

**WASHINGTON STATE
PARTNERSHIP COUNCIL ON
JUVENILE JUSTICE**

WA-PCJJ

July 31, 2024

Governor Inslee,

The Partnership Council on Juvenile Justice (Partnership Council) is writing you to express our deep concerns with DCYF Secretary Ross Hunter's leadership; specifically, the illegal removal of 43 young men from Green Hill school and the egregious violation of rights which allowed for their transfer to DOC. As the final months of your service as Governor comes to a close, we ask that you honor the legacy of justice that you and your administration are well prepared to leave in place for the next civil servant.

We ask that you not allow for JR to 25 – one of the most progressive pieces of legislation that has crossed your desk and been affirmed by your signature – to become kindling in the fire of injustice that is actively being fanned by antiquated, fallacious narratives that focus on the failure of young people rather than the systems that have been poorly positioned and resourced to serve them.

By way of Executive Order 20-02, the Partnership Council was established as the primary advisory group for matters pertaining to juvenile justice in Washington and is recognized as a common point of analysis, planning and advocacy for youth involved in or at risk of involvement in the juvenile justice system. It is in this capacity we sent a letter to your office on July 19, 2024, expressing serious concern over the transfer of 43 youth from JR to DOC without due process. On July 25, the full Council met and determined in fulfillment of our advisory role that it is our responsibility to recognize the failure of DCYF leadership and recommend that Secretary Ross Hunter be removed from his role as the agency head. We urgently request a meeting with you to discuss this matter and the Partnership Council's position.

As a council we are not taking this position in haste, but in response to escalating DCYF leadership failures as noted below that have created the crisis and undermined trust in the agency:

- **Failures of DCYF leadership to address understaffing, overcrowding, poor conditions, in addition to the delayed implementation of Community Transition Services (CTS) has created the current crisis.** The population at Green Hill has been above 180 (which DCYF recently identified as the safe operating capacity) since June of 2023. In March and April of 2024, advocates sent a letter to DCYF and held a webinar describing in detail how conditions at Green Hill had been worsening since the fall of 2023. 2021 legislation created and funded CTS, which allows eligible youth to spend the final 18 months of their sentence residing in community rather than in a JR facility. Three years later, DCYF has only made 5-10 CTS spots available.
- **DCYF has contributed to overcrowding by criminalizing the youth whose rehabilitation it is responsible for.** DCYF has failed to provide safe conditions and respond internally to misbehavior by youth who are in the process of rehabilitation, instead referring them for prosecution. For example, with DCYF's cooperation, the Lewis County Prosecutor's Office has charged approximately 140 counts of Prison Riot that occurred at Green Hill in the past two years. In 2023, 67% of statewide Prison Riot charges were from Lewis County despite Green Hill housing only approximately 1% of the statewide incarcerated population. Green Hill youth are not uniquely violent – this disparity is a reflection of harmful decision-making by JR leadership.

Recent decisions by DCYF leadership including the July 5 suspension of intakes at Green Hill and Echo Glen followed by July 12 transfer of 43 young people to Department of Corrections in violation of their due process rights have destroyed trust in DCYF from stakeholders including the most important stakeholder: the youth in the care of DCYF. There is at least one young person who has now been illegally transferred from JR to DOC twice, and many others who have expressed how they have been betrayed by DCYF's actions. The egregiousness of the July 12 transfers has drawn nationwide concern. In response to a letter from the Superior Court Judges' Association and the Washington Association of Juvenile Court Administrators regarding the July 5 intake suspension, Secretary Hunter apologized, acknowledging that the actions he took were too abrupt and did not adequately consider the full system.

The Partnership Council is also deeply concerned by DCYF's characterization of the illegally transferred youth as the problem that necessitated the violation of the JR to 25 laws of 2018 and 2019 and *Ta'afulisia* settlement agreement that DCYF entered into less than one year ago. The 43 youth who were transferred are not the problem and should not be blamed for system-level failures and mismanagement. Among the transferred youth are mentors, nationally recognized leaders, college students, peacekeepers, advisors and advocates. They are the youth that DCYF calls upon to lead tours of Green Hill, to speak to legislators and to celebrate in media releases detailing their progress. It is our position that these youth are owed a formal apology by you and DCYF leadership and a press release retraction as a first step in supporting recovery from the trauma, betrayal and dehumanization they have been subjected to.

Although there is no way to undo the harm that has been caused, the Partnership Council does believe DCYF should commit to the following priorities that have been identified by the impacted youth in support of their transfer back to Green Hill:

- Youth should return to Green Hill at the same "level" they were at when they were illegally transferred so that they may resume the same privileges and access to programming they had before they were hastily removed. There should not be a waiting period, and they should not be required to re-earn their previous level.
- Those enrolled in college, certification programs, education, programs, jobs, and mentorship roles should be automatically re-enrolled.
- Youth should have the full and proactive support of DCYF to resume any of their pursuits that were interrupted by the transfer such as policy advocacy work, national leadership roles, and marriage applications.
- Those eligible for the Baker North living unit should be prioritized for immediate placement there.
- All should have their belongings and account balances immediately returned to them. Many young people lost belongings due to DCYF's militant removal by DOC staff and JR's inability to protect their personal property. DCYF should be responsible for compensating youth for the loss of those belongings.
- Several young people have fully lost confidence in DCYF and do not feel safe returning to Green Hill. Youth who prefer to remain in DOC should not be forced to transfer back to JR. Their possessions and account balances should immediately be transferred to them, and DOC should expedite their transfer out of WCC to the facility where they will reside long-term.

In addition to the requests from the impacted youth above, the Partnership Council requests the following:

- Immediately remove Ross Hunter as Secretary and leave DCYF under interim leadership that is capable of a human-centered approach to managing the current crisis within our JR facilities.

- Bring together an advisory group to help select the interim leader and create a strategic approach to resolving the cooccurring crises within JR facilities. At a minimum, this group should be comprised of those who have been impacted by JR, community advocates and stakeholders, current JR staff who are serving within the facilities and representation from the Partnership Council.
- A detailed plan to establish sustainable funding for JR needs and the immediate identification of resources to assist in remediating the current crisis.
- A clear process of repair in response to the harm caused to the displaced youth and a public apology by you and DCYF leadership.

We are months away from the end of your service to our state as Governor, and the Partnership Council desires to support you and your administration in finishing your tenure by upholding your longstanding commitment to creating a more just Washington State. Governor Inslee, together we can travel down this road to repair, affirm who we are in our commitment to young people, and create the space for our state's next leader to have a clear path forward so there is no choice but to continue our shared journey toward a more just Washington.

Sincerely,



Gordon McHenry, Jr.
Chair



Sean Goode
Vice Chair

cc: Washington State Partnership Council on Juvenile Justice
Ross Hunter, Secretary, DCYF
Bob Ferguson, Attorney General
Judge Kristin Ferrera, President, Superior Court Judges' Association
TJ Bohl, President, Washington Association of Juvenile Court Administrators
Washington State House of Representatives Speaker Laurie Jinkins
Washington State House of Representatives Majority Leader Joe Fitzgibbon
Washington State House of Representatives Republican Leader Drew Stokesbary
Washington State Senate President Lieutenant Governor Denny Heck
Washington State Senate Majority Leader Andy Billig
Washington State Senate Republican Leader John Braun

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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