

April 28, 2023

To: The Clerk of the Supreme Court: Erin L. Lennon
Attn: Supreme Court Rules Committee- Reverse JuCR7.16
PO Box 40929
Olympia, WA 98504-0929
Sent via Email to: supreme@courts.wa.gov

My name is DJ Rivera and I write you today asking you reverse JuCR 7.16. I am a clinical supervisor at Catholic Community Services. I currently oversee the youth programs for the Recovery Centers in Whatcom, Skagit, and Snohomish Counties. I have been a substance use disorder professional for the last 10 years and have primarily worked with youth during that time. I have worked in both the Juvenile and Adult Drug Court programs in Snohomish County.

During my time working in the substance use disorder field, I have seen the pendulum swing from one extreme to the other regarding how youth are held accountable in the criminal justice system. When I started working for Catholic Community Services, detention was used quite a bit for minor probation violations and warrants were issued for a variety of reasons. The youth would be faced with a variety of different consequences and often many would face detention time for new use or a positive urinalysis test. I remember having conversations with these youth, some knowing detention was a possibility when they would later go to court, and they would say they were going to go on the run or not turn themselves in. It was during these conversations that I was able to work with the youth on how to navigate choice and consequence. We would look at what might happen for them in court if they were to finish out their week on a positive note and go to court versus what might happen if they went on the run. Most of the youth I worked with made the choice to go to court or turn themselves in and received lighter sanctions.

Today, it is rare to hear that a youth has had a warrant issued for missing court or has been placed in detention for a probation violation and as a substance use disorder professional it is especially frustrating since many of the youth do not make it into our sessions. We are assessing youth at a younger and younger age now and the severity of that use is quite concerning. Long gone are the days where cannabis and alcohol use were what we were seeing from 13 and 14-year-olds coming to our facility for assessments. Now we are seeing some of these young individuals using Fentanyl. Please, let that sink in for a minute. Fentanyl use with youth that are this young.

I have worked with and continue to work with youth that are struggling with the use of substances and that are involved with the criminal justice system. There is a lot of work to be done for those youth that do show up for groups, but we still have other youth that are recommended for inpatient treatment. There have been deaths by suicide and overdose over the last year. One of the hardest parts of my job is calling the parents to offer my condolences after such a tragedy. How can we prevent such things from happening?

To answer this question, I think about one youth that would have benefitted from the accountability that a warrant could have provided for them. This youth initially struggled with the use of alcohol and cannabis, they eventually tried Fentanyl and were hooked immediately. Things continued to

progress for this youth and eventually they found themselves using and sleeping on the street. This youth, like many others, struggles with other mental health symptoms and disorders, which sends them into a bad headspace. They were not a risk to the community so a warrant could not be issued, but a case could be made that they were a safety risk to themselves. An intervention here by the court, would allow this youth some time away from their substance use and provide them with a safe place under the care of professionals and detention staff to stabilize. This story does not have a sad ending, nor does not need to, but we need to help youth like this interrupt the cycle of addictive behavior by holding them accountable for their behaviors and choices.

We are dealing with young individuals, whose prefrontal cortex are not fully developed, nor will they be fully developed until age 24. The prefrontal cortex is responsible for decision making and cognitive control. This is why youth make irrational, impulsive decisions based on what feels good in that moment, often putting out of their minds the long-term implications their choices have on their lives. Add into this equation substance use and you have a recipe for disaster.

It is important to let youth know what our expectations and boundaries are. Youth are informed from the start of treatment with Catholic Community Services what they can expect. We let them know that if they report use, we have to inform their referral source. In the past this would have given us another opportunity to teach youth about choice and consequences. We would talk with the youth and let them know that they should be the one telling their referral about the use as it shows honesty and accountability. When we follow up with probation, we would ask if they have been in contact with that youth and we would often advocate for them. Many times, in cases where the youth were upfront about their use, detention and/or a probation violation was not utilized. There are a couple of things happening within the youth's brains in these instances. One, the youth knew there was a consequence for their choices and that they would be held accountable for their actions. Two, they learn how to make choices that improves their accountability with those trying to help them. Three, they receive positive reinforcement for the new behaviors which allows them to try them again in the future.

I understand that one of the biggest concerns about putting youth in detention is around the trauma that they might be exposed to. I can tell you there are more traumatic situations that many have already found themselves in. Some youth we see come from homes where they are exposed to emotional, verbal, physical, and/or sexual abuse. Others end up homeless and living on the street. Many of these homeless youth use substances daily to endure the traumatic experiences they must face each night. Some youth may end up at a trap house, which is a place where drugs are sold and used. The conditions of these houses are often poor, and youth can be exposed to sexual exploitation and assault. There are those youth too that have had to watch a friend overdose and die in front of them or have overdosed themselves. Finally, there are both male and female youth that trade sex for drugs or money.

I would also like to share with you my experiences working in detention with youth and what I have seen from staff there. The staff in Snohomish County Denney Juvenile Detention Center have some of the most friendly, compassionate, helpful individuals you will meet. They really care about what happens with the youth they do get to see. I have seen some of the interactions between detention staff and youth. Some of the youth make real connections with the adults there and these connections might be the only positive adult interactions they have.

Holding youth accountable for their actions is crucial for their development and for them to learn the skills necessary to make healthy choices that will allow them to achieve recovery and reduce recidivism. Youth thrive when they are provided clear expectations and have structure in their lives. They will often push back on those boundaries, and it is by keeping our boundaries firm that we show the youth that we care about them and their safety. By no means am I asking to go back to the way things were. Instead, my hope is that a happy medium can be found. Some place in the middle where if a youth poses a safety risk to themselves, are a risk to the community, or need to be held accountable for their actions, probation or the court has the necessary tools at their disposal to use.

We also need to look at what the long-term effects this rule might have on the youth aging out of the juvenile programs. Many have not had much accountability around their substance use or their criminal behavior and some will obtain adult charges. My other duties at Catholic Community Services are managing the Adult Drug Court program for our agency. I often see the names of former youth clients, that are now adults, with felony charges. Some do well and others do not, but I get to see firsthand what these young adults experience once they have structure, support, and accountability that this program provides. Do these young adults really need to wait until they are adults to receive this kind of support?

In closing, I am going to leave you with a quote from Erin Green, Director of National Services Operations at Boys Town. “We can’t hold kids accountable for things we have never told them we expect. Behavior should be treated like academics. Students have to be taught the skills they need.”

Please reverse JuCR 7.16.

Respectfully Submitted,

s/ Daniel “DJ” Rivera
DanielR@ccsww.org

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My name is Halle Goldner, and I write you all today in support of the SCJA's proposal to reverse JuCR 7.16. I am a former youth substance use disorder professional at Catholic Community Services in Skagit County. I worked in this position for over four years, both before and after this court rule, and have seen how it has affected treatment and access to care for teens. I first reached out over a year ago to local leaders at the Skagit County Juvenile Court regarding the confusion experienced by legally involved youth when rule 7.16 came through. The ripple effect of that confusion has continued.

While our state experiences a staggering fentanyl crisis among our teens, the people who used to be able to help now watch unable. In terms of substance use, it would be a dream to have each youth walk into treatment on their own accord, ready to get help and make changes. However, what we know about youth development indicates that they are motivated to avoid consequences, and that these consequences need to be consistent with what they will be expected to adhere to in the future.

In past years, I have watched youth who may not have had realizations about their use and behaviors have those moments of clarity in detention. Away from their peers, some of them receiving medical care they don't have access to otherwise, being provided full meals and the safety to sleep, youth in detention may realize something that they simply cannot outside. Sitting with youth in detention, I have heard profound reflection, sincere contemplation of sobriety, and willingness to address behaviors that have held them back. I have answered phone calls from youth asking for the care that they have been running from and have finally realized they do need and want. In other words, being in detention has allowed them to get real with themselves and be vulnerable with someone they can trust.

In more recent conversations, I have asked teens who have continued to disregard the restrictions of probation and fallen further into substance abuse: *what feels different in your life now that you're on probation?* The answer? *Not much.* Decisions are not being thought through, tendencies towards substance abuse are deepening, and understanding for consequences has become murkier. Confusion regarding this rule has led to lack of behavioral change among youth and in turn, stress, and fear in helping professionals who have lost a vital tool in helping youth understand the importance of their choices.

Engagement in these programs has reached an all-time low in the past year. This does not match what is happening in the homes and schools around our state. We are seeing younger onsets of use, more lethal overdoses, climbing hospitalizations and continued criminal involvement. We are seeing kids pass away before they get the chance to grow up. A short detention stay can allow time for someone like me to come in and listen to their stories and provide them options. Some youth I have worked with for months, but the first time I have ever met them sober is in the detention facility. The ability to follow through with warrants and consequences like detention time can help steer youth towards these lifesaving opportunities, rather than waiting until these problems worsen or cost them their lives.

The youth I had in mind when I originally wrote to our local leaders seeking help and to share my concern with this rule, are now adults- adults who are on adult probation, using harder substances, and coping with intense trauma that stems from not having received redirection. People are no better equipped to face consequences on their 18th birthdays as they were the day before. Youth need to know what choices are available to them, and the legal system can be the wakeup call that helps them finally understand the severity of their actions. For the developing minds of the next generation, I urge you to consider the reversing JuCR 7.16. Thank you.

Respectfully,

s/ Halle Goldner

Halle.goldner@gmail.com

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My name is Jennifer Carlson, and I write you all today in support of the SCJA's proposal to reverse JuCR7.16. Thank you for allowing me to share my recent experience with juvenile court rule 7.16. My daughter has a long history of dangerous behavior. Every time we called police, though supportive, they were at a loss as what to do with her. She became emboldened; we tried so many services. We eventually filed an At-Risk Youth petition seeking help. We signed up for functional family therapy, a social worker had to make regular visits for us to receive the service. During one visit, my daughter got so angry, she became out of control and intoxicated. The social worker had no response; no words of wisdom, no shock, no repercussions, nothing; and right there, that's when my daughter became fearless and unstoppable. While on the At-Risk Youth petition, we wouldn't see her for weeks to months and when she would show up, she was looking more hardened and rougher in her appearance; her drugs of choice escalated to fentanyl and meth.

Eventually she was charged with an assault and under probation supervision. I thought this will finally give me a tool to try to reign her in to get the help she needed. The first time we got my daughter to a long-term treatment facility she snuck in the parking lot and got high. The facility told us they are not a detox center and kicked her out and requested she be stabilized before they admit her to the facility. That's when she took off and ran away again. While under court supervision for criminal behavior, she would not follow the court's orders- not go to school, not go to therapeutic services, not show up for probation and not show up for court, she rarely came home. When she did show up, she would often sneak and use fentanyl and other opioids in our home, creating an unsafe environment for us and our other children. We needed help and no one would help us! Most of the time the court would continue the hearing and deny my warrant request. I had no idea where she was, or who she was hanging out with, or where she was staying. The fact that only her dad and I were looking for her was terrifying. I needed the court's help, and I couldn't get it.

After months of rescheduled hearings and my desperate plea, a warrant was issued, and my daughter had a brief detention stay. This is where her probation counselor was instrumental in getting her admitted to a long-term, dual diagnosis facility because she was able to participate in drug and alcohol and mental health evaluations. It took her being stabilized in detention to get the help she needed. We wouldn't have been able to get her there without the staff at the detention center, they were amazing. My daughter knew the detention staff by name and developed a supportive relationship with them. In my experience, detention and therapeutic approaches need to go hand in hand. Without the courts being able to interrupt her out of control behaviors and put her in detention, we wouldn't have gotten her the help she so desperately needed.

Our story is long from over my daughter experienced trauma while living the street life and not living in a safe and supportive environment. Though tragic, her story is not unique she has met many people like her on the streets. Until these behaviors are curbed and stopped, there will be more stories like hers. The community they created through shared addiction and criminal behavior is powerful and frightening both as a mother and a community member. We need your help to create a safe and healthy environment in our communities. We can't do this alone. Please reverse JuCR 7.16

Respectfully submitted by,

s/ Jennifer Carlson
jenniferlcarlson@yahoo.com

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My name is Karen Mobley and I write you all today in support of the SCJA's proposal to reverse JuCR 7.16. Thank you for allowing me to share my experience with this rule.

When I needed help with my granddaughter, no one could help me. Instead, she learned that even though she was on probation for a felony assault, she could still do whatever she wanted- run away, not go to school, not check in, not do treatment, not go to court, not follow court orders for counseling or other services. While on the run, her Probation Counselor called me letting me know he saw her at a store, but he couldn't do anything besides talking with her because of the new rule.

I think it's ridiculous that the law only cares about the safety of the city and not the safety of the child. She was only 14 and had a history of suicidal tendencies as well hardcore drug use. She was totally out of control at home- verbally abusive and violent in the home. I still have holes in my walls today. She was hanging around older teens and adults, one of which was 25.

She was only 14 and knew that she can't get a warrant for running away or other violations- she said she would never go to court and never come home, and she didn't for six months until she found out she was pregnant and finally returned home and finished her probation. She is finally starting an education program. She has an "I can do whatever I want mindset." Still to this day, when she gets mad or frustrated and takes off- leaving me to care for her baby. She was out of control, and not once has she completed treatment.

Now I have a 16-year-old granddaughter with a baby that I'm helping to raise. When I needed the court's help the most, I couldn't get the help I needed. I cried at night wondering where she was, wondering if she was being hurt, raped, or dead. I wish we could have intervened sooner. Please don't let this happen to any other parents.

Thank you for listening to my experience and please reverse JuCR 7.16.

Respectfully,

s/ Karen Mobley
shealenne@yahoo.com

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My name is Jered Carter, Clinical Supervisor Sundown M Ranch Youth Facility and I write you all today in support of the SCJA's proposal to reverse JuCR7.16.

Youth motivation for getting Substance Use Disorder Treatment has always been difficult but with JuCr 7.16 it has been increasing more difficult.

Often when a family starts to reach out for help with a child's substance use disorder and related criminal behaviors they are looking to the legal system for help. As counselors we are helping them to navigate options that a youth may consider, the easiest for them to do. Go to treatment or spend time in juvenal detention. The hope is that they will choose treatment. Once they are in treatment, we can then start the task of educating them on skills to build a sober, and more prosperous life.

JuCr 7.16 has made this task more difficult because youth now know that they are more likely not to be held accountable if they choose to not go to treatment. And if they do choose treatment, they know that they can simply walk off property with out fear of intervention from the courts or law enforcement.

An example I have, which has happened several times over the last few years is when a youth patient decides to abandon treatment after they have started by just walking off. The Sundown M Ranch youth facility is located on highway 821 in Eastern Washington, very near the Yakima River canyon, a beautiful peaceful place, when a person is safely inside. But when a youth decides, they are going to just walk off it can be very dangerous. The only option is to walk directly on the dangerous two-lane highway. We of course follow the youth and attempt to talk to them and convince them to return to treatment, but some simply refuse. Our protocol has always been to call the local sheriff or state patrol for assistance. So, in a last-ditch effort to convince the patient to return we would say, "hey, I'm going to have to call the Sheriff if you don't at least get off the highway" There response has more often been go ahead, they won't do anything, they can't. And so, we would continue down the road eventual coming to a resolution, but only after continued exposure to the dangers around us. Lacking the assistance needed by law enforcement the youth is placed at higher risk they would ever be in if legal intervention could have been made.

As treatment providers we need to have the ability to use the existence of legal consequences as the alternative if they chooses to not follow the court orders they have been given to attend treatment. Please reverse JuCR 7.16.

Thank you,

s/ Jered Carter

jeredcarter@sundown.org

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My name is Will Blackmon, I serve as Town of Friday Harbor's Ambassador and I am writing to you as a person with lived experience, as a parent, as a youth mentor and community youth leader. I write in support of the SCJA's request that the Supreme Court reverse JuCR 7.16.

I want you know; our kids are in trouble, and we need your help. In life, youth need to know the adults are in their life are looking out for them and providing the appropriate guardrails when things get out of control.

When I was a young man in Bakersfield, CA things began to spiral out of control for me- I stopped listening to my mom and dad and all the other adults in my life and I got caught up, eventually having a brief incarceration. This experience was both uncomfortable and enlightening. Because who wants their freedom taken away- but enlightening, because I was met with caring adults who talked sense, especially about the responsibility that comes with freedom. One of the adults talked to me and my friends and told us, one or two of you all are not going to make it in life, and that has stuck with me through life. Unfortunately, he was right; two of us didn't make it and two of us did. It wasn't easy, but I got help and moved away from criminal behaviors and associates.

My kids have needed support from the juvenile court system when things begun to get out of control for them. We needed the support of our juvenile court community members who partnered with us parents, community organizations and the school to help our kids make a path back on the right road.

Our kids are in trouble- the guardrails have become thin; the kids are learning quickly that the police and courts are not to be respected. Our kids are in trouble, and we need your help. Please reverse JuCR 7.16 and allow our court community members to intervene with our highest risk youth again.

Thank you very much.

Respectfully,

s/ Will Blackmon
willdeon123@hotmail.com

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Six Comments by members of the Public on JuCR 7.16
Date: Monday, May 1, 2023 8:09:11 AM
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[DR 7.16 Comment.docx](#)
[SD JC 7.16 Comment.docx](#)
[HG 7.16 Comment.docx](#)
[JC 7.16 Comment.docx](#)
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From: Linnea Anderson (she/her) <LinneaA@sanjuanco.com>
Sent: Friday, April 28, 2023 5:00 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: karen hattery <shealenne@yahoo.com>; willdeon123@hotmail.com; Daniel Rivera <DanielR@ccsww.org>; jeredcarter@sundown.org; Halle.goldner@gmail.com; jennifer carlson <jenniferlcarlson@yahoo.com>
Subject: Six Comments by members of the Public on JuCR 7.16

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Good Afternoon,

Attached are public comments from six members of the public who asked me to assist with their access to justice by submitting their comments. The individual statements are attached and the authors of the comments are copied on this communication.

Respectfully,

Linnea



Linnea C. Anderson (she/her) | Director
Superior Court Services Dept

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