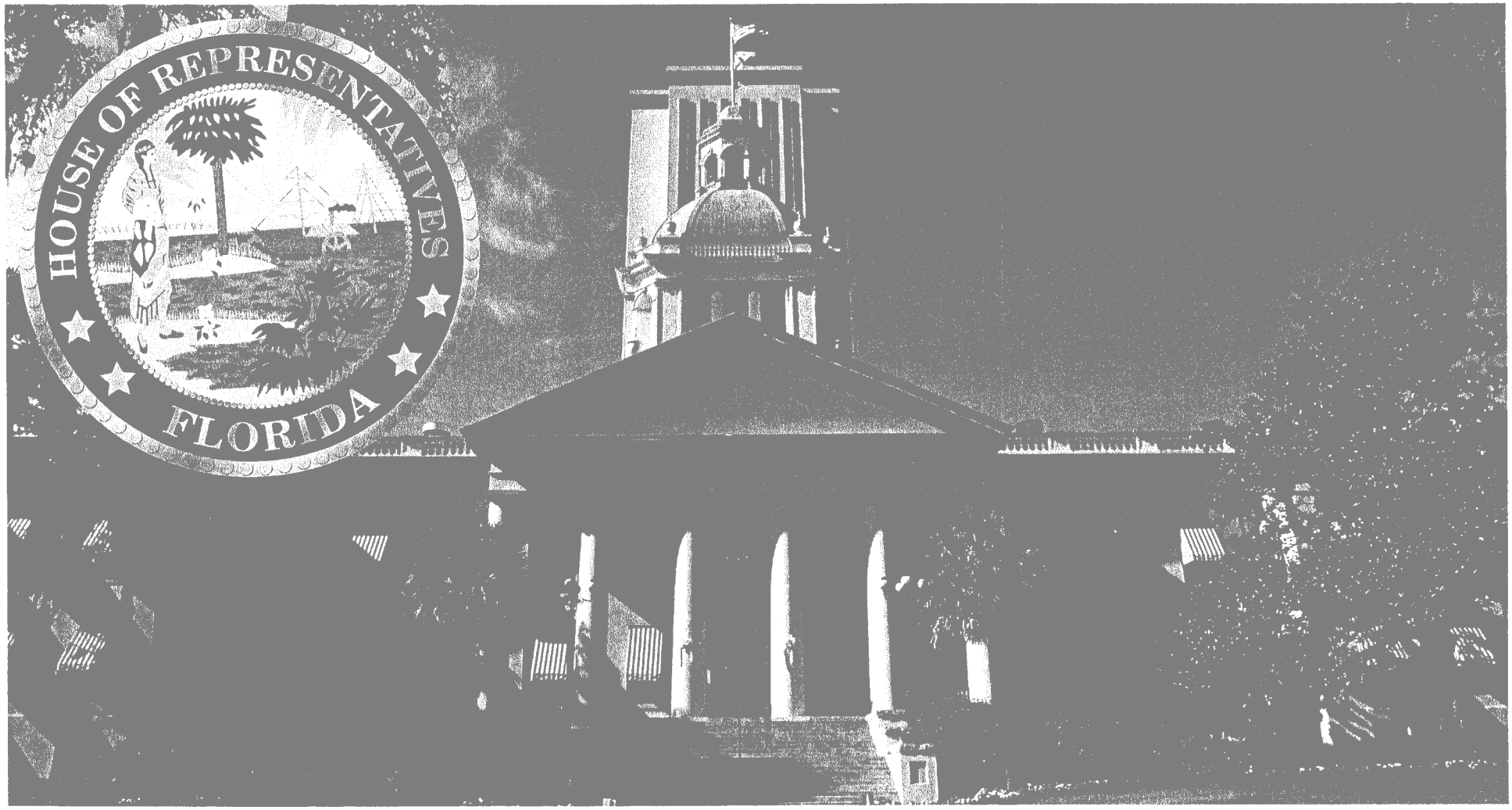

House Juvenile Justice Committee Interim Project: Judicial Discretion to Select Commitment Programs

March 2006

Current statutory commitment process

- Judges select the commitment restrictiveness level.

- DJJ commitment managers use the Juvenile Justice Information System (JJIS) to select a program within the restrictiveness level.

Information entered into the JJIS

- Restrictiveness level
- Services needed:
  - Pregnancy services; restitution services; secure facility; sex offender treatment; behavior, mental health, or substance abuse overlay services; developmentally disabled services; social, life skills, or vocational training; or educational services.
- Disqualifying factors:
  - Arson history; extremely aggressive behavior; DSM IV diagnosis; psychotropic medications; IQ below 70; serious habitual offender; intensive residential treatment; asthma; diabetes; heart condition; seizures; sickle cell anemia; cancer; sexually transmitted disease; tuberculosis; or pregnancy.

Survey of juvenile court judges

- 51% of Florida's 81 juvenile court judges responded (41 judges).
- Respondents represented 16 of Florida's 20 judicial circuits.

Are judges satisfied with DJJ commitment placement decisions?

- 29% were very satisfied (12 judges)
- 44% were somewhat satisfied (18 judges)
- 12% were somewhat dissatisfied (5 judges)
- 3% were very dissatisfied (1 judge)
- 12% stated unknown or did not answer (5 judges)

Do judges believe they have sufficient knowledge about commitment programs to make appropriate placements?

- 10% – Always (4 judges)
- 78% – Sometimes (32 judges)
- 12% – Never (5 judges)

Do judges believe the law should be amended to grant judicial discretion?

- 56% – Yes (23 judges)
- 34% – No (14 judges)
- 10% – No answer (4 judges)

Advantages cited by judges

- Judges may be more likely to base placement decisions on youth needs and program effectiveness, rather than on program availability and budget concerns.

- The DJJ will be forced to expand effective programs and to close ineffective programs.

Disadvantages cited by judges and the DJJ

- Judges, unlike DJJ employees, may not have sufficient information about program requirements, availability, and contents to make informed placement decisions.
- Program wait lists may increase if judges over utilize certain programs.

Proposed Committee Bill

- Implements a Pilot Program in the 1st, 11th, & 13th Circuits
- Requires DJJ to provide judges with program requirements, contents, availability, recidivism rates, and PAM and QA scores.
- Permits judges to select programs:
  - For which the youth is eligible and which have a 30-day or less wait list.
  - Where the court disagrees with DJJ's program eligibility determination or which have longer wait lists if the court states reasons justifying that decision.