Explanation and Waiver of Rights for Youth, Form 56 (Appendix A), to advise Youth of their constitutional rights, unless it is impractical (see note on page 7 for these limited circumstances).

#### CORE PRINCIPLES

**Constitutional Enforcement.** Statements by suspects and witnesses are only lawful if they are knowingly, voluntarily, and intelligently made. The BPD is dedicated to preserving all persons' constitutional right to silence and right to counsel. As people in Custody are not free to leave on their own, protecting these rights requires additional precautions when conducting Custodial Interrogations. Consistent with *Miranda v. Arizona*, before questioning a person in police custody, they must be told of the Fifth Amendment right not to make any self-incriminating statements, including the right to remain silent and the right to an attorney and that anything they say can be held against them. The individual must then be asked and confirm that they voluntarily waived these rights. The manner in which a person is interrogated must respect the need to ensure that only voluntary statements are obtained and must conform to guidelines established under state and federal law.

**Special Considerations for Youth.** A Youth's age, experience, education, background, and intelligence, may all impact the Youth's capacity to understand the warnings given to them, the nature of their Fifth Amendment rights, and the consequences of waiving those rights. Youth may be especially vulnerable to the pressures of an interrogation, which may cause them to provide involuntary or even false confessions. Interrogation tactics that may not be considered coercive when applied to adults may be coercive when applied to Youth. Even in situations in which a Youth knowingly, voluntarily, and intelligently waives their *Miranda* rights, a statement by a Youth still may be involuntary if coercive tactics are used in the interrogation itself. These differences should be taken into account when a member conducts an interrogation of a Youth.

The U.S. Supreme Court has cautioned that a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go. This is one factor to be considered when determining Custody and a Youth's ability to knowingly, voluntarily, and intelligently waive their constitutional rights.

**Courtesy and Professionalism.** All interrogations shall be conducted with courtesy and professionalism, keeping in mind that an interrogation is a search for the truth and not an exercise in hostility against the suspect.

# POLICY 1207: YOUTH INTERROGATIONS

## BPD E-Learning

# POLICY 1207- YOUTH INTERROGATIONS

UPDATE

## Key updates:

- **Stressing** that all statements made to police must be voluntary
- **Explaining** that tactics that may not be coercive when applied to adults may be coercive when applied to Youth.
- **Guidance** on parental/guardian notification requirement
- **Updated procedure** on attorney access and consultation
- **Updated requirements** for parental/guardian presence during questioning
- **Updated Form:** Youth Explanation and Waiver of Rights, Form 68
- **Guidance** on using Form 68 and conducting Youth Interrogations





# **SPECIAL CONSIDERATIONS FOR VOLUNTARINESS OF YOUTH INTERVIEWS**

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# **YOUTH ARE ESPECIALLY VULNERABLE TO THE PRESSURE OF AN INTERROGATION**

Even in situations in which a Youth knowingly, voluntarily, and intelligently waives their Miranda rights, a statement by a Youth still may be involuntary if coercive tactics are used in the Interrogation itself.

Interrogation tactics that may not be considered coercive when applied to adults may be coercive when applied to Youth.



# YOUTH ARE ESPECIALLY VULNERABLE TO THE PRESSURE OF AN INTERROGATION

- Youth have difficulty anticipating the consequences of their actions
- Youth are susceptible to acquiescing to authority in high pressure situations
- Youth are especially susceptible to immediate rewards and peer pressure
  - “If you tell me what happened, you will get to go home”
  - “We can help you if you cooperate”
  - Suggestions that case will be handled in juvenile court with minimal consequences
  - “Your friends already confessed”

These vulnerabilities may cause youth to provide involuntary or false confessions.



# ALL STATEMENTS MADE BY SUSPECTS MUST BE VOLUNTARY

If a suspect chooses to give a statement to police, that ***statement must be made voluntarily.***

Police **may not** coerce a suspect into making a statement and must recognize that youth may be particularly vulnerable to outside pressures.

If a court finds that police coerced a suspect into making a statement, the ***statement will be considered involuntary,*** and the ***statement will not be allowed in court*** (“suppressed”).

The U.S. Supreme Court has found that a Youth’s ***age, experience, education, background,*** and ***intelligence*** all impact a Youth’s capacity to make a voluntary statement to police.

If a Youth makes a statement due to improper pressure from police, the ***statement will be considered involuntary,*** and ***will be suppressed.***



# CONSEQUENCES OF POLICE COERCION FOR YOUTH SUSPECTS

As you watch this video, consider:

- Were these confessions voluntary?
- If not, what tactics did police use to coerce the Youths into making confessions?

Video on the Central Park 5 (*trailer from Ken Burns documentary*):

<https://www.youtube.com/watch?v=KYJ6jnFNoyo>

Click link to view trailer



				
<b>YUSEF SALAAM, 28</b>	<b>KEVIN RICHARDSON, 28</b>	<b>RAYMOND SANTANA, 28</b>	<b>KHAREY WISE, 30</b>	<b>ANTHON MCCRAY, 28</b>
Convicted as a juvenile of first-degree rape and robbery. Sentenced to five to 15 years.	Convicted as a juvenile of second-degree attempted murder, first-degree attempted robbery, first-degree rape and first-degree robbery. Sentenced to five to 15 years.	Convicted as a juvenile of first-degree rape and robbery. Sentenced to five to 15 years.	Convicted as an adult of first-degree sexual abuse, first-degree assault and first-degree riot. Sentenced to five to 15 years.	Convicted as a juvenile of first-degree rape and robbery. Sentenced to five to 15 years.
<b>SERVED 6 1/2 YEARS</b>	<b>SERVED 6 1/2 YEARS</b>	<b>SERVED NEARLY 8 YEARS</b>	<b>SERVED 11 1/2 YEARS</b>	<b>SERVED 6 YEARS</b>

# CONSEQUENCES OF POLICE COERCION FOR YOUTH SUSPECTS



No, these confessions were NOT voluntary.

Due to the pressure police used during interrogation, the Youths confessed to crimes they did not commit.

Despite having no solid DNA or eyewitness evidence presented against them at trial, the Youths were convicted in large part based on their confessions.

They were imprisoned for terms ranging between six and twelve years for crimes including aggravated assault and rape.

Finally, in 2002, a prison inmate confessed to committing the crimes, and the teens (by then adults) had their convictions vacated.





# IMPROPER YOUTH INTERROGATION TECHNIQUES

Here are some of the improper tactics that police used to pressure the teenagers into making false confessions:

## Overly harsh tone

“I told the [police] I didn’t do it and they were getting angry”

“The tone was very scary”

“I felt like [the police] might take us to the back of the precinct and kill us”

## Holding the Youths for too long

They were interrogated over several hours



## Confronting the Youth with accusations

“You’re not going to go home until you give up the story”

“You know you did it, don’t you”

“Your friends are saying they saw you there” (when that is not true)

## Making promises of leniency or protection

“If you tell me what happened I will look out for you”

“If you confess, you will probably just get probation and go home”



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# **ENFORCEMENT OF CONSTITUTIONAL PROTECTIONS FOR YOUTH**

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# YOUTHS MUST RECEIVE SPECIAL PROTECTIONS WHEN INTERROGATED



According to the U.S. Supreme Court, all suspects in police custody must be informed of their Constitutional rights to remain silent and consult an attorney prior to being interrogated. *Miranda v. Arizona*.



It is essential that Youths in police custody who are being Interrogated understand their rights and that it is made clear these rights will be respected.



Interrogations of Youth must always follow special guidance for Youth set forth in this policy, regardless of how the member perceives the Youth's maturity or mental comprehension.



In this policy, Youth is defined as a person under the age of 18 years old.



# MIRANDA RIGHTS REQUIRED FOR CUSTODIAL INTERROGATION

- Members must read all suspects their Miranda rights whenever there is:

Both  
Custody  
+  
Interrogation

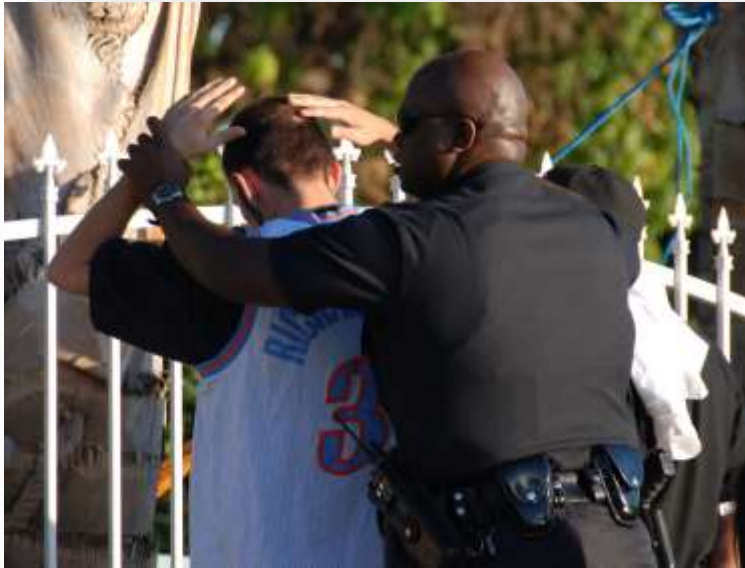


- Youths must also be read their Miranda rights under these circumstances.



# UPDATED DEFINITIONS: MIRANDA “CUSTODY” INDICATORS

Custody- A person who is either under formal arrest or would reasonably believe they are under arrest.



Circumstances that make it more likely that a reasonable person would believe they are under arrest include:

- Being handcuffed,
- Being confronted with evidence of criminal activity,
- Hearing an officer express belief in the person’s guilt,
- Being held in a police facility or vehicle,
- Being transported against their will,
- Being Interrogated for an extended period of time,
- And whether the suspect was ultimately free to leave after the Interrogation

# SPECIAL CUSTODY CONSIDERATIONS FOR YOUTH

The U.S. Supreme Court has cautioned that a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go.

- Officers must consider a child's age when determining whether a youth would feel free to leave.
- Officers must **ALSO** consider whether a reasonable child (not a reasonable person) would feel free to leave
- Factors may include:
  - The number of officers present
  - Whether officers have moved the youth to a different location
  - Whether the interview occurs in a space where a door is close or locked
  - Statements that suggest youth may face consequences for leaving or benefits for staying



# UPDATED DEFINITIONS: MIRANDA “CUSTODY” INDICATORS

Circumstances that may make it less likely that a reasonable person would think that they were under arrest include:

- Being told they are not under arrest
- Being told they are free to leave
- Being interviewed in an open or clearly unlocked space
- Not being guarded during pauses in Interrogation
- Having transported themselves to the Interrogation
- Being allowed to leave at the conclusion of Interrogation



# UPDATED DEFINITIONS: MIRANDA “INTERROGATION” INDICATORS

## Interrogation

- Words or actions on the part of a police officer that are reasonably likely to result in an incriminating statement by the suspect.
- Interrogation includes **direct questioning** about a crime as well as **indirect questioning** involving anything where the officer knows or should know that their actions are reasonably likely to result in an incriminating response by the suspect.

## Not Interrogation

- Routine booking questions and informing the suspect of charges against them are not generally considered to be interrogation.







# **YOUTH INTERROGATIONS PROCEDURES AND REQUIREMENTS**

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# RECORDING INTERROGATIONS

- The ENTIRE Interrogation must be both audio and video recorded in its entirety, including the advisement of rights and any breaks.
- If this is not feasible, audio recording will always be conducted (for both misdemeanors and felonies).
- Recording practices shall be consistent with the requirements outlined in Policy 1105, Custodial Interrogations.
  - [Link to Policy 1105 on Power DMS here](#)



Link to Policy

# INFORMATION TO CONSIDER PRIOR TO A YOUTH INTERROGATION

*Before Interrogating a Youth, consider the following information, if known or readily available, to assess the appropriate time, location, and manner in which to conduct the Interrogation:*

- family situation- parents, legal guardian, or person responsible for the Youth
- age
- language spoken
- education level, including whether the Youth is in special education or has a learning or developmental disability.

*To ascertain educational information, the member shall ask the Youth and the Youth's parent/legal guardian, if present, the following questions:*

- is the Youth enrolled in school?
- what grade is the Youth in? (or inquire if the Youth has been held back in school)
- has the Youth ever received special education services, an IEP, or been diagnosed with a disability, including a learning disability? (if so, ask for more information)



# YOUTH IMPAIRMENT DURING AN INTERROGATION

## *When to ask:*

- A member who observes any signs that a Youth is experiencing a behavioral health disability, intellectual disability, or is in crisis shall ask about the Youth's mental ability, including learning and/or emotional disabilities, as a way to assess how to appropriately proceed with the interrogation.



# YOUTH IMPAIRMENT DURING AN INTERROGATION

## *When to terminate:*

- 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.

## *Documentation:*

- Members shall document the reason for terminating the Interrogation, and consult with their supervisor to determine whether the Interrogation may resume at a later time.



# SPECIAL CIRCUMSTANCES

If the member encounters a Youth of any age who has language barriers, deafness/hearing impairment, or illiteracy, the member shall refer to the section titled *Special Circumstances* in Policy 1105, *Custodial Interrogations*, before proceeding with any additional steps in the Interrogation.

- [Link to Policy 1105](#)



# LOCATION FOR INTERROGATION

Members shall conduct Youth Interrogations in an authorized BPD Interview Room unless:

- The Youth has been transported to BCJJC, in which case the Interrogation should take place there, OR
- There are articulable exigent circumstances, which must be documented

If a member has a Youth in custody and wishes to use an authorized BPD Interview Room:

- Member shall first contact their **immediate supervisor** and obtain permission to transport the Youth to the location and use the room (making sure to document the request and authorizing supervisor)



# REQUIREMENTS FOR YOUTH IN CUSTODY

**REQUIRED**

- ❖ Regardless of the location of the Interrogation, it **MUST** occur in a location that is outside the **SIGHT AND SOUND** of any adult detainee
  
- ❖ Youth in Custody shall not be left unmonitored in an Interview Room.
  - ❖ A member shall:
    - ❖ Remain in the Interview room with the Youth in Custody OR
    - ❖ Shall have visual contact with the Youth in Custody through a window or via electronic monitoring equipment



# REQUIREMENTS FOR YOUTH IN CUSTODY

The following must be available to Youth before and during an interrogation:

**REQUIRED**

Reasonable access to toilets and washing facilities



Reasonable access to drinking water or other beverages



Food if the Youth has not eaten within four hours



Privacy during any requested visits with parent/legal guardian and lawyer



Reasonable access to a phone to contact their lawyer, if requested





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# **PARENT/LEGAL GUARDIAN NOTIFICATION AND ATTORNEY ACCESS FOR ALL YOUTH**

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# OVERVIEW:

## *For all Youth:*

- Make attempts to call a parent/guardian upon arrival at BPD facility for questioning
- Attempt to contact an attorney
- For youth ages 16 & 17, once parent/guardian or attorney is present, you may proceed with advisement of rights and Interrogation
- If parent/guardian or attorney is **NOT** present, you may **NOT** proceed with advisement of rights and Interrogation

## *Additional requirements for Youth age 15 and under:*

- Parent/guardian **MUST** consent before Member begins advisement of rights and questioning (unless an exception under this policy applies)
- Members **MUST** give the Youth the opportunity to consult with an attorney before beginning the advisement of rights and Interrogation



# WHEN TO CONTACT PARENT/LEGAL GUARDIAN AND ATTORNEY

## *When to contact parent/legal guardian*

Upon arrival at the BPD facility for interrogation, member must make reasonable attempts to notify the Youth's parent/legal guardian

## *When to contact attorney:*

Before beginning interrogation and reading Miranda rights, member shall make a reasonable attempt to contact an attorney

## *Documentation:*

Members shall document all attempts made to contact the Youth's parent/legal guardian and an attorney



# INFORMATION TO PROVIDE TO PARENT/LEGAL GUARDIAN

When a parent/legal guardian of Youth is contacted, the parent/legal guardian shall be notified of the following:

- ⑩ That the Youth is in custody, and the reason why the Youth is in custody, including whether the Youth is suspected of involvement in any crime.
- ⑩ The Youth's location (including future destination if the Youth is to be transported)
- ⑩ That the member intends to advise the Youth of their Miranda rights, and that this must take place in the presence of the parent/legal guardian and/or an attorney



# INFORMATION TO PROVIDE TO PARENT/LEGAL GUARDIAN CONT'D

When a parent/legal guardian of Youth is contacted, the parent/legal guardian shall be notified of the following:

- ⑩ That the Youth has the opportunity to consult with the parent/legal guardian and/or attorney prior to and during questioning
- ⑩ That the Youth must have a parent/legal guardian and/or attorney present with them during the questioning (preferably both)
- ⑩ That if the parent/legal guardian wishes to stop the Interrogation and obtain an attorney, the Interrogation will stop



# REQUIREMENT FOR PARENT/LEGAL GUARDIAN TO BE PRESENT

- ❑ Required presence at questioning:
  - ❑ All Youth must have a parent/legal guardian and/or attorney present with them during the questioning
  - ❑ A parent/legal guardian and an attorney being present during questioning **is preferred but not required**



# EXCLUDING PARENTS/LEGAL GUARDIANS FROM INTERROGATIONS

A parent/legal guardian will not be permitted to be present or observe an Interrogation when the parent/legal guardian is either:

A complainant in the offense under investigation,

Is suspected of being an accomplice in the offense under investigation, or

Expresses strong hostility towards the Youth

If a parent/legal guardian of a Youth states that they would like to be present during the interrogation, but the Youth states that they do not want the parent/legal guardian to be present, an attorney must be present to proceed with the Interrogation






# ADDITIONAL REQUIREMENTS FOR YOUTH AGED 15 AND UNDER

- Before questioning a Youth aged 15 and under and advising the Youth of their rights, the members conducting the Interrogation shall:
  - **Obtain the consent** of the Youth's parent/legal guardian,
    - ❖ Unless the parent/legal guardian is:
      1. A complainant in the offense under investigation
      2. Is suspected of being an accomplice in the offense under investigation
      3. Expresses strong hostility towards the Youth.
- A Youth aged 15 or under must have the opportunity to consult an attorney before a member questions them or advises them of their *Miranda* rights



# CONSULTATION WITH PARENT/LEGAL GUARDIAN




A parent/legal guardian cannot waive a Youth's right to counsel or to remain silent.

When requested, the Youth will be afforded the opportunity to consult their parent/legal guardian in confidence, outside the presence or hearing of a member.

The Interrogation will cease after the request is made and until the request can be fulfilled.

If the parent/legal guardian objects to questioning or requests an attorney for the Youth, no questioning shall occur even if the Youth is willing to answer questions.





# **EXPLANATION AND WAIVER OF RIGHTS FORM FOR YOUTH FORM 68**

*BPD E-Learning*

# EXPLANATION AND WAIVER OF RIGHTS FORM FOR YOUTH, FORM 68

Explanation and Waiver of Rights  
For Youth  
Form 68-00

**POLICE DEPARTMENT  
BALTIMORE, MARYLAND**

**EXPLANATION AND WAIVER OF RIGHTS FOR YOUTH**

CC# \_\_\_\_\_

NAME: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

**YOU ARE ADVISED THAT:**

1. You have the right to remain silent. That means you do not have to say anything to me or another police officer if you do not want to. \_\_\_\_\_
2. Anything you say can be used against you in a court. \_\_\_\_\_
3. You have the right to get help from a lawyer right now. If you ask for a lawyer, I have to stop this interview until you talk to a lawyer. \_\_\_\_\_
4. If you can't pay lawyer, the court will get you one for free. \_\_\_\_\_
5. If you decide to talk to me, you can change your mind and stop at any time. You can stop and ask for a lawyer any time. If you say stop, I will not ask you any more questions. \_\_\_\_\_

**After hearing these rights:**

6. Do you want to have a lawyer help you decide if you want to talk to me?  
Circle one: YES or NO

7. Do you want to talk to me? Circle one: YES or NO

**I am choosing to freely and voluntarily waive my rights and agree to talk with the police without having a lawyer present.**

\_\_\_\_\_  
Signature of Youth

\_\_\_\_\_  
Signature of Parent/Guardian, if present

\_\_\_\_\_  
Officer's Printed Name    \_\_\_\_\_  
Officer's Signature    Rank    Unit    Seq. #

Witnesses \_\_\_\_\_



# LANGUAGE BARRIERS

- Before beginning a Custodial Interrogation, a member must advise the Youth and parent/legal guardian (if present) of the Youth's Miranda rights and secure a valid waiver from the Youth.
- Language barriers:
  - If there is a language barrier for the parent/legal guardian, the member shall request a Qualified Bilingual Member to assist, if available.
  - If not, the member can request an in-person interpreter through Communications or can use the Language Line when the need is immediate. See. [Policy 1735, Language Access Services for Limited English Proficient Persons](#)
  - A Youth shall not provide language interpretation between the parent/legal guardian and the member.

Click to Policy



# READING THE EXPLANATION OF WAIVER OF RIGHTS FORM

The member shall provide the Youth and parent/guardian with a copy of the Explanation of Waiver of Rights for Youth, Form 68, and go through the form, point by point, with the Youth and any parent/guardian and/or attorney present.

If an attorney is present, the Youth shall be given an adequate opportunity to review the form and consult with the attorney in confidence, outside the presence or hearing of any officer, at any point before or during the advisement of rights.

The member shall give the Youth the opportunity to read the form to themselves.

The member shall then read the entire form (numbers 1-7) aloud to the Youth.

After reading each right to the Youth, the member shall ask the Youth to explain, in their own words, what the right means.



# YOUTH RESPONSES TO ADVISEMENT OF RIGHTS

If the Youth answers “yes” to question 6 on Form 68 (that they do want a lawyer to help them decide if they want to talk), then the member must stop and contact a lawyer.

If the Youth answers “no” to question 7 on Form 68 (indicating that they do not want to talk to the member), then the member must stop and not question the Youth.

If the Youth states that they want to proceed without a lawyer and are willing to speak to the members, the members must ask if the Youth is willing to sign the waiver statement.

The member must explain that this means the Youth is voluntarily agreeing to talk to the police without a lawyer.

**POLICE DEPARTMENT  
BALTIMORE, MARYLAND**

**EXPLANATION AND WAIVER OF RIGHTS FOR YOUTH**

CCP \_\_\_\_\_

NAME: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

**YOU ARE ADVISED THAT:**

1. You have the right to remain silent. That means you do not have to say anything to me or another police officer if you do not want to. \_\_\_\_\_
2. Anything you say can be used against you in a court. \_\_\_\_\_
3. You have the right to get help from a lawyer right now. If you ask for a lawyer, I have to stop this interview until you talk to a lawyer. \_\_\_\_\_
4. If you can't pay lawyer, the court will get you one for free. \_\_\_\_\_
5. If you decide to talk to me, you can change your mind and stop at any time. You can stop and ask for a lawyer any time. If you say stop, I will not ask you any more questions. \_\_\_\_\_

**After hearing these rights:**

6. Do you want to have a lawyer help you decide if you want to talk to me?  
Circle one: YES or NO

7. Do you want to talk to me? Circle one: YES or NO

**I am choosing to freely and voluntarily waive my rights and agree to talk with the police without having a lawyer present.**

Signature of Youth \_\_\_\_\_

Signature of Parent/Guardian, if present \_\_\_\_\_

Officer's Printed Name \_\_\_\_\_ Officer's Signature \_\_\_\_\_ Rank \_\_\_\_\_ Unit \_\_\_\_\_ Seq # \_\_\_\_\_

Witnesses \_\_\_\_\_



# ORAL WAIVER OF MIRANDA RIGHTS

If the Youth refuses to sign, they may still waive their rights orally.

To determine whether a Youth intends to waive their rights orally, a member shall ask the Youth yes or no questions, such as:

- “Do you want to have a lawyer help you decide if you want to talk to me?” or “Do you want to talk to me”. The member must ask until receiving a clear yes or no answer from the Youth.
- Refusal to sign and oral waive must be documented on the Form.

An oral waiver of rights is required when a signed waiver is impractical.

This may include when a Youth:

- Has a visual impairment or language barrier (and Form 68 not available in primary language)
- Cannot read and write
- Has a physical disability that prevents them from signing the form, but is able to knowingly, voluntarily, and intelligently make a waiver

All oral waivers must be audio-visually recorded, and the circumstances surrounding the waiver must be documented.





# KNOWING, INTELLIGENT, AND VOLUNTARY WAIVER OF RIGHTS REQUIRED

When a member has grounds to believe that there is a substantial likelihood that a Youth is unable (e.g. an intellectual disability, under the influence of alcohol or drugs, mental capacity, or mental health disability) to understand the warnings given to them, the nature of their Fifth Amendment rights, and/or the consequences of waiving those rights, the member should not proceed with the Interrogation.





# CONDUCTING THE INTERROGATION

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# CONDUCTING THE INTERROGATION

- The member should create an Interrogation plan, develop strategies for establishing rapport, develop age-appropriate questions, and utilize strategies that take into account the Youth's age, education, and prior experience with the justice system.
- A Youth shall not be Interrogated by more than two sworn member at the same time. The members shall not be armed during the Interrogation.
- Members must follow all requirements in [Policy 1105, Custodial Interrogation](#)

Link to Policy



# DECEPTION IS PROHIBITED

- The use of any form of deception during the Interrogation of any Youth is prohibited
- For example, members may NOT use any of these forms of deception:
  - Falsely telling a Youth they have evidence against them
  - Falsely telling a Youth they have video of them at the scene
  - Falsely telling a Youth that other people have said the Youth is involved

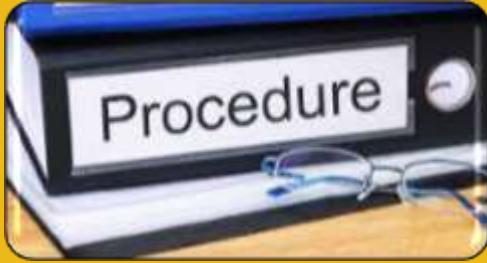


# REQUIREMENTS FOR YOUTH INTERROGATIONS

- ❑ Normally, the Interrogation of a Youth should not go beyond a two-hour session, with a reasonable amount of breaks.
- ❑ The member should obtain supervisory approval for extending the Interrogation, noting the reason and the supervisor.
- ❑ If it is evident and observable that the Youth is exhausted, the Interrogation shall not proceed.
- ❑ Youth shall not be shackled or otherwise restrained during Interrogations unless the Youth is engaging in behavior likely to cause injury to themselves or others.
  - ❑ The member should consider whether the Youth may be experiencing a behavioral health crisis ([see Policy 712, Crisis Intervention Program](#)).
  - ❑ Crisis can result from mental illness, a substance use disorder, an intellectual or developmental disability, the effects of drugs or alcohol, or a personal crisis. A crisis may cause disruptions in the Youth's thinking and decision making abilities.
  - ❑ If this is the case, the Interrogation shall not proceed.



# GUIDANCE FOR INTERROGATING YOUTH



Members should provide Youth with a brief overview of the procedures BPD will follow during the investigation and possible prosecution, using simple, clear, age-appropriate language.



Youth can often misunderstand questions.



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

# GUIDELINES FOR INTERROGATING YOUTH

Follow these guidelines as appropriate:

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 or no” questions, and use open ended questions (“what did you do last night?”)

Avoid leading questions, and instead use “who, what, where” questions, such as “where was the victim standing?”

**DO'S** & **DON'TS**

# GUIDELINES FOR INTERROGATING YOUTH CONT'D

Follow these guidelines as appropriate:

Avoid offering Youth a limited set of options ("Was the victim standing by the couch or the door?")

Connect time events in the Youth's life ("Did this happen when you were on summer break or in 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

**DO'S** & **DON'TS**





# SUPERVISOR REQUIREMENTS AND MANDATORY REPORTING

The supervisor or their designee will maintain contact or conduct periodic safety checks with the Interrogating member.



The supervisor shall be available for consultation with the Interrogating member, if needed.



The supervisor will review reports of Interrogations that were not recorded to ensure that the explanations are sufficient prior to signing/approving them.



Will review all reports required by this policy related to Interrogations to ensure compliance



All BPD members are legally obligated to report any belief or knowledge that a minor is being abused or neglected, including disclosures made during an Interrogation.





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**YOU HAVE COMPLETED THE YOUTH  
INTERROGATIONS E-LEARNING**

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