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Subject: FW: JuCR 7.16 comment
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From: Crumpler, Andrea D. <ACRUMPLER@spokanecounty.org>
Sent: Sunday, April 30, 2023 4:11 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: JuCR 7.16 comment

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We are writing to request that the Washington Supreme Court not rescind JuCR 7.16 and let it remain a permanent rule. JuCR 7.16 has provided a necessary check and balance on probation counselors, prosecutors, and judicial officers. Before the implementation of this rule, supervising probation counselors could simply ask the prosecuting attorney to request a bench warrant for a youth who is not in compliance with probation conditions. The prosecutor would submit an ex parte motion and order for a bench warrant, which was signed by a judicial officer in the vast majority of cases. The defense attorney was never notified of the request and there was no hearing, essentially giving probation and the state unfettered discretion to obtain the issuance of a bench warrant. Due to JuCR 7.16, probation counselors need to put forth more effort in locating a juvenile and exhaust all efforts before requesting a bench warrant. Hearings on the issuance of a bench warrant are now required where defense counsel has the opportunity to be heard.

JuCR 7.16 is also necessary to limit when judges can issue warrants. Currently, the rule allows a judge to issue a warrant when individual circumstances of juvenile's violation of a court order or failure to appear pose a **serious threat to public safety**. While the clear intent of the rule is to restrict the issuance of warrants due to individual safety or a juvenile's threat to self, judges and prosecutors are routinely circumventing JuCR 7.16 by relying on other court rules and statutes that conflict with JuCR 7.16. JuCR 7.16 needs to remain in effect but clarification or amendments to resolve this issue are needed.

Moreover, rescinding JuCR 7.16 or allowing amendments that would allow the issuance of a warrant for individual safety is strongly opposed. The majority of juveniles entering the juvenile justice system have a co-occurring disorder. Locking these children up due to their mental health issues and/or substance use disorder is reprehensible. For years, Washington State has been lacking in the number of appropriate outpatient and in-patient facilities for youth with mental health and/or substance abuse issues. Youth have to wait weeks or even months to access these resources. Juvenile detention centers should not be the default facility for these kids, especially when they pose no serious threat to the community. If JuCR 7.16 is amended to allow the issuance of warrants solely based on a juvenile's threat to self, then these warrants should be book and release without the possibility of a supervisor override from a juvenile detention officer.

When youth are detained, they are taken away from their families, schools, and often community resources such as counseling. The disruption in their education can make it harder for them to transition back and move forward in a positive way once released from incarceration. In addition, youth of color have been found to be detained at higher rates than white youth. Detention should be a last resort for youth. Youth should lean on family and community resources to address health and safety issues such as housing, education, medical and mental health services, and drug/alcohol treatment services.

Lastly, juvenile detention is traumatic for many kids. The judges, prosecutors, and juvenile court administrators who claim it isn't have probably never spent a day or even an hour in juvenile detention trying to console a child who is traumatized by detention. A child who has been sexually abused and then must be strip searched by strangers in a juvenile detention center is traumatized. A child with severe anxiety who is locked in a small concrete cell is traumatized. A child with post-traumatic stress disorder due to abuse and being confined to small spaces as a young child is traumatized. It can be devastating to a child's mental health to be detained.

Please retain JuCR 7.16.

Sincerely,

Megan Manlove and Andrea Crumpler
Counsel for Defense
Spokane, WA