

The Effectiveness of Declining Juvenile Court Jurisdiction of Youth

Joint House & Senate Committee:
Juvenile Sentencing Reform Task Force

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Washington State Institute for Public Policy

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Mission: Conduct non-partisan research on projects assigned by the Legislature or WSIPP's Board of Directors

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WSIPP's Board of Directors was asked to do this project by the Washington State Partnership Council on Juvenile Justice. The study was authorized by the Board in 2012.

Decline of Juvenile Court Jurisdiction

Washington State Law

- Juvenile courts have jurisdiction over youth under the age of 18 who allegedly commit a crime
- Legally, youth can be “declined” jurisdiction in the juvenile court through two ways:

1) Discretionary decline – prosecutors can petition to transfer a youth to adult court at the discretion of the juvenile court

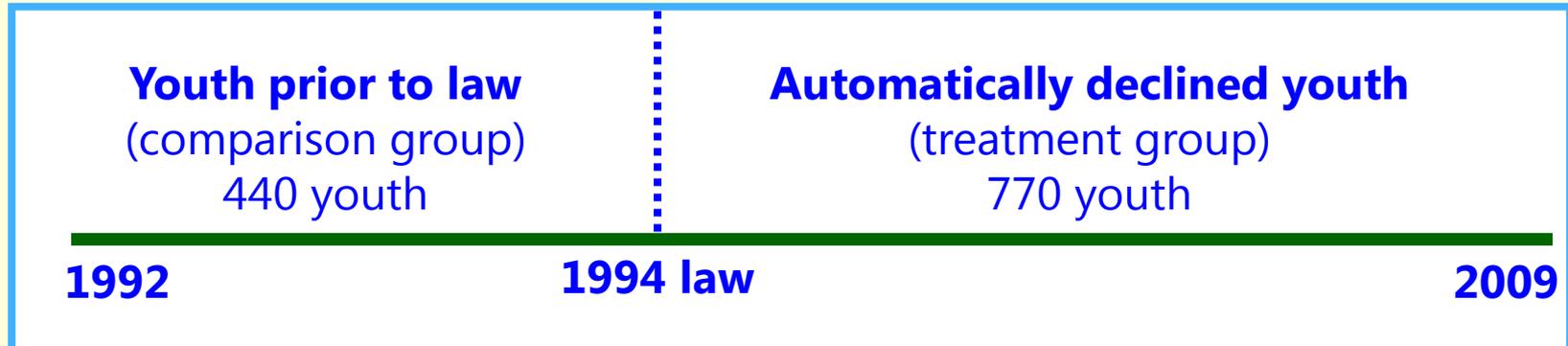
2) Automatic decline – youth statutorily transferred to adult court based on certain criteria (age, current offense, and criminal history)

Enacted in 1994 and expanded in 1997

WSIPP's Evaluation of WA Automatic Decline Law

Effect on Recidivism

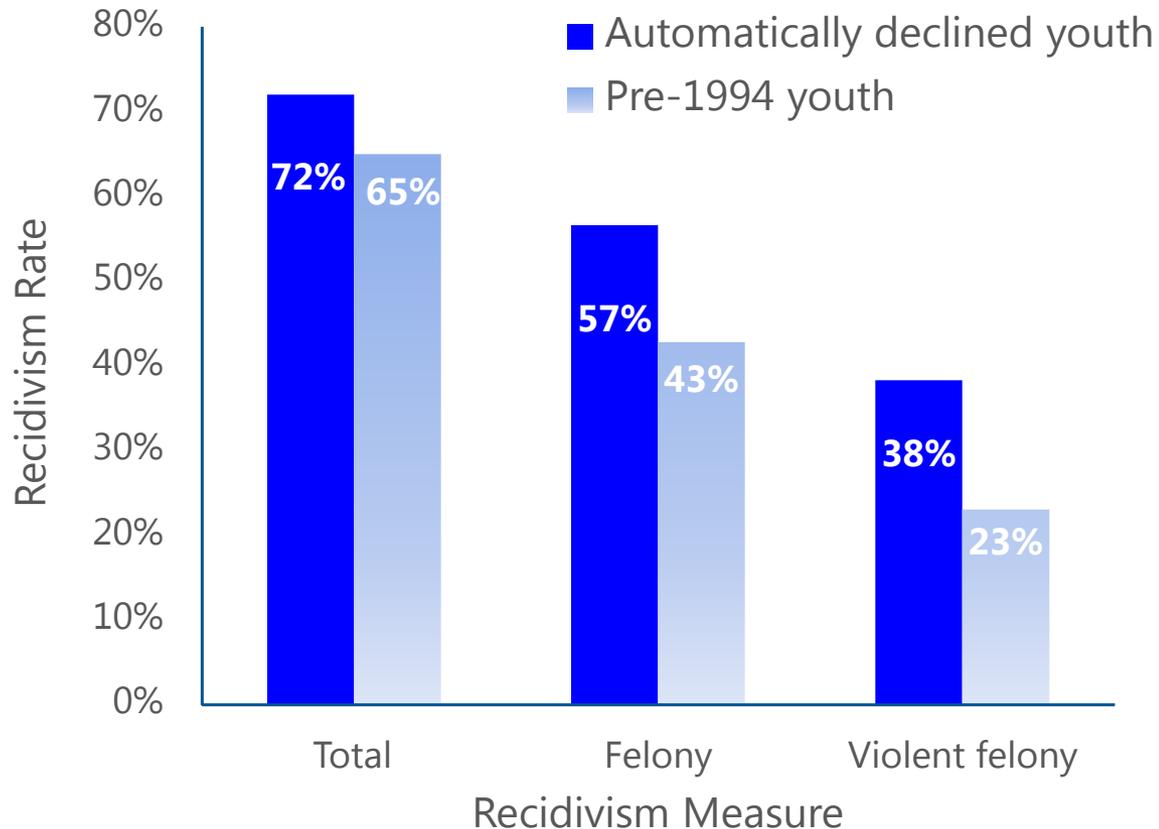
- ✓ We compared 36-month recidivism rates of youth subject to the law to youth prior to the 1994 law who would have met the exact age and offense criteria



- ✓ This circumstance did not exist for youth who were discretionarily declined; thus, we were only able to test the effects of the automatic decline law

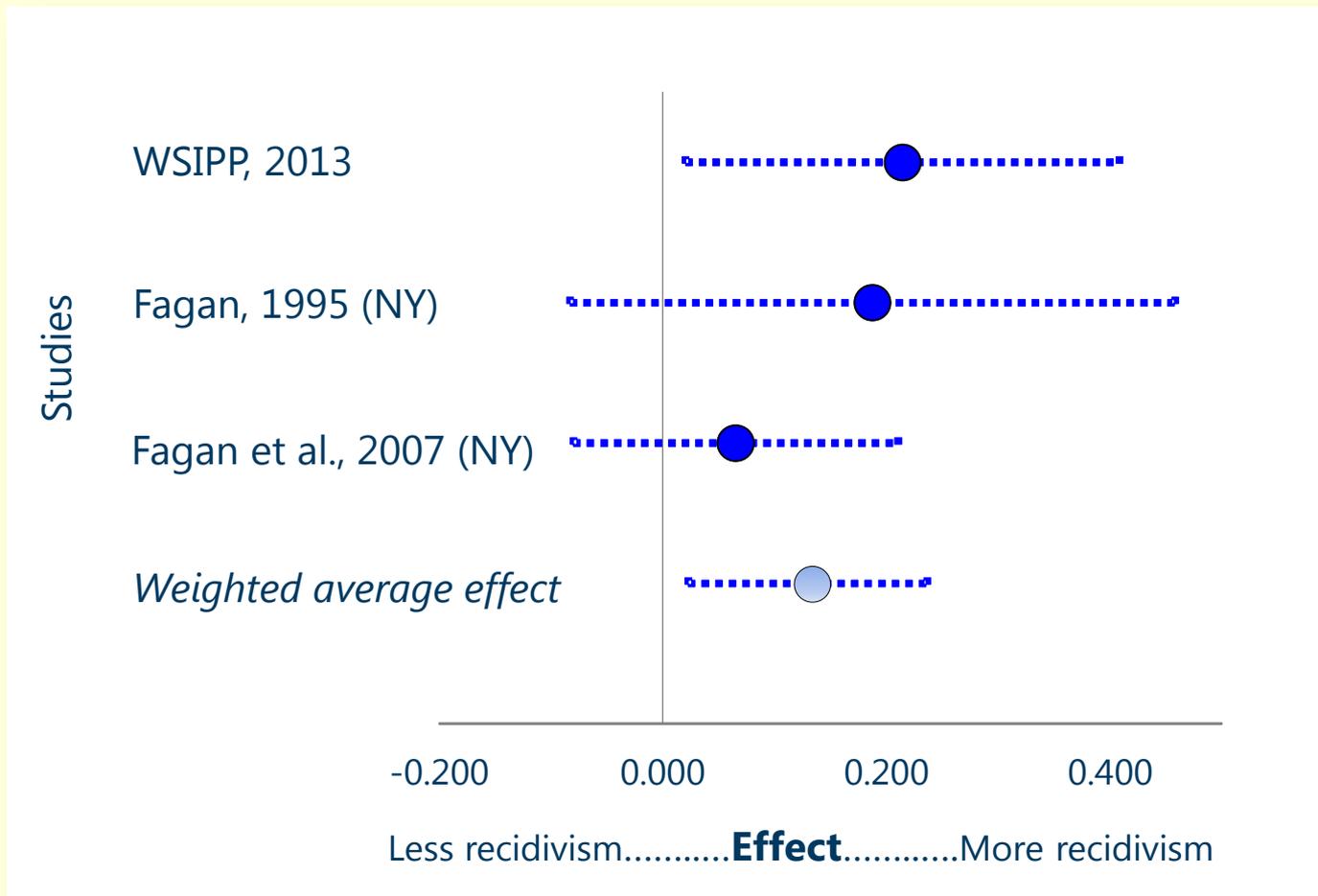
Findings: 36-Month Recidivism Rates

Reconvictions of Automatically Declined vs. Pre-1994 Youth



Review of the National Research Literature

WSIPP Recidivism Findings are Consistent



Benefits and Costs of the Law

Our Empirical Investigation is Only a Piece of the Puzzle

We empirically examined the impact of decline law on:

- ✓ Recidivism
("specific deterrence")

Unfortunately, we could not empirically examine the impact of two other factors:

- ✓ General deterrence
- ✓ Incapacitation

Thus, because we did not want to speculate about these two factors, we could not conduct a complete benefit-cost analysis.



The Question

Why Do Automatically Declined Youth Higher Recidivism?

Theory: Increased time in confinement?

- ✓ Testable with the data
- ✓ Youth in the decline group spent an additional 20 months in confinement
- ✓ Finding: We found no relationship between the increased length of stay and recidivism

Theory: Criminogenic effect (producing criminality) of processing youth in the adult CJS?

- ✓ Not testable with the data = finding unknown

Theory: Location of confinement (JRA vs. DOC)?

- ✓ Not testable with the data = finding unknown

Thank You