Resolution of Mercer Island Hate Graffiti Case

On January 1, 2025, two 16-year-olds vandalized a Mercer Island middle school, using removable paint to write antisemitic and racist symbols, vulgar images, and other hateful phrases on exterior windows and walls. After a brief investigation, the Mercer Island Police Department identified and arrested the teens, referring the case to the King County Prosecuting Attorney's Office (KCPAO) for review and a charging decision on January 15.

Under Washington state law, if charged through traditional prosecution these teens would be statutorily eligible for deferred dispositions—a sentencing alternative that allows juvenile offenders to avoid a conviction if they comply with court-ordered conditions. Given the nature of the offense, their lack of criminal history, and other factors, a traditional prosecution would not likely result in a lasting criminal record, nor would it provide an opportunity for meaningful dialogue between the offenders and the affected community. This means that even if the teens were formally charged and convicted, their records would eventually be cleared, and there would be no structured opportunity for them to engage with those harmed by their actions.

A court-based diversion program offers an alternative path—one that ensures accountability while fostering direct engagement with impacted communities. This approach allows the teens to meet with affected community members, including those from the local Jewish community, to understand the consequences of their actions in a meaningful and constructive way.

In February, KCPAO consulted with leaders from the local Jewish community, the Mercer Island School District, the Mercer Island Police Department, and King County Juvenile Court Services. Prosecutors explained the limitations of a deferred disposition under traditional prosecution, which would not facilitate restorative conversations with the affected communities. While no resolution is perfect, stakeholders agreed that court-based diversion—emphasizing education, accountability, and dialogue—was a more effective way to try and prevent future incidents of hate-based behavior by these individuals.

Mercer Island Police, the Mercer Island School District, Juvenile Court Services, and some leaders in the local Jewish community support this resolution as the best path toward rehabilitation and recidivism prevention. Other leaders in the local Jewish community understood the resolution paths as described, but did not make a judgement/evaluation of the possible outcomes.

If the teens fail to comply with the terms set by juvenile probation counselors in the diversion program, the case will be referred back to prosecutors for re-evaluation and potential charges.

It must be stressed that hate-fueled vandalism is not and should not be characterized as just juvenile mischief; it reflects a troubling rise in antisemitic and racist incidents nationwide. These acts contribute to a culture of intolerance, creating fear and emboldening further hate. Schools and public spaces should be safe for all, free from discrimination and intimidation. Left unchecked, such behavior can escalate, harming individuals and communities. As we shared with community leaders, the proposed resolution is not a perfect solution. Rather, it is an opportunity to go beyond punishment—fostering education, accountability, and meaningful change to prevent future harm.

Below is a Q-and-A about the case and the anticipated resolution.

What is the hateful behavior that is being addressed? On January 1, 2025, two individuals trespassed onto the Islander Middle School grounds and defaced exterior windows and walls with antisemitic and racist symbols and phrases. They also drew penises. The Mercer Island Police Department investigated the incident as a hate crime. On Jan. 10, police announced they identified two 16-year-old suspects. The case was later referred to the King County Prosecuting Attorney's Office.

What was the amount of damage to the school?

The hateful messages were written with removable paint – the kind you would see on car windows before sports games. The graffiti included penises, antisemitic and racist language. The most significant damage was the impact on the community, who are too often victims of hate crimes. This behavior is especially concerning as we see anti-Semitic and anti-Black hate crimes and other hateful acts happening in our region and across the nation.

What would happen if the teens were charged with a hate crime through traditional prosecution?

Under state law, the teens would be eligible for deferred dispositions because of the type of offense, their lack of criminal history, and other factors. The law presumes that juveniles eligible for deferred dispositions will be granted this option and this legal outcome would almost certainly be approved by the Court. Upon the completion of a deferred disposition, the case gets dismissed and subsequently sealed as required by law. So, unlike an adult hate crime conviction that could stay on someone's record for years, state lawmakers set different parameters for juveniles. (Deferred dispositions are outlined in RCW section 13.40.127.) Traditional prosecution generally does not afford opportunities for juvenile offenders to meet with the affected communities the way a court-based diversion would allow.

Is the deferred disposition something unique to King County?

No, that's available statewide as provided by the Revised Code of Washington.

So, what's the proposed resolution?

If this case is diverted through Juvenile Court Services, a juvenile probation counselor with King County Superior Court could arrange meetings between the arrested teens and the affected communities so the teens can better understand the impacts of their actions, and the harm those actions caused. That could create opportunities for people in the Jewish community to have a dialogue with these teens. That's the proposed resolution – and if the teens do not comply with

each of the terms of the court-based resolution, the case would come back to prosecutors to re-evaluate and make a charging decision. Those meetings with the affected communities would be highly unlikely if the case went through traditional prosecution, in part because it is likely the teens would be advised by their attorneys to avoid any admission of wrongdoing – let alone dialogue about the harm they caused

What is the goal of these teens working with juvenile probation counselors?

We want this hateful behavior to stop. We want these young people to take responsibility for the harm they caused, truly learn from the experience, and not have hateful behavior again. The most effective way to have these teens understand the harm they caused is to have meaningful accountability through conversations with the affected community members. A routine court process without meaningful understanding – one that is unlikely to lead to a conviction, a criminal record, or genuine conversations – is not as effective as hearing from victims firsthand and trying to understand their experiences dealing with hate crimes. We believe that constructive dialogue and understanding will most effectively decrease recidivism.

Wouldn't it just be easier to charge a hate crime?

For prosecutors, yes. That would make headlines, but almost certainly would not create a meaningful dialogue that prosecutors and police believe would lead to the most constructive outcome and decreased recidivism. And, as explained above, even if a hate crime was charged through traditional prosecution, a conviction would be unlikely because of deferred dispositions available under state law – and that route would be absent of meaningful interventions with the community.

Which outcome is better – tradition prosecution or juvenile probation?

Neither outcome is perfect. The objectives of the intervention is to stop the behavior, create a clear understanding for the teens of how these hateful acts hurt people, have meaningful interactions with the affected community members, and to have a genuine understanding of the impact this behavior has had – especially on our Jewish Community – so it won't happen again. Our office does not tolerate hateful acts, and our goal is appropriate understanding to stop recidivism.

Who did the King County Prosecuting Attorney's Office talk to before making this decision?

The King County Prosecuting Attorney's Office spoke with the Mercer Island School District, the Mercer Island Police Department, and King County Juvenile Court Services (Juvenile Probation Department), who all support the proposed resolution. The KCPAO also spoke with some leaders within the local Jewish community who supported the decisions. Other leaders in the local Jewish community understood the resolution paths as described, but did not make a judgement/evaluation of the possible outcomes.

What happens if the terms set by a juvenile probation counselor are *not* met?

The case returns to prosecutors to re-evaluate and make a charging decision.