

JUVENILE ARREST AVOIDANCE PROGRAM (JAAP)

A collaborative effort in the 13th Judicial Circuit administered by

The Administrative Office of the Courts

Juvenile Diversion Program

OVERVIEW

The Juvenile Arrest Avoidance Program is an alternative to arrest for youth who commit an eligible first time misdemeanor offense. All youth ages 8-17 with no prior involvement in the Juvenile Justice System are eligible. Youth must accept responsibility for the offense, and youth and parent/guardian must agree to participate in the program. Please review the guardian and youth responsibilities and follow the related instructions. The Public Defender's Office may answer legal questions at one of the following numbers: (813) 272-5980 or (813) 277-1335.

PARENT AND YOUTH RESPONSIBILITY

Non-Drug Offenses:

_____ The parent or guardian must contact the Juvenile Diversion Program at (813) 272-6766 **within two business days** to register and schedule a meeting date.

Drug Offenses:

_____ The parent or guardian must contact the Juvenile Diversion Program within two business days to register and schedule a meeting. **A meeting must be held within three business days of the offense.**

1. The meeting will be held at the Juvenile Diversion Program (address below).
2. During this meeting, the youth will be interviewed to determine needs and a customized program will be established.
3. When the child completes all of the requirements, the child will have successfully completed the program. The child will have no record of arrest.
4. If the child does not complete the requirements, the case will be referred to the State Attorney's Office for prosecution consideration.

Juvenile Diversion Program

700 East Twiggs Street, Suite 810

Tampa, FL 33602

Phone (813) 272-6766

Juvenile Arrest Avoidance Program Community Partners:

Administrative Office of the Courts • Agency for Community Treatment Services • Clerk of the Circuit Court • Hillsborough County Sheriff's Office • Plant City Police Department • Public Defender's Office • State Attorney's Office • Tampa International Airport Police Department • Tampa Police Department • Temple Terrace Police Department • University of South Florida Police Department

Officer/Deputy Name: _____ Agency: _____ Report Number: _____

**INTER-AGENCY AGREEMENT ESTABLISHING THE USE OF THE JUVENILE
ARREST AVOIDANCE PROGRAM ("JAAP") IN HILLSBOROUGH COUNTY**

This Inter-Agency Agreement is entered by the State Attorney's Office, Public Defender's Office, Administrative Office of the Courts, Clerk of the Court, Agency for Community Treatment Services, Inc., Hillsborough County Sheriff's Office, City of Plant City on behalf of the Plant City Police Department ("PCPD"), Tampa International Airport Police Department, Tampa Police Department, City of Temple Terrace on behalf of Temple Terrace Police Department ("TTPD"), and University of South Florida Police Department.

WHEREAS, Fla. Stat. §985.12 provides for a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice ("DJJ") of juveniles who commit non-serious delinquent acts and to ensure swift and appropriate consequences;

WHEREAS, Fla Stat. §985.125 provides that a law enforcement agency, in cooperation with the State Attorney, may establish a pre-arrest and post-arrest diversion program;

WHEREAS, in accordance with Fla. Stat. §985.12, the Juvenile Civil Citation Program ("JCC Program") was established within the Thirteenth Judicial Circuit during the 2005-2006 school year;

WHEREAS, the Juvenile Arrest Avoidance Program was originally created in August of 2010 as a civil citation program for petit theft cases, and later expanded to include additional offenses;

WHEREAS, in accordance with Fla. Stat. §985.125, the Delinquent Act Citation Pilot Program ("DAC Pilot Program") was established within the Thirteenth Judicial Circuit in July of 2016 as an alternative to arrest for juveniles who could be arrested for first time possession of cannabis, 20 grams or less, or possession of drug paraphernalia;

WHEREAS, the parties to this Agreement agree to terminate the DAC Pilot Program and expand the Juvenile Arrest Avoidance Program ("JAAP") to consolidate existing pre-arrest civil citation programs and incorporate the remaining portions of the DAC Pilot Program;

WHEREAS, the parties to this Agreement shall set forth the duties and responsibilities of each participating agency which are required to be performed in order to ensure the effective utilization of civil citations for juveniles; and

WHEREAS, the parties desire to achieve the maximum degree of long range cooperation in order to ensure the efficient, effective, and consistent use of the juvenile civil citation process, promoting the best long-term outcomes for juveniles and community safety.

NOW THEREFORE, in consideration of the following agreements, the parties do hereby covenant and agree to the following as to JAAP:

JAAP

The parties to this Agreement intend for all juvenile civil citations issued in the 13th Judicial Circuit to be governed by JAAP. Juvenile civil citations shall be issued only for eligible misdemeanor offenses. All misdemeanor offenses are eligible for civil citations except:

1. Battery (Domestic Violence);
2. Exhibition of a Weapon;
3. Assault on a Specified Official (school employee, detention officer, law enforcement officer);
4. Violation of Injunction;
5. Exposure of Sexual Organ;
6. Lewd and Lascivious Act;
7. Voyeurism;
8. Disorderly Intoxication;
9. Possession of a Firearm;
10. Loitering and Prowling;
11. Driving Under the Influence;
12. Reckless Driving; and
13. Racing.

This list of ineligible offenses may be modified by agreement of all parties. A civil citation may be issued for multiple eligible misdemeanor offenses arising out of a single incident. Traffic offenses shall not preclude a juvenile from participating in JAAP unless it is a listed exclusion.

Although, as described below, there is a presumption that a civil citation shall be issued to juveniles who meet the eligibility requirements of this Agreement for eligible offenses, the following misdemeanor offenses are eligible for a civil citation at the discretion of law enforcement based on the nature and circumstances surrounding the offense and the potential threat to community safety:

1. Resisting or opposing an officer without violence;
2. Providing false information to law enforcement;
3. False 911 calls or reports to law enforcement; and
4. Carrying a concealed weapon.

Juvenile civil citations are intended for first-time offenders. A first-time offender is a juvenile who has not previously been adjudicated delinquent, had an adjudication of delinquency withheld, or participated in a pre-arrest or post-arrest juvenile diversion program, or otherwise been placed under physical arrest for a criminal offense.

The parties to this Agreement shall meet to review the effectiveness of JAAP, appropriate expansion of JAAP and any recommendations for improvements to JAAP on an annual basis, or more frequently as needed.

Law Enforcement Agencies

The Hillsborough County Sheriff's Office, PCPD, Tampa International Airport Police Department, Tampa Police Department, TTPD, and University of South Florida Police Department, and, as well as any other local law enforcement agency which subsequently agrees to participate in JAAP, agree to each develop an internal policy or standard operating procedure setting forth guidelines for issuing civil citations as an alternative to placing a juvenile into the custody of the Department of Juvenile Justice ("DJJ"). These internal policies or standard operating procedures shall be consistent with and incorporate the criteria included in this Agreement. Each law enforcement entity agrees that in accordance with Fla. Stat. §985.12 *civil citations are appropriate for all eligible offenses and that there shall be a presumption that a civil citation shall be issued to juveniles who meet the eligibility requirements of this Agreement for committing any eligible offense except for the offenses identified above where the appropriateness of issuing a citation depends on the nature and circumstances surrounding the offense and the potential threat to community safety . If a juvenile is eligible to receive a civil citation for having committed an eligible offense but there are material and immediate community safety concerns based on the nature and circumstances of that offense, an arrest may be made in lieu of a civil citation. Written documentation shall be made on the Criminal Report Affidavit ("CRA") as to why an arrest was warranted.*

When a law enforcement officer ("officer") has probable cause that a juvenile has committed an eligible offense and the juvenile admits to committing the misdemeanor, the officer shall determine if the juvenile's prior record disqualifies issuance of a civil citation. The officer shall review the Juvenile Justice Information System ("JJIS") or contact the Juvenile Assessment Center ("JAC") and provide the juvenile's name, race, sex, and date of birth to receive information regarding the juvenile's prior delinquent history, including the previous issuance of any civil citations.

If the officer determines that the juvenile is eligible for a civil citation, the officer shall prepare a CRA, in accordance with the internal policies of the officer's agency, indicating that a civil citation has been issued. The officer shall attempt to contact the juvenile's parent or guardian and explain the availability of a civil citation. If the parent/guardian agrees to accept a civil citation, the officer shall provide the parent/guardian with information regarding JAAP. The parent/guardian will be instructed to contact the Juvenile Diversion Program ("JDP") with the Administrative Office of the Courts ("AOC") within three business days to schedule an appointment. A copy of the CRA shall be provided to JDP by the officer within 24 hours of issuing the civil citation. If the parent/guardian is not physically present, the officer shall document the method of contact on the CRA and provide instructions to the parent/guardian for contacting JDP.

If the officer determines that the juvenile is not eligible, the officer should follow his/her agency's policies and procedures in proceeding with the case.

Participating law enforcement agencies shall provide a quarterly report to the juvenile justice stakeholders regarding their respective utilization of the civil citation program, including

the number of juveniles who were eligible for a civil citation but did not receive one for an eligible offense(s), and the documented reasons for denial.

Agency for Community Treatment Services, Inc.

The Agency for Community Treatment Services, Inc. ("ACTS") provides a central receiving and processing center through JAC. When an officer contacts JAC to determine eligibility for a civil citation, the senior screener shall access JJIS to determine if the juvenile has any prior arrests or civil citations. The information shall be provided to the officer who shall determine if the juvenile is eligible to receive a civil citation.

Administrative Office of the Courts

The Administrative Office of the Courts of the Thirteenth Judicial Circuit shall administer JAAP through JDP.

Upon receiving a copy of the CRA indicating that the juvenile has been issued a civil citation, JDP will open a JAAP case. JDP shall provide copies of all CRAs to the State Attorney's Office ("SAO") on a weekly basis. JDP will schedule an appointment with the juvenile and his/her parent/guardian, and a case manager will conduct an assessment of the juvenile in order to determine the needs of the juvenile. If the civil citation was issued for possession of cannabis, 20 grams or less, under Fla. Stat. §893.13(6)(b), possession of drug paraphernalia under Fla. Stat. §893.147, and/or any other drug-related misdemeanor offense(s), the assessment shall include a referral to a substance abuse treatment provider for an evaluation and other measures which are directed at determining the treatment needs of the juvenile.

For juveniles with eligible drug-related misdemeanors, JDP will conduct a drug screen and a risk assessment to determine the juvenile's risk factors and needs when the juvenile initially reports to JDP. Upon completing the assessment of the juvenile, JDP will generate a sanctions contract including a referral to a substance abuse treatment provider for an evaluation of the juvenile within two business days. The juvenile, the parent/guardian, and the case manager must sign the sanctions contract. Following the evaluation, the treatment provider and JDP will staff the case to determine the appropriate level of treatment. Juveniles with low risk factors and substance use levels will receive a recommendation indicating the juvenile is to remain in JDP for case management and treatment. Juveniles with moderate to high risk factors and substance use levels will receive a court supervision recommendation and will be transferred to Juvenile Drug Court ("JDC") for case management and treatment under court supervision.

If the case is transferred to JDC, JDP shall notify the juvenile and his/her parent/guardian of the transfer and the hearing date and time for the juvenile to appear in JDC. If the juvenile is represented by an attorney at the time of the transfer, JDP will also notify the juvenile's attorney. JDP will notify the Clerk of Circuit Court ("Clerk") when a juvenile's case is transferred to court supervision. JDC shall staff each case with the interdisciplinary team on a regular basis. Interdisciplinary team members may include the presiding judge, treatment provider(s), AOC case manager(s), the Public Defender's Office ("PDO") and the SAO. A case staffing will be

held a minimum of once a month. The JDC will also ensure that the monthly status reports from the treatment provider are received and available to all members of the interdisciplinary team.

For all cases that remain with JDP for case management, JDP shall prepare a contract setting forth the obligations of the juvenile and the sanctions to be completed, which shall be signed by the juvenile, his/her parent/guardian and the case manager. The following sanctions may be imposed as appropriate based on the offense charged and the particular needs of the juvenile:

1. Community service hours, not to exceed 50 hours;
2. Restitution;
3. Letter of apology;
4. Specialized/targeted classes;
5. Counseling or anger management;
6. Essays;
7. Teen Court jury duty;
8. No contact with victim;
9. No unsupervised shopping;
10. School progress reports;
11. Treatment; or
12. Any other sanction which is deemed to promote the rehabilitation of the juvenile

If the juvenile successfully completes the terms and conditions of the contract, JDP shall issue a letter of completion and the case shall be closed without any referral to the SAO. The AOC shall maintain the original CRA for a period of five (5) years or until the juvenile turns eighteen (18) years of age, whichever occurs later. If the juvenile fails to enter JAAP or fails to successfully complete the terms and conditions of the contract, JDP shall issue a Return Letter and file the Return Letter and CRA with the Clerk and notify the SAO. The Return Letter shall state the reason for the return, additional comments regarding the juvenile's compliance with sanctions, and key recommendations regarding risk factors that should be addressed.

JDP shall have access to the JJIS and shall enter information regarding the issuance of a civil citation to a juvenile, as well as the final disposition.

In order to track the overall performance of JAAP, JDP will prepare a monthly report containing statistical information relating to cases referred to treatment and supervision, including:

1. The number referrals by month;
2. The status of cases referred;
3. The law enforcement agency referring the juvenile;
4. The offense alleged to be committed by the juvenile;
5. The juvenile's demographics;
6. The juvenile's school;
7. The juvenile's risk assessment result; and
8. The juvenile's initial urine analysis results, if a urine analysis was conducted.

Additionally, JDP will prepare quarterly reports on the outcomes of cases that have exited treatment and supervision. JDP will provide the monthly and quarterly reports to the juvenile justice stakeholders.

State Attorney's Office

The SAO shall review all civil citations issued by every participating law enforcement agency. Upon being notified that a juvenile has failed to successfully complete the terms and conditions of JAAP, the SAO shall determine the appropriate disposition, which may include charging the juvenile, pretrial diversion, or declining to prosecute. If charges are filed for an eligible drug-related misdemeanor, the petition shall be filed in JDC, Division "E," unless the parent or guardian has already declined to participate in JDC; this will minimize treatment service interruptions for participating youth.

Clerk of the Circuit Court

The Clerk will create a JAAP case within the Clerk's case maintenance system upon receiving notice from JDP. This case will be utilized for scheduling the case on the JDC docket. The Clerk will issue a notice to appear to the juvenile and his or her parent or guardian in addition to notifying counsel of record for the juvenile. The Clerk will dispose of the case upon notification of the juvenile's successful or unsuccessful completion of JAAP. The Clerk will only report these cases for budgetary and workload measure provisions outlined under Florida Statute Section 28.35, Fla. Stat (2016).

Public Defender's Office

The Clerk will notify the PDO of pending case management and other hearing dates scheduled in JDC for juveniles who have received a court supervision recommendation. For all cases in which the PDO is appointed in accordance with Fla. Stat. §§27.40 and 27.51, the PDO agrees to advise the juvenile, advocate for the juvenile, protect the juvenile's legal rights, and assist with monitoring the juvenile's progress in JDC.

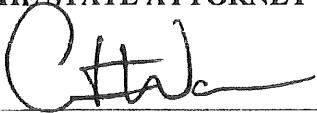
Effective Date, Duration, and Termination

This Agreement shall become effective on August 1, 2017, and may not be modified except in writing, upon the concurrence of all parties hereto. This Agreement shall continue in force indefinitely for so long as it continues to advance the participants' mission and purposes, contingent upon approval by participating agencies and adequate funding. Any party may elect to withdraw from the Agreement after providing all other parties written notice 30 days prior to withdrawal. Withdrawal of the Administrative Office of the Courts, the State Attorney's Office, the Hillsborough County Sheriff's Office or the Tampa Police Department shall terminate this Agreement as to all parties.

IN WITNESS WHEREOF, the parties to this Agreement have caused the same to be signed by their duly authorized representatives.

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 20th day of July, 2017.

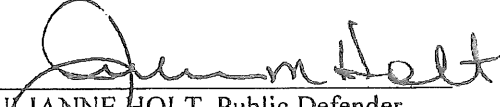
FOR THE STATE ATTORNEY'S OFFICE

A handwritten signature in black ink, appearing to read 'A. Warren', written over a horizontal line.

ANDREW H. WARREN, State Attorney

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 14th day of July, 2017.

FOR THE PUBLIC DEFENDER'S OFFICE


JULIANNE HOLT, Public Defender

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 17 day of July, 2017.

FOR THE ADMINISTRATIVE OFFICE OF THE COURTS


GINA JUSTICE, Court Administrator

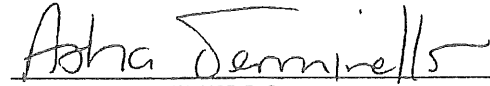
In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 18 day of July, 2017.

FOR THE CLERK OF THE COURT

Pat Frank
PAT FRANK, Clerk of the Court

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 17 day of July, 2017.

FOR THE AGENCY FOR COMMUNITY TREATMENT SERVICES, INC.

A handwritten signature in cursive script, reading "Asha Terminello". The signature is written in dark ink and is positioned above a horizontal line.

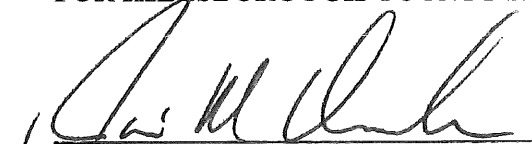
ASHA TERMINELLO

Chief Operating Officer


Agency for Community Treatment Services, Inc.

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 17th day of JULY, 2017.

FOR HILLSBOROUGH COUNTY SHERIFF'S OFFICE


DAVID GEE, Sheriff

APPROVED AS TO FORM:


for THEA G. CLARK
Chief Legal Counsel

HCSO STAFF	APPROVED	DATE
DIST/DIV	N/A	
DEPARTMENT	01143156	7/17/17
OTC	01143156	7-17-17
LEGAL	01143156	7-17-17
CHIEF DEPUTY	01143156	7/17/17

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 17th day of July, 2017.

**FOR THE CITY OF PLANT CITY ON BEHALF OF THE PLANT CITY POLICE
DEPARTMENT**


CITY OF PLANT CITY

APPROVED AS TO FORM AND CORRECTNESS:


KENNETH BUCHMAN
City Attorney

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 17 day of JULY, 2017.


FOR TAMPA INTERNATIONAL AIRPORT POLICE DEPARTMENT

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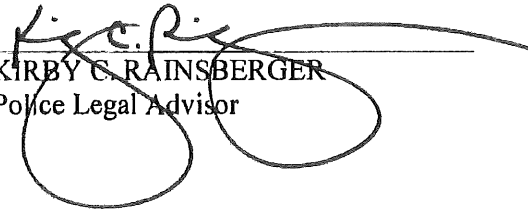
CHARLIE VAZQUEZ, Chief of Police

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 18th day of July, 2017.

FOR THE CITY OF TAMPA POLICE DEPARTMENT


ERIC WARD, Chief of Police
ACTING CHIEF OF POLICE

APPROVED AS TO FORM:


KIRBY C. RAINSBERGER
Police Legal Advisor

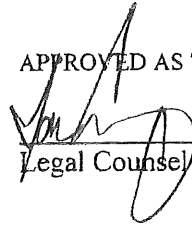
In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 17 day of July, 2017.

FOR THE CITY OF TEMPLE TERRACE ON BEHALF OF THE TEMPLE TERRACE POLICE



Robert Boss, Vice Mayor

APPROVED AS TO FORM AND CORRECTNESS:



Legal Counsel

In acknowledgement and execution of the *Inter-Agency Agreement Establishing the Use of the Juvenile Arrest Avoidance Program ("JAAP") in Hillsborough County*, I hereby set my hand and seal this 18 day of July, 2017.

FOR THE UNIVERSITY OF SOUTH FLORIDA POLICE DEPARTMENT

A handwritten signature in dark ink, appearing to read 'CD', written over a horizontal line.

CHRIS DANIEL, Chief of Police

APPROVED AS TO FORM:

A handwritten signature in dark ink, appearing to read 'Julie', written over a horizontal line.

Legal Counsel