


<b>POLICY 515.0</b>	<b>ADULT CIVIL CITATION</b>	
	<b>REVISED:</b> 09/18, <b>02/19</b>	RELATED POLICIES:
	CFA STANDARDS:	REVIEWED:

**A. PURPOSE**

1. The purpose of this policy is to outline the procedures for issuing citations for non-violent misdemeanor offenses pursuant to the Broward County Code of Ordinances, Section 21-6, (“Broward County Adult Civil Citation Program”)
2. Broward County Adult Civil Citation Program establishes the guidelines for the process of issuing an Adult Civil Citation (“ACC”) in accordance with Broward County Code of Ordinances, Section 21-6.
3. ACC is a pre-arrest diversion initiative for many low-level, non-violent misdemeanor offenses.

**B. POLICY**

When an adult is alleged to have committed a non-violent misdemeanor offense(s), officers have several options available to them, including issuing a verbal warning, issuing a notice to appear, making an arrest, or issuing an Adult Civil Citation (ACC) pursuant to the Broward County Code of Ordinances, Section 21-6. Officers retain discretion to determine whether and how to enforce non-violent misdemeanor offenses, but such discretion must be exercised in a non-discriminatory manner. A decision to make an arrest or issue a notice to appear, in lieu of issuing a verbal warning or an ACC, shall not be based upon race, color, gender, gender identity, ethnicity, sexual orientation, age, income status, or disability.

**C. ELIGIBILITY CRITERIA**

1. Except as otherwise provided herein, the person found to have committed a non-violent misdemeanor offense(s) may be issued an ACC pursuant to the Broward County Code of Ordinances, Section 21-6, if the following eligibility criteria are met:
  - a. 18 years or older;
  - b. Have his/her identity positively established by the citing officer;
  - c. Have sufficient ties to the community (e.g., local employment, tri-county area home address, visiting the area for an extended period of time) to ensure the person will successfully complete the program;

- d. Be willing to participate in and abide by the terms of the Adult Civil Citation. The person's signature on the Adult Civil Citation Referral Form constitutes consent to participate in the program.
2. Eligible Offenses: All misdemeanor offenses are eligible for participation in the program except:
  - a. Domestic Violence related Battery (§784.03; §741.28; §741.29);
  - b. Stalking or Cyberstalking/Cyber Harassment (§784.048; §784.049);
  - c. Violation of an Injunction ( §741.31, §784.047, §784.0487);
  - d. Affray and Riots (§870.01)
  - e. Prowling (§856.021)
3. Multiple Offenses: If the person is being charged with more than one offense, he/she may still be eligible to participate in the program if the offenses took place in a single event. If the person is being charged with more than one offense, which stem from more than one isolated incident, he/she are not eligible for the program.
4. The following precludes issuance of a Citation:
  - a. If the person has a prior misdemeanor conviction, adjudication withheld, or entered a nolo contendere plea within the previous twelve (12) month period;
  - b. If the person has a prior conviction, adjudication withheld, or entered a nolo contendere plea to a felony crime.
  - c. If the person failed to comply with a prior ACC pursuant to the Broward County Code of Ordinances, Section 21-6;
  - d. If the person received more than two (2) prior ACCs pursuant to the Broward County Code of Ordinances, Section 21-6;
  - e. Present felony offense pending in a court;
  - f. A misdemeanor offense charged in connection with any charge that is a felony;
  - g. A misdemeanor offense that results in a minor injury and the victim does not consent to issuance of an ACC;
  - h. A misdemeanor offense that results in more than a minor injury (if the officer determines the encounter resulted in injuries unsuitable for issuance of an ACC).

**D. RESPONSIBILITIES OF THE OFFICER**

1. The officer will utilize existing procedures to establish probable cause.
2. The officer will contact Teletype, and Teletype will search for prior criminal records. The Teletype staff will relay his/her findings to the officer.

3. If a decision is made to offer an ACC, the officer will contact the ACC Office at (954) 357-5351 between the hours of 8:30 AM to 5 PM. Monday through Friday, to determine whether the person is eligible for an ACC. During all other times, officers can issue the ACC without contacting ACC Office. The ACC Office will review the ACC on the next business day and notify the officer if the adult is ineligible.
4. If the person meets ACC eligibility criteria, the officer may:
  - a. Offer the person the option of the ACC ;
  - b. Explain to the person that participation in the program is voluntary;
  - c. Provide a program brochure to the person;
  - d. Advise the individual that he/she must contact the ACC Office within ten (10) calendar days. Failure to do so may result in termination from the program. The contact telephone number is listed on the Adult Civil Citation Referral Form.
5. Upon establishing the person meets the eligibility criteria and will be issued a ACC, the officer will obtain an agency case number and complete the Adult Civil Citation Referral Form.
6. The officer will document on the Adult Civil Citation Referral Form if the victim incurred any property loss or damage/injuries.
7. The officer will ensure there are two copies of the Adult Civil Citation Referral Form with original signatures. One original is provided to the person, and the officer keeps the other original.
8. The Adult Civil Citation Referral Form is not a replacement for a written report. All ACCs must be accompanied by an incident report.
9. All ACCs will be forwarded to ACC by the end of the officer's shift via email to: AdultCivilCitation@broward.org or fax to: (954) 357-9014.
10. ACCs shall not to be sent to the Broward County State Attorney's Office or the Broward County Clerk of the Court.

**E. RESPONSIBILITIES OF THE SUPERVISOR**

1. The supervisor will review the Adult Civil Citation Referral Form and associated paperwork to ensure thoroughness and accuracy.
2. The supervisor will ensure that the citing officer transmitted the signed Adult Civil Citation Referral Form and the written report to the ACC Office prior to end of shift.
3. The Adult Civil Citation Referral Form, and any associated documents, will be submitted to the Records Unit, in accordance with existing policies and procedures.

**F. CITATION CLOSURES**

1. Successful Completion — ACC will notify the Records Unit of the successful completion. The Records Unit will close the case as “cleared” by exception.
2. Ineligible Citation, Person Declined to Participate, or Person Failed to Comply with Program Requirements — ACC will notify the Records Unit, and the Records Unit will forward the notification to the citing officer. The citing officer will generate a probable cause affidavit and forward the case to the Broward County State Attorney’s Office for criminal prosecution along with the probable cause establishing the offense, the probable cause affidavit should indicate that the subject failed to complete the ACC program.