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Okanogan County Commissioners
123 5th Ave. N.
Okanogan, WA 98840

RE: Okanogan Juvenile Detention

Dear County Commissioners,

I would like to express my concerns over the BOCC's consideration of moving our juvenile detention facility to a location out of Okanogan County. There are many arguments regarding potential higher costs of contracting with an out of county facility, in particular the increased costs to the County for paying for defense counsel. Although I wish to address these costs in this letter, the overriding purpose of my letter is to address the real non-monetary costs to our youth themselves and to their families. As the public defender in charge of juvenile court, I am intimately involved with these issues and fear the harm that may come from housing our juveniles in an out-of-county facility.

I am addressing my concerns by dividing up my letter into the costs, financial and otherwise, that will be incurred by each involved party should the detention facility be moved out of Okanogan County:

Costs of Defense Counsel:

1. Okanogan County will be responsible for either increasing Public Defense (PD) funding for Okanogan PD's or hiring additional attorneys who reside outside of Okanogan County.

a. Costs of using Okanogan PD's:

i. Time for travel: If juvenile offenders are detained at Martin Hall in Medical Lake, travel time would be 2 hours 40 minutes each way from the city of Okanogan, with a distance of approximately 145 miles. Joined with time needed for visitation, court appearances, etc., this would result in a full work day for any trip taken.

1. Although juvenile delinquency and truancy/ARY/CHINS calendars are generally held once per week on

Wednesdays, preliminary appearance calendars are scheduled each business day. It is not practical or acceptable to expect defense counsel to take only one trip per week to the out-of-county facility, especially since face-to-face contact and consultation and review & signing of documents is necessary every day that a court proceeding is held.

2. Given that Okanogan PD's are responsible for handling cases in more than one particular court, taking a PD out of office for any given full day (or, worse, more than a full day) will result in undue burden on all PD attorneys. The traveling attorney, who would normally be able to run between juvenile his or her other assigned courts, would be unable to do anything other than juvenile court that day. His or her other PD cases would need to be covered, or more realistically, transferred to other attorneys. With current high caseloads and all PD attorneys working significant hours, this simply is not feasible.
- ii. Costs for travel: Okanogan County needs to factor in travel costs to the attorney that, if reimbursed at Washington State levels for privately-owned vehicles, would be over \$150.00 per trip, not taking into consideration additional meal costs or incidental expenses.
- iii. Video communication has been proposed as a method of facilitating court appearances. For a defense attorney, video communication with a juvenile housed far away is not only impractical but, under ethical and Constitutional considerations, is not permissible. Defense counsel needs to be present with his or her client during court.
 1. Preliminary appearance calendars are scheduled for every business day of the week. The majority of preliminary appearance cases are probation violations (PV's) or truancy cases. 9+ out of 10 of these cases are handled and resolved on the spot because the attorney can turn to the juvenile, in confidence at the table, explain what is going on, get answers, and respond to the court. It is not possible to this over video court. Juveniles would remain in detention longer, waiting to meet with their attorney before resolving their case.
 2. Attorney-client relationships cannot be established over video. Not only is it impersonal and awkward, juveniles could not personally review Advice of Rights forms, juvenile records rights forms, plea paperwork documents, as well as various other documents that the court may require signing. Any time the court makes a decision regarding detention or release, imposes sanctions or sentences, modifies dispositions, or does a variety of other things, the juvenile must sign a document with his or her attorney at the time of court. Furthermore, juveniles are

entitled to a physical copy of certain forms and notices. None of this is possible without an attorney physically present with the juvenile.

3. There would be costs of implementation and maintenance of the video system itself.
4. Juveniles require special “handling.” Many are between the ages of 12-14 and don’t recognize or easily understand concepts than an adult would comprehend. In-person consultation is vital; doing it over a TV screen would not only change the entire dynamics of the attorney-client meeting but undoubtedly would result in juveniles losing attention and feeling disconnected from their counsel.

b. Hiring out-of-county attorneys:

- i. Current caseloads in our juvenile court system are high. Over 220 new cases were filed in 2015. Additionally, far more cases were brought to court for probation violations and truanancies, many of which involved detention time being imposed.
- ii. A minimum of 1.5 to 2 attorneys would be needed to handle delinquency, truancy and ARY/CHINS proceedings; these out-of-county attorneys would require full-time salaries.
- iii. Juvenile delinquency court involves the defense of both misdemeanor and felony cases. Consequently, the delinquency attorney(s) would need to be Class-A felony qualified and compensated as such. Starting salaries would be significantly higher than an entry-level position.
- iv. The need for conflict attorneys. Juvenile cases frequently involve multiple co-defendants. The current PD contract has Okanogan PD attorneys handling conflicts cases at no additional cost. If juvenile detention is relocated, these conflict PD attorneys would have to rearrange schedules and travel for full days to meet with juveniles. This would significantly affect other calendars and courts and the conflict attorneys’ travel and time would need to be separately compensated apart from PD contract. Alternatively, Okanogan County would need to contract with out-of-county private attorneys to handle conflict cases at hourly rates, which results in higher costs per case than if handled by a public defender.

Costs to Law Enforcement

1. Most juvenile cases are handled differently than adult cases. Whereas adult offenders are generally facing lengthier penalties and sentences, juveniles face shorter detention sentences, often well under 30 days. Furthermore, court rules provide for a shorter time frame in which juvenile cases must be brought to trial (within 30 days for a juvenile who is incarcerated). The practical result is that juveniles come and go from detention frequently. Law

enforcement could be required to make daily or multiple daily trips to and from the out-of-county detention facility.

2. Many, if not most, juveniles arrested each week are arrested on either probation or truancy violations. Currently these juveniles are detained typically only overnight and released to a parent either the next day or within a few days. With an out-of-county facility, this will not be practical and will require a lot of coming and going with law enforcement and the juveniles.

Costs of Detention

The average time that juveniles remain in detention will rise significantly. As stated previously, many cases handled each day in court are probation violation or truancy matters. Often these children are allowed to be released from detention in well under a week. Indeed, truancy contempt sentences are limited by law to a maximum of 7 days and provide that an offender may “purge” out of his or her remaining detention time by completing an assignment. These juveniles, rather than having court and being released quickly, will have to wait and spend more time in detention given than they may be unable to converse with an attorney on the spot and resolve their case. And, even if out-of-county attorneys were involved and therefore available, in person, to meet with and handle the juvenile’s court case on the spot, the juvenile cannot simply be released within the hour, as often is the situation with our local facility. Instead, they must wait for either parents to plan and make an all-day trip to Medical Lake to pick them up, or wait for the next available transport by law enforcement back to Okanogan County.

Costs to Families of Juvenile Offenders

1. Juveniles are often visited while in detention by their parents. Many parents have financial difficulty coming to see their children in our Okanogan detention facility or making it to court. Travel for these parents out of Okanogan County would be cost-prohibitive. Aside from monetary costs, what would be the emotional toll on families and their children of such a separation? This cannot be ignored in the cost-benefit analysis.
2. Juveniles cannot be released from detention unless released to a parent or guardian. In the vast majority of cases, parents would be unable to pick their children up from detention. It is already financially difficult for many parents of our juveniles to make the trip to and from the current detention facility.

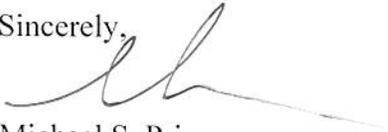
Costs to Juvenile Offenders

1. It is absolutely necessary to keep in mind that these are very young people, not adults. Their emotional and psychological maturity is much different. It is frightening to any person to be transported for several hours to a distant location by law enforcement and housed at such a distance from any family or friends. For juveniles, especially those under the age of 16, it is next to unimaginable. There is much more stress and possible emotional damage involved.
2. Our juvenile offenders will be serving more detention time, and therefore punished more harshly, than if they were housed in Okanogan County and able to be released more quickly. Washington utilizes the principle of “least restrictive

environment” when providing sanctions to youth that commit crimes. Current research indicates that **risk of future crime is increased** if the level of restriction exceeds the level necessary to respond to the youth’s risk to re-offend and the seriousness of the crime. The National Research Council of the National Academies in their comprehensive review of juvenile justice policy found that increased incarceration **raised rather than decreased the threat to public safety and increased the risk of recidivism for many youth.** Our Okanogan County juveniles may end up reoffending more often and having less promising futures if they are subjected to the more time in detention or more difficult experiences that will result from housing them out of our County.

This cannot be only a financially-driven decision that the BOCC makes. We must keep in mind the adverse effects that can result from housing our youth at such a distance from Okanogan County. Regardless of financial considerations, the possible long-term adverse effect on these juveniles would be unacceptable. I strongly urge the BOCC to decide against relocation of our youth.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Prince', with a long horizontal flourish extending to the right.

Michael S. Prince
Attorney at Law