JUVENILE JUSTICE COMMITTEE

MEETING PACKET

REVISED

Wednesday, January 25, 2006
09:30 AM-12:00 PM
214 Capitol

Allan G. Bense
Speaker

Faye Culp
Chair

FLORIDA HOUSE OF REPRESENTATIVES

Allan G. Bense, Speaker

Juvenile Justice Committee

Faye B. Culp
Chair

Mitch Needelman
Vice Chair

Meeting Agenda
Wednesday, January 25, 2006
214 Capitol, 09:30 AM – 12:00 PM

I. **Opening remarks by Chair Culp**

II. **Roll call**

III. **Consideration of HB 529 Juvenile Defendants by Meadows**

IV. **Consideration of HB 563 Juvenile Animal Cruelty by Culp**

V. **Presentation by the Juvenile Justice Provider Staff Certification Task Force on its legislatively required report about the feasibility of implementing a certification system for private provider staff who work in juvenile justice facilities, services, or programs.**

VI. **Presentation by the Office of Program Policy Analysis and Government Accountability on Report No. 05-56 entitled "Gender-Specific Services for Delinquent Girls Vary Across Prevention, Detention, and Probation Programs."**

VII. **Closing remarks by Chair Culp**

VIII. **Adjournment**

HOUSE JUVENILE JUSTICE COMMITTEE
TAB INDEX
01/25/06

TAB 1.....HB 529 Juvenile Defendants by Meadows

TAB 2.....HB 563 Juvenile Animal Cruelty by Culp

TAB 3.....Presentation by the Juvenile Justice Provider Staff Certification Task Force on its legislatively required report about the feasibility of implementing a certification system for private provider staff who work in juvenile justice facilities, services, or programs.

TAB 4.....Presentation by the Office of Program Policy Analysis and Government Accountability on Report No. 05-56 entitled "Gender-Specific Services for Delinquent Girls Vary Across Prevention, Detention, and Probation Programs."

Tab 1

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 529 Juvenile Defendants
SPONSOR(S): Meadows
TIED BILLS: **IDEN./SIM. BILLS:** SB 526

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Juvenile Justice Committee		White	White
2) Judiciary Committee			
3) Criminal Justice Appropriations Committee			
4) Justice Council			
5)			

SUMMARY ANALYSIS

The bill expands current law's authorization for a public defender to represent an indigent juvenile who is alleged to be delinquent pursuant to a petition to also authorize a public defender to represent an indigent juvenile during delinquency court proceedings: (1) that occur after the juvenile is taken into custody, but before the delinquency petition is filed, e.g., a detention hearing; and (2) that are unrelated to the defense of a delinquency petition, e.g., a temporary release or transfer hearing.

The bill also provides that a parent or a legal guardian, who is the victim in his or her child's case, may not be ordered by a court to obtain private counsel for the child and may not be held liable for the fees, charges, or costs of court-appointed counsel; whereas, under current law, the status of a parent or legal guardian as a victim is not considered and such parent or legal guardian may be court-ordered to obtain private counsel and/or held liable for the fees, charges, or costs of court-appointed counsel.

Finally, the bill expands the statutory requirements applicable to a juvenile's waiver of his or her right to counsel in delinquency court proceedings. Currently, statute requires: (a) a juvenile to be advised by the court of his or her right to court-appointed counsel each time he or she appears without counsel; and (b) the court to make findings that any waiver of that right by a juvenile has been freely, knowingly, and voluntarily made. The bill expands these requirements to also require a juvenile to have had a meaningful opportunity to confer with counsel prior to waiving his or her right to counsel and authorizes a public defender to be appointed for an indigent or nonindigent juvenile for purposes of providing that meaningful opportunity. This portion of the bill implements a policy recommendation suggested by the Florida Supreme Court in January 2005. *See* Section I, "Effect of Proposed Changes" and Section III., "Constitutional Issues," *infra*.

The Public Defender Association has indicated that the fiscal impact of this bill is indeterminate, but may be substantial in some circuits.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill increases the responsibilities of public defenders by: (a) expanding the types of delinquency court proceedings in which a public defender is authorized to represent an indigent juvenile; (b) expanding the circumstances under which a court may appoint counsel for an indigent juvenile, i.e., when the parent or legal guardian is a victim; and (c) requiring that a juvenile have first conferred with counsel prior to waiving his or her right to counsel.

Safeguard individual liberty: The bill expands the types of delinquency proceedings in which an indigent juvenile may be represented by a public defender and increases the likelihood that juveniles will not waive counsel in delinquency proceedings by requiring them to have had a meaningful opportunity to confer with counsel prior to such waiver.

Empower families: The bill provides that a parent or a legal guardian, who is the victim in his or her child's case, may not be ordered by a court to obtain private counsel for the child and may not be held liable for the fees, charges, or costs of court-appointed counsel for the child.

B. EFFECT OF PROPOSED CHANGES:

Representation of Juveniles by Public Defenders: Section 27.51(1)(c), F.S., currently authorizes a public defender to represent an indigent juvenile who is alleged to be delinquent pursuant to a petition filed before a circuit court. Such counsel must be appointed by the court when the indigent juvenile's: (a) parents or legal guardian are also indigent and unable to employ counsel;[1] or (b) parents or legal guardian are not indigent, but refuse to employ counsel for the juvenile.[2] Notwithstanding indigent status, the parents or legal guardian of a juvenile are responsible for fees, charges, and costs of court-appointed counsel.[3]

Effect of the bill: The bill amends s. 27.51(1)(c), F.S. to repeal current law that limits public defender representation to when an indigent juvenile is alleged to be delinquent pursuant to a petition. Under the bill, the public defender is authorized to represent an indigent juvenile who is either:

(1) In custody for a felony, misdemeanor, or criminal contempt; or
(2) Facing delinquency proceedings under ch. 985, F.S., before a circuit court.

Thus, under the bill, the public defender remains authorized, as in current law, to defend an indigent juvenile against a petition of delinquency; however, the bill expands this authority to also permit public defender representation of an indigent juvenile during delinquency court proceedings: (1) that occur after custody, but before the delinquency petition is filed, e.g., a detention hearing; and (2) that are unrelated to the defense of a petition of delinquency, e.g., a temporary release[4] or transfer hearing.[5]

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[1] Section 985.203(1), F.S.
[2] In delinquency proceedings, the court is required to order the non-indigent parents or legal guardian of a juvenile to obtain private counsel. The willful failure of the parents or legal guardian to comply with that order is punishable by contempt of court proceedings. Section 985.203(2) and (3), F.S.
[3] Section 27.52(6), F.S.
[4] Under ss. 985.03(57) and 985.231(1)(d), F.S., a juvenile may be temporarily released with court approval from a moderate-, high-, or maximum-risk commitment program.
[5] Under s. 985.404(4), F.S., the Department of Juvenile Justice may transfer a committed juvenile to another program. If the transfer is to a program within a restrictiveness level that is higher or lower than the court-ordered restrictiveness level, the Department must notify the court that committed the juvenile. The court may set a hearing to review the transfer; however, if no such hearing is set within 10 days after receipt of the notice by the court, the transfer is deemed granted

Additionally, the bill amends s. 985.203(2), F.S., to require the court to appoint counsel for an indigent juvenile if his or her parent or legal guardian is the alleged victim in the case and does not obtain private counsel for the juvenile. The bill specifies that the parent or legal guardian may not be held liable for the fees, charges, or costs of court-appointed counsel if the court finds at disposition that the parent or legal guardian is a victim of the offense.

Juvenile Right to Counsel: In 1967, the United States Supreme Court held that juveniles are constitutionally entitled to counsel in delinquency cases.[6] Currently, this right is protected by s. 985.203(1), F.S., which provides that a juvenile must be represented by legal counsel at all stages of delinquency court proceedings, unless the right to counsel is freely, knowingly, and intelligently waived after the court has advised the juvenile of his or her right to court-appointed counsel. Additionally, under the subsection, after a juvenile has waived the right to counsel, the court must renew the offer of court-appointed counsel at each subsequent proceeding where the juvenile appears without counsel. Florida courts have held that the failure of a circuit court to renew the offer of court-appointed counsel constitutes fundamental error requiring reversal.[7]

F.R.J.P. 8.165 further specifies that any waiver of a juvenile's right to counsel must be in accordance with the following requirements: (a) the court must thoroughly inquire into the child's comprehension of the offer of counsel and into the child's capacity to make his or her choice intelligently and understandingly;[8] (b) the waiver must be in writing; and (c) if the waiver is occurring at a plea or adjudicatory proceeding, the written waiver must be signed by a parent, guardian, responsible adult relative, or a court-assigned attorney, who shall verify that the juvenile's waiver appears knowing and voluntary.

Requirements (b) and (c) outlined above were added to F.R.J.P. 8.165 by the Florida Supreme Court in 2005, based upon recommendations made by the Florida Bar Commission on the Legal Needs of Children (the Commission) and the Juvenile Court Rules Committee.[9] A third recommendation was also considered by the Court, which would have amended the rule to require that juveniles be provided with a meaningful opportunity to confer with an attorney before waiving counsel.[10] According to the Court, this amendment would be, ". . . an important additional safeguard designed to protect a juvenile's constitutional right to counsel . . . ."[11] However, the Court declined to adopt the amendment due to its potential fiscal impact[12] and instead invited the Legislature to address this issue.[13] The Court stated:

> Because of . . . our desire to work cooperatively with the Legislature, we urge the Legislature to consider the Commission's recommendations. We also strongly urge that the voluntary practice that exists in many jurisdictions in which consultation with an attorney takes place be continued and, where possible, expanded in the interim.

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[6] *In re Gault*, 387 U.S. 1, 36-37 (1967).

[7] *See A.L. v. State*, App. 4 Dist., 841 So.2d 676 (2003)(holding that a court's failure to offer juvenile appointed counsel at all stages of delinquency proceedings was fundamental error requiring remand for new disposition hearing, even though juvenile had waived counsel at an earlier proceeding).

[8] With regard to the requirement of a thorough inquiry, the Florida Supreme Court has stated, "The 'requirement of a detailed inquiry recognizes that '[i]t is extremely doubtful that any child of limited experience can possibly comprehend the importance of counsel.' P.L.S. v. State, 745 So.2d 555, 557 (Fla. 4th DCA 1999) (quoting *G.L.D. v. State*, 442 So.2d 401, 404 (Fla. 2d DCA 1983)). Although the inquiry for juveniles must be at least equal to that accorded adults, courts should be even more careful when accepting a waiver of counsel from juveniles. See *K.M. v. State*, 448 So.2d 1124, 1125 (Fla. 2d DCA 1984)." *State v. T.G.,* 800 So.2d 204, 210-211 (Fla. 2001).

[9] *Amendments to the Florida Rules of Juvenile Procedure,* 894 So.2d 875, 877, 880-881 (Fla. 2005).

[10] *Amendments to the Florida Rules of Juvenile Procedure,* 894 So.2d at 881.

[11] *Id.* at 880.

[12] Regarding fiscal impact, the Court stated, "Although the public defenders stated that they do not anticipate a direct fiscal impact because in many circuits these procedures [pre-waiver consultation with an attorney] are already being followed, supplemental comments filed by the FPDA indicate that at least two circuits, the Sixth and Twelfth, may experience a significant fiscal impact, including the need for additional employees, should rule 8.165 be amended as proposed." *Id.* at 878.

[13] *Id.* at 880-881.

> We thus decline to adopt at this time the portion of rule 8.165(a) regarding consultation with an attorney prior to a waiver. We emphasize that we are not rejecting this proposed amendment to rule 8.165(a), but are merely deferring its consideration. We intend to readdress the adoption of the amendment to rule 8.165(a) at a future time following the conclusion of the legislative session.[14]

During the 2005 Regular Session, legislation was filed in the Senate, which would have amended s. 985.203(1), F.S., to require that a juvenile be provided with a meaningful opportunity to confer with counsel prior to waiver.[15] The bill had no House companion and it ultimately died in the Senate Judiciary Committee.

To date, the Florida Supreme Court has not readdressed this issue.

Effect of the bill: As discussed above, s. 985.203(1), F.S., currently requires: (a) a juvenile to be advised by the court of his or her right to court-appointed counsel each time he or she appears without counsel; and (b) the court to make findings that a waiver of that right by a juvenile has been freely, knowingly, and voluntarily made. The bill expands these statutory requirements by amending s. 985.203(1), F.S., to also require a juvenile to have had a meaningful opportunity to confer with counsel prior to waiver of the right to counsel. Additionally, the bill amends s. 27.51(2), F.S., to permit a public defender to be appointed by the court to provide an indigent or nonindigent juvenile with the meaningful opportunity to confer with counsel prior to waiver.

C. SECTION DIRECTORY:

Section 1. Amends s. 27.51(1)(c) and (2), F.S., to: authorize a public defender to represent an indigent child who is: (a) taken into custody for a felony, misdemeanor, or criminal contempt or (b) facing delinquency proceedings under ch. 985, F.S., before a circuit court; and provide that a court may appoint the public defender for an indigent or nonindigent juvenile as provided in s. 985.203, F.S.

Section 2. Amends s. 985.203(1) and (2), F.S., to: require that a juvenile be provided with a meaningful opportunity to confer with counsel prior to waiver of the right to counsel; and provide that a parent or a legal guardian, who is the victim in his or her child's case, may not be ordered by a court to obtain private counsel for the child and may not be held liable for the fees, charges, or costs of court-appointed counsel for the child.

Section 3. Provides an effective date July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   The bill expands the responsibilities of public defenders by authorizing their representation:

   (1) For purposes of providing a meaningful opportunity to confer with counsel prior to waiver of counsel by an indigent or nonindigent juvenile;
   (2) During delinquency court proceedings that occur after an indigent juvenile is taken into custody, but before the delinquency petition is filed, e.g., a detention hearing; and

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[14] *Id.* at 881.
[15] CS/SB 1218 (2005).

(3) During delinquency court proceedings that are unrelated to the defense of a delinquency petition filed against an indigent juvenile, e.g., a temporary release or transfer hearing.

The fiscal impact of the above-described expansion of duties will be minimal according to the Public Defender Association (the Association). With regard to the responsibilities listed in (1) and (2), the Association indicates that it is currently common practice for public defenders to represent juveniles during pre-petition delinquency court proceedings and for public defenders to advise juveniles of their rights prior to waiver of the right to counsel; however, the Association notes that up to three full-time positions may be required for smaller counties that do not have multiple public defenders. With regard to the responsibility listed in (3), the Association again anticipates a minimal fiscal impact because few delinquency court proceedings that are unrelated to the defense of a petition occur.

The fiscal impact of the bill, however, that the Association cannot determine is if more juveniles, after the meaningful conference with counsel, choose not to waive their rights to counsel. The Association states, "There are circuits in which this could have a substantial fiscal impact while in others it would have no impact. In the large circuits, the 4th-Jacksonville, 11th-Miami, 13th-Tampa, and the 17th-Broward, there would be no impact because the procedure in those circuits is to appoint the public defender to virtually all indigent children. The other circuits that follow different procedures could see a significant increase in caseloads."[16]

Finally, the fiscal impact of the bill's provision that a parent or legal guardian, who is the victim in his or her child's case, may not be ordered by a court to obtain private counsel for the child and may not be held liable for the fees, charges, or costs of court-appointed counsel for the child is indeterminate. Representatives of the Department of Juvenile Justice indicate that reliable statistics regarding the number of delinquency cases in which a parent or legal guardian is the victim are unavailable.[17] Staff has contacted the Justice Administrative Commission to obtain data regarding the amount of fees, charges, or costs of court-appointed counsel, which have been historically collected to provide some information regarding the bill's fiscal impact on this issue.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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[16] Letter from the Florida Public Defender Association dated March 30, 2005.

[17] The data collected by the Juvenile Justice Information System includes a field in which the relationship of the victim to the delinquent should be indicated; however, representatives of the Department of Juvenile Justice state that this field is often not marked. Further, a second field indicates the victim's relationship to the defendant in domestic violence cases; however, this bill impacts parents and legal guardians who are victims of any crime, not only domestic violence, and further, this data field is not limited to parents or legal guardians, i.e., the field could include siblings and other relatives who are not impacted by the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

As discussed *supra,* the Florida Supreme Court in a 2005 opinion considered whether to amend F.R.C.P. 8.165 to require that juveniles have had a meaningful opportunity to confer with an attorney prior to waiving the right to counsel.[18] The Court stated that this requirement would be, ". . . an important additional safeguard designed to protect a juvenile's constitutional right to counsel . . . ," and invited the Legislature to address this issue.[19] The Court did not hold, however, that such a requirement is constitutionally required to protect a juvenile's right to counsel. Accordingly, the bill's amendment to s. 985.203(1), F.S., which creates a juvenile right to a prewaiver consultation, appears to constitute a policy decision within the prerogative of the Legislature to expand the substantive, statutory protections of the juvenile right to counsel beyond those constitutionally required by Florida courts.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

[18] *Amendments to the Florida Rules of Juvenile Procedure,* 894 So.2d at 881.
[19] *Id.* at 880.

1 A bill to be entitled
2 An act relating to juvenile defendants; amending s. 27.51,
3 F.S.; requiring that the public defender represent an
4 indigent child taken into custody for a felony, a
5 misdemeanor, or criminal contempt; amending s. 985.203,
6 F.S.; requiring that a child be given a meaningful
7 opportunity to confer with counsel; requiring that the
8 court appoint counsel for an indigent child if the child's
9 parent or legal guardian is the alleged victim in the
10 case; providing that the parent or legal guardian is not
11 liable for fees, charges, or costs upon a finding by the
12 court that the parent or legal guardian is a victim of the
13 offense; providing an effective date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Subsections (1) and (2) of section 27.51,
18 Florida Statutes, are amended to read:
19 27.51 Duties of public defender.--
20 (1) The public defender shall represent, without
21 additional compensation, any person determined to be indigent
22 under s. 27.52 and:
23 (a) Under arrest for, or charged with, a felony;
24 (b) Under arrest for, or charged with:
25 1. A misdemeanor authorized for prosecution by the state
26 attorney;
27 2. A violation of chapter 316 punishable by imprisonment;
28 3. Criminal contempt; or

29 4. A violation of a special law or county or municipal
30 ordinance ancillary to a state charge, or if not ancillary to a
31 state charge, only if the public defender contracts with the
32 county or municipality to provide representation pursuant to ss.
33 27.54 and 125.69.
34
35 The public defender may ~~shall~~ not provide representation under
36 ~~pursuant to~~ this paragraph if the court, before ~~prior to~~ trial,
37 files in the cause an order of no imprisonment as provided in s.
38 27.512;
39 (c) Who is a child taken into custody for a felony, a
40 misdemeanor, or criminal contempt or who is facing delinquency
41 proceedings under chapter 985 ~~Alleged to be a delinquent child~~
42 ~~pursuant to a petition filed~~ before a circuit court;
43 (d) Sought by petition filed in such court to be
44 involuntarily placed as a mentally ill person under part I of
45 chapter 394, involuntarily committed as a sexually violent
46 predator under part V of chapter 394, or involuntarily admitted
47 to residential services as a person with developmental
48 disabilities under chapter 393. A public defender may ~~shall~~ not
49 represent any plaintiff in a civil action brought under the
50 Florida Rules of Civil Procedure, the Federal Rules of Civil
51 Procedure, or the federal statutes, or represent a petitioner in
52 a rule challenge under chapter 120, unless specifically
53 authorized by statute;
54 (e) Convicted and sentenced to death, for purposes of
55 handling an appeal to the Supreme Court; or
56 (f) Is appealing a matter in a case arising under

57 paragraphs (a)-(d).
58 (2) Except as provided in s. 985.203, the court may not
59 appoint the public defender to represent, even on a temporary
60 basis, any person who is not indigent. The court, however, may
61 appoint private counsel in capital cases as provided in ss.
62 27.40 and 27.5303.
63 Section 2. Subsections (1) and (2) of section 985.203,
64 Florida Statutes, are amended to read:
65 985.203 Right to counsel.--
66 (1) A child is entitled to representation by legal counsel
67 at all stages of any proceedings under this part. If the child
68 and the parents or other legal guardian are indigent and unable
69 to employ counsel for the child, the court shall appoint counsel
70 pursuant to s. 27.52. Determination of indigence and costs of
71 representation shall be as provided by ss. 27.52 and 938.29.
72 Legal counsel representing a child ~~who exercises the right to~~
73 ~~counsel~~ shall be allowed to provide advice and counsel to the
74 child at any time after ~~subsequent to~~ the child's arrest,
75 including before ~~prior to~~ a detention hearing while the child is
76 in secure detention care. A child shall be represented by legal
77 counsel at all stages of all court proceedings unless the right
78 to counsel is freely, knowingly, and intelligently waived by the
79 child after the child has been given a meaningful opportunity to
80 confer with counsel. If the child appears without counsel, the
81 court shall advise the child of his or her rights with respect
82 to representation of court-appointed counsel.
83 (2) If the parents or legal guardian of an indigent child
84 are not indigent but refuse to employ counsel, the court shall

85 appoint counsel pursuant to s. 27.52 to represent the child at
86 the detention hearing and until counsel is provided. Costs of
87 representation shall be ~~are hereby~~ imposed as provided by ss.
88 27.52 and 938.29. Thereafter, the court may ~~shall~~ not appoint
89 counsel for an indigent child who has ~~with~~ nonindigent parents
90 or a nonindigent legal guardian but shall order the parents or
91 legal guardian to obtain private counsel. A parent or legal
92 guardian of an indigent child who has been ordered to obtain
93 private counsel for the child and who willfully fails to follow
94 the court order shall be punished by the court in civil contempt
95 proceedings. If the parent or legal guardian is also the alleged
96 victim in the case, the court may not order the parent or legal
97 guardian to obtain private counsel but shall appoint counsel
98 pursuant to s. 27.52 to represent the indigent child. At the
99 disposition and upon a finding by the court that the parent or
100 legal guardian is a victim of the offense, the parent or legal
101 guardian is not liable for fees, charges, or costs under s.
102 27.52, s. 938.29, or this chapter.
103 Section 3. This act shall take effect July 1, 2006.

Tab 2

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 563 Juvenile Animal Cruelty
SPONSOR(S): Culp
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Juvenile Justice Committee		White	White
2) Governmental Operations Committee			
3) Criminal Justice Appropriations Committee			
4) Justice Council			
5)			

SUMMARY ANALYSIS

The bill provides legislative findings indicating: (a) that multiple research studies have found statistically significant correlations between juvenile acts of animal cruelty by juveniles and violent behavior against persons; and (b) that it is critical for the protection of society that the Department of Juvenile Justice (the Department) provide programs that will rehabilitate juvenile animal cruelty offenders and halt further antisocial conduct.

The bill creates the Task Force on Juvenile Cruelty to Animals (Task Force) within the Department. The Task Force's duties include:

- Profiling the delinquency and criminal histories of Florida juveniles who have committed a criminal act of animal cruelty.
- Identifying and reviewing the Department's practices and programs for the treatment and rehabilitation of juvenile animal cruelty offenders.
- Reviewing and summarizing current research regarding juvenile animal cruelty offenders and best practices in other jurisdictions for the treatment of these offenders.
- Recommending improvements for the assessment, treatment, and rehabilitation of juvenile animal cruelty offenders by the Department.

The Task Force is required to report its findings and recommendations to the Legislature and the Governor by January 1, 2007.

The potential fiscal impact of this bill, as projected by the Department, is $29,482; however, this amount may be substantially less if the Department recruits members for the Task Force who reside locally. *See* Section II., A. "Fiscal Impact on State Government," *infra.*

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill creates the Task Force on Juvenile Cruelty to Animals within the Department.

B. EFFECT OF PROPOSED CHANGES:

Juvenile Animal Cruelty Research: Multiple studies have found statistically significant correlations between acts of animal cruelty committed by juveniles and acts of violent behavior against persons. For example, the Florida Senate Criminal Justice Committee in its report entitled, "The Connection Between Domestic Violence, Child Abuse and Cruelty to Animals," noted:

> Childhood cruelty to animals has been linked to adult criminal behavior in studies reviewed and summarized by Professor Ascione. The results of these studies indicate childhood or adolescent histories of animal cruelty in:
>
> - 25% of aggressive male prison inmates
> - 30% of convicted child molestors
> - 36% of assaultive women offenders
> - 46% of incarcerated sexual homicide perpetrators
> - 48% of convicted rapists. . . .[1]

Further, in 2001, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a report entitled, "Animal Abuse and Youth Violence," in which it was concluded after a review of six studies that, "Taken together, these studies suggest that animal abuse may be characteristic of the developmental histories of between one in four and nearly two in three violent adult offenders."[2] And most recently, a 2003 study published in the book, "Animal Cruelty: Pathway to Violence Against People,"[3] found that adult violent offenders are significantly more likely than nonviolent offenders to have abused pets and stray animals during their childhood.[4]

The OJJDP report notes that juvenile acts of animal abuse are often underreported because historically these acts have not been systematically monitored in national crime reporting systems.[5] In recent years, however, assessment instruments that identify juvenile delinquents with a history of animal abuse have been developed and are being implemented in Florida and in other states.

Further, the OJJDP report and other studies indicate that early intervention is imperative to ensuring that juvenile animal abusers do not continue on a path of violent behavior; however, formal protocols for the treatment of juvenile animal abusers have only recently begun to emerge. These protocols include animal-assisted therapy wherein juveniles are trained to care for and interact in a nurturing manner with animals in order to reduce propensities for aggression and violence. The OJJDP report states, "Developing a sense of empathy for animals is assumed to be a bridge to greater empathy for fellow human beings, making violence toward them less likely."[6]

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[1] *The Connection Between Domestic Violence, Child Abuse and Cruelty to Animals,* Florida Senate Criminal Justice Committee, Interim Project Report 2005-125, November 2004, p. 4.
[2] *Animal Abuse and Youth Violence*, Office of Juvenile Justice and Delinquency Prevention, September 2001, pp. 3-4.
[3] *Animal Cruelty: Pathway to Violence Against People,* Linda Merz-Perez and Kathleen M. Heide, Ph.D., AltaMira Press, 2004.
[4] *USF Study Finds Childhood Animal Cruelty is [an] Indicator for Violent Offenders,* News at University of South Florida, Michelle Cobas, March 1, 2003.
[5] *Animal Abuse and Youth Violence* at pp. 2-3.
[6] *Id.* at pp. 10-11; *USF Study Finds Childhood Animal Cruelty is [an] Indicator for Violent Offenders* at pp. 10-11.

Juvenile Animal Cruelty in Florida: Section 828.12, F.S.,[7] criminalizes animal cruelty in Florida. Statistics provided by the Department indicate that between Fiscal Years (FYs) 2001 and 2005, there were a total of 303 juvenile delinquency referrals for violations of s. 828.12, F.S., which were based upon juvenile acts causing pain and suffering or death to animals.

Regarding these statistics, the Department states in its bill analysis that:

> Very few youth are referred annually to the Department for animal cruelty; however, animal cruelty is often a hidden, covert behavior and the research suggests that it is far more prevalent among the youth the Department serves than referral numbers would suggest.[8]

In October 2005, the Department adopted a new screening tool, referred to as the Positive Achievement Change Tool (PACT), for juvenile probation officers to use in assessing and identifying the needs of youth referred to the Department who are at risk of recidivism. One of the recidivism indicators scored by the PACT is whether the juvenile has a history of animal cruelty that has not been reported in the juvenile's delinquency history. Accordingly, the PACT should assist the Department in identifying juvenile animal cruelty offenders who are referred to the Department for delinquent acts other than a violation of s. 828.12, F.S.

Effect of Bill: The bill provides legislative findings indicating: (a) that multiple research studies have found statistically significant correlations between acts of animal cruelty by juveniles and violent behavior against persons; and (b) that it is critical for the protection of society that the Department provide programs that will rehabilitate juvenile animal cruelty offenders and halt further antisocial conduct.

The bill creates the Task Force on Juvenile Animal Cruelty, which may consist of up to twelve members appointed by the Secretary of the Department.[9] The Task Force is directed to submit a report by January 1, 2007, to the Legislature and the Governor that includes, but is not limited to the following findings and recommendations:

- *Findings -- identification of animal cruelty statutes; a profile of the dispositions for, and the delinquency and criminal histories of, youth who have violated s. 828.12, F.S., between FYs 2001 and 2006; identification of the department's practices, procedures, and programs for the treatment and rehabilitation of juvenile animal cruelty offenders; a summary of research regarding juvenile animal cruelty offenders; and identification of best and evidence-based practices and model programs used in other jurisdictions to treat and rehabilitate juvenile animal cruelty offenders.*
- *Recommendations -- identification of methods to assess the needs of juvenile animal cruelty offenders, treatment programs for the rehabilitation of such offenders, service delivery mechanisms to ensure that treatment programs are available statewide, and funding needs for such programming.*

---

[7] Section 828.12, F.S., provides that it is: (1) a first degree misdemeanor for a person to unnecessarily overload, overdrive, torment, deprive of necessary sustenance or shelter, or unnecessarily mutilate, or kill any animal; and (2) a third degree felony for a person to commit an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering. The section further provides that a person convicted of third degree felony animal cruelty must undergo psychological counseling or complete an anger management treatment program if his or her violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal.

[8] Bill analysis for HB 563, Department of Juvenile Justice, p. 1.

[9] The bill specifies that membership of the task force must include, but is not limited to: (a) three persons who collectively have experience with the conduct of juvenile animal cruelty research and with the treatment and rehabilitation of juvenile animal cruelty offenders; two Department employees who collectively are responsible for research and planning and delinquency prevention and treatment programming; and two representatives of providers of juvenile delinquency prevention, treatment, and rehabilitation services.

The bill further specifies that the Department shall provide administrative support for the Task Force; that members of the Task Force are entitled to travel and per diem reimbursement in accordance with s. 112.061, F.S.; and that the Task Force is dissolved upon completion of its duties.

The bill takes effect on July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Creates the Task Force on Juvenile Cruelty to Animals within the Department; provides powers and duties; specifies membership; requires a report; provides for administrative support and travel reimbursement; provides for dissolution of the task force upon completion of its duties.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   Based on its recent experience in administering the Task Force on Juvenile Sexual Offenders and their Victims,[10] the Department estimates the following fiscal impacts for the Task Force created by this bill:

   - $9,482 to hire a part-time OPS professional staff person to perform administrative, research, and writing duties for the Task Force. This figure is based upon the Task Force's 22-week duration, 20 hours per week, an hourly salary of $20.00, and 7.75% for F.I.C.A. Department estimates that this position would cost $9,440 for the five-month duration of the task force (22 weeks).
   - Up to $20,000 for travel and per diem reimbursement. The Department anticipates that five meetings will be required for the Task Force. Further, the Department estimates that up to six members of the Task Force may be from outside of the Tallahassee area. These members would be entitled to travel and per diem reimbursement under the bill. According to the Department, such reimbursement may average as much as $666.00 per member per meeting.

   Thus, the total potential fiscal impact of this bill, as estimated by the Department, is $29,482; however, the Department indicates that this fiscal Impact could be significantly less if members of the Task Force reside in Tallahassee. The Department expects that it will be able to recruit qualified local members for the Task Force from Tallahassee's universities and state government.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

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[10] *See* Chapter 2005-263, s. 10 (creating the Task Force on Juvenile Sexual Offenders and their Victims within the Department).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill refers several times to the "department," but does not define this term. It may be desirable to amend the bill to define the term "department" to mean the Department of Juvenile Justice.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to juvenile animal cruelty; providing
3 legislative findings; creating a task force on juvenile
4 cruelty to animals; providing powers and duties; requiring
5 the task force to consider specified issues and make
6 recommendations; providing membership; requiring a report;
7 providing for administrative support and travel
8 reimbursement; providing for dissolution of the task
9 force; providing an effective date.
10
11 Be It Enacted by the Legislature of the State of Florida:
12
13 Section 1. Task force on juvenile cruelty to animals.--
14 (1) The Legislature recognizes that multiple research
15 studies have found statistically significant correlations
16 between acts of animal cruelty by juveniles and violent behavior
17 against persons and that a literature review conducted by the
18 federal Office of Juvenile Justice Delinquency Prevention found
19 that juvenile animal cruelty may be characteristic of the
20 developmental histories of 25 to 60 percent of violent adult
21 offenders. The Legislature further recognizes that it is
22 critical for the rehabilitation of juvenile animal cruelty
23 offenders and for the protection of society that the Legislature
24 establish a policy requiring the Department of Juvenile Justice
25 to assess the specific rehabilitation needs of juvenile animal
26 cruelty offenders and to provide programs that will treat these
27 offenders and halt further antisocial conduct.
28 (2) There is created a task force to review and evaluate

29 the state's laws that define and address animal cruelty and the
30 department's practices for treating and rehabilitating juvenile
31 offenders of such laws. The task force shall make findings that
32 include, but are not limited to:
33 (a) Identification of statutes that address animal
34 cruelty.
35 (b) Compilation of statistics regarding the number of
36 juveniles in this state who have been found, between July 1,
37 2001, and June 30, 2006, to have committed an act of animal
38 cruelty in violation of s. 828.12, Florida Statutes, and
39 identification of the disposition imposed in each of those
40 cases.
41 (c) A profile of the delinquency and criminal histories of
42 the juveniles involved in the cases identified in paragraph (b)
43 before and after commission of the act of animal cruelty.
44 (d) Identification of the department's practices,
45 procedures, and programs for the treatment and rehabilitation of
46 juvenile animal cruelty offenders.
47 (e) A summary of research regarding juvenile animal
48 cruelty offenders and of any recommendations contained therein
49 for the treatment and rehabilitation of these offenders.
50 (f) Identification of best and evidence-based practices
51 and model programs used in other jurisdictions for the treatment
52 and rehabilitation of juvenile animal cruelty offenders.
53 (3) Based on its findings, the task force shall make
54 recommendations for the improvement of the state's policies and
55 laws that address juvenile animal cruelty. Such recommendations
56 shall specifically include, but are not limited to,

57 identification of methods to assess the needs of juvenile animal
58 cruelty offenders, treatment programs that will best
59 rehabilitate juvenile animal cruelty offenders, service delivery
60 mechanisms to ensure that recommended treatment programs are
61 available statewide, and any funding needs above existing
62 resources to ensure adequate availability of recommended
63 treatment programs.
64 (4) On or before August 1, 2006, the secretary of the
65 department shall appoint up to 12 members to the task force. The
66 task force membership shall include, but is not limited to:
67 three persons who collectively have experience with the conduct
68 of juvenile animal cruelty research and with the treatment and
69 rehabilitation of juvenile animal cruelty offenders; two
70 department employees who collectively are responsible for
71 research and planning and delinquency prevention and treatment
72 programming; and two representatives of providers of juvenile
73 delinquency prevention, treatment, and rehabilitation services.
74 (5) The task force shall submit a written report of its
75 findings and recommendations to the Governor, the President of
76 the Senate, and the Speaker of the House of Representatives by
77 January 1, 2007.
78 (6) Administrative support for the task force shall be
79 provided by the department. Members of the task force shall
80 serve without compensation, but are entitled to reimbursement
81 under s. 112.061, Florida Statutes, for travel and per diem
82 expenses incurred in the performance of their official duties.
83 The task force shall strive to minimize travel and per diem
84 expenses by performing, when practicable, its duties in the

85 location where the majority of task force members reside.
86 (7) The task force shall be dissolved upon submission of
87 its report.
88 Section 2. This act shall take effect July 1, 2006.

Tab 3

TASK FORCE TO STUDY CERTIFICATION FOR JUVENILE JUSTICE PROVIDER STAFF

Report to Governor Jeb Bush and the Florida Legislature

January 2006

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TABLE OF CONTENTS

Table of Contents 2
Index of Tables 3
Executive Summary 4
Introduction and Background 7
Introduction 7
Approach to Task 8
Background Related to Critical Issues 11
Job Classification Working Titles 11
Minimum Employment Qualifications 11
Employee Compensation 12
Current Pre-Service Training Requirements 14
Pre-Service Funding Resources 15
Pre-Service Curricula and Certification Examination Materials 16
Curriculum Development 16
Certification Framework 17
Delivery System Parameters 18
Delivery Site Location(s) 18
Distance-Learning Approaches 18
Delivery Strategies 19
Recommended Plan 20
Key Consideration: Occupational levels of staff subject to certification 21
Key Consideration: Per diem levels 23
Key Consideration: Criteria that may be used to certify staff 24
Key Consideration: Levels of certification 24
Key Consideration: Process for testing and validating the effectiveness of any recommended staff certification system 25
Key Consideration: The benefits and costs to implement and maintain a certification system 26
A: Benefits of Implementing a Certification System 26
B: Cost to implement and maintain a certification system 26
Cost to professionalize the work force 27
Cost to Implement a Certification System 27
Cost to Maintain a Certification System 29
Multi-year Plan Line Item Budget 31
Summary 32
Appendixes 34
Task Force Participants 34
Frequently Used Terms 34

INDEX OF TABLES

Table 1: Summary of Recommendations and Fiscal Impact 6
Table 2: Task Force Membership 8
Table 3: Working Titles 11
Table 4a: State Minimum Education/Experience Requirements 12
Table 4b: Provider Minimum Education/Experience Requirements 12
Table 5a: Detention/Residential Entry-Level Salaries 13
Table 5b: Probation and Community Corrections Entry-Level Salaries 13
Table 6a: State Job Classification Alignment 13
Table 6b: Provider Job Classification Alignment 13
Table 7: Department of Corrections Entry-Level Salaries 14
Table 8: Salary Gap 14
Table 9: State Training Requirements 14
Table 10: Required training BEFORE provider staff has contact with youth 15
Table 11: Recommended Implementation Plan 20
Table 12a: FTE Count of Residential Direct Care and Custody staff Subject to Certification 22
Table 12b: FTE Count of Community Corrections Case Management and Assessment staff Subject to Certification 22
Table 13: Care and Custody Model Pay Rates 23
Table 14: Cost to Professionalize the Work force 27
Table 15: Administrative Infrastructure/Materials Development Budget 28
Table 16a: Cost to Certify Residential Direct Care and Custody Staff 29
Table 16b: Cost to Certify Community Corrections Case Management and Assessment Staff 29
Table 17: Cost to Maintain a Certification System 30
Table 18: Key Steps 32

EXECUTIVE SUMMARY

The 2005 Florida Legislature, through Section 11 of House Bill 1917, created a "task force to study the certification of professional staff working for a provider of juvenile justice services." Governor Bush appointed 10 members to the Juvenile Justice Provider Staff Certification Task Force to "consider the feasibility of implementing and operating a certification system for staff who work in juvenile justice facilities, services, or programs," s. 11(3), HB 1917. The Task Force was specifically directed to submit a written report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that presents its deliberations and recommendations regarding:

- Occupational levels of staff subject to certification.
- Per diem levels.
- Criteria that may be used to certify staff.
- Levels of certification.
- Processes for testing and validating the effectiveness of any recommended staff certification system.
- Benefits and costs to implement and maintain a certification system.

It is not an overstatement to say that the juvenile justice profession is on the verge of crisis in the state of Florida. The turnover rate of contracted care and custody staff hovers around 50 percent, with many providers reporting that staff, once hired into a position, rarely remain in that position for more than 12 months. The turnover rates of state staff in comparable positions are lower than that of provider staff; however, the state's turnover rate is also excessive[1] and negatively affects the ability to provide stable and quality services. Both private and state employers consider staff training to be critical; nonetheless, in the face of tremendous staff shortages, training time routinely competes with the need to provide services to the juveniles in their care. The cost of turnover includes but is not limited to:

- ✓ Increased recruitment and hiring costs.
- ✓ Increased caseloads/fatigue/double-shift work for remaining staff.
- ✓ Reduced time available for training.
- ✓ Lack of program stability owing to revolving staff.
- ✓ Increased critical incidents between staff and youth.
- ✓ Increased staff performance problems.
- ✓ Reduced outcomes for youth.
- ✓ Compromised public safety.
- ✓ Lack of public confidence in the juvenile justice system.

[1] The turnover rate (FY 2004/05) for entry-level staff of the Department's three program branches; Detention is 41.4 percent; Residential Services is 31.3 percent; and Probation and Community Control is 19.5 percent.

The purpose of a proposed juvenile justice certification program is to ensure that specified staff members possess common entry-level knowledge, skills, and abilities. The result of a certification program is the assurance that all certified individuals are able to perform to standard, common practices that are implemented consistently and that the professionalism of staff increases. If a juvenile justice certification program is implemented, policy decisions will have to be made and statutory language will have to be created that addresses program requirements, including but not limited to who must be certified, when they must be certified, and under whose authority they must be certified. Each member of the Task Force understands and supports the concept of an entry-level certification program for front-line juvenile justice staff. The Task Force believes that, as a component of a comprehensive approach to stabilizing and increasing the professionalism of the work force, a certification program will help to:

- Increase the professionalism of the juvenile justice work force.
- Ensure common practice on core juvenile justice policy.
- Reduce high turnover rates.
- Increase public confidence in the state's juvenile justice system.
- Increase positive outcomes for juveniles.

However, for any certification program to be successful, the entire work force must be analyzed to ensure that the resulting program meets the needs of the intended target audience. The Task Force approached the task systematically, and members unanimously agreed that the foremost need of the target audience is to stabilize the work force. Work force stabilization is defined as attracting and retaining people who want to work with youth and believe that they can positively impact juveniles through their professional efforts. Research shows that in order to attract and retain staff, staff members must, first and foremost, believe that they are receiving a fair wage for their efforts. The existing per diem rates do not allow for a fair wage. This is a fact borne out of the reality that some full-time juvenile justice staff members are eligible for public assistance programs. Therefore, to attract and retain juvenile justice staff, entry-level salaries must be raised to a livable wage.

To that end, all deliberations and recommendations are based in the context of retention-based work force stabilization and professionalism efforts. This systematic approach includes strategies in the general categories of promoting work force development, improving the work environment/corporate culture, and enhancing supervisory skills. The report recommendations focus on establishing a foundation of appropriate employee compensation, from which the employee development strategy of staff certification can be launched.

The Task Force is recommending a multi-year plan, which is detailed throughout this report, which will result in:

- ❑ Adequate funding for the work force.
- ❑ Development of juvenile justice-specific curricula and certification examinations.
- ❑ Certification of all specified staff within three years.

Table 1: Summary of Recommendations and Fiscal Impact

Time Frame	Key Steps	Funding Requirements
FY 2005/06	• Conduct Job Task Analysis to identify core competencies for affected job classes. • Adjust rate structure/per diem levels	N/A
FY 2006/07	• Raise salaries by 50 percent of targeted total increase to achieve adequate starting salary. • Develop/pilot juvenile justice specific curricula and certification examination materials.	$36,150,833
FY 2007/08	• Raise salaries by additional 25 percent of the targeted total increase (achieving 75 percent of the total increase) to achieve adequate starting salaries. • Seek CJSTC approval of juvenile justice specific curricula and certification examination materials and transition to CJSTC.	$16,177,251
FY 2008/09	• Raise salaries by additional 25 percent of the targeted total increase (achieving 100 percent of the targeted increase) to achieve adequate starting salaries. • Seek high-risk retirement for state staff. • Implement increased minimum employment qualifications.	$15,518,751
FY 2009/10	• Build a cost-of-living component into provider contracts to maintain staff composition parity and certification requirements. • Ensure 100 percent of affected staff are certified.	$2,410,670

The Task Force recognizes that there is a significant cost to addressing the needs of the juvenile justice system. However, the cost of not doing anything is far greater and will be realized through continued turnover, reduced staff performance, increased critical incidents between staff and youth, contend with media scrutiny of the system's failures, and ultimately, compromised public safety.

INTRODUCTION AND BACKGROUND

INTRODUCTION

The Task Force to Study Certification for Juvenile Justice Provider Staff was created as a direct result of legislative action by the 2005 Florida Legislature. Throughout the 2005 session, there was a great deal of discussion between juvenile justice professionals and legislators regarding staff salaries, staff training, and other work force issues. As a result, Section 11 of HB 1917 was created, establishing a "task force to study certification for juvenile justice provider staff working for a provider of juvenile justice services

The Task Force was directed to submit a written report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that presents its deliberations and recommendations regarding:

- Occupational levels of staff subject to certification.
- Per diem levels.
- Criteria that may be used to certify staff.
- Levels of certification.
- Processes for testing and validating the effectiveness of any recommended staff certification system.
- Benefits and costs to implement and maintain a certification system.

TASK FORCE MEMBERSHIP

Section 11 of HB 1917 required Governor Bush to appoint up to 12 members to the Juvenile Justice Provider Staff Certification Task Force to "consider the feasibility of implementing and operating a certification system for staff who work in juvenile justice facilities, services, or programs," s. 11(3), HB 1917. The Task Force was to consist of the following minimum representatives:

- Two representatives of the Department of Juvenile Justice
- Two representatives of providers of juvenile justice services
- Two members of the Florida Juvenile Justice Association
- Two provider employees who provide direct care services
- Two representatives of the Florida Certification Board

Governor Bush appointed the following ten individuals to serve on the Task Force to Study Certification for Juvenile Justice Provider Staff:

Table 2: Task Force Membership

Name	Title	Representing
Eber Brown, Co-Chair	Assistant Secretary (A), Bureau of Staff Development and Training	Department of Juvenile Justice
Mark Fontaine, Co-Chair	Executive Director, Florida Juvenile Justice Association	Florida Juvenile Justice Association
Ray Berry	Chief Executive Officer, Health Business Solutions	Florida Certification Board
William Bowman	President, Bay Area Youth Services	Juvenile Justice Service Provider
Charles Chervanik	Assistant Secretary, Residential Services	Department of Juvenile Justice
Catherine Lau	Executive Director, Tampa Marine Institute	Direct Care Provider Employee
Thomas McFadyen	Central Regional Director, Residential Services	Department of Juvenile Justice
Neal McGarry	Executive Director, Florida Certification Board	Florida Certification Board
Richard Semancik	Chief Executive Officer, Sunshine Youth Services	Juvenile Justice Service Provider
John Wilson	Vice President of Operations, Eckerd Youth Alternatives	Florida Juvenile Justice Association

APPROACH TO TASK

The Task Force held five working meetings between September and November 2005, and the resulting meeting minutes are available by contacting the Department to request copies. An additional three meetings/conference calls were held to prepare the final report. The initial meetings were focused on data collection and included presentations by representatives from:

- The Department of Juvenile Justice
- The Florida Department of Law Enforcement (FDLE) for the Criminal Justice Standards and Training Commission (CJSTC)
- The Florida Certification Board
- The Office of Program Policy Analysis and Government Accountability (OPPAGA)
- The Panhandle Area Educational Consortium

In addition to the representatives listed above, juvenile justice providers, Department staff, and others made presentations and participated in the Task Force deliberations. Please see Attachment A in the Appendixes for a list of Task Force meeting participants.

Two of the most compelling documents reviewed by members of the Task Force are the January 10, 1996 OPPAGA report entitled *Policy Review of the Department of Corrections' Correctional Officer Staffing,* and the January 22, 1996 report, *Correctional Officers: Turnover, Safety and Security,* developed by the Florida House Committee on Corrections. To get a clear picture of the challenges facing the Department and its providers, all one would have to do is substitute the subject of either 1996 report from the *Department of Corrections* to the *Department of Juvenile Justice.*

Ten years ago, as cited in the OPPAGA and Florida House Committee on Corrections reports, the Department of Corrections was facing:

- Low staff salary
- Poor working conditions
- High-turnover
- Forced-overtime to maintain critical staff compliments
- Inexperienced officers
- Lack of effective training

Each of these issues is currently felt in every juvenile justice program, state or provider operated. As stated in the House report, "At critical staffing levels, correctional officers are under more stress, are more likely to make mistakes and often cannot respond to emergency situations." As a result, the legislature worked to increase staff compensation, while also asking staff to perform to a higher standard, by increasing officer certification requirements. It is interesting to note that at this time, the Department of Corrections already had a staff certification program in place. This fact lends support to the Task Force's position that a certification program, in and of itself, cannot ensure a professional, qualified workforce.

Once adequate data was gathered to inform the group's deliberations, all remaining meetings focused on determining the feasibility of a certification program for provider staff. Through discussion, several critical work force issues were identified. All subsequent deliberations were based on the hypothesis that these critical issues would be addressed as part of the development and implementation of any resulting certification program. The critical issues, in no particular order, are:

- ✓ Training is not the only thing that is "broken" in the juvenile justice system and cannot be "fixed" until the other, equally critical, components of the juvenile justice work force are also addressed: inadequate staff compensation and excessively high turnover rates. Until turnover is stabilized, the best certification program will not be worth the investment of financial and human resources.
- ✓ The average annual salary for juvenile justice professionals is not adequate to attract and retain qualified staff. As stated in the OPPAGA report published in September 2005, *Qualifications, Screening, Salaries, and Training Affect Quality and Turnover of Juvenile Justice Employees,* a full-time direct care staff member who is single with two dependents would qualify for public assistance programs, including food stamps; Women, Infants and Children (WIC); and KidCare. Until staff members are paid a living wage, efforts to professionalize the work force and increase staff knowledge, skills, and abilities will be unsuccessful.

- ✓ All instructional materials must be specific to the practice of juvenile justice. Any resulting curricula and examinations must address the clear philosophical difference between a correctional/custody-oriented approach and a treatment/rehabilitation-oriented approach. The challenge is to identify "common ground" on which to certify a work force that exists across the continuum of services from prevention and intervention to maximum-risk commitment/residential programs.

Within the context of stabilizing the work force, the Task Force concluded that certification is a worthy strategy to pursue. Assuming that staff salaries will be brought to a level necessary to recruit and retain appropriate staff, the Task Force discussed the advantages and disadvantages of multiple certification strategies, ultimately settling on recommendations for each of the legislatively identified components of any resulting juvenile justice certification system. Detailed discussion of options and related strengths and weaknesses are documented in the meeting minutes, which are available by contacting the Florida Department of Juvenile Justice.

BACKGROUND RELATED TO CRITICAL ISSUES

JOB CLASSIFICATION WORKING TITLES

At the outset of its deliberations, the Task Force realized that there is substantial difference in the official occupational titles for state and provider staff. To form a common understanding, the group established working titles to indicate the occupational levels of staff subject to certification.

Table 3: Working Titles

Working Title	Included Staff
Juvenile Detention Officer (JDO)	State staff of the Department's Detention Branch
Juvenile Corrections Officer (JCO)	State staff of the Department's Residential Services Branch
Juvenile Probation Officer (JPO)	State staff of the Probation and Community Corrections Branch
Residential Direct Care and Custody Staff	Provider staff that supervise youth 24 hours a day, 7 days a week, 365 days a year. These staff members are more closely aligned with the Department's JCO and JDO staff.
Community Corrections Case Management and Assessment Staff	Provider staff that provide front-line assessment and rehabilitative services in contracted community corrections facilities or programs such as juvenile assessment centers, aftercare, day-treatment, intensive delinquency diversion services (IDDS), and conditional release.

MINIMUM EMPLOYMENT QUALIFICATIONS

The minimum employment qualifications of staff working in juvenile justice programs are established in ss. 943.13(4) and 985.406(3), F.S., which state that staff must:

- ✓ Be at least 19 years of age.
- ✓ Possess a high school diploma or equivalent.
- ✓ Not have been convicted of specified misdemeanors or felonies.
- ✓ Not have been dishonorably discharged from any of the country's armed forces.
- ✓ Submit to fingerprinting and necessary background investigation.

Private providers, through their contracts with the Department, must meet the same minimum education and experience requirements of state employees. The Department and providers require Juvenile Probation Officers and provider Community Corrections Case Management and Assessment staff to possess a bachelor's degree. Through contract, the Department also requires Community Corrections contracted staff to have at least one year of experience.

Table 4a: State Minimum Education/Experience Requirements

Working Title	Employing Agency	Minimum Education	Minimum Experience
Houseparent (JCO)	DJJ	High School or GED	None
Juvenile Detention Officer (JDO)	DJJ	High School or GED	None
Juvenile Probation Officer (JPO)	DJJ	Bachelor's Degree	None

Table 4b: Provider Minimum Education/Experience Requirements

Working Title	Employing Agency	Minimum Education	Minimum Experience
Residential Contracted Staff	Provider	High School or GED	None
Community Corrections Contracted Staff	Provider	Bachelors Degree	1 Year

EMPLOYEE COMPENSATION

The Task Force believes that employee compensation must be addressed in conjunction with increasing requirements for staff education and training through the implementation of a certification program. As reported by OPPAGA in its *Qualifications, Screening, Salaries, and Training Affect Quality and Turnover of Juvenile Justice Employees* report, provider direct care employees with dependents could potentially qualify for public assistance programs, including Food Stamps, WIC, and KidCare even though they are full-time employees with benefits. Many providers report that they lose staff to employers offering more competitive wages, such as Wal-Mart, the Family Dollar Store, and other retail distributors. For the same or greater compensation, there are those who contend that these work environments do not carry the same stress level and responsibility that is inherent in working with challenging youth.

It is disconcerting that the juvenile justice profession is competing with Wal-Mart and like employers for the same pool of employees. Years ago, the juvenile justice profession was a desirable one, and recruiting qualified people wanting to work with juveniles was not the constant problem that it is today. College graduates would join the profession and seasoned employees would stay in the system because there was a career ladder that allowed them to do the work they love and make a decent living doing it. Given that per diem rates have not kept pace with the cost of living, career ladders have flattened and salaries are not high enough to meet the basic financial needs of employees. Professionals who want to work with youth are unable to afford to work in the field. As a result, employers frequently find themselves in the position of hiring staff possessing only the minimum qualifications, which necessitates that employers commit limited training resources to developing entry-level juvenile justice skills. Until juvenile justice employers are able to raise the entry-level salaries of juvenile justice staff, it will be difficult for any other employee recruitment and retention strategies to work.

The Task Force collected and reviewed salary data from multiple sources, including recent OPPAGA reports, state and provider human resources/rate study data, newspaper articles, and the Agency for Workforce Innovation Web site. The Task Force utilized the salary data in the OPPAGA report for the analysis.

Table 5a: Detention/Residential Entry-Level Salaries

Working Title	Employer	Entry-Level Salary*
Residential Direct Care and Custody Staff	Providers	$17,160
Houseparent (JCO)	DJJ	$23,022
Juvenile Detention Officer (JDO)	DJJ	$24,980

* Salary figures have been rounded up to the nearest dollar.

Table 5b: Probation and Community Corrections Entry-Level Salaries

Working Title	Employer	Entry-Level Salary*
Community Corrections Case Management and Assessment Staff	Providers	$25,629
Juvenile Probation Officer (JPO)	DJJ	$28,769

* Salary figures have been rounded up to the nearest dollar.

To establish a benchmark for recommending salary increases, the Task Force considered many similar professions, including law enforcement, corrections, education, child welfare, and other similar human services programs. The Task Force identified the public safety job classifications of Adult Correctional Officer and Adult Probation Officer, within the Department of Corrections (DOC), as the state job classifications that are most similar to the juvenile justice professionals. The job classification alignment between the DOC and the Department of Juvenile Justice/provider staff is indicated in Tables 6a and 6b.

Table 6a: State Job Classification Alignment

Department of Juvenile Justice Title	Department of Corrections Title
Houseparent (JCO)	Correctional Officer (CO)
Juvenile Detention Officer (JDO)	Correctional Officer (CO)
Juvenile Probation Officer (JPO)	Correctional Probation Officer (CPO)

Table 6b: Provider Job Classification Alignment

Provider Title	Department of Corrections Title
Residential Direct Care and Custody Staff	Correctional Officer (CO)
Community Corrections Case Management and Assessment Staff	Correctional Probation Officer (CPO)

Although the Task Force used the DOC to provide benchmarks for many of the group's recommendations, the Task Force caveats this decision with the understanding that although the job tasks are similar at both agencies, the mission of each respective department is very different and affects the way of work. The primary difference, which drives the agencies individual missions, is the population served. The juvenile justice system is specifically focused on working to rehabilitate youth and prevent them from ever entering the adult system. Conversely, the adult system is primarily focused on confinement and control.

Although the characteristics of the target population are very different, the job tasks of adult correctional professionals are comparable to those required in juvenile justice confinement programs. However, in addition to confinement, juvenile justice staff must also deal on a daily basis with issues inherent in adolescence, such as immaturity, predictable developmental stages, and backgrounds that commonly include child abuse, neglect, substance abuse, and mental health issues. In a juvenile justice program, all staff are part of the training team and must have the skill set to appropriately and professionally intercede with youth.

The Task Force recommends that the salaries for both private and state juvenile justice employees be brought to the entry-level minimums of the specified positions at the DOC. According to data from DOC's Human Resources office, the entry-level salary for each specified DOC staff position is:

Table 7: Department of Corrections Entry-Level Salaries

Working Title	Employer	Entry-Level Salary*
Correctional Officer (CO)**	DC	$30,320
Correctional Probation Officer (CPO)**	DC	$32,948

*Salary figures have been rounded up to the nearest dollar.
** Staff members are hired in at 5percent less than base, until CJSTC certification is earned.

The differences between the adult Correctional Officer and the adult Probation Officer entry-level salaries and those of state and provider juvenile justice staff salaries are indicated in Table 8.

Table 8: Salary Gap

Job Classification Comparison	Annual Amount Difference	Annual Percentage Difference
CO* vs. State Residential Staff (JCO)	$7,298	24%
CO vs. State Detention Staff (JDO)	$5,340	18%
CO vs. Private Residential Staff	$13,160	43%
CPO** vs. State Probation Staff	$4,179	13%
CPO vs. Private Community Corrections Staff	$7,319	22%

*CO denotes a Correctional Officer in the adult system.
**CPO denotes a Correctional Probation Officer in the adult system.

CURRENT PRE-SERVICE TRAINING REQUIREMENTS

The Department has established two sets of training requirements for newly hired staff. One set is for state employees in the JCO, JDO, and JPO classifications, and the other set is for contracted employees in the working titles assigned to (a) Residential Direct Care staff and Custody and (b) Community Corrections Case Management and Assessment staff. Table 9 indicates the minimum training and testing requirements for state staff in the JCO, JDO, and JPO classifications.

Table 9: State Training Requirements

Job Class	Phase I* Hours	Phase 2** Hours	Certification Examination***	Total Training Hours
JCO	120	120	Yes	240
JDO	120	120	Yes	240
JPO	120	160	Yes	280

*Phase I occurs on the job site.
** Phase II occurs at a DJJ training academy.
***Staff has up to 5 attempts to pass the certification examination.

The Department requires providers to ensure that their staff members complete 120 hours of specified training. Of the 120 hours of training, five courses must be completed before the new employee is allowed to have contact with youth and be counted in the youth-to-staff ratio (see Table 10). The remaining training hours must be completed within 180 days of hire. In addition to Department-mandated training, providers also require their employees to complete employer-specific training. Members of the Task Force, representing providers, presented their agency-specific training requirements. Please note that state employees take the certification examination for the JCO, JDO, and JPO job classifications only. The only examinations that provider employees must successfully complete are the Protective Action Response (PAR) performance demonstration and the PAR written examination.

Table 10: Required training BEFORE provider staff has contact with youth

Course Title	Residential Care and Custody Staff Minimum Initial Training Hours	Community Corrections Case Management and Assessment Staff Minimum Initial Training Hours
Protective Action Response (PAR)	40	32
CPR/First Aid Certification	6.5	6.5
Promoting Professional and Appropriate Staff Conduct	3	3
Suicide Prevention	6	6
Emergency Procedures	2	2
Total	**57.5***	**49.5****

*Represents 57.5 of the 120 hours of required training: 62.5 more hours must be completed within 180 days of hire.
**Represents 49.5 of the 120 hours of required training: 70.5 more hours must be completed within 180 days of hire.

PRE-SERVICE FUNDING RESOURCES

The state funds its training through the Department's training trust fund, which pays for such expenses as providing for the contracted staff positions for the bureau of Staff Development and Training, the Department's Web-based learning management system, the development of curricula and certification examination materials, and the delivery of Phase-2 training. The state gives providers copies of the mandated curricula and allows providers to participate in train-the-trainer sessions to develop Protective Action Response (PAR) trainers, which is the only support offered to providers to defray the cost of state mandated training requirements.

PRE-SERVICE CURRICULA AND CERTIFICATION EXAMINATION MATERIALS

Although the charge of the Task Force is to consider the feasibility of a certification program for providers, the Task Force understands that the issue is relevant to both the state and the providers. Task Force members support the position that there is one common certification across the state and provider work force to ensure staff possess minimum competency in the field of juvenile justice. A significant issue to reach agreement on is the content of any resulting curricula and examination materials. To date, the Department and providers have operated under different training requirements, and for the most part, different curriculum materials.

Even though the Department has a certification program for state JCO, JDO, and JPO staff, the Department acknowledges that its certification program delivery and administration systems need to be substantially revised: This includes revising the curricula and examination materials for all three job classifications, as the last significant re-assessment and re-write of each curriculum was during fiscal years 2000/01 and 2001/02. As such, the Department began the process of revising the JDO and JPO curricula and examinations during the 2005/06 fiscal year. The Department is waiting for the outcome of the Task Force recommendations before revising the existing JCO curriculum and examinations.

CURRICULUM DEVELOPMENT

The Task Force recommends that the following macro-level framework be pursued to develop two sets of curriculum materials and certification examinations for provider staff. One set of materials will be specific to Residential Direct Care and Custody staff, and the other set will be specific to Community Corrections Case Management and Assessment staff. The Task Force is very firm on the expectation that the curriculum materials are developed to (1) reflect the core elements of practice common to all included job classifications, and (2) allow the delivery of the curriculum to reflect the individual system of care/treatment models used by the various providers. The reasoning behind this recommendation is that all affected staff work in the overall profession of juvenile justice and must possess and demonstrate core behaviors. However, one of the purposes of privatization is to allow for creativity and flexibility in the provision of services. The content of any resulting curriculum materials must reflect both of these realities. To achieve this goal, the Task Force recommends pursuing the following macro-level steps to develop a certification program:

1. Complete a job task analysis/role delineation study for employee groups subject to certification.
2. Establish the Scope of Practice for each employee group subject to certification.
3. Design curricula frameworks.
4. Develop curricula and examination materials.
5. Pilot initial draft of curricula and exam items.
6. Revise curricula/examination materials as necessary and appropriate.
7. Implement revised curricula/examination materials.
8. Conduct program evaluation to measure strengths and weaknesses of the resulting certification program.
9. Maintain current curricula/examination materials.

It is important to note that a critical element of a legally defensible certification program is the adherence to professional standards as curriculum materials and testing instruments are developed. All certification program materials must be developed in accordance with the *Standards for Educational and Psychological Testing* (1999) published by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

CERTIFICATION FRAMEWORK

It is the intention of the Department to align its JDO and JPO entry-level certification programs with the Criminal Justice Standards and Training Commission (CJSTC or the Commission). CJSTC, which is staffed by the Florida Department of Law Enforcement, is the governing agency for law enforcement and adult correctional officer certification. The purpose of the CJSTC, as detailed in s. 943.12, F.S., is to:

- ✓ Establish minimum standards.
- ✓ Certify staff to those standards.
- ✓ Investigate allegations of officer misconduct and revoke the certification of officers, if necessary.
- ✓ Certify instructors and training schools.
- ✓ Monitor training academies for compliance.

By joining the Commission, the Department expects to benefit immediately from CJSTC's existing infrastructure, including the delivery system. Once it becomes a member of the Commission, the Department will seek to work in partnership with CJSTC to develop juvenile justice-specific curricula and examination materials.

The Task Force is agreeable to the concept of joining the Commission with the caveat that juvenile justice-specific curricula and certification examinations be developed that are specific to training staff that work with challenging youth in juvenile justice programs. The providers on the Task Force anticipate that a primary obstacle to overcome, however, is the law enforcement/corrections' focus of the Commission. In order for the juvenile justice profession to move under the CJSTC umbrella, the Commission would have to realign itself to allow for the establishment of a youth/rehabilitative focused component. The primary issues that would have to be resolved for the providers to support a move to CJSTC include:

- The existing statute and administrative code would have to be revised to allow for juvenile justice membership in CJSTC.
- The critical philosophical difference that exists between the correctional model used for adults and the rehabilitative approach that is used with juveniles would have to be addressed.
- The CJSTC oversees the certification, training and officer discipline for state and local law enforcement and correctional officers, in addition to the correctional officers employed by privatized prisons. The CJSTC model would need to be expanded to include the large population of staff employed by providers.

- The CJSTC does not currently offer a juvenile justice-specific curriculum or certification examinations. Certification could not take place until a relevant juvenile justice course of study is developed, approved, and implemented.
- The private providers need an "on demand" delivery strategy that can take place in locations convenient to the provider. Most CJSTC training is offered through community colleges and vocational schools, and none is offered using distance-learning technology.

DELIVERY SYSTEM PARAMETERS

There was a great deal of discussion regarding ways to deliver training to provider staff. The Department is in favor of using the existing CJSTC training academy infrastructure as its delivery system. Providers, however, expressed a desire to explore a wide range of delivery alternatives that are cost effective and efficient and will minimize staff travel time and leverage the use of technology. In addition, providers voiced the critical need to have the ability to access training *when they need it* and *where they need it*.

Discussion was based on the expectation that a certification program establishes minimum expectations for performance and must be the same for all individuals seeking certification. However, the way in which learners gain the skills to perform to standard must be available through a variety of delivery structures. With this understanding, the suggestions regarding delivery site locations, distance learning approaches, and delivery strategies are outlined below.

DELIVERY SITE LOCATION(S)

The group agreed that the location of physical delivery sites to both the state and the provider facilities is a key issue that must be resolved, as travel and absence from work must be minimized as much as possible. The primary concern is the potential for the negative effects that extended leave from home will have on employees who are caring for children, relatives, or friends; holding second jobs, or dealing with a host of other circumstance outside of the control of the employer that would limit the employee's ability to attend training at a remote site. In addition to discussing the current capacity the Department has to deliver training at its existing academies, the group began to explore the possibility of building on the state's existing community college and vocational technical schools infrastructure as a means to deliver the training within a reasonable proximity to state and private provider facilities.

DISTANCE-LEARNING APPROACHES

The group discussed the benefits and limitations of using distance-learning technologies to deliver training for any resulting certification system. The group agreed that the primary benefits of distance-learning approaches are:

- The "on demand" ability to access training.
- The on-site delivery of training.
- The standardization that is inherent to distance-learning methodologies.

However, the group understands the need to balance these benefits with the limitations of distance learning. These limitations include but are not limited to a loss of effectiveness when there is not an instructor to facilitate question/answer and discussion sessions as well as the ease with which employers can "cut corners" to complete the requirement rather than focus on employee learning.

DELIVERY STRATEGIES

In the end, the group agreed that demonstrating competency is the goal of any training program regardless of delivery system. Therefore, a great deal of work needs to be done when it is time to determine which delivery strategies should be pursued to deliver each identified training component. The group is interested in pursuing a blended delivery approach, which may include the following delivery strategies:

- Certified instructors delivering instruction at a central training site.
- Certified instructors delivering instruction at the employers' facilities.
- Asynchronous distance-learning, which enables the learner to determine when to take the training/individual learning with no or extremely limited interaction with other learners or instructors.
- Synchronous distance-learning, which allows for distance learning to be delivered at a specified time with both learners and facilitators/instructors "online" at the same time.

Ultimately, the Task Force agreed that certification must be the same for both state and providers. In keeping with the Department's desire to fall under CJSTC, the remainder of this report outlines a multi-year plan that strives to reduce turnover and stabilize the work force by implementing strategies to:

- Professionalize the work force.
- Create a certification program for private direct care staff.
- Join the CJSTC.

RECOMMENDED PLAN

The Task Force recommends that the legislature adopt and fund a multi-year plan that includes strategies to:

- ✓ Address staff compensation.
- ✓ Develop juvenile justice-specific curricula and examination materials.
- ✓ Gain acceptance by CJSTC.

It is the expectation that this systematic approach will enable legislative funding approval, because costs are allocated across multiple years and are linked to achieving the outcome of a professionalized, stabilized work force that is no longer driven by the negative effects of high turnover rates.

The Task Force is recommending key activities to be completed each fiscal year, with the expectation that all new and incumbent staff members are certified before the end of FY 2008/09 (see Table 11: Recommended Implementation Plan). It is the presumption of the Task Force that, if all of these key activities occur together, a significant reduction in turnover rates will be realized. The Task Force has set an expected turnover rate for each fiscal year to provide a quantitative outcome measure of success. The end goal of 17 percent turnover was established by identifying the current turnover rate of comparable staff at the DC to that of the Department ten years after the legislature implemented similar work force professionalism, stabilization and certification initiatives.

Table 11: Recommended Implementation Plan

Time Frame	Key Activities	Expected Turnover Rate
Current: FY 2005/06	✓ Conduct and complete a Job Task Analysis (JTA) for each of the following employee classifications and groups: ➢ State JCO staff ➢ State JDO staff ➢ State JPO staff ➢ Provider Residential Care and Custody staff ➢ Provider Community Corrections Case Management and Assessment staff ✓ Adjust rate structure to allow providers to raise salaries.	50%
Year 1: FY 2006/07	✓ Raise salaries for all affected job classes (provide for 50 percent of gap this year). ✓ Change contract language to increase provider minimum salaries. ✓ Develop and complete initial pilot of juvenile justice curricula and certification examination materials. ✓ Seek admission to become a member of CJSTC and change appropriate statute(s) accordingly.	45%

Time Frame	Key Activities	Expected Turnover Rate
Year 2: FY 2007/08	✓ Raise salaries for all affected job classes (provide for additional 25 percent of gap this year) ✓ Change contract language to increase provider minimum starting salaries. ✓ Seek CJSTC approval of juvenile justice curricula and certification examination materials. ✓ Transfer administration of certification examinations to CJSTC. ✓ Conduct equivalency review to determine gap for existing staff.	35%
Year 3: FY 2008-09	✓ Raise salaries for all affected job classes (provide for last 25 percent of gap this year). ✓ Change contract language to increase provider minimum starting salaries. ✓ Seek high-risk retirement for state staff. ✓ Implement employment prerequisites.	25%
Year 4: FY 2009/10	✓ Build a cost-of-living component into provider contracts to maintain staff-composition parity and certification requirements. ✓ Achieve 100 percent certification for state and provider staff.	17%

KEY CONSIDERATION: OCCUPATIONAL LEVELS OF STAFF SUBJECT TO CERTIFICATION

The group discussed the advantages and disadvantages of certifying staff members who fall into the broad categories of:

- Care and custody staff
- Counselor and case manager staff
- Supervisory staff
- Support staff, such as nurses, cooks, teachers, and janitors.

The group chose to use the working titles established by the Task Force during the first several meetings to indicate the state and provider positions that would be considered the occupational levels of staff subject to certification. Upon legislative approval of the Task Force's recommendations, the statutory language and job classifications will be officially changed to capture the affected employees.

The Task Force recommends that any resulting certification program be developed for the following occupational levels of entry-level staff.

1. **Residential Direct Care and Custody staff** is defined as the employees that supervise youth 24 hours a day, 7 days a week, and 365 days a year. This group of employees is

required to possess a college degree. Staff required to possess a minimum of a bachelor's degree are not included in this occupational category.

Private providers see their employees in this category as being most in alignment with the Department's Juvenile Correctional Officer (JCO), and Juvenile Detention Officer (JDO), staff, as well as DOC's Correctional Officer (CO) staff.

2. **Community Corrections Case Management and Assessment staff** is defined as the Employees who provide front-line assessment and rehabilitative services in contracted community corrections' facilities or programs, such as juvenile assessment centers, after care, day-treatment, intensive delinquency diversion services (IDDS), and conditional release. This group of employees is required to possess a minimum of a bachelor's degree; however, the occupational category of "treatment staff" does not include those employees who are licensed under their specific profession, such as therapists and nurses.

   Private providers see their employees in this category as being most in alignment with the Department's Juvenile Probation Officer (JPO) staff, as well as DOC's Correctional Probation Officer (CPO) staff.

Individuals in these job classifications and their supervisors would be subject to any resulting certification program. The Task Force is not recommending that a separate certification program be developed for supervisors. However, it will require that supervisors demonstrate the minimum competency of the staff members they are assigned to supervise. The Task Force is recommending that, if all the necessary strategies are put into place, all new staff in specified positions will be required to earn certification no later than FY 2007/08. In addition, the Task Force recommends that a transitional program be developed to train and certify all incumbent staff, which shall be completed no later than the end of FY 2008/09.

As part of this discussion, the Task Force determined that an accurate count of contracted provider staff that fall into the occupational categories of staff subject to certification does not exist. As such, an Employee Data Survey was developed and distributed to all providers under contract with the Department's (a) Residential Services Branch and (b) Probation and Community Corrections Branch. Tables 12a and 12b reflect the survey results. Please note that for the purposes of this report, the term Full-Time Equivalency (FTE) is used to refer to both state and provider full-time employee positions.

Table 12a: FTE Count of Residential Direct Care and Custody staff Subject to Certification

Job Classification	FTE Count
Total Residential Direct Care and Custody staff	**3,115**

Table 12b: FTE Count of Community Corrections Case Management and Assessment staff Subject to Certification

Job Classification	FTE Count
Total Community Corrections Case Management and Assessment staff	**1,275**

KEY CONSIDERATION: PER DIEM LEVELS

As stated previously in this report, the current rate structure is not adequate to fund a certification system. Current per diem levels for juvenile services were established in the early 1990s. There is a lack of documentation regarding the rationale for these per diem levels and an analysis does not exist that connects the real cost of service delivery with these established per diem levels.

Records indicate that day-treatment programs were funded between $40 and $45 a day. Residential program per diem rates were established by commitment levels: $85 a day for low-risk; $75 a day for moderate-risk; and $95 a day for high-risk. The legislature created the maximum-risk level in 1997. These programs were funded at $127 a day.

In 2001 the Department and the Florida Juvenile Justice Association worked together on a comprehensive approach toward potential fiscal efficiencies, new revenue sources, and other strategies to maximize resources. As part of this initiative, a zero-based budgeting exercise was convened. The resulting report, *Juvenile Justice Residential Commitment Program Rate Study: Basic Care and Custody,* dated June 8, 2001, utilized the existing care and custody staff ratios and other contract requirements to establish workforce demands. The Department of Management Services (DMS) and Legislative Budget Request (LBR) standards were followed to provide a context for operational expenses. Upon completion of this exercise, a model rate for residential commitment programs based on program size was established. Table 13 displays the care and custody model rates by program size for contracted residential services operating in state-owned facilities.

Table 13: Care and Custody Model Pay Rates

Bed Count	Low-Moderate Risk	High-Maximum Risk
24 beds	$107	$116
48 beds	$94	$102
96 beds	$91	$99

At each level, $5 to $7 a day was added to cover the cost of program operation in provider owned facilities. Upon completion of the study, it became clear that programs at all levels except maximum-risk were funded at the low end of 5percent to a high end of 35 percent below the true cost of service delivery.

Similar studies for contracted community corrections services (juvenile assessment centers, Day Treatment, IDDS, and conditional release programs) have not been completed to date. The disparity between cost of service delivery and reimbursement has become more severe from year to year. This problem has been compounded by the lack of cost-of-living adjustments to keep pace with the ever-increasing cost of service delivery.

From 1994 when the Department was created until present the cost of fuel, insurance, medical, and pharmaceutical supplies have seen annual documented increases while the reimbursement level has remained flat. Between 1994 and 2005, the Consumer Price Index has risen approximately 55%. During this same time period, there has been a cost of living adjustment at

an average of 1.8% for contracted community corrections case management and assessment programs and approximately 3% for residential programs.

Since the Department's creation in 1994, a 15-year period, there has been only four modest increases to address this problem. A total of $1.6 million in FY 2002/03 and $900,000 in FY 2003/04 was awarded by the legislature and used to raise the per diem rate for the 24 residential programs with the lowest per diem. In FY 2004/05 the legislature awarded $3.6 million for residential programs. This resulted in a $1.60 a day, or just over a 1percent increase. In FY 2005/06 the legislature committed $5.5 million across the juvenile justice continuum to address the cost of service delivery. This $3.8 million dedicated to residential resulted in a $1.78 a day adjustment. The $1.7 million for prevention and community corrections services resulted in approximately a 1.8 percent increase in funding. This is the first and only increase these programs have seen since the Department's inception.

The Task Force concluded that the current rate structure does not allow enhancement of salaries or training opportunities, because it has not kept up with the cost of living. Until the rate structure is adjusted to reflect reality, the providers will not be able to recruit and retain qualified staff, nor will they be able to support a certification program.

KEY CONSIDERATION: CRITERIA THAT MAY BE USED TO CERTIFY STAFF

The Task Force explored multiple, potential requirements for certification including:

- ❑ Education, training, and professional development activities
- ❑ Proficiency demonstrations and written certification examinations
- ❑ Professional experience
- ❑ Work samples
- ❑ Work records, such as performance evaluations and training histories
- ❑ External credentials and endorsements
- ❑ Acceptance of a code of conduct
- ❑ Continuing education/recertification requirements

Of these options, the Task Force is recommending that standard certification criteria include:

- ☑ Minimum educational qualifications.
- ☑ Completion of prescribed, juvenile justice-specific, competency-based curriculum.
- ☑ Attainment of a minimum or greater score on a written certification examination.
- ☑ Continuing education/re-certification requirements.

KEY CONSIDERATION: LEVELS OF CERTIFICATION

The Task Force is recommending a single level of certification for entry-level juvenile justice staff. As stated previously, the working titles of the occupational categories subject to entry-

level certification are Residential Direct Care and Custody staff and Community Corrections Case Management and Assessment Staff.

The Task Force recommends that all staff in the specified occupational categories, as well as the supervisors of these staff positions, earn entry-level juvenile justice staff certification. Certification does not extend beyond the level of staff supervisor.

The Task Force recognizes that although the contemplated certification is for front-line employees, the overall employee compensation approach must also include consideration for those employees who are not subject to entry-level certification. The issue of appropriate staff compensation must be addressed across the board, and it must not be linked solely to attainment of certification. Further, the Task Force would recommend that a system is not created that inadvertently results in certified staff and supervisors earning more than other juvenile justice professionals who were not specifically identified as affected employees, such as licensed treatment specialists and management/leadership staff. The entire juvenile justice salary structure must be addressed, which can best be accomplished by adjusting and modernizing the rates paid to providers for service delivery.

KEY CONSIDERATION: PROCESS FOR TESTING AND VALIDATING THE EFFECTIVENESS OF ANY RECOMMENDED STAFF CERTIFICATION SYSTEM

The Task Force is recommending a systematic approach to program evaluation, which includes metrics regarding:

- ✓ Learner satisfaction with the training and testing program.
- ✓ Attainment of knowledge based on the difference between pre-test and post-test scores.
- ✓ Supervisor/management satisfaction based on employee performance three months after training.
- ✓ Key success indicators, specifically the variance in the turnover rate, which is expected to decrease substantially over the next three years, leveling off one-year after all staff have earned certification.

Each of these metrics can be established and managed as part of the administration of the resulting certification program. It is also the intent of the Task Force that independent evaluations of the system occur, and it recommends that OPPAGA conduct a progress and outcome review for each fiscal year of the plan that is funded. The full evaluation strategy will be articulated upon approval of the Task Force's recommendations and will include:

1. A narrative describing the evaluation strategy, including the purpose of the evaluation strategy and how the results will be used.
2. A specific list of what will be measured (e.g., learner satisfaction and pass rate.)
3. A schedule of when and how results of evaluation strategies will be communicated to stakeholders.
4. A data collection strategy, including how and when and from whom to capture data.

5. A communication strategy to inform stakeholders of the program's effectiveness as well as ensure that the identified maintenance and program performance indicators are addressed.

KEY CONSIDERATION: THE BENEFITS AND COSTS TO IMPLEMENT AND MAINTAIN A CERTIFICATION SYSTEM

A: BENEFITS OF IMPLEMENTING A CERTIFICATION SYSTEM

Certification is a means to ensure that staff members perform to a specified minimum standard, which affords some measure of confidence that employers are protecting the safety, health, and welfare of the youth under care, the employees, and the public. The Task Force believes that the benefits of a well-designed certification program are worth the effort and cost to develop, implement, and maintain a juvenile justice certification program for entry-level direct care and treatment staff. However, the Task Force cautions that the critical issues that also affect training are addressed or the potential benefits of a certification system will not be realized. The benefits of the program will impact multiple stakeholders including:

- The youth who will be served by qualified professionals who truly want to be a part of the juvenile justice profession.
- The public who will receive better services in a manner that ensures safety.
- The organization that will increase the achievement of program outcomes through improved staff performance.
- The learners who will have increased confidence in their ability to perform their jobs successfully.

B: COST TO IMPLEMENT AND MAINTAIN A CERTIFICATION SYSTEM

The Task Force recommendation on the cost to establish a certification system reflects the base assumption that salaries must be increased and turnover rates must be stabilized. Although anecdotal evidence shows that employees are leaving as a result of working conditions, high caseloads, and other non-monetary reasons, staff members are leaving in search of jobs with higher pay. Until employees' basic financial needs are met, all other staff retention and development efforts are destined to fail at the organizational level.

The Task Force calculated approximate budgets for the following areas, which are detailed in the following section of this report:

- Cost to professionalize work force
- Cost to implement a certification system
- Cost to maintain a certification system

COST TO PROFESSIONALIZE THE WORK FORCE

The Task Force defined the cost to professionalize the work force as the funding needed to raise staff salaries to the level necessary to impact staff recruitment and retention in a positive manner. The proposed budget is benchmarked against the salary gap between DOC's entry-level salaries and that of the comparable DJJ provider entry-level salaries.

To calculate the cost to professionalize the work force, the *Staff FTE Count* was multiplied by the *Salary Gap*.

- There is a 43 percent salary difference ($13,160) between adult Correctional Officers and contracted juvenile justice Residential Care and Custody staff
- There is a 22 percent salary difference ($7,319) between adult Correctional Probation Officers and contracted Community Corrections Case Management and Assessment staff.

The budget necessary to increase provider staff salaries to that of entry-level DOC staff is illustrated in Table 14 as follows:

Table 14: Cost to Professionalize the Work force

Budget to Raise Residential Provider Staff Salaries	$40,993,400
Budget to Raise Community Corrections Provider Staff Salaries	$9,331,725
Total Budget to Raise Provider Staff Salaries	**$50,325,125**

COST TO IMPLEMENT A CERTIFICATION SYSTEM

The Task Force defined the cost to implement a certification system as the budget necessary to:

- Establish administrative infrastructure.
- Develop and maintain juvenile justice certification curricula and examinations.
- Deliver curriculum and testing services.

The budget was calculated under the following assumptions:

- The budget would reflect the macro-level plan to develop a certification program as outlined previously in this report (see Curriculum Development section, page 16)
- The staff would be managed by the current Assistant Secretary (A) of the bureau of Staff Development and Training, eliminating the need to fund additional administrative positions.
- An overall administration budget was calculated at 15 percent of the total personnel budget instead of creating a line item for individual administrative costs. This allocation will provide for staff offices, supplies, curricula and examination material development, travel, and other related costs.

- The staff would reside on-site at the Department. Co-located costs will be funded out of the 15 percent administrative fee assessed to the personnel budget.
- The certification system would be managed on the Department's existing CORE Learning Management System.
- The duties of staff hired to develop materials during the initial phases of the project would be transitioned as necessary to provide staff services for the maintenance phase of the program. This will allow staff to meet the ongoing certification needs of the provider community as the program evolves and matures.

The Task Force looked to the Department to provide a budget for the administrative infrastructure and staffing necessary to develop and maintain two juvenile justice certification curriculum and examination programs for provider staff members. The Department offers the following budget with the understanding that the budget is an educated guess, based on current costs to provide these services to the state's juvenile justice staff and any final budget would have to be evaluated against the variables of any resulting program.

Administrative Infrastructure and Materials Development Budget

The recommended budget to provide for establishing an administrative infrastructure and developing juvenile justice certification curricula and examinations is detailed in Table 15.

Table 15: Administrative Infrastructure/Materials Development Budget

Position Category	Number of Funded Positions	Annual Salary	Benefits @ 30%	Annual Salary and Benefits Budget
Unit Manager	1	$ 60,000	$ 18,000	$ 78,000
Administrative Support	1	$ 25,000	$ 7,500	$ 32,500
Certification Specialists	3	$ 37,000	$ 11,100	$ 144,300
Psychometricians	2	$ 55,000	$ 16,500	$ 143,000
Curriculum Developers	4	$ 55,000	$ 16,500	$ 286,000
Total Personnel Budget				$683,800
15% Administrative Budget				$102,570
Total Administrative Infrastructure/Materials Development Budget				$786,370

Delivery Budget

The Task Force looked again to DC for training delivery budget benchmarks, because so much of the budget calculations rest on the number of hours of any resulting curriculum as well as the instructional strategies used to deliver the program, which is currently an unknown. The legislature appropriates $1,500 for each new employee, in specified positions, to fund the Department of Corrections' certification system. Even though DOC's current certification program includes training in areas not relevant to the juvenile justice system, such as firearms training. Therefore, the Task Force expects that juvenile justice-specific content will be

identified as a result of the job task analysis, filling out the certification program's course of instruction to a level comparable of that required by the DOC through CJSTC. As such, budget calculations are based on the same $1,500 rate each employee.

To calculate the cost to implement a certification system, the Task Force multiplied the *Number of FTE* by the *Turnover Rate*: this total was then multiplied by the *funding rate of $1,500.*

The Task Force has calculated the cost to implement a certification system for each year of the plan, clearly demonstrating the correlation between the reduction of the turnover rate and the reduction in cost to implement an entry-level certification program. Inasmuch as the budget is also affected by the number of FTE to be served, budget calculations have been developed for both Residential Direct Care (Table 16a) and Custody staff and Community Corrections Case Management and Assessment staff (Table 16b).

Table 16a: Cost to Certify Residential Direct Care and Custody Staff

Fiscal Year	Turnover Rate	Cost
2005/06	50%	$4,672,500
2006/07	45%	$2,102,625
2007/08	35%	$1,635,375
2008/09	25%	$1,168,125
2009/10	17%	$794,325

Table 16b: Cost to Certify Community Corrections Case Management and Assessment Staff

Fiscal Year	Turnover Rate	Cost
2005/06	50%	$1,912,500
2006/07	45%	$860,625
2007/08	35%	$669,375
2008/09	25%	$478,125
2009/10	17%	$325,125

COST TO MAINTAIN A CERTIFICATION SYSTEM

The Task Force defined the cost to maintain a certification as those costs necessary to

- Fund staff positions and infrastructure necessary to award certification, recertification and manage instances of decertification for the population of individuals who earn and maintain certification.

- ✓ Staff positions and associated administrative budget is allocated in the line item for implementing a certification system. There are no additional personnel costs included in this budget section.
- ✓ The Department must modify its existing Learning Management System: CORE to manage any resulting certification system for providers. The estimated budget is a one-time investment, benchmarked against a recent project to update the system to meet the certification tracking needs of Department staff.
- ✓ The CORE provider charges the Department an annual user fee of $35 per user. The budget for providers to use CORE to manage and maintain any resulting certification includes this cost.

- Fund on-going in-service training for certified staff to maintain certification.

  - ✓ The budget for in-service training is benchmarked against the budget allocated by CJSTC to each certified law enforcement/corrections officer for advanced and specialized training.
  - ✓ The most recent budget figure available to the Task Force is $80 per officer.

The anticipated budget to maintain a certification system is illustrated in Table 17, as follows:

Table 17: Cost to Maintain a Certification System

Activity	Budget
Personnel and Administrative Overhead*	Recurring Budget/No Additional Cost
Learning Management System Update	$500,000
Learning Management System User Fee @ $35/User	$153,650
Total Certification System Maintenance Budget	$653,650

*Budget indicated in Table 15

MULTI-YEAR PLAN LINE ITEM BUDGET

The Task Force calculated a line-item-budget, by fiscal year. It is important to note that the costs associated with conducting a job task analysis for provider staff has been allocated by the Department's Residential Services and Probation and Community Corrections branches, out of this current year's funding. The line-item budgets are in Table 18 as follows:

Table 18

Fiscal Year 2006-07	
Entry Level Salary Increase (50% of total)	$25,162,563
Program Infrastructure (staff/materials development)	$786,370
Delivery	
Current Staff	$6,585,000
New Staff due to Turnover	$2,963,250
Program Maintenance	$653,650
FY 06-07 Budget Request	$36,150,833
Fiscal Year 2007-08	
Entry Level Salary Increase (25% of total)	$12,581,281
Program Infrastructure (staff/materials development)	$ 786,370
Delivery	$2,304,750
Program Maintenance	$504,850
FY 07-08 Budget Request	$16,177,251
Fiscal Year 2008-9	
Entry Level Salary Increase (25% of total)	$12,581,281
Program Infrastructure (staff/materials development)	$786,370
Delivery	$1,646,250
Program Maintenance	$504,850
FY 07-08 Budget Request	$15,518,751

Fiscal year 2009-10	
Program Infrastructure (staff/materials development)	$786,370
Delivery	$1,119,450
Program Maintenance	$504,850
FY 07-08 Budget Request	$2,410,670

SUMMARY

The Juvenile Justice Task Force on Provider Staff Certification recommends a systematic approach to stabilize and professionalize the work force, which includes as a key component, an effective juvenile justice certification program for entry-level staff. This comprehensive plan involves the key steps summarized in Table 18.

Table 18: Key Steps

Time Frame	Key Steps	Funding Requirements
FY 2005/06	• Conduct Job Task Analysis to identify core competencies for affected job classes. • Adjust rate structure/per diem levels	N/A
FY 2006/07	• Raise salaries by 50 percent of targeted total increase to achieve adequate starting salary. • Develop/pilot juvenile justice specific curricula and certification examination materials.	$36,150,833
FY 2007/08	• Raise salaries by additional 25 percent of the targeted total increase (achieving 75 percent of the total increase) to achieve adequate starting salaries. • Seek CJSTC approval of juvenile justice specific curricula and certification examination materials and transition to CJSTC.	$16,177,251
FY 2008/09	• Raise salaries by additional 25 percent of the targeted total increase (achieving 100 percent of the targeted increase) to achieve adequate starting salaries. • Seek high-risk retirement for state staff. • Implement increased minimum employment qualifications.	$15,518,751
FY 2009/10	• Build a cost-of-living component into provider contracts to maintain staff composition parity and certification requirements. • Ensure 100 percent of affected staff are certified.	$2,410,670

Given that this approach is comprehensive and requires a significant commitment of scarce resources, the Task Force has developed a multi-year plan that allocates the start-up and development budget requests over a three-year period (FY 2006/07 through FY 2008/09), ending with a recurring funding request for FY 2009/10 and beyond.

This approach allows the provider community to address work force stabilization strategies while a legally defensible certification program is established and implemented. In addition, the

phased approach allows the legislature to monitor progress and link continued allocation to the attainment of expected outcomes. The Task Force believes that addressing staff compensation issues will affect retention in a positive manner, and the plan itself sets performance targets that measure the reduction of turnover rates from the current level of 50 percent to 45 percent at the end of year one; 35 percent at the end of year two; 25 percent at the end of year three; and 17 percent thereafter, once the certification system is fully implemented.

The Task Force requests that the legislature give special consideration to the recommendations and plan proposed herein. A stable, well-trained professional staff is the best way to change lives and protect the youth that are in the state's care, which ultimately leads to public safety. As such, the staff members who perform this valuable work deserve to be appropriately compensated for their efforts, adequately trained to the tasks at hand, and confidently believe they are a member of a crucial profession that changes lives by helping youthful offenders learn how to be functioning, successful members of society.

APPENDIXES

TASK FORCE PARTICIPANTS
FREQUENTLY USED TERMS

TASK FORCE PARTICIPANTS

The following individuals actively participated in the Task Force deliberations and contributed to this project:

Vicki Cunniff, Department of Juvenile Justice

Donna Dugger, Senate Criminal Justice Committee

John D. Fuller, Attorney

Jacqui Hagan, Department of Juvenile Justice

Betty Hart, Department of Juvenile Justice

Rashada L. Houston, OPPAGA

Nick Millar, Associated Marine Institutes

Darryl Olson, Department of Juvenile Justice

Amy Peloquin, Department of Juvenile Justice

Peter Plant, G4S Youth Services, LLC

FREQUENTLY USED TERMS

The Department	Refers to the Florida Department of Juvenile Justice.
DC	Refers to the Florida Department of Corrections.
JDO	Refers to the Juvenile Detention Officer job classification, which is assigned to an employee of the Department's Detention branch.
The Commission	Refers to the Criminal Justice Standards and Training Commission.
CJSTC	Refers to the initialism for the Criminal Justice Standards and Training Commission.
JCO	Refers to the Juvenile Correctional Officer job classification, which is assigned to an employee of the Department's Residential Services branch.
JPO	Refers to the Juvenile Probation Officer job classification, which is assigned to an employee of the Department's Probation and Community Corrections branch.
Residential Direct Care and Custody staff.	Refers to the working title created by the Task Force to identify provider employees that supervise youth 24 hours a day, 7 days a week, 365 days a year.
Community Corrections Case Management and Assessment staff	Refers to the working title created by the Task Force to identify employees that provide front-line assessment and rehabilitative services in contracted community corrections facilities or programs, such as juvenile assessment, after care, day-treatment, intensive delinquency diversion services (IDDS), and conditional release.
CO	Refers to the Department of Corrections Adult Correctional Officer job classification.
CPO	Refers to the Department of Corrections Adult Correctional Probation Officer.

Task Force to Study Certification for Juvenile Justice Provider Staff

January 2006

Present Findings and Recommendations

regarding :

- Occupational levels of staff subject to certification.
- Per diem levels.
- Criteria that may be used to certify staff.
- Levels of certification.
- Processes for testing and validating the effectiveness of any recommended staff certification system.
- Benefits and costs to implement and maintain a certification system.

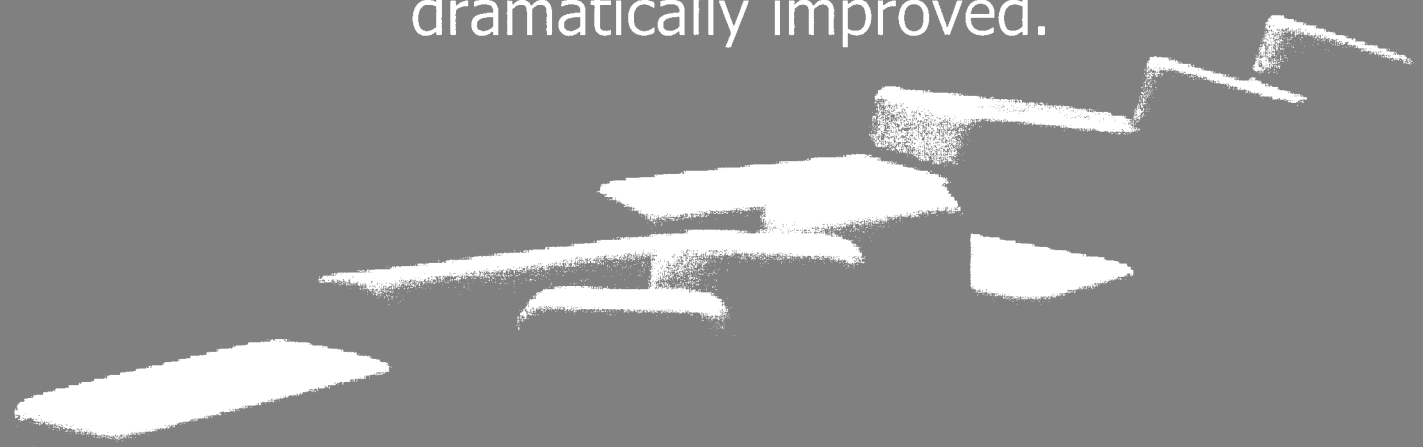
OPPAGA Report

"operating with the minimum numbers of staff necessary to ensure public safety and minimal staffing resulted in inexperienced and fatigued staff, a lack of training, and higher turnover rates."

Review of the Department of Corrections' Correctional Officer Staffing January 10, 1996

Critical Issues

Training cannot be "fixed" until retention rates are dramatically improved.



Reduced outcomes for youth.

Increased recruitment and hiring costs.

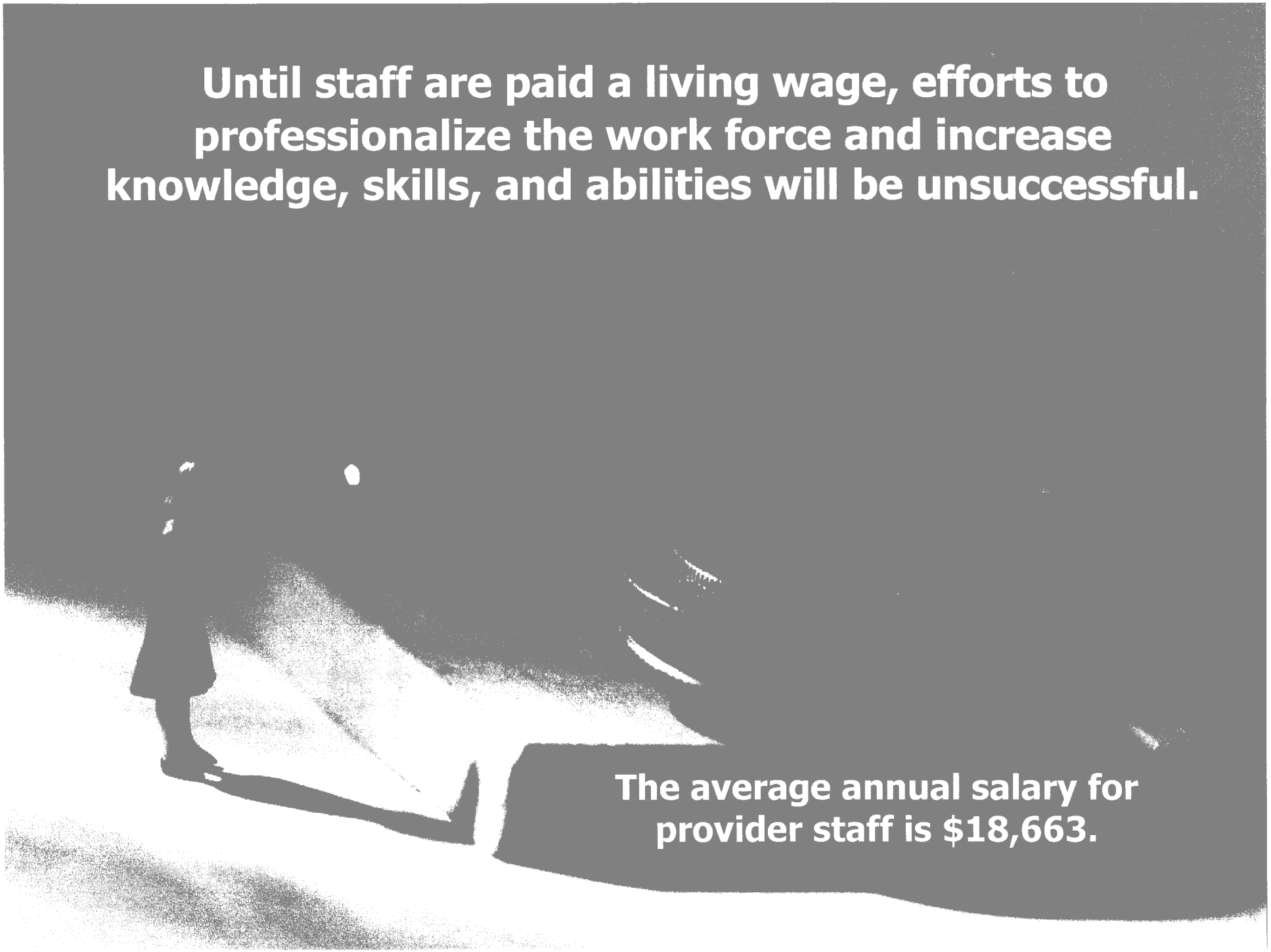
Reduced time available for training.

Decreased public confidence in the juvenile justice system.

Increased caseloads/overtime.

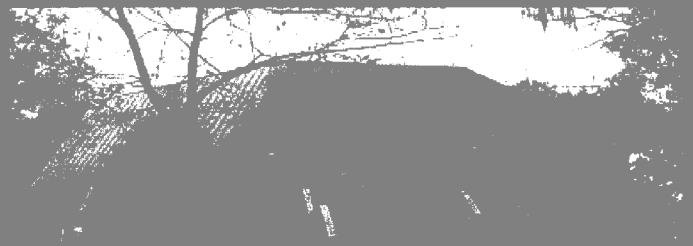
Increased staff performance issues.

Until staff are paid a living wage, efforts to professionalize the work force and increase knowledge, skills, and abilities will be unsuccessful.

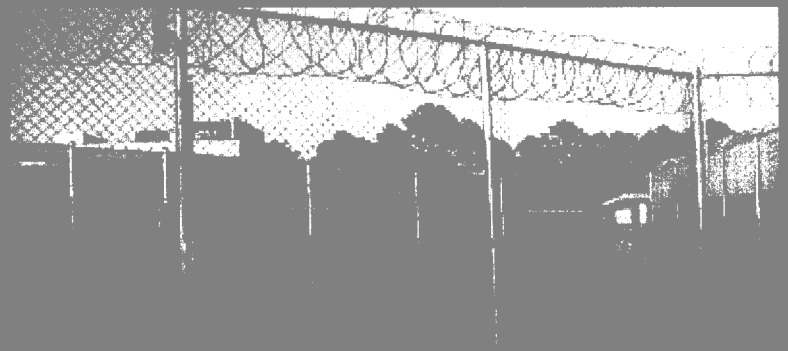


The average annual salary for provider staff is $18,663.

Critical Issues



Any resulting curriculum and exam(s) must address the clear philosophical differences among our programs.



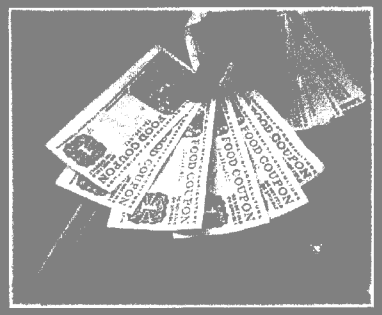
Increasing staff salaries will have a dramatic impact on:

RETENTION

stabilizing and professionalizing the work force, and reducing turnover.

Background Related to Critical Issues

Many of our full-time employees potentially qualify for:



Title	Median Salary
Residential Direct Care Staff: Private	**$18,663**

OPPAGA September 2005

Report #05-46

Work Force Flight To:

- More Competitive Wages
- Superior/Safer Environment
- Better Hours

WAL★MART®
ALWAYS LOW PRICES. Always.

Florida Department of CORRECTIONS

Per Diem Levels

The current rate structure is not adequate to fund a certification system.

Florida Department of CORRECTIONS

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

The salary difference between Adult Correctional Officers and Juvenile Justice Staff:

Title	Entry Level Salary	Difference
Correctional Officers	$30,320	N/A
Residential Direct Care Staff: Private	$17,160	$13,160
Residential Direct Care Staff: State	$22,571	$7,749

Very Similar, Very Different

Protect the public by reducing juvenile crime and delinquency in Florida.

The Department of Corrections protects the public by operating a safe, secure, humane, and efficient corrections system.

Rehabilitate and prevent youth from entering the adult system.

TREATMENT

Different requirements and responsibilities must be met when working with youth.

"They not only come into our custody, they come into our care."

Anthony J. Schembri; Secretary

Existing Training Requirements

State

120 Hours Initial Training On-Site

120 Hours Instruction at a DJJ Academy

---

240 Hours of Training

Contracted

120 Hours Training On-Site

All training completed within 180 days of hire

Task Force Recommendations

The Three-Year Plan

A comprehensive phased approach to stabilize the work force while simultaneously developing curriculum and exams.

Increase the professionalism of the juvenile justice workforce.

Reduce turnover.

Ensure common practice.

Create a career ladder.

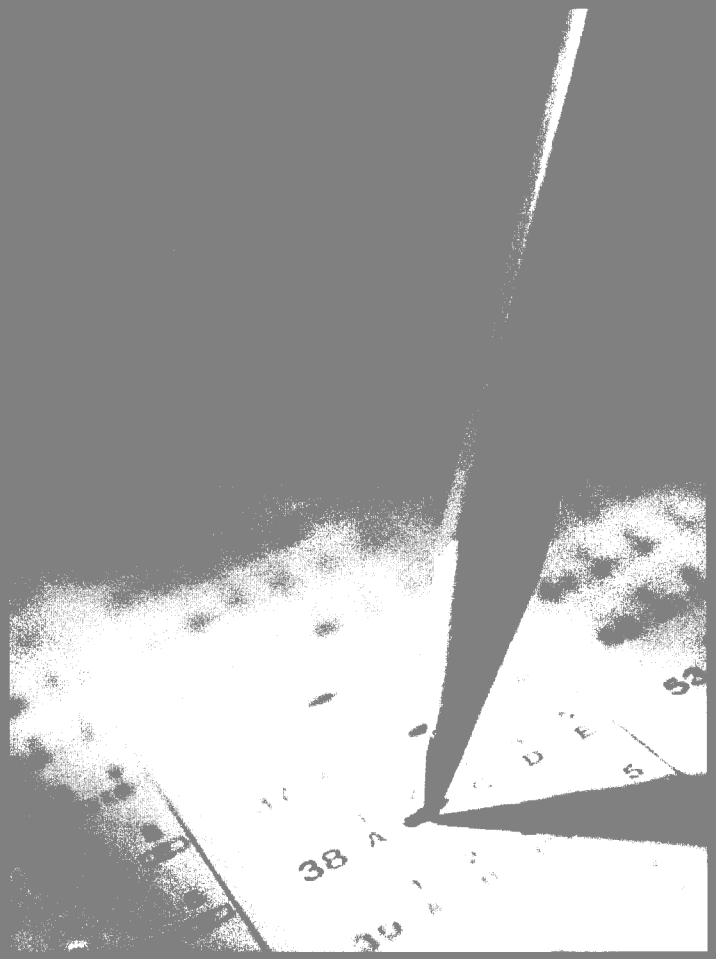
Increase public confidence.

Increase the positive outcomes for juveniles.

Acceptance into CJSTC.

Levels of Certification

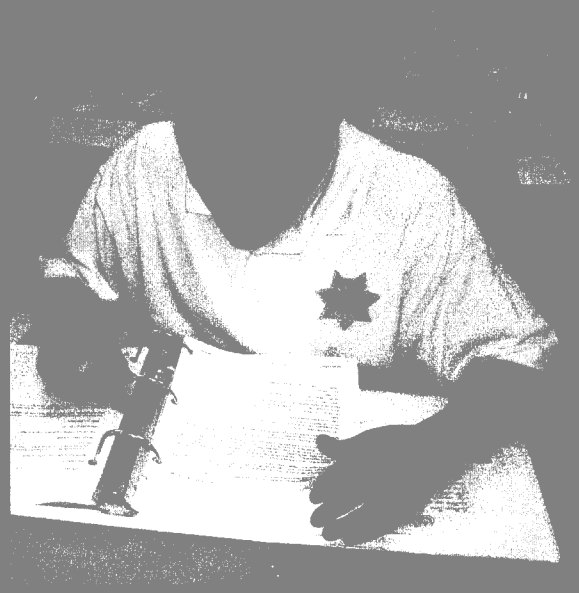
A single level of certification for entry-level direct care and supervisory juvenile justice staff.



One common certification to ensure staff possess minimum competency in the field of juvenile justice.

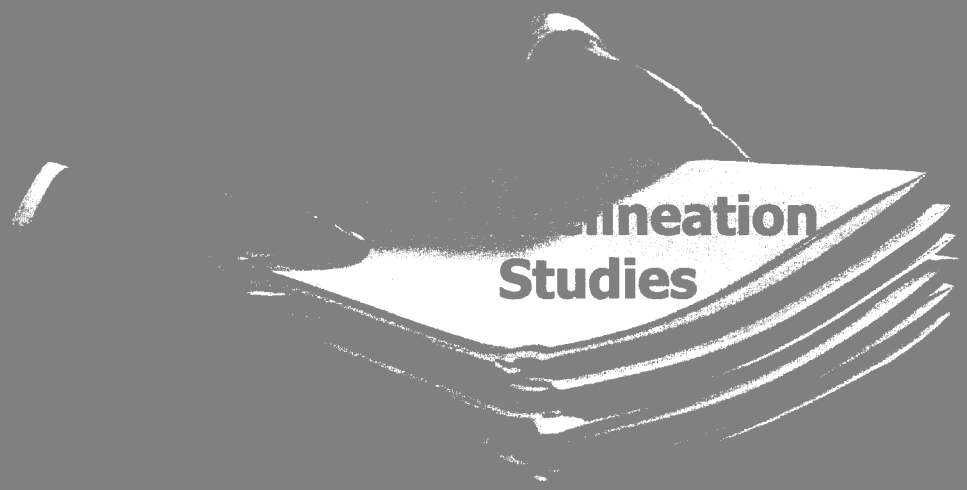
Occupational Levels of Staff Subject to Certification

- Residential Direct Care and Custody Staff
- Community Corrections Case Management and Assessment Staff

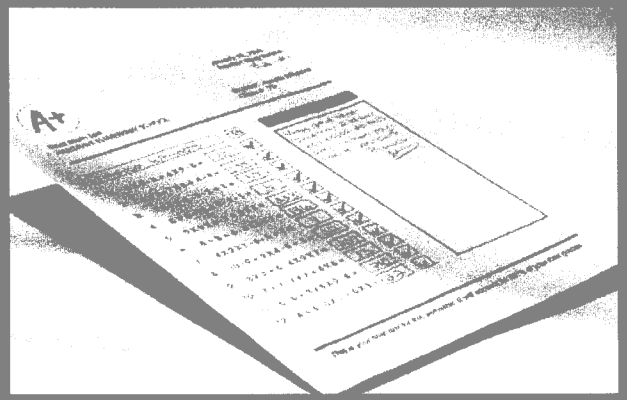


Criteria Used to Certify Staff

- Minimum educational requirements.
- Successful completion of a prescribed, juvenile justice specific, competency-based curriculum.
- Attain a minimum or greater score on a written certification exam.
- Continuing education/recertification requirements.

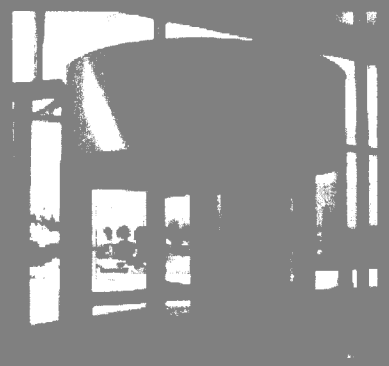


Process for Testing and Validating the Effectiveness of Any Recommended Staff Certification System

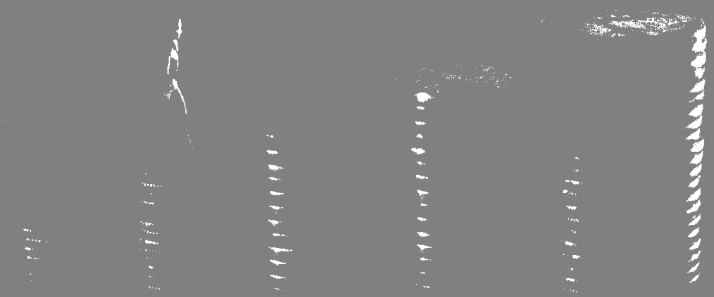


- Learner satisfaction with the training and testing program.
- Attainment of knowledge based on the difference between pre-test and post-test scores.
- Supervisor/management satisfaction based on employee performance six months after training.
- Impact on key success indicators, specifically, variance in the turnover rates, which is expected to decrease substantially over the next three years.

The Benefits and Costs to Implement and Maintain a Certification System



The cost to establish a certification system must reflect the base assumption that salary must be increased and turnover must be stabilized.

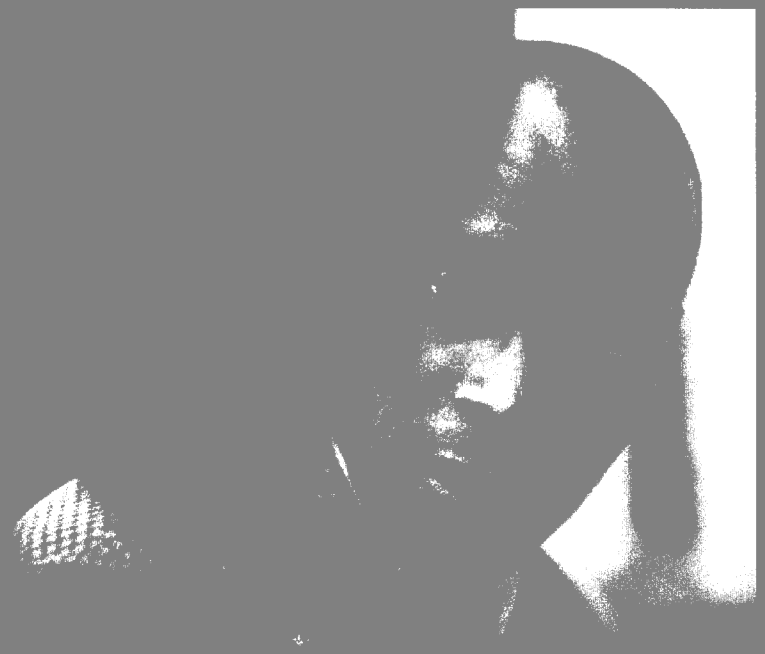


The Benefits and Costs to Implement and Maintain a Certification System

- The public will receive better services in a manner that ensures safety.
- The Department and Providers will increase program outcomes through improved staff performance.
- The employees will have increased confidence in their ability to successfully perform their jobs.

Cost to Implement Salary Enhancements and a Certification System

Time Frame	Key Steps	Funding Requirements
FY 2005/06	Conduct Job Task Analysis to identify core competencies for affected job classes. Analyze rate structure/per diem levels	N/A
FY 2006/07	Raise salaries by 50% of targeted total increase to achieve adequate starting salary. Develop/pilot juvenile justice specific curricula and certification examination materials.	$36,150,833
FY 2007/08	Raise salaries by additional 25% of the targeted total increase (achieving 75% of the total increase) to achieve adequate starting salaries. Seek CJSTC approval of juvenile justice specific curricula and certification examination materials and transition to CJSTC.	$16,177,251
FY 2008/09	Raise salaries by additional 25% of the targeted total increase (achieving 100% of the targeted increase) to achieve adequate starting salaries. Seek high-risk retirement for state staff. Implement increased minimum employment qualifications.	$15,518,751
FY 2009/10	Build a cost-of-living component into provider contracts to maintain staff composition parity and certification requirements. Ensure 100% of affected staff are certified.	$2,410,670



The Juvenile Justice System has the potential to increase public safety by working with youth and helping them learn how to be a functioning, successful member of society.

The Legislature has the opportunity to appropriately compensate the staff for their efforts, ensure adequate training, thereby allowing them to be confident members of a profession and ultimately…

provide the youth in the State of Florida the opportunity to be successful.

Tab 4

oppaga
OFFICE OF PROGRAM POLICY ANALYSIS
& GOVERNMENT ACCOUNTABILITY

December 2005 Report No. 05-56

Gender-Specific Services for Delinquent Girls Vary Across Prevention, Detention, and Probation Programs

at a glance

Department of Juvenile Justice prevention, detention, and probation programs for delinquent girls vary in the degree to which they meet the Legislature's directive to provide gender-specific services.

Contracted prevention programs appear to meet most gender-specific criteria, but the department should revise its scoring criteria for awarding prevention grant funds to address gender specificity.

Detention facilities vary in the extent of gender-specific services provided; the department should better train detention staff how to communicate with and meet the needs of delinquent girls.

Probation services are not designed to be gender-specific. Probation officers, parents, and girls on probation assert that more mental health and substance abuse treatment services are needed in these community-based programs. Many girls in these programs have histories of abuse and mental health disorders that have contributed to their delinquency.

Scope

Chapter 2004-333, *Laws of Florida,* directed OPPAGA to analyze programs for females within the Department of Juvenile Justice. This report examines the characteristics of delinquent girls and whether prevention, detention, and probation programs are designed to meet girls' gender-specific needs. [1]

Background

Historically, the juvenile justice system has been geared toward male offenders. However, as girls and boys tend to have different paths to delinquency, research indicates that delinquency programs for girls may be more effective when they meet their gender-specific needs. The 2004 Florida Legislature directed that juvenile justice programs be gender-specific to address the needs of the targeted gender groups. [2]

[1] We examined girls' residential programs in *Gender-Specific Services for Delinquent Girls Vary Across Programs, But Help Reduce Recidivism,* Report No. 05-13, March 2005.

[2] Chapter 2004-333, *Laws of Florida.*

As shown in Exhibit 1, girls served by the Department of Juvenile Justice's two major prevention programs have numerous risk factors that increase their likelihood of becoming delinquent.[3] Over two-thirds of these girls have families that feel unable to control their behavior and nearly as many have delinquent peers and are failing in school. While the department does not aggregate risk factor information for girls in detention or probation programs, these girls likely have similar risk factors, as they are consistent with the risk factors of girls in residential commitment programs.[4]

Exhibit 1
Girls in Prevention Programs Have Multiple Risk Factors

Family Factors	Florida Network	PACE
Parents/youth make statements that parents cannot control the child's behavior	85%	66%
Documented instances of child abuse (physical, emotional, or sexual) or neglect	18%	28%
Parent(s) with mental illness[1]	NA	26%
Incarcerated parent(s)[1]	NA	25%
Mental Health Factors		
Mental health disorders	NA	37%
Previous suicidal ideation	NA	32%
Self-mutilation	NA	18%
At-Risk Behaviors		
Associated with youth involved with serious/delinquent behavior	68%	61%
Used drugs or alcohol three or more times in last 30 days	21%	24%
Ran away from home for one week or more	22%	22%
Failing one or more classes within past six months	57%	78%
Habitual or chronic truancy	30%	42%
Currently expelled from school	3%	5%

[1]Additional data from the PACE Portrait of Risk, from a survey of girls served on March 18, 2005.
Source: Data from DJJ Juvenile Justice Information System, FY 2004-05.

Early sexual activity is also a delinquency risk factor. The department found that 585 girls, or roughly 8% of the girls were pregnant or parenting in a one-day snapshot survey of probation, detention and diversion programs.

To assist programs in providing gender-specific services, the department has established a central office coordinator who provides information on gender-specific research to program managers and coordinates a voluntary work group of department staff and providers known as the Girls Forum. The department is also collaborating with the Department of Children and Families to pilot a trauma initiative in two detention programs and a probation supervision circuit.[5] This initiative is a response to the prevalence of documented abuse and neglect of girls in the system. Many of these girls also may have witnessed multiple traumatic events, which can lead to post-traumatic stress and other trauma-related mental disorders that are characterized by a lack of empathy, impulsivity, anger, acting out, and resistance to treatment.

The department has been phasing in new contracts that require gender-specific programming. However, it has not yet incorporated the new gender-specific requirements into its quality assurance standards or program monitoring inspection instruments, although it is working to revise these documents.

What are gender-specific practices?

To examine gender-specific programming in Florida's prevention, detention, and probation programs for girls, we used two approaches. First, to identify criteria for gender-specific programs, we reviewed published research and interviewed department officials and program providers. Based on this research, we identified gender-specific practices in seven key areas, as shown in Exhibit 2.

[3] The Florida Network is a statewide association of agencies that serve homeless, runaway, and troubled youth and their families. The PACE Center for Girls is a school-based day program with locations throughout the state.

[4] *Gender-Specific Services for Delinquent Girls Vary Across Programs, But Help Reduce Recidivism,* Report No. 05-13, March 2005.

[5] The pilot program will train officers in Palm Beach and Marion detention centers and probation officers who have all girls' caseloads in Hillsborough County to better serve traumatized girls.

Exhibit 2
Best Practices for Gender-Specific Prevention, Detention, and Probation Programs for Girls

Mental Health

- Addresses girls' issues such as addiction, depression, post-traumatic stress disorder, and trauma relating to physical or sexual abuse, neglect, and domestic violence.
- Uses effective interventions, such as behavioral, cognitive, affective/dynamic, and systems perspectives to address the needs of individual girls.

Relationships and Emotional Safety

- Promotes positive relationships, including those with family members, friends, and staff.
- Teaches communication skills, assertiveness, and appropriate expression of anger, using evidence-based approaches shown to be effective for girls.
- Provides safety from verbal harassment, bullying, teasing, stalking, racism, and sexism.
- Provides an environment in which girls feel safe to share their feelings and discuss their problems, removed from family and friends and the demands of adolescent males.

Physical Safety

- Provides physical safety, including protection from harm by self, peers, family members and staff.
- Addresses Issues that threaten girls' physical safety, including domestic violence and sexual abuse.

Health and Hygiene

- Provides education about girls' physical and sexual health, including sexually transmitted diseases, contraception, exercise, and personal health care.
- Provides for girls' hygiene and grooming needs in culturally appropriate ways.

Social and Educational Programming

- Provides educational programs, events, and speakers about the experiences of women from various ethnic, racial, and socio-economic backgrounds.
- Overall environment acknowledges the contribution of females through posters, murals, books, magazines, and videos.
- Addresses sexual decision making and how to communicate personal limits.
- Provides recreational activities such as sports, art, music, and volunteer activities.
- Provides parenting education.
- Provides career and vocational information to encourage girls to set career or vocational goals and works with girls to develop plans for job training and economic self-sufficiency.

Design and Evaluation

- Includes girls in the design and evaluation of programs and services.
- Revises the program in a significant way as appropriate based on input from girls.

Staff Hiring and Training

- Questions job applicants about their interest and experience working with girls and about their knowledge of female development.
- Trains new employees on gender-specific issues such as gender differences in delinquency, adolescent female development, female issues and needs, communication and relationship skills, unique issues for girls of color, sexuality and gender identity, and the use of the evidence-based practices effective for girls.
- Provides periodic refresher training for all staff in gender-specific practices.

Source: OPPAGA analysis of national research focusing on gender-specific principles and effectiveness.

Second, to determine the extent to which programs met these criteria, we conducted site reviews at 10 prevention, detention, and probation programs. (See Appendix A.) During site visits, we observed operations and analyzed documents and data, interviewed employees and managers, and conducted girls' focus groups to assess whether programs were meeting gender-specific practices.

Addressing the gender-specific needs of girls in prevention, detention, and probation programs is challenging due to a number of factors, including the generally short length of stay and lack of custodial supervision (as most girls in these programs live in their homes, with some exceptions such as those in detention). Because of the variability in program structure, some gender-specific criteria do not apply to each program model; for example, detention centers and crisis shelters should provide for girls' hygiene in culturally appropriate ways, while probation would not be responsible for providing such services because girls remain in their homes. Where applicable, however, programs should provide gender-specific services as directed by the Legislature.

Findings

Programs generally meet gender-specific criteria; improvements can be made

The degree to which prevention, detention, and probation programs meet gender-specific criteria varies. On the whole, the structure of the two major contracted prevention programs is gender-specific; however, the department should revise the scoring criteria for its prevention grant programs, as they do not address gender specificity. The department's detention facilities vary in the extent of gender-specific services provided; the department should train detention staff how to communicate with and meet the needs of delinquent girls. Probation is not designed to be gender-specific, and stakeholders report that more mental health and substance abuse treatment services are needed.

Prevention

The department oversees a range of prevention programs intended to help girls avoid entering or going deeper into the juvenile justice system, and these programs vary in their gender specificity. Most prevention funds are allocated to contracts with the Florida Network for Youth and Family Services and PACE Center for Girls, which meet most gender-specific criteria. The department also administers state and federal grants to over 100 small prevention programs, which are not required to be gender-specific.

The Florida Network provides gender-specific services. The Florida Network is a statewide association of agencies that serve homeless, runaway, and troubled youth and their families. In Fiscal Year 2004-05, the network served 16,035 youth, including 8,291 girls. The network provides several services to improve children's behavior, help families move beyond crisis, and prevent delinquency. These services include shelters that allow youth to stay overnight during crises in the home; individual, group, and family counseling; and on-site educational support and/or transportation to school. The network also provides case management and referrals to other social service agencies.

The network's structure meets gender-specific criteria. Its services are designed to address girls' needs for mental health services, relationships, emotional safety, physical safety, health and hygiene, social and educational assistance, and empowerment. Florida Network employees are trained on girls' issues and managers solicit girls' input in making improvements. In our site visit to a network program, girls reported that the program helped them deal with personal and family issues through counseling services and that they felt safe there.

PACE Center for Girls is gender-specific. PACE is a school-based day program for girls with 19 locations throughout the state. In Fiscal Year 2004-05, PACE served 2,298 girls. Girls are referred to PACE by schools, parents, and law enforcement. After PACE conducts an initial screening to assess girls' risk factors and needed

services, it provides education, life management skills, therapeutic services, community service, and transitional services.

The structure of PACE is highly gender-specific. It is designed to address adolescent girls' intellectual, spiritual, emotional, relationship, sexual, and physical needs. PACE also works to hire employees who have experience or training in working with girls, and uses input from girls to revise and improve program operations. Because PACE generally expels girls for fighting, PACE may not be ideal for girls who have serious issues with physical aggression and are unresponsive to anger management counseling. In our site visits, girls reported that PACE taught them how to positively manage anger and more effective ways to deal with issues other than fighting.

State and federal grant programs are not required to be gender-specific. In Fiscal Year 2004-05, the department administered $12.3 million in over 100 grants. The department does not require that grant programs be gender-specific, nor does it award points in the application review process for providing gender-specific activities. However, the department anticipates issuing requests for proposals for three gender-specific programs by February 2006. The department has not finalized the details, but is considering an after-school program that will target at-risk girls focusing on an area of critical need, such as bullying.

Detention

The department operates all of Florida's 26 secure detention facilities, which vary in the extent to which they provide gender-specific services. In Fiscal Year 2005-06, secure detention facilities served 12,429 girls. The facilities provide 24-hour care and supervision of juveniles who have been determined to pose a risk to public safety and are waiting to appear before a judge and those who are being sent to residential commitment and are waiting for beds to become available.

In addition to custodial supervision, detention centers provide on-site schooling and limited health and mental health services. Because most girls are in detention for one to two days, facility services are not designed to provide long-term treatment, and employees are not expected to address serious mental health or substance abuse issues. Facilities are required to develop mental health treatment plans for youth who remain in detention 30 days or more.

Girls who are waiting for residential beds have somewhat longer stays than those waiting to see a judge. As shown in Exhibit 3, half of the 1,011 girls waiting for a bed stay less than a week, and the vast majority stay less than a month. However, there are a small number of girls who remain in detention over a month. According to department staff, these girls are waiting for high risk or special needs beds, which are limited, as the department closed some high-risk programs last year.

Exhibit 3
Most Girls in Detention Awaiting Residential Placement Waited Less Than Two Weeks

Length of Stay	Number	Percentage
Less than 1 week	547	54.1%
1 to 2 weeks	160	15.8%
2 weeks to 1 month	255	25.2%
1 to 2 months	36	3.6%
2 to 3 months	12	1.2%
3 to 4.5 months	1	0.1%
Total	**1,011**	**100.0%**

Source: OPPAGA analysis of data from the Department of Juvenile Justice for Fiscal Year 2004-05.

Detention services vary in the extent to which they provide gender-specific services. As shown in Exhibit 4, over half of the centers reported conducting daily or weekly gender-specific training on subjects relating to girls' needs, including anger management, health and hygiene, and substance abuse. For example, Manatee Detention Center has a continuing five-day program that includes communication skills, decision making, health and hygiene, and parenting. Staff received periodic gender-

specific training at 11, or 42% of detention centers. Less than one-third of the centers offered girls' focus groups at least monthly. According to department staff, variations among detention facilities are due to the availability of local resources.

Exhibit 4
Gender-Specific Activities for Girls Vary by Detention Center

Detention Centers Providing Service (N=26)				
	Daily or Weekly		Biweekly / Monthly	
Activity	#	%	#	%
Mental health groups	17	65%	0	0%
Life skills focusing on:				
Anger management	16	62%	3	12%
Health and hygiene	16	62%	3	12%
Substance abuse	15	58%	3	12%
Relationships	15	58%	3	12%
Abuse issues	13	50%	3	12%
Self-injurious behavior	9	35%	3	12%
Vocation/career information	11	42%	2	8%
Arts and crafts	10	38%	4	15%
Mentors from community	9	35%	3	12%
Girls' focus groups	7	27%	1	4%

Source: OPPAGA survey of DJJ detention centers.

Girls that we interviewed during our site visits to three detention centers stated that they learned how to resolve conflicts and how to appropriately respond when angry. At two detention centers, girls stated that at least some employees model good behavior, although girls at the third facility reported that staff routinely cursed at them and called them derogatory names. The department should train all detention staff how to communicate with and meet the needs of delinquent girls.

One of the centers we visited, the Miami-Dade Juvenile Regional Detention Center, houses the Girls' Advocacy Program, which was established by local volunteers in 1999 to provide services that were not being provided by the detention center. This program provides courtroom advocacy for girls as well as classes on effective communication, health and sex education, and setting career goals and developing plans for job training. The program also conducts group discussions designed to help girls make better decisions. [6]

Probation

Probation programs allow juveniles with less serious offenses to remain in their communities for sanctions and supervision, which costs less than residential commitment. Probation serves youth who are court-ordered to probation for minor crimes as well as some who are leaving residential commitment programs. In both cases, the juveniles must complete court-ordered sanctions such as curfew, community service hours, and restitution. Probation includes general probation supervision and day treatment programs.

Probation supervision is not designed to be gender-specific. Probation officers routinely check on youth on probation to make sure that they are meeting their court-ordered conditions. In Fiscal Year 2004-05, probation served 7,005 girls. Contact between youth and their probation officers is usually brief and infrequent. Some youth who exhibit certain high-risk factors, including first offense at age 15 or younger, poor school performance and truancy, lack of parental supervision, and substance abuse problems and gang affiliation, are given closer supervision and access to mental health counseling, substance abuse treatment, and tutoring through Intensive Delinquency Diversion Services. This program served 1,250 girls in Fiscal Year 2004-05.

Probation is not currently designed to be gender-specific. Officers in some circuits have caseloads of only girls, and they report that this allows them to gain more knowledge of appropriate referrals. Probation officers we interviewed throughout the state reported that they lack services for which to refer girls. When girls are court-ordered or referred for treatment, such as for mental health or drug abuse issues, services are either scarce or are not tailored to meet girls' needs. Parents of girls on probation also expressed similar concerns.

[6] State funding for the program was vetoed in 2005; the Legislature has provided emergency funding to GAP for Fiscal Year 2005-06.

In Miami, probation officers have been trained to respond to concerns particular to girls who are pregnant or parents. Research shows that these girls are at high risk of medical complications as well as negative outcomes for their children, including a heightened risk of abuse or neglect. The Prevention and Early Childhood Intervention program through Florida State University recently developed and conducted a training program through the Department of Children and Families for probation officers, prosecutors, public defenders, and judges in Miami to make them aware of community resources that are available for these girls. In another program in Miami, the Young Parents Project, pregnant girls received intensive services and training to help them interact in more positive ways with their babies, which may improve girls' ability to be nurturing parents and the babies' chances of healthy development.

Day treatment meets some gender-specific criteria. Day treatment programs generally last most of the day and include school and after-school activities. These programs also provide additional services, such as anger management classes, building social skills, and substance abuse education. In Fiscal Year 2004-05, day treatment programs served 429 girls.

The structure of day treatment programs meets some girls' needs, such as mental health services, physical safety, and helping girls learn to resolve conflict. While day treatment can also provide emotional safety and gender-specific social and educational planning, programs are not necessarily designed to do so. Our focus groups of girls in day treatment programs reported that their attitudes had positively changed and they are less prone to anger and are more respectful than before entering the program.

Recommendations

Many of the department's non-residential programs appear to meet most gender-specific criteria, but this programming could be strengthened. Specifically, we recommend that the Department of Juvenile Justice

- revise scoring criteria for awarding prevention grants to require these programs to provide gender-specific services;
- train all detention staff how to communicate with and meet the needs of delinquent girls; and
- train juvenile probation officers on issues relating to pregnancy and teen parenting and refer girls to community resources to assist them with these issues.

Finally, probation officers, parents, and girls on probation noted that the availability of mental health and substance abuse treatment services is problematic in community-based programs. Our report on alternative placements for these girls will provide several options for consideration.

Agency Response

In accordance with the provisions of s. 11.51(6), *Florida Statutes,* a draft of our report was submitted to the Secretary of the Department of Juvenile Justice for review and response.

The Secretary's written response is reproduced in its entirety in Appendix B.

OPPAGA supports the Florida Legislature by providing evaluative research and objective analyses to promote government accountability and the efficient and effective use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475). Cover photo by Mark Foley.

Florida Monitor: www.oppaga.state.fl.us

Project supervised by Kathy McGuire (850/487-9224)
Project conducted by Jason Gaitanis, Rashada Houston, and LucyAnn Walker-Fraser
Gary R. VanLandingham, OPPAGA Director

Appendix A

OPPAGA Visited 10 Juvenile Justice Programs

To determine the extent to which programs met gender-specific criteria, we conducted site reviews at the 10 prevention, detention, and probation programs listed below.

Name of Program	County
Prevention	
Capital City Youth Services	Leon
PACE Broward	Broward
PACE Leon	Leon
Detention	
Leon Detention Center	Leon
Miami-Dade Detention Center	Dade
Okaloosa Detention Center	Okaloosa
Probation/Day Treatment/IDDS	
Circuit 2 Probation	Leon
Circuit 18 Probation	Brevard, Seminole
Crosswinds Youth Services	Brevard
Tallahassee Marine Institute	Leon

Appendix B

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Governor Jeb Bush **Secretary Anthony J. Schembri**

December 2, 2005

Gary VanLandingham, Director
Office of Program Policy Analysis and Government Accountability
314 Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32302-1475

RE: Non-Residential Gender-Specific Services For Delinquent Girls
DRAFT REPORT

Dear Mr. VanLandingham:

Thank you for the opportunity to respond to your office's report of November 2005 on gender-specific non-residential services provided by the Department of Juvenile Justice. Generally we concur with your recommendations and provide these responses.

Recommendation 1: *Revise scoring criteria for awarding prevention grants to require these programs to provide gender-specific services.*

Federally funded prevention grants are now administered by the Department's Office of Research and Planning. The Challenge Grant Program provided $660,000 in gender-specific prevention programs that served 582 girls in FY 2004-05. For federally funded prevention programs, the State Advisory Group (SAG) determines how grant applications are scored. The SAG reviews and approves the RFP, which outlines programming needs, the evaluation process and the scoring instrument. The SAG is currently revising the RFP and scoring system. Staff will advise them of OPPAGA's recommendations concerning gender-specific programming requirements in the scoring process for their consideration in the revision process.

The Department intends to issue a request for proposals by February 10, 2006, for three gender-specific programs targeting disproportionate minority contact issues facing at-risk girls. In addition, Prevention will revise the request for proposals for its state-funded programs to include grant availability for gender-specific programs.

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http://www.djj.state.fl.us

Recommendation 2: *Train all detention staff how to interact with and meet the needs of delinquent girls.*

Several activities suggested in the report could not be fully implemented in detention due to the short length of stay in detention. For instance, many of the life skills topics are curriculum based and require more than one or two sessions to be effective. Focus groups also require multiple sessions to be beneficial, limiting the feasibility of providing this type of programming. Some services, such as arts and crafts, are limited in detention due to security and safety concerns. Detention will work to identify programming appropriate for use in secure detention and implement that programming on an on-going basis.

The curriculum for our officer certification program is currently being revised and we intend to include more specific information pertaining to gender-specific services. Revisions are scheduled for completion by March 2006. In addition, the Department has initiated a Trauma-Informed Practice demonstration project, built on the early successes of other state adult and juvenile justice systems as well as numerous mental health settings around the nation. In recent years, research has convincingly demonstrated that youth, and particularly girls, involved in juvenile justice systems have high rates of physical and sexual abuse victimization as well as exposure to other forms of trauma. An abundance of research, along with the experience of other states, indicates that trauma-related mental health problems largely explain the aggressive, self-destructive behavior so commonly reported among girls in juvenile justice systems, and that appropriately addressing trauma can result in physically and emotionally safer facility environments as well as improved treatment responsivity. Trauma-Informed Practice involves two primary components:

1) Training staff to understand the prevalence and impact of trauma on the mental and behavioral health of youth in their care, and to provide appropriate interventions that will *mitigate* rather than *exacerbate* the effects of trauma; and

2) Ensuring that mental health staff provide trauma assessment, and when indicated, evidence-based treatment for trauma-related problems.

The first major training event for this project is scheduled for December 15 and 16 in Tampa, Florida. The National Association of State Mental Health Program Directors will be providing a "Trauma-Informed Practice" train-the-trainer event, which will prepare participants to train facility staff on the nature and prevalence of trauma among delinquent youth (particularly girls) and how to interact more effectively with traumatized youth. Two detention centers, Palm Beach and Marion, will be included in the Department's formal demonstration project of this model. However, it is important to note that approximately 50 trainers will be prepared, as a result of attending this training conference, to train facility staff on trauma-informed practice. We anticipate that staff in many additional facilities beyond our two detention and three residential demonstration sites will receive training in the coming months. We have received a considerable number of inquires regarding availability of training for facilities not participating in the demonstration project, and we are allocating resources to provide additional training.

The second phase of the project, tentatively scheduled for February of 2006, involves clinician training by Dr. Robert Trestman and Dr. Julian Ford, both of the University of Connecticut, who have implemented trauma-specific and dialectical behavioral therapy treatment in detention centers in Connecticut. They will train detention center clinicians to administer a brief trauma and stress education curriculum to youth, and will also prepare them to provide a multi-session treatment curriculum for youth who remain in detention (or residential facilities) for longer periods of time. Dr. Angela Browne of Harvard is also consulting on the project, specifically on the clinical and evaluation components.

Based on the strong empirical support for trauma-informed practice, and the real-world successes that this approach has yielded in many correctional and mental health settings where it has been implemented, we anticipate that this project has the potential to improve facility environments, enhance treatment effectiveness, reduce the need for use of force by juvenile justice staff, and generally contribute to a more gender-specific approach with girls.

Recommendation 3: *Train juvenile probation officers on issues relating to pregnancy and teen parenting and to refer girls to community resources to assist them with these issues.*

The Department agrees with OPPAGA's recommendations for gender-specific Probation services, but believes that a conclusion regarding the existence or adequacy of these programs and services cannot be drawn from the review conducted. While limited resources are available from Department-contracted programs, the Probation system was statutorily established to rely upon the community-based mental health system funded through the Department of Children and Families and continues to do so.

While court-ordered sanctions are seldom gender-specific, the Department is obligated to monitor and ensure compliance with the conditions noted in these orders. In our larger circuits, economies of scale make it possible to establish gender-specific caseloads as exist in circuits 1, 13 and 18. Gender-specific juvenile probation officers become more aware of non-Department resources available in the community to assist girls and boys with individual problems and needs. These officers also have limited access to mental health, substance abuse and sex offender counseling services to supplement their monitoring and community-based referrals. The Department agrees that additional mental health, substance abuse and gender-specific services would be beneficial and cost effective in reducing juvenile crime.

The Department is in the process of converting to the new Positive Achievement Tool or PACT risk-need assessment. Based on the nationally recognized Washington State tool, the PACT provides a wealth of individual data on youth, including gender-specific items, which are automated for easy analysis and reporting. The PACT also assists the Juvenile Probation Officer (JPO) in developing an individualized case plan to address the specific needs of the girl or boy disposed to Probation. It also assists our JPOs in prioritizing the use of valuable programs, such as our day treatment and evidence-based programs.

Our evidence-based programs are also specific to the girl or boy referred to the program. With individualized case plans and placement of therapists inside the home, Multisystemic Therapy and Functional Family Therapy assist the youth in working at the root cause of problems. These programs use cognitive behavioral therapy to address the youth's individual needs, consistent with Exhibit 2 of the November 2005, draft report.

We recently developed programs to help break the cycle of abuse present in so many of our youth's homes. Our domestic violence diversion programs seek to address domestic violence and abuse within the family and in dating relationships. Again, individualized case plans help to direct the services to the individual needs of the youth participant and seek to heal relationships, consistent with Exhibit 2 of the draft report.

The Department agrees to seek additional training for its juvenile probation officers to include gender-specific issues, including teen pregnancy and parenting

On behalf to the Department of Juvenile Justice, we look forward to continuing our work to improve our delivery of gender-specific services and appreciate your input. Should you need additional information or other assistance, please contact Acting Inspector General Steven Meredith at 921-5694.

Sincerely yours,

/s/
Anthony J. Schembri,
Secretary

AJS/SM/dw

c: Steve Casey, Deputy Secretary
Steve Meredith, Acting Inspector General
Jennifer Parker, General Counsel
Darryl Olsen, Assistant Secretary, Probation
Perry S. Turner, Assistant Secretary, Detention
Greg Johnson, Assistant Secretary, Prevention
Ted Tollett, Director, Office of Research and Planning
Naomi Screen, Special Projects

Gender-specific Services in Non-Residential Programs

House Juvenile Justice Committee

January 25, 2006

Rashada Houston
Senior Legislative Analyst

Florida Legislature Office of Program Policy Analysis & Government Accountability

Legislative Directive

- DJJ - provide gender-specific programming

- OPPAGA - evaluate DJJ's efforts and other issues concerning girls

Report Series

- **1st Report**
  - Characteristics of delinquent girls
  - Residential program practices
- **2nd Report**
  - Non-residential program practices

Report Series

- **3rd Report**
  - Community-based alternatives
- **4th Report**
  - Cost of providing services to girls

Non-Residential Report

- Non-residential programs
  - Prevention
  - Detention
  - Probation

Background

- **Juvenile justice system historically geared toward boys**
- **Common risk factors of girls**
  - Physical, sexual, or emotional abuse
  - Incarcerated parents
  - Mental health disorders
  - Drug/alcohol abuse
  - Suicidal ideations

Gender-specific Practices in 7 areas

- Mental health
- Relationships/emotional safety
- Physical safety
- Health and hygiene
- Social and educational
- Design and evaluation
- Staff hiring and training

Prevention

The Florida Network

- Designed to address girls' needs for mental health services, relationships, emotional safety, physical safety, health and hygiene, social and educational assistance, and empowerment
- Trains employees on girls' issues
- Solicits girls' input in making improvements in the program

Prevention

PACE Center for Girls

- Designed to address girls' intellectual, spiritual, emotional, relationship, and physical needs
- Works to hire employees who have experience or training in working with girls
- May not be ideal for girls who have serious issues with physical aggression and are unresponsive to counseling

Prevention

Small grant programs

- Not required by DJJ to be gender-specific
- Not awarded points in the application review process for providing gender-specific activities
- DJJ anticipates issuing requests for proposals for three gender-specific programs by February 2006

Detention

- Over 50% reported conducting daily or weekly gender-specific training to girls
- About 40% reported that staff received periodic gender-specific training
- About 30% offered girls' focus groups at least monthly
- Variations in services due to the availability of local resources

Probation

- Probation not currently designed to be gender-specific
- Some officers have caseloads of only girls, and report that this allows them to gain more knowledge of appropriate referrals
- Stakeholders reported that few mental health and substance abuse services are available for girls

Probation

Day treatment programs

- Meet some girls' needs, such as mental health services, physical safety, and helping girls learn to resolve conflict
- Can also provide emotional safety and gender-specific social and educational planning, but not necessarily designed to do so
  (example: co-ed classroom setting)

Conclusions and Recommendations

- Prevention programs are gender-specific; however, the department should revise the scoring criteria for its prevention grant programs to address gender-specificity

Conclusions and Recommendations

- Detention facilities vary in the extent of gender-specific services provided; the department should train detention staff how to communicate with and meet the needs of delinquent girls

Conclusions and Recommendations

- **Probation not designed to be gender-specific, and stakeholders report that more mental health and substance abuse treatment services are needed**
  - Our pending report on community-based alternatives will provide options

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Office of Program Policy Analysis & Government Accountability

JUVENILE JUSTICE COMMITTEE

AMENDMENT PACKET

January 25, 2006
9:30 AM – 12:00 PM
214 Capitol

Allan G. Bense
Speaker

Faye B. Culp
Chair

Bill No. **HB 529**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Juvenile Justice Committee
2 Representative Meadows offered the following:
3
4 **Amendment (with title amendment)**
5 Remove lines 95-101 and insert:
6
7 proceedings. If a parent or legal guardian is also an alleged
8 victim in the case, the court may not order the parents or legal
9 guardian to obtain private counsel but shall appoint counsel
10 pursuant to s. 27.52 to represent the indigent child. At the
11 disposition of the case and upon a finding by the court that a
12 parent or legal guardian is a victim of the offense, the parents
13 or legal guardian are not liable for fees, charges, or costs
14 under s.
15
16 ========== T I T L E A M E N D M E N T ==========
17 Remove lines 9-12 and insert:
18 parent or legal guardian is an alleged victim in the case;
19 providing that the parents or legal guardian are not liable for
20 fees, charges, or costs upon a finding by the court that a
21 parent or legal guardian is a victim of the

Bill No. **HB 563**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Juvenile Justice Committee
2 Representative Culp offered the following:
3
4 **Amendment (with title amendment)**
5 Remove line(s) 28-43 and insert:
6 (2) For purposes of this section, the term:
7 (a) "Department" means the Department of Juvenile Justice.
8 (b) "Juvenile animal cruelty offender" means a juvenile
9 referred to the department who has violated s. 828.12, Florida
10 Statutes, or who otherwise has a history of engaging in one or
11 more acts of animal cruelty.
12 (3) There is created a task force to review and evaluate
13 the state's laws that define and address animal cruelty and the
14 department's practices for treating and rehabilitating juvenile
15 animal cruelty offenders. The task force shall make findings
16 that include, but are not limited to:
17 (a) Identification of statutes that address animal cruelty.
18 (b) Compilation of statistics regarding the number of
19 juveniles in this state who have been found, between July 1,
20 2001, and June 30, 2006, to have committed an act of animal
21 cruelty in violation of s. 828.12, Florida Statutes, and

22 identification of the disposition imposed in each of those
23 cases.
24 (c) A profile of the delinquency and criminal histories of
25 the juveniles involved in the cases identified in paragraph (b)
26 before and after commission of the act of animal cruelty.
27 (d) A summary of the department's methods for identifying
28 juvenile animal cruelty offenders who are referred to the
29 department for a delinquent act other than a violation of s.
30 828.12, Florida Statutes.
31
32 ========== T I T L E A M E N D M E N T ==========
33 On line 3, after the ";" insert:
34 providing definitions;