18-02 - Custodial Interrogation of Juveniles (Revised)

Los Angeles County Sheriff's Department
NEWSLETTER
Field Operations Support Services

VOLUME 18-02 DATE: December 20, 2025

CUSTODIAL INTERROGATION OF JUVENILES

BACKGROUND

As part of a package of seven Senate bills passed in 2017 to address juvenile criminal justice reform, Senate Bill 395 took effect on January 1, 2018, and was later amended due to the enactment of Senate Bill 203 (2020). This resulted in section 625.6 of the Welfare and Institutions Code (WIC) creating new requirements for law enforcement when interrogating juveniles in their custody. In addition, commencing January 1, 2024, AB 2644 (2022) was codified into WIC section 625.7, extending protection to persons 17 years of age or younger during custodial interrogations with Law Enforcement Officers.

Previous law allowed juveniles over the age of 15 to waive their Miranda rights, as long as they were read those rights before questioning while in police custody.

WHAT HAS CHANGED?

Under the provisions of SB 203 (2020), WIC section 625.6 sets forth clear requirements regarding the custodial interrogation of a juvenile:

625.6 WIC

(a) Prior to a custodial interrogation, **and before** the waiver of any Miranda rights, a youth **17 years of age or younger** shall consult with **legal counsel** in person, by telephone, or by video conference. **The consultation may not be waived**.

If an officer engaged in a custodial interrogation of a juvenile 17 years of age or younger does not comply with WIC section 625.6(a), the statute requires a court to consider the effect of the failure to comply when determining the admissibility of statements made by the juvenile. This means that any statements made by a juvenile who did not consult with legal counsel prior to custodial interrogation and waiver of Miranda rights may not be admissible in court. Additionally, WIC section 625.6(b) has been amended to state that, "…**the court must consider any willful violation of subdivision (a) in determining the credibility of a law enforcement officer** under section 780 of the Evidence Code."

AB 2644 (2024), as codified in WIC section 625.7, also prohibits law enforcement officers from employing threats, physical harm, deception, or psychologically manipulative tactics during custodial interrogation of a person 17 years of age or younger. The bill defines "**psychologically manipulative interrogation tactics**" as including interrogation practices that rely on a presumption of guilt or deceit, make promises of leniency, or

employ a “forced choice” strategy. “Deception” includes the knowing communication of false facts about evidence, misrepresenting the accuracy of the facts, or false statements regarding leniency. Psychologically manipulative interrogation tactics include maximization, minimization, and other interrogation practices but rely on a presumption of guilt or deceit.

EXCEPTIONS DURING EMERGENT CIRCUMSTANCES

Under section WIC section 625.6(c), an officer may ask certain questions of a youth 17 years of age or younger without a legal consultation **only** if **both** of the following criteria are met:

(1) The officer who questioned the youth reasonably believed the information he or she sought was **necessar**y to **protect life or property** from **an imminent threat; and**
(2) The officer’s questions were limited to those questions that were reasonably necessary to obtain that information.

SPONTANEOUS STATEMENTS

Any spontaneous statements made by a juvenile, whether or not he or she is under arrest, may still be admissible in court and are not affected by this law. A spontaneous statement is at statement that is not in response to a police question or line of questioning that constitutes a custodial interrogation.

WHEN THIS LAW DOES NOT APPLY

This law does not apply when:

- The juvenile is **18 or older**; or
- The juvenile is **not** in custody; or
- The juvenile is **not** being interrogated.

THE CONSULTATION

Once a juvenile 17 years of age or younger has been arrested and there is a plan to interrogate him or her, have the juvenile call legal counsel **first**. Deputies should ensure the requirements of this law are met and documented properly. The following may assist in helping to accomplish that task:

- The Los Angeles County Public Defender’s Office has set up a 24-hour hotline to provide juvenile consultations. Call (213) 974-3002 (during business hours) 0800 hours to 1700 hours, Monday through Friday, or (213) 974-1234 (county operator, after hours).
- Ask to have an attorney from the Public Defender’s Office call you regarding a juvenile in your custody needing a consultation;
- Provide a phone number in the station where you and the juvenile can be reached. **Do not** use a personal cell phone number, and;

- Prior to allowing the juvenile to speak with counsel, obtain the name, State Bar number and contact number of the attorney, and time the call was made. Be sure to document this information in the Incident Report.

ADDITIONAL INFORMATION

Regardless of any communication from an attorney that the juvenile was advised not to speak with law enforcement, an attorney cannot invoke a juvenile's Fifth Amendment right on their behalf. If after the consultation the juvenile still expresses the desire to speak with law enforcement, it is strongly recommended that deputies or detectives record the juvenile during the Miranda admonition and waiver, and the Gladys R. interview (if under 14).

If you have questions regarding specific circumstances, the Los Angeles County District Attorney, Eastlake Juvenile Division, can be reached Monday through Friday, 0800 hours to 1700 hours, at (323) 226-8955.

Questions regarding the contents of this newsletter may be directed to Field Operations Support Services at (323) 890-5411.

REFERENCES

AB-2644 Custodial interrogation

California Senate Bill 395, 2017

California Senate Bill 203, 2020

Evidence Code 780

Welfare and Institutions Code, section 625.6