

Tenth Judicial Circuit
Polk County, Florida
**MODIFICATION OF JUVENILE ARREST AND DIVERSION
RECORDKEEPING PROCEDURES**
Memorandum of Understanding

This Memorandum of Understanding (MOU) is entered into as a collaboration between the below parties in a coordinated effort to improve the recordkeeping process for juveniles who are admitted into the Polk County Teen Court diversion program and to minimize delinquency history of juveniles who commit eligible, non-serious, delinquent acts in Polk County, Florida.

The goal of this MOU is to realize an immediate reduction in the arrest rate of juvenile defendants who are eligible to participate in the Polk County Teen Court diversion program, pursuant to § 985.12, Florida Statutes, by utilizing the Department of Juvenile Justice Prevention Web.

Polk County youth who enter the delinquency system on minor, non-violent, misdemeanor or felony offenses have the opportunity to participate in Polk County Teen Court to ensure swift and appropriate consequences and as an alternative to custody by the Department of Juvenile Justice. Currently, juveniles who enter Polk County Teen Court through the Juvenile Assessment Center (JAC) are placed on the Juvenile Justice Information System (JJIS), resulting in an arrest record on their Face Sheet. We believe that a juvenile, who successfully completes Polk County Teen Court pursuant to § 985.12, Florida Statutes, should derive the benefit of a non-arrest entry on the juvenile's delinquency history. Additionally, a system that tracks prior diversion history is necessary for accurate recordkeeping and eligibility screening purposes. Regardless of intake origination, whether through the JAC or direct referral, cases handled through Polk County Teen Court pursuant to § 985.12, Florida Statutes, should be uniformly recorded in an effort to promote consistent and efficient recordkeeping. We believe that these goals will best be accomplished through use of the Department of Juvenile Justice Prevention Web, which will allow qualifying juveniles an avenue to avoid an arrest or official delinquency record.

Through a collaborative and consistent effort, we hope to eradicate the number of juveniles who establish an arrest record on the Juvenile Justice Information System after successfully completing the Polk County Teen Court diversion program and to provide a non-arrest alternative to benefit juvenile offenders. With the mission of removing boundaries for personal and professional development and rewarding non-recidivism, the following procedures are established:

Eligibility

1. A defendant may have a maximum of two referrals to the Teen Court diversion program. The two referrals may be a combination of two misdemeanor referrals or one misdemeanor and one felony referral. The following referral combinations may be screened for Teen Court:
 - a. A first misdemeanor offense with no prior charges;
 - b. A second misdemeanor offense with one prior misdemeanor handled successfully through diversion or by non-file;
 - c. A second misdemeanor offense with one prior non-violent, non-weapons-related, third-degree felony offense handled successfully through diversion or by non-file;
 - d. A first non-violent, non-weapons-related, third-degree felony offense with no prior charges; or
 - e. A first non-violent, non-weapons-related, third-degree felony offense with one prior misdemeanor handled successfully through diversion or by non-file.
2. A defendant who does not successfully complete Teen Court diversion will be ineligible for a second Teen Court referral.
3. A referral to Teen Court is at the discretion of the law enforcement officer investigating the presenting offense. Law enforcement is encouraged but is not obligated to refer a youth to Teen Court.
4. The defendant must admit to committing the presenting misdemeanor or felony offense.
5. A malicious act of violence, hate crime, lewd or sexual offense, or gang-related offense does not qualify for Teen Court.
6. Battery (Fla. Stat. § 784.03) and Assault (Fla. Stat. § 784.011) require victim consent upon referral to Teen Court. Teen Court will be responsible for obtaining and documenting said consent.
7. Stalking (Fla. Stat. § 784.048), Violation of Injunction (Fla. Stat. § 741.30 & § 784.046), Possession of Firearm by a Minor (Fla. Stat. § 790.22), and other weapons-related offenses do not qualify for Teen Court.

Responsibilities

Polk County Teen Court Diversion Program

Pursuant to Administrative Order No. 6-22.0, which is attached hereto, Teen Court operates in Polk County, Florida as a “similar diversion program” in compliance with § 985.12, Florida Statutes. Teen Court will continue to function as an independent, autonomous diversion program and will not be merely a diversion or civil citation provider. Teen Court will continue to receive affidavits from both the Juvenile Assessment Center for custody cases and the Juvenile Polk County Clerk of Courts for direct referral cases.

Misdemeanor and felony affidavits submitted through the JAC for juveniles taken into custody will be screened for eligibility by the Department of Juvenile Justice intake screener through a prior records check, and, if approved by law enforcement and agreed upon by the child, shall be submitted to Polk County Teen Court. The JAC will enter said eligible case in the Department of Juvenile Justice Prevention Web. If Teen Court deems the case ineligible, the affidavit and

rejection paperwork will be forwarded within forty-eight (48) hours of receipt to the Juvenile Clerk of Courts for standard filing procedures and processing. If the case is deemed eligible, Teen Court will provide the statutorily required assessment and will maintain responsibility for assignment and monitoring of sanctions. If the juvenile successfully completes the program, Teen Court will enter said completion in the Prevention Web. If the juvenile does not successfully complete Teen Court, this information will be entered by Teen Court in the Prevention Web. Teen Court will then forward the affidavit, with rejection paperwork attached, to the Clerk's Office for standard filing procedures and court processing.

Affidavits directly referred by law enforcement to Teen Court will be placed by the Clerk's Office in the Teen Court box for Teen Court to pick-up and to screen for eligibility. If the case is found ineligible for Teen Court, the program will return the case, with attached rejection paperwork, to the Clerk's Office within seventy-two (72) hours. If, after screening, the case is determined to be eligible, Teen Court will enter said case in the Department of Juvenile Justice Prevention Web. Teen Court will provide the statutorily required assessment and will maintain responsibility for assignment and monitoring of sanctions. If the case is successfully completed, that information will be entered by Teen Court in the Prevention Web. If the child does not successfully complete Teen Court, that information will be entered in the Prevention Web, and the case will be forwarded, with attached rejection paperwork, to the Clerk's Office for standard filing procedures and court processing.

All defendants who are deemed eligible to enter the Teen Court program must sign a waiver of speedy trial within fourteen (14) days of receipt of a referral. Failure to obtain said waiver of speedy trial will result in immediate submission of the affidavit to the Clerk's Office for standard filing procedures and court processing.

State Attorney's Office:

The State Attorney's Office will support the efforts to keep eligible juveniles from establishing an arrest history through use of the Department of Juvenile Justice Prevention Web. The State Attorney's Office will continue to provide training to law enforcement in an effort to increase information regarding eligibility of non-violent, misdemeanor and felony offenses and qualifications under § 985.12, Florida Statutes, and will encourage law enforcement to direct eligible juveniles into the Teen Court diversion program. The State Attorney's Office will review cases deemed ineligible for referral to Teen Court for possible entrance into other DJJ diversion programs in an effort to minimize juvenile delinquent history.

Polk County Sheriff's Office:

The Polk County Sheriff's Office will continue to meaningfully impact youth who commit delinquent offenses in an ongoing effort to discourage future delinquent activity. The Polk County Sheriff's Office will support efforts to avoid establishing juvenile arrest records in qualifying cases through utilization of the Prevention Web. The Polk County Sheriff's Office will train its deputies in the statutory procedures and agency policies for referral to Teen Court in an effort to handle qualifying cases in a consistent manner throughout Polk County.

Municipal Law Enforcement Agencies:

Municipal law enforcement agencies will continue to meaningfully impact youth who commit delinquent offenses in an ongoing effort to discourage future delinquent activity. Each municipal agency will support efforts to avoid establishing juvenile arrest records in qualifying cases through utilization of the Prevention Web. Municipal law enforcement agencies will train their officers in the statutory procedures and agency policies for referral to Teen Court in an effort to handle qualifying cases in a consistent manner throughout Polk County.

Department of Juvenile Justice

The Polk County Department of Juvenile Justice will assist in screening and routing eligible cases from the JAC to the Teen Court Diversion Program. The Department of Juvenile Justice will assist law enforcement officers who request assistance in screening cases for eligibility and will provide access to delinquency history database systems to Teen Court staff. The Department of Juvenile Justice will photograph and fingerprint juveniles delivered to the Juvenile Assessment Center who are referred to Teen Court. The Department of Juvenile Justice will provide training and technical support to Teen Court for use of the Prevention Web and other necessary information systems.

Clerk of the Court

The Polk County Clerk of Courts Juvenile Department, upon receiving a case marked for Teen Court, will place said paperwork in the Teen Court box prior to processing. Each day, paperwork from this box will be picked-up by Teen Court staff for screening. Juvenile defendants deemed ineligible for Teen Court will be returned by Teen Court to the Clerk within seventy-two (72) hours.

Cases returned from Teen Court as unsuccessful rejections will be processed according to standard filing and dissemination procedures.

Public Defender's Office

The Public Defender's Office supports the Teen Court eligibility description set forth in page two of this MOU and approves utilization of the Prevention Web in an effort to decrease the impact of juvenile offenses on a child's future.

TERMS OF UNDERSTANDING

Through this MOU, the above parties approve the use of the Department of Juvenile Justice Prevention Web for minimum-impact, uniform, recordkeeping purposes for cases sent to Polk County Teen Court under § 985.12, Florida Statutes. Teen Court, as the court ordered "similar diversion" program in Polk County, Florida, will continue to screen cases for eligibility, complete an assessment of the juvenile's service and treatment needs, assign appropriate

sanctions, and monitor program compliance. Teen Court will now also be responsible for entering cases received from the Clerk's Office in the DJJ Prevention Web and entering the outcome of both successful and unsuccessful completions in the Prevention Web. This MOU in no way affects the status of Teen Court as the "similar diversion program" for Polk County, Florida. Teen Court will remain an "other diversion program" pursuant to § 985.12, Florida Statutes, and this MOU in no way converts its status to a civil citation program.

The details of this MOU will be provided to all law enforcement agencies within Polk County, Florida. This MOU is effective while Teen Court remains in operation in Polk County, Florida. The signatories shall annually review the MOU for appropriateness of their stated responsibilities.

A party may withdraw from the MOU after notice to each of the remaining signatories. To the extent possible, the remaining signatories will strive to meet the goals and objectives of the MOU. Any requests for amendment shall be made by sending written notice to the Tenth Judicial Circuit.

On behalf of the organization that I represent, I will be diligent in performing my duties to uphold the terms of this MOU and will continue in efforts to support Teen Court and the use of the DJJ Prevention Web to work in the best interests of the children of Polk County, Florida, who enter the delinquency system with eligible misdemeanor or felony offenses:

Name Donald G. Jacobson
Chief Judge, Tenth Judicial Circuit

Date 5/18/17

Name Brian Heas
State Attorney, Tenth Judicial Circuit

Date 5/22/17

Name [Signature]
Public Defender, Tenth Judicial Circuit

Date 5/18/17

Name _____
Court Administrator, Tenth Judicial Circuit

Date _____

Name _____
Position: _____
Polk County Sheriff's Office

Date _____

Name _____
Position: _____
Auburndale Police Department

Date _____

Name _____
Position: _____
Bartow Police Department

Date _____

Name _____
Position: _____
Davenport Police Department

Date _____

Name _____
Position: _____
Florida Polytechnic University Department of Public Safety and Police

Date _____

Name _____
Position: _____
Haines City Police Department

Date _____

Name _____
Position: _____
Lake Alfred Police Department

Date _____

Name _____
Position: _____
Lake Hamilton Police Department

Date _____

Name _____
Position: _____
Lake Wales Police Department

Date _____

Name _____
Position: _____
Lakeland Police Department

Date _____

Name _____
Position: _____
Winter Haven Police Department

Date _____

Name _____
Position: _____
Polk County Teen Court

Date _____

Name _____
Position: _____
Department of Juvenile Justice

Date _____

Name _____
Position: _____
Polk County Clerk of Court

Date _____