



# INTERVIEWING AND INTERROGATING JUVENILES

## Model Policy

<i>Effective Date</i> May 2012		<i>Number</i>	
<i>Subject</i> Interviewing and Interrogating Juveniles			
<i>Reference</i>		<i>Special Instructions</i>	
<i>Distribution</i>		<i>Reevaluation Date</i>	<i>No. Pages</i> 3

### I. PURPOSE

It is the primary purpose of this policy to provide officers with procedures for interviewing and interrogating juveniles that are both legal and consistent with the limitations in maturity and emotional development characteristic of juveniles.

### II. POLICY

The U.S. Supreme Court has recognized the emotional and developmental differences between adults and juveniles and the implications that this has on the conduct of juvenile interviews in general and interrogations in particular. These differences must be taken into account when an officer conducts an interview or interrogation of a juvenile. Officers shall follow this policy in order to observe the legal rights of juveniles and protect against charges of police coercion or intimidation during interviews and interrogations of juveniles.

### III. DEFINITIONS

*Juvenile:* an individual who is under the age of 18.<sup>1</sup>

*Interview:* A non-accusatory interaction designed to gather information and learn more about the details of an incident.

*Interrogation:* The formal, systematic, and intensive questioning of a person arrested for or suspected of committing a crime. This also includes any words or actions by officers that they should know are reasonably likely to elicit an incriminating response.<sup>2</sup>

*Custodial:* Situations where the individual is under arrest or when a “reasonable person” in the suspect’s position would feel that his or her freedom of action has been restricted to the degree consistent with a formal arrest.<sup>3</sup>

*Non-custodial:* Situations where the individual is not in custody and is free to leave at any time nor has his or her freedom been restrained to a degree associated with a formal arrest.

### IV. PROCEDURES

#### A. Preparation

1. Before beginning an interview or interrogation of a juvenile, the following information should be collected as available.
  - a. Family situation - parents, legal guardian, or person responsible
  - b. Age
  - c. Mental ability, including learning and/or emotional disability
  - d. Education level
  - e. Language spoken
  - f. Prior law enforcement contacts and records
2. Create an interview plan. Develop strategies for establishing rapport. Consider age-appropriate questions; juvenile’s prior experience with police; maturity and sophistication; and seriousness of the offense in question.

<sup>1</sup> This definition is based on federal law—18 U.S.C. §4101 (c)(1). Consult your legal advisor for the definition applicable to your department based on state law.

<sup>2</sup> *Black’s Law Dictionary*, 8th ed., s.v. “interrogation.”

<sup>3</sup> When determining whether an individual, especially a juvenile, is in custody, the totality of the circumstances must be considered in determining whether a reasonable person would believe that he or she is free to leave.

3. Determine the appropriate location and setting for the interview or interrogation based on the foregoing factors and other circumstances surrounding the case.
4. Where possible, audiotape and videotape the interview.
5. Limit the number of persons present at the interview to as few as possible. Designate one person to serve as the primary interviewer/interrogator.

#### B. Interrogation Questions

Officers should tailor their questions to the juvenile's age, maturity, level of education, and mental ability, and other information obtained in section IV.A. The following guidelines should be followed as appropriate considering those factors.

1. Avoid police or legal jargon
2. Use names and places instead of pronouns
3. Use short, simple words and sentences
4. Avoid questions with multiple parts
5. Connect time events to concrete events in the juvenile's life
6. Avoid "yes/no" questions, instead use questions that elicit a narrative response
7. Avoid leading questions and subtle coercion
8. Do not make promises or threats
9. Avoid creating a story to prompt the juvenile to tell his or her story
10. Avoid completing the juvenile's sentences
11. Avoid jumping ahead in the conversation
12. Double-check responses by asking questions that elicit the information in a different way.

#### C. Non-Custodial Interviews of Juveniles

1. When reasonably possible, the juvenile's parent or legal guardian should be contacted. Officers should wait a reasonable amount of time before continuing with the interview if required by law or policy.<sup>4</sup>
2. The interview should be limited in time and reasonable breaks provided before subsequent questioning.
3. Where possible, dress in plainclothes and do not conspicuously reveal firearms.
4. Be on the juvenile's level; sit with the juvenile rather than across a table or standing over him or her.
5. Begin by introducing all involved parties by first and last name and explaining the purpose of the interview. Refer to the juvenile by name.
6. Do not make promises or other coercive statements, whether direct or implied.

7. Speak in non-threatening tones and attempt to create a sense of honesty and openness. Keep an open posture.
8. Build rapport prior to questioning. Find common ground and start with a topic that addresses the juvenile's interests such as his or her favorite television show or activity.
9. Allow the juvenile to talk freely – do not interrupt.
10. Emphasize the importance of telling the truth and reinforce the idea of honesty if appropriate in the interview.
11. Remain neutral to the juvenile's responses.
12. Use follow-up questions to clarify any ambiguities only after the information available from open-ended questions has been exhausted.
13. Close the interview by asking the juvenile if he or she has any questions.

#### D. Custodial Interrogations of Juveniles<sup>5</sup>

1. Custodial interrogations should use suggested interview methods noted in section IV.C. as germane to the suspect's age, sophistication, maturity, exposure to the law, and related factors noted herein.
2. *Miranda* warnings are required and shall be administered prior to custodial interrogations. Age-appropriate *Miranda* warnings, should be used where information suggests that the suspect may not understand. The following are suggested.
  - a. You have the right to remain silent. That means you do not have to say anything.
  - b. Anything you say can be used against you in court.
  - c. You have the right to get help from a lawyer right now.
  - d. If you cannot pay a lawyer, the court will get you one for free.
  - e. Do you want to have a lawyer with you while you talk to me?
  - f. (If required by local or state law) You have the right to have one or both of your parents here.
  - g. (If required by local or state law or departmental policy) Do you want your mother, father, or the person who takes care of you here while you talk to me?

<sup>4</sup> Consult your legal advisor to determine the definition of "reasonable" as it applies to your jurisdiction.

<sup>5</sup> In order for statements or confessions obtained during an interrogation to be admissible, they must be made knowingly, intelligently, and voluntarily as determined by examining the totality of the circumstances. When dealing with juveniles, the totality-of-the-circumstances test takes into account the methods employed in obtaining the statement; the suspect's mental and physical condition; the length of time over which the questioning took place; and the suspect's age, education, and any previous experience with law enforcement.

- h. You have the right to stop this interview at any time.
  - i. Do you want to talk to me?
3. To ensure that the *Miranda* warnings are understood, the juvenile should be asked to explain each warning in his or her own words. Ask the juvenile to sign a juvenile *Miranda* acknowledgement and rights waiver. If the parent or legal guardian is present, he or she should also sign the waiver.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no “model” policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

This project was supported by a grant awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the IACP.

IACP National Law Enforcement Policy Center Staff:  
Philip Lynn, Manager; Sara Dziejma, Project Specialist;  
and Vincent Talucci, Executive Director, International Association of Chiefs of Police.

© Copyright 2012. Departments are encouraged to use this policy to establish one customized to their agency and jurisdiction. However, copyright is held by the International Association of Chiefs of Police, Alexandria, Virginia U.S.A. All rights reserved under both international and Pan-American copyright conventions. Further dissemination of this material is prohibited without prior written consent of the copyright holder.