

Florida
TaxWatch

center for
Smart
Justice

BRIEFING

An Adult Civil Citation Program
Can Save Taxpayer Dollars

JANUARY 2014

THE TAXWATCH TAKE

Smart Justice reforms seek to improve the criminal justice system through programs which have been proven to conserve tax dollars, enhance public safety and reduce recidivism. Early intervention programs which divert non-violent misdemeanor offenses outside of the court system are promising and prudent options. One specific option lacking for adult offenders in Florida is a Civil Citation program.

The state should put in place the guidelines for an Adult Civil Citation program, patterned on the existing Juvenile Civil Citation program, which offers an alternative process to misdemeanor arrest for first-time nonviolent youth offenders. The adult program must include law enforcement discretion, as the responding officer is still in the best position to determine whether the use of civil citation is preferred to actual arrest.

A ROADMAP FOR SUCCESS

In 2011, in an effort to keep juvenile offenders from entering the justice system, Florida established the Juvenile Civil Citation Program, which requires counties to create civil citation programs under the advisement of their respective Chief Circuit Judge, State Attorney, Public Defender and local law enforcement.

Since the implementation of the new law, 51 of the 67 counties in Florida have active juvenile civil citation programs, with 5 counties currently in the development process.¹ These programs have diverted 6,903 juveniles from the criminal justice system.²

The statute (F.S. 985.12) encourages, but does not demand, use of civil citations as an alternative to arrest and conviction for first time nonviolent offenders willing to admit guilt and accept consequences for their misconduct. Admittance into these programs remains at the discretion of law enforcement.

The key to an effective civil citation program rests with law enforcement officers making quality judgments to handle nonviolent offenses at the lowest level possible, without compromising public safety.

The vast majority of these juveniles are first-time offenders committing nonviolent acts. In fact, Civil Citation programs show a recidivism rate of 6.6 percent, compared to the 41 percent rate of the residential facilities operated by the Department of Juvenile Justice.³

The Civil Citation program offers these offenders an opportunity to be punished in a way that will not create a criminal record or adversely impact their future. The offender is responsible for paying fines and costs associated with their participation in the civil citation program.

In addition to fines, letters of apology, drug tests, etc., these offenders perform mandated community service hours that serve as restitution. In short, the juvenile civil citation programs are cost effective, reduce recidivism, promote public safety, and instill discipline and civic pride in the offender.

1 "Coalition for Juvenile Justice Civil Citation, Juvenile Justice, and the Impact on DMC Webinar." Florida Department of Juvenile Justice. October 17, 2013.

2 "Civil Citation Dashboard." Florida DJJ. Accessed 12.01.13.

3 Moneyham, Laura. "Residential Services, 2012 Comprehensive Accountability Report." Florida DJJ.

From January through November of 2013, 21,178 juveniles were eligible for civil citations; 33 percent were given citations, instead of being arrested.²

THE NEXT STEP

Florida does not have an equivalent Adult Civil Citation statute, though the rationale for implementation—potential cost savings and reduction in recidivism—is exactly the same.

Currently, adults arrested for committing a nonviolent, misdemeanor-level crime who are first-time offenders have no alternative to arrest and the full process of the criminal justice system in Florida.

This process costs taxpayers a significant amount of money, interrupts education, vocation, and life development opportunities for the offender, and often accelerates the progression of an individual into a life of crime.

Civil Citation programs are funded by the offender, not the taxpayers, reduce law enforcement processing time and expenses, reduce jail populations, and allow an offender to avoid the stigma and burdens created by a criminal record.

Leon County has implemented a pilot adult civil citation program which mirrors the juvenile civil citation program outlined in F.S. 985.12. Those admitted into this program are first-time drug and alcohol-related offenders.

Thus far, 105 civil citations have been issued, and 72 percent of those have gone to students at high schools or colleges. These offenders have completed 725 community service hours and 64 percent of the offenders have completed their payment requirements.⁴

4 “Spring Quarterly Report.” Leon County Civil Citation Network, 2013.

COST SAVINGS

If the adult Civil Citation program tracks the success of the juvenile civil citation program, significant cost savings will be realized, given that the cost to imprison an offender is roughly \$18,000 per year.⁵

Diverting first-time, nonviolent, misdemeanor violators away from criminal convictions and jail time will help them correct their behavior and avoid falling into the life cycle of crime, which often leads to longer prison terms for subsequent crimes which are detrimental to public safety.

RECOMMENDATION

The state should put in place the guidelines for an Adult Civil Citation program, patterned on the existing Juvenile Civil Citation program, which offers an alternative process to misdemeanor arrest for first-time nonviolent youth offenders. The adult program must include law enforcement discretion, as the responding officer is still in the best position to determine whether the use of civil citation is preferred to actual arrest.

5 Florida Department of Corrections, “Quick Facts.” As of 12.01.13.

ABOUT FLORIDA TAXWATCH

As an independent, nonpartisan, nonprofit taxpayer research institute and government watchdog, it is the mission of Florida TaxWatch to provide the citizens of Florida and public officials with high quality, independent research and analysis of issues related to state and local government taxation, expenditures, policies, and programs. Florida TaxWatch works to improve the productivity and accountability of Florida government. Its research recommends productivity enhancements and explains the statewide impact of fiscal and economic policies and practices on citizens and businesses.

Florida TaxWatch is supported by voluntary, tax-deductible memberships and private grants, and does not accept government funding. Memberships provide a solid, lasting foundation that has enabled Florida TaxWatch to bring about a more effective, responsive government that is accountable to the citizens it serves for the last 34 years.

TAXWATCH CENTER FOR SMART JUSTICE

The Center for Smart Justice is centered on the belief that public safety is paramount, and because of the magnitude of this responsibility, there truly is no room for inefficiency. The Center's research focuses on evidence-based reforms to Florida's criminal and juvenile justice systems that ensure less crime, fewer victims, and no wasted tax dollars.

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The findings in this *Briefing* are based on the data and sources referenced. Florida TaxWatch research is conducted with every reasonable attempt to verify the accuracy and reliability of the data, and the calculations and assumptions made herein. Please feel free to contact us if you feel that this paper is factually inaccurate.

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