

Southern Poverty Law Center
400 Washington Ave.
Montgomery, AL 36104
splcenter.org



Florida

Only Young Once

The Systemic Harm of Florida's School-to-Prison Pipeline and Youth Legal System

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Executive Summary

Florida routinely pushes Black children out of schools and into a legal system with well-documented harms. In recent years, the state has made significant investments in school law enforcement and self-proclaimed “tough love” youth legal system policies, purportedly in the name of public safety. However, these investments have yielded a system that disparately disciplines, arrests, prosecutes and incarcerates Black youth more harshly than their counterparts. Florida’s well-developed school-to-prison pipeline has thus created an easy entryway for children into its legal system – even for those as young as 7 years old and children dealing with mental health issues. This report explores the scope and impact of this system and ways Florida can disrupt it.

Florida has invested in a well-developed school-to-prison pipeline, creating an open path for children into the legal system.

- Florida’s minimum age of incarceration and prosecution is currently only 7 years old – the youngest age for states that have a minimum age.
- Employment of law enforcement officers in Florida schools nearly doubled in FY 2018-19 compared to the previous year.
- School arrest rates for Florida schools employing more than three law enforcement officers are more than double the arrest rates for schools employing less than two.

Florida’s youth legal system disproportionately impacts Black children.

- The majority of all youth that are arrested (53.1%) and incarcerated (58.2%) are Black, even though Black children make up only 21.1% of Florida’s youth population.
- Direct file transfers, which force children to be prosecuted in adult court and detained in adult facilities, happen 63.2% of the time for Black youth, compared to 22.7% for white youth.

Florida’s youth legal system uniquely creates harm leading to physical and sexual abuse and excessive use of solitary confinement.

- Florida is the second-highest incarcerator of youth in privately run facilities in the nation.
- Florida is the national leader in the total number of incarcerated children in both adult prisons and jail facilities combined as of the most recent data available.
- The use of Florida’s Baker Act – a policy allowing law enforcement to involuntarily detain someone for mental health evaluation – on children has increased 128% over the last two decades.

Florida's youth justice system is incredibly expensive and ineffective.

- The annual cost to incarcerate a child in Florida (\$130,520) is more expensive than the cost to educate that child in Florida public schools (\$11,773), fund alternatives to incarceration (\$3,427), and enroll at the University of Florida (\$23,150) and Florida State University (\$25,762) combined.
- Less than half (49%) of all incarcerated 12th graders in Florida graduated with a high school diploma or GED in the 2021-2022 school year.
- In Florida, almost half (45.7%) of incarcerated youth recidivate within a year.

For Florida to disrupt its school-to-prison pipeline, the state must invest in policies that prioritize rehabilitation and care over punishment and incarceration.

The Southern Poverty Law Center recommends the following:

1. Florida should raise the state's minimum age of youth incarceration and prosecution from 7 to at least 14 years old, while narrowing legal exemptions.
2. Florida should make nonviolent offenses, especially technical violations and minor drug-related offenses, nonjailable for children.
3. Florida should invest in community-based alternatives to youth incarceration and the Baker Act that prioritize rehabilitation.
4. Florida should prohibit mandatory direct file transfers and allow judicial review when charging and sentencing children as adults.
5. Florida should ban the excessive use of solitary confinement on youth and incarcerating youth in adult facilities.
6. Florida should reform the Baker Act.



“The most important question in the world is, ‘Why is the child crying?’”

Alice Walker, author

Video still shows Kaia Rolle being taken away by police in Orlando, Florida, on Sept. 19, 2019

Only Young Once

The Systemic Harm of Florida's School-to-Prison Pipeline and Youth Legal System

By Delvin Davis,
Southern Poverty
Law Center

Kaia Rolle was only 6 years old. She was a vibrant and outgoing child who loved singing, dancing, and playing with dolls. As a first grader, Kaia lived with her grandmother, Meralyn Kirkland, while attending the Lucious & Emma Nixon Academy in Orlando, Florida.¹

On Sept. 19, 2019, Kaia – possibly cranky from a lack of rest due to her sleep apnea or from just being a 6-year-old still mastering her emotions – threw a tantrum in the middle of class and was sent to the principal's office.² Since her kicking and flailing during the tantrum struck school employees trying to restrain her, law enforcement charged her with misdemeanor battery.³

"What are those for?" Kaia asked the officer, referring to his zip tie restraints (the adult handcuffs were too large for her small wrists). "They're for you," the officer replied, immediately causing her to wail uncontrollably. "No ... don't put handcuffs on! ... Help me, help me, please! I don't wanna go in a police car. ... Please, give me a second chance," cried Kaia.⁴ Her pleas would not be enough to dissuade the officers from escorting her into the back of a squad car.

After police detained Kaia, arresting Officer Dennis Turner told school staff that he had arrested 6,000 people in his career, with the youngest being only 7 years old. When school employees corrected him that Kaia was only 6, not 8 as he originally thought, Turner coldly responded, "Now she has broken the record."⁵

Before Kaia Rolle's arrest, Florida had no minimum age for youth arrest. This left Kaia vulnerable to the initiations of the criminal process at the age of 6 – which included being handcuffed, fingerprinted, and having her mugshot taken. For Kaia's mugshot, an officer

had to find a footstool for her to stand on to be tall enough for the camera.⁶

The arrest has had a lasting impact on Kaia, even years afterward. According to her grandmother, "As a result of the incident, Kaia's been diagnosed with PTSD with severe separation anxiety. She almost has a solitary lifestyle now. She's become a totally different child."⁷

Ultimately, the body camera footage of Kaia's arrest went viral and drew national media attention. As a result of legislative advocacy, including from the Southern Poverty Law Center, Florida enacted the Kaia Rolle Act,⁸ which went into effect on July 1, 2021, mandating that no child under the age of 7 will be subject to arrest, charge, or adjudication except in the case of forcible felonies.⁹ The 7-year-old threshold, however, stands as the lowest in the country for states that set a minimum age.¹⁰ Five years after Kaia's arrest, her current age no longer affords her any protection from another arrest under the law bearing her name, even though Kaia is still clearly a child. Even if Kaia was protected under

this law, the forcible felony carve-out includes “the use or threat of physical force or violence against any individual”¹¹ – an offense vague enough to possibly include when Kaia struck her assistant principal during a tantrum. In Florida, 63 youths between the ages of 5 and 12 have been arrested and detained in carceral settings over the last five fiscal years.¹² Any one of them could benefit from a more restorative approach than the one afforded to Kaia Rolle.

We must envision a Florida where children like Kaia Rolle are met with support, not handcuffs. Accordingly, the purpose of this report is to explore and advocate for alternatives to Florida’s current approach to youth justice to hopefully prevent more situations like what happened to Kaia from happening. First, this report explores the impacts of the “superpredator” myth and the presence of law enforcement in Florida schools. Second, it will detail the racial disparities found throughout the youth legal system. Third, it will expound upon the harmful use of Florida’s Baker Act as another form of confinement. Fourth, it will delve into the harms and costs of youth incarceration, including in privately run facilities. Lastly, the report will highlight potential opportunities for change and offer policy recommendations for reform.

The Myth of Youth “Superpredators”

“How can one be certain that the demographic bulge of the next 10 years will unleash an army of young male predatory street criminals who will make even the leaders of the Bloods and Crips – known as O.G.s, for ‘original gangsters’ – look tame by comparison? The answer centers on a conservative theory of the root causes of crime, one that is strongly supported by all of the best science as well as the common sense of the subject. Call it the theory of moral poverty.”

John DiIulio, former Princeton professor¹³

Kaia Rolle’s arrest precipitated from involving law enforcement in an issue school officials should have been able to handle on their own. Even though school administrators were able to calm Kaia down, law enforcement still felt obligated to arrest and remove her from campus in wrist restraints with charges of misdemeanor battery. The perceived need for law enforcement in school settings is a lasting element of “tough on crime” tactics aimed at curbing youth crime and driven by the unfounded notion of Black

youth as criminal “superpredators.”

In the mid-1990s, concerns over youth crime and school safety were fueled by myths of young Black “superpredators” – a term coined by former Princeton professor John DiIulio – claiming that certain youth have a “moral poverty” causing them to “murder, rape, rob, assault, burglarize, deal deadly drugs, and get high.”¹⁴ According to DiIulio, “On the horizon, therefore, are tens of thousands of severely morally impoverished juvenile super-predators. They are perfectly capable of committing the most heinous acts of physical violence for the most trivial reasons. ... They live by the meanest code of the meanest streets, a code that reinforces rather than restrains their violent, hair-trigger mentality.”¹⁵

The myth of criminal superpredators also attempts to extend the imagination to believe a Black child is older and more prone to dangerous behavior, justifying stronger police discipline, compared to white children presumed to be younger and more innocent.¹⁶ The “adultification” of Black youth was possibly evident in Officer Turner’s mistaken belief that an unarmed 6-year-old, standing at 3 feet and 10 inches tall, and weighing only 80 pounds, could present a serious physical threat of battery to multiple adults.¹⁷ Officer Turner may have also been more sympathetic to racist tropes like the superpredator myth, as he was disciplined in the past for, among other things, racial profiling and excessive force.¹⁸

The superpredator theory, along with its racist tropes, was fodder for political debate aimed to justify harsher criminal penalties and greater investment in law enforcement and carceral facilities through the passage of the 1994 Crime Bill. The term even made its way into the language of proposed federal legislation: the “Violent Youth Predator Act of 1996,” introduced by former Florida representative Bill McCollum, which was aimed at enhancing penalties for youth crime.¹⁹ Fear of mythical superpredators thus supported an environment where laws could be created to cast Black youth as closer to criminals who needed to be controlled than children who needed to be cared for. In DiIulio’s own words, “No one in academia is a bigger fan of incarceration than I am. ... By my estimate, we will probably need to incarcerate at least 150,000 juvenile criminals in the years just ahead. In deference to public safety, we will have little choice but to pursue genuine get-tough law-enforcement strategies against the super-predators.”²⁰

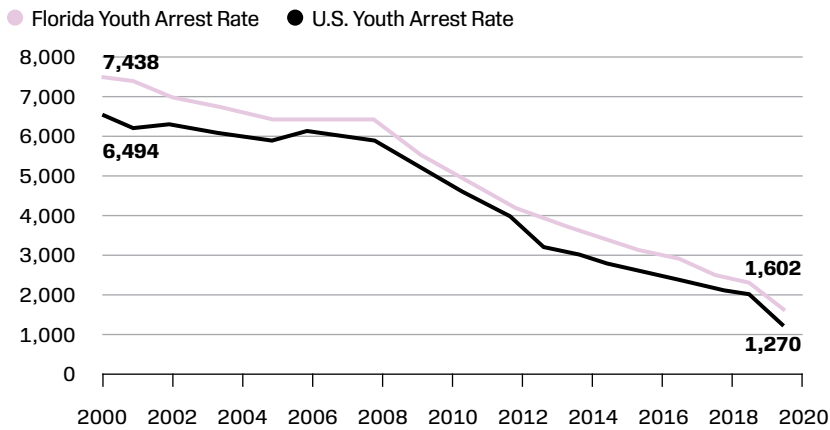


**7
YEARS
OLD**

Florida’s minimum age of incarceration and prosecution is currently only 7 years old – the youngest age for states that have a minimum age.

Soon after DiIulio’s youth crime prediction, then-Gov. Jeb Bush signed Florida’s “Tough Love” legislation into law in 2000, which overhauled the structure of the Florida Department of Juvenile Justice (FDJJ). Before 2000, FDJJ had a more restorative model that would “approach juveniles as children in need of treatment and reform rather than criminals

U.S. and Florida Youth Arrest Rates, 2000-2020



Sources: Arrest figures are from the Florida Department of Law Enforcement, calculating rates according to youth population estimates from the U.S. Office of Juvenile Justice and Delinquency Prevention. Figures presented as arrests of youth ages 10-17 per 100,000 youth ages 10-17.²⁵

deserving punishment.”²¹ According to the FDJJ website, “This legislation signified the most dramatic policy shift away from the social services model and toward a punitive criminal justice approach.”²² In other words, as Jim DeBeaugrine, former staff director for the Florida House of Representatives Justice Appropriations Committee, recalls, “We stopped seeing young people as somebody’s child, but rather as predators to be feared. And the way you deal with a predator is the opposite of how you deal with a child who has made a poor decision.”²³ In fact, at a time when Florida already led the nation in incarcerating teenagers in adult prison, Tough Love laws expanded a district attorney’s ability to prosecute more youth in adult court.²⁴

However, since the Tough Love plan was implemented in 2000, the thousands of violent youth DiIulio predicted to flood Florida’s streets never materialized. Youth arrest rates declined in Florida by 78% from 2000 to 2020, mirroring an 80% decline across the U.S. during that same period. Given these declines, Florida has built an apparent contradiction where “tough on crime” policies have been created to address youth crime that does not exist.

The Rise of Student Resource Officers and Their Impact on the School-to-Prison Pipeline

“But with other interactions, I see [law enforcement] ... more aggressive towards the students. But that’s only when they’re, like, arresting them. And they’re not, like, very sensitive or, like, compassionate, trying to get to the bottom of why the student is acting out or misbehaving. They just are ready to arrest them.”

Quote from a Black girl in Miami-Dade County Public Schools²⁶

Backed by notions of Black youth criminality and funding from the 1994 Crime Bill, security and police officers started to proliferate across our nation’s schools in the late 1990s. Schools that reported employing a security guard or police officer on campus grew from 54.4% to 77.3% of schools between the 1998-99 and 2021-22 school years.²⁷ Comparatively, only around 1% of schools across the U.S. employed police officers in the mid-1970s.²⁸ In Florida, the number of school resource officers (SROs) – law enforcement primarily deployed to a school campus – nearly doubled in 2018, the year prior to Kaia Rolle’s arrest, partly in response to a 2018 school shooting in Parkland, Florida.²⁹

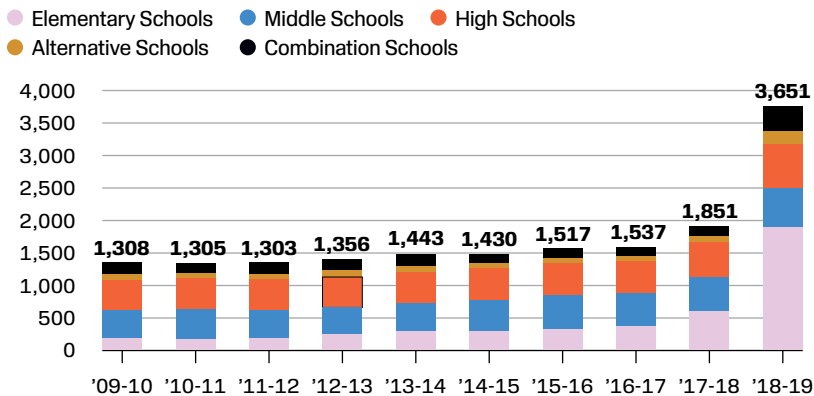
Shortly after the Parkland shooting, Florida’s Tough Love plan was exacerbated by the passage of 2019 legislative recommendations from the Marjory Stoneman Douglas High School Public Safety Commission, which was formed to “analyze information from the school shooting and other mass violence incidents in the state and address recommendations and system improvements.”³⁰ The commission’s recommendations led to SB 7030,³¹ which requires every school district to “partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district.”³² The safe-school officer requirement can be fulfilled by an SRO, security guard, or “school guardian” – someone who is not a sworn officer, but an armed school employee, such as a teacher or other person specifically hired and trained to respond to security threats.³³ Since the new requirement did not come with adequate funding for every school to have a law enforcement officer, it created pressure to either use armed school personnel or divert money needed for education.³⁴ The law also created more school surveillance, expanded



zero-tolerance policies, and funded school hardening programs.³⁵ As a result, SROs in Florida elementary schools tripled in FY 2018-19, making for nearly as many SROs patrolling kindergarteners (1,832) as there were patrolling all Florida schools combined the previous fiscal year (1,851).

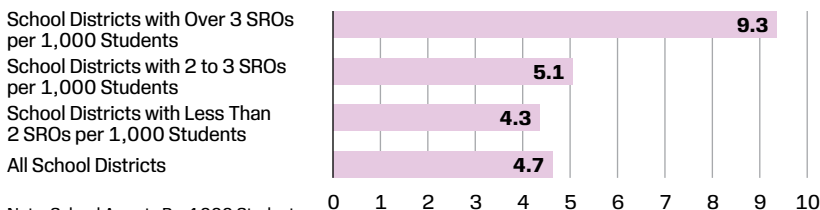
While the SRO investment was allegedly intended to tighten security against school shootings like Parkland, research shows that police presence does not correlate to safer schools, but does lead to harsher discipline for minor infractions, especially for students of color.³⁷ For example, a University of Florida study found that the rapid increase in SRO deployment resulted in a 40% to 82% increase in school arrests but did not find consistent evidence that their presence made schools safer.³⁸ In fact, for Florida schools, districts that employ over three SROs per 1,000 students have school arrest rates more than double the rate of districts employing less than two SROs per 1,000 students. This dynamic, accompanied by discipline policies creating more suspensions and expulsions, are key components of what we now recognize as the school-to-prison pipeline – policies and practices that tend to push children of color out of school and into the criminal legal system.

Florida Student Resource Officers by Fiscal Year



Source: Florida Department of Education, Safe Schools Appropriation Expenditure Reports³⁶

Florida School Arrest Rates by SRO Employment Levels, FY 2022-23



Note: School Arrests Per 1,000 Students
Sources: Florida Department of Education and Florida Department of Juvenile Justice³⁹

Of note, involving law enforcement in schools can also exacerbate school discipline policies, especially if a school district issues punitive actions for potentially minor or first-time infractions. For example, the University of Florida study found that the presence of law enforcement in Florida schools correlated to more behavioral incidents being reported, “particularly for less severe infractions and among middle schoolers.”⁴⁰ In Brevard County, Florida, the school district instituted a stricter discipline program in 2022 to police student behavior and cellphone usage.⁴¹ So far, the result has been more referrals and suspensions, even though the top five reported infractions in the 2023-24 school year were willful disobedience, being out of an assigned area, tardiness to class, minor classroom disruptions, and misuse of electronic devices.⁴² For these five infractions combined, Black students accounted for 31% of the students disciplined, while making up only 16% of the Brevard Public School student body.

Harms from the presence of SROs can also multiply with students who are girls, LGBTQ+, or have disabilities. In a recent SPLC and National Women’s Law Center study detailing the lived experiences of Black girls in Miami-Dade County schools, students reported sexual harassment, public humiliation, and harsher treatment based on whether school police considered them physically attractive.⁴³ As one Black girl accounted for her experience with school security guards in the report, “It’s like, once they get around a certain group of kids, you no longer matter. And, like, they make it their mission to try to find something that you’ve done to try to get you in trouble. ... Because to be honest, like, what do they really do other than yell at us 24/7?”

One of the more severe instances of harm to Black girls became a viral video when an SRO in Kissimmee, Florida, body slammed 16-year-old Taylor Bracey, knocking her unconscious and leaving her with a concussion.⁴⁴ The officer handcuffed her unconscious body, and, according to the family’s attorney, did not render first aid. Her mother, Jamesha Bracey, asked during a press briefing, “I think, if this was a white girl, would this have happened to the white child?”

School involvement with law enforcement has also created issues with data privacy and surveillance. In Pasco County, Florida, the school district established a data-sharing agreement with the sheriff’s office – including sharing information on grades, discipline and attendance – that was then used to compile a list of students

officials believed could “fall into a life of crime.”

⁴⁵ The SPLC and other local advocates expressed strong opposition to this “practice of sharing confidential student data with law enforcement and [the district’s] participation in a school-based predictive policing program,” especially if it served to label, surveil and profile certain children who have never committed a crime.⁴⁶

On top of the predictive policing issue, recently the Pasco County School District settled with the U.S. Department of Justice (DOJ) following an investigation into allegations of discriminatory discipline practices against students with disabilities – children more in need of services than discipline. According to Assistant Attorney General Kristen Clarke, “Too often schools rely on suspensions and law enforcement to address disability-related behaviors of students, without considering what they can do to help those students stay in and succeed at school.”⁴⁷

In sum, the overproliferation of law enforcement in schools, coupled with the lasting legacy of the superpredator myth, has had a devastating impact on Florida’s Black students. As of the 2022-23 school year, Florida suspended and expelled Black students at more than double the rate of their white counterparts, according to data from the Florida Department of Education.⁴⁸ Research has shown strong correlations between school suspensions and future incarceration, especially if the student is a Black or Latino male youth.⁴⁹ Emphasizing school pushout and punishment of children of color over education and restorative practices are the hallmarks of the school-to-prison pipeline.

Racial Disparities Throughout the Youth Legal System

Even with fewer youth arrests, racial disparities in youth incarceration stubbornly persist. Arrest and incarceration create several challenges to the future success and well-being of young people – challenges compounded for Black people disproportionately represented throughout the youth legal system.

In Florida, over half (53.1%) of all youth arrests in FY 2022-23 were of Black children, according to FDJJ data.⁵⁰ Likewise, Black youth made up 58.2% of everyone sent to Florida’s various residential commitment settings. Comparatively, Black youth made up only 21.1% of all youth in Florida that fiscal year.

After a child is arrested, a prosecutor has immense discretion in whether to issue a “direct file” adult transfer, which would charge

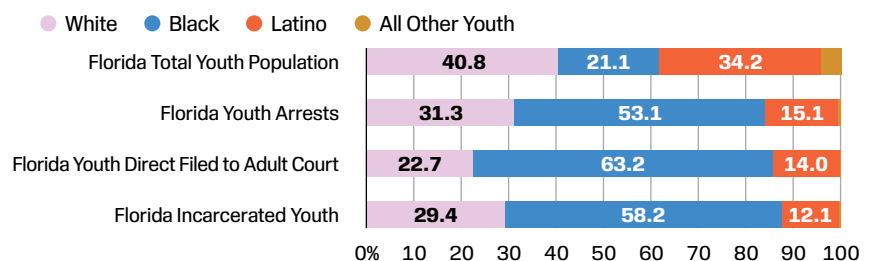
children as young as 14 as an adult without any review from a judge or grand jury.⁵¹ The threat of prosecution in adult court not only creates leverage for plea deals that do not benefit the child, but also correlates to higher recidivism rates and financial costs to the state.⁵² The impact of the superpredator myth also extends to the courtroom as Black youth are disproportionately transferred to adult court for prosecution, with nearly three (2.8) Black youth being direct filed for every one white youth in Florida.⁵³

With Florida Gov. Ron DeSantis’ public scrutiny of prosecutors promoting legal system reform, even to the point of suspending duly elected prosecutors in Hillsborough and Orange County in 2022 and 2023,⁵⁴ there is also added pressure on prosecutors to be tougher on crime in the courtroom, even when they have discretion to do otherwise.

For example, Governor DeSantis alleged that Orange County prosecutor Monique Worrell was “derelict in prosecuting serious crimes committed by juvenile offenders” and strongly disapproved of the notion that her staff was “generally prevented or discouraged from ‘direct filing’ cases.”⁵⁵ Further, Hillsborough County direct files in FY 2022-23, the first year after Hillsborough County prosecutor Andrew Warren’s ousting, represent an 82.5% increase from three years prior, while the state overall has decreased its use of direct file by 2.7% over that same time.⁵⁶

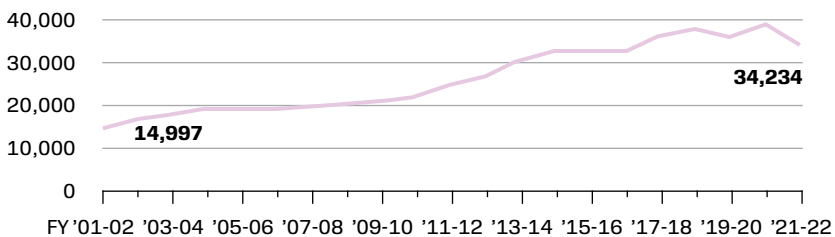
Racial disparities become even more significant when involvement in the criminal legal system stems from a nonviolent offense. Despite Florida’s investment in more SROs to supposedly address threats to campus safety, the majority (55.4%) of all school arrests in FY 2022-23 were only for misdemeanor offenses.⁵⁸ Of all misdemeanor youth arrests that fiscal year, 48.9% were of Black youth.⁵⁹

Racial Disparities in Florida Youth Arrests, Direct File Transfers and Incarceration, FY 2022-23



Source: Florida Department of Juvenile Justice, Delinquency Profile Dashboard 2023⁵⁷

Involuntary Baker Act Exams for Florida Youth Under Age 18



Source: Florida Baker Act Reporting Center Annual Reports, FY 2015-16 through FY 2021-22⁷⁴

There are also other issues marked as offenses that may not warrant incarceration. Drug-related minor offenses, in particular, can lead to incarceration when they may be more appropriately handled by counseling.⁶⁰ Also, technical violations for not strictly adhering to probation terms can land a young person in secure care. For example, missing classes or counseling sessions, not completing community service, or being late for curfew, while not violent offenses, could still re-entangle a young person in the legal system.⁶¹ Collectively in Florida, drug offenses and technical violations were the primary offenses for 237 incarcerated youth in 2021 – nearly one out of every five (19.4%) incarcerated youth in the state, according to data from the U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP).⁶²

Florida's Baker Act: Youth Incarceration By Another Name

Despite declining youth arrests in Florida, the state remains a national outlier in the number of young people detained for the purposes of psychiatric examination.⁶³ Florida's Mental Health Act, better known as the "Baker Act," is a policy that allows school personnel, health care or mental health professionals, judges, and law enforcement to determine if a child is having a mental health episode and then involuntarily detain that child in a mental health facility for evaluation.⁶⁴ With the Baker Act, children can thus be subjected to the traumatic impact of an arrest without committing a criminal offense.

As detailed in the 2021 SPLC report "Costly and Cruel," the Baker Act detention process can often involve handcuffing and transporting children in the back of a police car – sometimes several counties away, separating them from family, school, and community. Once at the intake facility, youth cannot be released back to their family until they are seen by a physician, clinical psychologist, or in some circumstances, psychiatric nurse. Even though Florida law

requires an examination of a minor to be initiated within 12 hours, many children arriving at a facility in the afternoon are automatically held overnight because the facility only has a professional authorized to release a child on staff for a few hours in the morning. Facilities are allowed to keep children, like adults, for up to 72 hours before they must either initiate court proceedings to hold them for longer or release them. However, if this period ends on a holiday, the facility can hold the child until the next working day even if it does not intend to petition for longer-term placement. According to some attorneys, hearings are usually held once a week, making it possible for a child to be held for almost two weeks before they get a day in court.⁶⁵

Law enforcement initiated over half (58.5%) of Florida's 34,234 Baker Act youth detentions in FY 2021-22, which is notable given their increased presence in Florida schools.⁶⁶ This also means that people who are not necessarily trained as mental health professionals are making serious mental health determinations. According to a former Duval County school resource officer, the Baker Act is often misused as a disciplinary measure to remove "problem students" and manipulate arrest statistics – not to provide mental health care.⁶⁷ In fact, the Palm Beach County School Board chose to revise its Baker Act policy after a federal judge awarded families \$440,000 after students with disabilities were "unlawfully handcuffed and/or removed from their school and subjected to an involuntary psychiatric examination without parental consent."⁶⁸ Research from the SPLC found that from school years 2016-17 to 2019-20, 5-year-old children were Baker Acted eight times, and children under 8 were Baker Acted 59 times in Palm Beach County Schools.⁶⁹

Of particular note, of all Florida youth that were Baker Acted in FY 2021-22, 2,772 of them were between the ages of 5 and 10⁷⁰ – ages when emotional regulation can be naturally challenging and misunderstood as unruliness. Children in this age group were disproportionately Black (31.6%),⁷¹ although Black children only made up 21.0% of Florida's youth population that fiscal year.⁷² Altogether, while youth crime rates in Florida have declined over the last two decades, youth Baker Act exams have increased by 128% since the 2001-02 school year.⁷³ Thus, Florida has developed a dynamic where the Baker Act has become a regular alternative for arrest that produces similarly harmful results.

“Officers have threatened me before. At FSP, officers used to joke about throwing me a ‘birthday party’ when I turned 18. They said they were going to have me gift-wrapped. ‘Gift wrapped’ is a term officers use that means someone will be restrained and not able to defend themselves when the officers jump on them.”

**John Gilday,
formerly
incarcerated youth
at Florida State
Prison**

The Harms and Costs of Youth Incarceration

“That man put a honey bun on your head.”

Quote from a Miami Gardens incarcerated youth ⁷⁵

In any normal context, this sentence makes little sense. In the context of Florida’s youth detention centers, this statement signals impending danger. In 2017, investigative reporting exposed over a decade of abuse orchestrated by staff at Florida’s Department of Juvenile Justice facilities.⁷⁶ As facilities were routinely understaffed, officers compensated by creating a culture that incentivized youth to violently police their own peers – using snacks to set bounties on unruly or uncooperative children.

According to reports, “From St. Augustine to Fort Myers, from Tampa to Miami, youths in state custody have complained that staffers are turning troubled kids into enforcers. The reward for a beating can range from Snickers bars and fast food hamburgers to Chinese combos and pizza. ... The most iconic compensation: the humble honey bun ...”⁷⁷

According to reports, violence has become ingrained in the culture of Florida’s youth detention facilities. In some instances, youth detention officers intentionally looked the other way while attacks ensued, with some placing wagers on a fight’s outcome.⁷⁸ In other cases, security cameras were tampered with to conceal attacks.⁷⁹ Some brawls were orchestrated in plain view to send a message to other youth in the vicinity. The end result was a culture where violence was a more likely expectation than rehabilitation, safety or care.

The orchestrated fights only scratched the surface of the documented abuse. In addition to rampant physical abuse, young people endured medical neglect and sexual predation. Accountability for these failures was far from guaranteed, even in cases where youth lost their very lives.

For example, according to a 2015 police report, Elord Revolte, 17 years old while incarcerated in Miami’s youth detention facility, “got out of his seat to get a milk without asking” during dinner.⁸⁰ Detention Officer Antwan Johnson commanded him back to his seat, to which Elord flippantly responded with an expletive. Minutes later, another youth would overhear Johnson give an order to “punish [Elord] for his misconduct” and to “hit him,” resulting in a chain reaction of a

dozen teenagers punching and stomping Elord for 68 seconds.⁸¹ Elord would die the next day from internal wounds, with facility staff allegedly neglecting timely medical care that may have saved him. Officer Johnson would later avoid prison time after he was acquitted in court for his role in Elord’s death.⁸²

A History of Harm in Privately Run Facilities

“Due to serious concerns for the wellbeing of the youth at the St. Johns Youth Academy and the contracted provider’s complete failure to ensure a safe environment at the program, DJJ has taken immediate action to remove all youth at the facility and has closed the St. Johns Youth Academy program.”

Statement from the Florida Department of Juvenile Justice upon closure of the St. Johns Youth Academy ⁸³

Patterns of harm in Florida’s youth facilities have persisted beyond the media coverage of Elord’s death. Between 2018 and 2022, Florida had to completely close four youth detention facilities after myriad allegations of harm – including child battery, child abuse, and sexual involvement between youth and staff.⁸⁴ All four facilities, located in Union County, St. Johns County, and the cities of St. Petersburg and Pompano Beach, were privately owned by Alabama-based Sequel Youth and Family Services.⁸⁵

Ironically, the reliance on privately run facilities like these resulted from a policy change intended to achieve “greater efficiency and accountability, and more humane conditions,” according to the then-secretary of the FDJJ.⁸⁶ However, as detailed in previous research from the Southern Poverty Law Center, Sequel Youth and Family Services runs a business model that financially profits from rampant child abuse across several states,⁸⁷ and did so in Florida until FDJJ recently discontinued Sequel’s contracts (while still maintaining contracts with other private companies).⁸⁸

FDJJ evaluates its facilities internally through its Bureau of Monitoring and Quality Improvement, with the stated mission to “assess the fiscal and programmatic accountability of its providers, both Departmental and contracted.”⁸⁹ However, the year before FDJJ canceled its relationship with the St. Johns Youth Academy, the facility failed only one indicator in a 102-point assessment, while having passing scores in areas such as “staff performance,” “educational access” and “provision of an abuse-free environment.”⁹⁰ Even though Florida has cut ties with Sequel



39%

Many privately run detention facilities contract with the state. As of 2021, Florida held 474 youth in private facilities – 39% of its incarcerated youth – which is the second-highest total in private facilities in the country that year, second only to Pennsylvania.

Youth and Family Services, many other privately run detention facilities continue to contract with the state. As of 2021, Florida held 474 youth in private facilities – 39% of its incarcerated youth – which is the second-highest total in private facilities in the country that year, second only to Pennsylvania.⁹¹

Physical and Sexual Abuse

“Officers have threatened me before. At FSP, officers used to joke about throwing me a ‘birthday party’ when I turned 18. They said they were going to have me gift-wrapped. ‘Gift wrapped’ is a term officers use that means someone will be restrained and not able to defend themselves when the officers jump on them.”

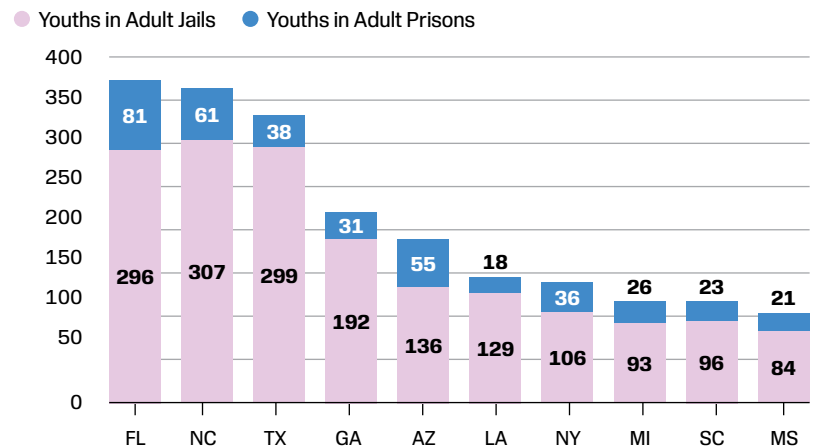
John Gilday, formerly incarcerated youth at Florida State Prison⁹²

As of a 2018 U.S. Bureau of Justice Statistics report, the three worst facilities in the country for youth sexual victimization are all in Florida – Liberty Juvenile Unit for Specialized Treatment (Bristol, Florida), Hastings Comprehensive Mental Health Treatment Program (Hastings, Florida) and Gulf Academy (Hastings, Florida) – all of them privately owned facilities with at least a fifth of residents reporting abuse.⁹³ Overall, 8.9% of youth in Florida facilities reported sexual abuse, compared to 7.1% across the U.S.⁹⁴

In 2022, FDJJ closed the Charles Britt Academy due to “the contracted provider’s failure to provide a safe and secure environment.”⁹⁵ At this St. Petersburg facility, again owned by Sequel Youth and Family Services, two employees were fired and arrested on child abuse charges after allegedly pummeling a youth while pinning him against a metal bed frame as other adults looked on without intervening.⁹⁶

Notably, Florida has also led the nation in the number of combined youth held in both adult jails and prisons as of 2019.⁹⁷ For youth held specifically in adult prisons, Florida has been the nation’s leader every year for well over a decade. Youth like John Gilday (quoted above) are incarcerated in adult facilities after being charged as an adult in court – something that Florida has also historically been a national leader in for years⁹⁸ – leaving them vulnerable to greater abuse. As one youth advocate explained, “There’s really no arrangement for [education and rehabilitation] in the adult prisons. ... The adult system is keyed in on punishment.”⁹⁹ Research shows that youth incarcerated with adults are 36 times more likely to commit suicide and are at a greater risk for sexual abuse and

Top 10 States Incarcerating Youth in Adult Facilities, 2019



Sources: U.S. Bureau of Justice Statistics, Prisoners in 2019,¹⁰² and Census of Jails 2005-2019¹⁰³

solitary confinement than youth in juvenile facilities,¹⁰⁰ and also have a 33% increase in early mortality.¹⁰¹

Excessive Use of Solitary Confinement

“I feel like confinement was making me institutionalized. Every day you experience the same nothing over and over again. I felt like I was like a caged animal and like I wasn’t even human.”

Adarius Dale, formerly incarcerated youth at Florida State Prison and Suwannee Correctional Institution¹⁰⁴

According to expert testimony in a lawsuit (*G.H., et al. v. Department of Juvenile Justice*) filed against the FDJJ alleging the harmful use of youth solitary confinement in its facilities, its “over-reliance on, and frequent and excessive use of behavioral confinement, including as discipline or where unnecessary, does not lead to increased safety and security for youth or staff.”¹⁰⁵ The chronic use of solitary confinement has been proven to be inhumane and psychologically harmful, leading to international prohibitions from the United Nations when it comes to children.¹⁰⁶ However, by federal mandate, children held in adult facilities must be separated by “sight and sound” from all adults in order to comply with the Juvenile Justice and Delinquency Prevention Act (JJDP)¹⁰⁷ – creating a circumstance where holding a child in their cell for long periods can become a convenient means of complying with that mandate.

As one incarcerated youth, John Gilday, describes, youth are often stripped almost naked and left in cold cells without a mattress as a form of punishment: “At FSP, I was put on 24-hour ‘in-house’ strip a couple times when I got caught talking. ... Officers just tell you to strip down to your boxers, put all of your stuff on your mat, roll it up, and put it under your bunk. ... Sometimes they gave me a choice between ‘in-house’ strip, getting an air tray, which is a tray with no food on it, or getting a [disciplinary report]. ... But, in the winter, I would pick the air tray because I couldn’t handle more confinement time and for strip my cell would be as cold as the outside, which during the winter months could get very cold. Hunger you can deal with better than being freezing cold in your boxers not able to sleep and spending more time in confinement.”¹⁰⁸

In 2020, nearly a quarter (24.7%) of all Florida children incarcerated in secure care were subjected to solitary confinement – representing 2,720 children placed in isolation 8,426 times.¹⁰⁹ Over 50% of children subject to solitary confinement that year were isolated more than once, with over a third (34.8%) of isolated youth spending at least 24 hours in areas described as “small, dark, dirty cells, approximately 7.1 ft x 10 ft, that lack natural light.”¹¹⁰ Not coincidentally, the lawsuit’s expert report also found that youth in these circumstances also engaged in 216 reported acts of serious self-harm or suicide attempts between 2014 and 2020, with 54 of those attempts happening while they were in solitary confinement.¹¹¹

Disruption to Education

“In confinement, the teachers bring me schoolwork only once a week. Most of the time, they talk to me through the cell door. The schoolwork is not helpful. They repeatedly give me the same materials. ... It’s what I was doing in middle school and I should be getting high school work.”

Jamal Session, formerly incarcerated youth at Florida State Penitentiary¹¹²

According to Florida statute, the state is mandated to provide an educational program for incarcerated youth that “shall provide instruction based on each student’s individualized transition plan, assessed educational needs, and the education programs available in the school district in which the student will return.”¹¹³ However, according to testimony from directly impacted children, providing educational opportunities for incarcerated youth is not a priority in Florida.

In fact, while some youth would only talk to an instructor periodically through their cell door, others would barely see any educational staff at all. As one student put it, “I would get some schoolwork to do in my cell like every other week. The teacher would talk to me at my cell front sometimes, but usually I’d get the worksheets through the mail. It’s hard because I couldn’t really get face-to-face contact to learn.”¹¹⁴

As a result, students who get behind in proficiency, or do not consistently get the extra assistance they need, have a hard time getting back on track after their release. Research shows that only a third of formerly incarcerated youth reenroll upon release.¹¹⁵ In Florida, only 49% of incarcerated 12th graders graduated with a high school diploma or GED equivalent in the 2021-2022 school year.¹¹⁶

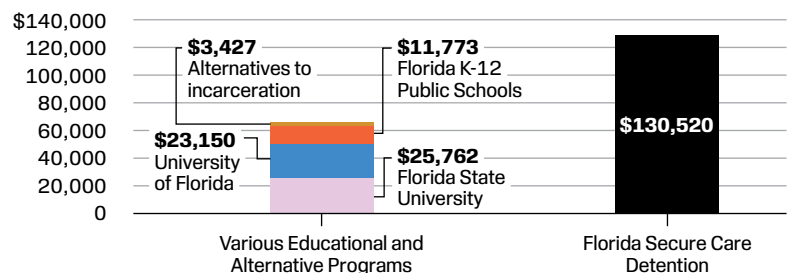
Fiscal Waste and Recidivism

The use of youth detention facilities designed more toward punitive than rehabilitative results not only harms Florida’s youth, but also comes at a greater expense to state taxpayers.

As of 2023, Florida spends \$357.59 per service day for every youth incarcerated in FDJJ secure detention facilities, translating to a cost of \$130,520 per year.¹¹⁷ Comparatively, Florida spends \$9.39 per day for youth who have gone through their probation and community intervention services programs (\$3,427 per year),¹¹⁸ and \$11,773 annually for every K-12 pupil in its public school system.¹¹⁹

The cost of incarcerating youth in detention facilities (\$130,520) is more than double the annual cost of Florida’s alternatives to incarceration (\$3,427), public school education

Annual Cost Comparisons Between Youth Incarceration, Education and Carceral Alternatives in Florida



Sources: Secure care detention and alternatives to incarceration costs based on data calculations from the 2023 Florida Department of Juvenile Justice Comprehensive Accountability Report;¹²² Public school costs based on 2023 Education Data Initiative data;¹²³ College costs from respective university official websites for the 2023-24 academic year.¹²⁴

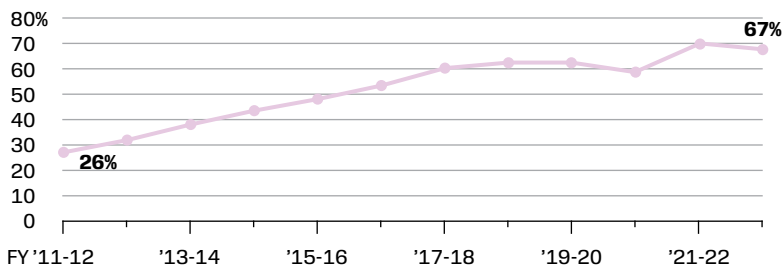
(\$11,773), and a full academic year at Florida State University (\$25,762)¹²⁰ and the University of Florida (\$23,150)¹²¹ combined.

Currently, Florida sees 45.7% of all incarcerated youth return to the criminal legal system within a year of release.¹²⁵ This compares to only 15% recidivism for youth in youth probation and community intervention programs.¹²⁶ Youth who avoid the criminal legal system altogether through civil citations and other diversionary alternatives to arrest had only a 4% recidivism rate in FY 2021-22.¹²⁷ Given the cost and recidivism rates that cycle nearly half of all youth back into incarceration, what was intended to be “tough love” has resulted in a very expensive revolving door. Instead, research on Florida’s incarcerated youth shows that the ability to adjust socially and having strong aspirations for school and employment are some of the strongest influences against recidivism¹²⁸ – aspects that incarceration is not designed to provide.

Potential for Policy Reform

Even with Florida’s emphasis on punitive discipline, the state has created opportunities for reform. In 2011, Florida enacted legislation (Florida Statute § 985.12) to create a civil citation and prearrest diversion program for youth arrested for certain first-time misdemeanors.¹²⁹ According to FDJJ, the law allows Florida to “provide better youth outcomes and save millions of dollars that would otherwise be spent if youth were arrested and required to go through formal delinquency processing.”¹³⁰ As a positive development keeping young people from entering FDJJ’s revolving door, a higher percentage of youth eligible for this diversion have been granted citations and diversions as more jurisdictions have adopted the policy. In FY 2022-23, there were 11,874 youth granted diversions – 67% of all eligible diversion candidates.¹³¹

Percentage of Eligible Florida Youth Given Alternatives to Arrest



Source: Florida Department of Juvenile Justice, Civil Citation and Other Alternatives Dashboard¹³²

Each Florida court circuit has the discretion to set its own criteria for what is eligible for civil citations or diversions,¹³³ with many of them generally permitting only nonviolent misdemeanors. Research from Florida State University shows that youth given a civil citation were 54% less likely to recidivate than youth eligible for a citation but arrested instead.¹³⁴

Even with this law available to keep young people out of the system, many youth are still incarcerated for nonviolent offenses. According to FDJJ, over 1,300 youth have been incarcerated for misdemeanor drug offenses or various probation violations over the past five fiscal years.¹³⁵ Also, research from Florida State University found that Florida’s children of color, especially Black boys, are more likely to receive punitive sanctions and less likely to receive rehabilitative interventions.¹³⁶ Seeing this, state courts should consider examining and expanding their eligibility criteria for alternatives to arrest.

As mentioned, in response to Kaia Rolle’s arrest in 2019, Florida enacted legislation to prohibit any child under the age of 7 from being “taken into custody, arrested, charged, or adjudicated delinquent for a delinquent act ... unless the violation of law is a forcible felony.”¹³⁷ As Florida had no minimum age of arrest prior to this law, the Kaia Rolle Act was a small improvement, but created an incredibly low threshold of coverage. In fact, an earlier draft of the legislation proposed a minimum of 12 years of age for arrest.¹³⁸ It does not appear that state or federal agencies publish disaggregated data for arrests of children younger than 7, so it is difficult to measure the impact of the legislation. However, we do know the minimum age of 7 is the lowest of any state in the country for states that have a minimum age of arrest.¹³⁹ Today, Kaia’s family continues to advocate for Florida to raise the minimum age to 14.¹⁴⁰

Science has consistently found that the human brain does not complete its development until approximately age 25, leaving younger people more prone to impulsiveness, risk-taking, substance abuse and peer pressure.¹⁴¹ On average, children as young as 7 are barely 4 feet tall physically,¹⁴² and cognitively still developing the ability to organize logical thought.¹⁴³ In 2019, given the facts around early brain development, the United Nations recommended that the minimum age of criminal responsibility be at least 14 years old internationally.¹⁴⁴



Policy Recommendations



While Florida has made progress in decreasing the number of youth arrests, the state’s youth detention facilities are still a place where great harm can occur to young people. High recidivism rates also indicate a system that is not geared for rehabilitation, especially if some of the children have the vulnerabilities of a 7-year-old. Add the fact that Florida also leads the nation in incarcerating youth in adult facilities that are not designed for youth care, and has an increasing number of youth involuntarily Baker Acted for mental evaluation, we must consider measures that would keep Florida’s youth out of carceral settings altogether.

The Southern Poverty Law Center recommends the following policy recommendations to help foster this change:

Florida should raise the state’s minimum age of youth incarceration and prosecution from 7 to at least 14 years old, while narrowing legal exemptions. This measure would align us with the standard that Kaia Rolle’s family is advocating for. Also, narrowing the broad scope of forcible felony carve-outs would strengthen the statute. Keeping people younger than 14 out of carceral settings could save Florida \$7.2 million annually in taxpayer money, enough to fund alternative programs for every incarcerated youth in the state.¹⁴⁵

Florida should make nonviolent offenses, especially technical violations and minor drug-related offenses, nonjailable for children. Dealing with nonviolent situations with incarceration does not deter future crime and can be more effectively resolved with counseling and community resources. Expanding eligibility criteria for civil citations and diversion could save Florida over \$30 million annually.

Florida’s Estimated Savings from Raising the Minimum Age of Incarceration

	Youth Incarcerated in Florida Juvenile Facilities	Annualized Cost to Incarcerate	Annualized Cost for Probation and Community Programs	Cost Savings to Taxpayers
Under Age 14	57	\$7,439,660	\$195,359	\$7,244,301

Sources: Population figures from the U.S. Office of Juvenile Justice and Delinquency Prevention, “Census of Juveniles in Residential Placement: 1997-2021.” Cost figures projected from daily incarceration cost of \$357.59 per youth, and daily incarceration alternatives cost of \$9.39 per youth based on FDJJ reports.¹⁴⁶

Florida’s Estimated Savings from Decriminalizing Nonviolent Youth Offenses

	Youth Incarcerated in Florida Juvenile Facilities	Annualized Cost to Incarcerate	Annualized Cost for Probation and Community Programs	Cost Savings to Taxpayers
Technical Violations	192	\$25,059,907	\$658,051	\$24,401,856
Drug Offenses	45	\$5,873,416	\$154,231	\$5,719,185
Totals	237	\$30,933,323	\$812,282	\$30,121,041

Sources: Population figures from the U.S. Office of Juvenile Justice and Delinquency Prevention, “Census of Juveniles in Residential Placement: 1997-2021.” Cost figures projected from daily incarceration cost of \$357.59 per youth, and daily incarceration alternatives cost of \$9.39 per youth based on FDJJ reports.¹⁴⁸

Florida should invest in community-based alternatives to youth incarceration and the Baker Act that prioritize rehabilitation. Mentoring, counseling for mental health or substance abuse, and diversion programs are all opportunities that have shown success with young people, alleviated crowded facilities, and lowered recidivism rates. However, these programs have not always had the consistent commitment of funding and resources, compared to the commitment Florida has given to increased school law enforcement and tough love policies. Florida can devote funding to resources that are more productive and cost-effective.

Florida should prohibit mandatory direct file transfers and allow judicial review when charging and sentencing children as adults. Charging a child as an adult should never be mandatory, or happen without any discretion from youth court judges who may have a more appropriate perspective on a child's welfare. Direct file transfers contribute to Florida being a national leader for youth incarcerated in adult facilities, where children are more likely to experience harm. Greater discretion can thus keep kids out of incarceration.

Florida should ban the excessive use of solitary confinement on youth, and incarcerating youth in adult facilities. Adult jails and prisons are no places for children. Adult facilities are likely to use isolation as a means to maintain control, even if it creates psychological damage to a child. Adult jails and prisons do more irreparable harm than good for youth and are not designed to address the unique needs children have for growth, education and rehabilitation.

Florida should reform the Baker Act. The involuntary detainment of youth potentially dealing with mental health issues should not be made by people who are not mental health professionals. The lasting impact on children can be as detrimental as an arrest and incarceration. Lawmakers should also allocate additional resources to fund alternatives to law enforcement for nonviolent, noncriminal situations.

Conclusion

“A 6-year-old throwing a tantrum is a 6-year-old. . . . Whether someone accidentally gets hit or not, it’s a tantrum. There should not be any law on the book that allows a child to be arrested for being a child.”

Meralyn Kirkland, Kaia Rolle’s grandmother¹⁴⁹

Ms. Kirkland reminds us that children are still children, and should always be treated as children, never as adults. She reminds us that a child’s activity should not be viewed through the lens of adult expectations. We should not build policy on the premise that discipline methods often problematic for adults are ever appropriate for the youngest in our community.

When Ms. Kirkland explained to Kaia Rolle’s arresting officer that her granddaughter’s tantrum was probably related to her sleep apnea, the officer replied, “Well, I have sleep apnea, and I don’t behave like that.”¹⁵⁰ Such a statement implies that a 6-year-old child should be able to conduct herself with the maturity of a full adult if under similar circumstances, and demonstrates the absurdity of applying an adult criminal legal system mindset to children. Science, the United Nations, and a general compassionate consciousness tell us this expectation is entirely unfair and unreasonable.

Even with the Kaia Rolle Act in place, there is nothing legally prohibiting a 7-year-old from being placed in handcuffs and funneled into facilities with a deep history of inflicting abuse and trauma. Knowing this, we should emphasize decarceration and divert as many young people as possible from ever entering this system.

Kaia Rolle has since aged out of the protections of the Kaia Rolle Act. Kaia, and all other children in Florida, deserve reform that respects the uniqueness of childhood and protects the future of Florida’s next generation.

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Policy

Delvin Davis
Senior Policy Analyst

Editorial

Brad Bennett
Director, Editorial
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