

BROWARD COUNTY JUVENILE CIVIL CITATION PROGRAM
Pursuant to F.S. 985.12

The Broward County Juvenile Civil Citation Program is hereby agreed upon, made and entered into as of this May 1st, 2021 by and between the:

OFFICE OF THE STATE ATTORNEY,

whose principal place of business is 201 SE 6th Street, Fort Lauderdale, Florida 33301;

LAW OFFICE OF THE PUBLIC DEFENDER,

whose principal place of business is 201 SE 6th Street, Fort Lauderdale, Florida 33301; and

CLERK OF THE COURT,

whose principal place of business is 201 SE 6th Street, Fort Lauderdale, Florida 33001.

INTRODUCTION

The Juvenile Civil Citation Program is a statewide civil alternative to the formal arrest and criminal prosecution of youth 17 years of age or under who commit program eligible misdemeanor offenses. This alternative to arrest is designed to immediately address the behavior while assessing for needs, linkage to appropriate interventions and holding the youth accountable. The intended outcomes are to prevent further acts of delinquency by appropriately addressing the behavior without creating a criminal record or requiring court intervention. The statute directs each jurisdiction to formally establish a Juvenile Civil Citation Program and law enforcement to issue a civil citation in lieu of an arrest. The program's requirements, will include, but not be limited to, the completion of community service hours, payment of restitution, if applicable, and intervention services indicated by a needs assessment.

PURPOSE

The purpose of the Broward County Circuit 17 Juvenile Civil Citation Program is to provide an efficient and innovative alternative to arrests of all juveniles who commit misdemeanor offenses. The consistent and equitable use of civil citation program has a positive effect on the entire Juvenile Justice System and contributes to an overall reduction in the crime and recidivism rates, interagency cooperation and increases public safety for the whole of Broward County.

STAKEHOLDERS

The Juvenile Civil Citation Program is collaboratively developed and implemented by the State Attorney, Public Defender, Clerk of the Court, law enforcement agencies, Circuit Seventeen Juvenile Advisory Board, Seventeenth Judicial Circuit, Broward County Board of Commissioners, the NAACP, and Department of Juvenile Justice Office of Probation and Community Intervention.

INDEPENDENT PROGRAM OPERATOR

The State Attorney has reviewed the current independent Juvenile Civil Citation Program for Broward County Circuit 17 and has designated the Broward County Human Services Department, Crisis Intervention and Support Division, Justice Services Section as the countywide operator of the Juvenile Civil Citation Program.

The Juvenile Civil Citation Program's operational policies and procedures are developed by the Human Services Department of Broward County in consultation with the State Attorney, Public Defender, Clerk of the Court and other interested stakeholders.¹ The Juvenile Civil Citation Program's policies and procedures manual and relevant data reports shall be reviewed annually by the State Attorney, Public Defender, Clerk of the Court and other interested stakeholders.

PROGRAM FEE

The stakeholders recognize that the Juvenile Civil Citation Program shall be cost neutral and participation should not be limited based on financial ability.

ELIGIBILITY CRITERIA

In order to participate in the Juvenile Civil Citation Program the youth must meet the following criteria:

The youth has committed an eligible state or municipal misdemeanor offense;

The youth must be seventeen (17) years of age or younger at the time the offense was committed; and

The offense must occur in Broward County.

ELIGIBLE MISDEMEANOR OFFENSES

Assault

Battery

Resisting Arrest Without Violence

Disorderly Conduct

Disruption of School Function

Petit Theft / Retail Theft (value under \$750)

Trespass

Misdemeanor Drug Possession / Drug Paraphernalia

Loitering and Prowling

Criminal Mischief

Possession of Alcohol By Minors

Misdemeanor Traffic Violations

Violation of City/County Ordinances

NON-ELIGIBLE OFFENSES

Any Felony Offense

Misdemeanor Offenses Involving Possession or Use of a Firearm or Deadly Weapon

Domestic Violence

Sexual Offenses

DATA REVIEW

The Juvenile Civil Citation Program shall be a data driven program that collects, analyzes, and evaluates its effectiveness and efficacy. Data shall be presented quarterly, including missed opportunities, to the stakeholders.

MISSED OPPORTUNITIES

The Juvenile Civil Citation Program pursuant to statute directs law enforcement to issue the youth a civil citation in lieu of an arrest when addressing behaviors that constitute an eligible misdemeanor offense. A "missed opportunity" occurs when a qualified youth is not issued a civil citation by law enforcement and an arrest occurs. When a missed opportunity occurs, law enforcement is required to document contemporaneous to the arrest the reason for the arrest of a qualified youth. The Department of Juvenile Justice has implemented a process within Juvenile Justice Information System to cap-

ture reasons for the arrest of qualified youth. Law Enforcement shall use this program as the primary resource to address qualifying youth and offenses.

To ensure that all qualifying youth participate in the Juvenile Civil Citation Program, the State Attorney shall establish memorandums of understanding with all Law Enforcement Agencies in Broward County to ensure that missed opportunities are identified and civil citations are immediately issued when eligibility is determined through the Juvenile Assessment Center.

To further ensure that all qualified youth are afforded an opportunity to participate in the Juvenile Civil Citation Program, the State Attorney and Clerk of the Court have established a written agreement as contained in the First Memorandum of Understanding by and between Brenda D. Forman, Broward County Clerk of Courts and Harold F. Pryor, Broward County State Attorney Civil Citation Implementation Procedure – 2021 which is attached hereto and incorporated by reference, identify qualifying youth and offenses that are inadvertently delivered for processing through the Clerk of the Court and ensure that civil citations are issued through the State Attorney.

IN WITNESS WHEREOF, the parties have caused the Broward County Juvenile Civil Citation Program, Pursuant to F.S. 985.12 to be executed on the date set forth below:

Office of the State Attorney, By:



Harold F. Pryor, State Attorney

Date: 5/27/2021

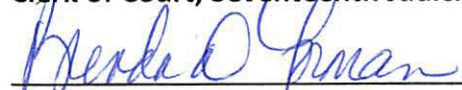
Law Office of the Public Defender, By:



Gordon Weekes, Public Defender

Date: 5-25-2021

Clerk of Court, Seventeenth Judicial Circuit, By:



Brenda Forman, Clerk of Court

Date: 6-25-2021

cc:

Honorable Jack Tuter, Chief Judge of the 17th Judicial Circuit
Broward County Human Services Department
Department of Juvenile Justice
Chair, Circuit Seventeen Juvenile Advisory Board

¹ See, Juvenile Civil Citation Program's Operational Policies and Procedures, as maintained by Broward County Human Services Department, Crisis Intervention and Support Division, Justice Services Section