

July 16, 2024

Dear Governor Inslee and Secretary Strange:

I am writing to express my dismay and shock over the Department of Children, Youth, and Families' unlawful transfer of 43 young people detained at Green Hill School (GHS) to adult prison on July 12, 2024. DCYF's actions were in deliberate disregard of the Settlement Agreement reached between the agency and our clients in *Ta'afulisia vs. DCYF*, which was approved by Thurston County Superior Court Judge Anne Egeler in October 2023. It is clear from what occurred, and from DCYF's filings with the Court announcing this mass transfer, that DOC and the Governor's office were complicit in DCYF's violation of the Settlement Agreement, the statutes the settlement agreement enforces, and the Washington State constitutional provision guaranteeing due process of law. The State's actions are so outside the bounds of the Settlement Agreement and the statutes governing the State's authority that I felt compelled to write to you.

Columbia Legal Services (CLS) advocates for laws that advance racial and economic justice for people in Washington state. Our legal, policy, and community engagement experts work alongside people who are pushed furthest from power to seek justice and fight oppression. We have represented people in DOC and juvenile rehabilitation for more than forty years. Over the years, we have observed appalling behavior by DOC staff involving violence, sexual assault, and negligent medical care with blatant disregard for the health and safety of people in its custody, let alone the law. In holding DOC and the State accountable we have often entered into settlement agreements and consent decrees to ensure the rights, health, and safety of our clients are preserved.¹ There have been times when we have disagreed with DOC, DCYF, or DSHS on the interpretation of an agreement or a consent decree, and we've had, occasionally, to take enforcement action but I have never seen this level of disregard for a court approved settlement and the statutes it is intended to enforce.

In these current times, where our very democracy is at stake, the one issue that many Americans and Washingtonians can agree on is the central importance of the rule of law – particularly due process. Following the law, adhering to court agreements and applicable statutes and providing notice and a hearing ahead of agency action are fundamental to our democracy. We, as lawyers and actors in our legal system, have agreed to follow the dictates of the courts and legislature. Through the State's actions the health and safety of 43 youth are

¹ CLS and its predecessor organization, Evergreen Legal Services, have also entered into numerous consent decrees and settlement agreements with the Department of Social and Health Services. Like the settlement agreement with DCYF, we filed lawsuits when DSHS refused to follow the laws governing programs benefiting low-income Washingtonians. We have also had to enforce those consent decrees and settlement agreements.

now jeopardized. We have already heard that one youth has already been assaulted and is currently in solitary confinement “for protection.”

The State has decided that a court order no longer applies to it. The Executive Branch has taken action that 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 – there was no notice to impacted individuals or their counsel, no opportunity to be heard, and no chance to oppose the State’s action. This should not happen in a democracy and yet it has.

CLS has taken immediate court action to seek a preliminary injunction to right this wrong. There is a hearing set for Friday morning. I ask that you take action before this matter comes before the Court to correct this brute-force action using the power of the state. You can return all of the youth to GHS immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Merf Ehman", followed by a horizontal line extending to the right.

Merf Ehman
Executive Director