

## **Juvenile Sentencing Reform Task Force Discussion of Final Recommendations**

### **I. Support the JRA/DOC proposal regarding the custody of youthful offenders.**

- a. Offenders would first be sent to DOC for calculation of their ERD and automatically sent to JRA without evaluation;
- b. Offenders who will complete confinement prior to age 21 – jurisdiction will transfer to JRA for term of confinement; DOC responsible for approving offender release plan and supervision;
- c. Offenders who cannot complete term of confinement prior to age 21 – DOC to maintain jurisdiction during term of confinement.

Questions for Discussion:

- JRA currently houses 45 youthful offenders, 17 of which will complete their sentence prior to age 21; 15 of the youth will complete their sentence before age 25. Should there be a second look or evaluation of these youth prior to transfer to DOC?

### **II. Record sealing of juvenile records held by the Department of Licensing**

Under certain circumstances, a juvenile offender may petition the court to seal his or her juvenile records. If granted, the records are sealed with the intention that the juvenile may respond to inquiries as if the arrest/disposition did not occur. 2SSB 5064 went one step further by requiring the juvenile court to set a record sealing hearing after the anticipated completion of the terms of sentence for most dispositions.

The Department of Licensing maintains a database of driving records for all drivers licensed in the state. A driving record contains information regarding any driving related infraction or conviction. There is no requirement that the DOL seal conviction or disposition records for juveniles.

Questions for Discussion:

- Should the DOL be required to seal any driving related infraction or disposition for a driver who committed the infraction or crime as a juvenile?

### **III. Increase judicial discretion for juveniles sentenced in adult court**

The Task Force has discussed a variety of proposals that would increase the discretion of the court for juvenile offenders, including eliminating automatic transfer of juveniles to adult court, giving the adult court the ability to hear reverse waiver petitions, blended sentencing options, and options to give the court more discretion in sentencing a juvenile offender when mandatory sentencing enhancements apply.

Questions for Discussion:

- Given that a number of juveniles transferred to adult court will complete their sentences prior to turning age 25, are there circumstances where the adult criminal court should be authorized to suspend an adult sentence and impose juvenile sanctions?

- When sentencing enhancements apply to a juvenile offender who has been transferred to adult court, should the court have greater discretion by:
  - Allowing the court to determine when to impose consecutive sentencing and enhancements;
  - Allowing the court to reduce the sentence when sentencing enhancements result in a clearly excessive sentence.

**IV. Consideration of recommendations submitted by the WA State Partnership Council on Juvenile Justice - Senator Darneille to present**

Questions for Discussion:

- Should the statute contain a minimum age restriction for decline to adult jurisdiction?
- Given the disproportionate impact of automatic decline to adult jurisdiction noted by the Council, should automatic decline be eliminated in favor of holding a decline hearing in these circumstances?

**V. Juvenile Parole**

JRA provides a system of post-release parole services. The length of parole supervision is determined by the youth's assessed risk to re-offend and the youth's offense. The lengths of parole are:

- 20 weeks for Auto Theft Parole
- 6 months for high risk youth assigned in Intensive Parole
- 24 to 36 months for sex offender parole

Functional Family Parole (FFP) is the model for JRA parole services. Based on Functional Family Therapy, FFP is a family- focused therapeutic intervention to improve communication, build hope, and engage families in understanding, supporting, and reinforcing positive change made by youth as a result of services received in JRA residential facilities. A 2009 study by the University of Indiana showed a 15% reduction in felony recidivism among youth who received FFP services from an experienced parole counselor proficient in the FFP model service requirements.

In 2012, JRA reported 65% percent of JRA receive parole services, for a total of 371 youth on parole. Parole groups include intensive parole, auto theft parole, basic training camp parole, sex offender parole and family integrated transition.

Questions for Discussion:

- Should the Task Force recommend increased parole for juvenile offenders exiting from the Juvenile Rehabilitation Administration?

**VI. Other Recommendations as Identified by Task Force Members**