



Florida Explores Civil Citation Programs to Divert Incarceration

Incarceration in Florida

According to the most recent report from the National Institute of Corrections, the state of Florida's jail population in 2019 was 64,710, while the prison population was 96,009.¹ As the third largest state corrections system in the United States, the Florida Department of Corrections (DOC) employed 25,154 individuals to support its facilities during this time.²

Recently, the DOC released its 2020-21 Strategic Plan, addressing the internal challenges exacerbated by the COVID-19 pandemic. The Secretary of the Florida Department of Corrections at the time, Mark S. Inch, described the DOC to be in a "systemic crisis" citing issues that ranged from the following:

- An increasingly violent and idle jail population
- High vacancy rates for correctional officers due to severely stressed and overworked employees, limited resources, and insufficient pay
- Addiction (approximately 60% of individuals who are incarcerated have some form of addiction)
- Aging infrastructure (Only 24% of housing units have air conditioning)

The strategic plan outlines efforts to address the systemic crisis, including the restoration of staffing, safer population management, community reintegration, specialized residential mental health units, and more.



60%

of individuals who are incarcerated have some form of addiction

A Shift in Policy

According to the Pew Center on States, in the last four decades, criminal justice policy developed on the central idea that the most effective way to promote public safety was to increase incarceration.³ Policies have since shifted to consider the exacerbation of facilities and budgetary constraints throughout the nation. In recent efforts to reform and transform patterns of the carceral system, the state of Florida has enlisted in new practices and programs that seek to deter incarceration altogether. Amongst these practices are civil citation programs, in which a law enforcement officer has the authority and discretion to issue a civil citation to a person who commits an eligible misdemeanor offense, meets other eligibility requirements, and agrees to participate in a diversion program. These programs are designed to address the behavior of the individual instead of the crime itself and divert the individual from incarceration.



24%

of housing units have air conditioning

¹United States Department of Justice, Florida 2019. National Institute of Corrections: <https://nicic.gov/state-statistics/2019/florida-2019>

²Florida Department of Corrections Strategic Plan & Annual Report 2020-2021: <http://www.dc.state.fl.us/pub/annual/1819/2020-2021-Strategic-Plan.pdf>

³Pew Center on States, Time Served: The High Cost, Low Return of Longer Prison Times. (2012). [prisontimeservedpdf.pdf](https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2012/05/time-served) (pewtrusts.org)

Civil Citations: A solution to address incarceration

In 2011, the Florida legislature passed HB 997, requiring the Department of Juvenile Justice to encourage and assist in the implementation and improvement of civil citation and similar diversion programs. Although encouraged, the decision to implement these programs was ultimately reserved to the will of local governments and their respective agencies. Following the passage of HB 997, several counties in Florida implemented a juvenile civil citation or similar diversion program, with the more densely populated counties leading the way. Today, according to the Florida Department of Juvenile Justice (DJJ) website, a Civil Citation or similar pre-arrest diversion program exists in all 67 counties.⁴ The juvenile citation program aims to interrupt past patterns of the justice system by providing misdemeanor offenders the opportunity to participate in intervention services at the earliest stage.

The DJJ's website describes the program as an investment in public safety as it reduces costs, decreases recidivism, addresses the behavioral needs of delinquents, and protects the futures of first-time offenders. Additionally, the citation process alleviates law enforcement officers from the lengthy booking and arrest process, allowing them to return to duty faster. In December 2019, researchers at the Florida State University published a study assessing the effectiveness of Civil Citations as an alternative to arrest among youth apprehended by law enforcement:



The findings suggest that civil citation does have a significant effect on reducing the likelihood of re-arrest within a 6-month, one-year, and three-year follow up of the juvenile receiving their initial referral. At the 6-month follow up, civil citation reduced the likelihood of recidivism by nearly 50%, and at three years, civil citation juveniles are still 30% less likely to recidivate.⁵



⁴Florida Civil Citation, Florida Department of Juvenile Justice. (2021). <https://www.djj.state.fl.us/partners-providers-staff/our-approach/florida-civil-citation>

⁵Juvenile Services Department Cost Analysis Miami-Dade County Office of Strategic Business Management. (n.d.). <https://www.miamidade.gov/juvenileservices/library/JSD-Cost-AnalysisFinal-Report.pdf>

Not only did Florida's counties witness a reduction in recidivism, but the cost per youth served decreased for some counties as well:

"Miami-Dade County's average cost per youth served ranged from a low of \$1,351 (youth eligible for the newly implemented Civil Citation program) to a high of \$3,561 (youth ineligible for post-arrest diversion services). The average cost per youth for the civil citation program, which was implemented in 2007, is lower than the cost for other diversion programs because for these youth, JSD (Juvenile Services Department) staff does not have to perform several internal processes that a formal arrest requires, such as booking."⁶

Witnessing the success of the juvenile civil citation program, the state legislature took further steps by extending the application of civil citation programs to adults. In 2018, Governor Ron DeSantis signed [SB 1392](#), an act relating to criminal justice, creating [s. 901.41, F.S.](#)

and amending [s. 985.12, F.S.](#) The bill encourages local entities to implement adult civil citation or similar pre-arrest diversion programs created by their judicial circuit, delegating authority to the state attorney to operate the program. Any similar programs coordinated by a county, sheriff, police department, and private or public institution will be reviewed by the state attorney. These agencies will work together to form eligibility requirements and the operations of each program.

Program requirements for adult civil citation programs were designed to approach intervention based on the individuals' needs, such as family counseling, substance abuse and mental health treatment services, and more.⁷ Eligibility for offenders excludes several crimes such as violent misdemeanors, cases of domestic violence, and sexual violence. The cost for participation in the program is designated to the offender who pays a one-time program fee.

County Participation in Civil Citation Programs

Florida's counties have a vested interest in detention centers and public safety as they provide services such as facilities, food, rehabilitation, work release programs, medical care, and more. The support of the Florida legislature and the success of similar citation programs has inspired many counties to adopt similar policies for adults, including but not limited to the following:

- Broward, Leon, Miami Dade, Palm Beach, Pinellas
- Fifth Judicial Circuit: Citrus, Hernando, Lake, Marion, and Sumter
- Ninth Judicial Circuit: Orange, Osceola

Several counties have witnessed success within their programs and communities, including Leon County which discovered a rearrest rate of only nine percent for participants who successfully completed the program.⁸

In 2017, Miami-Dade County issued approximately 8,900 civil citations preventing incarceration for crimes such as possession of drug paraphernalia and the consumption of alcohol in public, therefore reducing the overall costs incurred by counties.⁹ Orange County recently implemented its 90-day pilot adult civil citation program in partnership with the Kissimmee Police Department, Orange County Sheriff's Office, and the Orlando Police Department. The program requires a fee and completion of community service hours as well as offense-specific educational courses, such as anger management, conflict resolution, life and parenting skills, and others.

⁶Juvenile Services Department Cost Analysis Miami-Dade County Office of Strategic Business Management. (n.d.). <https://www.miamidade.gov/juvenileservices/library/JSD-Cost-Analysis-Final-Report.pdf>

⁷Adult Civil Citation Program, Office of the State Attorney Ninth Judicial Circuit, Adult Civil Citation Program (sao9.net)

⁸National Association of Counties, Meeting the Needs of Individuals with Substance Use Disorders: Strategies for Law Enforcement: <https://www.naco.org/sites/default/files/documents/Strategies-for-Law-Enforcement.pdf>

⁹Barszewski, L. (2018, December 15). Broward to give small-time offenders a big break. Sun Sentinel, <https://www.sun-sentinel.com/local/broward/fl-reg-adult-second-chance-civil-citations-20180207-story.html>



Conclusion

As local entities seek new and innovative ways to divert individuals from incarceration, civil citation programs have opened the door to new solutions for counties, cities, state attorney offices, law enforcement, and other public institutions. These programs address crime with a needs-based approach, directly addressing the root of what may have led up to the crime, instead of the crime itself. Additionally, the reduction in costs for local governments and state prosecutors' offices is a positive byproduct of civil citation programs. As an alternative to incarceration, the citation process functions as a method to reduce recidivism and the detention center population altogether. With fewer offenders incarcerated, facilities may have the opportunity to tackle the greater systemic crises overwhelming jails and prisons. Lastly, the programs provide affected individuals the opportunity for redemption and reconciliation as they address the consequences of their actions.