Florida Civil Citation Initiative

Florida Department of Juvenile Justice
Mark Greenwald, Chief of Research and Planning
Theda Roberts, Florida Civil Citation Coordinator
Florida Civil Citation Initiative

At a Glance . . .

- An option for law enforcement
- A means to require accountability and consequences
- A non-criminal avenue to address common youth misbehavior
- A community driven decision
- Works within existing programs
- Increases public safety
- Improves youth outcomes
- Saves taxpayer dollars
Florida Civil Citation Initiative

Why?

Most don’t come back

— A five-year analysis shows that two-thirds of youth arrested for a first-time misdemeanor are not arrested again during an 18-month follow up period.

— All leave with a criminal history record

Young offenders recidivate more often for more serious crimes

- Over 50% of serious, violent and chronic (SVC) offenders were aged 12 or under at their first arrest

- SVC offenders are most at risk, requiring the most intense, deep-end services and resources

Note: Florida Department of Juvenile Justice Briefing Report.: Analysis of Serious, Violent, & Chronic Delinquency in Florida, February 2013
Florida Civil Citation Initiative

Equal Justice

—Youth of color are given more restrictive dispositions than white youth; even when they have committed the same offense and have the same prior record

—Youth of color are overrepresented at every level of service in Florida’s juvenile justice system

Note: MacArthur Foundation Models for Change Disproportionate Minority Contact (DMC) Action Network http://www.modelsforchange.net/about/Action-networks/Disproportionate-minority-contact.html
A first-time high school court appearance increases the likelihood of dropping out of school\(^1\)

57% of all school arrests in Florida are for first time misdemeanor offenses\(^2\)

65% of school arrests in Florida are dismissed, not filed, or diverted\(^2\)

\(^1\)Breaking School Rules: A statewide study of how school discipline relates to students’ success and juvenile justice involvement. Council of State Governments Justice Center and The Public Policy Research Institute

\(^2\)Florida Department of Juvenile Justice 2011-12 Delinquency in Schools Report
The Risk Principle

The intensity and duration of services provided should mimic the risk level of the youth.

FDJJ studied outcomes for youth served in 2010-11 and identified as low-risk by a validated assessment tool:

- Deeper placement = Higher recidivism
- Diversion = Lower recidivism
- True for low risk “high needs” youth

Note: Florida Department of Juvenile Justice Delinquency Briefing: The Risk Principle, March 2013
Florida Civil Citation Initiative

S. 985.12 – Civil Citation

- Requires civil citation or a similar diversion program in each community
- Maintains law enforcement discretion to arrest or cite
- Empowers the Chief Circuit Judge, State Attorney, Public Defender and Law Enforcement to determine how civil citation is structured at the local level
- Requires
  - An assessment
  - Intervention services
  - Community service hours
Florida Civil Citation Initiative

S. 985.12 – Civil Citation

- Limits eligibility to first-time, non-serious misdemeanants
- Provides that the youth must admit guilt and can refuse participation
- Specifies that civil citation is not a referral (an arrest) to DJJ
- Ensures original charge goes forward for youth who fail to complete sanctions
- Requires civil citation data to be reported to DJJ
- Tasks DJJ to encourage and assist to implement or improve of existing programs
Florida Civil Citation Initiative

Implementation

- **Resources**
  - Reinvested residential cost savings to provide services including mental health and substance abuse
  - Dedicated statewide coordinator position

- **Collaboration**
  - With the Eckerd Family Foundation in three counties with high juvenile arrest rates
    - Expand school based program to the community
    - Enhance collaboration of community stakeholders
    - Engage county-wide law enforcement
Florida Civil Citation Initiative

- **Training**
  - Educate stakeholders on the Civil Citation process
  - Train Law Enforcement Officers
  - Address adolescent brain development
  - Incorporate Civil Citation into presentations and trainings presented by Department leadership and program areas

- **Assessment**
  - Develop an assessment tool to specifically identify risk factors for Civil Citation and at-risk youth
Florida Civil Citation Initiative

- Presentations to state and local stakeholders
  - Florida Police Chiefs Association
  - Florida Sheriffs Association
  - Florida Association of School Resource Officers
  - Florida Association of Teen Courts
  - Florida Juvenile Justice Association
  - College of Advanced Judicial Studies
  - Florida Public Defender Continuing Education
  - National Faith Symposium
  - National Conference on Preventing Crime in the Black Community
  - North Carolina General Assembly Age of Juvenile Offenders Committee
  - Florida Organized Retail Crime Enforcement Working Group
  - Local Juvenile Justice Councils and Boards
  - Local Community Meetings
Florida Civil Citation Initiative

- Opened data to the public through the Civil Citation Dashboard
  - Utilization at the state, circuit, and county level
  - Status by race, gender, school, and law enforcement
  - Intersection between race and gender for similar offenses
  - Disposition for eligible arrested youth
Florida Civil Citation Initiative

Statewide Coverage to date
Civil Citation Utilization by Fiscal Year

Does Civil Citation bring more youth under state control?

**Exhibit 1.** Civil Citation utilization and first time misdemeanor arrests.

- **FY 2011-12**
  - Civil Citations Issued: 26,763
- **FY 2012-13**
  - Civil Citations Issued: 23,931
  - First Time Misdemeanor Arrests: 10,359
- **FY 2013-14**
  - Civil Citations Issued: 21,349
  - First Time Misdemeanor Arrests: 8,342

**Note:** Florida Department of Juvenile Justice Data and Research
Civil Citation Benefits Law Enforcement

- Typically requires less officer time and requires no court appearance
- Decreases operational costs, freeing up resources for more serious crimes
- Assures that youth are held accountable
- Increases public safety
Exhibit 2. Florida DJJ Recidivism by Placement Type for 2011-12.

Note: Florida DJJ 2012-13 Comprehensive Accountability Report
Florida Civil Citation Initiative

Civil Citation Benefits Communities

- Addresses behavioral needs of youth and families at the earliest stage of delinquency
- Reduces the cost of processing youth for misdemeanors in multiple systems
- Builds equal justice
Civil Citation serves higher percentages of minority youth

Exhibit 3. Utilization by race for eligible youth

Note: Florida Department of Juvenile Justice Data and Research
Civil Citation Benefits Youth

- Intervenes early in delinquency
- Holds youth accountable with immediate sanctions
- Helps avoid escalation into the juvenile justice system
- Identifies youth likely to come back
- No criminal history
Consequences of an Arrest

- A criminal history record is created at the state and federal level
- Negative labeling
- Rearrest is more likely
- May be suspended upon notification to school
- May drop-out of school
- Impedes military, educational, and vocational opportunities
- May not be eligible for financial assistance for secondary education
- May lose public housing assistance
- May have driver’s license suspended
Florida Civil Citation Initiative

Process

First Time Misdemeanor

LE agrees to Civil Citation

Arrest Forms are held and process begins

Operating Entity (can be Teen Court, Diversion, NAB, LEA, DJJ) completes assessment to determine youth needs

Interventions
- Family Counseling
- Urinalysis monitoring
- SA/MH services

Sanctions
- Service Hours
- Apology Letter
- Restitution
- Academics

Success! No Juvenile Record

Unsuccessful Arrest Form is given to the State Attorney

Repeat Offenders

Delinquency Intake
Eligibility

- Non-serious, first time misdemeanants
  - Defined at the local level and varies by county

- Most counties follow the DJJ model
  - Ineligible
    - Sexual, firearm or gang related
  - Eligible with state attorney, victim, family approval
    - Battery
    - Assault
    - Non-firearm weapon possession
    - Animal Cruelty
Is Civil Citation effective for eligible offenses?

**Exhibit 4. Recidivism by Offense Type for civil citation and diversion completers in FY 2011-12**

<table>
<thead>
<tr>
<th>Offense Category (all Misdemeanors)</th>
<th>Civil Citation Completers</th>
<th>Diversion Completers</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Recidivism Rate</td>
<td>Total Completers</td>
<td>Recidivism Rate</td>
</tr>
<tr>
<td>Petit Theft***</td>
<td>3%</td>
<td>1,594</td>
<td>7%</td>
</tr>
<tr>
<td>Assault and or Battery (not aggravated)***</td>
<td>5%</td>
<td>631</td>
<td>12%</td>
</tr>
<tr>
<td>Drug Offenses***</td>
<td>5%</td>
<td>562</td>
<td>10%</td>
</tr>
<tr>
<td>Loitering and Prowling***</td>
<td>5%</td>
<td>56</td>
<td>21%</td>
</tr>
<tr>
<td>Trespassing***</td>
<td>6%</td>
<td>144</td>
<td>16%</td>
</tr>
<tr>
<td>Obstruction of Justice**</td>
<td>7%</td>
<td>91</td>
<td>15%</td>
</tr>
<tr>
<td>Vandalism**</td>
<td>3%</td>
<td>131</td>
<td>9%</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>5%¹</td>
<td>389</td>
<td>8%¹</td>
</tr>
<tr>
<td>Alcohol Offenses</td>
<td>2%¹</td>
<td>136</td>
<td>3%¹</td>
</tr>
<tr>
<td>Other</td>
<td>15%¹</td>
<td>20</td>
<td>9%¹</td>
</tr>
<tr>
<td>Weapon-Firearm Offense</td>
<td>10%¹</td>
<td>21</td>
<td>14%¹</td>
</tr>
<tr>
<td>Violation of Hunt, Fish, Boat Laws</td>
<td>0%¹</td>
<td>3</td>
<td>14%¹</td>
</tr>
<tr>
<td>Total***</td>
<td>4%</td>
<td>3,778</td>
<td>9%</td>
</tr>
<tr>
<td>Domestic Violence***</td>
<td>0%</td>
<td>10³</td>
<td>12%</td>
</tr>
</tbody>
</table>

¹ No significant difference in the recidivism rate of the two groups. (p>.05)
² Only includes youth who completed diversion for a Civil Citation eligible arrest.
³ Domestic Violence category is a subcategory of the Assault and Battery offense category and therefore is already included in the Total above for the completers.
⁴ The offense category represents the most serious offense for which the youth completed the civil citation or diversion program.

*Note: Florida Department of Juvenile Delinquency Briefing: Civil Citation Effectiveness Review, July 2014*
Florida Civil Citation Initiative

Law Enforcement Process

- Transport youth to an assessment center
  - Officer signs paperwork
  - Center confirms identity and eligibility, provides case management and notifies officer of completion status

- Issue a school or field citation
  - Confirm identity and eligibility
  - Release youth to parent or responsible adult
  - Send civil citation form, arrest affidavit and release agreement to the civil citation program within 24 hours
  - Civil Citation program provides case management and notifies officer of completion status
Case Management

- Youth has 7 work days to contact the program
- The program
  - Explains the process to youth and parents
  - Conducts a needs assessment and refers youth for intervention services
  - Assigns sanctions
  - Tracks community service hours and restitution
  - Enters youth data in the Prevention Web
  - Upon successful completion, closes out the case
  - Upon unsuccessful completion, provide booking documents to the State Attorney for filing on the original charge
The Take Away . . .

Civil Citation

– Increases Public Safety
  • Fewer arrests increase safety in the community

– Improves youth outcomes
  • Fewer are arrested when risk factors are addressed at the front end

– Saves taxpayer money
  • $386 for a citation
  • $5,000 for an arrest

More information about the Florida Civil Citation Initiative

Theda Roberts
Statewide Civil Citation Coordinator
Florida Department of Juvenile Justice
Office 321.383.2751 – Cell 850.322.9564
Theda.roberts@djj.state.fl.us

http://www.djj.state.fl.us/partners/our-approach/florida-civil-citation

http://www.djj.state.fl.us/research/delinquency-data/civil-citation-dashboard