

TO: Washington State Supreme Court Rules Committee

JuCR 7.16 was adopted by the Washington State Supreme Court as an emergency rule. The rule was a measured response limiting the number of youth in detention during a pandemic to potentially save lives. *“In the Matter of the Proposed New Rule JuCR 7.16 - Governing Warrant Quashes During COVID-19 Public Health Emergency.”* Akin to the rescinding of the statewide mask mandate, JuCR 7.16 should be rescinded or, at a minimum, modified due to the pandemic ending. The proposed court rule amendments submitted by the Superior Court Judges Association and the Washington State Juvenile Court Administrators adequately address the Superior Courts’ requirements to abide by RCW 13.40.

RCW 13.40 (Juvenile Justice Act’s) intent as drafted by the legislature:

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent.

The intent of the legislature clearly defines a juvenile justice system requiring both accountability and responding to the needs of juvenile offenders. The court rule as written makes it impossible in certain cases for courts to accomplish either. JuCR 7.16 overrides statutory authority and direction given to courts, Judges, and court staff.

As it stands JuCR 7.16 does not allow a warrant to be issued unless, “a finding is made that the individual circumstances of the alleged ‘Violation of a Court Order’ or ‘Failure to Appear’ pose a serious threat to public safety.” The rule does not allow a warrant to be issued for a juvenile who chooses to never attend court for a pending offense if there is no finding of a serious threat to public safety. The rule also does not allow a warrant to be issued for a juvenile who fails to attend court for a violation of a court-order condition of supervision possibly including: court-ordered sex offender treatment, drug/alcohol treatment, mental health counseling, domestic

violence counseling and many other conditions that are clearly beneficial for the youth, victims and communities.

The inability of Judges to compel attendance at court hearings delegitimizes the entire justice system. Juveniles are very in-tune with the law and court processes. It did not take juveniles long to figure out that court attendance and compliance with orders of the court are now voluntary if they simply refuse to attend court. Prosecutors have numerous pending juvenile offender files with victims that are unresolved due to the inability to compel attendance in court. The court rule has created a system where the legislative intent relating to Superior Courts' processing of juvenile offenses has ceased to exist for certain cases. Statutes passed by the legislature criminalizing conduct are now unenforceable if a juvenile repeatedly fails to appear for court.

Victims, who are a very important participant in the juvenile justice system, will currently wait an unknown amount of time to get closure with their case if a juvenile repeatedly refuses to appear for court. Parents of juveniles who are offenders and/or victims are left in limbo waiting for resolution. In situations where an alleged offender refuses to appear for court, there will be no case resolution. A system that results in no resolution for participants ceases to be meaningful.

JuCR 7.16 served its stated purpose by limiting detention bookings during the pandemic to avoid viral infection in congregate settings. The pandemic conditions no longer exist and JuCR 7.16 should be rescinded or amended as requested.

Jack Murphy

Juvenile Court Administrator, Douglas County

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Erin L. Lennon,

Please see my attached comments re: JuCR 7.16.

Thank you.

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