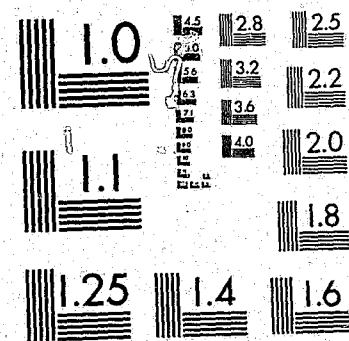


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Analysis of The Penetration of Youth into The Adult Criminal Justice System



STATE
OF
FLORIDA
DEPARTMENT
OF
HEALTH
AND
REHABILITATIVE
SERVICES

**Youth
Services
Program**

PLANNING
COORDINATION
UNIT

U.S. Department of Justice 77685
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AN ANALYSIS OF THE PENETRATION OF CHILDREN

INTO THE ADULT CRIMINAL JUSTICE SYSTEM IN FLORIDA

Prepared by:

Department of Health and Rehabilitative Services
Youth Services Program Office
Planning Coordination Unit

August 15, 1980

NCJRS

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ACQUISITIONS

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I.

EXECUTIVE SUMMARY

A study of the penetration of youth into the adult criminal justice system was conducted incorporating an applied research methodology which consisted of an analysis of intake data, a survey of court records, and an analysis of Department of Corrections data. The study concentrated on the 1978 - 1979 calendar year and selected changes in Chapter 39, F.S., during that time period. The study also focused on incarceration statistics for the period between 1970 and 1979. The major findings and results of this study are summarized below.

1. The typical juveniles transferred for prosecution in the adult court are males (92%), white (58%) and 17 years old (50%).
2. Approximately 3% of the juvenile referrals which were handled judicially are processed in the adult court.
3. Not all cases in which a State Attorney files a motion for waiver are certified into adult court. In 1978, 41% of the cases were certified to adult court; in 1979, 45% of the cases in which a petition for waiver was filed were certified into adult court.
4. Juveniles who are processed in the adult system have proportionately more serious charges against them than that of the referral population. Seventy-one percent of the cases transferred for adult prosecution had felony charges against them compared to 33% of all delinquent dispositions. Twenty-eight percent of the cases processed in the adult system had misdemeanor charges against them compared to 67% for all delinquent dispositions. Thirty-four percent of the cases processed in the adult system were charged with offenses against persons compared to 10% of all delinquent dispositions.
5. Most of the charges against the youth processed in the adult system were against property (44%).
6. Ninety-two percent of the youth processed in the adult system had prior referrals or programmatic encounters with Youth Services or with Social and Economic Services dependency programs.
7. Eight percent of the youth processed in the adult system had no prior referral to Youth Services or to Social and Economic Services.

8. The number of cases processed in the adult court increased by 3% when comparing the first six months in 1978, prior to enactment of direct file, to the first six months in 1979, from 595 to 614.
9. The number of cases certified to the adult system by the waiver process from 1978 to 1979 declined by 43%, from 533 to 306. The decline in certification of cases through waivers was a result of the direct file option. The direct file option accounted for all the losses in cases certified in 1979.
10. The direct file option accounted for 40% of the cases moved to the adult system in 1979.
11. There is a slight negative correlation between a district's delinquent referral rank and a district's rank in the number of cases processed in the adult system. Districts with a greater number of referrals send proportionately less youth to the adult system.
12. A survey of a stratified random sample of 300 cases processed in the adult system during calendar year 1979 was completed. Below are the major findings of this survey.
 - a. Sixty-two percent of the cases in the sample group were detained in county jail prior to disposition; fifty percent were detained because of their inability to make bond, and 12% because no bond was set.
 - b. The average length of incarceration prior to disposition for those detained in county jail was 112 days.
 - c. Sixty-three percent of the cases processed in the adult system were disposed through plea bargaining or plea negotiation.
 - d. Eight percent of the cases went to trial.
 - e. The Public Defender's Office represented 81% of the cases.

- f. Sixty-two percent of the cases disposed were incarcerated in correctional institutions or in county jails.
- g. Eighteen percent of the cases disposed were placed on probation.
- h. Commitment to the Department of Corrections was the most frequent type of case disposition (45.2%).
- i. The length of sentence for cases where the disposition was county jail or Department of Corrections (62% of cases) was as follows:

| | |
|---------------------|-------|
| 1-3 mo. | 7.5% |
| 4-6 mo. | 10.4% |
| 7-9 mo. | 0.5% |
| 1 year | 15.6% |
| 2 years | 12.7% |
| 3 years | 17.6% |
| 4 years | 13.9% |
| 5 years | 11.6% |
| 6 years | 5.4% |
| 8 years to 20 years | 6.0% |
| 21 years + | 3.0% |
| Life | 2.0% |

100 %

The length of sentence where the disposition was probation (18%) was as follows:

| | |
|------------------|-------|
| 1-3 mo. | 5% |
| 4-6 mo. | 6.0% |
| 7-9 mo. | 1.5% |
| 1 year | 7.0% |
| 2 years | 35.0% |
| 3 years | 18.0% |
| 4 years | 4.0% |
| 5 years | 20.0% |
| 6 years and over | 6.0% |

100 %

13. The admission of youth to the Department of Corrections in 1978/79 were the largest in absolute numbers for the period 1970-1979. Three hundred eighty-five admissions were registered during that fiscal year. However, as a percentage of total admissions, it was only 4.64% less than the percentages in 1970/71 (6.57%), 1971/72 (5.87%), and 1972/73 (5.57%).

14. The status population of youth under 18 in correctional facilities on June 30, 1979, was the largest in absolute numbers for the period 1972 - 1979. Two hundred ninety-two youths were in the Department of Corrections on that date, a 33% increase over the 1979 population. This represented 1.40% of the population in DOC on that date.
15. More cases had county jail or DOC (62%) as a disposition than in a similar DYS study in 1974 in which 50% of the cases had this disposition.
16. The system and the procedures established that allow the processing of certain types of cases involving youths in the adult criminal justice appears to be functioning as intended by Chapter 39.

II. Introduction

The purpose of this study is to describe and analyze the movement of youth charged with criminal acts from the juvenile justice system to the adult criminal justice system. In accomplishing this purpose, this study will describe the basic flow of cases in the juvenile justice system as it affects the majority of delinquent referrals. Special attention will be given to a description and analyses of key system components and the process used to distinguish that portion of delinquent referrals that eventually leave the juvenile justice system and penetrate the adult system. The study will examine, to the extent possible, the contributing factors and the consequence of this process in regards to case disposition or trial outcomes.

The study will examine six months in calendar year 1978 and 1979 and specific time periods within it. This time frame is of significance since it includes the period governing the implementation of the Juvenile Justice Act in October of 1978. This law serves as a demarcation point for comparison, for the purpose of understanding the system dynamics involved in the penetration of children into the adult system.

III. Background of Law

There is a trend in society to treat more youth as adults in the criminal justice system. Nationally the trend is being manifested by state legislative action which has either lowered the juvenile age, thereby, lowering the age for entrance into the adult system or by establishing procedures by which a child can be processed in the adult system given certain conditions and meeting certain criteria. Inherent in this trend is a normative attitude that requires sanctions for a crime that are appropriate for the crime and uniform in nature. Florida is following this trend in its treatment of children who violate the law.

Prior to October 1978, the methods by which a child could be processed in the adult court system were restricted to three avenues. State Attorneys could file a petition and motion for waiver for any child 14 years of age or older, at the time of the alleged violation, whom they thought should be prosecuted through the adult court. At a waiver hearing, the court would make the

decision to certify the case for trial as an adult or to have an adjudicatory hearing in the juvenile court. Not all waiver hearings result in a certification. In conducting a hearing on a motion to waive a child for criminal prosecution, the court considers:

1. The seriousness of the alleged offense to the community and whether the community can be best protected by transferring the child for adult sanctions.
2. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.
3. Whether the alleged offense was against persons or property, with greater weight being given to offense against persons.
4. The prosecutive merit of the complaint.
5. The desirability of trial and disposition of the entire offense in one court when the child's associates are adults or children to be tried as adults who will be or have been tried as adults.
6. The sophistication and maturity of the child.
7. The record and previous history of the child.
8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of procedures, services, and facilities available to the court.

In addition to a waiver hearing, two other methods existed to process a case in the adult system. A child, charged with a violation of Florida Law which is punishable by death or life imprisonment, could be indicted by a Grand Jury. A child could also be transferred to the adult system as the result of his own request with the concurrence of his parents.

With the passage and implementation of the Juvenile Justice Act of 1978, a State Attorney has an additional option that can lead to prosecuting a child in the adult court.

39.04(e) - With respect to any child who at the time of commission of the alleged offense was 16 or 17 years of age, file an information when in his judgment and discretion the public interest requires that adult sanctions be considered or imposed. Upon motion of the child, the case shall be transferred for adjudicatory proceedings

as a child pursuant to s. 39.09(1) if it is shown by the child that he had not previously been found to have committed two delinquent acts, one of which involved an offense classified under Florida law as a felony.

State Attorney does not have to go through a waiver proceeding using this option. The act of 1978 also added provisions that once a child has been transferred to adult court and is found guilty, thereafter, for future violations, the child will be considered an adult.

The central impetus underlying these procedures is the fact that adult sanctions are with regards to the period of incarceration more punitive and restrictive in nature than sanctions available through juvenile court disposition.

However, adult sanctions are not imposed automatically as a consequence of being prosecuted in the adult courts. The child may still receive a juvenile disposition. If a child is found guilty of the alleged offense in the adult court, disposition criteria are applied in order to determine the suitability or unsuitability for adult sanctions before any other determination of disposition.

The suitability determination is made by reference to the following criteria:

1. The seriousness of the offense to the community and whether the protection of the community requires adult disposition.
2. Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.
3. Whether the offense was against persons or against property, greater weight being given to offenses against persons.
4. The sophistication and maturity of the child.
5. The record and previous history of the child.
6. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if he is assigned to juvenile services and facilities.

IV. Previous Studies

In 1974, the Department of Health and Rehabilitative Services¹ conducted a study on cases certified during that calendar year. A random sample of 100 cases (25% of the cases certified that year) was selected for this study.

The major results of this study indicated that 97% of the sample cases involved males and 3% involved females. The racial composition was 51% white and 49% black. The age distribution of these cases was as follows:

Age Distribution²

| <u>Age</u> | <u>% of Cases</u> |
|------------|-------------------|
| 14 | 4% |
| 15 | 13% |
| 16 | 31% |
| 17 | 51% |
| 18 | 1% |
| | <u>100%</u> |

The DYS study found the following major categories of case disposition for the cases processed in the adult system:

Case Disposition

| <u>Disposition</u> | <u>% of Cases</u> |
|--|-------------------|
| Adult Prison | 40% |
| Adult Probation | 29% |
| County Jail | 10% |
| Case Dropped | 10% |
| Continued on Aftercare or DYS Supervision | 5% |
| Not Guilty | 5% |
| Fined | 1% |
| | <u>100%</u> |

In 1978, the Criminal Justice Evaluation Unit Office of the mayor in Jacksonville, Florida³ conducted a study on juveniles accorded adult legal status in Duval County during that calendar year.

This study tracked 87 completed dispositions in the adult system. The characteristics of these 87 cases were as follows:

Age Distribution⁴

| <u>Age</u> | <u>% of Cases</u> |
|------------|-------------------|
| 14 | 1.1% |
| 15 | 11.5% |
| 16 | 20.7% |
| 17 | 58.7% |
| 18 | 8.0% |
| | <u>100.0%</u> |

Race Distribution

| <u>Race</u> | <u>% of Cases</u> |
|-------------|-------------------|
| White | 47.1% |
| Black | 52.9% |
| | <u>100.0%</u> |

No females were processed in the adult system during the period of this particular study.

The Duval study analyzed case dispositions by method used to process the case in the adult system: waiver, direct file, and indictment. The following table delineates the results of this analysis.

TABLE I
Results of Duval Study

| <u>Dispositions</u> | <u>Waiver 61 Cases</u> | <u>Indicted 18 Cases</u> | <u>Direct File 8 Cases</u> | <u>Total 87 Cases</u> |
|--------------------------------|----------------------------|------------------------------|--------------------------------|---------------------------|
| State Correctional Institution | 31.2% | 72.2% | 12.5% | 37.9% |
| Local Correctional Institution | 34.4% | - | 37.5% | 27.7% |
| Probation | 11.5% | 22.2% | 37.5% | 16.1% |
| Fine | 4.9% | - | - | 3.4% |
| Nolle Prosequi/Dismissed Cases | 18.0% | 5.6% | 12.5% | 14.9% |
| | 100 % | 100 % | 100 % | 100 % |

The DYS and Duval study were similar in the fact that the characteristics of the two groups were similar in terms of age, sex, and race distribution.

The Duval and DYS study differ in respect to the disposition of the cases processed in the adult system. The Duval study indicated that, for that particular county and year, a larger percentage (65.5%) cases ended up in correctional institutions as compared to the DYS State study in which 50% of the cases ended up in correctional institutions.

A recently completed national study by the National Institute of Corrections⁵ found that there were more children in adult prison in 1979 than there were in 1973. The survey found 2,697 inmates aged 17 or younger in adult prisons as compared to 1,970 reported in 1973. However, the proportion of all prison inmates represented by juveniles declined slightly from 1.1% in 1973 to .98% in 1979. The juvenile inmate population increased 37% in the 1973-1979 period. However, this increase was less than the 53% increase in the adult population.

In addition, the study found 58% of the juveniles in adult jails were property offenders. Another 23% were in jail for crimes against public order and 17% for crimes against persons. The authors concluded that it is not the seriousness of the offense that causes some youth to be incarcerated in adult facilities, but some possible combination of previous history and multiple offense.

V. Methodology

The method used to obtain the result contained in this study consisted of four separate components.

Youth Services intake data for the time period between January and June 1978 and 1979 were analyzed to decide the characteristics and the process variables involved in the penetration of a case to the adult system. The intake data describes the general characteristics of the delinquent referral population for these time periods.

An analysis of the groups of cases processed in the adult system was performed to obtain specific data on their characteristics. This analysis further delineated the factors involved in processing a case in the adult system.

Another major component of this descriptive research was the actual analysis of the case records in the adult circuit court. This was performed by tracking the major process variables in the case records using a structured survey form (see Appendix). Twelve counties were selected to represent three district's geographic areas in north, central, and south Florida. These counties were:

| | | |
|----------|--------------|------------|
| Escambia | Leon | Duval |
| Volusia | Hillsborough | Pinellas |
| Polk | Orange | Brevard |
| Dade | Broward | Palm Beach |

According to the Intake Data Cards, 774 cases were processed in the adult court system during the calendar year of January through December 1979 in these counties. This represents approximately 60% of all cases processed in the adult system for this calendar year. From this population, a stratified random sample of 300 cases was selected for tracking. This sample is large enough to represent the population with a 97.5% confidence level. The sample size chosen for each county was proportional to the total population processed in the adult system for the calendar year in each county.

The final component of the methodology reviewed available data from the Florida Department of Corrections on youth in the correctional system.

IV. Description and Comparison of the Population

One issue concerning the movement of youth into the adult criminal justice system is how they differ from individuals not processed in the adult system.

A. January - June 1978

From January through June 1978, a six month time period prior to the implementation of the Juvenile Justice Act, 53,888 delinquency referrals were received by Single Intake. The age distribution of these referrals was dominated by 15, 16, and 17 year old youths. Sixty-one percent of the referrals were between the ages of 15, 16, and 17. Seventy-nine percent of the referrals were males and 21% were females. The racial composition of this referral group was 73% white and 27% black (see Table II).

For the same period, 595 cases were processed in the adult court system. Ninety-two percent of these cases involved youth between the ages of 15, 16, and 17. Males represented 94% of the cases while females represented 6% of these cases. Whites comprised 63% of the cases and the black proportion was 37% (see Table II).

B. January - June 1979

In the January through June 1979 time period, immediately after the implementation of the Juvenile Justice Act, 61,435* referrals were received by Single Intake. The age distribution of these referrals was again dominated by 15, 16, and 17 year old youths. Sixty-five percent of the referrals were between the ages of 15, 16, and 17. Seventy-nine percent of the referrals were males and twenty-one percent females. The racial composition of the population was again primarily white. Seventy-four percent of the referrals were white and twenty-six percent were black (see Table II).

During this time period, 614 cases were processed in the adult system. These cases, for the first time, included a portion directly filed. Ninety-two percent of these cases involved youth between the ages of 15, 16, and 17. Again, males accounted for the great majority of cases. Males represented 92% of these cases while females represented 8% of these cases. Whites comprised 58% of these cases and the black proportion was 42% (see Table II).

*A substantial part of this increase can be traced to October 1, 1978 changes in the law which expanded traffic offenses that could or would be heard as delinquency cases. When the referral rates for the entire fiscal year was compared, the entire increase could be accounted for all new traffic cases.

In summary, the 1978 and 1979 samples did not differ significantly from each other. The population processed in the adult court system was primarily male, white, and between the ages of 15 and 17 years old. This group differs from the population of total referrals in that it contains proportionately more males, blacks, and older youths.

The fact that the groups processed in the adult system is older reflects both the philosophy and the intent of Chapter 39, F.S. which stresses the age, physical, and social maturation of a child in considering the application of adult court procedures and of adult sanctions.

TABLE II⁶

Characteristics of the Delinquent Referral
Population and the Population Processed in the Adult Court

| January - June 1978 | | | January - June 1979 | | |
|---------------------------------|-----------------------------------|-------|---------------------------------|-----------------------------------|--|
| Delinquent Referral (53,888) | Processed in Adult Court (595) | | Delinquent Referral (61,435) | Processed in Adult Court (614) | |
| <u>Age</u> | | | | | |
| 1-10 | 4 % | - | 4 % | - | |
| 11 | 2.6% | - | 2.3% | .3% | |
| 12 | 5.4% | .1% | 4.5% | .1% | |
| 13 | 9.5% | .9% | 8.3% | .3% | |
| 14 | 14.4% | 1.1% | 13.8% | 2.4% | |
| 15 | 18.3% | 5.7% | 18.2% | 8.4% | |
| 16 | 21.3% | 29.6% | 22.9% | 35.1% | |
| 17 | 22.5% | 57.3% | 24.6% | 49.8% | |
| 18 | 1.9% | 5.3% | 1.4% | 3.6% | |
| Total | 100 % | 100 % | 100 % | 100 % | |
| <u>Sex</u> | | | | | |
| Male | 79 % | 94 % | 79 % | 92 % | |
| Female | 21 % | 6 % | 21 % | 8 % | |
| Total | 100 % | 100 % | 100 % | 100 % | |
| <u>Race</u> | | | | | |
| White | 73 % | 63 % | 74 % | 58 % | |
| Black | 27 % | 37 % | 26 % | 42 % | |
| Total | 100 % | 100 % | 100 % | 100 % | |

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VII. Reason for Referral and Status at Time of Referral

This section describes and compares the reason for referral for the total delinquency population and for the juvenile cases processed in the adult court. This section also compares the status at the time of referral for both groups.

During the January through December 1979 calendar year, 33% of the total delinquent dispositions were for felony charges, while 67% were for misdemeanor charges. By contrast, 71% of the youth processed in the adult court had felony charges against them and 29% had misdemeanor charges against them (see Table IIIA). The majority of the cases processed in the adult system who were charged with misdemeanors also had a substantial history of previous referrals and penetration in the juvenile justice system. All of the forty misdemeanor cases sampled in the survey had a previous programmatic encounter in the juvenile justice system.

The seriousness and type of offense with which an individual is charged is also different for both groups. Of the delinquent dispositions, 11% were offenses against persons, 51% were property offenses, and 38% were victimless offenses. Of the cases processed in the adult system, 34% were charged with offenses against persons, 43% were property offenses, and 23% were victimless offenses (see Table IIIB).

The status at the time of referral also differs for both groups (see Table IV). Fifty-five percent of the total delinquent disposition for the 1979 calendar year had no prior referral. The remaining 42.6% had some previous encounter with the juvenile justice system or the dependency system. Only 7.75% of the youth processed in the adult court had no previous history with the juvenile justice system or with dependency. Ninety-two percent of these cases had had some type of encounter with the juvenile justice system or with dependency.

TABLE IIIA⁷

Reason for Referral - Grouped
January - December 1979

| | Total Delinquent Referral | Cases Processed in the Adult Court |
|-------------|---------------------------|------------------------------------|
| Felony | 33% | 71% |
| Misdemeanor | 67% | 29% |
| | 100% | 100% |

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TABLE III B⁸

Reason for Referral

January - December 1979

| Person (% of Person Offenses) | Total Delinquent Referral | Cases Processed in the Adult Court |
|--|---------------------------|------------------------------------|
| CF 1. Murder, non-negligent manslaughter | .074% | 2.61% |
| F 2. Manslaughter - negligent | .021% | - |
| CF 3. Sexual Battery | .40% | 2.94% |
| F 4. Other Felonious Sex Offenses | .15% | .16% |
| F 5. Armed Robbery | .74% | 10.29% |
| F 6. Other Robbery | .91% | 10.29% |
| F 7. Aggravated Assault | 3.32% | 4.90% |
| 8. Simple Assault | 4.80% | 2.61% |
| TOTAL PERSON (% of Delinquencies) | 11.00% | 34.00% |
| <u>Property (% of Property Offenses)</u> | | |
| F 9. Arson | .27% | - |
| F10. Burglary | 15.40% | 21.73% |
| F11. Auto Theft | 2.58% | 6.00% |
| F12. Grand Larceny | 4.22% | 3.10% |
| F13. Receiving Stolen Property (+\$100) | .64% | .98% |
| 14. Other Felony Offenses | 1.81% | 2.77% |
| 15. Unauthorized Use of Motor Vehicle | .66% | .49% |
| 16. Petit Larceny | 7.51% | 3.10% |
| 17. Retail Theft | 12.00% | 2.94% |
| 18. Receiving Stolen Property (-\$100) | .65% | .32% |
| 19. Vandalism | 5.19% | 2.12% |
| TOTAL PROPERTY (% of Delinquencies) | 51.00% | 43.00% |
| <u>Victimless (% of Victimless Offenses)</u> | | |
| F20. Concealed Firearm | .19% | .32% |
| F21. Felony Drug Violation | .49% | .32% |
| F22. Felony Marijuana Offenses | 1.17% | 1.47% |
| F23. Escape - Detention or Training School | .51% | 3.43% |
| 24. Prostitution | .16% | .16% |
| 25. Other Misdemeanor Sex Offense | .34% | .16% |
| 26. Concealed Weapon | .25% | - |
| 27. Disorderly Conduct | 2.00% | 2.61% |
| 28. Trespassing | 3.50% | 1.76% |
| 29. Loitering/Prowling | 2.40% | .98% |
| 30. Misdemeanor Drug Violation | .64% | .78% |
| 31. Misdemeanor Marijuana Violation | 4.60% | .16% |
| 32. Possession of Alcohol | 2.30% | 1.79% |
| 33. Other Misdemeanor | 5.30% | 1.14% |
| 34. Contempt of Court | .19% | 2.61% |
| 35. Local Ordinance | .80% | - |
| 36. Traffic - County Court | .81% | - |
| 37. Traffic - Fleeing | .63% | - |
| 38. Traffic - Leaving the Scene | .50% | .65% |
| 39. Traffic - DWI | .90% | .65% |
| 40. Traffic - No License | 9.89% | 1.47% |
| 41. Delinquency Reopened | .12% | 2.61% |
| TOTAL VICTIMLESS (% of Delinquencies) | 38.00% | 23.00% |

F = Felonies
C = Capitol Offenses

Prepared by DHRS-PDYS-PDYSP
7/80

TABLE IV⁹

Status at Time of Referral

January - December 1979

| Status | Total Delinquent Dispositions | Cases Processed in Adult Court |
|---|-------------------------------|--------------------------------|
| 1. No prior referrals | 55.5% | 7.75% |
| 2. Protective supervision | 1.2% | .54% |
| 3. SES residential program | .4% | .27% |
| 4. SES custody or supervision previously terminated | .5% | .54% |
| 5. Community control | 7.1% | 18.49% |
| 6. Parole | 1.3% | 12.54% |
| 7. Youth Services commitment | 1.8% | 16.41% |
| 8. Youth Services supervision previously terminated | 5.3% | 16.95% |
| 9. Other previous judicial handling* | 9.7% | 19.11% |
| 10. All previous referrals* handled non-judicially | 17.2% | 7.40% |
| | 100% | 100% |

*(delinquency or dependency)

Prepared by PDYSP
7/80

VIII. Juvenile Justice Case Dispositions

This section further delineates the movement of a case to the adult system by describing the non-judicial and judicial options available to the State Attorney. This section will also describe and compare the type of disposition for the cases that were processed judicially in 1978 and 1979.

The State Attorney upon receiving the recommendations and investigative report from intake decides whether to pursue the case non-judicially or judicially. If the State Attorney decides to pursue the case non-judicially, he or she may refer the child to a diversionary program such as work restitution, monetary restitution, community arbitration, pre-trial intervention, dismiss the case, or refer it to another agency. If the State Attorney decides to pursue a judicial option, he/she may:

- 1) file a petition for delinquency;
- 2) file a petition for delinquency with a motion to transfer and certify the child to adult court;
- 3) file an information for any child who is 16 or 17 years of age and been previously found to have committed two delinquent acts, one of which involved an offense classified under Florida law as a felony;
- 4) refer the case to a grand jury.

An adjudicatory hearing is held after the petition for delinquency is filed. At this hearing, the court will determine if the child has committed a delinquent act. The adjudicatory hearing is conducted by the court without a jury, applying in the delinquency cases the rules of evidence used in adult criminal cases. If the court finds that the child has not committed a delinquent act, it will dismiss the case. The State Attorney can also choose not to prosecute the case (nolle prosequi). If the court finds that the child has committed a delinquent act, the court may:

- 1) withhold adjudication and place the child in a community control program;
- 2) enter an order of adjudication in the case and have full authority to determine a sanction and rehabilitative program for the child.

A court may also hold a case open pending further investigation or actions.

If the State Attorney files a motion to transfer and certify that child to the adult court, a waiver hearing is held. Not all cases in which a State Attorney files for a waiver are actually waived. Between January and June 1979 time period, 45% of the

cases involving a request that the cases be transferred actually resulted in the case being transferred. In the remaining cases, the court did not believe that the criteria involving transfer had been met.

As mentioned earlier, there were 33,888 delinquent referrals from January through June 1978. Sixty percent of these cases were processed non-judicially; the remaining forty percent were processed judicially.

The majority of the cases processed judicially during this time period were placed on community control (48%). Only 3% of the cases processed judicially were certified or indicted into the adult criminal court (see Table V).

The 1979 proportions are very similar in rank to the 1978 data. Again, community control was the disposition for the majority of the cases. Dismissed or nolle prosequi was similarly the other major disposition. Certifications (waivers) and indictments again account for a very small proportion of the cases. Direct file was used for the first time during this time period; 1.5% of the cases were moved to the adult court using this option.

In summary, both time periods indicate that certification, indictments, and the direct file process, collectively involve a very small percentage of the cases handled judicially, 3% in 1978 and 3.4% in 1979. Community control was the most frequent disposition.

TABLE V-10
Case Disposition for Cases Processed Judicially
in the Juvenile Section of the Circuit Court

| | 1978 Jan-June | 1979 Jan-June |
|------------------------------------|------------------|------------------|
| Placed on community control | 48.0% | 38.0% |
| Dismissed or nolle prosequi | 14.0% | 24.0% |
| Youth Services commitment | 11.0% | 11.0% |
| Judicial hearing | 11.0% | 10.0% |
| Other judicial dispositions | 9.0% | 7.0% |
| Held open | 3.0% | 5.0% |
| Transferred to SES | .5% | .3% |
| Transferred to Protective Services | .5% | .2% |
| Certified or indicted | 3.0% | 1.9% |
| Direct file | N/A | 1.5% |
| | 100 % | 100 % |

Prepared by PDYSP
7/80

IX. Waiver, Indictments, and Direct Files

This section will examine the actual number of cases between January and June 1978 and 1979 that were processed in the adult system.

In the 1978 time period, 595 cases were processed in the adult system. Five hundred thirty-three cases were certified through the waiver process and sixty-two were indicted (see Table VI). In comparison, 614 cases were processed in the adult system in the 1979 time period. Three hundred four cases were certified, fifty-five cases were indicted and two hundred fifty-three were processed using the direct file option.

The dramatic decrease in the number of cases certified using the waiver process between 1978 and 1979 reflects the impact of the direct file options. The direct file option accounted for all the losses in cases certified in 1978. The total number of cases processed in the adult court system increased by only 3% between the 1978 time period and the 1979 time period.

"The once waived always waived" provision of Chapter 39 does not appear to be used to any great extent to process a case in the adult system. The State Attorneys contacted in this study expressed that "the once waived always waived" provision is used rarely and that a case of this type is almost always referred to Single Intake before being processed again in the adult system. The data obtained in this study from the adult circuit court indicate that 4% of the cases processed used this provision.

In 1979, there was a slight negative relationship between the number of delinquent referrals and the number of children waived by district. When comparing district ranks in each of their categories using the Kendall Rank Correlation Coefficient, $T = -.2$. This means that districts with a low rank in delinquent referrals have a corresponding high rank in the number of cases being transferred to adult court and that certain districts with high rank in delinquent referrals have a low rank in the number of cases transferred to adult court. We can only speculate as to the reason for this relationship. One possible hypothesis is that this is a manifestation of the diversity of the social, political norms of the state. An analysis of the data in Table VI reveals that districts in North Florida (Districts I, II, III, and IV) send more cases to the adult system per 1000 referrals than other districts in Central and South Florida. The four districts in North Florida are more rural in nature and generally accepted to be more conservative in its orientation and treatment of law violators than the districts in Central and South Florida.

In summary, from the standpoint of comparison between the two time periods, the additional option of direct file did not have any significant impact on the number of cases being processed in the adult system ($t = .2$ at $df = 2$ $\alpha = .05$).

TABLE VI¹¹

JUVENILE CASES REFERRED TO THE ADULT SYSTEM
January-June 1978 and January-June 1979

JANUARY-JUNE 1978

JANUARY-JUNE 1979

| District | Delinquency Referrals | # Cases Certified | # Cases Indicted | Total # to Adult System | # Cases to Adult System Per 1000 Referrals | Delinquency Referrals | # Cases Certified | # Cases Indicted | # Direct Files | Total # to Adult System | # Cases to Adult System Per 1000 Referrals |
|-----------|-----------------------|-------------------|------------------|-------------------------|--|-----------------------|-------------------|------------------|----------------|-------------------------|--|
| I | 1752 | 40 | 2 | 42 | 23 | 1850 | 12 | 3 | 43 | 58 | 31 |
| II | 1826 | 41 | 6 | 47 | 25 | 1862 | 25 | 5 | 37 | 67 | 35 |
| III | 3251 | 32 | 5 | 37 | 11 | 3723 | 18 | 5 | 35 | 58 | 15 |
| IV | 6725 | 62 | 12 | 74 | 11 | 6847 | 50 | 17 | 28 | 95 | 13 |
| V | 5355 | 104 | 3 | 107 | 19 | 6879 | 16 | 0 | 15 | 31 | 4 |
| VI | 5229 | 86 | 6 | 92 | 17 | 5671 | 35 | 6 | 14 | 55 | 9 |
| VII | 5028 | 30 | 13 | 43 | 8 | 6069 | 35 | 5 | 14 | 54 | 8 |
| VIII | 4508 | 34 | 0 | 34 | 7 | 5584 | 25 | 3 | 12 | 40 | 7 |
| IX | 4792 | 22 | 9 | 31 | 6 | 5392 | 10 | 3 | 29 | 42 | 7 |
| X | 5720 | 26 | 4 | 30 | 5 | 6629 | 14 | 1 | 18 | 33 | 4 |
| XI | 9452 | 56 | 2 | 58 | 6 | 10929 | 66 | 7 | 8 | 81 | 7 |
| STATEWIDE | 53888 | 533 | 62 | 595 | 11 | 61435 | 306 | 55 | 253 | 614 | 9 |

Prepared by DHRS-PDYS-PDYPs
7/80

X. Analysis of the Cases Processed in the Adult Court System

This section describes the findings and results of 300 cases processed in the adult court system during calendar year 1979. The cases were chosen using a stratified random sample design. This design allows more valid inferences to be made about the entire population processed in the adult court system. Sex and race were chosen as the stratification variables in relationship to the proportion of these variables in the total population of cases processed in the adult system. The stratified random sample was implemented in twelve counties that collectively represented the variability and diversification of the state (see Methodology). The survey form used (see Appendix) tracked the major process variables as a case moved through the adult system.

The characteristics of this sample, by design, closely matched those of the population. Table VI delineates these characteristics. The typical cases processed in the adult system was a male (94%), white (53%), and 17 years of age (44%).

TABLE VII¹²

Characteristics of Youth in Sample Group

January - December 1979

| A. | Age | % |
|----|--------|--------|
| | 12 | .3% |
| | 13 | .6% |
| | 14 | 3.0% |
| | 15 | 11.0% |
| | 16 | 29.0% |
| | 17 | 44.0% |
| | 18* | 13.0% |
| | 19 | 1.0% |
| | | 100.0% |
| B. | Race | |
| | White | 53 % |
| | Black | 47 % |
| | | 100 % |
| C. | Sex | |
| | Male | 94 % |
| | Female | 6 % |
| | | 100 % |

*17 years old at time of initial charge

Of the 300 sampled cases, 16% had a misdemeanor as the primary charge against them. Eighty-four percent had felony charges against them. Thirty-eight percent of the charges were offenses against persons, 45% were offenses against property and 14% were victimless offenses (see Table IX). Twenty-nine percent of the cases had more than one charge against them.

In the sample group, waivers (51%) were the primary method of moving a case to the adult court. The direct file method was used in 27% of the cases and indictments were used in 17.4% of the cases.

TABLE VIII¹³

Method Used to Move Cases to the Adult Court

| | |
|------------------------------------|--------|
| Self-requested | .6% |
| Indicted | 17.4% |
| Waived | 51.0% |
| Direct File | 27.0% |
| Previously Waived and Found Guilty | 4.0% |
| | 100.0% |

Bonding Out

Bonding out is one of the most crucial decision points in the process of moving youth into the adult criminal justice system and is the initial decision after a case has been transferred or certified. Up to this point, if a child had been detained, it would have been in a Youth Services detention facility. In the initial bond decision, the court will determine if the youth will be released with no bond contingency, released on the youth's own recognizance, detained with no bond contingency, or allowed to post bond and be released. The bond provision basically means either freedom until disposition or a youth's first substantial exposure to jail.

Sixty-two percent of the cases in the sample group were detained in county jail. Thirty-four percent were released. Table X gives the initial bond decision for the sample cases.

TABLE IX¹⁴

Primary Charge Against Cases in Sample Group
January - December 1979

| Primary Charge | Mis. | Fel | Total | % |
|---|-----------|------------|-------|---------|
| Murder and non-negligent manslaughter | | 19 | 19 | 6.3 |
| Sexual battery | | 6 | 6 | 2.0 |
| Other felonious sex offenses | | 1 | 1 | .3 |
| Armed robbery | | 27 | 27 | 9.0 |
| Other robbery | | 44 | 44 | 11.6 |
| Burglary | | 86 | 86 | 28.6 |
| Auto theft | | 10 | 10 | 3.3 |
| Grand larceny (excluding auto theft) | | 22 | 21 | 7.0 |
| Receiving stolen property over \$100 | | 1 | 1 | .3 |
| Concealed firearm | | 4 | 4 | 1.3 |
| Aggravated assault and/or battery | | 24 | 24 | 8.0 |
| Felony violation of drug law (excluding marijuana) | | 1 | 1 | .3 |
| Marijuana offense | | 4 | 4 | 1.3 |
| Escape from training school or secure detention (3rd degree felony) | | 2 | 2 | .6 |
| Other felony offenses (specify) | | 9 | 9 | 3.0 |
| Unauthorized use of motor vehicle | 1 | | 1 | .3 |
| Assault and/or battery all except aggravated | 3 | | 3 | 1.0 |
| Petit larceny (excluding retail theft) | 17 | | 18 | 6.0 |
| Retail theft | 1 | | 1 | .3 |
| Trespassing | 3 | | 3 | 1.0 |
| Loitering and Prowling | 3 | | 3 | 1.0 |
| Marijuana offenses - less than five grams | 8 | | 8 | 2.6 |
| Other misdemeanors | 4 | | 4 | 1.3 |
| | 40 16% | 260 84% | 300 | 100.0 % |

Prepared by DHRS-PDYS-PDYSP
7/80

TABLE X 15

Initial Bond Decision

| | |
|---|------|
| Bond not applicable | 3% |
| Released on Bond | 24% |
| Released on own recognizance | 10% |
| Detained in county jail - unable to post bond | 50% |
| Detained in county jail - no bond | 12% |
| Detained in Youth Services Detention | 1% |
| | 100% |

Ninety-five percent of the cases detained in county jail had felony charges and 5% had misdemeanor charges. The average length of incarceration prior to disposition for the cases detained was 112 days. The average length of incarceration prior to disposition for felony cases was 113 days and for misdemeanor cases 77 days.

At arraignment, with counsel, 6% of the youth plead nolle contendere to the charges against them, 10% plead guilty and 84% plead not guilty (see Table XI).

The Public Defender's Office represented 81% of the cases. A court appointed private counsel represented 6% of the cases, and private counsel secured by the youth represented 3% of the cases (see Table XI).

Of the cases disposed, the greatest majority (63%) were disposed using plea bargaining or plea negotiation. Sixteen percent (16%) of the cases were disposed at arraignment through a guilty or nolle contendere plea. In 12% of the cases, the state attorney chose not to prosecute, and only 8% of the cases went to trial (see Table XI).

TABLE XI¹⁶Plea, Method of Cases Disposition and Type of Counsel

January - December 1979

A. Plea at Arraignment

| | |
|-----------------------------|------|
| 1. Plea of guilty | 10% |
| 2. Plea of nolle contendere | 6% |
| 3. Plea of not guilty | 84% |
| | 100% |

B. Method of Case Disposition

| | | |
|---|-------|------|
| 1. Disposed at arraignment | | 16% |
| 2. Plea bargaining/plea negotiation | | 63% |
| a. Plead as charged | (68%) | |
| b. Plead to lesser offense | (16%) | |
| c. Plead nolle contendere | (15%) | |
| d. Refer to non-criminal justice agency | (.5%) | |
| e. Refer to criminal justice agency | (.5%) | |
| 3. Nolle Prosequi | | 12% |
| 4. Trial | | 8% |
| | 100% | 100% |

C. Type of Counsel

| | |
|------------------------------------|------|
| 1. Public Defender | 81% |
| 2. Court appointed private counsel | 16% |
| 3. Private counsel | 3% |
| | 100% |

Of the cases disposed, 62% were incarcerated in a correctional institution or in county jail. Commitment to the Department of Corrections was the most frequent type of case disposition (45.2%). Probation was the next most frequent type of case disposition (18%). Nineteen percent of the cases disposed were convicted for more than one offense. Table XII illustrates the proportion and type of case disposition for the sample group.

TABLE XII¹⁷H. Case Disposition

(N=283 - 17 cases pending not included)

| | |
|----------------------------------|--------|
| Dismissal | 2.8% |
| Not guilty | 1.7% |
| Nolle Prosequi | 12.1% |
| County jail | 16.8% |
| Department of Corrections | 45.2% |
| Probation | 18.0% |
| Work Release | 1.0% |
| Committed to YS | 2.1% |
| Committed to HRS (Mental Health) | .3% |
| | 100.0% |

The 1978 change in the law also provided the provision that the court determine the suitability of adult sanctions prior to the disposition of cases of youth processed in the adult court. The criteria established to determine the suitability or non-suitability for adult sanctions was basically the same as the criteria used to waive a case into adult court (see page 6 and 7). This provision in the law was added to avoid any conflict because of direct file option with the constitutional doctrine of due process and equal protection under the law.

The legal logic underlying the addition of the criteria was that cases in which a petition and motion for waiver was filed had to go through a waiver hearing where suitability or non-suitability for prosecution in adult court was determined. Since the type of cases processed using the waiver option or the direct file are sometimes similar in nature and circumstances, there was a possibility that a case in which a waiver was not granted because of the nonsuitability of its prosecution in the adult court could be similarly direct file and for prosecution in the adult court. It was perceived by the legislature that a constitutional challenge to the differential treatment of a case at this point would be valid. The addition of the criteria for adult disposition, it was felt, would meet the due process and equal protection under the law provision. A constitutional challenge based on the argument that direct file option, among other things, did not provide due process and equal protection under the law was denied by the Florida Supreme Court in *Florida vs. Cain*, Florida 381 So. 2d 1361.

Because criteria for adult disposition were added, it was predicted the number of cases that received a commitment to Youth Services as a disposition would increase. However, this was not the case and in fact the percentage of cases receiving a commitment to Youth Services as an adult court disposition was less in 1979 (2.1%) than in 1974 (5%).

Whites were more likely than blacks to receive a disposition of county jail (or probation). Blacks were more likely to receive a disposition of commitment to the Department of Corrections. (see Table XIII).

TABLE XIII 18

Type of Disposition by Race

| Type of Disposition | Race | |
|----------------------------------|-------|-------|
| | White | Black |
| Nolle Prosequi | 12% | 13% |
| County jail | 19% | 15% |
| Department of Corrections | 41% | 54% |
| Committed to YS | 3% | 2% |
| Probation | 23% | 14% |
| Work Release | 1% | 1% |
| Committed to HRS (Mental Health) | 1% | 1% |
| | 100% | 100% |

The underlying assumption for processing a child as an adult is that the sanctions available are theoretically more restrictive in nature than those available in the juvenile justice system. The data reflects the manifestation of that assumption when the type and length of sentence is examined.

Sixty-two percent of the cases in which there was a final disposition (see Table XII) went to either county jail or the Department of Corrections. The length of sentence for both incarceration and probation was considerably longer than most alternatives in the Youth Services system.

Table XIV gives the percentage breakdown of the length of sentence for those cases where the primary disposition was county jail, Department of Corrections, or probation.

TABLE XIV 19

Length of Sentence
January - December 1979

Maximum Length of Sentence for Cases Where the Disposition
Was County Jail or Department of Corrections

| | |
|----------|--------|
| 1-3 mo. | 7.5% |
| 4-6 mo. | 10.4% |
| 7-9 mo. | .5% |
| 1 year | 15.6% |
| 2 years | 12.7% |
| 3 years | 17.6% |
| 4 years | 13.8% |
| 5 years | 11.6% |
| 6 years | 5.4% |
| 8 years | 6.0% |
| 21 years | 3.0% |
| Life | 2.0% |
| | 100.0% |

Maximum Length of Sentence Where the Disposition Was Probation

| | |
|------------------|--------|
| 1-3 mo. | .5% |
| 4-6 mo. | 6.0% |
| 7-9 mo. | 1.5% |
| 1 year | 7.0% |
| 2 years | 35.0% |
| 3 years | 18.0% |
| 4 years | 4.0% |
| 5 years | 20.0% |
| 6 years and over | 6.0% |
| | 100.0% |

The average length of sentence (excluding life) for felony cases was 3 years - 2 months when the disposition was probation and 3 years - 1 month when the disposition was county jail or Department of Corrections. The average length of sentence for misdemeanor cases was 10.5 months when the disposition was probation and 4.8 months when the disposition was county jail or Department of Corrections. The average length of stay in a Youth Services commitment program is 6 months.

The maximum length of sentence is not the length of time that an individual serves in a correctional institution. Inmates on the average serve less time than the maximum sentence. A Department of Correction's study²⁰ computed the average percent of sentence served in 1976/77 at approximately 46%. Thus, the average length of time served for the cases in this study which were incarcerated should be about 1½ years.

XI. Youth in the Department of Corrections

The number of admissions of youth 17 years old or younger to the Department of Corrections has fluctuated over the last nine years beginning with fiscal year 1970/71. The earlier portion of the seventies saw more admissions to Corrections both in absolute numbers and in percentages than the latter portion of the seventies. The exception to this was 1978/79 which had the largest absolute number of admissions and the single greatest percent increase over the previous year, 53% (see Table XV).

The status population of youth, defined as the population in correctional facilities on June 30 of each year, has fluctuated but has shown a steady increase since 1975/76. Similarly, the 1978/79 status population of youth 17 and under was the largest in the decade. However, as a percentage of the total status population, the number of 17 and under has remained fairly stable throughout the decade (see Table XV).

One must keep in mind when linearly tracking the movement of youth in the adult court system and through to the Department of Corrections that fluctuations and apparent discrepancies of the size of a group at various points in the systems are primarily a function of age at any point in the system. Since most of the youth processed in the adult system are 17 years old at the time of arrest, there is a strong probability that some time up to the time of admission to the Department of Corrections that many will reach their 18th birthday. As a result of this, the number of admissions of youth under 18 who were juveniles and transferred to the adult system and admitted to the Department of Corrections as reported are somewhat deflated. The same dynamics are in operation with the status population.

TABLE XV²¹

YOUTHS COMMITTED TO DEPARTMENT OF CORRECTIONS (DOC)

AGE AT ADMISSION

| Year | 16 and Under | 17 | Total Youths Number | % of Total | Total DOC Commitments |
|-------|--------------|-----|------------------------|------------|--------------------------|
| 70/71 | 108 | 186 | 294 | 6.37 | 4,617 |
| 71/72 | 106 | 234 | 340 | 5.87 | 5,788 |
| 72/73 | 95 | 181 | 276 | 5.57 | 4,958 |
| 73/74 | 40 | 211 | 251 | 4.41 | 5,694 |
| 74/75 | 69 | 140 | 209 | 2.89 | 7,222 |
| 75/76 | 85 | 172 | 257 | 3.03 | 8,486 |
| 76/77 | 74 | 151 | 225 | 2.74 | 8,224 |
| 77/78 | 105 | 152 | 257 | 3.21 | 8,001 |
| 78/79 | 152 | 233 | 385 | 4.64 | 8,292 |

POPULATION AS OF JUNE 30

| Year | 16 and Under | 17 | Total Youths Number | % of Total | Total DOC Commitments |
|---------|--------------|-----|------------------------|------------|--------------------------|
| 6/30/73 | 32 | 145 | 175 | 1.69 | 10,346 |
| 6/30/74 | 33 | 101 | 134 | 1.18 | 11,326 |
| 6/30/75 | 51 | 113 | 164 | 1.18 | 13,880 |
| 6/30/76 | 53 | 149 | 202 | 1.20 | 16,809 |
| 6/30/77 | 57 | 133 | 180 | .94 | 18,963 |
| 6/30/78 | 75 | 142 | 217 | 1.00 | 19,794 |
| 6/30/79 | 115 | 177 | 292 | 1.40 | 19,995 |

XII. Discussions and Conclusions

From the results obtained through this study, it appears that the system and the procedures established that allows the processing of certain types of cases involving youths in the adult criminal justice system is functioning as intended by Chapter 39 of the Florida Statutes.

The cases that were processed in the adult system involve individuals, who for the most part, have had a history of involvement with the Juvenile Justice System and who have committed serious crimes. The fact that the majority of youth processed in the adult system are 16 and 17 years of age reflects the intent of Chapter 39 and of the court which place emphasis on the physical and social maturation of a youth when considering the appropriateness and applicability of adult sanctions. From the view point of the state attorney, the system works in that it does provide, as a disposition, longer and more restrictive sanctions. The adversarial nature of a waiver hearing, reflected in the fact that less than 50% of the cases in which a petition for waiver is filed are actually certified to the adult system, and the criteria for filing directly, also, limits and controls the number of youths processed as adults.

Based on the results of this study, the initial application of the direct file option has not caused a dramatic increase in the number of youth being processed in the adult system. It appears that the direct file option is being used on cases that would have been waived under the waiver provisions available prior to 1978 legislative changes.

It is virtually impossible to attribute the increase in the 1978/79 admissions and the population in the Department of Corrections to any specific component in the criminal justice system. Furthermore, it is even more difficult to attribute the cause to the idiosyncrasies of a specific time period or to a general and systematic trend. The type of offense committed does not appear to be any more serious now than in the past when we compare 1978 and 1979 data. We do know, however, that tougher community attitudes towards youth who commit serious offenses are reflected, in part, by the type of court disposition. In the 1974 study conducted by DYS, 50% of the cases were incarcerated in county jail or in a correctional institution and 29% received probation. The 1979 study reveals that 62% of the cases were incarcerated in county jail or in a correctional institution, with only 18% receiving probation. The increase counts for a proportion of the increase of youth in prison. Another possible explanation would be that juveniles received longer sentences and serve a greater proportion of their sentence. Therefore, there is a cumulative growth in the juvenile population in prison. However, this could not be substantiated.

The efficacy of bond for juveniles who are certified as adult is beyond the scope of this particular study.²² However, this study found that 50% of the youth processed in the adult system were detained in county jail because they could not make bond. The average length of incarceration of this group prior to disposition was 112 days. The impact of a new provision of Chapter 39 which allows the court to place a youth awaiting adult disposition in detention could have a significant impact in detention population because of the longer adult case processing time. This is especially true in counties that process a large number of youth in the adult system. A closer monitoring of program demands placed on detention by this type of youth will be necessary during the next year.

Florida appears to be in line with the findings of the National Institute of Corrections (see page 18). Although there were more children in Florida Prison in 1979 (292) than in 1973 (175), the proportion of all prison inmates represented by juveniles was smaller in 1979 (1.4%) as compared to 1973 (1.69%). The juvenile population in Florida prisons increased 67% in the 1973 - 1979 period. However, this increase was less than the 93% increase in the adult population. The number of juvenile admissions to the Department of Corrections increased by 35% in the 1973 - 1979 period. During the same time period, the number of adult admissions increased by 67%.

The data in this survey provided some information which has never before been collected or analyzed from a statewide perspective. To our knowledge, after reviewing what reports or information existed on the procedural movement of a case in the adult court, no study has ever been completed in the adult court system of this type. Therefore, a comparative analysis with adult cases could not be made. We would have included a brief analytical comparison of the process variables involving the juvenile cases with the adult cases processed in the adult system had it been available. The only process variable that we could compare was the number of cases that go to trial in the adult system. Two percent of the cases in county or circuit court had a bench or jury trial in calendar year 1979. We found that 8% of the juvenile cases processed in the adult court went to trial.

This study stands then as a point of reference for future research in the flow of a case in the criminal justice system. Among the areas that need to be addressed are the further understanding of the population characteristics, system characteristics, process variables, and outcome variables by further operationalizing these variables and establishing relationships between them.

XIII.

Footnotes

¹Certification Study, Florida Department of Health and Rehabilitative Services - Youth Services 1974.

²Eighteen year olds are legally adults and can be processed in the adult system without regard to Chapter 39 of the Florida Statutes. No reference is given in the study as to why the 18 year olds appeared in the sample. Our assumption is that the youth was arrested and referred to the juvenile system while he/she was 17 and subsequently turned 18 while being processed in the adult system.

³Report on Juveniles Accorded Adult Legal Status, Office of the Mayor of Jacksonville, Florida - Criminal Justice Evaluation Unit, June 1974.

⁴The 18 year olds in this study were probably 17 at the time of arrest (see footnote 2).

⁵Lowell, H., McNabb, M., and DeMarco, M., Sentenced Prisoners Under 18 Years of Age in Adult Correctional Facilities, National Institute of Corrections, 1980.

⁶Intake Data Card, January - June 1978 and January - June 1979.

⁷Intake Data Card, January - December 1979.

⁸Ibid.

⁹Ibid.

¹⁰Intake Data Card, January - June 1978 and January - June 1979, Op Cit.

¹¹Ibid.

¹²Adult Penetration Survey, January - December 1979.

¹³Ibid.

¹⁴Ibid.

¹⁵Ibid.

¹⁶Annual Report, Florida Department of Corrections 1970-1979.

17 Ibid.

18 Ibid.

19 Ibid.

20 Technical Clarification on Three Statistics. Bureau of Planning, Research and Statistics; Florida Department of Corrections, 77-R-068, March 7, 1978.

21 Annual Report, Florida Department of Corrections 1970-1979.

22 A comprehensive analysis of the legal and practical issues of youth in jail awaiting disposition is addressed in Juvenile Injustice: The Jailing of Children in Florida by The Florida Center for Children and Youth, 1979.

XIV

Appendix

ADULT COURT SYSTEM PENETRATION SURVEY

A. Case Number: B. County: C. Birthdate: D. Sex:

1. Male
2. Female

E. Race:

1. White
2. Black
3. Other

F. Date Arrested: G. Charge: H. Secondary Charge: I. Methods Used to Move Case:

1. Self-requested
2. Indicted
3. Waived
4. Direct File
5. Previously waived and found guilty

J. Initial Bond Decision:

1. Released on bond/bail
2. Released on own recognizance
3. Detained in county jail, unable to post bond
4. Detained in Youth Services Detention
5. Detained in county jail, no bond
6. No bond

K. Type of Plea Entered:

1. Plea of guilty
2. Plea of Nolle Contendere
3. Plea of not guilty
4. Plea of not guilty by insanity

L. Type of Plea Negotiated:

1. Not applicable
2. Plead as charged
3. Plead to lesser offense
4. Refer to non-criminal justice agency
5. Refer to criminal justice agency
6. Nolle Contendere

M. Trial Outcome:

1. Not applicable
2. Mistrial
3. Dismissed
4. Guilty
5. Not guilty

N. Type of Counsel:

1. Private Attorney
2. Public Attorney

O. Conviction - Count One: P. Conviction - Count Two: Q. Conviction - Count Three: R. Disposition:

1. Nolle Prosequi
2. County Jail
3. Department of Corrections
4. Suspended Sentence/fine
5. Commitment to Youth Services
6. FPC Supervised Probation
7. Work Release
8. County Work Release
9. Commitment to HRS
10. Pending

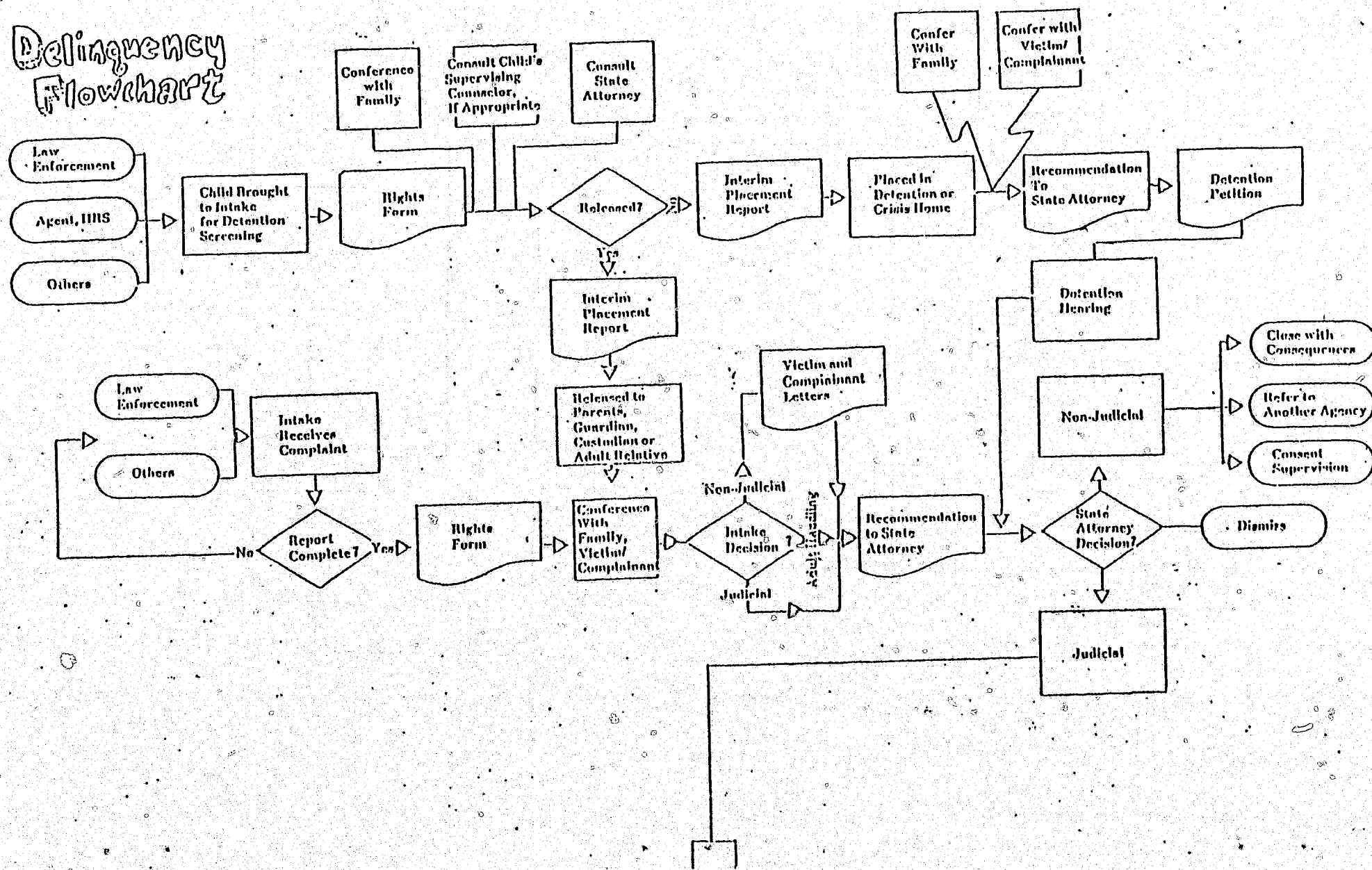
S. Length of Probation - Count One: T. Length of Probation - Count Two: U. Length of Probation - Count Three: V. Length of Incarceration - Count One: W. Length of Incarceration - Count Two: X. Length of Incarceration - Count Three:

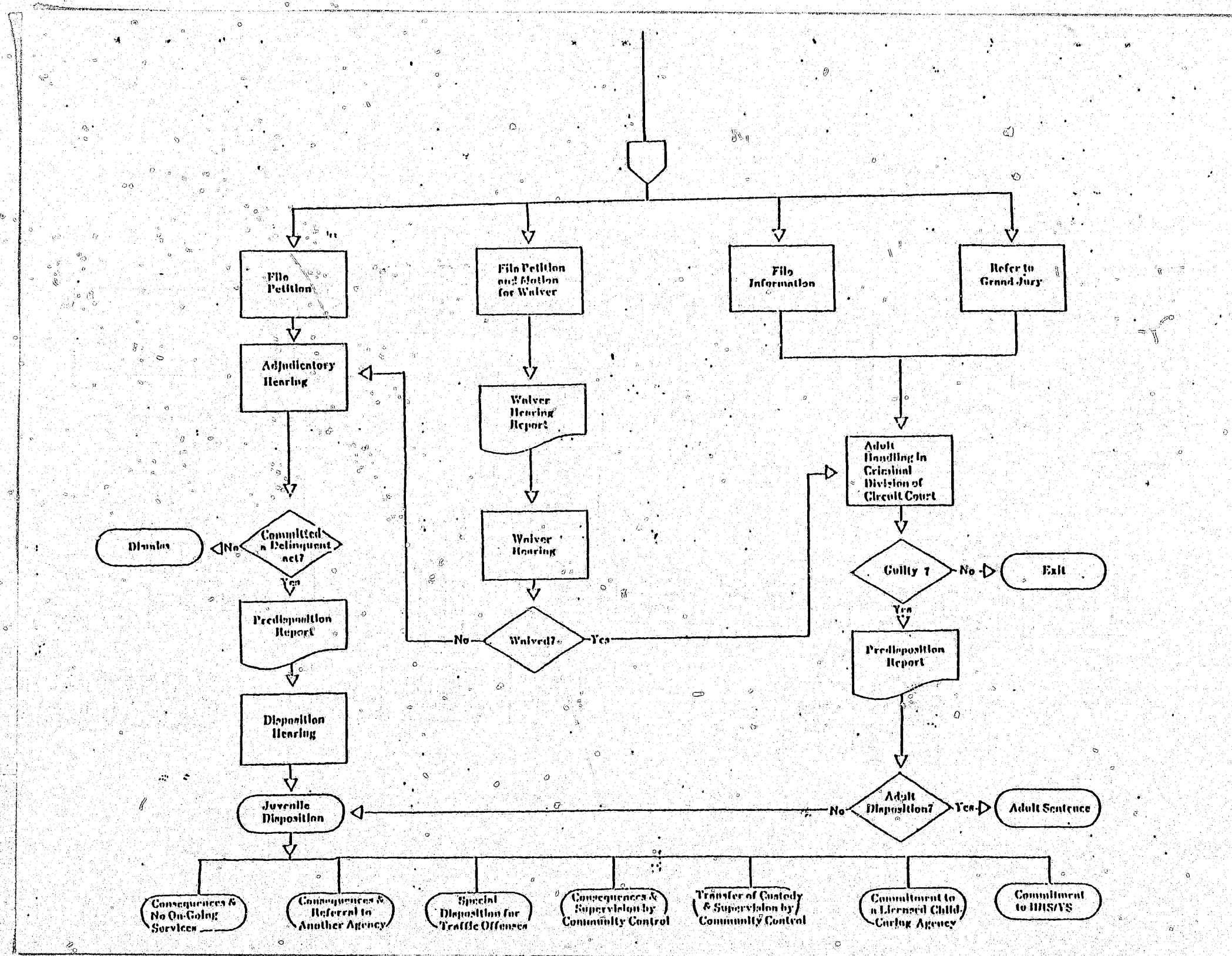
(S-X Codes) 0) N/A 5) 2 yrs.
1) 1-3 mo. 6) 3 yrs.
2) 4-6 mo. 7) 4 yrs.
3) 7-9 mo. 8) 5 yrs.
4) 10-12 mo. 9) 6 yrs. and Over

Y. Length of Incarceration Prior to Disposition (days):

Prepared by DURS-PDYS-PDYSP
6/9/80

Delinquency Flowchart





END