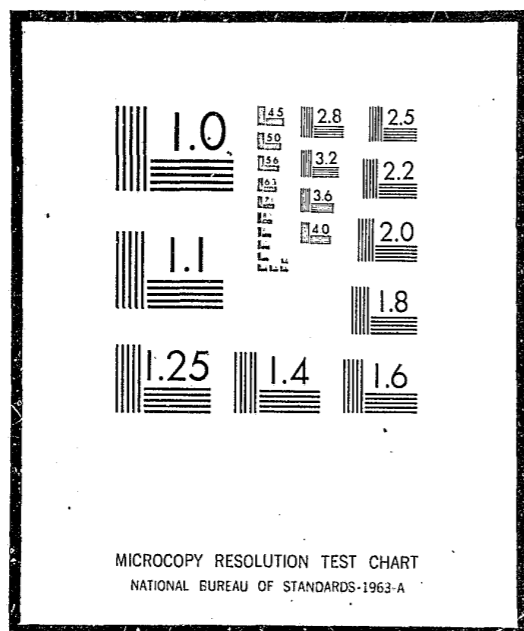


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STATUS OF JUVENILE CRIME CONTROL IN FLORIDA

A Report on Punishment or Disciplined Treatment,
the "Time Served" Myth, Scapegoating, and Other Issues
by Joseph R. Rowan, Director, Florida Division of Youth Services

Juvenile Crime in Perspective

A lot of public discussion is taking place regarding the juvenile crime situation and what must be done to correct it. The Division of Youth Services (DYS), is greatly concerned about the increase in juvenile crime in Florida. Unfortunately, during these troubled times, not all the discussion is based on facts. More light and less heat are needed. The crime situation and methods being developed or recommended to handle it more effectively are not being put into perspective.

Florida needs to profit from the successes and failures of programs here and in other states in considering new changes in crime handling. If changes are to be made, they should be based on the history of what has gone on before, and not just change for change sake. We should not "re-invent the wheel" of crime handling in making any changes that do not consider the failures of the past.

Without benefitting from the successes and failures of the past, a fraud can be unwittingly perpetrated on the unsuspecting public in the form of panaceas and simplistic solutions which have nothing to offer but a history of compounding the delinquency and crime situation.

Unfortunately, during this distressing period, complicated by a financial recession, increased joblessness, and decaying moral fiber, all of which are factors affecting the crime situation internationally, not just in the U.S.A. and Florida, there are a number of recommendations coming forth which have been tried over and over again, with repeated failure.

The "public" reaction to crime is influenced in great part by what key officials say. In this rather complex field, the public basically relies upon what it is told. It is imperative, therefore, that the total story be told. Then, the public will act responsibly. Enough experience has shown that when the public gets the facts, it makes the right decisions.

Juveniles in Florida commit 22 percent of the violent crimes (less than in a number of more populous states). While officials have no control over first-offender crimes, nationally, about 80 percent of crimes are committed by repeaters -- where a better job needs to and can be done.

We are making progress in the juvenile justice system, and the story we have to tell is a good one. For example, a three-year follow-up on DYS parolees showed that since 1970 the rate of their entry into the prison system has been reduced from 20 percent to 16 percent. We feel this is still too high, but the efforts of all concerned are beginning to pay off.

In protecting society, we are keeping some serious offenders as long as five years in residential care. The average length of stay at the Lancaster Youth Development Center during this fiscal year is nearly 17 months, the longest we know of for a juvenile facility in this country. At the same time, we are not allowing young non-serious offenders to get entrapped by State institutions, becoming career delinquents and eventually, life-long criminals. As outlined later, our philosophy is based heavily on preventing a youth from committing that next crime.

Backed by Research Integrity

The national assessment of juvenile justice programs conducted for the Law Enforcement Assistance Administration showed that DYS has the most capable research/performance measurement evaluation program encountered anywhere in the nation. In the State, a spokesman from the Department of Administration went on record recently at a budget hearing, that DYS was the unusual State agency that carried out program performance measurements and includes critical observations in each evaluation. These evaluations are used to modify those aspects of a program that are not working as effectively as they should. Our research section provides a constant monitor on juvenile offender handling to provide the basis for modifying programs based on the facts.

Scapegoating and Blaming

Unfortunately, some fellow-members of the juvenile justice system have practiced scapegoating and finger-pointing, regarding delinquency handling by other officials in the field. Instead of fixing blame, there should be better communications and cooperation, and mutual efforts, particularly during a time of economic hardship, when history has shown that crime goes up, and the resources to fight crime go down.

Law enforcement, court and corrections officials cannot control crime by themselves. Many factors affect crime over which officials have little or no control. "Joblessness Spawns Increased Lawlessness," summed up the recent U.P.I. survey regarding unemployment and its effect on increased crime.

"Solving this one will be easy--it was on TV two nights ago," -- the caption on an editorial cartoon, pertains to another possible major cause of increasing violent crime.

Child abuse cases reported in the many thousands via "hotlines" in Florida may well provide an even greater root cause for the violent crime increase. Over the years it has been shown that many persons who commit violent acts were once handled violently themselves -- by parents. I am not talking about sound discipline, but brutality

and maiming.

Florida's 31 percent dropout rate, from the ninth grade on, exceeded by only six other states, has a marked effect on juvenile crime, as history has shown the correlation between failure to finish school, and greater susceptibility to crime. Education, like crime, is or should be, everybody's business, not just that of officials alone.

However, none of the causes of crime can be allowed to lighten the burden placed on juvenile justice people to attempt to do a better job than they are now doing in controlling crime, for those areas wherein they have some control.

While certainty of apprehension and speedy justice for offenders have long been recognized as major deterrents to crime, we have not allowed corrections staff to criticize law enforcement for solving less than 25 percent of reported crimes, because they cannot alone be held accountable for this. Neither can the courts for delays in processing cases.

The director of corrections in Georgia recently summed up today's dilemma when he said, in effect, "We're not the villains. Crime is. We're looking for short term, mystical answers to crime. We haven't really taken a good look at ourselves. We need to find something, stay with it, and make it work."

It's seldom discussed, but when juvenile intake, probation, and detention services in Florida were operated by the counties, even though resources were less and no hard data was available to show the merits of that system, there was little criticism being raised about juvenile delinquency handling. But now that the State is responsible for these programs, it's easy for some members of the juvenile justice system to point a finger and say, "Our hands are tied; it's the fault of Big Brother State government." It's a fact, in almost every case nationally, where juvenile justice programs are operated on the county level, there is very little criticism among judges, prosecutors, law enforcement, and school personnel. An unwritten code has existed that usually precludes any criticisms of officials locally. Even in cases where the state assumes responsibility of programs from the local government units, when it can be clearly shown the quality of service remains the same, criticism increases. We say the quality of service in delinquency handling in most areas of the State is better than before.

It has been Division policy not to engage in public discussion concerning other juvenile justice officials. But, when the facts are completely distorted or misrepresented, there comes a time when DYS must defend the truth. This will be done on a professional level. Perhaps a large part of the problem has been poor communications and our failure to get the facts out.

A typical example of misunderstanding involves the various roles of the juvenile justice officials. Whereas the law clearly mandates that the state attorney makes the decision on petitioning the child into court or not doing so, several state attorneys and judges have been very vocal through the media, laying the blame on DYS intake services for "not bringing more kids before the court." While required by law to only make a recommendation for or against a petition, DYS provides state attorneys, statewide, with the entire prior record of the juvenile, so that they can make a proper decision on petitioning a youngster before the court.

We have not and will not initiate or get involved in "pot shots" at other members of the juvenile justice system. Healthy, professionally-based discussions are needed. Personal discussions first, followed by discussions at advisory councils, where necessary, will go a long way to solve our mutual problems.

Disciplined Treatment

Some critics declare that DYS is soft on offenders. The overall facts prove differently. During the last six months of 1974, compared to the same period the year before, there was a 152 percent increase in probation and aftercare (parole) commitments and re-commitments. The major reason for this is the basic policy change effecting earlier revocations without waiting for crimes to be committed.

During the same period, there was a 26 percent drop in the number of children leaving juvenile parole and going into adult courts. Tied in with the earlier revocation policy which has been implemented, it appears that it is paying off in preventing youths from committing new crimes and being waived over to adult court.

DYS is bringing about more speedy revocations than ever before. If, after intensive counseling, closer supervision, and other interventions, including a re-visit to the judge, the youngster continues to slip, it's sheer folly to wait for the individual to commit another crime before taking action. Under the up-to-30-day turnaround program, if a youth on probation or parole needs to become dislodged from a deteriorating habit pattern, the training schools are utilized for short term "re-building" just as hospitals may be used for the patient who returns for "build-up" treatment before "hitting bottom." Thus, a technical violation of a parole or probation agreement is now much more likely to send a juvenile to a committed status than before, without awaiting the commission of another crime.

I hasten to point out that disciplined treatment is the objective of DYS, as best evidenced by the intensive peer pressure group counseling sessions in residential facilities, five times weekly; having about 30 percent of the probationers and parolees in group counseling one to five times weekly (more than any other state); the effecting of earlier revocations/commitments and re-commitments; heavier involvement of families in counseling; and, strong support for legislation requiring parental counseling and restitution by youths.

Detention In Perspective; Juveniles vs Adults

Some officials criticize DYS for releasing too many youngsters following arrest. During 1974, the failure-to-show for court and new crime rate for youngsters released pending disposition, was only 6.4 percent, lower than that for adults released on bond (kids don't get released on money bond like adults). This rate is lower than the juvenile failure rate that exists in any other state, according to known records.

Law enforcement and DYS make judgments about a child's release pending disposition. Police officials are responsible for about half of all youths released. Law enforcement, releasing the least-risk cases, is about 95 percent accurate in their decisions to refer or release a child. DYS, in making the same decision with riskier cases, is over 93 percent accurate in making the right decision. Neither law enforcement, nor DYS, are taking too many chances with unsafe risks being released to the community to cause further crime, pending disposition. DYS officials make decisions to detain or not detain, based upon the criteria spelled out in the law.

With the successful record of youths showing up in court for their hearings and not getting into trouble with the law by committing new crimes, DYS would not be carrying out the intent of the law if it were to detain a youngster because of public demands to do so, for the sake of punishment. Perhaps there has been a failure on the part of DYS to better carry out communications with all parties concerned, including the public, regarding detention philosophy and practices, and what the law requires.

It is obvious that with only 12 percent of the detained delinquents being eventually committed to the State, detention pending disposition is still being overused in some areas. This is based on the assumption that youths should be detained for serious reasons. In fact, even though Florida has the smallest child population as a percent of general population in the country, it ranks second only to California in the number of youths detained.

With over 85 percent of detained delinquents being released to their homes and communities following court disposition, most within several days, how much less of a risk to society are they after that short period of time? This indicates that detention wasn't needed in the first place. While a number of youths are being held in detention who are not serious risks, it is obvious from our monitoring of intake decisions that some serious delinquents are not being detained when they should be. Since the State took over intake and probation services from the counties late in 1971, a number of staff have been hired "fresh out of college," with little or no experience. While we do have some experienced workers, most have only a few years. The direly needed additional experience will make a difference. With training staff provided by the Legislature in this current budget, we are now in a position to provide more training, and have started doing this.

Better Communications and Involvement

While the law requires that DYS only inform the courts when a youth is to be finally discharged from its jurisdiction, the Division has established the policy of not releasing a committed youngster from any of its facilities until the DYS field counselor personally consults the arresting agency, prosecutor, public defender, and the court involved in the youth's being committed. This is now being done routinely, unless officials do not wish to be consulted. This process will bring about greater mutual involvement, understanding, and better communications, resulting, hopefully, in more effective handling and less scapegoating, or the blaming of other officials in the field. The problem must be shared by all segments of the juvenile justice system.

A recent survey by DYS staff reveals that the combined amount of time spent in meetings by DYS staff with law enforcement and court officials was less than time spent with school officials. This supports the need for the policy change outlined earlier. In short, DYS staff need to do more communicating with law enforcement and court officials regarding youngsters, particularly after they are committed to the Division. Generally, open-minded, reasonable officials will not oppose the release of a youngster, when the record is presented to them showing progress made in changing attitudes and thinking--and, hopefully, improved family situations, aided in part by DYS counselors.

While the law requires that DYS only inform the victim and complainant (mainly law enforcement, which makes the greatest number of referrals) when court action is not taken, DYS has moved ahead administratively to go beyond what the law requires, and is informing the victim and complainant of all actions taken regarding youths referred to DYS for delinquency.

Surfacing Problems

We believe in surfacing problems and attempting to resolve them, and in line with the major operational goal of surfacing problems, DYS requires district field supervisors to hold at least quarterly meetings with the judges, prosecutors, law enforcement, public defenders, and school officials, supplemented by more frequent individual meetings, to work on existing problems in the juvenile justice system. As verified by various officials, including legislators, these periodic meetings are bringing about better communications and a resolution of problems at the local level.

A recent editorial in The Brevard Sentinel said: "We do not expect all difficulties between the Division of Youth Services and the local police and school board authorities to disappear overnight. But we are surprised and delighted at the overnight emergence of a spirit of cooperation from what previously had been a tangle of hostility and conflicting philosophies. As in most misunderstandings, some of the problems in coping with our problem juveniles have been created by lack of communication, both at operational and philosophical levels ...Some valuable groundwork was laid during a recent session, and we have confidence a determined pursuit of the possible solutions and goals laid out will reap significant reward."

Further, in line with our policy of trying to surface and resolve problems wherever they exist, over a year ago, DYS administration began to initiate top level policy-program-problem area discussions with statewide associations representing the circuit judges, the sheriffs, chiefs of police, state attorneys, police officers, school superintendents, and school principals. Within several of these associations, committees have been established, upon our suggestion, and we are meeting with each committee to seek resolution of mutual problems. DYS did not wait for these associations to invite us, but actively sought out the invitations.

The current operation of this Division hinges heavily upon policies developed in cooperation with the legislatively-established DYS Advisory Council, which meets quarterly each year. Further, some of the policy changes have been personally presented by top DYS administration before the annual/semi-annual conventions, conferences, and/or executive committees of the various professional associations working in the juvenile justice field and their guidance and, in a number of instances, support were received for the changes.

"Time Served" Myth -- Disciplined Treatment Prevails

In presentations made before the various associations handling juvenile justice problems, I have pointed out that research exists, not only in Florida, but also in other states (supported by national commission reports), to show that longer average periods of time in training schools and residential facilities have either no effect, or a slightly negative impact from the standpoint of recidivism (failure). Further, that a changing policy emphasis was being effected in DYS from the point of substituting more frequent and intensive supervision in the community, in lieu of longer time in residential care. This changing policy emphasis (backed by research and empirical evidence nationally) and other unpredictable-uncontrollable situations affecting overpopulation, have resulted in a shorter average length of stay in training schools.

Youths under regular commitments during 1974, spend an average of over five months in residential care, with the longest average length of stay being nearly 17 months at Trenton, where more sophisticated youths are handled. Research in Florida shows that similar youngsters (same degree of sophistication and other factors) who stay an average of four months in the training schools do better than those who are released after longer stays. Necessity, namely overpopulation, and lack of resources could force a shorter stay.

A California study in 1973, utilized an experimental design in which release dates for a randomly-assigned group of prisoners were arbitrarily advanced about six months. No difference in release performance between this group and a group released under normal procedures, was observed.

"The landmark United States Supreme Court decision in the case of Gideon v. Wainwright handed down on March 18, 1963, resulted in the release of over one-thousand inmates who had been serving felony

sentences in correctional institutions throughout the State of Florida. This study attempted to gauge the impact of the Gideon decision upon recidivistic and other selected crimes in Florida from April, 1963, through August, 1965, by comparing that extraordinary group of inmates released prematurely into society with a matched control group released by expiration of sentence."¹

"The hypothesis that the Gideon motion release group recidivated at a greater rate than the matched control group of expiration releasees was not supported by the findings. The recidivism rate after 28.5± 2.0 months was only 13.6% for the Gideon motion release group, as compared with 25.4% for the control group composed of expiration releasees..."²

A number of other well-documented studies have concluded that length of time served, either has no association, or has a slightly negative association, with favorable release performance. This basic fact is, in effect, strongly supported by Dr. Norval Morris, Center for Study of Criminal Justice, University of Chicago, and an internationally recognized criminologist, in Rehabilitation: Rhetoric and Reality. In summary, research over many years shows no evidence for anything good coming from keeping juvenile or adult offenders incarcerated for longer lengths of time.

From the standpoint of administration, it makes sense to pay attention to sound research, as is being done. Yet, without any evidence to back it up, we have many demands for youngsters to be kept in the training schools longer. When any evidence is produced to show that this will result in more effective handling of delinquents, namely, less recidivism -- rest assured that a change of policy emphasis will be brought about, provided that additional multi-million dollar facilities and more beds are furnished.

Overpopulation of training schools will become more of a problem with increased commitments and demands for longer stays. Without additional resources, the end result can be predicted: increased runaways, disturbances, greater victimization of weaker youths, and more youngsters going into the adult criminal system, including prison, because of their exposure in the training schools to a more unsettling, negative experience.

If we are to increase the average length of stay in the training schools by 30 days, conservatively speaking, about three-quarters of a million dollars in additional funds will be necessary. For 60

¹The Impact of the Gideon Decision Upon Crime and Sentencing in Florida: A Study of Recidivism and Social-Cultural Change by Charles Eichman, Research Consultant, published by the Florida Division of Corrections of the Department of Health and Rehabilitative Services (undated), page 69.

²Ibidem, pages 72-73.

more days, the additional cost will be over one million dollars. These costs pertain only to use of current facilities in which increased budgets would provide for more youths to be handled -- albeit under possible decreasing effectiveness and sometimes harmful circumstances.

If the reason for demanding longer lengths of stay in training schools is to satisfy official and public demands, without due regard being given to rehabilitation, then Chapter 39 of the Florida Statutes must be changed, from the standpoint of the previous public policy spelled out by the Legislature on not punishing youngsters. Chapter 39.001, F.S., reads: "The purposes of this chapter are (1) to protect society more effectively by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of children who violate the laws." DYS, backed by solid research, is carrying out the intent of the law. With a parole success rate of 86.5 percent, and 92 percent for probation, the Division would be failing to carry out the law, if it were to fly in the face of sound research and extend the average length of stay in training schools, only for the purpose of punishment.

We made drastic average-length-of-stay reductions in Minnesota, when I headed the Minnesota Youth Conservation Commission, and the end result was a lowering recidivism rate. In a demonstration or pilot project, a five-year follow-up of the worst offenders in the system, who were released within 30 days and given intensive community supervision, coupled with heavy counseling with their families, showed better results than cases handled regularly.

Inherent Conflict Between Corrections and the Police¹

"The police and corrections are the two elements of the criminal justice system that are farthest apart, both in the sequence of their operations and, very often, in their attitudes toward crime and criminal offenders. Yet police and corrections serve critical functions in society's response to crime. And cooperation between police and correctional personnel is essential if the criminal justice system is to operate effectively.

Police because of their law enforcement and order maintenance role often take the view that shutting up an offender is an excellent, if temporary, answer to a "police problem." The police view the community at large as their responsibility, and removal of known offenders from it shifts the problem to someone else's shoulders.

¹ Corrections and the Police, "Corrections in the Criminal Justice System," Chapter 1 (Corrections and the Criminal Justice System), page six, CORRECTIONS, published by the National Advisory Commission on Criminal Justice Standards and Goals, Washington, D. C., January 23, 1973.

Police are more intimately involved than correctional staff are with a specific criminal offense. They often spend more time with the victim than with the offender. They are subjected to and influenced by the emotional reactions of the community. It is thus understandable that police may reflect, and be more receptive to, concepts of retribution and incapacitation rather than rehabilitation and reintegration as objectives of corrections.

Correctional personnel more often take a longer view. They seldom are confronted with the victim and the emotions surrounding him. While the police can hope for, and often achieve, a short-range objective--the arrest of a criminal--the correctional staff can only hope for success in the long run. Corrections seeks to assure that an offender will not commit crimes in the future.

Corrections with its long range perspective is required, if not always willing, to take short-run risks. The release of an offender into the community always contains some risks, whether it is at the end of his sentence or at some time before. These risks, although worth taking from the long-range perspective, are sometimes unacceptable to the police in the short run.

For the most part the released offenders whom police encounter are those who have turned out to be bad risks. As a result the police acquire an imprecise and inaccurate view of the risks correctional officials take. With correctional failures--the parole or probation violator, the individual who fails to return from a furlough--adding a burden to already overtaxed police resources, misunderstanding increases between police and corrections."¹

A juvenile court judge, testifying recently before a legislative committee, said that some of the problems stem from many new judges now performing juvenile court work, who served on the criminal court bench, and there are conflicting philosophies to some degree. Further, state attorneys were "thrown into" the juvenile delinquency processing system for the first time, just over a year ago, and an adjustment period also can be expected regarding somewhat differing philosophies stemming from adult (criminal) court handling.

¹Ibidem, Page nine.

The above working frames of reference mean that even greater efforts must be put forth to develop better mutual understanding. More frequent and effective communications, as outlined earlier, are essential for bringing this about.

Summary - Perspective

Neither the "sympathy, give them another chance -- and another chance" without service approach, nor the "lock them up and throw away the key" system, can be defended in corrections. Effective handling of juvenile delinquents must lie "halfway between the tear gas and the tear ducts." It must be disciplined treatment. This is the goal of DYS.

The Division of Youth Services operates under the best set of laws and policies that the director has seen in any state in this country, based upon nearly 15 years of survey-consultation experience, prior to coming to Florida over a year ago. Further, the Florida Legislature has provided the greatest variety of resources to carry out the intent of the law for rehabilitation and training, instead of retributive punishment -- leading to a system which is providing better protection of the public.

Prior to my taking over the directorship of DYS, it was considered one of, if not the best programs in the country, as based upon first-hand knowledge of operations by the various standard setting agencies. During the past year, the quality of services has continued to improve, and the national standard-setting agencies tell us that Florida either leads the nation, or is among a handful of states doing so, in the juvenile justice field. We are experiencing fewer youths going into the adult courts and prison systems when they leave DYS.

As director of this agency, I welcome anyone to conduct an overall study of the operations of DYS, comparing Florida with other states. We have our weaknesses and we are working on them. We rigorously surface problems for the sake of improving effectiveness. We are trying to hire more experienced staff. The many staff with only a few years experience need more experience.

While Florida involves more families (about 15 percent) in weekly counseling than any state (as far as it is known), the goal is for at least 50 percent involvement weekly. All field staff are being trained in reality based (AA style) group counseling, and it is expected that this approach will have greater impact on controlling and preventing delinquency than has ever been demonstrated in this country. Other children in the families will hopefully be prevented from getting into trouble and those under supervision will need less help from us by getting more from their parents.

It is recognized that in order to provide even better services to youths, families, and the public, further upgrading and "firming up" of policy and practices need to come about--and will. DYS stands ready to discuss any questions that exist regarding policies and practices presented herein.

This public document was promulgated at a cost of \$238.58 or \$.16 per copy for the purposes of informing the public on current practices used in the area of juvenile handling.

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