



# MIRANDA WARNINGS FOR YOUTH AND YOUNG ADULTS

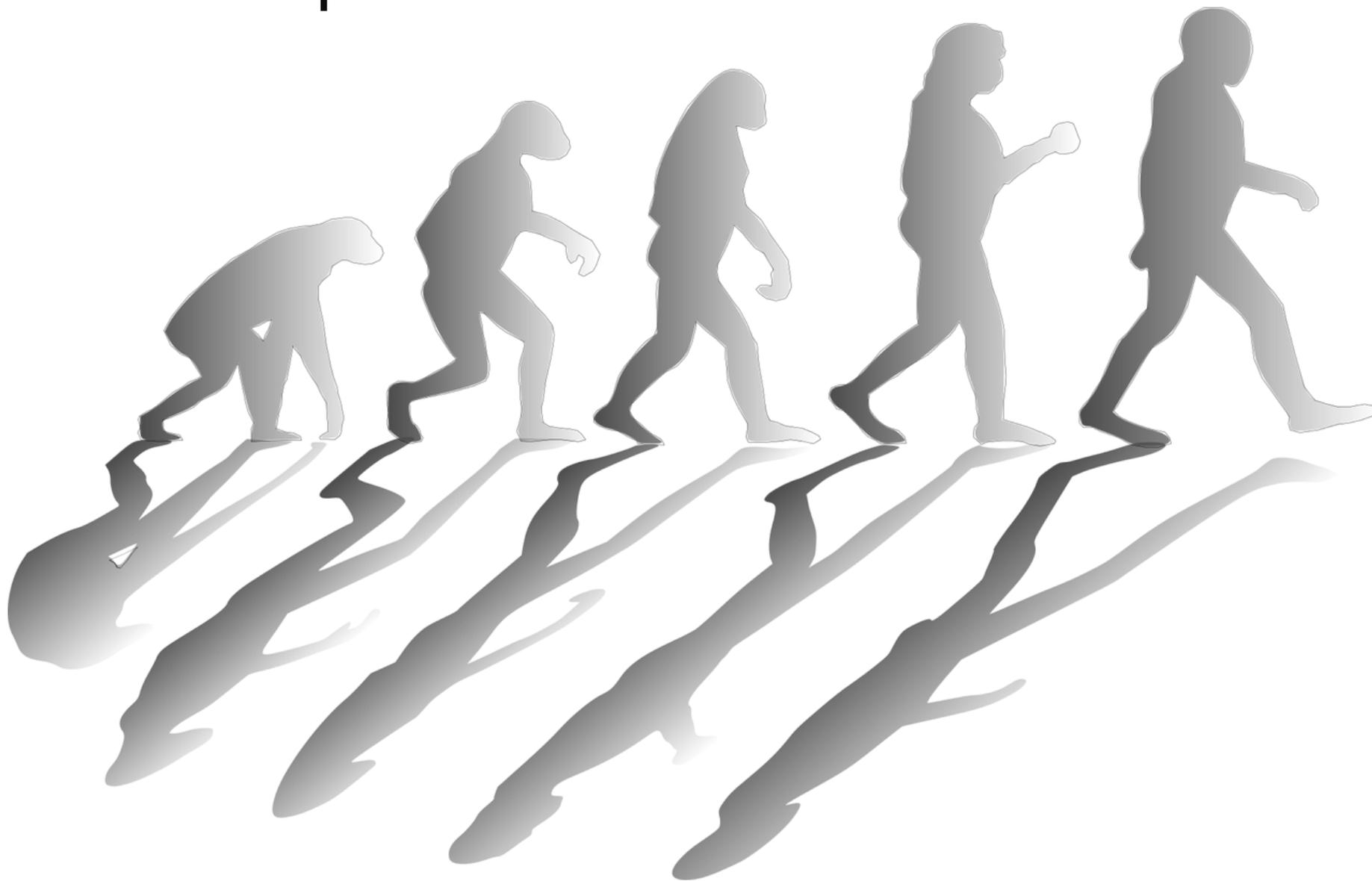
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November 17, 2017

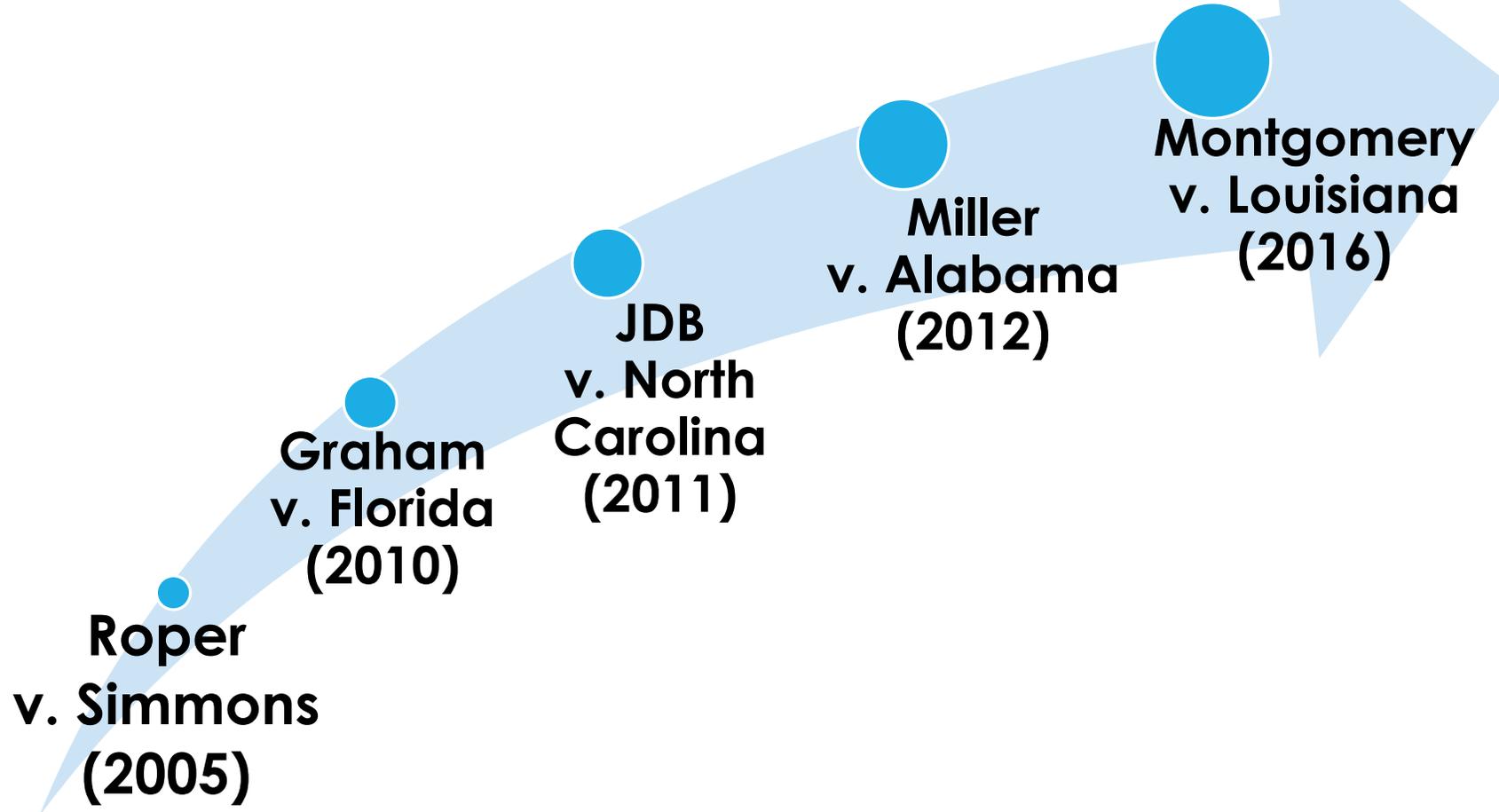
Echo Glen Children's Center

[Katherine Hurley](#), The Defender Division,  
King County Department of Public Defense

# The Supreme Court:



# The Supreme Court: Kids are Different



“A child’s age is more than a chronological fact.”  
J.D.B. (2011)



## Children:

- Less mature and responsible than adults
- Lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental
- More vulnerable or susceptible to outside pressures than adults

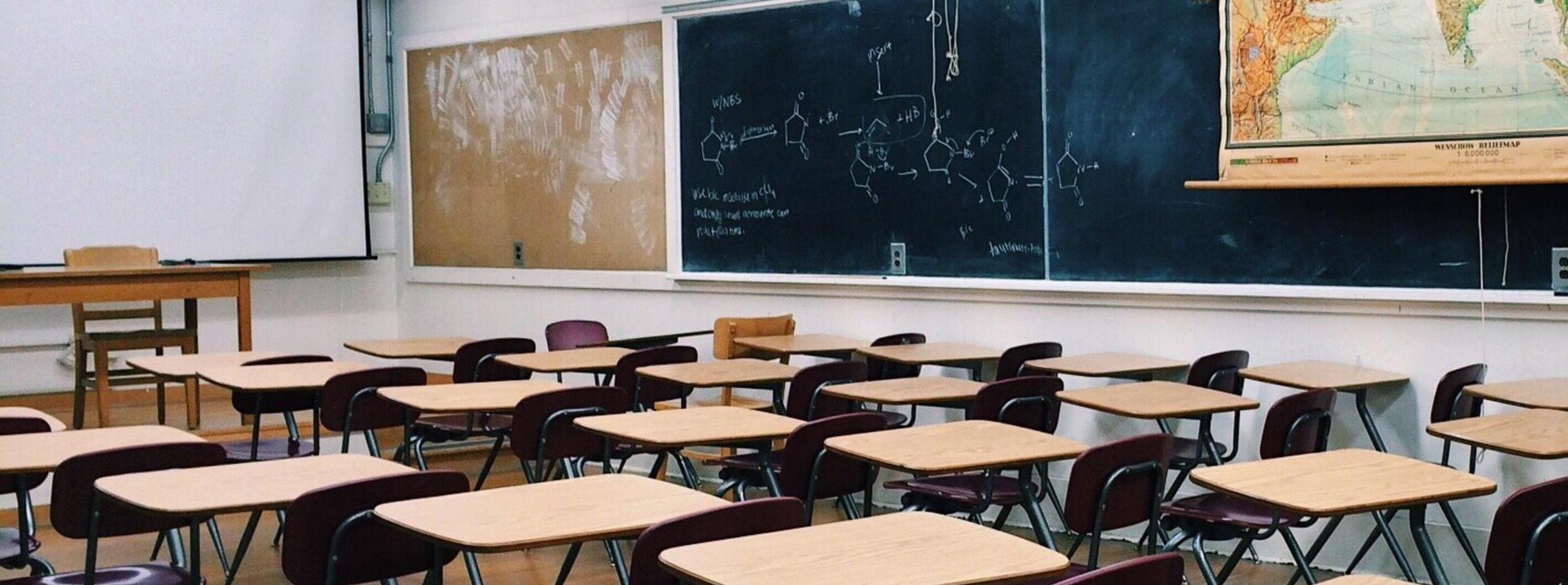
# Custodial Interrogations of Youth



# Many Youth and Young People Cannot Understand Miranda Warnings

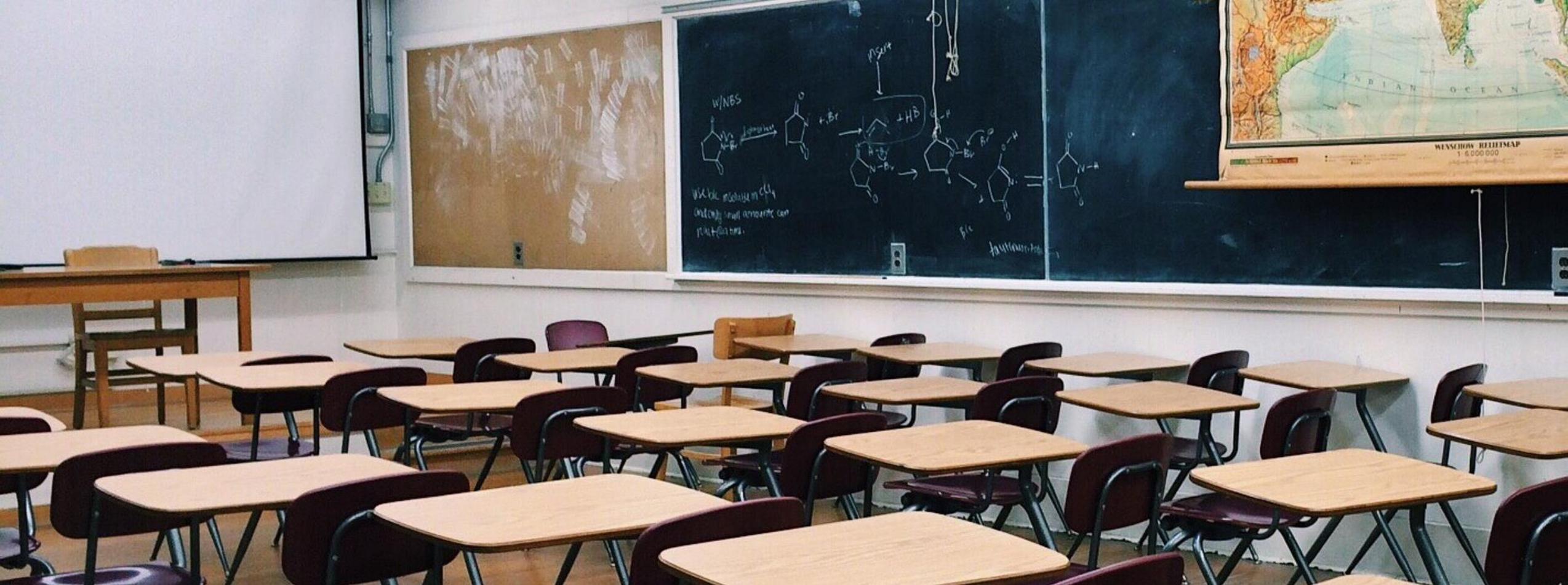
*Most juveniles 13 and younger are unlikely to grasp key Miranda components related to their right to an attorney or parental assistance.*





- Right to an Attorney
- Continuing Rights

8<sup>th</sup> Grade



- Right to Free Legal Services
- Right to Consult with a Lawyer

| 10<sup>th</sup> Grade

**Younger Juveniles  
are More likely to  
Waive Rights and  
Confess than Older  
Teens**



# American Academy of Child & Adolescent Psychiatry

*Adolescents don't have fully developed frontal lobes – the centers for reasoning and judgment...*

*...It is not sufficient to simply read or recite information to a juvenile...*





## **Modification of the Adult Miranda Warning for Juveniles in King County**

# ADULT WARNINGS

1. You have the right to remain silent.

2. Anything you say can and will be used against you in a court of law.

# NEW KCSO WARNINGS

1. You have the right to remain silent, which means that you don't have to say anything.

2. It's OK if you don't want to talk to me.

3. If you do want to talk to me, I can tell the juvenile court judge or adult court judge and Probation Officer what you tell me.

## ADULT WARNINGS

3. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you.

## NEW KCSO WARNINGS

4. You have the right to talk to a free lawyer right now.

That free lawyer works for you and is available at any time – even late at night.

That lawyer does not tell anyone what you tell them.

That free lawyer helps you decide if it's a good idea to answer questions.

That free lawyer can be with you if you want to talk with me.

# ADULT WARNINGS

4. Do you understand the rights I have just read to you?

5. With these rights in mind, do you wish to speak to me?

# NEW KCSO WARNINGS

5. If you start to answer my questions, you can change your mind and stop at any time. I won't ask you any more questions.

1. Do you understand?

*(If yes, then continue to number 2)*

2. Do you want to have a lawyer?

*(If no, continue to number 3)*

3. Do you want to talk with me?

*(If yes, proceed with questioning)*

Revised Warnings:  
Hopefully better but  
far from perfect. They  
are quite long



Juveniles need to have  
an attorney present  
during interrogations



**Youth are more likely to acquiesce when asked by law enforcement to waive their rights.**



# Next Steps--

- Work with other LE agencies
- Expand to all young people (25 and under)
- Convince schools (and others?) to prohibit LE from interrogating/talking to youth without an attorney
- Better litigate suppression motions with expert testimony
- Convince the legislature to require that youth have an attorney during all interrogations

# Contact Information

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