



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

**GENERAL ORDER: 5-36.2; CUSTODIAL INTERROGATIONS OF
JUVENILES**

DATE: 6/7/2010 Pages: 2 ◇ New ◇ Amended ◆ Rescinds 5-36.2

CALEA: 1.2.3-a-b-c, 44.2.2-c, 44.2.3

Police Chief: Roy Gordon

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. (CALEA 44.2.2-c)

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. (CALEA 1.2.3-b-c)

- A. Whenever possible, the advice of rights will be read from the MCP Form #50, 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 the lawyer is privileged, officers will not monitor, eavesdrop, or listen-in on the juvenile's conversation. (CALEA 1.2.3-c)

III. VOLUNTARINESS OF THE JUVENILE'S CONFESSION (CALEA 44.2.3)

In determining whether a confession is voluntary, Village Officers must realize that the courts look to the totality of the circumstances which includes a review of the following factors related to the juvenile defendant:

- Age, intelligence, educational background

- Mental capacity, physical condition
- Prior experience in the criminal justice system
- Whether the defendant is suffering from any injury or pain at the time the statement is given
- The duration of the questioning
- Time of day
- Whether the defendant is tired and is desirous of sleep
- Length of confinement
- Whether Miranda or police caution warnings were given, when, and whether he understood them
- Whether the room size was of sufficient size and supplied with appropriate furniture
- Whether the defendant was cuffed or threatened
- Whether the defendant was refused the use of a bathroom, food, or drink
- Whether there was any promise of leniency
- Whether the juvenile understood the interrogation process
- Whether a Youth Officer was present during the interview
- Whether the parent(s) were notified
- Whether the juvenile asked for a parent to be present

- Whether the police prevented a concerned adult from speaking with the juvenile, and
- Familiarity with English or the official language.

IV. 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/custodian should be present so that the juvenile can confer with this person for guidance.
(CALEA 44.2.3)
- 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.

V. 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 (2) officers. (CALEA 44.2.3)

- 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.