

September 10, 2024

Dear Governor Inslee,

As formerly incarcerated persons who have professional, as well as deep personal knowledge of the process of rehabilitation, we ask that you respect our lived expertise and release youth in our state's Juvenile Rehabilitation (JR) facilities who have served 75% or more of their sentence and/or open other avenues of release for these young people.

Both you, Governor, and DCYF Secretary Ross Hunter publicly acknowledge that the conditions inside JR facilities have devolved into an emergency. We agree.

Moreover, the overcrowded conditions inside JR facilities preclude DCYF from carrying out its agency mandate. Legislative intent is that DCYF facilitate rehabilitation inside its JR facilities by administering an environment conducive to that mission. Presently, the opposite is happening – and, to be clear, the *opposite* of rehabilitation is *harm*; harm to the young people in JR facilities, their families, and their communities.

Facilitating a rehabilitative environment for incarcerated young people is not a complicated formulation; incarcerated young people require no more than what any other young person needs. *Rehabilitation* is fostered in a pro-social and nurturing environment of active engagement in which young people can work toward and achieve their potential. The environment should include the following elements:

- Education – young people need a functional education system that provides K-12; GED; higher-ed; vocational; and other certification pathways for them to improve themselves.
- Connection – young people need to be supported in their connection with family, community, and community-based mentors from the same communities and/or lived experience as the young person.
- Basic Needs – young people need adequate nutrition; medical care; positive and constructive outlets for physical activity; and time outdoors (i.e., fresh air and sunshine).

As you know, the above list does not correlate with the current and longstanding conditions in our state's JR facilities. Current conditions are:

- Incessant Lockdowns -- young people are kept locked in cells nearly without respite.
- Unchecked Use-of-Force Incidents -- young people are reporting constant physical abuse from both JR staff and "DCYF-deputized" DOC staff.
- Restricted Access to Bathroom Facilities -- young people are locked in cells without plumbing and their pleas to be let out to use a bathroom are often ignored, or the young people face retributive repercussions.
- Not Meeting Basic Needs – the state is not meeting young people's basic needs of nutrition; education; physical activity/exercise; medical and mental health services; and visitation.

RCW 9.94A.870 empowers you to “[c]all the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation.”

Governor Inslee, we call upon you to act to address the harm taking place, and to begin to move in a direction in which *rehabilitation* is possible in our state’s JR facilities. We ask that you release youth who have served 75% or more of their sentence and/or open other avenues of release for these young people.

Respectfully,
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[Please note, I support JR Executive staff in their efforts; they are doing the best they can. However, staff are constrained by an overburdened institution attempting to operate beyond its capacity.]
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STATE OF WASHINGTON
OFFICE OF GOVERNOR JAY INSLEE

October 9, 2024

TeamChild
615 S 9th Street, Suite 102
Tacoma, WA 98405

Dear TeamChild:

In response to your September 11 letter and follow-up email to my office regarding the safety and overcrowding challenges at Green Hill School, I first want to thank you for your advocacy on behalf of juveniles and young adults who are serving criminal juvenile and adult sentences in the custody of DCYF's Juvenile Rehabilitation (JR) division.

The relatively new JR-to-25 policy adopted by the Legislature in 2019 requires new strategies and resources for safe operations and successful programming. While those changes have been underway, a dramatic rise in juvenile crime¹, and corresponding adjudications and convictions, has resulted in dangerous overcrowding. The safety measures necessary to minimize unsafe behavior at Green Hill has severely affected the ability of DCYF to provide the full slate of rehabilitative programming and services that these young men need.

Approximately 94% of young men at Green Hill have been found guilty of serious violent offenses. The most common offenses include Robbery, Assault and Murder. The cause of this uptick in youth violence is unknown, but we believe easy access to firearms, poverty, childhood neglect, trauma, addiction, COVID pandemic impacts and other socio-economic challenges are key factors.

Your letter describes conditions at Green Hill that we asked independent investigators to look in to and we continue to monitor. Ongoing safety improvements are making it possible for staff to safely provide the young men multiple opportunities to leave their rooms daily, including to shower, eat some meals in the cafeteria, engage in educational programming, and exercise. Exigent circumstances, like large numbers of residents engaged in physical violence or a resident not complying with rules and protocols, can temporarily disrupt programming and operations for some – and sometimes all – residents.

We are eager to find a resolution to this emergency. This is not a temporary issue that can be solved with a one-time fix, nor is it one we can solve by finding alternatives for a small number of individuals. The scale of this challenge requires us to find solutions that allow us to safely accommodate 225 to 250 young adult men on an ongoing basis.

¹ <https://www.kuow.org/stories/juvenile-crime-is-up-in-king-county-officials-can-t-agree-about-how-to-handle-it>

<https://www.kiro7.com/news/local/washington-crime-report-hate-crimes-youth-offenses-rise-officer-staffing-still-low/TLP73ZSYJG0HFUGTU5LNUHLCI/>

The solution is more capacity. We are actively pursuing all viable options, including county facilities and operating a DCYF facility on the grounds of Stafford Creek Corrections Center.

Your proposal to release young men early from Green Hill School is neither a long-term solution, nor does it scale to the numbers needed to restore safe operations and full programming. DCYF already takes steps to consider minimum sentence release options. But releasing young men before they've completed their education and rehabilitation programming also makes it more likely they'll reoffend, which puts the public at risk and prolongs the young men's cycle of recidivism and incarceration.

Moreover, the options you propose for early release require lengthy and arduous processes involving the Legislature and independent boards.

The Sentencing Guidelines Commission (Commission) advises the governor and the Legislature on issues relating to adult and juvenile sentencing policies and practices. The application and operation of RCW 9.94A.870 is ambiguous, at best, with respect to juvenile detention facilities. In addition, any proposed modifications to standard sentencing ranges would have far-reaching impacts beyond JR and would not address the emergency at hand.

The Clemency and Pardons Board is not equipped to accept a slew of new petitions and, as a general rule, does not accept petitions from individuals who have served less than 10 years.

I strongly support a comprehensive review of our sentencing structure to reduce excessive sentences and address other practices that result in sentencing inequities. I've also championed efforts to expand the capacity of the Clemency and Pardons Board to review more cases. I encourage interested stakeholders to bring those proposals to the Legislature for their full consideration. But these matters are separate from what we face in this moment.

We will not release these youth into the community without ensuring they have had every opportunity to receive the services, support, therapy and growth opportunities they need to heal and successfully reenter the community. And, yes, being held accountable and taking personal responsibility for harm caused to others is equally important. I've dedicated significant energy to building successful reentry programs within Washington state, and this early release action would run contrary to what we know is necessary for people to succeed once they leave our facilities.

As we continue developing sustainable solutions to safely serving a growing number of young men with violent offenses who need services and education, I welcome your continued engagement.

Respectfully,



Jay Inslee
Governor

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Crisis at Green Hill

*Presentation to Partnership
Council on Juvenile Justice*

October 17, 2024

Background

- DCYF has acknowledged that conditions at Green Hill are inhumane and unsafe.
 - Food, water, bathroom access, massive overuse of isolation, lack of rehabilitative programming and mental health counseling, general lack of safety
- Overcrowding is a significant contributor to nearly all these problems
- TeamChild requested that the Governor address overcrowding by inviting the Sentencing Guidelines Commission to act under RCW 9.94A.870 to releasing youth and young adults at Green Hill

Background Continued

- The Governor denied the request to release youth. In part, the Governor's office is not interpreting RCW 9.94A.870 to apply to juvenile facilities. If their interpretation is correct, this is a significant gap in the law that should be changed.
- DCYF and the Governor are currently considering repurposing an isolation unit of Stafford Creek Corrections Center for DCYF Youth, as well as expanding use of county facilities to house young people
- Members of the Sentencing Guidelines Commission developed multiple alternate proposals to reduce incarceration at JR, available here: [https://sgc.wa.gov/sites/default/files/public/SGC/meetings/2024/Draft Proposals for JR Overcrowding.pdf](https://sgc.wa.gov/sites/default/files/public/SGC/meetings/2024/Draft_Proposals_for_JR_Overcrowding.pdf)

Accountability

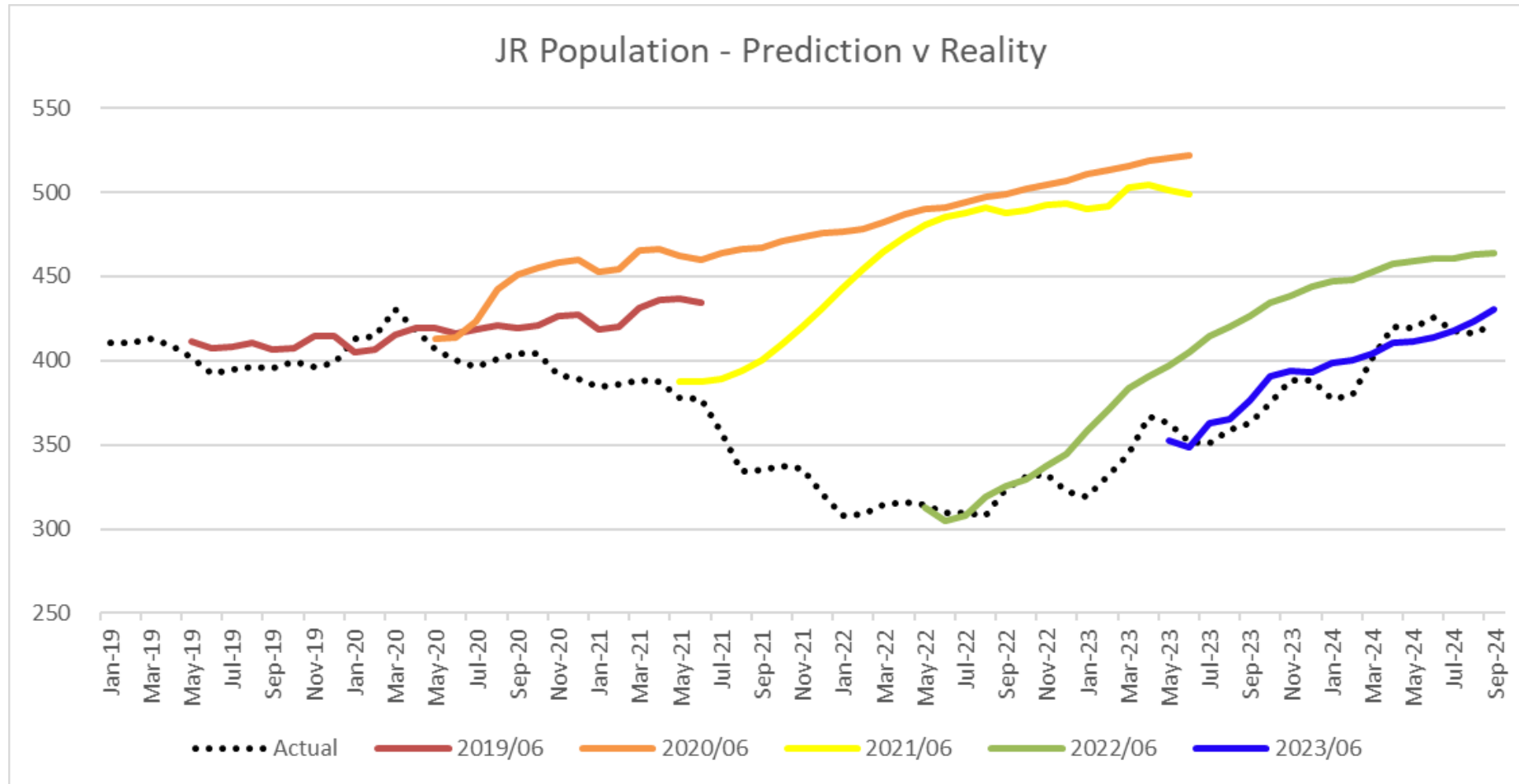
It is *false* that JR experienced an unpredictable population explosion.

In 2019, when the JR-25 bill was passed, the [fiscal note](#) made clear exactly what this would mean for JR's capacity needs:

- Combined the numbers above gives a clear picture of caseload increases across biennia in particular the impacts of a 37 and 73 Average Daily Population increase starting in 2021 and 2022. As a result, **JR will need additional capacity ready commencing Fiscal Year 2023** and for future years.
- **JR will need to begin operationally utilizing 100% of its existing capacity by Fiscal Year 2024**, which includes renovation of current units not utilized: Naselle Moolock Cottage (24 beds), Green Hill School Baker Unit (16 beds), and Echo Glen Children's Center Cottage #4 (16 beds).
- **JR may need additional capacity**, including new construction of juvenile housing. This may include construction: two 16-bed units at Green Hill School and/or 16 bed Community Facility.

Accountability

The Forecast Council has consistently predicted *higher* population growth for JR than the actual JR population growth.



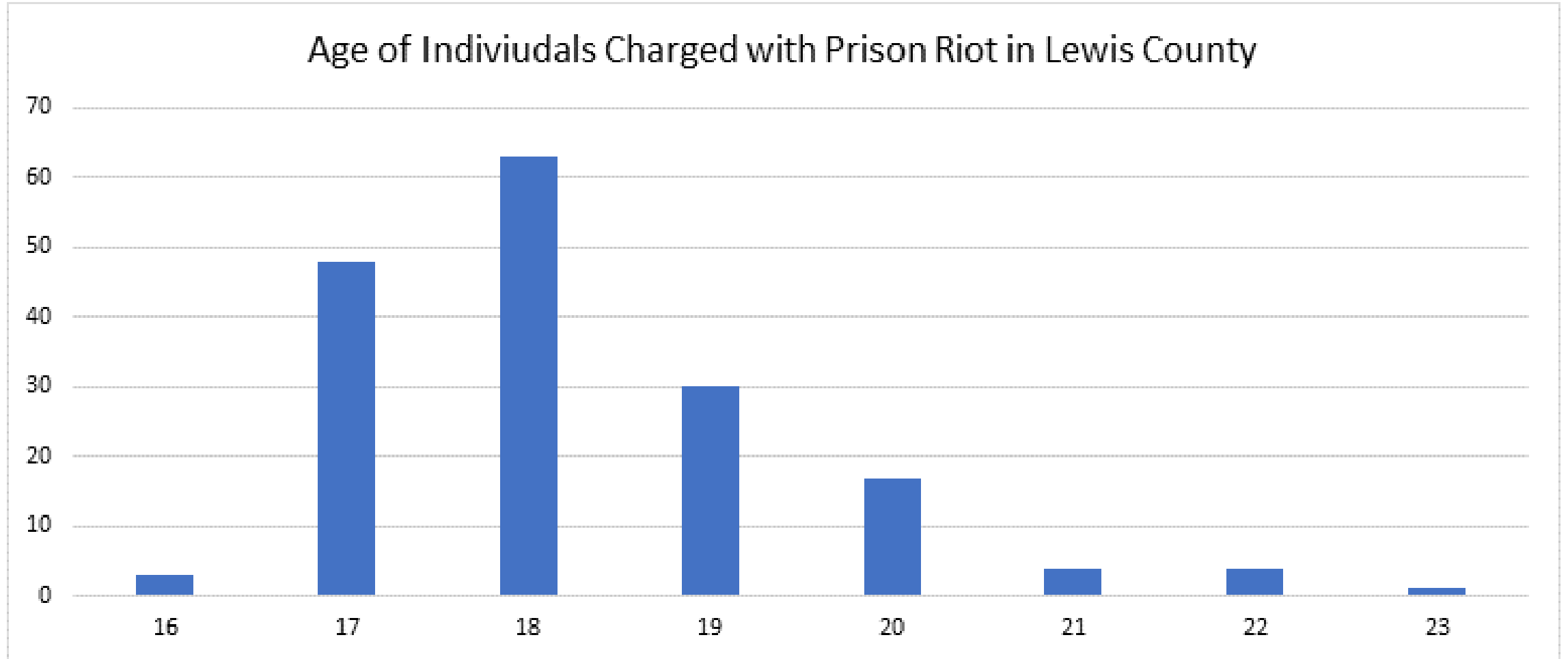
Accountability Continued

- DCYF and the Governor's office need to stop saying this crisis was unpredictable.
- The population growth cannot be described as evidence of the "failure of JR-25" when it was predicted and accepted from the beginning
- It is false that Stafford Creek is the "only option." **Less restrictive alternatives are a viable solution to overcrowding at Green Hill.** Create space by pushing youth *out* and into less restrictive placements.

Stafford Creek is not a viable alternative

- "Beds are not the answer because lack of beds are not the problem"
- The problem is lack of staff, lack of services, unacceptable facilities.
- Stafford Creek has none of those things.
- Many reasons it will continue to have none of those things:
 - Qualified individuals already employed by SCCC
 - Extremely far from community and resources
 - DCYF already pursuing virtual options for programs
 - Simply no indication DCYF will quickly be able to start a rehabilitative program for youth from scratch in the middle of nowhere
- **An empty box far from home will not rehabilitate youth.**

Older Youth Not Responsible for Increased Violence-Data Support



Older Youth Not Responsible for Increased Violence

- The increased violence seen in Green Hill School is not due to the shifting demographic, it is due to **overcrowding and inhumane conditions**.
- The solution to the violence is humane conditions, quality programming, and connection to community.
- Goal can and should remain moving youth into the least restrictive settings possible.
- Also points to the danger of losing older youth – losing role models

Community Transition Services

Electronic Home Monitoring

- Community Transition Services (CTS) was created with the legislative intent to serve fifty youth at a time by 2023. The first youth was placed on the program late this year.
- Several of the 43 youth transferred to DOC illegally were eligible for CTS at the time of their transfer
- DCYF has continually expressed their hesitation to continue to roll out the program, alternately citing budget, number of eligible youth, or simply being risk averse as the cause.



WHEN WILL CTS BE AVAILABLE?



CTS will be available six months after JR implements the new risk and needs assessment – the Integrated Developmental Evaluation and Assessment (IDEA). JR estimates the program will begin sometime in mid to late 2023.

Community Transition Services Program, Frequently Asked Questions, for **Juvenile Rehabilitation (JR) Youth**, DCYF

Publication JR_0060 (12-2022)

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CTS - Funding

(9) (a) \$878,000 of the general fund—state appropriation for fiscal year 2024 and \$879,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 206, Laws of 2021 (concerning juvenile rehabilitation **community transition services**).

p. 546

ESSB 5950.SL
2023-2024 Supplemental Budget

- DCYF has stated budget was swept from CTS. [Budget documents](#) show continued appropriations to CTS.
- Cost saving measure – savings are an estimate of \$1,850,000 per year.
- Regardless, if the Governor and DCYF are able to get emergency authorization for staffing at Stafford Creek, such authorization should flow instead toward supporting youth in less restrictive settings to drive down population at Green Hill. See [Fiscal Note for CTS](#).

JR already has ability to place youth in less restrictive environments

- DCYF has been open they are not placing eligible youth on CTS due to desire for a slow rollout
- Administration has ability to send youth to community facilities and CTS – limits are self-imposed by JR
- Administration should be issuing overrides due to state of overcrowding, and the way overcrowding has led to youth being overclassified.
- "The more crowded the facility is, the more infraction incidents that tend to occur, which itself can extend the earned release date of residents." [2nd Decl Redman]
- JR Policy 5.20 - exceptions to the classification system can be made with "approval of the Superintendent, Regional Administrator, or designee."
- If the overcrowding is enough of an emergency to justify sending dozens of youth to adult prison, it is enough of an emergency to justify the use of an existing program

Capacity Already Exists in the Community

- If we are dealing with overcrowding, sending our lowest risk youth to community placement is a better solution than sending youth to an adult setting with no chance at rehabilitation
- Full utilization would drop Green Hill population to safe numbers.
- **Likely over 75 youth are statutorily eligible for CTS, and as many as half of those at Green Hill.**
- Youth should not be denied CTS because of programming failures at Green Hill. Instead, investment should be made to wrap services around youth to get their needs met in less restrictive settings.
- Continuing to delay rollout is unsafe and contrary to wishes of the legislature.
- Regional leadership believe they are able to support these youth.

Requests for PCJJ

- **Demand Accountability, Question Unilateral Conclusions** that move the system further away from values and data that show youth are different and length of stay is not predictive of better outcomes.
 - Youth, families, advocates, and stakeholders should be *more* involved in developing proposals. DCYF should be more transparent and less conclusory in information sharing.
- **Object to Stafford Creek** as a placement for young people whose care is the responsibility of Juvenile Rehabilitation.
- **Demand JR Use Existing Capacity** – community facilities, CTS (electronic home monitoring) - to the fullest extent without delay.
- **Ask the Governor and Secretary Hunter to Release Youth** adjudicated of non-violent offenses from Green Hill, Echo Glen, and community facilities, pursuant to RCW 13.40.210, to make space to push youth out to less restrictive settings and address overcrowding.