

SECOND CHANCES FOR PEOPLE INCARCERATED AS YOUNG ADULTS

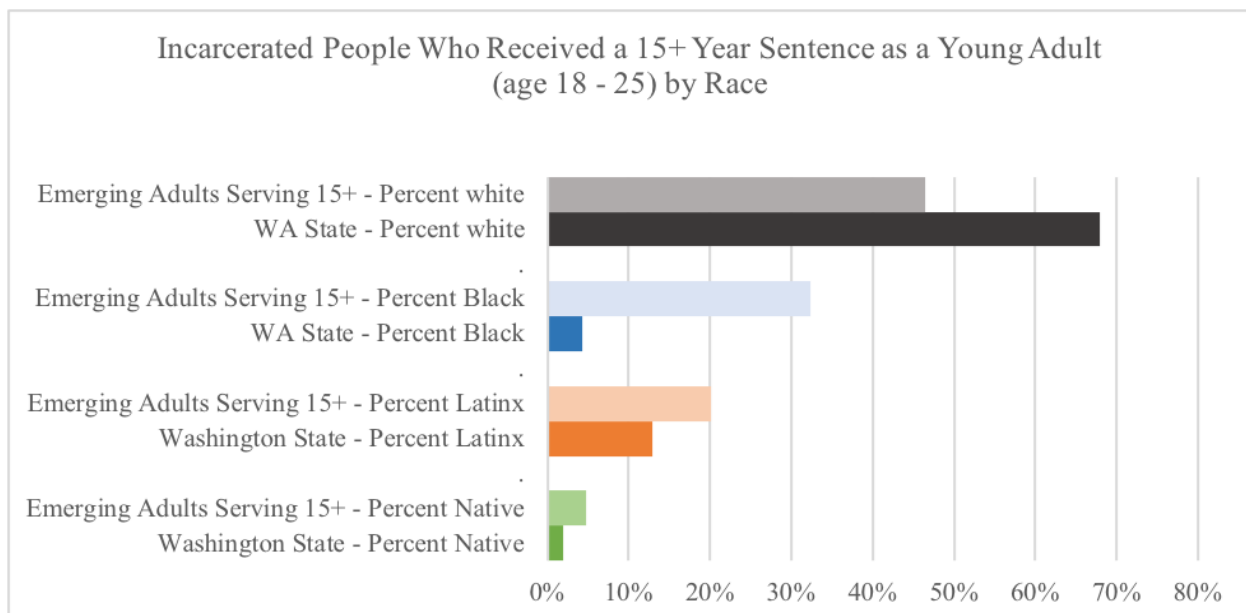
Advancing racial equity & addressing mass incarceration by promoting evidence-based sentencing for young people

HB 1344 Second Chances for People Incarcerated as Young Adults promotes evidence-based sentencing and advances racial equity by providing people given long sentences at young ages the opportunity to go before the Indeterminate Sentence Review Board to demonstrate their change.

The History: In 2014, following the *Miller v. Alabama* ruling and rationale by the U.S. Supreme Court, Washington State passed the Second Chance Bill (SB 5064) which granted review to youth who were sentenced for crimes committed prior to their 18th birthday. This legislation, which was drafted in part by the Washington Prosecutors Association, recognized that existing law was not constitutional. It also recognized the underlying science from *Miller*, which states a young person's brain continues to develop well into their twenties and is rarely fully developed prior to the age of 25. Although the ruling recognized the "lessened culpability" and "capacity for change" of young adults, i.e. people age 18 – 25, it only offered people who were sentenced for crimes they committed while under the age of 18 the opportunity to have their sentence reviewed. There are many success stories from the passage of this legislation. People released have gone on to attend law school, form non-profits, and greatly contribute to the community.

HB 1344 increases the age for sentence review consideration from 18 to 25. It is time to amend the law to make it consistent with the underlying science, the numerous court cases that have been decided since *Miller*, as well as the growing national understanding that young adults need to be treated differently in the criminal justice system. HB 1344 helps Washington sentencing practices become more just and evidence-based.

HB 1344 helps move Washington towards more racial justice. Data shows that there are massive racial disparities in sentencing for this vulnerable age group. **Racial disproportionality is exceptionally high among those who are given long determinate sentences as young adults.** For example, while Black people make up just 4.3% of the entire population of Washington State, they make up 32.4% of those currently incarcerated who were sentenced as emerging adults and are serving a 15+ year sentence. *There are more Black people currently incarcerated serving a determinate de facto life sentence (50+ years) given to them as an emerging adult than there are white people in the same situation.*



Source: Washington State data reflects 2019 Census. Prisoner information reflects author's analysis of WA DOC OMNI data as of 1/31/2020 and is limited to those serving determinate sentences.

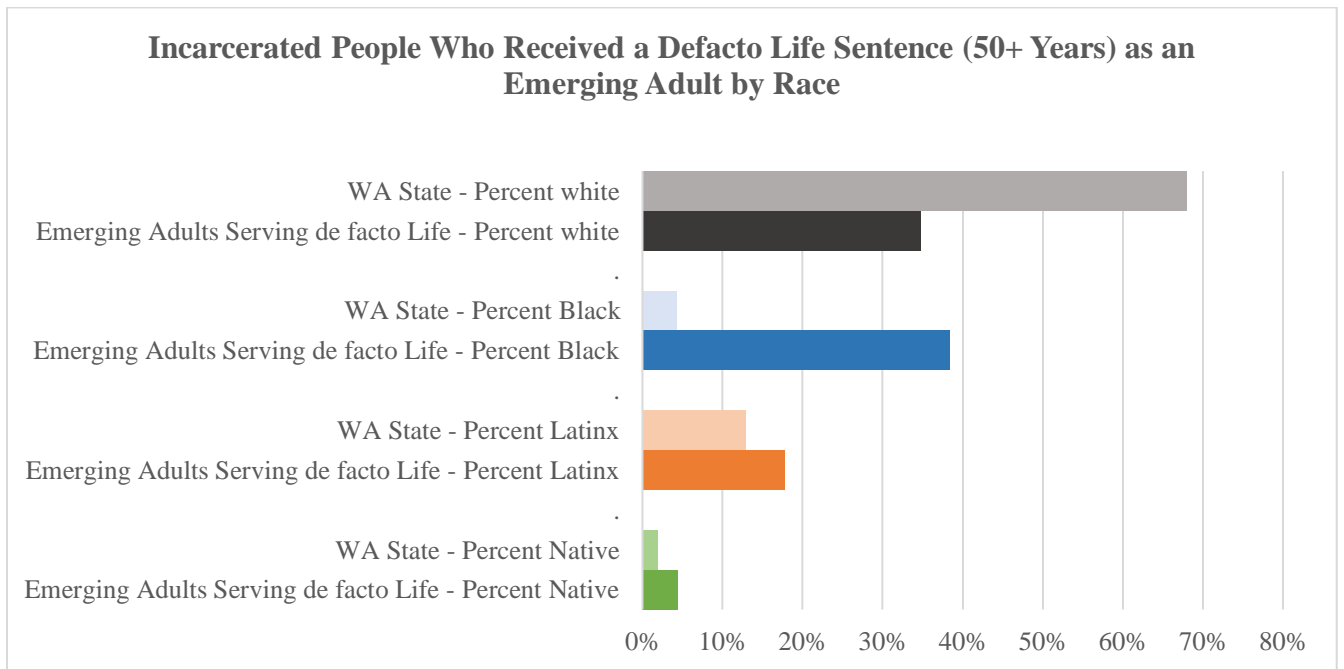
HB 1344 would render approximately 1,233 people who are serving a determinate sentence of fifteen years or more for a crime they committed a young adult eligible for post-conviction review. This change would bring Washington State in line with the best evidence regarding brain development and offer hope and incentive to change to a large population of prisoners, many of whom are people of color, who have been harmed by a determinate sentencing system that did not take into account their young age or capacity for change. By providing sentencing review for those given long sentences at a young age, HB1344 will help identify incarcerated people who have demonstrated their significant growth, change, and accountability, and are ready to reintegrate back into society.

Key Issues with Current Sentencing Practices

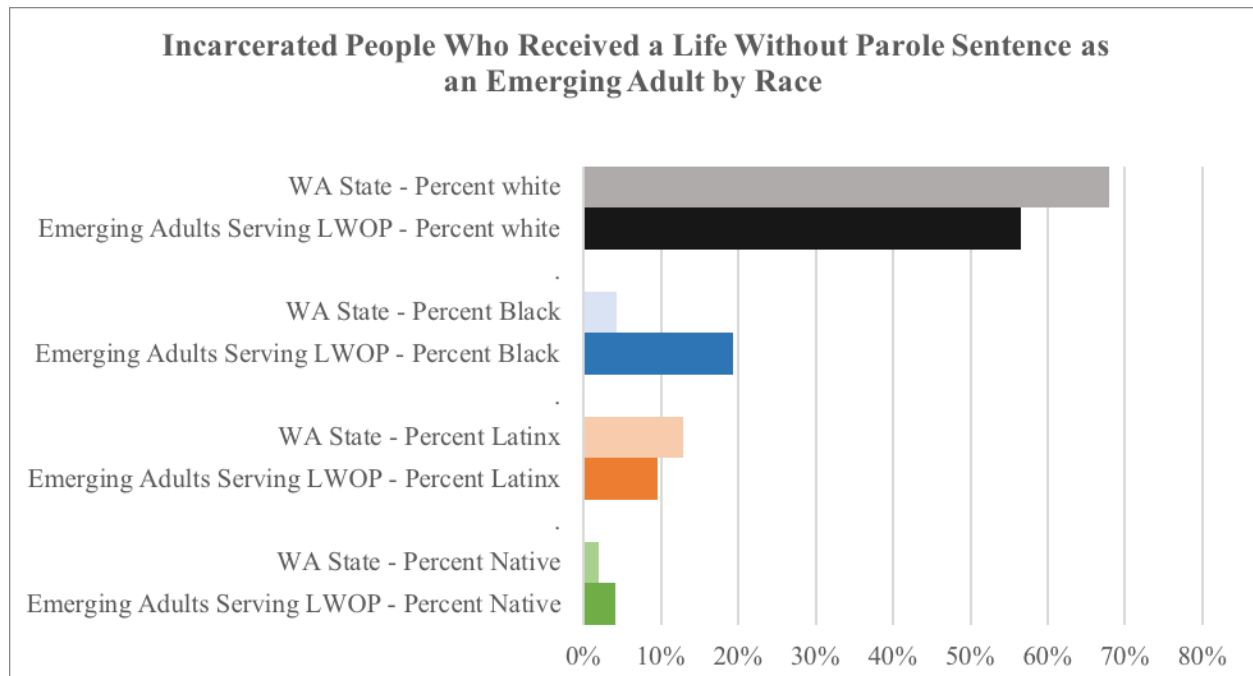
- ***Current sentencing policy is not evidence-based.*** Current sentencing practices, which only consider youth a mitigating factor for those 17 or younger, are not consistent with brain development science that affirmatively shows that brain development is not complete until the age of 25.
- ***Racial disproportionality is exceptionally high among those who are given long determinate sentences as emerging adults.*** Youth of color, and in particular Black youth, are more likely to receive longer sentences than their white counterparts.
- ***Current sentencing policy compounds Washington's aging prison population problem.*** Emerging adults represent the highest potential for change, yet determinate sentences allow for little to no reduction in the time they spend in prison. Exceptionally long determinate sentences for emerging adults means that many of these individuals will be incarcerated into old age and in many cases until death.
- ***Caring for geriatric prisoners is costly for our state.*** The annual cost of incarceration can easily double for elderly prisoners. Continued incarceration into old age does not contribute to public safety, as studies show a significant decline in re-offense rates. This decline is particularly steep among people who were convicted of a violent offense.
- ***State-raised youth,*** those involved in Washington's foster care system, are grossly over-represented amongst those sentenced under the age of 25.
- ***Washington is out of step*** with politically and geographically similar states such as California and Washington DC, which has already implemented emerging adult legislation.

HB 1344 gives us an opportunity to address mass incarceration, promote racial equity, and bring Washington in line with the most current understanding of adolescent brain science.

Additional Data



Source: Washington State data reflects 2019 Census. Prisoner information reflects author's analysis of WA DOC OMNI data as of 1/31/2020 and is limited to those serving determinate sentences.



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