



PATROL			521.00	
		CIVIL CITATION PROGRAM		
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This procedure consists of the following numbered sections:

- I. ELIGIBILITY TO RECEIVE CITATION
- II. ISSUANCE OF CITATION
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PURPOSE

The purpose of this standard operating procedure is to provide guidelines for the issuance of civil citations in accordance with [Florida Statute section 985.12](#).

SCOPE

This procedure shall apply to all Punta Gorda Police Department personnel.

DISCUSSION

The Civil Citation Program provides an efficient and innovative alternative to criminal prosecution for youth who have committed misdemeanor crimes. The program ensures that the juvenile offenders receive swift and appropriate consequences for their actions. The focus of the program is to offer sanctions designed to curtail further criminal behavior.

This policy is in compliance with the Civil Citation Program uniformly established over all five (5) counties in the 20th Judicial Circuit as of October 1, 2018. The program is a formal process that permits certified law enforcement officers in Charlotte County to offer intervention services and community service in lieu of a juvenile being arrested for a misdemeanor criminal offense.

- This program is a restorative justice approach, which will bring swift resolution to the victim and consequences to the offender.
- The victim is given justice, while intervention is provided to the offender to reduce recidivism. Studies have shown that half of all first time offenders never reoffend.
- The program relieves the clogged juvenile justice system from additional misdemeanor crimes.
- The program has the support of the State Attorney, Chief Judge, Public Defender's Office, and the Department of Juvenile Justice.
- The Civil Citation Program Coordinator with the Department of Juvenile Justice will act as the administering agent for the civil citation program within Charlotte County.

PROCEDURE

I. ELIGIBILITY TO RECEIVE CITATION

- A. Civil citations are intended for all misdemeanor offenses other than domestic violence or weapons offenses. Civil citations may be used for misdemeanor offenses of Battery, Stalking, or Violation of Injunction only when appropriate under the circumstances and approved by the victim, or the victim's parent or guardian if the victim is a juvenile.
- B. If the criteria is met, the officer shall issue the civil citation and shall not make an arrest nor issue an NTA, without an objective and well-articulated reason. The reason for non-referral shall be documented in the incident report as well as on the arrest affidavit (PCA). In order for a civil citation to be issued, the following conditions must be met:
 1. The offender has no previous felony arrests;
 2. The offender has no previous judicial sanctions for any crime;
 3. The offender has no previous arrests for a crime of the same type to be handled by civil citation;
 4. The offender has not previously received a civil citation, unless the previous civil citation was issued more than two (2) years ago and the facts of the current offense warrant a second civil citation;
 5. The offender is checked through the Department of Juvenile Justice database prior to issuing the citation to ensure that they meet the criteria of this policy;
 6. The offender resides in Charlotte County;

7. The offender and their parent or guardian agree to the issuance of a civil citation;
8. The victim, and their parent or guardian if the victim is a juvenile, agree to the issuance of a civil citation.

II. ISSUANCE OF CITATION

- A. The process for issuing a civil citation is as follows:
 1. Probable cause for an arrest must exist in order to issue a civil citation;
 2. The officer shall contact the Department of Juvenile Justice to ensure that the offender is eligible to receive a civil citation;
 3. The Watch Commander or Community Services Section Supervisor shall approve the issuance of any civil citation;
 4. The officer shall issue the civil citation to the offender;
 5. The officer shall complete an incident report including the elements of the offense;
 6. The officer shall provide a copy of the civil citation to the offender's parent or guardian, to the victim, or their parent or guardian if the victim is a juvenile, and to the school, if applicable;
 7. The officer shall submit any evidence via property receipt as would be done with a physical arrest. Any evidence would be processed in accordance with [Standard Operating Procedure 800.00 – Evidence and Property](#); and
 8. The officer shall complete witness and/or victim statements and submit them to the Records Unit as would be done with a physical arrest. The civil citation and any associated documentation shall be emailed to the Civil Citation Program Coordinator at puntagordaprob@djj.state.fl.us and shall be processed in accordance with [Standard Operating Procedure 1203.00 – Central Records](#). The Civil Citation Program Coordinator will be responsible for entering the citation into the Juvenile Justice Information System Prevention Web. (JJIS).

III. PROGRAM REQUIREMENTS

- A. Program Requirements: There are no administrative fees associated with State Attorney's Juvenile Civil Citation Program, but certain requirements must be met or the case will be referred back to the court system. The requirements for the program are as follows:

1. The offender must complete up to twenty (20) hours of community service;
 2. The offender must attend mental health, substance abuse, alcohol, and/or life skills education or treatment as determined by the Civil Citation Program Coordinator;
 3. The offender must comply with urinalysis requirements as determined by the Civil Citation Program Coordinator; and
 4. All involved parties must agree to the amount of restitution.
- B. Failure to Comply with Program Requirements: If an offender fails to meet the requirements of the program the following will occur:
1. The Department of Juvenile Justice will notify the issuing officer of the failure of the offender to meet the program requirements as well as any sanctions that may have been issued by their agency;
 2. If the offender does not comply with any sanctions issued by the Department of Juvenile Justice the issuing officer may make a physical arrest, if in compliance with all laws governing misdemeanor offenses, or may complete a misdemeanor summons request. The officer shall include all statements and documentation with the arrest package or summons request required with all misdemeanor investigations; and
 3. The issuing officer will contact the Department of Juvenile Justice and advise them of the offender's failure to comply with the program requirements and provide them with a copy of any arrest affidavit or summons request.

IV. EXEMPTION TO ISSUANCE OF CITATION

- A. If an eligible juvenile is not issued a civil citation, the reason for the decision to arrest must be indicated by the arresting officer in the arrest affidavit or summons request (i.e. victim's wishes, prior uncited offense, egregiousness of the offense, etc.)

APPROVED



PAMELA R. SMITH, CHIEF OF POLICE

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