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RESEARCH REPORT

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Early Access to Legal Counsel for Youth: An Implementation Study of California Senate Bills 395 and 203

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Executive Summary

In 2017 and 2020, respectively, California passed Senate Bills (SB) 395 and 203[1], which require that youth seventeen years and younger have access to legal counsel prior to custodial interrogation by law enforcement and waiving their *Miranda* rights.[2] One of three states that provide this right to youth, California law recognizes the inherent risk youth face when detained by law enforcement due to their cognitive state and provides extra protections. As states and jurisdictions across the country look to implement similar laws and redefine the meaning of early access to counsel, California provides the field with a unique opportunity to learn about the implementation and impact of such laws. In 2020, NORC at the University of Chicago and Fair Trials received funding from Arnold Ventures to conduct an implementation study of SB 395 and SB 203 to learn how this new right is realized in varying public defense delivery systems across urban-rural lines.

Through this study, we found that counties staff phone lines that law enforcement officers contact prior to questioning a youth. In most instances, attorneys will provide representation via the phone due to resource constraints and the practicality of accessing the youth due to jurisdiction size, other work responsibilities, and timeliness. Perceived benefits of providing counsel prior to interrogation identified by respondents included: ensuring youth understand their rights and helping them make more informed decisions; building trust with youth and the community; perceived better outcomes for youth, especially at detention hearings; and allowing attorneys to gather information related to the alleged offense earlier to begin building a legal response. There were no negative perceived impacts shared by respondents. Overall, the study highlights the perceived and potential benefits of providing counsel upon arrest and prior to interrogation as well as challenges and best practices associated with successful implementation.

[1] California SB 395, Welfare and Institutions Code § 625.6, (2017-2018); California SB 203, Welfare and Institutions Code § 625.6., (2019-2020)

[2] SB 395 required that all youth ages 15 and under must consult with an attorney prior to police interrogation. SB 203 extended this right to 16- and 17-year-olds.

Background

All people in the U.S. who are accused of a crime and whose liberty is at stake have the constitutional right to an attorney. This constitutional right to legal counsel has been promoted through pop culture for decades and vocalized through the *Miranda* warning. The mechanics of the constitutional right to counsel, however, are not well understood, leaving people confused and, at times, alone to navigate the complexity of the legal system. As we grapple with our criminal justice system and seek to understand a myriad of reforms, questions around our rights arise, such as: What does the constitutional right to counsel mean in practice? What does early access to counsel mean – a phrase more commonly used in recent years? Through this project, we sought to explore a new concept of early access to counsel – access to counsel upon arrest and prior to interrogation – and expand our collective understanding of its mechanics, benefits, and challenges.

Access to Legal Counsel

Through the 6th Amendment of the U.S. Constitution and enshrined in the 1963 U.S. Supreme Court ruling in *Gideon v. Wainwright*[3], all people accused of a crime have the right to an attorney during their court proceedings, and if one is unable to afford an attorney, the state must provide one free of charge. In this landmark decision, however, the Supreme Court did not specify how the 6th amendment right would be funded, administered, or when it attached, leaving states to determine these mechanisms on their own. In 1967, the U.S. Supreme Court ruled in *In re Gault*[4] that the Constitutional right to free legal counsel applied to youth in delinquency proceedings as well. The Court stated that all youth facing the possibility of incarceration required "the guiding hand of counsel at every step in the proceedings against him" (at 36)[5], thereby extending the 1963 decision in *Gideon v. Wainwright* to youth. In 2008, the U.S. Supreme Court further ruled in *Rothgery v. Gillepsie County*[6] that counsel must be provided at all critical stages of a case; yet the Supreme Court failed to define what constituted a 'critical stage.'

To date, courts have often determined that first appearance hearings are an opportunity to notify the accused of their right to an attorney, and only then do courts seek to assign counsel. However, the first appearance hearing is an essential and determinant hearing when individuals learn of the specific charges against them, are first informed of their constitutional rights, and decisions are made about pretrial release. Research has shown that having counsel present at first appearance can impact bail decisions, pretrial detention, and overall case outcomes.[7] Thus, with the early appointment of counsel,

[3] *Gideon v. Wainwright*, 372 U.S. 335 (1963)

[4] In re Gault 387 U.S. 1 (1967)

[5] *Ibid*

[6] Rothgery v. Gillespie County 554 U.S. 191, (2008)

[7] Colbert, Douglas and Paternoster, Ray and Bushway, Shawn D., *Do Attorneys Really Matter? The Empirical and Legal Case for the Right of Counsel at Bail,* Cardozo Law Review, Vol. 23, pp. 101-165, 2002. Available at SSRN: https://ssrn.com/abstract=387802; Heaton, Paul (2021) "Enhanced Public Defense Improves Pretrial Outcomes and Reduces Racial Disparities," Indiana Law Journal: Vol. 96: Iss. 3, Article 2. Available at: https://www.repository.law.indiana.edu/ilj/vol96/iss3/2

defense attorneys can alter the criminal justice trajectory for individuals, decrease pretrial detention, and enhance efficient due process.

When the constitutional right to counsel attaches is further complicated by the timing of the reading of our *Miranda*[8] rights, which includes the right to remain silent, the right against self-incrimination, and the right to an attorney. This gap in both appointment and attachment of counsel occurs during periods of critical legal work. Notwithstanding the ambiguity around how and when to assign counsel, efforts to provide earlier access to counsel are expanding. To date, jurisdictions in approximately half of the states in the U.S. and D.C. provide counsel at first appearance hearings, and three states (California, Maryland, and Washington) and Cook County have begun providing counsel upon arrest and prior to custodial interrogation for youth, with Cook County extending this right to adults as well.[9] While providing counsel at first appearance has become more widespread, access to counsel upon arrest and prior to interrogation is a relatively new practice in the U.S. Further, while research highlights the positive impacts of access to counsel at first appearance, a knowledge gap exists regarding the impact of counsel upon arrest and prior to interrogation.

The U.S. Supreme Court has recognized that the inherent nature of custodial interrogation can obscure the voluntariness of any statements made to police. Further, arrested people in the U.S. are almost never able to access counsel until, at the earliest, the first court hearing. This time between post-arrest and pre-court appearance leaves individuals vulnerable to police questioning, possible detainment, and potential collateral consequences caused by detainment, including loss of employment and medication interruption. Youth, in particular, are susceptible to offering statements and false confessions during interrogation due to their age, maturity, and cognitive, social, and emotional development.[10] Experts have highlighted that child development influences youths' ability to fully understand their constitutional rights, including *Miranda* warnings. Specifically, a report from the National Registry of Exonerations found that of youth exonerated between 1998-2012, forty-two percent provided false confessions compared to twenty-four percent of adults.[11]

The benefits of legal counsel in the police station extend beyond protection from questioning and providing false confessions, however. By the time accused people see a lawyer in court, key decisions have already been made in relation to charging and bail decisions, among others. Having access to an attorney post-arrest to help navigate these challenges and collect mitigating information can positively impact an individual and the trajectory of their involvement with the justice system.[12] As a result,

[8] *Miranda v. Arizona* 384 U.S. 436, (1966)

[9] Fair Trials, *Closing the Gap: Advances in Youth Access to Counsel at Arrest*, (November 2022), Closing the Gap: Advances in youth access to counsel at arrest - Fair Trials

[10] See U.S. Supreme Court Cases: Haley v. Ohio 1948; Gallegos v. Colorado 1962; In re Gault 1967; Fare v. Michael C. 1979; Yarborough v. Alvarado 2004; J.D.B. v. North Carolina 2011

[11] Gross, Samuel R. and Jacoby, Kristen and Matheson, Daniel J. and Montgomery, Nicholas and Patil, Sujata, Exonerations in the United States, 1989 Through 2003. Journal of Criminal Law and Criminology, Vol. 95, No. 2, 2005, Available at SSRN: https://ssrn.com/abstract=753084 Voluntariness Test for Juvenile Confessions, 62 S.D. L. Rev. 626, 627 (2017)

[12] Fair Trials, Station House Counsel: Shifting the Balance of Power Between Citizen and State, (October 2020), Station house counsel - Fair Trials

jurisdictions have begun to reimagine what early access to counsel can look like – including access to counsel upon arrest.

California Senate Bills 395 and 203

In 2017, the California legislature passed Senate Bill (SB) 395, which requires that youth fifteen years of age and younger have access to legal counsel prior to custodial interrogation and prior to waiving their *Miranda* rights.[13] While prior law ensured that youth have access to legal counsel, it did not require law enforcement to recognize and guarantee this access. Further, existing laws did not require law enforcement to recognize the inherent cognitive differences between youth and adults. Stemming from a case where a ten-year-old youth was deemed to have knowingly waived his *Miranda* rights and where the youth stated that the right to remain silent meant the right to remain calm, the California legislature recognized the need to provide extra protections for youth and passed SB 395. While the appellate court upheld the constitutionality of the youth's waiver, dissenting argument emphasized the need to reevaluate what we know about brain development, noting that other states had taken legislative action, and encouraged the California legislature to act as well, which they did.[14] Thus, in 2020, the legislature extended this right to youth under the age of eighteen via SB 203. The legislature found that "[y]outh under 18 years of age have a lesser ability than adults to comprehend the meaning of their rights and the consequences of waiving those rights." (SB 203, Sec 1(c)(2)).[15]

California is leading the way as more states grapple with additional juvenile justice reforms that protect young people, uphold the values of the justice system, and increase trust in the justice system. This presents a unique opportunity to study these reforms and inform states across the U.S. as they look to introduce and operationalize similar legislation. Looking at California, states can learn how SB 395 and SB 203 have been implemented, what challenges and successes were presented, and where improvements can be made. As such, NORC at the University of Chicago, with support from Arnold Ventures, conducted an implementation study of SB 395 and SB 203. We conducted semi-structured interviews with defense providers in thirteen counties across California. These counties represented both rural and urban areas and included public defense and managed assigned counsel systems.

Research Goals

This study sought to understand how SB 395 and SB 203 has been implemented in California. Four research questions guided this study:

1. How has SB 395 and SB 203 been implemented across California?

[13] California SB 395, Welfare and Institutions Code § 625.6, (2017-2018)
[14] In re Joseph H., 367 P.3d 1, (2015)
[15] California SB 203, Welfare and Institutions Code § 625.6., (2019-2020)

   a. How is access to legal counsel prior to arrest provided to youth in California?
   b. How does the provision of legal counsel prior to arrest for youth vary across counties?
2. What barriers or challenges have impeded the implementation of SB 395 and SB 203?
3. What are the perceived benefits associated with the implementation of SB 395 and SB 203?
4. What best practices are emerging from the implementation of SB 395 and SB 203?[16]

The sections that follow describe the methodology, the results and findings, limitations to the study, and recommendations for programs, policymakers, and researchers.

Methods

We conducted semi-structured interviews with publicly appointed defense attorney offices across thirteen counties in California. Counties included in the study ranged in population size, with five of the counties being under 250,000 people and eight of the counties being over 250,000 people. Eleven of the thirteen offices were formal public defense offices and two were assigned counsel offices. Interviews with attorneys took place via Zoom or phone and lasted approximately one hour. We identified respondents from each county in conjunction with the Office of the State Public Defender and through on-line searches. For the counties included in the study, we first reached out to the office leaders or Chiefs, who may then choose to delegate the interview to their juvenile lead or division.

During interviews, we collected information on local provision of indigent defense, characteristics of youth involvement in the justice system, the implementation of SB 395 and SB 203, and the provision of early access to counsel, including notification procedures, mode of representation, the type of counsel provided, interactions with youth, parents and/or guardians, law enforcement, and other stakeholders, and attorney training. We also collected information about the perceived impact of providing early access to counsel on youth and their cases, their relationships with attorneys, and perceptions of justice. Finally, we collected information on challenges, lessons learned, and recommendations for other jurisdictions who may be interested in implementing similar reforms.

Following data collection, we transcribed all stakeholder interviews and uploaded them to NVivo, a qualitative analysis software program. Interviews were coded based on a coding scheme derived from the study's interview protocol.

[16] This report focuses specific attention to research questions 1 and 2. For a review of best practices emerging from SB 395 and SB 203 see Ray and Hussemann 2023, *Early Access to Counsel in Police Precincts: Best Practices and Recommendations*. Chicago: NORC at the University of Chicago.

Findings

SB 395 and SB 203 Implementation[17]

Calls for Legal Counsel

In the counties that we conducted interviews, calls for legal counsel are typically received overnight from law enforcement or during the day from school officials, and are most often made from the back of a police car, using a police officer's cell phone. Calls are also made from the scene of the alleged crime, schools, and police stations. Models for managing calls include the use of a hotline that connects officers to an on-call attorney, a calling service that contacts on-call attorneys who return calls to the calling officer, a dedicated cell phone number, or an office phone – which tends to happen only during business hours. In four of the thirteen counties included in this study, calls are directly placed to the juvenile division of the public defender's office during office hours. If law enforcement places a call but does not reach an attorney, they must wait until an attorney calls back and has an opportunity to speak with the youth prior to interrogation. A call alone does not meet the requirements of the legislation; an attorney must be able to actually speak with the youth. Notably, respondents shared that the number of calls received from law enforcement has declined since the legislation went into effect, as law enforcement have decided that it is not worth their time to call or attempt to question the youth since most youth tend to invoke their right to remain silent after consultation with an attorney.

I think it's better to be in person with them than on the phone because I don't know if the officer is listening. I assume he is when I'm on the phone with the kid. So, I just don't think it's very confidential when it's over the phone.

Legal consults with an attorney most often occur over the phone after the attorney does their best to ensure that the youth is in a confidential setting. Typically, prior to speaking with the youth, attorneys receive background information from the calling officer about the youth and the alleged offense. Phone calls are short and last approximately ten to twenty minutes with the substance of the call focused on ensuring that youth understand their rights and providing advice related to invoking their rights. If a youth decides that they would like to speak with law enforcement, or if the crime is more serious, or time and resources allow, the defense attorney may ask the youth to remain silent until the attorney is able to physically join them. While most consults are not completed in-person, respondents all agreed that in-person consultation is a best practice, ensuring confidentiality in communication, as well as providing oversight of the situation and offering direct

[17] Speaking with respondents, we learned that stakeholders use SB 395 and SB 203 interchangeably and that both pieces of legislation have been implemented in the same manner within counties—e.g., procedures for providing early access to legal counsel remained the same when SB 203 was introduced. Thus, in our findings, we do not distinguish between SB 395 and SB 203.

support to the youth. Respondents highlighted resources, time, and geographic distances as the main prohibitors to providing in-person legal consultations.

When legal consultation is conducted over the phone, attorneys attempt to remain on the phone to hear the reading of the *Miranda* warning by law enforcement and the youth's response. However, respondents indicated that in some cases law enforcement will hang-up the phone, prohibiting their ability to witness the reading of *Miranda* and the invocation. At the end of each call, all offices had implemented a manner by which attorneys documented their interaction with youth. Forms are maintained in different capacities, ranging from hard copies to electronic PDFs to excel spreadsheets to more sophisticated case management systems, depending on jurisdictions' capabilities and preferences.[18]

Respondents did note that consultations are best handled by juvenile-trained attorneys. Offices included in the study indicated that while they attempted to prioritize the availability of juvenile-trained attorneys, they were not always able to do so. Responding attorneys in five of the thirteen jurisdictions were not always juvenile-trained; however, all responding attorneys across jurisdictions had received training specific to SB 395 and SB 203.

Ideally, it would be that if we get notification that a youth is to be interrogated or law enforcement wants to interrogate a youth, it would be best for us to send somebody out to meet with that juvenile and to understand the case, the circumstances of it, why the juvenile was there, and have that discussion and then make a decision as to whether to allow the interrogation to go on or not.

Type of Representation

Access to counsel prior to interrogation is concentrated on the advisement of a youth's *Miranda* rights. Some jurisdictions that have more resources, access to conflict attorneys, and the ability to conduct conflict checks upon consultation, are providing enhanced representation and consider the *Miranda* consult the beginning of an attorney-client relationship. Attorney-client relationships mark the beginning of attorney-client privilege which ensures that conversations between the two parties are privileged and protected from disclosure. Confidentiality is important for building attorney-client rapport and for beginning to understand the legal allegations involved in the case. Four counties included in this study indicated that they consider the legal consultation provided to youth the beginning of an attorney-client relationship and would discuss facts of the case as appropriate. Three of the four counties emphasized that they do try to avoid discussing case specifics in hopes of eliminating conflicts down the road, however, if a youth is intent on talking with the attorney about their situation and the allegations in the case, they will engage in the conversation.

[18] See Hussemann and Ray 2023, *Early Access to Counsel in Police Precincts: Data Collection Practices & Recommendations*

The counties that have conflict attorneys available do not typically run conflict checks prior to providing a legal consult as there is limited time to do so. Conflict checks are commonly conducted prior to discussing the facts of the case and/or beginning an attorney-client relationship. Additionally, one respondent stated that their preference is to focus explicitly on *Miranda* consults which allows their office to respond to all calls and not have to rely on contract attorneys. If defense offices had enough resources and time, however, attorneys across counties expressed their desire to have the *Miranda* consult mark the beginning of an attorney-client relationship, as the relationship enhances the services the attorney can provide, and protections afforded to the youth.

Resources

To provide effective assistance of counsel prior to interrogation requires resources. The counties included in this study shared that the primary resource required to provide SB 395 and SB 203 counsel was funding to compensate their attorneys for the time required to respond to calls from law enforcement. Three of the thirteen counties we spoke with did receive additional funding to support their work.

It is a Miranda consultation. Nothing else So there is no conflict as the way we see it. We don't have to discuss the facts of the case. We don't do that [discuss the facts of the case] to make sure that we are doing all the consults as opposed to having to go to court appointed counsel.

Almost every county included in the study that compensated attorneys for taking calls after-hours did so via additional time-off, depending on the number of hours covering the phone or the number of calls received and associated work, or some combination of the two. However, offices mentioned that they already tend to have generous time-off allotment, and attorneys expressed preference for additional pay. One county did state that it is difficult to incentivize attorneys to volunteer for on-call shifts because the office does not have the ability to compensate for the extra time required to take calls outside of work.

While all respondents emphasized the need for resources to effectively provide counsel prior to interrogation, only one county included in the study stated that resource constraints limited their ability to provide around-the-clock legal consultation and therefore restricted their services to business hours. Resources further restricted each office's ability to provide in-person consultations, with only one county emphasizing that in-person consultations were standard practice.

Challenges to Providing Legal Counsel Prior to Interrogation

Collaboration among Stakeholders

Reforms such as SB 395 and SB 203 are most successful when all stakeholders are aware of and understand the procedures for providing early access to legal counsel for youth. Counties where defense attorneys took time to communicate the changes in the law and the responsibilities of law

enforcement officers and defense attorneys reported greater success and ease in implementation. As with all legislative and policy changes, however, challenges arise as new practices are adopted. For example, defense attorneys raised concerns prior to the implementation of SB 395 and SB 203 with regard to law enforcement potentially trying to subvert the law and refusing to contact defense counsel. Yet, in all counties except for one, respondents indicated that any violations of SB 395 and SB 203 that have occurred appear to be unintentional. Further, most violations happened at the beginning of implementation as stakeholders were learning new protocols.

You know it's made the police do their jobs, rather than just like hey don't worry we'll just sit this kid down we'll get him to admit to everything because they always did so, I think it, it has helped kids.

Respondents indicated that law enforcement were initially concerned about the sheer number of calls that would need to be made to appropriately follow the new SB 395 and SB 203 protocols. Additionally, there was concern among law enforcement that they would be limited in the number of statements they would receive as youth increasingly invoked their right to remain silent, and that this could negatively impact a case. Yet, attorneys argue that in place of early statements by youth, SB 395 and SB 203 has encouraged additional investigation and due diligence by law enforcement. Notably, attorneys indicated that the number of calls received from law enforcement has declined since the passage of SB 395 due to the frequency in which youth were invoking their right to remain silent—e.g., law enforcement were not attempting to question youth at the rate that they were prior to the passage of SB 395 and SB 203.

Logistical Barriers

One key barrier to the successful implementation of SB 395 and SB 203 is the size of counties and the number of available defense attorneys. Because legal consultations require a quick response and no county received additional money to hire dedicated staff to respond to calls, many respondents discussed the logistical challenges of responding to calls while balancing normal work responsibilities, including court appearances, which cannot be adjusted instantaneously to respond to a *Miranda* consult. Jurisdiction size and attorney availability also can impact the ability to consult with multiple detained youth as well as the ability and access to conduct conflict checks. As a result, and in order to provide services to as many youth as possible and to avoid potential conflicts, most counties limit their representation to a *Miranda* consult.

Workload

Some respondents shared frustration with only being able to provide a limited type of representation due to time and workload constraints. And while not standard practice across the counties, for the counties that do provide extended representation to mark the beginning of an attorney-client relationship, attorneys shared frustration with the additional workload that must be balanced with their normal caseload. For attorneys in these counties, time spent on the consult is not restricted to the

formal consult and includes follow-up work, such as reaching out to the youth's parents, contacting the school, and collecting potential other mitigating evidence. One county was able to parlay this work into a separate grant to hire a dedicated juvenile attorney to provide this level of engagement; however, the additional funding and resources did not come from the county to specifically implement SB 395 and SB 203, but rather through a grant that the public defense provider independently sought.

Main issue is conflicts because kids don't understand like I can't answer any questions about the crime and trying to explain to them kind of what that means, but I'm just here to give you some advice and in terms of what your rights are and what your options are when the officer wants to question you.

Quality Control

When multiple individuals are providing a service, maintaining, and monitoring the quality of the service provided can become a challenge. Balancing workloads impacts both the quality of the consult as well as timeliness to respond to a law enforcement call, especially when attorneys are moving in and out of courts throughout the day. Ensuring the quality of the legal services provided to youth can be particularly challenging when relying on attorneys who are not training in juvenile defense.

Limitations of the Legislation

As currently written and interpreted, SB 395 and SB 203 do not extend to school settings – where incidents often occur – or apply to school resource officers or probation officers, who in California often interact with youth prior to referring a case to the prosecutors' office. Multiple respondents shared that when incidents occur at school, youth are often questioned by school administrators with law enforcement present, or law enforcement will receive a copy of their statements from the school. Prior to questioning the youth in school settings, defense counsel is not contacted or consulted by the youth.

What we are finding is that a lot of these cops are talking to our clients at the house, in the kitchen table, so they're not subject to the Miranda or at the school, so they're not in custody. So they get around it that way.

SB 395 and SB 203 also leave room for interpretation regarding what constitutes a custodial interrogation. To date, custodial interrogation has been limited to actual detainment or arrest and does not include an interview or conversation that occurs at a youth's home or another neutral location. Respondents indicated that youth are still vulnerable in these situations and expressed a desire to find a remedy.

There is also currently no enforcement mechanism for SB 395 and 203. California courts have ruled that if law enforcement questions a youth without consulting a defense attorney, the statement is still

admissible in court. While respondents shared that law enforcement does not appear to be intentionally subverting the law, the lack of accountability and enforcement is still a concern.

Perceived Benefits of Providing Legal Counsel Prior to Interrogation

Respondents included in this study expressed overall satisfaction with SB 395 and SB 203, including the significance of the spirit of the reform, acknowledgement and appreciation of the role of defense attorneys, and its recognition of the vulnerability of youth. While no data has been analyzed to understand the direct impacts of SB 395 and SB 203, respondents shared perceived benefits for youth and defense attorneys.

The [police officers] have figured out they don't have to talk to us that school. So what they do is they just have the principal do all the - either principal or in essence assistant principal - they do all the talking and then they just take notes. We had a case recently where the principal turns to the officer and asks, 'you want me to ask any more questions?'

Youth

Perhaps most importantly, SB 395 and SB 203 help support youths' understanding of their rights and decreases the propensity to offer false confessions or statements. The reform offers youth support and legal advocacy during a challenging and scary situation and helps ensure that they can make informed decisions. Additionally, early involvement by legal counsel offers the opportunities for youth to begin working with their attorney to build a case and collect potential mitigating evidence.

Attorneys

The benefits of providing early access to legal counsel for attorneys includes providing early opportunities to build rapport and trust with youth, building a case sooner, and ensuring they are doing their job as legal advocates – protecting youths' rights and guiding them through this early stage of the juvenile justice system. Attorneys have a sense of potential future cases and can be proactive instead of reactive; this is especially true in jurisdictions where vertical representation exists.

These laws are just incredibly valuable in terms of helping youth understand their cases, their place in the system and to be able to make informed choices.

Further, early involvement in a youth's case provides attorneys with opportunities to improve case efficiencies and identify case resolutions earlier in the process. Also, while SB 395 and SB 203 may increase attorneys' workloads in the short-term, the reform has the potential to lower caseloads in the long-term. For example, respondents indicated that they believe the largest systemic impact of SB 395 and SB 203 has been on filings. In particular,

attorneys noted that they have seen a decline in the number of filings for sex offenses, with fewer statements being made to law enforcement; however, offices could not provide official data on the number of filings before and after the implementation of the Senate Bills.

Law Enforcement

While most respondents focused on the benefits for youth and attorneys, one interviewee shared how SB 395 and SB 203 has been beneficial to law enforcement, helping to improve their image with the community and increase trust in the system.

The earlier the information exists, the much more likely it is to have some kind of positive outcome, or, you know, arguing to the Court about a detention decision. Detention decisions are so much easier if you have an opportunity to have not just the discussion, but also get some leads on the case. Maybe there's some information you can get prior to the court appearance.

Conclusion

Overall, SB 395 and SB 203 have been successfully implemented in the thirteen California counties included in this study. While there is some variation in the provision of early access to legal counsel for youth across counties, depending on the size of the county, resources, workload, and attorney availability, the counties that we spoke with are able to provide legal consultation to youth. Legal consultation most often occurs by phone and focuses on a *Miranda* consult, ensuring that youth understand their legal rights.

More research is needed to understand the impacts of SB 395 and SB 203 and other similar legislation that has been implemented across the U.S. However, findings of this research highlight three recommendations for improving early access to legal counsel for youth:

- Attorneys emphasized the need for additional funding to support early access to counsel work. This is especially true for lawyers in smaller and more rural jurisdictions, and to appropriately compensate attorneys for the additional work required to provide legal counsel services outside of normal business hours.
- Attorneys expressed a need to ensure their presence during the reading of the *Miranda* rights and the youth's response, which is not currently required by SB 395 and SB 203.
- Reforms such as SB 395 and SB 203 should include a mechanism to hold law enforcement accountable if violations occur.