

A Summary of State Trends in Juvenile Justice

EXECUTIVE SUMMARY

The 1994 Legislature determined that Washington's juvenile justice system requires "substantial revision," and created a legislative task force to review the system. To assist in this endeavor, the Institute reviewed the major trends in the nation regarding juvenile justice.

The following juvenile justice issues are topics of attention across the country:

- 1. *Transfer to Adult Court:*** Transfer of juveniles to adult court has been a *major focus* of legislative attention throughout the country. Most states now prosecute some juveniles as adults, and nearly half of the states have specifically excluded some offenses, and youth with particular criminal histories, from juvenile court jurisdiction. States differ in their decision regarding where the juvenile prosecuted as an adult is confined. Some states, including **Washington**, confine these individuals in the adult system. Other states start the person in juvenile corrections, then switch them to adult corrections when they are older.
- 2. *Runaways:*** Children who run away from home and those who commit acts that would not be criminal offenses if they were conducted by adults--"status offenders"--pose difficult policy choices. Since the federal legislation in 1974, the incentive of \$40 million annually has been used to reward states that comply with the mandate that status offenders be removed from confinement settings. Most, if not all, states comply. This "deinstitutionalization" of status offenders, however, has not been a panacea. The federal Office of Juvenile Justice and Delinquency Prevention has concluded that deinstitutionalization has "too often meant, not transferring youth from reform schools to caring environments, but releasing them to the exploitation of the streets."
- 3. *Confidentiality of Juvenile Proceedings/Records:*** The increasing seriousness of juvenile crime has caused policymakers to rethink confidentiality laws for juveniles. The traditional emphasis has been on protecting juveniles; thus, court records are sealed and courtrooms closed to the public. Reducing this confidentiality has been a common theme in juvenile system reform efforts. **Washington** reduced the confidentiality of juvenile proceedings in 1977, and the legislature has passed several laws requiring that certain juvenile crimes be calculated as part of an adult's criminal history.
- 4. *Role of the Prosecutor:*** Many states are shifting discretion toward the prosecutor, typically removing the power from probation staff. Washington implemented this reform with its 1977 law, placing additional responsibilities in the prosecutor's office. Where Washington differs from other states that have shifted discretion to the prosecutor is the legislatively adopted guidelines covering sanctions for all adjudicated juveniles. Thus, the prosecutor plays a major role but does not have free rein.

5. **Parents of Delinquents:** States are also concentrating attention on the parents of delinquents, trying to force them to act more responsibly. Although several states have passed laws allowing the courts to impose sanctions on parents who contribute to a child's delinquency, this remedy is rarely enforced. Several legislators are considering statutes that withdraw state benefits from parents whose children are delinquents, including connecting welfare benefits to children's school attendance. California just enacted a law authorizing the welfare department to seek reimbursement for benefits paid to families with children who are incarcerated for over 30 days.¹

6. **Juvenile Facilities:** Another topic that has received considerable attention concerns the type of facility for juvenile offenders. When Massachusetts radically altered its juvenile justice system in the 1970s, national attention was focused on the state's efforts to move all the juveniles from training schools to small, community-based facilities. Similar initiatives have occurred in Maryland, Utah, Pennsylvania, and Florida.

7. **Boot Camps:** One particular type of facility, the juvenile boot camp, has been established in several states. The Institute is preparing a separate report on boot camps for juveniles which will describe the experiences of other states. This report will be available in late November.

Washington State's System: Washington's 1977 Juvenile Justice Act enacted a sentencing grid for all juvenile offenders, and established specific ranges of punishment. About one-third of the states employ some form of structured approach to sentencing, either through one or a combination of mandatory minimums, serious offender laws, determinate sentencing laws, and administrative guidelines. **Washington's juvenile system, however, is the most structured in the country** and places the greatest authority with the state legislature in determining appropriate penalties.

Many legislative changes regarding juveniles that were recently passed by other states were incorporated into SSHB 2319 during Washington's 1994 legislative session. These changes include the following:

- Transferring more juveniles directly to adult court.
- Creating boot camps for juveniles.
- Ensuring that diversion programs for juveniles have consequences if juveniles do not comply with court orders.
- Emphasizing the importance of prevention of delinquency.

¹"Welfare to Work," MII Publications, Volume 3, Number 19, October 10, 1994