

CIRCULAR



DISTRICT OF COLUMBIA

Title
<i>Miranda</i> Warnings to Juveniles
Topic/Number
CIR-11-03
Effective Date
September 23, 2011
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September 23, 2012
Related to:
GO-305.01 (Handling Juveniles)
TT 04-013-07 (Custodial Interview Interrogation of Hospitalized Juveniles), Effective Date April 5, 2007
TT 08-026-11 (US Supreme Court Decision on <i>Miranda</i> Warnings to Juveniles), Effective Date August 9, 2011

I. PURPOSE

The purpose of this circular is to inform members of a recent United States Supreme Court decision concerning the giving of *Miranda* warnings to juveniles.

II. INTRODUCTION

On June 16, 2011, the Supreme Court of the United States issued its decision in *J.D.B. v. North Carolina*, No. 09-11121, U.S. Supreme Court (June 16, 2011). The Court held that when questioning a child, age is a factor to be considered in determining whether the child is “in custody” and thus requiring the *Miranda* warning. It is important to keep in mind that a child’s age may not always be determinative or even a significant factor in every case. However, the Court strongly emphasized that children are not miniature adults, and that fact must be taken into consideration in a police interrogation. The Court did not go so far as to require the giving of the *Miranda* warning every time a child is questioned by an officer. A brief description of the facts of this case follows.

In this case, there were two house break-ins and 13-year-old J.D.B. was stopped and questioned by the police after being seen behind one of the homes in the neighborhood. J.D.B.’s aunt and grandmother were questioned as well. Police later learned that a digital camera, matching one of the stolen items, had been seen at J.D.B.’s school in his possession. Five days after the break-ins, J.D.B. was removed from his classroom by a uniformed police officer and questioned in a conference room for at least a half an hour with only the investigator, school resource officer and assistant principal present. Before the questioning, J.D.B. was not given *Miranda* warnings or the opportunity to speak to his grandmother who served as his legal guardian. He was also not told that he could leave the room. During the questioning, J.D.B. claimed he had only been in the neighborhood of the crimes because he was trying to find work mowing lawns. Then he was urged by the investigator and the assistant principal to “do the right thing.” When the investigator informed J.D.B. of the prospect of juvenile detention, he confessed. It was only after confessing that he and a friend were responsible for the break-ins, did the investigator inform J.D.B.

that he could refuse to answer questions and that he was free to leave the room. Two juvenile petitions were then filed against J.D.B. for breaking and entering and larceny.

The trial court denied J.D.B.'s motion to suppress his statements and the evidence derived as a result. The North Carolina Court of Appeals affirmed. The North Carolina Supreme Court held that J.D.B. was not in custody when he confessed and did not extend the test for custody to include consideration of age when a suspect is being questioned by the police.

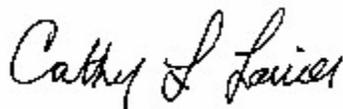
The U.S. Supreme Court, however, reversed the decision of the North Carolina Supreme Court holding that when a police officer questions a child, the child's age is to be considered a part of the Miranda custody analysis so long as the child's age was known to the officer at the time of questioning, or would have been objectively apparent to a reasonable officer (a scenario that was clearly the situation in this case, when the officer was questioning J.D.B. at his middle school).

III. MEMBER RESPONSIBILITIES

- A. Members shall ensure that all custodial interrogations of juveniles are conducted in accordance with GO-SPT-304.16 (Electronic Recording of Custodial Interrogations).
- B. Members shall contact the Office of General Counsel for any questions concerning this case.

IV. CROSS REFERENCES

- A. GO-SPT-304.16 (Electronic Recording of Custodial Interrogation)



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Chief of Police