



Washington Association of
**SHERIFFS &
POLICE CHIEFS**

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Steven D. Strachan
Executive Director

Friday, April 21, 2023

Chief Justice Steven Gonzalez and Supreme Court Justices

Temple of Justice

PO Box 40929

Olympia, WA 98504-0929

RE: Public Comment on Proposal to Rescind JuCR 7.16

Honorable Chief Justice Gonzalez and Justices of the Washington State Supreme Court,

I write today in support of the Superior Court Judges Association's proposal to rescind Juvenile Court Rule 7.16.

As the Court is aware, JuCR 7.16 originated as an emergency order in response to the COVID19 epidemic and intended to reduce congregating young persons at detention centers. When petitioned to establish this emergency order as an emergency rule, the Court established a permanent rule, despite the objection and concerns expressed by the Superior Court Judges Association (SCJA) regarding both 1) the feasibility of integrating the rule's operations with existing Revised Code of Washington statutes, and 2) the general public safety sentiments proponents of the rule sought to further.

Adoption and continuation as a permanent rule leave us, the Washington Association of Sheriffs and Police Chiefs (WASPC), deeply concerned. In prohibiting a judge's issuance of a warrant based on a juvenile's failure to appear – a binding judicial order – except where there is a serious threat to the public, we believe there will be a predictable result of increased crime and decreased accountability. As this Court is well acquainted, the strength of the law is dependent on the ability to enforce it.

We recognize the Court's effort to reduce the impacts of COVID-19 through the implementation of an emergency rule aimed at reducing population density during a time of broad community health concern relating to a highly communicable disease. Now that the COVID-19 epidemic has been recognized on both a federal and state level to no longer constitute an emergency, however, we feel the best way forward would be to rescind the rule which was reliant on the existence of that emergency at its origin.

As the SCJA notes in the cover sheet provided on the Washington Courts' website (dated June 7, 2022), there are significant problems with the current rule and its

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application. To reinforce, we believe the SCJA has accurately described three overarching problems and the information necessary to support them. For the Court's reference, SCJA identified 1) disparate interpretation and enforcement of based on a "threat to public safety," 2) the rule's effective limitation to criminal offense and exclusion of non-offending "at-risk youth," and 3) that the substantive nature of the proposed amendments were drafted in direct response to the Court rule and not a more general policy on warrants.

In addition to supporting the conclusions of the SCJA, we also support and would like to echo the other public comments offered which raise the issues of rising crime rates, including among juveniles, and the need for tools to ensure and improve public safety across Washington State. As an Association with a priority on public safety policy, WASPC is compelled to underscore the other voices that have joined in the request that Court restore the previously existing authority and discretion concerning the issuance of juvenile warrants to our Superior Courts.

As Chief Craig Meidl of the Spokane Police Department stated in his comment supporting the repeal of JuCR7.16, "[as] we see juvenile crime increasing in Spokane, especially crimes of violence, we need to allow judges the ability to use their discretion, based on all the facts of the case, to determine what is in the best interests of the community and juvenile." Chief Meidl's testimony to rising crime rates and juvenile participation is not unique. Unfortunately, his experience is a commonly shared one among our sheriffs and police chiefs, as well as documented in the Crime in Washington reports over the years.

As a last note of clarity, we do not believe rescinding this rule would be made against the interests of juveniles affected. Joined by many other professionals and advocates on the issues surrounding juvenile detention, we are not advocating that more juveniles should be detained without cause. We are advocating that the narrow group of juveniles whom these rules affect should be interrupted before their dangerous behavior results in even more serious consequences.

Therefore, we respectfully urge the Court's action in rescinding JuCR 7.16 and empowering our Superior Courts to serve their communities in a safety-centric manner according to the statutory laws to which they are obligated.

Respectfully Submitted,

A handwritten signature in black ink that reads "Steve D. Strachan". The signature is written in a cursive, flowing style.

Steve D. Strachan
Executive Director

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To: [Martinez, Jacquelynn](#)
Subject: FW: Public Comment on Proposal to Rescind JuCR 7.16
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Attachments: [WASPC Comment - JuCR 7.16 \(4.21.pdf\)](#)

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Please find attached - Public Comment on Proposal to Rescind JuCR 7.16.

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