

Introduction to the Florida Department of Juvenile Justice (DJJ)

A training component of the Florida
Departments of Children and Families' and Juvenile Justice's
Crossover Youth Workgroup



Trainer Note:

This material was developed as a part of the DCF/DJJ Crossover Project. It can be utilized as a part of CORE Pre-Service training or as an In-Service training.

This training contains this document (Introduction to the Florida Department of Juvenile Justice.docx) and the associated PowerPoint presentation Introduction to the Florida Department of Justice PPT.pptx). The materials can be used as a self-study for participants to read on their own or can be used in classroom instruction with this document serving as a Trainer Guide in conjunction with the PowerPoint presentation.

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History of DJJ and DCF

The former Florida Department of Health and Rehabilitative Services (HRS) was the state governmental agency in charge of providing social services to children and families in dependency and delinquency cases, from child abuse to criminal acts.

In 1994 the Florida Legislature separated HRS's Juvenile Justice Program Office to create a separate state agency, the Florida Department of Juvenile Justice (DJJ) and gave it responsibility for cases of juvenile delinquency and children and families in need of services (CINS/FINS). HRS was renamed the Department of Children and Families (DCF) and retained its responsibility for dependency cases.

Both agencies serve at-risk children and their families, as well as those who go through the formal court system and become adjudicated delinquent or dependent. Both also work to ensure Florida's children and families have safe, stable, permanent environments. DJJ has responsibility for those children/youth whose poor decision making either put them at risk for becoming involved with the juvenile justice system or has already resulted in their involvement. These youth may also be involved, or become involved, in the DCF system.

DJJ Acronyms

DJJ – Department of Juvenile Justice

DCF – Florida Department of Children and Families

JPO – Juvenile Probation Officer

LEO – Law Enforcement Officer

JAC – Juvenile Assessment Center. Can also be referred to as the Detention Screening Facility

SAR – State Attorney Recommendation

DRAI – Detention Risk Assessment Instrument

DJJ Responsibility and Services

The Department of Juvenile Justice has the responsibility for those children/youth whose poor decision making either puts them at risk for becoming involved with the juvenile justice system or has already resulted in their involvement. DJJ's mission is to increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth.

DJJ serves youth who are typically between the ages of 10 to 19 and who:

- Are at risk of entering the juvenile justice system;
- Are in need of intervention, but are not a serious risk and can be best served in the community; or
- Need to be detained or committed to DJJ’s custody to protect the public and meet their needs.

DJJ Goal and Objectives

Throughout all of their services, DJJ relies on the latest data and research to make informed decisions about the risks, strengths, and needs of our youth and families.

In all of their services their ultimate goal is **to provide the right services, to the right youth, in the right way, at the right time.**

To achieve that goal, DJJ has the following objectives:

1. Prevent youth from entering or becoming further involved with the juvenile justice system.
2. Ensure appropriate placement.
3. Optimally serve the community.

DJJ’s programs, services, and interventions are evidence-based and developed according to current research. DJJ tracks which youth receive which interventions to ensure youth are receiving the right amount, for the appropriate length of time, and in the correct way. Finally, DJJ uses an evaluation tool that identifies shortcomings in juvenile programs or delinquency intervention services and identifies improvements to optimize positive outcomes. No matter what disposition a youth receives, quality service delivery is critical to success.

DJJ Initiatives

There three major initiatives that contribute to the optimal services youth receive:

1. Family Engagement - DJJ engages families in the juvenile justice process by involving them in decision making and planning. DJJ also empowers families by connecting them to prevention services, educating them on available resources, and assisting them with transitioning their children home from residential commitment.
2. Gender-Specific Programs and Services - All youth receive quality gender-specific services which address factors that contribute to delinquency and self-destructive behaviors. Youth also receive gender-specific programming that fosters positive identity

development, recognizes risk factors and issues most likely to impact them, and strengthens the protective factors and skill competencies that can deter future delinquency.

3. Trauma-Informed Care - DJJ assesses youth's trauma histories to understand their past circumstances, so they can interact with the youth in a trauma responsive manner, and provide trauma conscious environments and services. This approach helps prevent and de-escalate defiant behaviors and enables youth to receive the maximum benefit from delinquency interventions.

DJJ Scope of Services

In FY 2016-2017, DJJ served over 33,000 youth in civil citation and prevention.

In FY 2016-2017, DJJ served over 47,000 youth in detention, probation and other community sanctions, and residential commitment.

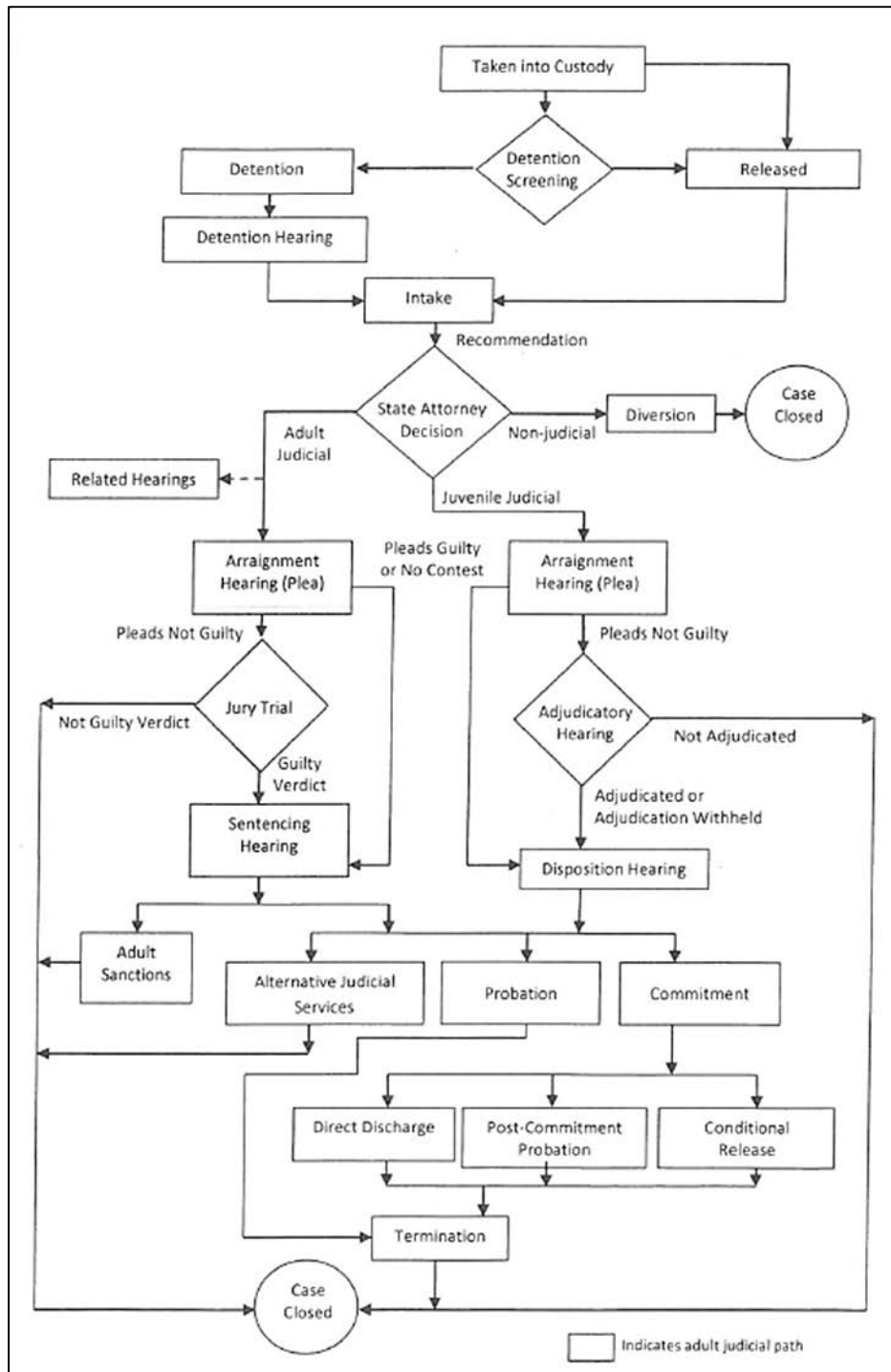
DJJ Program Areas

DJJ also has the largest juvenile justice agency in the country in terms of the extent of its responsibilities, which are organized into four major program areas:

1. Prevention services - Designed to address specific behavioral problems of at-risk youth and provide interventions to those youth and their families.
2. Detention - Secure or non-secure temporary custody of a youth pending decisions by the court.
3. Intervention and Case Management Services - For youth on diversion, probation, and post-commitment supervision that promote accountability using restorative sanctions and treatment.
4. Residential Commitment - Providing security, supervision, and programming based on the treatment needs of committed youth, followed by transition services for youth leaving residential commitment and returning to their homes and communities.

Other states have parts of these programs divided between state agencies or between state and county agencies, but Florida's DJJ provides the entire continuum of juvenile justice services.

DJJ Case Flow Process



For youth that do enter the system, there are programs and help along the way to help deter and prevent future involvement.

Initial Contact

The initial step into the DJJ system is made when a **complaint** is made that a youth allegedly violated a law. Complaints may be made by victims, parents, witnesses, neighbors, schools, state agencies, or any member of society.

A Law Enforcement Officer will make contact with the youth.

The Law Enforcement Officer will determine if there is probable cause that the youth has broken a law.

If it is NOT likely, the youth is **released** outright, often with a verbal warning but without any restrictions.

If a complaint is made and it IS likely the youth broke the law but it is a first- second- or third-time minor offense, the LEO may issue a **civil citation** (discussed next) and release the youth to his/her parent/ guardian.

If a **complaint** is made, and it IS likely the youth broke the law, and the offense does NOT qualify for a civil citation, the LEO will “take the youth into custody” (“*arrests*” in *the adult system*) and will have temporary physical control over the youth. If the youth has any immediate mental health, substance abuse, or medical needs, the LEO will take the youth to the relevant facility until the youth is treated and released before transporting him to a DJJ JAC.

If the youth has already been involved with DJJ, a **court order** can be issued. If the **court orders** a youth to be picked up, unless any immediate mental health, substance abuse, or medical needs requires attention first, the Law Enforcement Officer will transport the youth to a JAC.

Civil Citation

DJJ’s civil citation process is an alternative to arrest for youth that commit first-time and possibly second and third misdemeanors. It avoids involving youth in overly harsh or punitive sanctions that can actually increase the likelihood of future offending.

When a civil citation is issued, the offense report is put on hold and local providers oversee the civil citation process. During this process the youth’s needs are assessed and given appropriate sanctions, such as restitution, counseling, victim awareness education, and community service. They may also receive intervention services to meet their needs, reduce their risk factors, and increase their protective factors.

An arrest record can interfere with educational, work, and military service opportunities for many years into the future. The civil citation process provides youth a chance to make up for their mistakes and get back on track.

If the youth completes their services and sanctions successfully, he/she is diverted from formal arrest and prevented from having an arrest record.

If the youth doesn't successfully complete their services and sanctions, he/she is processed through the formal juvenile justice system.

Detention

"Detention" is a term that identifies a status, or point, in the DJJ system. Youth may be placed on detention status by a court order or after initial screening and acceptance into custody when a youth is delivered to DJJ by a Law Enforcement Officer for allegedly violating a law. To accept custody other than when there is a court order, a juvenile probation officer (JPO) detention screener must agree to the following:

- The youth is < 18 years old,
- There are no immediate health, mental health, or substance abuse needs, and
- There is probable cause or likelihood that the youth broke the law.

If these conditions are met, DJJ accepts custody of the youth and the youth formally enters the juvenile justice system.

At the Juvenile Assessment Center (JAC) or detention facility, the JPO starts the initial screen of the Intake process such as:

- Conducting a delinquency history records search,
- Suicide risk assessment, risk and needs assessment,
- Mental health screening, substance-abuse screening and
- Detention placement screening.

All of this information must be gathered within six hours and is used to determine detention placement and the youth's potential needs for further evaluation, assessment, or referral.

Detention Options

There are two detention options:

1. Secure detention
2. Non-secure detention

By law, youth scoring for release or home detention may not be kept in DJJ custody, whether at a JAC or detention facility, longer than six hours.

If the parent/guardian is unwilling (refuses), unavailable (out-of-town, at work, etc.), or unable (no transportation, under the influence of drugs or alcohol, etc.) to pick up the youth, then another responsible adult is contacted. Once the release deadline is near, if no one is ready to pick up the youth, DJJ will contact the DCF Abuse Hotline and request the youth be taken to a temporary shelter.

Detention Hearing and Intake

Within 24 hours of being taken into custody, youth placed on home or secure detention status must appear in court at a detention hearing. This is termed “*First Appearance*” in the adult system. At the hearing, the juvenile judge reviews the arrest affidavit (law enforcement report) to determine if there is probable cause the youth committed the delinquent act and examines the risk assessment done by the JPO screener. The judge also considers the charges, previous history, home and school assessments, public safety, and any other concerns or information provided by DJJ to determine if the youth should be released, released on home detention, or placed in secure detention until further court proceedings occur. Youth placed in secure detention can then be held up to 21 days during the court processes, but those charged with serious offenses can be held up to 30 days.

For youth who have already been through the court process and are awaiting placement in a residential commitment program, the judge will also decide if they should be released, released on home detention, or placed in secure detention later during the disposition hearing.

After the detention hearing, each youth is assigned a JPO who serves as the primary case manager. The JPO continues the intake process that began with the initial acceptance and detention screening of youth when custody was transferred from the LEO. The youth’s JPO interviews the youth, parents, arresting officer, victim(s), and other parties; conducts further in-depth assessments, including strengths, service needs; and collects further information to establish a complete picture of the youth’s current situation

State Attorney Decision: Three Options

After compiling extensive information, the JPO prepares a report for the state attorney known as the state attorney recommendation (SAR). In the SAR, the JPO summarizes and provides information gathered during the screening and intake process. The JPO also gives a recommendation as to if the case should be handled:

1. Judicially and proceed through the court system, from arraignment to disposition,
2. Non-judicially through a diversion program (explained next), or
3. Transferred to the adult judicial system.

After reviewing the JPO's SAR report, the State Attorney makes the ultimate decision on the handling of the case. The State Attorney may or may not follow the recommendation of the JPO and may decide to dismiss the case.

State Attorney Decision: Judicial vs Non-Judicial

Diversion can refer to a specific set of programs a JPO can recommend and/or a state attorney can choose from when deciding to handle a case non-judicially. Diversion programs include sanctions and services and are used for youth with lower risks to public safety and whose needs can be met in the community. By using the diversion option, the youth's case is handled without further involvement with the court and these less serious offenders avoid formal processing if they successfully complete the requirements of their diversion program.

By fulfilling the objective of diverting youth from involvement or further involvement with the juvenile justice system, DJJ helps youth avoid unnecessary and potentially harmful exposure to, and/or "peer deviancy" training from, more serious offenders.

Diversion programs are intended to intervene at an early stage of delinquency, decrease subsequent offenses during and after participation in the programs, and provide an array of services to youth. Depending on the youth's offense(s) and assessments, he/she may receive a program such as Community Arbitration, Juvenile Alternative Services Program (JASP), Teen Court, Drug Court, Truancy Court, Juvenile Diversion Alternative Program (JDAP), mentoring programs, mediation services, alternative schools, or other contracted diversion programs. Youth referred for diversion may also have a variety of conditions or sanctions of supervision to follow, similar to those for youth on probation. Diversion program staff monitor youth's participation and report progress and completion to the court.

If the state attorney decides to NOT divert the youth's case and follow formal judicial proceedings, the youth's JPO will prepare a pre-disposition report to the court on the youth's offense, family history, community involvement, and recommendations for disposition.

Adult Judicial Process

A youth may be transferred to the adult criminal system through:

- Indictment by a grand jury,

- As a mandatory requirement (for certain charges) or discretionary decision by the prosecutor, or
- An involuntary waiver requested by the prosecutor and granted by the juvenile court judge.
- A voluntary waiver requested by the youth.

The youth's case will proceed just like any adult's case. The youth will face an arraignment hearing to plead guilty, not guilty, or no contest and participate in a trial. Unless found not guilty, the youth can be sentenced to adult prison and/or probation or juvenile sanctions.

If a youth is found guilty or pleads guilty in adult court and is sentenced as an adult, that youth is forever considered an adult for future violations of state law.

Juvenile Judicial Process: Arraignment Hearing

The juvenile judicial route is followed once a state attorney files formal charges in the form of a petition. This process is used for more serious cases that are not diverted and consists of arraignment and disposition hearings and possibly an adjudicatory hearing better known as a trial.

In Juvenile Court during the **arraignment hearing**, the judge advises the youth of the formal charges against him/her. The youth "enters a plea" before the judge, admitting to the charges or not. If the youth admits or confesses to the charges during the arraignment hearing, the judge may decide the youth's disposition right then, or at a later disposition hearing. If the youth does NOT admit to the charges the next hearing, the adjudicatory hearing, is scheduled.

Juvenile Judicial Process: Adjudicatory Hearing

The **adjudicatory hearing** is conducted before a judge, without a jury, and witnesses answer questions from the attorneys regarding the charge(s). Youth can testify, but do not have to. The judge considers the believability and strength of the statements made and then determines if the facts support the allegations or charges made against a youth beyond a reasonable doubt.

The judge's decision at the **adjudicatory hearing** may be:

- Not Adjudicated: Youth is not guilty and the case is dismissed
- Adjudicated: Youth is guilty of committing a delinquent act and the judge may decide the consequences (disposition) then or at a later disposition hearing

- **Adjudication Withheld:** The youth is found to have committed a delinquent act but the judge withholds an adjudication of delinquency to give the youth a chance to complete services and sanctions but not have a record of adjudication (guilt)

Disposition Matrix

Most Serious Presenting Offense	PACT Risk Level to Re-Offend			
	Low-Risk to Re-offend	Moderate-Risk to Re-offend	Moderate- to High-Risk to Re-offend	High-Risk to Re-offend
1st TIME MISDEMEANOR ¹	Level 1	Level 1	N/A	N/A
Minor ²	Level 2 or 3a	Level 2 or 3a	Level 2 or 3a-c	Level 3a-c or 4
Serious ³	Level 2 or 3a	Level 2 or 3a-b	Level 3a-c or 4	Level 3a-c or 4
Violent ⁴	Level 2 or 3a-b	Level 2, 3a-c or 4	Level 3a-c, 4 or 5	Level 3a-c, 4 or 5

Level 1 - Alternatives to Arrest	Level 2 - Diversion & Non-DJJ Probation
Level 3 - Community Supervision	Level 4 - Non Secure Residential Commitment (Low- & Moderate-Risk Programs)
(3a) - Probation supervision	Level 5 - Secure Residential Commitment (High- & Maximum-Risk Programs)
(3b) - Probation enhancement services (ART, LifeSkills, etc.)	
(3c) - Day Treatment, MST, FFT, Minimum Risk Commitment	

Once a judge has ruled on a youth’s case, DJJ prepares a pre-disposition report for the judge. In it, the JPO recommends the most appropriate handling or disposition of the youth’s case to both hold the youth accountable and rehabilitate him. The report suggests the sanctions and services that are the least restrictive and in the best interest of the youth, family, and community. The levels on the Disposition Matrix represent an array of graduated sanctions that step youth up or down in terms of types and intensity of services. The sanctions and services start with alternatives to arrest and diversion programs and continue through residential commitment. Typically the lowest level of untried disposition is selected when there are choices.

The JPO uses information from the validated Positive Achievement Change Tool (PACT) which assesses the youth’s needs, strengths, and level of risk to re-offend. It guides DJJ

in developing meaningful intervention plans that direct treatment and monitor court-ordered sanctions.

With the PACT's risk to re-offend level and the youth's most serious current offense, DJJ uses a Disposition Matrix (structured decision making tool) to match youth to appropriate services at the right restrictiveness level. Data shows that reoffending is minimized if youth receive optimal placement. Placement at either lower or higher levels results in higher recidivism.

Disposition Options

Using the Pre-Disposition study to guide the decision the Judge can choose between three different dispositions or sentencing options

- Alternative Judicial Sanctions
- Probation
- Commitment

Alternative Judicial Services

The first disposition option, alternative judicial services, is appropriate for youth who have committed minor offenses and are at a low, moderate, or moderate-high risk to reoffend.

Depending on the local resources, the services and sanctions may consist of alternative programs such as Teen Court, Drug Court, or Project Payback (work restitution). While participating in these services, youth live at home, are monitored by the court, and are essentially diverted from further involvement with DJJ.

Probation

Youth on probation are supervised by JPOs according to a court order or judge's instructions. Their sanctions, treatment requirements, and services are individualized and their freedom and activities are limited, for example, to home, school, community services sites, and work. As a condition of their probation, they are required to participate in services targeting their identified needs and risk factors. They may also be required to perform community service, pay restitution, abide by curfews, attend anger management classes, write letters of apology, etc.

If a youth does not comply with the terms of probation, a judge may decide to place the youth in a residential commitment facility.

Treatment Services during Probation

While on probation status, youth may be ordered to participate in additional services, such as the following:

- Probation Day Treatment - These programs are held in contracted facilities and target youth in need of a higher level of supervision and service. They provide structured delinquency interventions, recreation, and vocational and educational training in the afternoons and evenings and often weekends. In addition, individual, family, and small group counseling are usually provided. JPOs and day treatment program case managers monitor the youth's progress in the program and at home, school, and work, and ensure the youth's compliance with court sanctions.
- Redirection - This is an evidence-based option for youth who are a higher level of risk and have family issue leading to delinquency or those who fail to comply with their probation conditions. Instead of youth being placed in a residential facility, they remain in their homes and communities and receive family-based therapy. They are taught skills and receive treatment to strengthen their pro-social behavior and address their delinquency needs. Youth on post-commitment probation are at the highest risk of being re-committed and therefore, Redirection services may be used for that population too.

Commitment

The third disposition option is commitment. Primary consideration for commitment to a residential program is public safety and meeting the individual treatment and rehabilitative needs of youth. It is used when no other options are viable at a less restrictive level.

If the judge decides a commitment program is in the best interest of the youth, he/she will also specify the risk level of the program there are four options:

1. Minimum-Risk Nonresidential Commitment - These are managed through probation and are programs that work with youth who remain in the community and participate at least five days per week in a day treatment program.
2. Non-Secure Residential
3. High-Risk Residential
4. Maximum-Risk Residential Programs

The last three programs have increasingly tighter physical security, closer supervision, and a longer length of stay. Youth at these risk level programs reside there.

A residential commitment manager works with the youth's JPO and others on a multidisciplinary team to choose a specific residential program within the ordered risk level to best meet the youth's treatment needs, including behavioral health, mental health, substance abuse, and sex offender treatment services. During a youth's placement, the team assists the parent/guardian, collaboratively reviews the youth's progress, and makes any necessary adjustments.

Youth in residential commitment are under DJJ's legal custody and can remain committed until their 22nd birthday. A youth's commitment is for an indeterminate flexible amount of time that can be anywhere from 60 days to 36 months. The length of stay depends on progress on the youth's individualized treatment plan. Higher risk youth receive more intense services for a longer period of time. As one of the requirements for release, each youth must complete an individually-designed treatment plan based upon rehabilitative needs.

Post-Commitment Release

With a **direct discharge** order from a judge, the youth is released from a residential commitment status without the requirement of community supervision. This rarely happens, but may occur when a youth becomes older than DJJ has jurisdiction over, commits a new law violation in residential commitment and is tried and sentenced as an adult, or is placed in Job Corps

Conditional Release and **Post-Commitment Probation** are designed to provide monitoring, services, and support to youth who have been released from a residential program and are transitioning back to the community. Each youth has court-ordered sanctions and services that must be completed before the judge will approve termination of the youth's case. As such, the length of supervision varies.

The difference between **Conditional Release** and **Post-Commitment Probation** is the youth's status.

- Youth on **Conditional Release** remain on commitment status and may be transferred back to a residential program for violations.
- Youth on **Post-Commitment Probation** are legally on probation status and receive additional sanctions for violation of conditions or are processed back through detention screening and intake for new violations. New violations may or may not result in their return to residential commitment.

Transition Services and Case Closure

Transition planning begins at the commitment conference when youth enter residential placement. Appropriate post-commitment services are identified and the youth, parent(s)/ guardian(s), treatment teams, and JPOs begin working together.

Prior to the youth's release from residential care, the program conducts a transition conference to finalize plans, and the JPO makes any needed post-residential service referrals, including vocational, educational, professional and personal skills building, and mentoring.

Additionally, circuit liaisons and community re-entry teams of program and probation staff, youth, workforce providers, education representatives, and local mental health and substance abuse providers support youth and families statewide and connect them with area resources, including transitional housing and independent living beds.