

DECLINE AND EXCLUSIVE JURISDICTION
Policy Options

	Policy Options/Recommendation	Origin	Notes
1.	Eliminate "Automatic Decline" Without a Hearing; Require Decline Hearings Before a Youth Is Tried in Adult Court	WA Defender Association/WA Assoc. of Criminal Defense Lawyers	
2.	Eliminate Robbery in the First Degree from the list of offenses requiring "automatic decline" without a hearing.	Task Force Discussion	See handout prepared by Office of Financial Management
3.	Restrict Discretionary Decline Hearings to Juveniles Age (Fourteen) and Older	WA Defender Association/WA Assoc. of Criminal Defense Lawyers	Only Washington and West Virginia allow for discretionary transfer for youth of all ages. 20 states restrict discretionary transfer to juveniles age fourteen and older.
4.	Adopt individualized criteria to be considered by the court in determining whether to decline jurisdiction consistent with Miller v. Alabama (expounding on the Kent factors).	WA Defender Association/WA Assoc. of Criminal Defense Lawyers	See Handout #4 prepared for Task Force
5.	Eliminate mandatory decline	Task Force discussion	Mandatory decline applies to 16 and 17 year olds who commit certain crimes. Task Force has discussed some jurisdictions will waive hearing if obvious Kent factors can't be met; some jurisdictions may hold hearing regardless.
6.	Allow an offender who has been automatically transferred to adult jurisdiction to petition to be returned to juvenile court (reverse waiver).	Dr. Eric Trupin, Dept. of Psychiatry and Behavioral Services, UW Medicine	Could be implemented in conjunction with a blended sentencing option (juvenile sentence w/ stayed adult sentence).

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			<p>Pennsylvania and Maryland have reverse waiver provisions.</p> <p>PA – reports showing 50% returned to juvenile court;</p> <p>MD – 39.6% returned.</p>
7.	<p>Hold Declined Youth with Other Juveniles Until They Are Transferred to the Department of Corrections</p>	<p>WA Defender Association/WA Assoc. of Criminal Defense Lawyers</p>	<p>See data from WASPC;</p> <p>Task Force members have expressed concern that jail and county personnel would need to be at the table for a full discussion of this issue.</p>
8.	<p>Eliminate “once an adult, always an adult.”</p>	<p>WA Defender Association/WA Assoc. of Criminal Defense Lawyers</p>	<p>Rule has been part of the WA statute since its inception in 1977.</p> <p>In 1994, automatic transfer was specifically excepted from the once/always rule to clarify that the rule only applies if a prior hearing has been held.</p>