

Destined to be a Landmark Case: In re: J. D. B. v. North Carolina, U.S. Supreme Court Ruling of June 16, 2011 (August 2011)

Concerning minors, “a child's age properly informs Miranda's custody analysis.” Justice Sotomayor delivered the opinion of the Court in a case that concerned the interrogation of a 13-year-old seventh grade student by uniformed and armed police officers in a closed door conference room at the school. The police along with school administrators questioned the student for at least 30 min. At the beginning of the questioning he was not given his Miranda warning or the opportunity to contact his legal guardian. JDB was not initially told that he was free to leave the room. Initially, he denied having broken into homes for the purpose of stealing items, but he later confessed after officials urged him to tell the truth or face the prospect of juvenile detention. Two juvenile petitions were filed against the youth, charging him with breaking and entering and larceny. His court provided attorney moved to suppress the inculpatory statements arguing that he had been interrogated in a custodial setting without having first been given the appropriate Miranda warnings. The trial court denied this motion, the North Carolina Court of Appeals and the North Carolina Supreme Court affirmed that the youth was not in custody when he confessed, and declined to consider his age in determining that issue.

In a 5 to 4 decision the Supreme Court ruled that JDB's age must be considered in the Miranda custody analysis, because custodial police interrogations entail "inherently compelling pressures," *Miranda v. Arizona* 384 US 436, 467, and can produce frighteningly high percentage of people to confess to crimes they never committed. The police and courts must examine all of the relevant circumstances surrounding the interrogation. While this does not involve consideration of the suspect's frame of mind, it nevertheless applies now to a juvenile's age.

The Supreme Court ruled that a juvenile's age must be considered in the question of whether he or she would have perceived "his or her freedom to leave," *Stansbury v. California*, 511 US 318, 322. The Court determined that a minor's age affects how he or she perceives the freedom to leave, because they are less mature and responsible than adults, often lack the experience, insight, perspective, the judgment needed to avoid harmful choices, and are more vulnerable to outside pressures than are adults. The law has long recognized children as a class of individuals needing more protections than adults. A child's age can be known or readily apparent to a police officer and must be part of the custody analysis. The age of a minor is now viewed as a necessary objective feature. The high court remanded the case to the state court to properly address the question of whether JDB was in custody when he was interrogated "taking account of all the relevant circumstances of the interrogation, including JDB's age at the time."

The court found that the inherently coercive nature of custodial interrogations can in the case of a minor blur the distinction between voluntary and involuntary statements. It noted that when a suspect makes a statement during custodial interrogation the government has the burden of

showing that the defendant made the statement "voluntarily, knowingly and intelligently" in the waiver of his rights. An important issue in the case of JDB is whether such a restriction was placed on his freedom as to render the overall situation to have been an in custody interrogation. An objective custody analysis was created in the Miranda decision, because it gives the police clear guidance and assists the court in resolving questions of the waiver of rights.

The majority opinion pointed to Justice O'Connor's concurring opinion in the case of Alvarado, 541 U.S., at 669.

Reviewing the question de novo today, we hold that 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 a reasonable officer, its inclusion in the custody analysis is consistent with the objective nature of that test. This is not to say that a child's age will be determinative, or even a significant, factor in every case.

The four dissenting Justices expressed the view that this decision would harm Miranda's objective reasonable-person test, and that the added protection of the consideration of a youth's age was unnecessary because he could still protest any inculpatory statements as having been the result of actual coercion. These Justices were also concerned that this ruling would fundamentally transform the Miranda analysis into one that was subjective and less objective. They viewed age as a personal characteristic like education, physical condition, intelligence, and mental health. The majority had, in the opinion of the minority, opened the door for a host of subjective factors to cloud the previously useful objective Miranda analysis based on the reasonable person standard applied to the circumstances of the interrogation. The external circumstances of the interrogation are "what have mattered in this Court's cases." The dissent referred to the Miranda decision's "core virtue" as having been its clarity and precision in guiding law enforcement and courts in the objective determination of whether the interrogation occurred while in custody and whether the suspect made a voluntary waiver to remain silent. The dissenting Justices predicted that soon defendants would claim that other individual characteristics such as intelligence, cultural background, and education should be added to the custody analysis. The dissent noted that the majority opinion did not give actual guidance as to how lower courts were to apply age in the matter of a juvenile's interrogation.

Comment

From the point of view of a forensic psychiatrist, these complex matters may be made simple when a suspect, especially a juvenile, is told at the beginning of questioning whether he or she is free to leave. The 1966 Miranda decision was based on Fifth and Sixth Amendment rights. My view in the matter of JDB is that the Fourth Amendment rights imply **clarity** as well as process concerning when an individual is seized, arrested or otherwise taken into custody. It states, "The right of the people to be secure in their persons..., against unreasonable...seizures, shall not be violated...." After taking JDB from class and into the school conference room the police might

have said, “You are not under arrest, and you are free to go back to class, but we would like to ask you about some things.” The issue of this minor’s age, made relevant in this Supreme Court decision, is really all about whether he could discern that he is free to leave and not be subjected to interrogation or whether in the absence of being told he could leave, his will was overborne in his interpretation that he was in custody, was not free to leave, and was too intimidated by authority, police and school officials, to know that he might harm himself by talking to them about home break-ins. The Court’s decision in JDB addressed the fourth step in the Miranda analysis, whether a 13-year-old in those specific circumstances would have believed that he was under arrest or in custody, because if a reasonable 13-year-old in that specific position would not have believed he was under arrest, then Miranda protections would not apply, and whatever he freely told the police could be used against him in juvenile court proceedings.

Forensic psychiatry enjoys the study of landmark cases as these decisions inform the values, ethics and practice of our specialty. This Supreme Court decision is important because it forces us to review and expand the Miranda analysis of statements and confessions of juveniles made in the presence of law enforcement officers. It adds a relevant protection especially applied to younger juveniles and causes us to reflect on the role of schoolhouse interrogations about out of school criminal matters. This case may put forensic psychiatry back into the courtroom to discuss the issues of age, perception, and compliance of younger adolescents whose attorneys appeal matters made relevant in the JDB decision, which has much to recommend it as a landmark case.

Robert S. Brown, Jr., M.D.

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