



# Sentencing Guidelines Commission Briefing Paper

---

## Historical Juvenile Declines

---

In 1977, Washington State implemented the Juvenile Justice Act which created a juvenile sentencing system where the juvenile courts have exclusive original jurisdiction over offenses committed by youth 17 years of age or younger<sup>1</sup>. The prosecutor, youth or the court may request a declination hearing to transfer the youth to adult criminal court. This is referred to as *discretionary decline*. The court may, upon the finding that the declination would be in the best interest of the juvenile or the public, transfer the case to adult criminal court, even if the juvenile is under the age of 15.

A declination hearing shall be held when:

- The juvenile is 15, 16, or 17 years old and the alleged conduct (offense) constitutes a Class A felony or an attempt, solicitation, or conspiracy to commit a Class A felony
- The juvenile is 17 years old and the alleged offense is any of the following:
  - Assault 2°
  - Extortion 1°
  - Indecent Liberties°
  - Kidnapping 2°
  - Robbery 2°
- The alleged offense is Escape and the juvenile is serving a minimum juvenile sentence to age 21, regardless of current age.

The 1994 Legislature created the Violence Reduction Act which statutorily transferred jurisdiction to the adult criminal courts for youth 16 and 17 years old<sup>2</sup>, which is referred to as *automatic decline*. In 1997, the Legislature added to the list of offenses that applied to automatic declines.

The bases for these automatic declines are:

- A serious violent offense, as defined in RCW 9.94A.030
- A violent offense, as defined in RCW 9.94A.030, and a juvenile criminal history consisting of:
  - 1 or more prior serious violent offenses or
  - 2 or more prior violent offenses or
  - 3 or more of any combination of the following offenses, all of which must have been committed after the juvenile's 13<sup>th</sup> birthday and prosecuted separately:
    - Any Class A felony
    - Any Class B felony
    - Vehicular Assault
    - Manslaughter

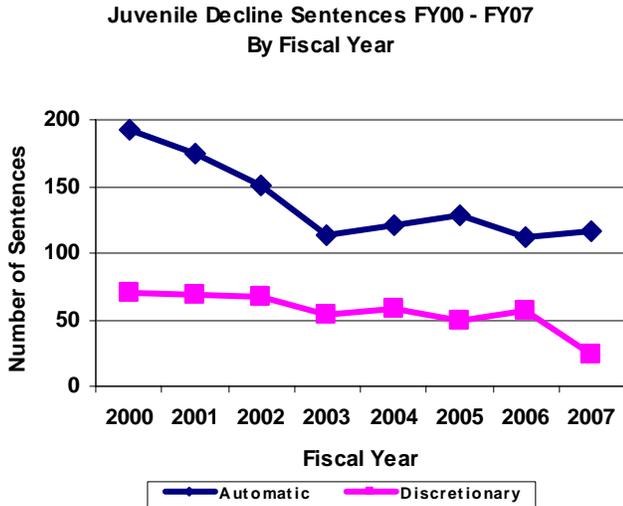
---

<sup>1</sup> RCW 13.40.110

<sup>2</sup> RCW 13.04.030

Data in Table 1 show, and is also illustrated in Chart 1, that there are twice as many automatic declines than discretionary declines, although the numbers of both groups have been declining over the years. The automatic declines have decreased by 39% from FY00 to FY07 and discretionary declines of decreased by 66% during the same time.

**Chart 1**

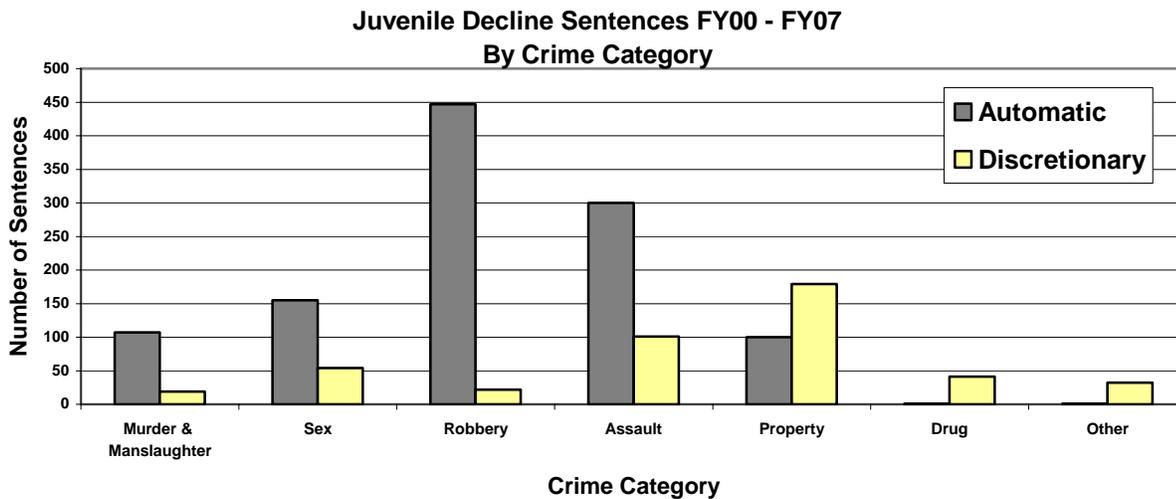


**Table 1**

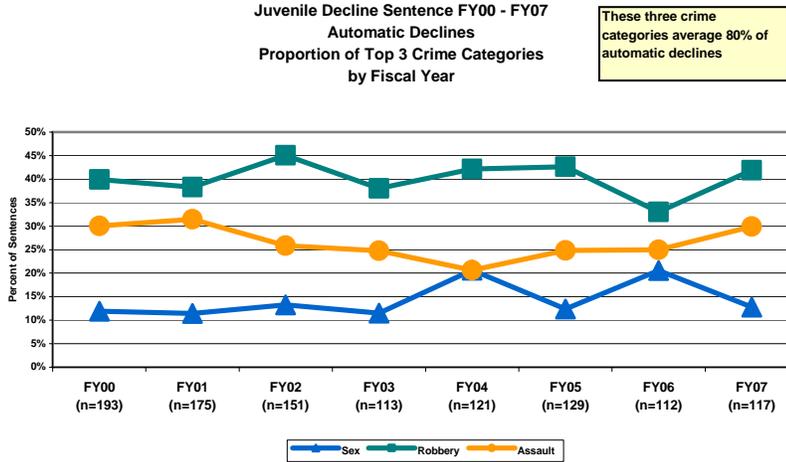
Juvenile Declines FY00 - FY07		
FY	Automatic	Discretionary
2000	193	70
2001	175	69
2002	151	67
2003	113	54
2004	121	58
2005	129	49
2006	112	57
2007	117	24

Chart 2 shows the distribution of automatic and discretionary decline sentences by crime category. The most common crime type for automatic declines is Robbery (40% of all automatic declines) followed by Assault (27% of all automatic declines), whereas Property (40% of all discretionary declines) and then Assault (23% of all discretionary declines) are the two most frequent discretionary declines.

**Chart 2**



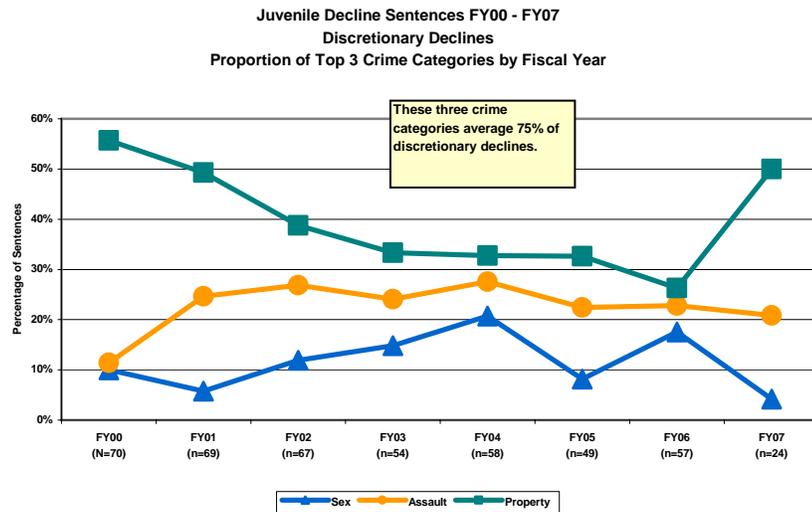
### Chart 3



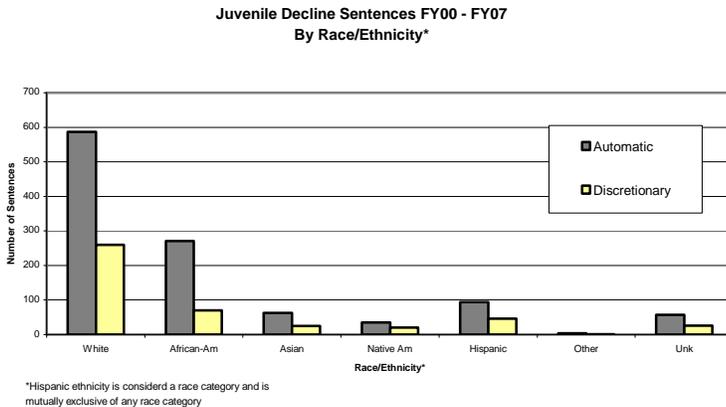
Charts 3 and 4 represent the size of the “slice of pie” for the top 3 crimes categories by fiscal year. For example, Sex offenses were about 12% of the 193 automatic decline sentences in FY00, 20% of 121 in FY04 and 13% of 117 in FY07. While Sex offenses remain the third most frequent sentence type for automatic and discretionary declines,

### Chart 4

its “slice of the pie” fluctuates. So while the total number of decline sentences has decreased, the proportion of the total for each crime category has not remained constant which means it is possible that crime categories could be driving the decrease in sentences.



### Chart 5

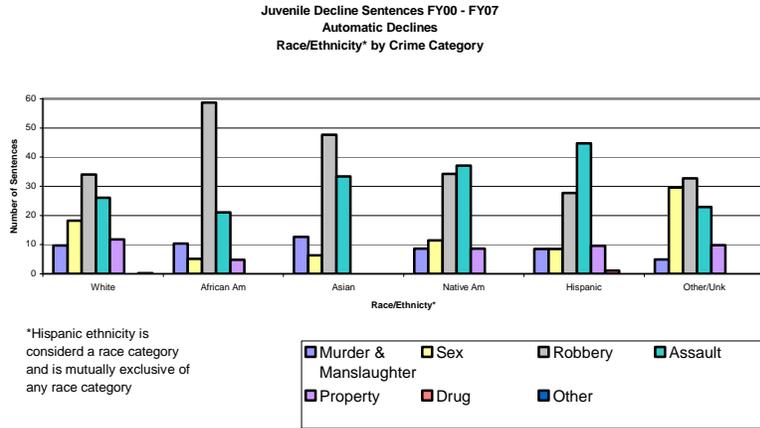


In Chart 5, the distribution of race/ethnicity is shown for automatic and discretionary declines. The majority of automatic and discretionary declines, 53% and 58% respectively, were for White youth.

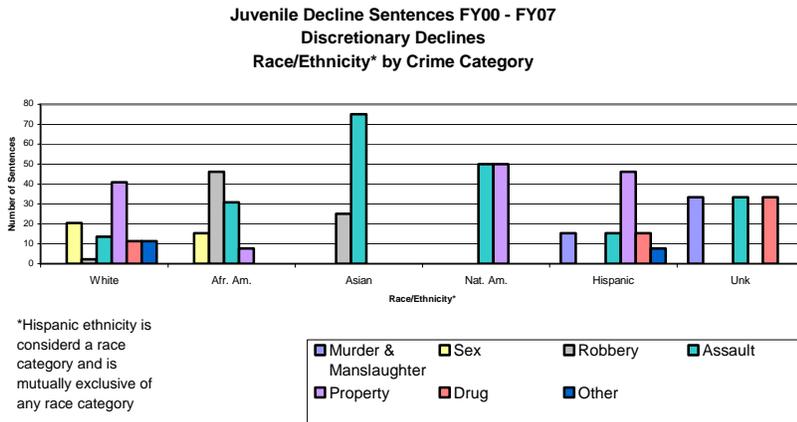
OFM 2006 estimates indicate 71% of youth ages 15-19 are White Non Hispanic, 4% are African-American Non Hispanic and 12% are Hispanic.

### Chart 6

The crime categories for each race/ethnicity group with automatic declines are shown in Chart 6. African-Americans have received more Robbery sentences while Hispanics had more Assault sentences, and are also the sole group with Drug sentences. Whites had the largest number of Sex sentences of any known race/ethnicity.



### Chart 7



Discretionary declines by crime category and race/ethnicity in Chart 7 show that only Whites and African-Americans received Sex sentences. Asians only received Robbery and Assault sentences while Native Americans only received Assault and Property sentences.

### Chart 8

The distribution of gender, as represented in Chart 8, shows that males receive the majority of declines.

There are slightly more females that receive discretionary declines than automatic declines.

