



Report to the Legislature

Referred and Diverted Youth

RCW 13.40.510

December 2019



Washington State Department of
CHILDREN, YOUTH & FAMILIES



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CHILDREN, YOUTH & FAMILIES

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In Collaboration With
Washington Association of Juvenile Court Administrators
Administrative Office of the Courts
Washington State Center for Court Research

Executive Summary

The state and juvenile courts have a long-standing partnership founded on the commitment to reduce the number of youth in the juvenile justice system and the overall reliance on state institution programs. The partnership includes funding for the local juvenile court programs that are effective at reducing juvenile criminal behavior. This collaborative effort has moved through various iterations to include probation subsidies, grants for effective programs, disposition alternative programs for committable youth, and a statewide application of evidence-based programs.

In 1997, the Legislature passed the Community Juvenile Accountability Act (CJAA), codified as RCW 13.40.500. The CJAA brought state funded, research-based programs to the local county juvenile courts for the very first time.

The 2019 Legislature, through Engrossed Senate Bill (ESB) 5429, amended RCW 13.40.500, extending eligibility for participation in evidence-based programs to include referred youth as well as diverted and adjudicated youth. This legislative change now allows referred youth the ability to access evidence-based programs funded by the state.

In accordance with ESB 5429, the Legislature required the Department of Children, Youth, and Families (DCYF) to report to the appropriate committees of the Legislature on the following elements:

- Provide a county-by-county description of the youth served by the programs funded under RCW 13.40.500 through 13.40.540, including the number of youth in those counties who were eligible for programs based on being a referred youth as defined by RCW 13.40.510
- Describe how funding is used for referred youth and the impact of that use on overall use of funding

This is the first of two reports that will be reporting on the above elements.

Introduction

The Community Juvenile Accountability Act (CJAA) was passed as an incentive to local communities to implement cost-effective interventions to reduce recidivism among juvenile offenders. The Act's primary purpose is to "provide a continuum of community-based programs that emphasize a juvenile offender's accountability for his or her actions while assisting him or her in the development of skills necessary to function effectively and positively in the community in a manner consistent with public safety (RCW 13.40.500)."

This was a marked change in the expectations related to juvenile justice programming. The legislation provided funding through the state's Juvenile Rehabilitation (JR) to local juvenile courts to implement research-based programs that reduce the risk of recidivism. When this legislation originally passed, and up until the passing of ESB 5429, only youth who were formally diverted or adjudicated were eligible for these state funded Evidence-Based Programs (EBPs).

This legislation now allows referred youth to access state funded EBPs earlier in the juvenile justice continuum of care. As defined in Section 1 of ESB 5429 (amending RCW 13.40.510), "referred youth" means a youth who:

- Was contacted by a law enforcement officer and the law enforcement officer has probable cause to believe that he or she had committed a crime
- Was referred to a program that allows youth to enter before being diverted or charged with a juvenile offense
- Would have been diverted or charged with a juvenile offense, if not for the program to which he or she was referred

This report includes the following:

- County-by-county description of youth served by the programs funded under RCW 13.40.500
- County-by-county description of youth eligible for programs based on being a law enforcement referred youth
- Funding impacts

Evidence-Based Program Participation Tracking

EBP numbers reported throughout this document come from juvenile court reporting to JR and directly from the Washington State Juvenile Court Risk Assessment as they were entered on-line by juvenile court staff. The Administrative Office of the Courts (AOC), through the Washington State Center for Court Research (WSCCR), provided the juvenile court risk assessment data. All results are presented at the county level. The evidence-based programs currently funded under RCW 13.40.500, and represented in this report, are as follows:

- Washington State Aggression Replacement Training (WSART)
- Coordination of Services (COS)
- Education Employment Training (EET)
- Functional Family Therapy (FFT)
- Family Integrated Transitions (FIT)
- Multi-Systemic Therapy (MST)

Evidence-Based Program Eligibility

Eligibility for an EBP is determined by two factors:

1. Risk level as determined by the juvenile court risk assessment, known as the Positive Achievement Change Tool (PACT). The PACT is a 126-item, multiple choice assessment instrument that produces risk-level scores measuring a juvenile's risk of re-offending¹.
2. The program is offered in the county where the youth receives services.

A youth may meet the risk-level eligibility criteria for an EBP, but because the EBP is not offered where they are supervised by juvenile probation, they are not counted as eligible (i.e. eligibility indicates both eligibility as determined through the assessment tool and the availability of the EBP in the county where the youth is served). Youth who are low-risk are generally considered eligible for only one EBP – Coordination of Services (COS). Youth who are determined moderate or high risk may be eligible for one or more of the following programs: WSART, EET, FFT, FIT, and MST.

County-by-County Description of Youth Served in EBPs

RCW 13.40.500

The following information shows how counties are currently implementing evidence-based programs in their communities. Two years of data on the number of starters by county and by program are provided. Please note this data only includes youth who are on probation or formal diversion and have received a formal risk assessment (PACT). Not included in this report are youth who received a service after contact by a law enforcement officer and were referred to a program that allows entrance before being diverted or charged with a juvenile offense.

¹ For additional information on the PACT assessment tool, see http://www.assessments.com/catalog/PACT_Full_Assessment.htm

REFERRED AND DIVERTED YOUTH

Table 1: Evidence-Based Program Starts – SFY 2017

Court	ART	COS	EET	FIT	FFT	MST	Totals
Adams	2	NA	NA	NA	NA	NA	2
Asotin/Garfield	8	NA	NA	NA	NA	NA	8
Benton/Franklin	74	NA	NA	NA	54	12	140
Chelan	34	NA	NA	NA	18	NA	52
Clallam	NA	53	NA	NA	NA	NA	53
Clark	71	NA	NA	NA	46	NA	117
Columbia/ Walla Walla	12	2	NA	NA	2	NA	16
Cowlitz	35	33	NA	NA	17	NA	85
Douglas	10	NA	NA	NA	1	NA	11
Ferry/Stevens/Pend Oreille	NA	NA	NA	NA	NA	NA	0
Grant	17	NA	NA	NA	6	NA	23
Grays Harbor	2	6	NA	NA	9	NA	17
Island	17	19	NA	NA	10	NA	46
Jefferson	24	14	NA	NA	12	NA	50
King	71	90	65	10	43	47	326
Kitsap	41	39	NA	NA	23	NA	103
Kittitas	NA	NA	NA	NA	2	NA	2
Klickitat	NA	NA	NA	NA	7	NA	7
Lewis	23	31	NA	NA	23	NA	77
Lincoln	NA	NA	NA	NA	1	NA	1
Mason	16	NA	NA	NA	7	1	24
Okanogan	41	NA	NA	NA	16	NA	57
Pacific/Wahkiakum	1	NA	NA	NA	7	NA	8
Pierce	163	84	4	1	73	2	327
San Juan	NA	NA	NA	NA	1	NA	1
Skagit	NA	NA	NA	NA	14	NA	14
Skamania	NA	NA	NA	NA	3	NA	3
Snohomish	100	130	22	NA	38	NA	290
Spokane	71	115	NA	NA	41	NA	227
Thurston	57	3	NA	NA	24	NA	84
Whatcom	31	50	NA	NA	11	NA	92
Whitman	NA	11	NA	NA	1	NA	12
Yakima	89	NA	NA	NA	33	20	142
Totals	1,010	680	91	11	542	82	2,417

Table 1 represents the number of program starts during state fiscal year (SFY) 2017, July 1, 2016 – June 30, 2017. A “NA” indicates a juvenile court does not offer that EBP.

REFERRED AND DIVERTED YOUTH

Table 2: Evidence-Based Program Starts – SFY 2018

Court	ART	COS	EET	FIT	FFT	MST	Totals
Adams	5	NA	NA	NA	NA	NA	5
Asotin/Garfield	8	NA	NA	NA	NA	NA	8
Benton/Franklin	83	NA	NA	NA	41	3	127
Chelan	29	NA	NA	NA	18	NA	47
Clallam	1	50	NA	NA	1	NA	52
Clark	65	NA	NA	NA	49	NA	114
Columbia/Walla Walla	20	NA	NA	NA	4	NA	25
Cowlitz	30	25	NA	NA	13	NA	68
Douglas	14	NA	NA	NA	NA	NA	14
Ferry/Stevens/Pend Oreille	NA	NA	NA	NA	NA	NA	0
Grant	11	NA	NA	NA	4	NA	15
Grays Harbor	0	24	NA	NA	4	NA	28
Island	6	44	NA	NA	9	NA	59
Jefferson	15	17	1	NA	11	NA	44
King	74	31	106	15	48	32	306
Kitsap	39	40	NA	NA	20	NA	99
Kittitas	1	NA	NA	NA	NA	NA	1
Klickitat	NA	NA	NA	NA	4	NA	4
Lewis	13	50	NA	NA	28	NA	91
Lincoln	NA	NA	NA	NA	NA	NA	0
Mason	11	NA	NA	NA	7	NA	18
Okanogan	34	NA	NA	NA	13	NA	47
Pacific/Wahkiakum	0	NA	NA	NA	8	NA	8
Pierce	113	93	27	NA	79	1	313
San Juan	NA	NA	NA	NA	NA	NA	0
Skagit	1	NA	NA	NA	16	NA	17
Skamania	NA	NA	NA	NA	4	NA	4
Snohomish	71	115	44	NA	38	1	269
Spokane	49	141	23	NA	39	NA	252
Thurston	46	NA	NA	NA	21	NA	67
Whatcom	33	59	NA	NA	4	NA	96
Whitman	NA	1	NA	NA	6	NA	7
Yakima	77	NA	NA	NA	34	12	123
Totals	850	691	201	15	523	49	2,328

Table 2 represents the number of program starts during SFY 2018, July 1, 2017 – June 30, 2018. A “NA” indicates a juvenile court does not offer that EBP.

County-by-County Description of Law Enforcement Referred Youth

Tables 3 and 4 show a breakdown of law enforcement referred youth by county. This data was provided by the AOC.

Table 3: Law Enforcement Referrals – SFY 2017

Court	Referrals	No Action Taken	Informal Action Taken	Diversion	Cases Filed
Adams	152	14	1	68	40
Asotin/Garfield	118	12	7	48	66
Benton/Franklin	1,674	277	30	841	657
Chelan	275	4	0	71	222
Clallam	243	34	3	82	139
Clark	1,388	82	177	705	585
Columbia/Walla Walla	269	0	1	119	145
Cowlitz	447	4	0	181	341
Douglas	187	7	0	68	95
Ferry/Stevens/Pend Oreille	267	77	3	72	112
Grant	632	196	2	289	169
Grays Harbor	344	24	69	150	144
Island	150	2	0	65	98
Jefferson	89	30	0	29	51
King	2,478	0	0	965	1,273
Kitsap	828	209	57	252	273
Kittitas	94	3	5	38	59
Klickitat	91	5	0	61	26
Lewis	386	49	0	135	232
Lincoln	27	0	2	19	5
Mason	93	1	0	52	44
Okanogan	208	29	1	52	122
Pacific/Wahkiakum	92	18	1	27	50
Pierce	2,478	432	116	1,139	1,037
San Juan	49	13	2	13	8
Skagit	421	40	22	189	177
Skamania	42	5	0	23	15
Snohomish	1,655	296	24	1,022	877
Spokane	1,618	369	14	695	835
Thurston	815	2	2	304	562
Whatcom	490	19	4	307	248
Whitman	103	23	1	52	22
Yakima	1,008	43	3	511	621
Totals	19,211	2,319	547	8,644	9,350

REFERRED AND DIVERTED YOUTH

Table 4: Law Enforcement Referrals – SFY 2018

Court	Referrals	No Action Taken	In formal Action Taken	Diversion	Cases Filed
Adams	121	15	6	49	47
Asotin/Garfield	115	3	4	53	58
Benton/Franklin	1,681	323	55	797	678
Chelan	257	3	0	85	192
Clallam	235	30	4	78	136
Clark	1,200	94	159	589	548
Columbia/Walla Walla	206	1	0	100	102
Cowlitz	440	6	5	172	313
Douglas	170	1	0	59	82
Ferry/Stevens/Pend Oreille	328	101	7	102	101
Grant	632	180	3	330	173
Grays Harbor	292	24	37	141	119
Island	103	0	0	44	61
Jefferson	48	10	3	25	22
King	2,045	1	0	655	971
Kitsap	573	61	31	283	241
Kittitas	124	0	5	64	67
Klickitat	107	4	2	79	25
Lewis	387	62	0	140	220
Lincoln	48	0	1	34	10
Mason	101	2	0	56	54
Okanogan	209	34	5	71	126
Pacific/Wahkiakum	88	21	0	20	53
Pierce	2,394	378	212	1,021	1,011
San Juan	25	2	1	9	6
Skagit	375	37	14	192	174
Skamania	27	2	0	12	13
Snohomish	1,328	314	35	765	715
Spokane	1,403	247	14	661	805
Thurston	817	1	1	303	561
Whatcom	519	19	4	283	308
Whitman	100	34	0	24	40
Yakima	1,197	30	5	557	673
Totals	17,695	2,040	613	7,853	8,705

REFERRED AND DIVERTED YOUTH

In Table 3 and 4, the “referrals” column represents the number of law enforcement referrals filed. The “diversion” and “cases filed” columns represent the current pool of youth on probation and formal diversion –note that not all filed cases result in an adjudication. The “no action taken” and “informal action taken” columns represent the number of cases that were not filed by prosecution and resulted in no action or informal action, such as a written letter and counseling that also resulted in no filings by the prosecution.

As this legislation defines “referred youth” (see page 4), there is no current mechanism to track them in this manner. However, as an alternative comparison, the total number of law enforcement referrals was provided as well as the number of youth that were formally diverted or had a case filed. This data does identify a population of youth that were referred, but did not receive a formal diversion or have their case filed (identified as “no action taken” or “informal action taken” in Tables 3 and 4). It is reasonable to assume that this identified population is now eligible for services based on being a referred youth.

Additionally, the juvenile courts were surveyed and asked if they provided services to referred youth. This survey intended to identify what level juvenile courts are currently using this practice in order to determine the immediate impacts of the new law. All 33 of the juvenile courts surveyed responded. Of the 33 courts, five indicated that they currently provide services to referred youth. Table 5 below identifies the juvenile courts and the court self-reported number of youth served in SFY 2017 and SFY 2018. Note that these youth may or may not have been served in an EBP and it is unclear if these services were provided with state funding. Other services include counseling, drug and alcohol treatment, etc.

Table 5: Referred Youth Served – SFY 2017-2018			
Court	2017	2018	Total
Benton/Franklin	0	6	6
Clark	119	113	232
Ferry/Stevens/Pend Oreille	23	36	59
King	157	141	298
Pierce	83	99	182
Totals	382	395	777

Funding Impacts

The funding allocated through RCW 13.40.500, along with other state funding for juvenile court programs, is awarded to individual juvenile courts through a Block Grant Funding Formula. There are multiple elements to the funding formula, but the main purpose of the formula is to prioritize the use of EBPs. Table 6 lists the Block Grant Funding Formula factors and their weighted percentages.

Table 6: Block Grant Funding Formula

Block Grant Factors	Weighted Percentages
At Risk Population (10-17 year olds)	37.5%
Risk Assessed Youth ²	15%
Evidence Based Program Participants	25%
Minority Population	17.5%
Disposition Alternative Participants	5%
SUM of Weights	100%

Referred youth currently appear in the formula under the At-Risk and Minority (if applicable) Populations of their county of residence. In order for referred youth to appear in the largest, non-population based categories, they must be risk assessed, determined eligible and start an approved EBP. The current process is limited to youth on diversion and probation, and these referred youth are not tracked electronically or with any consistency across the state. A general process for tracking referred youth will need to be developed. Additionally, resources to enhance the PACT are also necessary, so referred youth can be tracked separately from probation and diversion youth for the purpose of outcome evaluations. It is also highly recommended that only designated, trained staff administer the PACT. As such, this too may require additional resources.

Using the data in Table 5, if these youth were risk assessed, found eligible for a particular EBP and started that program, they would be captured in the funding formula. Assuming that many of these youth would have little to no criminal history, the majority of these youth would be classified as low risk. As a result, the impact to the funding formula would be small. If the number of referred youth who are assessed as moderate or high-risk were a larger percentage than expected, then the impacts to the funding formula would be larger. Until all youth receiving EBPs receive the PACT assessment, it is difficult to determine the impact of this legislation on the Block Grant Funding Formula. The legislatively authorized Block Grant Oversight Committee, charged with the funding formula’s oversight, will monitor the impacts of the inclusion of referred youth and implement, if necessary, a stop-loss policy that would limit juvenile courts’ financial losses from one year to the next.

Conclusion

DCYF is tasked with providing a county-by-county description of youth currently being served by programs funded under RCW 13.40.500. Included in this description are the number of youth in each county who would now be eligible for programs funded under RCW 13.40.500 based on being a referred youth. Although it is a small sample size (2017 and 2018), it is reasonable to assume that the No Action Taken or Informal Action Taken populations would now be eligible for services based on being a referred youth. As a result, the pool of potentially eligible youth appears to be larger with the passing of ESB 5429.

In addition, DCYF is tasked with describing how funding is used for referred youth and the impact it will have on the overall use of funding. Again using data in Tables 3 and 4, what the data does not show and cannot currently be captured, is the risk-level and eligibility of the youth where no action or informal action was taken. As was stated earlier, funding is distributed to juvenile courts based on a funding formula. Although the funding formula is incentive based, and weighted more on the use of EBPs, there is a limited amount of funding. Accordingly, if a juvenile court does not currently have a program that serves low-risk youth, and most of the referred youth are low risk, they would need to make

² Weights for high, moderate and low risk youth: high = 4.4; moderate = 2.5; low = 1.0

programmatic changes to accommodate this population. In order to make programmatic changes, the juvenile court would most likely need to shift funding from an existing program into a new program. Moderate and high-risk youth are weighted much higher in the formula, so taking funding from these programs to implement a program for low-risk youth could result in a negative impact in the funding formula for that juvenile court.

Based on the information presented, at this time it does not appear there will be a large impact from having referred youth included in the funding formula. However, this will need to be reviewed regularly by the Block Grant Oversight Committee, particularly when the other two categories of eligibility (youth who received a service after contact by a law enforcement officer who had probable cause, and youth referred to a program that allows entrance before being diverted or charged with a juvenile offense) are included. Appropriate measures will need to be taken if the impacts grow beyond current expectations.

List of Acronyms and Terms

Appendix A

AOC: Administrative Office of the Courts.

CJAA: Community Juvenile Accountability Act. State-funded program that supports evidence-based treatment for youth on probation in the juvenile courts.

COS: Coordination of Services. An evidence-based program that provides an educational program to low-risk juvenile offenders and their parents.

EBP: Evidence-Based Program. A program that has been rigorously evaluated and has shown effectiveness at addressing particular outcomes such as reduced crime, child abuse and neglect or substance abuse. These programs often have a cost benefit to taxpayers.

EET: Education Employment Training. This program is an education and/or workforce development program for moderate and high-risk juvenile offenders.

FFT: Functional Family Therapy. A family therapy program that lasts an average of four months. This program has been shown to reduce felony recidivism and focuses on helping families improve youth behavior and reducing family conflict.

FIT: Family Integration Transitions program. A version of Multi-Systemic Therapy that is an evidence-based family intervention model for youth with co-occurring disorders.

JR: Juvenile Rehabilitation. The program area within the Department of Children Youth, and Families responsible for rehabilitation of court-committed juvenile offenders.

MST: Multi-Systemic Therapy. An evidence-based family treatment model that reduces juvenile offender recidivism.

PACT: Positive Achievement Change Tool (PACT) assessment. The PACT is a 126-item, multiple choice assessment instrument that produces risk-level scores measuring a juvenile's risk of re-offending.

WSART: Washington State Aggression Replacement Training. A Cognitive Behavior Therapy program using skill building that has been rigorously evaluated and reduces recidivism with juvenile offenders.

WSCCR: The Washington State Center for Court Research is the research arm of the AOC. It was established in 2004 by order of the Washington State Supreme Court.