

Indiana Supreme Court finds that assistant principal questioning a student about criminal mischief was not acting as an agent of the police

In *D.Z. v. State* (June 2018) the Supreme Court of Indiana found that in a criminal mischief and harassment case when the assistant high school principal questioned the juvenile suspect (student), he was not acting as an agent of the police, and that there was evidence sufficient to support adjudication of delinquency. From the Supreme Court's opinion:

Chief Justice Rush: As today's companion opinion [B.A.](#) holds, *Miranda* warnings protect students—no less than adults at a school—when police place them under custodial interrogation. Custodial interrogation, though, requires police involvement. So when school officials alone meet with students, a clear rule governs: *Miranda* warnings are not required. Here, only an assistant principal interviewed D.Z., so *Miranda* warnings were not required. We also find no reversible evidentiary error and that sufficient evidence supports D.Z.'s criminal-mischief adjudication, so we affirm the juvenile court.

In early March 2017, sexual graffiti on boys-bathroom walls at Brownsburg High School prompted a school investigation. Assistant Principal Demetrius Dowler soon enlisted school resource officer Nathan Flynn's help finding a suspect. From surveillance video, they pinpointed seventeen-year-old D.Z.

Assistant Principal Dowler called D.Z. into his office for a closed-door discussion. With only the two of them in the room, Dowler detailed his investigation and said that he knew D.Z. was the culprit. D.Z. remorsefully responded that he didn't know why he did it, that he knew it was wrong, and that he didn't have anything against the girls named in the graffiti.

Assistant Principal Dowler suspended D.Z. for five days and told Officer Flynn of D.Z.'s confession. Flynn then went into Dowler's office to talk to D.Z., who again confessed. At the end of that conversation, Flynn told D.Z. that he was being charged with a crime.

The next month, the State filed a delinquency petition alleging that D.Z. committed criminal mischief and harassment. At the fact finding hearing, the parties agreed that D.Z.'s incriminating statements to Officer Flynn should be suppressed since D.Z. was never Mirandized. But they disagreed about the earlier statements to Assistant Principal Dowler. The juvenile court admitted them over D.Z.'s objection. At the end of the hearing, the court found that the State failed to prove harassment, but that D.Z. had committed criminal mischief, a Class B misdemeanor if committed by an adult.

D.Z. appealed, challenging (1) the admission of his statements to Assistant Principal Dowler, (2) the admission of photos pulled from surveillance video, (3) the admission of photos of the graffiti, and (4) the sufficiency of the evidence supporting the criminal-mischief finding.

The Court of Appeals reversed in a split opinion, addressing only the admission of D.Z.'s incriminating statements to Assistant Principal Dowler.... The majority ... found that the statements should have been suppressed because D.Z. was under custodial interrogation. We granted the State's petition to transfer, vacating the Court of Appeals opinion.

Here, Officer Flynn was not in the room when Assistant Principal Dowler talked with D.Z. So D.Z. was entitled to *Miranda* warnings only if Dowler was an agent of the police.

Assistant Principal Dowler thus was not acting as an agent of the police. But even if he had been, *Miranda* warnings wouldn't be required here. *Miranda*'s premise is that “the interaction of custody and official interrogation” creates the danger of coercion. For these reasons, the juvenile court correctly denied D.Z.'s motion to suppress his incriminating statements to Assistant Principal Dowler.

[Click here for the complete decision.](#)