

APPENDIX TO POLICY 4

Miranda Warnings, Waiver Of Rights, and Youth Interrogations

Strategies for Youth has created [12 Model Law Enforcement Policies for Youth Interaction](#) to provide law enforcement agencies and officers with guidance on how to interact with youth in developmentally appropriate, trauma-informed, equitable ways that comply with the law. This appendix contains additional source and background information for [Policy 4: Miranda Warnings, Waiver of Rights, and Youth Interrogation](#).

Conducting Youth Interrogations

BALTIMORE POLICE DEP'T, POLICY 1207 YOUTH INTERROGATIONS 1-10 (2022)

<https://www.baltimorepolice.org/transparency/bpd-policies/1207-youth-interrogations>

This policy provides detailed guidance about how officers should prepare for and conduct youth interrogations.

FAIR & JUST PROSECUTION, YOUTH INTERROGATION: KEY PRINCIPLES AND POLICY RECOMMENDATIONS 1-13 (2022)

<https://fairandjustprosecution.org/wp-content/uploads/2022/01/FJP-Juvenile-Interrogation-Issue-Brief.pdf>

This issue brief describes “relevant research, emerging reforms, and best practices regarding the interrogation of children,” accompanied by a Model Youth Interrogation Policy.

Youth Brain Development

Juvenile Justice & the Adolescent Brain, THE CTR. FOR L., BRAIN & BEHAVIOR

<https://clbb.mgh.harvard.edu/juvenilejustice/>

The long-term goals of the Center’s juvenile justice program are “to promote neuroscientific research that may elucidate the adolescent brain, to establish an effective resource for the translation of neuroscientific findings that may have implications for juvenile justice in the policy arena, and to realize changes in juvenile criminal law and treatment that accurately reflect the science.”

How Youth Brain Development Puts Youth at a Disadvantage in Interrogations

Barry C. Feld, *Behind Closed Doors: What Really Happens When Cops Question Kids*, 23 CORNELL J. L. & PUB. POL'Y 395, 404-05 (2013)

"[Youth] developmental characteristics—immaturity, impulsivity, and susceptibility to social influences—heighten youths' vulnerability in the interrogation room." Although most youth have comparable cognitive abilities with adults by mid-adolescence, meaning that "they can distinguish right from wrong and reason similarly" to adults, "the ability to make good choices with complete information in a laboratory differs from the ability to make adult-like decisions under stressful conditions with incomplete information." See *id.*

Youth Lack of Understanding of *Miranda* Warnings and Waiver of Rights

Elizabeth S. Scott et al., *Brain Development, Social Context and Justice Policy*, 5 WASH. UNIV. J. L. & POL'Y, 13, 36 (2018)

"[A]lthough laboratory studies have found that adolescents comprehend the meaning of *Miranda* rights, there is good reason to question whether a juvenile in the real world setting of an interrogation room is likely to make a competent decision about waiving or asserting these rights." The stress of interrogation is compounded by "[p]olice tactics that combine implicit threats of punishment unless the juvenile agrees to waiver and promises of rewards (such as permission to end the interrogation)." See *id.* "Substantial evidence indicates that juveniles waive their *Miranda* rights at a much higher rate than do adults, and confess falsely at a higher rate. It seems likely that the competence that teenagers show in the research setting is compromised by emotional factors in this social context, justifying special scrutiny of juveniles' waivers and confessions." *Id.*

Richard Rogers et al., *Mired in Miranda Misconceptions: A Study of Legally Involved Juveniles at Different Levels of Psychosocial Maturity*, 32 BEHAV. SCI. & L., 104, 104-20 (2014)

Study results indicated that youth "manifested an unexpectedly large frequency of erroneous *Miranda* beliefs," with youth in low, middle, and high levels of maturity averaging a dozen or more misconceptions, and failing to recall half to two-thirds of *Miranda* concepts.

Feld, *supra*, at 404-05

The article described studies where researchers found the language in *Miranda* warnings "beyond the comprehension of many mid-teen delinquents, and its concepts beyond the grasp of many younger juveniles. Even youths who understand *Miranda's* words may be unable to exercise the rights as well as adults. Juveniles do not fully appreciate the function or importance of rights, or view them as an entitlement, rather than as a privilege that authorities allow, but which they may unilaterally withdraw." *Id.*

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Joshua A. Tepfer et al., *Arresting Development: Convictions of Innocent Youth*, 62 RUTGERS L. REV. 887, 919 (2010)

Many youth “do not understand the full range of consequences that flow from a decision to waive [*Miranda*] rights and speak with police officers. Further, many youth are incapable of asserting those rights in the often intimidating presence of their interrogators.” *Id.*

Lorelei Laird, *Miranda for Youngsters: Police Routinely Read Juveniles their Miranda Rights, But Do Kids Really Understand Them?*, AM. BAR ASS'N (JUNE 2018)

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/

“Research shows that juveniles waive their *Miranda* rights at extremely high rates, with several studies putting it at roughly 90 percent. Yet it’s not clear that these kids understand what they’re giving up.”

Youth-Specific *Miranda* Warnings and Waivers

BALTIMORE POLICE DEP'T, *supra*, at 1-10 APP. A

This policy appendix is an “Explanation and Waiver of Rights for Youth.”

INT’L ASS’N OF CHIEFS OF POLICE, *REDUCING RISKS: AN EXECUTIVE’S GUIDE TO EFFECTIVE JUV. INTERVIEW AND INTERROGATION 7* (2012)

<https://www.theiacp.org/resources/document/reducing-risks>

This guide recommends “simplified” *Miranda* warnings, written at a third-grade comprehension level; see also *id.*, at 19-35 (providing sample forms and worksheets for use in youth interviews and interrogations, including: Sample Juvenile Pre-Interview/Interrogation Checklist; Sample Interview Plan, Worksheet – Is This Juvenile Interview Custodial?; Worksheet – Assessing [Juvenile] Competency; and Sample Juvenile *Miranda* Warnings).

AM. ACAD. OF CHILD & ADOLESCENT PSYCHIATRY, *INTERVIEWING AND INTERROGATING JUV. SUSPECTS* (2013)

https://www.aacap.org/AACAP/Policy_Statements/2013/Interviewing_and_Interrogating_Juvenile_Suspects.aspx

“When administering *Miranda* warnings, many jurisdictions use the version and forms developed for adult suspects. Research demonstrates that these warnings are often too complex and advanced for most juveniles.”

Impact of Race or National Origin on Youths' Ability to Exercise *Miranda* Rights

Kristin Henning & Rebba Omer, *Vulnerable and Valued: Protecting Youth from the Perils of Custodial Interrogation*, 52 ARIZ. STATE L. J. 883, 903-06, 915-16 (2020)

The authors assert that “Black youth will perceive and experience police encounters—including the police interrogation—as significantly more coercive than White youth.” The authors also note Black youths’ views of law enforcement are “shaped from a young age as they learn of or see firsthand the experiences of their friends and family members, especially those who have been verbally or physically assaulted by police.” See *id.*, at 903. They are also influenced by instructions from Black parents that “condition Black youth to comply with police authority,” and the likelihood that youth of color may experience an interrogator’s body language differently, including by “fear[ing] for their physical safety and becom[ing] more compliant in an effort to fend off anticipated violence.” See *id.*, at 903-06; 915-16. “Latinx communities also teach their youth to fear law enforcement and prioritize their own safety by being compliant with police demands,” and Latinx youth may also fear police due to concerns about immigration enforcement. See *id.*, at 905-06. The authors assert that “Black and Latinx youth have the added complication of fear, anxiety, and parental instructions to comply with police to stay alive. They are even more vulnerable than White youth or adults to the blatant and subtle characteristics of the interrogation environment that can coerce consent.” See *id.* at 909.

Deborah Davis & J. Guillermo Villalobos, *Interrogation and the Minority Suspect: Pathways to True and False Confession*, IN 1 ADVANCES IN PSYCH. & L. 1-41.
(Monika K. Miller & Brian H. Bornstein, B. eds. 2016)

“[E]thnic minorities are at heightened risk of being targeted for arrest and presumed guilty. Once targeted for interrogation, substantial evidence exists to suggest they will be more likely to waive their rights and submit to interrogation, and be more vulnerable to confession when interrogated. Importantly, innocent minority suspects will experience greater vulnerability to false confession.” *Id.*

Youth and False Confessions

Feld, *supra*, at 415

“Children questioned by authority figures acquiesce more readily to suggestion during questioning.” Children often “seek an interviewer’s approval and respond more readily to negative pressure. Under stress of a lengthy interrogation, they may impulsively confess falsely rather than consider the consequences.” See *id.*

Tepfer et al., *supra*, at 893

This study explains the theory that youth are “particularly likely to react to pressure-filled interrogation by falsely confessing is fast gaining traction, even among law enforcement.” The authors analyzed data from 103 individuals who were wrongfully convicted as teenagers, and found that 32 of these individuals falsely confessed, including 30 individuals who gave self-incriminatory false statements during police questioning. See *id.*, at 904. They noted that “psychologically manipulative” interrogation tactics

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“eventually overwhelm” many suspects, and cause them to confess, whether guilty or not. See *id.*, at 906-07. Further, “[i]n light of the neurological differences between children and adults, it is not difficult to recognize how such interrogation tactics might pose particular risks to youthful suspects. As documented by the Supreme Court... juveniles are burdened by a natural risk-weighting handicap and a predisposition to comply with external pressure. These characteristics make them particularly apt to be led into falsely confessing in the naïve belief that the risks associated with confessing simply do not outweigh the benefits.” See *id.* at 907.

Steven A. Drizin & Richard A. Leo, *The Problem of False Confessions in the Post-DNA World*, 92 N.C. L. REV. 891, 941-42 (2004)

In a study of 113 “proven false confessors,” juveniles (defined as individuals under 18) were over-represented, constituting one-third of false confessors. Moreover, researchers found, “[t]here are good reasons why juveniles may be more vulnerable to police pressure during interrogations. Juveniles are, of course, less mature than adults and have less life experience on which to draw. As a result, they tend to be more naïve and more easily intimidated by police power, persuasion, or coercion. They are thus less equipped to cope with stressful police interrogation and less likely to possess the psychological resources to resist the pressures of accusatorial police questioning. As a result, juveniles tend to be more ready to confess in response to police interrogation, especially coercive interrogation.” See *id.*

Youth Susceptibility to Deception and Coercion in Interrogations

Baltimore Police Dep’t Policy 1207, *supra*, at 1

“Youth may be especially vulnerable to the pressures of an Interrogation, which may cause them to provide involuntary or even false confessions. Interrogation tactics that may not be considered coercive when applied to adults may be coercive when applied to Youth. Even in situations in which a Youth may knowingly, voluntarily, and intelligently, waive their *Miranda* rights, their statements may be involuntary if coercive tactics are used in the Interrogation itself.” *Id.*

***In re T.F.*, 223 Cal. Rptr. 3d 830, 837 (Cal. Ct. App. 2017)**

In this case, the court found that a youth did not voluntarily waive his *Miranda* rights when law enforcement officer made a “contradictory and confusing” statement by telling the youth that they would “talk,” followed immediately by *Miranda* warnings. The officer “befuddle[ed]” youth by mixing up the *Miranda* warnings with a conversation about an unrelated warrant.

INT’L ASS’N OF CHIEFS OF POLICE *supra*, at 7

<https://www.theiacp.org/resources/document/reducing-risks>

Although the use of deceit was “permissible” at that time this document was published, “the changing nature of the legal landscape should make officers think twice before using this technique during juvenile interrogations.” The report explains that “[t]he presentation of false evidence may cause a young person to think that the interrogator is so firmly convinced of his guilt that he will never be able to persuade him otherwise. In that event, the young person may think that he has no choice but to con-

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fess—whether guilty or innocent—in an effort to cut his losses.... The use of deception also may cause an innocent juvenile—even one who initially had a clear recollection of not committing a crime—to mistrust his memory, accept that the “evidence” proves his guilt, and eventually confess to a crime that he did not commit.” See *id.*, at 8-9. The report also cautions law enforcement agencies against “promises of leniency and threats of harm,” arguing that even “indirect” promises or threats “can be inappropriate when the suspect is a juvenile. They can trigger involuntary or false confessions by presenting the juvenile with an offer he can’t refuse: Say what the police want to hear or face negative consequences.” See *id.* at 9.

Tepfer et al., *supra*, at 917-18

When police interrogators question youth using “the same leading and manipulative tactics” that would be used for adults, “[t]he result is that statements taken from children and adolescents under aggressive police interrogation are systematically unreliable.” The authors assert that “[t]oo often, young defendants who are already predisposed to yield to their interrogators’ suggestions are able to construct realistic-sounding false statements based on the information included in the very questions posed by police. Additionally, we recommend that police interrogators refrain from making any promises of leniency—even indirect, vague, or implicit promises of the type that many courts currently consider legal—in exchange for a statement from a child, without the presence of a defense attorney able to advise the child about the actual benefits and risk of making a statement....[A] child who is made to believe that he will avoid legal trouble so long as he tells his interrogators what they want to hear is likely to do just that: tell the police what they want to hear, regardless of its truth.” *Id.*

Nigel Quiroz, Five Facts About Police Deception and Youth You Should Know, INNOCENCE PROJECT (May 13, 2022),

<https://innocenceproject.org/news/police-deception-lying-interrogations-youth-teenagers/>

This advocacy piece provides information about law enforcement use of deception in interrogations.

When a Reasonable Youth May Not Feel Free to Terminate and Leave an Interrogation

When Law Enforcement Officers Fail to Tell Youth they are Free to Leave or End the Questioning

- **Kalmakoff v. State**, 257 P.3d 108, 123 (Alaska 2011)

The court concluded that a youth would not reasonably have felt free to leave interview where officers did not tell the youth he could leave or that he did not have to answer their questions, and officers repeatedly emphasized that the youth had to tell them the truth.

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- ***In re I.F.***, 229 Cal. Rptr. 3d 462, 489 (Cal. Ct. App. 2018)
The court stated that detective and F.B.I. agent's failure to tell a 12-year-old that he was free to leave an interview about the murder of his sister "strongly supports the conclusion" that the youth would not have felt free to terminate the interview and leave.
- ***In re Matthew W.***, 281 Cal. Rptr. 3d 156, 169 (Cal. Ct. App. 2021)
The court found that although the officer questioning a youth in his home initially told the youth he was not under arrest, officer never told the youth he could leave the room where questioning took place, suggesting that the youth was not free to end the questioning or to leave.
- ***In re D.A.H.***, 857 S.E.2d 771, 786-87 (N.C. Ct. App. 2021)
The court found that a reasonable 13-year-old youth would not have felt free to terminate questioning by the school principal and a School Resource Officer when the youth was not told he did not have to answer questions.
- ***In re E.W.***, 114 A.3d 112, 119 (Vt. 2015)
The court concluded that youth would not reasonably have felt free to leave when the officer did not tell the youth that he could end the questioning, and that youth was especially vulnerable because he was a ward of the state in a foster home placement.

When Law Enforcement Officers Imply or State that the Youth is a Suspect

- ***Kalmakoff***, 257 P.3d at 123
The court concluded that youth would not reasonably feel free to leave when officers' questions became "pointed and accusatory."
- ***In re I.F.***, 229 Cal. Rptr. 3d at 489
The court found that when a detective and an F.B.I agent questioning a 12-year-old repeatedly alluded to a belief that the youth was culpable and that they had evidence to prove it, a "reasonable 12 year old, confronted with the possibility that police viewed him as a suspect, would not have felt free to terminate the interview and leave."
- ***In re T.F.***, 223 Cal. Rptr. 3d, 830, 842 (Cal. Ct. App. 2017)
The court found that an officer's "accusatory interrogation was dominating, unyielding, and intimidating. These overbearing tactics, combined with T.F.'s youth" and increased susceptibility to influence and outside pressures, "support the conclusion that T.F.'s statements were involuntary."
- ***In re D.A.H.***, 857 S.E.2d at 786-87
The court explained that a reasonable 13-year-old would believe he was about to be questioned about criminal behavior, rather than a disciplinary matter, when he knew he was in trouble for allegedly selling marijuana to another student, and was summoned to meet the principal and a School Resource Officer.

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- **B.A. v. State**, 100 N.E.3d 225, 234 (Ind. 2018)

The court concluded that the youth was under police interrogation when one officer took a hand-writing sample, and another prompted the youth to “[c]ome on man, just – just tell the truth.”

When Law Enforcement Officers Question the Youth without Allowing Youth Access to a Parent

- **In re I.F.**, 229 Cal. Rptr. 3d, at, 489-90

The court concluded a reasonable 12-year-old would not have felt free to leave an interview with law enforcement if he knew his father was locked out of the interview room, and had repeatedly sought access before being allowed in.

- **B.A.**, 100 N.E.3d at 234

The court concluded that a youth was in police custody when he was in the principal’s office with law enforcement officers present, and was never told he could call his mother.

- **In re D.A.H.**, 857 S.E.2d at 787

The court held that a reasonable 13-year-old who was not given the opportunity to call his guardian until after he had confessed would not have felt free to terminate questioning by the school principal and a School Resource Officer.

- **In re Matthew W.**, 281 Cal. Rptr. 3d at 170

When 17-year-old was questioned in his home, and officers refused his mother’s request to be present during questioning, the evidence “weighs in favor of finding” the interrogation was custodial.

When Law Enforcement Officers Intimidate or Physically Threaten the Youth

- **In re T.F.**, 223 Cal. Rptr. 3d at 842

An officer’s “intimidating” and “overbearing” interrogation, along with the age of the youth and his increased susceptibility to influence and outside pressures, “support the conclusion that [the youth’s] statements were involuntary.”

When Parents or Other Adults Direct the Youth to be Interviewed or Cede Control to Law Enforcement Officers

- ***In re I.F.***, 229 Cal. Rptr. 3d at 494

“[A] reasonable 12 year old, having been brought to the district attorney’s office under protest and continuously urged to confess by a grieving parent, would have experienced a restraint tantamount to an arrest.... Far from demonstrating that the interview was noncustodial, [the parent’s] participation would have convinced a reasonable 12 year old that he had no choice but to submit to questioning.” The court explained, “[i]t requires no stretch of judicial imagination to see that a parent’s broad authority [over their children] could easily extend into the interrogation room, combining with police authority to produce a coercive atmosphere.” See *id.* at 481.

When Law Enforcement Officers and School Officials Work in Tandem to Question a Youth at School

- ***B.A.***, 100 N.E.3d at 234

A reasonable youth would have believed he was in police custody after being escorted from the bus to the principal’s office, where officers established a “consistent police presence” while the youth was questioned by the vice-principal.

- ***N.C. v. Commonwealth***, 396 S.W.3d 852, 863 (Ky. 2013)

The court found that the questioning of youth by a school administrator in the presence of a School Resource Officer was “state action by law enforcement for *Miranda* purposes” when administrator and School Resource Officer worked “in concert” according to an established protocol for questioning.

When the Totality of Circumstances During the Questioning Creates a Coercive Atmosphere

- ***In re I.F.***, 229 Cal. Rptr. 3d at 492

The court found that a totality of circumstances—including a youth not being given a choice to participate in an interview, not being clearly informed he was free to leave until the interview was almost over, being interrogated by law enforcement officers who indicated they believed and could prove the youth was culpable—“combined to create a coercive atmosphere that a reasonable 12 year old in [the youth’s] position would have experienced as a restraint tantamount to an arrest.”

- ***In re T.F.***, 223 Cal. Rptr. 3d at 844

The court found that a totality of circumstances—a 15-year-old’s age, lack of sophistication, documented intellectual disability, minimal prior contact with police—combined with “aggressive, deceptive, and unduly suggestive” interrogation tactics, support a conclusion that the youth’s inculpatory statements “cannot be deemed a product of free will.”

Importance of Attorneys in Youth Interrogations

H.B. 781, Leg., 32nd sess. (Hawaii 2023)

“The legislature notes that custodial interrogation of an individual by the State requires that the individual be advised of the individual’s rights to make a knowing, intelligent, and voluntary waiver of those rights before the interrogation proceeds. However, the legislature believes that children under eighteen years of age, unlike adults, cannot sufficiently comprehend the meaning of their rights and the consequences of a waiver. The legislature therefore finds that children under the age of eighteen lack the requisite mental capacity necessary to waive the assistance of legal counsel prior to speaking to an attorney regarding their legal rights.”

N.C. Gen. Stat. § 7B-2101(b)

The North Carolina statute excludes any in-custody admission or confessions of any youth under 16 years old if the confession or admission was not made in the presence of the youth’s parent, or guardian or custodian or attorney; requiring that, in the absence of an attorney, both the parent and youth must be advised of the youth’s rights as specified in statutory language; and prohibiting parents from waiving the youth’s rights.

Statement of Interest of the United States at 16, 17-18, N.P. v. Georgia,

No. 2014-CV- 241025 (Ga. Super. Ct. Mar. 13, 2015)

“A juvenile’s waiver of counsel cannot be knowing, intelligent, and voluntary without first consulting counsel.... The decision to waive one’s right to counsel, like the decision to waive one’s *Miranda* rights, or to confer with prosecutors about a plea, must be well thought-out, with an understanding of present and future ramifications.” This poses a particular challenge for young people, who ‘tend to underestimate the risks involved in a given course of conduct [and] focus heavily on the present while failing to recognize and consider the future.’ See *id.*, at 17-18 (quoting Kristin Henning, *Juvenile Justice After Graham v. Florida: Keeping Due Process, Autonomy, and Paternalism in Balance*, 38 WASH. UNIV. J. L. & POL’Y 17, 24 (2012).

Tepfer et al., *supra*, at 920

“The best way to ensure the voluntariness and reliability of juvenile interrogations is to require counsel to be present during all custodial interrogations of juveniles. An attorney will be able to advise the child regarding whether to speak to police, intervene if questioning becomes overbearing or too intense, and advise him or her accurately about whether confessing or implicating someone else will, in fact result in leniency. Without the benefit of loyal and knowledgeable legal advice, however, any child faced with police interrogators is at a crippling disadvantage.” *Id.*

Haley Cleary, *10 Reasons Why Parent Involvement Is Not Enough to Protect Adolescent Suspects During Custodial Police Interrogations*, *THE CHAMPION* 20, 30 (2022)

This article describes the shortcomings of parental involvement in youth interrogations, and asserts that “an unwaivable right to counsel is currently the best policy mechanism available to protect youth in the interrogation room.”

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Nat'l Juv. Def. Ctr., Commentary, *National Juvenile Defense Standards*, NJDC at Standard 10.4 (2012)

"The problem with juvenile waiver of counsel is clear: children require the advice and assistance of counsel to make decisions with lifelong consequences in the highly charged venue of a juvenile court proceeding. As a result of immaturity, anxiety, and overt pressure from judges, parents, or prosecutors, unrepresented children feel pressure to resolve their cases quickly and may precipitously enter admissions without obtaining advice from counsel about possible defenses or mitigation. In order to ensure the client's due process rights are protected, the client must have meaningful consultation with counsel prior to waiving the right to counsel." *See id.*

Presence of Parents in Interrogations

***In re I.F.*, 229 Cal. Rptr. 3d at 482-84**

Although some statutes and cases "generally assume that parents will play a supportive role in custodial interrogations, acting as a buffer between the child, on the one hand, and police, on the other," and see parents as an advisory and support to a youth, there are factual scenarios in which a parent might have a conflict and thus urge cooperation with police. These scenarios include: if the parent had a relationship to the victim; if the parent was themselves the victim; if the parent was suspect; if the parent urged cooperation to encourage good citizenship or aid in the investigation of a crime; or if the parent urged cooperation out of a desire to teach the youth a "life lesson" about responsibility or respect for authority. *See id.*

***Henning & Omer, supra*, at 915**

"Very few parents will be able to assist their child with hiring counsel, even if they are aware of the child's need. There is still no access [to counsel] for children whose parents refuse to help, cannot help because they do not understand the law, are conflicted by their own involvement in their child's alleged criminal behavior, or for the many children whose parents cannot afford an attorney."

***Tepfer et al., supra*, at 919-20**

The authors assert that parental presence in interrogations is "no panacea; while requiring parents to be present during interrogations of children may be advisable, it does not guarantee children the protections they need. Too often, parents tend to believe that they should instruct their children to cooperate with the police in order to show that their children have nothing to hide. Parents, just like children, may also be poorly informed about the consequences of speaking to police." *See id.*

***Jennifer L. Woolard et al., Examining Adolescents' and their Parents' Conceptual and Practical Knowledge of Police Interrogation: A Family Dyad Approach*, 37 J. YOUTH & ADOLESCENCE 685, 685-98 (2008)**

Research indicated "parents know more than younger adolescents about components of the *Miranda* warning and its behavioral implications but do not necessarily know more about police strategy or the parameters of parental protection." The results of this study "suggest that a sizable subset of parents may not have the requisite practical understanding of police practices youth rights within the context of

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interrogation to protect their children's legal interests as the law presumes. In families where the youth also demonstrates compromised understanding, parents' inability to compensate could potentially have a drastically negative impact on the outcome of the youth's interrogation and ultimately the outcome of the case. In an interrogation landscape where numerous states' case law, policies and procedures ascribe to parents the responsibility of youth protection, these results question the effectiveness of policies that assume parents are able and willing to advocate for their children without additional support or intervention." See *id.* at 696-97.

Cleary, *supra*, at 21

The author describes several reasons why parents may not be able to act in their children's legal interest, including: parents' failure to understand *Miranda*, custody or the interrogation process; parents' vulnerability to police coercion and deceptions; parents who may be their children's guardians "in name only;" parents' potential financial, familiar, legal, or moral conflicts of interest with the youth; the danger that police will exploit the parent-child relationship to obtain a confession from the youth; the potential that a parent's presence gives confessions an "air of legitimacy" in court; and the danger that parental involvement in interrogations results in a "false sense of complacency," where the presence of a parent is seen as a "good enough" substitute[s] for effective representation of counsel." See *id.*, at 21-28.

FAIR & JUST PROSECUTION, *supra*, at 4-5

The issue brief asserts that parental involvement in interrogations is not a substitute for legal counsel, describing California law providing youth with a non-waivable right to consult with counsel prior to interrogation, and Illinois law requiring that youth under the age of 15 charged with homicide or sex offenses be represented by counsel during custodial interrogations.

Conditions for Youth Interrogations

INT'L ASS'N OF CHIEFS OF POLICE, *supra*, at 8

<https://www.theiacp.org/resources/document/reducing-risks>

"Officers should be wary of questioning juvenile suspects, especially younger teens and children, in the middle of the night. Even a few hours of sleep deprivation, combined with the stress of interrogation, can increase the risk of false confession. And courts tend to disapprove of late night interrogations, particularly when children are involved."

Custodial Interrogation and Limited English Proficiency

U.S. Dep't of Just., *Law Enforcement*, LEP.gov

<https://www.lep.gov/law-enforcement>

This federal interagency website provides information and resources for law enforcement on communicating with individuals with limited English proficiency.