

Juvenile Justice in Florida: Spatial Variation in the Use of Punitive and Rehabilitative Measures

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ABSTRACT

This paper examines the spatial variation in the use of arrests, civil citations, and post-arrest diversion programs to respond to juvenile crime in the state of Florida. We hypothesize that local law enforcement officials utilize these measures based on preferences of the populations they serve. We utilize several demographic and socioeconomic variables to characterize these preferences and explain why certain parts of the state prefer punitive measures while others prefer rehabilitative measures. Our findings first describe the spatial patterns of these different approaches to juvenile justice and reveal that standard regional patterns such as north, central, south or urban, suburban, and rural are not without exception. Regarding the potential determinants of these spatial patterns, age and race, as well as local crime rates, are most influential. The research questions examined in this study represent an exciting new avenue of study for those interested in the geography of crime.

Keywords: youth crime, rehabilitation, punishment, spatial variation, local population characteristics.

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INTRODUCTION

Florida is an intriguing place to study juvenile justice. Similar to the rest of the country, the state's juvenile justice system was originally envisioned as a mechanism for rehabilitating young offenders. This viewpoint and public sentiment were eclipsed by a tough-on-crime mentality that emerged during the 1970s and persisted for well over two decades. Beginning slowly in the 2000s, the juvenile justice system in Florida, as well as the U.S., has moved away from youth incarceration in favor of reformatory programming and early intervention (Annie E. Casey Foundation, 2021). In fact, some of Florida's rehabilitative efforts have been lauded by the National Juvenile Justice Network as an example for other states (2016).

According to the 2019 Uniform Crime Report, juvenile offenders represent approximately 7% of all arrests in the United States. Arrests of juveniles for all offenses decreased by more than 3% percent in 2019 when compared with 2018. The overall juvenile arrest rate, which peaked in 1996, declined by about 70% over the next two decades (United States Federal Bureau of Investigation, 2019).

Here in the state of Florida, similar trends are evident. There were 45,328 juvenile arrests in 2019, representing slightly less than 7% of all arrests in the state. Arrests of juveniles for all offenses decreased by more than 6% in 2019 compared to 2018. This continues a long-term trend, with juvenile arrests declining nearly 50% since 1990. These decreases occurred for both violent and property crimes, and both male and female juvenile offenders (Florida Department of Law Enforcement, 2019).

Yet, even with these significant decreases in juvenile arrests, many youths charged with non-violent and misdemeanor offenses continue to enter the juvenile justice system (Puzzanchera, 2014). This may lead to adjudication in juvenile court or conviction in adult court and possibly result in commitment to a juvenile correctional facility or prison. There are rehabilitative alternatives to punitive strategies, for example civil citations and diversion programs, but they are utilized to varying degrees across Florida. The purpose of this research is to examine why punitive measures are favored in some areas of the state, while rehabilitative measures are preferred in others.

Determining how to deal with a juvenile offender at first encounter is left solely to the discretion of a law enforcement officer. However, the tendencies and training of officers are often dictated by leadership in the places that they work (International Association of Chiefs of Police, 2016). In Florida, the principles and guidelines for dealing with juveniles is set forth by the county sheriff and the judicial circuit state attorney. Whereas sheriffs and state attorneys certainly have their

own ideas on implementing juvenile justice, they must ultimately answer to the public. They are elected and keep their jobs based on the sentiments of local voters. Therefore, public opinion plays an important role in influencing their approach to dealing with juvenile offenders. Survey data about juvenile justice at the local level is not readily available. However, previous research at the national level has shown that attitudes about juvenile justice vary based on some key demographic and socioeconomic characteristics such as age, race, and political party affiliation (Moon et al., 2003; Pew Charitable Trusts, 2014; Ellis et al., 2018). Hence, we will use these factors to try and understand the spatial variance in the implementation of punitive and rehabilitative measures across the different areas of Florida.

Before reviewing the literature, we think it is useful to identify the various paths and outcomes available to a law enforcement officer when he or she encounters a juvenile that is suspected of participating in a criminal offense (Figure 1). In most instances, the officer has four choices. First, the officer may determine that the juvenile is not involved in a criminal offense, and the juvenile is released. Second, the officer may use his or her discretion and release a juvenile who has committed a minor offense with a “stern” lecture, generally with the approval of the victim. Third, the officer may decide the juvenile is involved in criminal activity, but that activity does not call for an arrest, but also not for release. Therefore, a civil citation is issued. Civil citations are prearrest diversion initiatives that serve as an alternative to arrest for juveniles (Florida Department of Juvenile Justice, 2021a). Finally, the officer may conclude the juvenile is involved in criminal activity that necessitates an arrest, and the juvenile is processed into a law enforcement facility. After an arrest, and at the discretion of the prosecuting attorney, there are four common outcomes. First, the charges against the juvenile may be dropped. Second, depending on the severity of the crime, the juvenile may be given the opportunity to participate in post-arrest diversion programming. Third, the juvenile could be sent to juvenile court where the case can be dropped, or he or she can be adjudicated delinquent, or have adjudication withheld, and receive probation or be committed to a juvenile correctional facility. Lastly, the juvenile may be transferred to adult court for criminal prosecution (Florida Office of the State Court Administrator, 2021).

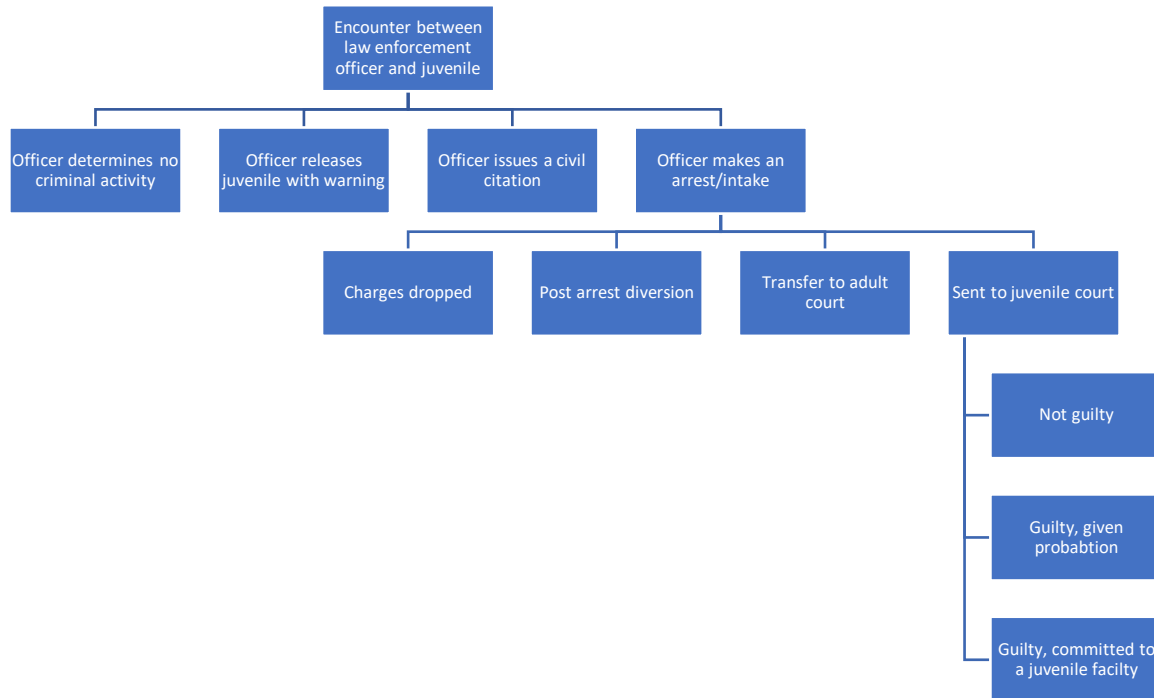


Figure 1: Encounter between Law Enforcement Officer(s) and Juvenile(s). Source: Adapted from Juvenile Justice Process, Florida Department of Juvenile Justice, 2021c.

RELATED RESEARCH

Deciding how to handle young people within our criminal justice system is a challenge, even considering that the original intent of the juvenile justice system was to work in the “best interests of the child” with a focus on rehabilitation (Fox, 1970, p. 1230). Unfortunately, at times, the juvenile justice system has veered away from this commitment to youth. During the 1980s and 1990s juvenile crime increased dramatically in the U.S., and public panic resulted in reactive punitive changes. These included juvenile transfers to adult court, younger children being tried as adults, increased allowable charges for transfers to adult court, increases in youth receiving life without parole sentences, and increased use of the death penalty for juveniles (Moon et al., 2003; Feld, 1999). The original intent of a separate system for youth was discarded; the term juvenile “superpredator”, a term describing violent, predatory juveniles, entered the lexicon. Although the myth of the juvenile superpredator never came to fruition, anxiety surrounding juvenile violence ensued (DiLulio, 1995). The idea of using punitive measures when working with at-risk youth became a core principle of the juvenile justice system for several decades. A study by Butts and Mears (2001) indicated that reduced

confidentiality, increased formality, and greater due process led to an increase in court transfers which highlighted a declining faith in juvenile justice amongst policy makers.

However, research over the last decade indicates the philosophy is shifting from a belief in punitive measures to a more rehabilitative approach to handling juvenile offenders. Advances in brain science have resulted in several landmark decisions by the U.S. Supreme Court regarding the handling of juveniles. The highest court determined that imposing sentencing for juveniles, including the death penalty, life without parole for non-homicide cases or for homicide cases with no reasonable possibility of release, constitutes cruel and unusual punishment under the 8th amendment of the Constitution (*Roper v. Simmons*, 2000; *Graham v. Florida*, 2010; *Miller v. Alabama*, 2012).

Moreover, there has been increased use of both post-arrest and pre-arrest diversion, including civil citations for early, non-violent juvenile offenders. These efforts are cost effective and reduce recidivism (Farrington & Coid, 2003; Farrington & Welsh, 2007). They have the support of scholars of the juvenile justice system (Askew, 2013) and the public at large. In a 2014 study conducted by Pew Charitable Trusts, voters overwhelmingly supported diversion programming for low-level offenders over correctional options. Seventy-five percent of respondents prioritized services and supervision, and 69% thought that juvenile corrections facilities should be used only for felony offenders. In addition, 80% of voters supported reinvesting savings from reducing juvenile facility populations into county programs that promote public safety, and close to 90% stated that families, schools, and social service agencies should take more responsibility for youth who commit low-level offenses.

Diversion programming first appeared in the 1960s to keep youth from entering the more formal juvenile justice system (Bynum & Thompson, 1996). It is considered an appropriate and effective response for the large percentage of youth who will desist from delinquency after a first-time misdemeanor or nonviolent offense (Florida Department of Juvenile Justice, 2021a). Diversion also presents an opportunity to prevent the negative labeling and stigma associated with delinquency and the self-fulfilling prophecy that can accompany delinquent behavior (Schur, 1971; Klein, 1986). This is important because explanations of juvenile offending often include the strong influence of peers and the common occurrence of co-offending among juveniles engaging in delinquency (Gifford-Smith, 2005; Cressey, 1952; Sutherland, 1974). Placing juveniles in delinquency or commitment programs that provide close contact with other juvenile offenders increases the likelihood of recidivism among this population (Kroska et al., 2016).

According to Judge Arthur L. Burnett, Sr., a retired Judge of the District of Columbia Superior Court who served as “Judge in Residence” at the Children’s Defense Fund, “the initiative of using civil citations may prove to be one of the most important innovations in the juvenile justice system, perhaps since the founding of the Juvenile Court concept in Chicago in Cook County, Illinois, in 1899. It could greatly diminish the impact of the school-to-prison pipeline for middle and high school students...” (Burnett as quoted in Lambert, 2019, p.8). No-arrest civil citations allow the juvenile justice system to address a youth’s behavior without the detrimental impacts that an arrest can have on a child’s future. They represent the “least harm” happy medium the juvenile justice system needs to ensure accountability without the likelihood of negative community labeling and juvenile self-labeling of “potent identities, such as gangster or troublemaker” which are known to increase recidivism (Kroska et al., 2016, p.86). Citations keep youth that pose little public safety risk out of the system and free up limited resources to focus on more serious and violent offenders. They also are a cost-effective alternative to arrest which prevents formal processing and adjudication, saving millions of dollars for taxpayers (International Association of Chiefs of Police, 2016). Civil citations also involve parents, take less time than arrests, and lessen the chances of recidivism for youth. Recent studies have shown that pre-charge programs are more effective when working with low-risk youth than post-charge programs (Florida Department of Juvenile Justice, 2021a). Lowering recidivism rates for youth is an important step toward future academic, social, and vocational attainments of at-risk youth.

Despite the success of civil citation programs, utilization of civil citations across state and local governments has been inconsistent at best, and at the extreme, disparate. Possibly the largest impact on the use of civil citations is officer discretion. In most areas, police officers are given very broad discretion in issuing citations in lieu of arrest, ultimately becoming an issue of “suitability”, “the subjective criteria that require officers to make determinations” (International Association of Chiefs of Police, 2016, p.7). Studies of civil citations consistently show that over 80% of law enforcement agencies allow officers full discretion when deciding whether to arrest or issue a civil citation in qualifying cases (International Association of Chiefs of Police 2016; Nadel et al., 2019). This has led to highly variable use of civil citations. Some additional factors associated with inconsistent use of citations include lack of standardization in training, the actual or perceived attitudes of superiors, officer biases, irregular use and availability of assessment data and prior citation history, and local public opinion regarding juvenile justice (International Association of Chiefs of Police, 2016).

JUVENILE JUSTICE IN FLORIDA

Since the inception of a juvenile court in the State of Florida in 1911 (Carter, 1984), the purpose was to reduce juvenile crime and rehabilitate juvenile offenders. These goals were to be accomplished by working in “the best interest” of children (Fox, 1970, p.1230). This formal mission of the court has remained but has been both inconsistent and erratic in its execution, yet both federal and state laws support the idea that children have diminished decision-making capabilities making them less culpable when breaking the law (Florida Office of Program Policy Analysis and Government Accountability, 2017). Punitive versus rehabilitative mindsets regarding juvenile justice can vary based on several factors including the demographic and political climate of the state and the judicial circuit (Pew Charitable Trusts, 2014).

Florida’s 20 judicial circuits are illustrated in terms of county composition, land area, and population in Figure 2. These regions most likely represent an enigma to geographers as there is no consistency regarding the size of the circuits based on area, population, or political geography. Counties with large populations such as Miami-Dade (11th circuit), Broward (17th circuit), Palm Beach (15th circuit), and Hillsborough (13th circuit) represent their own circuit. However, other large population counties such as Orange (9th circuit), Pinellas (6th circuit), and Duval (4th circuit) are combined with neighboring counties. Small population counties are often joined, such as Columbia, Dixie, Hamilton, Lafayette, Madison, Suwanee, and Taylor to create the 3rd judicial circuit. Other examples include the 1st, 2nd, 7th, 8th, 10th, 14th, and 20th circuits. But Monroe County, with a population of less than 85,000 is the only county in the 16th circuit. Similarly perplexing is the fact that some counties in the same metropolitan area such as Duval (4th circuit) and St. John’s (5th circuit) or Orange (9th circuit) and Seminole (18th circuit) are in different circuits. Moreover, the 18th circuit is comprised of two non-adjacent counties, Brevard and Seminole. Although data in this research will be analyzed at the county level, knowledge of judicial circuits is important as state attorneys play a crucial role in juvenile justice for these regions.

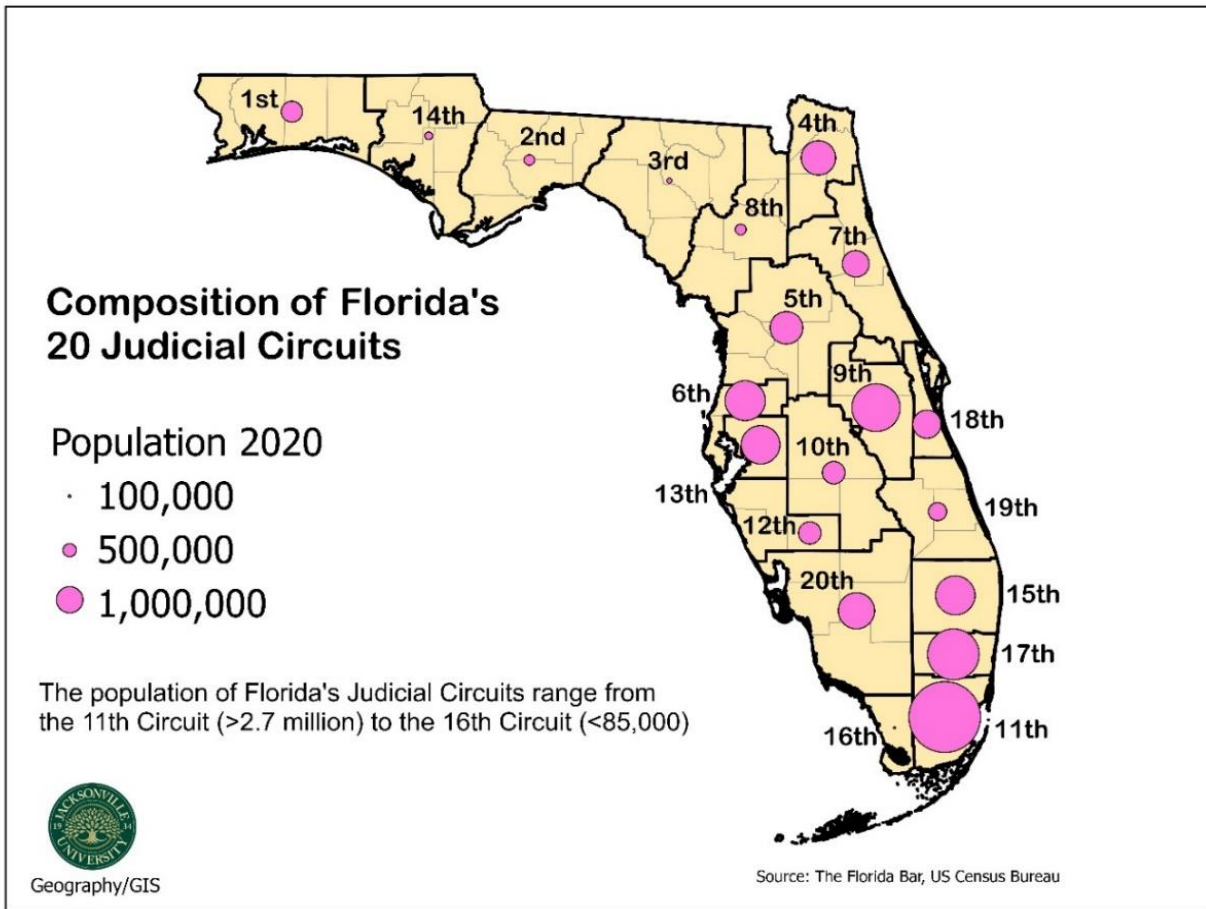


Figure 2: Composition of Florida's 20 Judicial Circuits

The history of Florida's implementation of delinquency programming mostly follows national trends, with a few notable exceptions, which will be discussed in this section. Currently, the juvenile justice process in Florida is within the jurisdiction of the circuit courts and is governed primarily by Chapter 985 of the Florida Statutes. The agency that oversees juvenile justice procedures is the Florida Department of Juvenile Justice (DJJ) (Florida Office of the State Court Administrator, 2021). However, prior to the creation of DJJ in 1994, all judicial proceedings involving children were handled by the Department of Health and Rehabilitative Services (HRS). HRS worked under a rehabilitative model for juveniles and provided mostly social services, regardless of whether the case was dependency or delinquency related. The first shift away from the social services model came from the Florida legislature in 1990 through the Juvenile Justice Reform Act (Frazier, et al., 1999; Florida Statutes, chapter 39 [Supp. 1990]). Although this act provided for reforms and reductions in the number of children held in institutional facilities, lack of future funding led to waiting lists for

juvenile placements, and HRS being viewed as ineffective in reducing delinquency in the state (Frazier et al., 1999; Florida Juvenile Justice Advisory Board, 1994). In addition, juvenile arrests for serious offenses rose in the early 1990s which led to increased fear of youth in Florida and across the country, and generated reforms allowing harsher penalties for serious and violent juveniles (Frazier et al., 1999; Torbet, 1996). Ultimately, these reforms led to the establishment of the Department of Juvenile Justice, an organization specifically intended to handle delinquency cases, and a step toward the “Tough Love” plan, passed by the Florida Legislature in 2000 under Governor Jeb Bush, that resembled the more punitive approach of the adult criminal justice system (Annino, 2001; Department of Juvenile Justice, History, n.d.). Although the juvenile justice system remained distinct from the adult system in both mission and philosophy, and treatment and rehabilitation continued to be the primary strategies for handling youthful offenders, the Tough Love plan allowed Florida to “strengthen its hold on juvenile delinquents” and expand “the circumstances under which a juvenile can be prosecuted as an adult” (Department of Juvenile Justice, History, n.d., para. 4).

Even prior to the Tough Love plan, Florida was transferring more juveniles, 6,000-7,000 a year, into the adult criminal justice system and incarcerating more juveniles in adult prison facilities than any other state in the country (Frazier et al., 1999; Schwartz et al., 1996). Legislation dating back to 1978 and revised in 1981 (Florida Statutes, section 39.04(2)(e)4. [Supp. 1981]) allowed Florida to begin its transition to increased prosecutorial authority related to juvenile transfer to adult court than previous judicial waiver mechanisms established in *Kent v. United States* (Frazier et al., 1999, *Kent v. United States*, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed. 2d 84 [1966]). Florida prosecuted such a high number of juveniles as adults that the state was considered “a good laboratory to the study the effects” of this practice (Annino, 2001, p. 472; Frazier et al., 1999, p. 168).

Research illustrating the negative impact of transferring youth to the adult criminal justice system has been available for at least two decades. Arguments favoring adult prosecution of youth on the grounds that the juvenile justice system has failed, that the public is better protected, or that the child is better off being incapacitated have been refuted and invalidated (Annino, 2001; Rundle & Talon, 2021). Past and current studies on committed and incarcerated youth indicate higher victimization rates while incapacitated, higher recidivism rates, increased mental and physical health issues, and higher rates of poverty and unemployment, especially when rehabilitation is not provided as a part of programming (Torbet, 1996). In sum, transferring a youth into the adult criminal justice system in the State of Florida does not deter future criminal behavior or increase public safety, but it

does lessen the chances of successful rehabilitation and future opportunities for youth who are impacted by these decisions (Torbet, 1996).

Over the past decade, however, prosecutors in Florida utilized discretionary direct file for juveniles less often even though juvenile cases qualifying for mandatory direct file into the adult system increased (Florida Office of Program Policy Analysis and Government Accountability, 2017). One explanation for this is that “Florida prosecutors may have reached a saturation point in their transfer practices” as early as the late 1990s (Frazier et al., 1999, 179). Since this time, the use of transfers has declined significantly, although this does vary by circuit (Florida Office of Program Policy Analysis and Government Accountability, 2017). According to the State’s Delinquency Profile Dashboard, this trend has continued with about 1,500 adult transfers in 2016-17 and fewer than 1,000 in 2020-21 (Department of Juvenile Justice, 2015-2021).

The use of civil citations for youth in Florida began in 1990 and is one of the longest running police-led programs in the country. However, use of citations for youth was extremely limited across circuits until 2011 when Florida statute 985.12 required the creation of civil citation diversion programs in local government organizations. A typical recipient of a civil citation is a youth who is under the age of 18, commits a qualifying offense, has no pending warrants, citations, or custody orders, has never been adjudicated delinquent for a violent offense or convicted as an adult, and is not identified as a gang member by law enforcement (Lambert, 2019). As of 2018, the statutory limit on the number of times a youth may receive a civil citation was removed, but each judicial circuit has the authority to decide whether to create their own limitations on allowable citations. Law enforcement also is required to document the reason for an arrest when a youth is eligible for a citation (Florida Department of Juvenile Justice, 2021a). Amendments to the statute allow for increased autonomy for Florida’s 20 circuits, while at the same time holding each circuit accountable for their discretion in utilizing the citation option for qualifying youth (Caruthers, 2018).

Typical sanctioning for civil citation youth includes such requirements as community service, restitution, and apology letters (Nadel et al., 2019; Lambert, 2019). Other intervention services such as family counseling, substance abuse and mental health services, anger management, academic monitoring, and prevocational skills may also be recommended as indicated by each circuit’s needs assessment process (Nadel et al., 2019; Walby, 2008). Currently, all of Florida’s circuits have active civil citation programs for youth, with some considering the implementation of programs for misdemeanor offending adults. All programs contain a specific process for law enforcement including transportation to the Juvenile Assessment Center or field processing procedures that

ensure youth eligibility, intake procedures, case management, and transfer procedures when applicable. Youth who fail to complete the requirements of the program may be arrested for the original offense and referred for delinquency intake (Department of Juvenile Justice, 2021).

Overall, citation use percentages have increased steadily since 2011 (Caruthers, 2018). However, low utilization rates in some counties equate to thousands of youths being arrested each year for common misbehavior. This caused the State of Florida to consider mandating the use of civil citations for youth and removing discretion from officers and local government until a minimum of 75% of eligible youth are receiving citations. Proponents of mandatory use of citations feel that this would lessen the chance that youth would receive “unequal justice by geography” in areas where many citizens reject the use of civil citations (Caruthers, 2017). Mandates did not occur, but more stringent requirements for law enforcement, such as justifying arrest in eligible cases, were added to the statute in 2018 (Department of Juvenile Justice, 2021).

METHODOLOGY

There are three types of data utilized in this study: crime data, population data, and election data. The source for juvenile crime data including arrests, civil citations, and other alternatives to arrest is the Interactive Data Reports, Delinquency Profile Dashboard, for the fiscal year 2019-2021 (Florida Department of Juvenile Justice, 2021b). We collected data by county on the number of arrests, number of civil citations issued, and the number of arrests directed to post arrest diversion programming. We also obtained the overall violent and property crime rates per 100,000 population and the total crime rate for persons aged younger than 18 from the Florida Department of Law Enforcement Uniform Crime Statistics for each county for the year 2019. Population data were gathered from the U.S. Census Bureau. Total population and population by race and ethnicity came from the 2020 Decennial Census. Age, education, and income data came from the Population Estimates Program and the American Community Survey 5-year estimates. Data on the 2018 gubernatorial election results by county were gathered from Politico.

We used multiple regression to examine our research question. This statistical procedure allows researchers to analyze the linear relationship between a dependent variable and a set of independent or explanatory variables. Hence, multiple regression will enable us to determine which factors best explain the spatial variation in the implementation of punitive and rehabilitative measures to address juvenile crime across the different areas of Florida. Those factors will be

determined using the forward stepwise inclusion method in which independent variables are entered into the regression equation if they meet the criteria of an F ratio significance level of .05.

Florida's 67 counties serve as our units of analysis. Two dependent variables were chosen to represent the philosophy of local criminal justice officials in dealing with juvenile offenders. The first is the ratio of arrests to civil citations. Recall that civil citations represent an alternative to arrests and are indicative of a more rehabilitative approach to dealing with a juvenile offender. For the state of Florida, including all counties, there were 45,328 juvenile arrests and 7,288 civil citations issued in the reporting year ending in 2020 (Florida Department of Juvenile Justice, 2020). This results in a ratio of 6.2 arrests to one civil citation. The highest ratios were found in several of North Florida's rural counties such as Gadsden, Levy, Walton, and Columbia, all with ratios greater than 30 to 1 (Figure 3). The lowest ratios were found in Monroe County, essentially, the south Florida Keys, as well as St. Johns, Nassau, and Clay counties in Northeast Florida. Although there appear to be some patterns to the distribution of this variable, there are exceptions. Counties in the Panhandle region have some of the highest arrest to civil citation ratios, although Bay, Holmes, Jackson, and Washington counties of the 14th circuit have relatively low ratios. Metropolitan areas such as Miami (Miami-Dade County), Jacksonville (Duval County), and St. Petersburg (Pinellas County) tend to have lower ratios, although Orlando (Orange County) has a ratio of nearly twice the state average.

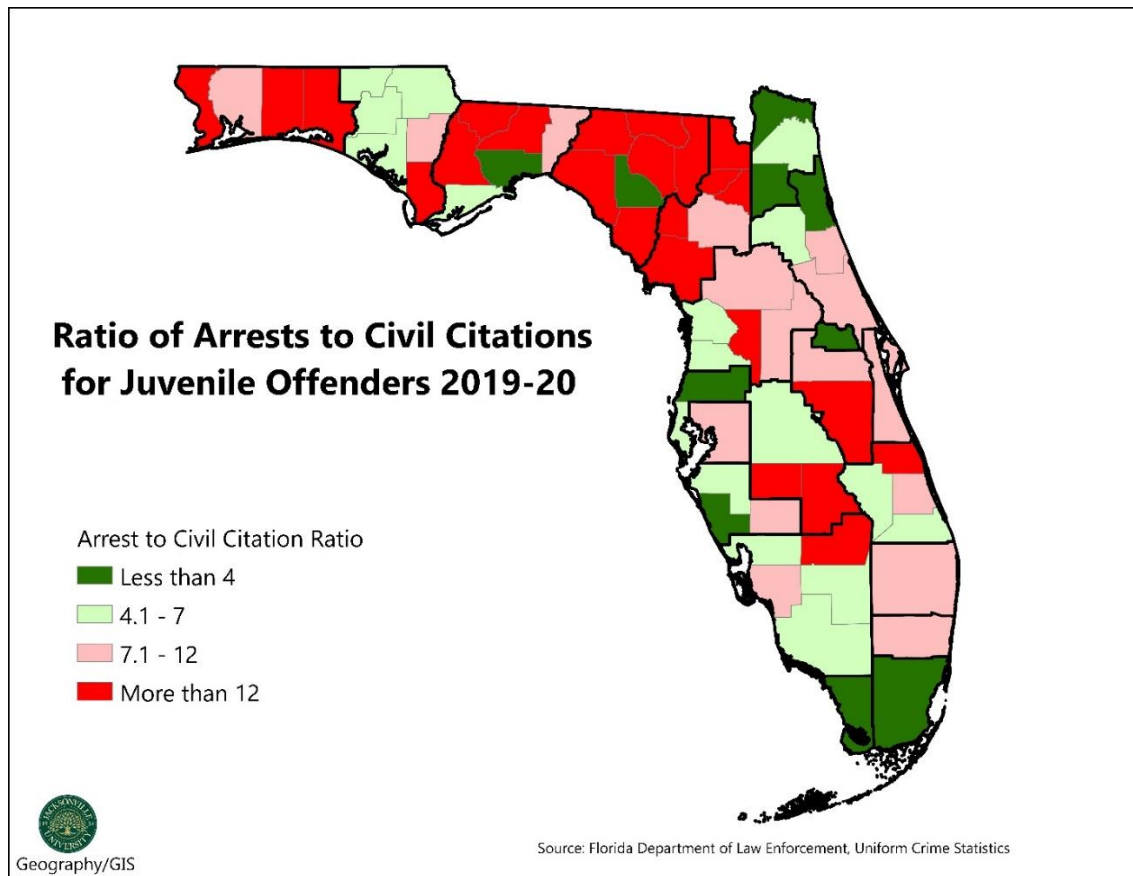


Figure 3: Ratio of Arrests to Civil Citations

The second dependent variable is the percentage of juvenile arrests that are directed to diversion programming. As discussed earlier, diversion programs prevent youths from entering the more formal juvenile justice system. Like civil citations, they are also indicative of a more rehabilitative approach to dealing with juvenile offenders. Of the 45,328 juvenile arrests in Florida for the reporting year ending in 2020, 7,181 resulted in post arrest diversion programming (Florida Department of Juvenile Justice, 2020). Hence, diversion programs represent approximately 15.8% of the state’s arrest outcomes. The highest percentages, over 30%, can be found in some of Florida’s Panhandle counties such as Lafayette, Jefferson, and Santa Rosa, as well as Flagler and Hillsborough counties (Figure 4). The lowest percentages, 5% or less, can be found in the Central Florida counties that constitute the 10th Judicial Circuit, Polk, Highlands, and Hardee. As was the case with the arrests to civil citations ratio, several patterns exist with exceptions. The Panhandle region has some of the highest percentages of arrests directed towards diversion programming indicating a more rehabilitative approach to juvenile offenders. However, Columbia, Suwanee, and Hamilton counties

of the 3rd Judicial Circuit in North Florida have the lowest percentages of arrests directed to diversion programs after the 10th Judicial Circuit. Furthermore, most major metropolitan areas in the state including the Southeast Florida megalopolis (Miami-Dade, Broward, and Palm Beach counties), and Tampa (Hillsborough County) have above average percentages of arrests directed to diversion programming, whereas Orlando (Orange County) directs offenders to diversion programs less than 10% of the time.

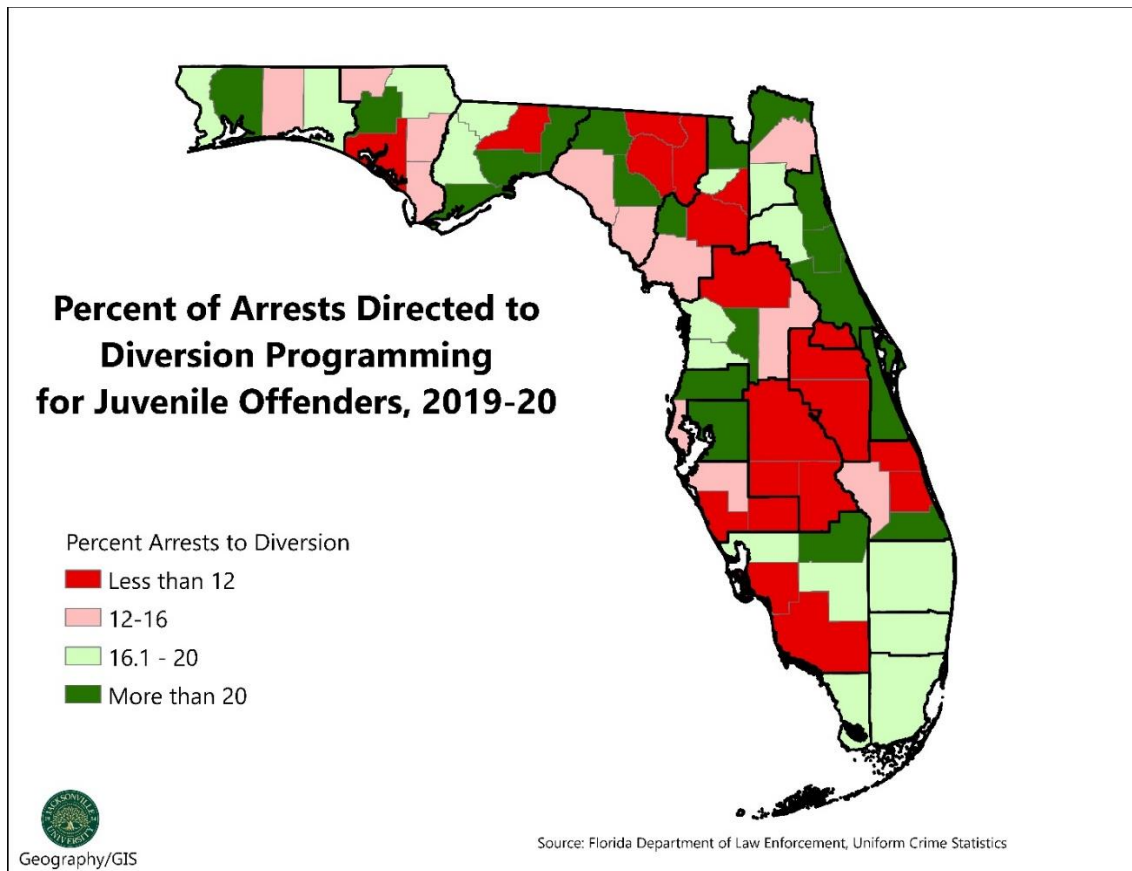


Figure 4: Percent of Arrests Direct to Diversion Programming

Our independent variables include a variety demographic, socioeconomic, and political characteristics which have been shown to reflect public opinion on the criminal justice system for juveniles (Ellis et al. 2018, Pew 2014, Moon et al. 2003). We also include several crime rates (Table 1). We hypothesize that some factors will indicate greater support for a punitive response to juvenile crime. Areas with larger populations may be more supportive of tougher measures because of the perception that crime is more prevalent in larger cities than suburbs and rural areas. We expect that

areas with greater percentages of the population age 65 and older will also be more likely to support a retributive approach because concerns about crime may be more prominent among older populations. The percentage of voters casting their ballots for Ron DeSantis in the 2018 gubernatorial race might also be an accurate indicator of individuals preferring the punitive strategy. Whereas both political parties maintain a stance of law and order, the Republican Party has been more willing to incorporate a tough-on-crime sentiment. Moreover, the Democratic Party has recently been involved in discussions to defund or reform the police. Lastly, we posit higher violent, property, and youth crime rates in an area will lead residents to believe that strict responses to crime are necessary as a deterrent.

Variable	Operationalization
Population Size	County Total Population
Population 65 and older	Percent of the county population that is aged 65 and older
Population 18 and younger	Percent of the county population that is aged 18 and younger
Black Population	Percent of the county population that is Black
Latino Population	Percent of the county population that is Latino
Higher Education	Percent of the county population age 25 or older with a bachelor's degree or higher
Median Household Income	County median household income
DeSantis	Percentage of the county vote won by Governor Ron DeSantis in the 2018 gubernatorial election
Violent Crime Rate	County violent crime rate per 100,000 for 2019
Property Crime Rate	County property crime rate per 100,000 for 2019
Juvenile Crime Rate	County total crime rate per 100,000 for 2019 for persons aged younger than 18.

Table 1: Independent Variables Utilized for Linear Regression Analysis

Conversely, we suspect that several other factors will be indicative of support for a rehabilitative response to juvenile crime. First, a larger percentage of population age 18 and younger might mean more interactions and increased familiarization with juveniles. This could lead to a greater propensity to work with juvenile offenders and attempt to redirect them from future offenses. Higher percentages of Black and Latino persons are indicative of a more diverse society

and perhaps a more varied approach to dealing with juvenile offenders. In addition, these populations are more likely to be aware of unequal treatment by law enforcement which would erode confidence in the use of punitive strategies. We hypothesize that our final two independent variables, higher education and median income, will reflect a more educated population that should be more accepting of a variety of responses to juvenile offenses including rehabilitative strategies.

RESULTS

The results of the stepwise multiple regression analyses can be found in Table 2. Each of the eleven independent variables were eligible for inclusion in the regression equation for each of the two dependent variables. Three independent variables were included in the regression equation for arrest to civil citation ratio. These were the violent crime rate, percent population 65 and older, and percent Black population. Combined, these factors explain approximately 50% of the variance in the arrest to civil citation ratio. The standardized regression coefficients reflect the strength and direction of the relationships between the independent and dependent variables. As expected, the violent crime rate and population 65 and older exhibited a direct relationship with the dependent variable. In other words, as the violent crime rate increased, the ratio of arrests to civil citations also increased. Similarly, as the percent of population aged 65 and older increased, the ratio of arrests to civil citations also increased. These types of relationships were hypothesized earlier in the paper. One would expect that areas with higher violent crime rates might prefer arrests rather than civil citations to deter future crimes. One would also expect that areas with greater percentages of population aged 65 and older would also support arrests as a deterrent in response to criminal offenses as seniors consider themselves to be most vulnerable to crime. However, the relationship between the percent of the population that is Black and the arrest civil citation ratio was hypothesized to be inverse. Here we suspected that more diverse populations might be more progressive and hence supportive of rehabilitative strategies to deal with juvenile offenders. Moreover, persons of color would be more likely to have disproportionate contact with the criminal justice system. This would lead to more skepticism of punitive methods. The fact that the relationship is direct suggests some other explanation. We suspect that disparate treatment of African Americans by law enforcement is evidenced by this relationship. More specifically, areas with higher percentages of Black population have more arrests because law enforcement officers in those areas may be more likely to arrest rather than issue civil citations to juvenile offenders of color (Rodriguez 2010, Cochran & Mears 2015).

Dependent Variable	R-Squared	Independent Variable	Standardized Regression Coefficient (Beta)
Arrest to Civil Citation Ratio	.501		
		Violent Crime Rate	.319*
		Population 65 and older	.910**
Percent of Arrests to Diversion	.309	Black Population	.845**
		Population 65 and older	-.477**
		Property Crime Rate	-.479**

*- significant at the .05 level **-significant at the .01 level

Table 2: Stepwise Multiple Linear Regression Results

For the dependent variable percentage of arrests directed to diversion programming, two independent variables entered the regression equation, percent population aged 65 and older and the property crime rate. These variables explained roughly 30% of the variance in the percentage of arrests directed to diversion programming. As was expected, the relationship between these two variables was inverse, indicating that areas with higher percentages of seniors and a higher property crime rate are less likely to direct arrested juveniles to diversion programming. As was the case with the arrest to civil citation ratio, it is not surprising that areas with more seniors and higher crime rates might opt for a more punitive response to crime to achieve a deterrent effect. The variables were not as effective in explaining the variance in the use of diversion programming as they were in explaining the variance in the arrest to civil citation ratio. However, the complex relationship between civil citations and diversion programming may be partially responsible. This will be discussed further in the following section.

CONCLUSIONS

The findings from this initial examination of the spatial variance in punitive and rehabilitative approaches to addressing juvenile crime allow us to make some informative generalizations. They also lead to many questions that can be addressed in future studies.

First, the spatial distribution of approaches to juvenile justice in Florida do not always follow explicit standard geographic patterns such as North, Central, South or urban, suburban, rural. For example, circuits located in northern Florida tend to favor punitive approaches. However, counties such as Bay, Holmes, Jackson, and Washington of the 14th Circuit are less likely to arrest juveniles, whereas Escambia, Santa Rosa, and Walton counties of the adjacent 1st Circuit are more likely to direct juveniles to diversion programming. Regarding the urban rural spectrum, highly urbanized counties such as Hillsborough (Tampa) and Orange (Orlando) are among the highest and lowest counties respectively in the use of diversion programming.

Second, traditional population characteristics that have been used to explain differences in attitudes towards crime or reliance and trust in the criminal justice system partially explain the variance in the implementation of punitive or rehabilitative responses to juvenile criminal offenders. Clearly, there is a complicated path from the characteristics of local residents to the number of arrests versus civil citations, or the percentage of juvenile offenders directed to diversion programming. It requires that the attitudes and opinions of residents are expressed and reflected in the election of sheriffs and state attorneys, who in turn use their philosophies to guide the behavior of law enforcement officers.

Lastly, we found that juvenile arrests were more common in areas with higher percentages of Black people. ~~population~~. This relationship was not anticipated as we hypothesized Black residents would be less supportive of punitive measures by law enforcement in dealing with juveniles. In this instance, the civil citation to arrest ratio may reflect the biases of individual law enforcement officers rather than public sentiment. This potentially troubling finding would have serious implications for law enforcement training and retention.

In addition, it is possible that the complex relationship between the two dependent variables in this research, civil citation to arrest ratio, and percentage of arrests directed to diversion programming, may muddle the attempt to explain the spatial variance in their use. Law enforcement officers that issue more civil citations reduce the pool of offenders that might be appropriate for diversion programming, and vice versa.

Research that focuses on the decisions of local law enforcement officers, and the ways that law enforcement leadership guides and influences these decisions is a new and exciting area of study within the geography of crime subfield environmental criminology. The descriptive data clearly show interesting patterns of spatial variation.

A next logical step for further research would be to gather survey data regarding attitudes towards juvenile justice at the local level to determine if residents' opinions actually coincide with the philosophies and strategies of sheriffs and state attorneys. It might also be valuable to examine their campaign platforms and literature to see if it reveals any information or planned approach to dealing with juvenile crime. Moreover, studying the effectiveness of the rehabilitative and punitive methods through recidivism rates at the local level might also prove valuable in understanding the spatial variation of the strategies.

REFERENCES

- Andersen, T.S. 2015. Race, Ethnicity, and structural variations in youth risk of arrest: Evidence from a national longitudinal sample. *Criminal Justice and Behavior*. 42(9): 900-918.
- Annie E. Casey Foundation. 2021. *Youth incarceration rates in the United States*. Baltimore, MD. <https://www.aecf.org/resources/youth-incarceration-in-the-united-states>
- Annino, P. 2001. Children in Florida adult prisons: A call for a moratorium. *Florida State University Law Review*. 28(2): 471-490.
- Askew, W. 2014. Keeping promises to preserve promise: The necessity of committing to a rehabilitation model in the juvenile justice system. *Georgetown Journal on Poverty and Policy*. 20(2): 373 - 395.
- Butts, J.A. and Mears, D.P. 2001. Reviving juvenile justice in a get-tough era. *Youth and Society*. 33(2): 169-198.
- Bynum, W. E. and Thompson, J. E. 1996. *Juvenile delinquency: A sociological approach*. Boston: Allyn and Bacon.
- Carter, S. 1984. The Florida juvenile justice act: From juvenile to adult with the stroke of a pen. *Florida State University Law Review*. 11(4): 921-947.

- Caruthers, D. 2017. *Requiring juvenile civil citations in Florida*. St. Petersburg, FL: The Caruthers Institute.
https://www.splcenter.org/sites/default/files/requiring_juvenile_civil_citation_in_florida_-_caruthers_institute.pdf.
- Caruthers, D. 2018. *Stepping up: Florida's top juvenile pre-arrest diversion efforts*. St. Petersburg, FL: The Caruthers Institute. <https://caruthers.institute/wp-content/uploads/2018/06/FINAL-201816063.pdf>
- Cochran, J.C., and Mears, D.P. 2015. Race, ethnicity, and gender divides in juvenile court sanctioning and rehabilitative intervention. *Journal of Research in Crime and Delinquency*. 52(2): 181-182.
- Cressey, D. R. 1952. Application and verification of the differential association theory. *Journal of Criminal Law and Criminology*. 43(1): 43-52.
- DiLulio, J. 1995. The Coming of the Super Predators. *Washington Examiner*. November 27.
- Ellis, S., Gately, N., Rogers, S. and Horrigan, A. 2018. Give them a chance: public attitudes to sentencing young offenders in Western Australia. *Youth Justice*. 18(2): 169-187.
- Farrington, D.P. and Coid, J.W. 2003. *Early prevention of adult antisocial behavior*. Cambridge: Cambridge University Press.
- Farrington, D.P. and Welsh, B.C. 2007. *Saving children from a life of crime: Early risk factors and effective interventions*. Oxford: Oxford University Press.
- Feld, B.C. 1999. The Transformation of the Juvenile Court--Part II: Social Structure, Race, and the "Crack Down" on Youth Crime. *Minnesota Law Review*. 84: 327-395.
- Florida Department of Juvenile Justice. n.d. *History* <https://www.djj.state.fl.us/about-us/history>.
- Florida Department of Juvenile Justice. 2021a. *Civil citation and similar prearrest diversion program best practices guide*. <https://www.djj.state.fl.us/content/download/23236/file/civil-citation-and-similar-diversion-program-best-practices-guide-2020.pdf>

- Florida Department of Juvenile Justice. 2021b. *Interactive data reports*.
<https://www.djj.state.fl.us/research/reports-and-data/interactive-data-reports>
- Florida Department of Juvenile Justice. 2021c. *Juvenile justice process*.
<https://www.djj.state.fl.us/youth-families/juvenile-justice-process>
- Florida Department of Law Enforcement Uniform Crime Statistics. 2020.
<https://www.fdle.state.fl.us/FSAC/Data-Statistics/UCR-Offense-Data>
- Florida Juvenile Justice Advisory Board. 1994. *Annual Report and Juvenile Justice Fact Book*. Tallahassee: Florida Department of Juvenile Justice.
- Florida Office of Program Policy Analysis and Government Accountability. 2017. *OPPAGA progress report: Direct file of children to adult court is decreasing; better data needed to assess sanctions*. Tallahassee: Florida Office of Program Policy Analysis and Government Accountability.
- Florida Office of the State Courts Administrator. 2021. *Juvenile delinquency benchbook*.
- Fox, S. J. 1970. Juvenile justice reform: An historical perspective. *Stanford Law Review*. 22(6): 1187.
- Frazier, C., Bishop, D., and Lanza-Kaduce, L. 1999. Get-tough juvenile justice reforms: The Florida experience. *The Annals of the American Academy of Political and Social Science*. 564(1): 167–84.
- Gifford-Smith, M., Dodge, K.A., Dishion, T.J., and McCord, J. 2005. Peer influence in children and adolescents: Crossing the bridge from developmental to intervention science. *Journal of Abnormal Psychology*. 33(3): 255-265.
- Graham v. Florida, 2010. 560 U.S. 48.
- International Association of Chiefs of Police. 2016. *Citation in lieu of arrest: Examining law enforcement's use of citation across the United States*. Alexandria, VA: International Association of Chiefs of Police.
<https://www.theiacp.org/projects/citation-in-lieu-of-arrest>
- Kent v. United States, 1966. 383 U.S. 541.

- Klein, M.W. 1986. Labeling theory and delinquency policy: An experimental test. *Criminal Justice and Behavior*. 13(1): 47-79.
- Kroska, A., Lee, J.D. and Carr, N.T. 2016. Juvenile delinquency and self-sentiments: Exploring a labeling theory proposition. *Social Science Quarterly*. 98(1): 73–88.
- Lambert, L.L. 2019. Juvenile Civil Citation. *Criminal Justice*. 34(2): 9.
- Lemert, E. M. 1951. *Social pathology*. New York: McGraw-Hill.
- Miller v. Alabama, 2012. 567 U.S. 460.
- Moon, M.M., Cullen, F.T., and Wright, J.P. 2003. It takes a village: public willingness to help wayward youths. *Youth Violence and Juvenile Justice: An Interdisciplinary Journal*. 1(1): 32-45.
- Nadel, M., Bales, W. and Pesta, G. 2019. *An assessment of the effectiveness of civil citation as an alternative to arrest among youth apprehended by law enforcement*. Washington, D.C.: Office of Justice Programs' National Criminal Justice Reference Service.
<https://www.ojp.gov/pdffiles1/nij/grants/254453.pdf>
- National Juvenile Justice Network. 2016. *Snapshot: Civil citations*. <https://www.njjn.org/our-work/snapshot-civil-citations>
- Pew Charitable Trusts. 2014. *Public opinion on juvenile justice*. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/12/public-opinion-on-juvenile-justice-in-america>
- Politico. 2018. *Florida governor election results 2018*. <https://www.politico.com/election-results/2018/florida/governor/>
- Puzzanchera, C. 2014. *Juvenile Arrests 2012*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Department of Justice.
<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/248513.pdf>
- Roper v. Simmons, 2005. 543 U.S. 551.

- Rodriguez, N. 2010. The cumulative effect of race and ethnicity in juvenile court outcomes and why preadjudication detention matters. *Journal of Research in Crime and Delinquency*. 47(3): 381-413.
- Rundle, K. and Talons, S. 2021. *Smart policing in action: Civil citations for juveniles*. The Florida Bar. Retrieved from <https://www.floridabar.org/the-florida-bar-news/smart-policing-in-action-civil-citations-for-juveniles/>
- Schur, E. M. 1971. *Labeling deviant behavior: Its sociological implications*. Oxford, England: Harper and Row.
- Schwartz, I. M., Chang-ming, H, and Kenagy, G. 1996. *Juveniles in adult prisons*. Philadelphia: University of Pennsylvania, School of Social Work, Center for the Study of Youth Policy.
- Sutherland, E. H. 1974. *Criminology*. Ninth edition. New York: Lippincott.
- Tannenbaum, F. 1938. *Crime and the Community*. Boston: Ginn and Company.
- Torbet, P. M. 1998. Getting tough on juvenile crime: A paradigm shift for juvenile justice? *Juvenile Justice*. 4(1): track 2.
<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/conference/track2.html>
- U.S. Census Bureau. 2021. *Quick Facts, United States*.
<https://www.census.gov/quickfacts/fact/table/US/PST045221>
- U.S. Federal Bureau of Investigation. 2019. *Uniform crime reporting handbook: UCR*. Washington, D.C.: U.S. Department of Justice, Federal Bureau of Investigation. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019>
- Walby, G. 2008. *Juvenile Justice Diversion Programs: A Study of Civil Citation and Teen Court Programs in Florida*. Tallahassee, FL: Ounce of Prevention Fund of Florida.