




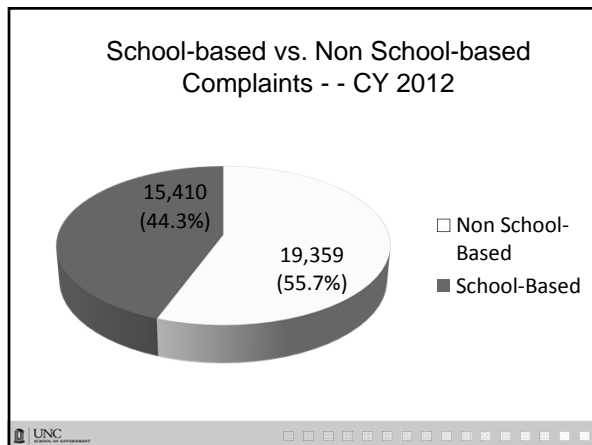
Miranda and School Interrogations

Advanced Juvenile Law:
When Juvenile Court Proceedings and School Issues Intersect

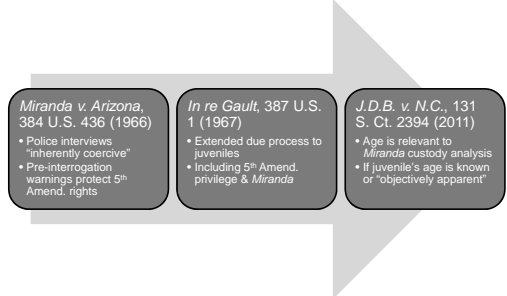
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School Policing

Miranda and Juveniles




- Miranda v. Arizona, 384 U.S. 436 (1966)**
 - Police interviews "inherently coercive"
 - Pre-interrogation warnings protect 5th Amend. rights
- In re Gault, 387 U.S. 1 (1967)**
 - Extended due process to juveniles
 - Including 5th Amend. privilege & Miranda
- J.D.B. v. N.C., 131 S. Ct. 2394 (2011)**
 - Age is relevant to Miranda custody analysis
 - If juvenile's age is known or "objectively apparent"




North Carolina Juvenile Code

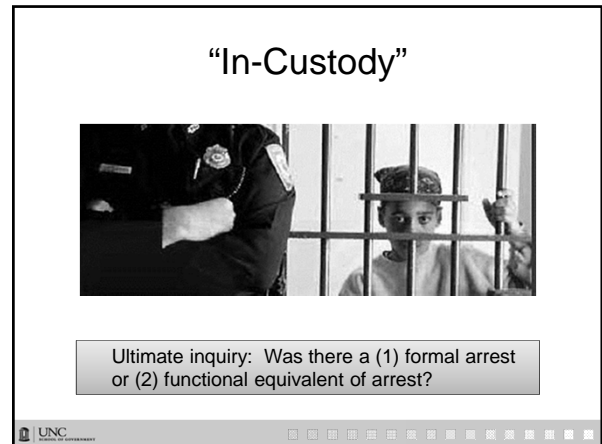
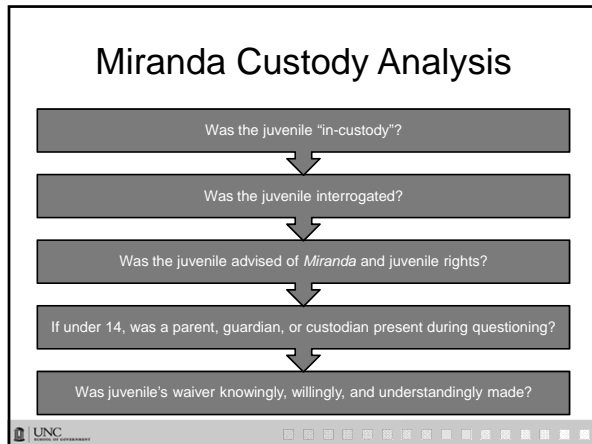
- G.S. 7B-2405(4)
 - Court "shall protect" juvenile's privilege against self-incrimination
- G.S. 7B-2101
 - "In-custody" statement not admissible, unless:
 - Juvenile & Miranda warnings were given
 - If under 14, parent, guardian, custodian present
 - Juvenile "knowingly, willingly, & understandingly" waived rights



When Do Rights Apply?

- Miranda and § 7B-2101 only apply to "custodial interrogations"
- Thus, juvenile must have been:
 - ✓ (1) "In-Custody" and (2) Interrogated

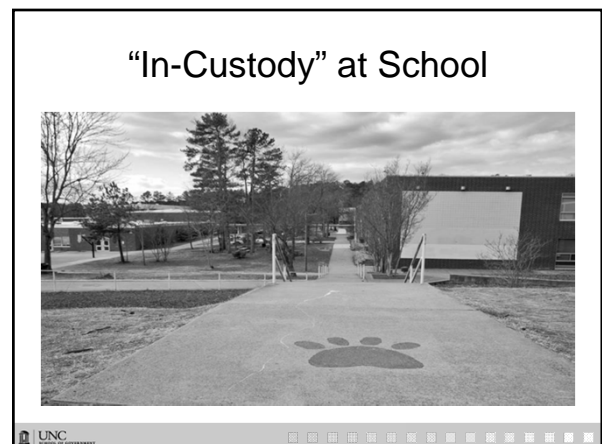




- ### Custody Test is Objective
- Circumstances must show "indicia of formal arrest"
 - Locked (or closed) doors
 - Police officer standing guard at door
 - Use of force or restraints (e.g., handcuffs)
 - Display of officer's weapon
 - Lengthy questioning
 - Restrictive setting (e.g., principal's office, PD)
 - Use of threats, trickery or deceit
 - Multiple officers/adults present
 - But not merely a "coercive environment"
 - *Oregon v. Mathiason*, 429 U.S. 492, 495 (1977)

- ### Subjective Factors Irrelevant
- *Miranda* custody test does not consider the "actual mindset" of the person being questioned.
 - Court should not consider:
 - Mental capacity or IQ
 - Prior experience with law enforcement
 - Education

- ### What About Age?
- Different from other personal characteristics because it yields "objective conclusions"
 - children are less mature
 - lack good judgment
 - more susceptible to outside influence
 - Conclusions apply to children as a class
 - And are self-evident to anyone who was once a child
- J.D.B. v. North Carolina*



Special Rules Apply

- School setting is “inherently restrictive”
- Student not “in-custody” unless subjected to greater restraint than normally present at school

Miranda inquiry is whether the student was in police custody during questioning, not whether he or she was in the school's custody.

Interrogation

- “Words or conduct” by police that police should have known were reasonably likely to elicit incriminating response



Miranda & G.S. 7B-2101 do not apply to questioning by school officials unless acting as agent of LEO.

School Official as Agent of LEO

- Nature of SRO's participation is key factor!
- Relevant considerations:
 - Did SRO search student?
 - Did SRO escort student to the office?
 - Did SRO transport student in a patrol car?
 - Did SRO supervise the questioning?
 - Where was SRO seated during questioning?

Right to Parent, Guardian, or Custodian

- If juvenile is under 14, “in-custody” statement not admissible, unless parent or attorney was present.
- Right only includes persons with “legal authority over juvenile” (e.g., not an aunt or older sibling)
- If juvenile invokes right, questioning must cease, unless:
 - requested person is made available
 - juvenile initiates further communication

Knowing Waiver of Rights

- “In-custody” statements inadmissible, unless court finds juvenile knowingly, willingly, & understandingly waived rights
- State's burden
- Totality of circumstances test applies
 - subjective test
 - consider juvenile's age, experience, education, & intelligence

Student #1

- AP observes student enter school office while bank bag left unattended on counter
- Bank bag disappears after student exits
- AP sees student exit girl's bathroom; then finds empty bag inside
- AP questioned student about the missing money
- AP escorted student to girl's bathroom & student retrieved the cash & checks
- Student was charged with larceny

Was Student #1 “In-Custody”?

A. Yes
 B. No

0% 0%

UNC

Student #1

- *In re Phillips*, 128 N.C. App. 732 (1998)
- juvenile’s motion to suppress properly denied because *Miranda* did not apply to questioning by a school official who was not acting as an agent of a law enforcement officer

UNC

Student #2

- 14-year-old, 7th grader
- Principal & AP escort student from class to AP’s office based on anonymous tip that student has weapon
- Principal & AP ask student several times if he has a weapon but student repeatedly says “no”
- SRO enters office & searches student for weapons
- Student questioned additional 15 min. with SRO present
- Principal tells student that others implicated him, the incident was “very serious,” & he needed to “tell the truth”
- Student confesses after approx. 30 min. of questioning

UNC

Was Student #2 “In-Custody”?

A. Yes
 B. No

0% 0%

UNC

Student #2

- *In re W.R.*, 363 N.C. 244 (2009)
- Questioning by school officials was not a “custodial interrogation” based on mere presence of SRO, at the request of school officials who conducted the investigation
- Juvenile did not object at trial; no evidence was presented and no findings were made as to the SRO’s actual participation in the questioning

UNC


Student #3

- 12-year-old middle school student
- Teacher escorts student to AP’s office upon finding marijuana on classroom floor
- SRO transports juvenile in his patrol car to Principal’s office in separate building & conducts *Terry* frisk of student before entering vehicle
- Student was not handcuffed
- Principal questioned student for approx. 5-6 hrs, off & on throughout day, and at times, student sat outside Principal’s office while others were being questioned
- SRO was present for some of questioning but was not present when student actually confessed
- SRO did not ask student any questions

UNC

Was the statement made by Student #3 a result of custodial interrogation?

A. Yes
 B. No



UNC

Student #3

- *In re K.D.L.*, 207 N.C. App. 453 (2010)
- Juvenile was “in-custody” because he was subjected to greater restraint than normally present at school
 - he was accused of drug possession
 - frisked by the SRO
 - transported to the Principal’s office in a patrol car
 - interrogated for nearly 5 hours by the principal in the presence of an armed police officer
- Level of SRO’s involvement suggested Principal’s interrogation was “done in concert” with SRO

UNC


Student #4

- High school student was escorted by an AP to the office after video footage showed he was near boys’ bathroom when a fire began
- AP closed the door to “protect student’s privacy”
- AP questioned student in presence of an armed SRO & showed him video footage
- Student admitted involvement
- At some point, an arson officer entered room & questioned student further
- Before questioning student, arson officer gave juvenile & *Miranda* rights to student & executed a waiver form
- Student then drafted & signed a written confession
- Student testified he did not believe he had ability to terminate interview

UNC

Was Student #4 “In-Custody”?

A. Yes
 B. No



UNC

Student #4

- *In re J.T.S.*, 206 N.C. App. 596 (2010) (unpublished).
 - Questioning of juvenile by a principal in presence of an SRO & another LEO was not a custodial interrogation
 - Principal acted, not as agent of LEO, but as school official protecting safety other students
 - SRO’s mere presence during most of questioning did not constitute a “significant” restraint on his freedom of movement

UNC

Student #5

- High school student seen by AP & SRO entering a bathroom known for drug activity with group of boys
- As student exited bathroom & saw AP & SRO, he immediately ran back inside
- SRO ran into bathroom & saw student stuff something inside his pants
- SRO frisked student, at AP’s request, & found 3 baggies of marijuana
- SRO then handcuffed student & took him to conference room, where he searched student again
- 2nd search revealed student had approx. \$60 in cash
- Student stated the money “was not from selling drugs”

UNC

Did statement by Student #5 result from custodial interrogation?

A. Yes

B. No



Student #5

- *In re D.L.D.*, 203 N.C. App. 434 (2010)

- juvenile's statement that "the money was not from selling drugs" was a spontaneous statement & did not result from questioning by the SRO

- thus, statements were exempt from *Miranda* protections, despite fact that the juvenile was "in custody" and had not been given any warnings

