



Drug Free America Foundation, Inc.
North America Region
Civil Citation Programs: A Promising Prevention Tool
to Effect Behavioral Changes with Substance Abusers
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Many U.S. states, approximately 1/3ⁱ, have shifted the way in which they deal with marijuana offenses by decriminalizing marijuana possession intended for personal use. Decriminalization typically means amending state law to keep certain marijuana possession acts criminal, but make the acts no longer subject to prosecution. This means individuals caught with specifically defined amounts of marijuana for personal use won't receive a criminal record or a jail sentence.

Each state law differs, but in many states minor possession by an adult is treated similar to a minor traffic infraction. For example, California law states: ***Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).***ⁱⁱ

Several states still classify adult possession of smaller amounts of marijuana as a misdemeanor but eliminate the threat of any jail time and instead impose a fine. For example, in Ohio the possession of up to 100 grams is considered a minor misdemeanor, which incurs a \$150 fine but no jail time, and does not become part of the defendant's criminal record.ⁱⁱⁱ When not addressed at the state level, marijuana decriminalization is often adopted at the local government level.

A reasonable alternative to decriminalization is the establishment of civil citation programs which can relieve crowded criminal justice systems, avoid criminal records for first-time low-level offenders, and yet still hold offenders accountable for their actions. More importantly, these programs can help identify the root of the problem and instigate actions to help fix the problem.

For youth offenders, some states have passed civil citation programs that build in an accountability mechanism that ensures sanctions, interventions and services. In 2011, Florida required that a juvenile citation program be offered to youth in all Florida counties^{iv} under the advisement of their respective Chief Circuit Judge, State Attorney, Public Defender and local law enforcement.^v The program is designed as an alternative to arrest and prosecution for youth at first contact with law enforcement for non-serious, nonviolent misdemeanors. Florida law requires that an intake assessment be performed, appropriate interventions be provided, and accountability sanctions be imposed. Failure of the offender to complete the requirements and sanctions of the civil citation program results in the young person being formally processed in the juvenile justice system, which could include arrest and prosecution.^{vi} Of the 67 counties in Florida, 59 have some process in place for juvenile civil citations and all but one of those counties includes misdemeanor drug possession as an eligible offense.^{vii} Since implementation of the programs in Florida, 6,903 juveniles have been diverted from the criminal justice system and the programs show a recidivism rate of 6.6% compared to the 41% rate of residential facilities operated by the Department of Justice.^{viii}

Rather than decriminalizing adult marijuana possession, states should consider a similar program based on the model used in Florida for juvenile civil citations. Using Florida as an example again, Leon County implemented a pilot adult civil citation program for first-time low-level offenses including possession of less than 20 grams of marijuana and alcohol-related offenders. The program uses a full needs assessment to determine individual needs that could include drug screening, community service, targeted behavioral change interventions, and other sanctions to address behavioral

change. The program uses both in-person and online systems that allow law enforcement and service-providing agencies to manage each participant.^{ix} The intervention plan includes the following:

- Community service – 25 hours (case manager may increase)
- Online educational interventions (eLearning resources)
- Drug screening, AA or NA meetings
- Counseling sessions: Cognitive behavioral therapy and motivational interviewing (two at minimum but could be more as determined by assessment)
- Program fees (flexible payment system)

According to the data collected by the Leon County Civil Citation Program from January-December 2014, possession of marijuana represented 30% of the adult civil citations issued and 85% of those successfully completed the program requirements.^x Initial results of an informal 24-month study reveal that approximately 80% of participants successfully completed all program requirements and of those, only 5% were arrested locally for a new offense during the 12-month period following program completion.^{xi}

Recommendation

Civil Citation programs for first time youth and adult simple marijuana possession offenders (with no other serious offense), coupled with an assessment, services and sanctions allow for the opportunity to effect behavioral changes without jail time and criminal adjudication. The programs outlined above have high completion rates and low recidivism rates. These program are examples of action items that were identified in the President’s Task Force on 21st Century Policing where it was recommended that law enforcement agencies “should consider adopting preferences for seeking ‘least harm’ resolutions, such as diversion programs or warning and citations in lieu of arrest for minor infraction.”^{xii} Civil Citation programs that include services and sanctions have the potential to quickly address the behavioral needs of first time offenders at first point of contact with the justice system.

ⁱ Data retrieved on line at <http://norml.org/aboutmarijuana/item/states-that-have-decriminalized> on October 29, 2015 outlines following states have decriminalized the possession of marijuana at different levels : Alaska, California, Colorado, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon, Rhode Island and Vermont.

ⁱⁱ California Health and Safety Code § 11357

ⁱⁱⁱ Ohio Rev. Code Ann. § 2925.11.

^{iv} The Florida legislature passed CS/HB 997 on May 2, 2011.

^v Florida Tax Watch center for Smart Justice, *Briefing An Adult Civil Citation Program Can Save Taxpayer Dollars*, January 2014.

^{vi} Project on Accountable Justice, *A Path Forward for Civil Citation Expansion: Advancing Public Safety and Improving Youth Outcomes in Hillsborough County*, May 2015.

^{vii} Project on Accountable Justice, *A Path Forward for Civil Citation Expansion: Advancing Public Safety and Improving Youth Outcomes in Hillsborough County*, May 2015.

^{viii} Florida Tax Watch center for Smart Justice, *Briefing An Adult Civil Citation Program Can Save Taxpayer Dollars*, January 2014

^{ix} Civil Citation Network, *Civil Citations with Integrated Intervention: A New Tool for A Better Outcome*.

^x Civil Citation Network, *Adult Civil Citations June 2015 report*.

^{xi} Civil Citation Network, *Civil Citations with Integrated Intervention: A New Tool for A Better Outcome*.

^{xii} U.S. Department of Justice, Office of Community Oriented Policing Services, *Interim Report of the President’s task Force on 21st Century Policing*, March 1, 2015.