

Washington State Partnership Council on Juvenile Justice

November 2014

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The Washington State Partnership Council on Juvenile Justice (WA-PCJJ) is Washington's state advisory group on juvenile justice, and is tasked with ensuring the state is meeting the core requirements of the federal Juvenile Justice and Delinquency Prevention Act. Also, by Executive Order 10-03, the Council is "designated as the primary advisory state planning group for matters pertaining to juvenile justice in the state of Washington." A guiding principle of the Council is to recognize the fundamental developmental differences between young people and adults, and retain responsibility for all youth capable of benefiting from rehabilitation and treatment in the juvenile justice system.

The Partnership Council requested staff to develop a Bulletin on juveniles declined to adult court jurisdiction. The purpose of the Bulletin is to educate and inform - to provide information on the number of youth who are charged in adult criminal court in our state and their characteristics, as well as to highlight the findings from the WSIPP December 2013 study, which was initiated by the Partnership Council.

The principal conclusions and underlying analysis of the forthcoming Bulletin are provided below. **Please note that the Council is providing the Task Force with this information in advance of the Bulletin's public distribution, so you can consider it in developing your recommendations to the Legislature.**

- **Automatic Decline Law Results in Higher Recidivism for Youth:** Transferring youth under age 18 pursuant to the automatic decline law in our state is not effective in decreasing future criminal offending, but has the counter effect of increasing reoffending. The additional cost to taxpayers was estimated to be \$82,824 per youth due to the increase in length of stay and recidivism.
- **Significant Impact on Racial and Ethnic Disparities:** The automatic decline law (exclusive original criminal court jurisdiction) has a significant impact on minority youth as more youth of color are declined for adult prosecution in our state. Youth of color comprise the majority of youth who are transferred to the adult court system, both for automatic declines and judicially controlled transfers.
- **The Lack of a Minimum Age Restriction in the Statute for Declination Results in Children of Any Age Being Prosecuted as Adults; youth as young as 11 have been declined:** Washington State is one of only three states that does not have in effect an age restriction and has broad eligibility (for any criminal offense) for discretionary waivers from juvenile court to adult court. Not having a set age restriction for judicially controlled transfers to adult criminal court per RCW 13.40.110 has allowed youth as young as 11 years old to be found by a Juvenile Court to be capable of committing a criminal offense, and be transferred and charged in adult court (even though the court must hold a capacity hearing to overcome the presumption of incapacity for youth ages 8 to 11).