

MEMORANDUM OF AGREEMENT

JUVENILE CIVIL CITATION PROGRAM

THIS MEMORANDUM OF AGREEMENT demonstrates a commitment to cooperate and collaborate by the State Attorney, the Public Defender, the Department of Juvenile Justice (the Department), the Escambia County Sheriff's Office and the Pensacola Police Department, to ensure that the Juvenile Civil Citation Program (JCCP) achieves its goals and purpose.

The goal of the JCCP is to break the cycle of juvenile justice involvement, expand juvenile justice diversion efforts, improve interagency cooperation in the interest of juveniles, decrease juvenile detention use, and lower the incidence of Escambia juveniles entering the criminal justice systems.

PARTICIPATING AGENCIES ALL SHARE IN THE FOLLOWING COMMITMENTS:

- To promote a coordinated effort to achieve maximum public safety with the goal of reducing juvenile crime.
- To participate in an annual review of this juvenile civil citation program.
- To ensure this program is being administered in accordance with the law and this Agreement.
- To make recommendations for program improvement when appropriate.
- To assign staff members within their agency to administer the program.
- To develop an internal policy setting forth guidelines to implement this Agreement to achieve maximum benefit.

THE STATE ATTORNEY AGREES TO:

1. Serve as the operating entity for the JCCP, providing leadership for the collaboration that has oversight and accountability responsibilities.
2. Schedule and facilitate meetings when needed.
3. Review all civil citations to ensure that the citation has been issued in accordance with Florida Statute 985.12, and the terms of this Agreement.
4. Determine whether to accept or reject issuance of a citation and notify the DJJ within seven (7) days of receipt.
5. When notified that a juvenile has failed to successfully complete the terms and conditions of the JCCP, determine the appropriate disposition.

THE DEPARTMENT OF JUVENILE JUSTICE AGREES TO:

1. Provide screening services to determine the eligibility of any youth to receive a civil citation prior to the citation being issued by law enforcement. This screening shall include a review of all of the Department data bases to ensure that the child is eligible.
2. Perform a secondary review of all civil citations and enter the information on the citation in the JJIS Prevention Website for tracking compliance with and completion of the JCCP. If it is determined that the youth is not eligible and/or the offense alleged is not an eligible offense, follow his/her agency's policies and procedures in proceeding with the case. The Department shall track the status of all returned citations to ensure the process is completed.
3. Ensure an assessment is completed on all youth accepted into the JCCP, and that appropriate referrals for services are made.

4. Teen Court will be referred to those youth who do not require intervention services. The Department will handle those youth who, based upon the assessment, require intervention services.
5. Complete a State Attorney Recommendation on non-compliant youth and forward to the State Attorney for further action.

THE LAW ENFORCEMENT AGENCIES AGREE TO:

1. When an officer has probable cause that a juvenile has committed an eligible offense and the juvenile admits to committing the offense, the officer shall verify the eligibility of a juvenile for issuance of a civil citation with the Department. If an arrest is made for an eligible offense, the officer must include in their report why an arrest was warranted.
2. For those offenses where victim approval is required, document the victim's consent in the offense report.
3. Prepare an offense report and attach to the citation which provides sufficient information for the State Attorney to determine juvenile's eligibility for the program.
4. When a citation has been issued and the parents of the youth cannot be located, the officer may transport the juvenile to the Juvenile Assessment Center, along with the completed paperwork. If DJJ cannot contact the parents within a reasonable period of time, DJJ will follow its agencies policies and procedures in proceeding with the case. No arrest will be made.
5. Distribute copies of the civil citation and offense reports as required, within two (2) business days of the issuance of the citation.
6. If the Department and/or State Attorney determine that the youth does not meet the eligibility criteria, the arresting officer will determine if there is good cause to complete the arrest for the original misdemeanor offense. If so, complete the arrest and notify the civil citation coordinator when the process has been completed.

ELIGIBLE OFFENSES:

Civil citations shall be issued only for eligible offenses. All misdemeanor offenses or municipal ordinance violations are eligible for civil citations except for misdemeanor offenses involving:

1. Firearms or a deadly weapon;
2. Dating/Domestic violence;
3. Criminal behavior that is sexual in nature;
4. Gang related activity;
5. Animal cruelty; and
6. DUI.

Law enforcement shall have discretion to determine if a citation will be issued in situations where a single event results in more than one eligible misdemeanor offense, (i.e., "stalking"). The State Attorney shall have discretion to determine if a youth who receives a second civil citation before the first is completed may serve both concurrently.

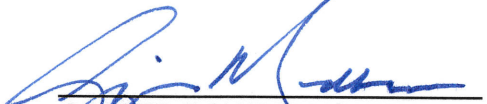
ELIGIBLE JUVENILE OFFENDER:


An eligible juvenile offender is a juvenile offender who commits an eligible offense and who (1) has two or fewer prior citations; (2) has no prior misdemeanor or felony record; (3) has not participated in a post-arrest diversion program; (4) has no outstanding warrant or custody order; and (5) is not a gang member as defined in Florida Statute 874.03(3).


The issuance of a civil citation to a juvenile is at the discretion of law enforcement based on the nature and circumstances surrounding the offense, whether the juvenile meets

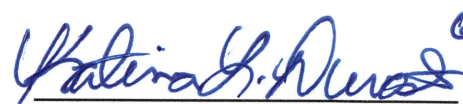
the eligibility requirements, the potential threat to community safety, and the safety and welfare of the victim and the victim's family. In instances where an arrest is made in lieu of a civil citation, law enforcement is required to provide written documentation on the criminal report affidavit as to why an arrest was warranted.


The undersigned State Attorney, Public Defender, Escambia County Sheriff, Pensacola Police Chief, and Department of Juvenile Justice or their representative, shall review the JCCP annually to ensure the Program is being administered in accordance with this Agreement. Review of the program may be requested at any other time by any of the signatory agency heads by written 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.


GINGER BOWDEN MADDEN
State Attorney
First Judicial Circuit
Date signed: 6-8-2021


PAUL WALLIS
Chief Probation Officer
Department of Juvenile Justice
Date signed: 6/8/2021


KEVIN CHRISTMAN
Interim Chief of Police
Pensacola Police Department
Date signed: 6-9-21

 6-9-2021
BRUCE MILLER FOR
Public Defender
First Judicial Circuit
Date signed: _____


CHIP SIMMONS
Sheriff
Escambia County Sheriff's Office
Date signed: 6-9-21