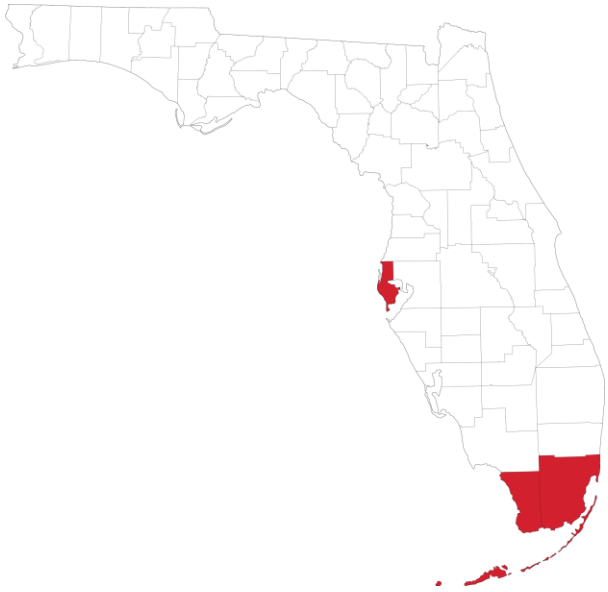
Stepping Up™

Florida's Top Juvenile Pre-Arrest Diversion Efforts

Advocating for the Importance of Pre-Arrest Diversion 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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Introduction

The past year has seen numerous developments in pre-arrest diversion programs, like civil citations. New programs began, existing agreements were re-worked, 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 as a resource for decisionmakers as they re-examine memorandums of understanding governing their pre-arrest diversion programs and renegotiate new circuit-wide agreements as required by law.

Along with these developments, 2017 saw a slower increase in utilization than the previous year. The statewide usage rate increased by six percentage points, and arrests for eligible offenses decreased by 1,078.

New Agreements Spur Increased Usage

Duval County adopted a new memorandum of understanding in May 2017 expanding its use of pre-arrest diversion by defining eligibility, addressing the process of citing an eligible youth, and strengthening its Teen Court program. This has led to an increase in utilization from 27% in 2016 to 59% in 2017. The county had an average 90% utilization in the first quarter of 2018, positioning it to be a top performer in 2018.

Hillsborough County adopted a new memorandum of understanding in August 2017 expanding its use of pre-arrest diversion by expanding the list of eligible offenses. The County continues to exclude 13 misdemeanors that are eligible in other counties. The new agreement followed a one-year pilot study using pre-arrest diversion for marijuana possession. This led to an increase in utilization from 37% in 2016 to 50% in 2017. The county had an average 60% utilization in the first quarter of 2018.

Civil Citations Become Pre-Arrest Diversion

The Department of Juvenile Justice and new legislation have adopted the term "pre-arrest diversion" in referencing civil citation and similar programs. This language is both more expansive and more accurate – unlike traditional citations, juveniles who receive civil citations must report to a program that includes a needs assessment and sanctions beyond a simple fine. In the majority of counties, juveniles who receive a civil citation report to the same diversion programs as juveniles who are arrested and processed through the court system – just without the arrest record or court costs. This study will also reflect this change in terminology.

Juvenile pre-arrest diversions 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.

2018 Legislation Requires Circuit-Level Pre-Arrest Diversion Programs

In the 2018 legislative session, the legislature passed SB 1392 which made meaningful and important changes to the existing juvenile pre-arrest diversion statute in F.S. 985.12:

- Each judicial circuit is required to adopt a circuit-wide juvenile pre-arrest diversion program.

- Programs are created by agreement among the circuit's state attorney and public defender, clerks of court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit.

  - New circuit-level programs may be modelled on "existing sheriff, police department, county, municipality, or public or private educational institution's independent pre-arrest diversion or similar prearrest diversion program in developing the pre-arrest diversion or similar prearrest diversion program for the circuit."

- Statutory restrictions on eligibility have been removed.

  - Youth admission of offenses is no longer a pre-requisite to eligibility.

  - There is no cap on the number of times a youth may be diverted before arrest.

- Data reporting requirements for both program operators and law enforcement agencies have been added.

  - Required data includes demographics, offense details, and justification for the arrest of eligible youth.

While the law goes into effect July 1, 2018, the reporting requirements begin October 1, 2018.

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.

Changes to this Study

In past years, this study was primarily focused on assessing usage rates for juvenile pre-arrest diversion programs established under the prior statutory scheme. In light of the opportunities provided by the new legislation and the growing list of top performers, this year's study is shifting focus to how top performers address common barriers to achieve such high utilization. In doing so, the study is intended to be a tool for decisionmakers to consult while examining existing memorandums of understanding and crafting new agreements under the law.

The division of jurisdictions has also been modified to reflect juvenile population per county rather than the number of pre-arrest diversion-eligible youth, as outlined below. This change is intended to ensure the groupings are more similarly situated, with equivalent resources and demands.

- Division 1 = counties with > 100,000 youth
- Division 2 = counties with 26,000-99,999 youth
- Division 3 = counties with < 25,999 youth.

Divisions have been modified this year to reflect juvenile populations within a county rather than the number of pre-arrest eligible youth.



Study Author:
Dewey Caruthers
The Caruthers Institute

Stepping Up: Florida's Top Juvenile Pre-Arrest Diversion Efforts 2018 is authored by Dewey Caruthers, one of Florida's top pre-arrest diversion experts. *Stepping Up* is an annual study in its fourth year.

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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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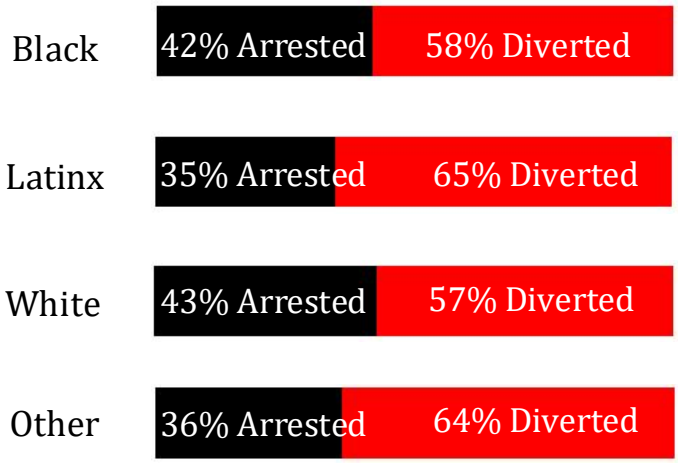
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Florida Juvenile Pre-Arrest Diversion Utilization

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 in April 2018.

State Utilization: by Race

(of eligible youth in all 67 counties)



State Utilization: by Gender

(of eligible youth in all 67 counties)



State Civil Citation Utilization

(of eligible youth in all 67 counties)



58% Diverted

State Utilization: in Schools

(of eligible youth in all 67 counties)



75% Diverted

State Utilization: in Community

(of eligible youth in all 67 counties)



52% Diverted

State Juvenile Pre-Arrest Diversion and the School-to-Prison Pipeline

Black RRI: 2.42

Black Male: School-Based



366 youth arrested

Black Male: Community-Based



1,262 youth arrested

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.

Overview of Florida Pre-Arrest Diversion

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 for 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 Drug Violations	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 results. 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.

Using cost savings estimates, Florida could save
$24 million - $76 million if statewide utilization increased to 90%

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 DJJ, tracked common justifications given by law enforcement officers when making arrests for eligible offenses. The most common justification cited for youth not receiving pre-arrest diversion was due to local policies excluding domestic violence. In the four circuits studied (Circuits 4, 9, 13 and 18), 57% reported that arrests of pre-arrest diversion eligible youth were ineligible because of such policies. Further discussion on domestic violence and pre-arrest diversion can be found on page 13.

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.floridataxwatch.org/resources/pdf/04152011civilcitation.pdf.

3 Civil Citation Part of the Community, Part of the Solution. May 2012. Florida Department of Juvenile Justice powerpoint, http://www.djj.state.fl.us/docs/quality-improvement---residential/2012-civil-citation-powerpoint.

Additionally, a recent study by researchers at FSU's College of Criminal Justice analyzed the use and effect of Florida's civil citation program in each county. 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."[4]

That study identified consequences of improper implementation, including net widening and characteristics that made successful implementation more likely. 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 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 funnel kids who would otherwise receive no sanction into diversion programs, risking future delinquency.

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

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.

Adopting new circuit-wide agreements under the statute is an opportunity to maximize benefits of juvenile diversion.

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.

Key Findings

Key Finding 1: Utilization continues to increase but more slowly than in previous years.

- **There were nearly 1,000 fewer arrests than last year**, with total arrests down to 7,664 from 8,753. This is a smaller dip than in the previous year, when there was a decrease of more than 3,000 arrests.

- **Statewide utilization 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.** Out of 5,851 eligible youth for the charge of assault and battery, 3,383 were arrested. The utilization for assault and battery charges is 42%. It is one of four offenses with utilization under 50%. The other three offenses were: (1) Misdemeanor Obstruction of Justice: 46%; (2) Loitering and Prowling: 50% and (3) Violation of Hunt, Fish, Boat Laws: 11%.

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

- **Duval, Hillsborough and Polk Counties** saw significant increases in utilization 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 and battery offenses against household members and how such offenses are handled in other counties. This issue is reviewed in this study at page 13. Over the last year, **Orange County** increased its utilization from 43% to 55%, but growth has plateaued, with utilization 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**.

Statewide utilization increased 6 percentage points – from 53% to 59%

- **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 to arrest instead. **Duval County** has also closed the racial disparity identified in this study last year. See a discussion about this at page 15.

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, utilization varies 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 months of 2018, the average utilization is 56% in the community and on school grounds is 78%.

77%
Percentage of white students offered pre-arrest diversion ON school grounds

71%
Percentage of black students offered pre-arrest diversion ON school grounds

49%
Percentage of white students offered pre-arrest diversion OFF school grounds

50%
Percentage of black students offered pre-arrest diversion OFF school grounds

Key Finding 5: Domestic violence arrests – simple assault or battery against a household member such as a fight between siblings or a parent and child– accounted for almost a quarter (24%) of all eligible arrests in 2017. See page 13 for an analysis of the use of pre-arrest diversion to address juvenile domestic violence.

Arrests for assault and battery against household members accounted for nearly one-quarter of all eligible arrests in 2017.

Introduction / Methodology

This year's study sought to identify 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): **Monroe** (97%), **Miami-Dade** (95%) and **Pinellas** (93%), and

- Two top-performing municipalities located within low-performing counties: **Stuart** (93% utilization in 59% **Martin County**) and **Fernandina Beach** (83% utilization in 67% **Nassau County**).

Common Policies and Practices Among Top-Performers[5]

Through these interviews, common policies and practices emerged: a policy that law enforcement officers should assume a pre-arrest diversion will be issued in eligible instances; a policy that an officer's decision to arrest eligible youth is reviewed; and a practice of effective training for law enforcement officers on pre-arrest diversion. These are policies and practices this study has identified and recommended in previous years. No justification for not adopting these policies has been identified.

Policy: Presumption of 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,[6] DJJ's report for the reasons law enforcement gives when arresting in an eligible case showed that in 45% of cases, no reason was given and documented.[7]

Contrast the **Third Circuit's** less presumptive memorandum of understanding "*If* the officer believes the case should be referred for a Juvenile Citation…" with the policy training provided to **Miami-Dade** officers, "Presently all referred first time misdemeanor cases *are* processed under the [civil citation] program."[8] Not surprisingly, the **Third Circuit** has a utilization rate of 22% and **Miami-Dade's** is 95%.

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5 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.

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

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

8 *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 **Pinellas County**, arrests are submitted through the Juvenile Assessment Center that takes a "second look" to see if an arrest is warranted. The Juvenile Assessment Center may choose to issue a civil citation instead of making the arrest.

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

"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.

In **Fernandina Beach**, civil citation training is provided when new law enforcement officers are hired or reassigned (which is consistent with previous Stepping Up recommendations that civil citation training be a part of officer orientation).

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

Additional common practices among the top three performing counties

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

- 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 to participate. This can be a barrier to youth enrolling and successfully completing a civil citation program.
- Youth are issued community service hours based on the severity of the 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.

"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

In **Miami-Dade**, **Monroe**, and **Pinellas** youth are not charged a fee 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 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

Broad Eligibility: Top performing counties all have broad eligibility standards. All misdemeanors, and even some felonies, are eligible for pre-arrest diversion, except sex offenses and firearm offenses. Counties with low diversion rates, or stagnant growth in diversion rates, often limit eligibility to specific offenses or exclude many offenses. In these cases, officers have no discretion to refer a child to a diversion program. They must arrest – or give a warning.

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 jurisdiction-wide policy that when an incident is eligible for pre-arrest diversion, it is strongly preferred and expected 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.

Recommendations for Successful Implementation

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.

Meaningful Assessment and Intervention Programming and Sanctions: Use evidence-based validated assessment tools to determine the intervention most appropriate to each youth and ensure youth complete the right kind and amount of programming based on their conduct.

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.

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

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 should be strongly considered and expected 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**, [an 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 at least 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.

Leadership needs to be on the same page in terms of understanding why pre-arrest diversions should be strongly considered and expected and are more effective than arrests in most cases.

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, *household 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 substance abuse issues and the like. Left unaddressed, these issues can grow into more serious misbehavior.[9]

Many counties have policies of arresting in all cases involving household violence, even if that means arresting youth for fighting with their families – an offense that should instead be eligible for pre-arrest diversion. Indeed, many counties have policies excluding household violence – simple assault or battery against household members such as a fight between sibling or a parent and a child – from eligibility for pre-arrest diversion.

Arrests for simple assault or battery against household members account for almost a quarter of all eligible arrests in 2017. Statewide, the pre-arrest diversion utilization for household violence is 25%, while the utilization 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.

Jurisdictions with blanket bans on pre-arrest diversion for household violence offenses 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 household 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 household violence.

In addition, the recidivism rate for juveniles arrested for household violence is 13%. Comparatively, the recidivism rate for youth issued pre-arrest diversion in instances of household violence is 4%.[10]

9 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. https://www.ncjrs.gov/pdffiles1/nij/grants/216614.pdf.

10 "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.

Household Violence: A Common Barrier to Usage

Hillsborough, **Orange**, **Palm Beach**, **Broward** and **Duval Counties** have the most arrests for household violence in 2017 – a combined 701 youth arrested out of 744 eligible. These five counties account for 38% of all arrests for household violence. The most common disposition for these counties is post-arrest diversion with an average of 70%. **Orange County** is an exception. Its rate of non-file is 48%, higher than the rate for post-arrest diversion (40%).

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

Youth arrested for household violence aren't necessarily held in secure detention either. Recognizing the harm of time spent in detention, counties and 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.[11] This same respite care can, and is, used for youth who receive pre-arrest diversion.

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

Household Violence Eligible Offenses

County	#Eligible	#Diverted	% Diverted
Miami-Dade	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.

11 Greenwald, Mark A., and Kevin Wolff. "Effectiveness of DV Respite Placements." Florida Department of Juvenile Justice. October 2014. http://www.djj.state.fl.us/docs/research2/briefing-sheet-effectiveness-of-dv-respite-placements-(mg).pdf?sfvrsn=0.

Overall, the state average pre-arrest diversion utilization does 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).[12] 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 less than 1 indicates there is no such disparity and there is a lower arrest rate for minority youth.

A large 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 for eligible offenses compared to 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%. Overall, **Duval's** utilization for the first three months of 2018 is 90% - compared to last year's utilization rate of 28%. **Duval's** experience shows that high utilization can drastically reduce racial disparity.

12 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/dmcdb/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. The disparity in eligible arrests for Latinx students also fell – from an RRI of 1.61 last year to 0.74 this year.

The following chart lists 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 13 school districts with black RRIs above the state average.[13] *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.

Black RRI above 2.42

County	RRI
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	2.80

Across the state, if a school district had more than 25 total arrests, black students were at least 1.5 times as likely to be arrested for an eligible offense.

13 It should be noted that Leon County had exactly 25 school based arrests. Lee County had 26 school based arrests. We acknowledge that the small number of arrests in these two counties may put them on the cusp of statistical unreliability.

The disparity between Latinx and white student arrests is, 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 of Latinx youth. While its Latinx population is small – the RRI does take this into account – leading to a large RRI.[14]

Of school districts with 25 or more total arrests, four have RRIs above 1.5.

Latinx RRI above 1.5

County	RRI
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.[15]

Specifically, in order to reduce disproportionate contact for minority youth with the juvenile justice system, OJJDP recommends the following:

- There must be sustained efforts to identify, assess, intervene, evaluate and monitor disproportionate minority contacts with the juvenile justice system;
- Because many factors contribute to disproportionate minority contact, multipronged intervention is key;
- Data are powerful and intervention strategies need to be data-based;
- Effective intervention requires top-down support from local agency directors as well as bottom-up support from staff; and
- Reduction in racial disparities requires strong partnerships, horizontally and vertically, with all stakeholders.

14 It should be noted that Leon County had exactly 25 school based arrests. We acknowledge that the small number of arrests may put this on the cusp of statistical unreliability.

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

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: Civil citation reporting includes other juvenile prearrest diversion efforts operated under a different name. Accessed in April 2018.

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.

Florida's Top Pre-Arrest Diversion Efforts: By COUNTY

Top Pre-Arrest Diversion
Utilization by COUNTY
DIVISION ONE
(of 6 counties with >100,000 juveniles)

1.	Miami-Dade County	95%

Top Pre-Arrest Diversion
Utilization by COUNTY
DIVISION TWO
(of 18 counties with 26,000-99,999 juveniles)

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

Top Pre-Arrest Diversion
Utilization by COUNTY
DIVISION THREE
(of 43 counties with <25,999 juveniles)

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

Top Pre-Arrest Diversion Utilization by SCHOOL DISTRICT

DIVISION ONE

(of 6 counties with >100,000 juveniles)

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

Top Pre-Arrest Diversion Utilization by SCHOOL DISTRICT

DIVISION THREE

(of 43 counties with <25,999 juveniles)

1.	Glades County	100%
	Gilchrist County	100%
	Lafayette County	100%
	Monroe County	100%
	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%
	Okeechobee County	82%
13.	Alachua County	80%

Top Pre-Arrest Diversion Utilization by SCHOOL DISTRICT

DIVISION TWO

(of 18 counties with 26,000-99,999 juveniles)

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

Top Pre-Arrest Diversion
Utilization by AGENCY

DIVISION ONE

(of 118 agencies in counties with >100,000 juveniles)

1.	Bal Harbour Village Police Department	Dade	100%
	Bay Harbor Island Police Department	Dade	100%
	Biscayne Park Police Department	Dade	100%
	Coral Gables Police Department	Dade	100%
	El Portal Police Department	Dade	100%
	Florida City Police Department	Dade	100%
	Hialeah Gardens Police Department	Dade	100%
	Homestead Police Department	Dade	100%
	Medley Police Department	Dade	100%
	Miccosukee Police Department	Dade	100%
	North Bay Village Police Department	Dade	100%
	North Miami Beach Police Department	Dade	100%
	Opa Locka Police Department	Dade	100%
	South Miami Police Department	Dade	100%
	Surfside Police Department	Dade	100%
	West Miami Police Department	Dade	100%
	Sunny Isles Police Department	Dade	100%
	Division of Alcoholic Beverages & Tobacco (DBPR)	Dade	100%
	Miami-Dade Police Department – Hammocks	Dade	100%
	Miami-Dade Police Department – Palmetto Bay	Dade	100%
	Lighthouse Point Police Department	Broward	100%
	Broward County Clerk of Circuit Court	Broward	100%
	Division of Alcoholic Beverages & Tobacco (DBPR)	Broward	100%
	Bureau Of Alcohol, Tobacco & Firearms	Hillsborough	100%
	Hillsborough County Sheriff's Office-District IV	Hillsborough	100%

Top Pre-Arrest Diversion
Utilization by AGENCY

DIVISION ONE

(of 118 agencies in counties with >100,000 juveniles)

1.	Juno Beach Police Department	Palm Beach	100%
	Lake Clarke Shores Police Department	Palm Beach	100%
	Tequesta Police Department	Palm Beach	100%
	Florida Highway Patrol - Troop K	Palm Beach	100%
	Eatonville Police Department	Orange	100%
	State Attorney's Office	Orange	100%
	Orange County Public Schools District Police	Orange	100%
	Jacksonville Airport Authority	Duval	100%
	Neptune Beach Police Department	Duval	100%
	Florida Community College At Jacksonville	Duval	100%
	Division of Alcoholic Beverages & Tobacco (DBPR)	Duval	100%
	Florida Fish & Wildlife Conservation Commission	Duval	100%
38.	Miami Dade Police Department	Dade	99%
	Aventura Police Department	Dade	99%
40.	Hialeah Police Department	Dade	97%
	North Miami Police Department	Dade	97%
	Miami Police Department	Dade	97%
43.	Sweetwater Police Department	Dade	94%
44.	Doral Police Department	Dade	93%
	Division of Alcoholic Beverage & Tobacco (DBPR)	Palm Beach	93%
	Palm Beach County School District Police	Palm Beach	93%

Top Pre-Arrest Diversion
Utilization by AGENCY

DIVISION ONE

(of 118 agencies in counties with >100,000 juveniles)

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%
	MetroDade Police Department	Dade	88%
52.	Pembroke Pines Police Department	Broward	84%
53.	Coconut Creek Police Department	Broward	83%
	Jacksonville Beach Police Department	Duval	83%
55.	Ocoee Police Department	Orange	82%
	Hillsborough County Sheriffs Office	Hillsborough	82%
57.	Broward County Sheriff's Office	Broward	81%
	Coral Springs Police Department	Broward	81%
59.	Palm Springs Police Department	Palm Beach	80%

Top Pre-Arrest Diversion
Utilization by AGENCY

DIVISION TWO

(of 152 agencies in counties with 26,000-99,999 juveniles)

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

Top Pre-Arrest Diversion
Utilization by AGENCY

DIVISION TWO

(of 152 agencies in 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%
	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%
	Bradenton Police Department	Manatee	83%
31.	Pasco County Sheriff's Office	Pasco	82%
	St. Johns County Sheriff's Office	St Johns	82%
33.	Division of Alcoholic Beverage and Tobacco (DBPR)	Leon	80%

Top Pre-Arrest Diversion
Utilization by AGENCY

DIVISION THREE

(of 143 agencies in counties with <25,999 juveniles)

1.	Florida Highway Patrol - Troop A	Bay	100%
	State Attorney's Office - Charlotte	Charlotte	100%
	State Attorney's Office	Monroe	100%
	Florida Highway Patrol - Troop E	Monroe	100%
	Florida Fish & Wildlife Conservation Commission	Monroe	100%
	Gretna Police Department	Gadsden	100%
	Havana Police Department	Gadsden	100%
	State Attorney's Office	Suwannee	100%
	Lafayette County Sheriff's Office	Lafayette	100%
10.	Key West Police Department	Monroe	96%
	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%
	Wakulla County Sheriff's Office	Wakulla	81%
	Lynn Haven Police Department	Bay	81%

Appendix B: Interviews with Local Experts

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% utilization rate and is in Division 2 with 93,172 youth.



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.

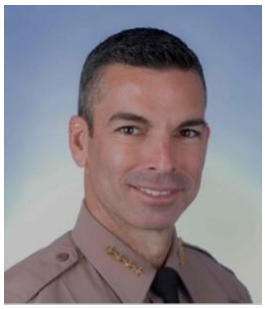
2. Training: Provide regular training on juvenile pre-arrest diversions – not just one-time training – to School Resource Officers.

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.

Develop a district-wide policy that when an incident involves minor misconduct it is strongly preferred that School Resource Officers issue a pre-arrest diversion.

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

Miami-Dade County had a 95% utilization rate and is in Division 1 with 334,111 youth.



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

A strong campaign from peers will garner buy-in from the officers.

Appendix B: Interviews with Local Experts

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

Monroe County had a 97% utilization rate and is in Division 3 with 7,259 youth.



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.[16]

"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 **Monroe County Sheriff Rick Ramsay**.

Monroe County provides pre-arrest diversion training twice per year via roll calls.

16 Goodhue, David. "Florida Keys Officials Consider Alternatives to Keeping Juvenile Detention Center Open." May 2, 2018. http://www.miamiherald.com/news/local/community/florida-keys/article210302404.html.

Appendix B: Interviews with Local Experts

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

Stuart Police Department had a 93% utilization rate in a county that has a 59% utilization rate (**Martin County**). **Martin County** is in Division 3 with 16,748 youth.



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**.

The goal should be that pre-arrest diversions don't require any additional paperwork.

Appendix B: Interviews with Local Experts

Deputy Chief James Hurley, Fernandina Beach Police Department

Fernandina Beach Police Department had an 83% usage rate in a county with a 67% usage rate (**Nassau**). **Nassau County** is in Division 3 with 8,930 youth.



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 my officers know it's not what I expect of them," 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 utilization rate rose to 78% by December 2017. As of March 2018, utilization is 83%. **Polk County** is in Division 2 with 83,751 youth.



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.

Develop a policy that ensures pre-arrest diversion is assumed.

Appendix C: Circuit Utilization Rates

Circuit Utilization Rates

Circuit	County	Utilization rate
Circuit 1		**28%**
	Escambia	44%
	Okaloosa	12%
	Santa Rosa	25%
	Walton	4%
Circuit 2		**59%**
	Franklin	35%
	Gadsden	21%
	Jefferson	6%
	Leon	65%
	Liberty	35%
	Wakulla	79%
Circuit 3		**22%**
	Columbia	29%
	Dixie	0%
	Hamilton	0%
	Lafayette	100%
	Madison	0%
	Suwannee	30%
	Taylor	0%
Circuit 4		**58%**
	Clay	52%
	Duval	59%
	Nassau	67%
Circuit 5		**49%**
	Citrus	51%
	Hernando	52%
	Lake	34%
	Marion	58%
	Sumter	26%

Circuit Utilization Rates

Circuit	County	Utilization rate
Circuit 6		**87%**
	Pasco	73%
	Pinellas	93%
Circuit 7		**55%**
	Flagler	36%
	Putnam	60%
	St. Johns	81%
	Volusia	45%
Circuit 8		**55%**
	Alachua	70%
	Baker	28%
	Bradford	0%
	Gilchrist	27%
	Levy	14%
	Union	53%
Circuit 9		**47%**
	Orange	54%
	Osceola	17%
Circuit 10		**38%**
	Hardee	0%
	Highlands	12%
	Polk	42%
Circuit 11		**95%**
	Miami-Dade	95%
Circuit 12		**68%**
	Desoto	14%
	Manatee	72%
	Sarasota	68%

Appendix C: Circuit Utilization Rates

Circuit Utilization Rates

Circuit	County	Utilization rate
Circuit 13		**50%**
	Hillsborough	50%
Circuit 14		**41%**
	Bay	50%
	Calhoun	0%
	Gulf	0%
	Holmes	0%
	Jackson	8%
	Washington	0%
Circuit 15		**69%**
	Palm Beach	69%
Circuit 16		**97%**
	Monroe	97%
Circuit 17		**74%**
	Broward	74%

Circuit Utilization Rates

Circuit	County	Utilization rate
Circuit 18		**51%**
	Brevard	32%
	Seminole	66%
Circuit 19		**64%**
	Indian River	63%
	Martin	59%
	Okeechobee	74%
	St. Lucie	63%
Circuit 20		**53%**
	Charlotte	47%
	Collier	68%
	Glades	17%
	Hendry	23%
	Lee	46%