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No. 94973-5

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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

TYLER WATKINS,

Appellant.

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*AMICI CURIAE* BRIEF OF JUVENILE LAW CENTER,  
AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON,  
CENTER FOR CHILDREN AND YOUTH JUSTICE, COLUMBIA  
LEGAL SERVICES, TEAMCHILD, WASHINGTON  
ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, AND  
WASHINGTON DEFENDER ASSOCIATION IN SUPPORT OF  
APPELLANT, TYLER WATKINS

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**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... iv

IDENTITY AND INTEREST OF AMICUS CURIAE..... 2

STATEMENT OF THE CASE..... 2

ARGUMENT..... 2

I. THE AUTOMATIC DECLINE STATUTE VIOLATES UNITED STATES AND WASHINGTON SUPREME COURT PRECEDENT BY AUTOMATICALLY PROSECUTING CHILDREN AS ADULTS WITHOUT ANY HEARING TO CONSIDER WHETHER THEY SHOULD BE CHARGED AS JUVENILES OR ADULTS ..... 3

A. The United States Supreme Court Has Repeatedly Held That Children Are Different In Constitutionally Relevant Ways..... 5

B. United States Supreme Court Precedent Requires Individualized Consideration Of The Characteristics Of Youth In The Criminal Justice System..... 7

C. The Washington Supreme Court Recognizes The Special Protections Required For Youth In The Justice System..... 9

II. THIS COURT SHOULD STRIKE DOWN THE AUTOMATIC DECLINE STATUTE AS VIOLATIVE OF PROCEDURAL DUE PROCESS GUARANTEED BY THE FEDERAL AND STATE CONSTITUTIONS ..... 11

A. Youth Have A Significant Interest In Remaining In The Juvenile Justice System ..... 12

B. In The Absence Of Procedural Protections, The Automatic Decline Statute Creates A Substantial Risk Of An Erroneous Deprivation Of Youth’s Interest In Remaining In The Juvenile Justice System..... 18

C. No Government Interests Are Unduly Burdened In Providing A Hearing Before Prosecuting Juveniles In Adult Court..... 19

CONCLUSION..... 20

## TABLE OF AUTHORITIES

	<b>Page(s)</b>
<b>Cases</b>	
<i>In re Boot</i> , 130 Wn.2d 553, 925 P.2d 964 (1996).....	9, 10
<i>Cleveland Bd. of Educ. v. Loudermill</i> , 470 U.S. 532, 105 S. Ct. 1487, 84 L. Ed. 2d 494 (1985).....	17
<i>Eddings v. Oklahoma</i> , 455 U.S. 104, 102 S. Ct. 869, 71 L. Ed. 2d 1 (1982).....	4
<i>Goldberg v. Kelly</i> , 397 U.S. 254, 90 S. Ct. 1011, 25 L. Ed. 2d 287 (1970).....	11
<i>Graham v. Florida</i> , 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d. 825 (2010).....	3, 4, 5
<i>J.D.B. v. North Carolina</i> , 564 U.S. 261, 131 S. Ct. 2394, 180 L. Ed. 2d. 310 (2011).....	3, 7
<i>Kent v. U.S.</i> , 383 U.S. 541, 86 S. Ct. 1045, 16 L. Ed. 2d 84 (1966).....	7, 11, 12, 16
<i>Mathews v. Eldridge</i> , 424 US. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976).....	11, 17, 18
<i>Miller v. Alabama</i> , 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012).....	3, 5, 6, 7
<i>Montgomery v. Louisiana</i> , ___ U.S. ___, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016).....	4, 5
<i>Roper v. Simmons</i> , 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005).....	2, 5, 6

<i>Stanford v. Kentucky</i> , 492 U.S. 361, 109 S. Ct. 2969, 106 L. Ed. 2d. 306 (1989).....	9
<i>State v. Chavez</i> , 163 Wn.2d 262, 180 P.3d 1250 (2008).....	13
<i>State v. Maynard</i> , 183 Wn.2d 253, 351 P.3d 159 (2015).....	9, 13
<i>State v. O’Dell</i> , 183 Wn.2d 680, 358 P.3d 359 (2015).....	8
<i>State v. Ramos</i> , 187 Wn.2d 420, 387 P.3d 650 (2017).....	14
<i>State v. Rice</i> , 98 Wn.2d 384, 655 P.2d 1145 (1982).....	13
<i>State v. S.J.C.</i> , 183 Wn.2d 408, 352 P.3d 749 (2015).....	12
<i>State v. Saenz</i> , 175 Wn.2d 167, 283 P.3d 1094 (2012).....	12
<b>Statutes</b>	
Kings County Ordinance 18673 (adopted December 12, 2017).....	14
RCW 7.68.035 .....	13
RCW 13.04.030 .....	1, 10, 17
RCW 13.40.110 .....	18
RCW 13.40.127 .....	13
RCW 13.50.260 .....	13

**Other Authorities**

Amicus Curiae Brief of American Civil Liberties Union of Washington et al., *State v. Houston-Sconiers*, 188 Wn.2d 1, 391 P.3d 409 (2017) (No. 92605-1).....3, 8, 9, 15

CAMPAIGN FOR YOUTH JUSTICE, *The Consequences Aren’t Minor: The Impact of Trying Youth as Adults and Strategies for Reform* 7 (2007) .....15

Jason J. Washburn et al., *Psychiatric Disorders Among Detained Youths: A Comparison of Youths Processed in Juvenile Court and Adult Criminal Court*, 59 PSYCHIATRIC SERVICES 965 (2008) .....15

Marty Beyer, *Experts for Juveniles at Risk of Adult Sentences in MORE THAN MEETS THE EYE: RETHINKING ASSESSMENT, COMPETENCY AND SENTENCING FOR A HARsher ERA OF JUVENILE JUSTICE* (P. Puritz, A. Capozello & W. Shang eds., 2002).....15

Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, JUVENILE JUSTICE BULLETIN, June 2010 .....16

WASHINGTON STATE DEPARTMENT OF SOCIAL & HEALTH SERVICES, *Juvenile Justice Evidence Based Programs* (last visited Jan. 25, 2018) .....13





## **IDENTITY AND INTEREST OF AMICUS CURIAE**

The identity and interest of *amici curiae* are set forth in the accompanying Motion for Leave to File an *Amicus Curiae* Brief.

## **STATEMENT OF THE CASE**

*Amici curiae* adopt the Statement of the Case as set forth by Appellant Tyler Watkins.

## **ARGUMENT**

Tyler Watkins was sixteen years old when he was charged with burglary. Although Tyler had no previous criminal history or experience in the justice system, he was deemed an adult for the purpose of prosecution solely because of his age and the nature of the offense with which he was charged. Tyler had no opportunity to demonstrate that he should not be subject to prosecution and sentencing in the criminal justice system.

Washington's automatic decline statute requires prosecution of youth in the adult criminal justice system with no hearing or other procedural protections prior to transferring the case. RCW 13.04.030(1)(e)(v) (removing cases from juvenile court jurisdiction if "[t]he juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is" among those enumerated

in the statute). The automatic treatment of children as adults violates United States and Washington Supreme Court precedent as well as the state and federal constitutional due process rights of youth. The statute subjects children to the serious consequences of the adult criminal justice system without any individualized determination of their personal attributes and characteristics, their suitability for prosecution as an adult, their capacity for reform or rehabilitation, or the circumstances of the alleged crime. For the reasons discussed in this brief and the appellant's briefs, this Court should hold that the automatic decline statute is unconstitutional and that youth are entitled to receive appropriate procedural due process protections before being stripped of the benefits of the juvenile justice system.

**I. THE AUTOMATIC DECLINE STATUTE VIOLATES UNITED STATES AND WASHINGTON SUPREME COURT PRECEDENT BY AUTOMATICALLY PROSECUTING CHILDREN AS ADULTS WITHOUT ANY HEARING TO CONSIDER WHETHER THEY SHOULD BE CHARGED AS JUVENILES OR ADULTS**

More than a decade of United States Supreme Court decisions has established that youth are developmentally different from adults and that these differences warrant distinct treatment under the U.S. Constitution. *See, e.g., Roper v. Simmons*, 543 U.S. 551, 578, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005) (holding that imposing the death penalty on individuals

convicted as juveniles violates the Eighth Amendment’s prohibition against cruel and unusual punishment); *Graham v. Florida*, 560 U.S. 48, 82, 130 S. Ct. 2011, 176 L. Ed. 2d. 825 (2010) (holding that imposing life without parole sentences on juveniles convicted of non-homicide offenses is unconstitutional) *J.D.B. v. North Carolina*, 564 U.S. 261, 271-72, 131 S. Ct. 2394, 180 L. Ed. 2d. 310 (2011) (holding that a child’s age must be taken into account for the purposes of the *Miranda* custody test); and *Miller v. Alabama*, 567 U.S. 460, 465, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012) (holding that a mandatory life without parole sentence for a juvenile convicted of homicide is unconstitutional).

This Court, in *State v. Houston-Sconiers*, likewise explained that because “‘children are different,’ . . . ‘criminal procedure laws’ must take the defendants’ youthfulness into account.” 188 Wn.2d 1, 9, 391 P.3d 409 (2017). Taken together, the United States and Washington Supreme Court cases establish that youth cannot automatically be treated like their adult counterparts. Indeed, as the Court observed in *Graham*, “criminal procedure laws that fail to take defendants’ youthfulness into account at all [are] flawed,” 560 U.S. at 76, thus extending the rationale of *Roper* and *Miller* beyond the sentencing context and the proscriptions of the Eighth Amendment. Washington’s automatic decline statute, because it mandatorily treats youth like Tyler as adults, is unconstitutional.

**A. The United States Supreme Court Has Repeatedly Held That Children Are Different In Constitutionally Relevant Ways**

“[Y]outh is more than a chronological fact;” it is a “time and condition of life” marked by particular behaviors, perceptions, and vulnerabilities. *Eddings v. Oklahoma*, 455 U.S. 104, 115, 102 S. Ct. 869, 71 L. Ed. 2d 1 (1982). These observations, which compel a distinctive application of the Constitution to youth, are supported by a significant body of developmental research and neuroscience demonstrating the significant psychological and neurological differences between youth and adults. *See, e.g., Graham*, 560 U.S. at 68 (“[D]evelopments in psychology and brain science continue to show fundamental differences between juvenile and adult minds.”). As research has illuminated the defining characteristics of youth, the United States Supreme Court also has identified three developmental distinctions between youth and adults: youth’s lack of maturity, susceptibility to outside influences, and capacity for change. *See Montgomery v. Louisiana*, \_\_\_ U.S. \_\_\_, 136 S. Ct. 718, 733, 193 L. Ed. 2d 599 (2016) (quoting *Miller*, 567 U.S. at 471).

“[C]hildren have a ‘lack of maturity and an underdeveloped sense of responsibility,’ leading to recklessness, impulsivity, and heedless risk-taking.” *Montgomery*, 136 S. Ct. at 733 (quoting *Miller*, 567 U.S. at 471). The immaturity “often result[s] in impetuous and ill-considered actions

and decisions.” *Roper*, 543 U.S. at 569 (quoting *Johnson v. Texas*, 509 U.S. 350, 367, 113 S. Ct. 2658, 125 L. Ed. 2d. 290 (1993)). Second, youth are highly susceptible to external pressures. As the Supreme Court has explained, “children ‘are more vulnerable . . . to negative influences and outside pressures,’ including from their family and peers; they have limited ‘contro[l] over their own environment’ and lack the ability to extricate themselves from horrific, crime-producing settings.” *Miller*, 567 U.S. at 471, (alterations in original) (quoting *Roper*, 543 U.S. at 569).

Finally, youthful offenders have a greater capacity for change than adults because adolescence is a transitional phase. “[A] child’s character is not as ‘well formed’ as an adult’s; his traits are ‘less fixed’ and his actions less likely to be ‘evidence of irretrievabl[e] deprav[ity].” *Id.* (second and third alterations in original) (quoting *Roper*, 543 U.S. at 570). As a result, “a greater possibility exists that a minor’s character deficiencies will be reformed.” *Graham*, 560 U.S. at 68 (quoting *Roper*, 543 U.S. at 570).

These attributes are not limited solely to sentencing; youths’ ability to reform shows that they are particularly amenable to the rehabilitative goals of the juvenile justice system. Each of these developmental characteristics leads to the diminished culpability of juvenile defendants; their “conduct is not as morally reprehensible as that of an adult.” *Roper*, 543 U.S. at 570

(quoting *Thompson v. Oklahoma*, 487 U.S. 815, 835, 108 S. Ct. 2687, 101 L. Ed. 2d 702 (1988) (plurality opinion)).

These unique traits of children and adolescents necessitate an *individualized assessment* of “an offender’s age and the wealth of characteristics and circumstances attendant to it” before exposing youth to the punishments of the adult criminal justice system. *Miller*, 567 U.S. at 476. Automatic decline violates due process because it denies this individualized assessment before subjecting children to adult prosecution and sentencing.

**B. United States Supreme Court Precedent Requires Individualized Consideration Of The Characteristics Of Youth In The Criminal Justice System**

The Supreme Court’s decisions mandate an individualized approach to subjecting youth to adult consequences. In *Miller*, the Court specifically noted six such characteristics that should be considered during sentencing in light of the differences between children and adults: (1) the youth’s chronological age related to “immaturity, impetuosity, and failure to appreciate risks and consequences,” (2) the juvenile’s “family and home environment that surrounds him,” (3) the circumstances of the offense, including extent of participation in the criminal conduct, (4) the impact of familial and peer pressures, (5) the effect of the offender’s youth on his

ability to navigate the criminal justice process, and (6) the possibility of rehabilitation. 567 U.S. at 477-78.

The same requirement for individual consideration of youth characteristics must apply throughout a child's involvement in the criminal justice system. For example, in *J.D.B. v. North Carolina*, the Supreme Court relied on its earlier findings regarding the immaturity and vulnerability of children to hold that a child's age must be considered in determining whether they were in custody for purposes of the administration of *Miranda* warnings. 564 U.S. at 272-4.

The decision to prosecute a youth in the adult justice system is one of the most "critically important" steps that youth face in the justice system. *Kent v. U.S.*, 383 U.S. 541, 556, 86 S. Ct. 1045, 16 L. Ed. 2d 84 (1966). The distinct characteristics of youth which have driven the Supreme Court's sentencing decisions are no less relevant at the transfer stage; the automatic decline statute which eliminates any hearing on individual characteristics and forecloses any consideration of the youth's developmental attributes contravenes the foundational principles of the Supreme Court's jurisprudence.

**C. The Washington Supreme Court Recognizes The Special Protections Required For Youth In The Justice System**

This Court has also established that children cannot automatically be subject to the same criminal rules and procedures as adults. The Court has recognized the special status youth have when being subjected to the adult criminal justice system and required adjustments to adult criminal procedure laws in light of the unique characteristics of youth.

In *State v. Houston-Sconiers*, this Court held that sentencing courts in Washington must have absolute discretion in sentencing juveniles who have been declined to adult court, including discretion to depart from otherwise “mandatory” sentencing enhancements, because the Eighth Amendment requires courts to consider the youthfulness of juvenile defendants during sentencing.<sup>1</sup> 188 Wn.2d at 9. This Court has also recognized that criminal procedure laws must account for youthfulness in other contexts. In *State v. O’Dell*, this Court held that trial courts have discretion to consider a defendant’s youth as a mitigating factor justifying a departure from a standard range sentence, even when the youth is over eighteen at the time of the offense. *State v. O’Dell*, 183 Wn.2d 680, 696,

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<sup>1</sup> Although this Court did not reach the issue of whether automatic decline violates due process in *Houston-Sconiers*, it referenced *amici’s* statement at oral argument that “children have a right not to be automatically treated as adults,” *Houston-Sconiers*, 188 Wn.2d at 27 n.11, and explicitly did not “foreclose consideration of such an argument in the future.” *Id.*



358 P.3d 359 (2015) (en banc). Similarly, in *State v. Maynard*, this Court required the prosecutor to offer a deferred disposition plea bargain, even though juvenile court jurisdiction had lapsed before Mr. Maynard had an opportunity to take advantage of the offer. *State v. Maynard*, 183 Wn.2d 253, 256, 351 P.3d 159 (2015) (en banc) (juvenile court jurisdiction lapsed due to ineffective assistance of counsel when defense counsel failed to notice Mr. Maynard's pending 18<sup>th</sup> birthday and failed to extend jurisdiction). Although deferred dispositions are not available in adult court, Mr. Maynard was given the benefit of a juvenile court disposition in adult superior court. *Id.* at 256.

In light of these holdings, this Court should now abrogate *In re Boot*, 130 Wn.2d 553, 925 P.2d 964 (1996) (en banc), the 1996 decision upholding the constitutionality of the automatic decline statute. *Cf. Houston-Sconiers*, 188 Wn.2d at 26 (acknowledging that *In re Boot* stands in “tension” with recent Supreme Court precedent). *Boot* can no longer be squared with more recent precedent and scientific developments. The *Boot* Court relied on *Stanford v. Kentucky*, 492 U.S. 361, 109 S. Ct. 2969, 106 L. Ed. 2d. 306 (1989), *abrogated by Roper v. Simmons*, 543 U.S. 551 (2005), to justify automatic decline, finding that because the Eighth Amendment did not preclude the death penalty for children who were sixteen and seventeen years old at the time of their crime, it did not require

hearings for youth that same age who were automatically declined to adult court. *In re Boot*, 130 Wn.2d at 571 (first citing *Stanford v. Kentucky*, 492 U.S. 361, then citing *State v. Furman*, 122 Wn.2d 440, 456, 858 P.2d 1092 (1993) (en banc)). *Roper v. Simmons* explicitly overturned *Stanford* and abolished the death penalty for *all* juveniles, relying on the Eighth Amendment and scientific research concerning adolescent development and therefore invalidated the rationale underlying the court's decision in *Boot*.

**II. THIS COURT SHOULD STRIKE DOWN THE  
AUTOMATIC DECLINE STATUTE AS VIOLATIVE OF  
PROCEDURAL DUE PROCESS GUARANTEED BY  
THE FEDERAL AND STATE CONSTITUTIONS**

The mandatory prosecution of certain classes of children as adults without a hearing runs afoul of the state and federal due process clauses. Simply put, children have a right to individualized consideration before they may be treated as adults, see *supra* Part I. Washington's automatic decline statute violates due process by mandating that certain youth automatically be treated as adults, RCW 13.04.030(1)(e)(v), thereby *foreclosing* any consideration of their individual attributes and circumstances. The statute subjects youth to the harsh consequences of the adult criminal justice system, and denies them the benefits of the juvenile justice system, without any individualized determination of the youth's

suitability for prosecution as an adult. The statute contravenes due process principles by creating an unconstitutional presumption that youth are as morally culpable as adults—contrary to *Roper*, *Graham* and *Miller*—and thus failing to comply with the due process requirements of *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976), and *Kent*, 383 U.S. at 554.

In *Mathews v. Eldridge*, the United States Supreme Court outlined a three-part test to analyze the sufficiency of procedural protections under the due process clause; the Court must examine: (1) “the private interest that will be affected by the official action;” (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;” and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” 424 U.S. at 335.

**A. Youth Have A Significant Interest In Remaining In The Juvenile Justice System**

Significant procedural protections are required where a person would “suffer grievous loss” upon deprivation of the individual interest or right at stake. *See Goldberg v. Kelly*, 397 U.S. 254, 263, 90 S. Ct. 1011, 25 L. Ed. 2d 287 (1970). The automatic decline statute deprives youth of their

interest in remaining in the juvenile justice system and condemns youth to suffer the grievous loss of the juvenile justice system's substantial protections and benefits. As the U.S. Supreme Court recognized in *Kent v. U.S.*, the liberty interests at stake in the transfer of a youth from juvenile to adult criminal court are "critically important" and called for heightened protections before juveniles could be prosecuted in the adult system. 383 U.S. at 553-54. Considering the District of Columbia transfer statute at issue in *Kent*, the Court ruled that a child could not be "deprived of the special protections and provisions" of the juvenile court system without a hearing, effective representation from counsel, or a statement of reasons. *Id.*

This Court has likewise recognized the "fundamental difference between juvenile courts and adult courts—unlike wholly punitive adult courts, juvenile courts remain[] rehabilitative." *State v. Saenz*, 175 Wn.2d 167, 173, 283 P.3d 1094 (2012) (en banc); accord, *State v. S.J.C.*, 183 Wn.2d 408, 413, 352 P.3d 749 (2015) (recognizing a "constitutional wall" around a juvenile court system designed to balance "concerns where a juvenile is viewed as needing reformation and rehabilitation, but is not appropriately subjected to adult criminal proceedings and punishments"). The Washington Supreme Court has repeatedly acknowledged the importance of this distinction and emphasized the benefits a juvenile

receives by remaining in juvenile court. *See, e.g., State v. Rice*, 98 Wn.2d 384, 393, 655 P.2d 1145 (1982) (en banc) (explaining that the Juvenile Justice Act emphasizes a rehabilitative ideal while the adult system does not place such importance on rehabilitation); *Maynard*, 183 Wn.2d at 259-60 (recognizing that juvenile court offers important benefits including less stigma and less harsh punishments).

The important differences between adult and juvenile courts are not limited to the potential length of confinement or type of facility in which the youth will serve time if convicted of a crime. *See State v. Chavez*, 163 Wn.2d 262, 271, 180 P.3d 1250 (2008) (en banc). Youth tried in juvenile court may seek a deferred disposition for eligible offenses. RCW 13.40.127; have their records sealed, RCW 13.50.260(1), (4); and participate in rehabilitation programs. *See, e.g., WASHINGTON STATE DEPARTMENT OF SOCIAL & HEALTH SERVICES, Juvenile Justice Evidence Based Programs* (last visited Jan. 25, 2018).<sup>2</sup> Financial fees or costs are mostly eliminated in juvenile court, in contrast to adult court. RCW 7.68.035. Youth who are prosecuted and sentenced as adults face much harsher direct consequences and will live with the stigma of an adult felony conviction. *Maynard*, 183 Wn.2d at 259-60 (citing *State v. Dixon*,

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<sup>2</sup> Found at <https://www.dshs.wa.gov/ra/juvenile-rehabilitation/juvenile-justice-evidence-based-programs>.

114 Wn.2d 857, 860, 792 P.2d 137 (1990) (en banc)). In addition, youth prosecuted as adults typically serve lengthy pre-trial detention in adult facilities, which exposes them to harsher detention conditions including the use of solitary confinement or isolation<sup>3</sup> either for disciplinary purposes or to reduce the risk of assault by other inmates.

Moreover, criminal court prosecution carries the risk of significantly longer sentences, increasing the pressure on youth to enter a guilty plea. Although this Court's recent decisions in *O'Dell* and *Houston-Sconiers* provide trial courts the authority to individualize or reduce sentences for youth convicted as adults, there is no guarantee that a child will receive a lesser sentence than an adult. *See, e.g., State v. Ramos*, 187 Wn.2d 420, 429, 387 P.3d 650 (2017) (following appeal and remand, the trial court at a resentencing hearing under *Miller v. Alabama* imposed an 85-year sentence on Mr. Ramos, convicted of four counts of murder committed at age 14), *cert. denied, Ramos v. Washington*, \_\_\_ U.S. \_\_\_, 138 S. Ct. 467 (Nov. 27, 2017).<sup>4</sup>

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<sup>3</sup> *See, e.g.,* Kings County Ordinance 18673 (adopted December 12, 2017), at <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=3201852&GUID=16AFE49C-9CDE-40E8-98E2-1AC6B7944695&Options=ID|Text|&Search=youth+detention> (recognizing that youth in juvenile facilities are not subjected to solitary confinement and banning the practice for declined juveniles held in adult facilities).

<sup>4</sup> Other differences between juvenile and adult courts in Washington include a prohibition on selling bulk juvenile court records to third party data aggregators, [www.courts.wa.gov/datadis/?fa=datadis.policyDiss#V](http://www.courts.wa.gov/datadis/?fa=datadis.policyDiss#V), juvenile-specific training of counsel, and increased opportunities for family involvement in juvenile court. *See*

Trying youth in the adult system also increases the risk of reoffending, thus jeopardizing public safety. Youth transferred to the adult system “reoffend more quickly and are more likely to engage in violent crimes after release than youths processed in the juvenile justice system.” Jason J. Washburn *et al.*, *Psychiatric Disorders Among Detained Youths: A Comparison of Youths Processed in Juvenile Court and Adult Criminal Court*, 59 PSYCHIATRIC SERVICES 965, 972 (2008). The increase in recidivism for declined youth may result from a lack of age-appropriate treatment, programming and education in adult facilities, as adult corrections personnel do not have the specialized training to meet the educational and mental health needs of young people, and adult facilities thus fail to address their rehabilitative potential. CAMPAIGN FOR YOUTH JUSTICE, *THE CONSEQUENCES AREN’T MINOR: THE IMPACT OF TRYING YOUTH AS ADULTS AND STRATEGIES FOR REFORM* 7 (2007). Youth incarcerated in adult jails and prisons are also extraordinarily vulnerable to victimization. See Marty Beyer, *Experts for Juveniles at Risk of Adult Sentences in MORE THAN MEETS THE EYE: RETHINKING ASSESSMENT, COMPETENCY AND SENTENCING FOR A HARSHER ERA OF JUVENILE JUSTICE* 18-20 (P. Puritz, A. Capozello & W. Shang eds., 2002). One

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Amicus Curiae Brief of American Civil Liberties Union of Washington et al., *State v. Houston-Sconiers*, 188 Wn.2d 1, 391 P.3d 409 (2017) (No. 92605-1).

study showed that youth in adult facilities were five times more likely to be sexually assaulted while incarcerated and two times more likely to be assaulted with a weapon than were youth in the juvenile justice system. Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, JUVENILE JUSTICE BULLETIN, June 2010, at 7.

In *Kent*, the Supreme Court referenced in its appendix to the decision several factors that must be considered before a juvenile may be transferred to criminal court, including: (1) the seriousness of the offense and whether the protection of the community requires waiver, (2) “[w]hether the alleged offense was committed in an aggressive, violent, premeditated or willful manner,” (3) whether the offense was against persons or property, (4) “[t]he prosecutive merit of the complaint,” (5) the desirability of trial and disposition in one court if there are adult associates of the crime, (6) “[t]he sophistication and maturity of the juvenile as determined by consideration of his home, environmental situation, emotional attitude and pattern of living,” (7) “[t]he record and previous history of the juvenile,” and (8) “[t]he prospects for adequate protection of the public and the likelihood of reasonable rehabilitation.” 383 U.S. at 565-67.

The automatic decline statute does not allow for consideration of any of these factors. Rather, the legislature has itself determined that this



category of youth is unsuitable for prosecution and sentencing in the juvenile justice system.

**B. In The Absence Of Procedural Protections, The Automatic Decline Statute Creates A Substantial Risk Of An Erroneous Deprivation Of Youth’s Interest In Remaining In The Juvenile Justice System**

The second prong of the *Mathews* test requires that courts review the “fairness and reliability” of the existing procedures in place to determine whether additional procedural safeguards such as a hearing are necessary. *Mathews*, 424 U.S. at 343. An essential procedure required before deprivation of a significant interest is a “notice and opportunity for hearing appropriate to the nature of the case.” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542, 105 S. Ct. 1487, 84 L. Ed. 2d 494 (1985) (citing *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S. Ct. 652, 94 L. Ed. 865 (1950)).

In Tyler’s case, the procedural protections were not merely inadequate, they were nonexistent. Because the automatic decline statute allows for automatic prosecution in the adult system without any individualized determination or hearing, RCW 13.04.030, the juvenile court declined jurisdiction of Tyler solely based on the alleged crime. RCW 13.04.030(1)(e)(v). The statutory scheme makes the prosecutor’s charging decision dispositive and provides no inquiry into whether

prosecution in the adult system is appropriate under the circumstances for this particular child. Without any procedural protections, the risk of error is manifest.

**C. No Government Interests Are Unduly Burdened In Providing A Hearing Before Prosecuting Juveniles In Adult Court**

The final *Mathews* consideration looks to the government and public interests implicated in providing due process. 424 U.S. at 347. Such interests include the administrative burden and societal costs associated with additional hearings. *Id.* Providing individualized transfer hearings not only improves public safety by reducing recidivism, as discussed above, but also places minimal burden on the state. Washington already provides for a hearing regarding transferring youth to the adult criminal system in other contexts. *See* RCW 13.40.110(1) and (2). Pursuant to these provisions, the transfer process can be initiated based on prosecutorial discretion or because the youth has been charged with certain crimes, *id.*, but before the transfer, the court must conduct a hearing and consider the “relevant reports, facts, opinions, and arguments” presented by the youth and make a determination about transfer that would be in the best interest of the juvenile and the public. RCW 13.40.110(1) and (3).

Providing similar hearings to all youth subject to transfer imposes a limited additional burden on the state. Additional costs incurred to

protect juveniles' due process rights cannot excuse the state from meeting those constitutional requirements. Further, the hearings will ensure that any decision to transfer is made by an impartial judicial decision-maker after a fully informed adversarial hearing. These informed decisions will substantially increase the accuracy of determining which youth should remain in juvenile court or be prosecuted in criminal court and will further serve the public interest by decreasing recidivism and violence against juveniles.

### **CONCLUSION**

The automatic decline statute violates a juvenile's state and federal rights to due process in light of current jurisprudence and developmental research. In treating children like adults based solely on their age and the offense with which they have been charged, without a hearing, the statute fails to pass constitutional muster and must be invalidated.

Respectfully Submitted,

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