Juvenile Justice Overview
Juvenile Corrections Academy
OUTCOMES:
To determine strategies to maintain the balance of providing community protection, accountability and offender competency in the treatment and care of youth.

LEARNING OBJECTIVES

RELATED TO BALANCED APPROACH:

1. Identify the elements of Dennis Romig’s “Balanced Approach to Corrections”.
2. Match the “home agency” mission with the balanced approach.
3. Identify elements of “restorative justice” related to the care and treatment of youth and their families.
4. Recognize criteria used to determine successful treatment and care of youth.

To trace an offending juvenile through the Washington State Juvenile Justice System recognizing multiple entry and exit points from the system.

RELATED TO ENTRY & EXITS IN THE SYSTEM:

1. Given a scenario outlining youth’s behavior and legal situation, create a flowchart, which includes all of the potential entrance and exit points of the system.
2. Distinguish between County and State systems.
3. Use legal and agency policy to assist in tracing the youth.
4. Distinguish between worker roles and system boundaries.
5. Identify partners that assist in providing a continuum of service to the youth and their families.

Analyze laws that impact the interaction and treatment of youth.

RELATED TO ANALYZING LAWS IMPACTING INTERACTION/TREATMENT OF YOUTH:

1. Distinguish between the Juvenile Justice Act of 1977 and the new SB3900 and the impact of each on the sentencing of youth.
2. Recognize youth that fall under the Becca Bill and which ones do not.
3. Describe the impact of the Indian Child Welfare Act on the Care and Treatment of Indian Youth.
4. Compare and contrast the legal responsibilities associated with youth who are dependent and those who are not “dependent”, Recognize the legal responsibilities and processes associated with “Violent Offenders, Sex Offenders, HIV Testing, DNA Testing, Child Abuse Victims, Maternity Issues, Loss of Driver’s License”.
5. Identify the legal responsibilities, processes and procedures used by your “home agency” to seal or expunge a juvenile record.
6. Identify steps used to initiate and or receive an interstate compact agreement.
7. Recognize the process used to apply the Involuntary Treatment Act.
The Balanced Approach: Principles, Responsibilities, and Actions

Principles of Restorative Justice

- Crime is injury.
- Crime hurts individual victims, communities, and juvenile offenders and creates an obligation to make things right.
- All parties should be a part of the response to the crime, including the victim if he or she wishes, the community, and the juvenile offender.
- The victim's perspective is central to deciding how to repair the harm caused by the crime.
- Accountability for the juvenile offender means accepting responsibility and acting to repair the harm done.
- The community is responsible for the well-being of all its members, including both victim and offender.
- All human beings have dignity and worth.
- Restoration -- repairing the harm and rebuilding relationships in the community -- is the primary goal of restorative juvenile justice.
- Results are measured by how much repair was done rather than by how much punishment was inflicted.
- Crime control cannot be achieved without active involvement of the community.
- The juvenile justice process is respectful of age, abilities, sexual orientation, family status, and diverse cultures and backgrounds -- whether racial, ethnic, geographic, religious, economic, or other -- and all are given equal protection and due process.

The Restorative Justice Vision

- Support from the community, opportunity to define the harm experienced, and participation in decision making about steps for repair result in increased victim recovery from the trauma of crime.
- Community involvement in preventing and controlling juvenile crime, improving neighborhoods, and strengthening the bonds among community members results in community protection.
- Through understanding the human impact of their behavior, accepting responsibility, expressing remorse, taking action to repair the damage, and developing their own capacities, juvenile offenders become fully integrated, respected members of the community.
- Juvenile justice professionals, as community justice facilitators, organize and support processes in which individual crime victims, other community members, and juvenile offenders are involved in finding constructive resolutions to delinquency.

Characteristics of Restorative Accountability Strategies

Strategies that lead to restorative accountability goals:

- Focus on repair of harm to the victim.
- Provide a process for making amends to the community.
- Provide a process for greater understanding of how the incident affected others.
- Offer a meaningful way for the juvenile to take responsibility for the actions.
- Encourage apology or expressions of remorse.
- Involve the victim and the community in determining the accountability measures.

Restorative Accountability Practice Definitions

- **Victim-Offender Mediation and Dialogue.** Victim-offender mediation/dialogue is a process that provides interested victims of property crimes and minor assaults with the opportunity to meet the juvenile offender in a safe and structured setting. The goal of victim-offender mediation is to hold the juvenile offender directly accountable for his or her behavior while providing important assistance to the victim. With the help of a trained mediator (usually a community volunteer), the victim is able to tell the juvenile offender how the crime affected him or her, to receive answers to questions, and to be directly involved in developing a restitution plan. The juvenile offender is able to take direct responsibility for his or her behavior, to learn of the full impact of the behavior, and to develop a plan for making amends to those violated. Cases can be referred both pre/post adjudication. A written restitution agreement or plan is usually generated during the mediation but is secondary to discussion of the full impact of the crime on those affected, often in the presence of the juvenile offender's parents. These types of programs may be called "victim-offender meeting," "victim-offender conferencing," or "victim-offender reconciliation" programs.

- **Family Group Conferencing.** Based on traditions of the Maori of New Zealand, a family group conference is a meeting of the community of people who are most affected by a crime or harmful behavior. The conferences are coordinated by trained facilitators. The victim, the juvenile offender, and the victim's and offender's families and friends participate. All have the opportunity to speak about how the crime has affected their lives. Other affected community members may also be involved. The purpose of the meeting is to decide, as a group, how the harm will be repaired by the offender. The meeting may occur before or after sentencing or as an alternative to going through the traditional juvenile justice system.

- **Peacemaking Circles.** A peacemaking circle is a community-directed process, in partnership with the juvenile justice system, for developing consensus on an appropriate disposition that addresses the concerns of all interested parties. Peacemaking circles use traditional circle ritual and structure from Native-American culture. They create a respectful space in which all interested community members, victim, victim supporters, offender, offender supporters, judge, prosecutor, defense counsel, police, and court workers can speak from the heart in a shared search for understanding of the event and to identify the steps necessary to assist in healing all affected parties and prevent future occurrences. Circles typically involve a multistep procedure, including application by the offender to the circle process, a healing circle for the victim, a healing circle for the offender, a disposition circle to develop consensus on the elements of a disposition agreement, and follow up
circles to monitor progress of the offender. The disposition plan may incorporate commitments by the system, community, family members, and the offender.

- **Financial Restitution to Victims.** Restitution is technically the return of goods or money stolen or the repair of damaged property. Financial restitution is an attempt to repay or restore to the victim the value of what was lost. Victims must be directly involved in determining the amount of losses.

- **Personal Services to Victims.** Personal services to victims are services provided directly to victims, such as house repairs, lawn work, and seasonal chores. Personal services can strongly reinforce personal accountability for juvenile offenders by making them responsible directly to victims. It is the victim’s right to choose whether a juvenile offender will perform personal service.

- **Community Service.** Community service is productive work performed by juvenile offenders that benefits communities, such as equipment repairs in parks, winterizing homes for the elderly, and other upkeep, repair, and maintenance projects. Often, community service projects enhance conditions for the less fortunate in communities. Restorative community service provides an opportunity for the juvenile offender to make amends to the community in a way that is valued by the community. When the community work service experience allows youth to create new, positive relationships with members of the community, the fabric of the community is strengthened. The process also works to increase the juvenile offender’s investment in the community. Successful community work service helps to change the juvenile offender’s negative view of the community to a positive one. Community members and the offender recognize the offender’s capacity to contribute to the general well-being of the community. Community work service must have personal meaning to both the community and the youth performing it. The best examples are projects that use youth as mentors, resources, leaders, and interactive community members. Whenever possible, crime victims should be asked about what specific type of community service the offender should perform (i.e., their choice of a particular charity, church, or agency that is important to them).

- **Written or Verbal Apology to Victims and Other Affected Persons.** An apology is a written or verbal communication to the crime victim and the community in which a juvenile offender accurately describes the behavior and accepts full responsibility for the actions.

- **Victim or Community Impact Panels.** These panels are forums that offer victims and other community members the opportunity to describe their experiences with crime to juvenile offenders. Participants talk with juvenile offenders about their feelings and how the crime has affected their lives. Panels may be conducted in the community or in residential facilities and may meet several times to help offenders better understand the full human impact of crime in communities.

- **Community or Neighborhood Impact Statements.** These statements drafted by community members provide an opportunity for citizens whose lives are affected by crime to inform the court, community reparative board, or offender how crimes affect the community’s quality of life. Community impact statements have been used in crimes that are thought of as victimless, such as drug offenses.

- **Victim Empathy Groups or Classes.** The victim empathy class is an educational program designed to teach offenders about the human consequences of crime. Offenders are taught how crime affects the victim and the victim’s family, friends, and community, and how it also affects them and their own families, friends, and communities. A key element of the classes is the direct involvement of victims and victim service providers. They tell their personal stories of being victimized or of helping victims to reconstruct their lives after a traumatic crime.

### Characteristics of Restorative Competency Development

- Strategies build on the strengths of offenders, families, and communities.
- Youth are given a role in work, family, and community that instills a sense of belonging, usefulness, and control.
- Youth have active roles that allow them to practice productive behavior.
- Cognitive learning and decision-making are integrated with active, experiential, and productive pursuits.
- Treatment and services (e.g., counseling) are used as supports for the overall restorative process rather than in isolation.
- Youth work and interact with law-abiding adults in the community (especially the elderly).
- Delinquent and non-delinquent youth and adults are mixed whenever possible to avoid the image of programs for "bad kids."
- Activities are designed with input from the community (e.g., employers, civic groups, and religious institutions).
- Activities are chosen that can be continued permanently.
- Opportunities are provided for youth to help their peers, younger children, and the less fortunate.
- Group experience and teamwork are emphasized frequently.
### Differences Between Individual Treatment and Competency Development Practices

<table>
<thead>
<tr>
<th>Individual Treatment</th>
<th>Competency Development</th>
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<tbody>
<tr>
<td>Group and family counseling</td>
<td>Peer counseling, leadership development, service projects, and family living skills</td>
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<tr>
<td>Drug therapy and drug education</td>
<td>Youth as drug educators and drug researchers</td>
</tr>
<tr>
<td>Remedial education</td>
<td>Cross-age tutoring (juvenile offenders teach younger children) and educational action teams</td>
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<tr>
<td>Job readiness and job counseling</td>
<td>Work experience, service crews, employment, job preparation, and career exploration</td>
</tr>
<tr>
<td>Recreational activities</td>
<td>Youth as recreation aides and recreation planners</td>
</tr>
<tr>
<td>Outdoor challenge programs</td>
<td>Conservation projects, community development projects, recycling, and community beautification projects</td>
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<tr>
<td>Cultural sensitivity training</td>
<td>Youth-developed cultural education projects</td>
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<tr>
<td>Youth and family mediation</td>
<td>Conflict resolution training and youth as school conflict mediators</td>
</tr>
<tr>
<td>Mentoring and “big brother” programs</td>
<td>Work with adult mentors on community projects and intergenerational projects with the elderly</td>
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Adapted from G. Bazemore and P. Cruise. 1995.

### Characteristics of Restorative Community Safety

- The opportunity to commit offenses is restricted by community surveillance or by involving known juvenile offenders in structured, supervised, and productive activities.
- Juvenile justice professionals use a consistent continuum of sanctions in response to a juvenile offender’s failure to comply with supervision conditions.
- The level of restriction matches the level of risk (i.e., the higher the risk, the more time is structured).
- Response to breaches of safety measures is swift and focused.
- Strategies do not rely solely on the juvenile justice system but engage the community in protecting itself (e.g., crime watch, block clubs, and mentoring).
- Behaviors associated with the risk of delinquency for a particular individual are monitored (e.g., drug testing).
- Community safety interventions do not unduly restrict the agency’s attainment of goals related to accountability and competency development.
- Juvenile justice professionals seek to better understand a community's fear of young people and develop strategies that involve youth and adults in collaborative problem solving.
- To improve community safety programs, offender behavior is carefully monitored by professionals and other adults in the community.
- Strategies include working with schools to reduce violence and promote mediation, conflict resolution, parenting training, school safety, and restorative practices.
- To build the community’s capacity for controlling and preventing crime, strategies include working with churches, synagogues, mosques, schools, and civic and community groups in education, mentoring, and positive youth development.
- Youth connections to positive community members are strengthened.
- Community members know each other, mutually agree about behavioral tolerance limits, and work together to prevent crime.
- Interventions do not increase the risks to the community from juvenile offenders. For example, interventions should not escalate anger, model unhealthy power and control dynamics, establish unhealthy peer groups, or increase a youth’s isolation from conventional community members. In other words, interventions should do no further harm.
<table>
<thead>
<tr>
<th>Type of Prevention</th>
<th>Strategy</th>
<th>Goal</th>
<th>Cost Effectiveness</th>
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<tbody>
<tr>
<td>Tertiary Prevention</td>
<td>▪ Incarceration.&lt;br&gt;▪ Surveillance.&lt;br&gt;  ▪ Electronic monitoring.&lt;br&gt;  ▪ Tracking.&lt;br&gt;  ▪ Random drug testing.</td>
<td>Reduce short-term juvenile offending</td>
<td>Low cost effectiveness.</td>
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</tbody>
</table>
| Secondary Prevention | ▪ Continuum of graduated sanctions: "progressive offending response system."
  ▪ Structuring juvenile offenders' time in competency development, reparative activities.<br>  ▪ "Natural surveillance" and community guardians.<br>  ▪ Employers.<br>  ▪ Educators.<br>  ▪ Relatives.<br>  ▪ Mentors. | Reduce long-term offending | Medium cost effectiveness |
| Primary Prevention | ▪ Community problem solving.<br>  ▪ Mediation and dispute resolution.<br>  ▪ Capacity building.<br>  ▪ New roles and leadership experiences for all youth. | Prevention | High Cost Effectiveness |

**Juvenile Offender-Focused Community Safety Practice: Graduated Community-Based Surveillance**

Restorative community safety practice is based on the belief that youth who have strong connections to their communities and who care about the people in their neighborhoods are less likely to offend. Wherever possible, restorative community safety supports creating relationships between youth and members of the community that inhibit offending.

Certain young offenders may require incarceration; however, restorative community safety seeks to increase opportunities for youth to remain in the community. Juvenile justice professionals can implement any number of the community-based surveillance measures defined below in relation to the severity of the offense and the risk posed by a particular youth.

Unlike traditional incarceration, the restorative community safety practices defined below that feature community-based surveillance all serve to structure the time of juveniles, provide adult supervision, and support relationships between youth and the community. The goals of each of the defined practices are to (1) limit the opportunities for youth to reoffend and (2) strengthen rather than sever connections to their community.

Increasingly, juvenile justice professionals are finding that supervision can be most efficiently accomplished in structured group settings. For example, working with youth in education programs, service crews, and victim-awareness, competency development classes provides an effective alternative to individual counseling and surveillance.

- **Monitored School Attendance.** To ensure that juvenile offenders attend classes, monitors or counselors visit schools daily to check on attendance, behavior, and academic performance. Restorative juvenile justice programs place a high priority on a youth's educational performance. Monitoring is one way to ensure that performance standards are met, thereby helping juvenile offenders develop competencies. Monitoring also serves to structure a juvenile's time under adult supervision and reduce the opportunity for new offenses.
- **Monitored Employment Attendance.** Job attendance may be monitored by an offender's employer and reported to his or her probation officer. Monitoring involves the community (employer) in supervising and structuring the juvenile's time. Juveniles who maintain good work attendance gain skills and earn income that can be used to pay restitution to crime victims.
- **Monitored Program Attendance.** Depending on the program, attendance is monitored by juvenile justice professionals, community volunteers, mentors, or program facilitators. Monitoring ensures that youth are participating in positive activities and limits their chances to reoffend.
- **Supervised Community Work Service.** A supervised structured work experience for youth, designed to build relationships with community members, serves the community, builds offender competencies, and also serves community safety goals by providing adult supervision and strengthening ties to the community. Community work service offers youth the opportunity to be valued by others for their contributions.
- **Supervised Recreation.** Supervised recreation is another means of intensive monitoring of offender behavior and serves to deter offending. Supervised recreation helps youth to develop appropriate recreational and relational skills, such as sportsmanship and conflict resolution, and good health.
An additional component of supervised recreation is participation in cultural events. Pride in their culture and community enables youth to think more critically about how an offending behavior might show disrespect to self, family, and community. Participation may include, but not be limited to, attending movies, sporting events, and other cultural events. These outings expose youth to various music, art, theater, and other educational experiences in the community and help shape positive values and community pride. Participation is supervised by juvenile justice professionals and community volunteers.

- **Community Guardians.** An adult community member assumes responsibility for monitoring some juvenile offender activities. For example, a community guardian may escort or chaperone juveniles attending cultural or recreational events. Community guardians provide adult mentoring and supervision and foster relationships and a sense of belonging to the community.

- **Family Monitoring.** Offender families monitor associated behaviors (e.g., substance abuse, anger, and withdrawal) and report to juvenile justice professionals. This practice limits a youth's opportunity to reoffend and helps build competency for both the juvenile offender and his or her family. Through assessment, the agency identifies service needs that can provide support for enhancing family competency in areas of setting limits, interacting with schools, supporting their children's involvement in successful activities, and developing other positive parenting approaches that promote competency in the youth and reduce the risk of subsequent delinquent behavior.

- **Day Reporting Centers.** As an alternative to secure facilities or residential placement, offenders are allowed to remain in their homes overnight and must report to a day reporting center for structured programming during the day. The program may include education, skill building, tutoring, community service, or employment activities.

- **Electronic Monitoring.** Offenders are monitored by means of an electronic device that is usually worn around the ankle. The most common devices transmit a signal that can be received by a probation officer when driving by a youth's residence, school, or place of employment, or the signal may be connected to a residential phone line. Other forms of monitoring systems are available. Electronic monitoring enables probation officers and others working with juvenile offenders to maintain geographic awareness of a youth whose movements or activities may be restricted to certain locations or environments, such as when under house arrest.

- **House Arrest with Random Checks Performed by Juvenile Justice Staff or Others.** Sentencing to house arrest allows a juvenile offender to return to his or her home but restricts movement in the greater community. Random checks, performed by juvenile justice staff, volunteers, or others, are conducted through electronic monitoring that identifies the youth's location.

- **Random Urinalysis Conducted by Juvenile Justice Staff or Others.** Random urinalysis is conducted to monitor for offending behavior. If testing indicates a violation, juvenile justice professionals intervene. Tests are often conducted randomly on offenders whose offenses are related to drug use. Random testing acts to deter offending behavior while youth are being supervised.

For youth who do not fulfill their obligations to repair the harm that they caused to victims of crime and the victimized community, who continue to offend, or who pose a high risk to others, residential placement or confinement in a secure facility may be used.

- **Residential Placement.** Offending youth are sent to an out-of-home placement in a residential facility that may include release during the day for supervised activities.

- **Confinement in a Secure Facility.** The traditional lockup facility is used for highest risk youth and those who repeatedly fail to comply with key obligations and responsibilities.

### Community-Focused Community Safety Practice

The following community-focused community safety practices require the building of partnerships and involvement of community members.

- **Partnerships With Community Police.** To assist with juvenile offender surveillance, parental support, and mentoring efforts, community members in partnership with law enforcement and probation serve as role models to aid the youth in fulfilling their obligations under restorative justice.

- **"Beat Probation" or "Neighborhood Supervision."** Probation agents are assigned to geographical areas (neighborhoods) instead of to caseloads that are scattered throughout a city. The juvenile justice professional thereby views the community as his or her client or consumer of services. This practice encourages the development of community partnerships between juvenile justice professionals and community members that allow the professionals to more effectively join with the community in working with offenders to help prevent recidivism and promote community connections. Whenever possible, juvenile justice professionals assist the community in addressing underlying problems beyond the individual offender (a problem-oriented versus incident-driven approach).

Walter Dickey, in *Community Justice: Striving for Safe, Secure, and Just Communities (1996)*, characterizes major community concerns as often including:

- Situational crime prevention (i.e., monitoring hot spots where youth often appear, such as shopping malls).
- Street order and quality of life.
- Intimidating gangs.
- Apartment complexes as sources of disorder, such as drug traffic.
- Repeat victimization.
- Drug houses.
- Lack of housing, jobs, and education in communities where offenders are concentrated.
To meet the needs of the community "Beat probation" changes the persons involved in community problems, the role of government, the priorities of juvenile justice professionals, the methods of supervision, and the places that supervision occurs in order.

- **Peer Mediation and Dispute Resolution in Schools.** Schools and community members teach youth conflict management skills and alternatives to violence. Learning these valuable skills when they are young deters these youth from future violence, builds their self-esteem, and helps them develop empathy.

- **Anger Management and Mediation Courses for Teachers and Parents.** Community safety is enhanced when the adults who work with juvenile offenders understand critical thinking processes and can model those skills.

- **Alternatives to Suspension and Expulsion.** Most juvenile burglaries happen in the daytime. As both parents more often work outside the home, many homes are left vulnerable to these types of break-ins. If juveniles are kept in school, their opportunity for offending is restricted. In BARJ, schools provide alternatives to suspension and expulsion that build competencies in youth. For individuals who are suspended or expelled, mandatory community work service is ordered, preferably involving experiences that build competencies and have personal meaning to the juvenile.

- **Community Guardians and "Natural Surveillance."** Community members contribute to restorative community safety by helping to guide young people toward activities that build community and develop self-esteem and potential while monitoring and mentoring youth on community supervision.

<table>
<thead>
<tr>
<th>New Roles in the Balanced and Restorative Justice Model</th>
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<tbody>
<tr>
<td><strong>Sanctioning Through Accountability</strong></td>
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<tr>
<td><strong>Juvenile Offender</strong></td>
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<tr>
<td><strong>Victim</strong></td>
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<tr>
<td><strong>Community Member</strong></td>
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<tr>
<td><strong>Juvenile Justice Professional</strong></td>
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## Weaving the Strands Together

<table>
<thead>
<tr>
<th>Intervention</th>
<th>Accountability Benefits</th>
<th>Competency Development Benefits</th>
<th>Community Safety Benefits</th>
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<tbody>
<tr>
<td>Community Service</td>
<td>Makes amends to the community</td>
<td>Develops skills, including work skills (experiential)</td>
<td>Structures time, involves community in supervision</td>
</tr>
<tr>
<td>Victim-Offender Mediation</td>
<td>Answers personally to the one harmed and makes amends</td>
<td>Develops communication and conflict resolution skills and empathy</td>
<td>Reduces victim fear in most cases and increases understanding of crime</td>
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<tr>
<td>Small or large group Conferencing (Family Group Conferencing)</td>
<td>Makes amends to all impacted by the offense</td>
<td>Develops communication and conflict resolution skills and empathy</td>
<td>Reduces victim fear in most cases and increases understanding of crime</td>
</tr>
<tr>
<td>Monitored School Attendance</td>
<td>Reinforces accountability to school system obligation for attendance</td>
<td>Builds skills</td>
<td>Structures time, community supervises</td>
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<tr>
<td>Victim Empathy Classes</td>
<td>Increases understanding of impact of own behavior</td>
<td>Increases interpersonal skills</td>
<td>Structures time</td>
</tr>
<tr>
<td>Residential Placement</td>
<td>Reinforces principle access to community and freedom of movement can be taken away</td>
<td>May address some skills</td>
<td>Provides high degree of supervision</td>
</tr>
<tr>
<td>Electronic Monitoring</td>
<td>Reinforces principle access to community and freedom of movement can be taken away</td>
<td>Re-structures use of time</td>
<td>Restricts movement to reduce opportunities to offend</td>
</tr>
<tr>
<td>Secure Detention</td>
<td>Reinforces principle access to community and freedom of movement can be taken away</td>
<td>Re-structures use of time, programs to increase skills</td>
<td>Removes youth from opportunity to offend</td>
</tr>
<tr>
<td>Drug Testing</td>
<td>Reinforces principle drug use is illegal not accepted</td>
<td>Sobriety in daily activities</td>
<td>Reduces likelihood of behavior associated with substance abuse</td>
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<tr>
<td>Work Experience</td>
<td>Generates revenue to pay restitution</td>
<td>Teaches work and social skills</td>
<td>Structures time under adult supervision</td>
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<tr>
<td>Cognitive Skills Classes</td>
<td>Increases understanding of responsibility for behavior and the impact of behavior</td>
<td>Improves decision-making and critical thinking skills</td>
<td>Structures youth’s time</td>
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Balanced and Restorative Justice in Practice

Co-participants in a BARJ system are crime victims; citizens, families, and community groups; juvenile offenders; and community juvenile justice professionals. Roles associated with each co-participant group in the BARJ approach include the following:

- **Crime victims.**
  - Receive information, support, assistance, compensation, and services.
  - Are involved and encouraged to provide input into the BARJ process, particularly into how juvenile offenders will repair the harm done.
  - Have the opportunity to meet with juvenile offenders in a safe environment and tell their story to the offenders and others if they so desire.
  - Receive restitution and/or other reparation from the juvenile offenders.
  - Provide guidance and consultation to juvenile justice professionals on planning and advisory groups.
  - Feel satisfied with the justice process.

- **Citizens, families, and community groups.**
  - Play an advisory role to courts and community justice systems and/or play an active role in disposition through one or more neighborhood sanctioning processes.
  - Are involved to the greatest extent possible in holding juvenile offenders accountable and providing offender rehabilitation opportunities and community safety initiatives.
  - Provide support to victims.
  - Provide support to juvenile offenders as mentors, employers, and advocates.
  - Work with juvenile offenders on local community service projects.
  - Provide work so that juvenile offenders can pay restitution to victims and create service opportunities that develop skills and also allow juvenile offenders to make meaningful contributions to the quality of community life.
  - Assist families in supporting the offender to fulfill his or her obligation to repair the harm and increase his or her competencies.
  - Address social conditions that cause and support crime and violence within communities.
  - Monitor and supervise juvenile offenders to the greatest extent possible in the community.

- **Juvenile offenders.**
  - Face the personal harm caused by their crimes by participating in victim-offender mediation or family group conferencing, if the victim is willing, or through other victim-awareness processes.
  - Complete restitution to their victims.
  - Provide meaningful service to repay the debt to their communities.
  - Complete work experience and active and productive tasks that increase skills and improve the community.
  - Improve decision-making skills and become involved in prevention efforts.

- **Community juvenile justice professionals.**
  - Understand and integrate restorative justice values throughout their work.
  - Measure program and practice effectiveness by how well needs of individual victims, other community members, and juvenile offenders are addressed.
  - Develop regular reporting system on criteria such as restitution and completion of community service, juvenile offender skill development, and co-participant satisfaction.
  - Become active members of the community and work with community groups, families, and individual citizens to:
    - Develop meaningful offender work and service opportunities.
    - Recruit community mentors and supervisors for youth.
    - Recruit and train community volunteers and coordinate victim-offender mediation and dialogue with them.
  - Provide consultation and training to schools on dispute resolution, anger management, critical thinking skills, and delinquency prevention.
  - Develop, in partnership with victims, community, and offenders, a continuum of alternatives to placement in a correctional facility for probation violations.
  - Creatively develop, with direct input from victims, community members, and offenders, programs that strengthen communities.
### Table I
Retributive and Restorative Assumptions*

<table>
<thead>
<tr>
<th>Retributive Justice</th>
<th>Restorative Justice</th>
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<tbody>
<tr>
<td>Crime is an act against the state, a violation of a law, an abstract idea</td>
<td>Crime is an act against another person and the community</td>
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<tr>
<td>The criminal justice system controls crime</td>
<td>Crime control lies primarily in the community</td>
</tr>
<tr>
<td>Offender accountability defined as taking punishment</td>
<td>Accountability defined as assuming responsibility and taking action to repair harm</td>
</tr>
<tr>
<td>Crime is an individual act with individual responsibility</td>
<td>Crime has both individual and social dimensions of responsibility</td>
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<tr>
<td></td>
<td>Punishment is effective</td>
</tr>
<tr>
<td></td>
<td>a. Threat of punishment deters crime</td>
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<td></td>
<td>b. Punishment changes behavior</td>
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<tr>
<td></td>
<td>Punishment alone is effective in changing behavior and is disruptive to community harmony and good relationships</td>
</tr>
<tr>
<td>Victims are peripheral to the process</td>
<td>Victims are central to the process of resolving a crime</td>
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<tr>
<td>The offender is defined by deficits</td>
<td>The offender is defined by capacity to make reparation</td>
</tr>
<tr>
<td>Focus on establishing blame or guilt, on the past (did he/she do it?)</td>
<td>Focus on problem solving, on liabilities/obligations, on the future (what should be done?)</td>
</tr>
<tr>
<td>Emphasis on adversarial relationship</td>
<td>Emphasis on dialogue and negotiation</td>
</tr>
<tr>
<td>Imposition of pain to punish and deter/prevent</td>
<td>Restitution as a means of restoring both parties; Goal of reconciliation / restoration</td>
</tr>
<tr>
<td>Community on sideline, represented abstractly by state</td>
<td>Community as facilitator in restorative process</td>
</tr>
<tr>
<td>Response focused on offender’s past behavior</td>
<td>Response focused on harmful consequences of offender’s behavior; emphasis on the future</td>
</tr>
<tr>
<td>Dependence upon proxy professionals</td>
<td>Direct involvement by participants</td>
</tr>
</tbody>
</table>

*Source: Adapted from Zehr, 1990 (Balanced and Restorative Justice for Juveniles)

### Why Restorative Justice?

**Problems in Retributive Justice and the Restorative Response***

1. **Lack of clarity about the purpose of the criminal justice system** – Restorative justice says the primary purpose of the justice system is to repair harm done – to the victim and the community.

2. **Contrary impulses between punishment and rehabilitation** – Restorative justice replaces the focus on punishment (as measured by pain inflicted) with a focus on accountability, as measured by taking responsibility. Such accountability is not in conflict with, and in fact supports, rehabilitation.

3. **Victim frustration and alienation** – Restorative justice provides for victim involvement and victim focus.

4. **Public expectation that the criminal justice system will control crime** – Restorative justice has a goal of reparation and would measure outcomes based on the question: To what degree has the harm been repaired? Restorative justice would reject the assumption that sanctions can or should be a major influence in crime control; a restorative policy would force a rethinking of crime reduction strategies.

5. **Failure of increasing punishment to change behavior** – Restorative justice is not premised on an assumption that punishment will change behavior and therefore will not fail to deliver on that promise.

6. **Skyrocketing cost of punishment** – Restorative justice would require fewer investments in punishment since the system would be measured no by how much punishment was inflicted, but by how much reparation was achieved.

7. **Failure to integrate social justice with criminal justice** – Restorative justice clearly defines a relationship between social justice and criminal justice. While individuals are held responsible for their behavior, the community is held accountable for promoting community peace, or “shalom,” which includes social justice. For example, the community as a responsibility to enable offenders to make reparation and is not allowed to simply banish people.

8. **Widespread system overload** – The conflict resolution approach is likely to reduce the number of cases which must be handled in the formal system and would allow for more effective use of non-criminal justice community resources. A reduction in dependence on punishment would free up resources to be used in other parts of the system.

How is Washington State meeting these objectives? How is your jurisdiction meeting this objectives?

- Risk/Needs Assessments and Individual need based dispositions
- Outcome based Evaluations
- JRA Competencies
- Detention Skill-Building Programs
- Modified Legislation & Sentencing Standards

Juvenile Detention Admissions and Booking Process

Youth is contacted by the police

Youth is brought to detention *Detention Intake Criteria  
Youth is released to parents, Case sent through the mail

Youth Arrives at Detention

Initial Screening Questions
Health issues?
Any safety reason youth shouldn’t be booked into detention?

Youth gives up and declares all possessions with them

Searched, Showered and Given Change of Clothes

Given Security ID / Bracelet*

Screener Interview

Brought to health clinic

Initial Hall Placement

Placement in Living Hall

**Maternity Issues:** Accommodations for medical treatment, to include pre-natal care, must be included at the facility. Absence of insurance coverage or financial issues cannot affect the quality or continuation of care. Same is true in detention facilities and state JRA facilities.
An Overview of the System Process

Contact by Law Enforcement
Does the arrest meet detention criteria?

- Yes
  - Booked into Detention
  - Detention Review Hearing, next court day
  - Probable Cause Hearing within 48 hours
    - Protects Juvenile Rights while detained. Determinations to
      detain/release. Determine probable cause. (Because a
      reasonable connection between youth and crime exists, because
      a person of integrity says so, law enforcement statement to
      initiate action until determination of actual charges to be
      pressed.)

- No
  - Released to Parent
    - “Paper” Referral

Referred to Community Accountability Board*
Charges Set for Declination Hearing**
Charges Filed, Case Goes to Court
(In custody – 72 hour rush filing decision)
No Action, Charges Dismissed

* Determination for diversion based on Juvenile Court Codes. This means the charges are diverted from the court system and are not criminal history public record. Files destroyed when 18 or 2 years after completion. Usually a limit to the number of diversion referrals. Involves a written contract between the Court unit and youth. It is a voluntary agreement that the juvenile makes to assume responsibility or guilt for actions. The contract terms may include all or some of the following: no detention time, no more than 150 hours community service, 10 hours of counseling, $100.00 max. fine and a determined length of time for completion.

** “Auto Decline” occurs when a youth who is 16 or 17 and alleged offense is any serious violent felony; violent offense & history of 1 or more serious violent offenses or 2 or more violent offenses or 3 or more Class A, Class B, Vehicular Assault, Manslaughter 2, that occurred after age 13; Robbery 1, Rape of Child 1, Drive by Shooting; Burglary 1 & criminal history; and violent offense with a firearm. Declination Hearing is automatically set when youth is 15, 16 or 17 and alleged offense is Class A felonies, attempt, solicitation or conspiracy to commit and Class A felony, the youth is 17 and filing is an Assault 2, Extortion 1, Indecent Liberties, Child Molestation 2, Kidnapping 2 and/or Robbery 2; and where juvenile is already serving minimum sentence until age 21 and alleged offense is Escape.

Youth referred to Community Accountability Board (Diversion)

- Diversion Refused or Youth Does Not Complete Diversion
  - Case sent to Prosecutor’s Office
- Youth Completes Diversion, No Charges are filed
**Case Set for Declination Hearing**

**No Arraignment until after hearing**

- **Case is Retained in Juvenile Court**
- **Case is Remanded to Adult Court**

**Arraignment Hearing**

_In Custody – Within 72 hours_

(Charges substantiated with a "preponderance of evidence – more likely than not - and read against the juvenile in court by the Prosecutor. Upon the plea, the court then determines if a juvenile needs to remain in custody pending trial or released. An assigned Intake Probation Officer will usually make a recommendation based on parent and school contact and prior history to include: criminal history, danger to community, the type of offense accused of and the potential for appearing at future hearings. If the juvenile is released, certain conditions may be set and must be followed by the juvenile as a condition of the release.)

**Pre-Trial Hearings**

- **Is Capacity an issue?**
- **Is Competency an Issue?**

*Under age 8 – In-competent, no capacity to commit a crime.

*Age 8 – 11 – Presumed Incompetent/incapable of committing the offense, but the burden is on the Prosecution to provide evidence otherwise.

*Age 12 – 18 – Presumed Competent & Capable. Defense may raise issue. This is for juvenile jurisdiction for new charges that are not auto-declined.

*Age 18 – 21 – Juvenile Jurisdiction for completion of sentencing on juvenile matters.

- **Matter Set For Fact Finding**
  (Trial)
  (Right to a Speedy Trial)
  Trial in 30 days if detained, 60 days if summoned (out of custody)

- **Matter Dismissed**

- **Matter set for or Guilty Plea Entered**
  Matter set for Disposition

**Case Adjudicated**

- **Found Guilty**
  *Judges only hear juvenile matters, no jury*

- **Matter Dismissed**

- **Found Not Guilty**

**Disposition Hearing**

(Sentencing Hearing)

- **Standard Range**
  Local Sanctions
  JRA Commitment

- **Manifest Injustice Upwards**
- **Manifest Injustice Downwards**

**Delinquency Terms**
Pre-adjudicated – Respondent has not plead guilty or found guilty on charges referred to the Court.
Adjudicated – Respondent has plead guilty or found guilty on charges referred to court.
Probation Violation – When terms of community supervision have not been followed.

Sentencing Options

Local Sanctions & JRA Commitments
Sentencing Grid

Deferred Dispositions
A juvenile is eligible for deferred disposition unless he or she:
Is charged with a sex or violent offense; Has a criminal history which includes any felony; Has a prior deferred disposition or deferred adjudication; or Has two or more adjudications.

The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile’s custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.

Any juvenile who agrees to a deferral of disposition shall:
Stipulate to the admissibility of the facts contained in the written police report; Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision; and Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses. The adjudicatory hearing shall be limited to a reading of the court’s record.

Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile. Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section. The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile’s failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

A juvenile’s lack of compliance shall be determined by the judge upon written motion by the prosecutor or the juvenile’s juvenile court community supervision counselor. If a juvenile fails to comply with terms of supervision, the court shall enter an order of disposition.

At any time following deferral of disposition the court may, following a hearing, continue the case for an additional one-year period for good cause.

At the conclusion of the period set forth in the order of deferral and upon a finding by the court of full compliance with conditions of supervision and payment of full restitution, the respondent’s conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated.

Records of deferred disposition cases vacated under subsection (9) of this section shall be sealed no later than thirty days after the juvenile’s eighteenth birthday provided that the juvenile does not have any charges pending at that time. If a juvenile has already reached his or her eighteenth birthday before July 26, 2009, and does not have any charges pending, he or she may request that the court issue an order sealing the records of his or her deferred disposition cases vacated under subsection (9) of this section, and this request shall be granted. Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under RCW 13.50.050 (11) and (12). Records sealed under this provision shall have the same legal status as records sealed under RCW 13.50.050.
Mental Health Disposition Alternative
When an offender is subject to a standard range commitment of 15 to 65 weeks and has not committed a sex or violent offense as defined in RCW 9.94A.030, the court may order an examination to determine if the youth is amendable to treatment. See RCW 13.40.167. If, following such an examination, the court finds that the offender and the community would benefit from the use of the Mental Health Disposition Alternative, the court may impose the standard range or suspend the standard range disposition of not more than 65 weeks and place the youth on community supervision for up to one year. As a condition of the suspended disposition, the court may impose local sanction conditions not to exceed 30 days and require the offender to do the following:
• Undergo available treatment in the local community consistent with the American Psychiatry Association’s Diagnostic and Statistical Manual standards and programs proven to have been successful in addressing mental health disorders as well as identified as research-based best practice programs.
• May be required to devote time to educational and vocational pursuits.
• May be required to alcohol and chemical dependency assessments to identify co-occurring disorders.
• Report to the court and probation counselor as directed.
• May be required to pay court ordered financial obligations.
3 For more information about this disposition, please refer to Section 3 of this manual. 10 Juvenile Disposition Manual 2006
A disposition entered under this option may not be appealed. See RCW 13.40.160(3)

Suspended Disposition Alternative (Option B)
If the offender is subject to a standard range disposition involving confinement by JRA and the court finds that the offender and community would benefit from the use of a suspended disposition, it may impose the standard range and suspend execution of the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs. If the offender fails to comply with the suspended disposition condition(s), the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition’s execution.

An offender is ineligible for the suspended disposition option if the offender:
Committed a category A+ offense or is fourteen years or older and committed a category A offense (completed and anticipatory) or committed:
• Manslaughter in the first degree
• Assault in the second degree
• Extortion in the first degree
• Robbery in the second degree
• Residential Burglary
• Burglary in the second degree
• Drive-by Shooting
• Vehicle Homicide (RCW 46.61.520)
• Hit and Run Death (RCW 46.52.020)(4)(a)
• Intimidating a Witness (RCW 9A.72.110
• Violation of the Uniform Controlled Substance Act
• Manslaughter2, when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon
• Ordered to serve a disposition for a firearm violation under RCW 13.40.193 or
• A sex offense as defined in RCW 9.94A.030

Chemical Dependency Disposition Alternative (CDDA)
If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a category A- or B+ offense, the court, under a finding that the offender is chemically dependent and amenable to treatment, may suspend an Option A disposition and impose a disposition outside of the standard range. See RCW 8 Juvenile Disposition Manual 2006 13.40.165. The court may place the offender on community supervision for one year and, as a condition of the suspended Option A disposition, the court:
• Must require the offender to undergo available inpatient/outpatient drug or alcohol treatment; and
• May require up to 30 days confinement, up to 150 hours of community service, and/or payment of legal financial obligations and restitution.
The combination of inpatient treatment and confinement may not exceed 90 days. The treatment provider must submit monthly progress reports and the court may schedule treatment review hearings. The suspension may be revoked and the disposition executed (with credit for confinement time served on the same offense) for violating conditions or failing to make satisfactory progress in treatment. RCW 13.40.165 sets forth all provisions related to the CDDA.
Drug Court for King County

Eligibility for Consideration:
Participants must meet an age requirement, legal, clinical, and geographical criteria in order to be considered to the Juvenile Drug Court Program.

Legal Criteria:
- Initially charged, or amended to a misdemeanor, gross misdemeanor, or eligible felony as per attached Juvenile (Appendix C) Juvenile Drug Court Eligible Offenses.
- Additional elements of drug offense eligibility:
  - A minimal amount of drugs was involved in the offense (less than 2.5 grams narcotics without packaging and/or less than 80 grams of marijuana).
  - There is no indication of firearm possession involved in the offense.
  - There is no delivery on school property or while in treatment setting.

Restitution:
- Cap at $2,000.00 aggregate balance/obligation at time of opting in.

Clinical Criteria:
- Youth must have a current (within six months of opt in) substance abuse or chemical dependency diagnosis through GAIN assessment and a mental health evaluation.

Geographical Criteria:
- King County youth and/or parent/guardian must have primary residence within King County at time of opting in.

Age Requirement:
- 13 – 18.0 years of age (opt in date must be on or before participant’s 18th birthday).

Drug Court Referral Process
Special Sex Offender Disposition Alternative (SSODA)

When a juvenile is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined in RCW 9.94A.030, and has no history of a prior sex offense, the court may order an examination to determine whether the offender is amenable to treatment. If, following such an examination, the court determines that the offender and the community would benefit from the use of the Special Sex Offender Disposition Alternative; the court may impose a determinate disposition within the standard range or under Option D (Manifest Injustice) suspends the execution of the disposition and places the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any of the following:

Juvenile Disposition Manual 2006 9

• Devote time to specific education, employment, or occupation;
• Undergo available outpatient sex offender treatment for up to two years, or inpatient treatment sex offender treatment not to exceed the standard range of confinement for that offense;
• Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change of address, educational program or employment;
• Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider (Prior approval by the court is required for any change);
• Report as directed to the court and a probation counselor;
• Pay all court-ordered legal financial obligations, perform community service, or any combination thereof;
• Make restitution to the victim for counseling costs reasonably related to the offense;
• Comply with the conditions of any court-ordered probation bond; or
• The court shall order that the offender may not attend the public or approved private elementary, middle or high school attended by the victim or the victim’s siblings.

A disposition entered under the SSODA option may not be appealed. RCW 13.40.160(3) contains a complete description of the requirements for imposition of the SSODA disposition option.

Probation Dispositions:

What is the focus or intent of probation?
What type of caseloads are there?
How do conditions of probation get established?
What happens if probation guidelines are violated?
State Institutions

Program determined by JRA Competency Tool

*Once a juvenile is sentenced, a diagnostics coordinator is assigned to determine placement which will best meet the treatment needs of the juvenile. All court materials, evaluation and reports are studied & the youth is interviewed as well as the parents. A security classification is determined.*

Each institution focuses on the increase of basic skills: Victim Awareness, Social Skills, Education, Employment Skills, Anger Management and Drug & Alcohol Treatment. Each institution also has a main treatment focus for qualifying groups based on competency needs.

**Naselle** – Males 15-17 (Sex Offender, Youth Employment, Medium and Minimum Security only)

**Maple Lane** – Males 15+ (Sex Offender, Mental health, Psychological Services, Maximum Security)

**Green Hill** – Older repeat offender (Aggressive behavior, Family Counseling, Violence Intervention & Pro-Social Skill training, Gang Intervention, Maximum Security)

**Echo Glen** – Girls and younger less emotionally mature boys (Sex Abuse therapy, Gang Intervention, Sex Offender, Adventure Based counseling, All levels, some Maximum beds)

**Camp Outlook** – Military-style basic training camp for non-violent, non-sexual offenders. Provides academic programming and cognitive behaviors skills. Youth participating in Camp Outlook qualify for transition to the community earlier.

**Group Homes** – It may be determined to send a juvenile to a Group Home as an alternative or once 60% of a term is completed if security levels and programming warrant it. There are currently six group homes. Canyon View has 12 beds, is a Department of Alcohol & Substance Abuse (DASA) certified Recovery House. Oakridge has 12 beds and Woodinville has 12 beds. Youth in these programs attend regular high schools and participate in the community programs, jobs, etc. Parke Creek has 11 beds and is a certified DASA Inpatient program. Ridgeview has 16 beds, in addition to youth programming in the community, they also serve youth who are on parole revocation status. Twin Rivers has 12 beds and has a focus of serving youth with mental health issues. *Youth must be able to manage own behavior and benefit from program participation. Must not be aggressive or at risk for escape.*

**Alternative Placements in Counties** – Many Counties have programs where youth who are committable to institutions remain in a local detention center whereby they receive the same services and are transitioned into their home community during treatment.

**Functional Family Parole / Parole Services** – When a juvenile is eligible for group or transitional programming, they are allowed into the community. If they fail to meet the terms of Parole, it can revoked and they will be returned to an Institution to serve time for the violation.

In community settings youth are monitored under **Functional Family Parole**. The treatment and intervention focus shifts to creating a more functional environment within the family where the youth resides. Research on maintaining and supporting behavior change for troubled adolescents indicates intervention is most effective if promoted within a family context. Parole staff work with families to address the role each member has in generating and ultimately resolving "problem behavior". The primary theoretical foundation for this section of the model come from James Alexander, PhD and Thomas Sexton, PhD in *Functional Family Therapy*, a research-based family intervention considered a "Blueprint" model from the Center for the Study and Prevention of Violence. Functional Family Parole counselors work to engage and motivate all family members by creating a balanced alliance with each, and creating a family focus for treatment. Early interventions reduce blame and negativity among family members and instill hope for change. Families are also referred to needed services in the community that match family interaction styles and provide continued support for the family once the youth is no longer on parole.
### School & Law Enforcement Notification Requirements

<table>
<thead>
<tr>
<th>Violent Offenses (RCW 9.94A.030)</th>
<th>Sexual Offenses (RCW 9.94A.030)</th>
<th>Inhaling of Toxic Fumes (RCW 9.47A)</th>
<th>VUCSA Offenses (RCW 69.50)</th>
<th>Liquor Offenses (RCW 66.44.270)</th>
<th>Kidnapping, Luring &amp; Related Offenses (RCW 9A.40)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gang Intimidation, Stalking, No Contact Orders &amp; Related Offenses (RCW 9A.46)</td>
<td>Arson, Reckless Burning, Malicious Mischief Offenses (RCW 9A.48)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Other Requirements

#### Violent Offenders
- DNA Testing
- Community Notification

#### Sexual Offenders
- DNA & HIV Testing
- Community Notification for Level III

#### Limit proximity to victim

- Registration (RCW 9A.44.130 & .140)
  - The agency supervising the offender (sexual & kidnapping offenses) must forward registration information to authorities (police chiefs and sheriffs) within 3 days of release.
  
  - The offender must register with the Sheriff within 24 hours of release (if the offender is not confined, they must register IMMEDIATELY after sentencing).
  
  - The offender must register any changes of residence within 10 days, or within 30 days if moving to a new State.

An offender convicted of a Class A Felony is to be registered for life, unless:

1. If the juvenile was over 15 years of age when convicted, a petition can be made to the court 10 years after the crime with no new convictions and requires that there are clear and concise reasons to dismiss the registration requirements.

2. If the juvenile was under 15 years of age when convicted, 24 months with no new convictions is required and they must demonstrate a preponderance of evidence to dismiss the registration.
Driving Privileges

What is minor in possession?
- When a person age 13–17 signs a diversion agreement or is convicted of possession of alcohol. (Age is determined by the incident date.)
- When a person age 13–20 signs a diversion agreement or is convicted of a drug offense. (Age is determined by incident date.)
- When a person under age 18 pleads guilty or is found guilty of illegal possession of a firearm while in a vehicle.
- When a person under age 18 commits any offense while armed with a firearm in which a motor vehicle served an integral function.
- When a person age 13–17 is convicted of any offense involving a firearm, whether or not it is related to using a motor vehicle.

What happens if I am found guilty of minor in possession?
When a court or other juvenile agency notifies us that you have violated the minor in possession law, we will:
- revoke your driver license.
- mail you a letter that:
  - explains the revocation.
  - lists options you have for reinstating your license early.
  - includes a form to appeal the revocation.

Driving record
These convictions and signed diversion agreements do not show on your driving record, only the fact that your license was revoked.

What happens when my driver license is revoked for minor in possession?

Washington driver license
When your license is revoked for minor in possession:
- you cannot drive as long as your license is revoked.
- you cannot apply for a driver license or instruction permit as long as your license is revoked.
- any Washington license or instruction permit you currently have is no longer valid. You must take it to any driver licensing office or mail it to: Driver Records, Department of Licensing, PO Box 9030, Olympia WA 98507-9030

Out-of-state driver license
While your license is revoked for minor in possession:
- you may not apply for a Washington driver license.
- you may not drive in Washington with a license from another state or province.
- your home state or province will be notified that your license was revoked, and they may take license action there.

How long will my license be revoked?

Your license will be revoked starting 45 days after we mail you the notice of revocation.

<table>
<thead>
<tr>
<th>Type of offense</th>
<th>Length of revocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>First offense</td>
<td>1 year or until your 17th birthday, whichever is longer</td>
</tr>
<tr>
<td>Second offense</td>
<td>2 years or until your 18th birthday, whichever is longer</td>
</tr>
</tbody>
</table>

NOTE: Once you are 21 years old, at your request we will release any revocations for minor in possession.
Early license reinstatement

Depending on the type of offense, you may be able to reinstate your driver license before the full term of the revocation is completed:

<table>
<thead>
<tr>
<th>Type of offense</th>
<th>Date when you are eligible for early license reinstatement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of firearms</td>
<td>No early reinstatement available.</td>
</tr>
<tr>
<td>First offense, possession of alcohol or drugs</td>
<td>90 days after whichever comes last:</td>
</tr>
<tr>
<td></td>
<td>• Your 16th birthday.</td>
</tr>
<tr>
<td></td>
<td>• The date of conviction or the date the diversion agreement was signed.</td>
</tr>
<tr>
<td></td>
<td>• The date your license was revoked.</td>
</tr>
<tr>
<td>Second offense, possession of alcohol or drugs</td>
<td>Whichever comes LAST:</td>
</tr>
<tr>
<td></td>
<td>• Your 17th birthday.</td>
</tr>
<tr>
<td></td>
<td>• One year after the date of conviction or the date the diversion agreement was signed.</td>
</tr>
<tr>
<td></td>
<td>• The date your license was revoked.</td>
</tr>
</tbody>
</table>

Can I get a restricted license while my license is revoked?

No, you cannot be issued any type of driver license or instruction permit while your license is revoked for minor in possession.

Can I contest or appeal the revocation?

You cannot request a hearing for this type of license revocation. However, you can challenge the revocation by requesting that we conduct an administrative review.

Only two issues will be considered during the review:

• Whether our records correctly identify you.
• Whether the information we received from the court or juvenile agency accurately describes the action they took.

How to request an administrative review

You may request a review within 15 days of the date on the letter you received from us notifying you of the license revocation. The letter includes a request form that you may complete and send to us:

• by fax to (360) 664-8492.
• OR
• by mail to: Hearings and Interviews, Department of Licensing, PO Box 9031, Olympia, WA 98507-9031

How can I get my license back? When the revocation term is over

Once you are eligible to apply for a new license or instruction permit, you must:

• successfully complete all applicable tests.
• pay licensing fees.
• pay a $75 reissue fee.

Note: Remember to keep your address current with us so we can notify you of any changes to your driving status. Report any change of address within 10 days of moving, using the Driver License Change of Address form.

Early license reinstatement

Contact the diversion counselor or court where you were convicted to discuss the possibility of getting your license reinstated early. If they decide to grant your request, they will complete a Request for Early Reinstatement form and send it to us. We will notify you in writing when you are eligible to apply for a new license or instruction permit.
DEPENDENCY

Guardian ad litem - Phrase meaning “For the Proceeding” referring to adults who look after the welfare of a child and represent their legal interests; usually volunteers who are also officers of the court.

Dependency Fact Finding, Reviews & Terminations – Hearings that explore parental rights based on the well-being of dependent children.

Emancipation – Juveniles over the age of 16 can petition to be “on their own” without family or state responsibility for their well-being. Petitioner must be able to manage financial affairs as well as personal, social, educational and non-financial affairs. They must be a resident of the State.

Contempt – When there is a violation of a dependency, At Risk Youth Petition, Truancy Petition and Child in Need of Services Petition – May be detained up to 7 days.

Family Reconciliation Services (FRS) – is a voluntary program serving runaway adolescents, and youth in conflict with their families. The program targets adolescents between the ages of 13 through 17. FRS services are meant to resolve crisis situations and prevent unnecessary out of home placement. They are not long term services. The services will assess and stabilize the family’s situation. The goal is to return the family to a pre-crisis state and to work with the family to identify alternative methods of handling similar conflicts. If longer-term service needs are identified, FRS will help facilitate getting the youth and his/her family into ongoing services.

FRS services may include, but are not limited to:
- Short-term family counseling;
- Crisis Residential Center (CRC) services
- Referrals for substance abuse treatment and/or counseling
- Referrals for mental health services
- Short-term placement
- Family Assessments in conjunction with juvenile court services.

BECCA BILL

In 1993, a 13-year-old runaway named Rebecca Hedman (“Becca”) was murdered in Spokane, Washington, far from her home in Tacoma. A group of parents and legislators came together and successfully pushed for legislation (passed in 1995) that was designed to prevent situations like Becca’s from happening again. The so-called “Becca Bill” addresses several areas of public policy, including those affecting truant, at-risk, and runaway youth.

Truancy

A school or parent may refer a student to the Prosecutor’s Office if a student has had seven unexcused absences from school in one month or ten unexcused absences at any time during the school year. A student can be ordered by the Court to attend with no further unexcused absences. Any further absences result in a contempt of court which can carry 7 days detention for each violation.

Overview of Court Process

Filing
1. A case number is assigned, a court file is created, and the petition is reviewed for sufficiency by the court.
2. The court grants a stay to allow the school district time to have families appear at an attendance workshop, or returns the petition if it is insufficient.
3. If a hearing is requested, the King County Prosecuting Attorney’s Office will review the petition before the court sets a hearing.

Preliminary Hearings
1. A preliminary court order is issued setting a hearing date and assigning an attorney for the youth.
2. The preliminary court order is returned to the school district for service to student and parent(s)/guardian.
3. If a hearing is held, the court may assume jurisdiction over the student’s attendance and enter an order compelling school attendance.
4. If the student has had proper notice of the hearing and fails to appear, a warrant may be issued, a second hearing may be scheduled, or an order may be entered.
5. If the court believes it relevant to the truancy, the court may additionally order the student to submit to testing for the use of a controlled substance or alcohol.
Review Hearings
The court may set a review hearing at any time on its own initiative to monitor how the parties are complying with the court’s order and reducing truancies. A school district may also request a review hearing by filing a progress report with the Clerk’s Office.

Contempt Hearings
It is the school district’s obligation to inform the court if the student is out of compliance with the court’s order compelling school attendance. The school district shall file a motion for a Show Cause Hearing requesting that a contempt hearing be set.

1. The hearing shall be set and legal counsel shall be appointed for the student.
2. The court shall issue an order directing the parties to appear at a contempt hearing. This order shall be sent to the school district for personal service on the student and his/her parent(s)/guardian.
3. The school district is obligated to provide discovery to the student’s attorney in a timely manner, at least one week prior to the hearing date.
4. A hearing will be held to determine whether the student demonstrated a willful disregard for the court’s order compelling attendance and an order of contempt may be issued.
5. An order of contempt may include coercive measures intended to improve the student’s willingness to comply with the original order compelling attendance, including community service, fines, detention, or participation in community-based programs.

Community Truancy Boards
RCW 28A.225.025 authorizes the use of community truancy boards as an alternative or supplement to the formal court process. Community truancy boards are operated by school districts with the help of trained community volunteers and provide families with an opportunity to avoid appearing in court on truancy matters. Community truancy boards take advantage of the skills, expertise, and interest in local communities to create agreements between students, parents, and schools that can take the place of a preliminary court hearing. Students, parents, and school representatives each present to the board individually. The board confers on its own and presents its recommendations to the parties. If everyone agrees, an attendance agreement is signed, and the school district monitors attendance. If attendance does not improve, the school district may then request a formal court hearing from Juvenile Court.

At-Risk Youth Petition (ARY)
A parent or legal guardian can file a petition if their child has been absent from home at least 72 consecutive hours without parent consent, demonstrate a substance abuse problem or whose behavior is beyond the control of the parent. If youth behaviors meet the legal definition of an At-Risk Youth, the court can issue an order directing the youth to follow guidelines and terms. If the youth violates these terms, the parent can file for a Motion for Contempt, or Pick-Up order if a runaway, which can carry sanctions up to 7 days detention. A family assessment is required for a petition.

Definition: An at-risk youth is defined by statute as a child under the age of 18 who meets at least one of the following three requirements:
- Is absent from home for at least 72 consecutive hours without parental consent; or
- Is beyond parental control such that his/her behavior endangers the health, safety, or welfare of the child or any other person; or
- Has a substance abuse problem for which there are no pending criminal charges relating to the substance abuse.

Child in Need of Services (CHINS)
May be filed by parent, child or DSHS when out-of-home placement is requested. The criteria is similar to the ARY Petition whereby the youth and/or others in the home are put at risk and an alternative placement is recommended. A proceeding where a parent, social worker or child files a petition and asks for placement. The child must have been offered in-home phase I (FRS) and phase II (CFI) counseling.

Definition: A child in need of services is defined by statute as a child under the age of 18 who meets at least one of the following three requirements:
- Is beyond parental control such that the child’s behavior endangers the health, safety, or welfare of the child or other person; or
- Has been reported to law enforcement as absent without consent for at least 24 consecutive hours from the parent’s home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions; and
  - Has exhibited a serious substance abuse problem; or
  - Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or
- In need of necessary services, including food, shelter health care, clothing, educational, or services designed to maintain or reunite the family; and
- Lacks access to or has declined to utilize these services; and
  - Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

Who May File: A child, parent, or DSHS may file a CHINS petition. A "parent" is defined as the person(s) having legal right to custody of the child and includes custodian or guardian. Upon the filing of a CHINS petition, the child may be placed, if not already placed, by DSHS in a crisis residential center, foster family home, licensed group home facility or any other suitable residence to be determined by DSHS.
In Washington State, the Juvenile Justice System was developed and formally established in 1913. Since that time, two major revision have been enacted to reflect changes in the philosophy and treatment of our youth. This section will provide a brief history of the system, along with the changes to our laws, especially those which require significant responsibilities and accountability throughout.

**Washington State Juvenile Justice System – 1913**

Modeled after a number of other states, the philosophy of *parens patriae* (Parents for the State) was adopted and utilized for decisions regarding our youth. The responsibilities of child-rearing were placed squarely on the parents and they were held liable for the actions of their kids. If a juvenile found himself involved in the system, the state often took over this “parental” task. At that point, the State would declare that it was acting “in the best interests of the child”.

At its inception, the juvenile system handled a large number of matters. The court jurisdiction included youth that were considered *delinquent* and also *status offenders*. Status offenders were youth involved in behaviors such as: Promiscuity, Incorrigible/Rebellion, Truancy and Running Away.

In addition, juveniles considered abused or neglected, along with those declared dependent, were handled in the same manner within the courts.

On the criminal side, any adjudication would consist of the judge having to declare a youth *delinquent* to place a youth under *indiscriminate sentencing*. The court would maintain jurisdiction until “suitable change” took place. There was no due process rights and a number of discriminatory practices, especially in regards to adjudicated females.

With the exception of legislating off the books for sanctions for status offenders (1974), no substantial changes took place for 64 years.

**Juvenile Justice Act of 1977**

The new laws developed with the adoption of the *Youth Justice Model*. The design was to seek a balance between Accountability, Community Safety and Skills Development (education). Throughout the State, the goal was to seek sentencing which would be considered fair, proportional, and predictable.

In an effort to achieve these goals, a juvenile point system became the deciding factor in *determinate sentencing*. The key components became a mathematical grid system that took (1) current offense points score – computed by the age of the offender, (2) times an increase factor – number established by past offending behavior (history) and length of time between offenses, and (3) equaling current points. Those points then placed a juvenile in particularly narrow ranges of sentencing options.

The two main philosophies behind the GRID were: that the best predictor of future offense behavior is past offense behavior and that younger youth should be given less severe sanctions than older youth for the same behaviors.

**Engrossed Third Substitute House Bill 3900 (Enacted 1997 Regular Legislative Session – Effective July, 1997, with exceptions effective July, 1998.)**

This act has been termed the COMMUNITY JUVENILE ACCOUNTABILITY ACT and the foremost highlight is the establishment of *Local Sanctions*. These local sanctions grant greater latitude to Judges while sentencing. Every adjudication that normally places an individual on community supervision, is subject to the following sanction range:

- 0-12 months community supervision
- 0-150 hours of community service
- 0-$500 fine
- 0-30 days of detention

To youth receiving sentences of commitment to an institution, the law established a minimum of 15-36 weeks.

**Offender Classification** – The issue of categories: Minor First Offender, Middle Offender and Serious Offender, with its options, was discontinued.

**Juvenile Boot Camp** – A boot camp was implemented at Connell, Washington, “Second Chance”. The program consists of 120 days, in various phases of treatment and discipline, followed by a program of integration back to the community.

**Intensive Parole Supervision** – In accordance with a risk assessment, those individuals who score in the top 25% of high risk to re-offend are placed under Intensive Parole Supervision following release from an institution. The caseloads are smaller with considerable contact and accountability, along with accessibility to necessary services.

**Chemical Dependency Dispositional Alternative** – In this area, special program caseloads were implemented that would work with individuals assessed as chemically dependent. Under rather narrow guidelines, a person could be placed in this unit, under a suspended commitment or local sanctions. The thrust would be treatment and interventions, modeled after adult drug court, in seeking abstinence and education.

**Parental Involvement** – A set of laws that allow contempt charges to be filed against parents that remain uninterested and uninvolved in their delinquent child’s life.
Mandatory Restitution – The old law allowed for restitution not to be imposed if it was felt that the defendant was indigent. This is no longer possible and every restitution, if substantiated, is to be imposed.

Sealing and Destroying records -- Updated Sealing and Destroying Records, effective in 2010 – RCW 13.50.050

In order to have records sealed or destroyed following all must be true:
  1. No pending matters or subsequent convictions in any criminal court
  2. Not have been convicted of any Class A or any Sex Offense
  3. No subsequent diversion agreements
  4. All restitution has been paid in full
  5. Any convictions received after records are sealed will nullify the order to seal records. Official courts records will never be destroyed.

Persons who are 18 years of age and have 1 diversion agreement signed and dismissed on or before 6/12/08, records will be automatically destroyed 90 days after eligible. If the diversion agreement was signed and released prior to 6/12/08, can petition the court to have them destroyed.

Persons who are 23 years of age and have more than 1 diversion agreement can petition for records to be destroyed.

Class B offenses – 5 years post last confinement, including full-time, long term residential treatment
Class C offenses – 2 years post last confinement, including full-time, long term residential treatment
Gross Misdemeanors and Misdemeanors – 2 years post last confinement, including full-time, long term residential treatment
Resources

Assistance with Sealing Records:
www.nwjustice.org
www.courts.wa.gov
www.washingtonlawhelp.org

Sentencing Guidelines:
http://www.sgc.wa.gov/

Revised Code of Washington (RCW)
http://apps.leg.wa.gov/rcw/