

313.4 JUVENILE ARREST AVOIDANCE PROGRAM (JAAP)

- I. DISCUSSION: F.S.S. §985.12 states that law enforcement agencies may establish a juvenile civil citation or similar pre-arrest diversion program process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice of youth who commit non-serious delinquent acts and to ensure swift and appropriate consequences. This is done with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved.

The Tampa Police Department, the Chief Judge of the Thirteenth Judicial Circuit, the State Attorney of the Thirteenth Judicial Circuit, and the Public Defender's Office of the Thirteenth Judicial have agreed to establish a Juvenile Arrest Avoidance Program (JAAP) process for juveniles for certain misdemeanors. Any reference to issuing a juvenile civil citation shall mean the entry of the juvenile into the JAAP pre-arrest diversion program which is presently accomplished by way of the electronic criminal report affidavit process.

Unlike some forms of juvenile diversion, upon successful completion of the program, there is no arrest record. In addition, the juvenile offender will have taken responsibility for his/her actions, contributed to the community, received positive reinforcement, and been linked to other needed services. Accountability is not sacrificed with this approach.

The JAAP is the first step in the continuum of the juvenile justice process. This program does not decriminalize the juvenile's actions. This program is a pre-arrest diversion intervention. Juveniles participating in the program will be required to complete community service hours and any counseling deemed appropriate by the Juvenile Diversion Program (JDP). A juvenile who is referred to the JAAP but does not enter or complete the JAAP will be sent to the State Attorney's Office (SAO) for prosecution.

II. POLICY:

- A. In accordance with F.S.S. §985.12 and the Inter-Agency Agreement Regarding the Hillsborough County Juvenile Arrest Avoidance Program, officers shall refer juveniles to the JAAP by completing a criminal report affidavit (CRA) when the following conditions are met:
1. The juvenile meets the eligibility requirements;
 2. The juvenile is alleged to have committed a qualifying misdemeanor
- B. ELIGIBILITY: Eligibility for the program is limited to juveniles who are first-time offenders, which is defined as a juvenile who has:
1. Not previously adjudicated delinquent or had an adjudication of delinquency withheld;
 2. Not participated in a pre-arrest or post-arrest juvenile diversion program

(such as JAAP);

3. Not otherwise been placed under physical arrest for a criminal offense; and

C. QUALIFYING MISDEMEANORS: All misdemeanor offenses qualify for entry into JAAP **except:**

1. Battery (Domestic Violence – Intimate Partner Violence):

- a. “Family violence” **is** eligible for JAAP at the discretion of law enforcement based on the nature and circumstance surrounding the offense, the potential threat to community safety, the safety and welfare of the victim and victim's family, and subject to the availability of appropriate shelter placement.
- b. The term “family violence” is defined as a battery (domestic violence) where:
 - i. the offender and victim are siblings; or
 - ii. the victim is the parent or other household member who sits in loco parentis to the offender; or
 - iii. the victim is a household member who lives as a family with the offender, but who is not part of an intimate partner relationship with the offender.
 - iv. “Family violence” does ***not*** include intimate partner violence.
- c. Prior to referring a juvenile to the JAAP for a family violence offense, a law enforcement officer shall contact an approved shelter as described below to determine if the juvenile qualifies for placement and if placement is available. An officer shall obtain parental consent for shelter placement. The parent or guardian shall be provided with instructions for completing the shelter intake and will transport the juvenile to the shelter. An incident report must be completed.

2. The approved shelter in Hillsborough County is the Children In Need of Services (CINS) / Family In Need of Services (FINS) Program (3191 Clay Mangum Ln; Tampa, FL 33618). They can be reached at (813) 272-6606.

D. MATERIAL AND IMMEDIATE SAFETY CONCERN: Eligible juveniles who otherwise qualify may still be arrested when an officer determines that ***extraordinary circumstances*** necessitating an arrest exist. Extraordinary circumstances include:

1. The potential threat to community safety;

2. The safety and welfare of the victim and/or the victim's family;
 3. The nature and circumstances surrounding the offense;
 4. The availability of appropriate shelter placement; or
 5. Where the misdemeanor offense involves assault on a specified official as defined in F.S.S. §784.081 or F.S.S. §784.07 and the specified official does not consent to JAAP.
 6. Officers should presume that a qualifying offense requires the officer to refer the juvenile to the JAAP. However, when an officer determines the otherwise qualifying misdemeanor one of the extraordinary circumstances outlined above, the officer may make an arrest in lieu of referral to the JAAP with a shift / bureau commander's approval.
 7. When an arrest is made in lieu of referral to the JAAP for a qualifying offense, officers shall document the specific extraordinary circumstance(s) that warranted the arrest as well as the approving shift / bureau commander's name in the CRA and case summary (CS) of the MRE report
- E. A juvenile shall be referred to the JAAP for multiple eligible misdemeanor offenses arising out of a single incident. Prior traffic offenses shall not preclude a juvenile from participating in JAAP.
 - F. If the arrest of a juvenile under the age of 12 is being considered, the officer must consult with a shift or bureau commander to discuss other diversion options.
 - G. Under certain circumstances or during certain events, as directed by the Chief of Police, this JAAP program will not be utilized.
 - H. The Tampa Police Department's School Resource Officer Coordinator or designee shall provide a quarterly report to the juvenile justice stakeholders regarding our utilization of the JAAP, including the number of juveniles who were eligible for the program but were not referred for an eligible offense(s), along with the documented reasons for not referring qualifying juveniles to the JAAP.

III. PROCEDURES:

A. MISDEMEANORS:

1. When the officer establishes probable cause that a juvenile has committed an offense that is eligible for referral to the JAAP, the juvenile shall be diverted to the Juvenile Arrest Avoidance Program (Civil Citation) in lieu of making an arrest or the filing of a juvenile misdemeanor complaint.

2. If the officer believes that a qualifying juvenile should not be diverted due to ***extraordinary circumstances*** necessitating an arrest exist, the officer must receive a shift / bureau commander's approval prior to making an arrest.
 - a. The officer shall document the specific extraordinary circumstance(s) that warranted the arrest as well as the approving shift / bureau commander's name in the CRA and in the case summary of the MRE report.
3. The officer will verify the juvenile's eligibility by either accessing the Department of Juvenile Justice's database or by contacting the Juvenile Assessment Center (JAC) at (813) 936-9099.
4. The officer will make a reasonable attempt to contact the juvenile's parent or legal guardian.
 - a. The officer shall provide the juvenile's parent / legal guardian, or if the juvenile's parent / legal guardian is not available, the juvenile, with the JAAP Informational Flyer (located in PowerDMS).
 - b. The parent / legal guardian will be instructed to contact the Juvenile Diversion Program (JDP) within three business days to schedule an appointment.
 - c. Parental consent is ***not*** required for participation in the JAAP.
5. The officer must document how contact with the juvenile's parent / legal guardian was made (or attempted). This documentation should occur both within the narrative portion of the CRA as well as the text portion of the MRE report.

B. BATTERY (DOMESTIC VIOLENCE – FAMILY VIOLENCE):

1. When the officer establishes probable cause that a juvenile has committed an act of battery (domestic violence – family violence) that is eligible for referral to the JAAP, the juvenile shall be diverted to the Juvenile Arrest Avoidance Program (Civil Citation) in lieu of making an arrest or the filing of a juvenile misdemeanor complaint.
2. For battery cases that are associated with family violence, the officer shall contact the CINS / FINS at (813) 272-6606 to determine if the juvenile qualifies for placement and if placement is available.
3. If placement is available, the officer shall:
 - a. Provide the parent/legal guardian with instructions for completing the

shelter intake. Parental instructions will be provided by the CINS / FINS when the officer contacts them to determine eligibility for placement.

- b. Transport the juvenile to the CINS / FINS shelter located at 3191 Clay Mangum Ln; Tampa, FL 33618.
4. The officer shall comply with the victim notification requirements of Chapter 741, Florida State Statute.

C. REPORTING AND COMPLETING JAAP REPORTS:

1. The officer will complete an electronic criminal report affidavit. On the criminal report affidavit, the officer will mark the “JAAP”.
2. The officer will originate an offense report titled Juvenile Civil Citation (appropriate charge). The juvenile offender will be listed as a defendant.
3. All JAAP reports shall be closed in accordance with the National Incident-Based Reporting System (NIBRS) guidelines as “Closed by Arrest”.
4. Officers will complete the JAAP Informational Flyer (located on PowerDMS) by providing the officers name, agency name, and offense report number in the spaces provided on the flyer.

D. ADMINISTRATIVE PROCEDURES:

1. JAAP cases referred through the eCRA portal will be sent to the JDP which is run by the Administrative Office of the Courts of the Thirteenth Judicial Circuit.
2. The JDP will open a JAAP case and schedule an appointment with the juvenile and the parent/guardian.
3. The juvenile will enter a contract and if the terms and conditions of the contract are completed, JDP shall issue a letter of completion and the case will be closed without any referral to the SAO.
4. If a juvenile fails to enter the JAAP or fails to successfully complete the terms of the contract, the JDP will notify the Clerk of the Courts and the SAO.
5. The SAO shall determine the appropriate disposition when juveniles do not successfully enter or complete the JAAP. The SAO may charge the juvenile or decline to prosecute.
6. As a juvenile referred to JAAP may end up in court one day, officers are

expected to follow all standard policies for writing reports and impounding evidence.

Supersedes SOP 313.4, dated 7/23.