

AGGRAVATING AND MITIGATING FACTORS

Aggravating Factors

1. Impact of Offense on Victim and Community: Offender's callousness and cruelty shock the conscience of the Court; offense involved substantial monetary loss; offender caused substantial physical or psychological injury to the victim; offender has committed a crime against current victim on prior occasions; or the offender knew or should have known that the victim was particularly vulnerable.
2. Prior Violent Delinquent Conduct: Offender has demonstrated, by prior history of delinquency adjudications, a propensity for violent, delinquent conduct. Offender's callousness and cruelty shock the conscience of the Court; offense involved substantial monetary loss; offender caused substantial physical or psychological injury to the victim; offender has committed a crime against current victim on prior occasions; or the offender knew or should have known that the victim was particularly vulnerable.
3. Substantial Adjudication/Legal History: Adjudication for the same or similar offense on two or more previous separate occasions; or two or more prior adjudications for non-status offenses.
4. Lack of Amenability with Lesser Sanctions: Offender has demonstrated a lack of cooperation with lesser restrictive sanctions; offender has probation violations, other contempt orders, or non-judicial actions that should be considered; or offender has previously been placed on or qualified for a higher sanction.
5. Lack of Attendance or Participation in Educational Programs: Offender has willfully failed to attend or participate in school or other appropriate educational or vocational programs.
6. Gang Involvement: Confirmation by law enforcement or youth court counselor or having known gang association. This must be documented in a police report or social history.
7. Multiple-Counts: Offender adjudicated with more than one felony offense brought under one petition for adjudication and disposition, or separate petitions adjudicated and disposed at the same time.
8. Drug Use: Offender has failed two or more separate drug screens in a 90 day period. Or has completed a drug rehabilitation program and then failed a drug screen. Or has failed to complete a drug rehabilitation program.

Mitigating Factors

1. Significant Improvement since the Offense: Offender has demonstrated significant improvement since the time of the offense; offender has voluntarily sought treatment; offender compensated or made a good faith effort to compensate victim.
2. Physical/Mental Impairment: Offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed; or the offender is mentally retarded as demonstrated by one of the following: (a) offender is significantly sub-average in general intellectual functioning (usually interpreted as an IQ score of 70 or less); or (b) offender demonstrates deficits in adaptive behavior (has insufficient life skills to get along without constant assistance from others); or (c) offender manifested the above handicaps during the developmental period. The voluntary use of intoxicants does not fall within the purview of this category.
3. Limited Adjudication History: Offender has no or two or less minor (misdemeanor) prior adjudications; two or more years since previous referral; or extreme length of time since the offense occurred.
4. Age and Maturity of Offender: Offender's age (under 13) and maturity suggest that the offender did not fully understand the impact or nature of the delinquent conduct.
5. Treatment Needs Exceed Need for Punishment: The offender is in greater need of an available mental health or drug treatment program than of punishment through incarceration.
6. Education: Offender is more than three years below his grade level or has a special education ruling.