

# Keep Kids Learning

## CIVIL CITATION CHECK UP

GATHER DATA	BEST PRACTICE	BACKGROUND	HOW TO FIND OUT
1. What is the civil citation usage rate?	The higher, the better. Civil citation is the default. Only a minimum number of civil citation eligible arrests are made.	Look at the county wide rate, but also look at the agency rates and the school/community rates to see where improvement is most needed.	DJJ Civil Citation Dashboard Stepping Up Study
2. Is there a racial disparity?	No racial disparity.	Some counties have a marked disparity in usage rates among black youth.	DJJ Civil Citation Dashboard Stepping Up Study
3. What offenses are most likely to result in an arrest?		This can be a good indicator of areas of needed reform or increased services	DJJ Civil Citation Dashboard
4. How is domestic violence treated?	Youth may be taken to respite care for a cooling off period and given a civil citation, rather than arrested.	This option allows youth to be given a civil citation even if the LEO feels they must be removed to maintain peace/safety. 57% of DV-related arrests lead to diversion programs, with an additional 35% of cases dropped.	DJJ Civil Citation Dashboard Stepping Up Study
5. What happens to the kids who are arrested?		When a youth is arrested for a civil citation eligible offense and their case is dropped, they have received an arrest record, but no rehabilitative or restorative services. Likewise, dispositions of diversion often mean the same diversion program the youth would have participated in had they received a civil citation, only they also were burdened with court costs and fines and an arrest record that will need expunging.	DJJ Civil Citation Dashboard

LEARN ABOUT THE PROGRAM	BEST PRACTICE	BACKGROUND	HOW TO FIND OUT
1. What offenses are eligible?	All misdemeanors eligible except those gun- or sex-related offenses	Local eligibility restrictions are the number one reason a civil citation is not issued when the state believes it would be appropriate	Interview state attorney, public defender, local law enforcement. Review memorandum of understanding.
2. Does law enforcement report why civil citations are not given when they are eligible?	Florida law requires “[i]f an arrest is made, a law enforcement officer must provide written documentation as to why an arrest was warranted.”	Law enforcement compiles this data and analyzes it to ensure fairness. The statute requires this documentation. Such documentation is vital to ensure fair and equitable treatment of all, but without compiling, analyzing and making this data available, it is worthless.	Interview state attorney, public defender, local law enforcement. Review memorandum of understanding.
3. Is the law enforcement officer required to get an admission from the youth?	No. Youth do not have to “admit guilt” or their offense to accept a civil citation. If an admission is required, it is obtained by the diversion program.	The law no longer requires youth admissions as a prerequisite to pre-arrest diversion. Such admissions are a barrier to youth participation and an inefficient and inappropriate use of law enforcement. Youth are unable to consult with attorneys before giving such admissions and often don’t trust law enforcement, don’t fully understand the program or the charges they face or need time to calm down and think through their legal options.	Interview state attorney, public defender, local law enforcement. Review memorandum of understanding.
4. Is there a second look at civil citation eligible arrests?	A third party reviews every civil citation eligible arrests before they are filed and issues civil citations to those deemed appropriate.	No one is free of biases or bad days. Measures like this ensure that youth are treated fairly and equitably. Some counties accomplish this by sending all misdemeanor arrest affidavits to the JAC for review and referral civil citation.	Interview state attorney, public defender, local law enforcement. Review memorandum of understanding.
6. What sort of training is provided to law enforcement?	Annual in-person training.	High usage requires constant reinforcement of the standards and benefits of the local program.	Interview local law enforcement, state attorney’s office
7. Is the program focused on rehabilitative and restorative goals?	Program focuses on meeting underlying unmet needs that contribute to delinquency and giving youth an opportunity to address any harms they’ve inflicted, rather than on punishment.		Interview local program provider, public defender, community members
8. What is the programs recidivism rate?	Less than 5%	This is the rate at which youth who complete the program reoffend within a set time frame	DJJ Civil Citation Dashboard
9. Is the program accessible to minority, LGBTQ, and impoverished communities as well as sensitive to trauma?	Program is low-cost, with waivers available. Program’s staff and volunteers reflect the community it serves. Program’s staff and volunteers are trained in areas of implicit bias and trauma-informed care.	These youth are the most at-risk of delinquency and its negative consequences. Civil citation programs should be aimed at treating these kids and easing their path to success.	Interview local program provider, public defender, community members
10. What is the program’s reputation?	Community is aware of, and supportive of, the program. Law enforcement, schools, the state attorney’s office and DJJ are collaborative with a focus on serving at-risk youth.	The number 2 reason given for not issuing a civil citation is that the youth, or their family, refused to consent. Likewise, if law enforcement does not have faith in the effectiveness of the program, it is likely to be underused. The program’s reputation in the community is vital to its success and can be a good indicator of areas of needed improvement.	Interview community members (families & youth), church officials, local public defender’s office, local state attorney’s office, local law enforcement