



Roll Call Training Bulletin

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Katherine Lester, Chief of Police
Volume 118

Custodial Interrogations Involving Minors

11-8-2022

AB 2644

Effective January 1, 2024

On September 13, 2022, Assembly Bill 2644 was approved by the California State Senate. In summary, the bill adds section 625.7 to the Welfare and Institutions Code, defining the interrogation tactics that shall not be used by law enforcement officers:

Welfare and Institutions Code 625.7

During a custodial interrogation of a person 17 years of age or younger, relating to the commission of a misdemeanor or felony, a law enforcement officer shall not employ threats, physical harm, deception, or psychologically manipulative interrogation tactics.

As defined in the law, here are the following definitions of; “deception” and “psychologically manipulative interrogation tactics”

(1) “Deception,” includes, but is not limited to, the knowing communication of false facts about evidence, misrepresenting the accuracy of the facts, or false statements regarding leniency.

(2) “Psychologically manipulative interrogation tactics” include, but are not limited to the following:

(A) Maximization and minimization and other interrogation practices that rely on a presumption of guilt or deceit.

**Maximization- includes techniques to scare or intimidate the person by repetitively asserting the person is guilty despite their denials or exaggerating the magnitude of the charges or the strength of the evidence, including suggesting the existence of evidence that does not exist.*

**Minimization- involves minimizing the moral seriousness of the offense, a tactic that falsely communicates that the conduct is justified, excusable, or accidental.*

(B) Making direct or indirect promises of leniency, such as indicating the person will be released if the person cooperates.

(C) Employing the “false” or “forced” choice strategy, where the person is encouraged to select one of two options, both inculpatory, but one is characterized as morally or legally justified or excusable.

The change in the law is in part due to recent case law from the California Court of Appeals. The topic of “aggressive” and “relentless” interrogation tactics utilized by law enforcement officers against minors is vigorously debated in a 2015 Alameda Point of View article:



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https://le.alcoda.org/publications/point_of_view/files/POV_Fall_2015.pdf

As a reminder, existing law requires a peace officer to advise a minor (Age 17 and younger) of their Miranda rights upon placing them into custody for a criminal offense or a violation of the juvenile court. Additionally, per 625.6 W&I, officers shall ensure that a minor has consulted with an attorney in person, via phone, or video conference prior to a custodial interrogation and waiving their Miranda Rights.

As a suggestion, peace officers should consider utilizing a Beheler admonishment in appropriate situations.

AB 2644 also amends Welfare and Institutions Code 627, required notifications of a minor's parent/guardian upon taking them to a police facility or juvenile hall. In summary, the amendment will require a probation officer to immediately notify a public defender of the minor's arrest within 2 hours.

For a complete breakdown of the new law follow this link:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2644