



Jail or No Jail: Alternatives to Arrest and Prosecution for Low-Level Offenders

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Key Points

- Local governments nationwide spend billions each year on arresting, booking, charging, trying, and detaining low-level offenders.
- Traditional arrest and detention are often necessary for public safety, but in many cases, alternatives would cut costs and save resources while keeping our neighborhoods safe.
- Several Direct Law Enforcement Diversion Programs have proven effective at reducing recidivism rates and expenses, and should be implemented in Texas at the adult and juvenile level.
- Although there are benefits to civil citations, there is no data yet to suggest implementation in Texas for certain offenses will lead to better public safety.

Introduction

New ways of dealing with certain lower-level offenses are being implemented that may reduce recidivism, arrest, and incarceration rates, and that cost less than the traditional approach of prosecution and detention. Many states have now implemented criminal and civil citations for low-level offenses. For example, Texas allows officers to issue criminal citations for almost all Class C and certain Class A and B misdemeanors.¹ Maryland allows officers to issue civil citations for a litany of low-level misdemeanors, such as misrepresentation of age, underage possession of alcohol, and violation of a juvenile curfew ordinance.² Both criminal and civil citations promise the possibility of reducing the significant costs of the criminal justice system. One example of these costs: for local budgets, factoring in arresting, booking, charging, trying, and detaining lower level offenders, the cost of corrections and judicial/legal expenditures was \$48.3 billion in 2011, or nearly three percent of all local governments' annual budgets.³

Additionally, direct law enforcement diversion programs such as the Law Enforcement Assisted Diversion (LEAD) program in Seattle, Washington, which allows police officers to divert low-level offenders to community-based intervention programs, has gained interest by major cities across the country.⁴ A study was conducted that shows how the LEAD Program had positive results on recidivism, cost, and utilization of criminal justice resources.⁵

Programs such as LEAD have cost savings similar to criminal and civil citations, while providing much needed rehabilitative measures those diversionary tactics sometimes do not offer.⁶ Studies have shown that this level of intervention has a statistically significant success rate in reducing arrest rates over the traditional methods of prosecution, while improving the health and well-being of its participants.⁷

This paper will examine the use of direct law enforcement diversion programs and criminal and civil citations. Particularly, the paper will review the effectiveness of these non-traditional methods to prosecution in various jurisdictions and make policy recommendations for lawmakers about how to improve on the successes other jurisdictions have had after implementing these programs.

Criminal Citations

A criminal citation, also known as a citation in lieu of arrest, allows law enforcement to forgo the formal arrest process when charging an individual with committing an offense.⁸ Criminal citations are allowed in most states for low-level misdemeanors.⁹ Texas, for example, allows—but does not require—law enforcement to issue criminal citations for almost all Class C misdemeanors and certain Class B and A misdemeanors.^{10 11} Two states, Louisiana and Oregon, allow for criminal citations for certain felonies. Louisiana allows a criminal citation for a felony charge of theft or illegal possession of stolen things when the value is between \$500 and \$999.¹² Oregon allows for police to write a citation in lieu of arrest for any felony authorized to be reduced to a misdemeanor, other than a domestic disturbance.¹³

In general, the criminal citation will state the offense committed, as well as the date, time, and place of the defendant's first appearance in court.¹⁴ In states that allow criminal citations to be issued, officers generally must make a custodial arrest if the offender has a history of not appearing, the individual poses a danger to others, themselves, or property, or there are outstanding warrants for that person.¹⁵

The American Bar Association suggests that criminal justice agencies should use the least restrictive conditions of release "that will reasonably ensure a defendant's attendance at court proceedings and protect the community, victims, witnesses or any other person."¹⁶ For these reasons, they have recommended the use of criminal citations and summonses "if the alleged crime did not use or threaten use of force or violence, possession of a weapon, or violation of a court order protecting the safety of person or property."¹⁷

Benefits and Drawbacks of Criminal Citations in Lieu of Arrest

From a resource standpoint, criminal citations allow officers to focus their time and energy on higher-level crimes, instead of going back to the station house, booking the low-level defendant and doing tedious paperwork. This is time better spent on investigating violent and higher level offenses and leaves our streets safer. In 2011, the El Paso Police Department hired MGT of America Inc., to conduct a study which reviewed how officers spend their time when on shift.¹⁸ The study found that 25 percent of their time is devoted to administration, while only 1.5 percent is spent on "proactive policing."¹⁹ Although administrative paperwork post-arrest is important for criminal proceedings, police should be in the field helping to subdue violent criminals from doing harm to our neighborhoods at the highest rate possible.



Moreover, the financial savings that criminal citations can have is apparent. With a jail bed costing on average of \$59 per day in Texas²⁰ and with 12 million annual jail admissions per year, alternatives such as criminal citations have major financial benefits.²¹

Criminal citations might also have effects on recidivism rates. A minor stay in a jail can have grave consequences on an individual's life.²² Jobs can be easily lost based on a day or two missed due to an individual being booked. With job and housing stability playing important parts in the chance that an individual might reoffend, keeping the individual out of jail for even the slightest amount of time can have long-term benefits.²³ However, specific data or research on the effects of criminal citations on long-term reentry and recidivism success has yet to be undertaken.

The use of criminal citations has also raised some questions. Some argue that criminal citations can lead to less-than-accurate arrest information.²⁴ The concern is that often the state does not require the defendant to submit fingerprints. This is problematic considering there is no original arrest record created by the law enforcement agency as is normal operating procedure if the accused was booked.²⁵ Without fingerprints and an original arrest record, it could be very difficult to have 100 percent accuracy between the person and his or her criminal history.²⁶

One solution to this issue is requiring the offender to submit to fingerprints at some point during the proceedings. For example, in Arizona, if an individual is issued a criminal citation, the law enforcement agency must take a right index fingerprint of offenders before they are released and provide a mandatory fingerprint compliance form to them with instructions on reporting for ten-print fingerprinting.²⁷ Statutes such as this would increase the probability of an accurate criminal history for individuals.

Another potential drawback to criminal citations in lieu of arrest is the possibility of higher percentages of failure to appear for initial court dates than for those who are booked into jail. In 2013, a review by the Austin American-Statesman found that 40 percent of offenders only cited and then released never appeared, compared with about 15 percent who were fully booked.²⁸

Civil Citations

Civil citations are similar to, but still distinct from, criminal citations. Civil citations give the officer discretion, or require the officer to issue a citation in lieu of proceeding through the normal booking process.^{29,30} The exact nature of civil citations depends on the jurisdiction, but it is generally determined in statute whether an officer can give (or must give) a civil citation. Civil and criminal citations are mutually exclusive, meaning states have not given discretion to an officer to give either a criminal or civil citation. The statute will allow or require one or the other for certain enumerated offenses. In the case of a civil citation, it will generally state the statute violated, the fine that could be imposed, and whether the individual is required to attend court or whether the individual can pay a fine and forgo any judicial proceedings entirely.³¹ In other words, the citation works similarly to a traffic ticket.

Because the offense is civil, the officer does not have the discretion whether or not to detain the individual, because an arrest can only occur with probable cause of a criminal violation. Therefore, if required by law, an officer may only give the citation and does not have the right to detain the individual.

Benefits and Drawbacks of Civil Citations

While similar to criminal citations in lieu of arrest, civil citations allow officers to expend more time on higher-level criminal activity, rather than booking individuals for petty offenses and filling out paperwork for a majority of their shifts.

Additionally, the matter is entirely civil, meaning that no criminal case file is opened. Because there's no criminal case, there's no criminal record. There are major consequences associated with a criminal background, specifically with a person's vocational/housing/licensing prospects, even if criminal charges are never brought or proven.³²

Moreover, unlike a criminal citation (unless the individual wishes to contest the citation), no appearance is necessary in court, although some statutes require minors and repeat offenders to appear in court for civil citations.³³ Because recipients of civil citations are less likely to find themselves in a courtroom than individuals who received a criminal citation, the time and money saved on judicial resources are obvious.

Certain civil citation statutes require the issuance of the civil citation in lieu of the traditional booking methods for certain offenders.³⁴ This takes the discretion out of the officer's hands to determine whether the specific individual is a risk to not pay the fine, or whether the individual needs specific diversion programs for drug or alcohol addiction to prevent future recidivism rather than a fine levied against them. For example, The Adult Civil Citation program in Leon County, Florida, (discussed next), allows officers discretion based upon the offense and circumstances surrounding the violation to determine whether a civil citation is an appropriate method of punishment for the individual.³⁵

Direct Law Enforcement Diversion Plans

Direct law enforcement diversion programs allow officers at the point of arrest to divert eligible offenders from the traditional criminal justice system. Diverted offenders then participate in a variety of community and treatment programs designed to reduce recidivism, lower incarceration rates, lessen the burden on the criminal justice system, and treat the underlying causes of their criminal behavior.

In 2011, Florida established a statewide treatment diversion program for low-level juvenile offenders. Also in 2011, Seattle, Washington, initiated a program similar to the Florida model for adult offenders accused of low-level drug and prostitution offenses. An examination of both programs follows, as well as policy recommendations based upon their successes.

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Florida Juvenile Civil Citation Program

In 2011, the Florida Legislature established the Juvenile Civil Citation Program, which required local municipalities to create a civil citation program for first time, non-violent juvenile misdemeanants.³⁶ The primary goals of the program were prevention of recidivism, addressing the juveniles' underlying issues causing delinquency without a criminal record being created, and to save costs of processing youths in the criminal justice system.³⁷ The program is only available to juveniles on their first offense who have no prior criminal record, and who have never been issued a prior civil citation.³⁸

The program follows several steps. First, the officer will either bring the minor to a youth juvenile assessment center to determine eligibility or issue a citation on site. Once the minor is at the youth juvenile assessment center, determined eligible for the program,³⁹ and the officer agrees to issue the citation,⁴⁰ the citation is explained to the minor. His or her information is then forwarded to the state's attorney, and the minor's guardian is contacted to approve the minor's participation in the program.⁴¹ Next, the case manager completes an assessment of the minor and as-

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signs certain programs and services for the minor to complete. A variety of programs and services can be assigned by the case manager, including community supervision, family counseling, drug screening, urinalysis testing, substance abuse treatment, mental health treatment, apology letters to victims, restitution, school progress monitoring, prevocational skill service, and/or curfew. If the minor completes all services as assigned, the case is closed. If the program is not completed for any reason, the normal booking process will then proceed for the minor.⁴²

The results of the program have been remarkable. In fiscal year 2011-2012, there were a total of 4,822 offenders released through the civil citation program. Of those, 3,888 completed the program.⁴³ The recidivism rate for those who completed the program was just 4 percent.^{44, 45}

The financial savings for the Florida Civil Citation Program have been impressive as well. It is estimated to cost, on average, \$5,000 per to process a youth through the criminal justice system, compared to \$386 per youth for the Civil Citation Program.⁴⁶

Because of the success of the juvenile program, in 2013, Leon County, Florida, (which contains Tallahassee) implemented an adult Civil Citation Program that works similarly to its juvenile counterpart.⁴⁷ Because Tallahassee is home to Florida State, a major university with a population of over 40,000 students,⁴⁸ the offenses eligible for participation are rather fraternal in nature, such as possession of alcohol under 21, possession of less than 20 grams of marijuana/paraphernalia, selling/giving alcoholic beverages to a minor, trespassing, criminal mischief, non-domestic battery and assault, disorderly conduct, open house parties, and luckily for one famous Florida State alumni,⁴⁹ petit theft.⁵⁰ Similar to the juvenile program, law enforcement officers have the discretion to offer the citation in lieu of arrest on the person's first offense, based on the crime and the surrounding circumstances of the violation.⁵¹ The program offers a variety of services and treatment programs that, if completed by the offender, will result in no criminal conviction and record.⁵² Unlike the juvenile program, scant data is available on the recidivism or the cost savings that have potentially come from this program.

LEAD Program

In an effort to reduce recidivism, reduce "criminal justice service utilization and associated costs," and "improvements for psychological, housing, and quality-of-life outcomes," the LEAD Policy Coordinating Group developed a diversion program for those suspected of low-level drug offenses and prostitution criminal activity.⁵³ The pilot city was Seattle, Washington, in the Belltown neighborhood.⁵⁴ From October 2011 through July 2014, the Seattle Police Department had "red-light" shifts and "green-light" shifts, where, on green-light shifts, they placed eligible suspects⁵⁵ for inclusion in the LEAD Program at the point of arrest or, on red-light shifts, they would determine if

the individual was eligible for the LEAD program in order to serve as the control group.⁵⁶ The control group would then go through the normal process of the criminal justice system, such as being booked, charged, etc.⁵⁷

The LEAD program initially screened the participants to determine 1) substance abuse frequency and treatment; 2) time spent in housing; 3) quality of life; 4) psychological symptoms; 5) interpersonal relationships; and 6) health status. Based upon the assessment, the participants received a wide variety of services, including:

- ★ Legal advocacy
- ★ Job training or placement
- ★ Housing assistance
- ★ Counseling
- ★ Financial support (for motel stays, housing, food, clothing, treatment, etc.)⁵⁸



A study conducted by the University of Washington LEAD Evaluation Team measured the arrest and charge rates of the individuals on a short-term basis (six months prior compared to six months subsequent to evaluation entry) of the participatory group versus the control group, as well as over the entire length of the LEAD evaluation (October 1, 2009, to July 31, 2014).⁵⁹ Further, the study measured the criminal justice and legal system utilization associated with LEAD participants compared to their counterparts in the control group.⁶⁰ Lastly, the study looked into the psychosocial and housing variables reported by the participants themselves and how they were affected by participation in the program.⁶¹

Overall, the recidivism rates for LEAD participants were significantly lower than those in the control group. For the short-term examination (six months), LEAD participants had 57 percent lower odds of arrest subsequent to becoming enrolled than the control group. The long-term examination also showed statistically significant recidivism reductions, with the LEAD group having 56 percent lower odds of being arrested at least once subsequent to participation compared to the control group.⁶²

A second study from the University of Washington LEAD Evaluation Team looked in depth at the cost and utilization of criminal justice resources of the LEAD group compared to the control group.⁶³ Specifically, the study investigated 1) LEAD effects on jail bookings; 2) LEAD effects on jail days; 3) LEAD effects on prison days; 4) LEAD effects on number of misdemeanor and felony cases; and 5) LEAD effects on costs associated with criminal justice and legal system utilization.

Other than a non-significant effect on the amount of misdemeanor cases, the study showed statistically significant effects across the board. LEAD participants' judicial costs were reduced by \$2,100 from their pre-evaluation entry, compared to the control participants' costs, which showed an overall \$5,961 increase.⁶⁴ Further, LEAD group participants saw 1.4 fewer jail bookings per person per year, 39 fewer days in jail per person per year, 87 percent lower odds of having at least one prison sentence post-evaluation, and a significant reduction in the number of felony cases per year. This equates to additional cost savings.

In Fall 2015, a third study by the University of Washington LEAD Evaluation Team will be released regarding the psychosocial, housing, and quality-of-life outcomes LEAD participants experienced.

When combining the significant reductions in recidivism, cost, and utilization of criminal justice resources, along with the potential increased quality of life for its participants, the LEAD program shows that alternative methods to traditional approach to prosecution can make our streets safer while reducing costs.

The LEAD Evaluation Advisory Committee wishes to expand the program past simple drug and prostitution offenses. It would appear that, based upon the treatment used by LEAD, the program could be easily adapted for minor property crimes, as most of those offenses involve individuals in the lower socioeconomic class with potential substance abuse issues that could benefit from vocational and drug abuse treatment.

Policy Recommendations

One thing that can be said for certain about criminal and civil citations is that they reduce the resources utilized by booking and jailing those suspected of crimes, allowing officers to spend more time on the streets and reducing jail costs. Civil citations also save time, money, and resources, not only for police, but also for judicial stakeholders such as judges, prosecutors, and defense attorneys. Both also have the benefit of reducing the time spent in jail of those suspected of a crime—whether they are innocent or guilty. Reducing the time individuals spend behind bars in turn decreases the risk of them losing their jobs and becoming repeat offenders.⁶⁵ However, as a matter of public safety, there is little data regarding the effectiveness of citations on assessing flight risks and/or new criminal activity when compared to individuals who are traditionally booked. This information is important in determining whether citations warrant expansion in Texas.



Currently, Texas allows law enforcement to issue criminal citations for almost all Class C misdemeanors and certain Class B and A misdemeanors. The Texas Public Policy Foundation recommends a closer examination of the public safety aspects of current practices regarding criminal citations to help determine whether Texas can expand criminal citations to include more Class B and A misdemeanors and certain felonies. If the current use of citations proves that public safety is not put at risk, then Texas might expand citations to only non-violent, non-sexual, non-family violent offenses.

Juvenile Direct Law Enforcement Diversion Programs

Because of the success of the Florida Juvenile Citation Program, Texas should implement a similar program, with a few exceptions.⁶⁶ Like Florida, the statute should contain certain parameters that each local entity must contain in its respective individual program. First, each citation plan should include intervention services based upon proven diversion programs already implemented in Florida. Second, the statute should require the Department of Juvenile Justice to develop procedures that the officer must follow when advising the child of his or her rights, and when processing the citation to the assessment. Third, the statute should map out certain guidelines on how expeditiously the child must finish assignments identically to the Florida statute.⁶⁷ Fourth, the statute should provide what constitutes “failure” of the program and how to process children who do not meet the requirements.⁶⁸

Other than these requirements, the statute should allow for great flexibility regarding implementation of the program based upon each locality’s specific needs and bandwidth. The statute should not state specifically which offenses must be included in each program; rather, it should only state that each locality must implement a citation program “for children who commit non-serious delinquent acts and to ensure swift and appropriate consequences.” This would allow a locality great deference on defining what is a non-serious offense, and would let officers and programs focus on crimes that are of particular importance to that location. In Texas, this flexibility would be of great importance. For example, underage drinking and drug use in a county such as Travis, which houses the University of Texas, might be a greater problem than in rural areas.

Moreover, the statute should allow for a law enforcement agency, the Department of Juvenile Justice, a juvenile assessment center, the specific county/municipality, or another entity to operate the program.⁶⁹ Whichever entity is able to most successfully operate the program will be on a jurisdiction-by-jurisdiction basis. For instance, a major city’s law enforcement agency may not have the resources to operate such an extensive program, but the

broad language of the statute will allow for an independent entity to move into this space under the guidance of the local stakeholders.

Certain requirements beyond the Florida statute should be enacted, however. First, a reporting requirement should be implemented regarding the type of eligible youth who receive civil citations and eligible youth who do not. Officers should be required to explain to the heads of their respective agencies why they did not issue a citation in each case, so the information can be available for compilation. This data could be invaluable to better train officers on which variables are directing their decision-making, and whether these are appropriate standards when utilizing their discretion.

Second, training requirements for officers on what factors should be weighed when exercising their discretion should be codified.

Adult Direct Law Enforcement Diversion

Based upon the success of the LEAD program, Texas should implement a similar program. Because the LEAD program was not statutorily enacted, certain guidelines for legislatures are necessary. Similar to the Florida citation program, several basic parameters should be contained in the legislation. This should include stating the general mechanisms involved, and what types of programs can be implemented by the localities. Further, the statute should only allow for diversion for prostitution and drug offenses, until more data and research regarding diversion programs for other adult criminal offenses has been completed.

Also similar to the Florida citation program, certain discretion should be given to each locality to implement the program that will most benefit that specific jurisdiction. Moreover, the actual operator of the program should be left to the locality to determine, with the consent and guidance from the Texas Department of Criminal Justice and other stakeholders. Finally, participation in the LEAD program by local governments should be voluntary, and it should be implemented by repurposing existing resources, i.e., legislation creating the LEAD program should not create any new services in or impose any new costs on the criminal justice system or local governments.

Conclusion

One potential solution to slowing or even reversing the growing costs of the judicial system in Texas may be the creation of direct law enforcement diversion programs. They have proven effective at both the juvenile and adult level in reducing recidivism, lowering the costs on our judicial system, and minimizing resource strain on courts, prosecutors, and public defenders, while allowing law enforcement to devote more time to serious, violent offenses. Statutes that codify these programs with implementation discretion to the specific localities will help bring these same successes to the great state of Texas. ★

Endnotes

- ¹ Texas Constitution and Statutes, Code of Criminal Procedure, Article 14.06.
- ² LexisNexis, Unannotated Code of Maryland and Rules, Maryland Criminal Law, 10-113, 10-114, 10-115.
- ³ Tracey Kyckelhahn, Ph.D, *Local Government Corrections Expenditures*, FY 2005-2011, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2013, p. 2.
- ⁴ Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, *LEAD Program Evaluation: Recidivism Report*, Harm Reduction Research and Treatment Lab, University of Washington-Harborview Medical Center, Mar. 27, 2015; Susan E. Collins, Heather S. Lonczak, Seema L. Clifasefi, *LEAD Program Evaluation: Criminal Justice and Legal System Utilization and Associated Costs*, Harm Reduction and Treatment Lab, University of Washington-Harborview Medical Center, June 24, 2015.
- ⁵ *Ibid.*
- ⁶ This is not always the case. See SB 364 of Maryland's 2014 Regular Session, which requires courts to order Drug Education Program for minors and certain repeat drug possession offenders who have been issued civil citations for marijuana possession.
- ⁷ Collins, Lonczak, Clifasefi, *LEAD Program Evaluation: Criminal Justice and Legal System Utilization and Associated Costs*.
- ⁸ National Conference of State Legislatures, Citation in Lieu of Arrest 50-State Chart.
- ⁹ *Ibid.*
- ¹⁰ Texas Constitution and Statutes, Code of Criminal Procedure, Article 14.06.
- ¹¹ Class A or B misdemeanor of driving while license invalid, contraband in correctional facility, theft of service, theft, graffiti, criminal mischief, possession of substance penalty group 2-A, or possession of marijuana. See Texas Constitution and Statutes, Code of Criminal Procedure, Article 14.06(c).
- ¹² Louisiana State Legislature, Code of Criminal Procedure, Art. 211.
- ¹³ Oregon Laws, Revised Statutes, 133.055. (For felonies that can be reduced to a misdemeanor, see ORS 161.705.)
- ¹⁴ National Conference of State Legislatures, Citation in Lieu of Arrest 50-State Chart.
- ¹⁵ *Ibid.*
- ¹⁶ American Bar Association, Criminal Justice Section Standards, Pretrial Release, Part I, General Principles, Standard 10-1.2.
- ¹⁷ American Bar Association, Criminal Justice Section Standards, Pretrial Release, Part I, General Principles, Standard 10-1.3.
- ¹⁸ Marty Schladen, "City Police Changes Expected in 2012," *El Paso Times*, June 30, 2011.
- ¹⁹ *Ibid.*
- ²⁰ Brandon Wood, Assistant Director of the Texas Commission on Jail Standards, in presentation at American Bar Association, Criminal Justice Section, Roundtable on Pretrial Detention in Austin, Texas, Mar. 30, 2012.
- ²¹ Todd D. Minton and Daniela Golinelli, "Jail Inmates at Midyear 2013—Statistical Tables," U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2014, p. 4. E.
- ²² Devah Pager, *The Mark of a Criminal Record*, Doctoral Dissertation. Department of Sociology, University of Wisconsin-Madison (2002), p. 54-57; Derek Cohen, Greg Glod, Dianna Muldrow, "Collateral Consequences: Criminal Records, Their Effect on Reentry, and Recommendations for Policymakers," Texas Public Policy Foundation, April 2015, p. 3-4.
- ²³ *Ibid.*

- ²⁴ Mark Perbix, *Unintended Consequences of Cite and Release Policies*, National Center for State Courts and SEARCH, p. 1-2.
- ²⁵ *Ibid.*
- ²⁶ *Ibid.*
- ²⁷ Arizona State Legislature, Revised Statutes, 13-3904 (C).
- ²⁸ Tony Plohestki, "In Travis' Cite and Release Program, 40% of Suspects are No-Shows," *The Austin American-Statesman*, June 15, 2013.
- ²⁹ Nebraska Legislature, Revised Statute 28-416. Maryland Criminal Law, 5-601.1 (an officer cannot arrest an individual for his or her first or second violation).
- ³⁰ American Bar Association, Criminal Justice Section, State Policy Implementation Project, Civil Citations for Minor Offenses.
- ³¹ General Assembly of Maryland, Criminal Law, 5-601.1
- ³² Pager, 54-57.
- ³³ Maryland Criminal Law, 5-601.1 and 5-601 requires offenders under the age of 21 and third time offenders to be summoned for trial to determine whether it is necessary for the offender to "attend a drug education program approved by the Department of Health and Mental, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment...."
- ³⁴ Maryland Criminal Law, 5-601.1 and 5-601.
- ³⁵ Civil Citation Network, 2013 Spring Quarterly Report, p. 1.
- ³⁶ The Florida Senate, 2011 Florida Statutes, Section 985.12.
- ³⁷ Dan McCarthy, Robert Weissert, Nathan Waibel, Chris Barry, *Briefing: An Adult Civil Citation Program Can Save Taxpayer Dollars*, Florida Tax Watch, Center for Smart Justice, Jan. 2014. 2; Theda Roberts, *Florida's Statewide Civil Citation: Part of the Community, Part of the Solution*, Florida Department of Juvenile Justice, Civil Citation Coordinator, Jan. 2015, p. 3.
- ³⁸ Roberts, 7.
- ³⁹ It is important to note that if the minor is determined to be eligible, any entry to determine eligibility of the youth is eliminated by the juvenile assessment center to ensure no paper trail begins. *Ibid.* 9.
- ⁴⁰ If the officer doesn't issue a civil citation to an eligible youth, he or she must justify this to the head of their agency. *Ibid.* 7.
- ⁴¹ *Ibid.* 10.
- ⁴² *Ibid.* 10-11.
- ⁴³ Theda Roberts, Civil Citation Accountability Report 2012-13, Florida Department of Juvenile Justice, p. 2.
- ⁴⁴ *Ibid.*
- ⁴⁵ *Ibid.*
- ⁴⁶ Barney Bishop, Wansley Walters, Tom Olk, "Getting Smart on Juvenile Crime in Florida: Taking it to the Next Level, Reducing Juvenile Arrests by 40%," Associated Industries of Florida, Nov. 2010, p. 1. (Accessed on americanbar.org).
- ⁴⁷ Adult Civil Citation Program Brochure, Adult Civil Citation Program, a cooperative effort between the Chief Judge, State Attorney and Public Defender for the Second Judicial Circuit, as well as the Leon County Commission and Sheriff's Office, and the City of Tallahassee Commission and Police Department, Tallahassee, Florida.

- ⁴⁸ About Florida State, Student Body, Florida State website (fsu.edu).
- ⁴⁹ Jared Shanker, Associated Press, *FSU Baseball Suspends Winston*, ESPN.com.
- ⁵⁰ Adult Civil Citation Program Brochure.
- ⁵¹ Civil Citation Network, 2013 Spring Quarterly Report, p. 1.
- ⁵² *Ibid.*
- ⁵³ Collins, Lonczak, Clifasefi, *Criminal Justice and Legal System*, June 24, 2015, p. 4.
- ⁵⁴ *Ibid.*
- ⁵⁵ Collins, Lonczak, Clifasefi, *Recidivism Report*, Mar. 27, 2013, p. 4.
- ⁵⁶ In general, to be eligible for the LEAD Program, the individuals would either have to be suspected of possession of drugs under three grams (without the delivery or intent to deliver the narcotics) or prostitution offenses (non-promotional prostitution offenses), along with a minor criminal history and appear amenable to diversion. Both the LEAD Program participants and the control group had the same qualifying criteria. See *Ibid.* 7-8 for the complete qualification and exclusionary list.
- ⁵⁷ *Ibid.* 5.
- ⁵⁸ *Ibid.*
- ⁵⁹ *Ibid.* 8.
- ⁶⁰ *Ibid.* 6.
- ⁶¹ *Ibid.*
- ⁶² *Ibid.* 16.
- ⁶³ Collins, Lonczak, Clifasefi, June 24, 2015.
- ⁶⁴ Pre-evaluation costs show the average amount each group of individuals cost the criminal justice and legal system prior to program entry/interaction with officers. Post-evaluation costs show the average amount each group of individuals cost the criminal and legal system subsequent to program entry. *Ibid.* 19-20.
- ⁶⁵ Lahn R. Silva, p. 165; citing Jennifer Leavitt, "Walking a Tightrope: Balancing Competing Public Interests in the Employment of Criminal Offenders," 34 *Connecticut Law Review* (2002) p. 1286.
- ⁶⁶ The Florida Senate, 2011 Florida Statutes, Section 985.12.
- ⁶⁷ *Ibid.*
- ⁶⁸ If the child fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, or if the juvenile commits a subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point a juvenile probation officer shall process the original delinquent act as a referral to the department and refer the report to the state attorney for review. Section 985.12(5) Florida Statutes.
- ⁶⁹ Whoever runs the operation must do so in concurrence though with the chief judge of the circuit court, state attorney, public defender, and head of local law enforcement agency to ensure that each primary stakeholder is involved. Section 985.12(1) Florida Statutes.

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