

JUVENILE JUSTICE & DISPROPORTIONALITY:

Patterns of Minority Over-Representation in Washington's Juvenile Justice System*



December 1997

Bernard C. Dean

**** NOTE: On-line version may differ from original report. This on-line document does not contain report footnotes, proper formatting, select appendices, or other items that are contained in the original document. Please do not cite, quote, or distribute without the express consent of the author or the Sentencing Guidelines Commission. For an original hard copy of the report, contact the Commission office.***



State of Washington

Sentencing Guidelines Commission

P.O. Box 40927

Olympia, WA 98504-0927

(360) 956-2130

ACKNOWLEDGMENTS[†]

The author wishes to thank the many individuals who gave generously of their time and provided assistance in the completion of this report. I am particularly thankful to Michael Curtis and Virginia Neal with the Office of the Administrator for the Courts for all of their help in providing appropriate juvenile justice data; Bonnie Jacques and John Yoachim of the Department of Social and Health Services; Dr. John Steiger with the Office of Financial Management, Dr. Nicholas Lovrich with the Washington State University Political Science Department and Division of Governmental Studies and Services, and Dick Van Wagenen, Dr. Polly Phipps, and other Sentencing Guidelines Commission staff for their suggestions and editing of earlier draft versions of this report. I especially thank Dr. Phipps for her contribution in summarizing individual county reports on disproportionality.

TABLE OF CONTENTS

LIST OF TABLES AND FIGURES iv

EXECUTIVE SUMMARY v

INTRODUCTION 1

Background 1

Literature Review 3

Review of Disproportionality Research in Washington 6

STATEWIDE MINORITY REPRESENTATION AT VARIOUS STAGES IN THE JUVENILE JUSTICE SYSTEM: 1995-96 9

Methodology and Study Data 9

Analysis 12

SUMMARY OF COUNTY REPORTS ON DISPROPORTIONALITY 25

DISCUSSION AND RECOMMENDATIONS 38

Possible Causes of Disproportionality 38

Limitations of the Findings 38

Suggestions for Future Research 39

REFERENCES 42

APPENDIX A: RCW 9.94A.040 45

APPENDIX B: RCW 72.09.300 48

APPENDIX C: Juvenile Justice System Flow Chart for Criminal Offenses 50

APPENDIX D: Number and Percent of Youth Processed by Jurisdiction 51

LIST OF TABLES AND FIGURES

Table 1: Percentages of Youth at Various Stages of the System 14

Table 2: Number and Percent of Referrals by Race/Ethnicity and Offense 18

Table 3: Extent of Disproportionality in Selected Process Stages by Index Score 18

Table 4: Number and Percent Departures by Race/Ethnicity 23

Figure 1: Percentages of Youth in Washington's Juvenile Justice System 13

Figure 2: Juvenile At-Risk Population by Race and Ethnicity 15

Figure 3: Juvenile Arrests by Race and Ethnicity 16

Figure 4: Comparative Rates of Referral Per 1,000 Youth 17

Figure 5: Comparative Rates of Prosecution Per 1,000 Youth 20

Figure 6: Juveniles Sentenced to Local Confinement 21

Figure 7: Juveniles Committed to JRA 22

EXECUTIVE SUMMARY

This is the Sentencing Guidelines Commission's first biennial report on disproportionality in juvenile sentencing, as required by RCW 9.94A.040. The report examines the racial and ethnic composition of youth processed at various stages of the juvenile justice system and measures the extent of over- or under-representation of these groups in relation to their proportion in the general population. Included within this report are a review of previous research on disproportionality, descriptive statistics on juveniles referred and sentenced in Washington's juvenile justice system, a summary of reports submitted to the Commission for 1995 by local law and justice council advisory committees on proportionality, and a discussion of disproportionality as it relates to state juvenile justice policy.

Data on juveniles referred and processed in juvenile court were obtained from the Office of the Administrator for the Courts' (OAC) statewide juvenile court information system (JUVIS) and compared with at-risk youth population estimates. The resulting analyses contained in the report were based upon data compiled by OAC and may under- or over-estimate the actual number of youths processed in the juvenile justice system due to jurisdictional differences in JUVIS usage. However, for the purposes of the report, these data were the best available figures on which to base analyses on youth processed in Washington's juvenile courts.

The report indicates that minority youth were disproportionately represented at virtually every stage of the juvenile justice system. These disparities increased and became more acute as youth were processed through intermediary decision points in the system (i.e., as one moved from the arrest and referral stage to pre-

adjudication detention and final case dispositions, or sentencing), although there was significant variation in the extent of disproportionality among individual minority racial and ethnic groups. For instance, African-American youth were particularly more likely to be proportionately over-represented throughout the juvenile justice system, whereas Asian-American youth were generally under-represented in most stages of the system. Native-American and Hispanic youth were also over-represented in several juvenile justice process stages. However, White youth were consistently under-represented in the juvenile justice system as compared with their proportion in the general population.

Upon examining the racial and ethnic composition of youth referred to juvenile court, youth detained prior to adjudication, and those youth sentenced to secure placement with county detention centers or the state Juvenile Rehabilitation Administration (JRA), the following patterns emerged:

Findings Regarding Youth Referred

- Youth of color were referred to juvenile court at a rate twice that of Whites.
- The percentage of referrals for youth of color tended to be higher for violent and more serious offenses.
- The percentage of minority youth receiving alternatives to formal prosecution was relatively low as compared with other process stages.

Findings Regarding Pre-Adjudication Detention

- Youth of color were approximately three times as likely to receive pre-adjudication detention as White youth.
- African-American youth were particularly more likely to be detained prior to adjudication, formally prosecuted, and adjudicated guilty than other racial or ethnic groups.

Findings Regarding Youth Sentenced

- In 1996, youth of color comprised 21 percent of the at-risk youth population, yet represented 40 percent of secure placements to county detention centers and JRA.
- Minority youth were roughly three times as likely to be sentenced to secure placement as White youth.
- African-American youth were approximately five times as likely to be sentenced to confinement as Whites.
- Youth of color represented 46 percent of those youth receiving a departure from the standard sentencing range.
- Minority youth accounted for 50 percent of Option B sentences.
- Whites made up 76 percent of offenders receiving the Special Sex Offender Disposition Alternative (SSODA) and were more likely to receive the alternative than other racial or ethnic groups.

Due to the variety of responses that the Commission received pursuant to the submission of reports on proportionality by local law and justice council advisory committees, the Commission is submitting the following recommendations:

1. Local law and justice councils should continue to work with their advisory committees on proportionality and furnish reports in a timely fashion.
2. County proportionality reports should be disseminated to a wider audience which includes, but is not limited to the following:
 - Minority and Justice Commission

- Governor's Office on Indian Affairs
- Commission on African-American Affairs
- Commission on Asian Pacific-American Affairs
- Commission on Hispanic Affairs

3. The Washington State Law and Justice Council should convene a group of interested parties, including legislators, representatives of local and state agencies, and minority communities to develop a more uniform and consistent format for reporting on disproportionality. The Commission would gladly participate in such an effort.

INTRODUCTION

The problem of juvenile justice disproportionality—the over-representation of minority youth in the juvenile justice process—has manifested itself in the legal systems of nearly every state in the Union. Hence, most states, including the State of Washington, tend to have an over-representation of youth of color in the juvenile justice system as compared with the number of minority youth in the general population. Although this disproportionality may appear at different stages of the process, these disparities are often attributed to biased treatment of minority youth by law enforcement and the juvenile courts, legally relevant variables (e.g., offense seriousness and prior criminal history), higher levels of minority involvement in crime (e.g., arrest rates), unfavorable community characteristics, and various disadvantaging socio-economic factors.

This report focuses on the official processing of youth in various stages of the juvenile justice system by racial/ethnic group and compares proportions of these offenders with their percentages in the at-risk population. Included within the study are a review of the disproportionality literature and pertinent research, analyses of data detailing minority representation in Washington's juvenile justice system, a summary of county reports on disproportionality for 1995, suggestions for future study, and a discussion of the policy implications of disproportionality as it relates to Washington's juvenile justice system.

Background

In 1988, the United States Congress amended the Juvenile Justice and Delinquency Prevention Act of 1974 to promote strategies to reduce disproportionality. In particular, the Act sought to remedy disproportionate confinement of minority youth by requiring states to make substantive efforts to reduce the proportion of minority juveniles detained or confined in secure detention facilities, jails, and lockups if such proportion exceeds the proportion such groups represent in the general population. Beginning with Fiscal Year 1994, states failing to address disproportionate minority confinement could be denied up to 25% of their federal formula grant allocations for state and local juvenile justice programs.

In the ensuing period, the Washington State Legislature enacted a series of measures to examine the problem of disproportionality and solicit solutions or strategies to address the over-representation of minorities in the juvenile justice system. One such measure was Engrossed Substitute House Bill (ESHB) 1966, which directed several state agencies to conduct studies on racial disproportionality, provide cultural diversity training to juvenile justice personnel, expand data collection on juvenile offenders, develop uniform prosecutorial standards for juveniles, and provide juvenile court information to families in an alternative non-English format. In addition, ESHB 1966 added racial minority populations to the criteria for distributing funds under the Consolidated Juvenile Services program funding formula. Finally, the Juvenile Disposition

Standards Commission (JDSC) was directed to review the application of sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth.

In 1994, the Legislature directed local law and justice councils to establish advisory committees on juvenile justice proportionality. These advisory committees were to monitor and report to the JDSC on citizen complaints regarding bias or disproportionality and the proportionality, effectiveness, and cultural relevance of various state and county rehabilitative services. Reports detailing findings were to be submitted to the JDSC on an annual basis.

In 1996, the Legislature enacted Senate Bill 6253. This measure dissolved the Juvenile Disposition Standards Commission and transferred its powers and duties to the Sentencing Guidelines Commission (SGC). In addition to increasing SGC responsibilities to include juvenile matters (i.e., assuming responsibility for monitoring and reviewing juvenile disposition standards), the SGC was directed to report to the Governor and the Legislature on racial disproportionality in juvenile sentencing and review juvenile sentencing standards and guidelines for potentially adverse impacts upon minority youth. Local law and justice councils were re-directed to submit annual reports on juvenile justice proportionality to the SGC through their advisory committees. A summary of county reports, for 1995, have been included within this publication.

Under statute, the local law and justice council advisory committees on juvenile justice proportionality were directed to submit an annual report on:

1. The proportionality, effectiveness, and cultural relevance of the rehabilitative services offered by county and state institutions to juvenile offenders.
2. The proportionality, effectiveness, and cultural relevance of rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision, and parole.
3. Citizen complaints regarding bias or disproportionality in their respective county's juvenile justice system.

These reports were to be submitted to the SGC by September 1 of each year.

Literature Review

Findings from a large body of research literature suggest that the over-representation of minority youth in the juvenile justice system tends to occur throughout the country. Approximately two thirds of national studies found that minorities were "treated disproportionately" in the juvenile justice system (Pope and Feyerherm, 1992). One third of the literature found no evidence of disproportionate treatment. Of those studies which observed disproportionate minority treatment, half attributed such disparities to an overall pattern of disparity, whereas the remaining studies only found disparities in selected stages of the juvenile justice system or only under certain circumstances (i.e., particular types of offenses/offenders).

Many of the inconsistencies in the disproportionality literature have been ascribed to methodological flaws. In particular, the validity of any disproportionality study may become questionable when it fails to consider multiple decision points in the juvenile justice system (Bishop and Frazier, 1988, 1996; Bortner and Reed, 1985; Bridges and Crutchfield, 1988; Conley, 1994; Crutchfield, Bridges, and Pitchford, 1994; Gibbons, 1997; Leiber, 1994; Office of Juvenile Justice and Delinquency Prevention, 1990; Pope and Feyerherm, 1992). For instance, the cumulative effects of bias or disparate treatment at multiple or single points in the system may indirectly influence the final case disposition. Consequently, when research is restricted to a single decision point (e.g., disposition or sentencing) the effects of race may be underestimated or lost due to correlations between race and earlier decision points which predict later stage outcomes (Bishop and Frazier, 1988, 1996; Blumstein, 1982; Bortner and Reed, 1985).

This "masking effect" is further explored in Bortner and Reed (1985). Bortner and Reed maintain that there is an interdependence between process variables and juvenile characteristics which may become obscured at the final decision point. Eventually process variables incorporate social characteristics and mask the impact which these may have upon subsequent decisions. Again, the investigation of multiple decision points is emphasized as a methodologically sound way to measure the impact that selected variables such as race have upon initial and end stage decisions. Thus, the most prevalent indicators of disposition, such as offense severity and criminal history, may in turn be influenced by previously biased process variables.

Another manifestation of the "masking effect" may be observed in the aggregation of juvenile justice data across jurisdictions. This variant on the masking phenomenon cautions that differences between jurisdictions or regions may become obscured when investigating aggregated data (Crutchfield, Bridges, and Pitchford, 1994). Thus, differences in the treatment of minority youth become muted as one moves from the neighborhood level to the city, county, state and national levels.

In addition to considering the effects of multiple decision points, the literature suggests that empirical research which fails to control for legally relevant variables, such as offense seriousness and prior criminal history, may result in incomplete findings. Generally when studies detected disproportionality in the disposition (sentencing) stage of the justice process, disparities were explained by such legally relevant variables (Arnold, 1971; Bailey and Peterson, 1981; Bishop and Frazier, 1996; Pope and Feyerherm, 1981).

In these cases, much of the severity of the disposition (i.e., sentence or punishment) was accounted for by the seriousness of offenders current offense and their prior history. However, various other factors have been found to explain dispositional outcomes. For example, Blumstein (1982) found that 80 percent of the actual racial disproportionality in adult incarceration rates was attributed to differential involvement in criminal activity. Thus, racial differences in crime and arrests accounted for most of the disproportionality in imprisonment rates among adult Black offenders (Blumstein, 1982).

Contrary to this finding, subsequent research in Krisberg et al. (1987) argued that the high number of minority youth arrested for violent crimes cannot by itself account for the over-representation of minorities among the incarcerated juvenile population. Krisberg et al. examined data on arrests and self-reported delinquency and found that given similar rates of delinquency, minority youth were more likely to be arrested than White youth. Furthermore, high incarceration rates for youth of color were not found to be as great a function of their greater involvement in serious or violent crime as previously suggested. The analysis in Krisberg et al. tentatively concluded that post arrest decisions increased the likelihood of incarceration for Black and Native-American youth as compared with their White counterparts. Rather than theorizing that minority youth involvement in crime drives the disproportionate incarceration of minority youth, the Krisberg study highlighted research that emphasized the role which offender demeanor, police surveillance and apprehension practices, and charging procedures may have upon these disparities.

Previous research by Huizinga and Elliot (1987) also found that higher incarceration rates among minorities may be attributable to bias in justice agency decision making. In this study, "minorities appeared to be at greater risk for being charged with more serious offenses than Whites involved in comparable levels of delinquent behavior...[resulting] in higher incarceration rates among minorities". Thus, prosecutorial charging practices, were found to have a significant influence upon incarceration decisions.

Yet, others also attribute racial and ethnic disparities in the juvenile justice system to socio-economic factors (Duster, 1987; Joe, 1987). These researchers point to labor force conditions such as unemployment rates and poverty, as great drivers of criminal activity. Thus, since minorities tend to be disproportionately represented among the poor and disenfranchised, they are also more likely to engage in criminal activity and be over-represented in the criminal justice system.

Wordes, Bynum, and Corley (1994) attributed juvenile justice disproportionality to a direct pattern of racial and socio-economic influences. In a study of one state's juvenile justice system, Wordes, Bynum, and Corley found that African-American and Latino youth were consistently more likely to be placed in secure detention, independent of legal factors. Though socio-economic factors played an important role in the detention decision, race was found to have a significant and independent effect upon detention. Although, many investigations attributed differences among dispositions to a successive combination of variables, including race (Bishop and Frazier, 1988, 1996; Bortner and Reed, 1985; Fagan, Slaughter, and Hartstone, 1987; Leiber, 1994; Pawlak, 1977). For example, Fagan, Slaughter and Hartstone (1987) found racial disparities across various juvenile justice stages. After controlling for a wide variety of legally relevant variables, minorities were repeatedly more likely to be processed and receive harsher penalties than White youth. Race had a direct, indirect, and interactive effect on a variety of decision points.

The most common racially influenced variable that has been found to influence and predict disposition has been pre-adjudication detention (Bishop and Frazier, 1988, 1996; Bortner and Reed, 1985; Bridges et al., 1993, 1995; Conley, 1994). The decision to detain a juvenile, subsequent to arrest, was found to increase the likelihood of formal processing, prosecution, and the probability of receiving a more severe disposition (e.g., those involving longer periods of incarceration). Moreover, Bortner and Reed (1985) found that regardless of offense or number of prior referrals, Black juveniles were more likely to be detained prior to adjudication than White juveniles. Therefore race, operating through detention status, may be observed to have an indirect effect upon later stage processes and final stage outcomes (sentencing).

In sum, the literature seems to indicate that disparate treatment of minority youth may occur at any stage of the juvenile justice system and that such disparities may take place concomitantly, accumulate as one moves through the system, or become incorporated into other later stage process variables (i.e., "masking effect"). Therefore, although race may have a negligible impact on decision-making in any particular stage, minority status may still have a significant cumulative impact on overall juvenile justice system outcomes (e.g., sentencing).

Review of Disproportionality Research in Washington

Previous studies within the State of Washington have confirmed the existence of disproportionality, or minority over-representation, in the State's juvenile justice system (Bridges et al., 1993, 1995; Conely, 1994; Juvenile Justice Racial Disproportionality Work Group, 1994). These studies found that minorities were over-represented in virtually every stage of the juvenile justice process and that youth of color tended to receive more severe punishments than White youth, even when controlling for legally relevant factors such as offense seriousness and extent of prior criminal history.

The most comprehensive studies of minority over-representation in the State's juvenile justice system were conducted by the University of Washington on behalf of the Department of Social and Health Services and the Commission on African-American Affairs (Bridges et al., 1993, 1995). Bridges et al. (1993) found that youth of color were more likely to be referred, detained prior to adjudication, prosecuted, adjudicated guilty, and sentenced to secure confinement facilities than Whites. African-American youth were particularly more likely to be over-represented in these process stages than any other racial or ethnic group. While being over-represented in the aforementioned stages, youth of color were less likely to be diverted from prosecution than Whites.

Racial and ethnic disparities at the sentencing stage were found to be associated with differences in the likelihood of receiving detention prior to adjudication. In other words, pre-adjudication detention was found

to have a direct effect upon the disposition stage of the juvenile justice process. The former stage was more prone to racial and ethnic bias since the decision to detain a juvenile offender prior to adjudication is largely discretionary. Given comparable offender characteristics, minority youth were more likely to receive pre-adjudication detention than similarly situated Whites.

There was significant variation across counties and processing stages, in the level of disproportionality. Urbanized counties with larger concentrations of minority youth and higher crime rates tended to experience higher levels of disproportionality in juvenile justice processing.

Bridges et al. (1995) evaluated minority representation in individual juvenile court jurisdictions and assessed the implementation of county-level measures to reduce disproportionality. Findings indicated that minority youth were consistently less likely to be diverted, more likely to be prosecuted, and more likely to receive sentences involving Juvenile Rehabilitation Administration (JRA) supervision than White youth. Youth of color were also found to be over-represented at virtually every stage of the juvenile justice system. In addition, the proportion of minority youth in the post-referral stages of the system tended to be increasing relative to White youth over time (1990-1994). Policies aimed at reducing these disparities did not yield any significant results within the limited time period studied. Though the effects of these policies were inconclusive, many were found to neglect important decision-making stages of the juvenile justice system which had an impact on later stage processes. For example, the expansion of risk assessment procedures was recommended since uniformity in the application of pre-adjudication detention could potentially eliminate bias at this crucial stage of the juvenile justice process. Similarly, racial and ethnic disparities in prosecutions were less in counties that adopted prosecutorial guidelines than in those without such standards (Bridges et al., 1993; Juvenile Justice Racial Disproportionality Work Group, 1994).

Although minority youth were more likely to be arrested, referred, detained, prosecuted, and sentenced to confinement than White youth, few studies examined the influence which police discretion may have upon youthful offenders. Many scholars have stated that law enforcement represents the "front gate through which most children enter the juvenile justice system" (Pope and Feyerherm, 1992; Arnold, 1971; Bortner and Reed, 1985; Gibbons, 1997; Wordes, Bynum, and Corley, 1994). One in-state study reviewed the role of police in arresting, detaining, and introducing juveniles to the justice system. Conely (1994) found that both law enforcement and minority community members concluded that police placed communities of color under heavier surveillance than White neighborhoods. Interviews and focus groups with youth of color and law enforcement officials found that police discretion and informal procedures often led to harassment without formal processing, or the misuse of laws to effectuate an arrest. Conely also alluded to the adverse impacts that media coverage and suspect demeanor may have upon police discretion and arrest decisions.

STATEWIDE MINORITY REPRESENTATION AT VARIOUS STAGES IN THE JUVENILE JUSTICE SYSTEM: 1995-96

This section of the report provides an assessment of disproportionate minority representation in Washington's juvenile justice system (including various sentencing outcomes and process stages). Since early stage decisions often have a cumulative effect on subsequent decision points, the analysis follows the progression of juveniles through the system. However, the findings reported here do not provide an estimate of the odds of moving from one decision point to another, nor do they account for legally relevant criteria in decision-

making. Therefore, the analyses are only intended to illustrate patterns of decision-making in the juvenile justice system. Findings should not be interpreted as either confirming or refuting the presence of discriminatory practices, rather they should be seen as being indicators, which identify high-risk process categories (potential situations) in which discrimination may be present.

The data and analyses were based upon an analytic model that examines process decisions by comparing the proportions of minority and majority youth present at various stages of the juvenile justice process. Proportions of youth processed in the juvenile justice system are also compared with their percentages in the at-risk population. Included in this section of the report are indices which allow for comparison of the extent of over-representation of minorities in the justice system. Comparative rates of certain selected outcomes by race and ethnicity are also provided. The methodology and data studied are detailed below.

Methodology and Study Data

To effectively measure the proportion of minority and majority youth processed in the juvenile justice system, the study utilized a standardized data collection format that would detail juvenile populations at various stages of the process by race and ethnicity. This "juvenile justice system process review" allows the researcher to investigate multiple points in the juvenile justice system rather than solely examining the disposition or sentence alone. The importance of this approach was repeatedly emphasized in a review of the disproportionality literature.

In addition to comparing proportions of youth processed at various stages of the judicial process, this section compares the representation of minority youth in the juvenile justice system with their percentages in the general population, presents minority representation indices, and provides data on rates of selected outcomes by racial and ethnic group. The study examines grouped summary data by non-Hispanic racial categories (i.e., White, African American, Native American, Asian American) and includes a mutually exclusive Hispanic category. Analyses were facilitated by the use of the following analytic formulas.

Disproportionate Representation Index (DRI)

Indices based upon this model, allow for a comparison of the extent of over-representation of minorities at selected stages of the juvenile justice system. The model is based on the formula provided below.

DRI = Proportion of a specific racial group processed in a given category/decision pt.

Proportion of this group within the at-risk youth population

A quotient value of 1.0 indicates that a given group of youth in a selected category or decision point are represented at a proportion which corresponds to their presence in the at-risk population. Index values greater than 1.0 indicate over-representation. Values less than 1.0 indicate under-representation. The DRI is a fairly straight forward method for identifying and measuring disproportionality in juvenile justice process stages (e.g., pre-adjudication detention) and has been employed in similar studies in several other states (Florida Department of Juvenile Justice, 1995, 1996, 1997; Office of Juvenile Justice and Delinquency Prevention, 1990, 1996; Oregon Juvenile Justice Advisory Committee, 1997; Pope and Feyerherm, 1992).

Outcome rates

The rate of any particular occurrence was calculated by computing the total number of youths in any given racial or ethnic group for a selected outcome, and dividing the sum by the total number of youths in the general population (for that particular racial/ethnic group). The total for any selected group is then multiplied by a factor of 1,000. The resulting value or rate would represent the total number of youth (in each grouping)

receiving an outcome, per every 1,000 corresponding youth in the at-risk population.

Study Data

Data were extracted from the Office of the Administrator for the Courts' (OAC) statewide juvenile court information system (JUVIS) and compared with at-risk youth population estimates for 1995 and 1996. For the purposes of the study, "at-risk youth" were defined as those juveniles between 10 and 17 years of age. JUVIS data were utilized for the study since data collected from individual counties was often inconsistent and/or incomplete. In addition, most counties used JUVIS data in reporting on disproportionality in their respective jurisdiction. The study followed the progression of youth referrals, through juvenile justice system, by primary offense. The data included the number and percent of delinquent juveniles by race and ethnicity, in the following juvenile justice process categories and/or decision points:

- Primary offense categories E through A+
- Total referrals
- Detained after 24 hours
- Detained after 48 hours
- Diverted
- Prosecuted/Charged
- Received a deferred adjudication
- Found guilty
- Plead guilty
- Received Option B (with 110 or more points)
- Received the Special Sex Offender Disposition Alternative (SSODA)
- Received a "manifest injustice" disposition above or below the standard range and sentenced to a local county detention center or the state Juvenile Rehabilitation Administration (JRA).
- Received local detention
- Committed to JRA.

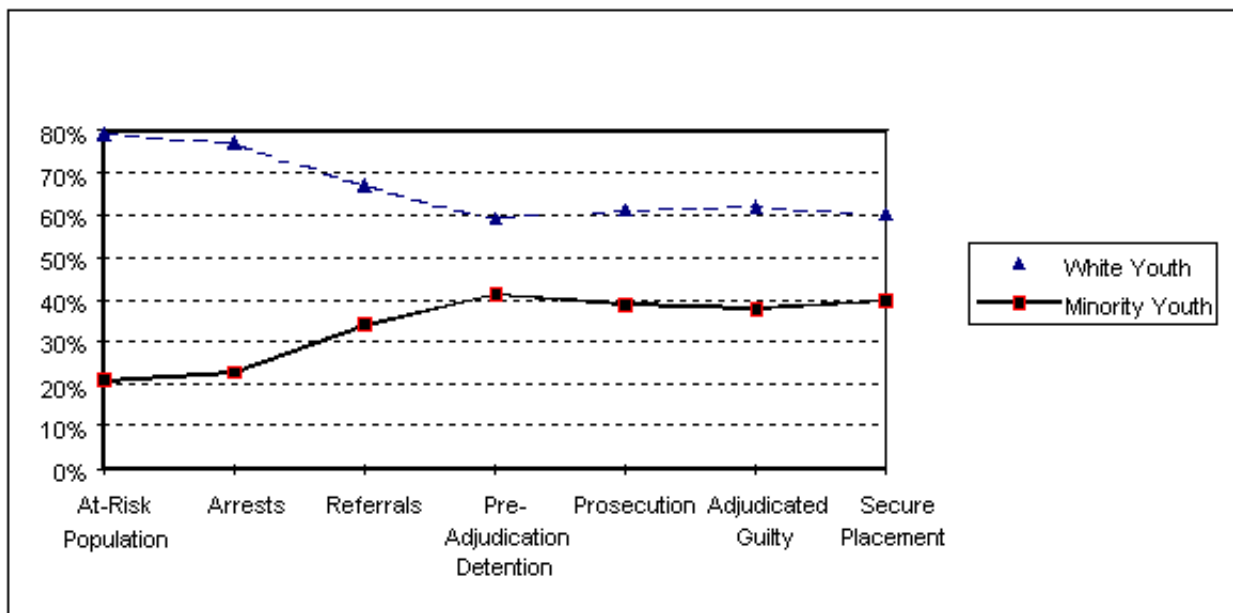
In addition to the above process categories and stages, juvenile arrest data were examined for 1995 and 1996. These data were obtained from the Washington State Uniform Crime Report (Washington Association of Sheriffs and Police Chiefs, 1996, 1997). Proportions of youth arrested were compared with other juvenile justice stages and their percentages in the at-risk population.

Analysis

In 1996, youth of color accounted for approximately 21 percent of Washington's juvenile at-risk population. Yet minority youth represented 23 percent of juvenile arrests, 33 percent of all juvenile court referrals, and 40 percent of commitments to JRA and county detention facilities (i.e., secure placements). Thus, in general, minorities tended to be over-represented throughout the juvenile justice system and were represented in increasing proportions as one moves through the various process stages. In other words, disproportionate representation increased substantially from the arrest to the pre-adjudication detention stage and remained high through the sentencing stage of the juvenile justice process.

Figure 1

Percentages of Youth in Washington's Juvenile Justice System (1996)



Observe that the proportion of minorities adjudicated and placed into secured lockups is approximately twice that of their percentages in the general population. This "amplification effect" has been reported in previous research and was also observed in subsequent analyses of the data. Also note that the proportion of minority youth receiving pre-adjudication detention (after 24 hours) corresponded to the proportion of minorities being placed in secured detention facilities. Although the relationship between offense severity and the decision to detain a youthful offender may explain the associated similarities among proportions of youth committed to secure placement and those receiving pre-adjudication detention, analyses conducted for this report did not assess the influence (or correlation) of such legally relevant criteria upon the juvenile justice process.

Table 1

Percentages of Youth at Various Stages of the System (1996)

Process Stage	White	African American	Native American	Hispanic	Asian American
Arrests	77%	7%	3%	9%	3%
Referrals	67%	10%	4%	9%	4%
Diversions	72%	6%	3%	8%	4%
Detained Pre-adjudication (>24hrs)	59%	15%	4%	13%	4%
Prosecuted	61%	13%	4%	10%	4%
Adjudicated Guilty	62%	12%	4%	10%	4%
Secure Placement	60%	14%	4%	12%	5%

The percentages of minority youth processed in 1996 appear to be consistent with previous calendar years. The analyses of statewide data for 1995 and 1996 indicated that African-American youth were particularly more likely to be over-represented throughout the juvenile justice system as compared with other racial or

ethnic groups. The analysis further demonstrated that the pattern of over-representation is less pronounced and more sporadic for these other racial and ethnic groups. Following African-American youth, Native Americans and Hispanics showed the most extensive over-representation in the juvenile justice system. Asian-American and White youth tended to be under-represented at virtually every stage or offense category. Notably, with the exception of Option B case dispositions, Asian-American youth were the most under-represented group in the juvenile justice process.

Detailed analyses for individual and aggregated racial and ethnic groups were conducted for youth arrested, referred to juvenile court, represented in selected process stages, and sentenced. These analyses compared proportions of youth in the aforementioned process areas with proportions of youth in the at-risk population and are described in the following overview of minority representation in the juvenile justice system.

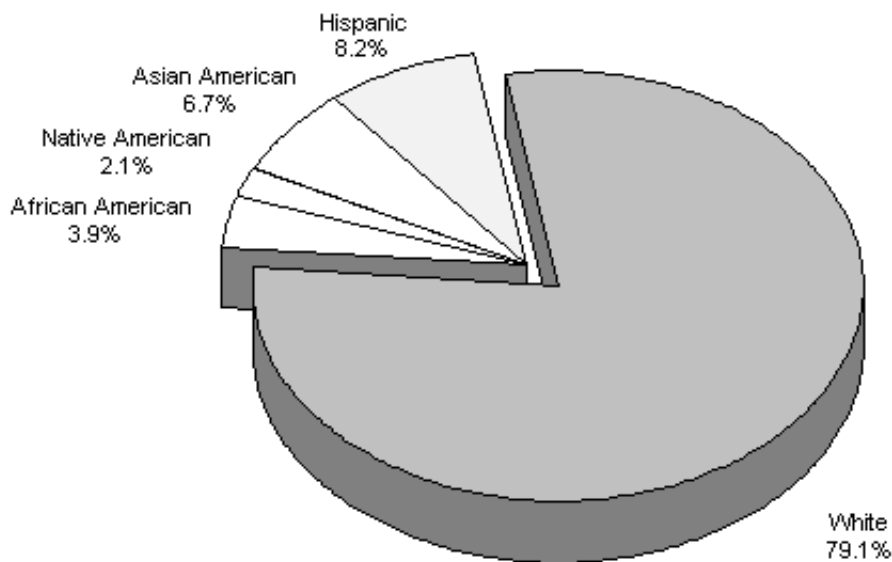
Juvenile At-Risk Population

During 1995 and 1996, youth of color represented approximately 21 percent of Washington's juvenile at-risk population (i.e., population between the ages of 10 and 17). Racial and ethnic distributions are illustrated in

Figure 2.

Figure 2

Juvenile At-Risk Population by Race and Ethnicity (1996)



Juvenile Arrests

In 1996, youth of color represented 23 percent of juvenile arrests. Roughly 77 percent of arrestees were White, 9 percent were of Hispanic origin, 7 percent were African American, 3 percent were Native American, and 3 percent were Asian American. Although these proportions closely correspond to the percentages of at-risk minority youth in the State of Washington (21%), they mask vastly disproportionate arrest rates among the individual minority racial and ethnic groups. For instance, 142 African-American juveniles were arrested for every 1,000 African-American youths in the at-risk population. Among other groups the arrest rates were, 126 arrests per 1,000 Native-American youth, 89 arrests per 1,000 Hispanics, 77 arrests per 1,000 Whites,

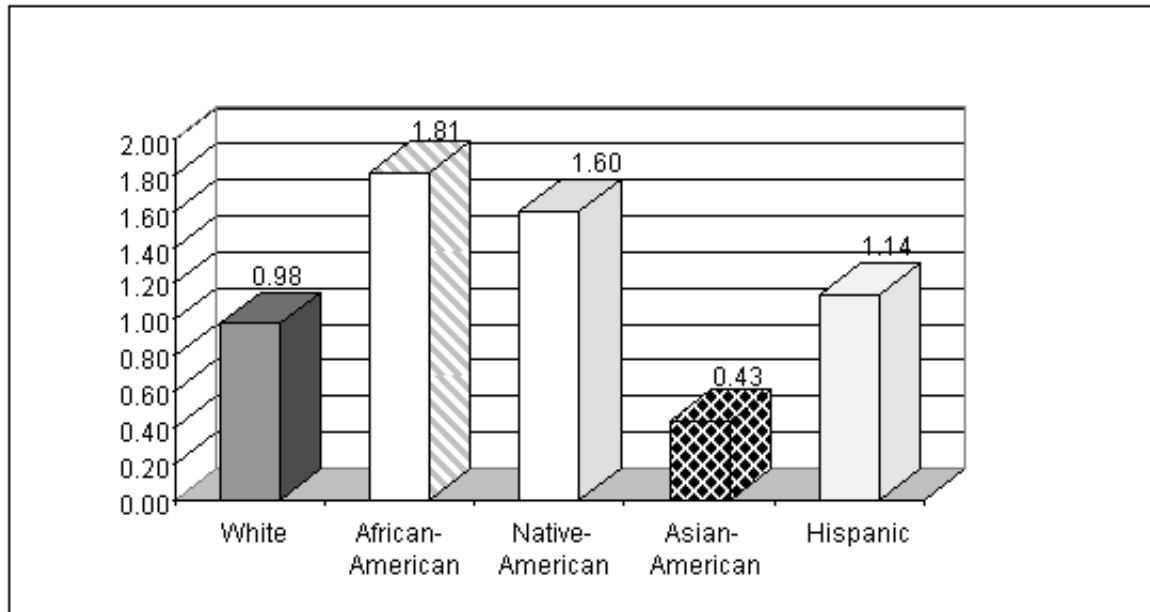
and 34 arrests per 1,000 Asian Americans. In sum, African-American youths were 1.8 times as likely to be arrested as White youths. Similarly, Native-American juveniles were 1.6 times more likely to be arrested than White youths. Conversely, White youth were slightly more than twice (2.3 times) as likely to be arrested as Asian-American youth.

Comparative measures of disproportionality are illustrated in Figure 3. Index scores were based on the DRI, and measure the extent of disproportionality in the arrest stage of the juvenile justice system.

Figure 3

Juvenile Arrests by Race and Ethnicity:

1996 Comparative Index Scores



Note: Percentages of arrests by race and ethnicity divided by percent of at-risk youth population ages 10-17.

Values greater than 1.0 indicate over-representation; values less than 1.0 indicate under-representation

While African-American, Native-American, and Hispanic youth tended to be over-represented among juvenile arrestees, Asian Americans exhibited much lower rates of arrest and were vastly under-represented in proportion to their percentages in the at-risk youth population. White youth were arrested in proportion with their number in the general population.

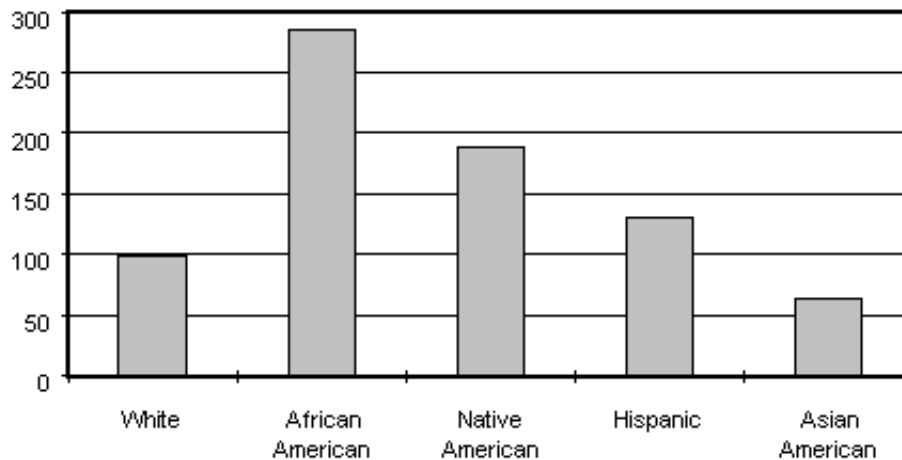
Racial and Ethnic Distributions for Primary Offense Referrals (1996)

The percentage of referrals for youth of color tended to be higher for violent and more serious offenses (i.e., felonies or category C through A+ offenses) than their ratio among less serious misdemeanor and gross misdemeanor offenses. Moreover, youth of color were referred to juvenile court at a rate almost twice that of

White juveniles. Minorities were referred at a rate of 187 per 1,000 youth of color, whereas 99 White juveniles were referred for every 1,000 White youth. Figure 4 displays referral rates for individual racial and ethnic groups per 1,000 corresponding juveniles in the at-risk youth population.

Figure 4

Comparative Rates of Referral Per 1,000 Youth (1996)



A disproportionate number of African-American, Native-American, and Hispanic youth were referred to juvenile court in 1996. The greatest disparities were noted among the most serious offenders (i.e., violent felonies). In particular, African-American juveniles were between 4.45 and 5.58 times as likely to be referred for category A+ and A offenses as their numbers in the general population would predict. Native-American and Hispanic youth also exhibited a slight proclivity towards being referred for more serious offenses, although disparate referral rates tended to be more uniform throughout offense categories. Asian-American and White youth were under-represented in each referral category, although Whites represented 67 percent of total referrals to juvenile court. Table 2 provides the number and percent of referrals by primary offense referral category.

Table 2

Number and Percent Referrals by Race/Ethnicity and Offense (1996)

Primary Offense Referral Category	TOTAL	White		African American		Native American		Hispanic		Asian American		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
Category A+	23	9	39	4	17	0	0	8	35	0	0	2	9
Category A	459	204	44	100	22	25	5	66	14	13	3	51	11
Category A-	343	235	69	19	6	7	2	26	8	3	1	53	16
Category B+	2,092	1,153	55	349	17	82	4	240	12	63	3	205	10
Category B	5,353	3,626	68	392	7	192	4	483	9	197	4	463	9
Category C+	822	440	54	123	15	52	6	119	15	21	3	67	8
Category C	9,088	5,430	60	1,162	13	310	3	933	10	489	5	764	8
Category D+	10,973	7,359	67	1,287	12	386	4	907	8	272	3	762	7
Category D	29,694	20,349	69	2,680	9	947	3	2,402	8	1,324	5	1,992	7
Category E	16,744	11,614	69	1,105	7	617	4	1,711	10	383	2	1,314	8
TOTAL REFERRALS	75,591	50,419	67	7,221	10	2,618	4	6,895	9	2,765	4	5,673	8

Racial and Ethnic Distributions in Selected Process Stages

Levels of disproportionality were readily apparent in the process stages of pre-adjudication detention,

diversion, deferred adjudications, and guilty adjudications. The following DRI index illustrates the extent of the over-representation of selected minority groups in these process stages or outcomes.

Table 3

Extent of Disproportionality in Selected Process Stages by Index Score (1996)

PROCESS STAGE	N	DRI				
		White	African American	Native American	Hispanic	Asian American
Detained after 24 hours	2,821	0.74	3.73	2.05	1.53	0.60
Detained after 48 hours	2,085	0.73	3.99	1.91	1.68	0.66
Diverted	26,084	0.91	1.61	1.30	0.93	0.59
Prosecuted	31,167	0.77	3.40	1.72	1.26	0.63
Adjudication Deferred	2,570	0.90	1.61	1.02	0.42	0.53
Found Guilty	1,491	0.72	3.94	1.81	0.78	0.62
Plead Guilty	19,068	0.79	3.12	1.81	1.31	0.60

Note: Percentages of process referrals at each stage divided by percent of at-risk youth population ages 10-17.

Values greater than 1.0 indicate over-representation; values less than 1.0 indicate under-representation.

As indicated in Table 3, African-American youth were particularly more likely to be detained prior to adjudication, formally prosecuted in juvenile court, and adjudicated guilty. In 1996, approximately 59 percent of those youth detained prior to adjudication (24 hours) were White, 15 percent were African American, 13 percent were Hispanic, 4 percent were Native American, and 4 percent were Asian American. Notably, the proportion of White offenders detained prior to adjudication decreased by 4 percentage points from 1995. The percentage of Native Americans also declined slightly. However, the proportion of African-American youth increased by 5 percentage points. Asian Americans also witnessed a minimal increase. Nonetheless, although minorities comprised 21 percent of the total at-risk population, they made up 41 percent of those juveniles detained prior to adjudication. Youth of color were approximately 2.6 times as likely to receive detention prior to adjudication as Whites. Rates of pre-adjudication detention were particularly high among African Americans, who were roughly five (4.9) times as likely to be detained at this stage of the juvenile justice process as White youth.

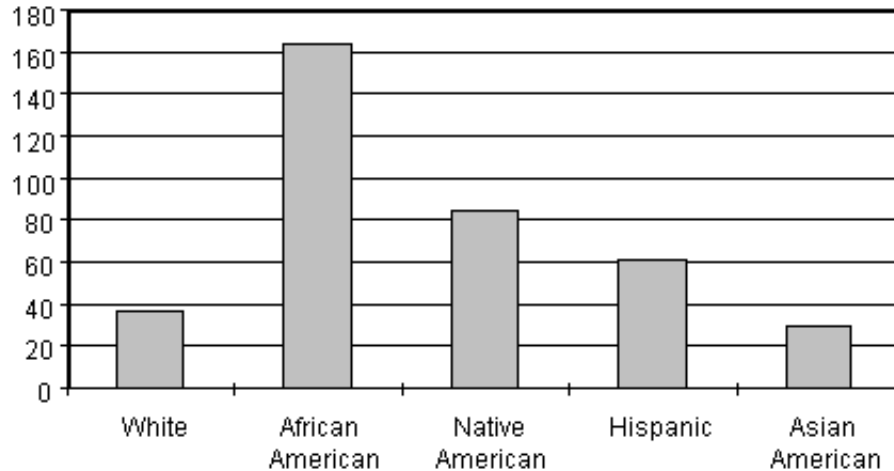
The percentage of minority youth receiving alternatives to formal prosecution was substantially smaller. In 1996, 28 percent of youth diverted were of minority status. Among those, 8 percent were Hispanic, 6 percent were African American, 4 percent were Asian American, and 3 percent were Native American. Consequently, for those youth receiving diversions from formal court processing, Asian Americans tended to be under-represented while African Americans and Native Americans were over-represented. Youth of White or Hispanic descent were slightly under-represented.

Similarly, of those youths receiving a deferred adjudication in 1996, 71 percent were White and 29 percent were youth of color. Although the proportion of minority youths increased by 4 percentage points from the previous year, racial and ethnic proportions appeared similar to those found in diversions. In fact, with the exception of Hispanics, the percentages of White, African-American, Native-American, and Asian-American youth receiving deferred adjudications mirrored the proportions of youth receiving diversions. However, whereas Hispanic youth comprised 8 percent of the diverted youth population, they made up only 3 percent of deferred adjudications.

There were more severe disparities among youth prosecuted and adjudicated guilty. Roughly 39 percent of juveniles prosecuted in 1996 were of minority status. Approximately, 13 percent were African American, 10 percent were Hispanic, 4 percent were Native American, and 4 percent were Asian American. African-American youth were 3.4 times as likely to be prosecuted as their numbers in the general population would predict. On average, 164 African-American juveniles were prosecuted for criminal offenses per 1,000 African-American youth. Comparatively, the rate of prosecution was 84 per 1,000 Native-American youth, 61 per 1,000 Hispanic youth, 37 per 1,000 White youth, and 30 per 1,000 Asian-American youth.

Figure 5

Comparative Rates of Prosecution Per 1,000 Youth (1996)



As evidenced by the data displayed in Figure 5, African-American youth were 4.4 times as likely to be prosecuted as White youth. Some of the disparity between racial and ethnic groups in rates of prosecution may be linked to arrest rates, pre-adjudication detention, a lack of uniform prosecutorial guidelines, and offense severity.

Youth of color made up 38 percent of juveniles adjudicated as guilty. Likewise, as in the case of prosecutions, African-American youth were more likely to be adjudicated guilty than any other racial or ethnic group. In fact, they were 4 times more likely to be adjudicated guilty than White youth. Also note that Native Americans and Hispanics were twice as likely to be adjudicated guilty than White juveniles. Both White and Asian-American youth were proportionately under-represented among guilty adjudications.

Racial and Ethnic Disparities in Sentencing (Disposition Outcomes)

In 1996, minorities comprised approximately 40 percent of secure placements (to JRA and local county detention facilities). Of those youth sentenced to local confinement, 61 percent were White, 12 percent were African American, 12 percent were Hispanic, 4 percent were Asian American, and 4 percent were Native American. For JRA committed youth, 55 percent were White, 17 percent were African American, 11 percent were Hispanic, 5 percent were Asian American, and 5 percent were Native American.

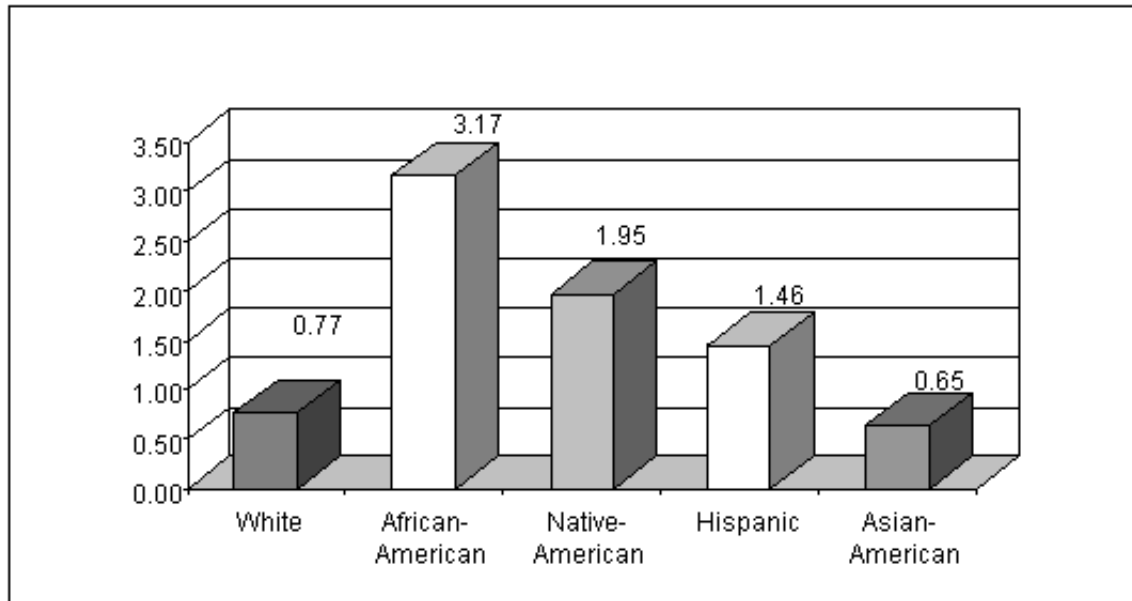
Overall, youth of color were confined at disproportionately high rates compared to Whites. Minorities were

roughly three (2.65) times as likely to be placed into a secured facility as Whites. Odds of being placed into a secure facility were more disparate among individual racial and ethnic groups. For example, African-American youth were 4.7 times as likely to be confined as White youth. Rates of confinement were 57 per 1,000 African-American youth, 33 per 1,000 Native-American youth, 24 per 1,000 Hispanic youth, 12 per 1,000 White youth, and 11 per 1,000 Asian-American youth. Asian-American and White youth were proportionately under-represented as compared with their percentages in the at-risk youth population.

Figure 6

Juveniles Sentenced to Local Confinement

1996 Comparative Index Scores



Note: Percentages of youth sentenced to local detention by race and ethnicity divided by percent of

at-risk youth population ages 10-17. Values greater than 1.0 indicate over-representation; values less

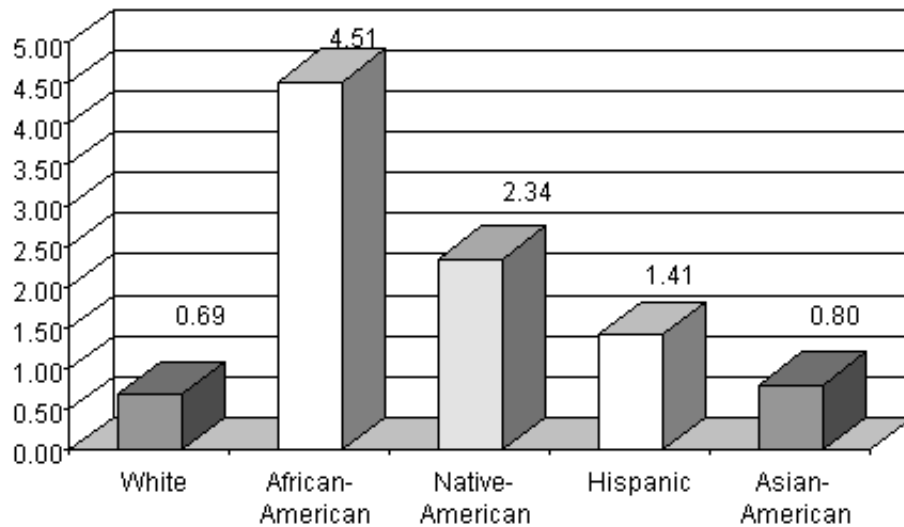
than 1.0 indicate under-representation

Figure 6 illustrates the extent of over- and under-representation of minority and majority youth sentenced to local confinement-county detention facilities-by individual racial and ethnic groups. Figure 7 presents similar index scores for youth sentenced to JRA.

Figure 7

Juveniles Committed to JRA

1996 Comparative Index Scores



Note: Percentages of youth sentenced to JRA by race and ethnicity divided by percent of at-risk youth population ages 10-17. Values greater than 1.0 indicate over-representation; values less than 1.0 indicate under-representation

As noted previously, the proportion of minority youth being placed into secure facilities (40%) tended to resemble the percentages of youth being prosecuted (39%), receiving pre-adjudication detention (41%), and committing more serious offenses (39% among category C through A+ offenders). One could argue that legally relevant criteria may have influenced the proportion of minority youth represented in these processes, although there were no data available in the study to assess that possibility.

Youth of color comprised 46 percent of those youth receiving a sentence which constituted a departure from the standard range. Departures from the standard range included those dispositions in which a juvenile was sentenced under Option B, the Special Sex Offender Disposition Alternative (SSODA), or received a manifest injustice above or below the standard sentencing range.

Table 4

Number and Percent Departures by Race/Ethnicity (1996)

Departure Type	TOTAL	White		African American		Native American		Hispanic		Asian American		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
Option B	1,038	519	50	284	27	29	3	51	5	73	7	82	8
SSODA	176	132	75	2	1	3	2	10	6	3	2	26	15
Manifest Injustice Above Standard Range	166	108	65	17	10	8	5	24	15	5	3	4	2
Manifest Injustice Below Standard Range	95	31	33	9	5	6	4	48	29	0	0	1	1
Total Departures	1,475	790	54	312	21	46	3	133	9	81	6	113	7

Youth of color accounted for 35 percent of those juveniles receiving a manifest injustice above the standard range. African-American and Native-American youth were over-represented among offenders sentenced to county detention or JRA with a manifest injustice above the standard range. Hispanics were over-represented among JRA committed youth receiving a manifest injustice above the standard range, while Asian Americans tended to be under-represented among this group. White youth were under-represented among JRA commitments with an upward departure (manifest injustice) and were generally proportionately represented among youth sentenced to county detention and receiving a manifest injustice above the standard range.

Approximately 67 percent of juvenile offenders receiving a manifest injustice below the standard range were of minority status. African Americans, Hispanics, and Native Americans were over-represented among those youth committed to JRA with a manifest injustice below the standard range. Hispanics were over-represented among youth sentenced to local detention with a manifest injustice below the standard range, while Whites were under-represented in this category. There were no Asian Americans sentenced for a manifest injustice below the standard range in 1996.

Minorities comprised one quarter (25%) of SSODAs and one half (50%) of Option B case dispositions. African Americans were particularly over-represented among youth receiving the latter disposition option. In fact, they were 11 times more likely to receive an Option B case disposition than White youth. Hispanic youth were also over-represented among Option B cases. Asian-American youth were, more or less, represented proportionately among Option B dispositions. Whites and Native Americans were under-represented in this group.

For SSODA sentences, youth of color were markedly under-represented. Whites made up the majority of SSODA dispositions (75%) and were 3.7 times as likely to receive the alternative as Asian Americans, 3.3 times more likely than African Americans, and slightly more likely than Hispanics (1.4 times) and Native Americans (1.2 times) to receive the alternative. The disparities were even more evident when examining SSODA sentence rates among referrals only. Whites referred for offenses were 10 times (9.7) more likely to receive the disposition alternative than African Americans and were roughly twice as likely to receive the alternative as other minority groups.

Note that although minorities were less likely to receive the alternative, the analyses did not examine SSODA sentence rates among eligible sex offenders. However, previous research indicated that White youth make up

a significantly larger proportion of JRA admitted sex offenders, than in the general JRA committed population (Steiger and Ploeger-Dizon, 1991). Similarly, Whites were represented in larger percentages among youth arrested for Part II sex offenses in 1996 (Washington Association of Sheriffs and Police Chiefs, 1997). Thus, while constituting a larger proportion of SSODA sentences, White youth may also represent a larger percentage of sex offenders in general.

SUMMARY OF COUNTY REPORTS ON DISPROPORTIONALITY

This section includes a summary of 1995 disproportionality reports to the Sentencing Guidelines Commission (SGC) from local law and justice council advisory committees on juvenile justice proportionality. State law requires each advisory committee on proportionality to submit an annual report to the SGC that summarizes their findings in three major areas. These areas include:

1. The proportionality, effectiveness, and cultural relevance of rehabilitative services offered by county and state institutions;
2. The proportionality, effectiveness, and cultural relevance of rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision and parole; and
3. Citizen complaints regarding bias or disproportionality in the county juvenile justice system.

The Commission requested reports from the local law and justice council committees and received a range of responses—from nothing submitted at all, to tabulations of statistical data, to reports of minimum to maximum detail on the statutorily required topics and/or other subject matter. Counties submitting a report include: Adams, Benton/Franklin, Chelan/Douglas, Clallam, Clark, Columbia/Walla Walla, Cowlitz, Grays Harbor, King, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific/Wahkiakum, Pend Oreille/Stevens/Ferry, Pierce, San Juan, Skagit, Snohomish, Spokane, Whitman and Yakima. Counties sending tabulations and no report include: Asotin/Garfield, Skamania, Thurston and Whatcom. Counties providing no report or data to the SGC include: Grant, Island, Jefferson, and Kitsap.

County reports varied in a number of ways. First, some counties chose to focus on race/ethnicity statistics at varying points of juvenile justice processing (e.g., Benton/Franklin, Clark, Cowlitz, Klickitat, Snohomish and Spokane). Several of these counties provided a detailed analysis and conclusions on disproportionality. Other counties simply reported that they did not detect disproportionality, with little description of what led them to that determination. Second, some counties focused on describing and assessing their general and rehabilitative services in relation to disproportionality and cultural relevance, while others simply described programs in general. Third, a large number, but not all counties described their efforts to develop a diverse staff and train staff and volunteers in cultural awareness issues. Fourth, most counties reported on citizen complaints regarding bias or disproportionality, of which there were few. One county, King, described its efforts to collect systematic data on citizen complaints to law enforcement, while other counties focused on making citizens aware of the committees role in receiving complaints or developed procedures to process and investigate complaints.

The variety of topics and detail in the reports, and their focus or lack of focus on disproportionality and cultural relevance, make it difficult to determine common problems, possible solutions, and effective

programs. A consistent format for the report would be useful to compare programs and findings on disproportionality across counties. All parties involved, including legislators, local officials, and representatives of minority communities, should work together to determine a uniform format and content for this report. The Commission would gladly participate in such an effort. Consistent information across counties would give the most comprehensive view in understanding the forms and extent of disproportionality, common problems and solutions, and useful innovations.

The 1995 proportionality reports are briefly summarized by juvenile court jurisdiction and topic below. The topical areas included in this summary are those that a large number of counties reported on with some uniformity, that focus on disproportionality, and that involve specific actions that occurred during 1995. This summary does not include information on committee process, committee membership details, or recommendations for the next year. Statistical findings and conclusions on disproportionality are summarized only when the local committee did so in their report. The number and percentage of majority and minority youth processed in each juvenile court jurisdiction are listed in Appendix D. Full county reports are available from the SGC or the specific county.

Adams

Juvenile Court Staffing

The Adams County Juvenile Justice Advisory Committee reports that half of its juvenile staff are Hispanic and bilingual.

General Services

The juvenile court has interpreters available for meetings, counseling, and court hearings, and many of the juvenile court forms are in the Spanish language. The Juvenile Justice Advisory Committee finds that services provided for their families are culturally relevant.

Benton/Franklin

Juvenile Court Staffing

The Juvenile Justice Advisory Committee of Benton and Franklin Counties reports an increase in the racial/ethnic diversity of the staff, meeting one of their 1995 recommendations. In 1995, juvenile staff was comprised of 9 bilingual employees: 4 Counselors in Community Intensive Supervision, 1 Work Crew Assistant in the Community Work Program, 1 Assistant Surveillance Office in the Predisposition Intervention Program, 1 Tracker in the Option B Program and 2 full-time Counselor's in the Family Support Program.

Training

A two-day cultural awareness training at juvenile court for all court volunteers was conducted by the Court Appointed Special Advocate/Guardian Ad Litem (CASA/GAL) Program.

General Services

The juvenile court has interpreters available for meetings, counseling, and court hearings, and many of the juvenile court forms are in the Spanish language.

Each unit within the juvenile court implemented a plan to collect information and keep track of the ethnic background of each youth served by the unit. This resulted in much more extensive information to assess disproportionality, meeting the 1995 recommendation for comprehensive and easily accessible data on race/ethnicity.

Rehabilitative Services

The Benton-Franklin Juvenile Court received funding from the Governor's Juvenile Justice Advisory Committee (GJJAC) to evaluate their deferred adjudication process. The evaluation focused on potential bias in who receives deferred adjudications and found that certain factors were associated with its receipt, including criminal history (less), age (older), race (Caucasian), and attorney behavior (request for deferred adjudication). The author also found that Caucasians and youth of color have indistinguishable criminal history. The author suggests that association between criminal history and deferred adjudication reflects rational decision-making on the part of the court, while the associations between age, race and attorney behavior may reflect bias in decision making. Further statistical analysis of the data is planned.

The juvenile court recently received \$132,835 from the JRA for an early intervention accountability project that is a home- and family-based, intensive, culturally relevant (providing tailored services to minority offenders) program designed to keep first-time offenders from re-offending.

Citizen Complaints

The Committee received no citizen complaints regarding bias or disproportionality in 1995.

Chelan/Douglas

Training

The Chelan/Douglas Counties Juvenile Court Advisory Board on Proportionality reports that juvenile court staff attended a two-day retreat, part of which involved cultural awareness training.

Rehabilitative Services

The probation department sponsored a Hispanic Leadership Conference, which involved motivational speakers from the Anglo and Hispanic communities. Approximately 100 youth attended--drawn from several groups, including those on probation or parole, and high school youth identified as leaders by the school administration.

Citizen Complaints

The Advisory Board received no citizen complaints regarding bias or disproportionality in 1995.

Clallam

Statistical Review

A review of the 1995 Annual Statistics by the Clallam County Disproportionality Committee found no concern that programming or referrals were disproportional for any minority group.

Training

Cultural diversity training was accomplished and ongoing for all staff.

General Services

The committee reports progress towards collaboration with Native American groups and service sensitivity to minority populations.

Rehabilitative Services

The juvenile court contracts with the Lower Elwha Tribe for drug and alcohol counseling.

Citizen Complaints

The Committee received no citizen complaints regarding bias or disproportionality in 1995.

Clark

Statistical Review

The Juvenile Court Administrator provided a detailed report on disproportionality at each stage of juvenile processing in Clark County, including referrals, diversions and outcomes, guilty pleas, youth declined to adult court and commitment. The report indicates that a disproportionate number of referrals involve youth of color. At the point of diversion, the report suggests that the existing disproportionality may be attributable to the greater number of misdemeanor referrals involving European American (White) youth. A disproportionate percentage of diversion cases involving African-American and Hispanic youth resulted in unsatisfactory case outcomes, possibly due to a high occurrence of risk factors associated with recidivism and/or other compliance issues among these youth. At the stage of decline to adult court and commitment, the report suggests that the greater proportion of youth of color as compared to their representation in the population is likely attributable to referrals for serious and/or violent offenses.

Rehabilitative Services

Forty-one percent of youth participating in the Re-Entry Program are youth of color. The purpose of this program is to provide alternative education for high-risk students; its goal is to build resilience through life skills training to develop a sense of belonging and empowerment to successfully reintegrate young persons into their home school district.

Columbia/Walla Walla

Juvenile Court Staffing and Training

The Department of Court Services for Columbia/Walla Walla Counties employs 18 staff members-three are Hispanic, one is African American, and fifteen are Caucasians. The Department reports that they strive to maintain a balance of diverse staff and to provide culturally sensitive training.

Complaints

The Department of Court Services for Columbia/Walla Walla Counties received no citizen complaints regarding bias or disproportionality in 1995.

Cowlitz

Statistical Review

The Juvenile Justice Advisory Committee provided a detailed report on disproportionality at a number of points in juvenile justice processing, including diversions, early intervention program, detention and commitments.

General Services

Flyers on the juvenile court process provided by the Office of the Administrator for the Courts in a number of languages are given to parents of offenders to assist them in understanding the juvenile justice system.

Rehabilitative Services

The Diversion unit and Early Intervention Program officers use the services of the Ethnic Support Council to assist in working with families where English is a barrier. The juvenile department prefers not to use the youth him/herself to interpret for the parent due to concerns about manipulation or deception on the part of the youth.

The Early Intervention Program is for more serious offenders on community supervision or deferred adjudication and is designed to maximize intervention services and lessen recidivism. As part of this program

probation officers meet with youth and family to identify ethnic and racial issues that need to be addressed as part of the supervision contract or that may play a role in success during supervision. Data for 1995 indicate that minority youth are entering this program at levels consistent with or higher than their percent of the at-risk population.

Grays Harbor

Statistical Review

The report indicates that an examination of juvenile justice system stages in Grays Harbor County does not indicate disproportionality.

Juvenile Court Staffing

The juvenile court staff includes 18 males and 14 females, with one African American employee and one staff member who speaks Spanish.

Training

Cultural awareness training for the juvenile court staff included a multi-cultural community training program and a workshop on counseling strategies for troubled youth. The latter included building cultural proficiency.

General Services

The Juvenile Department disseminates the Washington State Juvenile Court Process brochure in Cambodian, Korean, Laotian, Russian, Spanish and Vietnamese. A bilingual Spanish-speaking interpreter is under contract and is used as necessary in court or detention.

Rehabilitative Services

The Juvenile Department disseminates a brochure on the Grays Harbor County Juvenile Court in Spanish, which includes a description of all rehabilitative services. Professional service contracts are used for counseling, which emphasize cultural and ethnic backgrounds and education. One contracted therapist has Native-American ancestry.

King

General Services

The Committee held four community meetings to discuss the cultural relevance of services offered. A graduate student at the University of Washington surveyed seven community agencies on the services provided and their cultural relevance.

Citizen Complaints

The Juvenile Justice Advisory Committee surveyed 35 county law enforcement departments regarding processes for receiving and acting on individual complaints of racial/ethnic bias/disproportionality in service delivery. Fifteen departments responded with details of their processes for receiving and evaluating citizen complaints. One of the responding departments received two complaints of bias in 1995 (out of eleven internal affairs investigations). The committee surveyed the Prosecuting Attorney, the Department of Youth Services (DYS), and four public defender agencies in King County on the same topic. The Prosecutor's office reported that a process for complaints is in place, and DHS reported no bias complaints in 1995. Two out of four public defender offices responded to the survey. One reported no complaints, the other reported their process for handling complaints and mentioned the receipt of complaints from clients about bias by police and jail officers.

Kittitas

Training

Juvenile staff are trained to ensure they are sensitive to application of service to diverse populations. Training resources that offer culturally relevant counseling and process techniques have been identified. Volunteer training is currently scheduled to include a cultural awareness section.

General Services

Office of the Administrator for the Courts brochures in a variety of languages are used.

Citizen Complaints

The Juvenile Justice Advisory Committee received no citizen complaints regarding bias or disproportionality in 1995.

Klickitat

Statistical Review

The Juvenile Justice Advisory Committee reported on statistical findings, with a caution towards making conclusions using the small number of offenders. They also discuss other problems in interpreting the statistical data. The Committee reports they detected no disproportionality problems.

Juvenile Court Staffing

The six juvenile court staff are equally divided between male and female, with one African-American staff member.

General Services

The juvenile court provides interpreters to all diverted or formally adjudicated youth. The court is committed to working with tribal authorities and using tribal resources with Native American youth whenever possible.

Citizen complaints

The Commission did not receive any citizen complaints regarding bias or disproportionality in 1995.

Lewis

Training

A video on "Cultural Diversity in Corrections" is used in juvenile court staff training.

General Services

Interpreters are available, if needed, at court hearings, diversions, and programming for non-English speaking youth and parents. A contract is in place with a certified interpreter to translate court documents into Spanish. The juvenile court has a program on hate crimes. New policies were developed addressing proportionality and cultural diversity issues

Citizen Complaints

Neither the Lewis County Law and Justice Committee or Juvenile Justice Committee received citizen complaints regarding bias or disproportionality in 1995.

Mason

Statistical Review

The Committee reviewed statistical data and found that it did not seem to be discriminatory on the basis of

race.

Juvenile Court Staffing

The Juvenile Court/Probation Services department has employed a bilingual Spanish speaking staff person and a more diverse staff.

Training

Multi-cultural community training is conducted as a part of cultural awareness training for staff.

General Services

The Washington State Juvenile Court process brochure is provided in Spanish, Cambodian, Korean, Laotian, Russian and Vietnamese.

Citizen Complaints

Mason County Probation Services reports they received no citizen complaints regarding bias or disproportionality.

Okanogan

Juvenile Court Staffing

The Juvenile Department has a Hispanic Court Services Officer/Counselor and Corrections Officer, both of whom are bilingual. An additional bilingual court service staff member has recently been hired. The Department also has a Native American Court Services Officer/Counselor, Corrections Officer, Probation/Parole Officer, Guardian ad Litem and Director of Substance Abuse Treatment and Services.

Training

Staff have attended at least one workshop or seminar dealing with cultural awareness and diversity issues. One staff member has received certification as a cultural awareness facilitator and will provide in-service training for the agency. Community volunteers receive cultural awareness training.

General Services

A certified interpreter is provided for all juvenile court sessions. The Juvenile Department has more than 10 types of informational materials printed in Spanish, on such topics as diversion, detention, substance abuse treatment, and others.

Rehabilitative Services

Consolidated Juvenile Services enhancement funds were used to fund a new project in conjunction with the Colville Indian Tribe targeting high risk Native American youth for enhanced services and intervention. The project had to be abandoned, since enhancement funds were not reallocated by the Legislature.

Citizen Complaints

The Okanogan Law and Justice Council received no citizen complaints regarding bias or disproportionality in 1995.

Pacific/Wahkiakum

Citizen Complaints

The Committee on Juvenile Justice Proportionality received no citizen complaints regarding bias or disproportionality in 1995.

Pend Oreille/Stevens/Ferry

Juvenile Court Staffing

One staff member of the Stevens County Juvenile Department is a Spanish interpreter.

Training

The Ferry County Juvenile staff have completed cultural awareness training, and several staff members of the Stevens County Juvenile Department have participated in such training.

General Services

The Ferry County Juvenile Department uses outside resources such as Tribal counseling. In Stevens County, Native American youth are generally referred to the Spokane Tribe for services in their local community. Stevens County reports they have information about the juvenile system available in various languages.

Citizen Complaints

None of the following groups received citizen complaints regarding bias or disproportionality in 1995: Pend Oreille Sheriff, the Ferry County Advisory Committee on Juvenile Justice Proportionality, Ferry County Juvenile Court, Stevens County Juvenile Court or Law and Justice Council.

Pierce

Juvenile Court Staff and Training

The Juvenile Justice Proportionality Sub-Committee reports ongoing cultural diversity training and ethnic diversity of staff in Pierce County Juvenile Court.

Rehabilitative Services

The Court increased the capacity of In-Home and Electronic Monitoring Programs as non-secure alternatives to secure detention. Children of color comprise 46.5% of participants.

The Inner-City Accountability Board is servicing divertible youth referred from the 98405 zipcode, which is a successful effort to hold youth accountable in their own neighborhoods.

Efforts were re-focused in serving youth of color in danger of failing diversion. Using a non-traditional service delivery approach, the Diversion Intervention Specialist increased the number of individuals successfully completing their diversion contracts.

San Juan

Citizen Complaints

San Juan County's Law and Justice Council received no citizen complaints regarding bias or disproportionality in 1995.

Skagit

Juvenile Court Staffing

The Juvenile Probation Department has one full-time and one part-time Hispanic bilingual probation officer, two Hispanic bilingual corrections officers, one bilingual corrections officer, and one part-time Native American corrections officer.

General Services

Interpreters are available through the department via a local provider, "Language Exchange." Bilingual department employees, clients or client family members often serve as interpreters. Forms are increasingly available in Spanish, especially in the diversion area.

Rehabilitative Services

Cultural and language issues are always considered in developing treatment plans. The intensive supervision program incorporated a cultural awareness component into the SCORE program's educational component.

Citizen Complaints

Neither the Skagit County Juvenile Probation Department or the local law and justice council have received citizen complaints regarding bias or disproportionality in 1995.

Snohomish

Statistical Findings

The Juvenile Justice Program Development Unit contracted with the Urban Policy Institute to analyze disproportionality in Snohomish County. Preliminary analyses found that White, Native American/Eskimo/Aleut and Hispanic youth had similar rates of involvement at key points in the juvenile justice process, while Asian/Pacific Islanders were under-represented and Black youth were over-represented. Further review indicated that once youth were in the "front door," over-representation did not vary. A subsequent analysis focusing on referral found that Asian youth were under-represented because they were referred less frequently, and for less serious crimes, than other racial/ethnic groups. Black youths were over-represented, compared to other racial/ethnic groups, as they were more likely to have multiple referrals in a single year and were more likely to be referred for violent felony offenses.

Spokane

Juvenile Court Staffing

The Juvenile court works closely with the Human Resource Department to recruit personnel from diverse ethnic groups.

General Services

Informational brochures on the court process are provided to the public in various language. Translators are provided by the court to non-English speaking youth and their families.

Rehabilitative Services

The Juvenile court contracts with the Mens' African-American Association for the mentoring of African-American youth. The NATIVE program is a valuable resource for Native-American and other ethnic group youth. The Mens' African-American Association and NATIVE provide services not only to probationers, but also their families.

For the rehabilitative projects of C.J.S. at Risk, Option B and SSODA, the subcommittee found that with the exception of Asians/Pacific Islanders, the percent of minority youth in each project was slightly greater than their proportion in the general population. An exception was the significantly greater representation of African American youth in Option B, which allows youth to be placed on community supervision as opposed to JRA commitment.

Citizen Complaints

The Spokane County Juvenile Justice Disproportionality subcommittee received no citizen complaints regarding bias or disproportionality in 1995.

Whitman

Training

The Juvenile Department has trained all staff in cultural awareness. New employees receive diversity training within the first 12 months of employment.

General Services

The Juvenile Department refers youth to cultural awareness classes when bias or prejudice is demonstrated by an offender. Whitman County has recruited persons of color to serve as members of the Guardian ad Litem program, Community Accountability Board, and volunteer juvenile court staff.

Citizen Complaints

The Juvenile Justice Advisory Committee received no citizen complaints regarding bias or disproportionality in 1995. The Committee has established a process, which includes an investigation by the Juvenile Court Administrator that will be forwarded to the local law and justice council.

Yakima

Juvenile Court Staffing

The Juvenile court has two bilingual/bicultural staff interpreters.

Training

All staff have attended cultural diversity training provided by either the Washington State Minority and Justice Commission or the Criminal Justice Training Commission.

General Services

The Juvenile court makes every effort to insure diversity among court volunteers. The court recruits in the Spanish language newspaper and radio for volunteers. All forms used in the court are being translated into Spanish, and all diversion notification forms are sent out in English and Spanish.

Rehabilitative Services

The Juvenile court has applied for a grant to work with monolingual youth in detention.

Citizen Complaints

The Committee has not agreed on their role in processing citizen complaints, but has taken action to make the community aware of the existence of the advisory committee and its legislated responsibilities.

DISCUSSION AND RECOMMENDATIONS

It is clear that disproportionality remains a serious concern in all stages of the juvenile justice system, from arrest to disposition. Disproportionality becomes more acute as one moves through intermediary or post-arrest stages of the process. Disparities are especially severe with respect to African-American youth. The existence of disproportionality and the potential for disparate treatment of selected minority groups is particularly problematic given the goals of Washington's juvenile sentencing system-fairness and equity.

Possible Causes of Disproportionality

The data presented in this report clearly document disproportionality in Washington's juvenile justice system. However, the data do not explain why youth of color are found in disproportionate numbers throughout the juvenile justice system. Potential explanations include:

- Discriminatory attitudes and practices of decision-makers.
- Differences in patterns of crime and criminal history among different groups of youth.
- The cumulative effect of decisions at successive stages of the process.
- Regional and local differences in decision-making (e.g., differing police tactics, prosecutorial standards, pre-adjudication detention criteria, risk assessment measures, etc.).
- Other variables that may influence decisions in the process.

Limitations of the Findings

Because this study did not control for offense severity and criminal history, or take into account other variables that might be relevant to decisions in the juvenile justice process, it does not distinguish between "warranted" and "unwarranted" disproportionality-between the results of legally justified decisions based on legally relevant criteria and the results of decisions based on race or ethnicity (i.e., discriminatory practices). Thus, findings should not be interpreted as confirming the existence of bias or discrimination in the juvenile justice system.

In addition, the lack of a uniform comprehensive data collection system for tracking arrests, likely resulted in an under-estimate of the proportion of minority youth arrested in Washington. Similarly, the information stored in JUVIS has been fraught with various limitations (e.g., participatory problems). Previous disproportionality research that utilized JUVIS data noted that jurisdictional idiosyncrasies in usage have created problems in data analysis and statewide research (Bridges et al., 1993, 1995). Therefore, the accuracy of the results documented in this study are subject to what extent local juvenile courts correctly entered data into JUVIS on a consistent and uniform basis. It is likely that the total number of youths processed in the juvenile justice system is somewhat over-estimated, since multiple referrals may be entered by some jurisdictions for the same offense.

Fortunately, the redevelopment of a statewide juvenile court information system is currently underway. The new juvenile judicial information system will provide for increased functionality and opportunities for the re-training of juvenile court staff in data-entry practices. It is the goal of the judicial information system policy committee to establish standardized business rules to achieve increased data integrity and uniformity. If cross-jurisdictional uniformity and participation in the new judicial information system are achieved, future analyses of statewide juvenile court data will be more accurate and complete.

Suggestions for Future Research

How juvenile justice professionals balance the often diverging and competing goals of rehabilitation, determinate sentencing, risk assessment procedures, and prosecutorial standards should be explored. Risk assessment procedures are used to determine whether a youth should be placed in detention pending adjudication. Pre-adjudication detention is normally based on risk factors such as the perceived likelihood that the offender will abscond prior to an adjudicatory hearing or the potential threat the offender poses to the community or themselves, if released (Office of Juvenile Justice and Delinquency Prevention, 1995). Since pre-adjudication detention was often found to be a predictor of sentence severity in other studies (e.g.,

Bridges et al., 1993, 1995), the differing risk assessment tools should be examined to determine what effect race may have upon risk assessment and on subsequent decisions. Likewise, differences in prosecutorial charging standards should be examined for similar purposes. Both of these decision-making points in the juvenile justice system are largely discretionary and should be thoroughly examined for potential bias. Particular focus should be placed upon the role law enforcement plays in processing youth and on what effect the enactment of comprehensive juvenile justice reforms, during the 1997 Legislative Session, have upon disproportionality-as discretion has been expanded to include a 0-to-30 day standard sentencing range (detention) for offenders penalized with local sanctions.

Future research should control for offense seriousness and criminal history and examine each process stage independently to determine whether each stage produces disparate results compared with the population entering it. Existing data make it difficult to make these comparisons. As the Commission accumulates detailed, specific data on dispositions, now being supplied by the state's juvenile courts, it should be able to contribute more useful information with regard to the disposition stage.

Dispositions are at the "back end" of the juvenile justice process, the outcome of a series of decisions that begins in the community with offenders themselves and the law enforcement officers who bring them to court, and continues through prosecutors' decisions about charging and judicial decisions about pretrial detention and adjudication. Disparities in these earlier stages may contribute to any disparities in dispositions, especially in relation to the at-risk population. The Commission urges that well-controlled research be continued with respect to these earlier stages as well as dispositions.

Disproportionality does not have to be measured to be a subject of concern, or to be addressed by the juvenile justice system. The county law and justice councils should continue to work with their advisory committees on disproportionality, as required by state law, and provide the required annual reports in a timely fashion. These reports should be provided to others besides the Sentencing Guidelines Commission-for example, the Minority and Justice Commission, the state Commissions on African-American Affairs, Asian Pacific-American Affairs, and Hispanic Affairs, and the Governor's Office on Indian Affairs.

The local law and justice council reports would be more useful from a statewide perspective if a more consistent format were used, allowing better comparisons of findings and programs among jurisdictions. It is suggested that the Washington State Law and Justice Advisory Council convene a group of interested parties, including legislators, representatives of local and state agencies and minority communities, to develop a more thorough and consistent format for the reporting. The Commission would be glad to participate in such an effort.

REFERENCES

Arnold, W. 1971 "Race and Ethnicity Relative to Other Factors in Juvenile Court Dispositions." *American Journal of Sociology*, 77 (2): 211-227.

Bailey, W., and R. Peterson. 1981. "Legal Versus Extra-Legal Determinants of Juvenile Court Dispositions." *Juvenile and Family Court Journal*, 32 (2): 41-59.

Bishop, D. and C. Frazier. 1988. "The Influence of Race in Juvenile Justice Processing." *Journal of Research in Crime and Delinquency*, 25(3): 242-263.

--. 1996. "Race Effects in Juvenile Justice Decision-Making: Findings of a Statewide Analysis." *Journal of Criminal Law and Criminology*, 86 (2): 392-414.

Blumstein, A. 1982. "On the Racial Disproportionality of United States' Prison Populations". *Journal of Criminal Law and Criminology*, 73 (3): 1259-1281.

Bridges, G., et al. 1993. Racial Disproportionality in the Juvenile Justice System: Final Report. Olympia, WA: Submitted to Commission on African American Affairs and Management Services Division, Department of Social and Health Services.

--. 1995. Racial Disproportionality in County Juvenile Facilities: Final Report. Olympia, WA: Submitted to Juvenile Rehabilitation Administration, Department of Social and Health Services.

Bridges, G., and R. Crutchfield. 1988. "Law, Social Standing and Racial Disparities in Imprisonment". *Social Forces*, 66 (3): 699-724.

Bortner, M.A., and W.L. Reed. 1985. "The Preeminence of Process: An Example of Refocused Justice Research". *Social Science Quarterly*, 66 (2): 413-425.

Conley, D. 1994. "Adding Color to a Black and White Picture: Using Qualitative Data to Explain Racial Disproportionality in the Juvenile Justice System." *Journal of Research in Crime and Delinquency*, 31 (2): 135-148.

Crutchfield, R., G. Bridges, and S. Pitchford. 1994. "Analytical and Aggregation Biases in Analyses of Imprisonment: Reconciling Discrepancies in Studies of Racial Disparity." *Journal of Research in Crime and Delinquency*, 31 (2):166-182.

Duster, T. 1987. "Crime, Youth Unemployment, and the Black Underclass". *Journal of Crime and Delinquency*, 33 (2): 300-316.

Fagan, J., E. Slaughter, and E. Hartstone. 1987. "Blind Justice? The Impact of Race on the Juvenile Justice Process". *Journal of Crime and Delinquency*, 33 (2): 224-258.

Florida Department of Juvenile Justice/Bureau of Data and Research. 1995. Minority Representation at Various Stages of the Juvenile Justice System: 1995. Tallahassee, FL.: Florida Department of Juvenile Justice.

--. 1996. Minority Representation at Various Stages of the Juvenile Justice System: 1996. Tallahassee, FL.: Florida Department of Juvenile Justice.

--. 1997. Minority Representation at Various Stages of the Juvenile Justice System: 1997. Tallahassee, FL.: Florida Department of Juvenile Justice.

Gibbons D. 1997. "Review Essay: Race, Ethnicity, Crime, and Social Policy". *Journal of Crime and Delinquency*, 43 (3): 358-380.

Horwitz, A. and M. Wasserman. 1980. "Some Misleading Conceptions In Sentencing Research: An Example and a Reformation in the Juvenile Court." *Criminology*, 18 (3): 411-424.

Huizinga, D., and D. Elliott. 1987. "Juvenile Offenders: Prevalence, Offender Incidence, and Arrest Rates by Race". *Journal of Crime and Delinquency*, 33 (2): 206-223.

Joe, T. 1987. "Economic Inequality: The Picture in Black and White". *Journal of Crime and Delinquency*, 33 (2): 287-299.

Juvenile Justice Racial Disproportionality Work Group. 1994. Report to the Washington State Legislature. Olympia, WA: Office of the Administrator for the Courts.

Krisberg, B., et al. 1987. "The Incarceration of Minority Youth". *Journal of Crime and Delinquency*, 33 (2): 173-205.

Leiber, M. 1994. "A Comparison of Juvenile Court Outcomes for Native Americans, African Americans, and Whites". *Justice Quarterly*, 11 (2): 257-279.

Office of Financial Management Division of Forecasting. 1996. 1996 Population Trends. Olympia, WA: Office of Financial Management.

Office of Juvenile Justice and Delinquency Prevention. 1990. Disproportionate Minority Confinement Technical Assistance Manual. Washington, D.C.: U.S. Department of Justice.

--. 1995. Guide for Implementing Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. Washington, D.C.: U.S. Department of Justice.

--. 1996. Evaluation of the Disproportionate Minority Confinement (DMC) Initiative: Oregon Final Report. Washington, D.C.: U.S. Department of Justice.

Oregon Juvenile Justice Advisory Committee. 1997. Oregon Juvenile Justice Advisory Committee 1997 Report. Salem, OR: Oregon Commission on Children and Families.

Pawlak, E. 1977. "Differential Selection of Juveniles for Detention." *Journal of Research in Crime and Delinquency*, 14 (2): 152-165.

Pope, C. and W. Feyerherm. 1981. "Race and Juvenile Court Dispositions: An Examination of Initial Screening Decisions." *Criminal Justice and Behavior*, 8 (3): 287-301.

--. 1992. Minorities and the Juvenile Justice System. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

Steiger, J. and C. Ploeger-Dizon. 1991. The Division of Juvenile Rehabilitation Sex Offender Treatment Program: Development, Design, and Evaluation Issues. Olympia, WA: Department of Social and Health Services.

Washington Association of Sheriffs and Police Chiefs (WASPC). 1996. Crime in Washington State: Annual Report. Olympia, WA.

--. 1997. Crime in Washington State: Annual Report. Olympia, WA.

Wordes, M., T. Bynum, and C. Corley. 1994. "Locking Up Youth: The Impact of Race on Detention Decisions." *Journal of Research in Crime and Delinquency*, 31 (2): 149-165.

APPENDIX A

RCW 9.94A.040 Sentencing guidelines commission--Established--Powers and duties--Assumption of powers and duties of juvenile disposition standards commission. (1) A sentencing guidelines commission is established as an agency of state government. (2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the

sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010;
and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of

the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness category XIII under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW. [1997 c 365 § 2; 1997 c 338 § 3; 1996 c 232 § 1; 1995 c 269 § 303; 1994 c 87 § 1; 1986 c 257 § 18; 1982 c 192 § 2; 1981 c 137 § 4.]

NOTES:

Reviser's note: This section was amended by 1997 c 338 § 3 and by 1997 c 365 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding--Evaluation--Report--1997 c 338: See note following RCW 13.40.0357.

Severability--Effective dates--1997 c 338: See notes following RCW 5.60.060.

Effective dates--1996 c 232: "(1) Sections 1 through 8 of

this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 28, 1996].

(2) Section 9 of this act takes effect July 1, 1996." [1996 c 232 § 12.]

Effective date--1995 c 269: "Sections 101, 201, 302, 303, 401, 402, 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203, 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901, 1902, 2001, 2101, 2102, 2201 through 2204, 2301, 2302, 2401, 2501, 2601 through 2608, 2701, 2801 through 2804, 2901 through 2909, 3001, 3101, 3201, 3301, 3401, and 3501 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 c 269 § 3604.]

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Severability--1986 c 257: See note following RCW 9A.56.010.

Effective date--1986 c 257 §§ 17-35: See note following RCW 9.94A.030.

APPENDIX B

RCW 72.09.300 Local law and justice council, plan--Rules--
Base level of services--Juvenile justice services. (1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives. (2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section. (3) The local law and justice council shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the

county legislative authority. The general intent of the plan shall include seeking means to maximize local resources including personnel and facilities, reduce duplication of services, and share resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness. The plan shall also include a section on jail management. This section may include the following elements:

- (a) A description of current jail conditions, including whether the jail is overcrowded;
 - (b) A description of potential alternatives to incarceration;
 - (c) A description of current jail resources;
 - (d) A description of the jail population as it presently exists and how it is projected to change in the future;
 - (e) A description of projected future resource requirements;
 - (f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;
 - (g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;
 - (h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;
 - (i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.
- (4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.
- (5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.
- (6) Upon receiving a request for assistance from a county, the department may provide the requested assistance.
- (7) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.
- (8) The department shall establish a base level of state correctional services, which shall be determined and distributed in

a consistent manner state-wide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.

(9) The council shall establish an advisory committee on juvenile justice proportionality. The council shall appoint the county juvenile court administrator and at least five citizens as advisory committee members. The citizen advisory committee members shall be representative of the county's ethnic and geographic diversity. The advisory committee members shall serve two-year terms and may be reappointed. The duties of the advisory committee include:

(a) Monitoring and reporting to the sentencing guidelines commission on the proportionality, effectiveness, and cultural relevance of:

(i) The rehabilitative services offered by county and state institutions to juvenile offenders; and

(ii) The rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision, and parole;

(b) Reviewing citizen complaints regarding bias or disproportionality in that county's juvenile justice system;

(c) By September 1 of each year, beginning with 1995, submit to the sentencing guidelines commission a report summarizing the advisory committee's findings under (a) and (b) of this subsection.

[1996 c 232 § 7; 1994 sp.s. c 7 § 542; 1993 sp.s. c 21 § 8; 1991 c 363 § 148; 1987 c 312 § 3.]

APPENDIX C

Juvenile Justice System Flow Chart for Criminal Offenses

(Not available in on-line version of document)

[Summary of the State's Juvenile Justice Code]

APPENDIX D

Number and Percent of Youth Processed by Jurisdiction

(Not available in on-line version of document)