

RESOLUTION  
NO. 18-05

A RESOLUTION  
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PENSACOLA, FLORIDA STATING THE PREFERENCE  
AND WILL OF THE CITY OF PENSACOLA TO HAVE THE  
CHILDREN OF THIS COMMUNITY TREATED AS  
CHILDREN WHEN THEY BREAK FLORIDA LAW

WHEREAS, children are developmentally different from adults and these differences are documented by research on the adolescent brain and acknowledged by the U.S. and state supreme courts, as well as state and federal laws that prohibit youth under age 18 from taking on major adult responsibilities such as contracting, voting, jury duty and military service; and

WHEREAS, the juvenile justice system is designed for, and more effective at, rehabilitating children who fall into the delinquency system than the adult corrections system, which focuses on punishment rather than rehabilitation; and

WHEREAS, children who are placed under the commitment of the juvenile court system are required to receive age-appropriate services and education, and remain closer to their families, all of which reduces the likelihood of future offending; and

WHEREAS, prosecuting children in adult court has been proven not to deter crime, and in fact, a child prosecuted in the adult criminal justice system is 34% more likely to be rearrested for a felony than a child who remains in the juvenile justice system; and

WHEREAS, it is harmful to both public safety and children's well-being to confine youth in adult jails, where they are significantly more likely to be physically and sexually assaulted or to commit suicide; and

WHEREAS, adult jails are not designed to house children separately from adults, as required by law, and thus often hold children in solitary confinement and deprive them of adequate educational services, which in turn, make them less likely to get back on track when released; and

WHEREAS, most of the children tried as adults in Florida are charged with non-violent offenses; and

WHEREAS, Florida's reliance on prosecutorial discretion leads to disparate sentencing under similar circumstances creating a system of "justice by geography" which disproportionately harms children of color and children with disabilities and mental health issues; and

WHEREAS, children prosecuted as adults receive an adult criminal record when convicted that can diminish their future education and employment opportunities and strip them of the right to vote, enlist in the military, or receive financial aid for college before these youth even turn 18; and

WHEREAS, since 2009, more than 14,000 children have been prosecuted as adults in Florida – ninety-eight percent of whom are “direct filed” in adult court by prosecutors with no hearing, due process, oversight, or input from a judge; and

WHEREAS, Florida is one of only 13 states that allows its children to be prosecuted as adults for criminal offenses and one of only three states that do not allow a juvenile court judge to participate in the decision to prosecute a child as an adult; and

WHEREAS, Florida prosecutes more children as adults for criminal offenses than any other state and the First Judicial Circuit transferred 120 children to adult court in Fiscal Year 2016-2017, more than any other circuit in the state; and

WHEREAS, even if prosecutors did not have sole discretion to transfer children to the adult system through “direct file,” children could still be transferred to the adult system through the “judicial waiver” process – a process in which a judge is involved in the decision to prosecute a child as an adult – which, according to a 2016 public opinion poll, 62% of Floridians believe this the better way for the state to decide whether to prosecute children as adults.; and

WHEREAS, seventy percent of Floridians believe children should be held in a system separate from adult offenders; and

WHEREAS, the oversight, training, and expertise of juvenile court judges uniquely qualifies them to advise on the suitability of the adult court for a child.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the City Council affirms its support of treating children as children through the juvenile justice system where services are provided to the child and his/her family.

SECTION 2. That the City Council urges our Legislative Delegation and the entire Florida Legislature to adopt comprehensive reform legislation that would require a fitness hearing before a juvenile court judge for any and all prosecution of children under the age of 18 and require that children prosecuted as adults be held in juvenile facilities only.

SECTION 3. That this Resolution be transmitted to the Speaker of the House, the Senate President, and all members of our Legislative Delegation upon its passage.

SECTION 4. This Resolution shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

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City Clerk