

## **List of alternative dispositions for a Juvenile Offender matter**

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## List of alternative dispositions for a Juvenile Offender matter

### 1. Pre-filing

#### i. Police diversion [RCW 13.40.020](#) [omitted language barring police]

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the<sup>34</sup>supervision of the juvenile court, or other entity ~~except a law enforcement official or entity~~, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability<sup>38</sup>board, or other entity specially funded by the legislature to arrange<sup>39</sup>and supervise diversion agreements in accordance with this chapter...

#### ii. Choose [180 Diversion](#)

Today, the Choose 180 Program diverts approximately 400 youth each year from the criminal justice system. Saturday half-day workshops are held each month at Seattle University's School of Law. The university loans the space to [Choose 180](#) and hosts the Youth 180 Workshops free of charge. Each of these 400 youth represents a host of costs that are avoided. For example, when 400 youth cannot be located or fail to respond to the diversion letter, each is arrested, charged with a crime, booked into the Youth Service Center, and assigned a public defender to represent them in juvenile court.

#### iii. Family Intervention and Restorative Services [FIRS](#)

The program, Family Intervention and Restorative Services (FIRS) offers youth arrested for family violence incidents space at an overnight respite center instead of secure detention. FIRS staff offer de-escalation counseling to safely reunite youth with their family. At no cost to them, families are offered in-home family counseling, mental health services, drug and alcohol services, and the [Step-Up Program](#), which specifically addresses adolescent family violence.

#### iv. Youth Court

[RCW 3.72](#) A youth court may serve as a diversion for a case referred from juvenile court. A juvenile must sign a youth court agreement, which is a contract whereby the juvenile agrees to fulfill certain conditions imposed by the youth court in lieu of a determination that the traffic infraction or transit infraction occurred.  
Ages 12-17 for civil and traffic infractions

### 2. Diversions [RCW 13.40.070](#)... (11) –Pre filing but a record is made and distributed

[RCW 13.40.070](#) [Diversion]...: The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or [RCW 13.40.080](#), refer juveniles to community-based programs, restorative justice programs, mediation, or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

(12) Prosecutors and juvenile courts are encouraged to engage with and partner with community-based programs to expand, improve, and increase options to divert youth from formal processing in juvenile court. Nothing in this chapter should be read to limit partnership with community-based programs to create diversion opportunities for juveniles.

i. Mandatory for first misdemeanor (simple or gross) [RCW 13.40.070](#)

[RCW 13.40.070](#) [Diversion]... (6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor may be guided by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

ii. Discretionary for all other misdemeanor and felonies with the exception of violent, drug, sex offenses. Does allow diversions for assault 2 and Robbery 2. [RCW 13.40.070](#)

[RCW 13.40.070](#)... (8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor may be guided by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(5) The prosecutor shall file an information with the juvenile court if (a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under [RCW 9.94A.030](#), other than assault in the second degree or robbery in the second degree; or (b) an alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

iii. Prostitution and Voyeurism [RCW 13.40.070](#)

[RCW 13.40.070](#)...(7) Where a case is legally sufficient to charge an alleged offender with:

(a) Either prostitution or prostitution loitering and the alleged offense is the offender's first prostitution or prostitution loitering offense, the prosecutor shall divert the case; or

(b) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years.

3. Pre adjudication –no finding of guilt

- i. Stipulated order of continuance

4. Pre adjudication –finding of guilt

- i. Deferred Disposition [RCW 13.40.127](#)

[RCW 13.40.127](#) [Deferred Disposition] (4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW [13.40.190](#) shall be a condition of community supervision under this section.

- ii. Boutique Courts

Drug, treatment, community, mental health

5. Post Adjudication Suspended Sentences (To avoid commitment to JR)

- i. ~~Deferred Disposition~~ [RCW 13.40.127](#)
- ii. ~~Suspended Sentence~~ [RCW 13.40.160\(10\)](#)
- iii. Option B [RCW 13.40.0357](#)

[RCW 13.40.0357](#) **OPTION B SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. An offender is ineligible for the suspended disposition option under this section if the offender:(a) Is adjudicated of an A+ or A++ offense;(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:(i) A class A offense, ...(ii)

Manslaughter 1&2 degree);(iii) Assault in the second degree extortion in the first degree kidnapping in the second degree drive-by shooting , vehicular homicide, hit and run death, or Sex crimes, Drug Crimes or using guns.

iv. Chemical Dependency Disposition Alternative (CDDA) [RCW 13.40.165](#)

[RCW 13.40.165](#) (b) If the court determines that this disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option D of RCW [13.40.0357](#) if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year.

The court shall only order inpatient treatment under this section if a funded bed is available. If the inpatient treatment is longer than ninety days, the court shall hold a review hearing every thirty days beyond the initial ninety days.

v. Special Sex Offender Disposition Alternative (SSODA) [RCW 13.40.162](#)

[RCW 13.40.162](#) (SSODA) If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a Manifest Injustice sentence, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years.

6. Post Adjudication Determinant Sentences

i. Manifest Injustice [RCW 13.40.160](#)

[RCW 13.40.020](#) (19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

[RCW 13.40.160](#) A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW [13.40.030](#)(2) shall be used to determine the range.

ii. Local Sanctions [RCW 13.40.0357](#)

[RCW 13.40.020](#) (18) "Local sanctions" means one or more of the following:  
(a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;