Review of Recent Juvenile Cases (2011)

by
The Honorable Pat Garza
Associate Judge
386th District Court
San Antonio, Texas

A child's age is a factor in determining whether he is in official custody. [J.D.B. v. North Carolina](11-3-6).

On June 16, 2011, the United States Supreme Court held that the age of a child subjected to police questioning is relevant to the custody analysis of Miranda v. Arizona.

¶ 11-3-6. J.D.B. v. North Carolina, No. 09-11121, 564 U. S. ____, U.S. Supreme Court (Oct. Term) 6/16/11.

Facts: Petitioner J. D. B. was a 13-year-old, seventh-grade student attending class at Smith Middle School in Chapel Hill, North Carolina when he was removed from his classroom by a uniformed police officer, escorted to a closed-door conference room, and questioned by police for at least half an hour. This was the second time that police questioned J. D. B.in the span of a week. Five days earlier, two home break-ins occurred, and various items were stolen. Police stopped and questioned J. D. B. after he was seen behind a residence in the neighborhood where the crimes occurred. That same day, police also spoke to J. D. B.'s grandmother—his legal guardian—as well as his aunt. Police later learned that a digital camera matching the description of one of the stolen items had been found at J. D. B.'s middle school and seen in J. D. B.'s possession. Investigator DiCostanzo, the juvenile investigator with the local police force who had been assigned to the case, went to the school to question J. D. B. Upon arrival, DiCostanzo informed the uniformed police officer on detail to the school (a so-called school resource officer), the assistant principal, and an administrative intern that he was there to question J. D. B. about the break-ins. AlthoughDiCostanzo asked the school administrators to verify J. D. B.'s date of birth, address, and parent contact information from school records, neither the police officers nor the school administrators contacted J. D. B.'s grandmother. The uniformed officer interrupted J. D. B.'s afternoon social studies class, removed J. D. B. from the classroom, and escorted him to a school conference room.1 There, J. D. B. was met by DiCostanzo, the assistant principal, and the administrative intern. The door to the conference room was closed. With the two police officers and the two administrators present, J. D. B. was questioned for the next 30 to 45 minutes. Prior to the commencement of questioning, J. D. B. was given neither Miranda warnings nor the opportunity to speak to his grandmother. Nor was he informed that he was free to leave the room. Questioning began with small talk—discussion of sports and J. D. B.'s family life. DiCostanzo asked, and J. D. B. agreed, to discuss the events of the prior weekend. Denying any wrongdoing, J. D. B. explained that he had been in the neighborhood where the crimes occurred because he was seeking work mowing lawns. DiCostanzo pressed J. D. B. for additional detail about his efforts to obtain work; asked J. D. B. to explain a prior incident, when one of the victims returned home to find J. D. B. behind her house; and confronted J. D. B. with the stolen camera. The assistant principal urged J. D. B. to "do the right thing," warning J. D. B. that "the truth always comes out in the end." Eventually, J. D. B. asked whether he would "still be in trouble" if he returned the "stuff." In response, DiCostanzo explained that return of the stolen items would be helpful, but "this thing is going to court" regardless. ("[W]hat's done is done[;] now you need to help yourself by making it right"); DiCostanzo then warned that he may need to seek a secure custody order if he believed that J. D. B. would continue to break into other homes. When J. D. B. asked what a secure custody order was,

DiCostanzo explained that "it's where you get sent to juvenile detention before court." After learning of the prospect of juvenile detention, J. D. B. confessed that he and a friend were responsible for the break-ins. DiCostanzo only then informed J. D. B. that he could refuse to answer the investigator's questions and that he was free to leave. Asked whether he understood, J. D. B. nodded and provided further detail, including information about the location of the stolen items. Eventually J. D. B. wrote a statement, at DiCostanzo's request. When the bell rang indicating the end of the school day, J. D. B. was allowed to leave to catch the bus home. Two juvenile petitions were filed against J. D. B., each alleging one count of breaking and entering and one count of larceny. J. D. B.'s public defender moved to suppress his statements and the evidence derived therefrom, arguing that suppression was necessary because J. D. B. had been "interrogated by police in a custodial setting without being afforded Miranda warning[s]," and because his statements were involuntary under the totality of the circumstances test; see Schneckloth v. Bustamonte, 412 U. S. 218, 226 (1973) (due process precludes admission of a confession where "a defendant's will was overborne" by the circumstances of the interrogation). After a suppression hearing at which DiCostanzo and J. D. B. testified, the trial court denied the motion, deciding that J. D. B. was not in custody at the time of the schoolhouse interrogation and that his statements were voluntary. As a result, J. D. B. entered a transcript of admission to all four counts, renewing his objection to the denial of his motion to suppress, and the court adjudicated J. D. B. delinquent.

A divided panel of the North Carolina Court of Appeals affirmed. In re J.D.B., 196 N. C. App. 234, 674 S. E. 2d 795 (2009). The North Carolina Supreme Court held, over two dissents, that J. D. B. was not in custody when he confessed, "declin[ing] to extend the test for custody to include consideration of the age . . . of an individual subjected to questioning by police." In re J.D.B., 363 N. C. 664, 672, 686 S. E. 2d 135, 140 (2009).

The Supreme Court granted certiorari to determine whether the Miranda custody analysis includes consideration of a juvenile suspect's age.

Held: Reversed and remanded.

Opinion: Custodial police interrogation entails "inherently compelling pressures," Miranda v. Arizona, 384 U. S. 436, 467, that "can induce a frighteningly high percentage of people to confess to crimes they never committed," Corley v. United States, 556 U. S. ___, ___. Recent studies suggest that risk is all the more acute when the subject of custodial interrogation is a juvenile. Whether a suspect is "in custody" for Miranda purposes is an objective determination involving two discrete inquires: "first, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was at liberty to terminate the interrogation and leave." Thompson v. Keohane, 516 U. S. 99, 112 (footnote omitted). The police and courts must "examine all of the circumstances surrounding the interrogation," Stansbury v. California, 511 U. S. 318, 322, including those that "would have affected how a reasonable person" in the suspect's position "would perceive his or her freedom to leave," id., at 325. However, the test involves no consideration of the particular suspect's "actual mindset." Yarborough v. Alvarado, 541 U. S. 652, 667. By limiting analysis to objective circumstances, the test avoids burdening police with the task of anticipating each suspect's idiosyncrasies and divining how those particular traits affect that suspect's subjective state of mind. Berkemer v. McCarty, 468 U. S. 420, 430–431. Pp. 5–8.

In some circumstances, a child's age "would have affected how a reasonable person" in the suspect's position "would perceive his or her freedom to leave." Stansbury, 511 U. S., at 325. Courts can account for that reality without doing any damage to the objective nature of the custody analysis. A child's age is far "more than a chronological fact." Eddings v. Oklahoma, 455 U. S. 104, 115. It is a fact that "generates commonsense conclusions about behavior and perception," Alvarado, 541 U. S., at 674, that apply broadly to children as a class. Children "generally are less mature and responsible than adults," Eddings, 455 U. S., at 115; they "often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them," Bellotti v. Baird, 443 U. S. 622, 635; and they "are more vulnerable or susceptible to . . . outside

pressures" than adults, Roper v. Simmons, 543 U. S. 551, 569. In the specific context of police interrogation, events that "would leave a man cold and unimpressed can overawe and overwhelm a" teen. Haley v. Ohio, 332 U. S. 596, 599. The law has historically reflected the same assumption that children characteristically lack the capacity to exercise mature judgment and possess only an incomplete ability to understand the world around them. Legal disqualifications on children as a class—e.g., limitations on their ability to marry without parental consent—exhibit the settled understanding that the differentiating characteristics of youth are universal.

Given a history "replete with laws and judicial recognition" that children cannot be viewed simply as miniature adults, Eddings, 455 U. S., at 115–116, there is no justification for taking a different course here. So long as the child's age was known to the officer at the time of the interview, or would have been objectively apparent to a reasonable officer, including age as part of the custody analysis requires officers neither to consider circumstances "unknowable" to them, Berkemer, 468 U. S., at 430, nor to" '"anticipat[e] the frailties or idiosyncrasies" of the particular suspect being questioned." ' " Alvarado, 541 U. S., at 662. Precisely because childhood yields objective conclusions, considering age in the custody analysis does not involve a determination of how youth affects a particular child's subjective state of mind. In fact, were the court precluded from taking J. D. B.'s youth into account, it would be forced to evaluate the circumstances here through the eyes of a reasonable adult, when some objective circumstances surrounding an interrogation at school are specific to children. These conclusions are not undermined by the Court's observation in Alvarado that accounting for a juvenile's age in the Miranda custody analysis "could be viewed as creating a subjective inquiry," 541 U. S., at 668. The Court said nothing about whether such a view would be correct under the law or whether it simply merited deference under the Antiterrorism and Effective Death Penalty Act of 1996, 110 Stat. 1214. So long as the child's age was known to the officer, or would have been objectively apparent to a reasonable officer, including age in the custody analysis is consistent with the Miranda test's objective nature. This does not mean that a child's age will be a determinative, or even a significant, factor in every case, but it is a reality that courts cannot ignore. Pp. 8–14.

Additional arguments that the State and its amici offer for excluding age from the custody inquiry are unpersuasive. Pp. 14–18.

Conclusion: On remand, the state courts are to address the question whether J. D. B. was in custody when he was interrogated, taking account of all of the relevant circumstances of the interrogation, including J. D. B.'s age at the time.

SOTOMAYOR, J., delivered the opinion of the Court, in which KENNEDY, GINSBURG, BREYER, and KAGAN, JJ., joined. ALITO, J., filed a dissenting opinion, in which ROBERTS, C. J., and SCALIA and THOMAS, JJ., joined.