



Supreme Court Decides Two Cases Involving Student Interrogations by Non-School Officials

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The United State Supreme Court recently decided two cases involving non-school officials' interrogations of students on school grounds. In *Camreta v. Greene*, an Oregon child protective services caseworker and a police officer interviewed a nine-year old student regarding allegations that the student was sexually abused by her father. The Ninth Circuit Court of Appeals held that the interview, which took place in 2003 on school grounds, violated the student's Fourth Amendment rights to be free of searches or seizures because the interview was conducted without a warrant or the consent of the student's parents. The Appellate Court further held, however, that the caseworker and officer were immune from liability based on the qualified immunity doctrine. The caseworker and officer appealed the decision in order to obtain guidance from the Supreme Court on the lower court's Fourth Amendment ruling, however the Court ultimately declined to rule on the constitutional issue. Instead, the Court held that the issue was moot because, at the time of the Supreme Court's decision, the student was living in Florida and about to graduate from high school and would thus no longer be subject to such questioning on school grounds. Because the case was moot, the Court vacated the portion of the lower court's ruling regarding the alleged Fourth Amendment violation. Having declined to rule on the constitutional concerns of interviewing students on school grounds, the decision provides little guidance to school districts on how to handle requests from agencies like the Illinois Department of Children and Family Services (DCFS) and/or police to interview students. School districts should thus continue to consult [DCFS' guidance for school administrators](#) on DCFS investigations, as well as their school district's attorney, for guidance.

The Supreme Court also recently ruled in *J.D.B. v. North Carolina* that a child's age can be considered when determining whether a minor is entitled to a Miranda warning about her rights against self-incrimination before being questioned by police. Since the 1966 case *Miranda v. Arizona*, police officers are required to give "Miranda warnings" to individuals in police custody before conducting interrogations. The determination of whether a person is in police custody generally depends on whether a reasonable person in the suspect's situation would perceive that she was free to leave the police interrogation. The Court recognized that a reasonable child subjected to police questioning may feel pressure to submit to questioning when a reasonable adult would feel free to go. Accordingly, the Court held that if the child's age is known to the officer at the time of police questioning, or the child's age would have been objectively apparent to a reasonable officer, that officer must consider whether a reasonable person of that age would perceive that she was in custody to determine whether a Miranda warning is required. Because the Miranda warnings only apply to police custodial interrogations, this case does not implicate routine school disciplinary matters between students and administrators. Still, school districts should recognize that students have special rights with regard to police custodial settings when dealing with requests from police officers to interview students on school grounds.

More Information

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