

**QUESTIONING APPROPRIATIONS FOR JUVENILE OFFENDERS: A CASE STUDY  
OF JUVENILE ARRESTEES IN ESCAMBIA & SANTA ROSA COUNTIES, FLORIDA**

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## **QUESTIONING APPROPRIATIONS FOR JUVENILE OFFENDERS: A CASE STUDY OF JUVENILE ARRESTEES IN ESCAMBIA & SANTA ROSA COUNTIES, FLORIDA**

This study analyzes data collected on juveniles arrested in Escambia County and Santa Rosa County, Florida, from January 01, 2002 through June 30, 2002. The purpose of this research is to develop a profile of arrestees to better inform public policy in the region and in the State of Florida. Establishing a profile and comparison of juvenile arrestees is an especially timely project in Florida since the state recently cut funding for some juvenile justice initiatives, and is proposing additional cuts in FY2004. Juvenile arrestees (n=301) processed for intake at the Escambia County Juvenile Assessment Center (JAC) were selected from a random sample of 30 days. Data were drawn from Florida's Juvenile Justice Information System. Findings include a comprehensive profile of offenses, dispositions, and commitments of the juvenile arrestees, including comparisons across demographics, offense, and criminal history. Using profile comparisons, the authors discuss the impact of funding on Florida's juvenile justice system.

### **INTRODUCTION**

The purpose of this study is to develop a profile of juvenile arrestees in Escambia County to better inform public policy in the region and in the State of Florida. Research suggests that characteristics of repeat juvenile offenders are dramatically different from juveniles arrested only once; furthermore, the differences are evident at the initial arrest (OJJDP, 2001). If juvenile arrestees at greatest risk can be identified, they can be targeted with special programming in an attempt to alleviate future contact with the juvenile justice system. Specifically, the focus of this research is to determine what is happening to first-time and low- or at-risk juveniles when they enter Florida's juvenile justice system.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has reported information on juvenile arrestees for nearly thirty years. The number of juveniles arrested, as well as the demographic and criminal history information of juvenile arrestees, reveals much about how the United States responds to the issue of juvenile offending (OJJDP, 2001). Moreover, research on policy-related aspects of juvenile justice is of great importance to administrators of juvenile justice. For example, establishing a “wealth of information on past offending behavior, pathways to delinquency, family and social environment, and experiences in custody” is imperative in juvenile justice program and policy development (OJJDP, 2001, 72).

Establishing a profile and comparison of juvenile arrestees is an especially timely project in Florida. The state recently cut funding for juvenile justice initiatives in 2001 and reprioritized available funds for *specialized* treatment in 2002 (FDJJa, 2001). This means most funds target detention and commitment programs, focusing on juvenile delinquents in long-term residential facilities. One might suggest using funds to treat and house specialized, violent, or repeat juvenile offenders is an effective means of securing community control. However, one might also suggest appropriating funds in this way institutionalizes an “if you build it, they will come” approach to juvenile delinquency. That is, instead of appropriating funds for prevention, diversion, aftercare, and other community programs which focus on treating and rehabilitating first-time or high-risk juveniles just entering the system, funds “skip” this group, and are targeted at violent and repeat juvenile offenders – arguably, the juveniles that non-treated first-timers become. More recently, the State attempted to reverse the budget cuts aimed at early intervention and prevention programs. In February 2002, Governor Bush provided supplemental budget recommendations to the legislature that included monies targeted to prevention, diversion, and probation (FDJJ, 2002). However, Governor Bush has proposed “substantial cuts to prevention

programs and eliminating non-residential programs” in his recommended budget for FY2004 (*Pensacola News Journal*, 2003, p. 5C).

## **FLORIDA’S JUVENILE JUSTICE SYSTEM**

The reduced resources available statewide in 2001 required Florida legislators to look closely at juvenile delinquency and juvenile justice programs, as well as juvenile justice system appropriations. Florida’s juvenile crime rate is at its lowest point since the 1980s; the number of serious juvenile offenses has also declined (FDJJb, 2002). However, not all serious juvenile crime is decreasing, as there has been a 25% increase in aggravated assault and battery since 1995 (FDJJb, 2002). One might argue that the increase in the number of assaults and batteries is due to the passage of new legislation (e.g., domestic violence related offenses) or to expanded definitions of offense categories (e.g., zero tolerance in schools). Thus, although the number of referrals for assaults and batteries has increased, this might not mean an increase in the *incidence* or *prevalence* of these offenses. Still, in 2000 juvenile offenders accounted for about 25% of Florida’s violent offenses (FDJJb, 2002).

Florida’s juvenile justice system offers a continuum of programs which range from diversion, to probation, to non-residential treatment, and to residential treatment. The Florida Department of Juvenile Justice website details the system’s ability to offer “more serious sanctions for juvenile crime.... There are 15,122 placements available for juvenile offenders in need of day treatment or long-term juvenile residential and correctional programs” (FDJJb, 2002, no page). Further, the FY 2002-03 budget for juvenile justice programs shows a trend towards increasing funds for residential programs (FL Budget 2002-03, p. 582). However, increasing funds for residential programs comes as a result of reducing or “redirecting” funds for prevention programs (FDJJa, 2002). For example, the legislature cut over \$2.5 million in funding to support

specialized treatment such as substance abuse and mental health treatment in detention centers (FL Budget 2002-03, p. 582). Additionally, the legislature cut almost \$1 million for specific prevention and diversion programs which served an estimated 2,406 youths across the state (FL Budget 2002-03, p. 594). The legislature also cut funding for the Associated Marine Institute (AMI) program-provider which offers non-residential treatment and education statewide (FL Budget 2002-03, p. 584). AMI allows delinquent youth to stay in their community and receive treatment. Thus, budget cuts to prevention and treatment programs could potentially result in more youth being committed to residential programs instead of receiving treatment locally.

Consider the implications associated with sending more youth to commitment programs. In Florida, it costs an average of \$964 per year to supervise one juvenile on probation and approximately \$14,823 per year to house one juvenile in a moderate-risk residential program (OPPAGA, 2002, p.16). Thus, it is far cheaper to supervise a juvenile on probation than it is to send a juvenile to a moderate-risk residential program. Although, one might logically expect that commitment to a residential program would occur only after all other, less costly, alternatives were used. However, the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) discovered otherwise in its comprehensive study of statewide data. During fiscal year 2000-2001, youth admitted to residential programs for misdemeanors and non-law violations of probation accounted for (at least) 23% of all youth committed in Florida (OPPAGA, 2002, p. 15). More importantly, of those youth committed for these less serious crimes, only 80% had been on probation before commitment; most had never had the opportunity for day treatment; and even fewer received the opportunity for diversion (OPPAGA, 2002, p. 16). Further, an increased number and a greater proportion of juveniles are being

committed to long-term delinquency programs in 2000 than at the peak of the crime rate in 1998 (FDJJb, 2002).

Thus, Florida is not only committing youth who for less serious offenses (including non-law violations of probation), it is also committing more of them. One should question the reasons for these commitments; that is, does it relate to inadequate funding of placements in early intervention, prevention, and treatment programs? Or, is it because of the unavailability of such programs? For example, when considering the possible impacts of committing juveniles with less serious offenses on the resources of Florida's juvenile justice system, of major concern is the availability of intervention, prevention, and treatment programs. This could be equated to the problem of net-widening. Net-widening is defined as changes in public policy that increase the number of individuals who are considered criminal or delinquent due to the toughening of a law or policy (e.g., zero-tolerance policies increase the number of juveniles arrested for assault as the policy institutionalizes a broader definition of behavior that constitutes assault). Net-widening clearly relates to issues of public safety and resource allocation. For example, if the juvenile justice system has to monitor increased numbers of non-violent and status offenders through net-widening, it loses its ability to allocate more resources to violent juvenile offenders. This could compromise public safety. Meanwhile, if increased numbers of non-violent and status offenders formally enter the system, then there is also a need to provide intervention, prevention, and treatment services in an attempt to avert future delinquent action.

The concerns of resource allocation and level of programming address the catch-22 of administrators of juvenile justice. Should a state appropriate funds for (ware)housing juveniles in long-term facilities? Or, should a state focus on diversion and community correction programs, and focus on prevention and intervention strategies? One might compare the initial question to

the funding of the prison boom, the United States' reaction to dealing with the increased incarceration of adult offenders in its "get tough" movement. The current "get tough" movement in juvenile justice may require such appropriations. Florida, for example, like 43 other states in the 1990s, made it easier for juveniles to be transferred to adult criminal court (OJJDP, 2001), increased penalties for offenses (FDJJc), and created and enforced zero-tolerance policies (FDJJd). Thus, the "get tough" movement results in increasing the numbers of juveniles placed in commitment programs and the length of time juveniles spend in detention or commitment programs.

"Get tough" policies also increase the number of first-time and non-serious juveniles who formally entered the system. The number of youths committed to residential programs for misdemeanors and non-law violations of probation has increased (OPPAGA, 2002). In fact, in FY 2000-2001, of the youths committed for misdemeanors or non-law violations, 10% (or 276 youths) had no prior felony convictions and two or fewer misdemeanor adjudications (OPPAGA, 2002). Does an increased number of commitments for misdemeanors and non-law violations signal a problem in the system? Are residential commitment programs appropriate for low-risk offenders? How would low-cost community-based alternatives compare?

One might argue that the lack of community-based placements or programs leads to the increased numbers of commitments to residential programs. For example, if judges consider a dearth of adequate specialized treatment programs (for substance abuse or mental health counseling) it could cause them to commit youths who might not otherwise be committed. This may lead one to question why Florida's legislature has failed to appropriate funds to meet community level intervention, prevention, and treatment needs. Considering the average costs of a moderate-risk residential program (\$14,823 per juvenile per year), the type of offenders not

warranting a residential commitment (first-time and low-risk offenders), and the inability of such programs to meet the needs of most juvenile offenders (e.g., intensive counseling), it seems logical to develop community-based quality programs. In fact, OPPAGA recommended to the Florida legislature that the development of non-residential community programs would help to reduce the high number of youths being committed to costly residential programs (2002, p. 17).

By developing current offense, demographic, and criminal history profiles of juvenile arrestees, this study seeks to identify what is happening to youth who enter the juvenile system. Specifically, this research will not only determine what types of offenders are being adjudicated, but also analyze their dispositions and commitments. The goal is to determine whether there are a disproportionate number of first-time and low-risk offenders being committed to residential programs.

## **METHODOLOGY**

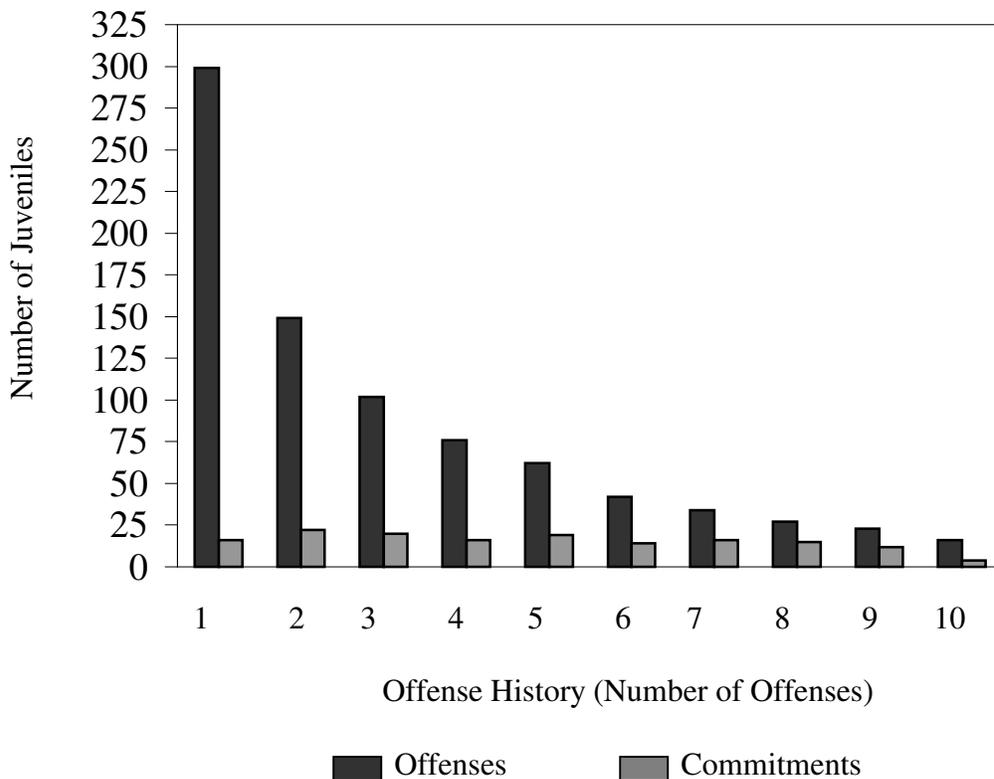
Data were collected on juveniles arrested in Escambia County and Santa Rosa County, Florida, and who were processed for intake at the Escambia County Juvenile Assessment Center (JAC). Juvenile arrestees (n=301) were selected from a random sample of 30 days during the time period of January 1, 2002, through June 30, 2002. Use of this 6-month time frame allows for controlling seasonal differences in arrest; for example, the time frame includes school days, holidays, and summer vacation. Demographic and delinquent history profiles were completed for all arrestees using the Juvenile Justice Information System. The Juvenile Justice Information System (JJIS) is a database of all juvenile arrestees in Florida.

A comprehensive profile of offenses, dispositions, and commitments was established using delinquent history profiles. Offense, disposition, and commitment summaries were aggregated using individual profiles. Offense and commitment histories are summarized in

Figure 1. The reason for detailing offense history is to provide a profile of the juvenile offenders by number of offenses committed. This allows for classifying offender risk by offense seriousness and prior offense history, which might then be compared to dispositions and commitments. For example, one might argue that a chronic juvenile offender is one with at least five referrals, no matter what the seriousness. If this is the case, one might consider a juvenile with five misdemeanors as “chronic” and therefore “accept” the need for commitment on his fifth offense. However, what if the juvenile has only one or three misdemeanor offenses; should commitment still be viewed as a *viable* option?

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**FIGURE 1. OFFENSE AND COMMITMENT SUMMARIES**



Moreover, disposition and commitment histories were aggregated in an attempt to determine what sanctions juveniles were receiving from the court. For example, dispositions were compiled for each case by offense and were then analyzed to determine whether juveniles were receiving probation, diversion, adult sanctions, commitment, or no formal sanction. Commitments were also analyzed by offense seriousness, special circumstances (e.g., domestic violence or gun related), and offense history. Again, the reason for analyzing dispositions and commitments is to determine *who* is formally entering the system and for *what types* of offenses.

This is important in analyzing how the juvenile system is approaching at-risk and low-risk juvenile offenders. Specifically, are at-risk or low-risk juveniles being diverted or are they receiving some other sanctions? Moreover, what juveniles are being committed to residential programs? That is, are residential programs being reserved for violent juvenile offenders or juveniles who commit felonies or have a history of felony offenses? Analyzing dispositions and commitments is especially important when one considers the recent redirecting of appropriations. For example, less serious juvenile offenders might be committed to residential facilities because the state is not appropriating enough resources to local and non-residential programs. Thus, commitments might be viewed as a necessary alternative to assisting rehabilitation and treatment of at- or low-risk juveniles.

## **FINDINGS**

Juveniles arrested for the first time in Escambia and Santa Rosa Counties were more likely to be arrested on misdemeanor or non-law violations and non-violent charges. Misdemeanor or non-law violations accounted for 77% (234/302) of all arrests, while 90% of the arrests were for non-violent offenses. Initial offense characteristics and frequencies are presented in Table 1. Interestingly, 29% of the arrests were related to some special circumstances, for

example domestic violence. This is important to note as some of these arrests represent net-widening and are due to the new crime policies introduced as part of the “get tough” movement in juvenile justice.

The minimum age of first offending was seven, while the mean age of youth at first offense was 13.4 years. One-half of the youth were thirteen or younger at the time of their first arrest. The age of first offense is particularly important to note when one considers future offending risk assessments for juveniles. For example, in Florida, when assessing supervision risk classification, juveniles who are 13 or younger at the time of their current offense receive the maximum number of points related to “age” in the assessment. In fact, these juveniles receive twice as many points as 14 or 15 year olds and four times more points for “age” as youths 16 or older. What does this mean in terms of risk classification? If a juvenile is age 13 or younger at the time of the current offense, he automatically scores 4/5 points in the low-risk category; this is without consideration of seven additional assessment categories (e.g., prior referrals and current offense).

Fifteen youth (5%) were committed to a residential facility for their first offense, one was held in secure detention, and four (1%) were waived to adult court. Youth were committed to low, moderate, and high risk facilities. Of the committed youth, eight had only one charge at first offense, while 7 had multiple charges/offenses at first offense. However, 14/15 (93%) of the committed youth were committed for non-law violations, first or second degree misdemeanors, or third degree felonies (14/15). This is important in considering *who* is being committed and for *what types* of offenses. For example, one might first question why first-time non-violent juveniles are being committed; moreover, after considering the type of offenses for which these

juveniles are being committed one might also question the need and the (lack of) efficiency for such placements.

**TABLE 1. FIRST OFFENSE SUMMARY (n=302)**

<b>Characteristic</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Offense Class:</b>		
Felony 1 <sup>st</sup> Degree	5	1.7
Felony 2 <sup>nd</sup> Degree	15	5.0
Felony 3 <sup>rd</sup> Degree	48	15.9
Misdemeanor 1 <sup>st</sup> Degree	117	38.7
Misdemeanor 2 <sup>nd</sup> Degree	84	27.8
Other	33	11.0
<b>Violence:</b>		
Violent	30	9.9
Non-Violent	239	79.1
Other	33	11.0
<b>Special Circumstances:</b>		
None	215	71.2
Domestic Violence	24	7.9
Gun Related	15	5.0
Drug Related	17	5.6
Sex Related	6	2.0
School Related	18	6.0
Alcohol Related	3	1.0
DV and Gun	1	.3
Other	3	1.0
<b>Disposition:</b>		
Probation	110	36.7
Diversion	85	28.3
Adult Sanctions/Waiver	4	1.2
Commitment	15	5.0
None	44	14.7
Other	42	13.7

The youngest youth committed at first offense was nine years-old. The youth was committed for a single charge of “disturbing the peace – school or religious,” which is a first-degree misdemeanor. The remaining youth were committed for the following offenses: fraud-presenting false identification to a law enforcement (n=1); trespassing (n=1); larceny (n=4);

burglary of unoccupied conveyance (n=2); burglary (n=1); sexual assault (n=1); auto theft (n=2); and battery-touch or strike (n=3). Three of the offenses related to some special legislative circumstance, for example, one offense was school-related, one was sex-related, and one was related to domestic violence. However, 93% of the commitments were for non-violent offenses.

Approximately 78% of all youth were arrested for a second offense. Of the youth rearrested, 37 (20%) were for a first-third degree felony; however, 90% of all second offenses were non-violent. Of the youth rearrested and committed, only one (5%) committed a first degree felony; the remaining committed either a third degree felony (23%) or a first- (41%) or second-degree misdemeanor (32%). As highlighted in Table 2, 91% of the youth committed to a residential program for their second offense committed non-violent offenses and 18% (4/22) had offenses with special circumstances. Seven youth were committed for their first and second offenses; these youth account for about 32% of the second offense commitments. There were three (14%) youth committed for their second offense whose first offense was a second- or third-degree felony.

It is interesting to note that while the offense classifications for those committed for a third offense are not significantly higher (i.e., majority of arrests are for 3<sup>rd</sup> degree felony and misdemeanors) or more violent, there is an increasing number of the special circumstance offenses. That is, 24% of the second arrests were for offenses with special circumstances and 24% of the first and second commitments were levied on youth committing such “special” offenses. Again, one might question the *need* for committing these youth even for a second offense. That is, are the youth being committed in order to receive treatment for drugs or alcohol or anger management? For example, committing a youth might be the only way for him to receive treatment. If this is the case, however, one might question whether it would be more

efficient (cost-effective) to treat these youth in non-residential, community-based treatment programs. Utilizing the initial screening results to assess mental illness (i.e., The Massachusetts

**TABLE 2.COMMITMENT SUMMARY FOR FIRST AND SECOND OFFENSES**

<b>Characteristic</b>	<b>First Offense (n=16) Frequency (%)</b>	<b>Second Offense (n=22) Frequency (%)</b>
<b>Offense Class:</b>		
Felony 1 <sup>st</sup> Degree	1 (6.3)	1 (4.5)
Felony 2 <sup>nd</sup> Degree	0 (0.0)	0 (0.0)
Felony 3 <sup>rd</sup> Degree	4 (25.0)	5 (22.7)
Misdemeanor 1 <sup>st</sup> Degree	5 (31.3)	9 (40.9)
Misdemeanor 2 <sup>nd</sup> Degree	4 (25.0)	7 (31.8)
Other	2 (12.5)	0 (0.0)
<b>Violence:</b>		
Violent	1 (6.3)	2 (9.1)
Non-Violent	13 (81.3)	20 (90.9)
Other	2 (12.5)	0 (0.0)
<b>Special Circumstances:</b>		
None	13 (81.3)	18 (81.8)
Gun Related	0 (0.0)	1 (4.5)
Domestic Violence	1 (6.3)	0 (0.0)
Drug Related	0 (0.0)	1 (4.5)
Sex Related	1 (6.3)	1 (4.5)
School Related	1 (6.3)	1 (4.5)

Youth Screening Instrument (MAYSI)), committed youth in this research were *not* identified or recommended for treatment or counseling. Only one of the committed youth was identified for counseling for anger management, while no other youth “qualified” for additional counseling.

Most of the juveniles arrested for the first time in Escambia and Santa Rosa Counties were more likely to be arrested on misdemeanor or non-law violations and non-violent charges. This should not be a surprise; however, what should be a surprise is that there was no statistical significance in determining whether one would be committed for an offense by offense class

(e.g., felony or misdemeanor) and by violent or non-violent offense type. In fact, after completing numerous Chi-square analyses, no significance was found in any combination of offense, offense history, and special circumstance variables by commitment. This suggests no pattern or standard for predicting commitment by type of offense or offense history.

## **DISCUSSION**

This research questions the *need* or *utility* for committing youth who are arrested for less serious or non-violent offenses. Of the thirty-eight youth committed for a first or second offense, only two (5%) youth committed first-degree felony offenses and only three (8%) offenses were considered violent. Is it efficient to commit the remaining non-violent and non-serious offenders (87%) to residential facilities? Moreover, is it problematic to commit 25 of the youth (76%) for a first- or second-degree misdemeanor? In 2001, Florida cut funding for juvenile justice prevention and treatment initiatives. The recommended budget for FY2004 proposes additional cuts to non-residential prevention programs. By not appropriating funds for prevention, diversion, or other community programs which focus on treating and rehabilitating first-time or high-risk juveniles entering the system, the state institutionalizes an “if you build it, they will come” approach to juvenile delinquency. That is, lack of funding not only assures lack of community programming for these offenders, but it also leads the first-time offenders to be committed in residential programs for any needed treatment or rehabilitation. Lack of funding removes any alternative methods of dealing with these non-violent youth effectively in the community.

The implications associated with sending more youth to commitment programs extends beyond the problems associated with committing non-violent youth. For example, consider the costs associated with (ware)housing these juveniles in residential facilities versus supervising them in the community. According to the Office of Program Policy Analysis and Government

Accountability (2002), it is over fifteen times more costly to house one juvenile in a moderate risk residential program than it is to supervise that same juvenile on probation (\$964 v. \$14,823 per year). However, this research found that 11% of non-violent first- and second-time offenders in Escambia County were committed in residential facilities. Moreover, in FY2000-02 23% of all youth committed to residential programs in Florida were committed for misdemeanor and non-law violations of probation (OPPAGA, 2002, p. 15). One might argue that the use of commitments for these non-violent youth is related to inadequate funding of placements in community intervention or treatment programs, or simply the lack of availability of such programs.

The concerns of resource allocation and level of programming are highlighted by the findings in this research. Consider, for example that there is an increasing number of the special circumstance offenses for second-time commitments, while the offense classifications are neither more serious (i.e., majority of arrests are for 3<sup>rd</sup> degree felony and misdemeanors) nor more violent. “Get tough” policies are increasing the number of first-time and non-serious juveniles who formally enter the juvenile justice system, as well as those who are committed to residential facilities. One reason is that appropriations grounded in “get tough” are funneled to residential facilities; thus, lack of funding to community-based programs leads to committing youth to residential facilities who might not otherwise be committed.

This research did not find a disproportionate number of first-time offenders being committed to residential programs. However, findings suggest that a majority and disproportionate number of youth who are committed for a first or second offense are non-violent offenders (92%). Such commitment of non-violent youth to residential facilities is costly. Considering the average cost of residential programs and the type of offenders not warranting a

residential commitment, appropriations would be more efficiently utilized in developing quality community-based programs that might better serve the needs of most juvenile offenders.

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