



Roll Call Training Bulletin

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Volume 85

Juvenile: Custodial Interrogation Welfare and Institutions Code section 625.6 (a) 12-21-20

EFFECTIVE JANUARY 1, 2021

SUMMARY:

Senate Bill 203 amended WIC 625.06 (a) Juvenile: Custodial Interrogation. The statute now prohibits a custodial interrogation or waiver of *Miranda* rights by a minor (**17 years of age or younger**) before the minor has first consulted with legal counsel in person, by telephone, or by video conference. This consultation cannot be waived.

The court, in determining whether the juvenile's statements made to law enforcement will be admissible, is required to consider the minor's lack of consultation with legal counsel. Additionally, the court is required to consider the minor's lack of consultation with legal counsel in determining the credibility of any officer who willfully failed to comply with the consultation requirement under Evidence Code section 780.

EXCEPTIONS:

- Situations where the officer who questions a youth reasonably believes the information sought is necessary to protect life or property from an imminent threat, and the questions are limited to those reasonably necessary to obtain that information. The admissibility of statements of a minor must have both the above criteria met.
- Probation officers who are exempt from the legal consultation requirement in the normal performance of their duties. Provisions of the Welfare and Institutions Code require a probation officer taking a minor into custody to advise the minor of his or her *Miranda* rights, including the right to have counsel present during the interrogation and that counsel will be appointed if the minor is unable to afford counsel.