THE UNIVERSITY OF WASHINGTON

JUVENILES SENTENCED AS ADULTS IN WASHINGTON STATE, 2009-2019

Heather D. Evans, Ph.D.
Steven Herbert, Ph.D.

Approved by AOC for public dissemination

June 14, 2021

This report was commissioned by the Skagit County Public Defender's Office. Special thanks to Andrew Peterson, Senior Research Associate at the Center for Court Research, Administrative Office of the Courts, for his assistance in extracting these data and helping compile criminal history information.

Table of Contents

List of Tables

List of Figures

I. Introduction & Relevant Prior Research

One of the most consistent findings in the research on the juvenile justice system is that race matters. Race matters in Washington State just as it matters across the United States. Studies conducted in numerous states have demonstrated that race shapes decisions at various stages in the juvenile justice process, independent of the severity of the offense and of the individual's criminal history.[1] A Black youthful offender is six times more likely to be detained at arrest than a White youthful offender, and a Latinx[2] juvenile offender is three times more likely to be detained than a White counterpart, even when accounting for many of the important legal factors that influence these decisions, such as number of offenses and offense type.[3] Black youthful offenders are also more than five times as likely to be incarcerated in state juvenile facilities as White youthful offenders; American Indian youthful offenders are more than three times as likely; and Latinx youthful offenders more than twice as likely, though there are distinct differences across the states.[4] In Washington State, Black youth are more than five

[1] G. Armstrong and N. Rodriguez, 2005, "Effects of individual and contextual characteristics on preadjudication detention of juvenile delinquents," *Justice Quarterly* 22: 521-539. D. Bishop, M. Leiber, and J. Johnson, 2010, "Contexts of decision making in the juvenile justice system: An organizational approach to understanding minority overrepresentation," *Youth Violence and Juvenile Justice* 8:213-233. J. Cochran and D. Mears, 2015, "Race, ethnic, and gender divides in Juvenile Court sanctioning and rehabilitative intervention," *Journal of Research in Crime and Delinquency,* 52: 181–212. R. Engen, S. Steen and G. Bridges, 2002, "Racial disparities in the punishment of youth: A theoretical and empirical assessment of the literature," *Social Problems* 49: 194-220. M. Leiber, 2003, *The contexts of juvenile justice decision making: When race matters.* Albany: State University of New York Press. M. Leiber, J. Johnson, K. Fox, and R. Lacks, 2007, "Differentiating among racial/ethnic groups and its implications for understanding juvenile justice decision making," *Journal of Criminal Justice* 35: 7471-484. N. Rodriguez, 2010, "The cumulative effect of race and ethnicity in juvenile court outcomes and why pre-adjudication detention matters" *Journal of Research in Crime & Delinquency* 47: 391–413. E. Spinney, M. Cohen, W. Feyerherm, R. Stephenson, M. Yeide, and T. Shreve, 2018, "Disproportionate minority contact in the U.S. juvenile justice system: a review of the DMC literature, 2001-2014, Part I," *Journal of Crime and Justice* 41: 573-595. S. Steen, C. Bond, G. Bridges and C. Kubrin, 2005, "Explaining assessments of future risk. In D. Hawkins and K. Kempf-Leonard (eds.), *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice* (pp. 245-269) Chicago: University of Chicago Press.

[2] In this report, we use the term "Latinx," to describe individuals who identify as having Latin American origin or descent, used as a gender-neutral alternative to "Latino" or "Latina."

[3] D. Bishop, 2005, "The role of race and ethnicity in juvenile justice process," in D. Hawkins and K. Kempf-Leonard, eds., *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice* (pp. 23-82) Chicago: University of Chicago Press. K. Kempf-Leonard, 2007, "Minority youths and juvenile justice: Disproportionate minority contact after nearly 20 years of reform efforts," *Youth Violence and Juvenile Justice* 5:71-87. National Council on Crime and Delinquency, 2007, *And Justice for Some: Differential Treatment of Youth of Color in the Justice System*. Oakland, CA: National Council on Crime and Delinquency. A. Piquero, 2008, "Disproportionate Minority Contact," *The Future of Children* 18: 59-79.

[4] The Sentencing Project, 2016, *Racial disparities in youth commitments and arrests*. Washington, DC: The Sentencing Project. The Sentencing Project, 2017, *Black disparities in youth incarceration*. Washington, DC: The Sentencing Project.

times as likely to be incarcerated as White youth (representing the 22nd largest discrepancy nationwide), Latinx about two times as likely (15th largest nationwide), American Indians more than three times as likely (4th largest nationwide).[5]

Although Black youths receive the most disparate treatment, entrenched patterns for Latinx are also common throughout the United States.[6] In particular, Latinx juveniles are significantly more likely than Whites to be detained after arrest, which notably increases the odds that their adjudication will result in longer-term confinement.[7] After an exhaustive review of the research on Latinx in juvenile justice, Criminologist Myrna Cintron concludes: "Latino juveniles are disproportionately arrested, detained and tried in adult criminal courts. Their sentences are harsher and their commitments are longer than those for white youths who have committed the same offenses." [8]

The precise mechanisms through which these racially-disparate outcomes emerge is not always clear, in part because there are a wide number of decision points in the juvenile process made by different bureaucratic officials with specific expertise and interests.[9] In addition, patterns from one jurisdiction to another will not be identical.[10] Still, the pattern of disproportionate

[5] The Sentencing Project, 2021, *Racial Disparities in Youth Incarceration Persist*. Washington DC: The Sentencing Project.

[6] C. Barela-Bloom and N. Prabha Unnitham, 2009, "Hispanics and juvenile court dispositions: A county-level study," *Criminal Justice Studies* 22: 331-344. L. Bond-Maupin and J, Maupin, 1998, "Juvenile justice decision making in a Hispanic community," *Journal of Criminal Justice* 26:373-384. A. Vazsonyi and P. Chen, 2010, "Entry risk into the juvenile justice system: African American, Asian American, European American, and Hispanic children and adolescents," *Journal of Child Psychology and Psychiatry* 51: 668-678.

[7] G. Armstrong and N. Rodriguez, 2005, "Effects of individual and contextual characteristics on preadjudication detention of juvenile delinquents," *Justice Quarterly* 22: 521-539. N. Rodriguez, 2010, "The cumulative effect of race and ethnicity in juvenile court outcomes and why pre-adjudication detention matters" *Journal of Research in Crime & Delinquency* 47: 391–413. B. Wu, 1997, "The effect of race on juvenile justice processing" *Juvenile and Family Court Judges Journal*, 48: 43–51. B. Wu and A. Fuentes, 1998, "Juvenile justice processing: The entangled effects of race and urban poverty*" Juvenile and Family Court Journal*, 49: 41–54.

[8] M. Cintron, 2006, "Latino delinquency: Defining and counting the problem." In E.B. Penn, H.T. Green, & S.L. Gabbidon (Eds.), *Race and juvenile justice* (pp. 27–40). Durham, NC: Carolina Academic Press.p.40.

[9] D. Bishop, M. Leiber, and J. Johnson, 2010, "Contexts of decision making in the juvenile justice system: An organizational approach to understanding minority overrepresentation," *Youth Violence and Juvenile Justice* 8:213-233.

[10] N. Rodriguez, 2007, "Juvenile court context and detention decisions: Reconsidering the role of race, ethnicity, and community characteristics in juvenile court processes." *Justice Quarterly*, 24: 629–656.

minority contact is a persistent one across time, and one that has resisted overt attempts to reduce its size.[11]

A number of factors appear to contribute to these disparities, including implicit bias that frames how a child is perceived, which includes expectations for their future behavior. (Researchers refer to the unconscious impact of race as implicit bias, in order to differentiate it from conscious racial animus.[12]) Findings from this literature show that implicit biases are pervasive, even among individuals who do not openly express biased views.[13] Some of the disparity appears to be attributable to different ways in which juvenile justice officials frame the social circumstances from which juvenile delinquency emerges. For instance, justice officials appear more likely to see Whites as less threatening and more susceptible to treatment. Minority youth, by contrast, are commonly seen as products of broken families;[14] more adult-like and hence more culpable for crime;[15] less amenable to rehabilitation;[16] and more threatening.[17] These cultural understandings appear to be resistant to change, and this persistence may explain the ongoing patterns of disproportionate minority contact in the juvenile justice system.

---

[11] K. Kempf-Leonard, 2007, "Minority youths and juvenile justice: Disproportionate minority contact after nearly 20 years of reform efforts," *Youth Violence and Juvenile Justice* 5:71-87. M. Leiber and N. Rodriguez, 2011, "The implementation of the disproportionate minority confinement/contact (DMC) mandate: A failure or success?" *Race and Justice,* 1: 103–124. The Sentencing Project, 2021, *Racial Disparities in Youth Incarceration Persist*. Washington DC: The Sentencing Project. E. Spinney, M. Cohen, W. Feyerherm, R. Stephenson, M. Yeide, and T. Shreve, 2018, "Disproportionate minority contact in the U.S. juvenile justice system: a review of the DMC literature, 2001-2014, Part I," *Journal of Crime and Justice* 41: 573-595.

[12] L. Quillian, 2008, "Does Unconscious Racism Exist," *Social Psychology Quarterly* 71,1: 6–11; R. J. Sampson and S.W. Raudenbush, 2004, *Seeing Disorder: Neighborhood Stigma and the Social Construction of '"Broken Windows"*, 67 Social Psychology Quarterly 319.

[13] See Task Force on Race and the Criminal Justice System, 2011, *Preliminary Report on Race and Washington's Criminal Justice System*. Available at:http://www.law.seattleu.edu/Documents/korematsu/race%20and%20criminal%20justice/preliminary%20report%20-%20final%20release%20march%201%202011%20for%20printer%202.pdf Accessed June 9, 2014.

[14] D. Bishop and C. Frazier, 1996, "Race effects in juvenile justice decision-making: Findings of a statewide analysis," *Journal of Criminal Law & Criminology* 86: 392-414. M. Leiber, and K. Mack, 2003, "The individual and joint effects of race, gender, and family status on juvenile decision-making," *Journal of Research in Crime & Delinquency* 40: 34-70.

[15] S. Graham and B. Lowery, 2004, "Priming unconscious racial stereotypes about adolescent offenders," *Law and Human Behavior* 28: 483-504. S. Steen, C. Bond, G. Bridges and C. Kubrin, 2005, "Explaining assessments of future risk. In D. Hawkins and K. Kempf-Leonard (eds.), *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice* (pp. 245-269) Chicago: University of Chicago Press.

[16] G. Bridges and S. Steen, 1998, "Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms," *American Sociological Review* 63: 554-570. H. Smith, N. Rodriguez, and M. Zatz, 2009, "Race, ethnicity, class and noncompliance with juvenile court supervision," *Annals of the American Academy of Political and Social Science* 623: 108-120.

[17] C. Tittle and D. Curran, 1988, "Contingencies for dispositional disparities in juvenile justice," *Social Forces* 67: 23-58.

Viewing some youth as more culpable than others is particularly troubling in light of recent research indicating that brain development is not complete until individuals enter their mid-20s. Neuroscience research shows that areas such as the prefrontal cortex and other parts of the brain engaged in reasoning and self-control are not fully developed until mid to late 20s.[18] In particular, studies show that that young adults and adolescents are more likely to engage in risky behavior, are more impulsive, less future-oriented, and are highly susceptible to peer and other outside influences.[19] The delay in full development of self-reasoning and self control is especially relevant for youth exposed to trauma, which is common among young people – especially children of color – who have criminal justice contact at a young age.[20]

Taken together, the research shows children have different reasoning capabilities, and thus different levels of culpability, than adults; and that differential treatment of and expectations for youth of color play a significant role in persistent ethno-racial disparities among children in the juvenile justice system.

II. Key Findings

The key finding of this report is that children of color are disproportionally over-represented in Washington's juvenile justice system. In particular, Black and Latinx children are disproportionally over-represented among youth convictions, discretionary decline, and auto decline cases. Differences neither in criminal histories nor types of offense explain this disproportional over-representation.

[18] A.J. Gerber, B. Peterson, J. Giedd, F. Lalonde, M. Celano, S. White, G. Wallace, N. Lee, & R. Lenroot, 2009. "Anatomical Brain Magnetic Resonance Imaging of Typically Developing Children and Adolescents." *Journal of the American Academy of Child & Adolescent Psychiatry* 48, no. 5: 465-70.

[19] L. Chester & V. Schiraldi, 2016, Public safety and emerging adults in Connecticut: providing effective and developmentally appropriate responses for youth under age 21. *Cambridge, MA: Harvard Kennedy School, Malcom Wiener Centre for Social Policy*.

[20] E. Adams, 2010, "Healing invisible wounds: Why investing in trauma-informed care for children makes sense." *Justice Policy Institute* brief. J.N. Shaffer & R.B. Ruback, 2002. *Violent victimization as a risk factor for violent offending among juveniles*. Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

III. Data & Methods

Data analyzed in this report were obtained from the State of Washington Administrative Office of the Courts (AOC), containing all convictions in Washington State in which a defendant was under the age of 18 years old at the time of charging, between July 26, 2009 to June 30, 2019. Additional data containing criminal charges in Municipal and District Courts were provided by AOC and merged to construct criminal history information for each juvenile.

Some juveniles were charged multiple times during the ten-year time span, each providing an opportunity for a prosecutor to request a discretionary hearing. Thus, these data are appropriate for using two separate units of analyses: 1) court convictions, and 2) individuals.

Convictions, N= 43,420

The data provided include 43,513 unique Superior Court convictions. Fifty-six convictions heard in District Court and 37 convictions heard in Municipal Court were excluded from the analysis, leaving 43,420 convictions in total.[21] The data provided indicate that 11,503 or 26.5% of convictions involve juveniles of Latinx ethnicity. Conducting Hispanic Surname Analysis[22] identified 702 additional cases as highly likely to be Latinx,[23] increasing the percentage of these cases from 26.5% to 28.3% of this total population.

Juveniles, N= 24,689

The data include information on 24,689 unique individuals convicted in Superior Court for an offense that occurred while under age of 18. Of these juveniles, 11 individuals have offense dates listed indicating the defendant was significantly under 10 years old at the time the most recent offense was committed (indicating the defendant was not yet born in one case, and

[21] Data sharing restrictions do not allow us to provide the list of juvenile convictions excluded in this analysis. For a complete list of excluded cases, please contact the Data Dissemination Administrator at the Administrative Office of the Courts (AOC), Management Services Division.

[22] To ensure that Latinx people were identified as such in our dataset, we employed Hispanic Surname Analysis. This program utilizes the U.S. Census Spanish Surname database and assigns a numeric value between 0 and 1 to all surnames in that database. The list used to identify defendants of Hispanic origin contained 12,497 different Spanish surnames that have been determined by the Census Bureau to be regularly associated with people who identify as Hispanic. These numeric values represent the probability that a given surname corresponds to persons who identified themselves as Hispanic/Latino in the 1990 U.S. Census.

[23] The category "ethnicity" is labeled differently across numerous local, state, and federal agencies. Some report ethnicity as "Hispanic" and others "Latino." For the remainder of the report, we describe these individuals as "Latinx," using the most inclusive version of the category. The category of Latinx includes individuals who identify as having Latin American origin or descent, used as a gender-neutral or nonbinary alternative to "Latino" or "Latina."

under the age of 7 in six others.) Rather than excluding these individuals, "age" was calculated using "file date year" along with "birth year" in the data set. The data provided indicate that 6,351 of these juveniles are of Latinx ethnicity. Conducting Hispanic Surname Analysis identified 503 additional cases as highly likely to be Latinx, increasing the percentage of these cases from 25.7% to 27.7% of this total population.

Restructuring the data to use individuals as the units of analysis allowed us to construct criminal histories for each juvenile convicted. We selected the most recent conviction as the current charge. Information on criminal history includes previous juvenile convictions in Superior Court, 4,964 charges in Municipal Court, and 5,608 charges in District Court (including charges that were diverted, deferred, or vacated.)

Calculating and Interpreting Racial Disparity Measures

There are a number of ways to examine disparities among racial groups. The most common measures used to examine racial disparities include differences in proportions, disproportionality index score, and disparity ratios. Assessing the difference in proportions (measured as the number of individuals in a given racial/ethnic group divided by the total number of individuals) between juvenile convictions and the population of juveniles living in Washington State provides a concrete measure of the under- or over-representation of youth of color in the juvenile justice system.

Disproportionality index scores comprise the ratio of the proportion of a specific racial/ethnic group (e.g., Latinx children convicted as juveniles), to the proportion of the same racial/ethnic group of a base population (e.g., Latinx children living in Washington State.) This is another measure of under- or over-representation of members of specific racial/ethnic groups. A disproportionality index score of 1.0 indicates perfect representation; a score of greater than 1.0 indicates the racial/ethnic group is over-represented; and a score of less than 1.0 indicates under-representation.

A disparity ratio (also called a risk ratio in experimental studies) indicates how the likelihood or "risk" of selection among one racial/ethnic group compares to the risk of selection for a comparison group. The disproportionality index score of one racial/ethnic group is divided by the disproportionality index score of the comparison group, producing a disparity ratio. Disparity ratios thus indicate the relative under- or over-representation compared to another group (often compared to Whites, when Whites comprise the majority racial/ethnic group.)

Methodological Limitations

Regression Analysis. When possible, social scientists employ multivariate regression modeling to tease apart the complex relationships between a variety of factors that may influence a particular outcome, such as prosecutors' decisions to pursue discretionary decline transfers in some cases but not others. However, data used in multivariate regression modeling must meet certain mathematical conditions in order to yield results that can be definitively interpreted and confidently relied upon. Conventional methods for analyzing data similar to those provided by AOC include techniques such as maximum likelihood estimation (MLE) of logistic models and Bayesian Parameter Estimation. Both of these regression techniques have specific assumptions about data (i.e., sample size or specification of the prior distribution) that must be met in order to produce reliable results. Maximum likelihood estimation is a standard approach that produces relatively straightforward interpretations of the presence, direction, and size of statistical associations between variables. However, MLE is known to produce biased estimates when sample sizes do not meet necessary conditions, and the degree of bias is heavily dependent on the number of "rare events" or cases in the less frequent of the two categories.[24] Although there are adjustment methods that can be employed, these methods are computationally intensive, require numerous conditional caveats, and generally produce results that are difficult to interpret. While such results may be appropriate for methodological journals and statistically-oriented audiences, they often provide little insight for those simply seeking to understand if and how a given set of variables matter in determining a particular outcome. The benefit of regression modeling is the ability to assess the role of specific variables in determining an outcome, while also simultaneously estimating the statistical relationships among other variables. However, bivariate statistical tests reliably assess significant relationships between two variables, indicating the presence and direction of impact of one factor on another. Thus, the analyses presented in this report rely on bivariate statistical tests measuring differences between groups.

Differences Between Groups. Standard tests for measuring statistical differences between groups include Chi-square for measuring differences in proportions and ANOVA (analysis of variance) for measuring differences in means. Chi-square statistics are sensitive to sample size, and cannot be appropriately applied to data that have fewer than 5 cases in a given group. As a

[24] G. King & L.Zeng, L.,2001, "Logistic regression in rare events data," *Political analysis*, *9*(2), 137-163; M. Tomz, G. King, & L.Zeng, 2003, "ReLogit: Rare events logistic regression," *Journal of statistical software*, *8*(i02); H. Leitgöb, 2013, "The problem of modeling rare events in ML-based logistic regression," *European Survey Research Association. Ljubljana*.

result, in this report there are times when racial categories are omitted due to inadequate numbers to meet the conditions of this statistical test. In the analysis presented here, the ethno-racial group listed as "Unknown" and/or "Other Race" is often omitted from statistical tests for this reason. When comparison groups are very small, such as when testing across ethno-racial groups within a specific category of offense, there may be only enough cases to test for differences between White, Black, and Latinx juveniles.

Chi-square is also problematic when sample sizes are very large, and will find statistical "significance" for even very small differences, making it ineffectual as a measure of true statistical association in samples larger than roughly 10,000 cases (and under some conditions, even smaller.)[25] To account for this sensitivity, when using Chi-square to test for statistical association using the full sample, we disaggregate the data by filing year to create smaller groups for testing. The varying conditions for meeting mathematical assumptions for statistical analysis are precisely why social scientists resist relying on one measurement to determine the relationships between variables, and instead report multiple measurements and/or to discuss different aspects (such as strength of association) when examining data.[26]

IV. Findings

The findings are presented in five sections. First, we present an overview of the population represented in these data, using two units of analysis: convictions and individuals. The overview examines the gender, racial, and age composition of children convicted in Washington State between 2009 and 2019. We calculate multiple measures of racial disparity using both units of analysis. The second section compares children sentenced as adults to those sentenced as juveniles. In the third and fourth sections, we examine the roles of criminal history and type of offense in discretionary decline decisions, finding little evidence to support that either of these factors explain pursuit of discretionary decline transfers. The final section examines a subset of the juveniles that are very similarly situated to a particular case: Christian Quijas.[27]

---

[25] L.Mingfeng, H. Lucas, & G.Shmueli, 2013, "Research commentary—too big to fail: large samples and the p-value problem." *Information Systems Research* 24.4: 906-917; D. Bergh, 2015, "Sample size and chi-squared test of fit—a comparison between a random sample approach and a chi-square value adjustment method using Swedish adolescent data." *Pacific rim objective measurement symposium (PROMS) 2014 conference proceedings*. Springer, Berlin, Heidelberg; J. Khalilzadeh & A. Tasci. 2017, "Large sample size, significance level, and the effect size: Solutions to perils of using big data for academic research." *Tourism Management* 62: 89-96.

[26] R. Connelly, et al., 2016, "The role of administrative data in the big data revolution in social science research." *Social science research* 59: 1-12.

[27] Information about Christian Quijas used in this analysis was provided by his attorney, Jeri Chavez, at the Skagit County Public Defender's Office. Information regarding Mr. Quijas and his specific case was not provided by AOC.

A. Population: A Snapshot

We begin by examining the gender, age, and ethno-racial composition of children convicted in Washington State between 2009 and 2019.

Unit of Analysis: Superior Court Convictions

The data indicate that between July 2009 and June 2019, there were 43,420 juvenile convictions in Superior Court. Of those, 79 percent of juvenile convictions involved boys; 21 percent involved girls and in roughly 0.1 percent of cases, the child's gender identity was not recorded, unknown, or listed as both female and male at different time points. Table 1 below shows that roughly three-quarters (74%) of juveniles were aged 15, 16 or 17 years old at the time of filing; 15 percent of cases involved 14 year olds, 8 percent of cases involved 13 year olds, and just over 3 percent of cases involved children aged 10 to 12 years old.

Table 1. Gender and Age Characteristics of Juvenile Convictions in Washington State Superior Court, 2009-2019

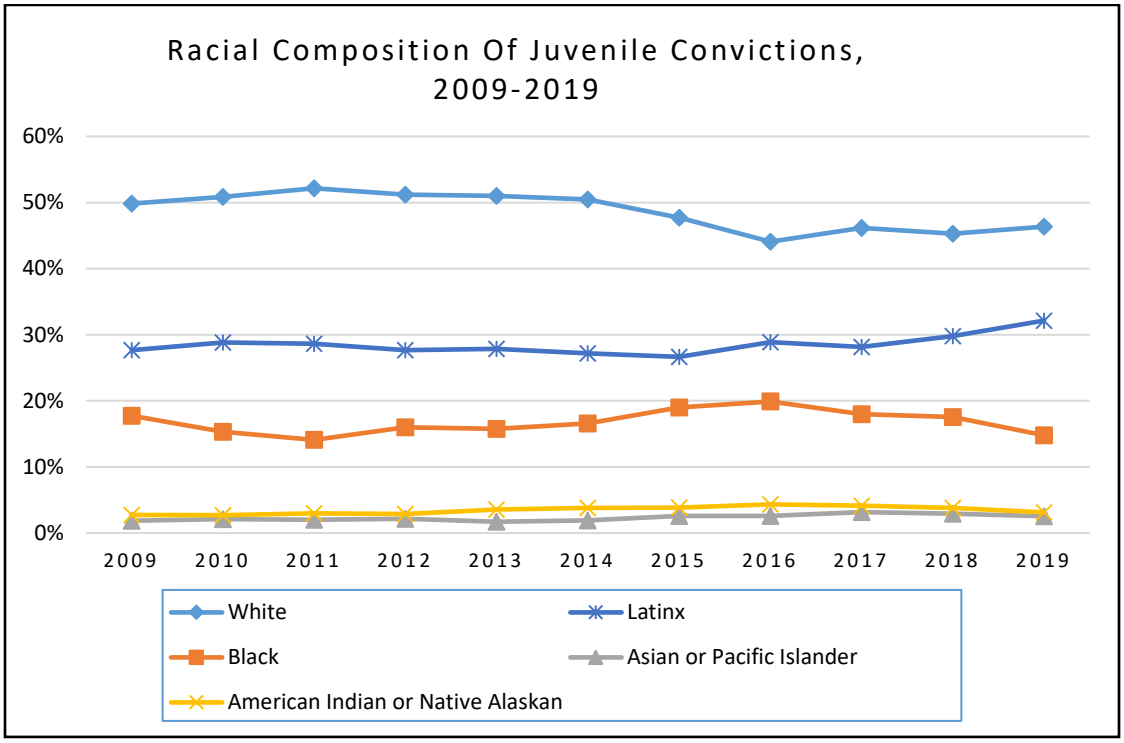
Age at Filing (Years)	Girls (Number)	Boys (Number)	Nonbinary or unknown (Number)	Total (Number)	Age (%)
10	6	19	0	25	0.1%
11	18	123	0	141	0.3%
12	210	1025	1	1236	2.8%
13	722	2740	1	3463	8.0%
14	1475	4906	7	6388	14.7%
15	2109	7230	14	9353	21.5%
16	2272	8830	11	11113	25.6%
17	2105	9586	10	11701	26.9%
Total	8917	34459	44	43420	100.0%
% Gender	20.5%	79.4%	0.1%	100.0%	

Source: Authors' analysis of AOC data.
Note: In 38 convictions, a juvenile defendant was identified as a girl and also as a boy according to AOC records; the author was unable to obtain information on whether this reporting indicates a clerical error or if the children in these cases identified as having a non-binary and/or transgender identity; in 6 cases the gender of the child was not listed.

The racial composition of juvenile cases charged during the last ten years has remained relatively stable (see Figure 1.) Approximately one-half of cases involving juvenile defendants charged between 2009 and 2019 were White, with a slight decline starting in 2015 (48% were

White) through 2019 (46% were White.) Latinx children have comprised roughly 30 percent of juvenile defendants over the same period and black children comprised between 14 and 20 percent of cases.

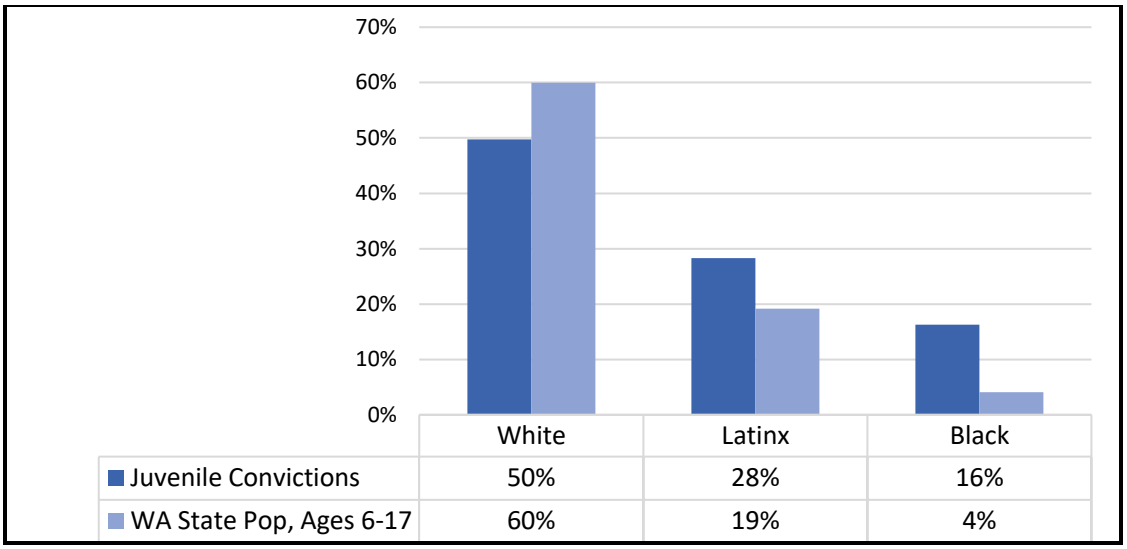
Figure 1. Racial Composition over Time of Juvenile Cases Charged in Washington State Superior Court: 2009-2019



Source: Authors' analysis of AOC data.
Note: In 103 convictions (0.2%), the race of the juvenile defendant is listed as "Other Race" or "Unknown"; these cases are not shown here.

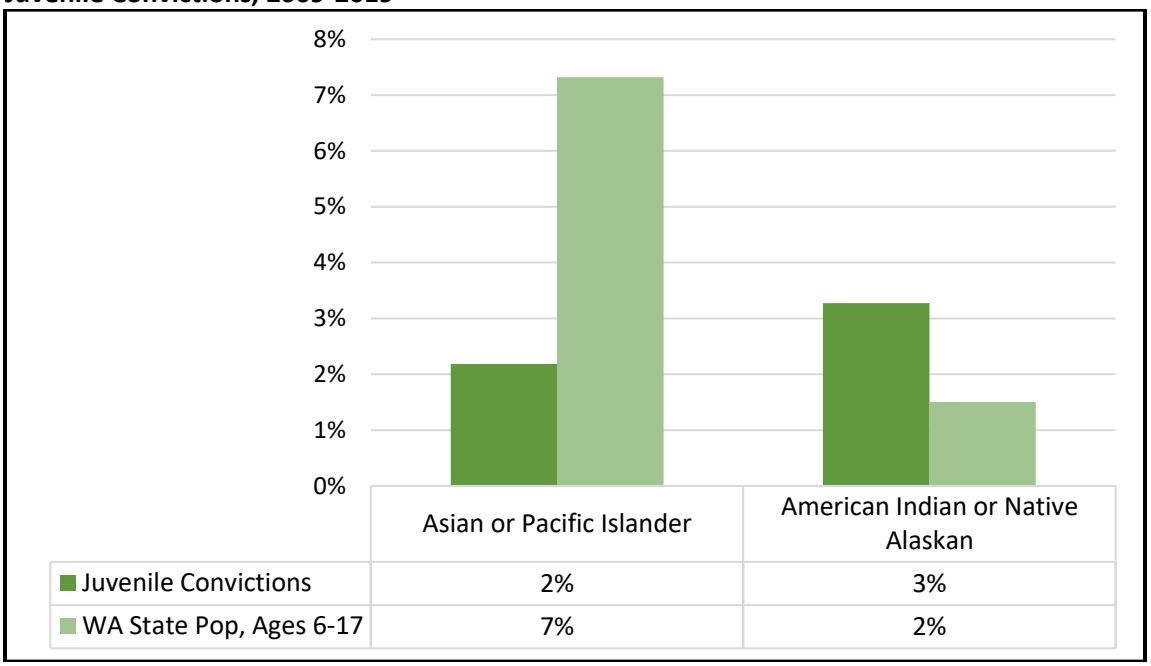
When compared to the racial composition of juveniles aged 7 to 17 in Washington State during the same time period, White and Asian children are underrepresented, and Black and Latinx children are overrepresented among juvenile convictions. Figures 2 and 3 below show this relationship.

Figure 2. Racial Composition of White, Latinx, and Black Children in Washington State Compared to Juvenile Convictions, 2009-2019



Source: Authors' analysis of AOC data. Washington State population data by race and age downloaded from U.S. Census Bureau, State Characteristics: Population Estimates Table "SC-EST2019-ALLDATA6: Annual State Resident Population Estimates for 6 Race Groups (5 Race Alone Groups and Two or More Races) by Age, Sex, and Hispanic Origin: April 1, 2010 to July 1, 2019".

Figure 3. Racial Composition of Asian and Native American Children in Washington State Compared to Juvenile Convictions, 2009-2019



Source: Authors' analysis of AOC data; Washington State population data by race and age downloaded from U.S. Census Bureau, State Characteristics: Population Estimates Table "SC-EST2019-ALLDATA6: Annual State Resident Population Estimates for 6 Race Groups (5 Race Alone Groups and Two or More Races) by Age, Sex, and Hispanic Origin: April 1, 2010 to July 1, 2019".

When compared to the racial composition of Washington State residents between the ages 6 and 17, we see that children of color are disproportionally over-represented among juvenile convictions. Three racial disparity measures are presented in Table 2. Cases involving Latinx, Black, or American Indian juveniles have disproportionality index scores well above 1, indicating over-representation of these racial/ethnic groups among juvenile convictions in Washington.

The disparity ratio of 1.78 indicates that convictions involving Latinx children happen at a rate that is ***1.8 times*** the rate of convictions involving White children. Put another way: the rate for convictions involving Latinx children is ***78% higher*** than the rate for convictions involving White children. Convictions of American Indian children occur at a rate that is ***2.6 times*** that of those involving White children, and convictions involving Black children happen at a rate ***4.8 times*** that of the rate of convictions involving White children. By contrast, convictions involving Asian or Pacific Islander children occur at a lower rate than those involving White children.

Table 2. Measure of Racial Disparities in Juvenile Convictions in Washington State, 2009-2019

	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan
Juvenile Convictions	50%	28%	16%	2%	3%
WA State Pop, Ages 6-17	60%	19%	4%	7%	2%
Difference in Proportions	-10%	9%	12%	-5%	2%
Disproportionality Index Score	0.83	1.48	3.98	0.30	2.17
Disparity Ratio (vs. White*)	*	1.78	4.80	0.36	2.62

Source: Authors' analysis of AOC data; Washington State population data by race and age downloaded from U.S. Census Bureau, State Characteristics: Population Estimates Table "SC-EST2019-ALLDATA6: Annual State Resident Population Estimates for 6 Race Groups (5 Race Alone Groups and Two or More Races) by Age, Sex, and Hispanic Origin: April 1, 2010 to July 1, 2019".

Among the 43,420 convictions of juveniles during this ten year period, 40 percent of convictions were of felony offenses and 60 percent were misdemeanor offenses. Table 3 shows the distribution of felony versus misdemeanor convictions by race/ethnicity.

Table 3. Distribution of Felony and Misdemeanor Juvenile Convictions by Race, 2009-2019

	Misdemeanor %	Felony %	Difference in Proportions	Total Number
White	63.8%	36.2%	27.6%	21603
Latinx	60.0%	40.0%	20.0%	12285
Black	50.0%	50.0%	0.0%	7059
Asian or Pacific Islander	49.5%	50.5%	-1.0%	949
American Indian or Native Alaskan	60.3%	39.7%	20.6%	1421
Other or Unknown Race	48.5%	51.5%	-3.0%	103
Total	60.0%	40.0%	20.0%	43420

Source: Authors' analysis of AOC data.

These juvenile convictions data show an association between racial/ethnic group and type of conviction. (See Appendix Table A1 for association tests.) Among convictions involving Black, Asian, or children with unknown race, felony and misdemeanor convictions are nearly equally distributed within each racial category. By contrast, a larger proportion of convictions involving American Indian, Latinx, and White children are misdemeanors rather than felonies (the largest difference in proportions – 28% - between misdemeanor and felony convictions are among convictions involving White children.) When examined within racial/ethnic categories, the largest proportion of convictions are for misdemeanor property crimes (within group proportions range from 23% to 28% of convictions for this offense category.) (See Appendix Table A2 for detailed breakout of the type of offense by racial/ethnic groups.)

The Chi-square test results indicate a statistically significant association between race and seriousness of offense (measured as felony vs. misdemeanor conviction.) Calculating measures of disparity between racial categories indicates the direction of this association. Table 4 compares ethno-racial composition of felony convictions compared to the ethno-racial composition of juvenile convictions, a group whose over-representation of children of color we have already established. The disparity measures indicate that convictions involving Latinx, Black, Asian, and American Indian children are over-represented among felony convictions. Specifically, felony convictions involving Latinx children occur at 1.9 times the rate of convictions involving White children; felony convictions involving Black children occur at 4.2 times the rate of White children; the same involving American Indian children occur at 16.6 times the rate of White children; and felony convictions involving Asian or Pacifica Islander children occur at a daunting 31.6 times the rate of convictions involving White children.

Table 4. Measure of Racial Disparities in Felony Juvenile Convictions in Washington State, 2009-2019

	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan
Felony Convictions	36%	40%	50%	50%	40%
All Juvenile Convictions	50%	28%	16%	2%	3%
Difference in Proportions	-14%	12%	34%	48%	36%
Disproportionality Index Score	0.73	1.41	3.08	23.09	12.13
Disparity Ratio (vs. white)		1.94	4.22	31.64	16.61

Source: Authors' analysis of AOC data.

In sum, this overview of convictions involving juveniles in Washington State shows:

- Children of color are disproportionally over-represented among youth convictions in Washington State;
- There is a statistically significant association between racial/ethnic group and seriousness of conviction (measured as felony versus misdemeanor); and
- Children of color are disproportionally over-represented among youth felony convictions in Washington State.

These findings suggest that not only are children of color over-represented in youth convictions, that when convicted, youth of color may be more likely to be charged with, and therefore convicted of, more severe crimes.

One potential concern with evaluating juvenile convictions is that if youth of color are convicted of crimes more frequently than White youth, the demographic composition of convictions may overinflate the representation of youth of color. To address this potential concern, in the next section we examine the ethno-racial representation among individuals (rather than convictions) involved in the juvenile criminal justice system in Washington.

Unit of Analysis: Juveniles

Between July 2009 and June 2019 in Washington State, records show that 24,869 juveniles were convicted in Superior Court. Roughly one-half (52%) of children convicted are White; 14 percent are Black, and 28 percent are Latinx. Over three-quarters (77%) of juveniles were identified as boys and 22 percent were identified as girls. Table 5 shows the gender and racial composition of children convicted.

Table 5. Juveniles Convicted in Washington, by Gender and Race, 2009-2019

	Girls %	Boys %	Nonbinary or unknown %	Total %
White	53.0%	51.4%	19.0%	51.7%
Latinx	25.7%	28.3%	42.9%	27.7%
Black	14.0%	14.6%	23.8%	14.4%
Asian or Pacific Islander	2.0%	2.5%	.0%	2.4%
American Indian or Native Alaskan	5.1%	2.9%	.0%	3.4%
Other or Unknown Race	.2%	.3%	14.3%	.3%
Total	100.0%	100.0%	100.0%	100.0%

Source: Authors' analysis of AOC data.
Note: For 21 juvenile defendants, gender was identified as a girl and also as a boy according to AOC records; the author was unable to obtain information on whether this reporting indicates a clerical error or if the children in these cases identified as having a non-binary and/or transgender identity; in 6 cases, the gender of the child was not listed.

Three racial disparity measures comparing the ethno-racial proportions of juveniles convicted in Washington State are presented in Table 6. Latinx, Black, or American Indian children have disproportionality index scores above 1.0, indicating over-representation of these racial/ethnic groups among convicted juveniles.

The disparity ratio of 1.74 indicates that Latinx children are convicted at a rate that is ***1.7 times*** the rate of White children (or that the rate of Latinx children being convicted is ***68% higher*** than the rate for White children.) American Indian children are convicted at a rate that is ***2.6 times*** that of White children, and Black children are convicted at a rate ***4.1 times*** that of White children. The results presented in Table 6 demonstrate that racial disparities found among convictions are similarly reflected in the analysis of individual juveniles.

Table 6. Measure of Racial Disparities among Juveniles Convicted in Washington State, 2009-2019

	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan
Juvenile Convictions	52%	28%	14%	2%	3%
WA State Pop, Ages 6-17	60%	19%	4%	7%	2%
Difference in Proportions	-8%	9%	10%	-5%	2%
Disproportionality Index Score	0.86	1.45	3.52	0.33	2.26
Disparity Ratio (vs. White*)	*	1.68	4.10	0.38	2.63

Source: Authors' analysis of AOC data; Washington State population data by race and age downloaded from U.S. Census Bureau, State Characteristics: Population Estimates Table "SC-EST2019-ALLDATA6: Annual State Resident Population Estimates for 6 Race Groups (5 Race Alone Groups and Two or More Races) by Age, Sex, and Hispanic Origin: April 1, 2010 to July 1, 2019".

Incorporating Criminal History

One benefit of analyzing individuals rather than convictions is the ability to examine each juvenile's criminal history when comparing outcomes. Using the most recent conviction in Superior Court as the primary case, criminal history data was appended to each of the 24,689 children convicted between 2009-2019. The majority (62%) of juveniles have only one conviction in Superior Court between 2009 and 2019. Approximately 20 percent have two convictions, 9 percent have three convictions, and 5 percent of juveniles have 4 or more convictions. (See Appendix Table A3 for the number and cumulative percent of convictions.)

When broken out by race, there appears to be slight differences in the mean number of convictions in Superior, Municipal, and District Court between racial groups. Table 7 shows that the mean number, or 2 convictions, is the same for all racial/ethnic groups except for those reported as unknown or other race. Latinx children have a lower mean number of convictions in Municipal Court (2 versus 3 convictions) compared to other racial groups.

Table 7. Mean Number of Per Juvenile Convictions in Superior, Municipal, and District Court by Race in Washington State, 2009-2019

	Mean No. Superior Court Convictions	Mean No. Municipal Court Convictions	Mean No. District Court Convictions
White	2	3	2
Latinx	2	2	2
Black	2	3	2
Asian or Pacific Islander	2	3	2
American Indian or Native Alaskan	2	3	3
Other or Unknown Race	1	3	4
Total	2	3	2
ANOVA p-value	0.000	0.000	0.000
Partial Eta Squared value	0.006	0.007	0.004

Source: Authors' analysis of AOC data

A statistical test indicates there is an association between race and average number of Superior Court convictions (ANOVA p- value = 0.000), but the strength of association is small: Partial Eta Squared = 0.006. This indicates that just 0.6% of the variance in average Superior Court convictions is explained by ethnicity/race. A similar pattern holds for differences in Municipal Court and District Court convictions, in which ethno-racial grouping explains less than one percent of variance in average convictions in each court. (See Appendix Tables A4 and A5 for detailed descriptive statistics and ANOVA results of convictions by court.)

Taken together, these data show:

- Children of color are disproportionally over-represented among youth convicted in Washington State, and
- There is a very weak association between racial/ethnic group and criminal history (measured as mean number of prior convictions in Superior, Municipal, or District courts).

Given that ethno-racial groupings explain less than one percent of the differences in average number of total convictions in Superior Court and prior convictions in Municipal and District Course, this measure of criminal history does not explain the over-representation of youth of color in the juvenile justice system. In the next section, we compare children that are sentenced as adults to those who are sentenced as juveniles.

B. Comparing Children Who are Sentenced as Adults to Those Who are Not

The majority of children convicted in Washington State (97%) are sentenced as juveniles. Among those who were sentenced as adults for their most recent conviction, 2 percent (495) of children were transferred to adult court through the "auto decline" process, and 1.2 percent (294) were sent to adult court through a discretionary hearing initiated by prosecuting attorneys. Importantly, the AOC data reflects only juvenile cases that were ultimately transferred to adult court and does not indicate cases in which a discretionary hearing was prompted, but did not result in transfer.

Transfers to adult court through the discretionary decline process represent a relatively small proportion of juvenile cases. However, the proportion of cases selected for transfer thorough discretionary decline are not evenly spread across counties. Between 2009 and 2019, 13 counties in Washington State chose not to transfer any juveniles to adult court through the discretionary decline process. Table 8 shows the number and proportion of juveniles convicted as juveniles and as adults by county.

The five counties with the largest proportions of juveniles transferred through a discretionary decline hearing occurred in Asotin, Lewis, San Juan, Columbia and Skagit counties, respectively. None of these five counties is among the most populous counties, and three of these counties (Asotin, Columbia, and San Juan) are among 11 of the least populous counties in the state.

Table 8. Children Convicted by Decline Status and County & Average Number of Convictions per Capita in Washington State, 2009-2019

	No Decline	Discretionary Decline	Auto Decline	Total No. Juveniles Convicted	* Juvenile Convictions (Mean)	*Juvenile Convictions per 1,000 Youth (Mean)
ASOTIN	95%	4.1%	.8%	245	41	16.93
LEWIS	95%	4.0%	1.1%	553	92.9	9.60
SAN JUAN	97%	3.4%	.0%	29	4.1	2.81
COLUMBIA	98%	2.5%	.0%	40	6.7	14.93
SKAGIT	96%	2.1%	1.5%	677	106.4	7.00
KING	94%	2.0%	4.2%	3181	549.4	2.32
YAKIMA	95%	1.9%	3.0%	1862	296.4	7.59
PIERCE	94%	1.7%	4.0%	2480	462.5	4.28
CHELAN	97%	1.5%	1.5%	474	76.2	7.73
CLARK	97%	1.3%	1.4%	2312	418	6.59
SPOKANE	96%	1.3%	3.2%	1361	225	3.38
FRANKLIN	98%	1.2%	.8%	521	111.4	7.62
KLICKITAT	98%	1.0%	1.0%	103	15.6	6.27
BENTON	98%	.9%	1.2%	1222	240.5	8.94
GRANT	98%	.9%	1.6%	704	137.8	9.35
WHATCOM	98%	.8%	1.1%	872	142.8	4.96
DOUGLAS	98%	.8%	1.2%	251	41.6	7.17
PACIFIC	98%	.8%	.8%	133	20.3	9.80
ADAMS	98%	.6%	1.2%	166	29.6	8.04
KITTITAS	98%	.5%	1.5%	201	29.4	4.26
WALLA WALLA	99%	.5%	.5%	430	74.6	8.76
MASON	99%	.4%	.4%	279	44.7	6.42
SNOHOMISH	98%	.3%	2.0%	1539	274.3	2.86
COWLITZ	99%	.3%	.6%	705	145.2	10.75
OKANOGAN	99%	.2%	.9%	434	82.7	16.19
THURSTON	99%	.1%	.5%	1530	273.7	7.97
CLALLAM	100%	.0%	.0%	358	55.1	7.54
FERRY	100%	.0%	.0%	33	5	5.46
GARFIELD	100%	.0%	.0%	12	1.6	5.69
GRAYS HARBOR	99%	.0%	.6%	336	57.5	6.70
ISLAND	100%	.0%	.5%	211	32	3.93
JEFFERSON	100%	.0%	.0%	90	13.8	5.51
KITSAP	100%	.0%	.2%	925	168.2	5.57
LINCOLN	100%	.0%	.0%	19	3.1	2.24
PEND OREILLE	100%	.0%	.0%	43	6.4	4.09
SKAMANIA	100%	.0%	.0%	53	8.7	6.31

	No Decline	Discretionary Decline	Auto Decline	Total No. Juveniles Convicted	* Juvenile Convictions (Mean)	*Juvenile Convictions per 1,000 Youth (Mean)
STEVENS	100%	.0%	.0%	195	30.1	5.13
WAHKIAKUM	100%	.0%	.0%	16	3.1	7.37
WHITMAN	99%	.0%	1.1%	94	14.6	1.48
Total Number	23900	294	495	24689	4342	4.81

Source: Authors' analysis of AOC data. County juvenile population derived from Washington State Office of Financial Management, Forecasting and Research Division, Small Area Demographic Estimates (SADE) by Age, Sex, Race, and Hispanic Origin, Version 20201210_R01, 2010-2020. https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/estimates-april-1-population-age-sex-race-and-hispanic-origin.

*This represents the mean number of juvenile convictions in each county per year, not the number of juveniles convicted.

Note: Youth population by county includes children ages 10-19; means derived from 2010-2019 data.

In terms of ethno-racial distributions, the data show that the decline process disproportionately affects children of color in Washington State. Table 9 lists the proportion of each racial/ethnic group comprising juveniles not transferred and transferred to adult court through a decline process. These data reveal that Latinx juveniles comprise the largest proportion – 43% – of children selected to be sentenced as adults through the discretionary decline process. Black children make up the largest proportion (38%) if juveniles sentenced as adults through the auto decline process. White children comprise the largest proportion (53%) of juveniles not sentenced as adults when convicted in Washington State.

Table 9. Juveniles Convicted in Washington State, by Decline Status and by Race, 2009-2019

	No Decline	Discretionary Decline	Auto Decline	Total
White	52.6%	29.6%	21.8%	51.7%
Latinx	27.4%	42.5%	33.5%	27.7%
Black	13.8%	22.8%	38.0%	14.4%
Asian or Pacific Islander	2.4%	4.4%	3.8%	2.4%
American Indian or Native Alaskan	3.4%	.7%	2.8%	3.4%
Other or Unknown Race	.3%	.0%	.0%	.3%
Total	100.0%	100.0%	100.0%	100.0%

Source: Authors' analysis of AOC data

When examined in the context of the ethno-racial composition of youth living in Washington State, racial disparity measures demonstrate a stark over-representation of children of color

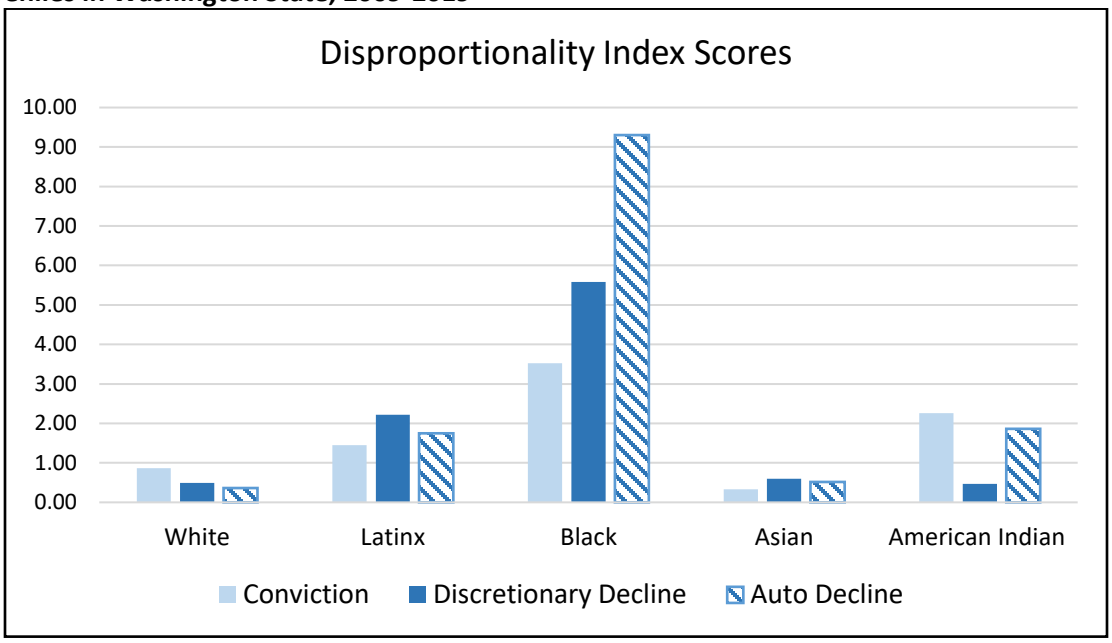
among juveniles selected for adult sentencing during 2009-2019. This is true for both discretionary and auto declines.

Among juveniles adjudicated as adults through the discretionary decline process, Latinx children are selected for treatment as adults at rate ***4.5 times*** the rate as White children; that is, the rate of Latinx children being adjudicated as adults is ***350% higher*** than the rate for White children. Black children are adjudicated as adults through discretionary decline hearings at a rate that is ***11.4 times*** the rate of White children. Asian children are adjudicated as adults through discretionary decline process at a rate ***1.2 times*** that of White children. Conversely, American Indian children are sentenced as adults in this manner at a lower rate than that of White children -- 0.95. (See Appendix Table A6 for all three measures of ethno-racial disparity constructed using state residents' racial composition of youth.)

The racial disparities only grow among children sentenced as adults through the "auto decline" process. Among juveniles sentenced as adults through the auto decline process, Latinx children are adjudicated as adults at rate ***4.9 times*** the rate of White children; that is, the rate of Latinx children being sentenced as adults is ***386% higher*** than the rate for White children. Black children are adjudicated as adults through auto decline hearings at a rate that is ***25.8 times*** or ***2,484% higher*** than the rate of White children, Asian children at a rate ***1.4 times*** that of White children, and American Indian children at a rate ***5.2 times*** the rate of White children. (See Appendix Tables A7 for multiple measure of racial disparity for youth sentenced as adults.)

Figure 4 below shows Disproportionality Index Scores for each racial/ethnic group of juveniles sentenced as adults, constructed using the racial composition of youth residing in Washington State during 2009-2019. Again, scores below 1.0 indicate under-representation, scores equal to 1.0 indicate statistically proportional representation, and scores above 1.0 indicate over-representation.

Figure 4. Disproportionality Index Scores for Conviction, Discretionary Decline and Auto Decline Rates of Juveniles in Washington State, 2009-2019



Source: Authors' analysis of AOC Data; Washington State population data by race and age downloaded from U.S. Census Bureau, State Characteristics: Population Estimates Table "SC-EST2019-ALLDATA6: Annual State Resident Population Estimates for 6 Race Groups (5 Race Alone Groups and Two or More Races) by Age, Sex, and Hispanic Origin: April 1, 2010 to July 1, 2019".

These racial disparities do not disappear even when compared to the racial composition of juveniles convicted in Washington State, rather than the youth population as a whole. Table 10 below provides disparity ratios constructed using both the racial composition of Washington State youth and the racial composition of convicted youth in Washington. (See Appendix Tables A6 through A9 for multiple measures of racial disparity.)

Table 10. Disparity Ratios Comparing Youth of Color to White Youth Sentenced as Adults in Washington State, 2009-2019

	Disparity Ratio Compared to Racial Composition of WA State Youth			Disparity Ratio Compared to Racial Composition of Convicted Youth	
	Conviction	Discretionary Decline	Auto Decline	Discretionary Decline	Auto Decline
Latinx	1.74	4.53	4.86	3.65	2.88
Black	4.25	11.39	25.84	3.77	6.28
Asian or Pacific Islander	0.40	1.23	1.44	4.37	3.77
American Indian	2.72	0.95	5.17	0.49	1.96

Source: Authors' analysis of AOC data.

To summarize, this analysis shows:

- Children of color are disproportionally over-represented among youth sentenced as adults through a discretionary decline process.
- Specifically, among juveniles adjudicated as adults through the discretionary decline process, Latinx children are selected for treatment as adults at rate ***4.5 times higher*** than the rate for White children, when using the racial composition of youth residing in Washington State as the comparison population.
- When compared to convicted youth, Latinx children are selected for treatment as adults at a rate ***that is more than three times higher*** than White children.
- Children of color are disproportionally over-represented among youth adjudicated as adults through the "auto decline" process.
- Specifically, among juveniles sentenced as adults through the auto decline process, Latinx children are sentenced as adults at rate ***4.9 times higher*** than the rate for White children when compared to ethno-racial composition of youth residing in Washington State.
- When compared to convicted youth, Latinx children are sentenced as adults through auto decline at rate ***nearly three times higher*** than White children.

In the following sections, we examine two potential factors that might lead prosecutors' to seek a discretionary decline hearing for some juveniles: criminal history and type of offense.

C. Does Criminal History Drive Discretionary Declines?

A comparison of the number of prior convictions in Superior, Municipal or District courts reveals a weak association between prior criminal convictions and decline decisions. Table 11 presents the mean number of prior convictions in each of these courts across groups experiencing no decline: those selected for adult sentencing through a discretionary decline hearing, and juveniles who were transferred for adult adjudication through the auto decline process. Prior convictions in Superior Court and Municipal Court show a statistical association between priors and the decline categories, although in opposite directions. This shows that there is, on average, a higher number of prior convictions in Superior Court among those who experience decline and those who do not (p-value = 0.000); and that there is, on average, a lower number of prior convictions in Municipal Court among those who experience decline and those who do not (p-value = 0.050.) However, both of these associations are weak. The number

of prior convictions in Superior Court explains a tiny amount of the variation in decline status, specifically, prior convictions explains less than one percent of variance (0.07%) of decline status, and Municipal Court convictions explains 0.01% of variance in decline status.

Table 11. Mean Number of Prior Convictions by Decline Status

Mean Number of Convictions	No Decline	Discretionary Decline	Auto Decline	All Juveniles	ANOVA p-value	Eta Squared Value
Superior Court	0.7	1.5	1.3	0.8	0.000	0.007
Municipal Court	2.7	2.2	2.0	2.7	0.050	0.001
District Court	2.2	2.1	2.1	2.2	0.915	0.000

Source: Authors' analysis of AOC data.

Breaking out the criminal history (measured as mean number of prior convictions) by racial/ethnic group does not provide any additional insight into the dramatic racial disparity across juveniles selected to be adjudicated as adults through the discretionary decline process. White and Black children subjected to a discretionary decline hearing resulting in adult adjudication have, on average, one additional prior conviction in Superior Court compared to those not selected for adult adjudication (see Table 12 below.) However, Latinx children do not follow this pattern; Latinx children have on average one prior Superior Court conviction and two prior convictions in Municipal and District Courts; the same number for those adjudicated as adults and those adjudicated as juveniles.

Table 12. Mean Number of Prior Convictions, by Decline Status and Race

	Not Declined			Discretionary Decline			Auto Decline		
	Superior Court	Municipal Court	District Court	Superior Court	Municipal Court	District Court	Superior Court	Municipal Court	District Court
White	0.68	2.71	2.25	1.83	1.84	2.23	1.20	1.75	2.38
Black	0.94	3.05	2.05	1.69	2.44	2.50	1.40	2.14	2.29
Latinx	0.78	2.33	2.00	1.03	2.47	1.76	1.30	2.17	1.77

Source: Authors' analysis of AOC data.

Examining the distribution of prior criminal history across racial/ethnic groups and categories of juveniles adjudicated as adults through the discretionary decline process, the auto decline process, and those not adjudicated as adults, provides no evidence that criminal history is a primary driving factor in prosecutors' decisions to initiate a discretionary decline hearing.

D. Does Type of Offense Drive Discretionary Declines?

Among juveniles convicted during 2009-2019, the following felony offenses triggered the auto decline process resulting in 495 youths adjudicated as adults: homicide, robbery or kidnaping, violent property crime, assault, and sex offenses. Table 13 shows the proportion of these offenses for which youth were convicted, by race.

Table 13. Juveniles Sentenced as Adults through Auto Decline, by Offense Type and Race

Felony Offense	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan	Total % (#)
Homicide	22%	36%	36%	3.5%	2.3%	100% (86)
Robbery/Kidnapping	14%	32%	44%	6%	2%	100% (224)
Violent Property Crime	18%	43%	36%	0%	4%	100% (28)
Assault	22%	38%	36%	1%	3%	100% (123)
Sex	56%	15%	15%	6%	9%	100% (34)
Total	22%	34%	40%	4%	3%	100% (495)

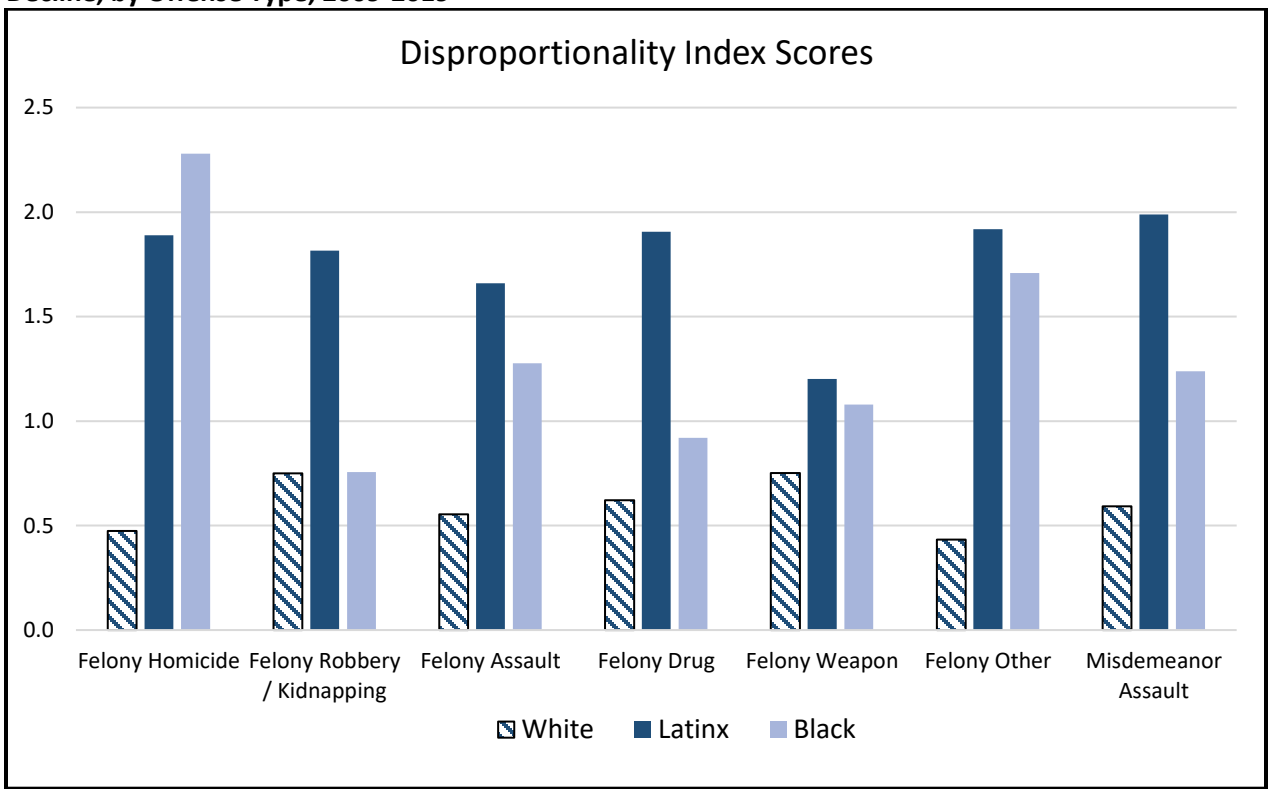
Source: Authors' analysis of AOC data.

By contrast, the 294 children adjudicated as adults resulting from a discretionary decline process were convicted of a wide array of offenses, including not only the felony offenses listed above, but also weapon, property, drug, and "other" felony offenses, as well as assault, sex, property, and "other" misdemeanor offenses. (See Appendix Table A10 for detailed break out of juveniles selected for adult adjudication through discretionary decline, by offense type and race.)

The racial disparities among juveniles selected for adult adjudication through the discretionary decline process do not disappear when analyzing convictions by offense type. Among youth subjected to discretionary declines, Latinx children comprised more than one-half of those convicted for five offense types: felony homicide, felony drug, "other" felony, misdemeanor assault and "other" misdemeanor.

Perhaps more telling is to examine disproportionality index scores comparing juveniles adjudicated as adults through discretionary decline to those not exposed to the decline process. The majority of Latinx children (103 out of 125) sentenced as adults through the discretionary decline process were convicted for a crime falling into one of seven offense categories. Figure 5 demonstrates that for all of these offense types, Latinx children have disproportionality index scores far greater than 1.0, meaning they are disproportionally over-represented when compared to juveniles convicted of *the same offenses* who were not subjected to the discretionary decline process. (See Appendix Table A11 for racial disparity measures by offense and race.)

Figure 5. Disproportionality Index Scores for Juveniles Sentenced as Adults through Discretionary Decline, by Offense Type, 2009-2019



Source: Authors' analysis of AOC data.

When compared to White children convicted of the same crime, Latinx kids are subject to discretionary declines at a higher rate. Table 14 shows the disparity ratios of Latinx and Black children by each offense category for which children subjected to the discretionary decline process were convicted. Latinx children convicted of felony homicide were adjudicated as adults at a rate that is ***4 times*** the rate of White children *convicted of the same crime* and

subjected to discretionary decline. In other words, the rate at which Latinx children were convicted of felony homicide and adjudicated as adults is ***302% higher*** than the rate of White children convicted of felony homicide and adjudicated as adults.

Black children convicted of felony homicide were adjudicated as adults through discretionary decline at a rate that is ***4.9 times*** the rate of White children convicted of the same crime subjected to discretionary decline. (See Appendix Table A11 for racial disparity measures by offense and race.)

Table 14. Disparity Ratios: Latinx and Black Juveniles Compared to White Juveniles Sentenced as Adults through the Discretionary Decline Process, by Offense Type

Offense Type	Disparity Ratio*	
	Latinx	Black
Felony Homicide	4.02	4.85
Felony Robbery / Kidnapping	2.42	1.01
Felony Assault	3.02	2.32
Felony Sex	1.52	7.32
Felony Property	1.40	2.15
Felony Drug	3.07	1.48
Felony Weapon	1.60	1.44
Felony Other	4.46	3.97
Misdemeanor Assault	3.37	2.10

Source: Authors' analysis of AOC data.
*Compared to White Juveniles

This analysis shows that youth of color are, to an extraordinary degree, disproportionally over-represented among juveniles adjudicated as adults through the discretionary decline process, even when type of offense is accounted for in the analysis.

E. Examination of a Specific Case

It is possible that while neither criminal history nor seriousness of offense alone explain the racial variation in decline status, a more targeted set of comparisons may reveal important differences across groups. In the following, we construct groups that are more specifically

similar to the case involving Christian Quijas, a young Latino convicted of two charges, both felonies, with no other prior convictions in Superior Court between 2009 and 2019.

Juveniles with Two Felony Convictions

Table 15 shows the proportion of decline cases among the 1,010 juveniles with two felony convictions, and no other prior convictions in Superior Court, 2009 - 2019. The data indicate that 42 percent of juveniles with two felony convictions that were not subjected to the decline process are White children, compared to 28 percent of Latinx and 24 percent of Black similarly situated children. By contrast, ***over one-half (51.4%) of juveniles with two felony convictions selected for adult adjudication through discretionary decline are Latinx children***, compared to 19 percent of White and 24 percent of Black similarly-situated children. Nearly one-half (48%) of juveniles convicted of two felonies adjudicated as adults through the auto decline process are Black compared to 17 percent of White and 21 percent of Latinx children.

Table 15. Juveniles with Two Superior Court Felony Convictions, by Race and Decline Status, Washington State 2009-2019, N=1,010

	No Decline %	Discretionary Decline %	Auto Decline %	Total %	Total Number
White	41.6%	18.9%	17.3%	39.0%	394
Latinx	28.2%	51.4%	21.3%	28.5%	288
Black	24.3%	24.3%	48.0%	26.0%	263
Asian or Pacific Islander	3.5%	5.4%	10.7%	4.1%	41
American Indian or Native Alaskan	2.2%	.0%	2.7%	2.2%	22
Other/Unknown Race	.2%	.0%	.0%	.2%	2
Total %	100%	100%	100%	100%	
Total Number	898	37	75		1010

Source: Authors' analysis of AOC data.

Comparing the ethno-racial composition of children adjudicated as adults through discretionary decline to those not exposed to the decline process concretely demonstrates the over-representation of children of color among discretionary decline cases. Table 16 presents multiple disparity measures using two baseline groups: 1) juveniles convicted of two felonies not exposed to the decline process; and 2) all juveniles convicted of two felonies in Washington State.

Recall that a Disproportionality Index Score of 1.0 indicates perfect representation, less than 1.0 indicates under-representation, and greater than 1.0 indicates over-representation. Among children convicted of two felonies in Superior Court, Latinx and Asian children are over-represented among those subjected to discretionary decline (DI scores > 1.0). Notably, even when *compared to youth who have similar criminal contexts*, Latinx children are selected for adjudication as adults through discretionary decline at a rate ***4 times the rate*** of their White counterparts. Black children convicted of two felonies, while not disproportionally represented among decline cases, are nonetheless adjudicated as adults through discretionary decline at twice the rate of their White counterparts.

Table 16. Racial Disparity Measures of Juveniles with Two Felony Convictions in Superior Court, by Decline Status, Washington State 2009-2019, N=1,010

	Compared to No Decline					Compared to All Juveniles			
	White	Latinx	Black	Asian		White	Latinx	Black	Asian
Discretionary Decline	18.9%	51.4%	24.3%	5.4%	Discretionary Decline	18.9%	51.4%	24.3%	5.4%
No Decline, juveniles with 2 Felony Convictions	41.6%	28.2%	24.3%	3.5%	All juveniles with 2 Felony Convictions	39.0%	28.5%	26.0%	4.1%
Difference in Proportions	-23%	23%	0%	2%	Difference in Proportions	-20%	23%	-2%	1%
Disproportionality Index Score	0.45	1.82	1.00	1.57	Disproportionality Index Score	0.48	1.80	0.93	1.33
Disparity Ratio (vs. white)		4.04	2.22	3.49	Disparity Ratio (vs. white)		3.75	1.95	2.77

Source: Authors' analysis of AOC data. *American Indian or Alaska Native and Other Race juveniles omitted from this table because there were no juveniles from these racial categories among this group subject to discretionary decline.

Juveniles with One Felony Homicide Conviction

An additional group appropriate for comparison are juveniles convicted of a felony homicide, regardless of the number or type of other convictions. Table 17 shows the proportion of decline cases among the 143 juveniles convicted of felony homicide between 2009 and 2019. The data indicate the majority of juveniles convicted of felony homicide that were not subjected to the decline process are White children, compared to 22 percent of Latinx and 16 percent of Black similarly situated children.

However, ***two-thirds (66.7%) of juveniles convicted of felony homicide selected for adult adjudication through discretionary decline are Latinx children***, compared to 16.7 percent of White and 8.3 percent of Black similarly-situated children. Just over one-third (36%) of juveniles convicted of felony homicide adjudicated as adults through the auto decline process are Latinx and Black, respectively, compared to 22.1 percent of White children.

Table 17. Juveniles with a Homicide Felony Conviction, by Race and Decline Status, Washington State 2009-2019, N=143

	No Decline %	Discretionary Decline %	Auto Decline %	Total %	Total Number
White	55.6%	16.7%	22.1%	32.2%	46
Latinx	22.2%	66.7%	36.0%	34.3%	49
Black	15.6%	8.3%	36.0%	27.3%	39
Asian or Pacific Islander	2.2%	.0%	3.5%	2.8%	4
American Indian or Native Alaskan	4.4%	8.3%	2.3%	3.5%	5
Other/Unknown Race	.0%	.0%	.0%	.0%	0
Total %	100%	100%	100%	100%	
Total Number	45	12	86		143

Source: Authors' analysis of AOC data.

Among the 143 juveniles convicted of felony homicide, a comparison of the ethno-racial composition of children adjudicated as adults through discretionary decline to those not exposed to the decline process shows the overwhelming over-representation of Latinx children among discretionary decline cases. Table 18 presents multiple disparity measures using two baseline groups: 1) juveniles convicted of felony homicide not exposed to the decline process; and 2) all juveniles convicted of felony homicide in Washington State. Keeping in mind that a Disproportionality Index Score of 1.0 indicates perfect representation, less than 1.0 indicates under-representation, and greater than 1.0 indicates over-representation. White children subjected to discretionary decline are underrepresented when using both the proportion of White children not subjected to decline (DI score = 0.30) and the proportion of all White children convicted of felony homicide (DI score = 0.52) as baselines. Among this group, Black children are also under-represented among juveniles subjected to discretionary decline (DI scores < 1.0).

By contrast, Latinx children are over-represented among discretionary decline cases, whether using the proportion of Latinx children not subjected to decline (DI score=3.0) or the proportion of all Latinx children convicted of felony homicide (DI=1.95) as a baseline. American Indian children are also over-represented among children subjected to discretionary decline (DI scores > 1.0).

Table 18. Racial Disparity Measures of Juveniles with a Homicide Felony Conviction, by Race and Decline Status, Washington State 2009-2019, N=143

	White	Latinx	Black	Amer. Indian		White	Latinx	Black	Amer. Indian
Discretionary Decline	16.7%	66.7%	8.3%	8.3%	Discretionary Decline	16.7%	66.7%	8.3%	8.3%
No Decline, juveniles with a Felony Homicide Conviction	55.6%	22.2%	15.6%	4.4%	All juveniles w/ a Felony Homicide Conviction	32.2%	34.3%	27.3 %	3.5%
Difference in Proportions	-62%	21%	-30%	-19%	Difference in Proportions	-39%	9%	-42%	-18%
Disproportionality Index Score	0.30	3.00	0.54	1.88	Disproportionality Index Score	0.52	1.95	0.31	2.38
Disparity Ratio (vs. white)		10.0	1.8	6.3	Disparity Ratio (vs. white)		3.7	0.6	4.6

Source: Authors' analysis of AOC data. *Asian or Pacific Islander and Other Race juveniles omitted from this table because there were no juveniles from these racial categories among this group subject to discretionary decline.

Notably, even when *compared to youth who have similar criminal contexts*, Latinx children are selected for adjudication as adults through discretionary decline at a rate ***10 times the rate*** of their White counterparts. In other words, ***Latinx youth convicted of a felony homicide are selected for adjudication as an adult at a rate 900% greater than the rate of their similarly situated White counterparts.*** American Indian children are selected for discretionary decline at a rate 6.3 times of the rate of their White counterparts not subjected to decline.

Juveniles with a Felony Homicide Conviction and One Additional Felony Conviction

Between 2009 and 2019, 22 juveniles have two felony convictions in Superior Court, one of which is a homicide conviction. Among these individuals, just over one-half (55%) are Black juveniles, 32 percent are Latinx juveniles, and 14 percent are Asian or Pacific Islander juveniles. (See Table 19.) Among this group, only Latinx children (100%) were selected for adjudication as

adults through discretionary decline. A smaller proportion of Latinx children with similar criminal contexts were adjudicated as adults through auto decline (2 out of 7) and one Latinx child with a similar criminal context was not subjected to the decline process (1 out of 7.)

Table 19. Juveniles with Two Superior Court Felony Convictions including One Homicide Conviction, by Race and Decline Status, Washington State 2009-2019

	No Decline	Discretionary Decline	Auto Decline	Total %
White	0%	0%	0%	0%
Black	75%	0%	64.3%	54.5%
Asian or Pacific Islander	0%	0%	21.4%	13.6%
American Indian or Native Alaskan	0%	0%	0%	0%
Latinx	25%	100%	14.3%	31.8%
Other or Unknown Race	0%	0%	0%	0%
Total, N=22	100%	100%	100%	100%

Source: Authors' analysis of AOC data.

Analysis of juvenile groups that are specifically similar to the case involving Christian Quijas indicate large racial disparities. Notably, even when *compared to youth who have similar criminal contexts* in that they have two felony convictions in Superior Court between 2009 and 2019, Latinx children are selected for adjudication as adults through discretionary decline at a rate ***4 times the rate*** of their White counterparts. When compared to youth that have two felony convictions, one of which is a homicide conviction, there simply are no White youth against which to compare Latinx children in this situation. Of the seven Latinx children in this group, more than on-half (57%) of them have been selected for adjudication as an adult through the discretionary decline process.

V. Conclusion

Between July 26, 2009 and June 30, 2019, Washington State Superior Court processed 43,420 convictions involving juveniles. During this period, 24,689 juveniles were processed through the courts for these convictions. Analysis of these data indicate that children of color are over-represented in the Juvenile Justice system in Washington State.

These findings show that not only are children of color over-represented in youth convictions, but also suggest that when convicted, youth of color may be more likely to be charged with, and therefore convicted of, more severe crimes. Given that differences in criminal histories explain less than one percent of the variance in discretionary, auto, and absence of declines, criminal history does not explain the over-representation of youth of color in the juvenile justice system, nor in the selection of discretionary decline cases. Furthermore, this analysis shows that youth of color are, to an extraordinary degree, disproportionally over-represented among juveniles adjudicated as adults through the discretionary decline process, even when type of offense is accounted for in the analysis.

Specific findings that support this conclusion include:

- Children of color are disproportionally over-represented in the juvenile justice system in Washington State, both when measured as convictions and as individuals.
- There is a statistically significant, but very weak, association between racial/ethnic group and criminal history (measured as mean number of prior convictions in Superior, Municipal, or District courts).
- Children of color are disproportionally over-represented among youth felony convictions in Washington State.
- Children of color are disproportionally over-represented among youth adjudicated as adults through a discretionary decline process.

Specifically, Latinx children are over-represented among youth subject to discretionary declines.

- When compared to other convicted youth in Washington, Latinx children are selected for adjudication as adults through discretionary decline at a rate that is ***more than 3 times higher*** than the rate of similarly situated White children.
- When compared to other convicted youth in Washington, Latinx children are adjudicated as adults through auto decline at a rate ***nearly 3 times higher*** than the rate of similarly situated White children.
- When compared to other youth convicted of the same offense, Latinx children are selected for adjudication as adults through discretionary decline at rates that are ***between 1.5 and 4.5 times*** the rate of similarly situated White children.
- Among juveniles that have two felony convictions in Superior Court, Latinx children are selected for adjudication as adults through discretionary decline at a rate ***4 times the rate*** of their White counterparts.

- Latinx youth convicted of a felony homicide are selected for adjudication as an adult at a rate ***900% greater*** than the rate of their similarly situated White counterparts.
- Of the 22 juveniles convicted of two felonies in Superior Court, one of which is a homicide conviction, the ***only juveniles (100%)*** selected for adjudication, as adults through discretionary decline ***are Latinx children***.

The analysis presented here cannot speak to the precise mechanisms that produce ethno-racially disparate outcomes for children in the Washington State juvenile system. Prior research indicates the pervasiveness of implicit bias is undoubtedly part of this process.[28] Implicit, or unconscious, bias can lead to persistent differences in the ways children of color are perceived and expectations about their future behavior are set. Other studies suggest a variety of mechanisms may be at play in producing racial disproportionality among juveniles, including ways in which adults such as justice officials may tend to view children of color as products of broken families, less amenable to rehabilitation, more threatening, more adult-like and therefore more culpable for criminal behavior.[29] Research studies consistently find that race plays an important role in juvenile justice systems across the nation. This report confirms that in the Washington juvenile justice system: race matters.

[28] See Task Force on Race and the Criminal Justice System, 2011, *Preliminary Report on Race and Washington's Criminal Justice System*. Available at:http://www.law.seattleu.edu/Documents/korematsu/race%20and%20criminal%20justice/preliminary%20report%20-%20final%20release%20march%201%202011%20for%20printer%202.pdf Accessed June 9, 2014.

[29] D. Bishop and C. Frazier, 1996, "Race effects in juvenile justice decision-making: Findings of a statewide analysis," *Journal of Criminal Law & Criminology* 86: 392-414. M. Leiber, and K. Mack, 2003, "The individual and joint effects of race, gender, and family status on juvenile decision-making," *Journal of Research in Crime & Delinquency* 40: 34-70; S. Graham and B. Lowery, 2004, "Priming unconscious racial stereotypes about adolescent offenders," *Law and Human Behavior* 28: 483-504. S. Steen, C. Bond, G. Bridges and C. Kubrin, 2005, "Explaining assessments of future risk. In D. Hawkins and K. Kempf-Leonard (eds.), *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice* (pp. 245-269) Chicago: University of Chicago Press; G. Bridges and S. Steen, 1998, "Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms," *American Sociological Review* 63: 554-570. H. Smith, N. Rodriguez, and M. Zatz, 2009, "Race, ethnicity, class and noncompliance with juvenile court supervision," *Annals of the American Academy of Political and Social Science* 623: 108-120;C. Tittle and D. Curran, 1988, "Contingencies for dispositional disparities in juvenile justice," *Social Forces* 67: 23-58.

VI. Appendix

Appendix A. Data Tables

Table A1 below shows results of statistical tests for association between race and conviction type by year. Chi-square statistics are sensitive to sample size, requiring each cell tested to contain at least 5 cases, and finding significance in very small differences when sample sizes are larger than 10,000. To test for statistical association between ethno-racial categories and avoid small sample limitations, the test excluded the small number of individuals whose race was listed as "unknown" or "other"; to avoid large sample issues, the data were tested by year.

Table A1. Juvenile Convictions by Offense Level (Misdemeanor vs. Felony) by Race and File Year, Statistical Association Test Results

	Misdemeanor	Felony	Total	Pearson Chi-Square Asymp. 2-sided P value	Cramer's V Approx. Significance	Contingency Coefficient Approx. Significance
2009						
White	1091	505	1596			
Black	319	249	568			
Asian or Pacific Islander	36	23	59			
American Indian or Native Alaskan	51	37	88			
Latinx	558	328	886			
Total	2055	1142	3197	0.000	0.000	0.000
2010						
White	2576	1192	3768			
Black	625	508	1133			
Asian or Pacific Islander	98	59	157			
American Indian or Native Alaskan	133	67	200			
Latinx	1409	726	2135			
Total	4841	2552	7393	0.000	0.000	0.000
2011						
White	2477	1147	3624			
Black	589	390	979			
Asian or Pacific Islander	80	59	139			

	Misdemeanor	Felony	Total	Pearson Chi-Square Asymp. 2-sided P value	Cramer's V Approx. Significance	Contingency Coefficient Approx. Significance
American Indian or Native Alaskan	150	58	208			
Latinx	1271	718	1989			
Total	4567	2372	6939	0.000	0.000	0.000
2012						
White	2123	1003	3126			
Black	533	443	976			
Asian or Pacific Islander	70	61	131			
American Indian or Native Alaskan	105	72	177			
Latinx	1057	632	1689			
Total	3888	2211	6099	0.000	0.000	0.000
2013						
White	1787	840	2627			
Black	458	354	812			
Asian or Pacific Islander	47	41	88			
American Indian or Native Alaskan	129	53	182			
Latinx	926	509	1435			
Total	3347	1797	5144	0.000	0.000	0.000
2014						
White	1078	675	1753			
Black	266	310	576			
Asian or Pacific Islander	36	30	66			
American Indian or Native Alaskan	73	59	132			
Latinx	576	368	944			
Total	2029	1442	3471	0.000	0.000	0.000
2015						
White	632	616	1248			
Black	168	329	497			
Asian or Pacific Islander	20	48	68			
American Indian or Native Alaskan	46	55	101			

	Misdemeanor	Felony	Total	Pearson Chi-Square Asymp. 2-sided P value	Cramer's V Approx. Significance	Contingency Coefficient Approx. Significance
Latinx	354	343	697			
Total	1220	1391	2611	0.000	0.000	0.000
2016						
White	451	546	997			
Black	164	286	450			
Asian or Pacific Islander	13	46	59			
American Indian or Native Alaskan	43	55	98			
Latinx	287	366	653			
Total	958	1299	2257	0.000	0.000	0.000
2017						
White	541	496	1037			
Black	142	262	404			
Asian or Pacific Islander	27	44	71			
American Indian or Native Alaskan	48	45	93			
Latinx	287	345	632			
Total	1045	1192	2237	0.000	0.000	0.000
2018						
White	655	529	1184			
Black	180	279	459			
Asian or Pacific Islander	29	47	76			
American Indian or Native Alaskan	52	47	99			
Latinx	401	378	779			
Total	1317	1280	2597	0.000	0.000	0.000
2019						
White	367	276	643			
Black	83	122	205			
Asian or Pacific Islander	14	21	35			
American Indian or Native Alaskan	27	16	43			
Latinx	245	201	446			
Total	736	636	1372	0.000	0.000	0.000

	Misdemeanor	Felony	Total	Pearson Chi-Square Asymp. 2-sided P value	Cramer's V Approx. Significance	Contingency Coefficient Approx. Significance
2009-2019						
White	13778	7825	21603			
Black	3527	3532	7059			
Asian or Pacific Islander	470	479	949			
American Indian or Native Alaskan	857	564	1421			
Latinx	7371	4914	12285			
Total	26003	17314	43317	0.000	0.000	0.000

Source: Authors' analysis of AOC data.
Zero cells (0.0%) have expected countless than 5.

Table A2. Juvenile Convictions by Offense Type, 2009-2019

	White	Black	Asian or Pacific Islander	American Indian or Native Alaskan	Latinx	Other or Unknown Race	Total
Felony							
Homicide	46	39	4	5	49	0	143
Robbery/Kidnapping	401	791	111	41	454	5	1803
Violent Property Crime	105	34	4	9	72	0	224
Assault	1492	714	90	117	986	9	3408
Sex	1057	156	32	41	352	11	1649
Weapon	320	250	27	25	384	2	1008
Property	3540	1319	180	246	2110	21	7416
Drug	628	131	16	61	386	3	1225
Other	236	98	15	19	121	2	491
Misdemeanor							
Assault	4643	1301	151	262	2173	16	8546
Sex	93	40	2	3	26	0	164
Weapon	318	60	7	17	213	2	617
Property	6107	1613	226	377	3284	18	11625
Drug	1321	199	37	90	811	4	2462
Other	1296	314	47	108	864	10	2639
Total	21603	7059	949	1421	12285	103	43420

Source: Authors' analysis of AOC data.

Table A3. Number of Superior Court Convictions

Number of convictions	Number	Percent	Cumulative Percent
1	15299	62.0	62.0
2	4872	19.7	81.7
3	2225	9.0	90.7
4	1059	4.3	95.0
5	594	2.4	97.4
6	319	1.3	98.7
7	154	.6	99.3
8	89	.4	99.7
9	36	.1	99.8
10	17	.1	99.9
11	15	.1	100.0
12	3	.0	100.0
13	4	.0	100.0
15	3	.0	100.0
Total	24,689	100.0	

Source: Authors' analysis of AOC data.

Table A4. Number of Juvenile Convictions by Race, Washington State 2009-2019

	Median	Mean	N	Std. Deviation	Minimum	Maximum
Number of Superior Court convictions						
White	1.00	1.69	12776	1.269	1	15
Black	1.00	1.98	3565	1.521	1	15
Asian or Pacific Islander	1.00	1.59	595	1.037	1	10
American Indian or Native Alaskan	1.00	1.71	833	1.243	1	9
Latinx	1.00	1.80	6839	1.331	1	12
Total	1.00	1.76	24608	1.324	1	15
Number of Municipal Court convictions						
White	2.00	2.70	2398	2.866	0	27
Black	2.00	3.01	931	3.280	0	28
Asian or Pacific Islander	1.00	2.56	106	2.934	0	14
American Indian or Native Alaskan	2.00	2.87	145	3.267	0	25
Latinx	2.00	2.34	1347	2.407	0	28
Total	2.00	2.66	4927	2.857	0	28
Number of District Court convictions						
White	1.00	2.25	2972	2.248	0	30
Black	1.00	2.06	712	1.958	0	21
Asian or Pacific Islander	1.00	1.99	103	1.746	0	7
American Indian or Native Alaskan	1.50	2.55	176	3.053	0	29
Latinx	1.00	1.99	1597	1.884	0	22
Total	1.00	2.16	5560	2.140	0	30

Source: Authors' analysis of AOC data.

Table A5. ANOVA Test Results of Mean Convictions by Court and Race

Tests of Between-Subjects Effects						
Dependent Variable: Number of Superior Court convictions						
Source	Type III Sum of Squares	df	Mean Square	F	Sig.	Partial Eta Squared
Corrected Model	261.337[a]	4	65.334	37.499	.000	.006
Intercept	22704.362	1	22704.362	13031.333	.000	.346
Race_Excluding Other/Unknown	261.337	4	65.334	37.499	.000	.006
Error	42865.562	24603	1.742			
Total	119377.000	24608				
Corrected Total	43126.899	24607				
a. R Squared = .006 (Adjusted R Squared = .006)						
Dependent Variable: Number of Municipal Court charge convictions						
Source	Type III Sum of Squares	df	Mean Square	F	Sig.	Partial Eta Squared
Corrected Model	266.172[a]	4	66.543	8.201	.000	.007
Intercept	9773.022	1	9773.022	1204.535	.000	.197
Race_Excluding Other/Unknown	266.172	4	66.543	8.201	.000	.007
Error	39934.748	4922	8.114			
Total	75074.000	4927				
Corrected Total	40200.920	4926				
a. R Squared = .007 (Adjusted R Squared = .006)						
Dependent Variable: Number of District Court charge convictions						
Source	Type III Sum of Squares	df	Mean Square	F	Sig.	Partial Eta Squared
Corrected Model	109.852[a]	4	27.463	6.020	.000	.004
Intercept	6614.935	1	6614.935	1449.995	.000	.207
Race_Excluding Other/Unknown	109.852	4	27.463	6.020	.000	.004
Error	25342.130	5555	4.562			
Total	51334.000	5560				
Corrected Total	25451.983	5559				
a. R Squared = .004 (Adjusted R Squared = .004)						

Source: Authors' analysis of AOC data.

Table A6. Discretionary Decline Disparity Measures, Constructed Using WA State Racial Composition of Youth, 2009-2019

	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan
Discretionary Decline	30%	43%	23%	4%	1%
WA State Pop, Ages 6-17	60%	19%	4%	7%	2%
Difference in Proportions	-30%	23%	19%	-3%	-1%
Disproportionality Index Score	0.49	2.22	5.58	0.60	0.47
Disparity Ratio (vs. White)		4.53	11.39	1.23	0.95

Source: Authors' analysis of AOC data.

Table A7. Discretionary Decline Disparity Measures, Constructed Using Racial Composition of Youth Convicted in WA State, 2009-2019

	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan
Discretionary Decline	30%	43%	23%	4%	1%
Juvenile Convictions	52%	28%	14%	2%	3%
Difference in Proportions	-22%	15%	8%	2%	-3%
Disproportionality Index Score	0.57	1.53	1.58	1.83	0.21
Disparity Ratio (vs. White)		3.65	3.77	4.37	0.49

Source: Authors' analysis of AOC data.

Table A8. Auto Decline Disparity Measures, Constructed Using WA State Racial Composition of Youth, 2009-2019

	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan
Auto Decline	22%	34%	38%	4%	3%
WA State Pop, Ages 6-17	60%	19%	4%	7%	2%
Difference in Proportions	-38%	14%	34%	-4%	1%
Disproportionality Index Score	0.36	1.75	9.30	0.52	1.86
Disparity Ratio (vs. White)		4.86	25.84	1.44	5.17

Source: Authors' analysis of AOC data.

Table A9. Auto Decline Disparity Measures, Constructed Using Racial Composition of Youth Convicted in WA State, 2009-2019

	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan
Auto Decline	22%	34%	38%	4%	3%
Juvenile Convictions	52%	28%	14%	2%	3%
Difference in Proportions	-30%	6%	24%	1%	-1%
Disproportionality Index Score	0.42	1.21	2.64	1.58	0.82
Disparity Ratio (vs. White)		2.88	6.28	3.77	1.96

Source: Authors' analysis of AOC data.

Table A10. Juveniles Sentenced as Adults through Discretionary Decline, by Offense Type and Race

Offense Type	White	Latinx	Black	Asian or Pacific Islander	American Indian or Native Alaskan	Total Number
Felony						
Homicide	22.2%	66.7%	11.1%	.0%	.0%	9
Robbery/Kidnapping	19.4%	45.2%	29.0%	6.5%	.0%	31
Violent Property Crime	.0%	.0%	.0%	.0%	.0%	0
Assault	26.2%	44.6%	23.8%	3.8%	1.5%	130
Sex	40.0%	20.0%	40.0%	.0%	.0%	5
Weapon	27.8%	44.4%	22.2%	5.6%	.0%	18
Property	41.0%	29.5%	21.3%	8.2%	.0%	61
Drug	33.3%	58.3%	8.3%	.0%	.0%	12
Other	21.4%	50.0%	28.6%	.0%	.0%	14
Misdemeanor						
Assault	33.3%	50.0%	16.7%	.0%	.0%	6
Sex	100.0%	.0%	.0%	.0%	.0%	1
Weapon	.0%	.0%	.0%	.0%	.0%	0
Property	75.0%	.0%	25.0%	.0%	.0%	4
Drug	.0%	.0%	.0%	.0%	.0%	0
Other	.0%	100.0%	.0%	.0%	.0%	3
Total	29.6%	42.5%	22.8%	4.4%	.7%	294

Source: Authors' analysis of AOC data.

Table A11. Three Measures of Racial Disparity, Comparing Racial Composition of Juveniles Sentenced as Adults through Discretionary Decline to the Racial Composition of Juveniles Not Subjected to the Decline Process, by Offense Type

Felony Homicide	White	Latinx	Black
Discretionary Decline	30%	43%	23%
Non Decline	62.5%	22.5%	10.0%
Difference in Proportions	-33%	20%	13%
Disproportionality Index Score	0.47	1.89	2.28
Disparity Ratio (vs. White)		4.02	4.85
Felony Robbery / Kidnapping	White	Latinx	Black
Discretionary Decline	19.4%	45.2%	29.0%
Non Decline	25.8%	24.9%	38.4%
Difference in Proportions	-6%	20%	-9%
Disproportionality Index Score	0.75	1.82	0.76
Disparity Ratio (vs. White)		2.42	1.01
Felony Assault	White	Latinx	Black
Discretionary Decline	26.2%	44.6%	23.8%
Non Decline	47.3%	26.9%	18.7%
Difference in Proportions	-21%	18%	5%
Disproportionality Index Score	0.55	1.66	1.28
Disparity Ratio (vs. White)		3.02	2.32
Felony Drug	White	Latinx	Black
Discretionary Decline	33.3%	58.3%	8.3%
Non Decline	53.7%	30.6%	9.1%
Difference in Proportions	-20%	28%	-1%
Disproportionality Index Score	0.62	1.91	0.92
Disparity Ratio (vs. White)		3.07	1.48
Felony Weapon	White	Latinx	Black
Discretionary Decline	27.8%	44.4%	22.2%
Non Decline	37.0%	37.0%	20.6%
Difference in Proportions	-9%	7%	2%
Disproportionality Index Score	0.75	1.20	1.08
Disparity Ratio (vs. White)		1.60	1.44
Felony Other	White	Latinx	Black
Discretionary Decline	21.4%	50.0%	28.6%
Non Decline	49.4%	26.1%	16.7%

Difference in Proportions	-28%	24%	12%
Disproportionality Index Score	0.43	1.92	1.71
Disparity Ratio (vs. White)		4.46	3.97
Misdemeanor Assault	White	Latinx	Black
Discretionary Decline	33.3%	50.0%	16.7%
Non Decline	56.3%	25.2%	13.5%
Difference in Proportions	-23%	25%	3%
Disproportionality Index Score	0.59	1.99	1.24
Disparity Ratio (vs. White)		3.37	2.10