

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Proposed Rule Hearing

December 19, 2018 (IR)

63F-13 (Juvenile Diversion Data)

63F-13.001 Definitions

For the purpose of this rule chapter, governing the submission, compilation and publication of juvenile diversion data, the following words shall have the meanings indicated.

(1) Diversion Program – Any one of the following prearrest or postarrest methods of diverting a youth from formal prosecution in the juvenile justice system:

(a) A civil citation or similar prearrest diversion program under s. 985.12, F.S.;

(b) A prearrest or postarrest diversion program established by law enforcement or a school district under s. 985.125, F.S.;

(c) A neighborhood restorative justice program for first-time, nonviolent juvenile offenders under s. 985.155, F.S.;

(d) A community arbitration program under s. 985.16, F.S., or

(e) A program to which a referral is made by a state attorney under s. 985.15, F.S..

(2) Eligible youth – A youth who commits any first-time misdemeanor offense, and who was not previously in a diversion program.

(3) Participating youth – A youth who is participating in a diversion program.

Rulemaking Authority 985.64, 985.126(6) FS. Law Implemented 985.126 FS. History–New

63F-13.002 Submission of Diversion Data

(1) Each diversion program shall submit quarterly to the Department’s Director of Research and Data Integrity, a data spreadsheet in excel format with the following information on each participating youth:

(a) Identifying information, including the referred youth’s name, address, race, ethnicity, gender and date of birth;

(b) Referred offense, including the statute establishing the offense, and the degree;

(c) Judicial circuit and county where the offense was committed;

(d) Law enforcement agency that had contact with the youth;

(e) Parent/Guardian contact information including name/address/telephone; and

(f) Youth’s School status and information as applicable such as: School Name/Grade.

(2) Each law enforcement agency shall submit the diversion, pre-arrest diversion or civil citation affidavit to their local processing entity such as Juvenile Assessment Center/Screening Unit for data input into the Juvenile Justice Information System. The form submitted must include the following information on each eligible youth at the time the youth is referred to the department, arrested or issued a notice to appear:

(a) All of the information in subsection (1) above;

(b) Whether the youth was offered the opportunity to participate in a pre-arrest diversion program. If the youth was not offered participation, designation of one of the following reasons why the otherwise eligible youth was not given a diversion option:

1. Officer has knowledge that youth was previously served by Prearrest Diversion

2. Youth declined/refused to participate

3. LEO suspects gang association

4. Offense involved weapons or firearms

5. Parent declined/refused to participate

6. Not eligible based on local policy Youth refused to admit guilt

7. Civil citation or alternative diversion program not available

8. Not eligible based on local policy Ineligible offense type

9. Not eligible based on local policy Offense involved domestic violence

- 10. Not eligible based on local policy Offense involved drugs/narcotics
- 11. Not eligible based on local policy Youth charged with multiple misdemeanor offenses
- 12. Not eligible based on local policy Offense involved resisting arrest
- 13. Not eligible based on local policy Victim requested formal arrest processing
- 14. Reason not available or provided by LEO
- 15. Offense involved cruelty to animals
- 16. Subsequent charge presented that does not qualify for diversion.

Rulemaking Authority 985.64, 985.126(6) FS. Law Implemented 985.126 FS. History–New_____.

63F-13.003 Publication of Diversion Usage Data

(1) The department shall compile the data received by diversion programs and law enforcement in rule 63F-13.002 as it is received.

(2) Each January 15 and July 15, the department shall publish the data received from diversion programs and law enforcement.

(3) Publication of diversion usage data shall be on the department’s website in sortable format. Interested stakeholders and members of the public shall be able to sort usage data by judicial circuit, county, law enforcement agency, offense, and by the race, ethnicity, gender and age of the youth.

Rulemaking Authority 985.64, 985.126(6) FS. Law Implemented 985.126 FS. History–New_____.