



Executive Coaching & Clinical Counseling

March 24, 2014

Representative Bobby Powell, Jr. c/o
Criminal Justice Subcommittee
Florida House of State Representatives
Tallahassee, Florida

RE: DIRECT FILE LEGISLATION

Dear Representative Powell:

Thank you for your email advising me of today's meeting of the Criminal Justice Subcommittee which will include discussion of your direct file legislation bill. I write both professionally and personally:

Professionally (as a Licensed Counselor, Family Law Mediator and Guardian ad Litem):

- The US Supreme Court has long ago validated the use of brain science related to adolescent brain development and the frequency of delayed impulse control.
- Numerous studies show recidivism is significantly higher for youth incarcerated with adults versus receiving services in juvenile placement settings. National and state studies also show higher incidents of physical/sexual abuse for these adolescents and the presence of racial/ethnic unfairness via charging imbalances.
- One current study shows Florida's recent reduction in juvenile crime is related to national trends and is not related to direct transfer powers of the state attorney.
- Almost all studies show violent crimes to be the vast minority of the direct transfer cases, hence, there is an opportunity for rehabilitating many of these youth vs. inadvertently institutionalizing them by an unwise process.
- Florida continues to lead the nation in housing youth with adults and is one of only 12 remaining states yet to modify transfer legislation by putting initial decision-making in the hands of the judiciary. Initial charging/venue decisions made by our judges would only strengthen the wisdom, efficiency and compassion of our current unified family court system.
- The current system in Florida is being abused by threatening youth with adult incarceration so as to accept pleas versus experiencing the fear and costs of litigation (and in many of these cases, innocence or over-charging is present). Further, those adolescents and parents who accept adult probation and deferred adjudication in lieu of incarceration (in either adult or juvenile facilities) are being set up for future adult incarceration upon a single school suspension or curfew violation (i.e. youth impulse control is not cured overnight via "fear").

- The bottom line is that Florida's public safety is being compromised by charging youth as adults, especially for those who have committed non-violent crimes. Higher recidivism rates cost taxpayers more dollars in the short and longer-term. Hence, the prosecutors' claim of "*Being Tough on Juvenile Crime*" is actually: "*Dumb on Dollars.*" Our efforts are better focused by trading adult incarceration dollars for strengthening our juvenile treatment facilities and for our families who are in need of more effective family-intervention diversion programs.

Personally (as a Licensed Foster Care and Adoptive parent):

- It is a very special, heart-warming experience to be welcomed in the dependency court as a loving foster and adoptive parent (when my African-American/Asian foster son was age 11, later adopted at 14). It is an utterly devastating and lonely experience to be shunned in the criminal court by the state attorney's office when they became tired of his repeated non-violent theft crimes by direct filing him at age 16/17. I would like to share with the legislature, the state attorney and the courts of what I had the opportunity to say to Attorney General Pam Bondi on her January 27th visit to St. Augustine: "*He is not just my son, he is our son.*"
- We fell victim to accepting adult probation when I should have held my stance, supported by DJJ, that he go back to a juvenile facility and be released when he earned the A's and B's he is capable of. The judges, who know my son well, never had the opportunity to opine as the plea bargain took it out of their hands.
- What message are we sending to all our foster parents who lovingly stand by our children who have suffered abusive backgrounds? How many of all of all our direct-filed youth have suffered same? Too many, I am sure. Setting them up for more institutionalization is an epic moral and social tragedy we can now end.

I sincerely thank Representative Powell and Criminal Justice Subcommittee for this opportunity. I would be happy to present the sources of my professional comments.

Sincerely yours,



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 Guardian Ad Litem, Licensed Foster and Adoptive Parent
 Executive Director, The LifeSource Group LLC

cc:

Attorney General, Pam Bondi
 State Attorney, 7th Judicial Circuit, R. J. Larizza
 Honorable 7th Judicial Circuit Judges: John Alexander, Clyde Wolfe, Michael Traynor
 Guardian Ad Litem Program Executive Director, Alan Abramowitz
 Department of Children and Families, Interim Director, Esther Jacobo
 Natalie Kato, Human Rights Watch, Tallahassee, FL