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

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.

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.

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.
- 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.