

Youth Right to Counsel Ordinance

SUMMARY

The Youth Right to Counsel Ordinance provides the following:

- Law enforcement will connect a youth to a public defender when they are asking the youth to waive their constitutional right to remain silent and constitutional right to an attorney (after administering *Miranda* warnings).
- Law enforcement will connect a youth to a public defender when they are asking a youth to consent to or authorize the search of the youth or any property, abode, or vehicles belonging to the youth.
- An exception allows officers to interrogate youth without connecting them to a public defender if they reasonably believe the information sought is necessary to protect life from an imminent threat and the questioning is limited to that purpose.
- The ordinance applies only when law enforcement is asking a young person to waive constitutional rights; it does not apply to *Terry* stops or other interactions (e.g. welfare checks) between law enforcement and youth.

BACKGROUND

Currently, police officers can ask youth to waive their constitutional rights and then interrogate them or search them without affirmatively providing legal representation. Studies show that youth do not fully comprehend the consequences of waiving their rights and have a harder time asserting their rights. They are also much more likely than adults to waive their rights. This ordinance would ensure that youth understand their constitutional rights. It builds on a 2019 San Francisco ordinance passed unanimously that requires that young people consult with an attorney before being asked to waive *Miranda* rights.

2019 STATISTICS

- 22% of the youth charged in Juvenile Court were referred by SPD.
- 72.4% of the youth charged in juvenile court were BIPOC and 40.9% were Black.
- 86.1% of the youth incarcerated in 2019 were BIPOC and 52.5% were Black.

ORDINANCE ADVANCES RACIAL JUSTICE AND COMBATS ANTI-BLACKNESS

Many Black youth fear and distrust law enforcement as a result of their own experiences and those of their friends, family and community members. Black youth are disproportionately contacted by law enforcement and need to talk to a lawyer to ensure that they do not waive their rights because they are too scared to assert them.

FREQUENTLY ASKED QUESTIONS

Q: Will this apply to all interactions between law enforcement and youth? Does it apply to “*Terry*” stops?

A: No. Law enforcement officers will only need to obtain legal representation when a youth is asked to waive a constitutional right. For statements, that means after *Miranda* warnings are administered. For searches, this means only when law asks for the youth’s ‘consent’ to search. This ordinance does not impact search warrants or searches following an arrest.

Q: Who will provide legal representation?

A: The King County Department of Public Defense, which provides on call legal representation 24/7.

Q: What community-based organizations are supporting this ordinance?

A: Community Passageways, Creative Justice, and Choose 180 are working with the Department of Public Defense in advancing this ordinance.

Q: Why does the ordinance honor MiChance Dunlap-Gittens?

A: The ordinance honors MiChance, who dreamed of one day going to law school and championing the rights of young people. MiChance, a high school senior from Des Moines, was shot to death by law enforcement in 2017. He was 17.