

Florida Department of Juvenile Justice
DJJ Informational Conference Call
Friday, March 25, 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. Gloria Gatlin conducted the roll call for Circuit Board Chairs

Circuit Board Chairs and Members –Circuit 3 – Curt Jenkins, Circuit 7 – Cheryl Massaro, Circuit 12 – Caroline Zucker, Circuit 13-Richard Rolfes, Circuit 15 – Barbara Gerlock, Circuit 16 – Kathy Kirkland, Circuit 17 – Francine Klauber, Circuit 18 – Mark Rehder

DJJ HQ Officials & Staff

Asst. Secretary Rex Uberman, Rhyna Jefferson, Interim Asst. Secretary, Ana Sanchez, Legislative Director, Gloria Gatlin, Andy Hindman, FCN Director, Paul Wallis, CPO, Vicki Cunniff, CPO

DJJ Legislative Update - Ana Sanchez, DJJ Legislative Affairs Director

We had a busy week. Several DJJ bills were heard and passed.

- **Civil Citation** - Some changes made to the bill. We knew the State Attorneys and sheriffs had some concerns about the bill. The Secretary met with some State Attorneys and sheriffs and there were amendments made to the bill where it clearly specifies that the State Attorneys and law enforcement still have the discretion to give youth a civil citation or take the traditional route. It did pass in the House and Senate and is now up for the agenda this coming Monday in both the House and the Senate.
- **Juvenile Justice Reform** (out of Blueprint Commission) was passed in the House. It is up in the Senate on this coming Monday.
- **Interstate Compact** - passed in Senate and House
- **Juvenile Justice Repeal** – Repealing old statutes passed its final committee of reference in Senate and should be heard in the House this coming week.
- **Juvenile Justice Education** - It is scheduled to be on the agenda in Senate this coming Monday as well.
- The **House Budget** - Changes were made to exclude misdemeanor from residential. It now says certain crimes may be excluded from that. You must have (3) three or more misdemeanants to be sent to residential program. That is now a conforming bill in the House budget
- **Community Based Juvenile Justice**- There are (3) three pilot sites – Circuits 2, 6, & 11. That is a conforming bill on the Senate side. We have yet to see the language and it should be out next Wednesday. We have no idea what that bill looks like.
- **DJJ Bill Recap**
 - Civil Citation Bill- SB 1300/HB 997
 - Reform Bill – HB 1233 SB 1850
 - Interstate Compact Bill– HB 1029/SB1494
 - Repeal Bill – HB 4157/SB 618
 - Juvenile Justice Education Bill – HB 611/SB1272

Questions and Responses

Question: Does the Community Based Juvenile Justice have the same bill number or is it going to be changed?

Response: Ana Sanchez – It is a bill taken up by the Senate as a conforming bill which is a bill that follows the budget. If it becomes a part of that, you won't see the bill moving. It will follow an abbreviated process. It

becomes a part of the bill package that the Senate will put out. Once it gets voted on and passed it will be assigned a bill number, then it will have a different bill number.

Question: Barbara Gerlock, Circuit 15 – Regarding civil citation legislation. It was discussed that instead of entering youth on the intake side of JJIS, the youth would be entered on prevention side. Is that included in the legislation or is it going to be Administrative link?

Response: Ana Sanchez – That is Administrative. That is not in the bill

Question: Francine Klauber, Circuit 17 - Can it be done administratively just by the county?

Response: Ana Sanchez – No, it will be an internal rule, a promulgated DJJ rule. Saying that when we intake them they will be put on the prevention side.

Question: Francine Klauber, Circuit 17 – Is it DJJ who decides? Will there be some kind of criteria?

Response: Ana Sanchez – Yes, it will be. There will be a rule making process for a rule to be promulgated.

Question: Kathy Kirkland, Circuit 16 - Regarding Community Based Juvenile Justice bill - Is Eckerd the only entity?

Response: Ana Sanchez – We don't know. Eckerd is the one pushing the project. The bill says it will be a competitive bid process to see who will run the pilot projects.

Question: Kathy Kirkland, Circuit 16 - Have there been any inclusion of the 16th Circuit?

Response: Ana Sanchez – No, there are only three circuits, Circuits 2, 6, & 11.

Question: Barbara Gerlock, Circuit 15 - Has a committee been developed to look at the assessment of civil citation?

Response: Ana Sanchez – No, not as of yet. We are in the process of getting it passed. It will not affect what is done locally. We are just trying to get legislation passed.

Question: Francine Klauber, Circuit 17- Is that also the difference between what the State Attorney and police department wants? Is that what the controversy is?

Response: Ana Sanchez – The controversy was that the State Attorney and law enforcement thought it took away their discretion and we are not taking away their discretion. That's what the controversy was.

Comment - Leon Botkins – Circuit 11 - There still is the issue of 1st offenders. The Dade county program applies to both first and second offenders based on existing law. If that doesn't change it will hurt our program.

Response: Ana Sanchez – The language has changed from “shall” to “may”. It allows a little wiggle room. It is not going to be based strictly on the Miami model, but used as an example. It still leaves discretion to the State Attorney and law enforcement on how to proceed.

Comment: Leon Botkins – Circuit 11 - The problem is the “may” language may be discretion to anything. It still seems to be specific to limiting it to 1st offenders.

Response: Ana Sanchez – Right. We are only talking about 1st offenders. The bill says your area can continue to do 2nd offenders. It is saying for those areas that don't have a civil citation program, it is required for the first time misdemeanor. It has to be a tool in your tool box.

Question: Francine Klauber, Circuit 17 - When you are talking about either the first or second offense. You are not talking about a felony are you?

Response: Ana Sanchez – No, just misdemeanants, the first misdemeanor offense. There are some areas that are not even giving that first time misdemeanor the option. At least for statewide, you have to do the first. Like Miami Dade, if you want to do two, you have the discretion to do two.

Question: Francine Klauber, Circuit 17 - Under the new civil citation law, youth can go through the civil citation program again?

Response: Rex Uberman – The intent is that some of these decisions get made at the local level by the State Attorney and law enforcement that use the program. I don't think the legislation restricts local communities from being able to make the decisions. It just establishes a minimum threshold.

Question: Francine Klauber, Circuit 17 - If there is a Pre JJIS system, can they go through twice if that county says we will give you a second bite at the apple?

Response: Rex Uberman - Right. I don't think there is any intent on the department part to limit the scope and nature of the civil citation. The secretary is adamant that she wants to respect the local decision making and practice, so that is what we will do.

Question: Curt Jenkins, Circuit 3 – How do you feel this is going to affect Teen Court Programs throughout the state?

Response: Ana Sanchez – It will not affect Teen Court or any program that you do locally. What program you decide will be in your community is totally up to you.

Question: Francine Klauber, Circuit 17 - Has anyone done anything about expunction. How do we look at that?

Response: Ana Sanchez – There is a couple of bills that deals with expunction. They are in the process of being worked out. They are not agency bills. There are several members who have filled expunction bills - Sen. Joyner and Sen. Chris Smith - Broward. There is no age limit on expunction. Expunction has a lot to do with FDLE and the way they handle their records.

Comment: Stephanie Glass, Circuit 5 - Clarify that local program that are doing pre-arrest diversion program not being entered into JJIS program can continue to not enter them in JJIS.

Response: Rex Uberman – Civil Citation programs have certain characteristics. One characteristic is that the youth not leave that civil citation experience or service with a delinquent or criminal record. That is a function as far as DJJ record keeping is concerned; we can take care of that administratively. There is a process that will record young person going through civil citation program and if they reappear in the system we can notify state attorney and others involved with that young person. There is a process through DJJ if a youth is just referred and handled through a civil citation or civil citation like program they do not get put into the delinquency database of JJIS and that prevents them from being disqualified from certain jobs. Not all diversion programs are civil citation. By the nature of the diversion program, youth even go to court and they are diverted at court. There is no provision in those situations where they will not be entered into the JJIS. So that's going to be a major distinction between what is a civil citation like program and what is a diversion program where kids would be diverted from formal probation or diverted from commitment to the department into some other alternative service.

Question: Stephanie Glass, Circuit 5 - When they are entered into the prevention side of JJIS, who has access to that?

Response: Rex Uberman - The only people who have access to that is a Juvenile Probation Officer who is doing an intake to make sure youth in intake status has not been through civil citation before and the prevention staff and the provider that is involved in civil citation and have a need for that information. It is not a part of discoverable or releasable part that military recruiter or employers would have access to.

Question: Curt Jenkins, Circuit 3 - Why can't we accomplish the same thing in addition to the civil citation program for the teen court program, since they are first time offenders?

Response: Rex Uberman - The threshold issue is, is the intent for the youth to have a juvenile justice record as a result of the diversion. In some cases it is not the intent of that diversion program to eliminate a record.

If you have questions please send to Theda Roberts at Theda.roberts@djj.state.fl.us by April 4th COB. The next conference is scheduled for **April 8, 2011 @ 3:30PM.**

Conference call adjourned at 4:10 PM