

TO: Okanogan County Commissioners and Perry Huston

FROM: Superior Court Judges and Administrator/Juvenile Services Director

RE: Legal issues related to detention

DATE: June 14, 2016

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For purposes of the BOCC's decision regarding detention services, please consider the following questions for discussion at our June 21, 2016 meeting.

Legal authority. In his Memorandum to the BOCC dated October 26, 2015, Mr. Huston cites RCW 13.04.035 and states “[r]elevant to this discussion... [t]he statutes do allow for the responsibility of administering juvenile services to be assumed by the county legislative authority.”

Question: What part(s) of 13.04.035 does the BOCC rely on for authority to consider the placement of youth outside of Okanogan County detention?

Question: Does the BOCC rely on the first exception set forth in .035 for authority to administer detention? If so, please provide a copy of any local court rule and agreement between the Superior Court and legislative authority for such administration.

Question: Does the BOCC rely on the second exception set forth in .035 for authority to determine detention facilities? If so, please provide a copy of Okanogan County's agreement with the Martin Hall consortium to join it as a member county.

Question: If the BOCC relies on other statutory provisions for authority to determine detention services, what is it? How does it address the restrictions of RCW 13.04.035?

State Policy. RCW 13.40.038 provides that all unadjudicated youth remain “in the community whenever possible, consistent with public safety....”

Question: Given that Okanogan County currently has a detention facility why is it not “possible” to keep youth detained here?

Question: What alternatives has the BOCC identified, if any, to provide long term funding for repairs or capital improvements to the detention facility?

Contract length. This BOCC has long maintained the position that it cannot contract for any sort of personal services for more than a one-year period.

Question: If the decision is made to go to Martin Hall, will it be for more than one year, i.e. will the county seek membership as a county member for the balance of the current 50-year contract in place between existing consortium members?

Question: If so, what is the authority for that in light of the claimed lack of authority in other services-related matters? Please explain how authority for a multi-year contract with MH would differ from authority to enter other similar services-related contracts for multiple years.

Personal Appearances. If youth are housed at MH, transportation is necessary to ensure their appearance for various reasons. Electronic or telephonic appearance will not be accepted by the court.

Question: Does the BOCC agree that all youth will be present in court for all hearings? If not, what authority does BOCC rely on to determine when or how youth will appear contrary to court order?

Question: What arrangements will be provided to counsel for indigent youth to meet personally with them as counsel deems necessary?

BOCC Objective(s) In an email from January 6, 2016, Mr. Huston states that the goal of the BOCC in this process is to make a decision that provides the “best service and accountability” to citizens of Okanogan County.

Question: For the record, enumerate what specific factors the BOCC will consider in determining what constitutes this standard? What are objective measures or criteria to be used; what qualitative considerations will be used?

Question: In an earlier session, a commissioner is quoted as saying “reorganization” is an underlying reason for the BOCC decision to consider detention services and Martin Hall as an alternative. What did this mean?