



KING COUNTY

ATTACHMENT 2

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

March 10, 2017

Motion

Proposed No. 2017-0032.1

Sponsors Upthegrove

1 A MOTION establishing as county policy that the King
2 County department of adult and juvenile detention should
3 not permit a detained juvenile to be questioned by law
4 enforcement officers without an attorney present, and
5 requesting a report on the implementation of this policy.

6 WHEREAS, the King County department of adult and juvenile detention operates
7 a juvenile detention center at the King County youth services center in Seattle, and

8 WHEREAS, juveniles may be detained at the juvenile detention center following
9 an arrest for allegedly committing an offense or on a warrant; pending trial, as part of a
10 sentence or as part of an order sanctioning the youth for violating the terms of probation,
11 and

12 WHEREAS, juvenile nonoffenders, including truants, at-risk youth, children in
13 need of services or dependents, who violate a court order or are arrested on a warrant
14 may also be detained at the detention center, and

15 WHEREAS, a juvenile in detention will attend school and have access to a wide
16 range of programs and services with a focus on rehabilitation, not punishment, and
17 ensuring community safety, and

18 WHEREAS, King County is committed to helping youth involved in juvenile
19 court develop into healthy, productive adults, and

20 WHEREAS, a juvenile in detention does not have a parent or other guardian
21 available to help ensure that the juvenile is treated fairly, and

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

27 WHEREAS, notwithstanding its visitation guidelines, the department of adult and
28 juvenile detention permits police officers and detectives to question juveniles in detention
29 and obtain confessions from them without the juvenile's attorney being present, and

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

37 WHEREAS, the court further observed: "[C]hildren 'generally are less mature and
38 responsible than adults' . . . they 'often lack the experience, perspective, and judgment to
39 recognize and avoid choices that could be detrimental to them' . . . they 'are more
40 vulnerable or susceptible to . . . outside pressures' than adults. . . . Addressing the specific
41 context of police interrogations, we have observed that events that 'would leave a man
42 cold and unimpressed can overawe and overwhelm a lad in his early teens,'" 131 S. Ct. at

43 2403 (citations omitted; holding that a juvenile's age should be considered in the Miranda
44 analysis of the admissibility of the juvenile's confession); and

45 WHEREAS, the United States Department of Justice has recently required that
46 the St. Louis family court "revise its policies, procedures, and practices to prohibit police
47 interrogations in the Juvenile Detention Center unless an attorney is present to represent the
48 juvenile";

49 NOW, THEREFORE, BE IT MOVED by the Council of King County:

50 A. It is hereby established as the policy of King County that the department of
51 adult and juvenile detention shall not permit a juvenile detained by the department to be
52 questioned by law enforcement officers without a reasonable opportunity for an attorney
53 to consult with the juvenile before questioning begins and to represent the juvenile during
54 the questioning.

55 B. The council requests that the county executive submit to the council in June
56 2017 a report, prepared in consultation with stakeholders the executive deems
57 appropriate, on the steps taken to implement this policy. The county executive is
58 requested to file the report in the form of a paper original and an electronic copy with the
59 clerk of the council, who shall retain the original and provide an electronic copy to all

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60 councilmembers, the council chief of staff, the policy staff director and the lead staff for
61 the law and justice committee, or its successor.
62

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Acting Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None