

# BLENDING SENTENCING

Blended sentencing enables some courts to impose juvenile and/or adult correctional sanctions on certain young offenders prosecuted as adults.

## CREATION OF BLENDED SENTENCING

- In the 1980's and 90's state legislatures responded to fears about the growing incidence of youth crime and the "juvenile super predator" myth with blended sentencing where juvenile courts could impose adult sentences for youth charged as adults.
- Many legislators believed that adult sentencing would only be used for the most extreme cases of juvenile crime, but blended sentencing is used in a variety of juvenile adjudication from the most violent to victimless crimes.
- Originally thought to allow the courts institutional flexibility to balance being "tough on crime" with rehabilitating juvenile offenders, it generally means harsher punishment for even younger offenders.

There are currently 14 states that allow for some type of Blended Sentencing.

## DANGERS OF BLENDED SENTENCING

- Blended Sentencing has allowed adult sentencing to reach younger youth who cannot be transferred to adult court.
- Youth who receive an adult sentence in a juvenile court likely have not had all of the due process protections of a criminal trial.
- The criminal courts ability to give a juvenile sentence is not an appropriate justification for the increase in transfers of youth to adult court.
- Blended sentencing gives prosecutors yet another bargaining chip in plea bargaining.
- "Blended sentencing option had a substantial net-widening impact," because blended sentencing allows transferred youth receive adult sentences at higher rates.
- Additionally, blended sentencing may leave to racial and ethnic disparities in the discretionary use of adult sentencing.

## TYPES OF BLENDED SENTENCING

- Blended sentencing can occur in the juvenile court or the adult criminal court after waiver or transfer of a youth
  - **Juvenile and Criminal Exclusive Blended Sentencing:** the court can sentence a youth to a juvenile sentence or an adult sentence
  - **Juvenile and Criminal Inclusive Blended Sentencing:** the court can sentence a youth to a juvenile sentence and a suspended adult sentence.
  - **Juvenile Contiguous Blended Sentencing:** the court can sentence a youth to a juvenile sentence with extended juvenile jurisdiction, usually up to age 21 at which time there is a hearing to determine if an adult sentence is appropriate or if the youth has been successfully rehabilitated.
- In many states, there is a hearing at which the judge considers factors such as the seriousness of the crime, the youth's maturity, and the youth's amenability to treatment and rehabilitation through services available in the juvenile justice system to determine if blended sentencing is appropriate.



## SOURCES

- Marcy R. Podkopacz, Barry C. Feld, The Back-Door to Prison: Waiver Reform, Blended Sentencing, and the Law of Unintended Consequences, 91 J. Crim. L. & Criminology 997 (2000-2001).
- Richard E. Redding and James C. Howell, Blended Sentencing in American Juvenile Courts in Changing Borders of Juvenile Justice: Transfer of Adolescents to Adult Courts, University of Chicago Press (2000).