



FAIRFIELD POLICE DEPARTMENT

ROLL CALL TRAINING

January 3, 2018

Miranda Juvenile's right to Counsel

Effective January 1st, 2018 Police Officers interrogating a youth who is 15 years old or younger must talk with legal counsel prior to the waiver of their Miranda rights. The only exception will be during exigent circumstances related to the protection of life or property.

The law reads in part:

626.6 (a) W&I Prior to a custodial interrogation, and before the waiver of any Miranda rights, a youth 15 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived.

(b) The court shall, in adjudicating the admissibility of statements of a youth 15 years of age or younger made during or after a custodial interrogation, consider the effect of failure to comply with subdivision (a).

(c) This section does not apply to the admissibility of statements of a youth 15 years of age or younger if both of the following criteria are met:

(1) The officer who questioned the youth reasonably believed the information he or she sought was necessary to protect life or property from an imminent threat.

(2) The officer's questions were limited to those questions that were reasonably necessary to obtain that information.

The Solano County Public Defender's Office has set up a telephone hotline. Officers will need to contact 707-784-6899 and speak to the on-duty Public Defender when attempting to obtain a statement from a minor. An Attorney will then respond to the interview location and confer with the juvenile. Absent exigent circumstances, no interrogation should take place prior to the arrival of a representative from the Public Defender's office. The Public Defender's office noted that in most circumstances, the minor will be advised not to waive their Miranda rights. Officers must document in the report that they called the Public Defender's.

Source: SB395, 626.6aWI, Solano County PD Office

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