

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Proposed Changes to JuCR 7.16
Date: Monday, April 24, 2023 8:11:08 AM

From: Smith, Shane <SDSmith@spokanecounty.org>
Sent: Saturday, April 22, 2023 3:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Changes to JuCR 7.16

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I write in support of the Superior Court Judges' Association proposal to rescind JuCr 7.16 or in the alternative amend the rule to authorize the issuance of a bench warrant to protect the safety of the juvenile as well as the public.

I have been a prosecutor for the past 26 years, and for the past eight years I have worked in our Juvenile Unit. I have found my work with juvenile offenders to be the most challenging, rewarding, and important work of my career. I take seriously my responsibility to affect the established purposes of the Juvenile Justice Act as codified in RCW 13.40.010.

Recognizing that juvenile offenders are indeed different and that every effort needs to be made to provide these youth with services, hope, and rehabilitation so that they can avoid entering a more punitive and non-rehabilitative adult system and instead create opportunities for youth to pursue positive lives and make much needed contributions to our communities.

Well before JuCR 7.16 was adopted our office worked closely with the court, probation, and defense attorneys to decrease our detention population. Treating detention as a final option instead of a first option. Careful use of the detention option became even more of a priority with the onset of the COVID-19 Emergency in March of 2020. During the pandemic, the number of youths in detention were at an all-time low and warrants were only requested for those youth who were clear dangers to themselves or to the community at large.

Since the enactment of JuCr 7.16 we have lost an important tool in removing youth from dangerous situations and providing them with an opportunity to receive

services, reestablish contacts with family, mentors, teachers, and other supports within the community. Detaining youth is never an ideal situation, but for some juveniles it is the best option available from an array of far worse options. I have seen juvenile offenders who have been arrested from drug houses, at crime scenes, from homeless encampments and from hotel rooms while in the presence of adult sex offenders. Youth have left treatment and mental health facilities onto the streets of our cities where they place themselves in an array of dangerous situations. The issuance of an arrest warrant is an important tool in removing youth from dangerous situations and putting them into a safe facility for a short period of time giving them a chance to “re-set” by providing them the opportunity to re-access services such as mental and substance abuse treatment, counseling, education with the goal of getting them back into the community.

I have seen parents, probation counselors, teachers, judges, prosecutors, and defense attorneys openly express their frustrations with the impact that JuCR 7.16 has had on their ability to work with, teach, mentor, and guide youth towards the stated goals of the Juvenile Justice System to hold youth accountable, provide them with services in the community and to rehabilitate them. 1500 words do not allow me the space to tell you about the numerous and unfortunate outcomes that I have witnessed in my work because of this rule. I can tell you that I have had a significant number of cases where an arrest warrant was sought but denied because the requirements of JuCr 7.16 could not be satisfied. There have been cases where youth have been hospitalized, overdosed, been trafficked, or have committed new and often more serious crimes. It is impossible to say if an arrest warrant would have changed any of these outcomes, but what we do know is that in each of these instances the courts and probation did not know where these youth were nor was there a means for them to find and compel these youth off the streets and back to a safe place and under the supervision of the court. Everyone in the Juvenile Justice System is tasked with the responsibility to rehabilitate and assist juvenile offenders in improving their circumstances. These responsibilities cannot be fulfilled if the judges lack the power to enforce their orders, if probation counselors lack the ability to locate, sanction, and assist youth when they violate the orders of the court.

I have no doubt that the proponents of this rule had nothing but good intentions and a desire to help youthful offenders in our communities, however, I can state, without equivocation. that based on my observations and discussions with many of colleagues (throughout the system) this rule has made the jobs of judges, probation counselors, law enforcement officers, prosecutors, and defense attorneys not only more difficult, but have made all of us far less effective in our efforts to fulfill our various responsibilities. I have seen judges visibly frustrated because they know a youth poses a clear danger to their own well-being but are unable to make the necessary findings to issue a warrant as required by JuCR 7.16. I have seen parents of troubled and missing children who are dumbfounded that the court lacks the ability to issue a

warrant when the youth is non-compliant with the court's order and these parents have exhausted all other options to find and bring their children to a safe place. I have spoken with public defenders who have made the proper legal argument in court that their clients do not pose danger to anyone, but themselves and prevailed, but then privately expressed concern about the safety of their client.

I stand ready to do what I can to find alternatives to detaining youth and to minimize the use of warrants, however, sometimes these are the only tools available to ensure that we are able to help those youth who are most at risk in our communities.

Sincerely,

Shane D. Smith
Deputy Prosecuting Attorney
Spokane County

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