

**Additional Information for
Agenda Item #12**

**Acceptance of Status Report on the
Adult Civil Citation Program**

Meeting of Tuesday, February 26, 2013

This document distributed Monday, February 25, 2013

BOARD OF COUNTY COMMISSIONERS

MEMORANDUM

DATE: February 22, 2013

TO: Honorable Chairman and Members of the Board

FROM: Vincent S. Long, County Administrator

SUBJECT: Additional Information for Agenda Item #12, Acceptance of Status Report on the Adult Civil Citation Program

Subsequent to the transmission of the above-referenced agenda item, Jordan Cowart with Disc Village provided additional information to staff.

The changes are reflected in strikeout and underline format in the attached revised Agenda item and include:

1. The price of the Adult Civil Citation Program is reduced from \$300 to \$200 (page 3).
2. If an individual completes all of the necessary steps, their record will be closed rather than expunged (page 3).
3. Failure to complete all of these steps will result in the issuance of a notice to appear rather than an arrest affidavit and warrant (page 3).
4. A copy of the Memorandum of Understanding between Sheriff Campbell and Disc Village has been added as Attachment #6 (page 5).

If you have any questions, please feel free to contact me.

Leon County Board of County Commissioners

Cover Sheet for Agenda #12

February 26, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of Status Report on the Adult Civil Citation Program

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Director, Office of Intervention and Detention Alternatives
Lead Staff/ Project Team:	Nicholas Chaviano, Diversion Alternatives Analyst

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report on the Adult Civil Citation Program.

Report and Discussion

Background:

At the January 29, 2013 meeting of the Board of County Commissioners, staff was directed to provide a status report on the Adult Civil Citation Program. To address this request, staff spoke with the CEO of DISC Village, the State Attorney, and the staff of the Tallahassee Police Department, instrumental in developing the criteria for participation. Information and documents referenced in the report were obtained from DISC Village and The Office of the Court Administrator. Provided below is an analysis of the program and status of implementation.

Analysis:

The Adult Civil Citation (ACC) Program is 36-month pilot project initiated by DISC Village, Inc. The Program was designed with a primarily two-fold objective in mind: first, to offer law enforcement an additional tool and alternative to arrest while still promoting accountability and public safety, and secondly, to promote the use of additional cost effective alternatives to the formal criminal justice process from arrest through case disposition. Officials of DISC Village, The Smart Justice Alliance, Attorney General, State Attorney, Public Defender, Leon County Sheriff's Office, and Tallahassee Police Department worked collaboratively in the design of the Leon County Adult Civil Citation Program. In addition, the proposal was shared with the Public Safety Coordinating Council during its January 15, 2013 meeting. The ACC Program design mirrors many aspects of the Juvenile Civil Citation Program that is currently utilized as a statewide model to divert youth from the criminal justice system. Information outlining the success of the Juvenile Civil Citation Program and its applicable principles in the design of the Adult Program is described in the "*Smart Justice for Drug, Alcohol and Other Non-Violent Misdemeanor*" white paper written by Tom Olk, CEO of DISC Village, and included as Attachment #1.

Eligibility requirements for participation in the ACC Program include the following:

- must be 18 years or older,
- must reside in the 2nd Judicial Circuit,
- must be a first time [adult]offender

An adult may be eligible even if he or she received a Juvenile Civil Citation in the past. Eligible offenses include non-domestic battery and assault, petit theft (restitution may not exceed \$50), criminal mischief (restitution may not exceed \$50), possession of alcohol by person under 21, trespass offenses, possession of marijuana less than 20 grams/paraphernalia, disorderly conduct, house party, and alcoholic beverage selling/selling to a minor.

The process of issuing a civil citation as described in the ACC Program Process and Procedure Review and included as Attachment #2 is as follows:

The police officer will

1. Investigate the incident
2. Determine the existence of probable cause
3. Advise Miranda Warnings
4. Obtain an admission of guilt from the offender
5. Determine eligibility of diversion for the offender
6. Use his/her discretion to choose whether to offer the offender the choice of diversion

Participants of the Adult Civil Citation Program are required to pay a \$300 ~~\$200~~ fee. There are additional fees if the participant is required to submit to random urinalysis testing. In addition, there is a \$25 fee for printed material, if the participant does not complete services online. However, the CEO of DISC Village stressed that participants would not be screened for participation based on their ability to pay. Options for addressing those who do not have the ability to pay are being considered. If an individual meets all of the eligibility requirements and elects to participate, he or she must contact the Central Intake Center within seven days of referral, and follow the guidelines of rules and requirements. If those who are referred fail to call Intake within seven days, the case is referred back to the local law enforcement agency, which will make a determination on how to proceed.

Program participants are required to

1. call and schedule an appointment with the Central Intake Center within seven days of referral.
2. complete comprehensive behavioral assessments where he/she receives an individual diversion plan.
3. take online educational courses,
4. complete a minimum of 25 hours of community service,
5. attend a work group.
6. attend job and life skills training, and participate in counseling.
7. complete a mid-term review.
8. refrain from using alcohol, drugs, or other mood altering substances during the duration of the program.
9. pay all associated fees.
10. complete an exit interview where the program milestones are reviewed.
11. complete a client satisfaction survey.

Participants must complete all requirements within 120 days of enrollment to be considered successful. If successful, the participant will not have a criminal record. If an individual completes all of these steps, he or she will receive a certification of completion, and their record will be ~~closed~~ expunged. Failure to complete all of these steps will result in the issuance of an ~~arrest affidavit and warrant.~~ a notice to appear.

Sheriff Larry Campbell indicated that he is in support of the concept of the ACC program, but wants to ensure that it is administered fairly. Further, he indicated that he wants to ensure that other service providers have a chance to participate.

Barney Bishop, representative for the Florida Smart Justice Alliance, has stated that the ACC Program is the smarter way to approach non-violent first time misdemeanor offenders. He explained that currently, law enforcement has three choices to address these types of issues:

- (1) law enforcement may choose to take no action;
- (2) they may issue a notice to appear which may dispose of the case by using one of the currently available diversion alternatives; or
- (3) the Adult Civil Citation Program.

The third option includes immediate referral to treatment; a component lacking in the first two options. In this scenario, the officer makes an assessment that there is an underlying issue that led to the behavior and offers a remedy to immediately address the behavior. The goal of assigning individuals to the ACC Program is the possibility of avoiding repeated or more severe criminal behavior. By participating in and successfully completing the Adult Civil Citation Program, the person has not only avoided a criminal record, but has received treatment for the underlying cause of the offense.

If the participant does not successfully complete the program, the ACC Program Coordinator for DISC Village will notify the State Attorney for resolution. The State Attorney has indicated that its long-standing Diversion Program will continue to be an available option for minor offenses of these types. First time misdemeanor offenders who participate in the Diversion Program must pay a fee of \$170, participate in an orientation/counseling session, and complete a minimum of 10 hours in the Leon County Work Program within 90 days to be considered successful. Upon completion, the participant's record is expunged.

Mr. Dale Landry, President of the local chapter of the NAACP, has stated that the ACC Program is needed in the community. Although he originally expressed concerns regarding the lack of opportunity for other local service providers to participate, he recently stated he is satisfied that a meeting is planned with representatives from local government, DISC Village and other community interest groups to address these concerns. DISC Village recently posted a notice on their website that solicits interest among other service providers to join the ACC provider network for substance abuse or mental health services.

An independent Program evaluation will be conducted by the Juvenile Research Center at the end of the pilot to determine whether the program reduces recidivism and lowers costs in comparison to other methods of processing like offenders. Program assessment involves three components: process evaluation, outcome evaluation, and cost analysis. All costs associated with the evaluation will be born solely by DISC Village, Inc. Constitutional officers who participated in the program's design also approved the evaluation process. Details of the Program's process flow are outlined in the Adult Civil Citation Program Process and Procedure Review document.

The Juvenile Justice Steering Committee will provide local oversight of the ACC Program. This Committee is comprised of the Juvenile Assessment Center director, the Chair of the Juvenile Service Providers, community providers, representatives from the Leon County Sheriff's Department, Tallahassee Police Department, Leon County Clerk of Courts, State Attorney, Public Defender, and the Henry and Rilla White Youth Foundation. Key stakeholders and partners include the State Attorney, Public Defender, Circuit Trial Court, local law enforcement agencies, local community service providers, Tallahassee DISC Village, and Associated Industries of Florida Foundation; other key stakeholders and partners are referenced in DISC Village's Adult Civil Citation Brochure (Attachment #3).

A Memorandum of Understanding (MOU) was signed by the Court Administrator on September 7, 2012 authorizing DISC Village as the designated community-based agency to provide services to pre-arrest Civil Citation and Diversion adults. The MOU is included in this item as Attachment #4. Further, Tallahassee Police Department Chief of Police executed a Memorandum of Understanding with DISC Village on October 12, 2012 (Attachment #5), **and Sheriff Larry Campbell signed a Memorandum of Understanding with DISC Village on November 30, 2012 (Attachment #6).**

Implementation of the ACC Pilot Program is pending. In the January PSCC meeting, Tom Olk indicated that the pilot program is ready for implementation. During the pilot, a quarterly report will be generated and made available to all the stakeholders who assist in ensuring the success of the program.

Options:

1. Accept the status report on the Adult Civil Citation Program.
2. Do not accept the status report on the Adult Civil Citation Program.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Smart Justice for Drug, Alcohol and Other Non-Violent Misdemeanors white paper
2. Adult Civil Citation Program Process and Procedure Review
3. DISC Village, Inc. Adult Civil Citation Program Brochure
4. Pre-Arrest Adult Civil Citation and Diversion Program Memorandum of Understanding between DISC Village and the Trial Court Administrator, 2nd Judicial Circuit
5. Pre-Arrest Adult Civil Citation and Memorandum of Understanding between DISC Village and Chief of Police, Tallahassee Police Department

5.6. Pre-Arrest Adult Civil Citation and Memorandum of Understanding between DISC Village and Larry Campbell, Leon County Sheriff

PRE-ARREST ADULT CIVIL CITATION AND DIVERSION PROGRAM MEMORANDUM OF UNDERSTANDING

I. PURPOSE

This Memorandum of Understanding (MOU) is entered into by the Leon County Sheriff's Office and DISC Village, Inc. (DISC) to design and operate a pre-arrest and intense diversion program for non-violent misdemeanor offenders residing in Leon County Florida.

All referrals to DISC will be based upon the protocols developed by the Leon County Sheriff's Office.

II. AGREEMENT

EACH OF THE PARTIES AGREES TO:

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the adult Civil Citation program.
3. Make recommendations for program improvement, when appropriate.
4. Assign staff, as appropriate, to participate in with the adult Civil Citation program.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
6. Provide technical assistance to all parties to ensure that the adult Civil Citation program complies with state and federal laws.

III. SERVICES PROVIDED BY DISC VILLAGE, INC.

Clients who commit a misdemeanor offense or who violate county or municipal ordinance and receive an adult Civil Citation will receive services according to normal operating practices of DISC. Fees are the sole responsibility of the client and must be paid prior to the rendering of services.

Clients will be provided with assessment and an individualized intervention plan and services. Additionally, DISC Village, Inc. will assist and monitor community service requirements pursuant to Florida Statute 948.036. All services will be provided in a culturally sensitive and trauma-informed care manner.

Quarterly reports will be provided to all concerned parties.

IV. TERM OF AGREEMENT

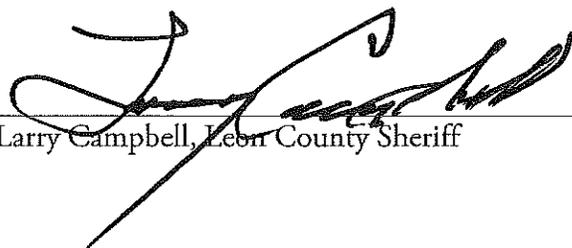
This MOU shall remain in effect from the date of signatures and can be renewed or amended by the partnership as needed. Each party reserves the right to terminate their participation in the agreement with a 30-day written notice.

This agreement shall take effect upon receipt of signatures and may terminate or revise at the request of either party.



Tom Olk, CEO DDC Village, Inc.

10-23-12
Date



Larry Campbell, Leon County Sheriff

11-30-12
Date