



FLORIDA DEPARTMENT OF JUVENILE JUSTICE

PART OF THE COMMUNITY, PART OF THE SOLUTION

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

**Prepared for the Marjory Stoneman Douglas Public Safety
Commission Meeting
June 7, 2018**

Mark A. Greenwald, ABD
Director, Office of Research & Data Integrity
Florida Department of Juvenile Justice



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 70,000¹ individual youth through these services, annually.**



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

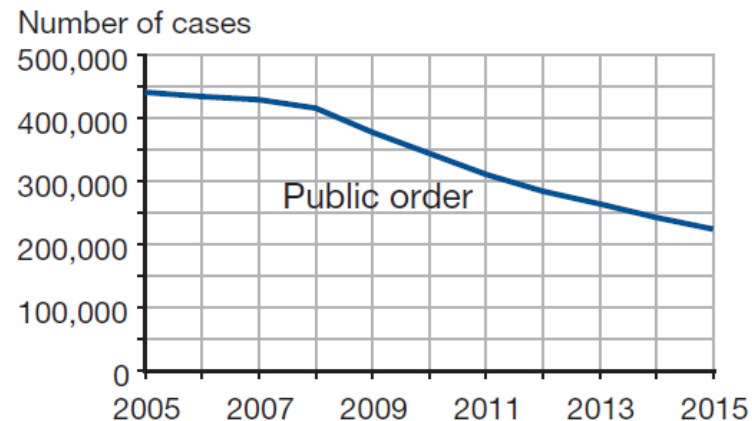
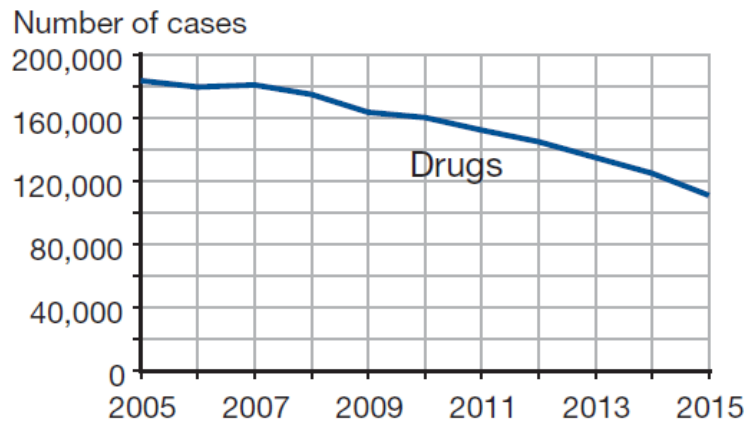
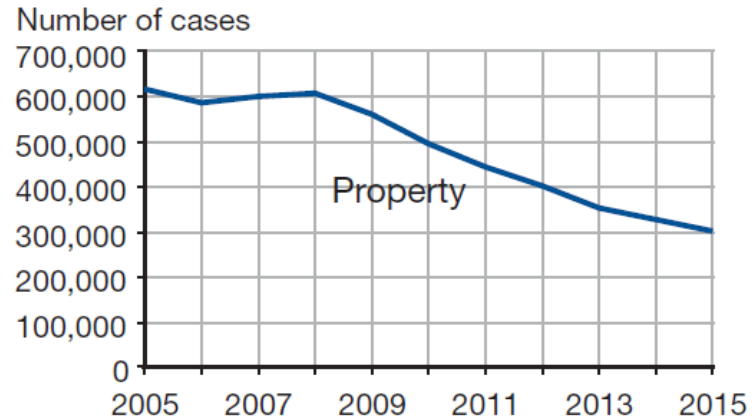
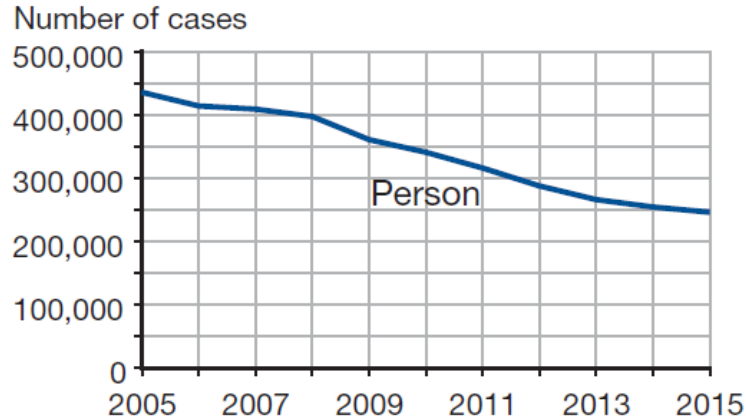


Brief Overview of National and Florida Juvenile Arrest Data



National Delinquency Statistics

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



Source: Hockenberry, S., and Puzzanchera, C. (2018). *Juvenile Court Statistics 2015*. Pittsburgh, PA: National Center for Juvenile Justice.



Florida Delinquency Statistics

Delinquency Profile 2017

Florida Department of
JUVENILE JUSTICE
Our Children, Our Future

Statewide Intake - Arrests



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



Florida Delinquency Statistics

Delinquency Profile 2017

Florida Department of
JUVENILE JUSTICE
Our Children, Our Future

Statewide - Felony Intake - Arrests



Arrests/Youth	26,414	25,751	25,576	26,295	25,820
% Difference From Previous		-3%	-1%	3%	-2%
% Difference from FY 2012-13	0%	-3%	-3%	0%	-2%

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

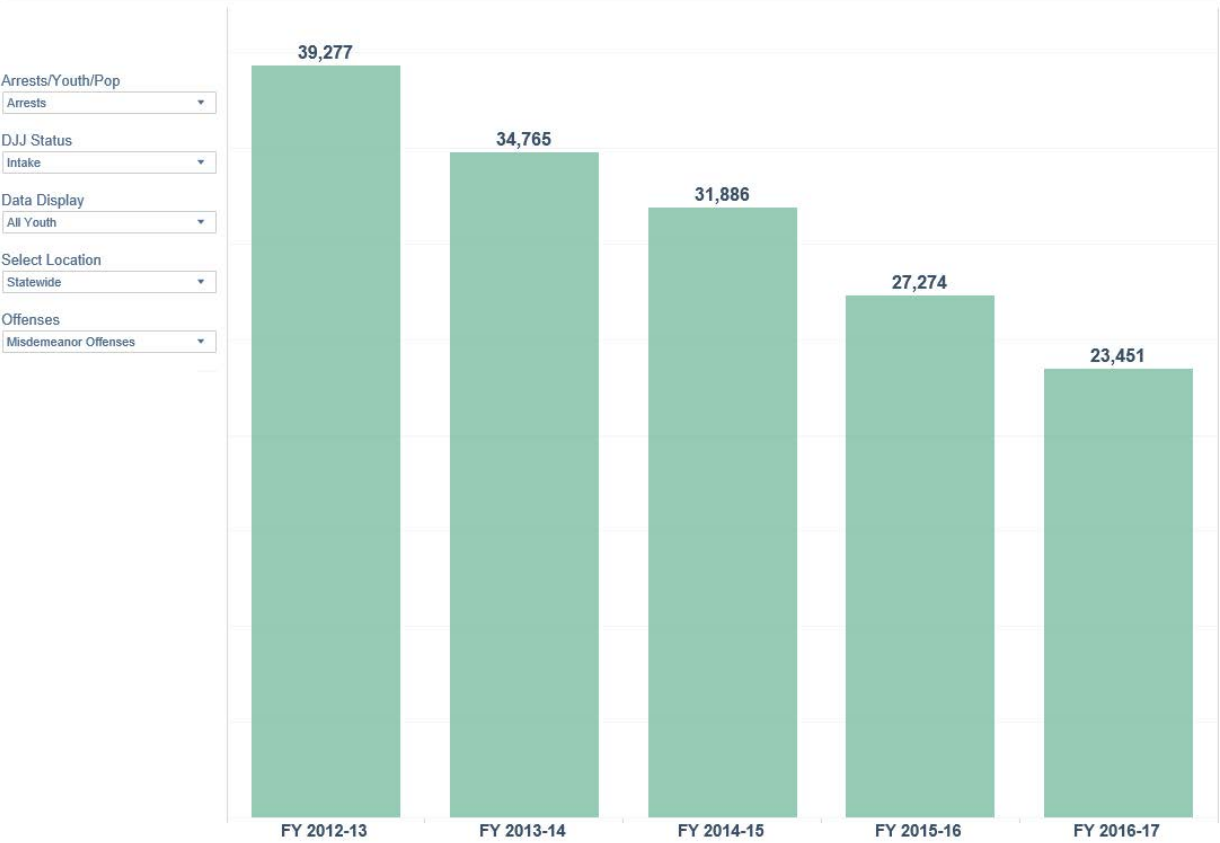


Florida Delinquency Statistics

Delinquency Profile 2017

Florida Department of JUVENILE JUSTICE
Our Children, Our Future

Statewide - Misdemeanor Intake - Arrests



Arrests/Youth	39,277	34,765	31,886	27,274	23,451
% Difference From Previous		-11%	-8%	-14%	-14%
% Difference from FY 2012-13	0%	-11%	-19%	-31%	-40%

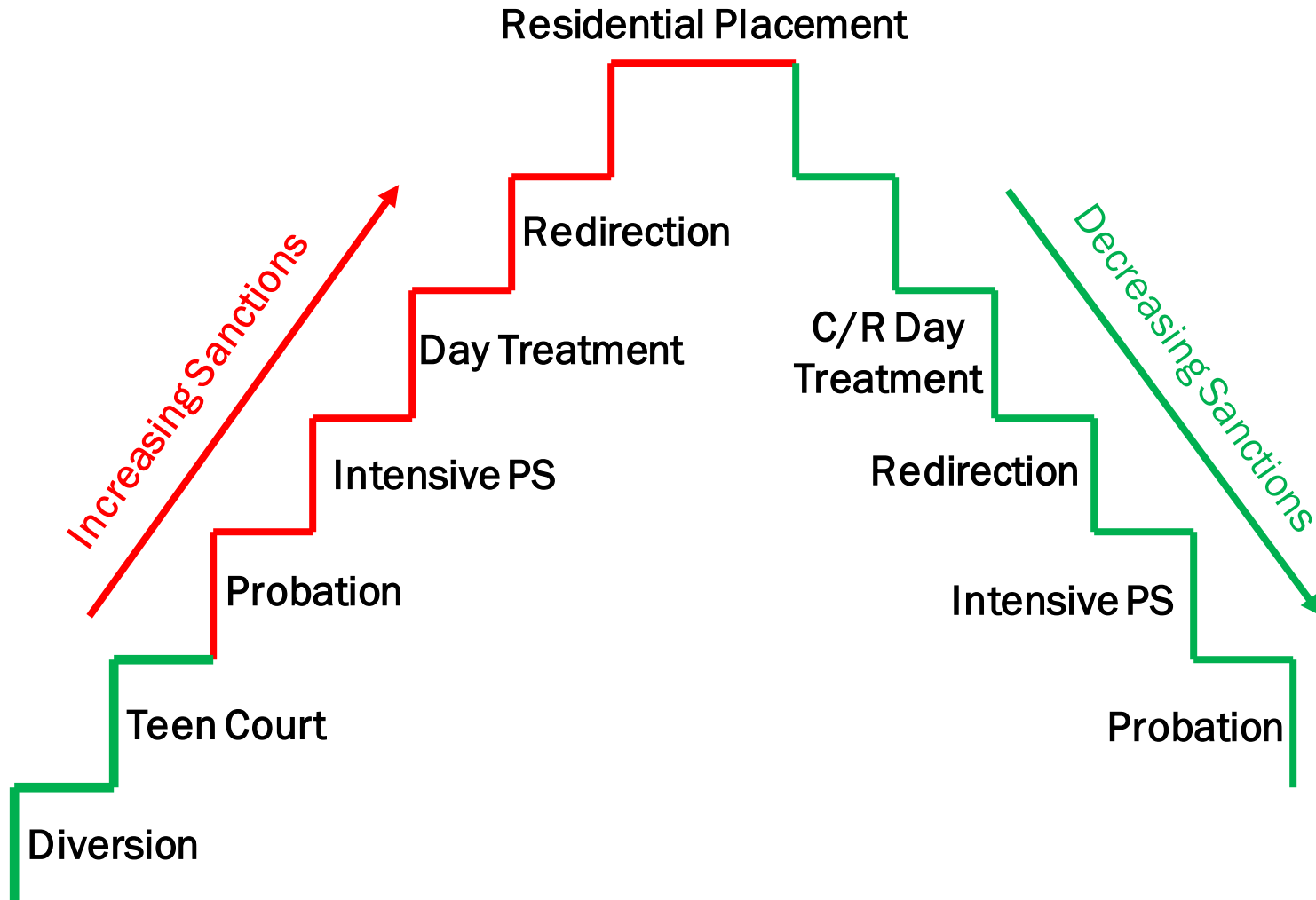
Source: Florida Department of Juvenile Justice, Office of Research & Data Integrity. *Delinquency Profile Report (2017)*.



Graduated Sanctions



Overview of Florida's Graduated Sanctions Model



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

¹ See also: Akers, R. L., & Sellers, C. S. (2013). *Criminological Theories: Introduction, Evaluation, and Application*. New York: Oxford University Press;

² Petrosino, A., Turpin–Petrosino, C., and Guckenburg, S. (2010). Formal System Processing of Juveniles: Effects on Delinquency. *Campbell Systematic Reviews*



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

¹Florida 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.



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

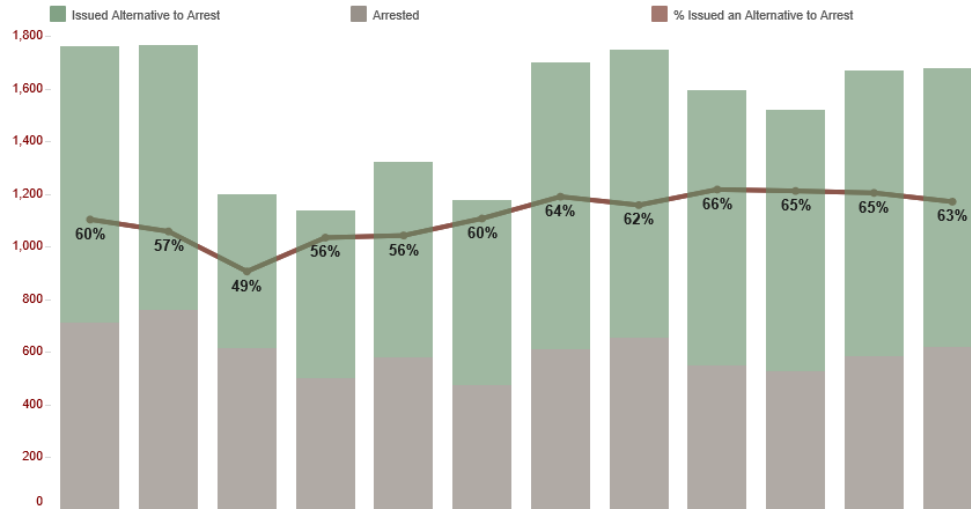
Civil Citation & Other Alternatives to Arrest Dashboard

Florida Department of JUVENILE JUSTICE
Our Children, Our Future

Dates: Apr 2017 - Mar 2018

Civil Citation & Other Alternatives to Arrest by Month
Apr 2017 - Mar 2018

Circuit: (All) County: (All) Gender: (All) Race/Ethnicity: (All) Case Type: All Cases Law Enforcement Agency: (All)



	Apr 17	May 17	Jun 17	Jul 17	Aug 17	Sep 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Total
Eligible Youth	1,764	1,766	1,199	1,136	1,321	1,177	1,701	1,748	1,596	1,522	1,670	1,678	18,278
Arrested	714	758	613	502	578	474	609	656	548	527	585	618	7,182
Issued Alternative to Arrest	1,050	1,008	586	634	743	703	1,092	1,092	1,048	995	1,085	1,060	11,096
% Issued Alternative to Arrest	60%	57%	49%	56%	56%	60%	64%	62%	66%	65%	65%	63%	61%

Eligible Youth - First time misdemeanor (excluding sex offenses and firearms) with no history of civil citation or alternatives to arrest. Local policy or practice may include additional eligibility criteria not measured in this report

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:

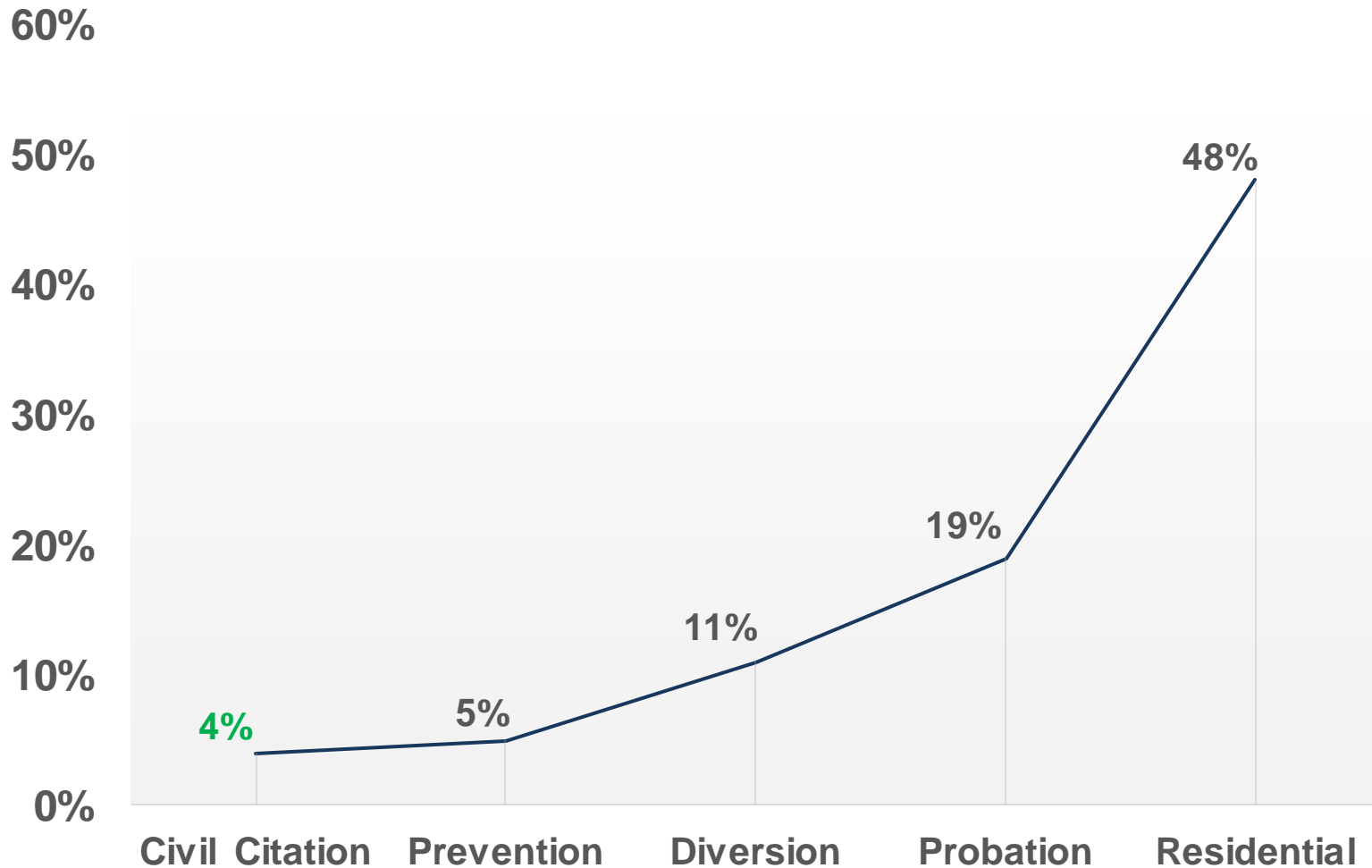
- 2%** of participants committed a new misdemeanor or felony while participating in the civil citation program.
- 4%** of youth committed a new misdemeanor or felony within 12 months of completing their civil citation program.

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 Type¹



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



Civil Citation–Performance by Offense Type

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.

Recidivism for Civil Citation and Diversion Completers During FY 2011-12

Offense Category (all Misdemeanors) ⁴	Civil Citation Completers		Diversion Completers ²	
	Recidivism Rate	Total Completers	Recidivism Rate	Total Completers
Petit Theft***	3%	1,594	7%	4,020
Assault and or Battery (not aggravated)***	5%	631	12%	2,309
Drug Offenses***	5%	562	10%	2,025
Loitering and Prowling***	5%	56	21%	194
Trespassing***	6%	144	16%	398
Obstruction of Justice**	7%	91	15%	395
Vandalism**	3%	131	9%	300
<i>Disorderly Conduct</i>	5% ¹	389	8% ¹	666
<i>Alcohol Offenses</i>	2% ¹	136	3% ¹	265
<i>Other</i>	15% ¹	20	9% ¹	43
<i>Weapon-Firearm Offense</i>	10% ¹	21	14% ¹	21
<i>Violation of Hunt, Fish, Boat Laws</i>	0% ¹	3	14% ¹	21
Total***	4%	3,778	9%	10,657
Domestic Violence***	0%	10 ³	12%	1,112 ³

¹ Italics indicate there was no significant difference in the recidivism rate of the two groups. (p>.05)

² Only includes youth who completed diversion for a Civil Citation eligible arrest.

³ Domestic Violence category is a subcategory of the Assault and Battery offense category and therefore is already included in the Total above for the completers.

⁴ The offense category represents the most serious offense the youth completed the civil citation or diversion program for.

Note: **p<.01, ***p<.001, Two-tailed Independent Samples T-test. Difference is significant where p<.05.



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**.



Tracking Delinquency in Florida's Schools

Statewide All Arrests* FY 2016-17

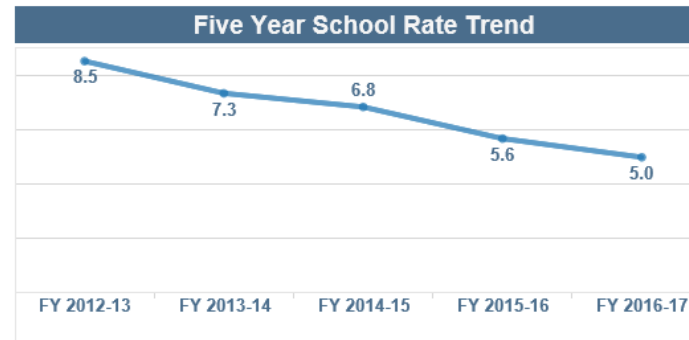
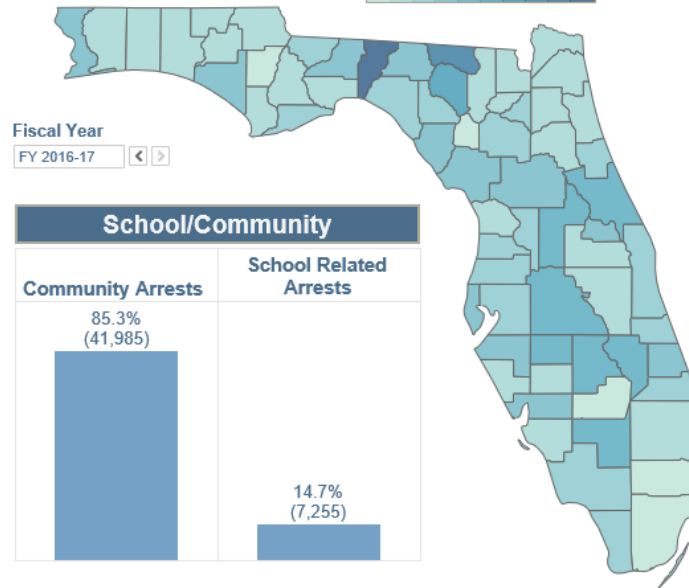
- (All)
- Community Arrests
- ⊙ School Related Arrests

Statewide School Rate: 5.0

Click on map to filter by county

Arrests/1,000 School Population
0.0 25.0

Most Frequent Offenses*	
Select bar to filter	
	Felony Misdemeanor
Assault/Battery	1,397
Agg Assault/Battery	1,066
Disorderly Conduct	1,056
Misdemeanor Drug	940
Weapon/Firearm	474
Burglary	417
Felony Drug	350
Grand Larceny(excl Auto Theft)	311
Trespassing	278
Petit Larceny	205
Other Robbery	100
Vandalism	100
Misd Obstruct Justice	89
"Other" Felony	74
Other Fel Sex Offense	71
Alcohol Offenses	40
Felony Vandalism	39
Auto Theft	31
Sexual Battery	31
Obstruct Justice	30
Obstruct Justice Violent	23
Fraud Forgery Counterfeit	13
Misd Weapon/Firearm	11
Loitering Prowling	8
Armed Robbery	2



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



Questions



Contact Information

Mark A. Greenwald, ABD
Director of Research and Data Integrity

mark.greenwald@djj.state.fl.us

Office (850) 717-2627



References

Akers, R. L., & Sellers, C. S. (2013). *Criminological Theories: introduction, evaluation, and application*: New York: Oxford University Press

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. *Delinquency Profile Report (2017)*. <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-profile>

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. *Interactive Delinquency in Florida's Schools Dashboard (2017)*. <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-in-schools>

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](http://www.djj.state.fl.us/docs/research2/briefing-report-cc-(8-6-14).pdf?sfvrsn=0)

Hockenberry, S., and Puzzanchera, C. (2018). *Juvenile Court Statistics 2015*. Pittsburgh, PA: National Center for Juvenile Justice. <http://www.ncjj.org/Publication/Juvenile-Court-Statistics-2015.aspx>

Petrosino, A., Turpin–Petrosino, C., and Guckenburg, S. (2010). Formal System Processing of Juveniles: Effects on Delinquency. *Campbell Systematic Reviews*

