

Florida Department of Juvenile Justice
DJJ Informational Conference Call
Friday, March 11, 2011, 3:30PM (EST)
Minutes

Welcome and Call to Order

Conference call came to order at 3:30 PM. Rhyna Jefferson, Deputy Manager, welcomed everyone on the informational conference call on behalf of Secretary Walters and Chief of Staff Christy Daly. Yvonne Woodard conducted the roll call for Circuit Board Chairs

Circuit Board Chairs and Members – Circuit 1- Bryan Callahan, Circuit 3-Curt Jenkins, Circuit 6 – Paul McClintock, Circuit 12 – Caroline Zucker, Circuit 13-Richard Rolfes, Circuit 14 – Randy Jordan and Michael Johnson, Circuit 15 – Barbara Gerlock, Circuit 16 – Kathy Kirkland, Circuit 18 – Mark Rehder, Circuit 20- Greg Miller

DJJ HQ Officials & Staff

Asst. Secretary Rex Uberman, Rhyna Jefferson, Yvonne Woodard, Ana Sanchez, Theda Roberts

DJJ Legislative Update - Ana Sanchez, DJJ Legislative Affairs Director,

This was the first week of session

- Repeal Bill SB618 – Rep. Thurston/Sen. Evers.
Moved out of its first committee on Wednesday, the Criminal Justice Committee. It is on the agenda for final committee stop on Tuesday, March 15 which is the Senate Budget. This is the only bill that is moving and by the 2nd week of session we will have at least 1 of our Senate bills ready for the floor and just waiting for its House companion.
- Secretary Walters presented to House and Senate. She was to speak to House on excluding misdemeanor youth out of residential, but instead discussed the civil citation bill.
- The civil citation bill is not to trump or supersede what is going on in the counties or circuits but to assist those circuits that don't have one. And it is another tool in your tool box.

Question: Scott Blue, Seminole County, Is the language change to “shall” and the comment by Ms. Sanchez that it's not asking us to supersede or change something already in place, how do those two things correlate?

Response: Theda Roberts - The civil citation bill that's currently in place does require that a civil citation be established at the local level. There is a civil citation model that is to be developed by the department. The Secretary intends to include in that model, language that will allow existing programs that meet the same criteria as a civil citation. Rather it is civil citation or first offender program, as long as the program meets the criteria that a civil citation is serving first time misdemeanor and basing the treatment on the assessment of need and recording that data into the prevention side of JJIS. The Secretary does not want us to changes any programs, but to work with you to make any changes where needed regardless of what it is called.

Question: Marsha Anderson, C-1 - If we all have a diversion program that is working and in place, and we have the ability to create a civil citation program at the local level if we so choose, what is the need for this program?

Response: Theda Roberts - There are 15 civil citation programs that report into the Juvenile Justice Information System (JJIS) and they are in 11 Circuits. We want to ensure that such a program or similar program is operational in every circuit.

Question: Is it an absolutely requirement that the information be reported in JJIS and is that the intention of the legislature.

Response: Theda Roberts - That is one of the intentions. There is a Prevention side on JJIS that is only available to DJJ personnel. So it won't be creating a criminal record for that child. When you input that information in JJIS side, it would allow us to determine if that child is already receiving a civil citation. It is a onetime deal, that child will not get a 2nd chance.

Comment: Greg Miller, C-20 - Information is entered on the intake side, so when you pull up a face sheet that charge is going to be on there, which is part of the problem.

Response: Theda Roberts - We will be changing that. The Secretary does not want those children to have a record that is accessible, other than juvenile personnel in the prevention side.

Response: Ana Sanchez - The way the bill works, is that it allows an assessment to be done. We will know if someone in your circuit has received a civil citation in one circuit or not the other. It allows us to have that information on the prevention side. We will know immediately if a child had a civil citation program in one circuit and not the other.

Response: Theda Roberts - It's important to remember that in those circuits that don't have an effective civil citation program we want so we can divert those first time offenders away from the juvenile justice system

Question: Randy Jordan, C-14 Who is going to come up with a definition for "first offender"?

Response: The first time a child commits a misdemeanor, although it won't create a criminal history record, it will make the child eligible for the cc program. That is the only time it will be available.

Question: Randy Jordan, C-14 - What about kids that are highly mobile, who are out of state with prior records, and we don't have access to that?

Response: Theda Roberts - That is something I haven't considered. I will bring it to the attention of the Governor's Staff. It is a Governor's bill.

Question: Eric Trombley C-2 - Civil citation will be taken out of JJIS intake and not on a juvenile face sheet. Correct? Why would we not want that information available for the prosecutors?

Response: Ana Sanchez - It would be available. It will not count as a strike. It wouldn't be an arrest record? If that child hits the system again with another misdemeanor they would see that the child is not eligible for a civil citation program because he has gone through a civil citation program already.

Question: Eric Trombley C-2 - When I look at face sheets now, I see a child who has had a civil citation two weeks ago, a year ago. Why wouldn't we want that information available to prosecutor via JJIS sheet?

Response: Theda Roberts, DJJ - If we work with the Juvenile Probation Officer in that area, that person will be able to provide the data in JJIS.

Question: Eric Trombley C-2 - So, I would have to go to my local probation office and ask if that kid has a prior civil citation.

Response: Asst. Secretary Rex Uberman - I don't think you have to go ask the JPO, it is a part of our normal routine intake process in preparing the face sheet and to notify you if youth has been in a prior civil citation program or currently enrolled.

Question: Amanda S. SAO, C-3 - You stated that many circuits do not have the diversion program. Do you have the statistics on number of circuits that don't have diversion programs?

Response: Asst. Secretary Rex Uberman - We will have that early next week.

Question: Marsha Anderson, C-1 Who is going to make the decision on rather the first time misdemeanant goes to teen court, NAB, etc.? Is DJJ going to make decision without SAO input?

Response: Theda Roberts - The way the bill is written, it requires that a civil citation program be established at the local level. Then it states that "the law enforcement officers may issue a civil citation, it doesn't take away the discretion of that law enforcement officer as to what program that child needs.

Question: Barbara Gerlock, C-15 - What are the specifics of the assessment?

Response: Asst. Secretary Rex Uberman - I don't think we can give you the specifics. We are currently doing a review of all civil citation programs and what type of assessment process they already have in place. For a civil citation program to be effective it cannot be based on the sole factor that a youth has been arrested for a misdemeanor offense. It should also be targeted to what the needs or risk factors of that young person. It would not be a one size fits all approach.

Question: Barbara Gerlock, C-15 - Are there going to be outcomes generated for each circuits if they implement a civil citation program or is the outcomes going to be community driven?

Response: Asst. Secretary Rex Uberman - I think it is a combination of both. We want to be engaged with our individual communities in helping to identify outcomes measures. The outcome measures are an important part of the community contribution to this.

Question: Eric Trombley, C-2 - As I read the civil citation current statute 985.512 and the way things are, things are working fantastic in the 2nd circuit. What is the basis to wanting to change all that?

Response: Asst. Secretary Rex Uberman - We don't want to interfere with what is working, but we do want to see a growth in the civil citation possibilities and access. We have many circuits that do not have adequate support and adequate diversion programs. Secretary Walters has no desire to interfere with what is working in other circuits.

Response: Ana Sanchez - The Secretary made it completely clear in the Senate committee that discretion will still be with the State Attorney and law enforcement on whether or not to issue a civil citation.

Question: Kathy Kirkland, C-16 - Do we have any follow-up from previous call?

Response: Asst. Secretary Rex Uberman - In bill pertaining to the DRAI. What would be the status of the ability of stakeholders in having input in that work on the DRAI? There has been progress.

Response: Theda Roberts - There were statutory changes. We took your comments and went to Governor's office to request that instead of doing away with that committee, we will work in conjunction with the committee to evaluate DRAI. So that committee as in statute will remain the same.

Question: Kathy Kirkland, C-16 - So the part that gives complete authority to DJJ has been taken out?

Response: Ana Sanchez - It now says *in consultation with the commission*. The new bill is SB1850/HB1233. It does not say it is all DJJ responsibility to modify, but DJJ may modify *in consultation with the commission*.

Question: Marsha Anderson, C-1 - Is there any change or amendment in the Reform bill that *removes a judge's ability to place a juvenile in secure detention in cases of misdemeanor domestic violence*?

Response: Theda Roberts - This allows a youth who has been charged with a misdemeanor domestic violence offense, instead of going into a secure detention, to go into a Cins/Fins Shelter.

Comment: Marsha Anderson, C-1 - The law that's in place right now says you can't detain a juvenile misdemeanant domestic violence kid unless the victim in the case testify under oath the he/she is in fear. The vast majority of the kids are not securely detained and are given respite care if available.

Response: Ana Sanchez - As you all may remember, this is one of the recommendations from the Blueprint Commission and that is why it's in the Reform bill. They looked at instances where what you are saying does not occur. This will be a lot stronger language.

There were no follow-up questions from previous call. If you do have questions please send to Theda Roberts at Theda.roberts@djj.state.fl.us by March 21st COB. The next conference is scheduled for March 25, 2011 @ 3:30PM.

Meeting Adjourned at 4:05 PM