

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Suggested changes to JuCR 7.16
Date: Monday, May 1, 2023 8:35:00 AM

From: Dennis Rabidou <drabidou@co.okanogan.wa.us>
Sent: Sunday, April 30, 2023 9:49 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Suggested changes to JuCR 7.16

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Erin,

Please see the forwarded email from our Court Commissioner regarding suggested changes to JuCR 7.16.

----- Forwarded message -----

From: Robert Colbert <rcolbert@co.okanogan.wa.us>
Date: Apr 30, 2023 9:12 PM
Subject: JuCr 7.16
To: Dennis Rabidou <drabidou@co.okanogan.wa.us>
Cc:

To whom it may concern,

I am a court commissioner in Okanogan County. Part of my duties each week are the various juvenile dockets. I handle our county's Juvenile Delinquency calendars, Children in Need of Services matters, At Risk Youth matters, as well as our Truancy calendars. I am deeply concerned about the safety and well-being of the youth in our county as well as the impact they have on our county as a whole. As I know is true for my colleagues in similar positions, I take pride in immersing myself in each of our juvenile matters and doing my best to craft outcomes that are not only in keeping with the law but also align with what best serves our county and those youth who appear in my courtroom. From this perspective I strongly support the rescinding of JuCr 7.16, or in the alternative, the amendment of the current rule to allow the issuance of warrants if the court makes the finding a warrant is necessary to

protect the safety of the youth in question.

In my courtroom I regularly remind respondents and counsel that our criminal justice system has multiple goals. Only with the ability to issue a warrant can the judicial officer in a juvenile matter further all of those goals. The goal most understood by the public is that of deterrence or retribution. When a youth commits a crime that is contrary to the interests of society we must deter that same youth, as well as others, from committing similar acts. We accomplish that deterrence through detention, community restitution, fines, and conditions placed upon youth limiting their actions. These are not generally something that pleases a juvenile. JuCr 7.16 deprives the court of the ability to require a respondent to appear in court and engage in our system, which results in juvenile offenders who flaglantly ignore hearings. There is no real ability for a system to be effective if those persons who act contrary to the system can simply ignore it without consequences. If we desire a society with order and justice JuCr 7.16 should be rescinded.

Additionally, those youth who make the decision to not engage with the court are often those youth who are most in need of the second goal of our criminal justice system. Rehabilitation is crucial for juvenile offenders and is a key part of any disposition in Okanogan County. Our Juvenile Department provides supervision of the youth, provides services such as mental health treatment or substance abuse treatment, and connects youth with other outside services or in-patient treatment options. I know that in many cases our probation counselors have a better ability to steer youth toward improvement and growth than any other adult in that youth's life. However, the rehabilitation process is not often pleasant. It can lead to severe discomfort and angst for youth who are dealing with personal issues or disadvantages. Given the choice, many would rather not go through the rehabilitation process. This leads to our county's most vulnerable and in-need youth choosing to ignore the juvenile court because they don't want to face the very issues that likely helped lead to the criminal violation. Without the ability to issue a warrant, the court is powerless to help these youth.

The current rule obviously does allow for the issuance of a warrant, but only after the court finds that the reason for the youth's failure to appear in court poses a serious threat to public safety. This focus on public impact is largely at odds with the goals of a juvenile court outlined above, which mostly focus on the youth themselves. Why should the court's ability to ultimately deter that youth from committing further crimes be contingent on how the failure to appear at a hearing might affect the public at large? Why should the court's ability to rehabilitate and treat and improve a youth be contingent on that very same tangential issue? The proper answer is that it should not. If the court needs to issue a warrant to advance the goals of the juvenile criminal justice system it should be entirely in the court's discretion to do so. JuCr 7.16 incentivizes the most difficult juveniles in our county to ignore the courts because they can't be forced to complete any part of their disposition.

Please review the letter from Mr. Beaver of the Okanogan County Juvenile Court. He discusses a young woman that appeared in my courtroom. Without doubt, the court needed to take steps to deter her from committing further crimes where other citizens might fall victim. However, what that child needed more than anything was help. She needed rehabilitation, she needed treatment, and she needed to be supported by a system that understood someone walking on her difficult path was highly unlikely to voluntarily appear at any scheduled hearings. Unfortunately, by the time the facts met the requirements of JuCr 7.16 and a warrant could be issued it was too late. I have little doubt that if a warrant could have been quickly issued based on her apparent need for help, without the needless interference of JuCr 7.16, that young woman might still be with us.

It is with the above in mind that I ask, should JuCr 7.16 not be rescinded, that it be amended to allow warrants if the court finds that the reasons behind the failure to appear pose a serious threat to the well-being of the respondent. We rely on our criminal justice system and our juvenile departments to regularly decide what conditions should be placed upon a youth, what treatment they might need, how they should live their lives, and who they should associate with. Why can I not rely on those same professionals to help me determine that a warrant for arrest is in a child's best interest?

I care deeply about the juvenile criminal justice system. I have the ability to positively impact a child's life, help them find the treatment or services they need, improve our county by deterring further criminal activity, and create productive residents of our county. To complete all of the above I need specific tools including my own knowledge, self-improvement, and training, the incredible professionals who step into my courtroom and our juvenile building, and the numerous laws and rules of our state. I will better be able to perform my duties after the changes I outline above have been made.

I thank you for your time and consideration of this complex topic.

Court Commissioner Robert Colbert