

September 29, 2020

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

Re: Letter in Support of Adopting Proposed JuCR 7.16

Dear Chief Justice Stephens and Justice Johnson:

As advocates and service providers who work with young people experiencing homelessness across Washington state, we urge you to adopt proposed Juvenile Court Rule 7.16 – Governing Warrant Quashes. By limiting the issuance of warrants unless individual circumstances pose a serious threat to public safety, the proposed court rule will positively impact unhoused youth by ensuring that fewer young people are incarcerated for behaviors like missing court or violating a court order.

JuCR 7.16 will limit punishing youth for failing to have safe and stable housing.

There is a two-way relationship between youth homelessness and the juvenile system. Youth experiencing homelessness report a high level of involvement with the juvenile system and youth involved with the juvenile system are more likely to report unstable housing.<sup>1</sup> Due to their circumstances and living situations, young people experiencing homelessness come in contact with law enforcement at higher rates than other young people.<sup>2</sup> Youth may become involved with the criminal system by being cited or charged for survival acts such as sitting, sleeping, trespassing while seeking shelter, or performing other life-sustaining acts in public.<sup>3</sup> These minor offenses end up punishing young people solely because they do not have a safe and stable place to live.

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<sup>1</sup> Feldman, D., & Patterson, D., *Characteristics and program experiences of youthful offenders within Seattle-King County Workforce Investment Act (WIA) Programs*, Seattle, WA: Workforce Development Council of Seattle-King County Research & Development Committee (2003). Feldman and Patterson compared 209 court-involved youth who participated in Workforce Investment Act (WIA) programs in Seattle-King County to 419 non-involved youth who participated in the same programs between 2000 and 2002 and found that court-involved youth were more likely to have no permanent address and that research on homeless adults consistently found high rates of prior incarceration, including when they were juveniles.

<sup>2</sup> Bernstein, N., & Foster, L., *Voices from the street: A survey of homeless youth by their peers*, March 2008, <https://cahomelessyouth.library.ca.gov/publications.html>. This study found that 60 percent of homeless youth had been fined for “quality-of-life offenses”, such as panhandling, sleeping or camping in public, and loitering (p. 5).

<sup>3</sup> A 2014 survey conducted by the National Network for Youth and the National Law Center on Homelessness and Poverty of homeless youth providers similarly found that more than 60% of providers said their youth clients reported being harassed by police or other city workers for violations. National Network for Youth, *Youth Homelessness in America*, March 2014, <https://www.nn4youth.org/wp-content/uploads/NN4Y-Youth-Homelessness-in-America-2014.pdf>.

Transient young people often do not receive notice of the tickets or court dates due to lack of a current mailing address and are often unaware that they have been ordered to appear in court. Young people experiencing homelessness are also often unable to pay the associated fines or fees for the underlying offense and acquire a warrant for failing to appear.<sup>4</sup>

Aside from not receiving notice due to a lack of a mailing address, there are numerous barriers that unhoused youth face that make appearing in court and abiding by court orders difficult. Attendance at court or fulfilling probation requirements requires planning and resources. Sickness, lack of transportation, physical or mental health barriers, substance use disorders, work, school, and the everyday realities of trying to obtain food and shelter can also create barriers to addressing citations or offenses. Young people also may not understand the need to attend.

One of the greatest barriers that prevents unhoused youth from attending a court hearing is fear. Young people experiencing homelessness may fear a system that has not treated them well in the past, fear their inability to pay the fines imposed on them, fear removal from their community, and fear incarceration.

JuCR 7.16 will make young people experiencing homelessness safer and more likely to emerge out of homelessness.

The threat of arrest and incarceration for failing to appear in court and failing to abide by a court order punishes young people experiencing homelessness for their housing status and makes them less safe and less likely to move beyond their homeless situation.

Fearing arrest on a warrant, they often hide out, avoiding school or shelters—places where they can obtain safe and supportive services and maintain connections to their community. Young people experiencing homelessness are also more likely to be victims of crimes, and their fear of arrest and incarceration can prevent them from seeking help when they need it.

Additionally, studies show that homeless youth with experience in juvenile rehabilitation are much less likely to access homeless housing and services than their peers who have exited child welfare, perhaps because of the barriers they face in obtaining housing due to histories of criminal activity and/or drug use.<sup>5</sup>

Outstanding warrants can preclude young people from accessing services and benefits that might support their ability to emerge from homelessness. Warrants can get in the way of young people

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<sup>4</sup> “A cursory investigation of homeless support organizations revealed that outstanding warrants are having an impact on the homeless community. One staff worker at Roots Young Adult Shelter said many of the guests there have had outstanding warrants with no means to pay them and no information about how to challenge them.” Melissa Hellmann, *For Homeless Seattleites, a Reprieve from the Debilitating Burden of Warrants*, SEATTLE WEEKLY, January 10, 2018, <https://www.seattleweekly.com/news/for-homeless-seattleites-a-reprieve-from-the-debilitating-burden-of-warrants/>.

<sup>5</sup> Courtney Noble, *Youth Homelessness in Washington, Landscape Scan, Prepared for A Way Home Washington and the Washington State Office of Homeless Youth Prevention and Protection*, June 2016, Page 9 [https://www.awayhomewa.org/wp-content/uploads/2016/09/YouthHomelessnessWA\\_LandscapeScan\\_August-2016.pdf](https://www.awayhomewa.org/wp-content/uploads/2016/09/YouthHomelessnessWA_LandscapeScan_August-2016.pdf).

attaining shelter<sup>6</sup>, housing, gaining employment, participating in apprenticeship programs, accessing public and federally assisted housing and food stamps, or getting a driver's license.<sup>7</sup> The many consequences of having outstanding warrants are extensive and can contribute to the cycle of arrest, detention, default, and rearrest for young people. This cycle can cause and worsen trauma in youth and can make them more resistant to seeking help, recovering in treatment, and thrive in stable housing in the future.

Ultimately, incarceration only perpetuates youth homelessness. Incarcerating youth widens fissures and conflict in family and increases trauma, which puts young people at a higher risk of not having a viable place to live.

JuCR 7.16 will advance race equity by reducing the harms of incarceration on unhoused youth.

Today's youth of color are more likely to experience homelessness and incarceration than their white peers, and detention only increases their likelihood of both future incarceration and homelessness. A 2017 study on the issue in Washington State revealed that, of the youth released from the state's juvenile detention facilities, over a quarter of them were homeless or had unstable housing within one year of their release.<sup>8</sup> Of those who exited the juvenile justice system in 2017 and became unhoused within a year after exiting, 30% were Black, 22% were Latinx, 21% were Native youth, and 8% were Asian or Pacific Islander.<sup>9</sup> Black, Indigenous, and other youth of color are most likely to get trapped in both the criminal system and homelessness. From the 2019 Point in Time Count in King County, an estimated 34% of unaccompanied youth and young adults experiencing homelessness identified as Black, 10% identified as Native youth, and 20% identified as Latinx.<sup>10</sup> The state Legislature has taken notice of this cycle and has pledged to stop releasing youth from public systems of care such as juvenile detention and juvenile rehabilitation into homelessness by the end of 2020.<sup>11</sup> The proposed juvenile court rule will further this goal by ensuring that less young people are arrested and held in detention in the first place.

The undersigned stakeholders strongly urge the Washington Supreme Court to adopt JuCR 7.16 – Governing Warrant Quashes. Incarceration harms young people experiencing homelessness by making it more difficult to provide youth with safe and stable housing and other services they

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<sup>6</sup> “A CRC or approved youth shelter will not accept a child with outstanding warrants or a child in need of medical attention or in need of an emotional or behavioral crisis evaluation, in accordance with RCW 71.05.153.” Seattle Police Department Manual, 15.220- Child Welfare. <https://www.seattle.gov/police-manual/title-15---primary-investigation/15220---child-welfare>.

<sup>7</sup> The DMV may check to see if there are outstanding warrants and can at times arrest on site.

<sup>8</sup> *Homelessness Among Youth Exiting Systems of Care in Washington State*, July 2020, page 2, <https://www.dshs.wa.gov/sites/default/files/rda/reports/research-11-254.pdf>

<sup>9</sup> Id.

<sup>10</sup> Seattle/King County Point-In-Time Count of Persons Experiencing Homelessness, 2019, page 63, [http://allhomekc.org/wp-content/uploads/2019/05/2019-Report\\_KingCounty\\_FINAL.pdf](http://allhomekc.org/wp-content/uploads/2019/05/2019-Report_KingCounty_FINAL.pdf)

<sup>11</sup> See SB 6560-2017-18.

need. Young people experiencing homelessness are best supported with community care and access to resources, not punitive measures.

Sincerely,

Liz Trautman, Chair, Washington Coalition for Homeless Youth Advocacy

Annie Blackledge, Executive Director, The Mockingbird Society

Erin L. Lovell, Executive Director, Legal Counsel for Youth and Children

Rachel Sottile, President & CEO, The Center for Children & Youth Justice

Ann Munro, Executive Director, Justice for Girls Coalition

Michele Storms, Executive Director, ACLU of Washington

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Unford, Tera](#)  
**Cc:** [Tracy, Mary](#)  
**Subject:** FW: Comment on proposed changes to JuCR 7.16 - Quashing and Issuing Warrants  
**Date:** Tuesday, September 29, 2020 3:18:31 PM  
**Attachments:** [JuCR 7.16 Letter of Support.pdf](#)

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**From:** Julia Mizutani [mailto:jmizutani@aclu-wa.org]  
**Sent:** Tuesday, September 29, 2020 2:42 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Suspicious URL: Comment on proposed changes to JuCR 7.16 - Quashing and Issuing Warrants

Dear Clerk of the Supreme Court of Washington,  
Attached and copied below is a comment in the form of a letter to the Supreme Court of Washington supporting the new JuCR 7.16 rule.  
Please contact Julia Mizutani at [jmizutani@aclu-wa.org](mailto:jmizutani@aclu-wa.org) if you have any questions or concerns regarding this comment.

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Aside from not receiving notice due to a lack of a mailing address, there are numerous barriers that make appearing in court and abiding by court orders difficult. Attendance at court or fulfilling probation requirements requires planning and resources. Sickness, lack of transportation, physical or mental health barriers, substance use disorders, work, school, and the everyday realities of trying to obtain food and shelter can also create barriers to addressing citations or offenses. Young people also may not understand the need to attend.

One of the greatest barriers that prevents unhoused youth from attending a court hearing is fear. Young people experiencing homelessness may fear a system that has not treated them well in the past, fear their inability to pay the fines imposed on them, fear removal from their community, and fear incarceration.

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The threat of arrest and incarceration for failing to appear in court and failing to abide by a court order punishes young people experiencing homelessness for their housing status and makes them less safe and less likely to move beyond their homeless situation.

Fearing arrest on a warrant, they often hide out, avoiding school or shelters—places where they can obtain safe and supportive services and maintain connections to their community. Young people experiencing homelessness are also more likely to be victims of crimes, and their fear of arrest and incarceration can prevent them from seeking help when they need it.

Additionally, studies show that homeless youth with experience in juvenile rehabilitation are much less likely to access homeless housing and services than their peers who have exited child welfare, perhaps because of the barriers they face in obtaining housing due to histories of criminal activity and/or drug use.<sup>[5][5]</sup>

Outstanding warrants can preclude young people from accessing services and benefits that might support their ability to emerge from homelessness. Warrants can get in the way of young people attaining shelter<sup>[6][6]</sup>, housing, gaining employment, participating in apprenticeship programs, accessing public and federally assisted housing and food stamps, or getting a driver's license.<sup>[7][7]</sup> The many consequences of having outstanding warrants are extensive and can contribute to the cycle of arrest, detention, default, and rearrest for young people. This cycle can cause and worsen trauma in youth and can make them more resistant to seeking help, recovering in treatment, and thrive in stable housing in the future.

Ultimately, incarceration only perpetuates youth homelessness. Incarcerating youth widens fissures and conflict in family and increases trauma, which puts young people at a higher risk of not having a viable place to live.

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The undersigned stakeholders strongly urge the Washington Supreme Court to adopt JuCR 7.16 – Governing Warrant Quashes. Incarceration harms young people experiencing homelessness by making it more difficult to provide youth with safe and stable housing and other services they need. Young people experiencing homelessness are best supported with community care and access to resources, not punitive measures.

Sincerely,

Liz Trautman, Chair, Washington Coalition for Homeless Youth Advocacy

Annie Blackledge, Executive Director, The Mockingbird Society

Erin L. Lovell, Executive Director, Legal Counsel for Youth and Children

Rachel Sottile, President & CEO, The Center for Children & Youth Justice

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[12][1] Feldman, D., & Patterson, D., *Characteristics and program experiences of youthful offenders within Seattle-King County Workforce Investment Act (WIA) Programs*, Seattle, WA: Workforce Development Council of Seattle-King County Research & Development Committee (2003). Feldman and Patterson compared 209 court-involved youth who participated in Workforce Investment Act (WIA) programs in Seattle-King County to 419 non-involved youth who participated in the same programs between 2000 and 2002 and found that court-involved youth were more likely to have no permanent address and that research on homeless adults consistently found high rates of prior incarceration, including when they were juveniles.

[13][2] Bernstein, N., & Foster, L., *Voices from the street: A survey of homeless youth by their peers*, March 2008, <https://cahomelessyouth.library.ca.gov/publications.html>. This study found that 60 percent of homeless youth had been fined for “quality-of-life offenses”, such as panhandling, sleeping or camping in public, and loitering (p. 5).

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[15][4] “A cursory investigation of homeless support organizations revealed that outstanding warrants are having an impact on the homeless community. One staff worker at Roots Young Adult Shelter said many of the guests there have had outstanding warrants with no means to pay them and no information about how to challenge them.” Melissa Hellmann, *For Homeless Seattleites, a Reprieve from the Debilitating Burden of Warrants*, SEATTLE WEEKLY, January 10, 2018, <https://www.seattleweekly.com/news/for-homeless-seattleites-a-reprieve-from-the-debilitating-burden-of-warrants/>.

[16][5] Courtney Noble, *Youth Homelessness in Washington, Landscape Scan, Prepared for A Way Home Washington and the Washington State Office of Homeless Youth Prevention and Protection*, June 2016, Page 9 <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.awayhomewa.org%2fwp%2dcontent%2fuploads%2f2016%2f09%2fYouthHomelessnessWA%5fLandscapeScan%5fAugust%2d2016.pdf&umid=2cd7de10-4778-4d23-964c-5a58e0caa165&auth=d15df2c165e24fb53bc026dba1ee9b619a161a5a-ccb18afb52d26de9ba4e804fe4483493b879382>.

[17][6] “A CRC or approved youth shelter will not accept a child with outstanding warrants or a child in need of medical attention or in need of an emotional or behavioral crisis evaluation, in accordance with RCW 71.05.153.” Seattle Police Department Manual, 15.220- Child Welfare. <https://www.seattle.gov/police-manual/title-15---primary-investigation/15220---child-welfare>.

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[20][9] *Id.*

[21][10] Seattle/King County Point-In-Time Count of Persons Experiencing Homelessness, 2019, page 63, [http://allhomekc.org/wp-content/uploads/2019/05/2019-Report\\_KingCounty\\_FINAL.pdf](http://allhomekc.org/wp-content/uploads/2019/05/2019-Report_KingCounty_FINAL.pdf)

[22][11] See SB 6560-2017-18.

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