Florida continues to struggle with juvenile justice. Failure to retain consistent political will to make the changes, and acknowledgement of the fact that public safety must begin with an adequately funded juvenile justice system resulted in a 1989 Juvenile Justice Review Task Force and a 2007 Blueprint Commission finding essentially the same solutions to struggles in Florida’s juvenile justice system.

Blueprint Report requires implementation. Two years of meetings/hearings, involvement by the top juvenile justice experts in the state, input by stakeholders and citizens, and investment by the Governor’s Office and Department of Juvenile Justice created a Report that incorporates research of current practice and results, voter attitudes, best practices from around the country, and input of youth served.

- **Communities need support:** Communities bear the burden of providing prevention services for at-risk youth, but have limited capacity and resources with which to respond.

- **Detention/incarceration overextended:** Even in the face of a decline in overall juvenile justice system referrals, the use of secure detention (jail-like setting) is increasing. Florida places youth in secure detention and in residential commitment at rates that exceed national norms. Alternatives that show promising results need to be studied. Restorative justice attempts to bring reconciliation and healing to the affected parties, balancing the needs of victims, offenders, the community and the justice system while stressing accountability to the juvenile.

- **Legal reforms:** The Florida Supreme Court should require consultation with an attorney before any child takes a plea or gives up rights to legal representation regardless of charge. Guidelines for expunging records must insure youth have future opportunities to gain meaningful employment and access to education and vocational training.

- **Minorities are overrepresented:** There is a disproportionate number of minorities in the system – and the disproportion grows worse as children penetrate deeper into the system.

- **Youth health needs:** Across gender and race, the physical and mental health needs of youth in the juvenile justice system are extraordinary. Two-thirds have mental-health and/or substance abuse problems.

- **Staff need support:** Through its many challenges, the juvenile justice system struggles to attract and keep a quality work force. Direct care staff is poorly equipped, compensation is low, and annual turnover ranges from 35% to 66%, negatively impacting the youth in its care.

Youth of color receive harsher punishments. Without a doubt, minorities are overrepresented at every stage of Florida’s juvenile justice system. The problem was documented as long ago as 1990 by the Florida Supreme Court’s Racial and Ethnic Bias Study Commission. Nearly two decades later, the Florida Juvenile Justice Blueprint Commission found: “Minorities are disproportionately represented in all 20 of Florida’s judicial circuits, though the degree varies.”

African-American youth suffer disproportionately. The problem of minority overrepresentation is focused almost entirely on African American youth. They make up less than a quarter of Florida’s youth population, but constitute nearly half of youth held in secure detention or transferred to adult court and nearly three of every four youth in Florida’s prisons.

Original intent of Zero Tolerance clarified. Legislation passed in the 2009 will keep petty acts of misconduct and misdemeanors out of the hands of school resource officers and law enforcement while directing schools to create alternatives to expulsion or referral to the juvenile justice system. It reduces the strain on the juvenile justice system, the introduction of children to the system for inconsequential matters, and provides the School Boards some discernment.

**Challenges & Issues**

Blueprint recommendations reflect pressing needs. Understanding how Florida got to where it is and where problems lie was vital to the Commission’s work. But it is not driving policy in critical areas. Juvenile detention legislation directly contrary to Blueprint recommendations passed the 2008 Florida House but did not become law.

Programs that support the tenets of the Blueprint Report face cuts. Juvenile Assessment Centers (JACs) provide a consistent coordinated response to juvenile crime. Allowing law enforcement to spend an average processing time of only 23 minutes vs. 5.7 hours, JACs increase public safety, identify troubled youth early, and promote the smart utilizations of limited
resources. Cuts in 2009 resulted in the closing of three JACs that served more than 7,100 youth, diverted 2,100, and were used by more than 46 law enforcement agencies.

Many children who start in the care of the Department of Children and Families end up in the juvenile justice system. While ample evidence supports the importance of systems collaboration, the two systems suffer service duplication and lost opportunities to share resources and to create and support best practices designed to improve outcomes for these youth. The Blueprint report suggests these children are especially vulnerable, need frequent case management, judicial review, and opportunity to attend dependency hearings in person or telephonically.

Causes varied and complex. Bias, whether overt or subtle, is far from the only cause of Florida's minority overrepresentation problem. Economic class makes a difference. Affluent youth are more likely to conduct risky or delinquent behavior on private rather than public property. More affluent parents make themselves immediately available to law enforcement officers and school officials when problems occur. They are also more adept at navigating the legal system.

The law enforcement community is not properly engaged. Some teachers, parents and students report feeling safer because of police presence, while others believe they are relied upon too often. Officers complain they are not empowered to do more than refer a child to the juvenile justice system and ask for more discretion.

Programs that reduce detention population and save the state money, face dead ends in the legislative process. Civil citation programs require the youth to complete no more than 50 community service hours, and may require participation in intervention services appropriate to identified needs of the youth, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services. A bill allowing a youth who successfully completes a civil citation program to have his or her misdemeanor civil citation record expunged failed in the House in the 2010 Legislative Session. It is estimated that current Civil Citation programs save the state between $4.7 - $5.8-million a year.

The state struggles to implement sweeping legal changes. Florida is working to find a fair way to implement the 2010 the Supreme Court ruling (Graham vs. Florida) that sentencing life without parole to an individual for a non-murder crime that was committed when that person was a minor fell under the category of “cruel and unusual punishment.”

BUDGET

The 2009 Florida Legislature cut hundreds of millions of dollars from schools and juvenile justice. This has resulted in fewer alternatives to suspension and expulsion, along with reduced programs and services to youth in the juvenile justice system. The reliance on detention lockups and other correctional approaches have historically been unfairly shouldered by youth of color. In 2010 the front end of juvenile justice was level funded, a proposed $1-million cut to JACs was declined, but Community Based Intervention and residential beds were cut more than $11.2-million.

VOTERS

Recent Department of Juvenile Justice policy decisions and legislative actions are falling out of alignment with Florida voter preferences. When surveyed, voters emphasize recreation and education programs, crisis intervention services, support and counseling, more prevention, and services to girls. In polls conducted by Children's Campaign, Inc., voters rated Florida's efforts as fair to poor when dealing with juveniles who get in trouble. In contrast, the Department is relying on detention and incarceration, deep-end programs, and returning troubled children prematurely to public schools while not moving fast enough to eliminate systemic disproportionate treatment.

STATE ACTION NEEDED:

Legislative Platform:

- Realize systemic reforms to Florida’s long troubled juvenile justice system. Stabilize existing funds directed to the Department of Juvenile Justice and restore the cuts from prior years that were redistributed to the expansion of adult prisons.
- Pass legislation that implements the Blueprint Commission recommendations that do not have a fiscal impact. Direct the Department of Juvenile Justice to implement the Blueprint recommendations within three years where no legislative action is required.
- Support the passage of the Civil Citation Bill.
- Expand the Miami-Dade JAC services model to every judicial circuit.
- Support the fair implementation of the Supreme Court decision on Graham vs. Florida.

Additional Recommendations:

- Encourage the Governor to appoint a Secretary of the Department of Juvenile Justice with a proven track record of initiating and supporting systemic reforms.
- Through an Executive Order of the Governor, direct the Department of Juvenile Justice to develop and implement a plan to reduce Disproportionate Minority Contact by 50% within 3 years.
Invest in programs that provide the right services at the right time in the least-restrictive environment, while continuing to apply more graduated sanctions for youth involved in serious and violent crime;
- Reduce the use of detention and residential placements especially involving misdemeanant youth.
- Increase the allocation of existing funds to community-based prevention and early intervention services.
- Align residential facilities to be small, provide quality educational skill-building, health, mental health and substance abuse services.
- Develop a more professional and stable workforce.

**FEDERAL PICTURE**

The Juvenile Justice and Delinquency Prevention Act (JJDPA) is a federal initiative designed to help state and local governments and private nonprofit agencies in supporting and initiating programs that prevent and treat juvenile delinquency. The JJDDPA authorizes a critical federal law that establishes core protections for youth in the juvenile and adult criminal justice system and provides funding for state improvements to juvenile justice systems and prevention programs. Core requirements of JJDDPA include: Deinstitutionalization of Status Offenders, Adult Jail and Lock-up Removal, "Sight and Sound" Separation, and Disproportionate Minority Contact (DMC).

Since 2000, total federal juvenile justice funding declined by nearly 60 percent, and the budget for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) core research and dissemination efforts was slashed 90 percent from $6.8 million to just $700,000.

Other key programs for juvenile justice include: Second Chance Act, which supports juvenile (and adult) re-entry programs that help put former offenders on the path to a productive and successful life, Juvenile Justice Block Grant, which provides funding for a variety of juvenile justice initiatives, and Community-Based Violence Prevention, which provides street-level outreach and conflict mediation.

**FEDERAL ACTION NEEDED:**

- Reauthorize the Juvenile Justice and Delinquency Prevention Act with enhanced provisions to reduce racial disparities, strengthen core protections against confining status offenders and mingling juveniles with adult offenders, and improve conditions of confinement when young people are confined.
- Restore OJJDP’s budget for nationally sponsored research, demonstration, and public information efforts to its 2002 level or higher.
- Restore OJJDP support to state and local juvenile justice efforts to 2002 levels or higher, but tie funding to proven and cost-effective strategies and require outcome evaluations for all federal investments.
- Establish a mandatory reporting system for all unusual incidents, injuries, and deaths to curb violence in secure detention facilities and repeal federal legislation that inhibits litigation related to these incidents.
- Provide incentives for states and local jurisdictions to keep youth better served through child welfare, special education, and mental health services outside of the juvenile justice system, which lacks the expertise and resources to provide effective treatment.
- Fully fund the recently-authorized Second Chance Act to provide effective juvenile offender reentry services to reduce recidivism.
Justice for Girls: Blueprint for Action leads the charge. After two years in development, Children's Campaign, Inc. released a report in 2009. It documents the need for systemic change and serves as the basis for legislative reforms. The report is available online at www.iamforkids.org.

Nationally, girls are the fastest growing segment of the juvenile justice population. The Florida Department of Juvenile Justice statistics mirror this national trend. In Florida, almost one out of three youth referred to the Department of Juvenile Justice is a girl. On an average day, Florida has 1,000 girls committed in residential placements—the highest rate in the nation (172 per 100,000 girls). This is larger than any other state and almost double the national average (95 per 100,000).

Gender bias leads to more prosecutions and longer detentions. The Florida Blueprint Commission on Juvenile Justice found that “girls… appear to be treated more harshly for less serious offenses than are boys.” More girls are detained for public disorder, probation violations, status and traffic offenses, and spend nearly three times longer in detention. In 2006, 21% of girls were committed for non-felony offenses, as opposed to 9% of boys.

Florida acknowledges the unique needs of girls, but services remain lacking. In 2004 Florida became the second state in the nation to require gender specific services. Programs designed to emphasize security rather than prevention, intervention and treatment are ill-equipped to address the girls’ needs. Mentoring programs are not emphasized when they are capable of keeping girls out the juvenile justice system. As a result, poor outcomes, even when preventable, are routine.

Many girls in the system are pregnant. Studies demonstrate that of the almost 30% of girls in the juvenile justice system who reported lifetime pregnancy, 16% had been pregnant while incarcerated. In a 2004 interview, 83% of nationally detained teenaged mothers reported that they had been separated from their infants within three months of delivery. The Incarcerated pregnant girls interviewed for the study reported that they were often hungry and had not been given prenatal vitamins and a majority of the girls who had given birth while in custody reported that they had received no prenatal or parenting classes. Many need social services. Girls are often inappropriately arrested for assault and battery when police respond to domestic violence calls precipitated by adult dysfunction. The re-labeling of girls’ family conflicts as violent offenses often results in detention and residential placements. Girls need counseling, treatment, and a sense of safety. Youth advocates and law enforcement officials are frustrated by the lack of options.

Child abuse is the common starting point. The findings of A Rallying Cry for Change (2006) published by the National Council on Crime and Delinquency and intake data paint a haunting portrait. Over 68% of the girls in residential programs in Florida have been traumatized by sexual and physical abuse. 94% have diagnosed mental health problems. 70% have experienced family conflict. 34% have attempted suicide.

Shackles are being used on girls who are pregnant. According to Amnesty International surveys of state correctional departments, Florida is one of 38 states that may use restraints on pregnant women during the third trimester. 29% of girls said that they have been shackled at the ankles and wrists while they were pregnant.

Girls have pronounced health needs. The Blueprint Commission report summarizes the situation: “15% of girls in the juvenile justice system have a major illness, 35% have experienced a pregnancy and 46% have a history of substance abuse. For 79% of these girls, emotional factors have contributed to their delinquent behavior. Mental health issues are particularly acute… the majority – 68% – have experienced some form of physical, emotional or sexual abuse.”

Deep and lasting cuts by the 2008 Florida Legislature not addressed by 2010 Session. Almost 30% of the juveniles referred to the Department of Juvenile Justice are girls, yet less than 5% of the budget is dedicated to gender responsive programs and practices. For the 4th consecutive year, Florida has experienced consistently declining revenue, and as a result, during the 2009-2010 Legislative Session, the Department of Juvenile Justice experienced severe reductions in funding for programs that serve children across the continuum.
Florida voters favor prevention and treatment, not youth incarceration. Florida voters distinguish between adult criminals and children charged with delinquent acts. With children, voters believe rehabilitation takes precedence over punishment as long as public safety is assured. Three polls of Florida voters over the past five years are consistent. 62% favored “Prevention.” 21% chose “Treatment.”

STATE ACTION NEEDED:

Legislative Platform:

- Develop and introduce legislation supporting The At Risk Girls Education Training (TARGET) Certificate Program, which provides gender-specific training and education for girls at risk.
- Support the implementation of the non-fiscal impact recommendations made by the Children’s Campaign’s Justice for Girls: Blueprint for Action and Florida’s Blueprint Commission

Additional Recommendations:

- Encourage the Governor to appoint a Secretary of the Florida Department of Juvenile Justice with a commitment to gender specific programs for girls.
- Discontinue the shackling of girls, starting with those that are pregnant.
- Provide more gender-specific programming for girls and alternatives to secure confinement.
- Enact the 2006 Office of Program Policy Analysis and Government Accountability (OPPAGA) recommendations (Report No. 06-13). These include: Cost savings strategies; Community Programs, Families.
- Provide more gender-specific in-school and after-school opportunities.
- Lock-up fewer girls. Transfer girls who do not threaten public safety to lower level, lower cost placements.

FEDERAL PICTURE

Overall juvenile offending has decreased over the past decade, but the proportion of female juvenile offenders has steadily increased, continuing a 20-year trend. Between 1985 and 2002, the overall delinquency caseload for females increased 92%, while it increased 29% for males. More recently, between 1994 and 2003, juvenile arrests declined 18% overall but only 3% for girls. A strong federal role in juvenile justice administration is essential to protecting girls in the system, addressing and monitoring gender disparities, and implementing prevention and intervention approaches.

FEDERAL ACTION NEEDED:

- Comprehensive gender-specific programs should provide education, job training, family support services, counseling, and health services. Ideally, these programs focus on individual empowerment and competency-building.
- Provisions for training, resources, and services for juvenile facilities to address gender specific trauma. Without appropriate intervention, young girls often end up deeply entrenched in the juvenile justice system.
- Review federal domestic abuse laws to explore opportunities to remove the unintended consequence of girls entering the juvenile justice system for minor offenses.
- Prioritize research activities on the identification of at-risk girls prior to their contact with juvenile justice systems, as well as which prevention and intervention strategies are effective for girls.