



# CITY OF *CORAL SPRINGS* FLORIDA

## POLICE DEPARTMENT

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## GENERAL ORDER

### NON-VIOLENT MISDEMEANOR DIVERSION PROGRAM

Implementation Date: May 1, 2014

Revokes: None

### GENERAL ORDER – 11B

#### 11B.1 INTRODUCTION

The Non-Violent Misdemeanor Diversion Program (NVMDP) is developed to divert first time misdemeanor offenders who are over the age of 18 from the court system. The program is designed to educate the offender on their specific violation(s) and other criminal behavior in an attempt to deter further involvement in the criminal justice system.

#### 11B.2 DEFINITIONS

Adult Offender - A person 18 years of age or older who has committed a violation of criminal law.

Adult Civil Citation and Agreement Form (NVMDP Form) - This form is a contract for program participation, signed by the adult, which indicates their desire to participate

#### 11B.3 POLICY/PROCEDURE

##### 11B.3.1 Eligibility for NVMDP

A. Must be 18 years of age or older and reside in the State of Florida.

B. The adult offender must otherwise meet the requirements for the issuance of an NTA.

C. The adult offender must have no criminal history or previous history of a diversion program as an adult.

D. The adult offender must have committed a misdemeanor, as provided for by state law.

All misdemeanors are eligible with the exception of:

- domestic/dating violence
- all traffic offenses
- gang related offenses
- any misdemeanor crime involving possession or use of a firearm
- any misdemeanor crime involving exposure of sexual organs or other sexual related behavior
- any misdemeanor crime involving violent behavior.

E. Officer must not have had to use force to overcome active or passive resistance during the police investigation.

##### 11B.3.2 Initial Arresting Officer's Responsibility

A. The adult offender must be positively identified using a Florida or government issued ID card/driver's license, school photo id, or rapid ID system.

B. After reviewing elements of the crime, the officer will determine if the adult offender meets the criteria for NVMDP.

C. The officer must determine if the adult offender has a prior diversion program or arrest. A local check, along with an FCIC/NCIC check shall be conducted by the officer.

D. The NVMDP shall not be offered if the officer conducts a custodial arrest.

E. The officer will cite city ordinance **11-33(a) (Violation of State Law)** in the charging section of the NTA. The officer will then state the facts that constitute a misdemeanor under state law and provide a citation to the relevant provision of the Florida Statutes in the narrative.

F. The following are requirements of the officer before they release the adult from scene:

- The officer must obtain adult’s right thumbprint on the NTA form.
- The officer shall explain the program benefits to the adult offender.
- The officer will put the City Ordinance court date on the NTA.
- The officer will present an information sheet to the adult offender and instruct the adult to contact the City Attorney’s Office within 3 business days of the issuance of the civil citation. The contact information for the City Attorney’s Office will be on the preprinted information sheet.
- The officer will complete the adult NTA transcript, which will serve as the incident report, and any other pertinent paperwork. All paperwork related to the case will be forwarded by the officer to the City Attorney’s Office in a secured envelope.
- The arresting officer will forward the unsigned dispatch report to records.
- The arresting officer will include the statement “This adult has no prior arrests or diversions according to the FCIC/NCIC checks and was referred to the NVMDP program” as the last line in the NTA narrative.

- All evidence shall be forwarded to the Crime Scene Investigations Unit utilizing the guidelines in General Order 27. All audio statements and digital images will be acquired into the digital asset management system.

G. Program Results

1. NTA’s issued pursuant to the NVMDP will not be filed in court unless the adult offender:
  - a. Does not contact the City Attorney’s Office to enroll in the program or elects not to participate in the NVMDP as offered by the city.
  - b. Fails to comply with NVMDP rules
  - c. Fails to complete the NVMDP
2. Program completed successfully results in non-prosecution for the offense. Destruction of all arrest paperwork and records will follow records retention laws as required by the state.
3. Even if the NVMDP program is offered by an officer, the City Attorney’s Office may still file a court case or refer the case to the State Attorney’s Office.

APPROVED

Tony J. Pustizzi  
Chief of Police