

On a few occasions the Court has considered whether rights accorded to adults during investigation of crime are to be accorded juveniles. In one such case the Court ruled that a juvenile undergoing custodial interrogation by police had not invoked a *Miranda* right to remain silent by requesting permission to consult with his probation officer, since a probation officer could not be equated with an attorney, but indicated as well that a juvenile's waiver of *Miranda* rights was to be evaluated under the same totality-of-the-circumstances approach applicable to adults. That approach "permits—indeed it mandates—inquiry into all the circumstances surrounding the interrogation . . . includ[ing] evaluation of the juvenile's age, experience, education, background, and intelligence, and into whether he has the capacity to understand the warnings given him" ¹²⁵² In another case the Court ruled that, although the Fourth Amendment applies to searches of students by public school authorities, neither the warrant requirement nor the probable cause standard is appropriate.¹²⁵³ Instead, a simple reasonableness standard governs all searches of students' persons and effects by school authorities.¹²⁵⁴

The Court ruled in *Schall v. Martin* ¹²⁵⁵ that preventive detention of juveniles does not offend due process when it serves the legitimate state purpose of protecting society and the juvenile from potential consequences of pretrial crime, when the terms of confinement serve those legitimate purposes and are nonpunitive, and when procedures provide sufficient protection against erroneous and unnecessary detentions. A statute authorizing pretrial detention of accused juvenile delinquents on a finding of "serious risk" that the juvenile would commit crimes prior to trial, providing for expedited hearings (the maximum possible detention was 17 days), and guar-

jury would. *Id.* at 553. Justice Harlan concurred because he did not believe jury trials were constitutionally mandated in state courts. *Id.* at 557. Justices Douglas, Black, and Marshall dissented. *Id.* at 557.

¹²⁵² *Fare v. Michael C.*, 442 U.S. 707, 725 (1979).

¹²⁵³ *New Jersey v. T.L.O.*, 469 U.S. 325 (1985) (upholding the search of a student's purse to determine whether the student possessed cigarettes in violation of school rule; evidence of drug activity held admissible in a prosecution under the juvenile laws). In *Safford Unified School District #1 v. Redding*, 557 U.S. ___, No. 08-479 (2009), the Court found unreasonable a strip search of a 13-year-old girl suspected of possessing ibuprofen. *See* Fourth Amendment, "Public Schools," *supra*.

¹²⁵⁴ This single rule, the Court explained, will permit school authorities "to regulate their conduct according to the dictates of reason and common sense." 469 U.S. at 343. Rejecting the suggestion of dissenting Justice Stevens, the Court was "unwilling to adopt a standard under which the legality of a search is dependent upon a judge's evaluation of the relative importance of various school rules." 469 U.S. at 342 n.9.

¹²⁵⁵ 467 U.S. 253 (1984).