

Girls in Secure Juvenile Detention in Florida

About This Project

During 2018 and 2019, the National Council on Crime and Delinquency (NCCD) and the Delores Barr Weaver Policy Center (Policy Center) took a close look at issues facing girls in secure juvenile detention in Florida. This project was supported by the Jessie Ball duPont Fund, the Delores Barr Weaver Fund at the Community Foundation for Northeast Florida, and the James and Joan Van Vleck Advised Fund.

This exploration was motivated by a previous multisite exploratory study on probation-involved girls in Florida, conducted by NCCD and the Policy Center, which found that non-law technical violations of probation (such as not going to school or missing curfew) played a significant role in girls receiving probation violations and being

committed to residential lockup facilities. These findings propelled us to investigate what happens in Florida before a girl is placed on probation, including the reasons she is detained, with a focus on front-end opportunities for eliminating or reducing her juvenile justice system contact and the recurring use of detention while a girl is on probation.

This brief focuses on girls who do not pose a public safety risk and can be better served in the community rather than in secure detention. Keeping a girl out of the juvenile justice system prevents future crime and system involvement, saves tax dollars, and creates opportunities for different futures. Last fiscal year alone, more than 2,800 girls who were eligible for an alternative to arrest were nonetheless arrested in practice.¹



About Our Organizations

NCCD (nccdglobal.org) promotes just and equitable social systems for individuals, families, and communities through research, public policy, and practice.

The Policy Center (seethegirl.org) engages communities, organizations, and individuals through quality research, community organizing, advocacy, training, and model programming to advance the rights of girls, young women, and youth who identify as female, especially those impacted by the justice system.

Impacts of Secure Juvenile Detention on Girls

A common misconception about detention centers for children is that they are therapeutic settings; however, they are not. Moreover, youth facilities have high rates of physical and sexual violence.^{2,3} Placement in a facility inhibits education and increases young people's chances of recidivism.⁴

In Florida, black girls are overrepresented in the juvenile justice system at important decision points, including arrest, intake/detention, probation, and commitment.

According to national research, many girls who are locked up have histories of trauma and victimization and high rates of mental health concerns.⁵ Secure detention worsens trauma and can cause more long-term harm.⁶



Reliance on detention for girls is based on various sentiments including decision makers' paternalistic attitudes, using detention to access services for girls with substantial needs, protecting girls from sexual victimization, punishment of girls who are uncooperative or noncompliant, and concerns about teen pregnancy and its social costs.⁷

In a recent survey of Florida Department of Juvenile Justice (DJJ) staff conducted by the Policy Center and NCCD, staff reported that family-related offenses and violations of probation are the two most common reasons girls are placed in secure detention. Staff also report that subsequently, girls cycle in and out of detention for technical violations while on probation.⁸ Research shows that girls' behaviors at home (e.g., running away) are often strategies girls use to protect themselves and/or cope with abusive situations.⁹

In Florida, black girls are overrepresented in the juvenile justice system at important decision points, including arrest, intake/detention, probation, and commitment.¹⁰ Research suggests that over-policing and increased scrutiny of typical adolescent behavior disproportionately penalizes black girls and other girls of color.¹¹

Did You Know?

A youth can be placed in detention for reasons other than committing a law violation or being a risk to public safety, including the following.¹²

- Running away
- Not attending school
- Curfew violations
- Testing positive on a drug screening
- Noncompliance with court order
- Failing to appear in court
- Lack of alternatives to secure detention

Strategies to Reduce Costly Secure Detention and Divert Girls at Multiple Points

Divert Girls From Arrest or Being Detained for Domestic Violence

Girls get arrested for domestic violence charges for family-related conflicts (e.g., family disagreements; or disagreements with anyone else in the household, such as mom's boyfriend). Civil citation provides an opportunity for pre-arrest diversion. Pre-arrest diversion programs include intervention services, community service, and, if applicable, restitution payment. Upon completion of a diversion program, the youth's record will not reflect this arrest/charge.¹³ From June 2018 through May 2019, three out of four eligible girls arrested in Florida for domestic violence were not issued a civil citation or other alternative to arrest.¹⁴ Domestic violence is a civil citation-eligible charge in some, though not all, counties.¹⁵

The next opportunity to divert girls who experience family conflicts—away from secure detention—is to offer domestic violence respite. Florida DJJ contracts with the nonprofit Florida Network of Youth and Family Services to coordinate the statewide respite program that refers eligible youth to short-term residential placements and services at one of 28 shelters.¹⁶ Recent Florida DJJ data show that 256 girls who were eligible for the respite program were held in detention instead; of this number, 54% were placed in detention due to lack of respite bed space.¹⁷

- Cost to youth: Detention pulls youth deeper into the system, aggravates mental illness, increases risk of self-harm and abuse by peers or staff, interrupts education, and impacts long-term employment opportunities.¹⁸ A large longitudinal study found that more than a decade after being detained as children, young adults were less likely to have completed high school or to be working full time, compared to the general population.¹⁹

Trauma-informed services need to be implemented at every point in the juvenile justice system.

- Cost to state: Detention costs about \$329 per day per youth.²⁰

Alternatives to Arrest and Detention and Their Benefits

- Civil citation: This cost-saving alternative to arrest and formal case processing prevents youth from acquiring a delinquency record.²¹ In Florida, a civil citation costs \$386, compared to \$5,000 for an arrest.²²

- Domestic violence respite: This secure detention alternative is for youth arrested for domestic violence involving a household member. The state's cost is about \$203 per youth per day.²³

Divert Girls From Returning to Secure Detention for Technical Violations of Probation

Girls are overrepresented in the proportion of youth detained in secure detention and incarcerated for technical violations of probation.²⁴ Girls receive technical violations for running away from home, violating curfew, or not attending school.

- Cost to youth: Detention while awaiting court increases the depth and severity of subsequent sanctions received.²⁵
- Cost to state: Detention for technical violations such as failing to appear in court increases official recidivism, technical recidivism, and re-detainment numbers.²⁶

Alternatives to Detention and Their Benefits

Probation response grids provide incentives for positive behavior and give juvenile probation officers a strategy for responding to probation



violations before locking up youth for technical violations. Limiting or eliminating technical violations for low-risk girls and implementing probation response grids that reduce probation officers' discretion to file a violation of probation will decrease the use of detention as a punishment.²⁷

Policy Recommendations

- Building more commitment beds is not good policy. Rather, trauma-informed services need to be implemented at every point in the juvenile justice system. Services should support girls and families in crisis. Girls who do not pose a serious risk to public safety should have access to community-based, trauma-informed therapeutic settings. This will reduce the likelihood of re-traumatization and allow girls to receive services in their communities (e.g., respite beds, multi-dimensional treatment foster care).
- Conduct appropriate needs assessments with youth to inform the development of community-based, trauma-informed therapeutic services.
- For domestic violence-related charges, increase use of civil citation where possible and without net widening (e.g., bringing youth into contact with the juvenile justice system who otherwise would not have contact). Revise statute similar to Nevada's to favor family services, including respite care and family counseling, and restructure case management (see Promising Practices on page 6).
- Expand respite beds and evaluate the reasons that respite beds are not offered (e.g., mental health, medical, etc.).
- Provide specialized training for probation officers and expand response options for technical violations.
- Pilot a girls-only probation unit.
- Field test and evaluate the impact of pilot programs, such as the Pierce County,

Washington, model of opportunity-based probation,²⁸ or the “zero youth in detention” initiative in King County, Washington,²⁹ in an identified community to document girls’ long-term outcomes (see page 6).

- Using the new Detention Risk Assessment Instrument, monitor and report the number

of youth by gender and race/ethnicity in detention, reasons for detention, public safety risk, and average length of stay; and monitor override categories that result in girls being detained in costly and dangerous secure detention across the state.

Juvenile Detention FAQs

What is secure juvenile detention?

Secure juvenile detention is the temporary custody of a child alleged or found to have committed a law violation. Secure detention physically restricts a child in a detention center pending adjudication,³⁰ disposition,³¹ or placement.^{32, 33}

Who is held in secure juvenile detention?

In 2017–2018, a total of 14,010 youth were held in 24 secure detention facilities throughout Florida. While this number is an unduplicated count of detained youth, there were 24,699 admissions for new charges to detention and 6,990 transfers back to detention for the same charge in the 2017–2018 fiscal year. This indicates a lot of movement in and out of detention centers.³⁴

- One in five youth in secure detention is a girl.³⁵
- Although black girls account for less than one quarter (23%) of the general population of girls in Florida,³⁶ they represent about half (51%) of the girls held in secure detention in Florida. White girls represent 34% of the girls held in secure detention; Hispanic girls, 14%; and girls of another race or ethnicity, 0.5%.³⁷

For what reasons are youth detained in secure juvenile detention?³⁸

- Pre-adjudicatory detention: Public safety risk is determined by a risk assessment instrument that concludes a youth who allegedly committed a new law violation should be held in secure detention.
- Judicial court order: Youth are found in contempt of court.
- Awaiting placement: Youth are awaiting placement in a residential lockup facility.
- Probation violation: Youth who violate probation may receive up to five days in secure detention for a first violation and up to 15 days for a second or subsequent violation.
- Other reasons: Youth cannot access respite or other alternatives.

Promising Practices to Reduce Girls' Detention

Nevada

In 2007, after learning that 43% of girls in Clark County and 69% of girls in Washoe County were in detention for domestic battery and staying an average of eight days, Nevada amended Statute (NRS 62C.020) to read as follows (changes are bolded).

62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018, **unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:**

- (a) Respite care or another out-of-home alternative to secure detention is available for the child;**
- (b) An out-of-home alternative to secure detention is not necessary to protect the victim from injury; or**
- (c) Family services are available to maintain the child in the home, and the parents or guardians of the child agree to receive those family services and to allow the child to return to the home.³⁹**

This policy change resulted in a 50% reduction in the use of secure detention for girls in Washoe County between 2006 and 2010.⁴⁰

Washington

Signed into law in 2019, SB 5290 eliminates the use of juvenile detention for non-criminal offenses (e.g., truancy, running away) and strengthens community-based programs. The legislation reads in part as follows:

Sec. 1. (1) The legislature finds that it is a goal of our state to divert juveniles who have committed status offenses, behaviors that are prohibited under law only because of an individual's status as a minor, away from the juvenile justice system because a stay in detention is a predictive factor for future criminal justice system involvement ... The legislature finds that use of the valid court order exception to detain youth for acts like truancy, breaking curfew, or running away from home is counterproductive and may worsen outcomes for at-risk youth. (2) ... As a result, it is the intent of the legislature to strengthen and fund community-based programs that are culturally relevant and focus on addressing disproportionality of youth of color, especially at-risk youth.⁴¹

Nationwide

To reverse the practice of locking up girls to protect their safety or provide services, the Vera Institute of Justice recently launched a nationwide initiative to end girls' incarceration. Vera is collaborating with jurisdictions in multiple states to support and expand community-based alternatives to juvenile detention and placement facilities.⁴²

King County, Washington

The goal of this county-level "zero youth in detention" initiative is to keep youth out of detention and limit their involvement with the juvenile justice system. Between 2013 and 2017, youth referrals to the Prosecuting Attorney's Office decreased by 20%. The initiative's success depends in part on the buy-in of local community-based organizations and through interdisciplinary collaboration with school districts, child welfare and law enforcement agencies, and physical and behavioral health and housing systems.⁴³

Endnotes

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- ¹² The 2018 Florida Statutes, Chapter 985 http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0985/0985ContentsIndex.html
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- ¹⁶ Florida Network of Youth and Family Services. (2018). *Domestic violence respite*. Retrieved from <https://floridanetwork.org/programs/domestic-violence-respite/>
- ¹⁷ Authors' calculation based on dataset provided by Florida DJJ, covering August 2017 to July 2018.
- ¹⁸ Holman, B., & Ziedenberg, J. (2006). *The dangers of detention: The impact of incarcerating youth in detention and other secure facilities*. Washington, DC: Justice Policy Institute.
- ¹⁹ Abram, K. M., Azores-Gococo, N. M., Emanuel, K. M., Aaby, D. A., Welty, L. J., Hershfield, J. A., ... Teplin, L. A. (2017). Sex and racial/ethnic differences in positive outcomes in delinquent youth after detention: A 12-year longitudinal study. *JAMA pediatrics*, 171(2), 123–132.
- ²⁰ Florida Department of Juvenile Justice. (2015). *Roadmap to system excellence: Sustaining change, 2014–2016*. Tallahassee, FL: Author.
- ²¹ SB 1392, passed in 2018, mandates that each judicial circuit in Florida have a circuit-wide juvenile pre-arrest diversion program. <https://www.flsenate.gov/Session/Bill/2018/1392/BillText/er/PDF>
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- ³⁰ Adjudication is the formal court judgment that finds that the youth committed a delinquency act or offense.
- ³¹ Disposition is the sanctions, conditions, and services imposed on a youth by the court (e.g., restitution, fines, probation, incarceration, referral to a community-based program).
- ³² Placement can include secure confinement in a residential program, residential treatment facilities, shelter care, a safe house, or out-of-home placement.
- ³³ The 2018 Florida Statutes, Chapter 985 http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0985/0985ContentsIndex.html
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- ³⁶ Office of Economic and Demographic Research, State of Florida. *Population: 2010, 2017, 2020, 2025, 2030, 2035, 2040 & 2045: County by Age, Race, Sex and Hispanic Origin*. http://edr.state.fl.us/content/population-demographics/data/Medium_Projections_ARSH.pdf
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