

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF DADE

SPRING TERM A.D. 1993

FINAL REPORT OF THE DADE COUNTY GRAND JURY

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Circuit Judge Presiding
MARTIN GREENBAUM
Associate Circuit Judge Presiding
JUDITH L. KREEGER

Officers and Members of the Grand Jury

MARK GIBSON
Foreperson

CONCHITA HERRERA
Vice Foreperson

MARY K. ABAY
Clerk

LILLIAM MARTINEZ
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MARCUS POWELL

JOSE DE LA CARIDAD GONZALEZ

LOURDES RODRIGUEZ

ALEXIS ANTONIO HERNANDEZ

MIGUEL ANGEL RUFINO

State Attorney
KATHY FERNANDEZ RUNDLE

Deputy Chief Assistant State Attorney
CHET J. ZERLIN

Clerk of the Circuit Court
HARVEY RUVIN

Administrative Assistant
ROSE ANNE DARE

Bailiff
ARTHUR LEWIS

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**DADE COUNTY'S JUVENILE OFFENDERS:
A STUDY OF THE NEED FOR EARLY INTERVENTION**

I. INTRODUCTION

While the recent, tragic murder of a German tourist may have shocked the conscience of our community we, as grand jurors, experienced a shock every week as we reviewed the crimes brought to us for indictment. While each case had a similar tragedy, conveyed a similar horror and portrayed a similar sense of human suffering, the most haunting similarity was that too many of the offenders were young. Incredibly, almost 50 percent of our indictments involved juveniles; many of them 13, 14 and 15 years old. These juveniles did not behave with the innocence of children. The crimes with which they were charged were not the acts of children. Yet, chronologically they were children; children caught up in a cycle of violence. What brought these children so far from the acts of childhood? Was it the parents who failed to nurture and properly raise them? Was it the schools which failed to properly intervene to address the early warning signs of future problems? Was it our Juvenile Justice System which failed to provide meaningful and swift punishment for past bad acts and proper treatment and intervention to deter new ones? Was it our community which failed to hold our institutions accountable and demand proper application of resources and programs? Regardless of the causes, when our young children commit senseless, brutal crimes, all of us become victims.

As we issue this report, our community and our state are embroiled in a sudden and urgent need to immediately reduce youth violence. When the economic bedrock of our state, tourism, was threatened by media reports of juveniles stalking tourists, the public and private sectors began furiously calling for crime reduction. Today, everyone is expressing outrage and sheer despair over youth violence and crime. It is as if everyone has arisen from a long sleep and suddenly realized the level of youth violence and crime surrounding them. But the violence and crime have been there for a long, long time. Repeatedly, past grand

juries have issued reports warning of the dire consequences of ignoring these problems. Too many times, our leaders have spoken about juvenile crime only for the excitement of the moment and then abandoned it when it was no longer the topic of the week. Repeatedly, our legislature has issued new legislation aimed at correcting the causes and consequences of juvenile crime and then allowed this legislation to die from a lack of commitment and funding. Too many times we, as Floridians, have let this happen. Had we, as a state and a community, been truly committed to reducing our juvenile crime problem, it would have already occurred. The short-term, band-aid solutions Floridians have relied upon in the past to prevent juvenile crime do not work. We must not make these same mistakes again. We ask that our lawmakers and policy makers, private and public, use the information we have compiled in this report and take committed action to finally address and solve our juvenile crime problem. We ask this for the sake of our youth and the sake of our community.

II. AN OVERVIEW OF JUVENILE CRIME

Nationally, according to the Federal Bureau of Investigation, juvenile crime accounted for more than 16 percent of all arrests in 1992. The Florida Department of the Law Enforcement reported over 87,000 juvenile arrests in 1992. Florida's juvenile arrests in 1992 accounted for more than 25 percent of all arrests for robbery, burglary and larceny; almost 50 percent of all arrests for auto theft; 13 percent of all arrests for homicide; 20 percent of all arrests for weapons violations and 14 percent of all arrests for aggravated assault.

In Dade County, over 17,000 juveniles were arrested in 1992. A closer look at these statistics reveals that almost 20 percent of all of Florida's juvenile arrests for homicide took place in Dade County and our rate of juveniles arrested for robbery was twice the statewide average. In 1992, one out of every ten persons arrested in Dade County was a juvenile. Between 1989 and 1992 the number of juvenile arrests for robbery increased 22 percent and arrests for weapons violations increased 25 percent.

III. A STUDY OF DADE COUNTY'S JUVENILE OFFENDERS

The Metro-Dade Police Department recently reported the results of a statistical profile of 100 juveniles they arrested in September 1993. The average juvenile in this profile was approximately 15 and a half years old and had a serious crime record starting early in his life. One third had more than 11 arrests before the age of 14 and the remainder averaged four arrests before that age. The group averaged 10 felony charges and the worst offenders had 19 felony charges, six of which were for violent felonies.

Witnesses have told us that the level of criminal conduct previously prevalent among 16 and 17 year olds only a few years ago is now commonly displayed by 13, 14 and 15 year olds. We have seen the evidence of this in the cases we reviewed this term for indictment. The juveniles whose cases we were called upon to review showed an utter disregard for the consequences of their acts. They exhibited a total lack of feeling for the pain and despair they were causing both to the victim and to the victim's family. We indicted a 13 year old for shooting and killing a homeless man over a slice of pizza. We indicted a teenager for robbing people at gun point and stealing their shoes. We indicted three juveniles for pointing a handgun at a clerk in a 24 hour convenience store and stealing sodas and candy.

In an attempt to identify the common characteristics of Dade County's juvenile offenders, the Fall Term 1990 Grand Jury studied all juveniles from Dade County that were committed to the care and custody of the Department of Health & Rehabilitative Services (HRS) between January 1988 and March 1991. More than two years have elapsed since that study was done. We decided to build upon our predecessor's work. As a result, we completed a number of studies concerning Dade County juveniles. These studies identified a number of shocking trends.

Our study of Dade County's juvenile offenders began in March of 1991, the point at which the Fall Term 1990 Grand Jury left off. We obtained data on all of the juveniles committed to the care and custody of HRS, the most serious sanction available to our juvenile courts, from March 1991 through August 1993; a total

of 2,613 juveniles. We structured our study in a manner that would allow us to make direct comparisons between our study group and the group originally studied by the 1990 Grand Jury.

The first result of our study indicated that Dade County's committed juvenile offenders were getting younger. Of the total amount of juveniles committed, 32 percent were 16 years old at the time of commitment compared with 27 percent in the previous study group. The number of 14 and 15 year olds committed increased by 22 percent. Cumulatively, 16 year olds and younger comprised 67% of the total number of Dade County juveniles committed to HRS by our juvenile courts.

Within our study group, 76 percent of all juveniles had a history of disruptive or aggressive behavior in school. An astounding 89 percent of the 13 and 14 year olds in our study group exhibited this type of behavior. Even more alarming is the increase in this type of behavior from the 1990 Grand Jury's earlier study group. The percentage of 14 and 15 year olds exhibiting disruptive or aggressive behavior has increased by 33 and 29 percent respectively. An increasing number of our young offenders are exhibiting aggressive or disruptive behavior at an earlier age.

TABLE I

PERCENTAGE EXHIBITING DISRUPTIVE OR AGGRESSIVE BEHAVIOR

	Juveniles Committed	Juveniles Committed
<u>AGE</u>	<u>1/88 - 3/91</u>	<u>3/91 - 8/93</u>
13	80%	89%
14	66%	89%
15	65%	84%
16	63%	74%
17	57%	72%
18	51%	60%

Many studies and previous grand jury reports have stressed the need for proper education as a means of breaking the cycle of juvenile crime. A juvenile without a proper education is also a juvenile without hope of a better future. Witnesses who deal with juveniles agree that a child who is not successful academically is more likely to become a problem juvenile. They

have told us that aggressive and disruptive behavior in school contribute to poor academic achievement. Experts agree that lack of academic achievement is an excellent early indicator of future delinquency. Among the Dade County juveniles in our study group, 67 percent were not achieving academically. This represents an alarming increase from the 56 percent who were not achieving academically in the earlier study group.

TIME magazine recently interviewed a prisoner, serving a life sentence for murder, about the causes of crime, he said:

"Crime is a social problem, and education is the only real deterrent. Look at all of us in prison: we were all truants and dropouts, a failure of the education system. Look at your truancy problem, and you're looking at your future prisoners. Put the money there."¹

While more than 70 percent of our study group had a history of truancy; the largest increases in truancy were found in the 13 year old age group. This is an alarming trend. In the previous study group, over 50 percent of the 13 year olds had a history of truancy. An incredible 80 percent of the 13 year olds in our study group exhibited a history of truancy. The 14 year olds with a history of truancy increased from 67 percent to 71 percent and the 15 year olds increased from 65 percent to 73 percent. This increase in truancy was exhibited throughout our study group.

TABLE II

PERCENTAGE EXHIBITING A HISTORY OF TRUANCY

AMONG JUVENILES COMMITTED TO HRS

<u>AGE</u>	<u>Juveniles Committed 3/88 - 3/91</u>	<u>Juveniles Committed 3/91 - 8/93</u>
13	59%	80%
14	67%	71%
15	65%	73%
16	55%	61%
17	36%	51%
18	19%	28%

Once a juvenile reaches the age of 16, the law requiring mandatory school attendance no longer applies. The following table illustrates the effect this had upon the school attendance of our study group:

TABLE III

COMBINED PERCENTAGE OF THOSE EXHIBITING
A HISTORY OF TRUANCY AND DROPOUT RATE

AGE	TRUANCY	DROPOUT	TOTAL
16	61%	3%	64%
17	51%	17%	68%
18	28%	43%	71%

This combined history of truancy and dropout rates is a critical factor to be considered. According to a 1991 report by the National Commission on Children, "Dropouts are 3.5 times as likely as high school graduates to be arrested...."² In the 1991-92 school year, the Dade County public schools had a graduation rate of less than 75 percent. By not graduating 25 percent of our youth, we may well be feeding our juvenile crime problem. By not properly and adequately providing sufficient early intervention to prevent truancy, we may be encouraging the very criminality we are trying to prevent.

Just as a failure to achieve academically can act as an early indicator of children at risk for potential juvenile delinquency, an inability to read at grade level can prevent academic achievement and also be a precursor to future juvenile crime. Children who can not read can not excel and their self-esteem is diminished. Within our study group, the inability to read at grade level was endemic. More than 70 percent of the juveniles in our study group could not read at their grade level. This is an increase from the 63 percent that exhibited this limitation in the earlier group.

TABLE IV

READING LEVEL BY PERCENTAGE
OF TOTAL COMMITMENTS

<u>READING LEVEL</u>	Juveniles Committed	Juveniles Committed
	<u>1/88 - 3/91</u>	<u>3/91 - 8/93</u>
Reading below grade level	63%	71%
Reading at grade level	27%	27%

According to the Florida Department of Corrections, nearly 75 percent of the adult statewide prison population is functionally illiterate. Ominously, the reading level of our

juvenile study group appears to mimic the reading problems of our adult prisoners. We do not mean to say that merely reading below grade level will doom a juvenile to a life of crime. But, aggressive and disruptive behavior, truancy, academic underachievement and reading deficiencies are unequivocally common characteristics of all our juvenile offenders. We must not ignore these warning signals. We must use them as a starting point for early intervention to prevent juvenile crime and initiate constructive services.

IV. THE JUVENILE JUSTICE SYSTEM

The Juvenile Justice System was originally founded upon the premise that children who commit "delinquent" acts should be treated as children in need of help and not as criminals in need of punishment. Our juvenile offenders have changed over the years as the problems threatening them have also changed. Crack cocaine, single parent families, teenage pregnancy, increased divorce rates and the easy availability of handguns have all had deleterious effects upon our children. The sad results of these societal changes were evident in many of the cases we reviewed for indictment.

We decided to study all Dade County juvenile cases closed from 1990 through 1992. We also studied all Dade County juvenile cases closed in 1983, for contrast. Again, this study confirmed that Dade's juvenile offenders are getting younger.

TABLE V

PERCENTAGE CHANGE BY AGE OF
ALL JUVENILES WHOSE CASES WERE CLOSED
IN 1983 AND 1992

<u>Age</u>	<u>Percentage Change</u>
13	+22%
14	+16%
15	+21%
16	+ 2%
17	-12%
18	-22%

In 1992, almost 60 percent of all Dade County's closed juvenile cases involved children aged 16 or younger. Almost 20 percent of Dade County's closed juvenile cases in that year involved children aged 14 or younger.

Considering the increasingly younger population entering the Juvenile Justice System, we decided to determine if there had been any changes in the type of disposition utilized over time. We studied the three types of dispositions that were utilized for the more serious juvenile offender: being placed on Community Control, being committed to the care and custody of HRS and being referred to the adult criminal justice system to stand trial as an adult. Community Control is the equivalent of probation in the adult system and, according to HRS, its primary goal "...is to reduce the further incidence of juvenile delinquency"³ The program is intended to supervise the less serious juvenile offender and utilizes counselors in much the same manner as the adult system uses probation officers. The more serious juvenile offenders are committed to the care and custody of HRS. Once committed, HRS determines the type of program or facility into which the juvenile will be placed. This placement can include residential as well as nonresidential facilities and programs such as halfway houses, secured detention and the various marine institutes. A juvenile who is referred to adult court will be treated as an adult and can be subjected to any appropriate adult sanction or a mixture of juvenile and adult sanctions.

Our study revealed that, despite its increasingly younger population, there did not appear to be an appreciable difference in the way the Juvenile Justice System dealt with juvenile offenders in 1983 from the way they were being dealt with in 1990, 1991 or 1992.

TABLE VI

DISPOSITION BY PERCENT OF TOTAL
FOR ALL JUVENILE CASES

<u>DISPOSITION</u>	<u>1983</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
Referred to Adult Court:	6%	7%	6%	6%
Placed on Community Control:	18%	23%	22%	21%
Committed To HRS:	13%	8%	9%	9%

A. JUVENILES PLACED ON COMMUNITY CONTROL

Our study indicated that Community Control was the preferred disposition of these juvenile cases. Within the time available to us this term, we decided to study what effect, if any, the placement into Community Control had upon Dade County's juvenile offenders. We randomly selected 100 juveniles who were placed on Community Control in the months of January, February and March of 1993. We then manually researched the records of the juvenile courts to determine if there were subsequent criminal offenses within six months of this placement. The results were frightening.

Of these 100 juveniles, more than half had been arrested for new crimes within six months. Incredibly, 39 percent had reoffended after only three months. Of these 100 juveniles, 56 were originally sentenced for a felony and 44 for a misdemeanor.

TABLE VII

STUDY OF 100 JUVENILES PLACED ON COMMUNITY CONTROL
WHO HAD SUBSEQUENT ARRESTS

<u>AMOUNT OF TIME UNTIL</u> <u>SUBSEQUENT ARREST</u>	<u>NUMBER</u> <u>ARRESTED</u>
Less than 1 month	14
1 - 2 months	15
2 - 3 months	10
3 - 4 months	2
4 - 5 months	7
5 - 6 months	8
Total	56

B. JUVENILES COMMITTED TO HRS

The second most commonly used disposition was the commitment of the juvenile to the custody of HRS for placement into a residential or nonresidential program. Witnesses told us that

this disposition is used for the more dangerous juvenile offenders. We repeated the same study we had done regarding Community Control for an additional, randomly selected 100 juveniles committed to HRS during the months of January, February and March of 1993. The results were equally as frightening. Of these 100 juveniles, more than half reoffended within six months. After only three months, 34 percent had already reoffended. Of these 100 juveniles, 81 were originally sentenced for a felony and 19 for a misdemeanor.

TABLE VIII

STUDY OF 100 JUVENILES
COMMITTED TO HRS
WHO HAD SUBSEQUENT ARRESTS

<u>AMOUNT OF TIME UNTIL</u> <u>SUBSEQUENT ARREST</u>	<u>NUMBER</u> <u>ARRESTED</u>
<i>Less than 1 month</i>	<i>15</i>
<i>1 - 2 months</i>	<i>12</i>
<i>2 - 3 months</i>	<i>7</i>
<i>3 - 4 months</i>	<i>9</i>
<i>4 - 5 months</i>	<i>6</i>
<i>5 - 6 months</i>	<i>10</i>
<i>Total:</i>	<i>59</i>

The results of these two studies are shocking. Even though there is a presumed difference in the type of offender placed on Community Control and those committed to HRS, both groups revealed a virtually identical pattern of subsequent arrests. Even more shocking was the pattern of increasingly serious offenses committed by those who had originally been charged with a misdemeanor. For example, in our study of 100 juveniles placed on community control, 87 percent of those originally sentenced for a misdemeanor reoffended by committing a felony. In our study of 100 juveniles committed to HRS, 80 percent of those originally sentenced for a misdemeanor reoffended by committing a felony. The short period of time between case disposition and subsequent arrest and the increase in seriousness of the subsequent arrest, represent a graphic portrayal of the present inability of our Juvenile Justice System to deter juvenile crime. It also supports the testimony of many witnesses who have told us that the lack of any meaningful punishment is one of the major failings of this system.

C. JUVENILES REFERRED TO ADULT COURT

The third most common action by the Juvenile Justice System was referring a juvenile offender to adult court. This disposition is generally utilized for the most serious repeat offenders or those who commit the most serious crimes. We studied all juveniles that were referred to the adult court from 1989 through 1992 to determine what effect, if any, this disposition had upon subsequent arrests.

TABLE IX

STUDY OF ALL JUVENILES REFERRED TO ADULT COURT
WHO REOFFENDED AFTER SENTENCING

<u>Year</u>	<u>% Arrested after 6 Months</u>	<u>Cumulative % Arrested after 2 Years</u>	<u>Cumulative % Arrested after 3 Years</u>
1989	23	45	49
1990	17	38	--
1991	13	--	--
1992	16	--	--
Average	17%	42%	--%

The percentage of juveniles sent to adult court who were arrested within six months after sentencing from 1989 through 1992 averaged 17 percent. This is far lower than the 56 percent in our previous study who reoffended after being placed on Community Control. This is also far lower than the 59 percent in our previous study who reoffended after being committed to HRS. We recognize that a direct comparison between juvenile court sanctions and adult court sanctions are not easily made. The potential sentence in adult court will tend to be longer than that in juvenile court and if a juvenile was to receive a jail sentence, there would obviously be no opportunity for the commission of a subsequent offense. To attempt to compensate for this, we expanded our time frame for reoffending to include cumulatively the second and third years from the date of sentencing. As shown in the previous table, even within this expanded time frame, the percentage of juveniles that were arrested after being sentenced in adult court was still lower. We are not suggesting that this study proves adult criminal court sanctions necessarily work better than juvenile court sanctions.

However, the substantial differences we found to exist between these sanctions relating to recidivism of juvenile offenders indicate a clear need for additional study.

D. JUVENILE OFFENDERS: A PROFILE

With the results of these studies in mind we sought to gain a more individualized picture of a juvenile offender. We reviewed the records of a 16 year old juvenile indicted during our term for first degree murder and armed robbery. We obtained his school, HRS and juvenile court records. The following is a synopsis of what we found.

- 9 years old - Average student
 - 13 absences
- 10 years old - Average student
 - misbehaving in class
 - fighting in school
- 11 years old - Mother says: he is not coming home from school, he fights and causes incidents at home.
 - Mother says: wants a "Scared Straight" program for him, wants him placed in an after-school boys program
 - Arrested for Burglary
 - Sentence: Community Control
- 12 years old - Successfully completes Community Control
 - Subsequently arrested for Petit Theft
- 13 years old - Mother says: he is becoming a "behavior problem"
 - Arrested for Robbery
 - Mother says: he is stealing from the family, lies, sneaks out of the house at night to be with friends.
 - Transferred to Opportunity School
 - HRS Counselor: recommends placement in Community Control.
- 14 years old - Mother makes an "Ungovernable" complaint to HRS.
 - Referred to HRS as "Beyond Control"
 - Arrested for Burglary and Grand Theft Auto
 - Suspended from the Dade County Public Schools for disruptive conduct, defiance of school authority, cutting classes, leaving school without permission.
- 15 years old - Arrested for Armed Robbery
 - Arrested for Battery (while in juvenile detention)
 - HRS Counselor says: Hostile toward siblings, creates problems at home, does not accept

authority and becomes aggressive.

Recommendation: Dade Marine Institute (DMI).

- Committed to HRS, placed at DMI.
- Arrested for Burglary
- Leaves DMI without permission.
- Arrested for Loitering and Prowling
- Arrested for Burglary

16 years old - Recommitted to DMI

- DMI Counselor says: behavior at home preventing graduation from program, doing well in program.
- Subsequently arrested for First Degree Murder and Armed Robbery.

An early warning sign we detected in our study, "disruptive behavior in school", was present as early as age 10. This is consistent with our studies and those done by the Fall Term 1990 Grand Jury. His placement into Community Control was obviously ineffective; he was arrested again soon after completion. He was transferred to an Opportunity school and his mother complained to HRS that he was "ungovernable". Criminal arrests became more frequent and progressively more serious. By age 15, he was exhibiting the criminal behavior which appeared to make his subsequent murder charge seem almost inevitable. Nothing within the Juvenile Justice System appeared to alter his path. There was also no apparent intervention by any agency to assist his mother, despite her cries for help. There were many stages during this boy's journey of despair where the proper intervention might have prevented this sad outcome and saved his life as well as the lives of his future victims. The actions taken by the Juvenile Justice System, HRS and the Dade County Public Schools (DCPS), were clearly ineffective.

Unfortunately, this juvenile's history is not unique. We also studied his two co-defendants in the murder and found strikingly similar patterns. All three exhibited disruptive behavior in school at an early age. All three were, at some point, successful in completing juvenile court ordered programs. All three had arrests soon after completion. All three exhibited a pattern of more frequent and more serious criminal offenses, culminating in the commission of the First Degree Murder and Armed Robbery for which we indicted them. All three passed

through the Juvenile Justice System ultimately unaffected and undeterred.

V. EARLY IDENTIFICATION AND EARLY INTERVENTION

The Dade County Public Schools currently enroll 314,000 students in 189 elementary schools, 48 middle schools, 28 senior high schools and 14 alternate and specialized education centers. Within this group of students are many of tomorrow's dangerous juvenile offenders. The problem is identifying them and intervening appropriately. According to the American Psychological Association Commission on Violence and Youth:

"Laying the groundwork for preventing violence begins early in a child's development...Children who begin to show aggressive behavior early require prompt intervention. The greatest predictor of future violent behavior is a previous history of violence. Without systematic and effective intervention, early aggression commonly will escalate into later violence and broaden into antisocial behavior...For this reason, effective intervention for aggressive and violent behavior in childhood is critical and the earlier the better." 4

Early intervention is the key to solving our future juvenile offender problem. We must reach this potential juvenile offender at an age before the path to criminality has begun. Currently, the DCPS have a better tool than does HRS to accomplish this. It is called the "Student Assistance Profile" and is currently used as a part of a dropout prevention program. This system utilizes criteria such as school absences, lack of academic achievement and the exhibition of social, personal or family problems as a means of identifying students who are "at risk" of dropping out of school. A student who meets two or more of these criteria is considered to be "at risk". The Fall Term 1990 Grand Jury found six indicators shared by most delinquent children. These were:

- Are abused or neglected by parents or care facilities;
- Live in inner city or poor neighborhoods and/or households;
- Have dysfunctional family units;
- Exhibit disruptive or aggressive behavior in school;
- Perform poorly in school;
- Become truants and eventual dropouts. 5

Virtually all of these indicators are presently encompassed, to one degree or another, within the DCPS' "Student Assistance

Profile". We feel very strongly that this system could be used to provide an early indication of those children who may be our potential future criminal offenders. The Fall Term 1990 Grand Jury reached the same conclusion. However, it appears to have been ignored. This information should not remain unused. It should be immediately shared by the DCPS with HRS, related social service agencies and appropriate law enforcement agencies. Such a combined, collaborative approach would be a powerful tool in our effort to put an end to our juvenile crime problem.

A statistical breakdown we obtained from the DCPS of all "at risk" students for the current school year (1993-94) provided an example of the usefulness of the "Student Assistance Profile". Of the 76,191 students determined by the DCPS to be "at risk", just over 62 percent were not achieving academically. This percentage is eerily similar to the 63 percent of the committed juveniles in our study group who were not achieving academically. Within the DCPS' "at risk" population, just over 59 percent had exhibited a history of lengthy absences or truancy from school. In our study group of juveniles committed to HRS, just over 59 percent had exhibited a history of truancy. We do not mean to suggest that these two populations are the same. However, the same characteristics are clearly present in both populations.

The "Student Assistance Profile" currently begins at the 4th grade level. Witnesses have told us this starting point was chosen due to a desire not to place a permanent record of "bad" behavior in a student's file until this grade was reached. We think this concern is misplaced. Our studies and previous grand jury reports have indicated the need for early intervention to prevent future behavior problems. This intervention must occur at the earliest age possible. The juvenile offender, whose history we studied, was already exhibiting disruptive behavior by age ten. If appropriate intervention had occurred early enough, this juvenile's future could have been changed. The use of the DCPS' "Student Assistance Profile" must be expanded to include all students at every grade level.

Our studies and the testimony we have heard have lead us to the inescapable conclusion that there is a direct link between

adequate education, including preparing our children for adulthood, and the prevention of future juvenile delinquency. Unfortunately, HRS' system for early identification of problem juveniles requires a complaint to be made. Often, it occurs too late. Our school system is the first of all public agencies to have direct contact with our children. There is no better starting point for early intervention. The DCPS do an admirable job of providing quality education for a large number of healthy, well-adjusted children. However, it is time for our community to recognize the importance of providing the funding needed to expand the DCPS' role to include juvenile delinquency prevention. The added responsibility this will place on our schools is regrettable but critically necessary.

In order for the DCPS to accomplish this expanded role, they must be given the funding needed to provide sufficient programs and staff to provide meaningful early intervention services. Witnesses have told us that there are currently an insufficient number of counselors at each school to properly and individually deal with all of the "at risk" students identified each year by the DCPS' "Student Assistance Profile". These counselors need the time, resources and capabilities to bring HRS and law enforcement agencies together with the DCPS to create a meaningful impact on these students. Dade County's elementary schools have one counselor for every 1,200 students; middle and high schools have one counselor for every 450 students. These numbers have not changed since the 1990 Grand Jury last examined this area and recommended an increase in the number of counselors. We are again recommending an increase. Witnesses have told us that the reason for this lack of change is due to a lack of funding. Our community must begin to realize that the cost of preventing juvenile crime will be a tremendous savings over the emotional and financial costs of dealing with juvenile crime. Early intervention is a far cheaper alternative to the human suffering and tremendous costs associated with the arrest, prosecution and commitment of a juvenile offender.

VI. JUVENILE PROGRAMMING

For many years, perhaps unknowingly or unthinkingly, we have been operating a juvenile laboratory in Florida. Each program created is, in reality, an experiment in the modification of juvenile behavior. Each placement decision made is a separate experiment in the correct application of these programs. One of the goals of this juvenile laboratory should be to record the results of each experiment, learn from the results and build upon that knowledge. From this approach should come steadily improved programs created with a greater understanding of which programs work for which type of juvenile. Regrettably, we have failed in this regard.

Throughout our term, we have been continuously amazed at the number of juvenile justice administrators appearing before us who did not know what effect their programs were having upon their juvenile clients. Nor was there any follow-up of these juveniles once they left the program. All witnesses indicated that they would have liked to have had the information but could not obtain it. Programs had neither the funding nor the staff to perform program evaluations. Currently, HRS utilizes an "Outcome Evaluation" system to determine which of its juvenile programs should be considered for continued funding each year. This system is based upon the expected "outcome" of the program. An outcome evaluation does not attempt to find out the reason behind the results. Consider, for example, the "Opa-Locka Early Intervention Project", an HRS subsidized delinquency prevention program started in 1986. This project was intended to provide assistance to "at risk" 6th through 9th graders in high crime areas. According to the HRS Outcome Evaluation Report for fiscal year 1990-91, this program was 90 percent successful in preventing any contact with the Juvenile Justice System and 88 percent successful in improving dysfunctional school behavior. The program appears to have been a successful experiment. Yet, HRS does not know the reasons for the success. Such reporting was never required. The program ended in 1993, due to a lack of funding. HRS never created any mechanism, either before the program started, during the program's existence or after the

program had ended, to try to find out why. This is inexcusable. The reasons for this program's success should have been determined, reported and shared prior to the program's demise.

The section of this juvenile laboratory that operates out of our Juvenile Justice System has especially suffered from a lack of scientific approach. Although we have been creating juvenile offender programs for more than 20 years, we still lack an understanding of what works and what does not. For example, when a juvenile commits a violent crime, which is better: a residential or a nonresidential program? Presently, we do not know. When a child begins to be "beyond control", what program will have the greatest chance of success and how long will that program need to last? Presently, we do not know that either. Programs are created, used for a short period of time and then discarded to be replaced by other slightly different programs. The same cycle would then begin again. Every year, thousands and thousands of experiments occur in this juvenile laboratory. No one tracks the results. There is no requirement of long-term follow-up, nor is any data kept for statistical analysis. We never learn what long-term effect the various programs have had on juvenile offenders. Nor, when programs achieve success, do we ever learn why. This apathy toward the success or failure of our juvenile justice programs has contributed to the failure of our Juvenile Justice System. It has helped create the revolving door through which our juvenile offenders pass to reenter our community unaffected and undeterred. We are perpetuating the very cycle of violence we are intending to end. This is inexcusable, wasteful and reprehensible.

All juvenile programs created or funded by HRS must be studied in detail to determine the reasons for success or failure. All participants should be tracked for at least three years after completion of the programs to determine the effect over the long-term. The Florida Legislature should provide specific funding to create a professional evaluation process, independent of HRS, to accomplish this.

To assist in this long-term follow-up, we must require a fingerprint identification system for our juvenile offenders

similar to that used by our adult criminal system. Presently, a manual check of court records is required to determine the true arrest and conviction record of a juvenile. The scope of our studies relating to juveniles placed on community control and committed to HRS was confined to 100 juveniles because of this limitation. The ability to accurately track a juvenile's subsequent arrests is of great importance to any determination of the success or failure of our juvenile offender programs. In addition, witnesses have told us that the lack of a fingerprint identification system allows juveniles with multiple-offense records to repeatedly pass through the Juvenile Justice System as first time offenders. Simply by spelling their name differently or using a different date of birth, the current system is unable to detect their true identity. Thus, a juvenile with a history of offenses may be repeatedly treated with the leniency shown to a first time offender. No one is more aware of this deficiency than the seasoned juvenile offender. We recommend the immediate implementation of this fingerprint identification system.

Our juvenile offender programs are presently geared toward short-term solutions, perhaps as a result of budgetary shortsightedness. Rarely does any program utilized by the Juvenile Justice System last longer than nine months. Most end after six months or less. It seems obvious that by the time a juvenile is 13 years of age and is committing criminal acts a short-term program is the one least likely to effectuate a long-term change in that youth's behavior. Taking a juvenile offender out of the environment that contributed to his delinquency, placing him in a program for nine months or less, and then returning him to the same environment is a recipe that insures failure.

In view of all of these factors, we are not surprised that every witness who appeared before us considers our Juvenile Justice System to be a complete and dismal failure. It is a system that has failed to learn from its past mistakes. If we are to solve our juvenile offender problem, we must learn what types of programs do not work, and more importantly, what types of programs do. We cannot afford the luxury of simply creating

programs on the whimsey of the moment or the fad of the time. We must implement a scientific method of evaluation and accountability to our juvenile offender programs.

VII. TRUANCY

Our studies have shown a strong connection between truancy and juvenile crime. If we can prevent truancy, we can affect the level of juvenile crime. Currently, the DCPS use letters, social workers, parent conferences and home visits in their approach to preventing truancy. The schools require an "escalation of services" approach where greater and increasing efforts are made over a relatively short period of time in an attempt to stop a child's truancy problem. However, once these services have failed to have an effect, the DCPS act by making a referral to HRS. This essentially restarts the entire process. Witnesses have told us that, in the past, a referral to HRS for truancy resulted in no action at all. After the 1990 Grand Jury criticized this process, HRS created a separate unit specifically dealing with truancy referrals from the DCPS. Witnesses have indicated a mixed result to this reform. Some have told us that they noticed no difference in HRS' action regarding truancy referrals. Others have alluded to some improvement in the system. HRS has now decided to contract out the entire responsibility for truancy referrals to a private agency using the Miami Bridge as its base. We are encouraged by the people we have spoken to from this program. However, the current contract is basically a start up one and they will not be fully staffed until sometime during the year of 1994. Until that time, we are abandoning another group of our children.

Our feeble efforts to reduce truancy have never affected the habitual truant. In reality, when the DCPS system finishes its escalating provision of services and refers the matter to HRS, nothing tangible has occurred. This lack of action has consistently told these juveniles that, if they hold out long enough, everyone will give up. We could send no worse a message. Students who are not in school should be located and taken to school. As we have already discussed, these are children who

tend to be committing crimes. The Metro-Dade Police Department developed a pilot program to address this problem. Called "Project Access", this limited program was perceived as an excellent starting point by the Fall Term 1990 Grand Jury. The program provided police officers with a central location to leave school age children when they were found on the street, absent from school. As a side effect of this program, property crimes in the program's limited target area decreased significantly. The project has since been cancelled due to a lack of funding. We think programs such as "Project Access" should be created throughout Dade County. The utilization of our police to take truants into custody and transport them to a single center is an excellent way to combat truancy and is also a form of crime prevention. We saw a short video about this program and observed the faces of the children who were brought in to the center. There was no question that these children were getting the correct message. Far fewer children will consider avoiding school if there is a certainty that they will not be allowed to get away with it. Our present truancy efforts are weak and fragmented. Each agency is committed to its own form of action. There is no unified approach. The DCPS, HRS and the police must develop and implement a coordinated anti-truancy program that utilizes counseling on the front-end and law enforcement on the back-end to solve our truancy problem.

VIII. OPPORTUNITY SCHOOLS

In an attempt to structure a school environment specifically for the "problem" student, the DCPS utilize "Opportunity Schools" as a part of its alternative education programming. Although comprising less than one percent of the DCPS' student population, the students of Dade County's four Opportunity Schools are the most difficult to manage and teach. The four schools are MacArthur North and South, J.R.E. Lee and Jann Mann. Two are high schools and two are middle schools. All are designed to "offer continuing education to youths who are unable to function in a traditional school setting, as evidenced by inappropriate behavior and a lack of interest".⁶ The criteria used to identify students who are recommended for placement into an Opportunity

School are: "behavior that interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program provides" and "a history of disruptive behavior in school...."⁷ During the 1992-93 school year, the DCPS placed 2,758 of its 314,000 students into Opportunity Schools.

Although Dade County's Opportunity Schools contain less than one percent of the DCPS' entire student population, our study has found that 37 percent of all of Dade County's juveniles committed to HRS in our study group were attending one of Dade County's Opportunity Schools at the time of their commitment. The total number of juvenile commitments who had formerly been students of the Opportunity Schools could not be determined, but if known, may well have increased this 37 percent figure. The effectiveness of the Opportunity Schools in changing or correcting the behavior of these students is obviously of great importance to the prevention of juvenile crime. It is equally obvious that the successful application of effective programming in these four schools would have a significant impact upon our serious juvenile offender problem.

TABLE X

PERCENTAGE OF TOTAL COMMITMENTS THAT WERE
ATTENDING AN OPPORTUNITY SCHOOL AT TIME OF COMMITMENT

<u>Name of Opportunity School</u>	<u>Percentage of Total Commitments</u>
MacArthur North and MacArthur South	13%
J.R.E. Lee	8%
Jann Mann	<u>16%</u>
	37%

J.R.E. Lee and Jann Mann, the two middle schools which primarily enroll 12, 13 and 14 year olds, together account for an incredible 24 percent of all of the Dade County juveniles committed to HRS in our study. This is an increase from the findings of the 1990 Grand Jury where these schools accounted for 19 percent of all HRS commitments. Such a statistical increase is further evidence that our juvenile offenders are getting younger. If we wish to find students within our public school

system to single out for specialized intervention relating to the prevention of future criminal conduct, we need look no further than these four Opportunity Schools.

With this in mind, we visited two of these schools. We were impressed with the faculty we met and found them to be genuinely interested in making a difference with these children. We spoke to teachers who volunteered for this difficult teaching assignment because of the challenge. We congratulate them for their devotion to their craft. The 1990 Grand Jury criticized Opportunity Schools as "alternative schools with no alternatives and few opportunities". They recommended a complete overhaul of these schools and a complete change in the curriculum to increase the vocational component. In spite of these recommendations, very few changes have occurred. Even though the Opportunity Schools are designed to educate students who are unable to function in a "traditional school setting", the curriculum taught in these schools is still far too similar to that taught in the "traditional school". To many of these students, this curriculum has no relevance. The smaller class setting and 1 to 15 teacher to student ratio do give these schools the ability to apply more individualized teaching and there are some specialized classes and counseling offered. However, no amount of individual teaching or counseling will make a "traditional" curriculum relevant to many of these students. By not providing the vocational training needed in these schools, the DCPS are effectively abandoning many of these children by providing them with an irrelevant education.

Many witnesses have told us that, in spite of its apparent importance relating to juvenile crime prevention, the DCPS continue to treat these Opportunity Schools as second class citizens. This must stop. We can no longer afford to simply "warehouse" our problem students, give them more of the same curriculum that has already failed to reach them and hope that smaller classes and dedicated teachers will somehow reform them. Our study has shown that we will see the effect of this failure in our juvenile crime problem. The Opportunity Schools should be restructured to provide true opportunities to the students

attending them: vocational training and jobs. It is time to admit that the function of the DCPS is to do more than simply provide a child with an academic education. It is also to effectively prepare a child for a productive life.

The DCPS should add a residential component to its Opportunity Schools. This would allow a true chance at behavior modification by changing the entire environment in which the student would live. Many of the beneficial effects of school programs can be lost upon returning to bleak neighborhoods and dysfunctional families. Troubled students need the safe harbor this component would provide and the added time for attention this component would allow. It would also allow additional programs, including vocational training, to be provided on campus after school hours. HRS must play an essential role and work jointly with the DCPS to create and staff these programs and this residential component.

IX. PARENTAL RESPONSIBILITIES

Everyone agrees that children need many different influences to develop into mature, responsible adults. They need love and nurturing. They need structure and rules of conduct that are consistently and fairly enforced. They need appropriate positive role models and adult guidance in understanding the difficult situations they face while growing up. They need positive reinforcement of good behavior and immediate application of punishment for negative behavior. Traditionally, the organization that successfully provided these needs was the family. Today, many families are not fulfilling these needs. As a result, roles that formerly were those of the family have been shifted instead to the schools, HRS, other social service agencies and health agencies. These organizations, habitually overburdened and underfunded, have been forced to adjust their respective missions in an attempt to fulfil these roles. Unfortunately, they make very poor parents.

Some parents have unwittingly assisted in the creation of an increasing number of child criminals who we fear rather than love. These are the children of parents too self-absorbed with

their own personal difficulties or too irresponsible to care about their children's well-being and supervision. These are the children of the distraught parents who no longer can discipline, control or direct their children and who have no one to turn to for help. These are the children of the young, single mother, perhaps a child herself when she gave birth, who may lack a clear understanding of her own needs and responsibilities, let alone those of her children. To resolve this problem requires committed action on the part of our entire Florida community. Failure to do so now is a tacit acceptance of the present level of juvenile violence.

As a society, we must create appropriate legislation developing a "carrot and stick" approach to enforce parental responsibilities on those who would choose to avoid them. Young children should be supervised and not allowed to roam freely throughout their neighborhoods. Parents, not peer groups, should raise a child. Parents should not be allowed to abdicate their responsibilities. When a parent is found to have allowed a child's truancy, that parent's irresponsibility should be questioned and penalized, if appropriate. When a parent is found to have allowed a child to roam the neighborhood unsupervised, that parent's lack of supervision should be penalized. When a child has been found to have committed a criminal offense, the parents should be required participants in that child's rehabilitation and any court ordered counseling. Parents should be held accountable for the performance of their duties and responsibilities. For those parents who unjustifiably abdicate their responsibilities, there must be tangible sanctions.

However, this is not meant to advocate or even condone a blind application of state-enforced responsibility on all parents. For those single parents who need assistance, for those teenage parents who need counseling, parenting skills and services; for those grandmothers and aunts who have extended their homes and hearts to troubled relatives, a different approach must be undertaken. Such parents and guardians are too often overwhelmed by a child who is beyond their control. The mother of the juvenile whose history we studied sought such help

and failed to receive it. As a result, her inability to address his needs and deter his anti-social behavior continued. HRS and the DCPS must be given the funding needed to create and properly staff programs offering this necessary assistance and counseling. A parent's cry for help must never go unanswered.

The DCPS can help in another way as well. There is no greater responsibility than raising a child. Yet, with few exceptions, our school system does not provide any instruction on the responsibility of parenting. Of all the subjects that are taken during a school career, there is no subject which would prove more relevant to a student's future responsibilities than instruction in parental skills. Of all the jobs these future students will hold, none will be as important, or have so great an effect upon the community where they live, as the manner in which they raise their children. We must place more emphasis upon the teaching of parental skills and responsibilities as a required element of public education. The teaching of parental skills should start at the elementary school level and be taught throughout a student's school career. This subject, the earliest form of all possible interventions, may prove to be the most important.

X. CONCLUSION

Florida's lack of commitment to develop effective and tangible solutions for our juvenile justice problems has left us appearing helpless in the face of juvenile violence. The failures of parents, our school system, our Juvenile Justice System and our community have all contributed. There has been a statewide lack of purposeful commitment to develop effective, early intervention programs. We can not bear to lose future generations of children who are at risk of beginning a slide toward juvenile delinquency. We need clear vision from our state agencies, particularly our Department of Education and HRS, to develop intervention programs that will save our young children and prevent them from becoming violent juveniles. We need clear vision and commitment from our local school system and from our law enforcement agencies. They must broaden their traditional

perspectives relating to juvenile delinquency prevention and take on new roles with effective early intervention as a goal. We need to develop an effective sharing of information between the schools, health and social service agencies and law enforcement to focus on the problem of troubled families and their troubled children. We need to develop an intense self-examination process for our early intervention programs so that we will know what will work, for whom it will work and under what circumstances.

Too many informed citizens look at our past efforts as self-serving and cynical charades best epitomized by the unfunded and unimplemented "reforms" of the 1990 Juvenile Justice Reform Act. They remember the criticisms of the Juvenile Justice System by the Fall Term 1990 Grand Jury and how its calls for action and reform were ignored. They have heard, far too often, the pleas of law enforcement agencies for improvements in juvenile programs and for needed legislative changes knowing that such pleas face a slow death from legislative apathy. We must revitalize the hope and confidence of our citizens by offering them the safety and protection that good juvenile justice legislation will provide. Only fully-funded and properly targeted legislation will make comprehensive early intervention a reality. We must act on these issues immediately and forcefully to prove to all of the people of Florida, this nation and the world that we are serious about protecting our children, reducing youth violence and restoring safety to our community.

Footnotes

- ¹ Richard Woodbury, "A Convict's View: People Don't Want Solutions", Time (August 23, 1993), p. 33.
- ² National Commission on Children, Beyond Rhetoric, Final Report of the National Commission on Children, (Washington, D.C.: National Commission on Children, 1991) p. 33.
- ³ State of Florida Department of Health and Rehabilitative Services, 1991-92 Outcome Evaluation Report: A Further Step Toward Accountability, (Tallahassee: Department of Health and Rehabilitative Services, 1992), p. 12-1.
- ⁴ American Psychological Association, Violence and Youth: Psychology's Response, Volume I: Summary Report of the American Psychological Association Commission on Violence and Youth (Washington, D.C.: Public Interest Directorate, 1993), pp. 5-6.
- ⁵ Fall Term A.D. 1990 Dade County Grand Jury, Address Juvenile Crime With Timely Intervention, (Miami: Fall Term A.D. 1990 Dade County Grand Jury), p. 12.
- ⁶ Dade County Public Schools, Alternative Education Ad Hoc Committee Report, (Miami: Dade County Public Schools, 1993), p. 37.
- ⁷ Ibid.