

**Changes in Washington State's
Jurisdiction of Juvenile Offenders:
Examining the Impact**

Robert Barnoski, Ph.D.

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Special thanks are owed to Harold Nelson of the Office of Financial Management for his encouragement in resolving data inconsistencies and to Laura Harmon and John Miller at the Institute for their work on the Institute’s criminal justice database.

EXECUTIVE SUMMARY

In Washington State, the juvenile courts are a division of the state's superior court system. These courts have jurisdiction over persons under the age of 18 alleged or found to have committed offenses (RCW 13.04.030). However, the prosecuting attorney may petition the juvenile court to decline its jurisdiction over a youth and allow the prosecutor to file the case in adult criminal court. In this report, we call these cases *discretionary transfer of jurisdiction*.

In addition to these provisions for discretionary transfer decisions, Washington State also prescribes transfer of juveniles to adult court in its sentencing statutes. The 1994 Violence Reduction Act transferred jurisdiction of 16- and 17-year-old youth charged with certain violent felonies from juvenile to adult court. The 1997 Legislature revised the juvenile sentencing system and expanded the crimes that automatically transfer juvenile cases to adult court. We call these cases *automatic transfer of jurisdiction*.¹

Study Direction and Methods

The 1997 legislation also directed the Washington State Institute for Public Policy (Institute) to “*examine the impact and effectiveness of changes made in the exclusive original jurisdiction of juvenile court over juvenile offenders.*”² This report analyzes the law's impact and effectiveness by comparing similar cases filed before and after the law's enactment. Because of inaccuracies in the state administrative databases, this report cannot be considered an audit of practice.

Findings

Impact on Arrests for Violent Crimes

- The Washington State juvenile arrest rates for violent crimes in the 10- to 17-year-old population follow the same trend as the national rates—both peaked in 1994, the same year the automatic transfer provisions were initiated. Washington trends are influenced by the same factors that influence the national rates, and we cannot attribute the decrease in juvenile arrests for violent crimes in Washington State solely to the automatic transfer statutes.

Changes in Practices

- The automatic transfer legislation has shifted the jurisdiction of cases involving violent crimes committed by 16- and 17-year-olds from the juvenile to adult criminal court, as intended by the 1994 and 1997 legislation.

¹ In 1999, the Washington State Supreme Court determined that the adult court cannot retain jurisdiction over a juvenile if the charges against the youth are amended so the case no longer meets the automatic transfer criteria (*State v. Mora*, 138 Wn.2d 43, June 3, 1999).

² RCW 13.40.0357.

- The rate at which juvenile cases involving a felony are being transferred to adult court has increased.
- The number of cases transferred to adult court that meet the automatic criteria has tripled since fiscal year 1992.
- Since the legislation's enactment, proportionally more youth are now transferred to adult jurisdiction for violent crimes and proportionally fewer youth are transferred for non-violent crimes.
- The automatic transfer provisions reduce judicial and prosecutorial discretion by explicitly defining the factors that determine which juvenile cases must be tried in adult court. Cases automatically transferred involve proportionally more 16-year-old and fewer 17-year-old defendants, more females, more Whites, and fewer Blacks than similar cases transferred by discretion.
- Since the change in jurisdiction, proportionally fewer cases involving juveniles are prosecuted in adult court for a Serious Violent Felony while proportionally more are prosecuted for a Robbery I charge.
- Compared with similar cases filed before the change in jurisdiction, automatic transfer cases have the following characteristics:
 - ✓ Slightly lower conviction rates;
 - ✓ Slightly higher confinement rates;
 - ✓ Longer length of minimum sentences; and
 - ✓ Much longer sentences for those convicted of very serious violent crimes, such as murder.

Cost Implications

- The cost per year of confinement in the Department of Social and Health Services (DSHS) Juvenile Rehabilitation Administration (JRA) is higher than cost of confinement in the Department of Corrections (DOC). However, the average minimum sentence length is longer for cases transferred to adult court than for those retained in juvenile court. The net effect is that confinement costs per case are higher under the automatic transfer statute than under the discretionary system.

Recidivism

- Based on a very preliminary examination, there is no consistent evidence that sentencing youth to adult court either increases or decreases the likelihood of the youth recidivating.
- Because youth convicted in adult court for serious violent crimes receive very long sentences, it will be several years before more definitive conclusions can be made about the effect of the automatic transfer statute on recidivism.

INTRODUCTION

In Washington State, the juvenile courts are a division of the state's superior court system. These courts have jurisdiction over persons under the age of 18 alleged or found to have committed offenses. However, the prosecuting attorney may petition the juvenile court to decline its jurisdiction over a youth and allow the prosecutor to file the case in adult criminal court.³ In this report, we call these cases *discretionary transfer of jurisdiction*.

In addition to the provisions for discretionary transfer decisions, Washington State also prescribes transfer of juveniles to adult court in its sentencing statutes. The 1994 Violence Reduction Act transferred jurisdiction of 16- and 17-year-old youth charged with certain violent felonies from juvenile to adult court. The 1997 Legislature revised the juvenile sentencing system and expanded the crimes that automatically transfer juvenile cases to adult court. We call these cases *automatic transfer of jurisdiction*.⁴ Exhibit 1 summarizes the statutory criteria for automatic transfer. Appendix B lists the individual offenses included in the Serious Violent and Violent Felony categories.⁵

Exhibit 1
Automatic Transfer Criteria Applicable to
Juveniles 16 and 17 Years Old at Time Case Is Filed

Current Offense	Criminal History	Offenses After
Serious Violent Felony		July 13, 1994
Violent Felony	One or more Serious Violent Felonies	July 13, 1994
Violent Felony	Two or more Violent Felonies	July 13, 1994
Violent Felony	Three or more Class A Felonies, Class B Felonies, Vehicular Assault, or Manslaughter II committed after the 13th birthday and prosecuted separately	July 13, 1994
Robbery I, Rape of a Child I, or Drive-by Shooting		July 1, 1997
Burglary I	Any prior felony or misdemeanor	July 1, 1997
Violent Felony With a Firearm Allegation*		July 1, 1997

* This report does not include the firearm allegation criteria, since these data are not available.

³ RCW 13.04.030.

⁴ In 1999, the Washington State Supreme Court determined that the adult court cannot retain jurisdiction over a juvenile if the charges against the youth are amended so the case no longer meets the automatic transfer criteria (*State v. Mora*, 138 Wn.2d 43, June 3, 1999).

⁵ Serious Violent Felony and Violent Felony include specific offenses defined in RCW 9.94A.030.

Study Direction and Methods

The 1997 legislation directed the Washington State Institute for Public Policy (Institute) to “*examine the impact and effectiveness of changes made in the exclusive original jurisdiction of juvenile court over juvenile offenders.*”⁶ This report analyzes the law’s impact and effectiveness by comparing similar cases filed before and after the law’s enactment using information from the existing statewide administrative databases.⁷

The “Before Group” consists of cases filed between January 1, 1992, and July 1, 1994, the two years before the law’s 1994 enactment. This group is restricted to those cases estimated to meet the criteria for an automatic transfer had the law been in effect at that time. Some cases in the Before Group were transferred via discretion to adult criminal court, while other cases were retained under juvenile court jurisdiction.

The “After Group” consists of cases filed in adult court under the current law between January 1, 1998, and June 30, 2001. All the cases in this group were transferred to adult criminal court. Exhibit 2 summarizes the number of cases in each of these study groups.

Exhibit 2
All Study Group Cases Meet the Automatic Transfer Criteria

Study Group	Retained in Juvenile Court	Transferred to Adult Criminal Court	Total Cases
Before Group	738	175 (Discretionary Transfer)	913
After Group	0	690 (Automatic Transfer)	690

Since there is no explicit entry in the court databases indicating that an adult case was transferred from juvenile court, we use a computer program to identify these cases in the adult database. We also use this program to identify cases in the juvenile database that would have been automatically transferred under today’s law had it been in effect when the case was filed.

To determine if a case was transferred under discretionary provisions, or is eligible for an automatic transfer, requires four pieces of information from both the juvenile and adult court records: the offender’s birth date, charges filed against the offender, date the charges were filed, and offender’s record of convictions prior to the filing date. Since the databases contain some recording inaccuracies, errors can occur in determining the classification. For example, an incorrectly recorded birth date can erroneously indicate that a case was eligible for an automatic transfer. Because of these challenges, this report involves statistical estimations and cannot be considered an audit of practice.

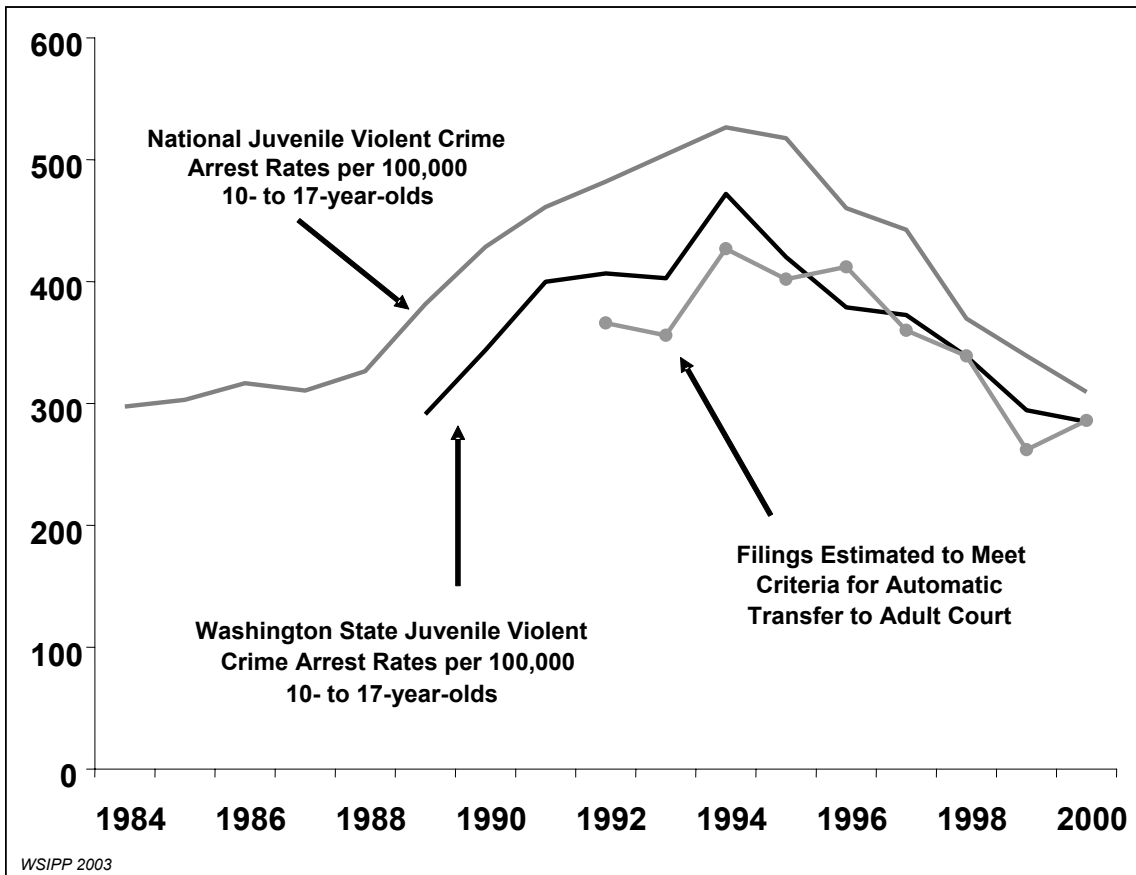
⁶ RCW 13.40.0357.

⁷ The data for this report are from an Institute research database that combines databases from the several Washington State agencies involved in criminal justice: Administrative Office of the Courts, Department of Social and Health Services’ Juvenile Rehabilitation Administration, Washington State Department of Corrections, and Washington State Patrol.

Since this report compares cases filed several years apart, we need to determine if a *pre-existing* trend could account for differences between the groups, regardless of the change in jurisdiction. Exhibit 3 compares the national juvenile arrest rates for violent crimes committed by 10- to 17-year-olds with Washington State's rates. Washington's rates follow the same trend as the national rates, with both sets peaking in 1994. Exhibit 3 also shows the number of cases meeting the automatic transfer criteria established in the 1997 legislation.⁸ These annual numbers also closely follow both violent crime arrest rate trends—about 300 cases were eligible for an automatic transfer to adult court jurisdiction in 2000.

Exhibit 3 illustrates that Washington trends are influenced by the same factors that influence national rates. Thus, we cannot attribute the decrease in juvenile arrests for violent crimes in the state solely to the change in Washington's jurisdiction statute.

Exhibit 3
Juvenile Arrest Rates for Violent Crimes
Per 1,000 Youth 10 to 17 Years Old



⁸ The number of filings begins in 1992 because the Administrative Office of the Court's Superior Court Case Management System started to record person identifiers that allow linking persons and cases in mid-1991. Therefore, the Institute's research database of Superior Court case data includes only cases filed since mid-1991.

This report addresses the following questions concerning the 1994 and 1997 changes in juvenile court jurisdiction:

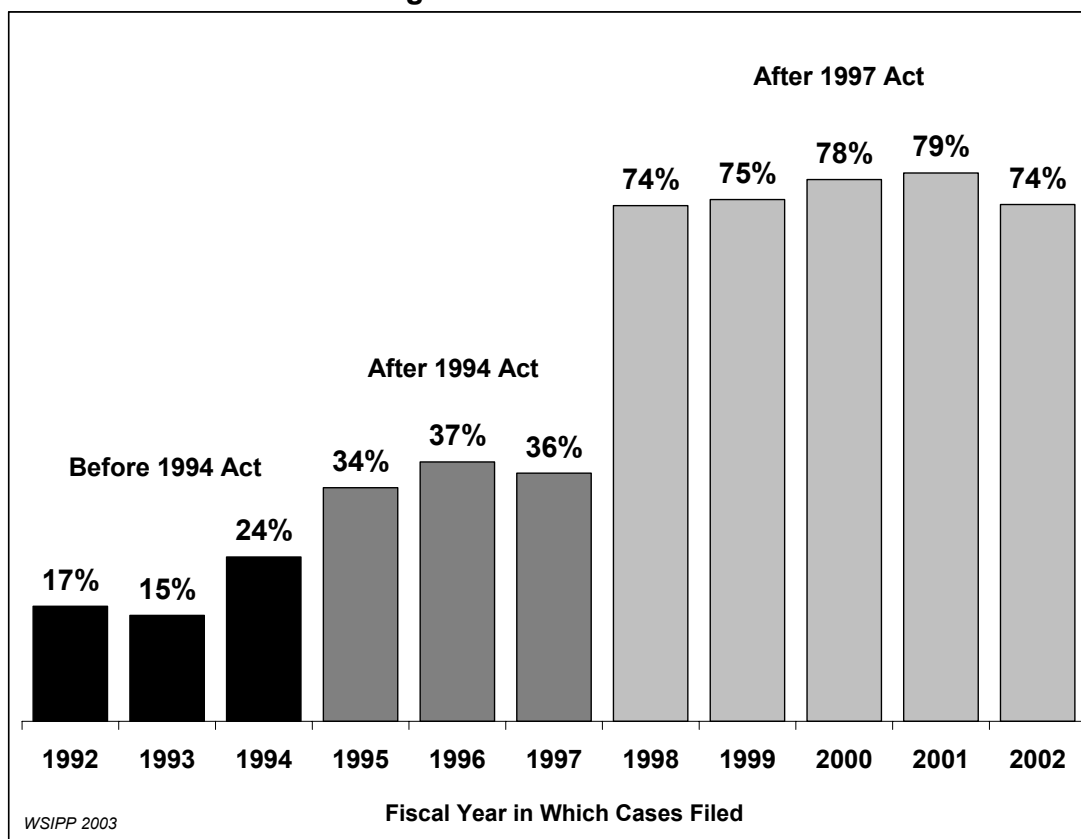
- How has the legislation affected the *number of cases transferred* to adult court?
- How has the legislation affected the *characteristics of cases transferred* to adult court?
- How has the legislation affected the *disposition, sentencing, and confinement costs of cases transferred* to adult court?
- What is the *effect on recidivism* of transferring 16- and 17-year-olds to adult court?

HOW HAS THE LEGISLATION AFFECTED THE NUMBER OF CASES TRANSFERRED TO ADULT COURT?

Exhibit 4 shows how the jurisdiction of cases meeting the automatic transfer criteria has switched from juvenile court to adult criminal court subsequent to the 1997 legislation. We use fiscal year data because the law was first enacted July 1, 1994, and then expanded starting July 1, 1997. Prior to fiscal year 1995, fewer than 25 percent of the cases eligible for automatic transfer under current laws were filed in adult court through the use of discretion. From fiscal years 1995 through 1997, approximately one-third of the automatic transfer-eligible cases were filed in adult court. Following the expansion of the eligibility criteria in fiscal year 1998, over 74 percent of the eligible cases have been filed in adult court.

We would expect 100 percent of the eligible cases for automatic transfer to be filed in adult court following the law's 1997 enactment. We assume that record keeping inaccuracies in the state administrative databases are responsible for these rates being less than 100 percent, rather than a failure to comply with the statute.⁹

Exhibit 4
Trends in the Percentage of Automatic Transfer-Eligible Cases Filed in Adult Court



⁹ This assumption is supported by the finding that of the eligible cases still filed in juvenile court after the automatic transfer went into effect, over 75 percent were dismissed.

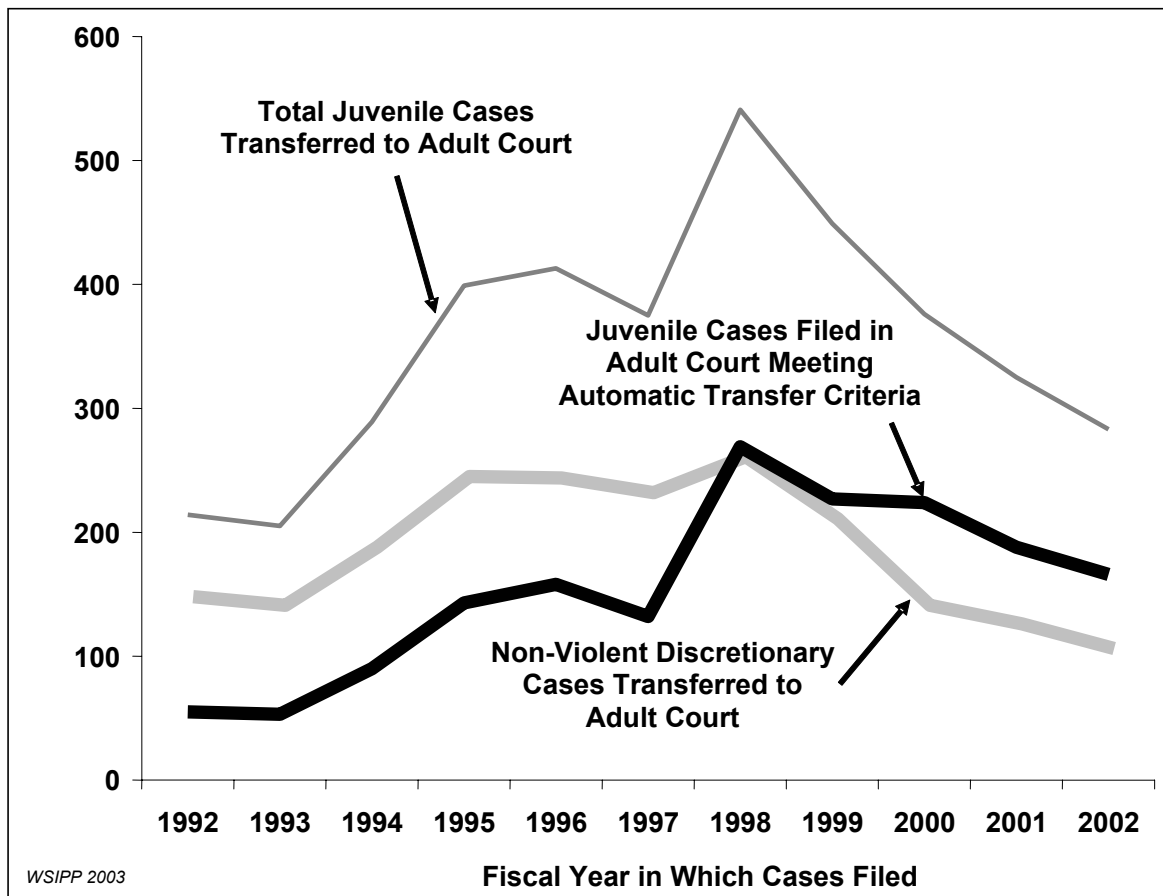
Exhibit 5 shows the total number of cases transferred to adult court during the study period. We separate the total cases transferred into two groups: those that meet the eligibility criteria and those that do not. The discretionary transfer cases not meeting the criteria involve non-violent property and drug charges.

Since fiscal year 1992, the total number of cases transferred to adult court rose from about 200 cases to 300 cases, a 32 percent increase. When the total number of transfer cases is divided by the total number of juvenile court felony filings—producing the *rate of transfers per felony case filed*—we find the transfer rate increasing by 68 percent, from 1.8 percent in 1992 to 3 percent in 2002.

For cases transferred to adult court that meet the automatic criteria, both the number of cases filed and the transfer rate per felony case filed has tripled since fiscal year 1992.

The number of non-violent discretionary transfers started to decrease after fiscal year 1998. Examining the rate of non-violent discretionary transfers per felony case filed, we find the non-violent discretionary transfer rate decreased by 7 percent. That is, it appears that enactment of the 1997 automatic transfer provisions may have *decreased the discretionary transfer* of non-violent juvenile cases to adult court.

Exhibit 5
Trends in the Number of Juvenile Cases Transferred to Adult Court



As a result, in fiscal year 1992, 26 percent of all cases transferred met the automatic criteria compared with 59 percent in fiscal year 2002 (see Exhibit 6).

Exhibit 6
Comparing Percentage of Cases Meeting Automatic Transfer Criteria
Fiscal Year 1992 vs. Fiscal Year 2002

	FY 1992	FY 2002
Total Juvenile Cases Transferred to Adult Court	214	283
Non-Violent Discretionary Cases Transferred to Adult Court	74%	41%
Juvenile Cases Filed in Adult Court Meeting Automatic Transfer	26%	59%
Total	100%	100%

Summary

- The automatic transfer legislation has *shifted the jurisdiction* of cases involving violent crimes committed by 16- and 17-year-olds from the *juvenile to adult criminal court*, as intended by the 1994 and 1997 legislation.
- The rate of felony cases being transferred to adult court has *increased by over 30 percent*.
- For cases transferred to adult court that meet the automatic criteria, both the *number of cases filed* and the *transfer rate per felony case filed* has tripled since fiscal year 1992.
- Since the legislation's enactment, *proportionally more youth* are now transferred to adult jurisdiction for violent crimes and *proportionally fewer youth* are transferred for non-violent crimes.

The next section addresses how the legislation has affected the characteristics of the cases transferred to adult criminal court.

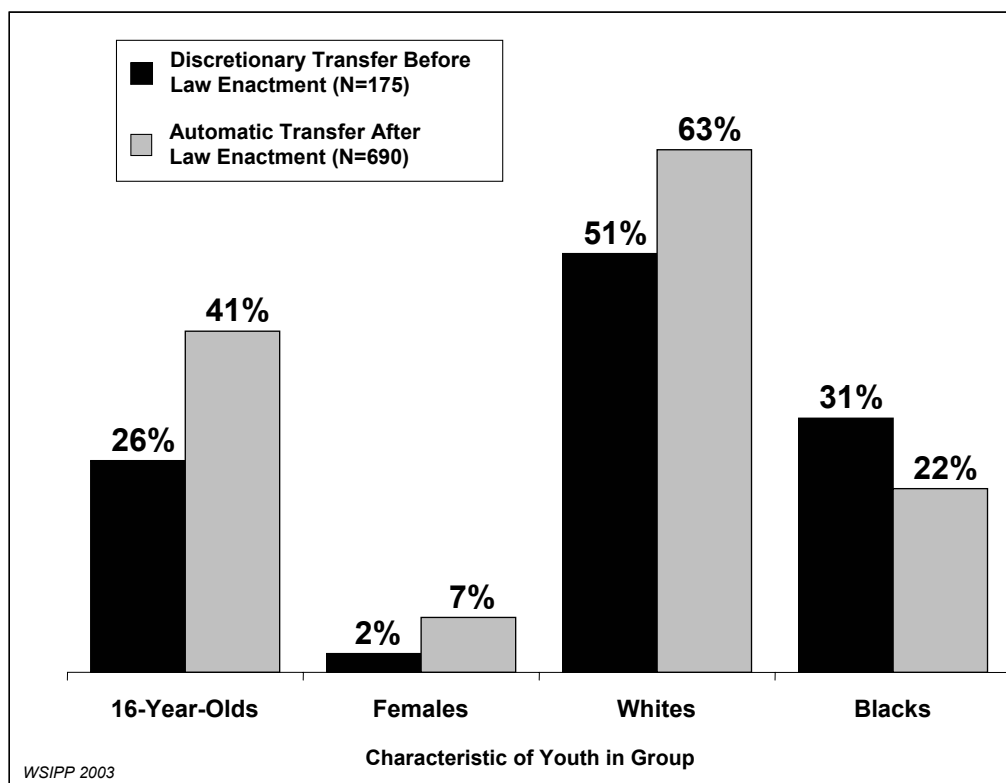
HOW HAS THE LEGISLATION AFFECTED THE CHARACTERISTICS OF CASES TRANSFERRED TO ADULT COURT?

In this section, we examine only those cases that meet the automatic transfer criteria and were transferred to adult court. The Discretionary Transfer Before Group consists of cases transferred via discretion two years before the law's first enactment. The Automatic Transfer After Group consists of cases filed in adult court since the law's enactment.

Exhibit 7 compares the characteristics of offenders in the two groups. For example, 26 percent of the discretionary transfers involve 16-year-olds compared with 41 percent of the automatic transfers.

The cases automatically transferred include proportionally more 16-year-olds,¹⁰ more females, more Whites, and fewer Blacks than the discretionary transfer cases.¹¹ The automatic transfer provisions reduce judicial and prosecutorial discretion by explicitly defining the factors that determine which juvenile cases must be tried in adult court. This reduces the influence that other factors can potentially have in this decision.

Exhibit 7
**Characteristics of Youth Transferred to Adult Court:
Before and After 1997 Law**



¹⁰ Only youth 16 and 17 years old meet the automatic transfer criteria.

¹¹ Exhibit B-1 in Appendix B contains more detailed statistics.

Exhibit 8 examines the mix of charges involved in the cases transferred to adult court. These are the charges defined in the automatic transfer legislation. Proportionally fewer cases are now prosecuted in adult court for a Serious Violent Felony and Violent Felony while proportionally more are prosecuted for a Robbery I, Rape of a Child I, or Drive-by Shooting charge.¹²

Exhibit 8
Percentages of Cases Transferred to Adult Court by the Charge Specified in 1997 Law

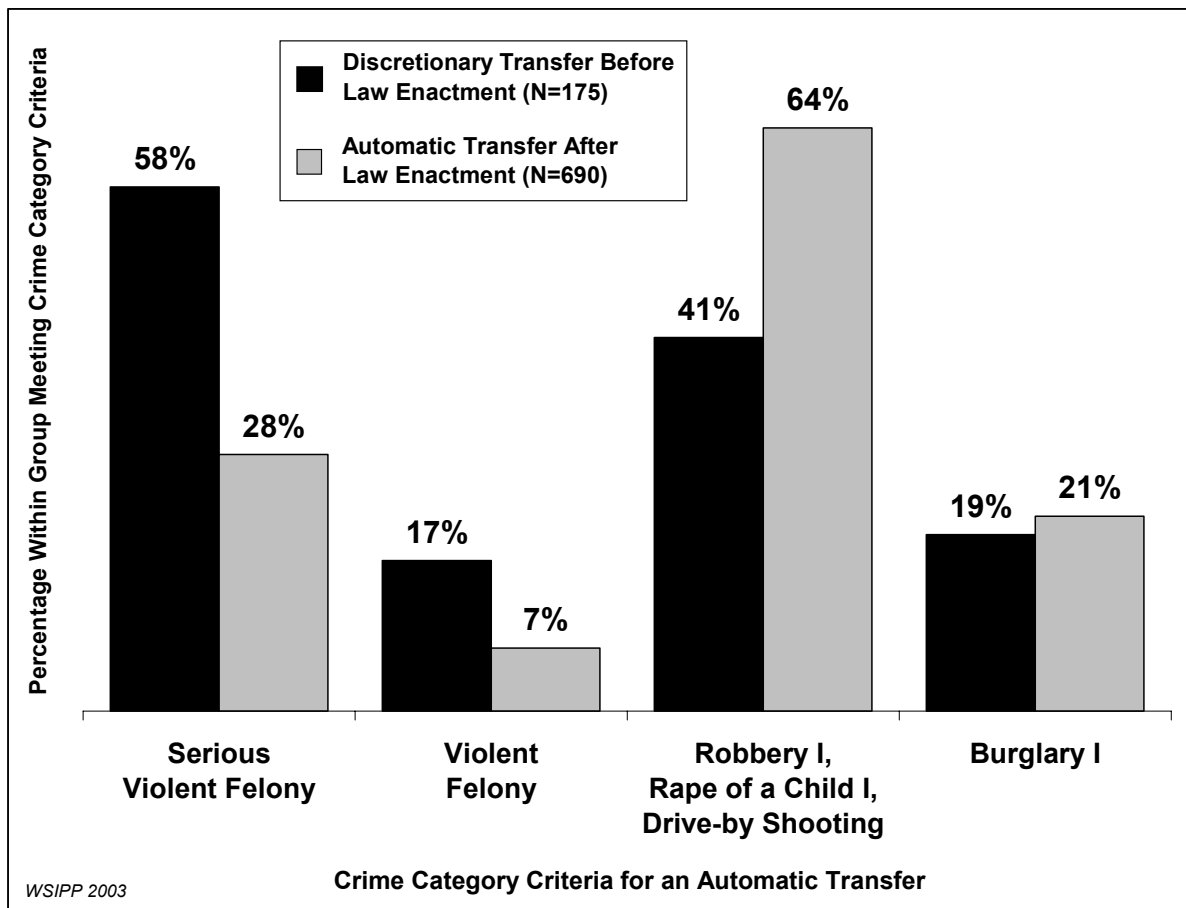


Exhibit 9 shows the percentage of cases involving the specific charges in the Serious Violent and Violent Felony categories. The shaded rows highlight large shifts between the discretionary and automatic transfer groups; the automatic transfer group includes proportionally more Robbery 1 and 2 cases, and proportionally fewer Assault 1, Murder, Manslaughter, and Rape 1 cases.

¹² Exhibit B-2 in Appendix B contains more detailed statistics.

Exhibit 9
Percentage of Cases Involving Specific Charges
Before and After 1997 Law Enactment

Charges Filed in Cases	Discretionary Transfer Before 1997 Law	Automatic Transfer After 1997 Law
Arson 2	1%	0%
Assault 1	26%	14%
Assault 2	19%	20%
Burglary 1	19%	21%
Drive-by Shooting	5%	8%
Extortion 1	1%	0%
Indecent Liberties with Force	0%	0%
Kidnap 1	6%	7%
Kidnap 2	0%	1%
Manslaughter 1	8%	1%
Manslaughter 2	0%	1%
Murder 1	20%	6%
Murder 2	14%	3%
Rape 1	6%	2%
Rape of a Child 1	2%	7%
Robbery 1	34%	50%
Robbery 2	8%	12%
Vehicular Assault	1%	0%

Summary

This section compares the demographic and charging characteristics of cases automatically transferred under the 1997 law with cases meeting the 1997 criteria that were transferred before the law went into effect.

The automatic transfer legislation has changed the characteristics of cases and youth involved in transfers to adult court in the following ways:

- Cases involving females increased from 2 percent to 7 percent.
- The percentage of cases with 16-year-old offenders increased from 26 to 41 percent.
- The law increased the percentage of transferred cases involving Whites from 51 to 63 percent, while decreasing the percentage of cases with Blacks from 31 to 22 percent.
- Transferred cases with Serious Violent Felony charges decreased from 58 percent prior to the automatic transfer law to 28 percent afterwards.
- Robbery I, Rape of a Child I, or Drive-by Shooting cases increased from 41 to 64 percent.

The next section addresses how the legislation affected sentencing, disposition, and the cost of confinement.

HOW HAS THE LEGISLATION AFFECTED THE DISPOSITION, SENTENCING, AND CONFINEMENT COSTS OF CASES TRANSFERRED TO ADULT COURT?

This section switches the focus to the impact of the automatic transfer legislation on disposition, sentencing, and confinement. Since Washington State has a determinant sentencing system for both juvenile and adult criminal courts,¹³ the decision to either confine or place a person on community supervision is set by state statute. Offense seriousness and prior record are taken into account in a sentencing grid that determines whether a case results in confinement and the length of that confinement. The grid establishes a sentence range defined by a “minimum sentence” and a “maximum sentence.” Judges can sentence outside the range on a discretionary basis but must provide a written reason. There are a small percentage of exceptional sentences outside the range. The sentencing grid for adults prescribes significantly longer sentences of confinement for violent crimes than the juvenile grid.

In juvenile court, offenders are sentenced to the grid’s range and must serve at least the minimum sentence. In adult court, offenders are given a sentence within the standard range; this sentence can be adjusted downward in recognition for good behavior in prison. In this report, the sentence length for juvenile court cases is the minimum sentence within the range. For adult court cases, the sentence length is the sentence imposed by the judge minus the maximum amount of good time that the person could earn.¹⁴

Thus, once a case results in a conviction, the sentence is determined by the legislatively adopted sentencing grid.

Since many cases transferred to adult court resulted in confinement orders that are still in effect, we can only examine sentences and not the lengths of actual confinement.

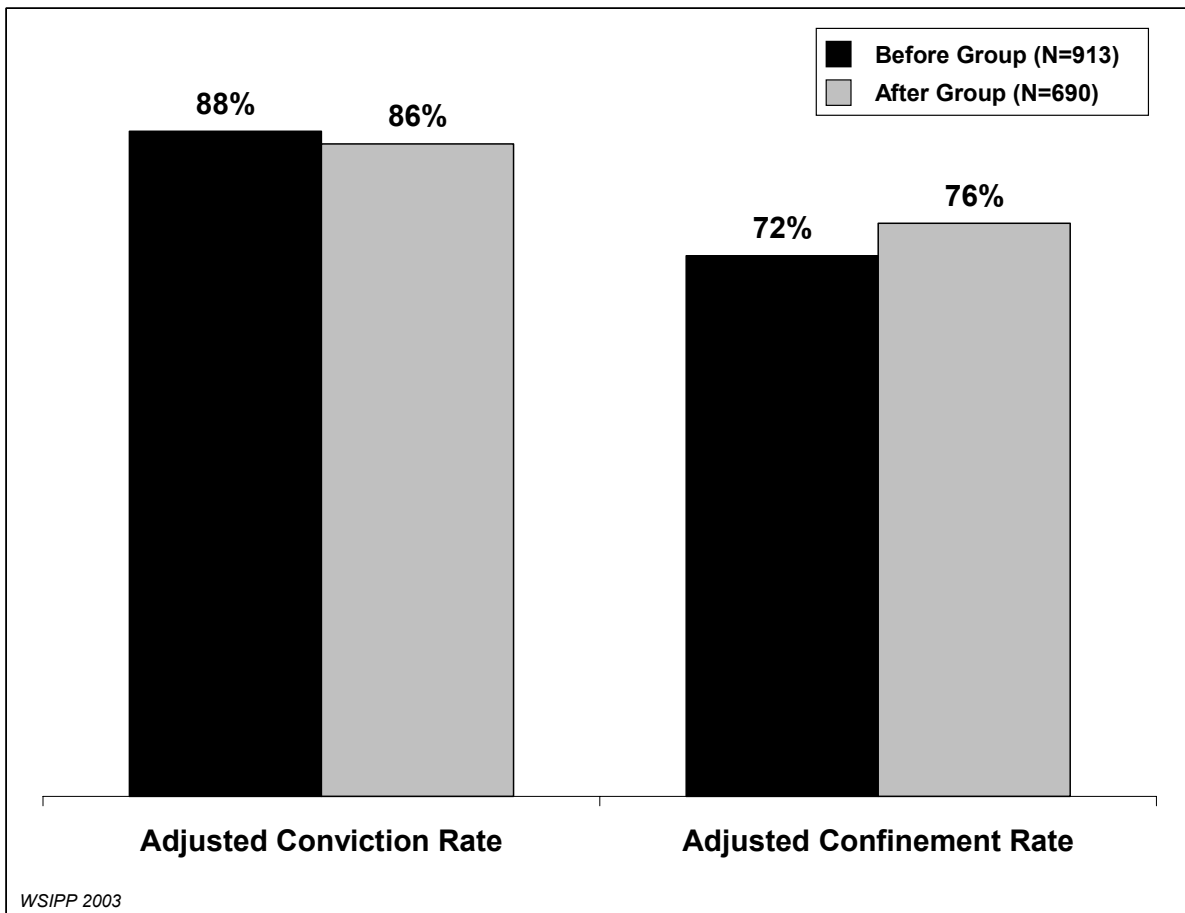
¹³ RCW 13.40, the Juvenile Justice Act of 1977, contains the juvenile sentencing statutes. RCW 9.94A, the Sentencing Reform Act of 1981, defines the adult criminal sentencing statutes.

¹⁴ The maximum reduction for good time used for this report is 15 percent, which is the amount allowed for offenders with a conviction for a violent offense.

To examine the law's impacts, we compare all cases meeting the automatic transfer criteria before the legislation with cases automatically transferred after the 1997 law. The Before Group includes eligible cases transferred via discretion and those retained in juvenile court. The After Group consists of cases filed in adult court under the 1997 law. All cases in both groups meet the automatic transfer criteria, but most cases in the Before Group (81 percent) were retained in juvenile court.

Exhibit 10 illustrates that the *conviction rate* for the Before Group is slightly higher than for the After Group, while the *confinement rate* for the After Group is slightly higher than for the Before Group.¹⁵ These percentages are statistically adjusted to compensate for systematic differences between the groups with regard to the offenses charged in the case and the prior record of offenses.¹⁶

Exhibit 10
Adjusted Conviction and Confinement Rates:
Before and After Legislation Groups



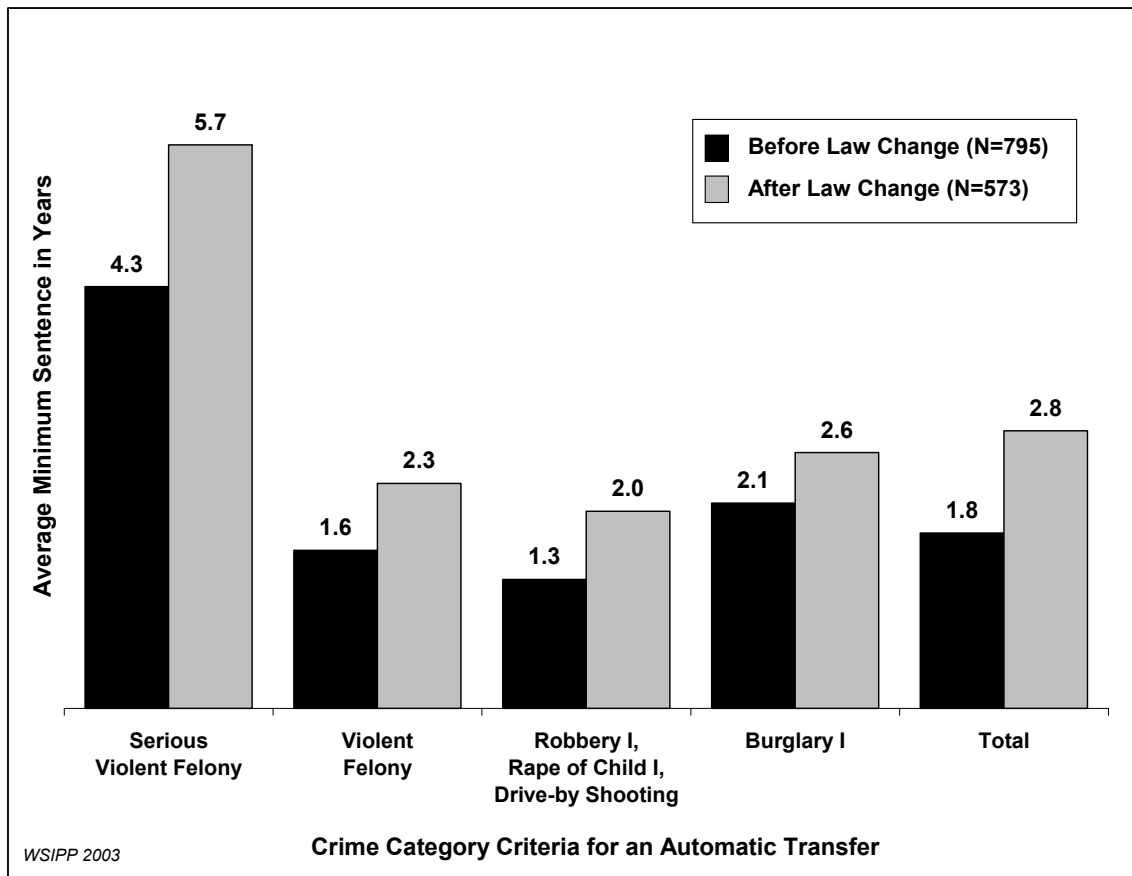
¹⁵ Exhibit B-4 in Appendix B contains more detailed statistics.

¹⁶ Logistic regression is used to adjust the conviction and confinement rates for any systematic differences between the Before and After Groups on the eligibility criteria, age at filing, gender, ethnicity, and prior record of felony offenses.

Exhibit 11 compares the average minimum length of sentence for each of the four charge categories defined by the automatic transfer criteria. The Before Group includes 795 eligible cases that were convicted in either juvenile court or adult criminal court. The After Group includes all 573 cases automatically transferred and then convicted in adult court.

Cases in the Before Group with a Serious Violent Felony conviction have an average minimum sentence of 4.3 years compared with 5.7 years for cases in the After Group. The average minimum sentence for all cases, regardless of charge (represented by the “Total” bars), is 1.8 years for the Before Group compared with 2.8 years for the After Group. There is a clear pattern of increased sentence length for cases meeting the automatic transfer criteria as a result of the statute.

Exhibit 11
Minimum Sentence Length in Years
For Cases Resulting in a Conviction



In Exhibit 12, we take a closer look at the law’s impact on sentence length. First we subdivide the Before Group into those cases that met the criteria but were retained in juvenile court versus those that were discretionary transfers. In addition, the percentage distributions of sentence lengths are shown within each study group.

For example, 36 percent of the cases retained in juvenile court were convicted and placed under community supervision rather than a sentence to confinement, 18 percent of the cases transferred by discretion were sentenced to community supervision, and 28 percent of the automatic transfer cases received a community supervision sentence.

The exhibit shows that transferring youth to adult court can result in a much longer period of confinement. In particular, only cases transferred to the adult system receive minimum sentences over five years.

Exhibit 12
Percentage Distribution of Minimum Sentences for Cases With Convictions

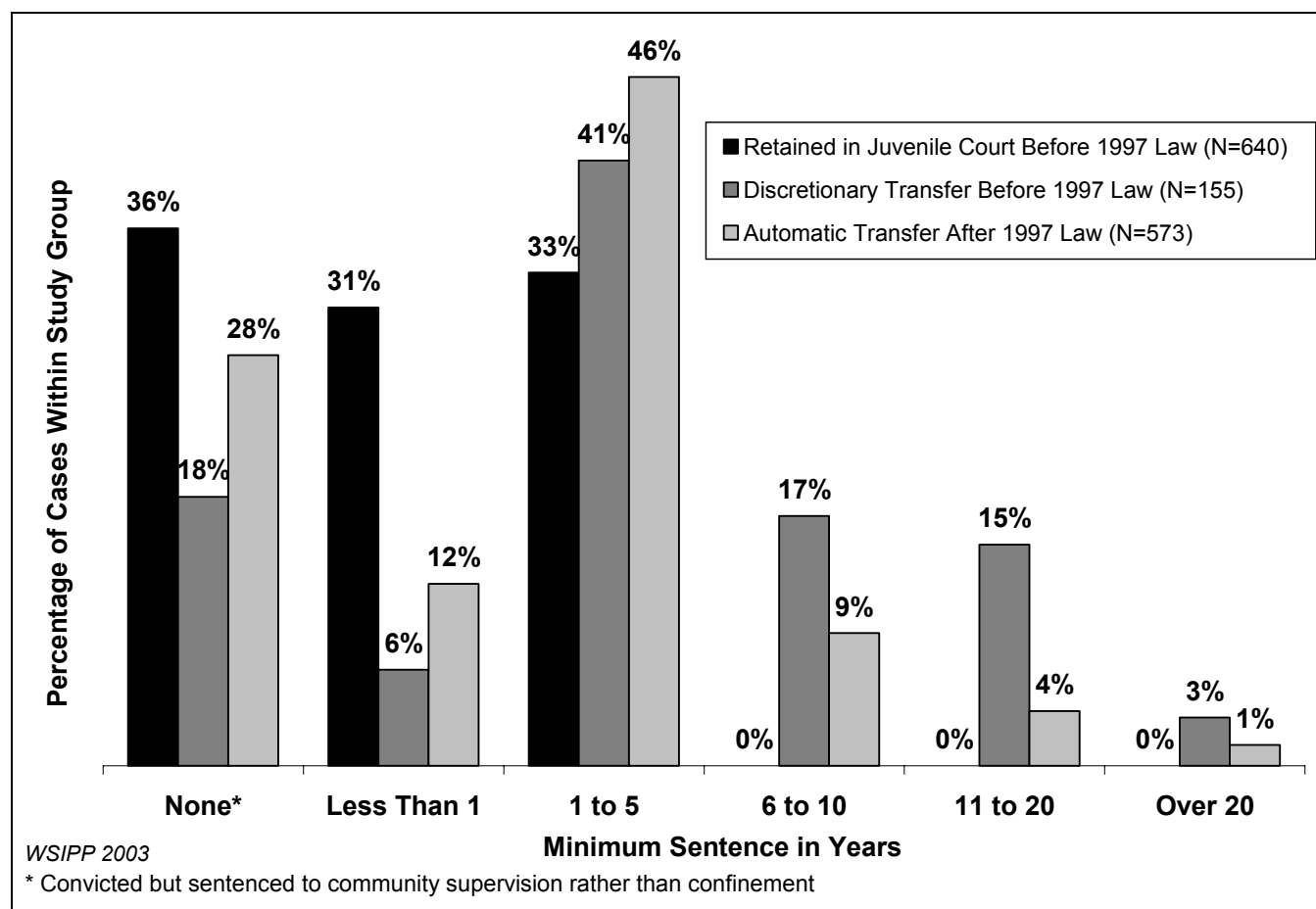


Exhibit 13 takes a closer look at the percentage of cases with a minimum sentence of over five years. No cases retained in juvenile court have minimum sentences greater than five years. Thirty-five percent of the discretionary transfer cases received sentences exceeding five years, since they involve proportionally more serious charges, such as murder (3 percent of these

cases received sentences of over 20 years). In contrast, 14 percent of the automatic transfers received sentences exceeding five years.

Exhibit 13
Percentage of Cases With
Minimum Sentence of Five or More Years

Type of Sentence	Percentage Sentenced
Retained in Juvenile Court	0%
Discretionary Transfers	35%
Automatic Transfers	14%

Because many youth sentenced in adult court are still in prison, the actual duration of confinement and costs to the state are not known at this time. In addition, we do not know the sentences, and therefore associated costs, for juvenile detention, juvenile community supervision, adult jail, and adult supervision. As a result, we can only estimate state confinement costs for DOC and JRA.

Exhibit 14 summarizes the estimated costs of confinement for cases in the Before and After Groups that resulted in confinement. The cost per year of confinement for youth retained in juvenile court (JRA confinement) is higher than the adult court cost per year (DOC confinement). However, the average minimum sentence length is longer for adult court cases than for those retained in juvenile court. The net effect is that it costs more per case for state confinement under the automatic transfer statute than it did under the discretionary system.

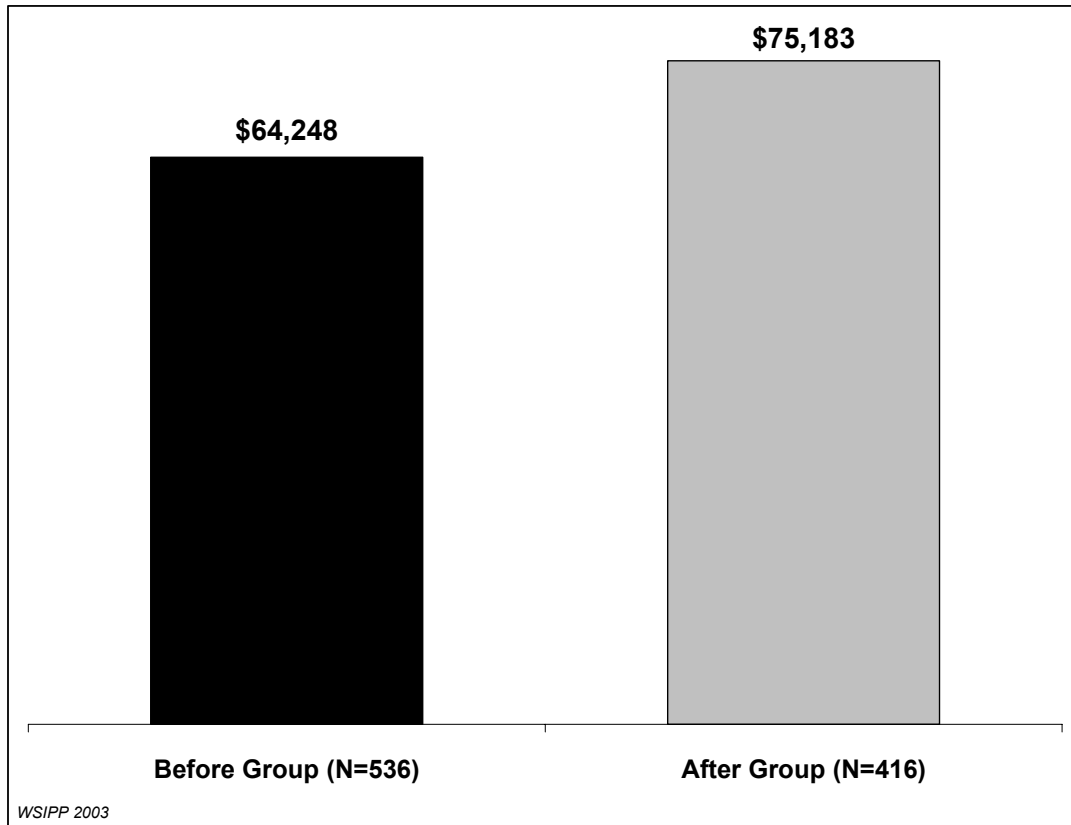
Exhibit 14
Estimated Cost of Confinement Per Youth

	Before Group			After Group
	Retained in Juvenile Court	Discretionary Transfer to Adult Court	Total	Automatic Transfer to Adult Court
Number of Youth Confined	409	127	536	416
Average Sentence Length in Years	0.85	5.63	1.78	2.83
Cost Per Year to Confine¹⁷	\$44,237	\$26,612	\$36,025	\$26,612
Total Cost	\$15,397,668	\$19,039,523	\$34,437,191	\$31,276,107
Cost Per Youth Confined	\$37,647	\$149,918	\$64,248	\$75,183

¹⁷S. Aos, P. Phipps, R. Barnoski, R. Lieb, *The Comparative Costs and Benefits of Programs to Reduce Crime Version 4.0* (Olympia: Washington State Institute for Public Policy, 2001).

Exhibit 15 illustrates the differences in estimated state confinement costs per case before and after the law was enacted. Automatic transfer cases are estimated to cost \$10,935 more per offender than cases under the discretionary transfer system (\$75,183 minus \$64,248).

Exhibit 15
Average Estimated Cost of Confinement
For Cases Sentenced to Confinement



Summary

In this section, we compare cases automatically transferred under today's law with similar cases filed before the law.

As a result of the legislation, automatic transfer cases have the following characteristics:

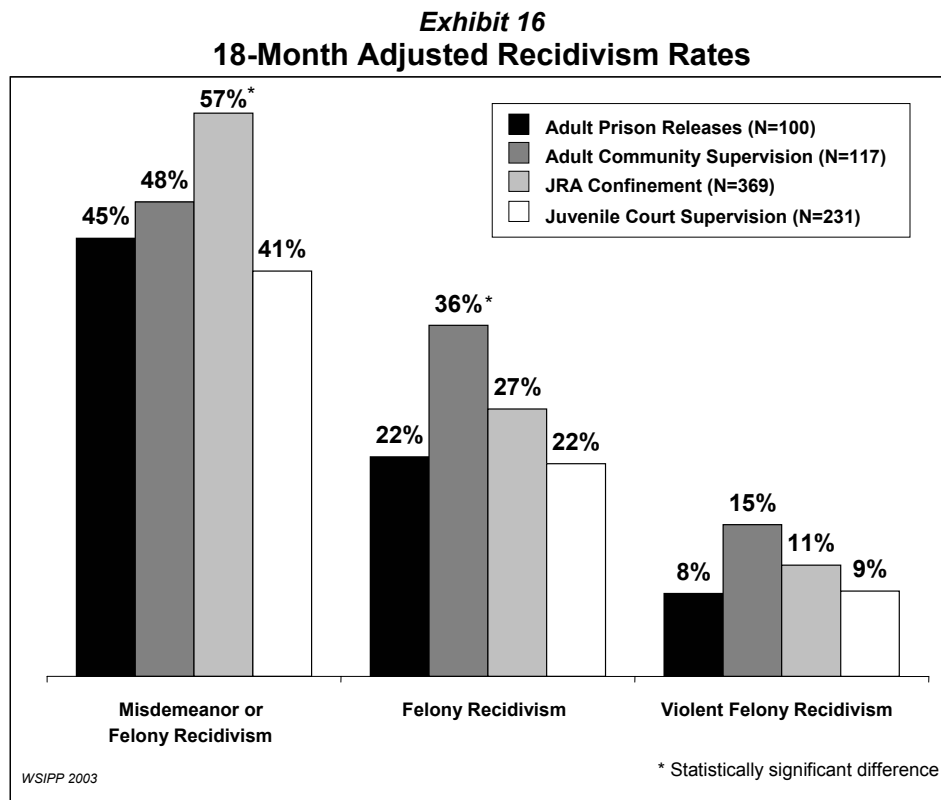
- Slightly lower conviction rates;
- Slightly higher confinement rates;
- Longer length of minimum sentences;
- Much longer sentences for those convicted of very serious violent crimes, such as murder; and
- Higher state estimated costs of confinement per youth.

WHAT IS THE EFFECT ON RECIDIVISM OF TRANSFERRING 16- AND 17-YEAR-OLDS TO ADULT COURT?

At the present time, we cannot make definitive statements about whether the automatic transfer legislation increases or decreases recidivism for youth transferred to adult court. Currently, 92 percent of the Before Group, but only 23 percent of the After Group, have been out of confinement long enough to measure recidivism after an 18-month follow-up period. Preliminary information is available on recidivism; however, these results could change.

The sample for these analyses includes any youth placed back in the community prior to January 2000. We used multivariate statistical techniques to examine relationships between sentences and subsequent recidivism.¹⁸ The sentence types examined were Adult Prison, Adult Community Supervision, JRA Confinement, and Juvenile Court Supervision. To adjust statistically for differences among the youth receiving these sentences, the model includes the following variables: offenses charged in the case, prior record of offenses, age at placement in the community, gender, and ethnicity.

Exhibit 16 shows the adjusted recidivism rates for each type of sentence. For example, the combined misdemeanor and felony recidivism rate for the 100 youth released from adult prison is 45 percent. The Felony and Violent Felony recidivism rates for these youth are 22 percent and 8 percent respectively.



¹⁸ Separate logistic regressions are calculated for each type of recidivism: violent felony, felony, and misdemeanor or felony.

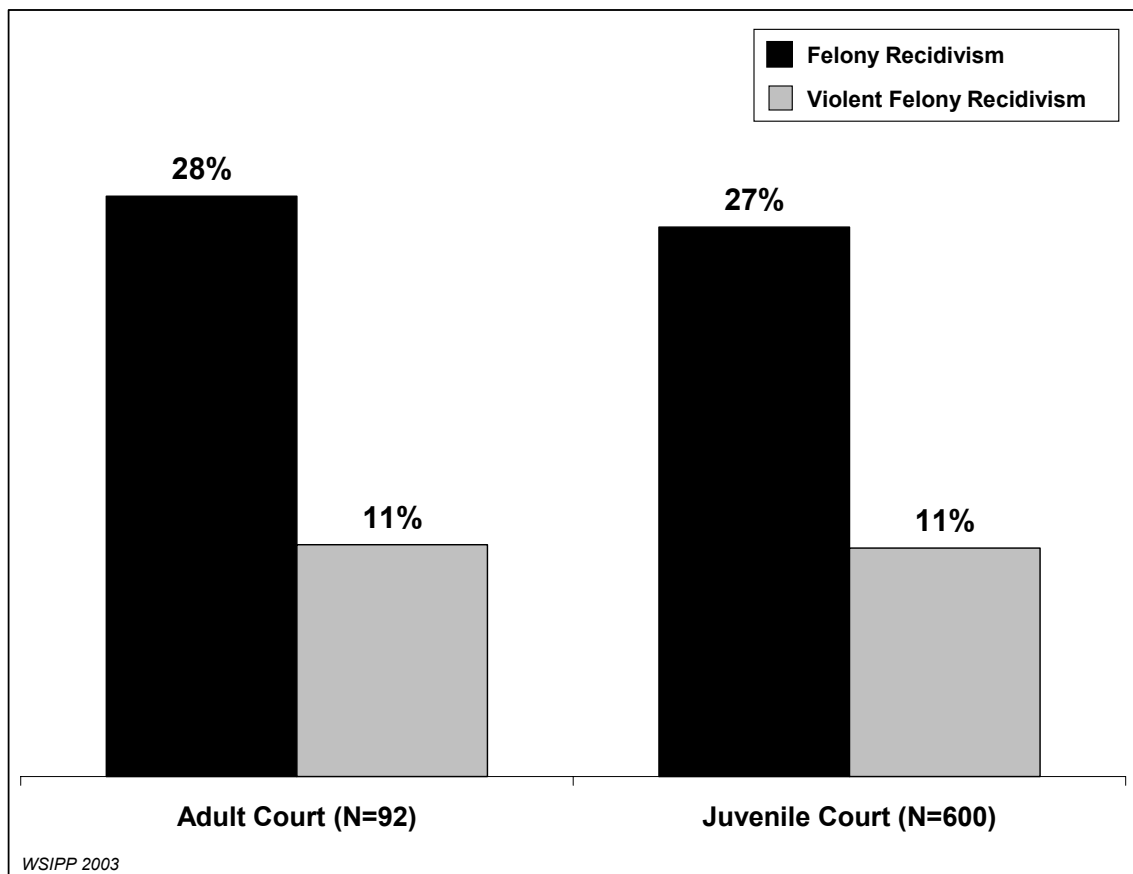
Some differences in recidivism by sentence type are significant, that is, they are not likely to have occurred by chance. We find a statistically significant association between JRA confinement and a higher combined misdemeanor and felony recidivism rate and also between an Adult Community Supervision sentence and a higher felony recidivism rate ($p < .10$). We do not find any statistically significant differences between the type of sentence and Violent Felony recidivism.

With two exceptions, we find no statistically significant differences in recidivism rates for youth transferred to adult court compared with youth retained in juvenile court. The higher recidivism rates for JRA confinement and Adult Community Supervision may be due to some unique aspect of this sample or may indicate that these types of sentences are associated with an increased likelihood of recidivating.

We conclude that there is no consistent evidence that sentencing youth to adult court either increases or decreases the likelihood of the youth recidivating.

Exhibit 17 presents the adjusted 18-month felony recidivism rates for those cases in the Before Group. Here we are comparing the recidivism of *all cases* sentenced in the *adult court* with those sentenced in *juvenile court* when the court's discretion determined the cases' jurisdiction. No significant difference in the recidivism rates was revealed, so again we cannot say that transferring cases to adult court either increases or decreases the likelihood of recidivism.

Exhibit 17
18-Month Adjusted Recidivism Rates of the Before Group



Summary of Findings on Recidivism

In comparing cases eligible for an automatic transfer under the current law, this study preliminarily concludes the following:

- No consistent evidence is found that sentencing youth to adult court either increases or decreases the likelihood of them recidivating.
- Because youth convicted in adult court for serious violent crimes receive very long sentences, it will be several years before final conclusions are possible about the effect of the automatic transfer statute on recidivism.

APPENDIX A: STATUTORY REFERENCES

RCW 13.04.030: Juvenile court -- Exclusive original jurisdiction.

(v) The juvenile is sixteen or seventeen years old and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or Drive-by Shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

RCW 9.94A.030 (37) - "Serious violent offense" is a subcategory of violent offense and means:

(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

RCW 9.94A.030 (38) "Violent offense" means any of the following felonies, as now existing or hereafter amended:

Any class A felony or an attempt, criminal solicitation, or criminal conspiracy to commit a class A felony: Class A felonies are:

Aggravated Murder 1

Bail jumping for murder 1

Kidnapping 1

Murder 1 and 2

Rape 1 and 2

Assault 1

Homicide by abuse

Statutory rape 1

Arson 1

Murder 1: Attempt, Conspiracy

Robbery 1

Explosives

Manslaughter in the first degree,

Manslaughter in the second degree,

Indecent liberties if committed by forcible compulsion,

Kidnapping in the second degree,

Arson in the second degree,

Assault in the second degree,

Assault of a child in the second degree,

Extortion in the first degree,

Robbery in the second degree,

Vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

APPENDIX B: DETAILED STATISTICS

Exhibit B-1 compares the gender, age, and ethnicity of juveniles involved in cases meeting the automatic transfer criteria before and after the law's enactment. For example, there are 738 cases in the Before Group retained in juvenile court; 54 percent of these cases involve youth 16 years old. In comparison, only 26 percent of the Before Group discretionary transfer cases involve 16-year-old youth. In the After Group, where all cases are automatically transferred to adult court, 41 percent involve 16-year-olds.

Exhibit B-1
Demographics of Automatic Transfer-Eligible Cases

	Before Group			After Group
	Retained in Juvenile Court	Discretionary Transfer to Adult Court	Total	Automatic Transfer to Adult Court
Number of Cases	738	175	913	690
16-Year-Olds	54%	26%	49%	41%
Females	7%	2%	6%	7%
Whites	56%	51%	55%	63%
Blacks	20%	31%	22%	22%

In Exhibit B-2, we examine the percentage of cases that meet each of the four types of eligibility criteria. The percentage of cases meeting each criterion is very similar when comparing all the Before Group cases with the After Group cases. That is, there has not been a shift over time in the composition of eligible cases.

However, the composition of transferred cases shifts. In the Before Group, 58 percent of discretionary transfers meet the Serious Violent criterion compared with 28 percent of the After Group. Sixty-four percent of the automatic transfers involve a Robbery I, Rape of a Child I, or Drive-by Shooting charges compared with 41 percent in the discretionary transfers.

Exhibit B-2
Eligibility Criteria of Automatic Transfer Eligible Cases

Automatic Transfer Criteria	Before Group			After Group
	Retained in Juvenile Court	Discretionary Transfer to Adult Court	Total	Automatic Transfer to Adult Court
Serious Violent	20%	58%	27%	28%
Violent	7%	17%	9%	7%
Robbery I, Rape of a Child I, Drive-by Shooting	61%	41%	57%	64%
Burglary I	19%	19%	19%	21%

Note: Columns do not add to 100 percent because a case may be eligible by more than one criterion.

Exhibit B-3 shows the percentage of cases involving the specific charges in the Serious Violent and Violent Felony categories. The shaded rows highlight large shifts between the discretionary and automatic transfer groups in the percentage of cases involving these offenses. There are proportionally more cases involving Robbery 1 and 2 in the automatic transfer group and proportionally fewer cases involving Assault 1, Murder, Manslaughter 1, and Rape 1.

Exhibit B-3
Percentage of Cases Involving Specific Charges

Charges Filed in Cases	Before Group			After Group
	Retained in Juvenile Court	Discretionary Transfer to Adult Court	Total	Automatic Transfer to Adult Court
Arson 2	0%	1%	0%	0%
Assault 1	14%	26%	16%	14%
Assault 2	10%	19%	12%	20%
Burglary 1	19%	19%	19%	21%
Drive-by Shooting	15%	5%	13%	8%
Extortion 1	0%	1%	0%	0%
Indecent Liberties with Force	1%	0%	1%	0%
Kidnap 1	2%	6%	3%	7%
Kidnap 2	0%	0%	0%	1%
Manslaughter 1	1%	8%	3%	1%
Manslaughter 2	0%	0%	0%	1%
Murder 1	1%	20%	5%	6%
Murder 2	1%	14%	4%	3%
Rape 1	2%	6%	3%	2%
Rape of a Child 1	14%	2%	11%	7%
Robbery 1	32%	34%	33%	50%
Robbery 2	7%	8%	7%	12%
Vehicular Assault	0%	1%	0%	0%

Exhibit B-4 shows the percentage of cases resulting in a conviction and confinement for the Before and After Groups. These percentages are statistically adjusted to compensate for systematic differences between the groups with regard to the offenses charged in the case and the youth's prior record of offenses.¹⁹ Since some of the cases transferred to adult court received long sentences, not all youth sentenced to confinement have been released at this time.

¹⁹ Logistic regression is used to adjust the conviction and confinement rates for any systematic differences between the Before and After Groups on the eligibility criteria, age at filing, gender, ethnicity, and prior record of felony offenses.

Exhibit B-4
Disposition and Confinement of Automatic Transfer-Eligible Cases

	Before Group			After Group
	Retained in Juvenile Court	Discretionary Transfer to Adult Court	Total	Automatic Transfer to Adult Court
Convicted*	88%	89%	88%	86%
Confined	70%	77%	72%	76%
Released From Confinement	100%	64%	91%	53%

*Statistically significant difference.

Note: For cases retained in juvenile court, confinement is in JRA. For cases transferred to adult court, confinement is in DOC.