

## **Protecting Public Safety Without Juvenile Arrests**

### *Early Interventions Prove Effective Rehabilitating Youth*

#### **Executive Summary**

Maryland and other states are successfully rehabilitating first-time and other low-level juvenile offenders without the formal involvement of the State's juvenile justice system, which can sometimes block access to needed services. These diversion programs are saving money and better protecting the public.

#### **Background**

Early intervention programs are becoming increasingly vital as jurisdictions across the nation seek to quickly and effectively deal with low-risk delinquent behavior while reducing the impact on state coffers. Early intervention can reduce the need for costlier services and institutions and can have a positive long-term effect on public safety and youth and family functioning.

This issue brief examines efforts in Maryland and other states to offer youth alternatives to the juvenile court process and to prevent involvement in the states' juvenile justice systems. Instead, youth are offered assessments and services aimed at reducing juvenile delinquency.<sup>1</sup>

#### **Effective Programs**

ACY has identified a national model, the Civil Citation program of Miami-Dade County, Florida and four other promising programs, one in Pinellas County, Florida, and three Maryland programs. Each program is specifically designed to minimize juvenile justice system exposure through a series of strategies aimed at reducing juvenile delinquency.

##### *Civil Citation Program, Miami-Dade County*

The Civil Citation program, introduced in 2007, was designed to lower referrals to the juvenile justice system for minor offenses, improve family functioning, decrease juvenile delinquency and create opportunities for pro-social activities without imposing a juvenile record on youth.<sup>2</sup> The program targets first-time and low-level offenders. Rather than arresting the youth at the initial point of contact

with law enforcement, the officer issues a civil citation. The citation may assess community service hours, but not more than 50 hours, and refer the youth to the Miami-Dade County Juvenile Services Department (JSD) for assessment and referrals to intervention services, including family counseling, substance abuse treatment, urinalysis monitoring and mental health services.<sup>3</sup>

In instances where eligible youth do not receive citations and are arrested or referred directly to JSD, staff will re-route the process during the intake and screening phase.

The program has been successful at improving public safety, reducing disproportionate minority contact and producing cost savings for the county. In its initial year, the program had a 3 percent recidivism rate. Additionally, 95 percent of participants are minority youth. Officials have calculated an immediate \$5,000 cost savings per child by avoiding arrests. As a result of the Civil Citation program, the JSD predicts a 30 percent reduction in juvenile arrests.<sup>4</sup>

Since the program's inception in 2007, all 37 local arresting agencies in Miami-Dade County, including the Miami-Dade County Public Schools Police and the Miami-Dade County Police Department, are participating in the Civil Citation program.

##### *Juvenile Arrest Avoidance Project*

Reacting to an increasing level of juvenile justice involvement by low-level, first-time offenders, key stakeholders from the Pinellas County, Florida, area came together to address the issue by forming the Juvenile Arrest Avoidance Project (JAAP). The goals of the project include:

- Breaking the cycle of juvenile justice involvement;
- Decreasing juvenile detention center use;
- Providing an opportunity for eligible youth to avoid a criminal record;
- Positively impacting and reducing minority over-representation; and

<sup>1</sup> See also, Advocates for Children and Youth, *Protecting Public Safety Without Arrests in Montgomery County* (July 2010).

<sup>2</sup> See [www.miamidade.gov/jsd/civil\\_citation.asp](http://www.miamidade.gov/jsd/civil_citation.asp).

<sup>3</sup> 2009 Florida Statute 985.12 Civil Citation.

<sup>4</sup> See [www.miamidade.gov/jsd/civil\\_citation.asp](http://www.miamidade.gov/jsd/civil_citation.asp).



- Improving interagency planning and communication in the interest of juveniles.<sup>5</sup>

Stakeholders work together to intercept the affidavits or arresting documents of all first-time misdemeanor offenders so that they can be re-routed to the one of the diversion options.<sup>6</sup> Depending on the offense, JAAP uses Teen Court, Truancy Court or Teen Traffic Court. All court staff, including the jury, bailiffs, court clerks and attorneys, are youth volunteers. Each alternative provides the delinquent youth with an opportunity to avoid prosecution while receiving responses that are appropriate to their offenses and needs.

Once a youth has been diverted and appears before one of the courts, the youth has six weeks to complete the terms of the diversion agreement. Terms may include:

- Community service;
- Conflict resolution education classes;
- Dropout prevention services;
- Alcohol and substance abuse education classes; and
- Drivers Education courses.

If youth successfully complete their diversion terms, they avoid involvement in the juvenile court and the juvenile justice system.

Currently, Pinellas County diverts about 1,200 youth each year, with 58 percent male, 42 percent female and about 50 percent minority participation. Almost 90 percent of participants successfully complete the program.

#### *JOINS - Baltimore County*

The Baltimore County Juvenile Offenders in Need of Supervision (JOINS) program adheres to the following goals:

- Reduce recidivism rates of juvenile offenders;
- Reduce minority over-representation;
- Provide successful intervention for threshold offenders;
- Support families and youth with appropriate community resources;

<sup>5</sup> Juvenile Arrest Avoidance Project, *2009 Annual Report*.

<sup>6</sup> Interview with Michelle Bourrie-Ardabily, Chief Deputy Court Administrator, Sixth Judicial Circuit, Pinellas County, Florida (June 2010).

- Promote atonement and self-esteem through accountability and restitution; and
- Restore victims' confidence through repayment and restitution.<sup>7</sup>

Funded as part of Baltimore County's law enforcement budget, the JOINS program works to identify youth who are threshold offenders—those youth who are first time, non-violent offenders—and offers them an opportunity to avoid prosecution. With the assistance of Department of Juvenile Services (DJS) caseworkers, JOINS officers identify opportunities for youth to atone for their offenses through community-based restitution and educational programs. Activities include volunteering in community clean-ups, working with the Adopt-A-Highway and Cell Phones for Soldiers programs, and attending educational programs, such as, Shoplifting Abatement and the Reason Straight program.

JOINS staff suggest that the program is highly successful because community restitution and education work well for low-risk youth, giving them the chance to reflect on their actions and to give back to the community by offering assistance on neighborhood projects.<sup>8</sup>

Another important feature of the JOINS program is the commitment to uphold victims' rights. Victims are encouraged to participate in the program by attending the initial JOINS assessment, preparing a victim's statement to be read at the meeting, or seeking repairs or restitution for any damage caused by the juvenile's actions.

The JOINS program has been highly successful. In 2009, JOINS diverted 1199 cases, up 9.6 percent from 2008. In addition, quarterly recidivism reviews show that 92 percent of youth in JOINS did not recidivate in the 12 months following successful completion of the program.

#### *Neighborhood Youth Panel – Cecil County*

The Neighborhood Youth Panel (NYP) in Cecil County, Maryland was created in 2000 to address the growing number of cases coming into juvenile courts for low-level offenses. Designed to provide

<sup>7</sup> See [www.baltimorecountymd.gov/agencies/police/community/joins.html](http://www.baltimorecountymd.gov/agencies/police/community/joins.html).

<sup>8</sup> Interview with Dr. Mark Metzger, Director, Baltimore County JOINS (June 2010).

first-time misdemeanor offenders with an opportunity to appear before a panel of community volunteers as opposed to juvenile court, NYP provides immediate intervention with first time juvenile offenders and diverts them from entering the juvenile justice system.<sup>9</sup> The purpose of the program is to provide:

- Direct and swift accountability of youthful offenders;
- An opportunity for communities to take an active role in changing behavior of juvenile offenders; and
- An opportunity for juvenile offenders to connect with a responsible member of the community who help the youth to become productive community members.

Funded exclusively through grants from DJS and the Governor’s Office for Crime Control and Prevention (GOCCP), NYP is available to Cecil County juveniles, ages 7 to 17, who are charged with misdemeanor offenses and are first-time or low-risk offenders. Juveniles must make an admission of involvement in the offense and voluntarily agree to participate in NYP.

If all criteria are met, the NYP panel—consisting of three to five community members, the youth and the youth’s parent or guardian—attends an informal hearing to discuss the charges and the proper sanctions to impose. During the hearing, all parties can present information. Once the hearing concludes, the panel establishes an agreement for the youth to comply with. If the youth is dissatisfied with the outcome, he or she may request a reconsideration hearing. Once a signed agreement is in place, a panel member is assigned to the case as a mentor who monitors compliance with the agreement. Typically, the youth has 45 days to satisfy the agreement. Activities include:

- Community service;
- Conflict Resolution or Anger Management Training;
- Curfew Restrictions;
- Prison or Shock Trauma Tour; and
- Restitution to the victim (if applicable).

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<sup>9</sup> See [www.ccgov.org/nyp.cfm](http://www.ccgov.org/nyp.cfm).

### *Teen Court - Queen Anne’s County*

The Teen Court program in Queen Anne’s County, Maryland, offers low-risk, first-time youth offenders an opportunity to “learn from their mistakes without imposition of a juvenile record.”<sup>10</sup>

Teen Court allows juvenile offenders to appear before a jury of their peers as opposed to a juvenile judge. The juvenile is appointed a volunteer teen defense attorney, while the state is represented by a volunteer teen prosecutor. The program uses community volunteers from the local courts and State’s Attorney Office. Circuit and District Court judges preside over the proceedings and provide guidance to the teen jurors. An assistant state’s attorney assists the teen lawyers. The hands-on educational opportunity allows both offenders and volunteers to better understand the justice system.

After both parties make their cases, the jury deliberates and decides the appropriate sanctions. The activities include Teen Court jury duty, community service, afterschool extracurricular activities, apology letters, detention center tours, smoking cessation programs and referrals to the Queen Anne’s County Department of Health or a substance abuse program.

Outcome data shows that the program is highly successful and that re-arrest rates among participants are very low.

### **Recommendations**

To achieve the benefits of juvenile arrest diversion programs, certain steps must occur.

- Local jurisdictions must assess current practices and assess their capacities to implement arrest diversion opportunities, if none currently exist.
- Law enforcement officers must be made aware of community-based alternatives to the juvenile services and juvenile court processes, so that referrals can be made without the burden of unnecessarily arresting a youth in order to connect the youth and family with intervention services.
- Maryland Department of Juvenile Services intake staff must be trained to recognize youth who are diversion-eligible and re-route cases accordingly.

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<sup>10</sup> See [www.mdca.org/Member\\_Profiles.htm#Queen\\_Anne](http://www.mdca.org/Member_Profiles.htm#Queen_Anne).