

Current Offense Category	PRIOR ADJUDICATIONS*				
	0	1	2	3	4+
B	6 - 9 Months 24 – 40 hours 0 – 10 days	9 - 12 Months 24 – 40 hours 0 – 10 days	N/A	N/A	N/A
C+	6 - 9 months 8 - 24 hours 0 –5 days	6 - 9 months 16 – 32 hours 0 – 10 days	9 - 12 months 24 - 40 hours 0 – 10 days	N/A	N/A
C	6 - 9 months 0 – 16 hours 0 - 5 days	6 - 9 months 16 – 24 hours 0 - 5 days	6 - 9 months 16 – 24 hours 0 – 10 days	9 - 12 months 24 – 40 hours 0 – 10 days	N/A
D+	0 - 6 months 0 – 8 hours 0 – 2 days	3 - 6 months 0 – 16 hours 0 –5 days	6 - 9 months 8 – 24 hours 0–5 days	6 - 9 months 12 – 36 hours 0 – 10 days	6 - 9 months 12 – 40 hours 0 – 10 days
D	0 – 6 months 0 – 8 hours 0 days	3 - 6 months 0 – 16 hours 0 – 2days	3 - 6 months 8 – 24 hours 0 – 5 days	6 - 9 months 12 – 36 hours 0 –5 days	6 - 9 months 12 – 40 hours 0 – 10 days
E	0 – 6 months 0 – 8 hours 0 days	3 - 6 months 0 – 16 hours 0 days	3 - 6 months 8 – 24 hours 0 –2 days	6 - 9 months 12 – 36 hours 0 – 5 days	6 - 9 months 12 – 40 hours 0 – 5 days

* The number of prior adjudications in the juvenile’s criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as ¼ point. Fractional points shall be rounded down. RCW 13.40.0357

MITIGATING FACTORS/CIRCUMSTANCES

Mitigating Factors Pursuant to RCW 13.40.150

- The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his/her conduct would cause or threaten serious bodily injury.
- The respondent acted under strong and immediate provocation.
- The respondent was suffering from a mental or physical condition that significantly reduced his/her culpability for the offense though failing to establish a defense.
- Prior to his/her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained.
- There has been at least one year between the respondent's current offense and any prior criminal offense.

Non-Statutory Mitigating Circumstances

- The juvenile did not initiate or was not a leader in the criminal enterprise.
- The judgement exercised by the juvenile was obscured or hindered by drug or alcohol involvement, or emotional state of the moment.
- There exists underlying issues or dependency needs which substantially influenced the juvenile's behavior.
- The juvenile accepts responsibility for involvement in the offense, demonstrates an understanding of victimization issues, and/or expresses remorse for the actions.
- The juvenile's parent/guardian imposed a timely and appropriate sanction with which the juvenile complied.

AGGRAVATING FACTORS/CIRCUMSTANCES

Aggravating Factors Pursuant to RCW 13.40.150

- In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another.
- The offense was committed in an especially heinous, cruel, or depraved manner.
- The victim or victims were particularly vulnerable.
- The respondent has a recent criminal history or has failed to comply with conditions of a recent disposition order or diversion agreement.
- The respondent was a leader of a criminal enterprise involving several persons.
- There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

Non-Statutory Aggravating Circumstances

- The juvenile has demonstrated a lack of remorse or sensitivity to victimization issues.
- The juvenile denies involvement in or responsibility for the incident; or minimizes/denies the wrongfulness of the act.
- The juvenile has demonstrated a non-amenability to community supervision or community restitution as evidenced by past failures to comply with terms of probation.
- The juvenile abuses drugs or alcohol. This condition, if not dealt with by the juvenile, will undermine the success and accountability otherwise available from community supervision or community restitution.
- Evidence shows that the offense was premeditated or that the juvenile had an opportunity to abort or terminate the criminal conduct but did not choose to do so.
- The juvenile continued to offend while matters were pending before the court, while on a conditional release or under probationary supervision.
- The offense being disposed of substantially understates the seriousness or magnitude of the respondent's conduct or its ultimate effect.
- The specific offense was the same or similar to prior offenses for which the previous accountability imposed was insufficient to deter the same behavior.

Disposition Recommendation Guideline Directions

I. STATUTORY REQUIREMENTS

- A. When a disposition is imposed on a youth for two or more offenses: When a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:
 - 1. Where the offenses were committed through a single act or omission or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred and fifty percent of the term imposed for the most serious offense.
 - 2. The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and
 - 3. The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than \$200 in fines* or performance of more than 200 hours of community restitution. RCW 13.40.180

** The \$200 limitation on fines conflicts with the local sanctions authorized under RCW 13.40.0357 which provide for a fine up to \$500.*
- B. Confinement - Firearm possession: If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(1)(b)(iii), the court shall impose a minimum disposition of ten days of confinement. RCW 13.40.193 (1)
- C. Confinement - Armed with a Firearm/Felony Offense: If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357. RCW 13.40.193 (2)
- D. Consecutive Terms of Confinement - Firearm Possession, Armed with a Firearm/Felony Offense: Any term of confinement ordered pursuant to RCW 13.40.193 shall run consecutively to any term of confinement imposed in the same disposition for other offenses. RCW 13.40.193(4)

II. COMMUNITY SUPERVISION RECOMMENDATIONS

- A. Recommendations Within the Guideline Range: A recommendation for a specific term of community supervision within the range provided in the Guideline, should be based on the offender's risk level as well as aggravating and/or mitigating factors/circumstances. (See list of Aggravating Factors/Circumstances and Mitigating Factors/Circumstances.)
- B. Recommendations Outside the Guideline Range: Unless the recommendation is pursuant to a statutory requirement or authorized pursuant to Section II (D) of this guideline, a recommended term of community supervision falling outside the range as provided in the Guideline must be based on mitigating and/or aggravating factors/circumstances. Those

factors/circumstances leading to the recommendation must be clearly identified in the disposition report to the court.

- C. Consecutive or Concurrent Terms of Community Supervision: Unless there are aggravating factors/circumstances to the contrary, if a juvenile is currently serving a term of community supervision pursuant to a prior adjudication, it should be recommended that any term of community supervision ordered pursuant to the current case:
1. Be served concurrently (i.e., start on the disposition date for the current offense and overlap with the term of supervision ordered pursuant to a prior disposition), if the sum of the term of community supervision currently being served plus the term of community supervision being recommended for the current case exceeds 12 months.
 2. Be served consecutively, (i.e., start at the conclusion of the term of supervision ordered pursuant to a prior disposition) if the sum of the term of community supervision currently being served plus the term of community supervision being recommended for the current case is 12 months or less.
- D. Guideline Range Exceptions: The following exceptions apply when recommending a term of community supervision:
1. Adjudicated Sex Offenders, Sexual Motivation Allegation: If eligible for a *Local Sanction* sentence, 12 months of community supervision should be recommended for adjudicated sex offenders or offenders whose adjudication includes a sexual motivation finding pursuant to RCW 13.40.135.
 2. Juveniles Over 17 Years of Age: Unless there are aggravating factors to the contrary, the term of community supervision for a juvenile over the age of 17 should not extend beyond the juvenile's 18th birthday. If the time between disposition and the juvenile's 18th birthday is less than 3 months, consideration should be given to a disposition recommendation that does not include a term of community supervision, for example a fine (up to \$500 is authorized pursuant to statute) or detention time.

III. COMMUNITY RESTITUTION RECOMMENDATIONS

- A. Recommendations Within the Guideline Ranges: A recommendation for a specific number of community restitution hours within the range provided in the Guideline, should be based on aggravating and/or mitigating factors/circumstances. (See list of Aggravating Factors/Circumstances and Mitigating Factors/Circumstances.)
- B. Recommendations Outside the Guideline Range: A recommendation for a specific number of community restitution hours falling outside the range as provided in the Guideline must be based on mitigating and aggravating factors/circumstances. Those factors/circumstances leading to the recommendation must be clearly identified in the disposition report to the court.
- C. Risk Level Not a Factor: The juvenile's risk level should not be considered when determining a recommendation for community restitution hours.
- D. Alternative to Community Restitution: Under some circumstances (i.e., if the youth is gainfully employed), a fine (up to \$500 is authorized pursuant to RCW 13.40.0357) can be substituted for community restitution hours. Community Restitution hours should be converted to a fine at the rate of \$6.90 per hour (current Washington State minimum wage).
NOTE: On 01/01/03 the state minimum wage increases to \$7.01/hr.

IV. DETENTION RECOMMENDATIONS

- A. Recommendations Within the Guideline Ranges: A recommendation for a specific term of confinement in detention within the range provided in the Guideline, should be based on aggravating and mitigating factors/circumstances. (See list of Aggravating Factors/Circumstances and Mitigating Factors/Circumstances.)
- B. Recommendations Outside the Guideline Range: Unless the recommendation is pursuant to a statutory requirement, a recommended term of confinement in detention exceeding the range as provided in the Guideline must be based on aggravating factors/circumstances.
 - 1. Those factors/circumstances leading to the recommendation must be clearly identified in the disposition report to the court.
 - 2. Detention recommendations exceeding the disposition guideline must be approved by the Juvenile Probation Supervisor.
- C. Risk Level Not a Factor: The juvenile's risk level should not be considered when determining a recommendation for a term of confinement in detention.
- D. Alternative to Detention: Under some circumstances (i.e., if the youth is gainfully employed), a fine (up to \$500 is authorized pursuant to RCW 13.40.0357) can be substituted for detention time. Detention Days should be converted at the rate of 8 hours per day at the Washington State minimum wage. The current Washington State minimum wage can be found at: <http://www.lni.wa.gov/scs/workstandards/wagehist.htm>
- E. Credit for Pre-Adjudication Confinement in Detention: If a juvenile has been detained pre-adjudication, the pre-adjudication detention time must be credited toward the detention time ordered at the dispositional hearing.
 - 1. Regardless of the number of days spent in detention pre-adjudication, unless meeting the requirements of Section III (B) above, recommended detention time should not exceed the ranges as provided in the guideline.
 - 2. If a juvenile's pre-adjudication confinement in detention is greater than the amount of detention time recommended for disposition, it should be recommended that the difference be credited toward the juvenile's community restitution hours at a rate of 8 hours of community restitution per each day in detention.