



Steps Taken to Improve Juvenile Justice Direct-Care Staff Screening and Training

at a glance

The Legislature and the Department of Juvenile Justice have improved screening, salaries, and training of direct-care staff that work in juvenile justice facilities. The department has substantially reduced the length of time needed to complete background checks of new employees and has stopped conditionally hiring staff that may not pass background inspections. However, 22% of residential facilities are not consistently performing subsequent criminal history rechecks of existing staff, which statutes require be done every five years.

Private providers have used part of funding increases provided by the Legislature to increase direct care staff salaries. Turnover among these staff has decreased, although this may be due in part to the depressed economy. DJJ has implemented our recommendations to improve staff training by including evidence-based concepts and techniques to better manage confrontations with youth in its care.

Scope

In accordance with state law, this progress report informs the Legislature of actions taken by the Department of Juvenile Justice in response to a prior OPPAGA report on the department's staff screening, salaries, and training.^{1,2}

Background

The Department of Juvenile Justice (DJJ) is charged with protecting the public by providing a continuum of programs that address juvenile crime and delinquency. These programs include prevention, detention, probation, and residential commitment.

In carrying out its mission, the department must hire and retain competent direct care employees. These employees are responsible for ensuring that juveniles in the state's custody are free from harm and receive services intended to help them avoid crime and delinquency when released back into their communities.

¹ Section [11.51\(6\)](#), *F.S.*

² *Qualifications, Screening, Salaries, and Training Affect Quality and Turnover of Juvenile Justice Employees*, [OPPAGA Report No. 05-46](#), September 2005.

Current Status

DJJ and the Legislature have taken steps to improve the screening, salaries, and training of direct care staff that work in juvenile justice facilities. DJJ has improved its background screening process significantly for new employees. However, many of its residential facilities are not performing subsequent periodic criminal history background checks of all existing employees as required by law. Private providers have used increased funding provided by the Legislature to increase staff salaries, and turnover among direct care staff has declined. DJJ also has enhanced its staff training curricula to help reduce physical confrontations.

DJJ has improved its screening process for hiring employees; however, almost a quarter of residential facilities are not performing all of the mandated five-year background checks. Our prior report found that juvenile justice facilities often took extensive periods of time to complete statutorily required background checks of new employees that provided direct services to juveniles. The facilities typically required new employees to provide their fingerprints, which were submitted via inked cards to the Florida Department of Law Enforcement (FDLE) to check against its criminal history files. Because this process could take several months, employees were conditionally permitted to begin working after passing a preliminary background screening. The time required to complete the fingerprint check created a safety issue, as some employees in conditional status were later determined to be ineligible to work in juvenile justice facilities due to non-disclosed criminal histories.

The department and the Legislature have made significant improvements to the screening process to address this problem. The department obtained Livescan machines that enable its staff to enter applicants'

fingerprints directly into FDLE's background check system. This enables the background checks to be completed within 5 to 10 days, and DJJ no longer conditionally hires employees.

DJJ has also created a database to track the employment history of its direct care staff. This has addressed a related problem discussed in our prior report, in which undesirable employees could move from one contracted provider to another because the department lacked a method to track individuals who had been fired from other facilities. To address this issue, DJJ created the Staff Verification System, which tracks employment histories of direct care staff who work for the department or its contracted private providers.

The Legislature added another layer of security by directing FDLE to screen automated arrest data for all juvenile justice staff on a daily basis. It does so by comparing the fingerprints of DJJ and its providers' staff to Florida arrest data. If the fingerprint of an arrested individual matches that of a department or provider employee, DJJ is notified the same day.

Additionally, as FDLE's daily arrest check covers only Florida arrests, the Legislature also required juvenile justice providers to conduct a federal criminal record screening of each of their employees every five years.³ This check identifies federal and other state arrests not captured in FDLE's daily arrest checks. However, DJJ quality assurance reports show that 22% of its contracted facilities have not followed this statutory requirement. Specifically, during Fiscal Year 2008-09, 18 residential facilities failed to perform the follow-up background checks on all employees as required by law (including four facilities operated by the state and 14 operated by private providers). DJJ has not considered this violation significant enough

³ These reviews are to be done every five years from the employees' date of employment (s. [985.644\(5\)\(a\)2, F.S.](#)).

to require the facilities to establish a corrective action plan. However, this practice raises the risk that direct care staff may have committed criminal violations that would disqualify them from contact with juveniles. To better protect the juveniles in its care and to ensure that all facilities comply with this statutory requirement, we recommend that DJJ modify its quality assurance indicators to require facilities to establish corrective action plans if they fail to conduct the required five-year re-screenings of their staff.

Private providers used funding provided by the Legislature to increase direct care staff salaries. Our prior report noted that private juvenile justice facilities had high turnover, which increased overtime pay and hiring and training costs. The providers asserted that this turnover was due to low per diem rates paid by the state. The Legislature has addressed this issue by increasing the per diem rates, appropriating \$3.6 million for this purpose in Fiscal Year 2004-05, and \$21 million in Fiscal Year 2006-07. The Florida Juvenile Justice Association reports that providers used \$9.3 million of the Fiscal Year 2006-07 increase to raise residential staff salaries. While providers report that staff turnover has declined since they raised staff salaries, they have not analyzed turnover rates over time, and some of the perceived reduction may also be due to the depressed economy.

The department has enhanced its training curricula by including evidence-based concepts and verbal techniques to avoid physical confrontations. Our prior report noted that few programs conducted initial or ongoing staff training on communication skills or treatment approaches, which could help support the program's treatment programs and defuse physical confrontations with youth. DJJ has addressed this issue by incorporating program treatment models into its training curriculum for state direct care workers, and its contracts with private providers now similarly require that staff be

trained in the programs' treatment model(s). The department also revised its Juvenile Justice Detention and Residential Officer certification curriculum to address evidence-based concepts and best practices. As a result, new staff members are now trained in such key skills as motivational interviewing, trauma-informed care, and gender-specific programming.

In addition, DJJ has amended Rule 63H-1.001, *Florida Administrative Code*, to limit the use of physical intervention as a response to passive resistance by a youth.⁴ The department also has revised its Protective Action Response training, which addresses how staff is to handle incidents involving youth in its facilities. The revised training reflects the department's philosophy that staff should seek to deescalate confrontations with youth as the preferred method in preventing or managing such conflicts. DJJ reports that the number of employee injuries and Protective Action Response incidents have declined since it revised the training curriculum. The number of incidents decreased from almost 7,000 in Fiscal Year 2007-08 to an estimated 4,000 in Fiscal Year 2009-10, a 43% decline.⁵ However, since the Protective Action Response training was not revised until March 2009, this decline may also be due to other factors including the decline in the number of youth in residential facilities.

⁴ In the past, when a youth refused to move after being asked, the youth was seen as displaying enough resistance for staff to use physical intervention.

⁵ The Fiscal Year 2009-10 estimate is based on an extrapolation of the first six months of the fiscal year.

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Project supervised by Marti Harkness (850/487-9233)
Project conducted by Michelle Harrison and Kelley Seeger
Gary R. VanLandingham, Ph.D., OPPAGA Director