U.S. Supreme Court Rules Age is a Consideration in Miranda Custody Analysis


Daria N. Thompson

Is the age of a suspect relevant to the custody analysis of *Miranda v. Arizona*, 384 U.S. 436 (1966)? In a 5-4 decision released on June 16, 2011, the United States Supreme Court held that including age in the custody analysis is consistent with the *Miranda* test’s objective nature so long as the child’s age is apparent to the officer, or would have been objectively apparent to a reasonable officer.

In *Miranda v. Arizona*, the Supreme Court held that certain steps need to be taken to protect an individual’s rights against self-incrimination during a custodial interrogation. *Miranda* is based on the proposition that the risk of unconstitutional coercion is heightened when suspects are under arrest or when they have limited freedom to leave. Whether or not a person is in custody is determined by an objective inquiry into the totality of circumstances surrounding the interrogation and whether a reasonable person would have felt at liberty to end the interrogation and leave.

The petitioner, identified as J.D.B., was a 13-year-old seventh grader who was pulled from his social studies class by a uniformed officer and led to the middle school’s conference room. Behind the closed door of the conference room, J.D.B. was met by a juvenile investigator, the school’s assistant principal and an administrative intern. J.D.B. was questioned about his possible involvement in two home break-ins that had occurred the previous week. J.D.B. had been seen behind a residence in the neighborhood where the break-ins took place. He was also seen in possession of a camera matching the description of one of the stolen items.

During the 45 minutes of questioning, J.D.B. was not read his *Miranda* rights nor was he afforded the opportunity to speak with his legal guardian. Furthermore, the assistant principal urged the boy to “do the right thing” because “the truth always comes out in the end.” The juvenile investigator warned J.D.B of the possibility of a secure custody order, which would send him to juvenile detention pending his court date. The mention of juvenile detention led J.D.B. to confess that he and a friend were responsible for the break-ins. At this point the investigator informed him of his right to refuse to answer any questions and that he was free to leave.

Two juvenile petitions were filed against J.D.B. and his public defender moved to suppress the confession, arguing that the boy had been interrogated by police, while in custody, without being afforded *Miranda* rights. The trial court denied the motion, deciding that J.D.B. was not in custody at the time of his confession and that his confession was made voluntarily. The North Carolina Court of Appeals and North Carolina Supreme Court affirmed the trial court’s decision and declined to include the age of an individual as a consideration for the *Miranda* custody inquiry.

The United States Supreme Court disagreed with the state courts, reasoning that a child's
age affects how a reasonable person in the suspect's position would perceive the freedom to leave.\textsuperscript{20} Justice Sotomayor, writing for the majority, emphasized that “a reasonable child subjected to police questioning will sometimes feel pressure to submit when a reasonable adult would feel free to go.”\textsuperscript{21} Agreeing with \textit{Yarborough v. Alvarado},\textsuperscript{541} U.S. 652, 674 (2004), that age is a characteristic that “generates commonsense conclusions about behavior and perception,” the Court further stated those conclusions apply broadly to children as a class.\textsuperscript{22} The majority pointed out that historically the law reflects the assumption that children “lack the capacity to exercise mature judgment and possess only an incomplete ability to understand the world around them.”\textsuperscript{23}

The Court noted that “neither officers nor courts can reasonably evaluate the effect of objective circumstances that, by their nature, are specific to children without accounting for the age of the child subjected to those circumstances.”\textsuperscript{24} Using the facts of the case under consideration, the Court emphasized that if age is not taken into account, students being questioned in school, where their presence is mandatory and any disobedience is cause for disciplinary action, would be evaluated in the same way as adult volunteers being questioned on school grounds.\textsuperscript{25}

Justice Alito, writing the dissent argued that allowing age as a consideration for the custody inquiry was inconsistent with the main justification for \textit{Miranda}, which applies a clear rule to all cases.\textsuperscript{26} The dissent expresses the fear that this may be the first of many cases that could alter \textit{Miranda} guidelines to the point where it is no longer useful.\textsuperscript{27} Highlighting the fact that the Court has previously cautioned against upsetting the balance of \textit{Miranda}, the dissent urges a strong presumption against any departure from the established custody test.\textsuperscript{28}

Referring to the notion that children are susceptible and need protection, Justice Alito argued that the constitutional rights of minors are already safeguarded and do not require the change in \textit{Miranda} that the majority is implementing.\textsuperscript{29} This includes taking into consideration the setting in which interrogations take place as well as taking special care to ensure statements are not obtained through coercion when interrogations involve young children.\textsuperscript{30} These matters, the dissent argued, are constitutional rights already protected without upsetting the case and clarity of \textit{Miranda}’s application.\textsuperscript{31}

The case was remanded to North Carolina State Court to determine whether J.D.B. was in custody at the time he made his confession, this time taking into account “all of the relevant circumstances of the interrogation, including J.D.B.’s age at the time.”\textsuperscript{32}

It is unclear if this decision will dilute the clarity of \textit{Miranda} but the Supreme Court does note that a child’s age is not deterministic, or even a significant factor in every case.\textsuperscript{33} However, this decision directly affects those who are involved in the questioning of children. Taking age into account to determine the beliefs of a “reasonable person” in regards to the \textit{Miranda} analysis certainly leaves much more room for interpretation. Officers must now be aware that the age of an individual could determine whether that person is in custody or not.

\begin{thebibliography}{99}
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\bibitem{3} Id. at *99.
\bibitem{5} Id. at 467.
\bibitem{8} Id.
\bibitem{9} Id. at *3-4.
\bibitem{10} Id. at *1.
\bibitem{11} Id. at *4.
\bibitem{12} Id. at *3.
\bibitem{13} Id. at *4.
\bibitem{14} Id.
\bibitem{15} Id.
\bibitem{16} Id.
\bibitem{17} \textit{J. D. B. v. North Carolina}, 564 U.S. ___, *4 (2011)(See also In re J.D.B. 686 S.E.2d 135,136 (N.C. 2009)).
\bibitem{19} In re J.D.B., 686 S.E.2d 135 (N.C. 2009); accord In re J.D.B. 674 S.E.2d 765 (N.C. App. 2009).
\bibitem{22} Id.
\bibitem{23} \textit{J. D. B. v. North Carolina}, 564 U.S. ___, *7 (2011)(See, e.g. 1 William Blackstone, Commentaries *464-*465 (explaining that limits on children’s legal capacity under the common law “secure them from hurting themselves by their own improvident acts”)).
\bibitem{25} Id.
\bibitem{29} Id.
\bibitem{30} Id.
\bibitem{32} Id. at *99.
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