

What Youth Need to Know if They Are Questioned by Police

Tips for Parents to Prepare Their Youth with a Disability

This fact sheet contains a brief summary of information for parents of children or youth with disabilities at risk for arrest by police at school or in the community.

What can your child say to the police?

Your child may:

- tell the police officer his or her name, address, and age
- ask police to call a parent, guardian, or another person identified in the Individualized Education Program (IEP) and say the child needs to speak to an attorney
- say he or she cannot answer questions unless an adult who knows him or her is present. The adult may include a parent, foster parent, legal guardian, or teacher whose involvement you have approved.
- ask if they are under arrest or free to leave.

These rules apply whether the police want to talk with your child in the community or at school. Anything said at school to a school administrator, police liaison officer, or a police officer can be used against your child in court.

How can you prepare your child for questioning by police at school or in the community?

Teach your child to ask for an attorney and a parent. Prepare a script about what to do if an officer stops or wants to speak with your child in the community or at school. Practice appropriate responses. Make sure your child understands what to say to police. Stress that your child should be polite to the police.

Stress that your child cannot challenge an officer in any way.

Teach your child to not:

- run away from the police officer
- make up a story—even if he or she

thinks it will help

- argue with a police officer, even if the officer says something that sounds unfair.

If the police tell your child they just want to talk about what happened and then he or she can go home, tell your child to say that he or she cannot answer questions unless an adult he or she knows and an attorney are present.

If the police tell your child that others have said he or she committed the crime, tell your child to say that a parent and attorney must be present before he or she will speak or sign a statement.

What should you do if your child is detained or arrested?

- Go to the police station as soon as you learn your child is being questioned or detained.
- Obtain as much information as you can about the charges.
- Tell the officers that you wish to be present during questioning and that questioning should stop until an attorney is there.
- Provide information about your child's disability to the police, the attorney, or public defender. Include the IEP and most recent evaluation.
- Explain how the disability affects your child's behavior, understanding of the alleged offense, and ability to answer questions appropriately.

Use the IEP

If your child has an IEP and you think he or she could be questioned or arrested at school:

- Meet with your IEP team and plan what to do if the situation arises.
- Develop behavioral and crisis plans. Identify an individual who will stay with your child if a police liaison officer

For more information, please contact PACER's Juvenile Justice Project.



8161 Normandale Blvd.
Minneapolis, MN 55437-1044
952.838.9000
952.838.0190 TTY
952.838.0199 fax
PACER@PACER.org

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- or police officer questions him or her.
 - The individual who would stay with your child can be a parent, a member of the IEP team, or any other mutually acceptable person who understands your child's disability and can advocate for him or her.
 - Make sure the information is written into your child's IEP.

Meet with police

If you are concerned that your child's disability puts him or her at higher risk for police involvement, meet with the police officers in your neighborhood.

- Tell them about the disability and why your child may be at risk for police involvement (language or cognitive issues, anxiety, etc.).
- Offer strategies that officers can use effectively with your child if a problem occurs.

- If your child is willing, introduce him or her to the officers at the local police station. Give the officers an opportunity to become acquainted with the child or young adult that you know and understand.

Remember...

The rights of children are similar to those of adults if the police stop them or they are questioned by anyone regarding a criminal or formal complaint. Any information your child shares can be used against him or her in court. In many states, a parent does not have to be present when a youth is questioned. Find out what the laws are in your state about police contacting parents when their child is brought in for questioning. The most important thing to remember is that your child should not sign anything or answer questions without someone like a parent, guardian, or attorney present.