



STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE

**JUVENILE JUSTICE INFORMATION SYSTEM
BUSINESS RULE**

SUBJECT: DIVERSION/PROSECUTION PREVIOUSLY DEFERRED

PROCEDURE NUMBER: 00-001

EFFECTIVE DATE: January 6, 2000

REVISED: December 17, 2000, February 22, 2001, June 6, 2001,
June 9, 2003, January 6, 2005; August 7, 2006, January 2013,
June 2015, July 2019

PROGRAM AREA (S): INTAKE, DIVERSION

POLICY /PROCEDURE:

Upon notification of the State Attorney Office's (SAO) decision to divert youth, the following guidelines are to be followed:

DISPOSITION

- **Referral Maintenance - Disposition**
 - Enter the most appropriate disposition
 - Date- State Attorney approval or Court decision
- **Placement -**
 - Admit Reason - Non-Judicial OR Judicial (based on disposition)
- **Youth Requirements -**
 - Enter all required services and/or sanctions [if applicable]

Referrals with a diversion disposition will remain open and assigned to a JPO until the youth completes or is terminated from the diversion program. Those who have provider supervision and case assignment; refer to Circuit policy.

Successful Termination

- **Referral Maintenance - Disposition**
 - Enter secondary disposition of Nolle Prosequi or Non-File as appropriate
 - Date - State Attorney approval or Court decision

- **Referral - Close Charges Module**
 - Update and close youth requirements
 - Close Youth Placement
 - Release Reason - *Program Completion*
 - Release date - termination date
 - Admit into End DJJ Custody-Program Successfully Completed
 - Admit Date - date of termination
 - Close the referral

Unsuccessful Termination

- **Referral - Close Charges Module**
 - Update and close youth requirements
 - Close Youth Placement
 - Release Reason - select appropriate reason
 - Release date - termination date
 - Admit into End DJJ Custody-Terminated, if applicable
 - Admit Date - date of termination
 - Close the referral

Prosecution Previously Deferred – Case Reopened

When the youth is unsuccessfully terminated (non-compliance or new law violation) and the State Attorney files or pursues the charge due to non-completion.

- A new referral is not added until the Department receives notice from the State Attorney's office that the case previously deferred has been re-filed. The new petition is needed prior to JJIS entry.
 - Admit Date - date of petition (if petition not previously filed in the case) or date of JPO Notification (if petition has previously been filed and the case has been referred for prosecution)
 - Admit Reason - *Prosecution Previously Deferred – Case Reopened*
 - Origin of Referral - *State Attorney*
 - Referral Date - defaults to admit date
 - Unit assignment - based on Circuit policy

- Charge - *Prosecution Previously Deferred* (99999.02)
- Charge Association - associate with the charge that corresponds to the referral number of the original offense
- Offense Date - date of petition
- Civil Citation eligibility question is not applicable and will be disabled
- Three charge questions are not applicable and will be disabled
- No Victim box should be checked (victim information should have been entered on original charge)
- For cases with multiple counts originally sent to diversion, a PPD charge is correctly entered and associated to each count.
- All counts are on the same referral and each PPD charge should reflect the correct level and degree for each count.
- For cases in which additional or different charges are filed on the new petition, enter the additional charges to the same referral. The offense date is the date of the petition.
 - Dispositions to reflect charge upgrades and/or charge reductions are entered where appropriate. The disposition date should match the date of the petition. Any counts reduced or upgraded are then closed.
- If youth is diverted more than once on same case
 - If youth started diversion program and was not successful, add PPD [as outlined above]
 - If youth never started 1st diversion program; edit disposition to new program; disposition date remains the same.