

# SMART POLICING IN ACTION: CIVIL CITATIONS FOR JUVENILES

📅 May 06, 2021   👤 By Katherine Fernandez Rundle and Stephen K. Talpins   ▶ Special to the News   📁 Columns



In Miami, the Miami-Dade County (MDC) State Attorney's Office (SAO) and the 34 local police departments have a close working relationship. Together, we have helped reduce the crime rate by almost 70% in the last 30 years. We have achieved these great results by treating offenders as individuals and addressing them according to the severity of their misconduct and criminogenic needs, a method we refer to as Smart Justice. As part of our strategy, we developed and implemented a civil citations program in 2007 that allows officers to cite juveniles who commit low level misdemeanors in lieu of arresting them. MDC police departments have successfully cited instead of arresting over twenty-one thousand (21,000) youth since the program's inception. In this article, we discuss the program's use and how it has helped us drive down the crime rate while saving significant resources.

During a zero-tolerance era in our school system State Attorney Fernandez Rundle helped develop a pre-arrest civil citation program for first-time misdemeanor juvenile offenders in 2007. She also promoted legislation for the use of civil citations statewide.

MDC's civil citation program now is well-established and efficient. Officers may cite juveniles who commit any misdemeanor offenses, other than those involving a firearm, sexual related behavior, or gang activity, including those who commit petit theft and possession of misdemeanor. However, officers must obtain victim approval for cases involving battery, assault, or graffiti and SAO approval for cases involving carrying a concealed weapon and animal cruelty.

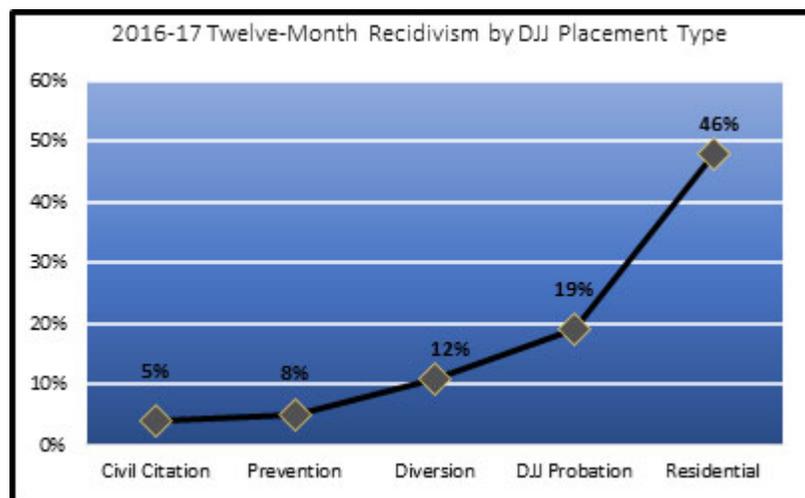
When an officer cites a juvenile, the case is submitted to the SAO for approval. If the SAO approves, the Juvenile Services Department (JSD) assesses the youth to determine what services they need and to create a treatment plan. The typical plan takes three months to complete. As part of the plan, participants must pay restitution to the victim (if any), undergo treatment (if necessary), and, in many cases, perform community service hours. When juveniles successfully complete the program, the charges are

dropped and the citations are destroyed. If they fail to complete the program, the case is sent back to the SAO for further processing and potential referral to another, more formal, diversion program or criminal prosecution, as appropriate.

Civil citation programs can be beneficial in many ways. As the International Association of Chiefs of Police (IACP) recognizes, citing someone for a low-level crime in lieu of arrest saves significant police time (24.2 minutes versus 85.8 minutes on average) and effort. See **Citation in Lieu of Arrest: Examining Law Enforcement’s Use of Citation Across the United States – Final Report** (IACP April 2016) and **Citation in Lieu of Arrest: Examining Law Enforcement’s Use of Citation Across the United States – Literature Review** (IACP April 2016). This allows officers to return to the streets faster, where they can focus their efforts on more serious crimes.

Further, civil citation programs can reduce the costs of prosecution. See e.g. **Juvenile Services Department Cost Analysis** at 3, Miami-Dade County Office of Strategic Business Management. The Caruthers Institute, which studied data from 2014-2018 from Florida, found that civil citations save between \$1,467 to \$4,614 per re-arrest diversion. They reported that Florida has saved between \$70 million and \$221 million since the program’s inception, if not more. Caruthers, D., **See Stepping Up: Florida’s Top Juvenile Prearrest Diversion Efforts** (Caruthers Institute 2019).

Most importantly, these programs do more than save time and money; they also promote public safety. Juveniles who are given civil citations recidivate at a very low rate. See e.g. **Civil Citation and Similar Diversion Programs Best Practices Guide** (Florida Department of Juvenile Justice 2019).

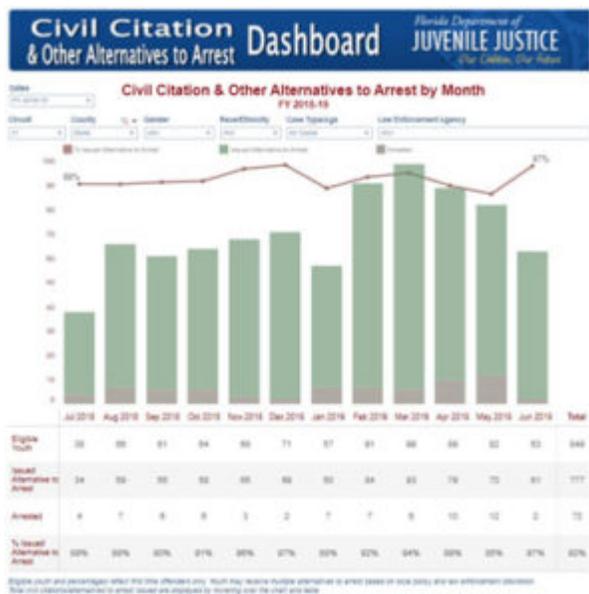


In fact, DJJ reports that youth who are cited instead of arrested and diverted have “significantly better outcomes than youth who were eligible for Civil Citation but were arrested in diverted” (4% v. 9%). Pla, Julia, **Briefing Report: Civil Citation Effectiveness Review** (DJJ July 1, 2014).

We believe the program reduces recidivism for two reasons. First, the treatment programs address the youths’ criminogenic needs. Second, they eliminate unnecessary contact with the criminal

justice system and labeling. See e.g. Kroska, A., et al, *Juvenile Delinquency and Self-Sentiments: Exploring a Labeling Theory Proposition*, 98:1 *Social Science Quarterly* 73 (March 2017). Labeling youths as “delinquent” or “criminal” may undermine their self-esteem and/or create a self-fulfilling prophecy. *Id.* Thus, civil citations programs benefit everyone, the general public and individual offenders alike.

While the program was designed to help youth avoid contact with the criminal justice system, some skeptics expressed concern that officers might “widen the net” by citing people they normally would not have arrested anyway. In 2018, researchers from Florida State University reviewed data from all juveniles cited or arrested by law enforcement officers in Florida between January 2002 and July 2016 to address those concerns. They found that most jurisdictions successfully implemented the program without significant net-widening effect. See Nadel, M., et al, *Civil Citation: Diversion or Net Widening?*, 55 *Journal of Research in Crime and Delinquency* 278 (2018).



Today, MDC officers routinely cite eligible juveniles in lieu of arrest. In Fiscal Year 2018-2019, MDC officers issued civil citations to 777 of 849 (92%) eligible youth instead of arrested them.

See the Florida Department of Juvenile Justice’s (DJJ) **Civil Citation & Other Alternatives to Arrest Dashboard**. Importantly, officers exercised their discretion consistently across races and ethnicities giving citations to 89% of eligible White youth, 90% of eligible Black youth, and 93% of eligible Hispanic youth. *Id.*

Smart Policing works. By treating people, especially youth, as individuals and addressing the needs of those can rehabilitate, we can simultaneously reduce costs and improve public safety. That is Smart Justice.



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