

September 10, 2020

Chief Justice Debra L. Stephens  
Justice Charles W. Johnson  
Washington State Supreme Court  
P.O. Box 40929  
Olympia, WA 98504-0929

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WASHINGTON STATE  
SUPREME COURT

**RE: Letter in Support of Adopting Proposed JuCR 7.16**

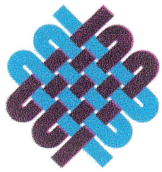
Dear Chief Justice Stephens and Justice Johnson,

Founded in 2006 by Justice Bobbe J. Bridge (ret.), **The Center for Children & Youth Justice (CCYJ)** has been system-reform focused, improving the lives of the 50,000 children and youth in Washington's youth justice and child welfare systems. CCYJ is the only organization in the state focused solely on reform to ensure the children who must rely on these systems are served justly, compassionately, and effectively. I respectfully request your consideration of the adoption of the proposed Juvenile Court Rule 7.16.

As our community fights the deadly public health crises of COVID-19 and racial injustice, we urge you to adopt proposed Juvenile Court Rule 7.16 – Governing Warrant Quashes. The proposed court rule will ensure that youth are not incarcerated for behaviors like missing court or violating probation, unless the individual circumstances pose a serious threat to public safety. This rule will promote public health, advance racial justice, and reduce the harm of the juvenile legal system.

**Adopting JuCR 7.16 will protect youth from the heightened risk of COVID-19 incarceration creates.**

COVID-19 has seriously sickened and killed many people, including the young. The disease disproportionately harms communities of color.<sup>[1]</sup> The Centers for Disease Control and Prevention explains that correctional facilities “present unique challenges for control of COVID-19 transmission among incarcerated/detained persons, [detention center] staff, and visitors.”<sup>[2]</sup> As a result, medical professionals have called on state governors, courts, and departments of corrections to “[i]mmediately release youth in detention and correctional facilities who can safely return to the home of their families and/or caretakers, with community-based supports and supervision, in order to alleviate potential exposure to COVID-19.”<sup>[3]</sup>



Justice González recognized in *State v. B.O.J.* that “Incarceration harms children.” 194 Wn.2d 314, 332, 449 P.3d 1006 (2019). While progress has been made in other areas of juvenile justice, critical work remains as the juvenile legal system continues to disproportionately incarcerate – and harm – Black youth, Indigenous youth and youth of color. Because the juvenile legal system is built on racism that unfairly exploits BIPOC youth, limiting the circumstances under which a youth can be incarcerated through the juvenile legal system due to a warrant protects our youth and enables a more racially just future.

As a result, the Center for Children & Youth Justice (CCYJ) strongly urges the Washington Supreme Court to adopt this proposed juvenile court rule -- **JuCR 7.16** – Governing Warrant Quashes- and protect youth from incarceration for non-criminal behaviors that do not seriously threaten public safety.

All my best,

Rachel Sottile  
President & CEO  
Center for Children & Youth Justice

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<sup>[1]</sup> COVID-19 places a disproportionate burden of illness and death among racial and ethnic minority groups’ especially African American communities. A University of Washington Study published May 7, 2020 found the national death rate for people infected with Coronavirus to be 1.3% compared to the flu at 0.1%.

<sup>[2]</sup> Letter from Physicians for Criminal Justice Reform, to State Governors, State and Local Juvenile Detention and Correctional Departments, and Juvenile Court Judges and Magistrates at 1 (Mar. 22, 2020), <https://bit.ly/3az51sz>.

<sup>[3]</sup> Id.

<sup>[4]</sup> Id.

<sup>[5]</sup> See Juvenile Justice and Racial Disproportionality: A Presentation to the Washington State Supreme Court, the Task Force on Race and the Criminal Justice System, March 28, 2012, at page 2.

<sup>[6]</sup> Id. at page 20 (Local government/Courts – Recommendation #3).

<sup>[7]</sup> *Washington’s Juvenile Justice System Improvement Planning Grant*, (2018) p 41 last viewed at <https://www.dcyf.wa.gov/sites/default/files/pdf/WashingtonTaskforceMeetingAssessmentPresentation.pdf>

<sup>[8]</sup> If a youth leaves an approved placement, they can be brought home rather than to detention under RCW 43.185c.260.