20040084164 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3157 PG: 476,
09/08/2004 at 02:34 PM, BOB INZER, CLERK OF COURTS

RECORDED IN THE PUBLIC RECORDS OF LEON CO. FLA.
IN THE BOOK & PAGE IND
MAR 4 2 51 PM 1980
AT THE TIME AND DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 80-6

IN RE: Appointment of Community Control Program Advisory Council under Florida Statutes 39.11(1)(a)(2)

1. This Order is entered pursuant to Section 39.11 (1)(a)(2), Florida Statutes, which provides as follows:

> "There shall be established in each judicial circuit a Community Control Program Advisory Council which shall periodically advise the court of the diversion programs and dispositional alternatives for children available within the circuit. The presiding judge of the circuit may appoint seven members to constitute the council. The council shall include as ex officio members the state attorney, superintendent of schools within the circuit, and an intake officer of the department (Health and Rehabilitative Services) or their designee."

2. The following ex officio members of the council are those who have been designated by the state attorney of the circuit, the county superintendents of schools in the circuit, and the intake officer of the department, as indicated:

(a) Ben Poitevent - designee of State Attorney
(b) Dr. Ed Fenn - School Superintendent (Leon)
(c) Grinelle Bishop - School Superintendent (Gadsden)
(d) Desmond Bishop - School Superintendent (Jefferson)
(e) Lequita Shuler - School Superintendent (Liberty)
(f) Dr. William Whaley - School Superintendent (Wakulla)
(g) Leon Tucker - School Superintendent (Franklin)
(h) Almentha G. Barber - Department of Health and Rehabilitative Services Intake Officer

3. The following are hereby appointed by the undersigned Chief Judge as members:

1. Mr. Rufus Jefferson, Tallahassee
2. Mr. Bill Curry, Tallahassee
3. Mr. Richard Dolan, Tallahassee
4. Honorable Mike Carter, Crawfordville
5. Ms. Jenny Jerome, Tallahassee
6. Mr. Wilson Wright, Tallahassee
7. Mr. William L. Griffin, Tallahassee

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY FLORIDA GWEN MARSHALL
UNOFFICIAL DOCUMENT

4. The members and ex officio members are requested to meet at 2:30 p.m. on March 20, 1980, at the Leon County Commission Board Room, Room 203-B, Leon County Courthouse, Tallahassee, Florida, for the purpose of organizing and making plans to carry out the functions of the council.

5. The Coordinator of Community Work Program of the Department of Health and Rehabilitative Services and the Court Administrator or his designee of the Second Circuit are also requested to be in attendance at the meeting mentioned above.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this 28th day of February, 1980.

Ben C. Willis

BEN C. WILLIS, CHIEF JUDGE

Copies furnished to:

Members
Ex Officio Members
Coordinator of Community Work Program
Court Administrator

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT

P R O P O S E D A G E N D A

JUVENILE COMMUNITY CONTROL ADVISORY COUNCIL

Tuesday, February 12, 1980 6:00 P.M.

LEON COUNTY JUVENILE COURT
501 S. Appleyard Drive, Tallahassee

INTRODUCTION OF EACH MEMBER WITH A BRIEF BACKGROUND AND HOW THEY WOULD EXPECT TO HELP THE COURT

DEFINE THE ROLE AND FUNCTION OF THE COUNCIL SETTING GOALS OF POSSIBLE ACCOMPLISHMENTS

ELECT A CHAIRPERSON AND SECRETARY FROM THE APPOINTED COUNCIL MEMBERS

ESTABLISH A REGULAR FORMAT OF THE MEETINGS; SUCH AS LENGTH OF MEETING, TIME, DATE, AND MEETING PLACE

AREAS FOR DISCUSSION

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT

Juvenile Community Control: The Florida Experiment (An Issue Paper)

In 1978, the Florida Legislature substantially revised the juvenile law. Among the more significant changes was the establishment of "community control" to replace probation. The new law deemphasizes traditional casework practices and substitutes what are described as "methods of offender rehabilitation and rehabilitative restitution..." A new and significant concept in the law is "... that the application of sanctions is appropriate in all cases."

The attached issue paper seeks to clarify this statutory shift in both theory and practice. A brief historical review of conventional probation practices is followed by a succinct description and rationale for the statutorily mandated new emphasis. Restitution, community service and contractual programming are discussed within the context of eliciting community involvement and participation in implementing the law's purpose and intent.

Among the more important features of the new community control program, the law calls for the establishment of Community Control Advisory Councils. This paper also addresses the key part envisioned for these councils by the legislature in achieving the success of the program. A question and answer format raises and responds to some obvious and important issues regarding the councils' organization and role.

Questions regarding this issue paper may be directed to the Youth Services Program Office, 1317 Winewood Blvd., Tallahassee, Florida 32301.

RECEIVED
OCT 26 1979
District II
Children & Youth Services

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT

JUVENILE COMMUNITY CONTROL - THE FLORIDA EXPERIMENT

F.S. 30.09 (3) (f) - If the court determines not to adjudicate and commit to the department, then the court shall determine what community based penal sanctions it will impose in a community control program for the child. Community based penal sanctions may include but are not limited to rehabilitative restitution, curfew, revocation or suspension of the child's driver's license, community service, the deprivation from the child of nonessential activities or privileges, or other appropriate restraints of the child's liberty.

(g) After appropriate sanctions for the offense are determined, the court shall develop, approve and order a plan of community control which will contain rules, requirements, conditions and programs that are designed to encourage non-criminal and functional behavior that will promote the rehabilitation of the child and the protection of the community.

THE JUVENILE JUSTICE ACT

The Florida Legislature has established a new Juvenile Justice Act that mandates a balance between rehabilitation and punishment. Emphasis placed upon improving public safety and deterrence finds expression in such terms as "appropriate sanction" and "the protection of the community." Youth are required through the imposition of "sanctions" to acknowledge that criminal behavior will not be excused. Sanctions are to be dispensed in a manner that is "appropriate to the seriousness of the offense." Community control (formerly probation) is defined and structured in terms of specific rules and requirements that must be met to remove the "restraints to the child's liberty."

A NEW EMPHASIS

Some may view the new act as signaling a rejection of traditional concern for children who violate the law. Advocates of a "treatment model" may question the emphasis and appropriateness of sanctions in every case. Taken in its entirety, however, the Juvenile Justice Act provides an opportunity for both improved services to youth and increased community support and participation. Children can benefit if counselor, judge and community share a common understanding of the act's purpose and work together to achieve the ends sought.

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT

RATIONALE FOR COMMUNITY CONTROL

Community control is premised on the fact that most delinquents are not violent offenders. Less than eleven percent of all delinquency referrals are for crimes against persons of which approximately only four percent are classified as violent crimes. Recognizing these facts, the law mandates development of appropriate community sanctions for the majority of juvenile offenders. The Juvenile Justice Act addresses what the research suggests. Namely, that an emphasis upon immediate, certain and proportionate community sanctions provided in a child's own community, while he or she lives at home, will likely produce the greatest cost-benefit. When such sanctions emphasize restitution and community service, substantial benefits to communities, victims and offenders result. During 1978, less than fifteen percent of all probationers were involved in restitution or community service. As restitution produces a recognizable linkage between a criminal act and penalty in the minds of both offenders and the public, substantially greater use of community control sanctions is expected. Its benefits promise to far outweigh either long-term minimum surveillance or conventional therapy.

CONTRACT WORK AND RESTITUTION

Lengthy probation periods and rising caseloads have resulted in diminished levels of service. Many youth placed on probation receive little meaningful assistance. This occurrence has eroded the courts' confidence in using probation. Absent an individualized and carefully supervised rehabilitative plan, neither the courts, victims nor police should be expected to have or regain confidence in juvenile corrections. Children involved in crime must understand that arrest and adjudication entail recognizable and constructive consequences. The new Juvenile Justice Act facilitates the achievement of this goal.

Contract work and restitution can significantly reduce the average time children spend under supervision. Accordingly, as caseloads decline, HRS staff will have more time to devote to smaller numbers of the more problem-ridden youth. Intensifying supervision will permit careful monitoring and close supervision of contractual community control agreements; it will also afford time and opportunity to tailor-make individualized rehabilitation plans for youth placed on community control in keeping both with their needs and the public's expectations.

THE COUNSELOR'S ROLE

Community control includes the imposition of constructive disciplinary measures when a child's behavior evinces a lack of self-control. Discipline is properly imposed in proportion to a child's ability to regulate his or her own behavior in keeping with societal demands. Simply put, abiding by one's contractual obligations in completing the requirements of a community control program is expected to prove both personally and societally rewarding.

CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL UNOFFICIAL DOCUMENT

Counselors will stress a service broker's role in helping children and their families obtain, when appropriate, necessary community-sponsored care. Community control, however, should emphasize practices that are substantially different than conventional probation services. Personal accountability should be reflected in work-related activities that facilitate either service to the community or restitution to the victim. A working relationship between counselor and youth, therefore, that facilitates employment and community work opportunities is essential. Resources (e.g., work supervisors and vans) to help accomplish these ends are included in the HRS budget submission. Additionally, members of community control advisory councils can be helpful in identifying opportunities for employment and community service. To help implement the program, trained community volunteers can be valuable in assisting Youth Services staff in supervising youth placed in such community control programs.

THE COUNCIL'S ROLE

The effectiveness of community control is dependent upon the development of strong leadership. The law creates a "court appointed" community control advisory council. The council is intended to provide such leadership. In addition, the council can assist the court by helping identify employment and community work opportunities as well as offering its expertise with administrative and training concerns. Close relations with the media and public will temper unrealistic expectations for the program and offer another area in which the council may play a valuable role.

THE YOUTH INVOLVED

Many youth assigned to community work programs may likely have poor to non-existent work habits. Special skills will be required to supervise such youth. Public and employee expectations related to punctuality, cleanliness, good grooming and accountability will need to be altered to reflect the age and maturity of these youth. On-the-job counseling in skills such as obtaining a social security card or filling out an employment application will need to be developed. In addition to helping participants develop realistic work and employment expectations, a variety of administrative tasks such as insurance and liability requirements will require consideration. Records, of course, will be required to document the amount of work and restitution accomplished.

A COHESIVE AND GOAL DIRECTED EFFORT

The key to success of a community control effort lies in the development of a partnership between the court, counselor and community. In welding this effort together and providing leadership, the community control advisory council plays a vital part. An organized and cohesive community effort can achieve the goals envisioned in the Juvenile Justice Act. A response that can be constructive and meaningful to youth, courts and the public should also prove attractively cost-effective and make an important contribution to the kind of community in which we all wish to live.

CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL UNOFFICIAL DOCUMENT

QUESTIONS AND ANSWERS ON THE COMMUNITY CONTROL PROGRAM ADVISORY COUNCILS

How does the Juvenile Justice Act of 1978 provide for community control program advisory councils?

Section 39.11 (1) (a) 2, Florida Statutes, provides for the mandatory establishment of community control program advisory councils within each judicial circuit. The law states....."there shall be established in each judicial circuit, a community control program advisory council which shall periodically advise the court of the diversion programs and dispositional alternatives for children available within that circuit. The presiding judge of the council may appoint seven members to constitute the council. The council shall include, as ex-officio members, the state attorney, superintendents of schools within the circuit, and an intake officer of the department or their designees."

What is the purpose and function of the council?

The law states that the purpose of the council is to ....."periodically advise the court of the diversion programs and dispositional alternatives for children within that circuit."

From a practical standpoint it is apparent that the council must do more than "advise the court." As mentioned previously, the council's primary purpose will be to provide leadership and help identify restitution and community work opportunities for juveniles placed on community control.

In the organizational development of the council, who should be council members?

The law states that the....."presiding judge of the circuit may appoint seven members to constitute the council. The council shall include, as ex-officio members, the state attorney, superintendents of schools within the circuit, and an intake officer of the department or their designees."

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

There appears to be no restriction to appointing more or less than seven members. It is recommended that membership include a representative of (possibly the Youth Services or Children and Youth Services) community control, and law enforcement.

What citizens in the community would make good council members and why?

Priority should be given to persons who are most likely to help the council achieve its purpose. As indicated previously, important activities will include the development of work, restitution and community services opportunities. Representatives of business, industry and labor can be most helpful in this regard. It is strongly recommended that they be included in the council's membership. Representatives of local government can also play a significant role in helping the council achieve success by providing community liaisons and through offering community service opportunities such as cleaning parks and beaches.

Civic organizations, such as the PTA, Urban League, League of Women Voters, local child advocacy organizations, as well as the clergy and media, can provide support for the council's activities, particularly in the areas of public education, interest and awareness.

Who appoints members to the council?

As stated in the law, the....."presiding judge may appoint seven members to constitute the council."

A resolution was recently passed by the juvenile section of the circuit court judges conference requesting that the chief judge of each circuit either delegate this responsibility to the administrative judge of the juvenile division, or counsel with the juvenile judges within the circuit when selecting council members.

We support this resolution since the judges assigned to handle juvenile matters often know of community leaders who are especially interested in helping youngsters. In addition, the judges assigned to the juvenile division will be involved daily with the various facets of community control. Also, since many circuits utilize the rotation system, consultation with judges who have previously handled juvenile matters seems appropriate.

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT

Who should recruit members of the council?

As the individuals sought are those with considerable influence in the community, it is recommended that either the chief judge or the administrative judge of the juvenile division personally contact each prospective member.

Who should be the chairperson of the council?

It is suggested that the chairperson be elected from among the council membership.

How frequently should the council meet?

No set time is established since the law simply states that the council....."shall periodically advise the court....."

Quarterly meetings are suggested. In the initial stages of the council's development, more frequent meetings may be necessary.

Meetings should be scheduled as far in advance as possible so that members can adjust their calendars. It might be beneficial to designate a specific day of the month, for example the first Thursday of the months of July, October, December and March.

Where should the council meet?

In order to make the meetings interesting and informative, meetings are recommended at various Youth Services facilities and the court to familiarize council members with the workings of the Juvenile Justice System. Meetings at public schools should also prove interesting and informative. Sessions where council members can actually observe programs in operation are as a rule much more interesting.

What is the role of the court as it relates to the council?

It is essential that the judge designated to handle the community control council take an active role in the council's activities. It is recommended that the judge be active in the recruitment of council members, in providing council direction and in working closely with the chairperson. Without the judge's active involvement, the council's chances for success will be quite limited.

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT

What is the role of HRS staff to the council?

HRS staff can provide necessary administrative help and assist in identifying potential council members. Once the council is organized, local HRS staff can take part in developing meeting schedules, agenda, minutes and other administrative matters. Technical assistance in developing the concept and the role of the council is also available from PDYS.

Prepared by PDYS 1/30/79

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER
LEON COUNTY
GWEN MARSHALL
UNOFFICIAL DOCUMENT