

**Memorandum of Understanding
Juvenile Civil Citation Program, Fourth Judicial Circuit,
in and for Clay, Duval and Nassau Counties**

I. Authority

A “Juvenile Civil Citation Program” has been established for the Fourth Judicial Circuit pursuant to section 985.12, Florida Statutes.

II. History

Since 2011, law enforcement agencies within the Fourth Judicial Circuit have used pre-arrest diversion for Juvenile Offenders who commit misdemeanor crimes and municipal ordinance violations. The law enforcement agencies, the Court, and the State Attorney’s Office for the Fourth Judicial Circuit, via this Memorandum of Understanding (“MOU”), agree that it is appropriate to continue to divert Juvenile Offenders who are eligible for the issuance of a Juvenile Civil Citation (a “Citation”) through the Juvenile Civil Citation Program (“the Program”).

This MOU seeks to expand and enhance the Program and streamline the process by which a Citation is issued to a Qualified Juvenile Offender. The stakeholders have agreed upon the procedures outlined below to achieve these goals. This MOU supersedes and replaces all previous Memoranda of Understanding governing the Program in the Fourth Judicial Circuit.

III. Definitions

As used in this MOU, the term:

“Juvenile Offender” means any person who is alleged to have committed a misdemeanor or municipal law violation occurring prior to the time that person reached the age of 18 years.

“Qualified Juvenile Offender” means a Juvenile Offender who commits a Qualifying Offense and who: (1) has two or fewer prior Citations; (2) does not have a pending Citation or an outstanding warrant or custody order; (3) has never been adjudicated delinquent for a felony or been convicted of a misdemeanor or felony as an adult; and (4) is not a gang member as defined in section 874.03(3), Florida Statutes.

“Qualifying Offense” means any misdemeanor or municipal ordinance violation except any offense that involves the use or possession of any firearm or deadly weapon, or any traffic offense proscribed by chapters 316, 320, or 322, Florida Statutes.

“Stakeholders” mean the signatories to this MOU.

“Teen Court” means a program within the Fourth Judicial Circuit designed to provide an alternative disposition to arrest and prosecution, as well as necessary intervention services for Qualified Juvenile Offenders.

IV. Purpose

This MOU establishes the procedures that will be used by the Fourth Judicial Circuit to promote the proper use and expansion of Juvenile Civil Citations throughout the Circuit and provide Qualified Juvenile Offenders, who commit certain misdemeanors and municipal ordinance violations, the opportunity to participate in the Program, pursuant to section 985.12, Florida Statutes.

The MOU establishes the procedures for the issuance of Citations; the referral of the Qualified Juvenile Offender to Teen Court; the process by which Teen Court imposes appropriate sanctions for a Qualified Juvenile Offender’s delinquent act(s); and provides access to intervention services designed to prevent future delinquent acts. Further, the MOU addresses how Qualified Juvenile Offenders will be issued a Citation; criteria for participation in, or rejection from, the Program; and the record-keeping procedures to document the Qualified Juvenile Offender’s participation in the Program.

The Program will:

- Promote accountability and immediate intervention;
- Provide swift consequences for Qualified Juvenile Offenders;
- Increase public safety by assessing and referring “at-risk” Qualified Juvenile Offenders to intervention programs with the goal of reducing recidivism;
- Ensure appropriate resource allocation;
- Save taxpayer dollars by producing cost-effective outcomes for Qualified Juvenile Offenders;¹
- Prevent life-long consequences associated with an arrest, adjudication, or conviction;²
- Result in no arrest record upon successful completion of the Program;
- Assist in ensuring consistent treatment of Juvenile Offenders throughout the Circuit;

¹ AIF Foundation, “Getting Smart on Juvenile Crime in Florida: Taking it to the Next Level,” November 2010; Juvenile Services Department Cost Analysis, Miami-Dade County, Office of Strategic Business Management.

² ABA Criminal Justice Section, State Policy Implementation Project, “Civil Citation for Minor Offenses” and National Juvenile Justice Network, Snapshot – “Civil Citations,” December 2016.

- Seek to reduce repeat offenses by Qualified Juvenile Offenders;
- Encourage more efficient use of law enforcement, the court system, and the State Attorney's Office;
- Reduce the number of Juvenile Offender referrals to the justice system;
- Reduce costs associated with administration of the criminal juvenile justice system; and
- Reduce the number of pending cases within the criminal juvenile justice system.

V. Procedures

A. Law Enforcement Agency

1. When a law enforcement officer ("Officer") has probable cause to believe a Juvenile Offender has committed a Qualifying Offense, the Officer should determine whether the Juvenile Offender is a Qualified Juvenile Offender by contacting the Juvenile Assessment Center or by conducting a search on CJNet.
2. If the Officer determines the Juvenile Offender is a Qualified Juvenile Offender, the Officer will advise the Qualified Juvenile Offender that he or she may participate in the Program subject to Teen Court's approval. The Officer will advise the Qualified Juvenile Offender of his or her rights and confirm that the Qualified Juvenile Offender admits guilt and agrees to participate in the Program.
3. If restitution is owed and can be determined at the time the Citation is issued, the Officer will request the victim, or the parent or guardian of the victim, to provide an estimate of the amount of restitution due.
4. If restitution is owed and cannot be immediately determined, the Officer shall include on the Citation that payment is "due and owing" to the victim in an amount to be determined by Teen Court.
5. If the Qualified Juvenile Offender agrees to participate in the Program, he or she will sign the Citation.
6. The parent or guardian of the Qualified Juvenile Offender will be contacted by the Officer and will be advised that the Qualified Juvenile Offender is the subject of a Citation. If the parent or guardian is available, the Officer will request the parent or guardian sign the Citation indicating agreement to participate in the Program.

7. In cases where there is a victim, the Officer will advise the victim, or the parent or guardian of the victim, that the Qualified Juvenile Offender will be issued a Citation in lieu of arrest. If the victim, or his or her parent or guardian, does not agree with the issuance of the Citation, the Officer will advise that an objection to Teen Court may be submitted within three (3) business days of the issuance of the Citation.
8. The Officer's agency will provide copies of the Citation to the Qualified Juvenile Offender, the Qualified Juvenile Offender's parent or guardian, the victim, the State Attorney's Office, and Teen Court. The Officer's agency will retain a copy for its records.
9. If a Juvenile Offender is arrested for a Qualifying Offense, the Officer must include in the police report, pursuant to section 985.12, Florida Statutes, why an arrest was warranted.

B. Teen Court

i. Participation in the Program

1. Upon receipt of the Citation from the Officer's agency, Teen Court will make a preliminary determination as to whether it is appropriate for the Qualified Juvenile Offender to participate in the Program. If relevant, Teen Court will consider any objections presented by the victim, or the parent or guardian of the victim, with regards to the Qualified Juvenile Offender's participation in the Program.
2. If Teen Court determines the Program is appropriate, Teen Court will contact the Qualified Juvenile Offender, and the parent or guardian of the Qualified Juvenile Offender, to schedule an intake hearing within six (6) business days from its receipt of the Citation.
3. During the intake hearing, the Qualified Juvenile Offender and a parent or guardian must be present. The Qualified Juvenile Offender will be subject to an interview, assessment, and urinalysis. These procedures will be used to determine what clinical or intervention services may be appropriate. The Qualified Juvenile Offender will also sign an Acceptance of Responsibility Form.

4. In domestic assault and domestic battery cases, Teen Court will determine what, if any, contact the Qualified Juvenile Offender may have with the victim and whether such contact, if allowed, will be supervised or unsupervised.
5. Upon acceptance into the Program, the Qualified Juvenile Offender and the parent or guardian will be scheduled to attend either Teen Court or a Neighborhood Accountability Board, where the Qualified Juvenile Offender will sign the Teen Court contract and be assigned sanctions to complete the Program. Teen Court will ensure that payment of any restitution owed to the victim is a sanction imposed through the Program.
6. A written contract will be prepared by Teen Court and signed by the Qualified Juvenile Offender, the parent or guardian, and a Teen Court representative. The contract will include an explanation of the statute of limitations and the rule governing speedy trial generally applicable to misdemeanor offenses. By signing the contract, the Qualified Juvenile Offender waives the application of the statute of limitations and any right to speedy trial.
7. Teen Court will monitor the progress of each Qualified Juvenile Offender in completing the Program. Teen Court will maintain a confidential file in a secure locked area that contains the following: information pertaining to the Citation, any sanctions imposed, progress reports from providers, urinalysis drug testing results, disposition forms, and all other information obtained through its management of the Qualified Juvenile Offender's case.
8. Teen Court will document the disposition of each Citation.
9. Teen Court will promptly enter all data into the Juvenile Justice Information System regarding the issuance of Citations, as well as successful completion of, and rejections from, the Program.

ii. Restitution Obligation

1. Before restitution is awarded, Teen Court may require documentation supporting the estimated amount of restitution requested. In that event, Teen Court will ask the victim, or the victim's parent or guardian, for documentation from the victim, or the victim's parent or guardian, substantiating the amount of restitution. This information must be provided within five (5) business days after the request from Teen Court is received, unless additional time is specifically given by Teen Court. Upon receipt of the supporting documentation, Teen Court will determine the

reasonable amount of restitution to be paid. Teen Court will develop a system which allows for restitution to be collected, remitted to a victim, and recorded.

2. Teen Court will ensure that the parent or guardian of the Qualified Juvenile Offender is advised of the amount, if any, of restitution due to the victim. If the parent or guardian does not agree to pay restitution as established by Teen Court, a disposition form will be sent to the State Attorney's Office within two (2) business days of the Qualified Juvenile Offender's rejection from the Program.
3. In cases involving restitution, acknowledgement of the existence of restitution and the Qualified Juvenile Offender's obligation to pay such restitution, shall be included in the Teen Court agreement executed by the Qualified Juvenile Offender and his or her parent or guardian.
4. No Qualified Juvenile Offender who is issued a Citation will be deemed to have successfully completed the Program until any restitution imposed as a sanction is paid in full.

iii. Rejection from the Program

1. If the Qualified Juvenile Offender is arrested while in the Program, Teen Court may reject the Qualified Juvenile Offender from the Program.
2. In the event that the Qualified Juvenile Offender is rejected from the Program based on a subsequent arrest, and formal charges are not filed or are dropped, Teen Court may permit the Qualified Juvenile Offender to re-enroll in the Program subject to successful completion of all previously imposed sanctions.
3. If the Qualified Juvenile Offender fails to complete or is rejected from the Program, Teen Court will submit a disposition form to the State Attorney's Office within two (2) business days of the Qualified Juvenile Offender's dismissal from the Program.

iv. Objection to Civil Citation Issuance

1. In the event the victim, or the parent or guardian of the victim, does not agree with the issuance of the Citation, they may file a written objection with Teen Court to the Qualified Juvenile Offender's participation in the Program within three (3) business days of the issuance of the Citation.

2. Teen Court will advise the victim, or the parent or guardian of the victim, of how to file their objection. Once the objection has been filed, the Teen Court Administrators for Clay, Duval, and Nassau counties will review the objection and make a final determination as to whether to reject the Qualified Juvenile Offender from the Program. The Teen Court Administrator for the county in which the offense was committed will notify the victim, or the parent or guardian of the victim, of the Administrators' decision within two (2) business days of the submission of victim objection.

C. State Attorney's Office

1. The State Attorney's Office will review all Citations issued to Qualified Juvenile Offenders who are rejected from the Program to determine the appropriate disposition of the offense.
2. The State Attorney's Office may, upon request, provide training to law enforcement agencies regarding the use and benefits of non-arrest diversion methods, including Juvenile Civil Citations.

VI. Agreement

The MOU will become effective upon its execution by the respective Stakeholders and will remain in effect for two (2) years unless any statutory amendment of section 985.12, Florida Statutes mandates otherwise.

The Stakeholders commit to coordinate their efforts in support of the Program. The Stakeholders shall review the Program every six (6) months, within their respective agencies and counties, to ensure the Program is being administered in accordance with this MOU. The Stakeholders agree to assign staff members within their agencies to administer the Program.

Wherefore, the Stakeholders agree to administer the Program as stated within this MOU.

Mark Mahon
Chief Judge, Fourth Judicial Circuit

Melissa Nelson
State Attorney, Fourth Judicial Circuit

Darryl Daniels
Sheriff, Clay County Sheriff's Office

Mike Williams
Sheriff, Jacksonville Sheriff's Office

Bill Leeper
Sheriff, Nassau County Sheriff's
Office

Patrick K. Dooley
Chief, Jacksonville Beach Police
Department

Richard Pike
Chief, Neptune Beach Police
Department

Francis J. Mackesy
Director, Police and Public Safety, UNF

Victor Gualillo
Interim Chief, Atlantic Beach Police
Department

Gary Goble
Chief, Orange Park Police
Department

James Hurley
Chief, Fernandina Beach Police
Department

Derek Asdot
Acting Chief of Police, Green Cove
Springs Police Department

Ken Frost
Special Agent in Charge
CSX Railroad Police

Nikolai Vitti
Superintendent, Duval County Public
Schools

Thomas Philpot
Director, Division of Alcoholic
Beverages & Tobacco

Stacy A. Peterson
Program Director
Teen Court, Duval County

Debbie Mueller
Program Director
Teen Court, Clay County

Charles Griffin
Program Director
Teen Court, Nassau County

Dated this _____ day of May, 2017

There are other juvenile justice stakeholders that concur in the establishment of a Juvenile Civil Citation Program, including the Department of Juvenile Justice for the Fourth Judicial Circuit, the Office of the Public Defender for the Fourth Judicial Circuit, the Office of Regional Conflict Counsel in Jacksonville, and the Florida Department of Children and Families for the Fourth Judicial Circuit. The agencies agree to support law enforcement efforts to use Citations in appropriate cases.

Specifically, the Department of Juvenile Justice agrees to provide a point of contact for all law enforcement agencies within the Fourth Judicial Circuit to assist in determining whether a Juvenile Offender qualifies for the Program. The Department of Children and Families agrees to provide a point of contact for any dependent Qualified Juvenile Offender who receives a Citation.

Charlie Cofer
Public Defender, Fourth Judicial Circuit

Donna Webb
Chief Probation Officer
Department of Juvenile Justice Services

Patricia Medlock
Northeast Regional Director
Department of Children and Families

Janet Abel
Managing Attorney, Regional Conflict
Counsel

Dated this _____ day of May, 2017