



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 24, 2017

Ordinance 18503

Proposed No. 2017-0167.2

Sponsors Upthegrove, Gossett and Kohl-
Welles

1 AN ORDINANCE prohibiting the King County department
2 of adult and juvenile detention from releasing a juvenile in
3 its custody to law enforcement without a court order and
4 from allowing custodial interrogation and the waiver of any
5 Miranda rights until after a juvenile consults with an
6 attorney; and adding a new chapter to K.C.C. Title 2.

7 STATEMENT OF FACTS:

- 8 1. The King County department of adult and juvenile detention operates a
9 juvenile detention center at the King County youth services center in
10 Seattle.
- 11 2. Juveniles may be detained at the juvenile detention center following an
12 arrest for allegedly committing an offense or on a warrant; pending trial,
13 as part of a sentence or as part of an order sanctioning the youth for
14 violating the terms of probation.
- 15 3. Juvenile nonoffenders, including truants, at-risk youth, children in need
16 of services or dependents, who violate a court order or are arrested on a
17 warrant may also be detained at the detention center.
- 18 4. A juvenile in detention will attend school and have access to a wide
19 range of programs and services with a focus on rehabilitation, not

20 punishment, and ensuring community safety.

21 5. King County is committed to helping youth involved in juvenile court
22 develop into healthy, productive adults.

23 6. A juvenile in detention does not have a parent or other guardian
24 available to help ensure that the juvenile is treated fairly.

25 7. The department of adult and juvenile detention maintains the following
26 visitation guidelines for juveniles in detention: visits may be up to thirty
27 minutes long; each youth may have visitors up to three times per week;
28 only parents and guardians and children under the age of eight may visit;
29 and no food, clothing, money or personal items may be brought into the
30 visiting area.

31 8. Notwithstanding its visitation guidelines, the department of adult and
32 juvenile detention permits police officers and detectives to question
33 juveniles in detention and obtain confessions from them without the
34 juvenile's attorney being present.

35 9. The United States Supreme Court observed in *J.D.B. vs. North*
36 *Carolina*, 131 S. Ct. 2394 (U.S. 2011): "By its very nature, custodial
37 police interrogation entails 'inherently compelling pressures.' . . . Indeed,
38 the pressure of custodial interrogation is so immense that it 'can induce a
39 frighteningly high percentage of people to confess to crimes they never
40 committed.' . . . That risk is all the more troubling-and recent studies
41 suggest, all the more acute-when the subject of custodial interrogation is a
42 juvenile" (citations omitted).

43 10. The United States Supreme Court observed in *J.D.B. vs. North*
44 *Carolina*, 131 S. Ct. 2394 (U.S. 2011): "[C]hildren 'generally are less
45 mature and responsible than adults' . . . they 'often lack the experience,
46 perspective, and judgment to recognize and avoid choices that could be
47 detrimental to them' . . . they 'are more vulnerable or susceptible to . . .
48 outside pressures' than adults. . . . Addressing the specific context of
49 police interrogations, we have observed that events that 'would leave a
50 man cold and unimpressed can overawe and overwhelm a lad in his early
51 teens,'" 131 S. Ct. at 2403 (citations omitted; holding that a juvenile's age
52 should be considered in the *Miranda* analysis of the admissibility of the
53 juvenile's confession).

54 11. The United States Department of Justice has recently required that the
55 St. Louis family court "revise its policies, procedures, and practices to
56 prohibit police interrogations in the Juvenile Detention Center unless an
57 attorney is present to represent the juvenile."

58 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

59 SECTION 1. Sections 2 and 3 of this ordinance should constitute a new chapter
60 in K.C.C. Title 2.

61 NEW SECTION. SECTION 2. The definitions in this section apply throughout
62 this chapter unless the context clearly requires otherwise.

63 A. "Custodial interrogation" means any form of questioning by law enforcement
64 of a juvenile in the custody of the department of adult and juvenile detention.

65 B. "Juvenile" means a person under eighteen years old.

66 C. "Law enforcement" means a representative of a local, state or federal law
67 enforcement agency. Department of adult and juvenile detention staff are not "law
68 enforcement" for the purposes of this chapter.

69 NEW SECTION. SECTION 3.

70 A. The department of adult and juvenile detention is prohibited from allowing
71 custodial interrogation and the waiver of any Miranda rights until after a juvenile consults
72 with an attorney. Before a custodial interrogation, and before the waiver of any Miranda
73 rights, a juvenile must consult with legal counsel in person, by telephone or by video
74 conference. The consultation may not be waived.

75 B. Unless required by court order, the department of adult and juvenile detention

76 must not release a juvenile in its custody to law enforcement for the purpose of
77 interrogation.
78

Ordinance 18503 was introduced on 4/3/2017 and passed as amended by the Metropolitan King County Council on 4/24/2017, by the following vote:


Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 0
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Acting Clerk of the Council

APPROVED this 27th day of April, 2017.



Dow Constantine, County Executive

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Attachments: None