



**King County
Department of Adult & Juvenile Detention
Juvenile Division**

Protocol for Right to Counsel Notifications

Effective: May 23, 2016

The purpose of this protocol is to ensure that detainees have the right to determine whether or not they are to be interviewed by law enforcement and other state agents while in custody and defines the process when there is a "Right to Counsel" notification on file. All youth, however, shall have the right to refuse to meet with law enforcement or other state agents for any reason. The "Right to Counsel" only specifies that the detainee must have an attorney present when being interviewed by law enforcement or state agent. However, the youth may choose revoke this "Right to Counsel" at any time.

Central Control Staff

When a request is made by law enforcement or other state agent to interview a detainee, Central Control reviews the "Right to Counsel" binder to see if notification exists for that detainee. Right to Counsel Notifications are filed alphabetically by first letter of youth's last name for reference. If a "Right to Counsel" notification exists for the detainee, Central Control will ask the detainee whether or not s/he wants to revoke or invoke the Right to Counsel each time law enforcement requests to interview the youth prior to the detainee entering Visitation.

- a. Notifies the Corrections Supervisor of the request.
- b. Notifies escort staff if the detainee has a "Right to Counsel" on file and provides escort staff with a "Revocation form" to review with the detainee at Post 1.
- c. Escort staff reviews the "Revocation form" with the detainee at Post 1. If the detainee decides to revoke the Right to Counsel, has the detainee sign the "Revocation form" and then escorts the detainee to Visitation. The Revocation form is filed in Child Care folder.
- d. If the detainee decides to invoke the "Right to Counsel"; Central Control informs law enforcement or other state agent that the detainee has invoked his/her right to counsel (Miranda v. Arizona, 384 U.S. 436 1966 and J.D.B. v. North Carolina, 564 U.S. 2011) and suggests the agent contact the detainee's attorney. Central Control will provide agent with the Juvenile Probation Counselor's (JPC's) name and contact information if requested.

Administrative Staff

- a. Administrative Specialist populates binder whenever a "Right to Counsel" notification is received.
 - a. "Right to Counsel" binders are located in Central Control and in Supervisors Office.
 - b. Binder notifications won't be purged until disposition of case. This is to keep information present in the event a youth is released and returns to detention during the time the case and notification is active.

References:

- "Right to Counsel" Binder
- "Revocation" Form



Division Director

5/23/2016

Date

ProtRightToCounsel:REV:5.3.16/lc



King County
Department of Adult & Juvenile Detention
Juvenile Division

Right To Counsel Revocation Form

Instructions for Staff:

- When a detainee chooses to meet with law enforcement or other state agents, and has a "Right to Counsel" on file, escorting staff will meet the detainee at Control Post 1 with this form, complete with information about who is visiting.
- The detainee will be told who is visiting and asked to read the form. If the youth chooses to sign form, the escorting staff will sign as a witness and give the completed form to the Stationary staff.
- The Stationary staff will make a copy, filing the copy in the Right to Counsel binder in Central Control and provide the original to the Intake/Control Supervisor for filing in the detainee's Child Care Folder
- Each time a detainee, who has a "Right to Counsel" on file, chooses to meet with law enforcement or other state agent, a new form must be completed.

This form is to be completed whenever a detainee, who has a "Right To Counsel" on file, chooses to revoke this right when meeting with law enforcement or other state agent.

Name of youth (print): _____

Name of JDO witness (print): _____

My signature below indicates my choice to revoke the Right To Counsel for the visit with

_____ **(specify name and agency) on**

_____ **(date) at _____(time) only. This signed form does not revoke the**

"Right To Counsel" for any future visits.

(Youth signature)

Date

(JDO Signature)

Date

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY
JUVENILE DIVISION**

STATE OF WASHINGTON
COUNTY OF KING,

No. [REDACTED]

Plaintiff,

REQUEST FOR COUNSEL TO BE
PRESENT BEFORE QUESTIONING

v.

[REDACTED]

Respondent

I have been advised of my rights to remain silent and my right to counsel. I request immediate appointment of an attorney to represent me on these charges or any charges stemming from the allegations herein (or supporting my arrest). I demand that my attorney be notified and be present before I am questioned by police or other state agents whether I am in custody or out of custody.

DATED this 1st day of December, 2014

Presented by:

[REDACTED]

Respondent

ORIGINAL