



Santa Clara Police

Training Flash



Custodial Interrogation – All minors under 18

In January 2021, new age cutoffs will apply to the interrogation of all minors. Through 2020, absent certain exigencies, all minors ages 15 or younger were required to consult with counsel before any waiver of Miranda rights prior to custodial interrogation (refer to [Senate Bill 203](#)).

Starting in 2021, 625.6 W.I.C. now applies to the custodial interrogation of **all minors** under the **age of 18**:

“(a) Prior to a custodial interrogation, and before the waiver of any Miranda rights, a youth 17 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 17 or younger made during or after a custodial interrogation, shall consider any willful violation of subdivision (a) in determining the **credibility** of a law enforcement officer under Section 780 of the Evidence Code.

(c) This section does not apply to the admissibility of statements of a youth 17 or younger if both of the following criteria are met:

- (1) The officer who questioned the youth reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat.
- (2) The officer’s questions were limited to questions that were reasonably necessary to obtain that information.

(d) This section does not require a probation officer to comply with subdivision (a) in the normal performance of the probation officer’s duties under Section 625, 627.5, or 628.”

Failing to provide a consultation with counsel will affect the admissibility of the minor’s statements (under general admissibility provisions) at a subsequent adjudication or trial. **Additionally, a willful violation of 625.6 W.I.C. will impact your credibility at an admissibility hearing.** The failure to comply with 625.6 W.I.C. does not, however, establish a constitutional violation under the Miranda decision or under any other controlling United States Supreme Court precedent. (Anthony L. (2019) 43 Cal. App. 5th 438.)

Source Document: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB203