

WASHINGTON STATE JUVENILE COURT FUNDING: APPLYING RESEARCH IN A PUBLIC POLICY SETTING

During the last 15 years, the Washington State Legislature has taken a number of steps to develop an “evidence-based” juvenile justice system. The central concept has been to identify and implement strategies shown—through rigorous research—to reduce crime cost-effectively.

In 2009, the Legislature turned its attention to the mechanism through which Washington’s 33 juvenile courts receive state dollars. That year’s state budget bill directed a committee of stakeholders to develop a new funding formula that emphasizes “evidence-based programs...and disposition alternatives.”¹

The legislation requires state funds for local juvenile courts to be administered as a “block grant.”² A block grant is a sum of money distributed to a court with general provisions, resulting in local flexibility in how funds are spent. “Categorical grants,” Washington’s previous mechanism for distributing state funds to juvenile courts, have more restrictive provisions.

The Washington State Institute for Public Policy (Institute) was directed by the legislation to report to the Legislature and the Office of Financial Management on the administration of the block grant including (1) criteria used to allocate funding, and (2) report on participants in programs subject to the block grant.³

To provide a context for this report, we first summarize key policy reforms over the past 15 years that have established an emphasis on providing evidence-based programs in Washington’s juvenile justice system.⁴ We then discuss the funding formula developed by the committee.

I. Washington’s Juvenile Justice System

In Washington, since 1977, when a juvenile is adjudicated for a crime, the state’s sentencing laws determine whether the youth receives a sanction with a county juvenile court or, for more serious offending, with the state Juvenile Rehabilitation Administration (JRA).

The 1997 Legislature passed the Community Juvenile Accountability Act (CJAA) with the goal of reducing crime, cost-effectively, by establishing research-based programs in the juvenile courts.⁵

The impetus for the act was an unfavorable result from an evaluation of an intensive juvenile probation program in Washington in the mid-1990s.⁶ In light of the finding that this particular program did not reduce recidivism, the CJAA legislation directed the Institute to identify evidence-based juvenile justice programs that could lower crime.⁷

In 1998, the Institute reviewed the research literature by focusing on studies with strong, credible evaluation designs.⁸ The Institute identified four programs—not then operating in Washington—that could reduce crime and save taxpayers money. Those programs included: Aggression Replacement Training (ART), Coordination of Services (COS), Functional Family Therapy (FFT), and Multisystemic Therapy (MST). The CJAA programs were implemented by the juvenile courts statewide and the Legislature has continued to fund the programs in subsequent legislative sessions.

⁵ RCW 13.40.500 through 13.40.540

⁶ R. Barnoski (2003). *Evaluation of Washington State’s 1996 juvenile court program for high-risk, first-time offenders*. Olympia: Washington State Institute for Public Policy (03-04-1202).

⁷ S. Aos, R. Barnoski, & R. Lieb (1998). *Watching the bottom line: Cost-effective interventions for reducing crime in Washington*. Olympia: Washington State Institute for Public Policy (98-01-1201).

⁸ For more details on our methodology, see S. Aos, M. Miller, & E. Drake (2006). *Evidence-based public policy options to reduce future prison construction, criminal justice costs, and crime rates*. Olympia: Washington State Institute for Public Policy (06-10-1201).

¹ Laws of 2009, ch. 564 § 203, ESHB 1244

² Ibid.

³ Laws of 2010, ch. 203 § 7 (e), SB 6444

⁴ A table listing the key policy actions that have played a role over time is found in Appendix A.

Quality Assurance. In 2002, the Institute conducted an outcome evaluation to determine if each of these programs worked in Washington's "real world" setting.⁹ Results indicated the programs worked to reduce recidivism, but only when delivered with adherence to the model. Thus, quality assurance was found to be a central factor for program success.

Following the results of the outcome evaluation, the 2003 Legislature directed the Institute to develop adherence and outcome standards to ensure quality implementation of research-based juvenile justice programs.¹⁰ Standards include, for example, establishing an oversight committee, training qualified providers, and measuring outcomes.

A statewide quality assurance expert, regional consultants, and a quality assurance steering committee exist for both ART and FFT. Therapists' level of competent program delivery is assessed, and ongoing consultation, feedback, and training are provided.

Only a few courts used COS prior to the expansion of evidence-based program funding by the state in 2007. Since the program now serves an increased level of participants, the juvenile courts are currently in the process of developing quality assurance standards for COS.

MST has only been used in the largest jurisdiction, King County; here, quality assurance is provided through an affiliate of MST Services, the University of Washington, rather than the courts.¹¹

Assessment. In addition to model adherence, research also indicates that evidence-based programs are more successful when youth are assessed formally.¹² To address this, in 1997 the Institute began developing the Washington State Juvenile Court Assessment not only to determine a youth's risk for re-offense, but also to help the courts guide the rehabilitative effort.¹³ A case management plan is developed that focuses on intervention strategies linked to reductions in future criminal behavior by reducing "risk" factors (such as criminal history) and strengthening "protective" factors (such as effective interpersonal skills). Courts target more intensive efforts toward higher-risk youth.¹⁴

Oversight. The entity responsible for oversight of the evidence-based initiative is the CJAA committee. The CJAA committee was formed after passage of the 1997 Act. In addition to quality assurance, the committee is responsible for the general oversight of the evidence-based initiative in the juvenile courts. The CJAA committee meets quarterly. Members represent:

- Juvenile court administrators from each region;
- Washington State Superior Court Judges' Association Family and Juvenile Law Committee;
- Staff from probation and case management as well as assessment specialists;
- Program quality assurance specialists;
- Juvenile Rehabilitation Administration; and
- Administrative Office of the Courts.

Consultants to the committee include the Family Policy Council, the Governor's Juvenile Justice Advisory Council, and the Institute.

⁹ Final results were published in 2004: R. Barnoski (2004). *Outcome evaluation of Washington State's research-based programs for juvenile offenders*. Olympia: Washington State Institute for Public Policy (04-01-1201). Preliminary results were published in 2002: R. Barnoski (2002). *Washington State's implementation of aggression replacement training for juvenile offenders: Preliminary findings*. Olympia: Washington State Institute for Public Policy (02-06-1201); and R. Barnoski (2002). *Washington State's implementation of functional family therapy for juvenile offenders: Preliminary findings*. Olympia: Washington State Institute for Public Policy (02-08-1201).

¹⁰ Laws of 2003, ch. 378 § 7, ESSB 5903. See also: R. Barnoski, S. Aos, & R. Lieb (2003). *Recommended quality control standards: Washington State research-based juvenile offender programs*. Olympia: Washington State Institute for Public Policy (03-12-1203).

¹¹ MST Services Inc. of Mount Pleasant, South Carolina, provides training and quality assurance for agencies that administer the program.

¹² D. Andrews, J. Bonta, & R. Hoge (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior*, 17, 19–52.

¹³ R. Barnoski (2004). *Washington State juvenile court assessment manual, version 2.1*. Olympia: Washington State Institute for Public Policy (04-03-1201).

¹⁴ R. Barnoski (2009). *Providing evidence-based programs with fidelity in Washington State juvenile courts: Cost analysis*. Olympia: Washington State Institute for Public Policy (09-12-1201).

Cost-Benefit Analysis. As previously mentioned, one of the goals of the CJAA is to reduce crime, *cost effectively*; thus, cost-benefit analysis is an essential component in evaluating the impacts of evidence-based juvenile justice programs.

To determine cost-effectiveness, the Institute has developed an economic model that provides standard financial statistics: net present values, benefit-cost ratios, and returns on investment.¹⁵ We calculate benefits received by taxpayers from reduced spending on the criminal justice system and benefits to victims from crimes avoided. The sum of these perspectives provides a “total Washington” view on whether a program produces benefits that exceed costs.

The Institute is currently updating its cost-benefit findings on programs targeted at reducing crime, including the programs used by the juvenile courts.¹⁶ The final report is due June 2011. **Exhibit 1** displays our preliminary information, as of December 2010, on current state-funded evidence-based programs used by the juvenile courts. These findings are consistent with previous Institute reports; that is, total benefits, including taxpayer and crime victim benefits, exceed costs for programs used by the juvenile courts.

Budgetary Process. In 2007, the Legislature adopted a budgetary concept that focuses on Washington’s overall evidence-based strategy to reduce crime in Washington. The central idea is to identify the most cost-effective mix of strategies that use taxpayers’ money to reduce crime. The strategies include adult corrections, juvenile justice, and prevention.

Based upon the Institute’s cost-benefit findings, the 2007 Legislature made significant investments by allotting \$48 million in the biennial budget for expanded use of evidence-based programs.¹⁷ Investments were made in juvenile and adult criminal justice programs, as well as in prevention programs.¹⁸

After the 2007 investment, the Caseload Forecast Council (CFC) lowered the long-term prison forecast, effectively removing one prison from its projection—a 2,000 bed facility at a cost of approximately \$250 million. It is still too early to determine the impact of these programs on overall crime rates; however, the Institute assists the CFC annually in tracking the number of program participants and monitors this impact on the state’s forecasted prison population.

Exhibit 1

Benefits and Costs of State-Funded Evidence-Based Programs Used in the Juvenile Courts

Program	Benefits to Crime Victims	Benefits to Taxpayers	Program Cost (per participant)*	Total Benefits Minus Costs (per participant)	Literature Review Last Updated
CJAA Programs					
Aggression Replacement Training	\$11,072	\$3,541	\$1,481	\$13,132	2010
Coordination of Services	\$938	\$313	\$387	\$864	2006
Functional Family Therapy	\$12,462	\$4,844	\$3,203	\$14,103	2010
Multisystemic Therapy	\$9,206	\$2,894	\$7,089	\$5,011	2010
2007 Expansion Programs					
Family Integrated Transitions	\$11,409	\$4,502	\$11,033	\$4,871	2006
Victim Offender Mediation	\$1,560	\$521	\$247	\$1,834	2010

* Victim Offender Mediation costs were estimated by Clark County. All other program costs were obtained from R. Barnoski (2009). *Providing evidence-based programs with fidelity in Washington State juvenile courts: Cost analysis*. Olympia: Washington State Institute for Public Policy. Cost-benefit analyses are as of 2010 and are displayed in 2010 dollars.

¹⁵ Aos, Miller, & Drake, 2006; and Aos, Barnoski, & Lieb, 1998.
¹⁶ S. Aos (2010). *Return on (taxpayer) investment: Evidence-based options to improve statewide outcomes—Update for the Legislature*. Olympia: Washington State Institute for Public Policy (10-10-1201).

¹⁷ Laws of 2007, ch. 522 § 203, SHB 1128. See also Aos, Miller & Drake, 2006.

¹⁸ The bill gave the juvenile courts the ability to spend state dollars on the expanded use of CJAA programs in addition to other evidence-based programs identified by the Institute. The juvenile courts chose to invest in Family Integrated Transitions and Victim Offender Mediation.

II. Block Grant Funding

Funding Formula. The 2009 Legislature required that all state dollars passed to the local juvenile courts be administered by JRA as a block grant. According to the bill, funding priorities were to be given to evidence-based programs and alternatives diverting youth from confinement at JRA.¹⁹

In the fall of 2009, a “block grant committee” was established to develop the criteria for the block grant funding formula in consultation with the Institute. The four-person committee represented the Administrative Office of the Courts, Juvenile Rehabilitation Administration, the juvenile courts, and the Office of Financial Management. Each member had one vote.

The block grant committee met numerous times over a seven-month period. There was much discussion about how to balance the sometimes conflicting goals of continuity in the distribution of existing juvenile court funds and the legislative intent of prioritizing evidence-based programs and disposition alternatives.

Exhibit 2 shows the agreed upon criteria used in the block grant and the percentage contribution that each factor represents in the total formula.²⁰ Some criteria were used in the funding formula prior to implementation of the block grant.

Two new factors were added to the formula to make it consistent with the bill’s legislative direction. The two factors together represent 40 percent of the total formula.

First, the average assessed risk level of a court’s juvenile caseload is included in the new formula with a weight of 15 percent. This factor measures what criminologists call “the risk principle.” That is, resources should be used commensurate with a youth’s risk for reoffense.²¹ Jurisdictions with higher risk youth are weighted more heavily, and thus receive more state funding, than jurisdictions with lower risk youth.

Second, the new formula rewards juvenile courts for placing youth in evidence-based programs with a formula weight of 25 percent. Higher risk participants are weighted more heavily than lower risk youth. Jurisdictions that utilize evidence-based programs are weighted more heavily, and thus receive more state funding than jurisdictions that do not use evidence-based programs.

Appendix B shows the variance of the new funding formula compared with the previous funding formula for each jurisdiction.

Exhibit 2
Criteria Used in the Block Grant

Block Grant Criteria	Weight
At-risk population (10- to 17-year-olds)	38%
Participants in evidence-based programs by risk level*	25%
Minority population	18%
Assessed risk level of juvenile court population*	15%
Participants in the Chemical Dependency Disposition Alternative	3%
Participants in the Mental Health Disposition Alternative or Suspended Disposition Alternative	2%
Total	100%

* The Washington State Juvenile Court Assessment is used to identify a youth’s risk level. Risk level weights were determined using 15-year felony recidivism rates. High risk offenders had a 60 percent felony recidivism rate, moderate risk offenders a 34 percent rate, and low risk offenders a 14 percent rate. Weights indicate the ratio of the recidivism rate compared with the recidivism rate for low risk offenders. For example, 60 percent felony recidivism rate for high risk youth, divided by 14 percent felony recidivism for low risk youth, equals a weight of 4.4 for high risk youth.

¹⁹ Barnoski, 2004.

²⁰ Block Grant Oversight Committee. (2010, February). *Juvenile court block grants: Subsequent recommendations*. Olympia, WA: Author. (Electronic document received from J. Patnode, September 27, 2010).

²¹ Andrews, Bonta, & Hoge, 1990.

Oversight. A recommendation proposed by the voting members of the block grant committee was to create an “oversight committee” to manage the ongoing implementation of the block grant formula. The oversight committee is charged with using data to assess block grant implementation in order to make recommendations regarding potential changes to the funding formula. The oversight committee is currently finalizing its charter and deciding how the committee will operate.

Promising Programs. The Institute assisted the block grant committee with developing a protocol for courts to use state dollars for “promising programs”—programs that are *similar* to an evidence-based program, but without the outcome evaluation evidence (see Appendix C).

The courts must first identify a given area of concern, such as lack of employment, for the population and then develop a program proposal. The CJAA committee reviews the proposal and either accepts or rejects it. If a program proposal is accepted, the courts implement the program. If the proposal is rejected, the courts can modify it, if they choose. When enough time has passed, the program must be evaluated to determine if it qualifies as an evidence-based program.

The protocol for the promising programs process allows the courts to address a need in their given jurisdiction that may not be addressed with a current evidence-based program. The process ensures that, at some point in the future, additional evidence will be gained about the effectiveness of programs.

The CJAA committee oversaw its first promising program process this past summer when King County proposed an Education and Employment Training program (EET). EET is a collaborative workforce development program for moderate and high risk offenders. The program was approved by the CJAA committee as the first promising program under the new block grant. The Institute agreed to evaluate the program in the future.

III. Evidence-Based Program Participation

Exhibit 3 displays the statewide number of evidence-based program participants by year. Several trends are apparent.

First, the number of participants in evidence-based programs increased in 2008 after the Legislature invested more dollars into programs to avoid future prison construction.

Second, despite a difficult economic climate in the past few years, the targeted statewide number of participants for Fiscal Year 2011 indicates the juvenile courts have prioritized state block grant funds for evidence-based programs, as intended by the Legislature.

In 2010, approximately 30 percent of youth who were eligible, according to the juvenile court assessment, participated in a state-funded evidence-based program.

Exhibit 3
Statewide Number of Participants in State-Funded Evidence-Based Programs by Year and Percentage Change From Previous Year

Fiscal Year	Original CJAA Programs								2007 Expansion Programs			
	Aggression Replacement Training (ART)		Coordination of Services (COS)		Functional Family Therapy (FFT)		Multisystemic Therapy (MST)		Family Integrated Transitions (FIT)		Victim Offender Mediation (VOM)	
	N	% Change	N	% Change	N	% Change	N	% Change	N	% Change	N	% Change
2000	882	100%	41	100%	283	100%	41	100%				
2001	1,026	16%	117	185%	550	94%	97	137%				
2002	1,126	10%	98	-16%	592	8%	73	-25%				
2003	1,099	-2%	79	-19%	630	6%	48	-34%				
2004	1,238	13%	223	182%	589	-7%	53	10%				
2005	1,295	5%	252	13%	613	4%	49	-8%				
2006	1,353	4%	212	-16%	721	18%	104	112%				
2007	1,439	6%	92	-57%	692	-4%	92	-12%				
2008	1,775	23%	378	311%	873	26%	132	43%	19	100%	117	100%
2009	1,726	-3%	540	43%	969	11%	102	-23%	22	16%	249	113%
2010	1,832	6%	469	-13%	738	-24%	58	-43%	24	9%	426	71%
2011*	1,816	-1%	659	41%	926	25%	62	7%	28	17%	302	-29%

* Targeted number of statewide participants.

Appendix A

Timeline of Events Affecting Evidence-Based Policy in the Washington State Juvenile Courts

Year	Policy Action	Legislative Authority (if applicable)	Institute Report (if applicable)
1995	Intensive probation program funded.		
1996	Outcomes indicate the intensive probation program does not reduce recidivism.		
1997	Determine if evidence-based programs exist that can be implemented in Washington State juvenile courts.	RCW 13.40.500 through 13.40.550	Doc. No. 98-01-1201 Doc. No. 01-05-1201
1998	Move funding from intensive probation to evidence-based programs in juvenile courts: Aggression Replacement Training (ART) and Functional Family Therapy (FFT).		
2002	Preliminary evidence-based program outcomes indicate reduced recidivism and emphasize the importance of competent delivery.	RCW 13.40.500 through 13.40.540	Doc. No. 02-08-1201 & Doc. No. 02-06-1201
2003	Develop adherence and outcome standards for evidence-based programs.	Laws of 2003, ch. 378 § 7 (ESSB 5903)	Doc. No. 03-12-1203
2003	The Washington State Association of Juvenile Court Administrators asked the Washington State Institute for Public Policy to develop the risk assessment specified in the Act.		Doc. No. 04-03-1203
2004	Outcome evaluation of Washington State's research-based programs for juvenile offenders: ART, FFT, & COS.		Doc. No. 04-01-1201
2004	Washington State Juvenile Court Assessment is empirically validated.		Doc. No.04-03-1201
2006	Reinvesting in Youth legislation: State reimburses counties for implementing evidence-based programs.	RCW 13.40.462	
2007	Expanded Funding for evidence-based programs: ART, FFT, MST, COS, MDTFC, FIT, Restorative justice for low risk offenders, and drug courts.		
2009	Block grant funding formula	Laws of 2009, ch. 564 § 203 (ESHB 1244) Laws of 2010, ch. 203 § 7 (e) (SB 6444)	Doc. No. 10-12-1201

Appendix B
Fiscal Year 2011:
Difference in Funding for
New Block Grant Funding vs. Previous Categorical Funding

County	Difference in Funding
Adams	\$17,835
Asotin/Garfield	\$8,437
Benton/Franklin	\$3,735
Chelan	\$45,085
Clallam	\$8,193
Clark	-\$36,109
Columbia/Walla Walla	\$16,518
Cowlitz	\$21,967
Douglas	-\$3,119
Ferry/Stevens/Pend Oreille	-\$4,845
Grant	\$0
Grays Harbor	\$29,731
Island	-\$5,543
Jefferson	\$20,599
King	-\$109,833
Kitsap	\$9,246
Kittitas	\$16,271
Klickitat	\$16,681
Lewis	-\$1,239
Lincoln	-\$3,099
Mason	-\$3,133
Okanogan	\$8,660
Pacific/Wahkiakum	\$9,836
Pierce	-\$51,329
San Juan	-\$2,609
Skagit	-\$9,174
Skamania	\$2,522
Snohomish	-\$22,204
Spokane	-\$39,415
Thurston	\$0
Whatcom	\$49,306
Whitman	\$12,745
Yakima	-\$5,716

Source: Juvenile Rehabilitation Administration, 2010

Appendix C

Guidelines to Determine Promising Programs For Use in Washington State's Juvenile Courts

- 1) Identify Need
 - a) Courts determine need for a given program
 - i) Consider need of individuals
 - ii) Consider need for proposed program in conjunction with menu of existing evidence-based programs offered in the jurisdiction

- 2) Develop Program Outline
 - a) Design a *program outline* for Community Juvenile Accountability Act (CJAA) committee to review
 - i) Specify goals of the program
 - ii) Number of youth with identified need
 - iii) Number of youth with unmet need
 - iv) Number of expected participants

- 3) Review Program Outline
 - a) CJAA committee reviews program outline to determine if population need is aligned with program goals
 - b) CJAA committee determines if the court can proceed with designing program proposal

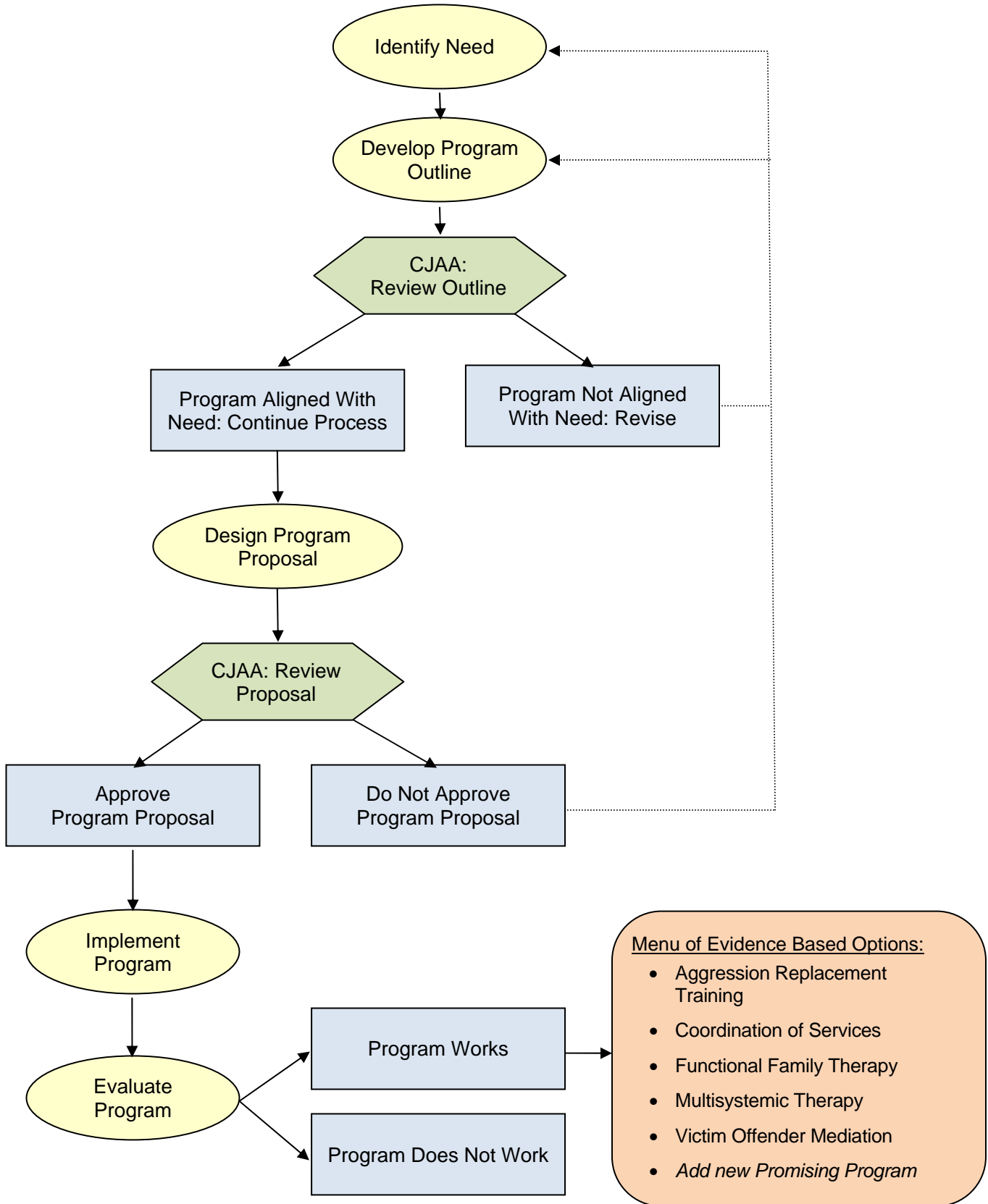
- 4) Design Program Proposal
 - a) Design detailed *program proposal* for CJAA committee to review
 - b) Program should be based upon one of the following three scenarios
 - i) Program goals are similar to an evidence-based program except it does not have the evidence
 - ii) Program is an evidence-based program modified to be applied to a special population, i.e., ART for chemically dependent youth
 - iii) Program follows a logic model which
 - (1) Ties the program to a delinquency theory
 - (2) Describes risk and protective factors addressed by the program and how addressing these factors should reduce recidivism
 - c) Program should not be comparable to a program already proven not to work (e.g., Scared Straight)
 - d) Program proposal should include the following elements
 - i) Program manual
 - ii) Logic model
 - iii) Implementation strategy
 - iv) Quality assurance infrastructure with measures to maintain fidelity
 - e) Court should contact the Institute to determine what an appropriate study sample size would be given the type of program and population to be served.
 - f) CJAA committee should determine an appropriate timeline regarding how long a promising program can exist without being evaluated while considering cost of program.

- 5) Review Proposal
 - a) CJAA committee reviews submitted program proposal and makes final determination if the program is considered "promising"
 - b) Promising program funding should typically not exceed 15 percent of the court's total state pass-through funding

- 6) Implement Program
 - a) Courts implement promising program
 - b) Courts track data necessary for evaluation purposes

- 7) Evaluate Program
 - a) Evaluate using a rigorous research design (see research design guidelines at end of document)
 - b) Study groups must be large enough so that the results can be generalizable
 - c) Conduct cost-benefit analysis

Appendix C – Continued
Promising Program Flow Process



Appendix C – Continued

Rigorous Research Criteria to Conduct an Outcome Evaluation

1. *Comparison Group.* The most important criterion is that an evaluation must have a control or comparison group. Studies with a valid comparison group, as opposed to a single-group, pre-post research design, help avoid false inference on causality.ⁱ Random assignment studies are preferred, but quasi-experimental studies that demonstrate reasonable comparability between the treatment and comparison groups on important pre-existing conditions such as age, gender, and prior criminal history are acceptable.
2. *Participant Sampling Procedures.* The treatment group must be made up of program participants, not solely program completers. This criterion helps to avoid unobserved self-selection factors that distinguish a program completer from a program dropout; these unobserved factors are likely to significantly bias estimated treatment effects.ⁱⁱ
3. *Recidivism.* It is recommended that the evaluator follow the Institute's standards for calculating recidivism.ⁱⁱⁱ Recidivism is defined as any offense committed after release to the community that results in a Washington State conviction in juvenile or adult court. Other measures of recidivism outcomes can be used (e.g., arrests or self-reported crimes), but court convictions are the preferred measure. The follow-up period for juvenile offenders should be a minimum of 18 months plus an additional 12 months for adjudication processing.

ⁱ Coalition for Evidence-Based Policy (2003). *Identifying and implementing educational practices supported by rigorous evidence: A user friendly guide*. Washington, DC: The Council for Excellence in Government, Author.

ⁱⁱ M. W. Lipsey (2003). Those confounded moderators in meta-analysis: Good, bad, and ugly. *The ANNALS of the American Academy of Political and Social Science*, 587(1), 69–81.

ⁱⁱⁱ R. Barnoski (1997). *Standards for improving research effectiveness in adult and juvenile justice*. Olympia: Washington State Institute for Public Policy, p. 2 (97-12-1201).

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*Washington State
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