



BENTON COUNTY WA
Prosecuting Attorney.

ERIC EISINGER
PROSECUTING ATTORNEY

7122 West Okanogan Place, STE A230
Kennewick, Washington 99336

RYAN K. BROWN
CHIEF DEPUTY, CIVIL

(509) 735-3591

JULIE E. LONG
CHIEF DEPUTY, CRIMINAL

786-5608 736-3066
Prosser Fax

KRISTIN M. MCROBERTS
ASSISTANT CHIEF DEPUTY-
CRIMINAL

April 28, 2023

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ATTN: Ms. Erin L. Lennon, Court Clerk
WASHINGTON STATE SUPREME COURT
Via Email: supreme@courts.wa.gov

RE: Suggested Changes to JuCR 7.16

Dear Ms. Lennon:

“The legislature finds that a swift and certain response to a juvenile who begins engaging in acts of delinquency may prevent the offender from becoming a chronic or more serious offender.” 1997 c 341 § 1. Wash. Rev. Code Ann. § 13.04.030 (West). The legislature’s intent for juvenile court was clear that to curb the possible increase in a juvenile offender becoming a more “chronic or more serious offender,” a separate court was created to expeditiously address crimes committed by juveniles. In the 2022 calendar year, Benton County juvenile deputy prosecutors received a 36 percent increase in criminal screenings. Although this increase cannot be solely attributed to the changes made to Washington Juvenile Court Rule 7.16, the inability for the juvenile court to bring cases to a final resolution can be attributed to the court’s authority being stifled due to the changes of 7.16. Due to the amended rule, juveniles who fail to appear to court dates are no longer issued bench warrants, causing them to lose the protections of juvenile jurisdiction and all the rehabilitative programs that go along with it. This goes against the legislature’s intent of a “swift and certain response.” Furthermore, these effects could be felt in both district and felony court, due to the increase of cases that have lost juvenile jurisdiction that now need to be filed in these higher courts.

Juvenile court differs from adult court in that it is seen as rehabilitative instead of punitive. However, a juvenile that has consistent failures to appear and continues to commit crimes against the community that do not rise to the level of a “serious threat to community safety” do not “prevent the offender from becoming a chronic or more serious offender.” Juvenile Court Rule 7.16 as it stands does not allow the court to assist juveniles that are a danger to themselves. The country is seeing an increase in drug and alcohol addiction, and Washington State is no exception.

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Juvenile respondents with open cases in Benton County have been reported as runaways that are using substances, such as fentanyl, marijuana, and methamphetamine. It is widely accepted that drug use and crime go hand in hand. Parents of these juveniles have made outreach to the deputy prosecutors working these cases asking for warrants to be issued to get their child off the streets and away from committing more criminal activity. Unfortunately, this is not possible because juvenile drug use, theft, and malicious mischief are not deemed a “serious threat to community safety” under 7.16.

In closing, the Supreme Court should rescind Washington Juvenile Court Rule 7.16 to allow the courts to respond swiftly to juveniles engaging in acts of delinquency to prevent the offender from becoming a chronic or more serious offender. 1997 c 341 § 1. Wash. Rev. Code Ann. § 13.04.030 (West). In the alternative, amended language that restores the authority of the court and clarifies the circumstances under which a bench warrant can issue will safeguard juveniles and our communities.

Sincerely,



ERIC EISINGER
Prosecuting Attorney

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Suggested Changes to JuCR 7.16
Date: Friday, April 28, 2023 3:54:17 PM
Attachments: [Benton County Response Re Suggested Changes to JuCR 7.16.pdf](#)

From: Cheryl Pochert <Cheryl.Pochert@co.benton.wa.us>
Sent: Friday, April 28, 2023 3:42 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Eric Eisinger <Eric.Eisinger@co.benton.wa.us>; Julie Long <Julie.Long@co.benton.wa.us>; Brooke Amster <Brooke.Amster@co.benton.wa.us>
Subject: Suggested Changes to JuCR 7.16

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Good Afternoon, Ms. Lennon,

Attached hereto, for your records, please find a scanned letter from Benton County Prosecutor Eric Eisinger regarding the suggested changes to JuCR 7.16. If there is anything further you need, please advise.

Thank you, and have a great day.

Cheryl L. Pochert

Felony Division, LS Supervisor

BENTON COUNTY PROSECUTOR'S OFFICE

7122 West Okanogan Place, STE A230 | Kennewick, WA 99336

☎ PH: 509.735.3591 | 📠 FAX: 509.736.3066

✉ Cheryl.Pochert@co.benton.wa.us

T.E.A.M.: Together Each Achieves Magnificence

"Handle them carefully, for words have more power than atom bombs."

