OPPOSITION TO HB 211/SB 2004 and HB 7181

Dear Members of the Florida Legislature:

As juvenile justice experts, civil rights leaders, and child advocates, we write to urge you to amend House Bill 7181, House Bill 211, and HB 211’s nearly identical companion, Senate Bill 2004, to comply with national best practices, conserves taxpayer resources and protects children and communities.

As currently drafted, these bills would produce inefficiencies and inconsistency throughout Florida by limiting the ability of the Department of Juvenile Justice to determine the appropriate security level of youth committed to the agency. Further, HB 211/SB 2004 would erode the fundamental principles of an effective and cost-efficient juvenile justice system by forcing judges to order the pre-trial incarceration of children in overly broad instances and by removing time limits on pre-trial detention.

Detention decisions should be informed by objective information regarding a child’s risk to public safety and the likelihood that the child will not appear in court. While participating in the Juvenile Detention Alternatives Initiative (JDAI), systems across the country have embraced reforms that center on reducing the unnecessary incarceration of children who do not meet these criteria. As a result, these communities have saved taxpayer dollars and increased public safety. For example, by implementing the principles of JDAI, Multnomah County, Oregon, saved $2.4 million a year in detention costs, for a total of more than $17 million in cumulative savings.1 In JDAI’s four model sites, not only did juvenile detention populations decline dramatically, but public safety increased with juvenile arrests falling between 37 and 54 percent.2 House Bill 211 and Senate Bill 2004 would make such reforms nearly impossible in Florida by mandating detention and discouraging the use of objective means to determine which youth should be detained.

HB 211/SB 2004 and HB 7181 would also affect the Department of Juvenile Justice’s (DJJ) ability to ensure that children who are placed in its custody receive appropriate and cost-efficient rehabilitative services. Both pieces of legislation would limit DJJ’s ability to determine the appropriate restrictiveness level for a child committed to the Department and invite judges to reject dispositional assessments performed by trained juvenile justice professionals.

Current Florida law provides important checks and balances between DJJ and judiciary—allowing the court to overrule DJJ’s assessment in select circumstances. But House Bill 7181, House Bill 211 and Senate Bill 2004 are in direct conflict with the guidelines promulgated by the National Council of Juvenile and Family Court Judges: “It is not appropriate for judges to reject the recommendation of the youth system agency or provider if their recommendation is supported by evidence and can be shown to be reasonable and appropriate.”3 DJJ is best suited to both evaluate the needs of the child and

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1 Annie E. Casey Foundation. Detention Reform Brief 1: Detention Reform: A Cost Savings Approach. Available at www.jdaihelpdesk.org
2 Annie E. Casey Foundation. Detention Reform Brief 2: An Effective Public Safety Strategy
the resources of the agency. Only DJJ can ensure state-wide consistency—ensuring that children with comparable needs and risk levels receive comparable placements. This practice saves taxpayer dollars by reserving restrictive placements for children who pose a risk to public safety. The public is safer when placement decisions are informed by children's risk level. Study after study document the adverse public safety consequences of subjecting low-risk youth to a secure environment.4 HB 211/ SB 2004 and HB 7181 would encourage such placements, putting Florida's communities at risk and subjecting children to unnecessary incarceration or out-of-home-placements.

HB 7181, a bill that originally included reforms supported by the Governor's Blueprint Commission, now contains some of the same anti-reform language found in HB 211. In a last-minute effort to expand judicial discretion for placement decisions, HB 211's sponsor has amended HB 7181 with language that removes the checks and balances in current law and gives judges the authority to place children in more restrictive, more expensive, and less effective programs than those recommended by case managers in consultation with a team of professionals. The addition of this amendment undermines the original intent of HB 7181— to provide an effective, fair, efficient juvenile justice system. If passed, HB 7181 would do more harm than good for the children of our state.

If passed, this legislation would place a tremendous burden on Florida's children, families and communities. Children who are incarcerated or placed in out-of-home placements unnecessarily face a life time of adverse consequences—including decreased educational attainment, difficulty finding employment, the fraying of family connections and increased recidivism. In the interests of both creating a better future for Florida's children and protecting our communities, we urge you to reject the provisions of these bills that conflict with national best practice and adopt time-tested models—like JDAI—that are proven to produce positive public safety outcomes and save taxpayer dollars.

Sincerely,

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