

Washington State Caseload Forecast Council

January 2013

Juvenile Disposition Summary Fiscal Year 2012

This report describes the 8,493 juvenile dispositions rendered by Washington State juvenile courts in fiscal year 2012, as reported to the Caseload Forecast Council (CFC).¹

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 Adjudications 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.

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.

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.

Standard Range: State Confinement v. Local Sanctions

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. 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, community supervision, fines, community service and work crews.

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.

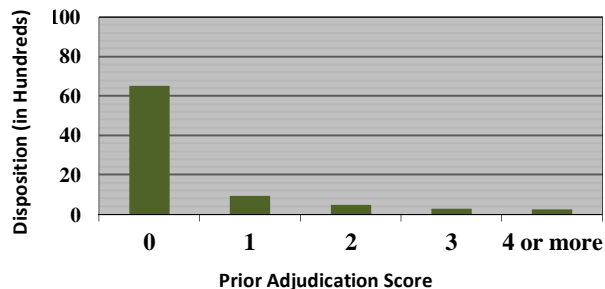
Figure 1. JUVENILE SENTENCING STANDARDS (Option A – Standard Range) (RCW 13.40.0357)

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 wks ^a	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	Local Sanctions	Local Sanctions	15-36 weeks	15-36 weeks	52-65 weeks
C+	Local Sanctions	Local Sanctions	Local Sanctions	15-36 weeks	15-36 weeks
C	Local Sanctions	Local Sanctions	Local Sanctions	Local Sanctions	15-36 weeks
D+	Local Sanctions	Local Sanctions	Local Sanctions	Local Sanctions	Local Sanctions
D	Local Sanctions	Local Sanctions	Local Sanctions	Local Sanctions	Local Sanctions
E	Local Sanctions	Local Sanctions	Local Sanctions	Local Sanctions	Local Sanctions
Prior Adjudication Score ^b	0	1	2	3	4 or more

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

^b 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 adjudications, with fractions rounded down.

Figure 2. Number of Juvenile Dispositions by Prior Adjudication Score³



FY2012 Juvenile Court Dispositions

Most juvenile offenders sentenced in FY2012 had little or no criminal history. Over three quarters (77.0%) of those sentenced were first time offenders with no prior adjudications. Another 10.9% had a prior adjudication score of one. Only 12.1% had prior adjudication scores of 2 or more (Figure 2).

Demographics

Table 1 shows the dispositions by gender, age, and race/ethnicity. Most offenders sentenced in FY2012 were male (78%) and a bare majority, Caucasian (54%). The least common racial group was Asian/Pacific Islander (2%).

While the youngest offender sentenced in FY2012 was under 10 years old, most offenders cluster toward the upper end of the 14-17 year old age bracket. The single most common age at disposition was 16.

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

Table 1. Demographics

Gender*	Number	Percentage
Male	6,595	77.7%
Female	1,875	22.1%
Race/Ethnicity**		
African American	1,276	15.0%
Asian/Pacific Islander	201	2.4%
Caucasian	4,552	53.6%
Hispanic***	1,901	22.4%
Native American	356	4.2%
Age Range		
Under 10 years old	1	0.0%
10 years old	2	0.0%
11 years old	31	0.4%
12 years old	278	3.3%
13 years old	700	8.2%
14 years old	1,282	15.1%
15 years old	1,932	22.7%
16 years old	2,223	26.2%
17 and above	2,044	24.1%
*Gender was missing on 23 dispositions.		
**Race/Ethnicity was missing on 207 dispositions (2.4%).		
***Hispanic is treated as a "race" category.		

Race/Ethnicity: Dispositions v. 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 size of the ratio indicates the degree of disproportionality.

Table 2 presents the race/ethnicity breakdown of the FY2012 juvenile dispositions compared to the 2010 state population.

The last column presents the coefficients of disproportionality. For example, the coefficient of disproportionality for African American offenders is 4.3. In other words, the proportion of African Americans sentenced (15.4%) was 4.3 times the proportion in the general population (3.6%). 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**	% FY2012 Juvenile Dispositions	% FY2010 Washington State	Coefficient of Disproportionality
African American	15.4%	3.6%	4.3
Asian/Pacific Islander	2.4%	8.0%	0.3
Caucasian	54.9%	75.4%	0.7
Hispanic***	22.9%	11.7%	2.0
Native American	4.3%	1.4%	3.1
Total	100.0%	100.0%	
(N)	8,286	6,484,272	
**Race/Ethnicity was missing on 207 dispositions (2.4%).			
***Hispanic is treated as a "race" category.			

Note: state population from the Office of Financial Management (FY2010)

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 (1,157 or 13.6%), followed by Pierce County (951 or 11.2%), and Clark County (697 or 8.2%). Together, these 3 counties (King, Pierce and Clark) accounted for a third of all dispositions in the state. In contrast, 17 of 39 counties had less than 50 dispositions each and 6 of the smallest counties had less than a dozen.

Table 3. Juvenile Dispositions by County

County	Number	Percentage
Adams	32	0.4%
Asotin	41	0.5%
Benton	500	5.9%
Chelan	163	1.9%
Clallam	182	2.1%
Clark	697	8.2%
Columbia	8	0.1%
Cowlitz	247	2.9%
Douglas	79	0.9%
Ferry	6	0.1%
Franklin	235	2.8%
Garfield	1	0.0%

County	Number	Percentage
Grant	242	2.8%
Grays Harbor	101	1.2%
Island	37	0.4%
Jefferson	42	0.5%
King	1157	13.6%
Kitsap	369	4.3%
Kittitas	41	0.5%
Klickitat	23	0.3%
Lewis	125	1.5%
Lincoln	6	0.1%
Mason	84	1.0%
Okanogan	164	1.9%
Pacific	38	0.4%
Pend Oreille	23	0.3%
Pierce	951	11.2%
San Juan	10	0.1%
Skagit	204	2.4%
Skamania	15	0.2%
Snohomish	604	7.1%
Spokane	339	4.0%
Stevens	48	0.6%
Thurston	584	6.9%
Wahkiakum	5	0.1%
Walla Walla	161	1.9%
Whatcom	336	4.0%
Whitman	34	0.4%
Yakima	559	6.6%
Grand Total	8,493	100.0%

Type of Court Disposition

The vast majority of dispositions (95%) were the result of guilty pleas; only 1% of dispositions involved offenders adjudicated guilty following a juvenile court hearing. The remaining dispositions were revoked deferred dispositions (3%) and “Alford” pleas (1%).

Locus of Sanction

Most juvenile offenders are sanctioned at the local, county level (Figure 3). Only 8 percent (660) of FY2012 dispositions resulted in confinement in a state operated JRA facility. The average range of confinement for JRA commitments was 37 to 54 weeks (Table 4).

Figure 3. Locus of Sanction

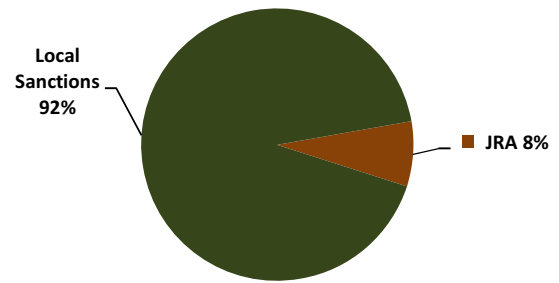


Table 4. Confinement Ordered by Placement Type

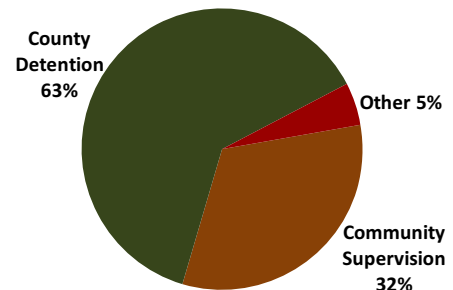
Placement Type	Average Sanction	
JRA	37 to 54	Weeks
County Detention	14.9	Days
Work Crew	4.6	Days
Electronic Monitoring	18.4	Days

Local Sanctions

“Local sanction” is the presumptive sentencing range for offenders at the lower end of the offense seriousness/prior adjudication score continuum. Most (92%) of FY2012 dispositions resulted in sentences to local sanctions at the county level.

Almost two thirds (63%) of youths sentenced to local sanctions were assigned some confinement in county detention, with an average sentence of 15 days. Another 32% received community supervision without detention. The remaining 5% received some other sanction (work crew, electronic home monitoring, etc.). The average order of electronic home monitoring was 18.4 days. The average work crew order was 4.6 days. In addition, the courts ordered an average of 30.5 hours of community service per disposition.

Figure 4. Local Sanction by Type



Felony and Non-felony Dispositions

Most FY2012 juvenile dispositions were for non-felony (gross misdemeanor and misdemeanor) offenses. Felonies accounted for less than a third of all dispositions (Table 5).

Table 5. Felony and Non-felony Dispositions

Offense	Number	Percent
Felony	2,625	31%
Gross Misdemeanor	4,026	47%
Misdemeanor	1,839	22%
Total	8,490	100%

Note: Total less than 8,493 due to missing data.

Felony Offenses

There were 2,625 dispositions for felonies. Property crimes were the most common felonies committed by juveniles, with an average sanction of 8 to 12 weeks confinement. The second most common felonies were assaults, with an average sentence of 14 to 18 weeks confinement (Table 6). On average, felony dispositions included 5 months of community supervision in addition to any confinement.

Table 6. Average Confinement Ordered by Felony Category

Offense	Number	Average Standard Range (in Weeks)	
		Minimum	Maximum
Assault	416	14.0	18.3
Drug	207	3.3	4.1
Manslaughter	1	4.3	4.3
Murder 1	3	205.0	228.3
Murder 2	2	51.0	72.0
Property	1,492	8.1	11.6
Robbery	156	28.9	41.1
Sex	203	15.2	21.0
Other Felony	145	6.8	7.8
Total	2,625	10.6	14.6

Non-Felony Offenses

Over two thirds of FY 2012 dispositions were for non-felony offenses. There were 4,026 gross misdemeanor dispositions, with an average sentence of 15.8 days confinement, and 1,839 misdemeanor dispositions,

with an average sentence of 9.5 days confinement. The average community supervision imposed for gross misdemeanors and misdemeanors was 5 months.

Table 7. Average Non-Felony Confinement Ordered

Offense Category	Number	Avg. Term (in Days)
Gross Misdemeanor	4,026	15.8
Misdemeanor	1,839	9.5
Total	5,865	13.8

Violent and Non-violent Offenses

The great majority (96%) of FY2012 juvenile dispositions were for non-violent offenses. Dispositions across all non-violent offenses carried an average sentence of 20 to 25 days confinement.

Table 8. Violent and Non-Violent Offense Dispositions

Offense	Number	Average Sentence
Serious Violent	14	126.7 to 154.4 Weeks
Violent	366	29.0 to 40.5 Weeks
Non-Violent	8,113	20.0 to 25.2 Days
Total	8,493	

Juvenile dispositions for "serious violent offenses"⁴ were extremely rare in FY2012, accounting for only 14 (0.2%) of 8,493 dispositions. Dispositions for serious violent offenses carried an average range of 127 to 154 weeks confinement in JRA.⁵

There were an additional 366 dispositions for violent crimes, with an average sentence of 29 to 41 weeks confinement.

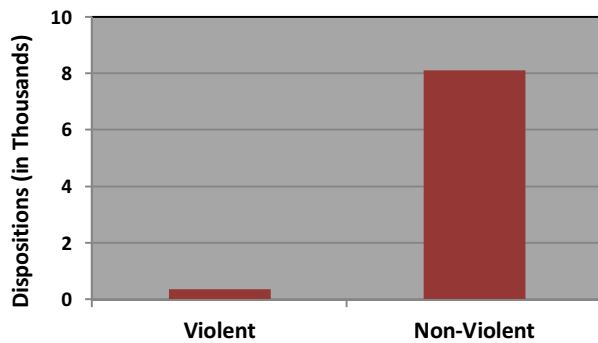
⁴ "Serious violent offense" is a subcategory of violent offense and means:

- (a)(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))

⁵ Most individuals under the age of 18 committing "serious violent offenses" are sentenced as adults and therefore are therefore not technically juvenile offenders. These sentences are reported in a separate CFC publication: Statistical Summary of Adult Felony Sentencing: Fiscal Year 2012 available on the CFC website.

Figure 5. Number of Violent and Non-Violent Dispositions



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 FY2012, 170 dispositions were imposed under the Special Sex Offender Disposition Alternative option. SSODA authorizes the court to suspend the standard range disposition and impose in-patient 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 196 to 231 days, and an average of 18 months of community supervision.

Chemical Dependency Disposition Alternative (CDDA)

During FY12, 179 dispositions were imposed under the Chemical Dependency Disposition Alternative option. The CDDA provides chemically dependent youth with an alternative disposition that includes drug or alcohol treatment. Chemical Dependency Alternatives involved an average confinement of 5 days, an average suspended range of confinement of 70 to 92 days, and an average of 8 months of community supervision.

Option-B Suspended Disposition

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 24 Option-B suspended dispositions with an average

confinement of 3 days, an average suspended range of confinement of 98 to 203 days, and an average of 8 months of community supervision.

Mental Health Disposition

The Mental Health option is rare in juvenile dispositions. There were two dispositions that were imposed under this option. It carried an average sentence of 23 days confinement, a suspended range of confinement of 105 to 252 days, and 6 months of community supervision.

Table 9. Juvenile Disposition Alternatives

Alternative	Average Range of Confinement (days)				
	Number	Confinement		Suspended	
		Min	Max	Min	Max
CDDA	179	5.0	5.0	70.0	91.7
Mental Health	2	23.0	23.0	105.0	252.0
Option-B	24	2.9	2.9	97.6	203.2
SSODA	170	3.7	3.7	196.1	230.6

Manifest Injustice Dispositions

In addition to the alternatives described above, the court may depart from the standard range by imposing a manifest injustice disposition either above or below the standard range⁶. The CFC recorded 291 (3.4%) manifest injustice dispositions in fiscal year 2012. The majority of these dispositions (76%) were above the standard range (aggravated); 64 dispositions were below the standard range (mitigated).

Table 10. Manifest Injustice Dispositions by Type

Type of Disposition	Number
Aggravated	222
Mitigated	64
Within	5
Total	291

⁶ 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.

The most common reasons for mitigated manifest injustice dispositions were “all parties agree to mitigated sentence” and “other mitigating factor”, while the most cited reasons for aggravated manifest injustice dispositions were “other aggravating factor” and “recent criminal history or failed to comply with diversion agreement” (Table 11).

Table 11. Manifest Injustice Reasons

Mitigating Reasons	Number
All parties agree to a mitigated sentence.	15
Other Mitigating Factor.	10
One year or more between current offense and prior offense.	5
The conduct neither caused nor threatened serious bodily injury or contemplated the conduct would.	5
Suffered mental or physical condition that reduced capability for the offense.	1
Aggravating Reasons	
Other Aggravating Factor.	160
Recent criminal history or failed to comply with diversion agreement.	128
All parties agree to aggravated sentence.	80
Standard range too lenient considering priors.	62
Other complaints resulting in diversions or guilty plea not listed in history.	46
Aggravating Reasons	
Victim was particularly vulnerable.	38
Finding of sexual motivation.	16
While committing or fleeing from offense inflicted or attempted to inflict injury.	7
No Reason Provided, inquiry made	6
Heinous, cruel or depraved.	3
Leader of criminal enterprise.	1

Summary

This report details characteristics of the 8,493 FY2012 Washington State juvenile offender dispositions reported to the Caseload Forecast Council.

The picture presented is perhaps at odds with some of the perceptions held by the general public about juvenile offenders.

As the data show, most offenders sentenced in juvenile court have little or no criminal history. In fact, more than three quarters have no prior offenses.

Similarly, most offenders sentenced in court are there for relatively minor crimes. More than two thirds of the offenders sentenced in FY2012 were sentenced for offenses that would be gross misdemeanors or misdemeanors if committed by an adult. Even those sentenced for offenses that would be adult felonies are typically adjudicated for property offenses; less than five percent of the total dispositions involved violent felonies.

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, 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.

The population of offenders adjudicated in FY2012 did not mirror the state population in terms of gender or race/ethnicity.

Offenders sentenced in FY2012 were almost four times as likely to be male than female. The “coefficient of disproportionality” for males was 1.6.

There was also significant racial/ethnic disproportionality in the sentenced population. Compared to the state as a whole, those adjudicated in FY2012 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 4.3.

It is obviously beyond the scope of this report to determine the causes of gender and racial/ethnic disproportionality in the sentenced population. But the data are 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, 2011, and June 30, 2012 (Fiscal Year 2012). 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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