



WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

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January 28, 2025

To: Members of the House Appropriations, Senate Ways and Means, House Civil Rights and Judiciary, and Senate Law and Justice Committees

From: Christopher Stanley, Chief Financial and Management Officer *CS*
Administrative Office of the Courts

RE: Juvenile Points Research Required by ESSB 5950, Sec. 113(26)

Recently, the Administrative Office of the Courts passed through legislatively-provided funding to the Washington State Office of Public Defense to determine how juvenile criminal history points impact individuals currently serving adult prison sentences. Data collected from the Department of Corrections indicated a potential population of incarcerated individuals who, if juvenile points were removed, would have become eligible for resentencing. This analysis considered language from Engrossed Second Substitute Bill (ESSB) 2065, which would have allowed for the retroactive application of EHB 1324.

Within this research, it was determined that the elimination of juvenile criminal history points would noticeably lessen sentence lengths for impacted individuals, with an average reduction of 107.24 months per person within the representative sample. The following memo, providing valuable insights, outlines the background, methodology, and key findings of the collaboration between AOC, OPD, and DOC on the impact of juvenile criminal history points.

Please don't hesitate to contact me if you would like additional information.

cc: Dawn Marie Rubio, State Court Administrator
Larry Jefferson, Director, Office of Public Defense
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To: Christopher Stanley, Chief Financial and Management Officer,
Administrative Office of the Courts

From: Katrin Johnson, Deputy Director for Operations and
Amber Burrell, Data Analyst

Date: December 18, 2024

RE: JUVENILE POINTS RESEARCH

Executive Summary

The Administrative Office of the Courts (AOC) contracted with the Washington State Office of Public Defense (OPD) to research how many individuals currently serving adult prison sentences are impacted by juvenile criminal history points. OPD received data from the Department of Corrections (DOC) reflecting the largest potentially impacted population based on juvenile adjudications for offenses that could contribute to criminal history scores. Careful analysis of a representative sample of those records yielded the following results:

1. It is estimated, with 95% confidence, that between 702 and 856 individuals in DOC's prison population are serving sentences whose lengths would be reduced with the retroactive elimination of juvenile points.
2. Based on the analysis of a statistically significant sample, these individuals would be eligible for an average reduction of 2.73 sentencing points per person.
3. The average reduction in time served per person would be 107.24 months (this assumes the individuals would be resentenced at mid-range).
4. People of color appear to be disproportionately impacted by juvenile points. Of the studied population whose sentences would be reduced with the elimination of juvenile points, 34.3% are Black. Conversely, 10.1% of the overall DOC prison population is Black.

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Background

Under Washington law, the sentence duration for people convicted of adult felony crimes is based on a variety of factors - a primary one being *criminal history points*. These points are tallied based on prior adult criminal convictions and, until 2023, juvenile court adjudication (conviction) points. In 2023 the Washington State Legislature passed Engrossed House Bill (EHB) 1324 which prospectively eliminated the use of juvenile points in adult sentencing. Exceptions include murder in the first and second degree, and class A felony sex offenses.

In 2024 the Legislature considered Engrossed Second Substitute Bill (ESSB) 2065, which would have allowed for a retroactive application of EHB 1324. If it had passed, incarcerated individuals would have had the opportunity to be resentenced if their current sentence length is based on points that include juvenile points. One area of disagreement during the 2024 legislative session was the estimated number of impacted individuals. Estimations for potentially eligible incarcerated individuals ranged from 1,200 to 6,000.

After the 2024 legislative session several state agencies (the Office of the Governor, the Office of Financial Management, and the Department of Corrections) requested assistance from OPD to help calculate the number of people who would be eligible for resentencing if juvenile points were removed. AOC received funding to support this research, and subsequently contracted with OPD to carry it out. This memo presents the findings of that research.

Methodology

The methodology used for this research consisted of (1) identifying the potentially impacted group of individuals, (2) reducing it to a sample that reliably represents the larger group, (3) individually reviewing records on a case-by-case basis to determine how many people would be eligible for a reduction in points, and (4) using the results of the study of the smaller group to project likely results for the larger group.

Not all incarcerated individuals with juvenile court history would be eligible for a sentence reduction if juvenile points were removed. Juvenile points are influenced by different factors, such as the offenses from juvenile court, the number of juvenile points, the time that passed between a juvenile adjudication and an adult conviction, and the particularized combination of offenses between the juvenile court and adult conviction. Many juvenile sentencing points are scored as “half points,” which in adult sentencing are rounded down and have no impact on imposed sentence length.

Identifying how many people would be eligible for a reduced sentence based on elimination of juvenile points requires individualized, case-by-case analyses. Electronic data about incarcerated individuals’ criminal history points only include the total number of points used for

a given conviction. No agency electronically captures a breakdown of how many, if any, of the adult sentencing points are attributable to juvenile court adjudications. Therefore, the only way to identify whether a person's sentencing score includes juvenile points, and by how many, is by careful individualized analysis of the specific sentencing paperwork.

As a first step, OPD collaborated with DOC to develop the population set of the largest number of individuals who *might* potentially have juvenile criminal history points. OPD requested sentencing data on incarcerated individuals who fell under the following criteria:

- Incarcerated in prison facilities (this analysis did not incorporate individuals currently on community custody status);
- Estimated release dates of July 1, 2026 or later (the soonest date that a change in the law would likely take effect);
- Not adjudicated only for murder in the first or second degree or class A felony sex offenses;
- Offense dates prior to July 23, 2023 (the date when EHB 1324 took effect);
- Juvenile adjudications for other non-excluded felony offenses and/or any of the following gross misdemeanors: DUI (RCW 46.61.502), physical control (RCW 46.61.504), reckless driving (RCW 46.61.500), hit and run attended (RCW 46.52.020), and vehicle prowl 2 (RCW 9A.52.105). This limited array of juvenile adjudications was requested because they represent the offenses which could contribute to points used in adult sentencing.

DOC identified 1,781 individuals who matched the above-listed criteria, and DOC provided OPD with the conviction and sentencing information on these individuals. Twenty individuals were eliminated from the data set for reasons such as being incarcerated for convictions out of state, or being ineligible for a juvenile points reduction due to aforementioned exclusionary factors. This resulted in a **maximum potentially impacted population of 1,761 incarcerated individuals**. For statistical purposes, this group, 1,761, is referred to as the *identified population*.

Because of the unique ways in which juvenile points may or may not impact adult sentences, further case-specific, individualized evaluation was needed. To develop a sample for further analysis, a purposive sample method was used due to geographic limitations.¹ In seven counties (Benton, Ferry, Grays Harbor, Lincoln, San Juan, Walla Walla, and Whitman) sentencing documents are not electronically retrievable by OPD. Obtaining copies of these documents would have greatly extended the time and resources needed for completion of this project. Therefore, the purposive sample excludes individuals from these counties. However, removing these counties does not impact estimations in the sampling. Judges were required to include eligible juvenile points in adult sentence calculations making them mandatory and non-discretionary throughout all counties prior to July 2023.

¹ A purposive sample is a non-random sampling technique where participants are deliberately selected based on specific characteristics or qualities relevant to the research question. This ensured that OPD could provide the most relevant and insightful data regarding those impacted by juvenile points.

After removal of individuals sentenced by those counties, DOC randomly selected 500 individuals from the identified population. OPD contracted with a law firm experienced in both the prosecution and defense of felony level cases to analyze the records of the 500 selected individuals. Of the records reviewed, **data was captured and analyzed for 495 individuals**. Five individuals were removed from analysis because the available information was unreliable due to discrepancies in court records and corrections data. This resulting sample population of 495 individuals was statistically significant for purposes of making reliable projections on the greater potentially impacted population of 1,761 individuals.²

Findings

1. The sample population used for analysis was representative of the full potentially impacted population.

Sentencing records were analyzed for the statistically significant sample of 495 individuals. Data was gathered for purposes of projecting the overall juvenile points impact on the identified population of 1,761 individuals. The sampling was representative of the identified population in various categories including age, sentence length, and average time served. These figures are represented in the table below:

Table 1: Comparison of Sample and Identified Populations

	Sample Population	Identified Population
Population Size	495	1,761
Average Age	38	38
Average Sentence Length	5,688 Days	5,927 Days
Average Time Served	2,345 Days	2,523 Days

2. It is projected that between 702 and 856 individuals in DOC’s prison population are serving sentences that would be reduced with retroactive removal of juvenile points.

Of the 495 individuals whose records were evaluated, it was found that 219, or 44.24%, had sentence durations that were impacted by the inclusion of juvenile history points. When projected onto the full population of potentially impacted individuals, **we are 95% confident that the number of impacted individuals ranges from a minimum of 702 to a maximum of 856.**

² According to Cochran formula, which is a statistical formula used for determining appropriate sample size when population are finite, the sample size needed is 315. The margin of error is 5% and confidence level is 95%. This formula is widely accepted and used by many scholars for statistical or quantitative analysis. Having a sample size larger than 315 increases the chances of having a representative sample, reliability, and precision.

In ESSB Bill 2065 considered by the Washington Legislature in 2024, priority for resentencing hearings would have been given to eligible individuals who met certain criteria such as having served at least 50% of their sentences, or having served at least fifteen years. Based on the evaluation of the sample population, 51% of eligible individuals had served at least 50% of their sentences, and 49% had served less. Additionally, 20% had served at least 15 years of their sentence, while 80% had served less than 15 years. OPD can conduct further analysis of these or other breakdowns upon request.

While 219 of the 495 studied individuals were impacted by juvenile points, the remaining 276 did not have sentences that would qualify for a reduction in length under ESSB 2065. The reasons for this conclusion were based primarily on the following factors:

- The individuals would still have a score of 9 or more points with the elimination of juvenile points (44%);
- Their juvenile points were only calculated as 0.5 of a point, which does not increase a person’s sentence length (23%);
- The sentencing documentation did not include any inclusion of juvenile history (22%);
- The juvenile history points had “washed out,” meaning enough time had elapsed and the juvenile history could no longer be considered (2%); and
- Other case-specific reasons (9%).

Steps were further taken to project the number of individuals who would require resentencing per county. Using a 95% confidence interval, it is projected that the number of currently incarcerated individuals who would qualify for resentencing under ESSB 2065 lies within the ranges listed per county in Table 2.

Table 2: Projected Number of Individuals per County Eligible for Sentence Reductions with the Retroactive Removal of Juvenile Points

Adams	0	Island	3
Asotin	3-4	Jefferson	2
Benton	17-20	King	127-155
Chelan	4-5	Kitsap	22-27
Clallam	6-7	Kittitas	4
Clark	45-54	Klickitat	2
Columbia	0	Lewis	15-18
Cowlitz	20-24	Lincoln	1
Douglas	3-4	Mason	9-11
Ferry	0	Okanogan	4-5
Franklin	11-13	Pacific	1
Garfield	0	Pend Oreille	1
Grant	16-20	Pierce	159-193
Grays Harbor	12-15	San Juan	0

Skagit	16-19
Skamania	0
Snohomish	41-50
Spokane	57-70
Stevens	4-5
Thurston	23-28
Walla Walla	4-5

Wahkiakum	0
Whatcom	11-14
Whitman	1
Yakima	57-70

3. Elimination of juvenile history points would substantially reduce sentence lengths.

When evaluating the sample, steps were also taken to determine what impact the removal of juvenile points would have on sentence durations. As a first step in this analysis, the current sentence scores were compared against what the sentence scores would be upon removal of juvenile points. This resulted in **an overall average reduction of 2.73 points per person.**

Next, the impacted individuals’ sentence durations were evaluated to identify the average change. Their current sentence duration was compared with the duration that would be imposed if they were resentenced to the *mid-range* of the sentencing grid with a revised score. This resulted in **an overall average reduction of 107.24 months per person.**

4. The racial/ethnic composition of the sample impacted population greatly differs from the DOC general population.

The racial and ethnic composition of the sample population that would have reduced sentences due to elimination of juvenile points differs greatly from the racial and ethnic composition of the general incarcerated population of DOC. DOC has published data on the racial and ethnic composition of the prison population as of June, 2022. In that data, they report that 58.8% population is White and 10.1% is Black.³ Conversely, of the individuals in the sample population who have sentences impacted by juvenile points, only 33.3% are White, and 34.3% are Black. These findings appear to be consistent with the following language included in ESSB 2065: “The legislature further finds that the grave disproportionality within the juvenile legal system has the downstream effect of impacting sentencing ranges in adult court.” A comparison of the DOC prison population in 2022 and the sample population whose sentences are impacted by juvenile points are shown in Figures 1 and 2 below.

³ The racial composition of Washington’s prison population is disproportionate to Washington’s general population, where White people comprise 72% of the overall population, and Black people comprise only 4.5%. <https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/population-changes/population-race>

Figure 1: Racial Composition of DOC Prison Population, June 2022⁴

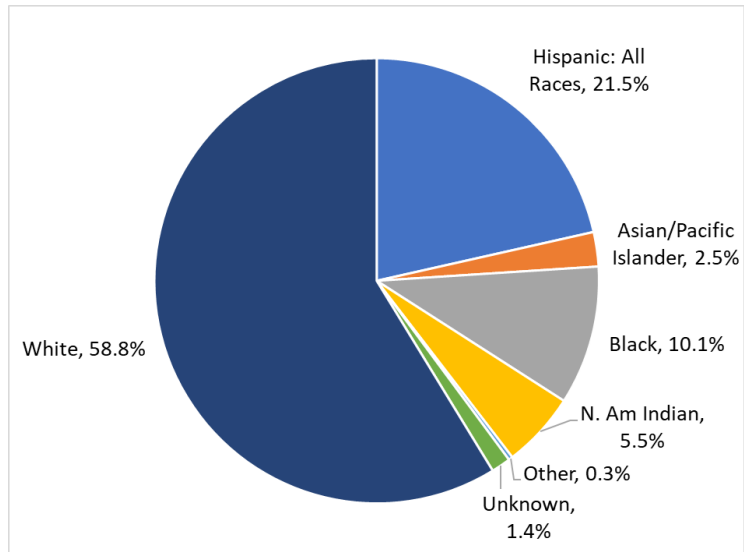
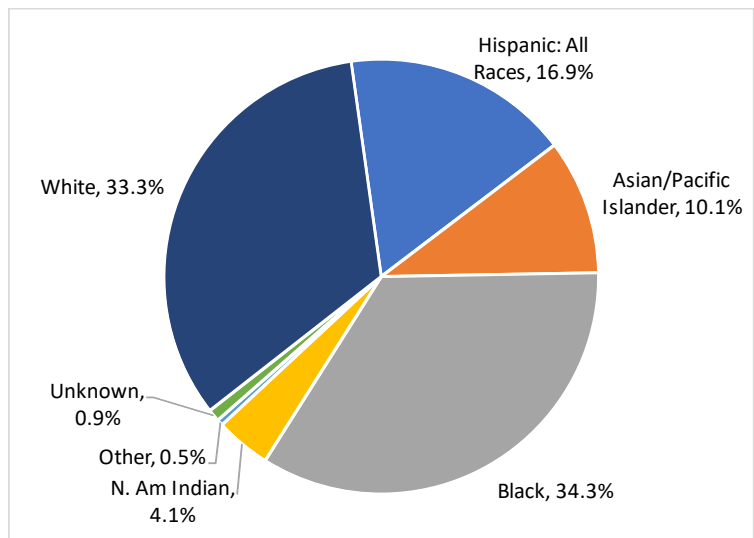


Figure 2: Racial Composition of Sample Population whose Sentences are Increased due to Juvenile Points



Conclusion

OPD collaborated with DOC to acquire sentencing data of the broadest population of incarcerated individuals whose sentences may be impacted by juvenile history points consistent with the provisions of ESSB 2065. Of the identified population of 1,761, OPD carefully evaluated

⁴ <https://www.doc.wa.gov/corrections/programs/docs/ci/advisory-committee/2022-0602-ethnicity-breakdown.pdf>

495 individuals' case records to determine whether there would be an impact and if so, by how much. This sample represented more than what was needed for statistical significance. The evaluation led to the projection that between 702 – 856 people incarcerated in DOC would be eligible for a reduction in their sentence duration with retroactive removal of juvenile points. Of those that would be eligible, they would experience an average reduction of 107 months, or almost nine years. Further, the non-White members of this studied eligible class far exceeded the non-White proportion of even the general DOC prison population, demonstrating the lingering impacts of well-documented historical racial disproportionality in Washington's juvenile legal system.

OPD is available to provide further analysis of this data set upon request, and welcomes the opportunity to answer any questions and discuss these findings.