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Juveniles Sentenced As Adults and Juvenile Decline Hearings

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Over the past several years, increased attention has been paid to juveniles who were sentenced as adults, both nationally and in Washington state. Until now, no single agency or organization in the state tracked juveniles who had been through the declination process and/or juveniles who have been sentenced as adults from the time they are charged to the time of sentencing on through their confinement. Decline hearings are held when a youth is pending juvenile court proceedings and the juvenile court decides to either retain jurisdiction or remand the youth to adult court¹. In 2012, the Washington State Statistical Analysis Center received funding from the Bureau of Justice Statistics to create a dataset² of juveniles who had been sentenced as adults and of juveniles who had received a decline hearing but were sentenced in juvenile court for calendar years 2007 through 2011. This research brief provides the first comprehensive look at these populations.

JUVENILES SENTENCED AS ADULTS³

Table 1 - Demographics

	2007	2008	2009	2010	2011
Total	145	158	169	159	136
Gender					
Female	9%	6%	4%	6%	7%
Male	91%	94%	96%	94%	93%
Race					
Asian/Pacific Islander	3%	10%	2%	5%	5%
Black	27%	20%	26%	31%	32%
Native American	7%	7%	4%	2%	4%
White	58%	53%	57%	41%	46%
Unknown	5%	9%	11%	21%	14%
Ethnicity					
Hispanic	14%	17%	25%	27%	31%
Non-Hispanic	35%	32%	37%	33%	24%
Unknown	50%	51%	37%	40%	45%
Age At Charge					
14 and under	1%	1%	2%	2%	1%
15	1%	3%	4%	4%	4%
16	32%	32%	36%	42%	24%
17	66%	64%	59%	52%	71%
Rate per 100,000 10-17 year olds*	20.13	22.06	23.78	22.34	19.26

* OFM Intercensal Estimates of April 1 2007-2011

According to the Revised Code of Washington, there are three ways a juvenile can be sent to Superior Court for sentencing: Exclusive Adult Jurisdiction⁴, Mandatory Decline⁵ and Discretionary Decline⁶. The decline type is not tracked in any data. Determination of the type of decline was based on the portions of the respective statutes that are tracked in the data, such as the age at charging, the offense type and the offender's offense history. The decline types were assigned based on a hierarchy, (1) exclusive adult jurisdiction, (2) mandatory decline and (3) discretionary decline.

Data in Table 1 shows that juveniles sentenced as adults are primarily seventeen-year-old White males.

¹ Caseload Forecast Council. (2012). 2012 Washington State Juvenile Disposition Guidelines Manual (Rev. 20130625). Olympia, WA.

² Dataset created with data from Administrative Office of the Courts, the Department of Corrections, the Caseload Forecast Council and the DSHS - Juvenile Justice and Rehabilitation Administration.

³ The data is based on convictions per year. It is possible that offenders could be represented more than once if convicted in more than one year.

⁴ RCW 13.04.030(1)(e)(v)

⁵ RCW 13.40.110(2)

⁶ RCW 13.40.110(1)

Convictions for White youth decreased by 20 percent between 2007 and 2011, while convictions for Black youth increased by 18 percent during the same time. The percentage of convictions for Hispanic youth increased over 120 percent between 2007 and 2011. Part of that maybe due to better reporting and tracking of ethnicity, however, the percentages of Non-Hispanic records did also decrease by 30 percent during that same time.

Chart 1 – Convictions by Decline Type

Sentencing data, which is necessary to determine decline type, was unavailable for 59 records so there are slightly fewer records per year than shown in Table 1 for which a decline type was determined. Chart 1 shows that, since 2008, discretionary declines were more frequent than those in the exclusive adult jurisdiction category.

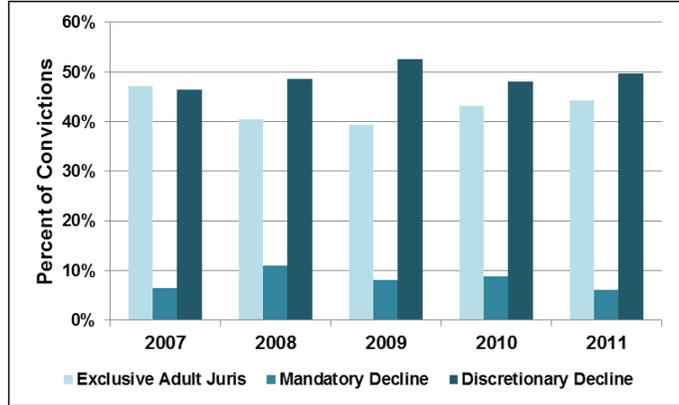
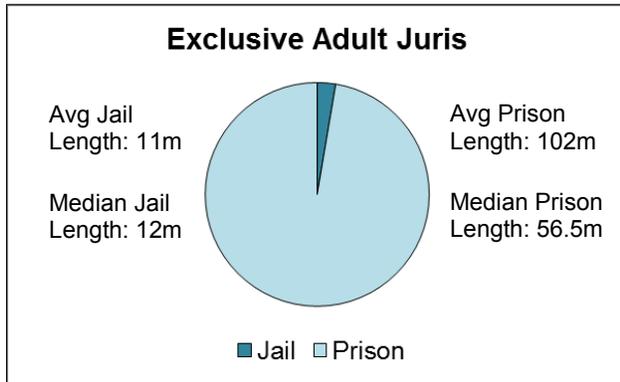


Chart 2 – Confinement – Exclusive Adult Jurisdiction



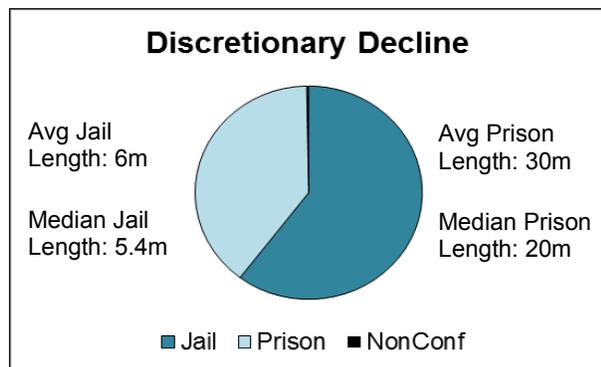
Charts 2 - 4 show where confinement was spent for juveniles sentenced as adults between 2007 and 2011. A jail sentence is defined as a confinement time of 12 months or less. A prison sentence is defined as a confinement term of more than 12 months. A non-confinement sentence refers to community supervision only. Ninety-seven percent of sentences under exclusive adult jurisdiction received a prison sentence.

The average prison sentence length issued was 102 months. The most violent and serious offenses fall under this category so it is expected that such sentences would have longer terms of confinement. Sentences under mandatory decline received a prison sentence 79 percent of the time. Those prison sentence lengths averaged 69 months.

Chart 3 – Confinement – Mandatory Decline



Chart 4 – Confinement – Discretionary Decline



Only 39 percent of discretionary decline sentences had a prison sentence, with an average length of 30 months, and one record received a non-confinement sentence of 18 months of community supervision.

Charts 5 – 7 show the five most frequently charged offenses and convicted offenses found on the court records. Charged offenses are the offenses the prosecution is charging against the offender prior to any plea agreements and court trial. Convicted offenses are the offenses the offender was found guilty by the court or jury of committing. This data includes *all* charged offenses and *all* convicted offenses found on the court documents.

The total numbers of charged offenses and convicted offenses for exclusive adult jurisdiction were 654 and 548, respectively. Chart 5 shows that the ranking of the top five charged offenses and convicted offenses is the same. The number of convictions compared to the charged offenses is slightly lower for each of those offenses, however. This difference likely indicates some plea agreements by the offender.

Chart 5 – Offenses - Exclusive Adult Jurisdiction

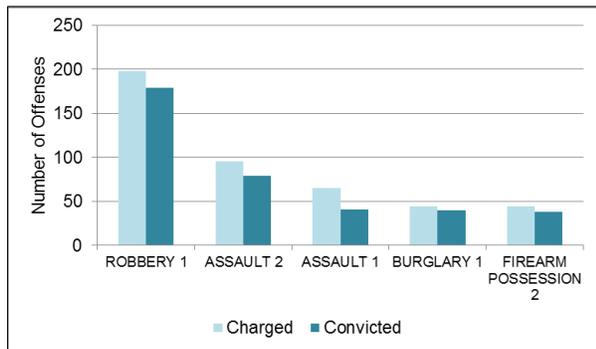
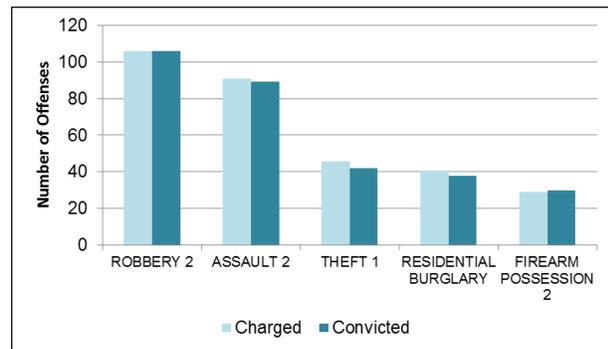


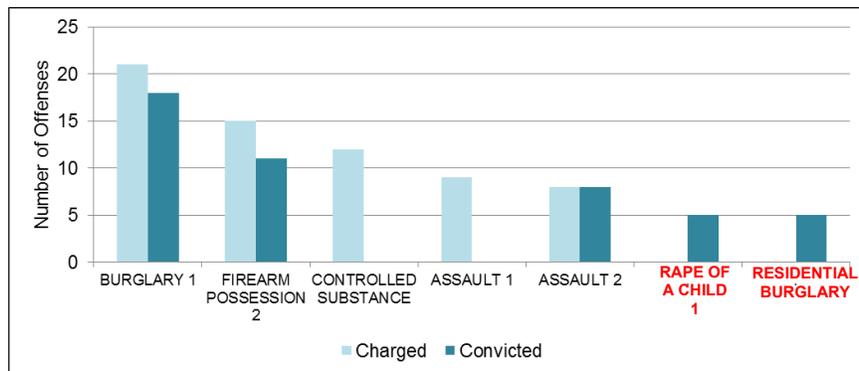
Chart 6 – Offenses – Discretionary Decline



For discretionary declines, the total number of charged offenses was 577, and the total number of convicted offenses was 511. As with exclusive adult jurisdiction, the ranking of the top five charged and convicted offenses under discretionary declines is also the same (Chart 6). The number of charged vs. convicted offenses differs by less than a handful of offenses for this decline category.

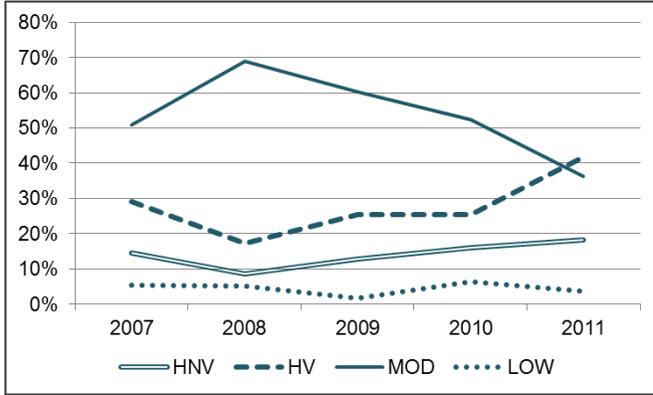
The total number of charged offenses for mandatory declines was 122 and the total number of convicted offenses was 97. The top five charged offenses differs from the top five convicted offenses under this decline type. Offenses for Controlled Substance and Assault 1 rank under charged offenses but do not place in the top five of convicted offense. Rape of a Child 1 and Residential Burglary are in the top five of convicted offenses but not under charged offenses.

Chart 7 – Offenses – Mandatory Decline



Charts 8 – 10 show offenders’ initial level of risk to reoffend as tracked by the Department of Corrections. The risk categories are: High Non-Violent (HNV), High Violent (HV), Moderate (MOD) and LOW.

Chart 8 – DOC Initial Risk Level – Exclusive Adult Jurisdiction



As defined in statute, offenders who fall under exclusive adult jurisdiction were most often charged with violent or serious violent offenses or had extensive criminal history. Until 2011, at least half of the juveniles sentenced as adult under exclusive adult jurisdiction fell under the MOD risk category. Since 2008, the percent of offenders in the HV category increased by 147 percent and the percent in the HNV category increased by 100 percent. During that same time, the percent in the MOD category decreased by 48 percent.

Chart 9 shows that well over half of the offenders who fall under mandatory decline had an initial risk level of MOD. Between 2007 and 2011, the percentage in the MOD risk category increased by 72 percent. Those in the LOW risk category decreased from 25 percent in 2007 down to 0 in 2009 and stayed there.

Chart 9 – DOC Initial Risk Level – Mandatory Decline

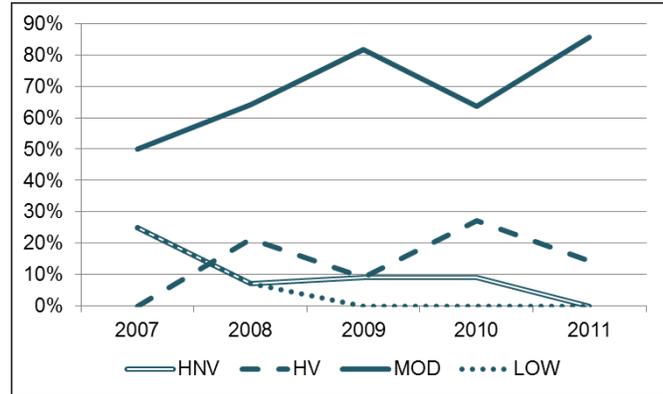
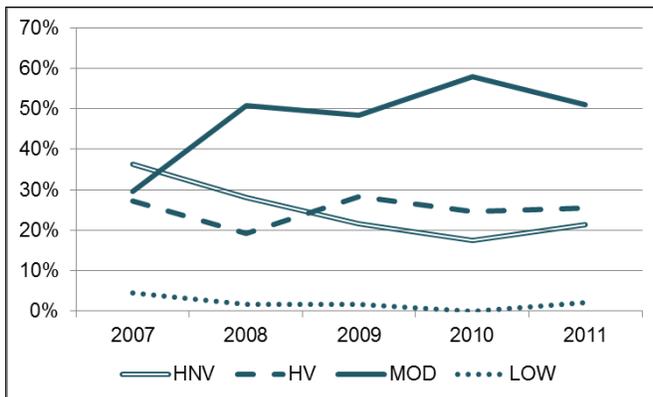


Chart 10 – DOC Initial Risk Level – Discretionary Decline



Like the prior decline categories, the majority of discretionary decline offenders were categorized as MOD risk. Between 2007 and 2011, the MOD risk category increased by 70 percent, while the HNV risk category decreased by 42 percent.

Altogether, there are very few offenders categorized as LOW in any of the decline categories. It would appear that the decline process is capturing more of the higher risk offenders.

YOUTH WITH A DECLINE HEARING AND SENTENCED AS JUVENILES

Two of the three types of declines, mandatory and discretionary, require a decline hearing to occur. Table 2 displays the demographics for sentences where there was a decline hearing and the youth were sentenced in juvenile court instead of Superior Court. Due to the lack of data, it is not possible to determine if the decline hearings were for mandatory or discretionary declines.

Similar to the exclusive adult jurisdiction, the youth who received decline hearings and were sentenced as juveniles are primarily seventeen-year-old White males. The percentage of females is higher, however, in this population than it is in the population of juveniles sentenced as adults. Distribution of race categories is comparable to that of the juveniles sentenced as adults.

The rates of youth with decline hearings and sentenced in juvenile court has been more volatile over the last five years than the rate of juveniles sentenced as adults.

Table 2 – Demographics

	2007	2008	2009	2010	2011
Total	109	139	151	103	95
Gender					
Female	14%	9%	12%	11%	6%
Male	86%	91%	88%	89%	94%
Race					
Asian/Pacific Islander	7%	4%	5%	4%	3%
Black	16%	28%	28%	32%	21%
Native American	9%	3%	5%	5%	3%
White	56%	55%	48%	36%	57%
Unknown	12%	10%	14%	23%	16%
Ethnicity					
Hispanic	24%	16%	20%	29%	33%
Non-Hispanic	33%	21%	21%	22%	35%
Unknown	43%	63%	59%	49%	33%
Age At Decline Resolution					
14 and under	6%	0%	3%	2%	2%
15	3%	10%	16%	5%	5%
16	16%	17%	21%	23%	16%
17	70%	54%	52%	48%	52%
18	6%	19%	8%	22%	23%
19	0%	0%	0%	0%	1%
Rate per 100,000 10-17 year olds*	15.13	19.41	21.25	14.47	13.46

* OFM Intercensal Estimates of April 1 2007-2011

The purpose of this research brief was to provide general descriptive statistics on these two populations. Additional research briefs providing further analysis will be published in the future.

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