

ALACHUA



COUNTY SHERIFF'S OFFICE

Sheriff Sadie Darnell
Post Office Box 5489 • Gainesville, FL 32627

August 25, 2016

William P. Cervone, State Attorney
Eighth Judicial Circuit
120 West University Avenue
Gainesville, FL 32601

RE: County Marijuana Ordinance

Dear State Attorney Cervone,

I am in receipt of your August 16, 2016 letter noting concerns with Alachua County's new civil citation plan for cannabis charges. I concur with your assessment and share your concerns with the process.

At this point, I am unable to establish an implementation policy, absent information of the county's process or the forms they will be utilizing for issuing civil citations. I have discussed this with my General Counsel as well and will not be writing policy until we receive further information from the county on their procedure.

The Florida Sheriffs Association's Legislative Summit is being held on September 7th and I will address the issue of out of county civil citation history access and their policies with the Sheriffs in attendance.

I appreciate your offer to meet once we receive additional information from the county.

Sincerely,


Sadie Darnell
Sheriff
8/26/16

SD/mrh

xc: Board of County Commissioners, Chair Robert Hutchinson
J.K. Irby, Clerk of the Court

(352) 367-4000



JEANNE M. SINGER
CHIEF ASSISTANT STATE ATTORNEY

120 WEST UNIVERSITY AVENUE
GAINESVILLE, FLORIDA 32601

BRIAN S. KRAMER
EXECUTIVE DIRECTOR

WILLIAM P. CERVONE
STATE ATTORNEY
EIGHTH JUDICIAL CIRCUIT OF FLORIDA
SERVING
ALACHUA, BAKER, BRADFORD, GILCHRIST, LEVY
AND UNION COUNTIES

TELEPHONE (352) 374 – 3670

PLEASE REPLY TO:

August 16, 2016

Sheriff Sadie Darnell
Alachua County Sheriff's Office
2621 SE Hawthorne Road
Gainesville, FL 32641

Re: County Marijuana Ordinance

Dear Sadie,

Although the vote was inevitably going to be against us I want to thank you for your assistance in opposing the implementation of the County's new civil citation plan for cannabis charges. Now that the ordinance has been passed I wanted to provide some thoughts to you as you consider implementation policies.

From the perspective of when the discretion to issue a civil citation should be used, one of my primary concerns is officers conducting sufficient due diligence to know exactly what history an individual they are dealing with might have. At this point, the Clerk's Office does not have any mechanism developed to deal with any cases that might result in a civil citation. Eventually, I assume they will have something that will provide trackable data for me and you. Your agency, of course, will always have access to your records and other traditional criminal history information in determining who, if anyone, should be considered for diversion.

What I don't think any of us will have is reliable access to out-of-county histories for programs of this sort. As you know many other jurisdictions have implemented civil citation ordinances. Especially with our large student population I am concerned that individuals your deputies might deal with here may have a history from their home community that, if known, would strongly suggest that a civil citation was inappropriate. I have no idea how a deputy on the street is supposed to find that information but am hoping that perhaps the Florida Sheriff's Association or other specific agencies that you deal with have some thoughts about this that might help.

Another area of concern to me is that the ordinance allows up to three citations. As you know, we almost always divert first time stand-alone cannabis cases when they reach my office. On occasion, we would also consider diversion under some circumstances for a second offense. We would, however, almost never even consider a third such diversion. In developing your policies, I hope that you will also consider the wisdom of repeatedly providing diversionary options to individuals whose repeated behavior and violation of these laws indicates no intention of stopping that kind of illegal behavior.

I am sure there are many other issues that you and your staff are considering. To the extent that you would like, I would be glad to discuss those with you.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Cervone", written over a circular embossed seal.

William P. Cervone
State Attorney

Copied to Cindy Weygant

WPC/am