

11-2021

Right Against Self-Incrimination: Revealing the Mental Health History of Justice-Involved Youth

Sesha Kethineni

Prairie View A&M University, srkethineni@PVAMU.EDU

Colette B. Harris

Prairie View A&M University

Follow this and additional works at: <https://digitalcommons.pvamu.edu/cojpp-contemporaryissues>



Part of the [Child Psychology Commons](#), [Criminology and Criminal Justice Commons](#), [Social Control, Law, Crime, and Deviance Commons](#), and the [Social Work Commons](#)

Recommended Citation

Kethineni, S., & Harris, C. B. (2021). Right Against Self-Incrimination: Revealing the Mental Health History of Justice-Involved Youth. *Contemporary Issues in Juvenile Justice*, 11(1). Retrieved from <https://digitalcommons.pvamu.edu/cojpp-contemporaryissues/vol11/iss1/4>

This Article is brought to you for free and open access by Digital Commons @PVAMU. It has been accepted for inclusion in Contemporary Issues in Juvenile Justice by an authorized editor of Digital Commons @PVAMU. For more information, please contact hvkoshy@pvamu.edu.

Contemporary Issues in Juvenile Justice

Volume 11, No. 1

November 2021

Miami-Dade County Status Offenders: A Literature Review of Punishment and Rehabilitation of Youth

Colette B. Harris, J.D.
Prairie View A&M University
charris76@pvamu.edu

Recommended Citation

Harris, C.B. (2021). "Miami-Dade County Status Offenders: A Literature Review of Punishment and Rehabilitation of Youth". *Contemporary Issues in Juvenile Justice*, Vol. 11(1), pp. 1-22.

Available at: The *Contemporary Issues in Juvenile Justice* journal is brought to you free and open access by the Texas Juvenile Crime Prevention Center at Digital Commons@ [Digital Commons @PVAMU | Prairie View A&M University Research](#)

Miami-Dade County Status Offenders: A Literature Review of Punishment and Rehabilitation of Youth

Abstract

The number of juveniles in detention centers has decreased across the United States. Although overall incarceration rates of juveniles in Miami-Dade County have declined, the number of youths at risk for delinquent activity and the number of girls in detention centers has increased. In the last nine years, Florida legislators have created laws to eliminate zero-tolerance policies in county schools, lessened the punishment role of law enforcement officers for in-school behaviors, as well as minimized the presence of law enforcement officers on school grounds. Although Miami-Dade County has been a part of the reformation of the Florida juvenile justice system, unlike Polk and Palm Beach County, it continues to enforce zero-tolerance policies. This is a comparable review of literature for the Miami-Dade County's juvenile justice system's treatment of status offenders.

Keywords: Status Offense(s), Detention, Treatment, Rehabilitation, Diversion, Miami-Dade

A status offender is a juvenile under the age of majority—18 for most states—who has been adjudicated or charged for conduct that would otherwise be considered legal under the law if the actor were an adult. Status offenses are often the reason that youth first encounter the juvenile justice system, (Coalition for Juvenile Justice, n.d.). Status offenses commonly include use or possession of tobacco or alcohol, truancy, violating curfew laws, running away, and in some states, ungovernability. When parents, schools, or the community are no longer able to manage the disruptive behavior of the youth, the family seeks assistance from the family court or the juvenile justice court. The projected future of youth involved in status offense behavior is one of two. Either the youth matures and the behavior ceases, or the status offenses lead to more delinquency or criminal behavior as the youth ages. Youth between the ages of 14 and 17 are involved in approximately 70% of status offense petitions (Shubick, 2010).

The United States criminal justice system moves along a spectrum of practice between punishment and rehabilitation of the lawbreaker. The juvenile courts across the United States were created to rehabilitate youth; however, the system has developed tendencies toward punishment rather than rehabilitative treatment (Bradley, n.d.). In the 1970s, juvenile courts progressed from practices of punishment to treatment and prevention, primarily for status offenses. This movement from punishment to treatment has supported and arguably caused the decrease in the number of juveniles detained or incarcerated in the last two decades.

Even though juvenile delinquency rates reveal a decrease in the number of youth entering the system, the number of girls in the juvenile justice system continues to rise (Office of Juvenile Justice and Delinquency Prevention, 2016). According to the 2016 United States Census, Florida's most populated county is Miami-Dade, with an estimated total population of 2,712,945, of which 20.3% is youth under the age of 18 (United States Census Bureau, 2016). Studies in

other major United States cities have focused on reasons for status offenses and the treatments or programs provided. This is a comparable review of literature for the system's treatment of status offenders in the seventh most populated county in the United States, Miami-Dade (United States Census Bureau, 2016).

Mark Greenwald (2016), Miami-Dade's Director of Research and Data Integrity, notes that the number of juveniles arrested in Miami-Dade continues to decline yearly. The 2015-2016 Delinquency Intake Report noted that 38,267 youth were arrested for delinquent offenses on 69,749 occasions (Greenwald, 2016). At-risk youth tend to be 10 to 17 years of age, and the 2015-2016 Delinquency Intake Report noted 1,861,518 at-risk youth within Miami-Dade county, with an average of 37 arrests for every 1,000 youth at risk. The delinquency arrests were categorized by offenses against persons, property order offenses, public disorder offenses, and most serious offenses. However, 39% could be categorized as misdemeanor offenses and 23% as other offenses (Greenwald, 2016).

The Juvenile Justice and Delinquency Prevention Act (JJDP A) was established in 1974 and amended and reauthorized in November 2002 to include bipartisan support. After 11 years of suggested amendments to JJDP A, the Juvenile Justice Reform Act (JJRA) became a law in December 2018 which reauthorize and amended the JJDP A. The main changes to JJDP A redefined terms (contact, jail or lockup for adults, adult inmate, and Indian tribe), state fund allocations, state plans requirements for funding allocations. The Act was formed to protect communities and to prevent the victimization of children, youth, and their families. The JJDP A provides federal standards of care and customs for young offenders in the juvenile and criminal courts (Coalition for Juvenile Justice, n.d.). JJDP A has four substantive protections for youth interacting with the juvenile justice system: deinstitutionalization of status offenders, adult jail

and lock-up removal, sight and sound separation, and disproportionate minority contact (DMC). Deinstitutionalization of status offenders focuses on finding alternatives to detention for status offenders. Adult jail and lock-up removal emphasize removing juveniles from jails and detention facilities. Sight and sound separation guarantees that all juveniles will not have contact with adult inmates. DMC stresses decreasing unequal numbers of minority juveniles in contact with the juvenile justice system.

Weaknesses and Strengths of Diversion Programs

Diversion programs coordinate placement of juveniles into appropriate rehabilitation and treatment programs as an alternative to formal proceedings in juvenile and family courts for status, non-violent, and first-time offenders. Diversion programs were established and equipped with support, activities, and supervision to direct youth away from the justice system (“Diversion Program,” n.d.). Diversion programs are not perfect, and some argue the programs are ineffective because some juveniles reoffend after completing the program; however, the advantages to young offenders outweigh the disadvantages. Community operated programs are found to be supportive and productive, when compared to detention in preventing future offenses. Diversion programs prevent the formal processing of youth, and initial contact with the juvenile justice system that labels youth, and increases the odds of incarceration as an adult (“Diversion Program,” n.d.). Diversion programs afford youth with experiences and opportunities unavailable in detention centers, jails, and prisons. Diversion of youth from formal processing reserves court funds in early diversion processes (“Diversion Program,” n.d.).

Diversion programs are not one size fits all. They have varying goals and operation attempt to provide specialized treatment to address the needs of youth with substance abuse concerns and health and/or mental illnesses. Diversion programs directly serve the youth and

indirectly provide services to their families (“Diversion Program,” n.d.). Unfortunately, when youth are diverted to programs unfit to address their personal needs, it may appear that the program is ineffective when recidivism occurs. Diversion programs have not yet perfected their placement strategies, and sometimes youth are placed in programs because of admission availability and not because the programs is best for them.

A few of the services provided in diversion programs include: tutorial and educational services, substance use and family counseling, mental health treatment, parenting skill development, and job skills training (“Diversion Program,” n.d.). Four known benefits of effective diversion programs are: reduction of premature immersion in the juvenile justice system; reduction in detention center placement; maintained youth involvement in their community; and reduction in formal court processing and detention placement (“Diversion Program,” n.d.).

Advances in Florida’s Status Offense Legislation

To facilitate rehabilitation, since 2009, Florida has passed a series of laws and policies to reform the juvenile justice system by reducing the practice of punishment for juveniles. In 2009, Florida’s legislators encouraged schools to lessen the use of police referrals for student misbehavior. Amending the state’s zero-tolerance law allowed school teachers and officials discretion in correcting acts and behavior of nonconformity (National Juvenile Justice Network, 2017). The amended legislation stresses the use of substitute measures to prevent unnecessary expulsion or referral to law enforcement. Program initiatives following the 2009 amendment include: restorative justice in neighborhoods to address disruptive behavior, restitution, civil citation, or teen court (National Juvenile Justice Network, 2017). Following the legislation amendment, in 2010 the Third District Court of Appeal in Florida brought an end to dated

systematic practices used to guard runaway youth. The court found it is no longer appropriate to send youth in foster care to detention centers (National Juvenile Justice Network, 2017).

Florida's 2010 ruling aligns the state with the federal Juvenile Justice and Delinquency Prevention Act's ban on detaining status offenders in detention centers. The targeted group that needs protection includes runaway youth (National Juvenile Justice Network, 2017).

In 2011, Florida's legislators sought to increase the presence of juvenile civil citation programs, which are arrest alternatives for first time misdemeanor offenders and can be as simple as a verbal warning or a written ticket. After Miami-Dade's civil citation program for youth achieved statewide notice, legislators mandated that the remaining jurisdictions of the state replicate the program or create a comparable youth diversion program (National Juvenile Justice Network, 2017). Furthermore, legislators limited judges' ability to imprison youth for low-level convictions. This incarceration restriction has a few exceptions, such as a requirement that youth have felony convictions to be sentenced to residential facilities by Florida courts (National Juvenile Justice Network, 2017). The state's 2011 endeavor to lessen the number of juveniles incarcerated has been successful. Florida's new programs, practice of reformation, and budget cuts closed the doors of several detention centers, public and private, as well as the state's infamous youth prison in Dozier. Detention of youth in the Department of Juvenile Justice (DJJ) decreased from 8,897 youth in FY 2004-05 to 5,684 youth in 2010-11 (National Juvenile Justice Network, 2017). With the success of diversion programs, Florida sought to prepare youth for a future beyond the system and the rehabilitation programs. Florida's legislature passed a law to make "transition-to-adulthood services" available for youth in the care of the Department of Children and Family Services. (National Juvenile Justice Network, 2017). The services teach

needed skills to youth aging out of the system to provide legitimate future resources to support themselves in an effort to reduce future delinquency (National Juvenile Justice Network, 2017).

Continuing the rehabilitative progression in 2012, Florida's legislature implemented a few alternatives for juveniles forced into the system by circumstances. New legislation created a source of care and services for youth being sexually exploited. These youths are to receive the treatment of a dependent person rather than a delinquent, regardless of their status (National Juvenile Justice Network, 2017). In 2013, Florida renewed and deepened a focus on education and school systems, addressing the school-to-prison pipeline issues in several counties.

Following a lawsuit, the School District of Palm Beach County lessened the presence of law enforcement officers in schools. The ruling stressed the use of school disciplinary alternatives and banned the management of student behavior by law enforcement officers. The ruling also mandated that school faculty and officials to find internal procedures to correct student behaviors against the school's protocol. Law enforcement officers will intervene when required to enforce the safety of students and school employees, assist in criminal conduct involving the school, or other necessary situations required by state law (National Juvenile Justice Network, 2017).

To provide further assistance to juveniles beyond detention, the School District of Polk County requires school level evaluation of entering youth. To promote continued education of youth detained in county jails, mathematics and reading skills are tested to evaluate and appropriately educate youth throughout their incarceration (National Juvenile Justice Network, 2017). The Southern Poverty Law Center settlement expedited the application of Department of Juvenile Justice (DJJ) standards to all youth in county jails. In Broward County, Florida's second-largest school district, a memorandum limits the role of law enforcement officers in school discipline. The parties agreed to effectively eradicate arrests for student as a result of

school-based incidents or other delinquent acts involving misdemeanor offenses (National Juvenile Justice Network, 2017). In 2016, Florida sought a decrease in the amount of time after which the state automatically expunged juvenile records. Senate Bill 386 requires the Florida Department of Law Enforcement (FDLE) to mechanically purge juvenile records after youth reach the age of 21 rather than 24. The senate bill includes a few exceptions, such as the juvenile must not be “classified as serious or habitual offenders” and cannot be detained or incarcerated at the time expunction is scheduled (National Juvenile Justice Network, 2017). Juveniles can also request the expungement of their record prior to turning 21 if they are of legal independent age according to the state and meet all other criteria. The senate bill became a law on March 10, 2016 (National Juvenile Justice Network, 2017).

Florida has established the laws necessary to ensure juvenile status offenders are rehabilitated and progressed toward being productive adults. Lawsuits in some counties have led to major changes in the presence of law enforcement officers in schools, which will continue to aid in the reduction of juveniles in the systems. The largest school district in Florida, Miami-Dade, has created a few programs to lessen juvenile incarceration; however, the county has not removed zero-tolerance policies, which are the leading cause of status offenses for youth.

This study will analyze Miami-Dade County status offender policies. Comparing local, regional, and national juvenile delinquency data, the effectiveness of current policies and programs will be evaluated. The study will review history, laws, policies, and agency data from August 2013 to October of 2019 to determine: what are the sanctions used for status offenders in Miami-Dade County? Specifically, which offenses committed by juveniles are punishable? What charges and sentences are juveniles facing when the motive of the judge is to punish the juvenile for committing a status offense? The study will also address the effectiveness of Miami-Dade’s

Post-Arrest Diversion (PAD) program in locating rehabilitation and treatment programs to further prevent recidivism. In the end, recommendations will be provided based on the findings to improve the justice system's response to status offenses in Miami-Dade County.

Literature Review: Studies of Status Offenders and Status Offenses

Zero Tolerance Policies are Ineffective as School Discipline Practices

The first encounter youth have with the juvenile justice system is often a result of status offenses and zero-tolerance policies in Miami-Dade public schools. The American Psychological Association's Task Force (2006) reviewed discipline practices in New Orleans schools. Research found increased dropout rates and unconformed behaviors as a result of mandatory discipline practices. The research also showed that implementation of zero-tolerance policies has increased time spent in disciplining students, and Latino and African American students continue to experience disproportionate impacts of suspension and expulsion practices (American Psychological Association Zero Tolerance Task Force, 2006). Zero-tolerance policies fail to account for cultural differences, immaturity, and developing frontal lobe which hinders long-term decision-making, reasoning, and self-control (American Psychological Association Zero Tolerance Task Force, 2006). The report recommended modification of zero-tolerance policies to include flexible and individualized in-school discipline to accomplish original goals of safer schools for students and teachers.

Thompson (2016), argued from the perspective of Miami-Dade County Public School District for the removal of zero-tolerance policies and replacement with disciplinary alternatives. Restorative Justice provides youth with the opportunity to serve their community while correcting disruptive behaviors and preventing recidivism (Thompson, 2016). Positive Behavior Support ("PBS") achieves socially appropriate behaviors by applying behavior analysis. The

behavior intervention approach seeks to repair connections between school and community environments by emphasizing positive reinforcement (Thompson, 2016). Beginning in 2003, the Miami-Dade County Public School District implemented “School-Wide Positive Behavior Support”, a three-tiered program that provided model student behaviors and appropriate disciplinary measures based on the student’s level of behavioral misconduct (Thompson, 2016). However, while arrest rates have steady declined, indoor and outdoor suspension rates fluctuated overall but steadily rose for African American and Latin students. While other Florida counties have since implemented similar programs in their public schools, Thompson (2016) notes the need for further studies to reduce disproportionate impacts and serve the program’s intended goals.

Sex Differences in the Treatment of Status Offenders

To collect qualitative data for the “girls and delinquency: reconstructing status offenses” study, Davis was a participant-observer for two years (Davis, 2005). During field observations, Davis recorded notes on 50 girls during their detention. Davis had one-on-one periodic—no specified length for interviews, nor period of time between the interviews was provided—interviews with 30 of the 50 girls. During the one-on-one interviews, Davis made audio recordings to avoid hastily taking notes. The interviews were not directed by Davis’ questions, but instead were open conversations that allowed the girls to talk about their lives. Davis sat in the family group therapy sessions, and had informal conversations with the girls’ parents.

Prior to the passing of JJDP of 1974, girls were arrested, detained and punished for their status offenses. After the passing of JJDP, the decriminalization of status offenses resulted in a decline in overall juvenile detention. However, the detention of girls increased, especially for African American, Latino, and Hispanic girls (Davis, 2005). In the United States, girls

comprise more than one fourth of youth arrests every year. Delinquent offenses that involved girls increased by 83% between the years of 1988 and 1997. Statistics show an increase of 106% for African-American girls, 74% for Anglo girls, and 102% for girls of other races. It is further shown that the use of detention for adolescent girls increased 65% between the years of 1988 and 1997, with African-American girls accounting for nearly 50% and Latin girls 13% of those in secure detention (American Bar Association and National Bar Association, 2001).

Davis (2005) theorized the consistent and, in some populations, rising numbers in the arrests, detention, and incarceration of girls was the result of an authority driven power and control struggle at home. Davis studied several girls and documented their stories that included challenges with authority in their homes. Authority challenges are often a result of the families' attempts to control the social behavior of their daughters. The study added information that had been overlooked in previous evaluations of the juvenile justice system and incarceration of youth. However, the data compared to the study findings were collected from 1988 to 1997. Therefore, there is a need for further studies, interviewing additional girls, and a reflection of current statistical representation of the juvenile justice system. Further studies should also consider transforming societal norms, and the zero-tolerance policies remaining in most United States' jurisdictions.

In the juvenile justice system, other differences can be found between males and females in the frequency and nature of the contact. Girls have been reported with a higher probability to be detained for status offenses, usually running away from home, truancy, or underage drinking. Girls that enter the juvenile justice system are on average younger than the boys. Normally, girls are referred to the juvenile courts by their family members in search of help, rather than by being arrested (U.S. Department of Justice, 1997). Detention for boys is reported for non-status

offenses, such as unlawful possession of firearms, sexual misconduct, arson, or burglary.

Researchers have found that recurring delinquent behavior is more common among boys than girls (Dembo et al., 1998).

Mental Health Impacts on Status Offenses and Delinquency

Saks (2014) believed status offenses should not be characterized as crimes, and that behaviors displayed by mentally ill persons are a result of what has happened to the person, not what the person has done. Through the evaluation of statutes following California—*Robinson v. California*—and Texas—*Powell v. Texas*—court cases that criminalize narcotics addicts and particular unconformed behaviors, Saks (2014) sought to provide care and treatment of persons with mental illnesses. Rather than punishing ill people through detention or incarceration, persons with an illness, should receive civil confinement with treatment according to Saks (2014).

The “Sex Differences on MAYSI-2 (*Massachusetts Youth Screening Instrument - Version 2*) Mental Health Symptoms of Juvenile Detainees” study was conducted from July 2003 to July 2004 in a Northwestern county to measure juveniles for mental health needs. The study also evaluated the county’s present mental health through the evaluation of 669 juveniles in the Northwest referred to juvenile courts (Shubick, 2010). The juveniles were separated into two groups, status offenders and non-status offenders. Of the 669 juveniles in the study, 5,548 status offenses could be accounted for during their lifetime (Shubick, 2010). Considering the year of the study alone, 92 of the juveniles had multiple offenses on their record (Shubick, 2010). To measure the harshness of offenses, the juvenile court provided a customized scale for the study. The scale ranged from zero, accounting for non-violent juvenile offenses, violation of curfew, to

nine, considering the most violent of the juveniles' offenses, aggravated murder in the first degree.

Shubick (2010) believed non-conforming behaviors in youth are a result of untreated or unmedicated symptoms of mental health illnesses, which can lead to status offenses and delinquency. Shubick (2010) referred to Joanne Solchanny, a psychiatric nurse practitioner, who suggested that youth in the system because of status offenses may have unresolved relationship trauma or adolescent mental health issues, including untreated attention deficit disorder (ADD), depression, anxiety, or post-traumatic stress disorder. In 2010, an estimated 75% of juvenile females and 66% of juvenile males met criteria that would indicate the presence of a mental health disorder (Benner, 2010). Assessments reveal female offenders are generally at higher risk of mental health disorders than their male counterparts. After mental health evaluations, researchers have found 85% of female offenders required mental health services while being detained, and their treatment needs increase for their duration in the system. Researchers also found that 27% of male offenders required mental health services (as cited in Benner, 2010; Prescott, 1997).

Homeless Youth and the Law

The studies conducted on homeless youth and interaction with law enforcement and the justice system are few in number; however, documented encounters are enough to provide a red flag of underlying issues in the system. Pilnik (2016) argues homelessness of youth and involvement in the juvenile justice system are interconnected, and one can and generally does cause the other to happen. The study conducted 654 interviews with homeless youth or runaways in 11 cities. In the U.S. an estimated 400,000 youth are homeless and survive by their support alone (Pilnik, 2016). An estimated 44% of the youth were detained or incarcerated in their

lifetime, another 78% of youth have had a minimum of one interaction with law enforcement officers, and almost 62% of youth were arrested at least once in their lifetime (Pilnik, 2016).

Displaced youth have greater difficulty in arriving to school on time and often appear to stay out beyond their curfew compared to youth living in a stable home. State laws and public policies criminalize the presence of individuals in public areas during specific times of the day. In 2008, 60% of homeless youth were issued “quality-of-life offenses” and consequently arrested or issued a warrant for non-payment of the fine (Pilnik, 2016). A Minnesota study found 46% of homeless youth were held in a correctional facility in their lifetime and 48% of homeless youth came from an unstable home (Pilnik, 2016). A study of Washington’s youth in detention center revealed 48% of the youth were in unstable homes or homeless prior to entering detention and 65% of the youth had a home they expected to return to upon release (Pilnik, 2016).

Status Offenses Diversion Through Mediation Programs

Simmons (2006) advocated for legislation in support of mandatory mediation programs based on the study results from the mediation model of three status offender diversion programs. One study evaluated a program designed to lower recidivism rates of juvenile offenders from 1999 to 2003; 70% of the juveniles did not reoffend (Simmons, 2006). Another study found on average one third of families from mediation diversion experienced improved communication (Simmons, 2006). The Children’s Aid Society in New York offers PINS Mediation, screened and trained community volunteers to be mediators for the estimated 600 families referred annually (Simmons, 2006). The study of 153 of PINS families found 77.3% of the juveniles did not reappear in court after two months, and the families diverted prior to juvenile court petitions were the most successful (Simmons, 2006). Similar to PINS, Twin Falls County Status Offender Program helped families communicate about offending behaviors; a study targeting 30 mediated

families found a 73% rate of success with no additional offenses within three months of mediation.

In theory, the removal of status offenses from the juvenile courts through mediation seems to solve the problem of recidivism and harsh treatment of minor offenses. In reality, the juvenile court's diversion returns youth to a system revolved around punishment. Once youth go through juvenile processing, the judge dismisses status offenses and orders juveniles to follow certain conditions upon their release from detention. Failure to follow the order(s) of the court puts the juvenile in contempt of court, which could result in detention and even incarceration. Juvenile courts were formed with a focus on the behavior of the child rather than the latent reasons current in the child's home. Sociologists, criminologists, and psychologists have suggested that society use treatment to correct non-conforming behaviors in adults as well as juveniles (Simmons, 2006).

Informal mediation is the opposite of formal adversarial court proceedings. Mediation is led by the parties with an unspoken freedom to focus not only the dispute, but also its surrounding causes, instead of a focus on narrow legal issues (Simmons, 2006). Mediation is an art used to settle civil disputes. Mediation provides a space for families to begin communicating, and in the end, find a solution that is appropriate for the offense and manageable for the juvenile. Mediation is a reputable alternative to traditional juvenile court proceedings, and would be best for treating status offenses to solve problems in the emanating from the community and the home (Simmons, 2006). Mediation has been a frequently used tool in multiple juvenile justice contexts, including parent-child conflicts, student conflicts, and limited delinquency cases. In mediation of status offenses, the mediator assists with the flow of communication between the parent and

child, and identifies joint areas of interest, to allow the parent and child to write their own agreements (Simmons, 2006).

Mediation affords juveniles the foundation to evaluate their actions and their impacts, while allowing victims to clarify how the status offense affected them. Researchers have found that victim–offender mediation can lead to lower recidivism rates for mediation participants. The success of victim–offender mediation can be further implemented if mediation for status offenses is mandated (Simmons, 2006). Ohio’s Truancy Prevention Program was unlike PINS and Twin Falls as it focused on prevention of status offenses and intervention prior to formal court proceedings (Simmons, 2006). Ohio’s Truancy Prevention Program had about 3,000 mediations from 2003 to 2004 during the school year, allowing researchers to find a significant reduction in truancy, after the evaluation of absences and tardies, for the students involved in the program (Simmons, 2006).

Miami-Dade’s Post-Arrest Diversion (PAD) program

In an effort to review and analyze juvenile substance use, arrests, mental health, individual needs and personal interests in committed offenses Miami-Dade’s Post-Arrest Diversion (PAD) program was formed in 2000 (Cocozza et al., 2005). Non-violent, first-time, and misdemeanor juvenile offenders were the targeted population when the program began, in efforts to prevent recidivism, reduce judicial strain, identify at risk habitual offenders, expand treatment programs in the community and expunge juvenile records of program graduates (Cocozza et al., 2005). PAD sought diversion of 17 year olds by providing educational assistance, treatment, and counseling through a 60-day program. The length of programs can be extended beyond 60 days though supervisor approval if and when necessary (Cocozza et al., 2005).

Studies found the need to expand the criteria and individuals able to access the diversion process (Cocozza et al., 2005). PAD began to use additional procedures to screen youth applicable for diversion. When attending to psychological and mental health needs of youth, it was found the instruments for assessment were not adequately assessing the mental status of the youth entering the diversion process (Cocozza et al., 2005). Finding the need to update assessment tools led PAD to the use of impartial risk assessments and follow-up assessment where it was seen necessary (Cocozza et al., 2005). For further uniformity in the assessments utilized in the diversion process, PAD researchers implemented a decision tree for staff to promptly screen, assess, and treat incoming youth, “Miami-Dade Juvenile Assessment Center, PAD Processing Continuum” (Cocozza et al., 2005).

After adjusting instruments, screening procedures and assessment methods, PAD directed its focus to equipping its staff with the necessary tools to select program placement for youth that benefited their best interest. PAD created new branches in the Processing Continuum for staff to follow when determining mental health and treatment referrals. The new branches in the Processing Continuum decision tree shows necessary program features for youth with low risk assessments to youth with high and demanding risk assessments (Cocozza et al., 2005). To further develop efficacious procedures in PAD’s processing and assignments, Policy Research Associates (PRA) consultants were brought in to evaluate for best practices within the limits of juvenile justice ideologies for the National Demonstration Project initiative (Cocozza et al., 2005). The evaluation provided PAD with goals to maintain program, input and out data system, and procedure efficiency. As a result of the evaluation PAD began to use evidence and substance in the screening and assessment measures, expanding youth eligibility criteria, implemented

continuous training for staff, administrators and community service personnel (Cocozza et al., 2005).

Conclusion

Whether zero-tolerance policies are effective in disciplining juveniles remains controversial, and the attempts to remove these harsh policies leave little hope for promising school discipline alternatives. Differences in the treatment of status offenders based on sex revealed girls are more likely to enter the juvenile justice system for status offenses, and at younger ages than boys (Davis, 2005). Mental health impacts on status offenses and delinquency showed most juveniles in the system for status offenses have untreated mental health issues Shubick (2010). Homeless youth and the law debate the unbreakable connection of homelessness and involvement in the juvenile justice system, as to which causes the other is arguable (Pilnik, 2016). Addressing status offenses through mediation provided a renewed perspective of a longstanding approach to remove status offenses from juvenile courts while maintaining efforts to rehabilitate, treat, and educate juveniles (Simmons, 2006). As it stands, Miami-Dade's Post-Arrest Diversion (PAD) program serves as one of the main programs to access diversion and rehabilitative treatment in the county.

References

- American Bar Association and National Bar Association Joint Report. (2001). *Justice by gender: The lack of appropriate prevention, diversion and treatment alternatives for girls in the justice system*. Washington, DC: Author.
- American Psychological Association Zero Tolerance Task Force. (2006). Zero tolerance policies are not as effective as thought in reducing violence and promoting learning in school. Retrieved from <http://www.apa.org/news/press/releases/2006/08/zero-tolerance.aspx>
- Benner, G. J., Nelson, J. R., Stage, S. A., Laederich, M., & Ralston, N. C. (2010). Sex differences on MAYSI-2 mental health symptoms of juvenile detainees: Impact on status offenses and delinquency. *The Journal of Behavior Analysis of Offender and Victim Treatment and Prevention*, 2(1), 37-50.
- Bradley, E. G. (n.d.) A decade to decriminalize status offenses in the commonwealth. *Children's Voice*, 21(2), 9-10.
- Coalition for Juvenile Justice. (n.d.). Juvenile Justice and Delinquency Prevention Act: History of the JJDP. Retrieved from <http://www.juvjustice.org/federal-policy/juvenile-justice-and-delinquency-prevention-act>.
- Coalition for Juvenile Justice. (n.d.). Juvenile Justice and Delinquency Prevention Act: Reauthorization of the JJDP. Retrieved from <http://juvjustice.org/juvenile-justice-and-delinquency-prevention-act/reauthorization-jjdp>.
- Cocozza, J. J., Veysey, B. M., Chapin, D. A., Dembo, R., Walters, W., & Farnia, S. (2005). Diversion from the juvenile justice system: The Miami-Dade juvenile assessment center post-arrest diversion program. *Substance Use and Misuse*, 40(7), 935-951.

- Davis, C. P. (2005). Girls and delinquency: Reconstructing status offenses. *Conference Papers -- American Sociological Association*, 1-21.
- Dembo, R., Schmeidler, J., Nini-Gough, B., Sue, C.C., Borden, P., & Manning, D. (1998). Predictors of recidivism to a juvenile assessment centre: A three-year study. *Journal of Child and Adolescent Substance Abuse*, 7, 57-77.
- Diversion Programs. (n.d.). Retrieved from <https://youth.gov/youth-topics/juvenile-justice/diversion-programs>.
- Greenwald, M. A. (2016). Delinquency Intake: Florida Department of Juvenile Justice. 1-10. Retrieved from <http://www.djj.state.fl.us/research/reports/reports-and-data/static-research-reports/comprehensive-accountability-report>.
- National Juvenile Justice Network. (2017). Advances in Juvenile Justice Reform: FL. Retrieved from <http://www.njjn.org/our-work/juvenile-justice-reform-advances-florida>.
- Office of Juvenile Justice and Delinquency Prevention. (2016). Girls and the Juvenile Justice System. Retrieved from <https://rights4girls.org/wp-content/uploads/r4g/2016/08/OJJDP-Policy-Guidance-on-Girls.pdf>
- Pilnik, L. (2016). Youth homelessness and juvenile justice: Opportunities for collaboration and impact. *Coalition For Juvenile Justice*, 1(1), 1-7.
- Saks, E. R. (2014). The status of status offenses: Helping reverse the criminalization of mental illness. *California Review of Law and Social Justice*, 23(3), 367-385.
- Shubick, C. (2010). What social science tells us about youth who commit status offenses: Practice tips for attorneys. *Child Law Practice*, 29(9), 129-141.
- Simmons, T. J. (2006). Mandatory mediation: A better way to address status offenses. *Ohio State Journal on Dispute Resolution*, 21(3), 1-30.

Thompson, J. L. (2016). Eliminating zero tolerance policies in schools: Miami-Dade County public school's approach. *Brigham Young University Education & Law Journal*, 2016(2) 325-349.

United States Census Bureau. (2016). Quick Facts Miami-Dade County, Florida; United States. Retrieved from <https://www.census.gov/quickfacts/fact/table/miamidadecountyflorida,US/PST045216>.

U.S. Department of Justice. (1997). *Juvenile Female Crime: A Special Study, Section V*. Washington, DC: Author.