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SELECTED STATE LAW CASES RELATING TO INTERROGATIONS IN THE SCHOOL SETTING[1]

State	Cases	Holding
United States Supreme Court	**In re J.D.B.** 131 S.Ct. 2394 (2011)	A child's age properly informs the *Miranda* custody analysis, 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. Facts: A 7th grade special ed student, was questioned in school conference room about some recent break-ins. Asst Principal, investigator, SRO, and intern were in room. Δ was not provided with Miranda warnings, but was told he was free to leave. After Δ denied guilt, he was told to "do the right thing." Δ was also confronted with evidence of his guilt at this time. Δ then asked if admitting guilt would help, and officer responded that it would be helpful but that he was still referring the case to court. Δ's parent/guardian wasn't contacted. Interview lasted 30-45 minutes, during which Δ admitted taking part in the burglaries. Δ was allowed to take the bus home. Additional investigation took place later that day. Analysis: North Carolina court held that based on the objective nature of the analysis for interrogations, the state court did not take into consideration Δ's age or status as a special education student. HOWEVER, the US Supreme Court reversed North Carolina and held that

[1] This chart highlights selected state law cases relating to the interrogation of students on school grounds. While we hope that this chart is thorough, it does not list every single case relating to this topic. Additionally, the summaries are just that – they are not an in-depth analysis of each case. Finally, the chart does not yet include federal decisions on this topic. We hope, however, that it is a useful starting point for your individual research in challenging the admissibility of statements provided while at school.

		considering a child's age does not jeopardize the objective nature of the inquiry. The Court reversed and remanded the case for the state courts to consider the child's age when determining whether it was a custodial interrogation.
Alabama	**Jefferson v. State,** 449 So. 2d 1280 (Ala. Crim. App. 1984)	Motion to suppress denied. Δ made incriminating statements about stabbing a boy in a fight to a "campus supervisor" in the assistant principal's office. Δ moved to suppress statements b/c they were made during a custodial interrogation w/o constitutional guarantees. The court found that the statements were not the result of a "custodial interrogation" because Δ voluntarily went to the assistant principal's office, Δ was not in custody, campus supervisor didn't arrest Δ, & Δ's statements were voluntary.
Alaska	**Kalmakoff v. State** __ P.3d __, 2010 WL 2206659 (June 1, 2010)	Remanded to trial court to determine if Δ was in custody during his initial interview with police. Reiterating the Court of Appeals assessment that other states are "virtually unanimous in recognizing that a directive or 'request' for a secondary school student to leave class for the purpose of being questioned by a police officer can result in a custodial interrogation for Miranda purposes" (*Kalmakoff v. State*, 199 P.3d 1188 (Alaska App. 2009)), the Court concluded that there was not enough factual information to make a determination in this case. This information is necessary to determine if third interview was sufficiently attenuated from first two interviews so as to make third and fourth interviews admissible. The court of appeals decision (*Kalmakoff v. State*, 199 P.3d 1188 (Alaska App. 2009)) provides a comprehensive review of other state court decisions relating to the question of custody on school grounds.
	Watkinson v. State 980 P.2d 469 (1999)	Motion to suppress denied. 16-yr-old Δ shot his father and stepmother then wandered around all night before going to school. The police contacted him at school, where he confessed to the killings. Held: Δ knowingly and voluntarily waived his Miranda rights.
Arizona	**In re Andre M.** 88 P.3d 552 (Ariz. 2004)	Motion to suppress granted. 16-year-old Δ was questioned about a fight & firearms on school grounds by police officers (who came to the school) in the principal's office. The officers excluded Δ's mother from interrogation, which created a coercive & frightening environment. The court found the Δ's confessions shouldn't be admitted b/c there was no evidence Δ's statements were given voluntary, there was an unjustified exclusion of Δ's mother, there's no proof about whether Δ received age-appropriate Miranda warnings, and there's no acknowledgement to indicate that Andre received & understood his Miranda rights.
	In re Jorge D. 43 P.3d 605 (Ariz. Ct. App. 2002)	Remanded to trial court to determine if Δ in custody. School bus driver was hit in the head w/ a bottle when driving bus after school. She took bus back to school & made suspected Δs get off bus and meet w/ the principal & police officer The next morning, students were called to principal's office and questioned by police officer (with principal in the room). Δ confessed and the lower court held Miranda wasn't necessary because there was nothing to indicate

		involuntariness. The appellate court said the issue was whether the juvenile was in custody when being questioned and found an objective test for determining "custody" for purposes of Miranda (from Berkemer v. McCarty, 468 U.S. 420 (1984)). That test: custody for Miranda purposes is the same for adults & juveniles, but additional elements that bear upon the child's perceptions and vulnerability, including the child's age, maturity and experience with law enf. & the presence of a parent or other supportive adult. This test couldn't be applied in this case b/c the record contains insufficient facts to apply the test since the trial court rather summarily denied the motion to suppress. The case was remanded so the court could find if the Δ was in custody & if the confession was voluntary.
	Matter of Navajo County Juvenile Action No. JV91000058 901 P.2d 1247 (Ariz. Ct. App. 1995)	Motion to suppress denied. Confessions by Δ, a juvenile, to his junior high school principal about setting a locker on fire were admissible b/c they were made voluntarily & Miranda warnings weren't necessary. Principals are not law enforcement agents, but they may be bound by *Miranda* when acting "as an instrument of the police [or] as an agent of the police pursuant to a scheme to elicit statements from the defendant by coercion or guile." Here, the principal had an independent responsibility to investigate a student infraction committed during school hours on school grounds because the principal is responsible for safety, administration, and discipline in his school. He did not act at the behest or direction of the police; he initiated and conducted the investigation on his own.
Arkansas	**K.L. v. State** --S.W.3d-- (Ark.App. 2010)	Affirmed trial court's denial of motion to suppress.. Δ, a fifth grader, was accused of rape. Based on a referral from a teacher, the principal interviewed the Δ in her office. The principal told the Δ that he had to tell the principal the truth, or with the allegations, the principal would have to call the resource officer. The principal stated that the Δ could have left, but the principal never told Δ that he did not have to talk to her. Δ sought to suppress the statements he made to the principal, arguing it was a custodial interrogation. Relying upon cases from other jurisdictions, the court held that absent more a school official is not acting as law enforcement and does not need to provide *Miranda* warnings. The court reasoned that the principal had a duty to discern what happened by interviewing the parties. Although the court found that the Δ was not actually free to leave, this restriction was because of his status as a student, rather than as a suspect. The fact that Δ couldn't leave was not determinative of whether the questioning was a custodial interrogation. Overall, the court focused on the role of the principal and the flexibility in school disciplinary procedures (citing *New Jersey v. T.L.O.*). Because the principal was acting in her capacity as a principal, the interview was not custodial.
California	**In re Corey L.** 250 Cal.Rptr. 359 (Cal. Ct. App. 1988)	Motion to suppress denied. Miranda warnings not required prior to questioning of a student (about cocaine) by a principal. Warnings only required with respect to "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his

		freedom of action in any significant way."
	In re Paul P. 216 Cal. Rptr. 51 (Cal. Ct. App. 1985)	Motion to suppress denied. Miranda warnings were not required before juvenile was questioned by caseworker/therapist employed by private school facility b/c the caseworker was not acting in a law enforcement capacity when questioning Δ. Caseworker was private employee & was acting on his own initiative in investigating injury to student. Fact that therapist knew Sherriff was on his way did not alter the fact that the therapist was acting on his own initiative. Miranda is applicable only to questioning by law enforcement officials, their agents and agents of the court while the suspect is in official custody. A private citizen is not required to advise another individual of his rights before questioning him.
	In re Victor F. 169 Cal.Rptr. 455 (Cal. Ct. App. 1980)	Motion to suppress denied. Δ was caught by a teacher attempting to steal a bicycle from a school. Once he was detained by a security guard, teacher, and vice principal he made statements admitting his intention to steal a bike. Then a policeman arrived, Δ was Mirandized and he again confessed. Δ argued his initial confession was tainted because the teacher, principal and security guard were acting as agents of the law. The court held that "[i]t does not matter that a particular employee's duties may be confined to the protection of persons and property on his employer's premises or that his employer may be the state, a political subdivision thereof or a local entity. What does matter is whether he is employed by an agency of government, federal, state or local, whose primary mission is to enforce the law. Clearly, neither the security guard, the school principal, or teachers' primary mission was to enforce the law in our instant case." As a result, Miranda warnings did not need to be administered and Δ's confession was deemed admissible.
	In re Irvin S. 2010 WL 4108464 (Cal. Ct. App. 2010) **UNPUBLISHED OPINION**	Motion to suppress denied. Police officer had information that Δ had committed several acts of graffiti. Officer contacted the school resource officer (SRO) in advance. When the officer arrived at the school, the SRO put the officer and Δ in a conference room. The officer told Δ that he was not under arrest; he was free to leave; and this was just a conversation. The interview lasted about 45 minutes. In response to Δ's concern about going to juvenile hall, the officer assured the Δ that he would likely get a ticket, but not have to go to juvenile hall. The court considered the objective test of whether a reasonable person in Δ's position would have felt he or she was in custody, and deferred to the trial court's factual findings. The court looked at the totality of the circumstances and found that Δ was not in custody because the interview was on school grounds; Δ was told he could leave; and the tone of the questioning was informal. The juvenile court found that the officer made no threats and did not use coercion or pressure. Therefore, *Miranda* rights did not have to be administered, and Δ's incriminating statements during the interview were admissible.
Colorado	**People in Interest of P.E.A.** 754 P.2d 382 (Colo. 1988)	Motion to suppress denied. The principal and security officer didn't act as agents of the police when they questioned, investigated and searched students after received an anonymous drug tip. A police officer received the tip, and told the principal about it. The officer did not participate

		in the questioning or searching. The officer giving principal information & his presence on school grounds during the investigation don't establish that the principal and security officer acted as police agents. As a result, Miranda warnings were not required and parents were not required to be contacted.
Connecticut	**Doe v. Cortright** 2008 WL 1823089 (Conn.Super.,2008) **UNPUBLISHED OPINION**	Motion to suppress denied. Δ was arrested for PWID (MJ). The next day, Δ reported to school. Δ was told to go to the assistant principal's office where he made various admissions when asked. The SRO joined the meeting b/c the student had questions about the legal implications of his actions. The SRO answered the student's questions, but did not otherwise participate in any questioning. The decision was then made to suspend Δ for 10 days. The court held that Miranda rights were not required b/c Δ was no longer in custody (he had been arrested and released the previous day) and he was not subjected to a custodial interrogation initiated by law enforcement officers. Furthermore, Miranda rights apply to criminal prosecutions, not school suspension proceedings.
	Doe v. Hughes 2009 WL 659209 (Conn.Super. Feb. 19, 2009) **UNPUBLISHED OPINION**	Doe sought injunction prohibiting school board from hearing incriminating statements provided without being provided with Miranda warnings. Court finds that standard for injunctive relief has not been met. In particular, there was little likelihood that Doe would be successful in proving that he was in custody for Miranda purposes. Moreover, "Miranda rights pertain to criminal prosecutions, not school suspension hearings."
Delaware	None found	
Florida	**State v. J.T.D.** 851 So. 2d 793 (Fla. Dist. Ct. App. 2003)	Motion to suppress denied. Δ was interviewed by assistant principal and principal in the principal's office. A St. Petersburg Police Officer, the school's SRO, was present during the questioning. After the student confessed, the school officials turned the questioning over to the SRO, who began reading Δ his Miranda rights. The reading was interrupted & the SRO had to leave b/c of another situation. The court held that the questioning did not amount to a custodial interrogation – Δ was summoned by assistant principal for a student disciplinary problem, the clear purpose of the interview was to determine whether Δ had breached the student code of conduct, the interview was in the principal's office, only the principal & assistant principal participated in questioning) & the assistant principal is not an agent of the police. The officer's mere presence didn't transform the school official's interview into a custodial interrogation.
	State v. J.H. 898 So. 2d 240 (Fla. Dist. Ct. App. 2005)	Trial court granted motion to suppress statement b/c officer failed to read Miranda warnings prior to questioning. Trial court then suppressed evidence found as result of subsequent search. Appellate court does not reach issue of whether statement should have been suppressed; search was proper under reasonable suspicion standard even absent information obtained from the confession.
	M.H. v. State 851 So. 2d 233 (Fla. Dist. Ct. App.	Δ had an altercation w/ another student. A school official questioned (w/o Miranda) Δ in the presence of an SRO. The school official asked all but one of the questions. The court

	2003)	suppressed only the response to the SRO's question b/c the mere presence of a law enforcement officer does not amount to custodial interrogation requiring Miranda warnings.
	J.A.R. v. State 689 So. 2d 1242 (Fla. Dist. Ct. App. 1997)	Motion to suppress denied. Δ was reported for having a gun. Assistant principal called deputy sheriff (SRO) & the two of them walked to Δ's classroom. One called the Δ outside. The SRO asked Δ if he had a gun. Δ admitted he did. SRO conducted a pat down, found the gun, arrested Δ. Δ argued that SRO should've Mirandized him since he was "in custody" once he was asked to come outside the classroom. The court held that since the SRO would have been able to discover the gun without the Δ's admission (b/c assistant principal had reasonable suspicion to search him), the admission was harmless.
	In Interest of J.C. 591 So. 2d 315 (Fla. Dist. Ct. App. 1991), *rehearing denied* (1992)	Motion to suppress denied. Δ was sent to the principal's office b/c he had allegedly been smoking MJ on school grounds. The assistant principal questioned student (w/o Miranda) in front of Sheriff's Deputy (SRO). The SRO "could have asked a question or two." The court found that the deputy's contribution was de minimis, and therefore the trial court did not abuse its discretion in failing to suppress the statements. The court further stressed that this opinion was limited to the facts of this particular case, and that "where a student is detained (as the trial judge found this student was) and a law enforcement officer participates in the interrogation, Miranda warnings should be given if the confession is to be admissible."
	State v. V.C. 600 So. 2d 1280 (Fla. Dist. Ct. App. 1992)	Motion to suppress denied. The assistant principal questioned Δs (one in the hallway and one in an office) about an alleged robbery & told them police could get involved. The Δs provided written confessions to the assistant principal, which the assistant principal gave to police. The trial court suppressed the statements b/c they weren't "freely & voluntarily given." The appellate court reversed b/c the statements weren't coerced, the assistant principal's actions weren't unreasonable, the students weren't in custody when they were questioned, & there is no evidentiary support for finding that assistant acted as an agent for the police. Δs had abandoned their assertion that Miranda warnings should have been provided prior to this appeal.
	W. B. v. State 356 So. 2d 884 (Fla. Dist. Ct. App. 1978)	Motion to suppress denied. Δ admitted to assistant principal that he stole money from the concession. Miranda warnings weren't necessary b/c assistant principal was acting as a school official, not as a police officer or as a police agent. Therefore, Δ's statements were admissible.
	B.M.B. v. State 927 So. 2d 219 (Fla. Dist. Ct. App. 2006)	Delinquency adjudication reversed. A middle school teacher left 6 students unsupervised briefly, and when she returned she suspected her lemonade had been contaminated with a cleaning solution. A Tampa detective set up an office in the school to interview the 6 possible suspects individually. No parents were notified; his badge and gun were visible. Based upon his suspicions of Δ, the detective brought Δ back in for a 2nd interview. Detective told Δ (falsely) that witnesses saw her contaminate the drink, but she denied involvement. The tape was turned off, and Detective said this is when he read Miranda warning. She then confessed to the incident. Court ruled that the 2nd interview was a custodial interrogation, and that Δ did not knowingly and voluntarily waive her rights; b/c tape recorder off, there was no evidence re:

		sufficiency of warnings or re: understanding of warnings, Δ's parents hadn't been contacted, and Δ's age/experience didn't allow her to fully appreciate the gravity of the situation.
	C.W. v. State 779 So. 2d 462 (Fla. Dist. Ct. App. 2000)	Hearing impaired Δ was suspected of attempting to break into a car. Detective came to school to question him. A school coach was brought in to translate sign language. After communicating Miranda warnings and obtaining a confession, Δ was adjudicated delinquent at trial. The interpreter (coach) did not testify. B/c the state did not establish that the coach accurately signed the Miranda warning to Δ or that Δ communicated his full understanding and made a voluntary waiver thereafter, it was error to admit C.W.'s statements at trial.
Georgia	**In re T.A.G.** 663 S.E.2d 392 (Ga. Ct. App. 2008)	Motion to suppress granted. Δ implicated in robbery of students in boys' bathroom during a school basketball game. He gave some incriminating statements to an assistant principal during an initial interview (these were admitted and not the subject of the appeal). A second interview was then conducted by 2 asst. principals. A school resource officer (SRO) was present for this second interview. The SRO wore a shirt identifying him as a police officer, and also wore a gun and police utility belt. The officer did not question Δ during the interview and "was present for safety purposes." At one point, in response to a question from the asst. principal, the SRO indicated that robbery would be an appropriate charge. Although the SRO did not actively question Δ, the court found that the officer participated in the interview process and "was more than merely present." The court also found that the asst. principal was acting as an agent of the police during the second interview. The testimony indicated that the administrator consulted with the SRO throughout the investigation, and that she did the questioning because of the different rules implicated when an officer got involved. Finally, the court found that Δ was in custody and should have been provided with his *Miranda* warnings.
	Dillard v. State 612 S.E.2d 804 (Ga. Ct. App. 2005)	Motion to suppress denied. Δ was photographed on atm camera attempting to use a credit card that was stolen at gunpoint. Δ was identified in photograph. Police officers went to Δ's school, told the principal, & the principal summoned the Δ. Δ went to the principal's office. Police showed Δ the picture & she admitted it was her. Officers then Mirandized her & asked her to come to the station. Δ argues that she was restrained to the degree associated w/ formal arrest and, therefore, Miranda was necessary for her statement to be admissible. Court held that statement could be admitted b/c she was not "formally arrested." She was not in handcuffs, she hadn't been told she wasn't free to go, she wasn't threatened or promised anything, & she didn't ask to end the meeting or questioning. Trial court's decision to admit the statements was not clearly erroneous.
Hawaii	None found	
Idaho	**In interest of Doe** 948 P.2d 166 (Idaho Ct. App. 1997)	Motion to suppress was granted. Δ, 5th grader, was questioned by SRO about touching a girl. He was called into a faculty room to talk to the SRO (not in uniform, but with badge showing) & not Mirandized. He confessed and the SRO let him return to class. The statements were suppressed b/c the Δ was in custody for purposes of Miranda – Δ received a mandatory

		directive to report to the faculty room; was not informed that he was free to leave, that he did not have to answer the officer's questions, or that he could terminate questioning; knew person interviewing him was a police officer. Unlikely that any 10-year-old would feel free to leave
Illinois	**People v. Pankhurst** 848 N.E.2d 628 (Ill. App. Ct. 2006)	Motion to suppress was denied. Questioning by a principal and dean (which led to a confession) was admissible without Miranda being given. Principal was told by a student that Δ was in possession MJ. Principal summoned Δ out of class, asked Δ to empty his pockets (MJ was an item he emptied from his pocket), and questioned him. When police arrived, the principal let the officer into the office w/ Δ. Officer briefly spoke with Δ, and then the principal came back in & asked officer to leave the office. The principal questioned Δ more, and Δ confessed. Principal then left the office & told the officer of the confession. The principal did not act as an agent of police b/c by the time the officers arrived, the principal had already begun his investigation & the principal didn't seek any advice from officers about conducting the investigation. School officials must have leeway to question students regarding activities that violate the law or school rules. Officials aren't trained or equipped to conduct police investigations. When an official hasn't been given police powers, then Miranda is inapplicable.
	In re E.M. 634 N.E.2d 395 (Ill. App. Ct. 1994)	Motion to suppress was denied. As dean of students opened the locker, removed Δ from class, and questioned Δ w/o an officer present, he was acting in loco parentis & acting independently of police liaison officer when questioning Δ. Therefore, Miranda warnings not required. A student told the dean that he had seen Δ place a brown jacket into his (the Δ's) locker. The dean went to the locker w/ the police liaison officer assigned to the school & the dean opened the locker. The stolen jacket was inside. The dean summoned the Δ to his office and questioned Δ. The officer was not in the office during questioning. Δ confessed & dean told Δ that he'd be contacting the police. The dean then took Δ to the officer (who's office was across the hall). The officer Mirandized Δ. The Δ refused to talk and the officer let him go back to class. Officer didn't know about confession until 8 months later.
	People v. Shipp 239 N.E.2d 296 (Ill. App. Ct. 1968)	Motion to suppress was denied. Δ was suspected of actuating a fire alarm. Δ was called into the principal's office and questioned w/o Miranda. Statements made to the principal were admissible b/c "the calling of a student to the principal's office for questioning is not an 'arrest' & he is not in custody of police or other law enforcement officials. This situation does not fall w/in the scope of the Miranda decision as the Supreme Court has limited it."
	In re J.W. 654 N.E.2d 517 (Ill. App. Ct. 1995)	Delinquency adjudication reversed. 14-year-old was called into the principal's office and when he arrived, there were three officers and the assistant principal waiting for him. They told him that they wanted to speak to him about a homicide and notified his grandmother. He was placed in the back of the police car and transported to the police station, where Δ made incriminating statements. Those statements were admitted at trial despite defense counsel's motion to quash his arrest and suppress evidence. Based on the defendant's age, the number of officers present, the method of questioning, the place of questioning, and the lack of any communication that he was free to leave, the appellate

		court held that a reasonable person in the boy's situation would not have felt free to leave and therefore that he was in custody and should have been read his Miranda warnings. The *J.W.* court also noted that "[h]aving been driven to the station, J.W. was in effect stranded there, buttressing the conclusion that a reasonable person in his situation would not have felt free to leave."
Indiana	**G.J. v. State** 716 N.E.2d 475 (Ind. Ct. App. 1999)	Motion to suppress was denied. School dean is not required to Mirandize student before questioning that took place in a school building (or a non-coercive atmosphere) b/c dean is a school official, and not a police officer & Δ wasn't in police custody. Accordingly, not a custodial interrogation. Crime Stoppers received a tip that Δ had MJ at school. They contacted police. Police contacted the school dean. Δ was brought to the dean's office, dean questioned him about MJ, and Δ pulled a vial of MJ out of his pocket. This was admissible.
	S.A. v. State 654 N.E.2d 791 (Ind. Ct. App. 1995)	Motion to suppress denied. A student gave an officer from the Public School Police Department the names of students he suspected of stealing the student's locker combination book. The student returned the next day & said Δ had the book in his backpack. An officer removed Δ from class & escorted Δ to the vice-principal's office. Δ was told to leave the office & his bag was searched. When he reentered the office, Δ was confronted about the book. Δ admitted to having the book, but said that he found it. The vice-principal called the Δ's father. The father came to the school and continued questioning Δ. Δ's statements were admissible b/c the questioning took place in the school building by the vice-principal, & a major portion of it in the presence of the student's father. Δ wasn't in police custody nor was he questioned by a police officer. Therefore, the questioning did not amount to custodial police interrogation and the Miranda safeguards did not apply.
	State v. C.D. --N.E.2d—(Ind. Ct. App. 2011), 2011 WL 1640164 (Ind. Ct. App. May 2, 2011)	Motion to suppress denied. A teacher reported that Δ appeared to be under the influence of some substance. Δ was brought to the assistant principal's office. After the assistant principal noted that his speech and mannerisms were "slower than normal," the assistant principal requested the presence of the school's security officer (who was also employed by the city police department and was wearing his police officer uniform that day). The security officer was considered a "drug recognition evaluator" and examined Δ. The court reasoned that the questioning was not coercive and was performed at school with an educational purpose. The school questioned Δ in order to keep possibly intoxicated students out of the classroom. As a result of the examination, Δ was suspended from school, which further shows Δ was detained for educational purposes, as opposed to a criminal investigation. The court explains that in this instance, it doesn't matter that the security officer, as opposed to a dean, performed the examination because he was also acting to fulfill an educational purpose.
Iowa	**State v. Bogan** 774 N.W.2d 676 (Iowa 2009)	Motion to suppress granted. Court finds that motion to suppress should have been granted b/c Δ in custody at time of questioning. 2 detectives went to 14-yr-old Δ's school. Δ had already been pulled out of his class by another detective, a school liaison officer and the principal, and was sitting in the principal's office. He was then taken by the 2 detectives to the nurse's office,

		where he was joined by his father. The court applied a 4-factor test: (i) language used to summon individual, (ii) purpose, place and manner of interrogation, (iii) extent to which Δ is confronted with evidence of his guilt and (iv) whether Δ is free to leave the place of questioning. In weighing these factors, the court found that Δ was in custody. Important to the analysis were the following: Δ was summoned from his class and escorted by a detective and liaison officer. Additionally, although Δ was allowed to roam freely in the nurse's office, and was permitted to keep his cell phone, he was not permitted to leave the office to use the restroom, but was instead sent to a restroom within the office and not normally available to students. Finally, armed police officers remained at the only exit of the office.
Kansas	**In re L.A.** 21 P.3d 952 (Kan. 2001)	Motion to suppress denied. The school security officer noticed Δ slumped over in his car so he went over to check on Δ. When he approached the car, he saw Δ packaging a white powdery substance. Δ admitted that MJ and Valium found in his possession belonged to him. Questioning occurred in the principal's office where the security officer had brought Δ from his classroom, it was conducted by the security officer, & the search was carried out at the direction of the vice-principal. The statements were admissible. The role of school security officer is to protect school district property & the students, teachers, & other employees on the premises of the school district. The school security officer isn't employed by an entity whose primary responsibility is law enforcement. Thus, during an investigation of a violation of school policy, the school security officer isn't required to give Miranda warnings.
Kentucky	**C.W.C.S. v Com.** 282 S.W.3d 818 (Ky. Ct. App. 2009)	Motion to suppress denied. Δ was 14 yr old boy whose younger brothers accused him of sexually abusing them. Detective and Family Services agent went to Δ's middle school to talk to him. Detective Gibbs and Ms. Brand went to the office and a school official went to get Δ from class. Δ was taken to the school counselor's office where Detective Gibbs and Ms. Brand were waiting. Detective Gibbs identified himself as a police officer, and although he was not in uniform he was wearing a gun and badge. Before any questions were asked, Detective Gibbs told Δ that he did not have to speak with him or answer any questions and was free to return to class. Detective Gibbs explained that if Δ refused to speak with them, he and Ms. Brand would leave the school premises. Δ said he was willing to speak with them. Detective Gibbs did not read Δ his Miranda rights at any time. Δ incriminated himself. Court denied suppression motion b/c Δ was told he was free to leave and not required to discuss the sexual misconduct allegations. As a result, Δ was not in custody for Miranda purposes.
Louisiana	**State v. Barrett** 683 So.2d 331 (La. Ct. App. 1996)	Motion to suppress denied. The questions that the principal and the deputy sheriff (who was acting as a member of the school board's drug detection team that does random drug searches w/ drug dogs) asked the Δ: why he had $400, how he got to school, and where his car was located, did not require Δ to be Mirandized. The drug team came in periodically to search random classrooms in the school. The dog alerted to Δ's wallet. Δ was sent to principal's office. Principal asked why he had $400. Officer asked how he got to school & where his car

		was located. When questioned by the principal, Δ was not being questioned by a law enforcement officer, and had not been taken into custody, detained, or deprived of his freedom, other than as appropriate considering his status as a student. He also was not in custody or detained when questioned by the officer. Thus, Miranda did not apply.
Maine	None Found	
Maryland	None Found	
Massachusetts	**Com. v. Ira I.** 791 N.E.2d 894 (Mass. 2003)	Motion to suppress denied. Assistant principal was contacted by victim's mother b/c 4 Δs assaulted the v on his way home from school. The assistant principal called each Δ down individually, questioned each one for 15-20 minutes (w/o Miranda), & had 3 of 4 Δs (who admitted to assault) write statements. The assistant principal then contacted all parents to make them aware of the situation, & told the v's mother that she could further this through the court system if she wished. The trial court's granting of the motion to suppress was reversed b/c the assistant principal was acting in the scope of his employment, rather than as an instrument of police, the police didn't control/initiate/or influence the investigation, the Δs weren't subject to custodial interrogation (even though questioned individually and may not have felt free to leave). The mere fact that officials are in a position of authority over students doesn't transform each interview into a custodial interrogation, nor does it transform officials into officers. Because not custodial, no need for Miranda warnings. Court also found that the statements were voluntary.
	Com v. Snyder 597 N.E.2d 1363 (Mass. 1992)	Motion to suppress denied. The principal was told by a faculty member that a student had approached the faculty member b/c Δ offered to sell that student MJ. Principal and assistant principal searched the Δ's locker, found the MJ, called the Δ out of class, & questioned Δ. Δ confessed to trying to sell it. Police were called. When they arrived, the principal told police about confession. Police gave Δ his Miranda & asked if it was true. Δ answered affirmatively. Δ's statements weren't suppressed b/c the school administrators weren't acting as law enforcement. Even if Δ was "in custody" by being kept in the principal's office, the administrators aren't law enforcement officials or agents of such officials so Miranda isn't necessary. Additionally, just b/c school administrators intend to turn the MJ into police doesn't make them agents in police questioning.
Michigan	**People v. Garrett** 2002 WL 226907 (Mich.App.,2002) **People v. Toney** 2002 WL 226872 (Mich.App.,2002) (Co-defendants; Identical opinions) **UNPUBLISHED OPINIONS**	Motion to suppress was denied. Statements made to a high school counselor weren't suppressed b/c counselor wasn't acting as an agent of police. The counselor didn't perform typical law enforcement duties; his duties were limited to enforcing discipline at school so his communication w/ Δ weren't "police-initiated interrogation." The Δ wasn't manipulated, detained, or reluctant to speak w/ counselor. Miranda warnings were not required b/c the school counselor was not acting as an agent of the police. Moreover, statements were voluntary and not coerced.

	People v. Vang 2005 WL 3416156 (Mich.App.,2005) **UNPUBLISHED OPINION**	Motion to suppress was denied. A police officer questioned the Δ for about an hour in a school room. The Δ was not "in custody," so Miranda warnings not required. The Δ was not in custody b/c the officer was unarmed and not in uniform, the boy sat freely in his chair next to an unlocked door, Δ wasn't told by school personnel that he had to meet w/ the officer, and the officer never told Δ he was under arrest.
	People v. Mayes 508 N.W.2d 161 (Mich. Ct. App. 1993)	Δ was called to the principal's office. When he arrived, he was greeted by a police officer who frisked him for weapons and questioned Δ (without Miranda warnings). The Δ admitted the gun was his. The Δ appealed on the grounds that his counsel "was ineffective" for not arguing that his statements should be suppressed. The court isn't sure whether the Δ would've prevailed on this issue, so they decline to hold that counsel was ineffective. Some things the court looked at were that: this was a comparatively non-threatening detention; Δ was free to leave; he was never told he was under arrest, and the questioning was brief and it occurred in the principal's office, not a police-dominated setting.
	In re Kuhl Not reported in N.W.2d 2004 WL 2412695 (Mich.App., 2004) **UNPUBLISHED OPINION**	Suppression of statement overturned on appeal. 16 yr old Δ questioned by police re: bomb threat in a school office with his parents present. Cops told him he was free to end the interview at any time. No Miranda warnings given. The fact that an individual is the focus of an investigation does not, in and of itself, mean that the questioning is custodial. Also, no indicia of a coercive environment were present. As a result, Miranda warnings were not required.
Minnesota	**In re Welfare of G.S.P.** 610 N.W.2d 651 (Minn. Ct. App. 2000)	Motion to suppress granted. Custodian found a bag w/ a bb gun in it after school hours. He took it to the assistant principal's office & left a note on it. The assistant principal called a school liaison officer. The officer and assistant principal went to get Δ out of class & took him to the office. The assistant principal told the student he needed to answer the questions and explained he'd ask some questions, then turn the interrogation over to the officer. Δ, who had never been in trouble before, thought he was in custody. Additionally, the assistant principal and officer were working together rather than making two inquires. A peace officer interrogating a student in custody must administer Miranda warnings to the student.
	In re M.A.K. 667 N.W.2d 467 (Minn. Ct. App. 2003)	Finding that trial court should have granted motions to suppress. 14-yr-old Δ questioned 2x in school police liaison office by police officer regarding stolen car and burglary, respectively. Miranda warnings not provided during either questioning, although during the first interview Δ was told that he was not under arrest and that his step-father consented to the interview. Court of Appeals found that Δ was in custody and that his statements were involuntary. Factors in custody determination included: no previous experience with police, removed from class and escorted to police liaison office, not told that free to leave or that could refuse to answer questions, not told he could speak with parents, and given hall pass to go back to class only after police satisfied with statements. With respect to voluntariness, given the circumstances described during custody analysis, the Court found that "M.A.K.'s will was almost certainly

		overcome." This was true even though the police "were not forceful of purposefully intimidating toward M.A.K."
	In re D.R.M.S. 2006 WL 3361948 (Minn. Ct. App. 2006) **UNPUBLISHED OPINION**	Motion to suppress was granted. A police officer went to Δ's school to question Δ about damage done to the county pool gauges. Δ was called out of class & escorted to the principal's office by school staff. Once there, a police officer took him into a small room (used for detention), closed the door, and told Δ that he wasn't under arrest & he didn't have to speak to the officer if he didn't want to. He didn't advise Δ of Miranda rights or tell Δ he was free to leave. After questioning, the officer told Δ he could go back to class after making a taped statement. The statements were suppressed b/c Δ made the statements to a uniformed police officer w/ a sidearm, officer didn't ask if Δ wanted to contact his parents, officer didn't tell Δ he was free to leave, & questions were designed to elicit criminally incriminating responses. A reasonable person in similar circumstances would believe he was under arrest. Therefore, Δ was subject to custodial interrogation & Miranda warnings were necessary.
	Welfare of R.L.N. 1998 WL 405026 (Minn. Ct. App. 1998) **UNPUBLISHED OPINION**	Motion to suppress was denied. Police Chief discovered distinct footprints near the broken windows of the school. In the locker room, the Police Chief saw Δ putting on shoes that matched the prints near the window. Δ was called to the school office & the door was closed behind him. During 15 minute interrogation by the officer, Δ admitted to breaking into the school, and he was allowed to return to class. Δ wasn't in police custody so no custodial interrogation took place and Miranda warnings were not required. There was no physical force used, Δ confessed voluntarily, & the questioning was done at school.
	In re Welfare of D.J.B. 2003 WL 175546 (Minn. Ct. App. 2003) **UNPUBLISHED OPINION**	Motion to suppress was granted. Detective who taught Δ's D.A.R.E. class and who was a resource officer at the Δ's school interviewed Δ about allegations of criminal sexual conduct w/ a 5-year-old girl who attended Δ's Mom's daycare. A teacher removed Δ from class & walked w/ him to the school conference room (in an area of school not frequented by students). The detective shut the door & told the Δ he didn't have to answer questions and he was free to leave. The detective sat b/w the Δ and the door. Δ wasn't informed of right to have attorney or parents present. The interview was tape-recorded The detective's civilian clothes weren't relevant b/c the Δ knew the detective as a law enforcement officer. A reasonable person would have felt as if they were in custody and the "soft Miranda" the police gave wasn't proper.
Mississippi	None found	
Missouri	None found	
Montana	None found	
Nebraska	**In re interest of Tyler F.** 755 N.W.2d 360 (Neb. 2008)	Motion to suppress denied. Δ was questioned at school by 2 police detectives regarding allegations of criminal / delinquent activity outside of school. With the assistance of school officer, Detectives pulled Δ out of class and took him into an admin room at the school, where he was questioned for ~20 minutes. No Miranda rights were read, no parents were present. Police told Δ that he was not under arrest. After confrontation with evidence, Δ confessed and

		was then allowed to go straight back to class. Court ruled that Δ was not in custody (thus no Miranda warning was req'd), and the confession was voluntary and not coerced.
	In re C.H. 763 N.W.2d 708 (Neb. 2009)	Motion to suppress granted. Δ's half-sister complained to her parents that Δ, 14 yr old, had been touching her inappropriately at night in the room they shared with 2 other brothers. Δ's father alerted authorities and agreed to let them interview Δ at his high school. Δ was brought into the principal's office, not read Miranda rights, not told he was free to leave. Although Δ had unrestrained freedom of movement during the questioning, cop did not advise Δ that he was not under arrest, that he was free to leave, or that he did not have to talk to detectives or answer any questions. Court held that Δ's incriminating statements were erroneously admitted at trial level because he was in custody at the time of question and was never Mirandized.
	In re Kenneth S. NOT REPORTED in N.W.2d 2002 WL 337760 (Neb.App.,2002) **UNPUBLISHED OPINION**	Motion to suppress denied. Δ was implicated in off-campus setting of several fires. Officers went to Δ's school and asked principal to get Δ. Principal told them Δ was in special ed classes and had ADHD. Δ was brought into principal's office for questioning. Officers first began with small talk, and then read Δ his Miranda rights. Δ signed the rights waiver form without asking questions or asking for a lawyer. After 90 minutes of questioning, Δ made inculpatory statements but couldn't pinpoint locations of fires he helped start. Officers asked Δ to ride around and show them. Δ's parents were not informed he was in custody or trouble at all until later that afternoon. Court ruled that ADHD was not enough to render his understanding of rights impossible. Court also found no police coercion or promises of leniency.
Nevada	None found	
New Hampshire	**State v. Heirtzler** 789 A.2d 634 (N.H. 2002)	Motion to suppress statements was granted when school officials and police had an "agency" relationship under the agency rule. The agency rule is meant to prevent the government from circumventing the rights of a Δ by securing private parties to do what it cannot. Here, a teacher witnessed Δ pass a piece of tin foil to another student, who took something out, and returned it to Δ during class. The teacher told the SRO,a police officer who was assigned to the school to investigate criminal matters and who was under the direct control of the police department. The SRO passed the information to the assistant principals. There was an understanding that information would be brought to the SRO and he would delegate responsibility (for the less serious offenses) to the school. The school would then investigate those less serious offenses. There was also a "silent understanding" that the SRO would pass along information to school officials when the SRO could not act due to constitutional restraints. The school was acting as agents of police when they questioned and searched the Δ b/c the SRO "induced" them to take such actions. Enforcing the law or investigating criminal matters is outside the scope of a school official's administrative authority.
	State v. Tinkham 719 A.2d 580 (N.H. 1998)	Motion to suppress statements was denied when school principal and assistant principal questioned Δ in her office. The principal was informed by two student's that a student had MJ. The student was called to the principal's office questioned, and searched. That student stated

		that she bought the MJ from Δ. The MJ obtained from the search was taken to the police station. The principal told police that she'd be questioning Δ. The principal & assistant principal searched & questioned Δ in principal's office. Δ admitted to selling the MJ. While the principal must regularly conduct inquiries regarding violations of the law, the principal is not a law enforcement agent within the definition of Miranda. Further, the principal wasn't acting as an agent of police. The police didn't direct the principal in her course of action
New Jersey	**State In Interest of E.D.** 2006 WL 2074875 (N.J.Super.A.D.,2006) **UNPUBLISHED OPINION**	Motion to suppress was denied when a student was questioned by the principal in the vice principal's office in the presence of the assistant principal and a police officer b/c the principal wasn't acting on behalf of law enforcement. Although the principal and a uniformed officer not assigned to the school had reviewed surveillance videos together prior to questioning, there is no proof that the Officer prepared the principal's interrogation or told the principal what to ask. Nor did the Officer participate in the questioning which led to the incriminatory response. Accordingly, "the principal did not appear to be acting on behalf of law enforcement, but was endeavoring to ensure safety and discipline on school grounds, as opposed to furthering a police investigation for purposes of prosecution."
New Mexico	**Doe v. State** 540 P.2d 827 (N.M. Ct. App. 1975), *cert. denied*, 540 P.2d. 248 (N.M. 1975) (dissent can be found at 540 P.2d 834)	Motions to suppress were denied when a teacher (who saw the act) and principal questioned a student in a vacant classroom about him smoking a pipe (containing MJ) on school property. Miranda-type warnings re not necessary in cases involving in-school disciplinary matters. Moreover, confessions was voluntary and not improperly induced.
New York	**In re Daquan M.** 64 A.D.3d 713, 881 N.Y.S.2d 906) (N.Y. App. Div., 2nd Dept. 2009)	Motion to suppress denied. Δ was questioned solely by school personnel. Therefore, he was not being questioned by law enforcement officials and was not in custody for Miranda purposes.
	In re Daniel M. 67 A.D.3d 527, 888 N.Y.S.2d 496 (N.Y. App. Div., 1st Dept. 2009)	Oral statement as school properly suppressed b/c of failure to provide Miranda warnings. However, written statement at police station, after warnings, sufficiently attenuate from earlier statement. Initial questioning very brief (only one direct question about the incident), change in location, about 1 hour break, and able to confer with mother at station.
	In re Angel S. 758 N.Y.S.2d 606 (N.Y. App. Div. 2003)	Motion to suppress denied. Principal questioned Δ in the presence of fire marshals (who constitute police officers). The questioning was part of the school's own investigation, was conducted pursuant to school protocol, and wasn't done w/ police instigation, instruction or input. Accordingly, Miranda warnings not required. Moreover, even if done in conjunction with law enforcement, the interrogation wasn't custodial. A reasonable teenager in Δ's position would not have thought he was in custody while being asked questions by the principal in the principal's office.
	People v. Butler 725 N.Y.S.2d 534 (N.Y. Sup. Ct.	Statements made to dean admissible, but statements made to police officer not admissible. After the school cafeteria was cleared out, school safety officers saw Δ standing in cafeteria

	2001)	wearing a bandana, which was against school rules. Safety officers asked Δ for identification. When he couldn't produce i.d., they took Δ to the dean's office. On the way there, another person (wearing the same attire as Δ) approached safety officers. The safety officers asked him for id. He handed them i.d., and fled when they asked him to escort them to the dean's office. In a cubicle at the dean's office, Δ was questioned by the dean. Δ produced a card that was identical to the card produced by that other person in the hall. Δ didn't know the information on the card & claimed he had no other i.d. The dean asked the safety officers to search the Δ. The search revealed a handgun, & Δ was handcuffed. The dean, in the presence of school safety officers asked "is it loaded," to which the student responded "Yes." Later, a regular duty officer arrived at the school and asked where he obtained the weapon. The safety officer asked how he got into the school. The initial questioning by the school safety officer with regards to questioning was appropriate. Moreover, the dean was not required to provide Miranda warnings before questioning b/c the dean is a private individual and it wasn't a custodial interrogation; the dean's questions weren't asked in cooperation w/ or under the direction of police officers. The questions by the police officer, however, were aimed at obtaining evidence to be used in criminal investigation & required Miranda.
	In re Brendan H 82 Misc. 2d 1077 (N.Y. Fam. Ct. 1975)	Statements made by Δ to high school dean were not suppressed. Δ was charged w/ criminal mischief for rolling over the dean's car. Dean questioned Δ at school, & Δ was permitted to leave after questioning. The school official had no power of arrest, so Δ couldn't have reasonably believed he was in custody, and no custodial interrogation occurred. Moreover, specific facts of this case aside, the court held that "school officials interrogating students concerning misconduct occurring within the precincts of the school are not subject to Miranda, at least not when acting in concert with or as agents of the police."
North Carolina	**In re W.R.** 675 S.E.2d 342 (N.C. 2009)	Upholds trial court decision to admit statements. In this decision, the N.C. supreme court reverses the appellate court's decision to grant a motion to suppress statements. The appellate court, 634 S.E.2d 923 (N.C. Ct. App. 2006), held that a reasonable person in the juvenile's place would have believed he was restrained to the degree associated w/ formal arrest. Principal received a call from a student's parent about Δ bringing a weapon to school. Principal & assistant principal took Δ out of class, took him to the assistant principal's office, and began questioning him. The school resource officer joined in the questioning, which occurred for 30 minutes. The officer searched Δ, found nothing. After further questioning, Δ admitted that he had a knife at school the day before. Given totality of circumstances, including the presence of the resource officer, this was a custodial interrogation and Miranda warnings should have been provided. In reversing the appellate court, this court held that Δ did not make a motion to suppress or otherwise object when the admissions came into evidence, thereby failing to preserve the issue. B/c of the lack of findings relating to the role of the SRO and the nature of the interrogation, the Court was not in a position to find error in the trial court's admission of

		the statements.
	In re C.G. 673 S.E.2d 167 (N.C. Ct. App. 2009) **UNPUBLISHED OPINION**	Motion to suppress denied. Δ was questioned at school by police investigator. Only Δ and officer present. Officer told Δ he wasn't under arrest, was free to leave, and didn't have to talk to officer if he didn't want to. Δ sat closest to the door, no evidence of coercion. Officer never touched Δ, and Δ was allowed to go back to class at end of interview. As a result, this was not a custodial interrogation and Miranda warnings did not need to be provided.
	In re J.T.S. 698 S.E.2d 768 (N.C. Ct. App. 2010) **UNPUBLISHED OPINION**	Affirmed denial of motion to suppress. Related case to *J.D.R* below. . Δ allegedly started a fire in a high school's bathroom by lighting a paper towel and putting it in a pipe chase. After calling in a County Arson Task Force Investigator, the assistant principal examined surveillance videos and identified Δ as a suspect. Same facts as below, except Δ here was questioned by the assistant principal. Δ initially denied his involvement, but after seeing surveillance video that put Δ near the fire, Δ admitted his involvement. After Δ admitted his involvement, the assistant principal notified the Arson Investigator of Δ's statements, and then the Arson Investigator questioned Δ as well. The Investigator read Δ his *Miranda* rights before he began questioning Δ. The court held that the questioning performed by the assistant principal was not a custodial interrogation. The assistant principal was acting in his capacity as a school official for the purpose of ascertaining whether any school policies were violated. Although an SRO had been present during a substantial portion of the assistant principal's interview of Δ, the SRO's presence was inadequate to transform the questioning into a custodial interrogation. The court also relied on the inherent limitations on student freedom of movement in a school environment. Therefore, any statements made to the assistant principal were admissible.
	In re J.D.R. 699 S.E.2d 139 (N.C. Ct. App. 2010) **UNPUBLISHED OPINION**	Affirmed denial of motion to suppress. Related case to *J.T.S.* above. Same facts as above, except Δ here was questioned by the principal. The principal escorted Δ to his office and questioned Δ. Initially, Δ denied involvement, but then admitted to his involvement. The principal asked Δ to prepare a written statement. After the statement was prepared, the Arson Investigator came into the principal's office and read Δ his Constitutional Rights Warning/Waiver certificate and also explained the document to Δ's father upon his arrival at the school. The questioning by the principal was not custodial and therefore, the statements were admissible. The Arson Investigator was not present when Δ drafted his written statement, nor was the school resource officer (SRO). The principal explained it is the school's routine policy when investigating incidents to speak with the student and then have them write out a statement. Further, the principal was acting in his capacity as a principal and not as law enforcement while questioning Δ in order to ensure safety in the school.
	In re K.D.L. 700 S.E.2d 766 (N.C. Ct. App. 2010)	Reversed trial court's denial of motion to suppress. Δ should have been afforded his *Miranda* warnings and should have been afforded his right to have a parent present during interrogation pursuant to N.C. Gen.Stat. §7B-2101(2009). The court did not consider Δ's age, citing *JD.B.*, but rather just focused on the totality of the circumstances and whether it was objectively

		reasonable for Δ to believe he was functionally under arrest, regardless of age. Facts supporting that Δ was in custody: Δ knew he was suspected of a crime and was interrogated for 6 hours, generally in the presence of an armed SRO; Δ was frisked by the SRO and was transported in the SRO's vehicle to the principal's office in another building for questioning; and at no point was there any indication Δ was free to leave; the SRO remained close by for most of the day. Although the SRO did not question the Δ, but rather was present while the principal questioned Δ, the SRO's presence and "active-listening" increased the likelihood that the principal's questions would produce an incriminating response. The court also noted that unlike in *J.D.B.*, Δ was never given the *option* to answer the questions. Therefore, the court found that Δ was in custody during the interview. Since the SRO did not afford Δ his *Miranda* rights and did not afford Δ his right to have a parent present, the court held that the trial court violated Δ's constitutional and statutory rights by denying Δ's motion to suppress.
	Matter of Phillips 497 S.E.2d 292 (N.C. Ct. App. 1998)	Motion to suppress was denied. Assistant principal saw school money bag under the counter in the school administration office. Later, he saw Δ enter the school administration office. The secretary's back was turned. When she turned back to the desk, the Δ exited the office & the money bag was gone. While looking for the money, the assistant principal saw Δ exiting the bathroom. Assistant principal went into the bathroom & discovered the empty money bag. He found Δ, questioned her about the money, & she went into the bathroom and retrieved it for him. Miranda warnings not required before questioning by the assistant principal. Assistant principal is not a law enforcement officer, he didn't act as an agent of law enforcement, he has no arrest power, & he was questioning Δ for disciplinary purposes rather than criminal proceedings. The court further held that delinquency adjudication following a school suspension does not constitute double jeopardy; the primary purpose of suspension is the protection of other students, not the punishment of the offender.
North Dakota	None found	
Ohio	**In re G.J.D.** 2010 WL 2349608 (Ohio App. 11 Dist., June 11, 2010) **UNPUBLISHED OPINION**	Motion to suppress denied. 16-year-old Δ questioned by principal about "hit list." Court held that the principal was not acting as an agent of the police, as the principal did not discuss the matter with the police at any time prior to taking Δ's statement, and the police were not present during the questioning. Further, the use of a blank police statement form and sharing the statement with the police did not make the principal an agent of the police. Finally, because the principal was not acting as an agent of the police, the interrogation could not have been custodial, because Miranda does not apply to questioning by private citizens.
	In re A.A. 2009 WL 2488010 (Ohio App. 9 Dist. Aug. 17, 2009) **UNPUBLISHED OPINION**	Motion to suppress granted. Detective came to school seeking to question Δ about crime that occurred in community. An aide delivered Δ a hall pass, and Δ walked himself to an assistant principal's office, where 2 APs and the detective were waiting. The detective then asked Δ some questions about the incident. The court found that Δ was in custody: "A.A. was pulled out of his classroom and summoned to the office, where he was asked to sit in a small, closed

		room with three authority figures. . . He was not advised that he could call his parents or that he was free to leave. While the door of the office was not locked, a person in [Δ]'s situation would have known that, if he left before the assistant principals were finished with him, he could face adverse consequences, such as a detention, for walking the halls without a pass." As a result, the detective should have provided Miranda warnings.
	In re Haubeil 2002 WL 1823001 (Ohio App. 4 Dist., 2002) **UNPUBLISHED OPINION**	Motion to suppress statements denied. Principal contacted police w/ a report that a student may have a gun in school. When police arrived, Δ was already in principal's office. Police officer's conducted a pat down and interviewed Δ. Miranda warnings not required because Δ wasn't subject to custodial interrogation; there was no formal arrest & a reasonable person in Δ's position would have felt free to leave. "Ohio courts have generally found that the act of law enforcement officers questioning minors while they are at school does not amount to custodial interrogation where there is no evidence that the student was under arrest or told he was not free to leave."
	Matter of Gruesbeck 1998 WL 404516 (Ohio Ct. App. 1998) **UNPUBLISHED OPINION**	Motion to suppress denied. A private security guard at the high school interviewed Δ in his office b/c the guard was told by other student's that Δ was at the locker that caught fire. The guard questioned Δ in the presence of the assistant principal. Δ admitted to lighting a paper sack in the locker. Miranda warnings not required b/c questioning wasn't done under the direction of a police officer and questioning was brief. Moreover, Δ's statements were voluntarily given.
	In re McDonald 2007 WL 563089 (Ohio Ct. App. 2007) **UNPUBLISHED OPINION**	Motion to suppress denied. A black resident found a KKK note on a McDonald's box in her driveway. Police suspected Δ, who worked at McDonalds and lived nearby. Δ was questioned first at school, where he gave an inculpatory statement. Δ was read his Miranda warnings and indicated his understanding. Court held that the statement was voluntary. Although the room was windowless and he was alone with investigator, the court found that there was no evidence of coercion, deprivation of physical comfort, or any improper inducements. While Δ may have felt intimidated by the situation, there was no evidence to suggest that the circumstances were calculated to coerce a confession. Moreover, the absence of his parents, while a factor to consider, is not dispositive.
Oklahoma	**State v. M.A.L.** 765 P.2d 787 (Okla. Crim. App. 1988)	Motion to suppress statements granted b/c of failure to follow Oklahoma Statute which states that no information gained by questioning a child is admissible unless the questioning by a law enforcement officer or investigative agency is done in the presence of the parents or legal custodian of the child, and the child and parent has been fully advised of the child's legal rights. The assistant principal began an investigation after several burglaries occurred. He questioned several students, including Δ. Some students gave the assistant principal information about the Δ, so Δ was called into the office again. At that time, Δ confessed. Assistant principal called the police department. A police officer sat in the assistant principal's office while the assistant principal questioned Δ again. The officer then talked to the Δ, received a confession, and took

		the Δ into custody. Both confessions inadmissible pursuant to the Okla. statute; the confession made to the school principal also inadmissible pursuant to the statute b/c the principal was acting in an "investigatory capacity." According to the court, "[t]he purpose of the statute is defeated if officials are allowed to admit confessions into evidence merely because the juvenile was not in police custody."
Oregon	**State ex rel. Juv. Dept. v Killitz** 651 P.2d 1382 (Or. Ct. App. 1982)	Judgment reversed b/c motion to suppress statements should have been granted, and factual basis for jurisdiction derived entirely from statements. Δ was called into the principal's office. In the principal's presence, a uniformed/armed police officer questioned him about a burglary. The Δ made incriminating statements about the burglary, and was sent back to class. The following day, Δ was again questioned by the same officer. The statements were elicited in response to police questioning, so "interrogation" did occur. The interrogation was "custodial" within the meaning of *Miranda,* b/c the Δ wasn't free to leave (Δ was in school during regular hours being controlled to a great extent by school personnel), Δ was being questioned as a suspect rather than as a witness by an armed police officer, Δ didn't voluntarily go to the place of questioning.
	State ex rel. Juv. Dept. v Gage 624 P.2d 1076 (Or. Ct. App. 1980)	Motion to suppress denied. School principal discovered 1000 missing school lunch tickets. He was directed by students to Δ. Δ was called to the principal's office & interrogated by principal. Even assuming that the principal was a public official and that in-custody interrogation required the reading of Miranda warnings, this was not a custodial situation; principal investigating the absence of certain tickets for lunches at school, "I have serious doubts this would constitute a criminal interrogation."
	State ex rel. Juv. Dept. v Loredo 865 P.2d 1312 (Or. Ct. App. 1993)	Motion to suppress denied. 13-yr-old Δ was called into principal's office over school intercom. Δ went and was placed in principal's office, where he met only with a police officer. Officer's gun was hidden from view, but he showed his badge. Officer told Δ he was free to leave, he didn't have to answer any questions, and that he wasn't under arrest. Δ was also permitted to call his Children's Services Division counselor, for whom he left a message. Ct held that this didn't rise to level of "in custody" even though Δ had never been questioned by police before. Δ was in familiar surroundings in the principal's office, and was not subject to punishment for refusing to answer the officer's questions. The interview setting was thus "not compelling" and Miranda rights weren't necessary.
	State ex rel. Juvenile Dept. of Washington County v. Thai/Schmolling 908 P.2d 844 (Or. Ct. App. 1995)	Statement made during custodial interrogation should not have been admitted. However, ct ruled that it was harmless error in this case. Δ's younger sister complained of inappropriate sexual conduct by Δ. Δ's mom, suspecting that Δ may be questioned at school, called school and told Δ not to answer any questions. Officer came to school and interviewed Δ in a room by himself. After receiving Miranda warnings, Δ stated that he did not want to answer questions. He was then arrested. Δ asked why and officer told Δ about his sister's allegations. Δ then denied it and said it was his brother who did the touching. Officer did not re-Mirandize Δ and

		continued questioning him, ultimately eliciting inculpatory statements. Ct held that once Δ invoked his rights, the officer was required to re-issue Miranda warnings before continuing questioning.
Pennsylvania	**In re R.H.** 791 A.2d 331 (Pa. 2002)	Motion to suppress granted. School police officers found that someone had vandalized a high school classroom. The police suspected the Δ. They escorted appellant to the main building of the school, asked for his shoe to compare w/ the footprint left in the fire extinguisher residue in the classroom, found it was a match, & questioned Δ for 25 minutes. The Δ confessed and the police and his mother were called. Miranda warnings required. For purposes of Miranda, even though school police officers are employees of the school district, they are constitutionally indistinguishable from municipal police b/c they are permitted to exercise the same powers as municipal police while on school property & b/c they wear uniforms and badges. Moreover, Δ was subjected to custodial interrogation.
	In re Tracy 14 Pa. D. & C.3d 310 (Pa.Com.Pl. 1980)	Motion to suppress denied. A teacher/coach discovered a new warm-up jacket missing from his office. He alerted the faculty. Δ was spotted wearing a jacket that fit the description. The assistant principal questioned the Δ, and the police were notified. The statements made by Δ were not suppressed b/c the assistant principal is not a law enforcement officer and there was no police involvement prior to the meeting b/w the Δ and the assistant principal. As a private citizen, the assistant principal was not required to give Miranda warnings.
	In re D.E.M. 727 A.2d 570 (Pa.Super. Ct. 1999)	Motion to suppress denied. Police officers informed school officials about an anonymous tip saying Δ had a gun at school. Police then left, although the principal promised to contact the police if they discovered any information.. Δ was removed from class, brought to the principal's office, searched, & questioned. Δ admitted to having a gun in his jacket pocket. The police department was then contacted. School officials do not act as agents of the police then they conduct an independent investigation based upon information they receive from the police; the police did not coerce, dominate or direct the actions of the school officials. Moreover, school officials are not required to provide Miranda warnings before questioning about violations of the law and/or school rules.
Rhode Island	**In re Harold S.** 731 A.2d 265 (R.I. 1999)	Motion to suppress denied. Police officer informed school principal about an assault on school grounds conducted by Δ. The officer then left & the principal went to his office. After speaking to the victim, the principal contacted Δ's parents. After his father came to the school, Δ was summoned to the office and questioned, during which time Δ confessed. The principal was not acting as an agent during the questioning; the officer had left the school grounds, and did not ask the principal to speak with Δ. Because the principal was not acting as an agent of the police, and Δ was not subjected to questioning by law enforcement, it was unnecessary to provide Δ with Miranda warnings.
South Carolina	**In re Drolshagen** 310 S.E.2d 927 (S.C. 1984)	Motion to suppress denied. Δ was called into the principal's office at the request of investigating police officers. In the presence of officers, school officials questioned Δ about

		vandalism that occurred the weekend prior. Δ confessed. Police didn't ask any questions. The court denied motion to suppress b/c the fact that the questioning took place in the presence of police officers is not enough to render it a custodial interrogation.
South Dakota	None found	
Tennessee	**R.D.S. v. State** 245 S.W.3d 356 (Tenn. 2008)	Motion to suppress incriminating statements denied. Δ questioned by SRO, a "sworn law enforcement officer," on his way to his truck in the parking lot and again in the parking lot when marijuana found in his car. Miranda warnings not required b/c Δ was not in custody when he made the incriminating statement. SRO asked (but did not require) the student to walk out to his truck while school officials searched it, the student was questioned in the parking lot and while walking between the school and the parking lot, and the student was not confined to the principal's office or some other room in the school for questioning. Moreover, statement was voluntary, even under broader state constitutional provisions.
Texas	**In re V.P.** 55 S.W.3d 25 (Tex. Crim. App. 2001)	Motion to suppress denied. School District Police Officer (who was wearing a police uniform) assigned to the school was told by a student that Δ had brought a gun to school. The officer & hall monitor excused Δ from class & brought him to speak w/ the assistant principal. On the way there they said they had heard he had something illegal, which he denied. Once in the office, the officer left and the assistant principal questioned him. According to Δ, he immediately asked to speak to his mother and his lawyer. After further questioning, Δ confessed. Because the officer had left the office during questioning, Δ was not in custody during the questioning; the assistant principal was conducting a school investigation, not a criminal investigation. The fact that the tip came from the police officer did not transform the questioning into custodial interrogation. Because he was not in custody, Δ did not have the legal right to remain silent or to speak to his lawyer.
	In re D.A.R. 73 S.W.3d 505 (Tex. Crim. App. 2002)	Motion to suppress granted. After reports that he had a gun on school grounds, Δ was called the assistant principal's office. Δ was searched & questioned, he denied having a gun, & he returned to class. After additional reports came in, the SRO summoned Δ from class. A security guard brought Δ to SRO's office & Δ was questioned, in a closed office, by the SRO. Δ confessed. Miranda warnings were required b/c a reasonable 13-year-old in his position would have believed he was in custody; Δ would have known there was probable cause to arrest him, he was escorted to the office by a uniformed security guard, the office door was closed, only Δ and the SRO (a uniformed officer) were in the room, and Δ defendant was confronted with allegations by numerous students.
Utah	**State v. Largo** 473 P.2d 895 (Utah 1970)	Statements admissible. Counselors at the school conducted an investigation about an attack that occurred in a girls' dormitory, during which they questioned many students. Δ admitted to involvement. Miranda warnings not required b/c Δ was not in custody, the interrogation by the school authorities was not accusatory, and there was no focus on a particular suspect during the inquiry.

Vermont	None found	
Virginia	**J.D. v. Com.** 591 S.E.2d 721 (Va.Ct. App. 2004)	Motion to suppress denied. Δ was called into an associate principal's office to be questioned about thefts in the school. The principal came in & out during the questioning. The SRO was there during questioning, but remained silent. Miranda warnings not required b/c the SRO didn't direct questioning, the associate principal is not a law enforcement officer and was not acting as an agent of law enforcement, and the Δ was not in custody when questioned. Moreover, the statements were voluntary.
Washington	**State v. C.G.** 101 Wash.App. 1053, 2000 WL 1009028 (Wash. Ct. App. 2000) **UNPUBLISHED OPINION**	Motion to suppress denied. After receiving information that Δ gave marijuana to another student, vice principal performed a search and questioned Δ in the office. Δ confessed and the vice principal called the police to arrest Δ. "The vice principal's responsibility to maintain order and discipline in the schools does not translate into an allegiance with law enforcement sufficient to trigger Miranda."
	State v. D.J. 132 Wash.App. 1055, 2006 WL 1217215 (Wash. Ct. App. 2006) **UNPUBLISHED OPINION**	Motion to suppress denied. After incident on bus, Δ and other students taken to principal's office. While waiting outside office, SRO briefly spoke with Δ about the incident. Δ was then questioned by 2 school officials. Miranda warnings not required b/c Δ not in police custody to a degree associated with formal arrest. SRO's questions were open-ended and asked in a non-accusatory manner while in an open waiting room; assistant principal questioned outside the presence of the SRO.
	State v. D.R. 930 P.2d 350 (Wash. Ct. App. 1997)	Motion to suppress granted. Δ questioned by police detective in the assistant principal's office about an incident that occurred outside of school. While the detective informed Δ that he did not have to answer his questions, he did not provide Miranda warnings. Warnings required b/c Δ was in custody; not informed that he was free to leave, youth (14), naturally coercive nature of principal's office, and obviously accusatory nature of interrogation all factors pointing to custody.
	State v. R.B 92 Wash.App. 1054, 1998 WL 729678 (Wash. Ct. App. 1998) **UNPUBLISHED OPINION**	Motion to suppress denied. Δ questioned by plain-clothed police detective in office at Δ's school. Looking at totality of circumstances, this was not a custodial interrogation, and therefore Miranda warnings not required. Although not told her was free to leave, other factors outweigh this one factor; 17 years old, SRO (a familiar face) accompanied Δ to the office, questioned as a witness not a suspect in open-ended and non-accusatory manner, interview lasted only 6 or 7 minutes.
	State v. Lemon 100 Wash.App. 1014, 2000 WL 349765 (Wash. Ct. App. 2000) **UNPUBLISHED OPINION**	Motion to suppress oral statement to vice principal denied; motion to suppress written statement, in presence of police chief, granted (this part of the decision not challenged or discussed on appeal). Δ called into vice-principal's office in conjunction with school investigation into marijuana use. After questioning was under way, Chief of Police arrived and joined questioning. Miranda not required prior to Δ's oral statement as it was not in response to police questioning; school-district employees not required to give Miranda warnings prior to questioning a suspect.

	State v. J.S. 2008 WL 5377852 (Wash. Ct. App. 2008) **UNPUBLISHED OPINION**	Motion to suppress denied. Δ questioned by detective in counselor's office, with counselor and CPS investigator present. Detective wasn't in uniform, his gun wasn't visible, and Δ was seated next to the door. Detective told Δ he wasn't under arrest, wasn't req'd to answer any questions, was free to leave at any time, he couldn't get in trouble for refusing to talk or walking out, and that he would be allowed to return to his classroom afterward. Although Δ initially denied any misconduct, after he refused a lie detector test the officer responded by saying "I know you're lying, you know it, everyone here knows it." Court held that that since Δ was advised he was free to leave/not under arrest/didn't have to answer questions, and interview took place in counselor's office (not principal's) it leans toward not being a custodial interrogation. Because it was not custodial, Miranda warnings did not need to be provided. As to the coercion prong, court held that ample evidence supported trial court's conclusion of non coercion, including short time of interview, no physical injury to Δ, Δ wasn't mentally impaired, interview in counselor's office, detective told Δ he was free to leave, detective wasn't in uniform, didn't show his badge and gun/handcuffs were concealed.
West Virginia	None found	
Wisconsin	**State v. Schloegel** 769 N.W.2d 130, 319 Wis.2d 741 (Wis. Ct. App. 2009)	Motion to suppress denied. Δ suspected of possessing drugs. After no drugs found on person or in locker, principal, school liaison officer and police officer escort him to his car to conduct search. After items are found in his car, Δ makes incriminating statements. Court finds that Δ is not in custody for purpose of Miranda. Investigation was conducted primarily by the principal, not the officers. According to the court, "if in custody at all, [Δ] was in custody of the school and was not being detained by the police at that time." Accordingly, there was no Miranda violation.
	In Interest of Thomas J.W. 570 N.W.2d 586 (Wis. Ct. App. 1997)	Statements made by 8-year-old student questioned by an officer about a fire at school admissible when child was found to be a child in need of protection or services (CHIPS). A CHIPS proceeding is significantly different than a criminal proceeding, and, therefore, statements are admissible in court even though Miranda warnings not provided. As compared to delinquency or criminal proceeding, a CHIPS proceeding is focused on providing protection and services, not punishment.
	In re Clifford L.H. 597 N.W.2d 775; 1999 WL 308797 (Wis. Ct. App. 1999) **UNPUBLISHED OPINION**	Motion to suppress granted. The high school principal summoned Δ to his office at the request of a police officer. Upon arriving, Δ was met by the principal and a police officer in full uniform. When Δ entered the office, the principal left and shut the office door. Left alone with the officer, Δ was questioned about several fires. Officer did not inform Δ that he was not under arrest, that he could leave if he wanted, or that he did not have to answer any questions. After Δ denied his involvement, the officer confronted Δ with witness statements implicating Δ in one of the fires. Only after Δ admitted to setting the fire did the officer inform him that he could leave.

		In holding that this was a custodial interrogation, the court stated: "This court further notes the particularly restrictive environment of a school setting. In the general course of school discipline, a student summoned to a principal's office for questioning on a disciplinary matter would not feel free to leave and would in fact be subject to disciplinary measures if he did not come to the office. This restraint becomes more compelling when the interrogation is conducted alone by a fully uniformed police officer who questions a student about an alleged criminal matter. The record is devoid of any circumstances which would have indicated to [Δ] that he was free to leave the principal's office and refuse to answer [officer]'s questions. In light of the restrictive school setting, [Δ]'s youth, the isolated location of the interrogation, the officer's imposing appearance in full uniform and sole adult presence in the room, and the officer's failure to inform [Δ] he was free to leave, this court is persuaded that a reasonable person in [Δ]'s position would have considered himself to be in custody. Because this court concludes [Δ] was in custody and because [Δ] was not informed of his *Miranda* rights before being interrogated, the trial court's order suppressing [Δ]'s statements is affirmed.
	In re Jason W.T. 652 N.W.2d 133, 2002 WL 1767211 (Wis. Ct. App. 2002) **UNPUBLISHED OPINION**	Motion to suppress granted on appeal. Burglary occurred, and local officer knew Δ lived nearby. Officer, wearing uniform and visible firearm, went to Δ's school, found Δ in the hallway, and asked Δ to come to principal's office. Officer, who knew Δ was a special education student, had interviewed Δ once before in the presence of Δ's mom. Officer told Δ he was not under arrest and that he did not have to speak to officer. Officer also testified that he told Δ that he was free to go, but this statement, unlike the others, was not in his police report. After Δ denied involvement, officer referenced that previous interview took 2 – 2 ½ hours and that he did not want to be there that long again. Officer also "told him that we wanted to clear this matter up. And if he would be truthful with me, the sooner he would be truthful with me, the sooner he could go back to class." Δ then admitted to entering the house. Δ was never provided with Miranda warnings. Applying an objective test, but finding that age was relevant to such a test, the Court held that initially this started as non-custodial questioning. However, once the officer referenced the previous interview, and stated that he did not wish to do that again this time, the situation changed. This statement would make any reasonable 12 yr old think they were not free to leave until he told officer he had been involved in the burglary. Therefore, Miranda rights should have been administered at that time.
Wyoming	**CSC v. State** 118 P.3d 970 (Wyo. 2005)	Motion to suppress denied. Investigating an incident that tool place off school grounds 3 days earlier, police officers went to Δ's school and requested that he be removed from class. Δ was placed in a conference room with 2 investigators from the sheriff's office, a police detective, an SRO, and a school administrator. One investigator conducted almost all of the questioning. The court held that Miranda warnings were not required b/c Δ not in custody; Δ wasn't restrained, no promises or threats were made, the investigator's demeanor was calm, and the investigator repeatedly informed Δ that he did not have to answer questions, that he was free to leave and that he would not be arrested that day (he was arrested 4 days later). Moreover, the court held that the custody analysis is an objective one. While refusing to rule out the

		possibility that a suspect may be so young that age must be considered, that is not the case here, where the Δ is 16 years old.