An Economic and Fiscal Analysis of Direct File Reform Proposals – Final Report

Prepared for:

Southern Poverty Law Center

SPLC Southern Poverty Law Center

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1. Executive Summary

In September 2018, the Southern Poverty Law Center (SPLC), a national non-profit organization, retained the Florida State University Center for Economic Forecasting and Analysis (FSU CEFA) to conduct an economic analysis study on certain juvenile justice reforms contained in bills such as HB 509 (2018) to change direct file in Florida. Direct file is the process by which juveniles are transferred from the juvenile delinquency system where they are normally held accountable for criminal offenses to the adult criminal justice system almost exclusively at the sole discretion of a prosecutor. The aforementioned bill and similar proposals envision, among other reforms, a redirection of juveniles via a due process hearing back to the Department of Juvenile Justice (DJJ), after these juveniles are direct filed.

The first half of this economic report consists of a literature review to examine direct file in Florida, as well as the juvenile transfer mechanisms in other states. The second half of this report delves into the economic analysis of the direct file reform proposals.

Keeping juveniles in the juvenile delinquency system instead of transferring them to the adult criminal justice system in principle translates to cost savings accrued by the Department of Corrections (DOC), and conversely, costs accumulated by the DJJ, dependent on the appropriate, or available, DJJ programs. In order to compare savings and costs to both DOC and DJJ, two necessary assumptions had to be made: 1) that any transfer based on a due process hearing would still lead to similar adjudication, and; 2) that historic counts of youth crime persist without significant variances. Next, and more operational, the report assumes that for potential transfers, those in the DOC Community Supervision Program would be placed in DJJ programs. The results must be read and appreciated under these premises.

Cost equations are developed to estimate costs of the programs mentioned, which in turn are used to calculate changes in cost once juveniles are transferred back to the juvenile system (with costs based on the agencies' successive budgets, hence operational costs only). For the purpose of furthering cost insights, five scenarios are used to gauge costs associated with

potential transferred juveniles. In all scenarios, juveniles transferred from DOC back to DJJ are expressed in Full Time Equivalents (FTE).[1]

The scenarios used for analyses by the research team were:

1) Transfer only those juveniles whom were adjudicated less than a year in time (based on length of service days): a "low hanging fruit" perspective;
2) Transfer juveniles with adjudication less than two years;
3) Transfer juveniles with adjudication less than four years;
4) Transfer the current juvenile direct file population (i.e. all juveniles back to DJJ) as per FY 2016-17 (the last full year of data available), and;
5) Transfer the annual average juvenile direct file population (FY2013-14 through FY2017-18).

The results of the analyses are provided in Table ES1.

Table ES1. DOC to DJJ Transfers, Transfers in Service Years, Estimated Total Cost Change (ΔTC) per Agency, and Net Costs, per Scenario

	DOC-DJJ Transfer Count[2]	DOC-DJJ FTE Transfer Count per Year	DOC Budget	DJJ Budget	
Scenario	Total Transfers in Persons	Total Transfers in Service Years	TRANSFER OUT	TRANSFER IN	Net Costs
0	0	0.0	$0	$0	$0
1	27	11.2	($107,257)	$191,158	$83,901
2	84	45.4	($430,029)	$764,352	$334,323
3	222	149.6	($1,307,477)	$2,265,840	$958,363
4	453	335.2	($3,056,221)	$4,953,618	$1,897,397
5	608	495.4	($4,485,063)	$6,885,234	$2,400,171

* In inflation-adjusted dollars

The Full Time Equivalent (FTE) or annualized service days are shown in the third column (service years).[3] The next two columns provide costs, or the de facto necessary budget reallocation, due to the change in level of operations resulting from juvenile transfers. The last column provides

[1] For example, 12 juveniles each serving a month in the DOC system account for one FTE.
[2] Scenarios one, two, three, and five are based on FY2013-14 though FY2016-17 averages. The person count is based on direct file juvenile occurrence per FY (FY2013-14 through FY2017-18), in either of the four DOC categories (or the N/A category), averaged per year. Subsequently, the averages are summed over the programs, into one total count as provided. For cost calculation purposes, not counts but FTE's are used in combination with the appropriate program-categories as defined in the main text.
[3] A service day is equal to a day spent on providing services to an inmate or juvenile. A service year is a service day multiplied by 365.25 days.

the net total cost of the transfer of juveniles, based on the type of reform as appropriate per scenario.

Given the results, the largest cost generator seems to be the DJJ Secure Residential programs, which in consequence of the added transfers may be in need of more capacity assuming that DJJ continues to place the same number of non-transferred kids in secure residential programs. In other words, some structural changes may be necessary, changes which in turn would warrant a new cost analysis (one including, for example, capital outlays in the event DJJ decided to construct new residential facilities). Finally, it is noted that if the objective is to de facto transfer all juveniles (continuous or structural), the use of detention for juveniles in DOC will become obsolete, as will the due process hearing itself. In that case, these unused detention costs (and potential due process hearing costs) would need to be included in the analyses as well. Such added cost analyses based on more structural changes fall outside the scope of this analysis.

Regarding the overall goals of the present economic analysis conducted by FSU CEFA, the SPLC requested that the study design include an economic analysis, which was done using the IMPLAN® software model to estimate the direct, indirect, and induced economic impacts resulting from the various direct file reform scenarios. Based on the results of the cost analyses, an impact analysis was conducted on both the total DJJ costs,[4] and the net costs, as per Table ES1 columns four and five, respectively.

The economic impacts, based on transfer of funds between DOC and DJJ and provided the net costs as per Table ES1, are summarized in the following Table ES2, and include the total output or sales/revenues, the total jobs created and retained/saved, total labor income (wages), and the total value added (GRP).

[4] Results on total costs for DJJ per scenario, i.e. in case no transfer of funding between DOC and DJJ is realized (see column four of Table ES1), are provided in the main analyses below.

Table ES2. DOC to DJJ Transfer Economic Impacts

ES2. Statewide Economic Impacts*				
Total Impacts**	**Output**	**Employment**	**Labor Income**	**Value Added**
Scenario 1	$159,041	2	$94,704	$127,826
Scenario 2	$633,735	6	$377,372	$509,351
Scenario 3	$1,816,652	18	$1,081,767	$1,460,093
Scenario 4	$3,596,664	35	$2,141,717	$2,890,737
Scenario 5	$4,549,711	44	$2,709,230	$3,656,727

* In inflation-adjusted dollars

** The total economic impacts include Direct, Indirect and Induced impacts

Based on the net costs to both departments—DOC and DJJ—spending between $84,000 to $2.4 million, FSU CEFA estimated that between 2 to 44 jobs may be generated, with over $160,000 to $4.5 million in output or sales/revenues, about $100,000 to $2.7 million in labor income, and about $130,000 to $3.66 million in value added or Gross Regional Product (GRP), all as a result of juvenile transfers from DOC to DJJ, with specific results depending on the scenario.

2. Introduction

In September 2018, the Southern Poverty Law Center[5] (SPLC), a national non-profit organization, contracted with the Florida State University Center for Economic Forecasting and Analysis (FSU CEFA) to conduct a fiscal impact and economic analysis study of proposed direct file reforms. The research involves analyses of a comprehensive direct file reform bill, e.g., HB 509 from the 2018 legislative session in Florida, involving the direct file process of juveniles to the adult correctional system. Under current law, 16- and 17-year olds are eligible for prosecution as adults through a process known as "direct file" if they commit any felony, and 14- and 15-year olds are eligible for direct file if they commit one of 19 enumerated felonies.[6] FSU CEFA's fiscal impact and economic analysis study also addresses up to five alternative scenarios involving individual reforms from the comprehensive bill or a combination thereof.

The Center for Economic Forecasting and Analysis[7] (CEFA) is part of the Florida State University Institute of Science and Public Affairs (ISPA), which is a multi-disciplinary research institute. FSU CEFA specializes in applying advanced, computer-based economic models and techniques to examine and help resolve pressing public policy issues across a spectrum of research areas. FSU CEFA provides advanced research and training to students in the economic areas of: education, housing, environment, aerospace, economic impact analysis, among others.

The following study will first provide a literature review of the research involved in the direct file process in Florida and other states in Chapters 3 to 8. The subsequent sections describe the direct file data collection process,[8] economic analysis methodology and results. The data used in the analysis include the expected number of juveniles transferred to the adult correctional system in Florida (in the most current year of data). The data sources include: The Juvenile Justice Information System (JJIS), the Florida Department of Corrections (DOC), Florida Department of Law Enforcement (FDLE), Florida Court Clerks and Comptrollers Association,

[5] The Southern Poverty Law Center is dedicated to fighting hate and bigotry and to seeking justice for the most vulnerable members of society, using litigation, education, and other forms of advocacy, the SPLC works towards the day when the ideals of equal justice and equal opportunity will be a reality. See: https://www.splcenter.org/

[6] F.S. 985.557.

[7] See: http://www.cefa.fsu.edu

[8] Current year is defined as relating to the most recent data year. FSU CEFA has compiled some historical data.

County Court Clerks, among others. FSU CEFA has also worked with the SPLC, JJIS and DOC staff relating to the development of various cost profiles. The research team used the DOC database to perform the statistical and economic analysis of the proposed direct file reform bill. The conclusions section includes a summary of the research findings and economic impact results in terms of output (sales revenues), employment (jobs), value added (GDP), labor income (wages), and tax revenues to local and state governments.

3. Prosecuting Juveniles as Adults: Transfer Laws Overview

In 1914, the first juvenile court was established in Florida. The juvenile courts have historically recognized the need to hold juveniles accountable for violations of the criminal law in a way different from adult courts since children lack the mature decision-making capabilities of adults.[9] As the U.S. Supreme Court said in *Kent v. United States* (1966), "The objectives are to provide measures of guidance and rehabilitation for the child and protection for society, not to fix criminal responsibility, guilt, and punishment."

Most juveniles who do not exceed the delinquency age boundaries will come under the jurisdiction of the juvenile courts. However, all states have transfer laws that allow or require criminal prosecution of some young offenders, even though they fall on the juvenile side of the jurisdictional age line. Legislative changes in recent decades have greatly expanded transfer laws' scope. As a result, the transfer "exception" has become a far more prominent feature of the nation's response to youthful offending.[10]

There are three basic transfer law categories: judicial waiver laws, prosecutorial discretion or concurrent jurisdiction laws and statutory exclusion laws. All states operate under at least one of these transfer laws. In addition, many states have one or more of: "once adult/always adult" laws, reverse waiver laws and blended sentencing laws.

[9] *See Roper v. Simmons* (2005); *Graham v. Florida* (Fla. 2010); *Atwell v. State* (Fla. 2016); *Henry v. State* (Fla. 2015).
[10] Griffin, P.A. (2011). Trying juveniles as adults: An analysis of state transfer laws and reporting. US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2-2.

Table 1 depicts the basic information of the six transfer law categories. There is further detail provided in the following sections.

Table 1: Transfer Laws[11]

Transfer Laws	Detail
Judicial waiver laws	Allow juvenile courts to waive jurisdiction on a case-by-case basis, opening the way for criminal prosecution. A case that is subject to waiver is filed originally in juvenile court but may be transferred with a judge's approval, based on articulated standards, following a formal hearing. Even though all states set minimum thresholds and prescribe standards for waiver, the waiver decision is usually at the discretion of the judge. However, some states make waiver presumptive in certain classes of cases and some even specify circumstances under which waiver is mandatory.
Prosecutorial discretion or concurrent jurisdiction laws	Define a class of cases that may be brought in either juvenile or criminal court. No hearing is held to determine which court is appropriate and there may be no formal standards for deciding between them. The decision is entrusted entirely to the prosecutor.
Statutory exclusion laws	Grant criminal courts exclusive jurisdiction over certain classes of cases involving juvenile-age offenders. If a case falls within a statutory exclusion category, it must be filed originally in criminal court.
"Once adult/always adult" laws	A special form of exclusion requiring criminal prosecution of any juvenile who has been criminally prosecuted in the past—usually without regard to the seriousness of the current offense.
Reverse waiver laws	Allow juveniles whose cases are in criminal court to petition to have them transferred to juvenile court.
Blended sentencing laws	May either provide juvenile courts with criminal sentencing options (juvenile blended sentencing) or allow criminal courts to impose juvenile dispositions (criminal blended sentencing).

[11] Griffin, P.A. (2011). Trying juveniles as adults: An analysis of state transfer laws and reporting. US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2-2.

3.1. Delinquency Age Boundaries

All states set age boundaries for when law-violating conduct is considered "delinquent" for a child, but would be labeled a "crime" if committed by an adult. The upper age of juvenile court jurisdiction over an offense committed by a minor has traditionally been through age 17 (up to age 18) in most states. Common law can set the lower age at seven years old, but many states specify the lower age of delinquency in statute. The extended age of delinquency in most states is up through age 20 so the juvenile court judge can continue its standard jurisdiction or extend sanctions and services.

Figure 1 shows the delinquency upper age boundaries for states. The states in darker colors have an upper age limit less than 17 years old. See Table 2 for a detailed list.

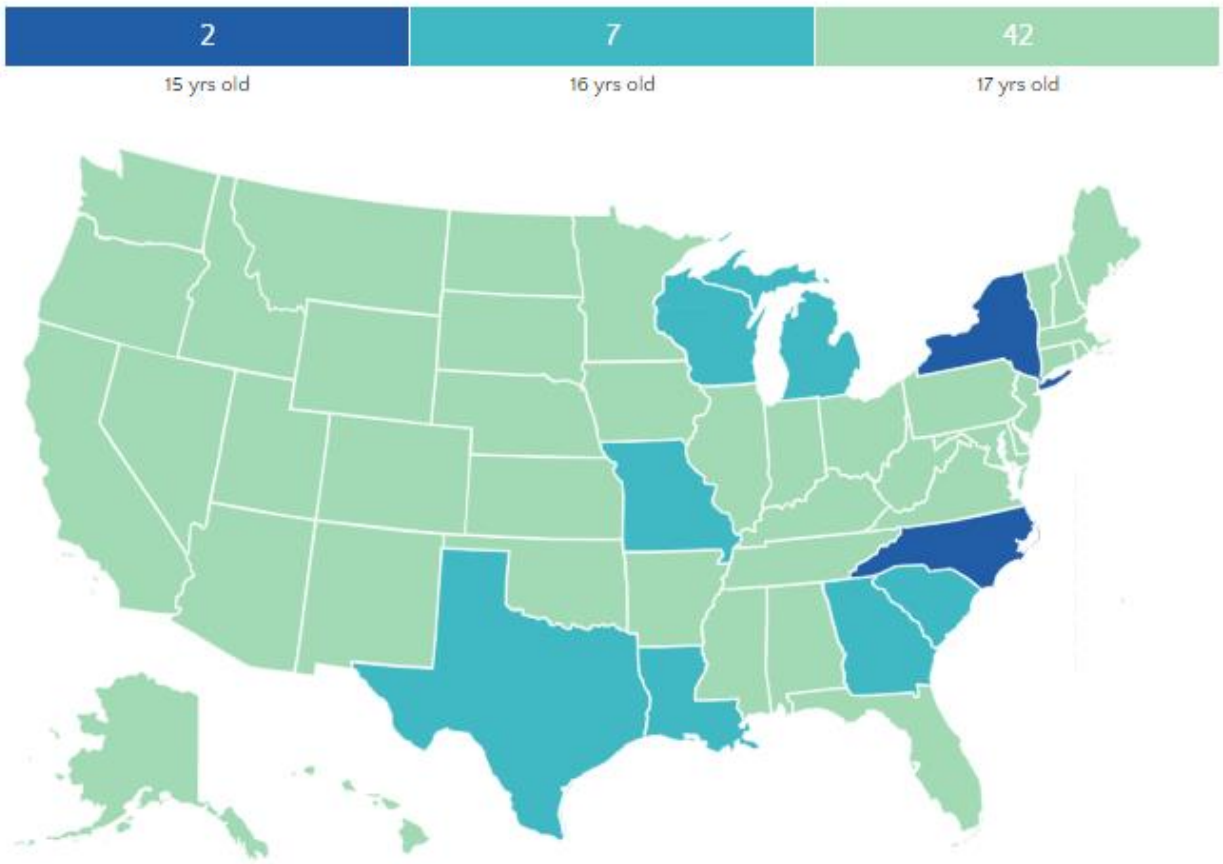


Figure 1: Delinquency Age Boundaries[12]

[12] Delinquency age boundaries (http://www.jjgps.org/jurisdictional-boundaries)

Table 2: Upper Age of Delinquency

Upper age of delinquency	States
15 years old	North Carolina (raised the age through 17, effective 12/1/19)
16 years old	Georgia, Louisiana (raised the age through 17 for some youth, effective 7/1/18, and others, effective 7/1/20), Michigan, Missouri, South Carolina (raised the age through age 17, effective 7/1/19), Texas, Wisconsin, New York (raised the age through 17, effective 10/1/19)
17 years old	Other states

3.2. Judicial Waiver Laws

Judicial waiver laws allow juvenile courts to waive jurisdiction on a case-by-case basis, opening the way for criminal prosecution. A case that is subject to a waiver is filed originally in juvenile court but may be transferred with a judge's approval, based on articulated standards, following a formal hearing. Even though all states set minimum thresholds and prescribe standards for waiver, the waiver decision is usually at the discretion of the judge. As shown in Figure 2 and Table 3, there are 46 states that have discretionary judicial waiver laws.

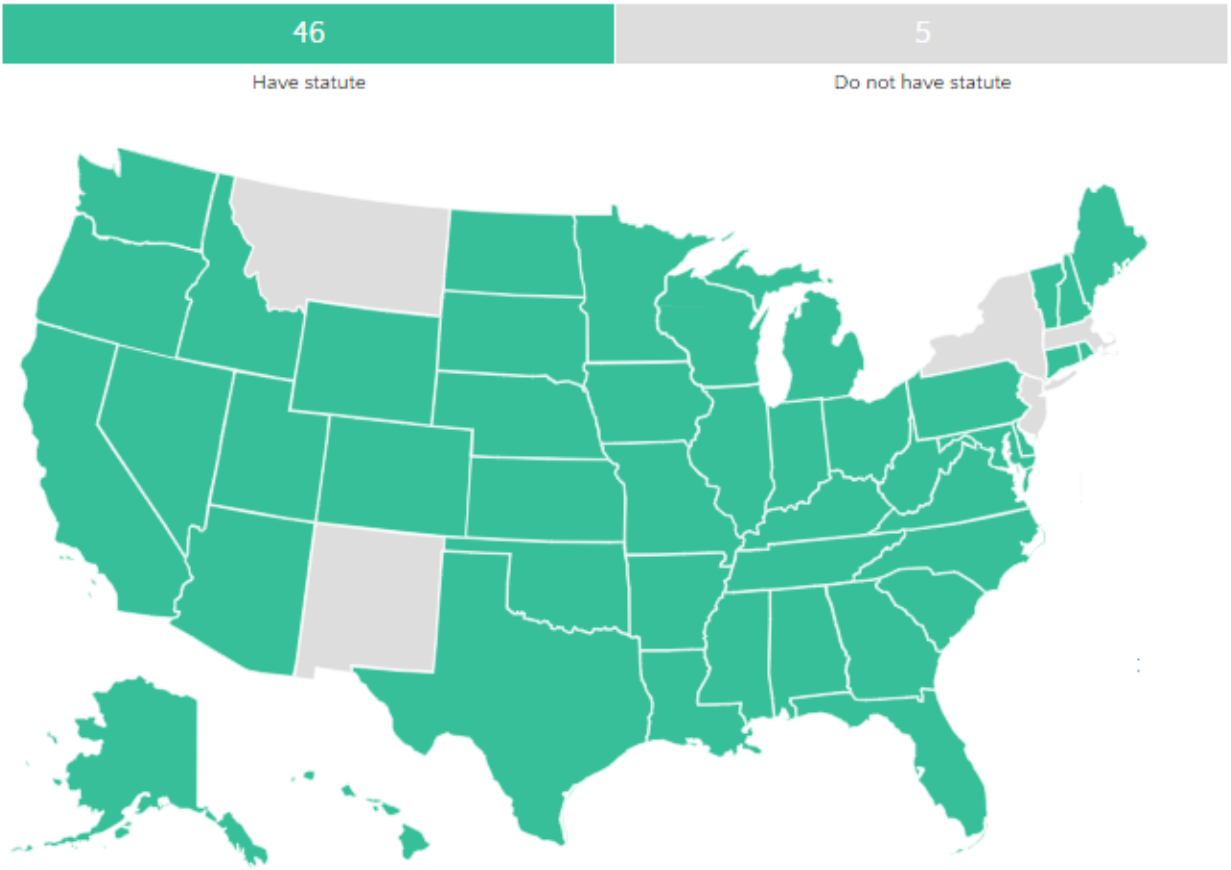


Figure 2: Discretion Judicial Waiver Laws

Table 3: Discretion Judicial Waiver Laws

Discretion Judicial Waiver	States
Have statute	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming
Do not have statute	Massachusetts, Montana, New Jersey, New Mexico, New York

Twelve states make waiver presumptive in certain classes of cases, as shown in Figure 3: Presumptive Judicial Waiver Laws and Table 4.

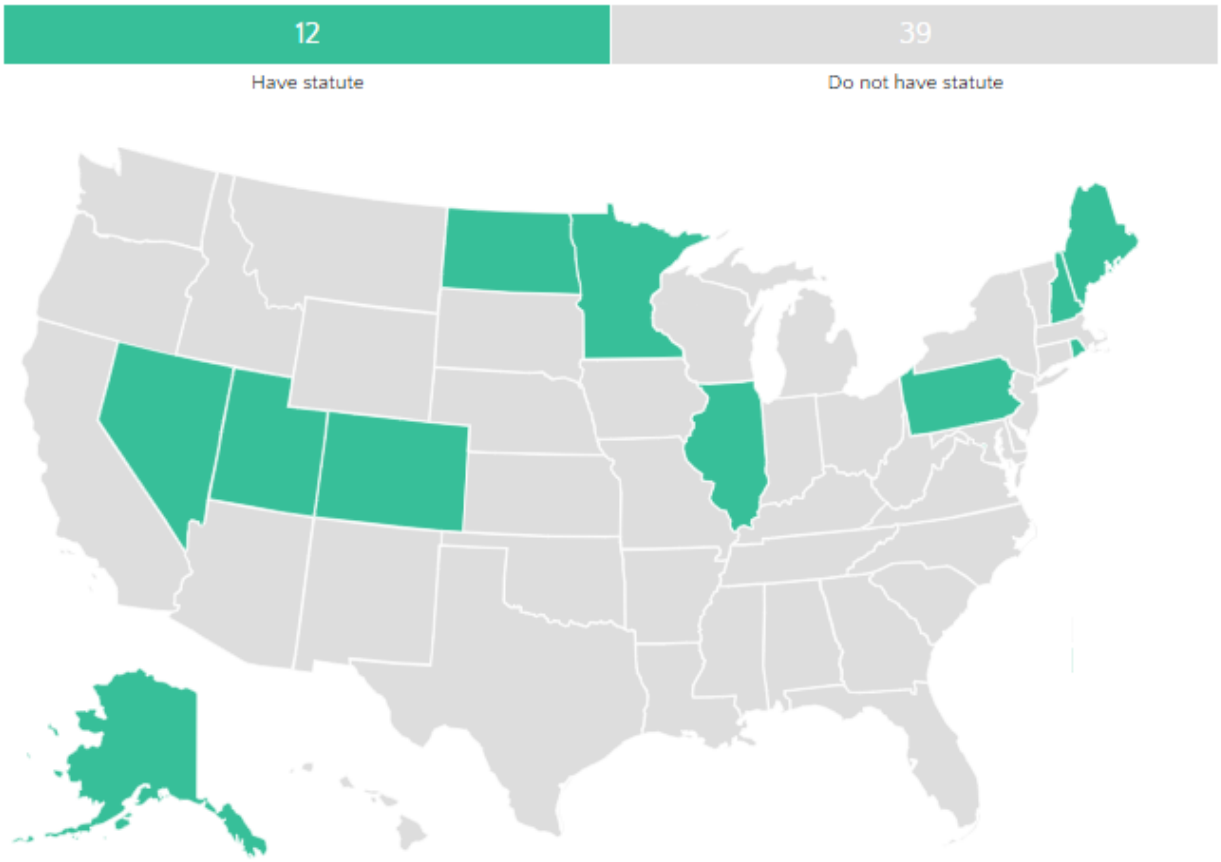


Figure 3: Presumptive Judicial Waiver Laws

Table 4: Presumptive Judicial Waiver Laws

Presumptive Judicial Waiver	States
Have statute	Alaska, Colorado, District of Columbia, Illinois, Maine, Minnesota, Nevada, New Hampshire, North Dakota, Pennsylvania, Rhode Island, Utah
Do not have statute	Other states

Thirteen states make waiver presumptive in certain classes of cases, as shown in Figure 4 and Table 5.

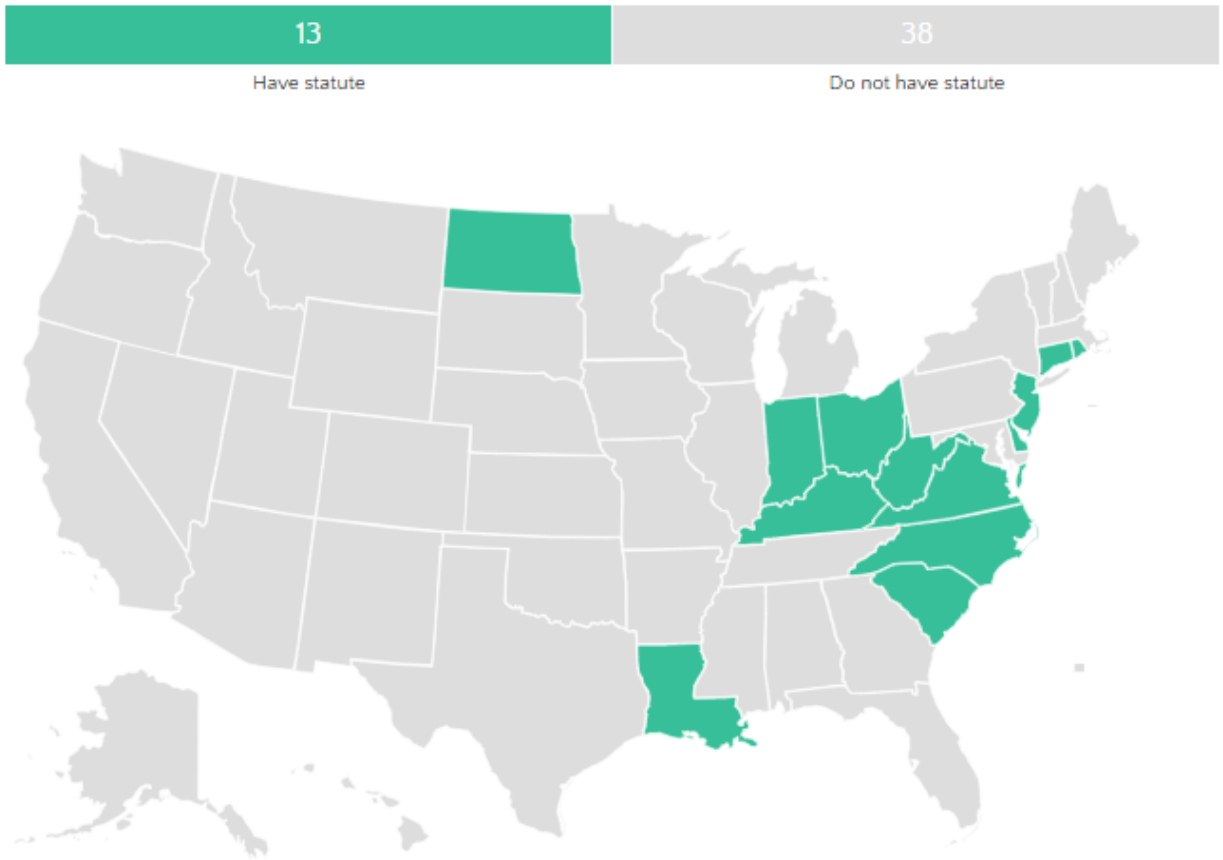


Figure 4: Mandatory Judicial Waiver Laws

Table 5: Mandatory Judicial Waiver Laws

Mandatory Judicial Waiver	States
Have statute	Connecticut, Delaware, Indiana, Kentucky, Louisiana, New Jersey, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Virginia, West Virginia
Do not have statute	Other states

3.3. Prosecutorial Discretion or Concurrent Jurisdiction Laws

Prosecutorial discretion or concurrent jurisdiction laws define a class of cases that could be brought in either juvenile or criminal court. No hearing is held to determine which court is appropriate and there may be no formal standards for deciding between them. The decision is entrusted entirely to the prosecutor. There are 14 states that have prosecutorial discretion or

concurrent jurisdiction laws, as shown in Table 6 and Figure 5. In Florida, this is known as "direct file."

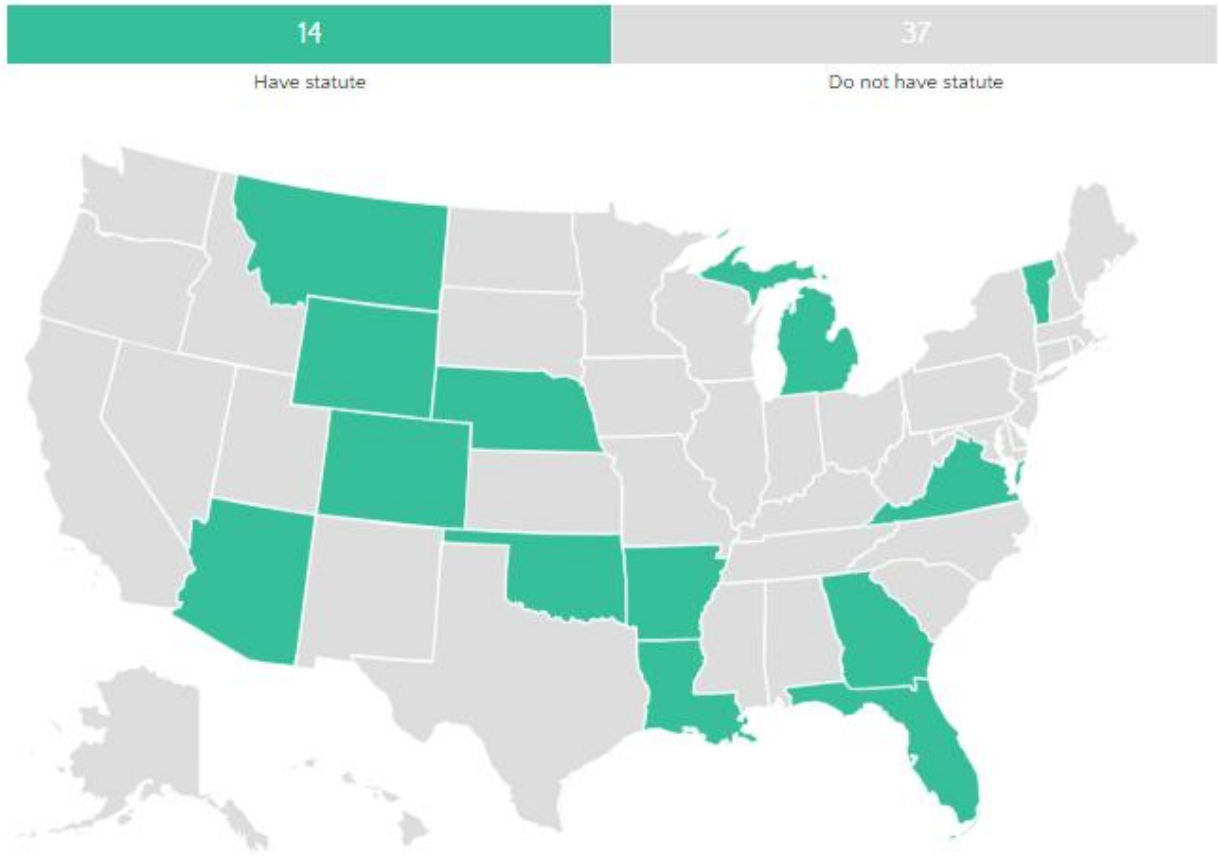


Figure 5: Prosecutorial Discretion or Concurrent Jurisdiction Laws

Table 6: Prosecutorial Discretion or Concurrent Jurisdiction Laws

Prosecutorial Discretion	States
Have statute	Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Louisiana, Michigan, Montana, Nebraska, Oklahoma, Vermont, Virginia, Wyoming
Do not have statute	Other states

3.4. Statutory Exclusion Laws

Statutory exclusion laws grant criminal courts exclusive jurisdiction over certain classes of cases involving juvenile-age offenders. If a case falls within a statutory exclusion category, it must be

filed originally in criminal court. Twenty-eight states have statutory exclusion laws, as shown in Figure 6 and Table 7. In Florida, this is known as “mandatory direct file.”

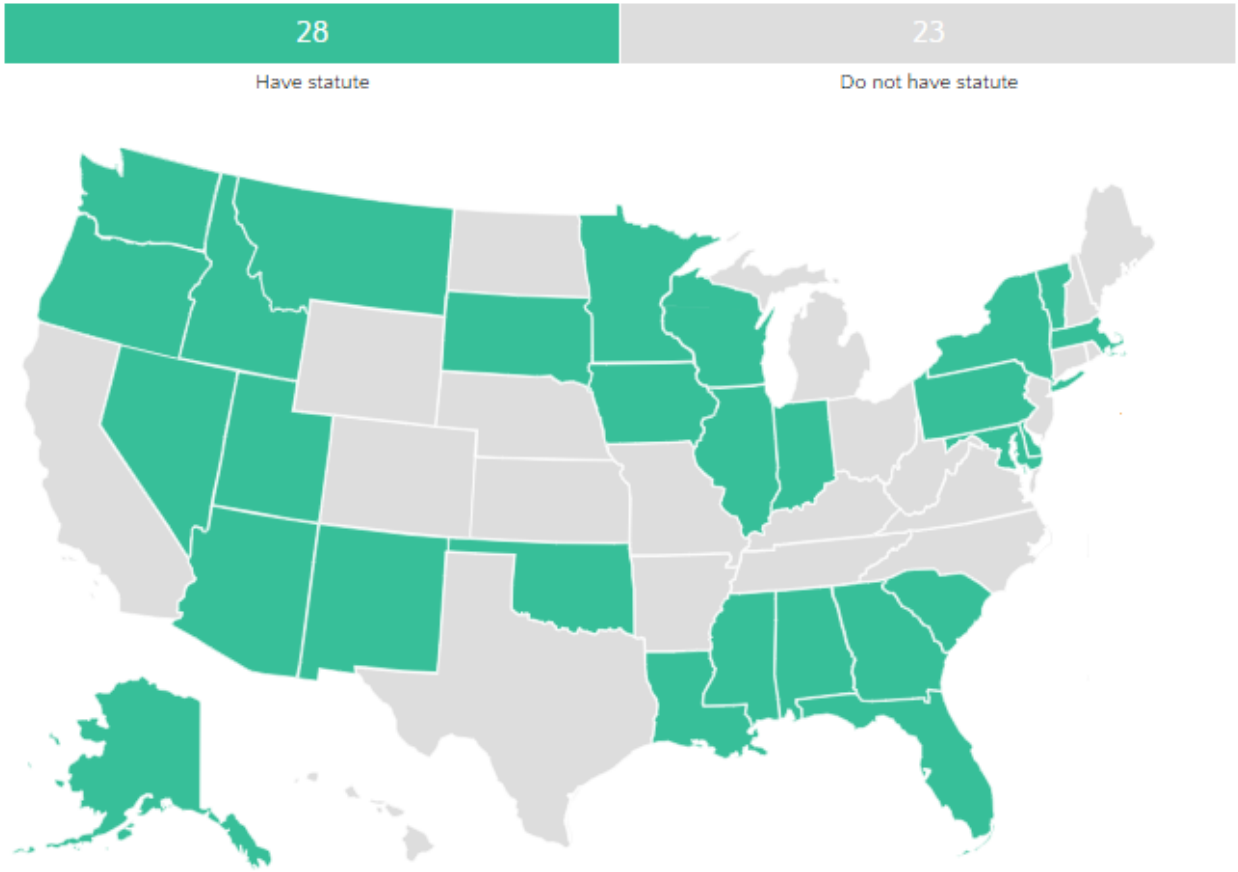


Figure 6: Statutory Exclusion Laws

Table 7: Statutory Exclusion Laws

Statutory exclusion laws	States
Have statute	Alabama, Alaska, Arizona, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nevada, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Washington, Wisconsin
Do not have statute	Arkansas, California, Colorado, Connecticut, District of Columbia, Hawaii, Kansas, Kentucky, Maine, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wyoming

3.5. "Once Adult/Always Adult" Laws

"Once adult/always adult" laws are a special form of exclusion requiring criminal prosecution of any juvenile who has been criminally prosecuted in the past—usually without regard to the seriousness of the current offense.

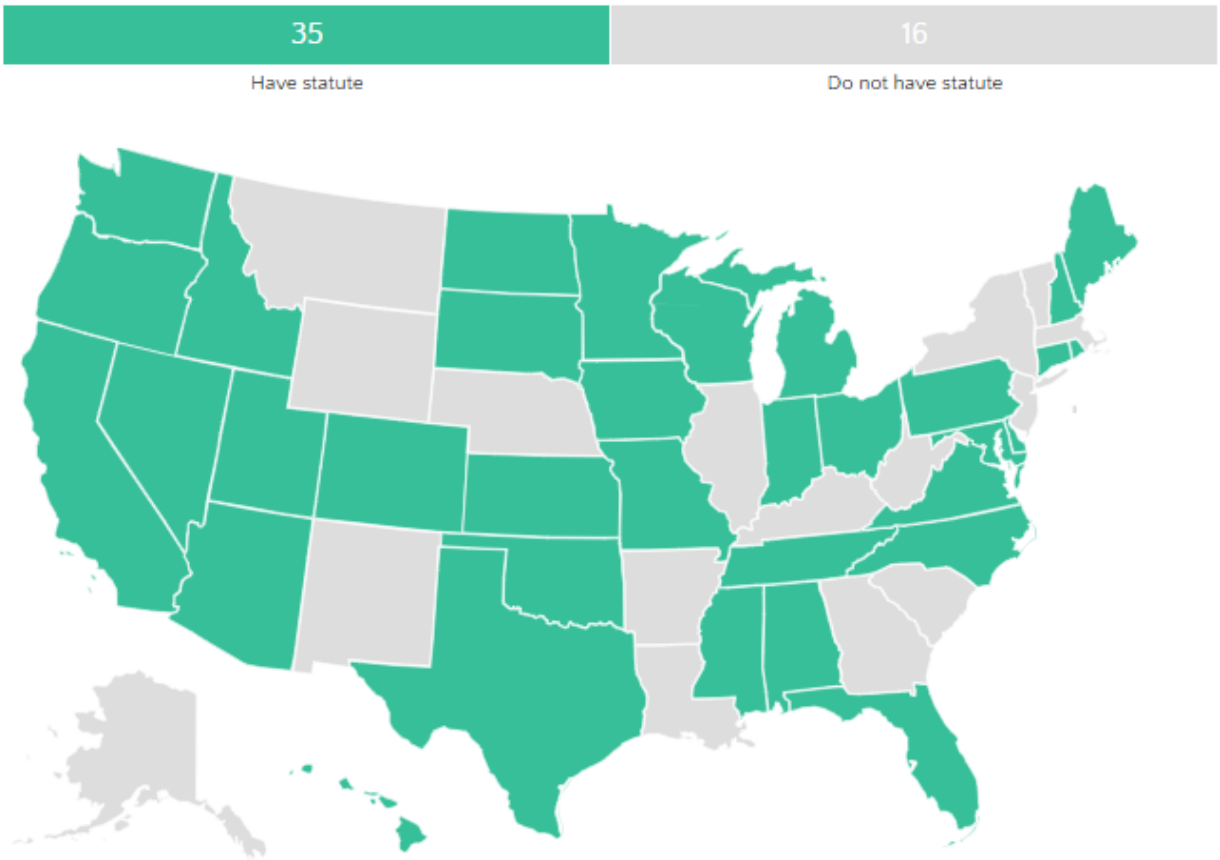


Figure 7: "Once Adult/Always Adult" laws

Table 8: "Once Adult/Always Adult" laws

"Once adult/always adult"	States
Have statute	Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin
Do not have statute	Alaska, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Montana, Nebraska, New Jersey, New Mexico, New York, South Carolina, Vermont, West Virginia, Wyoming

3.6. Reverse Waiver Laws

Reverse waiver laws allow juveniles whose cases are in criminal court to petition to have them transferred to juvenile court. Twenty-eight states have reverse waiver laws as shown in Table 9 and Figure 8.

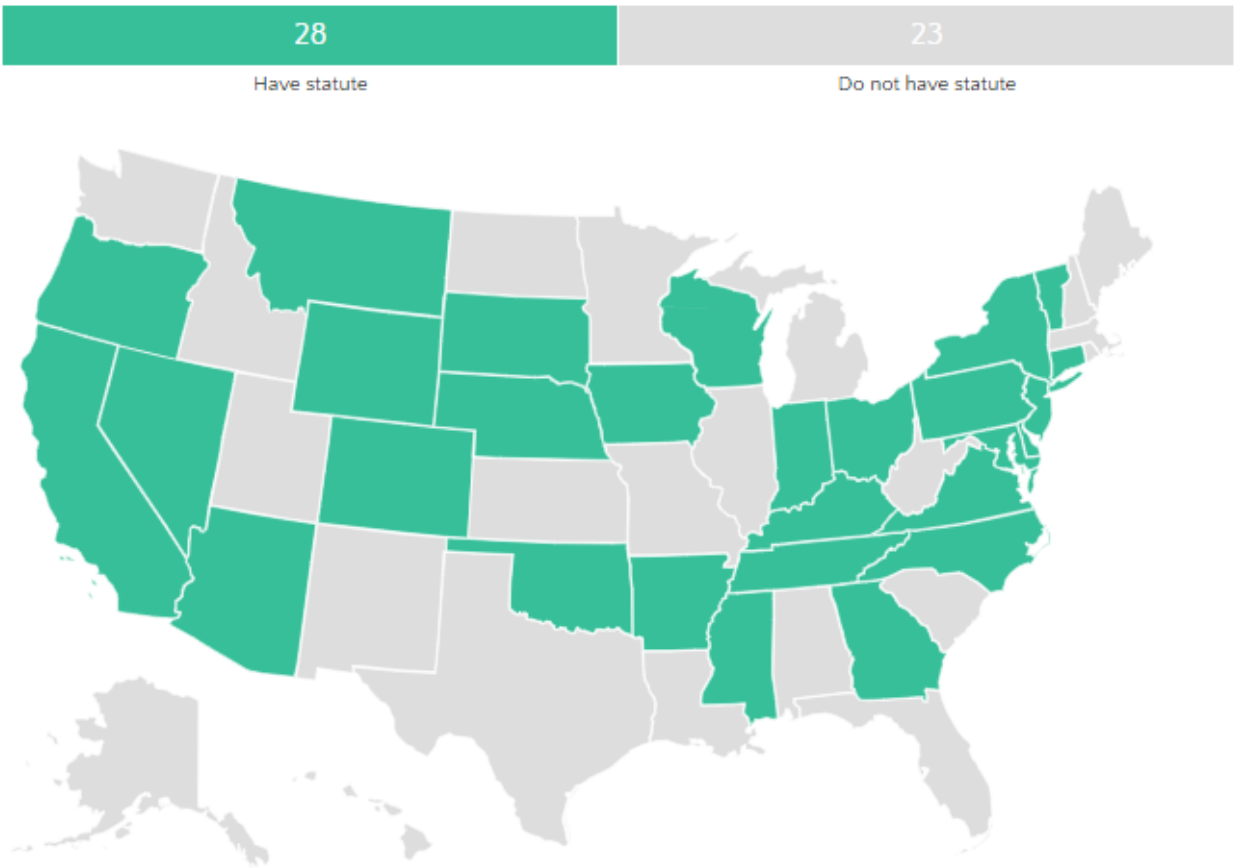


Figure 8: Reverse Waiver Laws

Table 9: Reverse Waiver Laws

Reverse waiver laws	States
Have statute	Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Indiana, Iowa, Kentucky, Maryland, Mississippi, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Wisconsin, Wyoming
Do not have statute	Alabama, Alaska, District of Columbia, Florida, Hawaii, Idaho, Illinois, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Mexico, North Dakota, Rhode Island, South Carolina, Texas, Utah, Washington, West Virginia

3.7. Blended Sentencing Laws

Blended sentencing laws may either provide juvenile courts with criminal sentencing options (juvenile blended sentencing) or allow criminal courts to impose juvenile dispositions (criminal blended sentencing). Fifteen states have juvenile blended sentencing laws and 23 states have criminal blended sentencing laws, as shown in Figure 9 and 10, and Table 10 and Table 11.

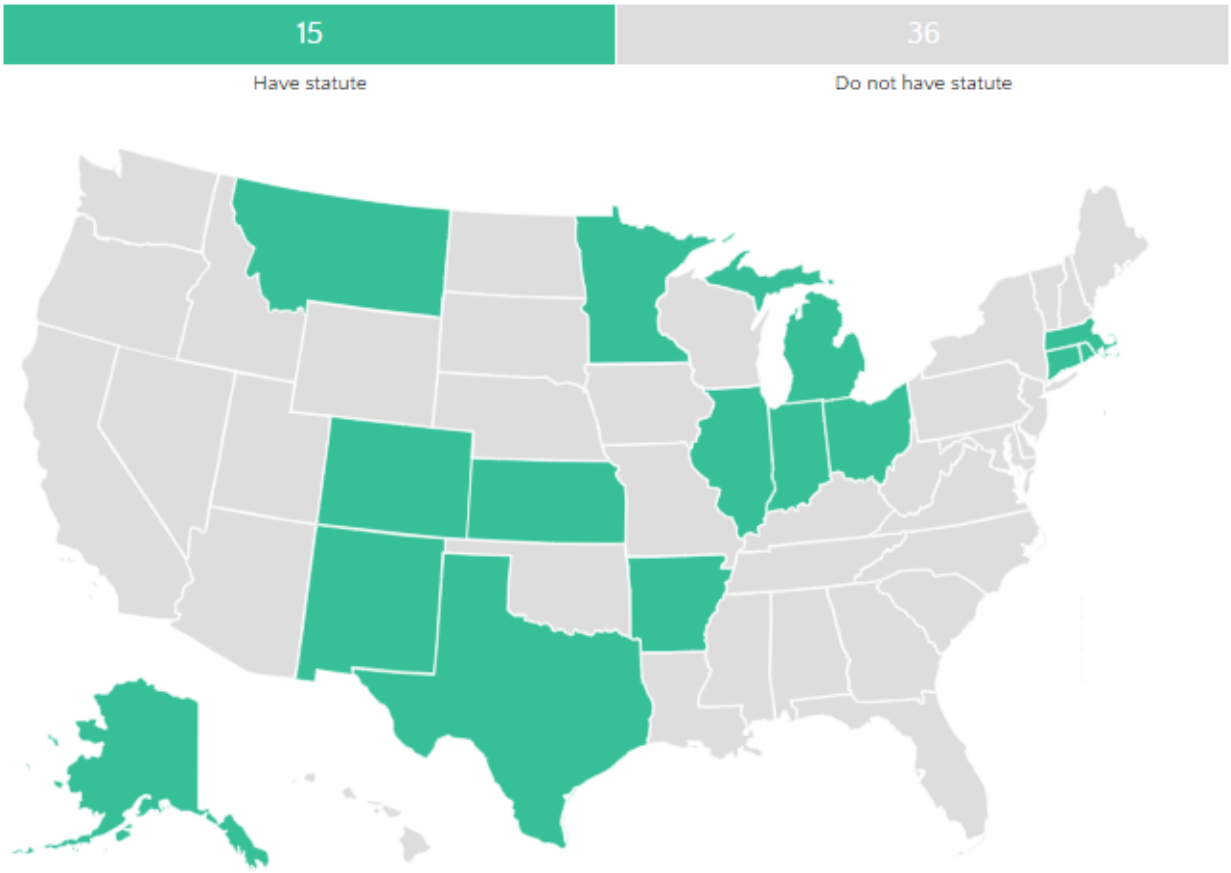


Figure 9: Juvenile Blended Sentencing Laws

Table 10: Juvenile Blended Sentencing Laws

Juvenile blended sentencing	States
Have statute	Alaska, Arkansas, Colorado, Connecticut, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Montana, New Mexico, Ohio, Rhode Island, Texas
Do not have statute	Other states

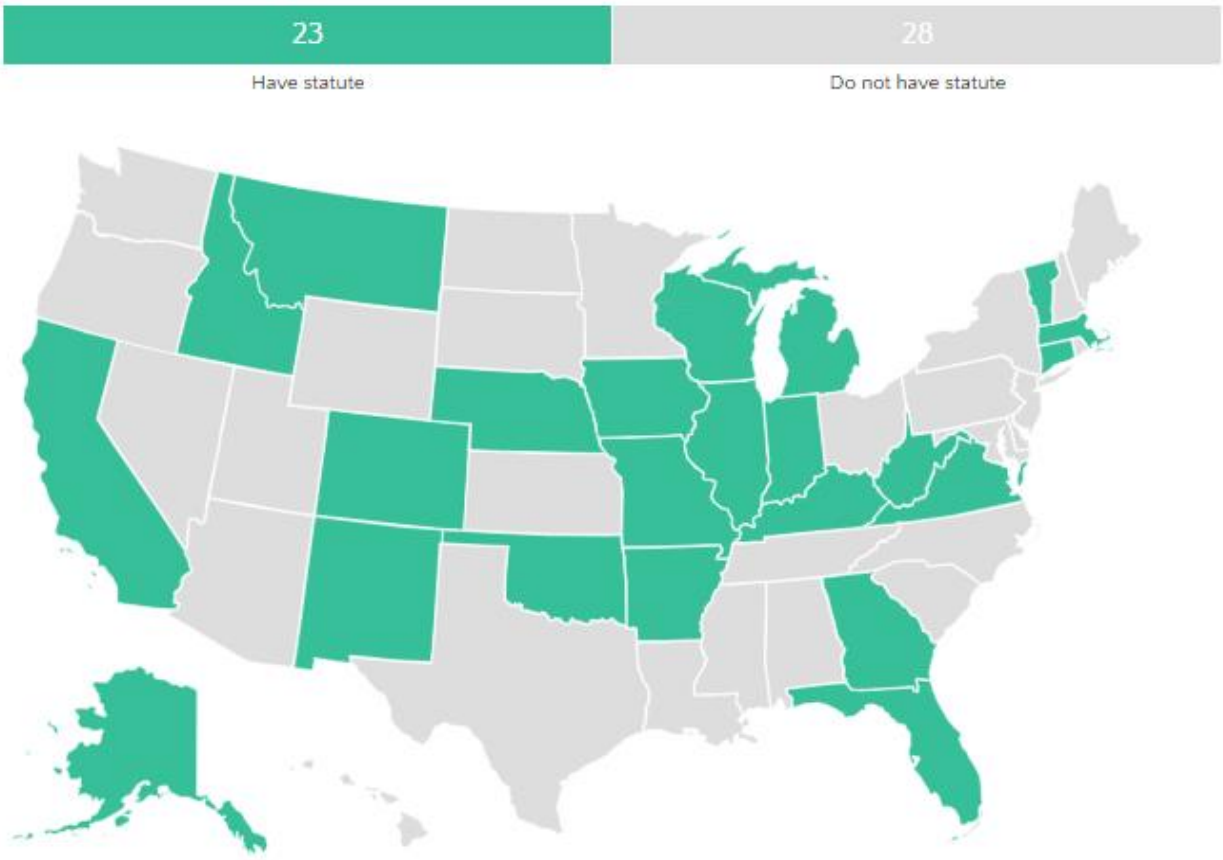


Figure 10: Criminal Blended Sentencing Laws

Table 11: Criminal Blended Sentencing Laws

Criminal blended sentencing	States
Have statute	Alaska, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Vermont, Virginia, West Virginia, Wisconsin
Do not have statute	Other states

Figure 11 depicts the overall comparison of transfer laws in states.

3.8. State Comparisons of Transfer Provisions

State	Transfer pathways						Mitigating provisions		
	Juvenile court petition			Criminal court petition					
	Discretionary waiver	Presumptive waiver	Mandatory waiver	Statutory exclusion	Once/always adult	Prosecutor discretion	Reverse waiver (remand)	Juvenile blended sentencing	Criminal blended sentencing
Number of states	46	12	13	28	35	14	28	15	23
Alabama	✓	⊘	⊘	✓	✓	⊘	⊘	⊘	⊘
Alaska	✓	✓	⊘	✓	⊘	⊘	⊘	✓	✓
Arizona	✓	⊘	⊘	✓	✓	✓	✓	⊘	⊘
Arkansas	✓	⊘	⊘	⊘	⊘	✓	✓	✓	✓
California	✓	⊘	⊘	⊘	✓	⊘	✓	⊘	✓
Colorado	✓	✓	⊘	⊘	✓	✓	✓	✓	✓
Connecticut	✓	⊘	✓	⊘	✓	⊘	✓	✓	✓
Delaware	✓	⊘	✓	✓	✓	⊘	✓	⊘	⊘
District of Columbia	✓	✓	⊘	⊘	✓	✓	⊘	⊘	⊘
Florida	✓	⊘	⊘	✓	✓	✓	⊘	⊘	✓
Georgia	✓	⊘	⊘	✓	⊘	✓	✓	⊘	✓
Hawaii	✓	⊘	⊘	⊘	✓	⊘	⊘	⊘	⊘
Idaho	✓	⊘	⊘	✓	✓	⊘	⊘	⊘	✓
Illinois	✓	✓	⊘	✓	⊘	⊘	⊘	✓	✓
Indiana	✓	⊘	✓	✓	✓	⊘	✓	✓	✓
Iowa	✓	⊘	⊘	✓	✓	⊘	✓	⊘	✓
Kansas	✓	⊘	⊘	⊘	✓	⊘	⊘	✓	⊘
Kentucky	✓	⊘	✓	⊘	⊘	⊘	✓	⊘	✓
Louisiana	✓	⊘	✓	✓	⊘	✓	⊘	⊘	⊘
Maine	✓	✓	⊘	⊘	✓	⊘	⊘	⊘	⊘
Maryland	✓	⊘	⊘	✓	✓	⊘	✓	⊘	⊘
Massachusetts	⊘	⊘	⊘	✓	⊘	⊘	⊘	✓	✓
Michigan	✓	⊘	⊘	⊘	✓	✓	⊘	✓	✓
Minnesota	✓	✓	⊘	✓	✓	⊘	⊘	✓	⊘
Mississippi	✓	⊘	⊘	✓	✓	⊘	✓	⊘	⊘
Missouri	✓	⊘	⊘	⊘	✓	⊘	⊘	⊘	✓
Montana	⊘	⊘	⊘	✓	⊘	✓	✓	✓	✓
Nebraska	✓	⊘	⊘	⊘	⊘	✓	✓	⊘	✓
Nevada	✓	✓	⊘	✓	✓	⊘	✓	⊘	⊘
New Hampshire	✓	✓	⊘	⊘	✓	⊘	⊘	⊘	⊘
New Jersey	⊘	⊘	✓	⊘	⊘	⊘	✓	⊘	⊘
New Mexico	⊘	⊘	⊘	✓	⊘	⊘	⊘	✓	✓
New York	⊘	⊘	⊘	✓	⊘	⊘	✓	⊘	⊘
North Carolina	✓	⊘	✓	⊘	✓	⊘	✓	⊘	⊘
North Dakota	✓	✓	✓	⊘	✓	⊘	⊘	⊘	⊘
Ohio	✓	⊘	✓	⊘	✓	⊘	✓	✓	⊘
Oklahoma	✓	⊘	⊘	✓	✓	✓	✓	⊘	✓

State	Transfer pathways						Mitigating provisions		
	Juvenile court petition			Criminal court petition					
	Discretionary waiver	Presumptive waiver	Mandatory waiver	Statutory exclusion	Once/always adult	Prosecutor discretion	Reverse waiver (remand)	Juvenile blended sentencing	Criminal blended sentencing
Oregon	✓	⊘	⊘	✓	✓	⊘	✓	⊘	⊘
Pennsylvania	✓	✓	⊘	✓	✓	⊘	✓	⊘	⊘
Rhode Island	✓	✓	✓	⊘	✓	⊘	⊘	✓	⊘
South Carolina	✓	⊘	✓	✓	⊘	⊘	⊘	⊘	⊘
South Dakota	✓	⊘	⊘	✓	✓	⊘	✓	⊘	⊘
Tennessee	✓	⊘	⊘	⊘	✓	⊘	✓	⊘	⊘
Texas	✓	⊘	⊘	⊘	✓	⊘	⊘	✓	⊘
Utah	✓	✓	⊘	✓	✓	⊘	⊘	⊘	⊘
Vermont	✓	⊘	⊘	✓	⊘	✓	✓	⊘	✓
Virginia	✓	⊘	✓	⊘	✓	✓	✓	⊘	✓
Washington	✓	⊘	⊘	✓	✓	⊘	⊘	⊘	⊘
West Virginia	✓	⊘	✓	⊘	⊘	⊘	⊘	⊘	✓
Wisconsin	✓	⊘	⊘	✓	✓	⊘	✓	⊘	✓
Wyoming	✓	⊘	⊘	⊘	⊘	✓	✓	⊘	⊘

Figure 11: State Comparisons of Transfer Provisions[13]

4. Direct File Policies in Florida

4.1. About the Juvenile Court

In Florida, most children charged with an offense will have their cases heard in juvenile court. When a child has violated the law, he or she could be detained or given a civil citation in the case of certain low-level misdemeanors. The detained children are directed to one of the 23 juvenile assessment centers (JAC) and must have a detention hearing within 24 hours to determine if there is probable cause that the child committed the delinquent act. An adjudicatory hearing must be held within 21 days of the detention hearing for the juvenile court judge to determine if the child has committed a delinquent act.

If delinquency is found, the child may receive juvenile sanctions such as probation or commitment to the custody of the Department of Juvenile Justice (DJJ). A child committed to

[13] Compare transfer provisions (http://www.jjgps.org/jurisdictional-boundaries)

DJJ will remain in a residential program until he or she is determined to have successfully completed the assigned program or until his or her 19th birthday.

The adult criminal court system differs from the juvenile court system in many ways. From the perspective of terminology, the fact-finding hearing is referred to as an adjudicatory hearing in juvenile court rather than a trial in adult criminal court. Also, the sentencing phase in juvenile court is called a disposition hearing. For timeframes, juvenile court is required to hold certain types of hearing within strict deadlines once a child is arrested. For sanctions, if a child is transferred to adult court, the court may impose adult judicial sanctions (such as adult probation, jail, or prison) or juvenile judicial sanctions (such as juvenile probation or commitment to DJJ), which is referred to as criminal blended sentencing (as described in section 3.7). It should be noted that the adult court cannot impose both adult and juvenile judicial sanctions.

4.2. The Transfer Policies

If children have committed serious offenses or are old enough, they may be transferred to adult court instead of going through the juvenile court process. The transfer of children to adult court is based on three conditions: (1) age at the time of offense, (2) type of current offense, and; (3) prior offenses. In Florida, there are three ways to transfer a child to adult court: (1) judicial waiver, (2) indictment by a grand jury, and; (3) direct file.

Judicial waiver is a request by the state attorney and must be reviewed in a hearing where a juvenile court judge determines whether the offense has serious impact to the community and was committed in an aggressive, violent, premeditated, or willful manner. If the judicial waiver request is granted by the juvenile court judge, the juvenile court waives its jurisdiction and the case is transferred to adult court. Less than 1% of transferred cases in FY 2015-2016 in Florida were through judicial waiver.

For the “transfer through indictment by a grand jury” category, a state attorney convenes a grand jury to determine whether there is probable cause that a crime has been committed and that the accused committed the crime. An indictment will happen when a child is charged with

an offense punishable by death or life in prison. Less than 1% of transferred cases in FY 2015-2016 in Florida were through indictment by a grand jury.

Direct file is the most common method to transfer children to adult court in Florida. Direct file occurs when a state attorney files the case against the child directly in adult court. In direct file and indictment by a grand jury transfers, the juvenile court judge does not review the case. While there are laws in Florida that define the types of offense and the minimum age level for a child to be considered for filing directly in adult court, the state attorney has discretion in most instances to decide whether to direct file a case. More than 99% of transferred cases in FY 2015-2016 in Florida were through direct file.

4.3. The Direct File Policies

In Florida, there are two ways to direct file a child to adult court: (1) discretionary, and; (2) mandatory.

Discretionary direct file happens when, according to the state attorney's judgment and discretion, the interest of the public requires adult judicial sanctions to be considered or imposed, and the case meets other conditions described in statute. Statutes include two types of discretionary direct file. As shown in Table 12, the first type of discretionary direct file applies to a child who was 14 or 15 years old when the felony offense or offenses occurred and the child is charged with the commission of, attempt to commit, or conspiracy to commit, one of nineteen specified offenses. For these nineteen specified offense types, please refer to the supplementary material in section 0. Row two of Table 12 presents the second type of discretionary direct file. It is applied to a child who was 16 or 17 years old at the time of the alleged offense for any felony offense. A misdemeanor cannot be direct filed unless the child has had at least two previous adjudications, or adjudications withheld for delinquent acts, one of which must be felony.

Table 12: Criteria for Discretionary and Mandatory Juvenile Direct File Offenses[14]

Statute Section	Type of Direct File	Age at Time of Offense	Current Alleged Offense	Criminal History/Other
985.557(1)(a)	Discretionary	14 or 15	One from a list of 19 offenses including robbery, aggravated assault, murder, and grand theft	
985.557(1)(b)	Discretionary	16 or 17	Any felony	A misdemeanor may be direct filed if child has at least two prior adjudications or adjudications withheld for delinquent acts, one of which was a felony
985.557(2)(a)	Mandatory	16 or 17	Second violent crime against a person	Prior adjudication for murder , sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault
985.557(2)(b)	Mandatory unless state attorney believes exceptional circumstances exist	16 or 17	Forcible felony	Prior adjudication or adjudication withheld for 3 felonies at least 45 days apart
985.587(2)(c)	Mandatory	Any age	Causing serious bodily injury or death while in possessions of a stolen motor vehicle	
985.587(2)(d)	Mandatory unless state attorney believes exceptional circumstances exist	16 or 17	Causing great bodily harm or death while discharging a firearm or destructive device during the commission of certain offenses	

Source: Florida statutes.

Mandatory direct file is required when a case meets certain conditions described in statute. These conditions include age at time of the offense, type of the offense and previous offense history. There are three, out of four, types of mandatory direct file that can only be applied to 16 or 17-year-old children. Two types are conditional on previous criminal history and two can be avoided at the state attorney's discretion.

[14] Claire K. Mazur, Laurie Scott, Marina Byrd, Anne Cooper, Philip Twogood. (2017). Direct File of Children to Adult Court Is Decreasing; Better Data Needed to Assess Sanctions. Tallahassee: The Florida Legislature OPPAGA.

5. Direct File Facts and Trends in Florida

5.1. Databases

Data on direct filed children are found in five data systems (Table 13). The Department of Juvenile Justice (DJJ) operates the Juvenile Justice Information System (JJIS) which maintains the information of all children who were processed at the Juvenile Assessment Center (JAC). The information includes name, address, and social security number. The probation officers may also collect information about children's mental health, drug use, and prior criminal history. If the children are transferred to adult court, the DJJ probation officer records the specific transfer method (direct file, indictment, or waiver) and the child's current placement such as county jail or a juvenile detention center. When the adult court takes final action, the juvenile probation office enters information about the disposition of the case and closes the JJIS case.

Table 13: Data systems that maintain the information of direct filed children[15]

Agency	Data System Name	Data System Description
Department of Juvenile Justice (DJJ)	Juvenile Justice Information System (JJIS)	Youth delinquency, placement, history, and outcomes data. Required under s. 20.316(4), *Florida Statutes*.
Florida Department of Law Enforcement (FDLE)	Computerized Criminal History (CCH)	The repository for criminal record information, such as arrests, dispositions, and records of incarceration in Florida. These records include offender fingerprint identification.[1] This system is currently going through a multiyear system upgrade.
Florida Department of Corrections (FDC)	Offender Based Information System (OBIS)	Offender information including type of state sanction for people who enter FDC.
Florida Court Clerks and Comptrollers (FCCC) Association	Comprehensive Case Information System (CCIS)	Provides case information and routes system users to court documents housed by county court clerks. CCIS receives data from the individual county clerks' case management systems. CCIS was recently upgraded.
County Court Clerks	Individual Case Management Systems (CMSs)	Each county clerk maintains an electronic case management system (CMS). The type of system varies by county, but generally helps clerks perform their duties for the courts, the state (such as collecting court ordered child support, fines, and fees), and their counties (such as recording deeds and serving as clerk and accountant to the county commission).

[1] Fingerprints are usually collected from direct-filed children either by law enforcement at the JAC or at a jail. These prints are sent to the Florida Department of Law Enforcement (FDLE). When an individual is fingerprinted, FDLE assigns a unique number to that person's fingerprints.
Note: The Office of the State Courts Administrator (OSCA) also has information in its Summary Reporting System (SRS) on the total number of direct files per county, which they receive from the clerks of court.
Source: OPPAGA analysis of interviews and information from entities.

[15] Claire K. Mazur, Laurie Scott, Marina Byrd, Anne Cooper, Philip Twogood. (2017). Direct File of Children to Adult Court Is Decreasing; Better Data Needed to Assess Sanctions. Tallahassee: The Florida Legislature OPPAGA.

5.2. Facts of Direct File Obtained from Data

According to a DJJ bill analysis of SB 192 (2018) (the Senate companion to HB 509), during FY 2015-16, a total of 1,236 individual youths were transferred to adult court in Florida, with 1,223 youth transferred via direct file. For the direct filed children, the most common offenses include:

Table 14: The Most Common Offenses That Resulted in Direct File in Florida FY 2015-16[16]

Offense	# Youth (% of all Direct Filed Youth)
Burglary	270 youth (22%)
Armed Robbery	251 youth (21%)
Aggravated Assault/Battery	179 youth (15%)
Weapon/Firearm	103 youth (8%)
Murder/Manslaughter	62 youth (5%)
Sexual Battery	48 youth (4%)
Auto Theft	45 youth (4%)
Other Robbery	44 youth (4%)
Attempted Murder/Manslaughter	35 youth (3%)
Kidnapping	34 youth (3%)

Study by Brodsky et. al. (2016) on data reported by the Florida Department of Juvenile Justice shows that most juveniles transferred to adult court in Florida are charged with non-violent felony offenses: primarily property and drug crimes, or misdemeanors. More than 70 percent of juveniles convicted in adult court are sentenced to probation, not prison. In addition, since prosecutors work in distinct jurisdictions and each prosecutor makes decisions according to his or her own processes, a child's odds of being prosecuted as an adult depend more on where he or she lives than what he or she has done. Brodsky et. al. describes a burglary charge to support their argument. For example, in Palm Beach County, seven percent of 15-year olds charged with burglary go to adult court, but the corresponding percentage is zero in Broward County.

Brodsky et. al. (2016) also found that approximately 72 percent of children prosecuted as adults are not initially sentenced to prison. Based on the fact that: (1) most children in adult court accepted plea probation, (2) 53 percent of children initially placed on probation were

[16] Only common offenses (≥3% of all direct filed youth) are listed in the table.

eventually sentenced to adult prison, (3) 70 percent of the juveniles initially sentenced to probation who eventually went to prison were due to a new offense, and; (4) the other 30 percent were eventually sent to prison for a technical violation of probation, Brodsky et. al. argue that a prosecutor who uses direct file to unilaterally transfer a child to adult court and then offers him or her a plea agreement to probation can be reasonably confident that he or she will eventually secure a prison sentence.

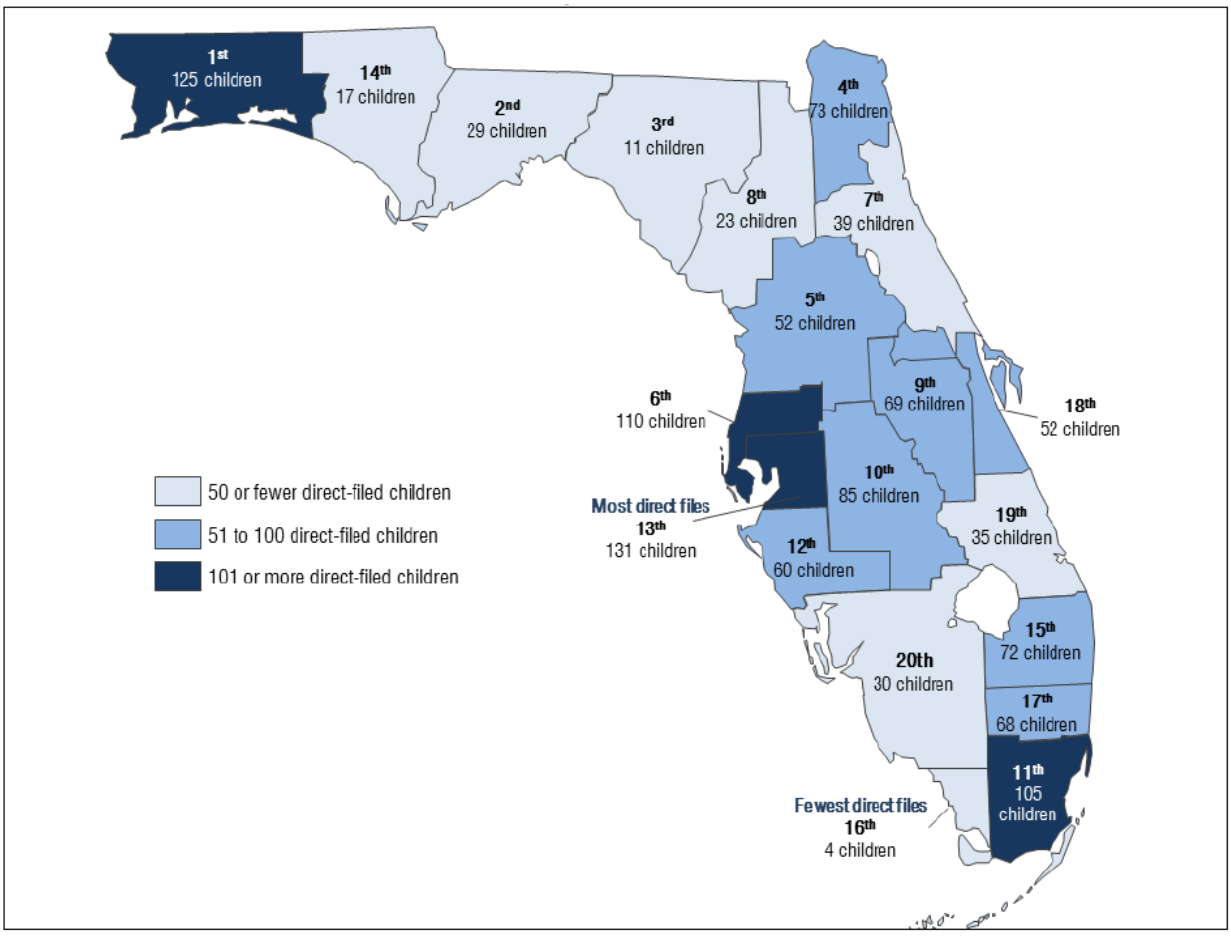
Additional research compares the characteristics between two groups of children who are eligible to be direct filed (Claire K. Mazur, Laurie Scott, Marina Byrd, Anne Cooper, Philip Twogood, 2017). As outlined in Table 15, one group are the children who were direct filed for the first time. The other group are the children who were eligible to be direct filed, but were retained in the juvenile system. Claire et. al. compared the characteristics of these two groups including ages, types of offenses, whether they had prior adjudications or adjudications withheld, demographic information, whether they had prior DJJ placements, whether they were previously on juvenile probation, had gang involvement, etc. In addition to these characteristics, while making direct file decisions, state attorneys also consider other conditions including use of a weapon, victim input and school records.

Figure 12 shows the number of children direct filed in FY 2015-16 in judicial circuits. The statewide average of direct filed children per circuit is 60. The 16th Circuit has four direct files, which are the fewest. The 13th circuit has the most direct files: 131.

Table 15: Summary of Two Types of Children Who are Eligible to be Direct Filed[17]

FY 2015-2016		
characteristics	Children who were direct filed for the first time	Children who were eligible to be direct filed, but were retained in the juvenile system
Total	1,084	12,254
Average age	16.4	16.1
Age range	12-17	13-17
Capital or life felony	4.8% (52)	1.4% (172)
First degree felony	38% (411)	9.1% (1,115)
Had one or more prior adjudications or adjudications withheld	65.8% (713)	39.7% (4,859)
Male	93.5% (1,014)	81.5% (9,987)
Female	6.5% (70)	18.5% (2,267)
Non-Hispanic African Americans	67.7% (734)	50.2% (6,150)
Non-Hispanic Whites	20.8% (226)	32.6% (4,000)
Hispanics	11.3% (123)	16.7% (2,049)
Other race/ethnicity	0.1% (1)	0.4% (55)
Prior DJJ placements	30.6% (332)	11.2% (1,368)
Previous juvenile probation	61.7% (669)	36.1% (4,423)
Gang involvement	7.4% (80)	2.4% (289)

[17] Claire K. Mazur, Laurie Scott, Marina Byrd, Anne Cooper, Philip Twogood. (2017). Direct File of Children to Adult Court Is Decreasing; Better Data Needed to Assess Sanctions. Tallahassee: The Florida Legislature OPPAGA.



Source: OPPAGA analysis of Department of Juvenile Justice data.

Figure 12: The Number of Children Direct Filed in FY 2015-16 in Judicial Circuits[18]

5.3. Trend of Direct File Obtained from Data

The statewide number of direct-filed children decreased by 42.3% from 2,062 in FY 2011-12 to 1,190 in FY 2015-16. As shown in Table 16, the number of direct-filed children in most Circuits decreased during this time period. The reasons that the number of direct-filed children are decreasing is that: (1) fewer children were arrested, and; (2) some state attorneys are changing their decision-making processes.

[18] Claire K. Mazur, Laurie Scott, Marina Byrd, Anne Cooper, Philip Twogood. (2017). Direct File of Children to Adult Court Is Decreasing; Better Data Needed to Assess Sanctions. Tallahassee: The Florida Legislature OPPAGA.

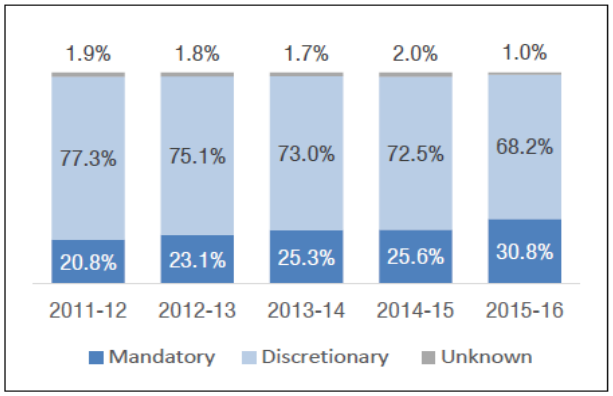
Table 16: The Number of Direct-Filed Children in Florida from FY 2011-12 to 2015-16 [19]

FY 2015-2016			
Circuit	**2011-12**	**2015-16**	**Percent Change**
1th	94	125	33.0%
2th	42	29	-31.0%
3th	26	11	-57.7%
4th	122	73	-40.2%
5th	75	52	-30.7%
6th	139	110	-20.9%
7th	80	39	-51.3%
8th	34	23	-32.4%
9th	207	69	-66.7%
10th	159	85	-46.5%
11th	210	105	-50.0%
12th	73	60	-17.8%
13th	242	131	-45.9%
14th	27	17	-37.0%
15th	190	72	-62.1%
16th	3	4	33.3%
17th	166	68	-59.0%
18th	71	52	-26.8%
19th	65	35	-46.2%
20th	37	30	-18.9%
Statewide	2,062	1,190	-42.3%

The estimated percentage of mandatory direct files has increased. As shown in Figure 13: The Estimated Percentage of Mandatory and Discretionary Direct Files 12 that the percentage of mandatory direct files increase from 20.8% in 2011-12 FY to 30.8% in 2015-16 FY. Accordingly, the percentage of discretionary direct files decreased from 77.3% to 68.2%.

The percentage of direct-filed children compared to the children who were eligible for direct file decreased. As shown in Table 16, the percentages decreased from 11.4% in FY 2011-12 to 8.8% in FY 2015-16.

[19] Claire K. Mazur, Laurie Scott, Marina Byrd, Anne Cooper, Philip Twogood. (2017). Direct File of Children to Adult Court Is Decreasing; Better Data Needed to Assess Sanctions. Tallahassee: The Florida Legislature OPPAGA.



Note: If a child was eligible to be direct filed as a mandatory or discretionary direct file during each fiscal year, we reported that child as a mandatory direct file. Because we estimated the number of mandatory and discretionary direct files, there were some children who did not fit into either category and were categorized as unknown. In Fiscal Year 2015-16, only 1% of direct-filed children did not meet our requirements for inclusion as mandatory or discretionary. Fiscal Year 2014-15 does not add to 100% due to rounding.

Source: OPPAGA analysis of Department of Juvenile Justice data.

Figure 13: The Estimated Percentage of Mandatory and Discretionary Direct Files

Table 17: The Estimated Percentage of Direct-Filed Children Compared to Those Eligible for Direct File[20]

Fiscal Year	Children Direct Filed	All Children Eligible for Direct File[1]	Percentage of Direct Filed
2011-12	2,022	17,733	11.4%
2012-13	1,524	15,856	9.6%
2013-14	1,298	14,645	8.9%
2014-15	1,239	14,037	8.8%
2015-16	1,178	13,432	8.8%

[1] This column includes all children eligible for direct file, including those that were direct filed in that fiscal year.

Note: The total number of direct-filed children differs from previous exhibits because this analysis excludes 12 children who were direct filed, but do not meet our criteria as described in Exhibit 5.

Source: OPPAGA analysis of Department of Juvenile Justice data.

[20] Claire K. Mazur, Laurie Scott, Marina Byrd, Anne Cooper, Philip Twogood. (2017). Direct File of Children to Adult Court Is Decreasing; Better Data Needed to Assess Sanctions. Tallahassee: The Florida Legislature OPPAGA.

6. Economic Analysis Relating to Costs and Benefits

6.1. Becker's Approach to Analyze Crime

Gary Becker's (1968) study analyzed the optimal size of the judicial system with the assumption that the judicial system should minimize the total social costs of crime. Becker is the first economist who analyzed criminal activities as a type of economic activity that emphasized the negative external effects. Becker constructed a "stochastic" fee system by multiplying the probability of "getting caught" (ρ) and the punishment for getting caught (f) to quantify the social costs associated with the criminals. For the costs associated to the victims, Becker used a "net damage" measurement. "Net damage" to individuals is a function of the number of offenses committed. The number of offenses is equal to N, the "harm" to victims is $H(N)$ and the gain to offenders is $G(N)$. The "net damage" to individuals from N is $D(N) = H(N) - G(N)$.

The equation is conditional on three constraints: first, a given number of illegal actions (N), second, the cost of achieving a given ρ, and; third, the effect of changes in ρ and f on N, and the "optimal" decisions can be derived from this model by minimizing the social loss in income from the offenses. As an optimal condition, marginally the "crime would not pay" in the sense that real income received from crime would be less than what could be received in less risky legal activities. The "optimal" decisions are used to determine the optimal crime discovery effort (ρ) and size of the punishment (f).

6.2. Cost-Benefit Analysis Methodology

The Vera Institute of Justice[21] defines the five basic steps of cost-benefit analysis as:

(a). Determine the effects of the initiative;

(b). Determine whose perspectives matter;

(c). Measure costs in dollars and cents;

(d). Measure benefits in dollars and cents, and;

[21] Vera Institute of Justice (https://www.vera.org/)

(e). Compare the costs and benefits.

The Office of Juvenile Justice and Delinquency Prevention (2002) defines the cost-benefit analysis routine as:

(a). **Identify benefits**. Benefits for whom? What is the dollar value of reduced crime? What about the non-crime-related benefits? What do we know about the long run? What are the marginal costs?

(b). **Subtract costs**. Estimate what the programs themselves cost (capital costs and operating costs) to run.

(c). **Calculate bottom line**. Compare costs and benefits obtained from step (a) and (b) in a timeframe.

(d). **Compare options**. Compare the cost-benefit analysis results of a range of alternatives.

(e). **Test riskiness**. It is important to test how sensitive the bottom-line conclusion is to changes in key input assumptions

6.3. Cost-Benefit Analysis of Raise the Age Legislation in Missouri

To analyze the costs and benefits of raising the upper age for adjudicated youth in the juvenile justice system, Mitchell (2017) conducted the following economic study:

I. Used sample wage medians of normal Missouri residents who have never committed a crime or been put in a juvenile residential program, a jail or a prison to define a representative person called “Mr. Citizen”. Then, the research team drew his or her income and tax curves over time and computed the juvenile’s expected lifetime earnings and total taxes paid. Mr. Citizen’s income increases every year until his or her 50^{th} birthday, and decreases afterward.

II. The research team next calculated the entry level median wages, wage change rates and median work hours of people who had been released from prison. They then graphed the income and tax curves over time and computed their expected lifetime earnings and taxes paid for by young “Mr. Criminal”; whom does not earn any money in prison and starts his employment after release. The time Mr. Criminal spent in prison is computed using the median prison years of juveniles in Missouri who were sent to adult prison.

III. The next step was to find the corresponding entry level median wages, wage change rates and median work hours of youths who had been maintained in the juvenile justice system. The research team again graphed the income and tax curves over time and computed the expected lifetime earnings and taxes paid for by "Mr. Delinquent" who did not earn any money in the juvenile residential program and starts his employment upon completion. The time Mr. Delinquent spent in the juvenile residential program is computed using median time of all other delinquents who were kept in the residential program.

IV. The costs of implementing the "Raise the Age" program was estimated, including construction costs for new facilities, renovation costs for existing facilities, staffing costs, case management costs and other equipment and expenses. The costs of incarcerating the youth sent to adult prison was also reduced and accounted for.

V. Based on the estimation of how many juveniles will be kept in juvenile system instead of adult prison after the Raise the Age program, Mitchell computed and compared the costs to state and the benefits including cost reduction and tax increases and come to his conclusion. Mitchell's findings can be found in section 7.5.

6.4. Cost-Saving Analysis of Direct File Reform in Florida

The James Madison Institute (JMI) and the Project on Accountable Justice (PAJ) used a standardized Disposition Matrix to predict how transferred youth would have been treated after the reform of Florida's direct file statute (Deborrah Brodsky, 2016). The Disposition Matrix (shown in Table 18) accounts for a child's risk score, prior interaction with the justice system, and offense. Based on the Disposition Matrix, the Department of Juvenile Justice (DJJ) will then recommend a range of disposition options, including diversion programs, probation, redirection, and placement in residential programs (Michael Baglivio, 2014).

Using the DJJ Disposition Matrix, the PAJ and JMI identified the likely dispositions of the 871 youths who were direct filed in both the 2015 and 2016 legislative session, however, were no longer eligible to transfer after the reform. The disposition predictions are shown in Table 19.

According to these predictions, among these 871 youths, 57 percent of them would not have been recommended for residential program.

The PAJ and JMI used the disposition predictions from the DJJ Disposition Matrix and publicly available data (including the cost per day and the average length of stay for each type of disposition) to estimate the costs incurred by DJJ every year from FY 2016-17 to FY 2025-26, which are shown in the first column of Table 20. The second column shows the costs of the status quo cohort, which is estimated by using admission and release data on children transferred for an offense committed in FY 2009 and 2010. Note that the estimated costs of status quo reflect not only the number of youths who would be committed to Florida Department of Corrections (FDC) that year, but also the number of youths who would have been committed in a prior year, but still remained in prison. In summary, the PAJ and JMI computed the differences of those two types of costs and calculated the expected savings over time if the direct file reform was implemented.

Table 18: Florida Department of Juvenile Justice Disposition Recommendation Matrix[22]

Florida Department of Juvenile Justice Disposition Recommendation Matrix

(Staff must always begin with the least restrictive setting within a particular disposition category. See SDM guidelines)

Most Serious Presenting Offense	PACT Risk Level to Re-Offend			
	Low-Risk to Re-offend	Moderate-Risk to Re-offend	Moderate/High-Risk to Re-offend	High-Risk to Re-offend
1st TIME MISDEMEANOR[1]	Level 1	Level 1	N/A	N/A
Minor[2]	Level 2 or 3a	Level 2 or 3a	Level 2 or 3a-c	Level 3a-c or 4
Serious[3]	Level 2 or 3a	Level 2 or 3a-b	Level 3a-c or 4	Level 3a-c or 4
Violent[4]	Level 2 or 3a-b	Level 2, 3a-c or 4	Level 3a-c, 4 or 5	Level 3a-c, 4 or 5

[1] - First time misdemeanor offenders with no history of arrest or participation in alternatives to arrest. Under Section 985.12, Florida Statutes, all first time misdemeanants are eligible for civil citation. Youth deemed ineligible for civil citation (based on community standards) should be reviewed under the "Misdemeanor" category based on their PACT Risk Level to Reoffend.

[2] - All misdemeanor offenses.

[3] - Felony offenses that do not include violence.

[4] - Violent felony offenses (does not include misdemeanor assault/battery, which is captured under "minor").

Level 1 - Alternatives to Arrest

Level 2 - Diversion & Non-DJJ Probation

Level 3 - Community Supervision

(3a) - Probation supervision

(3b) - Probation enhancement services (ART, LifeSkills, etc.)

(3c) - Day Treatment, MST, FFT

Level 4 - Non Secure Residential Commitment (Low & Moderate-Risk Programs)

Level 5 - Secure Residential Commitment (High & Maximum-Risk Programs)

[22] Michael Baglivio, M. R. (2014). The Florida Department of Juvenile Justice Disposition Matrix: A Validation Study, available at http://www.djj.state.fl.us/docs/research2/the-fdjj-disposition-matrix-validation-study.pdf.

Table 19: Predicted Dispositions for Children No Longer Eligible to Transfer[23]

How Would Transferred Youth Have Been Treated Had They Been Retained in the Juvenile Justice System?		
	Number of Youth by Forecast Juvenile Disposition	Percent of Youth by Forecast Juvenile Disposition
Diversion	122	14%
Probation	203	23%
Redirection	169	19%
Non-Secure	252	29%
Secure	110	13%
No Data	15	2%
Total	871	100%

Table 20: Estimated Costs of Reform and Status Quo[24]

Year	Costs of Reform (Incurred by DJJ)	Costs of Status Quo (Incurred by FDC)	Difference
FY2016-17	$24,659,699	$420,177	$24,239,522
FY2017-18	$22,569,731	$12,634,987	$9,934,744
FY2018-19	$20,312,758	$21,078,937	-$766,179
FY2019-20	$18,281,482	$26,356,323	-$8,074,841
FY2020-21	$16,453,334	$29,083,190	-$12,629,856
FY2021-22	$14,808,000	$21,789,471	-$6,981,471
FY2022-23	$13,327,200	$18,695,179	-$5,367,979
FY2023-24	$11,994,480	$13,884,233	-$1,889,753
FY2024-25	$10,795,032	$15,286,253	-$4,491,221
FY2025-26	$9,715,529	$16,332,982	-$6,617,453
Total Over Ten Years	$162,917,246	$175,561,732	-$12,644,486

[23] Deborrah Brodsky, C. O. (2016). No Place for A Child: Direct File of Juveniles Comes at a High Cost; Time to Fix Statutes. The James Madison Institute.
[24] Ibid 23

7. Summary of Literature Research

7.1. The Deterrent Effect

Some legislative and societal circles perceive that juvenile criminals are treated too leniently. According to their perception, transferring juveniles to adult court has two types of deterrent effects. One thought, called the "general deterrent effect" is that sending juveniles to adult court will lead to an overall reduction in juvenile crime, as other juveniles will see harsh punishments given to their peers. On the other hand, another thought, called the "specific deterrent effect" believes that treating a juvenile as an adult in the criminal court system will lead to reductions or elimination of future criminal activity by that particular youth.

There is little evidence for the general deterrent effect, in fact, these policies may have actually backfired and increased youth offending (Singer S. I., 1996) (Singer S. I., 1988) (Jensen, 1994).

There is also little evidence for the specific deterrent effect (Bishop D. M.-K., 1996) (Fagan, Separating the men from the boys: The comparative advantage of juvenile versus, 1995). When combined with the efficacy of treatment services in youth centers versus adult prisons, it appears that it is more desirable for youth offenders to remain in the juvenile system (Podkopacz, The end of the line: An empirical study of judicial waiver, 1996).

7.2. Recidivism

According to studies (Durose, 2016.), approximately 77% of released prisoners will reoffend within five years. Youth recidivism is even more significant in many states, where up to 80 percent of the youth who are incarcerated are rearrested within 3 years of release.[25] The frequency of youthful offenders re-offending not only disturbs the community security but also dramatically decreases the ability and chance of the juveniles to experience a high quality of life. In addition, less lifetime earnings translates to an overall reduction in tax contribution.

Schmidt and Witte's (1989) survival time research shows that, for all released prisoners, recidivism rates are initially high in the 20 months or so right after one's release date and begin

[25] Justice Center, the Council of State Governments (https://csgjusticecenter.org/youth/reducing-juvenile-recidivism/)

to fall dramatically and steadily as the time after release increases. The factors, such as time served, age at release, number of prior convictions, race and gender characteristics, and crime characteristics (including distinctions between property and violent crimes) would alter the probability that someone will recidivate. Notably, if the number of priors and the time served in prison increases, there is an increased probability of recidivism. Carvalho and Bierens (2002) found that people commit fewer crimes as they get older. Other factors such as employment services for released prisoners also reduced recidivism (Carvalho J. H., 2002).

A 2018 study of juvenile recidivism in North Carolina found that children with less involvement with the juvenile justice system tend to have less likelihood of recidivating. [26] They partition the offended juveniles into four groups: closed cases, diverted cases, dismissed cases and adjudicated cases. The recidivism rate for closed cases is 33%, 37% for diverted cases, 43% for dismissed cases and 53% for adjudicated cases. The three-year follow up recidivism rates for North Carolina juveniles are listed in Table 21. Recidivism Rates for North Carolina Juveniles: Three-Year Follow-Up.

Table 21. Recidivism Rates for North Carolina Juveniles: Three-Year Follow-Up

Sample Year	Sample Size	Level of Involvement				Total
		Closed %	Diverted %	Dismissed %	Adjudicated %	%
FY 2005	20,236	36	39	48	56	45
FY 2007	20,364	35	38	46	53	43
FY 2009	17,660	34	38	46	57	44
FY 2011	15,942	32	39	44	53	42
FY 2013	14,120	33	37	43	53	42

SOURCE: NC Sentencing and Policy Advisory Commission

The discussion will focus next on factors that contribute to recidivism in youth. The studies of Heide, et. al. (2001) show that youth in the 1980s, who had committed murder or manslaughter and were sent to adult prisons, had a recidivism rate of 60%. Minor, et. al. (Minor, 2008) found

[26] North Carolina Sentencing and Policy Advisory Commission (https://www.nccourts.gov/assets/documents/publications/ncspacjuvrecid_2017.pdf?WZpJWCpzLEChJpoMrwiBMtZmXlfjB840)

that it is rare for youth recidivism to be as high as adult recidivism and the largest predictors of recidivism for youth were: gender, whether the youth had a familial history of abandonment, and if the youth were violent. Up to two-thirds of juvenile offenders are also involved in the child welfare system, and these juveniles have been shown to be far more likely to reoffend than juveniles who have never been in the child welfare system.[27] Mallet (Mallett, 2013) finds that youth with a previous diagnosis of conduct disorder, a self-reported previous suicide attempt, those who were older, and those who had an increased number of court offenses are more likely to recidivate.

Andrews and Bonta (1994) identified two categories of risk factors. One category are static factors, which include aspects that help to predict recidivism such as age, previous convictions and gender. The other category are dynamic factors, such as values, antisocial cognitions and behaviors. Edens (2007) found that when it comes to youth—past factors are less important in predicting future recidivism than the psychopathic nature of the individual.

Researchers found that youth transferred to the adult criminal system tend to have a higher recidivism rate than those that remained in the juvenile system. Studies (Bishop D. M.-K., 1996) (Fagan, 1995) (Podkopacz, 1996) show that youth transferred to the adult system were 40% to 60% more likely to recidivate than youth who remained in the juvenile system. There are also some researchers that believe the 40%-60% higher recidivism rate is based on a selection bias. Myers (2003) eliminated the selection bias and found that the difference of recidivism rates between two groups of youths might not be statistically significant. Winner, et. al. (1997) obtained results from their studies that youth transferred to adult court systems were more likely to reoffend by about 22% than the youth who were kept in juvenile system.

7.3. The Disposition Matrix and Recidivism

Baglivio, Greenwald and Russel (2015) conducted several research studies to examine the following three research areas:

[27] MST Services, Do We Know the Full Extent of Juvenile Recidivism? 2018 (http://info.mstservices.com/blog/juvenile-recidivism-rates)

(a) Do dispositions within the suggested range of the disposition matrix lead to lower recidivism rates?
(b) Does the relation hold for males and females, across race/ethnicity, and across risk scores, for the probability of youth to reoffend?
(c) Does the knowledge whether a youth received a disposition/placement within the suggested range of the disposition matrix assist in predicting recidivism?

To respond to the first question, Baglivio et. al. examined whether youth who received dispositions within the disposition matrix, at optimum or appropriate placement, had lower recidivism rates than those receiving dispositions outside the matrix suggestions.

Regarding the second question, Baglivio et. al. examined whether the findings of the above research hold true for a full sample and for separate groups, including males and females, across race/ethnicity and for risk levels to reoffend.

Concerning the third research topic, Baglivio et. al. developed five logistic regression models to examine whether following the suggestions of the disposition matrix enhances predictive models of likelihood of recidivism. The first model assesses receiving a disposition within or outside of the suggested range for the full sample, and the other four models assess whether receiving such dispositions/replacement matters for each risk level of youth (low, moderate, moderate-to-high, and high). Each model contains regressors such as demographic characteristics, risk level (obtained from Community Positive Achievement Change Tool, C-PACT), prior and presenting offenses, abuse and trauma histories.

The results of the research relating to the first question show that the dispositions/placements within the suggested range of the disposition matrix had an average recidivism rate of 19.4%, whereas the juveniles who had a disposition outside the suggested range of the disposition matrix had an average recidivism rate of 38.7%, which was twice as high. The high-risk youth placed outside of the range of the suggested disposition matrix had a recidivism rate 39% higher than the same risk group placed within the suggested range of the disposition matrix. The recidivism rate more than doubled for low-risk youth disposed outside of the suggested

range of the disposition matrix versus those disposed within the suggested range of the disposition matrix (28% vs. 13%).

Individual analyses based on different risk and characteristic groups are shown in Table 22, depicting that the relationship of recidivism and adherence to the disposition matrix described above is true for all risk levels of youth, as well as for males, females, and across race/ethnicity.

Table 22: Recidivism Rates by Level of Adherence to the Disposition Matrix

Twelve-Month Recidivism Rates by Level of Adherence to the Disposition Matrix

Subgroup	Below Guidelines	Optimum Placement	Appropriate Placement	Above Guidelines	ANOVA *F*
Full sample	53.5%	18.9%	21.3%	34%	253.2***
Low risk	N/A	13.2%	13.1%	28.2%	81.6***
Moderate risk	N/A	31%	24.4%	33.8%	10.1***
Moderate-to-high risk	46.1%	38.2%	35.4%	39.3%	3.3*
High risk	57.9%	37.1%	44.1%	49.8%	22.4***
Males	54.7%	22.1%	23.6%	36.8%	164.6***
Females	49.3%	12.2%	12.4%	17.5%	64.7***
White	56.1%	16.2%	18.0%	28.2%	108.1***
Black	51.4%	22.6%	25.3%	39.4%	99.4***
Hispanic	56.3%	16.7%	18.6%	27.4%	38.7***

Notes. N/A for low- and moderate-risk youth placed below guidelines as diversion is always appropriate for those youth regardless of presenting offense, meaning no dispositions/placements can be below guidelines for those youth. Cells with less than 250 youth include high risk above guidelines ($N = 203$), female below guidelines ($N = 152$), White below guidelines ($N = 237$), and Hispanic below ($N = 96$) and above guidelines ($N = 234$).
$^{*}p < .05$. $^{***}p < .001$.

The results for the logistic regression models are shown in Table 23. The significant coefficients are marked in bold and with asterisk sign according to confident levels. Regarding the results for the full sample; admission age and present offense do not have significant influence on the recidivism rate. Whether the depositions are within the suggested range of the deposition matrix or not has a 1% level significant negative effect on recidivism rate. Among the other four models, admission age and present offense have a significant impact on low-risk youths' recidivism rates, but not so much on those of the higher risk groups. Within or outside the suggested range of the disposition matrix has a significant role in predicting recidivism rate in

all risk groups. Whether the suggested range of the disposition matrix is followed or not has the biggest negative impact on low-risk youth and the lowest negative impact on moderate-risk youth.

Table 23: Logistic Regression Models Predicting Subsequent Recidivism

Logistic Regression Models Predicting Subsequent Recidivism

Covariates	Model 1 Full Sample			Model 2 Low-Risk Youth			Model 3 Moderate-Risk Youth			Model 4 Moderate-to-High-Risk Youth			Model 5 High-Risk Youth		
	b	*SE*	Exp(*B*)	*b*	*SE*	Exp(*B*)	*b*	*SE*	Exp(*B*)	*b*	*SE*	Exp(*B*)	*b*	*SE*	Exp(*B*)
Sex	**0.616****	0.033	1.85	**0.639****	0.043	1.90	**0.427****	0.086	1.532	**0.532****	0.090	1.70	**0.638****	0.103	1.89
Race	**0.224****	0.027	1.25	**0.274****	0.037	1.32	**0.251****	0.068	1.29	**0.214****	0.069	1.24	0.006	0.078	1.01
Admission age	−0.036	0.023	0.97	**0.108****	0.033	1.11	**−0.115***	0.057	0.89	**−0.143***	0.056	0.87	**−0.164***	0.071	0.85
Present offense	−0.118	0.025	0.89	**−0.239****	0.042	0.79	−0.059	0.056	0.94	−0.078	0.049	.925	−0.027	0.052	0.97
Most serious prior	**−0.032***	0.014	0.97	**0.060****	0.020	1.06	**−0.135****	0.033	0.87	**−0.204****	0.033	0.82	−0.059	0.045	0.94
C-PACT risk	**0.542****	0.014	1.72												
Within matrix	**−0.527****	0.044	0.59	**−0.874****	0.079	0.42	**−0.240****	0.089	0.79	**−0.248****	0.088	0.78	**−0.552****	0.099	0.58
Constant	−1.99**	0.107	0.11	−1.89**	0.165	0.15	−0.119	0.300	0.89	0.622*	0.241	1.86	0.546	0.296	1.73
R^2		0.12			0.03			0.02			0.04			0.04	
N	38,117			26,116			4,542			4,326			3,133		

Notes. *SE* = standard error. R^2 = Nagelkerke R^2. Significant predictors are in bold.
*$p < .05$. **$p < .01$.

7.4. Costs of Direct File Reform

Based upon the population of youth direct filed in recent years, the Florida Department of Juvenile Justice estimated the 315 youths affected by the reforms in SB 192 (2018) (identical to HB 509 (2018))[28] would be disposed to the DJJ system as follows:

Table 24: Expenditures of Direct File Reform

Disposition	# Youth	Days of Stay	Per Diem Rate/Cost of Supervision
Probation	44 youth (14%)	277.8 days	$10.67
Non-Secure	63 youth (20%)	225.4 days	$191.00
High Risk	113 youth (36%)	341.2 days	$221.00
Max Risk	95 youth (30%)	635.4 days	$221.00

[28] The staff analysis for SB 192 can be found in Supplementary materials 6.2.

The Department of Juvenile Justice estimated the fiscal impact to be a minimum of $ 19.02 million in the first year, and $24.70 million annually in the subsequent years.

Concerning facility costs, the DJJ currently has an operating capacity of just over 2,100 residential beds and has a current utilization rate of 98%. DJJ's fiscal analysis also asserted that facilities might need to be constructed or the Department of Juvenile Justice might need to solicit private vendors to provide additional facilities and programs.

7.5. Cost-Benefit Analyses

Mitchell's (2017) study shows that after the Raise the Age program is implemented in Missouri, the expected 306 offenders under the age of 18 kept in the juvenile system will incur an annual cost of $20.7 million to the state for new facilities and extra staff in the juvenile system. But it will also reduce $17.273 million per FY of the cost of incarceration in prison for Department of Corrections, which lead to a net cost of $3.457 million per FY. On the other hand, with the assumption that those 306 youths will stay in juvenile rehabilitation until age 21, their estimated lifetime tax contributions will be $51.971 million more than if those youths had been sent to adult prison. Subsequent tax gain can be even larger if one takes into account that prison released juveniles have a 67% recidivism rate whereas the recidivism rate for youths who were kept in juvenile residential programs is 15%[29]. According to Mitchell's (2017) annual tax studies, if every year there are 306 new juveniles entering the juvenile justice system due to Raise the Age program, and they are released four years later, the compound average annual growth rate in tax revenue of this cohort is equal to 22.37% per year. The yearly tax revenue will continue increasing and reach the annual contribution of $3.457 million, when the first group of 306 juveniles are 29 years old.

The research of PAJ and James Madison Institute (JMI) show, according to the predictions of DJJ Disposition Matrix (Michael Baglivio, 2014), that the majority of transferred youths (57 percent) would not have been recommended for a residential program if they had been retained in the juvenile system. The PAJ and JMI estimated the potential costs of direct file law reform and

[29] For recidivism rates among released adults, see https://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx. The 2016 annual report of the Division of Youth Services is available at https://dss.mo.gov/re/pdf/dys/youth-services-annual-report-fy16.pdf

costs of status quo using the publicly available data of juvenile disposition, and admission and release data, on children transferred for an offense. Comparing the costs of reform and the costs of status quo, the PAJ and JMI show that the direct file law reform results in $12.6 million in cost savings over ten years. One of the reasons for retaining youth in the juvenile system is that it not only costs less money, as the lengths of incarceration in the adult system are significantly longer, but also that the juvenile justice system is more effective at rehabilitating youth.

8. Economic Methodology and Analyses

8.1.Cost-Methodology and Analyses

Proposed legislation to delimit, or even eliminate, direct file (e.g., HB 509 (2018) & SB 192 (2018))[30] is geared to redirect juveniles or youthful offenders (younger than 18 years of age at the date of the crime) back to the juvenile justice system from the adult criminal justice system after being direct filed. The restoration of the juveniles who were transferred to the adult system through direct file is to be managed via the introduction of a due process hearing, which could override the current standard of a prosecutorial-determined direct file transfer. Appendix B provides a flow chart that depicts the current direct file DJJ and DOC processes, including the position of the proposed due process hearing. In effect, the judicial hearing would constitute a "second opinion" on a prosecutor's direct file decision. The following two chapters (8 and 9) outline an economic methodology, cost analyses and findings on a redirect of juveniles back to the juvenile justice system. As a result of the introduction of the due process hearing some juveniles, one may assume, will be held accountable through the DJJ rather than the DOC. This redirection translates to potential cost savings accrued on behalf of the DOC, and conversely, costs accumulated with the DJJ, dependent on the appropriate, or available, DJJ programs.

Given the small number of direct filed juveniles, in principle the economic methodology should be marginal cost analysis. Marginal cost analysis examines the incremental costs involved with

[30] These two bills contained various direct file reforms that have been introduced in the 2019 session as HB 339, HB 575, SB 850, SB 870, and SB 876.

an addition (or removal) of a small number of juveniles, transferring (or reallocating) them from the DOC to DJJ. The assumption of a small change is usually combined by the Ceteris Paribus assumption, i.e., all other things remaining constant. In keeping the assumption, the research team opted to use total costs estimates and changes in total cost when comparing results. Both DOC and DJJ total costs were analyzed based on the broad programmatic categories of DJJ: both Non-Secure Residential programs, and Secure Residential programs, as well as DJJ Probation, on the one hand,[31] and DOC: Inmate programs, and Community programs,[32] on the other hand. Given constraints on data availability, the study team found that a more detailed breakout, or a finer programmatic resolution level, especially involving the DJJ programs, proved too problematic to analyze, at this time.

It is also assumed that several consecutive years of data can be analyzed from a static perspective, through the application of an inflation adjustment to cost values. The static analysis approach permits the research team to distinguish annual services as similar "service batches" within one period of analyses, providing some equivalent data points for simultaneous analyses. The cost adjustment denominator used is 2018, or current dollars, applied to the years FY2013-14 through FY2017-18. The research team examined five-year timeframe as it

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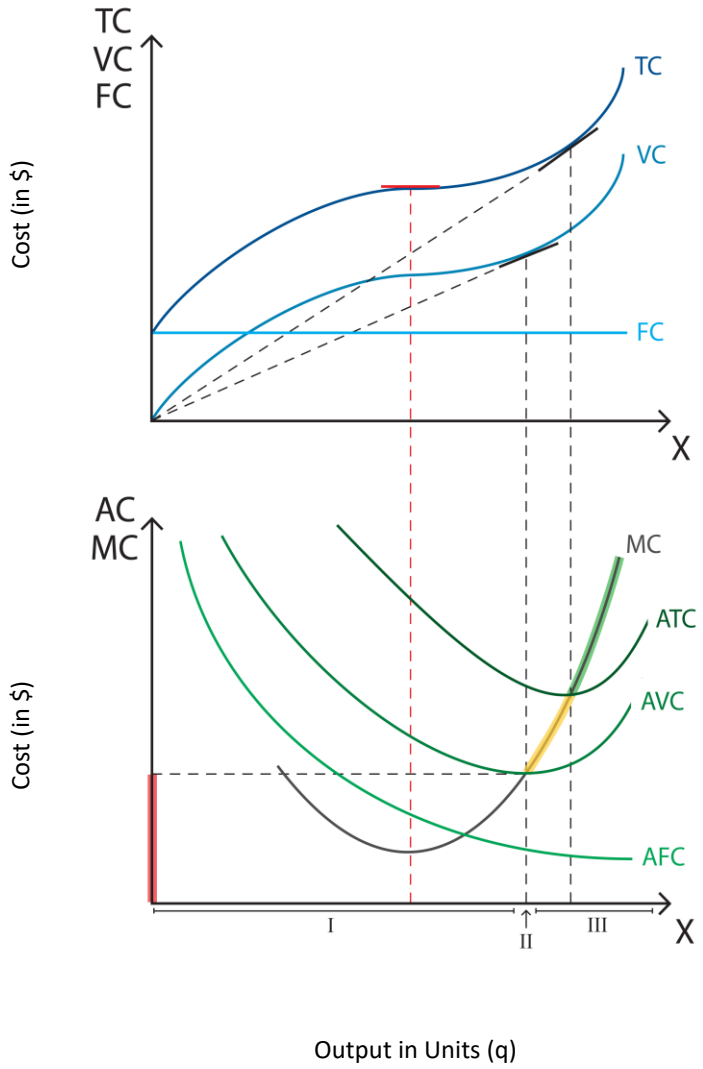
[31] = "Non-secure programs are designed for youth who are a low or moderate risk to public safety and require close supervision. Youth may have a juvenile record that includes commitments for a third-degree felony or repeated misdemeanors and have usually performed unsuccessfully in diversion or probation programs. Youth in these programs may be allowed limited access to the community. Non-secure programs provide year-round educational services focused on the attainment of a high school diploma, GED, college credit, or available vocational programming."
= "High-risk residential programs are staff and hardware-secured. Youth assessed and classified for this level of placement require close supervision in a secure, structured residential setting. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs that are less secure. High-risk programs offer limited access to the community, if during the last 60 days of residential placement, the youth is evaluated to be at a low risk to offend while in the community during the home visit. In addition to year-round educational services focused on the attainment of a high school diploma, GED, college credit, or the available vocational programming, youth also receive an array of integrated services."
= "The purpose of Probation and Community Intervention Services is to increase public safety by reducing juvenile delinquency through effective intervention and case management services to youth on diversion, probation, and post-commitment supervision. Probation and Community Intervention promotes accountability using restorative sanctions and treatment services that strengthen families and help support youth in becoming responsible citizens."
Source: Florida Department of Juvenile Justice, Comprehensive Accountability Report (CAR), FY2016-17.
[32] = "Inmates in Florida may be housed in prisons, annexes, work camps, community release centers or road prisons. Each facility serves a different function and inmates must be specific custody levels to be placed in particular facilities. … The classification of inmates for placement in these different facilities takes into account the seriousness of their offenses,"
= "Community Corrections promotes public safety by providing effective supervision of offenders in the community; holding offenders accountable and connecting offenders to services in order to reduce victimization and the re-occurrence of crime."
Florida Department of Corrections, Annual Report FY2017-18.

best represents the more recent policy changes and associated juvenile populations. Monthly breakouts would provide some additional data points, but breakouts were not feasible given data limitations.

In addition, in using historic data, it is noted that the difference between due process hearings after transfer to adult courts, and due process hearings before transfer, raises a clear question in terms of effectiveness. However, the research team's effort is focused on providing insights into the cost trade-offs between the DOC and DJJ, and will leave any policy discussion on where to position the due process hearing in the legal proceedings to legal experts.

Finally, the cost analysis at hand does not include fixed costs. A redirection of a juvenile from DOC to one of the programs in the DJJ system does not e.g. come with a transfer of a bed or a prison cell, or a "slice" of other fixed cost. The cost data used for the analyses are based on operational costs obtained primarily from the respective department's budgets or annual reports. Capital and equipment outlay (and associated depreciation) are typically not reported in government budgets. The same holds for not including departmental administrative and overhead costs. In lieu of the final data used, it is noted that the analyses came with some challenges. Although the analysis (and subsequent results) are expected to be reported with some measure of precision, the data availability was scant and at times contradictory (hence, the following analyses and results will provide only a reasonable estimate or range of estimates as rendered possible). Cost functions needed to be established and interpreted, which is both a practical and theoretical challenge. Likewise, the methodologies described in the aforementioned literature review, could not be reproduced due to lack of data, or due to possible misguided methodologies, even if it was only for the purpose of comparing the results.

The following Figure 14 provides the cost function framework for the economic analysis.



Total, Variable and Fixed costs:

TC = Total or Aggregate Cost

VC = Variable Cost

FC = Fixed Cost

and FC + VC = TC

Total, Average and Marginal costs:

AC = TC/q

ATC = Average Total Cost

AVC = Average Variable Cost

AFC = Average Fixed cost

MC is Marginal Cost

and AFC + AVC = ATC

Three points about the relationship between MC and AC are:
i. If MC < ATC, then ATC is decreasing,
ii. If MC = ATC, then ATC is constant.
iii. If MC > ATC, then ATC is increasing or rising.

Figure 14. General Economic Cost Framework[33]

Specifically the average costs curve (ATC and AVC) is u-shaped (initially, the variable cost per unit of output decreases as output increases. At one point, it reaches a low. After the low, the variable cost per unit of output starts to increase).[34]

The following will include a stepwise approach to the methodology and analyses. First, DOC cost analyses are conducted for both DOC Inmates and Community programs. Next, the three

[33] Image downloaded form: https://econfix.wordpress.com/tag/cost-curves/

[34] This is driven by two factors; the law of diminishing returns, and fixed costs.

program-categories under DJJ are analyzed: Probation, Non-Secure Residential Commitment programs, and Secure Residential Commitment programs. No analyses are conducted on detention (neither from DOC nor from DJJ), since the detention cost is accrued already prior to the proposed due process hearing, hence prior to a potential moment of transfer. Finally, comparisons are made between the two sets of analyses for DOC and DJJ, by means of five scenarios (Chapter 9.1).

Concerning the DOC data, three data sets were used: 1) the DOC budget;[35] 2) the DOC annual reports;[36] and 3) Bureau of Labor Statistics (BLS) consumer price indexes, or indices.[37] The budgets are readily available, and provide useful breakouts (especially for the following DJJ analyses), based on the assumption that budgets are a close approximation for actual costs. Hence, instead of referring to budget data, the term "costs" will be used. Regarding the DOC budget in particular, the DOC budget line items unfortunately do not provide a breakdown of costs associated with the detention, jail, or community programs. Therefore, the DOC annual reports were used to compile the information. In particular, the DOC detention cost (as shown in Table 25), and community supervision program cost (as per Table 26) were used.

Table 25. DOC Annual Average Detention Program Population, Per Diem, Per Year, and Total Indexed Costs, FY2012-13 though FY 2017-18

FY	Average Population	Total per Diem	Total per Year	Total Cost	% Budget	Total Budget	Budget Indexed	Total Indexed Cost Inmates*
2017-18	**86,729**	$59.57	$ 21,758	$1,887,044,595	78%	$2,430,908,685	$2,487,426,974	**$ 1,930,918,120**
2016-17	**97,794**	$55.80	$ 20,381	$1,993,134,624	86%	$2,323,213,901	$2,481,918,718	**$ 2,129,290,863**
2015-16	**89,012**	$53.49	$ 19,537	$1,739,047,249	77%	$2,269,339,381	$2,476,803,256	**$ 1,898,031,614**
2014-15	**90,404**	$51.65	$ 18,865	$1,705,486,151	77%	$2,214,655,236	$2,436,937,666	**$ 1,876,663,858**
2013-14	**90,653**	$49.49	$ 18,076	$1,638,663,798	76%	$2,168,523,999	$2,313,478,752	**$ 1,748,200,104**
2012-13	**90,029**	$47.50	$ 17,349	$1,561,946,882	74%	$2,105,168,892	$2,245,353,769	**$ 1,665,958,171**

* In inflation-adjusted dollars

[35] DOC budgets for State Fiscal Years, FY2012-13 through FY2016-17, are taken from: http://www.floridafirstbudget.com

[36] Offender Search database downloaded from: http://www.dc.state.fl.us/pub/obis_request.html. The database proofed useful but fell short in accuracy concerning the annual equivalent counts e.g. due to inmates passing while in jail or maybe early parole (as opposed to the end dates provided). Hence the average population and ibid the persons in community supervision programs (read Probation) from the annual DOC budgets were used instead. Annual DOC budgets were downloaded from http://www.dc.state.fl.us/pub/index.html

[37] Bureau of Labor Statistics, All Urban Consumers (Chained CPI), taken from: https://www.bls.gov/data/#prices

As depicted in Table 25, column 2 shows the annual average inmate population. The annual Per Diem are used to calculate the total costs as shown in column five. Next, the total cost is compared to the total budget in column seven to calculate the utilization percentage for detention, in particular (in column six). The total budget column seven is then indexed to current 2018 dollars, as shown in column eight. Finally, as presented in the last column, the percentage utilization is applied to obtain the values in the last column, which in conjunction with the average population (columns two and nine) are used in the subsequent analyses.

Table 26 is similar in structure as Table 25, but applies to the DOC category of Community Supervision Programs.

Table 26. DOC Annual Average Community Supervision Program Population, Per Diem, Per Year, and Total Indexed Costs, FY2012-13 though FY2017-18[38]

FY	Average Population	Total per Diem	Total per Year	Total Cost	% Budget	Total Budget	Budget Indexed	Total Indexed Cost Inmates*
2017-18	**166,157**	$5.47	$1,998	$331,967,978	14%	$2,430,908,685	$2,487,426,974	**$339,686,187**
2016-17	**167,230**	$5.52	$2,016	$337,165,781	15%	$2,323,213,901	$2,481,918,718	**$360,198,458**
2015-16	**168,214**	$5.05	$1,845	$310,272,826	14%	$2,269,339,381	$2,476,803,256	**$338,638,086**
2014-15	**171,102**	$4.44	$1,622	$277,477,824	13%	$2,214,655,236	$2,436,937,666	**$305,327,958**
2013-14	**175,819**	$5.00	$1,826	$321,089,449	15%	$2,168,523,999	$2,313,478,752	**$342,552,638**
2012-13	**178,712**	$4.44	$1,622	$289,819,038	14%	$2,105,168,892	$2,245,353,769	**$309,118,319**

* In inflation-adjusted dollars

As depicted in Figure 15,[39] the data points (Per Diem and total indexed costs) from both tables 25 and 26 (in columns two and nine), are used to estimate total costs (TC), average costs (AC) and marginal costs (MC). The cost equation variables are calculated using a logged orthogonal

[38] Column three data total Per Diem personal communication and courtesy of David Ensley, DOC.

[39] Used are:

$$TC(x) = a\frac{Log_b(x+c)}{\frac{x}{d}+e}$$

$$AC(x) = \frac{a\frac{Log_b(x+c)}{\frac{x}{d}+e}}{x}$$

$$MC(x) = a * \frac{\frac{1}{Ln(b)(x+c)} * \left(\frac{x}{d}+e\right) - \frac{1}{d} * Log_b(x+c)}{(\frac{x}{d}+e)^2}$$

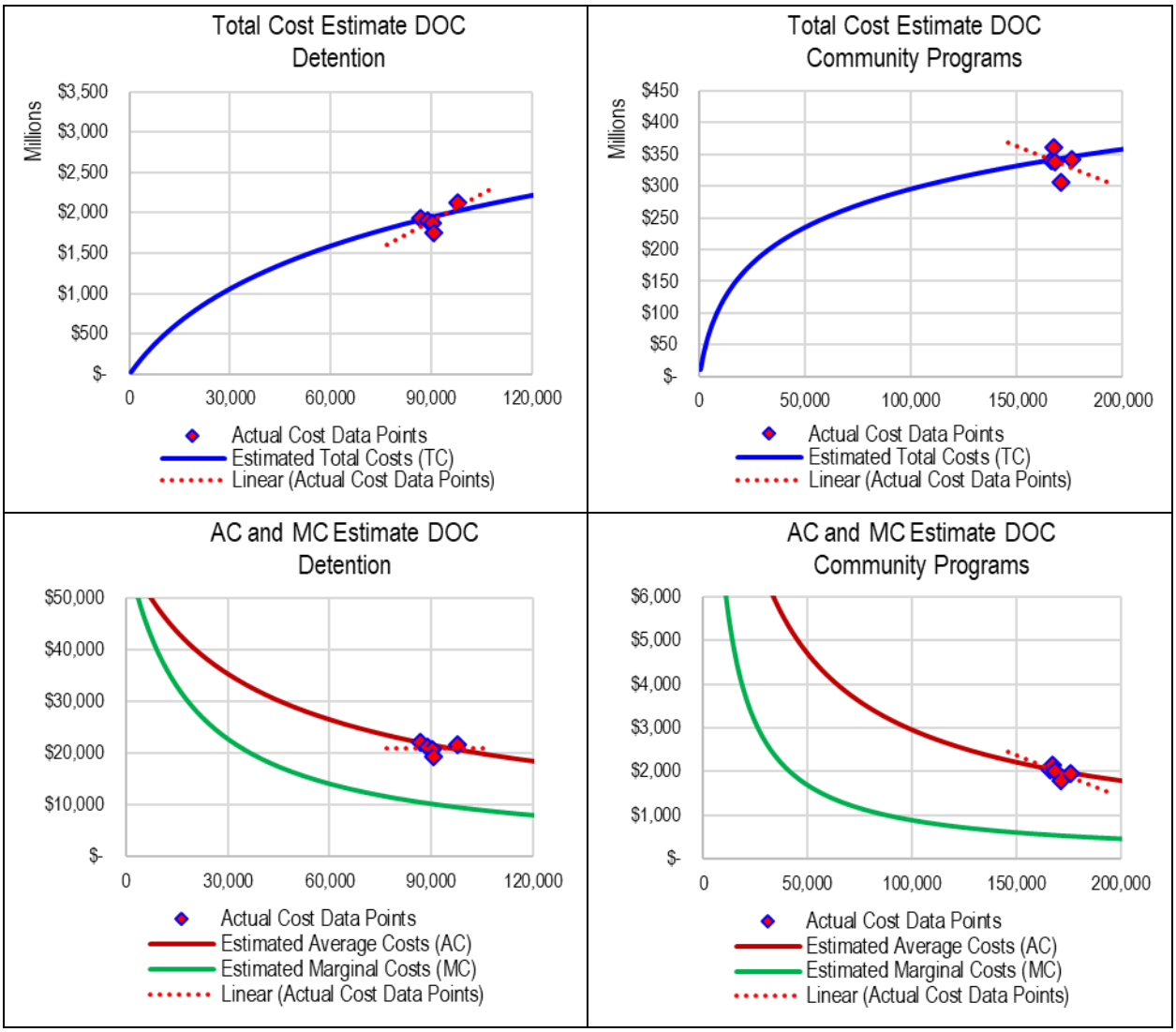
polynomial as base, applying the principle of ordinary least squares (OLS).[40] In particular, the actual average cost data points are used, due to the fact that average cost curves provide a unique slope (either negative or positive), whereas the total costs would fit two different locations on its curve. The total cost equation is subsequently derived from the best fitting average cost curve.

Developed variable results (deviation in percentages):

	DJJ: Non-Secure Residential Commitment Programs	DJJ: Secure Residential Commitment Programs	DJJ: Community/Probation Programs	DOC: Correction	DOC: Probation
a	19,802,574.2455	13,711,811.5203	38,704,609.7061	1,103,325,439.2884	90,531,322.9983
b	2.7163	2.7191	2.7202	2.7173	2.6893
c	1,019.0324	766.5034	253.0907	18,560.6309	4,181.5923
d	2,309.4907	199,897,063,629.3270	1,486.4508	(999,682,906.9822)	(2,193.9698)
e	1,020.0320	767.5034	254.0900	18,561.6304	4,182.5927
±	0.9384%	0.7119%	0.2473%	1.2853%	1.2651%

[40] Ordinary least squares **(**OLS**)** is a type of linear least squares method for estimating the unknown parameters in a linear regression model. Under the additional assumption that the errors are normally distributed, OLS is the maximum likelihood estimator. OLS chooses the parameters of a linear function of a set of explanatory variables by the principle of least squares: minimizing the sum of the squares of the differences between the observed dependent variable in the given dataset and those predicted by the linear function. The logged orthogonal polynomial was used to provide a base for the S-curve slope of total costs. The estimation process involved millions of iterations, with the resultant cost equations as developed, providing a very close approximation.

Figure 15. Total, Average and Marginal Costs for the DOC Inmate and Community Supervision Programs



Tables 27a and 27b provide comparisons between the actual data points and the estimates as derived per the cost equations.

Table 27a. DOC Inmate Cost and Cost Estimates*

FY	Price Adjusted Budget	# of Average Inmate Population	Actual Average	Estimated Cost	Estimated Average Cost per Year	Estimated Marginal Cost per Year	Est. Avg. Cost per Service Day	Est. Marg. Cost per Service Day
2017-18	$ 1,930,918,120	86,729	$ 22,264	$ 1,915,633,436	$ 22,088	$ 10,500	$ 60.47	$ 28.75
2016-17	$ 2,129,290,863	97,794	$ 21,773	$ 2,025,925,502	$ 20,716	$ 9,504	$ 56.72	$ 26.02
2015-16	$ 1,898,031,614	89,012	$ 21,323	$ 1,939,309,639	$ 21,787	$ 10,278	$ 59.65	$ 28.14
2014-15	$ 1,876,663,858	90,404	$ 20,759	$ 1,953,500,238	$ 21,609	$ 10,147	$ 59.16	$ 27.78
2013-14	$ 1,748,200,104	90,653	$ 19,285	$ 1,956,019,517	$ 21,577	$ 10,124	$ 59.07	$ 27.72

* In inflation-adjusted dollars

Table 27b. DOC Community Supervision Program Cost and Cost Estimates*

FY	Price Adjusted Budget	# of Average Community Programs Population	Actual Average	Estimated Cost	Estimated Average Cost per Year	Estimated Marginal Cost per Year	Est. Avg. Cost per Service Day	Est. Marg. Cost per Service Day
2017-18	$ 339,686,187	166,157	$ 2,044	$ 340,891,548	$ 2,052	$ 552	$ 5.62	$ 1.51
2016-17	$ 360,198,458	167,230	$ 2,154	$ 341,477,088	$ 2,042	$ 548	$ 5.59	$ 1.50
2015-16	$ 338,638,086	168,214	$ 2,013	$ 342,010,908	$ 2,033	$ 545	$ 5.57	$ 1.49
2014-15	$ 305,327,958	171,102	$ 1,784	$ 343,560,565	$ 2,008	$ 537	$ 5.50	$ 1.47
2013-14	$ 342,552,638	175,819	$ 1,948	$ 346,038,590	$ 1,968	$ 523	$ 5.39	$ 1.43

* In inflation-adjusted dollars

Actual data is presented in the first three columns while estimated annual costs are shown in red font, and Per Diem estimated costs in blue font. Estimated averages range between a margin of +/- 1.28 percent of the actual average costs, respectively. Given that annual DOC data points per category were used, the cost equation also reflects an annual basis. The estimated service day costs are calculated by dividing annual costs by 365.25.

The DOC inmate Per Diem cost averages $59.02, as compared to an actual average of $57.72. The (five year) average community supervision program Per Diem cost averages $5.53, compared to an actual average of $5.45. The estimates, and hence the cost equations, will be used for further analyses, as alternate quantities (e.g., redirected juveniles and for calculations of trade-off or cost shift between DOC and DJJ) need to be analyzed.

Regarding the analyses of the DJJ programs, three data sets were used: 1) the DJJ budget;[41] 2) DJJ Service day costs;[42] and 3) BLS consumer price indexes. As per the DJJ budget, line items "Total: PROBATION AND COMMUNITY CORRECTIONS PROGRAM (Program)", and two line-items Non-Secure, and Secure under Residential Corrections Program (Program) were used. Relating to specifics on quantities of data needed, the research team was hampered by the scattered data publicly available in the Comprehensive Accountability Reports (CAR).[43] In addition, the research team was unable to reproduce, the fulltime equivalent calculation for juveniles, as intake and release dates are not available in the DJJ available database. Instead, the data requested and provided by DJJ, as shown in Table 28, is used.[44]

Table 28. Service Days per DJJ Program(s), for FY2013-14 through FY2017-18

Service	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Non-secure residential	498,964	476,713	466,633	480,888	460,925
High risk residential	175,568	167,237	177,996	181,930	193,000
Max risk residential	57,666	57,842	55,227	55,930	54,363
State-operated probation	4,229,816	4,046,474	3,897,702	3,565,040	3,350,383
Provider-operated probation	21,583	22,005	22,842	20,307	21,631
Probation enhancement services	321,041	315,416	282,051	298,784	409,212
Redirections	102,062	133,452	130,289	138,726	108,037
Post-commitment state operated	650,616	590,746	606,638	603,366	596,301
Post-commitment provider operated	37,976	25,824	24,604	23,462	22,178
Diversion	907,388	1,368,278	1,454,194	1,445,713	1,449,554
Day Treatment	157,124	177,385	174,925	167,916	170,178
Secure detention	318,234	329,817	343,352	349,874	381,062
Home detention and electronic monitoring	386,233	412,866	389,389	412,803	371,672

* Youth on Diversion are often placed and released the same day in JJIS, therefore served and ADP may not be accurate. Additionally, in more recent years, more programs enter true spans of service, so the increase in diversion service days is likely artificial.

[41] DJJ budgets for State Fiscal Years, FY2012-13 through FY2016-17, are taken from: http://www.floridafirstbudget.com

[42] As obtained from Mark Greenwald, DJJ. The research team spend some time on collecting data from the Juvenile data in the DJJ annual Comprehensive Accounting Reports (CAR), but the data proofed incomplete and attempts to work it in a consistent framework came with too many assumptions, especially on the actual average population counts of juveniles, at the various program levels, per year. The CAR reports can be found at http://www.djj.state.fl.us/research/reports/reports-and-data/static-research-reports/comprehensive-accountability-report. The DJJ downloadable database does not come with begin or receipt, and end or release dates. The dbase was downloaded form: http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-profile/delinquency-profile-dashboard

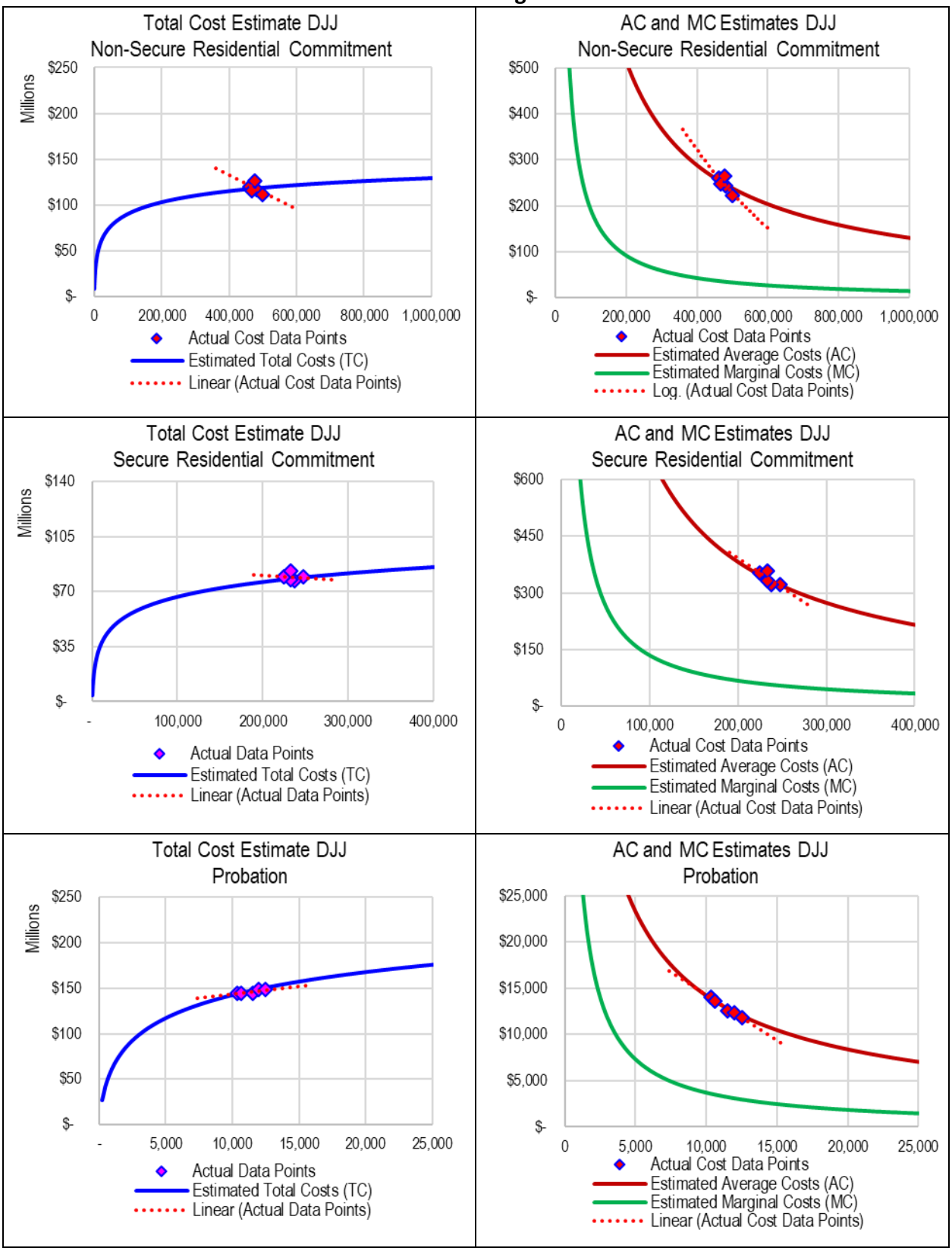
[43] Annual CAR reports available at http://www.djj.state.fl.us/research/reports/reports-and-data/static-research-reports/comprehensive-accountability-report.

[44] The full table as obtained is published here for documentation purposes, while only the three residential program lines and the three probation lines will be used for this analysis.

For Non-Secure Residential Programs, the top row is used. For Secure Residential Programs, the next two rows are used. Finally, for Probation Programs, the three subsequent rows are used. As depicted in Figure 16, the data points are used to derive equations for total costs (TC), average costs (AC) and marginal costs (MC).[45] Again, applying OLS, the following regressions are calculated with a logged orthogonal polynomial as a base (similar as earlier with the DOC data).

[45] Ibid footnote 39

Figure 16. Total, Average and Marginal Costs, DJJ Non-Secure and Secure Residential and Probation Programs



Tables 29a, 29b and 29c show the Non-Secure, Secure, and Probation Programs analyses input data in addition to the estimation results.

Table 29a. DJJ Non-Secure Residential Programs Cost and Cost Estimates

FY	Price Adjusted Budget	# of Juvenile Service Days	Actual Average	Estimated Cost	Estimated Average Cost per Year	Estimated Marginal Cost per Year	Est. Avg. Cost per Service Day	Est. Marg. Cost per Service Day
2017-18	$ 119,804,564	460,925	$ 259.92	$ 117,650,831	$ 93,230	$ 13,090	$ 255.25	$ 35.84
2016-17	$ 117,085,369	480,888	$ 243.48	$ 118,349,276	$ 89,890	$ 12,459	$ 246.11	$ 34.11
2015-16	$ 115,948,201	466,633	$ 248.48	$ 117,854,078	$ 92,249	$ 12,904	$ 252.56	$ 35.33
2014-15	$ 125,910,859	476,713	$ 264.12	$ 118,206,033	$ 90,568	$ 12,586	$ 247.96	$ 34.46
2013-14	$ 111,318,279	498,964	$ 223.10	$ 118,953,112	$ 87,076	$ 11,933	$ 238.40	$ 32.67

* In inflation-adjusted dollars

Table 29b. DJJ Secure Residential Programs Cost and Cost Estimates

FY	Price Adjusted Budget	# of Juvenile Service Days	Actual Average	Estimated Cost	Estimated Average Cost per Year	Estimated Marginal Cost per Year	Est. Avg. Cost per Service Day	Est. Marg. Cost per Service Day
2017-18	$ 79,401,148	247,363	$ 320.99	$ 79,210,200	$ 116,960	$ 20,184	$ 320.22	$ 55.26
2016-17	$ 76,686,269	237,860	$ 322.40	$ 78,674,902	$ 120,811	$ 20,988	$ 330.76	$ 57.46
2015-16	$ 77,312,625	233,223	$ 331.50	$ 78,405,914	$ 122,791	$ 21,404	$ 336.18	$ 58.60
2014-15	$ 79,326,107	225,079	$ 352.44	$ 77,920,321	$ 126,446	$ 22,176	$ 346.19	$ 60.71
2013-14	$ 83,320,042	233,234	$ 357.24	$ 78,406,558	$ 122,787	$ 21,403	$ 336.17	$ 58.60

* In inflation-adjusted dollars

Table 29c. DJJ Probation Programs Cost and Cost Estimates

FY	Price Adjusted Budget	# of Equivalent Full-Time Juveniles	Actual Average	Estimated Cost	Estimated Average Cost per Year	Estimated Marginal Cost per Year	Est. Avg. Cost per Service Day	Est. Marg. Cost per Service Day
2017-18	$ 144,952,928	10,352.43	$ 14,001.82	$ 143,276,307	$ 13,840	$ 3,550	$ 37.89	$ 9.72
2016-17	$ 144,976,666	10,634.17	$ 13,633.10	$ 144,262,298	$ 13,566	$ 3,455	$ 37.14	$ 9.46
2015-16	$ 144,669,885	11,506.08	$ 12,573.34	$ 147,155,246	$ 12,789	$ 3,192	$ 35.02	$ 8.74
2014-15	$ 148,490,082	12,002.45	$ 12,371.65	$ 148,705,060	$ 12,390	$ 3,059	$ 33.92	$ 8.37
2013-14	$ 148,317,467	12,518.66	$ 11,847.71	$ 150,249,589	$ 12,002	$ 2,931	$ 32.86	$ 8.03

* In inflation-adjusted dollars

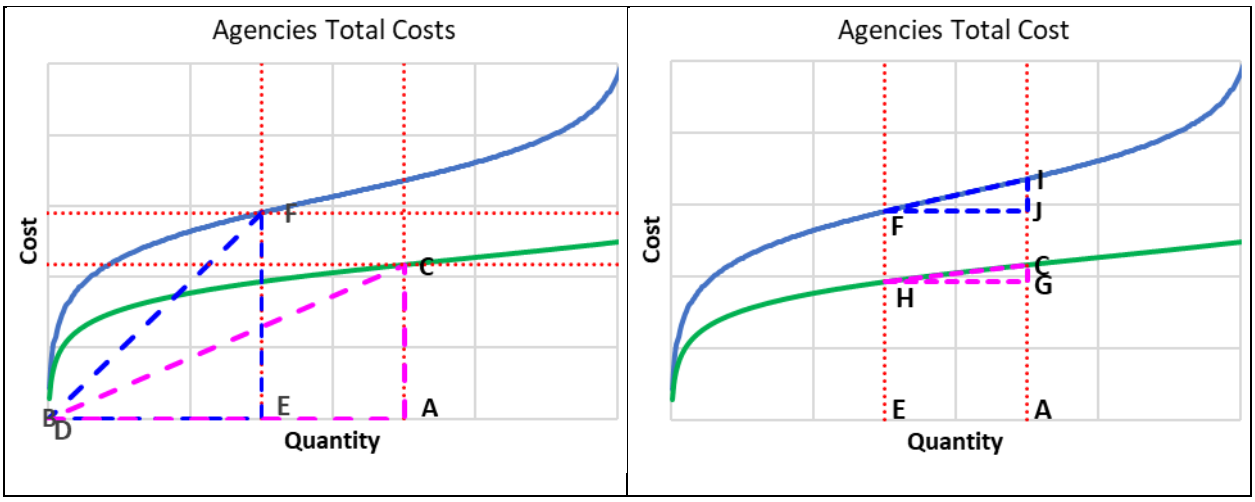
Concerning Tables 29a and 29b, actual data is shown in the first three columns, while annual estimated costs are shown in red font and Per Diem costs are in blue font. All estimates are based on the derived cost equations. The equations provide an excellent fit of the actual data; as the estimated average costs fall within a close margin of +/- 0.94 and 0.71 percent of the actual average costs, respectively. Since the DOC data per category were per service days, the equations are also on a per day basis, where annual cost estimates are daily costs multiplied by 365.25. Regarding Table 29c, actual data is shown in the first three columns. It should be noted that juveniles on probation are expressed in annual or full-time equivalents (instead of the data being provided in service days).[46] Estimated annual costs are shown in red font (based on the equations) and the Per Diem costs are shown in blue font. Estimated averages are within +/- 0.25 of the actual average costs. The estimated cost per service day is derived by division by 365.25.

Based on the estimations, the DJJ Per Diem costs for juveniles in the Non-Secure Residential Programs averages $248.06, as compared to the actual costs average of $247.82.[47] Likewise, the Secure Residential Program estimated average Per Diem is $333.91, compared to the actual average costs of $336.91.[48] The estimated average Per Diem for juvenile probation programs is $35.37, compared to the actual average costs of $35.28.[49] Hence, the cost equations will be used for further analyses; as alternate quantities or scenarios (e.g., for calculations of trade-off or marginal shift between DOC and DJJ) need to be analyzed.

Next, the cost results on both DOC and DJJ are compared. Figure 17 shows an example of the economic framework of the total cost comparisons based on averages, and cost comparisons based on changes in total costs.

[46] The reason is due to MS Excel calculation limitations on the computing requirements needed in case service day would be used.
[47] Average of the eighth versus the average of the fourth column in Table 29a.
[48] Average of the eighth versus the average of the fourth column in Table 29b.
[49] Average of the eighth versus the average of the fourth column in Table 29c.

Figure 17. Cost Comparisons based on Total Costs (and Cost Differences) between Agencies



Referring to the total cost analyses, assume agency 1 services a quantity of A (left hand figure), at a cost level of AC. Agency 2 services E at a cost of EF. The agencies average costs would be AC/BA and EF/DE, respectively.

Now assume (figure to the right) a transfer to the effect of (A-E) between the agencies. The transfer would change cost of agency 1 from AC to EH, and of agency 2 from EF to AI. In marginal cost analyses, costs would be CG/EA for agency 1, and IJ/EA for agency 2. In the analyses below, the focus will not be on marginal costs, but on total costs and changes thereof. Hence, the total costs will be shown or EH (on the vertical axis) as the new position for agency 1, with in addition the change in total costs AC - AG = CG (ibid measured on the vertical axis). For agency 2 the comparison will be between EF and AI, equally with the addition the change in total costs or the length of IJ (on the vertical axis). The final cost or net costs of transferees equals (IA-EF) - (AC-EH), which in turn equals IJ – CG.[50]

Table 30 shows an arbitrary change in FTE Service Years (head column; in increments of hundred), the resultant total FTE service years (with FY2017-18 as the baseline year in the first row), the estimated total costs (TC), and estimated change in total costs (ΔTC), on the DOC programs, using the derived cost equations.

[50] The costs, or cost savings, depends on the initial positions and direction of transfer between the agencies.

Table 30. DOC Detention and Community Supervision Programs, change in FTE Service Years, Total Service Years, Total Costs (TC), and changes in Total Cost (ΔTC)

Change in FTE Service Years	DOC Detention Programs			DOC Community Supervision Programs		
	Total FTE Service Years	Estimated Total Cost (TC) Per Year	Change in Estimated Total Cost (ΔTC) Per Year	Total FTE Service Years	Estimated Total Cost (TC) Per Year	Change in Estimated Total Cost (ΔTC) Per Year
0	86,729	$1,915,633,436		166,157	$340,891,548	
-100	86,629	$1,914,584,669	($1,048,767)	166,057	$340,836,793	($54,755)
-200	86,529	$1,913,534,905	($2,098,531)	165,957	$340,782,007	($109,541)
-300	86,429	$1,912,484,141	($3,149,294)	165,857	$340,727,189	($164,358)
-400	86,329	$1,911,432,376	($4,201,059)	165,757	$340,672,340	($219,208)
-500	86,229	$1,910,379,608	($5,253,827)	165,657	$340,617,459	($274,089)
-600	86,129	$1,909,325,835	($6,307,601)	165,557	$340,562,546	($329,002)
-700	86,029	$1,908,271,055	($7,362,381)	165,457	$340,507,601	($383,946)
-800	85,929	$1,907,215,266	($8,418,170)	165,357	$340,452,625	($438,923)
-900	85,829	$1,906,158,465	($9,474,970)	165,257	$340,397,617	($493,931)
-1000	85,729	$1,905,100,652	($10,532,783)	165,157	$340,342,577	($548,971)

* In inflation-adjusted dollars

The first column of Table 30 shows full-time equivalent inmates in equal declining brackets (being potential FTE service years on juvenile transferees from DOC to DJJ). These hundred brackets for now represent only a scale to costs, as no count on potential transfers has been established yet. The column total service years shows an equal decline, starting from the estimated base amount in FY2017-18. The next column shows the estimated total cost (TC) based on the DOC detention cost equation, where the change in estimated total costs (ΔTC) shows the differences in cost as compared to the estimated base year costs. The set-up in the second part of the table, for the DOC community supervision programs, is similar.

Tables 31a and 31b present changes in service days (ibid for now arbitrary), the resultant total service days (with the estimated service days in FY2017-18 as the baseline in the first row), the estimated total cost (TC), and estimated change in total cost (ΔTC), all for the DJJ programs while using the derived cost equations.

Table 31a. DJJ Residential Programs, change in Service Days, Total Service Days, Total Costs (TC), and changes in Total Cost (ΔTC)

	DJJ Non-Secure Residential Programs				DJJ Secure Residential Programs			
	Change in Service Days	Total Service Days	Estimated Total Cost (TC) Per Year	Change in Estimated Total Cost (ΔTC) Per Year	Change Service Days	Total Service Days	Estimated Total Cost (TC) Per Year	Change in Estimated Total Cost (ΔTC) Per Year
0		460,925	$117,650,831			247,363	$79,210,200	
100	36,525	497,450	$118,903,526	$1,252,695	36,525	283,888	$81,092,601	$1,882,401
200	73,050	533,975	$120,052,783	$2,401,953	73,050	320,413	$82,747,437	$3,537,236
300	109,575	570,500	$121,112,624	$3,461,793	109,575	356,938	$84,223,841	$5,013,641
400	146,100	607,025	$122,094,448	$4,443,617	146,100	393,463	$85,556,576	$6,346,375
500	182,625	643,550	$123,007,648	$5,356,818	182,625	429,988	$86,771,139	$7,560,938
600	219,150	680,075	$123,860,054	$6,209,223	219,150	466,513	$87,886,790	$8,676,589
700	255,675	716,600	$124,658,255	$7,007,424	255,675	503,038	$88,918,433	$9,708,233
800	292,200	753,125	$125,407,854	$7,757,024	292,200	539,563	$89,877,839	$10,667,639
900	328,725	789,650	$126,113,650	$8,462,819	328,725	576,088	$90,774,466	$11,564,265
1000	365,250	826,175	$126,779,784	$9,128,953	365,250	612,613	$91,616,026	$12,405,826

* In inflation-adjusted dollars

Table 31b. DJJ Probation Programs, change in Service Years, Total Service Years, Total Costs (TC), and changes in Total Cost (ΔTC)

	DJJ Probation Programs			
	Change in Service Years	Total Service Years	Estimated Total Cost (TC) Per Year	Change in Estimated Total Cost (ΔTC) Per Year
0		10,352	$143,276,307	
100	100	10,452	$143,629,323	$18,932
200	200	10,552	$143,978,966	$37,855
300	300	10,652	$144,325,299	$56,767
400	400	10,752	$144,668,383	$75,670
500	500	10,852	$145,008,276	$94,563
600	600	10,952	$145,345,035	$113,446
700	700	11,052	$145,678,717	$132,320
800	800	11,152	$146,009,374	$151,184
900	900	11,252	$146,337,061	$170,038
1000	1,000	11,352	$146,661,829	$188,882

* In inflation-adjusted dollars

The first column in both Tables 31a and 31b shows full time changes in potential increases (i.e., in-transfers of juveniles from DOC to DJJ). The column total service days (total service years in Table 31b) shows the corresponding increase from the estimated base amount from FY2017-18.[51] The next column shows the estimated total cost (TC) based on the DJJ Non-Secure/Secure Residential programs, and the DJJ probation program derived cost equations. Estimated changes in total costs (ΔTC) are provided in the last columns.

Next, having established cost equations for the various programs considered, the counts need to be established to determine finite potential costs associated with juvenile transfers being redirected from DOC to DJJ, based on due process hearing outcomes. Cost estimates to the same effect are calculated based on scenarios, with the caveat that actual or historical data are used as input. Therefore, the analyses results can only be read in terms of mentioned input.

8.2. Direct File Data and Economic Analyses Results

Using the DOC Offender Search database,[52] all juveniles were selected, with their receipt- and release/end dates. The dates were used to plot horizontal timescales, starting from their receipt date,[53] filling in years and/or parts thereof until the release date. Full time or annual equivalents (FTEs) are subsequently calculated by summing vertically, on the plotted timescales.[54] The derived FTE's in total service days and service years, or FTEs, are provided in Table 32a and 32b, respectively. The service years are compared to the estimated costs (which were based on inflation-adjusted annual budgets, or costs). Although the plotted timeframes continue beyond FY2016-17, these were not further considered at the time of analyses as neither the years nor new juvenile entries provided represented complete annual data.

[51] The reason for days and years of input are pure computational as explained, the reference or dependent variable in all cases is cost per year.
[52] downloaded from: http://www.dc.state.fl.us/pub/obis_request.html
[53] It is noted that the criterion of younger than 18 years of age at the receipt date is used, instead of the data of crime. This is because the date of commitment of an offense or the date of crime is not provided in the DOC online database. The receipt date is the closest possible date point.
[54] Given that only receipt and release data are provided (where the research team presumes that the release date is based and set on adjudication), it is a necessary assumption that changes on actual release dates, in terms of early release, parole or otherwise, does not have a significant impact on the FTE calculation.

Table 32a. Total Number of Service Days of Juveniles in DOC, per Custody Description, per FY

Total Number of Service Days of Juveniles in DOC, per Custody Description, per FY						
FY	COMMUNITY	MINIMUM	MEDIUM	CLOSE	N/A	TOTAL
FY 2012-13	33,157	34,059	67,741	99,627	452	235,036
FY 2013-14	28,961	29,172	58,205	87,593	303	204,234
FY 2014-15	27,758	24,776	50,082	79,491	-	182,107
FY 2015-16	24,932	19,135	44,115	73,398	-	161,580
FY 2016-17	16,961	14,858	30,520	60,069	45	122,453
Average	26,354	24,400	50,133	80,036	160	181,082

Table 32b. Total Number of FTE Juveniles in DOC, per Custody Description, per FY

Total Number of FTE Juveniles in DOC, per Custody Description, per FY						
FY	COMMUNITY	MINIMUM	MEDIUM	CLOSE	N/A	TOTAL
FY 2012-13	90.8	93.3	185.5	272.8	1.2	643.6
FY 2013-14	79.3	79.9	159.4	239.8	0.8	559.3
FY 2014-15	76.0	67.9	137.1	217.6	-	498.7
FY 2015-16	68.3	52.4	120.8	201.0	-	442.5
FY 2016-17	46.5	40.7	83.6	164.5	0.1	335.3
Average	72.2	66.8	356.4		0.4	495.9
Share	14.6%	13.5%	71.9%		0.1%	100%

The total amount of service days for the four custody programs in FY2016-17, is 122,453 (Table 32a, last column), which is equal to 335.3 FTE juveniles in the DOC (Table 32b, last column).[55] The majority of juveniles in the DOC are in the medium/close facility programs. Given a lack in data, the research team was unable to break out the placements with regard to discretionary versus mandatory juvenile direct file (as per Table 12). A check of the "adjudication charge descriptor including sentence length" did not provide useful results for a potential breakout.[56] Concerning the following scenario runs, in order to gauge costs, five different selection types of

[55] As a reference on the counts as per Table 32b, see DJJ, 2018 Agency Legislative Bill Analyses, Bill SB 936, Sponsor Senator Powel, July 1, 2018. In the analyses, the Department estimates that 516 youth would no longer be eligible for adult transfer, which estimate is based on FY2015-16 data.

[56] The issue is that a crime committed is seldom unique. Usually multiple descriptors are attached, and even multiple counts of the same, all adding into the same adjudication.

juvenile inmates were used for further analyses. It is noted that a necessary assumption is that any transfer based on a due process hearing would still lead to the same outcome (potential DJJ versus DOC). In addition, the scenarios are derived from historical events and not based on potential future trends in youth crime (as a significant decline is observed). As stated earlier, the purpose is to gauge potential costs involved with transfers. The scenarios were ranked in order from lowest to highest, based on the level of overall cost impacts. The following scenarios are further analyzed by the research team:[57]

1) Transfer only those juveniles whom were adjudicated less than a year in time (based on length of service days): a "low hanging fruit" perspective;
2) Transfer juveniles with adjudication constrained to less than two years;
3) Transfer juveniles with adjudication constrained to less than four years;
4) Transfer the current juvenile direct file population (i.e. all juveniles back to DJJ) as per FY 2016-17 (the last full year of data available). The total of FTE juveniles total 335.2 (as per Table 32b, exclusive the N/A category), and;
5) Transfer the average juvenile direct file population (i.e. the average FTE total over the five years as per Table 32b), or 495.5 in total (ibid as per Table 32b, exclusive the N/A category).

It should be noted that using an *a posteriori* adjudication measure (especially with scenarios one through three) with an *a priori* adjudication due process hearing, with the purpose to redirect or transfer potential juveniles from DOC to DJJ, poses a causal issue as a measure is not present yet. However, the research team's effort is singularly focused on providing insights into the costs trade-offs, and will leave any legal discussion to the legal experts. In addition, in order to have an "apples to apples" perspective relating to the cost analyses, it is assumed that potential transfers to/from the DOC Community Supervision Program, meshes with the probation programs at DJJ, Minimum Secure detention with Non-Secure DJJ Residential Programs, and Medium and Closed Detention with Secure Residential DJJ programs.

[57] Scenarios one, two, three, and five are taken based on FY2013-14 though FY2016-17 averages.

8.3. Scenarios

The results of the five scenarios, in terms of cost savings for the DOC, are provided in Table 33.

Table 33. DOC Transfer; change in Service Years, Total Service Years, Total Cost (TC), and changes in Total Cost (ΔTC)

Scenario	DOC Detention Programs				DOC Community Supervision Programs					
	Change Service Years	Total Service Years	Estimated Total Cost (TC) Per/Year	Total Cost Difference (ΔTC) Per/Year	Change Service Years	Total Service Years	Estimated Total Cost (TC) Per/Year	Total Cost Difference (ΔTC) Per/Year	Change Service Years	Total Savings
0		86,729.0	$1,915,633,436			166,157.0	$340,891,548	$0		
1	-10.2	86,718.8	$1,915,526,758	($106,677)	-1.1	166,155.9	$340,890,968	($579)	-11.3	**($107,257)**
2	-40.8	86,688.2	$1,915,205,950	($427,486)	-4.6	166,152.4	$340,889,005	($2,543)	-45.4	**($430,029)**
3	-123.3	86,605.7	$1,914,340,396	($1,293,040)	-26.4	166,130.6	$340,877,111	($14,437)	-149.7	**($1,307,477)**
4	-288.7	86,440.3	$1,912,602,654	($3,030,781)	-46.5	166,110.5	$340,866,108	($25,440)	-335.2	**($3,056,221)**
5	-423.2	86,305.8	$1,911,187,903	($4,445,532)	-72.2	166,084.8	$340,852,017	($39,531)	-495.4	**($4,485,063)**

* In inflation-adjusted dollars

The total count or change in service years for scenario one is -11.3 (= -10.2+ -1.1), and so on, the same total changes as provided in Table 32b (excluding the N/A category). The estimated costs are calculated the same way as above with the derived cost equations.

The results of the five scenarios, in terms of cost for DJJ, are provided in Table 34a and 34b.

Table 34a. DJJ Transfer; change in Service Days, Total Service Days, Total Cost (TC), and changes in Total Cost (ΔTC)

Scenario	DJJ Non-Secure Residential Programs				DJJ Secure Residential Programs			
	Change Service Days	Total Service Days	Estimated Total Cost (TC) Per/Year	Total Cost Difference (ΔTC) Per/Year	Change Service Days	Total Service Days	Estimated Total Cost (TC) Per/Year	Total Cost Diff. (ΔTC) Per/Year
0		460,925	$117,650,831			247,363	$79,210,200	
1	875.4	461,800	$117,682,191	$31,360	2,840	250,204	$79,366,245	$156,045
2	3,052	463,978	$117,759,888	$109,057	11,837	259,200	$79,849,023	$638,822
3	9,366	470,292	$117,982,837	$332,007	35,654	283,017	$81,050,603	$1,840,403
4	14,858	475,783	$118,173,926	$523,095	90,589	337,952	$83,476,259	$4,266,058
5	24,400	485,325	$118,499,925	$849,095	130,168	377,531	$84,991,113	$5,780,913

* In inflation-adjusted dollars

Table 34b. DJJ Transfer; change in Service Years, Total Service Years, Total Cost (TC), and changes in Total Cost (ΔTC)

Scenario	DJJ Probation Programs					
	Change Service Years	Total Service Years	Estimated Total Cost (TC) Per/Year	Total Cost Diff. (ΔTC) Per/Year	Change Service Years	Total Costs
0		10,352.4	$143,276,307			
1	1.1	10,353.5	$143,280,060	$3,753	11.3	**$191,158**
2	4.6	10,357.1	$143,292,780	$16,473	45.4	**$764,352**
3	26.4	10,378.8	$143,369,737	$93,430	149.7	**$2,265,840**
4	46.5	10,398.9	$143,440,771	$164,465	335.2	**$4,953,618**
5	72.2	10,424.6	$143,531,533	$255,226	495.4	**$6,885,234**

* In inflation-adjusted dollars

As mentioned earlier, the total juvenile FTE count for scenario one is 11.3,[58] et cetera, the same as the totals provided in Table 32b (excluding the N/A category), and in Table 33. Estimated costs are calculated the same way as above using the derived cost equations.

[58] 11.3 = 875.4/365.25 +2,840/365.25 +1.1

Table 35 provides the overall juvenile count, total costs and net costs of potential juvenile transfers, per scenario. In addition, Figure 18 depicts the relationship between the scenarios, allowing for potential intermediate interpretations among alternative scenarios.

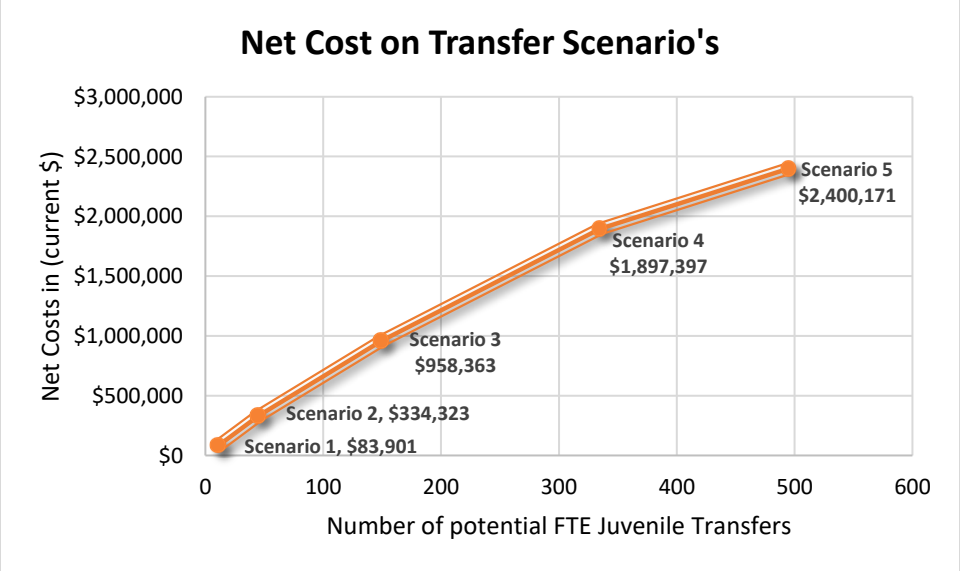
Table 35. DOC to DJJ transfer, change in Service Years, changes in Total Cost (ΔTC)

	DOC-DJJ Transfer FTE Counts per Year						DOC-DJJ Transfer Estimated Total Cost Difference		
Scenario	DOC Inmate Change Service Years	DOC Community Change Service Years	DJJ N-S. Res. Change Service Days	DJJ Sec. Res. Change Service Days	DJJ Probation Change Service Years	Total FTE Transfers in Service Years	Total Savings DJJ	Added Total Costs DOC	Net Costs
0	0.0	0.0	0.0	0.0	0.0	**0.0**	$0	$0	**$0**
1	-10.2	-1.1	875.4	2,840.8	1.1	**11.2**	($107,257)	$191,158	**$83,901**
2	-40.8	-4.6	3,052.6	11,837.4	4.6	**45.4**	($430,029)	$764,352	**$334,323**
3	-123.3	-26.4	9,366.6	35,654.2	26.4	**149.6**	($1,307,477)	$2,265,840	**$958,363**
4	-288.7	-46.5	14,858.0	90,589.0	46.5	**335.2**	($3,056,221)	$4,953,618	**$1,897,397**
5	-423.2	-72.2	24,400.0	130,168.2	72.2	**495.4**	($4,485,063)	$6,885,234	**$2,400,171**

* In inflation-adjusted dollars

The net result in costs (from cost savings at DOC to additional costs at DJJ) for the five scenarios is also depicted in Figure 18.

Figure 18. Net Costs Based on Five Scenarios, Transfers from DOC to DJJ



In summary, the largest estimated net cost of $2.4 million is associated with the fifth scenario, whereby all direct file juveniles would remain in DJJ custody. The scenario data points are based on the derived cost equations, with the assumption that only operational costs are included in the costs (or budget line items). In addition, and as shown, the result will need to come with a necessary reallocation or transfer of funds between the two agencies. Table 36 provides a synopsis on the amount of funding to be transferred in and out, per scenario.

Table 36. Potential DOC to DJJ Budget Transfers, on Transfers of Juveniles, per Scenario

	DOC Budget	DJJ Budget	
Scenario	TRANSFER OUT	TRANSFER IN	Net Costs
0	$0	$0	**$0**
1	-$107,257	$191,158	**$83,901**
2	-$430,029	$764,352	**$334,323**
3	-$1,307,477	$2,265,840	**$958,363**
4	-$3,056,221	$4,953,618	**$1,897,397**
5	-$4,485,063	$6,885,234	**$2,400,171**

* In inflation-adjusted dollars

These results are significantly lower than the estimates calculated by the agencies themselves. The biggest reason for the difference with the agency estimates is that agencies use extrapolations on average costs.[59] These average cost extrapolations do not accurately reflect the inverse s-curve behavior of the total costs. The extended average cost method used by DJJ to calculate estimated average costs results in a distortion, or overestimation, of costs and potential necessary transfers.

Next, and finally, the research team examined the relative impact of the above transfers on the present program utilization.

[59] Figuratively, this means extending or contracting (depending on in- or out-transfer) lines BF and DC in Figure 17 (Figure to the left), i.e. using a fixed average cost. Typically, however, average costs curves are u-shaped (initially, the variable cost per unit of output decreases as output increases. At one point, it reaches a low. After the low, the variable cost per unit of output starts to increase) because of two factors; the law of diminishing returns, and fixed costs.

Table 37. Relative change in Service Years/Days and Costs, on Transfer of Juveniles, per Scenario

DOC-DJJ Transfer Relative Count Changes and Relative Cost Changes per Scenario as compared to Base										
Scenario	DOC Inmate Change Service Years %	DOC Inmate Change Service Costs %	DOC Community Change Service Years %	DOC Community Change Service Costs %	DJJ N-S. Res. Change Service Days %	DJJ N-S. Res. Change Service Costs %	DJJ Sec. Res. Change Service Days %	DJJ Sec. Res. Change Service Costs %	DJJ Probation Change Service Years %	DJJ Probation Change Service Costs %
0										
1	0.0%	0.0%	0.0%	0.0%	0.2%	0.0%	1.1%	0.2%	0.0%	0.0%
2	0.0%	0.0%	0.0%	0.0%	0.7%	0.1%	4.8%	0.8%	0.0%	0.0%
3	-0.1%	-0.1%	0.0%	0.0%	2.0%	0.3%	14.4%	2.3%	0.3%	0.1%
4	-0.3%	-0.2%	0.0%	0.0%	3.2%	0.4%	36.6%	5.4%	0.4%	0.1%
5	-0.5%	-0.2%	0.0%	0.0%	5.3%	0.7%	52.6%	7.3%	0.7%	0.2%

As depicted in Table 37, most changes remain modest, but for the transferred juvenile detainees into the secure residential programs with DJJ.

Finally, it is noted that no costs in this analysis are considered for the perceived due process hearing.

9. Economic Impact Analysis

9.1.Economic Impact Analyses Methodology

The total economic impacts of direct file juveniles associated with the five aforementioned cost scenarios, were estimated based on a regional economic input-output model for the state of Florida constructed by the IMPLAN® economic impact modeling system (IMPLAN Group, LLC, 2017). IMPLAN® is a widely accepted integrated input-output model, used extensively by state and local government agencies to measure impacts proposed legislative and other program and policy economic impacts across private and public sectors. There are several advantages to using IMPLAN®:

- It is calibrated to local conditions using a relatively large amount of local county level and state of Florida specific data;

- It is based on a strong theoretical foundation, and;
- It uses a well-researched and accepted applied economics impact assessment methodology supported by many years of use across all regions of the U.S.

The economic impact model used for this analysis is developed for the counties of Florida and includes 536 business sectors (based on the North American Industrial Classification System, or NAICS) and the latest datasets – year 2017 data. IMPLAN®'s principal advantage is that it may be used to estimate direct, indirect and induced economic impacts for any static (point-in-time) economic stimulus. Through the estimation of economic multipliers, the "ripple" effects of supply chain spending for input purchases are captured (indirect effects), and household spending by employees (induced effects) for new final demand to the regional economy, as well as direct spending and employment. Economic multipliers for each business sector and household income category are used to estimate the following economic impacts: economic output (sales/revenue), employment (fulltime and part-time jobs), value added (GRP) and labor income (wages).

The total statewide economic impact results are presented in Tables 38a, and 38b. Table 38a represents the results in case no budget funding is reallocated between DOC and DJJ, with the transfers of juveniles (per scenario as described).[60] In other words, it represents the results solely based on total costs incurred by the DJJ. Table 38b represents the results based on the net costs, in case budget funding is reallocated between the agencies pertaining to the juvenile transfers.

[60] The difference between the total and net costs approaches are the cost savings incurred by DOC. If the funds are to be spent regardless of the Juvenile transfer, the total costs for absorption of Juveniles must be carried by DJJ, e.g. in the case of scenario 5, the DJJ will have to spend an estimated $6.9 million for all Juvenile transfers, instead of the estimated net of $2.4 million.

Table 38a. DOC to DJJ Juvenile Transfer Estimated Economic Impacts (Based on Total Costs to DJJ)

Statewide Estimated Economic Impacts*				
Total Impacts**	**Output**	**Employment**	**Labor Income**	**Value Added**
Scenario 1	$365,357	4	$217,717	$293,860
Scenario 2	$1,448,888	14	$862,775	$1,164,511
Scenario 3	$4,295,076	42	$2,557,602	$3,452,070
Scenario 4	$9,389,969	91	$5,591,473	$7,546,975
Scenario 5	$13,051,499	126	$7,771,815	$10,489,845

* In inflation-adjusted dollars

** The total economic impacts include Direct, Indirect and Induced impacts

Table 38b. DOC to DJJ Juvenile Transfer Estimated Economic Impacts (Based on NET Total Costs between DOC and DJJ)

Statewide Estimated Economic Impacts*				
Total Impacts**	**Output**	**Employment**	**Labor Income**	**Value Added**
Scenario 1	$159,041	2	$94,704	$127,826
Scenario 2	$633,735	6	$377,372	$509,351
Scenario 3	$1,816,652	18	$1,081,767	$1,460,093
Scenario 4	$3,596,664	35	$2,141,717	$2,890,737
Scenario 5	$4,549,711	44	$2,709,230	$3,656,727

* In inflation-adjusted dollars

** The total economic impacts include Direct, Indirect and Induced impacts

The total economic impacts of the juvenile direct file transfers, based on the net costs associated with each of the five scenarios, ranged from $160,000 to $4.5 million in output (sales/revenues), between 2 to 44 jobs, from $100,000 to $2.7 million in labor income, and $130,000 to $3.66 million in value added (GRP).

10. Data Limitations

In conducting the literature research, the team found ample empirical research relating to juvenile direct files. Concerning available data however, literature provided much less information, let alone Florida-specific data. The data encountered in the literature was

primarily secondary, or transformed, with no clear way to replicate the described methodologies.[61] In addition, some data points that initially seemed viable for use, proved inconsistent and even contradictory. Hence, the research team started out with scant data, and encountered difficulties in putting publicly available data in a framework fit for analyses. In particular, costs needed to be estimated based on a similar denominator, as the research team looked at both juveniles, and employees. The service days statistics (see Table 28 above), provided by the DJJ, provided the research team with a systematic basis on juveniles served, which in turn could be used in conjunction with the budget, or cost data.

The data gathered by the research team resulted in inverse cost profiles over time (i.e. negative slopes between quantity and cost over the five years of data that were used). The inverse relationships may be signaling that there was more going on at an internal level relating to costs than the research team could determine at this time (e.g., there may have been potential programmatic or structural changes that were not accounted for in the data available to the research team). These potential developments can to a certain extend be accounted for (e.g., by using dummy variables in a multivariate analysis and/or interrupted time-series analyses). However, this can only be done so if a change in the data is well defined. The research team could find no narrative in the DJJ reporting that explained why there were inverse cost profiles. Hence, the data was used "as is".

For the cost equations, the research team used the actual average costs data points to derive the inverse s-shaped total cost curves. The equation development was time consuming, but in essence, all cost curves were captured with a high level of accuracy.

Given the data availability issues, it is strongly recommended that service day's data be made available publicly, and on a recurrent basis. In addition, data improvements could be made on DJJ juveniles, both active and inactive, to the extent of entry and/or receipt date, and release date to better gauge the numerical denominator for cost analyses. In addition, differentiation to types of non-secure and secure programs would be helpful.

[61] In particular, the research on Life Time Earnings (LTE) analysis.

11. Economic Analysis Conclusions

In September 2018, the Southern Poverty Law Center (SPLC), a national non-profit organization, contracted with the Florida State University Center for Economic Forecasting and Analysis (FSU CEFA) to conduct an economic analysis study on certain juvenile justice reforms contained in bills such as 2018 HB 509. The aforementioned bill and similar proposals envision, among other reforms, a redirection of juveniles via a due process hearing back to the DJJ, once these juveniles are direct filed. Hence, cost equations from both departmental perspectives (DOC and DJJ) were established. Once the cost equations were derived, hypothetical shifts of DOC juveniles to DJJ could be staged or simulated. In addition, there were five different juvenile direct file cost scenarios, increasing in scope of potential juvenile transfers with attached programmatic costs.

The scenarios used for analyses by the research team were:[62]

1) To transfer only those juveniles whom were adjudicated less than a year in time (based on length of service days): a "low hanging fruit" perspective;
2) Transfer juveniles with adjudication less than two years;
3) Transfer juveniles with adjudication less than four years;
4) Transfer the current juvenile direct file population (i.e. all juveniles to DJJ) as per FY 2016-17 (the last full year of data available). The total of FTE juveniles total 335.2 (as per Table 32b, exclusive the N/A category), and;
5) Transfer the average juvenile direct file population (i.e. the average FTE total over the five years as per Table 32b), or 495.5 in total (ibid as per Table 32b, exclusive the N/A category).

[62] Scenarios one, two, three, and five are taken based on FY2013-14 though FY2016-17 averages. Person count is taken on direct file juvenile occurrence per FY (FY2013-14 through FY2017-18), in either of the four DOC categories (or the N/A category), averaged per year. Subsequently the averages are summed over the programs, into one total count as provided. For cost calculation purposes, not counts but FTE's are used in combination with the appropriate program-categories as defined on page 67.

Table 39 shows the overall cost results for the five scenarios.

Table 39. DOC to DJJ transfer, change in Service Years, changes in Total Costs (ΔTC), per Scenario

Scenario	DOC-DJJ Transfer Count[63]	DOC-DJJ FTE Transfer Count per Year	DOC-DJJ Estimated Total Cost Difference on the Transfers
	Total Transfers in Persons	Total Transfers in Service Years	Net Costs of Transfer
0	0	0.0	$0
1	27	11.2	$83,901
2	84	45.4	$334,323
3	222	149.6	$958,363
4	453	335.2	$1,897,397
5	608	495.4	$2,400,171

* In inflation-adjusted dollars

These results are significantly lower than the estimates calculated by the agencies (i.e., DOC and DJJ) themselves. The biggest reason for the difference with the agency estimates is that agencies use extrapolations on average costs, which do not accurately reflect the inverse s-curve behavior of total costs.[64] The extended average cost method used by DJJ to calculate estimated average costs results in a distortion, or overestimation, of costs and potential necessary transfers.

In more practical terms and in order to gain further insight in cost behavior, it might be advisable to try utilizing the due process hearing on potential "low hanging fruit" as per the scenarios one and two above. This keeps the count changes well within a margin of five percent (i.e. all well within one percent but for the DJJ Secure residential programs at 4.8%), where all cost changes should even be well within a margin of 0.1 percent (with 0.8% for DJJ Secure residential programs) (for percentages see Table 37).

The single and most obvious cost generators are the DJJ Secure Residential programs, which as a consequence of the potential additional transfers may be in need of more capacity provided

[63] Person count is based on direct file juvenile occurrence per FY (FY2013-14 through FY2017-18), in either of the four DOC categories (or the N/A category), average per year. Subsequently the averages are summed over the programs, into the total count provided. For cost calculus purposes, not counts but FTE's are used in combination with the appropriate programs as defined.

than the present utilization (adding-in transfers would increase utilization by 52.6 percent, or 365.4 FTE juveniles,[65] over the present capacity (see Table 37, column DJJ Sec. Res. Change Service Days)). In other words, some structural changes may be necessary, changes which in turn would warrant a new cost analysis (i.e. analyses including e.g. capital outlays).

It is noted that if the objective is the de-facto transfer of all juveniles, e.g. by elimination of all the direct file options, the use of detention for these juveniles with DOC will become obsolete. In this case, these detention costs and potential due process hearing costs need to be included in the economic analyses. This is outside the present scope of work, as the juvenile transfers were to be accounted for by a due process hearing.

The IMPLAN® model was used to estimate the statewide impacts associated with transfer of juveniles from DOC to DJJ. The research team estimated direct, indirect and induced economic impacts for the (point-in-time, or static) economic stimulus, while expressing the following economic impacts: economic output (sales/revenues), employment (fulltime and part-time jobs), value added (GRP), and labor income (wages) as presented in Table 40.

Table 40. DOC to DJJ Juvenile Transfer Estimated Economic Impacts (Based on NET Total Costs between DOC and DJJ)

Statewide Estimated Economic Impacts*				
Total Impacts**	**Output**	**Employment**	**Labor Income**	**Value Added**
Scenario 1	$159,041	2	$94,704	$127,826
Scenario 2	$633,735	6	$377,372	$509,351
Scenario 3	$1,816,652	18	$1,081,767	$1,460,093
Scenario 4	$3,596,664	35	$2,141,717	$2,890,737
Scenario 5	$4,549,711	44	$2,709,230	$3,656,727

* In inflation-adjusted dollars

** The total economic impacts include Direct, Indirect and Induced impacts

The total economic impacts of the juvenile direct file transfers, based on the net costs associated with each of the five scenarios, ranged from $160,000 to $4.5 million in output

[65] Table 34a, DJJ Secure Residential Programs, Change Service Days with scenario 5 is 130,168 or 356.4 FTE juveniles (=130,168 / 365.25)

(sales/revenues), between 2 to 44 jobs, from $100,000 to $2.7 million in labor income, and $130,000 to $3.66 million in value added (GRP).

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Appendices

Appendix A. Supplementary Materials

Florida's Direct File Statute

985.557 Direct filing of an information; discretionary and mandatory criteria.—
(1) DISCRETIONARY DIRECT FILE.—
(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is for the commission of, attempt to commit, or conspiracy to commit:
1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c), or burglary with an assault or battery in violation of s. 810.02(2)(a);
12. Aggravated battery;
13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age;
14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony;
15. Grand theft in violation of s. 812.014(2)(a);
16. Possessing or discharging any weapon or firearm on school property in violation of s. 790.115;
17. Home invasion robbery;
18. Carjacking; or
19. Grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or grand theft of a motor vehicle valued at $20,000 or more in violation of s. 812.014(2)(b) if the child has a previous adjudication for grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
(b) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's

judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney may not file an information on a child charged with a misdemeanor, unless the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified as a felony under state law.

(2) MANDATORY DIRECT FILE.—

(a) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and the child is currently charged with a second or subsequent violent crime against a person.

(b) With respect to any child 16 or 17 years of age at the time an offense classified as a forcible felony, as defined in s. 776.08, was committed, the state attorney shall file an information if the child has previously been adjudicated delinquent or had adjudication withheld for three acts classified as felonies each of which occurred at least 45 days apart from each other. This paragraph does not apply when the state attorney has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the juvenile in adult court.

(c) The state attorney must file an information if a child, regardless of the child's age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death of a person who was not involved in the underlying offense. For purposes of this section, the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted shall also be subject to mandatory transfer to adult court. "Stolen motor vehicle," for the purposes of this section, means a motor vehicle that has been the subject of any criminal wrongful taking. For purposes of this section, "willing passengers" means all willing passengers who have participated in the underlying offense.

(d)1. With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been charged with committing or attempting to commit an offense listed in s. 775.087(2)(a)1.a.-p., and, during the commission of or attempt to commit the offense, the child:

a. Actually possessed a firearm or destructive device, as those terms are defined in s. 790.001.

b. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)2.

c. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)3., and, as a result of the discharge, death or great bodily harm was inflicted upon any person.

2. Upon transfer, any child who is:

a. Charged under sub-subparagraph 1.a. and who has been previously adjudicated or had adjudication withheld for a forcible felony offense or any offense involving a firearm, or who

has been previously placed in a residential commitment program, shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.
b. Charged under sub-subparagraph 1.b. or sub-subparagraph 1.c., shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.
3. Upon transfer, any child who is charged under this paragraph, but who does not meet the requirements specified in subparagraph 2, shall be sentenced under s. 985.565; however, if the court imposes a juvenile sanction, the court must commit the child to a high-risk or maximum-risk juvenile facility.
4. This paragraph shall not apply if the state attorney has good cause to believe that exceptional circumstances exist that preclude the just prosecution of the child in adult court.
5. The Department of Corrections shall make every reasonable effort to ensure that any child 16 or 17 years of age who is convicted and sentenced under this paragraph be completely separated such that there is no physical contact with adult offenders in the facility, to the extent that it is consistent with chapter 958.
(3) EFFECT OF DIRECT FILE.—
(a) Once a child has been transferred for criminal prosecution pursuant to an information and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565.
(b) When a child is transferred for criminal prosecution as an adult, the court shall immediately transfer and certify to the adult circuit court all felony cases pertaining to the child, for prosecution of the child as an adult, which have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not been made. If a child is acquitted of all charged offenses or lesser included offenses contained in the original case transferred to adult court, all felony cases that were transferred to adult court as a result of this paragraph shall be subject to the same penalties to which such cases would have been subject before being transferred to adult court.
(c) When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may be made under s. 985.565 and may include the enforcement of any restitution ordered in any juvenile proceeding.
(4) An information filed pursuant to this section may include all charges that are based on the same act, criminal episode, or transaction as the primary offenses.
History.—s. 35, ch. 97-238; s. 130, ch. 99-3; s. 15, ch. 99-201; s. 1, ch. 99-257; s. 26, ch. 99-284; s. 2, ch. 2000-119; s. 27, ch. 2000-135; s. 1, ch. 2000-136; s. 21, ch. 2001-125; s. 4, ch. 2001-185; s. 5, ch. 2006-51; s. 70, ch. 2006-120; s. 5, ch. 2011-200; s. 2, ch. 2016-7.
Note.—Former s. 985.227.

CS/SB 192 Bill Analysis

1. Executive Summary

SB 192 would amend the process by which children are transferred to adult court. This legislation would eliminate mandatory waiver and mandatory direct file. The bill would impose an age limit (14-years of age or older) upon the indictment of children for offenses punishable by death or life imprisonment. The bill would rename discretionary direct file to "prosecuting children as adults." The bill would limit those offenses eligible for adult prosecution for 14- and 15- year-olds, and for 16- and 17-year-olds. The bill would require the state attorney to document in writing the reasons for adult prosecution under specified criteria and would provide children whose case is transferred an opportunity to obtain a hearing to determine whether their case should remain in adult court. The bill would require extensive data collection by the Department, including an annual reporting requirement.

The bill provides for an effective date of October 1, 2017.

2. Substantive Bill Analysis

2. PRESENT SITUATION:

Present Situation:

- Section 985.557, F.S., provides for the direct filing of charges in adult court
- Section 985.556, F.S., provides for the waiver of juvenile court jurisdiction
- Section 985.56, F.S., provides for the indictment of a juvenile
- Section 985.565, F.S., provides sentencing alternatives for juveniles prosecuted as adults

Waivers: During the waiver process, the state attorney makes a motion asking the court to transfer a juvenile who is at least 14 years of age to the adult system. A hearing is conducted and the judge will review the juvenile's history, the charge, and the potential for rehabilitation. The judge will then grant or deny the request based on established legal criteria. Because juvenile proceedings deny the accused a jury trial, release on bond, and the possible benefit of determinate sentencing, there is also a provision for voluntary waiver in which the child, after being informed of the consequences of his or her choice, may opt for adult prosecution.

Indictments: The state attorney can seek to have a grand jury indict juveniles of any age for offenses that are typically punishable by death or life imprisonment.

Direct file: This is by far the most common method of transfer, accounting for 98% of the transfers for children to the adult system each year.

There are two types of direct file: mandatory and discretionary.

Mandatory: The State Attorney is required to file an information when a 16- or 17-year-old: (a) is charged with a violent crime against a person, and previously has been adjudicated delinquent for murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery or aggravated assault; (b) is charged with a forcible felony and has been previously adjudicated delinquent or had

adjudication withheld for three felonies, each of which occurred at least 45 days apart from each other; or (c) is charged with committing an offense listed in subsection 775.087(2)(a)1.a.-q., and, during commission of the offense, the juvenile possessed or discharged a firearm or caused death or great bodily harm by discharging a firearm. Direct filing is also mandatory for offenders of any age who steal a motor vehicle and, while in possession of the stolen vehicle, cause serious bodily harm or death to a person not involved in the underlying offense

> Discretionary: The State Attorney has the discretion to file an information in adult court when a youth who is at least 16 years old at the time of the offense is charged with a felony, or such a youth is charged with a misdemeanor *and* has at least two prior adjudications or withholds, at least one of which must involve a felony. The State Attorney also has the discretion to direct file a child who is 14 or 15 years old at the time of the offense, if the offense is one of several listed serious felonies. The decision to send a discretionary case to the adult system lies solely with the state attorney and the juvenile court judge has no authority to prevent the transfer. A judge cannot reverse the state attorney's discretionary decision to direct file a case, as the decision to direct file a discretionary case is non-reviewable and non-appealable.

Statistics made available by the Department's Office of Research and Data Integrity reveal a downward trend in adult court transfers between FY 2011-12 and FY 2015-16, which exceeded the decline in felony arrests.
Transfers declined 42 percent over the 5-year period, while felony arrests declined 18 percent. During FY 2015- 16, a total of 1,236 individual youth were transferred to adult court in Florida, with 1,223 youth transferred via direct file. For this population, the most common offenses that resulted in juveniles being transferred to adult court included:

Offense	# Youth (% of All Direct Filed Youth)
Burglary	270 youth (22%)
Armed Robbery	251 youth (21%)
Aggravated Assault/Battery	179 youth (15%)
Weapon/Firearm	103 youth (8%)
Murder/Manslaughter	62 youth (5%)
Sexual Battery	48 youth (4%)
Auto Theft	45 youth (4%)
Other Robbery	44 youth (4%)
Attempted Murder/Manslaughter	35 youth (3%)
Kidnapping	34 youth (3%)

If a juvenile is found guilty or pleads guilty in adult court, the options for sentencing or disposition depend upon the method of transfer. A child convicted of an offense punishable by death or life imprisonment must be sentenced as an adult if transfer was accomplished by indictment. (ss. 985.56(3), F.S.) Adult sanctions must also be imposed if the youth was transferred under mandatory waiver or by specified forms of mandatory direct filing. The adult court is permitted to impose juvenile sanctions when transfer was accomplished by voluntary waiver and direct file other than those specified as necessitating adult sanctions. (ss.

985.565(4), F.S.) In order to impose juvenile sanctions, the adult court is required to take into account various criteria outlined in section 985.565, Florida Statutes. When a juvenile is sentenced as an adult, that juvenile is considered an adult for all future violations of state law.

The information gathered by DJJ during the intake and screening process is used in developing the State Attorney Recommendation (SAR) and Pre-Disposition Report (PDR), if ordered. The SAR is a report detailing DJJ's recommendation and justification as to how the state attorney should proceed with the case. The three primary options in making the recommendation to the state attorney are non-judicial handling, judicial handling, or handling as an adult. The State Attorney's Office has the statutory authority to make the final decision on whether or not to file a petition, regardless of DJJ's recommendation.

In those instances, where a juvenile has been transferred to the adult system, but the adult court is considering juvenile sanctions, DJJ would complete a multidisciplinary assessment, which is an information gathering exercise designed to ensure that youth being considered for commitment are placed in a delinquency program that provides an appropriate level of supervision and treatment services. Whether or not the juvenile is suitable for a DJJ commitment or probation program is detailed in an Adult Sentencing Summary and submitted to the court.

Effect of the Bill

Section 1 amends section 944.292(1), F.S., to exempt from the suspension of civil rights those youths who are convicted of felonies after being prosecuted as adults through direct file. Youths convicted of felonies after waiver or indictment have no such exemption.

Section 2 eliminates mandatory waiver, leaving voluntary and discretionary waiver intact. At the waiver hearing, under section 985.556(3), F.S., where the court is required to consider specified circumstances, the bill will add consideration of the youth's mental development.

Section 3 renames "direct file" under section 985.557, F.S., as "prosecuting children as adults," and constitutes the bulk of the bill. Mandatory direct file (hereafter, "adult prosecution") is eliminated.

Discretionary adult prosecution for youths who were 14 or 15 years old when committing, attempting, or conspiring to commit their offense is narrowed slightly in the variety of included offenses. The following offenses continue to be included:

- Murder
- Manslaughter

- Arson
- Sexual battery
- Kidnapping
- Aggravated child abuse
- Aggravated assault
- Aggravated stalking
- Unlawful throwing, placing or discharging a destructive device
- Carrying, displaying, using, threatening, or attempting to use a weapon or firearm

during the commission of a felony
- Possessing or discharging any weapon or firearm on school property
- Home invasion robbery
- Carjacking

The list is narrowed by excluding the following:
- Grand theft in the first degree in violation of section 812.014(2)(a)
- Any second or subsequent grand theft of a motor vehicle

The list is further narrowed by limiting eligibility for robbery, burglary and aggravated battery offenses, as follows:
- Robbery continues to be listed, but only armed robbery with a firearm in violation of section 812.13(2)(a), F.S., will subject a youth to adult prosecution. [NOTE: The bill mistakenly references section 812.13**(3)**(a).]
- Burglary continues to be listed if it is a felony of the first degree in violation of section 810.02(2), but a youth will be subjected to adult prosecution only if the offense includes an assault or battery under section 810.02(2)(a), or if the youth is armed under 810.02(2)(b) *and* there is another person in the dwelling, structure, or conveyance at the time.
- Aggravated battery continues to be listed, but adult prosecution is available only if it results in great bodily harm, permanent disability, or permanent disfigurement.

The bill does not substantially alter the requirements for discretionary adult prosecution of youths who were 16 or 17 years old when committing, attempting, or conspiring to commit their offense. The bill continues to prohibit adult prosecution for misdemeanors, also retaining the exception that such prosecution is permitted if the youth had at least two previous adjudications or withholds, one of which must have been for a felony. Specific exclusions for adult prosecution are added for grand theft, burglary of an unoccupied dwelling (section 810.02(3)(b)), burglary of an unoccupied structure (section 810.02(4)(a)), burglary of an unoccupied conveyance (section 810.02(4)(b)), and possession of a controlled substance.

The state attorney is now required to document in writing, and submit to the court at disposition, its reasons for prosecuting a youth as an adult, as well as its reasons for *not* prosecuting an otherwise eligible youth as an adult. The required documentation must address each of the following items:
- Whether adult codefendants were involved
- Length of time the child spent in detention or jail awaiting disposition
- Whether any discovery had been conducted at the time of the transfer to adult court
- Whether the child waived the right to a trial
- Details of the plea agreement (if any)
- Whether the child received a sentence different from what the prosecutor offered in exchange for not being prosecuted as an adult
- Whether the child was forced to waive statutory limits on secure detention to avoid being prosecuted as an adult

The state attorney is also required to submit this information to the department on the 15th day of each month for the previous month's cases.

Where the state attorney has exercised his or her discretion to prosecute a youth as an adult, the youth may request in writing a "fitness hearing" to determine whether he or she should remain in adult court. The court must consider the seriousness of the offense, the extent of the youth's participation, the youth's sophistication, maturity and mental development, and any

prior adjudications or withholds. In addition, the court may consider any of the criteria for waiver set out in section 985.556(3)(c). Based on these considerations, the court may transfer the case back to the juvenile division.

A pending competency determination or a finding of incompetency precludes adult prosecution until competency has been restored.

The bill requires the department to begin extensive data collection on March 1, 2018, concerning all youth who *qualify* for adult prosecution under section 985.557, as well those who *qualify* for waiver under section 985.556. The required data includes the following:

- Age
- Race and ethnicity
- Gender
- Circuit/County of residence
- Circuit/County of offense
- Prior adjudications/withholds
- Prior periods of probation, including VOPs
- Previous contacts with law enforcement, including civil citation, arrest or formal charges
- Initial charges
- Charges at disposition
- Whether codefendants were involved who were transferred to adult court
- Whether the child was represented, or waived counsel
- Risk assessment instrument score
- Medical, mental health, substance abuse or trauma history
- History of mental impairment or disability
- History of abuse or neglect
- History of foster care placements and their number
- Below-average intellectual functioning
- Whether the child has received mental health services or treatment
- Whether the child has been the subject of CINS, FINS, or a dependency petition
- Whether the child was transferred for criminal prosecution as an adult
- Case resolution in juvenile court
- Case resolution in adult court
- Information generated by the state attorney under subparagraph (1)(c)1.

Also beginning on March 1, 2018, the department must collect data on youths who *are transferred* for criminal prosecution as adults, including disposition data, and whether the youth was previously found incompetent to proceed in juvenile court.

For every juvenile case transferred between July 1, 2016 and June 30, 2017, the department must work with OPPAGA to generate a report on the aggregated data, which report must be provided to the Governor, Senate President and House Speaker by the end of 2018. Additional reports must be provided on an annual basis.

Section 4 addresses indictment under section 985.56, F.S., imposing a minimum age of 14 for crimes punishable by death or by life imprisonment. A pending competency determination or a finding of incompetency precludes transfer to adult court until competency has been restored.

Section 5 amends section 985.565, F.S., governing the sentencing of youths prosecuted in adult court.

The bill adds the following factors to the list of things the court must consider when deciding whether to impose juvenile or adult sanctions:

- The extent of the youth's participation in the offense
- The effect, if any, of familial or peer pressure on the child's actions
- The child's age, maturity, intellectual capacity, and mental and emotional health at the time of the offense
- The child's background, including family, home, and community environment
- The effect, if any, of immaturity, impetuosity, or failure to appreciate risk and consequences on the child's participation
- The effect, if any, of characteristics attributable to the child's age on the child's judgment
- The adequacy and appropriateness of services provided by FDC, DJJ and DCF to address the child's needs
- Previous contacts with law enforcement and the courts
- History of abuse, abandonment or neglect, or foster care placements
- Identification of the child having a disability or having previously received mental health services or treatment

Whether FDC has appropriate programs, facilities or services immediately available

The bill deletes language mandating adult sentencing under certain circumstances, and allows for all cases, no matter the method of transfer to adult court, to be disposed of as an adult, as a youthful offender under chapter 958, or as a juvenile. The statutory presumption of the appropriateness of adult sanctions is deleted.

Section 6 amends a cross-citation in the definition of "waiver hearing" in section 985.03, F.S.

Section 7 eliminates a reference to mandatory waiver in section 985.15, F.S.

Section 8 reenacts section 985.514 to incorporate the amendments to section 985.565, F.S.

Section 9 provides an October 1, 2017 effective date.

Appendix B. Figure of DJJ and DOC's File Processes