Overview of Florida’s Pre-Arrest and Post-Arrest Juvenile Diversion Programs and Applicable Laws

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Discussion Topics

• Brief overview of FDJJ, arrest trends, and JJIS

• Florida’s graduated sanctions model

• What is diversion?
  • Public safety implications of diversion

• Overview of civil citation, pre-arrest diversion and how it differs from traditional diversion
  • Public safety implications of civil citation

• Delinquency in Florida’s schools & diversion
Brief Overview of FDJJ and the Juvenile Justice Information Systems (JJIS)
Florida Department of Juvenile Justice

- **Centralized Juvenile Justice System**
  - Delinquency Prevention
  - Arrest, Intake & Court Processing
  - Juvenile Detention
  - Diversion Services
  - Community Supervision (e.g., Probation)
  - Residential Commitment
  - Aftercare Services

- **Serve approximately 70,000\(^1\) individual youth through these services, annually.**

*Source:* Florida Department of Juvenile Justice, Office of Research & Data Integrity. Unduplicated count of youth served by FDJJ across the juvenile justice continuum between July 1, 2016 and June 30, 2017.
Florida’s Prevention Web System

- Separate and distinct system for tracking youth in delinquency prevention and arrest avoidance programs.

- System is *only* accessible to Department staff and providers
  - Law enforcement has limited access to arrest avoidance program records to determine if youth are eligible.

- Examples of the type of information tracked within Prevention Web:
  - Prevention program placement details
  - Civil citation & pre-arrest diversion program youth records
Florida’s Juvenile Justice Information System (JJIS)

- Florida’s JJIS system is the largest and most comprehensive juvenile justice data system in the U.S.

- System is only accessible to Department staff, law enforcement, and a limited number of other stakeholders.

- Examples of the type of information tracked within JJIS:
  - Arrest and delinquency charge details
  - Delinquency risk assessments
  - Case processing and court dispositions
  - Detailed supervision and custody records
  - Medical records
Brief Overview of National and Florida Juvenile Arrest Data
National Delinquency Statistics

Delinquency caseloads for all offense groups were at their lowest level in 2015

Florida Delinquency Statistics

Source: Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Delinquency Profile Report (2017).*
Florida Delinquency Statistics

Delinquency Profile 2017

Statewide - Felony Intake - Arrests

<table>
<thead>
<tr>
<th>Year</th>
<th>Arrests/Youth</th>
<th>% Difference from Previous</th>
<th>% Difference from FY 2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2012-13</td>
<td>26,414</td>
<td>-3%</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2013-14</td>
<td>25,761</td>
<td>-1%</td>
<td>-3%</td>
</tr>
<tr>
<td>FY 2014-15</td>
<td>25,576</td>
<td>3%</td>
<td>-3%</td>
</tr>
<tr>
<td>FY 2015-16</td>
<td>26,295</td>
<td>-1%</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2016-17</td>
<td>26,820</td>
<td>-2%</td>
<td>-2%</td>
</tr>
</tbody>
</table>

Source: Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Delinquency Profile Report (2017).*
Florida Delinquency Statistics

Delinquency Profile 2017

Statewide - Misdemeanor Intake - Arrests

<table>
<thead>
<tr>
<th>Year</th>
<th>Arrests/Youth</th>
<th>% Difference from Previous</th>
<th>% Difference from FY 2012-13</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2012-13</td>
<td>39,277</td>
<td>-11%</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2013-14</td>
<td>34,766</td>
<td>-8%</td>
<td>-11%</td>
</tr>
<tr>
<td>FY 2014-15</td>
<td>31,886</td>
<td>-14%</td>
<td>-19%</td>
</tr>
<tr>
<td>FY 2015-16</td>
<td>27,274</td>
<td>-14%</td>
<td>-31%</td>
</tr>
<tr>
<td>FY 2016-17</td>
<td>23,451</td>
<td>-40%</td>
<td>-40%</td>
</tr>
</tbody>
</table>

Source: Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Delinquency Profile Report (2017).*
Graduated Sanctions
Overview of Florida’s Graduated Sanctions Model

Diversion

Teen Court

Probation

Intensive PS

Day Treatment

Redirection

Residential Placement

C/R Day Treatment

Intensive PS

Redirection

Probation

Diversion

Probation

Intensive PS

Day Treatment

Redirection

Residential Placement

Increasing Sanctions

Decreasing Sanctions
What is Diversion?
Juvenile Diversion – Theoretical Foundations

- **Deterrence Theory**¹
  - Criminal justice sanctions ↓ delinquency

- **Labeling Theory**¹
  - Criminal justice sanctions ↑ delinquency
  - Reliable empirical evidence that formal case processing can actually increase probability of re-offending²


Juvenile Diversion - Overview

Goals:
- Intervention strategy that holds youth accountable for their behavior, while diverting them from formal court processing.

Target Population:
- Typically an early intervention for:
  - status offenders,
  - low-risk, or
  - first-time offenders.

Diversion in this context includes an arrest in the sense that juvenile arrest records are generated by the Department, regardless of whether the arrest details are reported to FDLE.

“Traditional” Diversion processing differs from civil citation and other pre-arrest diversion, which will be discussed later.
Juvenile Diversion - Examples

Examples of Juvenile Diversion Services in Florida¹:

- Juvenile Delinquency Alternative Program (JDAP)
- Teen Courts
- Drug Courts
- Restorative Justice Programs

¹ Florida Department of Juvenile Justice, Office of Research & Data Integrity. Comprehensive Accountability Report (2016-17).
Juvenile Diversion – Utilization & Performance

Diversion programs are effective at reducing the likelihood that youth will return to the juvenile justice system.

Utilization:
- During FY 2015-16, a total of 11,322 youth completed delinquency diversion services throughout Florida.

Performance:
- 5% of participants committed a new misdemeanor or felony while participating in the diversion program.
- 11% of youth committed a new misdemeanor or felony within 12 months of completing their diversion program.

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1 Florida Department of Juvenile Justice, Office of Research & Data Integrity. Comprehensive Accountability Report (2016-17).
Overview of Civil Citation and Pre-Arrest Diversion Programs
Civil Citation - Overview

Goals:
- Intervention strategy that holds youth accountable for their behavior, while diverting them from any court processing or formal arrest record.

Target Population:
- status offenders
- misdemeanors
- low-risk
- first-time offenders

Sanctions:
- Programs can require up to 50 hours of community service.

Assessment:
- Participation in civil citation requires a delinquency risk assessment to determine if the youth needs to be referred to additional services.
Common Risk Factors that Best Predict Delinquency (The Big Eight)

1. Antisocial Attitudes
2. Antisocial Peers
3. Antisocial Personality Patterns (impulsivity, low self-control, risk taking)
4. History of Antisocial Behavior
5. Problems at School/Work
6. Problematic Family Circumstances
7. Problematic Leisure Activities/Use of Free Time
8. Substance Abuse

| Static Risk Factors | vs. Dynamic Risk Factors |
Civil Citation - Overview Continued

- Participation in Civil Citation is tracked by the Department, but **does not** create a juvenile arrest record.

- No information is provided to FDLE for youth participating in civil citation programs.

**What Happens if youth Fail to Comply?**

- The civil citation “form” serves as the arrest affidavit and will be processed as a formal arrest by the Department if the youth fails to comply with or complete sanctions and treatment, if required.

- Youth who fail to comply **WILL** be referred to the state attorney for formal arrest processing.
Civil Citation – Tracking Utilization

Interactive Civil Citation Utilization Dashboard (May 2018)

1 Florida Department of Juvenile Justice, Office of Research & Data Integrity. Interactive Civil Citation Utilization Dashboard (May 2018)
Civil Citation– Utilization & Performance

Civil Citation programs are exceptionally effective at reducing the likelihood that youth will have future contact with the juvenile justice system.

**Utilization:**

- Over the past 12-months, approximately 60% of youth eligible for civil citation actually received a citation.

- During FY 2015-16, a total of 7,368 youth completed civil citation services throughout Florida.

**Performance:**

- 2% of participants committed a new misdemeanor or felony while participating in the civil citation program.

- 4% of youth committed a new misdemeanor or felony within 12 months of completing their civil citation program.

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1 Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Comprehensive Accountability Report (2016-17).*
Civil Citation–Performance Comparison

Recidivism Rates by Supervision/Custody Type

<table>
<thead>
<tr>
<th>Supervision/Custody Type</th>
<th>Recidivism Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Citation</td>
<td>4%</td>
</tr>
<tr>
<td>Prevention</td>
<td>5%</td>
</tr>
<tr>
<td>Diversion</td>
<td>11%</td>
</tr>
<tr>
<td>Probation</td>
<td>19%</td>
</tr>
<tr>
<td>Residential</td>
<td>48%</td>
</tr>
</tbody>
</table>

¹ Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Comprehensive Accountability Report (2016-17).*
The Department has analyzed recidivism outcomes across offense types and finds no evidence that the type of offense is an important factor for recidivism.

Across all offense categories, juveniles participating in civil citation programs outperformed similar youth who were processed formally.

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1 Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Civil Citation Effectiveness Review (2014).*
Delinquency in Florida’s Schools
Delinquency in Florida’s Schools - Overview

- Florida started tracking the number of arrests that occurred due to a delinquent act that was school-related in 2004.

- An arrest is classified as “school-related” if the offense physically occurred on school grounds, a school bus or at a school sanctioned event (e.g., Friday night football game).

- During FY 2004-05, there were 28,008 delinquency arrests for offenses committed at school.

- By FY 2016-17, that number had declined to 7,255.

1 Florida Department of Juvenile Justice, Office of Research & Data Integrity. Interactive Delinquency in Florida’s Schools Dashboard (2017)
Tracking Delinquency in Florida’s Schools

Statewide
All Arrests* FY 2016-17

Statewide School Rate: 5.0

Most Frequent Offenses*

<table>
<thead>
<tr>
<th>Offense</th>
<th>Felony</th>
<th>Misdemeanor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault/Battery</td>
<td>1,397</td>
<td></td>
</tr>
<tr>
<td>Agg Assault/Battery</td>
<td>1,066</td>
<td></td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>1,056</td>
<td></td>
</tr>
<tr>
<td>Misdemeanor Drug</td>
<td></td>
<td>940</td>
</tr>
<tr>
<td>Weapon/Firearm</td>
<td>474</td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>417</td>
<td></td>
</tr>
<tr>
<td>Felony Drug</td>
<td>390</td>
<td></td>
</tr>
<tr>
<td>Grand Larceny (excl Auto Theft)</td>
<td>311</td>
<td></td>
</tr>
<tr>
<td>Trespassing</td>
<td></td>
<td>278</td>
</tr>
<tr>
<td>Petit Larceny</td>
<td>205</td>
<td></td>
</tr>
<tr>
<td>Other Robbery</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Vandalism</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Misd Obstruct Justice</td>
<td>89</td>
<td></td>
</tr>
<tr>
<td>&quot;Other&quot; Felony</td>
<td>74</td>
<td></td>
</tr>
<tr>
<td>Other Fel Sex Offense</td>
<td>71</td>
<td></td>
</tr>
<tr>
<td>Alcohol Offenses</td>
<td>40</td>
<td></td>
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<tr>
<td>Felony Vandalism</td>
<td>39</td>
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<tr>
<td>Auto Theft</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>Sexual Battery</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>Obstruct Justice</td>
<td>30</td>
<td></td>
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<tr>
<td>Obstruct Justice Violent</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>Fraud Forgery Counterfeit</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Misd Weapon/Firearm</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Loitering Prowling</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Armed Robbery</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

City/County
Arrests/1,000 School Population

Fiscal Year
FY 2015-17

School/Community

Community Arrests

85.3%
(41,505)

School Related Arrests

14.7%
(7,256)

Five Year School Rate Trend

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8.5 | 7.3 | 6.8 | 5.6 | 5.0

*Only felony and misdemeanor offenses are included in this report.

1 Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Interactive Delinquency in Florida’s Schools Dashboard* (2017)
Questions
Contact Information

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Office (850) 717-2627
References


Department of Justice, Office of Justice Programs; *Practice Profile: Juvenile Diversion Programs*  
https://www.crimesolutions.gov/PracticeDetails.aspx?ID=37


Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Interactive Civil Citation Utilization Dashboard* (May 2018). http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/civil-citation-and-other-alternatives-to-arrest


Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Civil Citation Effectiveness Review* (2014). http://www.djj.state.fl.us/docs/research2/briefing-report-cc-(8-6-14).pdf?sfvrsn=0
