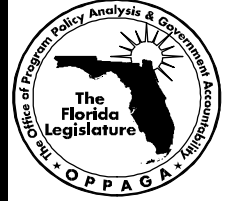




Office of Program Policy Analysis And Government Accountability



John W. Turcotte, Director

February 10, 1997

Review of the Department of Juvenile Justice Residential Commitment Services

Report Abstract

- Distinctions among Department of Juvenile Justice commitment levels are unclear; there is often little or no difference from one level to the next in security measures or treatment services. There is also considerable overlap in the criminal histories of the youth that judges assign to each level. Despite these similarities, there is much variation in the daily rates the Department pays program providers.
- Program reconfiguration is needed. To enhance treatment, more commitment programs should serve only special populations such as youth with serious mental disabilities and sex offenders.
- Creating a "tune-up" program for youth who violate community control but have not committed new crimes could save taxpayers over \$6 million per year.
- An improved level system could reduce program costs and place youth more quickly and efficiently.

Purpose of Review

The Joint Legislative Auditing Committee directed us to examine program similarities and differences within and among Department of Juvenile Justice commitment levels. Our review focused on whether there are distinctive program activities, treatment approaches, youth characteristics, and costs associated with each level.

Background

The purpose of juvenile justice commitment programs is to protect the public from acts of delinquency and to treat offenders so as to reduce recidivism. Chapter 39, F.S., divides responsibility for placing delinquent youth between the courts and the Department of Juvenile Justice (DJJ). Judges, taking into consideration recommendations from DJJ staff and State Attorneys, determine the degree of security required, and commit each youth to DJJ at a specific restrictiveness level. A restrictiveness level is a classification based on the risk a youth presents of harming the public. Using the specified level, the Department is responsible for assigning each youth to a program that will meet his or her treatment needs.

DJJ uses four residential restrictiveness levels to place youth: low, moderate, high, and maximum risk (numbered as levels 4, 6, 8, and 10). According to the Department, the levels are a continuum; each successive level represents an increased degree of risk. Most levels include a variety of programs. These range from family-like settings or wilderness experiences in level 4, to secure and highly structured confinement at level 10. Some programs, such as boot camps, operate at more than one level.

In fiscal year 1996-97, the Legislature appropriated approximately \$150 million to DJJ for residential commitment programs. On June 1, 1996, DJJ served 3,316 youth in 211 commitment programs. (See Exhibit 1.) The majority of programs and youth are concentrated at level 6, moderate risk. Although the Department operates some residential programs, it contracts approximately 90% to private providers.

**Exhibit 1
The Majority of Programs and Youth
Are Found at Level 6, Moderate Risk**

Description	Restrictiveness Level				Total
	Low Level 4	Moderate Level 6	High Level 8	Maximum Level 10	
Number of Programs	44	127	32	8	211
Number of Youth	340	1,968	817	191	3,316
Percent of Youth	10%	59%	25%	6%	100%

Source: Office of Program Policy Analysis and Government Accountability analysis of Department of Juvenile Justice data.

Methodology

To research the similarities and differences of programs within and among restrictiveness levels, we examined program components including security, length of stay, and treatment services. We visited 20 residential commitment facilities of varying levels in Districts 2, 4, and 6 to review files and interview Department and provider staff and committed youth.¹ We also analyzed agency data to compare the criminal histories and ages of youth at different levels who were in commitment programs on June 1, 1996. To analyze variations in program rates, we interviewed Department and provider staff and reviewed program contracts and DJJ quality assurance standards.

Section 1

**Distinctions Between Levels
Are Unclear**

We reviewed residential commitment programs to determine the differences and similarities within and among levels. Our review focused on whether there are distinctive program features, program activities, youth characteristics, and costs associated with each level.

Our research indicates that there is very little difference from one level to the next in the primary program elements, such as security. Also, there is considerable overlap across levels in the criminal histories and ages of assigned youth. Although program services are similar and the characteristics of youth overlap, there is

¹ These facilities were located in Leon, Wakulla, Holmes, Madison, Jackson, Duval, Hillsborough, and Manatee Counties.

much variation within and among levels in contract rates.

Finding 1.1

There is often very little or no difference from one restrictiveness level to the next in primary program elements, which are security, length of stay, and treatment services.

Because restrictiveness levels indicate degree of risk, they are intended to provide increasing security and length of stay for committed youth. However, we found that distinctions between commitment levels are unclear, and many program services are similar across levels.

Security. Security is intended to be the major distinguishing feature of the restrictiveness levels. Although we observed a marked difference between the security offered by a group home at level 4, where youth leave to attend public school, and a jail-like level 10 facility, security from one level to the next is often indistinguishable. For example, one provider we visited has level 6 and level 8 programs located on the same campus with the same physical security features. Boot camps generally have high security fences, but may be classified as either level 6 or level 8.

During our site visits, we also observed variations in security within levels. For example, we visited a level 6 program located in a rural area with a high security fence. We also visited another level 6 program located in a high crime urban area with an open, easily accessible campus lacking any physical security; circumstances that may not be conducive to rehabilitation. As a result of these variations, levels may not provide judges consistent delineations of security for purposes of assigning youth.

Length of Stay. The intended length of stay in residential commitment programs increases with each level. (See Exhibit 2.) However, according to provider staff, youth often spend less than the intended time in commitment programs. As a result, providers and program managers said the intended length of stay is approximately six months across levels, except for level 10.

Provider staff said that many youth are discharged sooner than intended to make room for new placements. Over 1,000 youth are on waiting lists to begin residential commitment programs.

Exhibit 2
Intended Length of Stay
Is Similar Except for Level 10

Restrictiveness Levels	Range of Stay for Residential Commitment Programs (in Months)
Level 4: Low Risk	1 to 6
Level 6: Moderate Risk	1.5 to 9
Level 8: High Risk	6 to 14 ¹
Level 10: Maximum Risk	18 to 36
Level 6 and 8: Boot Camps	4 to 6

¹This range excludes sex offender programs.

Source: 1996 Annual Report, Juvenile Justice Advisory Board.

Many of these committed youth are held at detention centers. Levels 4 and 6 youth may only be held at the detention center for 15 days awaiting placement; then they must be released. Levels 8 and 10 youth may remain at the detention center until they are sent to the assignment center or placed. Because detention centers are overcrowded, there is pressure to place youth who are in detention into residential commitment programs.

Therefore, youth who are in residential commitment are moved through as quickly as possible, often in less time than the intended length of stay. As a result, length of stay may not vary significantly from level to level.

Treatment. It might be reasonable to expect that repeat offenders in high security programs would require more intensive rehabilitation treatments. However, in the programs we visited, treatment philosophy and services did not vary significantly from level to level. We visited 20 commitment facilities of all levels in three districts. Staff in all but one program told us that their programs were based on "reality therapy" (youth are to accept responsibility for their actions) combined with "behavior modification." This system of positive reinforcement uses points to provide rewards, privileges and consequences for behavior.

All levels offer generally the same type of treatment services. These include: behavior management, individual, group, family, substance abuse, and mental health counseling. Some programs provide all of these services on site, others contract with auxiliary providers. Few programs are designed to treat

populations with severe problems, such as serious mental disorders or a history of sex offenses.

Historically, treatment philosophy was not of concern in program selection and was not specified in Request for Proposals (RFP) or commitment contracts. The Department is currently soliciting more information about treatment philosophy and delivery techniques from prospective providers.

Finding 1.2
There is considerable overlap across restrictiveness levels in criminal histories and the ages of assigned youth.

Because restrictiveness levels are intended to serve youth of increasing security concern, we expected to see the number and violence of incidents by youth increase markedly from level to level. We reviewed the criminal histories and demographic characteristics of all youth in residential commitment on June 1, 1996. We found gradation but much overlap in the characteristics of youth that judges assign to restrictiveness levels.² We noted that based on these characteristics, youth can be categorized into two groups: youth assigned to levels 4 and 6 are similar, as are youth assigned to levels 8 and 10.

Levels 4 and 6. According to Department risk descriptions, level 4 should serve youth with non-violent and non-chronic offense histories; level 6 should serve repeat offenders who are non-violent. However, levels 4 and 6 youth's criminal histories are similar. In both levels 4 and 6, approximately half the youth are chronic offenders and a third are serious offenders. A small percentage of violent offenders are found at both levels. Exhibit 3 shows the distribution of violent, serious, and chronic offenders among levels.

² Outside of the scope of this review, there are two significant exceptions to the pattern of overlapping youth characteristics. First is the progressive representation of black males in the higher restrictiveness levels. This condition is being addressed by the Department's Office of Minority Over-Representation. Second, it is difficult to evaluate female restrictiveness levels because there are so few programs for girls; for example there are no female level 10 beds. The Department is making an effort to address the unmet needs of female delinquents through the Female Initiative.

Exhibit 3
Criminal Histories of Youth by Levels
Show Clustering ¹

Restrictiveness Levels	Percent of		
	Violent Offenders ²	Serious Offenders ³	Chronic Offenders ⁴
Level 4: Low Risk	5%	29%	45%
Level 6: Moderate Risk	7%	36%	57%
Level 8: High Risk	21%	51%	75%
Level 10: Maximum Risk	25%	67%	84%

¹ Percentages do not add up to 100 because some youth may fit in more than one category and youth who do not meet the definition of violent, serious, or chronic offenders are not included in this exhibit.

² A “violent juvenile offender” is a youth who has been convicted of a violent felony crime against person(s) at least twice, or a youth who has been convicted of murder.

³ A “serious juvenile offender” is a youth who has been convicted of a serious property felony crime twice or more.

⁴ A “chronic offender” has a record of five or more separate convictions, regardless of the gravity of the offenses.

Source: OPPAGA analysis of data provided by the Department of Juvenile Justice.

Levels 8 and 10. Although level 8 is defined as high risk and level 10 is defined as maximum risk, there are few differences between levels 8 and 10 in either Department standards or the characteristics of youth judges assign to these levels. The Department’s placement criteria for levels 8 and 10 are the same: youth with histories of serious crimes against people, or chronic offense histories. As Exhibit 3 illustrates, juveniles placed in levels 8 and 10 have similar histories of violent, serious, and chronic offenses.³

Age. There is a common perception that juveniles at higher restrictiveness levels are significantly older. However, this perception is inaccurate. The difference in median age between youth placed in level 4 and youth placed in level 10 is one year. (See Exhibit 4.)

Thus, the four levels of youth assigned to residential commitment can generally be categorized into two groups. As shown in Exhibit 3, the criminal histories of youth assigned to levels 4 and 6 are similar; also youth assigned to levels 8 and 10 are comparable. We conclude that the separation of youth into four categories appears to create artificial separation of two primary categories of youth.

³ During our review, in response to new legislation DJJ reclassified the Serious Habitual Offenders Program (SHOP) from level 10 to level 8.

Exhibit 4
Ages Vary Little From Level to Level

	Restrictiveness Level				All Youth
	Low Level 4	Moderate Level 6	High Level 8	Maximum Level 10	
Mean Age (Years)	14.8	15.6	16.0	16.2	15.6
Median Age (Years)	15	16	16	16	16
Age Range (Years)	11-18	10-19	11-20	14-19	10-20
Number of Youth	340	1,968	817	191	3,316

Source: OPPAGA analysis of data provided by the Department of Juvenile Justice.

Finding 1.3
Although program services are similar and the characteristics of youth overlap, there is much variation in the daily rates the Department pays program providers.

Department contract amounts are based on a specified rate for the number of beds available per day at each facility. According to Department staff, the daily bed rates reflect the level of security and services rendered by the providers. However, as indicated in Exhibit 5, there is considerable variation in the daily bed rate among programs at each level. Staff costs are the largest recurring security expense, but the staffing requirements are the same for programs within each level. Further, as described earlier in this report, treatment services do not vary significantly in most programs at most levels. (Special facilities, such as sex offender programs, are not included in this exhibit.)

Another possible explanation for the variation in contract rates is program quality. Department staff told us that, although they work hard to stay within the total appropriation set by the Legislature, they allow rate variation from program to program to respond to the market and to encourage program innovation. Innovation is useful when new solutions are needed or when it is not clear what works. However, when some innovations cost more than others, it is important to determine what they are doing differently and whether it is worth the extra money.

Exhibit 5
Rates Vary by Programs Within Levels

Restrictiveness Levels	Range of Daily Rates	
	Low	High
Level 4: Low Risk	\$60	\$ 86
Level 6: Moderate Risk	47	110
Level 8: High Risk	94	176
Level 10: Maximum Risk	93	130

Source: 1996 Annual Report, Juvenile Justice Advisory Board.

The Department needs information about program results to determine contract requirements and contract rates. Staff conduct quality assurance reviews of each program, which are designed to ensure compliance with requirements such as proper record-keeping and adequate living conditions. However, these reviews do not evaluate long-term program benefits. Department staff are in the process of developing a cost-effectiveness model and performance-based budgeting measures to identify good programs. The Department needs to determine which programs are effective and use this information to revisit program contracts and rates.

Section 2
Program Reconfiguration
Is Needed

Although the Department has four restrictiveness levels and offers different programs within each level, there are two types of populations that are not served appropriately in the current system. Reconfiguring programs to serve these youth could save money and improve treatment results.

- Developing a program for youth who violate community control but do not commit new crimes could save approximately \$6 million per year; and
- Developing more programs to specifically serve special needs populations, such as youth with mental disabilities and sex offenders could improve treatment results.

Finding 2.1

A “tune-up” program for youth who violate community control but do not commit other crimes could save approximately \$6 million per year.

Judges assign youth to community control supervision by a Department caseworker either in lieu of or following residential commitment. Our sample found that for juvenile charges, violations of community control were second only to burglary in frequency: 41% of the youth had violated community control. Although they had not been charged with any new crimes, 551 youth with criminal histories were in residential commitment for violating community control. Most of these youth were assigned to level 6.

Commitment staff indicated that there is a need for swift response to violations of community control to let youth know that they must comply with conditions set by the court. The removal of noncompliant youth from the community before they reoffend or commit more serious violations not only addresses public safety but is considered an important deterrent. However, placing youth who violate community control in residential commitment may not be the most effective response. According to juvenile justice research, brief reconfine-ments of a week or two in a program developed for technical violators may be a more effective deterrent. In the short stays, the punishment is more fitting for the violation (such as not going to school) and is designed to help the youth deal with the problem, instead of making the youth repeat a residential program when no new crime has been committed. This short-term placement would be less costly: if the 551 youth were to spend two weeks instead of six months in a program that cost \$75 per day, the savings would be over \$6 million.

Finding 2.2

Some programs should be reconfigured to serve special needs populations such as those with serious mental disorders and sex offenders.

According to providers and Department staff, approximately one-third of the youth in residential commitment programs have serious mental disorders, as defined by developmental disability (low IQ), mental illness, or severe behavior problems such as those that result from trauma or abuse. However, only one program with a 15-bed capacity (at level 8) is open for the developmentally disabled, and there are few

programs that are designed and administered specifically for youth with severe mental illness.

Youth who are not served in special programs are placed with the general population. Staff in these programs who work with youth with serious mental disorders said they do not have the training to provide adequate care and that these youth are not receiving the services they need. Also, youth with severe disorders can take up a great deal of staff time and divert resources from the rest of the group. In our brief field experiences, we saw some mentally disabled youth struggle to understand basic instructions and youth who were unable to answer simple questions. If their condition is not addressed, these youth may be incapable of changing their delinquent behaviors.

There is a similar need for special programs for sex offenders. Five percent, or 164 of the youth in residential commitment on June 1, 1996, had been adjudicated for sex offenses, and 10% had sex offense charges in their offense histories. However, only two programs are designed specifically for sex offenders. These programs have a combined capacity of 70 beds. According to provider staff and our data analysis, sexual offenders can be found in the general population at all levels. Because of the propensity of sex offenders to reoffend without proper treatment, this population is particularly important to treat appropriately.

Section 3

A Simplified Level System Could Reduce Costs and Place Youth More Quickly and Efficiently

The Department initially encouraged a variety of programs at each level to facilitate opening a large number of new beds in a brief time and to provide rich opportunities for selecting the best fit for youth. However, the wide assortment of commitment programs does not enhance security, treatment, or cost savings. Over 1,000 youth are on waiting lists for admission to specific levels, although the security and treatment distinctions from level to level are unclear.

The restrictiveness level system is not functioning as the Legislature intended. We identified two options for strengthening the commitment system:

- **Option 1** - improve the current system by differentiating the levels;
- **Option 2** - replace the current system with a two-tier model.

Option 1: To improve the current system, the Department could contract for and provide security and treatment services that are graded from level to level. This difference in expectations should be reinforced by the quality assurance standards. More programs should also be reconfigured to serve the special needs populations. And, program rates at each level should be tied to these factors.

The advantages of improving the current system would be to strengthen the concept of a continuum of programs; also, no new legislation would be required. However, as discussed in this report, the continuum is difficult and costly to maintain. Further, separating youth into four categories appears to be based on artificial distinctions.

Option 2: Replace the current system with a two-tier model based on the demographic and criminal histories of the youth currently in commitment.

- **Tier 1** would be designed for youth who have been assigned to levels 4 and 6. The Department's improved capabilities to screen youth at regional assignment centers would permit the expeditious identification of youth with special needs, such as the mentally disabled. These youth would be directed to an appropriate program. The remaining youth would be committed for up to six months to inexpensive wilderness programs, work camp programs, or boot camps. These programs could emphasize responsibility for behavior, learning new life skills, building education skills, and intensive post-release supervision.

As an alternative, **Tier 1** could emphasize **treatment**, with community-based halfway houses where family counseling and community involvement could be introduced more effectively. This alternative would be more expensive.

- **In Tier 2**, juveniles who are dangerous or repeat offenders would be securely confined for a longer period (12-36 months) to protect the public. This group would comprise the type of offenders who have been committed to levels 8 and 10. Tier 2 could emphasize more intensive treatment and staff contact and long-term post-release supervision.

The advantage of Option 2 is that it is more consistent with the actual characteristics of committed youth. Simplifying the system should make it easier and faster to assign youth, develop programs, and specify the daily rates DJJ pays program providers. Providing short and intense tier 1 stays for nonviolent offenders and longer tier 2 programs for violent offenders is also consistent with what judges said they would like to see. This

option would, however, require legislative action and condense the juvenile justice continuum.

We prefer Option 2, because it would simplify the commitment system, reduce costs, and shorten the waiting time for placement.

Recommendations

We recommend:

- The Legislature amend Ch. 39, F.S., to simplify the restrictiveness level system. This arrangement is consistent with the characteristics of youth presently in commitment. A simplified restrictiveness level system may also provide some relief for the waiting list by lessening the number of levels to queue for, like waiting in one line at the post office. A simplified system should also allow the Department to pare down the variation in contract bed rates and thereby save money.
- The Department create a tune-up program for youth who violate community control but do not commit other crimes. Committing these offenders to regular residential commitment programs is a costly measure that ties up space for serious offenders. If the 551 youth in our sample who had committed a technical violation but no concurrent crime were to spend two weeks in an intensive tune-up program instead of six months in a program that cost \$75 per day, the savings would be over \$6 million.

Response From the Department of Juvenile Justice

February 4, 1997

John W. Turcotte
Director
The Florida Legislature
Office of Program Policy Analysis and
Government Accountability
P.O. Box 1735
Tallahassee, FL 32302

Dear Mr. Turcotte:

I am writing in response to the Office of Program Policy Analysis and Government Accountability's (OPPAGA) draft report entitled "Review of the Department of Juvenile Justice Residential Commitment Services". The department's response is attached.

I greatly appreciate the opportunity to review OPPAGA's initial feedback in its draft report addressing residential commitment services, as well as provide the department's response. I look forward to reviewing the final report once published and anticipate that we can work together to enhance Florida's juvenile justice system.

Sincerely,

/s/ George L. Hinchliffe
Assistant Secretary for
Programming and Planning

GH/sc/jlh
Enclosure

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AGENCY RESPONSE

Finding 1.1 Response: Restrictiveness levels provide a general framework for custody classification of the department's programs with "security" being the primary distinguishing element. Length of stay and treatment services are driven by assessed risk and service needs of individual offenders, not by restrictiveness level. Regardless of the restrictiveness level or program, it is the department's responsibility to provide basic treatment services, tailoring them to meet offender's individual needs. The 1996

Legislature broadened the statutory offense and age criteria for many of our programs. This reduced artificial barriers to placement most and provides needed flexibility for the courts and the department. As the OPPAGA report indicates, in some cases there is little difference in physical security of programs. A major challenge we have is addressing the physical plant security needs of inherited facilities. Our building program for secure facilities now includes the use of prototype designs. These designs include the appropriate security hardware features. As we continue constructing new facilities and renovating old ones, security distinctions in the restrictiveness levels will be clearer.

Finding 1.2 Response: In restrictiveness levels, there are many factors that contribute in some degree to overlap in criminal histories and ages. Placement decisions by the court and the department are relatively complex. In contrast to the state's adult correctional system which is "offense" based, Florida's justice system is "offender" based and, in addition to offenses, other critical factors are considered when determining risk and placement. Aggravating and mitigating circumstances surrounding juvenile offending patterns are factored into the placement decision as are treatment needs. This is consistent with national research in juvenile risk assessment which focuses on the seriousness, recency and frequency of offending. For example, the court may order a youth who has no extensive offending history, but commits a serious offense, to the same restrictiveness level as a youth who commits a relatively minor offense but has committed numerous other offenses in the preceding year and had prior residential placements. Additionally, judicial practices vary across the state. A judge in one area of the state may view auto theft as a minor offense and commit the juvenile to a low-risk placement, whereas a judge from another area of the state may view the same offense very seriously and order a high-risk placement. Since age is not necessarily directly correlated to a youth's offense history, his risk to public safety or his treatment needs, overlap across restrictiveness levels in the ages of assigned youth is to be expected.

Finding 1.3 Response: Through competition and negotiations between the department and providers, per diem rates between restrictiveness levels do vary. We have enhanced our procurement process and are more carefully reviewing proposals submitted, negotiating contracts more successfully and clearly defining program outcomes in contracts. Our goal is to contract for the most cost-effective, high quality services possible. Through competitive bidding and sound

negotiations, we recently secured a quality provider for a large high risk secure facility at a daily rate typically paid for a moderate risk program (a \$20 per day per juvenile youth savings). We think this is good business and good for Florida's taxpayer.

Finding 2.1 Response: It is the department's intent to hold juvenile offenders accountable. Decisions by the department and the courts on community control technical violators are typically accompanied by an assessment of risk and in those cases where commitment results, aggravating circumstances are usually present. In assessing these cases, public safety considerations are our main priority. The department has considered the "tune-up" concept and other options such as "consequence units", "time-out" components, etc., which would enhance the use of our commitment resources. We will recognize the potential benefits of these options and will continue to explore them. However, over the past two years, due to our system's waiting list, the elasticity in the system necessary to implement these options has not been there. We expect to bring on-line over 1000 new beds by July 97 and opportunities to pilot these options may then be feasible.

Finding 2.2 Response: We clearly recognize the need for improvement in the mental health arena and other specialized disciplines. We are not where we need to be in serving these small, but critical populations. We do, however, currently operate two sex offender programs each with catchment areas covering approximately half the state. Additionally, Hillsborough Alternative Residential Program in Hillsborough County, Mandala Adolescent Treatment Center in Pasco County, Charter Pinellas Treatment Center in Pinellas County and several others in Orange and Seminole Counties provide specialized services for juvenile offenders. These programs provide residential treatment for the neediest of the needy while other less needy offenders are mainstreamed into non-specialized residential programs where overlay services are provided.

Section 3 Response: The department recognizes the many challenges, limitations and benefits associated with the current system. The department recommended last year to the House Juvenile Justice Committee that this be a topic for interim study. The department would like to see in-depth research classification systems from other states and jurisdictions. The department wants to insure that any restrictiveness level or classification changes adequately address public safety and are cost effective.

This project was conducted in accordance with applicable evaluation standards. Copies of this report may be obtained by telephone (904/488-1023 or 800/531-2477), by FAX (904/487-3804), in person (Claude Pepper Building, Room 312, 111 W. Madison St.), or by mail (OPPAGA Report Production, P.O. Box 1735, Tallahassee, FL 32302). Web site: <http://www.state.fl.us/oppaga/>

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