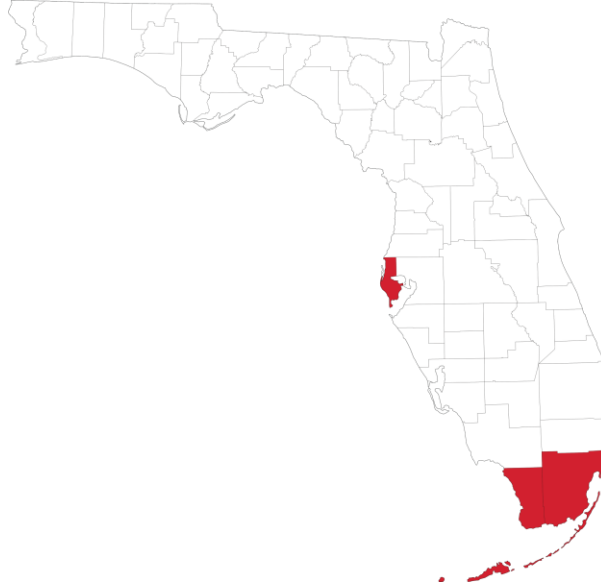


Stepping UpTM

Florida's Top Juvenile Civil Citation Efforts

TM

*Advocating the Importance of Civil Citation Programs
While Recognizing Those That Do It Best*



Highlighted counties represent the top-performing counties in this year's Stepping Up Study

2018 Study

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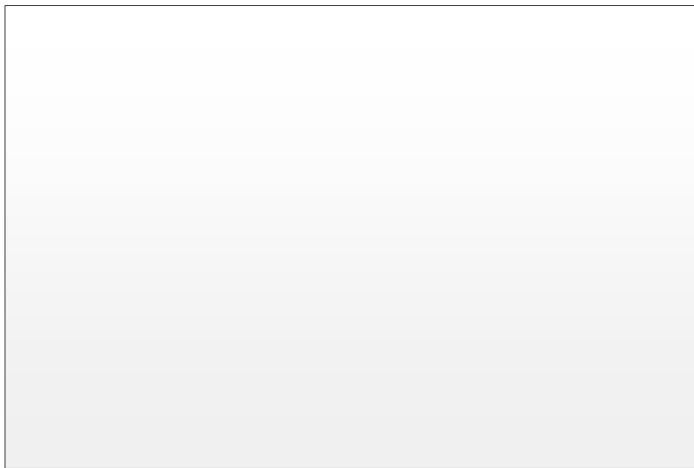


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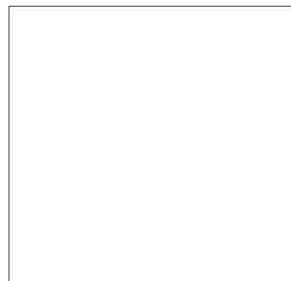
The past year has seen numerous developments in pre-arrest diversion programs, like civil citations. New programs began, existing agreements were re-worked, new studies examined trends, and legislative changes were made to expand usage. This year's study will summarize each of these developments and highlight the opportunities they provide to improve existing pre-arrest diversion programs and to build new ones. This study is intended to be used by decisionmakers as they re-examine memorandums of understanding governing their pre-arrest diversion programs and renegotiate the new circuit-wide agreements as required by law.

Along with these developments, 2017 saw a slower increase in usage rates than the previous year. The statewide usage rate increased by six percentage points, and arrests for eligible offenses decreased by 1,078. Growth was swift in **Okeechobee** and **Duval** counties. The largest gains appear to be due to newly negotiated memorandums of understanding that either created new programs or expanded existing efforts.



Juvenile civil citations are an alternative to arrest for common youth misbehavior that in days past resulted in a trip to the principal's office or a call to parents.

An overview of the problem of arrests for common youth misbehavior and the solution of juvenile civil citations is provided on page 40.



Stepping Up: Florida's Top Juvenile Civil Citation Efforts 2018 is authored by Dewey Caruthers, one of Florida's top civil citation experts. Stepping Up is an annual study in its fourth year.

Study Author:

Dewey Caruthers
The Caruthers Institute

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Stepping Up County Reports provide reporting of the performance of each county, its school district and law enforcement agencies. Available at www.caruthers.institute.

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What does pre-arrest diversion look like for juveniles in Florida?

Pre-arrest diversion programs offer an alternative to arrest for youth under the age of 18 non-serious misdemeanor offenses. This study relies on Florida Department of Juvenile Justice (DJJ) data which excludes gun-related and sex offenses from eligible offenses. Under the new law, local circuits can decide which offenses are eligible for pre-arrest diversion, and how many times youth are eligible. The data in this report reflects the use of pre-arrest diversion for first-time offenses.

The most frequent eligible offenses in 2017 included:

Offense	# Eligible	% Diverted
Assault and/or Battery (not aggravated)	5,851	42%
Petit Larceny	4,034	71%
Misdemeanor Violation of Drug Laws	3,940	71%

A law enforcement officer who has reason to believe a youth has committed an eligible offense can refer the youth to the local pre-arrest diversion program, often through the issuance of a civil citation.¹ The youth is not arrested, seldom misses school to participate in the program, and no criminal record is produced. Youth who have committed felonies or numerous misdemeanors are most often not eligible for a civil citation.

The youth must complete the pre-arrest diversion program or risk charges on the initial offense. Pre-arrest diversion programs, at a minimum, must involve:

- intervention services indicated by a needs assessment of the juvenile,
- the completion of community service hours, and
- payment of restitution where appropriate.

The new legislation directing circuits to adopt pre-arrest diversion programs is an opportunity to maximize the use of juvenile pre-arrest diversions in Florida to lower recidivism, improve long-term opportunities for youth, and save taxpayer resources. Research clearly shows that juvenile pre-arrest diversions do all three.

Under the new law, local circuits can decide which offenses are eligible for pre-arrest diversion, and how many times youth are eligible.

¹ Under prior law, a youth was required to admit to engaging in the offending conduct to be eligible for a pre-arrest diversion. The newly enacted statute removes this requirement and leaves it up to individual programs as to whether, and when, a youth must admit, not contest, or even deny the conduct to be eligible for the pre-arrest diversion program.

Public Safety. Only 4% of youth who complete pre-arrest diversion programs reoffend within 12 months. For those youth who participate in similar diversion programs, but as the result of an arrest, 11% reoffend within a year.

Youth Outcomes. Pre-arrest diversion programs improve youth opportunities by enabling youth to remain free of an arrest record that could burden them for the rest of their lives — something they may have to disclose on applications for employment, school, loans, the military, housing and other aspects that shape quality of life and determine individual success. Additionally, resources like mental health counseling provided for youth deemed at risk to reoffend increase the likelihood of future individual success.

Cost Savings. Pre-arrest diversion programs save taxpayer money because it is much more expensive to arrest and prosecute a youth for common youth misbehavior than to issue a civil citation or other referral to a pre-arrest diversion program. Cost savings estimates of issuing a civil citation rather than an arrest range from \$1,467 on the low end to \$4,614 per pre-arrest diversion.² The DJJ uses the latter number, estimating that it costs \$5,000 to process one juvenile through the criminal justice system, compared to \$386 to issue one pre-arrest diversion.³ The cost savings from using juvenile pre-arrest diversions rather than arrests can be seamlessly reinvested into handling serious crimes.

Recent studies of Florida civil citations highlight unmet potential and identify barriers to usage

Over the last year, two studies have been done on the use of civil citations in Florida. The first, a pilot study by the DJJ, tracked common justifications given by law enforcement officers when making arrests for eligible offenses. The most common justification cited was youth not receiving pre-arrest diversion due to local policies regarding domestic violence. Of the four circuits studied (Circuit 4, 9, 13 and 18), 57% reported that arrests of pre-arrest diversion eligible youth were ineligible because of local policy – which includes domestic violence. Additional discussion on domestic violence and pre-arrest diversion can be found on [page XX](#).

Additionally, a recent study analyzed the use and effect of Florida's civil citation program. It found *"that while there was little evidence of diversion being applied to those who would otherwise have received no sanction, most counties did not use the program to any meaningful extent. However, amongst those that did, juvenile arrests dropped significantly."* The study analyzed the role of diversion in Florida's juvenile justice system in each county.⁴

The study identified consequences of improper implementation, including net widening, and characteristics that made successful implementation more likely.

² Criser, Marshall, III, Bob Stork, Allison DeFoor, Dominic M. Calabro, and Robert Weissert, Esq. *Expansion of Civil Citation Programs Statewide Would Save Taxpayers Tens of Millions of Dollars and Improve Public Safety*. Publication. April 2011. <http://www.floridatxwatch.org/resources/pdf/04152011civilcitation.pdf>.

³ Bishop, Barney T., III, Wansley Walters, and Tom Olk. "Getting Smart on Juvenile Crime in Florida: Taking It to The Next Level." November 2010. https://www.americanbar.org/content/dam/aba/administrative/criminal_justice/AIFgettingsmart.authcheckdam.pdf.

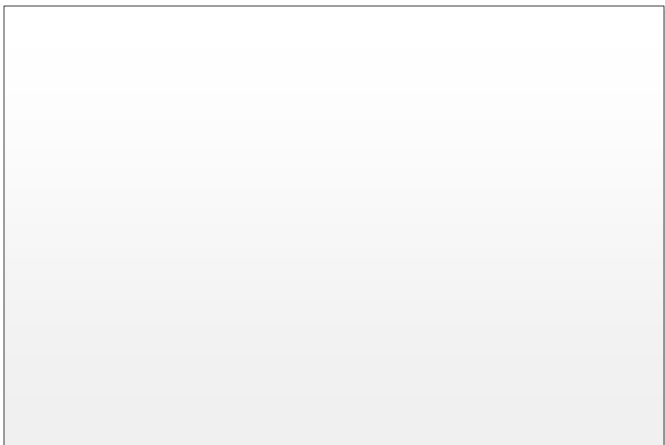
⁴ Nadel, Melissa, George Pesta, Thomas Blomberg, William Bales, and Mark Greenwald. "In Florida, Introducing Civil Citations for Young Offenders Has Met with Mixed Success." USAPP. May 29, 2018. <http://blogs.lse.ac.uk/usappblog/2018/05/22/in-florida-introducing-civil-citations-for-young-offenders-has-met-with-mixed-success/>.

Net widening occurs when a program increases the number of people brought into the justice system. Pre-arrest diversion programs are intended to be alternatives to the traditional sanctions, not supplements; ideally, they would not bring more people in. The study found that, out of Florida’s 67 counties, only **Putnam County** had an issue with net widening. After an initial reduction in arrests, the implementation of civil citations in the county resulted in more juveniles coming into the system, than would have had the program not been implemented. Such net widening can overload the juvenile justice system and funneling kids who would otherwise receive no sanction into diversion programs may trigger future delinquency.

The study identified several county characteristics associated with successful implementation, including higher crime rates, positive economic indicators, racial and ethnic diversity, and urbanization. It also found that “counties that implemented pre-arrest diversion prior to the 2011 state initiative, and therefore were likely more invested in the program’s success, were more likely to both use and successfully implement the program.” Only nine counties showed long-term success with their programs.

Because so few counties have demonstrated long-term success, the DJJ study recommended an “occasional ‘booster shot’ through trainings or conferences on the use and success of the program.” Adopting new circuit-wide agreements under the new statute could be an opportunity for such a booster shot.

Net widening occurs when a program increases the number of people brought into the justice system – a consequence harmful to youth, public safety and taxpayers.



Only 1 of Florida’s 67 counties showed net widening.

Key Finding 1: Usage increased more slowly than in previous years.

- **There were nearly 1,000 fewer arrests from last year**, with total arrests down from 8,753 arrests to 7,675 arrests. This is a smaller dip than in the previous year, when there was a decrease of more than 3,000 arrests.
- **Statewide usage increased by six percentage points**, from 53% to 59%. This six-percentage point increase was smaller than last year's 10 percentage-point gain.
- **Assault and battery accounted for 44% of all eligible arrests.** There were 5,851 eligible youth for the charge of assault and battery and 3,383 youth were arrested. The usage rate for assault and battery charges is 42% - one of 4 offenses with usages under 50%. The other three: (1) Misdemeanor Obstruction of Justice: 46%; (2) Loitering and Prowling: 50%; (3) Violation of Hunt, Fish, Boat Laws: 11%

Key Finding 2: Counties that saw substantial increased usage renegotiated memorandums of understanding

- **Duval, Hillsborough and Polk Counties** saw significant increases in usage rates after negotiating new memorandums of understanding governing their pre-arrest diversion programs. While Polk County adopted its first such memorandum, Duval and Hillsborough, led by newly elected state attorneys, renegotiated existing memorandums.
- **Orange County** is poised to renegotiate its memorandum of understanding under the leadership of the chief judge, who called a summit on the issue. The summit resulted in the formation of a committee to review the eligibility of assault or battery offenses against household members and how such offenses are handled in other counties. This issue is reviewed in this study at page XX. Over the last year, Orange County increased its usage rate from 43% to 55%, but growth has plateaued, with usage rates averaging 55% in the first quarter of 2018.

Key Finding 3: More counties are moving toward pre-arrest diversion as the default tool for first-time misdemeanors.

Monroe County raised its usage rate by 10 percentage points since last year's study – from 87% to 97%. Every student accused of an eligible offense at school in 2017 was diverted rather than arrested, for a 100% usage rate in Monroe County Schools.

Duval County implemented a new memorandum of understanding expanding eligibility, streamlining its civil citation process and setting a presumption that law enforcement officers will issue civil citations whenever youth are eligible and requiring written justification when the officer decides an arrest is warranted instead. Duval County has also closed the racial disparity identified in this study last year. See a discussion about this at page [XX](#).

Assault and battery accounted for nearly half of all eligible arrests

Key Finding 4: Youth are approximately one-third more likely to be arrested in the community than at school, but overall eligible offenses rise during the school year.

- Youth are more likely to be accused of an eligible offense during the school year than they are during summer break. Over the 2017 summer season, average monthly eligible offenses fell to 1,200 while during the traditional school months, there was an average of 1,700 offenses eligible for pre-arrest diversion each month.
- For both white and black youth, usage rates vary depending on whether an offense was committed on or off school grounds. For youth on school grounds, pre-arrest diversion is offered 77% of the time for white students and 71% for black students. However, off school grounds, pre-arrest diversion is only offered half of the time (49% for white youth, 50% for black youth). This trend continues into 2018: In the first three month of 2018 the average is 56% usage in the community and 78% on school grounds.

77%

Percentage of white students offered pre-arrest diversion ON school grounds

71%

Percentage of black students offered pre-arrest diversion ON school grounds

50%

Percentage of white students offered pre-arrest diversion OFF school grounds

49%

Percentage of white students offered pre-arrest diversion OFF school grounds

Key Finding 5: Domestic violence arrests -- simple assault or battery against a household member -- accounted for almost a quarter (24%) of all eligible arrests in 2017. See page XX for an analysis of the use of pre-arrest diversion to address juvenile domestic violence.

Domestic violence arrests accounted for nearly one-quarter of all eligible arrests in 2017.

INSERT IMAGE

Introduction / Methodology

This year's study sought to identify any common policies and practices of the most effective juvenile pre-arrest diversion programs in the state. To accomplish this, the Institute conducted surveys and interviews with:

- The state's three top-performing counties (utilization rates): **Miami-Dade** (95%), **Pinellas** (93%) and **Monroe** (97%).
- Three top-performing municipalities located within low-performing counties: **Stuart** (93% usage rate in 59% **Martin County**); **Fernandina Beach** (83% usage rate in 67% **Nassau County**); and **Lynn Haven Police Department** (81% usage rate in 50% **Bay County**).

Common Policies and Practices Among Top-Performers

Through these interviews, common policies and practices emerged. Two policies and one practice especially stood out among the rest: A policy that law enforcement officers should assume a pre-arrest diversion will be issued in eligible instances; review of officer decisions to arrest eligible youth; and effective training for law enforcement officers on pre-arrest diversion. These are policies this study has identified and recommended in previous years. No justification for not adopting these policies has been identified.

There are numerous common policies and practices of the top performers – all of which comprise a comprehensive list of research-based best practices. For more information on how a county compares to research-based best practices, please contact the Institute for a Civil Citation Comparison Report.

Policy: Law enforcement officers assume pre-arrest diversions

Nearly all the top-performing jurisdictions have a policy that presumes law enforcement officers should issue a pre-arrest diversion in all eligible instances. Arrests, with few exceptions, must be justified in writing by the law enforcement officer. While the statute requires this, ⁵ DJJ's pilot study for the reasons law enforcement gives when arresting in an eligible case showed that 45% of cases, no reason was given. ⁶

Contrast the Third Circuit's memorandum of understanding "If the officer believes the case should be referred for a Juvenile Citation..." with training provided Miami-Dade officers, "Presently all referred first time misdemeanor cases are processed under the [civil citation] program." ⁷

The Institute's Civil Citation Comparison Report shows the gaps between counties and the state's top performers, helping decision-makers identify specific policies and practices to change in their jurisdictions to increase usage.

⁵ Section 985.12(1), F.S. (2017). This reporting requirement was expanded under 985.126(3), F.S (2018). The DJJ will be publishing this information beginning in January 2019.

⁶ Greenwald, Mark A. *Civil Citation Non-Utilization Memorandum*. May 23, 2018.

⁷ *Miami-Dade Juvenile Services Department Civil Citation Program*. Law enforcement officer training materials <http://www.miamidade.gov/juvenileservices/library/leo-training-package.pdf>

Policy: A second review of arrests

If law enforcement chooses to make an arrest, a second person in the Juvenile Assessment Center will review the facts and the officer's justification and make a final determination. Thus, the arresting officer, who might issue an arrest in the heat of the moment or overlook a youth's eligibility, has a backstop.

For example, in Polk County, affidavits submitted through the Juvenile Assessment Center are screened for eligibility by an intake screener employed by the DJJ. When the screener finds an eligible case, they seek the arresting officer's approval to divert the youth.

Contrast this with the practice of state attorneys reviewing, and rejecting, civil citations or referrals to pre-arrest diversion in the First and Third circuits, resulting in youth given civil citations arrested. The Fourth Circuit ended this practice in its newly adopted agreement.

"Train to the philosophy and do it often."

Deputy Chief James Hurley, Fernandina Beach Police Department

Practice: Pre-arrest diversion training provided to law enforcement officers

Training was a top priority of all the three top-performing counties. All provided in-person, facilitated training, as opposed to self-directed training, at least annually conducted by the lead agency.

For example, roll call is a common place for trainings, which are developed by law enforcement for law enforcement – to occur.

**Training and making civil citation the presumptive norm have been
Stepping Up recommendations in previous studies.**

"This is not magic. It's a true front-end diversion program. Our diversion occurs with law enforcement before the Juvenile Assessment Center, which also screens those rare arrests to see if a pre-arrest diversion is more appropriate."

Pinellas Sheriff Bob Gualtieri

Additional common practices among the top three performing counties

Some additional research-based best practices from the top three performing counties — Miami-Dade, Pinellas and Monroe:

- All juvenile misdemeanor offenses are eligible with exceptions for certain sex and firearm offenses, and some non-felony traffic cases. This expands the number of eligible offenses, which decreases arrests.
- Youth are not charged a fee or cost to participate. This can be a barrier to youth enrolling and successfully completing a civil citation program.
- Youth are issued community service hours by offense (compared to some counties where all youth get the same amount of community service hours). This provides for a more tailored approach to youth learning from their mistakes.
- There is a pre-arrest diversion strategic plan with measurable goals. A plan with measurable goals and accountability will generate better outcomes.
- Key stakeholders (law enforcement, state attorney, public defender, chief circuit judge) meet monthly or quarterly for program oversight and accountability. This provides for ongoing input from the participating agencies.
- There are regularly scheduled public meetings to report pre-arrest diversion results and obtain feedback from citizens, either monthly or quarterly. The public has a right to see civil citation data, and to share their opinions with program leaders.

“We want first-time offenders with misdemeanors and property crimes handled with pre-arrest diversions when at all possible.”

Polk Sheriff Grady Judd

In Miami-Dade, Monroe, and Pinellas youth are not charged a fee or cost to participate, which can be a barrier to successful completion of the program.

Interviews were conducted with leaders at the county, school district and law enforcement agency levels. For the interview, each was asked: Pretend you're in a leadership role in a jurisdiction that uses arrests more often than pre-arrest diversions for common youth misbehavior. You have been tasked with dramatically increasing pre-arrest diversion usage and decreasing arrests – all within a few months. What are your top 3 strategies? The interviews can be found in Appendix B, and have been analyzed to provide this roadmap to successful implementation of a pre-arrest diversion program.

Step 1: Research and Analyze Current Practices

Form a working group of individuals who understand and support pre-arrest diversion. Gather all the relevant policies and procedures. Analyze the data, including:

- The types of eligible instances that are ending in arrests, law enforcement officer justification for such arrests (if available) and how those cases are ultimately resolved.
- Any disparities in usage by race, gender, arresting agency, school setting, offense, etc., to identify underusage and barriers to usage.
- Survey law enforcement officers, state attorneys, public defenders and DJJ staff to identify barriers.

Reach out to the DJJ and to other counties to discover potential solutions to any barriers identified.

Step 2: Develop Policies and Procedures that Boost Opportunities for Civil Citations

Multiple Civil Citations: Allow law enforcement officers to use pre-arrest diversion for all misdemeanor offenses. Consider higher caps, or time-based caps, on the number of times juveniles may participate in pre-arrest diversion. For example, many top performing counties allow youth to receive up to three civil citations before mandating an arrest.

Civil Citations the Presumptive Norm: Develop a district-wide policy that when an incident is eligible for pre-arrest diversion, it is strongly preferred that law enforcement officers issue a pre-arrest diversion in lieu of making an arrest. Per the new statute, the officer will have to provide a reason for the eligible arrest in writing. Track these reasons to provide valuable data for continued program review. This is a common policy of the state's very top performers.

Paperwork Efficiency. Streamline the process for law enforcement officers on the scene to easily refer to pre-arrest diversion, making arrest the more time-consuming process. The goal should be that pre-arrest diversions are easier to accomplish than arrests. For instance, the Stuart Police Department has streamlined the civil citation process for the law enforcement officer on the scene to ensure there is no additional paperwork required for a civil citation.

"We want our law enforcement officers to be able to easily and efficiently issue civil citations."

Kathleen Lannon, Youth Intervention Counselor, Stuart Police Department

Delay Requirement to Admit Guilt: The statute no longer requires youth to admit guilt to their offense to be eligible for pre-arrest diversion. Build youth accountability into the ultimate diversion program – not the officer’s decision. Requiring a law enforcement officer to secure an admission from the juvenile before referring to pre-arrest diversion complicates the role of the officer and can be a barrier to effective implementation.

Second Look: In situations where officers deem an arrest is necessary, develop criteria for a “second look” by another law enforcement officer or social worker to override the arrest and offer a diversionary program. The Juvenile Assessment Center is often used for this purpose. However, some top performing counties that do not have a Juvenile Assessment Center are using appropriate staff for the second look.

Swift Justice: Create a system that provides for an immediate response to juvenile pre-arrest diversions. In Monroe County, youth start the pre-arrest diversion program often within 24 hours of committing the offense.

“Swift justice is one of the most important benefits of pre-arrest diversion. We want youth started in the program as soon as we can get them.”

Woody Hanford, Juvenile Program Manager for Monroe County Sheriff’s Office.

Step 3: Train to the Policies – and to the Philosophy

Educate leadership – all of the law enforcement agency heads and School Administrators – on the benefits of pre-arrest diversion and the impact of an arrest. Leadership needs to be on the same page in terms of understanding why pre-arrest diversions shall be strongly considered and are more effective than arrests in most cases.

Educate all parties on the long-term benefits of pre-arrest diversion. Training, social media, e-mail, and roll call may be used. A strong campaign from peers will garner buy-in from the officers. Offer opportunities for discussion and feedback.

“Add a full-time social worker to police department staff to help cultivate a culture supportive of pre-arrest diversion. “[Lannon, a MSW,] is a big part of the reason that officers believe in the program.”

Sargent Brian Bossio, Stuart Police Department

Step 4: Implement Regular Training

Require in-person training upon hiring new law enforcement officers, as well as once per year for all officers. For school resource officers and others who often work with juveniles, provide it more regularly. For instance, in **Monroe County** pre-arrest diversion training is provided twice per year via roll calls.

Domestic Violence: A Common Barrier to Usage

Youth-Perpetuated “Domestic Violence”

Domestic violence usually refers to violence and controlling behavior between intimate partners. It can be especially dangerous as it represents mismatches of power and control and often escalates to deadly violence. For youth, *intimate partner violence* can involve these same issues; however, *domestic violence* only includes offenses against household members – parents, step-parents or parent paramours, siblings, grandparents, etc. Violence of this sort is often an indicator of more serious issues in the home: mental illness in the family, parents with a history of domestic violence, parents with criminal records or substance abuse issues. Left unaddressed, these issues can grow into more serious misbehavior.⁸

Many counties have policies of arresting in all cases involving domestic violence, even if that means arresting youth for fighting with their families – an offense that would be eligible for pre-arrest diversion. Indeed, many counties have policies excluding domestic violence – simple assault or battery against household members – from eligibility for pre-arrest diversion.

Domestic violence arrests account for almost a quarter of all eligible arrests in 2017. Statewide, the pre-arrest diversion usage rate for domestic violence is 25%, while the usage rate for all other eligible offenses is 64%. Of the 57 counties that have active pre-arrest diversion programs, 26 issued no civil citations for offenses against household members at all.

Why not pre-arrest diversion?

Jurisdictions with blanket bans on pre-arrest diversion for offenses against household cite concerns about safety, including concerns about youth continuing abusive behavior, as well as philosophical opposition.

What happens when juveniles are arrested for eligible household violence offenses?

Statewide, the most common disposition for juveniles arrested for domestic violence is post-arrest diversion (42%) followed by non-file (26%), probation (3%), and no sanction (1%). These sanctions represent the 1,856 youth arrested for domestic violence.

In addition, the recidivism rate for juveniles arrested for pre-arrest diversion eligible domestic violence have a recidivism rate of 13%. Comparatively, the recidivism rate for youth issued pre-arrest diversion in instances of domestic violence is 4%.⁹

Hillsborough, Orange, Palm Beach, Broward and Duval have the most arrests for domestic violence in 2017 – a combined 701 youth arrested out of 744 eligible. These five counties account for 38% of all arrests for domestic violence. The most common disposition for these counties is post-arrest diversion with an average of 70%. Orange county is an exception to the rule established by these counties. It's rate of Non-file is 48%, higher than the rate for post-arrest diversion (40%).

⁸ Uekert, Brenda, Inger Sagatun-Edwards, Ann Crowe, Tracy Peters, Fred Cheesman, and Dina Kameda. "Juvenile Domestic and Family Violence: The Effects of Court-Based Intervention Programs on Recidivism." 2006, 41. doi:10.1037/e585782007-001.

⁹ "Comprehensive Accountability Report | Florida Department of Juvenile Justice." Florida Department of Juvenile Justice. Accessed June 18, 2018. <http://www.djj.state.fl.us/research/reports/reports-and-data/static-research-reports/comprehensive-accountability-report>.

Domestic Violence: A Common Barrier to Usage

Youth arrested for household violence aren't necessarily held in secure detention either. Recognizing the harm of time spent in detention, counties and the DJJ operate respite care as alternatives to secure detention for these youth. A DJJ analysis in 2014 found that such respite care was associated with a lower probability of re-arrest during the 92 day-period following the arrest. This same respite care can, and is, used for youth who receive pre-arrest diversion.

Hillsborough and **Orange** counties account for 20% of all eligible household violence arrests for the state. **Hillsborough** and **Orange** both had 185 domestic violence eligible youth and arrested 184 and 179, respectively.

How can these cases be handled with pre-trial diversion instead?

Domestic Violence Eligible Offenses			
County	# Eligible	# Diverted	% Diverted
Miami-Da	128	124	97%
Pinellas	174	158	91%
Polk	170	90	53%
Duval	123	35	28%

In the first quarter of 2018, **Polk County** has sent 86% of youth accused of eligible domestic violence offenses, a total of 51 youth, to a pre-arrest diversion program.

Likewise, **Duval County** implemented a new memorandum of understanding governing the use of pre-arrest diversion throughout the Fourth Judicial Circuit that expanded eligibility to youth accused of offenses against household members. Its pre-arrest diversion rate quickly increased from 0% in April 2017 to 78% in December 2017.

Overall, the state average pre-arrest diversion usage rates do not indicate a racial disparity in the usage of pre-arrest diversion among youth who are accused of eligible offenses. However, as illustrated by past editions of this study, there has been a consistent disparity in the frequency at which students of color are arrested for eligible offenses at school.

How we measure disparities

Juvenile justice researchers measure racial disparity using the Relative Rate Index (RRI). ¹⁰ The RRI compares the rate of contact (offense accusation, arrest, etc.) for white youth and the rate of contact among black or Latinx youth. An RRI of 1 indicates no disparity. An RRI higher than 1 indicates the minority group is more likely to be impacted, while an RRI of one indicates there is no such disparity.

A significant RRI indicates that a significant disparity exists, but additional exploration is needed to determine the source of the bias. The analysis cannot identify the source of the disparity and does not necessarily imply purposeful racial bias. For example, the source could be in procedure, priorities in policing as to localities or offenses, implicit bias, or cultural mismatches between expectations and actual or perceived behavior at different decision points in the process.

Duval County closes its racial disparity

Since last year's study, **Duval County** has implemented a new memorandum of understanding governing the use of pre-arrest diversion, which has improved in the way it handles eligible black youth.

Last year's study reported that Duval arrested black youth at a rate of 16 percentage points higher than white youth in 2016. For 2017 that number decreased to 9 percentage points higher with a 44% arrest rate for black youth and a 35% arrest rate for white youth.

This racial disparity did not exist as of January 2018. Based on 158 cases, Duval shows drastic improvement. --The average arrest rate for pre-arrest diversion-eligible black youth is down to 10% and white youth is 12% -- revealing that high utilization rates of civil citations can drastically reduce racial disparity.

¹⁰ For a detailed explanation, using example calculations of relative rate index, see What is an RRI? National Disproportionate Minority Contact Databook, US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, available online at <https://www.ojjdp.gov/ojstatbb/dmcsdb/asp/whatis.asp>.

Disparities in eligible school arrests

This year, the state of Florida had an RRI for eligible black student arrests of 2.42 – law enforcement were 2.42 times as likely to arrest black students for eligible offenses than white students. This is a significant drop in disparity from last year’s RRI for black student arrests of 4.29. Last year’s disparity in eligible arrests for Latinx students also fell – from an RRI of 1.61 last year to 0.73 this year.

School-Based Eligible Offenses	Black Students		Latinx Students		White Students
	Arrest Rate	RRI	Arrest Rate	RRI	Arrest Rate
2017	29%	2.42	23%	0.73	23%
2016	31%	4.29	25%	1.61	25%

The following analyses highlights school districts with RRIs indicating racial disparities among school-based eligible arrest rates higher than the state average. School districts with fewer than 25 total arrests are excluded as the rates for such small numbers are often statistically unreliable.

There are thirteen school districts with black RRI’s above the state average. It is worth noting that *all school districts with more than 25 arrests also have an RRI of 1.5* – across the state, if there were more than 25 arrests in the school district, black students were at least 1.5 times as likely to be arrested for an eligible offense.

Leon	11.67
Broward	9.72
Escambia	8.01
Marion	6.87
Seminole	6.48
St. Lucie	5.07
Lee	4.54
Brevard	4.21
Polk	3.78
Pasco	3.70
Hillsborough	3.60
Lake	3.50
Orange	2.79

The disparity between Latinx and White student arrests are, for the most part, comparably small – Latinx students are usually no more than twice as likely to be arrested for eligible offenses at school. However, Leon County emerges as a stark exception with a Latinx RRI of 16.71. Leon had 25 total arrests and three of them were Latinx youth. While its Latinx population is small – the RRI does take this into account – leading to a large RRI.

Of school districts with 25 or more total arrests, four have RRI’s above 1.5.

Leon	16.71
Broward	2.38
Polk	2.10
Escambia	1.81

How to address racial disparities

As described above, a significant RRI simply identifies a significant disparity; it cannot identify the causes. The U.S. Department of Justice’s OJJDP publishes a technical assistance manual that can help identify sources of the disparity and potential mitigation.¹¹

11 OJJDP, Disproportionate Minority Contact Technical Assistance Manual, 4th edition, available at https://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/

Last year's Stepping Up 2017 recommendations were identified as "the most important in the three years of the study." This year's interviews with top performers support the 2017 recommendations for a local policy and more effective training. Below are the 2017 recommendations related to policy and training.

2017 Recommendation 1: Every county, school district and law enforcement agency in Florida should develop a policy that makes juvenile civil citations the presumptive norm and allows for arrests in only rare and exceptional circumstances; and when using an arrest rather than a civil citation, law enforcement should be required to document, justify and obtain supervisory approval in order to arrest.

By adopting this recommendation, counties, school districts and law enforcement agencies will be effectively addressing all of the problems caused by common youth misbehavior this study has chronicled in its three years, which include: Unequal justice by geography; increasing recidivism; inflicting mental health trauma on youth; diminishing youth futures; high financial costs to taxpayers; diverting public safety resources from addressing felonies; racial disparity; case dismissals that provide no consequences to youth.

All of these problems are diminished or eliminated by local entities adopting this recommendation, because the result of such policies would be counties, districts and agencies with utilization rates of 90% or higher.

2017 Recommendation 4: Every Florida law enforcement officer authorized to make an arrest should have training on juvenile civil citations, which should occur annually in all police academies, police departments and sheriff's offices.

Law enforcement training on juvenile civil citations is the least expensive and least invasive of all strategies to increase utilization. Requiring all police academies, police departments, and sheriff's offices to annually provide quality training on juvenile civil citations is reasonable, and would not require legislators to pass a new law or local leaders to agree on something controversial. Adding a one-hour law enforcement training on the topic should be simple and straightforward solution that could reduce arrests by thousands each year.

Including training in all police academies would ensure that the next generation of law enforcement officers will be familiar with this important public safety tool and appreciate the purpose and benefits of juvenile civil citations, as well as the harm of an arrest for common youth misbehavior.

Adding annual best-practices training in police departments and sheriff's offices provides for all Florida law enforcement to have not only a basic understanding of juvenile civil citations but also information on how best to implement and deploy juvenile civil citations programs.

This recommendation is an outgrowth of a Stepping Up 2015 study recommendation, which showed that nearly half (48%) of civil citation programs surveyed as part of that study reported either not having a schedule for law enforcement training or not knowing how often training occurs.

Civil citation utilization is the percent eligible issued a civil citation. SOURCE: Florida Dept. of Juvenile Justice Civil Citation Dashboard January 2017 through December 2017. NOTE: Utilization rates are based on all statewide eligible offenses, not based on eligible offenses per county. NOTE: Civil citation reporting includes other juvenile prearrest diversion efforts operated under a different name. Accessed April 2018.

State Civil Citation Utilization

(all 67 counties)

Utilization:	59%
Eligible Youth:	18,533
Arrested:	7,675
Issued Civil Citation:	10,858

State Civil Citation Utilization by School District

(all 67 counties)

Utilization:	75%
Eligible Youth:	5,675
Arrested:	1,446
Issued Civil Citation:	4,229

State Civil Citation Utilization by Race

(all 67 counties)

	<u>Arrest %</u>	<u># Arrested</u>	<u>Civil Citation %</u>
Black:	42%	2,778	58%
Hispanic:	35%	1,160	65%
Other:	36%	45	64%
White:	43%	4,298	57%

State Civil Citation Utilization by Gender

(all 67 counties)

	<u>Arrest %</u>	<u># Arrested</u>	<u>Civil Citation %</u>
Male:	41%	4,571	59%
Female:	42%	3,104	58%

Black RRI: 2.41 Hispanic RRI 0.73

Relative Rate Index (RRI) is a means of comparing the rates of juvenile justice contact experienced by different groups of youth, according to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The RRI above shows the arrest rate for white youth compared to the arrest rate for black and Hispanic youth.

The RRI does not necessarily imply racial bias in the arrest process. There could be many reasons other than racial bias that produced this racial disparity at arrest (e.g., different levels of delinquency behavior by white juveniles and black juveniles).

All the RRI indicates is that disparity exists and additional exploration is needed to determine the source of the bias, according to OJJDP.

State Civil Citation Utilization and the School-to-Prison Pipeline

(black males in all 67 counties)

	<u>Arrest %</u>	<u># Arrested</u>	<u>Civil Citation %</u>
Black Male School-Based:	28%	366	72%
Black Male Community-Based:	50%	1,262	50%

The school-to-prison pipeline is a term for the national trend where children are funneled out of public schools and into the juvenile and criminal justice systems. Students of color – particularly black males – are especially vulnerable to the pipeline that may begin with arrests for common youth misbehavior and leads to continued contact with law enforcement and further arrests.

Civil citation utilization is the percent eligible issued a civil citation. *SOURCE: Florida Dept. of Juvenile Justice Civil Citation Dashboard January 2017 through December 2017. NOTE: Utilization rates are based on all statewide eligible offenses, not based on eligible offenses per county. NOTE: Civil citation reporting includes other juvenile prearrest diversion efforts operated under a different name. Accessed April 2018.*

Florida's Top Civil Citation Efforts: By COUNTY

This year, the study classifies Florida counties into three divisions based on countywide youth population.

- Division One counties with 100,000 or more juveniles
- Division Two counties with 26,000 – 99,999 juveniles
- Division Three counties with 25,999 or less juveniles

The tables below use data from the Florida DJJ Civil Citation Dashboard for calendar year 2017 (gathered April 2018). This year's study sets the benchmark for top-performance at 80% utilization or higher.

Top Civil Citation Utilization by COUNTY

DIVISION ONE

(of 35 counties with 100,000 juveniles)

1.	Miami-Dade County	95%
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Top Civil Citation Utilization by COUNTY

DIVISION TWO

(of 12 counties with 26,000-99,999 juveniles)

1.	Pinellas County	93%
2.	St. Johns County	81%

Top Civil Citation Utilization by COUNTY

DIVISION THREE

(of 20 counties with 25,999 or less juveniles)

1.	Lafayette County	100%
2.	Monroe County	97%

Civil citation utilization is the percent eligible issued a civil citation. SOURCE: Florida Dept. of Juvenile Justice Civil Citation Dashboard January 2017 through December 2017. NOTE: Utilization rates are based on all statewide eligible offenses, not based on eligible offenses per county. NOTE: Civil citation reporting includes other juvenile prearrest diversion efforts operated under a different name. Accessed April 2018.

Florida's Top Civil Citation Efforts: By SCHOOL DISTRICT

This year, the study classifies Florida school districts into three divisions based on countywide youth population.

- Division One school districts with 100,000 or more juveniles
- Division Two school districts with 26,000 – 99,999 juveniles
- Division Three school districts with 25,999 or less juveniles

The tables below use data from the Florida DJJ Civil Citation Dashboard for calendar year 2017 (gathered April 2018). This year's study sets the benchmark for top-performance at 80% utilization or higher.

Top Civil Citation Utilization by SCHOOL DISTRICT

DIVISION ONE

(of 35 counties with 100,000 juveniles)

1.	Miami-Dade County	94%
1.	Palm Beach County	94%
3.	Broward County	86%
4.	Orange County	83%

Top Civil Citation Utilization by SCHOOL DISTRICT

DIVISION TWO

(of 12 counties with 26,000-99,999 juveniles)

1.	Pinellas County	96%
1.	St. Johns County	96%
3.	Manatee County	93%
4.	Collier County	90%
5.	Pasco County	83%
6.	Clay County	80%

Top Civil Citation Utilization by SCHOOL DISTRICT

DIVISION THREE

(of 20 counties with 25,999 or less juveniles)

1.	Glades County	100%
1.	Gilchrist County	100%
1.	Lafayette County	100%
1.	Monroe County	100%
1.	Union County	100%
6.	Nassau County	95%
7.	Wakulla County	94%
8.	Putnam County	93%
9.	Indian River County	92%
10.	Okaloosa County	87%
11.	Hernando County	82%
11.	Okeechobee County	82%
13.	Alachua County	80%

Civil citation utilization is the percent eligible issued a civil citation. SOURCE: Florida Dept. of Juvenile Justice Civil Citation Dashboard January 2017 through December 2017. NOTE: Utilization rates are based on all statewide eligible offenses, not based on eligible offenses per county. NOTE: Civil citation reporting includes other juvenile prearrest diversion efforts operated under a different name. Accessed April 2018.

Florida's Top Civil Citation Efforts: By AGENCY

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Top Civil Citation Utilization by AGENCY

DIVISION ONE

(of 35 counties with 100,000 juveniles)

1.	Bal Harbour Village Police Department	Dade	100%
1.	Bay Harbor Island Police Department	Dade	100%
1.	Biscayne Park Police Department	Dade	100%
1.	Coral Gables Police Department	Dade	100%
1.	El Portal Police Department	Dade	100%
1.	Florida City Police Department	Dade	100%
1.	Hialeah Gardens Police Department	Dade	100%
1.	Homestead Police Department	Dade	100%
1.	Medley Police Department	Dade	100%
1.	Miccosukee Police Department	Dade	100%
1.	North Bay Village Police Department	Dade	100%
1.	North Miami Beach Police Department	Dade	100%
1.	Opa Locka Police Department	Dade	100%
1.	South Miami Police Department	Dade	100%
1.	Surfside Police Department	Dade	100%
1.	West Miami Police Department	Dade	100%
1.	Jacksonville Airport Authority	Duval	100%
1.	Neptune Beach Police Department	Duval	100%
1.	Florida Community College At Jacksonville	Duval	100%
1.	Division of Alcoholic Beverages & Tobacco (DBPR)	Duval	100%
1.	Florida Fish & Wildlife Conservation Commission	Duval	100%

Civil citation utilization is the percent eligible issued a civil citation. SOURCE: Florida Dept. of Juvenile Justice Civil Citation Dashboard January 2017 through December 2017. NOTE: Utilization rates are based on all statewide eligible offenses, not based on eligible offenses per county. NOTE: Civil citation reporting includes other juvenile prearrest diversion efforts operated under a different name. Accessed April 2018.

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Top Civil Citation Utilization by AGENCY

DIVISION ONE

(of 35 counties with 100,000 juveniles)

1.	Jacksonville Airport Authority	Duval	100%
1.	Neptune Beach Police Department	Duval	100%
1.	Florida Community College At Jacksonville	Duval	100%
1.	Division of Alcoholic Beverages & Tobacco (DBPR)	Duval	100%
1.	Florida Fish & Wildlife Conservation Commission	Duval	100%
38.	Miami Dade Police Department	Dade	99%
38.	Aventura Police Department	Dade	99%
40.	Hialeah Police Department	Dade	97%
40.	North Miami Police Department	Dade	97%
40.	Miami Police Department	Dade	97%
43.	Sweetwater Police Department	Dade	94%
44.	Doral Police Department	Dade	93%
44.	Division of Alcoholic Beverage & Tobacco (DBPR)	Palm Beach	93%
44.	Palm Beach County School District Police	Palm Beach	93%
47.	Miami Shores Police Department	Dade	92%
48.	Miami Beach Police Department	Dade	91%
49.	Miami Gardens Police Department	Dade	90%
50.	Dade County Public Schools Police Department	Dade	88%
50.	MetroDade Police Department	Dade	88%
52.	Pembroke Pines Police Department	Broward	84%
53.	Coconut Creek Police Department	Broward	83%
53.	Jacksonville Beach Police Department	Duval	83%
55.	Ocoee Police Department	Orange	82%
55.	Hillsborough County Sheriffs Office	Hillsborough	82%
57.	Broward County Sheriff's Office	Broward	81%
57.	Coral Springs Police Department	Broward	81%
59.	Palm Springs Police Department	Palm Beach	80%

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Top Civil Citation Utilization by AGENCY

DIVISION TWO

(of 12 counties with 26,000-99,999 juveniles)

No counties in this division had utilization rates of 80% or higher.

1	Indian Shores Police Department	Pinellas	100%
1	Kenneth City Police Department	Pinellas	100%
1	Sixth Circuit - Juvenile Justice	Pinellas	100%
1	Lake Hamilton Police Department	Polk	100%
1	Florida Gulf Coast University Police Department	Lee	100%
1	State Attorney's Office	Volusia	100%
1	Volusia County Pre-Trial Services	Volusia	100%
1	Bradenton Beach Police Department	Manatee	100%
1	Longboat Key Police Department	Manatee	100%
1	Lady Lake Police Department	Lake	100%
1	State Attorney's Office - 5th Jud. Cir.	Lake	100%
1	Escambia County Solid Waste Department	Escambia	100%
1	Sarasota County Technical Institute	Sarasota	100%
1	Clay County Clerk of Circuit Court	Clay	100%
1	Florida Game And Fresh Water Fish Commission	Leon	100%
1	Leon County Clerk Of Circuit Court	Leon	100%
17	Pinellas County School Police Department	Pinellas	98%
18	Largo Police Department	Pinellas	97%
18	St. Petersburg Police Department	Pinellas	97%
18	Pinellas Park Police Department	Pinellas	97%

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Top Civil Citation Utilization by AGENCY

DIVISION TWO

(of 12 counties with 26,000-99,999 juveniles)

21	Tarpon Springs Police Department	Pinellas	95%
22	Gulfport Police Department	Pinellas	93%
23	Palmetto Police Department	Manatee	92%
23	Naples Department of Police & Emergency Services	Collier	92%
25	Pinellas County Sheriff's Office	Pinellas	90%
26	Clearwater Police Department	Pinellas	89%
27	Division of Alcoholic Beverages & Tobacco (DBPR)	Lee	87%
28	Venice Police Department	Sarasota	84%
29	Altamonte Springs Police Department	Seminole	83%
29	Bradenton Police Department	Manatee	83%
31	Pasco County Sheriff's Office	Pasco	82%
31	St. Johns County Sheriff's Office	St Johns	82%
33	Division of Alcoholic Beverage and Tobacco (DBPR)	Leon	80%

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Top Civil Citation Utilization by AGENCY

DIVISION THREE

(of 20 counties with 25,999 or less juveniles)

1	Florida Highway Patrol - Troop A	Bay	100%
1	State Attorney's Office - Charlotte	Charlotte	100%
1	State Attorney's Office	Monroe	100%
1	Florida Highway Patrol - Troop E	Monroe	100%
1	Florida Fish & Wildlife Conservation Commission	Monroe	100%
1	Gretna Police Department	Gadsden	100%
1	Havana Police Department	Gadsden	100%
1	State Attorney's Office	Suwannee	100%
1	Lafayette County Sheriff's Office	Lafayette	100%
10	Key West Police Department	Monroe	96%
10	Monroe County Sheriff's Office	Monroe	96%
12	Stuart Police Department	Martin	93%
13	Vero Beach Police Department	Indian River	89%
14	Gainesville Police Department	Alachua	85%
15	Fernandina Beach Police Department	Nassau	83%
16	Okeechobee County Sheriff's Office	Okeechobee	81%
16	Wakulla County Sheriff's Office	Wakulla	81%
16	Lynn Haven Police Department	Bay	81%

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Top Civil Citation Utilization by AGENCY

DIVISION THREE

(of 20 counties with 25,999 or less juveniles)

1	Florida Highway Patrol - Troop A	Bay	100%
1	State Attorney's Office - Charlotte	Charlotte	100%
1	State Attorney's Office	Monroe	100%
1	Florida Highway Patrol - Troop E	Monroe	100%
1	Florida Fish & Wildlife Conservation Commission	Monroe	100%
1	Gretna Police Department	Gadsden	100%
1	Havana Police Department	Gadsden	100%
1	State Attorney's Office	Suwannee	100%
1	Lafayette County Sheriff's Office	Lafayette	100%
10	Key West Police Department	Monroe	96%
10	Monroe County Sheriff's Office	Monroe	96%
12	Stuart Police Department	Martin	93%
13	Vero Beach Police Department	Indian River	89%
14	Gainesville Police Department	Alachua	85%
15	Fernandina Beach Police Department	Nassau	83%
16	Okeechobee County Sheriff's Office	Okeechobee	81%
16	Wakulla County Sheriff's Office	Wakulla	81%
16	Lynn Haven Police Department	Bay	81%

Appendix B:

Interviews with Local Experts

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Interviews were conducted with leaders at the county, school district and law enforcement agency levels. For the interview, each was asked: Pretend you're in a leadership role in a jurisdiction that uses arrests more often than pre-arrest diversions for common youth misbehavior. You have been tasked with dramatically increasing pre-arrest diversion usage and decreasing arrests – all within a few months. What are your top 3 strategies?

Rick Stelljes, who oversees School Resource Officers for Pinellas County Schools.

Pinellas County Schools had a 96% usage rate.

- 1. Policy:** Develop a district wide policy that when an incident involves minor misconduct (i.e. pre-arrest diversion-eligible) it is strongly preferred that School Resource Officers issue a pre-arrest diversion in lieu of making an arrest. In situations where officers deem an arrest is necessary the Juvenile Assessment Center shall have the opportunity (based on pre-determined criteria) to override the arrest and offer a diversionary program.
- 2. Training:** Provide regular training on juvenile pre-arrest diversions – not just one-time training – to School Resource Officers.
- 3. Leadership:** Educate leadership – all of the law enforcement agency heads and School Administrators – on the benefits of pre-arrest diversion and the impact of an arrest. Leadership needs to be on the same page in terms of understanding why pre-arrest diversions shall be strongly considered and are more effective than arrests in most cases.

Juan J. Perez, Director of Miami-Dade Police Department

Miami-Dade County had a 95% usage rate.

- 1. Research/Analysis:** Initiate a work group within the agency to research and analyze the problem/concern. The work group should consist of individuals, within the agency, that buy-in to practice pre-arrest diversion and carry the message. Leading agencies should be contacted for policies and practices, complete analysis of types of crimes being committed within your jurisdiction compared to other areas, and other pertinent information should be obtained to ensure the discrepancy exists.
- 2. Policy:** Based on the research and personnel input, develop a policy that encourages the use of pre-arrest diversion as dictated by law. Work with other stakeholders (i.e., Juvenile Detention Centers, Assessment Centers, or receiving facilities) to identify a secondary opportunity for the pre-arrest diversion to be issued prior to the introduction to the criminal justice system. For instance, Miami-Dade Juvenile Assessment Center offers a second opportunity for the officer to initiate a pre-arrest diversion upon transporting the juvenile to detention.
- 3. Education/Awareness:** Information regarding the long-term benefits of pre-arrest diversion should be shared with all parties via training, social media, electronic mail, and roll call. A strong campaign from peers will garner buy-in from the officers. Offer opportunities for discussion and feedback

Appendix B:

Interviews with Local Experts

Woody Hanford, Juvenile Program Manager for Monroe County Sheriff's Office (operates juvenile pre-arrest diversion program)

1. **Policy:** Develop a county policy that states law enforcement must issue pre-arrest diversions in lieu of arrests.
2. **Training:** Provide regular trainings to law enforcement on pre-arrest diversion. For instance, in Monroe pre-arrest diversion training is provided twice per year via roll calls.
3. **Immediate response:** Create a system that provides for an immediate response to juvenile pre-arrest diversions for the purpose of swift justice. In Monroe County, youth start the pre-arrest diversion program often within 24 hours of committing the offense. "Swift justice is one of the most important benefits of pre-arrest diversion. We want youth started in the program as soon as we can get them," said Woody Hanford, Juvenile Program Manager for Monroe County Sheriff's Office.

Monroe County is doing so well with handling youth crime that state and county officials are considering closing the Monroe Juvenile Detention Center in the Keys, which costs taxpayers more than \$1 million to keep open, but last year did not have any youth offenders for more than 70 days, according to Miami Herald. There were never more than four detainees, and that was only for 14 days, cited the report.

"Most juvenile offenders in the Keys are issued pre-arrest diversions unless it is a violent crime or major felony," the Miami Herald reported. "It's working down here," said Secretary Christina K. Daly of the juvenile justice system.

Monroe County has a "relatively low juvenile crime rate", said County Sheriff Rick Ramsay.

Kathleen Lannon, Youth Intervention Counselor, Stuart Police Department (operates juvenile pre-arrest diversion program)

Stuart had a 93% usage rate in a county that has a 59% usage rate (Martin County)

1. **Paperwork efficiency.** Streamline the process for LEOs on the scene to easily issue a pre-arrest diversion instead of making arrest. The goal should be that pre-arrest diversions don't require any additional paperwork.
2. **Training.** Provide training upon hiring new officers, as well as once per year for ALL officers.
3. **Full-time MSW on police department staff.** Lannon is part of the police department – not a contractor. "She is a big part of the reason that officers believe in the program," said Sargent Brian Bossio, who noted her presence has created a culture that philosophically adopts the concept of pre-arrest diversion.

Regarding policy: The Stuart Police Department does not have a policy that makes pre-arrest diversion the presumptive norm. "It's not necessary as all officers are already on-board with pre-arrest diversion," said Bossio.

Appendix B:

Interviews with Local Experts

Deputy Chief James Hurley, Fernandina Beach Police Department

Fernandina Beach had an 83% usage rate in a county with a 67% usage rate (Nassau)

1. **Policy.** Develop a policy that ensures pre-arrest diversion is assumed. “While making an arrest is technically right, it’s not what I want, and it’s know it’s not what I expect,” said Deputy Chief Hurley.
2. **Training.** Train to the policy and train to the philosophy.
3. **Data-driven decision-making.** Look at the data generated for pre-arrest diversion, as well as the other data impacted by pre-arrest diversion, such as academic information like graduation rates.

Sheriff Grady Judd, Polk County

Polk County’s pre-arrest diversion rate rose to 78% by December 2017. As of March 2018, usage is 83%.

1. **Eligibility.** Include misdemeanors and property crimes as eligible offenses (note, Polk County also includes some felony property crimes in their pre-arrest diversion).
2. **Data.** Make certain data being presented on a statewide level is accurate.
3. **Training.** Law enforcement officers must know the expectations of them when confronting civil citation-eligible offenses.