



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 162
August 30, 1991

NOTIFICATION OF PARENTS BEFORE SUBJECTING
IN-CUSTODY JUVENILE TO INTERROGATION

Reference: J.R.N.
v.
State of Alaska

Alaska Court of Appeals
Opinion No. 1123
P.2d
April 12, 1991

FACTS:

At 8:45 a.m. on October 6, 1989, police arrested J.R.N. and three juvenile companions in conjunction with a homicide which occurred the previous day. J.R.N. was held in an interview room for about four hours while police questioned his companions. During this time, the police made no effort to contact J.R.N.'s parents to inform them of the arrest. A police officer did, however, contact an Assistant District Attorney to determine proper procedure for interrogating juveniles. The officer was advised that juveniles must be asked if they want a parent notified or present, but that parents need not be notified in the absence of a request by the juvenile.

A police officer began the interrogation of J.R.N. at 1:00 p.m. J.R.N. was asked if he wanted his parents present or notified; he replied that he did not. J.R.N. was given his Miranda warnings (on video) and he waived them. J.R.N. admitted his involvement in the homicide and agreed, at about 2:15 p.m., to assist police in locating the murder weapon. At 4:00 p.m., police contacted J.R.N.'s father by telephone; he immediately came to the police station. He had been available all day.

At a subsequent hearing, J.R.N. moved to suppress his confession, alleging it had been obtained in violation of Alaska Delinquency Rule 7(b), which states in its relevant part:

"...The arresting officer shall immediately notify the parents, guardian and Department (Department of Health and Social Services) of the arrest and detention or placement, and shall make and retain a written record of the notification..."

ISSUE:

Did police obtain the confession in violation of Alaska Delinquency Rule 7(b) and should the confession be suppressed?

HELD: Yes.

REASONING:

1. J.R.N. was certainly under arrest when he was placed in custody and taken to the police station for questioning at 8:45 in the morning. The duty to notify his parents arose at that time.
2. Only after police had secured all the information they desired from J.R.N. did they attempt to notify his parents of the arrest--over seven hours after the arrest. (emphasis added)
3. The only apparent reason for J.R.N.'s arresting officers to delay notification of his parents was their preference to interrogate without parental intervention.
4. Because the immediate parental notice requirement is founded on the assumption that an arrested juvenile may find it difficult to make informed, intelligent choices and may benefit from mature parental guidance, it would be paradoxical to leave the threshold choice as to parental notice in the juvenile's hands.
5. Delinquency Rule 7(b) requires immediate parental notice regardless of the wishes of the child. (emphasis added)

NOTES:

Effective January 15, 1991, Delinquency Rule 7(b) was modified to require notice to the court, as well as to the parents and the Department of Health and Social Services.

Alaska's Attorney General has appealed this decision to the Alaska Supreme Court.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section P, "Right to Counsel and Waivers During Custodial Interviews," of your Contents and Text. File Legal Bulletin No. 162 numerically under Section R of the manual.