

Youth Access to Attorney

Policy Statement

Effective January 1st 2022, RCW 13.40.740 requires that law enforcement provide juveniles with access to an attorney via phone, in person, or video conference in the following circumstances:

1. Prior to questioning a juvenile during a custodial interrogation.
2. When detaining a juvenile based on probable cause of involvement in criminal activity.
3. When requesting that a juvenile consent to an evidentiary search of their person, or property under their control (including dwellings and vehicles).

The only exceptions to this law are:

1. The juvenile is believed to be the victim of trafficking as defined by RCW 9A.40.100, or
2. The information being sought is necessary to protect and individual's life from an imminent threat, and
 - a. A delay to allow legal consultation would impede protection from the threat, and
 - b. Questioning is limited to matters reasonably expected to obtain information necessary for protection from the threat.

Consultation with an attorney cannot be waived by the juvenile. After consultation with an attorney, the juvenile, their parent or guardian, or an attorney may invoke constitutional rights on behalf of the juvenile. The juvenile may also waive their rights following consultation with an attorney, as long as the waiver is knowingly, intelligently, and voluntarily made.

Action taken as directed by this special order shall be documented in the associated case report.

Persons Affected

All certified peace officers and specially commissioned deputies

Definitions

Juvenile – Any individual under the age of 18 years.

Law Enforcement Officer – Any deputy certified as a peace officer, or other public officers who enforce fire, building, zoning, or life and safety codes.

Youth Access to Counsel (YAC) Line

The Washington State Office of Public Defense provides attorney consultation for juveniles 24/7 via the YAC line. The procedure for using the YAC Line is as follows:

1. Law Enforcement will initiate the call by dialing [REDACTED]. Once connected, you will be prompted to enter your badge number.
2. Once connected with an attorney, answer their basic questions about the situation, and advise if the juvenile requires an interpreter.
3. Place the juvenile on the line when the attorney is ready, then move sufficiently out of range to ensure that you do not hear the conversation.
4. Juveniles who are being detained or who are utilizing agency owned cell phones should be kept under visual observation for security purposes.
5. Once the consultation is complete, speak with the attorney who will advise how the juvenile will proceed.

If a juvenile indicates that they would like to speak to an attorney other than those provided by the YAC Line, deputies will take reasonable steps to put the juvenile in touch with the attorney of their choosing. If the desired attorney is not available within a reasonable amount of time, the deputy will put the juvenile in touch with an attorney from the YAC Line.