

# **THE TWENTIETH JUDICIAL CIRCUIT**

## **CHARLOTTE COUNTY JUVENILE ARBITRATION PROGRAM**

### **INTRODUCTION**

On July 1, 1977, the Florida Legislature passed Chapter 77-435, a law authorizing counties within the State of Florida to establish Community Arbitration Programs for juveniles. The law provided for arbitrators who would informally hear cases involving certain misdemeanor and local ordinance violations allegedly committed by juveniles (persons under age 18).

A combination of factors led to the rationale for juvenile arbitration legislation. Among these factors were steadily increasing juvenile crime statistics, crowded juvenile court dockets, and personnel shortages with social agencies. For these reasons, little attention had been paid to the juvenile who committed a first time minor offense, with the resultant effect that these juveniles were subjected to few, if any, legal consequences. The Juvenile Justice Reform Act of 1990, effective October 1, 1990, expanded the types of cases eligible for referral to a juvenile arbitration program to include certain third degree felonies and it eliminated the restriction to first time offenders only. The arbitration effort throughout Florida and the nation is an attempt, therefore, to bring certain misdemeanor and felony juveniles into a consequential situation to convince them that society will take action if they commit an illegal offense.

As such, the Juvenile Arbitration Program of Charlotte County offers an alternative mechanism outside the formal adjudicatory process for the management of juvenile misdemeanants and less serious felons. Upon the filing of a private complaint with the Department of Juvenile Justice or the State Attorney's Office, or an arrest by law enforcement, the Department of Juvenile Justice will evaluate the case as to its appropriateness for juvenile arbitration, and then will forward this to the State Attorney's Office with a recommendation. The State Attorney's Office will then make a final decision regarding referral of the case to juvenile arbitration.

Upon referral to juvenile arbitration, and acceptance by the juvenile and their parent/legal guardian to participate in lieu of possible juvenile court action, the Juvenile Arbitration Coordinator conducts a scheduled hearing. Also invited to participate in the hearing will be the victim and/or complainant in the case. After input by all parties and recommendations regarding appropriate consequences, the Juvenile Arbitration Coordinator will decide what sanctions to impose on the juvenile. The sanctions ordered will encourage non-criminal behavior and the assumption of responsibility by both the juvenile and the parents/legal guardians.

It is the goal of the Juvenile Arbitration Coordinator to provide an acceptable alternative in light of the circumstances, rather than place the juvenile into the formal juvenile court system. Other benefits include; it relieves an already overloaded juvenile justice caseload and juvenile court docket, and it allows the parents/legal guardians and the community to become involved as active participants through restitution issues and other rehabilitative sanctions. Active

participation on the part of the community should increase the impact upon the juvenile. The Juvenile Arbitration Program is, therefore, to provide relatively minor offenders with the opportunity to accept responsibility for their behavior, while keeping them away from the formal juvenile court system.

## **PROGRAM GOALS**

1. To develop a viable community alternative, other than involvement in the juvenile court system for certain juvenile misdemeanants and third degree felons, in the expectation such early intervention may offer an effective means of reducing recidivist behavior.
2. To respond to community concerns over the ineffectiveness of present juvenile delinquency prevention and treatment measures by offering an outlet for citizen expression and an appropriate and visible response (through restitution and community work) to the juvenile's offending behavior.
3. To bring the juvenile offender into a consequential situation in order that they understand what actions Charlotte County courts will take if they choose to commit an illegal offense.
4. To offer the first offender an opportunity to act voluntarily in a responsible manner and be held accountable for his/her behavior.
5. To offer appropriate assistance to certain offenders who are subjected to negative factors beyond their personal control (developmental or social handicaps, lack of suitable vocational opportunity or training, family difficulties, etc.).
6. To stimulate community interest, concern, and support of the Juvenile Arbitration Program.

## **SPONSORING AGENCY**

The Charlotte County Pre-Trial Services Office under the guidance of the Court Administrator's Office coordinates the juvenile arbitration program. This responsibility includes the scheduling and coordination of hearings, the maintenance of case files and correspondence, and follow-up on cases processed.