

Virginia State Crime Commission

Juvenile Interrogation

2006

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During the 2006 Session of the Virginia General Assembly, Delegate Michele McQuigg introduced House Bill 712, which required that juveniles be advised of their rights and whether or not they were free to leave an interrogation. Also, Delegate Albert Eisenberg introduced House Bill 1169 which mandated that all custodial interrogations of juveniles be recorded or the interrogation would be inadmissible at trial. The House Courts of Justice Committee was unable to determine the need or impact of the legislation, so both bills were continued. The House Courts of Justice Committee referred, by letter, both bills to the Commission for further study.

To comply with the study request, the Commission reviewed applicable law, from both the United States Supreme Court and Virginia's appellate courts, concerning the constitutional parameters of detaining and interrogating juveniles. The Commission also surveyed the other 49 states with regard to juvenile interrogation. A subcommittee was formed to develop recommendations for the full Commission.

The subcommittee recommended a requirement that all juvenile interrogations, regarding felonies, be recorded. However, the failure to record an interrogation would only be a factor for the court to consider in determining the statement's admissibility and would not result in an automatic suppression of the statement.

The full Commission declined to adopt the subcommittee's recommendation, but referred the matter to the Department of Criminal Justice Services to create and implement a law enforcement "best practices" guideline on recording juvenile interrogations.