



The Florida Senate

Interim Report 2012-118

September 2011

Committee on Criminal Justice

EXAMINE FLORIDA TAXWATCH PROPOSAL TO REDUCE LENGTHS OF STAY IN DEPARTMENT OF JUVENILE JUSTICE RESIDENTIAL COMMITMENT FACILITIES

Issue Description

Prior to the 2011 Regular Legislative Session, Florida TaxWatch presented numerous cost saving reforms in the criminal and juvenile justice systems. One of these reforms was that the Legislature examine average lengths of stay by juvenile offenders in residential facilities within the Department of Juvenile Justice (DJJ). According to TaxWatch, the average length of stay within DJJ residential commitment facilities has increased during the last several years, resulting in increased costs to the state and possibly a reduction in public safety. This project will examine whether there is a need to reduce the average length of stay within DJJ residential commitment facilities. If the need is found, the project will provide suggestions for accomplishing this reduction.

Background

Statutory Requirements for Length of Stay in Residential Commitment Facilities

A judge may commit a youth who has been adjudicated as having committed a delinquent act or who violates probation to the custody of the DJJ for treatment in one of its residential commitment programs. While committed, the youth attends school and programs that address his or her delinquent behavior.¹ In Fiscal Year 2009-10, the most recent year for which information is available on the reasons for admissions, 5,463 juveniles were admitted to residential commitment programs. Out of that number: 3,936 were for felonies, 1,278 were for misdemeanors,² 172 were for non-law violation of probation,³ and 77 were for other reasons.⁴

It is during the disposition hearing that a judge may commit the youth to a particular residential restrictiveness level as defined in s. 985.03(45), F.S.⁵ The DJJ probation officer recommends to the court the most suitable

¹ Sections 985.433 and 985.439, F.S.

² This number should be significantly lower in the future because effective July 1, 2011, the Legislature prohibited a juvenile court judge from committing a juvenile misdemeanor to a restrictiveness level other than minimum-risk nonresidential, except under certain circumstances. Senate Bill 2114 (ch. 2011-54, L.O.F.) amended s. 985.441, F.S., to provide that a juvenile judge may not commit an adjudicated delinquent youth whose underlying offense is a misdemeanor or a probation violation at a restrictiveness level other than minimum-risk nonresidential, unless the probation violation is a new violation of law constituting a felony. However, the court may commit a youth to a low-risk or moderate-risk residential placement if the youth: has previously been adjudicated for a felony; has previously been adjudicated or had adjudication withheld for three or more misdemeanors; is before the court for disposition of the misdemeanor offense of animal cruelty, arson, or exposure of sexual organs; or if the court finds by a preponderance of the evidence that public safety requires such placement or if the needs of the youth are best served by such placement.

³ *Id.*

⁴ Other reasons include cases reopened or transferred, according to the response from the DJJ to follow up inquiry by Senate Criminal Justice Committee staff, dated August 15, 2011, on file with the Senate Criminal Justice Committee.

⁵ The residential restrictiveness levels include low-risk, moderate-risk, high-risk, and maximum-risk. The level denotes the amount of programming and security provided by the programs in each level that service the supervision, custody, care, and treatment needs of the committed youth. For instance, low-risk level programs allow youth unsupervised access to the community because such youth represent a low risk to themselves and public safety but they do require placement and services in a residential setting. Moderate-risk level programs allow youth to have supervised access to the community because these youth represent a moderate risk to public safety and require close supervision. The high-risk level programs do not allow youth to have access to the community except under very limited court-approved circumstances because such placement is prompted by a concern for public safety that outweighs placement in lower commitment levels. Lastly, the

placement and treatment plan, specifically identifying the most appropriate restrictiveness level. Although the court must consider the department's recommendation, it is free to commit the youth to another restrictiveness level, as long as the court states for the record its reasons that establish by a preponderance of the evidence why the court is disregarding the department's recommendation.⁶ The DJJ then places the youth in a residential commitment facility within the specified restrictiveness level based largely on the youth's treatment needs.⁷

The average length of stay in a residential commitment program varies based on the restrictiveness level, generally ranging from a little less than four months in low-risk programs to a year and eight months in maximum-risk programs.⁸ Most youth are placed in moderate-risk facilities that have an average length of stay of eight months for successful completers.⁹ Although the law does not specify a definitive time period for a youth's residential commitment completion, it does provide that the term of commitment must be until the youth is discharged by the DJJ or, with some exceptions extending the time, until the youth reaches the age of 21.¹⁰

Unlike an adult, who is sentenced for a specified period of time, a youth generally remains in a residential commitment program until he or she has completed the individually-designed treatment plan. Commitment to the DJJ is for an indeterminate period of time; however, it may not exceed the maximum term of imprisonment that an adult may serve for the same offense.¹¹ The youth's treatment plan progress and adjustment-related issues must be reported to the court quarterly, unless the court requests monthly reports. The youth's length of stay may be extended if the youth fails to comply with or participate in treatment activities. However, the length of stay may not be extended for punishment or sanction purposes.¹²

A youth may be discharged from a residential commitment facility upon direction of the DJJ with the concurrence of the court. (The court must also approve any temporary release by a youth from a residential commitment facility.) Once the youth successfully completes his or her treatment plan, the department makes a recommendation to the court for the youth's release from residential commitment. The department is required by statute to give the court reasonable written notice of its desire to release the youth from a commitment facility.¹³ The court that committed the youth may accept or reject the department's request. If the court does not respond within 10 days after receiving written notice, the department's request to release the youth is considered granted.¹⁴

Relevant Administrative Rules

Although the DJJ's administrative rules do not prescribe specific lengths of stay in residential commitment programs, there are several relevant rules addressing lengths of stay. For example, one rule defines "length of stay" as "the length of time a youth resides in a residential commitment program or the designed length of stay for a particular residential commitment program, reflecting the anticipated time it will take most youth placed in the program to successfully complete it."¹⁵

maximum-risk level programs are long-term and do not allow youth access to the community because such placement is prompted by a demonstrated need to protect the public. Section 985.03(45), F.S. Youth committed to a maximum-risk level program (juvenile correctional facilities and juvenile prisons) are statutorily mandated to serve 18 to 36 months.

Section 985.465, F.S.

⁶ Section 985.433(7), F.S.

⁷ *Id.*

⁸ Response from the DJJ to questionnaire by Senate Criminal Justice Committee staff, dated August 8, 2011, on file with the Senate Criminal Justice Committee.

⁹ *Department of Juvenile Justice Cost Savings Options Memo* by the Office of Program Policy Analysis and Government Accountability (OPPAGA), dated October 19, 2010, on file with the Senate Criminal Justice Committee.

¹⁰ Section 985.0301(5)(c), F.S. See however (5)(a), F.S., providing that the court retains jurisdiction over a youth until he or she reaches the age of 19, except under several enumerated circumstances.

¹¹ Section 985.455(3), F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ 63E-7.002(46), Florida Administrative Code.

Another administrative rule makes it clear that the residential program director must “establish a system to monitor the program’s bed capacity and the length of stay of the youth in placement to ensure that they are progressing through their program and to target potential problems with any youth’s planned release.”¹⁶ A third example involves an administrative rule prohibiting a residential commitment program from using its behavior management system “solely to increase a youth’s length of stay.”¹⁷ The last example is a rule requiring the residential commitment program’s orientation to explain “the anticipated length of stay in the program and the expectations for release from the program, including the youth’s successful completion of individual performance plan goals, the program’s recommendation to the court for release based on the youth’s performance in the program, and the court’s decision to release.”¹⁸

Findings and/or Conclusions

Senate professional staff examined the relevant laws, rules, and current practices relating to lengths of stay in DJJ residential commitment facilities in Florida. As part of this examination, staff also sought input from Florida TaxWatch, the Southern Poverty Law Center, the Office of Program Policy and Government Accountability, and the DJJ.

Florida TaxWatch/Southern Poverty Law Center (SPLC)

According to Florida TaxWatch, Florida has adopted the practice of criminalizing juvenile offenders instead of criminalizing the offenses.¹⁹ Studies have shown that youth kept in facilities for prolonged periods of time may actually harm public safety because such youth are more likely to re-offend once released.²⁰ The Juvenile Justice Blueprint Commission found from studying available research that “youth who are kept in programs for prolonged length of stays after treatment goals are achieved often begin to deteriorate and may be more likely to re-offend once release is finally achieved.”²¹

Not only is the average length of stay too long, according to Florida TaxWatch, but the number of committed youth is also too high.²² From Fiscal Year 2000-01 to Fiscal Year 2007-08, the average length of stay for juveniles in residential commitment facilities has increased by 30%, a trend that cost nearly \$20 million last year alone.²³ The following graph depicts the 30% increase in the average length of stay over that eight year period.²⁴

¹⁶ 63E-7.016(8), Florida Administrative Code.

¹⁷ 63E-7.009(3)(a), Florida Administrative Code.

¹⁸ 63E-7.005(2)(h), Florida Administrative Code.

¹⁹ Florida TaxWatch, *Report and Recommendations of the Florida TaxWatch Government Cost Savings Task Force for Fiscal Year 2011-12*, December 2010, on file with the Senate Criminal Justice Committee.

²⁰ *Id.*

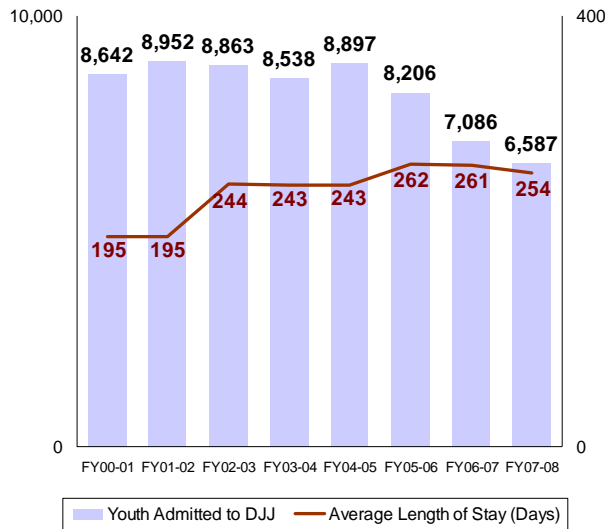
²¹ *Id.*, citing Florida Department of Juvenile Justice, *Report of the Blueprint Commission: Getting Smart About Juvenile Justice*, January 2008, p. 69, on file with the Senate Criminal Justice Committee. The Blueprint Commission addressed this issue by recommending the creation of small, community-based programs that use a continuum of care and the implementation of an “offender review” process that identifies non-violent and non-serious offenders in addition to those youth who have made significant progress in their treatment programs. Suitable youth would be referred to the courts for early release or would be placed into a “step down” community-based program.

²² *Id.*

²³ *Id.*, citing the SPLC, *Opportunities to Strengthen Florida’s Juvenile Justice System*, September 17, 2010, on file with the Senate Criminal Justice Committee.

²⁴ SPLC, *Opportunities to Strengthen Florida’s Juvenile Justice System*, September 17, 2010, on file with the Senate Criminal Justice Committee.

**DJJ COMMITMENTS V. AVERAGE LENGTH OF STAY
FY00-01 TO FY07-08**



Source: Analysis by SPLC.²⁵

The chart below shows the average length of stay in the DJJ residential commitment programs from Fiscal Year 2000-01 to Fiscal Year 2007-08. The number of days in the second column representing the overall average length of stay corresponds with the number of days underneath the line in the graph above. The number of days encompassing each length of stay in the other columns are broken down by residential restrictiveness levels, including low-risk, moderate-risk, high-risk, and maximum-risk.²⁶

**Average Length of Stay by Program Level
FY 2000-01 to FY 2007-08**

YEAR	OVERALL	LOW RISK	MOD. RISK	HIGH RISK	MAXIMUM RISK
FY 2000-01	195 days	134 days	212 days	311 days	511 days
FY 2001-02	195 days	145 days	214 days	338 days	511 days
FY 2002-03	244 days	127 days	231 days	331 days	434 days
FY 2003-04	243 days	129 days	232 days	332 days	347 days
FY 2004-05	243 days	126 days	239 days	321 days	486 days
FY 2005-06	262 days	134 days	247 days	358 days	560 days
FY 2006-07	261 days	136 days	247 days	357 days	437 days
FY 2007-08	254 days	114 days	244 days	342 days	562 days

Source: Analysis by SPLC.²⁷

Florida TaxWatch and the SPLC have made recommendations to align the length of stay with best practices in residential commitment facilities, including reducing specific amounts of time in various program levels.²⁸ According to the SPLC, even making modest modifications to the length of stay will align the DJJ’s policies with best practices and will save millions in taxpayer monies.²⁹ The chart that follows offers several of these recommended modifications, as well as the projected residential bed decrease and the corresponding cost savings.³⁰

²⁵ *Id.*

²⁶ *Id.* See *supra* note 5 for a description of these restrictiveness levels.

²⁷ *Id.*

²⁸ See *supra* note 24.

²⁹ *Id.*

³⁰ *Id.*

By modifying length of stay, DJJ could...	cut beds...	& save millions.
➤ Reduce length of stay (LOS) in all facilities by 1 week.	120 <i>96 non-secure</i> <i>24 secure</i>	\$4,671,708
➤ Restore average LOS from FY 02-03 for Moderate and High-Risk facilities.	191 <i>156 non-secure</i> <i>35 secure</i>	\$7,384,760
➤ Restore average LOS from FY 00-01 for Moderate and High-Risk facilities.	483 <i>385 non-secure</i> <i>99 secure</i>	\$18,877,647
➤ Restore FY 00-01 average in High-Risk facilities. Reduce LOS in Moderate-Risk facilities from 8 months to 6 months, bringing DJJ closer to best practices.	868 <i>769 non-secure</i> <i>99 secure</i>	\$32,602,114
➤ Reduce LOS in Moderate-Risk facilities from 8 months to 6 months and in High-Risk facilities from 11 months to 8 months, bringing DJJ closer to best practices while still imposing longer sentences for high-risk youth.	1,094 <i>769 non-secure</i> <i>325 secure</i>	\$44,284,348

Source: SPLC analysis based on Florida Dept. of Juvenile Justice, Slot Utilization/Residential Programs Report (1/20/2010) and DJJ Comprehensive Accountability Reports.³¹

Florida TaxWatch also recommended the following approach as a way to reduce length of stay: limiting the completion of treatment goals and implementing an offender review process allowing for early release of suitable candidates or a “step-down” to less restrictive, community-based care; and counting education and services received in detention toward the completion of a youth’s treatment plan.³²

The Department of Juvenile Justice (DJJ)

The DJJ was able to provide an additional year of updated numbers representing the average length of stay by residential program levels for Fiscal Year 2008-09 (see the chart on the bottom of page 4 for FY 2000-01 through FY 2007-08).³³ According to the DJJ, after including these latest numbers, the average length of stay has increased by 31%, representing a one percent increase from Fiscal Year 2007-08 to Fiscal Year 2008-09.³⁴ The most recent average length of stay numbers are shown in the following chart.

FY 2008-09 Average Length of Stay by Program Level

Residential Risk Level	Length of Stay (Days)
Low	109
Moderate	247
High	342
Maximum	609
Overall	256

Source: Department of Juvenile Justice.³⁵

The DJJ supports the Florida TaxWatch/SPLC recommendations to modify the length of stay, especially based upon current research indicating that longer stays in juvenile facilities do not appear to reduce offending and for low-risk offenders, institutional placement increases recidivism. In addition, longer lengths of stay produce little

³¹ *Id.*

³² See *supra* note 21.

³³ See *supra* note 8. Data for FY 2009-10 and FY 2010-11 is not available.

³⁴ *Id.* This percentage is based upon 6,365 youth being committed in FY 2008-09.

³⁵ *Id.*

or no marginal benefit and there is no marginal gain from residential placement in terms of averting future offending.³⁶

According to the DJJ, “it may be feasible that the Florida TaxWatch recommendations with the least impact, reducing length of stay by one week in all facilities and restoring the average length of stay from FY 2002-03 for moderate and high-risk, can be implemented through adjustments in internal policy and contracts.”³⁷ “Two of the Florida TaxWatch recommendations restore the average length of stay for moderate and high-risk facilities from FY 2000-01. While these two recommendations would significantly reduce the length of stay, the final recommendation (reducing the length of stay in moderate and high-risk facilities) would have the greatest impact on juvenile recidivism, public safety and operational costs, according to the DJJ.”³⁸

As far as the other two Florida TaxWatch proposals, the DJJ supports the “step-down” approach and hopes to implement such an approach³⁹ as part of its recommended legislative proposal (discussed later). The department is less enthusiastic about giving credit for education and services received in detention care because “the resources to implement a full assessment of youth in detention and providing services based on the needs of each youth would be prohibitive for this small population.”⁴⁰ In addition, “academic instruction is a requirement for youth statewide regardless of their setting and their length of stay in a residential commitment facility will not be lengthened or reduced because of it.”⁴¹

The DJJ also supported the Governor’s Office recommendation to reduce the average length of stay in moderate-risk (from eight to six months) and high-risk facilities (from 11 to eight months) for Fiscal Year 2010-11.⁴² Currently, the department has established six to nine months as the recommended length of stay for moderate-risk facilities. In Fiscal Year 2009-10, the percentage of youth with lengths of stay beyond this range was 28%, or 1,479 youth. For high-risk youth, the DJJ’s recommended length of stay is nine to twelve months. In Fiscal Year 2009-10, the percentage of youth with lengths of stay beyond this range was 29%, or 370 youth.⁴³ The DJJ continues to encourage the implementation of the Governor’s Office recommendation to reduce the length of stay in moderate and high-risk facilities. The department also suggests that part of the cost savings from this reduction be reinvested into step-down community sanctions for moderate and high-risk youth.⁴⁴

In 2010, the DJJ recommended to the Governor’s Juvenile Justice Transition Team that court approval be removed from the commitment release process, thereby making the department the sole discharge authority from a residential commitment program. Indeterminate sentencing in Florida is tied to a youth’s successful completion of treatment and delinquency intervention services. “When a youth completes his or her program, and the court does not approve release because it feels that the youth has not been ‘locked-up’ long enough, taxpayers are paying for unneeded services, successful youth outcomes decrease, and the separation time period increases between family members.”⁴⁵

³⁶ *Id.*, citing *Report Finds No Benefit to Sending Juvenile Offenders to Expensive Institutional Placement*, MacAthur Foundation, December 2009; and *Estimating a Dose-Response Relationship between Length of Stay and Future Recidivism in Serious Juvenile Offenders*, Loughman, 2009.

³⁷ *Id.*

³⁸ See *supra* note 8.

³⁹ *Id.* The DJJ states that for this approach to be implemented, realized cost savings will need to be invested into community sanctions for youth released from commitment.

⁴⁰ *Id.* The DJJ states that it has better managed its residential bed needs and reduced its waiting list significantly since this recommendation was originally offered by the Juvenile Justice Blueprint Commission. For example, on July 3, 2007, there were 210 youth awaiting a bed and at least 57 of them were in secure detention. Today there are 38 youth awaiting a residential bed and 9 of them are in secure detention.

⁴¹ *Id.*

⁴² *Id.* However, this recommendation was not implemented during the legislative session.

⁴³ *Id.* The DJJ states that the recommended length of stay for low-risk youth is three to six months, and 17% or 104 youth were held beyond this range in FY 2009-10. In contrast, the recommended length of stay for maximum-risk youth is 18 to 36 months (statutorily mandated), and 2% or 2 youth stayed beyond this range.

⁴⁴ *Id.*

⁴⁵ *Id.* According to the DJJ, the decision to release a youth from commitment in Ohio, Indiana, and Arkansas resides with their Department of Youth Services.

According to the DJJ, allowing it to have sole control of release from residential commitment will provide the following benefits:

- Lower the average length of stay and cost per residential completion;
- Return youth to their families and to local communities to complete their treatment and intervention services;
- Improve outcomes for youth; and
- Enhance effective residential bed management for newly committed youth.⁴⁶

A recent review of department data reflecting denied releases by the court showed that the cost of stays that were extended beyond the time the residential commitment program and the juvenile probation officer agreed that the youth was ready for release cost the state about \$3 million.⁴⁷ In an effort to address this issue, the DJJ proposes to amend s. 985.441(3), F.S., by deleting the provision requiring court approval before releasing a youth from a residential commitment program. This change will give the department discretion to approve or deny release from a residential commitment program, while retaining the court's control over the final case termination.⁴⁸

The Office of Program Policy Analysis and Government Accountability (OPPAGA)

According to the OPPAGA, in most cases judges follow the department's recommendation to release a youth from a residential commitment facility. However, the court can deny the release and order the continued commitment of the youth until he or she reaches the maximum age for incarceration as a juvenile or until such youth serves the maximum amount of time an adult would serve for the same offense.⁴⁹ Department data shows that 144 requests for discharge were initially denied in Fiscal Year 2009-10 and that one judicial circuit was responsible for 64% of the denials.⁵⁰

Giving the DJJ authority to discharge a youth from a residential commitment program when the youth has successfully completed his or her treatment program will reduce the length of stay in residential commitment facilities and save costs to the state.⁵¹ The data supports research indicating that longer stays can be counterproductive and result in increased recidivism.⁵² Finally, it will allow the DJJ to make release decisions based on uniform statewide standards applying to all youth within a type of program.⁵³

The drawback to this approach is that it limits judicial discretion in denying release from a residential commitment program and might prove contentious among judges who want to be able to hold a youth longer to protect public safety.⁵⁴ However, if this is a concern, the OPPAGA points out that some states⁵⁵ allow their juvenile justice agencies to release youth who have finished a minimum period of commitment,⁵⁶ or they allow their agencies to make the release decision subject to the committing court's review.⁵⁷

⁴⁶ *Id.*

⁴⁷ *Id.* Fiscal Year 2009-10 Survey—Youths Denied Discharge and Pre-Release Denials from September 2010 to March 2011, on file with the Senate Criminal Justice Committee.

⁴⁸ *Id.* The DJJ states that the proposal will allow it to begin developing a step-down process and work with specific programs that have longer than recommended lengths of stay.

⁴⁹ See *supra* note 9.

⁵⁰ *Id.* Data was obtained from a survey of programs that remained open in September 2010. In Fiscal Year 2009-10, programs representing 8% of the department's beds were closed due to funding cuts. Based on data on youth released from residential programs in Fiscal Year 2009-10, the OPPAGA estimates that the number of denied discharges as a percentage of the total number of releases for the year was approximately 3%.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ For example, Ohio and Georgia.

⁵⁶ See *supra* note 9. However, the DJJ is hesitant to recommend that a minimum length of stay be put into law, in part because research has not identified optimal lengths of stay for each risk level. Achieving program goals may be a better measure in determining when a youth should be released from residential commitment. If the Legislature wants to enact a

Options and/or Recommendations

As evidenced by the previous findings, there is agreement among all parties involved that the need and desire exist to align the average length of stay with best practices in juvenile justice residential commitment facilities. Both the need and desire are supported by current evidence indicating that longer stays in juvenile facilities do not appear to reduce offending and in some cases, can even increase recidivism. Determining the most feasible approach to take in successfully aligning the average length of stay with best practices appears to be the remaining question.

The DJJ states that, at a minimum, it is feasible to shorten the average length of stay for all residential restrictiveness levels by at least one week. It is also feasible to restore the average length of stay for moderate and high-risk facilities from Fiscal Year 2002-03 (two of the Florida TaxWatch/SPLC recommendations found in the chart on page 5 of this report.)⁵⁸ To accomplish this, the department proposes to review and revise its internal policies and practices, either through rule or contract, that impede a youth's ability to complete a residential commitment program in less than the current time frames.⁵⁹

The DJJ suggests, however, that it will take more than just making adjustments to its internal policies and contracts in order to successfully implement the more significant reductions recommended by Florida TaxWatch, SPLC, and the Governor's Office.⁶⁰ This is because although revising internal policies and practices can influence how quickly a youth is able to complete the program, it does not address the other major factor that affects a youth's length of stay in a residential commitment facility.⁶¹

That other factor affecting average length of stay is whether the court denies the release of a youth who has successfully completed a residential commitment program.⁶² To address this factor, the DJJ proposes a legislative change that removes the court from the process of approving the department's release of a youth who has successfully completed a residential commitment program. The DJJ points out that while this proposal will give the department the discretion to approve or deny a youth's release from a residential commitment program, it will not diminish the court's ultimate jurisdiction over the youth.⁶³

In summary, it appears reasonable to expect that a reduction in the average length of stay in residential commitment facilities can be attained by requiring the DJJ to review and revise its internal policies and practices; however, to achieve the recommended reductions having the greatest impact, the DJJ believes it will also need to be given the statutory authority to approve or deny a youth's release from a program without court approval. Of course, whether the department's legislative proposal is embraced will depend upon the Legislature's willingness to make this policy change.

minimum length of stay, the DJJ requests the minimum be low enough to support a step-down approach (e.g., two months minimum for low-risk, five months minimum for moderate-risk, and seven months minimum for high-risk). See *supra* note 8.

⁵⁷ For example, North Carolina. See *supra* note 9.

⁵⁸ See *supra* note 8. The restored lengths of stay are approximately 8 and 11 months, respectively.

⁵⁹ *Id.* Florida TaxWatch/SPLC estimate a cost savings of approximately \$12 million.

⁶⁰ *Id.* The most significant recommendations include reducing length of stay in moderate-risk from 8 to 6 months and in high-risk from 11 to 8 months. If this recommendation is implemented, the DJJ suggests that part of the cost savings (estimated by Florida TaxWatch/SPLC to be approximately \$44 million) from this reduction be reinvested into step-down community sanctions for moderate and high-risk youth to make their transition successful.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.* The OPPAGA noted earlier that giving this authority to the DJJ will reduce lengths of stay, save the state money, and support current research indicating longer stays can be counterproductive. The drawback to it, however, is that it may prove contentious for judges who desire to keep a youth longer in the interest of protecting public safety.