



Pre-Arrest Diversion

*Deflection - Civil Citation - Front End Diversion -
Police, Treatment, and Community Collaborative*

Peria Duncan, Director



Court Services Mission

**To reduce incarceration through
community-based supervision and
therapeutic services**





Adult Civil Citation in the Legislature

Though it was unanimous in the Senate and had strong House support, the 2017 Legislature did not pass the Adult Civil Citation bill (which encourages counties to develop their own pre-arrest diversionary programs) due to political technicalities. The sponsors plan to bring it back to the Legislature in the 2018 session.



National Transformation

- The national “Deflection Summit” in March, 2017 in Washington, D.C. produced 100% agreement from all entities represented to support transformative pre-arrest programs.
- The representation at the table was broad and impressive: Thirty nine different agencies including the IACP and other law enforcement, the National Association of Prosecuting Attorneys, SAMSHA, DOJ, TASC, Pretrial Justice Institute, National League of Cities, C4 Recovery Solutions, George Mason University and many more.
- Director Duncan was invited to participate in this summit and now serves on the follow-up committees.



National Transformation

- Various PRE-arrest program models, now nationally recognized as “Deflection,” “Front End Diversion” and/or the “Police, Treatment, and Community Collaborative,” (PTAC) are differentiated from diversion programs that are POST-arrest.
- Pre-arrest diversion programs have been in place for several years across the country and are growing in popularity.
- Most pre-arrest programs are tied to behavioral health needs and deflect individuals from the Criminal Justice system into assessment, resources and treatment.



National Pre-Arrest Programs

- Per Board direction: We have listed regional and national pre-arrest programs and reviewed their strengths and weaknesses relevant to our community. Pre-arrest diversion program models include:
 - CIVIL CITATION (A three-year Leon County, FL program based on 23 years of the Department of Juvenile Justice Civil Citation program)
 - LEAD (Seattle, WA)
 - STEER (Montgomery County, MD)
 - ANGEL and PARRI (Gloucester, MA)
 - APAD (Pinellas County, FL)
 - Broward County Ordinance Program is under consideration to expand beyond the current marijuana ordinance



National Pre-Arrest Programs

- Miami uses the Criminal Mental Health Project (CMHP). The pre-booking portion uses the CIT model to divert offenders into crisis units for treatment or referral to resources.
- Pros and Cons of each of these programs were reviewed to determine feasibility.
- Many programs offer ideas that may be applicable to our County and can be considered by the “Ordinance/Civil Citation” Committee in the development of the program.



Eligible Offenses and Benefits

- The local “Ordinance Committee” *preliminarily* agreed to include most misdemeanors. Excluded misdemeanors are those with a sexual, violent or gang nature, including animal abuse and weapon possession.
- Benefits include:
 - reduced jail bed day costs,
 - reduced costs for taxpayers,
 - reduced short and long term costs in terms of social impacts,
 - reduced use and costs for law enforcement and the Courts,
 - increase in referrals, assessments and treatment,
 - increase in less expensive front-end services, and
 - increase in quality of life for our citizens and community.



Pre-Arrest Program

- Law Enforcement has discretion to issue a “civil citation” in lieu of arrest for eligible first (and 2nd?) time misdemeanants. (No prior criminal history)
- The offender is held accountable, deflected from the Criminal Justice system, and referred to Behavioral Health resources as needed.
- Law Enforcement completes Civil Citation paperwork after obtaining agreement to participate in program and agreement of victim and forwards to Coordinator.





Pre-Arrest Program

- Coordinator connects individual to programs and services and tracks for completion.
- Coordinator ensures completion of program and refers unsuccessful completions back to Law Enforcement/SAO/Courts for prosecution.
- Coordinator tracks data, fields calls, coordinates services.
- Data can be used to evaluate programs and services and to compete for grant funding.



Pre-Arrest Program

- Services and programs may include community service hours, assessment for behavioral health needs and appropriate referrals to treatment and community resources, and education.
- Court Services can provide these services.
- Program fees collected are just enough to support the cost of the program.
- Fees may be converted to community service hours.



Community Support

The **GNV4ALL** via the **Criminal Justice Sub-Committee** provided several recommendations. Two were specific to pre-arrest programs:

Pre-Arrest Diversion

- Recommend that City and County Commission work together to expand the adult civil citation to include not only misdemeanor marijuana but further extend its use to include non-violent misdemeanors. In order to decrease incarceration costs, keep people from having criminal records and help to reduce racial disparities, there is a need to use civil citations for non-violent adult misdemeanors.
- Furthermore, the citation program should be made available and applicable in all of the municipalities in Alachua County. This will allow the citizens and “suspects” to expect the same consequences regardless of jurisdictional boundaries. The inclusion of non-violent misdemeanors will allow first time and small time offenders to be held accountable for their crimes.
- The more we can develop pre-arrest diversion, the more we can avoid criminal records ruining job and/or school prospects. The goal would be to help our community produce productive citizens.



Community Support

“Other states are finding that criminal justice reforms reverse soaring prison populations that strain their budgets. Diverting low-level drug offenders, juveniles and people with mental illness from the criminal justice system allows limited resources to be focused on pursuing serious criminals. Here in Alachua County ... efforts such as court diversion programs and the use of civil citations for misdemeanor marijuana possession and juveniles offenses help ensure someone making a mistake gets another chance, rather than sending them on the path to committing more crimes... Local government, police and prosecutors share an interest in focusing limited resources on the most serious criminal offenses. While Tallahassee and Washington stall or reverse criminal justice reforms, local leaders need to take a smarter approach to crime that creates a safer community.”

- - - Gainesville Sun Editorial



Board Concerns and Solutions

- **Citation fines having negative impact?**
 - Fines can be “paid” using community service hours.
- **Cost to County?**
 - Less of a financial burden than arrest and/or booking because it reduces cost of processing minor offenses for Law Enforcement, the Courts and taxpayers.
 - Current pre-arrest programs data have shown cost savings.
- **Is a database necessary?**
 - The database allows for accountability, assessment, assignment, 24/7 central access to data, community service referral/verification, and coordination of services (behavioral health referrals, etc.), which is critical for law enforcement.
 - Cost can be supported through program fees.
 - We are researching database options.
- **Not enough arrests to justify ordinance?**
 - There would be with an expanded list of eligible misdemeanors.



Board Concerns and Solutions

- **Takes away the accountability and consequences of arrest?**
 - Pre-arrest diversion/civil citation programs do provide for consequences and holds those cited more immediately accountable for their actions by being required to successfully complete the program.
- **Is this type of program successful?**
 - According to the Civil Citation Network, Leon County program has a 80% completion rate; all programs reviewed are showing lower recidivism rates and other successes than those not in the programs. The Florida DJJ has built upon their Civil Citation success for 23 years. Other programs are showing similar successes and the movement is growing.
- **Are new staff necessary?**
 - Under the Court Services model, a Coordinator FTE is necessary to case manage and ensure successful completions, ensure non-successful completions return to Court, coordinate with stakeholders, data collection and analysis, program marketing and education and other follow through.
 - It is not possible for these responsibilities to be taken over by current Court Services staff because the services/responsibilities of pre vs. post arrest diversion are not substitutive and they are at capacity.
 - Under the SAO oversight model, they can absorb this function with existing diversion program staff.



Next Steps/Options



- The SAO has offered to provide oversight of the program working with Court Services programs to include community service, assessments, education and treatment referral.
- Approve moving forward with collaborative steering committee of Criminal Justice and Behavioral Health stakeholders, to develop and implement a local PRE-arrest/“Civil Citation” program.



Next Steps/Options



- Convene a small advisory steering committee of key stakeholders: Court Services, SAO, PD, ACSO, GPD, area Law Enforcement agencies, Behavioral Health representative(s), Clerk's Office, Court Administration and others deemed necessary.
- Support Court Services request for Civil Citation Coordinator position to coordinate this program if CS provides oversight.
- Determine if the Civil Citation program would replace or supplement the marijuana ordinance that needs to be modified if used as stand-alone.



Questions?

