

## U.S. Supreme Court Decision Regarding When to Mirandize Youth

### **J.D.B. v. North Carolina** 564 U.S. 261 (2011)

#### **Facts of the Case**

J.D.B. was a 13 year-old seventh-grader when he was pulled out of his classroom by a uniformed police officer on detail at the school on suspicion of burglarizing a home. The officer escorted J.D.B. to a conference room where another police officer, the vice principal and another administrator waited. The door was closed. There, J.D.B. was questioned by the police officer about recent neighborhood break-ins. One of the items stolen was a digital camera that had been found at the school and seen in J.D.B.'s possession.

J.D.B. first denied involvement. During 30-45 minutes of questioning, the police officer pressed J.D.B. for more details about his presence in the neighborhood after one of the break-ins and confronted him with the stolen camera; the vice principal urged J.D.B. to tell the truth. J.D.B. asked if he would still be in trouble if he "returned the stuff." He was told he was going to court no matter what and he could face juvenile detention. J.D.B. then confessed.

At that point, the police officer informed J.D.B. that he could refuse to answer questions and was free to leave. When asked whether he understood, J.D.B. nodded and provided more details of the burglary, including the location of the stolen items; the officer also requested that J.D.B. write a statement. At the end of the day, J.D.B. was permitted to go home.

#### **The Question**

When officers determine whether to Mirandize a youth, does an officer have to take into account the youth's age when determining whether a youth reasonably believes they are in custody?

#### **The U.S. Supreme Court Decision in 2011**

In 2011, the Supreme Court of the United States answered "Yes" to the question above: "So long as the child's age was known to the officer at the time of police questioning, or would have been objectively apparent to any reasonable officer." The Court found that "[j]ust as police officers are competent to account for other objective circumstances that are a matter of degree such as the length of questioning or the number of officers present, so too are they competent to evaluate the effect of relative age."

In its reasoning, the Court noted, "Children cannot be viewed simply as miniature adults" and "limitations on their ability to alienate property, enter a binding contract enforceable against them, and marry without parental consent—exhibit the settled understanding that the differentiating characteristics of youth are universal."

The Court also noted that because youths' brains work differently, they are more easily coerced and swayed because minors are "most susceptible to influence and outside pressures." Therefore,

the Court determined that when deciding when to Mirandize youth, officers and judges must decide when a reasonable youth would perceive to be in custody:

***“It is beyond dispute that children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave. Seeing no reason for police officers or courts to blind themselves to that commonsense reality, we hold that a child’s age properly informs the Miranda custody analysis.”***

### **Implications for Law Enforcement Officers**

Because youth are more likely to perceive themselves to be in custody—e.g. unable to leave the presence of the officer—officers should Mirandize youth before questioning them or risk having confessions and incriminating statements suppressed for lack of Miranda warnings.

All suspects’, and especially young suspects’, statements and evidence resulting from such statements will be suppressed if a suspect is found to have been in custody and was not Mirandized prior to answering questions.

### **Best Practices**

- **Mirandize early** -- even if you don’t think the juvenile is “in custody”
- **Mirandize often** --each time you question the youth
- **Use special juvenile Miranda warnings** written for children – this makes it more likely that the youth will understand their rights in order to assert or waive them
- **Mirandize slowly**-- ask the juvenile to repeat each right in their own words; ask if they have any questions. Make a good faith effort to ascertain that they understand their rights.
- **Record Miranda Warnings** – video/audio tape the interrogation so the courts can review the tape to see if the youth understood their rights and knowingly and voluntarily waived them during the interrogation.

### **IACP Sample Juvenile Developmentally-Appropriate Miranda Warning**<sup>2</sup>

1. You have the right to remain silent. That means you do not have to say anything.
2. Anything you say can be used against you in court.
3. You have the right to get help from a lawyer right now.
4. If you cannot pay a lawyer, we will get you one here for free.
5. You have the right to stop this interview at any time.
6. Do you want to talk to me?
7. Do you want to have a lawyer with you while you talk to me?

<sup>2</sup> Juvenile Miranda Warning cited from, Reducing Risks: An Executive’s Guide to Effective Juvenile Interview and Interrogation, International Association of Chiefs of Police. 2012.  
<http://www.theiacp.org/Portals/0/pdfs/ReducingRisksAnExecutiveGuidetoEffectiveJuvenileInterviewandInterrog>