



Disproportionality and Disparity in Juvenile Sentencing Fiscal Year 2007

Disproportionality

“Disproportionality” in juvenile sentencing is defined as the degree to which the demographic composition of juvenile offenders differs from that of the general at risk juvenile population, youths 10 years old and older (Figure 1, 2).

Figure 1: Juvenile State Population 2006

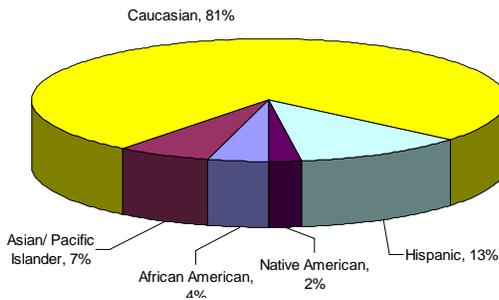
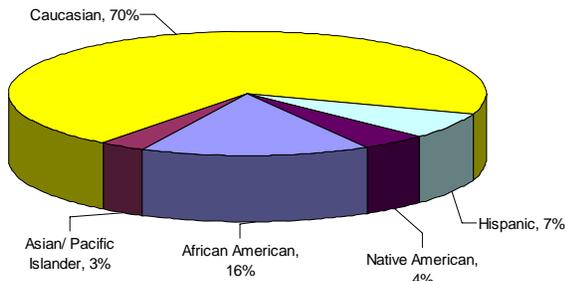


Figure 2: Juvenile Dispositions FY2007



Over-representation may arise in many stages of the juvenile justice system. As such, this report summarizes but does not investigate the causes of disproportionality in sentencing. For the purposes of this report, disproportionality is measured by a ratio, the percentage of a group in an event such as sentencing, relative to the percentage of that group in the population.

Sentencing Ratio Calculation

$$\text{Ratio} = \frac{\% \text{ racial group in sentencing}}{\% \text{ racial group in the population}}$$

If the ratio is below 1 a group is under-represented, over-represented if above 1, and in proportion to the population if the ratio equals 1.

During fiscal year 2007, Washington courts entered 11,573 juvenile dispositions¹. Approximately 79% of the offenders were male and 31% of the dispositions were for minorities (Table 1)².

Table 1: Demographics³

Gender	Juvenile Disposition	% Juvenile Dispositions	Juvenile Population	% Juvenile Population	Ratio
Female	2,347	20.77%	349,536	48.68%	0.43
Male	8,955	79.23%	368,522	51.32%	1.54
Race/Ethnicity	Juvenile Disposition	% Juvenile Dispositions	Juvenile Population	% Juvenile Population	Ratio
African American	1,769	15.65%	31,146	4.34%	3.61
Asian/Pacific Islander	327	2.89%	50,200	6.99%	0.41
Caucasian	7,910	69.99%	583,421	81.25%	0.86
Hispanic	792	7.01%	90,997	12.67%	0.55
Native American	504	4.46%	16,113	2.24%	1.99

Excludes 271 dispositions in which race/ethnicity were not provided.

Girls accounted for approximately 49% of the juvenile population but only 21% of dispositions, a ratio of 0.43. This compares to a ratio of 1.54 for boys. African Americans comprise 4.34% of the juvenile population in Washington but received 15.65% of all juvenile dispositions, and were the most over-represented racial

¹ Juveniles adjudicated for criminal offenses receive a disposition rather than a sentence. The term disposition is used interchangeably with “sentence” in this report.

² Race/Ethnicity was not provided in 271 Juvenile Dispositions.

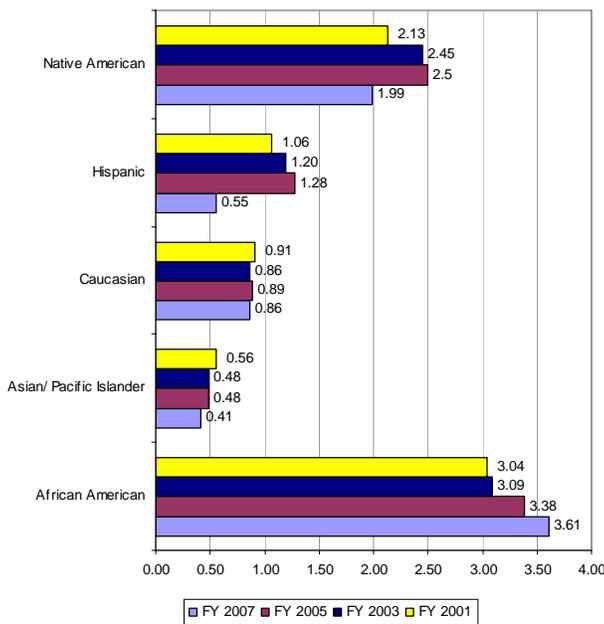
³ Although the United States Census Bureau does not include Hispanic in its list of “races,” due to the relatively large segment of Washington’s population identified as “Hispanic” and in the interest of clarifying disproportional issues, persons of Hispanic ethnicity have been placed in this group regardless of race.

group with a 3.64 ratio. Native Americans made up 2.24% of the population and were 1.99 times over-represented in juvenile sentencing. Asian/Pacific Islanders account for over 7% of the juvenile population but had the lowest ratio, 0.41. Caucasians, the largest segment of the population, 81.25%, accounted for about 70% of all juvenile dispositions and had a 0.86 ratio.

Trends in Disproportionality

In Fiscal Year 2001, 2003 and 2005 African and Native Americans were the most over-represented groups in juvenile sentencing. This trend continued in 2007 (Figure 3). Asian/Pacific Islanders were under-represented during this same period. Caucasian youth received dispositions approximately in proportion to their numbers in the general population. The most significant change in representation during the past four years was the increases in over-representation in juvenile sentencing for Hispanic, African and Native American youth. The representation of Asian/Pacific Island youth continued at the lowest rate.

Figure 3 : Juvenile Sentencing Ratios

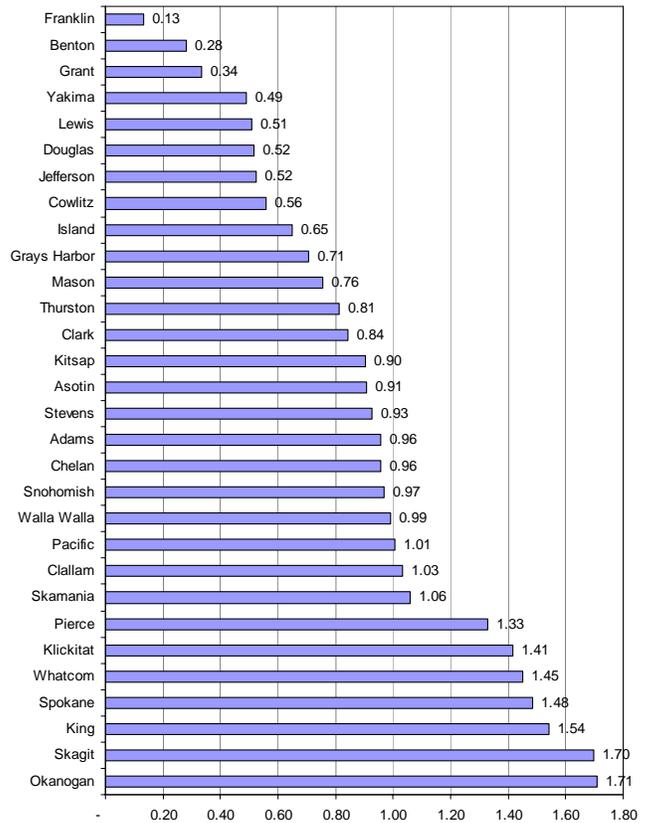


Geographic Disproportionality

Statewide data is useful to reveal aggregate trends in juvenile sentencing. Due to variations in the racial and ethnic composition of a population from one geographic area to another, localized observations may better represent what is happening in a particular region. Of 30 counties reviewed, 10 were found to have a sentencing ratio for all minorities greater than 1. Twenty counties

had ratios less than or equal to 1 (Figure 4)⁴. Okanogan, Skagit, King, Spokane, Whatcom, Klickitat, Pierce counties reported the highest ratios of over-representation of minority youth. Franklin, Benton, Grant, Yakima, Lewis, Douglas, and Jefferson counties reported the lowest ratios of under-representation of minority youth in sentencing.

Figure 4: County Sentencing Ratios for Minorities



Disparity⁵

“Disparity” in sentencing is defined as differing treatment of offenders with the same current offense and criminal history. Juveniles who commit criminal offences are subject to standard dispositions according to a sentencing grid or to a variety of sentencing

⁴ Small numbers will produce unstable ratios. Counties with less than 30 juvenile sentences, including Kittitas, Ferry, Wahkiakum, Lincoln, Columbia, San Juan, Pend Oreille, Whitman are excluded.

⁵ This report summarizes disposition data and the descriptive nature only serves a limited purpose as an indicator that disparity may exist. As such, it should be noted that other contributing factors should be examined. The SGC database does not contain information covering all eligibility criteria for alternatives.

alternatives. Standard ranges limit but do not eliminate the possibility of disparate treatment. Disparity in juvenile sentencing can arise in the decision of sanctions, placement within the standard range disposition, alternative sentencing rates and decision to decline youth to adult court.

Type of Placement

In approximately 57% of juvenile cases in fiscal year 2007, the court imposed a term of confinement in county detention facilities. Thirty percent resulted in community sanctions rather than confinement, while 9% resulted in remand to the Juvenile Rehabilitation Administration (JRA), 3% to Work Crews and 1% involved electronic home monitoring. In most instances boys received longer terms than girls (Table 2).

Table 2: Type of Placement and Terms

Placement	Race/Ethnicity	Total	Percent	Average Term (days)			
				Male	Female		
County Detention	African American	964	14.5%	18.3	14.1		
	Asian	186	2.8%	17.6	11.4		
	Caucasian	4,628	69.8%	15.2	12.7		
	Hispanic	515	7.8%	17.4	12.1		
	Native American	342	5.2%	17.7	12.7		
Electronic Home Monitoring	African American	41	32.8%	19.6	9.6		
	Asian	6	4.8%	26.7	11.3		
	Caucasian	65	52.0%	16.1	15.0		
	Hispanic	9	7.2%	20.4	-		
	Native American	4	3.2%	8.5	20.0		
Work Crew	African American	43	11.4%	4.7	7.1		
	Asian	5	1.3%	2.4	-		
	Caucasian	318	84.6%	4.2	3.8		
	Hispanic	5	1.3%	3.5	1.0		
	Native American	5	1.3%	2.0	4.0		
Placement	Race/Ethnicity	Total	Percent	Average Term (weeks)			
				Min	Max	Min	Max
JRA	African American	257	25.5%	31.8	49.3	22.4	37.3
	Asian	28	2.8%	27.8	46.4	10.7	24.7
	Caucasian	619	61.5%	35.0	51.9	36.5	50.3
	Hispanic	62	6.2%	36.2	51.7	19.5	35.1
	Native American	40	4.0%	34.7	48.4	32.1	40.8

Excludes 182 dispositions in which race/ethnicity were not provided.

African American and Native Americans were sentenced to the longest average terms in county detention. Asian youth received the longest terms of dispositions ordering electronic home monitoring. African American youth received the longest terms of dispositions ordering work crew. African Americans received 16% of all juvenile dispositions and 26% of all remands to JRA.

Of the 3,160 juvenile offenders that receive community sanctions rather than confinement, 702 or 22.2% were girls. Caucasian youth received 72% of all non-confinement dispositions (Table 3). Asian/ Pacific Islanders and Native Americans received 3.2% and 3.6% of all non-confinement dispositions, respectively. The rate of non-confinement dispositions from Table 3 for each racial/ethnic group is approximately the same as the proportion of each racial/ethnic group in all juvenile dispositions from Table 1.

Table 3: Non-Confinement Dispositions

Race/Ethnicity	Gender				Both Genders	
	Male		Female		Total	Percent
	Total	Percent	Total	Percent		
African American	351	14.3%	113	16.1%	464	14.7%
Asian	74	3.0%	28	4.0%	102	3.2%
Caucasian	1,788	72.7%	492	70.1%	2,280	72.2%
Hispanic	165	6.7%	36	5.1%	201	6.4%
Native American	80	3.3%	33	4.7%	113	3.6%

Excludes 89 dispositions for which race/ethnicity were not provided.

Disposition Alternatives

During fiscal year 2007, 157 Special Sex Offender Disposition Alternatives (SSODA), and 287 Chemical Dependency Disposition Alternatives (CDDA) were ordered (Table 4). Boys received 77% of CCDAs and 98.7% of SSODA disposition alternatives.

Table 4: Alternatives⁶

Alternative	Gender	Total	Percent	Avg Suspended (days)	
				Min	Max
CCDA	Male	221	77.0%	54.1	66.0
	Female	66	23.0%	44.8	46.7
SSODA	Male	155	98.7%	135.2	180.7
	Female	2	1.3%	4.5	4.5
Alternative	Race/Ethnicity	Total	Percent	Avg Suspended (days)	
				Min	Max
CCDA	African American	25	8.9%	66.5	96.6
	Asian	5	1.8%	90.8	120.2
	Caucasian	223	79.1%	51.7	59.5
	Hispanic	15	5.3%	38.3	38.3
	Native American	14	5.0%	27.5	27.5
SSODA	African American	9	6.1%	80.3	153.8
	Asian	3	2.0%	55.0	104.0
	Caucasian	136	91.9%	142.1	186.1
	Hispanic	0	0.0%	0	0.0%
	Native American	0	0.0%	0	0.0%

⁶ Small numbers will produce unstable averages. There were 40 Option-B Suspended Dispositions and 3 Mental Health Dispositions ordered in fiscal year 2007.

Caucasian youth received 79% of all CCDA disposition alternatives and almost 92% of SSODA Disposition alternatives. Asian received only 2% of CCDA dispositions but had the longest average suspended sentences.

Manifest Injustice

Sentencing courts may depart from the standard range by imposing manifest injustice dispositions either above or below the range⁷. In fiscal year 2007 there were 359 aggravated and 104 mitigated dispositions (Table 5).

Table 5: Manifest Injustice Dispositions

Gender	Eligible	Mitigated		Aggravated	
		Received	Percent	Received	Percent
Male	9,155	96	1.05%	305	3.33%
Female	2,418	12	0.50%	60	2.48%
Race/ Ethnicity	Eligible	Mitigated		Aggravated	
		Received	Percent	Received	Percent
African American	1,769	27	1.53%	51	2.88%
Asian	327	3	0.92%	8	2.45%
Caucasian	7,910	62	0.78%	263	3.32%
Hispanic	792	7	0.88%	20	2.53%
Native American	504	5	0.99%	17	3.37%

Excludes 11 dispositions in which race/ethnicity were not provided.

Girls received both mitigated and aggravated dispositions at significantly lower rates than boys. African Americans received mitigated dispositions at the highest rate, 1.53%, while Caucasian received these dispositions at the lowest rate, 0.78%. Caucasians received aggravated dispositions at the highest rate, 3.32%, while Asian/Pacific Islanders received aggravated sentences at the lowest rate, 2.45%.

Juvenile Declines to Adult Court

In some instances adult criminal courts have original jurisdiction over certain violent criminal offences committed by juveniles who are 16 or 17 years old. These offences result in “automatic” declines to adult court. Adult court may assert jurisdiction if under certain other conditions, the juvenile court exercised its discretion to decline jurisdiction. In fiscal year 2007 38 juveniles were automatically declined to adult court and

⁷ A “Manifest Injustice” will be found when the facts and circumstances of a case or characteristics of the juvenile lead to the conclusion that a disposition order within the standard range would be unfair or unsupportable. The court’s findings of a Manifest Injustice must be supported by clear and convincing evidence.

37 were tried as adults due to “discretionary” declines (Table 6).

Table 6: Declines to Adult Court

Gender	Automatic		Discretionary	
	Total	Ratio	Total	Ratio
Male	33	1.74	34	1.89
Female	4	0.22	1	0.06
Race/ Ethnicity	Automatic		Discretionary	
	Total	Ratio	Total	Ratio
African American	17	10.31	8	5.27
Asian	3	1.13	0	0
Caucasian	15	0.49	23	0.81
Hispanic	2	0.42	3	0.68
Native American	1	1.17	1	1.27

Excludes 3 dispositions for which race/ethnicity or gender were not provided.

African Americans were the most disproportionately over-represented racial group for both automatic and discretionary declines, about 10 and 5 times their population proportion, respectively. Native Americans and Asian were also disproportionately over-represented. Both Caucasians and Hispanics were near or below proportional representation.

Data

The juvenile disposition data contained in this report comes from Washington Disposition forms sent to the Sentencing Guidelines Commission (SGC) by the courts. Data includes all juvenile dispositions known to the Commission that were imposed between July 1, 2006 and June 30, 2007 (Fiscal Year 2007). Data elements entered into the SGC database and used in this report include race, ethnicity, gender, type of sentence, current offense, offense history, offender score, the imposed confinement term and community supervision term.

Comments or questions may be directed to:

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