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For more juvenile offenders, it's a citation rather than arrest



BY KRISTEN M. CLARK
Herald/Times Tallahassee Bureau



TALLAHASSEE — Miami-Dade County led the state last year in sending child offenders to diversion programs rather than arresting them for misdemeanor crimes, according to a new independent study released Wednesday.

But while Miami-Dade — like Florida, on the whole — is doing better to favor juvenile civil citations, the nonpartisan “Stepping Up 2016” study found other counties, including Manatee, have a long way to go in making better use of the alternative, which experts praise as a more effective and beneficial option to arrest.

Across Miami-Dade, 91 percent of eligible youth were given civil citations instead of arrests, the highest in the state for 2014-15, according to the study. Miami-Dade Police had a 99 percent usage rate for citations, and the school district had a 92 percent rate.

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WE ARE UNABLE TO FIND ANY DATA THAT SHOWS ARRESTING YOUTH FOR COMMON YOUTH MISBEHAVIOR INSTEAD OF ISSUING CIVIL CITATIONS IS A GOOD IDEA.

Dewey Caruthers, author of the “Stepping Up 2016” study

By comparison, in countywide numbers, Manatee used civil citations 30 percent of the time in eligible cases -- 22nd highest among 67 counties -- and Sarasota used them 0 percent of the time, the study found.

In Manatee, the sheriff's office had a 32 percent usage rate; the Bradenton Police Department, 38 percent; and Palmetto Police Department, 17 percent. The school district had a 24 percent usage rate, according to the study.

In the Tampa Bay area, Pinellas County was second-best statewide with a usage rate of 82 percent — compared to 53 percent for Pasco and Hernando counties, 32 percent for Hillsborough and 24 percent for Citrus, the study found.

The report — the second annual study of its kind by The Children's Campaign and several other state and national advocacy groups — builds upon previous studies that found that citations are a more preferable because youth are less

likely to re-offend and because citation programs increase public safety and save potentially millions in taxpayer money. The study primarily focused on Florida, but it also included national comparisons on states' laws and data collection for juvenile civil citations.

With a civil citation, child offenders are typically assigned to community service and intervention programs, rather than arrested and given a criminal record for a misdemeanor, like vandalism or loitering.

“We are unable to find any data that shows arresting youth for common youth misbehavior instead of issuing civil citations is a good idea,” said Dewey Caruthers, an expert in juvenile civil citations and the study’s author.

MORE: [Read the full study here.](#)

Child advocacy groups in recent years have pushed for expanding juvenile civil citation programs in Florida. A measure proposed in the Legislature this year to force their use for more first-time offenders [died in a House committee.](#)



Caruthers’ study found progress between 2013-14 and 2014-15 to be “sluggish” and the number of counties and school districts using juvenile civil citations actually dropped slightly. Across Florida, though, the use of juvenile civil citations was up 5 percent on the year, to a 43 percent usage rate from 38 percent, the report found.

“Florida is moving back in the right direction, where these misbehaviors are not handled by the criminal justice system,” said Roy Miller, president and founder of The Children’s campaign, “but overall, many places in Florida are not moving nearly fast enough and are not moving with enough consistency.”

Statewide in 2014-15, 11,872 juveniles were arrested for “common youth misbehavior,” compared to 8,961 who were issued civil citations.

43 percent of eligible youth statewide in 2014-15 were issued a civil citation instead of being arrested, the annual study found.

The study recommends nearly doubling the use of juvenile civil citations — to 75 percent statewide by December 2017. The study estimates that doing so would save law enforcement agencies \$19.8 million to \$62.4 million, money that could then be re-invested in other crime prevention programs.

To reach that goal, Caruthers recommends three things: that law enforcement arrest juveniles only in “rare and exceptional circumstances;” parents and schools should handle punishment for younger children, and the use of civil citations needs to dramatically increase, particularly in Hillsborough, Duval and Orange counties.

The report highlighted Hillsborough, Duval and Orange counties as among the worst for arresting juveniles rather than using citations. Together, the three counties made up 24 percent of all arrests — totaling 2,860 juveniles in Florida — for common youth misbehavior in 2014-15. Those three counties make up 18 percent of the state’s population.

By comparison, Miami-Dade, Broward and Palm Beach counties — which represent 30 percent of the state’s population — altogether represented only 9 percent of citation-eligible juvenile arrests in the same time, the study said.

JUVENILES ARRESTED FOR COMMON “YOUTH MISBEHAVIOR” ARE TWICE AS LIKELY TO RE-OFFEND THAN IF THEY ARE ISSUED A CIVIL CITATION INSTEAD, THE STUDY FOUND.

“[Hillsborough, Duval and Orange] counties represent the single biggest opportunity for the state to dramatically increase utilization rates,” the study said.

Between January and May of 2016, Orange had nearly tripled its use of juvenile civil citations, but Duval and Hillsborough had gotten worse, Caruthers said. Hillsborough had a rate of 29 percent during that five-month period.

The statewide report also flagged another problem: “geographical unequal justice.” Counties, cities, school districts and even law enforcement agencies don’t have a uniform standard as to which crimes are eligible for civil citations. Making citations “virtually mandatory” statewide could change that, advocates said.

“Far too often, whether youth are arrested or issued a civil citation may depend upon the county or city where a youth is located when committing the offense, as well as the law enforcement agency who confronts that youth,” Caruthers said, noting that the disparate consequences can be “severe.”

“This creates a scenario where two youth committing the same exact offense, but in different counties, may be treated differently — with one being arrested and another being given a juvenile civil citation,” he said.

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