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## 437.08 Juvenile Investigations and Interviews

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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. (General Order 423.00 Preliminary Field Investigations)

### **Interviewing Juveniles during Investigations:**

#### **May a Police Officer Question a Child?**

Yes, but remember a juvenile has the same constitutional rights as an adult. A police officer has the responsibility of determining whether a delinquent act has taken place. To this end, s/he must have, and does have the right to question a juvenile. Whenever any child is held by any unit other than the youth services section the youth services section must be notified of such action. It should be emphasized that no child can be, or will be petitioned to juvenile court unless proof exists to support a conviction of the charge outlined in the petition.

Any of the above persons who conduct child abuse assessments, criminal investigations, or prosecutions shall observe the following guidelines during the interviewing of the child abuse victim when the child is asked about the facts of the abuse.

Whenever it is necessary to interview a juvenile at his/her school or a recreational agency, or a business establishment, investigators should first contact the person(s) in charge at the time, e.g., the principal, the playground director, etc. and inform her/him of their presence on the premises and secure his/her permission to interview.

#### **The Interviewer Shall Make a Written Record of:**

- The time and place of the interview.
- The names of all persons present.
- A brief summation of the statements of the victim.

The audio or video tape recording of all interviews with victims is not required. Tape recording of interviews may be made at the option of the police officer, social worker, or child protection worker. If an audio or video tape recording is made, it should be made known to the county attorney and it should be preserved.

#### **A Tape-Recorded Statement of the Victim Taken by the Criminal Investigator or Investigating Police Officer Should Be:**

- In question and answer form.
- Transcribed.
- Conducted in as non-leading a manner as possible.
- Included with the case file at the time the case is presented for charging.

[Redacted]

[Redacted]

### **Custodial Interrogation of Juveniles:**

When interrogating a juvenile, follow the same rules and procedures as when questioning an adult, including the taping of the interview, because juveniles generally have the same constitutional rights as adults. The juvenile court rules in effect for Ramsey County provide that a juvenile under the age of eighteen may waive his/her 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 interrogation. The court will look to totality of circumstances whether or not 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 s/he has the capacity to understand the Miranda Warning given to him/her, the nature of his/her Fifth Amendment rights, and the consequence of waiving those rights. Basic rules to consider when interrogating a juvenile are:

- Under no circumstances should the juvenile any more than the adult 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 interrogation, it is in the best interests of the juvenile and the interrogator to have the parents or guardians present if requested by the juvenile. Also, the parents or guardians should not be excluded from the interrogation if already on the scene and express a desire to be present during the interrogation. It may well be advantageous for the investigator to confer with the parents or guardian prior to any interrogation. Let common sense dictate your course.

**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.**
- **Place of interrogation.**
- **Number of interrogators -- it is recommended that a one-on-one interrogation be used whenever possible to avoid any intimidation of the juvenile.**
- **Length of the interrogation -- should be conducted in a reasonable length of time.**
- **Investigators demeanor.**
- **Contacts allowed juvenile, i.e., counsel, parents, relatives.**
- **Threats or promises.**

**All negative factors present during the interrogation could have an adverse effect on the admissibility of any statement presented to the court. Let common sense be your guide in considering these factors.**

### **Interrogation of Pupils in School:**

It is necessary, at times, for officers of the Saint Paul Police Department to make investigations in the schools, and in doing so, to interview pupils. 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 pupil in school, the following procedures shall be observed:

- The officer should attempt to contact the liaison officer assigned to that particular school and work through that officer when conducting the interview. This should be done prior to going to the school and meeting with the principal or assistant principal.
- If the officer is not known to school personnel, s/he shall produce satisfactory identification and the number of her/his badge shall be noted.
- 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. If there is any doubt, the parents should be notified.

Interviews of pupils by an officer at the school shall be in private and with confidentiality and may be held in the presence of the principal and/or his/her designated representative without interruption and without observance by other school personnel or pupils.

If the principal of an elementary school is absent from the building when an officer calls to make an investigation, 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 pupils shall be held unless permission is received.

This procedure applies to investigations and interviews. A different procedure is indicated in the case of an arrest. If any officer indicates that s/he is arresting a pupil, s/he shall have complete jurisdiction in the matter and the principal shall not interfere with the pupil's removal from the building. It is expected that the contact with the pupil shall be arranged in a manner to make it as unobtrusive as possible. The principal shall notify the home as soon as the officer takes the pupil from the building.

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