

Appropriate Punishment: Civil Citations for Juvenile Misbehavior

In early 2006, the Eckerd Family Foundation began to analyze a disturbing trend in the nation's juvenile justice system. The number of delinquents between the ages of seven and 12 years old who are referred to juvenile court has increased 33 percent over the past decade.¹ In Florida, during the 2004-05 fiscal year, 95,254 youth were referred to the state juvenile justice system, and 8,432 of them were children 12 years old or younger. Eighteen percent, or 26,990, of the total referrals were for school-related offenses. A recent statewide study, *Arresting Development*², reports that punitive practices with dire consequences for children and families are being used to address typical student misbehavior that used to be handled through education-based discipline such as counseling, after-school detention or extra homework assignments. This has led to extreme examples which are only too well known and which fail to add to public safety or help the youth.

The Eckerd Family Foundation is deeply concerned about the well intentioned but misguided use of the criminal justice system to address misbehavior and offenses not posing a real threat to safety. The unintended consequence is that the wrong kids end up in the juvenile justice system and those with potentially serious behavior, mental health or other issues are missed completely or not timely or effectively addressed. We are criminalizing children in an effort to keep our schools and communities safe.

Unnecessary Arrests Have Serious Consequences

Why is this so disturbing? The impacts on our young people and on our juvenile justice system are substantial:

- An overreaction to discipline problems can permanently and negatively affect the development of children and youth. Children who are repeatedly suspended or arrested miss days in school, fall behind in their classes, often become discouraged and may eventually drop out of school altogether.
- Arrests can become part of their juvenile record and—even if there are no further incidences—may be retained into their adult years, impacting their future in countless ways.
- Often the behavior that created the situation is a symptom of mental health, behavior or family issues that are more effectively addressed outside the juvenile justice system. Research indicates that problem behaviors begin early; for males, at around age seven, with an average age of 14.5 for the first court contact. Very young offenders are likely to continue criminal behavior, and child delinquents are two or three times more likely to become serious, violent, and chronic offenders than children whose delinquent behavior begins in their teens.³ Early and appropriate intervention can help to prevent an escalation of problems.
- Punitive measures may be unevenly applied. Black students received 46 percent of out-of-school suspensions and police referrals during the 2004-2005 school year, although they comprised just 22.8 percent of the student population.
- Our overburdened legal system does not have the resources to adequately address first-time juvenile offenders.

- Millions of taxpayer dollars currently are being spent for school security, using law enforcement personnel and approaches that lead to arrest and involvement with the juvenile justice system, instead of engaging parents and school officials to implement alternatives. It is not necessary to sacrifice school discipline, safety or an environment conducive to learning..

Civil Citations as an Effective Alternative

One of the best alternatives to this problem is the issuance of *civil citations*, a procedure already written into Florida law, but not widely effectively implemented. Currently authorized by Florida Statute 985.12 (2006)⁴, this innovative approach is geared toward children and youth (under 18) who commit non-serious delinquent offenses.

Here is how civil citations work: The law enforcement officer, who has been trained to implement the process, has the discretion of either issuing a civil citation or arresting the child or youth offender. In the case of civil citations, the officer must reasonably believe that a civil citation will be sufficient to prevent further immediate violations and that the safety of property and persons are not in jeopardy. The youth must admit to the misdemeanor, and the youth and parents must consent to participate in the civil citation program. Accompanied by a parent or guardian, the youth must report to the program office within seven calendar days and then perform up to 50 hours of community service, while also participating in intervention services, as needed.

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

Working Together to Benefit Youth, Families and the Community

The Eckerd Family Foundation considers civil citation to be a promising practice with substantial benefits for all stakeholders in the juvenile justice system. It is a multidisciplinary approach that holds youth offenders responsible for their actions while implementing community service, including screening for mental health and substance abuse, and requiring the participation of families. It reduces the burden on juvenile courts and leaves them better able to apply their already-stretched resources to violent and serious offenders, while reducing their expenses. It gives young offenders a second chance to make good.

Civil citation is a community-based approach that requires the collaboration of law enforcement, the county sheriff, state attorney, key community organizations, substance abuse and mental health treatment services, family counseling providers, parents or guardians, offenders and victims.

The foundation supports efforts to expand and enhance the civil citation approach as well as other efforts to divert youth from coming into the juvenile justice system. Some of the aspects of diversion that the foundation support include but are not limited to:

1. the planning required to coordinate the resources necessary to develop and implement the civil citation option.

2. efforts to strengthen and support the services available to program participants.
3. other options which reduce instances of secure detention for misbehavior and other offenses not posing a material threat to public safety and which address zero tolerance issues.

Programs like the Leon County Civil Citation Program, operated by DISC Village, Inc., and in place since 1996, can provide valuable lessons and guidance to those interested in civil citation as an innovative strategy to address juvenile misbehavior.

The Eckerd Family Foundation strongly supports the broad adoption and application of these positive and practical approaches to dealing with child and youth offenders and invites those interested to consult the foundation's Grant Guidelines. Additional background information is available.

¹ Snyder, H.N. 2001. *Epidemiology of official offending*. In *Child Delinquents: Development, Intervention, and Service Needs*, edited by R.Loeber and D.P.Farrington. Thousand Oaks, CA: Sage Publications, Inc., pp. 25-46.

² *Arresting Development: Addressing the School Discipline Crisis in Florida*, Florida State Conference NAACP, Advancement Project, NAACP Legal Defense and Educational Fund, Inc. Spring 2006, p. 6.

³ *Early Intervention and Prevention, OJJDP's Child Delinquency Series: presenting the findings of the Study Group on Very Young Offenders as Chaired by Rolf Loeber and David P. Farrington*, Child Delinquency Bulletin, May 2003, p. 1.

⁴ Chapter 985, Florida Statutes (2006).