

Juvenile Assessment Center
of Lee County
2107 Dr. Martin Luther King Blvd.
Fort Myers, FL 33901
(239) 258-3450
www.swfjac.org

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The JAC Perspective



The Juvenile Assessment Center of Lee County ... assisting youth and their families to seek the treatment and programs they need to lead productive, crime free lives.

Free drug testing kits are available at the JAC 24 hours a day for parents to use with their youth.

Law enforcement should call ahead to

**258-3461
or 258-3471**

when bringing an arrested youth to the JAC or to confirm that a youth is eligible for a civil citation.



The JAC of Lee County is operated by the Lee County Sheriff's Office in partnership with the Lee County Board of County Commissioners and the Department of Juvenile Justice.

Civil Citation: Expanded Eligibility

In Florida, civil citations provide an alternative to a juvenile arrest for low level infractions. Statewide the top charges that are handled through the civil citation process are for possession of marijuana, non-aggravated assault, and petit thefts. The civil citation program in Lee County is coordinated by the Lee County Sheriff's Office.

Law enforcement officers have the discretion to issue a civil citation to a youth who has committed a low level misdemeanor

crime in lieu of making an arrest. The youth has seven days to contact the Civil Citation Deputy to schedule a meeting. At the meeting the Civil Citation Deputy reviews the case and assigns community service hours and other activities to help the youth learn from his bad choice. The youth may also be referred for a substance abuse/mental health assessment or other services, depending upon the case. A recent study on civil citation programs in Florida* concluded that "research shows arresting youth for common youth misbehavior decreases public safety, reduces youth opportunities and wastes taxpayer money." Here are some of the arguments the study makes for increasing the utilization of the civil citation process instead of making an arrest.

Swifter Justice

The civil citation process can last from 30 to 120 days whereas an arrest/court process can take up to several months or longer. Timely consequences are especially important to help youth to learn from their mistakes.



Increases Public Safety

The use of civil citations helps to divert less serious crimes from the court process freeing up a community's limited and costly justice system resources to address more serious crimes.

Avoids Limiting a Youth's Opportunities

An arrest history can limit a youth's future opportunities, even into adulthood. He may be required to disclose that he was arrested on an application for employment, college, military, loans, scholarships, leases/housing, and other aspects of his life that shape his quality of life and determine his individual success.

More Cost Effective for Taxpayers

The average cost to process a civil citation is \$386 per youth compared to an average of \$5,000 it costs to process a youth through the justice system.

The utilization of civil citation programs has been uneven across the state and even within communities. In an effort to increase utilization of the civil citation option there have been efforts in the past few legislative sessions to remove law enforcement officer discretion in using a civil citation and mandate that officers issue civil citations in all eligible situations. Statutory changes during the 2015 legislative session expanded the eligibility for the use of civil citations but left the use of officer discretion intact. However, it is noted that this is already policy in two Florida Counties – Dade and Broward. During the past year both counties utilized civil citations in 100% of all case that were eligible. The revision to the state's civil citation
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Civil Citation: Expanded Eligibility (cont.)

statute that expanded eligibility went into effect October 1st. Florida Statutes now allow civil citations to be issued up to three times for a misdemeanor offense before a juvenile suspect is arrested. Previously a civil citation could only be used one time.

Another Perspective

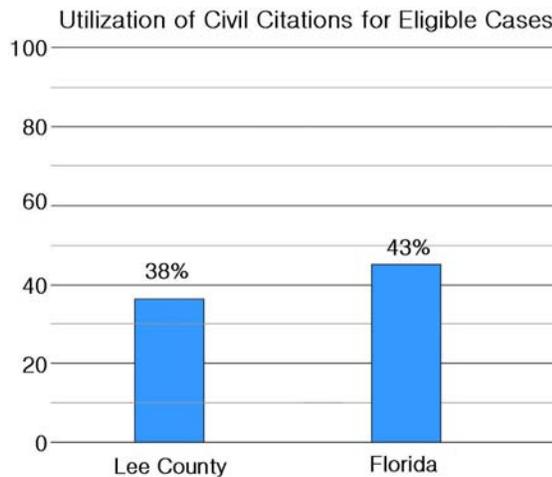
The JAC sought the perspective of Paul Poland, Assistant State Attorney with the Office of the State Attorney, about the statute change and the use of a civil citations in Lee County. According to Poland, a civil citation should be used in lieu of an arrest or a Notice to Appear. It shouldn't be used for bad behavior that is not

criminal/delinquent behavior. His office encourages the use of civil citation for first time misdemeanors unless there are aggravating circumstances pertaining to the case that warrant sending it to the court system or if the child refuses to acknowledge his/her responsibility for the alleged delinquent act. Another reason to arrest a youth instead of issuing a civil citation is if the parent or child refuses to participate in the civil citation program or if restitution may be an issue. Poland was careful to point out that he was offering an opinion that is not binding for how any law enforcement agency carries out their duties. He noted that

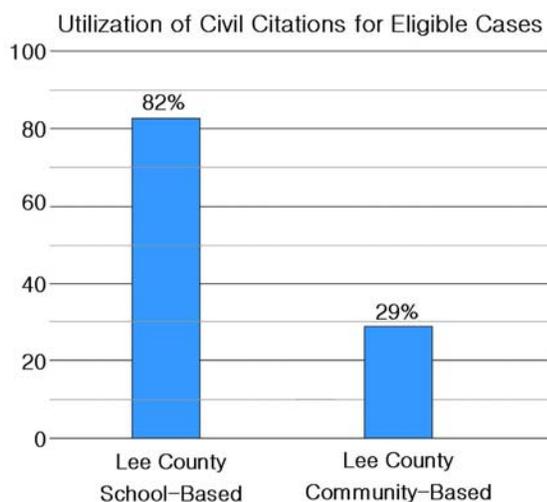
each agency needs to develop its own policy. However, he suggested that the use of civil citation a second or third time should be carefully considered and not automatic. A factor to consider would be the amount of time between a first and potential second civil citation. If the incidents are close in time it could indicate that the child needs more involved intervention beyond the civil citation program. According to the new statute officers need to document in their reports the reason they chose not to issue a civil citation if the child was eligible.

Key Points for Issuing a Civil Citation

- Law enforcement in Lee County should call the Department of Juvenile Justice (DJJ) staff at the JAC at (239) 258-3461 to confirm that a youth is eligible for a civil citation. DJJ staff can determine whether a youth has had prior civil citations or an arrest.
- Officers should confirm the youth's age to ensure that the youth is not over the age of 17.
- Officers should document the case with the same information as required in an arrest report in the event that the youth is not successful in the civil citation program and the case is referred to the Office of the State Attorney to make a filing decision.
- Civil citations cannot be utilized for ordinance violations or traffic infractions.



During the past year Lee County utilized civil citations in 38% of all cases that were eligible for a civil citation. Statewide civil citations were utilized for 43% of the cases that were eligible.*



In school-based cases civil citations were utilized in 82% of the cases that were eligible for a citation in Lee County in the past year. In community-based cases civil citations were utilized in 29% of the cases that were eligible in Lee County in the past year.*

A Youth's Perspective

The following are excerpts from an essay written by a teenage boy in Lee County who was issued a civil citation instead of an arrest for possession of marijuana at his school.



During the summer, I was hanging around with some people that I shouldn't have. I was going around smoking weed, drinking beer, and just doing stuff, that in the back of my mind, I knew was wrong, and still did it anyway. When the school year started, I thought I was above the law. I had that "I won't get caught! I'm safe!" kind of attitude. On the third day of school, I figured I would buy some weed.

He called his dealer thinking he would arrange to meet him after school, but his dealer wanted to meet him in the school parking lot right then, before school started.

My stomach dropped...I was so scared and knew it was a HORRIBLE idea.

Yet, the dealer convinced him it would be okay; he said he had done it many times before and had not gotten caught.

I finally gave in and bought the

weed in school. I was so scared throughout the day. Somewhere, I made a hiccup, and the wrong person got a whiff of the pot. I saw the assistant principal walk inside my classroom. I automatically knew it was for me. He came up to my desk and asked me to step outside with him. My heart dropped into my stomach. I was shaking like crazy. As I stepped into my consequences, jail was the only thing running through my mind. Jail, Jail, Jail. I saw the SRO (School Resource Officer) when I stepped out of the class, and walked into an empty classroom with the administration. They told me what they knew and I gave them the box without any complaints. Fortunately, I got out with a Civil Citation, which is the reason I am writing this today. I do not see this situation (*getting caught*) as a bad thing. If I did not get caught, would I have really quit smoking and see the consequences of doing illegal things? I don't think I would have. But through the fear, and the changes that have been introduced to my life, I have seen that this short period of fun is not worth a life time of consequences. Now that I have had a run in with the law and am now attending ALC (Alternative Learning Center), I have com-

pletely turned my life in a complete U-turn. I am now putting my principles of life as my main focus. When I get released from ALC I am going into (*my high school*) with teachers looking for reasons to show that I am a bad kid just because I have attended ALC. I am going to do everything in my power to make sure that I can prove them wrong. I want them to look at me as a good kid who made a bad decision and learned from it. I would like to thank whoever was the person who tipped the police, for if it wasn't for them I would not have ever realized the wrong I did. I would like to also thank the SRO and Deputy Woulard (*the Civil Citation Deputy*) for making my consequences as little, but meaningful, as possible. These two deputies got me out of a lot of issues that would mess up my whole future. From now on, I am focusing on my school, work, and family because these are the things that are going to get me far in the future. In conclusion, I am shooting for my goal of joining the greatest military of all the world. I can not risk that opportunity with some leafy substances. It is the stupidest thing I could ever do. My whole ethic of life has changed, and will continue on the path of success.