

YOUTH INTERROGATION MYTHS

WHAT YOU NEED TO KNOW TO PROTECT YOUR CHILD'S RIGHTS

Interacting with the police can be a stressful and emotionally charged situation for anyone, but especially for adolescents and children who find themselves the subjects of police investigations. Many people believe myths about what the police are and are not allowed to do when speaking with youth. Believing these myths can put your child at risk for severe legal consequences. Learn the facts below.



MYTH:
Police cannot lie.



MYTH:
If the police stop you, you cannot leave and will be arrested if you try.



MYTH:
If the police ask you a question, you must answer it.



MYTH:
Asking for a lawyer or staying silent makes you look guilty and just makes things worse.



FACT:
Police legally **CAN**, and very often do, tell lies about: evidence, eyewitnesses, being "off the record," having confessions from friends, test results, consequences of not confessing, and wanting to help you. **ASK FOR A LAWYER.**

FACT:
You are **FREE TO LEAVE**, **unless** the police say that you are under arrest, you have been handcuffed, put in the back of a police car, put into a holding cell, or are led to believe you are **not free to leave**.

FACT:
You **DO NOT** have to answer any questions from the police. And you can **STOP** answering questions whenever you want, even if you already started talking. This is **ALWAYS** true.

FACT:
You should **ALWAYS** ask for a lawyer and refuse to answer questions. The police **CANNOT** use this against you.

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MYTH:

If you are innocent, it is best to talk to the police.



MYTH:

Once you begin answering questions, you must finish the rest of the interrogation.



MYTH:

If you just stay silent, the police can't keep asking you questions.



MYTH:

The police can't question my child if I'm not there or without telling me first.



MYTH:

If the police tell you to talk, you have to do it.



MYTH:

Police cannot obtain a DNA sample without your consent.



FACT:

Police can make innocent people sound guilty. Tell them you **WILL NOT TALK WITHOUT A LAWYER.**



FACT:

Just because you answer one question doesn't mean you must continue. You can stop answering **AT ANY TIME.**



FACT:

To make the police stop, you need to **DIRECTLY SAY** you want to exercise your right to silence.



FACT:

In many states, police can question your child without telling you first in at least some situations.



FACT:

You have these rights **NO MATTER WHAT.** The police can't make you talk and neither can a judge.



FACT:

Police can gather DNA without your consent or knowledge. **NEVER** accept a beverage offer; it may be used later as evidence.

YOUTH INTERROGATION KNOW YOUR CHILD'S RIGHTS

90% OF YOUTH WAIVE THEIR MIRANDA RIGHTS

Most people have heard of the *Miranda* rights, but few know exactly what those rights are. Research suggests that well-educated adults recall only 49% of the *Miranda* rights, and those in stressful situations recall even less at 39%. Youth fare even worse. Young people waive their rights at extremely high rates so it is important that your child—and you as a parent—understand what protections the law gives them.

1. You have the right to not say anything. You can stop talking whenever you want.



2. Anything you choose to say can be reported to the judge in your trial.



3. You have the right to have a lawyer that can help you. As soon as you ask for a lawyer, the police have to stop asking questions until the lawyer is with you.



4. If you don't have money to pay for a lawyer, you will be given a lawyer for free who will be on your side and help defend you.



5. You have the right to stop the police from asking questions at any time. You can tell the police you are using your rights and not to ask you any more questions.

YOUTH INTERROGATION DOS AND DON'TS

WHAT YOU SHOULD DO TO HELP YOUR CHILD

In the event that your child ever finds themselves in the middle of a police investigation, there are some things to keep in mind. Here is what you SHOULD and SHOULD NOT do in order to best protect your child and give them the support they will need to help them through this stressful experience.



DO:

Ask for a lawyer. Say: "I WANT A LAWYER" to be as clear as possible.

DO:

Urge your child to remain SILENT.

DO:

Ask the police if your child is free to go. If they say yes, you and your child should calmly walk away.

DO:

Talk to your child about their rights, before it is too late. They should know what to do if they are ever stopped by police.



DON'T:

Try to act as your own lawyer. A lawyer is best able to offer legal advice.

DON'T:

Tell you child to "fess up" or "come clean." Honesty is not the best policy when it comes to protecting your child's rights.

DON'T:

Disrespect an officer, physically resist, or try to run away. It may lead to more trouble.

DON'T:

Assume that the police will be honest with you or always have your child's best interest in mind.

YOUTH INTERROGATION RESOURCES AND REFERENCES

TO LEARN MORE ABOUT
THE LAWS IN YOUR STATE, GO TO:
[HTTP://WWW.LAW.NORTHWESTERN.EDU/
LEGALCLINIC/WRONGFULCONVICTIONSOUTH/](http://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/)

For more information, see:

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