

Juvenile Offenders Under the Department of Corrections' Jurisdiction: Changing Trends

The Washington Legislature in 1994 directed the Washington State Institute for Public Policy to study juvenile violence, teen pregnancy, and other at-risk behaviors of youth.¹ The Institute was instructed to analyze 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: The 1994 Violence Reduction Act transferred jurisdiction of 16- and 17-year-old youth charged with certain violent felonies to adult criminal court.² For all other cases, the law continues to allow juvenile courts to transfer jurisdiction on a discretionary basis. This report examines the number of youth convicted in adult criminal court and placed under the jurisdiction of the Department of Corrections for community supervision or incarceration from 1988 through 1995.³ Most youth charged with violent felonies continue under juvenile court jurisdiction.

Research Question: *What are the trends in the number of youth placed under the jurisdiction of the Department of Corrections from 1988 through 1995?*

Findings:

- From 1988 to 1995, the number of youth convicted of *non-violent offenses* in adult court stayed *fairly constant* at approximately 80 youth per year.
- The number of youth convicted of a *violent felony* in adult court *increased* from 33 youth in 1988 to 136 in 1995.
- From 1988 to 1993, approximately *6 of every 100* youth sentenced for a violent felony in Washington State were convicted in adult court. In 1994 and 1995, however, this ratio changed to *9 out of every 100* youth.
- Most of the 1994 and 1995 increase was caused by a *tripling* of the number of youth sentenced in adult court for assault and a *doubling* of the number sentenced for homicide.
- During 1995, *Assault 2*, which involves recklessly inflicting substantial bodily harm, *was the most prevalent violent felony offense* of youth convicted in adult court, accounting for 47 of the 136 violent felony sentences.

¹ RCW 70.190.050

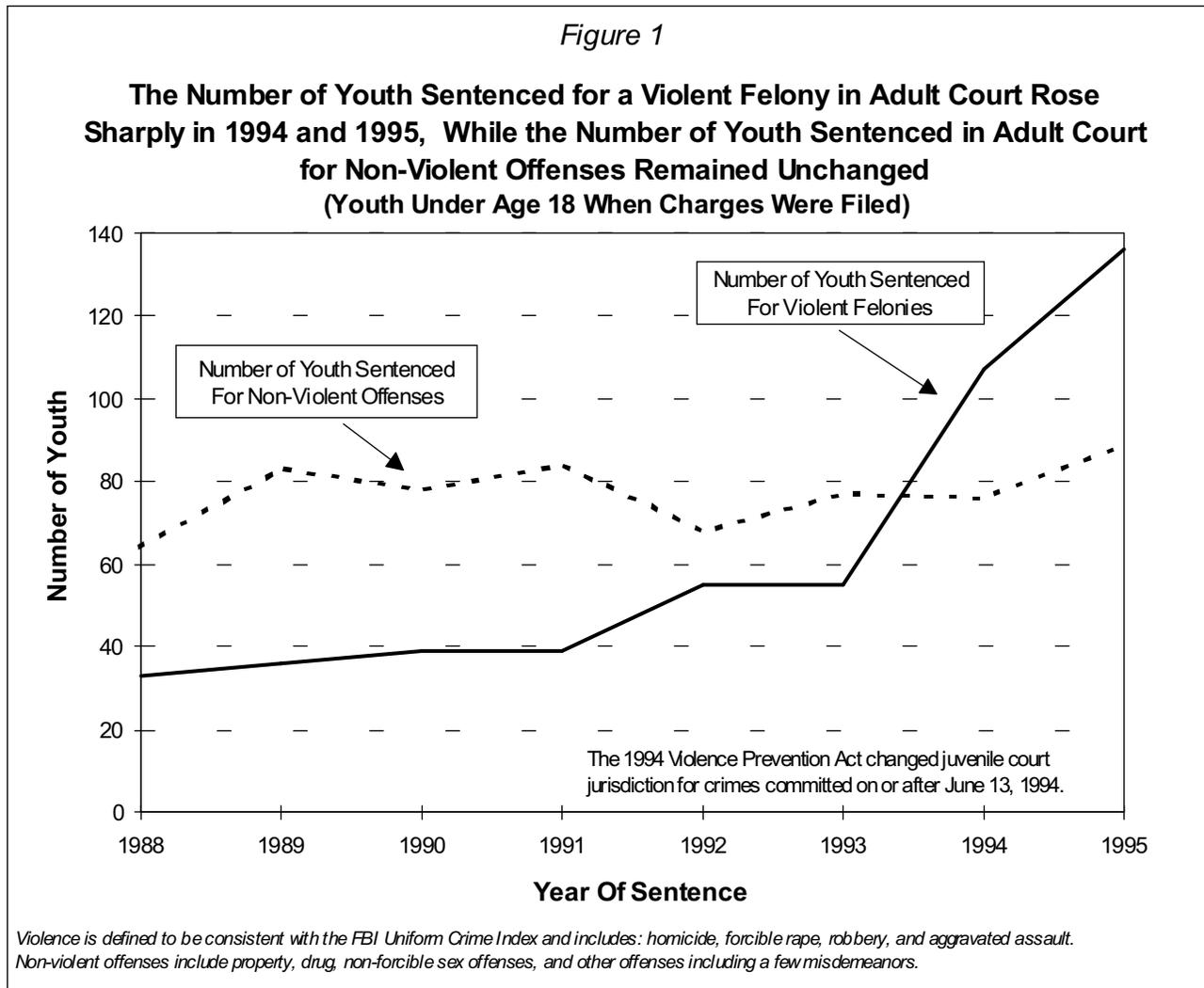
² RCW 13.40.110(1) (iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) a serious violent offense...or (B) a violent offense...and the juvenile has a criminal history consisting of: (I) one or more prior serious violent offenses; (II) two or more prior violent offenses; 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. In such a case the adult criminal court shall have exclusive original jurisdiction. Serious violent offenses include: murder in the first and second degree, homicide by abuse, assault in the first degree, kidnapping in the first degree, rape in the first degree, or assault of a child in the first degree.

³ Data sources were records in the Department of Corrections' Offender Based Tracking System (OBTS) and the Office of the Administrator for the Courts Superior Court Case Management System (SCOMIS). The study includes individuals who:

(1) were under the age of 18 at the time of the offense (OBTS records), and (2) were also under the age of 18 at the time charges were filed (SCOMIS records).

Trends in the Number Youth Sentenced in Adult Court:

Figure 1 displays the number of youth convicted in adult court and placed under the jurisdiction of the Department of Corrections for community supervision or incarceration from 1988 to 1995. All of these youth were under the age of 18 when charges were filed in adult criminal court.⁴



The number of youth sentenced for non-violent offenses has held fairly constant at approximately 80 youth per year since 1988. The number of youth sentenced for violent felony offenses has gradually increased with a sharp increase during 1994, the year that jurisdiction for certain serious violent youthful offenders was transferred to adult criminal court. Prior to 1994, the number of youth sentenced for non-violent offenses exceeded those sentenced for violent felonies.

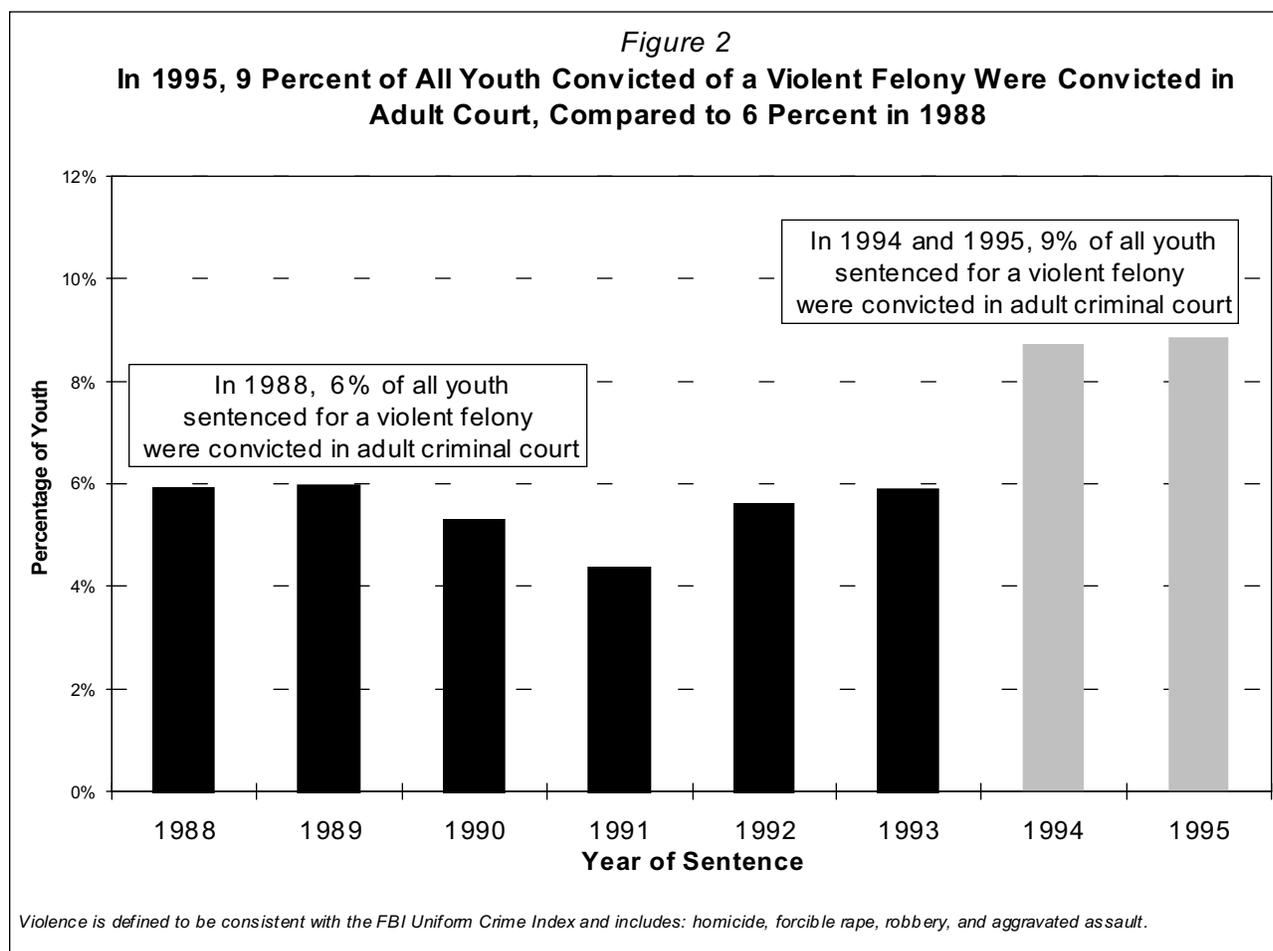
⁴ However, some of these youth could subsequently have turned 18 by the time they were convicted or sentenced.

Percentage of Violent Youth Who Were Convicted in Adult Court:

The increase in the number of youth sentenced for a violent felony in adult court during 1994 and 1995 may have been driven by the total increase in the volume of violent felonies committed by youth.⁵ This possibility is explored in **Figure 2**.

Figure 2 presents the trend in the percentage of all youth convicted of a violent felony who were sentenced in adult court. In 1988, 6 percent of all youth under the age of 18—who were sentenced for a violent felony—were convicted in adult court. The remaining 94 percent of youth convicted of a violent felony were sentenced in juvenile court. In 1994 and 1995, the percentage increased to 9 percent. That is, *proportionally more violent youth were being sentenced in adult court* for a violent felony during 1994 and 1995.

Thus, whether looked at in absolute numbers (Figure 1) or relative proportions (Figure 2), since 1994 the number of youth sentenced in adult court for violent felonies has increased.

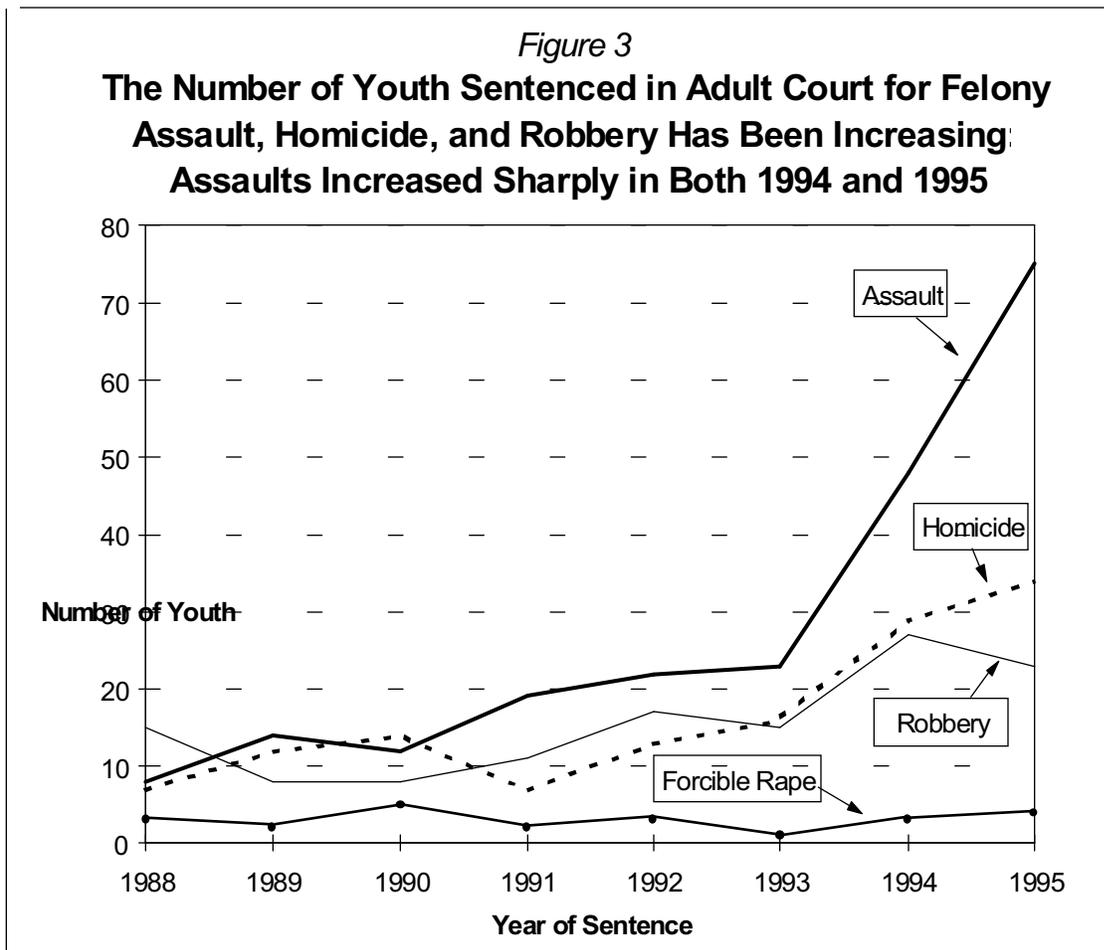


⁵ Based on information in the Juvenile Information System (JUVIS) maintained by the Office of the Administrator for the Courts, there was a large increase in the number of convictions *in juvenile court* for violent felonies - a 61 percent increase between 1993 and 1995.

Trends in the Types of Offenses of Youth Convicted in Adult Court:

While Figures 1 and 2 demonstrate the increase in the *number* and *proportion* of youth convicted in adult court for a violent felony, **Figure 3** examines the types of violent felonies committed by youth who were under the age of 18 when charged in adult court.

The numbers of youth sentenced in adult court for homicide and assault increased substantially between 1993 and 1995. Sentences for murder doubled, from 16 to 34, and assaults tripled, from 23 to 75. Robbery sentences rose in 1994, then decreased slightly in 1995. Sentences in adult court for forcible rape remained comparatively low and constant. During 1995, Assault 2, which involves recklessly inflicting substantial bodily harm, was the most prevalent violent felony offense, accounting for 47 of the 136 youth sentenced for a violent felony in adult court.



Relationship between these trends and the Violence Prevention Act: An examination of records for youth sentenced in adult court for a violent felony during 1994 revealed that most of the youth were not in adult court as a result of the new law. Rather, 83 percent of these youth were convicted of offenses committed *before* the new law was implemented. Thus, from the research results presented here, it is not clear that the 1994 law caused the increase in the number of violent juvenile offenders tried in adult court, or whether there was already a trend in the state to transfer more violent juvenile offenders to adult court.

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