

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Legislative	Darozyl Touch & Alex Clardy/x6-1856	n/a

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:**

AN ORDINANCE named in honor of MiChance Dunlap-Gittens and relating to the Seattle Police Department; prohibiting law enforcement officers from questioning, except in limited circumstances, persons 18 years of age or younger where a Miranda warning is administered unless legal counsel is provided; prohibiting law enforcement officers from requesting permission from a person under 18 years of age to conduct a search of the person or property, dwellings, or vehicles under that person’s control unless legal counsel is provided for that person; and adding a new Section 3.28.147 to the Seattle Municipal Code.

**Summary and background of the Legislation:**

The Youth Right to Counsel legislation 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.

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.

**2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?  Yes  No**

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? \_\_\_ Yes \_\_X\_\_ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No

Is there financial cost or other impacts of *not* implementing the legislation?

No financial cost or impacts identified.

### 4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

This legislation would prohibit law enforcement officers from questioning, except in limited circumstances, persons 18 years of age or younger where a Miranda warning is administered unless legal counsel is provided; prohibiting law enforcement officers from requesting permission from a person under 18 years of age to conduct a search of the person or property, dwellings, or vehicles under that person's control unless legal counsel is provided for that person.

b. Is a public hearing required for this legislation?

No public hearing required.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

e. Does this legislation affect a piece of property?

No.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The resolution restates the City Council's commitment to Race and Social Justice principles in the Youth Right to Counsel legislation. This ordinance also furthers the Council's commitment to Zero Youth Detention, as outlined in Resolution 31614. No specific impacts identified.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

Not applicable.

**List attachments/exhibits below:**

No attachments.