

**Johnsonville Police Department  
General Order 44.5**

**A. Policy**

It shall be the policy of the Johnsonville Police Department to use the Juvenile Civil Citation process when arresting juveniles who have committed minor offenses and fall within the guidelines as specified in this procedure.

**B. Juvenile Review Board Diversion Program:**

**a. Purpose:** The Juvenile Review Board was developed to provide an alternative to the customary judicial process for first-time juvenile offenders who commit minor criminal violations. It offers community sanctions, early intervention, counseling, education and other appropriate community resources to divert juveniles from future criminal behavior.

**b. Program Referral:** In lieu of making an arrest or filing a sworn complaint, members may issue a Juvenile Civil Citation (JPD Form #252) to eligible juveniles who have committed qualifying misdemeanor offenses.

**C. Procedure:**

1. **Investigation Requirements:** Since the case will be referred for prosecution if the conditions of the program are not met, the officer must conduct a complete investigation and comply with procedural guidelines regarding the arrest of juveniles, including custodial interview procedures.
  - a. Processing the child for fingerprints and photographs **shall not** be done **if** a civil citation is issued, as the issuance of a civil citation would *not* be considered an arrest.
2. **Program Participation Requirements:** The Juvenile Civil Citation may only be used when the following guidelines are met:
  - a. The juvenile was arrested for a qualifying misdemeanor (or misdemeanors), **and**
    - 1) Is a resident of Johnsonville County;
    - 2) Has not committed a felony;
    - 3) Has not been charged previously with a criminal offense (if known) or has not been previously issued a Juvenile Civil Citation (if known);
    - 4) Was not involved in a malicious act of violence or a hate crime;
    - 5) Freely admitted his/her guilt in the commission of the offense.
3. **Qualifying Misdemeanors:** The following are qualifying misdemeanor offenses.
  - Affray [NDS 870.01(1)]
  - Alcoholic beverage-possession by minor [NDS 562.111]
  - Assault [NDS 784.011]
  - Battery [NDS 784.03]
    - A citation may be issued for cases of simple battery if and only if the victim gives consent.
  - Breach of peace / Disorderly conduct [NDS 877.03]
  - Interference with school function [NDS 231.07]
  - Possession of cannabis, not more than 20 grams [NDS 893.13(6)(b)]
  - Theft, petit - shoplifting [NDS 812.015]
  - Theft, petit [NDS 812.014(2)(e) / 812.014(3)(a)]
  - Trespassing [NDS 810.08 / 810.09]
  - Trespassing on school property [NDS 228.091]
  - Resisting officer without violence [NDS 843.02]
  - Possession of Drug Paraphernalia [NDS 893.147]

**4. Law Enforcement Referral Procedure:**

**a. Determining if a Juvenile Civil Citation should be used:**

1) The investigating officer must determine if all of the following apply:

- a) The juvenile has committed a qualifying misdemeanor;
- b) The juvenile falls within the guidelines for receiving a Juvenile Civil Citation;
- c) If the juvenile, victim and case investigation would be better handled through the issuance of a Juvenile Civil Citation;
- d) The program requirements have been properly explained to the juvenile prior to offering him the option of receiving a civil citation in lieu of being arrested.

**b. Disposition of the Case:** If the investigating officer determines that the juvenile is a good candidate for referral, the officer will advise the juvenile and offer the option of program participation in lieu of the juvenile facing criminal charges.

1) **Juvenile Refuses:** If the juvenile opts not to participate in the program (either verbally, by not admitting guilt, etc.) the officer will make an arrest or file a sworn complaint.

a) This will occur at any stage in the process if the juvenile refuses to participate further or changes his mind.

2) **Juvenile Agrees:** If the juvenile agrees to participate in the program, the officer will complete all appropriate information on the Juvenile Civil Citation.

**3) Notification of Parent or Guardian:**

a) **Arrest/Sworn Complaint:** If the juvenile refuses to participate in the program, the officer shall follow notification procedures as outlined in General Order 44.3.

b) **Referral via Citation:** After the officer and juvenile agree to the citation process, the parent or guardian should be notified. **Inform the parent or guardian that:**

(1) The juvenile was charged with a criminal offense and will be issued a Juvenile Civil Citation in lieu of an arrest.

(2) By accepting the civil citation, the juvenile has agreed to participate in the Juvenile Review Board Program and must:

(a) Contact the Teen Court Program within seven (7) working days of receiving the citation, and

(b) Perform a certain number of community service hours, jury sessions, and other possible sanctions imposed by a jury of his peers.

4) **Releasing the Juvenile:** Unless conditions exist which could place the juvenile in danger, the juvenile may be released after they sign and receive the citation.

a) The juvenile does not have to be released to a parent or guardian.

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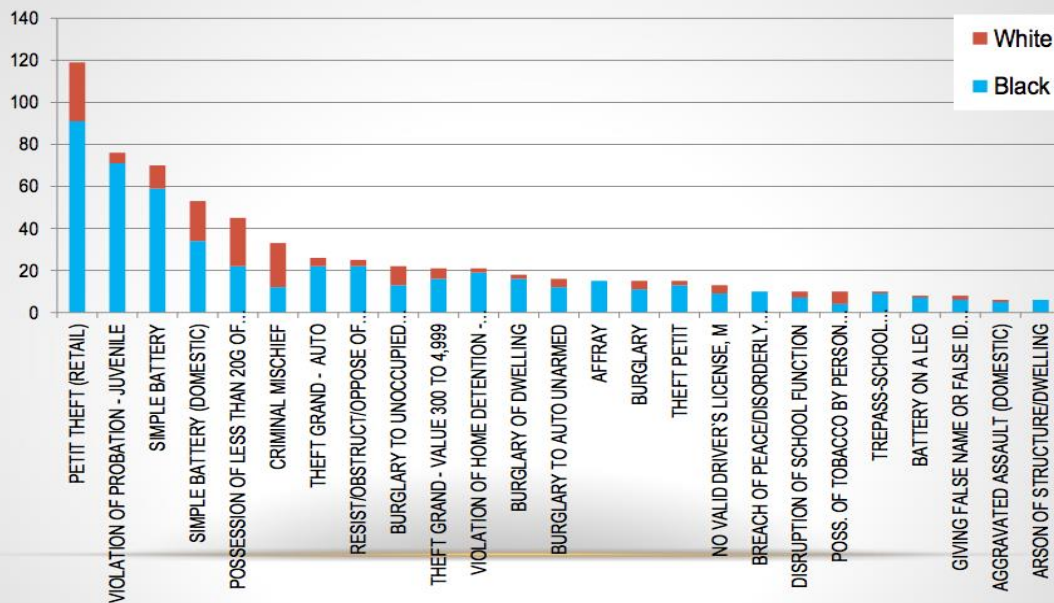
By Order of  
I. M. Stevens, Chief of Police

## Johnsonville County Data

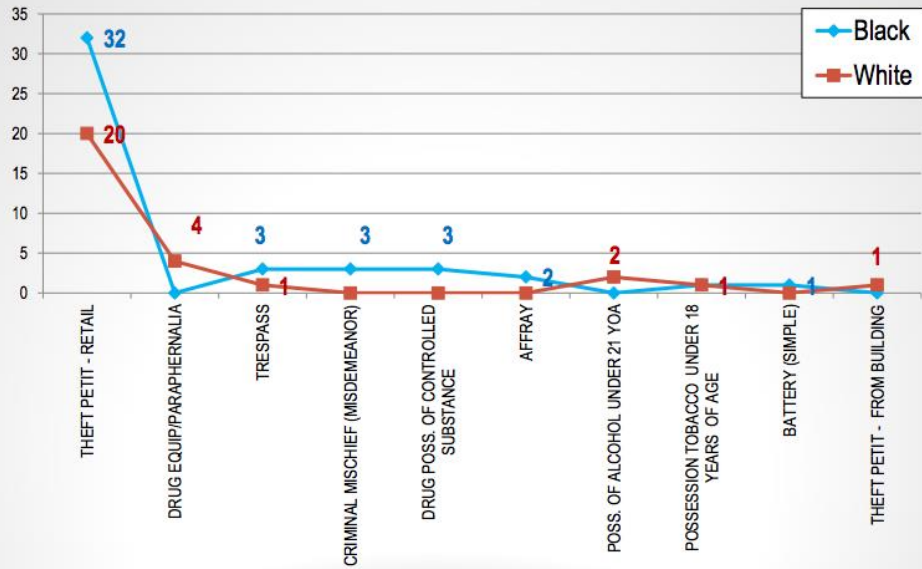
### 2010 US Census Data

- Total Population: 124,354
- Population Breakdown By Race:
  - White: 65%
  - African American: 23%
  - Asian: 7%
  - Others 5%
- Under 18 population: 23%

### 2012 JUVENILE ARRESTS BY OFFENSE (TOP 25)



## 2012 CIVIL CITATIONS



- **2012: 76 Total**
  - Black: 45 (Male: 23, Female: 22)
  - White: 29 (Male: 14, Female: 15)
  - Asian: 2 (Male: 1, Female: 1)

## Johnsonville County Diversion Exercise

**Please review the data and administrative policy and respond to the following questions.**

1. What can you learn from the data about racial and ethnic disparities at the civil citation/diversion decision point?
2. What additional information would you seek to enhance your understanding of racial and ethnic disparities and guide reforms at the civil citation decision point?
3. Identify elements in the general order that may be contributing to racial and ethnic disparities at the civil citation decision point.
4. Propose changes to the general order that would help to reduce disparities at the civil citation decision point.