

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



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JUSTICE
COMPASSION
PROFESSIONALISM
INTEGRITY
LEADERSHIP

C.E.D.A.R. (Community Empowered Disposition Alternative and Resolution):

A more effective, efficient juvenile justice track that connects youth with community-based interventions and creates a path to success.

Background: The traditional juvenile court process is slow and struggles to deliver timely interventions to youth and families. Children get caught up in a legal process that largely caters to form over substance. A typical juvenile offender case can take several months to adjudicate before a respondent receives any meaningful intervention services. During these months, youth and families are asked to appear for multiple hearings that take them away from school, work and other important obligations. Sadly, many children return to criminal activity while their cases are pending, resulting in additional charges and often admissions to juvenile detention.

Justice is not served when accountability and delivery of services are delayed. A healthy, effective juvenile justice system should strive to remove the barriers that delay a child's opportunity to make amends for harm caused and seek to build connections back to communities willing to provide support.

CEDAR Proposal: Development of an "expedited" track for certain first-time juvenile felony offenders that would allow for early acceptance of responsibility and provide positive incentive to engage in community resources and support. This would be a collaborative process that pulls together Juvenile Justice Stakeholders to achieve improved outcomes, while lowering rates of racial disproportionality and reducing use of detention.

The CEDAR track will employ a staffing model soon after a youth is charged with an offense. The prosecutor, defense attorney, and probation counselor will meet to discuss and collaborate on a community based intervention plan (within 1 month of charging). If a plan is established, then the King County Prosecuting Attorney's Office (PAO) will offer an accelerated plea to a reduction of the initial charge. At the same time, the youth is also provided an incentive to earn a further "case benefit", post-adjudication, through engagement with the intervention plan. The sentencing hearing would be continued out by agreement of the parties in order to facilitate engagement (in most cases 4-6 months). As needed, the agreement could also include participation in evidence based interventions provided through Juvenile Court. During the community engagement phase, a youth will be supported through a partnership between juvenile probation and community. If a youth succeeds in following through with the set conditions, then the parties would return to court to process the case benefit. Possible case benefits may be a lower disposition recommendation, further reduction in charges, or in many cases a dismissal. If the youth is not

successful, then we would return to court to enter disposition on the already adjudicated charge(s). (See Appendix A for examples of a CEDAR track process).

Eligible Offenses: The PAO proposes that CEDAR be available for most first-time felony cases including the “Top 10” felony offenses filed into Juvenile Court.¹ These would include Robbery 2, Assault 2, Assault 3, Residential Burglary, Burglary 2, Motor Vehicle Theft, and Unlawful Possession of a Firearm 2. This category of crimes accounts for over 60 percent of all felonies filed into Juvenile Court. Unsurprisingly, these offenses also represent some of the highest rates of racial disproportionality in our juvenile justice system. Based on 2017 numbers, youth of color disproportionately make up 82% of respondents charged in these cases.

2017 “Top 10” Juvenile Felony Breakdown

Offense	Black	White	Hispanic	API	NA	Unk	Total
Robbery2	21	8	7	6	1	0	43
Att. Rob2	16	4	7	2	0	0	29
Theft1	11	1	9	5	1	0	27
Assault2	9	9	9	1	0	0	28
Assault3	20	8	6	0	1	0	35
Res Burg	15	4	3	3	0	0	25
Burg2	21	5	3	2	0	0	31
PSV ²	12	3	17	2	1	0	35
TMV ³	18	10	6	5	0	0	39
UPFA ² ⁴	32	12	21	7	0	0	72
	175	64	88	33	4	0	364
% total	48%	18%	24%	9%	1%	0%	100%

Community Justice Engagement: Youth and families are best served when appropriate interventions can be community based and culturally responsive. CEDAR will be a vehicle for providing referrals to community-based organizations currently supported through the Best Starts for Kids Initiative.⁵ Additionally, it can serve as a means for leveraging existing community partners who have a proven track record, and are ready and willing to work with Juvenile Court to support our youth. We already work with community organizations such as Choose 180, Restorative Mediation, and the Credible Messengers Program. Given the body of work CEDAR is anticipated to generate, county leadership must be willing to adequately fund these community partners to ensure program success.

¹ The PAO would exclude Serious Violent Offenses, Sexual Offenses, and Intimate Partner Domestic Violence.

² Possession of Stolen Vehicle.

³ Taking Motor Vehicle Without Permission 2.

⁴ Unlawful Possession of Firearm 2.

⁵ 4Culture/Creative Justice, Black Star Line African Family Educational Collective, Cham Refugees Community, Community Network Council, Community Passageways, Good Shepherd Youth Outreach, Living Well Kent Collaborative, Na’ah Illahee Fund, POCAAN, Urban League of Metropolitan Seattle.

As an example, the PAO has had notable success piloting serious felonies and firearms related offenses through the Peacemaking Circle intervention provided by Point One North, LLC.⁶ This organization has a broad network of community-based partners throughout King County, including faith-based organizations and culturally relevant providers, such as Consejo Counseling and Referral Service. The PAO's willingness to pilot violent felony offenses through a CEDAR process would necessarily involve the backing and funding of promising interventions such as Peacemaking Circles.

Conclusion: CEDAR already has broad support from King County Juvenile Court leadership, including judicial officers, probation, public defense and prosecutors. It is an innovative, progressive, smart approach to juvenile justice that is in line with other statewide efforts to keep children out of the juvenile justice system, such as ESSB 6550 which expands diversion options.⁷

The benefits of CEDAR will be substantial:

- Swift accountability and opportunity for atonement for youth.
- Provides an opportunity for youth to avoid criminal history.
- Swift justice for victims of crime.
- Reduces racial disproportionality.
- Reduces use of detention.
- Expedited access to evidence based services.
- Incentivizes engagement with effective community-based interventions.
- Substantially reduces the time that cases languish in the formal court process.
- Draws from restorative justice principles that are widely supported by the community and have proven effective in addressing juvenile delinquency.
- Significant long-term savings will be realized as a result of limiting costly formal court processing.

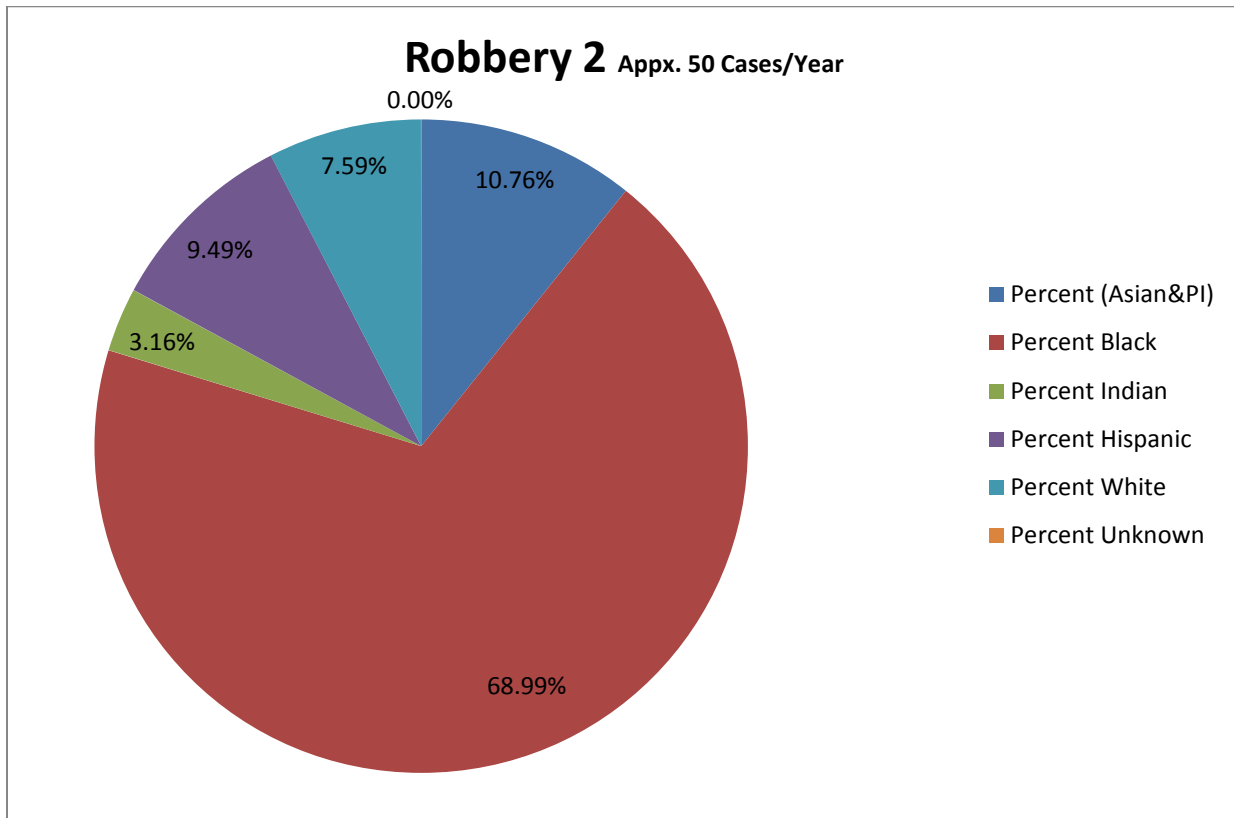
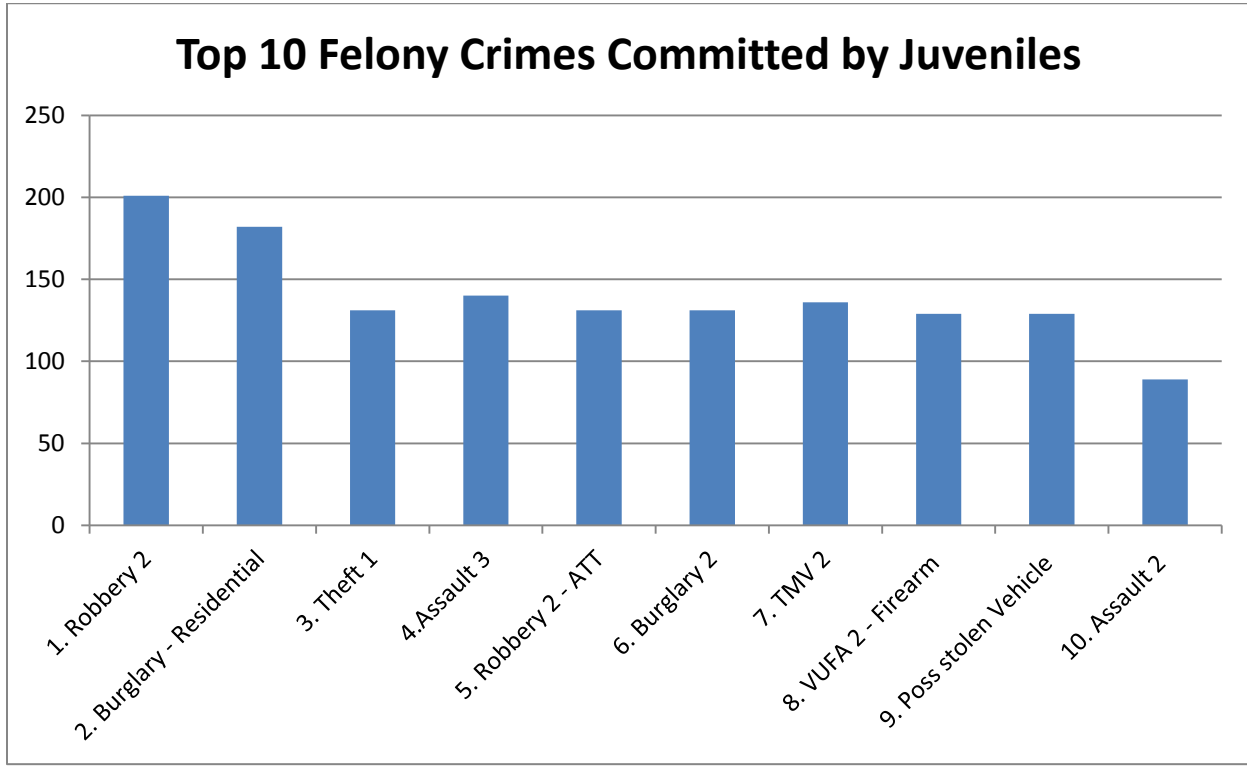
⁶ The PAO has successfully diverted 11 cases using this specific intervention. The offenses involved Robbery 1, Felony Threats, and Felony Firearms Possession.

⁷ <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/House/6550-S.E%20HBR%20APH%2018.pdf>. Signed by Governor 3/15/2018. Effective date 6/7/2018

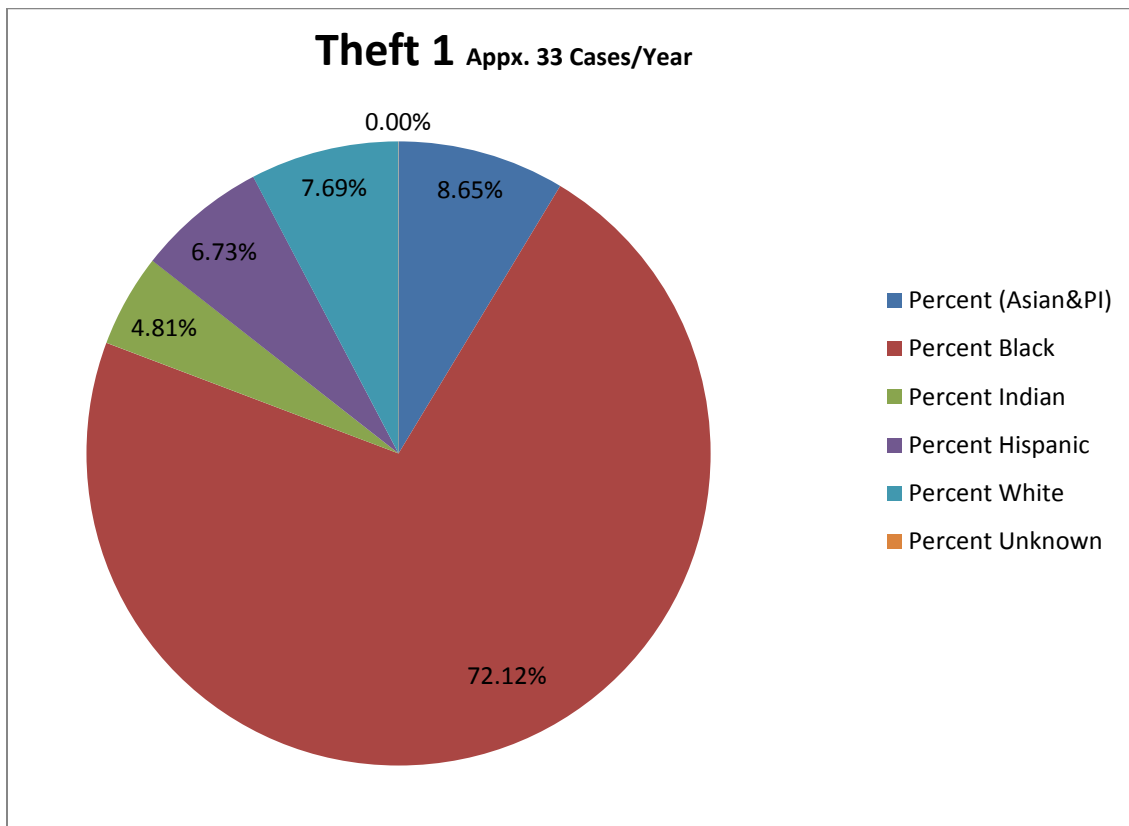
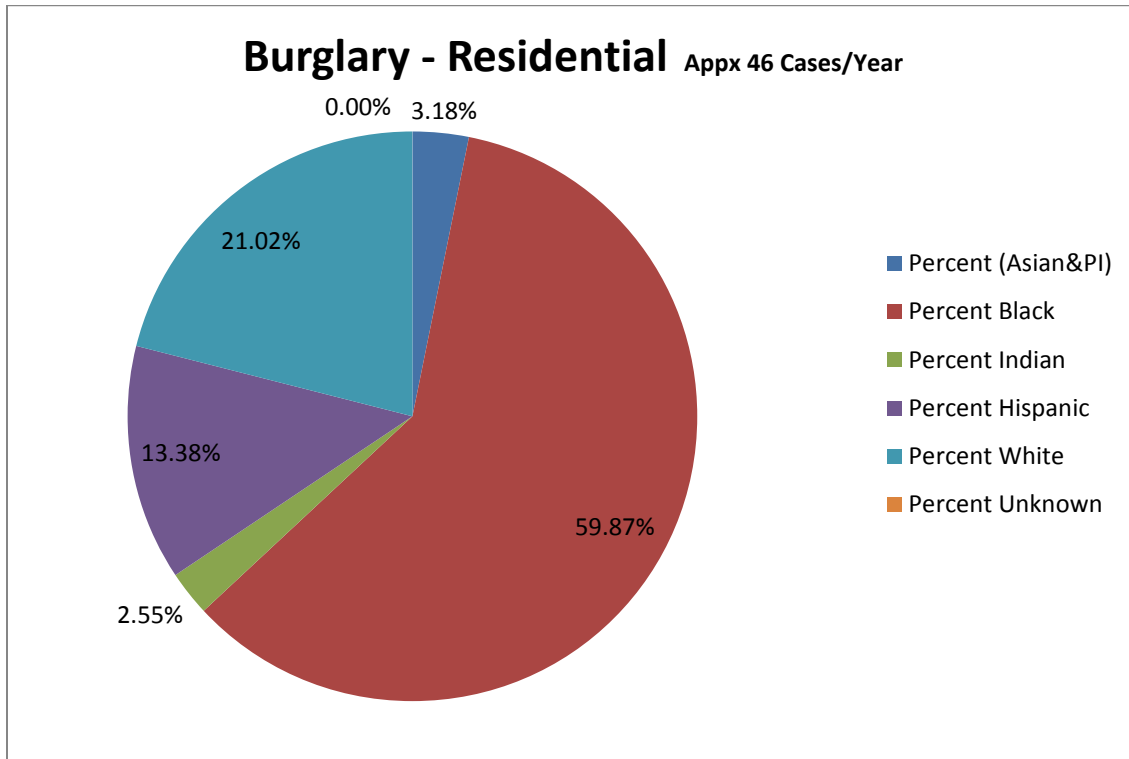
Example of *CEDAR* Track Process:



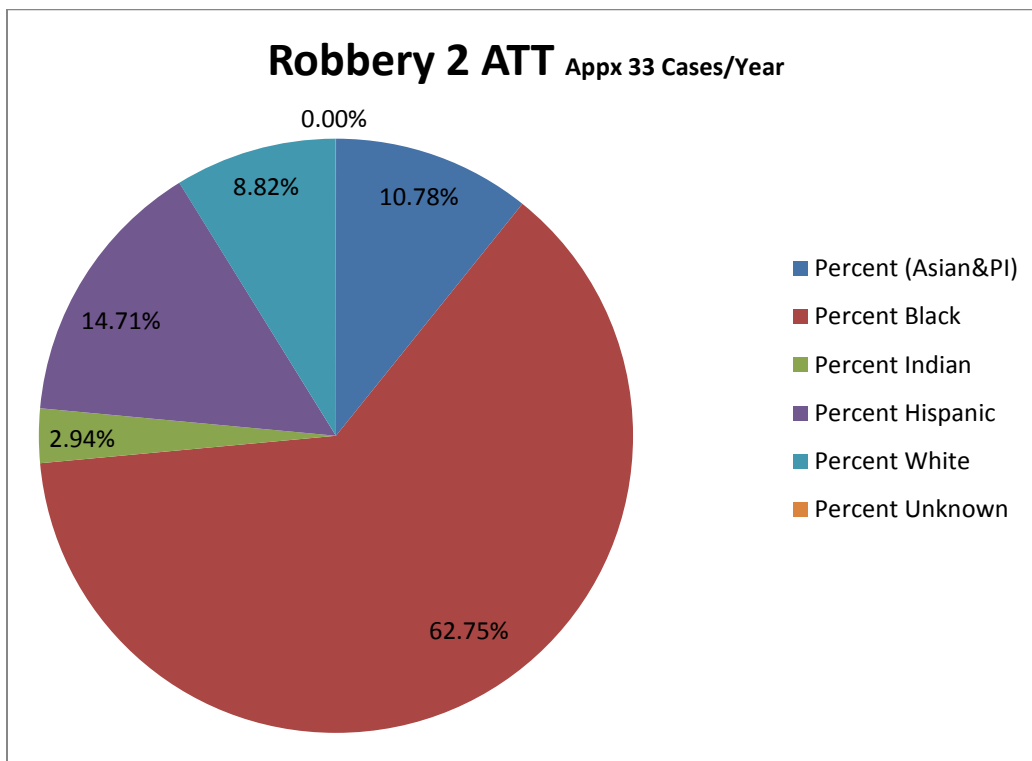
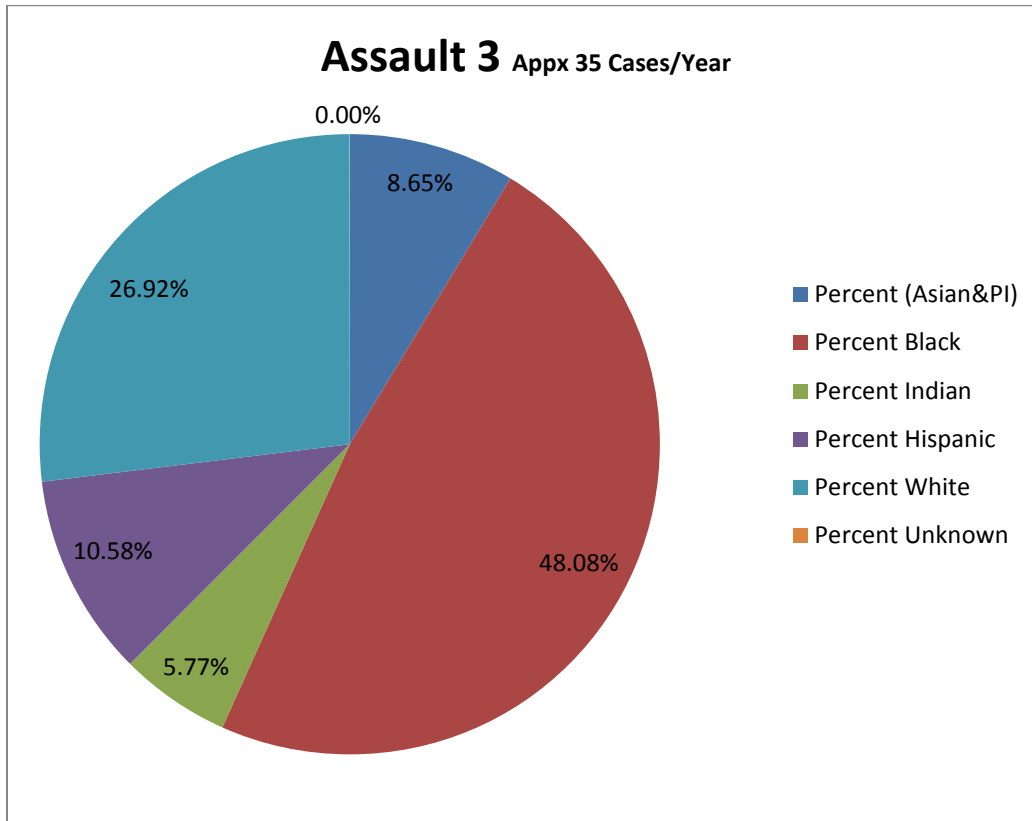
The Racial Disproportionality of the Top Ten Felony Crimes Filed in King County Juvenile Court 2014-2017



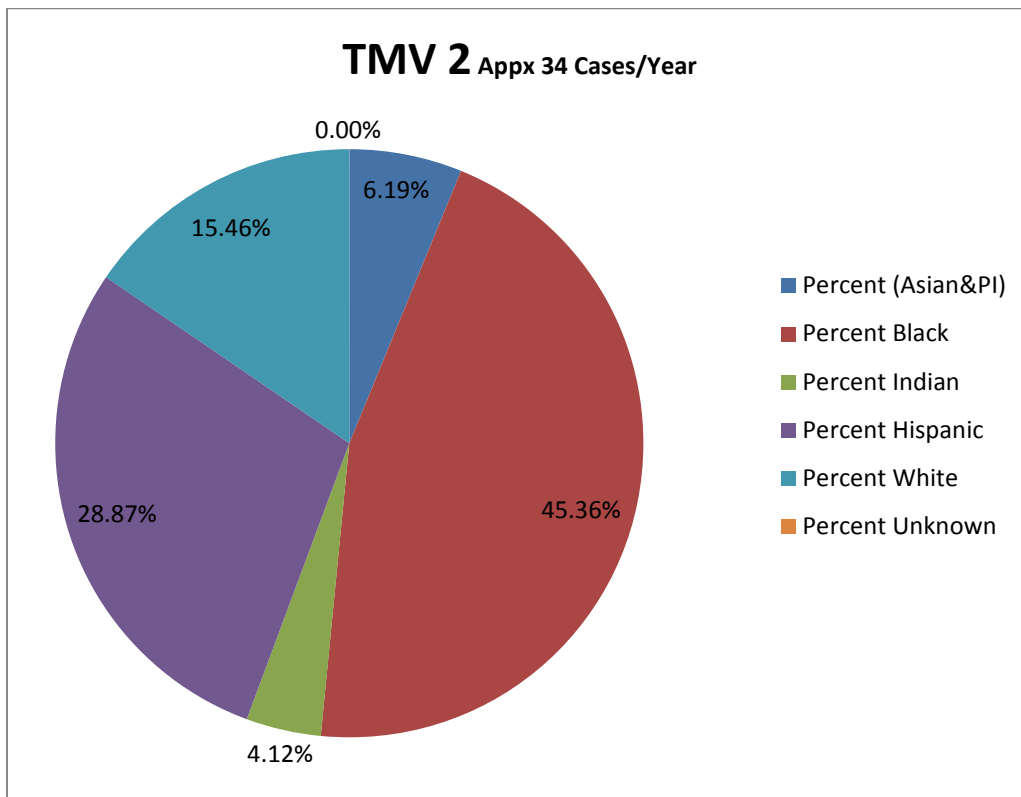
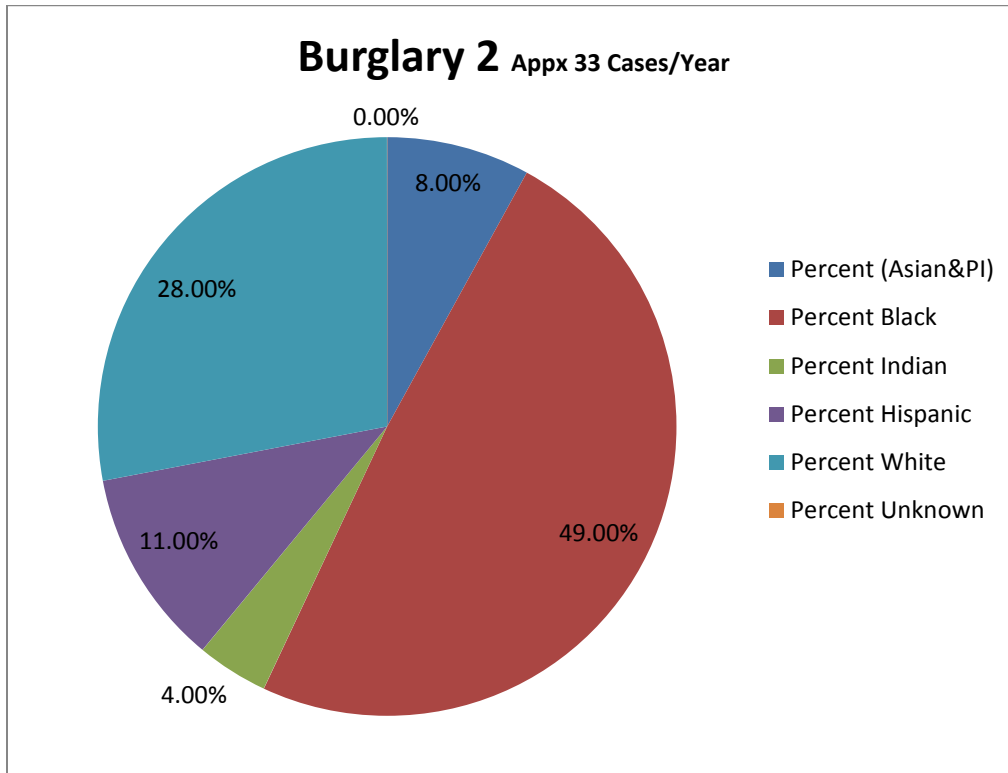
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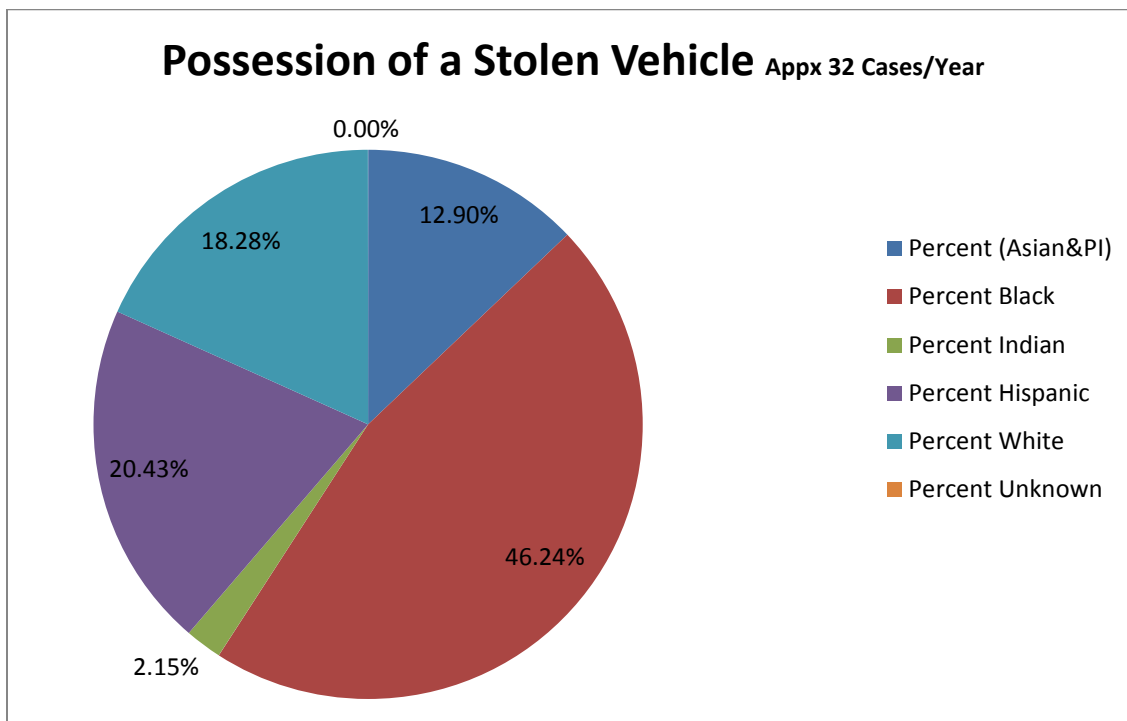
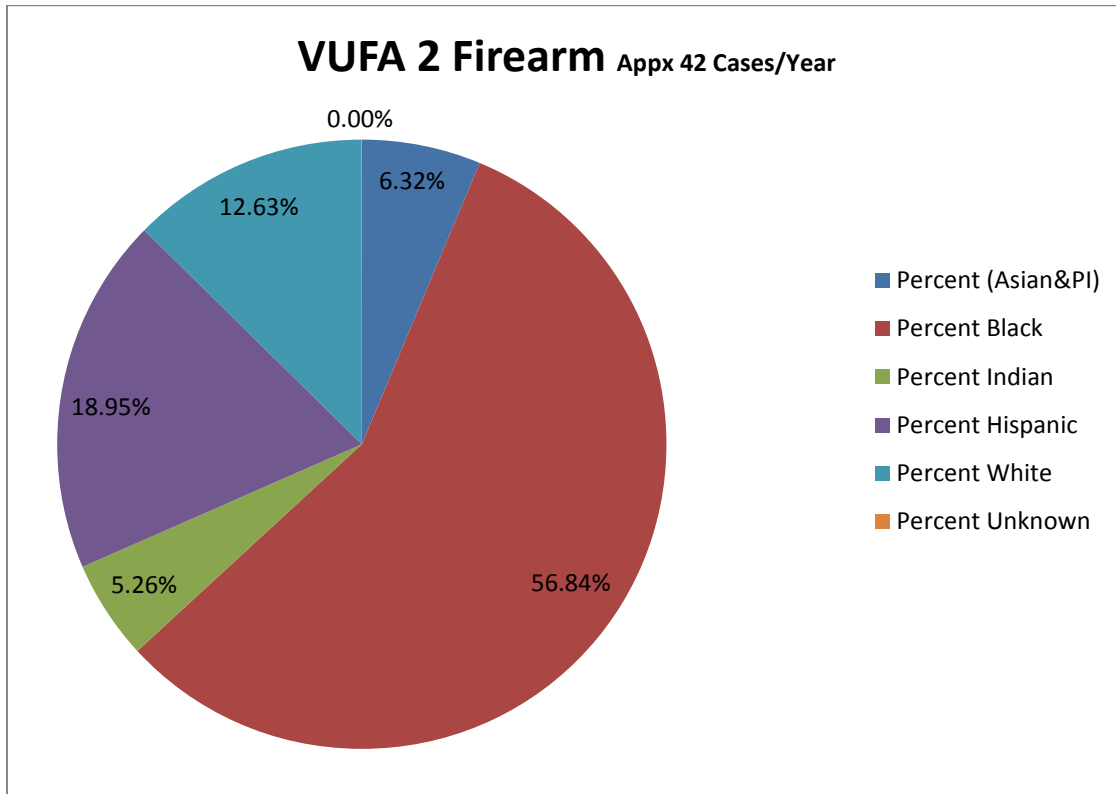
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