



I20 How Just Is Manifest Injustice (MI)?: Evaluating the Use of Manifest Justice in the Washington State Juvenile Rehabilitation Administration

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After attending this presentation, attendees will be able to: (1) appreciate the juvenile justice system's mission to provide rehabilitation and treatment for youths, as well the existence of policies that support this mission (i.e., MI); (2) recognize the disproportionate minority contact and racial inequality in youth sentencing that exists within the juvenile justice system; (3) understand the circumstances that are contributing to the sentencing disparity identified with the use of MI and the importance of adequate community services for these youths; and, (4) inspire efforts to engage in advocacy for youths and families engaged in the juvenile justice system.

This presentation will impact the forensic science community by illuminating ongoing sentencing disparities within the juvenile justice system. The hypotheses generated to explain the findings of this study point to critical system-wide injustices that need to be addressed and better understood. Further research is needed to ensure laws are being used justly across all ethnic and minority groups.

Objectives: In the Washington (WA) State Juvenile Code, a provision called Manifest Injustice (MI) allows judges to sentence youths outside of the standard sentencing range guidelines. Racial inequality in juvenile justice sentencing is well established.¹ This investigation evaluates how MI is used across racial groups among WA youths involved in the Juvenile Rehabilitation Administration (JRA). It was hypothesized that MI would be used more frequently to decrease sentences of Caucasian youths and to increase sentences of minority youths.

Methods: De-identified and aggregated administrative data of the JRA residential population ($n=436$) was obtained for youths in custody on 1/11/16. The goal was to compare rates of JRA involvement and MI between racial minorities and Caucasian youths. Rate ratios were used to compare the proportions of WA state and JRA-involved minority youths who received MI Down or MI Up/In with Caucasian youths.

Results: African American (AA) youths were more than seven times as likely to be involved in the WA Juvenile Justice System than Caucasian youths ($RR=7.85$, $p<0.0001$), while Mixed youths were three times more likely ($RR=3.17$, $p<0.0001$), and Hispanic youths were 40% more likely ($RR=1.40$, $p=0.0131$). Although results did not meet statistical significance, there was a trend toward AA and Mixed youths having MI used to decrease their sentence less than Caucasian youths. AA youths were about half as likely to have MI used to increase or intensify their sentence compared to Caucasian youths ($RR=0.49$, $p=.002$), whereas Mixed youths were 42% less likely ($RR=0.58$, $p=.04$).

Conclusions: Finding that Caucasian youths were more likely than AA and Mixed youths to have their sentences increased or intensified was contrary to what was hypothesized. More AA youths reside in the urban and more liberal parts of the state where judges may be more progressive and less likely to use MI to intensify sentences. More diversion programs are available in the urban areas of the state, some target minority youths, and more AA youths are transferred to adult court; all of these actions reduce the likelihood of minority youths receiving sentence intensification. Judges in the rural areas of the state, which are Whiter and have fewer treatment resources, may be using MI to send youths into facilities to access treatment. It is imperative that community behavioral health services are available so youths and families can be justly served.

Reference(s):

1. Piquero A. Disproportionate Minority Contact. *The Future of Children*. (2008): 59-79.

Juvenile Justice, Mental Health, Disparities