

Juvenile Sentencing Guideline Update

**Juveniles Sentenced Between
January 1999 and December 2000**

**June 4, 2002
Juvenile Justice Subcommittee,
Utah Sentencing Commission**



Overall Outcome

A total of 12,764 sentences were evaluated between January 1, 1999 and December 31, 2000

Guidelines Recommendations		
	<i>n</i>	%
Secure Facility	484	3.8%
Community Placement	360	2.8%
State Supervision	1,061	8.3%
Probation	5,190	40.7%
Other Sanction	5,669	44.4%
	12,764	

- 85.1% of the cases were recommended for probation or other sanctions
- Over 100 more cases were recommended for secure facility than for community placement

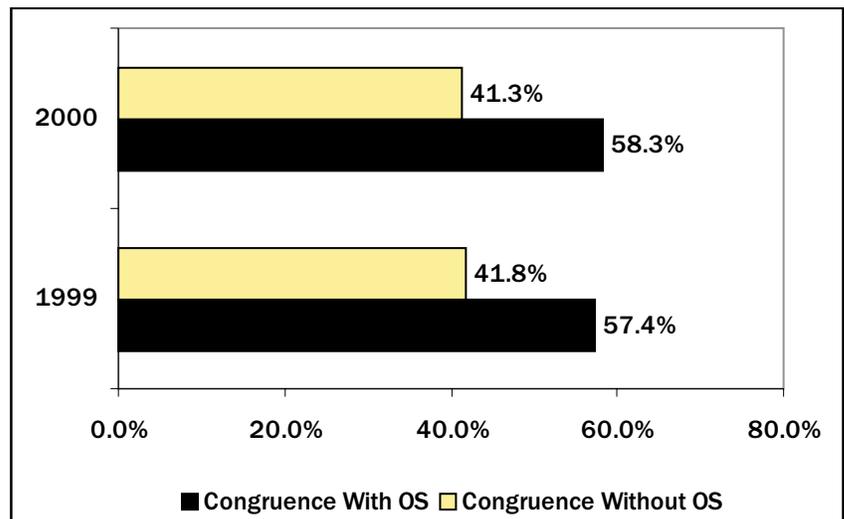
Guidelines Comparison: 1999 to 2000 (Congruence between Guideline and Actual Sentence)

	1999	2000	Total
With OS	6,885	5,879	12,764
Without OS	3,956	3,139	7,095
<i>Number</i>			
Congruence With OS	3,954	3,430	7,384
Congruence Without OS	1,655	1,296	2,951
<i>Percent</i>			
Congruence With OS	57.4%	58.3%	
Congruence Without OS	41.8%	41.3%	

Congruence with the guidelines drops significantly if "Other Sanctions" is not included.

Consistency is generally higher with OS recommendations, and because it accounts for such a large number of recommendations, it drives up the total congruence rates.

Congruence rates did not change significantly between 1999 and 2000.



Outcome By Sanction Type

Guideline Congruence Analysis

<i>Guideline Recommends</i>	<i>PO Recommends</i>			<i>Actual Sentence</i>		
Other Sanction 5,669	Other Sanction	4,783	84.4%	Other Sanction	4,433	78.2%
	Probation	768	13.5%	Probation	1,060	18.7%
	State Supervision	77	1.4%	State Supervision	109	1.9%
	Comm Place	40	0.7%	Comm Place	63	1.1%
	Secure Facility	1	0.0%	Secure Facility	4	0.1%
Probation 5,190	Other Sanction	1,277	24.6%	Other Sanction	2072	39.9%
	Probation	3,282	63.2%	Probation	2378	45.8%
	State Supervision	373	7.2%	State Supervision	428	8.2%
	Comm Place	238	4.6%	Comm Place	278	5.4%
	Secure Facility	20	0.4%	Secure Facility	34	0.7%
State Supervision 1,061	Other Sanction	215	20.3%	Other Sanction	340	32.0%
	Probation	167	15.7%	Probation	192	18.1%
	State Supervision	509	48.0%	State Supervision	309	29.1%
	Comm Place	129	12.2%	Comm Place	164	15.5%
	Secure Facility	41	3.9%	Secure Facility	56	5.3%
Community Placement 360	Other Sanction	65	18.1%	Other Sanction	103	28.6%
	Probation	47	13.1%	Probation	54	15.0%
	State Supervision	51	14.2%	State Supervision	63	17.5%
	Comm Place	175	48.6%	Comm Place	120	33.3%
	Secure Facility	22	6.1%	Secure Facility	20	5.6%
Secure Facility 484	Other Sanction	56	11.6%	Other Sanction	115	23.8%
	Probation	39	8.1%	Probation	56	11.6%
	State Supervision	32	6.6%	State Supervision	34	7.0%
	Comm Place	104	21.5%	Comm Place	135	27.9%
	Secure Facility	253	52.3%	Secure Facility	144	29.8%

- The highest congruence rates fall under “Other Sanctions”, 84.4% and 78.2%, respectively
- In all cases, congruence between PO recommendations and the guidelines is better than that recorded between the guideline recommendation and the actual sentence.
- In 2,088 cases (16.4%), there was a difference between the PO recommendation and the actual sentence.
- With the exception of “Other Sanctions,” cases were more likely to be mitigated down to less restrictive sanctions.
- Congruence was lowest with regards to State Supervision and Secure Facility.

Use of Aggravating and Mitigating Factors

Of the incongruent cases, 58.8% (3,164) were mitigated downwards.

Of the incongruent cases, 41.2% (2,216) were aggravated upwards.

How Factors Were Used

Probation Officer

Aggravating

Repetitive Delinq Conduct	1,184	19.6%
Lack Amenability to Lesser Sanction	768	12.7%
Other	717	11.9%
Lack Attend/Partic in Education	663	11.0%
Lack Remorse	586	9.7%
Probation Violations, Contempts	391	6.5%
Undue Depreciation of Offense	301	5.0%
Prior Viol/Delinq Behavior	244	4.0%
Custody Statust at Time of Offense	217	3.6%
Need for Secured Treatment	159	2.6%
Victim Suffered Substantial Inj/\$\$ Loss	159	2.6%
Vulnerability of Victim	145	2.4%
Supervision to Monitor Restitution	134	2.2%
Prev Qualif for More Severe Sanction	118	2.0%
Juvenile Used Weapon	99	1.6%
Extreme Cruelty	63	1.0%
Prior Delinq In Other States	59	1.0%
Prior Abuse of Victim	36	0.6%
	6,043	

Mitigating

Other	1,481	45.6%
Treatment Needs Exceed Need For Punish	743	22.9%
No Prior Adjudications	343	10.6%
Voluntary Redress or Treatment	247	7.6%
Inducement by Others	156	4.8%
Victim Paticipation	109	3.4%
Assistance to Prosecution	67	2.1%
Physical/Mental Impairment	52	1.6%
Under Duress	33	1.0%
Concern for Victim by Non-Principal	11	0.3%
Mental Retardation	9	0.3%
	3,251	

Sentence

Aggravating

Repetitive Delinq Conduct	1,158	19.5%
Other	833	14.0%
Lack Amenability to Lesser Sanction	778	13.1%
Lack Remorse	591	9.9%
Lack Attend/Partic in Education	570	9.6%
Probation Violations, Contempts	365	6.1%
Undue Depreciation of Offense	319	5.4%
Prior Viol/Delinq Behavior	230	3.9%
Custody Statust at Time of Offense	186	3.1%
Need for Secured Treatment	156	2.6%
Victim Suffered Substantial Inj/\$\$ Loss	148	2.5%
Supervision to Monitor Restitution	142	2.4%
Vulnerability of Victim	138	2.3%
Prev Qualif for More Severe Sanction	102	1.7%
Juvenile Used Weapon	91	1.5%
Extreme Cruelty	60	1.0%
Prior Delinq In Other States	47	0.8%
Prior Abuse of Victim	36	0.6%
	5,950	

Mitigating

Other	1,674	50.6%
Treatment Needs Exceed Need For Punish	721	21.8%
No Prior Adjudications	282	8.5%
Voluntary Redress or Treatment	248	7.5%
Inducement by Others	146	4.4%
Victim Paticipation	95	2.9%
Assistance to Prosecution	54	1.6%
Physical/Mental Impairment	47	1.4%
Under Duress	25	0.8%
Concern for Victim by Non-Principal	13	0.4%
Mental Retardation	6	0.2%
	3,311	

- Extensive use of “Other” may indicate the factors do not fit well
- No factor, aggravating or mitigating, appears to be used enough to merit inclusion in Criminal History Scoring of a revised matrix
- Some factors are used rarely enough to merit removal from the list