

# Washington State Caseload Forecast Council

January 2018

## Juvenile Disposition Summary *Fiscal Year 2017*

The Caseload Forecast Council (CFC)<sup>1</sup> received 4,698 juvenile dispositions rendered by Washington State juvenile courts in Fiscal Year 2017. 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 offense<sup>2</sup> 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.

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

<sup>2</sup> 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 JR 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 (JR) 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 JR facility. JR 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 JR 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 may include up to 30 days confinement.

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

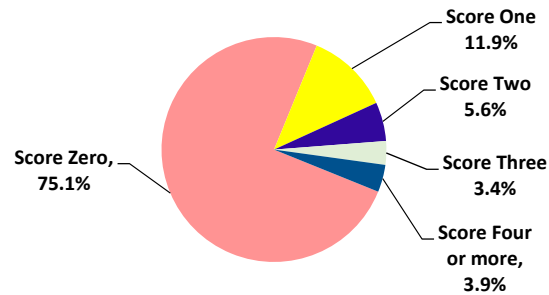
\*\*Prior felony adjudications count as 1 point each and misdemeanors and gross misdemeanors count as ¼ point.

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

## FY2017 Juvenile Court Dispositions

Most juvenile offenders sentenced in FY2017 had little or no criminal history. More than three quarters (75.1%) of those sentenced were first time offenders with no prior adjudications. Another 11.9% had a prior adjudication score of one. The remaining 12.9% had prior adjudication scores of two or more (Figure 2).

**Figure 2. FY2017 Juvenile Dispositions by Prior Adjudication Score<sup>3</sup>**



## Demographics

Table 1 shows the dispositions distribution by gender, race/ethnicity, and age range. Most offenders sentenced in FY2017 were male (78.3%), and almost half were Caucasian (47.5%). The least common racial group was Asian/Pacific Islander (3.2%).

Offenders ranged in age from 11 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 74.1% of the total.

**Table 1. Demographics**

Gender*	Number	Percentage
Male	3,658	78.3%
Female	1,013	21.7%
	4,671	100.0%
Race/Ethnicity**		
African American	815	18.0%
Asian/Pacific Islander	144	3.2%
Caucasian	2,147	47.5%
Hispanic***	1,177	26.1%
Native American	234	5.2%
	4,517	100.0%
Age Range		
11 years old or younger	12	0.3%
12 years old	145	3.1%
13 years old	350	7.4%
14 years old	709	15.1%
15 years old	1,120	23.8%
16 years old	1,289	27.4%
17 and above	1,073	22.8%
	4,698	100.0%
*Gender was missing on 27 dispositions (0.6%).		
**Race/Ethnicity was missing on 181 dispositions (3.9%).		
***Hispanic is treated as a "race" category.		

<sup>3</sup> 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 which indicates an 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 FY2017 juvenile dispositions compared to the 2016 census state population.

The last column presents the coefficients of disproportionality. For example, the coefficient of disproportionality for African American offenders is 4.7. In other words, the proportion of African Americans sentenced (18.0%) was 4.7 times the proportion in the general population (3.8%). In contrast, the coefficient for Caucasians is 0.6, which means the proportion of juvenile dispositions involving Caucasians is 0.6 times 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 0.4.

**Table 2. Racial/Ethnic Disproportionality**

Race/Ethnicity**	% FY2017 Juvenile Dispositions	% FY2016 Washington State	Coefficient of Disproportionality
African American	18.0%	3.8%	4.7
Asian/Pacific Islander	3.2%	8.4%	0.4
Caucasian	47.5%	73.2%	0.6
Hispanic***	26.1%	13.2%	2.0
Native American	5.2%	1.3%	4.0
<b>Total</b>	100.0%	100.0%	
(n)	4,517	6,837,820	
**Race/Ethnicity was missing on 181 dispositions (3.9%).			
***Hispanic is treated as a "race" category.			

Note: State population is taken from the Office of Financial Management (Census 2016).

## 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 (562 or 12.0%), followed by Clark County (483 or 10.3%), and Pierce County (459 or 9.8%).

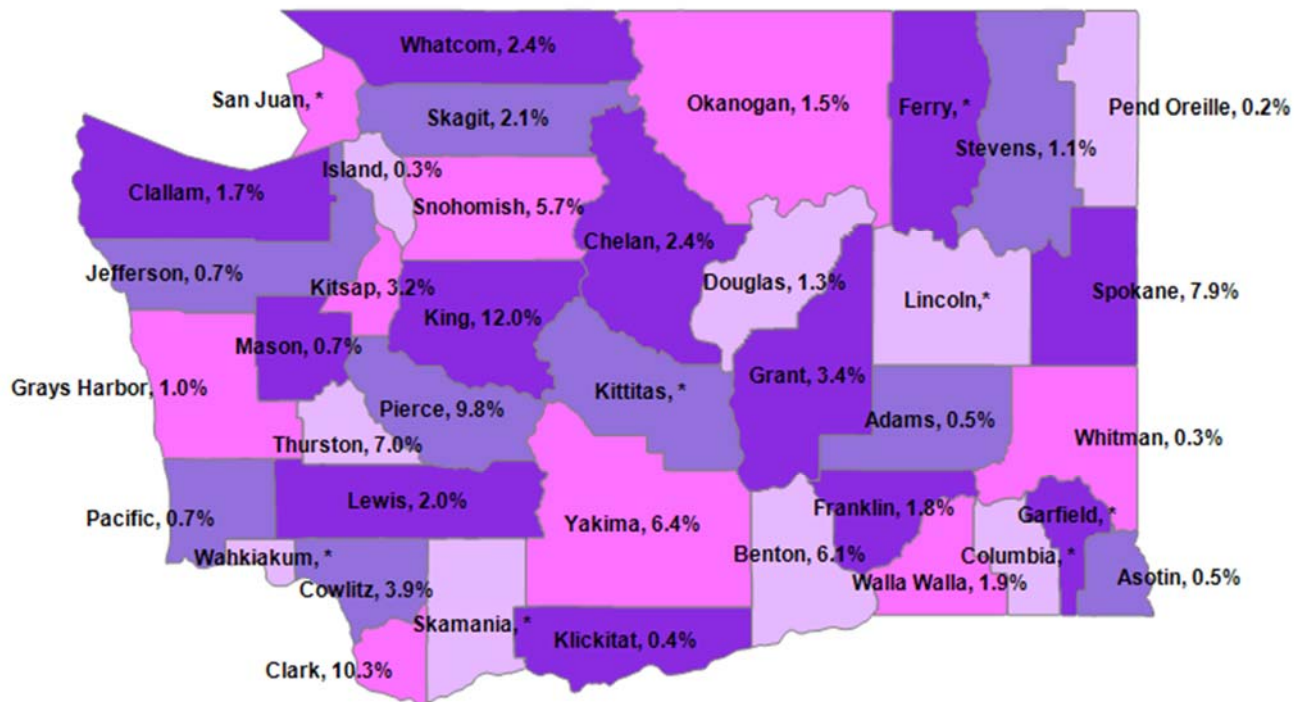
Together, these 3 counties (King, Clark and Pierce) accounted for almost a third of all dispositions in the state. In contrast, 25 of 39 counties had less than 100 dispositions each and 8 of the smallest counties had less than 10 dispositions per county.

**Table 3. Juvenile Dispositions by County**

County	Number	County (Cont.)	Number (cont.)
Adams	22	Lewis	94
Asotin	25	Lincoln	N/A*
Benton	286	Mason	32
Chelan	115	Okanogan	72
Clallam	78	Pacific	31
Clark	483	Pend Oreille	10
Columbia	N/A*	Pierce	459
Cowlitz	185	San Juan	N/A*
Douglas	62	Skagit	101
Ferry	N/A*	Skamania	N/A*
Franklin	84	Snohomish	269
Garfield	N/A*	Spokane	373
Grant	162	Stevens	52
Grays Harbor	45	Thurston	329
Island	15	Wahkiakum	N/A*
Jefferson	32	Walla Walla	88
King	562	Whatcom	112
Kitsap	148	Whitman	12
Kittitas	N/A*	Yakima	302
Klickitat	21	<b>Total</b>	<b>4,698</b>

\* Less than 10 juvenile dispositions.

**Map 1. Washington State Juvenile Dispositions by County & Percentage**



\* The county has less than 10 dispositions or < 0.2%.

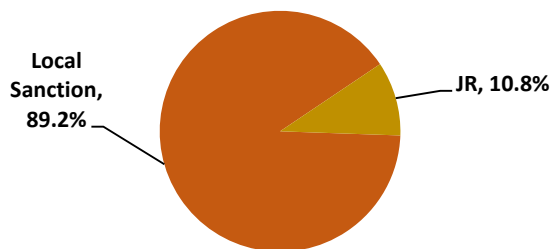
## Type of Court Disposition

The vast majority of dispositions (97.7%) were the result of guilty pleas; only 1.2% of dispositions involved offenders adjudicated guilty following a juvenile court hearing. The remaining dispositions (1.1%) were revoked deferred and “Alford” pleas<sup>4</sup>.

## Locus of Sanction

Most juvenile offenders are sanctioned at the local, county level (Figure 3). Only 10.8% (506) of FY2017 dispositions resulted in confinement in a state operated JR facility. The Range of confinement for JR commitments was an average minimum 42 weeks and an average maximum of 59 weeks (Table 4).

**Figure 3. Locus of Sanction**



**Table 4. Confinement Ordered by Placement Type**

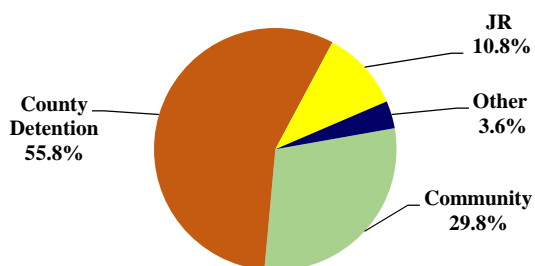
Placement Type	Average Sanction
JR	42 to 59 Weeks
County Detention	15 Days
Work Crew	4 Days
Electronic Monitoring	22 Days

## Local Sanctions

“Local sanction” is the presumptive sentencing range for offenders at the lower end of the offense seriousness/prior adjudication score continuum. Most (89.2%) of FY2017 dispositions resulted in sentences to local sanctions at the county level.

Over half (55.8%) of youths sentenced to local sanctions were assigned some confinement in county detention, with an average sentence of 15 days. Another 29.8% 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 22 days. The average work crew order was 4 days. In addition, the courts ordered an average of 29 hours of community service per disposition.

**Figure 4. Local Sanction by Type**



<sup>4</sup> 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 FY2017 juvenile dispositions were for non-felony (gross misdemeanor and misdemeanor) offenses. Felonies accounted for 35.5% of all dispositions (Table 5).

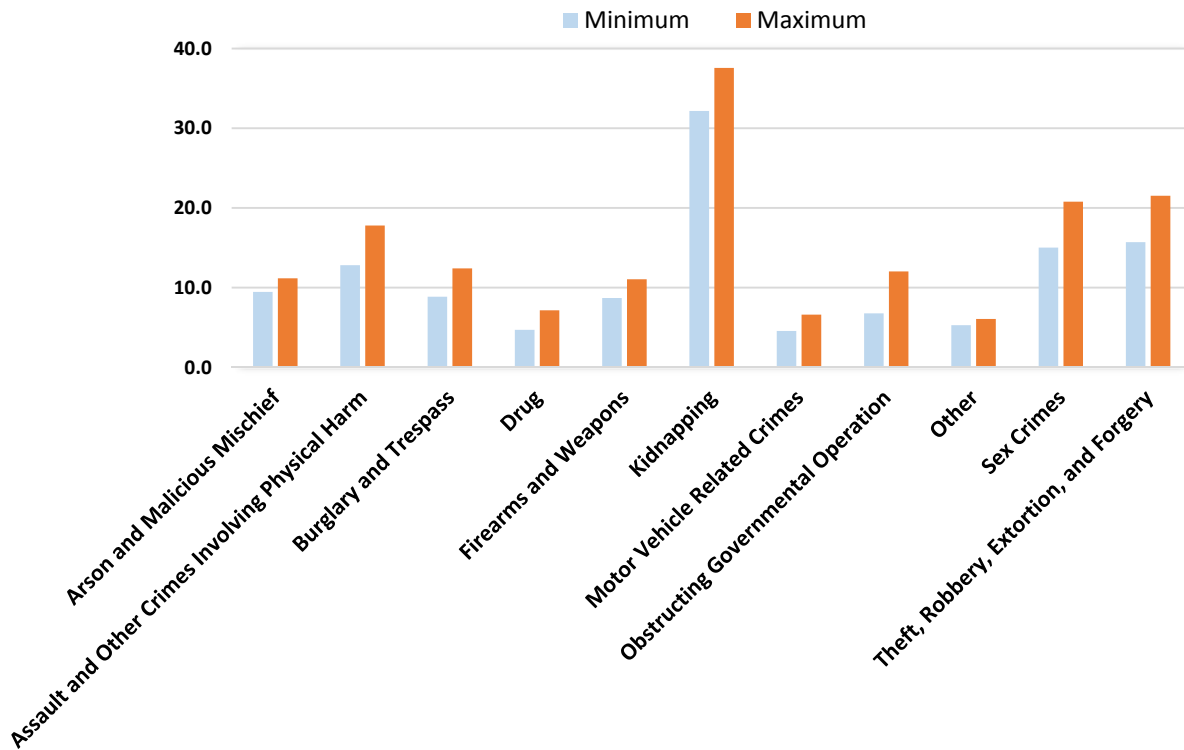
**Table 5. Felony and Non-felony Dispositions**

Offense	Number	Percent
Felony	1,668	35.5%
Gross Misdemeanor	2,364	50.3%
Misdemeanor	666	14.2%
<b>Total</b>	<b>4,698</b>	<b>100.0%</b>

## Felony Offenses

There were 1,668 dispositions for felonies. Theft, Robbery, Extortion, and Forgery were the most common felonies committed by juveniles, with an average minimum term of 16 weeks and an average maximum term of 22 weeks confinement. The second most common felony was Assault and Other Crimes Involving Physical Harm, with an average minimum sentence of 13 weeks and an average maximum sentence of 18 weeks (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 (Weeks)	
		Minimum	Maximum
Arson and Malicious Mischief	77	9	11
Assault and Other Crimes Involving Physical Harm	256	13	18
Burglary and Trespass	243	9	12
Drug	150	5	7
Firearms and Weapons	111	9	11
Homicide	3	15	36
Kidnapping	5	32	38
Motor Vehicle Related Crimes	35	5	7
Obstructing Governmental Operation	4	7	12
Other	63	5	6
Sex Crimes	176	15	21
Theft, Robbery, Extortion, and Forgery	545	16	22
<b>Total</b>	<b>1,668</b>		

**Non-Felony Offenses**

Almost two thirds of FY2017 dispositions were for non-felony offenses. There were 3,030 gross misdemeanor and misdemeanor dispositions. Assault and Other Involving Physical Harm offenses were the most common non-felony offenses, with an average sentence of 11 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	340	10
Assault and Other Crimes Involving Physical Harm	873	11
Burglary and Trespass	205	8
Drug	389	8
Firearms and Weapons	65	6
Motor Vehicle Related Crimes	41	4
Obstructing Governmental Operation	79	10
Other	252	13
Public Disturbance	107	5
Sex Crimes	15	48
Theft, Robbery, Extortion, and Forgery	664	7
<b>Total</b>	<b>3,030</b>	

**Violent and Non-violent Offenses**

The great majority (92.8%) of FY2017 juvenile dispositions were for non-violent offenses (Table 8). Dispositions across all non-violent offenses carried an average minimum sentence of 21 days and an average maximum sentence of 27 days confinement.



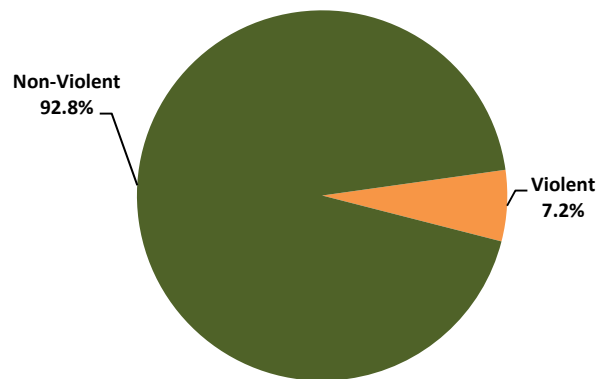
**Table 8. Violent and Non-Violent Offense Dispositions**

Offense	Number	Average Term
Serious Violent	6	121 to 138 Weeks
Violent	333	31 to 42 Weeks
Non-Violent	4,359	21 to 27 Days
<b>Total</b>	<b>4,698</b>	

Juvenile dispositions for “serious violent offenses<sup>5</sup>” were extremely rare in FY2017, accounting for only 6 (0.1%) of 4,698 dispositions. Dispositions for serious violent offenses carried an average range of 121 to 138 weeks confinement in JR<sup>6</sup>.

There were an additional 333 dispositions for violent crimes, with an average range sentence of 31 to 42 weeks confinement.

**Figure 6. Violent and Non-Violent Dispositions**



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<sup>5</sup> "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))

<sup>6</sup> 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 2017 available on the CFC website.

## Suspended Disposition 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. There are three “alternative” dispositions which allow a court to impose a sentence, and then suspend that sentence in favor of a community based local sanctions disposition. These three alternatives are based on compliance with appropriate treatment goals.

### 1. Suspended Dispositions (Option B)

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 32 Option-B suspended dispositions with an average confinement of 2 days, a suspended range of confinement with an average minimum of 115 days and an average maximum of 122 days, and an average of 9 months of community supervision.

### 2. Chemical Dependency/Mental Health Disposition Alternative (CDMHDA) (Option C)

During FY2017, 127 dispositions were imposed under the Chemical Dependency/Mental Health Disposition Alternative option. CDMHDA provides chemically dependent/Mental Health youth with an alternative disposition that includes mental health, drug or alcohol treatment. Chemical Dependency/Mental Health Disposition Alternatives involved an average confinement of 10 days, a suspended range of confinement with an average minimum of 58 day and an average maximum of 89 days, and an average of 10 months of community supervision.

### 3. Special Sex Offender Disposition Alternative (SSODA) (RCW 13.40.162)

During FY2017, 103 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 7 days, a suspended range of confinement with an average minimum of 212 days and an average maximum of 235 days, and an average of 23 months of community supervision.

**Table 9. Juvenile Disposition Alternatives**

Alternative	Average Range of Confinement (Days)				
	Number	Confinement		Suspended	
		Min	Max	Min	Max
CDMHDA	127	10	10	58	89
Option B	32	2	2	115	122
SSODA	103	7	7	212	235

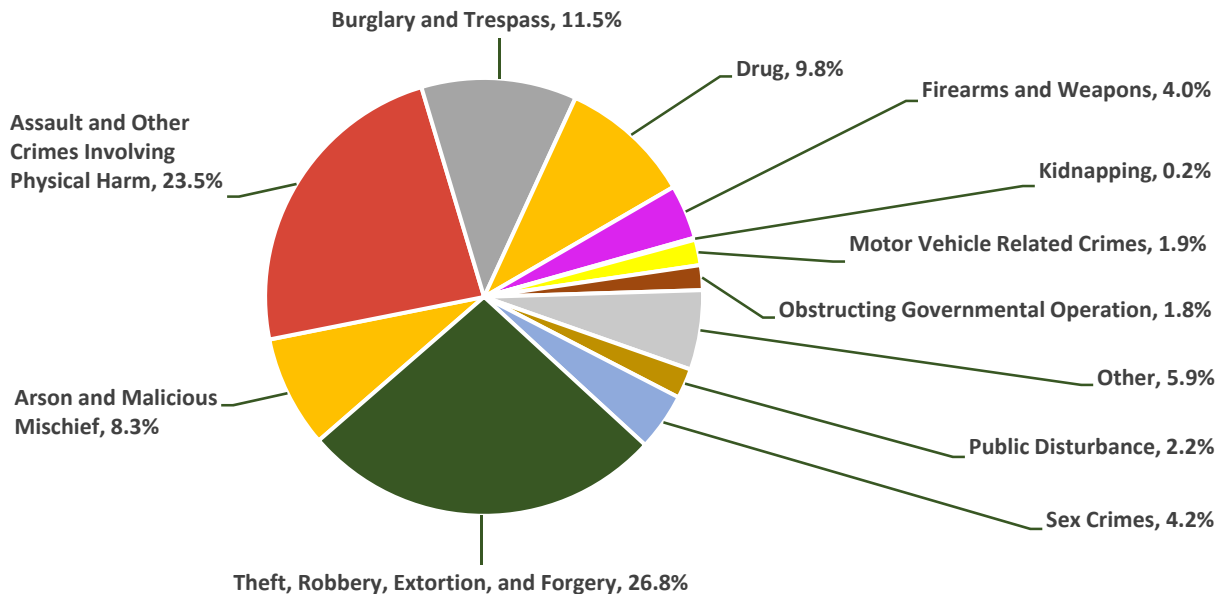
## Manifest Injustice Offenses (Option D)

In addition to the alternatives described above, the court may depart from the standard range by imposing a Manifest Injustice order either above or below the standard range<sup>7</sup>. The CFC recorded 350 manifest injustice offenses (5.4%) in fiscal year 2017.

**Table 10. Ratio of Manifest Injustice by Offenses**

Category By Offenses	Total Offenses	Offenses were ordered in Standard Range	Offenses with MI	Ratio of MI
Arson and Malicious Mischief	531	514	17	3.2%
Assault and Other Crimes Involving Physical Harm	1,509	1,415	94	6.2%
Burglary and Trespass	737	680	57	7.7%
Drug	628	612	16	2.5%
Firearms and Weapons	257	244	13	5.1%
Homicide	3	3	-	-
Kidnapping	10	4	6	60.0%
Motor Vehicle Related Crimes	121	119	2	1.7%
Obstructing Governmental Operation	118	117	1	0.8%
Other	377	360	17	4.5%
Public Disturbance	142	138	4	2.8%
Sex Crimes	272	230	42	15.4%
Theft, Robbery, Extortion, and Forgery	1,720	1,639	81	4.7%
<b>Grant Total</b>	<b>6,425</b>	<b>6,075</b>	<b>350</b>	

**Figure 7. Distribution of Offense Category**



<sup>7</sup> 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 offenses were “other mitigating factor”, “all parties agree to mitigated sentence”, and “the conduct neither caused nor threatened serious bodily injury or contemplated the conduct would”. 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.	31
All parties agree to mitigated sentence.	18
The conduct neither caused nor threatened serious bodily injury or contemplated the conduct would.	10
One year or more between current offense and prior offense.	7
Suffered mental or physical condition that reduced capability for the offense.	3
Acted under strong and immediate provocation.	2
Aggravating Reasons	
Other Aggravating Factor.	134
All parties agree to aggravated sentence (up).	87
Recent criminal history or failed to comply with diversion agreement.	81
Standard range too lenient considering priors.	44
Other complaints resulting in diversions or guilty plea not listed in history.	30
Victim was particularly vulnerable.	19
While committing or fleeing from offense inflicted or attempted to inflict injury.	11
Highly likely to reoffend.	7
Need the structure, intensive treatment, training and supervision.	3
Finding of sexual motivation.	3
Heinous, cruel or depraved.	2
Impose a serious and clear danger to society.	1
Have a substance abuse problem.	1
Leader of criminal enterprise.	1

## Summary

This report details characteristics of the 4,698 FY2017 Washington State juvenile offender dispositions reported to the Caseload Forecast Council.

As the data show, about three quarters (78.3%) of the dispositions involved young males. Most offenders sentenced in juvenile court have little or no criminal history. In fact, approximately 75.1% of dispositions have no prior offenses.

Similarly, most offenders sentenced in court are there for relatively minor crimes. Almost two thirds (64.5%) of the offenders sentenced in FY2017 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/mental health issues, and Option B), the majority of offenders (94.4%) 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.

There was significant racial/ethnic disproportionality in the sentenced population. Compared to the state as a whole, those adjudicated in FY2017 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 4.7.

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

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*This report is updated annually. It, along with prior annual reports, is available on the CFC website: [WWW.CFC.WA.GOV](http://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, 2016, and June 30, 2017 (Fiscal Year 2017). 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.*

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