

oppaga Information Brief



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Misdemeanant and Non-Law Violation Youth in Juvenile Justice Commitment Beds

To better understand whether a portion of recent increases in juvenile commitments represents inappropriate residential placements, the Legislature directed OPPAGA to analyze the delinquency history of youth who were committed for a misdemeanor or a non-law violation during the 1999-2000 fiscal year. Questions about commitment arose from two recent trends.

- The number of juvenile referrals to court for all offenses declined 11% between Fiscal Year 1995-96 and 1999-00. However, during the same period, the number of judicial commitments to the Department of Juvenile Justice increased by 39%.¹
- During that time, the number of youth committed for a misdemeanor or a non-law violation of probation increased. Non-law violations of probation occur when youth violate conditions of probation, such as staying out after curfew or skipping school.

This analysis addresses the following questions. (A description of our data analysis methodology and definitions is provided in Appendix A.)

1. **How many youth were committed to the Department of Juvenile Justice, and what percentage was committed for a misdemeanor or a non-law violation?** Judges committed 9,494 youth to the department; 41% of all commitments were for a non-law violation of probation or a misdemeanor.
2. **Did youth committed for a misdemeanor or a non-law violation of probation have prior histories of extensive felonies or violent felonies?** No, 77% of these youth had never been adjudicated for a violent felony, roughly 30% had no felonies and 30% had one felony.
3. **Were youth committed for a misdemeanor or a non-law violation of probation charged with a felony in the three months preceding their commitment?** No, over 73% of these youth did not have a felony charge.
4. **Did youth with no felonies who were committed for a misdemeanor or a non-law violation of probation have prior histories of extensive misdemeanors?** Of non-felons committed for a misdemeanor, 79% had three or more misdemeanors. Of non-felons committed for a non-law violation, 81% had two or fewer misdemeanors.
5. **How extensive were the prior delinquency histories of youth committed for a misdemeanor or a non-law violation of probation?** 11% of these youth had no felonies and no recent felony charges and less than three misdemeanors; 44% had 0-1 felonies or recent felony charges and varying numbers of misdemeanors; and 45% of youth had two or more felonies or recent felony charges in their history.

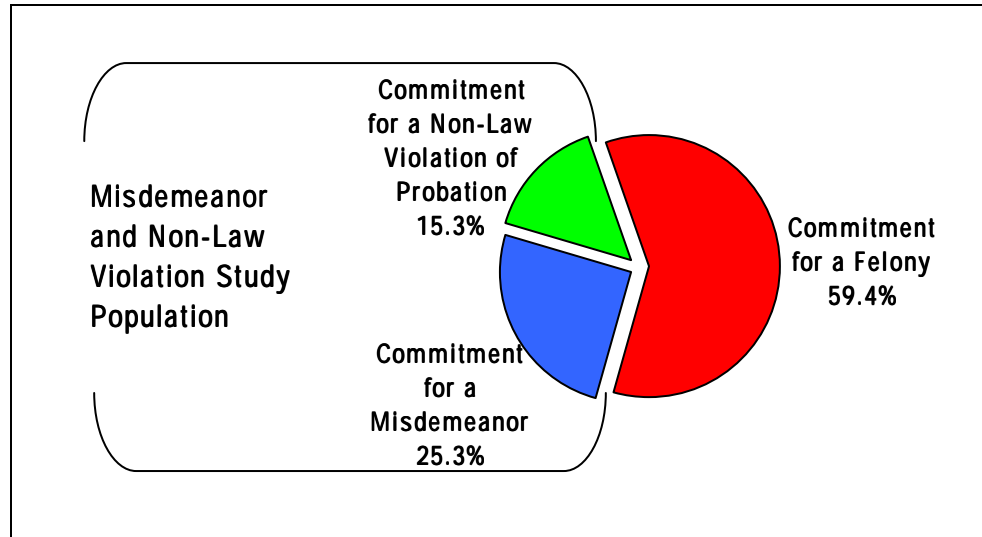
¹ A commitment occurs when a judge sentences a youth to a Department of Juvenile Justice commitment program for incarceration.

1. How many youth were committed to the Department of Juvenile Justice, and what percentage was committed for a misdemeanor or a non-law violation?

In Fiscal Year 1999-00, judges committed 9,494 youth to the department. Commitments for a non-law violation of probation or a misdemeanor represented 41% of all commitments, as shown in Exhibit 1.

Exhibit 1

41% of Total Commitments Were Due to Misdemeanors or Non-Law Violations



Commitments for a misdemeanor or a non-law violation of probation represented 57% of all commitments to low risk programs and 42% of commitments to moderate risk programs. The number and percentage of misdemeanor and non-law violation commitments by level is shown in Exhibit 2.

Exhibit 2

Misdemeanant and Non-Law Violation Youth

Represented 45% of Commitments to Low- and Moderate-Risk Programs

Commitment	Risk Level				Total
	Low	Moderate	High	Maximum	
Misdemeanor	479	1,541	362	11	2,393
Non-law violation of probation	343	862	234	7	1,446
Total misdemeanor and non-law violation commitments	822	2,403	596	18	3,839 ¹
All commitments Fiscal Year 1999-00	1,434	5,675	2,203	152	9,464 ¹
Misdemeanor and non-law violation commitments as a percentage of all commitments	57%	42%	27%	12%	41%

¹ Twelve misdemeanor and non-law violation commitments are not included here because level could not be identified. Level could not be identified for 30 of all commitments.

To address the remaining questions, OPPAGA conducted an analysis of the delinquency histories of the 3,851 youth committed for a misdemeanor or a non-law violation of probation. The tables that follow relate to the delinquency history of these youth, 41% of the total commitment population.

2. Did youth committed for a misdemeanor or a non-law violation of probation have prior histories of extensive felonies or violent felonies?

As shown in Exhibit 3, 62% of misdemeanor and non-law violation commitments had zero or one felony in their delinquency histories, while 38% had two or more.

Exhibit 3
Most Misdemeanor and Non-Law Violation Youth
Did Not Have Extensive Felony Histories

Commitments	No Prior Felony		One Prior Felony		Two or More Prior Felonies		Total
Commitments for misdemeanors	835	35%	653	27%	914	38%	2,402
Commitment for violation of probation	435	30%	471	32%	543	38%	1,449

As shown in Exhibit 4, a minority of youth committed for a misdemeanor or a non-law violation of probation had been adjudicated for a violent felony offense. Of misdemeanor commitments, 78% had never been adjudicated for a violent felony; of non-law violation commitments, 77%.

However, 22% of youth committed for a misdemeanor and 23% of youth committed for a non-law violation did have a violent felony history; 69% had been adjudicated for aggravated assault or battery, 12% for felony sex offenses, 6% for murder or manslaughter charges, and 3% for robbery.

Exhibit 4
The Majority of Misdemeanor and Non-Law Violation of Probation
Youth Had Never Been Adjudicated for A Violent Offense

Commitments for Fiscal Year 1999-00	No Adjudicated Violent Felonies		One or More Violent Felonies		Total	
Residential commitments for misdemeanor as the most serious commitment offense	1,854	77%	548	23%	2,402	100%
Commitments for non-law violation of probation as the most serious commitment offense	1,128	78%	321	22%	1,449	100%

3. Were youth committed for a misdemeanor or a non-law violation charged with a felony in the three months preceding their commitment?

A hypothesis was raised that if youth had been recently charged with a felony that had not been adjudicated, this may have influenced the judge's decision to commit on the subsequent charge of a misdemeanor or non-law violation of probation. The data do not support this hypothesis. Seventy-three percent (73%) of misdemeanor commitments and 80% of all commitments for non-law violation of probation were not associated with any felony charge, whether adjudicated or not, in the previous three months.

Exhibit 5

Most Misdemeanor and Non-Law Violation Youth

Did Not Have Recent Non-Adjudicated Felony Charges

Type of Commitment	No Recent Felony Charge	
Misdemeanor Commitments	1764	74%
Commitments for Non-Law Violation of Probation	1161	80%

4. Did youth with no felonies who were committed for a misdemeanor or a non-law violation of probation have prior histories of extensive misdemeanors?

For those youth committed for a misdemeanor with no felony adjudications ever, 79% had three or more misdemeanors in their delinquency histories, and 52% had four or more.

The picture is different for those committed for a non-law violation of probation. Of these commitments, 81% had two or fewer adjudicated misdemeanors, and 59% had zero or one. A small number of these youth on probation had been adjudicated for "other delinquency" offenses, including non-felony traffic offenses and violation of county or municipal ordinances.

Exhibit 6

Misdemeanor Histories of the Two Groups Differed

	Misdemeanor Commitment		Non-Law Violation of Probation Commitment	
One adjudicated misdemeanor (none prior to commitment)	7	1%	256	59%
Two adjudicated misdemeanors	166	20%	96	22%
Three adjudicated misdemeanors	230	27%	48	11%
Four or more adjudicated misdemeanors	432	52%	35	8%
Total	835	100%	435	100%

5. *How extensive were the prior delinquency histories of youth committed for a misdemeanor or a non-law violation of probation?*

When all the factors discussed previously are combined, the delinquency histories of the youth fall into three broad categories.

Eleven percent (11%) or 440 of the youth had no adjudicated felonies, or recent felony charges, and two or fewer adjudicated misdemeanors.

Forty-four percent (44%) or 1,675 youth committed for a misdemeanor or a non-law violation had 0-1 felonies or recent felony charges and varying numbers of misdemeanors.

Almost half of the youth had been adjudicated for two or more felonies, or adjudicated for one felony and charged with another in the three months prior to commitment. This group of 1,736 youth made up 45% of the commitments for a misdemeanor or a non-law violation of probation.

Exhibit 7

**Many Misdemeanor and Non-Law Violation Youth
Had Primarily Misdemeanor Histories**

Summary of Delinquency History			Number	Percentage
Youth with no felonies and two or fewer misdemeanors			440	11%
Youth with intermediate delinquency histories			1,675	44%
No felonies and three or more misdemeanors	595	15.5%		
One felony or one recent felony charge and two or fewer misdemeanors	498	12.9%		
One felony or one recent felony charge and three or more misdemeanors	582	15.1%		
Youth with two or more felonies, or one felony and one felony charge			1,736	45%
Total Misdemeanor and Non-Law Violation Commitments			3,851	100%

Although few will debate the appropriateness of residential commitment for habitual felons, policymakers may have different views of appropriate placement for the many youth with intermediate delinquency histories.

Appendix A

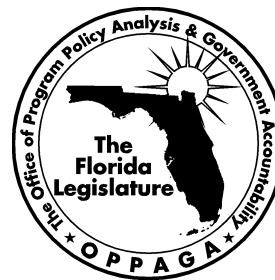
Methodology

To provide this analysis, we first unduplicated Department of Juvenile Justice commitment data. The department determines a “commitment” by combining all of a youth’s charges disposed to commitment on the same date. Using this method, we found multiple commitments to the same level within a short period of time. To reduce the risk of inflated results due to a duplicated count, we combined all commitments disposed to the same restrictiveness level within the same three-month period. Our more conservative method results in 3,851 residential commitments for a violation of probation or a misdemeanor for Fiscal Year 1999-00; the department’s method results in 4,434. Using the same method to unduplicate total commitments resulted in a total of 9,494 commitments in Fiscal Year 1999-00.

In this analysis, a misdemeanor is defined as an adjudicated misdemeanor charge or one with adjudication withheld. A felony is defined as an adjudicated felony charge or one with adjudication withheld.

The Florida Legislature

Office of Program Policy Analysis and Government Accountability



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