

BLEND SENTENCING

Regan Comis, M & R Strategic Services

March 27, 2014

EXHIBIT G - JUVJUSTTASKFORCE
Document consists of 9 pages.
Entire exhibit provided.
Meeting Date: 03-27-14

OVERVIEW

- *Blended Sentencing Varieties*
- *History*
- *Minnesota*
- *Ohio*
- *New Mexico*
- *Conclusion*

WHAT IS BLENDED SENTENCING?

Blended sentencing laws may either provide juvenile courts with criminal sentencing options (juvenile blended sentencing) or allow criminal courts to impose juvenile dispositions (criminal blended sentencing).

VARIETIES OF BLENDED SENTENCING USED ACROSS STATES

Type	Description	Adopted By
Juvenile-Exclusive Blend (1)	The juvenile court imposes either juvenile (delinquency) or adult (criminal) sanctions.	New Mexico
Juvenile-Inclusive Blend (11)	The juvenile court imposes both the juvenile and adult sanctions, typically suspending the adult sanction	Illinois, Kansas, South Dakota, Minnesota, Alaska, Arkansas, Connecticut, Michigan, Montana, Vermont, Ohio
Juvenile-Contiguous Blend (4)	The juvenile court imposes a juvenile sanction that would be in force beyond the age of its extended jurisdiction. At that point the juvenile court determines whether the remainder of the sanction should be served in adult criminal corrections system.	Texas, Massachusetts, Rhode Island, South Carolina
Criminal-Exclusive Blend (10)	The criminal court imposes either juvenile or criminal sanctions.	West Virginia, Colorado, California, Oklahoma, Wisconsin, New Mexico, Nebraska, Illinois, Kentucky, Massachusetts
Criminal-Inclusive Blend (7)	The criminal court imposes both juvenile and criminal sanctions, typically suspending the criminal sanction.	Florida, Arkansas, Michigan, Iowa, Massachusetts, Missouri,, Virginia, Idaho

HISTORY

- *Emerged during a period in the late 1980's to the 1990's of increasingly violent juvenile crime.*
- *The desire to give courts greater flexibility in managing juvenile offenders*
- *Blended sentencing offers juvenile offenders a “last chance” within the juvenile system by providing “an incentive to respond to treatment in order to avoid the consequences of an adult sentence”.**

*Redding, R. and Howell, J. (2000). Blended sentencing in American juvenile justice courts. The Chicago University Press.

CASE STUDY: **MINNESOTA**

*Juvenile-Inclusive Blended
Sentencing-1995*

1986-1994 –Pre Blended Sentencing Certifications

- 330 youth

1995-1997-1st 3 years Blended Sentencing Certifications

- 323
Blended Sentence (EJJ)
- 181

The Net-Widening, 1997

EJJ Probation revocation and adult sentence executed:

- 77% were probation violations
- 23% were new offenses

Of the Probation Violations Judges Sentenced

- 43% sentenced to prison
- 50% sentenced to a jail or workhouse

CASE STUDY: OHIO

Juvenile-Inclusive Blended Sentencing-2002

1999-2001 Pre Blended Sentencing Certifications

- 171

2002-2004 -1st 3 years of Blended Sentencing Certifications

- 164

Blended Sentence (SYO)

- 139

Data on race and transfer vs. blended sentencing

	Conventional juveniles	SYO	Transfer
White	38%	35%	19%
Minorities	20%	34%	36%

CASE STUDY: **NEW MEXICO**

*Criminal-Exclusive Blended
Sentencing-1993*

1995-1998 Youthful Offender Convictions

104 Convictions

- *53 received criminal sanctions*
- *51 received juvenile sanctions*

An offender's chances of receiving a 9-year or longer prison sentence were greater in the rural district than in the other two districts.

CONCLUSION

Juvenile Blended Sentencing

Greater overall risk of the juvenile offenders being sanctioned as adults

Criminal Blended Sentencing

Can serve as a partial “fail-safe” mechanism ensuring juveniles prosecuted as adults are given some chance to show that they belong in the juvenile system.