



Arrests for Common Youth Misbehavior in Alabama

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The Caruthers Institute is a nonprofit, nonpartisan think tank that conducts research, craft solutions and leads advocacy on emerging issues, including juvenile justice. The mission of the Institute is data-driven social change. www.caruthers.institute.



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INTRODUCTION

In the wake of the Columbine school shooting in 1999 – at the time the worst high school shooting in history -- and at the height of the nation’s drug war programs, schools began to address low risk youth conduct with zero tolerance policies that criminalized acts like fights without injuries, vandalism, petit theft, underage drinking, marijuana possession, and other common youth misbehaviors.

This approach to addressing such minor acts by children started to spread beyond schools, moving into how communities view and deal with juvenile behavior. These petty acts—more appropriately handled by principals or parents—are now dealt with by police using arrests.

These petty acts of common youth misbehavior -- more appropriately handled by principals and parents - are dealt with by police using arrests.

Prior to this study, Alabama did not publicly report statewide juvenile arrest data, which is not uncommon (fewer than 10 states in the nation do so). States that do not report statewide data are unable to identify and analyze trends in race (disproportionate minority contact of Black youth arrested); age (the youngest children arrested); gender (boys arrested compared to girls); and geography (rural compared to urban) -- to mention only a few of the patterns that go undetected.

As a result of this study, for the first time, policy-makers have access to an Alabama Civil Citation Dashboard, located www.caruthers.institute that compiles juvenile charges data and identifies eligibility for a prearrest juvenile civil citation from 2012-2016. All juvenile charge data now can be viewed statewide in Alabama, and sorted by race, age, gender, county, and arresting law enforcement agency. The Institute conducted the research and created the dashboard, which is an invaluable tool to better understanding juvenile crime in Alabama.



Alabama Civil Citation Dashboard shows all juvenile charge data 2012-2016 and allows sorting by race, age, geography and law enforcement agency. Go to: www.caruthers.institute

EXECUTIVE SUMMARY

Zero tolerance efforts have criminalized common youth misbehavior, making minor acts like fights without injuries, vandalism, petit theft, underage drinking, marijuana possession, and other such infractions misdemeanor crimes. These are acts that previously would have been handled by school officials or families and are now being referred to the criminal justice system.

There are many important aspects of a child's life that are affected by an arrest, including:

- Loss of education and lower life expectancy;
- Difficulty obtaining employment, housing, and loans, or serving in the military;
- Negative impact on mental health;
- Stigmatization with authority figures, family, friends and "labeling" with law enforcement;
- Disruption of natural "aging-in" and "aging-out" of delinquent misbehavior; and
- Lower future career earnings.

Alabama arresting youth for common youth misbehavior has led to the following statewide results:

- Youth charged with misdemeanors, many of whom have no prior history, make up the majority of the juvenile justice population in Alabama.
- More Black youth are charged with juvenile misdemeanors than white youth.
- Young children (as young as 10) have been charged with juvenile misdemeanors.
- Two-thirds of youth in the custody of the Department of Youth Services committed non-felonies.
- Court imposed financial obligations keep youth in the system until they age out or longer.
- Marijuana possession is one of the top charges against youth.

Alabama law enforcement arresting juveniles for common youth misbehavior harms public safety, diminishes youth opportunities and fleeces taxpayers.

Instead of arresting youth, Florida has developed a statewide prearrest diversion program to address common youth misbehavior, which has become a national model. After five years of ongoing research, The Caruthers Institute – a nonprofit, nonpartisan think tank that studies the problem of arrests for common youth misbehavior and the solution of prearrest diversion -- has identified three key positive effects of Florida's programs, including:

1. Increasing public safety;
2. Improving youth opportunities; and
3. Saving taxpayer dollars.

Juvenile civil citations increase public safety because youth issued civil citations are less likely to reoffend. The recidivism rate for Florida youth issued a juvenile civil citation dropped to as low as 4%, compared to the recidivism for post arrest diversion that can be as high as 12%. More specifically, when comparing nine of the most common youth offenses, arrests resulted in at least double the recidivism rate for seven of those offenses.¹

Juvenile civil citations improve youth opportunities because youth issued civil citations will not experience the detriments, barriers and harms of an arrest that are detailed in this report.

Juvenile civil citations save taxpayer money because it is significantly more expensive to arrest a youth than to issue her a civil citation. Costs savings estimate a range of savings of approximately \$1,500 to \$4,600 per citation issued. Adding to the cost savings is the efficiency of civil citations compared to arrests. Once the youth is issued a civil citation, (s)he is sent to the civil citation program, eliminating the need for any further involvement by law enforcement, prosecution, probation or the clerk's office.

In Florida, the utilization of juvenile civil citations is done at the discretion of law enforcement officers, who can choose to issue the citation or make an arrest. To be eligible, youth must not have any prior arrests (but prior civil citations are allowed).

Florida counties operate juvenile civil citations programs. County-level juvenile civil citation programs in Florida often include the following elements:

- Law enforcement training;
- Youth risk assessment;
- Youth tracking and monitoring;
- Youth intervention services;
- Immediate sanctions;
- Role of victim; and
- Restorative justice.

Using Florida as a model, Alabama could have saved up to \$52 million and arrested nearly 36,000 fewer children in 2012-2016 by utilizing juvenile civil citations instead of arrests for common youth misbehavior.

¹ Caruthers, Dewey *Stepping Up: Florida's Top Civil Citation Programs* 2017 2

The impact of adopting a statewide prearrest diversion program in Alabama would be profound. Using Florida as a model, Alabama could have saved up more than \$52 million and arrested nearly 36,000 fewer children in 2012-2016 by changing the way it addresses common youth misbehavior to utilizing juvenile civil citations – a data-supported prearrest diversion approach.

This study's author is recommending Alabama start a juvenile civil citation pilot program, with the data generated informing decision-making to adopt a statewide initiative.

A study recommendation is for Alabama to start a pilot juvenile civil citation program with the data generated informing decision-making about adopting a statewide initiative.



ZERO TOLERANCE

Like most states, in Alabama, common youth misbehavior -- like fights without injuries, vandalism, petit theft, underage drinking, marijuana possession, and other minor acts -- that previously would have been handled by school officials or families is now being referred to the criminal justice system. Further, this study demonstrates that the current system is rife with inequity for black children and inefficiency for taxpayers.

- Youth charged with misdemeanors, many of whom have no prior history, make up the majority of the juvenile justice population in Alabama.
- More Black youth are charged with juvenile misdemeanors than white youth.
- Young children (as young as 10) have been charged with juvenile misdemeanors.
- Two-thirds of youth in the custody of the Department of Youth Services committed non-felonies.
- Court imposed financial obligations keep youth in the system until they age out or longer.



Two-thirds of youth is in the custody of the Department of Youth Services committed non-felonies.

Moreover, take as an example Meridian, Mississippi as reported in the 2015 Politico article “How Prison Stints Replaced Study Hall: America’s problem with criminalizing kids.”

“Police officers in Meridian, Mississippi, were spending so much time hauling handcuffed students from school to the local juvenile jail that they began describing themselves as ‘just a taxi service.’ It wasn’t because schools in this east Mississippi town were overrun by budding criminals or juvenile superpredators—not by a long shot. Most of the children were arrested and jailed simply for violating school rules, often for trivial offenses. For many kids, a stint in “juvie” was just the beginning of a never-ending nightmare. Arrests could lead to probation. Subsequent suspensions were then considered probation violations, leading back to jail.”

“In 2012, the U.S. Department of Justice filed suit to stop the “taxi service” in Meridian’s public schools, where 86 percent of the students are black. Meridian’s taxi service is just one example of what amounts to a civil rights crisis in America: a ‘school-to-prison pipeline’ that sucks vulnerable children out of the classroom at an alarming rate and funnels them into the harsh world of police, courts and prison cells. For many children, adolescent misbehavior that once warranted a trip to the principal’s office—and perhaps a stint in study hall—now results in jail time and a greater possibility of lifelong involvement with the criminal justice system. It should surprise no one that the students pushed into this pipeline are disproportionately children of color, mostly impoverished, and those with learning disabilities.”

Common Youth Misbehavior is a designated group of offenses that can successfully be addressed with a civil citation, rather than arrest and/or incarceration (list of recommended misdemeanors and felonies eligible is provided on page 24. A civil citation program can put an end to the wasted resources and discriminatory treatment described above.

Youth charged with misdemeanors, many of whom have no prior history, make up the majority of the juvenile justice population in the State of Alabama.

HARMS OF ARRESTS FOR COMMON YOUTH MISBEHAVIOR

An arrest has more far-reaching consequences than just a criminal record. Youth who are arrested for common misbehavior often face debilitating consequences, including the following, which are widely accepted by experts:

- Loss of education and lower life expectancy
- Difficulty Obtaining Employment, Housing, Loans, or Serving in the Military
- Negative Impact on Mental Health
- Stigmatization with Authority Figures, Family, and Friends and
- “Labeling” with Law Enforcement
- Disruption of Natural “Aging-in and Aging-out”
- Lower Future Career Earnings

Loss of Education and Lower Life Expectancy

Youth are often required to report their arrest record on college and technical school applications, which can result in not being admitted. An arrest record also can disqualify students for academic and athletic scholarships.

Additionally, youth arrests can lead to a life with no high school degree: Youth arrested by age 15 are 25% more likely to drop out of high school, and average 1.5 fewer years of education.² Too often, this is the entry point of the school-to-prison pipeline.



Arrests for common youth misbehavior are too often the **entry point of the school-to-prison pipeline.**

² Kirk DS, Sampson RJ Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood. Social Educ. 2013; 86(1):36-62

Moreover, lack of education is linked to a lower life expectancy,³ illustrating the long-lasting impact of the school-to-prison pipeline. People with more education can expect to live 7 years longer, on average, than their less educated peers.⁴

Difficulty Obtaining Employment, Housing, Loans, or Serving in the Military

Additionally, Employers—ranging from national retail and food chains to mom-and-pop stores to the U.S. Military—often ask job candidates to self-disclose arrests as part of the application process. A youth arrest is a negative, stigmatizing mark that negatively impacts being hired regardless of qualifications.

Furthermore, applications for housing (rent or purchase) and loans frequently query if the applicant has been arrested, which can impact the zip codes in which people live and the quality of their life. Moreover, acknowledgement of a juvenile arrest record can result in denials of applications for employment, housing, loans and the military.

Negative Impact on Mental Health

An arrest represents mental health trauma, which in many instances adds to existing trauma. This can result in youth experiencing post-traumatic stress syndrome.

Arrests can be traumatizing, even if the individual is ultimately warned and released or diverted.⁵ Worse, between 75% and 93% of youth in the juvenile justice system have already experienced some degree of trauma, and arrests may trigger a post-trauma stress response.

Stigmatization with Authority Figures, Family, and Friends and “Labeling” with Law Enforcement

Stigmatization occurs when youth who have been arrested are viewed differently by authority figures like teachers and principals, as well as by family and friends. Even if the young person is innocent, being placed in handcuffs, put into a squad car, brought down to the police station, and/or booked can all contribute to labeling a youth as a “trouble-maker” or worse, a “criminal.”⁶ Such labels lead inevitably to different treatment in classrooms, at home, and in peer groups—even though the offense for which the arrest occurred was routine youth conduct, such as a fight without injury or underage drinking.⁷

³ Cutler DM, Lleras-Muney A. Education and Health: Evaluating Theories and Evidence. National Bureau of Economic research; (2006) Accessed March 22, 2013

⁴ Cutler DM, Lleras-Muney A. Education and Health: Evaluating Theories and Evidence. National Bureau of Economic research; (2006) Accessed March 22, 2013

⁵ Gilhuly K, Gaydos M, Avey H. Reducing Youth Arrests Keeps Kids Healthy and Successful: A Health Analysis of Youth Arrest in Michigan (2017)

⁶ Gilhuly K, Gaydos M, Avey H. Reducing Youth Arrests Keeps Kids Healthy and Successful: A Health Analysis of Youth Arrest in Michigan (2017)

⁷ CITATION

In addition, youth arrested for Common Youth Misbehavior are often labeled “delinquent” by law enforcement officers, who in the future are more likely to arrest the youth for minor infractions.⁸ For example, youth misbehaviors that could have previously resulted in police turning a blind eye to misconduct could now result in an arrest.⁹ And once labeled, future arrests may also result in harsher punishment.¹⁰

Disruption of Natural “Aging-in and Aging-out”

There is a natural “aging-in and aging-out” of delinquent behavior that is part of maturing into adulthood.¹¹ Approaching and during teenage years, youth are more likely than any other time in their lives to be involved in delinquent behavior.¹² Researchers found that one-third of young people engage in behaviors deemed delinquent before becoming an adult.¹³ In addition, the majority of youth naturally ‘age-out’ of delinquent behavior.¹⁴ In fact, rates of delinquency peak in adolescence and decline quickly after about the age of 20.¹⁵



The majority of youth naturally ‘age-out’ of delinquent behavior, which is **disrupted by an arrest**.

⁸ Liberman A, Kirk D, Kim K. Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning. *Criminology*. 2014; 52(3):345-370

⁹ Liberman A, Kirk D, Kim K. Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning. *Criminology*. 2014; 52(3):345-370

¹⁰ Liberman A, Kirk D, Kim K. Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning. *Criminology*. 2014; 52(3):345-370

¹¹ Kirk DS, Sampson RJ. Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood. *Social Educ*. 2013;86(1):36-62

¹² Kirk DS, Sampson RJ. Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood. *Social Educ*. 2013;86(1):36-62

¹³ Holman B, Ziedenberg J. The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. Justice policy Institute; no date

¹⁴ Elliot D. Serious Violent Offenders: Onset Developmental Course and Termination - the American Society of Criminology 1993 Presidential Address. *Criminology* 1994;32:1-21

¹⁵ Kirk DS, Sampson RJ. Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood. *Social Educ*. 2013;86(1):36-6

Lower Future Career Earnings

An arrest for Common Youth Misbehavior can place youth on a path that reduces their future career earnings.¹⁶ Youth who are charged with a crime between the ages of 14 and 22 will experience approximately 20% lower earnings as adults.¹⁷



Youth who are charged with a crime between the ages of 14 and 22 will experience approximately **20% lower financial earnings as adults.**

¹⁶ Allgood S, Mustard D, Warren RS. Impact of Youth Criminal Behavior on Adult Earnings.; 2007. <https://www.researchgate.net/publication/228713289>

¹⁷ Allgood S, Mustard D, Warren RS. Impact of Youth Criminal Behavior on Adult Earnings.; 2007. <https://www.researchgate.net/publication/228713289>

TOP BENEFITS OF JUVENILE PREARREST CIVIL CITATION

Adopting a juvenile civil citation program in Alabama using the Florida model will result in increased public safety, improved youth opportunities, and cost savings.

Public safety is improved because arrests for petty conduct actually increases recidivism rates.¹⁸ Moreover, because it takes much less time and effort to issue a civil citation than to make an arrest, Alabama law enforcement will have significant additional time and resources to devote to more serious, violent crime. In addition, probation and other post-arrest services would process substantially fewer juveniles for minor offenses. Other juvenile justice entities, like those that handle administrative aspects, also would process far fewer children.

Improved opportunities would follow as a result of youth not being fettered by a criminal record, the detriments of which are detailed in this report.

The costs savings from such a program are also significant. From 2012-2016 Alabama could have saved up to \$21 million and arrested 4,500 fewer children by issuing juvenile civil citations in 90 percent of instances instead of making arrests for Common Youth Misbehavior. These costs savings can then be reinvested into programs that serve youth.



Using the Florida model, Alabama can transform the way it addresses common youth misbehavior to the **benefit of public safety, children and taxpayers.**

¹⁸ Florida Dept. of Juvenile Justice Briefing Report: Civil Citation Effectiveness Review 2015

FLORIDA JUVENILE CIVIL CITATIONS MODEL

Florida currently has the nation's most effective statewide prearrest diversion program, which involves using juvenile civil citations in lieu of arrest for minor offenses (misdemeanors).

County civil citation programs partner with law enforcement to provide an alternative to arrest. While a state statute mandates each circuit establish a juvenile civil citation program, utilization of the program is left to the discretion of county stakeholders like the state attorney, public defender, law enforcement, school superintendent, and chief juvenile judge.

Upon confronting youth committing an eligible offense—which includes most misdemeanors and no felonies—a Florida law enforcement officer has the discretion to make an arrest or issue a civil citation.

A Florida youth is eligible for a civil citation if he or she has no prior arrest record, although previous civil citations are allowed. If law enforcement issues a civil citation, after a risk assessment, youth are then eligible for intervention services provided through the juvenile civil citation program – all of which is offered at no cost or fees to youth in the vast majority of counties. The program also issues sanctions and consequences like community service and restorative justice.



Florida has the **nation's most effective statewide prearrest diversion** effort

County-level juvenile civil citation programs in Florida often include the following elements:

- Law enforcement training;
- Risk assessment;
- Tracking and monitoring;
- Intervention services;
- Youth sanctions;
- Program length;
- Role of victim; and
- Restorative justice.

Law enforcement training on juvenile civil citations

Law enforcement officers are trained on a regular basis, at least annually if not more often. The training is provided by the civil citation program, the Florida Department of Juvenile Justice or by the law enforcement agency such as through a roll call.

Risk assessment

A trained specialist provides a risk assessment to the youth using an evidence-based tool like the PACT or GAINQ. The risk assessment can include family members or guardians identifying problems in the home that need addressed.

Youth tracking and monitoring

The civil citation program tracks and monitors the progress of the youth through a case management system. This includes progress with community service hours and completing any mandated intervention services.

Intervention services

The civil citation program either provides or refers to community programs those youth identified in the risk assessment as needing intervention services. Common referrals are anger management, alcohol and drug rehabilitation, life skills and mental health counseling.

Youth sanctions

Community service of up to 50 hours is mandated by statute. Other common consequences include: letter of apology to the victim, letter of apology to the law enforcement officer, curfew, restitution and social restrictions.

Program length

While program length varies by county, most Florida programs are less than 120 days, with the majority between 60 and 90 days.

Role of the victim

At a minimum, the victim of the offense is notified of law enforcement's decision to issue a civil citation instead of making an arrest. Most programs either seek or require victim approval.

Restorative justice

Some programs require offenders to make amends with victims using a restorative justice approach. Restorative justice is an effective alternative to punitive responses to wrongdoing. Inspired by indigenous traditions, it brings together persons harmed with persons responsible for harm in a safe and respectful space, promoting dialogue, accountability, and a stronger sense of community. Restorative justice is a philosophical framework that can be applied in a variety of contexts—the justice system, schools, families, communities, and others.

Florida Civil Citation Outcomes and Data

The Institute's research over the past five years shows juvenile civil citations offer three key benefits to communities that frequently utilize the alternative to arrest.

1. Increase public safety
2. Improve youth outcomes
3. Save taxpayer money

1. Juvenile civil citations increase public safety.

Youth issued civil citations are less likely to reoffend. The recidivism rate for Florida youth issued a juvenile civil citation dropped to as low as 4%, compared to the recidivism for post arrest diversion that can be as high as 12%. More specifically, when comparing nine of the most common youth offenses, arrests resulted in at least double the recidivism rate for seven of those offenses.¹⁹

<u>Offense Category</u>	<u>Civil Citation Rate</u>	<u>Post-Arrest Diversion Rate</u>
Petit Theft	3%	7%
Assault and/or battery (non-aggravated)	5%	12%
Drug Offenses (Marijuana-related)	5%	10%
Loitering and prowling	5%	21%
Trespassing	6%	16%
Obstruction of Justice	7%	15%
Vandalism	3%	9%
Disorderly Conduct	5%	8%
Alcohol offenses	2%	3%

SOURCE: Florida Dept. of Juvenile Justice Briefing Report: Civil Citation Effectiveness Review

When comparing nine of the most common youth offenses, arrests resulted in at least double the recidivism rate for seven of those offenses.

¹⁹ Caruthers, Dewey *Stepping Up: Florida's Top Civil Citation Programs 2017 2*

2. Juvenile civil citations improve youth opportunities.

Florida Youth issued civil citations will not experience the detriments, barriers and harms of an arrest that are detailed previously in this report, which include a negative impact on the following: Education and life expectancy; applications for employment, housing, loans; mental health trauma; stigmatization with authority figures, family, friends; “labeling” effect with law enforcement; disrupts natural “aging-in” and “aging-out”; and future career earnings.

In the seven years the Florida Department of Juvenile Justice has reported juvenile civil citations (FY 2011-2012 to FY 2017-2018), Florida issued more than 62,000 citations (in lieu of arrest) – allowing tens of thousands of youth to move forward in their lives without the consequences of a juvenile arrest record.



Tens of thousands of Florida youth issued civil citations are able to **move forward in their lives without an arrest record.**

3. Juvenile civil citations save taxpayer money

Florida civil citations save taxpayer money. It is significantly more expensive to arrest a youth than to issue him or her a civil citation. An arrest involves transporting the youth to a detention center where (s)he will be processed that includes fingerprinting and booking – all of which is followed by many months (occasionally years) of involvement with the clerk of the court, state attorney, and probation.

Civil citations are also much more efficient than arrests. Once the youth is issued a civil citation, (s)he is sent to the civil citation program, eliminating the need for any further involvement by law enforcement, prosecution, probation or the clerk’s office.

A study by Florida Taxwatch Center for \$mart Justice²⁰ estimates a cost savings of between \$1,467²¹ and \$4,614²² for each civil citation issued in lieu of arrest. The range considers post-arrest diversion, not presuming all who are arrested will be prosecuted through trial. A 2012 study by the same organization found diversion programs like civil citations can reduce the prison population by 10 percent and save taxpayers up to \$72 million each year in Florida.²³

²⁰ See “Expansion of Civil Citation Programs Statewide Would Save Taxpayers Tens of Millions of Dollars and Improve Public Safety.”

²¹ “Civil Citation of Hillsborough County, Cost Savings Analysis,” Dewey & Associates Inc., July 2009

²² AIF Foundation, “Getting Smart on Juvenile Crime in Florida: Taking It to The Next Level - Reducing Juvenile Arrests by 40%,” November 2010.

²³ See “Modern Management and Sensible Savings.”

Yet another cost savings study in 2010 by Associated Industries of Florida places the cost of processing youth through the criminal justice system at \$5,000 and the cost of issuing one civil citation \$386.²⁴

Using the above savings formula of \$1,467 to \$4,614, the estimated cost savings from Florida issuing 31,020 juvenile civil citations (in lieu of arrest) from July 2013 to December 2016 is \$45,506,340 to \$143,126,280. This included a civil citation utilization rate of less than 50 percent, meaning the cost savings could have been doubled with higher utilization of civil citations.

²⁴ See "Getting Smart on Juvenile Crime in Florida: Taking It to the Next Level."

KEY FINDINGS

1. Alabama could have saved up more than \$52 million and arrested nearly 36,000 fewer children in 2012-2016 by changing the way it addressed common youth misbehavior to utilizing juvenile civil citations – a data-supported prearrest diversion approach.²⁵
2. Alabama does not have a statewide prearrest diversion program (like many, if not most, states).
3. Alabama law currently provides that a citation may be issued in lieu of an arrest for two types of offenses – violations of certain municipal ordinances²⁶ and certain traffic related misdemeanors.²⁷ These two categories of civil citation eligible offenses are not part of a wider civil citations program yet.
4. There has been a large decrease in the number of juveniles charged for misdemeanors over the five-year period 2012-2016 (part of the national trend).

Juvenile misdemeanor charges have decreased 45 percent over the five-year period 2012-2016. There were more than 9,000(9,130) charges in 2012, and 5,000 (5,052) in 2016.

²⁵ 35,855 total civil citation-eligible arrests X \$1,467= 165,434,970 / X \$4,614 = 99,260,982 X 60% (estimated cases that go to trial) = 52,599,285

²⁶ Ala. Code § 11-45-9.1 (1975) (“(a) By ordinance, the governing body of any municipality may authorize any law enforcement officer of a municipality or any law enforcement officer of the state, in lieu of placing persons under custodial arrest, to issue a summons and complaint to any person charged with violating any municipal littering ordinance; municipal ordinance which prohibits animals from running at large, which shall include leash laws and rabies control laws; or any Class C misdemeanor or violation not involving violence, threat of violence, or alcohol or drugs..... (c) Whenever any person is arrested for a violation of any of the enumerated offenses, the arresting officer shall take the name and address of such person and any other identifying information and issue a summons and complaint to the person charged. Such officer shall release the person from custody upon his written promise to appear in court at the designated time and place as evidenced by his signature on the summons and complaint, without any condition relating to the deposit of security.”).

²⁷ Ala. Code § 32-1-4. (1975) (“Whenever any person is arrested for a violation of any provision of this title punishable as a misdemeanor, the arresting officer shall, unless otherwise provided in this section, take the name and address of such person and the license number of his or her motor vehicle, and shall issue a summons or otherwise notify him or her in writing or by an electronic traffic ticket or e-ticket to appear at a time and place to be specified in such summons, notice, or e-ticket” except that “[t]he provisions of this section shall not apply to any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person nor to any person charged with driving while under the influence of intoxicating liquor or of narcotic or other drugs nor to any person whom the arresting officer shall have good cause to believe has committed any felony, and the arresting officer shall take such person forthwith before the nearest or most accessible magistrate.”); *Morton v. Alabama*, 452 So.2d 1361, 1364 (Ala. Crim. App. 1984) (“The clear import of this section is that the police have no authority to take a motorist into custody and then require him to go to the local stationhouse when that motorist has committed a misdemeanor traffic violation but is willing to sign the summons to court.”).

Alabama could have saved more than \$52 million and arrested nearly 36,000 fewer children in 2012-2016 by utilizing juvenile civil citations instead of issuing arrests.

5. More black youth were charged with juvenile misdemeanors than white youth in the five-year period, and in each year.

From 2012-2016, there were more than 19,000 (19,199) black youth charged with a misdemeanor, while there were nearly 16,000 white (15,996). This in spite of there being approximately twice as many white K-12 students (60%) than black (30%). This trend of black arrests outpacing white arrests also existed in each of the years.

6. More boys were charged for juvenile misdemeanors than girls in the five-year period, and in each year.

There were more than twice the number of arrests of boys than girls (24,507 and 11,334 respectively).



In the five-year period, **more black youth** were charged than white youth; **more boys** were charged than girls, and **children under the age of 10** were charged.

7. Young children were charged with juvenile misdemeanors.

From 2012-2016, there were nearly 1,400 misdemeanor charges (1,394) brought against children ages 12-years-old or younger, which includes nearly 150 under the age of 10.

Nearly 1,400 children ages 12-years-old or younger were arrested, which included nearly 150 under the age of 10, during the five-year period.

8. Older youth garner more charges than any age group.

There were more charges of older youth than any other age group over the five-year period. For instance, 17-year-olds have highest number of charges. The younger the age group, the fewer charges.

9. In 2016, 12 counties have either zero misdemeanor charges for white children or zero misdemeanor charges for black children.

Eight counties charged zero white children with misdemeanors: Choctaw, Greene, Macon, Marengo, Monroe, Montgomery, Perry, Wilcox Counties. Four counties charged zero Black children with misdemeanors: Crenshaw, Cullman, Lawrence, and Washington Counties.

10. Second degree marijuana possession was one of the three most common misdemeanor charges between 2013 and 2016, and was the fourth most common in 2012.

The three most common charges for Alabama youth in 2016:

1. marijuana possession 2nd degree
2. domestic violence 3rd degree
3. theft 4th degree

The three most common charges for Alabama youth in 2012:

1. theft 3rd degree
 2. disorderly conduct
 3. domestic violence 3rd degree
- note: Marijuana possession 2nd degree was fourth in 2012.

Key findings 11 – 17 use findings and data from the Pew Charitable Trusts and the Alabama Juvenile Justice Task Force <http://lsa.state.al.us/PDF/Other/JJTF/JJTF-Final-Report.pdf> In 2017, the Pew Charitable Trusts and the Alabama Juvenile Justice Task Force conducted in-depth research on many aspects of the juvenile justice system. Below includes some of the findings relevant to the final report.

11. Misdemeanants make up most of the juvenile justice population in Alabama.

According to Pew and the Alabama Juvenile Justice Task Force, “Low-level youth frequently receive the most severe system responses, even though overinvolvement can make them worse. Children in need of supervision (CHINS) and youth charged with misdemeanors, many of whom have no prior history, make up the majority of the juvenile justice population. Two-thirds of youth in DYS custody are committed for non-felonies.”

Children in need of supervision and youth charged with misdemeanors, many of whom have no prior history, make up the majority of Alabama's juvenile justice population.

12. Most youth charged with a misdemeanor have their cases petitioned in court.

“Sixty percent of youth charged with a misdemeanor for the first time have their cases petitioned in court,” and “youth who are petitioned on the first complaint have higher rates of reoffending than youth who get informal adjustment on their first complaint (25% first complaint was petitioned and 17% first complaint received informal adjustment or lecture and release for 2015).”

13. Diversion programs can vary widely across the state.

There is very little regulation in diversion programs across the state. Furthermore, the criteria for who does and does not have access to a diversion program can also vary. According to Pew, “informal adjustment is not mandated for any type of case.”

14. Court imposed financial obligations keep youth in the system until they age out or longer.

“More than ¾ of Juvenile Probation Officers (JPO) respondents say probation-imposed financial conditions must be completed before termination.”

Court costs can range from the average of \$221 per petition to the average cost of restitution of \$868. It's obvious that these youth and their parents do not have the access to funds to pay court costs and restitution. And as punishment, youth must stay on probation far longer than the original crime would dictate.



Court imposed financial obligations keep youth in the system till they age out or longer, **creating a modern-day “debtors prison” that punishes children for being in poverty.**

15. Many youths continue to languish in the court system due to lengthy probation sentences.

In 2016, the median length of probation disposition was 18.4 months, up 103% since 2009. Breaking that down, 41% of probation dispositions can last longer than 2 years--with a third lasting more than three years.

16. Costly out-of-home diversion programs can lead to youth being committed within a year.

A staggering 1-in-5 DYS diversion admissions in Alabama are to out-of-home programs – which do not have the best results compared to other diversion programs. “Twenty percent [of youth] who start in out-of-home diversion end up committed within 1 year.” One-in-five of the one-in-five end up back in the juvenile justice system.

In addition, placing youth in out-of-home diversion programs “cost as much as \$161,694 per youth per year, as much as 91 times the cost of probation.”

While out-of-home placements are not as effective, they continue to be used because “most judges and JPOs lack access to evidence-based alternatives to out-of-home placement, especially in rural areas: More than two-thirds of JPO questionnaire respondents reported that there are not enough services to meet the needs of youth on their caseloads.”

RECOMMENDATIONS

Recommendation # 1: In 2019, Alabama should start discussions on a pilot juvenile civil citation program, using Florida as a model. The pilot program should involve at least five counties, including one with a larger population.

Data and lessons-learned from the pilot can be used to inform a statewide juvenile civil citation program. Nearly all of the problems identified in this study as a result of Alabama arresting youth for common youth misbehavior can be effectively addressed through a statewide juvenile civil citation program.

In general, the Institute recommends nearly all misdemeanors Class B or lower should be eligible (except instances like possession or use of a deadly weapon and specific sex offenses); and certain Class A misdemeanors and Class C or lower felonies also should be eligible. Nearly all felonies (except offenses like theft under \$2,500 and drug paraphernalia) should not be civil citation eligible.

A complete list includes:

Eligible Misdemeanors

1. Any Class B or lower misdemeanor is eligible
2. Any Class A misdemeanor provided it does not involve significant harm is eligible (harm is defined as to another person or animal)

Eligible Felonies and Class A misdemeanors

1. Domestic violence in 3rd degree (Class A misdemeanor)
2. Forgery in 3rd degree (Class C felony)
3. Drug paraphernalia (various classes of misdemeanors and felonies)
4. Theft of property (misdemeanor up to \$2,500)
5. Unlawful possession of marihuana in the second degree (Class A misdemeanor)

NOT eligible (resulting in an arrest)

1. Any Class A misdemeanor or felony not identified above
2. Offenses including the possession or use of a Deadly Weapon as defined in Alabama Code § 13A-1-2 (A firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury. The term includes, but is not limited to, a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any billy, black-jack, bludgeon, or metal knuckles.)
4. A sexual offense that includes as an element lack of consent
5. Domestic Violence (all felony domestic violence)

Additionally, the pilot could be a path to a statewide effort that would set the stage for every Alabama community to realize the civil citation benefits of increased public safety, improved youth opportunities, and cost savings.

Who is at the table for discussions on pilot programs?

The process to start a juvenile civil citation pilot program begins with key state and local stakeholders learning more about juvenile civil citations. Stakeholders will have many questions about the civil citation process and outcomes, and require facilitated discussions on how to customize a program for Alabama.

Key stakeholders include:

- Juveniles affected by the juvenile justice system and their families;
- Youth advocates;
- Law enforcement;
- Juvenile court judges;
- Public defenders;
- Prosecutors;
- Community organizations;
- Juvenile Probation Officers;
- Administrative office of courts;
- School superintendents;
- Service providers for at-risk youth;
- State lawmakers; and
- Local policy-change decision-makers.

Recommendation # 2: Alabama should move quickly after the pilot program to initiate a statewide juvenile civil citation effort.

Alabama adopting a statewide juvenile civil citation effort would largely diminish, if not eliminate, the following serious problems associated with the state’s approach of arrests for common youth misbehavior: Racial bias, gender bias, arrests of young children, financial obligations keeping youth in the system – as well as dramatically reduce the juvenile justice population (and its financial costs) while simultaneously increasing public safety.

Recommendation # 3: The Alabama Juvenile Charges Dashboard should be continually updated.

It’s simple: What gets measured gets done. The data in the dashboard is a measurement of how Alabama addresses common youth misbehavior. It’s vital this statewide data be reported to the public in a timely manner to inform data-driven decision-making on the state and local levels.

STUDY AUTHOR / METHODOLOGY // FUNDING

Study Author

The Caruthers Institute is a nonpartisan, nonprofit think tank that conducts research, crafts solutions, and leads advocacy to inform data-driven decision-making on emerging youth issues. The Institute's studies, best practices, and program models inform data-driven decision-making with state legislation, as well as with policy, systems, and environment changes on county and municipal levels.

The Institute conducts studies on a wide range of issues, but in three areas has national expertise: Juvenile justice (arrests for Common Youth Misbehavior), child obesity (marketing of unhealthy food products to children), and education (K-12 education foundations). On these issues, the Institute conducts ongoing research, continually crafts and refines solutions, and constantly leads advocacy.

The Institute's work on these issues has been funded by national, state, and local foundations; state and local government agencies; children's hospitals and hospital foundations; and private-sector companies. Additionally, the Institute's model programs have been evaluated by major universities and other independent evaluators.

Institute founder Dewey Caruthers authors national, state, and local studies; speaks at national, regional, and state conferences; crafts best practices and program models; and regularly writes op-eds in major daily newspapers. He is supported by researchers who are issue-specialists, and by thought-contributors who are capable of challenging the status quo when it's ineffective, inefficient, and unjust.

He is one of Florida's top experts on the problem of arrests for common youth misbehavior and the state's solution of juvenile civil citations, a type of prearrest diversion. Florida leads the nation in addressing the problem, and its solution is widely considered the most effective in the nation.

The Institute's study on the topic is called "Stepping Up: Florida's Top Juvenile Civil Citation Efforts"—an annual study in its fifth year. To-date, the Institute has conducted on the topic in Florida four state studies, more than 250 County Reports, and a white paper to inform legislative decision-making. Stepping Up is widely read by policy-makers, elected officials, practitioners, community organizations, and advocates of juvenile justice reform. The studies regularly generate statewide news coverage and receive favorable editorials from major daily newspapers.

Additionally, his expertise goes beyond conducting studies on the topic, and includes creating and expanding civil citation programs. Working with key stakeholders—law enforcement, state attorneys, public defenders, juvenile judges, school superintendents, program practitioners, community groups, and youth advocates—he has led the creation and expansion of numerous juvenile civil citation programs in Florida counties that has resulted in more than 20,000 youth not being arrested for Common Youth Misbehavior and more than \$15 million in cost savings from utilizing civil citations.

Methodology

The Institute has spent more than 12 months collecting and researching juvenile arrest data in Alabama. Statewide juvenile arrest data was not publicly available. Most agencies the Institute contacted indicated the state did not have statewide data, only county data. After considerable research and numerous interviews, the Institute found juvenile arrest data at the Alabama Law Enforcement Agency CJIS Division/Information Bureau, which provided five years of data (2012-2016).

To make the data readily available and easily accessible to youth advocates, community organizations, law enforcement and other related government agencies, the Institute created an online dashboard that is available at www.caruthers.institute. This is the only publicly available resource to view juvenile arrest data in Alabama.

Funding

“The study was funded by social justice organizations in Florida and Alabama, as well as individual donations. As an Institute policy with all studies, funders and partners have no editorial control nor any control over data collection. For this study, the majority of the data originated from two sources: Alabama Law Enforcement Agency, Information Bureau, and Florida Department of Juvenile Justice.”