



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: CUSTODIAL INTERROGATIONS OF JUVENILES

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

Juveniles have the same Constitutional rights as adults as they relate to police interrogations, and officers will take reasonable steps to ensure that a juvenile's Constitutional rights are protected while a juvenile is in custody and/or during an in-custodial interrogation.

II. ENSURING PROTECTION OF CONSTITUTIONAL RIGHTS

When a juvenile has been taken into custody, he/she shall be immediately advised of their rights if the juvenile is to be questioned or interrogated concerning his/her involvement in a delinquent act.

- A. Whenever possible, the advice of rights will be read from Police Advice of Rights Form, but verbal advice is permissible.
- B. A juvenile's parent or guardian does not have to be present for officers to interrogate a juvenile in custody; however, depending upon the severity of the delinquent act committed, interrogating officers should consider the parent or guardian's presence.
- C. If a juvenile requests the presence of a lawyer; interrogating officers will stop the interrogation and will afford the juvenile the same rights as those afforded adults.

- D. A telephone and an appropriate area will be provided to the juvenile so that a lawyer can be contacted, and since the juvenile's communication with a lawyer is privileged, officers will not monitor, eavesdrop, or listen- in on the juvenile's conversation.

III. CONFERRING WITH PARENT, GUARDIAN, OR CUSTODIAN

An officer(s) interrogating a juvenile shall confer with the juvenile's parent/guardian/custodian immediately after the interrogation.

- A. When interrogating a juvenile, the parent, guardian, or custodian should be present so that the juvenile can confer with this person for guidance.
- B. If a parent/guardian/custodian refuses to respond to the facility where the interrogation will take place, or refuses to be with the juvenile during the interrogation and the juvenile does not appear to understand his/her rights, the juvenile may be transported to a Court Commissioner's Office to be re-advised of his/her rights by the officer in the presence of a District Court Commissioner,

IV. DURATION OF INTERROGATION / NUMBER OF INTERROGATORS

The duration of a custodial interrogation shall be limited to one (1) hour and shall be conducted by no more than two {2} officers.

- A. After a suitable break (i.e., 15 minutes), a second one-hour session may be attempted depending upon the severity of the offense committed and/or the significance of the investigation.
- B. The aforementioned time period may be extended if the juvenile wishes to continue to talk to interrogators.

V. EXPLANATION OF JUVENILE JUSTICE SYSTEM PROCEDURES

An officer interrogating a juvenile shall explain to him/her the Department's procedures and the juvenile justice system's procedures.