



King County

King County Department of Adult and Juvenile Detention

Allen Nance, Director
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April 25, 2023

Sent via email at Supreme@Courts.wa.gov

The Honorable Erin L. Lennon
Washington State Supreme Court Clerk
Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Public comment on Supreme Court Rule 7.16 – *Quashing and Issuing Warrants*

Dear Clerk Lennon:

I write the Supreme Court today to provide public comment on Supreme Court Rule 7.16 and proposed changes to this rule. Bench officers in each jurisdiction across the state are uniquely situated to make informed decisions regarding the need for temporary custody of a youth following the issuance of a bench warrant and once a youth is brought before the court to have the warrant served or quashed. Judges often know the youth, their family, and social histories or have the expertise to obtain the information they need to help determine the presence of urgent and immediate necessity for a custodial response.

The first Juvenile Court was launched in 1899 in Cook County Illinois by social worker, Jane Addams. To this day, many of the basic tenets of the juvenile court maintain that minors are different from adults, need adult intervention and guidance to promote their best interest and wellbeing, and that the court and its practitioners, prioritize rehabilitative and restorative responses over those that are regressive and punitive. The principle of *Parens Patriae* considers that sometimes the government--or in this case, the juvenile court must step in and make critical legal decisions to protect minors who are unable to protect themselves. This has become more apparent given scientific evidence that proves that youth generally do not possess a fully developed prefrontal cortex until their mid-20's. The portion of the brain responsible for executive decision-making, and judgment.

Youth in Washington State, now more than ever, need reliable, independent, and objective arbitrators who can review risk, needs, and protective factors, to help them avoid traumatic, dangerous, and deadly

influences within their communities and sometimes within the very homes where they live. Illegal and lethal drugs such as fentanyl have further complicated the landscape in that living on the streets, “couch-surfing,” or without the aid of responsible adult supervision, exposes youth to the deadly effects of substances that are readily accessible to youth and permeate our communities. Further, the current rule invites continued circumstances where harm to individuals in community can occur where youth needs are not sufficiently met. It is not uncommon that parents and guardians agonize over the fact that they do not know where their son or daughter has been living or what challenges they face outside the home, until they come in contact with law enforcement. To simply allow them to return to the same situation or circumstance without a meaningful attempt to disrupt the destructive patterns impacting a youth is a missed opportunity most certainly, and an avoidable furtherance of the status quo at worse.

The good news is that most youth do not require custodial supervision and incarceration. The better news is that new alternatives to detention are being developed each year and showing great promise in their ability to help reduce recidivism and promote healthy, productive opportunities for youth to thrive in their communities. However, for a subset of the youth who come before juvenile court judges, a decision to issue a bench warrant or order custody may mean the difference between life and death.

As a juvenile and criminal justice professional for the past 33 years in four jurisdictions across three different states, I respectfully urge the Supreme Court to rescind JuCR 7.16 or alternatively, amend the court rule as recommended by the Superior Court Judges’ Association and Washington Association of Juvenile Court Administrators to restore the authority and discretion of judges to determine the best outcome for youth when presented with a decision regarding bench warrants and custody status.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Allen A. Nance". The signature is fluid and cursive, with the first name being the most prominent.

Allen A. Nance, Director
King County Department of Adult and Juvenile Detention

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Public Comment on Supreme Court Rule 7.16 - Quashing and Issuing Warrants
Date: Wednesday, April 26, 2023 8:04:18 AM
Attachments: [Supreme Court Rule 7- Public Comment aan.pdf](#)

From: Nance, Allen <anance@kingcounty.gov>
Sent: Tuesday, April 25, 2023 6:11 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Public Comment on Supreme Court Rule 7.16 - Quashing and Issuing Warrants

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Honorable Clerk Lennon:

Please find the attached letter respectfully offering public comments to the Supreme Court regarding Supreme Court Rule 7.16 - Quashing and Issuing Warrants.

Sincerely,

Allen A. Nance, Director
King County Department of Adult and Juvenile Detention
King County Courthouse
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