

Washington State Caseload Forecast Council

January 2014

Juvenile Disposition Summary *Fiscal Year 2013*

Caseload Forecast Council (CFC)¹ received 7,685 juvenile dispositions rendered by Washington State juvenile courts in fiscal year 2013.

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. 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: Local Sanctions vs. Confinement to JRA

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.

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.

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)

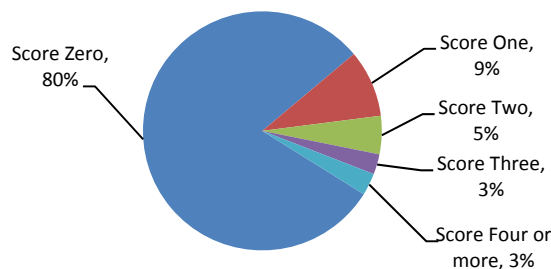
| Current Offense Category | Standard Range Sanction | | | | |
|---------------------------------------|--|-----------------|-----------------|-----------------|-----------------|
| A+ | 180 weeks to age 21 for all category A+ offenses | | | | |
| A | 103-129 weeks for all category A offenses | | | | |
| A- | 15-36 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 |

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

^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. Juvenile Dispositions by Prior Adjudication Score³



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

FY2013 Juvenile Court Dispositions

Most juvenile offenders sentenced in FY2013 had little or no criminal history. Over three quarters (80.0%) of those sentenced were first time offenders with no prior adjudications. Another 9.1% had a prior adjudication score of one. Only 10.9% had prior adjudication scores of 2 or more (Figure 2).

Demographics

Table 1 shows the dispositions distribution by gender, age, and race/ethnicity. Most offenders sentenced in FY2013 were male (76%) and a majority, Caucasian (52%). The least common racial group was Asian/Pacific Islander (3%).

Most offenders cluster toward the upper end of the 14-17 year old age bracket. The single most common age at disposition was 16.

Table 1. Demographics

| Gender* | Number | Percentage |
|------------------------|--------|------------|
| Male | 5,872 | 76.41% |
| Female | 1,774 | 23.08% |
| Race/Ethnicity** | | |
| African American | 1,243 | 16.17% |
| Asian/Pacific Islander | 211 | 2.75% |
| Caucasian | 4,019 | 52.30% |
| Hispanic*** | 1,657 | 21.56% |
| Native American | 369 | 4.80% |
| Age Range | | |
| Under 10 years old | 2 | 0.03% |
| 10 years old | 12 | 0.16% |
| 11 years old | 31 | 0.40% |
| 12 years old | 255 | 3.32% |
| 13 years old | 610 | 7.94% |
| 14 years old | 1,186 | 15.43% |
| 15 years old | 1,706 | 22.20% |
| 16 years old | 2,031 | 26.43% |
| 17 and above | 1,852 | 24.10% |

*Gender was missing on 39 dispositions (.5%).

**Race/Ethnicity was missing on 186 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 magnitude of the ratio indicates the degree of disproportionality.

Table 2 presents the race/ethnicity breakdown of the FY2013 juvenile dispositions compared to the 2010 census state population.

The last column presents the coefficients of disproportionality. For example, the coefficient of disproportionality for African American offenders is 4.5. In other words, the proportion of African Americans sentenced (16.2%) was 4.5 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** | % FY2013 Juvenile Dispositions | % FY2010 Washington State | Coefficient of Disproportionality |
|--|--------------------------------|---------------------------|-----------------------------------|
| African American | 16.2% | 3.6% | 4.5 |
| Asian/Pacific Islander | 2.7% | 8.0% | 0.3 |
| Caucasian | 52.3% | 75.4% | 0.7 |
| Hispanic*** | 21.6% | 11.7% | 1.8 |
| Native American | 4.8% | 1.4% | 3.5 |
| Total | 100.0% | 100.0% | |
| (N) | 7,499 | 6,484,272 | |
| **Race/Ethnicity was missing on 186 dispositions (2.4%). | | | |
| ***Hispanic is treated as a "race" category. | | | |

Note: state population is taken from the Office of Financial Management (Census 2010)

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 (1,073 or 14.0%), followed by Clark County (759 or 9.9%), and Pierce County (753 or 9.8%).

Together, these 3 counties (King, Clark and Pierce) accounted for a third of all dispositions in the state. In contrast, 20 of 39 counties had less than 100 dispositions each and 5 of the smallest counties had less than a 10 dispositions.

Table 3. Juvenile Dispositions by County

| County | Number | Percentage |
|--------------------|--------------|---------------|
| Adams | 27 | 0.4% |
| Asotin | 66 | 0.9% |
| Benton | 500 | 6.5% |
| Chelan | 141 | 1.8% |
| Clallam | 125 | 1.6% |
| Clark | 759 | 9.9% |
| Columbia | 14 | 0.2% |
| Cowlitz | 280 | 3.6% |
| Douglas | 61 | 0.8% |
| Ferry | 6 | 0.1% |
| Franklin | 171 | 2.2% |
| Garfield | 0 | 0.0% |
| Grant | 195 | 2.5% |
| Grays Harbor | 89 | 1.2% |
| Island | 32 | 0.4% |
| Jefferson | 28 | 0.4% |
| King | 1,073 | 14.0% |
| Kitsap | 344 | 4.5% |
| Kittitas | 30 | 0.4% |
| Klickitat | 29 | 0.4% |
| Lewis | 108 | 1.4% |
| Lincoln | 2 | 0.0% |
| Mason | 98 | 1.3% |
| Okanogan | 179 | 2.3% |
| Pacific | 33 | 0.4% |
| Pend Oreille | 8 | 0.1% |
| Pierce | 753 | 9.8% |
| San Juan | 10 | 0.1% |
| Skagit | 173 | 2.3% |
| Skamania | 25 | 0.3% |
| Snohomish | 560 | 7.3% |
| Spokane | 325 | 4.2% |
| Stevens | 61 | 0.8% |
| Thurston | 507 | 6.6% |
| Wahkiakum | 11 | 0.1% |
| Walla Walla | 186 | 2.4% |
| Whatcom | 263 | 3.4% |
| Whitman | 9 | 0.1% |
| Yakima | 404 | 5.3% |
| Grand Total | 7,685 | 100.0% |

Type of Court Disposition

The vast majority of dispositions (95%) were the result of guilty pleas; only 2% of dispositions involved offenders adjudicated guilty following a juvenile court hearing. The remaining dispositions (3%) were revoked deferred and “Alford” pleas.

Locus of Sanction

Most juvenile offenders are sanctioned at the local, county level (Figure 3). Only 8 percent (629) of FY2013 dispositions resulted in confinement in a state operated JRA facility. The average range of confinement for JRA commitments was 41 to 58 weeks (Table 4).

Figure 3. Locus of Sanction

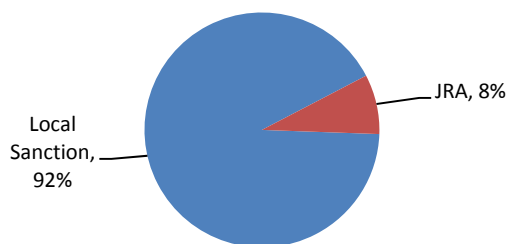


Table 4. Confinement Ordered by Placement Type

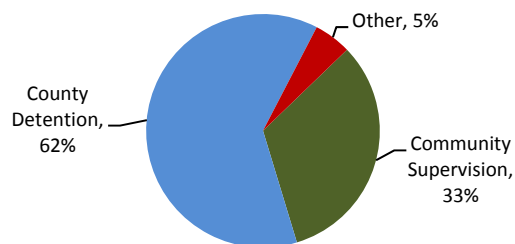
| Placement Type | Average Sanction | |
|-----------------------|------------------|-------|
| JRA | 41 to 58 | Weeks |
| County Detention | 14.9 | Days |
| Work Crew | 4.6 | Days |
| Electronic Monitoring | 24.4 | Days |

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 FY2013 dispositions resulted in sentences to local sanctions at the county level.

Almost two thirds (62%) of youths sentenced to local sanctions were assigned some confinement in county detention, with an average sentence of 15 days. Another 33% 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 24 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



Felony and Non-felony Dispositions

Most FY2013 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 | 2,259 | 29% |
| Gross Misdemeanor | 3,766 | 49% |
| Misdemeanor | 1,660 | 22% |
| Total | 7,685 | |

Felony Offenses

There were 2,259 dispositions for felonies. Property crimes were the most common felonies committed by juveniles, with an average sanction of 9 to 12 weeks confinement. The second most common felonies were assaults, with an average sentence of 19 to 26 weeks confinement (Table 6). On average, felony dispositions included 6 months of community supervision in addition to any confinement.

Table 6. Average Confinement Ordered by Felony Category

| Offense | Number | Ave. Term (in Weeks) | |
|--------------|--------------|----------------------|-------------|
| | | Minimum | Maximum |
| Assault | 360 | 18.8 | 25.8 |
| Drug | 178 | 5.1 | 7.1 |
| Manslaughter | 1 | 180.0 | 180.0 |
| Murder 1 | 2 | 187.9 | 233.9 |
| Other Felony | 147 | 9.1 | 11.0 |
| Property | 1,203 | 8.5 | 11.7 |
| Robbery | 156 | 30.3 | 43.3 |
| Sex | 212 | 16.4 | 22.5 |
| Total | 2,259 | 12.4 | 17.0 |

Non-Felony Offenses

Over two thirds of FY2013 dispositions were for non-felony offenses. There were 3,766 gross misdemeanor dispositions, with an average sentence of 16 days confinement, and 1,660 misdemeanor dispositions, with an average sentence of 11 days confinement. The average community supervision imposed for gross misdemeanors and misdemeanors was 5 months.

Table 7. Average Non-Felony Confinement Ordered

| Offense | Number | Avg. Term (in Days) |
|-------------------|--------------|---------------------|
| Gross Misdemeanor | 3,766 | 16.4 |
| Misdemeanor | 1,660 | 10.9 |
| Total | 5,426 | 14.7 |

Violent and Non-violent Offenses

The great majority (95%) of FY2013 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 | Avg. Term |
|-----------------|--------------|------------------|
| Serious Violent | 8 | 208 to 258 Weeks |
| Violent | 376 | 26 to 37 Weeks |
| Non-Violent | 7,301 | 23 to 29 Days |
| Total | 7,685 | |

Juvenile dispositions for “serious violent offenses”⁴ were extremely rare in FY2013, accounting for only 8 (0.1%) of 7,685 dispositions. Dispositions for serious violent offenses carried an average range of 208 to 258 weeks confinement in JRA.⁵

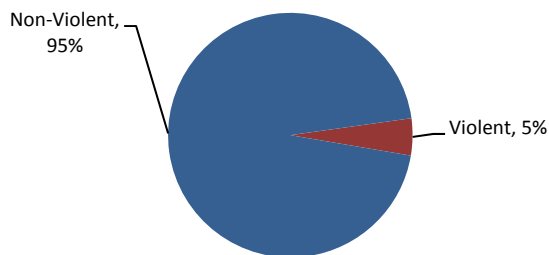
⁴ “Serious violent offense” is a subcategory of violent offense and means:

- (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 not technically juvenile offenders. These sentences are reported in a separate CFC publication: Statistical Summary of Adult Felony Sentencing: Fiscal Year 2013 available on the CFC website.

There were an additional 376 dispositions for violent crimes, with an average sentence of 26 to 37 weeks confinement.

Figure 5. 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 FY2013, 210 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 211 to 246 days, and an average of 17 months of community supervision.

Chemical Dependency Disposition Alternative (CDDA)

During FY2013, 247 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 51 to 63 days, and an average of 7 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 38 Option-B suspended dispositions with an average confinement of 3 days, an average suspended range of confinement of 114 to 246 days, and an average of 12 months of community supervision.

Mental Health Disposition

The Mental Health option is rare in juvenile dispositions. There were 6 dispositions that were imposed under this option. It carried an average suspended range of confinement of 154 to 204 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 | 247 | 4.7 | 4.7 | 50.8 | 62.8 |
| Mental Health | 6 | - | - | 153.8 | 204.0 |
| Option-B | 38 | 2.8 | 2.8 | 114.2 | 245.7 |
| SSODA | 210 | 4.2 | 4.2 | 210.6 | 246.3 |

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 339 (4.4%) manifest injustice dispositions in fiscal year 2013. The majority of these dispositions (77.3%) were above the standard range (aggravated); 20.9% of manifest injustice dispositions were below the standard range (mitigated).

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.

Table 10. Manifest Injustice Dispositions by Type

| Type of Disposition | Number | Percentage |
|---------------------|------------|---------------|
| Aggravated | 262 | 77.3% |
| Mitigated | 71 | 20.9% |
| Within | 6 | 1.8% |
| Total | 339 | 100.0% |

The most common reasons for mitigated manifest injustice dispositions were "other mitigating factor" and "all parties agree to mitigated sentence", 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 |
|--|--------|
| Other Mitigating Factor. | 39 |
| All parties agree to mitigated sentence (down). | 11 |
| Suffered mental or physical condition that reduced capability for the offense. | 3 |
| One year or more between current offense and prior offense. | 2 |
| The conduct neither caused nor threatened serious bodily injury or contemplated the conduct would. | 2 |
| Acted under strong and immediate provocation. | 1 |
| Aggravating Reasons | |
| Other Aggravating Factor. | 235 |
| Recent criminal history or failed to comply with diversion agreement. | 142 |
| All parties agree to aggravated sentence (up). | 123 |
| Standard range too lenient considering priors. | 65 |
| Other complaints resulting in diversions or guilty plea not listed in history. | 40 |
| Victim was particularly vulnerable. | 26 |
| Finding of sexual motivation. | 11 |
| No Reason Provided, inquiry made | 8 |
| While committing or fleeing from offense inflicted or attempted to inflict injury. | 8 |
| Heinous, cruel or depraved. | 1 |
| Leader of criminal enterprise. | 1 |

Summary

This report details characteristics of the 7,685 FY2013 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, over three quarters (76%) of the dispositions involved young males. Most offenders sentenced in juvenile court have little or no criminal history. In fact, approximately 80% of dispositions have no prior offenses.

Similarly, most offenders sentenced in court are there for relatively minor crimes. More than two thirds (71%) of the offenders sentenced in FY2013 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 (93%) 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 FY2013 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 4.5.

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, 2012, and June 30, 2013 (Fiscal Year 2013). 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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