

**MEMORANDUM OF AGREEMENT FOR A
JUVENILE CIVIL CITATION PROGRAM FOR
WALTON COUNTY**

This agreement is made and effective on the date signed by all parties, by and between the Chief Judge of the First Judicial Circuit; the State Attorney; the Public Defender; Department of Juvenile Justice, Circuit I; and the Sheriff of Walton County.

WITNESSETH:

- WHEREAS,** there is a need in Walton County to divert juvenile non-serious misdemeanor offenders from the courts and the juvenile justice system; and
- WHEREAS,** all parties are committed to providing appropriate programs and services to prevent children from becoming at risk and to intervene with children to prevent them from entering the juvenile justice system; and
- WHEREAS,** it is the understanding by all parties that certain roles in Serving children and youth are required by law, and that these laws shall serve as the foundation for defining the role and responsibility of each participating agency, and
- WHEREAS,** Section 985.12, Florida Statutes, provides for a juvenile civil citation program to divert non-serious juvenile offenders from the courts to alternative sanctions, by concurrence of the Chief Judge of the Circuit, the State Attorney, the Public Defender, and participating local Law Enforcement agencies, and
- WHEREAS,** all parties agree that this agreement stipulates concurrence to establish a juvenile civil citation program for Walton County,
- WHEREAS,** all parties mutually agree that all obligations stated or implied in this agreement shall be interpreted in light of, and consistent with governing state and federal laws;

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

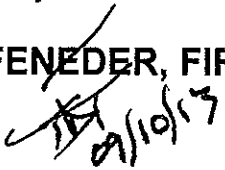
EACH OF THE PARTIES AGREES TO:

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing juvenile crime.
2. Participate in a review and evaluation of this juvenile civil citation program.
3. Make recommendations for program improvement, when appropriate.
4. Assign staff, as appropriate, to participate with the civil citation program.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.

THE STATE ATTORNEY, FIRST JUDICIAL CIRCUIT, AGREES TO:

1. Serve as an active participant on the civil citation Steering Committee, or appoint a staff member to participate as an alternative member.
2. Participate in the review and evaluation of the civil citation program.
3. Provide technical assistance to all parties to ensure the civil citation program complies with the state and federal laws.
4. May review all civil citations with complete authority to accept or reject the issuance of any civil citation.
5. The state attorney will have 7 working days in which to make this decision.

THE PUBLIC DEFENDER, FIRST JUDICIAL CIRCUIT, AGREES TO:

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1. Serve as an active participant on the civil citation Steering Committee, or appoint a staff member to participate as an alternative member.
 2. Participate in the review and evaluation of the civil citation program.
 3. Provide technical assistance to all parties to ensure the civil citation program complies with the state and federal laws.

THE DEPARTMENT OF JUVENILE JUSTICE, CIRCUIT I, AGREES TO:

1. Providing leadership for the collaboration that has oversight and accountability responsibilities.
2. Lead the civil citation Steering Committee, which includes scheduling and facilitating meetings with all of the necessary follow-up that comes from the responsibility.
3. Participate in the review and evaluation of the civil citation program.
4. Provide technical assistance to all parties to ensure the civil citation program complies with state and federal laws.
5. Provide screening services to determine the eligibility of any youth to receive a civil citation prior to the citation being issued by the law enforcement officer. This screening shall include a review of all of the Department data bases to ensure that the child has not committed a previous law violation or received a civil citation within the state of Florida.

THE WALTON COUNTY SHERIFF'S OFFICE AGREES TO:

1. Serve as an active participant on the civil citation Steering Committee, or appoint a staff member to participate as an alternative member.
2. Participate in the review and evaluation of the civil citation program.
3. Provide technical assistance to all parties to ensure the civil citation program complies with state and federal laws.
4. Issue civil citations only to eligible youth in the Walton County School System and issue those citations only for offenses on the eligible offense list included in this document. When appropriate this shall be done in consultation with the Walton County School District.
5. Verify the eligibility of a juvenile candidate for the civil citation program, with the Department of Juvenile Justice, before a citation is issued.
6. On those offenses where victim approval is required, document the victims consent in the offense report.
7. Develop internal procedures for prompt, efficient handling of civil citation documentation and complaints, as appropriate.
8. Prepare and make available to the civil citation program a complaint with probable cause for each civil citation issued. "The juvenile will comply

with any additional sanctions ordered by the civil citation program and/or its non-judicial program partners”.

9. Distribute the necessary civil citation copies and offense reports to the COPE Center within 3 business days.

THE COPE CENTER AGREES TO:

1. Serve as an active participant on the civil citation Steering Committee, or appoint a staff member to participate as an alternative member.
2. Participate in the review and evaluation of the civil citation program.
3. Provide technical assistance to all parties to ensure the civil citation program complies with state and federal laws.
4. Perform an intake on all civil citation youth and establish sanctions for the youth in order to complete the civil citation program.
5. Monitor the youth for completion of the sanctions of the civil citation program.
6. Refer non-compliant youth back to the Walton County Sheriff's Office for the completion of the arrest process and referral to the court system.
7. Input information into the JJIS system for tracking on all civil citations issues and to indicate the successful/unsuccessful completion of the program.
8. Refer non-compliant youth to the state attorney for additional action.

CIVIL CITATION ELIGIBLE OFFENSES (misdemeanors only):

Please note, law enforcement discretion is allowed in each of the civil citation eligible offenses. This means LEOs have the discretion in any situation with a civil citation eligible offense to either issue the civil citation or arrest the youth.

Furthermore, the offense report will be attached to the civil citation, providing the State Attorney with sufficient information to accept or reject the civil citation, which will be done within seven business days of the civil citation being issued.

The State Attorney may review any civil citations to ensure that the citation has been issued in accordance with statute. Civil citation will not be allowed if the youth has a prior arrest or was previously issued a civil citation. The State Attorney has the authority to accept or reject the issuance of any civil citation.

The law enforcement officer shall have discretion to determine if a citation will be issued in situations where a single infraction results in multiple civil citation eligible offenses (i.e. "stacking"). The law enforcement officer shall document, in the offense report, the approval of the victim with the issuance of the civil citation, in all cases where such approval is required.

1. Affray
2. Alcoholic beverage possession by a minor
3. Alcoholic beverage selling, giving or serving to minor
4. Assault
5. Battery (with victim approval)
6. Criminal mischief* (\$200-\$1000 damage) if no restitution involved
7. Disturbing school function and religious assemblies
8. False fire alarm (with victim approval)
9. False report
10. Loitering or prowling
11. Petit Theft (with the approval of the victim and only where no restitution is required)
12. Possession of marijuana (Less than 20 grams)
13. Possession of narcotic equipment
14. Resisting without violence
15. Resisting a merchant (with victim approval)
16. Trespass – property other than structure/conveyance
17. Trespass – structure or conveyance
18. Disorderly conduct

MODIFICATION OF AGREEMENT:

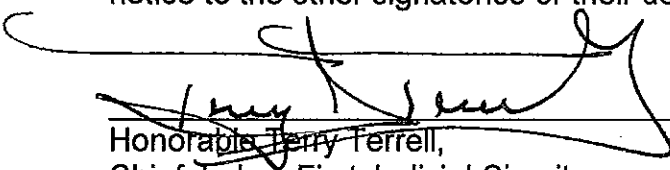
Modification of this agreement shall be made only by the consent of all parties. Such modifications shall be made with the same formalities as were followed in the original agreement and shall include a written document setting forth the modification, signed by all parties. If any party does not agree to a proposed modification, that party may withdraw from this agreement with 30 days' notice.

PROGRAM REVIEW AND EVALUATION:


Representatives from the Walton County Sheriff's Office, State Attorney's Office, Public Defender's Office, COPE Center and from the Department of Juvenile Justice shall review the civil citation program for effectiveness, timeliness and cost each year. The findings shall be jointly prepared, with recommended changes as appropriate and submitted to the Civil Citation Steering Committee.

Review of the program may be requested at any other time by any of the signatory agency heads by written notification of request to the other agency heads. The request shall list the reason for the request and state whether the entire program, or only specific item(s), be reviewed.

Any party in this agreement may terminate the agreement at any time with written notice to the other signatories or their designee.


Honorable Terry Ferrell,
Chief Judge, First Judicial Circuit

September 23, 2013
Date none per June 09/10/2013


William Eddins,
State Attorney, First Judicial Circuit


Date


Bruce Miller,
Public Defender, First Judicial Circuit

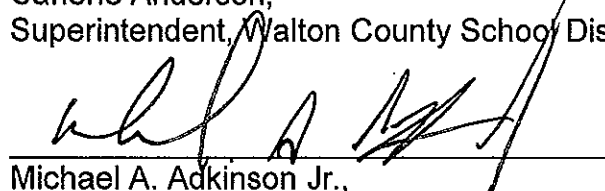
5-9-13
Date


Paul Wallis,
Chief Probation Officer, Circuit I

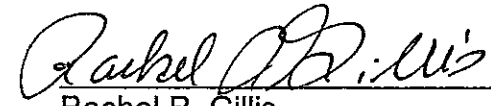
5/21/2013
Date


Carlene Anderson,
Superintendent, Walton County School District

7/16/2013
Date


Michael A. Adkinson Jr.,
Sheriff, Walton County Sheriff's Office

8/27/2013
Date


Rachel R. Gillis,
COPE Center

6-3-13
Date