

---

February 1996

## First-Time Juvenile Offenders in Washington State: Where Do They Serve Their Sentences?

---

The Washington Legislature in 1994 directed the Washington State Institute for Public Policy to study juvenile violence, teen pregnancy, and other at-risk behaviors of youth.<sup>1</sup> The Institute was instructed to analyze trends in these behaviors and evaluate the cost-effectiveness of Washington's efforts to achieve measurable reductions in violence and at-risk behaviors. This research brief is part of the Institute's plan to provide the Legislature and other interested persons with up-to-date findings on these topics.

---

**BACKGROUND:** With the enactment of the Juvenile Justice Act of 1977, the Washington State Legislature intended to provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender. [*Juvenile Justice Act of 1977 RCW 13.40.010*] The Act implemented a determinant sentencing system which is based strictly on three factors:

- the severity of the juvenile's current offense;
- the juvenile's age at the time of the offense; and
- the juvenile's criminal history.

The most serious offenders are sentenced to incarceration in state institutions managed by the Juvenile Rehabilitation Administration (JRA). Other serious offenders are sentenced to incarceration in county operated detention facilities. Less serious offenders are sentenced to county-managed community supervision. The least serious offenders are placed in diversion programs, usually under the guidance of a county accountability board. [*Juvenile Justice Act of 1977 RCW 13.40*]

**RESEARCH QUESTION:** What are the reconviction rates for juveniles sentenced to JRA, detention, community supervision, and diversion?

**CONCLUSION:** As designed, the Washington State sentencing system for juveniles differentiates punishment according to the nature of the offense and the offender's age. The vast majority of juvenile offenders are convicted of the least serious crimes (misdemeanors) and are subject to the least serious sentence (diversion). In addition, these offenders are the least likely to be reconvicted as juveniles. Very few first-time offenders are convicted of crimes serious enough to result in a sentence to JRA. First-time offenders sentenced to JRA had a slightly lower reconviction rate than those sentenced to detention. The four findings<sup>2</sup> supporting this conclusion are as follows:

<sup>1</sup> RCW 70.190.050

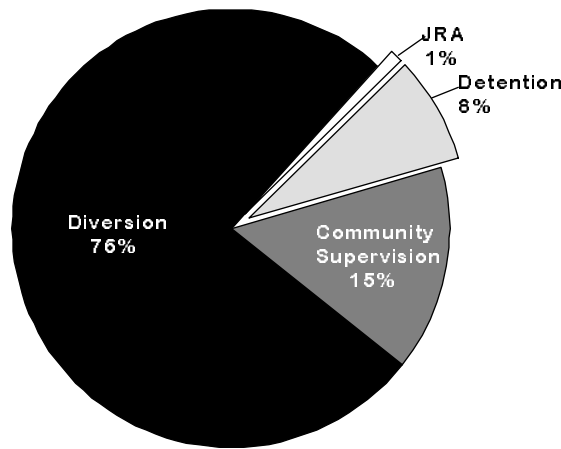
<sup>2</sup> **Data sources** for these findings are the Office of the Administrator for the Courts' Juvenile Information System (JUVIS), and the Department of Corrections' Offender Based Tracking System (OBTS). This report is based upon a cohort of 92,967 first-time juvenile offenders who became 18 years old between 1988 and 1994. It incorporates each juvenile's entire criminal history of convictions, including convictions resulting in a sentence to the state's adult Department of Corrections, while the juvenile was under the age of 18. This report compares reconviction rates for **first-time offenders** only. This restriction eliminates the influence of varying prior criminal histories. That is, the focus on first-time offenders restricts the differences among the four groups to current offense severity and the offender's age.

**FINDING ONE: Few juveniles commit first offenses serious enough to result in incarceration to JRA or detention.**

- 91 percent of first-time offenders were not incarcerated, but were sentenced to either diversion (76 percent) or community supervision (15 percent).
- 8 percent of first-time offenders were sentenced to detention.
- 1 percent of first-time offenders were sentenced to JRA.

Chart 1

**Most First-Time Juvenile Offenders in Washington State Were Not Incarcerated**



Washington State Institute for Public Policy, 1996

N = 92,967

**FINDING TWO: A higher percentage of young, first-time offenders were sentenced to diversion, while a higher percentage of older, first-time offenders were sentenced to JRA.** The age distribution of those sentenced to detention was nearly the same as those sentenced to JRA.

**Ages Of Offenders at First Conviction**

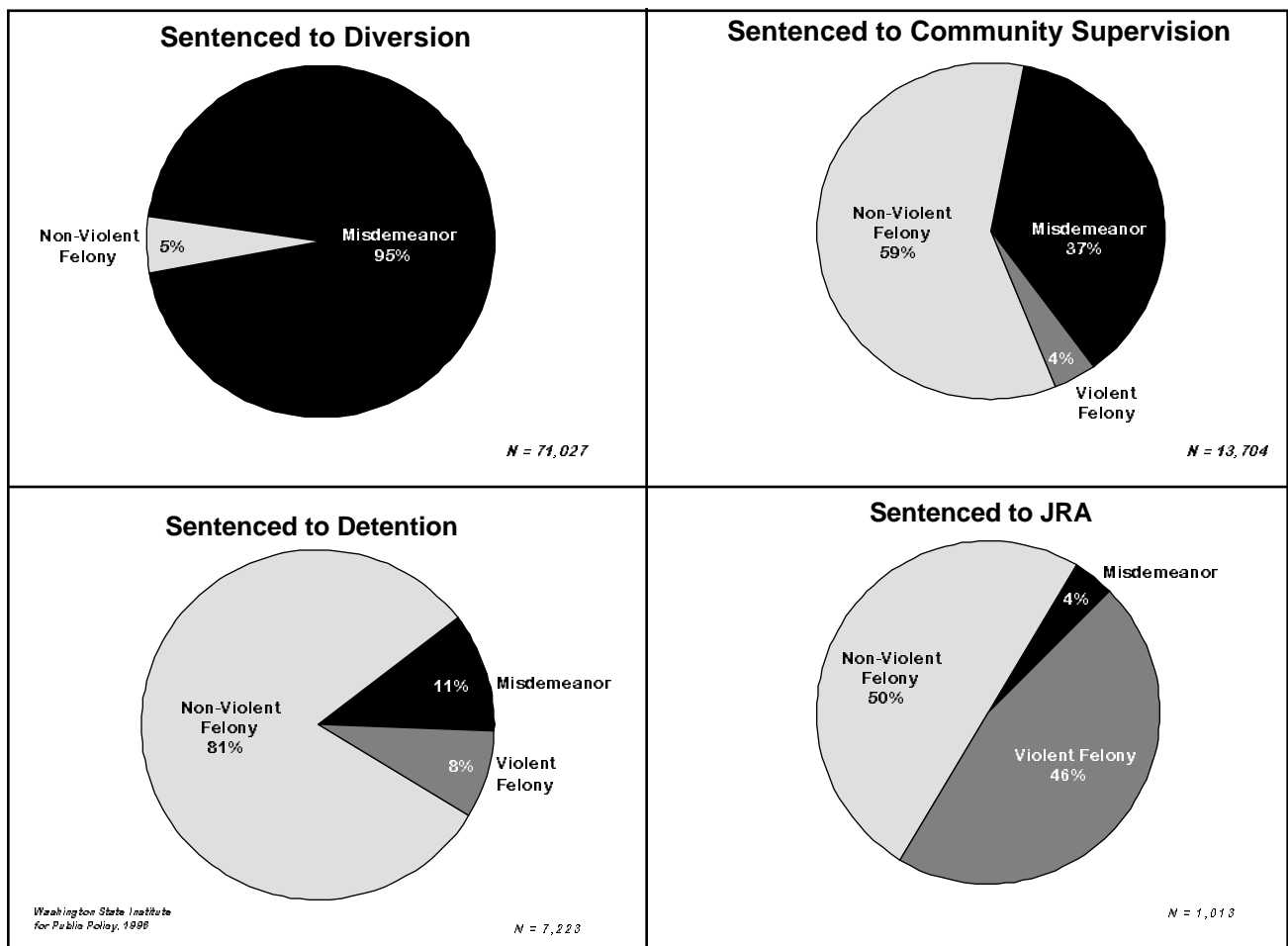
Sentenced To:	Under 14	Age 14	Age 15	Age 16	Age 17	Total
Diversion	25%	18%	19%	19%	19%	100%
Community Supervision	18%	17%	21%	22%	22%	100%
Detention	15%	18%	21%	20%	26%	100%
JRA	12%	16%	18%	23%	31%	100%

**FINDING THREE:** Nearly all juveniles sentenced to diversion were convicted of misdemeanors, while those sentenced to JRA were more often convicted of violent felony offenses.

- 95 percent of first-time offenders sentenced to diversion were convicted of misdemeanors.
- 4 percent of first-time offenders sentenced to community supervision were convicted of a violent felony offense.
- 8 percent of first-time offenders sentenced to detention were convicted of a violent felony offense.
- 46 percent of first-time offenders sentenced to JRA were convicted of a violent felony offense.

Chart 2

**Offenses and Sentences for First-Time Offenders**



**Definitions:**

**Juvenile court jurisdiction** includes felony and misdemeanor offenses as well as traffic and other minor offenses. A **felony** is a crime punishable by more than one year of incarceration. A **gross misdemeanor** is a crime punishable by no more than one year of incarceration. A **misdemeanor** is a crime punishable by no more than 90 days of incarceration. [RCW 9A.04.040]

**Felony violence** includes murder, rape, robbery, kidnapping, and aggravated assault. **Misdemeanor violence** includes simple assault (no weapon or serious injury involved) and illegal possession of a weapon.

A **diversion agreement** is a contract between the juvenile accused of an offense and a diversion unit with which the juvenile agrees to fulfill certain conditions in lieu of prosecution. [RCW 14.40.080]

A **juvenile conviction** is defined as a juvenile court referral which results in either a diversion agreement or a finding of guilt by the court, or a plea of guilty entered by the accused juvenile. Convictions include both felony and misdemeanor offenses.

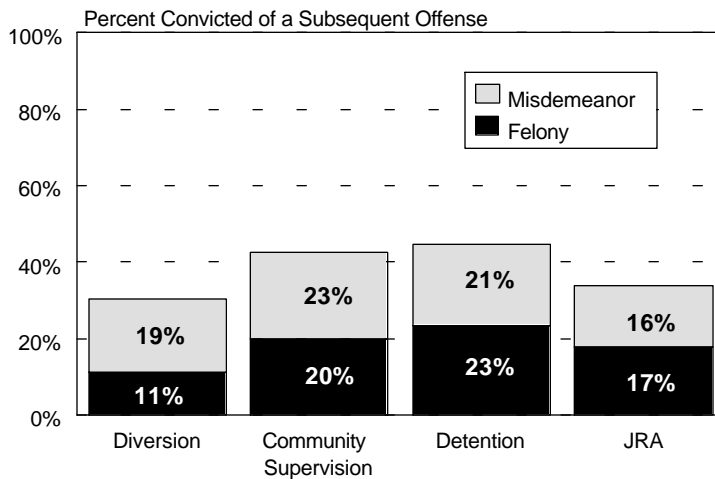
**FINDING FOUR: Those sentenced to diversion had the lowest reconviction rates**

First-time offenders sentenced to community supervision had reconviction rates nearly identical to those sentenced to detention. First-time juvenile offenders sentenced to detention were slightly more likely to return to court for another conviction than those sentenced to JRA. This is probably attributable to the fact that more serious offenders sentenced to JRA had longer incarceration periods and shorter time-at-risk in the community.

- Of the offenders sentenced to *diversion* for their first conviction, 30 percent had a subsequent conviction. A felony was the most serious subsequent conviction for 11 percent. A misdemeanor was the most serious subsequent conviction for 19 percent.
- Of the offenders sentenced to *community supervision* for their first conviction, 43 percent had a subsequent conviction. A felony was the most serious subsequent conviction for 20 percent. A misdemeanor was the most serious subsequent conviction for 23 percent.
- Of the offenders sentenced to *detention* for their first conviction, 44 percent had a subsequent conviction. A felony was the most serious subsequent conviction for 23 percent. A misdemeanor was the most serious subsequent conviction for 21 percent.
- Of the offenders sentenced to *JRA* for their first conviction, 33 percent had a subsequent conviction. A felony was the most serious subsequent conviction for 17 percent. A misdemeanor was the most serious subsequent conviction for 16 percent.

Chart 3

**First-Time Juvenile Felony Offenders Sentenced to Diversion Had the Lowest Reconviction Rate**



Washington State Institute  
for Public Policy, 1996

**Future studies** will examine the effect of juvenile criminal history and JRA incarceration time on reconviction. In addition, an analysis incorporating adult criminal records with juvenile criminal records will be conducted so that long-term reconviction patterns can be studied.

For further discussion, please contact Robert Barnoski at the Institute (360) 866-6000 ext. 6380.