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The Diversity of Diversion Disparity: An Evaluation of the Use of Civil Citations in Florida

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THE DIVERSITY OF DIVERSION DISPARITY:
AN EVALUATION OF THE USE OF CIVIL CITATIONS IN FLORIDA

By

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To Dylan and Liam, who motivate me each day to be better than the day before.
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TABLE OF CONTENTS

List of Tables ................................................................................................................................ vii
List of Figures .............................................................................................................................. viii
Abstract .......................................................................................................................................... ix

1. Introduction ................................................................................................................................... 1

2. Background ................................................................................................................................... 7
   2.1 The Juvenile Court ...............................................................................................................8
   2.2 The Get-Tough Era and the Juvenile Court’s Emphasis on Punitive Sanctions ...............11
   2.3 The Smart Justice Era and a Return to Diversion Programs ............................................13
   2.4 Research Gaps in the Diversion Literature .......................................................................19

3. Civil Citations ........................................................................................................................... 22
   3.1 Origins of Civil Citations ...................................................................................................22
   3.2 What Is a Civil Citation? ....................................................................................................22
   3.3 How Civil Citations Constitute Diversion .........................................................................23
   3.4 The Theoretical Logic of Civil Citation Effects on Recidivism .........................................24
   3.5 Theory and Research Predicting Variation in the Use of Civil Citations .........................26
   3.6 Research on the Use and Effects of Civil Citations ...........................................................27
   3.7 Research Gaps in the Literature on Contemporary Diversion Programs .......................29

4. Study Goal, Questions, and Hypotheses ............................................................................... 31
   4.1 Study Goal .........................................................................................................................31
   4.2 Research Questions and Hypotheses .................................................................................33

5. Data and Methods ..................................................................................................................... 41
   5.1 Overview ............................................................................................................................41
   5.2 Methodology ......................................................................................................................42
   5.3 Measures ............................................................................................................................44

6. The Influence of Select Individual-level Variables on the Use of Civil Citations .......... 47
   6.1 Overview ............................................................................................................................47
   6.2 Methods and Descriptive Statistics ..................................................................................48
   6.3 Effects of Individual-level Variables on the Use of Civil Citations Statewide ...............52
   6.4 Conclusion ..........................................................................................................................59

7. County-level Variation in the Use of Civil Citations ............................................................ 61
   7.1 Civil Citation Utilization Rate by County, Over Time .......................................................61
   7.2 Methods and Descriptive Statistics ..................................................................................67
   7.3 Effects of Select County-level Variables on County-level Use of Civil Citations ..........69
   7.4 Conclusion ..........................................................................................................................72
8. Between-County Variation in the Use of Civil Citations .......................................................... 74
   8.1 Overview ............................................................................................................................ 74
   8.2 Descriptive Statistics for Select Large Counties .............................................................. 75
   8.3 Effects of Individual-level Variables on Civil Citation, by Large Counties ..................... 78
   8.4 Conclusion ......................................................................................................................... 83
9. Missed Opportunities: The Formal Processing of Civil Citation Eligible Youth ..................... 86
   9.1 Overview ............................................................................................................................ 86
   9.2 “Missed Opportunities” for Diversion ............................................................................. 87
   9.3 Methods and Descriptive Statistics .................................................................................. 89
   9.4 Effects of Individual-level Variables on “Missed Opportunities” ................................... 91
   9.5 Conclusion ......................................................................................................................... 96
10. Perspectives of Juvenile Justice Professionals on the Use of Civil Citations ........................... 98
    10.1 Overview .......................................................................................................................... 98
    10.2 Interview Methodology .................................................................................................. 99
    10.3 Results of Interviews with Juvenile Justice Professionals ............................................. 101
    10.4 Conclusion ..................................................................................................................... 106
11. Conclusion ............................................................................................................................ 108
    11.1 Summary of Findings .................................................................................................... 108
    11.2 Implications of the Current Findings ........................................................................... 110
    11.3 Closing Thoughts .......................................................................................................... 116
Appendix A. Length of Operation of Civil Citation Programs, as of 7/1/2015 .......................... 119
Appendix B. FSU Human Subjects Committee Approval Notification .................................. 120
Appendix C. FSU Human Subjects Committee Renewal Notification .................................. 122
Appendix D. Florida Department of Juvenile Justice IRB Approval ....................................... 123
Appendix E. FSU IRB Approved Informed Consent Letter .................................................... 126
References ................................................................................................................................. 128
Biographical Sketch ................................................................................................................... 134
LIST OF TABLES

Table 3.1 Theories Predicting Differences in Civil Citation Use ..................................................28
Table 4.1 Research Questions and Hypotheses. ............................................................................34
Table 6.1 Descriptive Statistics for All Eligible Cases, FY 2011-15 ..............................................50
Table 6.2 Offense Type by Percent of All Eligible Cases, Civil Citations ......................................51
Table 6.3 Logistic Regression of Civil Citation Use on Select Independent Variables ...............53
Table 7.1 Descriptive Statistics for County-level Variables ..........................................................68
Table 7.2 OLS Regression of County-level Civil Citation Use on County-level Independent Variables ............................................................................................................70
Table 8.1 Descriptive Statistics for Civil Citation Eligible Cases in Select Large Counties .............76
Table 8.2 Logistic Regression of Civil Citation Use on Select Independent Variables, by Large Counties ....................................................................................................................79
Table 9.1 Descriptive Statistics for “Missed Opportunities,” by Disposition Type .........................92
Table 9.2 Offense Type by Method of Processing ..........................................................................93
Table 9.3 Multinomial Regression of Formal Sanctions on Select Independent Variables, Statewide .........................................................................................................................94
Table 10.1 List of Florida Counties by FDJJ Detention Region ....................................................100
Table 10.2 Themes Identified in Responses to Interview Questions .............................................102
LIST OF FIGURES

Figure 7.1 Civil Citation Utilization, by County, FY 2011-12 ..........................................................63
Figure 7.2 Civil Citation Utilization, by County, FY 2012-13 ............................................................64
Figure 7.3 Civil Citation Utilization, by County, FY 2013-14 ............................................................65
Figure 7.4 Civil Citation Utilization, by County, FY 2014-15 ............................................................66
Figure 7.5 Predicted County-level Use of Civil Citations, by Eligible Black Population ........71
Figure 9.1 Trend in “Missed Opportunities” Statewide, FY 2011-15 ...................................................88
ABSTRACT

Informal processing has been a central feature of the juvenile court since its inception at the turn of the twentieth century. Taking many forms over the last century, one of the more common examples of informal processing efforts is juvenile diversion. Juvenile diversion is often plagued by issues of inconsistent implementation and definitional ambiguity. While proponents maintain that juvenile diversion programs operate in the best interests of the youth they serve, scholars have noted the potential for harms resulting from diversion. Civil citation in Florida is a prominent example of a contemporary, “smart justice” diversion program that attempts to balance the “best interests” of youth, with accountability for delinquent behavior. Despite their popularity and widespread promulgation, remarkably little is known about the ways in which civil citations are currently being used in Florida. The current research examines the effects of several characteristics of the offense and the offender on the use of civil citation. Multivariate analyses of use statewide, at the county-level, and between large counties, are presented. Additionally, semi-structured interviews were conducted with juvenile justice professionals aimed at understanding the ways in which civil citations are used. Results indicate significant variation in the ways civil citations are used throughout the state. Implications for research and policy are discussed.
CHAPTER 1

INTRODUCTION

Diversion efforts have figured prominently in the landscape of the juvenile justice system since the juvenile court’s inception in 1899. Significant variation exists in diversion programs across the U.S., and this variation itself reflects different goals to which these programs can be aimed to achieve (Mears, 2012). Klein (1979) argues that three types of diversion can be identified. First, a diversion program may be defined by its ability to free youth entirely from formal court or juvenile justice system control. Second, a diversion program can be an intervention that is something other than “business as usual.” Third, diversion can entail referring youth to various services or treatment or mandate that youth participate in it as a condition of avoiding a formal record of being “adjudicated” delinquent.

Over the course of the juvenile system’s tumultuous history, diversion programs have been adopted, coopted, and abandoned, only to be adopted again under some new name or guise (Klein, 1979). Much of the rise and fall of diversion’s favor can be attributed to shifting social and political will. Diversion rose in prominence during the 1970s following legislative changes at the federal level and sociological theory development that encouraged its use. The focus was on offering something more, rehabilitative intervention, rather than nothing at all or instead of or in addition to typical sanctions, such as probation (Klein, 1979; see also Bullington et al., 1978; Osgood & Weichselbaum, 1984; Zimring, 2000). In addition, significant concern arose about the potential for net-widening—that is, the expansion of formal social control efforts to large swaths of the youth population who typically would never have been the subject of intervention (Blomberg, 1977). Concern, too, arose about the potential for diversion to harm youth by subjecting them to strict terms of supervision, the violation of which could result in formal adjudication and tougher penalties (Mears, 2012).

In the 1980s and 1990s, diversion fell out of favor due in part to rising crime rates and policymaker and public sentiment that nothing works in treating offenders. These punitive approaches led to increased use of detention and incarceration. In recent years, however, this
punitive trend has been augmented by renewed emphasis on rehabilitation and, more generally, the implementation of evidence-based policies and practices (Siegel & Welsh, 2014).

In the state of Florida, civil citation has increasingly been used because many policymakers and practitioners appear to view it as a promising diversion program for youth who commit first-time misdemeanors of a non-serious nature. A civil citation constitutes a specific type of diversion program because in part the goal is to intervene with youth in situations where the court might not intervene at all and, separately, to intervene in a more informal manner in cases that otherwise might be handled formally. The goal is not, as is the case with some diversion efforts, to shunt youth away from the juvenile justice system and provide no intervention.

Civil citations are issued by law enforcement in cooperation with juvenile assessment centers and the State Attorney’s Office. Though wide variation exists in the conditions of civil citation across the state—because the law permits local jurisdictions to establish their own terms of intervention—most civil citation programs typically refer youth to rehabilitative services and require the completion of community service or restitution. Common to all civil citations are the requirements that youth admit guilt and remain crime-free for the duration of the intervention. Those youth who comply with all requirements of the program will have their records expunged with no further consequences. Those who do not comply, however, must appear in court to proceed with adjudication of the original offense.

The use of civil citations has increased in recent years. In 2011, a rewrite of the Florida statute concerning civil citation changed its use from an option available to local law enforcement, to a state priority. In section 985.12 of the Florida Statutes, the Florida Department of Juvenile Justice has been charged with encouraging and aiding all jurisdictions in the development and implementation of civil citation programs (State of Florida Legislature, 2015). Currently, civil citation programs operate in 49 of Florida’s 67 counties. Much of the impetus for widespread adoption relies on assumptions about cost savings relative to what would arise if youth were subject to formal adjudication; as evidence of effectiveness, some advocates point to the relatively low recidivism rates (6%) of civilly cited youth (Florida Department of Juvenile Justice, 2015). The recidivism rates for youth on probation and for youth in residential facilities are 19% and 41%, respectively. However, such comparisons do not provide an “apples-to-apples” basis of comparison. Whether civil citation reduces offending relative to what otherwise
would happen to the youth remains largely unknown. From an evaluation research perspective (Rossi et al., 1997; Mears, 2010), a more fundamental problem is that little is known about the actual use of civil citation across counties and over time and for different groups of youth.

For at least two reasons, Florida is a uniquely well-suited state in which to conduct an evaluation of civil citation as a contemporary, modern-day diversion effort. First, Florida has a centralized juvenile justice system and a sophisticated data collection system. This system allows for analysis of delinquency referral and civil citation patterns statewide and by county. Second, Florida has sought full statewide implementation of civil citations. Given the centralized nature of the juvenile justice system in Florida, securing cooperation from the various counties to institute a policy change like civil citation has been far easier than it would have been if Florida had a county-based juvenile system. At the same time, anecdotal accounts indicate that implementation has varied greatly across counties, despite the state mandate to implement civil citation fully. The availability of county-level and youth-level over-time data allows for exploration of how civil citations are being used across and within counties and of the groups for which civil citations are most used.

The goal of the proposed study is to provide insight into how, and for whom, contemporary diversion programs like civil citation are used. Specifically, the proposed research examines individual youth factors, including demographic characteristics (e.g., age, sex, race, and ethnicity), as well as offense type and county context. It examines as well the factors associated with the use of civil citation in several large counties in Florida. Finally, draws on interview data to investigate the particular purposes to which civil citation appears to be used, both to determine further the variation in the use of civil citation and to identify critical issues for assessing the impact of civil citation laws. Drawing on prior theory and research, I identify different patterns of civil citation use that may exist.

A study of the statewide use of civil citations in Florida contributes to current literature on diversion programs—and, more broadly, juvenile justice—in several ways. First, the proposed study can illuminate potential biases that may exist in the use of civil citation. Second, the study will investigate Feld’s (1991) argument that juvenile justice involves “justice by geography”—that is, civil citation, as an increasingly popular diversion effort, may be more likely to be used in select counties. Third, the study will provide insight into the potential effectiveness of civil
citations by documenting the extent of implementation across counties. Widespread variability would suggest, for example, that the effectiveness of civil citation would be limited to those for whom it is used. At the same time, it will provide insight into critical considerations that must be addressed to assess the actual effectiveness of civil citations. For example, if jurisdictions use civil citation primarily to intervene in cases where otherwise there would be no intervention, then studies must identify comparison subjects who in fact would not typically receive an intervention. Conversely, if jurisdictions use civil citation primarily to serve as an alternative to probation, then comparison subjects would need to be drawn from similar youth who receive(d) probation to arrive at an “apples-to-apples” comparison (see, generally, Mears et al., 2011).

This dissertation is structured as follows. In Chapter 2, I situate contemporary diversion programs, including civil citation, within historical context by reviewing the history of the juvenile court and the changes from a rehabilitation-oriented institution to a get-tough, punitive-oriented institution and, finally, to a system that increasingly appears to be aligning its efforts to what might be viewed as the “smart-justice” era. Attention then will be turned to a discussion of the historical development of diversion efforts in America, the major features and causal logic of diversion programs, and a review of the literature on the effectiveness of diversion efforts, as well as an investigation of the potential harms of this type of juvenile justice sanction. Finally, gaps in the research on diversion will be discussed. These include the effectiveness of contemporary diversion programs, how these contemporary diversion efforts are used, and the potential benefits and harms that may result from the use of this type of sanction.

Chapter 3 provides an in-depth description of a specific contemporary diversion program, civil citation, in Florida’s juvenile justice system. The history behind the development of the program as well as the details of the civil citation process are provided. Though the present study does not examine the effects of civil citation on recidivism, the theoretical and causal logic behind the expectations of a program effect on future behavior will be identified. In keeping with the main focus of the current research, an in-depth discussion of the theory and research in the prediction of variation in the use of civil citation is then provided. This chapter closes with an account of research on the use and effects of civil citation.

Chapter 4 outlines the goals, research questions, and hypotheses for the current research. As stated above, the broad goal is to understand how a popular example of a contemporary diversion
program is used in practice. Drawing on prior theory and scholarship, it was expected that civil citations would be used in greatest volume statewide immediately following the public endorsement of the initiative by the Secretary of the Florida Department of Juvenile Justice at the time, Wansley Walters. Civil citations were also expected to be used primarily in urban, high crime counties, predominantly for offenders who are white, female, younger, and have committed less serious misdemeanors. Finally, it was anticipated that civil citation may be used as either an alternative to more punitive sanctions or in a way that widens the net of juvenile justice.

Chapter 5 describes the methodology of the proposed research and which data and approaches will be used in which chapters. Briefly, data were collected from Florida’s Juvenile Justice Information System. The study sample includes all misdemeanor offenders who were eligible for a civil citation from July 2011, when language encouraging use of the sanction was added to the Florida Statutes, to June 2015. The sample includes 72,799 youth between the ages of 10-17. Logistic regression analyses were conducted to identify the role of key individual-level variables on the likelihood of receiving a civil citation statewide. Ordinary Least Squares (OLS) regression analysis was conducted to examine county-level patterns in civil citation use. County-specific logistic regression models were estimated for several large counties to identify any possible between-county variations in patterns of civil citation use. Finally, multinomial logistic regression was employed to determine which, if any of the key individual-level predictors of civil citation use also predict the ultimate disposition of those eligible youth who did not receive a civil citation. In an attempt to provide context to the empirical analyses, interviews with FDJJ staff and law enforcement officers in agencies participating in civil citation were conducted to identify variation in the goals of, or uses to which civil citation are be used.

Chapters 6-9 present the results of empirical analyses aimed at understanding how, and for whom, civil citations are being used in Florida. Chapter 6 uses statewide data to examine the role of individual-level predictors on the likelihood of receiving a civil citation. Chapter 7 uses aggregate data to examine the role of county-level predictors on the percent of eligible cases that result in a civil citation. Chapter 8 explores between-county variations in the effects of individual-level predictors on the likelihood of receiving a civil citation. Chapter 9 explores the dispositions of civil citation eligible youth who were instead formally processed.
Chapter 10 presents the results of several interviews conducted with law enforcement officers in agencies participating in civil citation. The main themes of the responses to these interviews are presented in a quick-reference table and are then further explored in the discussion of the goals of civil citations, the ways they are being used in a given county, and the factors that may or may not increase the overall county-level use of civil citations.

Finally, Chapter 11 addresses the impacts of the findings of the proposed research. This chapter revisits the issue of potential benefits and harms in light of the results of the study findings. If civil citations are used across the state in a way that is unbiased and rehabilitative in nature, it can be argued that civil citations are beneficial to the youth and the communities of Florida. If in reality civil citations are issued in ways that disadvantage certain populations and are used to place more individuals under the control of the juvenile justice system, then a case can be made that this particular contemporary diversion program in fact may be harmful. Chapter 11 will also offer possible implications of the proposed research for theory, research, and policy regarding contemporary diversion efforts.
CHAPTER 2

BACKGROUND

To better understand such diversion efforts as civil citation, it is important to situate their development within the broader landscape of the juvenile justice system in the U.S. To that end, this chapter begins by discussing the formation of the juvenile court and the problems its founders were attempting to address. Much of what makes the juvenile court (as was envisioned and established by its founders) unique from the adult criminal court is a parent-like focus on the best interests of the youths who enter the system. Indeed, the doctrine of parens patriae (Latin for “state as parent”) is a guiding emphasis of the juvenile court (Mears, 2012). Some of the key features of this approach, including offender-based sanctioning and an emphasis on informal processing, will be discussed in further detail below. Although holding a delinquent youth accountable for his or her actions has always occupied a prominent place among the guiding principles of the juvenile justice system, the get-tough policies of the 1980s and 1990s placed greater emphasis on punishing youth than on rehabilitation.

The get-tough era shifted the focus of juvenile sanctioning from offender-based to offense based and from informal to formal processing. Several major social developments including Supreme Court decisions and changing crime trends made formal processing and punishment more palatable among lawmakers and practitioners (Steinberg, 2008). Additionally, budgetary concerns and a lack of demonstrable empirical success of popular approaches like diversion cast a shadow of doubt over the ability for informal processing to address juvenile delinquency. The historical context for this major ideological shift will be provided along with the consequences for the juvenile system as a whole.

Although some scholars argue that American juvenile justice still is guided by a get-tough emphasis, it can be argued that it in reality the juvenile justice system has transitioned to a “smart justice” era where the emphasis is on a better balance of punishment and rehabilitation and a reliance on evidence-based sanctions and interventions (Butts and Mears, 2001). The policies of the get-tough era led to juvenile facility overcrowding and thinly stretched budgets (Feld & Bishop, 2012). These systemic issues may have contributed to a general sense of fatigue with getting tough on crime among policymakers and tax payers. This fatigue opened a door for the
return of diversion programs. The arguments for reconsidering diversion were predicated on the assumptions that the juvenile system is both saving money (based on the notion that diversion programs are less costly than operating secure facilities), and reserving limited facility space for more serious offenders (based on the notion that every diverted youth represents one less youth in a facility bed).

Although proponents of diversion programs tout their ability to reduce costs, facility overcrowding, and even recidivism, a number of gaps exist in the research on contemporary diversion programs. The key features of contemporary diversion programs will be outlined before the discussion turns to a notable gap in the research, how and for whom contemporary diversion programs are used. Although many scholars have noted the possibility of net-widening among diversion efforts (Nejelski, 1976; Blomberg, 1977; Klein, 1979) remarkably little is known about just how diversion is used in practice and whether the way it is used varies by characteristics of the offense or offender. These issues will be explored in detail below.

2.1 The Juvenile Court

2.1.1 Origins of the Juvenile Court

The juvenile court was established at the turn of the 20th century in Chicago. The new court was designed as a way to address the plight of youth in the Cook County criminal justice system. Concern over the treatment of young offenders and deplorable conditions of jails and holding cells led prominent members of the Child Savers movement, such as Lucy Flower, Julia Lathrop and Jane Addams, to push for a separate system for young people who committed delinquent acts (Tanenhaus, 2004). The Child Savers were predominantly white women of means who used their money and influence to support social causes in Chicago. A key cause for Lucy Flower and the rest of the Child Savers was the creation of a court for juveniles that took into account the difference between youth and adults (Platt, 1969).

Additionally, emerging research and the advocacy on the part of legal professionals suggested that incarcerating young people with older more hardened criminals may turn these youth into criminals (Tannenhaus, 2004). This new system would be civil in nature, with different standards of evidence from criminal court, and would emphasize rehabilitative efforts
that were in the best interests of the youth. Given that the juvenile proceedings would be focused on delivering appropriate services to youth, rather than determining guilt (the duty of the adult criminal court), due process rights were seen as unnecessary.

Although the juvenile court was designed in theory to serve all the youth of Chicago, disparities emerged early along lines of ethnicity and social class. At the turn of the century, an emerging school of thought suggested that individuals’ actions couldn’t completely be explained by personal choices. Rather, one’s social environment was prominent among factors contributing to delinquency. This new framework for understanding deviance (later termed the Chicago school of sociology) would eventually produce influential research from scholars like Clifford Shaw, Henry McKay, and Edwin Sutherland on the role of social disorganization in producing criminality (Bulmer, 1984). Specifically, social problems in impoverished inner-city areas led to high levels of delinquency among inhabitants of these areas. Not surprisingly then, many of the youth who were served by the early juvenile court came from low income areas of the city. Juvenile court judges saw poverty and social disorganization as a corruptible influence that needed to be addressed (Tannenhaus, 2004).

Reformers like Jane Addams argued that the juvenile court should be designed to operate in the best interest of the youth. However, the early juvenile court was also later widely criticized on the basis that the institution served the interests of the wealthy white population of Chicago by singling out the poorest children for more intensive state control (Platt, 1977; Feld & Bishop, 2012). Many of these poor, often immigrant, youth were removed from their homes, as poverty and family were seen as contributing factors to delinquency. This practice allowed the juvenile court to exercise control over lower class families in Chicago. The juvenile court records do bear this pattern out, with the early juvenile court predominantly serving the youth of poor, minority families. Tanenhaus (2012) notes that the juvenile court, at its inception, disproportionately served youth from Polish and Italian families. This pattern would eventually give way to one that overrepresented Black and Hispanic youth (Feld & Bishop, 2012).

The inequality in the treatment of youth who came before the early juvenile court was not restricted to racial and ethnic disparities. There was also a gendered nature to court responses that often disadvantaged young females who behaved in ways that went against prevailing middle class values. Young girls were often policed for status offenses involving issues of
sexuality. Promiscuity, then, became a chargeable offense for females, though a charge of this nature would be unlikely to be applied to males (Feld & Bishop, 2012).

2.1.2 Offender-Based Sanctioning and an Emphasis on Informal Processing

The new juvenile court was a civil system rather than a criminal system and its guiding principle was that of *parens patriae*. That is, the juvenile court, like a parent, should concern itself with the best interests of the child (Tannenhaus, 2004). The creators of the new juvenile system also saw a need to hold youth accountable for their actions (Butts & Mitchell, 2000). Retribution, however, was not intended as the sole focus of the interventions for delinquent youth. Rather the juvenile court utilized rehabilitative treatments and services in concert with punishment to address the underlying needs of the child. These needs were recognized as varying tremendously from youth to youth. As such, juvenile court judges were granted considerable discretion in making decisions about the disposition and treatment of the youth who came before them. This discretion was designed to allow judges the ability to craft a sentence based upon prevailing individual needs (Mears et al., 2012).

Key among the discretionary options available to judges and other juvenile court actors at the time, was the ability to handle some cases informally. Informal processing allowed for judges to take into account certain contextual factors and make the decision to handle some cases outside the bounds of traditional case processing. Often this informal processing was achieved through a court ordered diversion program. Informal processing could allow a youth to be handled in the community and avoid a potentially stigmatizing criminal record. Civil citations stand as an example of this type of informal diversionary effort which, when initiated by law enforcement, allows youth to maintain a clean record upon program completion. As with other earlier forms of informal processing, civil citations allow for wide degrees of latitude when it comes to deciding when their application is warranted.

The discretion that was, and in the case of civil citations still is, afforded to juvenile court judges and court personnel also opened the door to possible abuses of power. By design, youth who came before the early juvenile court were afforded few due process protections. The juvenile court was said to be operating under the guise of doing everything in the best interest of the youth in the system. There was no need then for due process protections. The point of the
juvenile court was to rehabilitate the youth, not punish. In the 1960s, however, national attention was turned to the realities of the juvenile court and their dissonance with its original benevolent ideals. In response, the due process revolution that was occurring in the nation at the same time began to permeate the juvenile court (Steinberg, 2008). The changes that resulted from affording youth due process rights will be discussed in the next section.

2.2 The Get-Tough Era and the Juvenile Court’s Emphasis on Punitive Sanctions

2.2.1 Offense-Based Sanctioning

Though most state juvenile justice systems retain many of the aforementioned tenets of the original juvenile court, today’s juvenile courts look much different than those envisioned by the early Child Savers. In the 1960s a series of Supreme Court decisions granted juveniles greater due process rights including the right to legal counsel (Kupchik, 2006). Although these new rights protected youth from the egregious abuses of discretion committed by some juvenile court judges, the bestowing of these procedural rights also created a more adversarial nature in the juvenile system.

Another turn of events that introduced due process rights and, more importantly, elements of the adult criminal justice system was the nation’s response to increases in crime during the 80s and 90s and, specifically, juvenile violent crime in the 90s. Concern about juvenile “super-predators,” driven by inflammatory media campaigns led to general moral panic and resulted in a call for more punitive responses to juvenile offenders (Scott & Steinberg, 2008). With these more punitive responses, came sentences that were more responsive to offense severity than offender needs (Butts & Mears, 2001; Butts & Mitchell, 2000). Mandatory minimum and determinate sentencing led to a discounting of one of the juvenile court’s guiding principles, to provide tailored sentences to individual youth.
2.2.2 The Transition to Formal Processing

Though central to the guiding philosophy of the juvenile court, the commitment to handling juvenile delinquency cases in an informal manner began to seriously erode as broader get-tough policies were adopted by both the juvenile and criminal justice systems. With this erosion came a disillusionment with all things associated with informal processing, diversion included. The disillusionment with informal processing arose not just on the basis of the aforementioned judicial decisions and crime trends, but also on the basis of the extant research on the effects of informal processing. Indeed, per Klein (1979) (see also Mears, 2012), the effectiveness of many diversion efforts is unknown, and many studies have identified pernicious effects. Still others identify no reduction in recidivism or other benefits and, at the same time, that net-widening occurred (e.g., Blomberg, 1977).

Another trend that underlines the general transition of the juvenile court to more formal proceedings is the introduction of prosecutorial oversight to the front-end intake process. Mears (2012) notes that while the intake processing of referred delinquents has traditionally been handled by probation staff, jurisdictions are increasingly relying on prosecutors for intake decisions. The represents a shift from judicial discretion to executive discretion among intake decisions and with it an endorsement of law enforcement as the guiding principle (Feld & Bishop, 2012).

As will be discussed, diversion programs have been viewed by many as failure. Additionally, the get-tough era ushered in a transition from informal to formal processing of many of the youth referred to juvenile justice systems across the country. Still, informal processing remains paramount to the founding philosophy of the American juvenile court system. And, as we will see, informal processing remains a central and necessary feature of court operations in many jurisdictions today.
2.3 The Smart Justice Era and a Return to Diversion Programs

2.3.1 Calls for “Smart Justice”: The Use of Diversion to Create Accountability

Juvenile crime in America has been steadily declining since its peak in the mid-1990s. Today, the juvenile arrest rate is at its lowest level in over two decades (OJJDP Statistical Briefing Book, 2015). This decline provides an opportunity to reintroduce policies and programs that have a rehabilitative focus. Without the public pressure to get tough on crime, policymakers are free to entertain more evidence-based policies and programs that may focus on rehabilitation rather than punishment alone. The evidence points to a growing concern among the public about some of the more severe get-tough policies for juvenile offenders. For example, surveys show both a growing opposition towards the transfer of youth to the adult criminal system, as well as a renewed interest in policies that include rehabilitative aspects (Scott & Steinberg, 2008). Indeed, public opinion research shows that there is a desire among American citizens for juvenile justice that is balanced (Cullen et al., 2000) and may be supportive of rehabilitative efforts to the extent that they are evidence-based (Mears et al., 2007).

Although the tide appears to be shifting towards more evidence-based responses to juvenile crime, it should not be assumed that the desire is to return to a more lenient era of rehabilitation. Rather the desire seems to be both to hold youth accountable for their delinquency and to avoid incarceration. Indeed as Scott & Steinberg (2008) show, among polls of public perception on the treatment of juvenile offenders, the protection of public safety is a key priority. The authors go on to point out that in general the public also is supportive of rehabilitation for “wayward youth” as distinct from more hardened juvenile offenders (Scott & Steinberg, 2008; See also, Applegate et al., 1997; Cullen et al., 2000; Cullen et al., 1988). Public attitudes towards the treatment of juvenile offenders, then, are complex. It would seem that a solution to these complex perceptions is to reintroduce diversion but with accountability as the first and foremost goal. Rehabilitative elements still factor into the intervention but don’t sit front and center as they would have at the outset of the juvenile court. As will be discussed later, contemporary diversion programs seem, at least in theory, to fit this bill.

Diversion efforts are returning to juvenile justice systems across the nation, and public support for these types of programs, as Scott & Steinberg (2008) illustrate, is increasing. But is
this return to diversion a positive development? On the one hand, diversion appears to be a common-sense alternative to the get-tough practices that lead to a population of incarcerated individuals that has grown to an untenable size. On the other hand, however, the lessons from the 1970s show us that diversion is not necessarily beneficial. Although diversion programs intuitively seem likely to reduce recidivism, the bulk of the extant scholarship on the subject suggests otherwise (See Schwalbe et al., 2012; Sullivan & Latessa, 2011; Sullivan et al., 2010; Wilson et al., 2009; Beck et al., 2009; Cocozza et al., 2009). Perhaps there is something different about contemporary diversion efforts, including civil citations, however, that place them in a better position to succeed in accomplishing programmatic goals. Before discussing this idea further, however, the history of diversion will be examined, along with a description of diversion and its definitional ambiguity.

2.3.2 History of Diversion

Although diversion has always featured prominently in the juvenile court, its popularity reemerged during the 1970s in part as a result of case processing pressures imposed on courts in the wake of the increase in due process protections enacted as a result of Supreme Court decisions like in re Gault. In a way, diversion serves as a way for the juvenile justice system to circumvent some of the more adversarial restrictions placed on it by the Gault decision. Informal diversion processing offers wide latitude in decision making:

The juvenile justice system has demonstrated considerable adaptability by avoiding the impact of Gault and other pressures for increased formalization by delegating decisions to its extremities—police and intake at the beginning, correctional institutions and “after care” agencies at the end—after a genuflection to the formalities of the adjudicatory and dispositional hearings (Nejelski, 1976:405).

The expansion of diversion was also fueled by recommendations of the President’s Commission on Law Enforcement and Administration of Justice in 1967. The commission favored community treatment alternatives for some youth as a way of avoiding stigmatizing labels that formal processing may impart. As Klein (1979) conceived it, diversion’s widespread
popularity came as a direct result of: 1) Recommendations of the federal government in the form of the 1961 Juvenile Delinquency Act and the President’s Commission on Law Enforcement and Administration of Justice in 1967; 2) the development of sociological theories, like labeling theory, that favored a diversionary approach to handling juvenile delinquents; and 3) public frustration with rising delinquency rates.

### 2.3.3 What is Diversion Exactly?

Though the term diversion is used ubiquitously, arriving at a straightforward definition is a rather complicated endeavor. Often the conditions of diversion in one jurisdiction are qualitatively different from the conditions of diversion in another. This definitional ambiguity poses a serious challenge to both implementing and evaluating the effectiveness of diversion efforts. Before discussing the effects of definitional ambiguity, it is important to discuss the general forms in which diversion efforts tend to manifest. In his article on the impediments to diversion implementation, Malcolm Klein (1979) identified three distinct types of diversion, or definitional trends.

**First**, diversion can entail the processing and sanctioning of a youth in a manner that differs from business as usual. This scenario represents the broadest definition, as it can be used to justify just about any practice that deviates from what has been done in the past. This tendency to call anything new diversion is, however consistent with reality.

**Second**, diversion may mean a removal of all court involvement. In this scenario, no requirements are imposed on the diverted youth and refusal of or failure to comply with treatment or recommended services has no implications for the youth’s future with the juvenile court. This type of diversion could conceivably be further broken down to diversion from the juvenile court entirely, but a transfer of responsibility to a child welfare system, versus diversion with no transfer of responsibility.

**Third**, diversion may imply not only removal from the juvenile system, but also diversion to treatment or services operated or contracted by the juvenile court (Klein, 1979). Often youth are referred to a community based organization that may provide a wide array of social services ranging from behavioral counseling to drug treatment. Referral to treatment is a primary component of civil citations in Florida, as will be discussed later.
Diversion may also imply the restrictions on youth’s movements toward the deep end of the system. Diversion is often thought of as something that only occurs post-arrest and prior to a detention placement or adjudication. In reality, diversion can occur at each consecutively more serious level of involvement with the juvenile justice system. For youth who are eligible for residential commitment, diversion could occur through the systematic practice of placing certain offenders on probation, a “shallower” end of the continuum of juvenile court sanctions. Indeed diversion from tougher sanctions can occur if a judge were to offer a youth the minimum amount of time in residential facility as opposed to the maximum amount allowable. In practice, contemporary diversion programs often operate using several of the above definitions. These may vary by the jurisdiction in which the program operates, the offense that is presented, or other demographic and extralegal characteristics of the youth in question.

### 2.3.4 The Effectiveness of Diversion Programs

Although a number of studies that examine the effects of diversion programs on recidivism exist (see Schwalbe et al., 2012; Sullivan & Latessa, 2011; Sullivan et al., 2010; Wilson et al., 2009; Beck et al., 2009; Cocozza et al., 2009), the ambiguity about what diversion is makes it difficult to evaluate its effectiveness (Mears et al., 2011; Mears, 2012). As with most juvenile sanctions, considerable heterogeneity exists among various conditions and sanctions associated with diversion in the juvenile justice system. Heterogeneity is certainly present when the effectiveness of one diversion program is compared to the effectiveness of another. The definitional ambiguity that obscures the answer to the question: *What is a diversion program?* also makes it difficult to obtain apples-to-apples comparisons to answer the question: *Is this diversion program better than that one?*

Another major impediment to determining the effectiveness of diversion programs in general, is the unknown counterfactual sanction. That is, it is unclear how a particular diverted youth would have been sanctioned were it not for the existence of the diversion program. For example, if in a given jurisdiction 400 youth were admitted to a diversion program in 2014, it could be argued that the program diverted 400 youth from being placed on probation (arguably the least serious of the traditional formal sanctions). If in reality, however, 300 of those 400 youth would
have simply had their cases dismissed were it not for the existence of the diversion program, the reports of the program’s success are greatly exaggerated.

Definitional ambiguity and issues of unknown counterfactual conditions aside, diversion programs are most often evaluated on the basis of their effects on participant recidivism rates. That is, are youth who participate in a diversion program more or less likely to engage in future delinquency? Schwalbe et al.’s (2012) meta-analysis of experimental studies of diversion programs for juvenile offenders found that, overall, the effect of most diversion programs on recidivism was non-significant. Programs showing promising effects involved family engagement and restorative justice principles. The study also found, however, that, tremendous heterogeneity existed in the methodologies of the studies included.

Current literature suggests that individual characteristics of offenders influence both the programmatic effects of diversion as well as the likelihood that this type of intervention is offered. Individual risk factors may be more likely to predict recidivism than diversion program enrollment. Sullivan & Latessa (2011) found that individual risk factors significantly predicted recidivism among youth enrolled in diversion programs. This effect was constant across several different types of programs. However, the effect of the various programs in reducing recidivism was relatively weak (Sullivan & Latessa, 2011). Demographic variables, specifically gender and race, may play a significant role in explaining variation in the effects of diversion programs. Wilson et al. (2009), for example, found gender differences in the effects of teen court (another popular diversion program) on recidivism. Specifically, teen courts appeared to increase the likelihood of recidivism among males, whereas no effects of the program were found for females (Wilson et al., 2009). Accordingly, the proposed research will explore the effects of several demographic variables on variation in the use of civil citation across the state of Florida.

2.3.5 The Potential Harms of Diversion Programs

Diversion efforts are generally promoted by policymakers on the basis of the many purported benefits youth can expect to receive as a result of participation. The potential for harms resulting from participation in a diversion program is less often discussed. Scholars, though, have noted the potential for harm in diverting youth from the juvenile justice system as early as the 1970s
(see Nejelski, 1976; Blomberg, 1977; Klein, 1979). Several sources of potential harm stemming from the increased use of diversion bear further elaboration.

First, there is often a lack of judicial review of decisions regarding the placement of youth into diversion programs. Decision making, then, is often left up to intake personnel at juvenile detention and assessment centers (Mears, 2012). Leaving decisions that affect the ultimate nature of a youth’s processing (formal or informal) to staff who are often untrained to make legal decisions presents two distinct challenges. First, lack of judicial review may allow for the intrusion of extralegal factors into the decisions of frontline intake personnel. This intrusion potentially opens the door for discriminatory processing. Although most explicit bias has been scrubbed from juvenile processing, there still exists the potential for implicit biases to sway diversion decisions. Second, this type of processing arrangement is seemingly at odds with the nature of the U.S. legal system. When a crime is committed, according to the U.S. legal system, ultimately it is the responsibility of the prosecutor to decide whether a charge should be filed. This power of the State Attorney is circumvented when the decision to informally process a youth is made by a probation officer at intake.

Second, scholars have pointed out that diversion programs are often coopted by local juvenile courts to extend the reach of the juvenile justice system to include youth who would previously not have been under its jurisdiction (Klein, 1979; Blomberg, 1977). This expansion of the court’s reach is known as net-widening and can be a cause for concern. The goal of diversion, broadly, is to change the trajectory of some youthful offenders such that they avoid entry into the juvenile system entirely, or deeper penetration if already formally processed. This primary goal is fundamentally subverted if the population of youth under the court’s control increases as a result of the implementation of a particular diversion program. Diversion’s impacts become even more concerning where failure of a youth to comply with the conditions of the program constitutes an infraction punishable by probation or a myriad of other formal sanctions. These sanctions result, not from the original offense, or from a new offense for that matter, but from technical violations of program specific rules. Florida’s civil citation program imposes this type of more severe sanctioning for program violations, a feature that will be discussed in more detail in Chapter 3. The question then, is what would otherwise have happened to the youth? Many of these youth might have been released outright, but because of the existence of a given diversion program, they now receive a sanction. This net-widening process represents tougher sanctioning than
would otherwise occur, and by pulling-in more youth, diversion can no longer be claimed. In addition, if these youth then violate conditions of the diversion program, they may be subject to still tougher sanctioning than they otherwise would have received if they had been arrested outright (Klein, 1979; Mears, 2012).

Third, diversion efforts may unintentionally obscure the need for system improvement. Diversion is often offered to the lowest level offenders that come through the front entrance of a juvenile justice system. In some jurisdictions, it may be the case that many of these low level offenders are status offenders. That is, they have committed an act that is considered a criminal offense only for individuals under a certain age (e.g., Drinking, smoking, truancy, etc.). Status offenses, by nature, are only committable by juveniles. As Nejeski (1976) points out, diverting individual status offenses can also distract attention from statutes and laws that require reform. Perhaps age prohibitions on certain activities should be removed or adjusted. Alternatively, certain behaviors may not require intervention on the part of the juvenile court at all. By offering diversion in these cases, the courts tend to maintain control in a way that is less visible. This control, in turn, may hide the real issue: the need for reform.

2.4 Research Gaps in the Diversion Literature

2.4.1 What Does Diversion Look Like in the “Smart Justice” Era?

As was previously discussed, diversion programs have enjoyed a resurgence in popularity. The motivations behind this wholesale embrace of diversion differ in significant ways from the previous high-water mark in the 1970s. The current diversion ideology seems to be more focused on accountability (Office of Juvenile Justice and Delinquency Prevention, 1999). Accountability, it bears noting, is not tantamount to retribution. Rather juvenile courts in many areas of the country embrace both the need to hold youth responsible for their actions, as well as the desire to rehabilitate. It can be argued, then, that rather than returning to the ideals of the “rehabilitative” era, or maintaining the practices of the get-tough era, the American juvenile court is in fact in a new “smart justice” era.

The danger in a focus on accountability, however, is that the door is opened to the risk of net-widening and more punishment. If accountability is the guiding principle of the juvenile justice
system, there may be a pressure to do something with all youth who come through the doors. That is, in the past, absent an expeditious and comparatively low level sanction available for youth, the courts may have “weeded out” many minor misdemeanants through dismissal (either as a result of case processing constraints or ideological belief that some youth were too minor to be wrapped up in the juvenile system). With the availability of a diversion program, the end result may be punishment when before nothing may have happened to the juvenile.

It should be noted that intervening in cases that would have gone unaddressed is not inherently bad. In some cases, intervention—when nothing would otherwise have happened—might prevent future offending through deterrence or some other mechanism. Additionally, although accountability is often stressed, punishment is never the sole intent of contemporary diversion programs. Nearly all have some counseling or therapeutic services associated with the sanction. Therefore, diverted youth may receive needed beneficial treatment, where dismissed youth would not. Even so, using diversion to increase accountability may simply amount to more punishment and harms for the juvenile and more expense for the system.

The question remains however, are we really in a new era? Has the “true” juvenile court, the one the founders envisioned, returned? Is it simply the get-tough era in disguise? Or do we really have a new era that is a blend of the original juvenile court and the get-tough juvenile court? Contemporary diversion efforts, with their simultaneous emphases on rehabilitation and accountability, must be further examined if we are to arrive at an answer to any of the questions above. To this end, the current paper focuses on the use of diversion, specifically disparities in use) seeking to provide clarity in understanding the true nature of current juvenile justice efforts.

### 2.4.2 How and For Whom Are Contemporary Diversion Efforts Used?

If we accept that we are in a new “smart justice” era with unique motivations and goals, an important question becomes: *how is contemporary diversion being used?* This study will focus on civil citations as a prominently used type of diversion that has become of increasing interest to policymakers. Although this study will be examining civil citations as they are implemented in the state of Florida, this type of diversion program is offered in some form in other states as well. Hawaii, for example offers a program known as Ho’opono Mamo for first-time misdemeanants. The emphasis of the program is on diversion and restorative justice through connections with
community elders and counselors (State of Hawaii, 2015). Several other states, including California (State of California Legislature, 2015), Delaware (State of Delaware, 2015), and North Carolina (North Carolina General Assembly, 2015) have also begun implementing programs similar to Florida’s civil citation initiative.

Civil citations constitute a new type of diversion effort, while retaining many of the hallmarks of other diversion programs (e.g., avoidance of formal adjudication, provision of services). The uniqueness of the program lies in its designation as a “civil sanction.” When a juvenile is apprehended by law enforcement, the officer has the ability to offer a civil citation, depending on the eligibility of the youth and the offense. The eligibility requirements, as well as the chain of events that are set into motion as a result of the decision to issue a civil citation, will be discussed in detail later. Youth who receive a civil citation never go before a juvenile court. Unlike arrest records, records of civil citations are kept in a database not accessible by law enforcement, schools, employers, or any other interested parties outside of the Department of Juvenile Justice. Once a youth receives a civil citation, it is the responsibility of the youth and their family to check-in with a civil organization that plans and oversees the youth’s citation conditions. Youth are held accountable by being required to admit guilt, and to complete community service hours. The reach of the juvenile court is greatly extended by allowing the law enforcement officer to make the decision to handle the sanction “civilly.” This power given to law enforcement to issue a sanction that would traditionally have been handled by the court, carries with it no judicial oversight of decision-making.

Civil citation is, at the same time, a traditional diversion effort. It has, for example, a focus on giving youth a break from tougher sanctioning, intervening early to avoid a life of crime, and relying on a tailored case plan incorporating input from the youth and the family. It is traditional, too, in being highly confused. As Barry Feld (1993) has emphasized, the juvenile court itself is confused. It is not a criminal court. Rather, it is a family court. It emphasizes punishment, social services, and rehabilitation. Which should reign supreme? There is no clear answer. No adult would argue that the criminal court was seeking to act in his or her best interest. Yet that is exactly what the juvenile court seeks to do. Further complicating matters, the contemporary juvenile court introduces civil court elements (e.g. fines, informal processing, avoidance of arrest records). The next chapter will discuss civil citations in Florida noting the origins, theoretical logic, and potential impact of this contemporary diversion effort.
3.1 Origins of Civil Citations

The concept of the civil citation as a sanction was developed and first implemented at the Miami-Dade County Juvenile Assessment Center (JAC). The Miami-Dade JAC was established in 1997 as a result of state legislation, and serves as a single point-of-contact center to coordinate services for youth (Cocozza et al., 2005). The rising numbers of juvenile arrests in the 1990s led to large populations of juveniles under some form of supervision by the juvenile justice system. In an attempt to reduce the workload on the juvenile courts in Miami, the JAC began experimenting with juvenile diversion programs. As part of a federally funded national demonstration project, the Miami-Dade JAC began implementing a post-arrest diversion program in 2000. This program was available to first-time offenders who had committed minor misdemeanor offenses (Cocozza et al., 2005).

3.2 What Is a Civil Citation?

In Florida, civil citations, like the post-arrest diversion program discussed above, are available to first-time offenders who commit qualifying misdemeanor offenses. According to statute, all misdemeanors are eligible for a civil citation. Decisions about the eligibility of specific offenses are left up to the discretion of law enforcement and juvenile court actors at the county level. Legislation passed during the 2015 legislative session expanded the use of civil citations to include up to the three opportunities for citation for eligible offenses, though few counties have begun to implement this rule change (Vasilinda, 2015). Procedurally, the civil citation can be offered by law enforcement officers either in the field or upon intake at a juvenile assessment center or processing office. Unlike post-arrest diversion, however, the arrest paperwork is never filed for a youth receiving a civil citation. Civil citation, then, essentially serves as a pre-arrest diversion program. The records of cited youth are even housed in a separate electronic database. This process ensures that there is no searchable record that could count
against civil citation completers in a job interview, college application, or future arrest situations. The responsibilities the FDJJ has in protecting the privacy of these records is unclear. It is possible that if a government agency wanted to get its hands on the records of civil citation, the FDJJ might be forced to divulge youth information about civil citation participants.

Youth who receive a civil citation are diverted from formal processing to an authorized provider for services in lieu of traditional sanctions. Although the specifics of the conditions of a civil citation vary based on the jurisdiction, the youth’s circumstance, and the offense, there are four general requirements of the youth that must be satisfied to successfully close out the civil citation and erase the record. These include:

- Community service – At least 5 hours a week and not to exceed 50
- Intervention services based on the youth’s needs – These may include family counseling, drug screening, urinalysis testing, substance abuse treatment, and/or mental health treatment.
- Other services or sanctions – These are up to the local programs, but examples include restitution, a letter of apology to the victim, and school progress monitoring.
- Remain crime-free for a year

If the youth completes the program he or she is assigned to and the youth remains crime free for the duration of the civil citation process, the youth’s record is expunged. The program’s requirement that the youth admit guilt allows a civil citation to circumvent the formal judicial disposition process. It may also contribute to the possibility of net-widening. If the youth fails any of the conditions of the citation, the youth is brought back in for the original charge. A comprehensive discussion of the possibility of net-widening will be provided later.

### 3.3 How Civil Citations Constitute Diversion

Civil citations represent a process of diversion from the adjudication process and to alternative services (Klein, 1979). It should be reiterated that civil citations are more a procedural tool than a universal program. There is no one programmatic approach. Instead, interventions differ based on the programs that are available in a given area. The commonalities between jurisdictions, and coincidentally the three elements of a civil citation that qualify it as diversion
are: 1) that the youth need not appear before a juvenile court, 2) that a youth is referred to a community based treatment service, and 3) that successful program participation results in the elimination of the youth’s criminal record.

In receiving a civil citation, a youth need not appear before a court to be formally processed. The diversion that is occurring in this circumstance is diversion from traditional juvenile justice proceedings. The civilly cited youth need only bring his or her citation to the mandated, community-based provider. It is here that the youth and family agree to the conditions of the citation including participation counseling or other needs-based services. This portion of the process represents diversion to services other than business-as-usual. Finally, youth who comply with all the requirements of the citation leave with no record of delinquency, preventing possible future offenses from being labeled as recidivism and, consequently, dealt with more harshly.

3.4 The Theoretical Logic of Civil Citation Effects on Recidivism

A central focus of this study will be to identify how and for whom civil citations are used. An understanding of the theoretical logic of civil citations can assist in determining what the effects might be and, simultaneously, to understand the need for studies that carefully differentiate the relevant counterfactual—that is, civil citation as compared to what alternative condition (e.g., no intervention or an intervention in lieu of probation).

For youth who otherwise would receive a formal sanction, civil citations may reduce recidivism through several potential mechanisms: informal rather than formal processing (and the potential harms of formal processing), avoidance of an arrest record (and potential labeling effects), and provision of services and treatment (and so a reduction in criminal propensity). For youth who otherwise would not receive any sanction, the main mechanism is the the provision of services and treatment that, absent the diversion program, the youth would not receive. Below, I discuss the theories typically used to explain why diversion efforts may decrease (or increase) offending.

Labeling theories (see Becker, 1963; Lemert, 1951; 1972) suggest that by avoiding the stigma of formal processing, secondary deviance is less likely. It has been noted, however, that being deemed in need of services, as youth given a civil citation often are, may be just as stigmatizing as being labeled delinquent (Nejelski, 1976). Labeling theories would also predict a
reduction in the likelihood of recidivism based on the second major element of civil citation, the lack of an official arrest record for the cited youth. By withholding the arrest and keeping the youth’s records in a separate FDJJ database, civil citation ensures that there is no searchable record for successful civil citation completers that could count against them in a job interview, college application, or future arrest situations. This clean slate reduces the likelihood of secondary deviance.

Differential association (Sutherland, 1947) and social learning (Akers, 1977; 1998) theories argue that a formal sanction may put a youth in direct contact with more delinquent youth, increasing the likelihood of transmission of beliefs and attitudes that may encourage recidivism. This is, of course, a very simplistic interpretation of a complex theoretical perspective. Nevertheless, this differential association brought about by formal disposition could be used as a justification for diverting a youth from the juvenile justice system. By diverting a youth from detention centers and other traditional junctures in the formal juvenile justice process, it could be argued that a youth is not afforded an opportunity to learn from or associate with individuals who espouse pro-delinquent attitudes and beliefs.

The general theory of crime (Gottfredson & Hirschi, 1990) would predict a reduction in recidivism resulting from the diversion to services element of civil citation. Cognitive behavioral services that are available through some civil citation providers may help to ameliorate the constellation of cognitive behavioral challenges that contribute to delinquency. There is the potential that, as mentioned above, the labeling of a youth as “in need of services” may be sufficiently stigmatizing to provoke secondary deviance.

Not all theoretical perspectives would predict a reduction in recidivism as a result of the sort of informal processing civil citations offer. Deterrence perspectives, for example, argue that by deemphasizing the punishment aspect of sanctioning, an opportunity to deter future crimes is missed. For a maximal deterrent effect, all criminal acts must be responded to with a punishment that is swift, certain, and proportionately severe (Akers & Sellers, 2004). By diverting youth from formal proceedings in front of a juvenile court judge and to a social service agency providing civil citation, a youth may develop the perception that future behavior will be responded to in a similarly informal way. This perception of leniency may increase the likelihood of recidivism. This emboldening effect is true for the youth offered the civil citation
(specific deterrence) as well as that youths peers who hear firsthand that they can commit delinquent acts only to be let off easy (general deterrence).

In short, diversion might reduce future offending. It is justifiable, given labeling and social learning perspectives, to assume that the informal nature of civil citation processing and the avoidance of a delinquent record may lead to lower rates of future offending among those youth who receive a civil citation. Likewise, the diversion to beneficial treatment may ameliorate the conditions leading to low self-control. Under certain conditions, though, a civil citation may increase the likelihood of future offending. Deterrence theorists would certainly argue that, by passing up the opportunity to punish wrongdoing, civil citations are likely to exacerbate future offending. It is not clear then that we should universally expect a reduction in future offending on theoretical grounds.

3.5 Theory and Research Predicting Variation in the Use of Civil Citations

A focus on the use of civil citation and its theoretical impact on recidivism is, as highlighted immediately above, an important endeavor in its own right. Civil citations, however, may have different effects on recidivism depending on how and for whom they are used. Several theoretical perspectives are useful in understanding how and why variation in the application of contemporary diversion programs may occur.

According to the racial threat perspective (See Blalock, 1967; Blumer, 1958; Quinney, 1977; Turk, 1969), minorities constitute a threat to the majority group in power. Therefore, greater social control will be exercised toward the minority group as a whole. In jurisdictions with a larger minority population, minority youth should receive harsher penalties. Thus, minority youth should be less likely to receive civil citation relative to white youth in the same county and relative to other counties with smaller minority populations. A courtroom communities perspective focuses on the realities of the justice process as it relates to the various courtroom actors and their interactions (Eisenstein & Jacobs, 1991). In courtrooms today, case processing pressures dictate reliance on rapid sentencing. The emphasis is on procedural justice, not substantive justice. Given the relative expedience of issuing a civil citation, this particular sanction should be favored over the more time consuming process of formally processing a youth (Gebo et al., 2006).
The chivalry and paternalistic hypotheses are helpful in understanding the potential variation in use of civil citation by sex and gender. According to the chivalry hypothesis, females will receive preferential treatment when considering eligibility for civil citation as long as they conform to conventionally expected gender behaviors and characteristics (Visher, 1983). The chivalry hypothesis then only extends to females who act in ways that accord with traditionally accepted female behavioral norms. Similarly, the paternalistic hypothesis would predict more lenient punishments for females due to differing levels of culpability between the sexes. According to a paternalistic perspective, females are less culpable in their actions and therefore more deserving of diversion. Table 3.1 outlines the major theoretical perspectives and arguments predicting civil citation use.

3.6 Research on the Use and Effects of Civil Citations

Although no published research exists on the variation in civil citation application, data on the use of civil citations in Florida are collected and presented on the FDJJ webpage as an interactive dashboard. DJJ publishes “success” rates. A success is defined as a youth who complies with the conditions of the civil citation and remains crime free for a year following the issuance of the civil citation. At nearly 97%, the success rates for youth issued a civil citation are extraordinarily high. This success rate is often compared to the success rates of the nearest neighbors to civil citation, other diversion programs (87%) and probation (83%) (Florida Civil Citation, 2015), and touted as evidence that civil citations reduce recidivism. The reality, however, is that youth who are issued a civil citation may be qualitatively different than those who receive another diversion program and are almost certainly different than those who receive probation. What we know regarding the realities of the age/crime curve is that most youth engage in a small amount of low level delinquency during adolescence, while a small number continue to engage in more pervasive delinquent and criminal behavior. It is entirely likely that rather than reducing recidivism, civil citation does an excellent job of identifying youth who are unlikely to return to FDJJ.
### Table 3.1 Theories Predicting Differences in Civil Citation Use

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<thead>
<tr>
<th>Sanctioning Theories</th>
<th>Theoretical Logic and Arguments</th>
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<tbody>
<tr>
<td>Theory 1. Racial Threat</td>
<td>Minorities constitute a threatening group. Greater social control will be exercised toward them. In those jurisdictions with larger minority population, minority youth should receive harsher penalties. Thus, minority youth should be less likely to receive civil citation relative to white youth in the same county and relative to other counties with smaller minority populations. (Citations)</td>
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<tr>
<td>Theory 2. Courtroom Communities</td>
<td>Case processing pressures dictate reliance on rapid sentencing. (Eisenstein and Jacobs, 1991.) Emphasis is on procedural justice, not substantive justice. Given the relative expedience of issuing a civil citation, these should be favored over the more time consuming process of formally processing a youth (Gebo et al., 2006).</td>
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<tr>
<td>Theory 3. Chivalry Hypothesis</td>
<td>Females will receive preferential treatment when considering eligibility for civil citation as long as they conform to conventionally expected gender behaviors and characteristics (Visher, 1983). Likewise, paternalistic hypotheses would expect females to be seen as less culpable and therefore more deserving of diversion.</td>
</tr>
<tr>
<td>Theory 4. Attribution Theory</td>
<td>Age as an indication of reduced culpability (Mears et al., 2014). The youngest offenders are the most likely to be handled informally.</td>
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</tbody>
</table>

Currently, there are only a few empirical articles examining civil citations in the State of Florida. Those empirical articles that do exist (see Walby, 2008; Sullivan et al., 2010; Myers, 2013), tend to find highly inconsistent implementation. Sullivan et al. (2010) conducted a preliminary and descriptive examination of civil citation in Florida that overwhelmingly focused
on motivations, design, and implementation of the civil citation program. The authors found that there was a high rate of completion among participants in the program. This high rate of completion indicates that most youth complied with the rules of the program and received the services that were prescribed at the outset of the civil citation process (Sullivan et. al., 2010). When high-quality services are available to youth in the program, many completions is likely a good thing. If, however, the services available are inadequate, which may be the case in neighborhoods that are disadvantaged, high rates of completion may not necessarily correlate with changes in future behavior. Additionally, the authors found that youth who completed civil citation were modestly less likely to be referred for a future offense than a non-statistically matched sample of youth who were formally processed (Sullivan et al., 2010).

3.7 Research Gaps in the Literature on Contemporary Diversion Programs

To date, no research has looked comprehensively at the sources of variation in the application of civil citation. This lack of attention to variation in use represents a major gap in the literature on contemporary diversion programs, as civil citation is used not only statewide in Florida, but also in a number of other states. The dearth of literature examining the ways in which civil citations are used is the gap that I will be addressing and will be doing so by drawing on prior theory and research on court sanctioning and diversion. Again, the effects of civil citation have the potential to vary tremendously depending upon how the sanction is used and for whom. This issue is particularly salient given the possibility that variations in who receives civil citation may lead to potential disparities by race, age, gender, and other extralegal demographic factors. Before we can understand the effects of this diversion program on recidivism rates, a solid knowledge of how this relatively new sanction is applied is warranted.

Another major gap that exists in the research on contemporary diversion programs is in determining the effects of these programs on recidivism rates. Although this gap is not the focus of the current study, it is worth noting some of the reasons for the lack of research on recidivism and its consequences for understanding the efficacy of contemporary diversion programs. A major impediment to determining the effectiveness of diversion programs, as has been mentioned elsewhere, is in dealing with the issue of the counterfactual (Mears et al. 2016). That is, what would have happened to a particular diverted youth if that diversion program were not
available? The answer is not as clear as it would seem. All youth who receive a civil citation have committed a crime and are technically eligible for at least probation. In this situation, it could be argued that the youth is getting the better end of the deal by receiving civil citation over a more formal probation placement. In practice, however, the youth who are deemed eligible for civil citation may be so low level as to ultimately warrant a dismissal from juvenile court. When compared to nothing, civil citation becomes the more punitive option.
CHAPTER 4

STUDY GOAL, QUESTIONS, AND HYPOTHESES

4.1 Study Goal

The goal of this dissertation was to contribute to scholarship aimed at understanding the uses and potential effects of juvenile diversion policies and programs. More specifically, the goal was to contribute to scholarship aimed at understanding the uses and potential effects of contemporary, “smart justice” juvenile diversion policies and programs. In particular, the dissertation sought to examine variation in the use of civil citations, with civil citations serving as a prominent illustration, or the equivalent of a case study, of contemporary diversion efforts. Drawing on prior theory and research, it is anticipated that there will be variation in the use of civil citations along a range of dimensions. These dimensions include age, sex, race and ethnicity of youth, offense severity, the county in which the offenses occur, and the year in which the offenses occurred. Understanding the variation in the use of civil citations among the aforementioned domains, represents a contribution to the literature on diversion programs specifically, and juvenile sentencing more generally, in a number of ways.

First, a key contribution of the current study lies in illuminating the central tensions between the philosophy and the practice of juvenile justice by answering the question, How are civil citations used in practice? In theory, the Florida legislature appears to have contemplated that they would be used in every eligible case. In reality, however, such use is unlikely. In part, that arises from the general axiom that the law in practice does not always, or even typically, accord with the “law on the books” (Pound, 1910). More specifically, though, it arises from the complexity that inheres to civil citations. For example, there are at least two different ways in which civil citations can be used (Mears et al., 2016). First, civil citations may be used as a rehabilitative effort, attempting to divert youth from a stigmatizing formal court proceeding and to pair them with the services necessary to address underlying needs. Second, civil citations may be used in a more punitive way that effectively widens the net of the juvenile court’s reach. That is, civil citations could be offered to youth who previously would have been ignored by either the police or the courts.
An understanding of how civil citations are used becomes even more consequential when one considers that there is every possibility that civil citations may be used in different ways depending on the offender (e.g., rehabilitative for white youth, but punitive for black youth), the crime (e.g., rehabilitative for minor property crimes, but punitive for drug crimes), and the location of the offense (e.g., rehabilitative in politically liberal counties, but punitive in politically conservative counties). Although scholarship exists that examines the possibility that diversion efforts may lead to net-widening (see Nejelski, 1976; Blomberg, 1977), the research is largely silent on civil citations and, more generally, the variation in use of diversion programs across the dimensions mentioned above. Given the statewide implementation of civil citations in Florida, data that are well-suited to examine these issues are readily available.

Second, by examining the influence of individual level characteristics on the use of civil citation, the current research can contribute to the scholarship on biases in court adjudication or sentencing decisions. For example, the literature on racial threat and sentencing (See Blalock, 1967; Blumer, 1958; Quinney, 1977; Turk, 1969) suggests that in areas of high minority citizenship, minority offenders will be sentenced more harshly than their white counterparts. Youthful minority offenders, then, should be less likely to receive a civil citation where harsher, more traditional forms of punishment are available. The preliminary data on the use of civil citations, however, suggests the opposite. Statewide, black youth appear to be more likely to receive a civil citation than their white counterparts. The current research will examine this relationship further in an attempt to determine if black youth are indeed receiving civil citations at a higher rate than similarly situated white youth, and if this is the result of a desire to offer rehabilitative services or to widen the net of the juvenile court.

A third contribution of the current research lies in the understanding of the relationship between geographic areas and use of civil citations. That is, the study will attempt to determine if there is a relationship between the size or type of county or city and the likelihood of a youth in that area to receive a civil citation. Organizational theories of the courtroom workgroup suggest, given the purported expedience of the civil citation over more traditional forms of processing, that those areas with high rates of crime or simply high volumes of cases will be more likely to embrace the use of civil citations (Gebo et al., 2006). If, however, the use of civil citations increases the workload for key court personnel, one would expect a jurisdiction to attempt to subvert any efforts to increase their use. The current research can contribute to the understanding
of the actual expedience of the civil citation process by examining the caseloads of the jurisdictions that embrace the sanction. An argument can be made for the expedience of civil citations if in fact civil citations are embraced by those jurisdictions with heavy caseloads. This analysis of use by jurisdictional workload coupled with survey responses from key civil citation actors will help determine if civil citations serve as a tool to improve court processing efficiency.

### 4.2 Research Questions and Hypotheses

Based on the gaps in the research on contemporary diversion programs discussed above, a series of research questions is outlined below. In each instance, hypotheses are presented along with the basis, drawing on prior theory and research, for each one. Table 4.1 summarizes the questions and hypotheses, and then details about each one are provided further below. The research questions are designed to systematically examine variation in the use of civil citations in Florida. This variation will be examined by time, geographical location, individual level characteristics, and offense type. In addition, the current research seeks to determine how civil citations are actually being used (i.e., net-widening vs. rehabilitation). The data and analytic approaches used to answer the questions and test the hypotheses will be discussed in Chapter 5.

**Q1: How Does the Use of Civil Citations Vary by Offender Race or Ethnicity?**

H1a: Civil Citations will be Used Primarily for White Youth.

Research to date suggests that minority youth tend to receive diversion at a significantly lower rate than their white counterparts. Additionally, the racial threat hypothesis would predict greater social control of minority youth relative to their white counterparts (see Blalock, 1967; Blumer, 1958; Quinney, 1977; Turk, 1969). This difference may be especially true in geographical areas that exhibit higher levels of racial inequality (see Leiber & Stairs, 1999). Given this empirical and theoretical backdrop, it is likely that white youth will be offered this contemporary diversion program at a higher rate than minority youth. It is important to note, in keeping with the racial threat hypothesis, that minority youth who do not receive a civil citation will be likely to receive a more serious disposition, such as probation, rather than a less serious disposition, such as dismissal.
Table 4.1 Research Questions and Hypotheses

<table>
<thead>
<tr>
<th>Research Questions</th>
<th>Hypotheses</th>
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<tbody>
<tr>
<td>How does the use of civil citations vary by the race or ethnicity of the offender?</td>
<td>H1a: Civil citation will be used disproportionately for white youth. H1b (counter-hypothesis): Civil citation will be used disproportionately for minority youth.</td>
</tr>
<tr>
<td>How does the use of civil citations vary between males and females?</td>
<td>H2a: Civil citations will be used more often for female offenders. H2b (counter-hypothesis): Alternatively, civil citations may be more likely for male offenders.</td>
</tr>
<tr>
<td>How does the use of civil citations vary by age of offender?</td>
<td>H3: Civil citations will primarily be used for younger offenders.</td>
</tr>
<tr>
<td>How does the use of civil citations vary by type of crime?</td>
<td>H4a: Civil citations will be used more often for less serious misdemeanors. H4b: Civil citations will be less likely to be used for drug crimes.</td>
</tr>
<tr>
<td>How does the use of civil citations vary across time in the sample?</td>
<td>H5: The use of civil citations will rapidly increase in the initial year after the enactment of the civil citation law, and then will reach a plateau and remain relatively constant thereafter.</td>
</tr>
<tr>
<td>How does the use of civil citations vary across counties?</td>
<td>H6a: Civil citations will be used primarily in urban counties. H6b: Civil citations will be used primarily in counties with high-crime rates. H6c: Civil citations will be used primarily in politically liberal counties.</td>
</tr>
<tr>
<td>What sanctions do non-cited citation eligible youth receive and what predicts them?</td>
<td>H7: The seriousness of the formal sanction for youth who are eligible but do not receive a civil citation will vary in accordance with the hypotheses regarding the individual level characteristics listed above</td>
</tr>
<tr>
<td>How are civil citations being used?</td>
<td>H9a: Civil citation is being used as an alternative to more punitive sanctions. H9b: Civil citation is being used in a net-widening manner.</td>
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</table>
H1b: Alternatively, Civil Citations Could be Used More for Minority Youth.

Given that civil citations may be offered by law enforcement officers in the field, minority youth may be more likely to receive a civil citation where they would have otherwise been given some form of verbal warning. For example, consider a jurisdiction that has recently embraced civil citations where previously no diversion program existed. On the North, predominantly white, side of town, officers who encounter youth consuming alcohol tend to instruct the youth to empty their bottles and go straight home. On the South, predominantly black, side of town, officers faced with the same scenario tend to give the youth a civil citation. In each case, the officers could have arrested the youth and taken them to the Juvenile Assessment Center for referral and possible delinquent adjudication.

In both scenarios, the youth were diverted from the juvenile court. The difference, however, is that the black youth are given their one and only shot at civil citation, while the white youth could potentially have many more “bites at the apple.” Additionally, once in the civil citation program, program failure (either through non-compliance with required activities or a new offense during the citation period) results in formal adjudication, potentially widening the net. This type of net-widening was suggested in Klein’s (1979) chronicling of the impediments to diversion efforts, as well as Blomberg’s (1977) examination of the increase in social control as a result of the implementation of diversion programs.

Q2: How Does the Use of Civil Citations Vary Between Males and Females?

H2a: Civil Citations will be Used More Often for Female Offenders

Based on previous research suggesting that females are seen as a protected class, as well as chivalry and paternalistic theoretical perspectives (Visher, 1983; Crew, 1991), we can anticipate females will be comparatively more likely to receive a civil citation than their male counterparts. Research on gendered responses to criminal behavior suggests that females will receive preferential treatment when being considered for eligibility for civil citations as long as they conform to conventionally expected gender behaviors and characteristics (Visher, 1983; See also Kempf-Leonard, 2012; 2000).
H2b: Alternatively, Civil Citations may be More Likely for Male Offenders

Based on the above logic, male misdemeanants may be more likely than similarly situated female misdemeanants to receive a civil citation due to the fact that females’ cases may be handled more informally (i.e., while less punitive than probation, civil citations are more punitive than a verbal warning). Additionally the chivalry hypothesis assumes females will be protected as long as they exhibit gender appropriate behaviors and attitudes. To the extent that the majority of female delinquents who come into contact with the juvenile justice system exhibit gender inappropriate behaviors and attitudes, females may be more likely to be formally processed (Chesney-Lind, 1973).

Q3: How Does the Use of Civil Citations Vary by Age of Offender?

H3: Civil Citations will Primarily be Used for Younger Offenders

Attribution theory may be useful to understand the differences in use of civil citation by age. Mears and colleagues argue that age is a marker for reduced culpability (Mears et al., 2014). That is, younger offenders should be more likely to receive a civil citation given the perception that these offenders are less culpable than older youth. Indeed, the researchers found that the youngest individuals in their sample were most likely to be diverted or handled informally. Consequently, older youth were more likely to be handled formally.

Q4: How Does the Use of Civil Citations Vary by Type of Crime?

H4a: Civil Citations will be Used More Often for Less Serious Misdemeanors

Those offenses that fall on the more serious end of the spectrum of eligible offenses will be less likely to receive civil citations. That is, the closer an offense gets to the threshold that demarcates misdemeanor and felony, the more threatening that offense will seem. This threat may in turn transfer to a desire to increase social control through formal adjudication. This process should be especially true of offenses that involve intrusion into one’s personal space (e.g., burglary, and to a lesser extent trespassing) (Warr & Stafford, 1983).
H4b: Civil Citations will be Less Likely to be Used for Drug Crimes

Drug crimes are a very political issue and a point of contention for many when considering diversion eligibility. In Florida, while certain first time drug offenses are technically eligible for civil citation, counties are not faulted for refusing to offer diversion in these cases. Drug use and abuse stands as a prominent historical catalyst for moral panics (Chiricos, 1998). Accordingly, jurisdictions may bend to political will and continue to react to drug crimes with get-tough policies, even as “smart justice” is administered in other instances. So polarizing is the issue of drug crime that increasing the penalties for youth in the juvenile justice system was seen by some as not serious enough. Butts & Mears (2001) note that at the height of the get-tough era, mechanisms to transfer youth to adult court were expanded to include some drug offenses. For these reasons, youth who are picked up on drug charges may be less likely to receive a civil citation than youth who are referred for less contentious offenses.

Q5: How Does the Use of Civil Citations Vary Over Time?

H5: The Use of Civil Citations will Rapidly Increase at the Beginning of the Study Period, and will Then Level Off and Remain Steady Over Time.

Punctuated equilibrium theory suggests that the general status quo in government operations is periodically punctuated by dramatic policy change (Baumgartner et al., 2014). When issues become an integral part of the political agenda of a government, modest policy changes at the state level can translate into the amplification of future policy changes at a more local level. Baumgartner and colleagues refer to this process as a “feeding frenzy,” wherein many political actors take up the cause du jour of the current administration and with it, the policy changes that are prescribed. The term policy image refers to a presentation of a policy using empirical facts alongside more ideological claims (Baumgartner et al., 2014). Novel and persuasive images recruit many new supporters. Though there may be a flurry of activity associated with the adoption of new policy, the theory also suggests an eventual return to equilibrium. Given the ebb and flow nature of this process, then, the zeal with which individuals embrace a new policy will almost certainly wane.
This punctuated equilibrium process may be better understood when placed in the context of the adoption of civil citations in Florida. After taking her position at the head of the Florida Department of Juvenile Justice, Secretary Wansley Walters sought to implement civil citation programs statewide (Florida Department of Juvenile Justice, 2012). This attempt began with a minor change to the Florida Statutes governing juvenile justice and a reliance on a policy image that emphasized the empirical and ideological need to offer a diversion program to first time offenders. As a result, Secretary Walters initiated punctuation in the equilibrium of Florida juvenile justice policy that resulted in an increase in the use of civil citation. She aggressively sought implementation of the policy statewide. However, this increase can be expected to taper off as time progresses and enthusiasm among both state-level policymakers and local leaders wanes.

**Q6: How Does the Use of Civil Citations Vary Between Counties?**

**H6a: Civil Citations will be Used Primarily in Urban Counties.**

In rural areas and smaller towns, crime may be comparatively rare when compared to larger jurisdictions and even minor infractions may seem serious enough to warrant probation as opposed to civil citation. Additionally, police departments and juvenile assessment centers in the larger, more urban counties in Florida are likely to have larger caseloads. According to organizational theories of the courtroom workgroup (the State Attorney’s Office is an integral part of these workgroups and an important element in the civil citation process), a premium is placed on processing individuals expeditiously (Eisenstein & Jacobs, 1991; Gebo et al., 2006). Therefore, provided civil citations do, as FDJJ leadership claims, reduce the processing time and workload for juvenile referrals, large, urban areas will be likely to endorse the use of civil citations as a way to manage large caseloads.

**H6b: Civil Citations will be Used Primarily in Counties with High-Crime Rates.**

Decision makers in high-crime areas may embrace civil citations for at least three distinct reasons. These reasons may vary based on the way civil citations are being used in a given high-crime jurisdiction. First, counties with very high crime rates may be likely to embrace civil
citations as a novel approach to reducing recidivism. This decision to endorse civil citations may be as a result of a desire to hold minor offenders accountable for their transgressions in an effort to deter them from future delinquency. Second, civil citations may be seen as a way to offer much needed services to troubled youth in an effort to rehabilitate them from their current deviant path. Third, given the emphasis in the logic of civil citations on keeping youth out of secure detention centers, high-crime areas may look to civil citations as a way to reserve finite resources for those most serious offenders. In high-crime areas, there may be a greater reliance on secure detention. By extension, there may be a greater need to find ways to reduce this reliance. This argument falls in line with the organizational theories of courtroom workgroups discussed above given that areas that have the greatest juvenile court workloads will look to civil citations to increase the expedience of procedural justice.

**Q7: What Sanctions do Non-Cited Citation-Eligible Youth Receive and What Predicts Them?**

**H7:** The Seriousness of the Formal Sanction for Youth who are Eligible for, but Do Not Receive, a Civil Citation will Vary in Accordance With Hypotheses 1-6 Regarding the Individual-Level Characteristics Listed Above.

Youth who are eligible for a civil citation but are, for whatever reason, formally processed and sanctioned represent a unique opportunity to further examine the effects of individual and contextual factors on the seriousness of sanction. It is hypothesized that the conditions discussed above that would make formal processing more likely will also predict the severity of the final sanction. That is, given the hypotheses that being minority, being older, and being male are conditions that will predict formal sanctioning, the logic follows that these conditions are also likely to predict more serious sanctions among those who are formally sanctioned.

**Q8: For what Purposes are Civil Citations Being Used?**

**H8a:** Civil Citation is Being Used as a Rehabilitative Alternative to More Punitive Sanctions.

Though civil citations certainly include elements of accountability (youth are both required to admit guilt and complete a certain number of community service hours), the underlying
theoretical logic dictates that the sanction should primarily be used as an alternative to more punitive sanctions. This duality of purpose accords with the traditional mission of the juvenile court, which provides for both the punishment and the general welfare of the juvenile (Mears, 2012). Civil citations should serve as a way to divert first-time offenders away from stigmatizing formal processing, while simultaneously pairing youths (based upon assessed risks and needs) with the individually appropriate services in order to ameliorate the personal problems that have led to delinquency.

**H8b: Civil Citation is Being Used as an Alternative to Nothing (i.e., A Net-Widening Use).**

Scholars have noted that diversion programs are often co-opted by local juvenile courts to extend the reach of the juvenile justice system to include youth who would previously not have been under its jurisdiction (see Nejelski, 1976; Blomberg, 1977; Klein, 1979). This expansion of the court’s reach is known as “net-widening.” A strong case could be made for a net-widening effect if the volume of youth under the control of the juvenile justice system increases (absent a dramatic increase in actual youthful offending) as a result of the implementation of civil citations.

It bears emphasizing that the potential for harms of net-widening, and diversion in general, may be dependent on the nature of the diversion effort and the ways in which it is being used. If a delinquent youth may benefit from some service available through diversion, and would have been unable to access said service if a law enforcement officer had chosen to do nothing, then net-widening may represent a positive alternative to nothing. If, on the other hand, diversion offers no beneficial treatments and serves solely to pull more youth under the juvenile court’s control, then net-widening is negative and may produce adverse effects. This problem is potentially compounded when substantial resources, both financial and manpower, are invested only to achieve a null or negative effect.
CHAPTER 5

DATA AND METHODS

5.1 Overview

The primary source of data for this project came from information collected from the Juvenile Justice Information System (JJIS) and Prevention web. These are online data reporting sites that allow juvenile intake centers, law enforcement agencies and providers to enter information regarding youth who come into contact with the Florida Department of Juvenile Justice (i.e., Juvenile Assessment Centers enter information regarding civil citations issued, treatment programs enter information regarding youth enrolled and treatments offered, etc.). Data Integrity Officers and other personnel in the Bureau of Research and Planning compile information on civil citation and formal processing of youth, ensuring the data are clean and in an analyzable format.

The sample for the current research consists of first-time misdemeanants between the ages of 10-17 that qualified for civil citation between July 1, 2011 and June 30, 2015. This four-year time frame captures the changes in the application of civil citations following the statute change. This four year period is based upon the fiscal year observed by Florida state government. Observing the use of civil citation over a four year period is beneficial for at least two reasons. This multi-year period produces a large sample size, allowing for a more reliable analysis of variance in use of civil citations and allows for the identification of trends in use over time.

To answer questions 1-8, a data set known as the “missed opportunities”\(^1\) data set was used. This data set is comprised of all first-time misdemeanants in the state of Florida that were eligible for civil citation over the years. Included is a dichotomous variable representing the use of civil citation, where 1=civil citation and 0=formal adjudication. There were 79,299 youth eligible for civil citation in Florida from FY 2011-15.

\(^1\) FDJJ uses this terminology to denote those cases in which a civil citation eligible youth was formally processed and thus, an opportunity to offer civil citation was missed.
In order to suit the specific needs of the current study, several transformations were made to the original data set received from FDJJ. First, in order to create a clean study period, observations were restricted to those cases that fell within the timeframe of FY 2011-15 (July 1st, 2011 to June 30th, 2015). Second, after producing descriptive statistics for all the variables of interest, it became apparent that not all counties began implementing civil citation at the same time. Though the civil citation was added to the state statute (State of Florida Legislature, 2015) as a viable alternative to arrest in July of 2011, not all counties were on board at the time. Only three counties in Florida, Hillsborough, Dade, and Brevard, have been issuing civil citations since day 1. On the opposite end of the spectrum, Suwanee and Manatee had only been using civil citations for 6 months as of July 1st 2015\(^2\). This disparity in duration of operation is important from a methodological standpoint, as steps had to be taken to reduce the undue influence of cases formally processed in specific counties before civil citation was an option in that county. For each county, the first civil citation on record was used as the de facto start date for that specific county’s civil citation program. All cases prior to this start date were dropped, based on the principle that predictions about the outcome of the question “to cite, or to arrest?” are irrelevant, as no such alternatives existed at the time. The arrest is the only option available to officers\(^3\).

5.2 Methodology

Chapter 6 uses statewide data to examine the role of individual-level predictors on the likelihood of receiving a civil citation. Descriptive statistics will be presented for all cases statewide, for cases that were eligible for a civil citation and received a civil citation, and for cases that were eligible for a civil citation but were instead formally processed. Logistic regression analyses will then be employed to examine the effects of several theoretically informed independent variables on the likelihood of receiving a civil citation, or not, among a population of civil citation eligible youth in Florida.

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\(^2\) A figure depicting the lengths of operation of civil citation programs by county can be found in Appendix A.

\(^3\) This isn’t entirely correct either. Officers could, and still can, choose to deal with a youth completely informally (i.e. to send a youth on her way with a verbal warning). This issue of the true counterfactual processing outcome will be discussed in more detail in the concluding section.
Chapter 7 uses aggregate data to examine the role of county-level predictors on the percent of civil citation eligible youth who receive a civil citation. Several of the individual-level variables from Chapter 6 will be aggregated and set to county means to attempt to determine if the relationships found to be significant at the individual level remain at the county-level. In addition to the aggregated, county mean centered variables, additional measures of county characteristics will be brought in from the 2010-2014 American Community Survey and from data publicly available on the Florida Department of Juvenile Justice website. OLS regression analysis will be conducted to determine which, if any, of these variables predict civil citation at the county-level.

Chapter 8 explores between-county variations in the effects of individual-level predictors on the likelihood of receiving a civil citation. Between-county variations in use of civil citation will be examined by replicating the analyses from Chapter 6, but independently for select large counties. The goal here is to determine if significant differences exist in the use of civil citations between counties that are likely to influence statewide models given the sheer volume of cases they contribute.

Chapter 9 explores the dispositions of civil citation eligible youth who were instead formally processed. Trends in the overall use of civil citations and the various formal alternatives will be displayed overtime. Additionally, descriptive statistics will be presented for the various types of offenses processed formally. Finally, multinomial logistic regression analyses will be employed to examine the effects of select independent variables on the ultimate disposition of youth who do not receive civil citation (i.e., Do independent variables influence the sanction seriousness of youth eligible for civil citation who are ultimately formally processed?)

Chapter 10 presents the results of interviews with key personnel of the civil citation issuing agencies of select counties in each region to explore the goals and motivations behind the use of civil citations in their jurisdictions. Interviews were conducted with law enforcement officers in various jurisdictions throughout the State of Florida. Interviews were conducted in counties from each of three state regions as defined by the Florida Department of Juvenile Justice. The goal of the interviews was to determine differing motivations and attitudes for offering civil citation as well as perceptions of civil citation use in an officer’s jurisdiction. The interviews were approximately 20 minutes in length and were conducted by telephone. Institutional Review Board approval was secured from both FSU and FDJJ prior to the start of interviewing. The main
themes of the interview responses will be presented in a quick reference table, followed by more detailed discussion of their contribution to the current research.

5.3 Measures

5.3.1 Dependent Variable

The outcome of interest for the statewide individual-level models in Chapter 6 and the county-specific individual-level models in Chapter 8 is the use of a civil citation for an eligible youth. The civil citation variable is dichotomous, coded 1 = civil citation and 0 = formal arrest. For the county-level models in Chapter 7, the outcome variable is the mean percentage of civil-citation eligible cases that received a civil citation by county. Finally, the outcome variable for the model in Chapter 9 is a categorical disposition variable with 4 categories (1 = Other Diversion, 2 = Dropped Cases, 3 = More Punitive Sanction, and 4 = Miscellaneous Other Sanction).

5.3.2 Independent Variables and Controls

Race or Ethnicity

The Race or Ethnicity variable is broken down into White, Black, Hispanic, and Other Race or Ethnicity. For the county-level models, the Race or Ethnicity variable was aggregated and set to the mean for each county.

Age

Youth in the study sample range from ages 10-17. For the county-level models, the Age variable was aggregated and set to the mean for each county.

Male

The Male variable is dichotomous and coded 1 = Male and 0 = Female. For the county-level model the Male variable was aggregated and set to the mean for each county.
County

At the time of data collection, fifty-nine of Florida’s sixty-seven counties were actively offering civil citations. The 8 counties not offering civil citations were excluded from the sample. Dummy variables were constructed for each county to be used as controls for clustering of cases within counties in the logistic regression model predicting individual-level civil citation use.

Offense Type

The offense type variable was constructed by collapsing a variable consisting of 46 unique offenses into commonly utilized categories of Person, Property, Drug, and Other. This transformation was made in light of the fact that many of these offenses are relatively rare, making some of the analyses unstable. It also allows for more parsimonious comparisons between groups of qualitatively similar offenses. The offenses included in each category are as follows:

Person Crimes: Assault and or Battery (Not Aggravated), Misdemeanor Sex Offenses, and Disorderly Conduct (a quick hand check of these cases reveals that most are in fact simple cases of affray)

Property Crimes: Petit Larceny, Vandalism, Trespassing, and Loitering or Prowling

Drug Crimes: Misdemeanor Violation of Drug Laws and Misdemeanor Alcohol Violations

Other: Misdemeanor Weapon Offense (almost all of these were for possession of a tazer, and thus represent a county ordinance violation), Violation of Hunt, Fish, and Boat Laws, Misdemeanor Obstruction of Justice, Non-Felony Traffic Offenses, Contempt of Court, and Misdemeanor Other

County Juvenile Referral Rate

The referral rate variable included in the county-level model in Chapter 8 is the county rate, per 1000 youth, of all referrals to the FDJJ in FY 2014-15.

Concentrated Disadvantage Index

Variables used to create an index of concentrated disadvantage were taken from the 2010–2014 American Community Survey 5-year estimates for census tracts in the State of Florida (U.S. Census Bureau, 2014). Six variables were used to form the measure of concentrated disadvantage used in the current study: (1) the proportion of families living below the poverty
line, (2) median family income (logged and reverse coded), (3) the proportion of female-headed households, (4) the unemployment rate, (5) the proportion of the population with a high school degree (reverse coded), and (6) the proportion of households receiving public assistance. This index has been used in prior studies predicting juvenile offender recidivism (Baglivio, Wolff, Jackowski, & Greenwald, 2015; Wolff, Baglivio, Piquero, Vaughn, & DeLisi, 2015), other juvenile delinquency outcomes (Baglivio, Wolff, Epps, & Nelson, 2015), as well as extensive use in studies examining the ecology of crime (Kubrin & Stewart, 2006; Sampson, Raudenbush, & Earls, 1997).

Population Structure

To account for both population size and density, a variable called population structure was created by combining two variables from the 2010-2014 American Community Survey 5-year estimates for census tracts in the State of Florida (U.S. Census Bureau, 2014), the total county population and county population density. The natural log forms of both variables were then standardized and combined to form an additive index. This two-item index is used in other studies of county-level predictors of crime (see Land et. al., 1990; see also Arnio et al., 2012).
CHAPTER 6

THE INFLUENCE OF SELECT INDIVIDUAL-LEVEL VARIABLES ON
THE USE OF CIVIL CITATIONS

6.1 Overview

The decision by a law enforcement officer to issue a civil citation, or not, for a case that is eligible for such a diversion is likely influenced by a number of individual-level factors. Although current statewide statistics are available that present the distribution of civil citations issued by race, gender, age, and type of crime, virtually nothing is known about the role these factors play in influencing the likelihood of a given youth receiving the diversion opportunity when eligible (Florida Department of Juvenile Justice, 2015). This section, then, attempts to answer the following questions:

1) How does the use of civil citations vary by offender race or ethnicity?
2) How does the use of civil citations vary between males and females?
3) How does the use of civil citations vary by age of offender?
4) How does the use of civil citations vary by type of crime?

Answers to these questions will provide a better understanding of how, and for whom, civil citations are currently being used. Answers to these questions, for example may reveal evidence of racial and ethnic disparities in use of civil citations, signaling a need for reforms aimed at ensuring fairness of process for youth of all races. It is possible, too, that disparities in use may be found to exist along the other listed domains, with resulting policy implications based on the nature of the disparity. Understanding how civil citations are used may also help to either corroborate, or refute, some of the concerns (e.g., net-widening, definitional ambiguity, inconsistent implementation) that prominent critics have raised (see Blomberg, 1977; Klein, 1979; Mears, 2012).

The current section will begin with a description of the sample, including the relevant individual-level variables used to address the questions above. Attention will then be turned to the results of a logistic regression analysis conducted using key independent variables to predict
civil citation use among civil citation eligible youth. The results of this analysis will be used to answer each of the above questions in turn. Finally, conclusions will be offered and limitations discussed.

6.2 Methods and Descriptive Statistics

Before answering the four questions above, a detailed description of the data used to answer them is warranted. Table 6.1 presents descriptive statistics for the population of youth in the state of Florida who were eligible for a civil citation from FY 2011-15. Eligibility is defined as those youth who were contacted by law enforcement under suspicion of having committed an eligible misdemeanor\(^4\), who at the time of law enforcement contact had no prior arrest, and freely admitted to the suspected wrongdoing. Overall, the sample consisted of 79,299 cases. Of the 79,299 cases eligible for a civil citation in Florida from FY 2011-15, 40% received a civil citation, with the remainder receiving a formal disposition. 60% of youthful offenders who received a civil citation were male, as were the youth whose cases were processed formally. The largest racial/ethnic group in both the civilly cited and formally processed populations was white, followed by black, Hispanic, and other race or ethnicity. White youth accounted for a slightly larger percentage of the formal referrals than the civil citations representing 47% and 41% respectively. Black youth accounted for similar percentages of the civil citations (36%) and the formal referrals (37%). Hispanic youth accounted for a larger percentage of the civil citations (21%) than the formal referrals (15%). Other youth accounted for just 1% among all cases, civil citations, and formal referrals. Among both populations, the mean age was approximately 15.

The biggest differences between groups is among characteristics of the offense committed. Person crimes accounted for 36% of all eligible cases, 28% of civil citations issued, and 41% of formal referrals. Property crimes accounted for 41% of all eligible cases, 47% of civil citations, and 37% of formal referrals. Drug offenses accounted for 22% of all eligible cases, 24% of civil citations, and 21% of formal referrals. Drug offenses represented just 1% of cases in each group.

\(^4\) Official eligibility may vary slightly from county to county based on certain prohibited misdemeanors. Based on conversations with the civil citation coordinator and the FDJJ Bureau of Research and Data Integrity, the most common of these prohibited offenses are misdemeanor sex offenses (e.g. indecent exposure or “flashing”). In actuality, only 0.2% (150 cases) of the entire sample involved this type of offense.
Finally, 14% of all eligible cases involved multiple concurrent offenses. Multiple offenses were committed in just 8% of cases issued a civil citation and 18% of formal referrals. It appears, then, that the civil citation group contains slightly more property and drug offenders, while the formal referral group contains slightly more person offenders and multiple offenders.

The various types of offenses eligible for civil citation in the current data set were collapsed into more traditionally used categories of crime type (i.e. person, property, drug, other). This categorical data transformation was performed to simplify the comparison of various general crime types in their effect on the use of civil citation. The largest offense category for civilly cited cases was property crime, but person crimes are the largest category for formally processed cases. A larger proportion of violent crimes among the formally processed cases appears to be consistent with expectations that civil citations will be reserved for less serious offenses. A list of the offense types as a percentage of all the eligible cases, as well as for just those cases receiving a civil citation, can be found in Table 6.2.

For all civil citation eligible cases, the majority (77.3%) of offenses involved petit larceny, assault and or battery (not aggravated), and misdemeanor drug offenses, in that order. For the civilly cited cases the top three offenses were the same, but in a slightly different order. Among cases receiving a civil citation, petit larceny remained at the top and increased in its share of the cases (38.4% vs 32.5%), but misdemeanor drug offenses moved into second place. Cases of assault, then, moved further down the list, accounting for just 17% of the cases receiving civil citations.

Several patterns from the descriptive analyses are noteworthy in understanding how civil citations are used statewide. First, there are not dramatic differences in the nature of the offenses between the sample of all eligible offenders, and those that received civil citations. The similarity in offenses between the two groups indicates that there is not one predominant crime or crime type that drives the use of civil citations. If, for example, misdemeanor drug offenses accounted for only a small percentage of all eligible cases, but made up the majority of civil citations, variations in use of civil citations might plausibly be explained by patterns of drug offending.
Table 6.1 Descriptive Statistics for All Eligible Cases, FY 2011-15

<table>
<thead>
<tr>
<th>Variables</th>
<th>All Eligible Cases n = 79299</th>
<th>Civil Citation n = 31607</th>
<th>Formal Referral n = 47692</th>
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<tr>
<td></td>
<td>Mean</td>
<td>Frequency</td>
<td>Mean</td>
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<td>32269</td>
<td>.47</td>
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<td>17350</td>
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<td>866</td>
<td>.01</td>
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<tr>
<td>Multiple Charges</td>
<td>.14</td>
<td>10895</td>
<td>.08</td>
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NOTES: For age, standard deviation is displayed instead of frequency. All means except sex, black, and other crimes differed significantly at the p < 0.001 level based on a two-tailed t-test.
<table>
<thead>
<tr>
<th>Offense Type</th>
<th>% All Eligible</th>
<th>% Civil Citations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petit Larceny</td>
<td>32.55</td>
<td>38.43</td>
</tr>
<tr>
<td>Assault and or Battery (not aggravated)</td>
<td>26.21</td>
<td>17.76</td>
</tr>
<tr>
<td>Misdemeanor Drug Offense</td>
<td>18.54</td>
<td>20.66</td>
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<tr>
<td>Disorderly Conduct</td>
<td>7.29</td>
<td>8.82</td>
</tr>
<tr>
<td>Trespassing</td>
<td>3.59</td>
<td>3.61</td>
</tr>
<tr>
<td>Misdemeanor Alcohol Offense</td>
<td>3.34</td>
<td>3.11</td>
</tr>
<tr>
<td>Vandalism</td>
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<td>Misdemeanor Obstruction of Justice</td>
<td>2.64</td>
<td>1.76</td>
</tr>
<tr>
<td>Loitering and Prowling</td>
<td>1.69</td>
<td>1.34</td>
</tr>
<tr>
<td>Misdemeanor Other</td>
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<td>0.47</td>
</tr>
<tr>
<td>Misdemeanor Weapon Offense</td>
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<td>0.57</td>
</tr>
<tr>
<td>Violation of Hunt, Fish, Boat Laws</td>
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<td>0.05</td>
</tr>
<tr>
<td>Misdemeanor Sex Offense</td>
<td>0.19</td>
<td>0.47</td>
</tr>
<tr>
<td>Non-Felony Traffic Offense</td>
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<td>0.07</td>
</tr>
<tr>
<td>Contempt of Court</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

Second, where there are slight differences in the two populations, the smaller proportion of civil citation cases attributed to assaults and multiple offenses appears to be consistent with the expectation that civil citations will be used more often for less serious misdemeanors. Cases involving offenses of a violent nature, in most cases, are arguably more serious than are property or drug offenses (Warr & Stafford, 1983; Stylianou, 2003). It is not surprising, then, that youth committing violent offenses are offered civil citations at a slightly reduced rate. Additionally, there is some evidence to suggest that for the cases involving the commission of multiple crimes, the individual crimes have an additive effect on the perceived seriousness of the offenses as a whole (Stylianou, 2003).
6.3 Effects of Individual-level Variables on the Use of Civil Citations Statewide

The descriptive statistics in the previous section indicated differences in the characteristics of the cases that received civil citation and those that are formally referred. A question, then, is What are the effects of any one of these characteristics net of the others? Multivariate analyses were conducted to examine the effects of select individual-level variables on the use of civil citations, all else constant. Given the binary nature of the outcome variable of interest, logistic regression analysis was employed to examine the role of offender characteristics in determining whether or not a civil citation eligible youth in fact received a civil citation (Long, 1997). The results of this analysis can be found in Table 6.3. A major concern in conducting individual-level analyses on cases pooled from statewide data is the inherent nesting of cases within counties. This nesting is a concern due to the potential for correlated standard errors that result from the similarities between the individuals within a given county (Johnson, 2010). One way to deal with this clustering of similar observations is through the use of multilevel modeling techniques such as HLM. Another method to control for the inherent clustering of, and resulting similarities between, cases within counties, is to include N-1 dummy variables representing the counties in which the civil citation or formal referral occurred. Fifty-eight county dummy variables were included in the logistic regression model with one county, Broward, omitted as the reference category.

Although the dummy variables were included more to control for overall nesting within county rather than to be interpreted based on their individuals effects on the likelihood of civil citation use, several findings here are worth noting. First, considerable variation exists in the significance associated with the county in which the case was processed. For eleven of the fifty-nine participating counties, there was no statistically significant county effects on the use of civil citation. The remainder of the counties varied in their level of significance, but thirty-three were significant at the p < 0.001 level. The variation in county effects suggests that the county in which a case is processed matters significantly in determining whether or not a civil citation is offered. Whether or not the significant effect on civil citation use is truly due to residence within a county, or an artifact of the case characteristics clustered within counties, is yet unknown. Second, considerable variation exists in the direction and magnitude of effect size among the county variables. Some counties appear to positively impact the likelihood of receiving a civil
citation, while still others appear to inhibit this likelihood. Additionally, although some of the county variables are strongly statistically significant, they exert a weak substantive effect on the use of civil citation. For still others, the magnitude is considerable. County-level variation in the use of civil citations will be discussed further in chapter 7.

Table 6.3 Logistic Regression of Civil Citation Use on Select Independent Variables

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<thead>
<tr>
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<th>SE</th>
<th>OR</th>
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<td>.02</td>
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Pseudo-$R^2 = .36$

*p < .05; **p < .01; ***p < .001. N = 72,299

6.3.1 How Does the Use of Civil Citations Vary by Offender Race or Ethnicity?

The race and or ethnicity of the offender is an often studied dimension when examining disparities in juvenile justice processing (see Bishop, 2010; Cochran and Mears, 2015; Leiber & Stairs, 1999; Wang et al., 2013). The hypotheses regarding race or ethnicity effects on the use of civil citation, as presented in Chapter 4 are two-fold. First, H1a predicts that civil citations will be used primarily for white youth. The rationale for this hypothesis centers on the notion that white youth may be more likely to receive a civil citation as an alternative to more punitive treatment (see Blalock, 1967; Blumer, 1958; Quinney, 1977; Turk, 1969). Put differently, minority youth may be more likely to have their cases handled formally than similarly situated...
white youth. Alternatively, H1b predicts that civil citations will be used more often for minority youth.

The findings presented in Table 6.3 show limited support for hypothesis H1b. Eligible Hispanic youth were significantly more likely to receive a civil citation than white youth. Although the effect of being Hispanic is statistically significant, the substantive effect is rather more modest, with Hispanic youth being only about 1.2 times more likely than white youth to receive the diversion opportunity. Still, the significant findings are interesting when contrasted with general patterns in the treatment of Hispanic youth in Florida’s juvenile justice system. Overall, Hispanic youth are about half as likely as white youth to be arrested statewide. When arrested however, Hispanic youth are less likely to be offered diversion (Florida Department of Juvenile Justice, 2016).

In contrast to the findings for Hispanic youth, civil citation eligible Black youth do not appear to be significantly more or less likely to receive a civil citation than eligible white youth. This finding is also inconsistent with general statewide patterns in the handling of black youth, but for the opposite reason. That is, black youth tend to be overrepresented at nearly every formal point of contact in the juvenile justice system except diversion (Florida Department of Juvenile Justice, 2016). Based on these patterns in processing, and posited in hypothesis H1a, the expectation was that black youth would be less likely than white youth to receive a civil citation when eligible. In fact, no disparity exists between black and white youth among all civil citation eligible youth statewide. Youth identified as “Other Race or Ethnicity” constituted a very small proportion of the total cases and were similarly no more or less likely than white youth to have their cases civilly cited.

The finding of race effects on civil citation, specifically that Hispanic youth are slightly more likely to be the recipients, has implications for the study of racial and ethnic differences in treatment, both methodologically and practically. From a methodological standpoint, the findings here call into question the validity of combining racial groups together into a white vs. non-white dichotomy. This data reduction technique is a common practice and could potentially obscure between group differences. Given the larger size of the black population in the current sample, any significant Hispanic effects would likely have been suppressed. Ethnicity-specific differences in civil citation use are also of relevance from a practical perspective. It would be a mistake, for example, to generalize the findings for one race to all minority youth. This
generalization could certainly occur given a white/non-white dichotomy, and could potentially lead to misguided policy recommendations.

6.3.2 How Does the Use of Civil Citations Vary Between Males and Females?

Consistent with hypothesis H2a, as well as the extant literature on theories of chivalry in the treatment of female offenders (Visher, 1983), civil citation eligible male youth were less likely than their female counterparts to receive a civil citation. This tendency for females to be cited more often than males could signal a greater desire on the part of law enforcement to protect female offenders from the system through the use of diversion (Kempf-Leonard, 2012). Initially, it was suspected that female youth may simply be committing lower level offenses, and as will be discussed later, lower level offenses may be more likely on average to receive civil citations. Although the offense characteristics included in the model do in fact moderate much of the relationship between sex and likelihood of civil citations\(^5\), a significant main effect of gender remains.

6.3.3 How Does the Use of Civil Citations Vary by Age of Offender?

Age, as will be shown throughout the paper, stands as one of the most consistent predictors of civil citation use in all of the included models. Specifically, it appears that as a youths age increases, so too does the likelihood of receiving formal handling as opposed to civil citation. Put differently, younger youth seem to be more often the beneficiaries of this particular brand of diversion than their older counterparts. This tendency for older youth to be denied a civil citation is in accordance with hypothesis H3 and the general principles of attributional theory. Mears and colleagues found support for their assertion that younger youth were somehow seen as less culpable by authorities, with the youngest youth in their study being most likely to receive informal handling (Mears et al., 2014.) The findings of the current paper lend support to this notion of reduced culpability among the youngest offenders, and add to the base of literature finding that justice system leniency seems to fade as a youth ages.

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\(^5\) Moderation effects were examined per the recommendations laid out in Baron & Kenny (1986).
6.3.4 How Does the Use of Civil Citations Vary by Type of Crime?

The age of the eligible offender proved to be one of the most consistent predictors of civil citation use, while characteristics of the offense tended to have the greatest substantive effect on the likelihood of receiving a civil citation. The type of eligible crime committed by the youth appears to have great influence in the decision to offer a civil citation. Specifically, property and drug crimes were significantly (both statistically and substantively) more likely to receive a civil citation. Consistent with hypothesis H4a, civil citations were much more likely to be handed out for crimes in the property category (e.g. vandalism, petit theft, etc.) than for crimes in the arguably more serious person category (e.g. assault and battery, disorderly conduct, etc.) In fact, youth who committed a property crime were twice as likely to receive a civil citation as youth who committed a person crime.

Contrary to expectations laid out in hypothesis H4b, drug crimes were more than 2.5 times more likely than person crimes to receive a civil citation. This effect size was even greater than that for property crimes, making it the most likely offense type to receive a civil citation. Recall that the expectation was that civil citations would less likely be offered to drug crimes given the assumed desire of many jurisdiction to present a tough-on-drugs stance to its constituents. The reality may be that, given the misdemeanor nature of the drug crimes included in the sample, the overall low level of seriousness of the offenses (e.g. possession of a small amount of marijuana) outweighs any political nature of drug crime. That is, although a jurisdiction may be tough on serious drug crime, like trafficking in hard drugs, simple possession may not even be conceptually included in the same category. Another possibility is a population that may be tired of the war on drugs and its associated costs, both fiscal and human. To the extent that the general public is in fact growing weary with the war on drugs, any alternative that allows law enforcement to more efficiently focus on serious crimes, while at the same time sparing youth from protracted involvement with the juvenile justice system, will likely be viewed positively. Here, the use of civil citations would be encouraged.

Finally, the likelihood of receiving a civil citation decreases remarkably if a youth is picked up for multiple concurrent charges. Youth with more than one presenting offense have only 1/3 the likelihood of receiving civil citation when compared to youth with single offenses. The fact that youth with more numerous offenses are less likely to be offered civil citation may indicate
that officers view multiple offenses as somehow more serious, even when the most serious presenting offense is still eligible for diversion. Stylianou (2003), in his review of the literature on perceptions of offense seriousness reported mixed findings for the additive nature of multiple offenses on perceived seriousness (Stylianou, 2003). The results reported here suggesting that youth who commit concurrent offenses are much less likely to receive diversion, lend limited support to the notion that multiple offenses translate to greater offense seriousness.

### 6.4 Conclusion

The use of civil citations has been encouraged statewide with increasing enthusiasm in the years since the sanction’s inclusion in the state statute in 2011. With fifty-nine of Florida’s sixty-seven counties issuing civil citations to first-time misdemeanants, the potential influence of this particular type of contemporary, “smart justice” diversion effort is far-reaching. In light of the fact that little is known about the true nature of implementation, this chapter sought to examine civil citation use statewide in an attempt to answer the general question, *How, and for whom, are civil citations currently being used?* Logistic regression analysis was used to estimate the effects of select individual-level independent variables. The results, presented in Table 6.3 indicated several significant relationships.

The results in Table 6.3 suggest that many of the individual-level variables of interest play a part in the decision to civilly cite or to formally process a youth. In accordance with hypothesis H2a, males are generally less likely to receive a civil citation. Older youth, too, were found to be less likely than their younger counterparts to receive a civil citation when eligible, supporting hypothesis H3. The race of the offender did not predict civil citation use, but the positive significant effect of Hispanic ethnicity lends limited support for the hypothesis H1b, predicting more use of civil citation for minority youth.

The statistically significant effects of offense characteristics (i.e. the type and count) suggest that the nature of the crime for which the youth is arrested matters in determining whether or not a civil citation is issued. That is, youth that commit a property or drug crime as opposed to a person crime are more likely to be issued a civil citation, all else equal. This finding that less serious misdemeanors are more likely to receive a civil citation is consistent with hypothesis H4a. The commission of more than one offense, even when all concurrent offenses are eligible,
also decreases the likelihood of receiving a civil citation. Another interesting finding of the model, though, was the complex nature of the relationship between the county dummy variables and the use of civil citation. The relationship between select county-level independent variables and county-level civil citation use will be explored next.
CHAPTER 7

COUNTY-LEVEL VARIATION IN THE USE OF CIVIL CITATIONS

A considerable amount of scholarship has been devoted to exploring the ecology of crime and criminal justice outcomes, with many studies finding significant effects of neighborhood, county, and state contexts on criminal justice outcomes (see Johnson, 2006; Kubrin and Stewart, 2006; Mears et al., 2008). Recall in Chapter 6, that wide variation existed in the effects of the county dummy variables on the use of civil citations at the individual-level. This variation suggests the existence of county-level differences in the way civil citations are used. Findings of significant county-level variations in how, and for whom civil citations are used would be consistent with Feld’s (1999) concept of “justice by geography.”

This chapter represents an exploratory analysis to determine if select county level variables significantly predict civil citation use. The goal of Chapter 7, then, is to answer the following question: what, if any, types of county-level factors influence county-level use of civil citations. This chapter will begin by examining the proportion of cases cited by county and over time. The goal of these analyses is to present the uneven use of civil citation by county. Attention will then be turned to a discussion of the results of an OLS regression model that examines the effect of county-level variables on the percent of eligible cases issued a civil citation by county. An examination of the effects of county context on the county-level use of civil citation will help to provide a better understanding of the use of civil citations in Florida.

7.1 Civil Citation Utilization Rate by County, Over Time

Punctuated equilibrium theory, introduced as a justification for hypothesis H5, suggests variability over time in the use of new justice system programs. Specifically, the theory suggests that use of a new program often rises dramatically just after its introduction, as many rush to adopt the new initiative. This surge in use, however, tends to equalize over time (Baumgartner et al., 2014). Figures 7.1.1-7.1.4 present a visual depiction of the aforementioned variability in use by county and over time. An examination of county-level utilization over time reveals a number of patterns worth discussing.
First, although it is not clear whether punctuated equilibrium theory’s prediction of surge followed by stabilization holds true, the use of civil citation certainly increases statewide over the study period. From FY 2011 to FY 2015, the statewide percentage of eligible cases civilly cited increased by about 5% each year. Over the entire study period, the statewide percentage of cases cited nearly doubled, from 26% in FY 2011-12 to 43% in FY 2014-15.

Second, in looking at the patterns of saturation on the map, it appears that the counties with the highest utilization rates tend to also contain, or lie adjacent to, large cities. The heat maps in these figures represent percentages of eligible cases and not sheer volumes of cases, so these increased rates of utilization cannot simply be explained by the larger populations of major cities. There may be something, then about the nature of counties with large cities that translates into greater reliance on civil citations as a way of dealing with first time misdemeanants. Reliance on the use of civil citations by large cities is predicted in hypothesis H6a. To the extent that large cities in Florida also have higher rates of juvenile referrals, the courtroom workgroup perspective would predict increased civil citation use as a means to relieve an already overburdened juvenile court system (Eisenstein and Jacobs, 1991). In fact, analysis of the current data (both quantitatively and qualitatively) support the motivation for increased civil citation use in light of high juvenile referral rates, as will be discussed later.

Third, counties differed dramatically in the proportion of eligible cases cited. Dade County, for example, issued civil citations to nearly all eligible cases (91%). At the other end of the spectrum are several counties whose citation percentages are in the single digits. The proportion of use, however, obscures the more substantive impacts of variation in use. That is, although the rate of civil citation use is quite high in some counties, the volume of cases is very low. Jefferson County, for example, issued citations in 82% of the eligible cases in FY 2014-15. Given that there were only eleven cases eligible in Jefferson County during that time period, 82% amounted to just nine cases, the contribution of these nine cases to statewide patterns of use is miniscule. In fact, much of the pool of eligible cases comes from a relatively small number of large counties offering civil citations at average or greater rates of use. This issue of disparate absolute use of civil citations across counties will be discussed further in Chapter 8.
Figure 7.1 Civil Citation Utilization by County, FY 2011-12
Figure 7.2 Civil Citation Utilization by County, FY 2012-13
Figure 7.3 Civil Citation Utilization by County, FY 2013-14
Figure 7.4 Civil Citation Utilization by County, FY 2014-15
7.2 Methods and Descriptive Statistics

The variables used to assess the effect of county-level characteristics on the overall use of civil citations in a county were taken from within and without the original individual-level data set. The dependent variable, “County Percent of Eligible Cases Civilly Cited,” as well as the county-level variables for male, race or ethnicity, age, and offense type, were all aggregated by county from the individual-level data and were group mean centered by county. The county referral rate was taken from statistics available on the FDJJ website and represents the number of formal referrals per 1000 youth in FY 14-15. Finally, the population structure and concentrated disadvantage variables were constructed using the 2010-14 American Community Survey (ACS) 5-year estimates for census tracts in the State of Florida (U.S. Census Bureau, 2014).

To account for both population size and density, the population structure variable was created by combining two variables from the ACS, the total county population and county population density. The natural log forms of both variables were then standardized and combined to form an additive index. This two-item index is commonly used in studies of county-level predictors of crime (see Land et. al., 1990; see also Arnio et al., 2012). Six variables from the ACS were used to create an index of concentrated disadvantage: (1) the proportion of families living below the poverty line, (2) median family income (logged and reverse coded), (3) the proportion of female-headed households, (4) the unemployment rate, (5) the proportion of the population with a high school degree (reverse coded), and (6) the proportion of households receiving public assistance. This measure, too, has been used extensively in studies examining county-level variation in crime. Descriptive statistics for the key county-level variables are presented in Table 7.1.

The average county-level percentage of civil citation eligible cases that in fact received civil citations over the study period was 33%. On average, males made up 62% of the county-level civil citation eligible population. The average age, by county, of an eligible offender was 14.9. By racial composition, counties were, on average, 58% white, 30% black, 11% Hispanic, and 1% other race or ethnicity. These aggregated averages for race and ethnicity are inconsistent with the averages obtained when examining the pooled statewide data.
Table 7.1 Descriptive Statistics for County-level Variables

<table>
<thead>
<tr>
<th>Variables</th>
<th>Mean</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of Eligible Cases Civilly Cited, by county</td>
<td>33</td>
<td>21.28</td>
</tr>
<tr>
<td><strong>Gender of Eligible Offenders</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Male, by county</td>
<td>62</td>
<td>7.17</td>
</tr>
<tr>
<td><strong>Race or Ethnicity of Eligible Offenders</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% White, by county</td>
<td>58</td>
<td>21.17</td>
</tr>
<tr>
<td>% Black, by county</td>
<td>30</td>
<td>17.77</td>
</tr>
<tr>
<td>% Hispanic, by county</td>
<td>11</td>
<td>12.30</td>
</tr>
<tr>
<td>% Other, by county</td>
<td>1</td>
<td>2.62</td>
</tr>
<tr>
<td><strong>Mean Age of Eligible Offenders, by county</strong></td>
<td>14.9</td>
<td>.37</td>
</tr>
<tr>
<td><strong>Eligible Offenses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Person, by county</td>
<td>40</td>
<td>12.84</td>
</tr>
<tr>
<td>% Property, by county</td>
<td>31</td>
<td>11.29</td>
</tr>
<tr>
<td>% Drug, by county</td>
<td>28</td>
<td>14.87</td>
</tr>
<tr>
<td>% Other, by county</td>
<td>1</td>
<td>1.75</td>
</tr>
<tr>
<td>% of Cases with Multiple Offenses, by county</td>
<td>15</td>
<td>6.54</td>
</tr>
<tr>
<td><strong>Juvenile Referral Rate (per 1000 youth)</strong></td>
<td>26</td>
<td>8.1</td>
</tr>
<tr>
<td><strong>Concentrated Disadvantage Index</strong></td>
<td>-.04</td>
<td>.79</td>
</tr>
<tr>
<td><strong>Population Structure (Total Population + Density)</strong></td>
<td>.00</td>
<td>1.98</td>
</tr>
<tr>
<td>Average County Population</td>
<td>304,477</td>
<td>474,940</td>
</tr>
<tr>
<td>Average County Population Density</td>
<td>381</td>
<td>572</td>
</tr>
</tbody>
</table>

N=59

This discrepancy suggests unequal distribution of racial and ethnic groups among the various counties throughout the state. In some of the larger, southern cities for example, the populations of black and Hispanic youth are much larger than average, while many of the more rural counties throughout other regions of the state have a much higher proportion of white residents. The population structure variable (total population, logged and standardized, plus population density, logged and standardized), is included to control, in part, for the influence of these larger cities. The inclusion of this variable will also allow for an examination of the independent effects of
larger cities in an attempt to test hypothesis H6, which predicts that larger, more urban counties will be more likely to use civil citations.

### 7.3 Effects of Select County-level Variables on County-level Use of Civil Citations

To examine the use of civil citations at the county level, an OLS regression model was estimated using the previously discussed county-level variables to predict the county-level percentage of eligible cases civilly cited. The results of this analysis can be found in Table 7.2. The results reveal that the vast majority of the independent variables at the county-level do not significantly predict variability in the use of civil citations across counties. The two exceptions were the percentage of eligible offenders in a given county that were black, and the percentage of eligible cases in a given county that involved multiple, concurrent offenses.

The results in Table 7.2, suggest that the gender composition of eligible offenders in a county does not significantly predict county-level civil citation use. There were modest race effects, but not ethnicity effects, on the use of civil citations at the county level. That is, increases in the percentage of eligible offenders in a county who were black, resulted in an increase in the use of civil citations overall. The Hispanic population of eligible offenders in a county was not, however, a significant predictor of civil citation use. The relationship between the eligible black population and civil citation use is highlighted graphically in Figure 7.3.1, which shows predicted percentages of eligible cases cited based on the black population, holding all other independent variables constant. The percentage of eligible cases cited changes by approximately 7% per standard deviation above and below the mean for black populations of eligible offenders in counties.

The mean age of eligible offenders in a county was not significantly associated with county level civil citation use. Among types of offenses, neither property crimes nor drug crimes were significantly associated with county level civil citation use. The percentage of eligible offenses in a county that fell into the other offenses category was positively associated with civil citation use. This relationship was significant at the p < 0.01 level.
Table 7.2 OLS Regression of County-level Civil Citation Use on County-level Independent Variables

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>SE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender of Eligible Offenders</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Male, by county</td>
<td>.32</td>
<td>.54</td>
</tr>
<tr>
<td><strong>Race or Ethnicity of Eligible Offenders</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% White, by county</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>% Black, by county</td>
<td>.36*</td>
<td>.19</td>
</tr>
<tr>
<td>% Hispanic, by county</td>
<td>.25</td>
<td>.24</td>
</tr>
<tr>
<td>% Other, by county</td>
<td>1.08</td>
<td>1.12</td>
</tr>
<tr>
<td><strong>Mean Age of Eligible Offenders, by county</strong></td>
<td>-3.25</td>
<td>.10</td>
</tr>
<tr>
<td><strong>Eligible Offenses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Person, by county</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>% Property, by county</td>
<td>-.27</td>
<td>.38</td>
</tr>
<tr>
<td>% Drug, by county</td>
<td>.22</td>
<td>.32</td>
</tr>
<tr>
<td>% Other, by county</td>
<td>4.25**</td>
<td>.01</td>
</tr>
<tr>
<td><strong>% of Cases w/ Multiple Offenses, by county</strong></td>
<td>-.74</td>
<td>.42</td>
</tr>
<tr>
<td><strong>Juvenile Referral Rate</strong></td>
<td>-.64</td>
<td>.00</td>
</tr>
<tr>
<td><strong>Concentrated Disadvantage Index</strong></td>
<td>-3.29</td>
<td>.05</td>
</tr>
<tr>
<td><strong>Population Structure</strong></td>
<td>1.69</td>
<td>.02</td>
</tr>
</tbody>
</table>

\[ R^2 = .41 \]

*p < .05; **p < .01; ***p < .001. N = 59

The other category contained mostly administrative and county ordinance violations (e.g. hunting and fishing violations, non-felony traffic violations.) It would seem to make intuitive sense then that this category of offenses would emerge as significant in this model and few others in the study. That is, the overall stance on the violation of these types of laws, or the very existence of opportunities to violate them at all for that matter, would likely be dependent upon the county in which a youth resides.
Violations of boating laws, for example, may be commonplace in Monroe County (the keys), but are unlikely to be prevalent in Orange County (Orlando). This geographical distribution of offenses, then, may contribute to the county-level effects of the other category on civil citation use found in Table 7.2.

Finally, it is worth noting that both the negative association between the percentage of eligible cases involving multiple offenses and county-level civil citation use, and the positive association between the juvenile referral rate within counties and county-level civil citation use, approached statistical significance (p = .09). The latter relationship would provide support for the courtroom workgroup perspective that suggests that jurisdictions with higher juvenile caseloads will turn to informal sanctioning to ease the stress on an overburdened justice system. This case-
load driven approach to civil citation use will be discussed more in chapter 10, as it emerged as a theme in the law enforcement interviews that were conducted.

7.4 Conclusion

Few of the included county-level variables were associated with county-level use of civil citations. The eligible black population and the percentage of “other” crimes appear to be the only significant predictors (among those included in the present study) of county-level use of civil citations. The percentage of eligible cases that receive civil citations in a given county increases with larger populations of eligible black offenders. Specifically, a standard deviation increase in the eligible black population translates into an almost 7% increase in the percentage of eligible cases cited. The overall increase in use does not indicate, however, that black youth are the recipients of this increase in use at the county-level. In fact racial threat perspective would suggest the opposite. That is, as the black population increases, so too does the severity of sanctioning of black youth (Leiber & Stairs, 1999). If white youth are primarily the beneficiaries of the increased use of civil citations in counties with large eligible black populations, racial disparities in processing outcomes are likely to be exacerbated.

Recall, though, that the individual-level state model found no effects of race, either positive or negative, on the likelihood of receiving a civil citation. The relationship between race and processing outcomes will be further explored within several large counties in Chapter 8, and among formal dispositions at the state level in Chapter 9. A recommendation for future research is to utilize multilevel data analyses to focus on county-level context in the effects of race on the use of civil citations.

The lack of significance found among many of the independent variables included in the county model is surprising given the findings of significance of the county dummy variables included in Table 6.3. As will be discussed in Chapter 8, however, the varied nature of the effect sizes, directions, and magnitudes of the county dummies in Table 6.3 may suggest that the influence of many of the individual variables of interest is dependent upon the county in which a case is processed.

It is possible that the lack of significant findings is due, at least in part, to a potentially high level of variation between a few very influential counties. In fact, the possibility of undue
influence of certain counties seems highly likely when one considers that fully 51% of the eligible cases statewide come from just seven of the fifty-nine counties participating in civil citation. This fact has the potential to dramatically influence the results of both pooled statewide models of use, and aggregated county-level models. It is quite possible, then, that both the statewide and county-level models conceal more variation in the effects of predictor variables on civil citation use than they reveal. In an effort to better understand the nature of between-county variation in the effects of key individual-level variables on the use of civil citation, attention will now be focused on individual-level analyses of the use of civil citations within select large counties.
CHAPTER 8

BETWEEN-COUNTY VARIATION IN THE USE OF CIVIL CITATIONS

8.1 Overview

To this point, the use of civil citations has been examined statewide and at the county level. Results from the statewide analyses in Chapter 6 indicated that gender, ethnicity, age, offense type, and offense count were all predictive of civil citation use. Specifically, Hispanic youth and youth committing property or drug offenses were more likely to receive a civil citation when eligible than white youth and youth committing person offenses, respectively. Conversely, males, older youth, and youth committing multiple offenses were less likely to receive a civil citation than females, younger youth, and youth committing singular offenses, respectively. The inclusion of county dummy variables to account for clustering of cases within counties also indicated that there were strong correlations between counties and civil citation use, though the nature of these associations was unknown.

Although many of the independent variables included in the Chapter 6 models were predictive of civil citation use at the individual level, few of the county-level independent variables included in the Chapter 7 models were significantly associated with county-level use of civil citations. A larger black population of eligible offenders in a given county was modestly predictive of greater use of civil citation. An underlying possibility in this county-level modelling approach, in the statewide approach too, is that much of the between-county variation is being concealed.

As has already been discussed, the nesting of cases within counties and the influence of large counties with high rates of civil citation use, have the potential to render pooled statewide and county-level analyses imprecise. A statistical technique to address these challenges involves multilevel modeling which controls for the correlation of observations within clusters, in this case counties. An examination of both population and civil citation use between counties in Florida reveals that there are only a relatively few counties that have both a large population of eligible case, and are issuing civil citations to sufficient percentages of eligible cases to support multilevel modeling. Analyses of these specific counties independently, then, is warranted. The
results of these analyses will help to answer the question: How does the use of civil citations vary between large counties?

8.2 Descriptive Statistics for Select Large Counties

Descriptive statistics for the 7 counties are presented in Table 8.1. Although the size of the eligible population in each of the 7 counties is much larger than average (more than 3500 youth in each county), the actual proportion of use of civil citations varies tremendously, ranging from 11% of cases cited to 90% of cases cited. The demographic and offense type compositions likewise varied by county. The following sections provides a brief description of the sample for each county model before turning attention to multivariate analyses to determine the effects of select individual-level variables on civil citation use, by county.

Miami-Dade County had the largest population of eligible cases (n = 7188) and the highest rate of civil citation use (90%) of any county in Florida. The gender composition of the eligible offender population was 62% male and 38% female. Miami has one of the most racially and ethnically diverse populations in Florida, and this diversity was reflected in the racial and ethnic composition of the eligible offenders in the county. White youth represented 7%, black youth represented 41%, Hispanic youth represented 52%, and youth of an other race or ethnicity represented less than 1% of the eligible offenders in Miami-Dade County. The average age of an eligible offender over the study period was approximately 15. Among eligible offenses, property offenses were most common, representing slightly more than half of the eligible cases. The remaining cases consisted of person offenses (29%), drug offenses (18%), and other cases (> 1%). Finally, 14% of eligible cases in the county involved multiple, concurrent offenses.

In Broward County, civil citations were issued to 39% of the eligible youth. Males comprised 60% of the eligible population. The racial composition of eligible offenders was 28% white, 54% black, 17% Hispanic, and 1% other race or ethnicity. The average age of eligible offenders was 15. Property crimes were the most common type of eligible offense (51% of the eligible offenses), followed by person crimes (28% of the eligible offenses), drug crimes (20% of the eligible offenses), and other crimes (< 1% of the eligible offenses). Finally, 12% of the civil citation eligible cases involved multiple concurrent offenses.
Table 8.1 Descriptive Statistics for Civil Citation Eligible Cases in Select Large Counties

<table>
<thead>
<tr>
<th>Variable</th>
<th>Miami-Dade</th>
<th>Broward</th>
<th>Palm Beach</th>
<th>Hillsborough</th>
<th>Orange</th>
<th>Pinellas</th>
<th>Duval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N = 7188</td>
<td>N = 7039</td>
<td>N = 4292</td>
<td>N = 6848</td>
<td>N = 6180</td>
<td>N = 5563</td>
<td>N = 3737</td>
</tr>
<tr>
<td>Civil Citations</td>
<td>.90</td>
<td>.39</td>
<td>.24</td>
<td>.35</td>
<td>.11</td>
<td>.79</td>
<td>.29</td>
</tr>
<tr>
<td></td>
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For age, standard deviation is reported rather than frequency.
In Palm Beach County, civil citations were issued to 24% of the eligible youth. Males comprised 59% of the eligible population. The racial composition of eligible offenders was 40% white, 45% black, 14% Hispanic, and < 1% other race or ethnicity. The average age of eligible offenders was 15. Property crimes were the most common type of eligible offense (40% of the eligible offenses), followed by person crimes (38% of the eligible offenses), drug crimes (21% of the eligible offenses), and other crimes (2% of the eligible offenses). Finally, 16% of the civil citation eligible cases involved multiple concurrent offenses.

In Hillsborough County, civil citations were issued to 35% of the eligible youth. Males comprised 58% of the eligible population. The racial composition of eligible offenders was 38% white, 40% black, 21% Hispanic, and 1% other race or ethnicity. The average age of eligible offenders was 15. Property crimes were the most common type of eligible offense (42% of the eligible offenses), followed by person crimes (34% of the eligible offenses), drug crimes (24% of the eligible offenses), and other crimes (< 1% of the eligible offenses). Finally, 18% of the civil citation eligible cases involved multiple concurrent offenses.

In Orange County, civil citations were issued to 11% of the eligible youth. Males comprised 56% of the eligible population. The racial composition of eligible offenders was 33% white, 43% black, 23% Hispanic, and 1% other race or ethnicity. The average age of eligible offenders was 15. Person crimes were the most common type of eligible offense (44% of the eligible offenses), followed by property crimes (41% of the eligible offenses), drug crimes (14% of the eligible offenses), and other crimes (< 1% of the eligible offenses). Finally, 14% of the civil citation eligible cases involved multiple concurrent offenses.

In Pinellas County, civil citations were issued to 79% of the eligible youth. Males comprised 59% of the eligible population. The racial composition of eligible offenders was 56% white, 34% black, 9% Hispanic, and 2% other race or ethnicity. The average age of eligible offenders was 15. Person and property crimes accounted for a nearly equal share of the eligible offenses at 39% and 38% respectively. Drug crimes accounted for 20% of the eligible offenses and other crimes accounted for the remaining 1%. Finally, 6% of the civil citation eligible cases involved multiple concurrent offenses.

In Duval County, civil citations were issued to 29% of the eligible youth. Males comprised 58% of the eligible population. The racial composition of eligible offenders was 35% white, 59% black, 4% Hispanic, and 2% other race or ethnicity. The average age of eligible offenders was
Property crimes were the most common type of eligible offense (57% of the eligible offenses), followed by person crimes (30% of the eligible offenses), drug crimes (13% of the eligible offenses), and other crimes (< 1% of the eligible offenses). Finally, 12% of the civil citation eligible cases involved multiple concurrent offenses.

An inspection of these 7 counties, then, highlights wide variation in the overall use of civil citations. Miami-Dade County appears to remain committed to civil citation use in all instances of eligibility, citing 90% of eligible cases, while Orange County cited just 11% of eligible cases. Wide variation existed, too, among those factors predicted to influence use of civil citations. Specifically, counties differed dramatically in the racial and ethnic composition of the population of eligible offenders. The next section will examine the effects of each of the factors examined in this section, net of the others.

### 8.3 Effects of Individual-level Variables on Civil Citation, by Large Counties

To examine the state-specific effects of select individual-level variables on the use of civil citation, logistic regression models were estimated for 7 different counties, Miami-Dade, Broward, Palm Beach, Hillsborough, Orange, Pinellas, and Duval. These counties were selected on the basis of both their large populations and large numbers of overall eligible cases. Although the mean number of eligible cases for all counties over the study period was 2634, each of these 7 counties contributed over 3700 cases individually. In fact, 51.5% of all eligible cases, and 60% of the total civil citations issued came from these 7 counties. It is highly likely, then, that variation in these counties is contributing disproportionately to the overall statewide trends in use.

#### 8.3.1 Civil Citation Use in Miami-Dade County

As the birthplace of civil citations in Florida, Miami is committed to the implementation of the initiative, citing 90% of the 7188 eligible cases. Based on the results in Table 8.2, it is clear that, net of other factors, gender did not play a significant role in predicting the use of civil citations. Race did not emerge as significant either, though ethnicity was predictive of use. That is, Hispanic youth had a 63% higher likelihood of receiving a civil citation, when eligible, than white youth.
Table 8.2 Logistic Regression of Civil Citation on Select Independent Variables, by Large Counties

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*p < .05; **p < .01; ***p < .001
Consistent with hypothesis H3, age, too, significantly predicted civil citation use. The likelihood of receiving a civil citation when eligible drops as a youth ages. A one year increase in ages is associated with an approximate 12% decrease in the odds of receiving a civil citation. Several characteristics of the offense significantly predicted civil citation use. Consistent with hypothesis H4a, property crimes were 45% more likely than person crimes to result in a civil citation. Inconsistent with hypothesis H4b, however, drug crimes were also more likely (by 58%) than person crimes to receive a citation. Finally, youth who were picked up for multiple charges were 29% less likely to receive a civil citation than youth with singular charges, lending further support to the notion that offenses may be additive in their effects on the perception of offense seriousness.

8.3.2 Civil Citation Use in Broward County

Net of other factors, the gender of the youth did not predict civil citation use in Broward County. Both race and ethnicity, however, did have significant effects on use. Consistent with hypothesis H1b, eligible black and Hispanic youth were both more likely than white youth to receive a civil citation. Black youth were 29% more likely, while Hispanic youth were more than two times more likely than white youth to have their cases result in a civil citation. Age was again significant, with older youth being less likely to receive a civil citation than their younger counterparts. The effect size for age in Broward County was rather modest however, with one year increases in age resulting in only a 6% reduction in the likelihood of receiving a civil citation. Like Miami-Dade County, offense characteristics are significantly predictive of civil citation use in Broward County. Property and drug crimes were, respectively, 2.5 and 2.2 times more likely than person crimes to result in a civil citation. The presence of multiple concurrent offenses resulted in a 46% reduction in the likelihood of civil citation.

8.3.3 Civil Citation Use in Palm Beach County

In Palm Beach County, gender was again statistically insignificant, net of other factors, in its effects on civil citation use. Consistent with hypothesis H1a, however, black youth and Hispanic youth were both less likely to receive civil citations than white youth. Black youth were 24% less likely to receive a civil citation than white youth, while Hispanic youth were 44% less likely.
Age was not a significant predictor of civil citation use in Palm Beach County. The type of eligible offense was significantly associated with civil citation use, with property, drug, and other crimes all being more likely to receive a civil citation than person crimes (1.9, 3.7, and 2.3 times more likely, respectively). Finally, cases involving multiple offenses were no more or less likely than singular offenses to receive a civil citation.

8.3.4 Civil Citation Use in Hillsborough County

Hillsborough County was unique among the large counties examined in that its model was the only that produced, net of other factors, significant effects of the gender variable. That is, in Hillsborough County, male offenders were times 31% less likely to receive a civil citation than female offenders. No significant effects of race or ethnicity on the use of civil citations were found. Age was significantly and negatively correlated with civil citation use, with one year increases in age being associated with a 10% decrease in the likelihood of receiving a civil citation. Although property crimes were much more likely than person crimes to receive a civil citation (3.6 times), the relationship between drug crime and civil citations deviated from the patterns found in other large counties. Consistent with hypothesis H4b, drug crimes were significantly less likely to receive a civil citation than person crimes. Youth committing drug crimes in Hillsborough County were 86% less likely to receive a civil citation than youth committing person crimes, a category that involves violent offenses. The relationship was strong enough and unique enough to warrant further investigation into the practices of the civil citation process in Hillsborough County. Interestingly, and again in accordance with the predictions in hypothesis H4b, a partnership exists between the Sheriff and the State Attorney in Hillsborough County that is predicated on a zero tolerance policy for drug crime. Charges involving marijuana, which make up the vast majority of misdemeanor drug crimes, are not eligible for a civil citation in this particular county (Martinez, 2016). Finally, multiple offenses were 98% less likely to result in a civil citation than singular offenses.

8.3.5 Civil Citation Use in Orange County

In Orange County, no gender effects were found on the use of civil citations, net of other factors. No significant race effects were found either, though ethnicity did significantly predict
civil citation use. Hispanic offenders were 68% more likely to receive a civil citation than white youth. Property and drug crime significantly and substantively affected the use of civil citations. Property crimes were 4.3 times more likely than person crimes to receive a civil citation, while drug crimes were nearly 9 times more likely. Multiple offenses resulted in a decrease of 71% in the likelihood of civil citation use.

8.3.6 Civil Citation Use in Pinellas County

Gender was found not to be a significant predictor of civil citation use, net of other factors, in Pinellas County. Though black and Hispanic youth were not significantly more or less likely to receive a civil citation, the effects of the other race or ethnicity reached statistical significance, but just barely at the p < 0.05 level. The age of the offender was likewise modest in its statistical significance level, and in its substantive effect size. A one year increase in age was associated with just a 5% decrease in the likelihood of receiving a civil citation. The presence of multiple offenses, however, was a much more robust predictor of civil citation use in Pinellas County. Here, cases involving multiple offenses were 71% less likely to result in a civil citation than cases involving only one offense.

8.3.7 Civil Citation Use in Duval County

In Duval County, gender, net of other factors, did not emerge as a significant predictor of civil citation use. Neither the black nor the Hispanic variables significantly predicted the use of civil citations. The other race or ethnicity category, however, was significantly less likely than white youth by 66% to receive a civil citation. Property and drug offenses were once again found to be more likely than person offenses to receive a civil citation. Property offenses were 5.3 times more likely, and drug crimes a fairly staggering almost 15 times more likely, than person crimes to receive a civil citation. The large effect size could be attributed to an enthusiasm on the part of law enforcement in the county to be able to offer a sanction in cases they otherwise would have been compelled to ignore. This use of civil citation as a way to hold accountable those youth who would otherwise been let go with a warning, was alluded to in the interviews conducted with law enforcement. A detailed discussion of the results of these interviews follows
in chapter 10. Finally, cases involving multiple offenses were 83% less likely than singular offenses to result in a civil citation.

In short, parallel to patterns found in the descriptive statistics presented in Section 8.2, wide variation exists in the factors associated with civil citation use in each of the 7 counties examined. Although the commission of property crime and multiple offenses predicted civil citation use (positively and negatively, respectively) few other clear commonalities in civil citation use were evident. The findings of this section will be summarized more fully in the following section.

8.4 Conclusion

This chapter examined the effects of select individual-level variables on the use of civil citation for several large counties in Florida. The findings presented in Table 8.2 suggest that wide variation exists between counties in the effects of many of the independent variables of interest on the use of civil citations. These between county variations signal that attempts to determine statewide usage statistics may be inappropriate, as they are highly likely to conceal many more important county-specific trends than they illuminate. In some cases, no association between a given variable and citation existed, in others the relationship was negative, and in still others it was positive. Given the large number of comparisons (the effect of race in one county versus the effect of race in each of six other counties, the effect of multiple offenses in one county versus the effect of multiple offenses in each of six other counties, and so on), a typical test of statistically significant differences across counties (see, e.g., Paternoster et al., 1998) is not feasible. Therefore, the county-level differences in the effects of specific independent variables should be interpreted with caution. With that caution in mind, several of the county-variations bear repeating here.

First, Table 8.2 showed dramatic differences in significance, direction, and magnitude of the effects of race between the included counties. Recall that the statewide model suggested that there are no effects of race or ethnicity on the use of civil citation. The county-level model showed modest effects of only one racial category, black youth. In Miami-Dade County, however, Hispanic youth were significantly more likely than white youth to receive a civil citation when eligible. From a policy perspective, this is not a trivial finding. With a population
of more than two and half million people, Miami-Dade County is more populous than some states. Differences in use, then, may benefit, but also may harm, a great many more youth than average in the state. Without understanding the true nature of use throughout the state, however, broad generalizations cannot be made about whether civil citations are helpful or harmful in the state of Florida.

Second, older youth were less likely than their younger counterparts in four of the seven counties examined. The effect of age found in these counties is consistent with attribution theory which predicts that older youth will be perceived as more culpable in their commission of crime and therefore less deserving of diversion efforts. Still, in almost half of the counties examined, no significant relationship between age and civil citation use existed. These null effects may indicate that age is not as robust a predictor of use statewide as anticipated.

Third, property crimes were more likely than person crimes to receive a civil citation in all counties. This seems to imply consensus about the overall seriousness of the crimes in those categories. That is, crimes involving property are less serious, and more deserving of a civil citation, than crimes involving violence. Drug crimes, too, were more likely than person crimes to receive a civil citation in all counties except Hillsborough. This pattern of use was determined to be a function of attitudes of zero tolerance for drug offenses among law enforcement and local prosecutors. Similar prohibitions of use (either written or unwritten) for certain types of offenses may exist in other counties. Local context, then, is important to the understanding of civil citation use throughout the state.

Fourth, cases involving multiple concurrent offenses were significantly less likely to receive a civil citation than cases involving a singular offense in all counties but Palm Beach. Systematic formal processing of these cases suggests that multiple offenses are perceived as more serious and therefore less deserving of diversion, a pattern that is consistent with findings in prior research (Stylianou, 2003). It bears noting that officer discretion may play a role in the decision to charge a youth with one or multiple offenses. If, for example, an officer encounters a youth drinking alcohol in a public park, the officer would likely charge the youth with possession of alcohol by a minor. The officer could, in most jurisdictions, also charge that youth for possessing an open container in public. A host of other charges could be issued including disturbing the peace (if the youth and his or her friends are playing music), and disorderly conduct/resisting arrest (if the youth is perceived as having a defiant attitude). Further
examination of the role of officer discretion in the decision, or not, to charge a youth for multiple offenses is recommended.
CHAPTER 9

MISSED OPPORTUNITIES: THE FORMAL PROCESSING OF CIVIL CITATION ELIGIBLE YOUTH

9.1 Overview

To this point, the discussion has focused primarily on predicting whether or not a youth is offered a civil citation when eligible. The factors that influence this decision, to cite or to formally arrest, have been examined statewide, at the county-level, and by a few large counties. Little attention, however, has been paid to the ultimate processing outcomes for youth who did not receive a civil citation. These youth are known within FDJJ as “missed opportunities.” This terminology reflects the fact that for some eligible cases a civil citation was not issued, and thus, an opportunity for diversion was missed.

The processing outcomes of these “missed opportunities” are relevant to the current discussion for at least two significant reasons. First, the change in overall levels of the various formal punishment options meted out may tell us something about the purposes for which civil citations are being used. That is, if the more punitive punishment options (e.g. probation, residential commitment) increase with greater use of civil citation, an argument for the presence of net-widening could be made. If, however, increased civil citation use is concurrent with reductions in some of the harsher forms of punishment available, civil citations may truly be serving to divert youth from the system. Still a third scenario is one in which increases in civil citation use co-occur with increases in dropped cases. That the prosecutor would tend to drop those cases that law enforcement could have but didn’t, would seem to suggest that law enforcement officers are at odds with the judiciary (at least with the State’s Attorney) in the assessment of who should and who shouldn’t be punished.

A second reason for examining the formal processing of “missed opportunities” is to determine whether or not the disparities in the use of civil citations presented to this point are also predictive of the type of formal disposition received by cases of “missed opportunities.” It stands to reason that, if some youth are both less likely to receive civil citation and more likely to
receive harsh formal punishment, then these youth are in a sense being punished twice for the same crime. The extant literature shows, for example that black youth are less likely to be the recipients of diversion options when available (Leiber & Stairs, 1999), and separately, more likely to receive punitive sanctions (Bishop, 2010.) It stands to reason then, that when formally processed instead of being diverted, youth of color would again face tougher sanctions (see Cochran & Mears, 2015).

This chapter seeks to answer the question: which, if any, individual level factors influence the manner in which “missed opportunity” cases are disposed? This section will begin by examining trends, over time, in dispositions of civil citation eligible youth who were instead formally processed as well as an examination of the descriptive statistics of the select independent variables of interest. Attention will then be turned to the results of a multinomial regression model examining the effects of select individual-level factors on the disposition of those youth defined as “missed opportunities. The results of this analysis will help to determine if some youth are, as discussed above, punished twice. Addressing the issue of double punishment will help to determine whether or not law enforcement officers are formally referring those cases that are truly not suited for diversion. It is expected that if an officer makes the determination that a youth is undeserving of a civil citation, that the formal sanction that youth ultimately receives will be more severe than diversion (e.g., probation, residential commitment) If, on the other hand, those youth identified as “missed opportunities” tend to have their cases either dropped or diverted through some other mechanism, it could be argued that officers are often making the wrong call.

9.2 “Missed Opportunities” for Diversion

Two important questions to understanding what happens to youth who miss their opportunity for diversion: What percentage of eligible cases are, in fact, “missed opportunities? and Has the percentage of missed “opportunities” changed in the years following the initial implementation of civil citation? Figure 9.2.1 displays the percentage of cases that were eligible for a civil citation but were instead formally disposed, by month from July 1, 2011 to June 30, 2015. The results show a modest decrease over time in the percentage of cases that were handled formally as opposed to diverted through civil citation. Although the statewide increases in civil citation
use necessarily led to a concomitant decrease in formal processing among eligible cases, a large percentage of “missed opportunities” remain. These cases were technically eligible for a civil citation, but were instead formally referred to the FDJJ due to the officer’s decision to arrest.

Figure 9.1 Trend in “Missed Opportunities” Statewide, FY 2011-15

An interesting, and unexpected, trend was observed in the rate of referrals over time. Strong, seemingly seasonal fluctuations exist in the number of civil citations issued and are mirrored in the number of formal referrals made to FDJJ. Closer inspection of the date ranges of these fluctuations reveals that formal referrals increase dramatically in the summer months. Put another way, the percentage of eligible cases that receive a civil citation increases during the
school year. In recent years, an increasing number of schools have turned to school resource officers as a way to keep schools safe and crime-free (Kupchik, 2012). Although these officers are on hand to protect youth, concern exists about schools turning to the readily available law enforcement representative to handle an increasingly broad range of disciplinary infractions that may otherwise have been handled by school administrators (Theriot, 2009). This “criminalization” of youthful problem behaviors combines with a greater level of supervision within schools to create an environment where youthful transgressions are conveniently referred to the juvenile justice system. In his examination of the effects of school resource officers (SROs) on juvenile referrals from schools, Theriot (2009), found that although schools employing SROs experienced an overall decreases in weapons related referrals, disorderly conduct referrals increased. This increase in referrals for disorderly conduct has significant implications for the current study, as disorderly conduct would fall squarely within the list of civil citation eligible offenses, while weapons charges likely would not.

The presence of school resource officers, then, may increase the rate of contact between law enforcement and youth due to increased attention to minor infractions like disorderly conduct. Based on the findings presented in Figure 9.2.1, a reduction in formal referrals during the school year does not necessarily equate to fewer encounters with youth, as those cases not referred are handled through civil citation. If in fact SROs are responsible for this trend, civil citation instead of arrest may be a good thing. If, however, officers are using civil citations to intervene in cases that could possibly have been handled by school administrators, net-widening is occurring. Future research should explore further the issue of civil citation use in schools.

9.3 Methods and Descriptive Statistics

For the purposes of examining the effects of select individual level variables on dispositions received by those youth who were missed opportunities, several data transformations were necessary. First, 671 cases that were pending a disposition, or were otherwise closed for an administrative reason other than an intentional decision by court personnel to forego prosecution (e.g. youth died, missing youth), were dropped from the analyses, as there was no way to predict the final disposition. Additionally, there were 425 cases where no disposition was available due to missing data. These cases were also dropped leaving a final population of 46,596 cases.
In the interest of comparison, the many specific types of formal disposition a youth could receive were collapsed into 3 categories: Other Diversion, Dropped, and Punitive. The most common type of disposition for a missed opportunity was some other diversion program. In these cases, diversion was simply being substituted for diversion. The interesting question becomes: *what factors predict whether a case is dropped or handled more punitively when compared to diversion?* Some of the disposition types a case could receive fell into easily understood categories such as dropped, probation, and other diversion. Other categories, like ‘Other Non-Judicial Disposition’ required closer inspection. After consulting with staff from the Office of Research and Data Integrity, several of the more ambiguous deposition types were sorted appropriately based on whether they represented a form of diversion, dismissal or punitive sanction. Descriptive statistics for data used in the current chapter are presented in table 9.1.

The first column in table 9.1 presents descriptive statistics for the independent variables of interest among all formally disposed civil citation eligible cases. The remaining three columns present descriptive statistics among the cases that fell into the three general disposition types: diversion, dropped, and punitive. The means for gender, race, and age were very similar between all cases, cases diverted, and cases dropped. Males made up 59% of each of the groups. For all cases and diverted cases, white, black, and male youth made up 48%, 37%, 14%, 1%, respectively. The composition for dropped cases differed only slightly with the corresponding percentages being 48%, 36%, 16%, and 1%. The ages, too, were very similar between the three groups, with an average age of approximately 15.

The offense characteristics, however, differed more dramatically between all cases, diverted cases, and dropped cases. For all cases, the breakdown of offense types was 41% person, 37% property, 21% drug, and 2% other. The offense composition for diverted cases was 34% person, 42% property, 23% Drug, and 1% other. The leading offenses among diverted cases, then, were property offenses rather than person offenses, as was the case with the full population of formal dispositions. For dropped cases, the offenses are ordered the same as the all cases category, but the proportion of person cases is much larger. Here the offense breakdown is 66% person, 20% property, 13% drug, and 1% other. The percentage of cases involving multiple offenses was similar between all, diverted, and dropped cases (17%, 17%, and 16% respectively).

The descriptive statistics for the more punitive cases were dissimilar from the other disposition types on nearly every variable. Males made up 65% of those cases handled more
punitively than diversion. The racial composition of this category was 41% white, 45% black, 13% Hispanic, and 1% other. The average age was around 15. The breakdown of offenses was 54% person, 27% property, 17% drug, and 1% other. Finally, multiple offenses were involved in 23% of the cases handled more punitively than diversion.

Table 9.2 presents the offenses associated with all civil citation eligible cases, civil citation eligible cases that received a civil citation, and civil citation eligible cases that were instead handled formally. The majority of cases in each category were for 3 main types of offenses: Assault and/or Battery (not aggravated), Petit Larceny, and Misdemeanor Violations of Drug Laws. The offenses among the civil citation cases do not appear, then, to differ dramatically the formally processed cases. There is, though, an ordering change between the two groups in the most common types of offense. Petit Larceny was the largest category of offenses both statewide and for cases receiving a civil citation. For those civil citation eligible cases that were instead formally processed, however, Assault and/or Battery is the most common type of offense committed. The larger percentage of assaults suggests that the formally processed cases are, generally, qualitatively different than those cases that received a civil citation. Specifically, the group of formally processed cases seems to be more violent.

9.4 Effects of Individual-level Variables on “Missed Opportunities”

Table 9.3 presents the results of multinomial regression analysis that examines the effects of key independent variables, net of all others, on the likelihood of receiving one of 3 possible sanctions among a population of youth who were eligible for civil citation, but instead had their cases processed formally. The goal here is to determine what happened to those youth who were denied a civil citation when eligible. The outcomes bear significant implications on the way Florida’s juvenile justice system handles youth. As has been shown, there are a number of important individual-level predictors of whether or not a youth is offered a civil citation (e.g. age, offense type, and race). Older youth, for example, are less likely to be offered a civil citation statewide. If those formally processed older youth are then more likely to have their cases handled in a more punitive fashion, while formally processed younger youth tend to be handled more informally, the disparities in treatment grow ever wider.
Table 9.1 Descriptive Statistics for “Missed Opportunities,” by Disposition Type

<table>
<thead>
<tr>
<th>Variables</th>
<th>All Missed Opportunities n = 46596</th>
<th>Diversion n = 34796</th>
<th>Dropped n = 9796</th>
<th>Punitive n = 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean</td>
<td>Frequency</td>
<td>Mean</td>
<td>Frequency</td>
</tr>
<tr>
<td>Sex</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>.59</td>
<td>27586</td>
<td>.59</td>
<td>20489</td>
</tr>
<tr>
<td>Female</td>
<td>.41</td>
<td>19010</td>
<td>.41</td>
<td>14307</td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>.48</td>
<td>22157</td>
<td>.48</td>
<td>16667</td>
</tr>
<tr>
<td>Black</td>
<td>.37</td>
<td>17243</td>
<td>.37</td>
<td>12808</td>
</tr>
<tr>
<td>Hispanic</td>
<td>.14</td>
<td>6687</td>
<td>.14</td>
<td>13784</td>
</tr>
<tr>
<td>Other</td>
<td>.01</td>
<td>509</td>
<td>.1</td>
<td>398</td>
</tr>
<tr>
<td>Age</td>
<td>15</td>
<td>1.77</td>
<td>15.1</td>
<td>1.71</td>
</tr>
<tr>
<td>Offense</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>.41</td>
<td>19276</td>
<td>.34</td>
<td>11689</td>
</tr>
<tr>
<td>Property</td>
<td>.37</td>
<td>17179</td>
<td>.42</td>
<td>14734</td>
</tr>
<tr>
<td>Drug</td>
<td>.21</td>
<td>9655</td>
<td>.23</td>
<td>8024</td>
</tr>
<tr>
<td>Other</td>
<td>.2</td>
<td>486</td>
<td>.01</td>
<td>349</td>
</tr>
<tr>
<td>Multiple Charges</td>
<td>.17</td>
<td>7996</td>
<td>.17</td>
<td>5982</td>
</tr>
</tbody>
</table>

NOTES: For age, standard deviation is reported rather than frequency. A one-way ANOVA indicated significant differences ($p < 0.001$) between groups for means of all variables except ‘Other Race’ and ‘Other Offenses’.
Table 9.2 Offense Type by Method of Processing

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>% All Eligible</th>
<th>% Civil Citations</th>
<th>% Formal Referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petit Larceny</td>
<td>32.55</td>
<td>38.43</td>
<td>28.66</td>
</tr>
<tr>
<td>Assault and Battery (not aggravated)</td>
<td>26.21</td>
<td>17.76</td>
<td>31.81</td>
</tr>
<tr>
<td>Misdemeanor Drug Offense</td>
<td>18.54</td>
<td>20.66</td>
<td>17.14</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>7.29</td>
<td>8.82</td>
<td>6.28</td>
</tr>
<tr>
<td>Trespassing</td>
<td>3.59</td>
<td>3.61</td>
<td>3.58</td>
</tr>
<tr>
<td>Misdemeanor Alcohol Offense</td>
<td>3.34</td>
<td>3.11</td>
<td>3.49</td>
</tr>
<tr>
<td>Vandalism</td>
<td>2.86</td>
<td>2.88</td>
<td>2.85</td>
</tr>
<tr>
<td>Misdemeanor Obstruction of Justice</td>
<td>2.64</td>
<td>1.76</td>
<td>3.23</td>
</tr>
<tr>
<td>Loitering and Prowling</td>
<td>1.69</td>
<td>1.34</td>
<td>1.92</td>
</tr>
<tr>
<td>Misdemeanor Other</td>
<td>0.44</td>
<td>0.47</td>
<td>0.42</td>
</tr>
<tr>
<td>Misdemeanor Weapon Offense</td>
<td>0.40</td>
<td>0.57</td>
<td>0.28</td>
</tr>
<tr>
<td>Violation of Hunt, Fish, Boat Laws</td>
<td>0.20</td>
<td>0.05</td>
<td>0.31</td>
</tr>
<tr>
<td>Misdemeanor Sex Offense</td>
<td>0.19</td>
<td>0.47</td>
<td>0.00</td>
</tr>
<tr>
<td>Non-Felony Traffic Offense</td>
<td>0.05</td>
<td>0.07</td>
<td>0.03</td>
</tr>
<tr>
<td>Contempt of Court</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

9.4.1 The Effect of Gender on Formal Dispositions

Among the models predicting civil citation use presented throughout this dissertation, the statistical effects of gender have been inconsistent. Where gender was statistically significantly associated with civil citation use, eligible males were less likely than females to receive a civil citation. Based on these findings then, a logical expectation is that, among formally processed cases, males will be more likely than females to have their cases handled more punitively than
diversion. In fact males were less likely than females (by 28%) to have their cases handled in a more punitive manner than diversion. Males were also less likely than females (by 13%) to have their cases dropped rather than diverted. Taken together, these results indicate that formally processed females, are significantly less likely than males to receive another type of diversion when denied a civil citation. This pattern of more punitive treatment for females runs counter to the expectation of the chivalry hypothesis that females will be treated as a protected class.

Table 9.3 Multinomial Regression of Formal Sanctions on Select Independent Variables, Statewide

<table>
<thead>
<tr>
<th>Variables</th>
<th>Dropped vs. Diversion</th>
<th>More Punitive vs. Diversion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>SE</td>
</tr>
<tr>
<td>Male</td>
<td>-.129***</td>
<td>.025</td>
</tr>
<tr>
<td>Age</td>
<td>-.017**</td>
<td>.007</td>
</tr>
<tr>
<td>Race or Ethnicity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>.192***</td>
<td>.027</td>
</tr>
<tr>
<td>Hispanic</td>
<td>-.032</td>
<td>.035</td>
</tr>
<tr>
<td>Other</td>
<td>.147</td>
<td>.121</td>
</tr>
<tr>
<td>Offense Type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property</td>
<td>1.461***</td>
<td>.029</td>
</tr>
<tr>
<td>Drug</td>
<td>1.308***</td>
<td>.036</td>
</tr>
<tr>
<td>Other</td>
<td>.620***</td>
<td>.110</td>
</tr>
<tr>
<td>Multiple Offenses</td>
<td>-.019</td>
<td>.033</td>
</tr>
<tr>
<td>Pseudo R²</td>
<td>.11</td>
<td></td>
</tr>
</tbody>
</table>

*p < .05; **p < .01; ***p < .001. N = 46,583

As Crew (1991) points out, though, several hypotheses exist concerning the role of gender on sentencing outcomes for females. Two of these proposed hypotheses predict that treatment of
female offenders may vary by the nature of the offense committed (Crew, 1991). There is the potential, then, for interaction effects of gender and offense on formal dispositions. Future research should explore these potential interactions.

9.4.2 The Effect of Age on Formal Dispositions

Age had a modest effect on the likelihood of a case being dropped, rather than diverted. A one-year increase in age was associated with a 2% decrease in the likelihood of a dropped case as opposed to a sanction of other diversion. The age of the offender was not a significant predictor of more punitive treatment than diversion.

9.4.3 The Effect of Race or Ethnicity on Formal Dispositions

Race is a significant predictor of civil citation use in many of the models discussed thus far. Although the effects vary from model to model, a general conclusion is that eligible minority youth (i.e. black and Hispanic) tend to be more likely to receive civil citation when compared with white youth. Based on the results in Table 9.3, black youth appear to be more likely than white youth (by 21%) to have their cases dropped and less likely than white youth (by 22%) to have their cases handled more punitively. It would seem, then, that black youth are not faced with a double punishment, but this pattern does not necessarily signify a lack of racial disparity. The fact that black youth are considerably more likely to have their formally-processed, civil citation-eligible cases dropped may in fact indicate the overall lack of merit in the decision to deny them a civil citation in the first place. That is, cases that should have been handled through diversion, but in fact make it to the prosecutor’s desk, are naturally weeded out as matter of process.

This systematic dropping of cases is not, however, a “no harm, no foul” type of check or balance. A key element of a civil citation’s “smart on crime” approach is to leave a youth’s criminal record unmarred by arrest. Those youth who see their offense denied a civil citation, only to have the case dropped at a later point in time, do end up with a record of arrest. Although the adjudication is withheld, the arrest record remains, presenting potential impediments to employment, college applications, and military service. To the extent that this scenario plays out more often for black youth in Florida, as is suggested in the results of Table 9.3, the process by
which civil citations are currently being offered serves to potentially widen racial disparities in the juvenile justice system.

**9.4.4 The Effect of Crime Type on Formal Dispositions**

Property offenses and drug offenses were significantly more likely than person offenses to be dropped than diverted, and also significantly more likely to be handled in a more punitive fashion than diversion. Cases involving multiple concurrent offenses were less likely than singular offenses to be handled punitively as opposed to diversion, a finding that is contrary to expectations that youth committing multiple offenses would be handled more punitively. Given that the share of formally processed cases that both involved multiple offenses and were handled more punitively is relatively small, these findings may have more to do with qualitative differences in the cases of the youth in that particular category.

**9.5 Conclusion**

For youth who were eligible for a civil citation, but instead received formal dispositions, the most likely sanction was another diversion program. To the extent that civil citations represent a savings in juvenile court resources, civil citation would have been the more efficient diversion option. Many formally processed citation-eligible cases are also dropped. This raises the question: *how many of the civil citation cases would have likewise been dropped had they been formally processed?* Given that a dropped case carries with it no additional sanctions or conditions, dropped cases are less punitive than even a civil citation. If many of the youth who received a civil citation would have ultimately had their cases dropped as a result of formal processing, then formal processing may be a preferable option.

For those youth who had their cases dropped or punished more punitively, several of the independent variables that predicted civil citation use also predicted the type of formal disposition a youth received. Males were less likely than females to have their cases dropped or handled more punitively. Older youth were less likely than younger youth to have their cases dropped rather than diverted. Black youth were more likely than white youth to have their cases dropped rather than diverted and less likely than white youth to have their cases handled more punitively than diversion. Youth who committed property and drug crimes were more likely than
youth who committed person crimes to have their cases dropped or handled more punitively when compared to diversion.

It should be noted that the results of the multinomial logistic regression should be interpreted with caution. Given that the process of multinomial logistic regression involves the estimation of several logistic regression models between the various independent variables and the categories of the disposition outcome variable, it was not possible to include the county dummy variables without seriously compromising the integrity of the model estimates. Even collapsing the county dummies into regions (which is a questionable practice given the unpredictable variation between even counties in the same region), resulted in too many empty cells in the model. As a result, the clustering of cases inherent at the county level is uncontrolled. That being said, the model in its current form suggests patterns in formal processing that could indicate disparities in the decision to withhold contemporary diversion options from eligible youth. Future studies should look more closely at the effects of individual-level characteristics on the use of formal sanctions for diversion eligible youth.
CHAPTER 10

PERSPECTIVES OF JUVENILE JUSTICE PROFESSIONALS ON THE USE OF CIVIL CITATIONS

10.1 Overview

The ways in which civil citations are currently being used may matter a great deal in their overall impact on the youth of Florida. Given Florida’s large population of young people and the nearly statewide adoption of civil citation as a method of processing first-time misdemeanants, civil citation has the potential to impact a great many youthful offenders. To the extent that civil citations do in fact constitute a benefit to those youth they are issued, civil citations show promise in ensuring that youth who have truly made an isolated mistake do not get swept needlessly into the juvenile justice system. A related issue is whether or not civil citations are being used in the right way for the right youth. If civil citations are being used in the anticipated way, that is, fairly and for the youth most likely to benefit from the diversion, civil citation could help many youth. If however, civil citations are often being used in disparate ways and for youth who do not benefit from them, the full-scale adoption of this initiative may disadvantage certain types of youth and waste resources. Although an assessment of the overall effectiveness of civil citations in achieving the desired outcomes is outside the scope of the current paper, the results of interviews with juvenile justice professionals presented in this chapter will hopefully shed light on the question of whether civil citations are being used in the way policymakers had anticipated. That is, fairly and as an alternative to arrest.

Qualitative interviews were conducted with law enforcement officers and FDJJ staff from jurisdictions throughout Florida. The goal of conducting the qualitative interviews was to add more “thick description,” as Patton (2002) would put it, to the understanding of the motivations for, and use of, civil citations. More specifically, the intent was to determine the purposes for which civil citations are used as understood by the parties involved in the process of issuing civil citations, law enforcement officers and FDJJ staff. A related intent was to determine if these purposes, as understood by law enforcement officers, generally differed based upon the agency
for which the officer worked. The question that this section hopes to answer, then is: *How are civil citations being used (i.e. are they being used to divert youth, or to widen the net?)*

### 10.2 Interview Methodology

The qualitative portion of the current study relied on convenience sampling aimed at gathering responses that were representative of the regional differences in attitudes and experiences that may exist throughout the state. All sixty-seven of Florida’s counties were divided into three regions consistent with the regional divisions used by FDJJ’s Office of Detention. The regional breakdown is displayed in Table 10.1. Soliciting interviews from each of the FDJJ identified regions increases the likelihood of including diverse respondent viewpoints and attitudes that may differ in accordance with regional variations in culture and politics. The ten largest counties participating in civil citation were identified, and large agencies in these counties were contacted for participation in the interview. The relatively small and non-random sample of respondents necessarily means that any inferences about the use of civil citations that are based on the sample should be interpreted with caution.

Prior to any contact with potential survey respondents, approval was secured from both the Florida State University Human Subjects Committee and the Florida Department of Juvenile Justice Institutional Review Board. Proof of approval for both entities can be found in Appendices B and C. Potential respondents were first contacted by email, soliciting their participation. The Florida State University HSC approved consent form was included in the initial email as an attachment. The inclusion of the consent form provided the potential respondent with the background for the study as well as relevant information about risks and harms, confidentiality, and methods for contacting the researcher with questions. Those respondents that agreed to participate via email were contacted by phone on a date and time that was convenient for them.

At the beginning of the call, all respondents were first asked if they had had an opportunity to review the consent form and if they felt comfortable in their understanding of the information covered on the form. In total, ten individuals (five FDJJ employees and five law enforcement officers) were interviewed. Initially, ten law enforcement agencies were contacted to solicit participation.
Table 10.1 List of Florida Counties by FDJJ Detention Region

<table>
<thead>
<tr>
<th>Region as Defined by FDJJ Detention</th>
<th>Counties in Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Alachua</td>
</tr>
<tr>
<td></td>
<td>Baker</td>
</tr>
<tr>
<td></td>
<td>Bay</td>
</tr>
<tr>
<td></td>
<td>Bradford</td>
</tr>
<tr>
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<td>Calhoun</td>
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<td></td>
<td>Dixie</td>
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<td>Duval</td>
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<td>Escambia</td>
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<td>Flagler</td>
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<td></td>
<td>Franklin</td>
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<td></td>
<td>Gadsden</td>
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<tr>
<td>Central</td>
<td>Brevard</td>
</tr>
<tr>
<td></td>
<td>De Soto</td>
</tr>
<tr>
<td></td>
<td>Hardee</td>
</tr>
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Of those ten agencies, five responded and agreed to participate. One responded but decided not to participate before an interview could be conducted. Follow up phone calls were made to
the remaining agencies, but no responses were received. Four of the respondents came from large jurisdictions in the North, Central, and South regions. The fourth respondent, though from a smaller agency, was the Chief of Police for the agency. The responses from the Chief provided a unique perspective not gained from either front line or other managerial positions. This individual had been instrumental in the initiation of civil citation with the agency, and thus had a very clear personal vision both of the overall goal of the diversion effort, and of the nature of its current use in the agency. FDJJ employees included probation staff from each of the three regions, as well as staff from headquarters in Tallahassee.

10.3 Results of Interviews with Juvenile Justice Professionals

The questions posed to respondents can be divided roughly into 3 main topical categories: 1) the goals and motivations behind civil citations, 2) how civil citations are currently being used in specific jurisdictions, and 3) factors that facilitate or impede the use of civil citations. The primary questions were in yes or no format followed by probe questions designed to understand the thought process behind why the individual responded in the way that they did. The following sections will discuss some of the major themes identified by respondents in answering the interview questions.

10.3.1 Goals of Civil Citation and Motivations behind their Use

When asked about the main goals of offering a civil citation to a youth, there was a near universal sense that the diversion of youth from formal processing would prevent the harms of entry into the juvenile justice system. This shared understanding of the goal of issuing civil citations suggests a belief on the officers’ part that involvement with the juvenile justice system is, on some level, criminogenic. One officer referenced the labeling effect of the arrest record, a byproduct of formal processing through the juvenile justice system, as the operant mechanism that ultimately doomed a youth to failure. Still another officer asserted outright that the system itself created criminals, and that by diverting youth through the use of civil citations, officers were protecting youth from the system’s corrupting influence. If, in fact, most officers do believe that protection from the harms of the system is the goal of a civil citation, this belief has profound implications for the ways in which this particular brand of diversion might be used. If
an officer judges a youth to be essentially incorrigible or beyond reform, they may have little compunction about subjecting them to the corrupting influences of the system.

Table 10.2 Themes Identified in Responses to Interview Questions

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<th>Topic of Interview Question</th>
<th>Main Themes Identified in Responses</th>
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<tr>
<td>What are the main goals of civil citations?</td>
<td>- To keep kids out of the “deep end” of the system</td>
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<td>- To prevent an arrest record</td>
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<td>- To prevent kids from turning into criminals</td>
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<td>Do civil citations offer breaks to kids? How?</td>
<td>- Unanimous yes, civil citations provide a break</td>
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<td>- Without a record youth can still apply for employment, college, military, etc.</td>
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<tr>
<td>Do civil citations hold kids accountable? How?</td>
<td>- Kids pay civilly, through sanctions like community service</td>
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<td>- Failure to comply with conditions of citation result in prosecution of original charges</td>
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<td>Do civil citations provide access to beneficial services? How?</td>
<td>- One officer was unaware of any services offered as an element of the citation</td>
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<td>- Youth can receive anger management, tutoring, drug treatment, etc.</td>
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<td>- Civil citations provide more effective case management</td>
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<tr>
<td>Are civil citations administered to the intended population? Why or why not?</td>
<td>- Universal civil citation policies result in citations for undeserving youth</td>
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<td>- Implementation varies by agency, even within the same county</td>
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<td>- The kids who receive civil citations are unlikely to be involved in the juvenile justice system anyway, so civil citations are a good option.</td>
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<tr>
<td>Are civil citations offered fairly? Why or why not?</td>
<td>- Fairness depends on the discretion of the individual officer</td>
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<td>- Offense history is the only determining factor in issuing a civil citation</td>
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<td>- Best efforts are made to ensure fairness, but if full discretion is allowed, officers will abuse it</td>
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<tr>
<td>What are the factors that facilitate or impede the use of civil citations?</td>
<td>- Civil citations are case load driven</td>
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<td>- Agency perceptions that civil citations are soft on crime.</td>
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<td>- Tone of acceptance of civil citation must be set by agency leadership</td>
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Another general theme that emerged from the responses was a desire to keep kids out of the “deep end” (a term generally reserved for commitment to a secure facility) of the system.
notion seems slightly at odds with the presumed intent of civil citations, which is to divert youth from the system entirely. The type of diversion described by the officer suggests, according to Klein (1976), prevention from further penetration into the juvenile justice system, which is more in line with diversion at the point of adjudication. In this scenario, the youth has already been arrested, perhaps detained, and has come before a judge. Diversion at the point of adjudication, then, is to keep a youth from possibly being placed in a “deep end” residential facility. The distinction made here may seem like a semantic issue, but given the variation in motivations behind contemporary diversion efforts like civil citation, and the variation in use of contemporary diversion efforts, it is important to be clear on the concepts being discussed. All respondents agreed that there was a duality of purpose in civil citations that allowed the intervention to both hold kids accountable and offer them a break simultaneously. The avoidance of an arrest record was the most volunteered example of how civil citations offer breaks to youth. The generally understood impact of the avoidance of a record had more to with the practical benefits (i.e. youth could still gain employment, serve in the military, be accepted into colleges) than prevention of secondary deviance that would be anticipated by labeling theories (see Becker, 1963; Lemert, 1951; 1972). In terms of accountability, most officers were satisfied with the ability of the conditions of the sanction to show youth the error of their ways. The fact that if a youth failed to comply with the conditions of the citation they would be picked up and tried for the original offense seemed to satisfy all officers’ sense of accountability.

10.3.2 How Are Civil Citations Being Used?

The data analyses presented in chapters 6-9 provides insight into how, in practice, civil citations are being used in Florida. One of the goals of these interviews was to try to determine if the use of civil citations presented in the regression models accords with the way that officers believe they are being offered in their jurisdiction. Although most officers reported that their agency offered civil citations fairly, many other agencies in their jurisdiction apparently did not. More than one officer reported that their agency had a blanket civil citation policy. That is, all eligible youth are expected to receive a civil citation. According to one officer, this policy of civil citation for all is a mistake, because officers could tell whether or not a youth deserved a civil citation. It was mentioned that officers tend to see some youth over and over again, yet their
behavior never truly rises to the level of seriousness that needs to be addressed even with a civil citation. In these cases, officers are less inclined to offer a civil citation when warranted based on the youth’s prior brushes with the law. There is, then, a measure of ambiguity about the true nature of eligibility given that some youth have, perhaps unknowingly, already used up their “get out of jail free cards” informally.

The issue of “eligibility,” then, is more complex than anticipated. Recall, that eligibility, defined by state statute (State of Florida Legislature, 2015) and FDJJ (Florida Department of Juvenile Justice, 2015), refers to any youth who commits a first-time, non-serious, misdemeanor offense, and freely admits guilt. In practice, however, it would appear that we may need to add another requirement: no extensive prior, and truly informal, contact with law enforcement. Additionally, the condition of freely admitted guilt is also apparently a subjective matter. Whether or not an officer concludes that a youth is being cooperative in the admission of guilt appears to be dependent upon the workload of the arresting officers. It was suggested that patrol officers who are very busy (i.e. large jurisdictions to cover, many calls to respond to) have less time to spend per citizen interaction. For these officers, the most expedient form of processing will likely win the day. In most cases, writing a civil citation is far more expedient than transporting a youth to a Juvenile Assessment Center for processing. Thus, busy officers are likely to cite youth who are technically eligible for the diversion even when the youth is being uncooperative or insubordinate. Officers from more specialized units (e.g. gang or narcotics units), may have fewer, but more involved, contacts with youth. These officers may be more inclined to take the time to teach a difficult youth a lesson by taking them in for processing.

As was demonstrated in chapter 9, there is strong seasonal patterning to both civil citations and formal referrals, with both increasing during the school year and falling during the summer months. This suggests a relationship between school enrollment and juvenile referrals. This author argued that the increased reliance on school resource officers to handle disciplinary issues within schools may have something to do with these patterns of referral. Interestingly, one officer pointed to the school resource officers in his jurisdiction as proof of the commitment to issuing civil citations. Every school in that officer’s county has an officer. So, while this may seem to be a benefit to the safety and security of the youth in those schools, the potential also exists for increased use of civil citations for behavior that might better be addressed by school administrators.
One of the key issues that was hoped to be clarified through these interviews was whether or not the implementation of civil citations was leading to net-widening. That is, are police truly using civil citation as an alternative to arrest? Or are they instead using it to intervene in cases that would have otherwise been ignored? A related issue is the motivation behind this intervention in previously ignored cases (i.e. intervening to punish vs. intervening to offer services). One officer noted that this ability to intervene in previously ignored cases was in fact one of the primary features of a civil citation. In many cases that currently receive civil citations, officers would have previously been compelled to “look the other way.” When asked whether or not this intervention in previously ignored cases was a good thing, the officer suggested that the answer was offense specific. Examples given to illustrate this notion were affray (mutual fighting) and misdemeanor marijuana possession. By the officer’s appraisal, many mutual fights were previously left up to families to handle. Now, youth picked up for fighting are often given civil citations. This new intervention represented, to the officer, an unwarranted expansion of law enforcement control. For simple marijuana possession, the officer thought that civil citation was an appropriate alternative to nothing, allowing officers to hold youth accountable for their drug use. This qualitative distinction between offenses that should and should not be the focus of expanded law enforcement intervention may determine the predominant types of cases, and offenders who receive a civil citation in a given county.

10.3.3 Factors that Promote the Adoption of, or Expansion in use of, a Civil Citation Program

Utilization of civil citations is highly variable, as was evident from the maps in Figures 7.1.1-7.1.4, from county to county. While Miami-Dade County cites over 90% of eligible cases, eight of Florida’s sixty-seven counties do not participate in civil citation at all. It is important to the overall goal of evaluation of use, then, to understand why some counties embrace civil citation as a method for processing first-time misdemeanants while still others reject it unilaterally. Several officers suggested that education, aimed at conveying civil citation’s ability to hold youth accountable, was needed for law enforcement agencies in non-participating counties. This identified need for education on the accountability offered by a civil citation suggests that the officers interviewed were aware of perceptions of civil citations as “soft on crime.” Some counties, then, may reject the use of civil citations based on conservative attitudes toward crime.
control. The recommendation was to attempt to convince more conservative agencies that civil citations were, in fact, “smart on crime,” in that those youth who fail to comply with program requirements may still be punished.

A second explanation for the variation in rates of use has to do with the overall seriousness of crime in a given county. Recall that one officer noted that citations were caseload driven, with more civil citations being offered where referral rates were high. The alternative then is that in areas with very low rates of juvenile arrest, civil citations may be less likely offered for those few arrests that are made. The argument here, as presented by the officer, was that in some of the more rural counties with smaller populations, juvenile crime of any kind may be relatively rare. In those rare cases where a crime is both committed, and comes to the attention of law enforcement, the novelty of the occurrence may be such that law enforcement feels compelled to formally act. The seriousness of the crime itself may be less influential then the novelty of the occurrence at all for some small counties. The officer noted that some small town law enforcement officers may get “excited” about making an arrest. Consider a charge of misdemeanor vandalism. In a large county with a high crime rate, like Miami-Dade, youth picked up for minor vandalism represent “small fish” when compared to a violent crime like homicide. In small counties, where homicides are nearly non-existent, a youth apprehended in the commission of any crime may represent a relative “big fish.”

10.4 Conclusion

The intent of this qualitative section was to provide context to the quantitative findings regarding civil citation use in Florida. Specifically, the hope was to be able to better answer the question: How are civil citations currently being used? That is, are law enforcement officers issuing civil citations truly as an alternative to arrest, or are they intervening in cases where previously they would have turned a blind eye? The interviews with law enforcement produced a number of interesting findings about officers’ perceptions of the use of civil citations in their jurisdictions.

First, law enforcement noted that there was a duality of purpose in issuing a civil citation. That is, civil citations are intended to both offer a break to youth who make a mistake, while at the same time holding individuals accountable for their behavior. The combination of these two
aims is the hallmark of contemporary, “smart justice” approaches to addressing youthful offending. The “break” in a civil citation comes in the form of a pre-arrest diversion to services, while accountability is maintained through the threat of prosecution for failing to comply with conditions of the citation.

Second, though officers tend to perceive civil citations as being offered fairly, significant discretion exists in an officer’s decision to offer a civil citation. This discretion allows officers to make judgement calls about which offenders deserve a civil citation and which deserve to be formally arrested. It was evident from an examination of between-county differences in the use of civil citations in Chapter 8 that the effects of several characteristics of the offender and offense varied considerably from county to county. Officer discretion has the potential to play a role in the aforementioned variance in effects, and stands as an area that deserves to be studied further in the future.

Third, officers in two separate jurisdictions noted that civil citations were used for cases where officers would otherwise have been compelled to look the other way. FDJJ staff, too, noted that officers used civil citations to address behaviors that would have previously been handled with a verbal warning. To the extent that the practice of citing previously ignored cases is true throughout the state, a strong case for net-widening can be made. Finally, the novelty of a juvenile offense in small, rural counties may lead officers to arrest rather than divert, explaining in part the lack of citations in non-participating counties.

The results of the interviews included here were intended to highlight some of the potential uses and impacts of civil citations. The methodological limitations inherent in convenience sampling and small sample sizes means that the findings from the interviews are not necessarily generalizable. Generalizability was not, however, the intent of collecting the interview data. Rather, the interviews were analyzed with an eye towards identifying possible explanations for patterns found in the quantitative data analyses, such as variation in county-level use of civil citations. Respondents converged on some of their observations, suggesting that the identified patterns may be “real.” In other instances, where only one respondent identified a particular issue or pattern, the identified issue or pattern also may exist. However, the likelihood may be lower. Future research should consider the inclusion of interviews of a larger, representative sample of juvenile justice professionals to establish the prevalence of the issues and patterns identified in this study.
CHAPTER 11

CONCLUSION

11.1 Summary of Findings

This dissertation sought to examine disparities in the use of civil citations throughout Florida, and in so doing, to gain an understanding of how, and to what ends, contemporary “smart justice” diversion programs are being implemented. Quantitative data from the FDJJ were obtained and analyzed to determine patterns of civil citation use based on several characteristics of both the eligible offender and the eligible offense. Qualitative data were collected in the form of interviews with law enforcement and FDJJ staff familiar with civil citations. In the sections that follow, key findings of each substantive chapter of this dissertation will be summarized. Attention will then be turned to a discussion of the implications of the findings for theory, future research, and policy.

Chapter 6 used statewide data in an attempt to determine which, if any, of independent variables of interest significantly predicted civil citation use for eligible offenders. All cases in the study sample were pooled statewide and analyzed using binary logistic regression. The statewide logistic regression model produced findings of significant associations between several of the included independent variables and the use of civil citations for eligible offenders. Statewide, males are less likely than females to receive a civil citation when eligible. This is consistent with the chivalry hypothesis and paternalistic point of view, that females are a protected class, or are less culpable in their commission of crime than their male peers. Although race did not emerge as a significant predictor of civil citation use, youth of Hispanic ethnicity, when compared to white youth, were more likely to receive a civil citation. Offense characteristics including the type of offense and the number of concurrent charges were also influential factors in predicting civil citation use. Cases involving property and drug crimes were more likely to be issued a civil citation than those involving person crimes. The likelihood of receiving a civil citation decreased significantly, though, for those cases that involved multiple concurrent offenses.
At the county level, few of the included independent variables significantly predicted civil citation use. Those that did had modest effect sizes. Larger percentages of a county’s eligible population that was black significantly predicted greater use of civil citations. Though not significant at the p < 0.05 level, county level referral rates did approach statistical significance (p = 0.09) This lends some support to the courtroom workgroup perspective that predicts that overworked juvenile systems will seek to reduce the burden by handling cases informally through diversion (Eisenstein & Jacobs, 1991; Gebo et al., 2006). In fact, this motivation for use was spelled out explicitly in one of the law enforcement interviews. The officer noted that the agency’s use of civil citation was “caseload driven,” where heavy caseloads necessitated the increased youth of civil citations to divert youth from the overburdened court system. Counties with high referral rates who are not currently utilizing civil citations to their fullest potential may consider expanding their use, then as a way to take some of the pressure off of their courts and detention facilities.

Significant variation exists between several large counties in the effects of key individual-level variables on the use of civil citation. These between county differences include variation in significance, direction, and magnitude of independent variable effects, strongly suggesting the presence of justice by geography as it relates to the use of civil citations. It also highlights the varied juvenile justice priorities of counties throughout the state. Law enforcement and state’s attorneys in Hillsborough County, for example, are so opposed to drug law violations as to declare them ineligible for civil citations. The likelihood of receiving a civil citation depends, in part at least, on where in the state a youth commits a crime.

For youth who were eligible for a civil citation, but instead received formal dispositions, the most likely sanction was another diversion program. For those youth who had their cases dropped or punished more punitively, several of the independent variables that predicted civil citation use also predicted the type of formal disposition a youth received. Males were less likely than females to have their cases dropped or handled more punitively. Older youth were less likely than younger youth to have their cases dropped rather than diverted. Black youth were more likely than white youth to have their cases dropped rather than diverted and less likely than white youth to have their cases handled more punitively than diversion. Youth who committed property and drug crimes were more likely than youth who committed person crimes to have their cases dropped or handled more punitively when compared to diversion.
Several themes relevant to the current study’s aims were revealed through the interviews conducted with law enforcement. First, law enforcement noted that there was a duality of purpose in issuing a civil citation. That is, civil citations are intended to both offer a break to youth who make a mistake, while at the same time holding individuals accountable for their behavior. This definitional ambiguity of diversion efforts has been well documented over the years (see Klein, 1979; Mears, 2012). Second, though officers tend to perceive civil citations as being offered fairly, significant discretion exists in an officer’s decision to offer a civil citation. This allows officers to make judgement calls about which offenders deserve a civil citation and which deserve to be formally arrested. Third, officers noted that civil citations were used for cases where officers would otherwise have been compelled to look the other way. This was true for two jurisdictions. To the extent that this is true throughout the state, a strong case for net-widening can be made. Finally, novelty of a juvenile offense in small, rural counties may lead officers to arrest rather than divert, explaining in part the lack of citations in non-participating counties.

11.2 Implications of the Current Findings

11.2.1 Implications for Theory

Many of the patterns found through an examination of civil citation use in Florida are predicted by prominent theoretical perspectives including, racial threat theory, attribution theory, the chivalry hypothesis, and others (For a more detailed discussion of theoretical perspectives and their associated predictions for civil citation use, see sections 3.4 and 3.5.) Though this dissertation did not attempt to directly test any specific criminological theories, the findings discussed above are suggestive of several implications for theoretical perspectives. The quantitative and qualitative analyses of civil citation use conducted here lays the groundwork for future theory testing in light of the following implications.

First, the results of the quantitative analyses are consistent with attribution theory. Statewide, and in several of the large counties examined, older youth were less likely to receive a civil citation when eligible. Among those youth who had their eligible cases formally disposed, older youth were less likely to have their cases dropped. Overall, this suggests that older youth are
punished more severely than younger youth. As predicted by attribution theory, this may signify that older youth are more culpable in their commission of crime than their younger counterparts (Mears et al., 2014). Given that youth in the sample are first time offenders (a requirement to receive a civil citation), age-related disparities in treatment cannot be explained away by the comparatively lengthy criminal records of older youth.

Second, the most serious eligible cases (i.e. those involving person offenses or multiple concurrent offenses) were the least likely to receive civil citations, all else equal. It seems, that the closer a crime gets to the definitional demarcation between eligible and ineligible, the less likely that crime is to be handled via civil citation. This is especially true for cases involving person crimes and multiple concurrent offenses. Between-county variation in the effects of these crime categories on use, however, notes the possibility of differences in the perceived seriousness of various offenses. Contrary to predictions that intrusions into personal space would be feared more and thus handled more punitively, property crimes were significantly more likely than person crimes to receive a civil citation. This may be due to the fact that the types of crimes constituting “intrusion into personal space” included here do not rise to the level of seriousness intended by scholars on this issue (Warr & Stafford, 1983).

Third, limited support was found for the chivalry hypothesis in some models, but not others. The statewide model in Chapter 6 and the Hillsborough County model in Chapter 8 found that females were more likely than males to have their cases civilly cited. At the county level and in the remaining large county models, gender was not predictive of use. Interestingly, in the analysis of “missed opportunities,” females were more likely than males to have their cases handled punitively as opposed to diverted. Although this seems contrary to the expectations of the chivalry hypothesis, to the extent that those females handled punitively behaved in ways that were inconsistent with notions of traditional gender roles this would accord with theoretical predictions (Visher, 1983; Kempf-Leonard, 2000).

11.2.2 Implications for Future Research

The current research identified several sources of variation in the use of civil citations statewide, at the county-level, and in several large Florida counties. Additionally, qualitative context was provided through interviews with juvenile justice professionals instrumental in the
civil citation process. This paper represents the first comprehensive examination of the use of civil citations in Florida. Although the current research represents a significant contribution to the understanding of how civil citations, as an example of contemporary diversion efforts, are being used, several recommendations for future research bear mentioning.

First, further attention should be paid to designing methodologically rigorous studies that examine the effects of civil citations on recidivism. If civil citations continue to be used on a wide-scale basis it would be beneficial to know, in addition to how they are being used, whether or not they are effective in achieving their stated goals. It would be unwise to continue to issue civil citations if, rather than reducing recidivism, they somehow increase the likelihood of future involvement with the justice system. The ability to answer the question do civil citations work? is hampered by the limitation of currently available data and several methodological impediments, all of which must be addressed should future research approach this topic.

Any potential evaluation of the effectiveness of civil citation use must deal with the issue of the true counterfactual condition. That is, what would have happened to a civilly cited youth were it not for the existence of civil citations. Currently, no data are collected on those cases that came to the attention of law enforcement, but are handled truly informally. That is, the cases where youth were let off with a verbal warning, a lift home, or a call to the parents. This stands as a significant limitation to both studies of use and outcome. In the case of the former, there is no way of determining if in fact the true “eligible population” is being examined. It bears noting that the implications of this limitation could be particularly salient in the study of racial and ethnic disparities in the use of diversion. Though race was not found to be a consistently significant predictor of formal processing in the current study, it is perfectly plausible that race could enter as a key influence in the decision to let a youth go with a warning, or to even interact with a youth at all.

The overall lack of information about the true counterfactual condition for a youth issued a civil citation stands as a limitation to the current research as well. Without information about the true eligible population of youth (i.e. all youth committing a qualifying offense that has come to attention of law enforcement, including those cases that are handled with no sanction at all), it is impossible to determine with certainty how civil citations are being used. Consider, briefly, the broad types of potential use of civil citations. Civil citations could be used as a kinder gentler alternative to more punitive sanctions traditionally used. Given the overall decrease in formally
sanctioned cases presented in Figure 9.1, a case for this scenario might be initially made. The overall stability in the use of more punitive sanctions and decrease in the use of other types of diversion presented in Figure 9.2 suggests, however, that civil citations are instead simply replacing other similar options. On the other hand, civil citations could be used as a way for officers to intervene in cases they otherwise would not have. This type of potential use can be further divided into two conceptually distinct motivations for use. The first, being police intervention in previously ignored cases in order to provide beneficial services to youth that are available as a condition of the civil citation. By providing beneficial services, civil citations can be viewed as a kinder gentler alternative to nothing. The potentially punitive possibility, though, is that officers could use civil citations as a means to punish youth they otherwise would not have. This scenario represents civil citation as a more punitive alternative to nothing. Answering the question of how diversion programs are being used, is key to understanding how contemporary, smart-justice efforts to reduce delinquency are, in fact, operating. A recommendation then, is that future research focus on collecting data that capture the true eligible population, including those youth who are handled truly informally (i.e. handled in the field through some sort of verbal warning).

Second, future studies should examine the role of agency and officer characteristics in the use of civil citations. Although examining civil citation use within specific counties revealed significant effects obscured by the pooled statewide model, counties often consist of many cities and towns each with their own local law enforcement agencies. It is possible that attitudes toward the use of civil citations may vary between the agencies within a given county. Future research should use multilevel modeling techniques to examine variation in the use of civil citations that are nested not only within counties, but also in cities and agencies. Officer characteristics, too, may play a role in determining civil citation use in eligible cases. Many of the offender characteristics included in the models presented in the current research (e.g. gender, age, race) should also be examined as they relate to the arresting officer.

Third, attention should be paid to civil citations offered in schools, or for crimes committed in schools. As several studies have pointed out, law enforcement officers are increasingly commonplace in schools across the country as school resource officers (see Kupchik, 2012; Theriot, 2009). Although the argument for the presence of these officers centers on the safety of the student body, school resource officers often serve a disciplinary function that would
previously have been handled by school administrators. Trends in formal referrals presented in Figure 9.2.1 suggest strong seasonal patterns in the rate of cases processed formally, with increases occurring during the school year. Increased presence of law enforcement officers in schools introduces the possibility of net-widening through the use of civil citations for previously ignored infractions (Mears et al., Forthcoming 2016) The ways in which school resource officers, as compared to officers on the street, offer civil citations for school related offenses should be examined. It is important to the basic understanding of how contemporary diversion efforts are being used to determine if, perhaps, school resource officers offer civil citations in fundamentally different ways (i.e. for different types of offenses or different types of youth) than other officers.

Fourth, future studies should make use of risk assessment tools, such as the Prevention Assessment Tool, to assess civil citation use and impacts. In 2015, civil citation providers began to be required to conduct a standardized risk and needs assessment of all civilly cited youth. Information collected with this tool includes several measures (e.g., family issues, school performance, past trauma) that may be useful in predicting recidivism. Such measures may be useful for creating credible matched comparison groups to assess the impacts of citations.

Fifth, it is possible that several of the characteristics included in the current models may interact with one another to influence the use of civil citation. Future studies should examine how clusters of factors might contribute to variations in the use of civil citations. For example, focal concerns research (Steffensmeier et al., 1998) might be viewed as suggesting the possibility that civil citations would be used less frequently for young, black males. From a focal concerns perspective, this group may be perceived by law enforcement to represent a threatening group, one that would warrant a formal response, such as an arrest.

Sixth, future studies should investigate in more depth what factors contribute to county-level policy differences in why prosecutors, courts, probation departments, and law enforcement embrace civil citations while others do not. Such research might rely on surveys of a larger representative sample of police officers throughout the state. In addition, attention should be paid to how, if at all, juvenile justice policies, such as civil citation and other diversion efforts, mirror or diverge from criminal justice policies.
11.2.3 Implications for Policy

Civil citation represents a significant investment of time, personnel, and resources for the FDJJ. This investment may serve to blind the administration to potential problems that exist in the way civil citation, as a pre-arrest diversion initiative, is currently being implemented. Punctuated equilibrium theory posits that the emergence of novel approaches to existing problems, coupled with zealous investment at the state or federal level, may have considerable influence on decision-making at the local level. The enthusiasm at the state-level, then, may be convincing enough for counties and local law enforcement agencies to adopt civil citation with an uncritical eye towards potential harms. The findings presented here have significant implications, not only for civil citations in Florida, but for other “smart justice” diversion efforts throughout the country. This section will briefly highlight a few of these policy implications.

First, given the wide variation that exists in the effects of several of the included independent variables, more emphasis should be placed on ongoing monitoring of the ways in which local law enforcement agencies are using civil citations. Those agencies using civil citations in ways that disadvantage certain subgroups of the juvenile population should be identified and held accountable. Education focused on the harms of these practices may be required for recalcitrant agencies.

Second, officers on the street should be more familiar with services that are offered to youth after receiving a civil citation. At least one officer was unaware of any beneficial services available to cited youth, though citations in that particular community did indeed offer services. To the extent that many officers statewide are unaware of the conditions of the sanction they are offering to youth, opportunities may be missed to match youth with much needed services. Understanding, too, the finer points of the potential harms resulting from the issuing of a civil citation (e.g. the potential for program failure to result in the formal processing of a youth that was on the edge of deserving a warning), may influence officers to reconsider the “nothing” option.

Third, policies that facilitate the criminalization of conduct problems in schools bear further examination and reform. Trends in formal referrals presented in Chapter 9 suggested a relationship between school-related offenses and case processing type. School administrators may be the more appropriate authority to handle some school-based conduct problems that have
increasingly come to be handled through the use of civil citations. Further research, as noted in the section immediately previous to this one is required, however, before a determination can be made on the appropriate venue for handling low-level juvenile delinquency in schools.

Finally, care should be taken to ensure that civil citations are being offered in a way that is consistent with stated goals. That is, to offer civil citations as an alternative to arrest and to help, rather than harm, youth. The point was made elsewhere in this paper that net-widening may in fact be a good thing if the result is to match youth with appropriate treatments for legitimate issues. If, however, civil citations are serving to widen the net with no plausible benefit for those youth who are cited, law enforcement agencies should better identify the intended target population for civil citations in their jurisdictions.

11.3 Closing Thoughts

The founding of the juvenile court in 1899, marked a significant change in the manner in which young people accused of delinquency are handled in this country. The founding principles centered on context-based, individualized treatment with an emphasis on informal processing and the “best interests” of youth. In the more than 100 years since the juvenile court’s founding, the pendulum of the juvenile justice system as an institution has swung back and forth between rehabilitation and retribution, to land (arguably) somewhere in the middle. This middle-ground, “smart justice” approach to addressing juvenile delinquency attempts to strike a balance between rehabilitation and accountability.

The juvenile civil citation process in Florida represents a contemporary, “smart justice” diversion effort that has been aggressively promoted by policymakers and has garnered much popularity and investment. With Florida’s population the third largest in the country, an increase in the implementation of civil citation has the potential to impact many more youth, on average, than diversion programs in other states. Like other popular juvenile programs embraced on large scale (consider Drug Abuse Resistance Education (D.A.R.E.), for example) considerably more time and effort has gone into promoting and implementing, than assessing and evaluating. As a result, little is known about the ways in which civil citations are used throughout the state. The results of the current research highlighted several concerns that likely apply to many other similar juvenile justice initiatives throughout the country.
First, civil citations are implemented with considerable inconsistency. The results of county-level multivariate analyses presented in Chapter 8 highlighted well this inconsistency in implementation. Truly, there is “justice by geography” (Feld, 1991) at play in determining which factors influence the likelihood of a youth receiving a civil citation when eligible. Although much of the variation between counties is driven by characteristics of the offense, the presence of variation in gender, age, and race and ethnicity effects is concerning. Although the juvenile justice system has long been predicated on offender-specific justice (Tanenhaus, 2004), these are not the characteristics on which tailored juvenile justice responses to youthful offending ought to be based.

Second, the unit of analysis matters when studying civil citation implementation. Measurement of statewide, and perhaps even countywide, usage obscures patterns of civil citation use at the local level. Patterns of use at the local law enforcement agency level may be every bit as diverse as patterns at the county level. More attention to the unit of analysis in assessments of civil citation use is needed to understand disparities in diversion in Florida.

Third, results from the interviews with law enforcement and FDJJ staff indicate that officers do indeed use civil citations as a tool to intervene in cases where they otherwise may have looked the other way. When given a new tool for their tool belt, it seems, officers are inclined to find appropriate situations for its use. This may be due to agency pressures to use civil citations, or an officer’s eagerness to address certain behaviors, or youth, for which an arrest is too harsh. Whatever the motivation for this expansion of intervention with previously ignored cases, civil citation’s condition of formal processing for program failures all but guarantee some degree of net-widening. Close attention, then, should be paid to the types of youth civil citations are being offered to and how this varies by agency.

Finally, while the current research contributes to the understanding of the use of contemporary diversion efforts generally, and civil citations specifically, the question How, and for whom, are civil citations currently being used? has yet to be fully answered. The answer to this question is of paramount importance to the related question Do civil citation achieve their stated goals? Civil citations may indeed be “the right combination of services and sanctions, in the right place, at the right time” (Florida Department of Juvenile Justice, 2012) for Florida’s delinquent youth. The fact of the matter is, however, the opposite could also be true, that civil citations may offer the wrong services to the wrong kids, and this misuse may vary by location.
Get tough sanctions in the 1980s, promulgated in response to moral panic over juvenile violent crime, in many cases placed a great deal of power in the hands of prosecutors. An emphasis on prosecutors creates a power imbalance with one branch of the system exerting more influence than others over the processing of delinquent youth. Civil citations similarly upset the balance of power, shifting decision-making power to law enforcement. There exists, then, a need for more transparency and better balancing of power between all stakeholders involved in the processing of delinquent youth. Without transparency and balance, we will never fully know if civil citations are helping or harming youth.
APPENDIX A

LENGTH OF OPERATION OF CIVIL CITATION PROGRAMS, AS OF

7/1/2015
FSU HUMAN SUBJECTS COMMITTEE APPROVAL NOTIFICATION

The Florida State University
Office of the Vice President For Research
Human Subjects Committee
Tallahassee, Florida 32306-2742
(850) 644-8673, FAX (850) 644-4392

APPROVAL MEMORANDUM

Date: 5/12/2015

To: Joshua Kuch

Address:
Dept.: CRIMINOLOGY AND CRIMINAL JUSTICE

From: Thomas L. Jacobson, Chair

Re: Use of Human Subjects in Research
The Diversity of Diversion Disparity: An Evaluation of the Use of Civil Citations in Florida

The application that you submitted to this office in regard to the use of human subjects in the research proposal referenced above has been reviewed by the Human Subjects Committee at its meeting on 04/08/2015. Your project was approved by the Committee.

The Human Subjects Committee has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval does not replace any departmental or other approvals, which may be required.

If you submitted a proposed consent form with your application, the approved stamped consent form is attached to this approval notice. Only the stamped version of the consent form may be used in recruiting research subjects.

If the project has not been completed by 4/6/2016 you must request a renewal of approval for continuation of the project. As a courtesy, a renewal notice will be sent to you prior to your expiration date; however, it is your responsibility as the Principal Investigator to timely request renewal of your approval from the Committee.

You are advised that any change in protocol for this project must be reviewed and approved by
the Committee prior to implementation of the proposed change in the protocol. A protocol change/amendment form is required to be submitted for approval by the Committee. In addition, federal regulations require that the Principal Investigator promptly report, in writing any unanticipated problems or adverse events involving risks to research subjects or others.

By copy of this memorandum, the Chair of your department and/or your major professor is reminded that he/she is responsible for being informed concerning research projects involving human subjects in the department, and should review protocols as often as needed to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

This institution has an Assurance on file with the Office for Human Research Protection. The Assurance Number is FWA00000168/IRB number IRB00000446.

Cc: Daniel Mears, Advisor
HSC No. 2015.14830
APPENDIX C

FSU HUMAN SUBJECTS COMMITTEE RENEWAL NOTIFICATION

Florida State University

Office of the Vice President For Research
Human Subjects Committee
P. O. Box 3062742
Tallahassee, Florida 32306-2742
(850) 644-8673 · FAX (850) 644-4392

RE-APPROVAL MEMORANDUM

Date: 03/16/2016
To: [Redacted]
Address: [Redacted]
Dept.: CRIMINOLOGY AND CRIMINAL JUSTICE
From: Thomas L. Jacobson, Chair

Re: Re-approval of Use of Human subjects in Research:
The Diversity of Diversion Disparity: An Evaluation of the Use of Civil Citations in Florida

Your request to continue the research project listed above involving human subjects has been approved by the Human Subjects Committee. If your project has not been completed by 03/08/2017, you are required to request renewed approval by the Committee.

If you submitted a proposed consent form with your renewal request, the approved stamped consent form is attached to this re-approval notice. Only the stamped version of the consent form may be used in recruiting of research subjects. You are reminded that any change in protocol for this project must be reviewed and approved by the Committee prior to implementation of the proposed change in the protocol. A protocol change/amendment form is required to be submitted for approval by the Committee. In addition, federal regulations require that the Principal Investigator promptly report in writing any unanticipated problems or adverse events involving risks to research subjects or others.

By copy of this memorandum, the Chairman of your department and/or your major professor are reminded of their responsibility for being informed concerning research projects involving human subjects in their department. They are advised to review the protocols as often as necessary to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

Cc: HSC No. 2016.17580
APPENDIX D

FLORIDA DEPARTMENT OF JUVENILE JUSTICE IRB APPROVAL

Florida Department of Juvenile Justice
PRIVACY AND SECURITY AGREEMENT

The Florida Department of Juvenile Justice (DJJ) and Joshua Kuch hereby enter into this Privacy and Security Agreement pursuant to § 985.04, Florida Statutes and DJJ Policy on Information Resource Security (Policy Number DJJ 5.30) for access to and use of any DJJ data. DJJ data is defined as data that is provided by DJJ or collected as part of the study that contains client-identifying information, such as name, social security number, agency identity numbers, or other data that could reasonably be traced back to an individual.

1. Access to and use of the above-listed DJJ data are limited to the following purposes:

   The research protocol specified in “The Diversity of Diversion Disparity” that was approved on February 11th, 2015.

2. Requester agrees to the following terms and conditions for access and use:

   a. DJJ data shall be kept confidential by the Requester. Except as provided in this agreement, DJJ data may not be disclosed to any person, business, government agency or other entity unless the disclosure is authorized in writing by DJJ. All DJJ data resulting from this research study must be published in aggregate form describing groups rather than individuals.

   b. Access to DJJ data shall be strictly limited to the above stated purposes and restricted to those authorized agents of the Requester with need of it for those purposes. All such agents shall be specified by name in a written list provided to the DJJ Institutional Review Board (IRB) Director prior to commencement of the review.

   c. Each authorized agent of the Requester provided access must agree to be bound by the terms of this agreement, and shall be required to sign the attached form indicating their understanding of the confidentiality terms.

   d. Disclosure of client-identifying information to any person or entity other than among authorized agents of the Requester or for any other purpose may place the disclosing in violation of Chapters 119, 815, and § 985.04, Florida Statutes.

   e. Requester shall not have on-line access to any client DJJ data. Access to DJJ data shall be provided either through hard copy printout(s) or electronic file(s) produced by DJJ or its contracted provider of data processing services.

   f. The Requester may be limited to accessing DJJ data by examination on-site at department offices or those of its contracted providers or partners under an existing inter-agency data sharing agreement, of hard copy files or printouts of the specified records listed above. Authorized agents of the Requester shall be allowed to take notes of information contained in the files or printouts, but shall not be allowed to copy any or remove any file, printout or portion thereof from the site.
g. If utilized, the random selection process and the number of cases to be selected shall be mutually agreed upon between the Requester and DJJ prior to access.

h. Any unauthorized access or disclosure will be immediately reported to the DJJ IRB Director. The DJJ IRB Director will notify the DJJ Information Security Manager for investigation and send a copy of incident reports to the DJJ Office of the Inspector General, which will decide whether to investigate further.

3. DJJ data obtained or collected by the Requester during performance of this agreement will be returned to DJJ or upon direction of DJJ, destroyed within 90 days after the end of this agreement, upon completion of the research, or upon the request of DJJ. Records shall be destroyed by shredding or burning, or in the case of magnetic media by degaussing, electronic overwriting, or physical destruction. Should the Requester be required by federal regulations to retain records, DJJ will act as custodian for the required period.

4. DJJ data will not be duplicated without expressed written permission from DJJ. Any electronic media received from DJJ will be returned within 90 days of the end of this agreement, or at the direction of DJJ, will be disposed of as specified.

5. The Requester will provide a copy of any Privacy Certificate submitted in support of a grant application to any agency.

6. At the discretion of DJJ, the Requester shall pay fees for required data processing services to DJJ or its contracted provider, based on an hourly fee for data processing. The Requester will be notified of any fees in the IRB approval letter.

7. The Requester will provide the DJJ Office of Research and Data Integrity with draft results of the analyses of DJJ data provided under this agreement, and draft copies of any written documents, or any materials to be presented verbally or otherwise, including results such as findings and conclusions; allowing a minimum of 60 days review by the DJJ Office of Research and Data Integrity prior to proceeding to release such materials to others. If the DJJ Office of Research and Data Integrity provides comments or exclusions, these will be incorporated in a manner acceptable to DJJ or the following disclaimer must be included: “Points of view and conclusions expressed in this document are those of the author(s) and do not necessarily represent the official position or policies of the Florida Department of Juvenile Justice.”

8. This Agreement may be modified by written agreement of both parties, or terminated, by written notice, at the discretion of either party.

9. The term of this Agreement shall be for no more than 365 days from the date of last signature below.

10. The obligations of the Parties shall survive the termination of this agreement.

11. The undersigned are authorized to enter into this Agreement and bind the respective parties hereto.
APPROVED:

[Handwritten name redacted] P.M.
Director, Office of Research and Data Integrity
(Secretary's Designee)

DATE: 1-14-16

DATE: [Handwritten date redacted]

DATE: [Handwritten date redacted]

Witness (of Requester's signature)
FSU IRB APPROVED INFORMED CONSENT LETTER

FSU Behavioral Consent Form

The Diversity of Diversion Disparity: An Evaluation of the Use of Civil Citations in Florida

You are invited to be in a research study of the use of civil citations in Florida. You were selected as a possible participant because of your role in issuing civil citations. We ask that you read this form and ask any questions you may have before agreeing to be in the study.

This study is being conducted by Joshua Kuch, a doctoral candidate in the College of Criminology at Florida State University.

Background Information:

The purpose of this study is to contribute to scholarship aimed at understanding the uses and potential effects of juvenile diversion policies and programs. More specifically, the goal is to contribute to scholarship aimed at understanding the uses and potential effects of contemporary, “smart justice” juvenile diversion policies and programs. In particular, the study seeks to examine variation in the use of civil citations, with civil citations serving as a prominent illustration, or the equivalent of a case study, of contemporary diversion efforts. Drawing on prior theory and research, it is anticipated that there will be variation in the use of civil citations along a range of dimensions. These dimensions include age, sex, race and ethnicity of youth, offense severity, the county in which the offenses occur, and the year in which the offenses occurred. Interviews with individuals responsible for issuing civil citations will help to provide a better understanding of how civil citations are used in specific geographical areas.

Procedures:

If you agree to be in this study, the researcher will contact you via telephone for a short interview. The interview, which will be approximately 20 minutes in length, will consist of several open ended questions about the ways in which civil citations are used in your area. You will only be asked to respond to one interview.

Risks and benefits of being in the Study:

There are no anticipated risks to participants in this study.

There are no anticipated benefits to participants in this study. The results of this study, however, may help us better understand disparities in the use of civil citations in Florida.
Confidentiality:

The records of this study will be kept private and confidential to the extent permitted by law. In any sort of report we might publish, we will not include any information that will make it possible to identify a subject. Research records will be stored securely and only researchers will have access to the records.

Voluntary Nature of the Study:

Participation in this study is voluntary. Your decision whether or not to participate will not affect your current or future relations with the University or with the Florida Department of Juvenile Justice. If you decide to participate, you are free to not answer any question or withdraw at any time without affecting those relationships.

Contacts and Questions:

The researcher conducting this study is Joshua Kuch. You may ask any question you have now. If you have a question later, you are encouraged to contact him by phone at ***.***.****, or by email at ******@**.***.***. Mr. Kuch’s faculty advisor is Dr. Daniel Mears, and can be reached by telephone at ***.***.****, or by email at ******@***.***.

If you have any questions or concerns regarding this study and would like to talk to someone other than the researcher(s), you are encouraged to contact the FSU IRB at 2010 Levy Street, Research Building B, Suite 276, Tallahassee, FL 32306-2742, or 850-644-8633, or by email at humansubjects@fsu.edu

You will be given a copy of this information to keep for your records.

Statement of Consent:

I have read the above information. I have asked questions and have received answers. I consent to participate in the study.

________________  _________________  
Signature                                          Date

________________  _________________  
Signature of Investigator                    Date
REFERENCES


Myers, Kathleen. 2013. *Hillsborough County Civil Citation Program: Final Evaluation Report*. Hillsborough County, FL: Board of County Commissioners.


BIOGRAPHICAL SKETCH

CURRICULUM VITA
Joshua Kuch

HOME ADDRESS

**** ********* *****
 ***********, ** *****
Phone: ***.***.****, e-mail: ******@**.***.***

EDUCATION

Ph.D.  2016 Florida State University (Expected)
M.S.   2009 Florida State University
B.S.   2007 Florida State University

PROFESSIONAL EMPLOYMENT

2013-present  Disproportionate Minority Contact Coordinator,
Florida Department of Juvenile Justice
2012-2013   Prevention Program Research Analyst,
Florida Department of Juvenile Justice
2010-2011   Research Assistant,
Florida Commission on Capital Cases
2009-2015   Graduate Assistant,
Florida State University

RESEARCH INTERESTS

Juvenile Justice
Racial and Ethnic Disparities in Sanctioning
Program and Policy Evaluation

PUBLICATIONS

Mears, Daniel P., Kuch, Joshua J., Lindsey, Andrea M., Siennick, Sonja E., Pesta, George B., Greenwald, Mark A., and Blomberg, Thomas G. “Juvenile Court and Contemporary Diversion: Helpful, Harmful, or Both?” Criminology and Public Policy (forthcoming).

PRESENTATIONS

Beaver, Kevin. Kuch, Joshua, Greenwald, Mark, Baglivio, Mike, Jackowski, Kathy, Solomon, Steven. 2013. “Using Allostatic Load to Understand Successes and Failures in the Florida Juvenile Justice System.” American Society of Criminology Annual Meeting, Atlanta,
GA.


COURSES TAUGHT

Methods of Offender Treatment

ADDITIONAL STUDIES AND ACHIEVEMENTS

2014 Reducing Racial and Ethnic Disparities Certification, Georgetown University, Washington, D.C.

2016 Certified Public Manager, Florida State University, Tallahassee, FL.

PROFESSIONAL AND COMMUNITY SERVICE

2015-present Member, Executive Board, Coalition for Juvenile Justice.