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An Assessment of Juvenile Justice System Reform In Washington State

VOLUME III

A COMPARISON OF INTAKE AND SENTENCING DECISION-MAKING UNDER REHABILITATION AND JUSTICE MODELS OF THE JUVENILE SYSTEM

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A COMPARISON OF INTAKE AND SENTENCING DECISION-MAKING UNDER REHABILITATION AND JUSTICE MODELS FO THE JUVENILE SYSTEM

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PREFACE

The Washington juvenile justice code is the most unusual and innovative change that has occurred in the juvenile system of any state since the historic court decisions of the late 1960's. Based on the philosophical principles of justice, proportionality, and equality the legislation seeks to establish a system that is capable of holding juveniles accountable for their crimes and a system that, in turn, can be held accountable for what it does to juvenile offenders. The legislation is an articulate and faithful representation of the principles of "justice" and "just deserts."

Consistent with those philosophical principles, the reform of Washington's juvenile system involves proportionate decision-making standards for intake and sentencing; the provision of full due-process rights; and the elimination of all court jurisdiction over non-criminal misbehavior (status offenses).

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"Executive Summary: The Assessment of Washington's Juvenile Justice Reform" (Schneider and Schram, Vol. I).

"A Justice Philosophy for the Juvenile Court" (Schneider and Schram, (Volume II)

"A Comparison of Intake and Sentencing Decision-Making Making Under Rehabilitation and Justice Models of the Juvenile System (Schneider and Schram, Vol. III)

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INTRODUCTION

The purposes of the reform legislation in Washington are abundantly clear: juveniles are to be held accountable for their offenses in a uniform, consistent, and equitable manner. The response by the system to a youth who has committed a crime is to be based on the youth's offense and the harm inflicted on the victim and the community rather than on who the youth is or what he or she might do in the future. A few violent personal crimes, such as murder, aggravated assault, rape, and robbery are considered to be so serious that a presumptive sanction of incarceration is to be imposed unless the judge declares that a manifest injustice would occur. Other incidents are viewed as being sufficiently minor--even when committed several times--that diversion, combined with restitution or community service, are considered the appropriate responses. Washington's approach is consistent with the premises of a "justice" or "just deserts" philosophy and represents a profound departure from the parens patriae orientation of the traditional juvenile court.

The strategy for change contained within the legislation rests on three principles. First, the philosophy of the law is unambiguous. There is no attempt to incorporate the new approach, with its emphasis on accountability, uniformity, proportionality, and due process into a system in which rehabilitation and treatment are still viewed as the most important goals. This is in marked contrast with the changes toward the legal process model that have taken place in many jurisdictions since the Gault and Winship decisions. In most states, extensive efforts have been made to increase the formality of the system but to retain the rehabilitative focus (Stapleton, 1980). In Washington, treatment and rehabilitation are important objectives insofar as they might

contribute to a reduction in recidivism, but they are not the primary goals and, most importantly, decisions regarding the processing of cases are not to be made in terms of the treatment needs of the youth.

Second, the legislation shifts decision making authority at court intake from probation to prosecution thereby placing considerably more responsibility for the critical entry decisions in the hands of persons whose basic philosophy is expected to be closer to that contained in the law itself. In a similar way, the legislation encourages the development of community-based diversion units that are physically and administratively separate from probation and which emphasize accountability rather than social services.

Third, the criteria for decisions are clearly stated in the legislation and are easily measured in quantitative terms from data readily available to court personnel. The criteria for intake decisions (to file or divert) and for sentencing are the seriousness of the offense, the prior criminal record of the youth, and the youth's age. For many decisions, each specific combination of these yields a mandatory, presumptive, or recommended choice. Broad, subjective criteria for decisions such as "the best interests of the youth" or "the best interests of the public" generally are not found in the law.[1] The legislation permits some discretionary decisions but even then, the criteria are the same as for the presumptive or mandatory decisions: offense seriousness, prior criminal record, and age.

There are no guarantees, however, that the Washington strategy or any other strategy of change in the juvenile system will produce the intended results. Organizations have a way of adapting to changes in legislative requirements that sometimes thwart the intended effects. With the issuing of written reasons, for example, many of the decision-making guidelines in the Washington law can be bypassed. Law enforcement decisions are not covered at

all and there are no state-mandated guidelines for the crucial decisions made by prosectors and probation officers regarding plea negotiations on the charges to be filed. Furthermore, the shift in organizational responsibility from probation to prosecution is required only for felony cases. The development of accountability-oriented diversion units separate from the court and from probation also is simply "encouraged" rather than required by the law. There are no legal requirements that could prevent probation officers from renaming their "informal adjustments" of the past to "diversion" without any real change in the requirements made of the youth.

Thus, it is not sufficient, either from a theoretical or practical perspective, to assume that policy changes contined in Washington's law necessarily will alter the decision-making criteria. In this report, the impact of the legislation on decision making at intake and sentencing is examined in terms of severity, uniformity, equality, and proportionality. In addition, Chapter 4 of this volume deals with the problems of defining and measuring "accountability" and assesses whether the justice-oriented reform system is better able to hold juveniles accountable than was the rehabilitative system of the past.

STRATEGIES FOR CHANGE

During the past two decades, juvenile systems have been soundly criticized as being ineffective, inequitable, and in violation of the rights of juveniles. There is broad agreement with the contention that juvenile justice agencies are not meeting the challenge of delinquency in an appropriate manner and there is relatively widespread agreement that the rehabilitation philosophy is partly or wholly responsible for the problems. As Empey noted in 1978:

> The juvenile justice system is now in a state of ferment: Its rehabilitative ideology is being challenged; its effectiveness is being questioned; and its basic procedures are being altered (p. 406).

The indictment is made even more strongly by Wheeler (1980):

> The juvenile justice system is a paradox. In the name of benevolent intervention and rehabilitation, it has operationalized a sentencing and parole procedure that discriminates against females, the young, and the least serious offenders. (p. 121)

Rehabilitation also is attacked by those who claim that it does not work in the sense of reducing recidivism or preventing crime. This theme has endured since the initial release of the Lipton, Martinson, and Wilks review in 1975 and has continued in spite of considerable efforts by some, such as Hackler (1980) and Romig (1978) to argue that there are certain approaches within the rehabilitative framework that are effective in reducing recidivism.

The traditional system also has been challenged on the grounds that it is unfair to victims and to the community. Indications of an increased interest in holding juveniles accountable and being more responsive to both victims and the community arose as early as 1976 as part of the National Juvenile Restitution Initiative sponsored by the Office of Juvenile Justice. The guidelines for that program included holding juveniles accountable, providing for redress to victims, and increasing community satisfication and confidence in the system as goals of the program. The recently-appointed administrator of OJJDP emphasized this theme in a 1983 address to a juvenile justice conference: (Regnery, 1983)

> What is best for the violator is the only concern [of the traditional juvenile system]; the rights and welfare of those who are, or will be, the victims are simply ignored. It is such 'pie-in-the-sky' thinking that will sound the death knell of even those parts of the system which should survive.

Many of the charges levied against the traditional juvenile system are consistent with the findings from empirical research studies and, indeed, are direct outgrowths of research. Studies of sentencing in juvenile courts have

documented not only inexplicable disparity but bias against racial minorities, women, and persons from lower social class homes or neighborhoods.[2] Although fewer in number, many studies of decision making at the point of law enforcement referral and juvenile court intake also have indicated that the decisions sometimes seem to be quite independent of the seriousness of the incident or the prior record of the youth. Instead, decisions in some jurisdictions may reflect individual characteristics (such as race or sex) which could be an indication of bias and discrimination in the system. Krisberg and his colleagues (1983) are analyzing data which, according to preliminary reports, indicates that the incarceration rates among the 50 states bear little or no relationship to the number of juveniles arrested for crimes. Many studies have documented the fact that violent offenders are no more likely to receive incarcerative sentences than minor offenders and, if institutionalized, the length of stay for those who committed the most serious offenses may be shorter than for minor offenders or even status offenders.[3]

In response to these problems, fundamental changes have been taking place throughout the country. Most courts have adopted a more formalized procedure with increased involvement of both defense and prosecuting attorneys. Jurisdictions differ, however, in the changes made at the critical point of intake screening. In some places, prosecutors have been given control of intake screening whereas in others, intake remains under the control of probation.[4] A few juvenile systems have implemented mandatory or presumptive decision-making standards for sentencing or release decisions but none, except Washington, has implemented presumptive decision making throughout the entire system from intake through sentencing and release.

Another change is the increased use of restitution and community service as an alternative disposition for juveniles. The primary rationale underlying

these programs is that juveniles should be held accountable to the victim. Again, Washington differs from most states, however, in that restitution and community service are used not only for adjudicated offenders, but also for the youths who are diverted from the system.

Finally, many states have altered their procedures to permit an increasing number of cases to be heard in adult court.[5] This change comes in several different forms (waiver/remand requirements, direct filing, change in age of jurisdiction, and so forth) but its intent is to impose adult-level sanctions on certain juvenile offenders.

The Washington strategy for dealing with juvenile crime differs from those being attempted elsewhere in that it is far more comprehensive--impacting on all aspects of the system from police through correctional releases--and it reflects the principles of a justice philosophy rather than rehabilitation or deterrence. Nevertheless, elements of the changes and strategies incorporated in the Washington law can be found in other juvenile or adult systems and the next section of this chapter contains a review of the impacts of the changes, when they have been attempted elsewhere.

Review of Previous Research

There is an amazing paucity of studies in which juvenile systems are compared with one another (or compared over time) in such a way that differences in procedures or philosophies can be related to differences in outcomes. Most studies of sentencing, for example, are conducted in only one jurisdiction and the studies typically do not provide enough information about the characteristics of the court that it could be considered representative of the traditional, rehabilitation-oriented court or represenative of some other perspective.

An important exception is the study by Stapleton, et al, (1982) in which a typology of juvenile courts was developed and comparisons were made on the determinants of decisions for three courts, two representing the traditional court and one reflecting what they called the "autonomous" court. The two traditional courts differed slightly in that one was characterized by a high degree of informal handling of cases at intake whereas in the other all of the referrals were directly presented to the judge without any prescreening by prosecutor or probation. The "autonomous" court was characterized by due process, legalistic criteria for decision making, and a two-tiered intake procedure in which probation officers screened cases, informally adjusted many of them (64 percent) and referred the others to the prosecutor.

Stapleton and his colleagues compared the determinants of decisions and the extent of disparity for these three courts. The primary hypothesis was that non-discriminatory personal characteristics of the youths would influence intake decisions in the traditional courts but not in the legalistic one whereas personal characteristics would be important at sentencing even in the legalistic court. This contention was based on the theory that a legalistic, due-process court could reflect the principles of rehabilitation at sentencing even though it relied on legalistic criteria at all decision points prior to sentencing. The authors of the study concluded that the data supported their propositions and that personal characteristics were more important than offense characteristics in the legalistic court's sentencing decisions but not at the intake decision. The results, although suggestive, are somewhat less consistent than what might have been hoped since offense characteristics were more important than offender characteristics in sentencing decisions made within the presumably rehabilitation-oriented courts.

Several other conclusions can be drawn from the data in Stapletons' study. First, the potentially discriminatory variables of race and sex were significantly related either to intake or sentencing decisions in all of the courts. Thus, the reliance on legalistic criteria did not, in those three courts, remove the appearance of bias from the system. Second, the study included information about the predictability of decisions and the extent of disparity in decision making. It might be proposed that the traditional courts would have less predictable (more disparate) decisions at intake and sentencing but this was not the case. Decisions in the traditional courts were just as predictable as those in the legalistic court.

Informal reliance on legalistic criteria in decisions is not the same, of course, as an explicit adoption of guidelines to govern intake or sentencing decisions. There is no assurance, however, that even the use of sentencing guidelines will reduce disparity or eliminate bias in decisions. Sutton's (1978b) comparison of sentencing councils in several adult courts indicated no differences in uniformity nor in the determinants of sanctions between these courts and those without sentencing councils. His conclusions were:

> 1. Contrary to popular belief, districts employing the sentencing council approach did not display sentences any more consistently related to the factors examined than did noncouncil districts.
>
> 2. Contrary to claims of previous studies, sentencing council district courts did not appear to produce sentences less variable over time than district courts without sentencing councils. (page 1).

A study by John Steiger (1981) of the incarceration decisions in Washington (state) during the first few years under the reform law also shed some interesting information on the issues of disparity and potential bias in sentencing. Steiger compared admissions to the state juvenile institutions that were made under a finding of manifest injustice with those that were sentenced within the guidelines. A declaration of manifest injustice can be

used to commit a youth who otherwise would not be commitable, to raise (or reduce) the length of commitment for youths who could be committed under the standards, and to keep in the community a youth who, under the guidelines, would be committed. Using multiple regression analysis, the correlates of sentence length, for the youths sentenced under the guidelines were (1) seriousness of the current offense, (2) the number of prior offenses, (3) the number of offenses included on the adjudicatory petition, and (4) age of the youth. Race and sex were not related to sentence length and the total explanatory power of the model was relatively high (R^2 = .45). For youths coming into the institution under a manifest injustice sentence, the seriousness of the current offense and the prior record were the most important predictors of sentence length, but race had a substantial impact as well and, most importantly, the disparity in sentencing was considerably higher than in the standard range group. The R^2 value (which represents the proportion of variance in sentence lengths that can be attributed to the variables in the model) was only .12. Steiger concluded as follows:

> Thus it is clear that sentencing, when done at the discretion of the juvenile court judges (i.e., in cases of manifest injustice) is less consistent and less proportionate to the seriousness of current and prior offenses. (page 8)

Sentencing guidelines do not always remove race or sex bias, even if they reduce the unexplained disparity in decisions. Stecher and Sparks (1982) found a non-trivial relationship between sentence length and race in their study of the Massachusetts guidelines.

No data are available on the relationship between race and sentence in California, but preliminary indications are that enormous disparities still exist even within the determinate and (presumably) proporationate aspects of the law. Singer (1979), after a review of the sentencing reform guidelines

for adults in all of the states and a review of the California data, expressed considerable disappointment with the lack of understanding of the basic philosophical principles underlying determinate and proportional sentencing.

Most of the research on sentencing in juvenile courts has focussed on the impact of race or sex on the severity of the outcome. Only a few studies have dealt with the issue of disparity, per se, and even fewer have expressed an interst in the overall severity of the sanctions. As noted previously, the data gathered by Krisberg (1983) on juvenile incarcerations indicates that the rate of incarceration, per 100,000 youths, may be relatively independent of the number of arrests of juveniles. It is very difficult to determine from most existing studies in the juvenile system, what the typical sanction is for various combinations of offense seriousness and prior records. Several of the reform movements, however, are obviously intended to insure that youths who commit the more violent offenses and/or those who are chronic offenders receive stiffer penalties.

Mandatory and presumptive sentences are used for this purpose and the shift of responsibility from the juvenile to the adult system for certain kinds of offenders also is intended to produce stiffer penalities for the more serious offenders.

Several recent studies (Greenberg, et al, 1980; Teilmann, 1980) have examined whether juveniles sentenced in adult court receive more severe sentences than youths sentenced in juvenile courts. These studies have found that some juvenile courts issue somewhat lighter sentences than adult courts, but others do not. There are methodological problems in attempting to hold constant the seriousness of offenses and number of priors, however, and no clear pattern has yet emerged from these studies. One of the most ambitious efforts--a project directed by Joe White--indicates that there may be no

difference between the adult and juvenile courts in terms of the probability of incarceration. Thus, it is not certain whether the adult courts are any more willing or capable than juvenile courts to deal with serious and violent offenders in a manner proportional to the gravity of their offenses or in proportion to the danger they represent to the community.

Another major trend in juvenile justice policy has been toward the use of restitution and community service as dispositional alternatives for juvenile offenders. The primary purposes of restitution include holding the offender accountable for the offense, and providing for some redress to the victim. Although there are no well-developed definitions of "accountability"--the concept is widely used by professionals but rarely found in the research literature--it is generally believed that youths who successfully complete their restitution requirements have been, by definition, held accountable for their act. A number of issues have been raised about the legality of restitution requirements, about whether it should be used as a sentence, and about its use in diversion programs, such as the one in Washington. In spite of reservations--issued mainly by lawyers--restitution is a rapidly growing and extremely popular new disposition within the juvenile system.

Its impact on juvenile recidivism rates and its appropriateness for more serious offenders are yet to be determined but very preliminary indications from the Institute of Policy Analyses are that serious offenders in some restitution programs may reoffend at a somewhat higher rate than those in the control groups, which included incarceration sanctions, and that the less serious offenders may recidivate about the same rate as youths in probation programs. Again, however, the effect varied from one court to another and no clear patterns have as yet been identified. For those who believe that holding juveniles accountable is a worthwhile goal in its own right, however,

the restitution approach offers considerable promise since the bulk of the studies indicate that most juveniles are able to successfully complete restitution requirements.[6]

Discussion

The most obvious conclusion from these studies is that most of the reforms do not work quite the way they were intended. The second obvious conclusion is that if something has a particular effect in one place, it very likely will have a different effect somewhere else. In this somewhat topsy-turvey world of confusing research findings, however, two observations should be made. First, there is an imperative need for well-designed comparative studies in which differences in the structural and philosophical characteristics of juvenile systems can be related systemtically to differences in case outcomes. Second, there is an equally desperate need for better methodologies and more standardized procedures. It is almost certain that differences in findings regarding, for example, determinants of sentences or effects on recidivism, are at least partly produced by differences in methodologies and differences in the characteristics of the courts included in the study. In this respect, Washington's reform legislation offers a rare opportunity to make direct comparisons of a rehabilitative system and a justice model, utilizing several different juvenile courts within the state.

CHAPTER 2. CERTAINTY AND SEVERITY OF SANCTIONS

INTRODUCTION

Policy changes which replace discretion with mandatory or presumptive decision making tend to be viewed as part of an overall shift toward greater harshness within the juvenile system. There are, of course, no a priori reasons for reduced discretion to increase harshness since the actual impact of guidelines depends on the criteria contained within them as well as on the practices which existed before the changes were made. Nevertheless, there is a rather persisitent belief that any shift from indeterminate sentencing and the rehabilitative philosophy which it exemplifies will produce a more punitive system. Fisher and his co-authors, for example, put it this way:[6]

> ...it appears that the 1980's will see a definite trend among state legislatures and juvenile corrections agencies to reduce disparity in juvenile justice and to minimize the discretion exercised by judges and corrections staff. This trend will accompany efforts to mandate older, more serious delinquents to be tried as adults. It also appears that this trend will result from efforts to deal more severely with serious and violent juvenile offenders rather than from a philosophical commitment to the reduction of disparity in juvenile corrections per se. (p. 237)

In this chapter, the impact of Washington's law on the disposition of cases at intake and sentencing will be examined to determine whether the Washington version of a justice model altered the overall level of punitiveness in the system. The purpose is to establish whether the certainty and/or severity of sanctions underwent a change after the law was implemented.

METHODOLOGY

Several different variables have been chosen to measure severity and certainty of sanctions. Commitment to the state is the most severe sanction that can be given by the Washington juvenile court as this carries with it

an automatic 30 or more days of confinement in a secure state facility. Placement in state-operated group homes is combined with commitment to the state in the severity indices although placement in foster homes is not. The latter is viewed as non-confinement and, in itself, is not considered to be a sanction at all. Detention in a local secure facility is, in Washington, limited to 30 days or less and this sanction was considered to be the second most severe issued by the court. Probation, which is called community supervision under the new law, is considered the least severe penalty given by the court. The certainty of a sanction is defined as the probability that there will be some court-imposed penalty. Two decisions contribute to the certainty that a penalty will be received: law enforcement decisions to refer the case to intake and intake decisions to file charges rather than divert or handle informally.

The variables representing certainty and severity of sanctions are shown in Figure 1. Two indicators of state-wide changes in severity have been obtained. One of these is time series data on the number of juveniles admitted to state institutions and the second is the average daily population of youths incarcerated in state institutions, including group homes.

All of the other variables shown in Figure 1 are developed from the individual-level data collected in King, Spokane, and Yakima counties. A sample of approximately 1,600 cases was drawn from the largest police department in each of these areas. These were stratified samples (stratified by year and by type of offense) and were randomly drawn after a complete enumeration of the population of law enforcement contacts with juvenile offenders during the two years before the law was passed and two years afterward. Cases drawn at the law enforcement agency were tracked to prosecutor records, probation social files, and diversion files.

FIGURE 1. MEASURES OF SEVERITY[1]

Type of Data	Decision Point	Code & Variable
I. STATE-WIDE AGGREGATED DATA (TIME SERIES, MONTHLY)	1. Institutional Commitments	Number of commitments to state institutions, by month, 1974-82
	2. Institutional Population	Average daily population of state institutions for juveniles, 1970-82
II. INDIVIDUAL-LEVEL (OFFENDER BASED) DATA FROM KING, YAKIMA, SPOKANE	3. Law Enforcement	0 = no referral to court 1 = referral to court
	4. Intake	0 = informal adjustment (pre) and diversion, post 1 = file
	5. Pre-Adjudication Detention	0 = not detained 1 = detained
	6. Remand (waiver)	0 = not remanded 1 = remanded
	7. Probation vs. Confinement	0 = probation 1 = confinement
	8. Local sanction (probation or detention) vs. commitment to state	0 = local sanction 1 = commitment to state
	9. Sanction Index	1 = diversion/informal adjustments 2 = probation 3 = local detention (30 days or less) 4 = commitment state (30 days or more)

[1]Confinement, in item 7, refers to any kind of secure facility in which a youth was placed at sentencing: local detention (limited by law to less than 30 days), groups homes, or commitment to the state.

The certainty of a sanction being received is estimated, first, by comparing the probability of referral in the pre and post systems and, second, by comparing the probability of filing in the pre and post systems. The latter method of testing for a change in certainty is included even though it seemingly assumes comparability between the post-reform diversion programs which are based on principles of accountability and the pre-reform "informal adjustments" which were done by intake officers. In fact, however, the intent here is not to assume comparability between diversion and informal adjustements. Rather, it is the filing which is comparable between the two time periods since it is an indication of the probability of a court-imposed sanction.

Four of the individual-level variables are used to test for change in the severity of sanctions. One of these is a dummy-coded dependent variable in which zero represents probation and one represents any kind of confinement (local detention, commitment, group home placement). Another indicator of severity, also dummy-coded juxtaposes any kind of local sanction (probation or detention) against commitment to the state. The difference between these two indicators involves the placement of detention into the more severe category for the first variable and into the less severe category for the second. A four-point ordinal scale, called the sanction index, is a third variable used to measure severity of sanctions. This variable includes diversion or adjustments as the least severe result, probation as second, local detention third, and commitment to the state as the most severe outcome. Two additional variables are also examined: pre-adjudication detention vs. non-detention and remands (waivers) to adult court. For the dependent variables that are dummy-coded with zero and one, all of the cases that did not reach that particular decision point are excluded from the analysis. Thus, for example,

cases which do not receive any sanction at all are excluded from the comparison of probation vs. confinement.

The analysis is designed not simply to determine whether sanctions in the post-reform justice system are more severe or more certain than the pre-reform rehabilitative system, but to determine whether youths with similar offenses, similar prior records, and of approximatley the same age receive more severe sentences in the post or pre-reform periods. The overall level of severity after the legislation was passed could appear to be lower, for example, either because sanctions for particular types of offenders are less severe or because the post-reform system contains more youths with less serious delinquency profiles. If the latter were true, it might appear as if the outcomes are less harsh whereas, in fact, this would be attributable entirely to the fact that fewer juveniles are in the more serious categories of offenders. Thus, it is necessary to measure the impact of the law on the severity of case outcomes while holding constant the seriousness of the offense, the prior record, and the age of the youth.

Control variables representing prior criminal history include the number of prior adjudicated offenses, the seriousness level of the most serious prior, the number of adjudicated offenses within the past 12 months, and the number of non-adjudicated prior contacts with the police. Seriousness of the immediate offense and of the priors is measured by a six-point ordinal scale. The most serious offenses, (Class A felonies) include murder, rape, robbery, aggravated assault (which involves either the use of a dangerous weapon or serious injury), arson and kidnapping. Class B+ felonies are attempts at the class A felonies just mentioned. Class B felonies are primarily burglaries although indecent liberties and statutory rape also are coded in this category. Auto theft is the most common Class C felony. Class D misdemeanors

include most property crimes such as shoplifting, larceny/theft and vandalism. If these incidents involved losses of between $250 and $1,500 they could officially be charged as Class C felonies rather than as Class D misdmeanors and if the loss is greater than $1,500, they could be charged as Class B felonies. Since virtually all offenses of this type committed by juveniles involve relatively small losses, they have been grouped into the Class D category for the analysis. Class E misdemeanors include the vice and morals incidents (drinking, possession of drugs), disorderly conduct, and failure to disperse.

The cases drawn into the sample were selected randomly during a two-year time period before the law was passed and a two-year time period afterward. The effect of the law itself is assessed by including an intervention variable in which all of the pre-reform cases are coded zero and the post-reform cases are scored as one. In any analysis that involves the use of "time" to establish the effect of a policy it is necessary to control for gradual changes which could become confounded with the more immediate changes expected of the legislation. Two additional control variables, therefore, are needed in the equation. One is a "counter" for time. Each case is given a score indicating when it entered the juvenile justice system, with the earliest case having the lowest score and the last case having the highest score. Any gradual change in the probability of the various case outcomes can be ascertained with this variable whereas an immediate change at the time the law went into effect is measured with the intervention variable. A second, less direct, effect of the law is measured with an interaction term (created by multiplying the "time" variable by the intervention variable). If this variable is statistically significiant, it indicates that there was a change in the trend for the post-reform months compared with the pre-reform months.

When all of the variables are in the equation, including the controls for seriousness of offense, priors, and age, the intervention variable represents change in the severity of outcomes attributable to the legislation, controlling for gradual changes that might be produced by other factors and controlling for differences in the seriousness of the offenders who are dealt with in the pre and post systems.

The three areas of the state differ from one another in that King county contains Seattle, the largest metropolitan area in Washington, whereas both of the other areas, Spokane and Yakima, are smaller and more rural in their orientation. All three courts were treatment-oriented with an emphasis on rehabilitation in the pre-reform era although King county had begun to place an emphasis on "accountability" and a legal process approach prior to the passage of the law. It is interesting to compare these three areas and speculate about reasons for differences in the findings among them, but the primary reason for focussing attention on three specific areas is to increase the generalizability of findings. Each proposition is tested three times, once in each area, thereby providing replication for the findings. (Additional information about the design of the study and the rationale underlying it can be found in the volume, "Methodologies for the Assessment of Washington's Juvenile Justice Code.")

FINDINGS

Profiles of juvenile offenders in King County, Spokane, and Yakima are presented in the first part of this section and the effect of the law on severity of case outcomes, controlling for changes in characteristics of the juveniles, is presented thereafter.

Characteristics of Juvenile Offenders

Offenses for which juveniles in the three jurisdictions were contacted by police are shown in Table 1. Only a small proportion of the offenses were Class A or Class B+ felonies--the two classes of felonies which carry a presumptive sanction of incarceration. These two classess of crimes were committed by six or less percent of the juvenile offenders handled by the police. Class B and C felonies, combined, comprised less than 25 percent of all offenses. Most of the Class B felonies were burglaries and most class C felonies were auto theft. More than half of all the offensess committed were Class D misdemeanors--an offense which, under the Washington law, cannot even be filed until after the fourth commission. Of the Class D offenses, most were either larcenies or shoplifting. Class E misdemeanors include the vice and morals offenses such as prostitution, drug posession, liquor law violations as well as a group of offenses involving disorderly conduct or failure to disperse. Less than 20 percent of the cases were Class E incidents.

It is apparant from Table 1 that there has been no change in the types of offenses for which the juveniles were contacted by the police. A cross-tabulation of police classification and the classification of the most serious charge actually filed by the prosecutor revealed that 75 to 90 percent of the police classifications were the same as the filing charge (see Table 2). (Appendix A contains the full cross-tabulation from which the Figures in Table 2 were derived).

In contrast with the stability of offense seriousness between the pre and post time periods, there were substantial changes in the criminal histories of the juveniles (Table 3). Sharp increases occurred in the proportion of youths who had one or more prior adjudicated offenses (from 27 percent to 47 percent in King, for example); increases in the percentage with an adjudication within

TABLE 1. OFFENSE PROFILE OF JUVENILE OFFENDERS

	KING pre	KING post	SPOKANE pre	SPOKANE post	YAKIMA pre	YAKIMA post
TOTAL NUMBER OF CASES	484	590	417	628	671	586
	%	%	%	%	%	%
CLASS A FELONY						
Murder, rape, robbery	2%	3%	2%	2%	1%	1
Aggravated Assault	2	3	0	0	2	3
Arson	0	0	1	0	0	1
Kidnapping	0	0	0	0	0	0
Class A Total	5	6	3	2	3	5
CLASS B+ FELONY						
Attempted Class A felonies	0	0	2	1	1	1
Pimping	0	0	0	-	0	0
Statutory Rape and Indecent Liberties	1	0	0	-	0	0
Class B+ Total	1	0	2	1	1	1
CLASS B FELONY						
Burglary	11	9	15	11	14	13
Possession, Stolen Property	2	1	1	2	1	1
Other	0	0	0	0	0	0
Class B Total	13	11	16	13	15	14
CLASS C FELONY						
Auto Theft	6	8	7	6	5	6
Forgery	0	0	1	1	1	2
Escape	2	0	0	0	0	0
Other	2	1	2	2	2	2
Class C Total	10	9	10	9	8	10

(Continued on next page)

TABLE 1 CONTINUED

	KING pre	KING post	SPOKANE pre	SPOKANE post	YAKIMA pre	YAKIMA post
CLASS D MISDEMEANOR						
Larceny/Theft	6	6	47	50	26	25
Vandalism (malicious mischief)	5	6	6	7	5	5
Shoplifting	30	30	0	0	17	17
Simple Assault	4	4	0	3	5	5
Other	8	6	7	7	2	5
Total Class D	53	52	60	67	55	57
CLASS E MISDEMEANOR						
Verbal Threats (menacing)	3	2	0	0	0	0
Prostitution	2	2	0	0	0	0
Posession, drugs	5	5	0	0	4	2
Liquor Law violations; DUIL	4	6	0	2	9	6
Disorderly conduct, failure to disperse	1	1	0	2	0	1
Resisting arrest; interfering with public officer	3	3	7	3	1	1
Other	1	2	2	1	3	3
Total Class E	19	20	9	8	17	13

TABLE 2. PROPORTION OF INCIDENTS CLASSIFIED THE SAME BY POLICE AND PROSECUTOR[1]

	Same Classification Pre %	Post %
KING		
CLASS E	66	71
D	81	90
C	90	94
B	75	64
A,B+	64	40
Total	75	80
SPOKANE		
CLASS E	96	96
D	90	91
C	89	89
B	83	66
A,B+	75	60
Total	88	87
YAKIMA		
CLASS E	79	92
D	83	94
C	97	92
B	92	75
A,B+	50	37
Total	85	88

[1]See Appendix A for the source of these figures.

the past 12 months, and increases in the proportion who had a prior felony conviction. In King county, 16 percent had one or more prior felony convictions in the pre time period compared with 25 percent post.. In Yakima, the change was from 13 percent pre to 29 percent, post. As might be expected, the increase in adjudicated priors was accompanied by a drop in the proportion who had contacts that were not adjudicated.

A few changes occurred in the personal characteristics of the youths (Table 4). Average age remained very stable at about 15.5 years. Approximately 70 percent of the youths in King and Spokane were male compared with 30 percent female. Yakima experienced an increase in females and King shows a somewhat surprising increase in the number of nonwhite youths contacted by authorities. Both of the latter differences are statistically significant at or beyond the .05 level.

State Institutional Population

The average number of commitments to the Department of Juvenile Rehabilitation dropped substantially after the legislation was implemented (see Figure 2) and remained below the 1975-1978 commitment rate for more than two years. As shown, however, the number of youths committed increased steadily from its lowest point (64 per month in the last six months of 1978) until, by the last half of 1981, commitments were higher than they had been in the pre-reform era. The average daily population (see Figure 3) shows a similar drop followed by an increase over the three-year period after the law was passed. By 1981-82, the average daily population was almost as high as it had been in 1970-71.

Interpretation of these data is difficult. It is obvious that the introduction of sentencing standards had an immediate and dramatic impact which reduced the number of commitments and the average daily population in state

TABLE 3. CRIMINAL HISTORY PROFILE OF JUVENILE OFFENDERS

	KING		SPOKANE		YAKIMA	
	pre	post	pre	post	pre	post
	N=510	651	N=426	680	N=	
PRIOR ADJUDICATED OFFENSES						
0	73%	53%	81%	63%	84	61
1	12	14	7	13	5	9
2	7	11	5	7	5	7
3	4	8	3	7	1	10
4	2	6	2	4	4	6
5+	2	8	2	6	1	7
Total	100%	100%	100%	100%	100%	100%
PRIOR ADJUDICATED OFFENSES WITHIN 12 MONTHS						
0	84	60	87	68	91	63
1	13	18	9	17	5	17
2	2	10	2	7	3	9
3	.2	7	1	4	.5	5
4	.6	2	.3	2	.5	4
5+	.2	3	.6	2	0	2
Total	100%	100%	100%	100%	100%	100%
PRIOR ADJUDICATED FELONIES						
0	84	75	85	82	87	71
1	8	9	7	9	6	12
2	5	6	4	5	5	5
3	2	6	2	2	.5	4
4	.4	2	1	1	1.3	4
5+	.6	2	1	1	.2	4
Total	100%	100%	100%	100%	100%	100%

(continued on next page)

TABLE 3. CRIMINAL HISTORY PROFILE OF JUVENILE OFFENDERS

	KING		SPOKANE		YAKIMA	
	pre	post	pre	post	pre	post
	(N=137	308)	N=426	680	N=671	586
MOST SERIOUS PRIOR ADJUDICATED OFFENSE						
Class E Misd.	7	12	1	10	9	3
Class D Misd.	33	34	19	40	9	24
Class C Felonies	19	15	15	18	40	19
Class B Felonies	33	30	54	30	40	54
Class A Felonies	7	8	11	1	0	1
Total	100%	100%	100%	100%	100%	100%
NON-ADJUDICATED PRIOR POLICE CONTACTS						
0	12	15	9	16	6	14
1	19	12	19	15	11	13
2	10	19	22	36	22	21
3	22	20	26	20	14	27
4	8	6	10	6	20	12
5-10	20	18	13	6	21	10
10+	9	10	1	1	16	3
Total	100%	100%	100%	100%	100%	100%

TABLE 4. CHARACTERISTICS OF JUVENILE OFFENDERS

		KING		SPOKANE		YAKIMA	
		pre	post	pre	post	pre	post
		N=477	611	404	651	650	572
		%	%				
AGE							
	12	4	1	3	5	7	11
	13	8	8	7	10	5	4
	14	10	15	15	8	18	14
	15	21	22	20	15	13	19
	16	23	19	24	24	27	20
	17	24	24	22	26	23	25
	18	10	10	9	12	7	7
Total		100%	100%	100%	100%	100%	100%
SEX							
	Male	69	70	70	71	78	71
	Female	31	30	30	29	22	29
Total		100%	100%	100%	100%	100%	100%
RACE							
	White	66	59	89	92	88	85
	Non-white	34	41	11	8	12	15
Total		100%	100%	100%	100%	100%	100%

FIGURE 2. MONTHLY COMMITMENT RATE TO DEPARTMENT OF JUVENILE REHABILITATION

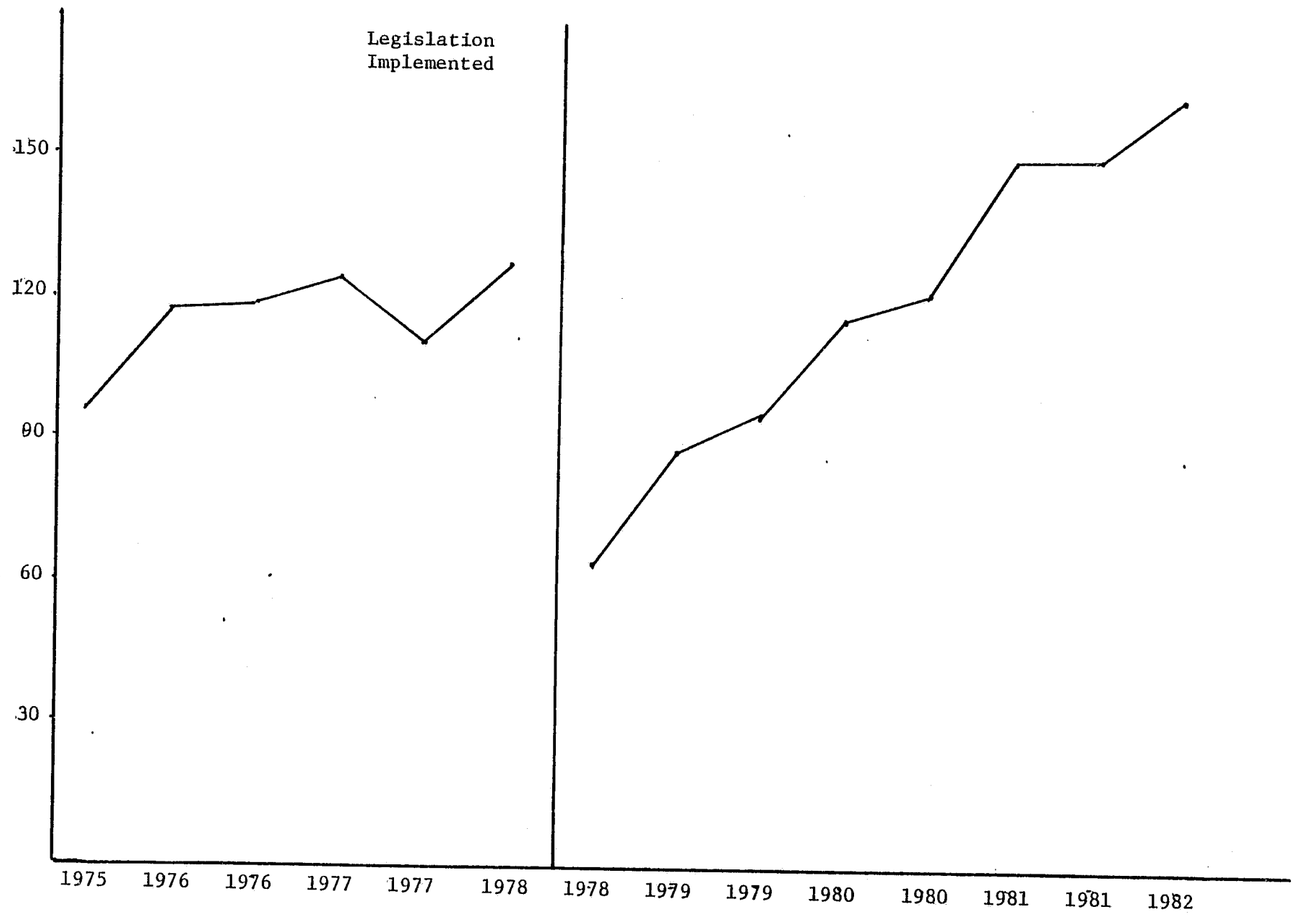
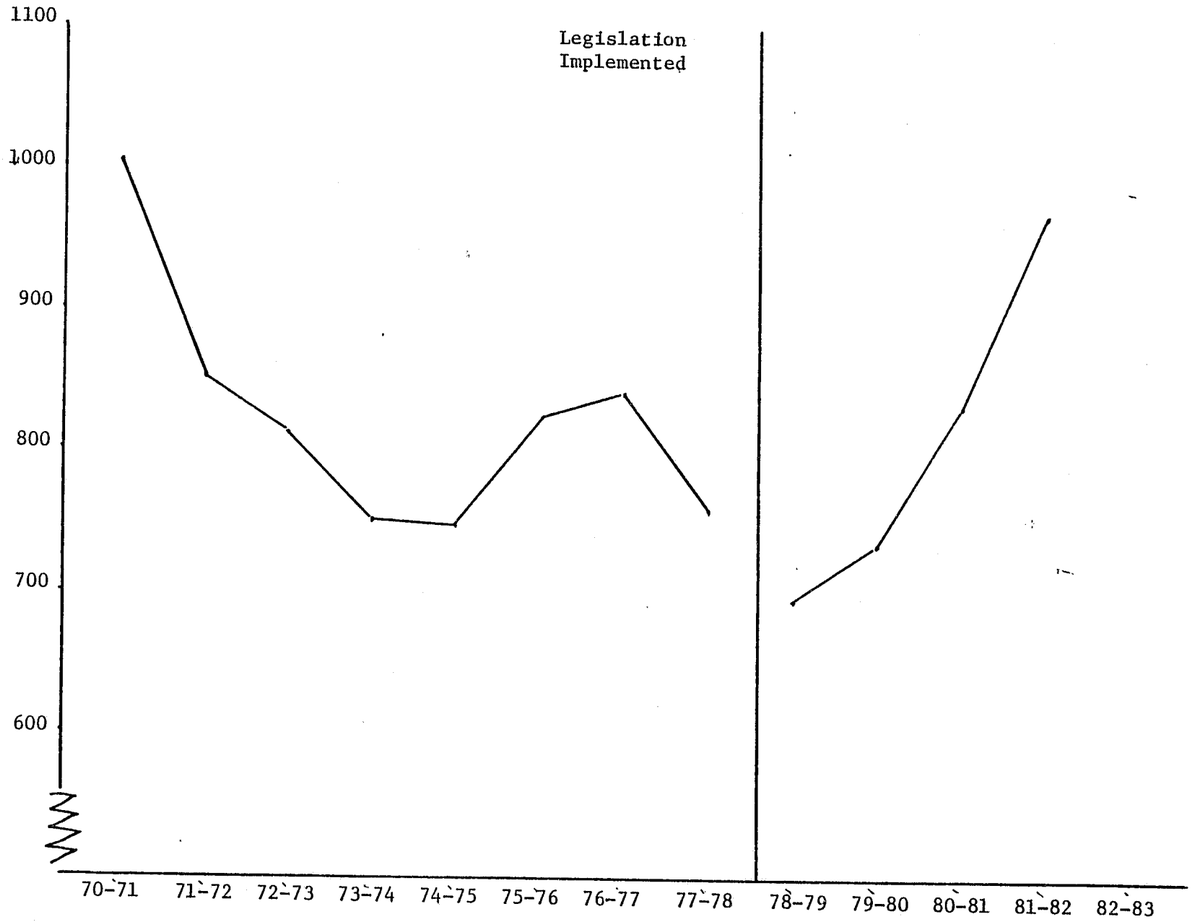


FIGURE 3. AVERAGE DAILY POPULATION IN STATE INSTITUTIONS FOR JUVENILES



institutions. The question, however is why there has been a steady increase from the low points observed in the last half of 1978. One potential explanation is that judges are gradually abandoning the sentencing guidelines and relying on findings of manifest injustice to commit juveniles they believe should be committed. Statistical reports from DJR, however, show that the number of manifest injustice commitments has remained relatively stable throughout the entire post-reform era. A second potential explanation is that the guidelines have been changed to produce the increase in commitments. Although there have been some changes in the guidelines, these seemingly have been rather minor and have not involved large increases in points for immediate offenses or for the increase factors. The third explanation--and the one which seems more likely given the data in this study--is that the gradual build-up of prior criminal history has increased the number of points for juveniles committing their second, third, fourth, and subsequent offenses. Thus, the increase in commitments may be due primarly to the increased number of prior adjudicated offenses. It should be recalled that for purposes of criminal history points, diverted offenses count just as if they had been adjudicated. It also should be recalled that Table 3 shows substantial increases in the proportion of juveniles with prior adjudications.

Change in Case Outcomes

Changes between the pre and post time periods in the proportion of juveniles involved in each key decision from law enforcement referral through sentencing are shown in Table 5. These data, in general, indicate that there were more juveniles entering the "front end" of the system (contacts, referrals to court, and filings) but fewer leaving the system with commitments to the state. The number of contacts, referrals, and cases filed were up substantially in King and Spokane and, because of the increase in the number of youths in

the system, the number of cases diverted was substantially higher than the number informally adjusted.

The more important point, however, is to estimate the probability of each outcome, controlling for changes that occurred in the seriousness of the offenses and prior criminal history. The results of this analysis are shown in Table 6. The first figure for each area is the unstandardized regression coefficient and the second is the standardized regression coefficient. Significance levels are shown with astrisks and are indicated only for beta since if beta is significant, b is also significant at the same level. The most notable conclusion from Table 6 is a substantial and marked reduction in the severity of sanctions for all three counties. The value of b can be interpreted directly as a change in proportion and the data show a decline of .21 in the probability of confinement in King county and a decline of .40 in the probability of confinement in Yakima. Spokane also shows a decline, but the magnitude was not sufficiently large, given the number of cases, to be statistically significant at the .05 level. The probability of being committed to the state rather than kept in the community on probation or detained locally declined by .12 in King, .13 in Spokane and by .24 in Yakima. The overall index of sanction severity also demonstrated declines in King and Spokane that were statistically significant.

In addition to these reductions in sanction severity, the data indicate that there was no change in the probability of being remanded to adult court and, in two of the counties, there was a noticeable drop in the probability of being held in detention pending the fact-finding hearing. The probability of cases being filed, controlling for the seriousness of the incidents and prior offenses, did not change and the probability of law enforcement referrals, given that a contact had been made, increased in King county.

TABLE 5. COMPARISON OF CASE OUTCOMES

	KING pre	KING post	SPOKANE pre	SPOKANE post	YAKIMA pre	YAKIMA post
REFER BY LAW ENFORCEMENT						
# of Contacts	509	645	UK	UK	635	558
# referred	393	554	426	677	513	480
% referred	77%	86%	UK	UK	81%	86%
INTAKE						
# of referals from Police	393	554	426	677	513	480
# filed	120	236	137	263	192	203
# diverted or adjusted	137	206	290	323	253	180
# other exits	100	112	80	91	68	97
% filed	31%	43%	32%	39%	37%	42%
% diverted or adjusted	44%	37%	49%	48%	49	38
% other	25%	20%	19%	13%	13	20
Total	100%	100%	100%	100%		
REMAND TO ADULT						
# filed	120	236	137	263	192	203
# filed in adult court	8	5	12	7	4	6
% filed in adult court	7%	2%	9%	3%	2%	3%
PRE-TRIAL DETENTION						
# cases	108	175	77	142	503	479
# held	66	71	20	30	89	61
% held	61%	41%	26%	21%	18%	13%
SANCTIONS						
# with sanction	80	134	84	157	83	152
# on probation only	28	75	42	101	16	87
# detained locally	26	36	9	36	20	41
# committed to group home	7	1	13	5	8	0
# committed state	19	22	20	15	39	23
% on probation	35%	56%	50%	64%	19%	57%
% detained locally	33%	27%	11%	23%	24%	27%
% group home	9%	1%	15%	3%	10%	0
% committed	24%	16%	24%	10%	47%	15%

TABLE 6. EFFECT OF GUIDELINES ON SEVERITY OF CASE OUTCOMES FROM REFERRAL THROUGH SENTENCING AFTER CONTROLLING FOR OTHER VARIABLES[1]

Case Outcomes	King b	King beta	Spokane b	Spokane beta	Yakima b	Yakima beta
Law Enforcement						
Refer (1) vs. Not Refer (0)	.08	.10*** (N=1154)	N/A	N/A -	N.S.	N.S. (N=402)
Intake						
Filed (1) vs. Diverted or Adjusted (0)	N.S.	N.S. (N=734)	N.S.	N.S. (N=932)	[.44	.44][2] (N=272)
Held in detention pre-trial (1) vs. Not held (0)	-.27	-.27*** (N=282)	-.19	-.12* (N=399)	N.S.	N.S. (N=121)
Remand to Adult Court						
Remanded (1) vs. Filed in Juvenile Court (0)	N.S.	N.S. (N=356)	N.S.	N.S. (N=399)	N.S.	N.S. (N=121)
Sanctions						
Confined (1) vs. Supervised in Community (0)	-.21	-.20** (N=220)	-.10	-.12 (N=242)	-.40	-.40*** (N=70)
Committed (1) vs. Detained locally or Supervised (0)	-.12	-.15** (N=220)	-.13	-.18** (N=242)	-.24	-.34** (N=70)
Sanction Index (4=committed...1= diverted or adjusted)	-.20	-.10** (N=579)	-.10	-.05* (N=242)	N.S.	N.S. (N=70)

[1]Entries for each area are the unstandardized and standardized regression coefficients for the intervention variable (PREPOST, 0=pre 1=post). Asterisks denote statistical significance at .05, .01, and .001, respectively. Variables controlled when assessing the impact of the intervention are seriousness of the offense, number of prior adjudications, number of prior felony adjudications, seriousness of the most serious prior offense, number of prior adjudications within the past 12 months, number of prior contacts not adjudicated, age, race, and sex.

[2]This regression coefficient is for the interaction term, rather than the intervention variable, which indicates a significant difference in trend between the pre and post time periods.

Discussion

The data indicate that sentencing guidelines reduced the severity of sanctions during the first two years after the law went into effect and, simultaneously, the guidelines governing intake decisions increased the certainty that cases would be handled through a formal process of either diversion or adjudication. The decreases in severity were of substantial magnitudes at most decision points, especially commitment and confinement. The data from the Department of Juvenile Rehabilitation shows a similar phenomenon for the first two years in the post-reform period. However, the admissions to state institutions and the average daily population figures indicate that gradual increases occurred in commitments after the law went into effect so that by the end of three years, the level of commitments was as high or higher than it had been before the law was passed. Clearly, it will be important to consider the possibility of future research on the duration of changes in sanction severity that accompany the introduction of a justice philosophy.

CHAPTER 3. UNIFORMITY AND PROPORTIONALITY OF DECISIONS

INTRODUCTION

No philosophy of justice assumes that all offenders should be handled in exactly the same way; rather, the philosophical approaches differ in the criteria considered to be appropriate in decision-making. Persons who espouse a justice philosophy maintain that sanctions should be proportionate to the seriousness of the offense, the culpability of the individual, and the number and seriousness of prior offenses. The inclusion of prior record in decisions, however, is a much-debated issue among the justice philosophers and it is not uniformly accepted as a relevant criteria (Singer, 1982). Nevertheless, there is broad agreement by the proponents of this philosophy that persons in similar criminal circumstances should receive similar sanctions. Unjustified disparity, from this perspective, includes differences in decisions that cannot be attributed to differences in offense severity, prior criminal record, or level of responsibility.

The rehabilitative philosophy, in contrast, is based on the notion that decisions regarding case outcomes should be made by determining what outcome would be most likely to promote rehabilitation. Since it is assumed that an individual can best be rehabilitated by meeting the needs of the individual and since it is assumed that these needs differ from one person to another, it is reasonable to expect outcomes that are quite unrelated to factors such as the seriousness of the offense or prior record.

In spite of the considerable interest in sentencing decisions, there have been very few comparative studies in which the researchers sought to determine whether characteristics of the juvenile system itself (i.e., structural or philosophical) might be related to the amount of disparity or to the determinants of sentences. And, there have been no direct comparisons of

decision-making in rehabilitation and justice models within the juvenile system. Thus, the change in Washington from a rehabilitation to a justice philosophy offers a remarkable opportunity to compare decision-making under these two distinct approaches. The specific questions examined here are whether differences can be detected between the pre and post-reform time periods in the criteria upon which decisions rest and whether decisions are less disparate, given similar criminal circumstances, in the post time period.

The Washington legislation provides for a combination of discretionary, presumptive, and mandatory decision making. Police decisions to arrest youths and to refer to court are entirely discretionary and no criteria at all are included in the legislation regarding decisions made within this part of the system. Thus, there are no reasons to anticipate any changes in the determinants or uniformity of police-level decisions unless such changes might have occurred as indirect spinoffs of the legislation.

The intake decisions are perhaps the most complicated. Prosecutors are required to file on all Class A and Class B felonies and on some Class C felonies, dependent upon the number of prior offenses. Offers of diversion must be given to youths charged with misdemenearos unless there is a substantial prior record. For the remaining combinations of offenses and priors, the prosecutor (or probation, if this responsibility is waived to them) has the discretion to file or divert but this decision must be made in accordance with the seriousness of the offense, the prior criminal record, and the age of the youth. (Prior record includes formally diverted cases as well as adjudicated ones). Thus, it is reasonable to expect that the intake decisions in the post-reform period should be more predictable from variables representing offense seriousness, prior criminal record, and the age of the youth than were the pre-reform decisions. Other variables, such as race, sex,

previous status offenses, and non-adjudicated priors, should not be involved in these decisions. In the pre-reform period, however, intake decisions were made in accordance with the best interests of the youth and, therefore, probably were not based on offense seriousness or the number of adjudicated priors.

Sentencing in the post-reform system involves a combition of presumptive and quasi-dicretionary decision making. Youths defined by the legislation as serious offenders must be incarcerated for 30 days or more unless the judge declares that a manifest injustice would occur. A serious offender is defined in the legislation as a youth of 15 or older who has committed a Class A or B+ felony or who committed some other offense which inflicted grievous bodily harm or involved the use of a dangerous weapon. The latter designations are actualy not relevant, however, since all offenses meeting these conditions are either Class A or B+ felonies. Another group of offenders, "minor and first offenders," cannot be committed nor can they be confined in local detention centers or placed in group homes. A judge may, however, commit one of these youngsters under a declaration of manifest injustice. Alternatively, a judge can sentence "a minor and first offender" to detention or a local group home for less than 30 days if written reasons are given. The remaining youths are sometimes called "middle offenders" and their disposition depends on their criminal history points which are calculated from the guidelines issued by DSHS. All youth with more than 110 points—regardless of whether they meet the designation of "serious offender"—can be committed to the state without a declaration of manifest injustice.

The guidelines also contain a recommended sanction involving specific amounts of probation, local detention, or fines for all point categories up to

110. The recommendation of local detention, for example, commences with 2 days of detention for 30 points and increases up to 30 days of detention for youths with 100 to 110 points.

Although the sentencing decisions clearly are more structured in the post-reform system, considerable discretion remains for judges who choose to use it. The distinction between probation (without detention) and detention, for example, is entirely discretionary (although, as with all decisions, the only variables that are supposed to be considered are offense seriousness, prior record, and age of the youth). The decision to commit is highly constrained for serious offenders, but is discretionary for youths with more than 110 points even if they are not serious offenders. Thus, even though it is reasonable to expect the post system to reflect more uniform decisions and a greater reliance on legalistic variables, some disparity is expected to remain due to the discretion and to the provisions that permit alternative sentences upon the finding of manifest injustice or the issuance of written reasons.

The specific purposes of this chapter are to compare decisions in the pre and post systems in relation to:

1. The determinants of decisions;

2. The importance of extra-legal variables (race, sex, non-adjudicated priors, and prior status offenses) on decisions;

3. The uniformity (i.e., lack of disparity) of decisions; and

4. The extent to which decisions are proportionate to the seriousness of the offenses, prior record, and age.

METHODOLOGY

The data for this analysis are the individual-case records collected in King county (Seattle), Spokane, and Yakima. The decisions included in this

part of the study are: law enforcement referral vs. non-referral decisions; filing vs. diversion or informal adjustment; confinement (detention, group home, or commitment) vs. probation without confinement; and commitment to the state vs. community-based sanctions. In addition, the sentence index (an ordinal scale including commitment, local detention, probation without detention, and informal adjustment or diversion) will be used. Variables representing the potential determinants of decisions include the severity of the incident, the prior criminal record, and the age of the youth (see Figure 4). Also included are the number of non-adjudicated prior offenses and the number of prior runaway contacts with law enforcement.

The latter is included because, in the pre-reform era, it was generally belived that sentencing for delinquent acts may have been based more on the mixture of status and delinquency conduct than on the actual offense. One of the purposes of the law was to clearly separate status and delinquent behavior and to insure that sanctions for delinquent acts would be proportionate to the offense itself and not based on status offenses.

Nonadjudicated prior offenses are included in the model because it is reasonable to think that these may have influenced discretionary decisions and might be a factor in bypassing the presumptive decisions. Law enforcement officers, for example, might be more inclined to refer youths with a longer record of non-adjudicated offenses; prosecutors could be more inclined to file on these youngsters when they are in the group for which discretion is permitted at intake, and judges might be inclined to issue sanctions nearer the high end of the recommended scale for offenders with more non-adjudicated priors.

Severity of the immediate offenses is measured with an ordinal variable ranging from one (class E misdemenaor) to six (Class A felony).

FIGURE 4. CONCEPTS AND VARIABLES FOR DETERMINANTS OF SANCTIONS

CONCEPT	VARIABLE & CODE
1. Seriousness of the immediate incident	(a) Offense Class A = 6 B+ = 5 B = 4 C = 3 D = 2 E = 1
2. Prior Criminal Record	(b) Frequency: Number of prior adjudicated or formally diverted offenses (transformed, natural log, y=1+ln(X) 1 prior = .69 2 priors = 1.09 3 priors = 1.38 4 priors = 1.61 5 priors = 1.79 10 priors = 2.39 (c) Recency: Number of prior adjudicated or formally diverted offenses committed within the previous 12 months (transformed, natural log, as shown above) (d) Seriousness: Offense class score (of the most serious prior adjudicated or diverted offense) A = 5 (B+ was grouped with A) B = 4 C = 3 D = 2 E = 1
3. Age of youth	(e) Age, in years with youngest as 12 years.
4. Extra-legal, offense-related variables	(f) Nonadjudicated prior police contacts (transformed as shown above. (g) Prior contacts as a runaway (transformed with the natural log, as shown above)
5. Extra-legal variables, offender-related	(h) Race (0=white; 1=minority) (i) Sex (0=male; 1=female)

Class A offenses include murder, rape, robbery, aggravated assault, first degree arson and first degree kidnapping. (See Figure 1 in the previous chapter for the frequency of each). Most of the Class B felonies are burglaries and most of the Class C felonies are auto thefts. Class D misdemeanors are mainly the minor property offenses including theft, vandalism, and shoplifting. Simple assaults, although rather rare, are in this category as well. Class E misdemeanors include disorderly conduct, fights, and the "vice" offenses involving drugs, prostitution, and liquor law violations.

Several different dimensions of prior criminal record are incorporated in the analysis. Frequency of prior offenses is measured by the total number of adjudicated prior offenses. Second, the seriousness of prior offenses is measured using the class score of the most serious prior which had been adjudicated. In the post-reform system, of course, the diverted cases count as adjudicted offenses. The recency of prior offenses is represented by a variable which measures the number of prior adjudications in the previous 12 months.

Several different transformations were tested on the independent variables reflecting the frequency of prior offenses since these are badly skewed. The best fit across all three sites and all of the frequency variables was the natural log transformation. Thus, a score of one was added to the number of priors (to distinguish between one and zero) and the results reflect the logged values of these variables.

Tests were also made for the ordinal variables representing seriousness of the immediate offense and seriousness of the most serious prior. Transformations were made which "stretched" these ordinal scales in accordance with the number of points given to each class of offense in the

Washington guidelines. For example, Class A offenses were given 200 points, since this is the number they have in the guidelines, Class B offenses were given 50 points, and so on. Another test was conducted in which the ordinal values were tranformed with $y = e^n$. Neither of these transformations improved the predictive power of the variables when compared with the simple ordinal scoring system and, therefore, the ordinal scoring system was retained.

A similar type of problem exists with the ordinal scaling of the sentencing decisions. In this scale, 4=commitment; 3=detention; 2=probation without detention and 1=diversion or informal adjustment. This variable also was "stretched" in various ways to increase the distance between commitment and the other sanctions. Although a number of different transformations were attempted--including one in which the scores were based on the number of points needed to receive the sanction--none of the changes produced a variable which correlated higher with the independent variables of interest. Thus, the ordinal scaling was retained.

Another variable, which is used in some parts of the analysis, is a simulated variable representing the presumptive decisions. This variable was constructed by simulating the criminal history point calculations using the immediate offense and all adjudicated or diverted prior incidents. All cases which met the legislatively-defined standard of serious offender were identified and given a score of four ("commit"). All cases that did not meet this standard but had 110 or more points were given a score of three (commitable). All cases that did not have 110 points and that had to be filed rather than diverted were given a score of two (not commitable, not divertable). Cases which met the required diversion criteria were scored as one (divert). An alternative variable that was tested was based on the simulated number of points for each case. Even though this might seem to be a better procedure,

it did not correlate quite as well with the dependent variables of interest--partially because some of the scores were extremely high. When these scores were truncated to 110 points, the variable still did not have quite as much predictive power as the ordinal variable. The latter, therefore, was retained for use.

The analysis used is multiple regression--a technique ideally suited to identifying the determinants of decisions, measuring the extent to which disparity can be accounted for by the variables in the analysis, and assessing the proportionality of sanctions to offender seriousness. The value of R^2 shows the proportion of variance in the dependent variable that is explained by the independent variables. The remaining variance ($1-R^2$) is a good measure of the disparity in decisions that exists after the legalistic variables have been taken into account. Thus, the approach used here for measuring uniformity and disparity (which are viewed simply as the same concept but at opposite ends of the scale) is a statistical one and relies on the extent to which the decision can be predicted from variables that are deemed to be appropriate--given the philosophical orientation of the system.

Multiple regression analysis also can be used to determine whether decisions are proportionate to offense seriousness, prior history, and age. If variables representing these concepts are positively related to the sanction, then the sanction is proportionate to them. For example, if the seriousness of the immediate offense is positively related to the sanction--as measured on the sentence index--then the proper interpration is that as offense seriousness increases, so does the severity of the sanction.

FINDINGS

In all three jurisdictions, decisions in the justice-oriented post-reform era were more uniform, more predictable, and more proportionate to the seriousness of the offense and the prior criminal record than were decisions in the pre-reform time period. Relationships between the extra-legal variables and the decisions to refer, file, confine, and commit did not, however, disappear in spite of the considerable reduction in disparity that accompanied the implementation of the legislation. Results of the analysis are shown in Tables 7 (King county), 8 (Spokane) and 9 (Yakima).

For each table, the independent variables are shown down the left side with the five-variable legalistic model listed first and the four variables representing different kinds of extra-legal factors shown second. The dependent variables are the decisions shown across the top. Values in the cells are the unstandardized regression coefficients from which, when used in conjunction with the constant, a prediction of the dependent variable can be calculated. For the variables that represent dichotomous decision choices (to refer or not; to file or not file; to confine or not confine; to commit or not commit) the prediction indicates the proportion of youths who would receive the more severe sanction. (It should be recalled that all variables involving the frequency of prior offenses were transformed before performing the analysis by adding one and taking the natural logarithm).

Referral Decisions

Law enforcement decisions to refer cases to the juvenile court were, as expected, the least predictable of all those examined with R^2 values ranging from .00 to .15. The variable with the most explanatory power was seriousness of the immediate offense but, contrary to expectations, the more serious cases

TABLE 7. DETERMINANTS AND UNIFORMITY OF DECISIONS IN KING COUNTY[1]

	Refer		File		Confine		Commit		Index	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
No. of Cases	459	586	267	406	83	130	83	130	224	316
	b	b	b	b	b	b	b	b	b	b
Offense Class	-.05	-.11	.07	.14	–	.16	.07	.12	.23	.42
Adjudicated Priors (ln)	–	–	–	–	–	.24	.26	.19	–	–
12-mo. Priors (ln)	–	–	(+)	.23	–	–	–	–	(+)	.48
Most Serious Prior	–	–	.15	.07	–	–	–	–	.31	.15
Age	–	.01	–	–	–	–	–	–	(+)	–
Constant	.91	.78	.09	-.02	.62	-.26	-.13	-.34	.84	.26
R^2	.02	.15	.26	.35	.00	.26	.19	.25	.30	.51
Non-Adjudicated Priors	–	.08	–	–	–	–	–	–	–	–
Runaway Priors (ln)	–	–	–	.14	–	–	–	.11	–	.37
Race	.13	–	–	–	–	.18	–	–	–	–
Sex	(+)	–	-.13	-.19	–	.22	(+)	.20	–	–
Constant	.75	.67	.30	.31	.62	-.77	-.13	-.67	.84	.22
R^2	.04	.19	.29	.30	.00	.31	.19	.33	.30	.55

[1]Values in the cells are the undstandardized regression coefficients that were significantly correlated (.05 or beyond) with the dependent variable, controlling for variables already in the model. Variables were entered stepwise, using the SPSS procedure, with the five legalistic variables entering the model first followed by the four personal variables. A value in parenthesis, such as (+) or (-) indicates a relationship significant at the .10 level on the two-tailed test.

TABLE 8. DETERMINANTS AND UNIFORMITY OF DECISIONS IN SPOKANE[1]

	File		Confine		Commit		Index	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post
No. of Cases	326	550	82	152	82	152	269	416
	b	b	b	b	b	b	b	b
Offense Class	.11	.18	.10	.15	–	.09	.24	.43
Adjudicated Priors	–	.11	–	.27	.23	.10	–	.35
12-mo. Priors	–	–	–	–	–	.11	–	–
Most Serious Prior	.14	.09	.08	–	–	–	.37	.14
Age			–	.07	–	–	–	.04
Constant	.01	-.19	.07	-1.48	.11	-.33	.74	-.29
R^2	.30	.37	.15	.35	.12	.29	.40	.60
Non-Adjudicated Priors	–	-.08	–	–	–	–	–	–
Runaway Priors (ln)	–	–	–	–	.38	.49	–	.81
Race	(+)	.17	–	–	–	–	–	.31
Sex	-.19	(-)	–	–	–	–	–	–
Constant	.17	-.19	.07	-1.48	.08	-.27	.74	-.57
R^2	.31	.38	.15	.35	.17	.35	.40	.61

[1]Values in the cells are the undstandardized regression coefficients that were significantly correlated (.05 or beyond) with the dependent variable, controlling for variables already in the model. Variables were entered stepwise, using the SPSS procedure, with the five legalistic variables entering the model first followed by the four personal variables. A value in parenthesis, such as (+) or (-) indicates a relationship significant at the .10 level on the two-tailed test.

TABLE 9. DETERMINANTS AND UNIFORMITY OF DECISIONS IN YAKIMA[1]

	Refer		File		Index	
	Pre	Post	Pre	Post	Pre	Post
No. of Cases	166	168	117	140	79	112
	b	b	b	b	b	b
Offense Class	-.08	-	.17	.23	.31	.47
Adjudicated Priors	-	-	.25	.24		.56
12-mo. Priors	-	-	-	-	1.24	
Most Serious Prior	-	-	-	-		
Age	-	(+)	.05	-		
Constant	1.02	1.00	-.76	-.29	.70	.28
R^2	.06	.00	.23	.39	.33	.61
Non-Adjudicated Priors	-	-	-.31	+.16	-.68	(-)
Runaway Priors (ln)	-	-	-	(+)		
Race	-	-	-	.26		(+)
Sex	.17	.13	-	-	(-)	
Constant	.80	.72	.06	-.30	1.95	.28
R^2	.10	.04	.34	.45	.45	.61

[1]Values in the cells are the undstandardized regression coefficients that were significantly correlated (.05 or beyond) with the dependent variable, controlling for variables already in the model. Variables were entered stepwise, using the SPSS procedure, with the five legalistic variables entering the model first followed by the four personal variables. A value in parenthesis, such as (+) or (-) indicates a relationship significant at the .10 level on the two-tailed test.

were less likely to be referred. This was true in both the pre and post time periods in Seattle and in the pre-reform era in Yakima. There are two potential explanations for this phenomenon. One is that minor offenses are not recorded by the police unless they are going to be referred to court. Hence, the proportion of misdemeanors referred is very high since those which are not to be referred are never entered in the law enforcements records at all. A second explanation is that some of the most serious offenses which are not referred are, after being entered in the records, found not to be sufficient in terms of evidence or in terms of victim willingness to prosecute the case. Intra-family assaults, for example, or assaults between school mates might account for some of the serious offenses that are not referred.

Law enforcement referral decisions in Seattle prior to the new law were influenced by both race and sex of the offender: females and minorities were slightly more apt to be referred (the probability level for sex was .09). The impact of these extra-legal variables has been assessed after controlling for the legalistic criteria shown. Thus, the effect of race and gender is statistically independent of seriousness of the offense, prior record, and age. The data for Seattle indicate that in the pre-reform time period, 88 percent of the minority youths were referred compared with 75 percent of the white youths even when the offense seriousness, prior record, and age were approximately the same. Data from Yakima county show that females were more apt to be referred in both the pre and post time periods and the differences are substantial: 17 percent higher (pre) and 13 percent (post). The post reform data in Seattle did not show that kind of potential bias. (Spokane records on law enforcement contacts that do not result in referrals are non-existent, therefore, this decision point could not be studied in Spokane).

Decisions to File

Decisions to file rather than divert (post) or handle informally (pre) were relatively well predicted from the legal variables in all three jurisdictions. The decisions were better predicted, and less disparate, in the post-reform time period. King county shows an R^2 of .26 for the decision to file in the pre-reform era compard with an R^2 of .35 post. Spokane filing decisions have R^2 values from the legal variables of .30 pre and .37 post whereas Yakima has a more pronounced difference: .23 pre and .39 post.

The legalistic variables that were important in the filing decisions did not change much between the pre and post time periods: offense seriousness was an important predictor in both time periods in all three jurisdictions and, in each jurisdiction, at least one of the variables representing prior criminal history was significantly related to the filing decision. The two variables representing frequency and recency of priors are closely related and if one enters the equation, this tends to have the effect of eliminating the other. Actually, in most of the analysis, both variables have about the same explanatory power and either one could be used in the model.

Race was an important predictor of filing decisions in Spokane for both the pre and post time periods (although the t value for the pre-reform data was .19) and race had a positive impact on filing decisions in Yakima during the post-reform period. The latter effect was substantial: the unstandardized coefficient of .26 indicates that the probability of referral for minority youths was .26 above that of white youths.

Confinement and Commitment

The variable called "confine" includes three types of deprivation of liberty: local detention, group homes, and commitment to the state. The

decision to confine is juxtaposed against a decision to place the youth on community supervision (i.e., probation). (Analysis of confinement and commitment decisions is limited to King and Spokane because of the small sample in Yakima for which a complete criminal history could be collected.) Commitment refers to a decision that commits the youths to the state for placement either in an institution or in a state-operated group home. This decision is juxtaposed against a decision to issue any kind of community-based sanction, including detention.

Similar patterns for these variables emerge in King and Spokane counties. Confinement and commitment decisions are less disparate--given the seriousness of the offense and the prior record--in the post time period than in the pre with R^2 values (post) of .26 and .25 in King; .35 and .29 in Spokane. Pre-reform decisions to confine were totally unpredictable in Seattle (R^2 = .00) although the commitment decision shows an R^2 of .19. In Spokane, the R^2 for legalistic variables was .15 indicated that 15 percent of the variance in confinement decisions (pre) was explained by the legal criteria and 12 percent of the variance in pre-reform commitment decisions was accounted for by those variables. As with the other decisions, seriousness of the offense and number of adjudicated priors were the most important predictor variables.

In King, both race and sex were significantly related to the decisions to confine youths rather than place them on probation during the post period. Minority youths had a .18 higher probability of confinement than did white youths and females had a .22 higher probability. Although race was not related to the decision to commit to the state, females (in the post time period) had a substantially higher probability of being committed (b = .22).

The data also show that the decision to commit is more likely to be made for youths with a prior record as a runaway. This phenomenon is observed in the post time period for King and in both time periods in Spokane.

Sentence Index

The sentence index represents the best overall measure of decisions in each of the jurisdictions since it incorporates the decisions to file, place on probation, confine, or commit. In the post-reform time period, the legalistic variables are very powerful predictors of these decisions as indicated by R^2 values of .51 in King, .60 in Spokane and .61 in Yakima. This level of predictability from variables representing seriousness of offense, prior record and age is remarkable and probably unsurpassed by any previous study using individual-level data in either juvenile or adult courts. The differences between pre and post also are marked: .30 vs. .51 in King; .40 vs. .60 in Spokane and .33 vs. .61 in Yakima.

It is disheartening, however, to examine the role of extra legal variables in the presumably more uniform and legalistic system ushered in by the reform legislation. In King, a prior history as a runaway has a substantial impact on decisions (b = .37) and the only reason that sex is not signficantly related to the sentence index is that females are significantly less apt to have charges filed but significantly more likely to be confined or committed if charges are filed. This same pattern was true for King before the law was passed. In Spokane, significant relationship are found in the post period with runaway prior contacts and with race. In Yakima, the relationship between race and sentencing was close to statistical significance in the post time period.

Proportionate Sanctions

The regression analysis shows that law enforcement referral decisions are not proportionate to the seriousness of the offense or the prior record of the youth but almost all of the other decisions in both the pre and post time

periods are a relatively direct function of offense seriousness and prior criminal record. The main exception is that in King county, before the law was passed, confinement decisions seem to be independent of the legalistic criteria used in the model. The issue, however, is whether sanctions issued under the justice mode are more proportionate than those given in the rehabilitation system and the evidence suggests that they are.

It was pointed out in Chapter 2 that the overall level of severity decreased after the law went into effect but the evidence indicates that the decline in sanction severity was almost exclusively for the less serious offenders. There was a substantial increase in the probability that violent offenders and the serious/chronic offenders would receive an incarcerative sentence in the post-reform era.

Violent offenders, as defined for this analysis, corresponds with the "serious offender" category in the Washington law: namely, youths who have committed a violent personal offense of murder, robbery, aggravated assault, rape, first degree arson or kidnapping.[7] The serious/chronic offender designation used in this analysis corresponds to the youths who under the Washington law have more than 110 points and are committable. These offenders have committed a class B felony (burglary or a property offense involving a loss of $1,500 or more and have a substantial prior record including, for example, three prior felonies of any kind, or two prior class A or B felonies. Youths with five or more Class D misdemeanors (such as shoplifting or thefts of less $250) also fit into this group if the immediate offense is a class B felony. It is not possible to reduce the Washington guidelines into a two-dimensional diagram, nevertheless Appendix D of this report contains a two-dimensional representation that is quite close to the Washington point system.

The differences in sanctions are striking (see Table 10). In the pre time period, 38 percent of the violent offenders were committed to the state compared with 92 percent in the post. All of the violent offenders in the post-reform era received an incarcerative sanction (commitment or detention) compared with 47 percent in the pre system. These kinds of differences are found in all three counties.

Sanctions for the serious/chronic offenders also differed markedly with far more severe penalties being assessed under the justice system than the rehabilitative one. After the law went into effect, 87 percent of these youths received an incarcerative sanction compared with 60 percent before. Again, the pattern of differences is found in all three jurisdictions.

Changes in the other direction, although not as dramatic, occurred for the minor offenders (see Table 11). For all three jurisdictions combined, there was a decline from a nine percent incarceration rate pre to three percent, post. Minor offenders, as defined here, have committed a class D or E misdemeanor and have fewer than three prior offenses all of which are also misdemeanors.

The other two categories of offenders in Table 11 represent increasing seriousness in terms of the immediate offense and the number of priors (see Appendix D for an explanation). Changes in sanctions for the chronic minor offender were not very great but for the middle group, there was a decrease in commitments (18 percent to 10 percent); an increase in local, short-term detention (16 percent to 38 percent) and an increase in the proportion on probation. It is also clear from Table 11 that this middle group of youths was much more likely to be handled on an informal basis during the pre-reform era than they were to be diverted after the law was passed.

TABLE 10. SANCTIONS FOR VIOLENT AND SERIOUS OFFENDERS

		PRE		POST	
		Violent Offenders	Serious/ Chronic	Violent Offenders	Serious Chronic
Total:	Three cities N =	(21)	(15)	(12)	(37)
	Committed	38%	40%	92%	49%
	Detained	9	20	8	38
	Probation	10	13	0	13
	Diverted or Adjusted	43	27	0	0
King:	N =	(114)	(38)	(67)	(62)
	Committed	33%	50%	85%	46%
	Detained	17	12	15	46
	Probation	8	12	0	7
	Diverted or Adjusted	42	25	0	0
Spokane:	N =	(25)	(65)	(39)	(54)
	Committed	50%	40%	90%	61%
	Detained	0	20	10	31
	Probation	12	20	0	8
	Diverted or Adjusted	38	20	0	0
Yakima:	N =	(25)	(39)	(65)	(54)
	Committed	0	0	(100)	44%
	Detained	0	(50)	0	44
	Probation	0	0	0	12
	Diverted or Adjusted	(100)	(50)	0	0

[1]Definitions for these types of offenders are given in the text and in the appendix.

TABLE 11. SANCTIONS FOR MINOR AND MIDDLE OFFENDERS

		PRE			POST		
		Minor	Minor Chronic	Middle	Minor	Minor Chronic	Middle
King:	N =	(135)	(51)	(38)	(200)	(75)	(40)
	Committed	2%	20%	18%	1%	5%	10%
	Detained	7	12	16	2	15	38
	Probation	6	22	21	13	43	38
	Diverted or Adjusted	85	46	45	84	37	15
Spokane:	N =	(179)	(32)	(59)	(317)	(62)	(49)
	Committed	2%	19%	29%	0%	3%	12%
	Detained	1	0	10	1	13	44
	Probation	12	25	17	11	68	44
	Diverted or Adjusted	85	56	44	88	16	0
Yakima:	N =	(69)	(8)	(15)	(71)	(20)	(13)
	Committed	1%	25%	20%	0%	5%	8%
	Detained	0	12	33	0	25	31
	Probation	4	13	13	18	50	53
	Diverted or Adjusted	95	50	35	83	25	8
Total:	Three Counties N =	(383)	(91)	(112)	(589)	(159)	(101)
	Committed	0%	20%	24%	0%	4%	11%
	Detained	3	8	15	1	15	40
	Probation	9	22	18	13	53	43
	Diverted or Adjusted	86	50	43	86	28	7

[1]Definitions for these types of offenders are given in the text and in Appendix D.

Figure 5 illustrates the changes in the use of incarcerative sanctions. Under the rehabilitative approach, a substantial proportion of all offenders (except the most minor) received incarcerative sanctions: 28 percent of the minor/chronic offenders; 39 percent of the middle offenders; 60 percent of the serious/chronic offenders and 47 percent of the violent offenders. In the justice-oriented system, the sanctions are clearly more proportionate to the seriousness and chronicity of offenses. All of the violent offenders received an incarcerative sanction and 87 percent of the serious/chronic offenders were either detained or committed.

Figure 6 shows the change in sanctions for the violent and serious/chronic offenders combined. Before the law was implemented, these cases were almost as apt to be adjusted (36 percent) as committed (38 percent) whereas in the post time period, 59 percent were committed and 31 percent were detained. Probation accounted for the remaining 10 percent and none of these youths was diverted or adjusted.

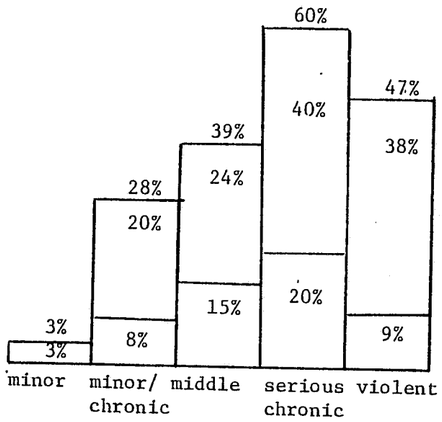
There are, of course, other ways to combine the seriousness of the immediate offense and the prior criminal record of a youth in order to determine whether the sanctions increase with the seriousness of the offender. One additional typology has been used and the results are shown in Table 12.

The dispositions shown are for the non-violent felony first offenders which excludes youths committing murder, rape, robbery, arson, kidnapping, and aggravated assault. For all three areas combined, non-violent felony first offenders were less likely to receive an incarcerative sanction in the post time period and were much more apt to be handled through the formal process resulting in probation. The only noticeable change for the misdemeanor first offenders was a decline in the proportion receiving incarcerative sanctions from three to one percent. Most of these youngsters, in both systems, were

FIGURE 5. USE OF INCARCERATION AS A SANCTION FOR DIFFERENT TYPES OF OFFENDERS

NOTE: In each column, the lower portion shows the percentage detained locally and the upper portion shows the percentage committed to the state institution.

PRE-REFORM: PERCENTAGE INCARCERATED



POST-REFORM: PERCENTAGE INCARCERATED

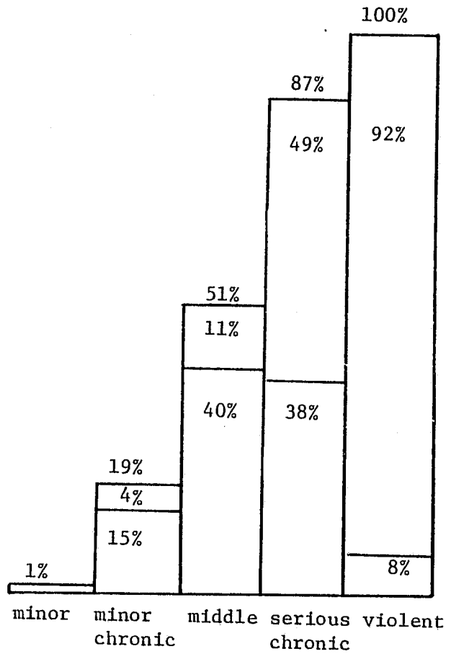


FIGURE 6. SANCTIONS FOR VIOLENT AND SERIOUS/CHRONIC OFFENDERS

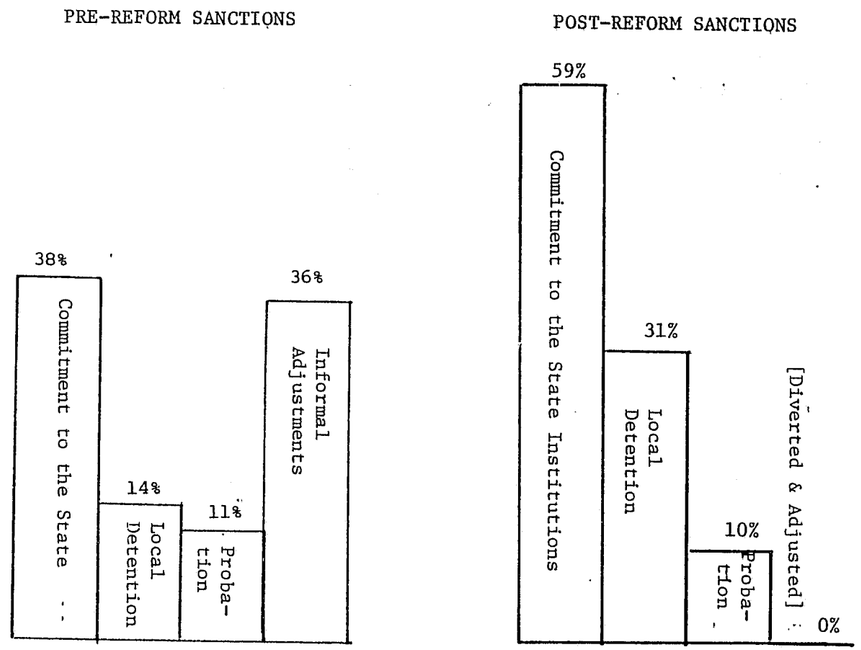


TABLE 12. SANCTIONS FOR NON-VIOLENT FIRST OFFENDERS

	PRE Non-Violent First Offender Felony	PRE Non-Violent First Offender Misdemnr.	POST Non-Violent First Offender Felony	POST Non-Violent First Offender Misdemnr.
Total Three Counties: N =	(122)	(359)	(72)	(431)
Committed	6%	1%	0%	0%
Detention	18	2	15	1
Probation	16	6	60	7
Diverted or Adjusted	59	91	25	92
King: N =	(55)	(124)	(30)	(131)
Committed	4%	2%	0%	0%
Detention	29	5	20	1
Probation	13	2	40	8
Diverted or Adjusted	55	91	40	91
Spokane: N =	(54)	(165)	(33)	(238)
Committed	7%	1%	0%	0%
Detention	6	1	0	1
Probation	18	8	76	5
Diverted or Adjusted	68	90	15	94
Yakima: N =	(13)	(70)	(9)	(62)
Committed	15%	3%	0%	0
Detention	23	0	22	0
Probation	23	4	67	14
Diverted or Adjusted	38	93	11	86

not involved with the formal court process but, instead, were adjusted (pre) or diverted (post).

Discussion

The shift from a rehabilitative philosophy to a justice model for the juvenile system was accompanied by substantial increases in the uniformity and proportionality of sanctions. Intake and sentencing decisions under the reform legislation were remarkkably predictable from the seriousness of the immediate offense, the number of prior adjudicated offenses, and the seriousness of the prior incidents. There was an overall decline in the proportion of youths receiving incarcerative sanctions but the data indicate that this decrease was produced almost entirely by a decrease in the harshness of penalities for minor offenders; in contrast, there was a substantial increase in the probability that violent offenders would receive incarcerative sanctions.

The analysis reveals, however, a potential problem of some magnitude in that the referral decisions were not at all predictive from legally relevant variables. Further analysis is needed to determine why some of the most serious offenders seemingly are never referred to court.

The analysis also clearly shows that an increase in consistency, uniformity, and proporationality of sanctions will not necessarily reduce or eliminate differential handling of youths based on their race or sex--even when the current offense, priors, and age have been taken into account. Correlations, controlling for the other relevant variables, occurred repeatly in both the pre and post time periods between the severity of the sanction and the sex or race of the youth. Females appear to be less likely to be handled in the formal process but if charges are filed, they are more likely to be

committed or detained than are males. The relationships with race were not as pervasive, but when they occurred, the minority youths were the ones receiving the more severe sanctions.

CHAPTER 4. HOLDING JUVENILES ACCOUNTABLE FOR THEIR CRIMES

INTRODUCTION

The prelude to the 1977 legislation which brought a new philosophy to the Washington juvenile justice system begins as follows:

> It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders...be established. It is the further intent...that youth, in turn, be held accountable for their offenses...

One of the specific goals named in the law is to "make the juvenile offender accountable for his or her criminal behavior."[8]

The idea that juveniles should be held accountable for their offenses has emerged only recently as a theme among those who believe that the system is too lenient and incapable of dealing effectively with juvenile delinquency as well as among those who believe that, in the name of treatment and rehabilitation, the system has become excessively punitive for relatively minor offenders and unwilling to deal with the more serious juvenile. "Accountability" seems to be a concept that emphasizes areas of agreement, rather than disagreement, between those who believe the system is too harsh and those who believe it is too lenient. In this respect, accountability is quite similar to the idea of proportionate sentencing which also bypasses the issue of whether the system is, on the whole, too harsh or too lenient by stressing the idea that sanctions should vary dependent upon the severity of the offense. Although accountability is increasingly mentioned by professionals in the field as a useful orienting concept for the juvenile court, the concept has yet to appear in the research literature and there are no well-established definitions or operational measures for it.

The term is not defined in the Washington law, but the background interviews conducted as part of the assessment shed considerable light on what the framers of the Washington law had in mind.[9] One Legislative staff member who did considerable work on the new law accused the pre-reform system of not holding juveniles accountable and, as evidence, he cited the fact that only about 20 percent of the cases referred to juvenile court in 1974 resulted in petitions being filed.[10] Others, such as the chair of the Senate subcommittee that handled the bill, emphasized the importance of restitution and "the imposition of punishment, in addition to restitution, for serious or continued criminal behavior."[11] The chair of the House Institution Committee made the following statement about accountability:[12]

> The presumptive sentencing scheme is intended to make youngsters more accountable by dealing with them according to the nature and frequency of their criminal acts rather than on the basis of their social background and 'need for treatment."

And, the person who was more responsible than any other for maintaining the integrity of the philosophical principles during the legislative process emphasized the importance of individual responsibility when she said:[13]

> We wanted to stop giving the message to the juvenile that 'your crime is not your fault.' We wanted to say, 'your crime is your problem.'

Juvenile justice professionals in the state, when asked what they thought "accountability" meant, typically responded that it meant the youth had to "do something" to make up for the offense.

Based on this information, it appears that several different parts of the legislation were intended to increase the likelihood that juvenile offenders would be held accountable:

1. The informal adjustment of court-referred cases was prohibited by sections of the law that require all referred cases either to be filed or diverted.

2. The formal court process involves the full range of dispositions available in most juvenile courts and, additionally, permits restitution to be ordered by the judge rather than simply used as a condition of probation at the discretion of a probation officer.

3. The diverted cases are supposed to be handled by a diversion unit that has the authority and responsibility to require that the youth make restitution to the victim (if appropriate) and/or to engage in community service work. The preferred type of diversion unit is physically located outside the court and is patterned after the restitution programs that existed during the pre-reform era in a few Seattle neighborhoods. Called "Community Accountability Boards" these units were firmly grounded in the idea that juveniles offenders should be held accountable rather than "treated" for their offenses.

4. The legislation provides that all offenses—including those for which the youth is diverted--count as part of the criminal history in the event that another offense is committed. This increases the degree of accountability since it imposes a potential future consequence as a direct result of the current behavior.

5. The law permits juvenile records to be used in adult court if the youth commits an offense as an adult.

The purpose of this chapter is to examine whether juveniles are more likely to be held accountable under the reform law than they were before and, if possible, to explore reasons for lack of accountability in both systems.

METHODOLOGY

Definitions of accountability are somewhat arbitrary, but for this analysis, a youth will be considered to have been held accountable if he or

she receives any penalty which results in a loss of time, freedom, or money. In addition, any youth who is on probation, even if there is no indication of what the restrictions might be, will be considered "held accountable." Thus, accountability is defined to include probation, restitution, community service, detention time, and commitment to the state.

The data are from the individual case records obtained in King county, Spokane, and Yakima. The information collected from court social and legal files included the number of weeks on probation, the dollar amount of restitution paid, the number of community service hours worked, the number of weeks in group homes, the number of days sentenced to detention, and the number of weeks sentenced to a state institution. In the event that the records indicated a particular penalty had been imposed but the exact amount was not known, a code of "997" or "97" was used.

Court records, of course, are far from perfect and the information reported here on the penalties given to juvenile offenders is no better than the records from which it came. It is particularly vexing that the informal adjustments of the pre-reform era may have involved some conditions or requirements which were not recorded. The record-keeping system, however, certainly did not preclude the recording of these penalities or conditions (if there were any). The practice of informally adjusting cases was specifically permitted--encouraged in fact--by the law that was in effect until 1978. The standard statistical forms used in all of the courts included in this study contained a dispositional category called "informal adjustment" or "administrative adjustment." This category was further subdivided into "adjustment with conditions or supervision" and "adjustment with no conditions or supervision." Thus, the determination that a case had been informally adjusted was made on the basis of a specific coded category. Some cases that law enforcement records indicated were referred to the court could not be

found in the court social or legal files. These incidents--in both the pre and post time period--were considered "lost" cases and were not counted as being adjusted or diverted, even though it is possible that some of these cases were in those categories.

To determine the proportion of youths who are held accountable by the system, it is necessary not only to define those who have been held accountable but it also is necessary to define and measure the number of youths who "should" have been held accountable. There are several different standards that could be used. The most stringent standard is to assume that all law enforcement contacts should result in a youth being held accountable. This standard, of course, is unrealistic since it would consider a youth in the "eligible group" who was found not guilty of the offense as well as those whose cases were heard in other courts from which no disposition information was available, and so forth. A more reasonable approach--and one which also is very stringent--is to use as a measure of the "eligible group" all law enforcement contacts except those for which the records clearly show that there are legalistic reasons for exclusion. Thus, for this standard, the group that "should" be held accountable includes all law enforcement contacts except remands to adult court (because we do not have information on the results of these cases), pending warrants, out-of-jurisdiction cases, findings of not guilty, charges dismissed, and cases with insufficient evidence.

A second and less stringent standard is to determine the proportion of youths held accountable from among those who have been found guilty, plead guilty, diverted, or had their cases adjusted by intake case workers. This approach assumes that all cases which exit from the system between law enforcement contact and adjustment, diversion, or a guilty finding should not have been held accountable by the court. Although that assumption is highly

suspect, this standard also will be used because it does, at least, isolate the incidents which court intake case workers recognized as needing the attention of probation or the court or both. More importantly, these are the only youths on whom, under the laws that existed at the time, court or probation officials were permitted to impose conditions or penalties.

FINDINGS

The results of this analysis are displayed graphically in Figures 7 and 8. Table 13 contains the data from which the graphs were prepared.

Using the first and most stringent standard, the analysis shows an obvious increase in the proportion of law enforcement cases that were held accountable for their crimes via restitution, community service, probation, detention, or commitment. Although there is an improvement which can be attributed to the implementation of the new legislation, it is obvious that many cases--half or more--still are not being held accountable. The record for the pre-reform era, however, is even poorer: 19 percent of the cases contacted by law enforcement which were not excluded for legalistic reasons were held accountable in King county; 33 percent in Spokane and 23 percent in Yakima. In the post period, this rose to 39 percent, 52 percent and 48 percent in the three areas. The post-reform system, however, also "holds accountable" all of the youths who are formally idverted in the sense that, even when no penalty is assessed for the immediate incident, the offense courts as part of any future criminal history. If the diverted cases also are considered to be held accountable for their offenses, then the proportion of youths held accountable increases to 70 percent in King county, 90 percent in Spokane and 67 percent in Yakima.

FIGURE 7. PERCENTAGE OF ALL LAW ENFORCEMENT CONTACTS HELD ACCOUNTABLE WITH ONE OR MORE SANCTIONS

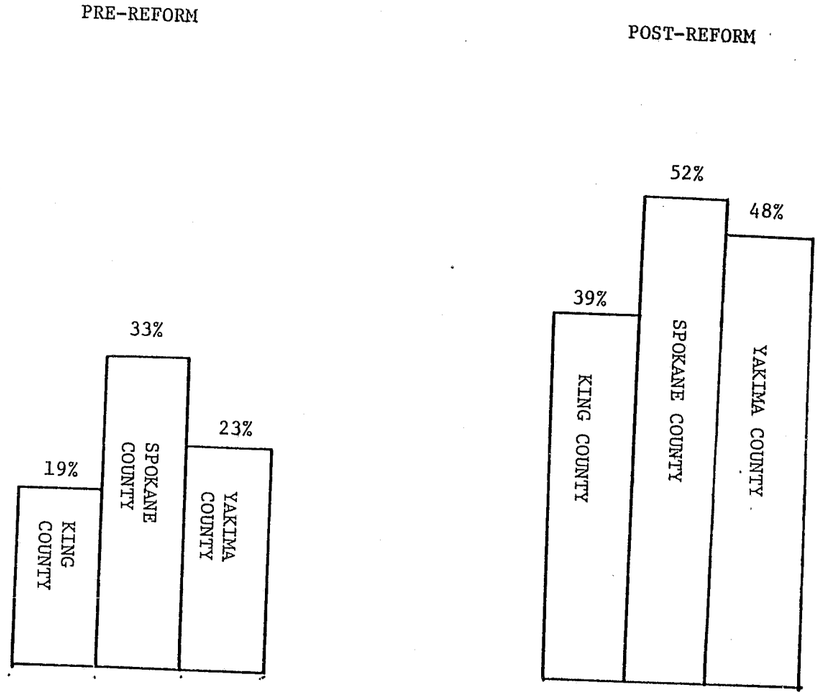


FIGURE 8. PERCENTAGE OF INTAKE CASES HELD ACCOUNTABLE WITH ONE OR MORE SANCTIONS

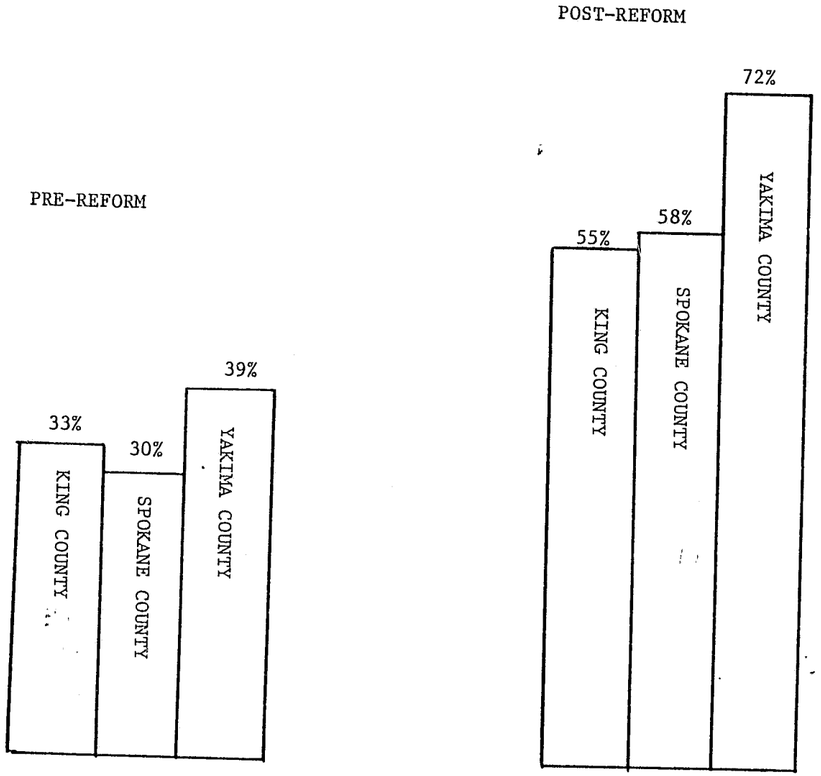


Figure 8 shows the proportion held accountable when considering only the cases that actually come under the jurisdiction of the court or probation officials (i.e., those that are adjusted, diverted, or found guilty by plea or trial). The results here are similar in that the post-reform system holds far more youths accountable than the pre. Furthermore, the proportion who actually receive a sanction of some type is relatively high--72 percent in Yakima, 58 percent in Spokane and 55 percent in King county.

As shown in Table 13, virtually all of the increase occurred because the diverted cases of the post-reform era were more likely to be given restitution or community service than were the adjusted cases prior to the implementation of the new law. In King county, 26 percent of the diverted cases had restitution requirements compared with two percent of the adjusted cases. The results in Spokane and Yakima are even more pronounced with 38 percent of the diverted cases in Spokane having restitution requirements and 49 percent in Yakima.

The use of restitution or community service also increased dramatically for the adjudicated cases in Spokane and Yakima with these courts imposing such requirements on approximately 80 percent of the youths. King county, however, did not show this type of increase and, in fact, the use of restitution or community service as a sentence actually declined and was only at 54 percent in the post period.

Even though the post-reform system is much better able to hold juveniles accountable--especially those that reached the entry point for court processing--the question remains: where did all the cases go?

Table 14 contains a rather complete accounting of all the cases. Beginning with law enforcement contacts, the first set of exclusions shown are those which were determined not to have belonged before the court in the first

TABLE 13. PROPORTION OF YOUTHS HELD ACCOUNTABLE FOR THEIR OFFENSES[1]

Standards	King Co.		Spokane		Yakima	
	pre	post	pre	post	pre	post
Law Enforcement Contacts	510	645	426	677	637	559
Cases Excluded for Legalistic reasons by police, prosecution, or the court	76	168	50	144	50	65
Contacts remaining potentially eligible for penalties	434	483	376	533	583	494
Cases Adjusted or Diverted	178	204	209	318	265	173
% Paying Restitution or doing comm. ser.	2%	26%	1%	38%	0	49%
% other penality	1%	0	19%	0	19%	0
Total % with one or more sanctions	3%	26%	20%	38%	19%	49%
Cases Found or Plead Guilty	78	134	87	162	97	156
% Paying Restitution or doing com. ser.	60%	54%	39%	78%	21%	81%
% on Probation	43	56	48	62	16	56
% Detained	33	27	10	22	21	26
% Committed, or in Group Home	33	17	33	12	43	15
Total % with one or more sanctions	100%	100%	95%	97%	86%	97%
ACCOUNTABILITY						
# with one or more penalities	84	187	124	277	134	236
% of law enforcement contacts "held accountable" with one or more penalties	19%	39%	33%	52%	23%	48%
% of diverted, adjusted, or guilty cases "held accountable" with one or more penalties	33%	55%	30%	58%	37%	72%

[1]Percentages sum to more than 100% because some youths receive more than one sanction.

place: remands, out of jurisdiction cases, not guilty, dismissed charges and insufficient evidence. This category accounts for 10 to 25 percent of the initial contacts, depending on the site. (It should be recalled that the Spokane data collection initiated with law enforcement arrest/referal rather than "contacts" since the latter were not recorded. Thus, there is comparatively less slippage in the Spokane data).

The next category of cases are those which were either adjusted or diverted. These are subdivided into a number of categories and, as a whole, they account for 30 to 50 percent of all the initial contacts. When the adjusted/diverted cases are added to those that were found guilty or plead guilty and to the ones that were excluded on legalistic criteria, approximately 65 to 90 percent of the contacts are accounted for leaving about 10 to 35 percent of the cases as "missing." The sources of the missing cases are shown in the latter portions of Table 14 and most of these are law enforcement clearances, diversions, release to parents, and so on. Nevertheless, there were 10 to 20 percent of the cases in these three sites that simply disappeared between the initial contact and the final disposition.

Discussion

It is apparant that the justice-oriented courts of the post-reform period have a better record of holding juveniles accountable. The interpretation of the data, however, depends on what was expected and on the standard that the reader might wish to set forth for these courts. If it is believed that all cases should be held accountable via the imposition of an immediate penalty, then even the post system falls considerably short of that standard. Alternatively, it must be emphasized that many of the incidents encountered by law enforcement officials are exceptionally minor and are perpetrated by

TABLE 14 THE "MISSING CASES"

	Seattle pre	Seattle post	Spokane pre	Spokane post	Yakima pre	Yakima post
Law Enforcement contacts	510	651	426	677	637	559
Excluded for legalistic reasons						
Remands	8	5	12	7	4	6
Warrant Pending	0	8	0	0	0	6
Out-of-Jurisdiction	12	28	11	32	17	8
Found Not guilty	5	6	0	0	1	3
Charges dismissed	22	86	22	83	23	26
Insufficient Evidence	29	35	5	22	5	16
Sub-total	76	168	50	144	50	65
As % of contacts	15%	26%	12%	21%	8%	12%
Potentially Eligible Cases: Adjust/Divert						
Cases adjusted	147	0	139	0	211	0
Adjusted with conditions	6	0	35	0	46	0
Diverted (formally)	15	204	29	318	0	173
Adjusted by Parole	10	0	2	0	3	0
re-committed by parole	0	0	4	0	5	0
Sub-total	178	204	209	318	265	173
As % of contacts	35%	31%	40%	47%	42%	31%
All contacts: Summary	510	651	426	677	637	559
Excluded for legalistic reasons	76	168	50	144	50	65
Adjusted/diverted	178	204	209	318	265	173
found or plead guilty	78	134	87	162	97	156

(continued on next page)

Table 14 (continued)

	Seattle pre	Seattle post	Spokane pre	Spokane post	Yakima pre	Yakima post
The "missing" cases	178	145	80	53	225	165
As % of contacts	34%	22%	19%	8%	35%	29%
Source of "missing" cases:						
Law Enforcement						
exceptional clearances	29	54	-	-	48	46
Investigate: release	13	24	-	-	5	3
Release to Parents	51	10	-	-	4	1
Police division	0	0	-	-	62	24
mis.	23	4	-	-	5	4
Subtotal	116	92			124	78
As % of contacts	23%				19%	14%
"Lost" cases:						
referred, but no records	62	53	80	53	101	87
As % of contacts	12%	8%	19%	8%	16%	16%

youngsters who have not yet had their 14th birthday. Whether the law enforcement adjustments include some kind of conditions is not known, but they very well may involve mediated settlements with restitution or community service. It also should be noted that some of the diverted and adjusted cases for which it appears as if there were no sanctions may, in fact, have involved restitution or service work. As noted before, unless this information was recorded on diversion records or in the youth's file, there was no way that we would be able to ascertain whether a penalty was imposed or not. Thus, some of the apparent lack of accountability by the youths may, in fact, be a lack of accountability on the part of the system in its responsiblities for properly recording what has been done to or with the young.

CONCLUSIONS

Intake and sentencing decisions changed dramatically as a result of the justice philosophy and the new practices which accompanied its introduction into the Washington juvenile justice system. Many of the findings reported earlier would be viewed favorably by proponents of this philosophical perspective:

1. Sentences in the post-reform era were considerably more uniform, more consistent, and more proportionate to the seriousness of the offense and the prior criminal record of the youth than were sentences in the rehabilitation system which existed before 1978.

2. The overall level of <u>severity</u> was actually reduced during the first two years after the legislation went into effect but there was an increase in the <u>certainty</u> that a sanction of some kind (restitution, community service, probation) would be imposed.

3. There was a marked increase in the use of incarcerative sanctions for the violent and serious/chronic offenders: In the pre-reform era 52 percent of these cases received incarcerative sanctions and 37 percent were informally adjusted; in the post-reform period, 90 percent were incarcerated, 10 percent were placed on probation, and none were adjusted or diverted.

4. Non-violent first offenders and chronic minor property offenders were <u>less</u> likely to be incarcerated under the new system, but <u>more</u> apt to be required to pay restitution, do community service work, or be on probation.

There were, however, some negative consequences and a number of unanswered questions. In spite of a high rate of compliance with the guidelines and the enormous increase in uniformity of decisions, the analysis revealed that

differential handling of females and minorities still existed in some jurisdictions for certain kinds of decisions. On the whole, the effect was much more pronounced for females than for minorities. Female offenders were more likely than males to be diverted or to have their cases adjusted but, if they were not diverted or adjusted, the females were more likely to be committed. These effects were not created by the new legislation, however, as the pattern of differential handling that existed in the pre-reform system tended to be perpetuated after the new law went into effect.

Mixed effects also were found in relation to juvenile and system accountability. The post-reform era had a substantially better record of holding juveniles accountable for their crimes in that it doubled or even tripled the proportion of youths who could be considered "held accountable." Nevertheless, approximately one-third of all youths contacted by the police in the post-reform system who apparently should have been held accountable, were not. Their cases either dropped out of the system due to poor record-keeping or due to discretionary decisions by juvenile justice officials which were not recorded in such a way as to determine what happened to the case.

Of the many questions that remain unanswered, three are of paramount importance:

1. Whether the dramatic increase in committments that occurred after the initial (and equally dramatic) decline will continue or will level off;

2. Whether the improvements in accountability, proportionality, certainty, and uniformity will endure, over time, or will gradually be eroded;

3. Whether the apparently differential handling of females and minoritie is widespread throughout the state and what the sources of this apparent bias actually are.

Appendix A. COMPARISON OF CRIME CLASSIFICATIONS BY POLICE AND PROSECUTOR IN SPOKANE

	PROSECUTOR'S MOST SERIOUS CHARGE						
	Class E	Class D	Class C	Class B	Class B+	Class A	Total
PRE							
Police Classification							
Class E	26	0	1	0	0	0	27
Class D	4	196	9	8	0	0	217
Class C	0	1	32	1	2	0	36
Class B	2	3	2	55	4	0	66
Class B+	0	0	0	0	2	0	2
Class A	0	1	0	1	3	4	10
Total	33	202	44	66	10	4	359
POST							
Police Classification							
Class E	74	3	0	0	0	0	77
Class D	15	367	15	4	0	0	403
Class C	1	3	50	0	2	0	56
Class B	3	16	6	56	3	0	85
Class B+	0	1	0	0	2	0	3
Class A	0	2	2	1	3	4	12
Total	94	392	73	62	10	4	635

Appendix A. COMPARISON OF CRIME CLASSIFICATIONS BY POLICE AND PROSECUTOR IN SEATTLE/KING COUNTY

	PROSECUTOR'S MOST SERIOUS CHARGE						
	Class E	Class D	Class C	Class B	Class B+	Class A	Total
PRE							
Police Classification							
Class E	40	11	0	6	4	0	61
Class D	2	151	17	10	5	2	187
Class C	1	2	28	0	0	0	31
Class B	0	7	3	33	0	0	44
Class B+	0	1	0	0	2	0	3
Class A	1	4	1	1	6	6	19
Total	44	176	50	51	16	9	345
POST							
Police Classification							
Class E	72	15	12	0	1	1	101
Class D	13	255	6	9	0	0	283
Class C	1	2	45	0	0	0	48
Class B	0	11	6	32	0	1	50
Class B+	0	0	0	0	1	0	1
Class A	1	11	4	3	8	3	29
Total	86	294	72	44	10	5	511

Appendix A. COMPARISON OF CRIME CLASSIFICATIONS BY POLICE AND PROSECUTOR IN YAKIMA

	PROSECUTOR'S MOST SERIOUS CHARGE						
	Class E	Class D	Class C	Class B	Class B+	Class A	Total
PRE							
Police Classification							
Class E	15	3	1	0	0	0	19
Class D	0	35	1	3	0	3	42
Class C	0	0	32	1	0	0	33
Class B	0	3	1	44	0	0	48
Class B+	0	0	1	0	3	0	4
Class A	0	4	0	1	1	2	8
Total	15	45	36	48	4	5	154
POST							
Police Classification							
Class E	47	4	0	0	0	0	51
Class D	8	181	3	1	0	0	193
Class C	0	1	35	2	0	0	38
Class B	1	11	2	43	0	0	57
Class B+	0	0	0	0	4	0	4
Class A	0	9	1	0	1	1	12
Total	56	206	41	46	5	1	355

Appendix B. COMMITMENTS TO DEPARTMENT OF JUVENILE REHABILITATION[1]

Year & Month		Total Commitments	First Commitments	Re-Commitments	Return From Parole	Other Commitments
1975	July	70	58	4	8	
	Aug.	77	59	3	15	
	Sept.	88	71	7	10	
	Oct.	103	82	7	14	
	Nov.	128	103	6	19	
	Dec.	109	92	8	9	
1976	Jan.	112	99	4	9	
	Feb.	120	103	5	13	
	March	137	119	9	9	
	April	130	111	9	10	
	May	120	93	10	17	
	June	90	80	5	5	—
Yearly Totals		1,284	1,069	77	138	
1976	July	120	90	11	19	
	Aug.	107	87	8	12	
	Sept.	95	73	14	8	
	Oct.	100	65	21	14	
	Nov.	163	116	19	28	
	Dec.	134	112	10	12	
1977	Jan.	119	89	16	14	
	Feb.	95	79	8	8	
	March	146	124	9	13	
	April	131	101	13	17	
	May	114	95	12	7	
	June	140	107	17	16	—
Yearly Totals		1,464	1,138	158	168	
1977	July	96	75	10	11	
	Aug.	100	79	13	8	
	Sept.	109	82	20	7	
	Oct.	113	91	17	5	
	Nov.	119	81	27	11	
	Dec.	130	79	38	13	
1978	Jan.	140	107	24	9	
	Feb.	161	104	42	15	
	March	140	103	30	8	
	April	90	66	20	4	
	May	131	98	33	0	
	June	98	75	21	2	—
Yearly Totals		1,427	1,039	295	93	

Appendix B. (Continued)

Year & Month		Total Commitments	First Commitments	Re-Commitments	Return From Parole	Other Commitments
1978	July	63	49	13	1	
	Aug.	62	49	12	1	
	Sept.	55	35	19	1	
	Oct.	74	51	22	1	
	Nov.	70	51	19	0	
	Dec.	60	44	15	1	
1979	Jan.	71	53	18	0	
	Feb.	68	53	13	2	
	March	111	78	32	1	
	April	99	74	25	0	
	May	102	68	34	0	
	June	84	59	25	0	
Yearly Totals		919	664	247	8	
1979	July	91	60	3		0
	Aug.	114	69	41		4
	Sept.	70	48	21		1
	Oct.	99	61	36		2
	Nov.	101	74	26		1
	Dec.	102	61	40		1
1980	Jan.	100	66	34		0
	Feb.	99	68	30		1
	March	117	84	32		1
	April	105	72	32		1
	May	136	90	45		1
	June	139	100	38		1
Yearly Totals		1,273	853	406		14
1980	July	139	88	51		0
	Aug.	115	75	38		2
	Sept.	127	83	41		3
	Oct.	120	77	43		0
	Nov.	115	88	27		0
	Dec.	119	86	33		0
1981	Jan.	152	117	34		1
	Feb.	141	105	36		0
	March	159	121	35		3
	April	134	89	45		0
	May	162	115	47		0
	June	157	113	44		0
12-Month Estimate		1,640	1,157	474		9

Appendix B. (Continued)

Year & Month		Total Commitments	First Commitments	Re-Commitments	Return From Parole	Other Commitments
1978	July	63	49	13	1	
	Aug.	62	49	12	1	
	Sept.	55	35	19	1	
	Oct.	74	51	22	1	
	Nov.	70	51	19	0	
	Dec.	60	44	15	1	
1979	Jan.	71	53	18	0	
	Feb.	68	53	13	2	
	March	111	78	32	1	
	April	99	74	25	0	
	May	102	68	34	0	
	June	84	59	25	0	
Yearly Totals		919	664	247	8	
1979	July	91	60	3		0
	Aug.	114	69	41		4
	Sept.	70	48	21		1
	Oct.	99	61	36		2
	Nov.	101	74	26		1
	Dec.	102	61	40		1
1980	Jan.	100	66	34		0
	Feb.	99	68	30		1
	March	117	84	32		1
	April	105	72	32		1
	May	136	90	45		1
	June	139	100	38		1
Yearly Totals		1,273	853	406		14
1980	July	139	88	51		0
	Aug.	115	75	38		2
	Sept.	127	83	41		3
	Oct.	120	77	43		0
	Nov.	115	88	27		0
	Dec.	119	86	33		0
1981	Jan.	152	117	34		1
	Feb.	141	105	36		0
	March	159	121	35		3
	April	134	89	45		0
	May	162	115	47		0
	June	157	113	44		0
12-Month Estimate		1,640	1,157	474		9

COMMITMENTS, 1982

	Total	First	Re-commitments	Return from Parole	Other
July	165	118	47	0	
Aug.	139	105	34	0	
Sept.	156	104	52	0	
Oct.	159	110	49	0	
Nov.	126	86	39	0	1
Dec.	166	109	55	0	2
Jan.	161	106	55	0	
Feb.	170	118	52	0	
March	175	117	58	0	

APPENDIX C. INSTITUTIONAL AVERAGE DAILY POPULATION BY MONTH

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
JULY	984	872	823	747	699	781	830	856	810	714	813	936
AUG.	962	839	817	726	688	750	783	826	767	714	813	956
SEPT.	901	789	773	701	672	707	724	711	690	693	791	953
OCT.	951	802	787	730	674	729	748	683	684	692	805	975
NOV.	999	821	820	762	694	794	810	689	695	696	804	982
DEC.	1029	845	848	773	735	830	856	697	669	735	822	994
JAN.	1036	844	839	779	753	841	876	706	657	721	828	985
FEB.	1050	846	823	782	784	854	872	762	636	746	850	983
MAR.	1072	884	826	778	802	878	878	810	648	769	864	996
APR.	1065	867	808	761	829	891	900	805	694	779	884	
MAY	1058	880	796	757	849	913	902	799	718	791	873	
JUNE	967	880	784	760	835	888	905	775	717	805	877	
A.D.P.	1005	847	812	755	751	821	840	759	698	737	835	973

*Includes Group Home population with a combined total ADP of 66 youth.

APPENDIX D

Typology of Offender Seriousness

Figure 12 shows a typology of offender seriousness, in a two-dimensional framework, that is a relatively accurate approximation of the Washington categories of offenders. The seriousness of the immediate incident is shown across the top of the page. The Class codes are, generally, as follows:

Class A - murder, rape, robbery, aggravated assault, arson 1, kidnapping

Class B+ (combined with A) - attempted Class A offenses plus indecent liberties, statutory rape 1, and pimping if it is accompanied by the use of force or weapons.

Class B - burglary; thefts or property offenses involving $1,500 or more in loss or damage

Class C - auto theft and thefts or property offenses involving losses of $250 to $1,500

Class D - Minor thefts or property offenses involving losses of less than $250; simple assault (no weapons or serious injury)

Class E - disorderly conduct, failure to disperse, and other "rowdiness" offenses; "vice" offenses including liquor law violations, possession of marijuanna, etc.

The point value, for each of these offenses, in the Washington code is shown under the column headings. The number of points varies by age and the lowest figure shown in each column is the point value for a 12-year old whereas the highest value shown is the one for youths 16 and over.

Combinations of prior offenses are shown down the left-hand side of the page. For example, "2B or 2A" means that the sanction shown is the same for youths with two prior Class Bs as it is for youths with two prior class A offenses. The names used in this analysis for each type of offender are shown in the cells of the table and the number in parenthesis indicates the highest sanction (approximately) that would be given under the Washington law to each

category. The numbers down the left-hand side, in parenthesis, indicate the increase factor for each of those categories of prior offenses. The number of points can be ascertained by multiplying the offense points by the increase factor. For example, a 16 year old with a Class B felony has 55 points. If this youth has committed 2 class B or 2 class A offenses, the increase factor is 2.8. Thus, the total number of points is 55 x 2.8 = 154. It should be emphasized that only the most serious offense is taken into account when determining the sanction. Offenses grouped on one petition, whether arising out of a single episode or several separate episodes, cannot be added together. The most serious offense establishes whether the punishment is to involve incarceration or not. If this single incident (combined with the priors) produces a sanction of incarceration, the length of it can be increased by a maximum of 15 percent if there are other offenses adjudicated under the same petition. Alternatively, if the sanction does not involve commitment, then the other offenses--no matter how many there might be--cannot change the sentence to incarceration. They can only lengthen the time on probation, or increase the fine, or result in up to 30 days of local detention (which is discretionary for all offenses).

The increase factors shown in the table are based on those that would exist if the prior offense occurred within one year. Increase factors lower than this exist for priors that were further in the past.

APPENDIX D. FIGURE 12. TYPOLOGY OF OFFENDER SERIOUSNESS[1]

		Class of Immediate Incident					
		Class A,B+	Class B	Class C	Class D	Class E	SCALE 5=Commit 4=Commitable 3=Must File 2=Divertable 1=Divert
PRIORS	Increase Factor	Points 110	Points 45-55	Points 20-50	Points 14-26	Points 4-10	
2Bor2A	(2.8)	Violent	Serious,	middle,	minor, chronic		
2C,1D	(2.0)	(5)	chronic	chronic	(2)		
3C	(2.2)		(4)	(3)			
6D	(2.2)						
5D	(2.0)						
1Bor1A	(1.9)	Violent	middle,		minor, chronic		
2C,1E	(1.9)	(5)	chronic		(2)		
1C,5D	(1.9)		(3)				
1C,2D	(1.8)						
2C	(1.8)						
7-9D,E	(1.9)						
4D	(1.8)						
3D	(1.6)						
2D	(1.4)			Middle (3)			
10,1E	(1.3)						
2E	(1.2)	Violent	Middle,	Minor	Minor		
1D	(1.2)	(5)	Chronic	Chronic	(1)		
1E	(1.1)		(3)	(2)			
No Priors		Violent (5)	Middle (3)	Minor (2)	Minor (1)		

FOOTNOTES

1. An exception is in the criteria the judge is to use for remand decisions. These were not changed in the new law and refer to the "best interests of the youth and the public."

2. See Barton (1976) for a good review of studies up to that date and Sutton (1978) for a review of issues in both the adult and juvenile systems. Also, see Bailey and Peterson (1981), Poole and Regoli (1980), Fisher, et al. (1982).

3. This was true in Washington before the new law was passed. Data prepared for the Bureau of Juvenile Rehabilitation, according to Warren Netherlands, director, showed that incorrigibles served an average term of 17 months compared with a seven-month term for the most violent offenders (rape, murder, robbery, aggravated assault).

4. Recent policy changes in juvenile justice were reviewed by Ted Rubin (1979); also see the articles in Shichor and Kelly (1980).

5. For a review of these studies, see Greenberg, et al. (1980) and Teilmann (1980).

6. Bruce Fisher, Cary Rudman, and Leslie Medina, "Reducing Disparity in Juvenile Justice: Approaches and Issues," in Martin L. Forst, (Ed.), Sentencing Reform: Experiments in Reducing Disparity. Beverly Hills: Sage Publications, 1982, page 237.

8. RCW 13.40.010, 1979.

9. An explanation of this part of the study is contained in Volume 1, "A Justice Philosophy for the Juvenile Court."

10. Bob Naon, as quoted in "A Justice Philosophy for the Juvenile Court," Volume I from the Assessment of Washington's Reform.

11. Senator Frank Woody, Ibid.

12. Representative Ron Hanna, Ibid.

13. Marilyn Showalter, Ibid.

SELECTED BIBLIOGRAPHY

Bailey, William C. and Ruth D. Peterson. "Legal Versus Extra-Legal Determinants of Juvenile Court Dispositions." Juvenile and Family Court Journal. May, 1981.

Barton, William H. "Discretionary Decision-Making in Juvenile Justice." Crime and Delinquency. October, 1976.

Empey, Lamar T. American Delinquency: Its Meaning and Construction. Homewood, Ill: Dorsey, 1978.

Fisher, Bruce, Cary Rudman, and Leslie Medina. "Reducing Disparity in Juvenile Justice: Approaches and Issues." In Martin L. Forst, (Ed.) Sentencing Reform: Experiments in Reducing Disparity. Beverly Hills: Sage, 1982.

Greenwood, Peter W. Joan Petersilia, and Franklin E. Zimring. Age, Crime, and Sanctions: The Transition from Juvenile to Adult Court. Santa Monica: Rand, October, 1980.

Hackler, James. The Great Stumble Forward. Ontario: Metheun, 1978.

Krisberg, Barry , Ira Schwartz. Justice by Geography. (monograph, 1982)

Poole, Eric D. and Robert M. Regoli. "An Analysis of the Determinants of Juvenile Court Dispositions." Juvenile and Family Court Journal. August, 1980.

Regnery, Alfred. Address to the Tenth National Conference on Juvenile Justice. Hilton Head Island, South Carolina. February 23, 1983.

Romig, Dennis A. Justice for Our Children. Lexington, Mass.: Heath, 1978.

Stapleton, Vaughan, David P. Aday, and Jeanne A. Ito. "A Typology of Metropolitan Juvenile Courts." In Janice Hendryx and Jeanne A. Ito (Ed.) Study of Structural Characteristics, Policies, and Operational Procedures in Metropolian Juvenile Courts. Williamsburg: National Center for State Courts, 1980.

Steiger, John C. "Juvenile Justice Reform: Making the Punishment Fit The Crime." Prepared for the 1981 Annual Meeting of the Law and Society Association, Amherst, Mass.: 1981.

Sutton, L. Paul. Federal Criminal Sentencing: Perspectives of Analysis and a Design for Research. Washington, D.C.: U.S. Department of Justice, 1978.

Sutton, L. Paul. Federal Sentencing Patterns: A Study of Geographical Variations. Washington, D.C.: U.S. Department of Justice, 1978.

Teilman, Kathryn Van Dusen. "Adult Court Transfer: A Move Toward Tougher Handling?" (unpublished monotraph)

Wheeler, Gerald R. Counterdeterrence. Chicago: Nelson Hall, 1978.

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