



Legislation Text

File #: 2017-0032, **Version:** 1

Clerk 01/19/2017

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

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

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

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

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

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

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

WHEREAS, the department of adult and juvenile detention maintains the following visitation

guidelines for juveniles in detention: visits may be up to thirty minutes long; each youth may have visitors up to three times per week; only parents and guardians and children under the age of eight may visit; and no food, clothing, money, or personal items may be brought into the visiting area, and

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

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

WHEREAS, the court further observed: "[C]hildren 'generally are less mature and responsible than adults' . . . they 'often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them' . . . they 'are more vulnerable or susceptible to . . . outside pressures' than adults. . . . Addressing the specific context of police interrogations, we have observed that events that 'would leave a man cold and unimpressed can overawe and overwhelm a lad in his early teens,'" 131 S. Ct. at 2403 (citations omitted; holding that a juvenile's age should be considered in the Miranda analysis of the admissibility of the juvenile's confession); and

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

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

A. It is hereby established as the policy of King County that the department of adult and juvenile detention shall not permit a juvenile detained by the department to be questioned by law enforcement officers

without a reasonable opportunity for an attorney to consult with the juvenile before questioning begins and to represent the juvenile during the questioning.

B. The council requests that the county executive submit to the council in June 2017 a report, prepared in consultation with stakeholders the executive deems appropriate, on the steps taken to implement this policy. The county executive is requested to file the report in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the law and justice committee, or its successor.