

## **PRESS RELEASE**

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## **LANDMARK U.S. SUPREME COURT DECISION PROTECTS MIRANDA RIGHTS FOR YOUTH**

To read the **Opinion**, click here: <http://www.supremecourt.gov/opinions/10pdf/09-11121.pdf>

**Philadelphia, PA (June 16, 2011)** – In a decision which further demonstrates the United States Supreme Court’s recognition that ‘kids are different’ under the Constitution, the Court ruled today that a child’s age must be considered by law enforcement in determining whether Miranda warnings must be given to children during police interrogations. The decision reverses the North Carolina Supreme Court’s decision in *J.D.B. v. North Carolina*.

The case involved J.D.B., a 13 year old 7th grade middle school student who was removed by his classroom by four adults, including a uniformed police officer and school resource officer, and questioned in a closed school conference room about alleged delinquent activity off school grounds. J.D.B. was not given his Miranda warnings during the interrogation, or prior to his making any statements about his conduct. J.D.B.’s attorneys moved to suppress his statements, arguing that he had been interrogated by police in a custodial setting without being afforded Miranda warnings. The North Carolina Supreme Court “declined to extend the test for custody to include consideration of the age... of an individual subjected to questioning by police.”

The United States Supreme Court, in an opinion authored by Justice Sotomayor, reversed the North Carolina Supreme Court. Rejecting the State’s argument that a child’s age has no place in the custody analysis, the Court held that “the custody analysis would be nonsensical absent some consideration of a suspect’s age.” “Seeing no reason for police officers or courts to blind themselves to that common sense reality,” the Court explained, “It is beyond dispute that children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave.”

The Court held that so long as a child’s age was known to the officer at the time of police questioning, or would have been objectively apparent to a reasonable officer, it’s inclusion in the custody analysis is consistent with the objective nature of that test.”

“Today’s decision confirms that judges, law enforcement and other policymakers cannot disregard the age of children who come into contact with the justice system. The Court has conclusively, and repeatedly held that children must be treated differently than adults,” said Marsha Levick, Deputy Director and Chief Legal Counsel, Juvenile Law Center.

Juvenile Law Center filed amicus briefs with the Court on behalf of J.D.B. Juvenile Law Center filed the first brief in support of J.D.B.’s petition for certiorari, and then wrote a brief on the merits when certiorari was granted. The briefs are cited in the Court’s opinion. To view the amicus briefs, click here: <http://www.jlc.org/litigation/j.d.b. v. state of north carolina/>

“The decision underscores the Court’s recognition that children are not just miniature adults. The Court rightly recognized this, relying on settled research and basic common sense,” noted Jessica Feerman, Supervising Attorney, Juvenile Law Center.

Juvenile Law Center is a national, non-profit, public interest law firm that advances and protects the rights and well-being of children in the child welfare and juvenile justice systems. Juvenile Law Center is a resource for other legal advocacy groups across the nation and is one of a select few organizations around the world to receive the prestigious John D. and Catherine T. MacArthur Foundation Creative and Effective Institutions Award. For more information visit [www.jlc.org](http://www.jlc.org) or call (215) 625-0551.