

# Notes to the Field: Girls and Secure Juvenile Detention

## *Barriers, Opportunities, and Recommendations*

### 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 that girls face 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 project was motivated by a previous exploratory study on probation-involved girls in Florida, conducted by NCCD and the Policy Center, which found that non-law technical violations of probation 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.

As part of this project, NCCD and the Policy Center published four research briefs to highlight key topics related to girls in detention.<sup>1</sup> This brief summarizes the project team's major findings and is designed to help inform policy that considers girls' experiences in detention specifically and the juvenile justice system in general, including experiences with domestic violence charges and technical violations of probation. With this brief, we



also seek to generate dialogue about the harm of systems and awareness of how resources used to incarcerate girls can be redirected to reduce future system involvement and help break poverty and incarceration cycles.

### About Our Organizations

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

The Policy Center ([seethegirl.org](http://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.

## Project Approach

For this project, NCCD and the Policy Center analyzed various Florida data sources, including publicly available Florida Department of Juvenile Justice (DJJ) data on juvenile detention admissions, a dataset on youth who were arrested for domestic violence-related charges and eligible for an alternative to detention, juvenile detention policies, and the costs of arrest and detention and benefits of community-based alternatives. The project team also developed and administered an online survey for Florida DJJ staff about girls in secure detention.

## Harm to Girls From Secure Detention

A common misconception about detention centers for children is that they are therapeutic settings; they are not. In fact, youth facilities have high rates of physical and sexual violence.<sup>2</sup> Placement in a facility impedes education and increases young people's likelihood of recidivism.<sup>3</sup>

Secure detention increases the chances of future justice system involvement. Detention while awaiting court increases the depth and severity of subsequent sanctions received.<sup>4</sup> Detention for technical violations such as failing to appear in court increases official recidivism, technical recidivism, and re-detainment numbers.<sup>5</sup> Nationally, girls are overrepresented among youth who are in secure detention and who are incarcerated for technical violations of probation.<sup>6</sup> In Florida, one in four (23%) girls is incarcerated for a non-law technical violation of probation as their most serious offense.<sup>7</sup>

National research finds that many girls who are locked up have histories of trauma, victimization, and mental health concerns.<sup>8</sup> Secure detention exacerbates trauma and can cause additional long-term harm.<sup>9</sup> Reliance on detention for girls is based on factors including decision makers' paternalistic attitudes, using detention to access services for

girls with substantial needs, protecting girls from sexual victimization, punishing noncompliant girls, and concerns about adolescent pregnancy and its social costs.<sup>10</sup>

Girls and young women who are affected by the juvenile justice system through arrest records, court fees, and/or time away from their families can also end up deeper in poverty. System involvement and its collateral consequences limit their options for obtaining employment, educational opportunities, and/or housing for themselves or their families.<sup>11</sup>

## Florida's Use of Secure Detention

### What Is Secure Juvenile Detention?

In Florida, statute defines secure juvenile detention as 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, disposition, or placement.<sup>12</sup>

### The Numbers

In fiscal year 2017–18, 14,010 unique youth were held in 24 secure detention facilities throughout Florida; but in that fiscal year, there were 24,699 admissions for new charges to detention and 6,990 transfers back to detention for the same charge. This indicates a lot of movement in and out of detention centers.<sup>13</sup>

One in five Florida youth in secure detention is a girl.<sup>14</sup> Although black girls account for less than one quarter (23%) of all girls in Florida,<sup>15</sup> they represent about half (51%) of the girls held in secure detention in Florida. The remainder are white (34%), Hispanic (14%), and girls of another race or ethnicity (<1%).<sup>16</sup>

## DJJ Policies and Practices for Secure Detention

Several key statutes, for which DJJ oversees implementation, provide parameters for the use of secure juvenile detention (Table 1).

**Table 1: DJJ Policies and Practices for Secure Detention**

Policy	Florida Statute	Intent/Impact
Decision to detain	985.255 Detention criteria; detention hearing	Outlines current offenses, prior history, legal status, and aggravating or mitigating factors to be considered when determining detention placement.
Assessment	985.245 Risk assessment instrument	A detention risk assessment instrument must be used to screen youth who are arrested to determine which youth should be placed in secure detention. This policy's intent is to limit use of detention and restrict pre-adjudicatory detention eligibility.
Diversion and other alternatives to detention	985.601(3)(a) Administering the juvenile justice continuum	<p>DJJ is able to create programming that provides rehabilitative treatment, including:</p> <ul style="list-style-type: none"> <li>• Early intervention and prevention;</li> <li>• Diversion;</li> <li>• Comprehensive intake;</li> <li>• Trauma-informed care;</li> <li>• Individual and family counseling;</li> <li>• Gender-specific programming;</li> <li>• Shelter care;</li> <li>• Alternatives to secure detention;</li> <li>• Diversified probation;</li> <li>• Halfway houses;</li> <li>• Foster homes;</li> <li>• Community-based substance abuse treatment services;</li> <li>• Community-based mental health treatment services;</li> <li>• Community-based residential and nonresidential programs; and</li> <li>• Mother–infant programs.</li> </ul>

Policy	Florida Statute	Intent/Impact
Contempt of court violations	985.037 Punishment for contempt of court; alternative sanctions	Specifies the punishment for contempt of court if alternative sanctions are unavailable or inappropriate or if youth failed to comply with alternative sanction. Detention length is not to exceed five days for the first offense and 15 days for the second or subsequent offense.
Prolific juvenile offender	985.255 (f) Detention criteria; detention hearing	Defines “prolific juvenile offender” as a youth who is previously adjudicated “or had adjudication withheld for a felony offense, or delinquent act that would be a felony if committed by an adult” and is arrested again for an offense that would be a felony if committed by an adult. Youth who fall under this definition can be held for up to 72 hours in detention until disposition. Also, youth who are adjudicated and awaiting placement must be held in secure detention until residential placement.
Post-disposition detention	985.27 Post-disposition detention while awaiting residential commitment placement	The court must place all youth who are adjudicated and awaiting placement (e.g., nonsecure, high-risk, or maximum-risk residential commitment program) in secure detention until placement.

## Staff Perspectives on Girls and Secure Detention

The project team developed a short online survey to learn about DJJ staff perspectives on why girls are held in secure detention, needs of detained girls, and related topics. The Policy Center worked with DJJ to administer the survey in the fall of 2018.

A total of 152 staff responded to the survey, representing probation (53%), detention centers (25%), and juvenile assessment centers (22%).

Respondents represented Central (47%), North (43%), and South (10%) Florida. Most (68%) survey respondents were female; 31% were male.\* Of the female respondents, 46% identified as white, 35% as black/African American, 11% as Hispanic/Latina, 5% as multiracial, 1% as Asian, and 1% as Native American; 2% did not identify a race/ethnicity. Of the male respondents, 52% identified as white, 32% as black/African American, 5% as Hispanic/Latino, and 5% as multiracial; 7% did not identify a race/ethnicity.

\* One respondent listed “self-identify” for gender.

Survey findings<sup>17</sup> on juvenile justice staff's perspectives included the following.

- **Domestic violence charges are common among girls in detention.** Staff reported, based on their experience, that the most common reasons girls are held in secure detention include domestic violence, violation of probation, theft, substance use or possession, and assault (non-domestic). See Table 2.
- **Technical violations of probation contribute to girls cycling in and out of detention.** The most common reasons that staff report seeing girls return to secure detention include non-law violations of probation (e.g., running away, not going to school, substance use) and new-law offenses (e.g., domestic violence, school incidents, theft, assault/battery [non-domestic]; not shown).

- **Girls in detention have substantial needs.** Most frequently, staff reported that detained girls' needs include family support services, counseling/mental health treatment, substance abuse treatment, victim services (sex trafficking), and basic needs (food, personal items, clothing, etc.).
- **Respondents have mixed views on racial bias at various juvenile justice decision points.** Black/African American and multiracial respondents were more likely to agree that racial bias at various juvenile justice decision points (arrest, intake/detention, etc.) contributes to disparate outcomes for girls of color, while white respondents were more likely to disagree with this statement (not shown).

**Table 2: DJJ Staff Survey: Reasons Girls Are Held in Secure Detention**  
N = 150

Reason	n
Domestic violence charges	99
Violation of probation	87
Theft	69
Substance use or possession	66
Assault (other than domestic violence)	59
School conflicts/problems at school	47
Other	13
Weapons charges	10

Note: Respondents selected the top three reasons they see for girls being held in secure detention.





## Strategies to Keep Girls With Domestic Violence Arrests Out of Detention

Arrests for family-related conflicts are often the reason girls become justice involved. Examples include family disagreements; and disagreements with anyone else in the household, such as mom's boyfriend. In Florida, civil citation provides an opportunity for pre-arrest diversion and prevents youth from acquiring a delinquency record. Civil citation and other pre-arrest diversion programs include intervention services; community service; and, if applicable, restitution payment. When a youth completes a diversion program, their record does not reflect this arrest.<sup>18</sup>

In Florida, most girls with domestic violence-related offenses are arrested—even though they are eligible for civil citation in many cases. From June 2018 through May 2019, three of four (73%, not shown) eligible girls arrested for domestic

violence did not receive a civil citation or other alternative to arrest.<sup>19</sup> Domestic violence is a civil citation-eligible charge in some counties, though not all.<sup>20</sup>

Of girls arrested for domestic violence charges, many more than necessary are held in secure detention—even though they are eligible for domestic violence respite, which provides an opportunity to divert girls away from detention. DJJ contracts with the nonprofit Florida Network of Youth and Family Services to coordinate the statewide respite program, through which eligible youth are referred to short-term residential placements at one of 28 shelters.<sup>21</sup>

The project team analyzed a dataset consisting of young people who were arrested for domestic violence-related reasons and were eligible for respite but were sent to secure detention instead.<sup>22</sup> It is unknown how many youth used respite.

Table 3 contains DJJ data showing the reasons detention was used instead of respite. One reason was listed per youth. The data showed some small differences by gender (e.g., girls' medical or mental health reasons). Of the 256 girls in the sample,

more than half (54%) were sent to detention because a shelter bed was unavailable. Differences also existed in the use of respite for girls by race and by region (North, Central, South; not shown).<sup>23</sup>

**Table 3: Reasons Youth With Domestic Violence–Related Offenses Go to Secure Detention Instead of Respite Programs**

Reason	All Youth N = 697	Female n=256	Male n=441
Bed not available	54%	54%	54%
Parent/guardian refused shelter placement	12%	10%	13%
Shelter refusal: youth enrolled before, disruptive; history of violence; youth in foster care; zoning issue; sex offense	10%	8%	11%
Shelter logistics or resources: shelter unable to provide transportation for youth, shelter unable to complete intake process due to lack of resources/staff, screener unable to contact shelter/shelter did not answer phone	7%	7%	7%
Youth's medical or mental health–related reason: youth taking psychotropic medicine/serious mental health issues, youth taking medicine for medical condition/serious medical issues, youth has suicidal tendencies	6%	9%	4%
Screener did not contact shelter	2%	2%	2%
Youth deemed by DJJ/screener to be too aggressive to be placed in respite care	<1%	<1%	<1%
Youth refused shelter placement	<1%	2%	0%
Law enforcement officer refused shelter placement	<1%	0%	<1%
Other/unknown [no additional information provided]	8%	8%	9%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

## Costs of Arrest, Detention, and Alternatives in Florida

### Arrest

- An arrest costs \$5,000.
- A civil citation (an alternative to arrest) costs \$386.<sup>24</sup>

### Detention

- Detention costs about \$329 per day per youth.<sup>25</sup>
- Domestic violence respite (an alternative to detention) costs about \$203 per day per youth.<sup>26</sup>

By providing alternatives to arresting and detaining youth, civil citation and domestic violence respite (1) save the state money and (2) help reduce the likelihood of future crime by decreasing justice system involvement.<sup>27</sup>

## Recommendations for Action and Further Study

### Divert Girls Out of Secure Detention

- More alternatives are needed for girls arrested for domestic violence–related reasons. In practice, 818 girls were arrested due to civil citation not being used (73% of girls charged with domestic violence).<sup>28</sup> Moreover, 256 girls who were eligible for respite ended up in detention nonetheless. These data indicate needs including:
  - » Funding prevention options to intervene before a girl is arrested;
  - » Increasing use of civil citation where possible and without bringing youth into contact with the juvenile justice system who otherwise would not be; and
  - » Expanding the availability of respite beds.
- Significant regional differences exist in use of respite beds, which merits closer examination. Assess policies and practices that are barriers resulting in shelter refusal when a respite bed is available (e.g., youth enrolled before, history of violence, zoning issue, foster care, sex offense).
- Shelter availability allocation should be increased in the state’s South and Central regions.
- Because about one in 10 girls eligible for domestic violence respite ends up in secure detention due to serious mental health and medical needs, resource allocation of community-based services should be assessed in order to remove barriers to meet general needs and needs that differ by race/ethnicity.



## **Divert Girls From Returning to Secure Detention**

- The Juvenile Detention Alternatives Initiative (JDAI) allows for collaboration between juvenile justice agencies, governmental entities, and community organizations; conducts joint planning and policy-making to reduce use of secure detention for warrants and violations; and develops strategies to eliminate bias and racial disparities. The findings from this project suggest an opportunity to expand JDAI to monitor trends by gender and race/ethnicity. For example, what pathways in Florida for girls result in detention? What are the admissions, average daily population, average length of stay, supervision status, and offense severity data for each of these paths? The four JDAI sites in Florida could use quarterly reporting system data to assess whether girls' offenses are family related and track disposition outcomes by race/ethnicity.
- Provide training about girls' needs for juvenile justice stakeholders (e.g., judges, law enforcement, juvenile assessment center screeners, probation officers, shelter intake staff) on the importance of using alternatives to secure detention.
- Reduce detention use as a response to technical violations of probation by (1) limiting or eliminating technical violations for low-risk girls and (2) implementing probation response grids.<sup>29</sup>
- Field test and evaluate the impact of pilot programs, such as opportunity-based probation,<sup>30</sup> in a community to document long-term outcomes.
- Building more commitment beds is not good policy. Continue to explore rehabilitative alternatives as recommended in statute.

Specific to girls, 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 More Research/Data Analyses to Identify Points of Intervention**

- A validation study of the state's previous Detention Risk Assessment Instrument (DRAI) revealed that many youth end up in secure detention without the use of the DRAI because they automatically qualified (due to statute) or were judicially ordered to detention.<sup>31</sup> More data are needed to better understand the number of youth in detention on judicial orders and reasons for override of the DRAI. For example, what is the risk profile of girls who fall under the override categories?
- Report on the impact of the new DRAI, which was implemented in July 2019, including whether (compared to previous DRAI) it increases the number and percentage of youth (disaggregated by gender and race/ethnicity) into supervised-release category options who otherwise would be in secure detention.
- Areas for additional research include: What proportion of girls return to secure detention within 12 months, and for what reasons? Do reasons differ by gender? Is there a relationship between technical violations of probation and domestic violence charges in detention use for girls? If so, how does this contribute to deeper system involvement for girls?

## Endnotes

- <sup>1</sup> The other briefs are: NCCD and Delores Barr Weaver Policy Center. (2019). *Girls in secure detention in Florida*. Authors; NCCD and Delores Barr Weaver Policy Center. (2019). *Juvenile justice staff perspectives on girls in secure detention*. Authors; Patino Lydia, V., & Glesmann, C. (2019). *Addressing barriers to using respite beds for girls charged with domestic violence*. Delores Barr Weaver Policy Center and NCCD.
- <sup>2</sup> Vivian, J., Grimes, J., & Vasquez, S. (2007). Assaults in juvenile correctional facilities: An exploratory study. *Journal of Crime and Justice*, 30(1), 17–34; Rantala, R., & Beck, A. (2016). *Survey of sexual violence in juvenile correctional facilities, 2007–12 – Statistical tables* (Report NCJ 249143). US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- <sup>3</sup> Aizer, A., & Doyle, J. (2015). Juvenile incarceration, human capital, and future crime: Evidence from randomly assigned judges. *Quarterly Journal of Economics*, 130(2), 759–803.
- <sup>4</sup> Ogle, M. R., & Turanovic, J. J. (2016). Is getting tough with low-risk kids a good idea? The effect of failure to appear detention stays on juvenile recidivism. *Criminal Justice Policy Review*, 30(4), 507–537.
- <sup>5</sup> Ogle & Turanovic, 2016.
- <sup>6</sup> Sickmund, M., Sladky, T. J., Kang, W., & Puzzanchera, C. (2017). *Easy access to the census of juveniles in residential placement*. Retrieved from <http://www.ojjdp.gov/ojstatbb/ezacjrp/>
- <sup>7</sup> Florida Department of Juvenile Justice. (2018). *Delinquency profile 2018*. Retrieved from <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-profile/delinquency-profile-dashboard>
- <sup>8</sup> Sedlak, A. J., & McPherson, K. (2010). *Survey of youth in residential placement: Youth's needs and services*. Westat; Simkins, S., & Katz, S. (2002). Criminalizing abused girls. *Violence Against Women*, 8(12), 1474–1499.
- <sup>9</sup> Sherman, F. T., & Balck, A. (2015). *Gender injustice: System level juvenile justice reforms for girls*. National Crittenton Foundation and National Women's Law Center.
- <sup>10</sup> Sherman, F. T. (2005). *Detention reform and girls: Challenges and solutions*. Annie E. Casey Foundation.
- <sup>11</sup> Delores Barr Weaver Policy Center. (2019). *Breaking the cycle: Policies and practices that trap young women into poverty*. Author.
- <sup>12</sup> Adjudication is the formal court judgment that finds that the youth committed a delinquency act or offense. Disposition means the sanctions, conditions, and services imposed on a youth by the court (e.g., restitution, fines, probation, incarceration, referral to a community-based program). Placement can include secure confinement in a residential program, residential treatment facilities, shelter care, a safe house, or out-of-home placement. Florida Department of Juvenile Justice. (n.d.) *Glossary*. <http://www.djj.state.fl.us/youth-families/glossary>; The 2019 Florida Statutes, § 985.03.44 (2019). [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0900-0999/0985/Sections/0985.03.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0985/Sections/0985.03.html)
- <sup>13</sup> Florida Department of Juvenile Justice. (2018). *2018 Comprehensive Accountability Report: Detention services*. [http://www.djj.state.fl.us/docs/car-reports/\(2017-18-car\)-detention-\(mg\).pdf?sfvrsn=2](http://www.djj.state.fl.us/docs/car-reports/(2017-18-car)-detention-(mg).pdf?sfvrsn=2)
- <sup>14</sup> Florida Department of Juvenile Justice, 2018.
- <sup>15</sup> 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](http://edr.state.fl.us/content/population-demographics/data/Medium_Projections_ARSH.pdf)
- <sup>16</sup> Florida Department of Juvenile Justice, 2018.
- <sup>17</sup> Survey findings are described in more detail in: NCCD and Delores Barr Weaver Policy Center. (2019). *Juvenile justice staff perspectives on girls in secure detention*. Authors.

- <sup>18</sup> Carruthers Institute. (2018). *Stepping up: Florida's top juvenile pre-arrest diversion efforts*. Author.
- <sup>19</sup> Florida Department of Juvenile Justice. *Civil citation & other alternatives to arrest dashboard*, accessed October 11, 2019. <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/civil-citation-and-other-alternatives-to-arrest/cc-dashboard>
- <sup>20</sup> Florida Department of Juvenile Justice. (2018). *No Print 4 Life*. <http://www.djj.state.fl.us/docs/partners-providers-staff/florida-civil-citation-brochure.pdf?sfvrsn=6>
- <sup>21</sup> Florida Network of Youth and Family Services. (2018). *Domestic violence respite*. Retrieved from <https://floridanetwork.org/programs/domestic-violence-respite/>
- <sup>22</sup> Data set provided by the Florida Department of Juvenile Justice, covering August 2017 – July 2018.
- <sup>23</sup> This data analysis is described in more detail in: Patino Lydia, V., & Glesmann, C. (2019). *Addressing barriers to using respite beds for girls charged with domestic violence*. Delores Barr Weaver Policy Center and NCCD.
- <sup>24</sup> Florida TaxWatch Research Institute. (August 2016). *Juvenile pre-arrest diversion in Florida*. Author.
- <sup>25</sup> Florida Department of Juvenile Justice. (2015). *Roadmap to system excellence: Sustaining change, 2014–2016*. Author.
- <sup>26</sup> Cost figure provided by the Florida Network of Youth and Family Services statewide respite coordinator, M. Picinic, (personal communication, October 2, 2018).
- <sup>27</sup> Aizer, A., & Doyle, J. (2013). *Juvenile incarceration, human capital and future crime: Evidence from randomly-assigned judges*. National Bureau of Economic Research Working Paper. doi:10.3386/w19102
- <sup>28</sup> Florida Department of Juvenile Justice, Civil Citation and Other Alternatives to Arrest.
- <sup>29</sup> Limiting or eliminating the practice of imposing violations of probation for misdemeanor or status offenses is the most targeted approach to reducing the number of girls held in detention for technical violations. Sherman, F. T., Mendel, R. A., & Irvine, A. (2013). *Guide to juvenile justice reform: Making detention reform work for girls*. Annie E. Casey Foundation.
- <sup>30</sup> Harvell, S., Love, H., Pelletier, E., & Warnberg, C. (2018). *Bridging research and practice in juvenile probation: Rethinking strategies to promote long-term change*. Urban Institute; Schwartz, R. G. (2017). *Youth on probation: Bringing a 20th century service into a developmentally friendly 21st century world*. Stoneleigh Foundation.
- <sup>31</sup> Winokur Early, K. (2018). *Florida Detention Risk Assessment Instrument: 2018 Validation and revision analysis report*. Justice Research Center.