

**Board of County Commissioners  
Leon County, Florida**

**Workshop  
on  
Existing Court Diversion Programs**

**July 12, 2016  
1:00 p.m. – 3:00 p.m.**

**Leon County Board of County Commissioners  
Leon County Courthouse, 5<sup>th</sup> Floor**

# **Leon County Board of County Commissioners**

## **Notes for Workshop**

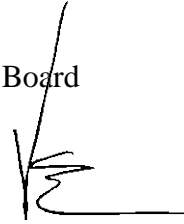
# Leon County Board of County Commissioners

## Cover Sheet for Workshop

July 12, 2016

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator



**Title:** Status Report on Existing Court Diversion Programs

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<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>Department/ Division Review:</b>	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator
<b>Lead Staff/ Project Team:</b>	Teresa Broxton, Director of Office of Intervention and Detention Alternatives

**Fiscal Impact:**

This item has no current fiscal impact.

**Staff Recommendation:**

Option #1: Accept status report on existing court diversion programs.

## **Report and Discussion**

### **Background:**

During the Citizens to be Heard portion of the April 12th meeting, the Board discussed local diversion programs relative to the criminal justice system and directed staff to schedule a workshop to provide an overview of existing diversion programs, including the Adult Civil Citation (ACC) Program.

Diversion programs vary in design and scope among authorizing agencies nationwide and are generally designed in consideration of population size and other demographic factors. For example, most State Attorneys offer some form of diversion through pretrial intervention or deferred prosecution, but may not necessarily operate a full scale diversion program. Full scale diversion programs perform such functions as mass identification of offenders meeting predefined criteria and notifying them of options that preclude their participation in the formal trial process. Some authorities operate diversion programs with limited objectives, such as jail population management. Leon County's Supervised Pretrial Release and Probation programs serve primarily as jail population management tools, but also provide limited services and monitor the offender's compliance with court imposed conditions intended to modify behavior. Some local governments adopt ordinances directing how certain law violations are to be addressed. It is relevant to note, however, that diversion programs and local ordinances may not conflict with Florida law, but some may be deemed supplemental and complementary thereto.

The concept of an Adult Civil Citation Program was first discussed with the Public Safety Coordinating Council at its January 15, 2013 meeting. The Board was provided a status report on the Adult Civil Citation Program at its February 26, 2013 meeting (Attachment #1). The program was also presented to the City Commission at its March 12, 2013 meeting (Attachment #2).

Although the Board received a status report on the ACC Program at its inception, it should be noted that Leon County Government is not a formal party to this process. Agreements were executed between DISC Village and key stakeholders. Specifically, a Memorandum of Understanding (MOU) was signed by the Court Administrator on September 7, 2012 authorizing DISC Village to provide services to adults meeting the criteria for participation in the ACC Program (Attachment #3). The Tallahassee Police Department Chief of Police executed an MOU with DISC Village on October 12, 2012 (Attachment #4) and the Leon County Sheriff also signed an MOU with DISC Village on November 30, 2012 (Attachment #5). DISC Village continues to strengthen the ACC Program by expanding its outreach for broader participation among law enforcement agencies. They secured an MOU with the Florida Fish and Wildlife Commission on July 15, 2014 (Attachment #6) and another with Tallahassee Community College on August 4, 2015 (Attachment #7). DISC Village staff shared they have negotiated an agreement with Florida A & M University and has executed an MOU outlining their commitment to use the ACC Program as well.

### **Analysis:**

Formal diversion programs generally target first time non-violent offenders or other specialized populations. They provide eligible offenders an opportunity to avoid the full and often long term effects of criminal prosecution by participating in counseling or other training programs designed to address the behaviors that led to the criminal charge. Offenders may also be required to pay restitution and/or perform community service. A defendant who meets the eligibility requirements for participation must sign an agreement and pay a fee as operational expenses for these programs are paid with the fees collected. Upon successful completion of the program the charge is dismissed.

Currently, there are five adult diversion programs associated with Leon County's court system with entry points ranging from pre-arrest to post sentence. They include:

- Adult Civil Citation
- State Attorney Misdemeanor Diversion Program
- Crisis Intervention Team Training
- Veterans Treatment Court
- Felony Drug Court

#### **Adult Civil Citation "Pre-Arrest Diversion":**

The Adult Civil Citation Program began in March, 2013 as a 36 month pilot project initiated by DISC Village, Inc. The program was designed with a two-fold objective: first, to offer law enforcement an additional tool and alternative to arrest while ensuring public safety; and secondly, to promote the use of additional cost effective alternatives to the formal criminal justice process from arrest through case disposition. DISC Village indicates that the ACC Program was designed by officials of DISC Village, the Smart Justice Alliance, Tallahassee Police Department, Leon County Sheriff, Public Defender, and State Attorney to create a cost effective alternative to arrest for minor criminal infractions. The design mirrors the Juvenile Civil Citation Program that is currently utilized as a state-wide model to divert youth from the criminal justice system and is also managed locally by DISC Village, Inc. Although DISC Village is continuing in its efforts to expand the Adult Civil Citation Program, it is unique to Leon County. In other counties and municipalities throughout Florida, diversion programs are usually administered by the State Attorney.

The following are the ACC Program participation criteria for the 2nd Judicial Circuit:

- Adult 18 years or older; no age cap
- Must reside within the 2<sup>nd</sup> Judicial Circuit
- First time offender
- Misdemeanor offense
- Must voluntarily agree to participate

Applicable misdemeanor offenses include the following:

- *Non-domestic simple battery/assault*
- *Petit theft with restitution less than \$50*
- *Possession of alcohol by person under 21*
- *Trespass*
- *Disorderly conduct*
- *House party*
- *Selling or providing an alcoholic beverage to a minor*
- *Possession of marijuana less than 20 grams*

The ACC process begins when a law enforcement officer is called to investigate an incident and evaluates whether there is probable cause for an arrest. If the officer determines there is probable cause, the offender is advised of his or her Miranda rights. The officer must first obtain an admission of guilt prior to determining if the offender is eligible for and offering the choice of the Adult Civil Citation Program. If the officer determines that a civil citation is not the appropriate action, the officer is to cite the reason in the probable cause report.

If the offender accepts the citation, he/she has up to seven days to schedule an appointment with DISC Village's ACC Program representative. Several criteria must be met beginning with the participant completing an on-line assessment which serves as the basis for developing a customized diversion plan for each participant. The tool is designed to identify whether the offender suffers from co-occurring disorders such as substance/alcohol abuse and a mental health condition. Participants are also screened to determine whether other educational interventions, such as anti-theft or anger management counseling are needed. A \$350.00 fee is assessed for each participant. If the person is unable to make full payment at the time of enrollment, the ACC Program may establish a payment plan agreed upon by both the participant and the ACC Program representative. If the participant is indigent or does not have the ability to pay, they must submit a Financial and Fee Waiver Request which will be reviewed and a final determination made by the ACC Program representative.

Participants may also be required to complete the following conditions:

- Attend no fewer than 3 counseling sessions with a behavioral therapy specialist
- Participate in substance abuse treatment
- Attend at least two Narcotics Anonymous or Alcohol Anonymous meetings
- Complete courses in anger management or petit theft/shop lifting education which are available through the internet.

All conditions must be completed within 120 days. If the offender does not make contact with the ACC Program representative within the seven day time frame, two documented attempts are made to contact him or her before the referral is returned to the law enforcement agency's liaison for further action. Participants who fail to meet the imposed conditions after enrolling are terminated from the Program and a notice to appear is issued for the original offense.

In 2015 the Tallahassee Police Department and the Leon County Sheriff's Office issued a combined total of 356 civil citations on behalf of the ACC Program. The Tallahassee Police Department issued 248 (70%) and the Leon County Sheriff's Office issued 108 (30%). Of the total citations issued 279 (78.4%) were closed successfully.

*State Attorney Misdemeanor Diversion Program*

Chapters 939 and 944 of Florida Statutes along with Administrative Order 95-1 support the State Attorney in the operation of a Misdemeanor Diversion Program. It provides the State Attorney with an alternative to prosecution in handling certain misdemeanor cases for first time offenders; however, the State Attorney has the discretion to allow some second time offenders to participate. Eligible offenses include the following:

- *Disorderly conduct,*
- *Disorderly Intoxication*
- *Petit Theft*
- *Possession of Alcohol by Minor,*
- *Open container violation*
- *Loitering/Prowling,*
- *Unlawful Use or Display of Driver's License*
- *Use/Possession of Drug Paraphernalia*
- *Open House Party*
- *Resisting Arrest without Violence*
- *Trespass*
- *Driving While License Suspended or Revoked*
- *No Valid Driver's License*
- *Possession of Marijuana less than 20 grams*

The State Attorney's Misdemeanor Diversion Program is a three stage process. Stage one begins immediately after arrest. All newly assigned misdemeanor cases are reviewed and screened to determine if they meet the basic eligibility requirement of being a first time offender who resides in the 2nd Judicial Circuit. Those deemed eligible are sent a letter explaining the process for participation.

Stage two is triggered by the arraignment process. All offenders are assigned an arraignment date at the time they are booked into jail. Once these names are entered into the Justice Information System database they are placed on a docket maintained by the Clerk of Courts Criminal Division. The State Attorney's Diversion Program Coordinator provides a list naming those who met the criteria to the Clerk of Court Criminal Division staff so that those names can be removed from the arraignment docket.

During the third and final stage of the State Attorney's Misdemeanor Diversion Program, eligible participants meet with the State Attorney's Diversion Program Coordinator who explains their options. If they choose to participate and forego the trial process they must sign a contract agreeing to complete a minimum of one day in the Leon County Work Program, pay a non-negotiable \$170 program fee; and, complete the education component of the program. All conditions must be completed within 90 days. Based upon the participant's request and valid

documentation of need, the 90 day term may be extended at the discretion of the State Attorney's Misdemeanor Diversion Program Coordinator. Upon successful completion of the requirement, a "no information" is filed with the Clerk of Court's Criminal Division dismissing the charge. In 2015, a total of 1935 cases were placed in the Diversion Program. Of that total 1,635 cases (84%) (1,162 misdemeanor and 473 traffic) were successfully diverted.

#### *Crisis Intervention Team (CIT) Training:*

Crisis Intervention Team Training provides law enforcement with the skills and resources to assess and identify people experiencing a mental health crisis. CIT better equips law enforcement to exercise discretion in diverting people they encounter who may be in crisis from jail to a crisis stabilization facility for treatment. In many cases, they are diverted from jail to a receiving center for stabilization or other community agency for services in lieu of arrest. In more severe cases, such as those involving violence, the officer must request that the offender be held and require the receiving facility to notify law enforcement after the offender is stabilized so that they may be transported to jail. While there are a number of anecdotal success stories related to CIT training, program administrators do not capture or retain specific data on the number of defendants diverted since each participating law enforcement agency tracks service calls differently.

#### *Veterans Treatment Court*

During 2015 Florida Legislative session, the Legislature appropriated and the governor approved recurring state funds for the establishment of veteran's courts in eight jurisdictions, including Leon County. The bill language states that \$125,000 in recurring general revenue funds shall be distributed to Leon County "to create or continue, pursuant to sections 948.08(7) (a), 948.16(2) (a), and 948.21, Florida Statutes, a felony and/or misdemeanor pretrial or post-adjudicatory veterans' treatment intervention programs to address the substance abuse and/or mental health treatment needs of veterans and service members charged with, or on probation or community control for, criminal offenses." The Board was notified of the state funding for the establishment of a Veterans Court at the July 7, 2015 meeting and agreed to support the Court by providing office space and some operating supplies (Attachment #8).

Veterans Treatment Court is a four phase process that offers services to military veterans and service members suffering with mental health and/or substance abuse issues. The four phase process includes: orientation and treatment, relapse prevention, transition training to prepare them for discharge and an aftercare plan to help continue their success with sobriety and mental health compliance. Each plan is tailored to the participant and provides an array of services that include residential treatment beds and a veteran peer support and mentoring system to help encourage their success. Although this program is still in its infancy, 35 military veteran defendants were enrolled at the end of June, 2016.

#### *Felony Drug Court*

Leon County's Felony Drug Court was established in 1993 with the financial support of a federal grant. The Program is now supported through participant fees and funding from Big Bend Community Based Care, a state contracted non-profit agency responsible for providing substance abuse and other services to 18 counties in Northwest Florida. Defendants charged with a second or third degree drug purchase/possession offense who resides in the 2<sup>nd</sup> Judicial Circuit are



eligible to participate. Upon arrest and booking, participants are screened by Leon County Pretrial Release staff and the State Attorney. Felony Drug Court is a 12 to 18 month voluntary program that requires the participants to submit to regular drug testing, attend counseling and appear before the court for periodic status updates. A total of 65 defendants participated in Felony Drug Court in 2015.

### Conclusion

In addition to those diversionary programs administered in Leon County, staff also reviewed the practices of other Florida counties in establishing and managing the diversion process and found that they encompass similar misdemeanor offenses to those in Leon County and are by and large administered by the State Attorney. In determining if a local program can be established, if federal or state law is silent on an issue, especially in an area deemed important to the life, health, safety and well-being of its citizens, a county may approve an ordinance and promulgate rules and regulations addressing the issue. Staff's review found that diversion programs in Florida that are established by ordinance tend to be singularly focused on the misdemeanor offense of marijuana possession, less than 20 grams. Several counties, including Broward, Miami-Dade, Palm Beach, Volusia as well as the City of Orlando have adopted ordinances that specifically address the misdemeanor offense of marijuana possession, less than 20 grams. These ordinances vary widely in terms of compliance criteria ranging from ticket and fine to treatment and counseling and community service. If the Board desires, a county civil citation ordinance could be developed as an additional tool for law enforcement. The ordinance could identify the applicable offenses, criteria for participation, the fine to be imposed as well as conditions required for successful completion.

In attendance at the workshop to address the Board's questions relating to the diversion programs discussed herein will be representatives from DISC Village's Adult Civil Citation Program, Court Administration, State Attorney's Office, Public Defender's Office, Leon County Sheriff's Office and the Tallahassee Police Department. Each party is responsible for administering or was instrumental in drafting criteria for one or more of the diversion programs utilized in Leon County and throughout the 2nd Judicial Circuit. With the exception of DISC Village, each agency referenced above serves on the Public Safety Coordinating Council (PSCC). The PSCC serves as the Board's advisory body for initiatives and programs designed to assist in jail population management.

Diversion programs regardless of authority or design assist in managing the jail population and reducing the burden on the court system, thereby offsetting the high costs associated with the trial process of the criminal justice system. Moreover, participants are afforded an opportunity to atone for criminal behavior and get assistance in identifying and addressing self-destructive behaviors without suffering the lifetime repercussions of a criminal record.

### Options:

1. Accept Status Report on Existing Court Diversion Programs
2. Do not accept Status Report on Existing Court Diversion Programs
3. Board direction.

**Recommendation:**

Option #1.

**Attachments:**

1. February 26, 2013 Agenda Item Acceptance of Status Report on the Adult Civil Citation Program
2. March 13, 2013 Agenda Item City of Tallahassee Discussion and Approval of TPD's Participation in the Adult Civil Citation Program
3. Memorandum of Understanding between DISC Village and Court Administration, 2<sup>nd</sup> Judicial Circuit
4. Memorandum of Understanding between DISC Village and the Tallahassee Police Department
5. Memorandum of Understanding between DISC Village and the Leon County Sheriff's Office
6. Memorandum of Understanding between DISC Village and Florida Fish and Wildlife Commission
7. Memorandum of Understanding between DISC Village and Tallahassee Community College
8. July 7, 2015 Agenda Item Acceptance of State Funding for Establishment of a Veterans Court in Court Administration

# BOARD OF COUNTY COMMISSIONERS

## MEMORANDUM

DATE: February 22, 2013

TO: Honorable Chairman and Members of the Board

FROM: Vincent S. Long, County Administrator

SUBJECT: Additional Information for Agenda Item #12, Acceptance of Status Report on the Adult Civil Citation Program

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Subsequent to the transmission of the above-referenced agenda item, Jordan Cowart with Disc Village provided additional information to staff.

The changes are reflected in strikeout and underline format in the attached revised Agenda item and include:

1. The price of the Adult Civil Citation Program is reduced from \$300 to \$200 (page 3).
2. If an individual completes all of the necessary steps, their record will be closed rather than expunged (page 3).
3. Failure to complete all of these steps will result in the issuance of a notice to appear rather than an arrest affidavit and warrant (page 3).
4. A copy of the Memorandum of Understanding between Sheriff Campbell and Disc Village has been added as Attachment #6 (page 5).

If you have any questions, please feel free to contact me.

# Leon County Board of County Commissioners

## Cover Sheet for Agenda #12

February 26, 2013

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator

**Title:** Acceptance of Status Report on the Adult Civil Citation Program

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<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>Department/ Division Review:</b>	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Director, Office of Intervention and Detention Alternatives
<b>Lead Staff/ Project Team:</b>	Nicholas Chaviano, Diversion Alternatives Analyst

**Fiscal Impact:**

This item has no fiscal impact to the County.

**Staff Recommendation:**

Option #1: Accept the status report on the Adult Civil Citation Program.

Title: Acceptance of Status Report on the Adult Civil Citation Program  
February 26, 2013  
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## **Report and Discussion**

### **Background:**

At the January 29, 2013 meeting of the Board of County Commissioners, staff was directed to provide a status report on the Adult Civil Citation Program. To address this request, staff spoke with the CEO of DISC Village, the State Attorney, and the staff of the Tallahassee Police Department, instrumental in developing the criteria for participation. Information and documents referenced in the report were obtained from DISC Village and The Office of the Court Administrator. Provided below is an analysis of the program and status of implementation.

### **Analysis:**

The Adult Civil Citation (ACC) Program is 36-month pilot project initiated by DISC Village, Inc. The Program was designed with a primarily two-fold objective in mind: first, to offer law enforcement an additional tool and alternative to arrest while still promoting accountability and public safety, and secondly, to promote the use of additional cost effective alternatives to the formal criminal justice process from arrest through case disposition. Officials of DISC Village, The Smart Justice Alliance, Attorney General, State Attorney, Public Defender, Leon County Sheriff's Office, and Tallahassee Police Department worked collaboratively in the design of the Leon County Adult Civil Citation Program. In addition, the proposal was shared with the Public Safety Coordinating Council during its January 15, 2013 meeting. The ACC Program design mirrors many aspects of the Juvenile Civil Citation Program that is currently utilized as a statewide model to divert youth from the criminal justice system. Information outlining the success of the Juvenile Civil Citation Program and its applicable principles in the design of the Adult Program is described in the "*Smart Justice for Drug, Alcohol and Other Non-Violent Misdemeanor*" white paper written by Tom Olk, CEO of DISC Village, and included as Attachment #1.

Eligibility requirements for participation in the ACC Program include the following:

- must be 18 years or older,
- must reside in the 2<sup>nd</sup> Judicial Circuit,
- must be a first time [adult]offender

An adult may be eligible even if he or she received a Juvenile Civil Citation in the past. Eligible offenses include non-domestic battery and assault, petit theft (restitution may not exceed \$50), criminal mischief (restitution may not exceed \$50), possession of alcohol by person under 21, trespass offenses, possession of marijuana less than 20 grams/paraphernalia, disorderly conduct, house party, and alcoholic beverage selling/selling to a minor.

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The process of issuing a civil citation as described in the ACC Program Process and Procedure Review and included as Attachment #2 is as follows:

The police officer will

1. Investigate the incident
2. Determine the existence of probable cause
3. Advise Miranda Warnings
4. Obtain an admission of guilt from the offender
5. Determine eligibility of diversion for the offender
6. Use his/her discretion to choose whether to offer the offender the choice of diversion

Participants of the Adult Civil Citation Program are required to pay a ~~\$300~~ **\$200** fee. There are additional fees if the participant is required to submit to random urinalysis testing. In addition, there is a \$25 fee for printed material, if the participant does not complete services online. However, the CEO of DISC Village stressed that participants would not be screened for participation based on their ability to pay. Options for addressing those who do not have the ability to pay are being considered. If an individual meets all of the eligibility requirements and elects to participate, he or she must contact the Central Intake Center within seven days of referral, and follow the guidelines of rules and requirements. If those who are referred fail to call Intake within seven days, the case is referred back to the local law enforcement agency, which will make a determination on how to proceed.

Program participants are required to

1. call and schedule an appointment with the Central Intake Center within seven days of referral.
2. complete comprehensive behavioral assessments where he/she receives an individual diversion plan.
3. take online educational courses,
4. complete a minimum of 25 hours of community service,
5. attend a work group.
6. attend job and life skills training, and participate in counseling.
7. complete a mid-term review.
8. refrain from using alcohol, drugs, or other mood altering substances during the duration of the program.
9. pay all associated fees.
10. complete an exit interview where the program milestones are reviewed.
11. complete a client satisfaction survey.

Participants must complete all requirements within 120 days of enrollment to be considered successful. If successful, the participant will not have a criminal record. If an individual completes all of these steps, he or she will receive a certification of completion, and their record will be **closed**. Failure to complete all of these steps will result in the issuance of a **notice to appear**.

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Sheriff Larry Campbell indicated that he is in support of the concept of the ACC program, but wants to ensure that it is administered fairly. Further, he indicated that he wants to ensure that other service providers have a chance to participate.

Barney Bishop, representative for the Florida Smart Justice Alliance, has stated that the ACC Program is the smarter way to approach non-violent first time misdemeanor offenders. He explained that currently, law enforcement has three choices to address these types of issues:

- (1) law enforcement may choose to take no action;
- (2) they may issue a notice to appear which may dispose of the case by using one of the currently available diversion alternatives; or
- (3) the Adult Civil Citation Program.

The third option includes immediate referral to treatment; a component lacking in the first two options. In this scenario, the officer makes an assessment that there is an underlying issue that led to the behavior and offers a remedy to immediately address the behavior. The goal of assigning individuals to the ACC Program is the possibility of avoiding repeated or more severe criminal behavior. By participating in and successfully completing the Adult Civil Citation Program, the person has not only avoided a criminal record, but has received treatment for the underlying cause of the offense.

If the participant does not successfully complete the program, the ACC Program Coordinator for DISC Village will notify the State Attorney for resolution. The State Attorney has indicated that its long-standing Diversion Program will continue to be an available option for minor offenses of these types. First time misdemeanor offenders who participate in the Diversion Program must pay a fee of \$170, participate in an orientation/counseling session, and complete a minimum of 10 hours in the Leon County Work Program within 90 days to be considered successful. Upon completion, the participant's record is expunged.

Mr. Dale Landry, President of the local chapter of the NAACP, has stated that the ACC Program is needed in the community. Although he originally expressed concerns regarding the lack of opportunity for other local service providers to participate, he recently stated he is satisfied that a meeting is planned with representatives from local government, DISC Village and other community interest groups to address these concerns. DISC Village recently posted a notice on their website that solicits interest among other service providers to join the ACC provider network for substance abuse or mental health services.

An independent Program evaluation will be conducted by the Juvenile Research Center at the end of the pilot to determine whether the program reduces recidivism and lowers costs in comparison to other methods of processing like offenders. Program assessment involves three components: process evaluation, outcome evaluation, and cost analysis. All costs associated with the evaluation will be born solely by DISC Village, Inc. Constitutional officers who participated in the program's design also approved the evaluation process. Details of the Program's process flow are outlined in the Adult Civil Citation Program Process and Procedure Review document.

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The Juvenile Justice Steering Committee will provide local oversight of the ACC Program. This Committee is comprised of the Juvenile Assessment Center director, the Chair of the Juvenile Service Providers, community providers, representatives from the Leon County Sheriff's Department, Tallahassee Police Department, Leon County Clerk of Courts, State Attorney, Public Defender, and the Henry and Rilla White Youth Foundation. Key stakeholders and partners include the State Attorney, Public Defender, Circuit Trial Court, local law enforcement agencies, local community service providers, Tallahassee DISC Village, and Associated Industries of Florida Foundation; other key stakeholders and partners are referenced in DISC Village's Adult Civil Citation Brochure (Attachment #3).

A Memorandum of Understanding (MOU) was signed by the Court Administrator on September 7, 2012 authorizing DISC Village as the designated community-based agency to provide services to pre-arrest Civil Citation and Diversion adults. The MOU is included in this item as Attachment #4. Further, Tallahassee Police Department Chief of Police executed a Memorandum of Understanding with DISC Village on October 12, 2012 (Attachment #5), **and Sheriff Larry Campbell signed a Memorandum of Understanding with DISC Village on November 30, 2012 (Attachment #6).**

Implementation of the ACC Pilot Program is pending. In the January PSCC meeting, Tom Olk indicated that the pilot program is ready for implementation. During the pilot, a quarterly report will be generated and made available to all the stakeholders who assist in ensuring the success of the program.

#### **Options:**

1. Accept the status report on the Adult Civil Citation Program.
2. Do not accept the status report on the Adult Civil Citation Program.
3. Board direction.

#### **Recommendation:**

Option #1.

#### **Attachments:**

1. Smart Justice for Drug, Alcohol and Other Non-Violent Misdemeanors white paper
2. Adult Civil Citation Program Process and Procedure Review
3. DISC Village, Inc. Adult Civil Citation Program Brochure
4. Pre-Arrest Adult Civil Citation and Diversion Program Memorandum of Understanding between DISC Village and the Trial Court Administrator, 2<sup>nd</sup> Judicial Circuit
5. Pre-Arrest Adult Civil Citation and Memorandum of Understanding between DISC Village and Chief of Police, Tallahassee Police Department
6. **Pre-Arrest Adult Civil Citation and Memorandum of Understanding between DISC Village and Larry Campbell, Leon County Sheriff**





### **Agenda Item Details**

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Meeting	Mar 13, 2013 - City Commission Meeting & Summary
Category	13. POLICY FORMATION AND DIRECTION
Subject	13.04 Discussion and Approval of TPD's Participation in the Adult Civil Citation Program--DENNIS JONES, POLICE
Type	Action, Discussion
Preferred Date	Mar 13, 2013
Absolute Date	Mar 27, 2013
Fiscal Impact	No
Recommended Action	Option 1 - Endorse the Adult Civil Citation pilot program and authorize the Police Department to participate.

### **FOR INFORMATION CONTACT:**

Greg Frost, Police Department 891-4411

### **STATEMENT OF ISSUE**

The Police Department is seeking Commission approval to participate in the Adult Civil Citation program for the Second Judicial Circuit. The program is the first of its kind in the U.S. and, as proposed, is a two-year pilot program designed to determine if early, non-criminal justice, intervention will reduce recidivism rates for first-time offenders who commit misdemeanor offenses. The pilot project will also be used to determine the extent using civil citations, rather than criminal charges, reducing the workload on the criminal justice system. Civil citations will also provide officers with an alternative to issuing a "Notice to Appear." When a civil citation is issued central intake, assessment, community service coordination, and case management will be provided by DISC Village with other services (e.g. mental health counseling, drug abuse counseling, etc.) referred to licensed providers. The program will be available to adult residents of the Second Judicial Circuit – Leon, Gadsden, Wakulla, Jefferson, Franklin, and Liberty.

### **RECOMMENDED ACTION**

Option 1: Endorse the Adult Civil Citation pilot program and authorize the Police Department to participate.

### **FISCAL IMPACT**

There is no cost to participating government agencies.

### **SUPPLEMENTAL MATERIAL / ISSUE ANALYSIS**

#### **HISTORY / FACTS AND ISSUES**

Extensive coordinated effort has gone into developing the proposed Adult Civil Citation program. The program's eligibility criteria was developed by representatives from the Tallahassee Police Department (TPD) and the Leon County Sheriff's Office (LCSO). Follow-up meetings with officials from the State Attorney's Office, Public Defender's Office, Court Administrator's Office for the Second Judicial Circuit, DISC Village, and the Tallahassee Branch of the NAACP have been held to refine program procedures and obtain endorsement. Agreement has been reached among these officials for the program to operate as follows:

- Law enforcement officers have independent discretion to issue citations based upon the eligibility criteria. TPD and LCSO jointly developed the criteria for law enforcement agencies operating within Leon County:
  - The adult admits to committing a misdemeanor offense that does not require restitution in excess of \$50.00.
  - The adult is cooperative and does not have any prior arrests or prior adult civil citations.
  - The adult agrees to accept a civil citation.
  - The offense committed is not traffic related – criminal traffic offenses will be considered for program expansion in the future.
  - The offense committed does not involve domestic violence, stalking, loitering and prowling or exhibition of sexual organs.
  - The adult resides within the Second Judicial Circuit (Leon, Franklin, Wakulla, Liberty, Jefferson, or Gadsden County).
- DISC Village will provide an on-line Adult Civil Citation Eligibility Verification System (EVS) that is available 24 hours a day, 365 days a year. The verification system will be used by law enforcement officers to determine if an offender has previously received a civil citation and will be updated daily to ensure integrity and accuracy of information. This system has been developed and is operational at - [www.floridacivilcitationnetwork.com](http://www.floridacivilcitationnetwork.com).
- When an individual receives a civil citation the following services will be provided by DISC Village at a cost of \$200 to the participant. It should be noted that offenders who process through the criminal justice system will usually pay an equal or greater amount in fines and court fees. Payment for the program will be on a sliding scale based upon income; payment options will be available, and no one will be denied services for the inability to pay.
  - Conduct an assessment using the nationally recognized Global Appraisal of Individual Needs (GAIN) biopsychosocial assessment tool. DISC Village is licensed to use this proprietary tool.
  - As part of the assessment, all participants will be required to complete one drug screening. The results of the screening will be used only for development of an appropriate intervention/ treatment plan.
  - If the offense is narcotics related, the participant will receive three drug screenings during the course of the program.
  - Provide a minimum of 3-hours of individual, face-to-face counseling.
  - Case management for each participant.
  - Provide a written intervention/treatment plan for each participant based on offense and assessed needs. In addition, the following services will be available to participants at no additional cost:
    - 25 hours of community service hours – sites for completing community service hours will be available throughout the Second Judicial Circuit.
    - Substance abuse education.
    - Anger management – available on-line through the Internet.
    - Petty-Theft/Shop-Lifting – available on-line through the Internet.
    - Life/Job skills training – available on-line through the Internet.
  - An accounting and verification system will be used for the collection and distribution of restitution if the participant is required to provide restitution to the victim of their offense.

- Based upon results of the assessment, a recommendation for ancillary or other supported services (e.g. family counseling, mental health, etc.) case management and referral will be provided to the participant. Participants will receive a list of licensed service providers to determine the best therapeutic approach for their individual circumstances.
- Program services will be provided in each county within the Second Judicial Circuit – See attached map for location of each DISC Village office.
- DISC Village will assign a staff member as a liaison to each participating law enforcement agency. The liaison provides a critical function by ensuring law enforcement agencies are fully aware of whether a participant successfully completed the program or failed and requires follow-up law enforcement action. If a participant fails the program, they will be contacted by the agency that issued the civil citation and issued a Notice to Appear (NTA). If the person refuses the NTA or cannot be contacted, a warrant will be issued for their arrest.
- An independent body will be established to oversee operations, data integrity, provide policy guidance, and accountability for the pilot program. The existing Juvenile Assessment Center Steering Committee is recommended since it currently provides this function for the Juvenile Civil Citation program. Agencies currently represented on the committee include the key agencies for oversight of the Adult Civil Citation program - TPD, LCSO, State Attorney's Office, and the Public Defender's Office. Other organizations may be added as appropriate for program oversight.
- DISC Village will sponsor an independent program evaluation through the Justice Research Center consisting of the following:
  - Evaluation of program processes and outcomes.
  - Cost and effectiveness of the program.
  - Cost benefit of the program to the criminal justice system and the community.

### **CHARITABLE CONTRIBUTIONS**

N/A

### **OPTIONS**

1. Endorse the Adult Civil Citation pilot program and authorize the Police Department to participate.

#### **Pros**

- Allows TPD to participate in a unique pilot project that is designed to reduce recidivism and improve public safety.
- Provides TPD officers with another tool to resolve criminal offenses.

#### **Con**

- Limited staff time will be required to track the progress of individuals who receive a civil citation.

2. Do not authorize TPD's participation in the Adult Civil Citation program.

Pro

- Reduces the time requirements to manage the Adult Civil Citation program.

Con

- Does not allow TPD to participate in a unique pilot project that is designed to reduce recidivism and improve public safety.
- Does not provide TPD officers with another tool to resolve criminal offenses.

3. Provide additional direction to staff.

**ATTACHMENTS**

1. DISC Village Service Locations Map
2. Adult Civil Citation Guideline – Second Judicial Circuit

[DISC Village ACC Service Locations Map.pdf \(148 KB\)](#)

[ACC Implementation Guide \(Circuit2 Revised03052013\).pdf \(1,400 KB\)](#)

# **PRE-ARREST ADULT CIVIL CITATION AND DIVERSION PROGRAM MEMORANDUM OF UNDERSTANDING**

## **I. PURPOSE**

This Memorandum of Understanding (MOU) is a collaborative partnership and is entered into by DISC Village, Inc. and the following community partners to operate a pre-arrest diversion program: Office of the State Attorney, City of Tallahassee, and the Leon County Sheriff's Office.

DISC Village, Inc. may receive client referrals from law enforcement to provide an assessment and assigned services for clients residing in Leon County and have a local address.

## **II. AUTHORITY**

This MOU authorizes DISC Village, Inc. as the designated community-based agency to provide services to pre-arrest Civil Citation and Diversion adults.

## **III. AGREEMENT.**

### **EACH OF THE PARTIES AGREES TO:**

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the adult Civil Citation program.
3. Make recommendations for program improvement, when appropriate.
4. Assign staff, as appropriate, to participate in with the adult Civil Citation program.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
6. Provide technical assistance to all parties to ensure that the adult Civil Citation program complies with state and federal laws.

## **IV. SERVICES PROVIDED BY DISC VILLAGE, INC.**

Clients who commit a misdemeanor offense or who violate a county or municipal ordinance and receive an adult Civil Citation will receive services according to normal operating practices of DISC Village, Inc. Fees are the sole responsibility of the client and must be paid prior to the rendering of services.

Clients will be provided with assessment and an individualized intervention plan and services. Additionally, DISC Village, Inc. will assist and monitor community service requirements pursuant to section 948.036, Florida Statutes. All services will be provided in a culturally sensitive and trauma-informed care manner.

Quarterly reports will be provided to all concerned parties.

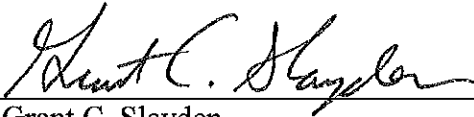
## V. TERM OF AGREEMENT

This MOU shall remain in effect from the date of signatures and can be renewed or amended by the partnership as needed. Each party reserves the right to terminate their participation in the agreement with a 30-day written notice.

This agreement shall take effect upon receipt of signatures and may be terminated or revised at the request of either party.

  
\_\_\_\_\_  
Tom Oik  
CEO  
DISC Village, Inc.

9-10-12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Grant C. Slayden  
Trial Court Administrator  
2<sup>d</sup> Judicial Circuit of Florida

7 SEPTEMBER 2012  
\_\_\_\_\_  
Date

# **PRE-ARREST ADULT CIVIL CITATION AND DIVERSION PROGRAM MEMORANDUM OF UNDERSTANDING**

## **I. PURPOSE**

This Memorandum of Understanding (MOU) is entered into by the Tallahassee Police Department and DISC Village, Inc. (DISC) to design and operate a pre-arrest and intense diversion program for non-violent misdemeanor offenders residing in Leon County Florida.

All referrals to DISC will be based upon the protocols developed by the Tallahassee Police Department.

## **II. AGREEMENT**

### **EACH OF THE PARTIES AGREES TO:**

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the adult Civil Citation program.
3. Make recommendations for program improvement, when appropriate.
4. Assign staff, as appropriate, to participate in with the adult Civil Citation program.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
6. Provide technical assistance to all parties to ensure that the adult Civil Citation program complies with state and federal laws.

## **III. SERVICES PROVIDED BY DISC VILLAGE, INC.**

Clients who commit a misdemeanor offense or who violate county or municipal ordinance and receive an adult Civil Citation will receive services according to normal operating practices of DISC. Fees are the sole responsibility of the client and must be paid prior to the rendering of services.

Clients will be provided with assessment and an individualized intervention plan and services. Additionally, DISC Village, Inc. will assist and monitor community service requirements pursuant to Florida Statute 948.036. All services will be provided in a culturally sensitive and trauma-informed care manner.

Quarterly reports will be provided to all concerned parties.

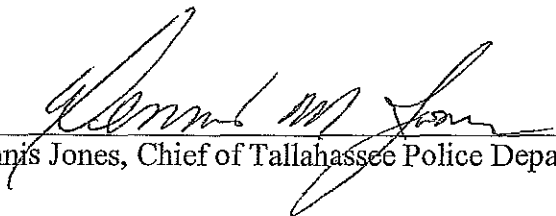
#### IV. TERM OF AGREEMENT

This MOU shall remain in effect from the date of signatures and can be renewed or amended by the partnership as needed. Each party reserves the right to terminate their participation in the agreement with a 30-day written notice.

This agreement shall take effect upon receipt of signatures and may terminate or revise at the request of either party.

  
\_\_\_\_\_  
Tom Olk, CEO DISC Village, Inc.

10-15-2012  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Dennis Jones, Chief of Tallahassee Police Department

10/12/2012  
\_\_\_\_\_  
Date



# PRE-ARREST ADULT CIVIL CITATION AND DIVERSION PROGRAM MEMORANDUM OF UNDERSTANDING

## I. PURPOSE

This Memorandum of Understanding (MOU) is entered into by the Leon County Sheriff's Office and DISC Village, Inc. (DISC) to design and operate a pre-arrest and intense diversion program for non-violent misdemeanor offenders residing in Leon County Florida.

All referrals to DISC will be based upon the protocols developed by the Leon County Sheriff's Office.

## II. AGREEMENT

### EACH OF THE PARTIES AGREES TO:

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the adult Civil Citation program.
3. Make recommendations for program improvement, when appropriate.
4. Assign staff, as appropriate, to participate in with the adult Civil Citation program.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
6. Provide technical assistance to all parties to ensure that the adult Civil Citation program complies with state and federal laws.

## III. SERVICES PROVIDED BY DISC VILLAGE, INC.

Clients who commit a misdemeanor offense or who violate county or municipal ordinance and receive an adult Civil Citation will receive services according to normal operating practices of DISC. Fees are the sole responsibility of the client and must be paid prior to the rendering of services.

Clients will be provided with assessment and an individualized intervention plan and services. Additionally, DISC Village, Inc. will assist and monitor community service requirements pursuant to Florida Statute 948.036. All services will be provided in a culturally sensitive and trauma-informed care manner.

Quarterly reports will be provided to all concerned parties.

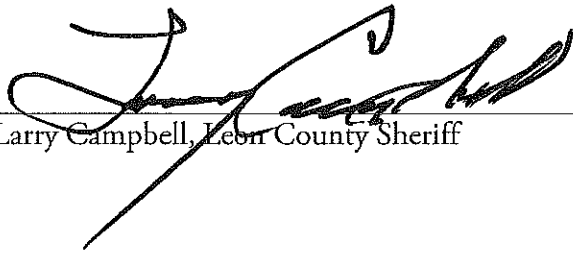
#### IV. TERM OF AGREEMENT

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This agreement shall take effect upon receipt of signatures and may terminate or revise at the request of either party.

  
\_\_\_\_\_  
Tom Olk, CEO DMC Village, Inc.

10-23-12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Larry Campbell, Leon County Sheriff

11-30-12  
\_\_\_\_\_  
Date

## **PRE-ARREST ADULT CIVIL CITATION AND DIVERSION PROGRAM MEMORANDUM OF UNDERSTANDING**

### **I. PURPOSE**

This Memorandum of Understanding (MOU) is entered into by the Florida Fish and Wildlife Commission and DISC Village, Inc. (DISC) to design and operate a pre-arrest and intense diversion program for non-violent misdemeanor offenders residing in Leon County Florida.

All referrals to DISC will be based upon the protocols developed by the Florida Fish and Wildlife Commission.

### **II. AGREEMENT**

#### **EACH OF THE PARTIES AGREES TO:**

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the adult Civil Citation program.
3. Make recommendations for program improvement, when appropriate.
4. Assign staff, as appropriate, to participate in with the adult Civil Citation program.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
6. Provide technical assistance to all parties to ensure that the adult Civil Citation program complies with state and federal laws.

### **III. SERVICES PROVIDED BY DISC VILLAGE, INC.**

Clients who commit a misdemeanor offense or who violate county or municipal ordinance and receive an adult Civil Citation will receive services according to normal operating practices of DISC. Fees are the sole responsibility of the client and must be paid prior to the rendering of services.

Clients will be provided with assessment and an individualized intervention plan and services. Additionally, DISC Village, Inc. will assist and monitor community service requirements pursuant to Florida Statute 948.036. All services will be provided in a culturally sensitive and trauma-informed care manner.

Quarterly reports will be provided to all concerned parties.

#### IV. TERM OF AGREEMENT

This MOU shall remain in effect from the date of signatures and can be renewed or amended by the partnership as needed. Each party reserves the right to terminate their participation in the agreement with a 30-day written notice.

This agreement shall take effect upon receipt of signatures and may terminate or revise at the request of either party.



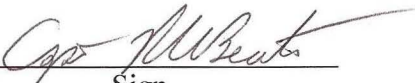
\_\_\_\_\_  
Tom Olk, CEO DISC Village, Inc.

\_\_\_\_\_  
July 15, 2014

\_\_\_\_\_  
Date

\_\_\_\_\_  
R.W. BEATON

\_\_\_\_\_  
Name



\_\_\_\_\_  
Sign

\_\_\_\_\_  
Captain

\_\_\_\_\_  
Title

\_\_\_\_\_  
7/21/14

\_\_\_\_\_  
Date

# **ADULT CIVIL CITATION**

## **PRE-ARREST DIVERSION PROGRAM**

### **MEMORANDUM OF UNDERSTANDING**

#### **I. PURPOSE**

This Memorandum of Understanding (MOU) is entered into by the Tallahassee Community College (TCC) Police Department and DISC Village, Inc. (DISC) to design and operate a pre-arrest diversion program for misdemeanor offenders residing in the Second Judicial Circuit of Florida.

All referrals to DISC will be based upon the protocols developed by the TCC Police Department.

#### **II. AGREEMENT**

##### **EACH OF THE PARTIES AGREES TO:**

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing crime.
2. Participation in a review and evaluation of the Adult Civil Citation program coordinated through the Civil Citation Network.
3. Make recommendations for program improvement, when appropriate.
4. Assign staff, as appropriate, to participate in with the Adult Civil Citation program.
5. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
6. Provide technical assistance to all parties to ensure that the Adult Civil Citation program complies with state and federal laws.

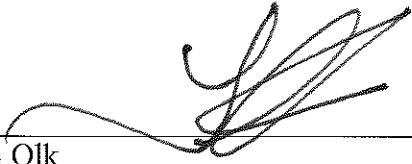
#### **III. SERVICES PROVIDED BY DISC VILLAGE, INC.**

Participants who commit an eligible misdemeanor offense and receive an Adult Civil Citation will receive services according to normal operating practices of DISC. Fees are the sole responsibility of the participant.

Participants will be provided with assessment, an individualized intervention plan and services. Additionally, DISC will assist and monitor community service requirements pursuant to Florida Statute 948.036. All services will be provided in a culturally sensitive and trauma-informed care manner.

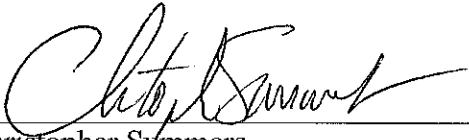
#### IV. TERM OF AGREEMENT

This MOU shall remain in effect from the date of signatures and can be renewed or amended by the partnership as needed. Each party reserves the right to terminate their participation in the agreement with a 30-day written notice. This agreement shall take effect upon receipt of signatures.



\_\_\_\_\_  
Tom Olk  
CEO  
DISC Village, Inc.

\_\_\_\_\_  
Date



\_\_\_\_\_  
Chief Christopher Summers  
TCC Police Department

8/4/15

\_\_\_\_\_  
Date

# Leon County Board of County Commissioners

## Cover Sheet for Agenda #6

July 7, 2015

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator

**Title:** Acceptance of State Funding for Establishment of a Veteran's Court in Court Administration

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<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>Department/ Division Review:</b>	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Scott Ross, Director, Office of Financial Stewardship
<b>Lead Staff/ Project Team:</b>	Wanda Hunter, Director of the Office of Intervention and Detention Alternatives Timothy Barden, Principal Management and Budget Analyst

**Fiscal Impact:**

This agenda item has a fiscal impact. This is a \$125,000 grant that will be allocated annually.

**Staff Recommendation:**

- Option #1: Accept the Veteran's Court Grant in the amount of \$125,000 (Attachment #1).
- Option #2: Approve the Resolution and associated Budget Amendment Request (Attachment #2).

## **Report and Discussion**

### **Background:**

During 2015 Florida Legislative session, the Legislature appropriated recurring state funds for the establishment of veteran's courts in eight jurisdictions, with one of the jurisdictions being Leon County. The bill language states that \$125,000 in recurring general revenue funds shall be distributed to Leon County *"to create or continue, pursuant to sections 948.08(7)(a), 948.16(2)(a), and 948.21, Florida Statutes, a felony and/or misdemeanor pretrial or post-adjudicatory veterans' treatment intervention programs to address the substance abuse and/or mental health treatment needs of veterans and service members charged with, or on probation or community control for, criminal offenses."* The Governor signed this legislation into law, effective July 1, 2015. Subsequently, the County received a letter from Leon County Court Administration outlining the program and requesting the appropriation of funds for the program (Attachment #1)

### **Analysis:**

Most veterans are strengthened by their military service; but, for many, their experience has resulted in suffering from "invisible wounds"; such as, post-traumatic stress disorders, major depression, suicide ideation, and traumatic brain injury. According to the U.S. Department of Veterans Affairs, one in five veterans has symptoms of a mental health disorder or cognitive impairment; and, one in six veterans who served in Operation Enduring Freedom and Operation Iraqi Freedom suffer from a substance abuse issue. Research continues to draw a link between substance abuse and combat-related mental illness. Left untreated, mental health disorders, common among veterans, may directly lead to involvement in the criminal justice system. This involvement costs the criminal justice system, the community, the taxpayer, and the veterans themselves.

Based upon current data analysis, the court believes that a Veterans Court docket would assist approximately 25 defendants at any given time. To service this number of defendants, it is anticipated that the Veteran's Court program will require up to 2.0 Full-Time Equivalent (FTE) staff to serve as a Veterans Court Coordinator and a Probation Officer. The Court Coordinator position will work for the court in identifying, coordinating, and managing cases involving veterans as they move through the court system. The Probation Officer position will work for Leon County's Office of Intervention and Detention Alternatives to follow-up on a continual basis and ensure veterans complete all court-ordered sanctions and treatment requirements.

Leon County's experience with the Veteran's Stand Down, which has included a court component for the past three years, has demonstrated the need for comprehensive services and follow-up to adequately provide for the many needs of veterans in the criminal justice system. Acting as a "one-stop shop," Veterans Court will link veterans with the programs, benefits, and services that the veterans have earned through their military service.



A Veterans Court judge has been selected, Leon County Judge Augustus D. Aikens, Jr. With more than 17 years of experience on the bench, Judge Aikens is also a retired colonel in the Florida Army National Guard and the Reserve of the United States Army.

Additionally, it is anticipated that many of the services will be coordinated through the Leon County Veteran's Office working with the U.S. Department of Veterans Affairs, or through state and local veterans agencies, since all participants in the Veterans Court should be VA-certified veterans eligible for services. Other services may already be provided by the Mental Health docket or Drug Court program since it is assumed there will be some overlap in the population serviced by each court docket.

Once a Veterans Court is established, subsequent efforts will include regular staff meetings to refine and improve processes. It is anticipated that reports shall be regularly made to Leon County's Public Safety Coordinating Council.

The state funding provided will be sufficient to support this program without seeking additional County general revenue. A Resolution and associated Budget Amendment is included as Attachment #2.

**Options:**

1. Accept the Veteran's Court State funding in the amount of \$125,000 (Attachment #1).
2. Approve the Resolution and associated Budget Amendment Request (Attachment #2).
3. Board direction.

**Recommendation:**

Options #1 and #2.

**Attachments:**

1. Letter from Court Administration regarding Veteran's Court
2. Resolution and Budget Amendment Request