

Washington State Caseload Forecast Council

January 2017

Juvenile Disposition Summary *Fiscal Year 2016*

The Caseload Forecast Council (CFC)¹ received 5,528 juvenile dispositions rendered by Washington State juvenile courts in fiscal year 2016. This report describes those dispositions.

Washington State Juvenile Sentencing Guidelines

The Washington State juvenile code mandates a system of presumptive sentencing guidelines for juvenile offenders.

The presumptive standard range for an offense² is a function of the offender's age, the seriousness of the current offense (current offense category) and criminal history (prior adjudication score).

Although the level of presumptive sanction increases with age, offense seriousness, and prior adjudication score, the increase is not linear (see Figure 1).

Generally, current offense seriousness outweighs prior adjudication score. Age is only a factor for first time offense category "A-" offenders.

Courts also have the option of using several sentencing alternatives to the standard range.

Current Offense Category

While the juvenile system utilizes adult crime statutes, individual offenses are assigned a more differentiated juvenile "current offense category" (with + and – added to differentiate within a class) for sentencing purposes. While juvenile offense categories generally parallel adult felony classes (i.e., Class B felonies are typically B+, B, or B- category offenses), that is not universally the case.

Prior Adjudication Score

The seriousness of criminal history is summarized by the "prior adjudication score." Prior felony adjudications count as one point each and misdemeanors and gross misdemeanors count as ¼ point. The prior adjudication score is the sum of the points for all prior adjudicated offenses, with fractions rounded down.

¹ Juvenile courts are required by statute (RCW 13.50.010(8)) to report all dispositions to the Caseload Forecast Council.

² Washington's juvenile code, while paralleling the adult criminal justice system in most respects, retains traditional juvenile court terminology where juvenile offenders are "adjudicated" rather than "convicted" of "offenses" rather than "crimes." This report uses the juvenile and adult terms interchangeably, recognizing that in some cases absolute accuracy is subordinated to readability.

Prior adjudications do not affect the standard range for any current offense that is not a felony. Any current offense that is a misdemeanor or gross misdemeanor will always involve local sanctions regardless of the offender’s prior adjudication score.

Standard Range: Confinement to JRA vs. Local Sanction (LS)

The juvenile sentencing guidelines specify two types of presumptive penalties: a standard range of confinement under the supervision of the state Juvenile Rehabilitation Administration (JRA) for more than thirty days or a local sanction administered at the county level.

“Standard ranges” exceed 30 days, include a minimum and a maximum term, and are served in a JRA facility. JRA has the limited discretion to set a release date between the minimum and maximum term. Offenders do not earn a sentence reduction for “good behavior.”

“Local sanctions” are supervised by county probation departments. Courts sentencing an offender to a local sanction have the discretion to select from a menu of options including confinement, home monitoring, private residence, community supervision, fines, community service and work crew.

The presumptive sanction for category “B+” or higher offenses (class A felonies and some violent class B felonies) is a standard range of confinement in a JRA facility.

Less serious offenses, the equivalent of B and C felonies, carry a presumption of a standard range of confinement or a local sanction, depending on the offense category and prior adjudication score.

Misdemeanors or gross misdemeanors carry a presumptive local sanction.

Figure 1. Option A - Juvenile Offender Sentencing Grid Standard Range (RCW 13.40.0357)

Current Offense Category	Standard Range Sanction				
A+	180 weeks to age 21 for all category A+ offenses				
A	103-129 weeks for all category A offenses				
A-	15-36 weeks*	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
C+	LS	LS	LS	15-36 weeks	15-36 weeks
C	LS	LS	LS	LS	15-36 weeks
D+	LS	LS	LS	LS	LS
D	LS	LS	LS	LS	LS
E	LS	LS	LS	LS	LS
Prior Adjudication by Score**	0	1	2	3	4 or more

Note: Local sanctions (LS) may include up to 30 days confinement.

*Except 30-40 weeks for 15 to 17 year olds.

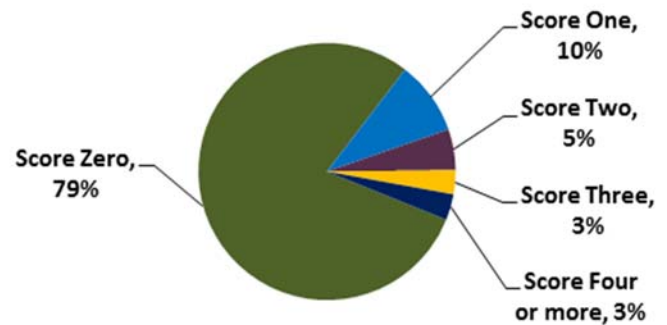
**Prior felony adjudications count as 1 point each and misdemeanors and gross misdemeanors count as ¼ point.

The prior adjudication score is the sum of the points for all prior adjudications, with fractions rounded down.

FY2016 Juvenile Court Dispositions

Most juvenile offenders sentenced in FY2016 had little or no criminal history. Over three quarters (79%) of those sentenced were first time offenders with no prior adjudications. Another 10% had a prior adjudication score of one. The remaining 11% had prior adjudication scores of two or more (Figure 2).

Figure 2. FY2016 Juvenile Dispositions by Prior Adjudication Score³



Demographics

Table 1 shows the dispositions distribution by gender, race/ethnicity, and age range. Most offenders sentenced in FY2016 were male (76%), and half were Caucasian (50%). The least common racial group was Asian/Pacific Islander (3%).

Offenders ranged in age from 10 to 17, but most were clustered at the upper end of the age range. The most common ages at disposition were from 15 to 17, comprising 72% of the total.

Table 1. Demographics

Gender*	Number	Percentage
Male	4,182	75.7%
Female	1,340	24.3%
	5,522	
Race/Ethnicity**		
African American	912	16.8%
Asian/Pacific Islander	133	2.4%
Caucasian	2,688	49.5%
Hispanic***	1,404	25.8%
Native American	295	5.4%
	5,432	
Age Range		
11 years old or younger	20	0.4%
12 years old	182	3.3%
13 years old	479	8.7%
14 years old	880	15.9%
15 years old	1,284	23.2%
16 years old	1,457	26.4%
17 and above	1,226	22.2%
	5,528	
*Gender was missing on 6 dispositions (.1%).		
**Race/Ethnicity was missing on 96 dispositions (1.7%).		
***Hispanic is treated as a "race" category.		

³ Fractions are rounded down meaning a score 1.75 is reported as a score of 1.

Race/Ethnicity: Dispositions vs. State Population

Minorities are typically disproportionately over-represented in juvenile offender populations. One common method of measuring disproportionality is to construct a ratio of the percentage of a given race/ethnicity in a target population to the percentage in the general population. If the percentages are the same, the ratio or “coefficient of disproportionality,” is 1.0. If the percentage is greater in the target population (e. g., juvenile offenders) than in the state population, the ratio will be greater than 1.0 indicating over-representation. Likewise, a ratio less than 1.0 indicates an “under-representation.” The magnitude of the ratio indicates the degree of disproportionality.

Table 2 presents the race/ethnicity breakdown of the FY2016 juvenile dispositions compared to the 2015 census state population.

The last column presents the coefficients of disproportionality. For example, the coefficient of disproportionality for African American offenders is 4.4. In other words, the proportion of African Americans sentenced (16.8%) was 4.4 times the proportion in the general population (3.8%). In contrast, the coefficient for Caucasians is 0.7, which means the proportion of juvenile dispositions involving Caucasians is less than the proportion of Caucasians in the state population. Asian/Pacific Islanders are the most “under-represented” racial group in the offender population with a coefficient of disproportionality of 0.3.

Table 2. Racial/Ethnic Disproportionality

Race/Ethnicity**	% FY2016 Juvenile Dispositions	% FY2015 Washington State	Coefficient of Disproportionality
African American	16.8%	3.8%	4.4
Asian/Pacific Islander	2.5%	8.2%	0.3
Caucasian	49.5%	73.6%	0.7
Hispanic***	25.8%	13.0%	2.0
Native American	5.4%	1.4%	3.9
Total	100.0%	100.0%	
(n)	5,543	6,727,235	
**Race/Ethnicity was missing on 96 dispositions (1.7%).			
***Hispanic is treated as a "race" category.			

Note: State population is taken from the Office of Financial Management (Census 2015).

County

As would be expected, most juvenile dispositions occur in the more populated counties in the state.

Table 3 shows the number of juvenile dispositions by county. King County had the highest number of dispositions (642 or 11.6%), followed by Pierce County (536 or 9.7%), and Clark County (534 or 9.7%).

Together, these 3 counties (King, Pierce and Clark) accounted for almost a third of all dispositions in the state. In contrast, 23 of 39 counties had less than 100 dispositions each and 7 of the smallest counties had less than 10 dispositions per county.

Table 3. Juvenile Dispositions by County

County	Number	Percentage
Adams	39	0.7%
Asotin	49	0.9%
Benton	339	6.1%
Chelan	133	2.4%
Clallam	64	1.2%
Clark	534	9.7%
Columbia	N/A*	-
Cowlitz	139	2.5%
Douglas	47	0.9%
Ferry	N/A*	-
Franklin	122	2.2%
Garfield	N/A*	-
Grant	173	3.1%
Grays Harbor	66	1.2%
Island	23	0.4%
Jefferson	11	0.2%
King	642	11.6%
Kitsap	176	3.2%
Kittitas	26	0.5%
Klickitat	24	0.4%
Lewis	86	1.6%
Lincoln	N/A*	-
Mason	58	1.0%
Okanogan	185	3.3%
Pacific	38	0.7%
Pend Oreille	13	0.2%
Pierce	536	9.7%
San Juan	N/A*	-
Skagit	98	1.8%
Skamania	N/A*	-
Snohomish	456	8.2%
Spokane	372	6.7%
Stevens	42	0.8%
Thurston	328	5.9%
Wahkiakum	N/A*	-
Walla Walla	103	1.9%
Whatcom	162	2.9%
Whitman	17	0.3%
Yakima	397	7.2%
Total	5,528	100.0%

* For less than 10 dispositions.

Type of Court Disposition

The vast majority of dispositions (97%) were the result of guilty pleas; only 1% of dispositions involved offenders adjudicated guilty following a juvenile court hearing. The remaining dispositions (2%) were revoked deferred and “Alford” pleas⁴.

Locus of Sanction

Most juvenile offenders are sanctioned at the local, county level (Figure 3). Only 10% (551) of FY2016 dispositions resulted in confinement in a state operated JRA facility. The average range of confinement for JRA commitments was 38 to 55 weeks (Table 4).

Figure 3. Locus of Sanction

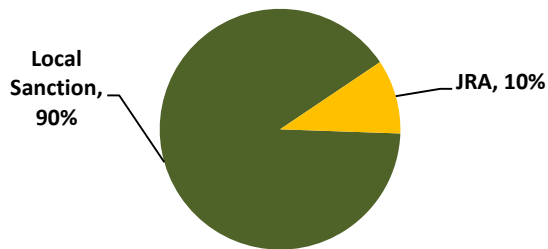


Table 4. Confinement Ordered by Placement Type

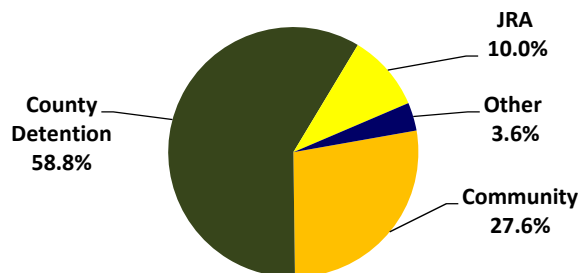
Placement Type	Average Sanction
JRA	38 to 55 Weeks
County Detention	15 Days
Work Crew	5 Days
Electronic Monitoring	25 Days

Local Sanctions

“Local sanction” is the presumptive sentencing range for offenders at the lower end of the offense seriousness/prior adjudication score continuum. Most (90%) of FY2016 dispositions resulted in sentences to local sanctions at the county level.

Over half (58.8%) of youths sentenced to local sanctions were assigned some confinement in county detention, with an average sentence of 15 days. Another 27.6% received community supervision without detention. The remaining 3.6% received some other sanction (work crew, electronic home monitoring, private residence, etc.). The average order of electronic home monitoring was 25 days. The average work crew order was 5 days. In addition, the courts ordered an average of 29 hours of community service per disposition.

Figure 4. Local Sanction by Type



⁴ Alford Plea is when a defendant enters a plea of guilty without making an admission of guilt. In other words, he pleads guilty but at the same time he maintains that he's innocent.

Felony and Non-felony Dispositions

Most FY2016 juvenile dispositions were for non-felony (gross misdemeanor and misdemeanor) offenses. Felonies accounted for a third of all dispositions (Table 5).

Table 5. Felony and Non-felony Dispositions

Offense	Number	Percent
Felony	1,888	34.1%
Gross Misdemeanor	2,840	51.4%
Misdemeanor	800	14.5%
Total	5,528	100.0%

Felony Offenses

There were 1,888 dispositions for felonies. Theft, Robbery, Extortion, and Forgery were the most common felonies committed by juveniles, with an average sanction of 15 to 22 weeks confinement. The second most common felony was Burglary and Trespass, with an average sentence of 9 to 12 weeks confinement (Table 6). On average, felony dispositions included 7 months of community supervision in addition to any confinement.

Figure 5. Average Confinement Felony by Weeks

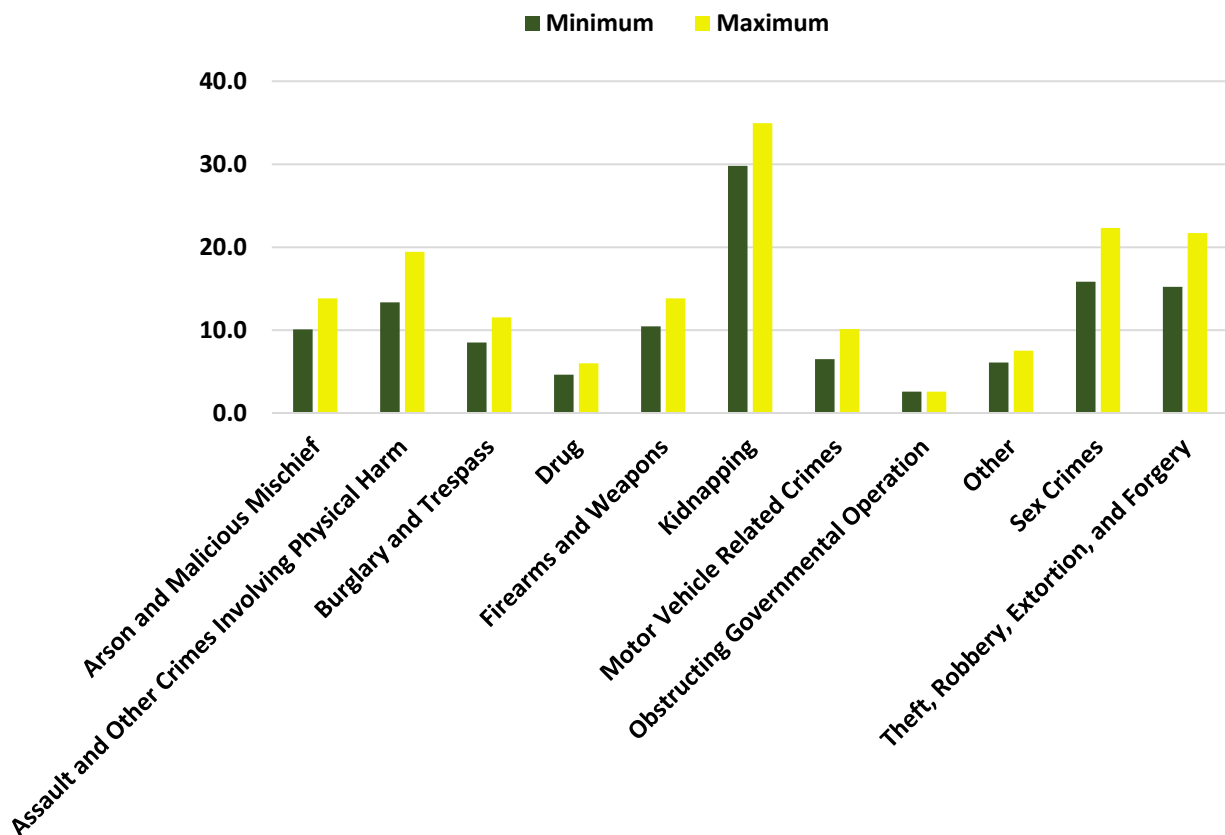


Table 6. Average Confinement Ordered by Felony Category

Felony Dispositions by Category	Number	Average Term (in Weeks)	
		Minimum	Maximum
Arson and Malicious Mischief	71	10	14
Assault and Other Crimes Involving Physical Harm	309	13	19
Burglary and Trespass	348	9	12
Drug	144	5	6
Firearms and Weapons	104	11	14
Homicide	2	106	117
Kidnapping	7	30	35
Motor Vehicle Related Crimes	35	7	10
Obstructing Governmental Operation	4	3	3
Other	82	6	8
Sex Crimes	177	16	22
Theft, Robbery, Extortion, and Forgery	605	15	22
Total	1,888		

Non-Felony Offenses

Almost two thirds of FY2016 dispositions were for non-felony offenses. There were 3,640 gross misdemeanor and misdemeanor dispositions. Assault and Other Involving Physical Harm offenses were the most common non-felony offenses, with an average sentence of 14 days confinement. The average community supervision imposed for gross misdemeanors and misdemeanors was 6 months.

Table 7. Average Confinement Ordered by Non-Felony Category

Non-Felony Dispositions by Category	Number	Average (Days)
Arson and Malicious Mischief	347	7
Assault and Other Crimes Involving Physical Harm	990	14
Burglary and Trespass	259	11
Drug	466	8
Firearms and Weapons	68	24
Motor Vehicle Related Crimes	41	6
Obstructing Governmental Operation	115	13
Other	408	12
Public Disturbance	99	4
Sex Crimes	11	39
Theft, Robbery, Extortion, and Forgery	836	10
Total	3,640	

Violent and Non-violent Offenses

The great majority (94%) of FY2016 juvenile dispositions were for non-violent offenses. Dispositions across all non-violent offenses carried an average sentence of 23 to 29 days confinement.

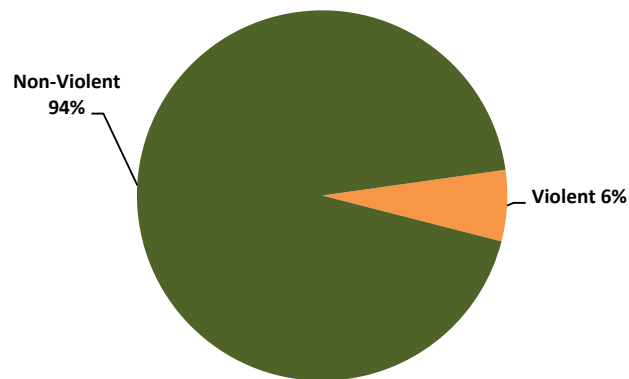
Table 8. Violent and Non-Violent Offense Dispositions

Offense	Number	Average Term
Serious Violent	13	95 to 117 Weeks
Violent	342	30 to 43 Weeks
Non-Violent	5,173	23 to 29 Days
Total	5,528	

Juvenile dispositions for “serious violent offenses⁵” were extremely rare in FY2016, accounting for only 13 (0.2%) of 5,528 dispositions. Dispositions for serious violent offenses carried an average range of 95 to 117 weeks confinement in JRA⁶.

There were an additional 342 dispositions for violent crimes, with an average sentence of 30 to 43 weeks confinement.

Figure 6. Violent and Non-Violent Dispositions



⁵ "Serious violent offense" is a subcategory of violent offense and means:

- (i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; (RCW 9.94A.030(45))

⁶ Most individuals under the age of 18 committing “serious violent offenses” are sentenced as adults and therefore are not technically juvenile offenders. These sentences are reported in a separate CFC publication: Statistical Summary of Adult Felony Sentencing: Fiscal Year 2016 available on the CFC website.

Sentencing Alternatives

The state juvenile code permits a number of alternatives to the standard presumptive sentencing ranges (Option A), depending on the current offense, criminal history, and treatment needs of the offender.

Special Sex Offender Disposition Alternative (SSODA)

During FY2016, 126 dispositions were imposed under the Special Sex Offender Disposition Alternative option. SSODA authorizes the court to suspend the standard range disposition and impose inpatient or outpatient treatment for certain sex offenses. The court may impose a number of special conditions as a prerequisite of the suspended disposition. SSODA dispositions carried an average confinement of 4 days, an average suspended range of confinement of 191 to 205 days, and an average of 22 months of community supervision.

Chemical Dependency Disposition Alternative (CDDA)

During FY2016, 131 dispositions were imposed under the Chemical Dependency Disposition Alternative option. CDDA provides chemically dependent youth with an alternative disposition that includes drug or alcohol treatment. Chemical Dependency Disposition Alternatives involved an average confinement of 7 days, an average suspended range of confinement of 67 to 97 days, and an average of 10 months of community supervision.

Option-B Suspended Dispositions

Option-B provides authority to the court to suspend a portion of the standard range confinement time in order for the offender to participate in a treatment or education program. The court imposed approximately 30 Option-B suspended dispositions with an average confinement of 3 days, an average suspended range of confinement of 221 to 226 days, and an average of 14 months of community supervision.

Mental Health Dispositions

The Mental Health option is rare in juvenile dispositions. During FY2016, 16 dispositions were imposed under this option. It carried confinement of 4 days, an average suspended confinement of 26 days, and an average of 10 months of community supervision.

Table 9. Juvenile Disposition Alternatives

Alternative	Average Range of Confinement (Days)				
	Number	Confinement		Suspended	
		Min	Max	Min	Max
CDDA	131	7	7	67	97
Mental Health	16	4	4	26	26
Option-B	30	3	3	221	266
SSODA	126	4	4	191	205

Manifest Injustice Offenses

In addition to the alternatives described above, the court may depart from the standard range by imposing a Manifest Injustice Offense either above or below the standard range⁷. The CFC recorded 394 manifest injustice offenses in fiscal year 2016. The majority of these offenses (83%) were above the standard range (aggravated); 17% of manifest injustice offenses were below the standard range (mitigated).

Table 10. Manifest Injustice by Offenses

Type of Offense	Number	Percentage
Aggravated	326	83%
Mitigated	68	17%
Total	394	100%

The most common reasons for mitigated Manifest Injustice offenses were “other mitigating factor”, “all parties agree to mitigated sentence”, and “one year or more between current offense and prior offense”. The most cited reasons for aggravated Manifest Injustice offenses were “other aggravating factor”, “all parties agree to aggravated sentence”, and “recent criminal history or failed to comply with diversion agreement” (Table 11).

Table 11. Total Manifest Injustice Reasons

Mitigating Reasons	Number
Other mitigating factor.	47
All parties agree to mitigated sentence.	30
One year or more between current offense and prior offense.	19
Suffered mental or physical condition that reduced capability for the offense.	9
The conduct neither caused nor threatened serious bodily injury or contemplated the conduct would.	8
Aggravating Reasons	
Other Aggravating Factor.	266
All parties agree to aggravated sentence.	133
Recent criminal history or failed to comply with diversion agreement.	146
Standard range too lenient considering priors.	54
Other complaints resulting in diversions or guilty plea not listed in history.	28
Victim was particularly vulnerable.	19
Heinous, cruel or depraved.	10
Finding of sexual motivation.	6
While committing or fleeing from offense inflicted or attempted to inflict injury.	6
No Reason Provided, inquiry made.	4

⁷ The court may declare a “Manifest Injustice” and sentence outside the standard range when the facts and circumstances of a case or characteristics of the juvenile lead to the conclusion that dispositions ordered within the standard range would be manifestly unjust. The court’s findings of a Manifest Injustice must be supported by clear and convincing evidence and its justification entered into the record.

Summary

This report details characteristics of the 5,528 FY2016 Washington State juvenile offender dispositions reported to the Caseload Forecast Council.

As the data show, about three quarters (76%) of the dispositions involved young males. Most offenders sentenced in juvenile court have little or no criminal history. In fact, approximately 79% of dispositions have no prior offenses.

Similarly, most offenders sentenced in court are there for relatively minor crimes. Two thirds (66%) of the offenders sentenced in FY2016 were sentenced for offenses that were gross misdemeanors or misdemeanors.

Washington is among the small number of states with presumptive sentencing guidelines for juvenile offenders. Although courts have access to a variety of sentencing alternatives for offenders with specific treatment needs (sex offenders, chemical dependency, Option-B, and mental health issues), the majority of offenders (95%) are sentenced under the presumptive sentencing guidelines.

One of the intents of the Washington juvenile code and its system of presumptive sentencing guidelines is to promote accountability and proportionality in the sentencing of juvenile offenders. The data in this report support the conclusion that these intents are being realized, at least to the extent that the severity of sanctions ordered by the courts tend to increase with the seriousness of the offense and the extent of prior criminal history.

While the sentences of offenders were proportional to seriousness of current offense and criminal history, the population of offenders sentenced was disproportionately male and minority, when compared to the state population. There was significant racial/ethnic disproportionality in the sentenced population. Compared to the state as a whole, those adjudicated in FY2016 were more likely to be African American, Hispanic, or Native American. They were less likely to be Caucasian or Asian/Pacific Islander. African Americans were the most over-represented group in the population, with a coefficient of disproportionality of 4.4.

It is obviously beyond the scope of this report to determine the causes of gender and racial/ethnic disproportionality in the sentenced population. However, the data is clear that it persists.

This report is updated annually. It, along with prior annual reports, is available on the CFC web site: WWW.CFC.WA.GOV.

The juvenile disposition data contained in this report come from Washington Disposition forms sent to the Caseload Forecast Council (CFC) by the courts. Data include all juvenile dispositions known to the CFC that were imposed between July 1, 2015, and June 30, 2016 (Fiscal Year 2016). Data elements entered into the CFC database and used in the report include race, gender, type of sentence, current offense, offense history, offender score, and the imposed terms of confinement and community supervision.

Comments or questions may be directed to:

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