

All rules of criminal investigation apply to juvenile suspects. Preliminary investigation by uniformed officers is to be conducted in the same professional manner as adult cases. (See [General Order 423.00: Preliminary Field Investigations](#)) In addition, the [Minnesota Rules of Juvenile Delinquency Procedure](#) of line-ups, right to counsel, interrogation, etc. will be followed.

A police officer or investigator may interview a youth, keeping in mind the youth has the same constitutional rights as an adult. A police officer has the responsibility of determining whether a crime has been committed. If a crime has been committed, officers and investigators have the right to question a juvenile.

Officers and investigators will thoroughly document any interviews relating to juvenile subjects in a police report.

Interviewing juvenile victims and witnesses:

The audio or video recording of interviews with victims and witnesses is not required. However, recording of these interviews may be done at the discretion of the police officer, social worker, or child protection worker. If an audio or video recording is made, a report needs to document the time and place of the interview, the names of the people present and a summary of the statement of the victim or witness. When questioning a juvenile victim or witness, the questions must not be leading. Additional training focusing on the techniques of interviewing juveniles is helpful. Should questions arise when interviewing a juvenile, contact your supervisor. Officers must follow the BWC policy (G.O. 442.18) regardless of the age of parties involved.

Custodial interviews of juveniles:

For custodial interviews, juveniles have the same constitutional rights as adults relating to the 4th amendment, Miranda, and Scales decision. Therefore, the same rules and procedures apply for in-custody subjects when interviewing a juvenile, as when interviewing an adult.

The juvenile court rules in effect for Ramsey County provide that a juvenile under the age of eighteen may waive their rights to remain silent after being given a proper Miranda warning. The court has also stated that it is not necessary to have the parents or guardians present when conducting a custodial interview. The court will look to totality of circumstances regarding whether a juvenile's statement will be admitted into evidence. The totality of circumstances approach allows the court to look at the juvenile's age, experience, education, background, intelligence, and sophistication into whether or not they have the capacity to understand the Miranda warning given to them, the nature of their Fifth Amendment rights, and the consequence of waiving those rights. Basic rules to consider for interviewing juveniles in-custody:

- Under no circumstances should the juvenile be compelled to answer questions either by physical force, psychological pressure or deception.
- Although under our existing court rules parents or guardians need not be present during an in-custody interview, it is in the best interests of the juvenile and the investigator to have the parents or guardians present if requested by the juvenile. Also, the parents or guardians should not be excluded from the interview if they are on-scene and express a desire to be

present with the juvenile. It may also be advantageous for the investigator to confer with the parents or guardian prior to any interview.

The totality of circumstances approach used by the court to determine the voluntariness of statements and admissions given by juveniles gives the investigator a number of other factors to consider while interrogating a juvenile in custody. They are:

- **The emotional status of the juvenile.**
- **The health of the juvenile, i.e., illness, lack of sleep, drugs, intoxication.**
- **Location of interview.**
- **Number of interviewers or police presence -- it is recommended that a one-on-one ratio be used whenever possible to avoid any perceived intimidation by the juvenile.**
- **Length of the interview -- should be conducted in a reasonable length of time.**
- **Investigator's demeanor.**
- **Contacts or communication allowed to the juvenile, i.e., counsel, parents, relatives, phone.**
- **Threats or promises.**

All negative factors present during the interview could have an adverse effect on the admissibility of any statement presented to the court.

Interview of students in school:

It is necessary, at times, for officers of the Saint Paul Police Department to conduct investigations in the schools, and in doing so, to interview students. When such necessity arises, certain procedures which have been cooperatively agreed upon by representatives of the board of education and the police department shall be observed.

When it is necessary for an officer of the Saint Paul Police Department to interview a student in school, the following procedures shall be observed:

- Every attempt should be made to contact the principle or assistant principle of the school to ask permission to interview the student at the school. This should be done prior to entering the school, if possible.
- If the officer is not known to school personnel, they shall produce satisfactory identification to any staff member making request.
- Principals have the authority to permit or deny the right to conduct the interview in the school building.
- If permission for the interview is granted, the decision as to whether the parents are notified or should be present depends on the facts in each case and is to be determined by the school administration in conjunction with the officer or investigator. If there is any doubt, the parents should be notified.

Interviews of students by an officer or investigator at the school shall be conducted in private and with confidentiality without observance by other school personnel or

students. The principal and/or their designated representative may be present for the interview if requested but must remain an observer only.

If the principal of the school is absent from the building when an officer calls to request an interview of a student, every attempt should be made to contact the principal. If the principal cannot be contacted, the office of the assistant superintendent or directors in charge should be contacted. No investigation or interview with students shall be held inside school property unless permission is received.

Arrest at school location:

A different procedure can be followed in the case of an arrest. Officers should contact the school administrator in advance if possible. If any officer indicates that they are arresting a student, the officer shall have complete jurisdiction in the matter and the school staff shall not interfere with the student's removal from the building. It is expected that the contact with the student shall be arranged in a manner to make it as unobtrusive and safe as possible. The principal shall notify the parent or guardian as soon as the officer takes the student from the building.

Whenever it is necessary to interview a juvenile at a recreational center, or a business establishment, it is recommended, officers or investigators first contact the person(s) in charge at the time, e.g., the playground director, employer, etc. to inform her/him of their presence on the premises and request their permission to interview.

Photographs and Fingerprints:

Juveniles transported to St. Paul Police headquarters or the Ramsey County LEC for a crime may be photographed and fingerprinted at the discretion of the investigator, prior to release.

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