

The Class of 1988, Seven Years Later: How a Juvenile Offender's Crime, Criminal History, and Age Affect the Chances of Becoming an Adult Felon in Washington State

The Washington legislature directed the Washington State Institute for Public Policy to study juvenile violence and other at-risk behaviors of youth (RCW 70.190.050). The Institute was instructed to analyze trends in these behaviors and evaluate the cost-effectiveness of Washington's efforts to achieve measurable reductions in violence and at-risk behaviors. This research brief is part of the Institute's plan to provide the legislature and other interested persons with up-to-date findings on these topics.

Background: In 1977, the Washington State Legislature enacted a major reform to the state's juvenile justice laws. Prior to 1977, local juvenile courts had wide latitude to decide what actions to take, if any, in response to a juvenile's criminal offense. Under the old system, there was not a uniform statewide sentencing policy for juvenile offenders. Rather, each juvenile court decided what sanctions would be applied—ranging from probation to incarceration in a state institution to age 21.

The Juvenile Justice Act of 1977 changed this system and implemented statewide determinate, or presumptive, sentencing for juveniles. Under the standards adopted, a court sets a juvenile offender's sentence based on a mathematical calculation of three factors: (1) the severity of the juvenile's offense, (2) the juvenile's history of prior convictions, and (3) the juvenile's age at the time of the offense. Exceptions are allowed under certain circumstances. Over the years, the legislature has made changes to the 1977 law, including 1994 legislation requiring certain serious 16- or 17-year-old juvenile offenders to be tried in adult, rather than juvenile, court. The current Legislature is considering additional changes to the 1977 Act.

In this report we examine how these three current sentencing factors—a juvenile's crime, criminal history, and age—affect the chance that a juvenile will re-offend as a young adult. This information is intended to assist legislators as they decide whether and how to make changes to Washington's juvenile justice sentencing laws.

Data Sources: For this study, we examined the juvenile court records for the entire "Class of 1988"—that is, all youth in Washington who became 18-year-olds during 1988. We then tallied their adult criminal court records for the following seven years, until 1995 when they were 25 years old. To do this, we combined existing information from two statewide sources: 1) the Office of the Administrator for the Courts' data on juvenile offenders, and 2) the Department of Corrections' (DOC) data on adult felony offenders. The DOC data include all adults convicted of felonies and sentenced to state prison or local jail, as well as felons placed on community supervision under the jurisdiction of the state DOC. We also used census data to adjust for in-migration to, and out-migration from, Washington by the Class of 1988.

FINDING: A JUVENILE'S CRIME AND CRIMINAL HISTORY CLEARLY MATTER.

Two of the three factors used in the state's current juvenile sentencing laws are the crime and criminal history of a juvenile offender. Under current law, the more serious the crime and the greater the number of prior convictions, the greater the sentence a juvenile offender receives. In our study of the Class of 1988, we found that both of these factors are strongly predictive of future felony offending as adults. Figure 1 on page 3 shows graphically the following findings:

For 18-Year-Olds Without a Juvenile Court Record...

- Most youth—75.8 percent of the Class of 1988—did not have a juvenile court conviction before they became 18 years old.
- Of these juvenile non-offenders in the Class of 1988, 6.3 percent subsequently had an adult felony conviction in Washington by the time they were 25 years old in 1995—predominately for non-violent felonies.

For 18-Year-Olds With a Juvenile Court Record for a Minor Offense...

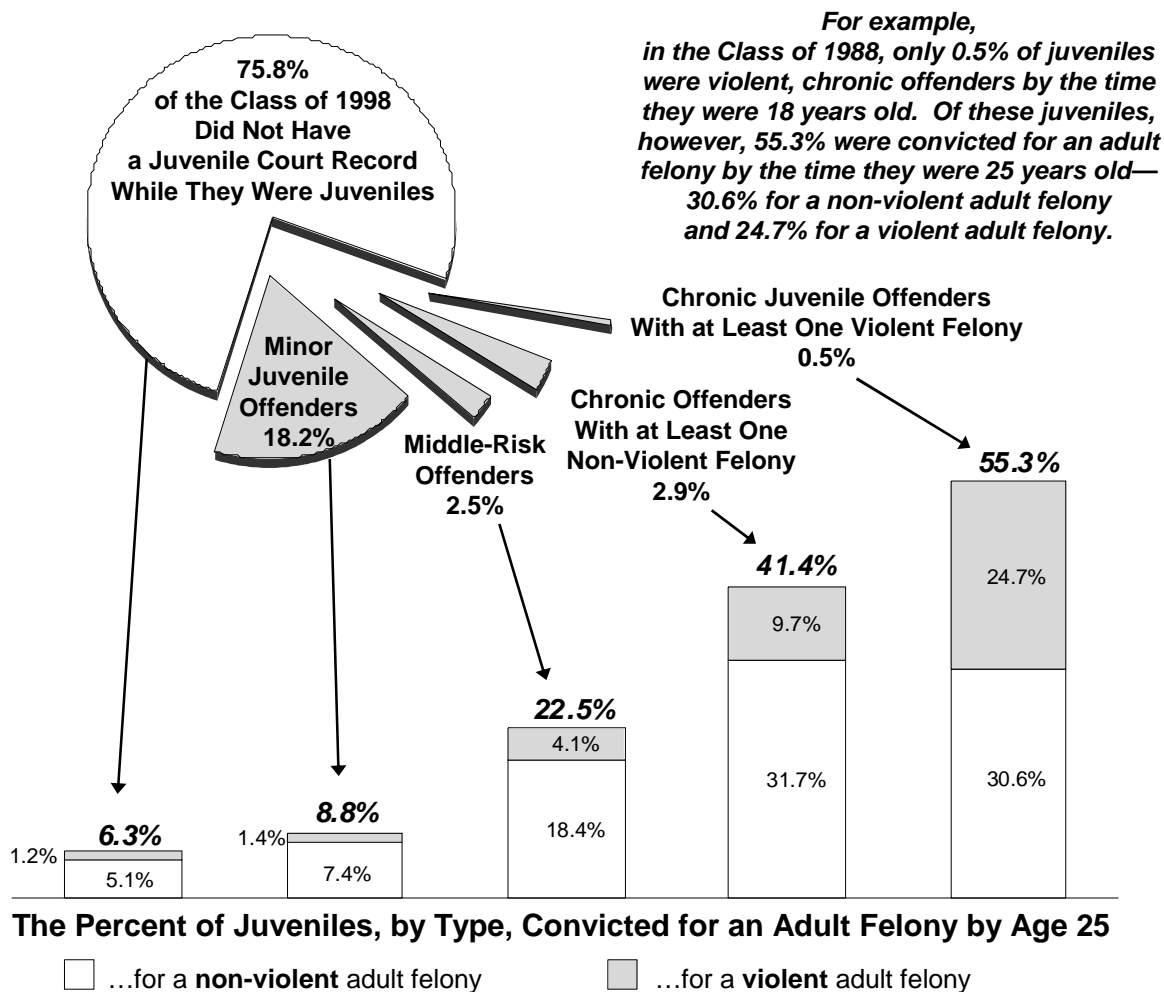
- In the Class of 1988, 24.2 percent had a juvenile court record by the time they were 18 years old.
- Most of these juvenile offenders, however, had only one or two minor offenses. While 24.2 percent of all 18-year-olds had a juvenile court record, 18.2 percent had only minor offenses. Thus, these minor offenders represented about three-quarters of all juvenile offenders.
- Significantly, *minor juvenile offenders had almost the same chance of being convicted for a adult felony as did youth without a juvenile court record.* In our study of the Class of 1988, 8.8 percent of minor offenders became adult felony offenders, while a similar proportion, 6.3 percent, of youth without a juvenile court record ended up with an adult felony conviction.

For 18-Year-Old Chronic Juvenile Offenders With at Least One Felony Conviction...

- A small portion of 18-year-olds were “chronic” offenders, defined as having two or more misdemeanors coupled with felony convictions for non-violent or violent offenses. About 3.4 percent of the entire Class of 1988 were chronic offenders with at least one felony conviction.
- In the Class of 1988, only 0.5 percent—that is, about 5 out of 1,000 eighteen-year-olds—had multiple records in juvenile court and at least one conviction for a violent felony. Violent felonies include murder, rape, robbery, and aggravated assault.
- *Of these relatively few chronic and violent juvenile offenders, however, over half received a conviction for an adult felony by the time they were 25 years old.* In the Class of 1988, 55.3 percent of chronic and violent juvenile offenders had a subsequent adult felony conviction.
- *Violence begets violence:* Violent offenders as juveniles had a disproportionate risk of being violent offenders as adults. Figure 1 shows that about a quarter (24.7 percent) of all chronic and violent juvenile offenders were convicted for an adult violent felony by the time they were 25 years old. This rate of violent re-offending was much higher than for the other groups of non-violent juvenile offenders shown in this figure.

Figure 1

Juvenile Crime and Criminal History Strongly Affect Subsequent Adult Felony Convictions



Source: Washington State Institute for Public Policy, January 1997.

Definitions and Notes:

For this analysis, we categorized juveniles into five groups, as shown on Figure 1.

- Non-Offenders:** 18-year-olds in 1988 who did not have a juvenile court record at anytime during their juvenile years in the Office of the Administrator for the Courts' juvenile court database.
- Minor Juvenile Offenders:** 18-year-olds in 1988 who had a juvenile court record sometime during their juvenile years for one or two misdemeanors, or one non-violent felony offense with no misdemeanors.
- Middle-Risk Offenders:** 18-year-olds in 1988 with a juvenile court record for three or more misdemeanors, or one misdemeanor and one non-violent felony, or one violent felony but no other misdemeanors or non-violent felonies.
- Chronic Offenders With at Least One Non-violent Felony:** 18-year-olds in 1988 who had a juvenile court record for two or more non-violent felonies, or one non-violent felony and two or more misdemeanors.
- Chronic Offenders With a Least One Violent Felony:** 18-year-olds in 1988 who had a juvenile court record for at least one violent felony and one or more non-violent felonies or misdemeanors.

In this study, we define violent offenses as murder, manslaughter, rape, robbery, and aggravated assault.

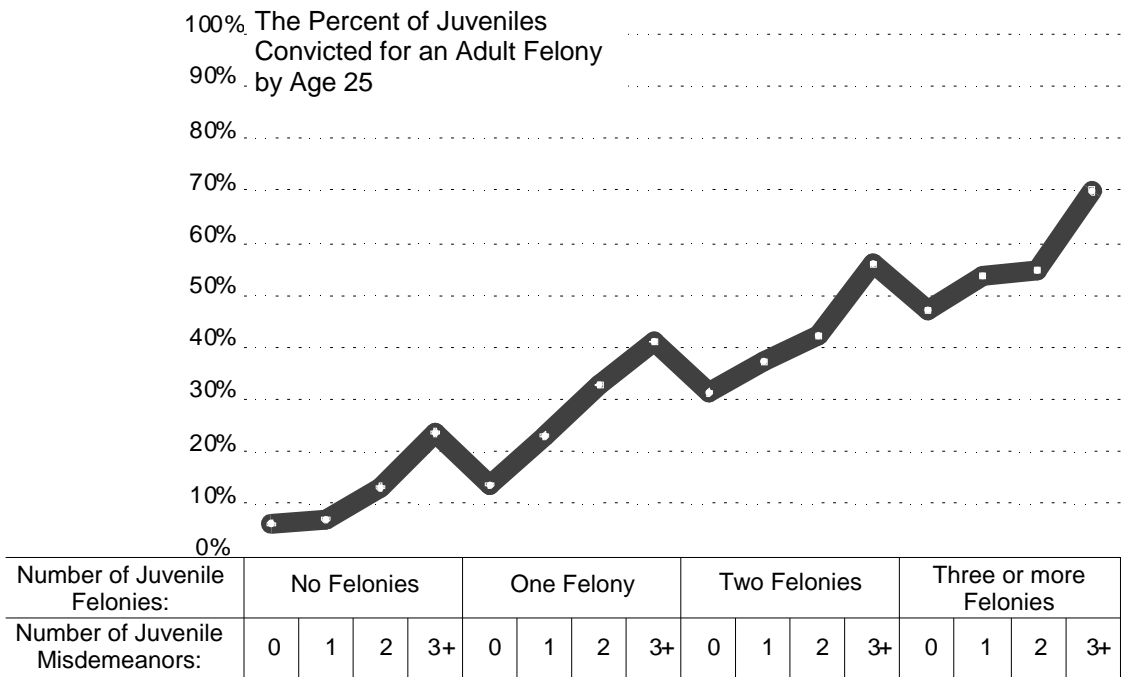
To follow the entire Class of 1988, we used the juvenile court and Department of Corrections databases described in this report, along with information from the Washington State Office of Financial Management and the US Bureau of Census to adjust for in-migration and out-migration. Detailed information on the analysis is available from the Institute.

FINDING: A JUVENILE’S CRIMINAL HISTORY INCREASES THE ODDS OF SUBSEQUENT ADULT CONVICTIONS.

In Washington’s juvenile system, sentences are increased for youth with prior court convictions. Figure 2 illustrates that as youth accumulate both misdemeanor and felony convictions, their chance of subsequently having a felony conviction as a young adult increases. Our analysis of the Class of 1988 reveals the following:

- Each felony conviction a youth received increased the chance of becoming an adult felon by 14 percent while each misdemeanor conviction added another 7 percent to the risk.
- A youth with three or more misdemeanors but no felonies had over a 20 percent chance of becoming an adult felon compared with a 14 percent chance for a youth with one juvenile felony but no misdemeanor convictions.
- In the Class of 1988, there were relatively few repeat felony offenders. For three-quarters of juvenile offenders, their chances of becoming a young adult felon remained low, just slightly above youth who did not have a juvenile court conviction at all.
- For the small portion of youth (4 percent) with three or more felony convictions, however, their chances of becoming an adult felony offender were high at over 50 percent. Because misdemeanor convictions added to their chances of becoming a young adult felon, those youth with misdemeanor convictions in addition to one or two felonies were at higher risk.

Figure 2
**Criminal History Matters:
 The Greater the Number of Felony and Misdemeanor Convictions,
 The Greater a Juvenile’s Chance of Subsequent Adult Felony Convictions**



Source: Washington State Institute for Public Policy, January 1997.

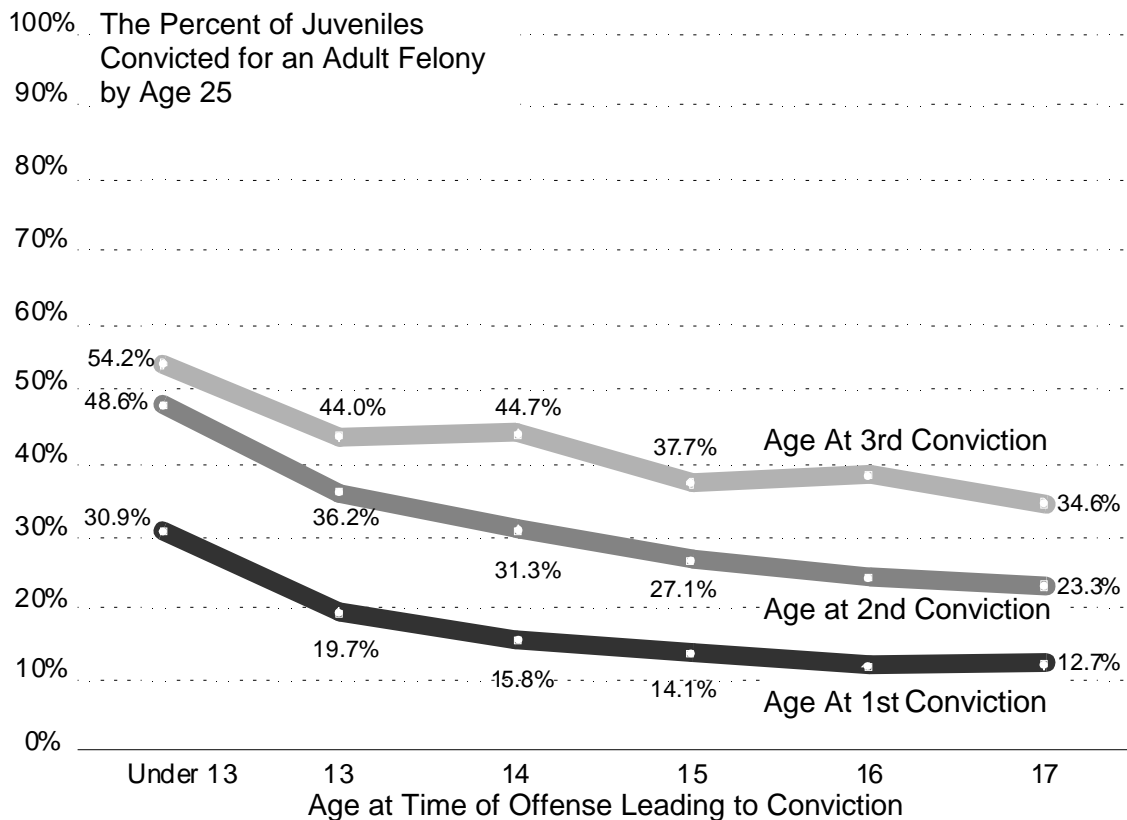
FINDING: A JUVENILE’S AGE MATTERS, BUT THE EFFECT IS LESS CLEAR.

In Washington’s juvenile sentencing guidelines, younger offenders receive reduced sentences compared to older juvenile offenders with the same offense.

Figure 3 shows that, for the Class of 1988, juveniles who were under the age of 14 at their first conviction had a *higher* risk of becoming young adult felons than older first-time juvenile offenders. For example, youth who were under the age of 13 had a 30.9 percent chance of becoming young adult felons, compared to a 12.7 percent chance for the offenders who were 17. Figure 3 indicates that this same relationship holds for second- and third-time offenders—those under the age of 14 have a greater risk of becoming young adult felons than older second- and third-time juvenile offenders.

Our statistical analysis, however, of these three factors combined—crime, criminal history, and age—indicates that age, compared to crime and criminal history, plays a *smaller role* in predicting adult felony offending. The reason seems to be this: the younger a juvenile is when he or she starts offending, the more time he or she has to accumulate a lengthy criminal history. Although criminal history is a stronger predictor of future criminal behavior, the youth’s criminal history is not known until second and subsequent convictions are recorded. Thus, age at first conviction can serve as a warning signal for future juvenile and adult criminal behavior.

Figure 3
**Juvenile Offenders Under the Age of 15
at the Time of Their First, Second or Third Conviction
Have Greater Chances of Subsequent Adult Felony Convictions**



Source: Washington State Institute for Public Policy, January 1997.

Agenda: Additional Research Useful for State Policy

In this report, the Institute found that two of the three sentencing factors in Washington's current juvenile law—an offender's crime and criminal history—are significantly predictive of subsequent adult felony offending. The usefulness of the third factor—an offender's age—is less clear. Further information would be helpful for state policy making, including answers to these questions:

1. **How does a juvenile offender's sentence affect subsequent re-offending?** In this report, we examined how often different types of juvenile offenders re-offend as adults. We did not analyze how a juvenile offender's *length and type of sentence* affects the odds of re-offending. That research would take considerably more effort, but could build on the results presented in this report. The additional information could help inform policy decision makers about the effectiveness—and the cost consequences—of different sentencing options.
2. **Can high-risk youth be identified early?** The good news from this report is that most juveniles do not have a juvenile court record and, of those that do, most only commit minor offenses. Further, minor juvenile offenders have almost the same low chance of becoming adult felony offenders as do youth without a juvenile court record. The bad news is that a small percentage of juveniles have a much higher chance of offending repeatedly as juveniles. Moreover, these chronic juvenile offenders have a notably higher chance of becoming adult offenders, imposing considerable costs on taxpayers and crime victims.

The public policy challenge, therefore, is first to identify these high-risk youth *before, or shortly after*, they begin offending. One approach worth researching is to see whether school truants disproportionately go on to become chronic juvenile offenders. If they do, then using the public resources in the school system may be a cost-effective way to identify high-risk youth.

3. **Are there cost-effective early intervention programs for high-risk juveniles?** After finding ways to identify high-risk youth, a second challenge is to identify interventions that are cost-effective. The Institute is working with researchers at the University of Washington to review violence prevention efforts tried elsewhere in the United States. Successful programs will be tested with the Institute's cost-benefit model. Reports to the legislature will cover two topics: (1) what policies or programs have been shown to work elsewhere, and (2) would those efforts be *fiscally* cost-effective if implemented in Washington. The Institute will publish an interim report on this research in September 1997.
4. **How has Washington's law requiring automatic transfer to adult court worked?** The 1994 Legislature passed a law automatically transferring certain serious juvenile offenders to adult court. It is still too early to evaluate that law, but a research design could be initiated to compare recidivism rates of those transferred to adult court automatically under the 1994 law, with a similar group of juvenile offenders processed in the juvenile system in the years just prior to the 1994 law.

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