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Pinellas County Top Performer in State With Pre-Arrest Diversion Program

CLEARWATER - Authorities have a choice when it comes to juveniles suspected of such common youth misbehavior as getting into a minor scrap, vandalizing a bathroom wall, or drinking a beer. They can either arrest the youth on a criminal misdemeanor charge, or they can divert him or her into a pre-arrest diversion program, often using civil citations. The Caruthers Institute, a non-profit, nonpartisan think tank that conducts research on such matters, is a proponent of the latter approach, as it doesn't leave the juvenile with a criminal record, as an arrest might. And, in a report issued in December, the institute cited Pinellas County as the top leader in the non-arrest approach. "Pinellas County was the state's top performer in 2018-2019 with a first-time pre-arrest diversion utilization rate of 97%," the report states. "Miami-Dade was the only other county to achieve in the 90% range. Six counties – Pasco, Washington, Monroe, Clay, Duval and Putnam – had rates in the 80% range." At the same time, the Pinellas County School District led the state in using first-time pre-arrest diversions with a utilization rate of 100%, issuing civil citations to all 349 students who were eligible, the Caruthers report stated.

Michelle Ardabili, chief deputy court administrator for the Sixth Judicial Circuit, which comprises Pinellas and Pasco counties, attributes the premier ranking to a collaborative effort involving local law enforcement agencies, the State Attorney's Office, the Public Defender's Office, Pinellas clerk of the circuit court, and the local juvenile assessment center. Eleven years ago, the stakeholders launched a juvenile arrest avoidance project which put in place a mechanism to capture all potential misdemeanor juvenile arrests in the county. That meant certain offenses – such as the shoplifting of inexpensive items, possession of marijuana, a fight not resulting in serious injuries, and trespassing – would result not in an arrest, but a direct diversion, including civil citations. The sanctions might include community service, law-related educational classes, a writing assignment, a poster project, letter of apology, school progress reports, and, if needed, counselling. In 2015, because of a change in the law, the opportunity was extended to include a juvenile's second or third misdemeanor. Again, the goal is to keep youths out of the criminal justice system. That being said, with each successive misdemeanor charge, the restrictions and demands become greater. The number of required community service hours, for instance, increases.

The impulse to arrest is a relatively new phenomenon when looked at from a historical point of view, the Caruthers report states. Some decades ago, when some of those reading this were children, getting into a fight, vandalizing a bathroom wall, stealing a T-shirt, or getting caught with a beer, might have resulted in a trip to the principal's office, or a telephone call to a child's parents. Then, as years rolled by, children – and particularly minority children – started getting charged with misdemeanors instead, and they would experience all that would entail, the Caruthers report states: getting handcuffed, put in the back of a cruiser, booked and fingerprinted.

What was worse about this particular approach, the Caruthers report states, was that it had repercussions. It could result in a criminal misdemeanor record, which could later affect the child's future. He or she might not be able to apply for a scholarship. Someone found guilty of stealing a T-shirt might not be able to rent an apartment, someone with an assault and battery conviction might not be able to get a part-time job, someone with a drug charge might not be able to join the military. The switch to civil citations and similar direct diversion programs in recent years is, in a way, a throwback to years past in that it is designed to ensure a child's minor brush with the law doesn't affect the child later on.



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