

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

SPRING TERM A.D. 1995

FINAL REPORT OF THE DADE COUNTY GRAND JURY

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**DADE COUNTY'S JUVENILE JUSTICE SYSTEM:**  
**STARVING FOR RESOURCES, DESPERATE FOR CONSEQUENCES**

**I. INTRODUCTION**

As grand jurors, we came to our service from many different backgrounds, perspectives and beliefs. Despite these differences, we all shared a strong opinion that the future of our community and its very survival will depend upon our ability to properly raise our children and provide a strong set of values. All of us also shared the belief that our Juvenile Justice System should support these efforts by meaningfully impacting current juvenile offenders and acting as a deterrent to those juveniles who may be offending in the future.

During this term, we indicted a 15 year old juvenile for the First Degree Murder of his own mother. Even though every week we deliberated indictments of defendants alleged to have committed violent and often deadly crimes, this case stood out in all of our minds. One month before committing this murder, the juvenile had confessed his plan to his school counselor. The counselor tried to use the threat of arrest and prosecution to dissuade him from carrying out his plan. Unfortunately, this juvenile had a chillingly simple answer: "They can't do anything to me....I'm just a juvenile."

This perceived impotence of our Juvenile Justice System by juvenile offenders greatly disturbed us. As parents we recognize the importance of consequences, perceived or actual, upon the process of teaching and raising a child. All of us were concerned that our Juvenile Justice System may have forgotten this lesson. We became determined to use the limited time available to us during our term in an attempt to recommend needed improvements in our Juvenile Justice System. We were aware of the two previous grand jury studies of our Juvenile Justice System and did not wish to duplicate their work. However, we felt strongly that juvenile crime and our community's efforts to deter it, should be the topic

of our report.

Contrary to our impressions when we began our grand jury service, overall, violent crime is decreasing in our community. According to the Florida Department of Law Enforcement (FDLE) statistics, in 1994 adult violent crime in Dade County decreased by 9 percent. However, while violent crimes committed by adults are decreasing, violent crimes committed by juveniles are not. In 1994, juvenile arrests increased by almost 30 percent statewide and by over 16 percent here in Dade County. Witnesses have told us that 1995 figures are slightly ahead of 1994. Adding to our concern, are demographic studies suggesting that Dade County is approaching a massive increase in the number of children between the ages of 10 and 17. According to witnesses, this is the primary age group of most of our juvenile offenders. For instance, the Metro-Dade Planning Department estimates that by the year 2005, those whose ages are between 5 and 19 years old will comprise almost 25 percent of Dade County's entire population. While we know that most of these children will not become juvenile offenders, nevertheless, a strong warning is being sounded. We must plan and act now. Otherwise, our Juvenile Justice System may soon be facing a tidal wave of juveniles committing crimes.

Previous grand juries have made the same distress calls. In 1991 and 1993, two different Dade County Grand Juries issued reports about our increasing juvenile crime problems. They made recommendations to our community and our state concerning methods of addressing these problems. Some of these changes have already occurred. In 1994, the Florida Legislature removed responsibility for all juvenile programming from the Department of Health and Rehabilitative Services (HRS) and created a new agency, the Department of Juvenile Justice (DJJ), to assume these duties. That same year the legislature also strengthened our laws relating to our ability to prosecute and punish juvenile offenders as adults. A Juvenile Assessment Center (JAC) and a positive fingerprint identification system for juvenile offenders are expected to be

implemented shortly here in Dade County. Yet, as we issue this report, we find that many changes still have to occur before our Juvenile Justice System can begin to have a truly meaningful impact upon our juvenile offenders. Our elected officials have shown a willingness to change our existing juvenile system. We are hopeful that a newfound determination to finally devote adequate resources to our Juvenile Justice System will emerge from the next session of our state legislature. To assist that effort and to assist our community we have attempted to compile specific information outlining the resources needed to restore consequences in Florida's Juvenile Justice System.

## **II. APPROPRIATELY FOCUSING OUR AVAILABLE JUVENILE RESOURCES**

Many of the witnesses who appeared before us felt intense frustration with the lack of consequences in Florida's Juvenile Justice System. They described it as a "revolving door" where juvenile offenders are arrested, released and then quickly re-arrested for new criminal acts. But they also felt that our Juvenile Justice System could be made to work if sufficient funding were made available and appropriate programming developed. Five years ago, the Fall Term 1990 Dade County Grand Jury examined our Juvenile Justice System, and said the same thing:

"A lack of proper resources has permeated the entire juvenile justice system. This only added to the frustrations of the many witnesses, including judges, who testified before us. The system was portrayed as awash in cases, understaffed, under funded and ineffective . . . . Due to the overwhelming number of juvenile cases, the resources of the juvenile justice system have been stretched to the limit. With the failure of our society to provide the needed resources, there is an obvious need to utilize the existing resources in the most efficient manner possible. One method of doing this would be to focus on those 'first time' offenders who are most at risk of committing additional crimes."<sup>1</sup>

After studying several first time juvenile offenders for the years 1984 and 1987, that grand jury found that:

"Of first time offenders, only about 40% were rearrested. Of the second time offenders, however, almost 60% returned a third time. The results of this study would seem to indicate that the juvenile justice system could begin to focus its resources on the juvenile who is arrested for the second time. However, it is essential that this focus utilize programs with sufficient resources and expenditures to assure proper rehabilitation of these juveniles."<sup>2</sup>

We strongly believe that determining which juvenile offender is most likely to re-offend is critical to effectively utilizing our available juvenile resources. Prior grand jury studies did not differentiate juvenile offenders by the level of crime they committed. Nor did prior studies attempt to develop methods of identifying specific juvenile offenders beyond categorizing them as first or second time offenders. Accordingly, we decided to build upon these studies in an attempt to identify with greater specificity the juvenile offenders that are most likely to re-offend. A clearer identification would also help us more meaningfully focus our efforts and resources on specific offender populations.

We began our analysis by studying all juvenile offenders arrested for the entire year of 1994. We initially found that the majority of these juvenile offenders had only one case in that year. When we separated the misdemeanor cases from the felony cases, however, we found that substantial differences existed in the type of juvenile offender responsible for them. The felony juvenile offenders, although fewer in number than those committing misdemeanors, were responsible for over 65 percent of all of the juvenile cases in 1994. This would indicate that a juvenile offender who commits a felony is more likely to have a future impact on juvenile crime than one who commits a misdemeanor.

We again found substantial differences to exist when we analyzed this same group of juvenile offenders with specific reference to the number of cases each was responsible for in 1994.



TABLE 1

Comparison Of Juvenile Offenders  
By Number Of Cases In 1994

<u># of Cases in 1994 Per Juvenile Offender</u>	<u>Percentage Felonies</u>	<u>Percentage Misdemeanors</u>
1 case	44%	56%
2 cases	79%	21%
3 cases	93%	7%
4 or more cases	99%	1%

Although only 44 percent of all the juveniles with only one case in 1994 committed felonies, felony offenders increased to an incredible 79 percent of juveniles with two cases in 1994. This percentage increased again with 93 percent of those juvenile offenders who had three cases in 1994 committing felonies. Virtually all of those with four or more cases in 1994 had committed felony offenses.

Our study indicates that, while juvenile offenders are slightly more likely to have a misdemeanor as a first offense, the likelihood of a juvenile being arrested for a felony on a second arrest increases to nearly 80 percent and to over 90 percent for a third arrest. Our study indicates that juvenile offenders who commit felonies may be more likely to re-offend than those committing misdemeanor offenses. Based upon these studies, it would appear our Juvenile Justice System should focus a greater portion of its resources on the first time felony juvenile offender.

**III. DADE COUNTY'S JUVENILE OFFENDERS**

With the information derived from these studies in mind, we decided to attempt to learn more about our current juvenile offenders, as well as the specific resources that are presently lacking in Dade County's Juvenile Justice System. We began by analyzing the records of all Dade County juvenile offenders who had a case disposition requiring juvenile program resources in the

month of August of 1995. This amounted to a total of 613 juveniles. Our initial results showed that 57 percent of these offenders had committed misdemeanor offenses and, of the remaining 43 percent, two-thirds had committed a felony of the third degree. The vast majority of these felonies were either Grand Theft Auto or Burglary of a Structure/Conveyance (Unoccupied). The average age of these juvenile offenders was 15 years old.

TABLE 2

Comparison Of Juvenile Offenders In August, 1995  
By Level Of Crime Committed

<u>Crime</u>	<u>Number</u>	<u>Percentage of Total</u>
Misdemeanor	349	57%
Felony 3rd Degree	208	34%
Felony 2nd Degree	47	8%
Felony 1st Degree	9	1%

In order for us to determine the relative severity of the crimes committed by these juvenile offenders, we needed a method to determine the severity of each juvenile offender's present crime, as well as a system to factor in any prior record. The adult criminal justice system has exactly this system in the form of the sentencing guidelines. Presently applicable only to felonies, this system assigns a numerical value to each crime a defendant is being sentenced on as well as to any prior criminal convictions. The total of these numerical values is then used to determine the appropriate punishment. We felt that the use of these guidelines as the basis for our study would allow a severity ranking of criminal offenses already adopted by the Florida Legislature and the Florida Supreme Court as a reasonable measure. To a victim, it is irrelevant whether the person who committed the crime upon them is a juvenile or an adult. However, to an offender, there will be a substantial difference between the consequences they are facing as a juvenile or as an adult. We therefore decided to also use

these guidelines as a method of comparing the punishment provided in our adult system and that provided in our juvenile system for persons committing the same crimes.

Recognizing the intended differences between the adult and juvenile systems, we decided to use the sentencing guidelines severity rankings in a very conservative fashion. As a result, we decided to use only the crime severity ranking itself and not add aggravating factors (such as the use of a firearm or injury to a victim) that would, in adult court, increase the recommended punishment. We also recognized that the current lack of a positive identification system for juvenile offenders would under-report their prior conviction records, resulting in a lower score. Considering all these factors, we felt that the manner in which we used these sentencing guidelines would result in the most conservative of comparisons between adult and juvenile offenders committing the same crimes.

Accordingly, we scored each of these 613 juvenile offenders utilizing the severity rankings provided by the adult sentencing guidelines. Within our Juvenile Justice System, a lack of resources has necessitated the removal of the most serious and most violent juvenile offenders from the juvenile system to stand trial as adults. As a result, the 613 juvenile offenders we were analyzing did not include the worst of our juvenile offenders. In view of this fact, we were amazed to find that, of the 613 juvenile offenders in this study group, 78 had a sentencing guidelines score which would have mandated a state prison sentence in adult court. Almost half of these 78 juvenile offenders would have been facing a sentence of more than 3 1/2 years in state prison.

TABLE 3

Comparison Of Juvenile Offenders In August, 1995  
By Potential Adult Sanction

<u>Adult Prison Sentence</u>	<u>Percent of Total Juvenile Offenders</u>
Mandatory State Prison	13%
Discretionary State Prison	28%
No State Prison	59%

Having completed the severity rankings of all 613 juvenile offenders, we decided to use these rankings to determine the specific resources lacking in our Juvenile Justice System. Accordingly, our next task was to develop a method of assigning a particular type or level of juvenile disposition to each of these rankings. Within our Juvenile Justice System, there are four basic categories of dispositions utilizing juvenile resources that can occur: Juvenile Alternative Sanction System (JASS), Judicial Warning, Community Control and Commitment to the Department of Juvenile Justice (DJJ). JASS is a diversion program, intended to remove the juvenile offender from the Juvenile Court System, thus providing intervention while removing the burden of the case from the courts. A Judicial Warning is just that. A judge warns the juvenile not to offend again and the case is closed. Community Control is the juvenile system's version of probation. A juvenile offender is assigned to a case manager, who is responsible for supervision, while the juvenile continues to reside at home. The most serious juvenile offenders are committed to DJJ for placement in a particular juvenile program. Placement is determined by the risk of that juvenile re-offending.

Currently, DJJ utilizes risk levels Two, Four, Six, Eight and Ten to differentiate juvenile commitment placements. The programs assigned to these risk levels are very different. For example, a Level Two program is a minimum-risk, nonresidential program, intended for juveniles who "represent a minimum risk to themselves and public safety and do not require placement and services in

residential settings."<sup>3</sup> A Level Four program is a low-risk residential program for juveniles who "represent a low risk to themselves and public safety and do require placement and services in residential settings."<sup>4</sup> A Level Six program is a moderate-risk residential program for juveniles who "...represent a moderate risk to public safety. [These] programs are designed for children who require close supervision but do not need placement in facilities that are staff or physically secure."<sup>5</sup> A Level Eight program is a high-risk residential program for juveniles who "...require close supervision in a structured residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in programs in this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels."<sup>6</sup> A Level Ten program is a maximum-risk residential program for juveniles who "...require close supervision in a maximum security residential setting that provides per-day secure custody, care, and supervision. Placement in a program in this level is prompted by a demonstrated need to protect the public."<sup>7</sup>

According to witnesses, a lack of programming is the primary reason for the Juvenile Justice System's failure to meaningfully deal with juvenile offenders. We wanted to examine the accuracy of these statements and began by comparing the existing programming resources available to Dade County's Juvenile Justice System, with the results of our study of the 613 juvenile offenders. This would allow us to determine the effect of the current available resources upon the appropriate placement of juvenile offenders. As the 613 juvenile offenders we analyzed were only representative of one month, we calculated the amount of commitment level resources available on a monthly basis, to allow a direct comparison to be made.<sup>8</sup> Accordingly, we started by "placing" those juvenile offenders in our study that scored at the highest severity ranking into the highest risk category of juvenile commitment programming available monthly to Dade County juveniles. Once all available

beds or slots were utilized, we then moved to the next lower category. We continued to do this until all commitment level resources were exhausted. We then compared the resulting juvenile placement with the guidelines severity ranking. The results were revealing. By the time all available resources for levels 10, 8, 6 and 4 were filled, 15 of the 78 juvenile offenders who had a severity ranking that would have mandated a state prison sentence, could not be placed in anything other than a minimum-risk, non-residential program (Level Two). Even more ominous was the fact that, based upon available sanctions alone, all of the juvenile offenders who should, by the severity ranking of their crimes, be considered for commitment to DJJ, could only be placed on Community Control. Our study also revealed a substantial difference between the length of the juvenile placements with that of the corresponding adult sanctions. In view of witnesses' statements that there are no consequences in the Juvenile Justice System, it is interesting to note that the comparable adult sanctions were 10 to 12 times more severe in terms of length of placement than their juvenile counterparts.

#### **IV. DADE COUNTY'S LOCAL PROGRAMMING NEEDS**

For any system to conceive of working, the needed tools must be provided. Every witness who has appeared before us this term has testified about the need for more programs and swift consequences in our Juvenile Justice System. They told us that this lack of programs and consequences, as well as the short-term nature of those existing programs, has rendered the Juvenile Justice System incapable of dealing with or deterring future criminal acts by many of our juvenile offenders. Our previous study has shown that the lack of available resources has forced the Juvenile Justice System to either inappropriately place juveniles into less restrictive programs than appropriate or to create a waiting list for appropriate placement. We also feel our study has shown that Dade County suffers a significant shortage in the very

level of programming needed to provide appropriate consequences for our most serious juvenile offenders.

We decided to use our study of 613 juvenile offenders as a basis to determine the specific resources needed to put consequences back into our Juvenile Justice System. We began by determining the particular restrictiveness programming level that should be representative of a particular juvenile sanction. In reaching these determinations, we decided to assign a level of restrictiveness based upon the severity of the offense committed. Individual factors relating to a particular juvenile's background, family and social history, education and other relevant factors could then be used to mitigate downward from this level. This method should more accurately determine the level of commitment programming needed for our juvenile offenders.

We began our analysis by determining the types of crimes that had been committed by the 613 juvenile offenders in our study group. We then compared that crime with the resulting severity ranking. In view of our previous findings that the available resources of our Juvenile Justice System should be focused upon the first time felony offender, we felt that the appropriate starting point for a first time juvenile offender committing a crime such as Grand Theft Auto, should be on the low end of a Level Two commitment. With this starting point, relevant factors as discussed could be considered to determine if a non-commitment sanction, such as Community Control, Judicial Warning or JASS was more appropriate. We also felt that as more crimes were committed by a juvenile offender, the level of restrictiveness, and thus the potential consequences, should increase rapidly. In addition, certain crimes with higher severity rankings, such as Aggravated Battery, Armed Robbery or Burglary of an Occupied Structure, should result in a higher restrictiveness level even for a first time juvenile offender. Applying these determinations to our 613 juvenile offenders revealed the following:

TABLE 4

Application Of Sentencing Guidelines Severity Ranking  
To 613 Juvenile Offenders In August, 1995

<u>Recommended Restrictiveness Level</u>	<u>Number of Juvenile Offenders</u>	<u>Percentage of Total</u>
JASS/JW/CC	384	63%
Level Two	129	21%
Level Four	30	5%
Level Six	33	5%
Levels Eight-Ten	37	6%

We next sought to determine the resources that would need to be made available to allow this method to be applied. Witnesses have told us that the average length of juvenile commitment programming is six months. As a result, each program "slot" or "bed" is expected to provide placement for a total of two juveniles during the course of a year. Therefore, in order to determine our actual need for commitment programming, we converted the appropriate placement determinations from our previous study to indicate our need on an annual basis.<sup>9</sup> Our analysis revealed the following:

TABLE 5

Estimated Annual Need Of Juvenile Commitment Programming

<u>Commitment Programming Level</u>	<u>Number of Beds/Slots</u>	<u>% of Total Commitment Needs</u>
Level Two	774	56%
Level Four	180	13%
Level Six	198	14%
Level Eight-Ten	222	16%

A comparison of this analysis with the resources presently available revealed a substantial deficiency in all levels of existing commitment programming:



TABLE 6

Comparison Of Annual Need Estimates Of  
Beds/Slots For Juvenile Commitment Levels

<u>Restrictive Level</u>	<u>Actual Number</u>	<u>Estimate By Grand Jury</u>	<u>Deficiency In Programming</u>
Level Two	105	774	(669)
Level Four	29	180	(151)
Level Six	109	198	( 89)
Level Eight-Ten	68	222	(154)

The gap between what we believe is needed to provide consequences and appropriate placement in our Juvenile Justice System and the actual amount of resources available is immense.<sup>10</sup> However, the enormity of this gap is clearly representative of what every serious juvenile offender knows only too well. Without the provision of sufficient resources, we truly cannot do anything to them because they are just juveniles.

**V. STATE FUNDING OF DADE COUNTY'S JUVENILE JUSTICE NEEDS**

In October of 1994, the state legislature created a new department, the Department of Juvenile Justice (DJJ), to take over the Department of Health and Rehabilitative Service's (HRS) responsibility for the operation of our Juvenile Justice System. Unlike HRS, which is a social service agency, DJJ was created as a criminal justice agency. The budget given to DJJ was substantially greater than that previously given to HRS for the same mission.

During our term, we have heard testimony from a number of witnesses who claimed that Dade County is not receiving its fair share of the money in that budget. Specifically, they state that, while Dade County has the largest number of juvenile arrests in the State of Florida, we receive a much smaller proportional share of the state funding needed to deal with these arrested juveniles than the rest of the state. Our analysis of the DJJ fiscal year 1995-1996 budget supports this conclusion. For example, although we account for almost 15 percent of all juvenile arrests in the State

of Florida, we currently receive only 11 percent of DJJ's total available district allocations. In contrast, the vast majority of the other districts in our state receive allocations that are either equal to or greater than their respective share of statewide juvenile arrests. We also found that our greatest deficiencies are most evident in those juvenile programs intended to deal with our most serious juvenile offenders. For example, we currently receive only three percent of DJJ's total available funding for Level Four programs, only ten percent of DJJ's total available funding for Level Six programs and only three percent of DJJ's total available funding for Level Eight programs.

DJJ officials agree that this budget does not yet give us our fair share of funding. In recognition of this fact, they are now using a new formula, based on an equal weighing of juvenile populations "at risk" and number of juvenile arrests, in an attempt to more accurately determine the actual juvenile funding needs of our community. They claim that this formula has resulted in a greater allocation of funding to our community than in the past. However, they also recognize that severe deficiencies currently exist between the number of commitment programs we need and the actual number presently available.

When we analyzed the method by which DJJ came to these conclusions however, we felt that their formula fails to account for the true needs of our Juvenile Justice System. Instead, it seeks to estimate those needs based solely upon the programming resources DJJ has chosen to make available. For instance, DJJ's calculation of insufficiencies in Level Two program "slots" is based upon giving us a percentage of all Level Two slots it has chosen to make available statewide. Absolutely no analysis has been done to determine if our actual need for Level Two slots is greater or less than our percentage of statewide juvenile crime and juvenile population "at risk". The same inadequacy holds true for Levels Four, Six, Eight and Ten program allocations.

The wide-ranging diversity of Florida's juvenile offenders

parallels the wide-ranging diversity of the state's 67 counties. No one would seriously suggest that the children of rural Liberty County and the children of urban Dade County have the same experiences and the same needs. DJJ's present approach to analyzing juvenile justice needs erroneously assumes that rural and urban juveniles are alike. This false premise justifies the agency telling local government what local programmatic needs should be rather than learning what local needs actually are. When questioned, DJJ officials agree that using the actual local needs would permit a more accurate analysis of resource allocation. It could also provide information needed to convince the state legislature to provide adequate funding for these allocations.

Accordingly, we obtained from DJJ officials their current estimates of District Eleven's<sup>11</sup> juvenile commitment programming needs. We then compared these estimates with the deficiencies in commitment programming indicated by our previous study of 613 juvenile offenders. The results revealed substantial differences:

TABLE 7

Comparison Of Methods Of  
Determining Needed Juvenile Programming

<u>Commitment Programming Level</u>	<u>Estimate By Grand Jury</u>	<u>Estimate By DJJ</u>	<u>Difference Between Estimates</u>
Level Two	774	185	589
Level Four	180	63	117
Level Six	198	220	(22)
Level Eight/Ten	222	147	75

Understandably, because we chose to make the consequences of a commitment to Level Two Programming available for first time felony juvenile offenders, our estimates of Level Two programming needs were substantially greater than DJJ's. However, there were also substantial differences between our estimates for Levels Four, Six, Eight and Ten as well. Interestingly, our estimate for Level Six programming indicated a slightly smaller need than DJJ's estimate for the same level programming. DJJ readily admits that they do not currently have the ability to produce this type of

analysis statewide. However, they have told us that they are in the process of expanding their computer system with this need in mind. We feel that much of the information needed to perform this type of analysis is already available on the local level and DJJ should adjust their methods to fully utilize this information.

## **VI. THE JUVENILE JUSTICE CENTER**

For many first time juvenile offenders the first involvement with our Juvenile Justice System will be an appearance before a juvenile court judge. All of the judges and law enforcement personnel who appeared before us stressed the critical importance of this first court appearance. All would like it to have as strong a deterrent effect on that juvenile offender as possible. They also told us that the limited resources of our Juvenile Justice System are readily apparent when one visits the juvenile courts themselves.

As a result, we visited the Juvenile Justice Center, where the juvenile courts are located to observe, first hand, what a juvenile offender would typically experience. Upon entering the facility, we immediately noticed a complete lack of order and space. The courtrooms and judges' chambers are arrayed around a large central waiting area that during our visit was being used by victims, witnesses, juvenile offenders, their families, police officers, prosecutors, defense attorneys and representatives of DJJ. We watched in amazement as judges left their chambers and tried to wade through this mass of humanity in an attempt to enter their courtrooms and conduct their court business. We also viewed with concern the potential danger this common waiting area presented by placing juvenile offenders in close proximity to the victims and witnesses who would shortly be expected to testify against them.

The courtrooms themselves were too small to accommodate the entire grand jury. As a result, we were forced to divide ourselves into four different groups so that we could all have an opportunity

to watch what was occurring inside. Once within these cramped courtrooms we were stunned by their physical disrepair. The limited space also caused a seemingly endless flow of persons in and out of the courtrooms, allowing noise emanating from the outside waiting room to interfere with the proceedings. Our impressions were of an outdated facility whose design could not accommodate the demands of our current Juvenile Justice System. Despite these severe limitations, the judges and other court personnel appeared to be trying to do their best to conduct the proceedings in a manner appropriate for a court of law.

We also observed a total lack of respect on the part of juveniles for the court proceedings that involved them. Many of them appeared in court in clothing more appropriate for a sporting event. None of them appeared to have any concern for what was going to happen to them in court that day. We could not help but remember what the fifteen year old we had indicted for killing his mother had said: "They can't do anything to me....I'm just a juvenile."

We found the entire experience to be unsettling and unnerving. We came away from our visit with a profound respect for the judges, the prosecutors and other court personnel who were attempting to dispense justice in this facility. We also came away from our visit with a firm belief that the physical conditions and limitations of the Juvenile Justice Center, and of the court facilities contained therein, are a total disgrace to our community. Our visit to the Juvenile Justice Center convinced us that the lack of resources we have found to exist in our studies of juvenile offenders truly permeates the entire Juvenile Justice System. From the dilapidated and completely insufficient facilities provided the courts and court personnel through the tremendous underprovision of needed juvenile programming, the entire system, despite recent efforts, still suffers from a total lack of the resources necessary to accomplish its mission.

## **VII. RECOMMENDATIONS**

1. Juvenile justice programming should focus a maximum amount of attention on the first time felony offender. If we waste the valuable opportunity to forcefully intervene in the life of such an offender, we may miss an opportunity to end a potential criminal career. Our failure will only increase our own risk. An appropriate, forceful and direct judicial and programmatic response to a first time felony offender is necessary to restore confidence and consequences in our Juvenile Justice System.

2. We do not recommend the implementation of the sentencing guidelines to juvenile court. However, to evaluate the appropriate needs of the individual juvenile and the generalized needs of both the local and statewide Juvenile Justice System, we do recommend the use of a sentencing guidelines based evaluation of criminal seriousness and risk. Judges, State Attorneys and Public Defenders are all deeply concerned about issues pertaining to the safety of the public and the specific risk to that safety posed by individual juvenile offenders. Yet there presently exists no agreed concept of what constitutes the risk level of a particular juvenile offender. Utilizing the already accepted sentencing guideline format to evaluate each individual juvenile can increase the prospect of agreement on this issue. The focus can then be placed upon the important issue of appropriate placement for that offender. Such a system would clarify the true programmatic needs of our Juvenile Justice System and would be a necessary first step to creating a system which deals appropriately with each offender.

3. The Department of Juvenile Justice should review and revise their current "risk assessment" formula used to determine appropriate juvenile placement so as to provide a greater likelihood of commitment sanctions for first time felony offenders. This risk assessment should also provide a substantial increase in commitment sanctions for multiple offenders.

4. The Department of Juvenile Justice should create Level Four, Six and Eight programs for juveniles aged 12 through 17. Presently available commitment programs are too limited in the age groups that they treat. As a result, there is presently no programming available for a substantial number of juveniles who might otherwise fit into those risk levels. We also recommend that The Department of Juvenile Justice and the Dade County Legislative Delegation work together during our next legislative session to expand the eligibility criteria for Level Ten commitment programs so that this resource will be applicable to more juvenile offenders.

5. The Department of Juvenile Justice should utilize the existing information available on a local level in its determinations of the specific commitment programming needs of our Juvenile Justice System. Toward that end, we recommend that they work closely with juvenile court judges, prosecutors and public defenders in each specific jurisdiction to determine their actual needs for juvenile commitment programming.

6. We recommend that the Dade County Legislative Delegation use the upcoming legislative session to obtain the resources and funding Dade County needs to restore consequences and meaningful programming to our Juvenile Justice System. We also recommend that they monitor the next budget produced by DJJ to insure that Dade County receives its proper share of juvenile justice programming.

7. Recently, our community voted against a bond issue that would have provided the funding needed to completely renovate and improve the Juvenile Justice Center. As a result of our grand jury experience, we strongly feel that our community was not properly informed of the critical needs of our Juvenile Justice System, its importance to our personal safety and the specific manner in which this bond issue was designed to solve these problems. Accordingly, we recommend that our elected officials and community leaders redouble their efforts to educate our entire community

about these issues. We also recommend that the Dade County Legislative Delegation, the Dade County Manager, the Dade County Commission and our representatives to the United States Congress work together to obtain all available local, state and federal funding to expand and renovate our Juvenile Justice Center. Should these efforts fail to obtain the funding needed, we recommend that they appeal to our community for this funding through a bond issue sought in a future referendum. Any such referendum must be combined with a campaign to fully inform our community of the specific needs for this funding and the specific manner in which this funding will be utilized.



ENDNOTES

1. 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.7.
2. Ibid, p.21.
3. Florida Statutes 1994 Supplement, Chapter 39.01 (59) (a).
4. Florida Statutes 1994 Supplement, Chapter 39.01 (59) (b).
5. Florida Statutes 1994 Supplement, Chapter 39.01 (59) (c).
6. Florida Statutes 1994 Supplement, Chapter 39.01 (59) (d).
7. Florida Statutes 1994 Supplement, Chapter 39.01 (59) (e).
8. Except for Level Ten, Florida's statutes do not place an age restriction on these commitment programs. However, witnesses have told us that the commitment programs DJJ presently has available for all other levels restrict the age groups eligible for placement into them. For the purpose of this report, we have chosen not to limit commitment placement to specific age groups. The law provides for risk levels without regard to age and therefore we feel that our estimates of needed commitment resources should do so as well.
9. A Level Ten commitment was created by our legislature in 1994 as a part of its efforts to put consequences back into the Juvenile Justice System. DJJ is presently in the process of creating the facilities to provide Level Ten commitment and has only recently made a small number of beds available to our county. There are substantial restrictions for placement into these programs including the age of the juvenile and offenses committed. As the resources presently available are so small, and as we feel these restrictions to be too selective, we have chosen to evaluate our community's need for Level Ten commitment programs by combining it with Level Eight.
10. Recognizing that we were relying upon a study of juvenile offenders for only one month out of the year, we wanted to insure that we had not inadvertently picked a month to analyze that was not representative of our actual needs. As a result, we duplicated our studies for the entire month of September 1995 as well. The results were substantially the same as our findings for August 1995.

11. DJJ divides the State of Florida into districts for the purpose of resource allocation. Dade County together with Monroe County comprises District Eleven. DJJ officials have told us that Dade County's juvenile caseload comprises virtually all of District Eleven's programming needs. As a result, we are using DJJ's present allocations, as well as estimates of need for District Eleven, in determining deficiencies for Dade County alone.

ACKNOWLEDGEMENTS

We wish to thank the Honorable Judge Martin Greenbaum and the Honorable Judge Judith L. Kreeger, Chief Judge Joseph P. Farina and State Attorney Katherine Fernandez Rundle. We especially thank Deputy Chief Assistant State Attorney Chet Zerlin, whose dedication and skill in presenting the facts and explaining the law made our task more enjoyable and certainly easier to perform.

To Rose Anne Dare, Administrative Assistant to the Grand Jury, who graciously and expeditiously managed the myriad of administrative details of the Grand Jury; Arthur Lewis, our faithful Bailiff and Angela Garcia, our Deputy Clerk of Court, all of whom contributed greatly in assisting this Jury in fulfilling its duties, we express our gratitude.

During our term as grand jurors, we celebrated two of life's more joyous events. One of our members became a mother, another a grandmother, both for the first time. These milestones helped to reaffirm the faith we all share in our children as the basis for our future.

Respectfully submitted,

*Carol Margo Reiter*

Carol Margo Reiter, Foreperson  
Dade County Grand Jury  
Spring Term 1995

ATTEST:

*Adolfo Peña, Jr.*  
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Adolfo Peña, Jr.  
Clerk

DATE: November 15, 1995