



Report to the Washington State Legislature  
**REFERRED AND DIVERTED YOUTH**

RCW 13.40.510

December 2020



Washington State Department of  
**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 second 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, prior to any official juvenile justice involvement. 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.
- County-by-county description of referred youth served by juvenile courts.
- Funding impacts.

## Executive-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 online 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-offending.<sup>1</sup>
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).

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<sup>1</sup> For additional information on the PACT assessment tool, see <https://www.assessments.com>

REFERRED AND DIVERTED YOUTH

Table 1: 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	24
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
<b>Totals</b>	<b>849</b>	<b>690</b>	<b>201</b>	<b>15</b>	<b>523</b>	<b>49</b>	<b>2,327</b>

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

REFERRED AND DIVERTED YOUTH

Table 2: Evidence-Based Program Starts – SFY 2019

Court	ART	COS	EET	FIT	FFT	MST	Totals
Adams	0	NA	NA	NA	NA	NA	0
Asotin/Garfield	3	NA	NA	NA	NA	NA	3
Benton/Franklin	71	NA	NA	NA	31	6	108
Chelan	21	NA	NA	NA	24	NA	45
Clallam	NA	51	NA	NA	NA	NA	51
Clark	66	88	NA	NA	44	NA	198
Columbia/Walla Walla	21	NA	NA	NA	3	NA	24
Cowlitz	27	34	NA	NA	16	NA	77
Douglas	10	NA	NA	NA	NA	NA	10
Ferry/Stevens/Pend Oreille	NA	1	NA	NA	NA	NA	1
Grant	6	NA	NA	NA	1	NA	7
Grays Harbor	7	21	NA	NA	7	NA	35
Island	10	26	4	NA	9	NA	49
Jefferson	16	9	16	NA	6	NA	47
King	53	11	80	14	56	30	244
Kitsap	32	43	NA	NA	13	NA	88
Kittitas	1	NA	NA	NA	1	NA	2
Klickitat	NA	NA	NA	NA	6	NA	6
Lewis	14	17	NA	NA	19	NA	50
Lincoln	NA	NA	NA	NA	0	NA	0
Mason	18	NA	NA	NA	5	NA	23
Okanogan	38	NA	NA	NA	21	NA	59
Pacific/Wahkiakum	NA	NA	NA	NA	8	NA	8
Pierce	114	99	60	NA	83	NA	356
San Juan	NA	NA	NA	NA	NA	NA	0
Skagit	1	NA	NA	NA	16	NA	17
Skamania	NA	NA	NA	NA	2	NA	2
Snohomish	46	94	60	NA	30	NA	230
Spokane	90	104	20	NA	45	NA	259
Thurston	46	1	NA	NA	23	NA	70
Whatcom	36	48	NA	NA	2	NA	86
Whitman	NA	NA	NA	NA	7	NA	7
Yakima	75	NA	NA	NA	32	12	119
<b>Totals</b>	<b>822</b>	<b>647</b>	<b>240</b>	<b>14</b>	<b>510</b>	<b>48</b>	<b>2,281</b>

Table 2 represents the number of program starts during SFY 2019, July 1, 2018 – June 30, 2019. A “NA” indicates a juvenile court does not offer that EBP.

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**County-by-County Description of Law Enforcement Referred Youth<sup>2</sup>**

Tables 3 and 4 show a breakdown of law enforcement youth referrals by county. This data was provided by the AOC and represents the number of referrals, not individual youth.

**Table 3: Law Enforcement Referrals – SFY 2018**

Court	Referrals	No Action Taken	Informal 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
<b>Totals</b>	<b>17,695</b>	<b>2,040</b>	<b>613</b>	<b>7,853</b>	<b>8,705</b>

<sup>2</sup> The data in Table 3 and 4 are annual counts of events. Referrals are frequently not resolved within the same year as the referral occurs. Action types (i.e., no action taken, informal action taken, diversion, or cases filed) may be in relation to a referral that occurred in the prior fiscal year. Because of this, the action types will not sum to the total number of referral types.



REFERRED AND DIVERTED YOUTH

Table 4: Law Enforcement Referrals – SFY 2019

Court	Referrals	No Action Taken	Informal Action Taken	Diversion	Cases Filed
Adams	151	13	0	83	46
Asotin/Garfield	143	11	0	46	75
Benton/Franklin	1,691	296	31	796	697
Chelan	259	9	2	87	164
Clallam	277	48	1	91	147
Clark	1,190	96	150	624	498
Columbia/Walla Walla	255	3	0	147	114
Cowlitz	399	4	3	193	268
Douglas	152	3	1	60	66
Ferry/Stevens/Pend Oreille	266	67	3	77	96
Grant	602	204	8	246	186
Grays Harbor	376	11	82	159	176
Island	84	2	0	54	40
Jefferson	46	4	0	33	17
King <sup>3</sup>	1,665	0	0	493	0
Kitsap	479	28	27	199	252
Kittitas	111	0	2	61	58
Klickitat	87	2	0	54	32
Lewis	445	145	0	105	193
Lincoln	38	0	0	16	13
Mason	114	5	0	40	80
Okanogan	180	15	1	60	122
Pacific/Wahkiakum	95	10	0	26	42
Pierce	2,221	343	409	930	727
San Juan	33	6	1	6	9
Skagit	414	41	7	148	247
Skamania	28	2	0	15	7
Snohomish	833	64	1	409	554
Spokane	1,487	255	37	762	803
Thurston	725	1	0	255	497
Whatcom	353	11	3	186	228
Whitman	63	16	0	21	23
Yakima	1,150	18	1	484	803
<b>Totals</b>	<b>16,412</b>	<b>1,733</b>	<b>770</b>	<b>6,966</b>	<b>7,280</b>

<sup>3</sup> King County Superior Court data is included, however, may be incomplete. King County Superior Court implemented a new case management system on July 15, 2019, and new cases are not included in the statewide database.

## 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 2), 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 approximately 2,500 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.

### County-by-County Description of Juvenile Court Referred Youth

After the passage of this bill, a statewide process was developed and implemented to risk assess and serve these referred youth in EBPs. If and how these referred youth are assessed and served, is a local juvenile court decision. Based on the data in Tables 5 and 7, only youth that started an EBP were risk assessed. This does not reflect the current process for youth on probation – all youth receive a risk assessment regardless if they start an EBP or not. However, for youth on diversion, and now referred youth, the process to risk assess will vary from court to court. Currently, the juvenile courts identified in the tables below are the only ones that began serving referred youth with EBPs in SFY 2020.

**Table 5: Referred Youth Assessed by Risk Level – SFY 2020**

Court	Low	Moderate	High	Total
King	12	15	24	51
Pierce	9	1	0	10
<b>Totals</b>	<b>21</b>	<b>16</b>	<b>24</b>	<b>61</b>

**Table 6: Referred Youth Assessed by Race – SFY 2020**

Race	King	Pierce	Total
White	28	7	35 (57%)
Black/ African American	8	2	10 (16%)
American Indian / Alaskan Native	1	0	1 (2%)
Asian	0	1	1 (2%)
Native Hawaiian / Pacific Islander	5	0	5 (8%)
Hispanic / Latino	9	0	9 (15%)
Other / Unknown	0	0	0 (0%)
<b>Totals</b>	<b>51</b>	<b>10</b>	<b>61</b>

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Table 7: Referred Youth Served (EBPs) – SFY 2020

Court	ART	COS	EET	FIT	FFT	MST	Totals
King	0	0	0	2	31	18	51
Pierce	0	9	0	0	1	0	10
<b>Totals</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>2</b>	<b>32</b>	<b>18</b>	<b>61</b>

Table 8: Referred Youth Served (EBPs) by Race – SFY 2020

Race	COS		FIT		FFT		MST		Total
	King	Pierce	King	Pierce	King	Pierce	King	Pierce	
White	0	6	0	0	18	1	9	0	34
Black/ African American	0	2	0	0	4	0	4	0	10
American Indian / Alaskan Native	0	0	1	0	0	0	0	0	1
Asian	0	1	0	0	0	0	0	0	1
Native Hawaiian / Pacific Islander	0	0	0	0	4	0	1	0	5
Hispanic / Latino	0	0	1	0	5	0	4	0	10
Other / Unknown	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>0</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>31</b>	<b>1</b>	<b>18</b>	<b>0</b>	<b>61</b>

### 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 9 lists the Block Grant Funding Formula factors and their weighted percentages.

Table 9: Block Grant Funding Formula

Block Grant Factors	Weighted Percentages
At Risk Population (10-17 year olds)	37.5%
Risk Assessed Youth <sup>4</sup>	15%
Evidence Based Program Participants	25%
Minority Population	17.5%
Disposition Alternative Participants	5%
<b>SUM of Weights</b>	<b>100%</b>

<sup>4</sup> Weights for high, moderate, and low risk youth: high = 4.4; moderate = 2.5; low = 1.0

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 process prior to the passing of this bill was limited to youth on diversion and probation, and these referred youth were not consistently tracked in electronic data systems across the state. A process for tracking referred youth was developed in 2019 so referred youth can be tracked separately from youth on probation and diversion for the purpose of outcome evaluations. The expansion of assessments to youth outside the jurisdiction of the juvenile court is a requirement of expanding access to interventions to referred youth, as directed by this legislation. It is necessary that only designated, trained staff administer the PACT risk assessment tool so this expansion in the number of youth requiring an assessment will likely require more staff time and resources.

Using the data in Table 7, there are only two courts currently serving referred youth and a relatively small number at that. As a result, the impact to the funding formula will be small. If the number of courts participating were to increase and the number of referred youth served were also to increase, then the impacts to the funding formula could be larger. It is safe to assume that more courts will begin serving referred youth in the future. With time, the true impacts of having referred youth incorporated in the funding formula will be better understood. Until then, 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 only two years of data (2018 and 2019), it is reasonable to assume that the No Action Taken or Informal Action Taken populations (Tables 3 and 4) would now be eligible for services based on being a referred youth. While the law changes have only been operational for one year, the early signs indicate that only two out of the 33 (6%) juvenile courts serve referred youth. Using an estimated eligible population of 2,500 youth, in 2019 this indicates that only 2% (N=61) of the referred youth who had the potential to be served were served under RCW 13.40.500.

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. Using data in Tables 5 and 7, there are a small number of courts that are serving referred youth and those numbers of youth are relatively small. 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 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.

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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. Appropriate measures will need to be taken if the impacts grow beyond current expectations.

## List of Acronyms

### 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 reduce 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.