

KENT CRITERIA FOR JUDICIAL DECLINE HEARINGS

Court must find declination would be in the best interest of the juvenile or the public*

U.S. Supreme Court's "determinative" factors (called the eight "*Kent Factors*"):

The Crime

- (1) **Seriousness** - The seriousness of the alleged offense to the community and whether the protection of the community requires declination;
- (2) **Manner Committed** - Whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;
- (3) **Persons or Property** - Whether the alleged offense was against persons or property, greater weight being given to offenses against persons, especially if personal injury resulted;
- (4) **Merits** - The merit of the complaint (probable cause);

The Kid

- (5) **Adult Co-Suspects** - The desirability of trial and disposition of the entire offense in one court when the juvenile's associates in the alleged offense are adults;
- (6) **Sophistication and Maturity** - The sophistication and maturity of the juvenile as determined by consideration of his home, environmental situation, emotional attitude and pattern of living;
- (7) **Offense History and Contacts** - The record and previous history of the juvenile, including previous contacts with law enforcement agencies, juvenile courts, prior periods of probation, or prior commitments to juvenile institutions; and,
- (8) **Prospect for Rehabilitation v. Protection** - The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile by the use of procedures, services and facilities currently available to the Juvenile Court (assuming he is found to have committed the alleged offense).

* RCW 13.40.110(3); *Kent v. United States*, 383 U.S. 541, 566-67, 16 L.Ed.2d 84, 86 S.Ct. 1045 (1966); *State v. Saenz*, 175 Wn.2d 167, 175-76, 283 P.3d 1094 (2012); *In Re Dalluge*, 152 Wn.2d 772, 780, 100 P.3d 279 (2004). The public's interest alone can justify the decision to decline. *State v. Toomey*, 38 Wn. App. 831, 836 n. 4, 690 P.2d 1175 (1984), review denied, 103 Wn.2d 1012, cert. denied, 471 U.S. 1067, 105 S.Ct. 2145, 85 L.Ed.2d 501 (1985). The *Kent* factors were adopted by Washington State in *State v. Williams*, 75 Wn.2d 604, 607, 453 P.2d 418 (1969).