

Leon County/Tallahassee Pre-Arrest Diversion - Adult Civil Citation Program **A Model Program with National Implications**

An Important Concept for Improving Public Safety

Since the Pre-Arrest Diversion/Adult Civil Citation (PAD/ACC) program started over 4 years ago in Leon County/Tallahassee, the concept of pre-arrest diversion has become a critical part of the criminal justice reform movement throughout the U.S. There is growing recognition that law enforcement officers need an alternative to arrest for holding people accountable for low-level, non-violent crimes, because the negative consequences of a criminal arrest record can last a lifetime. In fact, research has clearly shown that arrest, even for a first-time, non-violent misdemeanor, can start a downward cycle that jeopardizes future employment, eliminates education opportunities, reduces access to housing, destroys families, and contributes to additional criminal activity. The rate of continued criminal activity and rearrest for those prosecuted through the traditional criminal justice system for a first-time misdemeanor offense is approximately 40-45%¹. The rearrest rate is only 9% for individuals who successfully complete the PAD/ACC program. An 80% reduction! This statistic alone shows the PAD/ACC model improves public safety without the life-long negative consequences of an arrest record.

Program Overview

As a model pre-arrest diversion program, the Leon County/Tallahassee PAD/ACC program holds offenders accountable for their crime; but, instead of being arrested and prosecuted by the traditional criminal justice system, the person receives civil sanctions, e.g. community service, and behavioral health intervention services. The essential elements of the program, following referral by law enforcement, are the use of evidence-based behavioral health intervention services to reduce the likelihood of future criminal activity and the avoidance of an arrest record for those who successfully complete the program. The decision to arrest or refer for behavioral health assessment and intervention services is best made by the law enforcement officer who is on the scene and understands the nature of the offense at the time it occurred.

When the Leon County/Tallahassee Pre-Arrest Diversion program started March 2014, the stated goals were to:

- Improve public safety
- Provide law enforcement officers with an alternative to arrest for first-time misdemeanor offenders
- Keep adults who pose no real threat to public safety out of the criminal justice system
- Free up limited criminal justice resources to focus on more serious and violent offenders
- Reduce the recidivism rate for those who complete the PAD program compared to offenders processed through the traditional criminal justice system

To accomplish these goals, officials from the Tallahassee Police Department and the Leon County Sheriff's Office established the initial guidelines to implement this "first-in-the-nation" pre-arrest diversion program, and the 2nd Judicial Circuit State Attorney's Office agreed to them as well:

¹ Jones, Richard A. (2005) *Analysis of the Oregon Computerized Criminal History Records*, Oregon Criminal Justice Commission. Retrieved from: <http://www.oregon.gov/CJC/docs/cch98.pdf>

- The person receiving a civil citation must reside in the 2nd Judicial Circuit and must cooperate with law enforcement officers.
- Does not have a previous arrest or civil citation
- After receiving Miranda Rights admits committing the offense; but, to ensure due process, participation in the program is voluntary
- The misdemeanor committed is an eligible offense (offenses determined by steering committee)
 - Non-domestic simple battery/assault
 - Petit theft - restitution under \$50
 - Possession of alcohol by person under 21
 - Trespass
 - Disorderly conduct
 - Possession of marijuana less than 20 grams
 - House party
 - Selling/providing alcoholic beverage to a minor
- Utilization of an on-line verification system that is available 24/7/365. The verification system will be used by law enforcement to determine if an offender has previously received a civil citation.
- The program will be provided with no cost to government. Payment for services will be made by the participant at a rate determined by the program steering committee. Fees paid by participants will be approximately the same as fines and court fees paid if the case were to be prosecuted in court.
- Payment options will be available to those who are financially constrained and those who are indigent will receive the same services for free.
- When an individual receives an adult civil citation, the following services will be provided by DISC Village:
 - Conduct an assessment using the nationally recognized Global Appraisal of Individual Needs (GAIN) biopsychosocial assessment tool.
 - Initial drug screening.
 - If the offense is narcotics related the participant will receive additional drug screenings as needed during the course of the program.
 - Provide a minimum of three one-hour individual, face-to-face counseling sessions
 - Case management and referral for support services (i.e. family counseling and mental health treatment). Participants will receive a list of licensed service providers to determine the best therapeutic approach for their individual circumstances based on the assessment.
 - Coordinate and monitor up to 25 hours of community service hours – sites for completing community service hours will be available throughout the Second Judicial Circuit.
 - Provide intervention education as determined appropriate by the initial assessment:
 - Substance abuse education.
 - Anger management
 - Petty-Theft/Shop-Lifting
 - Life/Job skills training
- DISC Village will assign a staff member as a liaison to each participating law enforcement agency. The liaison provides a critical function by ensuring law enforcement agencies are fully aware of whether a participant successfully completed or failed to complete the program and requires follow-up law enforcement action. If a participant fails to complete the program, they

will be contacted by the agency that issued the civil citation and issued a Notice to Appear (NTA). If the person refuses the NTA or cannot be contacted a warrant will be issued for their arrest.

- A steering committee will be established to oversee operations, data integrity, provide policy guidance, and accountability for the pilot program.
- DISC Village will sponsor an independent program evaluation consisting of the following:
 - Evaluation of program processes and outcomes.
 - Cost and effectiveness of the program.
 - Cost benefit of the program to the criminal justice system and the community.

Community collaboration has been a critical factor in establishing the program. Before the program started all key criminal justice officials, City of Tallahassee Commission, and the Leon County Board of County Commissioners all agreed to establish a pilot project. The approved project included an independent evaluation process to determine the model's efficacy. The statistical information in this report results from the research conducted by Dr. Albert Kopak, Western Carolina University, Department of Criminology and Criminal Justice.

Current Program Status

Since inception over 1,300 adult civil citations have been issued by the Tallahassee Police Department, Leon County Sheriff's Office, Florida A&M University Police Department, and Florida Wildlife Commission. Feedback from participating law enforcement agencies indicates that residents are strongly in favor of the program and having an alternative to arrest is an asset for improving positive outcomes without the negative impact of an arrest record, and for improving police/community relationships. During April 2017 adult civil citations stopped being issued as the new state attorney for the 2nd Judicial Circuit began an effort to significantly change the program and bring it under the sole control of the State Attorney's Office. At the beginning of 2018, pre-arrest diversions will be processed by State Attorney staff using a model similar to the traditional post-arrest, pre-trial diversion model.

Over the last four years the success of the PAD/ACC has made our community a leader in the national effort to improve public safety while at the same time finding alternatives to criminal arrest for low-level offenders. The positive results of the program have been highlighted in several published articles and presentations at many national and state level conferences. Examples include the International Association of Chiefs of Police, National League of Cities, American Legislative Exchange Council, American Journal of Criminal Justice, American Society of Criminology, Florida Legislature Bill Analyses, James Madison Institute, Florida TaxWatch, Florida Smart Justice Alliance, Florida Alcohol and Drug Abuse Association.

The Leon County/Tallahassee PAD/ACC program also enabled the Civil Citation Network to join with the Center for Health and Justice at TASC (Treatment Alternative for Safer Communities) to start a significant national advocacy group with the goal of expanding the implementation of pre-arrest diversion programs. Along with the Civil Citation Network and TASC, nine other agencies with national influence are part of the Police, Treatment, and Community (PTAC) Collaborative. The founding agencies of the PTAC Collaborative include:

- Civil Citation Network
- International Assoc. of Chiefs of Police
- Center for Health and Justice at TASC
- National League of Cities

- Pre-Trial Justice Institute
- Center for Court Innovation
- Association of Prosecuting Attorneys
- C4 Recovery Solutions
- AdCare Criminal Justice Services
- George Mason University
- Western Carolina University

A first-ever pre-arrest diversion summit was convened by this group of organizations in Washington DC, during March 2017. Multiple pre-arrest diversion programs from around the country attended, along with representatives from the U.S. Department of Justice, National Sheriffs' Association, U.S. Substance Abuse and Mental Health Services Administration, Boston University School of Medicine, University of Illinois at Chicago, Temple University, Community Catalyst, Public Defenders Association, MacArthur Foundation, and the Laura and John Arnold Foundation. The mission of the PTAC Collaborative is to strategically widen community behavioral health and social service options available through law enforcement diversion. The founding organizations are committed to providing national vision, leadership, voice, and action to reframe the relationship between law enforcement, treatment, and community. PTAC is hosting a national Pre-Arrest Diversion conference in March 2018 at the Sawgrass Marriott Resort in Ponte Vedra, Florida to further promote and facilitate the use of pre-arrest diversion.

Following the belief that the Leon County/Tallahassee pre-arrest diversion model can transform the front-end of the criminal justice system, the Civil Citation Network worked closely with the Florida Legislature and the American Legislative Exchange Council to develop legislation that would encourage the use of pre-arrest diversion for low-level offenders. Bills were introduced to the Florida Legislature during the 2016 and 2017 sessions. The proposed legislation received enthusiastic support from Republicans and Democrats alike passing unanimously through all committee hearings. However, at the end of each session the bills were stymied and not approved for adoption. On the other hand, model legislation, very similar to the bills introduced in the Florida Legislature, was approved for national distribution by the American Legislative Exchange Council. The Council's model policy is available at: <https://www.alec.org/model-policy/pre-arrest-diversion>.

In addition, the Tallahassee Police Department was recognized for its role in the PAD/ACC program by the International Association of Chiefs of Police as part of the 2016 IACP Excellence in Law Enforcement Research program. The Tallahassee Police Department received the bronze level award during the Association's 2016 annual international conference. The award was for demonstrating excellence in conducting and using research to improve police operations and public safety.

PAD/ACC Program Accomplishments

Overall pilot project goals:

- Improve public safety.
 - The 4-year rearrest rate for those who successfully complete the program is 9.5% compared to 40-45% for those processed through the traditional criminal justice system – an 80% reduction! This equates to significantly fewer future crimes for this population, which also means fewer victims.
- Provide law enforcement officers with an alternative to arrest for first-time misdemeanor offenders.

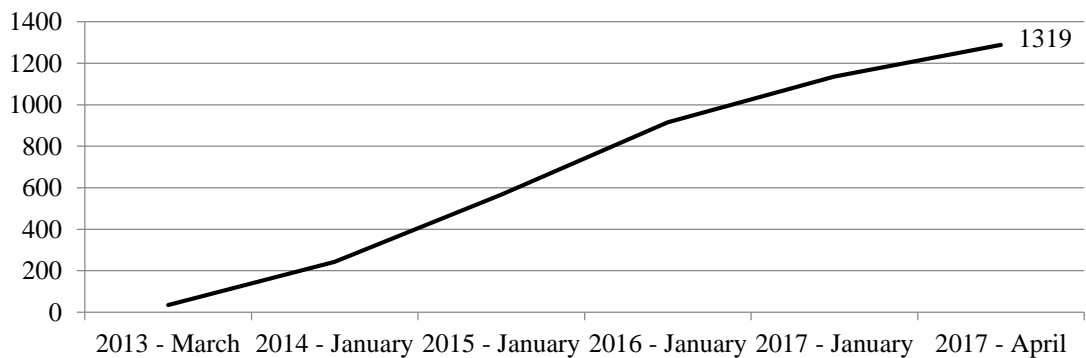
- Law enforcement officers issued 1,319 adult civil citations during the PAD/ACC's first four years. As an alternative to arrest, officers and deputies have fully accepted this new tool as an effective option.
- Keep adults who pose no real threat to public safety out of the criminal justice system.
 - The significantly lower rearrest rate reflects that law enforcement officers are effectively using their discretion to determine who is appropriate for diversion away from the criminal justice system.
- Reallocate limited criminal justice resources to focus on more serious and violent offenders.
 - 84% of the people receiving a civil citation successfully completed the program. These are cases that never entered the criminal justice system, thus reducing the Misdemeanor Court workload for the Clerk of the Courts, State Attorney's Office, Public Defender's Office, judges, and all related court staff. The lower rearrest rate for PAD/ACC participants also equates to reductions in the need to process future criminal cases. For a population of 1,000 offenders processed through the traditional criminal justice system – with a rearrest rate of 40% - the number of future criminal court cases would be 400. For a population of 1,000 successful PAD/ACC participants – with a rearrest rate of 9% - the number of future criminal court cases is 90. A 76% reduction in court workload for a group of 1,000 people who receive a civil citation versus being arrested and processed through the criminal justice system.
- Reduce the recidivism rate for those who complete the PAD/ACC program compared to offenders processed through the traditional criminal justice system.
 - Recidivism can be defined and measured in many different ways. For the PAD/ACC program it was defined as rearrest by any law enforcement agency in Florida for any subsequent criminal charge following issuance of an adult civil citation. To effectively measure statewide rearrest rates for those who participate in the PAD/ACC program, a research project was established between Western Carolina University and the Florida Department of Law Enforcement. The rearrest rate for those who successfully completed the PAD/ACC program is 9%. As stated previously the best available research indicates a recidivism rate – as measured by conviction – is 40-45%. If rearrest were used as the measure the rate would be higher.
- Utilization of an on-line verification system that is available 24/7/365. The verification system will be used by law enforcement to determine if an offender has previously received a civil citation.
 - The DISC Village Foundation invested significant financial resources and staff time developing a computer system capable of coordinating all parts of the PAD/ACC program. The initial system was brought on-line at the start of the program. Two attempts were made to upgrade to a more sophisticated system, however by August 2016 the effort was terminated. A more user-friendly and simplified technology for law enforcement verification was ready for deployment April 2017.
 - The verification tool includes a 30 second process to verify statewide offenders. Security, privacy and encryption are built-in, with citation data aggregated and analyzed for trending offenses and outcome measures.
- The program will be provided with no cost to government. Payment for services will be made by the participant at a rate determined by the program steering committee. Fees paid by participants will be approximately the same as fines and court fees paid if the case were to be prosecuted in court.

- All financial requirements for operating the program have been met through participant fees and supplemental funding from the DISC Village Foundation. When the program was initially approved the fee for behavioral health intervention services was set at \$250. Subsequent financial review during 2014 found that rate was not sustainable. The PAD/ACC Steering Committee approved an increase to \$350. Based on the fee and fine schedule for the 2nd Judicial Circuit the current cost to offenders prosecuted through the Leon County Misdemeanor Court is \$411-\$495 depending on the misdemeanor charge.
- Payment options will be available those who are financially indigent and no one will be denied services for the inability to pay.
 - DISC Village created a process, similar to the one used by the Public Defender’s Office, to determine eligibility for fee waivers, reductions, or payment plans. Approximately 80% of participants paid the full fee during their intake process, 18% received fee reductions and/or were placed on a payment plan, and 2% received full waivers.
- A steering committee will be established to oversee operations, data integrity, provide policy guidance, and accountability for the pilot program.
 - The PAD/ACC Steering Committee was established with representatives from all participating law enforcement agencies, DISC Village, and the Civil Citation Network. During periodic meetings operational policies were discussed, outcome data was shared, and any issues of concern were addressed.
- DISC Village will sponsor an independent program evaluation.
 - DISC Village entered into an agreement with Dr. Albert Kopak, Western Carolina University, Department of Criminology and Criminal Justice, to conduct the long-term research and program evaluation needed to support the PAD/ACC program. Annual outcome data reports have been provided to all program stakeholders and interested parties. Dr. Kopak has also published several scholarly articles reflecting the ground-breaking impact of the PAD/ACC program.

Program Evaluation and Outcomes

- Law Enforcement Officers’ Perspective
 - Law enforcement officers serving Tallahassee and Leon County actively supported creating a new tool that allowed them respond to offenders in a way that enforced accountability, but that did not result in an arrest record. Steady growth of the program reflects the acceptance of pre-arrest diversion as a credible option for officers.

Cumulative Number of Civil Citation Participants



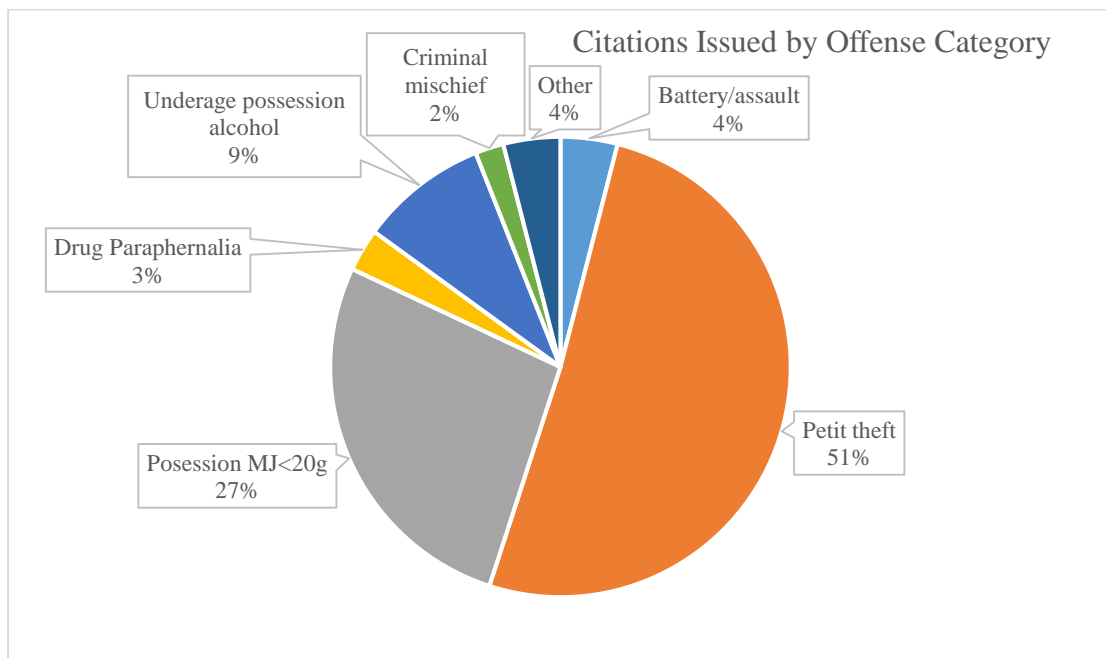
- "The Civil Citation program is a unique tool in our community to effectively enforce the law without permanently labeling an individual as a criminal." (Tallahassee Police Department Officer)
- "I feel the Adult Civil Citation program is a great option. It allowed me to 'help' a young person out when they had a lack of judgment at that time." (Leon County Sheriff's Office Deputy)
- Participant Perspective
 - Over 90% of participants who completed a "post-program" exit survey were either very satisfied or satisfied with the program. Specific answers to survey questions reflect the positive impact of the intervention services:
 - "I liked how it gave me a second chance, vs going to jail and being humiliated."
 - "This program really opened my eyes to the way I thought about making decisions. Reevaluating who in my life had a positive influence and also who had a negative influence on the choices I have made."
 - "Controlling myself in certain situations was my biggest difficulty, and I definitely learned how to do so better."

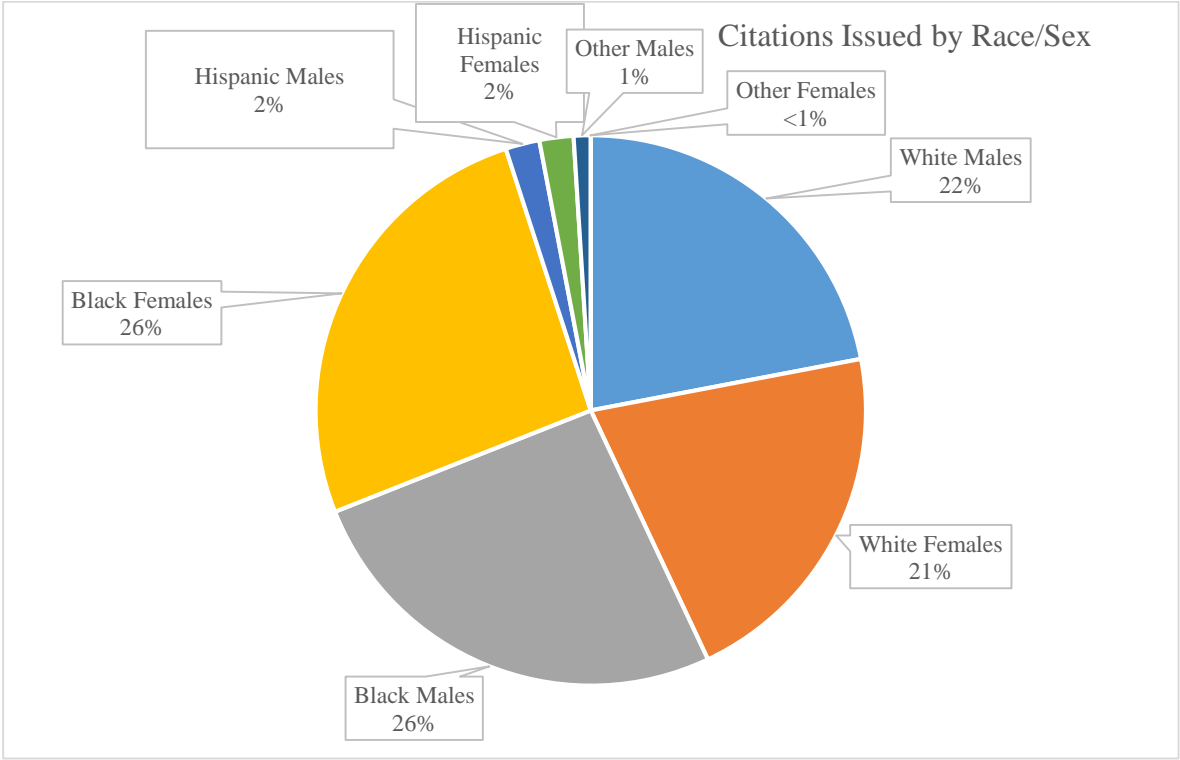
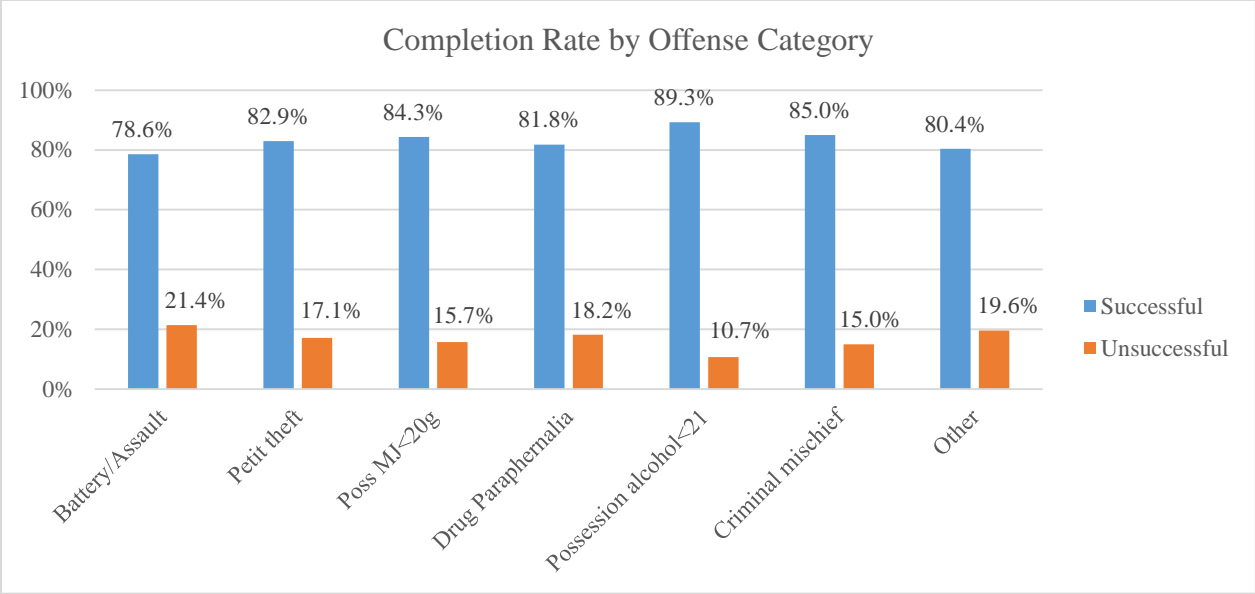
Statistical Evaluation

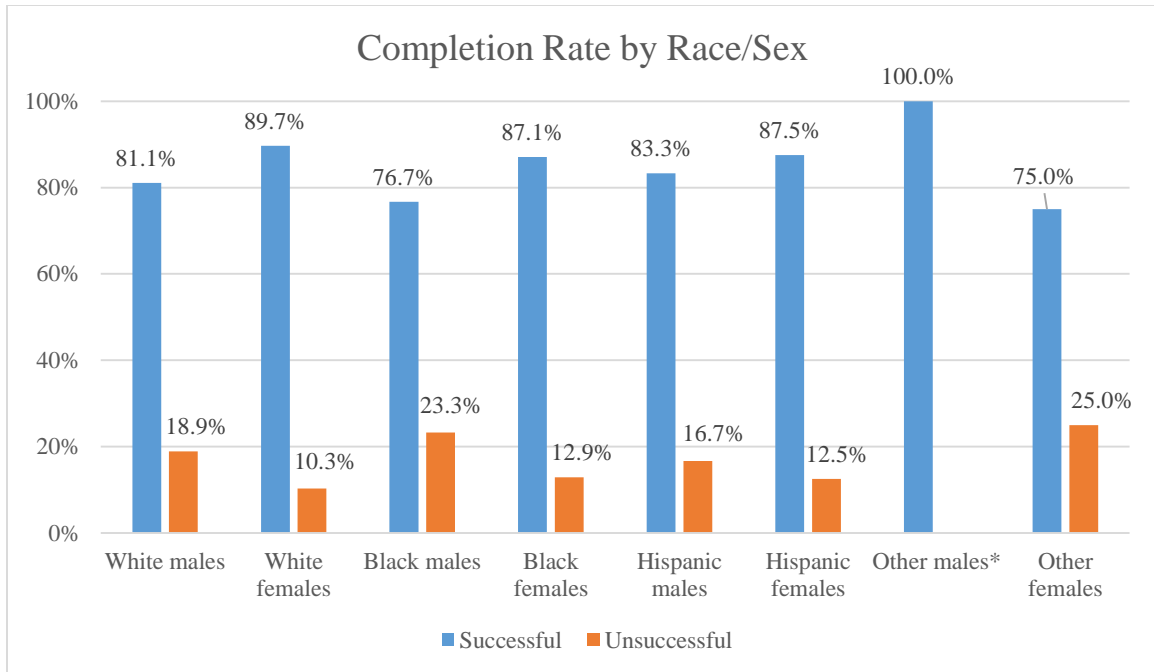
The data presented below were collected from the inception of the PAD/ACC Program in March 2013 through April 2017. In addition to the four years represented here, follow-up rearrest data were collected by the Florida Department of Law Enforcement's statewide arrest database. This information was used to provide an overview of participants' contact with the criminal justice system following their involvement in the program. There are several key findings worth noting.

- A total of 1,319 citations were issued between March 2013 and April 2017. This number grew steadily with an average of 27 citations per month over the 4-year duration of the program. Due to recipients who either didn't follow-up on their citations ("no-show") or were later determined to be ineligible 1,289 complete records were used for the statistical evaluation.
- More than half (51%) of citations were issued for petit theft offenses, and approximately one-quarter (27%) were issued for possession of marijuana, less than 20 grams. About one in 10 (9%) citations were issued for underage possession of alcohol. Smaller numbers of citations were issued for drug paraphernalia, criminal mischief, simple battery/assault, and other offenses.
- In terms of race and ethnicity, approximately half (52%) of participants were Black while 43% were White. There were much smaller numbers of participants who identified as Hispanic, Asian, and other racial or ethnic background.
- Completion rates for all offenses were above 78% (battery/assault). Participants who received a citation for underage possession of alcohol had the highest completion rate at 89.3%, but there were no statistically significant differences in completion rates by offense type. In other words, completion rates were not significantly different by offense type.
- Completion rates by race/sex were highest among males of other races or ethnicities, but this category contained a small number of participants (n = 13). Nearly nine out of 10 White female participants successfully completed the program requirements. Completion rates were lowest among Black male participants and female participants of other races or ethnicities, but it is important to note more than three quarters of participants in these two groups successfully completed the program requirements.

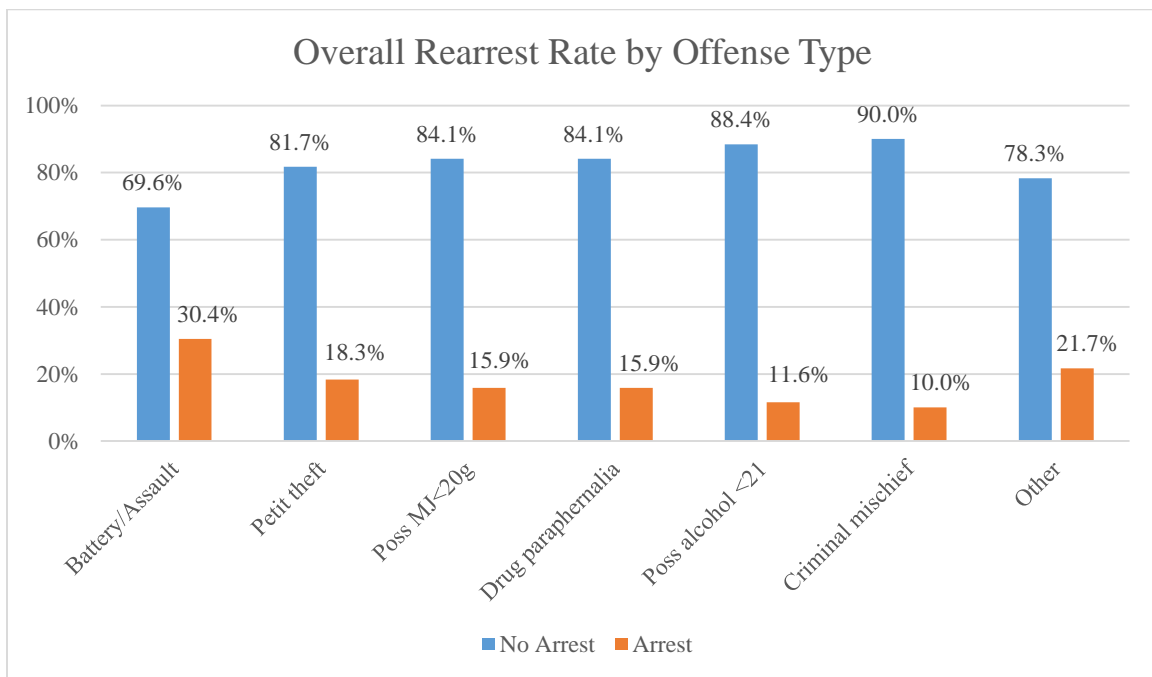
- Rearrest rates ranged from 10.0% (criminal mischief) to 30.4% (battery/assault) by offense type. These rates were not significantly different across offense types.
- Overall rearrest rates ranged from 9.0% (Participants of Other races/ethnicities) to 19.9% (Black participants). These rates were not significantly different across racial/ethnic groups.
- Participants were 23.4 years (SD = 8.0) old, on average. Although unsuccessful participants and participants who were rearrested were slightly younger than those who were successful and those who were not rearrested, these differences were not significantly different.
- Regarding the timing of arrest among participants who were arrested, the largest proportion (34.1%) were rearrested in the period between three to four years following participation in the program.
- The overall program completion rate for the four-year period from March 2013 through April 2017 was 84%. The rearrest rate among participants who successfully completed the program as 9% compared to the 59% rearrest rate among participants who were unsuccessfully terminated from the program.

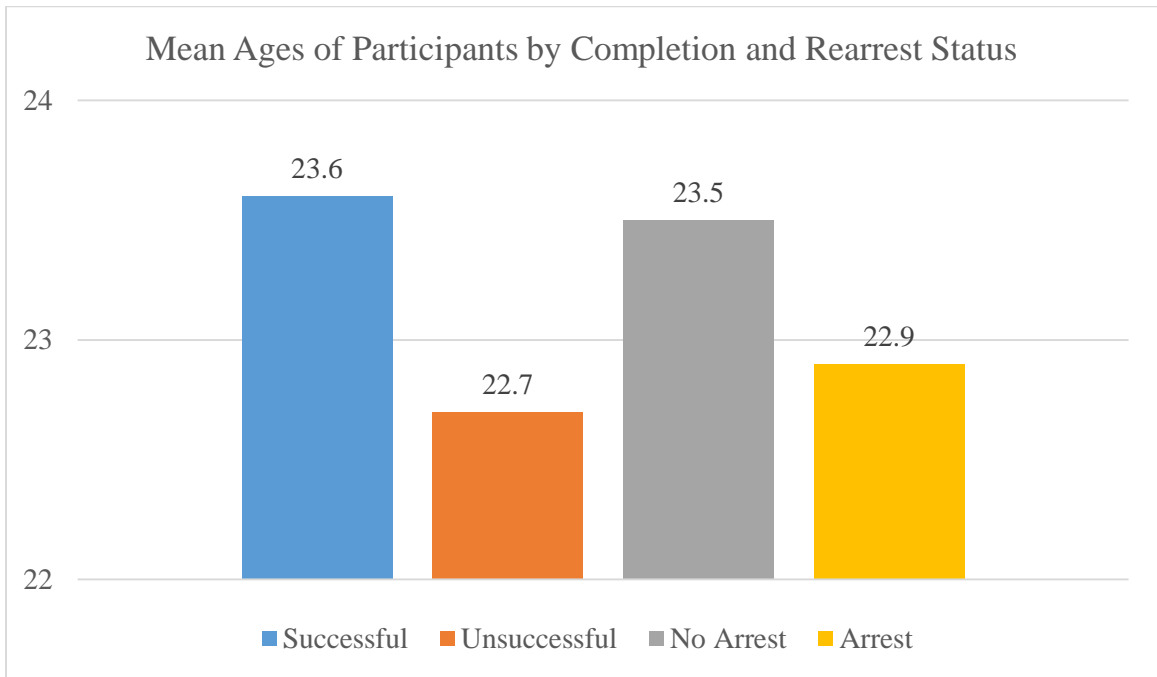
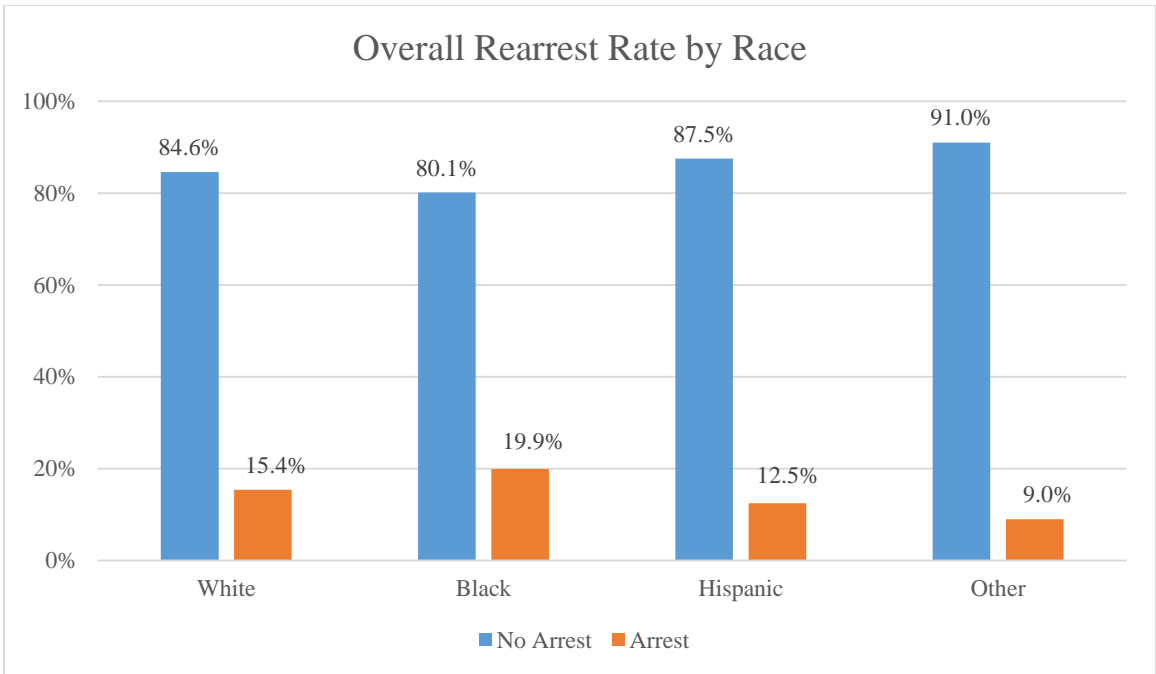


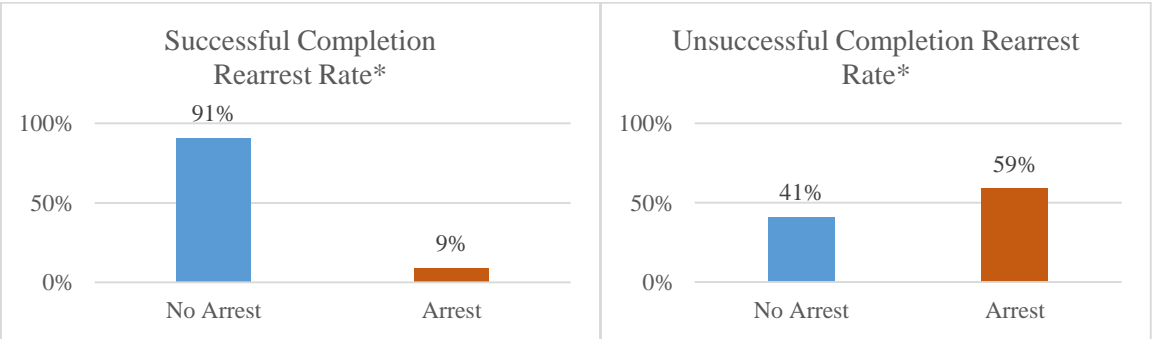
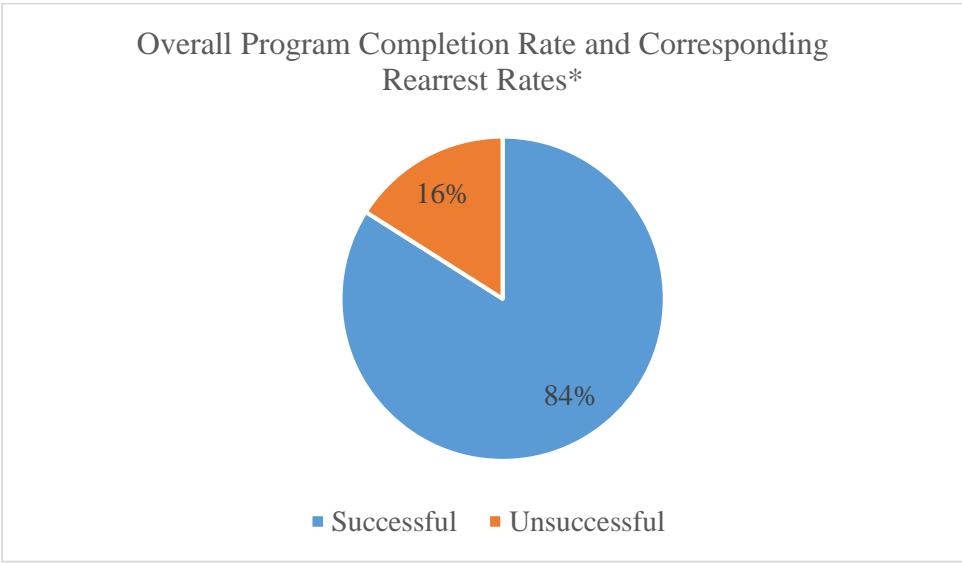
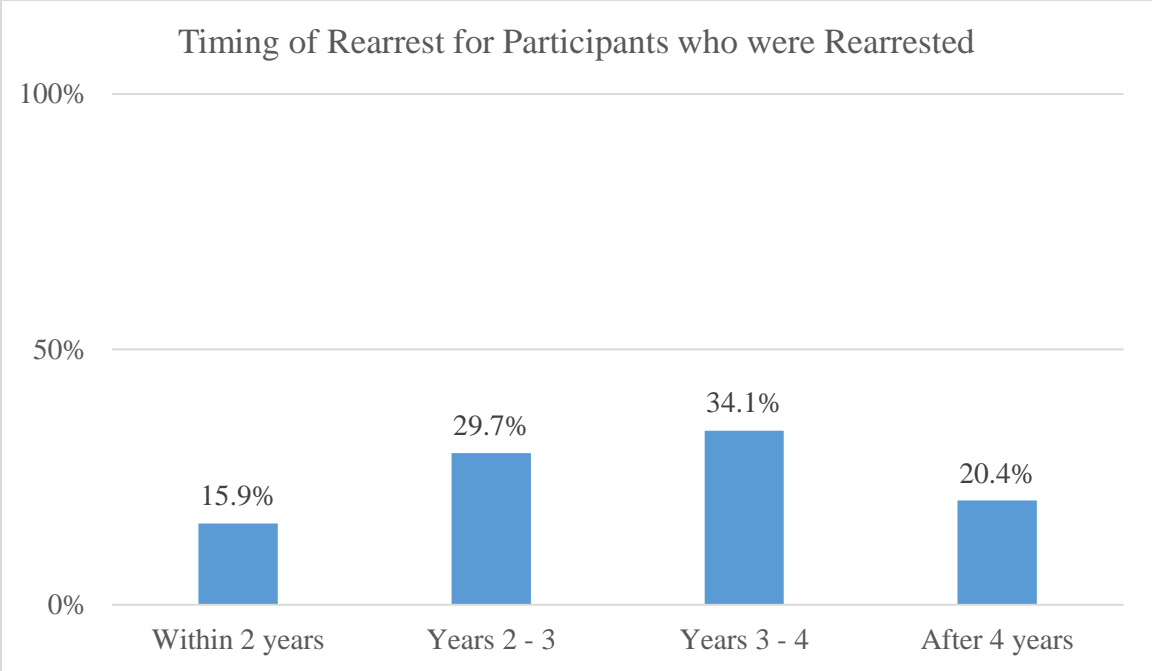




*There were 13 participants in this group.

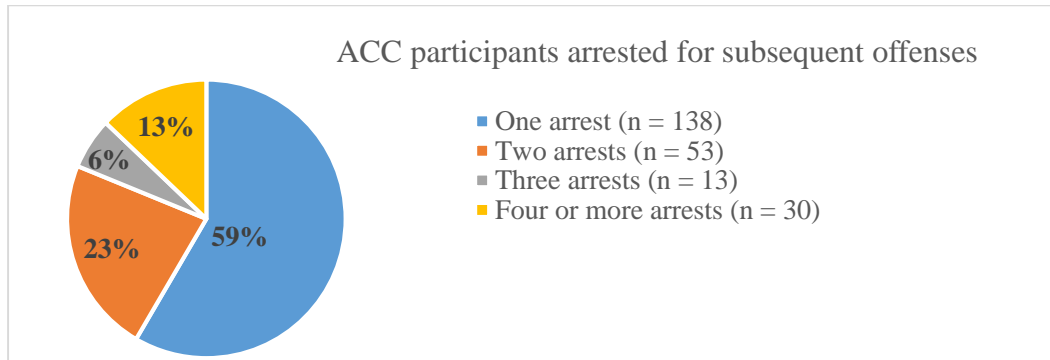






*Rearrest rates are based on a subsequent arrest following successful program completion or unsuccessful termination.

A total of 234 individuals who received adult civil citations were arrested later on a subsequent charge. Arrests included a subsequent misdemeanor or felony charge recorded throughout the state of Florida. These incidents were verified through the statewide arrest database maintained by the Florida Department of Law Enforcement.



As a university town with a highly mobile population, one of the outcomes evaluated was the number of subsequent arrests that occurred either within the 2nd Judicial Circuit or within another Florida jurisdiction. Of the 234 civil citation recipients who were arrested on subsequent charges, 203 (87%) were arrested by a law enforcement agency in the 2nd judicial circuit. Thirty-one (13%) were arrested in another Florida jurisdiction. See Appendix A for a detailed list by arresting law enforcement agency.

Conclusion

The successes of the Tallahassee/Leon County PAD/ACC program clearly demonstrate why the use of pre-arrest diversion is being embraced in jurisdictions around the country. While the local program focused on first-time offenders, other pre-arrest models emphasize treatment outside the criminal justice system for repeat offenders with serious drug addictions. There is a continuum of need for those who violate criminal laws. There is a growing recognition that there are better and more effective ways than prosecution through the criminal justice system when dealing with people who have just made a mistake or who have a substance addiction or mental illness. Law enforcement and behavioral health organizations are natural partners who by working together can improve public safety.

At no cost to government, the PAD/ACC program offered law enforcement officers the opportunity to divert appropriate first-time misdemeanor offenders for behavioral intervention as an alternative to arrest. The services provided by behavioral health professionals significantly reduced recidivism for successful participants. Reduced recidivism also means fewer future victims. Participants paid less for the services than if they were processed through the traditional criminal justice system and workload for the county misdemeanor court was reduced. While the pre-arrest diversion program in the 2nd Judicial Circuit is changing, the Civil Citation Network is committed to bringing the “best practices” for pre-arrest diversion to bear in our community as this new era of law enforcement and behavioral health partnerships continues to advance.

This report was prepared by the Civil Citation Network. The Network can be contacted with questions at info@civilcitationnetwork.com. Extensive information and research studies are available on our website www.civilcitationnetwork.com.

Appendix A:

Number of PAD/ACC Recipients Arrested Following Program Participation By Arresting Agency

Arresting Agency	Number of Arrestees	Percentage
Second Judicial District		
LEON COUNTY SHERIFF'S OFFICE	91	39%
TALLAHASSEE POLICE DEPARTMENT	85	36%
FLORIDA STATE UNIVERSITY POLICE DEPARTMENT	8	3%
FLORIDA A&M UNIVERSITY POLICE DEPARTMENT	5	2%
FLORIDA HIGHWAY PATROL TROOP H	2	1%
GADSDEN COUNTY SHERIFF'S OFFICE	3	1%
JEFFERSON COUNTY SHERIFF'S OFFICE	3	1%
WAKULLA COUNTY SHERIFF'S OFFICE	6	3%
Total	203	87%
Other Judicial Districts		
ALACHUA COUNTY SHERIFF'S OFFICE	1	<1%
GAINESVILLE POLICE DEPARTMENT	2	1%
BAKER COUNTY SHERIFF'S OFFICE	1	<1%
BAY COUNTY SHERIFF'S OFFICE	4	2%
PANAMA CITY BEACH POLICE DEPARTMENT	1	<1%
FLORIDA HIGHWAY PATROL - PANAMA	2	1%
BREVARD COUNTY SHERIFF'S OFFICE	1	<1%
LAUDERHILL POLICE DEPARTMENT	1	<1%
MIAMI-DADE POLICE DEPARTMENT	1	<1%
DESOTO COUNTY SHERIFF'S OFFICE	1	<1%
JACKSONVILLE SHERIFF'S OFFICE	1	<1%
ATLANTIC BEACH POLICE DEPARTMENT	1	<1%
FLORIDA HIGHWAY PATROL - PAT T	1	<1%
JACKSON COUNTY SHERIFF'S OFFICE	1	<1%
MONTICELLO POLICE DEPARTMENT	1	<1%
FLORIDA DEPARTMENT OF LAW ENFORCEMENT	1	<1%
FLORIDA HIGHWAY PATROL - DHSMV	1	<1%
FLORIDA HIGHWAY PATROL - MADISON	2	1%
MARTIN COUNTY SHERIFF'S OFFICE	1	<1%
NASSAU COUNTY SHERIFF'S OFFICE	1	<1%
ORANGE COUNTY SHERIFF'S OFFICE	1	<1%
ST. CLOUD POLICE DEPARTMENT	1	<1%
POLK COUNTY SHERIFF'S OFFICE	1	<1%
PORT ST. LUCIE POLICE DEPARTMENT	1	<1%
WINTER SPRINGS POLICE DEPARTMENT	1	<1%
Total	31	13%