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## Opinion

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# The important change to juvenile justice you have not heard about

Washington is giving dozens of juveniles serving life sentences a new shot at freedom, writes columnist Jonathan Martin.



By Jonathan Martin

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The state Legislature this year passed the most important juvenile-justice reform in two decades.

And nobody seemed to notice.

With wide, bipartisan support, lawmakers wiped away a wrongheaded law allowing juveniles as young as 13 to be automatically sentenced as adults to life without parole. In the coming years, release is suddenly possible for many of the 28 men sentenced to life in adult prisons while they were still legally children.

That alone is a huge deal. But the Legislature, in passing SB 5064, went further. It also gives a larger group of former juvenile offenders serving extraordinarily long sentences — known as “functional life sentences” — a chance of release after 20 years.

This law, which the governor is expected to sign, received little attention. I can’t find a single news story about its passage. Maybe that’s because lawmakers refrained from trumpeting it, to avoid stirring passions of lock-’em-up hard-liners.

The hard-liners have held sway since the 1980s, as Washington and other states swung from rehabilitation toward punishment in juvenile justice. The juvenile “super-predator” theory in the mid-1990s led to the passage of increasingly harsh laws. As recently as the 1990s, Washington even allowed death sentences for juveniles.

Today, the per capita arrest rate for Washington youth is one-third of the 1994 peak, and the population of state juvenile institutions has fallen by about half.

And we now know, thanks to sheaves of brain research, what every parent of a teenager already knows: The adolescent brain is mushy, not-fully-formed goop, mostly incapable of weighing consequences.

That’s not some uber-progressive talking point. It’s the basis for the 2012 U.S. Supreme Court decision in *Miller v. Alabama*, which ruled that automatic life sentences for juveniles are unconstitutional. That invalidated Washington’s old law, as well as those in about 28 other states.

As Justice Elena Kagan wrote, “Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features — among them, immaturity, impetuosity, and failure to appreciate risks and consequences.”

Applying this to the 29 men in prison for crimes they committed as minors is complicated. The new law isn’t a get-out-of-jail-free card, nor should it be. The life-without-parole sentence is reserved for aggravated first-degree murder. For this group, the question is whether prison produced changed men.

Among the group is Alex Barayni and David Anderson, who, just months before they turned 18, killed one teenager and three adults in 1997. King County Prosecutor Dan Satterberg calls their crime “a sadistic thrill killing” unworthy of a shorter sentence.

But it also includes six men who’ve served decades for crimes committed when they were 15 or younger. Among them is Jeremiah Bourgeois, who at the age of 14 killed a High Point shop owner, Tecele Ghebremichale, who had testified against his brother. Bourgeois has been in prison since 1992.

The new law, which was championed by the Washington Association of Prosecuting Attorneys, allows Bourgeois to seek resentencing back in King County. The new law sets the minimum sentence at 25 years and a maximum of life, and allows a judge to account for Bourgeois’ young age at the time of the crime, and his rehabilitation.

Unlike his position on Barayni and Anderson’s case, Satterberg said he’s “open to revisiting” Bourgeois’ sentence.

“We now believe that adolescents are not little adults,” said Satterberg. “The science is unmistakable about how brains develop in adolescents. They process information and make decisions differently ...”

“The question has always been — so what does that mean for justice and safety? There will always be a balance of horrific crimes versus the science of adolescent brain development.”

Bourgeois’ attorneys declined to put him on the phone, uncertain how the law will be used. “Over the last two decades he’s matured and changed from the 14-year-old who was first sentenced to prison. He won’t be a risk to reoffend at all,” said one attorney, Vincent Southerland of the NAACP Legal Defense Fund.

Southerland, who has a nationwide practice, said only a handful of other states have responded to the *Miller v. Alabama* ruling proactively; fewer have applied the law retroactively.

For a Legislature that was blasted — including on [The Seattle Times](#) editorial page — for what it didn’t do, this law is a landmark accomplishment.

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