



## OFFICE OF THE HENNEPIN COUNTY ATTORNEY

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### Youth Interrogation Policy Toolkit

#### **Overview:**

- The Hennepin County Attorney's Office is implementing a new policy on police interrogations of youth that is directly tied to our goal of building a safer and more equitable Hennepin County. This policy is grounded in research demonstrating that traditional practices fail to best promote public safety, with needlessly negative impacts on young people, their families, and their constitutional rights.
- The policy has three core objectives: (1) protect against false confessions and wrongful convictions, (2) ensure parents / guardians are notified when their child is subject to police interrogation, and (3) avoid the use of coercive interrogation practices with youth.
- This policy only speaks to when the HCAO will use a defendant's statements in court. Even if any such statement is not usable, the HCAO will not hesitate to pursue appropriate charges that can be proved beyond a reasonable doubt through other evidence.

#### **Parents / Guardians should be notified, and a youth should have a chance to consult with an attorney before waiving their rights.**

- Youth, like all people facing custodial interrogation by law enforcement, have a fundamental constitutional right to consult with an attorney, as well as to choose not to speak with police. Those rights are part of the typical *Miranda* warning that police routinely provide. The problem is that, at least for youth, those rights exist more in theory than in reality.
- The reality is that [upwards of 90% of youthful suspects waive their \*Miranda\* rights](#) without ever having a chance to talk to a lawyer. [A wealth of research](#) indicates that

most of those suspects do not understand the rights they are waiving and why those rights matter.

- Our new policy requires that youth receive a constitutionally obligated opportunity to talk to a lawyer before making a decision that could have a profound effect on the course of their lives.
- Our policy also ensures that parents are informed prior to an interrogation and have a reasonable chance to get to the place of interrogation if they choose to do so.
- The policy includes an important exception for cases where it is necessary to interrogate a youth suspect in order to obtain information to protect against an imminent threat of serious physical harm. In other words, this policy is about situations where police are investigating completed crimes, not where a dangerous crime is ongoing and the need to get information to protect public safety is time sensitive.
- The U.S. Supreme Court has for decades recognized that youth are different than adults in ways that are relevant here:
  - “[A] reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go.” [\*J.D.B. v. North Carolina\*, 564 U.S. 261 \(2011\)](#).
  - Children “are more vulnerable or susceptible to . . . outside pressures” than adults. [\*Roper v. Simmons\*, 543 U.S. 551, 569 \(2005\)](#).
  - “[N]o matter how sophisticated,” a youth subject of police interrogation “cannot be compared” to an adult subject. [\*Gallegos v. Colorado\*, 370 U.S. 49, 54 \(1962\)](#).
  - Events that “would leave a man cold and unimpressed can overawe and overwhelm a lad in his early teens.” [\*Haley v. Ohio\*, 332 U.S. 596, 599 \(1948\) \(plurality opinion\)](#).
- At least three states have already successfully implemented a similar non-waivable right to counsel in connection with youth interrogations: [California](#), [Washington](#), and [Maryland](#).

- The American Academy of Child & Adolescent Psychiatry in [2013 issued a statement](#) endorsing various protections for youth in police interrogations, including that counsel should be present for all questioning.
- A [2025 Scientific Review Paper](#) on behalf of the American Psychological Association and American Psychology-Law Society (the “2025 APA Paper”) examining the scientific literature of false confessions endorsed the requirement that counsel be made available before and during police interrogations of youth.

**Youthful suspects are at a significantly heightened risk of making false confessions.**

- Data from the [National Registry of Exonerations](#) reflect that false confessions drive wrongful convictions of juvenile defendants at substantially higher rates than adult defendants.
- 34.10% (118/346) of exonerations involving defendants under 18 involved a false confession, compared to 10.7% (361/3,374) for adult defendants. For exonerated defendants who were 14 or younger, that percentage is even higher: 57.14% (20/35).
- The numerous examples of false confessions by youthful suspects who have since been exonerated include:
  - The Central Park Five / Exonerated Five ([Yusef Salaam](#), [Raymond Santana](#), [Kevin Richardson](#), [Korey Wise](#), and [Anton McCray](#))
  - [Marty Tankleff](#)
  - [Timothy Brown](#)
  - [Jeffrey Deskovic](#)
  - [Eddie Joe Lloyd](#)
- Research shows that adolescent brains (in particular the prefrontal cortex) are underdeveloped in ways that diminish self-control and can lead young people to prioritize short-term benefits over their long-term wellbeing. Young people are also more vulnerable to pressure from authority figures like police and more susceptible to psychological coercion. All of these factors put youthful suspects at greater risk in the interrogation room.

- Youth often have the mistaken belief that, if they just cooperate with the police, they will be allowed to leave, a misunderstanding that can land them in big trouble.
- Both self-reported survey data and laboratory studies provide further support for the heightened risk of false confession among youthful suspects. That research is summarized in a 2025 paper published by the American Psychological Association.

**Outdated tactics known to contribute to false confessions have no place in youth interrogations.**

- Our policy seeks to avoid interrogation techniques that have been shown to contribute to false confessions, especially with youth: (1) lying to suspects about the evidence, (2) making unauthorized statements about leniency, (3) using polygraphs and similar technologies to try to show suspects are lying, (4) maximization techniques, (5) minimization techniques, and (6) presenting suspects with a false binary or forced choice.
- As to the first two items in this list, a [2024 law](#) already imposes a strong presumption that statements cannot be used in court if police used such techniques. Our policy turns the presumption into an absolute prohibition, which applies to polygraphs and similar technologies. As to the others, the policy imposes a strong presumption against using any statement that came from an interrogation after such techniques were used.
- Maximization is where police use techniques to get suspects to believe that things could go very badly for them if they do not cooperate.
- Minimization is the inverse of maximization: techniques to get suspects to believe they will get better treatment if they cooperate with police.
- The false binary or forced choice technique presents suspects with two possibilities, both of which are incriminating, but one of which is much worse than the other (e.g., either (a) you are a depraved killer or (b) you didn't go in intending to kill anyone, but things just got out of hand).

- All of these methods have been shown to be highly coercive, especially when used with youth. They lead to a higher risk of false confessions and wrongful convictions. Even short of a false confession, they often produce inaccurate information that can send the investigation in the wrong direction.
- The [International Association of Chiefs of Police in 2012](#) took the position that police should not use techniques involving deception, promises of leniency (even if only implied), and threats of harm when interrogating youth.
- Wicklander-Zulawski & Associates, one of the country's leading firms for police interrogation training, has [disavowed these techniques since 2017](#). Instead, they train police on science-based interrogation methods that are actually *more* effective at getting high-quality information, while presenting a much lower risk of false confessions.
- A robust body of scientific literature establishes that these techniques increase the risk of false confessions. That research, much of which focuses on false evidence and minimization, is summarized in the [2025 APA Paper](#).

**Police interrogations in schools are disruptive to the educational environment and should only be utilized to address immediate safety concerns.**

- When a youth is called down to the principal's office and questioned by police, it can be disruptive and lead them to feel compelled to speak. And when parents / guardians are never notified, it raises significant concerns.
- This policy requires that interrogations occur outside of school and that a parent/guardian be notified, unless it is related to an ongoing safety concern.
- As with the non-waivable right to counsel, there is an exception for cases where the need to speak with a student is time-sensitive because of an immediate and ongoing threat of harm.
- The policy also provides that, when students suspected of crimes are interviewed at school, those interviews are treated for legal purposes as custodial interrogations if any law enforcement officer is present, including a school resource officer. That

ensures that students' constitutional rights are protected just the same as if they were questioned at a police station.

- The policy does not limit school resource officers' ability to have the kind of normal interactions with students that occur in the ordinary course of their work. Nor does the policy limit the ability of school resource officers to intervene to stop ongoing fights or other criminal activity in a school.

## **Resources:**

[American Academy of Child & Adolescent Psychiatry, "Interviewing and Interrogating Juvenile Suspects" \(2013\)](#)

[Center for Law, Brain & Behavior, "Understanding Adolescence in the Legal System: The Science of False Confessions"](#)

[Barry Feld, "Behind Closed Doors: What Really Happens When Cops Question Kids" \(2013\)](#)

[Gary Gately, "Why Do So Many Juvenile Suspects Confess to Crimes They Didn't Commit?" \(2013\)](#)

[International Association of Chiefs of Police, "Reducing Risks: An Executive's Guide to Effective Juvenile Interview and Interrogation" \(2012\)](#)

[\*J.D.B. v. North Carolina\*, 564 U.S. 261 \(2011\)](#)

[Saul Kassin, et al., "Police-Induced Confessions, 2.0: Risk Factors and Recommendation" \(2025\) \("2025 APA Paper"\)](#)

[National Registry of Exonerations \(searchable database of U.S. exonerations since 1989\)](#)

[Strategies for Youth, "Model Law Enforcement Policies for Youth Interactions, Policy 4: \*Miranda\* Warnings, Waiver of Rights, and Youth Interrogations" \(2023\)](#)

[Jodie Viljoen, et al., "Adjudicative Competence and Comprehension of Miranda Rights in Adolescent Defendants: A Comparison of Legal Standards" \(2007\)](#)

