



Citation

*Examining Law
Enforcement's Use of
Citation Across the
United States*

in Lieu of Arrest



**INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE**

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ABOUT THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

The International Association of Chiefs of Police (IACP) is a nonprofit membership organization that supports law enforcement leaders around the world. With more than 26,000 members in over 120 countries, the IACP serves chief executives and law enforcement professionals of all ranks at the state, local, tribal, municipal, and federal level, as well as non-sworn leaders across the criminal justice system. As the largest and longest-standing law enforcement leadership association, IACP continues to launch historically acclaimed programs, conduct ground breaking research, and speak out on law enforcement issues.

Today, the IACP continues to be recognized as a leader in law enforcement program development through the efforts of its divisions, sections, committees, and professional staff. The IACP supports law enforcement through advocacy, training, research, and professional services, and enhances communication and collaboration through various specialized forums including the IACP Annual Conference and Exposition. By engaging in strategic partnerships across the public safety spectrum, the IACP provides members with the tools and resources they need to educate the public on the role of law enforcement and help build sustainable community relationships.

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Executive Summary

With a renewed national focus on reform of the front end of the criminal justice system and community-police relations, stakeholders and high-profile collaborations such as the Presidential Task Force on 21st Century Policing have recommended that law enforcement adopt preferences for “least harm” resolutions, including the use of citation in lieu of arrest for minor infractions.¹

In the midst of such discussions, the IACP, with the support of the Laura and John Arnold Foundation, undertook a three-pronged assessment to determine a baseline level of knowledge about the use and impact of citation in practice. The IACP’s examination included (1) an expansive review of 40 years of academic literature on the topic of citation use; (2) a nationwide survey of law enforcement agencies on their practices and perspectives on citation; and (3) a series of focus groups with a diverse group of law enforcement professionals to engage in a conversation about the potential benefits and challenges associated with citation in lieu of arrest.

This combination of literature review, survey, and focus group research allows IACP to present one of the most definitive statements on past and present citation use by law enforcement in the United States and has resulted in several key findings:

Citation in Lieu of Arrest Has Been Widely Embraced as a Law Enforcement Tool. The use of citation in lieu of arrest is a widespread and longstanding tool in American law enforcement, with nearly 87% of agencies engaged in the practice; over 80% of those for ten years or more. Law enforcement agencies are using citation for nearly a third of all incidents, most often for disorderly conduct, theft, trespassing, driving under suspension, and possession of marijuana. Nearly two-thirds of

law enforcement officials have a positive view of citation. Very few respondents (fewer than 2%) indicated a negative view of the practice.

Citation Offers Potential Time Savings and Increased Law Enforcement Efficiency. Citations take significantly less time to process than do arrests (85.8 minutes vs. 24.2 minutes), saving just over an hour per incident.

Officers Are Given Broad Discretion to Determine Whether to Cite or Arrest in Individual Cases. The legal authority to cite for a particular offense comes from a variety of sources, including state statutes, local ordinances and regulations, and departmental policy. While certain offenses may be eligible for citation, nearly 81% of agencies give officers final discretion to determine whether an individual involved in a particular incident is suitable for citation vs. arrest.

In Exercising Their Discretion, Officers Would Benefit from Comprehensive Data Availability in the Field. While the majority of officers reported having access to data on arrest, warrant, conviction, and failure to appear, there are still gaps in the information available to officers when deciding whether to cite or arrest. Law enforcement officers would benefit from more complete information across the board, including the ability to access fingerprint information and use risk assessment scores.

Although Many Benefits of Citation Have Been Posited, There is Little Existing Research to Evaluate Those Claims. Academics and policymakers have suggested many potential benefits for using citation in lieu of arrest in appropriate cases, including increased officer efficiency, enhanced community-police relations, increased officer and public safety, reduced criminal justice system costs, reductions in jail overcrowding, and diminished burdens on low-level offenders, who avoid arrest records and potential pretrial detention. More

rigorous study is needed to establish how citation can be used to achieve these advantages, so that evidence-based practices can be standardized into model citation protocols.

Further Research is Needed to Assess the Validity of Concerns Surrounding the Increased Use of Citation and How Best to Alleviate Any Challenges.

Academics and law enforcement professionals have raised concerns about the increased use of citation, and many unanswered questions remain about its impact on law enforcement efficiency, public safety, and individual case outcomes. Does citation increase failure to appear rates and, if so, how can this be remedied? How can the potential for officer bias in making discretionary decisions about whether to cite or arrest be alleviated? What information do officers need in the field to best exercise their discretion? How can law enforcement best communicate its policies to a public that may consider citation to be too lenient of a response to crime? How does citation vs. arrest affect pretrial public safety? Additional research is needed to understand the true impact of citation policies in order to develop best practices that balance the interests of public safety, law enforcement, and those cited.

Although Most Agencies are Collecting Citation Data, Few are Tracking, Monitoring, or Analyzing this Information. Eighty-six percent of responding agencies maintain electronic information about citation issuance, and nearly 70% maintain paper records. Yet fewer than 20% of respondents monitor, track, study, or evaluate the use of citation in lieu of arrest. In order to determine the effectiveness and outcomes of citation use, agencies would benefit from more complete data collection and robust evaluation of that data. In addition, standardized procedures for citation data collection would support future research in the field, allowing researchers to compare and analyze information across jurisdictions and systems.

Despite a movement toward the increased use of citation, at present, there is no standardization

among citation practices. The IACP's review of literature on the subject, as well as its focus group discussions with law enforcement members, highlights the many unknowns surrounding its use and impact. Before recommending changes to or increase in the use of citation, it is therefore important to continue to study its effect on public safety, recidivism, and failure to appear rates, to analyze time and cost benefits associated with the practice, and to ensure that procedures maximize officer safety.

The IACP therefore recommends determining answers to the following research questions in order to develop a national best practices model for citation policy:

- Does citation result in higher failure to appear rates in comparison to arrest?
- How does the use of citation affect ultimate case outcomes?
- How does citation affect public safety?
- How does citation affect system costs and jail populations?
- What information do officers in the field need in order to best make decisions about when to use citation in eligible situations?
- How does citation affect the collection of complete criminal histories?
- Is there a potential for officer bias in making discretionary decisions about whether to cite or arrest?
- Does the existence of citation as a less intrusive option to arrest cause net-widening, leading to its increased use in cases where no action would typically have been taken?
- What challenges do agencies face in developing and implementing citation policies?
- How does departmental culture and officer perception of citation impact its use?
- How do victims and the public perceive citation as a response to crime?
- Should agencies consider citation issuance as part of officer performance evaluations and how?
- How can citation data collection be improved and standardized to aid research and analysis?

Scope of Project

In 2014, the IACP, with support from the Laura and John Arnold Foundation, began to study how police departments approach the use of citation in lieu of arrest, with a goal to provide the law enforcement community and other criminal justice stakeholders with a reference point for information about citation practices across America. The project included three components:

Nationwide Survey. The IACP worked with an independent research organization to conduct a national survey of law enforcement agencies in order to determine their level of citation use, assess their perspectives on the practice, and identify data sets for further research in the area.

Literature Review. The IACP also undertook a comprehensive review of academic literature surrounding citation use dating back 40 years. This literature review provided the IACP with information about the historical use of and legal authority for issuing citations, as well as some jurisdiction-specific data about its impact on the criminal justice system. The literature review also identified gaps in the research on how the use of citation, when compared to arrest, affects law enforcement efficiency and effectiveness, criminal justice system costs, individual case outcomes, and public safety.

Focus Group Discussions. In order to assess current law enforcement attitudes about the use of citation, the IACP held a series of focus groups to document perspectives, concerns, and opinions. Approximately 40 law enforcement professionals, representing a diverse cross-section of agencies and officer ranks, participated in four focus group discussions held at the IACP Headquarters in Alexandria, Virginia, and at the IACP Annual Conference in Orlando, Florida, throughout 2014 and 2015. The focus groups considered how departments view the link between citation and pretrial release policies and practices, how they use data to make citation decisions and evaluate citation use outcomes, and how they leverage existing diversion programs to provide support to those cited. Their perspectives and concerns are included throughout this report.

Introduction

As arrest numbers and prison populations have increased, a movement toward pretrial criminal justice reform has taken root. Stakeholders in the criminal justice system have sought ways to increase system efficiency, decrease costs, build trust between law enforcement and the public, protect the rights of the accused, and maximize public safety.²

An Opportune Time to Examine Citation as an Intervention Option.

As part of this movement, there has been increased discussion of using citation in lieu of full custodial arrest in appropriate situations. The Final Report of The President's Task Force on 21st Century Policing recommends that "Law enforcement agencies should consider adopting preferences for seeking 'least harm' resolutions, such as diversion programs or warnings and citations in lieu of arrest for minor infractions."

Other key players in criminal justice have promoted the use of citation in lieu of custodial arrest. The American Bar Association has stated that "It should be the

policy of every law enforcement agency to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law."³ The Pretrial Justice Institute, in its National Symposium on Pretrial Justice, recommended the "[u]se of citation releases by law enforcement in lieu of custodial arrests for non-violent offenses when the individual's identity is confirmed and no reasonable cause exists to suggest the individual may be a risk to the community or to miss court appointments."⁴

With community-police relations in the spotlight and key policy groups recommending the increased use of citation, now is an important moment to study the use and impact of citation policy, to measure its effectiveness in maximizing public safety and minimizing recidivism, to weigh the costs and benefits of citation usage against those of custodial arrest, and to examine officer safety issues before recommending changes in citation procedures or increase in citation use. In short, we need to know if and when citation in lieu of arrest works best and how best

to implement citation policies to achieve these outcomes.

Defining Terms: Citation vs. Arrest.

Citation in lieu of arrest is known by a number of terms in jurisdictions around the United States: citation in lieu of arrest, summons in lieu of arrest, violation citation, cite and release, citation release, field release, field citation, and desk appearance tickets (DAT). The National Conference of State Legislatures (NCSL) provides this definition: “a citation is a written order, in lieu of a warrantless arrest, that is issued by a law enforcement officer or other authorized official, requiring a person to appear in a designated court or governmental office at a specified time and date.”⁵ For this report, we will use the generic terms “citation” or “citation in lieu of arrest.”

In contrast to full custodial arrest, citation allows the officer to release the individual without the need for transport to the station, formal booking, fingerprinting, and pretrial release decisions.

Both arrest and citation have their appropriate and optimal uses. Arrest, according to the IACP’s focus group participants, provides an advantage over citation where an individual poses

a threat to him or herself or the public safety. Citation, in contrast, is a good tool to be used to divert nonviolent misdemeanor offenders whom an officer determines are not a public safety risk and who would only increase

administrative operational orders.

The relevant legal authority that makes certain offenses eligible for citation rarely *mandates* law enforcement to choose citation over arrest. Instead, officers typically choose citation using

“With community-police relations in the spotlight and key policy groups recommending the increased use of citation, now is an important moment to study the use and impact of citation policy...”

jail overcrowding. Because of its more streamlined process, citation, when appropriate, offers law enforcement agencies a tool for potentially increasing efficiency and reducing costs.

Law enforcement authority to use citation in lieu of arrest comes from state statutes, local ordinances and regulations, and departmental policies.⁶ These sources of legal authority set forth the offenses for which citation may be used, also called citation “eligibility.” Eligibility refers to those objective criteria spelled out in enabling citation legislation, court rules, and ad-

their own discretion, sometimes guided by agency culture or policies. The ultimate decision to issue a citation instead of making a custodial arrest becomes an issue of “suitability.” Suitability refers to subjective criteria that require officers to make determinations, such as whether an individual will return to appear in court.

Generally, according to the NCSL, “a custodial arrest *must* be made if one or more of these factors are present:

- There are reasonable grounds to believe the person will not appear for court, or the person has a history of not appearing.

- There are reasonable grounds to believe a person poses a danger to others, himself or herself, to property, the community, or that the person will not cease committing the alleged crime.
- The criminal record of the arrestee or outstanding warrants.
- Detention upon arrest is deemed necessary to carry out legitimate investigation, or if prosecution of the current or other alleged offenses would be jeopardized if not taken into custody.
- If the arrestee requires physical or mental health care, if the person is not able to care for himself or herself or if the person is intoxicated or under the influence of drugs or alcohol.”⁷

The NCSL also noted common circumstances under which state laws generally prohibit a citation from being issued: (i) When the individual refuses to sign a written promise to appear or requests to be taken before a judge; and (ii) when the individual is unable or unwilling to provide valid identification, identification is unable to be verified, or the person is unwilling to provide fingerprints.⁸

The use of citation also offers potential benefits for the accused. An arrest—“[t]he taking into custody of a person by authority of law for the purpose of charging him with a criminal offense, terminating with the recording of a specific offense”⁹—is far more

intrusive to individual liberty, subjecting a person to potential pretrial detention, an arrest record, and additional criminal justice system costs and fees. Because of this, citation is seen as a potentially useful tool in the country’s ongoing larger conversation about community-police relations, procedural legitimacy in the criminal justice system, and preservation of the dignity of the justice-involved.

Although numerous potential benefits of citation in lieu of arrest have been discussed, there has, until now, been little information about law enforcement’s use of and attitudes toward citation as a law enforcement tool. This report provides current, national data on those issues (**Findings pg. 9**), as well as a summary of academic literature on the subject to evaluate benefits and challenges potentially associated with citation use, and gaps in that research (**Analysis pg. 16**).



Findings:

Current Nationwide Data on the Use of Citation in Lieu of Arrest in U.S. Policing

The IACP engaged an independent research organization to undertake a nationwide survey of law enforcement agencies to obtain statistically reliable data on citation usage. A nationally representative sample of 1,300 law enforcement agencies was used, accounting for key variables such as region (Mountain Pacific, North Atlantic, North Central, and South) and size of population served (small, medium, and major).¹⁰

Respondents were asked about when and how they use citation, their agency policies regarding citation use, how they track citation data, and their perceptions and opinions of the practice.

Key findings from the survey include:

- Citation is widely used by law enforcement agencies and has been for at least the past ten years. (Table 1)
- In the past year, agencies reported using citation for nearly a third of all incidents. (Table 2)
- Nearly 81% of agencies give

officers discretion to use citation for eligible offenses. (Table 5)

- Citations take significantly less time to process than do arrests (85.8 vs. 24.2 minutes). (Table 7)
- Nearly two-thirds of agencies had a positive view of citation (64.4%), with 33.8% reporting a neutral view. (Table 8)
- Citation is most often used for disorderly conduct, theft, trespassing, driving under suspension, and possession of marijuana. (Table 9)
- Eighty percent of agencies do not monitor, track, study, or evaluate their use of citation. (Table 12)

Agency Use of Citation in Lieu of Arrest. In order to obtain current national data, survey respondents were asked whether their agency has used citation in lieu of arrest and, if so, for how long. **TABLE 1** shows the number and percentage of agencies that report ever having used citation, as well as the length of time those agencies have done so. The results show that citation in lieu

TABLE 1 | The Use of Citation in Lieu of Arrest (N=1300)

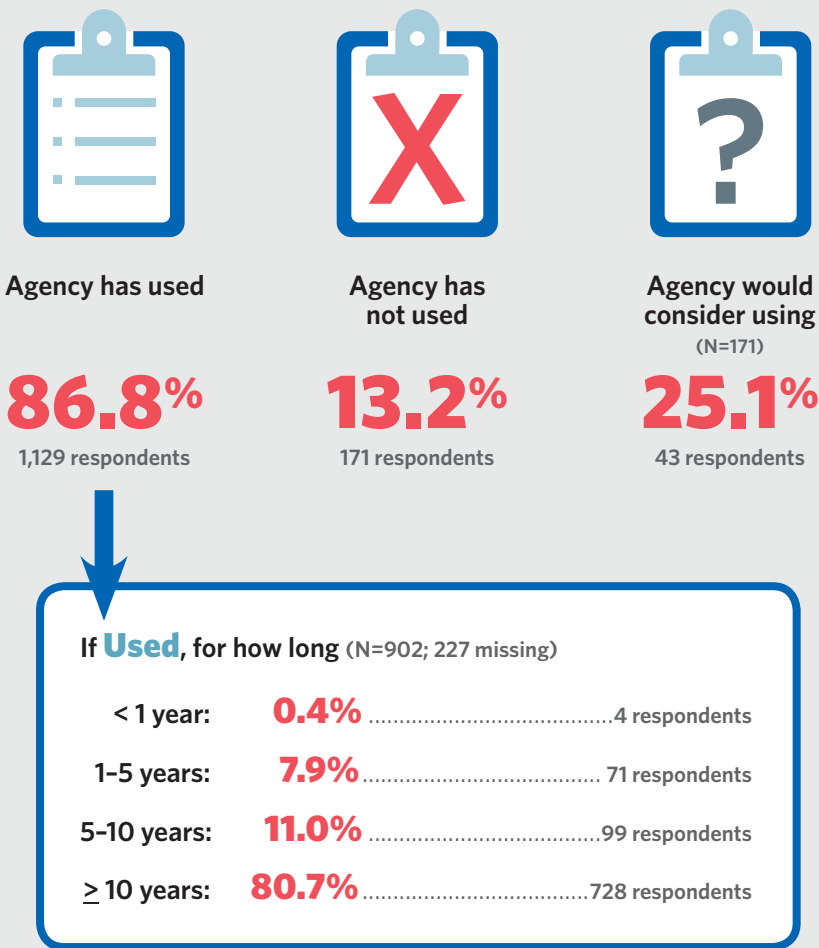
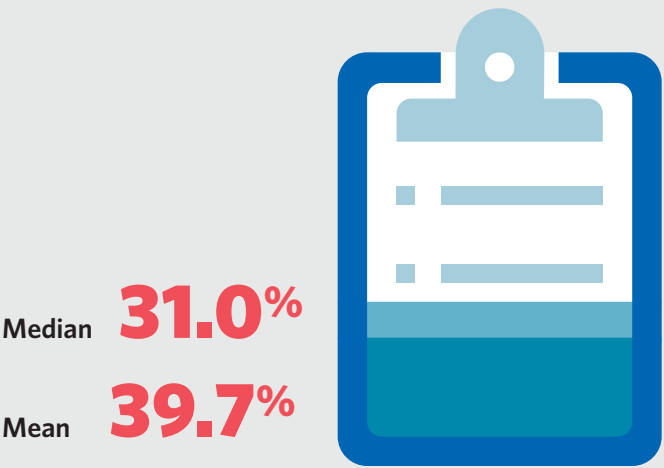


TABLE 2 | Over the Last Year for What Percentage of Incidents Did Your Agency Issue Citations in Lieu of Arrest?



of arrest is a common practice, with almost 87% of respondents indicating that they have used citation. The results further show that citation is a longstanding practice among agencies, with almost 81% reporting having used this tool for ten years or longer.

In an effort to determine how widespread citation use is in comparison to arrest, respondents were asked “Over the last year, for what percentage of incidents did your agency issue citations in lieu of arrest?” Results show that citation is used for nearly one-third of total incidents. **TABLE 2** reports the percentage of incidents for which an agency had issued citation in lieu of arrest over the past year. The mean result was approximately 40% of total incidents, with a median result of 31%. That is, half of the respondents said that their agency used citations for 31% or fewer of their incidents, and half said they used it for more than 31% of their incidents.

Legal Authority, Eligibility, and Suitability of Cases for Citation vs. Arrest. A variety of sources on state, local, and departmental levels may provide agencies with the authority to cite vs. arrest. **TABLE 3** shows the most common sources of authority granting law

enforcement agencies the right to use citation, including state statutes (81%), agency policies (61%), and local statutes and ordinances (45%).¹¹

The survey also sought information about the types of offenses for which officers may issue citations. **TABLE 4** addresses this issue of citation eligibility. Almost all respondents report that officers are able to use citation in lieu of arrest for ordinance violations (96%), while 90% report having authority to cite for misdemeanors. Only 18% of respondents reported that they are permitted to use citation for non-violent felonies, and even fewer (4%) indicated that they have authority to issue citations even for violent felonies. Though some felony offenses might be *eligible* for citation, this authority does not extend to all types of non-violent or violent felonies, nor is it often used. Agencies indicated that they rarely exercise their authority to issue a citation in lieu of arrest in felony cases.

Table 4 also provides information about when officers *may not* issue citations, even if the offense is otherwise eligible. This is known as determining “suitability” for citation. Survey respondents reported that having outstanding warrants (72%),

TABLE 3 | Authority for Using Citation in Lieu of Arrest
(N=1,016; 113 missing)¹¹

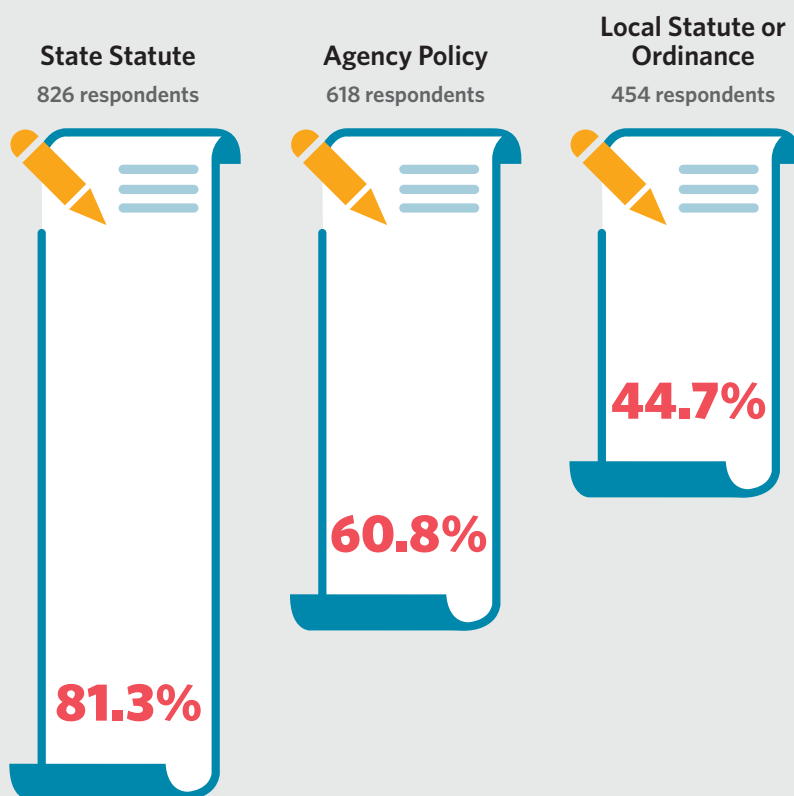


TABLE 4 | When Officers Can Use Citation in Lieu of Arrest
(N=902; 227 missing)¹²



		Number	Percent
	Ordinance violations	868	96.2%
	Misdemeanors	814	90.2%
	Non-violent felonies	163	18.0%
	Violent felonies	36	4.0%
Not eligible for citation (N=899; 293 missing)			
	Outstanding warrants	644	71.6%
	Danger to self or others	616	68.5%
	Failure to Appear history	547	60.8%
	Likelihood of recurrence	418	46.5%
	Criminal history	366	40.7%
	Citation history	321	35.7%
	Social/personal characteristics	271	30.1%
	Residency outside of jurisdiction	240	26.7%

TABLE 5 | Agency Approach When Charges Are Eligible for Citation (N=855; 274 missing)



TABLE 6 | Information Available to Individual Officers to Decide to Use Citation (N=848; 281 missing)¹³

	Number	Percent
Arrest history	716	84.4%
Warrant history	586	69.1%
Conviction history	509	60.0%
Failure to appear history	481	56.7%
Pending case history	298	35.1%
Photos	294	34.7%
Citation history	247	29.1%

being a danger to self and others (69%), and failure to appear history (61%) are the most commonly reported disqualifiers. Social or personal characteristics and having residency outside of the local jurisdiction were reported as reasons least often used to establish unsuitability.

Citation decisions are often a matter of officer discretion. **TABLE 5** shows the nature of agency policies and how they delimit officer discretion to choose between citation and arrest for eligible offenses. Nearly 81% of respondents said their officers have full discretion to use citation on an eligible charge. Table 5 further illustrates that the use of citation in lieu of arrest is rarely mandatory (about 11% of all agencies), nor do officers typically require specific permission (about 8%) before choosing to cite in lieu of arrest.

Officer decisions to cite or arrest are ideally made after assessing relevant information. **TABLE 6** addresses the types of information available to officers exercising this discretion. The categories of information most often available to officers in the field include arrest history (84% of all reporting agencies), warrant history (69%), conviction history (60%), failure to appear

history (57%), and citation history (29%).¹³

Processing Times for Citation vs. Arrest. Relevant academic literature suggests that processing citations may provide a significant time savings over the processing of full custodial arrests. The results reported in **TABLE 7** illustrate this. Survey respondents reported that it takes more than three times as long to process a custodial arrest (85.8 minutes) as it does to process a citation (24.2 minutes), a time savings of just over one hour per incident.

Opinions on the Use of Citation in Lieu of Arrest. The survey also asked respondents about their views on the value of citation in lieu of arrest, as well as their perspective on the impact of citation on local jail populations. According to the findings reported in **TABLE 8**, about 64% of respondents reported a favorable view of the use of citation, while only 2% had an unfavorable view. Thirty-four percent of respondents held a neutral view of the practice. Respondents were divided on whether citation has an impact on the local jail population, with 47% believing citation does have such an impact, while 53% believing that it does not.

TABLE 7 | Comparison of Average Times Custodial Arrest vs. Citation

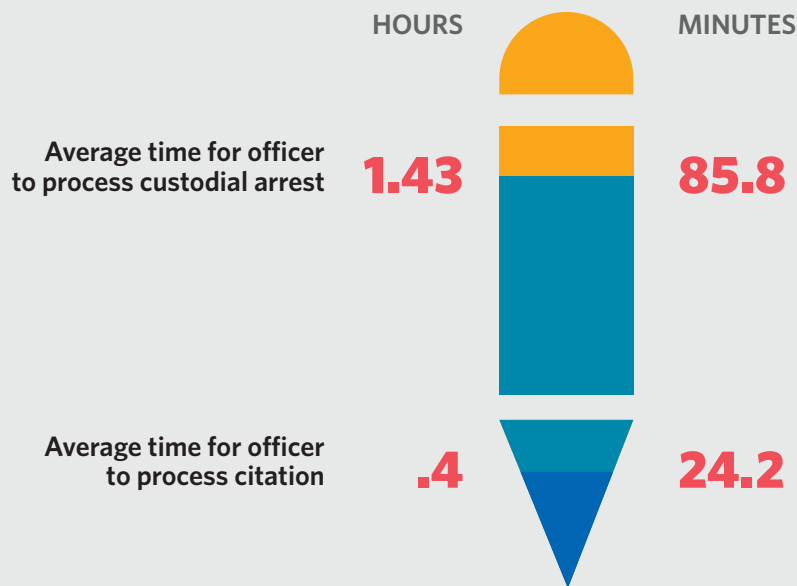


TABLE 8 | How Agencies View the Value of Citation in Lieu of Arrest

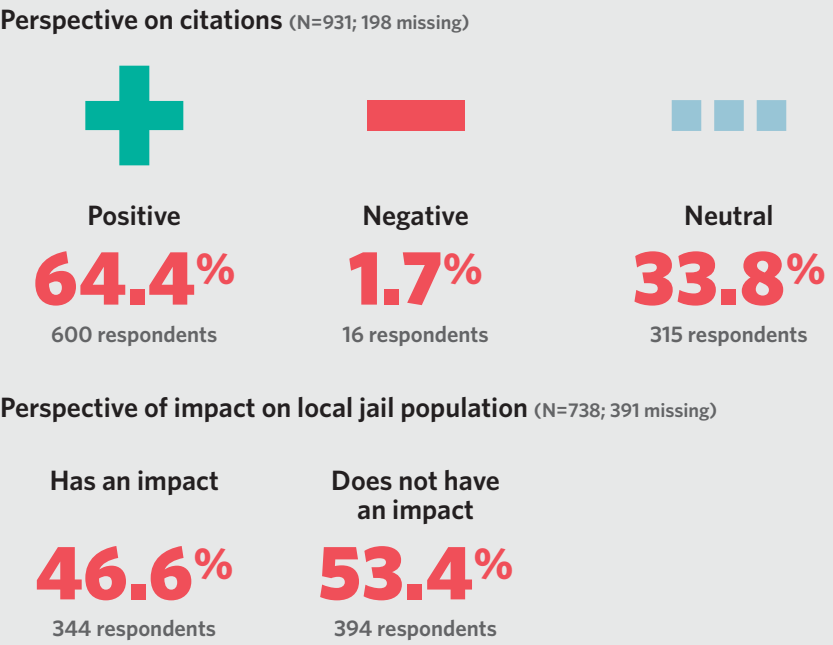


TABLE 9 | Offenses for Which Citation in Lieu of Arrest was Issued Most Commonly by Agencies

(N=792; 337 missing)¹⁴

	Number	Percent
1. Theft	468	59.0%
2. Disorderly Conduct	304	38.4%
3. Trespassing	128	16.2%
4. Driving under Suspension	127	16.0%
5. Possession of Drugs: Marijuana	127	16.0%

TABLE 10 | How are Individual Citations Tracked and Documented? (N=842; 287 missing)¹⁵

	Number	Percent
Information from citations is saved electronically	725	86.1%
Paper copies of each citation are saved	585	69.5%
Citations are not tracked or documented	14	1.7%

TABLE 11 | Where is Information About Citations Stored? (N=814; 315 missing)¹⁶

	Number	Percent
In a system maintained by a law enforcement agency	748	91.9%
In a system maintained by the court or government agencies where individuals are directed to appear	587	72.1%
In a state criminal history information repository	291	35.7%
In a local criminal history information repository	126	14.5%

Citation Usage By Offense

Type. The survey sought information on the types of offenses for which citation is most often used. **TABLE 9** illustrates citation usage by type of offense. Citation is most commonly used for theft, with 59% of respondents reporting this use, followed by disorderly conduct (38%), trespassing (16%), driving under suspension (16%), and possession of marijuana (16%).¹⁴

Citation Data Collection and

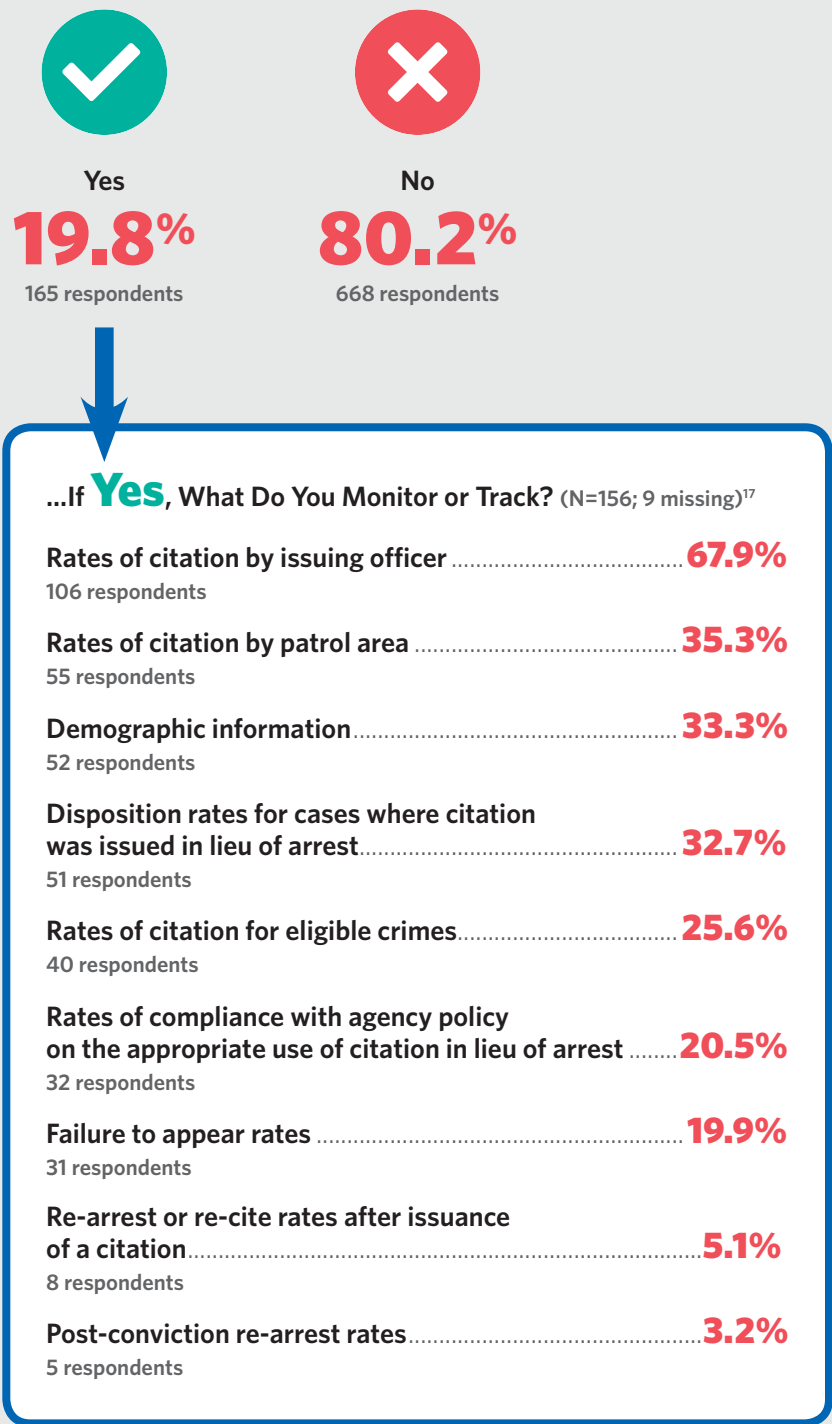
Tracking. Respondents were asked about their methods for documenting and tracking citation information. **TABLE 10** shows the methods by which agencies document citation activity. Nearly all agencies keep some record of citations issued, with fewer than 2% of respondents indicating that citations are not tracked or documented. Of those agencies that do track, a majority does so electronically (86%) and almost three-quarters document citation records on paper (70%).

Respondents were also asked about how their agencies maintain records of citations issued. **TABLE 11** reports on where agencies store citation information. Almost all survey respondents (91.9%) report that citation information is stored in a system maintained by the law

enforcement agency. Citation information is also reportedly stored in systems maintained by the court or government agency where individuals are directed to appear (72.1%), in a state criminal history information repository (35.7%), and in a local criminal history information repository (14.5%).

The survey next sought information on how this collected data on citation is used. Respondents were asked “Does your agency monitor, track, study, or evaluate the use of citations issued in lieu of arrest?” The results listed in **TABLE 12** indicate that fewer than 20% of responding agencies do so. Of those respondents who do monitor, track, study, or evaluate citation use, the most common purpose (67.9%) is to track rates of citation by issuing officers. Other uses include collecting information on rates of citation by patrol area (35.3%), demographic information on those cited (33.3%), and disposition rates for citation cases (32.7%).¹⁷

TABLE 12 | Does Your Agency Monitor, Track, Study, or Evaluate the Use of Citations Issued in Lieu of Arrest? (N=833; 296 missing)



Analysis:

Literature Review Highlights the Need for Further Research on Potential Benefits and Challenges of Implementing Citation Policies

The use of citation in lieu of arrest has been encouraged by major actors in the criminal justice field, citing potential benefits from cost and time savings for law enforcement, to reduction in jail populations, to less burdensome outcomes for appropriate low-level offenders. The participants in the IACP's focus groups on citation use echoed these views, opining that citation could be a valuable tool that allows officers to resolve relatively minor crimes quickly without the need for the additional administrative work required when transporting a custodial arrestee to jail. Many participants also saw the prevention of jail overcrowding as a benefit, especially since many systems have seen operating budgets reduced in recent years.

The focus group participants also raised concerns about challenges that might be associated with increased citation use. These factors include:

- The effectiveness of citation;
- Lack of standardization in train-

ing, policy, and culture across law enforcement agencies;

- Inconsistencies in the application of officer discretion to use citation either within an agency or across adjacent jurisdictions; and
- Community and victim views that citation is too lenient of a response to crime.

In order to evaluate both the posited benefits of and the expressed concerns about citation, and to assess current knowledge about its use and impact, the IACP undertook a comprehensive literature review to see what answers that body of existing academic knowledge might hold. The IACP hoped that this review, which spanned over 40 years of research on the subject, would provide a broad understanding of the legal and practical landscape surrounding citation use.

What the IACP found, however, is that there are significant gaps both in available data on citation use by law enforcement and in research into the benefits and challenges associated with

its implementation in practice. In short, the literature review makes clear that there is still much to be learned about how best to implement citation policies and procedures.

The body of literature does provide:

- Prescriptive guidance and analysis on the need to implement citation policy;
- Short-term impact analysis on the use of citation in lieu of arrest by specific jurisdictions or agencies;
- National data comparison that dates back four decades or more; and
- Historical context and the current legal framework for citation use.

Perhaps most importantly, the literature review illustrates what we do not know, and these gaps can provide a roadmap for future research. For example, the literature review revealed that until the current IACP survey data set out in the Findings Section of this report, there had been no nationwide data on citation use collected for over 40 years. A 1975 national survey found that 75% of responding police departments used citation in lieu of arrest for some non-traffic offenses,¹⁸ while a 1981 study found that 800 cities weren't using citation at all.¹⁹ Recent studies exist that

analyze citation use in particular jurisdictions. In New Orleans, for example, a 2011 study found that citation was used in 68.2% of cases (not including domestic violence or intoxication), up from 41% in 2009.²⁰

The following sections provide an overview of these issues.

Section A outlines the potential benefits of citation use suggested

by researchers and/or focus group participants, and synthesizes any available research on each topic from the literature review. **Section B** then provides an overview of the concerns commonly raised to the increased use of citation, with an analysis of any existing literature on the validity of these concerns or how they might be remedied or minimized.

SECTION A

Potential Benefits of Using Citation in Lieu of Arrest

The most discussed benefits of citation in lieu of arrest can be categorized as follows: (1) benefits to the criminal justice system; (2) benefits to law enforcement agencies and officers; and (3) benefits to those cited. Below is a synthesis of information related to each of these claims, indicating whether they are supported by existing literature and whether any gaps exist in our knowledge that would benefit from further research.

Citation Use Could Increase Law Enforcement Efficiency and Enhance Community-Police Relations.

Increased officer efficiency.

One oft-stated benefit of using

citation for suitable offenses is that the practice frees officers up to return to patrol more quickly, rather than requiring them to leave the field for transport and booking of arrestees. This time savings appears to be borne out by existing research. A decades-old study in Evanston, Illinois, found that citation processing required 15 minutes of officer time versus two hours of time for arrest.²¹ A more recent 2005 study in Gwinnett County, Georgia, found that citation processing took officers an average of 35 minutes, versus up to 127 minutes for arrest.²²

These findings are consistent with the IACP's current survey results, which indicate

that nationally, officers spend on average 24.2 minutes processing a citation versus 85.8 minutes processing an arrest—an average time savings of just over one hour per incident.²³

Not all research found such a time savings. A 1970-71 study of the New Haven, Connecticut, Police Department found that while up to two hours of field patrol time *could* be saved per case, this significant savings occurred in only 10% of cases.²⁴ The New Haven study provides a caution to adoption of citation policies and procedures. Merely encouraging the use of citation will not necessarily increase efficiency unless procedures and officer training are put in place that consider how best to use citation to save time and resources.

Enhanced Community-Police Relations. According to some literature, employment of citation procedures can reduce community disruption and ill will generated by the hardship that ensues from arrests for minor offenses, which may also be perceived as unfair.²⁵ One researcher suggests that “the unnecessary removal of individuals from their communities has serious effects on the stability of families and neighborhoods, and may actually contribute to problems of crime and

“Research suggests that diversion tends to reduce re-offense, particularly in the case of young and first-time offenders.”

disorder.”²⁶ These concerns link with the messages of The Presidential Task Force on 21st Century Policing, which encourages the use of less intrusive means of intervention when appropriate. There is, however, no research on how the use of citation vs. arrest is perceived by community members and whether, in fact, the lesser intervention would enhance the perception of police legitimacy.

Increased Officer and Public Safety. Focus group participants indicated that the “hands-on” requirements of custodial arrest may increase the risk to the officer’s safety. As such, focus group members discussed the possibility of using citation in appropriate cases as a de-escalation tool, possibly leading to fewer use of force incidents, and reducing complaints against police, community disruption, and ill will. No literature or research exists examining officer

safety with respect to citation vs. arrest.

Increased Citation Use Could Reduce Costs and Overcrowding in the Criminal Justice System.

Reduced System Costs. Some literature suggests that the use of citation in lieu of arrest can provide cost savings to the criminal justice system as a whole, given that fewer people will undergo booking, necessitate judicial decisions about pretrial release, spend time in pretrial detention, or require screening for pretrial services.

Several studies demonstrate cost savings from using citation instead of arrest. According to one early report, during the second full year of the Manhattan Summons Project (1969), the department released 22,685 persons, saving \$1,587,950, or “the equivalent of saving the cost of more than 28,000 eight hour tours of duty.”²⁷ In a 1995 study on failure to appear (FTA) rates in Charlotte, North Carolina, one researcher estimated a costs savings of \$100.96 per citation (from \$120.96 for an arrest to \$20 to issue a citation).²⁸ In 2011, an advocacy group, Florida TaxWatch, encouraged implementation of civil citation

programs throughout the state based on an expected cost savings of between \$44 million and \$139 million annually for Florida taxpayers.²⁹

Further cost/benefit analyses would be useful to evaluate the impact of citation practices on the criminal justice system as a whole.

Reductions in Jail Overcrowding. Some researchers posit that the increased use of citation could potentially reduce jail overcrowding, based on the assumption that pretrial detention of non-violent, misdemeanor offenders drives incarceration numbers. If people aren't routed through the arrest-booking-pretrial detention process, the thinking goes, they would take up fewer jail beds.

Existing research supports this conclusion.³⁰ For example, researchers studied the impact of one jurisdiction's summons in lieu of arrest policy, comparing the length of jail stays before and after its implementation. They found that cases were more likely to be booked and released on the same day after the summons policy went into effect, reducing bed stays from 49,796 in the pre-policy period to 40,168 after.³¹

Because even short-term pretrial detention is associated with

sentences to incarceration,³² it is possible that citation, by keeping defendants out of jail pending their trials, could also impact post-conviction levels of jail use. Both of these possibilities merit further research.

Increased Citation Use Could Lessen Burdens on Non-Violent, Low-Level Offenders.

Arrest is a vital and legitimate tool in an officer's arsenal of options for dealing with crime and disorder. Often, arrest is the most appropriate choice an officer can make to resolve a situation. Citation, however, because it is much less intrusive on individual liberty, could be an equally valuable tool for low-level offenses, which would be a much less burdensome result not only on the system as a whole but also for those cited.

The existing literature suggests this reduced burden could benefit those cited in a number of ways:

- Citation is less invasive of individual liberty and avoids many of the hardships associated with arrest and detention, including financial burdens, damage to reputation, and inability to work.³³ Even short-term detention has negative effects on case out-

comes, failure-to-appear rates, and recidivism.³⁴

- Those cited do not incur arrest records, which can hinder their ability to obtain work, housing, and loans.

- The use of citation in lieu of arrest can keep people out of the criminal justice system. Research suggests that diversion tends to reduce re-offense, particularly in the case of young and first-time offenders.³⁵

- Those cited are free to prepare for their day in court because they are not incarcerated prior to trial.³⁶ Some studies have shown a correlation between pretrial detention and conviction rates, suggesting that those who are not free to prepare for trial may be at a disadvantage in court.³⁷

- Use of citation in lieu of arrest avoids pretrial release and detention decisions based solely on financial ability to post prescribed bail amounts, which can be considered unfair or even discriminatory.³⁸

Concerns and Challenges Associated With the Use of Citation in Lieu of Arrest

While further research may establish numerous benefits to support the increased use of citation in lieu of arrest, challenges associated with the practice also exist. Both the literature review and the discussions with the IACP's focus group participants identified potential drawbacks associated with the practice.

Thus, though there has been policy discussion about the increased use of citation, there remain issues and concerns about what a model citation policy would look like, how it could be effectively implemented while maintaining officer and public safety, and what the outcomes of such a policy would be.

What follows are some of the concerns that arose from both the literature review and the broad-ranging conversations the IACP held during its four focus group sessions on citation with members of law enforcement from across the country—as well as ideas for further exploration as to how some of these concerns

might be remedied or alleviated in practice.

Does Citation Result in Higher Failure to Appear Rates in Comparison to Arrest?

There is a concern both in the literature reviewed and in speaking with law enforcement officers that the increased use of citation will lead to higher FTA rates. With custodial arrest, the defendant is booked and either held in pretrial detention or subject to pretrial monitoring pending court appearance. In contrast, those who are cited make only a signed promise to appear and are released without additional assessment or conditions.

The FTA rate concern appears in the only existing study on the matter. In a 1996 study in Charlotte, North Carolina, researchers found that 23.2% of those issued citations failed to appear at their first scheduled court appearance versus 3.9% who had been arrested.³⁹ If, indeed, FTA rates are higher in citation cases, any

expected cost or time saving benefits might be defeated, since failures to appear cause additional work for courts, which must issue new warrants, and for law enforcement agencies, which are tasked with locating and arresting those cited. More studies are needed to determine if these higher FTA rates for citation cases hold across the board.

There are, however, potential remedies that could be implemented to decrease FTA rates. Though most studies don't separate FTA rates for those cited from those arrested, court reminder systems—either postcards or live call reminders—have been shown to decrease FTA rates overall.⁴⁰ Other researchers have noted success in reducing FTA rates when the time between the offense and the initial court appearance is shortened.⁴¹

Do Officers in the Field Have Access to the Necessary Information to Inform Citation vs. Arrest Decisions?

When officers in the field are faced with the decision to cite or arrest, they need accurate, easily accessible data in order to ensure their own and the public's safety. Initially, officers need to determine eligibility for citation under

governing laws and department policies, and then, using their discretion, they must assess whether this particular incident is suitable for citation. Focus group participants noted in particular the necessity of providing officers with fingerprint data, FTA history, and risk assessment scores in the field.

Although the majority of agencies surveyed indicated that their officers have access to some of this information, more can be done to ensure that the available data is as complete as possible.⁴² In a 2011 study in Los Angeles, for example, the Vera Institute of Justice recommended increasing law enforcement's capacity for field identification and expanding the County's Blue Check program to make identification technology available in all patrol cars so that law enforcement officers can cite and release more individuals in the field.⁴³

Another potentially powerful tool for officers is the development of risk assessment instruments that would assist officers in weighing the available data to make the best informed decisions about citation vs. arrest based on objective factors. Focus group participants discussed the pros and cons of such tools, with some concerned that risk

"Researchers have noted success in reducing FTA rates when the time between the offense and the initial court appearance is shortened."

assessments might limit officer discretion, while others suggested assessments might help to reduce bias. The issue is ripe for further study.

How Does Citation Affect the Collection of Complete Criminal Histories?

One potential benefit of citation for those cited is that because there is no arrest, there is no attendant arrest record. Because actual booking does not occur in the citation process, in many cases, fingerprints and other identifying information are not captured, and no criminal history record entry for the offense occurs.⁴⁴ To law enforcement and other actors in the criminal justice system, this lack of information is perceived as interfering with the collection of complete criminal history infor-

mation. With no data available to future officers faced with a repeat situation, it could lead to multiple incidents of citing and releasing the same person for the same offense.⁴⁵ According to a 2013 paper by Mark Perbix at SEARCH, "one of the biggest unintended consequences of cite and release policies is the adverse impact on recording complete arrest information in state criminal history repositories." Perbix goes on to say that "although the prosecution of the offender continues in most cases, the outcome cannot be accurately recorded in the criminal history because (a) no original arrest record exists in the criminal history, and (b) the court has no biometric identifier associated with the offender."

While this concern could be alleviated by more complete data collection and tracking of citations, these competing interests should be balanced: Law enforcement's desire to collect and track complete information on those cited and the individual's interest in avoiding a burdensome record for low-level cited offenses.

Does Citation Pose Issues About the Exercise of Officer Discretion?

One concern about the use of citation in lieu of arrest is

whether officers will use their discretion fairly in its implementation. Two issues arise: The potential for bias and the possibility of net-widening.

Bias. In its report on 21st Century Policing, the Presidential Task Force defined bias as follows: “An explicit bias is a con-

forcement officers—exercise their discretion in making decisions, there is a potential for both explicit and implicit bias to impact the fairness and, under the Equal Protection clause, the constitutionality of those decisions.⁴⁷ In this instance, an officer’s implicit or explicit bias

Potential bias in the issuance of citations could be prevented by creating department guidelines to ensure officer discretion is exercised fairly, and by ensuring that officers are made aware in training of the pitfalls of explicit and implicit bias. Focus group participants echoed this need for training: Discretion should be taught as a positive way to help build trust within the community and to build morale based on the positive impact made by its fair exercise.

Bias can also be prevented by providing officers with neutral methods to assist in making citation decisions. The development of risk assessment tools would assist officers in making citation determinations based on objective factors.

Net-Widening. Some researchers have predicted that encouraging citation as an alternative to arrest might lead to its increased use in cases where officers would otherwise typically not act. This theory, called “net-widening,” occurs when, “[a]s control becomes less punitive, it is extended to greater numbers of individuals.”⁴⁸ These researchers have expressed concern that once officers have a middle ground of action between arrest and doing nothing, they

“Focus group participants echoed [the] need for training: Discretion should be taught as a positive way to help build trust within the community and to build morale based on the positive impact made by its fair exercise.”

scious bias about certain populations based upon race, gender, socioeconomic status, sexual orientation, or other attributes. Common sense shows that explicit bias is incredibly damaging to community-police relations, and there is a growing body of research evidence that shows that implicit bias—the biases people are not even aware they have—is harmful as well.”⁴⁶

Whenever any agents of the government—not just law en-

based on race, ethnicity, gender, or socioeconomic factors may impact the decision to cite versus arrest.

Because there is little demographic data tracking citation use, the question remains: Is citation used fairly? More research is needed to collect and analyze data on whether more intrusive interventions like custodial arrest disparately impact individuals based on protected classifications.

will take it, particularly if citation numbers are tracked as an indicator of officer productivity. Ultimately, net-widening would defeat one purpose of using citation more often, which is to reduce the impact of contact with the criminal justice system.

It's not clear whether net-widening is occurring,⁴⁹ because the use of citation in comparison to other interventions hasn't been tracked and analyzed. Research in this area would be useful. If net-widening is found to occur, it could be minimized through officer training and clear departmental guidelines on citation use.

What Challenges Do Agencies Face in Developing and Implementing Citation Policies?

Some literature contends that faulty program planning and implementation challenges can contribute to underutilization of citation in some jurisdictions. Such challenges can be remedied by thoughtful planning and the development of model policies that agencies can adopt and adapt to reflect their unique needs. One researcher offers steps for proper planning and implementation, including:

- Needs assessment
- Statutory review

- Prioritization of objectives
- Formulation of policy
- Design of citation form
- Refinement of procedures
- Detailed data collection and continual program evaluation.⁵⁰

Other researchers suggest additional essential components of a model citation policy, including:

- Officer training
- Interagency collaboration to ensure that other stakeholders in the criminal justice system—courts, corrections, victims' advocates, pretrial services, public welfare agencies, prosecutors, public defenders, etc.—have input, since citation policies impact actors throughout the process.⁵¹

Much more research is needed to develop policies and procedures that maximize the benefits of citation in lieu of arrest while minimizing or remedying challenges associated with the practice. Best practices need to address officer discretion, officer training, documenting and tracking citation data, ensuring court appearance, public safety, and public outreach and education.

How Does Departmental Culture and Officer Perception of Citation Impact Its Use?

The literature review provided examples where lack of internal

support for citation in lieu of arrest could act as a hurdle to its more widespread use. Some officers in these studies believed citation to be a "bankrupt policy,"⁵² while others were frustrated by what they perceived to be a "revolving door"⁵³ of putting those cited immediately back onto the street, possibly to commit further crimes. Others held a negative view of citation because "it seems to be a step toward decriminalizing the offenses."⁵⁴

Survey findings from this initiative indicate that a majority of agencies now positively view citation. Only 1.7% of respondents indicated a negative view of the practice.⁵⁵ While law enforcement officials in the focus groups did discuss concerns surrounding citation use, these conversations took place with a view to seeking solutions and best practices.

In one older study, officers also expressed concern about their safety while issuing citations.⁵⁶ Members of the IACP's recent focus groups echoed these concerns—that when writing a citation in a high crime area, a solo officer might be put in danger and opt to call for back up and make an arrest instead of issuing a citation. There are no studies comparing the safety of officers during citation vs. arrest

incidents. One could argue that making a custodial arrest—a more involved process with increased potential for escalation—could be equally or more dangerous than issuing a citation.

There is little information available about how officer performance is evaluated with respect to the use of citation, although about two-thirds of agencies reported collecting data on rates of citation by issuing officer.⁵⁷ Examples of how this information could be used in practice include evaluating officers based on their decision-making ability, knowledge of the case, and ability to properly apply policy; using citation rates as a performance statistic, similar to criminal custodial arrest; or giving citation equal weight to other forms of charging criminals, such as warrant service or custodial arrest.

Any agency adoption of a citation policy will require the support of its law enforcement officers. One essential component will be to assure officers that citation is being used effectively, efficiently, and in a fashion that maximizes public and officer safety. To reassure law enforcement, more data-driven studies to back up these assertions will be needed to develop evidence

that, in appropriate cases, citation in lieu of arrest does more good than harm.

Do Victims and the Public View Citation as Too Lenient of a Response to Crime?

Some literature noted that officers may be reluctant to use citation because victims complain about seeing those cited released rather than arrested and taken to jail.⁵⁸ The issuance of citations may be viewed as police leniency and departments have faced criticism from citizens regarding cite and release incidents.⁵⁹

In addition, there are no studies examining the outcomes of citation cases. We don't know the public safety statistics for those who are cited and released versus those who are arrested and booked, nor have there been any comparisons of their re-offense rates pending appearance. Tracking and disseminating this information can help law enforcement to make the best decisions to ensure public safety. Research may also produce evidence as to the value of citation to assist law enforcement in justifying the practice with the public. A department committed to implementing a citation policy should include in its procedures

mechanisms for outreach and education to the public and victims of crime to better inform them of how, when, and why citation policy is used, and to ensure that decisions are made to maximize public safety.

How Can Citation Data Collection Be Improved and Standardized to Aid Research and Analysis?

The survey results indicate that while most agencies are collecting data on citation issuance, few are analyzing and tracking its use. This lack of analysis makes it difficult, if not impossible, for departments to evaluate their own use of and outcomes associated with citation in lieu of arrest.

The lack of data also presents system-wide problems that hinder research and development of evidence-based tools and policies. The lack of standards as to how information is collected and maintained renders it challenging for researchers to analyze and compare information across jurisdictions and data systems.

The importance of having and analyzing such data is difficult to overstate. Such data could be used:

- To develop risk assessment tools that officers could use in the field to make the best de-

cisions when exercising their discretion to cite vs. arrest;

- To evaluate the effect of citation vs. arrest on FTA rates and to assess how to improve FTA rates in citation cases;
- To perform a system-wide cost/benefit analysis on the impact of citation vs. arrest;
- To determine whether the increased use of citation reduces jail populations;
- To evaluate the impact of citation on case outcomes and recidivism;
- To evaluate the effect of citation policies on officer and public safety and community-police relations;

“Any agency adoption of a citation policy will require the support of its law enforcement officers. One essential component will be to assure officers that citation is being used effectively, efficiently, and in a fashion that maximizes public and officer safety.”

- To develop law enforcement training on the benefits of citation use in appropriate cases;⁶⁰ and
- To incorporate citation statistics appropriately into officer performance evaluations.

Conclusion

Citation in lieu of arrest potentially offers numerous benefits for law enforcement, the criminal justice system, and those cited. Yet the impact of the practice has not been significantly studied. The IACP's three-pronged assessment of citation in lieu of arrest—from a review of decades of academic literature on the subject, to the first nationwide survey in 40 years to obtain agency data on citation usage, to its far-ranging focus group discussions with law enforcement professionals—has provided a baseline of information and generated numerous questions that provide a path forward for researchers, illuminating the need for more evidence gathering to support effective policies for the criminal justice system, officers, and citizens.



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- ⁶ *Id.*
- ⁷ *Id.* (emphasis added).
- ⁸ *Id.*
- ⁹ Walter Busher, *Citation Release: An Alternative to Pretrial Detention, Concepts and Guidelines* vii (American Justice Institute, March 1978), available at <https://www.ncjrs.gov/pdffiles1/digitization/64883ncjrs.pdf>.
- ¹⁰ A sample of 1,035 law enforcement agencies were selected from 4,406 agencies nationwide after stratifying for region and population served. A total of 479 agencies responded to the survey. Weights were calculated and assigned based on the selection probabilities of the sampled agencies within each stratum. After adjusting for duplicate completes and completes from agencies that were not part of the original sample, the final number of weighted respondents was 1,300.
- ¹¹ Responses total more than 100% because agencies may have multiple sources of authority for using citation.
- ¹² Responses total more than 100% because agencies may have citation authority for multiple categories of offenses.
- ¹³ Responses total more than 100% because agencies may have multiple sources of information available to them.
- ¹⁴ Responses total more than 100% because agencies may have selected more than one offense.
- ¹⁵ Responses total more than 100% because agencies may use multiple methods to store citation information.
- ¹⁶ Responses total more than 100% because agencies may store citation information in multiple locations.
- ¹⁷ Responses total more than 100% because agencies may monitor or track multiple data points.
- ¹⁸ Floyd, Feeney *The Police and Pretrial Release* (1982).
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⁴⁵ *Id.*

⁴⁶ Presidential Task Force on 21st Century Policing, *supra* n.2, at 10.

⁴⁷ Citation might be utilized "in a discriminatory or arbitrary fashion: some arrestees may be cited when they should have been detained or released with only a warning." Whitcomb, *supra* n.16, at 21.

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⁵⁸ *Id.* The participants in the IACP Focus Group echoed this perception that the public may not be satisfied with the use of citation instead of arrest.

⁵⁹ Daniel Mintz, "Sheriff's Captain: Reports of Cite & Release 'Blown Out of Proportion,'" *McKinleyville Press* (June 26, 2013), available at <http://mckinleyvillepress.com/sheriffs-captain-reports-of-cite-release-blown-out-of-proportion>.

⁶⁰ Indeed, Focus Group participants stressed the need for new officer in-service learning in order to see citation as part of the agency's philosophy, culture, and best discretionary practices



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