

March 21, 2023

Majority Leader Andy Billig
3rd Legislative District
307 Legislative Building
Olympia, WA 98504

Dear Majority Leader Billig:

We, the undersigned organizations, write in strong support of HB 1324 – a bill to retroactively and prospectively repeal the use juvenile adjudications to *automatically* enhance future sentences in adult courts. This is commonsense legislation that would align our judicial system with established science around brain development and adolescent behavior, reflect best practices in sentencing, and begin to rectify the vast racial disparities in our prison system.

We know that children are different than adults. We know that the human brain is not fully developed until they are 25 – this results in children and young adults being more impulsive, more susceptible to peer pressure, and less capable of weighing the consequences of their actions.¹ That is why we have two separate systems of justice for children and adults. Unfortunately, Washington sentencing policy blurs this line with disastrous outcomes – punishing people twice for mistakes they made as kids.

Juvenile adjudications can add years to a person’s sentence in the adult system. These long and excessive sentences are not beneficial to public safety. Research has long shown that the severity of a person’s sentence does not deter crime – rather it is the certainty of being caught and quickly held accountable.² Furthermore, sentences enhanced due to past juvenile adjudications leave Washingtonians incarcerated well past the point of diminishing returns on public safety. People by-and-large age out of criminal behavior. Criminologists have long understood the existence of an age-crime curve that shows criminal behavior rises in late adolescents and begins to desist by their early to mid 20s – steadily dropping throughout a person’s lifetime.³

Not only does this policy fail to keep Washington safe, it has exacerbated the severe racial disparities in our justice system. Black and Indigenous people are significantly disproportionately impacted by juvenile felony convictions. For example, while Black people make up 4.5% of the overall population in Washington State, they make up 21.9% of people currently incarcerated who have at least one juvenile felony conviction on their record. In addition, while Indigenous people make up 2% of the overall population in Washington State, they make up 9.3% of people currently incarcerated who have at least one juvenile felony conviction on their record.

In addition to prospectively ending the practice of automatically enhancing prison sentences based on prior juvenile adjudications, this bill will allow people serving such sentences to be resentenced. This is

¹ Arain, M., Haque, M., Johal, L., Mathur, P., Nel, W., Rais, A., Sandhu, R., & Sharma, S. (2013). Maturation of the adolescent brain. *Neuropsychiatric disease and treatment*, 9, 449–461.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648/#:~:text=The%20development%20and%20maturation%20of%20the%20prefrontal%20cortex%20occurs%20primarily,helps%20accomplish%20executive%20brain%20functions>.

² “Five things about Deterrence”, National Institute of Justice, June 5, 2016, <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>

³ “From Youth Justice Involvement to Young Adult Offending,” National Institute of Justice, March 10, 2014, <https://nij.ojp.gov/topics/articles/youth-justice-involvement-young-adult-offending>

very important. If Washington decides that a law is unjust going forward, it must apply to those who have already been impacted.

House Bill 1324 is an urgently needed piece of legislation that will correct a harmful relic of the “lock ‘em up and throw away the key” mentality of the 1990s that has devastated communities of color. Passing HB 1324 will not prevent a judge from considering someone’s juvenile history – it would end the automatic use of juvenile points to enhance a sentence and restore much needed discretion to our state’s judges.

Washington is one of only a minority of states that use juvenile adjudications to automatically enhance sentences in the adult court, the legislature can and should get rid of that unfortunate distinction. We are proud to support HB 1324 and we urge you to pass it this year.

Sincerely,

Organizations

Washington State Labor Council, AFL-CIO
SEIU 775
SEIU Healthcare 1199NW
Washington Chapter of the American Academy of Pediatricians
ACLU of Washington
Washington Minority and Justice Commission
Chief Seattle Club
Huy
Galanda Broadman, PLLC
FAMM
Atlantic Street Center
Urban League of Metropolitan Seattle
Tacoma Urban League
League of Women Voters
Collective Justice
Civil Survival
Disability Rights Washington
Washington Defender Association
King County Department of Public Defense
Washington Innocence Project
Look 2 Justice
Washington Freedom Project
Northwest Community Bail Fund
Seattle Clemency Project
TeamChild
Information For A Change
Kitsap Black Student Union
Liberation Media Northwest
Vashon Maury Showing Up for Racial Justice Criminal Justice Action Team
Wallingford Indivisible

Individuals

Judge André M. Peñalver, *Pierce County Superior Court Judge*

Judge Theresa Doyle (Ret.)

Adam Cornell, *Former Snohomish County Prosecuting Attorney*

Norm Stamper, *Former Seattle Police Chief (Ret.)*

CC: Sen. Manka Dhingra

Sen. Bob Hasegawa

Sen. Claudia Kauffman

Sen. Karen Keiser

Sen. Joe Nguyễn

Sen. Jamie Pedersen

Sen. Emily Randall

Sen. Rebecca Saldaña

Sen. Derek Stanford

Sen. Claire Wilson