



## Changes to Washington State's Juvenile Court and Juvenile Rehabilitation Jurisdiction: A Preliminary Analysis of "JR to 25"

Starting in 2018, the Washington State Legislature made changes that, in part, modified the jurisdiction of courts and secure confinement facilities for individuals convicted of criminal offenses committed before age 18.<sup>1</sup> These bills are colloquially referred to as "JR to 25."

The JR to 25 bills also directed the Washington State Institute for Public Policy (WSIPP) to examine the impacts of the legislative changes. The current study serves as a preliminary report for this assignment. A final evaluation is due in December 2031.

**Section I** of this report provides background on the evolution of Washington's policies concerning juvenile court jurisdiction, including the legislative changes that make up JR to 25, and reviews WSIPP's legislative assignment. **Section II** reviews the data and methods of the current study. **Section III** presents the findings from our analysis of changes to the Juvenile Rehabilitation (JR) facility populations over time, as well as an analysis of those in the JR to 25 eligible populations at both JR and the Department of Corrections (DOC) over time. We also describe the retroactive application of legislative changes to a certain group confined in DOC facilities. Finally, **Section IV** provides a summary of the report and a brief discussion of our plans for the final report.

### Summary

This report describes the initial implementation of a series of bills referred to as "JR to 25." Among other things, these bills modified court jurisdiction and the location of confinement for juveniles convicted as adults in Washington State.

We summarize the policy changes resulting from JR to 25 legislation, describe facility changes before and after the legislation took effect, provide preliminary analysis on data collected thus far, and estimate the fiscal impacts of the legislation.

We find that individuals are engaged in more rehabilitative programming after the JR to 25 policy changes took effect. We also find an increase in behavior incidents and an increase in reports of room confinement and isolation after the policy changes.

Part of the JR to 25 legislation included applying changes retroactively to populations in Juvenile Rehabilitation (JR) and the Department of Corrections (DOC) with qualifying offenses. This meant there was a small group of people in DOC facilities that were newly eligible to transfer back to JR custody. Our report includes a discussion of that process and summarizes racial demographic information of that eligible group along each stage of the process.

Finally, we discuss the limitations to this report and outline a plan for the final report, due to the legislature in 2031.

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<sup>1</sup> JR to 25 includes statutory changes included in [Engrossed Second Substitute Senate Bill 6160, Chapter 162, Laws of 2018](#), and [Engrossed Second Substitute House Bill 1646, Chapter](#)

[322, Laws of 2019](#). WSIPP is also tasked with assessing the impact of changes included in [Engrossed Second Substitute House Bill 1186, Chapter 206, Laws of 2021](#).

## I. Background

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Most offenses committed by an individual under the age of 18 are processed in the juvenile court system, with more serious offenses leading to confinement in a JR facility run by the Department of Children, Youth, and Families (DCYF). Cases involving more serious violent offenses could be transferred to adult court on a case-by-case basis. In the 1990s, Washington State significantly modified juvenile court jurisdiction, systematically moving most cases involving serious offenses and youth with more serious criminal histories to the adult courts.

### Youth Sentenced in Juvenile Court

Youth found guilty of a criminal offense in juvenile court are subject to juvenile sentencing guidelines. These guidelines prescribe sentencing ranges (a minimum and maximum confinement term) based on the seriousness of the offense and the individual's criminal history.<sup>2</sup>

### Youth Sentenced in Adult Court

Youth convicted in adult criminal court are subject to sentencing based on the adult felony sentencing guideline grid.<sup>3</sup> Like the juvenile system, the adult sentencing grid prescribes sentence ranges based on the seriousness of the offense and a person's criminal history. Confinement sentences over one year are served in state prison, while sentences of 12 months or less are served in local jails.<sup>4</sup>

### DOC's Youthful Offender Program

Youth convicted as adults and sentenced to confinement entered DOC's Youthful Offender Program (YOP). Youth under 18 who are retained in DOC custody must be housed separately from adults and have access to services to obtain a high school diploma or GED.

In 2015, the legislature required that YOP youth who are expected to complete their sentence before their 21<sup>st</sup> birthday be transferred to a JR facility to serve their sentence.<sup>5</sup> All other YOP youth are eligible for transfer to JR at the discretion of DOC and JR until age 21. YOP youth confined in a JR facility can be returned to a DOC facility if remaining at JR poses a safety risk.

### Disposition Alternatives

Cases can take many alternative paths, diverting youth from secure confinement. One of those paths for this group of youth is the *Option B* suspended disposition.<sup>6</sup> This option allows youth to remain in the community but requires them to complete rehabilitative programming, followed by a period of community supervision. This is an option for youth deemed appropriate through court proceedings, based on perceived motivation to complete the programming and the youth's risk to the community.

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<sup>2</sup> See [Appendix I](#) for additional information on the state's juvenile sentencing guidelines.

<sup>3</sup> See [Appendix I](#) for more information on the state's adult felony sentencing guidelines.

<sup>4</sup> Any cases included in the analysis for this report are terms of confinement that either took place in JR or DOC facilities.

<sup>5</sup> [House Bill 1674, Chapter 156, Laws of 2015](#).

<sup>6</sup> [Suspended Disposition Alternative – Option B](#).

## [A Series of Changes: JR to 25](#)

The 2018 and 2019 Legislatures passed reforms to juvenile court jurisdiction and confinement of youth sentenced as adults, with additional legislation passed in later years.<sup>7</sup> These reforms marked a return to using the juvenile justice system for a broader range of offenses. Among other things, these policy changes allow for more cases involving juveniles to go to juvenile court and restrict the flow of youth to confinement in DOC. [Appendix I](#) details the changes included in each of the separate legislative acts.

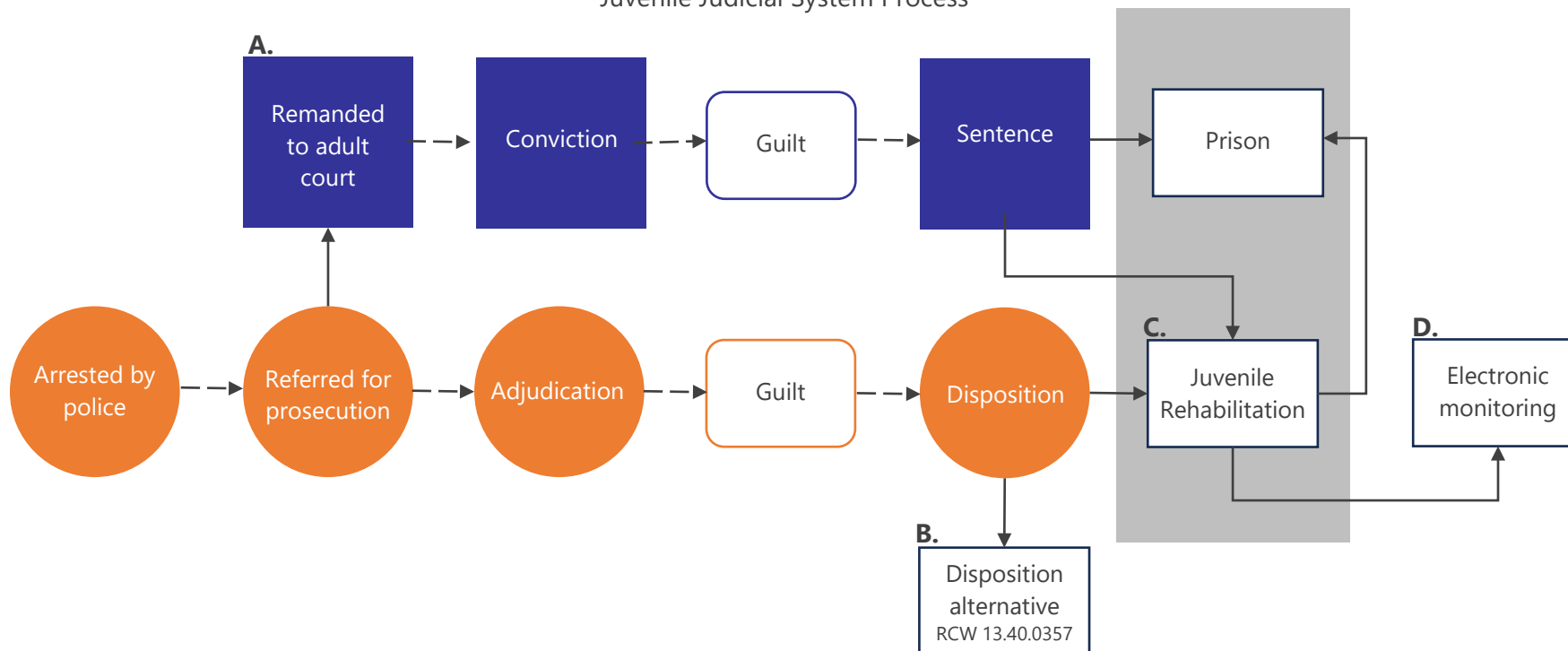
In brief, there are four main points along the juvenile judicial system that JR to 25 and related legislation impacted: court jurisdiction, disposition alternatives, confinement location, and community reentry. [Exhibit 1](#) outlines these four changes in the juvenile judicial system that lead to time spent in confinement.

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<sup>7</sup> In 2021, the Legislature passed additional legislation establishing a new reentry program, Community Transition Services (CTS). WSIPP is tasked with assessing the CTS program collectively with the JR to 25 changes. In addition to

the two JR to 25 bills and the CTS implementation, there are future legislative changes that will impact the same population of individuals, see [Appendix I](#) for more details.

**Exhibit 1**  
Juvenile Judicial System Process



Notes:

**Orange** indicates processing points in the juvenile justice system that may lead to JR.  
**Blue** indicates processing points in the adult criminal justice system that may lead to JR or prison.  
**Solid lines** represent a potential final stage in case processing.

Letters represent areas affected by changes from JR to 25 legislation.

- A.** Youth are automatically declined to adult court if they are 16 or 17 on the date of their offense and are charged with a serious violent offense, violent offense, and the youth has a prior conviction for a serious violent offense, two or more violent offenses, or three specified felony offenses: rape of a child 1.
- B.** Offenses eligible for Option B suspended disposition alternatives are increased to include robbery 2, residential burglary, burglary 2, intimidating a witness, and manufacturing/delivery/possession with intent to deliver a controlled substance.
- C.** JR jurisdiction is expanded allowing youth to serve their sentence until age 25 in a secure JR facility.
- D.** When a person who is convicted in adult court and placed in JR has an earned release date that is after the person's 25<sup>th</sup> birthday but before the person's 26<sup>th</sup> birthday, DCYF may transfer the person to electronic home monitoring under the supervision of DCYF to serve the remainder of the person's term of confinement.

**Grey** area represents the points where we have data for analysis. The findings presented in this report are on the population of cases that were likely impacted by JR to 25 legislation and the individual was confined either in a JR or DOC facility.

This exhibit is an abbreviated version of the entire juvenile justice system. There are multiple points of intervention that would lead youth away from time spent in confinement not displayed in the graphic. This exhibit is intended to display the general system flow for the youth impacted by the JR to 25 legislative changes, not for youth in the juvenile justice system generally.

### Court Jurisdiction (Exhibit 1, Point A)

In 2018, the jurisdiction of the juvenile courts was expanded by limiting the offenses subject to transfer to adult court.<sup>8</sup> As a result, fewer youth will be eligible to be sentenced as adults. The juvenile sentencing grid was also expanded to account for the greater number of offenses that will be adjudicated in juvenile court.<sup>9</sup>

### Disposition Alternatives (Exhibit 1, Point B)

In the same bill, the Option B suspended disposition alternative was also amended to be available to more offenses. However, its use was also limited, so youth may no longer receive subsequent Option B suspended dispositions on future charges. Given this simultaneous expansion and reduction in the availability of Option B suspended dispositions, we cannot say if their use will ultimately increase or decrease because of the legislative changes.

### Confinement Location (Exhibit 1, Point C)

The expansion of the juvenile sentencing grid raised the maximum age of confinement in JR from 21 to 25. In addition, youth convicted as adults and sentenced to confinement are now initially placed in JR rather than DOC. While in confinement at JR facilities, these youth receive the same services as youth adjudicated in juvenile court. This means more youth will receive rehabilitative treatment through JR as a result of the JR to 25 legislation, even beyond those redirected at the court jurisdiction change point.

In 2019, legislation passed<sup>10</sup> that made the JR to 25 policy changes retroactive to individuals incarcerated in JR or DOC who had offenses

newly eligible under existing law. Of this group affected via the retroactive piece of the legislative changes, a small group of individuals housed at DOC became eligible for transfer back to JR. See [Exhibit 2](#) for more information about the implementation of these retroactive changes.

### Exhibit 2

#### Retroactive Application of JR to 25 Changes

The Washington State Legislature passed policies applying the JR to 25 changes retroactively to populations convicted prior to July 1, 2019. DCYF and DOC were directed to establish a multidisciplinary interagency team to review the placement of individuals who were in DOC custody for crimes committed prior to age 18 and who had not yet reached age 25. Any individual being considered for transfer could deny transfer and opt to remain in DOC custody. The interagency review team was required to make final recommendations for transfers by January 1, 2020. Individuals with an approved transfer order were intended to be transferred to DCYF custody by February 1, 2020.

#### Factors determining eligibility for transfer:

- The safety/security of the person, staff, and other persons in DCYF custody.
- The individual's behavior and assessed risks and needs.
- Whether DCYF or DOC programs are better equipped to facilitate rehabilitation and reentry into the community.
- Any statements regarding the transfer made by the person whose transfer is being considered.
- Any other relevant factors.

E2SHB 1646

<sup>8</sup> E2SSB 6160.

<sup>9</sup> Appendix I provides more information about the juvenile sentencing grid before and after JR to 25 reforms.

<sup>10</sup> E2SHB 1646.

### Community Reentry (Exhibit 1, Point D)

The 2019 legislation also modified reentry by allowing youth convicted as adults with an expected release date between ages 25 and 26, who were not already transferred to DOC, to be released to the community on electronic home monitoring to serve the remainder of the sentence upon turning 25.

In addition, the 2021 Legislature passed legislation<sup>11</sup> that directed DCYF to create Community Transition Services (CTS). This new program provides a partial confinement alternative for cases meeting particular criteria. Participants may serve up to 28 months of their sentence on electronic home monitoring in the community. DCYF provides CTS participants with access to rehabilitation and reentry services that are developmentally appropriate, trauma-informed, racial-equity-based, and culturally relevant. The assignment of youth to CTS must be informed, in part, by the results of a risk assessment instrument. The risk assessment instrument was implemented on November 1, 2023. The CTS program began in May 2024.

Of these four major change points, this preliminary report analyzes data surrounding changes made to **court jurisdiction** and stays in **confinement**.<sup>12</sup> Not enough time has passed to evaluate the changes in community reentry, and we did not have data to speak to changes in disposition alternatives. More information about specific changes made by the JR to 25 and related legislation can be found in [Appendix I](#).

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<sup>11</sup> E2SHB 1186.

<sup>12</sup> A *stay* is defined as a single period of continuous confinement. Individuals who recidivate and return to confinement would then experience a new stay.

### Summary

JR to 25 legislation significantly reformed the case processing and confinement protocols for youth who commit serious criminal offenses. These specific legislative changes are unique but align with similar reforms across the country in that they are trending toward treating the young adult population with a greater focus on rehabilitation.<sup>13</sup>

With this package of reforms, the legislature expanded juvenile court and DCYF authority. As a result, fewer youth convicted of criminal offenses may spend time in confinement at a state prison.

### Legislative Assignment

WSIPP's legislative assignment ultimately requires a long-term evaluation of the impacts, benefits, and costs of JR to 25 (see [Exhibit 3](#)). This preliminary report focuses on the initial implementation of JR to 25.

Using administrative data from DOC and DCYF, this report examines changes in youth and young adult populations (up to age 25) confined in JR facilities for offenses committed as a juvenile. This report also summarizes data concerning individual experiences with rehabilitative programming and behavior before and after the JR to 25 legislation. We also briefly describe the estimated fiscal impacts of the legislation.

<sup>13</sup> See [Appendix III](#) for more information on what other states are doing in this area.

Most cases impacted by this legislation include presumptive sentences to confinement over three years.<sup>14</sup> As such, not enough time has passed for WSIPP to reliably estimate the effects of these laws on post-confinement outcomes such as recidivism. These post-confinement outcomes are also necessary to estimate robust benefit-cost analyses. The final report will examine the impact of JR to 25 on individual outcomes and the associated benefit-cost analyses.

### Research Questions

In this preliminary report, four questions are addressed.

- 1) How have JR facilities changed since the legislative changes took effect?
- 2) How has participation in programming and behavior changed for the affected group since the legislative changes took effect?
- 3) What happened to the individuals housed at DOC who were eligible for transfer back to JR?
- 4) What is the estimated fiscal impact of the legislative changes?

These four questions are addressed, in order, in [Section III](#).

### Exhibit 3

#### Legislative Assignment

E2SHB 1186, Chapter 206, Laws of 2021, Section 9

1. *The Washington State Institute for Public Policy must:*
  - a) *Assess the impact of [JR to 25] on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation, to the extent possible; and*
  - b) *Conduct a cost-benefit analysis, including health impacts and recidivism effects, of extending RCW 72.01.410 to include all offenses committed under the age of twenty-one.*
2. *The institute shall submit, in compliance with RCW 43.01.036 a preliminary report on the requirements listed in subsection (1) of this section to the Governor and the appropriate committees of the legislature by December 1, 2023, and a final report to the Governor and the appropriate committees of the legislature by December 1, 2031.*

JR to 25 includes statutory changes included in [E2SSB 6160](#), [E2SHB 1646](#), and [E2SHB 1186](#).

<sup>14</sup> Presumptive sentences are predetermined, via established guidelines like a sentencing grid, for typical individuals

adjudicated or convicted of criminal offenses. Judges will deviate from the normal only in exceptional circumstances.



## II. Data and Methods

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In this section, we discuss the data and methods we use in our report.

### Data

This study uses administrative data from DOC and DCYF and information gathered from reports published by various state agencies regarding JR to 25.

From DCYF, we obtained information on all individual confinement periods (“stays”) in JR custody between January 1, 2015, and December 31, 2022. From DOC, we obtained data on all stays in DOC custody during the same timeframe for individuals aged 18-25 who committed an offense as a juvenile. The data included individual demographics, the types of crimes these individuals committed, their program participation while incarcerated, and the disciplinary actions they experienced.

We linked these stay-level data from both agencies to data regularly obtained and processed into WSIPP’s Criminal History Database (CHD).<sup>15</sup> This process resulted in one comprehensive dataset of stays across the juvenile and adult justice systems.<sup>16</sup> With this dataset, we created two distinct analytic files. The first, the facility-level dataset, is focused specifically on juvenile facilities.

The second, the individual-stay-level dataset, on all individuals across juvenile and adult facilities whose confinement circumstances could have been directly affected by JR to 25.

### Facility-Level Dataset

First, we created a facility-level dataset by aggregating unique stay-level information to the facility level by state fiscal year (SFY) by taking annual point-in-time snapshots for SFYs 2015 through 2022.<sup>17</sup> For this report, we only show statistics on JR secure confinement facilities. As there are more DOC facilities and more individuals at each DOC facility, individuals leaving DOC custody will have a minimal impact on these broader DOC facility-level statistics.

Next, we split our sample into two time periods: before JR to 25 (SFYs 2015-2018) and after JR to 25 (SFYs 2019-2022) to explore any facility-level population changes occurring during the implementation of JR to 25 policies. With this dataset, we can analyze how JR facility demographics have changed after JR to 25.

The final sample has 2,523 stays across the three JR facilities. Only a portion of the stays making up this final sample were directly affected by JR to 25.

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<sup>15</sup> WSIPP’s Criminal History Database (CHD) combines demographic and criminal history data from the Administrative Office of the Courts (AOC) and DOC.

<sup>16</sup> DOC and DCYF do not use common identifiers, meaning other strategies often had to be used to connect data reliably.

Exact precision is not possible in this process. [Appendix II](#) provides details on the process used to create a final dataset.

<sup>17</sup> For each SFY, we calculate statistics on the population housed in each facility on the last day of each SFY.



### Individual-Stay-Level Dataset

Second, we created an individual-stay-level (hereafter, “stay-level”) dataset.<sup>18</sup> As previously mentioned, not all individuals who commit an offense under 18 are affected by these laws, so we first limited this sample to those individual stays likely affected by JR to 25 legislation.

However, we could not perfectly identify the stays affected by the laws because agency discretion is still allowed. For example, suppose an individual who was convicted of a crime while under the age of 18 was sentenced to confinement in a DOC facility. JR to 25 law changes made the specific crime eligible for transfer to a DCYF facility. Suppose the relevant agencies used discretion to keep the individual in DOC custody because of their poor behavior while incarcerated. JR to 25 had no practical effect on this individual—they stayed in DOC custody despite law changes that *could* have resulted in their transfer to JR under different circumstances. For similar individuals who completed their sentences before the enactment of JR to 25, it is impossible to tell whether they would have transferred to DCYF custody if JR to 25 had existed.

We categorize all stays as being potentially affected by JR to 25 if individuals committed a crime affected by JR to 25 legislation, even if they may not have ultimately been affected due to agency discretion.<sup>19</sup>

Next, as with the facility-level dataset, we classify stays as occurring before or after JR to 25. Stays with an offense date before June 7, 2018, are indicated as occurring before JR to 25, and those with an offense date after that date are indicated as occurring after JR to 25. Unlike with the facility-level dataset, we then limit our analysis to completed stays.<sup>20</sup>

With this dataset, we can discuss what has happened to individuals potentially affected by this legislation. However, unlike our earlier facility-level analysis, this analysis does not reveal changes at DCYF facilities. For example, we look at how individuals’ experiences with programming changed after JR to 25. For many of these individuals, this change in programming is due to their transfer from DOC to JR custody. Although the changes could reflect changes in programming at JR, the numbers do not represent the average programming at JR facilities before and after the law. This also explains why we limit the sample to a subset of individuals with completed stays—we want to understand how the individual experience has changed, from start to end, for those directly affected.

Our final sample has 1,299 individual stays, with 1,133 stays occurring before JR to 25 and 166 after JR to 25.

### Transfers from DOC to DCYF

From DOC, we also received a list of individuals potentially affected by the legislation.

<sup>18</sup> As mentioned previously, a *stay* is defined as a single period of continuous confinement. Individuals may have more than one stay in our dataset.

<sup>19</sup> See [Appendix II](#) for more information on how we categorized individuals.

<sup>20</sup> We omitted incomplete stays to exclude some large outliers with long stays. However, to check this decision, we ran the individual-level analyses on all stays and found qualitatively similar results. Including all stays inflates the total trip length for both the before- and after-JR to 25 groups but does not change any conclusions.

## Methods

### Facility and Individual-Level Analyses

This report describes differences in facility-level demographics and individual outcomes before and after JR to 25. The facility-level analysis provides insight into how the overall facility demographics at JR institutions changed before and after these law changes. The individual-level analysis provides insight into how programming, incident report, infraction, and associated room confinement and isolation outcomes change for the impacted group of individuals. It does not address how programming, incident reports, and associated room confinement and isolation outcomes have changed for individuals in JR custody on average.

### Transfers from DOC to DCYF

We generated summary statistics concerning the individuals eligible for transfer from DOC to DCYF. Specifically, we calculated racial demographics and the number of individuals at each stage of the transfer process.

### State Expenditures

For our state expenditure analysis, we contacted agencies to understand their expenditures from JR to 25. We included their estimates in this report. For our estimates of DOC expenditures, we also received an estimated list of individuals who did not go to DOC as a result of JR to 25 legislation.<sup>21</sup> This included individuals who transferred to DCYF as a result of the retroactive changes and those who never went to DOC but were sentenced in adult court.

*Limitations.* The main limitations of this study are related to the data. As mentioned earlier, we cannot perfectly identify the stays affected by these changes. This means we may assume some individuals were affected by JR to 25 when they were not, and vice versa.

In addition, because this is a descriptive analysis, we cannot rule out the possibility that any changes we observe in these groups are due to changes in policy or the underlying population unrelated to JR to 25 legislation. For example, if DCYF decides to offer more programming in general, we may see greater individual participation in programming after the legislative changes. It would not necessarily be true that JR to 25 caused this increase in programming participation. As a result, our estimates should not be used to conclude that JR to 25 caused any of these changes.

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<sup>21</sup> Although not perfect, this list represents DOC's best estimate of the individuals that were affected. As mentioned

previously, agency discretion makes it difficult to perfectly identify individuals.

## III. Findings

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In this section, we describe the findings from our four main analyses. First, we explore changes in facility characteristics. Second, we examine changes in programming participation and behavior during confinement. Third, we describe the population eligible for retroactive transfer from DOC to DCYF. Finally, we summarize estimates of state expenditures due to JR to 25.

### Facilities

The facility analysis is done using the facility-level dataset. This dataset contains stay information aggregated to SFY by taking point-in-time snapshots for the three JR residential confinement facilities.

Youth in residential confinement through JR can be housed in one of three secure residential facilities:

- Echo Glen Children’s Center (EGCC),
- Green Hill School (GHS), or
- Naselle Youth Camp (NYC) (*closed in September 2022*).

Under JR to 25 policies, the populations in these JR facilities are expected to age because of some youth’s ability to serve their sentences until age 25. If youth are serving longer sentences in these facilities, it is further expected that the prevalence of specific types of qualifying offenses might also increase.

Namely, we may expect to see more severe offenses (i.e., felonies) and longer terms of confinement (e.g., person-based offenses). Previous analysis has found JR facilities have smaller average daily populations since JR to 25.<sup>22</sup> Our analysis is a point-in-time snapshot, and any difference in the facility size would not be a direct result of the JR to 25 policies. It is more likely that any decrease in facility population is due to environmental factors, like the COVID-19 pandemic.<sup>23</sup>

The population characteristics for each facility before and after the first legislative change<sup>24</sup> of JR to 25 can be seen in [Exhibit 4](#).

After JR to 25, all three facilities saw an increase in the average age. There are slight but inconsistent changes with respect to racial demographics across all three facilities. Finally, as expected, there was an increased proportion of the population serving in JR after committing person-based offenses and felonies.<sup>25</sup>

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<sup>22</sup> Goins, A. (2022).

<sup>23</sup> Washington State Department of Children, Youth, and Families. (2020, March 23). [DCYF statement on COVID-19 impacts on juvenile rehabilitation](#). Media Statement.

<sup>24</sup> E2SSB 6160.

<sup>25</sup> Sex demographic changes are not reported because only EGCC houses both male and female youth. After legislative changes, a slight increase in the male population was reported at EGCC.

Taken together, these changes in the population are small but overall support some hypotheses on the impacts of JR to 25 policies on the populations confined in secure residential facilities. These populations are slightly older and contain more individuals who committed person-based and felony offenses than those under the previous policies.

We cannot discern from the facility-level data if these changes are directly a result of the policies. Most notably, we cannot differentiate any impact of JR to 25 policy changes from impacts of the COVID-19 pandemic or overarching trends in juvenile criminal justice.<sup>26</sup>

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<sup>26</sup> The COVID-19 pandemic impacted many components of the justice system, resulting in fewer admissions to secure confinement in Washington State. For more details on how the COVID-19 pandemic impacted juvenile justice, see Gilman, A.B. & Sanford, R. (2022). *The impact of COVID-19 on juvenile detention in Washington State*. Washington Center for Court Research. Over the last twenty years, juvenile arrests,

dispositions, and admissions have also decreased. For more details on how trends in juvenile justice have changed over time, see Knoth, L., Drake, E., Wanner, P., & Westley, E. (2020). *Washington State's juvenile justice system: Evolution of policies, populations, and practical research (Doc. No.20-01-1901)*. Olympia: Washington State Institute for Public Policy.

### Exhibit 4

#### Facility Population Characteristics

Variable		Before JR to 25 SFY 2015-2018	After JR to 25 SFY 2019-2022
<b>Echo Glen Children’s Center (EGCC)</b>			
<i>N</i>	Number of stays	488	303
<i>Age</i>	Average age	15.7	16.2
<i>Race/ethnicity</i>	White	55.4%	49.7%
	Black	21%	16.9%
	Hispanic / Latino	17.7%	23.9%
	American Indian / Alaska Native	3.4%	5.4%
	Asian / Hawaiian / Pacific Islander	2.5%	4.1%
<i>Crime category</i>	Drug	2.5%	1.1%
	Person	53.6%	64.2%
	Property	17.9%	16.2%
	Sex	16.7%	9.9%
<i>Crime grade</i>	Felony	83.5%	89.3%
<b>Green Hill School (GHS)</b>			
<i>N</i>	Number of stays	664	549
<i>Age</i>	Average age	18.1	19.5
<i>Race/ethnicity</i>	White	45.1%	40.2%
	Black	26.6%	30.5%
	Hispanic / Latino	22.2%	22.4%
	American Indian / Alaska Native	3.3%	2.3%
	Asian / Hawaiian / Pacific Islander	2.8%	4.7%
<i>Crime category</i>	Drug	1.6%	0.2%
	Person	67.7%	75.1%
	Property	13.1%	6%
	Sex	9%	14.2%
<i>Crime grade</i>	Felony	92.1%	98.2%
<b>Naselle Youth Camp (NYC)</b>			
<i>N</i>	Number of stays	320	199
<i>Age</i>	Average age	17.4	18
<i>Race/ethnicity</i>	White	53.6%	58.5%
	Black	18.7%	16.6%
	Hispanic / Latino	20.1%	18.8%
	American Indian / Alaska Native	5.1%	4.4%
	Asian / Hawaiian / Pacific Islander	2.5%	1.8%
<i>Crime category</i>	Drug	4.8%	1.4%
	Person	48.3%	60.4%
	Property	20.9%	11.9%
	Sex	13%	16.8%
<i>Crime grade</i>	Felony	85.7%	93.3%

**Note:**

Reported averages represent stays across annual snapshots at the end of each fiscal year (June 30) in a particular JR facility. Given that these are calculated from annual snapshots, the number of stays can also be interpreted as the number of persons.

## Individual-Level

The rehabilitative programming and behavior analyses use the stay-level dataset. This dataset contains information for all completed stays identified as likely impacted by the JR to 25 legislation, regardless of the facility where the stay took place. While most eligible cases occurring post-JR to 25 only spent time in JR facilities, a minority of cases were identified as spending some time in DOC custody. Before JR to 25, more cases spent time in DOC.<sup>27</sup>

Recall that this analysis focuses on how the individual experience has changed after JR to 25, not how DCYF facilities have changed. For example, a change in programming means that the average individual affected by JR to 25 would have a different, experience after the laws passed.

It does not mean that the average number of programs in JR facilities has changed.

## Rehabilitative Programming

Exhibit 5 summarizes rehabilitative programming participation among stays before and after these legislative changes.

There are multiple ways to measure participation. One method is using the average number of programs started and completed. This method is more appropriate if individuals are participating in programs that are meant to last the duration of the stay. Another method is using participation measures that have been adjusted for length of stay.<sup>28</sup>

### Exhibit 5

Rehabilitative Programming Before and After JR to 25

Variable	Before JR to 25	After JR to 25
	SFY 2015-2018	SFY 2019-2022
<i>Unique stays</i>	1,133	166
<i>Unique persons</i>	1,113	164
Average number of programs started	6.3	6.2
Average number of programs completed	2.8	3.1
Number of programs started, <i>after adjusting for stay length</i>	4.4	13.4
Number of programs completed, <i>after adjusting for stay length</i>	2.2	6.4

**Note:**

Reported statistics are for unique stays meeting the eligibility criteria of JR to 25 legislations across state fiscal years.

<sup>27</sup> Prior to JR to 25 legislative changes, 44.1% of cases identified in our data spent some time in a DOC facility. After the JR to 25 changes took effect, only 6.6% of cases were identified as spending time in a DOC facility. This decrease is likely a direct result of the JR to 25 legislative changes but may also be indicative of the groups being inherently

different due to our relatively short time frame in which we are capturing completed cases post-JR to 25.

<sup>28</sup> We control for stay length by dividing each individual outcome by their stay length and multiplying by the average stay length. These numbers then represent the average number of programs a person would start or complete if they all experienced the average stay length.

This method is more appropriate if individuals are participating in programs with a defined length, such that we would expect individuals with a longer length of stay to complete more programs. In the study sample, individuals started and completed about the same number of programs before and after JR and 25. However, stays before JR to 25 were longer, and thereby allowed more time to complete programs. After adjusting for any length of stay differences between the two groups on average, we found that after JR to 25, individuals participated in rehabilitative programming at a higher rate than the JR to 25 eligible population before.

It is likely that the programming available to individuals in confinement is some combination of programs that can last the duration of a stay, or are at least highly varied in length, and those that have a defined length irrespective of an individual's length of stay. Results using both measures of participation are presented to provide a holistic view of how participation in rehabilitative programming has changed since JR to 25 legislation was enacted.

Next, we examine the proportion of time spent in programming in [Exhibit 6](#). In general, we see an overall increase, in line with the previous findings displayed in [Exhibit 5](#). The results in [Exhibit 6](#) should be interpreted as a proportion of days. For example, a proportion of 48% means that in a sentence length of 100 days, roughly 48 of those days would have been spent engaged in some type of rehabilitative programming before the JR to 25 legislative changes.

After the legislative changes, an average of 91 days out of a 100-day sentence were spent engaged in programming.<sup>29</sup>

As displayed in [Exhibit 6](#), we observed statistically significant increases in participation in programming targeting housing supports, employment, and behavioral health after the JR to 25 legislation took effect.<sup>30</sup>

To summarize, after the JR to 25 legislative changes took effect, participation rates in rehabilitative programs increased. We cannot conclude that the JR to 25 changes caused that increase. However, it is a consistent trend across a variety of participation measures.

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<sup>29</sup> If an individual was engaged in two types of programming on the same day, that would be counted as two programming days. So, it is possible that the number of

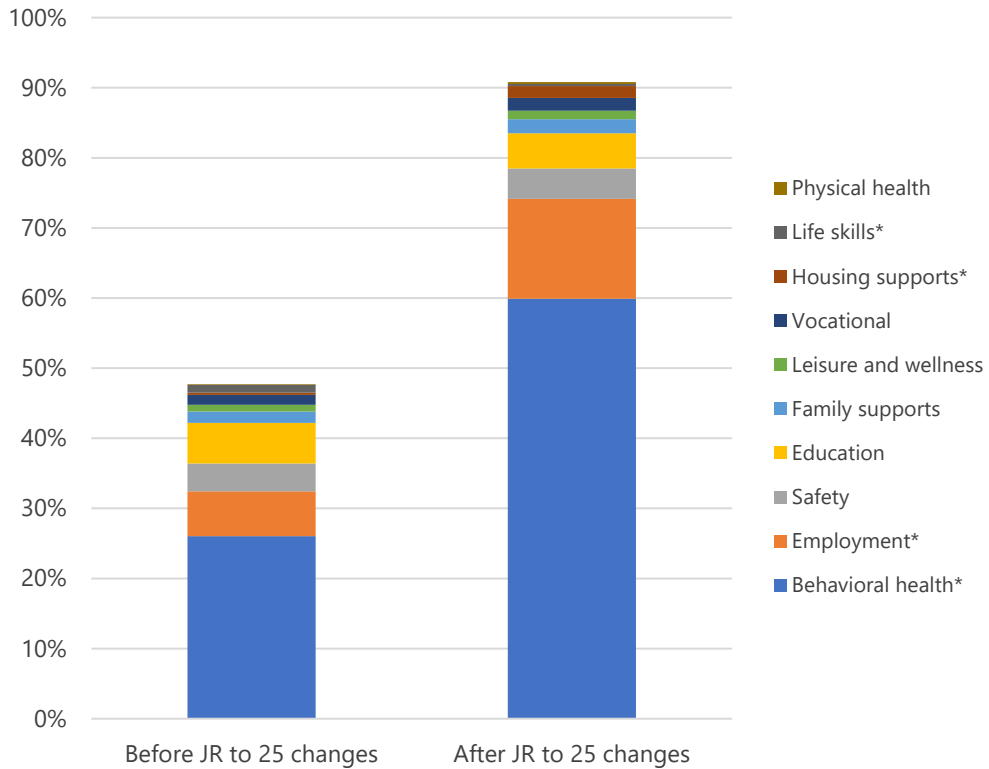
computed days spent in programming could be larger than the number of days spent in confinement.

<sup>30</sup> Examples of each type of programming can be found in [Appendix II](#).



### Exhibit 6

Average Proportion of Stay Spent in Programming



Note:

\* Indicates a statistically significant change after JR to 25.

#### Behavior During Confinement

When incarcerated persons engage in misconduct or other behavior that is against the rules and expectations of the facility, they may receive an incident report, if confined in JR, or an infraction, if housed in DOC, to document the misconduct. For the purpose of using one term in this report, *incidents* will be used to refer to incident reports and infractions collectively.

In some instances, the incident will also correspond to an individual receiving room confinement or isolation as a consequence of the misbehavior.

JR refers to these instances as simply room confinement or isolation, which are not meant to be punitive. DOC refers to events resulting from infractions as sanctions.

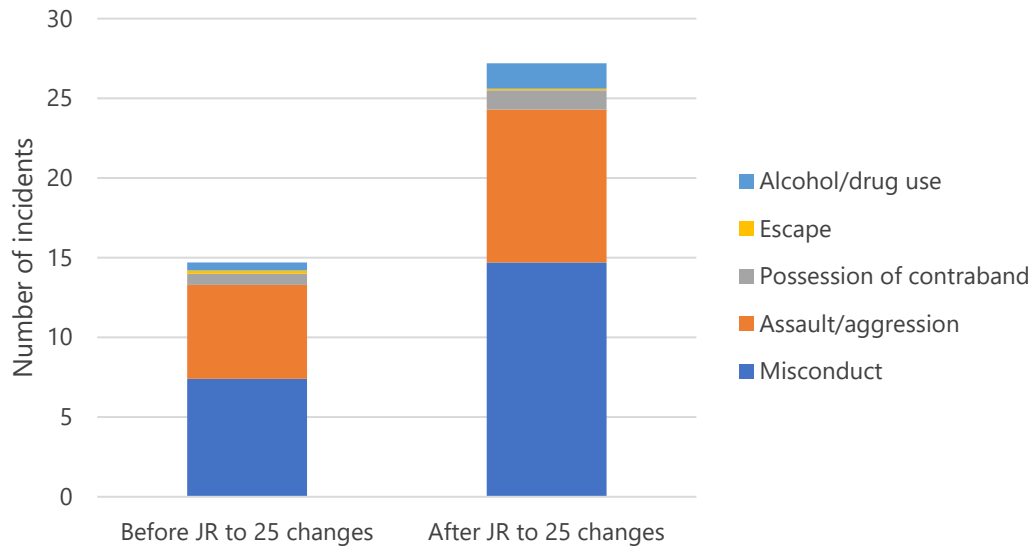
**Room confinement** is when the individual is placed in a cell or room designated for sleeping outside of regular rest hours.

**Isolation** is when the individual is assigned to a room other than their designated sleeping room. During room confinement or isolation, they are not permitted to join the rest of the population until they finish their room confinement or isolation period.<sup>31</sup>

<sup>31</sup> RCW 13.22.010.

### Exhibit 7

Average Number of Incidents, After Controlling for Stay Length



Individuals in our sample—those most likely to be affected by JR to 25 legislation—incurred more incidents after JR to 25. Specifically, we see an increase in the average number of incidents from 13.7 to 15.2 among this group. After adjusting for stay length, the increase is from 14.7 to 27.2, as shown in [Exhibit 7](#).

There have been more incidents identified as misconduct, assault/aggression, possession of contraband, and alcohol/drug use.<sup>32</sup>

We also limit the sample to those who committed any infraction to understand whether these changes may be driven by a smaller subset of individuals who receive a lot of incidents. In this case, we find an increase from 22 to 33 incidents among these individuals, adjusted for stay length.

However, the likelihood that any individual in our sample experienced any incident also increased substantially, from 67% to 83%, after JR to 25.

We see a similar pattern in the use of room confinement and isolation events after JR to 25. There is an increase from 7.2 to 9.1 events among this group. After controlling for stay length, we continue to see a higher prevalence of room confinement and isolation after JR to 25, as shown in [Exhibit 8](#).

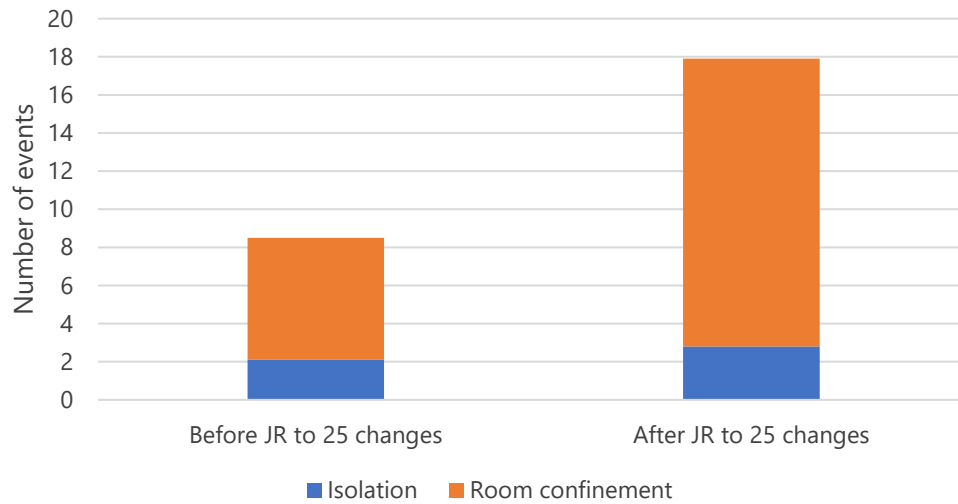
Again, limiting our sample to those who received any room confinement or isolation event, we see an increase from 17 to 32 events among this group. The likelihood that any individual in this JR-to-25-eligible group experienced an event increased slightly from 50% to 56%.

<sup>32</sup> There is another category of incident types, "other," that also saw a clear rise in usage in the post-JR to 25 group. This "other" category is used for a variety of incidents, including

quarantine due to COVID-19. For this reason, we have omitted incidents identified as "other" from our results.

### Exhibit 8

Average Number of Room Confinement and Isolation Events,  
After Controlling for Length of Stay



This change in room confinement and isolation events is likely partially due to the passage of legislation in 2020<sup>33</sup> rather than a result of JR to 25 legislation.

The legislation prohibited the use of solitary confinement and established limitations for the use of room confinement and isolation on incarcerated youth.<sup>34</sup> This rise in room confinement is also a result of the COVID-19 pandemic. Room confinement was sometimes used to control the spread of COVID-19. Before 2021, the data did not include the reason for the event. For data prior to 2021, we cannot see whether the reason for a room confinement or isolation event was due to a behavior issue, like misconduct, or a non-behavior issue, like quarantine due to sickness.

### DOC Retroactive Population

Data from DCYF and DOC were analyzed at the stay level for those eligible for transfer from DOC to DCYF, given the retroactive piece of JR to 25.

Exhibit 9 displays the path from eligibility to transfer for those individuals identified by the multidisciplinary interagency review team (MDT). DOC identified 167 individuals who met the initial criteria. From these, 67 individuals were determined to be eligible to be transferred to a JR facility. From these 67 individuals, 26 people transferred to a JR facility due to the retroactive portion of the JR to 25 legislation.<sup>35</sup>

<sup>33</sup> Second Substitute House Bill 2277, Chapter 333, Laws of 2020.

<sup>34</sup> Ibid.

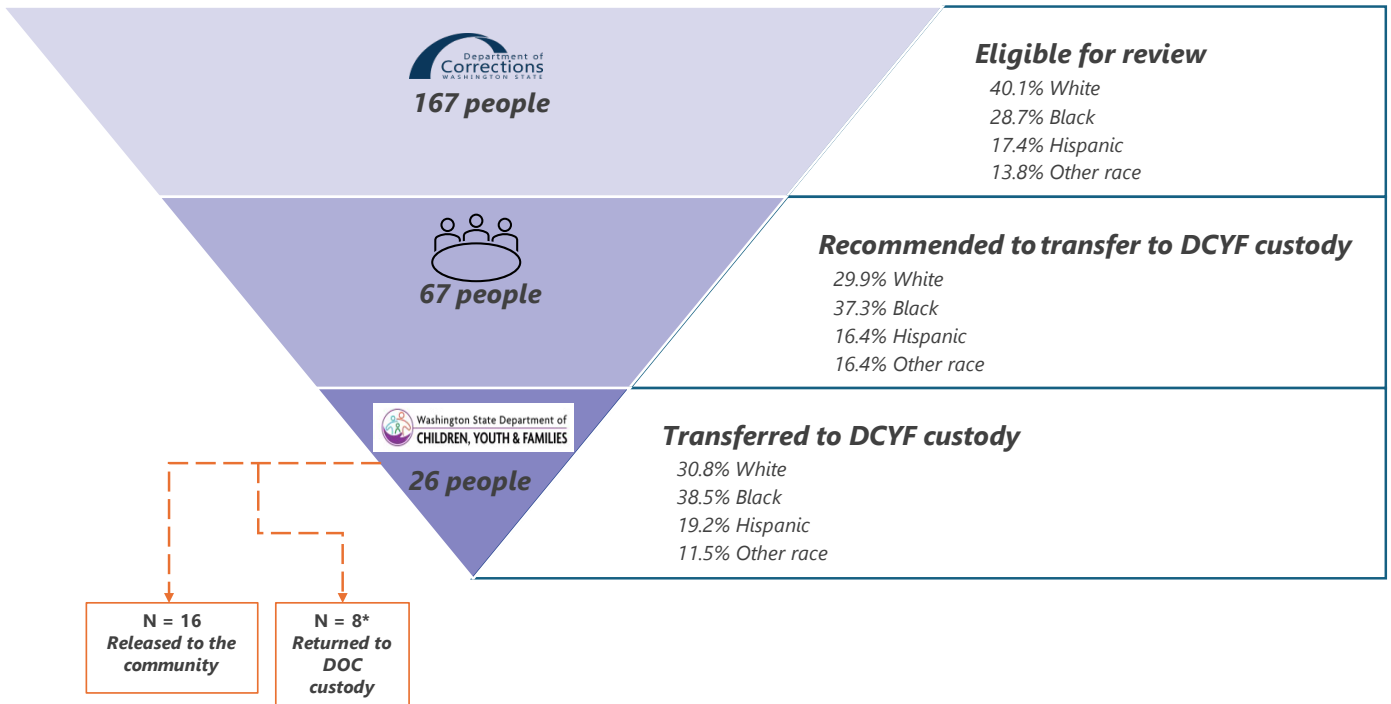
<sup>35</sup> DOC data indicate that an additional 13 individuals were transferred after the original identification. For the purposes of this analysis, we do not examine subsequent transfers.

Variation in the racial composition of the groups can be seen on this path.<sup>36</sup> The overall group initially eligible for transfer was small, so even seemingly large changes in the proportion of a racial group may only represent a change of a handful of individuals.

After being transferred, individuals will either stay in DCYF custody for the remainder of their sentence or transfer back to DOC at some point. As of June 2024, eight individuals had been transferred back to DOC, 16 were released to the community, and two remained in DCYF custody.

### Exhibit 9

#### Retroactive Population Procedural Process



**Note:**

\* Two individuals returned to DOC when they aged out of DCYF custody. Six individuals returned to DOC because of safety and security concerns while in custody at DCYF.

<sup>36</sup> From the 167 eligible individuals, fewer than ten were identified as women. Thus, sex data is omitted from the demographic breakdown by procedural step.

## State Expenditures

Finally, we discuss our estimates of the impact of JR to 25 legislation on state expenditures. It is difficult to precisely identify the costs of these laws because we do not have complete information about what would have happened without them. For example, an individual sentenced in juvenile court after JR to 25 would experience a different sentence, and the state would incur different costs than if they had been sentenced in adult court. As a result, these estimates should be interpreted as ballpark estimates.

These laws affected several different state agencies. The main effect on state expenditures was the cost of providing services for the individuals newly placed in JR custody. Since the law changes diverted some youth from DOC facilities, DOC likely experienced some cost savings. It is likely that the costs to DCYF to add one individual to JR custody will be much higher than the cost savings to DOC from not serving that one individual. As one potential explanation, DCYF facilities have many fewer overall beds than DOC facilities, meaning they have a lower capacity to absorb any one individual. There are also some impacts on courts and other agencies given tasks in these bills.

### Expenditures at JR Facilities

In 2018, DSHS was the administrator of JR facilities. They were provided \$75,000 in the operating budget to implement the law in its first year and \$250,000 in the capital budget

for a study on capacity in FY 2019.<sup>37</sup> The impacts on the population in this first year were relatively minor. In a fiscal note for the bill, DSHS predicted that new facilities would be needed to accommodate the growth in their population. However, this need did not materialize, and no new facilities were built.

As the administrator of JR facilities beginning in SFY 2020, DCYF incurred the largest costs due to the changes in population and the additional programming needed to serve an older population. Although these costs represent money that DCYF incurred to support the JR to 25 population, they do not necessarily represent an increase in total DCYF costs.

DCYF reported expenditures of \$1.5 million, \$6.4 million, \$3.8 million, and \$4.7 million in SFYs 2020-2023 needed to serve this new population.<sup>38</sup> Roughly half of these costs were for new staff, and the other half were for changes in programming.

About half of the new staff were in programming, and the other half were in security. DCYF has identified additional medium- and long-term staffing and programmatic needs that they plan to include in agency funding requests in the future.

### Expenditures at DOC Facilities

JR to 25 legislation decreased expenditures at DOC facilities due to a decrease in population. This decrease was not large enough to justify cutting staff or closing facilities.<sup>39</sup>

<sup>37</sup> See [Engrossed Substitute Senate Bill 6032, Chapter 299, Laws of 2018](#) for the operating budget and [Engrossed Substitute Senate Bill 6095, Chapter 298, Laws of 2018](#) for the capital budget.

<sup>38</sup> J. Treat, Senior Budget Analyst, DCYF, (personal communication, March 29, 2024).

<sup>39</sup> As a heuristic, DOC estimates that a change in the average daily population of less than 250 is unlikely to result in staffing or facility changes. As a result, we use the number for "direct variable cost," which only includes the additional cost of serving one additional person. This contrasts with

However, DOC estimates incarceration costs of \$7,630 per person per year.<sup>40</sup> As previously discussed, it is difficult to estimate the number of individuals DOC did not see because of JR to 25.

Using data from DOC, we calculated that DOC did not provide services for 42, 66, 96, 84, and 73 stays in SFYs 2019-2023, respectively. This translates into potential cost savings of \$320,000, \$504,000, \$732,000, \$641,000, and \$557,000 in those fiscal years.

### Other Agencies

Two other agencies estimated budgetary impacts of these laws. The Washington State Office of Superintendent of Public Instruction (OSPI) estimated a cost of \$128,000 to prepare a required report, and the Administrative Office of the Courts (AOC) estimated a cost of \$870,000 to update their systems. The state did not fund either of these costs. OSPI completed the required study but was required to reallocate existing resources to cover.<sup>41</sup>

AOC created a temporary manual workaround to satisfy the bill requirements but has been unable to fund the needed system updates to automate these changes. Court staff report that this workaround has created an additional burden for the courts and caused additional errors and delays that would not exist if the updates had been funded.<sup>42</sup> As these estimated costs from AOC were not fully incurred, we do not include them in our final estimate of state expenditures.

In its fiscal note, AOC also estimated that although there may be savings resulting from more cases being adjudicated in juvenile courts, these savings would likely be minimal.<sup>43</sup>

We show these estimates from all agencies in [Exhibit 10](#).

### Exhibit 10

Estimated Nominal Expenditures of JR to 25 (in thousands)

Agency		2019	2020	2021	2022	2023
JR	DSHS	\$ (325)				
	DCYF		\$ (1,469)	\$ (6,395)	\$ (3,787)	\$ (4,671)
DOC		\$ 320	\$ 504	\$ 732	\$ 641	\$ 557
OSPI			\$ (107)	\$ (21)		
<b>Total</b>		<b>\$ (5)</b>	<b>\$ (1,072)</b>	<b>\$ (5,684)</b>	<b>\$ (3,146)</b>	<b>\$ (4,114)</b>

**Notes:**

JR expenditures, including those from DSHS in 2019 and DCYF in 2020-2023, represent expenditures to serve the additional JR to 25 population.

DOC cost savings represent savings from not serving this same population.

OSPI expenditures represent the cost of the required study.

other measures of the costs of incarceration, which do include those costs.

<sup>40</sup> M. Smith, Budget Manager, DOC, (personal communication, April 25, 2024).

<sup>41</sup> OSPI submitted this report to the legislature and has updated it in response to further legislation. Mueller, M.,

Daniels, A., & Lowe, H. (2020) *Institutional education comprehensive plan*. OSPI. A. Blackledge, Program Supervisor, OSPI, (personal communication, March 28, 2024).

<sup>42</sup> A. Wirkkala, Comptroller and Associate Director, AOC, (personal communication, April 4, 2024).

<sup>43</sup> [2SSB PL 6160 Fiscal note](#).

## IV. Conclusion and Future Research

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In this section, we summarize our findings and highlight key takeaways from this preliminary report. We then discuss the research plans for the final report due to the legislature in 2031.

### Summary

This report provides an overview of the JR to 25 legislative changes and a descriptive analysis of the data collected thus far.

From the data available, it does appear that JR facilities have experienced some shifts in demographic compositions in their facility populations. In addition, the JR to 25 eligible population is engaging in more rehabilitative programming than they were before the legislative changes, given most measures. Still we are unable to distinguish between what is driven by the JR to 25 legislation and what is not.

We also see an increase in the number of incidents and, in turn, an increase in room confinement and isolation events, both room confinement and isolation. However, we cannot say how much of this change in behavior is specifically a result of the JR to 25 changes and how much is due to outside forces.

In this report, we also analyzed the group eligible for transfer from DOC to DCYF as a result of the retroactive portion of the legislation.

Finally, we also estimated the fiscal impacts of the legislation. Expenses incurred by DCYF and cost savings to DOC as a result of the legislation were estimated. We also discussed costs to other agencies associated with JR to 25 that have not been previously analyzed.

### Limitations

As discussed in earlier sections, this report has two main limitations. First, it should be reiterated that this study is descriptive. Although we identify differences in certain outcomes before and after JR to 25, we cannot make a cause-and-effect connection between the legislation and these outcomes. It may be the case that underlying changes in agency policy or the juvenile population, or factors completely outside the juvenile justice system, are responsible.

Second, data limitations make identifying the stays affected by JR to 25 legislation difficult. Some of these changes were discretionary and did not necessarily apply to every individual—there remain opportunities to adjust the jurisdiction based on individual circumstances. The data do not capture discretionary decisions. This makes it challenging to determine who would be affected by the law. There may also be errors in the raw administrative data or in the matching algorithms used to combine DOC, DCYF, and existing CHD data.<sup>44</sup>

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<sup>44</sup> More detail can be found in [Appendix II](#).



Additionally, how stay-level programmatic and behavioral data are tracked can vary between facilities. This can occur both *between* DOC and JR when individuals transfer institutions and *within* each agency's facilities (e.g., between Green Hill School and Echo Glen Children's Center). The broader categories that DOC and JR use to identify types of programming, incidents, and room confinement and isolation events are not equivalent. Thus, researcher discretion was used to categorize the data into broader categories for analysis. Variation in the collection of incident reports, room confinement, and isolation report data has been documented even within juvenile facilities statewide.<sup>45</sup>

## [Future Research](#)

The final report will continue the analysis begun in this report. We aim to improve our methodology for identifying stays affected by the legislation so that we can conduct a rigorous outcome evaluation on the outcomes required in the assignment language. As enough time passes for a follow-up period to accumulate, we can examine changes in post-incarceration outcomes such as recidivism.

In addition, the future report will also include a benefit-cost analysis of the JR to 25 legislation, considering the net monetary impacts of shifting individuals from adult to juvenile facilities, as well as potential cost consequences from changes in outcomes for this group of younger adults.

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<sup>45</sup> Fox, A.M. & Icenogle, G. (2023). *Juvenile room confinement and isolation in Washington State: Initial report to the*

*legislature*. Olympia, WA: Department of Children, Youth, and Families, Office of Innovation, Alignment, and Accountability.



# Appendices

Changes to Washington State’s Juvenile Court and Juvenile Rehabilitation Jurisdiction:  
*A Preliminary Analysis of “JR to 25”*

Appendices	
I.	Juvenile Jurisdiction.....24
II.	Data Cleaning.....29
III.	Juvenile Justice Changes in Other States.....33

## I. Juvenile Jurisdiction

This report examines the effects of legislative policies collectively referred to as “JR to 25” (2018 E2SSB 6160 and 2019 E2SHB 1646) and related legislation (2021 E2SHB 1186). Broadly, these bills expanded the juvenile court jurisdiction by modifying how cases are transferred to adult court, increased the age limit of those housed in juvenile facilities, applied changes retroactively, and provided an additional partial confinement alternative (CTS) to aid in successful reentry back into the community.

[Exhibit A1](#) outlines the changes within the three bills that make up JR to 25.

## Exhibit A1

### Specific Changes Via JR to 25 and Related Legislation

#### E2SSB 6160

**Effective June 7, 2018:**

- Robbery 1, Drive by shooting, burglary 1, violent offenses with firearm transferred to juvenile court jurisdiction and juvenile grid expanded.
- Discretionary decline hearings limited to youth aged 15 or older with a serious violent offense or 14 or younger charged with murder 1 and murder 2.
- Mandatory decline hearings eliminated except for escape when serving a sentence to age 21.
- JR jurisdiction extended to age 25 for certain cases.
- Length of supervision for some cases increased to 24 months and may extend to age 25.
- Option B suspended disposition now includes robbery 2, residential burglary, burglary 2, intimidating a witness, violations of uniform controlled substances act not involving bodily harm or deadly weapon.
- Cap on Option B diversions established.
- Firearm enhancement length increased to 12 months for those aged 16 or 17 and charged with violent offense.
- 3-month enhancement created for youth aged 16 or 17 charged with robbery 1, drive-by shooting, burglary 1, or violent offense with firearm if offense was related to membership in or benefit for a criminal street gang.

#### E2SHB 1646

**Effective July 28, 2019:**

- Youth convicted as adults must be initially placed in DCYF custody instead of DOC.
- Youth convicted as adults with a release date between age 25 and 26 who are not transferred to DOC prior to age 25 may be released to the community using electronic home monitoring to serve the remainder of their sentence on their 25<sup>th</sup> birthday.
- Attempted drive-by shooting and attempted robbery 1 committed at age 16 or 17 reduced to offense category A.
- Discretionary decline expanded to include custodial assault when serving a minimum sentence to age 21.
- Youth convicted as an adult and in DCYF custody are immediately covered by the extension of JR jurisdiction and eligible to remain in DCYF until age 25.
- An interagency team of representatives from DOC and DCYF must review placement of individuals between the ages of 21 and 25 in custody at DOC for an offense committed as a juvenile.
- By **January 1, 2020**, the interagency review team must issue final recommendations for which individual should be transferred from DOC to DCYF custody.
- By **February 1, 2020**, DOC and DCYF must complete the transfer of approved individuals from DOC to DCYF custody.

#### E2SHB 1186

**Effective July 25, 2021:**

- DCYF must establish necessary rules, policies, and procedures for a new Community Transition Services program.
- DCYF must create or identify a risk assessment tool to be used for determining eligibility for the CTS program. DCYF must establish a stakeholder group to develop recommendations for improving outcomes for individuals leaving confinement in JR.

**Implemented May 1, 2024:**

The risk assessment tool was implemented on November 1, 2023. The CTS program began on May 1, 2024.

#### Notes:

For WSIPP's assignment, we evaluate the impact of the legislative bills associated with JR to 25 (E2SSB 6160 & E2SHB 1646) and related legislation (E2SHB 1186). The JR to 25 bills are represented in **Blue** and the related legislation in **Grey**.

## Juvenile Court Jurisdiction

Individuals who commit a criminal offense prior to the age of 18 are typically under the jurisdiction of juvenile courts. Cases in juvenile court are subject to separate state statutes for case processing and sentencing. In some cases, juvenile courts may decline jurisdiction over a case involving a juvenile, and the case is subsequently transferred to the jurisdiction of the adult criminal courts. For some offenses, juvenile court jurisdiction is automatically declined, and cases are transferred to adult court (“auto-decline”). In other cases, a hearing may be held in the juvenile court to determine if it should decline jurisdiction, and if granted, the case is transferred to adult court (“discretionary decline”). [Exhibit A2](#) outlines offenses eligible for auto-decline prior to the JR to 25 legislative changes.

### History of Juvenile Court Jurisdiction

Facing an increase in juvenile arrests in the early 1990s, the Washington State Legislature modified the state’s response to violent offenses committed by juveniles, increasing the likelihood that youth would be processed and punished as adults. In 1994, the Violence Reduction Act automatically transferred the jurisdiction of some felony cases involving youth to adult court.<sup>46</sup> In 1997, this expanded to include additional felonies.<sup>47</sup>

The legislature also identified certain cases for which a hearing to discuss the potential to decline jurisdiction was mandatory. In all other cases, a discretionary decline hearing may be requested to decide whether a case should be transferred to adult court. Decline of jurisdiction could be granted by the court if it was in the best interest of the juvenile or the public.

### **Exhibit A2**

Offenses Eligible for Auto-Decline by 1997

<b>Current offense</b>	<b>Age</b>	<b>Criminal history</b>	<b>Effective date</b>
Serious violent felony	16 or 17		July 13, 1994
Violent felony	16 or 17	One or more serious violent felonies	July 13, 1994
Violent felony	16 or 17	Two or more violent felonies	July 13, 1994
Violent felony	16 or 17	Three or more Class A Felonies, Class B Felonies, Vehicular Assault, or Manslaughter in the second degree committed after an individual’s 13th birthday and prosecuted separately	July 13, 1994
Robbery 1, rape of a child 1, drive by shooting	16 or 17		July 1, 1997
Burglary 1	16 or 17	Any prior felony or misdemeanor	July 1, 1997
Violent felony with a firearm	16 or 17		July 1, 1997

<sup>46</sup> Engrossed Second Substitute House Bill 2319, Chapter 7, Laws of 1994.

<sup>47</sup> Engrossed Third Substitute House Bill 3900, Chapter 338, Laws of 1997.

## Juvenile Confinement

While most juvenile cases with a finding of guilt result in local sanctions (e.g., confinement of 30 days or less in a local detention facility or probation), more serious offenses may result in confinement in a JR facility under the custody of the DCYF. The location of juvenile confinement depends on the court in which a youth is sentenced, the length of the sentence, and the discretion of officials at JR and DOC. Confinement sentences over one year are served in state prison, while sentences of 12 months or less are served in local jails.

## JR to 25 Legislative Changes

Prior to JR to 25, over half of the juvenile guideline grid (24 out of 42 cells) had a presumptive sentence of local sanctions. In all other cells, the presumptive sentence range included a term of confinement in a JR facility. The minimum sentence range for confinement in JR was 15-36 weeks, and the maximum was 180 weeks up to age 21. The youth's sentence could not exceed the time remaining for the youth's 21<sup>st</sup> birthday. Sentences to confinement issued by juvenile courts were to be served in JR.

After the passage of JR to 25, the juvenile guideline grid was expanded, and over half still have a presumptive sentence of local sanctions (25 out of 48 cells). In all other cells, the presumptive sentence range includes a term of confinement in a JR facility. The minimum sentence range for confinement in JR remained 15-36 weeks, but the maximum sentence range increased to 129-260 weeks, allowing youth to remain in JR until their 25<sup>th</sup> birthday.

Exhibit A3 displays the sentencing changes that took place as a result of JR to 25.

### Exhibit A3

Juvenile Sentencing Grid Before and After JR to 25

Juvenile Sentencing Grid Prior to JR-25 Standard Range, in Weeks						
Current Offense Category	A+	180 weeks to age 21				
	A	103-129				
	A-	15-36 except 30-40 for 15 to 17 year olds	52-65	80 - 100	103 - 129	103-129
	B+	15-36	15-36	52-65	80-100	103-129
	B	LS	LS	15-36	15-36	52-65
	C+	LS	LS	LS	15-36	15-36
	C	LS	LS	LS	LS	15-36
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
		0	1	2	3	4+
Prior Adjudications						

Juvenile Sentencing Grid After JR-25 Standard Range, in Weeks						
Current Offense Category	A++	129 to 260				
	A+	180 weeks to Age 21				
	A	103-129				
	A-	30-40	52-65	80-100	103-129	103-129
	B++	15-36	52-65	80-100	103-129	103-129
	B+	15-36	15-36	52-65	80-100	103-129
	B	LS	LS	15-36	15-36	52-65
	C+	LS	LS	LS	15-36	15-36
	C	LS	LS	LS	LS	15-36
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
E	LS	LS	LS	LS	LS	
	0	1	2	3	4+	
Prior Adjudications						

## Legislative Changes to Come

### 2023 ESSB 5187 – Raise the Age

In 2023, the state Legislature directed the Washington State Partnership Council on Juvenile Justice (WA-PCJJ) to consider and provide recommendations in three policy areas, including state-funded community compensation, juvenile record sealing, and raise the age.<sup>48</sup> Raise the age would expand juvenile court jurisdiction to include younger adults ages 18, 19, and 20 years old. If implemented, any individual under age 21 committing criminal offenses would have their case under the jurisdiction of juvenile court rather than criminal court, likely with some limitations and exceptions. WA-PCJJ plans to provide recommendations that will include an implementation plan for raise the age that addresses funding, essential personnel, and programmatic resources to the legislature in June 2025.

Including 18–20-year-olds in the jurisdiction of juvenile court and then sentenced to JR facilities could impact WSIPP’s ability to isolate the impacts of the JR to 25 legislation in our final report. Further, as of 2021, only three states (Vermont, Michigan, and New York) have raised the age of maximum juvenile court jurisdiction to ages 18 or 19.<sup>49</sup> Because these are recent changes, the effects of the expansion have not yet been explored in terms of systemic impacts. If those impacts remain largely unexplored when we begin analysis for the final report, we will be limited in our ability to account for those effects in our analyses, further complicating the final evaluation of JR to 25.

### 2024 SHB 2217

Currently, juvenile courts only retain jurisdiction prior to an individual’s 18<sup>th</sup> birthday. If charges are filed after the person turns 18 for offenses committed prior to turning 18, that case is tried in adult court. If a case is pending in juvenile court prior to an individual’s 18<sup>th</sup> birthday and they turn 18 before proceedings begin, the juvenile court only retains jurisdiction if an extension has been filed by the court before the individual turns 18. With the passage of 2024 SHB 2217,<sup>50</sup> juvenile courts will retain jurisdiction until age 21 for any offenses committed as a juvenile.

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<sup>48</sup> [Engrossed Substitute Senate Bill 5187, Chapter 475, Laws of 2023.](#)

<sup>49</sup> National Governors Association. (2021). *Age boundaries in juvenile justice systems.*

<sup>50</sup> [Substitute House Bill 2217, Chapter 117, Laws of 2024.](#)

## II. Data Cleaning

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### Data Cleaning

JR to 25 legislation affected individuals who ultimately went to JR or DOC facilities. Thus, this study required processing administrative data from DCYF and DOC to create a cohesive dataset of individual stays in confinement. Administrative records from DCYF and DOC were obtained, cleaned, and merged into WSIPP's CHD. WSIPP's CHD combines data from several Washington State agencies. Using the CHD, we can connect court cases to stays in residential confinement and observe individuals as they appear in both the juvenile and adult systems. WSIPP updates the CHD quarterly, and our analyses used information from the CHD as of January 2024.

We discuss the main data-cleaning decisions in more detail below.

### Reconciling DOC and DCYF Data

In several instances, combining information from DOC and DCYF into one measure was necessary. However, because these agencies measure these in different ways, we made the following decisions.

*Facility.* Both JR and DOC data included information on the facility. As the purpose of this analysis primarily focuses on DCYF facilities, we combined facilities into the following categories:

- Green Hill School
- Echo Glen Children's Center
- Naselle Youth Camp
- Community facilities
- DOC facilities
- Other

*Programming.* DOC and DCYF also classified their programming in different ways. A unified structure was needed to compare programming across the agencies. We classified programming data from both agencies into one of ten JR service need areas or as "other" when the classification was unclear.<sup>51</sup>

These ten areas are as follows:

- Housing supports (e.g., rental assistance, basic housing essentials, access to safe and stable housing, independent living services)
- Education (e.g., K-12, special education, GED, post-secondary education, re-enrollment, secure internet, secure books)
- Employment (e.g., job certifications, job placement, job readiness training, work-based learning, internships)
- Leisure/wellness (e.g., faith-based, stress management, social-emotional learning, mentoring/peer mentoring, community engagement, cultural programs, LGBTQIA+ positive)
- Vocation (e.g., vocational assessments, vocational education, pre-apprenticeship)

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<sup>51</sup> Washington State Department of Children, Youth, and Families. (2023). *JR Service Need Areas*. Unpublished internal agency document.



- Safety (e.g., intimate partner violence, sexual assault prevention, bullying and cyber-bullying prevention, gun violence prevention, gang intervention)
- Physical health (e.g., access to medical insurance, health education, nutrition education, sexual health, recreation)
- Behavioral health (e.g., trauma treatment, substance use disorder treatment, substance use education and prevention, eating disorders, developmental and intellectual disability, suicide and self-harm prevention)
- Family support (e.g., pregnant/parenting services, family counseling, marriage/relationship counseling, family preservation and reunification, fatherhood services)
- Life skills (e.g., financial literacy, driver's education, legal advocacy, dispute resolution services, leadership development)

*Incidents.* Next, we combined incident report and infraction data from these two agencies. JR used nine categories of incident reports, three of which are not used by DOC in their equivalent infractions data (Prison Rape Elimination Act [PREA], Victimization, and suicide/self-harm). We eliminate incident reports falling in those categories from the DCYF data and use the remaining six categories:

- Assault/aggression
- Misconduct
- Possession of contraband
- Escape
- Alcohol/drug use
- Other

In some instances, DOC and DCYF both recorded the same incident. We removed these instances so that each incident only occurs once in our dataset.

*Room Confinement and Isolation Events.* Finally, we classify room confinement and isolation data. Both DCYF and DOC track instances of "room time/confinement" and "isolation." DOC tracks similar events resulting from infractions, including confinement and isolation. DOC uses the term "sanctions" for these events. DOC also tracks "other" sanctions. However, we dropped these observations as they represent lower-level consequences for which DCYF did not keep similar records (e.g., loss of privileges, visitation restriction, extra work duty). We also dropped instances of COVID or other medical quarantine from the DCYF data where possible.

### Data Merging

Next, we merge the datasets into a single file identifying stays in JR or DOC facilities that lasted at least a day between 2015 and 2022. More information is available upon request, but we briefly describe some complications that arose in the merging process.

- We could not match all stays to CHD records.
- DOC and DCYF data did not always align. For example, there were some instances where data entry errors meant that both agencies claimed to hold an individual simultaneously.
- Data linkages had to be conducted both at the person level and at the case level. For individuals with multiple stays through the system, there may be mismatches where the wrong case was selected.

- The DOC data included more stays than needed, so we dropped all stays where the individual did not commit an offense before age 18.
- The DOC data also captures some of the spans in JRA facilities. To prevent counting these spans twice, we generated a table that rectified the overlaps and assigned individuals to only one facility temporally.

At this point, we compiled the facility tables for our aggregate analysis.

### Stay-Level Analysis

We conducted additional data cleaning to prepare the data for our stay-level analysis. Beginning with 8,789 stays, we dropped the following additional observations:

- Stays with missing offense dates (N=440)
- Records of second stays, where individuals were released and re-incarcerated under the original offense. (N=3,405)
- Likely mismatches where individuals committed the offense over age 25 or under 8 (N=72)
- Likely mismatches where ACT and DOC offense dates did not align (N=50)
- Likely mismatches where start dates were before the offense date (N=45)
- Likely mismatches where start dates occurred more than three years after the offense date (N=281)
- Stays with negative programming, likely due to data entry issues (N=35)

We end up with a dataset of 4,411 stays. After dropping observations for individuals with incomplete stays, we have 4,036 stays.

### Estimating Those Eligible for JR to 25

Finally, we flag stays that may have been affected by JR to 25 changes. Different provisions of the laws affected different stays, and we could not perfectly flag all stays that might have been affected.

The JR to 25 legislative changes could impact more cases than we included in our main analyses. Notably, some cases would only have been affected if the offense had additional conditions attached, which we did not have information on. For example, individuals who committed a violent felony were only affected by the law if they had certain items in their criminal history. By only including those cases where individuals were undoubtedly affected by the law, we are providing a more accurate estimate of the impact of the law change. Additional analyses were completed, including all individuals that may have been affected by the JR to 25 changes, and the estimated impacts were similar in directionality but often smaller in magnitude than those presented in the report. Those results are available upon request.

In [Exhibit A4](#) below, we report all RCWs that were called out in JR to 25 legislation. The RCWs included in our primary analyses are called out with bold lettering.

**Exhibit A4**

RCWs Affected by E2SSB 6160

<b>Title</b>	<b>RCW</b>
<b>Arson in first degree</b>	<b>9A.48.020</b>
Arson in second degree	9A.48.030
<b>Assault in first degree</b>	<b>9A.36.011</b>
Assault in second degree	9A.36.021.2B
<b>Assault of a child first degree</b>	<b>9A.36.120</b>
Assault of a child second degree	9A.36.140
<b>Bail jumping</b>	<b>9A.76.170.3A</b>
<b>Burglary in first degree</b>	<b>9A.52.020</b>
Burglary in second degree	9A.52.030
<b>Child molestation in first degree</b>	<b>9A.44.083</b>
<b>Child molestation in second degree</b>	<b>9A.44.086</b>
Custodial assault	9A.36.100
Drive-by shooting	9A.36.045
<b>Escape in first degree</b>	<b>9A.76.110</b>
Extortion in first degree	9A.56.120
<b>Firearm enhancement</b>	<b>9.94A.533</b>
<b>Homicide by abuse</b>	<b>9A.32.055</b>
Indecent liberties by forcible compulsion	9A.44.100.2B
Intimidating a witness	9A.72.110
<b>Kidnapping in first degree</b>	<b>9A.40.020</b>
Kidnapping in second degree	9A.40.030.3B
<b>Leading organized crime</b>	<b>9A.82.060.1A</b>
Manslaughter in first degree	9A.32.060
Manslaughter in second degree	9A.32.070
Manufacturing/delivery/poss. with intent to deliver	69.50.401
<b>Murder in first degree</b>	<b>9A.32.030</b>
<b>Murder in second degree</b>	<b>9A.32.050</b>
Promoting commercial sexual abuse of a minor	9.68A.101.2
<b>Rape in first degree</b>	<b>9A.44.040</b>
<b>Rape in second degree</b>	<b>9A.44.050</b>
<b>Rape of a child first degree</b>	<b>9A.44.073</b>
<b>Rape of a child second degree</b>	<b>9A.44.076</b>
Residential burglary	9A.52.025
<b>Robbery in first degree</b>	<b>9A.56.200</b>
Robbery in second degree	9A.56.210
<b>Sexual motivation special allegation</b>	<b>13.40.135</b>
<b>Sexually violent predator escape</b>	<b>9A.76.115</b>
<b>Trafficking in first degree</b>	<b>9A.40.100.2</b>
<b>Trafficking in second degree</b>	<b>9A.40.100.3</b>
Treason	9.82.010.2
Use of machine gun or bump-fire stock in felony	9.41.225.3
Vehicular assault	46.61.522
Vehicular homicide	46.61.520

Note:

The RCWs included in our primary analyses are called out with bold lettering.

### III. Juvenile Justice Changes in Other States

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The JR to 25 law changes amended court jurisdiction and confinement policies, allowing individuals convicted as juveniles to remain in juvenile facilities until age 25. Washington State is not alone in creating legislation to address both court jurisdiction and confinement of the justice system. In this appendix, we outline the court jurisdiction laws in other states that impact youth who commit crimes before their 18<sup>th</sup> birthday and some juvenile confinement laws that, like Washington State, allow youth to remain in the juvenile system until their 25<sup>th</sup> birthday.

#### Court Jurisdiction

While some states are enacting legislation to deal directly with exclusive adult jurisdiction laws in a similar way to Washington State, it is important to understand the landscape of the entire county and the applicable transfer laws affecting youth and court jurisdiction. Juvenile transfer laws vary and have different mechanisms to retain cases and particular alleged crimes in juvenile or adult criminal court. [Exhibit A5](#) indicates whether a state has available several types of waivers, exclusions, and mandates that impact youth and court jurisdiction.<sup>52</sup> The descriptions of the categories in [Exhibit A5](#) are outlined below.

**Eligible transfer ages** refer to the range of eligible ages, under specific circumstances, to have a case move from the jurisdiction of juvenile court to the jurisdiction of adult court.

**Once an adult, always** are state laws that stipulate that once a youth has a single case move from juvenile court to adult court, all subsequent cases will automatically transfer to adult court, regardless of the offense committed or mitigating factors.

**Discretionary waiver** refers to the provision that allows juvenile court judicial discretion to waive jurisdiction over individual cases involving youth to allow prosecution in adult criminal courts.

**Presumptive waiver** indicates a presumption in favor of waiver to adult criminal court, meaning certain crimes are deemed appropriate for prosecution in adult court. However, the youth's defense can argue to remain under the juvenile court's jurisdiction.

**Statutory exclusion** grants adult criminal court exclusive original jurisdiction over certain cases involving juveniles. If a youth is charged with a particular crime, then adult criminal court retains original jurisdiction of their case rather than juvenile court.

**Direct file** allows prosecutors, in certain cases, to choose between filing a petition in juvenile court or proceeding against the youth in adult criminal court.

**Mandatory waiver** requires that a juvenile court waive cases, under certain circumstances, to adult court. In a mandatory waiver situation, the juvenile court must receive the case initially, conduct a preliminary hearing to ensure that the mandatory waiver statute applies, and then issue a transfer order.

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<sup>52</sup> Griffin, P. (2008). *Different from adults: An updated analysis of juvenile transfer and blended sentencing laws, with recommendations for reform*. Pittsburgh, PA: National Center for Juvenile Justice.

**Exhibit A5**  
50-State Transfer Laws

State	Eligible ages for transfer		Once an adult, always	Discretionary waiver	Presumptive waiver	Statutory exclusion	Direct file	Mandatory waiver
	Lower age	Upper age						
<b>Washington</b>	---	<b>17</b>	---	✓	---	---	---	---
Alabama	---	17	✓	✓	---	✓	---	---
Alaska	---	17	---	✓	✓	✓	---	---
Arizona	8	17	✓	✓	✓	✓	✓	---
Arkansas	10	17	---	✓	---	---	✓	---
California	---	17	✓	✓	✓	---	✓	---
Colorado	10	17	---	✓	---	---	---	---
Connecticut	---	15	---	✓	---	---	---	---
Delaware	---	17	✓	✓	---	✓	---	✓
Florida	---	17	✓	✓	---	✓	✓	---
Georgia	---	16	---	✓	---	✓	---	✓
Hawaii	---	17	✓	✓	---	---	---	---
Idaho	---	17	✓	✓	---	✓	---	---
Illinois	---	16	---	✓	✓	✓	---	✓
Indiana	---	17	✓	✓	---	✓	---	✓
Iowa	---	17	✓	✓	---	✓	---	---
Kansas	10	17	✓	✓	✓	---	---	---
Kentucky	---	17	---	✓	---	---	---	✓
Louisiana	10	16	---	✓	---	✓	✓	✓
Maine	---	17	✓	✓	---	---	---	---
Maryland	7	17	---	✓	---	✓	---	---
Massachusetts	7	16	---	---	---	---	✓	---
Michigan	---	16	✓	✓	---	---	✓	---
Minnesota	10	17	✓	✓	✓	✓	---	---
Mississippi	10	17	✓	✓	---	✓	---	---
Missouri	---	16	✓	✓	---	---	---	---
Montana	---	17	---	---	---	✓	✓	---
Nebraska	---	17	---	---	---	---	✓	---
Nevada	---	17	✓	✓	✓	✓	---	---
New Hampshire	---	16	✓	✓	✓	---	✓	---
New Jersey	---	17	---	✓	✓	---	---	---
New Mexico	---	17	---	---	---	✓	---	---
New York	7	15	---	---	---	✓	---	---
North Carolina	6	15	---	✓	---	---	---	✓
North Dakota	---	17	✓	✓	✓	---	---	✓
Ohio	---	17	✓	✓	---	---	---	✓
Oklahoma	---	17	✓	✓	---	✓	✓	---
Oregon	---	17	✓	✓	---	✓	---	---
Pennsylvania	10	17	✓	✓	✓	✓	---	---
Rhode Island	---	17	✓	✓	---	---	---	✓
South Carolina	---	16	---	✓	---	✓	---	✓
South Dakota	10	17	✓	✓	---	✓	---	---
Tennessee	---	17	✓	✓	---	---	---	---
Texas	10	16	✓	✓	---	✓	---	---
Utah	---	17	✓	✓	✓	✓	---	---
Vermont	10	17	---	✓	---	✓	✓	---
Virginia	---	17	✓	✓	---	---	✓	✓
Washington D.C.	---	17	✓	✓	✓	---	✓	---
West Virginia	---	17	---	✓	---	---	✓	✓
Wisconsin	10	16	✓	✓	---	✓	---	---
Wyoming	---	17	---	✓	---	---	✓	---

**Note:**

Source: Office of Juvenile Justice and Delinquency Prevention.

## Juvenile Confinement

For most states, the maximum age of confinement in secure juvenile correctional facilities is age 21, on average, with few exceptions. However, in addition to Washington State, at least four other states have moved to allow at least some youth to remain in juvenile facilities until age 25.<sup>53</sup> Of these states, only California allows for all youth adjudicated in the juvenile system to remain in juvenile custody until age 25. The remaining three states allow for an extension of stay on a case-by-case basis.

### California

California made sweeping changes to its juvenile justice system in 2020. Motivated by the belief that youth are more successful when they remain connected to their community and families, California phased the closure of the Department of Juvenile Justice and rerouted state resources to counties for the supervision of youth.<sup>54</sup> California also raised the jurisdictional age of county juvenile facilities from 23 to 25 for youth whose cases originate in juvenile court.<sup>55</sup> If sufficient safety concerns arise, the juvenile facility may petition the youth to be transferred to an adult facility at age 19.

### Montana

In Montana, if an individual is convicted as an extended jurisdiction juvenile, the youth court retains jurisdiction until the individual turns 25.<sup>56</sup>

### Oregon

In Oregon, the Oregon Youth Authority (OYA) is responsible for supervising, managing, and administering juvenile corrections. Since OYA's inception in 1996, youth who commit a crime between the ages of 12 and 18 are, on a case-by-case basis, allowed to remain in OYA's legal custody until age 25.<sup>57</sup>

### Utah

In 2020, Utah began allowing youth to file for an extension of juvenile court jurisdiction until age 25.<sup>58</sup> The extension is only allowed in some instances, rarely where the offense committed was aggravated, violent, or premeditated. The juvenile court determines if the extension of jurisdiction is in the best interest of the youth and the public.<sup>59</sup> In 2021, Utah again modified its juvenile policy, allowing youth who are tried as an adult to be housed in juvenile facilities during their adjudication period until they turn 21 (previously 18).<sup>60</sup>

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<sup>53</sup> This is not an exhaustive list of states with modifications to the terms of maximum age for juvenile confinement because legislation regarding this information is new and ongoing. These four states offer examples to the modifications in juvenile confinement that are similar in terms of the aim, shared by Washington, to acknowledge adolescent brain development and maturity into an individual's 20s. National Governors Association. (2021). *Age boundaries in juvenile justice systems*.

<sup>54</sup> National Center for Youth Law. (2020). *Closing California's state youth prisons*.

<sup>55</sup> [Senate Bill 823](#) and [Assembly Bill No. 1868](#).

<sup>56</sup> [Montana Code Annotated 2023, Title 41, Chapter 5, Part 2](#).

<sup>57</sup> Office of Juvenile Justice and Delinquency Prevention. (1998). *Juvenile female offenders: A status of the states report*.

<sup>58</sup> [Utah House Bill 384, Juvenile Justice Amendments, Laws of 2020](#).

<sup>59</sup> [Utah Code, Title 80, Chapter 6, Part 6, Section 605, Effective 2021](#).

<sup>60</sup> [Utah House Bill 1002, Juvenile Justice Amendments, Laws of 2021](#).

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