

“Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods.”

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1211.1, ADULT CIVIL CITATION PROGRAM

EFFECTIVE DATE:	6/26/2024
RESCINDS:	P&P 1211.0
DISTRIBUTION GROUP:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	POLICE LEGAL ADVISOR'S OFFICE
ACCREDITATION STANDARDS:	2
RELATED LAWS:	Fla. Stat. 901.41
RELATED POLICIES:	N/A
CHIEF OF POLICE:	ERIC D. SMITH

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1. PURPOSE

The Adult Civil Citation Program can benefit the community by reducing costs of prosecution, promoting community awareness, and reducing repeat offenses. Accountability is critical to the success of this program. Failure to complete the terms and conditions will result in removal from the program and charges being filed by the SAO.

2. POLICY

The Adult Civil Citation Program is a joint effort between the State Attorney's Office (SAO) and law enforcement agencies within the Ninth Judicial Circuit to create a prearrest diversion program pursuant to section [901.41](#), Florida Statutes. The program was created to allow officers, in their discretion, to offer certain adults to receive a citation to avoid an arrest record for certain misdemeanor offenses, and who fulfill specified intervention and community service obligations.

3. DEFINITIONS

Qualifying Adult – A person 18 years of age or older:

- a. For whom there is probable cause to believe has committed a Qualifying Offense;
- b. That admits that they have committed the Qualifying Offense;
- c. That has not been previously arrested three (3) or more times or received an adult civil citation or other similar prearrest diversion program notice;
- d. That agrees to participate in the Adult Civil Citation Program;
- e. That is a United States citizen, lawful resident, or visitor; and
- f. Who has a valid phone number, email, or address; and
- g. Who waives the applicability of the statute of limitations.

Qualifying Offense – One of the enumerated misdemeanor criminal offenses listed hereinafter, unless the offense meets the definition of domestic violence in section [741.28\(2\)](#), Florida Statutes, and a misdemeanor under s. [741.29](#), s. [741.31](#), s. [784.046](#), s. [784.047](#), s. [784.048](#), s. [784.0487](#), or s. [784.049](#) does not qualify for a civil citation or prearrest diversion program; the victim does not consent to a referral to Adult Civil Citation Program; or restitution exceeds \$100:

- a. Possession of drug paraphernalia
- b. Possession of marijuana less than 20 grams
- c. Retail theft of a shopping cart
- d. Trespass on property other than a structure or conveyance
- e. Petit theft
- f. Criminal mischief
- g. Disorderly conduct
- h. Disorderly intoxication
- i. Littering
- j. Possession of alcohol by a person under 21 years of age
- k. Fish and Wildlife Commission statutory violations
- l. Any other misdemeanor offense deemed appropriate by the Law Enforcement Agency and the State Attorney's Office; except any violation that involves exposure of sexual organs or other sexually related behavior (i.e. lewd and lascivious behavior).

Victim – A person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or against whom a crime is committed. Consent of the victim is not required to participate in this program.

4. PROCEDURES

4.1 CRITERIA FOR USE

Officers may at their sole discretion issue an Adult Civil Citation (ACC) to a *Qualifying Adult* offender who has committed a *Qualifying Offense*. The subject must meet the criteria of a *Qualifying Adult* to be considered for an ACC.

4.2 WHEN THE CITATION DOES NOT APPLY

Under no circumstances will the citation be issued if any of the following circumstances exist:

- a. The subject fails or refuses to give necessary information.
- b. The identification of the subject is in question.
- c. The officer knows the subject has previously been issued an ACC.
- d. The subject has three or more prior arrests.
- e. The offense involves misdemeanor possession of a firearm.
- f. The offense involves domestic violence, dating violence, stalking, or a similar violation.
- g. The officer believes the subject may harm him/herself or others.
- h. The offense is exposure of sexual organs or other lewd or lascivious behavior.

- i. The offense is animal cruelty.
- j. The offense is directly or indirectly related to gang activity.

4.3 PROCESS OF ISSUING CITATION

The issuing officer shall complete the criminal investigation in accordance with current Department policy. The subject must be given a Miranda Warning prior to questioning. The officer shall obtain all necessary written statements. The officer should not mention the possibility of a citation being issued until the criminal investigation is completed.

Once the criminal investigation is concluded, and the officer has concluded that an ACC may be appropriate, the officer shall do the following:

- a. Confirm the individual's identity using an identification card, driver's license, or other means.
- b. Conduct a search on the individual in National Crime Information Center (NCIC). Individuals with three or more prior arrests are not eligible for an ACC.
- c. Ask the individual if they have ever received an ACC before. If the individual says that they have not previously received an ACC and the individual otherwise qualifies for an ACC, then the officer may issue an ACC and notate the individual's response in the incident report. The SAO will maintain a database of ACC Program participants and will ensure that the individual has not previously received an ACC prior to entry in the ACC Program.
- d. Explain the ACC Program and the difference between an ACC and an arrest.
- e. Inform the individual that participation in the ACC Program is voluntary.
- f. Provide the individual with an ACC Program Brochure.
- g. Request the individual read and sign the ACC Form.
- h. Advise the individual that they must contact the SAO's ACC Office within ten (10) calendar days, failure to do so may result in termination from the program, and the contact information for the SAO's ACC Office is listed in the ACC Program Brochure.
- i. Clear the call with the disposition code "AD."
- j. The case shall be cleared as "Exceptionally Cleared" and noted to be "Administratively Resolved."

The officer shall indicate in his/her report that the Adult Civil Citation Program was thoroughly explained to the subject.

4.4 REQUIRED PAPERWORK

The issuing officers are required to ensure that the following documents are complete when issuing an adult civil citation:

- a. Uniform Charging Affidavit for APS cases;
- b. Incident Report;
- c. Adult Civil Citation;
- d. Written statements; and
- e. Supporting documentation (.e.g., evidence receipt).

4.5 ROUTING OF PAPERWORK

At a minimum, officers shall submit a complete APS package with the adult civil citation to their supervisor for review every other shift, and prior to the beginning of their scheduled days off. **The issuing officer is required to forward a copy of the ACC Form to AdultCivilCitation@sao9.org before the end of their tour of duty.**

Supervisors shall return case files to officers for corrections, if necessary. The supervisor will sign and date the checklist and shall place the case file in the Criminal Intake Unit receptacle for processing within 5 calendar days, including the date of arrest, or as otherwise required for the processing of adult misdemeanors pursuant to Policy and Procedure 1208.

The Criminal Intake Unit shall distribute a copy of the required paperwork to the SAO no later than three days from the date of receipt. Any copies of statements obtained will be forwarded to the Records/ID Unit.

5. FORMS AND APPENDICES

ATTACHMENT A – Adult Civil Citation