

# California

## Juvenile Jurisdiction

- No statute specifies the youngest age at which a juvenile can be adjudicated delinquent.
- Juvenile court has jurisdiction over offenses alleged to have been committed prior to a child's 18th birthday; after age 18, the youth is charged in adult court (*WIC 602*).
- Juvenile court can retain jurisdiction over youth until age 21, provided that the offense alleged to have been committed occurred before the youth turned 18. If a juvenile is committed to the California Youth Authority for certain offenses, the juvenile court retains jurisdiction until the offender is 25 years old (*WIC 607*).
- If a youth is committed to a state hospital or public/private mental health facility for certain offenses, the court may retain jurisdiction until the offender's 25th birthday, unless the court that committed that person finds that his or her sanity has been restored (*WIC 607*).

## Adjudication of Youth in Adult Court

- Discretionary Judicial Waiver: The juvenile court has original jurisdiction over most juvenile cases, but in certain delineated cases where the child is either at least 14 years old or 16 years old at the time of the offense, the state may request that the juvenile court transfer jurisdiction to adult criminal court. The juvenile court must conduct a hearing and consider statutorily listed factors to determine whether to transfer jurisdiction (*WIC 707*).
- Once an Adult, Always an Adult: California has a set procedure by which if a youth has been "found an unfit subject to be dealt with under the juvenile court law," and certain criteria are met, all future charges against them will be automatically prosecuted in adult criminal court (*WIC 707.01*).

## Outcome Related to Extended Rehabilitation

- The youth incarceration population decreased from almost 10,000 in the mid-1990s to 680 youth in July of 2016.
- Prior to SB 260 (Youth Offender Parole Hearing), there was no process for authorities to review whether someone who was under 18 at the time of a crime had matured and earned an earlier chance at parole. Human Rights Watch estimates approximately 5,000 people currently in state prison will benefit from the new law.
- Proposition 57 – eliminating automatic transfers- is predicted to decrease prison populations while rehabilitating juvenile and adult inmates by focusing on Evidence Based rehabilitation. The Rehabilitation act is predicted to save the taxpayers of California millions of dollars.

## Background

- In 2003, the California Legislature reformed the Youth Authority's parole board, adding case planning and reporting requirements to the counties. This change allows juvenile courts to change commitments if services are not being provided and to **set shorter terms other than the maximum term** an adult could receive for the offense (*SB 459*).
- In 2004, California's Rules of Court were amended to ensure **the right to counsel at every stage** of juvenile delinquency proceedings by clarifying that legal representation includes post-disposition advocacy (regarding treatment plans and modification hearings) (*Rule 5.663*).
- In 2013, the Legislature created the **Youth Offender Parole Hearing**, which requires the board of parole hearings to consider the suitability of paroles for youth who were under 18 at the time of their crime and who were sentenced to more than 15 years in prison given diminished culpability of juveniles as compared to adults (*SB 260*).
- In 2015, the State Legislature passed AB 703, which outlines minimum training requirements for juvenile defense attorneys and recognizes the **specialization of the field of juvenile defense**. The bill makes clear the role of juvenile defenders and their obligation to provide effective, competent, diligent, and conscientious advocacy of the client's expressed interests (*WIC 634.3*)

- In 2016, the state passed legislation that **extends eligibility for a youth offender parole hearing to young adults under the age of 23** at the time of the commission of the crime and received a lengthy sentence. The parole board must consider increases in the growth and maturity that has occurred since the time of initial sentencing (*SB 261*).
- A 2016 bill included language that decisions regarding when a youth should be prosecuted in adult or juvenile court consider comprehensive information about the alleged crime as well as the **youth's environment, experiences with trauma, and ability to rehabilitate** (*SB 382*).
- Most recently, California passed Proposition 57, which:
  - **Requires judges, rather than prosecutors, to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court.**
  - Established a **parole consideration process for non-violent offenders**, as defined by California Penal Code, who have served the full term for their primary criminal offense and who demonstrate that they should no longer be considered a current threat to public safety.
  - Gives inmates the opportunity to earn additional credits for good behavior and participation in rehabilitative, educational, and career training programs so they are better prepared to succeed and less likely to commit new crimes on the outside (*Proposition 57, 2017*).

#### **California's use of Evidence Based Practices (EBP)**

- California supports the implementation and proliferation of evidence-based programs and practices (EBPs) in the juvenile justice system in state statute, administrative regulation and the establishment of a university-based resource center. The California Courts and the Board of State and Community Correction (BSCC) have a statute defining responsibility for advancing EBPs in state-wide standards-setting, training and public-safety grant-making.

#### **Juvenile Justice and Crime Prevention (JJCP) Program**

- Stanford Youth Solutions' Juvenile Justice and Crime Prevention Program (JJCP) program works in partnership with Sacramento County Probation Department supporting the Restorative Justice Model, focusing on community protection, victim restoration, and offender accountability and competency.
- Youth and families participate in 8 to 12 Functional Family Therapy sessions over the course of approximately 3 months

#### **References:**

- *State Trends Legislative Victories from 2011-2013 – Removing Youth from the Adult Criminal Justice System*. Campaign for Youth Justice (2013)
- *California – Juvenile Indigent Defense Delivery System*, National Juvenile Defense Center (2017)
- *Proposition 57: The Public Safety and Rehabilitation Act of 2016 – Frequently Asked Questions*, California Department of Corrections and rehabilitation (2017)
- *Prop 57. Criminal Sentences. Parole. Juvenile Criminal Proceedings and Sentencings. Initiative Constitutional Amendment and Statute*, California General Election (2016)
- *Juvenile Justice and Crime Prevention Program*, Stanford Youth Solutions (2017)
- *Juvenile Justice Services, Juvenile Justice Geography, Policy, Practice & Statistics* (2017)
- *California Welfare and Institutions Code 602 – 707*, California Legislative Information (2017)

## Colorado

### Juvenile Jurisdiction

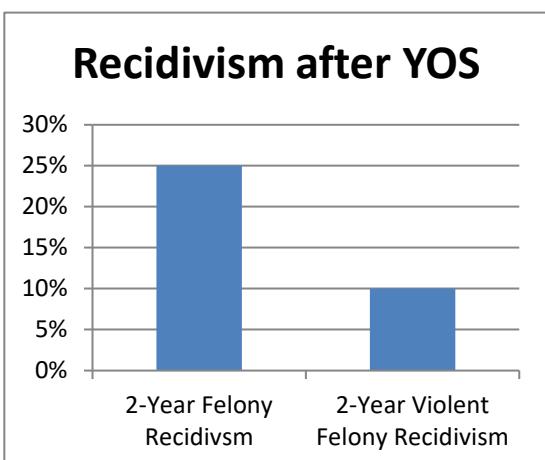
- A child must be at least ten years old at the time of the alleged delinquent act (*CRS 19-2-104*).
- Juvenile court has jurisdiction over offenses alleged to have been committed prior to a child's 18<sup>th</sup> birthday (*CRS 19-2-104*).
- When a juvenile commits an offense prior to his or her 18<sup>th</sup> birthday, "the juvenile court may retain jurisdiction over a juvenile until all orders have been fully complied with by such person, or any pending cases have been completed, or the statute of limitations applicable to any offense that may be charged has run, regardless of whether such person has attained the age of eighteen years, and regardless of the age of such person" (*CRS 19-2-104*).
- The Youthful Offender System (YOS) **houses youth between the ages of 14 and 25 years** who have been convicted of Class 2 through Class 6 felonies committed prior to age 21 and sentenced as adults. The sentencing judge must recommend young adults for the YOS program after considering the youth's age and perceived amenability for rehabilitation (*CRS 18-1.3-407.5*).

### Adjudication of Youth in Adult Court

- Automatic Transfer to Adult Court: youth ages 16 and older are subject to direct file if charged with a Class 1 or Class 2 felony, certain sexual assault offenses, and a violent felony or if the individual has a prior adjudicated felony (*CRS 19-2-517*).
- Discretionary Judicial Waiver: youth ages 12 or 13 charged with a Class 1 or Class 2 felony or other violent crime and youth ages 14 and older charged with any felony are subject to transfer to adult court following a hearing (*CRS 19-2-518*).
- Once an Adult, Always an Adult: the juvenile court may transfer subsequent cases to adult court for youth who were already transferred or waived to adult court (*CRS 19-2-517*).
- Reverse Waiver: youth charged in adult court may request a reverse-waiver hearing before a preliminary hearing and may be transferred back to juvenile court (*CRS 19-2-518*).

### Outcomes Related to Extended Rehabilitation

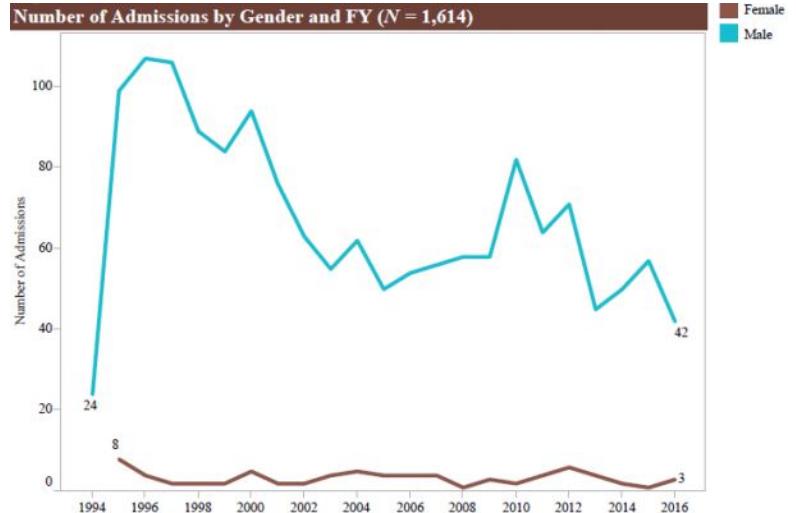
Young adults up to age 25 held in YOS facilities are sentenced for a **minimum of 2 years and a maximum of 7 years**, regardless of the charge. A recent evaluation found that 90% of YOS participants successfully completed their sentence and **only 10% were reconvicted of a violent felony** and 25% were reconvicted of a felony within 2 years.



**Violent offenses comprised 87% of YOS admissions in FY16.** A majority (98%) of youth admitted in FY 16 had vocational needs, **76% needed treatment** for assault, 58% had academic needs 42% had mental health needs and 47% had substance abuse problems. The YOS program emphasizes self-discipline. Youth are taught problem solving skills and offered physical training, education and work programs.

All YOS sentences include a mandatory 90 day period of **intensive pre-release programming** and 6-12 months of **community supervision**.

The number of total admissions to YOS has been falling in the recent years (see graph). Criminal activity that resulted in **placement in the Department of Corrections (DOC)** adult prison system following completion of a YOS sentence is also low: 5% within a year, 20% within 3 years and 32% within 5 years.



### Legislative Background

- In 2000, the Legislature called for a pre-sentence investigation to be conducted prior to sentencing a juvenile to YOS. It also allowed juvenile offenders to be transferred to another facility for up to 60 days for **diagnostic validation** of mental illness or developmental disabilities and specified that the court must review the offender's sentence within 130 days after the DOC has determined that the offender cannot complete the YOS program (*SB 140*).
- In 2008, Colorado **expanded eligibility to the YOS program to youth charged with felony murder**; first degree murder is reduced to a Class 2 felony if the defendant pleads guilty to the lesser charge (*SB 66*).
- In the same year, a bill passed to allow the YOS to offer **juvenile and adult treatment models** for individuals with mental health needs and allowed youth to access services without parental consent.
- 2009 Legislation (reenacted in 2013) **expanded eligibility** for sentencing for youth ages 18 to 21 who commit Class 3 through 6 violent felony offenses to the Youthful Offender System (YOS) instead of to the adult offender population and created a **separate facility** for youthful offenders that focuses on positive development, education and skill building (*HB 1122*).
- In 2010, the Legislature amended statute in order to **remove 14 and 15 year olds from automatic transfer** eligibility with the exception of youth who commit murder in the first degree, violent sexual offenses, and felony sexual offenses (*HB 1413*).
- 2012 Legislation limited automatic adult transfer eligibility to juveniles ages 16 and 17 charged with violent felonies or sex offenses and to juveniles with previous felony adjudications. This bill also added language to allow youth to petition the adult court for **reverse-transfer hearings** whose outcome may allow them to be waived back to juvenile court (*HB 1271*).
- In 2015, Colorado provided offenders serving life without the possibility of parole as a result of adult adjudication the right to a **resentencing hearing**. This bill only refers to offenses committed by juveniles between July 1, 1990, and June 30, 2006 (*HB 1292*).
- Also in 2015, legislation expanded rehabilitation services offered to juveniles by allowing the Executive Director (or designee) to **transfer juveniles ages 24 or younger sentenced as adults to the DOC into and out of the Youthful Offender System** (YOS) to improve public safety, academic achievement, rehabilitation and the development of pro-social behavior or re-entry planning.

### References:

- *Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Youth Adults*, National Institute of Justice (2016)
- *Youthful Offender System Annual Report FY16*, Colorado Department of Corrections (2016)

# Connecticut

## Juvenile Jurisdiction

- A child must be at least seven years old at the time of the alleged delinquent act (*Conn. 46b-120*).
- Juvenile court has jurisdiction over offenses alleged to have been committed prior to a child's 18<sup>th</sup> birthday (*Conn. 46b-120*).
- Department of Children and Family can retain custody of youth until age 20 (*Conn. 46b-121*).

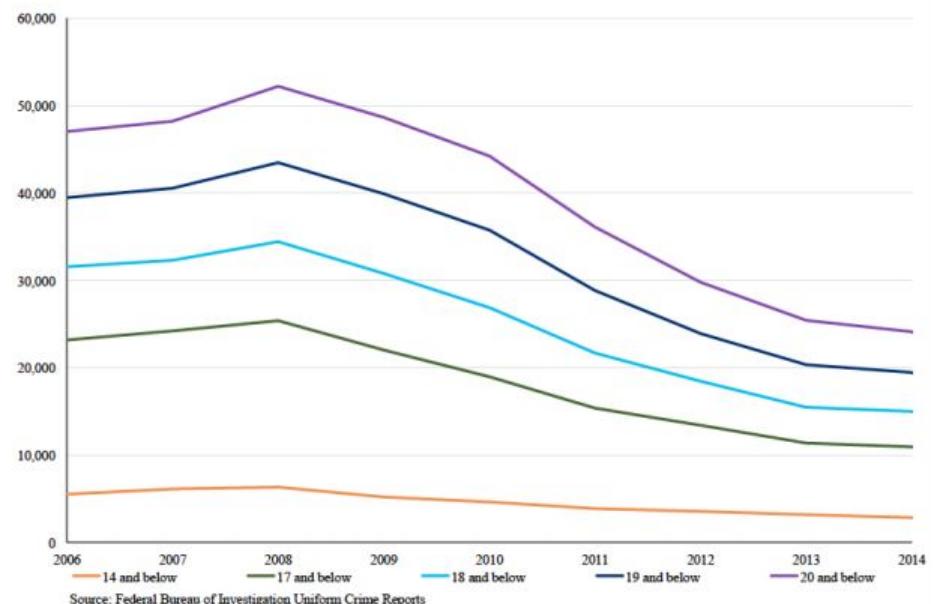
## Adjudication of Youth in Adult Court

- Automatic Transfer: youth ages 15 through 17 charged with a Class A felonies, some Class B felonies and arson murder are automatically sent to adult court (*CGS 46b-127*).
- Discretionary Judicial Waiver: youth ages 15 and older charged with felonies not subject to automatic transfer are subject to prosecutorial discretion and must be presented before the juvenile court for a hearing to determine the appropriateness of a transfer to adult court (*CGS 46b-127*).

## Outcomes Related to Raising the Age

In 2007, Connecticut raised the age of upper juvenile jurisdiction (adult criminal culpability) from age 16 to 18. The transfer of youth under age 18 from the adult system was fully implemented by 2012.

## Youth and Emerging Adult Arrests in CT by Age Group



## Fewer Arrests

- From 2005 to 2015, overall property arrests decreased by 57% and violent crime arrests decreased by 66%. This exceeded the national average significantly, which saw a 29% reduction in property crime arrests and a 42% reduction in violent crime arrests.
- From 2008 to 2015, arrests for youth under 18 dropped by 68% and by 67% for 18, 19 and 20 year olds.

## Fewer Youth Incarcerated

- From 2005 to 2015, after 16 and 17 year olds were added to the juvenile justice system, there was a **54% reduction in total commitments to juvenile facilities**.
- In 2015, juvenile court handled 36% of delinquency cases non-judicially and another 39% were resolved without a conviction. 25% of cases resulted in a delinquency finding and only **3% of dispositions resulted in incarceration**.
- From 2005 to 2015, prison sentences for 18, 19 and 20 year olds decreased by 43%.

## **Fewer Youth in the Adult System**

- From 2005 to 2015, there was a **51% reduction in the processing of young adults** in the adult criminal justice system.
- In 2015, **2% of cases were transferred to adult court**. Of those 57% of cases involving 18-20 year olds were disposed were dismissed (found “not guilty”), 29% were resolved without a conviction and only **4% of dispositions resulted in incarceration**.
- Between 2008 and 2015, the number of youth under 18 held in DOC facilities decreased 85%.
- Between 2005 and 2015, the number of 18-20 year olds in DOC declined by 57%.
- A Harvard Kennedy School Study also found that in 2015, **0.6% of the total cases would have been subject to automatic transfer to adult court if the age of juvenile jurisdiction had been 21 instead of 18**. In addition, 18% of the dispositions were for felony cases, which are subject to discretionary transfers.

## **Lower Costs**

- It was estimated that juvenile justice costs would rise by \$100 million; instead costs were \$137 million in 2011-12 compared to \$139 in 2001-02.
- The state re-invested \$39 million to support community-based approaches.

## **Legislative Background**

- In 2005, provisions were put in place to automatically **erase the police and court records** pertaining to youth tried as adults upon their 21<sup>st</sup> birthday provided no subsequent felonies are acquired prior to that age (*CGS 54-76o*).
- In 2007, the state ended the practice of detaining children in locked facilities for disobeying a judge’s orders on a status offense case, and in 2016, **eliminated truancy and defiance of school rules** as grounds for judicial intervention (*PA 16-147*).
- 2015 legislative changes reduced transfer eligibility by raising the minimum age for exclusion from juvenile court from 14 to 15 and eliminating automatic transfers for some class B felonies and 1<sup>st</sup> degree sexual assault where the victim was under 13 (and the youth more than two years older), so that **the prosecutor can file a petition to return the case to juvenile court** (*PA 15-183*).
- To be re-introduced in the 2018 Legislative session, Senate Bill 18 would **raise the age** at which youth are tried as adults to 21 successively over a period of three years. Youth under age 21 would be subject to **no more than four years of incarceration** in a juvenile facility. Case information would be sealed from the public and **records would be erased** four years after conviction if young adults complete their sentence. The proposal excludes extending juvenile jurisdiction for 15 to 21 year old youth who commit offenses such as murder, assault with a firearm and rape; this population would be held in a Department of Corrections facility if convicted as adults.

## **References:**

- *How States Are Leading the Charge on Criminal Justice and Second Chance Policies*, April 7, 2017 event, The Center for American Progress
- *Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under Age 21*, Harvard Kennedy School (2017)
- *Raise the Age*, Justice Policy Institute (2017)

# Oregon

## Juvenile Jurisdiction

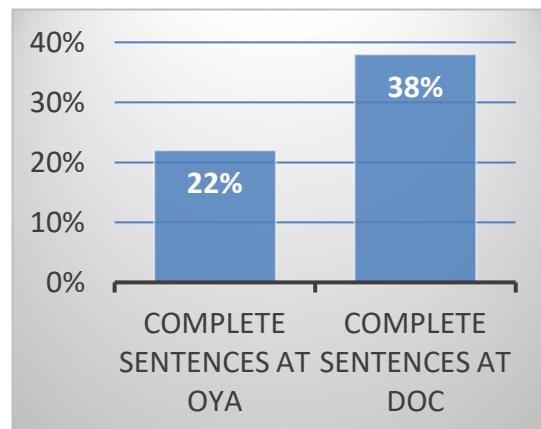
- No minimum age of juvenile jurisdiction.
- Juvenile court has jurisdiction over offenses alleged to have been committed prior to a child's 18<sup>th</sup> birthday (*ORS 419C.005*).
- Juvenile court can retain jurisdiction over youth until age 25, provided that the alleged offense occurred before the youth turned 18 (*ORS 419C.005*).

## Adjudication of Youth in Adult Court

- Automatic Transfer to Adult Court: youth ages 15 and older that commit an offense within a list of 21 felony crimes are automatically sent to adult court (*ORS 137.707*).
- Discretionary Judicial Waiver: youth ages 15 and older that meet the statutorily delineated offense criteria can be transferred to adult court after a transfer hearing. A judge may waive a youth younger than 15 for homicide and certain sex offenses (*ORS 419C.349*).
- Once an Adult, Always an Adult: the juvenile court may enter a subsequent order regarding future cases for youth 16 years of age or older who were already waived to adult court (*ORS 419C.364*).

## Outcome Related to Extended Rehabilitation

- In 2009, of the 160 young people who completed an adult sentence that started with their admission to the OYA, a third completed their sentence in DOC custody.
- In Oregon, youth tried as adults are managed by juvenile rehabilitation facilities until age 25. **38% of youth who completed their sentences in adult facilities recommitted crimes compared to 22% of youth who served and completed their sentences in juvenile facilities.**
- DOC Youth in OYA facilities tend to demonstrate less problematic behaviors compared to the juvenile population. Between 2011 and 2015, **DOC youth represented only 18.3% of behavioral incidents** requiring removal from a living unit. OYA leadership perceives the young adults in their custody as mentors and role models for the younger residents.



## Background

- In 1994, Ballot Measure 11 implemented **mandatory minimum sentences** for youth over the age of 15 who were automatically charged as adults. A court can impose a longer sentence but cannot reduce a sentence for good behavior, parole or community supervision (*ORS 137.707*).
- In 1995, Senate Bill 1 established the Oregon Youth Authority (OYA) and **extended the age of maximum jurisdiction from 21 to 25** so that mandatory minimums could be served in OYA or for a longer period prior to transfer to the Department of Corrections (DOC). It also provided a "Second Look" provision for youth waived into adult court (*ORS 420A.200; ORS 420A.203*).

- In 2013, Oregon state legislation aimed at reducing recidivism was passed to include a mandate that justice-involved youth have a **judicial review hearing to consider alternative placement** before being transferred to an adult prison at age 25 (*HB 3194*).
- In 2015, Oregon passed a **Second Look** law allowing the **conditional release** of youth tried as adults who were sentenced for a term of at least 24 months, and served at least one-half of their sentences. Youth request a hearing before a sentencing court for consideration of the individual's progress, testimony from the District Attorney, the victim of the crime, the Department of Corrections, and the Oregon Youth Authority (*ORS 420A.206*).
- In 2016, state legislation provides courts and prosecutors the flexibility to **consider the age and maturity** level of youthful offenders **when imposing sentences** for crimes committed (*ORS 137.667*).

### **Outcomes Related to Oregon's Auto-Decline Law since the mid-1990s**

- **Measure 11 did not result in decreases to recidivism.** Most youth indicted with a Measure 11 offense were eventually convicted of a non-Measure 11 offense in the adult system (44% since the mid-1990s, and 47% between 2006 and 2008).
- Measure 11 resulted in increased imprisonment and adult convictions: **youth served longer sentences** when they accepted plea deals instead of attending hearings (9 out of 10 young people indicted for a Measure 11 offense did not go to trial).
- Only 21-23% of youth were convicted of what they were indicted for, 17% were convicted of another Measure 11 charge with a shorter mandatory minimum sentence, and **6 out of 10 youth were convicted of non-Measure 11 offenses in the adult system**.
- Youth of color were disproportionately sent to the adult system. Black youth are 4% of the population but constitute 19% of Measure 11 indictments. The majority of Measure 11 indictments against black youth (70%) and Latino youth (61%) were for robbery or assault charges.
- In 2010, 42.6% of youth ages 16 to 24 were unemployed.
- Less than 6% of youth convicted of a Measure 11 offense benefitted from a Second Look review.

### **Specific Programming for the 18-24 year old population**

- The Hope Partnership, a joint program between OYA and Janus Youth Services, provides reentry services to incarcerated youth between the ages of 17 to 24.
- In Multnomah County, a parole and probation officer within the Department of Community Justice works specifically with young adults between the ages of 18-24 and includes intensive community supervision and specialized services (housing, healthcare, employment, substance abuse treatment and access to educational programs).

### **References:**

- Communication with OYA, including a PowerPoint from the Smart on Youth Justice Conference (10/2016) and subsequent email conversations.
- *Misguided Measures: the Outcomes and Impacts of Measure 11 on Oregon's Youth*, The Campaign for Youth Justice (2011)
- *Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Youth Adults*, National Institute of Justice (2016)

# Washington

## Juvenile Jurisdiction

- A child must be at least eight years old at the time of the alleged delinquent act. Children of eight and under twelve years of age are presumed to be incapable of committing a crime, but this presumption may be removed by proof of sufficient capacity to understand the act and know it was wrong (*RCW 9A.04.050*).
- Juvenile court has jurisdiction over offenses alleged to have been committed prior to a child's 18<sup>th</sup> birthday (*RCW 13.04.011*).
- The Department of Social and Health Services can retain custody of youth until the age of 21 (*RCW 72.01.410*).

## Adjudication of Youth in Adult Court

- Automatic transfer to adult court was enacted in 1994 and amended in 1997. It stipulates that youth ages 16 and 17 are statutorily transferred to adult court without a hearing if charged with crimes including:
  - A serious violent offense;
  - A violent offense and the juvenile has a criminal history consisting of a prior serious violent offense; two or more prior violent offenses; or three or more of any combination of a class A felony, class B felony, vehicular assault, manslaughter in the 2nd degree;
  - Robbery in the 1st degree, rape of a child in the 1st degree, or drive-by shooting;
  - Burglary in the 1st degree and the juvenile has a criminal history of one or more prior felony or misdemeanor offenses; or
  - Any violent offense and the juvenile where the juvenile is alleged to have been armed with a firearm (*RCW 13.04.030*).
- Discretionary Decline: upon the request of the prosecutor, the respondent or the court, youth under the age of 16 may decline juvenile jurisdiction and transferred to adult court following a hearing (*RCW 13.40.110*).
- Discretionary Judicial Waivers (mandatory decline): youth ages 16 and 17 can be declined juvenile jurisdiction and transferred to adult court following a hearing for certain crimes not enumerated under automatic adult jurisdiction (*RCW 13.40.110*).
- Once an Adult, Always an Adult: the juvenile court will transfer subsequent cases to adult court for any individual under 18 who was previously convicted in adult court (*RCW 13.40.020*).

## Background by Type of Transfer

- Between 2010 and 2014, 46.4% of juveniles were transferred to juvenile courts by auto-decline and 49.8% were transferred after a discretionary decline hearing.
- The majority of young people were transferred to the adult system after discretionary decline hearings: six youth were 11-13 years old, five youth were 14 years-old, 32 youth were 15 years-old, and over 300 youth were 16 and 17 years old (385 total of 706 juveniles charged and sentenced as adults).

## Racial Disproportionality

- Of all juveniles charged and sentenced in adult criminal court between 2010 and 2014, **68.5% were minorities** (405 out of 591). Almost 31.8% were black, 30.5% were Hispanic and 26.2% were white (40.8% were black in 2014 alone).

- **Almost 43% of cases involving black juvenile offenders were auto-declined**, compared to 29% of Hispanics and 18.5% of whites.
- Of those transferred by the juvenile court following a discretionary or mandatory hearing, 29.1% were Hispanic, 26.2% were black, and 31.9% were white.

#### **Crimes Committed**

- Between 2012 and 2015, **47% of cases transferred to the adult system were for Robbery offenses.**
- Robbery 1 and Assault 2 are the most common offenses for which youth are charged and convicted as adults following exclusive adult jurisdiction; Robbery 2 and Assault 2 are the most common offenses following discretionary decline hearings; Burglary 1 and Firearm Possession are the most common crimes following mandatory decline hearings.

Offense Type	2012	2013	2014	2015	Total
Murder	14	10	13	8	<b>45</b>
Manslaughter	--	--	1	--	<b>1</b>
Rape	6	6	10	2	<b>24</b>
Commercial Sex Abuse of a Minor	1	--	--	1	<b>2</b>
Child Molestation	1	--	1	--	<b>2</b>
Kidnapping	3	2	3	--	<b>8</b>
Assault	37	29	14	15	<b>95</b>
Robbery	79	51	55	34	<b>219</b>
Arson	--	--	1	--	<b>1</b>
Firearm Related Offenses	8	1	--	4	<b>13</b>
Burglary	10	13	15	4	<b>42</b>
Theft	--	3	--	--	<b>3</b>
Stolen Vehicle	--	--	1	--	<b>1</b>
Stolen Property	2	--	--	--	<b>2</b>
Drugs	2	1	2	--	<b>5</b>
Prison Riot	--	2	--	--	<b>2</b>
Malicious Mischief	1	1	--	--	<b>2</b>
Elude Police Vehicle	--	--	1	--	<b>1</b>
					<b>468</b>

#### **Recidivism**

- The PACT (Positive Achievement Change Tool) identifies a youth's overall level of risk to reoffend, as well as criminogenic needs and strengths.
- Recidivism for eligible auto declined youth: PACT data<sup>1</sup> shows that auto-declined youth were assessed to have an **84% high risk of re-offending**, compared to 50% of probation involved youth who were not transferred.<sup>2</sup>
- A comparison of auto declined youth to a group of 18-19 year olds who committed similar offenses<sup>3</sup> shows that **28% of youth released from JRA recommitted crimes compared to 46% of youth who were released from DOC.**

#### **Characteristics of Youth Automatically Transferred to Adult System**

- Data evaluated by the Washington State Center for Court Research shows that 447 juveniles were tried as adults between 2010 and 2016.
- Juveniles subjected to exclusive adult jurisdiction **serve longer prison sentences** (102 months) as compared to those sentenced under mandatory (69 months) or discretionary decline (30 months). Between 2007 and

<sup>1</sup> 128 youth received a full PACT assessment analysis and 31 received a prescreen instrument (159 total).

<sup>2</sup> AOC analyzed a cohort of 4,633 probation-involved youth who were not transferred to the adult system.

<sup>3</sup> The auto-declined group of youth who committed serious offenses was compared to a control group of 18-19 year olds who committed similar offenses between 1/1/2010 and 6/20/2014. Gender, past criminal convictions, age of first justice involvement and county were controlled for.

2011, 97% of auto-decline, versus 79% of mandatory and 39% of discretionary decline sentences, received prison sentences.

- Compared to probation-involved youth who were not transferred, the youth who were transferred to the adult system tended to be **older males of color assessed with a high risk of re-offending** and a prior history of anti-social behavior (91% male, ages 16 or older, 42% Black; 24% Latino).
- When compared to probation-involved youth who were not transferred to the adult system, transferred youth were more likely to exhibit the following problems and symptoms:
  - **Behavioral issues** at school, history of learning disabilities, presence of antisocial friends, and gang membership;
  - History of **running away from home/or being kicked out from home**, living on streets, and witnessing violence in the community;
  - Past use of **alcohol and drugs**, and related to it **disrupted education, family conflict**, and involvement in crime.
  - Exposure to violence as **victims of physical abuse** and as witnesses of violence in the community.

### Costs

- The DOC institutional cost annually per offender was **\$33,491** in FY 2015.
- The JRA institutional cost annually per offender is **\$110,281** (JRA staff, 2016).
- **Evidence based programs** improve youth outcomes, reduce crime and achieve favorable outcomes on investment. The Washington Institute for Public Policy carried out meta-analyses that identified the net cost savings of investing in community-based alternative treatments to taxpayers and crime victims. The net gain was defined as the **“long-run benefits of crime reduction minus the net up-front costs of the program.”**
- Basic educational programming has been shown to reduce recidivism by 7%.
- Administering Family Integrated Transitions (**FIT**) presents a net value of nearly \$15k per youth in state institutions and \$27k per youth on probation. **40.6% of youth who did not participate in the program were re-convicted of a felony** within 18 months of release from a JRA institution.
- A 20-40% increase in education and employment programming and drug and mental health treatment for adults and juveniles, along with proven prevention programs, **could save Washington’s taxpayers between \$1.9 to \$2.6 billion** in direct prison and criminal justice system costs.

• Only approximately **50% of youth released from JR facilities receive parole aftercare** and only qualify if they are in the top 25% of the highest risk population (DSHS).

• There are only 111 funded “Step Down” Community Facility beds in the eight state operated facilities, which provide rigorous programming; counseling, transition services, education, vocational training and other evidence based interventions (DSHS).

### References:

- *A Reexamination of Youth Involvement in the Adult Criminal Justice System in Washington* (Ambrose et al., 2013)
- Washington State Juvenile Justice Annual Report, 2014
- *Juveniles Sentenced as Adults and Juvenile Decline Hearings* (Jetzer, 2013)
- Washington State Institute for Public Policy: Aos, 2004; Aos et al., 2006; Aos & Drake, 2013
- Communication with the Washington State Center for Court Research
- DSHS materials, *Green Hill Pursuit for Change BBQ*, 2017