

# THE JUVENILE JUSTICE SYSTEM IN FLORIDA



**Secretary Frank Peterman, Jr.**

## **Mission**

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.

## **Vision**

The children and families of Florida will live in safe, nurturing communities that provide for their needs, recognize their strengths, and support their success.

## **Core Values**

- Provide a safe and nurturing environment for our children
- Prevention and education are paramount
- Strengthen partnerships with judicial, legislative, and community stakeholders
- Promote public safety through effective intervention
- Preserve and restore physical and mental health

## **HISTORY OF THE JUVENILE JUSTICE SYSTEM IN FLORIDA**

Florida has traditionally managed juveniles under a “rehabilitative” model of justice. This traces back to the time when all “proceedings relating to children” were under the auspices of the Department of Health and Rehabilitative Services, formerly known as HRS. The agency’s approach to dependency and delinquency cases was the same—provide social services to the child and the family. In accordance with Chapter 39 of the Florida Statutes, HRS addressed many different types of actions involving children, ranging from dependency actions in child abuse cases to delinquency proceeding for juveniles charged with criminal acts.

The first of Florida's gradual efforts to shift the state's juvenile justice system away from a social services model occurred in 1994. The Legislature created the Department of Juvenile Justice (DJJ), providing for the transfer of powers, duties, property, records, personnel, and unexpended balances of related appropriations and other funds from the HRS Juvenile Justice Program Office to the new agency. DJJ was assigned responsibility for juvenile delinquency cases and children and families in need of services (CINS/FINS) cases. Juvenile justice provisions, which were then found in Chapter 39, F.S., remained virtually unchanged and most of the new agency's employees were former employees of HRS. Hence, philosophically, DJJ continued to approach juveniles as children in need of treatment and reform rather than criminals deserving punishment.

A further distancing of DJJ from its HRS origins occurred in 1997. Although few changes were made to substantive law, two new chapters in the Florida Statutes were created by transferring juvenile justice provisions from Chapter 39, F.S., to the newly created Chapters 984 and 985. Chapter 984, F.S., was created to contain provisions relating to CINS/FINS and Chapter 985, F.S., was created to contain provisions relating to juvenile delinquency cases.

In 2000, comprehensive legislation known as "Tough Love" provided statutory authority for DJJ to overhaul its organizational structure. This legislation signified the most dramatic policy shift away from the social services model and toward a punitive criminal justice approach. However, even under "Tough Love," the juvenile justice system continues to be operationally and philosophically distinct from the adult criminal justice system. Florida continues to segregate juveniles from their adult counterparts, although there has been an expansion of the circumstances under which a juvenile can be prosecuted as an adult. Youth continue to be managed under a strategy of redirection and rehabilitation rather than punishment. Although the state strengthened its hold on juvenile delinquents under "Tough Love," the system maintains its focus on treatment designed to affect positive behavioral change.

As a result of "Tough Love," DJJ shifted away from the HRS service district structure to a structure that conformed to the boundaries of the 20 judicial circuits. In addition, the Department is charged under s. 985.02(3), F.S., with the statewide development and coordination of comprehensive services and programs for the prevention, early intervention, control, and rehabilitative treatment of delinquent behavior. Accordingly, DJJ is organized in five program offices: Administrative Services, Prevention and Victim Services, Detention Services, Probation and Community Intervention, and Residential Services.

In July 2007, Governor Charlie Crist authorized the creation of the Blueprint Commission, which was charged with developing recommendations to improve Florida's juvenile justice system. The findings and recommendations of the Blueprint Commission, developed with input from juvenile justice stakeholders and citizens, were used as a guide when the Department developed a strategic plan designed to achieve the changes needed to meet its mission. The Department's Strategic Plan builds on the foundation of the Blueprint Commission's report "Getting Smart about Juvenile Justice in Florida." In preparing its Strategic Plan, the Department initiated a process of continuous strategic thinking and planning that would produce not just one strategic plan, but a sequence of plans. Such plans will keep pace with the changing needs and priorities of juvenile justice in Florida.

The Department initiated a process of continued evaluation of implementation in order to achieve the goals outlined in the Strategic Plan. The Department of Juvenile Justice's Implementation Plan for 2008-09 through 2011-12 was built upon the 13 goals and 43 objectives outlined in the agency's Strategic Plan. The Implementation Plan details specific actions for achieving these goals and objectives including tasks, outcomes, partnering relationships, budgeting, resource allocations, and timelines.

**The DJJ Strategic Plan can be viewed at:**

[http://www.djj.state.fl.us/External\\_affairs/documents/strategic-plan/2008-09-Strategic-Plan-FINAL.pdf](http://www.djj.state.fl.us/External_affairs/documents/strategic-plan/2008-09-Strategic-Plan-FINAL.pdf).

**DJJ's Implementation Plan can be viewed at:**

[http://www.djj.state.fl.us/External\\_affairs/documents/strategic-plan/Implementation-Plan-2008-09-through-2011-12.pdf](http://www.djj.state.fl.us/External_affairs/documents/strategic-plan/Implementation-Plan-2008-09-through-2011-12.pdf)

## **THE JUVENILE COURT PROCESS**

A juvenile who is alleged to have committed a violation of law is formally charged by the filing of a petition for delinquency by that county's state attorney. The petition states the allegations against the juvenile and contains the identity and residence of the parents or guardian. Because a juvenile may be subject to serious deprivation of liberty if adjudicated delinquent, federal constitutional law requires that juveniles be afforded many of the same due process safeguards afforded to adult criminal defendants. For example, juveniles are entitled to legal representation by counsel at all stages of any proceeding. The state must provide free legal representation to juvenile offenders who cannot afford to retain counsel.

If the juvenile is held in secure detention or released to home detention, a detention hearing is held within 24 hours and the judge orders either continued detention or release. The arraignment hearing is held within 48 hours of the filing of the petition. At the arraignment hearing, the juvenile may admit to delinquency, deny delinquency, or not contest the allegation. If the juvenile denies delinquency, an adjudicatory hearing (trial) is held. The circuit court judge presides over juvenile court proceedings, determining all issues of fact and law in the case. A finding of delinquency does not operate as a criminal conviction, but may result in the juvenile being placed on probation or in a residential commitment facility against his or her will. At the adjudicatory hearing, the juvenile has the right to compel the attendance of witnesses on his or her behalf, the right to cross-examine state witnesses, and the right to remain silent. The state must prove the allegations beyond a reasonable doubt or the case is dismissed and the child is released. In other respects, juvenile proceedings differ from their adult counterparts. For example, a jury is not involved and juvenile records are treated with a great deal of confidentiality. The driving consideration behind having separate systems of justice for juveniles and adults is the state's interest in rehabilitating, rather than punishing, the offender.

A disposition (sentencing) hearing is held if the judge finds that the juvenile committed a delinquent act, or if the youth pleads guilty or no contest to the charge. Before the disposition hearing, the court reviews a Pre-Disposition Report (PDR), which is prepared by the juvenile probation officer. The PDR includes a summary of

the juvenile's present offense, a statement by the youth, background information regarding the familial and community environment, a narrative explaining the juvenile's employment or school history, psychological data, restitution information, criminal history, risk assessment, and the recommendations of DJJ concerning the disposition of the case. The judicial dispositions available in juvenile court include judicial warnings, judicial plans, probation, or commitment to a nonsecure or secure residential program or facility. In many cases where the court commits a youth to a residential program, the youth will also be required to participate in a supervised conditional release program upon completion of the residential component of the commitment program.

A juvenile charged with a violation of law has a state constitutional right to be charged and tried as an adult. Florida law also specifies several circumstances where the state is afforded a right to initiate the prosecution of a juvenile in the adult criminal system. Many of these offenders may remain subject to juvenile, rather than adult, sanctions at the discretion of the trial judge.

Passed during the 2000 Legislative Session, SB-1548 (Chapter Law 2000-136, Laws of Florida) mandates youth to be filed directly to adult court when charged with committing, or attempting to commit, an offense listed in section 775.087(2)(a)1.a.-q. (referred to as the "10-20-Life" provision) and who possessed or discharged a firearm or destructive device, or discharged such device causing death or great bodily harm. For good cause, and under exceptional circumstances, the state attorney may opt *not* to proceed under this provision. If a child with a qualifying history who possessed a firearm or destructive device is direct-filed under this law (codified at §985.227(2)(d)), he or she must be sentenced under section 775.087(2)(a) (10-20-Life). Notwithstanding the existence of a criminal history, a child so charged who either discharged a firearm or destructive device or discharged with great bodily harm or death, is similarly subject to sentencing under 10-20-Life.

Direct-file to adult court is also mandated for habitual juvenile offenders under HB-69 (Chapter Law 2000-119, Laws of Florida) for youth who are age 16 or 17 who have three prior felony adjudications withheld occurring at least 45 days apart. This provision also provides an option for a state attorney to retain youth in the juvenile system under exceptional circumstances.

