

GENERAL ORDERS | SOUTH MIAMI POLICE DEPARTMENT



G.O. Number: 18.17	Subject: Adult Civil Citation Program	
Chapter: Uniform Patrol Operations	Number of Pages: 06	
CFA Standard(s):	Effective: 12/01/2020	
By Order of Chief of Police : Rene G. Landa Chief of Police		Revised: N/A Status: New

SECTIONS:

- 18.17.1** **Definitions**
- 18.17.2** **Eligibility Criteria**
- 18.17.3** **Procedures**
- 18.17.4** **Civil Citation Processing**

RESCINDS: Any other existing orders in conflict.

PURPOSE: The purpose of this policy is to outline the procedures for issuing citations for non-violent misdemeanor/ ordinance offenses pursuant to the Miami Dade County Code of Ordinances. Miami Dade County Civil Citation Program establishes the guidelines for the process of issuing a Civil Citation in accordance with Miami Dade County Code of Ordinances, Section 8-CC.

SCOPE: All departmental sworn personnel.

POLICY: The South Miami Police Department recognizes the need for alternatives to a physical arrest for certain misdemeanor/ ordinance violations that may be enforced through the issuance of a civil citation in lieu of an arrest.

When an adult is alleged to have committed a certain non-violent misdemeanor/ ordinance offense(s), officers have several options available to them, including issuing a verbal warning, issuing a promise to appear, making an arrest, or issuing a Civil Citation pursuant to the Miami Dade County Code of Ordinances, Section 8-CC. 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 Civil Citation, shall not be based upon race, color, gender, gender identity, ethnicity, sexual orientation, age, income status, or disability.

18.17.1 DEFINITIONS

- A. **ADULT:** Any person 18 years of age or older in accordance with §743.07.
- B. **CIVIL CITATION:** A Civil Citation is a pre-arrest diversion initiative for many low-level, non-violent misdemeanor/ ordinance offenses.
- C. **JUVENILE:** Any unmarried person under the age of 18 years old who has not been emancipated by the court. Juveniles must be cited through the Juvenile Civil Citation Program (adult civil citations are not applicable to juveniles).
- D. **MIAMI DADE COUNTY CLERK OF COURTS:** Court Liaison Office located in the Richard E. Gerstein Building (1351 NW 12th St, Miami, FL 33125).

18.17.2 ELIGIBILITY CRITERIA

- A. **Eligible Person:** Except as otherwise provided herein, the person found to have committed a non-violent misdemeanor offense(s)/ ordinance violation may be issued a Civil Citation pursuant to the Miami Dade County Code of Ordinances, Section 8-CC, if the following eligibility criteria are met:
 - 1. 18 years or older;
 - 2. Have his/her identity positively established by the citing officer;
 - 3. Have sufficient ties to the community (e.g., local employment, tri-county area home address [Miami-Dade, Broward, or Monroe], visiting the area for an extended period of time) to ensure the person will successfully complete the program/ pay the fine(s);
 - 4. Be willing to participate in and abide by the terms of the Civil Citation Program. The

person's signature on the Civil Citation Form constitutes consent to participate in the program.

B. Participation Preclusions: The following precludes issuance of a Citation:

1. Violators cannot participate in the Diversion program if they are simultaneously cited/ charged with other offenses that are not eligible for the program. (Example: Violation of county ordinance 21-28 and Trespassing). Accordingly, in those instances, the procedures previously outlined do not apply.
2. If the person has a prior misdemeanor conviction, adjudication withheld, or entered a nolo contendere plea within the previous twelve (12) month period;
3. If the person has a prior conviction, adjudication withheld, or entered a nolo contendere plea to a felony crime.
4. If the person failed to comply with a prior Civil Citation pursuant to the Miami Dade County Code of Ordinances.
5. If the person received more than two (2) prior Civil Citations pursuant to the Miami County Code of Ordinances;
6. Present felony offense pending in a court;
7. A misdemeanor offense charged in connection with any charge that is a felony;
8. Officers can contact the Miami-Dade County Clerk's office to verify whether the violator has received a citation in the past. During normal business hours, the Clerk's Office can be contacted at (305) 375-157 or (305) 375-4859. Officers can also find the information online at <http://clerknet2.miamidadeclerk.com/CEF/>.
9. Information regarding the Miami-Dade County Diversion Program is available online at <http://www.miamidade.gov/mdpd/diversion.asp>.

C. Eligible Offenses: All program established non-violent misdemeanor offenses are eligible for participation in the program except:

1. Domestic Violence related Battery (§784.03; §741.28; §741.29);
2. Battery (§784.03);
3. Assault (§784.011);
4. Stalking or Cyberstalking/Cyber Harassment (§784.048; §784.049);
5. Violation of an Injunction (§741.31, §784.047, §784.0487);
6. Affray and Riots (§870.01);
7. Loitering and Prowling (§856.021);
8. Trespassing (§810.08);
9. Retail Theft (§812.015); and
10. All other non-participating offenses and/or infractions.

18.17.3 PROCEDURES

- A. Upon encountering someone who has violated one of the program participating misdemeanors/ ordinances and the officer chooses to issue a civil citation, the following procedures must be followed:
 1. **Responsibility of the Officer:** Officers will follow the listed procedures when issuing Civil Citations:
 - a. The officer will utilize existing procedures to establish probable cause.
 - b. Officers will run a criminal history check and note the results. If the violator has no criminal past, the officer may use a Civil Violation notice instead of a Complaint/Arrest Affidavit to cite the violator.

- c. When enforcement is taken, officers shall request from the Communications dispatcher, a signal "14", a police case number, and indicate that a report is being written.
 - d. Officers shall complete an Offense/ Incident Report along with the Civil Citation.
 - e. Officers shall use the signal "14CC" in the MCT/ CAD system when initiating a call.
 - f. Officers shall use the UCR/Offense code "CCP"(Civil Citation Program) when completing the Offense/ Incident Report.
 - g. All violators cited civilly, or criminally via a Promise to Appear or transported to jail, shall be given a Miami-Dade County Diversion Program pamphlet and the offender shall review the information contained therein and provide a brief explanation of the program. On the Complaint/Arrest Affidavit or on the civil violation notice, officers must note "DIVERSION PROGRAM PAMPHLET PROVIDED".
 - h. Upon issuing a civil citation, the issuing officer shall provide the violator with the yellow copy of the civil citation.
 - i. All available evidence must be properly documented and submitted to the property locker in accordance with existing policies and procedures. Evidence impounded for violations involving Possession of Cannabis and/or Drug Paraphernalia will be disposed of after the violator has paid the fine or after the administrative hearing (responsibility of the evidence and property unit).
 - j. Civil Citations shall be documented in the Uniform Patrol Daily Activity Worksheet.
 - k. At the end of each shift, officers shall submit all approved civil citations and Complaint/Arrest Affidavits eligible for the Diversion Program to the Communications Division (inbox).
2. **Responsibility of the Supervisor:** Supervisors will follow the listed procedures when reviewing Civil Citations:

- a. The supervisor will review the Civil Citation Form and associated paperwork to ensure thoroughness and accuracy.
- b. The supervisor will ensure that the citing officer submitted the signed Civil Citation Form and the written report prior to end of shift.
- c. The Civil Citation Form, and any associated documents, will be submitted to the Communications Division and/or Records Unit, in accordance with existing policies and procedures.

18.17.4 CIVIL CITATION PROCESSING

- A. The Communications Division will be responsible for processing/ routing the civil citation forms and Complaint/Arrest Affidavits in the following manner:
 1. Within 48 hours of the incident, the Communications Division will complete the required information in the transmittal form and forward the civil citations and/or eligible Complaint/Arrest Affidavits to the Miami Dade County Clerk of Courts for retention and processing.