

FOR RELEASE
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WASPC Statement on Juvenile Access to Attorneys

(Lacey, WA) - The Washington Association of Sheriffs and Police Chiefs (WASPC) has been a consistent advocate for juvenile justice and age-appropriate accountability in response to juvenile crime across the state. As juvenile crime has been on the rise in recent years, evidenced by a 24% increase in juvenile arrests between 2022 and 2023, our priority is to seek productive policy regarding juvenile justice. In response to recent concerns about the current law on juvenile's interactions with law enforcement, we propose that statutory ambiguity is one of the root causes for a set of very diverse interpretations of Washington's law regarding a juvenile's access to an attorney.

During the 2021 Session, the Legislature enacted House Bill 1140 (now codified as RCW 13.40.740), which was intended to offer juveniles suspected of crime greater legal protections, by requiring that juvenile suspects be provided with an attorney before being questioned by law enforcement. However, the intention of the bill and the language of the statute differ, creating ambiguity and different interpretations.

While former lawmakers and certain legal counsel for some agencies across the state, (including the Seattle Police Department) have determined that the statute applies only to juvenile suspects of a crime, others have reasonably interpreted the statute to apply, in its plain language, to *all* juveniles, including those which may only have been a witness to the crime or even the victim of it. These different constructions speak to the ambiguity of the poorly written statute, which, in allowing for more than one reasonable interpretation, creates problems for the juveniles involved, the responding law enforcement agencies, and ultimately the courts in defining a consistent application, with a consistent outcome.

Law enforcement agencies relying on interpretations which diverge from that of the Seattle Police Department are not obstructing investigations or interpreting the law incorrectly. Those agencies are relying on legal counsel to avoid even the potential of violating a juvenile's rights, especially in instances where officers arrive and are unsure of the circumstances of each juvenile's involvement. Just as the Seattle Police Department relies on its legal department for guidance, so will other agencies rely on their respective legal advisors. There is no requirement that all other agencies adopt the same new interpretation as Seattle. We also acknowledge that Seattle is experiencing a crisis involving juvenile violent crime and are working to best serve the community. However, the continuing ambiguities serve to make it abundantly clear the Legislature must clarify this statute and make clear its intention in the substantive sections of the law. We call on the Legislature to act promptly to alleviate any ambiguities by revising

the substantive statutory language and provide clarity on the issues which continue to be highlighted by law enforcement and other stakeholders alike.

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