

# JUVENILE ASSESSMENT CENTERS: A STUDY IN LOCAL GOVERNMENT COLLABORATION

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## I. INTRODUCTION

In the fiscal year 2000–2001,<sup>1</sup> there were 51,325 delinquency referrals to the Florida Department of Juvenile Justice (Juvenile Justice) for felony offenses and 79,000 referrals for misdemeanor offenses.<sup>2</sup> As high as these numbers appear, they are actually down from 1996–1997, when there were 59,295 felony referrals and 92,055 misdemeanor referrals.<sup>3</sup> Speculation about what has contributed to this decrease in juvenile crime in the State invariably includes one of the more cutting-edge concepts implemented by the State of Florida in the mid-1990s — Juvenile Assessment Centers (JACs). JACs, which still operate in most areas of the State today, are prime examples of productive collaboration between state and local governmental entities in an area critical to the safety of our communities.

This Article will address several questions relating to JACs. First, this Article will describe which agency is responsible for JACs. Second, this Article will discuss why and how JACs were created. Third, this Article will explain how JACs are funded. Fourth, this Article will explain the current status of JACs and will focus on a specific model JAC. Finally, this Article will offer an opinion regarding the future of JACs.

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1. The State of Florida's fiscal year is July 1 through June 30. Fla. Stat. § 215.01 (2001).

2. Bureau of Data & Research, *Delinquency Referrals Received by Most Serious Offense: Felonies Statewide* (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*) [hereinafter *2001 Felonies*]; Bureau of Data & Research, *Delinquency Referrals Received by Most Serious Offense: Misdemeanors Statewide* (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*) [hereinafter *2001 Misdemeanors*].

3. *2001 Felonies*, *supra* n. 2; *2001 Misdemeanors*, *supra* n. 2.

## II. OVERVIEW OF THE DELINQUENCY SYSTEM IN FLORIDA

### A. The Juvenile Court and the Department of Health and Rehabilitative Services

In 1951, the Florida Legislature enacted the Florida Juvenile Court Act, codified in Florida Statutes Chapter 39.<sup>4</sup> Chapter 39 relates to all juvenile proceedings, including delinquency, dependency, termination of parental rights, and foster-care proceedings.<sup>5</sup> In 1972, jurisdiction of the juvenile court moved from the county court to the circuit court.<sup>6</sup> Thereafter, Chapter 39 was revised several times and the delinquency laws and dependency laws were separated.<sup>7</sup> Before 1994, the Florida Department of Health and Rehabilitative Services (HRS) administered the juvenile-delinquency system.<sup>8</sup> HRS was responsible for delivery of children's services for the State.<sup>9</sup>

### B. Increase in Juvenile Crime

In the late 1980s, juvenile crime was increasing. Referrals for murder and manslaughter committed by juveniles increased from 69 in 1982–1983 to 185 in 1989–1990.<sup>10</sup> During this same period, referrals for both armed robbery and aggravated assault or battery more than doubled.<sup>11</sup> Burglary referrals increased from 13,404 in 1982–1983 to 18,377 in 1989–1990.<sup>12</sup> A dramatic rise in auto-theft referrals during this period saw a four-fold increase from 1,771 to 7,378.<sup>13</sup> Referrals on drug charges increased from

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4. Fla. B., *Florida Juvenile Law and Practice* § 1.8, 1-9 (6th ed., Fla. B. 1999).

5. *Id.* at § 1.7, 1-8.

6. *Id.* at § 1.7, 1-9.

7. *Id.* at § 1.8, 1-9.

8. Fla. Stat. § 39.021 (1993).

9. *Id.* § 39.021(8).

10. Bureau of Data & Research, *Data — Murder/Manslaughter and Attempted Murder Cases 82-97*, at 1 (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*).

11. Armed-robbery referrals increased from 642 in 1982–1983 to 1,543 in 1989–1990. Bureau of Data & Research, *Data — Armed Robbery Cases 82-97*, at 1 (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*). Aggravated-assault/battery referrals increased from 2,687 in 1982–1983 to 5,468 in 1989–1990. Bureau of Data & Research, *Data — Aggravated Assault/Battery Cases 82-97*, at 1 (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*).

12. Bureau of Data & Research, *Data — Burglary Cases 82-97*, at 1 (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*).

13. Bureau of Data & Research, *Data — Auto Theft Cases 82-97*, at 1 (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*).

3,911 in 1982–1983 to 6,748 in 1989–1990.<sup>14</sup> To combat these increases, the Florida Legislature adopted revisions to Chapter 39 in 1990.<sup>15</sup> However, funding limitations prevented HRS from meeting the goals of that revision.<sup>16</sup>

Who were the juveniles committing these crimes? In 1998, in an effort to identify the needs of the juveniles in the State, Juvenile Justice researched the juvenile population in the physical custody of the department. Juvenile Justice discovered that, of the population evaluated, five percent had developmental disabilities as defined by Florida Statutes Chapter 393.<sup>17</sup> Nine percent were classified as sex offenders.<sup>18</sup> Twenty percent exhibited serious mental illness as defined by Florida Statutes Chapter 394.<sup>19</sup> Twenty-nine percent were identified as emotionally disturbed as defined by Florida Statutes Chapter 394.<sup>20</sup> Seventy-five percent were identified as having substance-abuse problems as defined by Florida Statutes Chapter 397.<sup>21</sup>

### C. Creation of Juvenile Justice and Its Responsibilities

On the night of September 14, 1993, a vacationing British couple, Gary Colley and Margaret Ann Jagger, were traveling through Florida along Interstate 10.<sup>22</sup> The couple decided to stop at a highway-rest area.<sup>23</sup> At the rest area, Gary Colley was shot and killed.<sup>24</sup> Four juveniles were arrested for the crime; the youngest was thirteen years old.<sup>25</sup> This highly publicized tragedy

14. Bureau of Data & Research, *Data — Non-marijuana Felonies and Misdemeanors 1* (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*).

15. See Juv. J. Accountability Bd., *2000 Annual Report* 43–44 (Fla. Dept. Juv. J. 2000) (indicating the increase in juvenile crime was one factor in the revisions) (copy on file with *Stetson Law Review*).

16. Fla. B., *supra* n. 4, at § 1.8, 1-9.

17. Bureau of Programming & Plan., *Offender Evaluations* (Fla. Dept. Juv. J. 1998) (copy on file with *Stetson Law Review*).

18. *Id.*

19. *Id.*

20. *Id.*

21. *Id.*

22. Democrat Staff Rpt., *Young Suspect to Appear on TV*, Tallahassee Democrat 4D (Nov. 11, 1993) (available at <<http://n112.newsbank.com/n1-search/we/Archives>>).

23. *Id.*

24. *Id.*

25. Tony Welch, *Teen Emerging as a 'Minor Player' in Shooting in the Days after the Shooting of a British Tourist, 13-year-old Cedric Green Was Vilified. But a Different Picture Is Coming to Light*, Tallahassee Democrat 1A (Nov. 18, 1993) (available at <<http://n111.newsbank.com/n1-search/we/Archives>>).

brought the increase in juvenile crime to the attention of Florida's citizens, who demanded action from their lawmakers. In response, the 1994 Florida Legislature created the Florida Department of Juvenile Justice, which became effective in October 1994.<sup>26</sup>

The legislation specifically referred to the need to employ a comprehensive strategy to address the problem of juvenile crime.<sup>27</sup> The Florida Legislature noted the need for "comprehensive, systemic and systematic legislation... to avoid the fragmentation and poor planning that have compromised efforts in the past."<sup>28</sup>

Juvenile Justice is responsible for a continuum of services to be provided to juveniles accused of violating the law or committing a delinquent act.<sup>29</sup> The continuum includes everything from diversion of the case from the court system to placement of the accused juvenile in a juvenile prison upon adjudication.<sup>30</sup> Juvenile Justice also is responsible for the temporary placement of juveniles in detention status.<sup>31</sup>

Detention status "means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order."<sup>32</sup> When a juvenile is taken into custody<sup>33</sup> by law enforcement, the law-enforcement officer will decide either to release the juvenile to his or her parents or guardian or to a juvenile-probation officer for detention screening to determine whether detention care is appropriate.<sup>34</sup> Placement in detention care is governed by

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26. 1994 Fla. Laws ch. 209; see James M. Abraham, *Moments to Kill*, Tallahassee Democrat 1A (Aug. 21, 1994) (available at <<http://n111.newsbank.com/n1-search/we/Archives>>) (stating that the shooting of Mr. Colley "galvanized the [l]egislature into action").

27. Fla. Stat. § 20.316(1)(b) (1994).

28. 1994 Fla. Laws ch. 209.

29. Juv. J. Accountability Bd., *supra* n. 15, at 41.

30. *Id.*; see Fla. Stat. §§ 985.301-985.307 (2001) (detailing the range of services).

31. Juv. J. Accountability Bd., *supra* n. 15, at 41.

32. Fla. Stat. § 985.03(18) (2001).

33. "Taken into custody" is often treated in practice as an arrest in the adult criminal system. Fla. B., *supra* n. 4, at § 4.14, 4-13 (citing *D.L.M. v. State*, 397 S.2d 439 (Fla. Dist. App. 3d 1981), and *State v. F.T.H.*, 579 S.2d 911 (Fla. Dist. App. 1991)); see Fla. Stat. § 985.03(54) (2001) (defining "taken into custody" as "temporary physical control"); but see *id.* § 985.207(3) (stating that "[t]aking a child into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence in conjunction therewith is lawful").

34. Fla. Stat. § 985.211(1)(a), (4) (2001).

statute<sup>35</sup> and requires an assessment of risk.<sup>36</sup> Intake workers for Juvenile Justice complete the screening to determine whether placement in detention care is appropriate.<sup>37</sup> This screening is done in a JAC, if there is one available in the geographic location.

### III. CREATION OF JACS AND THE SERVICES THEY PROVIDE

In addition to creating Juvenile Justice, the 1994 Legislature also created a new section of Chapter 39.<sup>38</sup> The title of the Section was Juvenile Justice Assessment Centers and the Section mandated that Juvenile Justice work cooperatively with other service providers to establish centers in each service district.<sup>39</sup> The other service providers to be included were "substance abuse facilities, mental health providers, law enforcement agencies, schools, health services providers, and other entities involved with children."<sup>40</sup> Assessment centers were to "serve as central intake and screening for children referred to" Juvenile Justice.<sup>41</sup> The statute also stated that each assessment "center shall provide services needed to facilitate initial screening of children, including intake and needs assessment, substance abuse screening, physical- and mental-health screening, and diagnostic testing, as appropriate."<sup>42</sup> Finally, the statute mandated that the delivery of the above-listed services must be "available at the same level to which they [were] available to the general public."<sup>43</sup>

#### A. Hillsborough County Had the First JAC

JAC funds were first appropriated in fiscal year 1993–1994 from the Safe Streets Special Session.<sup>44</sup> The initial appropriation

35. See *id.* § 985.213(1) (detailing factors to be considered for determination of detention); *id.* § 985.214 (prohibiting the use of detention for certain purposes); *id.* § 985.215(1) (requiring juvenile-probation officer to conduct inquiry to determine if detention is required).

36. *Id.* § 985.213(2)(a).

37. *Id.* § 985.215(1).

38. 1994 Fla. Laws ch. 209.

39. Fla. Stat. § 39.0471 (1994).

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.*

44. *Fiscal Year 1994-95 Approved Operating Budget, Schedule C — Budget Entity Detail by Appropriation Category and Program Component, Funding Summary 39* (Fla. Dept. Juv. J. 1994) (copy on file with *Stetson Law Review*).

of \$1,212,000 increased to \$3,212,000 the next fiscal year.<sup>45</sup> The first assessment center was opened in Hillsborough County in January 1993 and was used solely for truancy.<sup>46</sup> In April of that year, the Hillsborough JAC began accepting juveniles charged with criminal offenses and, in May, HRS began to conduct detention screening.<sup>47</sup> The partners in the Hillsborough Assessment Center were HRS (later Juvenile Justice), the Hillsborough County Sheriffs Office (representing law enforcement), Tampa Police Department (processing truancy cases), Hillsborough County Public Schools, the University of South Florida, and the Agency for Community Treatment Services (representing substance-abuse intervention and treatment).<sup>48</sup> From May 1993 to December 1994, 9,506 juveniles were processed through the Hillsborough JAC.<sup>49</sup>

### B. Location of JACs

Where to physically locate a JAC was an issue in each community. The ideal location is a central drop-off point for local law-enforcement agencies, allowing an officer to drop off a juvenile quickly and return to patrol.<sup>50</sup> Each community wanted the assessment center to be located centrally so that all law-enforcement agencies could access the drop-off point. JACs are more likely to be placed in urban areas in which there are many law-enforcement agencies that can benefit from a centrally located screening location.

### C. JACs and Truancy

In some areas of the State, a JAC will include the staff of the local school district.<sup>51</sup> In those areas, the JAC can expand to

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45. Commn. on Juv. J., *1994 Annual Report and Fact Book* 136 (Dept. Juv. J. 1994) (copy on file with *Stetson Law Review*).

46. E-mail from Hugh Rogers, Juv. Probation Officer Supervisor, Detention Screening, Hillsborough County JAC, to Jennifer Parker, Chief Asst. Gen. Counsel, Fla. Dept. of Juv. J., *Hillsborough JAC Information* (July 31, 2001) (copy on file with *Stetson Law Review*).

47. *Id.*

48. *Id.*

49. *Id.*

50. See Walt McNeil, *Juvenile Assessment and Receiving Center Must Be Maintained*, Tallahassee Democrat A10 (Apr. 16, 2001) (available at <<http://web.tallahassee-democrat.com/content/tallahassee/2001/04/16/opinion/0416.oped.mcneil.htm>>) (Tallahassee Chief of Police indicating central location of JAC saves "thousands of patrol hours annually").

51. See Fla. Stat. § 985.209(2) (2001) (instructing Juvenile Justice to work cooperatively with, among other institutions, schools).

include a truancy center.<sup>52</sup> In JACs with a truancy center, law-enforcement officers can drop off juveniles who have not committed a crime, but instead have been caught skipping school.<sup>53</sup> The truancy center can work with these juveniles to ascertain the reasons for the truancy and begin the steps necessary to reduce it.<sup>54</sup> Although truancy is not a violation of Florida law, it remains a problem in most communities. Juveniles who are taken into custody for skipping school will not be screened for detention. However, law-enforcement officers still need a place to deliver the juvenile because, in most cases, an adult is not present in the juvenile's home in the middle of the day, and the school may be reluctant to have the juvenile returned to the campus unless the truancy issues are addressed by professionals. A truancy center in a JAC is an ideal alternative to tracking down the parent, saving many precious law-enforcement-work hours.

#### D. Other Services Provided by JACs

In some JACs, the local runaway shelter provides staff to interview a juvenile picked up by a law-enforcement officer for running away from home. Like truancy, running away from home is not a violation of Florida law, but it is a problem in many communities. When a law-enforcement officer takes a runaway juvenile into custody, the officer needs a place to take the juvenile.<sup>55</sup> A juvenile runaway might benefit from the services offered by the local service provider. The provider must contact the parent, guardian, or legal custodian and arrange for the juvenile to be reunited with that person.<sup>56</sup> Referrals for services can be made by the service provider in the JAC for all members of the family unit.

The Department of Children and Families also has staff in some JACs. At these JACs, a juvenile under the supervision of the Department of Children and Families may be dropped off by a law-enforcement officer for screening.<sup>57</sup>

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52. *See id.* § 985.209(5) (encouraging centers to establish truancy programs).

53. *Id.* § 984.13(1)(b).

54. *See id.* § 230.23161(2) (stating that local school system involvement in JACs is essential to achieve the full benefits of JACs).

55. *See id.* § 985.211(1) (requiring a child taken into custody to be released "as soon as is reasonably possible").

56. *Id.* § 984.13(3).

57. *Id.* § 39.401(2)(b).

Because JACs screen to determine the appropriateness of detention placement after a juvenile is charged with a crime, a JAC must have a secure screening area,<sup>58</sup> including a secure "drop-off" for the use of law-enforcement agencies. Most JACs have the capacity to fingerprint and photograph juveniles as part of the paperwork processing for the crime.<sup>59</sup>

Depending on other services available, there is usually also a non-secure area at the JAC, as well.<sup>60</sup> Non-secure areas include the public entrance, the social services area, an area for the school system, if it is involved, and an area for parents and guardians. The non-secure area also would include a waiting area for those juveniles who have been released and are waiting to be picked up by their parents.<sup>61</sup> In addition, the local runaway-service provider usually has a non-secure area for interviewing the juveniles.<sup>62</sup>

#### IV. FUNDING ISSUES

Because JACs are a fairly new concept in Florida, funding has been allocated in both fixed-capital outlay and recurring dollars since fiscal year 1993–1994. Fixed-capital outlay is used to build a center, and recurring dollars are used to run the operation.<sup>63</sup> The State of Florida, through Juvenile Justice, is not the only source of funding.<sup>64</sup> The local government within which a JAC is located usually provides funds through giving land for the center, buildings for the center, or actual funds for the administration of the center.<sup>65</sup> Many JACs also are able to access federal funds.<sup>66</sup>

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58. *Id.* § 985.209(4).

59. *Id.* (requiring JACs to have services to provide "positive identification" of juveniles).

60. *Id.* § 985.209(7) (authorizing JACs to conduct pre-disposition assessments, involving not just the juvenile but also parents, guardians, and other family members).

61. *Id.*

62. *Id.* § 985.209(2) (authorizing JACs to provide other services as "appropriate to the needs of the [local] community").

63. *Black's Law Dictionary* 200 (Bryan A. Garner ed., 7th ed., West 1999) (defining "fixed capital" as "[t]he amount of money invested in fixed assets"); *id.* at 201 (defining "capital outlay" as "funds to acquire or improve a fixed asset").

64. *E.g.* Miami-Dade Juv. Assessment Ctr., *FY01 Operating Budget, Partner Agencies by Funding Source* (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*) (detailing funding from the federal government, the State of Florida, and local organizations).

65. *Id.*

66. *Id.*



Juvenile Justice must provide the personnel for detention screening.<sup>67</sup> Law-enforcement agencies usually provide personnel for the processing of the charges, including staffing the secure area, fingerprinting a juvenile offender, and photographing the juvenile offender. Local service providers usually contribute the staff for screening the juvenile for any additional mental-health or substance-abuse needs.

Funding remained steady during the 1995–1996 fiscal year at \$3,212,000.<sup>68</sup> Budget enhancements in fiscal year 1996–1997 included \$270,000 recurring general revenue for the Dade County JAC and \$150,000 recurring general revenue for the Leon County JAC.<sup>69</sup> Total funding that year increased to \$3,632,000.<sup>70</sup>

Budget enhancements in fiscal year 1997–1998 included \$298,000 recurring general revenue for JACs in Alachua, Volusia, and St. Lucie counties.<sup>71</sup> An additional \$20,000 recurring general revenue from the Juvenile Justice budget was allocated for operations at the Dade County JAC.<sup>72</sup> Sarasota County JAC was allocated \$230,000 recurring general revenue.<sup>73</sup> Marion, Brevard, and St. Lucie counties were given \$385,000, \$300,000, and \$310,000, respectively from non-recurring funds to build JACs.<sup>74</sup> Total funding for JACs that year was \$3,760,000.<sup>75</sup>

Budget enhancements in the fiscal year 1998–1999 included \$400,000 in fixed-capital outlay (non-recurring dollars) for the Collier County JAC.<sup>76</sup> Recurring funding for that fiscal year included \$138,753 to Pinellas County, \$230,000 to Seminole County, \$216,161 to Hillsborough County, \$98,879 to Manatee County, \$52,558 to Orange County, \$560,000 to Dade County, and \$235,000 to Brevard County for the operation of JACs.<sup>77</sup> That year the Florida Legislature included a “requirement to report

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67. Fla. Stat. § 985.209(4) (2001).

68. Juv. J. Accountability Bd., *supra* n. 15, at 138.

69. 1996 *Legislative Session Wrap-up* 5 (Fla. Dept. Juv. J. 1996) (copy on file with *Stetson Law Review*).

70. Juv. J. Accountability Bd., *supra* n. 15, at 138.

71. 1997 *Legislative Session Wrap-up* 9 (Fla. Dept. Juv. J. 1997) (copy on file with *Stetson Law Review*).

72. *Id.*

73. *Id.*

74. *Id.* at 10.

75. Juv. J. Accountability Bd., *supra* n. 15, at 138.

76. 1998 *Legislative Wrap-up* 13 (Fla. Dept. Juv. J. 1998) (copy on file with *Stetson Law Review*).

77. *Id.*

prior year expenditures and current allocations for [JACs] in a manner that clearly distinguishes between the expenditures for” specifically administering the centers and the services provided at the centers that could be provided outside the centers.<sup>78</sup> Information satisfying this requirement had to be reported to the Florida Legislature by October 1, 1998.<sup>79</sup> There was an additional requirement that funds “not be provided to a JAC after October 1, 1998, unless the JAC ha[d] a cooperative agreement in place with each local government whose law enforcement agencies or child welfare agencies ma[d]e use of the JAC specifying the financial or in-kind support to be provided by the local government.”<sup>80</sup> A copy of the agreement had to be filed with Juvenile Justice by October 1, 1998.<sup>81</sup> Total funding for JACs in fiscal year 1998–1999 increased to \$5,216,351.<sup>82</sup>

By fiscal year 1999–2000, total appropriations for JACs totaled \$4,716,341.<sup>83</sup> During that year, JACs provided services in the following counties: Escambia, Leon, Alachua, Duval, Marion, Volusia, Seminole, Orange, Brevard, Lee, Polk, Hillsborough, Pinellas, Sarasota, Manatee, Palm Beach, Broward, and Dade.<sup>84</sup>

For fiscal year 2000–2001, \$210,000 of recurring funds have been allocated to the Sarasota JAC.<sup>85</sup>

## V. CURRENT STATUS

### A. Recent Statutory Changes

In recent years, the Florida Legislature has amended the juvenile statutes. During the 1997 Legislative Session, the mission of getting tough on juvenile offenders even affected the location of the juvenile-delinquency statutes within the code.<sup>86</sup> The delinquency laws were removed from Chapter 39, the

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78. *Id.* at 15.

79. *Id.*

80. *Id.*

81. *Id.*

82. Juv. J. Accountability Bd., *supra* n. 15, at 138.

83. *Id.*

84. Fiscal Office, *Allocation of Current (1999–2000) DJJ Dollars for Juvenile Assessment Center Operations Using Referrals and Population at Risk by Judicial Circuit* (Fla. Dept. Juv. J. 2000) (copy on file with *Stetson Law Review*).

85. *2000 Legislative Wrap-up Report 12* (Fla. Dept. Juv. J. 2000) (copy on file with *Stetson Law Review*).

86. See 1997 Fla. Laws ch. 238 (transferring and renumbering Chapter 39 to Chapter 985).

location of all other statutes relating to juveniles, and placed with the statutes relating to crimes.<sup>87</sup> Specifically, Chapter 985 was created for the administration of the juvenile justice system in Florida.<sup>88</sup> Child-in-Need-of-Services legislation, governing truants and runaways, was also pulled from Chapter 39 and placed in the newly created Chapter 984.<sup>89</sup> The statute governing JACs was transferred from Section 39.0471 and renumbered as Section 985.209, effective October 1, 1997.<sup>90</sup>

In 1998, the Florida Legislature made sweeping changes to the statute regulating JACs, essentially wiping out the previous version and creating a new statute.<sup>91</sup> Under the new statute, "Center" was defined as "community operated facilities and programs which provide collocated central intake and screening services for youth referred to" Juvenile Justice.<sup>92</sup> The list of participants did not change, but the statute did state that

[e]ach current and newly established center shall be developed and modified through the local initiative of community agencies and local governments and shall provide a broad array of youth-related services appropriate to the needs of the [local] community.<sup>93</sup>

The statute created an advisory committee and inter-agency agreements to govern the administration and management of each center, which had become the practice in many JACs.<sup>94</sup> The statute stated that "[t]he advisory committee shall guide the center's operation and ensure that appropriate and relevant agencies are" participating and providing services in a collaborative effort.<sup>95</sup> The statute mandated that the centers provide, "at a minimum, delinquency intake; positive identification of the youth; detention admission screening; needs assessment; substance abuse screening and assessments; physical and mental health screening; and diagnostic testing as appropriate."<sup>96</sup> Juvenile Justice was specifically required to maintain "sufficient

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87. *Id.*

88. *Id.*

89. *Id.* at § 87.

90. *Id.* at §§ 17, 124.

91. 1998 Fla. Laws ch. 207.

92. Fla. Stat. § 985.209(1) (1998).

93. *Id.* § 985.209(2).

94. *Id.* § 985.209(3).

95. *Id.*

96. *Id.* § 985.209(4).

staff and resources at a center to provide detention screening and intake services.”<sup>97</sup> Each center was authorized and encouraged to create truancy-prevention programs.<sup>98</sup> Juvenile Justice was permitted to use JACs “to the fullest extent possible for the purpose of conducting pre-disposition assessments and evaluations of [a] youth.”<sup>99</sup> Additionally, the Florida Legislature instructed JACs that “the youth’s parents or guardians and other family members should be involved [as much as possible] in the assessment and evaluation process.”<sup>100</sup>

The statute remains essentially the same today.<sup>101</sup> Presently, JACs are located in all Florida state judicial circuits except for the Third, Fourteenth, and Sixteenth.<sup>102</sup> The total operating budget allocated to Juvenile Justice by the Florida Legislature for the 2001–2002 fiscal year is \$4,926,341.<sup>103</sup> In addition, special-member projects funded an additional \$100,000 for the Collier County JAC, \$120,000 for the Lee County JAC, and \$210,000 for the Sarasota County JAC.<sup>104</sup>

During the 2001 Legislative Session, a fund shift was proposed from the State to the counties of all pre-dispositional services for juveniles accused of committing crimes.<sup>105</sup> This would include transferring total fiscal responsibility for placement in secure detention centers and the detention-screening process under the JAC statutes.<sup>106</sup> Under Article V of the Florida Constitution, all court functions currently funded by the counties will shift to the State.<sup>107</sup> The State was looking at those areas in which the county should, alternatively, begin to take on some

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97. *Id.*

98. *Id.* § 985.209(5).

99. *Id.* § 985.209(7).

100. *Id.*

101. Fla. Stat. § 985.209(2001). The only change since 1998 was the deletion of “except where a juvenile assessment center is located” from Subsection (7). *Id.*; 2000 Fla. Laws ch. 327.

102. *Fiscal Year 2001–2002 Approved Operating Budget, Budget Entity, Detail by Appropriation Category 21* (Fla. Dept. Juv. J. 2001) (copy on file with *Stetson Law Review*).

103. *Id.*

104. *2001 Legislative Wrap-up Report 11-12* (Fla. Dept. of Juv. J. 2001) (copy on file with *Stetson Law Review*).

105. Craig L. Chown, *Governor’s FY 2001-02 Budget Recommendations: Department of Juvenile Justice Ex. D-3A* (Gov.’s Office of Policy & Budget Analyst Workpapers Jan. 2001) (copy on file with *Stetson Law Review*) (recommending “that local governments pay the costs of” JACs).

106. *Id.*

107. Fla. Const. art. V, § 14 n. A; Fla. Const. art. XII, § 25A.

funding responsibility. Like the adult system, there is a plausible argument that the county should shoulder the burden of providing pre-disposition services for all juveniles located in the county. Many in Florida have expressed opinions on this fund shift.<sup>108</sup>

### B. The Miami-Dade JAC

The Miami-Dade JAC opened in late October 1997,<sup>109</sup> and is an excellent example of the local community coming together to provide youth services. Located in downtown Miami, it is open twenty-four hours a day, seven days a week, including all holidays.<sup>110</sup>

Between October and December of 1997, 5,083 arrested juveniles were processed.<sup>111</sup> In 1998, 1999, and 2000, respectively, 16,532, 15,953, and 15,659 arrested juveniles were processed.<sup>112</sup> As of April 2001, 64,280 arrested juveniles have been processed through the JAC.<sup>113</sup> The JAC is used as "a centralized processing, referral, and evaluation center for all juveniles arrested in Miami-Dade County."<sup>114</sup> A law-enforcement officer may drop off an arrested juvenile and return to the street in as little as an hour.<sup>115</sup> Miami-Dade JAC estimates that this results in approximately 100,000 additional hours of police time being saved each year.<sup>116</sup> Utilizing this estimation, approximately 319,362 police hours have been saved since the JAC was opened.<sup>117</sup>

Other services provided at the JAC, in addition to the intake-and-detention screening by the Juvenile Justice staff, include positive identification, centralized booking, and an integrated-

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108. See James L. Rosica, *Juvenile Center Fears Cuts*, Tallahassee Democrat 1B, 1B-2B (Apr. 1, 2001) (showing different opinions on the State stopping funds to the Leon County JAC and asking the local governments and schools to account for the funding).

109. Wansley Walters, *Miami-Dade Juvenile Assessment Center 1* (unpublished summary report 2001) (copy on file with *Stetson Law Review*).

110. *Id.* at 2.

111. *Id.* at app. "Total Arrest Statistics Processed at the Juvenile Assessment Center" (JAC).

112. *Id.*

113. *Id.* at 1.

114. *Id.*

115. *Id.*

116. *Id.*

117. *Id.*

information system for immediate opening of the court file.<sup>118</sup> These save time and prevent later confusion in the case.<sup>119</sup>

The Miami-Dade Police Department is the lead agency in the Miami-Dade JAC.<sup>120</sup> Other partners include the following:

Florida Department of Juvenile Justice, Miami-Dade State Attorney's Office, Miami-Dade Public Defender's Office, Florida Department of Children and Families, Miami-Dade County Public Schools, Miami-Dade Department of Corrections and Rehabilitation, Miami-Dade County Office of Youth and Family Development, Miami-Dade County Office of Rehabilitative Services, Miami-Dade County Administrative Office of the Courts, the Miami-Dade County Clerk of the Court and the City of Miami Police Department.<sup>121</sup>

The Miami-Dade JAC is funded through federal, State, and local sources.<sup>122</sup> The operating budget for the JAC for fiscal year 2001–2002 is \$10,857,699.<sup>123</sup> Forty-seven percent of this budget is from federal funds, specifically \$5,051,675 through the Miami-Dade Police Department and the Miami-Dade County Public Schools.<sup>124</sup> Twenty-six percent is State funds, specifically \$2,841,036 through Juvenile Justice, the Miami-Dade Police Department, the Miami-Dade State Attorney's Office, the Miami-Dade Public Defender's Office, and the Miami-Dade County Treatment Alternatives to Safe Communities.<sup>125</sup> The remaining twenty-three percent is local funds, specifically \$2,964,988 the majority of which is from the Miami-Dade Police Department.<sup>126</sup> Miami-Dade County Public Schools, the Miami-Dade State Attorney's Office, the Miami-Dade Judicial Administration, the Miami-Dade County Delinquency Prevention Services, and the Miami-Dade County Corrections & Rehabilitation contribute the rest of the local funding.<sup>127</sup> Other partners in the JAC contribute in-kind services through staff and assessment resources.

118. *Id.*

119. *Id.* at 2.

120. *Id.*

121. *Id.*

122. *Id.*

123. *Id.* at app. "Miami-Dade Juvenile Assessment Center, FY01 Operating Budget, Partner Agencies by Funding Source."

124. *Id.*

125. *Id.*

126. *Id.*

127. *Id.*

The Miami-Dade JAC has the advantage of being the central point of booking and identification of juveniles who are arrested in Miami-Dade County.<sup>128</sup> Because of this unique ability to gather information, the JAC has been the recipient of a federal grant that will allow the Miami-Dade JAC to be a National Demonstration Project.<sup>129</sup> The Miami-Dade JAC was awarded this grant in part because it "is the only facility of its kind in an urban area in the United States."<sup>130</sup> The grant is a three-million-dollar award from the U.S. Department of Justice to gather complete information about the juvenile-arrest population, both minor, first-time offenders and serious, habitual offenders.<sup>131</sup> The National Demonstration Project consists of six components: a screening and assessment project, a pre-arrest diversion project, a serious, habitual-offender, comprehensive-action plan, a younger-siblings project, a project to address the gender-specific needs of adolescent girls, a Haitian-juvenile-arrest-prevention-intervention study, and a JAC data warehouse.<sup>132</sup> The Miami-Dade Police Department always envisioned that the Miami-Dade JAC would be more than just a booking and processing facility.<sup>133</sup> Being selected as a recipient of the grant for the National Demonstration Project is the first step in expanding the ability of Miami-Dade County to learn information about the young offenders in the community. This information can then be used to address the issues that lead young people to commit crimes.

## VI. FUTURE OF JACS IN FLORIDA

Regardless of where the funding is generated, it appears clear that JACs serve a useful purpose as a central screening-and-assessment facility for juveniles accused of committing crimes. Many in the State feel that it is important for JACs to remain open and to serve our State's juveniles who are at risk of becoming future juvenile offenders.<sup>134</sup> No matter how the State decides to fund these facilities, through collaboration between the local entities and the State or solely through the local communities, JACs are a good illustration of inter-governmental

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128. *Id.* at 1.

129. *Id.* at 3.

130. *Id.*

131. *Id.* at 3-4.

132. *Id.* at 4.

133. *Id.* at 3.

134. McNeil, *supra* n. 50.

collaboration. JACs demonstrate the positive impact of federal, state, and local collaboration. The Florida Legislature did its part by providing the necessary legislation and initial funding. The executive branch, Juvenile Justice, did its part by getting the available resources to where they could do the most good at the local level. At the local level, agencies have contributed in the areas of their respective expertise. And finally, as at the Miami-Dade JAC, the federal government has also appropriately participated. In sum, the State of Florida has successfully implemented inter-governmental collaboration that is having a positive impact on reducing juvenile crime.