

**INTERAGENCY AGREEMENT
FOR THE OPERATION OF
THE STUART POLICE DEPARTMENT
JUVENILE FIRST OFFENDER PROGRAM**

This agreement is made and effective on the date signed by all of the parties, by and between:

- The City of Stuart Police Department, hereinafter referred to as the "Police Department"
- The State Attorney of the 19th Judicial Circuit, hereinafter referred to as the "State Attorney"
- The Department of Juvenile Justice, hereinafter referred to as "DJJ"
- The 19th Judicial Circuit Teen Court and Delinquency Diversion Panel, hereinafter referred to as "Teen Court" and "Delinquency Diversion"

PURPOSE OF THE AGREEMENT

The purpose of the agreement is to define the respective roles and responsibilities of the agencies and parties involved in the operations of the Stuart Police Department Juvenile First Offender Program.

BACKGROUND AND LEGISLATION

The Stuart Police Department Juvenile First Offender Program is a product of the Police Department's desire to 1) give children with a first time misdemeanor offense a chance to salvage a clean record and 2) to create a swift and meaningful learning experience designed to prevent a re-arrest.

The First Offender Program is authorized by Florida Legislature Chapter 985.211 subsection 7.

As identified by their accompanying signatures:

THE STUART POLICE DEPARTMENT AGREES TO:

Provide a diversion opportunity whereby first time juvenile offenders, arrested within the City of Stuart and charged with a misdemeanor not involving a drug offense, may have the arrest withheld from filing with the Juvenile Court by participating in the 19th Judicial Circuit Teen Court Program or the Delinquency Diversion Panel. The Police Department will provide sanctioning suggestions to these programs upon referral of the juvenile. Some of these suggestions may include an evening curfew, individual or family

counseling, community service hours, drug assessment or counseling, victim restitution, and/or written essays. In addition, the Police Department will require that the youth not re-offend from one year from the date of the original arrest in order to avoid having those charge(s) filed with the Juvenile Court.

Always inform the parents and child that they may opt to have the arrest filed and processed through the Juvenile Court System. This option may be exercised at the time of the initial arrest/complaint, while the officer is filling out the juvenile affidavit or during the first follow-up assessment interview with the Youth Counselor.

THE STATE ATTORNEY OF THE 19TH JUDICIAL CIRCUIT AGREES TO:

Review and take appropriate action on arrest affidavits filed by the Stuart Police Department of children who have failed to complete the sanctions prescribed by the First Offender Program. This will include, but is not limited to, children who fail to report to work assignments in a timely manner, fail to complete a work assignment, or fail to complete assigned intervention services within the prescribed time.

THE DEPARTMENT OF JUVENILE JUSTICE AGREES TO:

Review and take appropriate action on arrest affidavits filed by the Police Department of children who have failed to complete the sanctions prescribed by the First Offender Program. This will include, but is not limited to, children who failed to report to work assignments in a timely manner, failed to complete a work assignment, or failed to complete assigned intervention services within the prescribed time.

Provide offense history information on juveniles arrested by Police Department in order to assist the department in determining first offender status. Immediately upon request, the DJJ will supply the offense history information verbally. Within five days of the request for juveniles' offense history, the DJJ will make a printed record available to the Police Department. The printed records will be collected once each week by a staff member of the Police Department Juvenile First Offender Program.

THE 19TH JUDICIAL CIRCUIT ALTERNATIVE SANCTIONS COORDINATOR AGREES TO:

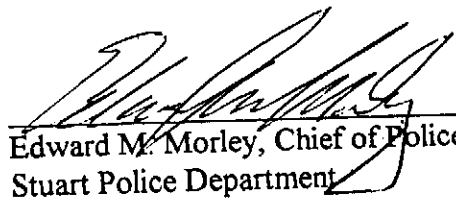
Accept cases that meet Teen Court and Delinquency Diversion criteria as referred by the Stuart Police Department Juvenile First Offender Program.

Once referred, cases will be serviced through Teen Court or the Delinquency Diversion Program at the discretion of the Alternative Sanctions Coordinator of the 19th Judicial Circuit. Law enforcement recommendations for either program will be followed when

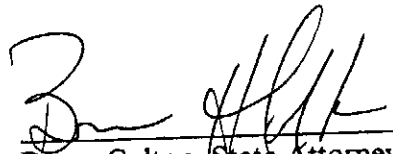
appropriate. The judicial diversion programs will mandate sanctions and monitor compliance for each case.

Send a written record documenting successful, unsuccessful, or rejected status for each case referred by the First Offender Program to 830 Martin Luther King Jr. Blvd., Stuart, FL 34994.

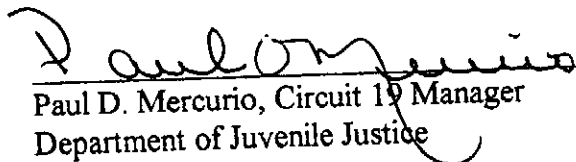
SIGNATURES OF PARTIES TO THIS AGREEMENT:


Edward M. Morley, Chief of Police
Stuart Police Department

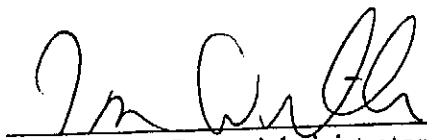
11/10/00
Date


Bruce Colton, State Attorney
19th Judicial Circuit

10-26-00
Date

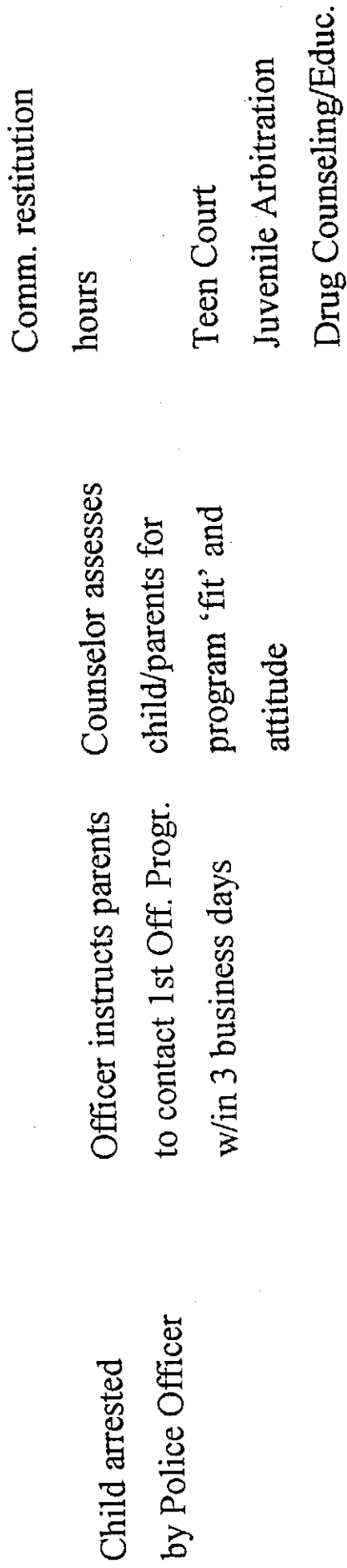

Paul D. Mercurio, Circuit 19 Manager
Department of Juvenile Justice

10-12-00
Date


Tom Willis, Court Administrator
19th Judicial Circuit

10/13/00
Date

Flowchart for First Offender Program



Case filed with

Juvenile Court System

Procedure for Officer Referrals to First Offender Program

First Offender Program process following the referrals

1) At the time of an arrest/complaint, the officer will fill out the usual juvenile form and check COMPLAINT- then write 1st OFFENDER PROG. below this (top right corner of the form). The affidavit will then be placed in the Youth Counselor's mail box.

When the parent/guardian shows up to pick up their child the officer will instruct the parent to

Youth Intervention Program

724 E. 10th Street Stuart. (next to E. Stuart Civic Center).
220-3927(answering machine) Leave your name and at least two phone numbers where we may reach you.

You may also try 221-4794 or 287-1122 if you are unable to leave a message on the above number. Leave a message if you are unable to reach someone.

contact the Youth Counselor within 3 business days by phone and the officer will provide a business card (see above) to parents with the appropriate information.

The officer will explain to parents that their opportunity for a pre-judicial handling of the offense will be forfeited if they do not contact the Youth Intervention Program within 3 business days.

NOTE: IF the officer through past experience with the child is sure that he/she is NOT a first offender, the officer should go ahead and check the appropriate box, COMPLAINT or ARREST. Do not write 1st OFF. PROG.. Forward these affidavits as you have been doing in the past. Records will make a copy and place into the Youth Counselor's mail box for the same type of social services follow-up that we currently do.

3) For the original affidavits placed in the Youth Counselor mailbox the Youth Counselor will check with the DJJ or the SA's office to verify that the child is indeed a first offender.

5) If the child is NOT a first offender - the Youth Counselor will turn the affidavit over to the SA's office to proceed with the affidavit. The Youth Counselor will inform parents when contact is made that the child's affidavit is being processed by the State Attorney.

The Youth Counselor will then phone the SA's office to let them know to take the case.

6) If the child IS a first offender - contact should have been made by the parent/guardian of the child to the Youth Intervention Program, and an appointment will be set up (within 5 business days).

7) Before the appointment the youth counselor will read the arrest affidavit and come up with some appropriate options for sanctions (Teen Court, Arbitration, Community Restitution Hours, etc....)

8) At the time of the appointment parental and child attitudes will be assessed. If the counselor feels that the parent/ child have positive attitudes and seem rehabilitative, the counselor will then provide the opportunity for the parent/child to opt for diversion sanctions through the First Offender Program. If the counselor feels that the parent/child attitudes are negative and they

are not rehabilitative, or if the parent/child does not choose to do the program, the counselor will forward the arrest affidavit to the State Attorney's office as usual.

If a mutual decision is made for the parent/child to participate in the 1st Offender Program, the youth counselor will make it clear to both the parent and the child that if sanctions are not completely adhered to, the arrest will not be withheld, and the affidavit will be turned over to the SA's office for processing. The First Offender Program is a privilege and an opportunity for those parents/children who take advantage of the program as a means to avoid an arrest record and to gain a meaningful learning experience.