

# Kids and crime: King County takes a closer look at juvenile offenders' immaturity

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1 of 4

Juvenile detainees walk down a hallway at the King County Juvenile Detention Facility in Seattle, where they attend classes and also have access to outdoor recreation. (Ellen M. Banner/The Seattle Times)

Meting out justice to juvenile defendants is complex, with brain science and recent U.S. Supreme Court rulings propelling the criminal-justice system into a more nuanced approach that recognizes young people can be impetuous and prone to take risks.

By [Sara Jean Green](#)

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Daveon Robbins was three months shy of his 18th birthday when he stuck a gun in the face of a security guard while trying to steal bottles of whiskey and gin from a Tukwila Target store in August.

He led police on an 80-mph pursuit in a stolen car until he hit a dead end, ran into some woods and then punched and kicked a police dog. Officers found a loaded 9-mm handgun near where the teen was arrested and, in his pocket, more than two grams of heroin.

Robbins was one of 30 juveniles ages 16 or 17 who were charged as adults last year by King County prosecutors, according to a first-of-its-kind report issued by Prosecutor Dan Satterberg. An additional 34 teens, also 16 or 17, could have faced adult charges but were instead prosecuted in juvenile court.

For the past 20 years, it's been up to county prosecutors across the state to decide which 16- and 17-year-olds accused of committing certain violent crimes are "auto declined" to adult, or superior, court and which ones are prosecuted in the juvenile system. Juveniles under the age of 16 also can be charged as adults, but usually only after a hearing is held and a judge agrees that it's appropriate.

Meting out justice to juveniles is complex, with brain science and a trio of U.S. Supreme Court rulings handed down since 2005 propelling the criminal-justice system into a more nuanced approach that recognizes young people are prone to immaturity and impetuosity, often fail to appreciate risks and consequences, and generally are considered less culpable at the time their crimes are committed.

These issues, as well as concerns about racial disproportionality and recidivism rates among youth prosecuted in the adult system, have driven opposition to the planned [construction of a new \\$210 million juvenile-justice center in Seattle](#).

Over the years, King County has implemented a wide range of [diversion](#) and [community-based programs](#) to hold young offenders accountable outside the court system. Two decades ago, prosecutors filed 8,000 felony and misdemeanor cases against juveniles each year. Due to diversion programs, as well as declining crime rates, [that number had dropped to roughly 1,600 by 2016](#), Satterberg said.

"We're getting fewer referrals from law enforcement and we're diverting hundreds of cases away from the court system that we used to file," he said. "What's left are very serious violent offenses and juvenile sex offenses."

### Tailored sentencing

Based on Satterberg's juvenile-justice report — and court records associated with individual cases — prosecutors, defense attorneys and judges in King County are taking steps to tailor prison sentences in adult court that take a youth's age into account.

For example, Robbins — whose juvenile convictions include attempted robbery and theft of a motor vehicle — was charged as an adult with a single crime, second-degree assault, for the August rampage. He pleaded guilty in October and was sentenced to just under three years in prison, plus 18 months of community custody.

But court records show Robbins could have easily been locked up for eight years or longer. In exchange for his guilty plea, prosecutors agreed not to file additional charges and to dismiss a firearms enhancement that would've added five years to his sentence, the records show.

In another case, Diontae Moore-Lyons, a then-16-year-old Kent boy who [shot another teen in the chest over a misplaced hair pick in February 2016](#), pleaded guilty to first-degree assault. Charged in adult court, the standard sentence he faced was roughly eight to 10 years in prison — but instead, the judge ordered the now-17-year-old to be released from custody the day before his 21st birthday in 2020, then serve three years on community supervision.

Though court records in those cases don't provide explicit proof of leniency based on age, the sentences support that conclusion — and are in line with a [ruling handed down by the state Supreme Court earlier this month](#).

In its March 2 ruling, the high court gave unfettered discretion to judges to depart from standard sentences in place for adult defendants when sentencing juveniles in adult court. The ruling stems from a 2012 Pierce County case that saw two teens, ages 16 and 17, sentenced to 26 and 31 years respectively for stealing Halloween candy and cellphones at gunpoint in Tacoma.

The Supreme Court [affirmed their convictions but ordered them to be resentenced](#).

“We hold that in sentencing juveniles in the adult criminal justice system, a trial court must be vested with full discretion to depart from the sentencing guidelines and any otherwise mandatory sentence enhancements, and to take the particular circumstances surrounding a defendant's youth into account,” Justice Sheryl Gordon McCloud wrote in the court's majority opinion.

### Choosing adult court

Though the justices declined to address the validity of the automatic decline statute, the opinion says “trial courts must consider mitigating qualities of youth at sentencing and must have discretion to impose any sentence below” standard-range sentences and sentence enhancements.

But sentencing is the culmination of a criminal case, whereas the decision to send a juvenile to adult court usually happens within 72 hours of an arrest.

Certain serious violent crimes — first-degree murder, rape, kidnapping and robbery — are eligible for auto decline, as are other violent crimes when a 16- or 17-year-old suspect has prior juvenile felony convictions or a new crime is committed with a deadly weapon. In 2016, auto-decline cases filed in King County included eight murder cases and a number of drive-by shootings and assaults, said Satterberg.

When a potential auto-decline case is referred by police, Satterberg said he and a team of senior deputy prosecutors meet and “talk about everything we know about the case and arrive at a consensus.”

Juveniles under age 16 also can be charged as adults but first are subject to a discretionary decline hearing: In such cases, a judge makes a determination based on witness and expert testimony; a juvenile's criminal history, school record and home environment; the youth's sophistication and maturity; and the threat to public safety posed by a juvenile and the likelihood of rehabilitation.

Discretionary declines are rare in King County: In the past eight years, prosecutors have filed seven motions, with judges granting all but one, according to Satterberg and court records.

Two of those seven cases were decided only recently: In November, a judge ruled Diante Pellum, [who was 14 when he is accused of shooting another teen in the back of the head in Federal Way early last year](#), will stand trial as an adult for first-degree murder alongside a 16-year-old co-defendant. Last month, another King County judge ruled Alexander Crisostomo will also stand trial as an adult for allegedly [killing a 41-year-old Des Moines man in May, when Crisostomo was 15](#).

According to the King County juvenile-justice report, robbery was the most common "auto decline" offense last year, while murder was second. More than 85 percent of defendants were 16- and 17-year-old males, and firearms were used in more than 50 percent of the cases.

The report also notes: "A disproportionate number of these cases involve youth of color, and African American male youth make up 43 percent of those filed upon."

### [Prosecutors resist shift](#)

"Auto decline is just a very controversial issue," and prosecutors have resisted efforts to see their discretion shifted to judges, said state Rep. Ruth Kagi, D-Seattle, chair of the House Early Learning and Human Services Committee.

Two companion bills were introduced this session in the House and Senate to eliminate a number of crimes eligible for "auto decline" and shift decision-making from prosecutors to judges to determine which 16- and 17-year-olds should face adult charges. Though both bills died without making it out of committee, they are indicative of a growing movement for more individualized treatment of juveniles prosecuted in the adult system.

Bob Cooper, representing the Washington Defender Association and the Washington Association of Criminal Defense Lawyers, [spoke at a public hearing last month before the Senate's Human Services, Mental Health & Housing Committee](#):

"The science is showing us that kids have a capacity to change. I think we need to take advantage of that capacity, not send them to ... criminal college," Cooper said. "You send them into the adult system and all they learn to do is to be better criminals."

The nonpartisan Washington Institute for Public Policy has found that automatically sending juveniles to adult court, and adult prison, [does in fact increase recidivism](#).

But prosecutors like Satterberg say there are compelling reasons to continue charging juveniles as adults: In the juvenile system, the court loses jurisdiction over a juvenile on his or her 21st birthday, which means a 17-year-old convicted of murder in juvenile court would serve only four years and would then be released without conditions — not even community supervision, he said.

Transferring auto-decline discretion to judges would mean a decline hearing would have to be held every time a prosecutor wanted to charge a 16- or 17-year-old in adult court. But Satterberg said the judge would face the same choice — move the case to adult court or lose jurisdiction at age 21 — after a young person had already spent months in detention.

Attorney Nick Straley of Columbia Legal Services believes it should be judges — not prosecutors — who decide which juveniles are tried as adults in order to make the process more transparent and ensure juveniles' interests are legally represented from the very beginning.

“Of course, children do terrible things, but they also need to be treated as children,” said Straley, whose nonprofit law firm is helping represent Ending the Prison Industrial Complex (EPIC), which is among the social-justice groups battling construction of a new, \$150 million juvenile justice center to replace the aged Youth Services Center on Alder Way.

“There’s an 800-pound elephant in the room — and that’s the incredible level of (racial) disproportionality,” Straley said of the King County report. “The system needs to address these things in a new way and auto decline and the new youth jail aren’t the appropriate way.”

Though average daily populations of detained youth have fallen dramatically — [from 212 in 2002 to around 60](#) — about half of youth in juvenile detention in 2016 were black, a decrease from about 59 percent in 2015. The numbers are significantly higher than the proportion of black people in the population: Only about 13 percent of King County’s residents are black.

Racial disproportionality “is something we have been struggling with for decades,” said Laura Inveen, King County Superior Court’s presiding judge. “We’re just one system ... We don’t get to close our doors when people are presented to us” as criminal defendants.

While she agrees judges should be the ones to decide which juveniles are charged as adults, Inveen said, “It isn’t realistic to think we can do without a detention facility.”

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