J.D.B., the Supreme Court, and Miranda

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As I noted last week, the Supreme Court of the United States just decided J.D.B. v. North Carolina, an important *Miranda* case. I blogged about the case here when it was decided by the state supreme court, and it's worth taking another look at it now.

I previously summarized the facts as follows:

Chapel Hill police suspected a seventh-grade student, who participated in special education classes, of breaking into several houses. An investigator went to the juvenile's school and had him removed from class and escorted to a conference room by a school resource officer. The investigator questioned the juvenile in the presence of the SRO, the assistant principal, and an intern. The door of the conference room where the interview took place was closed but not locked. The juvenile was not given *Miranda* warnings or the "juvenile Miranda" warnings required prior to custodial interrogations by G.S. 7B-2101, and he made incriminating statements. He was allowed to leave and catch the bus home, but later was charged. He moved to suppress his statements based on the lack of *Miranda* and statutory warnings.

The district court judge denied the motion, and the court of appeals and the state supreme court affirmed in divided opinions. In the appellate courts, the key issue was whether the juvenile's age should have been considered when determining whether he was in custody for *Miranda* purposes. (As most readers know, the *Miranda* warnings must be administered to a suspect when a reasonable person in the suspect's position would conclude that he or she was under arrest or the functional equivalent thereof.) A majority of both state appellate courts held that the answer was no.

The highest court in the land held otherwise, in a 5-4 decision that split along ideological lines. Justice Kennedy was the swing vote, and, as the senior Justice in the majority, assigned the opinion. He assigned it to Justice Sotomayor, a former prosecutor.

The Court held that "a child's age properly informs the *Miranda* custody analysis," so long as the child's age is known to police or reasonably apparent. It noted that children are "more susceptible to influence . . . and outside pressures" than adults, making the *Miranda* warnings important in a broader range of settings. And it suggested that it required no more than common sense for officers and judges to take a suspect's age into consideration when deciding whether a reasonable person in the suspect's position would feel as though he or she were under arrest or the equivalent.

Justice Alito wrote the dissent. He argued that taking age into account would undermine the clarity of the *Miranda* rule; would be difficult for officer and judges to apply in practice; and would open the door to the consideration of innumerable other personal characteristics, such as intelligence and education level. He also suggested that especially young suspects would be protected by the rule against admitting involuntary confessions.

A few thoughts and comments about the case. First, it isn't a complete win for the juvenile. The majority didn't conclude that he was in custody. Instead, it remanded to the state courts for further consideration, factoring the juvenile's age into the custody analysis. Second, it's not completely clear whether the case creates two standards (one for adults, one for juveniles), or, in effect, a sliding scale (for juveniles of different ages). Sometimes the majority

talks about “children generally,” “children characteristically,” and “children as a class,” suggesting the former, but I believe that the latter is closer to the mark. The majority expressly points out that it is not saying that “a child’s age will be a determinative, or even a significant, factor in every case,” and illustrates the point with reference to juveniles nearing age 18. (It also states that “a 7-year-old is not a 13-year-old and neither is an adult.”) Third, Justice Alito is certainly correct that this decision will prompt further litigation about suspects’ personal characteristics. As I noted in my earlier post, “the implications extend also to other categories of people who might be especially prone to believe that interactions with the police are effectively compulsory, such as those with limited intellectual functioning, those with mental illnesses, and those who have limited proficiency in English.” Perhaps there are few characteristics that are both as readily apparent and as significant as a suspect’s age, or perhaps there are many. We’ll find out in future cases.

If you have additional thoughts about *J.D.B.*, please let me know or post a comment. If you’d like to read the New York Times article about the decision, it’s here.