



SEATTLE CITY COUNCIL

March 13, 2017

Councilmember Larry Gossett, Chair
Law and Justice Committee, King County Council

We are writing in support of Motion 2017-0032 sponsored by King County Councilmember Dave Upthegrove, which will appear before the Law and Justice Committee on March 14.

It is our understanding that youth currently housed in the juvenile detention facility may be interrogated by police officers without an attorney present that acts on the youth's behalf. Given that approximately 70% of the children in detention are of color, this practice has a disproportionate impact on children of color. We believe this practice should be changed and youth must be provided an opportunity to consult with attorneys prior to speaking with law enforcement.

Councilmember Upthegrove's motion would make it the policy of King County that prior to an interrogation in the juvenile detention facility, a youth under 18 years of age shall consult with legal counsel. We believe this motion would be in line with the principles espoused in the King County *Equity and Social Justice Strategic Plan*, and the goal of ending racial disparity in the juvenile justice system.

Decisions made by youths under interrogation can have a life-long impacts. At that age, they are less likely to understand their legal rights, and the long-term ramifications of their choices. This is a position taken by the American Academy of Child and Adolescent Psychiatry that is supported by research on adolescent brains.

In addition to brain science research, case law supports these claims. In *JDB v. North Carolina*, 564 U.S. 261 (2011), the United States Supreme Court recognized that "Even for an adult, the physical and psychological isolation of custodial interrogation can undermine the individual's will to resist and ... compel him to speak where he would not otherwise do so freely. 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." And earlier this month, the Washington Supreme Court held that "[b]ecause children are different ... criminal procedure laws must take the defendants' youthfulness into account." *State vs. Houston Sconier*, (2017).

Other jurisdictions are making policy changes to recognize this science. The Justice Department recently entered into a comprehensive agreement with the St. Louis County Family Court to resolve the department's findings of serious and systemic violations of juvenile due process and equal protection rights. Their agreement includes a provision prohibiting law enforcement interrogation of juveniles in detention unless an attorney is present.

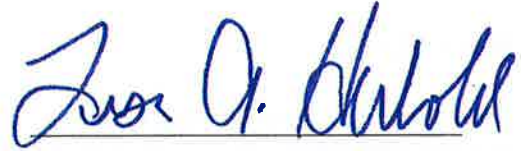
We urge you to pass Motion 2017-0032 to make it the policy of King County that every youth has an opportunity to be represented on their behalf.

Thank you for your consideration.

Sincerely,



Council President Bruce A. Harrell



Councilmember Lisa Herbold



Councilmember M. Lorena González



Councilmember Rob Johnson



Councilmember Debora Juarez



Councilmember Mike O'Brien



Councilmember Kshama Sawant