

THE PERSISTENCE OF RACIAL DISPARITIES IN JUVENILE DECLINE IN WASHINGTON STATE, 2009-2022

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Executive Summary

Racial disparities exist at each stage of the juvenile justice system, both nationwide and within Washington State.¹ A large body of research has established that these racial disparities are largely independent of the severity of the offense and of individuals' criminal histories. The cumulative impact of disparities at various decision points throughout the system contributes to increasing overrepresentation of youth of color at each stage, including the transfer of jurisdiction of youth cases from juvenile to adult court.

This report provides a comprehensive overview of racial disparities in juvenile declines (juvenile cases transferred to adult court) in Washington State from July 2009 to June 2022. Over the entire period under investigation, 1% of cases involving White youth were declined, 3% of cases involving Latino youth were declined, and 4% of cases involving Black youth were declined. Findings from statistical analysis of juvenile adjudications and convictions of youth in adult court reveal that racial disparities in juvenile decline exist both before and after legislative changes to decline eligibility that reduced the overall number of juvenile declines. Moreover, those disparities persist when accounting for relevant case characteristics.

Analysis of the periods before and after 2018 legislation narrowing eligibility shows continuing racial disparities in juvenile decline.

- Black youth comprise 9% of the Washington State youth population overall, but they represented 18% of youth adjudications/convictions and 33% of juvenile declines prior to June 2018. Following the 2018 legislation, Black youth represented 17% of youth adjudications/convictions and 37% of juvenile declines.
- Similarly, Latino youth comprise 19% of the Washington State youth population overall, but they represented 27% of youth adjudications/convictions and 37% of juvenile declines prior to June 2018. Following the 2018 legislation, Latino youth represented 29% of youth adjudications/convictions and 41% of juvenile declines.
- Conversely, 60% of the youth in Washington State are White, but White youth represented only 46% of youth adjudications/convictions and 13% of youth declined in the period following the 2018 legislation.
- For both time periods, bivariate statistical analyses examining the association between race/ethnicity and decline to adult court indicate that the racial disproportionality is a result of systematic bias, not random chance.

¹ Evans and Herbert 2021.

- Holding other case characteristics constant, multivariate regression analysis shows the predicted odds of decline overall were 83% lower for cases following the 2018 legislative changes than the nine years prior.
- The greater likelihood of decline for youth of color relative to their White peers persisted following the 2018 legislation.
- In the period following the 2018 legislation, zero of the 28 Assault in the First Degree cases and Assault in the Second Degree with a deadly weapon cases that involved White youth were sentenced in adult court but over 28% of these cases involving Black or Latino youth were sentenced in adult court.

Racial disparities exist across type of decline: auto decline, mandatory decline, and discretionary decline.

- When holding other case characteristics constant, multivariate regression analysis shows:
 - Black youth were 2.10 times as likely and Latino youth were 2.20 times as likely as White youth to be auto-declined.
 - Black youth were 2.37 times as likely and Latino youth were 2.52 times as likely as White youth to be declined as a result of a discretionary decline hearing.
 - Black youth were 2.30 times as likely and Latino youth were 2.43 times as likely as White youth to be declined as a result of a mandatory decline hearing.

Our descriptive summaries and multivariate regression results reveal that in Washington State the likelihood of decline is greater for youth of color across the board. According to our statistical estimation, the odds of decline (generated through automatic decline, mandatory, or discretionary hearings) are 161% higher for Latino than White youth and 127% higher for Black than White youth after taking decline eligibility, the nature of the alleged offense, the number of prior violent adjudications/convictions, legislative period (pre- or post-2018 legislation), and age at alleged offense into account.

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Introduction

Racial disparities exist throughout the criminal legal system, both nationwide and within Washington State. Research has shown that Black, Latino, Indigenous, and Asian² children are overrepresented in youth adjudicated in juvenile court and youth convicted in adult criminal court in Washington State.³ This report provides a comprehensive overview of racial disparities in juvenile cases transferred to adult court, referred to as ‘juvenile declines’ in Washington State from July 2009 to June 2022. Findings from statistical analysis of 44,149 youth adjudications/convictions⁴ reveal that racial disparities in juvenile decline exist both before and after recent legislative changes to decline eligibility and that those disparities persist when accounting for relevant case characteristics.

Research on Racial & Ethnic Disparities in Juvenile Justice Nationwide

Disparities in Juvenile Justice Processes Across the United States

A large body of research has established that racial disparities exist at each stage of the juvenile justice process, and that these disparities are only partially explained by the severity of the offense and the individual’s criminal history.⁵ Research findings indicate that the largest disparities exist at the front-end of the system where decision-makers are afforded the most discretion, and the cumulative impact of disparities at various decision points contributes to increasing overrepresentation at each point of contact with the juvenile justice system.⁶

At the arrest stage, Black youth are as much as six times as likely and Latino youth are three times as likely as White youth to be detained upon arrest, even after accounting for salient legal factors that influence these decisions such as the type and number of offenses.⁷ Disparities in pre-adjudication detention rates are also a key source of inequities throughout the juvenile justice system, both because they tend to be larger than disparities that emerge later in the process and

² As social scientists, we are aware of and sensitive to a variety of well-reasoned arguments for using particular labels to describe racial categories, as well as conventions around capitalizing (or not) specific race category labels. The racial and ethnic data used in this report have not been consistently generated through self-reported racial identification made by the involved youth themselves and, instead, reflect others’ assessment of the racial or ethnic category to which a youth belongs. In this report, we have made decisions to use the following language to describe youth defendants’ race: Indigenous, Latino, Asian, Pacific Islander, Black, and White. We have chosen to capitalize all racial/ethnic categories we discuss, which is largely consistent with recent scholarship in the area of race and ethnicity that recognizes the social and cultural significance of race and ethnicity and designates them as proper nouns (see American Psychological Association 2022).

³ Evans and Herbert 2021.

⁴ In Washington State, the term “adjudication” is used in reference to cases processed in juvenile court that result in a sentence, and “conviction” is used in references to cases processed in adult court that result in a sentence. In this report, we will use “adjudication/conviction” to refer cases resulting in a sentence, whether in juvenile or adult court.

⁵ Engen et al. 2002; Leiber 2003; Armstrong and Rodriguez 2005; Steen et al. 2005; Leiber et al. 2007; Bishop et al. 2010; Rodriguez 2010; Bonnie et al. 2013; Cochran and Mears 2015; Spinney et al. 2018; Gann 2019.

⁶ Abrams et al. 2021; Zane and Pupo 2021.

⁷ Bishop 2005; National Council on Crime & Delinquency 2007; Kempf-Leonard 2007; Piquero 2008; Zane and Pupo 2021.

because pre-adjudication detention increases the likelihood of more punitive outcomes such as secure placement and transfer to adult court.⁸

Findings regarding disparities in adjudication at later stages of the juvenile justice system are less consistent. Research conducted by The Sentencing Project found that Black youth are more than five times as likely to be incarcerated in state juvenile facilities as White youth; Indigenous youth are more than three times as likely, and Latino youth are more than twice as likely to be incarcerated than White youth.⁹ Black youth are also more likely to receive longer sentences than suggested by guidelines and have longer lengths of stay than White youth.¹⁰ And youth of color receive more severe dispositions for subsequent referrals compared to White youth with similar histories.¹¹ However, some studies show that disparities in adjudication, confinement, and transfer are not significant after accounting for disparities at earlier stages of the court process.¹²

On average, Black youth receive the most disparate treatment in the criminal legal system. However, there are also entrenched patterns of disparity for Latino youth.¹³ Latino children are significantly more likely than White children to be detained after arrest, which significantly increases the odds that their sentencing will result in longer-term confinement.¹⁴ After reviewing the research on Latinos in juvenile justice, criminal justice scholar 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.”¹⁵

While these patterns of disparity in the treatment of youth of color are well documented, the exact mechanisms that produce racially-disparate outcomes are less clear. Identifying the precise mechanisms that produce disparate outcomes is difficult, in part, because there are a number of decision points in the juvenile court process overseen by different officials employing different kinds of expertise and focused on differing types of outcomes.¹⁶ Also, patterns and processes vary across jurisdictions.¹⁷ For example, disparities are greater in urban versus rural counties and are related in complex ways with counties’ racial/ethnic composition.¹⁸ There is also some indication that states with smaller minority populations have greater racial disparities in juvenile justice.¹⁹ Still, the pattern of disproportionate minority contact is persistent across time.²⁰

⁸ Rodriguez 2007; Zane 2022.

⁹ The Sentencing Project 2016; 2017.

¹⁰ Lehmann et al. 2020; Oglesby-Neal and Peterson 2021.

¹¹ Leiber et al. 2020.

¹² Oglesby-Neal and Peterson 2021; Zane and Pupo 2021.

¹³ Bond-Maupin and Maupin 1998; Barela-Bloom and Unnithan 2009; Vazsonyi and Chen 2010.

¹⁴ Wu 1997; Wu and Fuentes 1998; Armstrong and Rodriguez 2005; Rodriguez 2010.

¹⁵ Cintron 2006, 40.

¹⁶ Bishop et al. 2010.

¹⁷ Rodriguez 2007.

¹⁸ Haight and Jarjoura 2016; Warren et al. 2017; Andersen and Ouellette 2019; Pupo and Zane 2021; Zane 2022.

¹⁹ The Sentencing Project 2016; 2017; Zane et al. 2020.

²⁰ Kempf-Leonard 2007; Leiber and Rodriguez 2011; Warren et al. 2017; Spinney et al. 2018; Leiber and Fix 2019; The Sentencing Project 2021; Zane 2021.

Although it is challenging to identify precise causal mechanisms producing racially disparate outcomes, researchers have identified several factors that contribute to racial disparities in juvenile justice. Differential rates of criminalized behavior, which are driven by a broad range of social issues and conditions of a racialized society that are outside the control of the juvenile justice system, are one contributing factor. However, small differences in rates of self-reported offending do not entirely explain racial disparities in juvenile justice system contact.²¹ Disparities can also be explained, in part, by different ways in which juvenile justice officials frame the social circumstances from which juvenile delinquency emerges. For instance, research suggests that justice officials are more likely to see White youth as less threatening and more susceptible to treatment, while racially or ethnically minoritized youth, by contrast, are commonly seen as products of broken families,²² more adult-like and hence more culpable for crime,²³ less amenable to rehabilitation,²⁴ and more threatening.²⁵ Court actors are also more likely to view the behavior of youth of color as driven by internal traits rather than external circumstances, which in turn contributes to more punitive outcomes.²⁶ These cultural understandings appear to be resistant to change and their persistence helps explain ongoing patterns of disproportionate minority contact in the juvenile justice system.

Disparities in Transfer of Jurisdiction in the United States

The juvenile court system was born out of an understanding that youth are fundamentally different from and less culpable than adults based on their social and psychological development.²⁷ Therefore, the juvenile justice system was designed with the intention of focusing on rehabilitation over punishment. However, the system has become more punitive over time and has mirrored trends in the adult criminal legal system that have increasingly shifted power to prosecutors.²⁸ Legislative changes expanding eligibility for transfer of jurisdiction to adult court²⁹ and establishing original jurisdiction in adult court for certain serious offenses are indications of this shift. Lawyer and criminologist Franklin Zimring describes this process: "the shift from judicial waiver to discretionary or direct filing resulted in more power and less work for juvenile court prosecutors."³⁰ In the 1990s, several states (including Washington) passed legislation that provided mechanisms to transfer youth to adult court outside of judicial discretion.³¹ As such,

²¹ Bonnie et al. 2013; Zane 2021.

²² Bishop and Frazier 1996; Leiber and Mack 2003.

²³ Graham and Lowery 2004; Steen et al. 2005.

²⁴ Bridges and Steen 1998; Smith et al. 2009.

²⁵ Tittle and Curran 1988; Harris 2009; Leiber et al. 2017.

²⁶ Bridges and Steen 1998; Beckman and Rodriguez 2021.

²⁷ Bonnie et al. 2013.

²⁸ Zimring 2010; Bonnie et al. 2013; Zane et al. 2016; Gann 2019.

²⁹ The process of moving a case from juvenile to adult jurisdiction is referred to in different ways in different states. For example, legislative analyses across states generally describe this process as a "waiver." In Washington State, this transfer of jurisdiction is frequently referred to as a "decline." Throughout this report, we use the phrases "juvenile decline" and "transfer of jurisdiction from juvenile to adult court" interchangeably.

³⁰ Zimring 2010, 9.

³¹ Zimring 2010; Bonnie et al. 2013; Zane et al. 2016.

there was increased emphasis on the act rather than the actor, and on retribution rather than rehabilitation.³²

Legislation adapting and expanding transfer to adult court was a reaction to an increase in youth violence. The stated reason was that the deterrent effects of more punitive sanctions would reduce youth crime, but research consistently shows that transfer of jurisdiction substantially increases recidivism (not the other way around).³³ A 2013 report found that youth convicted in adult court had higher rates of recidivism than those who did not (these differences were not statistically significant and therefore not generalizable to other youth populations). The report states: “One theoretical reason why recidivism rates may have been higher for youth who were automatically declined is that processing youth in the adult system has a criminogenic effect—the tendency to increase crime.”³⁴ This conjecture is consistent with other research characterizing prisons as “developmentally toxic settings for adolescents.”³⁵

Due to a lack of evidence that processing youth through the adult court system has a deterrent effect, states have started rolling back legislation that allows for prosecution of youth in adult criminal courts.³⁶ National trends in transfer of jurisdiction are difficult to examine because only data on judicial waiver (not automatic or prosecutor-initiated transfer) are collected nationally.³⁷ These data show that there has been a decline in discretionary transfers nationally, and it is generally believed that this has been offset by a large increase in statutory transfers, i.e. automatic decline, but reliable figures are not available.³⁸

It is clear that any increase in reliance on adult courts disproportionately impacts youth of color. Studies consistently show that youth of color are transferred to adult court at greater rates than White youth.³⁹ However, the extent to which these disparities are a result of differential treatment at that decision point versus decision points earlier in the process is unclear.⁴⁰ Whatever the source of disparities, there is ample evidence that they exist.⁴¹ Furthermore, recent research indicates that disparities in transfer to adult court nationwide have increased in recent years even as disparities in youth detention have declined.⁴²

Regardless of the stage in the juvenile justice process that contributes most to racial disparities in transfers to adult court, the end result is that a disproportionate number of youth of color are

³² Mulvey and Schubert 2012.

³³ Redding 2010; Drake 2013.

³⁴ Drake 2013, 7.

³⁵ Bonnie et al. 2013, 134.

³⁶ Bonnie et al. 2013; Washington State Partnership Council on Juvenile Justice 2014.

³⁷ Mulvey and Schubert 2012; Zane et al. 2016.

³⁸ Mulvey and Schubert 2012.

³⁹ Brown 2013; Gann 2019; Bryson and Peck 2020.

⁴⁰ Gann 2019; Zane and Pupo 2021.

⁴¹ Zane et al. 2016.

⁴² Zane 2021; Zane and Pupo 2021.

being prosecuted as adults.⁴³ The larger proportion of youth of color transferred to adult court is consistent with social-psychological research showing that youth of color are seen as more adult-like and hence more culpable for crime and less amenable to rehabilitation.⁴⁴ As a result, a larger number of youth of color are susceptible to the more severe punishments and long-term impacts of an adult court.⁴⁵

Juvenile Declines in Washington State

In Washington State, juvenile decline (the transfer of jurisdiction from juvenile court to adult court) has been an option for serious offenses since the juvenile justice system was established in 1977. Prior to 1994, juvenile decline could only occur at the discretion of a juvenile court judge unless a youth had previously been tried as an adult (in which case the adult court retained original jurisdiction for any subsequent case). Legislation passed in 1994 and 1997 established, and then expanded, automatic decline, creating a mechanism whereby certain felonies are automatically prosecuted in adult court.

Subsequent legislation has narrowed the eligibility criteria for automatic decline. Currently, youth are automatically declined to adult court if: (1) they have previously been found guilty in adult court;⁴⁶ (2) they were 16 or 17 years old on the alleged offense date and are suspected of committing a serious violent felony⁴⁷ or rape of a child in the first degree; or (3) they are suspected of committing a violent felony⁴⁸ and have a history of one or more serious violent felonies, two or more violent felonies, or three or more Class A or B Felonies, Vehicular Assault, or Manslaughter 2 committed after the 13th birthday and prosecuted separately. As of 2009, automatic declines can be returned to juvenile court if the prosecutor and respondent agree to juvenile court jurisdiction, waive application of exclusive adult criminal jurisdiction, and remove the proceeding back to juvenile court with the court's approval.⁴⁹ It is important to note that, in addition to discretion involved in the decision to return a case to juvenile court, there is also prosecutorial discretion involved in initial charging decisions that may render a case eligible for automatic decline.

⁴³ Gann 2019; Zane and Pupo 2021.

⁴⁴ Bridges and Steen 1998; Graham and Lowery 2004; Steen et al. 2005; Smith et al. 2009.

⁴⁵ Zane et al. 2016.

⁴⁶ 2009 legislation (ESSB 5746) clarified that this "once an adult, always an adult" rule only holds for youth who are found guilty of the offense that had been declined from juvenile court and does not apply if the individual was convicted of a lesser charge or acquitted in adult court.

⁴⁷ Serious violent felonies include: Murder 1, Homicide by Abuse, Murder 2, Manslaughter 1, Assault 1, Kidnapping 1, Rape 1, Assault of a child 1, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies (RCW 9.94A.030(46))

⁴⁸ Violent felonies include: Manslaughter 1, Manslaughter 2, Indecent liberties committed by forcible compulsion, Kidnapping 2, Arson 2, Assault 2, Assault of a Child 2, Extortion 1, Robbery 2, Drive-by-shooting, Vehicular Assault when caused by DUI or reckless driving, Vehicular Homicide when caused by DUI or reckless driving, or criminal conspiracy to commit one of these felonies (RCW 9.94A.030(58))

⁴⁹ see RCW 13.04.030(1)(e)(v)(c)(III)

Prior to June 2018, discretionary decline hearings could be requested by any party (prosecuting attorney, respondent, or court itself) without limitation. As of June 2018, discretionary decline hearings can be requested as long as the child in question is 15 or older and charged with a serious violent offense or 14 and younger and charged with Murder in the First or Second Degree. A decline hearing is mandatory anytime a child is serving a minimum sentence to age 21 and is charged with escape.⁵⁰ Legislation establishing criteria for automatic decline and discretionary decline hearings is summarized in [Appendix A](#).

Legislation establishing and then expanding the criteria for automatic decline in Washington contributed to a significant increase in the number of cases transferred to adult court between 1992 and 2002.⁵¹ The total rate of declines per felony case filed (whether or not it met the automatic decline criteria) also increased from 1.8% in 1992 to 3% in 2002.⁵² Children convicted in adult court following the legislative changes were, on average, sentenced to confinements of one additional year longer than children charged with the same offenses in the years prior to the 1994 legislation.⁵³ However, the rate of juvenile decline has dropped dramatically following 2009 legislation (ESSB 5746) that allowed courts to waive automatic decline and increased the minimum age for mandatory decline hearings from 15 to 16. Analysis of juvenile sentencing data from 2007-2011 revealed that discretionary declines were more frequent than automatic declines, and that mandatory decline hearings represented less than 10% of youth convictions in adult court during that period.⁵⁴ The overall rate of juvenile decline dropped again in 2018 with legislation (E2SSB 6160) that restricted criteria for automatic decline, discretionary decline hearings, and mandatory decline hearings.

Racial Disparities in Juvenile Decline in Washington

Like all states receiving federal funding for juvenile justice, Washington State has been required by the federal government to show concerted efforts to reduce “disproportionate minority contact” (DMC) since 1993.⁵⁵ Despite these efforts, racial disproportionality remains rampant throughout the Washington juvenile justice system. Youth of color in Washington are more likely than White youth to be arrested, referred to court, and incarcerated; youth of color are also less likely to receive a diversion.⁵⁶ In Washington State, Black youth are more than five times as likely to be incarcerated as White youth; Latinos are about twice as likely and Indigenous youth more than three times as likely as White youth.⁵⁷ This rate of over-representation of Indigenous youth is the fourth highest in the nation.

⁵⁰ *see* RCW 13.40.110 (2)

⁵¹ Barnoski 2003.

⁵² Barnoski 2003.

⁵³ Barnoski 2003.

⁵⁴ Jetzer 2013.

⁵⁵ Development Services Group, Inc 2014.

⁵⁶ Juvenile Justice Subcommittee of Race and Criminal Justice Task Force 2012.

⁵⁷ The Sentencing Project 2021.

Black and Latino youth in Washington State are also sentenced in adult courts at much higher rates than their White peers. A summary of 2009 statewide court data showed that Black and Latino youth each represented over 25% of declines to adult court, even though they represent only 6% and 15% of the youth population respectively.⁵⁸ Likewise, a study conducted by the Washington State Partnership Council on Juvenile Justice examining youth cases declined to adult criminal court jurisdiction during the 5-year period spanning FY2009 through 2013 found a disproportionate impact on youth of color.⁵⁹

Racial disparities exist among youth transferred through discretionary decline as well as youth transferred through automatic decline. A 2013 study by the Washington State Institute for Public Policy found that Black and Latino youth whose cases were transferred to adult court via the discretionary decline process comprised 56% of the total discretionary transfers. While research conducted in 2003 showed that automatic declines were less racially disparate than discretionary declines,⁶⁰ a 2021 report showed that racial disparities in automatic declines between 2009 and 2019 were considerably greater than discretionary declines, particularly Black-White disparities.⁶¹ In the period between 2009 and 2019, cases involving Latino youth were 4.5 times as likely as White youth to be transferred through discretionary decline and 4.9 times as likely to be transferred through automatic decline. Cases involving Black youth were 11.4 times as likely as White youth to be transferred through discretionary decline and 25.8 times as likely to be transferred through automatic decline.⁶²

These findings are consistent with a 2014 study showing greater racial disparities in automatic than discretionary decline.⁶³ As discussed above, these disparities likely reflect the cumulative impact of racial disparities in criminalized behavior (related to broader social/structural inequities), law enforcement, pre-adjudication detention, charging decisions, and discretion exercised by court actors in the decline process.

In 2014, the Washington State Legislature passed 2SSB 5064 which, among other things, created the Joint Legislative Task Force on Juvenile Sentencing Reform. The Task Force's December 2014 Report noted that "youth of color comprise the majority of youth who are transferred to the adult court system, both for automatic declines and judicially controlled transfers."⁶⁴ Importantly, these studies do not explicitly compare youth cases that undergo transfer of jurisdiction to cases that do not, leaving the potential racial disparities between these groups an open question. Even for those cases eligible for automatic decline based on case characteristics and criminal legal history, court actors may use their discretion to retain juvenile court jurisdiction. The current study examines

⁵⁸ Juvenile Justice Subcommittee of Race and Criminal Justice Task Force 2012.

⁵⁹ Washington State Partnership Council on Juvenile Justice 2014.

⁶⁰ Barnoski 2003.

⁶¹ Evans and Herbert 2021.

⁶² Evans and Herbert 2021.

⁶³ Washington State Partnership Council on Juvenile Justice 2014, 2.

⁶⁴ Joint Legislative Task Force on Juvenile Sentencing Reform 2014, 9.

the extent to which racial disparities observed in juvenile declines are a function of case characteristics versus unobserved factors that introduce systemic bias.

Data & Methods

Data

Data used for the following analyses were obtained from the State of Washington Administrative Office of the Courts (AOC). These data include all juvenile court adjudications and superior court convictions in Washington State between July 27, 2009 and June 23, 2022 in which a respondent/defendant was under the age of 18 years old at the time of case filing. Our analysis was limited to individuals aged 10-17; the average age at filing was 15.4 years. Where cases included multiple charges, information was only provided for the most serious adjudication/conviction. Additional data containing criminal charges related to defendants under the age of 18 in Municipal and District Courts were provided by AOC and merged to construct criminal history information for each individual contained in the dataset of adjudications/convictions.

Some youth were adjudicated/convicted multiple times during the 13-year time span, each providing a discrete opportunity for decline to adult court. Therefore, the analysis that follows focuses on individual cases as the unit of analysis. In total, the data include 44,149⁶⁵ cases involving 25,235 unique youth. The average number of cases for a youth included in the analysis is 1.75, with 90% of individuals appearing five or fewer times (36% appeared once, 22% appeared twice, 15% appeared 3 times, 10% appeared 4 times, 7% appeared 5 times, and 10% appeared more than 5 times). The largest number of unique cases for a single individual in the 13-year time span was 15. Decline was indicated by whether the case had an adult or juvenile court cause number.⁶⁶ If a case involving an individual under the age of 18 at filing had an adult court cause number, we consider the case declined. In total, 957 cases in our dataset were declined (2.2%).

Given that race and ethnicity information have not been collected consistently over time or across counties, we employed Hispanic Surname Analysis⁶⁷ to identify youth recorded as White, Asian, Indigenous, or Other who were likely to be Latino. Hispanic Surname Analysis identified 801 youth who were highly likely to be Latino, in addition to those officially recorded as such in the data. We combined race and ethnicity into a single variable for the purposes of our analyses. In doing so,

⁶⁵ An additional seven cases associated with three individuals were excluded from the analysis due to inaccurate dates of birth in the data provided by AOC.

⁶⁶ Jurisdiction can be determined by whether the third number in the case number is an 8, indicating juvenile court, or a 1, indicating adult court

⁶⁷ To ensure that Latino youth 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.

we classified individuals identified as both Black and Latino as Black, and individuals identified as both Latino and any other race as Latino.

Table 1 displays demographic characteristics of youth included in the case-level data provided by AOC – both the overall population of juvenile court adjudications and adult court convictions. A large majority of youth were boys (80%), and an even larger portion of youth convicted as adults were boys (94%). Black and Latino youth were overrepresented as compared to the racial/ethnic composition of the Washington State youth population overall, and these disparities are greater for youth convicted as adults.⁶⁸ Of the 44,149 cases, 27% of all adjudications/convictions involve Latino youth and 37% of adult court convictions involve Latino youth. Likewise, 17% of all adjudications/convictions involve Black youth and 33% of youth convictions in adult court involve Black youth.

Table 1: Demographics of Youth Adjudicated/Convicted in WA from 2009-22 & WA Population Aged 6-17 Overall

	Youth adjudicated in juvenile court or convicted in superior court (N=44,149)	Youth convicted as adults in WA State (N=957)	WA youth population overall
Gender			
Girls	20%	6%	49%
Boys	80%	94%	51%
Race/ethnicity			
White	50%	23%	60%
Latino	27%	37%	19%
Black	17%	33%	4%
Asian or Pacific Islander	2%	4%	7%
Indigenous	3%	2%	2%

Source: Authors' analysis of AOC data; Washington State population data by race 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". Washington State population data age by sex downloaded from U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates Tables "S0101 ACSST1Y2019" and "B01001 ACSST1Y2010". Nonbinary individuals are not recorded in U.S. Census data.

Data Limitations

Our analysis was limited in several ways by the quality of data made available to AOC by county court systems:

1. Race and ethnicity data are not collected and reported consistently across counties. Research suggests that administrative data frequently undercount individuals identifying as Latino and/or Indigenous.⁶⁹ We were able to partially address this concern by utilizing

⁶⁸ It is likely that Indigenous youth are under-counted due to inconsistency in data collection over time and across counties, and may be that our analysis does not accurately represent their proportional representation given research evidencing indigenous over-representation in the criminal legal system more broadly.

⁶⁹ Stehr-Green et al. 2002; Gelman et al. 2008; Johnson et al. 2009; Wood and Hays 2014; Arias et al. 2016; Urban Indian Health Institute 2020.

Hispanic Surname Analysis, but we are not able to similarly identify Indigenous youth who are not categorized as such in our data.

2. Our data do not specify which cases involved a firearm (as opposed to another deadly weapon) or which were attempts versus completed crimes. This impacts the precision of our classification of cases eligible for automatic decline.
3. Our data do not specify the sentence length being served for cases involving an escape charge, so we are unable to identify which of these cases would have been eligible for mandatory decline hearings.
4. There are not consistent case processing records that allow us to examine any amendments made from filing through sentencing. Our data only include the final charges for each case at the time of sentencing. For this reason, we are unable to examine the extent to which cases following the 2018 legislative changes that were not technically eligible for decline but resulted in an adult sentence included decline-eligible charges at the time of filing. We are also unable to examine whether there are racialized patterns in amendments made through the plea process.
5. The small number of cases subject to decline in the period following the 2018 legislation renders our estimates relatively imprecise, resulting in larger credible intervals in our multivariate analyses – future analyses including a longer post-legislation time frame will increase precision of the estimated effect of legislation on both likelihood of decline overall and racial disparities in decline.

Methods

Data provided to AOC by individual counties indicate whether a case was adjudicated in juvenile court or convicted in adult court, but do not identify the reason for decline if the case was convicted in adult court. We relied on legislative criteria, case characteristics, and criminal history of defendants to establish eligibility for decline. Legislative criteria for automatic decline, mandatory decline hearings, and discretionary decline hearings are available in [Appendix A](#). For cases eligible for decline along multiple dimensions, the following hierarchy was used to assign eligibility type: (1) automatic decline, (2) mandatory decline hearing, (3) discretionary decline hearing.⁷⁰ For example, a 2010 case involving a youth who was 17 at the time of the alleged offense and charged with both Robbery in the Second Degree (eligible for a mandatory decline hearing) and Robbery in the First Degree (eligible for automatic decline) would be coded in our data as eligible for automatic decline.

Our analysis begins with a descriptive summary of the data on adjudications/convictions and declines by race and eligibility to illustrate the extent to which racial disproportionality exists in juvenile declines to adult court. We then utilize Bayesian estimation of a mixed effects logistic regression model to examine the independent effect of race on juvenile decline while simultaneously accounting for: decline eligibility, whether the focal incident was a serious violent offense, the number of prior violent adjudications/convictions, legislative period, age at alleged

⁷⁰ see Jetzer 2013.

offense, and gender. Bayesian analysis is useful for situations such as this in which individual observations are not independent (multiple adjudications/convictions associated with a single respondent), there are a large number of groups with a small number of observations (over one third of respondents had only one adjudication/conviction), and some explanatory variables perfectly predict binary events (there are zero declines for youth in some racial/ethnic categories).⁷¹ Robustness checks were also conducted using maximum likelihood estimation of the same model, and parameter estimates were highly consistent across approaches.⁷² A technical appendix including all statistical findings is available upon request.

Descriptive Findings

In this section, we present descriptive summaries of the juvenile adjudication/conviction data. We begin by examining trends of absolute numbers and proportions of type of declines (auto, mandatory, or discretionary), over time, broken out by race/ethnicity, and then across select offense categories. Using these summaries, we calculate disparity ratios, comparing the rates at which youth of color are declined to the rates at which White youth are declined. We generate these rates from both the racial composition of the Washington State youth population and those in the Washington juvenile justice system. Interrogating the data in this piecemeal fashion provides important insights into how each of these factors (type of decline, legislative period, offense category) may or may not impact racial disparities among juveniles sentenced as adults.

Among cases filed between July 2009 and June 2022, 957 were declined. Figure 1 illustrates the total number of declined cases filed in each year for which we have twelve months of data (2010-2021).⁷³ The total number of youth cases resulting in decline has decreased significantly since 2010, peaking at 125 in 2010 and dropping to 10 in 2021. For most years, cases eligible for automatic decline comprised the largest portion of youth cases processed in adult court (50% on average). In the period leading up to the 2018 legislation that restricted eligibility for decline, about one third of declines resulted from discretionary decline hearings. During the last three years for which we have data, less than one sixth of cases transferred to adult court were discretionary declines.

Following the 2018 legislation, approximately one-third of declined cases did not appear to be eligible for decline (automatic, mandatory, or discretionary) based on legislative criteria and were transferred for reasons unknown to the research team. A sample of King County cases that were either subject to discretionary decline prior to the 2018 legislation or declined despite being technically ineligible in the period following the 2018 legislation were examined to determine whether there were any clear patterns in court processes that led to decline for cases where the reason was unclear. This analysis revealed that, in most cases, the original filing included charges

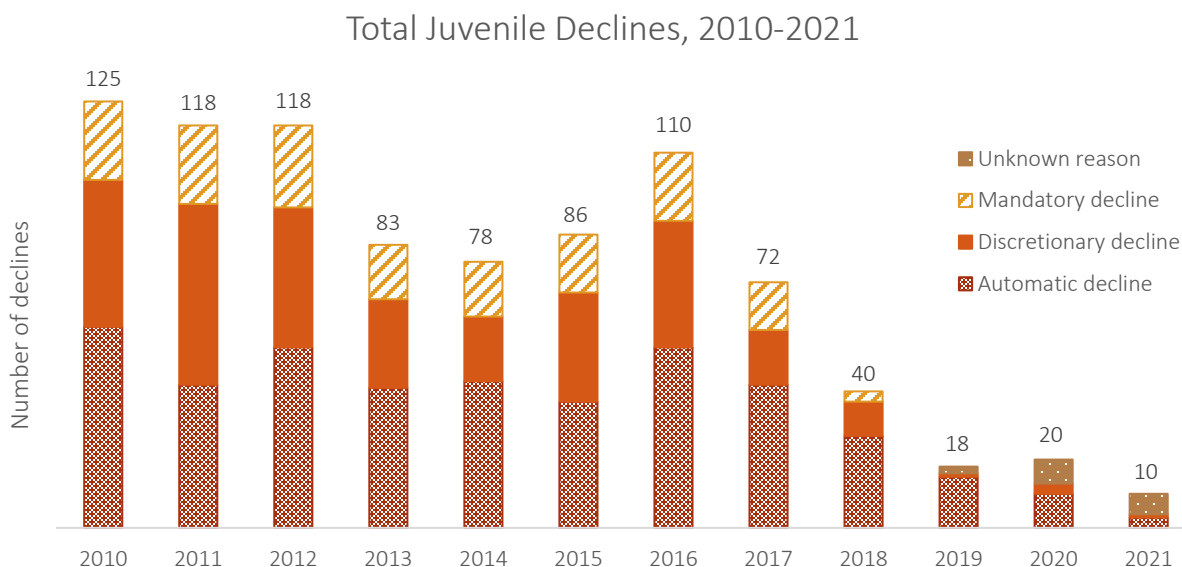
⁷¹ Gelman et al. 2008.

⁷² Methodological details and statistical outputs are available upon request.

⁷³ Rates of decline vary across Washington Counties. See [Appendix D](#) for a summary of youth adjudicated in adult court by county across the time period under investigation.

eligible for automatic decline that were later amended down. These cases were likely retained in adult court either as part of a plea agreement or due to a downward amendment from an auto-eligible charge after the defendant turned 18. The AOC data only include information about the charge at time of adjudication/conviction, not original charge or amendments made through the plea process, so we are unable to quantify the extent to which declines in the “unknown reason” category post-2018 legislation fit this pattern in other counties. In short, our examination of cases within King County suggests a large amount of discretion exists in charging decisions and the plea process that can result in adult sentencing, even in cases that do not appear to be technically eligible following legislation limiting criteria for discretionary decline.

Figure 1: WA State juvenile declines to adult court by decline type, 2010-2021



Source: Authors’ analysis of AOC data.

Table 2 shows that there were also many cases that were eligible for automatic decline or mandatory decline hearings but were ultimately sentenced in juvenile court, confirming the important role of discretion in decline processes even among cases that meet statutory criteria for automatic decline. Overall, our analysis indicates that approximately 2% of all cases were

Table 2: Criteria for decline eligibility by court jurisdiction at sentencing

Decline Eligibility	Jurisdiction at Sentencing		Total
	Adult court N=957	Juvenile court N=43192	
Technically ineligible for decline	22 (0.4%)	5,515 (99.6%)	5,537 (12.5%)
Eligible for discretionary decline hearing	306 (0.8%)	36,693 (99.2%)	36,999 (83.8%)
Eligible for mandatory decline hearing	173 (20.7%)	662 (79.3%)	835 (1.9%)
Eligible for automatic decline	456 (58.6%)	322 (41.4%)	778 (1.8%)

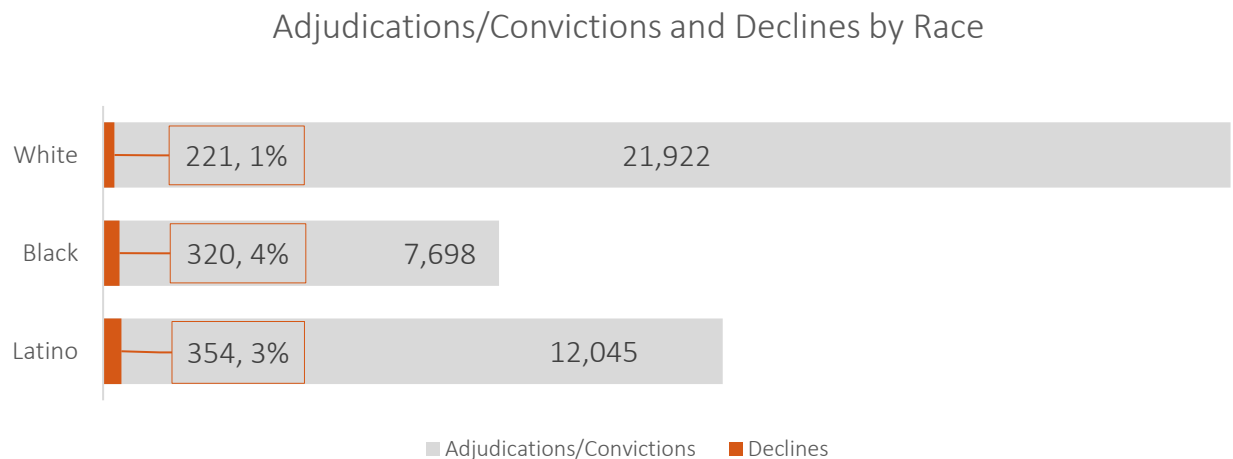
Source: Authors’ analysis of AOC data using authors’ eligibility criteria constructed from WA legislation.

eligible for automatic decline, 2% were eligible for a mandatory decline hearing, and 84% (including all cases before June 2018) were eligible for a discretionary decline hearing. Of the 38,612 cases potentially eligible for decline (via auto decline or as a result of a hearing), 2% were ultimately sentenced in adult court. As we might expect, the rate was highest for automatic decline – of the 778 auto- eligible cases based on our criteria, 456 (59%) were sentenced in adult court.⁷⁴ Among cases eligible for mandatory decline hearings, 21% were declined. In the period following legislation that established restrictions on discretionary decline, 14% of cases eligible for discretionary decline hearings resulted in decline. A detailed summary of jurisdiction at sentencing (juvenile vs. adult) by specific legislatively-defined eligibility criteria is provided in [Appendix B](#).

Racialized Patterns in Juvenile Decline

When examining juvenile declines (whether transferred automatically or through mandatory or discretionary hearings), our analysis reveals persistent racial disparities among cases resulting in adjudication/conviction. Over the entire period under investigation, **1% of cases involving White youth were declined, 3% of cases involving Latino youth were declined, and 4% cases involving Black youth were declined** (see Figure 2).

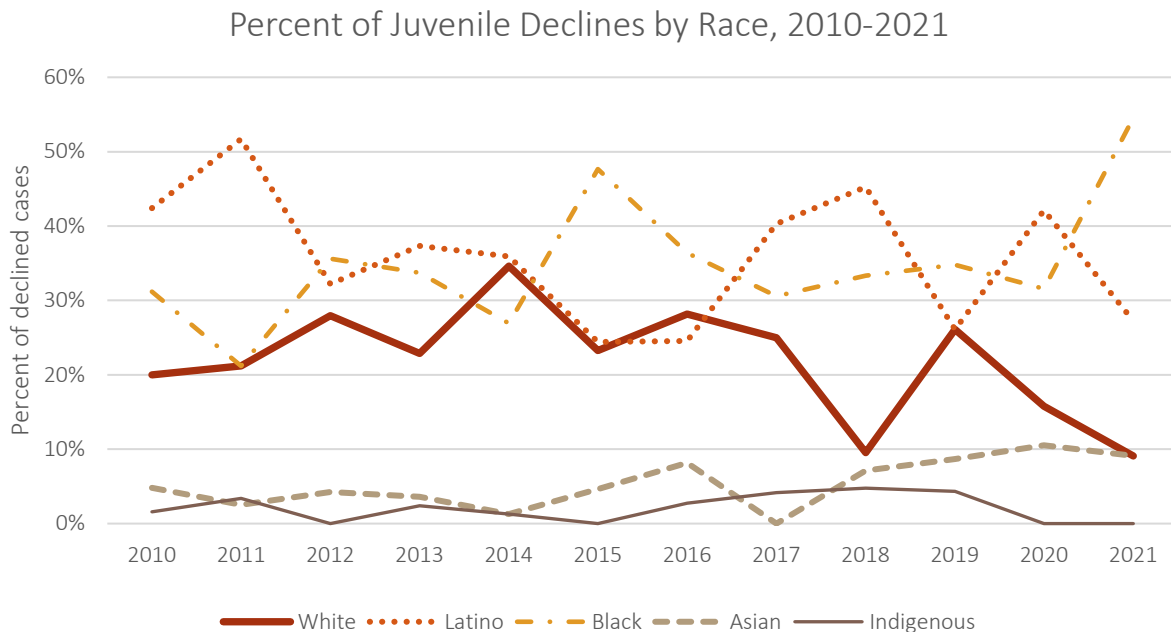
Figure 2: Percent of adjudications/convictions resulting in decline, by race/ethnicity



While the overall number of declines has dropped over the past decade, there has not been an associated reduction of racial disproportionality in juvenile declines. Figure 3 shows the racial composition of cases sentenced in adult court over time. Notably, in the period following the 2018 legislative changes that narrowed eligibility for automatic decline and mandatory decline hearings, White youth continued to represent 44% to 48% of adjudications/convictions overall but only 9% to 26% of youth sentenced as adults.

⁷⁴ Data provided by AOC do not distinguish between crimes that were attempted versus completed. Our examination of a subset of King County cases suggests that several Robbery I cases we identified as eligible for automatic decline were actually *attempted* Robbery I, in which case they would have been eligible for mandatory decline hearings rather than automatic decline. For this reason, it is likely that a large number of cases coded as eligible for automatic decline that remained in juvenile court were actually eligible for mandatory decline hearings rather than automatic decline.

Figure 3: Racial/ethnic representation in WA State juvenile declines to adult court by year, 2010-2021



Source: Authors' analysis of AOC data

Figure 4 illustrates racialized patterns in youth adjudications/convictions and declines before and after the 2018 legislation that narrowed decline eligibility went into effect. Black youth comprise 9% of the Washington State youth population overall but 18% of youth adjudications/convictions and 33% of juvenile declines to adult court prior to June 2018. **Following the 2018 legislation, 17% of youth adjudicated/convicted were Black and 37% of youth sentenced as adults were Black.**

After 2018, the total number of juvenile declines dropped, but racial disproportionality increased.

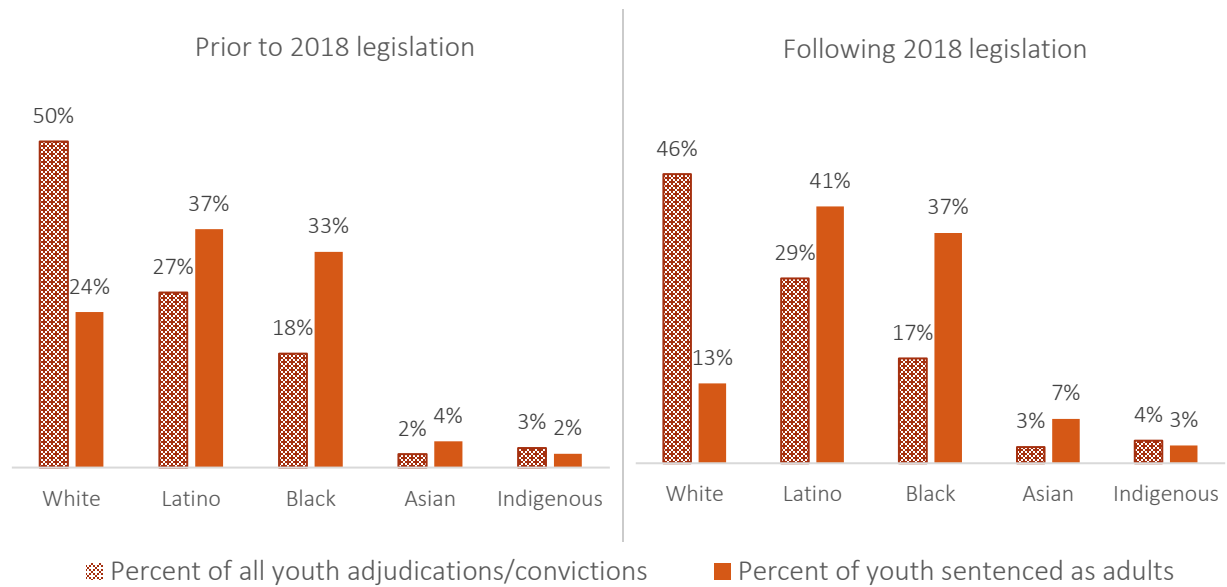
Similarly, Latino youth represent 19% of the Washington State youth population overall but represented 27% of youth adjudications/convictions and 37% of juvenile declines to adult court from 2009-2018. **After the 2018 legislation went into effect, 29% of youth adjudicated/convicted were Latino and 41% of youth sentenced as adults were Latino.**

On the other hand, 60% of the youth in Washington State are White, but only **46% of youth adjudicated/convicted and 13% of youth sentenced as adults in the period following the 2018 legislation were White.** The over-representation of Black and Latino youth in adult courts thus increased after the 2018 legislation was enacted. **For both time periods, bivariate statistical analyses examining the association between race/ethnicity and decline to adult court suggest that the racial disproportionality illustrated in Figure 3 is a result of systematic bias, not random chance.**⁷⁵

⁷⁵ Chi-Square tests for differences in proportions between the percent of cases declined within each racial/ethnic category suggest that the association between race/ethnicity and decline is statistically significant for both time periods. Results of these analyses are available upon request.

Figure 4: Racial disproportionality in juvenile decline prior to and following 2018 legislation

Racial disparities between adjudications/convictions overall and those subject to decline



Source: Authors' analysis of AOC data

Table 3: Disparity ratios by time period

	Disparity Ratios	
	Pre 2018	Post 2018
Black	3.82	7.70
Latino	2.85	5.00
Indigenous	1.39	2.65
Asian	4.17	8.26

Source: Authors' analysis of AOC data

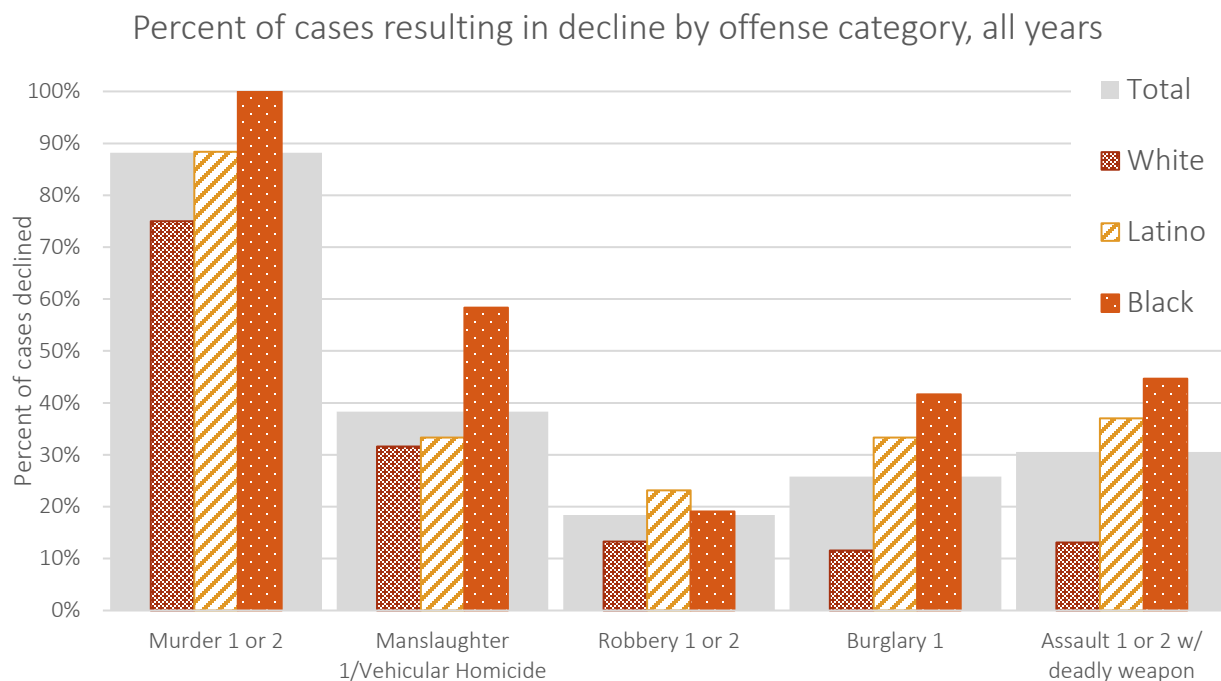
Another way of measuring the racial disproportionality before and after the 2018 legislative changes is by comparing disparity ratios during the two time periods. Table 3 shows the disparity ratio between the rate at which youth of color were sentenced as adults compared to the rate at which White youth were sentenced as adults (see [Appendix C](#) for details regarding the calculation of disparity ratios). Prior to 2018, declines involving Black children happened at a rate **3.8 times** that of

the rate of declines involving White children relative to the respective proportions of youth sentenced as adults in WA. **After 2018, declines involving Black children happened at a rate 7.7 times that of the rate of declines involving White children.** In fact, relative to the rate at which White youth were sentenced as adults, **disparity ratios nearly doubled for Black (3.8 vs 7.7), Latino (2.9 vs 5.0), Indigenous (1.4 vs 2.7), and Asian (4.2 vs 8.3) youth after 2018.**

Racial disparities in decline exist across offense categories that are eligible for decline. As shown in Figure 5, 88% of all Murder 1 and Murder 2 cases (N=110) were sentenced in adult court, but among the 28 murder cases with White defendants, only 75% were sentenced in adult court as opposed to 88% of the 43 murder cases with Latino defendants and 100% of the 33 murder cases with Black defendants. The overall percentages of manslaughter/vehicular homicide, robbery,

burglary, and assault cases that were sentenced in adult court were much lower, but cases with White defendants are also underrepresented among adult sentences in these categories.

Figure 5: WA State juvenile declines by offense category and race/ethnicity, 2009-2022



Source: Authors' analysis of AOC data.

Note: This figure is limited to White, Latino, and Black youth because the numbers are too low to draw meaningful conclusions regarding youth in other racial/ethnic categories. For all cases represented here, the respondent was 15+ at the time of the alleged offense and thus potentially eligible for decline.

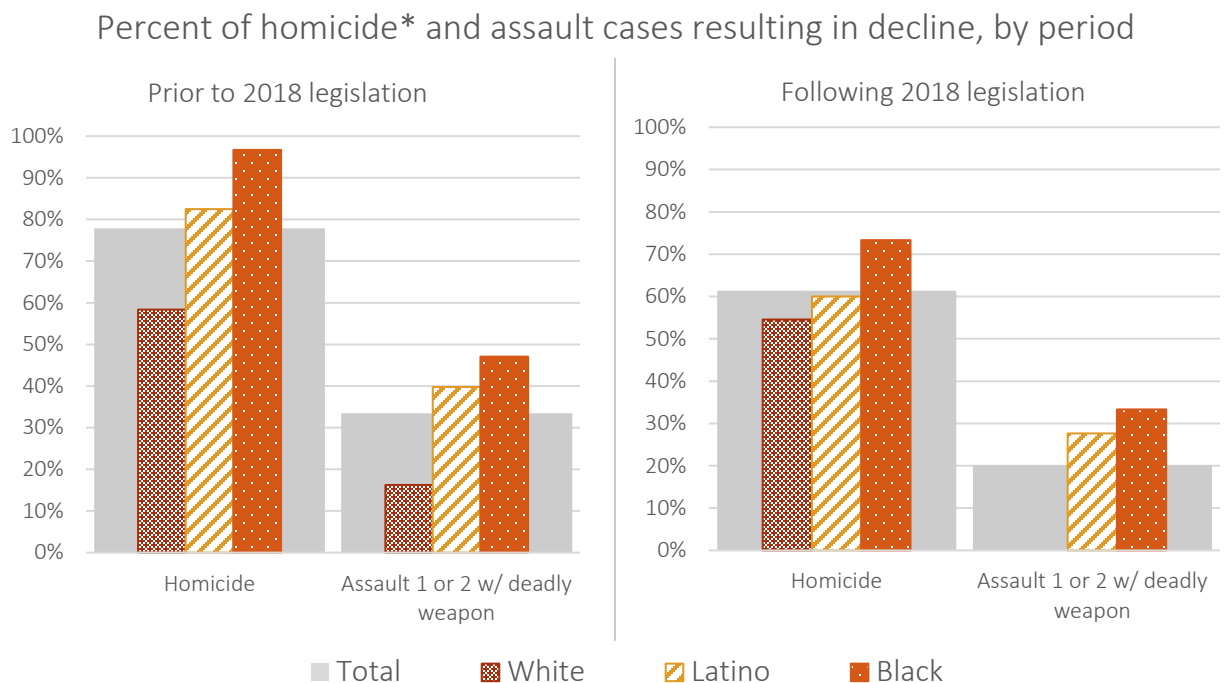
Figure 6 compares the rate of decline for Black, White, and Latino youth charged with homicide or serious assault (Assault in the First Degree or Assault in the Second Degree with a deadly weapon) in the periods prior to and following the 2018 legislation. Cases with robbery and burglary charges were rarely declined following the legislative changes reducing decline eligibility.⁷⁶ Due to the small number of cases subject to decline, we cannot make meaningful comparisons between the proportion of cases declined by race/ethnicity in the periods prior to and following the 2018 legislation within these offense categories. The number of Manslaughter 1 and Vehicular Manslaughter cases sentenced in adult court was also very low in the period following the 2018 legislative change; in our analysis of this time period, we have combined those cases with Murder 1 and Murder 2 into a single homicide category.

The overall percentage of homicide and serious assault cases sentenced in adult court decreased following the 2018 legislation (see Figure 6). In the period prior to 2018, 78% of the 113 homicide cases and 33% of the 374 serious assault cases were sentenced in adult court. Following the legislation, 61% of the 44 homicide cases and 20% of the 104 serious assault cases were sentenced

⁷⁶ Our data include seven declined robbery cases and two declined burglary cases in the period following June 2018

in adult court. Figure 6 also shows that within these offense categories, Black and Latino youth continued to be disproportionately sentenced as adults. **Among all Assault in the First Degree cases and Assault in the Second Degree with a deadly weapon cases following the 2018 legislation that involved a youth who was 15+ at the time of offense, zero of the 28 cases with White youth were sentenced as adults while six of the 18 cases with Black youth and 13 of the 47 cases with Latino youth were sentenced as adults.**

Figure 6: Racial disproportionality in declines for homicide and assault, prior to and following 2018 legislation



Source: Authors' analysis of AOC data

* Due to the limited number of cases in the period following the 2018 legislation, Murder 1 & 2, Manslaughter 1, and Vehicular Homicide have been combined for this comparison. For all cases represented here, the respondent was 15+ at the time of the alleged offense and thus potentially eligible for decline

Racialized Patterns in Nature of Decline

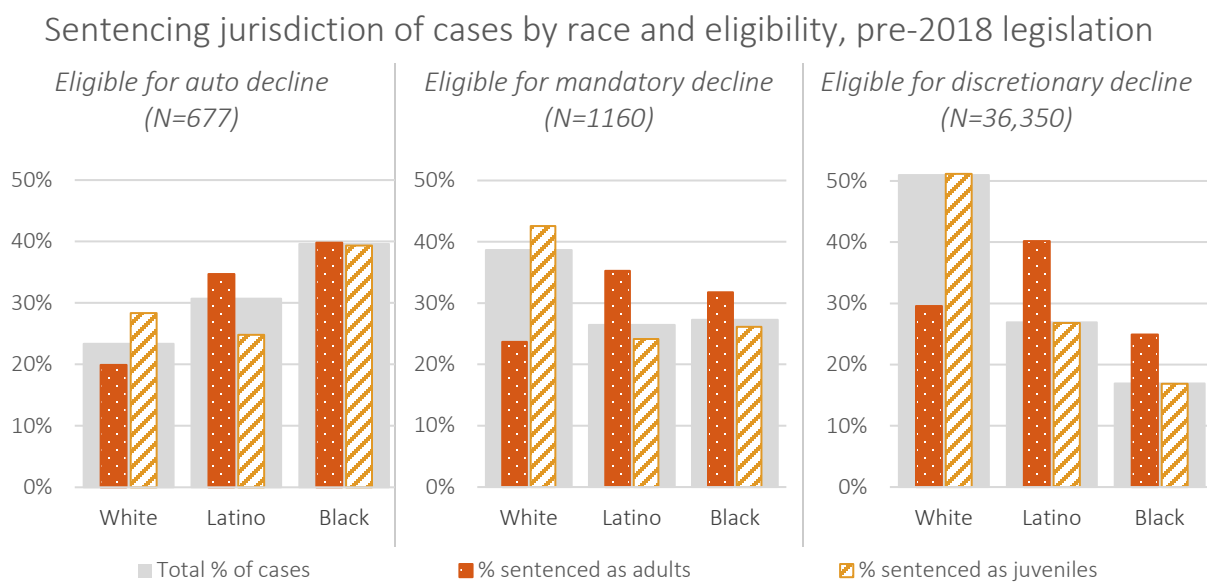
An analysis of jurisdiction at sentencing (juvenile versus adult) across categories of legislatively-defined decline eligibility and time period (offense dates pre/post 2018 legislation) reveals that cases with Black and Latino youth were more likely than White youth to be eligible for automatic decline, whereas White youth were more likely to be eligible for mandatory or discretionary decline. However, cases with White youth were less likely to be declined relative to their eligibility, across decline types and time periods.

As shown in Figure 7, prior to the 2018 legislation, 39% of cases eligible for mandatory decline hearings and 51% of cases eligible for discretionary decline hearings⁷⁷ involved White youth, but

⁷⁷ In the period prior to 2018, all cases not eligible for automatic decline or mandatory decline hearings were eligible for discretionary decline hearings.

among cases actually sent to adult court, only 24% of mandatory and 30% of discretionary declines involved White youth. *As compared to their representation among cases eligible for discretionary or mandatory decline, both Black and Latino youth were declined at significantly higher rates than their White peers.* The pattern is somewhat different for cases eligible for automatic decline. Consistent with discretionary declines, cases with Latino youth were both more frequently eligible for automatic decline and more frequently sentenced as adults given eligibility. However, cases with Black youth were more likely than cases with Latino or White youth to be eligible for automatic decline based on legislative criteria and were sentenced as adults at rates proportional to their eligibility. White youth eligible for automatic decline were sentenced as adults at rates lower than their eligibility.

Figure 7: Decline status by race and category of eligibility, prior to 2018 legislation



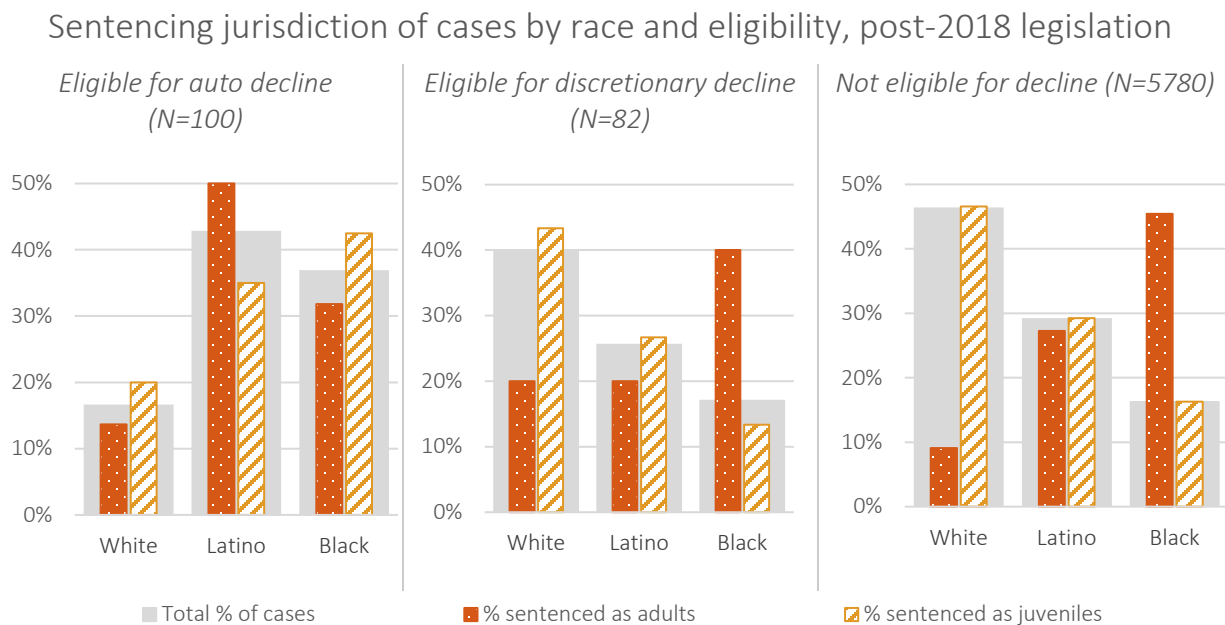
Source: Authors' analysis of AOC data.

Among cases with offense dates after the 2018 legislation that restricted decline eligibility went into effect, there were zero mandatory declines and five discretionary declines. This suggests that the legislation aimed at reducing the transfer of youth to adult court has effectively eliminated the practice of mandatory declines and dramatically reduced discretionary declines. However, White youth remain underrepresented among discretionary declines relative to their eligibility. As shown in Figure 8, 40% of the 82 cases *eligible* for discretionary decline hearings involved White youth but only one of the five discretionary declines involved a White youth in the period following the 2018 legislation.

While any case was potentially eligible for discretionary decline in the period prior to the 2018 legislation, the 2018 legislation introduced a category of cases that were technically ineligible for decline but nevertheless resulted in an adult sentence. As noted above, a large number of these cases likely involved a charge that was eligible for automatic decline initially but later amended to a charge not eligible for decline. These cases may have been retained in adult court either as part

of a plea agreement or because the amendment occurred after the respondent turned 18. Our analysis of racialized patterns among these 22 cases shows that **45% of cases retained in adult court despite lack of decline eligibility at the time of sentencing involved Black youth, 27% involved Latino youth, and 9% involved White youth.**

Figure 8: Decline status by race and category of eligibility, following 2018 legislation



Source: Authors' analysis of AOC data.

Overall, in the period following the 2018 legislation, **White youth remained underrepresented among declined cases across the board.** Latino youth were overrepresented among automatic declines and Black youth were overrepresented among discretionary declines and cases declined for unknown reasons. See [Appendix B](#) for more details regarding decline status by race.

The underrepresentation of White youth among declined cases persisted after 2018 legislation reduced declines overall.

The descriptive summaries presented in this section employ a variety of simple, straightforward methods for measuring racial disproportionality, all of which demonstrate a consistent trend: the overrepresentation of youth of color among juveniles sentenced as adults before and after the 2018 legislation limiting declines. The strength of descriptive summaries is that they report the data in a manner that does not rely on complicated mathematical estimation techniques. However, these descriptive measures do not simultaneously take into account multiple characteristics of each case at once, nor do they include other potentially salient factors such as criminal histories of defendants beyond decline eligibility. For a more sophisticated analysis of these data, we next turn to multivariate regression analysis.

Findings from Regression Analysis

The results of the descriptive analyses provided in the prior section demonstrate that a comparatively large proportion of youth of color were sentenced as adults, across all offense categories, both before and after major legislative changes that narrowed the criteria for decline eligibility. However, these descriptive results are suggestive rather than conclusive because they do not take into account the impact of multiple case characteristics simultaneously that are likely to influence prosecutorial and judicial decision-making. To remedy this, we next present results of statistical regression analyses that assess whether race plays a role in adult sentencing among youth when an array of case characteristics are taken into account.

Systemic Bias in Declines Overall

Our logistic regression models estimating the independent effect of race on juvenile decline when accounting for case characteristics and legislative period indicate that there is systematic racial bias in the decision to decline a case to adult court. Consistent with the descriptive summaries provided above, our regression analysis reveals that the likelihood of decline is greater for youth of color across the board.

When salient factors – including decline eligibility, whether the focal charge was a serious violent offense, number of prior violent offense adjudications/convictions, legislative period (pre- or post-2018 legislation), and age at alleged offense – are included or ‘controlled for’ in the regression model, **the odds of decline are 161% higher for Latino youth and 127% higher for Black youth as compared to White youth.** In other words, the odds of decline for cases involving Latino youth are roughly 2.6 times as large as the odds of White youth, and the odds of decline for cases involving Black youth are 2.3 times as large as odds of White youth. Our analysis also suggests that Asian and Indigenous youth face an increased likelihood of decline relative to White youth, but the small number of declines among Asian and Indigenous youth render these estimates considerably less precise. We have chosen to exclude Indigenous youth from the summary below because of the small number of Indigenous youth in the data, whom we suspect may be undercounted based on previous research detailing racial misclassification among Indigenous populations in administrative data.⁷⁸ A table of regression results including parameter estimates for each variable can be found in [Appendix E](#).⁷⁹

When controlling for other case characteristics, the overall odds of decline are 161% higher for Latino and 127% higher for Black youth as compared to White youth.

Systemic Bias in Declines by Type

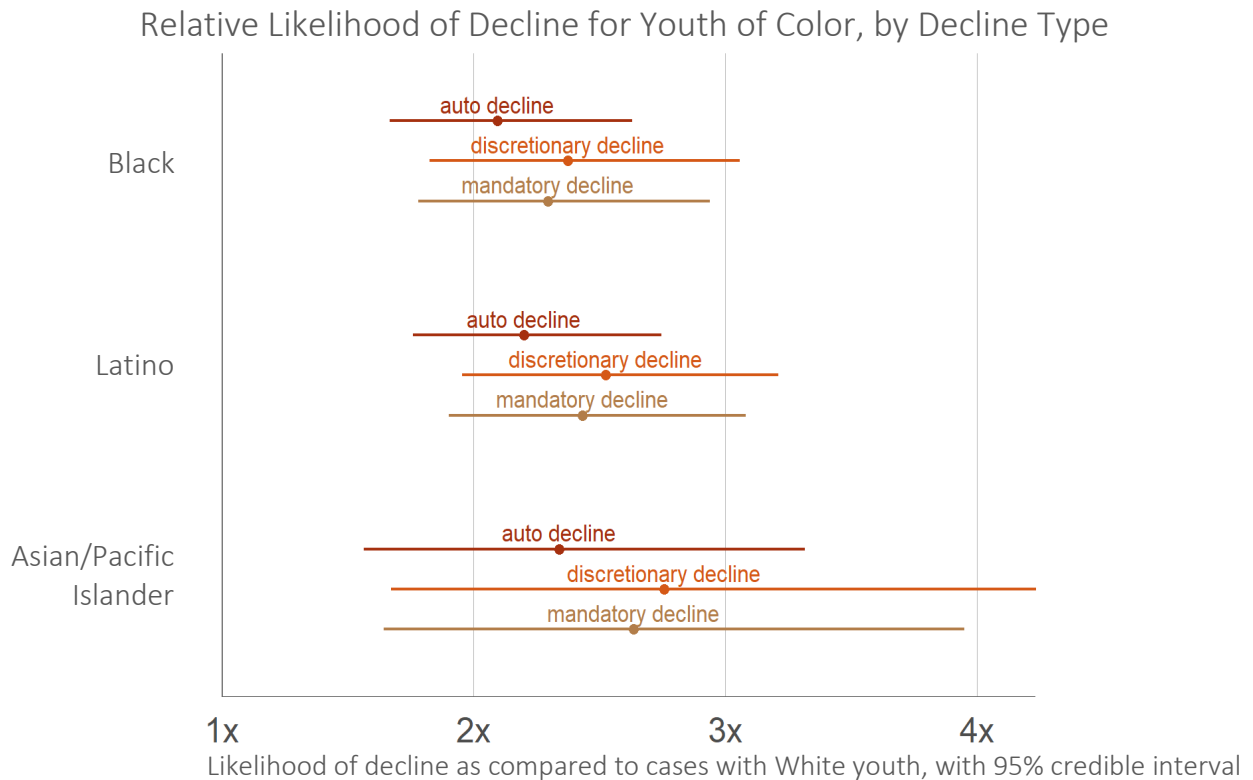
Figure 9 illustrates racial disparities in juvenile decline by category of eligibility for the entire period under investigation (July 27, 2009 to June 23, 2022), using dots to indicate the point estimate

⁷⁸ Stehr-Green et al. 2002; Gelman et al. 2008; Johnson et al. 2009; Wood and Hays 2014; Arias et al. 2016; Urban Indian Health Institute 2020.

⁷⁹ Additional details regarding our statistical approach and robustness checks are available upon request.

(coefficient) and lines to indicate the 95% credible interval.⁸⁰ Our analysis indicates that racial disparities are greater for discretionary and mandatory decline than automatic decline. Again, as our data only reflect sentencing outcomes, we are not able to examine potential discrepancies in charging decisions across racial and ethnic categories.

Figure 9: Relative likelihood of decline as compared to White youth, by decline type



Source: Authors' analysis of AOC data.

Racial disproportionality in decline is greater in instances where there is more discretion.

As shown in Figure 9, cases with Black youth are 2.10 times as likely and Latino youth are 2.20 times as likely as White youth to be automatically declined when controlling for case characteristics. In other words, **the odds of automatic decline are 110% higher for Black youth and 120% higher for Latino youth than for White youth.**

Cases with Black youth are 2.37 times as likely and Latino youth are 2.52 times as likely as White youth to be declined as a result of a discretionary decline hearing. In other words, **the odds of discretionary decline are 137% higher for cases with Black youth and 152% higher for Latino youth than for White youth.** Cases with Black youth are 2.30 times as likely and Latino youth are 2.43 times as likely as White youth to be declined as a result of a mandatory decline hearing. In other words, **the odds of mandatory decline are 130% higher for cases with Black youth and 143% higher for Latino youth than for White youth.**

⁸⁰ Given the observed data, the point estimate has a 95% probability of falling within the credible interval illustrated in our figures.

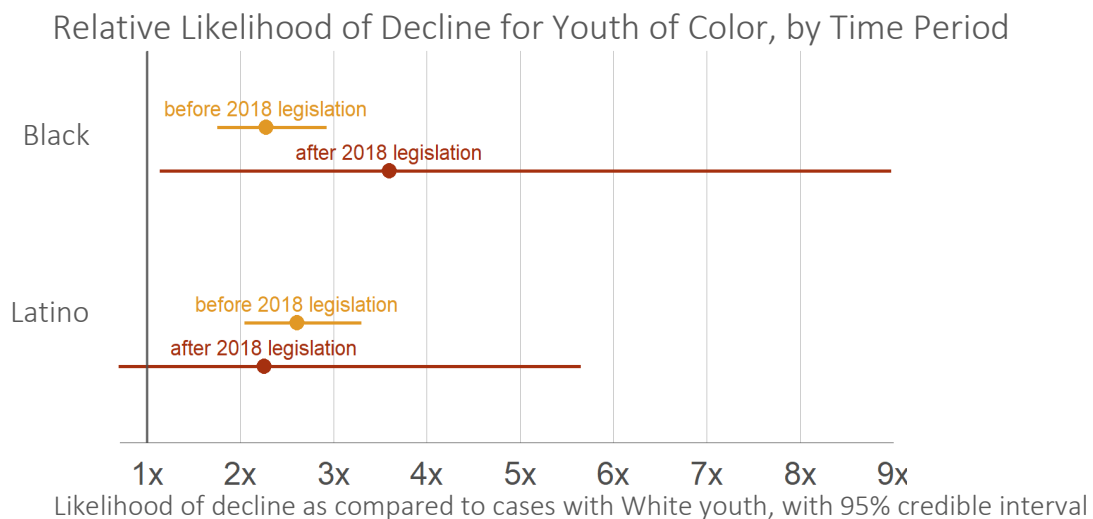
Systematic Bias in Decline Following 2018 Legislation

Our model suggests that **the overall odds of decline are 83% lower for cases following the 2018 legislative changes than in the nine years prior**, when controlling for case characteristics. However, the small number of cases included in our analysis for the 2018-2022 time period renders these estimates imprecise. While the overall odds of decline were lower, **our analysis suggests that the likelihood of decline for Black youth relative to their White peers increased following the legislation**. In the findings displayed below, we illustrate the relative risk of decline for Black and Latino youth relative to White youth.⁸¹

Figure 10 shows the likelihood of decline for Black and Latino youth compared to White youth before and after the 2018 legislation went into effect. The small number of cases post-2018 overall renders our estimates less precise, but our analysis shows that racial disparities in decline persist following the legislative change. Holding other case characteristics (including eligibility for decline) constant, Black youth were 3.60 times as likely to be declined as White youth in the period following the legislative change. **In other words, the odds of decline overall were 260% greater for Black than White youth following the 2018 legislation**. The legislative change did result in reduced disparities in decline between White and Latino youth, but did not eliminate them. Latino youth were 2.61 times as likely as White youth to be declined prior to the 2018 legislation and 2.26 times as likely as White youth to be declined after the legislation took effect. In other words, **in the period following the legislative change, the odds of decline overall were 126% greater for Latino than White youth**.

The odds of decline were 260% greater for Black and 126% greater for Latino youth than White following the 2018 legislation.

Figure 10: Relative likelihood of decline as compared to White youth, by legislative period

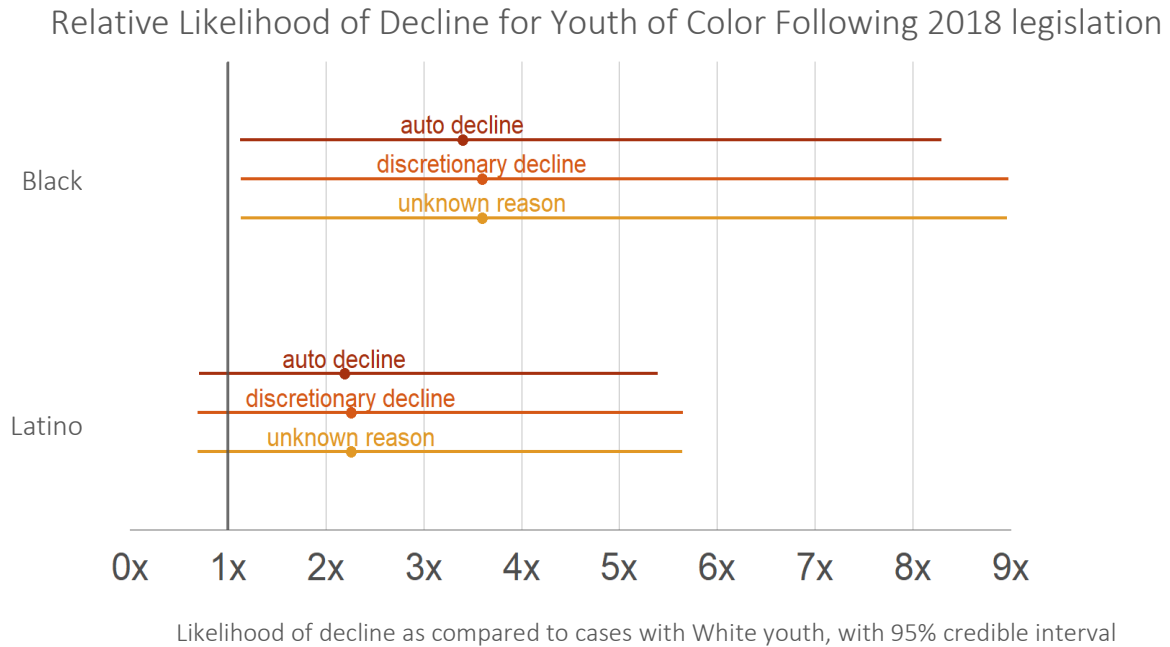


Source: Authors' analysis of AOC data.

⁸¹ Asian and Pacific Islander youth are excluded from these figures because the small number of cases in the period following the 2018 legislation results in an extraordinarily large credible interval for these estimates.

Figure 11 demonstrates relative likelihood of types of decline for Black and Latino youth following the 2018 legislation. Disaggregating these findings by decline type shows that racial disparities were slightly more pronounced for cases subject to discretionary decline and those not technically eligible for decline based on information available to the researchers. However, these differences are less pronounced than they were when examining the entire 2009-2022 time period and the small number of cases render our estimates relatively imprecise (as indicated by the large 95% credible interval).

Figure 11: Relative likelihood of decline as compared to White youth post-2018 legislation, by decline type



Source: Authors' analysis of AOC data.

Findings from the multivariate regression results confirm the general findings from the descriptive summaries presented in this report, as well as those reported in prior studies conducted on juvenile declines. Combined, these results tell a consistent and compelling story: youth of color are disproportionately overrepresented among children sentenced as adults in Washington State, both prior to 2018 and thereafter.

Conclusions

This report provides a comprehensive overview of racial disparities in juvenile declines (juvenile cases transferred to adult court) in Washington State from July 2009 to June 2022. Over the entire period under investigation, 1% of cases involving White youth were declined, 3% of cases involving Latino youth were declined, and 4% of cases involving Black youth were declined. Findings from statistical analysis of juvenile adjudications and convictions of youth in adult court reveal that racial disparities in juvenile decline exist both before and after legislative changes to decline eligibility that reduced the overall number of juvenile declines. Moreover, those disparities persist when accounting for relevant case characteristics.

Analysis of the periods before and after 2018 legislation narrowing eligibility shows continuing racial disparities in juvenile decline.

- Black youth comprise 9% of the Washington State youth population overall, but they represented 18% of youth adjudications/convictions and 33% of juvenile declines prior to June 2018. Following the 2018 legislation, Black youth represented 17% of youth adjudications/convictions and 37% of juvenile declines.
- Similarly, Latino youth comprise 19% of the Washington State youth population overall, but they represented 27% of youth adjudications/convictions and 37% of juvenile declines prior to June 2018. Following the 2018 legislation, Latino youth represented 29% of youth adjudications/convictions and 41% of juvenile declines.
- Conversely, 60% of the youth in Washington State are White, but White youth represented only 46% of youth adjudications/convictions and 13% of youth declined in the period following the 2018 legislation.
- For both time periods, bivariate statistical analyses examining the association between race/ethnicity and decline to adult court suggest that the racial disproportionality is a result of systematic bias, not random chance.
- Holding other case characteristics constant, multivariate regression analysis shows the predicted odds of decline overall were 83% lower for cases following the 2018 legislative changes than the nine years prior.
- The greater likelihood of decline for youth of color relative to their White peers persisted following the 2018 legislation.
- In the period following the 2018 legislation, zero of the 28 Assault in the First Degree cases and Assault in the Second Degree with a deadly weapon cases that involved White

youth were sentenced in adult court but over 28% of these cases involving Black or Latino youth were sentenced in adult court.

Racial disparities exist across type of decline: auto decline, mandatory decline, and discretionary decline.

- When holding other case characteristics constant, multivariate regression analysis shows:
 - Black youth were 2.10 times as likely and Latino youth were 2.20 times as likely as White youth to be auto-declined.
 - Black youth were 2.37 times as likely and Latino youth were 2.52 times as likely as White youth to be declined as a result of a discretionary decline hearing.
 - Black youth were 2.30 times as likely and Latino youth were 2.43 times as likely as White youth to be declined as a result of a mandatory decline hearing.

Both through descriptive summaries and multivariate regression, our analyses reveal that in Washington State the likelihood of decline is greater for youth of color across the board. Results regarding the independent effect of race on decline demonstrate that there is racial bias in the decision to decline a case to adult court (and to retain juvenile jurisdiction for cases eligible for automatic decline). Specifically, the regression findings show that when controlling for decline eligibility, the presence of a serious violent offense, number of prior violent offense adjudications/convictions, legislative period (pre- or post-2018 legislation), and age at alleged offense, the odds of decline are 161% higher for Latino than White youth and 127% higher for Black than White youth. We are confident in our conclusions that there is systematic racial bias in the transfer of youth to adult court, and that these racialized patterns persist despite a significant reduction in the overall rate of juvenile decline since 2018.

As discussed in the beginning of this report, there is a large – and growing – body of research documenting the existence of racial disparities at each stage of the juvenile justice process, and that these disparities persist after taking into account the severity of the offense and the individual’s criminal history. Research findings indicate that the largest disparities occur at points in which court actors are afforded the most discretion.

Researchers have identified several factors that contribute to racial disparities in juvenile justice. Studies indicate that part of these disparities are attributable to the different ways in which juvenile justice officials frame the social circumstances in which criminalized youth behavior emerges. For instance, studies have demonstrated that many justice officials appear more likely to see White youth as less threatening and more susceptible to rehabilitation. Racially or ethnically minoritized youth, by contrast, are commonly seen as products of broken families, less amenable to rehabilitation, and more threatening. Court actors are also more likely to view the behavior of youth of color as driven by internal traits rather than external circumstances, which in turn contributes to more punitive outcomes. The end result is that a disproportionate number of non-White youth are being treated as adults.

The larger proportion of youth of color transferred to adult court is consistent with social-psychological research showing that youth of color are seen to be more adult-like and hence more culpable for crime. Although the United States Supreme Court has concluded that the fundamental differences in brain and socio-emotional development between children and adults must be considered in the sentencing of children who commit crimes, disparities in transfer to adult courts indicate that these considerations are more likely to be disregarded for youth of color. As a result, a larger number of youth of color are susceptible to the more severe punishments available in adult criminal court. However these racial disparities emerge, there is ample empirical evidence that they persist in Washington State.

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Appendix A: Statutory Criteria for Decline Eligibility

Table 4: Statutory criteria for juvenile decline eligibility

Current Alleged Offense	Criminal History/other case characteristics	Age	Date changes went into effect	Legislation/court case
Statutory Criteria for Automatic Transfer (RCW 13.04.030(1))				
Anything	Prior case convicted in adult court, updated in 2009 to include only youth found guilty		1983; July 26, 2009	State v. Sharon 1983; ESSB 5746
Serious Violent Felony	As of 2009, can be waived with approval of the state, respondent, and court.	16 or 17 at offense	July 13, 1994; July 26, 2009	E2SHB 2319; ESSB 5746
Violent Felony	One or more Serious Violent Felonies; As of 2009, can be waived with approval of the state, respondent, and court.	16 or 17 at offense	July 13, 1994; July 26, 2009	E2SHB 2319; ESSB 5746
Violent Felony	Two or more Violent Felonies; As of 2009, can be waived with approval of the state, respondent, and court.	16 or 17 at offense	July 13, 1994; July 26, 2009	E2SHB 2319; ESSB 5746
Violent Felony	Three or more Class A Felonies, Class B Felonies, Vehicular Assault, or Manslaughter 2 committed after the 13 th birthday and prosecuted separately; As of 2009, can be waived with approval of the state, respondent, and court.	16 or 17 at offense	July 13, 1994; July 26, 2009	E2SHB 2319; ESSB 5746
Robbery 1, Rape of a Child 1, or Drive-by Shooting	As of 2009, can be waived with approval of the state, respondent, and court; <i>removed 2018</i>	16 or 17 at offense	July 1, 1997; July 26, 2009; Jun 7, 2018	E3SHB 3900; ESSB 5746; E2SSB 6160
<i>Burglary 1</i>	<i>Any prior felony or misdemeanor; As of 2009, can be waived for any offense committed when youth is 16 or 17; removed 2018</i>		July 1, 1997; July 26, 2009; Jun 7, 2018	E3SHB 3900; ESSB 5746; E2SSB 6160
<i>Violent Felony with a Firearm Allegation</i>	<i>As of 2009, can be waived for any offense committed when youth is 16 or 17; removed 2018</i>		July 1, 1997; July 26, 2009; Jun 7, 2018	E3SHB 3900; ESSB 5746; E2SSB 6160
Statutory Criteria for Discretionary Decline Hearing (RCW 13.40.110(1))				
<i>Anything</i>	<i>Prosecutor, respondent, or court may request</i>		July 26, 2009	
Serious Violent Felony		15 years or older at proceedings	Criteria established June 7, 2018	E2SSB 6160
Murder 1 or 2		14 years or younger at proceedings	Criteria established June 7, 2018	E2SSB 6160
Custodial assault	Serving minimum sentence to age of 21		Criteria added 2019	ESSHB 1646
Statutory Criteria for Mandatory Decline Hearing (RCW 13.40.110(2))				
Escape	Serving minimum sentence to age of 21		1997; July 26, 2009	E3SHB 3900; ESSB 5746
<i>Class A Felony or attempt, solicitation, or conspiracy to commit a class A felony</i>		<i>15, 16, or 17 years old at offense; only 17+ as of 2009; removed 2018</i>	1977; July 26, 2009; June 7, 2018	3SHB 371; ESSB 5746; E2SSB 6160
<i>Assault 2; Extortion 1; Indecent Liberties; Child Molestation 2, Kidnapping 2, Robbery 2</i>		<i>17+ at offense as of 2009; removed 2018</i>	1988; July 26, 2009; June 7, 2018	SHB 1333; ESSB 5746; E2SSB 6160
This table was reproduced from Barnoski (2003) and updated based on Elsberry (2019).				
<i>Italicized text indicates that subsequent legislation removed this criteria for auto transfer or decline hearing</i>				

Appendix B: Decline Eligibility and Case Type

Table 5: Detailed legislatively-defined decline eligibility by jurisdiction at sentencing

Decline Eligibility	Case Type		Total
	Adult N=957	Juvenile N=43192	
Technically ineligible for decline	22	5,515	5,537
<i>Likely sentenced in adult court due to downward amendment after filing with plea agreement to remain in adult court</i>	3		
<i>Likely retained in adult court due to a downward amendment, after the defendant turned 18, from a charge that was originally auto-declined</i>	19		
Eligible for automatic decline	<i>Adult</i>	<i>Juvenile</i>	
Prior adult conviction	64	64	128
Serious violent felony and 16 or 17 at offense	152	33	185
Violent felony, prior serious violent felony, and 16 or 17 at offense	1	3	4
Violent felony, 2+ prior violent felonies, and 16 or 17 at offense	6	8	14
Violent felony, 3+ prior vehicular assault, Manslaughter 2, and/or Class A or B felonies age 13+, and 16 or 17 at offense	17	33	50
Rape of a Child 1 and 16 or 17 at offense	9	14	23
Robbery 1 or Drive-by Shooting and 16 or 17 at offense, prior to 6/7/2018	186	144	330
Burglary 1, 1+ priors, and 16 or 17 at offense, prior to 6/7/2018	19	21	40
Violent felony with firearm allegation, offense date prior to 6/7/2018	2	2	4
Total auto-eligible	456	322	778
Eligible for discretionary decline hearing	<i>Adult</i>	<i>Juvenile</i>	
Any case with offense date prior to 6/7/2018	292	36,516	36,808
Serious violent felony and 15+ at filing, offense date 6/7/2018 or later	5	6	11
Murder 1 or 2 and any age, offense date 6/7/2018 or later	0	4	4
Custodial assault, includes all sentence lengths due to data limitation	9	167	176
Total discretionary-eligible	306	36,693	36,999
Eligible for mandatory decline hearing	<i>Adult</i>	<i>Juvenile</i>	
Class A Felony, age 15+ at offense prior to 7/26/2009	4	13	17
Class A Felony, age 16+ at offense between 7/26/2009 and 6/7/2018	26	176	202
Assault 2, Ext 1, Ind Lib, Child Mol 2, Kidnap 2, Rob 2 offense prior to 7/26/2009	7	45	52
Assault 2, Ext 1, Ind Lib, Child Mol 2, Kidnap 2, Rob 2 and age 17 at offense between 7/26/2009 and 6/7/2018	136	428	564
Total mandatory-eligible	173	662	835

Table 6: Decline Eligibility and Adult Sentencing of WA State Youth Adjudications/Convictions by Race

	Total sentenced as adults	Total eligible for decline	Adult sentence, among those eligible	Adult sentence, among those not technically eligible
White	221 (23%)	19,351 (50%)	219 (23%)	2 (9%)
Latino	354 (37%)	10,427 (27%)	348 (37%)	6 (27%)
Black	320 (33%)	6,791 (18%)	310 (33%)	10 (45%)
AAPI	41 (4%)	816 (2%)	39 (4%)	2 (9%)
Indigenous	21 (2%)	1170 (3%)	19 (2%)	2 (9%)
Other/Unk	0 (0%)	57 (0%)	0 (0%)	0 (0%)
Total	957	38,612	935	22

Table 7: Jurisdiction at Sentencing (Adult vs Juvenile) by Race and Category of Decline Eligibility

		Eligible for Automatic Decline			Eligible for Disc Decline			Eligible for Mandatory Decline		
		Adult	Juvenile	Total	Adult	Juvenile	Total	Adult	Juvenile	Total
White	All years	88 (19%)	88 (27%)	176 (23%)	90 (29%)	18,762 (51%)	18,852 (51%)	41 (24%)	282 (43%)	323 (39%)
	Pre-2018	82 (20%)	80 (28%)	162 (23%)	89 (30%)	18,749 (51%)	18,838 (51%)	41 (24%)	282 (43%)	323 (39%)
	Post-2018	6 (14%)	8 (20%)	14 (17%)	1 (20%)	13 (43%)	14 (40%)	0 (NA)	0 (NA)	0 (NA)
Latino	All years	165 (36%)	84 (26%)	249 (32%)	122 (40%)	9,835 (27%)	9,957 (27%)	61 (35%)	160 (24%)	221 (26%)
	Pre-2018	143 (35%)	70 (25%)	213 (31%)	121 (40%)	9,827 (27%)	9,948 (27%)	61 (35%)	160 (24%)	221 (26%)
	Post-2018	22 (50%)	14 (35%)	36 (43%)	1 (20%)	8 (27%)	9 (26%)	0 (NA)	0 (NA)	0 (NA)
Black	All years	178 (39%)	128 (40%)	306 (39%)	77 (25%)	6,180 (17%)	6,257 (17%)	55 (32%)	173 (26%)	228 (27%)
	Pre-2018	164 (40%)	111 (39%)	275 (40%)	75 (25%)	6,176 (17%)	6,251 (17%)	55 (32%)	173 (26%)	228 (27%)
	Post-2018	14 (32%)	17 (43%)	31 (37%)	2 (40%)	4 (13%)	6 (17%)	0 (NA)	0 (NA)	0 (NA)
Asian/Pac Is	All years	17 (4%)	18 (6%)	35 (4%)	13 (4%)	733 (2%)	746 (2%)	9 (5%)	26 (4%)	35 (4%)
	Pre-2018	15 (4%)	17 (6%)	32 (5%)	12 (4%)	732 (2%)	744 (2%)	9 (5%)	26 (4%)	35 (4%)
	Post-2018	2 (5%)	1 (3%)	3 (4%)	1 (20%)	1 (3%)	2 (6%)	0 (NA)	0 (NA)	0 (NA)
Indigenous	All years	8 (2%)	4 (1%)	12 (2%)	4 (1%)	1,126 (3%)	1,130 (3%)	7 (4%)	21 (3%)	28 (3%)
	Pre-2018	8 (2%)	4 (1%)	12 (2%)	4 (1%)	1,122 (3%)	1,126 (3%)	7 (4%)	21 (3%)	28 (3%)
	Post-2018	0 (0%)	0 (0%)	0 (0%)	0 (0%)	4 (13%)	4 (11%)	0 (NA)	0 (NA)	0 (NA)
Other	All years	0 (0%)	0 (0%)	0 (0%)	0 (0%)	57 (0%)	57 (0%)	0 (0%)	0 (0%)	0 (0%)
	Pre-2018	0 (0%)	0 (0%)	0 (0%)	0 (0%)	57 (0%)	57 (0%)	0 (0%)	0 (0%)	0 (0%)
	Post-2018	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (NA)	0 (NA)	0 (NA)
	Total	456	322	778	306	36,639	36,999	173	662	835

Appendix C: Disproportionality Index Scores

Table 8: Measures of racial disparities between adult and juvenile adjudications/convictions for youth in Washington, 2009-2022

Pre 2018					
	Black	Latino	White	Indigenous	API
WA juvenile declines	33%	37%	24%	2%	4%
WA juvenile adjudications/convictions	18%	27%	50%	3%	2%
Difference in Proportions	15%	10%	-26%	-1%	2%
Disproportionality Index Score (DIS)	1.83	1.37	0.48	0.67	2.00
Disparity Ratio (vs. White*)	3.82	2.85	-	1.39	4.17
Post 2018					
	Black	Latino	White	Indigenous	API
WA juvenile declines	37%	41%	13%	3%	7%
WA juvenile adjudications/convictions	17%	29%	46%	4%	3%
Difference in Proportions	20%	12%	-33%	-1%	4%
Disproportionality Index Score (DIS)	2.18	1.41	0.28	0.75	2.33
Disparity Ratio (vs. White*)	7.70	5.00	-	2.65	8.26

Source: Authors' analysis of AOC data.

A Disproportionality Index Score (DIS) equal to 1.0 indicates perfect representation; greater than 1.0 indicates over-representation; and less than 1.0 indicates under-representation. Before 2018, White youth were under-represented among declines relative to adjudications/convictions (DIS=0.48); and Black and Latino youth were over-represented among declines relative to adjudications/convictions (DIS=1.83 and 1.37, respectively). After 2018, White youth were even more under-represented among declines relative to adjudications/convictions (DIS=0.28); and Black and Latino youth remained over-represented among declines relative to adjudications/convictions (DIS=2.18 and 1.41, respectively). A disparity ratio indicates how the likelihood of selection among one racial/ethnic group compares to the risk of selection for a comparison group. The DIS 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.) Prior to 2018, relative to the respective proportions of youth adjudicated/convicted as adults in WA, declines involving Black children happened at a rate **3.82 times** that of the rate of declines involving White children. After 2018, declines involving Black children happened at a rate **7.70 times** that of the rate of declines involving White children.

Appendix D: Cases by County and Jurisdiction

Table 9: Youth Adjudications/Convictions by County and Court Jurisdiction, 2009-2022

	Juvenile Court		Adult Court		Total	
	% County Cases	% State Cases	% County Cases	% State Cases	Total # County Cases	% All State Cases
KING	95.8%	12.4%	4.2%	24.6%	5604	12.7%
YAKIMA	95.9%	6.1%	4.1%	11.8%	2747	6.2%
SKAGIT	96.3%	2.5%	3.7%	4.3%	1115	2.5%
PIERCE	96.5%	10.6%	3.5%	17.2%	4742	10.7%
LEWIS	96.6%	2.2%	3.4%	3.5%	1002	2.3%
SPOKANE	97.1%	5.6%	2.9%	7.5%	2509	5.7%
ASOTIN	97.3%	1.0%	2.7%	1.3%	451	1.0%
SAN JUAN	97.9%	0.1%	2.1%	0.1%	47	0.1%
CLARK	98.2%	9.5%	1.8%	7.9%	4181	9.5%
KLICKITAT	98.2%	0.4%	1.8%	0.3%	168	0.4%
CHELAN	98.3%	1.8%	1.7%	1.5%	809	1.8%
GRANT	98.3%	3.4%	1.7%	2.6%	1515	3.4%
KITTITAS	98.4%	0.7%	1.6%	0.5%	309	0.7%
DOUGLAS	98.4%	1.0%	1.6%	0.7%	441	1.0%
SNOHOMISH	98.4%	6.2%	1.6%	4.5%	2739	6.2%
PACIFIC	98.5%	0.5%	1.5%	0.3%	204	0.5%
BENTON	98.6%	5.7%	1.4%	3.7%	2478	5.6%
COLUMBIA	98.6%	0.2%	1.4%	0.1%	71	0.2%
WHATCOM	98.6%	3.3%	1.4%	2.1%	1429	3.2%
FRANKLIN	98.7%	2.5%	1.3%	1.5%	1081	2.4%
ADAMS	98.8%	0.8%	1.2%	0.4%	331	0.7%
OKANOGAN	99.3%	1.9%	0.7%	0.6%	838	1.9%
WHITMAN	99.3%	0.3%	0.7%	0.1%	149	0.3%
WALLA WALLA	99.5%	1.7%	0.5%	0.4%	728	1.6%
MASON	99.6%	1.1%	0.4%	0.2%	484	1.1%
COWLITZ	99.6%	3.4%	0.4%	0.6%	1467	3.3%
GRAYS HARBOR	99.7%	1.3%	0.3%	0.2%	577	1.3%
ISLAND	99.7%	0.8%	0.3%	0.1%	327	0.7%
THURSTON	99.7%	6.2%	0.3%	0.8%	2695	6.1%
KITSAP	99.7%	3.6%	0.3%	0.4%	1572	3.6%
CLALLAM	100.0%	1.3%	0.0%	0.0%	569	1.3%
FERRY	100.0%	0.1%	0.0%	0.0%	47	0.1%
GARFIELD	100.0%	0.0%	0.0%	0.0%	20	0.0%
JEFFERSON	100.0%	0.3%	0.0%	0.0%	127	0.3%
LINCOLN	100.0%	0.1%	0.0%	0.0%	38	0.1%
PEND OREILLE	100.0%	0.2%	0.0%	0.0%	71	0.2%
SKAMANIA	100.0%	0.2%	0.0%	0.0%	93	0.2%
STEVENS	100.0%	0.8%	0.0%	0.0%	342	0.8%
WAHKIAKUM	100.0%	0.1%	0.0%	0.0%	32	0.1%
Total	97.8%	100.0%	2.2%	100.0%	44149	100.0%

Appendix E: Regression Results

Variables included in Statistical Models

Variables included in our statistical analysis were selected based on prior research regarding juvenile decline and through conversation with public defense attorneys about factors that could contribute to the decision to decline a case to adult court. Our analysis is limited to information about case characteristics and adjudication/conviction histories available in the data provided by AOC and could be missing some important explanatory information. In particular, we do not have key details regarding case characteristics and processing including whether the incident included a firearm, original charge at filing, and subsequent amendments.

Outcome variable:

- **Declined:** Our outcome of interest is whether a case was convicted in adult court (declined) versus adjudicated in juvenile court (not declined), as indicated by the case number. According to the case numbering system utilized statewide, cases with a “1” following the 2-digit year code were processed in criminal court and cases with a “8” following the year code were processed in juvenile court.

Explanatory variables:

- **Race:** Our primary predictor of interest is race. We constructed a 6-category race variable using AOC classifications with additional Hispanic Surname Analysis⁸² to identify youth recorded as White, Asian, Indigenous⁸³, or Other who were likely to be Latino. Asian and Pacific Islanders were combined in our analysis to account for the small number of Pacific Islanders in our sample.
- **Decline eligibility:** A categorical variable indicating whether a case was eligible for automatic, discretionary, or mandatory decline. We used legislative criteria, case characteristics, and criminal history of defendants to establish decline eligibility. See Appendix A for criteria used in the construction of this variable.
- **Serious violent felony:** A dichotomous variable indicating whether or not the focal charge is classified as a serious violent felony. Serious violent felonies include: Murder 1, Homicide by abuse, Murder 2, Manslaughter 1, Assault 1, Kidnapping 1, Rape 1, Assault of a child 1, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies (RCW 9.94A.030(46)).
- **Prior violent adjudications/convictions:** The respondent’s number of prior violent adjudications/convictions in Washington State. Violent felonies include: Manslaughter 1,

⁸² 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.

⁸³ Defendants whose race was recorded as “American Indian or Native Alaskan” are listed as “Indigenous” in our report.

Manslaughter 2, Indecent liberties committed by forcible compulsion, Kidnapping 2, Arson 2, Assault 2, Assault of a child 2, Extortion 1, Robbery 2, Drive-by-shooting, Vehicular assault when caused by DUI or reckless driving, Vehicular homicide when caused by DUI or reckless driving, or criminal conspiracy to commit one of these felonies (RCW 9.94A.030(58)).

- **Legislative period:** A binary variable indicating whether the case had an offense date before or after the legislative changes considerably restricting decline eligibility went into effect (June 7, 2018). Offense date was selected as the delimiter between time periods because this is the date used by the courts to determine applicable legislation for a given case.
- **Age at alleged offense:** A continuous variable ranging from 9 to 17.
- **Gender:** A categorical variable indicating whether the respondent was a boy, girl, or another or unknown gender.

A descriptive summary of all variables included in our analysis is provided in Table 11 below.

Table 10: Descriptive statistics of variables included in logistic regression model

Variable	Number	Percent	Mean (Std. Dev)	Min, Max
Declined				
<i>Yes</i>	957	2.2%		
<i>No</i>	43,192	97.8%		
Decline eligibility				
<i>Not technically eligible</i>	5,780	12.5 %		
<i>Auto</i>	778	1.8 %		
<i>Discretionary</i>	36,999	83.8 %		
<i>Mandatory</i>	835	1.9 %		
Serious violent felony				
<i>Yes</i>	291	0.7%		
<i>No</i>	43,858	99.3%		
Prior violent adj/convictions	44,149		0.07 (0.28)	0, 5
Legislative Period				
<i>Offense pre-2018 legislation</i>	38,493	87.2%		
<i>Offense post-2018 legislation</i>	5,656	12.8%		
Race				
<i>White</i>	21,922	49.7 %		
<i>Latino</i>	12,045	27.3 %		
<i>Black</i>	7,698	17.4 %		
<i>Indigenous</i>	1,370	3.1 %		
<i>Asian/Pacific Islander</i>	985	2.2 %		
<i>Other/unknown</i>	129	0.3 %		
Age at alleged offense	44,149		15.27 (1.45)	9, 17
Gender				
<i>Girl</i>	8,857	20.1 %		
<i>Boy</i>	35,254	79.9 %		
<i>Other/unknown</i>	38	0.1 %		

Regression Results

Table 12 presents parameters estimates obtained through Bayesian estimation of a logistic regression model, and associated 95% credible intervals. More details regarding our statistical approach and robustness checks are available upon request.

Table 11: Logistic regression results

Variable	log odds	95% CI – lower	95% CI – upper
Intercept	-17.54	-19.73	-15.46
Decline Eligibility			
Auto	3.14	2.31	3.98
Discretionary	-1.05	-1.88	-0.22
Mandatory	1.73	0.89	2.59
Serious violent felony (focal case)	3.82	3.29	4.38
Prior violent adj/convictions	0.4	0.22	0.6
Period (post-2018 legislation)	-1.79	-2.85	-0.77
Race			
Latino	0.96	0.73	1.19
Black	0.82	0.57	1.07
Indigenous	0.43	-0.18	0.99
Asian/Pacific Islander	0.87	0.37	1.35
Other/unknown	-8.66	-23.32	0.71
Age at alleged offense	0.77	0.65	0.88
Gender			
Boy	0.84	0.52	1.17
Other/unknown	1.46	-2.06	3.93
Race x Period Interaction			
Latino	-0.28	-1.31	0.79
Black	0.32	-0.71	1.39
Indigenous	1.04	-1.02	2.8
Asian/Pacific Islander	0.97	-0.62	2.46
Other/unknown	-3.58	-20.93	11.56
UniqueID (group-level random intercept, number of levels: 25235)	0.79	0.19	1.23