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# R SHEET ON R SHEET ON EXPANDED CITATION AUTHORITY

October 2021

## BACKGROUND

While [overall crime](#) has declined, violent crimes have increased in Florida. From 2019-2020, murders increased by [15 percent](#), and unfortunately, this trend may continue.

At the same time, the National Police Foundation determined that [86 percent of departments](#) around the country are short-staffed. This can be plainly seen in Florida where certain counties have announced [police officer](#) and [broader law enforcement worker shortages](#). Widespread jail [overcrowding within Florida](#)—due in part to the COVID-19-induced judicial backlog—has exacerbated these shortages.

Given these realities, it is critical for Florida lawmakers to explore methods to support law enforcement officers and protect the general public, while also keeping jail crowding in check and minimizing taxpayer costs.

## CURRENT DEBATE

On average, police officers spend around [4 percent of their time](#) working cases involving serious violent crime, which means that large portions of their shifts are devoted to minor infractions. These include local ordinance violations and nonviolent, nonsexual, petty misdemeanors.

Dealing with such crimes is time-consuming. In many cases, depending on the jurisdiction, these interactions result in arrests—requiring officers to transport defendants to local jails where they are booked into crowded facilities. This process can take hours to complete, which leaves officers buried in paperwork instead of patrolling the streets.

Many states have sought to create alternatives to arrest for minor crimes, including the use of citation authority. Essentially, this serves as either a simple monetary fine or a delayed arraignment in which the defendant is given a notice to appear on a particular date in court where they

## SUMMARY

- Florida's jails are increasingly overcrowded—costing taxpayers significant sums.
- Jurisdictions within Florida have reported a shortage of police and corrections officers.
- Greater use of citation authority in lieu of arrest could alleviate these issues, while protecting law enforcement officers and reducing recidivism rates.

can be judged. While [all 50 states](#) permit at least some form of discretionary citation authority, at least 20 states require police officers to issue citations for certain classes of crimes—although some exclusions apply.

The benefits of such a system are easy to see. It permits police officers to redirect much of their time and resources away from tedious booking processes and toward more serious crimes. This also serves to protect officers' well-being because many altercations with suspects begin as officers attempt to physically arrest them.

A corollary of this is that expanded citation authority can simultaneously reduce the size of local jail populations, which has several benefits. A reduced jail population decreases the burden on jailers and the significant costs of housing defendants, which are passed on to taxpayers. The national average cost of housing someone in jail per year is [around \\$47,000](#).

Further, years of data demonstrate that regardless of guilt or innocence, when a person is booked into jail they are [more likely to be arrested again](#). The probability increases from 17 percent after spending 2 to 3 days in jail to 51 percent after remaining in jail around 8 to 14 days. Thus, a greater reliance on citation authority could reduce recidivism rates.

## ACTION ITEMS

While Florida allows [discretionary use of citation authority](#) in certain cases, this broad discretion ensures that it has been employed inconsistently. However, a long-standing debate in Florida centers around how to best structure a citation authority program so that it serves taxpayers and improves public safety.

Given this and that Florida is grappling with increasing violent crime; a shortage of police officers and corrections workers; and overcrowding in jails, lawmakers ought to look at expanding the use of citation authority, but it must be done in a manner that promotes public safety.

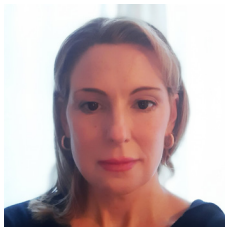
First and foremost, the use of citations instead of arrest should be limited to specific cases. For instance, it seems appropriate to require their use in many cases in which suspects are accused of low-level misdemeanors and local ordinance violations so long as the infractions are not violent or sexual in nature.

Moreover, policymakers have suggested that certain exclusions ought to apply: suspects must not pose a flight risk, have outstanding warrants, be on probation or parole, have a history of serious crime, be without proof of identification, etc.

If Florida were to adopt such a policy, it would be a boon to the state and would alleviate many of its issues.

## CONTACT US

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