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Subject: FW: JuCR 7.16 comment
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From: O'Donnell, Sean <Sean.ODonnell@kingcounty.gov>
Sent: Monday, May 1, 2023 3:52 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: JuCR 7.16 comment

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I am writing in support of the Superior Court Judges' Association and Washington Juvenile Court Administrator's request to either rescind JuCR 7.16 or to adopt their proposed amendments to that rule. The SCJA-WAJCA memorandum provides a concise outline of the procedural irregularities that resulted in JuCR 7.16's adoption and the unfortunate consequences that have resulted from it.

The reports from families who have been affected by this rule are heartbreaking. One father requested his assaultive youth, who had not complied with mental health treatment, be detained for the youth's own safety. Because of JuCR 7.16, no warrant issued and the youth stabbed someone the next day. Another parent wrote about their fears that their 14 year old daughter would be sex-trafficked and implored the court to detain her. Because of JuCR 7.16 no warrant issued. Their parent was left angry and perplexed, not understanding why "the law only cares about the safety of the city and not the safety of the child." And yet another youth, inflicting the worst on a victim and community, murdered someone after a court quashed their arrest warrant in accordance with JuCR 7.16.

Sadly, youth can be unsafe to themselves and to their communities. The Court will never be able to address all of the underlying problems that lead them to that, but it can intercede and it can provide security and stability in moments of crisis. Data show that detention for juveniles across Washington State is brief and is focused on youth who are most dangerous to themselves and to their communities. The conclusion that brief detention (after being arrested on a judicially issued warrant) is *worse* than other harm youth can cause to community or to themselves is erroneous.

Judges' orders need to be enforced; youth should be appropriately accountable for their conduct; and courts need to be able to take steps to ensure the community is safe. This can happen, while at the same time being responsive, caring and helpful to youth who are experiencing crisis. JuCR 7.16 falls short on these important criteria.

I encourage the Court to either rescind JuCR 7.16 or to adopt the SCJA-WAJCA proposed amendments.

Judge Sean P. O'Donnell

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