An Assessment of Juvenile Justice System Reform In Washington State

VOLUME I

EXECUTIVE SUMMARY

MARCH 1983

EXECUTIVE SUMMARY

AN ASSESSMENT OF WASHINGTON'S JUVENILE JUSTICE REFORM

VOLUME I

By

Anne Larason Schneider, PhD
Department of Political Science
Oklahoma State University
Stillwater, Oklahoma

Donna D. Schram, PhD
Urban Policy Research
Seattle, Washington

March 1983

Funding for this research was provided by Grant No. 79-JN-AX-0028 to the Institute of Policy Analysis from the Law Enforcement Assistance Administration, OJJDP/NIJJDP, Department of Justice, Washington, D.C. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the Department of Justice.

PREFACE

The Washington juvenile justice code is the most unusual and innovative change that has occurred in the juvenile system of any state since the historic court decisions of the late 1960's. Based on the philosophical principles of justice, proportionality, and equality the legislation seeks to establish a system that is capable of holding juveniles accountable for their crimes and a system that, in turn, can be held accountable for what it does to juvenile offenders. The legislation is an articulate and faithful representation of the principles of "justice" and "just deserts."

Consistent with those philosophical principles, the reform of Washington's juvenile system involves proportionate decision-making standards for intake and sentencing; the provision of full due-process rights; and the elimination of all court jurisdiction over non-criminal misbehavior (status offenses).

An assessment of the implementation and consequences of the implementation and consequences of the reform in Washington's juvenile justice system was funded by the National Institute of Juvenile Justice and Delinquency Prevention. This report is one of several which contains information about the impact of the legislation. Reports produced by the study are:

"Executive Summary: The Assessment of Washington's Juvenile Justice Refcrm" (Schneider and Schram, Vol. I).

"A Justice Philosophy for the Juvenile Court" (Schneider and Schram, (Volume II)

"A Comparison of Intake and Sentencing Decision-Making Making Under Rehabilitation and Justice Models of the Juvenile System (Schneider and Schram, Vol. III)

"Sentencing Guidelines and Recidivism Rates of Juvenile Offenders" (Schneider, Vol. IV)

"Divestiture of Court Jurisdiction over Status Offenses" (Schneider, McKelvey and Schram, Vol. V)

PROJECT STAFF*

The grant from NIJJDP was to the Institute of Policy Analysis in Eugene, Oregon with a major subcontract to Urban Policy Research in Seattle. Anne L. Schneider of IPA served as the principal investigator and Donna D. Schram of Urban Policy Research was the on-site project director.

Institute of Policy Analysis

Anne Larason Schneider, Ph.D.
Principal Investigator

Barbara Seljan, M.A.
Research Assistant

David Griswold, Ph.D.
Research Assistant

Mary Beth Medler, M.A.
Research Assistant

Janet P. Davis
Research Assistant

Kathy Chadsey, M.A.
Research Assistant

Jerry Eagle, M.A.
Systems Analyst

Judy Barker
Administrative Assistant

Debra Prinz
Consultant

Urban Policy Research

Donna D. Schram, Ph.D.
On-Site Project Director

Jill G. McKelvy, Ph.D.
Project Coordinator

J. Franklin Johnson
Consultant

Gail Falkenhagen
Administrative Assistant

Jean Trent
Research Assistant

*Inqueries should be addressed to Anne L. Schneider, Department of Political Science, Oklahoma State University, Stillwater, Oklahoma 74078 (405) 624-5569 or Donna D. Schram, Urban Policy Research 119 S. lst Street, Seattle, Washington (206) 682-4208, or Barbara Seljun, Institute of Policy Analysis, 44 W. Broadway, Eugene, Oregon 697401 (503) 485-2282.

ACKNOWLEDGEMENTS

Many people assisted in the design or implementation of this study and contributed to the successful data collection upon which the findings are based. Special thanks go to all of the following persons without whose assistance this study could never have been completed.

NIJJDP Project Monitor

Barbara Allen Hagen, Program Specialist

State Advisory Committee

Lon Burns, Director, Spokane Area Youth Committee
Stephen Carmichael, Director, Benton/Franklin Juvenile Court
Jan Deveny, Director, Department of Public Safety
Leland Fish, Director, Spokane Juvenile Court
Bill Hagens, House Institutions Committee
Eugene Hanson, Klickitat County Prosecutor
William Hewitt, Juvenile Court Coordinator
Tom Hoemann, Senate Judiciary Committee
Jon LeVeque, Director, Association of Washington Community Youth Service
John Mallery, Superintendent, Hoquiam School District
Warren Netherland, Director, Division of Juvenile Rehabilitation
Ed Pieksma, Washington Council on Crime and Delinquency
Don Sloma, Legislative Budget Committee
Donald Thompson, Judge, Pierce County Superior Court
Leila Todorovich, Director, Bureau of Children's Services
Mary Wagoner, Executive Director, Washington Association of Child Care Agencies

National Advisory Committee

Richard Berk, University of California, Santa Barbara
Kathryn Van Dusen Theilman, University of Southern California
Lee Teitlebaum, Indian University

King County

Chief Patrick Fitzsimons, Seattle Police Department
Judy de Mello, Records Manager
Peter M. McLellan, Planning Unit
Mark Sidran, Deputy Prosecutor in Charge of Juvenile Division
Gail Harrison, Data Specialist, King County Prosecutor's Office
June Rauschmeier, Director, Department of Youth Services
Judy Chapman, Director of Administrative Services, DYS
Janice Lewis, Director of Research Unit, DYS

Spokane County

Chief Robert Panther, Spokane Police Department
Captain Robert Allen, Spokane Police Department
Darrell Mills, Spokane County Systems Services
Lee Fish, Administrator, Spokane Juvenile Court
Mike Boutan, Research Specialist, Spokane Juvenile Court
Walt Trefry, Spokane County Sheriff

Yakima County

Chief Jack LaRue, Yakima Police Department
Rosemarie Ulmer, Record Bureau Supervisor, Yakima Police Department
Paul Peterson, Court Administrator, Yakima County Juvenile Court
Clinton E. Codman, Assistant Court Administratory, Yakima County Juvenile Court
Betty McGillen, County Clery

We are particularly grateful for the assistance received from:

Daniel E. Greening, Juvenile Justice Planner, Office of Financial Management
Bureau of Children's Services, Department of Social and Health Services
Division of Juvenile Rehabilitation, Department of Social and Health Services
Kathleen D. Sullivan, Juvenile Justice Planner, Division of Criminal Justice, Office of Financial Management
Washington Association of Prosecuting Attorneys
Washington Association of Sheriffs and Police Chiefs
Juvenile Court Administrators' Association, Sub-Committee on Research
Department of Social and Health Services Regional and Local Offices

We would especially like to thank the law enforcement officers, prosecutors, juvenile court administrators, crisis intervention workers, directors of regional crisis residential centers, judges, defense attorneys, and directors of diversion unity, who participated in the interview phase of this research. Without their cooperation and professional contributions, this assessment effort would not have been possible.

ABSTRACT

The primary purpose of the juvenile justice system in Washington--under reform legislation implemented in 1978--is to hold juveniles accountable for their crimes and, simultaneously, to hold the system accountable for what it does to juveniles. Rehabilitation has been replaced as the fundamental philosophy of the court by a "justice" model which emphasizes fairness, uniformity, and proportionality in the court's response to juvenile offenses. Intake and sentencing decisions, under the new system, are not to be made on the basis of what the youth needs in terms of treatment or services, but are to be based on what the juvenile deserves, given the seriousness of the offense, the prior criminal record, and the age of the youth. The intent of the law--according to those who were instrumental in its adoption--was not to make the system more harsh nor more lenient, but, instead, to increase the severity of sanctions for serious and violent offenders and to eliminate what was viewed as unwarranted harshness for minor offenders and status offenders. In the words of one individual who helped shape the philosophy of the reform:

> We wanted to limit coerced treatment; and we wanted to stop giving the message to the juveniles that 'your crime is not your fault.' We wanted to say, 'your crime is your problem.'

The major conclusions regarding the implementation and consequences of the reform are as follows:

1. The practice of informally adjusting cases at juvenile court intake, which was common in Washington as it is throughout the United States, was completely eliminated and in its place a formalized diversion program was established. The diversion system, consistent with the intent of the legislation, does not provide treatment or services to youths but, instead, seeks to hold them accountable through the payment of restitution to crime victims or through community service work.

2. Sentences in the post-reform era were considerably more uniform, more consistent, and more proportionate to the seriousness of the offense and the prior criminal record of the youth then were sentences in the rehabilitation system which existed before 1978.

3. The overall level of <u>severity</u> was actually reduced during the first two years after the legislation went into effect but there was an increase in the <u>certainty</u> that a sanction of some kind (restitution, community service, probation) would be imposed.

4. There was a marked increase in the use of incarcerative sanctions for the violent and serious/chronic offenders: in the pre-reform era 52 percent of these cases received incarcerative sanctions and 37 percent were informally adjusted; in the post-reform period, 90 percent were incarcerated, 10 percent were placed on probation, and none was adjusted or diverted.

5. Non-violent first offenders and chronic minor property offenders were <u>less</u> likely to be incarcerated under the new system, but <u>more</u> apt to be required to pay restitution, do community service or be on probation.

6. Compliance with the sentencing guidelines was extremely high. In the three jurisdictions from which individual-case data were obtained, approximately 95 percent of all cases were sentenced within the presumptive ranges.

7. In spite of the high rate of compliance with the guidelines and the enormous increase in uniformity of decisions, the analysis revealed that differential handling of females and minorities still existed in some jurisdictions for certain kinds of decisions. On the whole, the effect was much more pronounced for females than for minorities. The female offenders in the three-area study were more likely than males to be diverted (post) or to have their cases adjusted (pre) but, if they were not diverted or adjusted, the females were more likely to be committed. The analysis also showed that these effects were not created by the new approach; rather, the pattern of differential handling that existed in the pre-reform system tended to be perpetuated after the new law went into effect.

8. The post-reform era had a substantially better record of holding juveniles accountable for their offenses. Depending upon which definitions and standards were used to establish "accountability," the post-reform system either doubled or tripled the proportion of youths held accountable. Nevertheless, approximately one-third of all youths contacted by the police that who apparently should have been held accountable, were not. Their cases either dropped out of the system due to poor record-keeping or at the discretion of police or other officials.

9. The reform legislation removed status offenses from the jurisdiction of the juvenile court and established a voluntary service-delivery system within the state Department of Social and Health Services. This part of the legislation resulted in the complete elimination of status offense referrals to juvenile court and the virtual elimination of referrals to detention even though a 24-hour confinement period was still permitted.

10. The divestiture approach was more effective in eliminating the referral of status offenses than it was in eliminating the referral of status offenders. In the post-reform system, runaways were more likely to be contacted for delinquent acts than they had been prior to the change in the law and even though there was a decline in the proportion of runaways referred to juvenile court (for something, not necessarily a status offense) the referrals did not drop to zero. More disturbing, perhaps, was the finding that delinquents who have a history of status offenses received more severe sanctions in the post-reform system than did delinquents without a history of status offense misbehaviors.

11. The analysis of recontacts by law enforcement officials (recidivism) indicated that there was an increase in the proportion of youths contacted for subsequent offenses in the post-reform time period compared with the pre for two of the three jurisdictions in which this question was examined. It is not possible however to determine whether the increase was produced by an increased rate of recidivism or by a change in law enforcement practices. All of the increase was produced by increased contacts for misdemeanors rather than felonies. The change might be a result of increased law enforcement confidence in the system which resulted in an increased incentive to record incidents committed by the youths or it could have been produced by increased delinquent activity on the part of the juveniles. Although the authors of this study believe that the former is more likely than the latter, the issue needs further research and clarification.

It is yet too early to determine whether the Washington approach represents a fundamental change in the rationale of the juvenile system which will be emulated throughout the United States or whether the change will be overwhelmed and lost amidst the current debate between those seeking to preserve the treatment/rehabilitation approach and those promoting punishment and deterrence. Whether the reform endures will depend, at least in part, on how well its basic philosophical principles are understood rather than distorted and on whether the positive impacts observed in this study can endure, through time. Additionally, the attractiveness of the reform will depend on answering several questions which could not be resolved properly in the current study, especially the issue of its impact on juvenile crime.

INTRODUCTION

During the past two decades, juvenile justice systems frequently have been criticized as being ineffective, inequitable, and in violation of the rights of juveniles. There is broad agreement with the contention that the juvenile court and other agencies which comprise the juvenile system are not meeting the challenge of delinquency in an appropriate manner. There is a growing sentiment, as well, that the rehabilitation philosophy is partly or wholly responsible for the problems. As Empey noted in 1978:

> The juvenile justice system is now in a state of ferment: Its rehabilitative ideology is being challenged; its effectiveness is being questioned; and its basic procedures are being altered (p. 406).

Many critics have echoed sentiments similar to those stated by Wheeler (1980):

> The juvenile justice system is a paradox. In the name of benevolent intervention and rehabilitation, it has operationalized a sentencing and parole procedure that discriminates against females, the young, and the least serious offenders. (p. 121).

Rehabilitation also is attacked for its presumed failure to reduce recidivism and prevent crime. This theme has endured since the initial release of the Lipton, Martinson, and Wilks review in 1976 and has continued in spite of considerable efforts by some, such as Hackler (1980) and Romig (1978) to argue that there are certain approaches within the rehabilitative framework that are effective in reducing recidivism. Inattention to victims and lack of responsiveness to the community are mentioned by others, including the recently-appointed administrator of OJJDP, as critical deficiencies in most juvenile justice systems. Regnery

(1983) put it this way:

> What is best for the violator is the only concern [of the traditional juvenile system]; the rights and welfare of those who are, or will be, the victims are simply ignored. It is such 'pie in the sky' thinking that will sound the death knell of even those parts of the system which should survive.

Many of the charges levied against the traditional juvenile system are consistent with the findings from empirical research and, indeed, are direct outgrowths of that research. Studies of sentencing in juvenile courts for example, have documented not only inexplicable disparity but bias against racial minorities, women, and persons from lower social class homes or neighborhoods. In some jurisdictions violent offenders are more likely to receive incarcerative sentences than minor offenders and, if institutionalized, the length of stay for those who committed the most serious offenses may be shorter than for minor offenders or even status offenders.

One of the key motivating factors for Congressional enactment of the 1974 Juvenile Justice and Delinquency Prevention act which established the Office of Juvenile Justice was concern about improper deprivation of liberty for status offenders:

> The primary bases of Congress' concern about secure confinement of status offenders comes not from complete findings about the effects of institutionalization on youths or on reduced or increased recidivism rates, but rather from moral repugnance of the incarceration of young persons who have not committed crimes.[1]

In response to these problems, fundamental changes have been taking place in the juvenile justice systems throughout the country. Most courts have adopted a more formal procedure with increased involvement of both defense and prosecuting attorneys. Restitution and community service increasingly are being used as alternative dispositions for juveniles. And,

in many states, the procedures have been altered to permit a larger number of juvenile cases to be heard in adult court. Although this change comes in several different forms, its intent is to impose adult-level sanctions on certain juvenile offenders. Mandatory commitment for serious offenders is another sign of a general shift away from rehabilitation and the family court model.

In April, 1977, the Washington state legislature concluded almost 10 years of discussion and debate by adopting a new juvenile justice code that calls for changes more fundamental and more comprehensive than those undertaken in any other state. The changes in Washington's code reflect the principles held by modern-day advocates of a "just deserts" or "justice" model for the legal system and reflect the standards developed by the Institute of Judicial Administration and the American Bar Association. These principles emphasize uniformity, equity, fairness and accountability rather than rehabilitation or deterrence. The Washington law, according to its statement of legislative intent, seeks to establish a juvenile justice system that can be held accountable for what it does to juveniles and one which is capable of holding juveniles accountable for their offenses. The statement of legislative intent is shown in its entirety in Figure 1.

To accomplish these goals, the legislation specifies changes in organizational responsibilities, procedures, and decision-making criteria. Several parts of the law are especially significant:

1. Sentences are presumptive and determinate (within very narrow ranges established by sentencing guidelines), and are proportionate to the seriousness of the immediate offense, the age of the youth, and the prior criminal history. Youths designated as serious offenders by the state law

FIGURE 1. STATEMENTS OF LEGISLATIVE INTENT

OFFENDERS (RCW 13.40.010)

"It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that both communities and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, it shall be the purpose of this chapter to:

(a) Protect the citizenry from criminal behavior;
(b) Provide for determining whether accused juveniles have committed offenses . . .;
(c) Make the juvenile offender accountable for his or her criminal behavior;
(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
(e) Provide due process for juveniles alleged to have committed an offense;
(f) Provide necessary treatment, supervision, and custody for juvenile offenders;
(g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
(h) Provide for restitution to victims of crime;
(i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; and
(j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitation of the courts, institutions, and community services."

* * * * * * *

STATUS OFFENDERS (RCW 13.34.020)

"The legislature declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact in the absence of compelling evidence to the contrary."

are to be committed to a state institution for 30 days or more whereas youths designated as "minor or first" offenders cannot be committed nor detained in local facilities. Restitution is to be ordered as part of the sentence whenever it is appropriate. Sentences other than those specified in the law and guidelines may be given only if the judge declares that the presumptive sentence would constitute a "manifest injustice" and gives written reasons for deviating from the guidelines. Sentences outside the presumptive range are appealable.

2. Responsibility for intake to the juvenile system has been shifted to the prosecutor's office for all felony cases and for misdemeanor incidents (unless the prosecutor waives intake for these offenses to probation). Explicit criteria, based on the seriousness of the offense, age, and prior criminal history of the youth, govern the decision to file or to divert the youth. The use of "informal adjustments" is no longer permitted. Law enforcement agencies, however, still exercise their traditional discretion on whether to refer or adjust incidents involving juveniles.

3. The law establishes community-based diversion programs for some juvenile offenders in lieu of formal processing. All non-felony first offenders and many minor (but chronic) offenders must be offered diversion as an alternative to the formal court process. Washington's approach, however, is quite unusual in that the responsibility of the diversion program is to hold the youths accountable for their offenses by requiring restitution to the victim or community service work rather than to provide the youths with social services, counseling, recreational programs, educational assistance, and the like.

4. Juveniles can no longer be brought under the jurisdiction of the court for the commission of status offenses. Although many states have amended their codes to desinstitutionalize status offenders and/or to divert some of them from the juvenile system, only two states--Washington and Maine--have developed legislation which divests the court of all jurisdiction over noncriminal misbehaviors generally designated as status offenses. Services for these youths and their families are to be provided by a state executive agency, the Department of Social and Health Services, on a voluntary basis.

A JUSTICE MODEL

The Washington legislation is not a perfect embodiment of any set of philosophical principles, but it reflects many of the tenets of a just deserts or justice model, especially as articulated by persons such as Andrew Von Hirsch in Doing Justice, (1976). Representative Mary Kay Becker, chair of the House subcommittee that developed the legislation, described the philosophy of the law as follows:

> It [the law] is meant to limit the courts to their judicial function, to require them to deal more consistently with youngsters who commit offenses, and to identify social resources outside the court for handling non-criminal behavior. In terms of the philosophical polarities that have characterized the juvenile court debate for a century, the bill moves away from the parens patriae doctrine of benevolent coercion, and closer to a more classic emphasis on justice. (WBA Report, 1978)

Several central concepts of a justice philosophy are pertinent to an understanding of the Washington law.

1. Limitation on the Right to Punish. Proponents of the justice approach argue that the state has no authority to intervene in the life of an individual for the purpose of punishing unless the person has violated

the criminal law. Punishment generally is taken to mean deprivation of liberty or the infliction of other unpleasant consequences including coerced treatment and coerced rehabilitation programs even if these are undertaken with the individual's best interests in mind. Thus, intervention by the state is viewed as unjust when directed against, for example, youths whose misbehaviors are not violations of the criminal code, such as status offenders.

2. The Amount of Punishment. The amount of punishment that a person ought to receive depends on the amount the individual deserves to receive and that, in turn, depends on the harm done by the crime committed and the extent of the person's culpability for the offense. Proponents of the justice paradigm argue that an individual should never be punished more than he or she deserves, as that would be unjust, even if more punishment might be useful to achieve certain other goals, such as rehabilitation or deterrence.

3. Uniformity in Punishment. Because punishment should be proportionate to the seriousness of the offense and the individual's responsibility for the crime, it follows that punishment also should be uniform and standardized. Any two offenders who have committed similar acts under similar circumstances should receive similar sentences.

4. The Justification of Punishment. The justice approach differs most markedly from other theories of sentencing (rehabilitation, deterrence, and incapacitation) in that the purpose of sentencing is to give the individual who has broken the law a punishment that is deserved rather than a punishment that is "needed" to rehabilitate the individual, deter the individual, reduce crime, or provide for a general deterrent effect. This

emphasis on the past rather than on the future is quite essential to understanding the justice philosophy. A person should be punished for what he or she already has done, according to the proponents of this approach, not for what he or she might do. The justice model is based on the idea of limiting punishment strictly to that which is deserved. It is the act, not the individual, that guides dispositional decisions.

5. The Abuses of Rehabilitation. Many advocates of the justice model have lost faith in the rehabilitation philosophy on the ground that it has failed in its central goal (to rehabilitate the individual and prevent future criminal behavior) and because, in the name of rehabilitation, punishments of undue harshness have become commonplace.

6. Other Goals of Sentencing. According to the justice model, punishment must be limited to that which is deserved, but within that limit, other goals can be pursued. For example, the goals of rehabilitation or deterrence or both can be pursued without contradiction to the justice philosophy, so long as the amount of punishment is not contingent upon the achievement of these other goals.

These principles were articulated clearly by many individuals in the state of Washington who were responsible for formulating and passing the reform legislation. Figure 2 contains selected quotations which reflect the basic premises and orientation of persons in the reform movement.[2] In addition to the principles that arose primarily from the justice or just deserts philosophy, the Washington approach placed considerably greater emphasis on the concept of accountability: juveniles should be held accountable for their offenses and the system should be held accountable for its responses to juveniles who come under its jurisdiction.

FIGURE 2. SELECTED QUOTATIONS FROM PROPONENTS OF THE WASHINGTON REFORM LAW

Dispositions meted out by some juvenile court personnel, attempting to serve an offender's 'best interests' were completely disproportionate to the crimes committed . . .
--Rep. Mary Kay Becker, House Institutions Committee
(In Washington Bar Association Report, 1978)

In passing House Bill 371, the legislature took two very clear stands. The first . . . was that children who have not committed crimes should not be handled in criminal . . . ways, and the second was that children who have committed criminal acts should receive dispositions based on the seriousness of their immediate offense, their age, and their past criminal record, rather than the nature of their past social history.
--Jenny Van Ravenhorst, Staff, Senate Judiciary Committee
(In Washington Bar Association Report, 1978)

House Bill 371 is aimed at four main objectives: 1) to remove dependent children and status offenders . . . from the criminal justice system; 2) to hold juvenile offenders . . . accountable for their behavior; 3) to decrease discretion within the criminal justice system by an emphasis on standardization of justice (i.e., by basing sentencing upon charges and focusing on the act, not the actor; and, 4) to stress due process guarantees.
--Rep. Ron Hanna
(May, 1977 Memorandum)

HB 371 is based on the belief that the juvenile court should not exist to act as parens patriae to children in trouble. HB 371 makes the juvenile court a trier of fact and adjudicator of conflict. It, for the most part, has taken the juvenile courts out of the business of providing services to youth.
--Sen. Pete Francis
(1978 Congressional Testimony)

This bill tells young people two things: First, that they must make restitution for any crime they commit; and second, that serious or continued criminal behavior will result in punishment in addition to any requirement of restitution. I believe that is a very reasonable thing to be saying to kids.
--Sen. Frank Woody, Chair, Senate Subcommittee
(1977 Letter)

One of the most active proponents of the new approach, said:[3]

> We wanted to limit coerced treatment; and we wanted to stop giving the message to the juveniles that 'your crime is not your fault.' We wanted to say, 'your crime is your problem.'

To say that principles from the justice philosophy provided the guiding rationale for the law does not mean that the legislation is a perfect practical application of these premises. The law was supported by a diverse coalition both within and outside the legislative body and, as is true for most legislation, it reflects diversity in its principles and purposes. Nevertheless, the Washington juvenile justice code is the truest application of a justice or just deserts philosophy that exists in any juvenile system and, perhaps, in any adult system within the United States at this time.

The strategy for bringing about the desired changes in the Washington juvenile system involved three major principles. First, the philosophy of the law is unambiguous. There was no attempt to incorporate the new approach, with its emphasis on accountability, uniformity, proportionality, and due process into a system in which rehabilitation and treatment were still acknowledged as the most important goals. This is in marked contrast with the changes toward the legal process model that have taken place in many jurisdictions since the Gault and Winship decisions. In most states, extensive efforts have been made to increase the formality of the system but to retain the rehabilitative focus (Stapleton, 1980). In Washington, treatment and rehabilitation are important objectives insofar as they might contribute to a reduction in recidivism but they are not the primary goals and, most importantly, decisions regarding the processing of cases are not to be made in terms of the treatment needs of the youth.

Second, the legislation shifts intake and pre-adjudication decisions from probation to prosecution thereby placing considerably more responsibility for the critical entry decisions in the hands of persons whose basic philosophy is expected to be closer to that contained in the law itself. In a similar way, the legislation encourages the development of community-based diversion units that are physically and administratively separate from probation and which emphasize accountability rather than social services.

Third, the criteria for most decisions are clearly stated in the legislation and are easily measured in quantitative terms. The criteria for intake decisions (to file or divert) and for sentencing are the seriousness of the offense, the prior criminal record of the youth, and the youth's age. For many decisions, each specific combination of these yields a mandatory, presumptive, or recommended choice. Broad, subjective criteria for decisions such as "the best interests of the youth" or "the best interests of the public" generally are not found in the law. The legislation permits some discretionary decisions but even then, the criteria are the same as for the presumptive or mandatory decisions: offense seriousness, prior criminal record, and age. Finally, the strategy inherent in the approach for status offenders involves the complete divestiture of court jurisdiction over these offenses. With the passage of the 1979 amendments, there were no loopholes, no decisions to be made regarding whether the court should or should not become involved, and no circumstances under which status offense misbehavior, alone, could result in the court extending its jurisdiction or sanctions over the youths.

Effectiveness is never guaranteed, however Reform movements commonly find it easier to reach agreement on what is wrong with an existing system than in what should be done to correct it. Likewise, the choice of reform strategies--both in relation to the philosophical or theoretical orientation and the organizational framework--usually must be made without knowing whether the new approach will work any better than the old one or whether it, too, will produce unacceptable consequences.

There are a number of reasons for being skeptical about the implementation and effectiveness of a reform which is as comprehensive and complex as the one undertaken in Washington. Organizations responsible for implementing legislation have a way of adapting to change in requirements that sometimes thwart the intended effects. With the issuing of written reasons, for example, many of the decision-making guidelines in the Washington law can be bypassed. Law enforcement decisions on handling criminal incidents committed by juveniles are not covered by the law and there are no state-mandated guidelines for the crucial decisions made by prosecutors or probation officers regarding plea negotiations on the charges to be filed. Furthermore, the shift in organizational responsibility from probation to prosecution is required only for felony cases. The development of accountability-oriented diversion units separate from the court and from probation also is simply encouraged rather than required by the law. There are no legal requirements that could prevent probation officers from renaming their "informal adjustments" of the past to "diversion" without any real change in the requirements made of the youth. In a similar manner, prosecutors or probation officers are permitted to neither file nor divert some types of offenders if written reasons are given.

Similar kinds of problems could exist in the implementation of the new status offender processes. Requirements for police officers in their handling of status offense incidents are extensive, complex, and the role of the officer is much closer to a service-provider than to a law enforcer. Further complicating the situation is the fact that new services and new facilities are supposed to be provided by the state Department of Social and Health Services--a difficult task in almost any era but one made exceptionally burdensome with the economic recession and cutback in funds.

Even more crucial, in relation to the long-term prognosis for the new approach, is whether it actually can produce a system which holds juveniles accountable through the application of uniform and proportionate sanctions and whether it will have a positive impact on juvenile crime. Thus, it is not sufficient, either from a theoretical or practical perspective, to assume that policy changes contained in Washington's law necessarily will have the intended effects either upon the organizations that constitute the juvenile system or upon the youths involved in it.

PURPOSES AND METHODOLOGY

The change in Washington's legislation from a rehabilitation model to one emphasizing accountability, proportionality, and other attributes of a justice philosophy, offers a rare opportunity to compare the effectiveness of these two approaches in terms of several different dimensions. The key purposes of the assessment fall into five topical area:

1. Change in Agency Responsibilities and Procedures. This part of the study describes the shift in intake and pre-adjudicatory responsibilities from probation to prosecution; the elimination of "informal adjustment;" the development of diversion units; and the effect of these organizational changes on the number of juveniles handled at each point in the system. The implementation issues

and problems associated with the use of sentencing guidelines also are examined.

2. Change in Decision Making. The restrictions on discretion imposed by the new law and the guidelines are examined in relation to changes in the uniformity of decisions, proportionality, severity, certainty, and the determinants of decisions. The pre and post-reform systems also are compared in relation to their ability to hold juveniles accountable.

3. Divestiture of Court Jurisdiction. Washington's strategy for dealing with status offenses is evaluated in terms of its impact on reducing coercive control over these youths, the extent of net-widening or relabeling that occurred, and the problems in implementaing the voluntary service-delivery system.

4. Recidivism Analysis. Comparisons of the recontact rates of juveniles in the pre-reform system and the post-reform system are undertaken in this part of the study. Interpretation of the results is difficult, however, because differences can be attributed either to true changes in the behavior of the youths or to changes in law enforcement practices.

5. Professionals' Attitudes Toward the Reforms. Support and opposition to the legislation by key professionals in a 20-county sample are examined along with their perceptions of the consequences of the reform.

Methodology

To accomplish the various purposes of the assessment, it was necessary to develop several different research strategies and to access numerous sources of data. The methodologies range from highly qualitative analysis used for the study of the legislative history, philosophy, and rationale of the law to multivariate analysis used in the study of decision-making and recidivism.

Descriptions of agency responses to the provisions of the law were obtained from interviews with one knowledgeable person from each of eight different agencies in a 20-county sample. Agencies involved in the

interviewing were law enforcement (one police department and one sheriff's department from each county), court administration, prosecution, defense counsel, diversion units, crisis intervention service units, and the judiciary. Additional interviews were conducted with the directors of the eight regional crisis residential centers. Of the 159 persons contacted for interviews, all but nine participated in this part of the study. The interview covered information about the implementation of the law, operating procedures, problems in implementation or operation and a series of questions regarding perceptions of the consequences of the legislation and support or opposition to it.

The 20-counties were selected from among Washington's 39 counties to maximize coverage of the state population and, simultaneously, to provide representative coverage for even the smallest jurisdictions in the state. The 20 county sample covers 90 percent of the state's population; is geographically dispersed throughout the state; and includes eight of the 24 counties which have fewer than 50,000 population.

The second, and most important, set of data are individual-case records collected on samples of approximately 1,600 juveniles in three areas: King county (Seattle); Spokane county, and Yakima county. The cases were drawn randomly over a four-year period (two years before the law was implemented and two years afterward) after a complete enumeration of cases contacted by law enforcement. The cases were tracked from law enforcement to court social files and legal files. (In Spokane, contacts are not recorded unless a referral was made and this effects the interpretation of certain results.)

The three areas were selected to maximize their diversity in terms of geographical location, size, orientation toward the legislation, and the type of pre-reform system. King county contains Seattle and is the largest metropolitan area in the state. The pre-reform system in King county was a mixture of highly formalized processes (for cases that went to the prosecutor) combined with a traditional treatment-oriented process for cases handled by probation on either a formal or informal basis. In addition, however, the beginnings of an accountability approach had already occurred in three neighborhoods within Seattle which had developed Community Accountability Boards that handled many of the incidents committed by youths living in those areas of the city.

Spokane and Yakima are both smaller jurisdictions and are located in the eastern part of the state. Both were highly treatment-oriented with informal processes and low involvement by prosecutors prior to the reform legislation. The interpretation of results, however, does not involve comparisons of these areas in a effort to determine the types of courts in which the justice model has various kinds of effects. Rather, the three areas permit three separate and independent tests for each proposition regarding the impact of the justice approach under quite different circumstances. Each area serves as a means to replicate the findings from the other areas in order to assess the overall effect of the law on juvenile processes and on the youths themselves which are relatively independent of the characteristics of the particular court or particular area of the state.

FINDINGS

The success of Washington's experiment with a justice philosophy for the juvenile court cannot be assessed along a single dimension and, even

when multiple dimensions are included as has been done in this study, it is not possible to pass judgment without emphasizing certain values or philosophical positions and de-emphasizing others. The legislation did not have all of the positive effects that its most ardent supporters might have hoped for nor did it have the devastating consequences that its opponents had expected or accused it of producing. Because the law did not have entirely consistent effects across the various jurisdictions included in the individual-level aspects of the study, some of the conclusions are tentative and there are a number of issues which need additional research.

Change in Probation and Prosecution Responsibilities

The legislation produced enormous changes in the organizational responsibilities for the pre-adjudicatory processes beginning with intake and ending with sentence recommendations.[4] Before the legislation was passed, only two of the 20 counties included in the agency sample were "prosecutor dominated" in the sense that prosecutors were involved throughout the process and in all jurisdictions, probation officers pre-screened cases before any referrals were made to prosecutors. The practice of informally adjusting cases was common in all areas before the reform and the role of the prosecutor was, in most instances, limited to representation of the state in contested proceedings for felony cases.

After the reform, most areas of the state not only turned over to the prosecutor responsibility for intake and screening of felony cases, but for misdemeanors as well. The practice of informally adjusting cases was virtually eliminated, according to survey respondents. The individual-level data from the three jurisdictions shows that the practice was entirely

abandoned in those areas. Furthermore, none of the areas developed a two-tiered screening process (probation first, and then referral to the prosecutor) that has been observed in some other states. There was no indication that new types of informal adjustments under the guise of "deferred prosecution" or other similar processes, had been developed within the prosecutors' offices.

Division Programs

The second major organizational change that occurred was the development of accountability-oriented diversion units.[5] Fourteen of the 17 diversion programs examined in detail as part of this study developed programs which included community-based accountability boards or committees with volunteers who actually met with the juveniles and participated in the development of diversion agreements. Even the programs which were operated by probation officers virtually always included a community-based board and volunteers. Analysis of the case processing information from the three-area study (King county, Spokane, and Yakima) shows that the diversion programs absorbed substantial proportions of the juveniles referred by law enforcement. In King and Yakima counties, 36 percent of all referrals were diverted and 47 percent were diverted in Spokane. In all three areas, the number of diverted cases exceeded the number of youths who were found guilty or who plead guilty--just as, in the pre-reform era--the number of informally adjusted cases exceeded the number who were determined to be guilty. Comparisons of the pre and post systems indicated that the proportion of referrals diverted (post) was very close to the proportion of referrals adjusted (pre).

Sentencing Guidelines

The sentencing provisions of the law and the guidelines which were developed by DSHS were complex and difficult to implement.[6] Numerous problems were reported including many involving difficulties in calculating the points. Although the stipulations in the law and guidelines seem rather precise at first reading, their application to specific cases revealed major gaps in the definitions and instructions for implementation. "Prior offense" for example, was not defined clearly and it was a matter of interpretation as to whether an incident qualified as a prior if it had been committed before sentencing on the immediate incident or whether it had to have occurred before the immediate offense was committed. Similarly, the initial guidelines did not specify whether the prior incident simply had to have been committed before sentencing or before the immediate offense or whether the youth had to have been adjudicated for it before the commission of the immediate offense.

The guidelines received a mixed reception from justice system practitioners. Survey respondents criticized them most frequently for their rigidity, complexity, and leniency with regard to the chronic offenders. Judges, in particular, chafed at the structuring of their sentencing authority and at the abandonment of a more individualized and treatment-oriented sentencing philosophy. Despite the criticisms, compliance with the guidelines in the three areas from which individual-level data were obtained was very high: 91 percent of the cases in King county were sentenced within the standard ranges, 97 percent in Spokane county, and 95 percent in Yakima county. Most of the deviations were to commit youths who did not have sufficient points. It is interesting to note, however, that in these

jurisdictions, there were three times as many juveniles in the discretionary commitment group (youths with 110 or more points who could either be committed or detained or placed on probation) as there were in the presumptive commitment group. Approximately half of the juveniles in the discretionary commitment category were committed; most of the others were sentenced to some local detention. In raw numbers, there were about as many uncommitables committed as there were discretionary commitments who were not committed.

Case Processing

The legislation had mixed effects on case processing. In the three areas selected for intensive study, the number of cases in the formal system increased enormously in two of them (King county and Spokane) but decreased in Yakima. The source of increase in King county can be traced both to an increase in law enforcement contacts with juvenile offenders and to an increased probability of referral by officers after a contact was made. Also in King county, there was an increased probability that a case would be filed whereas this was not observed in either of the other two jurisdictions. The probability of youths being committed declined in all three jurisdictions during the two-year follow-up period and the absolute number of youths committed also declined in two of the three areas.

Certainty and Severity of Sanctions

The shift from rehabilitation to a justice philosophy was accompanied by an increase in the certainty that youths who committed a crime would receive some type of sanction for it and by a decrease in the severity of the sanctions imposed.[7] Commitments to the state Department of Juvenile

Rehabilitation dropped substantially after the legislation was implemented as did the average daily population. The initial decline, however, was followed by a gradual increase in both the number of commitments and in the average daily population until, three years after the law was implemented, the commitment rate and population reached the pre-reform levels. The reasons for the increase are not entirely clear; however, it is possible that the gradual accumulation of criminal history points was mainly responsible.

Data from the three-area study also demonstrated that a reduction in sanction severity occurred in all three counties during the first two years even when differences in the seriousness of offenses and prior criminal record are controlled. Statistically significant decreases also were found in the probability of being held in detention, pre-trail, in King and Spokane counties. A decrease was observed for Yakima but it was not sizable enough to be statistically significant. These data also showed that the proportion of youths remanded to adult court was very low in both the pre and post time periods and remands did not increase after the law was implemented.

Uniformity and Disparity

The degree of sentence disparity in the pre and post systems was estimated using multiple regression analysis. Sentencing was viewed as more uniform (and, therefore, less disparate) insofar as a set of legally relevant variables could accurately predict the sentences that were given. Four variables were used in the analysis: seriousness of the immediate offense, number of prior offenses, seriousness of the most serious prior offense, and the recency of prior offenses. These variables were

remarkably good predictors of sentences in the post-reform era (with R^2 values exceeding .50 and, in some of the tests, .60) compared with R^2 values of .30 and .40 in the pre-reform time period. The implication is that sentencing in the justice-oriented systems was much less disparate, given a particular set of criminal circumstances.

An analysis of uniformity and disparity in case processing decisions other than sentencing revealed that law enforcement referral decisions were extremely disparate (virtually unpredictable in both the pre and post time periods) whereas decisions to file (rather than adjust or divert) were more predictable after the reform than before.

Proportionality of Sanctions

The intake and sentencing guidelines also produced a noticeable increase in the proportionality of sanctions. Of the violent offenders (youths who had committed a violent personal crime of murder, robbery, aggravated assault, rape, first degree arson, or kidnapping) 38 percent were committed to the state and 36 percent of these youths had their cases informally adjusted by intake officers in the rehabilitation system.[8] After the reform, 92 percent of these youths were committed and the remaining eight percent of the sample cases were sentenced to local detention. None of these cases was adjusted or diverted. Sanctions for another group of youths called serious/chronic offenders also changed tremendously. These youngsters had committed a non-violent felony (burglary, or a property crime involving a loss of $1,500 or more) and had a pattern of chronic delinquency.[9] Under the justice model, 87 percent of these youths received an incarcerative sanction of either commitment or local detention whereas under rehabilitation 60 percent of the juveniles in this group were either committed or

sentenced to local detention. Changes in the other direction, although not as dramatic, occurred for the minor offenders who experienced a decline from a nine percent incarceration rate to three percent. Because an enormous proportion of the youths are in the latter category, compared with the first two, the net effect of changes in incarceration was to reduce the proportion and number being committed or detained locally.

Determinants of Decisions

In spite of the enormous decrease in sentencing disparity and increase in proportionality that occurred, the decision guidelines did not eliminate nor even reduce an apparent differential handling of youths based on their race or sex, even when the seriousness of the current offense, priors, and age were taken into account. Correlations, controlling for these other relevant variables, occurred repeatedly in both the pre and post time periods between the severity of the sanction and the sex or race of the youths. Statistically significant effects were found between the severity of the sanction and the gender of the youth at every decision point in at least one of the three jurisdictions and these relationships were found at least once in each jurisdiction. The nature of the effects varied somewhat from one place to another but on the whole, it appeared that whatever pattern of differential handling existed before the law was passed simply continued afterward with little or no change. For females, the pattern indicated that they were less likely to be handled in the formal process but if charges were filed, they were more likely to be committed or detained than were the males. The pattern of correlations was much more pronounced and consistent for males and females than it was

for race. When correlations were found between race and sanctions, the minority youths were always the ones receiving the more severe sanctions.

Holding Juveniles Accountable

The post-reform era had a substantially better record of holding juveniles accountable for their offenses than did the pre, but the extent to which juveniles were considered to have been held accountable in either system depended on how accountability was measured. In the post system, approximately half of all youths contacted by law enforcement (excluding cases that were not legally sufficient) were held accountable in the sense that a sanction of restitution, community service, probation, or incarceration was imposed. Less than one-third of the pre-reform youths were held accountable by this same standard (19 percent in King county, 33 percent in Spokane, and 23 percent in Yakima). Diverted youths in the post system might also be included among those held accountable--even if no restitution or community service was ordered--on the grounds that the incidents count as part of any subsequent criminal history. When this standard was used, the proportion held accountable in the post-reform system rose considerably: to 70 percent in King county, 90 percent in Spokane, and 67 percent in Yakima. (The higher figure in Spokane is due to the fact that data on law enforcement adjustments were not available).

Regardless of how accountability is measured, most of the increase in accountability is attributable to the face that the diverted youths of the post system were much more likely to be required to pay restitution or do community service work than were the informally adjusted cases of the past: 26 percent of the diversion cases in King county paid restitution or did community service, 38 percent in Spokane, and 49 percent in Yakima. Less

than two percent of the informally adjusted cases involved restitution or service work. The use of restitution also increased substantially for adjudicated youngsters in Spokane and Yakima counties. In Yakima, 81 percent of the adjudicated youths paid restitution or did community service work and 78 percent had these requirements in Spokane. Before the reform, 21 percent and 39 percent, respectively, were required to make reparations of some type. There was, however, no change in the use of restitution in King county.

Divestiture of Status Offense Jurisdiction

Washington's strategy of divesting status offenses from court jurisdiction succeeded in removing these kinds of cases from the formal court process but it did not entirely remove status offenders from the justice system.[10] Data from many different sources showed sharp declines virtually to zero, in the number of youths detained or referred to the juvenile court as a direct result of running away, violating curfew, being truant from school, or being incorrigible. State-wide data from the crisis intervention service system established by the new law revealed a remarkably low rate of detention for runaways and children in conflict with their families. (Detention for up to 24 hours was permitted upon authorization by CIS officials. Law enforcement officers, however, could not admit youths to detention for status offenses). The number of status offenders detained averaged less than 30 per month statewide in 1978-79, dropped to less than 10 per month by mid-1979 (approximately a year after the law was implemented) and went to zero after the 1979 amendments were passed. Changes of similar magnitude occurred in the court handling of status offense incidents. Even though the initial version of the legislation permitted certain combinations of status offenses to come under court jurisdiction, this loophole was almost

never used and, upon its repeal in the 1979 amending process, the number of status offense cases coming before the courts dropped to zero.

Net-widening and Relabeling

Changes in policies regarding status offenses in other states frequently have been accompanied either by net-widening or relabeling. Net-widening refers to an unintended expansion of the social service or justice system over youngsters for whom the services were not intended and, by implication, for whom such services are not needed. Relabeling refers to a more complex and less well-defined process in which youths who, in the past, would have been handled as status offenders (e.g., youths whose major problems were family-related) are, under a new system, handled as delinquents (e.g., to be held accountable, treated, or punished for their offenses).

First, the analysis indicated that net widening did not occur in Washington. There was no expansion of law enforcement contacts with runaways or other status offenders. Second, the number of cases handled by crisis intervention services in the first year after the legislation was implemented was very close to the number of status offense referrals to court in the pre-reform time periods.

A particular type of relabeling, however, may have occurred in Washington not because of any perfidiousness by law enforcement officers or others, but because many status offenders also commit delinquent acts. This, combined with the traditional discretion available to police officers to selectively determine which of several acts will serve as the reason for referral to court, could give the appearance that juveniles are being "relabeled." To test this possibility, the disposition of all contacts

within a three month time period for each runaway youth drawn into the sample was calculated, regardless of the reason for the contacts. The purpose is to determine whether the divestiture law altered the probability that runaways would be referred to court, for something.

The results indicated that runaways were less likely to be referred to juvenile court after the law was passed but the referral rate for the three-month time period used in the analysis was surprisingly high. Before the law was passed, 52 percent of the runaways in Seattle and 53 percent of the runaways in Yakima were referred to court for something (either a runaway or delinquent act) during a three-month time period. After the divestiture law was implemented, the probability of referral (for something) dropped to 28 percent and 37 percent in Seattle and Yakima, respectively. There was no change, in either jurisdiction, in the three-month rate of filing (for either runaway or delinquent offenses) and there were no changes in the probability of the youths being placed on probation, detained locally, or placed in group homes. The implication is that divestiture is far more effective in removing status offenses than in removing status offenders from court jurisdiction. Nevertheless, some runaways avoid the experience of court referral (under a divestiture law).

Recidivism Rates

Deterrence theory posits that recidivism should be reduced as a consequence of either an increase in the certainty that a particular punishment would be received or an increase in the severity of the punishment. The application of a deterrence perspective to the Washington legislation, however, does not lead to a straight-forward expectation about the

impact on recidivism rates. For violent offenders, the legislation should have produced an increased expectation that an incarcerative sanction would be imposed but the duration of that sanction would be about the same or perhaps even shorter than before. The non violent but chronic minor offender was more likely under the new system to have a sanction of some type imposed, but here was little or no chance that the sanction would involve incarceration. Thus, it is difficult to posit the expected impact of the law from a deterrence perspective. Labeling theory also is difficult to apply to the Washington situation because it is problematic to ascertain whether the diversion system under the new law is more or less likely to label a youth than was the informal adjustment process used in the pre-reform era.

In addition to the confusion on theoretical issues, the study of recidivism also was hampered by serious methodological problems introduced by the fact that the legislation may have simultaneously had an impact on the behavior of the youths and on the practices of law enforcement officers. If the legislation provided an increased incentive for police officers to record contacts for delinquent acts that, in the past, would have been adjusted without a record being made of the incident, then an increase in contacts would be produced. This change would be indistinguishable from an increase in actual criminal behavior by the youths.

Analysis of recontact information from Seattle and Yakima, as well as the referral information from Spokane, revealed several interesting patterns:

1. Most juveniles, in both the pre and post system, did not have any subsequent offenses recorded by the authorities. The proportion who did not reoffend ranged from 60 to 75 percent of the total, depending

on the jurisdiction and the time period.

2. Most of the subsequent offenses which occurred in either the pre or post time period were committed by a very small proportion of the juveniles: 10 percent of the juveniles committed from 55 to 75 percent of all the reoffenses.

3. The proportion of juveniles contacted for a subsequent offense increased between the pre and post time period in King county (from 33 percent to 43 percent) and the proportion referred in Spokane increased (from 24 percent to 31 percent). There was no change in Yakima (24 percent and 25 percent, respectively); and when risk time is taken into account there is an actual decline in Yakima.

4. The increases in contacts in King county and referrals in Spokane was produced almost entirely by increases in he commission of minor offenses; there was no change in the proportion contacted or referred for felonies.

5. To compare the rate of contacts, holding constant the amount of time at risk, a monthly reoffense rate was calculated and projected to show the number of offenses expected within a one year time period for 100 juveniles. These figures revealed substantial increases in King county (114 per year for each 100 youths, pre, and 176 per year for each 100 youths, post) and in Spokane (53 offenses per year, pre, and 76 per year, post). Yakima shows net decline of about the same magnitude: 74 offenses per year for each 100 youths, pre, compared with 53 per year for each 100 youths, post.

The implications of these findings are, first, that the effect of the law differed from one place to another and second, two of the jurisdictions clearly show increases in either the number of offenses committed by juveniles

or the number of offenses which were officially recorded by the police. It is not possible, given the design used in the assessment, to separate the effects on law enforcement behavior from the effects on the youths. A different design is needed to assess the impact of the justice model on recidivism and this is one area of research which we strongly recommend for increased attention.

Attitudes Toward the Law

Considerable opposition to the Washington legislation was voiced by judges, probation officers, court administrators, and social service case workers before the law was passed. Approximately two years after implementation, the reform still did not enjoy overwhelming support among these groups. Support and opposition to the law was measured using a zero to 10 scale in which zero indicated total opposition, 10 represented total support and five was a neutral response. Among the professionals included in the 20-county survey, judges were the least supportive of the offender provisions with only 38 percent giving scores above five compared with support by 60 percent or more among prosecutors, law enforcement officials, diversion counsellors and court administrators. Support and opposition also varied considerably from one county to another. There were five counties in which less than one-third of the professionals interviewed gave the law a score greater than five on the 10-point scale. On the other hand, in 14 of the 20 counties, half or more of the professionals included in the survey supported the reforms.

On the whole, the reforms in handling juvenile offenders enjoyed more support than the changes which divested court jurisdiction over status offenses. Half of the judges included in the survey supported the divestiture

parts of the law and half opposed it. Slightly more than half of the court administrators and slightly less than half of the law enforcement officials supported these aspects of the law. The only group with substantial enthusiasm for the divestiture approach were the crisis intervention case workers as 89 percent of these persons gave supportive responses.

CONCLUSIONS

The reform of Washington's juvenile system may be one of the most significant events in the comparatively short history of juvenile courts. In contrast with changes that are being made in most other states, the legislation in Washington does not simply change procedures or codify existing practices. It does not seek to satisfy the forces demanding a harsher approach any more than it seeks to satisfy those who wish for more leniency in the juvenile system. Instead, the legislation represents a different approach--an approach based on a new (or revived) philosophy of justice in which the chief aims are to hold offenders accountable for their crimes, to hold the system accountable for what it does to juveniles, and to bring about a more uniform and equitable system of justice.

From a philosophical perspective, the reform signifies the end of parens patriae as the guiding doctrine of the court and the beginning of a new emphasis and new rationale for the juvenile system. The very language of the law signifies the end of the era: the word "offender" replaces the word "delinquent"; "juvenile" replaces "child;" and the word "punishment" is found throughout.

Many goals of the reform were achieved: substantial changes occurred in organizational responsibilities and case processing; decision making at intake, filing, and sentencing clearly is more uniform, less disparate,

and more proportionate to the seriousness of the offense and prior record of the youth.

Sanctions in the post-reform system were more certain but--at least for the first two years of the new system--were less severe for most offenders. Violent offenders, however, and serious/chronic offenders were far more likely to receive incarcerative sanctions in the reform system. The ability to hold juveniles accountable increased markedly, primarily because of substantial increases in the proportion of diverted and adjudicated youths who were required to pay restitution or do community service work.

The divestiture aspects of the law also produced some of the effects desired by the reformers: status offenses are no longer grounds for referral to the court and very few of these incidents result in even the 24-hour detention that is permitted by the new code.

As is true with most reforms, however, the record is somewhat uneven. Not all juveniles are held accountable even under the new approach. Differential handling of males and females still appears to occur even when seriousness of the offense and other legally-relevant variables are controlled. A similar, but less pronounced, differential in case processing of minority and white youths was observed in a few instances. Disparity at intake and sentencing is much lower than in the post-reform era, but some disparity still exists within the three jurisdictions studied. Particularly disturbing were the findings that youths with a history of running away or other status offense behaviors were handled more harshly when they committed delinquent acts than were youths with no background of status offenses.

It is yet too early to determine whether the Washington approach represents a fundamental change in the rationale of the juvenile system which

will be emulated throughout the United States or whether the change will be overwhelmed and lost amidst the debate between those seeking to preserve the treatment/rehabilitation approach and those promoting punishment and deterrence. Whether the reform endures will depend, at least in part, on how well its basic philosophical principles are understood rather than distorted and on whether the positive impacts observed in this study can endure, through time. Additionally, the attractiveness of the reform will depend on answering several questions which could not be resolved properly in this study. Among the topics most in need of additional research are the following:

1. The impact of the legislation on recidivism and juvenile crime needs to be assessed with the use of self-reported recidivism and delinquency rates for a sample of youths in the state of Washington and youths in other parts of the United States. It is absolutely essential that this issue be dealt with in a systematic manner. The findings from the current study which indicate no change or perhaps even an increase in reoffense rates almost certainly will be reported and interpreted to fit the particular ideological bias of supporters and detractors of the justice approach. Those who support the Washington reform will argue that the change was produced by changes in law enforcement practices (which may be true) whereas detractors will argue that the justice model does not reduce juvenile crime and may even increase it.

2. A follow-up study within Washington needs to be undertaken (using state-wide data collected by the JUVIS system) to determine whether the changes in certainty, severity, proportionality, and accountability have endured since 1978 or whether these were short-term effects that would

fade after the newness of the reform wore off.

3. A comparative study of intake and sentencing decisions in several jurisdictions within Washington and in several jurisdictions from other states should be undertaken for the purpose of (a) determining whether the Washington system reduces geographical disparity compared with other states, (b) determining whether prosecutorial control of intake (alone) produces as much consistency as the guidelines approach used in Washington, (c) comparing the certainty and severity of sanctions in different states, and (d) comparing the ability of different systems, representing different organizational and philosophical approaches, to hold juveniles accountable for their offenses.

FOOTNOTES

[1]This statement of intent was contained in the deinstitutionalization program announcement see LEAA (1975)

[2]A much more complete discussion of the rationale of the law, along with many additional quotations, is contained in "A Justice Philosophy for the Juvenile Court," Volume I from the assessment.

[3]This particular quote is from a 1981 interview with Marilyn Showlater, King County Prosecutor's Office.

[4]Organizational changes are described in Volume 2, "From Rehabilitation to a Legal Process Model: Impact of the Washington Reform on Juvenile Justice Agencies."

[5]For a more complete discussion, see Volume IV, "An Accountability Approach to Diversion."

[6]A discussion of implementation and operational issues with the guidelines is in Volume II, "Presumptive Sentencing Guidelines for Juvenile Offenders."

[7]Volume V, "A Comparison of Intake and Sentencing Decision-Making Under Rehabilitation and Justice Models of the Juvenile System" contains the complete analysis of certainty, severity, uniformity/disparity, proportionality, determinants of sentencing and accountability.

[8]Data from all three counties were combined for this analysis.

[9]Chronic is defined on a scale which also incorporates seriousness of the prior offenses. Even if all priors are class A or B felonies, however, at least three prior offenses had to exist to meet the definition of chronic offender. See Volume V for details.

[10]The status offender issues are covered in Volume VI "Divestiture of Court Jurisdiction Over Status Offenses."

[11]See Volume VI for an analysis of recidivism data.

SELECTED BIBLIOGRAPHY

Empey, Lamar T. (1978). American Delinquency: Its Meaning and Construction, Homewood, Ill.: Dorsey.

Hackler, James. (1978). The Great Stumble Forward, Ontario: Methuen.

Hirsch, Andrew von (1976). Doing Justice. New York: Hill and Wang.

Institute of Judicial Administration/American Bar Association Joint Commission (1980). Juvenile Justice Standards, Cambridge, MA.: Ballinger.

Law Enforcement Assistance Administration (1975). Program Announcement: Deinstitutionalization of Status Offenders. Washington, D.C.: U.S. Government Printing Office.

Lipton, Douglas, Martinson, Robert, and Wilks Judith (1975). The effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies. New York: Praeger.

Regnery, Alfred. Address to the Tenth National Conference on Juvenile Justice. Hilton Head Island, South Carolina, February 23, 1983.

Romig, Dennis A. (1978). Justice for Our Children. Lexington, Mass.: Lexington Books, D.C. Heath.

Singer, Richard G. Just Deserts. Cambridge: Ballinger.

United States Government (1978). Hearings Before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, Washington, D.C.: Government Printing Office.

Washington Bar Association (1978). The New Juvenile Code. Washington Bar Association, Seattle, WA.: (unpublished).

Washington State Revised Criminal Code (1977). Title 13: Juvenile Courts and Juvenile Delinquents.

Wheeler, Gerald R. (1978). Counterdeterrence. Chicago: Nelson-Hall.

END