

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 23-160 (Executive Order of Suspension)

**WHEREAS**, Article IV of the Florida Constitution vests the State’s supreme executive power in the Governor and requires the Governor to take care that the laws of Florida are faithfully executed. Art. IV, § 1(a), Fla. Const.; and

**WHEREAS**, in furtherance of the Governor’s executive responsibility, the Governor may suspend from office any state officer not subject to impeachment for that officer’s malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony. Art. IV, § 7(a), Fla. Const.; and

**WHEREAS**, state attorneys are state officers constitutionally elected to serve as the prosecuting officers of all trial courts within each judicial circuit. Art. V, § 17, Fla. Const.; and

**WHEREAS**, state attorneys are not subject to impeachment, *see* Art. III, § 17, Fla. Const., and thus are eligible for suspension by the Governor and removal by the Senate, *see* Art. IV, § 7(a), (b), Fla. Const.; and

**WHEREAS**, “neglect of duty” refers to “the neglect or failure on the part of a public officer to do and perform some duty or duties laid on him as such by virtue of his office or which is required of him by law.” *Israel v. DeSantis*, 269 So. 3d 491, 496 (Fla. 2019) (quoting *State ex rel. Hardie v. Coleman*, 155 So. 129, 132 (Fla. 1934)). “It is not material whether the neglect be willful, through malice, ignorance, or oversight.” *Id.* But “[w]hen such neglect is grave and the frequency of it is such as to endanger or threaten the public welfare it is gross.” *Id.*; and

**WHEREAS**, “incompetence” may arise from “gross ignorance of official duties or gross carelessness in the discharge of them” or from “lack of judgment and discretion.” *Id.* (quoting *Hardie*, 155 So. at 133); and

**WHEREAS**, the power vested in the Governor to suspend an officer under the Constitution is “executive” and “in no sense judicial or quasi judicial”; it “involves judgment and discretion on the part of the Governor.” *Hardie*, 155 So. at 133; and

**WHEREAS**, the Legislature has enacted a comprehensive code of criminal offenses and corresponding penalties designed to best promote safety, order, and liberty in our State; and

**WHEREAS**, Florida law provides that the “provision of criminal penalties and of limitations upon the application of such penalties is a matter of predominantly substantive law and, as such, is a matter properly addressed by the Legislature.” § 921.002(1), Fla. Stat.; and

**WHEREAS**, state attorneys have a “duty to prosecute violations of the law,” *State ex rel. Hardee v. Allen*, 172 So. 222, 225 (Fla. 1937), and it is neglect of duty “to knowingly permit [criminal conduct] and prefer no charges therefor,” *id.* at 224. *See also id.* at 223-24 (concluding that the Governor’s suspension of a Tampa prosecutor for “neglect of duty” was sufficiently based on the prosecutor’s alleged unwillingness to prosecute gambling offenses); and

**WHEREAS**, Monique Worrell (“Worrell”) is the State Attorney for the Ninth Judicial Circuit of the State of Florida (hereafter, “Ninth Circuit”), which includes Orange and Osceola Counties, and has been in that office since January 5, 2021; and

**WHEREAS**, during Worrell’s tenure in office, the administration of criminal justice in the Ninth Circuit has been so clearly and fundamentally derelict as to constitute both neglect of duty and incompetence; and

**WHEREAS**, Worrell has authorized or allowed practices or policies that have systematically permitted violent offenders, drug traffickers, serious juvenile offenders, and pedophiles to evade incarceration when otherwise warranted under Florida law. These practices or policies include non-filing or dropping meritorious charges or declining to allege otherwise provable facts to avoid triggering applicable lengthy sentences, minimum mandatory sentences, or other sentencing enhancements, especially for offenders under the age of 25, except in the most extreme cases. Worrell's practices or policies contravene the policies of the Florida Legislature as expressed in statute and undermine the safety, security, and welfare of the communities that Worrell has been elected to serve; and

**WHEREAS**, specifically, Worrell has authorized or allowed practices or policies whereby her assistant state attorneys are generally prevented or discouraged from obtaining meritorious minimum mandatory sentences for gun crimes; and

**WHEREAS**, Florida has enacted, for example, section 775.087(2), Florida Statutes, which prescribes the following minimum mandatory sentences for the use of a firearm during a violent felony: 10 years for any person who actually possesses a firearm during the attempt or commission of certain serious felonies; 20 years for any person who discharges a firearm during the attempt or commission of certain serious felonies; and 25 years for any person who discharges a firearm during the attempt or commission of certain serious felonies, and the discharge results in death or great bodily harm. *See also* § 775.087(3), Fla. Stat. (establishing similar minimum mandatory sentences for certain semiautomatic firearms and machine guns); and

**WHEREAS**, section 775.087(2)(a)1., Florida Statutes, also provides for a three-year minimum mandatory sentence for any person who has actual possession of a firearm and has been convicted of a felony; and

**WHEREAS**, Florida law states that “[i]t is the intent of the Legislature that offenders who actually possess, carry, display, use, threaten to use, or attempt to use firearms or destructive devices be punished to the fullest extent of the law, and the minimum terms of imprisonment imposed pursuant to this subsection shall be imposed for each qualifying felony count for which the person is convicted.” § 775.087(2)(d), Fla. Stat.; *see also* § 775.087(3)(d), Fla. Stat. Also, in cases where a firearm is “used in furtherance of the crime, used in order to commit the crime, or used in preparation to commit the crime,” prosecutors lack discretion to deviate from the minimum mandatory sentence, as it is “the intent of the Legislature to establish zero tolerance of criminals who use, threaten to use, or avail themselves of firearms in order to commit crimes and thereby demonstrate their lack of value for human life.” § 27.366, Fla. Stat.; and

**WHEREAS**, despite the Legislature’s policy reflected in sections 775.087(2)(d), (3)(d), and 27.366, Florida Statutes; to subject felons who use a firearm in the commission of a violent felony to minimum mandatory sentences; assistant state attorneys in the Ninth Circuit have been prevented or discouraged from pursuing such minimum mandatory sentences; and

**WHEREAS**; Worrell’s practices or policies of evading minimum mandatory sentences for gun crimes are corroborated by her prosecutorial record. For instance, the Osceola County Sheriff’s Office reports that it referred 58 non-homicide Robbery with a Firearm cases to the Ninth Circuit in 2021 and 2022. As of May 2023, only one of those cases had resulted in the minimum mandatory sentence of ten years. Similarly, during that same two-year period, the Osceola County Sheriff’s Office referred 11 non-homicide Carjacking with a Firearm cases to the Ninth Circuit, but only one had resulted in the minimum mandatory sentence of ten years. The Ninth Circuit also received 14 non-homicide cases involving Home Invasion Robbery with a Firearm from the Osceola County Sheriff’s Office, yet not one of those arrests resulted in the minimum mandatory

sentence. Finally, of the 130 cases involving Possession of a Firearm by a Convicted Felon referred to the Ninth Circuit in 2021 and 2022 by the Osceola County Sheriff's Office, only five had resulted in a minimum mandatory sentence; and

**WHEREAS**, Worrell's practices or policies of evading minimum mandatory sentences for gun crimes are further corroborated by data from the Florida Department of Corrections. With respect to prison admissions from January 1, 2022, to March 31, 2023, the Ninth Circuit, on a per capita basis, had among the lowest prison admission rates relative to the other circuits for the following crimes: robbery with a weapon, armed burglary, and weapons possession. *See Exhibit A*; and

**WHEREAS**, Worrell's practices or policies of avoiding minimum mandatory sentences for gun crimes not only defies the expressed will of the Florida Legislature, it also subjects the residents of Orange and Osceola Counties and surrounding areas to increased risk of harm as violent criminals in the community are too often left on the streets or prematurely returned to the streets to cause further violence and mischief; and

**WHEREAS**, Worrell has similarly authorized or allowed practices or policies whereby her assistant state attorneys are generally prevented or discouraged from obtaining meritorious minimum mandatory sentences for drug trafficking offenses; and

**WHEREAS**, section 893.135, Florida Statutes, sets forth minimum mandatory sentences for drug crimes. Under Florida law, drug "trafficking" offenses are determined solely by the quantity of drugs at issue—prosecutors need not establish any intent to sell or distribute drugs to secure a conviction for a drug trafficking crime. For each illegal drug, the Florida Legislature has established a threshold quantity that constitutes "trafficking" in that substance as well as a minimum mandatory sentence that must result as a consequence of such trafficking. *See generally*

§ 893.135, Fla. Stat. For example, anyone knowingly possessing 28 grams or more of cocaine has committed the felony of “trafficking in cocaine” and must serve a mandatory term of imprisonment of at least 3 years. § 893.135(1)(b), Fla. Stat.; and

**WHEREAS**, despite the Legislature’s policy reflected in section 893.135, Florida Statutes, assistant state attorneys in the Ninth Circuit have been prevented or discouraged from pursuing minimum mandatory sentences for drug trafficking; and

**WHEREAS**, Worrell’s practices or policies of evading minimum mandatory sentences for drug trafficking are corroborated by her prosecutorial record. For instance, the Osceola County Sheriff’s Office reports that it referred 32 drug trafficking cases to Worrell’s office in 2021, but as of March 2023, only three have resulted in a minimum mandatory sentence. Of the 64 drug trafficking cases referred in 2022, none have resulted in a minimum mandatory sentence; and

**WHEREAS**, Worrell’s practices or policies of evading minimum mandatory sentences for drug trafficking are further corroborated by data from the Florida Department of Corrections. According to data compiled for the period from January 1, 2022, through March 31, 2023, the Ninth Circuit ranks last among all circuits, on a per capita basis, in the number of people who are incarcerated for drug trafficking offenses. During this period, the Ninth Circuit sent 39 per million residents to prison for the crime of drug trafficking whereas the statewide average was 114.3. *See* Exhibit A; and

**WHEREAS**, the foregoing practices or policies, which avoid minimum mandatory sentences for gun crimes and drug trafficking, constitute “neglect of duty” and “incompetence”; and

**WHEREAS**, Worrell has also been derelict in prosecuting serious crimes committed by juvenile offenders. State attorneys have a responsibility to incarcerate violent criminals, including

juveniles, but Worrell has pursued practices or adopted policies whereby assistant state attorneys in her office are generally prevented or discouraged from incarcerating or even charging serious juvenile offenders; and

**WHEREAS**, under Worrell’s direction, the Ninth Circuit has used a variety of techniques to allow serious juvenile offenders to evade incarceration where it would otherwise be appropriate. Assistant state attorneys are generally prevented or discouraged from “direct filing” cases (whereby juveniles are charged as adults) and are encouraged to effectively drop charges against juvenile defendants, either by not filing the charges in the first place (“non-files”) or by voluntarily abandoning the charges after they have been filed (“nolle prosequi”); and

**WHEREAS**, Worrell’s practices or policies with respect to serious juvenile offenders are corroborated by data compiled by the Florida Department of Juvenile Justice (“DJJ”). This data establishes that during Worrell’s tenure as the State Attorney, the Ninth Circuit is last of all 20 circuits in Florida in the percentage of juvenile felony cases, including firearm-related felonies and violent felonies, that are direct filed based on the most serious offense disposed. *See* Exhibit B. In addition, the Ninth Circuit has consistently been first among all circuits in the percentage of juvenile felony cases, including firearm-related felonies and violent felonies, dropped as a result of a non-file or a nolle prosequi; and

**WHEREAS**, the Ninth Circuit under Worrell’s leadership has also ranked last—in many cases by a considerable distance—in terms of juvenile case processing times. As DJJ has explained in a recent report on case processing times across the State, *see* Exhibit C: “Long case processing times mean that juveniles are not being held accountable for their actions in a timely manner. Delays in case processing may negatively impact public safety by preventing access to necessary treatments and services to address the juveniles’ behavior.” DJJ has also warned: “Excessive case

processing times delay the opportunity for the department to identify and address the youth's risks and needs through evidence-based treatments and interventions. This delays the opportunity for earlier intervention and leaves the youth's criminogenic needs unaddressed for an extended period of time. Such delays permit the underlying problems to continue or even to spin out of control, and do not serve the interest of public safety or youth in need of treatment"; and

**WHEREAS**, according to the recent DJJ report on case processing times, for Fiscal Year 2021-22, the Ninth Circuit had an average case processing time of 212 days in the juvenile justice system. This ranks the Ninth Circuit last among Florida's 20 judicial circuits. The average case processing time in the juvenile justice system was 106 days—exactly half of the Ninth Circuit's output—and the next worst circuit (the Seventeenth) had an average case processing time of 188 days; and

**WHEREAS**, for Fiscal Year 2021-22, the Ninth Circuit had an average case processing time of 225 days for first-time offenders in the juvenile justice system. Once again, this ranks the Ninth Circuit last among Florida's 20 judicial circuits. The average case processing time for first-time offenders in the juvenile justice system was 78 days—about one third of the Ninth Circuit—and the next worst circuit (this time the Eleventh) had an average case processing time of 140 days. As DJJ has explained, "[f]irst-time offenders are a critical population to reach early on to prevent their further involvement with the juvenile justice system"; and

**WHEREAS**, this inexcusable delay in processing juvenile offenses cannot reasonably be attributed to any inherent structural issues with the Ninth Circuit. For Fiscal Year 2019-20—the last full reporting period before Worrell assumed office—the Ninth Circuit had an average juvenile case processing time of 116 days. For the most recent reporting period of Fiscal Year 2021-22, that number went up to 212 days, an increase of 96 days. This is the largest increase for any circuit



in the State during the same period. The statewide average increase was 18 days, with only the Seventeenth Circuit seeing a comparable increase in case processing times (90 days); and

**WHEREAS**, the DJJ data demonstrates that, since taking office, Worrell has kept serious juvenile offenders on the streets and out of incarceration. The Ninth Circuit is an outlier and uniformly ranks last (or first in terms of poor performance) on each key metric related to juvenile justice accountability, consistently below (or above in terms of poor performance) the statewide average. No other circuit in the State has a similarly dismal record on juvenile justice over the past two years; and

**WHEREAS**, the foregoing practices or policies, which have the effect of avoiding incarceration or accountability for serious juvenile offenders, constitute “neglect of duty” and “incompetence”; and

**WHEREAS**, Worrell has authorized or allowed practices or policies whereby her assistant state attorneys are generally prevented or discouraged from seeking certain sentencing enhancements, such as for prison release reoffenders (PRRs) and habitual violent felony offenders (HVFOs). These enhancements were enacted by the Florida Legislature to ensure that repeat violent offenders are subject to sufficiently stringent minimum mandatory sentences; and

**WHEREAS**, under Florida law, a PRR is a defendant who: (1) attempts or commits an enumerated felony; (2) within 3 years of release from federal or state prison or while serving a prison sentence or on escape status; (3) for a crime punishable by at least 1 year in prison in the State of Florida. § 775.082(9)(a)1., (9)(a)2., Fla. Stat. PRRs are taken out of the sentencing guidelines and are subject to more stringent minimum mandatory sentences. For instance, a PRR who is convicted of a third-degree felony will be sentenced to a minimum of five years in prison, *see* § 775.082(9)(a)3.d., Fla. Stat., whereas without the PRR designation, a five-year sentence

would ordinarily be the maximum possible sentence for a felon in the third degree, *see* § 775.082(3)(e), Fla. Stat. While state attorneys have discretion whether to seek a PRR designation, the Legislature has clearly stated its intent that eligible PRRs are “punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection,” § 775.082(9)(d)1., Fla. Stat.; and

**WHEREAS**, under Florida law, an HVFO is a defendant who meets two conditions: (1) has previously been convicted of attempting or committing an enumerated felony (including, but not limited to, sexual battery, robbery, or manslaughter), and (2) has been convicted of a subsequent felony that occurred either when the defendant was in prison for the previous enumerated felony, within five years of the conviction date of the previous enumerated felony, or within five years of release from a prison sentence for the previous enumerated felony. § 775.084(1)(b), Fla. Stat. As with PRRs, HVFOs are taken out of the sentencing guidelines and are subject to more stringent minimum mandatory sentences. *See* § 775.084(4)(b), Fla. Stat.; and

**WHEREAS**, the Florida Legislature enacted sentencing enhancements, such as the PRR and HVFO enhancements, to provide uniformity of sentencing across the State as well as to ensure that repeat, violent offenders are subjected to sufficiently lengthy prison terms; and

**WHEREAS**, since taking office, Worrell has thwarted the will of the Legislature by preventing or discouraging assistant state attorneys in her office from seeking sentencing enhancements for otherwise eligible defendants; and

**WHEREAS**, the foregoing practices or policies, which evade minimum mandatory sentencing enhancements for eligible defendants, constitute “neglect of duty” and “incompetence”; and

**WHEREAS**, section 827.071(5)(a), Florida Statutes, makes it unlawful “for any person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child pornography” and specifies that the possession, control, or intentional viewing of each image is a separate offense; and

**WHEREAS**, Worrell has authorized or allowed practices or policies that limit the number of charges for Possession of Child Pornography on which the assistant state attorneys in her office may obtain a conviction, even when additional counts could be charged and proven at trial; and

**WHEREAS**, Worrell’s practice or policy of arbitrarily limiting the number of counts for Possession of Child Pornography that may be prosecuted against a defendant is corroborated by data from the Florida Department of Corrections. With respect to prison admissions from January 1, 2022, to March 31, 2023, the Ninth Circuit, on a per capita basis, had among the lowest prison admission rates relative to the other circuits for crimes involving lewd and lascivious behavior, which includes Possession of Child Pornography and other sex crimes against children. *See* Exhibit A; and

**WHEREAS**, Worrell’s practice or policy of arbitrarily limiting the number of counts for Possession of Child Pornography that may be prosecuted against a defendant endangers vulnerable children in the Ninth Circuit and across the State and constitutes both “neglect of duty” and “incompetence”; and

**WHEREAS**, under Worrell’s supervision, her subordinates have authorized or required assistant state attorneys in the Ninth Circuit to seek the withholding of adjudication in cases where such disposition is not permitted by Florida law; and

**WHEREAS**, under Florida law, prosecutors may not seek or obtain the withholding of adjudication in certain circumstances. Specifically, Florida law prohibits the withholding of adjudication for a third-degree felony if the defendant has two or more prior withholdings of adjudication for a felony, § 775.08435(1)(d), Fla. Stat., and for a second-degree felony if the defendant has a single prior withholding of adjudication for a felony, § 775.08435(1)(b), Fla. Stat.; and

**WHEREAS**, Worrell’s subordinates have permitted or required assistant state attorneys in the Ninth Circuit to disregard the foregoing statutory limitations on withholding adjudication and to seek additional withholds, even when in violation of Florida law; and

**WHEREAS**, the foregoing practice or policy of permitting or requiring withholds of adjudication in contravention of Florida law constitutes “neglect of duty” and “incompetence”; and

**WHEREAS**, it is the job of the Legislature to establish criminal penalties and the job of the state attorneys to ensure that those penalties are faithfully enforced; and

**WHEREAS**, the Legislature has made clear that the “primary purpose of sentencing is to punish the offender” and that “[r]ehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment,” § 921.002(1)(b), Fla. Stat.; and

**WHEREAS**, the Legislature has further directed that the “[u]se of incarcerative sanctions is prioritized toward offenders convicted of serious offenses and certain offenders who have long prior records,” § 921.002(1)(i), Fla. Stat.; and

**WHEREAS**, Worrell’s practices or policies generally prevent or discourage the use of incarcerative sanctions when otherwise appropriate for violent offenders, drug traffickers, serious juvenile offenders, and pedophiles and have resulted in the systemic poor performance of the Ninth Circuit reflected in the various metrics described above; and

**WHEREAS**, Worrell’s practices or policies are an abuse of prosecutorial discretion and reflect a systemic failure to enforce incarcerative penalties called for by Florida law. Prison admission data provided by the Florida Department of Corrections from January 1, 2022, to March 31, 2023, for example, show that prison admission rates for the Ninth Circuit are below—often far below—the statewide average across all 54 categories of criminal offenses, except three. The Ninth Circuit’s total prison admission rate is the lowest by far in the State and is less than half of the statewide average. *See Exhibit A*; and

**WHEREAS**, Worrell’s practices or policies of avoiding incarceration of serious offenders when otherwise warranted under Florida law constitute “neglect of duty” and “incompetence”; and

**WHEREAS**, Worrell’s actions have resulted in a critical loss of experienced prosecutors, and her inability to maintain such personnel further constitutes “neglect of duty” and “incompetence”; and

**WHEREAS**, Worrell’s neglect of duty and incompetence endanger the public safety and welfare; and

**WHEREAS**, it is in the best interests of the residents of the Ninth Circuit that they immediately have a new state attorney who will faithfully execute Florida’s criminal laws and will respect and faithfully carry out the criminal penalties set forth by our Legislature.

**NOW, THEREFORE, I, RON DESANTIS**, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, and for the purposes of Article IV, section 7 of the Florida Constitution, determine as follows:

- A.) Monique Worrell is, and at all material times was, the State Attorney for the Ninth Judicial Circuit of Florida.
- B.) The Office of State Attorney is within the purview of the suspension powers of the Governor, pursuant to Article IV, section 7 of the Florida Constitution.
- C.) The actions and omissions of Monique Worrell as referenced above constitute “neglect of duty” and “incompetence” for the purposes of Article IV, section 7 of the Florida Constitution.
- D.) If, after execution of this suspension, additional facts are discovered that illustrate further neglect of duty, incompetence, or other constitutional grounds for suspension of Monique Worrell, this Executive Order may be amended to allege those additional facts.

**BEING FULLY ADVISED** in the premises, and in accordance with the Constitution and the Laws of the State of Florida, this Executive Order is issued, effective immediately:

Section 1. Monique Worrell is hereby suspended from the public office that she now holds, to wit: State Attorney for the Ninth Judicial Circuit of Florida.

Section 2. Monique Worrell is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order is issued, or as otherwise provided by law.

Section 3. As of the signing of this Executive Order, the Florida Department of Law Enforcement, assisted by the Orange County Sheriff's Office and other law enforcement agencies as necessary, is requested to: (i) assist in the immediate transition of Monique Worrell from the Office of the State Attorney for the Ninth Judicial Circuit of Florida; (ii) if requested by the newly appointed State Attorney for the Ninth Judicial Circuit, ensure that no files, papers, documents, notes, records, computers, or removable storage media are removed from the Office of the State Attorney for the Ninth Judicial Circuit of Florida by Monique Worrell or any of her staff; and (iii) coordinate with the newly appointed State Attorney for the Ninth Judicial Circuit for Monique Worrell to retrieve her personal belongings.

Section 4. Andrew A. Bain is hereby appointed forthwith, effective August 9, 2023, to fill the position of State Attorney for the Ninth Judicial Circuit of Florida in accordance with Article IV, section 7, subsection (a) of the Florida Constitution for the duration of the suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 9th day of August, 2023.

  
\_\_\_\_\_  
RON DESANTIS, GOVERNOR

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE

FILED  
2023 AUG -9 AM 7:03  
DEPARTMENT OF STATE  
TALLAHASSEE, FL

# **EXHIBIT A**



Prison Admissions, 1-1-2022 to 3-31-2023

Rate per 1,000,000 Population

Prepared by Florida Department of Corrections, Bureau of Research and Data Analysis

Offense Category	CIRCUIT 01 - PENSACOLA	CIRCUIT 02 - TALAHASSEE	CIRCUIT 03 - LAKE CITY	CIRCUIT 04 - JACKSONVILLE	CIRCUIT 05 - TAVARES	CIRCUIT 06 - CLEARWATER	CIRCUIT 07 - DAYTONA	CIRCUIT 08 - GAINESVILLE	CIRCUIT 09 - ORLANDO	CIRCUIT 10 - BARTON	CIRCUIT 11 - MIAMI	CIRCUIT 12 - SARASOTA	CIRCUIT 13 - TAMPA	CIRCUIT 14 - PANAMA CITY	CIRCUIT 15 - WEST PALM BEACH	CIRCUIT 16 - KEY WEST	CIRCUIT 17 - FT. LAMARCA	CIRCUIT 18 - FT. PIERCE	CIRCUIT 19 - FT. MYERS	Total	
01-CAPITAL MURDER	8.8	61.8	36.5	32.2	15.3	13.8	25.6	38.8	19.2	29.4	20.7	10.4	26.7	16.9	21.4	12.1	30.3	8.4	20.4	5.1	21.5
02-2ND DEGREE MURDER	28.9	37.1	31.3	94.3	25.0	17.8	22.6	53.4	26.4	21.1	39.2	23.0	24.7	77.9	22.8	36.2	24.7	16.7	20.4	18.2	31.1
03-3RD DEGREE MURDER	2.5	0.0	0.0	2.3	3.2	1.3	3.0	0.0	0.5	0.0	0.4	0.0	1.4	0.0	2.0	0.0	2.6	1.9	0.0	1.5	1.4
04-HOMICIDE, OTHER	2.5	2.5	0.0	3.1	0.0	0.0	1.0	0.0	1.6	0.0	0.7	1.2	0.7	3.4	0.7	0.0	0.0	0.0	2.9	0.0	0.9
05-MANSLAUGHTER	18.8	37.1	46.9	29.1	17.8	8.5	25.6	9.7	7.1	18.8	11.5	17.3	15.1	23.7	11.4	0.0	10.3	11.1	7.3	18.9	15.2
06-DUI MANSLAUGHTER	7.5	2.5	10.4	7.7	10.5	5.3	19.7	19.4	1.6	10.6	4.1	11.5	10.3	20.3	6.0	12.1	6.2	0.9	10.2	8.7	7.6
07-CAPITAL SEXUAL BATTERY	11.3	22.2	31.3	33.7	20.2	13.1	4.9	7.3	12.6	10.6	14.4	15.0	23.3	27.1	18.8	24.1	3.1	4.6	7.3	12.4	14.5
08-LIFE SEXUAL BATTERY	6.3	9.9	15.6	6.9	5.7	4.8	3.0	19.4	6.6	7.0	4.1	3.5	7.5	16.9	8.0	0.0	3.1	1.9	5.8	5.8	5.8
09-1ST DEGREE SEXUAL BATTERY	12.5	22.2	41.7	23.0	20.2	17.8	17.7	26.7	13.7	25.8	6.3	13.8	12.3	37.2	14.7	36.2	21.6	3.7	10.2	17.5	16.3
10-2ND DEGREE SEXUAL BATTERY	22.6	49.4	31.3	39.1	36.3	21.0	18.7	55.8	15.4	29.4	3.3	18.4	23.3	50.8	15.4	12.1	10.8	11.1	20.4	24.0	21.0
11-SEXUAL ASSAULT, OTHER	0.0	2.5	0.0	0.0	0.0	0.0	0.0	0.0	1.1	0.0	0.7	0.0	0.0	0.0	0.7	0.0	0.0	0.0	0.0	0.0	0.3
12-LEWD/LASCIVIOUS BEHAVIOR	101.6	86.5	151.1	86.6	92.9	46.0	89.6	135.9	33.0	116.3	14.4	57.6	42.5	243.8	41.5	84.5	18.0	39.0	43.7	88.0	59.8
13-ROBBERY WITH WEAPON	20.1	71.7	83.4	82.0	46.0	33.5	42.3	53.4	26.9	44.6	53.7	34.6	43.8	47.4	38.9	48.3	51.4	17.6	53.9	34.2	44.5
14-ROBBERY WITHOUT WEAPON	25.1	39.5	41.7	42.9	19.4	19.7	35.4	36.4	15.4	35.2	22.9	26.5	26.0	23.7	31.5	24.1	31.9	21.3	20.4	17.5	27.1
15-HOME INVASION, ROBBERY	8.8	4.9	15.6	6.9	4.0	5.3	13.8	12.1	1.6	1.2	1.1	5.8	5.5	6.8	5.4	0.0	5.7	0.0	5.8	0.0	4.6
16-HOME INVASION, OTHER	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.9	0.0	0.0	0.0
17-CARJACKING	15.1	19.8	5.2	19.2	6.5	8.5	8.9	7.3	9.3	0.0	22.6	3.5	13.0	3.4	9.4	0.0	13.4	2.8	2.9	8.0	11.2
18-AGGRAVATED ASSAULT	30.1	84.0	119.8	29.9	44.4	27.0	76.8	68.0	14.8	52.8	5.2	33.4	13.7	91.4	14.1	84.5	12.3	17.6	29.1	32.7	29.3
19-AGGRAVATED BATTERY	61.5	111.2	135.5	71.3	54.1	56.5	125.0	97.1	39.0	66.9	35.2	59.9	64.4	135.4	40.9	156.9	47.3	39.9	78.6	24.0	58.5
20-ASSAULT/BATTERY ON L.E.O.	47.7	32.1	67.7	31.4	28.3	22.4	59.1	34.0	3.8	69.3	11.1	19.6	20.6	105.0	10.1	60.3	14.9	26.0	48.0	18.9	26.0
21-ASSAULT/BATTERY, OTHER	35.1	64.2	99.0	21.5	42.0	23.0	64.0	82.5	8.8	35.2	5.2	24.2	8.9	125.3	5.4	60.3	4.1	21.3	39.3	17.5	24.0
22-AGGRAVATED STALKING	12.5	7.4	15.6	4.6	10.5	6.6	10.8	9.7	4.4	9.4	1.9	0.0	6.2	27.1	3.4	0.0	3.6	2.8	5.8	5.1	5.9
23-RESISTING ARREST WITH VIOLENCE	12.5	7.4	93.8	6.9	19.4	9.2	16.7	34.0	3.8	34.1	4.8	11.5	4.8	54.2	4.0	72.4	2.6	15.8	24.7	7.3	11.8
24-KIDNAPPING	20.1	17.3	20.8	13.8	14.5	8.5	18.7	34.0	7.1	28.2	20.7	8.1	15.8	37.2	6.7	0.0	7.2	8.4	5.8	10.9	13.8
25-ARSON	12.5	17.3	15.6	8.4	12.1	5.9	10.8	12.1	2.2	9.4	1.9	6.9	5.5	33.9	8.0	24.1	5.7	2.8	8.7	8.7	7.3
26-ABUSE OF CHILDREN	74.0	34.6	62.5	48.3	40.4	20.4	53.2	41.3	14.3	61.1	12.6	26.5	13.7	115.1	12.7	12.1	11.3	14.8	43.7	16.7	27.9
27-VIOLENT, OTHER	77.8	123.5	145.9	57.5	80.0	57.9	131.9	131.1	18.7	93.9	19.6	28.8	20.6	314.9	19.4	168.9	20.1	32.5	56.8	32.0	51.6
28-BURGLARY, STRUCTURE	96.6	54.4	239.7	82.8	67.0	50.0	121.1	128.7	18.7	153.8	39.6	46.1	43.2	372.4	53.6	108.6	42.7	50.1	88.6	45.1	66.8
29-BURGLARY, DWELLING	85.3	150.7	208.4	79.7	93.7	85.5	160.5	114.1	29.7	138.6	60.3	73.8	67.1	189.6	62.3	156.9	57.1	59.4	90.2	62.5	80.8
30-BURGLARY, ARMED	33.9	64.2	83.4	41.4	43.6	21.0	29.5	43.7	8.2	39.9	11.5	12.7	19.9	44.0	8.0	12.1	20.6	14.8	18.9	6.5	22.8
31-BURGLARY WITH ASSAULT	8.8	74.1	15.6	23.8	17.0	10.5	25.6	24.3	10.4	24.7	32.6	5.8	23.3	37.2	12.1	24.1	15.9	7.4	17.5	8.0	18.9
32-BURGLARY/TRESPASS, OTHER	15.1	14.8	36.5	7.7	8.1	5.3	19.7	24.3	1.6	20.0	5.9	10.4	6.2	23.7	6.0	12.1	8.7	2.8	23.3	7.3	9.5
33-GRAND THEFT, OTHER	96.6	42.0	203.2	33.0	58.2	17.8	67.9	97.1	9.9	74.0	26.3	17.3	24.0	169.3	24.1	132.7	30.9	27.8	74.2	32.7	40.8
34-GRAND THEFT, AUTOMOBILE	42.7	42.0	151.1	29.9	38.0	14.5	74.8	89.8	6.5	49.3	13.3	12.7	13.7	128.7	8.7	120.7	16.5	17.6	49.5	22.5	27.8
35-STOLEN EQUIPMENT	33.9	37.1	151.1	39.9	66.2	34.8	91.6	92.2	18.7	42.3	4.8	40.3	29.5	155.7	22.8	60.3	21.6	47.3	72.8	29.1	38.9
36-FORGERY/COUNTERFEITING	26.4	19.8	99.0	4.6	16.2	9.9	21.7	19.4	3.3	37.6	3.3	20.7	6.9	98.2	6.7	24.1	8.7	12.1	27.7	10.9	14.1
37-WORTHLESS CHECKS	0.0	0.0	15.6	0.0	1.6	0.0	1.0	0.0	0.0	0.0	0.0	0.0	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.4
38-FRAUDULENT PRACTICES	33.9	27.2	72.9	21.5	20.2	19.7	30.5	41.3	3.8	34.1	7.8	21.9	5.5	71.1	16.8	48.3	5.7	10.2	24.7	15.3	17.8
39-OTHER THEFT/PROPERTY DAMAGE	65.3	27.2	109.4	6.9	42.0	27.6	43.3	68.0	8.2	52.8	4.8	16.1	13.0	60.9	9.4	60.3	17.0	21.3	24.7	13.8	23.3
40-DRUGS, MANUFACTURE/SALE/PURCHASE	96.6	210.0	427.3	351.9	129.2	154.5	265.8	245.2	22.0	97.5	19.2	262.8	47.3	402.9	80.4	482.7	29.3	71.5	266.3	105.4	126.4
41-DRUGS, TRAFFICKING	145.6	128.5	229.3	169.5	134.1	130.2	218.6	140.8	39.0	244.2	58.5	115.2	124.0	497.7	55.6	132.7	43.2	68.7	113.5	115.6	114.3
42-DRUGS, POSSESSION/OTHER	374.0	145.8	1417.2	83.6	265.8	116.4	190.0	366.5	8.8	240.7	7.8	104.9	29.5	1158.0	18.8	325.8	27.8	124.4	311.5	134.5	137.8
43-WEAPONS, DISCHARGING	13.8	19.8	46.9	6.9	9.7	9.9	21.7	17.0	9.9	24.7	3.7	16.1	13.7	16.9	8.7	12.1	7.7	10.2	16.0	10.9	11.5
44-WEAPONS, POSSESSION	234.7	219.9	453.3	324.3	134.9	113.7	196.9	254.9	68.2	197.3	48.1	99.1	132.2	430.0	138.1	144.8	53.5	101.2	173.2	85.8	137.5
45-WEAPONS, OTHER	1.3	0.0	0.0	0.0	0.0	0.7	1.0	2.4	0.0	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2
46-ESCAPE	115.5	91.4	354.3	75.9	109.0	57.9	138.8	89.8	8.2	63.4	10.0	28.8	29.5	355.5	28.8	144.8	17.5	65.9	78.6	48.0	58.8
47-LEAVE ACCIDENT WITH INJURY/DEATH	15.1	4.9	10.4	12.3	13.7	14.5	32.5	26.7	4.4	22.3	5.9	12.7	11.6	16.9	4.7	24.1	9.3	6.5	13.1	5.1	11.5
48-DUI, NO INJURY	16.3	14.8	26.1	2.3	10.5	9.2	3.9	21.8	0.0	7.0	0.4	11.5	4.8	20.3	6.0	48.3	4.6	12.1	23.3	15.3	8.0
49-DUI, INJURY	3.8	2.5	10.4	3.8	6.5	3.9	10.8	7.3	1.1	10.6	1.1	5.8	0.0	10.2	2.7	0.0	2.6	0.9	2.9	5.1	3.8
50-TRAFFIC, OTHER	45.2	9.9	57.3	2.3	39.6	9.2	29.5	51.0	0.5	16.4	1.5	4.6	3.4	101.6	2.0	96.5	2.1	13.9	36.4	19.6	14.6
51-RACKETEERING	2.5	0.0	0.0	8.4	3.2	0.7	4.9	17.0	2.2	12.9	4.1	1.2	13.0	0.0	5.4	36.2	5.7	1.9	4.4	4.4	5.2
52-POLLUTION/HAZARDOUS MATERIALS	0.0	0.0	10.4	0.0	0.0	0.0	0.0	0.0	0.0	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1
53-CRIMINAL JUSTICE SYSTEM	133.0	71.7	244.9	76.7	98.5	49.3	132.9	116.5	33.5	185.5	23.7	50.7	37.0	196.4	22.8	84.5	14.4	37.1	101.9	29.1	61.9
54-OTHER	8.8	17.3	20.8	4.6	8.9	1.3	9.8	12.1	1.6	9.4	1.5	4.6	3.4	20.3	1.3	24.1	1.5	1.9	8.7	3.6	4.8
Missing Data	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	30.7
Total	2420.7	2458.5	6012.8	2296.5	2104.2	1421.4	2843.5	3131.4	627.4	2611.5	734.3	1456.7	1151.6	6219.8	979.1	3245.9	826.5	1110.9	2234.1	1269.7	1628.1

# **EXHIBIT B**

# BRIEFING REPORT

## PROSECUTION OF SERIOUS JUVENILE OFFENSES AND YOUTH ACCOUNTABILITY

### EXECUTIVE SUMMARY

*This report examines the importance of prosecution to help ensure deterrence through accountability and to ensure that serious offenders are given access to the research-supported interventions provided by the Florida Department of Juvenile Justice.*



**Eric S. Hall, Secretary**

## **METHODOLOGY**

This report provides an analysis of serious juvenile offenses that are not processed through the court system to disposition. Dispositions to sanctions with the Florida Department of Juvenile Justice (FDJJ) provide accountability, which plays an important role in deterring future offending, and provide youth with access to research-informed assessment and treatment approaches that address their specific criminogenic needs.

This report examines referrals, which are similar to an arrest in the adult criminal justice system, that included at least one felony, violent felony, or firearm felony to determine whether all charges on the referral were non-filed, meaning no charges were formally filed or nolle prosequi, meaning after the filing, the State Attorney's Office decided to no longer pursue the case. Some referrals are for a single charge, though it is common for referrals to include multiple charges. If all charges associated with a referral are non-filed or receive a nolle prosequi, then the youth does not receive any consequences or treatment resulting from that referral.

The timeframe for the analysis includes referrals received between November 1, 2021, and October 31, 2022. Dispositions and non-file or nolle prosequi outcomes recorded any time between November 1, 2021, and April 30, 2022, are included. The selection of these date parameters permitted sufficient time for the majority of cases to be fully processed.

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## FLORIDA'S JUVENILE JUSTICE SYSTEM: A RESEARCH-SUPPORTED APPROACH TO BUILDING STRONGER, SAFER COMMUNITIES

The Florida Department of Juvenile Justice has led the nation in implementation of research-informed programming. FLDJJ has developed the infrastructure to support the deployment of evidence-based and promising practices within all of its residential facilities as well as a range of community settings. These are manualized interventions demonstrated through sound research to reduce the likelihood of future offending by providing effective treatments for aggression, substance abuse, criminal thinking patterns, and similar criminogenic characteristics. The Department has a Technical Assistance unit that supports providers in implementation of these services and monitors fidelity of implementation.

Combined with an evidence-based risk/needs assessment process, these research-supported interventions and other service continuum enhancements have been associated with a dramatic drop in juvenile offending, including serious offending. Additionally, Florida has experienced plummeting rates of residential commitments and lower rates of residential commitment recidivism. In fact, there were 75% fewer juvenile arrests during FY 2021-22 than in FY 2000-01. This drop in the total number of arrests has occurred despite a growing population of youth in the state. Similarly, felony arrests fell 68% during the same time period, and dispositions to residential commitment fell 84%, from 10,483 during FY 2000-01 to just 1,672 during FY 2021-22.<sup>1</sup> Additionally, youth who completed residential treatment during FY 2020-21, the most recent year for which recidivism results are available, had the lowest recidivism rate in at least the past twenty years, at 37%.<sup>2</sup>

### REHABILITATION AND ACCOUNTABILITY

The Florida Department of Juvenile Justice has two primary objectives: reducing or preventing system contact and reducing recidivism, with explicit focus on rehabilitation and accountability. An important aspect of holding youth accountable is timely case processing. In fact, a recent study using Florida DJJ data found that for some groups of offenders, timely case processing, defined in the study as 60 days or fewer, was associated with lower re-arrest rates.<sup>3</sup> Another key component of accountability is court processing through to the disposition stage, particularly for serious offenses. When cases are *appropriately* dismissed (non-filed or result in nolle prosequi) in juvenile court, it is commonly due to a lack of evidence or a decision that further court action is not warranted, especially with less serious cases.<sup>4</sup> This allows for serious offenses to be pursued rather than devoting excessive court resources to minor offenses. However, case attrition for serious crimes may be harmful to both juveniles and crime control through diminishing certainty that offenses have consequences.<sup>3</sup>

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<sup>1</sup> Florida Department of Juvenile Justice Office of Research and Data Integrity

<sup>2</sup> 2021-22 Comprehensive Accountability Report; <https://www.djj.state.fl.us/content/download/632997/file/%282021-22%20CAR%29%20Residential.pdf>

<sup>3</sup> Novak, A. & Hartsell, E. (2022). Does speed matter? The association between case processing time in juvenile court and arrest. *Criminal Justice Policy Review*, 33(3), 317-343.

<sup>4</sup> Belinda R. McCarthy (1987) Case attrition in the juvenile court: An application of the crime control model, *Justice Quarterly*, 4:2, 237-255, DOI: 10.1080/07418828700089291

A 2012 study of convicted serious juvenile offenders in Arizona found that perceived certainty of sanctions served as a deterrent effect from subsequent offending, supporting the claim that repercussions for law breaking is an important factor for future offending.<sup>5</sup> A 2022 study of Florida youth reinforces this as well, finding that among some groups of first-time offenders, including females, lower-risk youth, and non-felony youth, when dispositions are delayed more than 60 days youth are more likely to be re-arrested within one year than youth with shorter processing times.<sup>6</sup> The National Institute of Justice (2016) summarizes the knowledge base regarding deterrence, stating that the certainty of being caught and punished is more important in deterring crime than the punishment itself.<sup>7</sup>

On the other hand, when sanctions for serious crimes are pursued, due process is reinforced<sup>3</sup> and sanctions help uphold accountability for juvenile offenders.<sup>8</sup> Certainty of sanctions among juveniles has proven to be an important factor in deterring future offending, particularly when combined with timely case processing. Lengthy times to disposition leave treatment needs unmet, delay accountability, and leave youth at risk of continued offending while their treatment is delayed.

Non-prosecution of serious offenses fails to deter future offending, and importantly, it also deprives youth of the opportunity to receive the research-supported delinquency interventions that have been successful in helping drive down Florida's juvenile offending rate. Although as noted, there are situations in which non-prosecution of serious offenses may be appropriate, the interests of both communities and troubled youth are best served by providing youth who commit serious offenses both accountability and access to research-informed delinquency interventions. This can only be done through prosecution of serious offenses including felonies, violent felonies, and firearm-related felonies.

### **NON-FILE AND NOLLE PROSEQUI OUTCOMES BY CIRCUIT**

In order to assess the prevalence of referrals for serious offenses that are not processed through to disposition, data on all referrals between November 1, 2021, and October 31, 2022, that involved a felony, firearm felony, or violent felony were analyzed.<sup>9</sup> For each referral that contained at least one felony, firearm felony, or violent felony,<sup>10</sup> dispositions were examined to determine whether all charges on that referral were non-filed or classified as nolle prosequi, which indicates that the youth received no sanctions for that referral. Results are displayed in the tables that follow.

Statewide, 22% of referrals involving at least one felony charge resulted in non-files or nolle prosequi. The circuits with the smallest percentage of non-file and nolle prosequi outcomes were Circuits 1 and

<sup>5</sup> Loughran, Thomas & Pogarsky, Greg & Piquero, Alex & Paternoster, Ray. (2012). Re-Examining the Functional Form of the Certainty Effect in Deterrence Theory. *Justice Quarterly*. 2012. 10.1080/07418825.2011.583931.

<sup>6</sup> Novak, A. & Hartsell, E. (2022). Does speed matter? The association between case processing time in juvenile court and arrest. *Criminal Justice Policy Review*, 33(3), 317-343.

<sup>7</sup> Five Things About Deterrence (2016). <https://nij.ojp.gov/topics/articles/five-things-about-deterrence#three>

<sup>8</sup> Best Practices in Juvenile Accountability: Overview (2003). <https://www.ojp.gov/pdffiles1/ojdp/184745.pdf>

<sup>9</sup> This timeframe ensures that all cases had at least six months from time of referral for court processing.

<sup>10</sup> Each category of case was examined separately, though referrals may appear in more than one category. For example, all violent and firearm felonies will also appear in the felony category, though many felonies will not appear in the violent or firearm-related felony category.

10, both at 6%. The circuits with the highest percentage of felony cases resulting in non-file and nolle prosequi outcomes were Circuit 9, at 42%, and Circuits 11 and 16, each at 33% (please see Table 1).

*Non-File and Nolle Prosequi Outcomes for all Felony Referrals*

**Table 1: Non-file and Nolle Prosequi Felony Referrals by Circuit**

Circuit	Total Referrals - Included Felony	Total Referrals Dropped - Included Felony	% Dropped (entire referral)
1	781	50	6%
2	370	26	7%
3	275	66	24%
4	1,170	185	16%
5	1,172	203	17%
6	1,960	373	19%
7	950	166	17%
8	570	103	18%
9	1,635	686	42%
10	1,183	68	6%
11	1,230	409	33%
12	845	265	31%
13	1,679	485	29%
14	551	76	14%
15	1,427	405	28%
16	52	17	33%
17	1,347	275	20%
18	796	147	18%
19	739	106	14%
20	952	193	20%
<b>Total</b>	<b>19,684</b>	<b>4,304</b>	<b>22%</b>

*Non-File and Nolle Prosequi Outcomes for Firearm Referrals*

Statewide, 18% of referrals that involved a firearm charge resulted in non-file or nolle prosequi outcomes (please see Table 2). The circuits with the lowest percentage of non-file and nolle prosequi outcomes are Circuit 1 (2%) and Circuit 10 (3%). Circuit 16 had no firearm referrals during the reporting period. The Circuits with the highest percentage of firearm referrals that resulted in non-file or nolle prosequi were Circuit 9 (29%) and Circuit 13 (27%).



**Table 2: Non-file and Nolle Prosequi Firearms Referrals by Circuit**

Circuit	Total Referrals - Included Firearm Offense	Total Referrals Dropped - Included Firearm Offense	% Dropped (entire referral)
1	100	2	2%
2	66	5	8%
3	55	11	20%
4	229	27	12%
5	157	16	10%
6	145	24	17%
7	109	14	13%
8	86	17	20%
9	309	91	29%
10	158	5	3%
11	249	57	23%
12	76	16	21%
13	302	82	27%
14	59	4	7%
15	147	31	21%
16	0	0	0%
17	160	32	20%
18	78	12	15%
19	75	4	5%
20	99	21	21%
<b>Total</b>	<b>2,659</b>	<b>471</b>	<b>18%</b>

*Non-File and Nolle Prosequi Outcomes for Violent Felony Referrals*


Statewide, 21% of referrals that involved a violent felony resulted in non-file or nolle prosequi outcomes (please see Table 3). The circuits with the lowest percentage of these outcomes were 2 (2%) and 10 (5%). The circuits with the highest rates of non-files and nolle prosequi outcomes for violent felony referrals were Circuit 9 (41%) and circuit 12 (37%).

**Table 3: Non-file and Nolle Prosequi Violent Felony Referrals by Circuit**

Circuit	Total Referrals - Included Violent Felony	Total Referrals Dropped - Included Violent Felony	% Dropped (entire referral)
1	312	18	6%
2	140	3	2%
3	122	28	23%
4	492	71	14%
5	465	101	22%
6	561	130	23%
7	379	67	18%
8	258	48	19%
9	654	267	41%
10	465	23	5%
11	549	167	30%
12	351	129	37%
13	603	154	26%
14	193	33	17%
15	454	56	12%
16	14	5	36%
17	404	90	22%
18	324	63	19%
19	258	42	16%
20	292	45	15%
<b>Total</b>	<b>7,290</b>	<b>1,540</b>	<b>21%</b>

**CONCLUSION**

There is considerable variation between circuits with regard to the percentage of referrals that contain serious charges that result in non-files or nolle prosequi. As noted above, not all cases are suitable for prosecution. For example, there may be problems obtaining evidence or witness statements. Additionally, for minor offenses, prosecutors may elect to devote court resources to more serious cases that present a danger to public safety. However, to protect public safety through deterring future offending and facilitating access to FLDJJ's research-supported delinquency interventions, it is



important to pursue serious delinquency cases in the court system, while also prioritizing reductions in case processing times, which reinforces FLDJJ's priorities for rehabilitation and accountability.

**Firearm-related Nolle Prosequi and Non-File as Percentage of All Outcomes**

**FY 21-22 through January 2023**

**Cased on Most Serious Offense Disposed on a Disposition Date**

<b>Circuit</b>	<b>Nolle Prosequi</b>	<b>Non-file</b>	<b>Nolle+Non</b>
<b>1</b>	<b>11.7%</b>	<b>11.1%</b>	<b>22.8%</b>
<b>2</b>	<b>5.5%</b>	<b>13.3%</b>	<b>18.8%</b>
<b>3</b>	<b>5.0%</b>	<b>31.0%</b>	<b>36.0%</b>
<b>4</b>	<b>11.8%</b>	<b>19.7%</b>	<b>31.5%</b>
<b>5</b>	<b>10.2%</b>	<b>25.3%</b>	<b>35.5%</b>
<b>6</b>	<b>4.7%</b>	<b>30.7%</b>	<b>35.4%</b>
<b>7</b>	<b>10.0%</b>	<b>22.2%</b>	<b>32.2%</b>
<b>8</b>	<b>19.4%</b>	<b>26.5%</b>	<b>45.9%</b>
<b>9</b>	<b>17.8%</b>	<b>38.0%</b>	<b>55.8%</b>
<b>10</b>	<b>26.5%</b>	<b>10.2%</b>	<b>36.7%</b>
<b>11</b>	<b>7.9%</b>	<b>32.7%</b>	<b>40.6%</b>
<b>12</b>	<b>7.6%</b>	<b>31.6%</b>	<b>39.2%</b>
<b>13</b>	<b>13.0%</b>	<b>29.6%</b>	<b>42.6%</b>
<b>14</b>	<b>7.8%</b>	<b>11.7%</b>	<b>19.5%</b>
<b>15</b>	<b>8.2%</b>	<b>32.5%</b>	<b>40.7%</b>
<b>16</b>	<b>0.0%</b>	<b>33.3%</b>	<b>33.3%</b>
<b>17</b>	<b>5.0%</b>	<b>29.9%</b>	<b>34.9%</b>
<b>18</b>	<b>11.5%</b>	<b>32.5%</b>	<b>44.0%</b>
<b>19</b>	<b>15.2%</b>	<b>16.4%</b>	<b>31.6%</b>
<b>20</b>	<b>15.9%</b>	<b>26.6%</b>	<b>42.5%</b>
<b>Statewide</b>	<b>12.1%</b>	<b>26.9%</b>	<b>39.0%</b>

**Violent Felonies Nolle Prosequi and Non-File as Percentage of All Outcomes**

**FY 21-22 through January 2023**

**Cased on Most Serious Offense Disposed on a Disposition Date**

<b>Circuit</b>	<b>Nolle Prosequi</b>	<b>Non-file</b>	<b>Nolle+Non</b>
<b>1</b>	<b>16.8%</b>	<b>6.8%</b>	<b>23.6%</b>
<b>2</b>	<b>15.0%</b>	<b>9.1%</b>	<b>24.1%</b>
<b>3</b>	<b>8.5%</b>	<b>25.4%</b>	<b>33.8%</b>
<b>4</b>	<b>7.5%</b>	<b>25.8%</b>	<b>33.3%</b>
<b>5</b>	<b>16.1%</b>	<b>28.8%</b>	<b>45.0%</b>
<b>6</b>	<b>3.5%</b>	<b>34.4%</b>	<b>37.9%</b>
<b>7</b>	<b>12.0%</b>	<b>22.9%</b>	<b>34.9%</b>
<b>8</b>	<b>6.6%</b>	<b>30.2%</b>	<b>36.8%</b>
<b>9</b>	<b>23.9%</b>	<b>37.7%</b>	<b>61.6%</b>
<b>10</b>	<b>28.8%</b>	<b>13.0%</b>	<b>41.8%</b>
<b>11</b>	<b>11.8%</b>	<b>33.5%</b>	<b>45.3%</b>
<b>12</b>	<b>6.1%</b>	<b>46.0%</b>	<b>52.0%</b>
<b>13</b>	<b>13.5%</b>	<b>19.4%</b>	<b>33.0%</b>
<b>14</b>	<b>7.6%</b>	<b>14.4%</b>	<b>22.0%</b>
<b>15</b>	<b>12.2%</b>	<b>36.6%</b>	<b>48.8%</b>
<b>16</b>	<b>0.0%</b>	<b>57.1%</b>	<b>57.1%</b>
<b>17</b>	<b>13.9%</b>	<b>21.3%</b>	<b>35.2%</b>
<b>18</b>	<b>16.4%</b>	<b>36.2%</b>	<b>52.6%</b>
<b>19</b>	<b>16.0%</b>	<b>18.3%</b>	<b>34.3%</b>
<b>20</b>	<b>20.0%</b>	<b>24.1%</b>	<b>44.1%</b>
<b>Statewide</b>	<b>14.0%</b>	<b>27.2%</b>	<b>41.2%</b>

**Felonies Nolle Prosequi and Non-File as Percentage of All Outcomes**

**FY 21-22 through January 2023**

**Cased on Most Serious Offense Disposed on a Disposition Date**

<b>Circuit</b>	<b>Nolle Prosequi</b>	<b>Non-file</b>	<b>Nolle+Non</b>
<b>1</b>	15.5%	8.9%	<b>24.4%</b>
<b>2</b>	13.2%	13.0%	<b>26.2%</b>
<b>3</b>	6.8%	28.5%	<b>35.3%</b>
<b>4</b>	9.0%	26.0%	<b>35.0%</b>
<b>5</b>	15.2%	29.6%	<b>44.8%</b>
<b>6</b>	4.1%	31.5%	<b>35.6%</b>
<b>7</b>	11.8%	22.0%	<b>33.8%</b>
<b>8</b>	11.5%	29.4%	<b>40.9%</b>
<b>9</b>	20.1%	41.5%	<b>61.6%</b>
<b>10</b>	31.0%	11.1%	<b>42.1%</b>
<b>11</b>	11.4%	33.9%	<b>45.3%</b>
<b>12</b>	10.2%	37.8%	<b>48.0%</b>
<b>13</b>	13.8%	25.1%	<b>38.9%</b>
<b>14</b>	8.5%	14.7%	<b>23.2%</b>
<b>15</b>	9.4%	43.7%	<b>53.1%</b>
<b>16</b>	20.0%	32.7%	<b>52.7%</b>
<b>17</b>	10.0%	33.3%	<b>43.3%</b>
<b>18</b>	15.1%	38.2%	<b>53.3%</b>
<b>19</b>	15.9%	18.2%	<b>34.1%</b>
<b>20</b>	19.4%	28.3%	<b>47.7%</b>
<b>Statewide</b>	<b>13.5%</b>	<b>29.0%</b>	<b>42.5%</b>

# EXHIBIT C

Apr 6, 2023

# The Florida Department of Juvenile Justice Releases Analysis on Case Processing Times



**FOR IMMEDIATE RELEASE**

April 6, 2023

**CONTACT:**

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**Tallahassee, Fla.** – Today, the Florida Department of Juvenile Justice (DJJ) released an analysis of statewide and circuit-specific data related to case processing times. Case processing time refers to the period of time that passes from when a youth is arrested to disposition, or when the court determines the outcome and sanctions imposed on a youth.

Long case processing times mean that juveniles are not being held accountable for their actions in a timely manner. Delays in case processing may negatively impact public safety by preventing access to necessary treatments and services to address the juveniles' behavior.



“The Florida Department of Juvenile Justice recognizes the importance of addressing critical areas of concerns within our system through data-driven decision-making,” said **DJJ Secretary Eric Hall**. “This analysis sheds light on lengthy case processing times, which slow down accountability and prevent youth from quickly receiving services to stop them from heading down the wrong path. This critical issue is an important piece of the puzzle that must be addressed to meet the needs of Florida’s youth and keep our communities safe.”

The analysis conducted by the Florida Department of Juvenile Justice covers Fiscal Year 2021-2022, and the results show the following:

- The average statewide case processing time was 106 days for all youth and 78 days for first-time offenders.
- Circuit 3, which includes Columbia, Dixie, Hamilton, Lafayette, Madison Suwannee, and Taylor counties, had the shortest case processing time for all youth (51 days) while Circuit 9, which includes Orange and Osceola counties, had the longest overall case processing time for all youth (212 days).
- Circuit 3 had the shortest overall case processing time for first-time offenders (46 days) while Circuit 9 had the longest overall case processing time for first-time offenders (225 days). First-time offenders are a critical population to reach early on to prevent their further involvement with the juvenile justice system.
- Over the past five fiscal years, the statewide average case processing time has increased by 25 days. The largest increases were observed in Circuit 9 (97-day increase) and Circuit 17, which includes Broward County, (67-day increase).

[here](#).

###

# BRIEFING REPORT

## DELINQUENCY REFERRAL CASE PROCESSING TIME

### EXECUTIVE SUMMARY

*The following report examines the length of time between the issuance of a delinquency referral to the Florida Department of Juvenile Justice and the disposition of that referral in juvenile court during FY 2021-22. The overall statewide average case processing time was 106 days. Felony and misdemeanor average case processing times were 115 days and 98 days, respectively. Diversion cases were disposed, on average, in 66 days, probation cases, on average, in 156 days, and residential commitment cases averaged a referral-to-disposition time of 148 days. Variation in case processing time was evident even amongst similarly-sized jurisdictions.*



**Eric S. Hall, Secretary**

## **METHODOLOGY**

This study is an initial overview of average case processing times throughout the state. The primary study cohort only includes cases fitting specific conditions: a felony or misdemeanor charge disposed during fiscal year 2021-22 (July 1, 2021, through June 30, 2022) to either diversion, probation (including probation day treatment) or residential commitment. Prior offending or obtaining additional charges between referral and disposition were not considered. Failures to appear, violations of probation, and other dispositions such as non-file were excluded from this study.

Case processing time is defined as the number of days between the referral date and the initial disposition date. In cases where a youth had multiple referrals disposed on the same day, the earliest referral date was included in the analysis. In cases where a referral had multiple charges, the most serious offense was selected for analysis.

The case processing times were averaged statewide overall, statewide by crime classification (felony or misdemeanor), statewide by disposition type, circuit-wide overall, circuit wide by crime classification, and circuit wide by disposition type. From the primary cohort, these same averages were calculated for a subgroup of first-time offender cases

All data in this briefing sheet were derived from the Juvenile Justice Information System (JJIS) and analyzed by the Office of Research and Data Integrity.

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## THE IMPORTANCE OF TIMELY JUVENILE CASE RESOLUTION

Youth who come to the attention of the juvenile justice system have high rates of mental health, behavioral, and substance abuse problems. These youth also have high rates of family problems, negative peer associations, problems in school, maltreatment histories, household disruption, and poor use of free time. While accountability is an important aspect of reducing future offending, treatment is the foundation of addressing juvenile criminal behavior. The Florida Department of Juvenile Justice (DJJ) has led the nation in implementing validated risk-needs assessments and the use of research-based services tailored to each youth's identified needs. This approach is congruent with the juvenile justice system's historical focus on rehabilitation as opposed to retribution.

Excessive case processing times delay the opportunity for the department to identify and address the youth's risks and needs through evidence-based treatments and interventions. This delays the opportunity for earlier intervention and leaves the youth's criminogenic needs unaddressed for an extended period of time. Such delays permit the underlying problems to continue or even to spin out of control, and do not serve the interest of public safety or youth in need of treatment.

It should also be noted that deterrence of crime relies in large part on individuals' belief that they will receive sanctions for their behavior. In fact, research has found that the *certainty* of a sanction is more important even than the severity of the sanction in deterring offending. Lengthy times to disposition leave treatment needs unmet, delay accountability, and leave youth at risk of continued offending while essentially their treatment is delayed. A 2022 study using Florida DJJ data found that among some groups of first-time offenders, including females, lower-risk youth, and non-felony youth, when dispositions are delayed more than 60 days youth are more likely to be re-arrested within one year than youth with shorter processing times.<sup>1</sup>

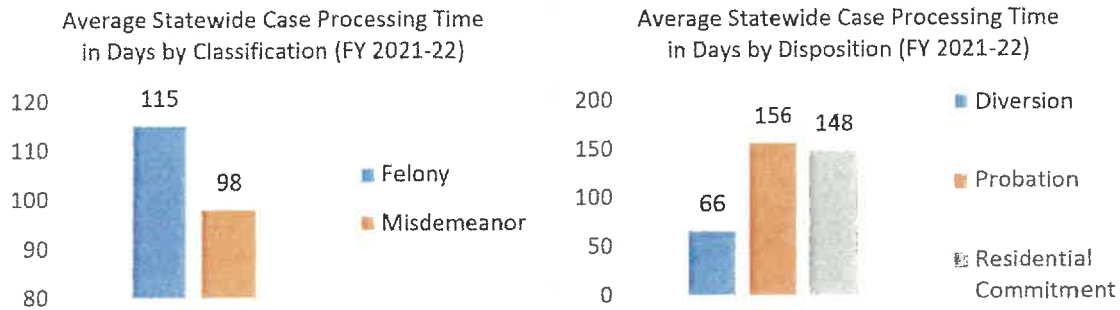
The policy implication of the need to ensure timely accountability and treatment, and in some cases reduce the likelihood of recidivism, is that stakeholders can best serve youth needs and public safety by working to reduce case processing time.

The following tables present average case processing times by circuit, average case processing times for first-time offenders, and the change in average case processing time by circuit over the past five fiscal years.

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<sup>1</sup> Novak, A. & Hartsell, E. (2022). Does speed matter? The association between case processing time in juvenile court and arrest. *Criminal Justice Policy Review*, 33(3), 317-343.

## FIGURE 1: AVERAGE STATEWIDE CASE PROCESSING TIMES



### CASE PROCESSING BY CLASSIFICATION & DISPOSITION (CIRCUIT)

Table 1 shows the average case processing time by crime classification, disposition, and circuit. Overall, the 3<sup>rd</sup> Circuit had the shortest average case processing time of 51 days, while the 9<sup>th</sup> Circuit had the longest average case processing time of 212 days. Average case processing varied across circuits, crime classifications, and dispositions. One example, cases disposed to diversion showed that the statewide average case processing time was 66 days, but the average case processing time ranged from 10 days in the 17<sup>th</sup> Circuit to 166 days in the 9<sup>th</sup> Circuit.

**Table 1**  
**Average Case Processing Time by Circuit, Crime Classification, and Disposition (FY 2021-22)**

Judicial Circuit	Felonies	Misdemeanors	Diversion	Probation	Residential	Overall
1st Judicial Circuit	66	51	46	78	54	56
2nd Judicial Circuit	144	101	81	159	118	121
3rd Judicial Circuit	60	43	42	65	58	51
4th Judicial Circuit	64	63	38	93	74	64
5th Judicial Circuit	81	75	63	106	103	78
6th Judicial Circuit	143	143	108	191	157	143
7th Judicial Circuit	98	75	48	118	135	89
8th Judicial Circuit	116	88	49	175	122	101
9th Judicial Circuit	178	240	260	175	146	212
10th Judicial Circuit	70	95	66	101	54	86
11th Judicial Circuit	175	173	83	250	162	175
12th Judicial Circuit	130	100	102	144	143	115
13th Judicial Circuit	93	108	49	203	277	101
14th Judicial Circuit	131	111	67	164	179	121
15th Judicial Circuit	95	79	31	171	203	87
16th Judicial Circuit	101	74	56	172*	-	87
17th Judicial Circuit	211	143	36	310	308	188
18th Judicial Circuit	66	74	58	115	73	71
19th Judicial Circuit	136	81	56	145	199	103
20th Judicial Circuit	129	92	49	176	224	107
<b>Statewide</b>	<b>115</b>	<b>98</b>	<b>66</b>	<b>156</b>	<b>148</b>	<b>106</b>

Source: Florida Department of Juvenile Justice, Office of Research & Data Integrity

Asterisks (\*) indicate fewer than 15 cases

## CASE PROCESSING BY CLASSIFICATION & DISPOSITION – FIRST-TIME OFFENDERS (CIRCUIT)

Overall, the statewide average case processing time for first-time offenders was 78 days. The circuit with the longest overall average case processing time was the 9<sup>th</sup> Circuit (225 days), while the circuit with the shortest average case processing time was the 3<sup>rd</sup> Circuit (46 days). For first-time offenders charged with a felony, the statewide average case processing time was 84 days. The circuit with the longest average case processing time for first-time offenders charged with a felony was the 9<sup>th</sup> Circuit (198 days), while the shortest average case processing time for the same group of youth was in the 18<sup>th</sup> Circuit (49 days). For first-time offenders charged with a misdemeanor, the statewide average case processing time was 73 days, and the average case processing time ranged from 244 days in the 9<sup>th</sup> Circuit to 40 days in the 3<sup>rd</sup> Circuit. For first-time offenders disposed to diversion, the statewide overall average case processing time was 60 days. The longest average case processing time for youth disposed to diversion was in the 9<sup>th</sup> Circuit (247 days), and the shortest average case processing time for such youth was in the 3<sup>rd</sup> Circuit (41 days). For first-time offenders disposed to probation, the statewide average case processing time was 141 days, ranging from 260 days in the 17<sup>th</sup> Circuit to 58 days in the 3<sup>rd</sup>. Finally, for first-time offenders disposed to residential commitment, the statewide average case processing time was 114 days. Five circuits—the 4<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 20<sup>th</sup> Circuits—disposed more than 10 first-time youth to residential commitment. The average case processing time for first-time offenders in the 19<sup>th</sup> Circuit disposed to residential commitment was 452 days.

**Table 2**

**Average Case Processing Time by Circuit, Crime Classification, and Disposition - First-Time Offenders (FY 2021-22)**

Judicial Circuit	Felonies	Misdemeanors	Diversion	Probation	Residential	Overall
1st Judicial Circuit	59	42	43	71	50*	47
2nd Judicial Circuit	103	73	65	129	81*	86
3rd Judicial Circuit	52	40	41	58	75*	46
4th Judicial Circuit	52	56	35	93	60	53
5th Judicial Circuit	76	60	61	105	111*	67
6th Judicial Circuit	116	104	101	186	152*	112
7th Judicial Circuit	77	56	47	110	140*	69
8th Judicial Circuit	87	58	49	167	64	71
9th Judicial Circuit	198	244	247	168	56*	225
10th Judicial Circuit	57	93	65	95	34*	79
11th Judicial Circuit	139	141	80	226	119	140
12th Judicial Circuit	116	86	103	101	-	102
13th Judicial Circuit	52	47	36	192	25*	50
14th Judicial Circuit	107	89	68	154	-	99
15th Judicial Circuit	54	43	25	178	80*	49
16th Judicial Circuit	74*	65*	56	193*	-	70
17th Judicial Circuit	92	62	27	260	135*	80
18th Judicial Circuit	49	52	45	123	56*	51
19th Judicial Circuit	116	61	54	152	452*	79
20th Judicial Circuit	91	69	48	180	280	77
<b>State wide</b>	<b>84</b>	<b>73</b>	<b>60</b>	<b>141</b>	<b>114</b>	<b>78</b>

Source: Florida Department of Juvenile Justice, Office of Research & Data Integrity

Asterisks (\*) indicate fewer than 15 cases

## FIVE-YEAR CHANGE IN CASE PROCESSING TIMES

Over the past five fiscal years, the statewide average case processing time has increased by 25 days. Circuits 1, 3, 8, and 18 dropped by 2,6, 3, and 8 days, respectively. The largest increases were observed in Circuits 9 and 17, which increased by 97 days and 67 days, respectively. As noted earlier in the report, failures to appear, incompetent to proceed, violations of probation, and other dispositions such as non-file were excluded from this study. Only cases that received dispositions such as diversion, probation, or commitment were included. Among the cases that received dispositions, the statewide number of cases disposed per fiscal year dropped by 43% statewide. The largest drops were observed in circuits 9 and 11, which saw drops of 71% and 57%, respectively. The smallest percentage decline was in Circuit 12, which saw a drop of just 3%.

Table 3

Judicial Circuit	FY 2016-17		FY 2017-18		FY 2018-19		FY 2019-20		FY 2020-21		FY 2021-22		5-Year % Change in Number of Cases	5-Year Change in Case Processing Times
	Average Time	Number of Cases	Average Time	Number of Cases	Average Time	Number of Cases	Average Time	Number of Cases	Average Time	Number of Cases	Average Time	Number of Cases		
1	58	1,526	56	1,626	56	1,410	57	1,035	75	900	56	1,103	-28%	-2
2	85	686	82	648	100	576	111	457	153	337	121	413	-40%	36
3	57	325	61	335	58	348	48	259	100	237	51	259	-20%	-6
4	50	1,851	53	1,377	50	1,146	58	1,009	88	820	64	900	-51%	14
5	49	1,522	51	1,492	58	1,396	69	1,074	93	986	78	1,227	-19%	28
6	120	1,733	114	1,789	107	1,522	128	1,134	155	1,167	143	1,092	-37%	22
7	84	1,217	97	1,369	84	1,189	88	831	127	737	89	819	-33%	4
8	103	580	101	519	94	609	97	382	148	391	101	434	-25%	-3
9	115	2,438	118	2,224	116	2,053	116	1,163	203	779	212	711	-71%	97
10	39	2,603	65	1,719	63	1,654	71	1,152	117	1,020	86	1,143	-56%	47
11	164	1,389	138	1,267	121	1,004	146	729	224	560	175	598	-57%	10
12	75	544	91	620	100	565	123	462	161	524	115	526	-3%	41
13	63	2,049	71	1,966	70	1,833	58	1,230	121	853	101	1,127	-45%	38
14	76	543	96	476	117	331	96	318	132	324	121	420	-23%	45
15	46	1,782	51	1,856	52	1,664	55	1,150	111	883	87	1,098	-38%	41
16	61	68	56	40	65	75	76	53	85	32	87	34	-50%	26
17	121	1,822	122	1,950	108	1,658	98	1,302	190	794	188	835	-54%	67
18	79	1,453	72	1,401	75	1,110	69	798	109	811	71	780	-46%	-8
19	95	1,046	105	933	90	1,062	109	740	145	693	103	699	-33%	8
20	86	1,655	87	1,506	88	1,564	104	927	154	824	107	970	-41%	20
Statewide	82	26,832	86	25,113	83	22,769	88	16,205	135	13,672	106	15,188	-43%	25