

# NATIONAL JUVENILE JUSTICE NETWORK

## Snapshot CIVIL CITATIONS\*

DECEMBER 2016

When youth get in trouble with the law, it's important to take a level-headed approach that helps them become contributing members of society while ensuring community safety. Unfortunately, our current juvenile justice system is like an exceptionally difficult maze, with too many paths in and too few ways out. But just entering the maze can have devastating consequences for society at large and for the young people themselves. As stated in a report by the National Institute of Justice and the Harvard Kennedy School:

There is evidence that youth who have been institutionalized get into worse trouble, are more likely to commit worse crimes, are less employable, are more likely to be on a path toward lifelong failure, and are more likely to pass their problems on to their children.<sup>1</sup>

According to the report, state data show that:

- 70 to 80 percent of incarcerated youth are rearrested within two to three years (Mendel, 2011);
- incarcerating youth may actually increase recidivism;<sup>2</sup> and that
- the financial costs of incarceration are enormous, with 34 states reporting incarceration costs of \$100,000 or more per youth.<sup>3</sup>

Given this, interest is growing in finding ways to divert youth from the maze of the youth justice system while still holding them accountable and helping them to become contributing members of their communities.

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\* This snapshot is drawn from information compiled by the National Juvenile Justice Network for publication on the [Juvenile Justice Resource Hub](#), hosted by the Juvenile Justice Information Exchange and sponsored by a generous donation from the John D. and Catherine T. MacArthur Foundation's [Models for Change](#) initiative.

Civil citation programs, which have shown promising results in Florida, are a leading example. These programs divert youth from the youth justice system at the point of arrest. Florida has implemented civil citations for youth in many counties, and passed statewide legislation mandating their use throughout the state.

## How the Florida Civil Citation Initiative Works

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Florida first authorized civil citation programs legislatively in 1990. Begun as a voluntary program for localities, the law was amended in 2011 to require that each locality establish a civil citation or similar diversion program.<sup>4</sup>

The civil citation initiative is intended to:

- improve youth outcomes and reduce costs by diverting youth out of the justice system prior to arrest when they pose no threat to the community;
- hold youth accountable for his or her behavior and involve the youth's parents in the process;
- prevent youth from deeper involvement in the justice system; and
- further improve public safety by focusing limited resources on more serious offenses.<sup>5</sup>

Below are elements of the framework for the civil citations program:<sup>6</sup>

- Officers have the option to give a youth a civil citation if their alleged offense is a non-serious misdemeanor, the youth admits to it, and he or she has no previous arrest record. Youth must be given the option to refuse.
- Youth can be given up to three citations for separate offenses.
- Law enforcement either issues a field citation to the youth or brings him or her to a juvenile assessment center or probation officer where the civil citation program is explained to the youth and a parent/guardian contacted for approval for the youth to participate.
- The youth and his/her parent/guardian must contact the civil citations coordinator within seven days for assessment. The case manager assesses the youth to determine needs and assign intervention services, treatment and/or sanctions.
- Sanctions and services can include up to 50 hours of community service, restitution, letters of apology, school progress monitoring, substance abuse or mental health services, youth and family counseling, urinalysis, mediation, mentoring, or teen court.
- A local entity provides case management.
- If youth successfully complete the program, they get no arrest record. If unsuccessful – such as because they fail to complete a work assignment, to participate in intervention services, or commit a subsequent delinquent act, the youth is formally charged and processed through the juvenile justice system.

## Outcomes

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Youth issued civil citations do not get an arrest record if they successfully complete the program. This is a vital feature, as arrests can harm a youth's future through a myriad of consequences that can result from the arrest, often called "collateral consequences." These include barriers to education, employment, military service, and public benefits.<sup>7</sup>

Studies of the Florida civil citations program have also found significant gains in reducing recidivism. Florida's 12-month recidivism rates for FY 2011-12 showed a four percent recidivism rate for youth given a civil citation, compared to 13 percent for post-arrest diversion.<sup>8</sup>

In addition to increased public safety produced by lower recidivism rates, civil citations are also much more cost effective than the high cost of incarcerating youth. A recent study estimated cost savings at \$1,467 to \$4,614 savings for each civil citation issued, resulting in taxpayer savings ranging from \$44 million to \$139 million annually.<sup>9</sup>

## For More Information

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- ["Stepping Up: Florida's Top Civil Citation Efforts,"](#) a 2015 study of the outcomes of Florida's civil citation system by Dewey and Associates, recommends wider use of civil citations in Florida and compares use of civil citations by jurisdictions across the state.
- The American Bar Association's State Policy Implementation Project issued a [report](#) recommending the implementation of civil citation programs for youth with minor, non-violent offenses.
- The Florida Dept. of Juvenile Justice has many resources on its ["Florida Civil Citation"](#) web page describing the program, implementation by county, and outcomes.
- [The Children's Campaign](#), an NJJN member, has special expertise in Florida's public policy process and legislation on civil citations for youth.

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<sup>1</sup> Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, "The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model, *New Thinking in Community Corrections*, No. 2 (National Institute of Justice and Harvard Kennedy School, October 2016): 12, <http://bit.ly/2hGEONI>.

<sup>2</sup> McCarthy, Schiraldi, and Shark, 13.

<sup>3</sup> McCarthy, Schiraldi, and Shark, 12, citing Justice Policy Institute, "Factsheet: The Tip of the Iceberg: What Taxpayers Pay to Incarcerate Youth" (Washington, DC: Justice Policy Institute, 2015).

<sup>4</sup> Roy Miller, "Florida Civil Citation: History and Advocacy" Slides prepared for National Juvenile Justice Network Webinar "Using Civil Citations to Address Youth Misbehavior," Nov. 30, 2016; FL 985.12 (2016), <http://bit.ly/2hsQiqb>.

<sup>5</sup> Florida Dept. of Juvenile Justice, "Civil Citation," accessed Nov. 23, 2016, <http://bit.ly/2h9Bxpi>; American Bar Association, State Policy Implementation Project, "Civil Citations for Minor Offenses" (undated), accessed Nov. 23, 2016, <http://bit.ly/2hD8fDe>.

<sup>6</sup> Florida Dept. of Juvenile Justice, “Civil Citation Model Plan: A Guide to Implementation” (Revised October 2015): 1-5, <http://bit.ly/2i346c1>; Florida Dept. of Juvenile Justice, “Florida’s Civil Citation Initiative,” accessed Nov. 23, 2016, <http://bit.ly/1040A0J>; Florida Dept. of Juvenile Justice, “Civil Citation: Part of the Community, Part of the Solution,” accessed Nov. 23, 2016, <http://bit.ly/2hT9z1P>; Florida Dept. of Juvenile Justice, “Civil Citation Process,” accessed Nov. 23, 2016, <http://bit.ly/2h4b1Ah>.

<sup>7</sup> National Juvenile Justice Network, “Confidentiality of Youth in the Juvenile Justice System—Policy Platform” (August 2016), <http://bit.ly/2emRoyy>.

<sup>8</sup> Florida Dept. of Juvenile Justice, “Florida’s Civil Citation Initiative,” accessed Nov. 23, 2016, <http://bit.ly/1040A0J>.

<sup>9</sup> Dewey & Associates, “Stepping Up: Florida’s Top Civil Citation Efforts” (2015): 8, <http://bit.ly/2h496LT>.