

**Rehabilitation in Washington's Juvenile Justice System:  
How Longer Sentences may be Well-Intentioned yet Ineffective**

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**Abstract:** This research aims to determine whether sentence length affects the rate of re-offending after release (called recidivism) for children who are incarcerated at juvenile rehabilitation facilities in Washington State. Some juvenile justice reform proponents argue that longer sentences are necessary so that rehabilitative services can work most effectively. Others contend that longer periods of incarceration are not conducive to positive post-release outcomes. I will explore the recidivism rates of juveniles who are housed in youth versus adult prisons in Washington State. Unfortunately there is no data for Washington that examines the relationship between sentence lengths and juvenile recidivism. Thus, I will outline the data on sentence lengths and recidivism in three other states – Arizona, Pennsylvania, and Florida – and compare those juvenile systems to Washington’s. Although their juvenile systems are not identical to Washington’s in terms of offender differences, composition demographics, and stipulations of detainment, similar conclusions are being found in other jurisdictions: long-term juvenile incarceration does not decrease, and sometimes even increases, recidivism. We hope to discover if this research is conclusive when specific to Washington. Children’s lives are at stake.

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## I. Introduction

In 1977 Washington State passed House Bill 371, also known as the Juvenile Justice Act (JJA), a massive overhaul of the criminal justice system. This law established a system of accountability and rehabilitative treatment for juvenile offenders at all levels of the offense spectrum. Under this law, low-level offenders could participate in minor detention and probation, whereas youth who committed more serious crimes could be housed in juvenile prisons in order to receive rehabilitative services. The Juvenile Justice Act attempted to show Washington State's commitment to public safety and a true intent to rehabilitate juvenile offenders.

Twenty years later, however, the state legislature made sweeping changes to the Juvenile Justice Act. The 1994 Youth Violence Reduction Act established that for 16- and 17-year olds, there are certain offenses<sup>1</sup> that are so serious that they automatically require prosecution in adult court<sup>2</sup> without input from a judge, called a decline hearing. The 1997 legislature then revised the automatic decline criteria and added five offenses: robbery in the first degree, rape of a child in the first degree; drive-by shooting; burglary in the first degree (with a prior criminal history); and any violent felony with a deadly weapon (Drake 2). The new JJA used a sentencing grid to compare the seriousness level—called “current offense category”—and the number of prior adjudications to produce a determinate sanction ranging.<sup>3</sup> Prosecutors in Washington have weaponized this sentencing grid to stack charges upon the accused.<sup>4</sup>

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<sup>1</sup> These felonies included serious violent felony (murder 1 and 2, manslaughter 1, assault 1, kidnapping 1, and rape 1); violent felony (with a criminal history of at least one serious violent felony); violent felony (with a criminal history of at least two violent felonies) and violent felony (with a criminal history of three or more class A felonies, class B felonies, vehicular assault, or manslaughter 2 committed after the 13th birthday and prosecuted separately) Elizabeth Drake, “The Effectiveness of Declining Juvenile Court Jurisdiction of Youth,” *Washington State Institute for Public Policy*, December 2013, 1-32, <https://doi.org/13-12-1902>.

<sup>2</sup> RCW 13.04.030. 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, June 3, 1999).

<sup>3</sup> Black, Kevin. “Senate Bill Report SB 6160.” January 20, 2018.

<sup>4</sup> During my internship, I spoke to two former prosecutors in the Attorney General's Medicaid Fraud Control Unit. One attorney used the term “weaponized” to describe how many prosecutors use the 1997 sentencing grid today.

Perhaps most importantly, the Juvenile Justice Act and Youth Violence Reduction Act have allowed children as young as twelve to be tried in the adult corrections system for the serious crimes they committed. At its core, this determinate sentencing scheme focused its sentencing guidelines on the offense instead of any potential rehabilitation of the youthful offender.<sup>5</sup>

However, the JJA has not worked – on the contrary, this legislation has even increased recidivism rates. Recidivism is any offense committed after release into the community that results in a Washington State conviction.<sup>6</sup> The JJA is a product of the “tough on crime” era, a period from the 1980s-90s when sentencing reform was dominated by the use of mandatory penalties, determinate sentences, and guideline-based sentences. Three beliefs underpinned the tough on crime philosophy: punishments for serious crimes were previously too lenient; sentences must be long enough to incapacitate supposedly dangerous people who have committed heinous acts; and finally, these people were incapable of change and must be incarcerated for longer in order to minimize criminal activity and protect the public.<sup>7</sup> This era resulted in tremendous growth in federal and state prison populations, from 300,000 to 1.5 million inmates from 1980 to 1995 nationwide.<sup>8</sup> Yet these beliefs have proven to be largely unfounded. For example, the definition of who was a dangerous offender was expanded to include large numbers of nonviolent offenders, especially lower level drug users and dealers. For drug offenses, there is no evidence that the increased use of imprisonment has reduced crime. On top of this, imprisonment for drug crimes is not a cost-effective sanction compared to treatment or intermediate sanctions. Research like Lynch’s has shown that the tough on crime era was misguided and did not accomplish its goals.

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<sup>5</sup> Jeffrey Day, “Juvenile Justice in Washington: A Punitive System in Need of Rehabilitation,” *Seattle University Law Review* 16, no. 1 (Fall 1992): 399-462.

<sup>6</sup> Drake, “The Effectiveness of Declining,” 6.

<sup>7</sup> James P Lynch and William J Sabol. *Did Getting Tough on Crime Pay?* The Urban Institute, n.d., 13 (1997), [www.urban.org/sites/default/files/publication/70411/307337-Did-Getting-Tough-on-Crime-Pay-.pdf](http://www.urban.org/sites/default/files/publication/70411/307337-Did-Getting-Tough-on-Crime-Pay-.pdf).

<sup>8</sup> *Ibid.*

Legislators at all levels of government have been grappling with how to right the wrongs of the tough on crime era.

During the 2018 Washington State legislative session, a sweeping policy bill was introduced – and enacted into law – that aims to correct the juvenile justice system. Senator Patty Kuderer, whom I’ve supported as an intern over the entire legislative session, is the prime sponsor of Senate Bill 6160. This legislation is designed to increase the resources necessary to truly rehabilitate incarcerated juveniles and consequently decrease recidivism rates. Senator Kuderer strongly believes that the trial, sentencing, and incarceration of youth should reflect that youth are less capable than adults of assessing risks and controlling impulsive behavior, yet are statistically more capable of rehabilitation than adults. SB 6160 transfers the five 1997 offenses committed by children from adult to juvenile jurisdiction and increases sentencing ranges for certain offenses. This bill also extends the age limit for confinement in a juvenile rehabilitation institution from 21 to 25, so that children can take advantage of JR’s rehabilitative services for longer.

One particularly contentious aspect of SB 6160 is that it increases sentence lengths for juveniles convicted of certain crimes. Proponents of the bill argue that longer sentences are necessary so that rehabilitative services can work most effectively, providing children a permanent road out of the criminal justice system. That premise has inspired the main question I aim to investigate in this paper: do longer sentences in juvenile rehabilitation institutions in Washington ultimately help lower recidivism rates?

In this paper I will begin Part A of Section II by defining automatic, mandatory, and discretionary decline in order to outline the ways in which children are tried and incarcerated within the adult criminal justice system. Then I will compare Washington’s juvenile system to the adult corrections system in Part B. I will investigate the evidence-based rehabilitative services

offered to youth in order to show that the juvenile system has more youth-targeted therapeutic programs than the adult system.

Once I have discussed these topics, I will explore how these systems are currently affecting recidivism rates in Washington State – if they are reducing reoffenders or making things worse.. In Part C of Section II, I will examine literature about recidivism rates for juveniles showing that sentences served in juvenile rehabilitation institutions may have more therapeutic long-term outcomes than adult corrections centers because of lower recidivism rates. One study compared juveniles in New York who were adjudicated in adult criminal court to similar offenders in New Jersey who were adjudicated in juvenile court, who had significantly lower recidivism rates. Additionally, a Washington study found that juveniles who served their sentences in juvenile rehabilitation centers had lower recidivism rates than similar juveniles who served their sentences in the adult corrections system.<sup>9</sup> Both of these studies demonstrate that the juvenile system works more effectively to keep incarcerated youths out of the criminal justice system.

After establishing that recidivism rates are generally lower for offenders in juvenile jurisdiction than adult jurisdiction, I will explore whether sentence length affects recidivism rates for children who are incarcerated in juvenile prisons by reviewing the literature from other localities in Section IV. First I will study data from Arizona and Pennsylvania, which does not support the fact that long-term juvenile incarceration decreases reoffending, and sometimes even increases recidivism. However, these juvenile systems differ from Washington's in how they classify offenders, their types of sentencings, and their stipulations of detainment. by the measures of type of offender by violence/offense/background, type of sentence, and stipulations of detainment, these juvenile systems are perhaps too different from Washington's for a fair

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<sup>9</sup> Drake, "The Effectiveness of Declining," 6.

comparison. Florida, on the other hand, has a system that more closely aligns with Washington State. Data from Florida tentatively indicate that increasing prison sentence lengths is associated with slightly greater increases in recidivism. Because the Washington juvenile justice system is similar to Florida's system, proponents of SB 6160 would be mistaken in their assumption that increasing sentence lengths in JR will ultimately prevent juveniles from reoffending in Washington. I predict that in Washington, there will not be an inverse relationship between sentence length and juvenile recidivism.

## **II. Background**

### **a. How decline works in Washington State**

In general, juvenile courts have jurisdiction over people under the age of 18 who are charged with committing a crime. The exception to this rule is called decline. Decline is the process in which a juvenile offender is sent to adult court and can ultimately end up in the adult prison system, called the Department of Corrections (DOC). Decline has three forms in Washington State: automatic, mandatory, and discretionary.

The "automatic decline" process allows for juveniles to be sent automatically to adult criminal court based solely on the category of crime they are charged with. Per Washington's 1994 Youth Violence Reduction Act, this applies to juveniles who are 16 or 17 on the date of the offense and are charged with a serious violent offense; a violent offense and the juvenile has a criminal history consisting of a serious violent offense, two or more violent offenses, or three of a number of specified felony offenses; robbery in the first degree; rape of a child in the first degree; drive-by shooting; burglary in the first degree if the juvenile has a prior felony or misdemeanor offense;

or any violent offense when the juvenile is alleged to have been armed with a firearm<sup>10</sup>. If charged with one of these crimes, a juvenile will automatically end up in DOC proceedings. Under current law, a juvenile will not be housed in adult prisons until he “ages out” of JR at age 25.

A “mandatory decline” hearing must be held, unless waived by all parties and the court, if the juvenile is 16 or 17 and charged with a class A felony or solicitation; or if the juvenile is 17 years old and charged with assault in the second degree; extortion in the first degree; indecent liberties; child molestation in the second degree; kidnaping in the second degree; or robbery in the second degree; or if the juvenile is charged with escape and is serving a minimum sentence to age 21<sup>11</sup>. Finally, Washington State law allows prosecutors to petition to transfer a youth to adult court, at the discretion of the juvenile court<sup>12</sup>. This type of transfer is known as a “discretionary decline” of jurisdiction. Through any of these processes, juvenile offenders can end up in Washington adult criminal courts and ultimately be incarcerated in the DOC.

#### **b. Structure of Juvenile Rehabilitation versus Department of Corrections**

The realities of JR and DOC are very different in Washington State. While the former takes a more rehabilitative approach to incarceration, the latter focuses more on punishment and incapacitation. Because there are more resources available, JR is better for juveniles than DOC. In Section C I will go into further detail about the local and national evidence that supports this claim.

Juvenile Rehabilitation (JR) serves Washington State's highest-risk youth who are committed to custody by county juvenile courts. The juvenile courts follow prescribed sentencing guidelines to determine which youth will be committed to JR, and for how long.<sup>13</sup> Washington is

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<sup>10</sup> Black, *Senate Bill Report*, 3.

<sup>11</sup> RCW 13.40.110

<sup>12</sup> Ibid.

<sup>13</sup> RCW 13.40.300

the only state that uses a "determinate sentencing" structure in committing juvenile offenders. Youth committed to JR custody have court determined minimum and maximum sentence terms; for example 15 to 36 weeks. Sentencing length is determined using a point system that takes offense seriousness and criminal history into account. A juvenile court's jurisdiction to impose a disposition order ends when a juvenile offender turns 21 years of age.

There are three juvenile rehabilitation institutions in Washington State: Echo Glen Children's Center, Green Hill School, and Naselle Youth Camp. Juvenile courts decide the specific institution to which a juvenile will be committed. Each of these institutions provides specialized services for its young residents, although there are some commonalities between the services offered. For example, all three facilities include dialectical behavior therapy, anger replacement training, cultural programming, sex offense and chemical dependency treatment.

Echo Glen Children's Center is a medium/maximum security facility in Snoqualmie that houses younger male offenders and female offenders, including female juvenile offenders sentenced by the DOC. Echo Glen provides educational and rehabilitative services for a wide range of youth, including inpatient chemical dependency treatment and gender specific programming for females.<sup>14</sup> Green Hill School is a medium/maximum security facility in Chehalis that provides older male offenders with academic and vocational training (including male juveniles who have been sentenced by the DOC). Its educational options include high school diploma, general equivalency diploma (GED), and pre-college courses. Its vocational programs include computer technology, light machine fabrication, vehicle maintenance, landscaping, welding and the Juvenile Vocational Industries Program or "JVIP". Green Hill also provides intensive outpatient chemical dependency treatment.<sup>15</sup> Naselle Youth Camp is a medium security facility in

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<sup>14</sup> "Institutions," Washington State Department of Social & Health Services, accessed March 15, 2018, <https://www.dshs.wa.gov/ra/juvenile-rehabilitation/institutions>.

<sup>15</sup> Ibid.

Naselle that provides educational and treatment services for male offenders. Residents can pursue their high school diploma or GED, or participate in outpatient chemical dependency treatment. Youth can take advantage of Naselle's forestry work program in collaboration with the Department of Natural Resources, where they assist with fighting fires during the height of firefighting season, or the aquaculture program in collaboration with the Department of Fish and Wildlife.<sup>16</sup>

Upon placement at one of these residential facilities, youth are assessed to create the best treatment plan based on their specific needs. At the core of JR's treatment program is the evidence-based Integrated Treatment Model. Youth are taught behavioral skills and given tools to help them change their behavior, thoughts, emotions and reactions to daily situations and challenges. Juveniles in JR learn to handle and tolerate distress, solve problems and manage their anger. Institutions also provide academic and vocational education, health care and mental health services. Thus, JR has a robust artillery of evidence-based rehabilitation programs<sup>17</sup>. Additionally, youth in the juvenile system can benefit from sealed records.

When it comes to youthful offenders, the DOC is both connected to and separate from JR. DOC has legal authority over declined youth. Per requirements of Washington State law, youthful offenders under adult jurisdiction are housed separately from adult offenders<sup>18</sup>. This means that youth under adult jurisdiction are managed under the Youthful Offender Program (YOP), which is a coordinated effort between staff at DOC and JR. Under current practice, auto-declined youth under age 18 are housed at JR. If the youth is expected to be released from prison before he/she turns 21, the youth remains at JR. If the youth is expected to be released after he or she turns 21, the case is reviewed at the age of 18 to determine if the youth is able to complete his/her sentence

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<sup>16</sup> Ibid.

<sup>17</sup> "Juvenile Justice Evidence Based Programs," Washington Department of Social & Health Services, accessed March 15, 2018, <https://www.dshs.wa.gov/ra/juvenile-rehabilitation/juvenile-justice-evidence-based-programs>.

<sup>18</sup> RCW 70.01.410

at DOC.<sup>19</sup> This is where youthful offenders have the potential of being separated from JR, which is an impactful change.

There are twelve adult prisons in Washington whose services vary wildly across the state, along with the populations they serve. I will not go into the specifics of each location; instead, I will speak more broadly to the services DOC offers to its inmates. Alternatives to Aggression (A2A) is a program that focuses on recidivism and violent behavior reduction based on each participant's specific needs and their impending release into the community<sup>20</sup>. There are also several evidence-based programs, including a parenting skills training program developed for criminal justice involved parents, case management for people with drug involvement, Drug Offender Sentencing Alternative for persons convicted of drug offenses, and a cognitive behavioral change program called Thinking for a Change 4.0<sup>21</sup>. Additionally, DOC uses research-based methods such as a sex offender treatment program and employment counseling and job training in the community.<sup>22</sup> Although these programs are important to rehabilitating inmates, they are not youth-targeted. Thus, it is important that juveniles are housed in JR instead of DOC because there are simply more resources there.

### **c. Youth Recidivism after Juvenile Rehabilitation versus Department of Corrections**

It is also important that youthful offenders are housed in JR because research has shown that they will recidivate less if incarcerated in juvenile instead of adult prisons. There is a great

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<sup>19</sup> Drake, "The Effectiveness of Declining," 3.

<sup>20</sup> "Current Programming," Washington State Department of Corrections, December 2016, <http://www.doc.wa.gov/corrections/programs/descriptions.htm#therapy-support>.

<sup>21</sup> Wanner, Paige. *Inventory of Evidence-Based, Research-Based, and Promising Programs for Adult Corrections*. Olympia: Washington State Institute for Public Policy, 2018.

<sup>22</sup> Ibid.

body of evidence that supports this idea, including studies done in Washington State and a comparison of New York and New Jersey.

A study from the Columbia University School of Public Health suggested that sentences served in JR could potentially decrease recidivism for juveniles. This study compared sanctions for 800 15- and 16-year-olds charged with robbery and burglary in juvenile court in New Jersey with identical offenders in New York State whose cases were adjudicated in adult criminal court, and determined the effectiveness of these sanctions in reducing recidivism and reincarceration. Results showed that incarceration rates were higher for adolescents sentenced in adult court, but sentence lengths were comparable. However, recidivism rates were significantly lower for adolescents sentenced in the juvenile court, regardless of sentence type or severity.<sup>23</sup> Clearly juvenile jurisdiction has promising effects on recidivism reduction.

Evidence from a 2013 nonpartisan Washington State Institute of Public Policy (WSIPP) study also suggests that sentences served in juvenile rehabilitation institutions may have more therapeutic long-term outcomes than adult corrections centers. WSIPP compared youth before 1994's Youth Violence Reduction Act, who were not automatically declined to the adult system for certain offenses but would have been under the Act, to youth after 1994 who were auto-declined to adult court. This study used WSIPP's criminal history database to track whether youth recidivated up to 36 months after being released into the community. WSIPP used logistic regression analyses to adjust for differences between the study groups and ultimately to calculate adjusted recidivism rates (Drake 6). They found that the auto-decline group had higher recidivism rates than the comparison group, although none of these differences were statistically significant.

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<sup>23</sup> Fagan, Jeffrey. "The comparative advantage of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders." *Law & Policy* 18, no. 1-2 (1996): 77-114.

This study was not able to determine why recidivism rates increased when juveniles were automatically declined from juvenile court. WSIPP offered one theoretical reason why recidivism rates may have been higher for youth who were auto-declined. They postulated that processing youth in the adult system has a “criminogenic effect”, or the tendency to increase crime.<sup>24</sup> If juveniles were treated like criminals, they were more likely to assume the behaviors of criminals. Other studies have shown that throwing adolescents into the adult criminal justice system may actually increase future criminal behavior.<sup>25</sup> This may be because JR has more rehabilitative services and is better-suited to young people than DOC, which has an adult criminal culture rife with violence and antisocial behavior. This experience—also known as “felon finishing school”—can result in many youth re-entering into the community at higher risk of committing crimes than when they entered the criminal justice system.

Personal anecdotes that I have read in Senator Kuderer’s office, written by juveniles in JR, also support this idea. They write that if they had been put in the adult prison, they would have been worse-off. For example, a 19-year-old boy at Green Hill School was incarcerated at the age of 16 and auto-declined. Then he was transferred from the juvenile detention to Snohomish County Jail where at the age of 16 he “was put in a place with people could be [his] uncle”. In contrast, juveniles that serve their time in JR facilities have made large strides to improve themselves since being housed in JR at Green Hill. One 18-year-old was auto-declined and sent to adult jail after being charged with assault in the first degree when he was 16. Fortunately, he was transferred to Green Hill where he has participated in many vocational programs and has completed intensive outpatient drug and alcohol treatment. Additionally, a 20-year-old who was sentenced for two

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<sup>24</sup> Aizer, Anna, and Joseph J. Doyle Jr. "Juvenile incarceration, human capital, and future crime: Evidence from randomly assigned judges." *The Quarterly Journal of Economics* 130, no. 2 (2015): 759-803.

<sup>25</sup> Robert Hahn, Ph.D, et al., Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services, Vol. 56/RR-9 at 1 (Nov. 30, 2007).

years after committing assault in the second degree and firearm in the second degree. He writes about the advantages of longer time in a JR facility:

I think that youth that get charged as adults when they're only 15 or 16 years old when they're convicted of their crime and I believe it would be better for youth to stay in JRA facilities until they're 25 years old. The reason why I say this is because in JRA facilities there are so many things that youth can benefit from, like ART [Aggression Replacement Therapy], SMART, auto shop, welding and actually attending school. There are so many skills that you learn in this facility and the staff here actually want to help get youth on the right track to get them back into the real world. I understand it may be difficult for reasons that you may have, but look at how much JRA can help you learn skills and get rehabilitated. Sometimes just until your 21st birthday is not enough time to get rehabilitated. Some need a little bit more time and they won't get the same kind of rehabilitation in a DOC facility. That's why I would like to get this bill passed, so they can stay until they are 25 so they can get that extra time to get rehabilitated to re-enter the community.

Such programs are crucial to the rehabilitation and treatment of juvenile offenders, and available more extensively in JR than DOC. As one 18-year-old boy at Green Hill said, "and if them staying at GHS school until age 25, and less youth have a chance to go to DOC, THAT WOULD BE A BLESSING!"

In their auto-decline study, WSIPP tested something that is very relevant to my research question: whether this increased recidivism effect was associated with an increased length of stay. That factor did not appear to play a role, which goes against the theory that longer sentences decrease recidivism rates. At the very least, this study suggests that JR is more rehabilitative than DOC for juveniles, because they are less likely to reoffend if they are incarcerated in JR. However,

this research also exposes areas that must be further scrutinized: how longer sentences lengths impact recidivism rates. In my research I will explore this question further.

### **III. Methodology**

For my research, I will be comparing Washington's juvenile justice system to those of the locations that have data on sentence length and recidivism, namely Arizona, Pennsylvania, and Florida. There is no standard way to measure juvenile justice systems, so I will be basing my comparisons off several factors that I have seen in some of my research. One of the factors that I will use to compare these systems is based on the Justice Research Center's 2002 meta-analysis of studies examining the effects of intervention programs on subsequent recidivism<sup>26</sup>. This meta-analysis found inconsistent patterns that were dependent on how the treatment was measured. The Justice Center attributed their inconclusive findings to several factors, including offender differences, which may have mediated the effects of length of stay and subsequent recidivism. I will be examining population differences: violent versus nonviolent, type of offense (person, property, or drug), and the racial and age composition of youthful offender populations (Winokur 2). Another factor I will be using is type of sentence, such as determinate or indeterminate. Finally I will consider how old youthful offenders can be detained in juvenile facilities. I will be comparing Florida, Arizona, and Pennsylvania because these are the states I could find with the strongest empirical data on sentence length and recidivism for juveniles.

Once I have this information for each juvenile justice system, I will compare them to Washington's. Each of the five factors (type of offender by violence/offense/background, type of sentence, and stipulations of detainment) will be compared and rated "similar" or "dissimilar".

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<sup>26</sup> Winokur, Kristin Parsons, Alisa Smith, Stephanie R. Bontrager, and Julia L. Blankenship. "Juvenile recidivism and length of stay." *Journal of Criminal Justice* 36, no. 2 (2008): 126-137.

Then I will give each jurisdiction's system a general rating compared to Washington in order to show how Arizona, Pennsylvania, and Florida's data on sentence length and recidivism can be extrapolated onto Washington's juvenile justice system.

#### **IV. Findings**

##### **a. Arizona and Pennsylvania**

A 2011 study through the federal Office of Juvenile Justice and Delinquency Prevention found that long-term juvenile incarceration does not decrease reoffending, and may actually increase recidivism rates for lower-level youth offenders in Phoenix and Philadelphia,<sup>27</sup> both of which have juvenile justice systems that are similar to Washington's. These findings do not support the philosophy that longer sentences reduce recidivism.

This study followed 1,354 serious juvenile offenders ages 14–18 (184 females and 1,170 males) for seven years after their conviction. Youth enrollees hailed from Philadelphia County, PA and Maricopa County, which includes metropolitan Phoenix, AZ. Children that had been included in the study had been found guilty of at least one serious (usually felony-level) violent crime, property offense, or drug offense.<sup>28</sup> The researchers interviewed these young offenders at several times in the incarceration process: at enrollment, every six months for the first three years, annually after the first three years, and after release from prison. The researchers also recorded conversations with family members and friends, collected data about significant life events recorded every month, and reviewed official records data.

Researchers found that longer stays in juvenile institutions did not reduce recidivism, and some youth who had the lowest offending levels reported committing more crimes after being

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<sup>27</sup> Mulvey, Edward P. *Highlights from pathways to desistance: A longitudinal study of serious adolescent offenders*. US Department of Justice, Office of Justice Programs, Office of Juvenile and Delinquency Prevention, 2011. Page 2.

<sup>28</sup> Ibid.

incarcerated. Of the 1,354 offenders, 921 remained in the juvenile system. 502 of these youths that remained in the system received probation and 419 were placed in institutions.<sup>29</sup> Additionally, other researchers matched groups of offenders with similar backgrounds and found that, for lengths of stay between 3 and 13 months, youth who stayed in institutions longer showed little-to-no decrease in their rates of rearrest compared with those with shorter stays.<sup>30</sup> In another set of analyses, the study found that the group of offenders with the lowest levels of self-reported offending actually raised their levels of offending by a small but statistically significant amount following stays in institutions.

However, researchers also discovered that substance abuse treatment reduced both substance use and criminal offending. The adolescent offenders profiled in this study reported very high levels of substance use and substance use problems. Substance use was linked to other illegal activities engaged in by the study participants. It is a strong, prevalent predictor of offending. However, treatment appeared to reduce both substance use and offending. Youth whose treatment lasted for at least 90 days and included significant family involvement showed significant reductions in alcohol use, marijuana use, and offending over the following six months.

Overall, three of five characteristics of Pennsylvania's juvenile justice system are similar to Washington's. For a more detailed representation of my findings, please visit the appendix. In 2015 in Pennsylvania, 39.7 juveniles per 100,000 were in residential placement from violent crimes<sup>31</sup>, much like Washington's.<sup>32</sup> The most common offenses disposed of in a typical year were

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<sup>29</sup> Ibid.

<sup>30</sup> Loughran, Thomas A., Edward P. Mulvey, Carol A. Schubert, Jeffrey Fagan, Alex R. Piquero, and Sandra H. Losoya. "Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders." *Criminology* 47, no. 3 (2009): 699-740.

<sup>31</sup> "Pennsylvania Profile," Juvenile Justice, Geography, Policy, Practice & Statistics, accessed March 16, 2018, <http://www.jjgps.org/pennsylvania>.

<sup>32</sup> In 2015 in Washington, 39.4 juveniles per 100,000 were in residential placement from violent crimes. "Washington Profile," Juvenile Justice, Geography, Policy, Practice & Statistics, accessed March 16, 2018, <http://www.jjgps.org/washington>.

thefts, burglaries, assaults, and drug offenses.<sup>33</sup> In 2016, there were 4,299 substantiated person charges, 2,481 substantiated property charges, 4,770 substantiated drug charges, and 4,118 substantiated “other” charges. This distribution of offenses is also comparable to Washington’s. Pennsylvania and Washington also have similar age and race distributions in their juvenile facilities. Seventeen-year-olds accounted for the most dispositions of any age group in 2016, representing 26.0% of all dispositions, followed in descending order by sixteen-year-olds (21.2%) and fifteen-year-olds (16.7%),<sup>34</sup> which is similar to Washington.<sup>35</sup> Additionally, the majority of Pennsylvania’s delinquency dispositions involved White Non-Hispanic youth (45.1%), followed by Black Non-Hispanic youth (37.9%) and Hispanic youth (12.7%).<sup>36</sup> 2015’s racial and ethnic makeup for 10-17 year olds was 71.9% White Non-Hispanic, 14.0% Black Non-Hispanic, and 10.2% Hispanic youth.<sup>37</sup> Much like Washington, Pennsylvania has an overrepresentation of children of color in its juvenile justice system.<sup>38</sup> Washington’s 2015 disparity gap was 2.4 to 1,<sup>39</sup> whereas Pennsylvania’s was 5.8 to 1.<sup>40</sup> Additionally, children can stay in juvenile detention centers

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<sup>33</sup> “Overview of Pennsylvania’s Juvenile Justice System.” Pennsylvania Juvenile Court Judges’ Commission: 19-30

<sup>34</sup> *Overview of Pennsylvania*, 24.

<sup>35</sup> Seventeen-year-olds and eighteen-year-olds were the most common ages in residential facilities in Washington state in 2016, each representing 22.4% of the total population, followed by sixteen-year-olds (18.7%).

“Demographics/Characteristics of Population For Residential - State-Wide Population” (Juvenile Rehabilitation Administration, January 2016),

<https://www.dshs.wa.gov/sites/default/files/JJRA/jr/documents/Reports/2016DemographicsOn1-11-16.pdf>.

<sup>36</sup> *Overview of Pennsylvania*, 28.

<sup>37</sup> Berkeley Clark, Kim, Richard D. Steele. “2016 Pennsylvania Juvenile Court Dispositions”. Juvenile Court Judge’s Commission and Center for Juvenile Justice Training and Research. [http://www.jcjc.pa.gov/Research-Statistics/Disposition%20Reports/2016%20Pennsylvania%20Juvenile%20Court%20Disposition%20Report%20\(PDF\).pdf](http://www.jcjc.pa.gov/Research-Statistics/Disposition%20Reports/2016%20Pennsylvania%20Juvenile%20Court%20Disposition%20Report%20(PDF).pdf)

<sup>38</sup> In Washington State, youth of color between the ages of 10 – 19 represent 39% of the general population and 55% of the youth involved in JR.

“Disproportionate Minority Confinement,” Washington Department of Social & Health Services, accessed March 16, 2018, <https://www.dshs.wa.gov/ra/juvenile-rehabilitation/disproportionate-minority-confinement>.

<sup>39</sup> “Washington - Unbalanced Youth Justice,” The Burns Institute for Justice, Fairness & Equity, accessed March 16, 2018, <http://data.burnsinstitute.org/decision-points/48/washington#comparison=2&placement=1&racess=2,3,4,5,6&offenses=5,2,8,1,9,11,10&odc=1&dmp=1&dmp-comparison=2&dmp-decisions=5&dmp-county=-1&dmp-races=1,2,3,4,7,5,6&dmp-year=2013>.

<sup>40</sup> “Pennsylvania -- Unbalanced Youth Justice,” The Burns Institute for Justice, Fairness & Equity, accessed March 16, 2018, <http://data.burnsinstitute.org/decision-points/39/pennsylvania#comparison=2&placement=1&racess=2,3,4,5,6&offenses=5,2,8,1,9,11,10&odc=1&dmp=1&dmp-comparison=2&dmp-decisions=5&dmp-county=-1&dmp-races=1,2,3,4,7,5,6&dmp-year=2012>.

until age 21, similar to Washington.<sup>41</sup> However, this is where Washington and Pennsylvania's juvenile justice similarities end. Pennsylvania does not use a determinate sentencing structure in committing juvenile offenders. Additionally, Pennsylvania's juvenile justice system is mostly decentralized. The state provides leadership, the local juvenile courts run the probation departments, and the counties operate the detention centers.<sup>42</sup> Washington uses a county-based court system and state-based institutional and parole services. With only three of five similarities, one cannot fully extrapolate Pennsylvania's results onto Washington.

Based on my five factors, Arizona's juvenile justice system only shares one similarity with Washington. For a more detailed representation of my findings, please visit the appendix. In 2015 in Arizona, 11.9 juveniles per 100,000 were in residential placement from violent crimes,<sup>43</sup> which is significantly lower than Washington's rate.<sup>44</sup> In 2015 in Arizona, 12.7 juveniles per 100,000 were in residential placement from property crimes,<sup>45</sup> which is lower than Washington's rate.<sup>46</sup> Arizona does not officially report on the age composition of its incarcerated juvenile population.<sup>47</sup> However, Arizona's racial and ethnic disparity gap was 1.1 to 1 in 2015,<sup>48</sup> which is lower than Washington's rate of 2.4 to 1. This was further substantiated when I compared Arizona's 2014

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<sup>41</sup> Barkowitz, Doreen, Kelly Franklin; Mary Hunninen; Wendy Luckenbill. "A Family Guide to Pennsylvania's Juvenile Justice System". Family Involvement Committee of the Pennsylvania Council of Chief Juvenile Probation Officers, 2012.

<sup>42</sup> *Overview of Pennsylvania*, 21.

<sup>43</sup> "Arizona Profile," Juvenile Justice, Geography, Policy, Practice & Statistics, accessed March 16, 2018, <http://www.jjgps.org/arizona>.

<sup>44</sup> In 2015 in Washington, 39.4 juveniles per 100,000 were in residential placement from violent crimes. "Washington Profile."

<sup>45</sup> "Arizona Profile."

<sup>46</sup> In 2015 in Washington, 20.7 juveniles per 100,000 were in residential placement from property crimes. "Washington Profile," Juvenile Justice, Geography, Policy, Practice & Statistics.

<sup>47</sup> "Maricopa County Juvenile Probation Department Fiscal Year 2015 Data Book," Superior Court of Arizona, 2015, <https://www.superiorcourt.maricopa.gov/JuvenileProbation/docs/2015DataBook.pdf>

<sup>48</sup> "Arizona - Unbalanced Youth Justice," The Burns Institute for Justice, Fairness & Equity, accessed March 16, 2018, <http://data.burnsinstitute.org/decision-points/3/arizona#comparison=2&placement=1&racess=2,3,4,5,6&offenses=5,2,8,1,9,11,10&odc=1&dmp=1&dmp-comparison=2&dmp-decisions=5&dmp-county=-1&dmp-races=1,2,3,4,7,5,6&dmp-year=2012>.

numbers on admissions to juvenile corrections by race<sup>49</sup> versus the general population of children.<sup>50</sup> While 26.0% of the admitted incarcerated population was White Non-Hispanic, this same population comprised 42.0% of Arizona's overall youth population. Similar to Washington, however, youth of color were overrepresented in the juvenile justice system. 7.0% of the juvenile detention population was Black versus 5.0% overall in Arizona. Hispanic youth were overrepresented as 48% of the prison makeup, but 43.0% of the overall state makeup. Arizona does not use a determinate sentencing structure in committing juvenile offenders, so it is unlike Washington in this regard. The only similarity between Washington and Arizona is that Arizona's juvenile system has jurisdiction over children aged 8–17, but the extended age of delinquency jurisdiction is 20, much like Washington's 21.<sup>51</sup> Thus, the data from Arizona cannot be extrapolated onto Washington's juvenile justice system. Data from Pennsylvania is slightly more applicable to Washington because those jurisdictions share more similarities.

#### **b. Florida**

After examining official data maintained by the Florida Department of Juvenile Justice, researchers could not find any relationship between sentence length and recidivism in 2008. Researchers used data from 16,779 juveniles released from commitment programs to the community or aftercare between July 1998 and June 2000. These juveniles had committed a diverse array of offenses and had been housed in various security levels.<sup>52</sup> Ultimately 41% of the youths released from Florida's juvenile justice system were re-adjudicated for an offense

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<sup>49</sup> Hart, Bill. "Juvenile Justice in Arizona: the Fiscal Foundations of Good Policy," Children's Action Alliance, January 2016: 7. [http://azchildren.org/wp-content/uploads/2014/07/CAA\\_Databook\\_FINAL\\_web.pdf](http://azchildren.org/wp-content/uploads/2014/07/CAA_Databook_FINAL_web.pdf)

<sup>50</sup> "Arizona Kids Count Databook," Children's Action Alliance, July 2014: 7. [http://azchildren.org/wp-content/uploads/2014/07/CAA\\_Databook\\_FINAL\\_web.pdf](http://azchildren.org/wp-content/uploads/2014/07/CAA_Databook_FINAL_web.pdf)

<sup>51</sup> Ibid.

<sup>52</sup> Winokur, "Juvenile recidivism," 128.

committed within one year of being released.<sup>53</sup> This actualized differently per security level. For example, the amount of time housed in low-risk, moderate-risk, and maximum-risk facilities was unrelated to recidivism. However, the sentence length impact for high-risk offenders was varied. The shortest lengths of stay within this security level resulted in decreased chances for recidivism, which goes against the theory being explored in this paper. Yet medium periods of confinement and very long stays were associated with high probability of recidivism. Taken together, these results suggest that there is no relationship between sentence length and recidivism.

Florida's juvenile justice system shares three of five characteristics with Washington's. For a more detailed representation of my findings, please visit the appendix. In 2015 in Florida, 22.3 juveniles per 100,000 were in residential placement from violent crimes,<sup>54</sup> which is lower than Washington's rate. Additionally, 31.6 juveniles per 100,000 were in residential placement from property crimes in Florida,<sup>55</sup> which is higher than Washington's rate. Florida's 2015 racial and ethnic disparity gap was 1.8 to 1, which similar to Washington's.<sup>56</sup> In Florida, adjudicated juveniles are generally sentenced to the Department of Juvenile Justice for indeterminate periods of time, unlike Washington. Juveniles may not be detained in facilities beyond their twenty-first birthday.<sup>57</sup> Besides a few differences in crime demographics, Washington and Florida have similar juvenile justice systems and thus Florida's results could possibly transfer to the Pacific Northwest.

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<sup>53</sup> Winokur, "Juvenile recidivism," 129.

<sup>54</sup> "Florida Profile," Juvenile Justice, Geography, Policy, Practice & Statistics, accessed March 16, 2018, <http://www.jjgps.org/florida>.

<sup>55</sup> Ibid.

<sup>56</sup> "Florida - Unbalanced Youth Justice," The Burns Institute for Justice, Fairness & Equity, accessed March 16, 2018, <http://data.burnsinstitute.org/decision-points/10/florida#comparison=2&placement=1&racess=2,3,4,5,6&offenses=5,2,8,1,9,11,10&odc=1&dmp=1&dmp-comparison=2&dmp-decisions=5&dmp-county=-1&dmp-races=1,2,3,4,7,5,6&dmp-year=2014>.

<sup>57</sup> Winokur, "Juvenile recidivism," 127.

## V. Conclusion

Through my research, I found that my thesis was supported. There does not seem to be any relationship between sentence length and recidivism in other parts of the country for juveniles. WSIPP tested whether increased recidivism was associated with an increased length of stay. That factor did not appear to play a role, which goes against the theory that longer sentences decrease recidivism rates. This was further demonstrated by the Florida study, which showed no relationship between sentence length and recidivism. Florida and Washington's juvenile justice systems were fairly similar, so these results could be relevant to Washington. An inverse relationship between sentence length and recidivism was somewhat demonstrated in the Arizona and Pennsylvania study, but these findings may be less applicable because their systems are less comparable to Washington's.

There were several limitations that I faced in my research. First, I could not find any data on sentence length and recidivism for Washington besides a few lines in the WSIPP study. On top of this, there is currently no standard way to measure juvenile justice systems. In itself, this is a huge problem: states cannot correct or improve their systems if they do not track or measure data in a uniform way. For this reason, I was faced with the challenge of designing my own factors to compare systems. Once I created my factors, it became clear that no state had identical ways of quantifying their criminal justice data. This made it difficult to find demographics information for Arizona's juvenile justice system. Additionally, I wanted to use data from a Canadian study by the University of New Brunswick, Saint John that tentatively indicated that increasing juvenile prison sentence lengths was associated with slightly greater increases in recidivism<sup>58</sup>. If this were the case, proponents of Senate Bill 6160 would be mistaken in their assumption that increasing

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<sup>58</sup> Paula Smith, Paul Gendreau, and Claire Goggin, "The Effects of Prison Sentences and Intermediate Sanctions on Recidivism: General Effects and Individual Differences," Solicitor General Canada, 2002, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ffcts-prsn-sntncls/index-en.aspx>.

sentence lengths in JR will ultimately prevent juveniles from re-offending. However, I found it difficult to credibly compare American and Canadian juvenile justice systems. I used several resources to consistently quantify different states' systems, which added uniformity. However, I could not find such uniform data on Canada. For this reason, I decided to leave this study out of my findings.

A number of questions are beyond the scope of this paper, and thus further study is needed to fully understand the consequences of juvenile incarceration, both to affected individuals and society at large. For instance, does longer duration of treatment, rather than mere incarceration length, decrease recidivism for youth? To answer this question, more data must be collected on the duration of rehabilitative treatment rather than sentence length alone. Additionally, how do racially disparate suspensions and expulsions in public schools affect juvenile incarceration rates? Does this impact recidivism? Despite such holes in research, this paper's findings are still important. Arizona, Pennsylvania, and Florida's data have potentially great implications for the theoretical framework that underpins the sentencing aims of SB 6160. Solid research is supposed to support solid policy. Criminal justice policy reform has real effects on people's lives. If longer sentences do not decrease recidivism for juveniles, why are young people being locked up for longer than necessary? Clearly more research – and more reform – must be done.

## VI. Appendix

Table 1. Factor Comparison by State

State	Offender population: how many juveniles were in residential placement from violent crimes?	Distribution of type of offense	Racial, gender, and age distribution of offenders	Type of sentencing structure in committing juvenile offenders: determinate or indeterminate	Stipulations of detainment; average annual transfer rate from juvenile to adult jurisdiction from 2003-2008 <sup>59</sup>
Washington	39.4 juveniles per 100,000	20.7 juveniles per 100,000 in residential placement from property crimes	-18.7% 16-year-olds -22.4% 17-year-olds -22.4% 18-year-olds	Determinate	Until 6/2018, children can stay in juvenile detention centers until age 21. After 6/2018, children can stay until age 25
			Washington's 2015 disparity gap was 2.4 to 1		
Pennsylvania	39.7 juveniles per 100,000	26.4 juveniles per 100,000 in residential placement from property crimes	-16.7% 15-year-olds -21.2% 16-year-olds -26.0% 17-year-olds	Indeterminate	Children can stay in juvenile detention centers until age 21
		Most common offenses: -thefts -burglaries -assaults -drug offenses	Delinquency dispositions involved: - 45.1% Non-Hispanic youth (vs. 71.9% of general PA youth) -37.9% Black Non-Hispanic youth (vs. 14.0% of general youth)		

<sup>59</sup> Patrick Griffin et al., "Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting," *Office of Juvenile Justice and Delinquency Prevention, Juvenile Offenders and Victims: National Report Series, 2011*, 28.

			-12.7% Hispanic youth <sup>60</sup> (vs. 10.2% of general PA youth) <sup>61</sup>		
			Pennsylvania's 2015 disparity gap was 5.8 to 1		
<b>Arizona</b>	11.9 juveniles per 100,000	In 2015 in Arizona, 12.7 juveniles per 100,000 were in residential placement from property crimes	Age composition not reported	Indeterminate	Arizona's juvenile jurisdiction ages are 8–17, but the extended age of delinquency jurisdiction is 20
			Admissions to AZ Department of Juvenile Corrections by race in 2014 <sup>62</sup> vs. general population of children: <sup>63</sup> - 26.0% vs. 42.0% White Non-Hispanic youth -7.0% vs. 5.0% Black youth -48% vs. 43.0% Hispanic youth		
			Arizona's racial and ethnic disparity gap was 1.1 to 1 in 2015		83.7 cases per 100,000 juveniles transferred
<b>Florida</b>	22.3 juveniles per 100,000	31.6 juveniles per 100,000 were in residential placement from property crimes in Florida	No age composition reported	Indeterminate	Juveniles may not be detained in facilities beyond their twenty-first birthday
			No racial composition reported		164.7 cases per 100,000

<sup>60</sup> *Overview of Pennsylvania*, 28.

<sup>61</sup> Berkeley Clark, Kim, Richard D. Steele. "2016 Pennsylvania Juvenile Court Dispositions". Juvenile Court Judge's Commission and Center for Juvenile Justice Training and Research. [http://www.jcjc.pa.gov/Research-Statistics/Disposition%20Reports/2016%20Pennsylvania%20Juvenile%20Court%20Disposition%20Report%20\(PDF\).pdf](http://www.jcjc.pa.gov/Research-Statistics/Disposition%20Reports/2016%20Pennsylvania%20Juvenile%20Court%20Disposition%20Report%20(PDF).pdf)

<sup>62</sup> Hart, Bill. "Juvenile Justice in Arizona: the Fiscal Foundations of Good Policy," Children's Action Alliance, January 2016: 7. [http://azchildren.org/wp-content/uploads/2014/07/CAA\\_Databook\\_FINAL\\_web.pdf](http://azchildren.org/wp-content/uploads/2014/07/CAA_Databook_FINAL_web.pdf)

<sup>63</sup> "Arizona Kids Count Databook," Children's Action Alliance, July 2014: 7. [http://azchildren.org/wp-content/uploads/2014/07/CAA\\_Databook\\_FINAL\\_web.pdf](http://azchildren.org/wp-content/uploads/2014/07/CAA_Databook_FINAL_web.pdf)

			Florida's 2015 racial and ethnic disparity gap was 1.8 to 1		juveniles transferred
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Shaded = similar to Washington

## VII. Glossary

**Adjudicated:** when a court finds a defendant guilty of committing a crime.<sup>64</sup>

**Automatic decline:** the process in which juveniles are automatically sent to adult criminal court based solely on the category of crime they are charged with.

**Decline:** the process in which a juvenile offender is sent to adult court and can ultimately end up in the adult prison system, called the Department of Corrections (DOC).

**Determinate sentence:** a sentence of a specific time period, as stipulated by a judge (i.e. exactly 5 years).

**Indeterminate sentence:** a sentence that is stipulated by a judge as a range (i.e. a minimum of 3 and a maximum of 5 years).

**Recidivism:** the rate at which formerly incarcerated people commit more crimes; a relapse into criminal behavior.

**Rehabilitation:** the philosophy of punishment that seeks to change or otherwise improve offenders, giving them attitudes and skills to avoid crime and live a productive life. Ultimately this benefits society as a whole.<sup>65</sup>

**Youthful offender:** any person under the age of 18 who is tried, convicted, and sentenced as an adult.<sup>66</sup>

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<sup>64</sup> “Department of Juvenile Justice Glossary,” Florida Department of Juvenile Justice, 2012, <http://www.djj.state.fl.us/youth-families/glossary>.

<sup>65</sup> David Mollel, “Rehabilitation - What Is Rehabilitation?,” Law Library - American Law and Legal Information, <http://law.jrank.org/pages/1933/Rehabilitation-What-rehabilitation.html>.

<sup>66</sup> “Youthful Offenders vs. Juveniles,” Juvenile Justice & Rehabilitation Administration, Washington State Department of Social & Health Services, July 2014. <http://leg.wa.gov/JointCommittees/Archive/JSRTF/Documents/2014-11-17/YOP%20Briefing%20Draft%207%2017%2014.pdf>

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