

WA judge orders state to bring 43 men back to juvenile detention

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Green Hill School is a juvenile residential facility in Chehalis. The Washington State Department of Children, Youth and Families announced last week that it had transferred 43 men under 25 from Green Hill to an adult prison. (Thomas James Hurst / The Seattle Times, 2009)Less

By [Lauren Girgis](#)

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The state must move 43 young men from an adult prison where they were sent last week back to a juvenile detention center after a Thurston County Superior Court judge found Friday the action was in violation of a legal settlement.

On July 12, the Washington State Department of Children, Youth and Families announced it transferred the 43 men, who are over 21 but not yet 25, to an adult prison from the Green Hill School in Chehalis due to safety concerns from a “rapidly growing population.” During a hearing Friday, Judge Anne Egeler ruled the move by DCYF violated a settlement agreement reached less than a year ago with several Green Hill residents.

As part of that order, DCYF agreed to provide hearings and access to an attorney before young men were transferred to other correctional institutions.

No one told the 43 men they were about to be moved and they weren't given a chance to talk to their attorneys until they were relocated to the prison.

Egeler decided the department must move the 43 men back to Green Hill within 14 days, and set another hearing before that deadline where DCYF could argue for a change in the order.

Columbia Legal Services, the legal aid group that filed an injunction last week, argued the overcrowding situation was not unforeseeable, and wrote in a court motion that the 43 men "should not be held responsible for shouldering the consequences of a state agency's shortcomings."

Earlier this month, DCYF suspended intakes to Green Hill and the state's other juvenile detention center, Echo Glen Children's Center. The order is still in place, and counties are now responsible for detaining young people until DCYF can take custody of them.

The move has been highly criticized by attorneys, advocates and some state lawmakers.

DCYF has stated the overcrowding in Green Hill reached unmanageable levels due to rising felony juvenile crime rates and a state law passed in 2018 that extended juvenile jurisdiction to the age of 25 if the youth was tried in adult court. The department argued Friday the settlement agreement cited by the judge doesn't prohibit transfers based on overarching safety risks.

In a court declaration, DCYF Secretary Ross Hunter stated the overcrowding and staff shortages resulted in residents' movements being restricted, correlating in an "increase in riotous behavior" and one confrontation in June that resulted in a Green Hill staff member being hospitalized.

In a [letter](#) sent to Gov. Jay Inslee and Cheryl Strange, secretary of the Department of Corrections, Columbia Legal's executive director, Merf Ehman, said the state's action "undermines the checks and balances our democratic system is based upon."

"The executive branch has decided that it is now the judge, the legislature, and the decider with no basis in law to do so," wrote Ehman.

In the court filing, Hunter stated he believed telling residents in advance they would be moved was "too dangerous to pursue" because of the risk of a prison riot.

Hunter's court declaration stated DCYF has instructed staff to find additional space for residents at Green Hill and is working with Inslee's office to find additional facilities. But "at this time, no additional such facilities are available," the declaration states.

During a Monday news conference, TeamChild, a legal aid group that's represented dozens of Green Hill residents, stated there were tears and panic during the move. A

mother of one of the men transferred said multiple DOC guards entered the facility dressed in all black and informed them they were now in the custody of the DOC.

They did not have a chance to talk to family or collect their belongings, said state Sen. Noel Frame, D-Seattle, who said one man had to leave a necklace with his mother's ashes, and another left behind a locket with his grandmother's ashes. Many were pursuing associate or bachelor degrees and don't know if they'll be able to finish them now, Frame said.

Frame was involved with the passage of the law that allows people to be detained in juvenile detention until they are 25, known as JR to 25. This applies to people convicted in adult court for serious crimes that will keep them detained beyond their 25th birthday. She said legislators were given no warning of DCYF's actions this month.

"The adults have screwed up," Frame said. "We're not managing the system right."

In May, the King County Department of Public Defense filed a personal restraint petition on behalf of several Green Hill School residents that said the staffing shortages and routine punishment in the facility had led to "unconstitutionally cruel" and **illegal** conditions of confinement. The petition stated the boys and men were sometimes locked in their rooms all day, and staff often didn't let them out to use the toilet or made them wait hours. A resident declared he and others had been given plastic bottles to urinate in by staff every day for the past year. Sometimes they soil themselves.

"I really question why it's so challenging to find the resources that we're looking for to support young people the way we want, when there were resources of \$10 million to build a fence around Echo Glen, and there's apparently enough resources to pay all these counties to hold these young people that they're not going to take," Karen Pillar, TeamChild's executive director, said during Monday's news conference.

A preliminary report released this month by the Washington State Institute for Public Policy found that juvenile detention center populations now skew older. A final report analyzing the impacts of JR to 25 is due in 2031.

Neuroscience has shown adolescent brains aren't fully developed until age 25, prompting the U.S. Supreme Court to issue several rulings since 2005 that consider juveniles less culpable than adults for criminal behavior. Science has also noted adolescents possess a higher inclination for rehabilitation than adults.

"It is good public policy to make sure that they are rehabilitated and are ready to be safe and productive members of society when they get out," Frame said. "It's not good for public safety to break promises to 43 young people that you asked to renounce crime, renounce drugs, renounce gangs."

Anthony Smith, a 25-year-old who lived at Green Hill School for over three years and advocates for juvenile detention reform, said he knows many of the 43 individuals and was upset at hearing of the decision. Smith, who transferred to an adult prison in December, expressed concern that the move would only increase the likelihood of the

younger men being influenced by more dangerous people incarcerated in the prison. He talked to The Seattle Times by phone after his mother read earlier coverage of the state's transfer of the 43 men.

Smith was working on his bachelor's degree in business at Green Hill, but at Stafford Creek Corrections Center where he is now, it's been difficult to even get into a classroom.

"All this is going to do is increase the likelihood of them reoffending when they get out," Smith said. "Them being at Green Hill is the best opportunity for them, because they can actively take advantage of the resources that are accessible to them in that environment, which is more beneficial than them being in prison."

Staff reporter Claire Withycombe contributed to this report.

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