

# Florida Civil Citation or Similar Prearrest Diversion Q&A

## Section 985.12, Florida Statutes, Civil citation and similar Prearrest Programs

### Section 985.126, Diversion programs; data collection; denial of participation or expunged record

- 1) What will a youth who receives a civil citation or similar prearrest diversion (CC/PAD) be required to do?

The youth will be assessed and receive services to address identified risk factors that may include family counseling, drug screening, substance abuse treatment, or mental health treatment. Additional sanctions or services considered at the local level could include a letter of apology to the victim, restitution, school progress monitoring, or prevocational skill services.

- 2) Is there a fiscal impact or a cost to implement CC/PAD?

Any implementation costs should be low because CC/PAD works through diversion programs existing in a community such as those already operated by sheriffs, state attorneys, or teen courts.

- 3) What is a CC/PAD? What are the advantages to having a civil citation or similar prearrest diversion program?

Civil citation or similar prearrest diversion is a mechanism for first time misdemeanants to enter a structured community diversion program with no arrest record upon successful completion. Youth and their families benefit from services that target specific risk factors. Because CC/PAD has the lowest recidivism in the DJJ continuum of services youth, families and communities benefit from fewer future arrests.

- 4) Are we required to have a CC/PAD program even though our county has other diversionary programs?

In s. 985.12, F.S., the Legislature encourages but does not mandate that counties, municipalities, or educational institutions participate in CC/PAD.

- 5) Is a youth who successfully completes CC/PAD for a misdemeanor offense and is later arrested for a misdemeanor or felony eligible for a subsequent civil citation or similar prearrest diversion?

Section 985.12, F. S. (click [here](#)), specifies that misdemeanor offenses are eligible for CC/PAD and that statutory stakeholders in each circuit set eligibility standards. Subsequent civil citation or similar prearrest opportunities, whether youth are required to guilt, and the timeframe for youth to make initial contact with the program are examples of decisions that may be made by a circuit's statutory stakeholders.

- 6) Can a youth receive a second or third citation while completing sanctions for a prior civil CC/PAD?

Yes, if the circuit statutory stakeholders agree.

- 7) Who are the CC/PAD circuit statutory stakeholders and what are their responsibilities?

Effective July 1, 2018, the state attorney, public defender, clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a circuit CC/PAD program and create its policies and procedures including eligibility criteria, implementation and operation, and program requirements. Program requirements include but are not limited to the completion of community service hours, intervention services, and a program fee, if any, to be paid by the youth. The circuit program will be operated by the state attorney.

- 8) May existing CC/PAD programs continue to operate independent of the circuit program?

Yes. Programs in existence on October 1, 2018 may continue to operate as an independent program upon state attorney determination that the program is in substantial compliance to the circuit program.

- 9) Will a needs assessment be conducted on a youth for every CC/PAD issued?

Yes.

- 10) My program has a youth assessment process in place. May we continue to use it?

Effective July 11, 2018, juvenile needs assessment tools must be approved by DJJ. Assessments should be submitted to [Amy.Greenwald@djj.state.fl.us](mailto:Amy.Greenwald@djj.state.fl.us) for review.

- 11) What assessments have been approved by the DJJ?

The Prevention Assessment Tool (PAT), the GAIN-Q3, and the Biopsychosocial assessment.

- 12) How long will an assessment be good for on a youth?

The assessment is good for the time a youth is in CC/PAD, which is typically 90 days.

- 13) Is there a follow-up assessment for youth to show if there have been substantial changes in the youth's life or family since the previous assessment?

An exit assessment is not required for CC/PAD youth.

- 14) Are CC/PAD programs that enter youth data weekly in the Juvenile Justice Information System Prevention Web required to submit a quarterly report of youth served pursuant to s. 985.126, F. S.?

No, the quarterly report is not necessary if youth data is entered into the Prevention Web weekly.

- 15) Is a youth with a prior misdemeanor or felony referral that was non-filed, nolle prossed, or diverted eligible for CC/PAD?

Youth with a prior charge that was nolle prossed without sanctions or not filed will be reflected as eligible on the CC/PAD dashboard providing there are no other priors in the youth's history. Click [here](#) to see the Department's interactive CC/PAD dashboard.

16) Is a youth whose record was expunged eligible for CC/PAD?

Yes.

17) Can a youth in a post-arrest diversion program or on probation receive a civil citation or similar prearrest diversion?

Eligibility is determined by stakeholders in each judicial circuit. DJJ does not reflect youth with an arrest history as eligible for CC/PAD on the dashboard.

18) Are sexting offenses eligible for CC/PAD?

First time sexting offenses are not eligible for CC/PAD. Under s. 847.0141, F.S., (click [here](#)) first time sexting offenders have defined sanctions that are not compatible with CC/PAD.

19) Are noncriminal traffic violations eligible for civil citation or similar prearrest diversion?

No. CC/PAD is an option for youth charged with a criminal traffic violation which is punishable as a misdemeanor offense. Examples of criminal traffic violations include driving under the influence, reckless driving, driving with a suspended license, and leaving the scene of an accident with property damage.

20) Is a youth with a prior referral that was non-filed or nolle prossed required to disclose the prior referral or the civil citation or similar prearrest diversion?

A youth who has successfully completed CC/PAD has no criminal history record and is not required to disclose the CC/PAD. A youth with a charge that was non-filed or nolle prossed may need to disclose depending on how the information is requested.

21) Is a local agency required to disclose to the military if a youth had a prior charge that was nolle prossed or non-filed? And how should they respond to military requests?

The Department discloses delinquency records related to a nolle prossed or non-filed charge to the military; however, whether this is required of a local agency is a matter for the service branch to determine in their dealings with the local agency.

22) Our state attorney's office has agreed to divert a youth to CC/PAD who was arrested on an eligible offense. How can the initial arrest be cleared or purged from the criminal history databases?

If a state attorney decides not to file charges, either by dismissing the case or referring the youth to a diversion or civil citation program, the Department will immediately remove the youth's entire delinquency record from JJIS and input it into Prevention Web as a civil citation case. In the event a criminal record has been created by the submission of fingerprints to the Florida Department of Law Enforcement (FDLE), a youth who successfully completes CC/PAD may petition for the criminal

record to be expunged. Information about expunging or sealing records is available on the FDLE website (click [here](#)).

- 23) In extenuating circumstances, can a youth otherwise eligible for CC/PAD who has a prior record be served by civil citation or similar prearrest diversion?

Yes, the state attorney's office may direct the child be referred for CC/PAD if it is in the best interest of the child and the public.

- 24) Where can I find Chapter 2018-127, Laws of Florida (Senate Bill 1392)?

For Chapter Law 2018-127, click [here](#).

To see revised s. 985.12, Civil citation or similar prearrest diversion, F.S., click [here](#).

To see s. 985.126, Diversion programs; data collection; denial of participation or expunged record, click [here](#)

- 25) Where can I find information about CC/PAD and outcome information?

The CC/PAD Webpage, which is available [here](#), includes links to the best practice guide, presentations, brochures, circuit program information, and other data. The CC/PAD Dashboard tracks utilization data and outcomes and is available [here](#). The annual Comprehensive Accountability Report tracks recidivism data and is accessible [here](#).

- 26) How will civil citation or similar prearrest diversion benefit public safety? Will it give kids who commit crimes a slap on the wrist?

Research has shown that detained youth are more likely than non-detained youth to end up deeper in the system. Addressing behavioral needs of these youth at their first contact with the juvenile justice system and helping overcome that behavior enhances public safety, protects the futures of first time offenders who stay out of trouble, and avoids significant costs to the state by decreasing the likelihood youth will reoffend as a youth or as an adult.