



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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MEMORANDUM

TO: SGC Juvenile Justice Committee
FROM: Jean Soliz-Conklin *JSC*
RE: SGC Survey of Juvenile Justice Community

RCW 9.94A.850 (powers and duties of the Sentencing Guidelines Commission) requires the SGC to regularly evaluate the effectiveness of certain juvenile statutes and to survey the juvenile justice community. This has not been done for a while.

The surveys can be used to elicit general information, to focus on particular issues or both. The relevant statutes are quoted below.

Recommendation: The SGC JJ Committee select its focus areas for 2008 and instruct staff to survey the Juvenile Justice Community around these areas, with room for the survey participants to raise issues as well.

RCW 9.94A.850

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

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The administrative office of the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

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

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

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

(iii) Recidivism information on adult and juvenile offenders.

RCW 13.40.010**Short title — Intent — Purpose.**

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) 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 and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (h) Provide for restitution to victims of crime;
- (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;
- (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services;
- (k) Provide opportunities for victim participation in juvenile justice process, including court hearings on juvenile offender matters, and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and
- (l) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

[2004 c 120 § 1; 1997 c 338 § 8; 1992 c 205 § 101; 1977 ex.s. c 291 § 55.]

Notes:

Effective date — 2004 c 120: "This act takes effect July 1, 2004." [2004 c 120 § 11.]

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

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

Part headings not law — 1992 c 205: "Part headings as used in this act do not constitute any part of the law." [1992 c 205 § 405.]

Severability — 1992 c 205: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 205 § 406.]

Effective dates — Severability — 1977 ex.s. c 291: See notes following RCW 13.04.005.