

Juvenile Interrogation Scenarios – Group 2

1. Do these facts constitute custody?

A middle school student was suspected of possessing marijuana on the school bus. That student told the principal and the school resource officer (SRO) that another student, Deacon, had sold the marijuana to him. Deacon was absent from school the following two days. The day he returned to school he was summoned to the principal's office. The principal and the SRO sat together across from Deacon and the principal questioned him. The SRO testified to three slightly different variations of the conversation between the principal and Deacon, all of which culminated in Deacon stating that he sold marijuana to the other student. The SRO did not ask any questions. The principal called Deacon's guardian after he confessed. She came to the school and Deacon repeated his confession to her. Deacon was never read his Miranda rights, told he did not have to answer the questions, nor told that he was free to leave.

2. Do these facts constitute interrogation?

The juvenile was a backseat passenger in a car that was pulled over when the driver was not wearing his seat belt. After frisking the two front seat passengers and placing the driver in investigative detention, Corporal A. asked the juvenile to get out of the car and asked her for the marijuana he knew she had. The juvenile denied having marijuana. Corporal A repeated that was referencing the marijuana he knew she had. The juvenile then turned away and appeared to reach into her pants. When Corporal A tried to see what juvenile was reaching for, she told him he couldn't look in her pants. Corporal A then placed the juvenile in investigative detention, cuffed her, and put her in the back seat of the patrol car

While waiting for a female officer to arrive to search the juvenile, Corporal A told the juvenile that he was taking her downtown and it was an additional charge to bring drugs into a detention facility. Corporal A then called the juvenile's school to confirm her age. The juvenile called him to the car window and told him the drugs were in her right coat pocket. Corporal A got juvenile out of the car, reached into her pocket and retrieved a plastic bag with nine individual bags of green and leafed material and two plastic bags of a powdered substance.

3. Do these facts constitute a valid waiver of rights?

A 17-year-old was arrested, taken to the sheriff's office, and advised of his rights. When asked if he wanted to answer questions without his parent present he stated "no, I want her here." Questioning ceased until mom was present.

The juvenile was readvised of his rights with mom there and gave the same responses. He was not asked again if he wished to answer questions without his parent present because she was there. The officer stated that his mom was there and that he wanted her there to talk with them. The juvenile agreed that is what he wanted and signed the rights form.

The Officers began questioning, asking the juvenile where he was the preceding few days. When the officers told him that he was lying because his mom had told them something different, he appeared embarrassed and ill at ease. The officer asked if the juvenile was comfortable talking in front of his mom or did he want her to step out. The juvenile said she might as well leave and mom left the room. Mom sat on a bench outside the open doorway where he could see her if he leaned forward. The juvenile could hear the officers tell mom that she could come back whenever she wanted.