

The Impact of Juvenile Points on Adult Sentencing

Beginning in the 1980s, the Washington State Legislature started enacting “tough on crime” legislation. During this time, the distinction between juveniles and adults in the criminal legal system was blurred, including in the calculation of offender scores for sentencing. This trend was escalated in the 1990s, and largely driven by misguided fears regarding child “super predators”—the racist myth that children who committed crimes, particularly Black children, were inherently violent and unable to be rehabilitated. These myths have been empirically disproven, but their legislative legacy persists.

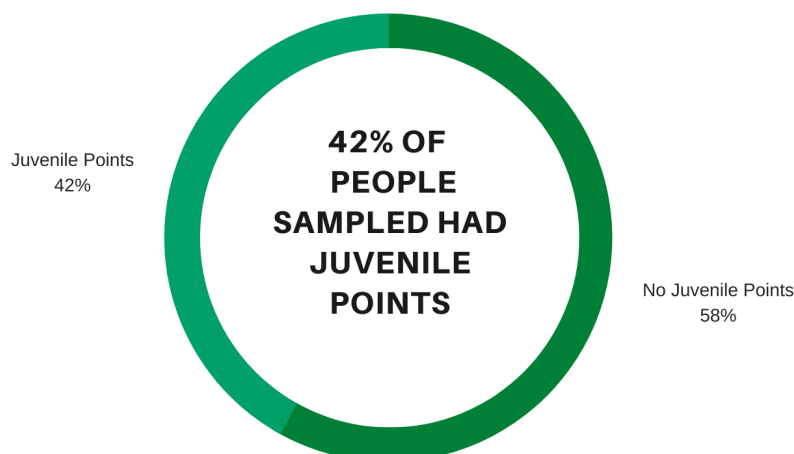
Washington State is currently one of only 11 states that explicitly includes prior juvenile convictions in offender score calculations for adult sentencing. Adult individuals with juvenile convictions are given substantially longer mandatory sentences, in some cases decades, than those without juvenile convictions. This approach contributes to unnecessary sentencing complexities and errors, as well as racially disproportionate outcomes in sentencing. Further, this practice fails to acknowledge youth as a mitigating factor in adult sentencing. As such, it ultimately punishes individuals for juvenile crimes twice: once as children and again as adults.

Recommendation: retroactively ban the inclusion of all prior juvenile convictions in adult offender score calculations and discontinue their inclusion moving forward. As the below data demonstrates, this will help to rectify the impact of over-policing in communities of color and the disproportionate incarceration of Black and Indigenous People of Color. To promote racial equity offender scores of people whose juvenile points were included in the calculation of their adult offender score must be recalculated. We recommend automatically resentencing people whose juvenile points were used against them to the lower end of the new sentencing range. This will mitigate the financial impact of re-sentencing in courts.

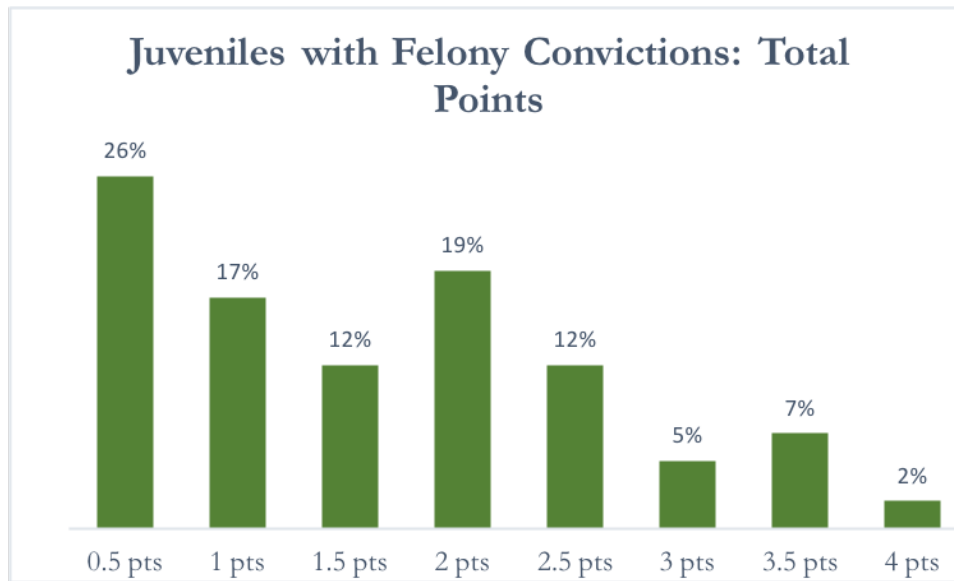
To better understand the consequences of this practice, we analyzed a random sample of offender scores from 100 people who are currently incarcerated and were sentenced in Pierce County. The racial composition of this sample matches the population sentenced in prison in Pierce County. In addition, we administered a survey to incarcerated people across the state asking for their experiences with the juvenile system and how those experiences impacted their current incarceration.

The use of juvenile records in adult sentencing is widespread

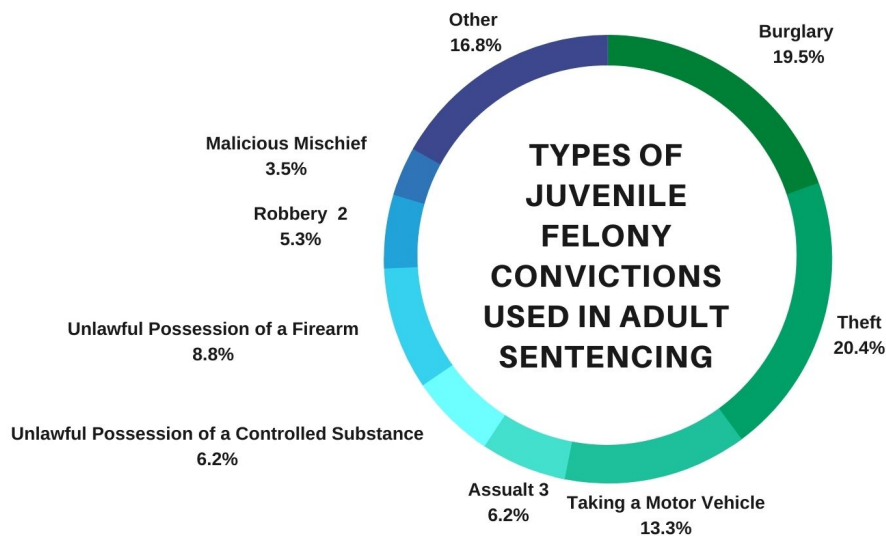
Of the people sampled, 42% had one or more juvenile convictions used against them as adults.



The points assigned to a juvenile adjudication depend on the type of adjudication and the present offense. In general, non-violent felonies are assigned .5 points, whereas violent felonies range from 1 point to 3 points. **The average number of juvenile points for people with juvenile convictions used against them in adult sentencing was 1.7.** Most people had somewhere between .5 to 2 points. In many instances the difference of 2 additional points to an offender score can mean serving an extra decade or more in prison.



The majority of juvenile felonies used in adult sentencing stem from property crimes.

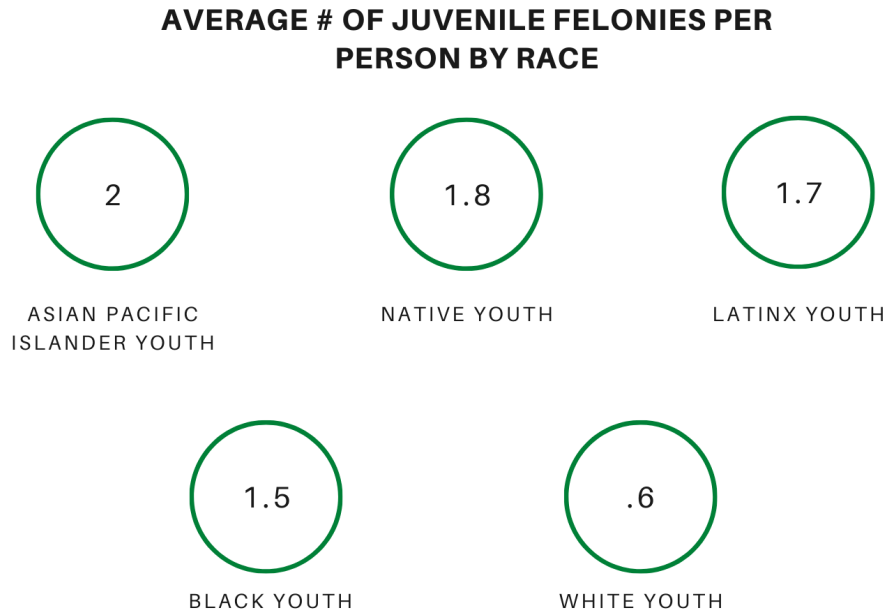


Counting Juvenile Convictions Twice Amplifies Racial Disparities in Sentencing

The use of juvenile convictions contributes to racial inequities in sentencing. Our data shows that youth of color are more likely than white youth to have juvenile records.



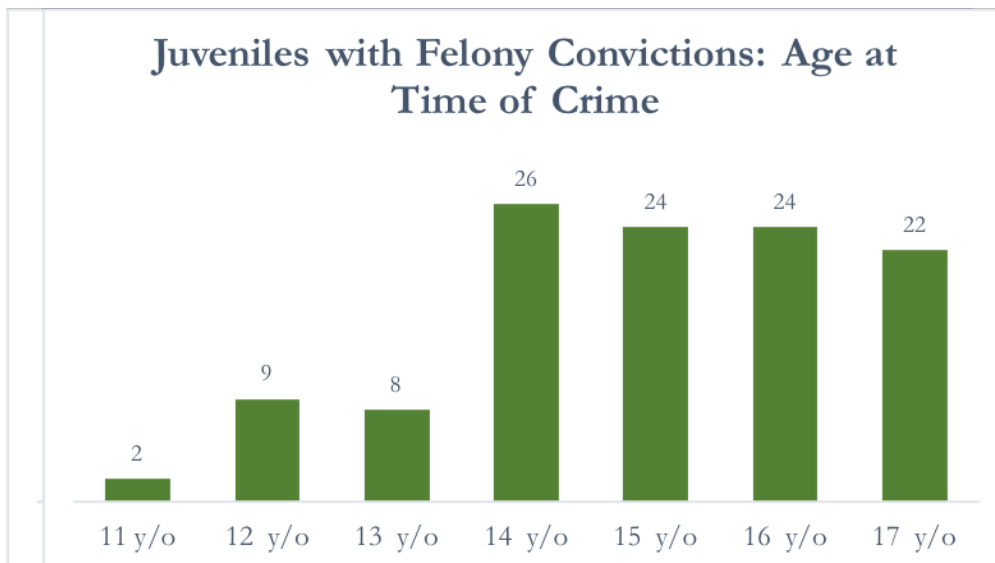
Further, youth of color have on average more juvenile points than their white counter parts. Our findings map onto the wealth of studies finding that communities of color are over-policed and that people of color are disproportionately targeted by the police.



In this way, the use of juvenile convictions in adult offender score calculations has undoubtedly contributed to racially disproportionate sentencing outcomes in Washington.

The use of juvenile points is not in-line with new brain science

The practice of using juvenile points is inconsistent with the *Miller v. Alabama* ruling and the evolving standards of decency regarding sentencing for juveniles. New brain science codified in *Miller* recognizes “unfortunate yet transient immaturity” in juveniles and the diminished culpability of youth. Therefore, youthfulness must be considered as a mitigating factor in sentencing. In our sample, **the average age at time of crime for people who committed juvenile felonies was 15**, with the **most frequent age being 14**. People who committed juvenile offenses as young as 11 had those offenses used against them in adult sentencing.



The underlying brain science in the *Miller* ruling found that a young person's brain continues to develop well into their twenties and is rarely fully developed prior to the age of 25.

Of the people in our sample who had juvenile points used against them in the sentence for which they are currently incarcerated, **close to half committed their current crime of incarceration under the age of 25.**

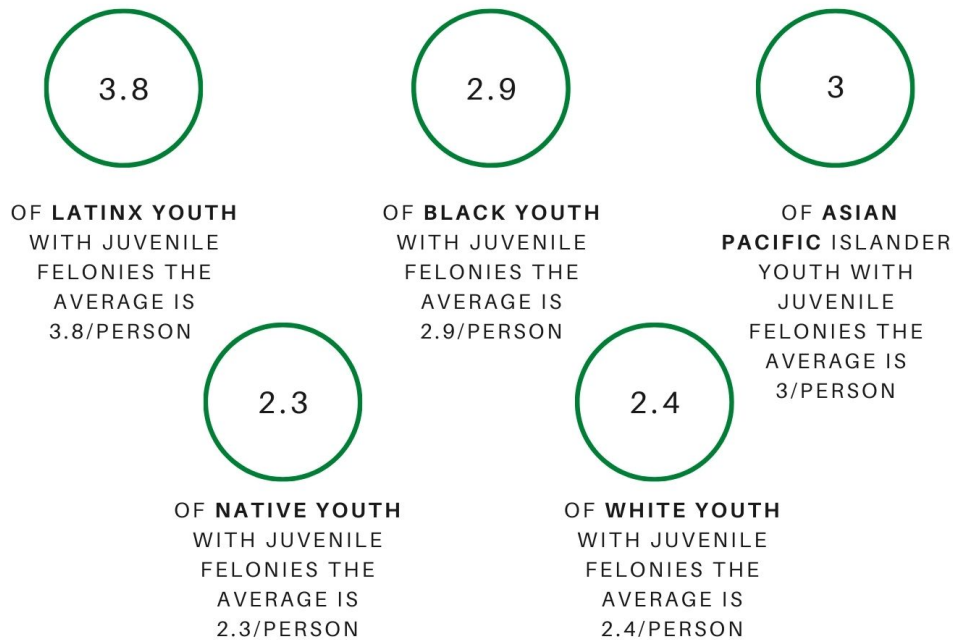
Under current sentencing laws, a person's juvenile points for class B felonies will wash out if they spend 10 consecutive years in the community without being convicted of any crime, including misdemeanors. For class C felonies the time is reduced to 5 years. These rules do not reflect current brain science as they do not take into account the maturation process. Indeed, this is reflected in the fact that **only 2 individuals out of our entire sample had juvenile points that washed out.**

The juvenile system does not help youth in need

Of the people sampled who had juvenile points, **67% had more than one juvenile felony conviction.** The purpose of the juvenile justice system is to provide support to juveniles in order to help address the underlying causes that led to their criminal behavior and help re-integrate them back into society. Yet, the frequency with which people return again and again to the juvenile system indicates that Washington's juvenile justice system falls short.

Once involved in the juvenile justice system, youth of color are, on average, more likely than their white counterparts to receive more juvenile felonies.

JUVENILE YOUTH WITH FELONY CONVICTIONS: AVERAGE # OF FELONIES PER PERSON BY RACE



Survey responses indicate that many people who were convicted as juveniles experienced violence, isolation, and sexual victimization in Washington's juvenile justice system, which made them more vulnerable to the adult system.



"I WAS GIVEN 45 WEEKS AND SENT TO ECHO GLEN CHILDREN'S CENTER (YOUTH PRISON). UP TO THAT POINT I HAD NEVER BEEN INVOLVED IN ANY GANG ACTIVITY AND DIDN'T CONSIDER MYSELF TO BE VIOLENT. BUT THAT CHANGED IN JUVENILE PRISON. EVEN MORE THAN IN THE ADULT SYSTEM VIOLENCE IS RESPECTED IN JUVENILE JOINTS. YOU EITHER FIGHT, PRETEND YOU CAN BY YOUR SIZE, OR YOU ARE A VICTIM. THE TRUTH IS, UP UNTIL I WAS DONE WITH MY FIRST 45 WEEKS I HAD ALWAYS BEEN SCARED TO FIGHT."

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“GREEN HILL WAS AN ENVIRONMENT THAT FOSTERED RACISM AND DIVISION. THE STAFF ENCOURAGED IT BECAUSE IT CAUSED FIGHTS WHICH MANY LIKED TO WATCH. I WENT IN AT 15 AND WAS SURPRISED TO SEE GROUPS DIVIDED NOT ONLY BY FIGHTERS AND NON-FIGHTERS, BUT ALSO BY RACE. I TRIED TO MAKE FRIENDS WITH EVERYONE, ESPECIALLY THE MEXICANS AS I SPOKE QUITE A BIT OF SPANISH, AND WANTED TO BE FROM A MEXICAN GANG, BUT IT WASN'T HAPPENING. I MADE IT 7 MONTHS BEFORE I JOINED A WHITE GANG THAT WAS MADE UP IN GREEN HILL. I WAS SCARED AND ALONE AND GOT ACCEPTANCE FROM MY OLDER PEERS BECAUSE OF MY WILLINGNESS TO FIGHT. IT WAS ALL BS, BUT IT SET THE COURSE TO DESTRUCTION THAT CAME IN A FEW SHORT YEARS.

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THE JUVENILE JUSTICE SYSTEM HAD A LITANY OF EFFECTS ON ME. IT ALLOWED ME TO DEVELOP A SENSE OF DISTRUST FOR AUTHORITY AND LAW ENFORCEMENT. IT TAUGHT ME TO THINK IN A DOG-EAT-DOG TYPE OF WAY WHERE ONLY I MATTERED, AND OTHERS WERE EXPENDABLE. THAT VIOLENCE WASN'T ONLY NECESSARY, BUT REQUIRED TO SURVIVE, UNLESS I WANTED TO BECOME A VICTIM. AND MOST IMPORTANTLY THAT PEOPLE IN A POSITION OF AUTHORITY WERE FREQUENTLY THE VICTIMIZERS I HAD TO BE AWARE OF. DURING MY INCARCERATION AT THE JUVENILE INSTITUTION IN MAPLE LANE SCHOOL, I WAS THE VICTIM OF A SEXUAL ASSAULT BY A MALE STAFF MEMBER, WHICH HELPED CEMENT BY COMPLETE DISTRUST OF THE SYSTEM AND ANYONE IN A POSITION OF AUTHORITY WITHIN IT.