

July 21, 2020

Re: Strong Support for Youth Right to Counsel Ordinance

Dear King County Councilmembers and Seattle City Councilmembers:

Black youth, Indigenous youth and Youth of Color ask us, in different ways and in different words, the answer to this single question - “When will they see us?”.

We, the undersigned community and legal organizations, write in strong support of the proposed Youth Rights Ordinances being introduced in the Seattle City Council and King County Council. The proposed Ordinances will safeguard young people’s constitutional rights by connecting a youth to a public defender when law enforcement is asking the young person to waive their constitutional right to remain silent (after administering *Miranda* warnings) or asking the youth to consent to a search. These proposed Ordinances honor MiChance Dunlap-Gittens, who dreamed of one day going to law school and championing the rights of young people.

Young people are often incredibly scared, disempowered, and vulnerable when interacting with police officers. These feelings are exacerbated for many Black youth, who have personally and intergenerationally experienced abuse at the hands of law enforcement officers. The safeguards in these proposed Ordinances are essential to protecting vulnerable youth from police coercion and ensuring that they are not exploited.

Currently constitutional rights enshrined in the *Miranda* warnings are applied to youth with little consideration to socio-emotional and cognitive capacities of the adolescent brain. A developing brain inhibits youth from understanding the consequences of giving up their rights. This inherently lessened capacity relative to adults is further reduced by the stress of police interrogation, which has the potential of dramatically reducing comprehension. These conditions increase young people’s susceptibility to coercion, increasing the potential for false confessions as some young people are told a statement will help them reduce the likelihood of “getting into trouble.” These experiences can cause young people, their families, and their communities to further distrust law enforcement and the legal system.

These proposed Ordinances build on similar laws in California and San Francisco and allow Seattle and King County to be a leader in protecting the rights of youth, especially Black, Indigenous, and People of Color (BIPOC) who are disproportionately referred, prosecuted, and incarcerated in King County’s juvenile legal system. In 2019, approximately 86% of the youth jailed in King County and 72% of the youth prosecuted were BIPOC.

To achieve a just future for our community’s youth, we must respect and value our young people enough to ensure that they are not exploited by police officers. For all of these reasons, we respectfully request that you protect youth and advance racial justice by voting in support of the Youth Rights Ordinances.

Sincerely,

Creative Justice

Community Passageways

CHOOSE 180

King County Department of Public Defense

COVID-19 Mutual Aid Network

Decriminalize Seattle

TeamChild

NW Community Bail Fund

Legal Counsel for Youth and Children

Washington Defender Association

Urban League

YouthCare

The Center for Children & Youth Justice

ACLU of Washington

What's Next Washington

National Lawyers Guild (Seattle Chapter)

The Mockingbird Society

Columbia Legal Services

Northwest Immigrant Rights Project (NWIRP)

Dr. Eric W. Trupin, Professor, University of Washington School of Medicine

Kimberly Ambrose (In personal capacity), Senior Lecturer, Director, Race and Justice Clinic,
University of Washington School of Law

Nicole McGrath, Juvenile Attorney, Law Office of Nicole K. McGrath PLLC

Paul Holland, Professor, Seattle University School of Law Youth Advocacy Clinic

Robert C. Boruchowitz, Professor from Practice, Director, The Defender Initiative, Seattle
University School of Law