



Adult Civil Citations: A Practical Tool in the Sea of Reform

By **Greg Frost**, President, Civil Citation Network

The criminal justice system, specifically law enforcement, is in the midst of extensive calls for reform. The recommendations are coming from almost every part of the political spectrum and every sector of our communities. In the middle of this sea of reform, the President's Task Force on 21st Century Policing has recommended that "Law enforcement agencies should consider adopting preferences for seeking 'least harm' resolutions, such as diversion programs or warnings and citations in lieu of arrest for minor infractions." Since March 2013, two law enforcement agencies in Florida's Second Judicial Circuit have been involved in a pilot project that created a new practical tool that addresses this specific recommendation.

The Adult Civil Citation program is a partnership between the Tallahassee Police Department; Leon County Sheriff's Office; and DISC Village, a non-profit human services provider. The program was started in reaction to emerging research that shows first-time misdemeanor arrests lead defendants into a system where the administration of justice is a rapidly moving assembly line. In a study conducted by the Department of Criminology and Criminal Justice at University of Tampa, it was documented that in Florida's misdemeanor courts, overloaded dockets result in 85 percent of arraignments being completed in three minutes or less, with 70 percent of the defendants pleading guilty or no contest.¹ One of the study's conclusions is that misdemeanor defendants who are not a threat to public safety should be diverted to penalties that are less costly to taxpayers. Also addressing the cost of criminally prosecuting minor offenses, the Florida Taxwatch Center for Smart Justice recently recommended implementation of adult civil citation programs as a diversion tool for low-level offenders.²

A policy project conducted by the American Bar Association recommends that, because of costs associated with the growing number of misdemeanor cases and the negative impact the criminal justice system has on offenders, "first-time adult offenders are in need of rehabilitation

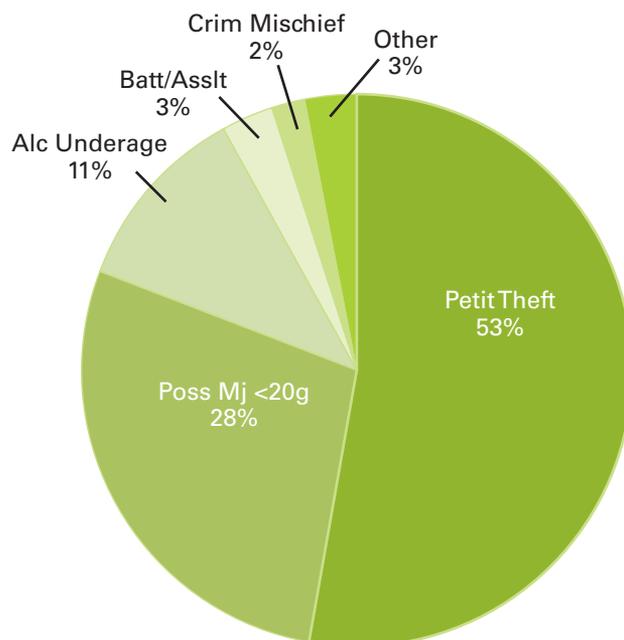
and treatment, as opposed to a conviction and incarceration."³ Their recommendation recognizes the harm that is done to individuals who are arrested for a minor offense. In many cases, even when the person is not convicted, just having an arrest record results in serious consequences, including loss of employment, difficulty acquiring future employment, loss of housing, and family problems.

The Tallahassee/Leon County Adult Civil Citation program, managed through the Civil Citation Network, emphasizes public safety with accountability that acknowledges there is a victim for every crime committed. At the same time, the program focuses on intervention strategies that reduce the likelihood of offender recidivism. Issuing a civil citation in lieu of arrest provides Tallahassee police officers and Leon County deputies a new tool that leads to a positive outcome. Through

the use of sanctions and sophisticated, evidence-based early intervention strategies, participants are equipped with skills to correct inappropriate behavior patterns, thereby reducing future recidivism.

Through the network's online program application, law enforcement and community agencies assign, track, and manage participants' in-person or online engagement. Required sanctions and interventions are individualized based upon a full needs assessment and can include drug screenings, community service, targeted behavior change interventions, and other relevant sanctions. Initial results of an informal 24-month study show approximately 80 percent of the Adult Civil Citation program participants successfully completed it. Of those who successfully completed the program, only 5 percent were arrested locally for a new offense during the 12-month period following program completion.

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What makes the Adult Civil Citation program different from other diversion programs is that it is “pre-arrest.” Law enforcement officers have the discretion to issue eligible first-time misdemeanor offenders a citation that diverts the person away from the criminal justice system. If the offender accepts responsibility, voluntarily agrees to participate in the program, and successfully completes all sanctions, he or she avoids having an arrest record. Traditional pretrial diversion programs start when the offender is arrested and criminally charged. While adjudication can be withheld or charges can be dropped by the prosecutor upon completion of a pretrial diversion program, the defendant still has an arrest record. In most jurisdictions, if defendants are not convicted, there is an expungement process to remove their arrest record. The process, however, can be complicated and the associated expense usually means lower-income individuals are excluded.

Many of the criminal justice reforms being recommended seek ways to bring fairness to individuals who previously would have been marginalized by the criminal justice system. Justice demands accountability;

but it also demands fairness and balance. Adult civil citation programs provide this equilibrium in a way that improves public safety without jeopardizing a person’s future because he or she committed a minor offense. ❖

Notes:

¹Alisa Smith and Sean Madden, *Three-Minute Justice: Haste and Waste in Florida’s Misdemeanor Courts* (Washington, D.C.: National Association of Criminal Defense Lawyers, July 2011), <http://www.nacdl.org/WorkArea/DownloadAsset.aspx?id=20794> (accessed July 17, 2015).

²Dan McCarthy, *Over-Criminalization in Florida: An Analysis of Nonviolent Third-Degree Felonies* (Tallahassee, FL: Florida TaxWatch, April 2014), <http://floridataxwatch.org/resources/pdf/ThirdDegreeFINAL.pdf> (accessed July 17, 2015).

³American Bar Association Criminal Justice Section, *State Policy Implementation Project: Civil Citations for Minor Offenses*, 2012, http://www.americanbar.org/content/dam/aba/administrative/criminal_justice/spip_civilcitations.authcheckdam.pdf (accessed July 17, 2015).

Additional details about the program are available at www.civilcitationnetwork.org.

The Civil Citation Network is a non-profit organization created and supported through a private foundation. Its mission is to advocate the use of adult and juvenile civil citations with integrated intervention services. Communities across the United States have access to the Network’s research and evaluation services, website data resources, integrated technology platform, and technical assistance related to the implementation of civil citation programs. Through participating, communities’ civil citation programs improve public safety and reduce criminal justice system costs. Equally important, through the Civil Citation model, individuals are held accountable for committing a minor crime without the lifelong negative consequences of being arrested.

Program Completion Rate by Offense Type – January 2015

