

Judge rebukes Yakima police chief for sending letter

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Yakima County Superior Court Judge David Elofson dressed down Yakima's top cop in a hearing Monday over a letter he sent the judge this summer about an inmate who was temporarily let out of jail for a funeral and then fled.

Chief Dominic Rizzi Jr. said he wrote the letter to address policy issues: the granting of jail furloughs. But Elofson said he saw it as an attempt to influence the sentencing of the inmate, Shaun A. Vanarendonk.

The criminal justice system is a partnership between judges, the prosecution, the defense, law enforcement, even suspects. None should try to influence the others, he said.

"A letter to a judge in a specific case is just hurtful," Elofson said.

After the hearing, Rizzi said his concern was court policy, not an attempt to influence Vanarendonk's sentence.

"There was nothing in there about his sentence," he said.

In a letter written in late July and sent to Elofson, the court's presiding judge and county prosecutors Rizzi objected to the furlough granted to Vanarendonk — calling him "a distinct threat to the safety and well-being of our citizens" — and asked the court to take more care when granting furloughs.

The public is still concerned, he said after the hearing.

More than a dozen Yakima police officers showed up in uniform at the hearing in support of their chief.

Furloughs are requested by a defense attorney and approved by a judge. Prosecutors can oppose or support a furlough request.

The requests used to be reviewed by the court's pre-trial unit, which provided prosecutors, court officials and judges with detailed reports on a defendant's background to help make decisions, such as release before trial, furloughs and sentencing.

But the unit, which was comprised of six case managers, was eliminated in 2010 due to budget cuts.

Vanarendonk's case was only the second time in the past year that a prisoner didn't return from a furlough, which are granted for things such as surgery or the funeral of a close relative, according to Yakima County Prosecuting Attorney Jim Hagarty.

Hagarty and court officials couldn't say how many furloughs have been allowed in the past year, but Hagarty indicated they were fairly routine.

The two times they ended with an inmate fleeing, the prisoners — Vanarendonk and Jacob John Lucey — both had histories of running from police and not showing up for court.

In late July, Vanarendonk was released from jail, where he was awaiting sentencing for leading police on a high-speed chase on a stolen motorcycle, for eight hours to attend the funeral of a close relative. The furlough was granted with the provision that his sentence could be doubled and he'd face escape charges if he didn't return.

He failed to return.

When sheriff's deputies spotted him driving a van the next afternoon, Vanarendonk, whose pregnant girlfriend was in the vehicle, took off again, at one point even driving in reverse as he attempted to get away. But the chase ended with him in handcuffs.

The other incident occurred in late October, when Lucey was allowed to leave jail to visit his mother, who he said was dying. The request came the same day Lucey and the prosecution reached a plea deal on charges related to several car thefts.

Lucey, who'd just served 8 1/2 years in prison for a 2002 shooting, didn't return, and it took law enforcement two weeks to arrest him again. He had 14 months added to his sentence for the escape.

Hagarty said his office is revising its approach to the requests to require defense attorneys to provide more details about conditions on a furlough, such as the reliability of family members promising to make sure their relative returns when the furlough ends. That will give prosecutors some time to vet the conditions, he said.

But with large caseloads and a small staff, the county's prosecutors are already pressed for time, so it isn't clear that the change would have prevented either incident.

Perhaps that doesn't matter. The court doesn't have a track record of approving furloughs for prisoners who then flee.

"The majority of furloughs that occur go and come back without a problem," Hagarty said.

Vanarendonk and Lucey might not have been granted furloughs if the pre-trial unit was still around, he said. "I'm pretty sure that unit would've recommended denying those requests."



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Maribel Hernandez-Green · Top Commenter · Seattle Vocational Institute

Chief should know better. it is a blatant wrong act. It is not for judges, police and prosecutors to act as cronys

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Dick Howe · Top Commenter · Puertecitos, Baja California

the laws are too lenient now, too many criminals committing crimes once they are released .Lock um up and throw away the key so to speak

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Greg Bohn · Top Commenter

Case of Judge getting called out for making a decision that appears to have been made without sufficiently looking at the all of the facts. No Judge likes to get told they could have done better.

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Nick Hughes · Top Commenter · Central Washington University

I see absolutely NOTHING wrong with the chief approaching the judges and prosecutors, en masse to discuss his concerns, especially regarding public safety. Perhaps, had he approached just one judge, maybe, but all of them at once? I don't know how it could have been construed as an attempt to influence a sentence on either of the two examples he used to strengthen his request to tighten up the policy and requirements for furloughs. Were it up to me, I wouldn't grant ANY furloughs. After all, they are in jail for a reason and if it was considered safe for them to be free, then they shouldn't be in jail.

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Dave Poling · Top Commenter · A.C. Davis High School

There needs to be a clear separation between the legislation, courts, law enforcement and defendants.

I think Rizzi over stepped the line a bit out of true concern for the safety of the public.

I also feel the Judge got his feelers hurt a bit for being called on making a decision that lacked sufficient information.

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Nick Hughes · Top Commenter · Central Washington University

The police, prosecutors and judges are ALL part of the justice system here and there are instances where it would be beneficial for them ALL to understand the concerns of the others. It's not the same a separation of government powers in the National System between administrative, legislative and judicial branches.

Now for US, here in the comments section, we can try to influence the judges all we want - and we do. And we too expressed great concerns that these hoodlums were out and walked away.

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