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ACQUISITIONS

CITATION RELEASE:  
AN ALTERNATIVE TO PRETRIAL DETENTION

CONCEPTS AND GUIDELINES

BY  
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A PRODUCT  
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## PREFACE

A long-smoldering concern over the inadequacies of the nation's traditional bail practices erupted in the early 1960s with the launching of numerous diversion and pretrial release programs. Organized on a project basis and largely federally funded, these programs explored ways and means of identifying recently jailed arrestees: 1) who could be released from custody prior to arraignment or subsequent to court appearance with the likelihood they would appear in court as required, and/or 2) whose prosecution might be conditionally deferred.

Most of these pioneering programs have now disappeared as separate entities, but the practices which they developed have been incorporated into the programs of established criminal justice agencies. Now, increasing attention is being given to the notion that persons likely to be promptly granted pretrial release after being detained might not need to be detained at all following arrest.

Criminal justice planners are beginning to examine the citation release strategy which has been slowly and quietly growing in favor with police agencies while jail-based pretrial release programs were claiming the spotlight. To date, citation release programming has been viewed largely as an activity solely within the province of individual law enforcement agencies to be undertaken, if at all, only to the extent permitted by individual police agency administrators.

As a consequence, program planning has been minimal, implementation uneven, and evaluation all but nonexistent. Nevertheless, experience assessed thus far strongly suggests the strategy is sound and worthy of expanded use.

It was inevitable that criminal justice planners would sooner or later come to view police citation release as the preliminary point of focus for pretrial release. But in order for this point of view to prosper, communities must come to view citation release not as the parochial concern of individual police agencies, but as a major pre-trial release effort requiring broad community sponsorship, comprehensive planning, integrated implementation, careful evaluation, and county-wide application.

This document has been designed to serve as a guide to criminal justice planners and agency administrators who may wish to initiate citation release programming or to broaden or intensify existing programming. It contains a discussion of the evolutionary history of citation release, a rationale for its use, a context for planning, and information extracted from operational experience which can prove useful in designing, implementing, operating, and monitoring formal citation release programs.

This publication rejects the prevailing notion that citation release is strictly a law enforcement strategy which need not more than casually concern other elements of the local criminal justice system. It addresses citation release as a pretrial release measure of growing importance which should involve not only the police element of a

community's criminal justice apparatus, but also the entire local criminal justice machinery in its design and operation.

The adoption of this perspective is in no way meant to minimize the role of the police. To the contrary, it is intended to strengthen the capacity of police agencies to assume the key role which the now rapidly evolving pretrial services area of criminal justice seems destined to assign them.

This document was prepared to complement a program of on-site technical assistance which the American Justice Institute is preparing to provide to a small number of jurisdictions which are expected to receive Enforcement Assistance Administration grants for demonstration programs related to the use of jail and its alternatives. However, in its preparation, an effort was made to spell out issues and to supply sufficient illustrative material to permit criminal justice planners and officials in any jurisdiction to at least arrive at an orientation for considering the introduction or broadening of a citation release program and to begin the planning process.

## ACKNOWLEDGEMENT

In 1976, the Center for the Administration of Justice, located on the Davis campus of the University of California, conducted a nationwide study of police citation programs. In April, 1977, the Center's executive director, Floyd F. Feeney, completed in draft form a report of the study's findings entitled, "Police Citations for Misdemeanor Offenses: A Procedure Whose Time has Arrived." The report is undoubtedly the most complete compendium of information ever assembled on police citation programs.

Upon learning of the American Justice Institute's interest in the subject of citation release, Dr. Feeney generously made available to American Justice Institute a copy of this as yet unpublished report along with a substantial amount of supporting data collected in the course of his research.

The author of this monograph, therefore, wishes to acknowledge Dr. Feeney's courtesy and invaluable assistance in making his material available for review and study.

## GLOSSARY

ABSCOND - To intentionally absent or conceal oneself unlawfully in order to avoid a legal process.

ADMINISTRATIVE ROR - See PRETRIAL RELEASE, Release on Own Recognizance.

APPEARANCE - The act of coming into a court and submitting to the authority of that court.

ARRAIGNMENT - The appearance of a person before a court in order that the court may inform him of the accusation(s) against him and enter his plea.

ARREST - The 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.

ARRESTEE - Any person who has been arrested.

BOOKING - A police administrative action officially recording an arrest and identifying the person, the place, the time, the arresting authority, and the reason for the arrest.

CHARGE - A formal allegation that a specific person has committed a specific offense.

CITATION - A written order issued by a law enforcement officer directing an alleged offender to appear in a specific court at a specified time in order to answer a criminal charge.

### CITATION RELEASE

- A formal, postarrest, pretrial release measure.
- Employed pursuant to enabling legislation, court rules, and/or administrative orders by police agencies, using procedures and methods compatible with the operational requirements of other local criminal justice agencies.

## CITATION RELEASE (cont.)

- Intended to assure, in response to a written promise to appear, the timely presence of an arrested person in court to answer formal charges.
- Used to obviate pretrial detention and recourse to monetary bail and the added costs and inconveniences to arrested individuals and the public occasioned by pretrial detention.

Citation release in practice occurs in three forms:

### Field Release

A form of citation release characterized by the fact that the arresting officer, upon determining the eligibility and suitability of an arrestee for release, releases the arrestee on his written promise to appear, at or near the actual time and location of the arrest.

### Station House Release

A form of citation release characterized by the deferral of the (1) determination of an arrestee's eligibility and suitability for release and (2) his actual release on his written promise to appear until after he has been removed from the scene of his arrest (if elsewhere than at the arresting department's facilities) and brought to the department's station house or headquarters.

### Postdetention Release

A form of citation release characterized by the deferral of the (1) determination of an arrestee's eligibility and suitability for release and (2) his actual release (on the authority of the arresting department) on his written promise to appear until after he has been delivered by the arresting department to an intake service center, jail, or other pretrial detention facility for screening, booking, and/or admission.

**CITEE** - Any person who has been arrested and released upon receiving and accepting a citation.

**COMPLAINT** - A formal, written accusation made by any person, often a prosecutor, and filed in a court, alleging that a specified person has committed a specific offense.

**COURT** - An agency of the judicial branch of government authorized or established by statute or constitution, and consisting of one or more judicial officers, which has the authority to decide upon controversies in law and disputed matters of fact brought before it.

**COURT ROR** - See PRETRIAL RELEASE, Release on Own Recognizance.

**CRIMINAL JUSTICE APPARATUS** - All agencies and resources employed or available for employment in implementing the criminal justice process.

**CRIMINAL JUSTICE PROCESS** - Any combination of activities simultaneously and/or sequentially performed beginning with the arrest and concluding with the sentencing act or any dismissal of charges occurring prior to sentencing.

**CRIMINAL JUSTICE SYSTEM** - Any group of criminal justice agencies whose interaction is required to perform all the processes of criminal justice precipitated by arrest up to the point of execution of sentence which take place within the geographical area--usually one or a combination of two or more adjacent counties--served by the court exercising general jurisdiction in criminal matters.

**DEFENDANT** - A person who has become the subject of a charge.

**DETAINEE** - Any person who has been arrested, booked, and admitted to a detention facility.

**DETENTION** - The legally authorized holding in confinement of a person subject to criminal proceedings until the point of commitment to a correctional facility or release.

**DETENTION FACILITY** - A confinement facility of which the custodial authority is 48 hours or more and in which adults can be confined before adjudication or for sentences of a year or less.

**FIELD RELEASE** - See CITATION RELEASE.

**FILING** - The commencement of criminal proceedings by entering a charging document into the official record of a court.

**FIRST APPEARANCE** - The initial appearance in the court which has jurisdiction over the case of an arrested person following citation or detention. The first appearance usually but not necessarily involves arraignment.

**INFRACTION** - An offense punishable by fine or other penalty, but not by incarceration.

**INTAKE SERVICE CENTER** - A formally structured program, usually housed in or near a jail or other pretrial detention facility, which is authorized to receive from law enforcement agencies all arrested persons not cited and released and to hold them while they are screened to determine their qualifications for pretrial release and/or are classified for charging and custodial housing purposes.

**JAIL** - A confinement facility usually administered by a law enforcement agency which holds adults detained pending adjudication and/or persons committed after adjudication for sentences of a year or less.

**JURISDICTION** - The territory, subject matter, or person over which lawful authority may be exercised.

**LAW ENFORCEMENT AGENCY** - Any state or local criminal justice agency of which the principal functions include the apprehension and arrest of alleged offenders.

**MISDEMEANOR** - An offense usually punishable by incarceration in a local confinement facility for a period of one year or less.

**OFFENDER** - Any adult who has been convicted of a criminal offense.

**OFFENSE** - An act committed or omitted in violation of a law forbidding or commanding it.

**POLICE AGENCY** - Any state or local criminal justice agency, primarily municipal police departments and county sheriffs' departments, whose principal functions include the apprehension and arrest of alleged offenders.

POSTDETENTION RELEASE - See CITATION RELEASE.

PRETRIAL RELEASE - One of a number of procedures whereby an accused person who has been taken into custody is allowed to be free before and during his trial. The following types of pretrial release are the most common:

Release on Bail

The release by a judicial officer of an accused person who has been taken into custody upon his promise to pay a certain sum of money or property if he fails to appear in court as required, which promise may or may not be secured by the deposit of an actual sum of money or property.

Release on Own Recognizance (ROR)

The release of an accused person who has been taken into custody and detained upon his promise to appear in court as required for criminal proceedings, with no bail (either secured or unsecured) being required or given.

Administrative ROR - ROR authorized by some person other than a judge (e.g., member of a pretrial services agency).

Court ROR - ROR authorized by a judge.

Release to Third Party

The release by a judicial officer of an accused person who has been taken into custody to a third party who promises to return the accused to court for criminal proceedings.

PRISONER - A person in custody in a confinement facility.

PROSECUTOR - An attorney employed by a government agency whose official duty is to initiate and maintain criminal proceedings on behalf of the government against persons accused of committing criminal offenses.

RELEASE ON BAIL - See PRETRIAL RELEASE.

RELEASE ON OWN RECOGNIZANCE - See PRETRIAL RELEASE.

RELEASE TO THIRD PARTY - See PRETRIAL RELEASE.

STATION HOUSE RELEASE - See CITATION RELEASE.

SUMMONS - A written order issued by a judicial officer requiring a person accused of a criminal offense to appear in a designated court at a specified time to answer the charge(s).

WARRANT - A document issued by a judicial officer which directs a law enforcement officer to arrest a person who has been accused of an offense and/or who has failed to obey an order or notice to appear and to bring him before the court.

CHAPTER I  
INTRODUCTION

It is Saturday afternoon and the shoppers are out in force. Hill City Police Department Unit #628 is on routine patrol in the Eastern Division. Officer Amherst receives and acknowledges a radio message to proceed immediately to the New Circle Emporium and to contact the store's security chief.

Upon arriving at the store, Officer Amherst finds that the security chief is detaining a young, well-dressed, neatly groomed, but obviously upset woman whom he had observed about to leave the store with two sweaters she had not paid for. When intercepted and questioned by the security chief, the woman promptly identifies herself as the mother of two small children and the wife of the manager of an insurance company branch office located in a nearby suburb; the security chief easily verifies this information. When Officer Amherst asks the woman why she was shoplifting, she replies that she didn't know--that she had never done so before and didn't need to because she had more than enough money in her purse to pay for the articles she had taken.

With a store clerk acting as a matron, Officer Amherst transports the woman to the county jail and books her for petty larceny. In answer to her inquiry, she is advised that she will have to appear in court Monday at 2:00 p.m. to answer charges.

Meanwhile, across the river in an adjoining county, Valley City Police Department Unit #826 is patrolling in the Westmont District.

Officer Bernard receives and acknowledges a radio communication to proceed to the Riverview Mart and to contact the chief security agent.

At the store, Officer Bernard finds the security agent detaining a young, well-dressed, neatly groomed, but obviously distraught woman whom a member of his staff had apprehended as she was attempting to conceal in her handbag two blouses which she had removed from a rack. When confronted by the detective who had observed her, the woman admits her intent to steal the articles. She identifies herself as a local resident, housewife and mother, and then mentions that her husband, a trucker, is out of town on a run. After this information is verified by phone, Officer Bernard calls his headquarters and learns that the woman has no prior arrests or outstanding traffic warrants. He then writes out a citation for petty larceny and explains to the woman that she must appear in court on Monday at 1:30 p.m. He asks her if she understands what is expected of her; she then signs the citation, promising to be in court at the time specified on the citation; and she is allowed to leave the store.

These two fictitious episodes represent and contrast two ways that police agencies can respond to essentially the same situation. In the first instance, Officer Amherst of the Hill City Police Department used well-established, traditional police practice. He arrested, transported, booked, and detained the suspect on a misdemeanor petty larceny charge. In the second instance, Officer Bernard of the Valley City Police Department arrested, cited, and released the suspect on her written promise to appear in court to answer the charge of petty larceny.

In both instances, an arrest was made, prosecution was initiated, and measures were taken to provide reasonable assurance that the arrestee would appear in court to answer charges. While both responses sought to attain the same objective, they differed in the benefits they conferred upon and the costs they created for both the arrestee and the local taxpaying resident.

Approximately four million misdemeanor arrests are made by the police each year in the United States. In 1976, about one-fifth of these arrests were followed by the issuance of a citation in lieu of booking and detention. Present indications are that by 1980 as many as one-third of all misdemeanor arrests will be handled by citation release.

A recent nationwide study of citation release<sup>1</sup> made the following findings, among others:

- Over three-fourths of the nation's major police agencies are now using the citation procedure either for misdemeanors, regulatory violations, or both.
- Most departments now using these procedures are satisfied with the procedure and do not see any serious problem involved in its use.
- Use of the procedure is growing rapidly.
- Most departments find that the procedure saves 40 to 60 minutes for each arrest.

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<sup>1</sup>Floyd Feeney, Police Citations for Misdemeanor Offenses: A Procedure Whose Time Has Arrived (Davis, Calif.: Center on Administration of Criminal Justice, University of California, April 1977), p. 6.

- Most departments report no serious problem with defendants failing to appear, but problems of this kind do exist in some departments.
- There is some use of citation in over 45 of the 50 states.
- Statutes or court rules in four states mandate the use of citations to some extent.
- There is a growing trend toward more mandatory legislation and a strong possibility that arrest laws will eventually prohibit physical arrest of minor offenders without justification.
- Five states currently permit the use of citations in felony cases.

The findings of this recent study clearly indicate the extent to which citation release programming has already become established. Considering the fact that the process was rarely used in nontraffic matters until the mid-1960s, the growth has been phenomenal. Today there are strong factors which can only stimulate further development. The mounting cost of local government has increased efforts to find less expensive ways of providing needed services. In the criminal justice area, any measures which will increase the operational efficiency of police manpower, reduce jail populations, and delay or obviate new construction will meet with favor if the price which has to be paid is not an intolerable increase in the risk to the community's safety. The public's growing concern over the contaminating and demoralizing effects of the jail experience is increasingly being mobilized in the form of support for noncustodial alternatives in dealing with offenders.

Improved law enforcement technology which permits quicker and more complete access to files and records as well as faster communication is gradually dissolving legitimate law enforcement objections to the use of field citations based on identification issues.

These and other factors promise to promote increased usage of citation release in the years ahead. The question is no longer, then, whether citation release should be used, but rather how it can be more fully and effectively put to work.

In most situations where police officers make arrests, they do so with the expectation that prosecution will follow. Because prosecution requires the filing of charges and since charges, unless withdrawn, must be formally presented and answered in court, arrest generally implies the necessity for the arrestee to make a court appearance.

How does a police officer make sure a person he has arrested will appear in court? Historically, the answer has been by retaining physical custody of him unless the detainee can provide something of value to be held hostage for his appearance to answer charges.

Under the U.S. Constitution, a person charged with committing a criminal offense is entitled to a presumption of innocence pending the resolution of the issue of culpability by trial. In the American society, deprivation of physical freedom, experienced as a punitive act, is a deprivation which when imposed upon the untried arrestee can be and often is viewed as inappropriate for a person entitled to a presumption of innocence.

The conflict between the need to guarantee an arrested person's presence in court by denying him his freedom, on the one hand, and the need to refrain from subjecting the presumed innocent from punitive measures, on the other, is resolved in part by the bail system. But the bail system which has attended the criminal justice process in the United States has been demonstrated many times to be discriminatory in that it serves only the financially competent, while frustrating those who lack financial resources or access to them. For the poor, the presumption of innocence has proven to be a faulty shield with which to ward off punitive treatment in the form of pretrial detention.

An awareness of and concern over the discriminatory effect of the traditional bail system grew slowly until about two decades ago. Then it mounted rapidly and began fueling a nationwide reform movement. The most impressive achievement of this movement was the establishment of formal efforts to generate, verify, and provide information to the courts concerning persons detained following arrest--information deemed useful in deciding whether or not detainees should be released prior to trial and if so under what conditions.

The critical knowledge gained from these pioneering efforts was that, for many arrested and detained persons, a written promise to appear supported by evidence of trustworthiness was at least as effective as financial surety in gaining appearance in court for prosecution.

Formal efforts at bail reform were originally carried out mostly by grant-funded, volunteer-supported private organizations.

Known generally as ROR (release on recognizance) units, most were incorporated into or replaced by tax-supported court service agencies such as local probation departments or by special units established within sheriffs' departments or other organizations responsible for administering the county jails. Today's public and surviving private pretrial release efforts, like their predecessors, focus their attention on the arrestee who has been detained. They have decreased the discriminatory effects of the traditional bail system, have reduced the amount of pretrial detention and jail operation costs, and have minimized the psychological and economic penalties attendant to confinement. These accomplishments have occurred without the rate of nonappearance in court rising beyond acceptable limits.

The insight and satisfaction resulting from fifteen years' experience with jail-based pretrial release programming has tended to formulate and focus attention on a new question: If a large percentage of persons can be promptly released from jail following their arrest and booking with little likelihood they will not appear in court as promised, couldn't many of them be released immediately following their arrest without detention and with no decrease in the percentage making required court appearances?

In one form or another, this question has been occupying the attention of criminal justice planners, agency administrators, and state and local legislators in many parts of the country. It is argued that the police on the street are strategically well positioned to perform at least some of the screening now being done by pretrial service agency

ROR units and to perform it at less expense to the taxpayer and with less economic and psychic cost to arrestees.

In the wake of the earliest jail-based ROR projects and at the urging of those who were impressed with their results, some police agencies began experimenting with the use of summons and citation for minor law violations in lieu of following the traditional practice of arresting and jailing. The experimentation yielded results which led to the practice quickly spreading across the country. It has been estimated that by the middle of 1976 about three-fourths of all local police agencies were making some use of citations in handling misdemeanor matters. Several state legislatures have mandated the use of citations in the absence of disqualifying conditions, and some state court systems have designed procedures to be followed by law enforcement agencies in an effort to standardize practice and use.

Citation release, then, is a vehicle by which police can and do function in the pretrial release arena. It is also a vehicle by which the pretrial release function can be more fully and expeditiously performed. However, before the role of the police in the pretrial area can be further expanded, both police agencies and the local criminal justice agencies with which they interact need to come to view citation release in different terms than they have to date.

It will be necessary for citation release to be seen as the first step in a series of screening activities which a local criminal justice apparatus performs with respect to persons it is called upon to process.

How citation release is used must be governed in part by activities taking place at later steps in the criminal justice process. As long as citation release is viewed by nonpolice agencies as being "no concern of theirs" and by the police as "no one else's business," its potential value is not likely to be fully realized.

The contents of this publication rest on three premises:

- As a properly executed strategy, citation release can be a major part of a community's comprehensive pretrial release effort.
- Citation release is not a discrete process--the form and extent of use of which should be left solely to the discretion of individual police agencies.
- Citation release programming should be county-wide in its application and be planned, implemented, operated, and evaluated as a responsibility of all elements of a local criminal justice system.

Citation release, therefore, needs to be seen and discussed as a criminal justice strategy--not a police strategy. This approach in no way is intended to minimize the critical role the police play in its execution. Rather, the approach presented here is intended to both strengthen and broaden the role of the police. The means by which this would be accomplished is to involve other elements of the criminal justice complex as actual participants--not passive observers--in the design, execution, and evaluation of a citation release program capable of producing an impact which is beyond that attainable by individual police agencies operating and carrying responsibility alone.

Before proceeding to enlarge upon the thesis that citation release programming should be sponsored, planned, implemented, monitored and evaluated as the joint undertaking of all agencies concerned, rather than by individual police agencies, several terms which will be frequently used should be defined.

Citation release programming will be approached as a planning and operational responsibility of a "local criminal justice system." Because the county is the unit of government around which the pretrial phase of the criminal justice process most commonly pivots, it will be used as representative of all possible jurisdictional arrangements which can serve as a stage for programming. The actors are agencies whose jurisdictions are county-wide, except for police agencies whose jurisdictions are confined to incorporated or unincorporated areas totally within a single county. Where certain functions essential to the pretrial phase of criminal justice (e.g., prosecution, defense, adjudication) are performed by state agencies (e.g., courts, attorney general, public defender), it is assumed the state agencies are decentralized and that the units operating in a county have discretion to enter into county-wide planning efforts.

A local criminal justice system, then, for the purposes of this document, is "a network of agencies, functioning within a single county's borders, collectively capable of performing all required functions originating with arrest and concluding with the establishment of guilt or innocence."

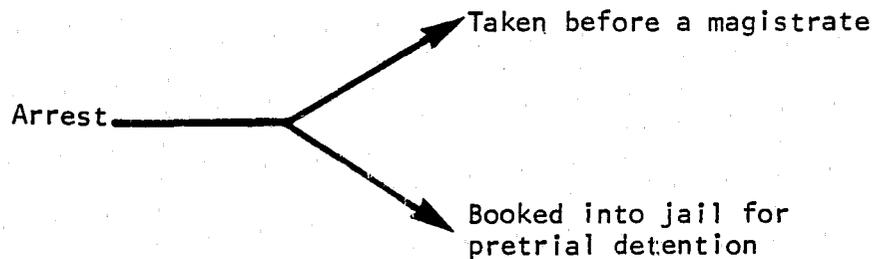
Reference will be made to "comprehensive, coordinated, county-wide citation release programming." Such programming is the desired consequence of changing the staging arena for citation release planning and programming from one or more individual police department arenas to the single arena of the local criminal justice system. In order to be comprehensive, programs should be deliberately planned; their implementation should be pursuant to design; ongoing operations should be executed in accordance with prepared plans subject to changes based upon input from formal monitoring measures; and evaluation should be formal and objective. To be coordinated, the planning, implementation, operations, and evaluation input from all contributory criminal justice agencies must be mutually supporting and synergistic. To be county-wide, programming must be in force in every political jurisdiction within a county.

## CHAPTER II

### CITATION RELEASE AND THE CRIMINAL JUSTICE PROCESS

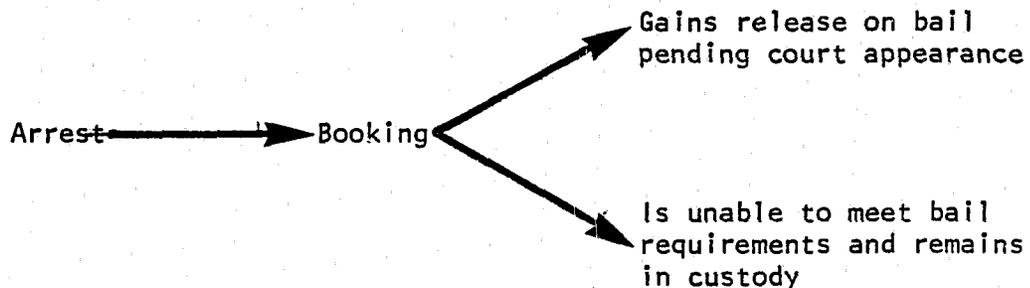
Arrest triggers the criminal justice process. One of the purposes of arrest is to initiate prosecution. Arrest ends and prosecution begins when a peace officer or citizen formulates charges and formally commits them to writing.

If an arrested person does not exercise his right to be taken immediately before a magistrate, the arresting officer must take whatever action he believes necessary to assure that the arrestee will appear in court at the proper time and place to answer the charges made. Traditionally, the action deemed necessary has been the booking of the subject into a local lockup, jail, or other facility for providing pretrial detention.



Unless booked into custody on a charge involving a capital offense, an arrested person is entitled to have bail set. In principle, the purpose of bail is to assure the arrestee's presence in court to answer charges. The courts have declared that bail should be no greater than the minimum amount required to accomplish this purpose.

Because an arrestee must possess or have access to financial resources to benefit from the right to bail, it is his command of financial resources--and not the probability of keeping one's commitment to appear to answer charges--that has long determined which arrestees gained their release from custody and which ones did not.



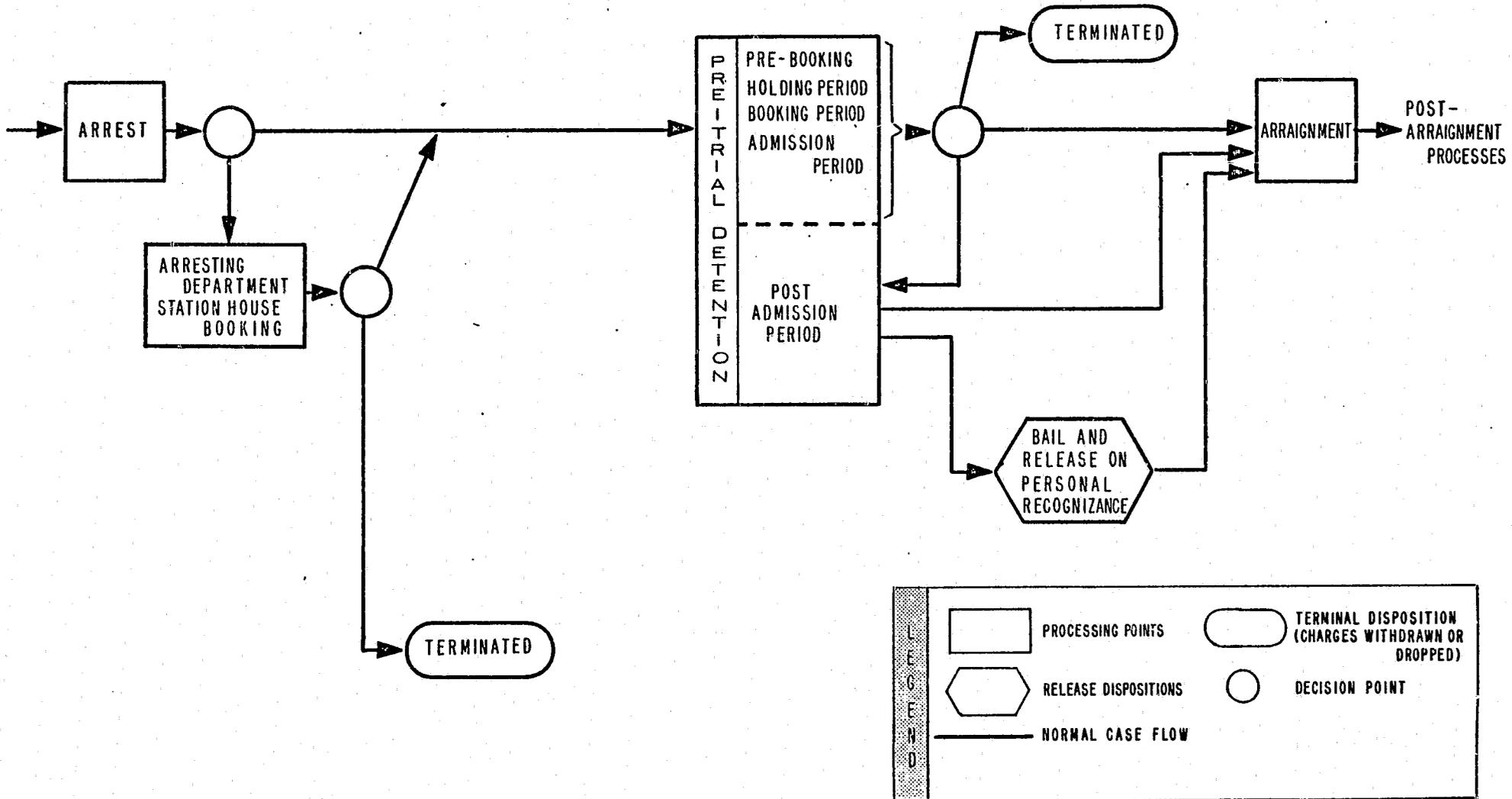
(See also Figure 11-1)

During the 1960s, a series of research studies conducted primarily in New York confirmed or revealed the following:

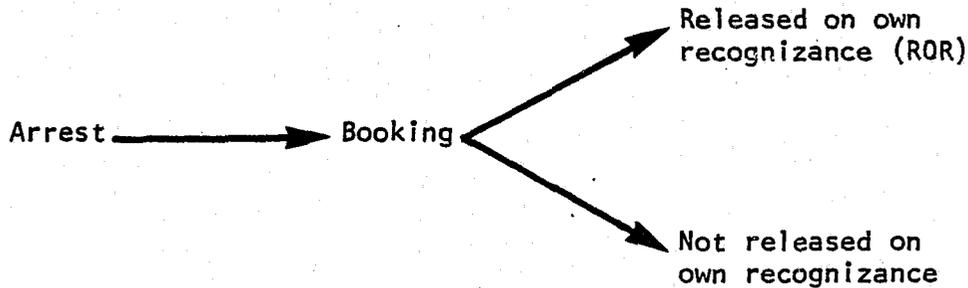
- Money bail discriminated against the poor. Unable to secure their pretrial release, the poor more often were convicted and when convicted more often jailed than was the case with persons charged with committing comparable offenses who did secure their release prior to trial.
- When money bail was not required and pretrial release was authorized on an evaluation of factors relating to the arrestee's family, residence, and employment circumstances, persons released on their own recognizance appeared in court as reliably as those released on bond.

FIGURE 11-1

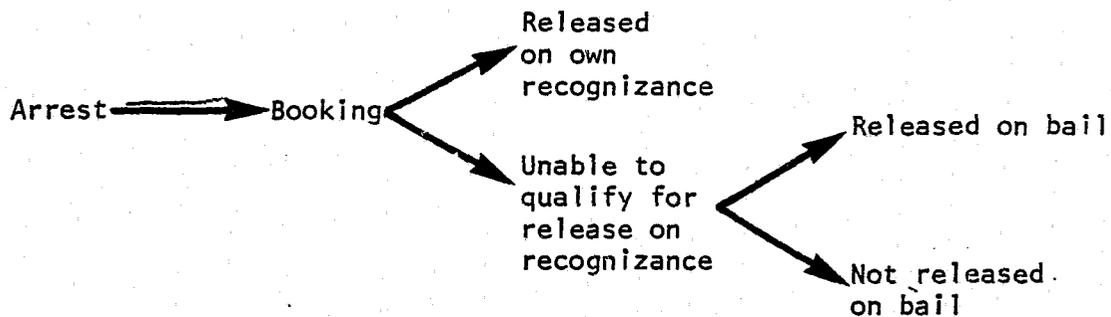
# TRADITIONAL CASE FLOW IN POST-ARREST— PRE-TRIAL PHASE OF CRIMINAL JUSTICE PROCESS



Communities which became aware of these findings and acted on them developed a new processing option following booking.



A finding that some arrestees fail to meet the criteria for release on their own recognizance in no way compromised their right to release on money bail. Consequently, some arrestees continued to gain their pretrial release by posting bail, even in those criminal justice systems where pretrial screening for personal recognizance release was established as standard practice.

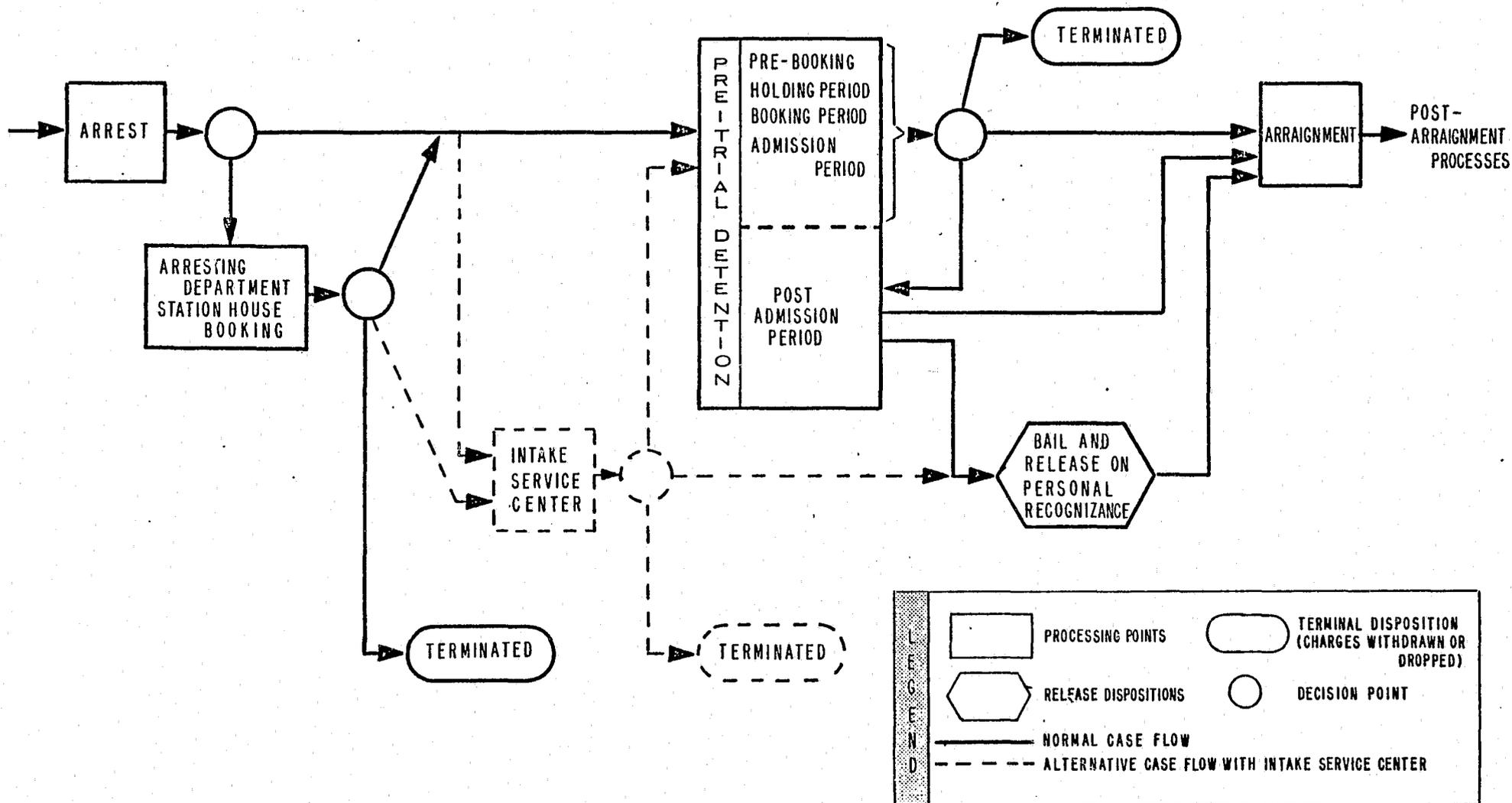


(See also Figure 11-2)

Where formal pretrial screening of booked arrestees became established practice, the question arose in one form or another:

FIGURE 11-2

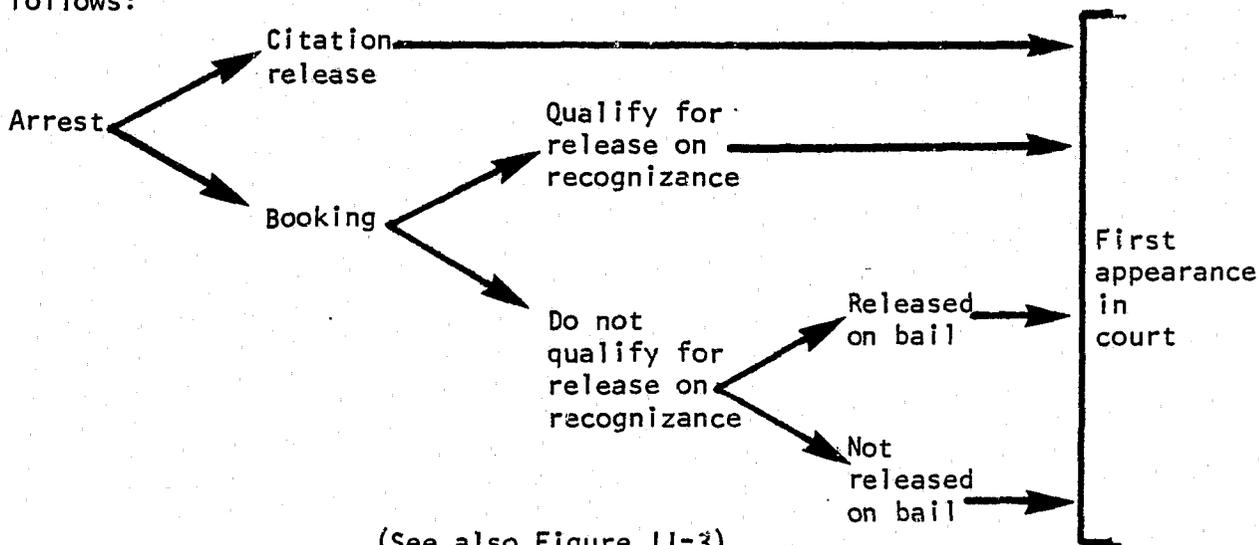
# TRADITIONAL CASE FLOW IN POST-ARREST — PRE-TRIAL PHASE PROCESSING AS MODIFIED BY AVAILABILITY OF INTAKE SERVICE CENTER



If certain arrestees are found suitable for pretrial release on their own recognizance after booking, why shouldn't they be identified and released immediately upon arrest rather than later?

A growing number of law enforcement agencies found it both desirable and possible to do just that. They have established criteria for determining which arrestees are eligible for consideration for citation release and which members of the group deemed eligible are also suitable for citing and release in lieu of booking.

Communities where law enforcement agencies have adopted citation release have further elaborated their approaches to prosecution as follows:

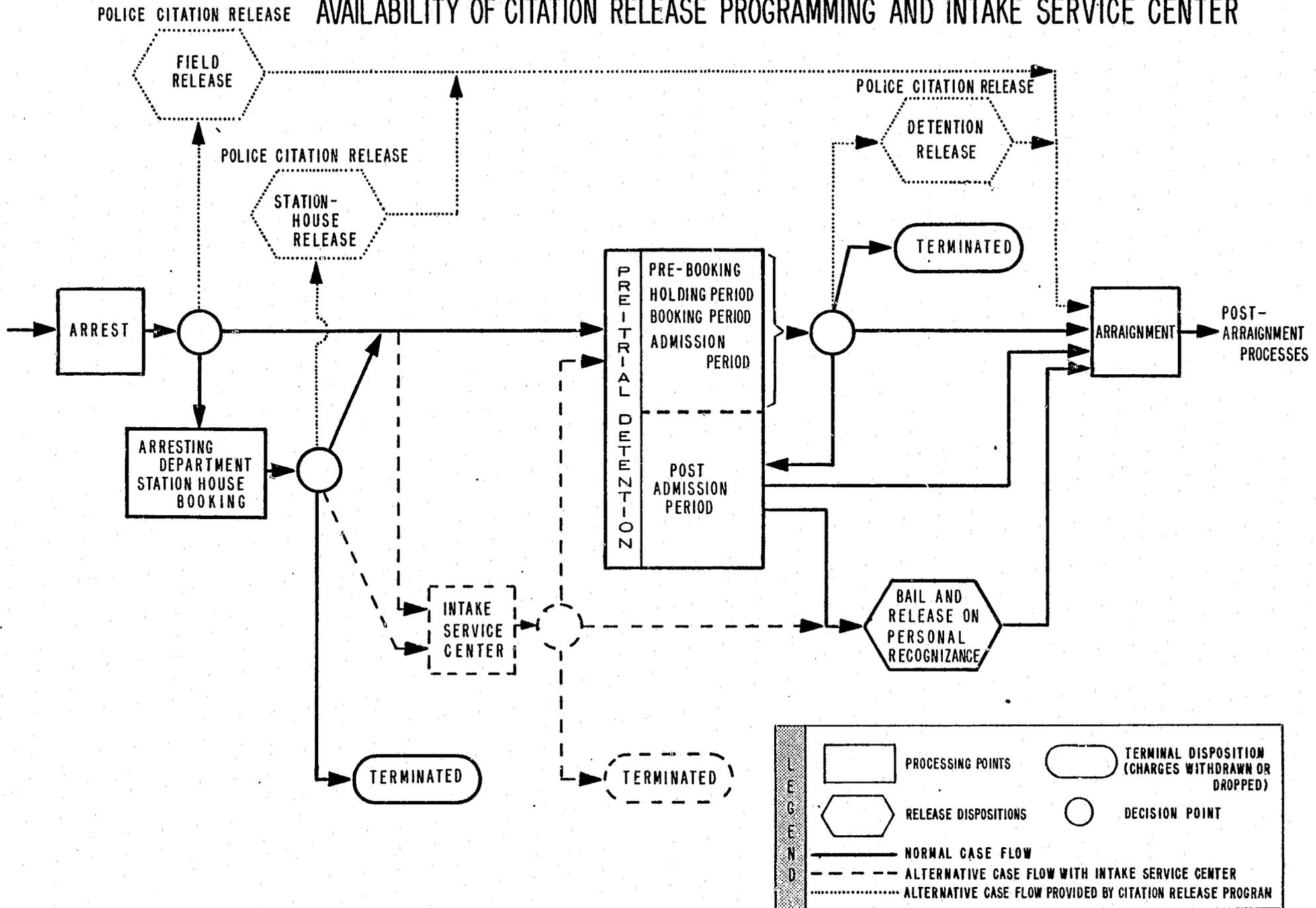


(See also Figure 11-3)

In the context of the total criminal justice process, then, citation release should be considered a formal pretrial release strategy available for use when the exercise of physical custody is not deemed necessary to accommodate the requirements of prosecution precipitated by arrest.

FIGURE 11-3

# CASE FLOW ALTERNATIVES TO TRADITIONAL POST-ARREST— PRE-TRIAL PROCESSING POSSIBLE WITH AVAILABILITY OF CITATION RELEASE PROGRAMMING AND INTAKE SERVICE CENTER



The decision to employ or reject citation release following arrest can occur at different times. When a police officer arrests a person for a citable offense, he must answer this important question: If cited and released, will this person honor his written promise to appear in court at the designated time and place?

In order to answer the question, the officer must obtain and examine evidence. While the amount and quality of evidence needed to make a decision will vary to some degree from arrest to arrest, the officer in nearly every instance will need to:

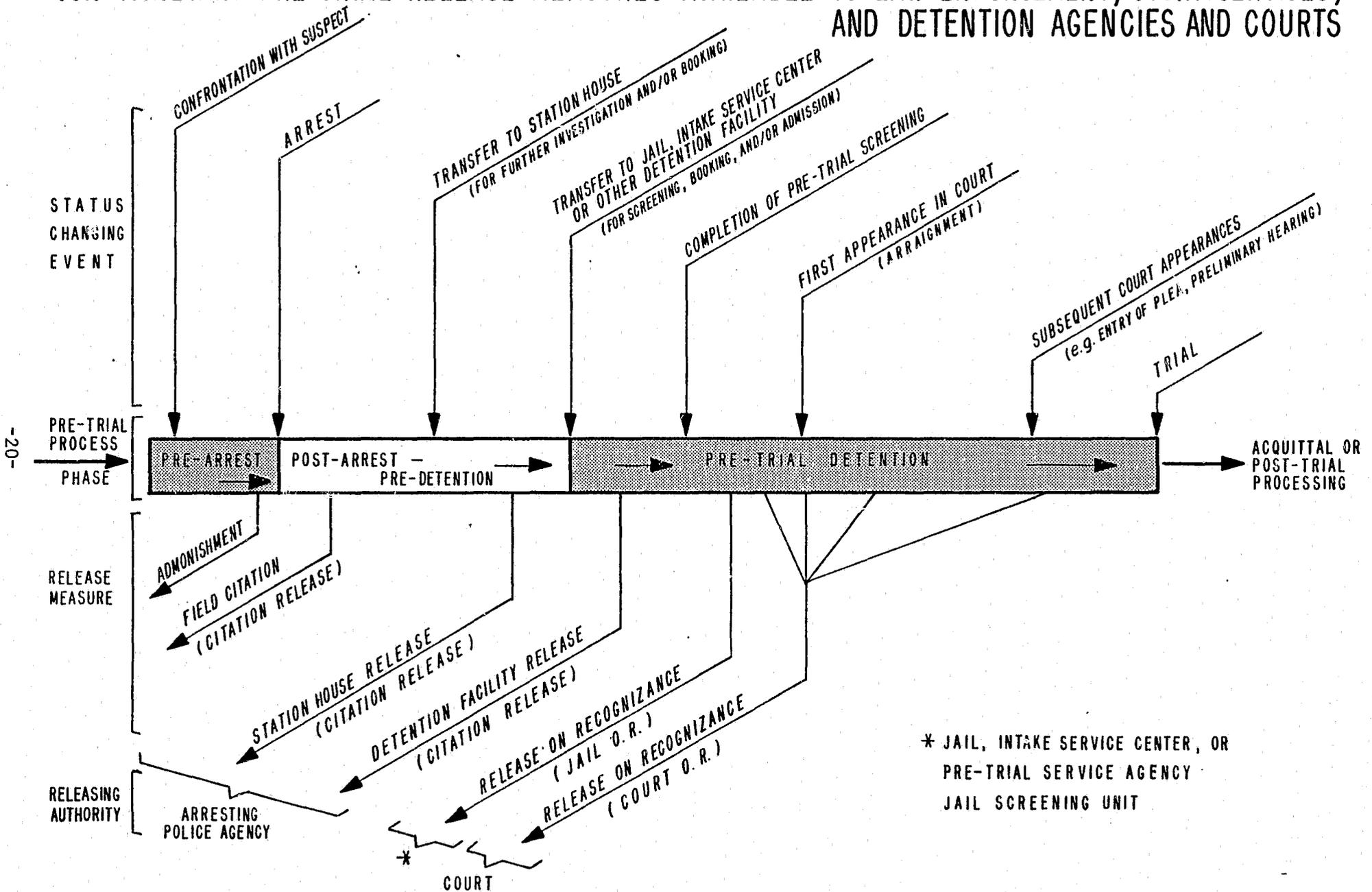
- Establish that the subject is who he claims to be.
- Determine to what extent the subject has ties to the immediate community in terms of family, relatives, employment, school enrollment, and length of residence.
- Establish whether or not the subject has previously evaded either prosecution or the consequences of it and whether or not he is currently evading prosecution.

This plus other information needed for decision making by the arresting officer may be obtainable in minutes or it may require hours to acquire. This introduces the fact that the decision-making act can occur at one of three possible times (see Figure 11-4):

- Immediately following arrest.
- After arrest but prior to booking.
- After booking.

FIGURE 11-4

# NON-MONETARY PRE-TRIAL RELEASE MEASURES AVAILABLE TO LAW ENFORCEMENT, COURT SERVICES, AND DETENTION AGENCIES AND COURTS



-20-

Decision making occurring immediately following arrest usually takes place at the point of arrest. If the decision is to cite and release, the term "field release" is generally applicable.

When an arresting officer cannot resolve the "to-cite-or-not-to-cite" question in the field, he brings his arrestee to the station house. If information which becomes available to him there supports a decision to cite, the term "station house release" is applicable.

In some situations, the arresting officer will lack justification for citing a person brought to the station house and will proceed to have him booked into custody. If information develops subsequently which supports a decision to cite and the person is released by the arresting officer or on the authority of someone else in his department, the term "postbooking citation release" is applicable. This type of release should not be confused with release on recognizance, which is accomplished on the authorization of the organization operating the jail or other detention facility, a pretrial services agency, or a court.

Field release is the least restrictive form of citation release for the arrestee. It poses the least burdens upon him in terms of job and family relationships. For the arresting officer, it least interferes with the performance of his basic patrol responsibilities. For the arresting department, it provides the greatest opportunity for accomplishing operational savings.

Station house release may be expected to produce fewer failure-to-appear cases, since it results from a better base of information.

On the other hand, the time and expense of transporting the arrestee from the arrest scene to the station house reduces the potential for operational savings and increases the disruption caused the arrestee, as well as those dependent upon him.

Postbooking citation release is usually based upon still more solid information than field and station house release. It permits a fuller verification of the arrestee's identity to take place. Also, the additional time the arrestee is available to the arresting department may facilitate the preparation of his prosecution. The need to book and detain, however, introduces additional costs which, in the aggregate, may prove to be little different from what would have resulted if release had been authorized by an authority other than the arresting department (e.g., ROR by a pretrial release agency or by the court).

CHAPTER III  
HISTORICAL BACKGROUND

The legal underpinning for citation release in the United States is to be found in the evolution of the law of arrest in England. By the 1700s, it was both practical and customary for peace officers to take persons they had arrested directly before a magistrate. There was little need, therefore, to detain between arrest and first appearance. In 1867, peace officers in England were given the authority to release, without prior judicial approval, those persons involved in minor offenses solely on their promise to appear before a magistrate. This practice was not adopted in the United States, however, until the advent of the automobile.

In the early 1900s, state statutes provided little alternative for peace officers arresting violators of motor vehicle laws but to proceed in the same manner as they would for any other kind of offense. The alleged violators were taken into custody and brought immediately before a magistrate where the case was usually adjudicated quickly. Bail was set in those instances where the defendant wished to be tried. Persons not able to post bail remained in custody pending trial.

This practice rapidly gave way in the face of the volume of arrests in favor of other procedures which did not involve the alleged violators being taken into custody. In some jurisdictions, defendants were released under threat of rearrest by warrant if they failed to appear for prosecution. In other jurisdictions, the police were

granted bail-setting authority and accepted payment in line with a predetermined schedule; persons unable to post bail were required to remain in custody. A few states provided for peace officers to release alleged violators on their promise to appear before a magistrate--a practice which most states eventually found to be more desirable than other procedures they had adopted. As the citing on promise-to-appear practice gained favor, it was gradually given statutory support in most states. By the end of 1976, no less than 36 states had enacted enabling legislation. The first of these laws was passed in 1941; twenty-two states passed their enabling legislation since 1970.

Citing upon promise to appear also began to be used in some states for handling certain juvenile offenders. By 1932, when New York became the first state to extend the use of citations to nontraffic offenses, the principle was well established and its application had been sustained by courts where the legality of its use had been challenged.

While citation release has taken several centuries to evolve as an arrest procedure, the rationale for its use has come from the bail reform movement which is barely fifty years old and only erupted less than two decades ago. The right to bail in noncapital cases was guaranteed by the U.S. Constitution and all state constitutions, and the nation's bail system was administered for 150 years without arousing serious challenges to its adequacy. However, it has been demonstrated that the administration of bail has not been without serious problems. In 1931, Arthur Beeley described in Chicago what

was true elsewhere in the nation, namely, that "notwithstanding the fact that all accused persons are presumed to be innocent and that most of them are later discharged, large numbers of citizens of limited means and influence are detained."<sup>1</sup> Beeley also demonstrated that the setting of the bail amount was more a result of arbitrary standards than it was a function of assessing the accused person's personality, social history, financial ability, and integrity; and, in short, the determination of the amount of bail was rarely individualized.

Beeley's landmark study, initiated in 1927, led him to suggest a summoning procedure which would take the place of arrest and bail in cases of petty offenses. Under his plan, the summoning would involve issuing a notice to appear to suspects rather than taking them into custody. He advocated a more individualized treatment of each offender's application for bail by inquiring into (1) the nature of the offense, (2) the weight of the evidence, (3) the character of the accused, (4) the seriousness of the prescribed punishment following conviction, and (5) the quality of bail security.

But while Beeley and others were seeking to approach the inadequacies of the bail system through diverting some offenders from the detention which invoked the applicability of bail, it was the post-detention rather than pre-detention period that most reformers focused on.

In 1946, the Federal Rules of Criminal Procedure summarized the traditional standards for admission to bail as follows:

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<sup>1</sup>Arthur L. Beeley, The Bail System in Chicago (Chicago: University of Chicago Press, 1927; reprinted 1966), pp. 13-23.

If the defendant is admitted to bail, the amount thereof shall be such as in the judgment of the commissioner or court or judge or justice will insure the presence of the defendant, having regard to the nature and circumstances of the offense charged, the weight of the evidence against him, the financial ability of the defendant to give bail and the character of the defendant.<sup>1</sup>

In 1951, Chief Justice Frederick Vinson, writing for the majority of the U.S. Supreme Court in *Stack v. Boyle*, observed that "the fixing of bail for any individual defendant must be based upon standards relevant to the purpose of assuring the presence of that defendant [in court]."<sup>2</sup>

In a concurring opinion in *Stack v. Boyle*, Justice Jackson commented as follows: "Admission to bail always involves a risk that the accused will take flight. That is a calculated risk which the law takes as the price of our system of justice."<sup>3</sup>

Justice Jackson added that "in allowance of bail, the duty of the judge is to reduce the risk by fixing an amount reasonably calculated to hold the accused available for trial and its consequences. But the judge is not free to make the sky the limit."<sup>4</sup>

One can conclude from the position of Justice Jackson that:

- The likelihood of flight does not in and of itself preclude admission to bail.
- Bail must be set at a reasonable amount which is designed to insure the timely appearance of the accused.

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<sup>1</sup>Rule 46(c).

<sup>2</sup>343 U.S. 1, (1951).

<sup>3</sup>*Id.* at .

<sup>4</sup>*Id.* at .

The growing bail reform movement achieved a major breakthrough in October 1961 when the Vera Foundation\* of New York designed and staged a three-year experiment testing certain pretrial release practices. Known as the Manhattan Bail Project, the jail-based operation was quickly and widely hailed as having successfully demonstrated the validity of many contentions of the bail reformers. National attention was focused on the project and its findings. Replication efforts began, and in all parts of the nation jail-based pretrial release activities began emerging.

Noting with satisfaction the results of its Bail Project, the Vera Foundation in 1964 involved the New York City Police Department in a new undertaking--the Manhattan Summons Project. This was an experimental effort to "test the hypothesis that persons charged with minor offenses who possess verifiable roots in the community can be relied upon to appear in court voluntarily and need not be held in custody until arraignment."

This project was also widely accepted as successful in the precincts where it was operating and was extended to all of Manhattan in 1966 and to the entire city the following year.

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\*Subsequently renamed the Vera Institute of Justice.

The citation release procedure was adopted by several law enforcement agencies in Contra Costa County, California, as early as 1963. By 1965, the procedure was being used by other California counties; four New Jersey counties; Denver County, Colorado; and Nassau County, New York.

The growth of citation release was spurred by a number of developments and endorsements:

- The 1964 and 1965 National Conference on Bail and Criminal Justice publicized the Manhattan Summons Project as well as the fledgling California, New Jersey, Colorado, and New York programs.
- In 1966, the President's Commission on Crime in the District of Columbia called for the police and courts to develop practices permitting more extensive release at the precinct station without bail. The commission argued that:

Release at the precinct relieves the police of housing, feeding and transporting thousands of arrested people. Insofar as collateral forfeitures dispose of cases, court congestion is relieved. Most importantly, release at the precinct avoids the adverse personal effects of needless incarceration where the prosecutor decides not to proceed against a person who has been arrested and held in jail overnight or where the court immediately grants him release on bail.

- In 1966, The American Law Institute drafted a Model Code of Pre-Arrest Procedure which endorsed citation release and called for police agencies to issue regulations for its use. (Although this code was not adopted until 1972, its provisions were widely considered in the interim.)
- In 1967, the President's Commission on Law Enforcement and the Administration of Justice stated the following in its report entitled The Challenge of Crime in a Free Society:

Each community should establish procedures to enable and encourage police departments to release in appropriate classes of cases, as many arrested persons as possible promptly after arrest upon issuance of a citation or summons requiring subsequent appearance.

- In 1968, the American Bar Association Project on Minimum Standards for Criminal Justice arrived at the following position:

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.

- In 1972, the American Law Institute adopted part of its Model Code of Pre-Arrest Procedure, calling for the active use of regulations by police agencies which should "provide the maximum use of citation, so that persons believed to have committed offenses will be taken into custody only when necessary in the public interest."
- In 1973, four publications of the National Advisory Commission on Criminal Justice Standards and Goals endorsed the use of citation procedures:

A National Strategy to Reduce Crime

The Commission recommends that every police agency issue, where legal and practical, written summons and citations in lieu of physical arrest. Police should establish procedures to seek out expeditiously and take into custody individuals participating in these programs who fail to appear in court.

Police

Every police agency immediately should make maximum effective use of State statutes permitting police agencies to issue written summonses and citations in lieu of physical arrest or prearrest confinement. . . .

1. Every police agency should adopt policies and procedures that provide guidelines for the exercise of individual officer's discretion in the implementation of State statutes that permit issuance of citations and summonses, in lieu of physical arrest or prearrest confinement.

## Corrections

Each criminal justice jurisdiction, State or local as appropriate, should immediately develop a policy, and seek enabling legislation where necessary, to encourage the use of citations in lieu of arrest and detention.

This policy should provide:

1. Enumeration of minor offenses for which a police officer should be required to issue a citation in lieu of making an arrest or detaining the accused unless:

- a. The accused fails to identify himself or supply required information;
- b. The accused refuses to sign the citation;
- c. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to himself or others;
- d. Arrest and detention are necessary to carry out additional legitimate investigative action;
- e. The accused has no ties to the jurisdiction reasonably sufficient to assure his appearance, and there is a substantial risk that he will refuse to respond to the citation; or
- f. It appears the accused has previously failed to respond to a citation or a summons or has violated the conditions of any pretrial release program.

2. Discretionary authority for police officers to issue a citation in lieu of arrest in all cases where the officer has reason to believe that the accused will respond to the citation and does not represent a clear threat to himself or others.

3. A requirement that a police officer making an arrest rather than issuing a citation specify the reason for doing so in writing. Superior officers should be authorized to reevaluate a decision to arrest and to issue a citation at the police station in lieu of detention.

4. Criminal penalties for willful failure to respond to a citation.

5. Authority to make lawful search incident to an arrest where a citation is issued in lieu of arrest.

## Courts

Upon the apprehension, or following the charging, of a person for a misdemeanor or certain less serious felonies, citation or summons should be used in lieu of taking the person into custody.

All law enforcement officers should be authorized to issue a citation in lieu of continued custody following a lawful arrest for such offenses. All judicial officers should be given authority to issue a summons rather than an arrest warrant in all cases alleging these offenses in which a complaint, information or indictment is filed or returned against a person not already in custody.

Summons should be served upon the accused in the same manner as a civil summons.

1. Situations in Which Citation or Summons Is Not Appropriate. Use of citation or summons would not be appropriate under the following situations:

- a. The behavior or past conduct of the accused indicates that his release presents a danger to individuals or to the community;
- b. The accused is under lawful arrest and fails to identify himself satisfactorily;
- c. The accused refuses to sign the citation;
- d. The accused has no ties to the jurisdiction reasonably sufficient to assure his appearance; or
- e. The accused has previously failed to appear in response to a citation or summons.

- In 1974, the International Association of Chiefs of Police prepared a document for the Texas Council on Criminal Justice entitled "Model Rules for Law Enforcement Officers" which included the following:

The proposed rules mandate the use of a field release for misdemeanor offenders except for eight specific situations:

- (1) Where there is an outstanding arrest warrant.
- (2) Refusal or failure to offer satisfactory proof of name and address.
- (3) Refusal to sign notice to appear.
- (4) Where a records check indicates a previous refusal to appear.
- (5) Insufficient ties to the jurisdiction to insure appearance in court.
- (6) Where physical arrest is necessary to prevent imminent bodily harm to the offender or another or prevent continuation of the offense.

- (7) Where there is reason to believe the violator might be involved in past felony crimes.
- (8) Where the arrest was made by a citizen and the offender is being turned over to the officer.

- In 1974, the National Conference of Commissioners on Uniform State Laws developed its Uniform Rules of Criminal Procedure, which authorize police officers to detain persons in a quasi-arrest status while determining whether or not:

- (1) The offense or the manner in which it was committed involved violence to person or imminent and serious bodily injury or the risk or threat thereof;
- (2) The person is committing an offense in the officer's presence and will deliberately continue to commit the offense unless arrested;
- (3) The person committed an offense punishable by incarceration and would not respond to a citation; or
- (4) Arrest is necessary for the protection of the person arrested or to administer, or to bring him to a source of, needed medical or other aid.

If none of these circumstances are deemed to exist, the officer would be required to issue a citation rather than completing the arrest, whether the offense was a felony or a misdemeanor.

- In 1977, the National Association of Pretrial Services Agencies issued its Performance Standards and Goals for Pretrial Release. It included the following:

II. RELEASE PRIOR TO TRIAL SHOULD BE ON THE LEAST RESTRICTIVE FORM OF RELEASE AND SHOULD BE EFFECTED AT THE EARLIEST POSSIBLE TIME.

Standard IIa: Release of the defendant should be accomplished as soon as possible after arrest. In those cases where judicial approval is not required, and the defendant has been adequately identified, the use of citation release by field officers and/or stationhouse release by the police or pretrial services agency should be implemented.

In 1931, the National Commission on Law Observance and Law Enforcement, in its Report on Criminal Procedure, set forth what may well be the original endorsement of citation release:

In England, summons, rather than arrest, is used regularly for minor prosecutions . . . [although] at common law all prosecutions began with arrest and this is still the staple method of beginning petty prosecutions in the United States. The practice of summons should be introduced wherever it is not provided for, and its use should be extended everywhere. Indiscriminate exercise of the power of arrest is one of the most reprehensible features of American criminal justice.

The concept that arrest with confinement need not be a prerequisite for prosecution has been developing for nearly half a century. The recent eruption and subsequent institutionalization of jail-based pretrial release programs and the even more recent development of citation release programming across the nation clearly reveal that the incubation period for the concept has ended and hatching has begun.

## CHAPTER IV

### THE RELATIONSHIP BETWEEN CITATION RELEASE AND RELEASE-ON-RECOGNIZANCE PROGRAMMING

#### Introduction

With the benefit of hindsight, it is now apparent that the bail reform movement, by focusing its attention on the detained rather than on the arrested, has placed the release on recognizance cart before the citation release horse. This happened for several reasons.

First, the concept of jailing following arrest evolved in America as an article of faith, rarely questioned until recently. Even after it became commonplace for jailed persons to obtain their release on bail or even on their own recognizance, the act of booking a person arrested on a criminal charge was deemed essential to the act of arrest and to the orderly administration of justice.

Second, any unevenness which afflicted the local administration of justice was much easier to see in terms of who could get out of jail than in terms of who got into jail. Only when the detainee sought to be released was it apparent that different segments of a community's population were subject to different handling. Poorness was not a barrier to jail admission, but it was a substantial one to jail release.

Third, it has never been easy for jails to expand in size. When they become overcrowded, the potential exists for their turning

into powder kegs with legal and political implications that can be exceedingly threatening to those persons responsible for their administration. Such explosive situations create powerful arguments for defusing efforts--the most obvious ones being to reduce existing populations by any means available. Measures to develop alternative controls over those who must be released to drain off pressure felt in jails are not easily carried out. They preoccupy criminal justice planners and administrators so fully at times that they have little time or energy left to think about and develop strategies for turning off the faucet which controls the flow of persons into jail.

For these and other reasons, projects were funded in many communities aimed at reducing jail overcrowding through a more equitable administration of the bail system. The projects provided new manpower to screen all or some segments of the jail intake population. Taking many forms, these screening units were usually given the authority by state or court directive to release within their discretion any persons booked on misdemeanor charges who, upon a review of their circumstances, seemed likely to appear in court as required and to refrain from further illegal activities if released. Some project staffs were also required to screen persons arrested and detained on felony charges, and then to provide information and advice to the courts concerning their suitability for pretrial release.

The early, jail-based pretrial release projects easily demonstrated that many persons who were arrested and brought to jail could

be quickly released without much risk that they would commit new offenses or flee prosecution. In addition, it was apparent that the project activities conferred obvious benefits on criminal justice agencies, detainees and those dependent upon their support and labor, and the taxpayers. When outside funding for the original and second phase projects ran out, local political leaders were more likely than not willing to commit local tax funds to keep the programs in existence. Today, most criminal justice systems serving counties with a population in excess of 200,000, and even many less populous ones, have inaugurated pretrial release programming in some form in their criminal justice machinery.

Although the use of the citation release strategy began finding its way into nontraffic, criminal matters at about the same time as jail-based pretrial release activities, its development was far less formal. The implementation of citation release did not lend itself to project programming. The key to development was not more personnel to carry out a novel idea, but rather administrative determination to change a deeply ingrained operational practice. No crisis similar to jail overcrowding existed as a spur to individual police administrators to act. In fact, the major economic benefits resulting from the utilization of citation release by a police department are not realized by the police agency; they are felt by the jurisdiction which operates the detention center and performs the pretrial release function. Before state legislatures and court rules mandated the use of the

measure by the police, the chief impetus for police adoption of citation release was the operational philosophy and sophistication of individual police agency administrators.

With jail-based pretrial release already well established and with citation release well on its way to becoming so, there is a need for criminal justice planners and program administrators to focus on the relationship between the two program areas. Communities failing to understand the relationship, or upon establishing it failing to act in accordance with it, can only subject their taxpayers to unnecessary costs and cause them to seriously question the wisdom of their criminal justice officials.

#### Operational Impact of Citation Release: An Example

To demonstrate in more concrete terms the nature of the impact which launching a comprehensive citation release program can have on a community's detention facility population, work load, and programs, a fictitious operating situation has been constructed and is described below. Although fictitious, the situation described is based on assumptions which have a reality basis in at least some actual operating environments. The example should be viewed broadly for trends demonstrated; preoccupation with individual values, assumed or derived, will prove unrewarding.

In the following illustration, it is assumed that:

- The county's primary law enforcement agencies together have averaged 1,000 misdemeanor and 200 felony arrests during six successive periods of equal length.

- All persons arrested for whom detention is sought are booked at a single detention facility, hereinafter referred to as "the jail."
- The county has a pretrial services agency which, in turn, contains a pretrial release unit based in the jail.
- The pretrial release unit is required to screen all persons admitted to jail following arrest on misdemeanor charges, and has the authority to release any arrestees who are found upon screening to be eligible and suitable for release on their own recognizance, hereinafter referred to as "ROR."
- While the pretrial release unit's priority work is screening misdemeanor arrestees, the courts are desirous of having its services in conducting pretrial release investigations in felony cases.

The Operation

The example involves changes occurring over the course of six successive operating periods of equal length:

Period I - Reflects long-standing, established practice wherein all 1,200 persons arrested are admitted to the jail.

Period VI - Reflects the current situation in the same county after a comprehensive citation release program had been fully installed and employed.

Periods II, III, IV and V - Reflect intermediate stages during which the traditional, operational ways reflected in Period I were yielding to the full-scale use of citation release as reflected in Period VI.

Table IV-1 summarizes the misdemeanor arrest, citation, jail admission, and postadmission disposition data for the six successive operating periods.

During Period I, the police arrested 1,200 persons--1,000 for misdemeanors and 200 for felonies. All 1,200 persons were booked at the county's only facility for unsentenced prisoners, the jail. A jail-based pretrial services unit screened all 1,000 misdemeanor arrestees and released 690 (69 percent) on their own recognizance pending their first appearance in court. Of the remaining 310 arrestees, 85 (8.5 percent) gained their release by posting bail, and 225 (22.5 percent) were not released prior to their first hearing.

It is also assumed that during Period VI (as well as during interim periods) there were 1,000 arrests made on misdemeanor charges. However, police agencies were now citing 650 (65 percent) of the arrestees and booking only 350 (35 percent). Of those booked, 95 (27.1 percent) were ROR'd, 110 (31.4 percent) were released on bail, and 145 (41.4 percent) were held pending their first appearance. Combining the cited with the ROR'd, 745 (74.5 percent) of the 1,000 arrestees gained nonfinancial, pretrial release during Period VI compared with 690 during Period I--an increase of 8 percent. The number of arrestees held pending their first appearance declined from 22.5 percent of all arrestees to 14.5 percent--a 35.6 percent decrease.

In actual practice, however, it is unrealistic to assume that instituting a citation program will not change the volume of arrests for misdemeanor offenses. One factor which would come into play and

TABLE IV-1

A FICTITIOUS EXAMPLE  
 DEMONSTRATING THE IMPACT ON THE PRETRIAL DISPOSITION OF 1,000 MISDEMEANOR ARRESTS  
 OCCURRING DURING EACH OF SIX SUCCESSIVE PERIODS OF EQUAL LENGTH  
 RESULTING FROM ARBITRARILY ASSUMED, PROGRESSIVELY INCREASING RATES  
 OF CITATION RELEASE USAGE

(Period I Base of 1,000 Arrests Held Constant)

PERIOD	MISDEMEANOR ARRESTS	CITED BY POLICE		ADMITTED TO JAIL		RELEASED ON RECOGNIZANCE		RELEASED ON BAIL		NOT RELEASED (HELD)		TOTAL RELEASED (CITED & RORI)		RELEASED ON BAIL		NOT RELEASED (HELD)		
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	% Arrests	No.	% Arrests	No.	% Arrests	
I	1,000	0	0.0	1,000	100.0	690	69.0	85	8.5	225	22.5	690	69.0	85	8.5	225	22.5	
II	1,000	150	15.0	850	85.0	550	64.7	100	11.8	200	23.5	700	70.0	100	10.0	200	20.0	
III	1,000	290	29.0	710	71.0	420	59.2	110	15.5	180	25.3	710	71.0	110	11.0	180	18.0	
IV	1,000	420	42.0	580	58.0	300	51.7	115	19.8	165	28.4	720	72.0	115	11.5	165	16.5	
V	1,000	540	54.0	460	46.0	190	41.3	115	25.0	155	33.7	730	73.0	115	11.5	155	15.5	
VI	1,000	650	65.0	350	35.0	95	27.1	110	31.4	145	41.4	745	74.5	110	11.0	145	14.5	
CHANGE BETWEEN I & VI	0.0%	+650%		-65.0%		-86.2%		+29.4%		-35.6%		+8.0%					-35.6%	-35.6%

complicate the picture is the "add-ons." When the police agencies reach the point where they are citing a significant number of misdemeanant arrestees, they are naturally spending fewer hours on activities related to transporting and booking prisoners. Much of the time saved can be spent instead on the streets. This, in turn, can be expected to increase the number of both misdemeanor and felony arrests and also the number of persons admitted to jail. One should not, however, assume a constant level of arrests following the launching of a comprehensive citation release program.

A second factor tending to offset the operational trends shown in Table IV-1 is the failure-to-appear case. In general, as both the police and the pretrial services unit increase the use of citation release and ROR, respectively, they are releasing higher-risk cases. It is reasonable to expect, then, that the percentage of persons who will be rearrested and detained will increase--for either committing new offenses, failing to appear in court as promised, or both. To the extent this happens, all elements of the criminal justice apparatus, from the police to the corrections agencies, incur costs which must be considered as reducing the size of net benefits gained by employing the two pretrial release measures.

Table IV-2 reflects the effect of assuming that for every 150 arrestees cited, the police will be able to make 10 additional arrests. Therefore, citing at the rate of 15 percent of all misdemeanor arrests, the police are able to release 150 persons on their promise to appear during Period II, bringing the total for that period to 1,010.

TABLE IV-2

NUMBER OF ARRESTS ADJUSTED TO REFLECT EFFECT OF INCREASE  
IN AVAILABLE POLICE MAN-HOURS  
RESULTING FROM USE OF CITATION RELEASE

PERIOD	MISDEMEANOR ARRESTS	CITED BY POLICE		ADMITTED TO JAIL		RELEASED ON RECOGNIZANCE		RELEASED ON BAIL		NOT RELEASED (HELD)		TOTAL RELEASED (CITED & RORI)		RELEASED ON BAIL		NOT RELEASED (HELD)	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	% Arrests	No.	% Arrests	No.	% Arrests
I	1,000	0	0.0	1,000	100.0	690	69.0	85	8.5	225	22.5	690	69.0	85	8.5	225	22.5
II	1,010	152	15.0	858	85.0	555	64.7	101	11.8	202	23.5	707	70.0	101	10.0	202	20.0
III	1,029	292	29.0	737	71.0	436	59.2	114	15.5	187	25.3	728	70.7	114	11.1	187	18.2
IV	1,058	444	42.0	614	58.0	318	51.7	122	19.8	174	28.4	762	72.0	122	11.5	174	16.5
V	1,088	587	54.0	501	46.0	207	41.3	125	25.0	169	33.7	794	73.0	125	11.5	169	15.5
VI	1,127	732	65.0	395	35.0	107	27.1	124	31.4	164	41.4	839	74.4	124	11.0	164	14.6
CHANGE BETWEEN I & VI	+12.7%	+732%		-60.5%		-84.5%		+45.9%		-27.1%		+21.6%				-27.1%	-35.1%

As 15 percent of the additional 10 arrestees will be cited, the total cited during Period II is 152 ( $1,010 \times 15\% = 151.5$ ). Similarly, by Period VI the number cited has grown to 732 compared to the 650 figure shown in Table IV-1.

Of more significance is the fact that when Table IV-2 is compared with Table IV-1 with respect to the "not released" column, the number of detained arrestees held between Periods I and VI declines from 225 to 164, rather than to 145--a reduction of only 27.1 percent compared with 35.6 percent. Thus, it becomes apparent that one of the advantages resulting from the use of citation release--that is, the reduction of police man-hours required to transport and book arrestees to be detained--can only be realized at the cost of some reduction in the potential amount of bed space saved in the jail.

It is also possible to gauge the impact of the failure-to-appear (FTA) factor on the jail population described in Table IV-3.

If it is assumed that when:

15% (152) of all arrestees are cited, 1 ( 0.7%) becomes an FTA case;  
29% (292) of all arrestees are cited, 7 ( 2.4%) become FTA cases;  
42% (444) of all arrestees are cited, 20 ( 4.5%) become FTA cases;  
54% (587) of all arrestees are cited, 39 ( 6.7%) become FTA cases;  
65% (732) of all arrestees are cited, 73 (10.0%) become FTA cases;

and if it is further assumed that:

- three out of every four persons who are FTA cases will be apprehended and jailed and thereafter be deemed ineligible for bail or ROR; and

TABLE IV-3

NUMBER OF ARRESTS ADJUSTED TO REFLECT EFFECT OF INCREASE IN AVAILABLE POLICE MAN-HOURS  
AND REARREST OF CITED PERSONS WHO FAILED TO APPEAR

PERIOD	MISDEMEANOR ARRESTS	CITED BY POLICE		ADMITTED TO JAIL		RELEASED ON RECOGNIZANCE		RELEASED ON BAIL		NOT RELEASED (HELD)		TOTAL RELEASED (CITED & ROR)		RELEASED ON BAIL		NOT RELEASED (HELD)	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	% Arrests	No.	% Arrests	No.	% Arrests
I	1,000	0	0.0	1,000	100.0	690	69.0	85	8.5	225	22.5	690	69.0	85	8.5	225	22.5
II	1,011	152	15.0	859	85.0	555	64.6	101	11.8	203	23.6	707	69.9	101	10.0	203	20.1
III	1,036	292	28.2	744	71.8	436	58.6	114	15.3	194	26.1	728	70.3	114	11.0	194	18.7
IV	1,073	444	41.4	629	58.6	318	50.6	122	19.4	189	30.0	762	71.0	122	11.4	189	17.6
V	1,117	587	52.6	530	47.4	207	39.1	125	23.6	198	37.3	794	71.1	125	11.2	198	17.7
VI	1,182	732	61.9	450	38.1	107	23.8	124	27.6	219	48.6	839	71.0	124	10.5	219	18.5
CHANGE BETWEEN I & VI	+18.2%	+732%		-55.0%		-84.5%		+45.9%		-2.7%		+21.6%				-27.1%	-17.8%

- the FTA rate for persons ROR'd from jail will remain constant on the basis that as fewer persons must be screened and as fewer releases take place, the increasing amount of time the pretrial release unit can give to each case will offset the increasing risk factor;

then, as reflected in Table IV-3:

- The number of persons admitted to jail would increase from 395 (Table IV-2) to 450 (Table IV-3).
- The number of detainees held (not ROR'd or bailed) would increase from 164 (Table IV-2) to 219 (Table IV-3).
- The actual decrease in Period VI in the number of persons held in jail is only six or 2.7 percent less than the number held during Period I--not 35.6 percent less as projected in Table IV-1 or 27.1 percent less suggested in Table IV-2.

The illustration set forth in the data in Tables IV-1, IV-2, and IV-3 shows that the introduction of citation release programming had the following effects on the level of usage of release on recognizance:

- The percentage of arrestees booked at the jail who qualified for ROR declined from 69.0 percent during Period I before citation release was employed to 23.8 percent when the police cited at the 65 percent level--a percentage decline of 59.7 percent.
- The percentage of all persons arrested who were granted ROR declined from 69.0 percent during the base period before citation release programming to 9.0 percent during Period VI when citation release was employed in 61.9 percent of all arrests.

- ROR accounted for 100 percent of all nonmonetary, pretrial releases during Period I, but only for 12.8 percent of all nonmonetary, pretrial releases during Period VI.
- When used simultaneously, ROR and citation release produced 2.9 percent more releases from the jail than ROR produced alone during Period I.
- A point can be reached (approximately the 40 percent level of citing) when citation release and ROR together do not result in any further reduction in the number of persons who are detained pending their first court appearance.

In broader perspective, the example illustrates the effect which ROR and citation release, separately and in conjunction, can have on the police and jail work loads:

- There was a net increase of 18.2 percent (1,000 in Period I to 1,182 in Period VI) in the number of arrests made by the police on misdemeanor charges.
- There was a net reduction of 55 percent (1,000 in Period I to 450 in Period VI) in the number of persons arrested on misdemeanor charges whom the police transported from the scene of arrest or from the station house to the jail for booking.
- There was a net reduction of 55 percent (1,000 in Period I to 450 in Period VI) in the number of persons who had to be processed into the jail following arrest.
- There was a net reduction of 84.5 percent (690 in Period I to 107 in Period VI) in the number of persons who had to be processed out of the jail following their clearance for pre-trial release.

Although the example used above was constructed on assumptions considered conservative when compared with actual reported experience, it does serve to demonstrate that introducing or intensifying a citation release program can have a dramatic effect on a jail's reception center's work load; the size and intensity of screening of a pretrial unit's work load; the presentence prisoner population of the jail; and the amount of time which the police must spend in transportation and booking activities. The example also suggests the type of information which can prove useful for program monitoring, evaluation, and cost-benefit study purposes if operational activities are attended by a well-planned, faithfully executed, data recording and reporting system.

#### The Impact of Citation Release on Arrestees Detained on Felony Charges

Instituting and fully employing a comprehensive citation release program can have a very significant effect on the pretrial processing of persons arrested on felony charges. This effect will be especially felt if:

- Prior to initiation of citation release, the pretrial release unit's efforts were fully absorbed in processing detainees arrested on misdemeanor charges.
- There is a substantial, unfilled need felt by the judges for information or recommendations concerning the pretrial custody status of felony detainees.

- The reduction in the number of persons arrested and detained for misdemeanor offenses following the introduction of citation release programming does not result in a cutback in the size of the pretrial release unit staff.
- Increasing the intensity of screening and postrelease supervision measures for misdemeanant arrestees can be handled with the expenditure of less than the total time recovered from not having to screen persons cited.

Persons arrested and booked on felony charges generally are regarded by the courts as posing greater threats to the public and posing greater risks of committing new offenses and/or not remaining available for prosecution if released prior to trial. Consequently, the courts are reluctant to release them on their recognizance or to facilitate their release through setting bail at readily obtainable levels in the absence of strong justification. The requisite justification desired by judges comes in the form of verified, in-depth information and assurances that pretrial release can be attended by and supported with competent supervision, resources, and control.

The courts will act to facilitate the pretrial release of felony defendants only when they have access to pretrial services which can develop the type of information they desire; work out and implement release plans which offer reasonable assurance of providing the level of control needed to deter further misconduct; and guarantee the defendant's appearance in court. Only when pretrial release units are not fully occupied with misdemeanor cases can they hope to meet the courts' needs with respect to felony cases.

Because felony cases typically require more time to prosecute from arrest through trial than do misdemeanor matters, the average felony defendant will account for more prisoner-days in jail than the average misdemeanor defendant. Therefore, any measures which can be successfully directed toward reducing the length of pretrial confinement of felony defendants can result in significant dollar and bed space savings for pretrial detention facilities.

In setting the stage for the example described above, it was assumed that the police agencies made 200 felony arrests during the base period (Period I) as well as 1,000 misdemeanor arrests. If it is assumed that none of these arrests were handled by citation and that all 200 persons involved were admitted to jail, how is this group of detainees affected by the development of a misdemeanor-citation release program of the dimensions established in the example?

In the example being used, none of the 1,000 persons arrested on misdemeanor charges during Period I were screened by the police; all were admitted to jail where they were screened by a pretrial release unit. In Period VI, police agencies screened all 1,127 misdemeanants arrested (see Table IV-2\*), admitting only 395 to jail for ROR screening by the pretrial release unit. In Period I, the pretrial release unit ROR'd 690 detainees; in Period VI, only 107 detainees were ROR'd.

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\*Table IV-2 data used an assumption that FTA cases apprehended and returned to custody would be deemed ineligible for any form of pretrial release.

Using (1) the admission and ROR figures developed in Table IV-2 and (2) the arbitrarily stated estimate (see Table IV-4) of the average amount of time required to screen each admission and arrange for the ROR of each detainee found suitable, it is possible to demonstrate how the pretrial release unit's work load changes.

Although in order to meet the service needs of increasingly high risk populations:

- the average amount of time allotted to screening is increased 100 percent between Periods I and VI; and
- the average amount of time allocated to implementing decisions to release on recognizance is increased 400 percent;

the number of hours required by the pretrial release unit to service its work load declined from 391 during Period I to 308 during Period VI-- a reduction of 21.2 percent. The 83-hour difference is available to the pretrial release unit for redeployment. One target population would be the 200 felony arrestees postulated as being admitted to the jail during each period.

If one assumes that 25 percent of the persons arrested and booked on felony charges are clearly not available for consideration of pretrial release screening (e.g., capital offenses, holds, released to other jurisdictions, charges dropped), there are still 150 persons who could be screened. If the 83 hours were used for screening this group and preparing reports for the courts considering their pretrial custody status, an average of 33 minutes could be allocated to each case.

TABLE IV-4

DEMONSTRATION OF THE IMPACT THAT DIFFERENT USAGE LEVELS OF CITATION RELEASE PROGRAMMING CAN BE EXPECTED TO HAVE ON THE CHARACTER OF THE DETENTION POPULATION SERVED BY AN ROR UNIT AND ON THE AVERAGE AMOUNT OF TIME THAT CAN BE ALLOCATED TO SERVICING EACH MISDEMEANANT DETAINEE

PERIOD	NO. OF MISDEMEANOR ADMISSIONS REQUIRING SCREENING	AVG. AMOUNT OF TIME ALLOTTED/CASE TO BE SCREENED (Minutes)	TOTAL TIME EXPENDED FOR SCREENING (Minutes)	NO. OF MISDEMEANANT DETAINEES RELEASED ON RECOGNIZANCE	AVG. AMOUNT OF TIME ALLOTTED/CASE FOR ARRANGING ROR (Minutes)	TOTAL TIME EXPENDED EXECUTING DECISION TO ROR (Minutes)	TOTAL TIME EXPENDED FOR SCREENING AND IMPLEMENTATION (Minutes)	(Hours)
I	1,000	20	20,000	690	5	3,450	23,450	391
II	858	22	18,876	555	7	3,885	22,761	379
III	737	25	18,425	436	10	4,360	22,785	380
IV	614	29	17,806	318	14	4,452	22,258	371
V	501	34	17,034	207	19	3,993	20,967	349
VI	395	40	15,800	107	25	2,675	18,475	308

If the information and recommendations generated from the use of the 83 hours were to result in ten prisoners gaining their pretrial release--either on lowered bail or on their own recognizance--with each being free for two weeks pending trial, the 140 man-days of custody made unnecessary could translate into sizable, direct and indirect dollar savings to the local taxpayer alone.

Although the example is based on arguable assumptions and ignores other factors which are at work in actual practice, it does suggest again the distinct interrelationship between citation release and jail-based pretrial release measures. In summary, neither type of programming should be undertaken or modified without the sponsor of change possessing an understanding of the common and unique contributions both programs can make to the processes, benefits, and costs of the local criminal justice apparatus of which they are or would become a part.

Where a jail-based pretrial release program is already in operation, the introduction or augmentation of a citation release program can and should radically change the nature of both the clientele of and the service provided by the pretrial release operation. By screening the misdemeanor arrestees on the streets and in the station house, the police can permit pretrial release unit personnel to spend more time servicing the high-risk misdemeanor arrestees and the previously unscreened persons arrested on felony charges. Citation release programming both directly and indirectly possesses the potential for reducing police transportation, jail admission and release processing, and detention custody and care costs.

### The Distribution of Costs and Benefits Between Cities and Counties

The relationship which exists between citation release programming and ROR programming has another dimension. In many counties, primarily those in metropolitan areas, municipal police departments make most of the arrests (and detain most of the arrestees) in the county. On the other hand, the county is the jurisdiction which must receive and care for most if not all persons arrested and held by the police. Because the benefits which the police (and their parent cities) can hope to realize from employing citation release are modest when compared to the benefits which reduced jail and related program work loads can confer upon counties, citation release programming requires the willingness of all officials and political leaders in the community--especially those in the cities--to abandon parochial thinking and to recognize and respond to the needs of a constituency which transcends municipal boundaries.

CHAPTER V  
KEY ISSUES

As history measures developments in the criminal justice field, citation release is still an innovation--but one which has entered adolescence in less than two decades. There are many philosophical, policy, and procedural issues which have yet to be resolved. While some of these issues are settled by legislative action when enabling statutes are enacted, others remain for local criminal justice agency planners and administrators to deal with. Some of the key issues associated with citation release are discussed briefly below and in more detail later in this document.

Legal Issues

For a practice that has been in use for little more than fifteen years, citation release has precipitated very little litigation. It is believed this is because the rules governing arrest and the use of traffic citations were already well developed before citation release (which incorporated many of the rules) developed.

Although the essential elements of citation release appear to be legally sound, some legal scholars have identified certain potential issues which should be considered by anyone framing enabling legislation or providing legal counsel to those drawing up operational orders

for citation release programming. Some of these issues are presented below:

- Can the use of citation release be considered "in lieu of arrest" rather than involving arrest without detention? The concept that the use of citation release is in lieu of arrest (and detention) can lead to some practical problems if accepted. For example:
  - Can persons issued citations truthfully claim after the fact that they have not been arrested?
  - Are citing officers immune from liability for false arrest charges?
  - Does the requirement normally involved in arrest apply, that is, that officers have probable cause for thinking persons have committed a crime?
  - Do officers have the same authority as they possess when making an arrest to detain a suspect at the scene?
  - Does the requirement that an offense must have been committed in the officer's presence apply (in states where it is legally required in cases of arrest)?
  - Is the right to search--authorized in the case of arrest by statute--compromised?
  - Does the requirement, established in the event of arrest, that suspects be given *Miranda* warnings apply?
- Does limiting the use of citation release to persons arrested on misdemeanor charges and only to those persons residing within a specified area of the state violate the "equal-protection-of-the-law" clause of the Fourteenth Amendment?
- Do statutes which mandate the use of citation release absent the existence of specific circumstances increase the likelihood that police officers will be subjected to false arrest suits in cases where they do not cite, believing adequate cause exists to make an exception to the rule?

To the extent these issues have been formally addressed by legal commentators and by the courts, there is substantial agreement that the in-lieu-of-arrest concept when embodied in law yields nothing which is not present under laws specifically authorizing the use of citation after arrest. However, because of the potential for these issues to be exploited in particular circumstances, legislators and legal counsel to police agencies should be made aware of them-- before they are made part of or excluded from statutes or administrative procedures.

#### Psychological Resistance

Before identifying and examining some of the substantive issues involved in the use of citation release, attention is drawn to two factors which can be labeled the "quiet issues." These are issues which are not always recognized; if they are recognized, they are not likely to be openly acknowledged. Yet their influence can be crucial in any effort to deal rationally with legitimate issues. Both involve psychological factors, and the two issues are related.

The first is simply man's individual and collective resistance to change. In the absence of considerable discomfort, the present with its imperfections is preferred to the future with its unknowns. Jailing following arrest is a traditional law enforcement ritual. It is partly supported by and in turn supports many other processes which collectively constitute the unique role of law enforcement in our society.

In the minds of some law enforcement personnel, anything which threatens to replace postarrest detention threatens the entire law enforcement operational system.

A second hidden source of resistance to citation release lies in an individual and collective need to punish the wrongdoing of others in order to allay the guilt men harbor concerning their own misconduct and unacceptable desires. Jailing is a strong symbol of punishment, and anything which threatens to minimize or eliminate it can generate psychic discomfort and is therefore resisted.

#### Impact on Police Agency Functioning

One issue surrounding the use of citation release is whether or not the process prevents or seriously interferes with the police agency's capacity to perform certain actions or provide certain conditions considered essential. The actions and conditions can be classified as follows:

- The performance of certain administrative and investigative functions (e.g., conducting interrogations, clearing other offenses, verifying alibis, preventing tampering with evidence of witnesses).
- The performance of certain assumed police functions which are not or cannot be accomplished at the time by other government agencies (e.g., providing shelter to inebriates, obtaining physical examination of prostitutes, preventing continued criminal conduct pending trial, impressing upon the accused the seriousness of his offense, punishing by use of pretrial detention persons who might otherwise receive inadequate, judicially imposed punishment).

- The establishment of a legal basis for search, identification, and restraint (e.g., searching for weapons, fingerprinting the accused, checking to determine whether the accused is wanted for more serious offenses).
- Providing maximum assurance that the accused will appear in court.

Although some police administrators considering the use of citation release express serious concern that initiating the practice will compromise the effectiveness of certain desired operational practices, most who do adopt citation release programming find their original fears not justified. Inconveniences tend to be minor and temporary as adjustment in long-standing practice occurs, and they are frequently offset by the elimination or reduction of certain onerous activities.

#### Program Sponsorship

To the extent formal efforts have been taken to date to initiate the use of citation release, they have been primarily the result of individual law enforcement agencies seeking to adapt to new legislation or other precipitating events. They have not been sponsored, planned, or executed as joint efforts of all affected criminal justice agencies in a given area. However, in recent years and largely as the result of requirements of the federal Safe Streets Acts, all criminal justice agencies serving a single community have come to appreciate the extent to which their individual operations are interrelated, as well as the need to engage in coordinated program planning and implementation-- if only to meet the conditions for receiving grants.

Communities contemplating the initiation or significant expansion of citation release efforts need to decide whether such efforts are to be allowed to develop piecemeal, with each police agency deciding its own degree of participation (if any), or are to be structured pursuant to decisions, plans, and implementation activities made in concert by all the community's criminal justice agencies. This particular issue of individual or joint sponsorship of program development involves strong traditions, the ability to cope with fragmentation of responsibility, and the willingness to adjust to new concepts. Yet the issue and its resolution, more than any other, can be expected to govern the nature and success of any effort to enlarge the use of citation release practices.

#### Extending Eligibility to Persons Arrested on Felony Charges

National figures for recent years reveal that about one reported arrest in five involves a felony charge. Roughly 40 percent of these felony arrests (8 percent of all reported arrests) are for crimes against property; 50 percent of felony arrests (10.5 percent of all reported arrests) are for crimes against person; and the remaining 10 percent of felony arrests (1.5 percent of all reported arrests) are for offenses involving drugs and offenses against public morals.

With the exception of five states (as of 1/1/76), persons arrested on felony charges are ineligible for consideration for citation release. Where eligibility does exist, the practice is used sparingly--primarily for offenses against property--and has caused few problems.

With citation release rapidly becoming the standard rather than exceptional response to arrest in misdemeanor matters, the question of

extending its use to felony arrest situations will surely arise with increasing frequency for legislators, police administrators, judges, and criminal justice planners.

Although, to date, many law enforcement agency administrators do not want the authority to cite in felony matters, it is probable that in the future such authority will not only be widely provided by statute but increasingly used. Legislation, court rules, and administrative policy which arbitrarily prohibit the consideration of the citation release option in felony arrests invite legal attacks on the grounds that the restriction has the effect of denying equal protection guaranteed by the Fourteenth Amendment. It can be argued that citation release eliminates the economic discrimination inherent in bail and that, in the absence of commanding reason, treating persons arrested on felony charges differently is to deny them the right of not being discriminated against economically.

The facts that (1) the distinction between misdemeanor and felony offenses may be only a matter of a dollar in value of the article stolen and that (2) many arrests for felony offenses are reduced to misdemeanors by prosecuting officials weaken any representation that felonies are inherently different and therefore justify a different level of processing.

#### Denial of Eligibility to Misdemeanor Offenders on Basis of Offense Charged

In states where enabling legislation does not mandate the use of citation release, as well as in states which do, any police administrator who for some reason wishes to deny citation release eligibility to anyone

arrested for a particular offense can find a way of doing so. A persistent finding of unsuitability is used to accomplish what eligibility factors fail to do. The most common subjects of this phenomenon are all persons arrested for drunk driving, prostitution, assault, and drug possession, as well as persons arrested on outstanding warrants.

Designers and sponsors of citation release programs may be faced with the issue of deciding to what extent, if any, mass exclusions from eligibility based on offense are to be formally condoned. How the issue is resolved can have a significant impact upon jail populations and work loads, ROR work loads, and criminal justice operating costs. Anyone seeking to discourage the disqualification of misdemeanor arrestees on the basis of offense alone should be aware of the following considerations based on contemporary operating experience.

#### Driving under the influence of alcohol

In jurisdictions where the public inebriate is handled for the most part outside the criminal justice system, it is not uncommon for one-fourth of all misdemeanor arrests and an even larger percentage of all misdemeanor jailings to be for the offense of driving under the influence of alcohol. The drunk driver and how he is handled upon arrest is of no small consequence to anyone concerned with pre-trial release in all its forms, police and jail workloads, criminal justice costs, and related matters. Because of their numbers and the

attention they require while in the custody of arresting and detaining authorities, drunk drivers as a group are worthy of more creative approaches for their handling than they have received to date.

Because at the point and time of arrest, the drunk driver poses a threat to the lives and property of others as well as his own, it is understandable why most police agencies bar the use of field citation in all cases and the use of station house release in most. The "four-hour rule" followed by many law enforcement agencies frequently means that the custody of and the responsibility for the drunk driver passes from the arresting department to the detaining agency before the arrestee is eligible for pretrial release consideration.

There are some police agencies, however, that have begun developing ways to cite and release rather than detain drunk drivers. A driver, although so intoxicated as to not be allowed back behind the wheel of a car, will be cited and released to the custody of another person in the vehicle if the arresting officer determines that the other person is capable of maintaining control of the arrested driver.

When a passenger cannot assume responsibility or the driver cannot understand the citing process or refuses to sign the notice to appear, the arresting process moves from the street to the station house or detention facility. If a third party can be contacted who will come to the station house or jail, the arresting officer may release the arrestee into his custody--again, only if the arrestee is capable of understanding and participating in the citing process and if the arresting officer is satisfied that the third party can exercise effective control over the citee until he is sober.

Some police agencies, interested in reducing the amount of time drunk driving cases tie up their personnel, are experimenting with a process which is aimed at not only eliminating detention but also the length of the period the arrestee is in the custody of the police. Persons stopped for drunk driving are immediately brought to the station house where they are administered a breath, blood, or urine test. After the test, the driver is cited and released to an adult friend or relative. In one-car-family situations, the police may even take the driver home--if the arrestee:

- Is not deemed dangerous.
- Does not require medical care.
- Has satisfactory identification.
- Does not have a history of previous drunk driving convictions.
- Resides within the county or metropolitan area.

Communities using this plan report no serious problems as far as cites getting into further trouble before becoming sober. Police agencies report saving an average of 30 minutes for each arrest. The practice is carried on with the advance approval and support of courts, prosecutors, and communities' governing bodies.

#### Minor assault

Police agencies have shown an increasing tendency to cite rather than book persons arrested for fighting or for other kinds of minor violence directed at individuals. When one or more of the combatants

shows no signs of exercising self-control, arresting officers cannot issue field citations and must remove the person or persons to the station house. If tempers do not subside, booking normally follows.

In recent years, many police officers have received training in crisis intervention techniques. By bringing this newly acquired skill to bear at the scene of arrest or at the station house, police officers are often able to stabilize many situations to the point where no confinement is necessary or, in many instances, no arrest is required.

The extent to which persons involved in assault can be cited, therefore, is governed by the skill arresting officers demonstrate in defusing the situations leading to their intervention.

#### Gambling, prostitution, pornography

Persons suspected of and arrested for offenses involving gambling, prostitution, pornography, and other so-called victimless crimes pose difficult problems for law enforcement agencies. Many persons engaged in such activities are by any test poor risks as far as appearing in court is concerned if they are cited and released or even booked and OR'd or bailed out. Aside from this, though, there are other problems.

The existence of gambling, prostitution, pornography, and similar activities in a community can become a highly charged political issue. How the police do or do not respond to these conditions is often very visible and the subject of much attention by the public, press, and

political leaders. Under such circumstances, police agencies are often forced to adopt policies which are concerned with appearance and accountability. Arrest followed by booking serves such ends better than citing and releasing--a course of action easily misconstrued as the exercise of favoritism, a consequence of payoff, or a proper lack of concern for maintaining law and order.

When police agencies are properly protected from political influences and have developed the internal controls for monitoring the performance of their manpower, they can and do find it possible to use citation release in these types of cases, employing the same criteria applied when establishing the suitability of persons arrested for assault, theft, or any other offense.

Arrests revealing existence of outstanding warrants  
for prior offenses or failure to appear

In the course of making arrests in traffic as well as misdemeanor matters, it is not uncommon for police officers to discover that their suspects are currently the subject of outstanding warrants related to earlier misdemeanors or infractions. In the past, most police agencies assumed that citing and releasing such persons would be both illogical and illegal, irrespective of their circumstances.

Many of these persons would be deemed unsuitable for citing even if it were legal to do so. Many have previously been cited in other jurisdictions only to fail to appear in court as promised--sometimes on several occasions. Citing such persons again would be irresponsible, even if legal.

There are enough situations, however, where a strong possibility exists that a person would appear if released, thereby justifying the use of citation release. In the interest of broadening the area of discretion within which the police may act, courts should review the defendant's circumstances in the course of issuing warrants and indicate in writing on the warrant whether or not upon apprehension the subject may be cited and released. With such authority, the police are then free to decide as they would with any other kind of offender whether or not citation release could be used in conjunction with the new arrest.

#### Marijuana possession

Legislation concerning the possession of marijuana is in a state of flux, representing changing public attitudes. The trend seems clearly in the direction of defining the possession of small amounts of marijuana to be an infraction rather than a misdemeanor. The use of citation release is mandatory in a growing number of states. Where it is not mandatory, it is still the procedure most widely used. The principal reason why persons arrested for this offense are jailed is the arresting officers' assessments that the suspects are unlikely to appear in court, fearing conviction and the imposition of fines they would be unable to pay.

#### Shoplifting

The shoplifter is a prime candidate for citation release. Many agencies cite more persons for this misdemeanor than for any other offense, and most of the citations are issued in the field.

Most shoplifters are apprehended by store security personnel and not by the police. In many communities, the police are summoned to the store after a suspect has been apprehended. After reviewing the circumstances and establishing the suspect's eligibility and suitability for release, the police officer issues the citation. Screening includes determining whether or not the suspect is a professional or amateur shoplifter and establishing whether or not he has previous convictions for theft, in which case the present offense might constitute a felony.

Some communities have experimented successfully with empowering and training store security personnel to act as "special patrolmen" and to cite apprehended suspects directly to court. Such personnel are trained and equipped to collect, photograph, and process evidence, thereby eliminating the need for the police to perform these functions. Most stores large enough to have their own security forces, with appropriate authority from and consultation with their police agencies, can relieve the police of many hours of work. There is some experience, however, which suggests that if failure-to-appear rates are not to be excessive, the police must invest some time training private security personnel in conveying to the cited person the necessity for his appearance in court and to sufficiently impress upon him the risks he runs for not doing so.

#### The Use of Field Citation Release Versus Station House Citation Release

Those concerned with staging a citation release effort must decide how much emphasis, if any, is to be exerted to have arrestees cited at the time and place of arrest rather than later at the station house.

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Citing in the field generally involves decision making by relatively inexperienced personnel and on the basis of incomplete and frequently unverified information and living with the risks involved. When an arrestee is transported from the arrest site to the station house, more time, equipment, information, and experienced judgment are available to bring to bear on the decision-making process. On the other hand, it is generally conceded that whenever a person who could be cited in the field is transported to the station house first for an assessment of his qualifications for release, much of the benefit which can result from field citation is compromised.

The law enforcement agency administrator must decide to what degree, if any, he is willing to train, equip, authorize, and support his street manpower to cite in the field in the effort to offset the higher risk and to realize the greater benefits inherent in that option.

#### Disposition of Failure-to-Appear Cases

Police and others observing the way citation cases are handled in court often note with dismay that nothing ever happens to persons who fail to appear. Their concern reflects a fear that unless those who ignore their responsibility to appear in court as promised are brought before the court and held accountable for their defection, citations will come to have no meaning in the hands of the police, and citizen respect for the police and courts will invariably weaken.

What observers of contemporary citation programs are seeing is the consequence of the lack of any coordinated process involving all criminal justice agencies concerned--police, courts, court clerks, prosecutors, and others--for dealing with the FTA case and the fragmentation of responsibility for acting. Once the citation is written and forwarded to the prosecutor or the court, the police no longer are involved. The judges and prosecutors, already preoccupied with cases where appearances are made and reluctant to further burden themselves with trying and prosecuting FTA citees on new charges, tend to allow the matters to dwindle away through continuances and finally dismissal "in the interest of justice." Contributing to this may be the absence of any investigative or social work staff or agency that the court can turn to for information, advice, and case service.

Sponsors of new or broadened citation release programming need to decide how important it is to the integrity of the program that the FTA case be called to account, and how the participating agencies can discipline themselves to carry out their responsibilities.

#### The Need for Program Monitoring and Evaluation

If it is assumed that a community criminal justice system initiates use of a citation release program with certain objectives in mind, it is reasonable to conclude that at some point after the program has achieved full-scale operation those officials sponsoring the program

or responsible for its administration would want to know to what extent the program is achieving its objectives. In addition, it would seem reasonable to conclude that those responsible for the program's operation would also want to identify areas of poor functioning so that the program, like a machine, could be tuned in the interest of improving its performance.

Even the most casual review of past and present citation release programming leaves little doubt that individual agencies know very little about the effects their citation release efforts have on their own operations, clientele, and costs, and even less about the impact their efforts are having on the local criminal justice process as a whole. Very little data is recorded, and what is recorded and collected is not very useful for purposes of determining what serves the agencies' objectives and what doesn't.

The issue that sponsors of any new or augmented program or program element must face is whether (1) the innovation, once introduced, is to be assumed to produce all the results which were intended and at a level of efficiency which cannot be improved upon; or (2) the innovation introduced needs to be monitored so that operational feedback can be obtained for determining if operational alterations are required, and guiding the nature and scope of any changes indicated.

## CHAPTER VI

### DETERMINING WHO QUALIFIES FOR CITATION RELEASE

In any jurisdiction where the use of the citation release option has been authorized, every police officer must make two determinations when making an arrest:

- Is the arrested person eligible for citation release?
- If he is eligible, is the arrested person suitable for citation release?

How accurately and skillfully these determinations are made essentially reveals how viable a citation release program is and the type of impact it has on the total criminal justice operation it is a part of.

#### Eligibility

Eligibility is concerned with arbitrary factors spelled out in state statutes, court rules, and administrative operation orders. A statute may limit the use of citation release to persons arrested on misdemeanor charges, in which case all persons arrested on felony charges would be ineligible. Court rules may limit the use of citation release to persons not currently on probation or parole; persons falling into these two groups would be ineligible. A police department may have a policy (incorporated in an operational order governing the administration of citation release) of not issuing citations to persons who have

not resided within a given geographical area for at least six months. Eligibility, then, is concerned with objective factors that either exist or do not exist for any given person.

### Suitability

Suitability involves factors which require a judgment to be made. When a statute or rule or order permits the denial of citation release to persons likely to harm themselves or others, the arresting officer must make a judgment of an individual's potentialities.

The critical question the officer must ask himself and answer in order to decide whether or not a person he has arrested is suitable for citation release is: "If cited, can this arrestee be expected to appear in court (or other specified place) at the required time and location?"

The question of whether the person, if cited and released, will be a danger in the community (that is, will he commit new offenses?) is irrelevant in theory, since a person cannot be denied his freedom solely on the basis that he might engage in future misconduct. However, just as the courts do in determining the amount of bail to be required of incarcerated persons, police officers considering suitability for citing can take into account such factors as the nature of the offense for which the arrest has been made, the moral character of the arrestee, his past criminal record, any prior flight from custody, and the quantity and quality of the evidence against the person. But in considering

these factors, they must be viewed as indicators of the arrestee's likelihood of showing up for trial--not as indications of whether he will be a danger in the community pending trial.

While the distinction between "untrustworthiness" and "dangerousness" may seem academic and have little practical value at the point of arrest, it is important that arresting officers understand the principle involved.

The answers to the arresting officer's questions, "Is the arrested person eligible for citation release?" and "If he is eligible, is he suitable?" are to be found in:

- The provisions of the state's laws governing arrest and post-arrest disposition.
- The policies developed and promulgated by local law enforcement, prosecutors, and court agency administrators.
- The arresting officer's (or his supervisor's) judgments and interpretations of (1) the law, (2) policies, and (3) his assessment of the circumstances and potentialities of the arrestee.

#### State Legislation

Legislative action authorizing the use of citation release as an alternative to postarrest detention usually defines eligibility in terms of classes of offenses. Most commonly, persons arrested on felony charges are declared ineligible. Persons arrested on certain misdemeanor

charges (e.g., sex offenses) may also be specifically disqualified. Enabling legislation also defines the amount of discretion which is left to the arresting authority for determining who can be considered not eligible.

On the basis of experience reported thus far, it would seem fair to conclude that the healthiest environment for a comprehensive citation release program is provided by enabling legislation which mandates the use of the practice for all misdemeanor matters, except in cases where some specific circumstances are formally claimed to exist which contraindicate citation release in lieu of detention. The legislation should set forth the specific kinds of conditions which justify not citing and releasing.

The statutes of Minnesota, Vermont, and California (see Appendices A, B, and C) can serve as models for efforts to achieve improved enabling legislation.

Enabling laws should provide that, on a case-by-case basis, exceptions may be made to the rule of mandatory issuance of citation when the arrested person:

- Insists upon being taken immediately before a magistrate.
- Refuses or is unable to identify himself.
- Is so intoxicated as to constitute a present danger to himself or others.
- Requires medical examination or care or is unable to provide for his own safety.

- Is judged likely to continue or resume his offense, thereby jeopardizing the safety and property of others.
- Is likely to jeopardize the prosecution of himself or others if released.
- Is found to be the subject of outstanding warrants.

State enabling legislation (or administrative policy) should not prohibit the use of citation release solely on the basis that an offense for which an arrest is made is defined as a felony.

Given reasonable cause, the state has the right to prosecute any citizen suspected of criminal misconduct. To that end, the state is entitled to take steps to assure that accused persons are physically available for all stages of their prosecution. Since the accused are entitled to the presumption of innocence, the state is obligated to employ the least restrictive measures available which offer reasonable assurance of effecting the accused person's availability for prosecution.

The traditional practice of jailing all persons arrested and only those with access to financial resources gaining pretrial release was gradually recognized as being defective on two grounds: It discriminated against the poor, and it permitted the dangerous and untrustworthy person as well as the harmless and responsible person to gain release (assuming the person possessed the requisite financial capacity to do so). Recognition of the discriminatory aspects of the bail system spurred the growth of the release-on-recognizance practice. Accused persons arrested and jailed who appeared responsible enough to appear in court on their own were able to gain their release without the need to post money bail.

Since release on recognizance proved to be a reasonably safe procedure for assuring the accused's presence for prosecution, it suggested and supported another concept: If certain accused persons would be released immediately after jailing without having to post bail, at least some of those persons could and should, in the interest of saving both the state and the accused unnecessary inconvenience and expense, be released immediately following arrest without being jailed at all.

From their inception, both ROR and citation release came to be applied primarily to those persons arrested on misdemeanor charges and only sparingly to persons arrested on felony charges. As a result, both strategies served to reduce the discrimination inherent in the bail system essentially for the misdemeanor offender. Among the minority of misdemeanants regarded as too unreliable to be trusted to present themselves for prosecution if released, those with the necessary financial resources could still gain their release on bail.

With respect to persons arrested on felony charges, the assessment of whether or not they were reliable enough to be trusted to appear for prosecution if released was and continues to be complicated by the widely made assumption that persons who committed felony offenses are inherently more dangerous and recidivistic than misdemeanants. Accordingly, a higher level of justification and judicial action came to be required in order for felony arrestees to gain release on their own recognizance. At the present time, with a few notable exceptions,

pretrial release by means of citation is not permitted by legislative or administrative policy. Yet once jailed, those arrested on felony charges who possess the necessary financial capability can achieve their pretrial release by posting bail, while the financially incapable remain in custody. Thus, the operation of ROR and citation release programs, which have significantly counteracted the discriminatory effects of bail as far as misdemeanor offenders are concerned, fail to accomplish the same end for felony offenders.

There is nothing inherent in felony offenses or in the persons who commit them which justifies different criteria to be used than those applied for misdemeanor matters. The distinction between the two classes of crimes is nebulous. In some states, one cent's difference in the value of property stolen determines whether a person is arrested and charged as a felon or as a misdemeanor, and an act which is a felony in some states may be a misdemeanor in others. In all states, offenses defined as felonies may become misdemeanors at some point during the prosecution and sentencing processes.

Police officers should be free to function under guidelines which permit them to deny citation release where the potential for violence or continuation of the offense exists to a significant degree. However, police officers should also be free to use citation release in felony cases where little or no potential for violence exists and where there are adequate grounds for believing the arrestees will be available for prosecution. If securing the presence of the accused in court is the

sole purpose for the bail requirement, then citation release should be available for use in all situations where the use of bail is considered unnecessary.

State statutes which mandate the issuance of citations in misdemeanor arrests, which require exceptions to be formally identified, justified, and which do not prohibit the use of citations in felony matters provide a strong foundation for good programming. Statutes embodying these principles can be expected to:

- Foster uniform programming throughout the state.
- Provide police agency administrators with an unassailable justification for seeking full-scale usage of citation release programming.
- Minimize the rearguard resistance of police personnel opposed to the adoption of citation release programming for any reason.
- Lessen the criticism that arresting officers receive from those elements of the public who want all arrested persons locked up.
- Result in the gradual education of the community that the automatic postarrest jailing of all suspects is not a prerequisite for maintaining an orderly and effective criminal justice process.

## CHAPTER VII

### PROGRAM OBJECTIVES, BENEFITS, COSTS, AND EVALUATION

Unlike most early, jail-based pretrial release programs, police citation release programs, with few exceptions, did not originate on a project basis. Like so many criminal justice innovations, police citation release simply evolved as the result of a succession of adjustments to traditional practice. For this reason, there was no impetus for police administrators to formalize and state program objectives, systematically record operational experience, or analyze effects achieved in terms of benefits and costs to the staging agency and to the entire criminal justice process in the community. One finds, therefore, few detailed descriptions of individual programs. The literature on citation release tends to deal summarily with actual operational practice, focusing more on broad issues.

Recent attempts by students to survey the state of the art have have been met with problems, simply trying to determine how widespread the practice is in the country. Students have been even more thoroughly thwarted in their attempts to learn the impact that identified programs have had, or are having, on the criminal justice operational procedures, program services delivered, and the costs of other agencies in the system they were introduced to. With few exceptions, police agencies using citation release have not analyzed their own experience in a formal way.

Persons outside police agencies who have been interested in undertaking retrospective studies have repeatedly run into the same problem: the kind of data which is needed to describe a program's dimensions and analyze its effects internally and externally either does not exist or is so widely scattered that recovering it for research purposes becomes impractical.

Once police citation release programs are initiated, they tend to go on indefinitely without anyone ever seeking to learn whether or not they are achieving their sponsor's objectives, could be made operationally safer, cheaper, and more effective, or should have their eligibility and suitability criteria revised.

It is unlikely that meaningful information will ever be developed as long as citation programs are viewed as solely the business of police agencies. Even if a police department were to keep detailed data on who is cited and who is not, the reasons for approving and disapproving the use of citations, the characteristics of persons cited, the post-citation history of arrestees, and other data, it would still be impossible to understand the entire process. To comprehend it all, information would have to be obtained from files of the prosecutor(s), jails, pretrial release agencies, and the courts. It is not likely that a police department would want to prescribe what records these agencies should trouble themselves to keep in order to accommodate its program monitoring needs. Nor is it any more likely that a court administrator, acting at the request of a judge concerned over what is perceived to be

a growing FTA rate, will consider it appropriate to require police agencies to maintain certain data for his purposes that they would normally not keep or see a need for.

Citation release programs pose many questions which deserve accurate answers. Some of the more important ones are listed below:

- Of every one hundred persons cited and released, how many on the average fail to appear in court as required?
- How many of the FTA cases are deliberate, and how many are inadvertent or unintentional?
- What percentage of all persons cited and released are arrested for a new offense between the time they are cited and the time they are due in court?
- Of every one hundred persons cited, how many on the average are cited in the field and how many at the station house?
- What are the three most common reasons why persons cited at the station house could not be cited in the field at the point of arrest?
- How many of the arrestees not cited and released but booked are subsequently released on their own recognizance by pretrial release staff or by the court?
- What are the characteristics (age, sex, marital status, place and length of residence, employment status, prior record, arrest offense, number of points on screening test, etc.) of persons who fail to appear as required?
- What relationship, if any, exists between failure to appear and the interval of time between citation and appearance date?

- How many hours of transportation and booking process time are obviated each month on the average by the use of citation release in the field?
- How many days of detention care are saved each month on the average by the use of citation release?
- Are there any significant differences in the failure-to-appear rates for persons cited by rookie officers and by officers with five or more years experience with their law enforcement agencies?
- How many persons cited and released subsequently (1) have charges against them dismissed, (2) are acquitted, and (3) are convicted of a misdemeanor although arrested on a felony charge?

Administrators of agencies participating in citation release programming who are in a position to be supplied with answers to these types of questions would be equipped to make changes in the areas of eligibility, suitability, procedure, and manpower allocation which would be expected to reduce costs and enhance benefits without increasing risk factors. On the other hand, without the benefits of such information, administrators either must make adjustments on the basis of guess or endure the risk of indefinitely repeating past mistakes in the future.

The answers to these and similar questions are not to be found in the records of a single agency. The answers lie in relating information generated in one or more agencies with other information which may only be reasonably compiled elsewhere.

The conclusion seems inescapable that no single agency involved in some phase of citation release can hope to comprehend its contribution to the process unless the total process is examined. For this to occur, there must be a commitment on the part of all agencies involved to jointly sponsor a program evaluation effort. The responsibility for carrying out such an undertaking would have to be assigned to some agency appropriately placed and possessing or having access to the necessary technical skills to cooperate with all sponsors in the design and evaluation of a data system. Only in this manner can individual agencies hope to obtain the kind of insight into their operations to permit them to monitor their program objectives, recognize changes required, and to be in a position to make changes with some understanding of the effects they will have on the operations of other agencies. Similarly, only when citation release programming is studied as a whole will there be any likelihood that all participants will arrive at compatible objectives, determine the degree to which they are being achieved, and learn at what price benefits realized were obtained.

#### Program Objectives

No comprehensive, coordinated, county-wide citation release program can come into existence in the absence of some person or persons who recognize its need, become convinced of its value, and are sufficiently motivated to act. Both the concept and the motivation to

plan, implement, and support measures to uphold the concept imply that the sponsors have one or more objectives in mind. These objectives may be very general, such as the reduction of jail overcrowding, or they may be quite specific, such as a 25 percent decrease in the number of shoplifters booked at the jail by the county's police agencies.

In addition to objectives relating to the collective efforts of the county's criminal justice machinery, there will be objectives sought by individual agencies. For instance, one police department might articulate as a goal the achievement within a given period of a 15 percent increase in the amount of officer time for directed patrol activities, time diverted from booking, and transportation activities in conjunction with postarrest detention. Another police agency--for example, the county's department of public safety--might have as its objective a 25 percent reduction in the number of miles its vehicles are driven to transport misdemeanor arrestees from remote areas to the county jail. The county prosecutor might set as a departmental objective a reduction of 10 percent in "overcharging" by the county's police agencies.

Objectives should be compatible--whether they are "system goals" to be addressed by the collective efforts of all criminal justice agencies or whether they are subsidiary goals to be sought by single participants in the collective effort.

Objectives can be viewed as states, conditions, or positions to be obtained as the result of efforts directed at remedying needs. To the extent needs vary from community to community, so will objectives of remedial effort. On the other hand, to the extent different communities share common needs, their efforts to eliminate them can be defined in common terms.

All county criminal justice systems have some common needs. All must perform functions required by statutes in ways acceptable to courts. All must allocate scarce criminal justice resources in such a way as to gain the greatest benefit from their deployment. All must seek to achieve benefits at some degree of risk of experiencing failure. All criminal justice systems are composed of a multiplicity of administratively independent agencies, each with its own parochial needs and objectives.

To the extent these commonalities exist, it is possible to express a general objective for the collective efforts of a county's criminal justice machinery relative to citation release programming. It is offered as an example of what the sponsors of a comprehensive, county-wide citation release program might arrive at upon collectively assessing their respective needs:

The collective objective of the criminal justice agencies serving \_\_\_\_\_ County in undertaking a comprehensive, coordinated, county-wide citation release program is to improve the administration of criminal justice in all areas of the county by:

- Decreasing the use of postarrest, pretrial detention for persons whose prosecution will not be complicated or thwarted by their prearraignment release by the police and who, upon release, would be unlikely to pose any serious threat to the property and person of others.
- Minimizing when possible the visitation upon arrestees entitled to the presumption of innocence (and upon those dependent on them) of inconveniences and penalties more appropriately reserved for convicted defendants.
- Freeing for reallocation for the support of other criminal justice activities, manpower and other resources committed to accomplishing the postarrest detention of persons for whom less expensive and no less effective measures are available to ensure the desired prosecution.

This general objective can be subdivided and refined into a number of specific goals. Each of these can then be converted into quantifiable terms for use in program monitoring and evaluation activities.

Within the operational limits defined by this general, overriding objective, there is room for the articulation of more limited and more narrowly focused objectives by individual participant sponsors or group of sponsors. The following are examples of such objectives:

Police agencies

- Reduce the amount of time police man-hours and equipment are removed from basic patrol service in conjunction with accomplishing the detention of arrested persons.
- Reduce arrestee and community ill-will and resentment directed at the police generated by the practice of routinely booking and detaining persons arrested for minor offenses.

### County jail

- Reduce the number of staff man-hours expended on admitting and releasing arrestees ultimately approved for pretrial release.
- Reduce the average daily population of pretrial prisoners and the attendant operational costs for food, laundry, medical care, and so on.
- Reduce the size of the pretrial population to enable the reallocation of bed space, staff time, and material to sentenced prisoners.

### Pretrial release unit

- Reduce the volume of low-risk detainees requiring screening upon admission so that additional staff time can be applied to screening higher risk cases and arranging for the post-release supervision of those approved for release by unit personnel or the courts.

### Courts

- Reduce the uneven distribution of arraignment work load.
- Reduce the judges' involvement in bail adjustment and ROR matters.

### Prosecuting attorney

- Reduce the average length of time required to screen and prosecute persons arrested on misdemeanor charges.
- Reduce the volume of police overcharging cases.

### The Relationship Between Program Costs and Benefits

Both the benefits resulting from the operation of a citation release program and the costs incurred in producing them defy accurate measurement. This is because each of them deals with intangible elements, such as the value to a family of not having the father jailed and the cost in credibility of the criminal justice process when a citee fails to appear and is not apprehended and prosecuted. Yet there are sufficient factors on both sides of the equation which can be captured and assessed to enable decisions to be made--for instance, in the areas of police manpower allocation, modifying eligibility criteria, and revamping forms and procedures.

To date, police agencies using citation release have not been able to execute cost-benefit studies. They have lacked the necessary data base or the technical skills required to use the data, or both. To the extent police agencies have looked at benefits and costs, their focus has been on those noted in terms of their own handling of cases. Any benefits that may have resulted and realized by the jail, for instance, would not be considered.

The leading, if not only noteworthy, assessment of citation release costs and benefits was made in 1974 and considered solely those factors associated with police agency activity. Supported by LEAA funding, the American Bar Association's Correctional Economics Center undertook to analyze what the financial implications would be to a model community if it were to implement certain standards set forth by the National

Advisory Commission on Criminal Justice Standards and Goals--standards calling for the use of alternatives to conventional arrest and detention practice. The staff, using conservative assumptions in its analysis, summarized and reported its findings in 1975:

- The cost of the stationhouse citation activity would approach the cost of traditional arrest in terms of criminal justice system public expenditures.
- The cost of using field citations would be substantially lower than the cost of using traditional arrest procedures.
- Assuming a relatively low rate of eligibility for release and a low release rate out of those eligible, the respective citation activities are estimated to be approximately 10 percent and 41 percent less costly than traditional arrest when criminal justice system public expenditures alone are considered.<sup>1</sup>

The project staff found that the following factors contribute to the identified cost differences:

- While the stationhouse citation activity may allow greater control over release decisions through routine stationhouse processing of accused persons prior to release, this practice also has a significant impact on cost. Transporting and booking accused persons under the stationhouse citation activity accounts for 63 percent of the public expenditure costs of that activity as analyzed in this study, whereas for traditional arrest, corresponding costs comprise 57 percent of the public expenditures analyzed for the activity.
- The cost disadvantage of traditional arrest is attributable to the routine detention of accused persons prior to their first court appearances.
- A public expenditure attributable to the citation activities and not to arrest, is that associated with released persons who fail to appear in court. Such costs may be substantial if persons are prosecuted for willfully failing to appear. Still, the costs of failure to appear as estimated in this study amount to less than 40 percent of what it would cost (under traditional arrest) to detain the full released population even for a minimum period of time prior to arraignment.<sup>2</sup>

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<sup>1</sup>Susan Weisberg, Cost Analysis of Correctional Standards, vol. 1: Alternatives to Arrest, report prepared for the Law Enforcement Assistance Administration (Washington, D.C.: Government Printing Office, 1975), p. 7.

<sup>2</sup>Ibid., pp. 7-8.

When the project's staff analyzed the impact of loss of income typically associated with custody following traditional arrest, it found that it increased the total cost of arrest procedures by 63 percent and caused traditional arrest costs to exceed those associated with station house release by 37 percent and those associated with field citation by 87 percent.

The project's staff found that in addition to cost implications, its study finding tended to support the following conclusions:

- The more effective a citation activity is in terms of 1) establishing a broad base of eligibility for release, 2) releasing a substantial percentage of the eligible (target) population, and 3) keeping rates of failure to appear at a minimum (through effective screening and notification), the greater cost advantage citation will have over traditional arrest. . . .

-A relatively high rate of eligibility coupled with a low rate of release produces arrest costs that exceed those of station-house citation by 8 percent and those of field citation by 57 percent.

-A relatively low rate of eligibility with a low rate of release produces arrest costs that exceed those of station-house citation by 11 percent and those of field citation by 70 percent.

-With a relatively high rate of eligibility and a high rate of release, the cost of arrest exceeds that of stationhouse citation by 27 percent and that of field citation by 230 percent.<sup>1</sup>

The project staff summarized the conclusions by stating:

Thus it appears that cost advantages will accrue where policy recommendations of the Corrections Report can be fulfilled: minimum penetration into the criminal justice system, using the least drastic means of entry for the maximum percentage of eligible accused persons. Further, it can be inferred from a comparison of field and stationhouse citation activities that assuring pre-trial liberty at the earliest possible stage produces significant cost advantages in terms of criminal justice system public expenditures.<sup>2</sup>

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<sup>1</sup>ibid., p. 9.

<sup>2</sup>ibid., p. 10.

The Correctional Economics Center's study, while based on assumptions rather than on proven experience of an actual program, demonstrates what kinds of questions can be raised and answered by agency administrators or others, given an appropriate data system and the technical skills to plan and use it.

### Economic and Social Benefits and Costs

Initiating a citation release program (or expanding an existing one) involves few costs and can yield considerable benefits. The balance sheet on citation release programs, then, is almost always favorable; just how favorable in any given situation depends upon organization and operational circumstances, including the extent to which the practice is employed.

### Costs

The major identifiable costs associated with planning, implementing, and evaluating a citation release program arise out of:

- Department staff time required to design the program and to develop operating procedures.
- Printing and distributing notice-to-appear forms and instructional material related to them.
- Manpower time expended in:
  - Roll call, training sessions, and learning procedures to be followed.
  - Handling any increase in record checking activity in response to requests for information by arresting officers regarding prior records, existence of outstanding warrants, and out-of-county holds.

- Processing file copies of notice-to-appear forms for individual records and statistical purposes.
- Obtaining and serving warrants resulting from failure-to-appear cases.
- Evaluating and reporting on program operation experience.

In most instances, these costs are offset by reductions in costs normally inherent in executing the traditional alternative response to arrest--namely, transporting arrestees to the station house or jail for record checking, booking, and detention.

#### Benefits

Besides the economic and social advantages it bestows upon the arrestees, citation release provides savings to the community's taxpayers in the form of reductions in arrest, detention, and prosecution costs. The economic benefits which can be realized in any given jurisdiction initiating a citation release program will depend in part on the way noncitation cases are handled by the law enforcement agency, the jail, and the courts where first appearances are made.

Benefits are obvious. The arrestee is spared the loss of his freedom prior to his first appearance in court or earlier release on his recognizance or monetary bail. He may thus be saved the expense of posting bail, any threat to his employment, personal embarrassment from being confined, and so on. In addition, when the citee is free, he has the opportunity not only to more properly arrange for his defense, but is also in a position to demonstrate his capacity to exercise

responsibility for himself prior to trial and thereby reduce the likelihood he will be confined if convicted.

Citation release confers benefits upon members of the community, both individually and collectively. Employers of citees may be spared the loss of the valued employees' services. Citees are free to continue honoring other obligations they may have in the community. Citation release can certainly benefit the community's taxpayers. Operational savings can be achieved by police agencies using the process, as well as by agencies responsible for operating detention facilities used by the police agencies.

Depending upon their arrest and detention procedures, police departments choosing to undertake citation release can expect to realize savings when:

- Arrestees are not transported by department personnel from the point of their arrest to a station house and/or detention booking center. (Savings are proportionate to the amount of time which would otherwise be expended in transportation which, in turn, is related to the distance between the site of arrest and the station house or jail location.)
- Patrol officers and equipment are not tied up during the booking process.
- Arresting officers are freed from the need, in certain circumstances, to accompany arrestees to court.

Community facilities which receive and detain persons for trial are spared part, if not all, of the effort and expense required to book, fingerprint, photograph, clothe, feed, supervise, and provide medical services to persons when they are cited in lieu of incarceration.

Persons cited and released need not be screened and evaluated by any pretrial release program personnel, thereby enabling those units to deal more extensively with a smaller workload. In addition, prosecution, court clerk, and judiciary personnel are spared certain paperwork which is often unavoidable when defendants are detained rather than cited.

### The Importance of Program Monitoring and Evaluation

It can only be considered irresponsible for a community's criminal justice agencies to collectively enter upon a course of action to achieve one or more specified objectives if they do so without having the ability to periodically check their position and to determine whether their journeys are worth the expense and effort.

The processes by which operational effectiveness and achievement are made known to program sponsors and administrators are monitoring and evaluation. Monitoring is a continuous process intended to feed back to program administrators information on how closely operational activities are approximating their scheduled output. Evaluation is a process undertaken from time to time to determine to what degree a program is accomplishing its stated objectives. Monitoring is concerned with learning and reporting how the program's machinery is working; evaluation is concerned with determining and reporting whether the machine produced the product it was supposed to.

To exist, structured program monitoring and evaluation processes require:

- The recognition on the part of program sponsors and administrators of the value of the products of the two processes.

- A firm commitment on the part of a program's sponsors to create, support, and use a monitoring and evaluation capability.
- That a program's sponsor will resist the always present tendency to avoid expense and procedural change by substituting intuition for formal processes.

A comprehensive, coordinated, county-wide citation release program is a part of the county criminal justice system's total pretrial release effort. As such, it cannot be monitored and evaluated apart from the whole pretrial release operation. Any evaluation plan designed to measure the impact of citation release programming must rely upon information which describes other pretrial release activities. In order to assess the impact of citing persons eligible for citation release, it is necessary to know a great deal about how other pretrial release measures are employed with not only those arrestees who are not eligible for citation release, but also with the noncited eligibles. For example, a citation release program might be applauded if it were shown only that 98 percent of all persons cited appeared in court as required. The same program might not seem so worth of praise, however, if it were also determined that 98 percent of all noncited eligible arrestees also appeared in court as required following their release from detention by a pretrial service agency's ROR unit.

Normally, one would expect that in counties with a criminal justice planning agency, the agency would be assigned the responsibility for

program monitoring and evaluation. If staffed appropriately, the criminal justice planning agency could either perform the functions itself or contract with outside organizations to do part or all of the work. In counties lacking a criminal justice planning agency and in counties with planning agencies that lack the manpower and/or expertise required, arrangements would have to be made to contract for the service with outside private or public agencies.

Data items are records of acts undertaken and the characteristics of the objects of the acts. The acquisition, compilation, examination, and assessment of data items creates information which in turn makes possible program monitoring and evaluation.

Monitoring and evaluation are concerned with answering questions relating to a program's processes and products. Because no two programs have exactly the same objectives and employ the same methodologies, each program will give rise to a different set of questions. However, all citation programs share certain broad goals and procedures, and these can give rise to common questions--many of which need to be answered as part of the monitoring and evaluation processes. The following are examples of the type of questions which can only be properly answered with the available of data:

- What is the baseline against which the results of introducing a citation release program can be compared?
- What percentage of all persons arrested on felony and misdemeanor charges are eligible for consideration for citation release?

- Of the total number of persons in each offense classification (felony, misdemeanor, infraction) who are eligible for citation release, what percentage are determined to be unsuitable and are therefore not cited?
- What are the primary reasons for findings of unsuitability, and what percentage of the total uncited arrestee group do each of these primary reasons represent?
- How uniformly and consistently are eligibility and suitability criteria applied from one law enforcement agency to another, by one law enforcement agency over a period of time, and by different units within a single law enforcement agency during a given period of time?
- What percentage of all arrestees cited by a given agency are cited in the field, at the station house, and at the jail subsequent to booking?
- What percentage of arrestees cited at the station house or at the jail are deemed ineligible by the arresting officer at the point of arrest?
- What is the average time and range of elapsed time between arrest and field citation release, station house release, and postbooking release at the jail?
- What is the average amount of officer time expended in transporting arrestees ineligible or unsuitable for citation release to the jail and completing the booking requirements?
- What is the sex, residence, employment status, occupation, age, race, and court-status characteristics of arrestees determined to be ineligible, those eligible but found unsuitable, and those cited?

- Of all persons cited by each police department, what percentage are judged by the prosecutor's office to be unsuitable for prosecution?
- Of all persons cited by each police department on a felony charge, what percentage are judged by the prosecutor's office to be suitable for prosecution on a lesser charge?
- Of all persons cited to appear in court who fail to do so, what percentage are prosecuted?
- For a given period, how many persons are admitted to the county's detention facility(ies) on felony and misdemeanor charges by each law enforcement agency?
- What is the average elapsed time between admission and release for the following group of offenders:
  - Persons bailed prior to screening by a pretrial release agency's ROR unit.
  - Persons bailed subsequent to screening.
  - Persons released by the ROR unit.
  - Persons released by the court on the ROR unit's recommendation.
  - Persons released by the court without the ROR unit's recommendation.
  - All other unsentenced persons.
- What is the average amount of detention staff time required to receive, book, and admit an arrestee?
- What is the average amount of detention staff time required to discharge a prisoner when notified that release is authorized?
- What is the average daily cost of providing care and custody at the county's detention facility(ies)?

- What is the total number of cases by offense classification set for arraignment in the county's courts?
- What percentage of the total cases scheduled for arraignment represent persons who are:
  - Released on bail.
  - Released on recognizance by PTR.
  - Released on recognizance by court.
  - Released on citation.
  - Not released.
- What is the relationship between the kind of citation release (i.e., field, station house, postbooking) and failure to appear?
- Of all persons who fail to appear from each type of release method chosen, what percentage are deemed to have deliberately done so and what percentage are deemed to have been confused or in error?
- Of all persons who fail to appear in each release group, what percentage are subsequently prosecuted because of their failure to appear?
- How do the failure-to-appear rates for the following groups compare for a given period:
  - Eligible but noncited arrestees released by or recommended for release by the pretrial services agency ROR unit.
  - Eligible but noncited arrestees not recommended for release by the pretrial services agency ROR unit but released by court.
  - Eligible but noncited arrestees released on bail.
  - Persons ineligible for citation release not recommended for release by the pretrial services agency ROR unit but released by order of the court.
  - Persons ineligible for citation release who are released on bail.

- What percentage of all persons booked at jail (and not cited out by arresting departments) are released on bail prior to being screened for ROR eligibility by the pretrial services agency ROR unit?
- What is the relationship between the percentage of eligibles cited and the number of FTA cases?

The answers to many, if not most, of the questions that must be addressed in the course of monitoring and evaluating a program lie buried in data already routinely recorded by criminal justice agencies. Therefore, instituting a formal monitoring and evaluation effort will require that relatively few new facts will have to be recorded on existing forms and reports. It is far more likely that a new methodology will be required to capture data that is recorded and to convert it into useful information which can be fed back to contributing agencies, individually and collectively, for their guidance for planning and operational purposes.

The principal task of the organization assigned the responsibility for monitoring and evaluating a comprehensive, coordinated, county-wide citation release program is to devise and equip a methodology for assuring the production and processing of data. What methodology should be used will be dependent upon such factors as the nature of the county's existing criminal justice electronic data processing, if any; the volume of arrests made in the county; the availability of staff services in agencies participating in the program; the skill of the staff persons involved; and the integrity of the data recorded.

Specifically, the staff agency must ascertain from the program sponsors (after the program's general and specific objectives have been stated) what questions the sponsors want answered:

- What information needs to be produced.
- Where and how the data should be recorded.
- How the data should be compiled.
- How and at what intervals the data should be reported.
- How the data should be processed.
- How the information generated should be handled.

These and similar issues involve technical knowledge and skill. Monitoring and evaluation plans must be developed with the support of the criminal justice planning council and the assistance of individual agency administrators and planning, research, and record personnel. A data system must be selected or revised. Computer or clerical time must be procured and the programs written. Forms must be reviewed and, where appropriate, revamped to yield data not currently recorded or collected.

## CHAPTER VIII

### MANAGING THE FAILURE-TO-APPEAR PROBLEM

The formal use of citation release programming rests on promises. To the extent that promises given are kept, a program can be said to be successful; to the extent they are not honored, a program can be termed unsuccessful.

The basic act of promising occurs when an arrestee signs the "promise-to-appear" section of a citation form. Although most arrestees who are extended the opportunity to give their promise to appear in writing are sincere and prove it by keeping their commitment, some are not; and no arresting officer can predetermine with 100 percent certainty how any given citee will respond.

The citee is not the only party extending a promise. Those who have given the authority to execute the citation release option--the state legislature, the courts, the prosecutor, and the police--all overtly or implicitly promise the cited person that his failure to keep the promise will not be ignored or go unpunished. This promise is openly expressed when the citing officer and/or the citation form clearly set forth for the citee the penalties that his failure to appear can invoke against him. In addition, the fact of arrest, the form of the citation instrument, and the process by which it is conveyed to a citee all imply a promise of action against him if he does not appear.

A major and frequent defect in the way citation release has been administered thus far is that the police, prosecutor, and courts have no consistent policy for dealing with citees who do not appear in court as scheduled. Police criticize prosecutors for not pressing for the prosecution of persons who do not show up in court. In turn, the prosecutors accuse the police of not aggressively seeking to find and take into custody persons for whom warrants have been issued. At times, both the police and the prosecutors accuse judges of taking nonappearance too lightly. Judges argue that the court must discriminate between different classes of failure-to-appear defendants and not be too hasty in deciding that a nonappearance is deliberate and worthy of being dealt with as a contempt action.

It is axiomatic that any strategy short of continuous confinement which is used to accomplish the physical presence of arrested persons in court will fail more often than continuous confinement. Any form of postarrest, pretrial release--whether it be citation release, ROR, or release on bail or bond or to the custody of a third party--will have some defectors. How many defectors will depend partly on how conservatively or liberally the qualifications for pretrial release are defined, and partly on how astute decision makers are in determining whether persons do or do not qualify under the eligibility rules and test of suitability. How conservatively or liberally defined and interpreted the qualifying criteria are depends upon how much risk

of failure the sponsoring community and its agents are willing to accept in the hope of achieving other criminal justice objectives.

For a community's decision makers and policymakers to arrive at any rational assessment of how much failure of any specific pretrial release method they can afford to tolerate, they must have facts rather than vague impressions upon which to make their judgments. With the proper set of facts, it becomes possible to measure both success and failure on concrete terms and to make changes in operational methods designed to increase success and reduce failure. It also becomes possible to measure the effectiveness of a given program (1) over time, (2) with respect to other prerelease programs in the same community, and (3) as compared to like programs in other criminal justice systems.

#### Defining the Failure-to-Appear Status

Given the fact that it is desirable to know what a program's FTA rate is, how should failure-to-appear status be defined? Is the citee who is scheduled to appear in court at 10:00 a.m. who, because of a traffic tie-up, arrives after his case has been called considered an "FTA"? Is the citee who cannot keep his appearance because he has been arrested and confined on a new charge (unknown to the court) an "FTA"? What about the person with marginal familiarity with the English language, and even less with the criminal justice process, who loses his citation and appears in court on his own initiative two days late? Should he be considered an "FTA"?

In arriving at a precise definition for failure-to-appear status for statistical purposes, it is important to focus on the the fact of nonappearance--not the reason for it. The fact of nonappearance is best defined by the action of a court or other hearing authority in issuing a warrant for a citee's arrest. The issuance of a warrant is a matter of record; it is a universally available process, and occurs pursuant to a finding or judgment.

Two special situations need explanation in terms of the definition of FTA as a status created by the issuance of a warrant. In some jurisdictions, bench warrants are automatically issued for persons failing to answer at the first call in court, and the warrants are withdrawn if the persons subsequently--usually the same day--make their appearance on their own initiative. In such situations, the withdrawal of the warrant has the effect of denying it ever existed. Therefore, no failure to appear has occurred, and the persons involved are not FTAs for statistical purposes.

#### Data Requirements for Computing and Comparing Failure-to-Appear Rates

In order to arrive at an FTA rate for a county-wide citation release program, the agency charged with computing it needs to assemble the following data:

- The total number of arrests by all law enforcement agencies.
- The total number of persons arrested who are eligible for citation.

- The total number of persons actually cited.
- The total number of persons scheduled to appear.
- The total number of persons failing to appear.

#### Total Arrests

This information is normally compiled by most law enforcement agencies for internal as well as external purposes. It should be available broken down by arrests for felonies and misdemeanors. Felony offenses should be broken down by (1) offenses against persons and (2) offenses against property. Misdemeanor offenses should be broken down by (1) violation of state criminal code provisions, (2) violation of county and/or municipal ordinance defining criminal acts, and (3) violation of local regulatory ordinances (e.g., zoning, health and sanitation, construction codes).

#### Total Number Eligible for Citation

State laws, court rules, and law enforcement agency policy usually expressly prohibit the use of citation for persons arrested for certain classes of offenses (for example, all felonies, sex offenses, drunk driving). In order to develop a basis for comparison of FTA rates of different counties, it is necessary to determine what the citable population is in each of the jurisdictions being compared. Therefore, it is important that a jurisdiction's total arrests be classified as to their eligibility for citation.

The difference between eligibility and suitability should be kept in mind. All persons deemed eligible for citation release are not necessarily suitable. Shoplifting may be an offense for which a person is normally eligible for citation release. However, shoplifters with a history of nonappearance or lack of employment and residence ties in the community may very likely be considered unsuitable.

#### Total Persons Cited

This information should be readily obtainable from each law enforcement agency. If the figures are based on numbered citations, the totals need to be corrected for (1) any voided citation and (2) any citation recalled prior to the time the first appearance was to have taken place.

#### Total Number of Citees Scheduled to Appear

If citations are screened by a prosecuting attorney prior to the citee's appearance date, the number of citations the prosecutor decides not to prosecute can be determined and subtracted from the total cited. This should be done, however, only if the citees involved are excused from their responsibility to appear in court.

#### Total Failing to Appear

From court personnel, or the prosecutor's office if appropriate, the total number of persons formally found by the court to be FTAs should be determined. Each person so classified should be within the definition accepted for failure-to-appear statistics.

### Computing a Failure-to-Appear Rate

Failure-to-appear rates for citation release programs should be computed as follows:

$$\frac{\text{Total no. of persons cited who fail to appear}}{\text{Total no. of persons cited who are scheduled to appear}} \times 100 = \text{FTA rate}$$

An FTA rate computed in this manner represents the most refined measure possible. It involves a narrow but precise definition of FTA (that is, one based on the criteria of a court finding represented by the issuance of a warrant) and base population not inflated by persons who are not put to the actual test of the sincerity of their promise to appear. For less meaningful results, the total number of citations written can be used as the base population.

### Minimizing Failure to Appear

The following measures, if regularly employed, can be expected to minimize the likelihood that citees will fail to appear:

- Citing officers taking the time to inform subjects of their constitutional rights, explaining the citation process to them, stressing the requirement for appearance and the penalties for nonappearance, and asking the subjects if they have any questions about what is expected of them.
- Citing officers, after advising subjects of their rights and explaining the citation process to them, reading the promise-to-appear section to them as it appears on the citation form before requesting their signature.

- Including on the defendant's copy of the citation form the list of the defendant's rights and obligations, and the penalties for nonappearance.
- In communities with significant numbers of Hispanic residents, having the citation form carry the promise to appear, the summary of rights, and the penalty-for-nonappearance section in Spanish as well as English.
- If the citation form used is not the same one used for traffic law violations, including on the citation form in bold type the words "THIS IS AN ARREST--COURT APPEARANCE REQUIRED."
- Considering the feasibility of having the criminal department(s) of the community's courts open one or more nights a week, thereby providing citing officers with the option of citing persons to appear at a time when they are not scheduled to be at work. One reason cited persons fail to appear is that they consider the economic and other consequences of taking off from work to go to court as being more threatening than any risk they may incur by their nonappearance. This is particularly true in communities with large working-class populations.

#### The Need for Monitoring Program Operations

Every public agency employing citation release should be in a position to monitor how well its personnel are determining eligibility and suitability of arrestees for citing. Monitoring requires a commitment to good record keeping, as well as access to technical research skills. Without both, a department cannot determine whether arrestees with certain characteristics are being overcited or whether they are

being undercited. Nor can a department learn whether certain officers, procedures, or attitudes are associated with higher- or lower-than-average rates of nonappearance. In short, a department will be unable to understand the nature, dimensions, and causes of its nonappearance rates or take remedial measures in the absence of the systematic development of competent information about its operating practices.

CHAPTER IX  
PROGRAM PROCEDURES AND INSTRUMENTS

Introduction

Inherent in the concept of a comprehensive, coordinated, county-wide citation release program is the employment by all program participants performing like functions (e.g., arrest, citation, prosecution, adjudication) of a single set of procedures and forms. All police agencies should use the same citation form; all prosecutors (municipal and county) should use the same process, if not the same criteria, for requesting the issuance of nonappearance warrants by courts; and all courts should use the same procedures for handling matters of citees who fail to show up at their scheduled first appearance.

Citation release program forms and procedures need to be designed to facilitate three purposes:

- ✓ ● The identification in the total arrest population of all arrestees who meet the established qualifications for being cited and released.
- Increasing the likelihood of appearance in court as promised of arrestees actually cited.
- The orderly creation of a body of information required for the routine monitoring of the program's processes and for the periodic evaluation of its success in achieving its stated objectives.

Identification of the Citable

The identification of arrestees who qualify for citation release is in part a mechanical task (e.g., applying eligibility factors such as

offense charged, residence, and employment status) and in part the application of insight, intuition, and judgment (e.g., assessing whether an arrestee is apt to resume an assault if cited; rating the likelihood that an arrestee, if cited, would fail to appear, believing the odds are in his favor that the court would not seek his arrest).

To enhance the capacity of police manpower to understand and apply eligibility factors and to make proper judgments on matters involving suitability, police agencies should make competent use of:

- The general order directing the use of citation release
- Instructional guides
- Training sessions
- Field review

Plans for a comprehensive program should incorporate the use of each.

#### The General Order

The "general order," issued by police agency administrators to activate a program or activity, can be a very effective device for instructing manpower how to assess the qualifications of arrestees for citation release. By conveying the rationale for the use of the strategy and setting forth the administration's commitment to its fullest use, the general order provides a strong initial orientation to its purpose and value when appropriately applied. While the finer details of eligibility and suitability determination should be left to instructional manuals and training classes, the basic overriding principles governing the use of citation release should be clearly expressed in the general order.



- (3) To increase the amount of time the pretrial services agency's ROR unit can apply to servicing the needs of those detainees who can only be released prior to trial under special supervision.

#### POLICY

##### Example:

It shall be the policy of this department that, following arrest, a citation shall be issued in lieu of booking a suspect whenever it is possible to do so within the provisions of this order.

#### REASON FOR POLICY AND PROCEDURE

##### Example:

The 67th Session of the State Legislature has added Sections 562-573 and Section 592 to the Penal Code which mandate the use of citation release in misdemeanor matters, and authorize its use on a discretionary basis for certain felony matters. In an attempt to comply with these provisions in a manner which minimizes interagency operational conflicts and to achieve maximum benefits by implementing the law uniformly in the county, all criminal justice agencies affected by the legislation have jointly planned and agreed upon policies and procedures which are to govern their individual organization's participation on a coordinated citation release program.

The procedures set forth below are designed to assure the department's fullest compliance with the requirements of state law and in a manner which is consistent and compatible with the efforts of other law enforcement, judicial, and correctional agencies in the county.

#### DEFINITIONS

Any terms which are to be used in spelling out procedures to be used and which may have a special meaning in the context of a new legislation or intended programming should be precisely defined.

Examples:

Felony	Field Citation Release
Misdemeanor	Station House Release
Arrest	Jail Citation Release
Physical Arrest	Failure to Appear
Booking	Summons
Admission	Warrant Arrest

CRITERA FOR ISSUANCE OF CITATIONS

This section should be used to identify eligibility and suitability factors set forth in citation release enabling legislation or accepted as departmental policy.

Examples of Eligibility Factors:

Age (e.g., This order applies only to persons 18 years of age or older.)

Offense Classification(s) (e.g., Specific groups of offenders are never to be cited.)

Residence (e.g., No one residing outside the state is to be cited.)

Existence of Outstanding Warrant(s).

Prior History of Nonappearance (e.g., Persons known to have been "failure to appear" cases in the past are not to be cited.)

Prior Record (e.g., No person previously convicted of felonious assault shall be cited.)

Response to Arrest (e.g., Anyone who demands to be taken before a magistrate is not to be cited.)

Examples of Suitability Factors:

Level of Intoxication.

Possible Need for Medical Examination or Care.

Evidence of Identify (e.g., Describe acceptable evidence presented by arrestee and nature of evidence to be compiled from other sources.)

Potential for Jeopardizing Investigation or Destroying Evidence.

Level of Danger Posed to Person and Property of Self or Others.

Potential for Honoring Promise to Appear in Court (e.g., List factors to be assessed such as location, length of and type of employment, length of residence at present or past addresses, family circumstances, and patten of drug and/or alcohol usage.)

#### WHEN AND WHERE CITATION RELEASE IS TO OCCUR

For persons determined to be eligible and suitable for citation release, describe what conditions should be to determine whether citation release is to be accomplished (a) in the field, (b) at the station house, or (c) at the jail (before or after admission).

#### Example:

In all cases involving narcotics violations, offenses having increased penalties as the result of a prior conviction and the employment of physical force in arrest, fingerprinting and photographing shall be required prior to a citation release. Officers shall transport all persons involved with such circumstances to the station house for processing.

#### FIELD CITATION PROCEDURES

Instructions should include:

- How to complete the citation form
- What supplementary reports are required to be completed and their content
- How to obtain an event number for entering on citation form
- Distribution and routing of all copies of completed forms
- Verbal notification to be given to arrestee
- Who needs to report after release for fingerprinting and photography
- Information to be given verbally to arrestee

## STATION HOUSE RELEASE PROCEDURES

Instruction should set forth such information as:

- Nature and extent of additional identification required for release
- How to complete citation form
- What supplementary information or reports are required
- Distribution and routing of all copies of completed forms

## JAIL CITATION (POST DETENTION) RELEASE PROCEDURES

Instructions should include:

- Who shall prepare citation and other reports when arresting officer is not available
- Who is authorized to approve release of person held temporarily at jail
- Instructions for releasing arrestees to third parties

## GENERAL INFORMATION

Instructions should be set forth which include:

- Schedule for determining appearance time and date to be re-recorded on citation form

### Example:

Whenever a citation is issued, the officer shall set the date and time of appearance for 1400 hours in the following manner:

- a) If released Monday through Thursday, one week from the date released.
- b) If released Friday, Saturday, or Sunday, one week from the Monday following release.
- c) If court date falls on a court holiday, set for first court date thereafter.

- Procedure to be followed in cases where more than one person is charged with an offense growing out of the same incident
- Procedure for handling citations resulting from a citizen's arrest
- Procedure for obtaining, safeguarding, and disposing of citation form books
- Procedure for withdrawing and voiding citation forms
- Procedure for receiving, receipting for, and disposing of bail from releasees, if applicable.
- Disposition to be made of photographs, fingerprints, and property confiscated from citee.

#### Formal Training

To clarify, enlarge upon, and illustrate material set forth in a general order and in instructional guides, all personnel who will be engaged in screening arrestees for eligibility for citation release should undergo, prior to the launching date of a citation release program, formal instruction in applying eligibility and suitability rules. Such instruction should be included in roll call training or in special training sessions. Formal instruction on the philosophy, policy, and procedures of citation release should be included in the curriculum of the department's academy or other institution used for recruit training.

#### Instruction Guides

Many general orders launching conventional, self-contained police citation programs tend to be quite detailed and may be adequate-- particularly if supplemented by roll call or other training--as guidelines for field operation purposes. However, all police agencies participating in a comprehensive, coordinated, county-wide program can be expected to benefit from the development of a brief manual or guidebook setting forth in detail procedures for assessing eligibility for citation release. When prepared, such a document should begin where the department's general order ends and be used as a training instrument as well as a reference

document. Copies should be readily available to line officers.

### Field Supervision

General orders, manuals, and formal training sessions are useful and important vehicles for preparing personnel to face the sometimes difficult task of establishing the qualifications of arrestees for citation release. But as valuable as these measures can be, they cannot be depended upon by themselves to fully prepare every officer to initially handle the decision-making involved in dealing with the postarrest citation release option. Officers need the reassurance and correction which can come only from the routine or periodic review of their decision-making by experienced, superior officers. If they do not have the opportunity to obtain instant help in deciding how to resolve a particularly troubling or unusual situation or if, having made a decision without help, they are denied any indication that they had acted appropriately, officers can be expected to assume a very conservative stance relative to suitability determination.

To promote the greater exercise of discretion, to encourage the risk-taking inherent in citation release, and to foster in officers the growth of confidence in their own judgment, program planners should urge policy agency administrators to provide for a formal process of field supervision. The process should provide for mandatory, continuous review of the work of new officers, intermittent review as experience is gained, and "as needed" supervision for all journeymen officers.

### Making the Decision to Cite Effective

Inherent in every decision to cite rather than to detain an arrested person is some degree of risk that the citee will not keep his formal, signed promise to appear in court. However, regardless of the dimensions of this risk, it can be increased or lessened by how the citing process is carried out. Evaluations of existing conventional police citations programs have clearly shown that the following factors, among others, affect the appearance rate of cited persons:

- The attitude and demeanor of the officer issuing the citation.
- The format and content of the citation form employed.
- The use or nonuse of reminder notices.
- The nature of the customary response of the courts, prosecutors, and police to failure-to-appear cases.

#### Attitude and Demeanor of Citing Officers

For both the suspect and the officer, the process of arrest; at best, is awkward and disquieting; at worst, it is violent and hostility-provoking. The arrest environment is not conducive to orderly, unemotional, and sensitive functioning on the part of the arresting officer or cool attentiveness on the part of the person being arrested. Yet it is in just this kind of strained, and often threatening, circumstances that police officers must determine whether or not a person qualifies for citation release. It is also the climate in which an officer who has decided to cite rather than detain a person must communicate to an embarrassed, confused, or hostile individual what is happening to him, what is expected of him, and what can result from a failure to comply with instructions. When the normal officer-suspect situation is attended by language differences, illiteracy, or temporary or permanent physical or mental disorientation, the citing process can be difficult.

Police agencies initiating the use of citation release must adopt procedures which assure that their officers are made aware of not only how to deal with the confusion, fears, and anger of arrestees, but also of factors in their own personalities which can contribute positively or negatively to event occurring in the arrest arena.

Police agencies need to incorporate procedures which assure their officers achieving a clear understanding on the part of arrestees that:

- An arrest has occurred and that prosecution will follow.
- Signing and accepting a citation is not an admission of guilt.
- Unlike most traffic citations allowing for the forfeiture of bail, the citation being issued requires a court appearance.

- The appearance is required at the time and place specified.
- Nonappearance can result in prosecution on an additional charge of failing to honor a written promise to appear.

### The Citation Instrument

#### PURPOSES SERVED BY FORM

How smoothly a citation release program operates can be determined to a considerable degree by the quality of the citation form used. In a sense, a competent citation instrument is a summary of the program's plan. Its content and format must be carefully considered in order that the instrument captures all the information needed by each party participating in the program (including cited persons) and conveys information in clear and unmistakable terms. The form must also meet the requirements of state enabling legislation and, where applicable, the requirements of state judicial or law enforcement agencies.

A citation form can be designed to:

- Take the place of both the offense and arrest reports and, in addition, serve as a formal complaint when filed with the court.
- Take the place of the police arrest report but not of the offense report or the court complaint.
- Serve only as a notice to appear to the arrestee.

With careful planning involving all officials concerned, a single citation instrument can be designed which will meet all the requirements and/or needs of:

- State enabling legislation.
- State judicial or administrative body charged with approving program forms and procedures.
- Citees.
- Patrols, records, and statistical functions of arresting departments.

- Prosecutors.
- Judges, clerks, and administrators of courts which citees appear before.
- Program monitors and evaluators.

A citation release form, when properly drafted and executed, should:

- Complete the arrest process.
- Notify the arrestee of the:
  - Charge(s) for which he will be prosecuted
  - Time and place he is required to appear
  - Consequences of his failure to appear
  - Rights to which he is entitled
- Establish the fact that the arrestee by giving his signature understands the requirement of appearing as promised and the consequences for failing to do so.
- Provide the appropriate prosecuting authority with all information required to enable him to carry out his responsibilities.
- Notify the clerk of the court that a criminal complaint has been signed and cause the matter to be calendared for action.
- Provide verification of or facilitate the later verification of the citee's identity.
- Provide the arresting officer's department with a record of the citee's arrest and the essential facts surrounding it.
- Provide appropriate officials with data needed for program monitoring and evaluation purposes.
- Enable the administration of participating police agencies to monitor the performance of patrol and investigation personnel.

#### DISTRIBUTION OF COMPLETED FORMS

The citation instrument should be a multicopy form entitled and designed for distribution as follows:

- An original carrying the title Notice to Appear--Complaint which is forwarded to the appropriate court for filing as the basis of prosecution.
- A copy carrying the title Defendant's Notice to Appear which is given to the citee as a formal notice to him of his arrest, his obligation to appear for prosecution, and his rights as a defendant.
- A copy carrying the title Notice to Appear--Warrant which is forwarded along with the original to the appropriate court for issuance by the court in the event the citee fails to appear as promised.
- A copy carrying the title Notice to Appear--Prosecutor which is forwarded to the appropriate municipal or county prosecutor for use in screening all cases and for preparing for trial where a "not guilty" plea is entered.
- A copy carrying the title Notice to Appear--Statistical which is forwarded to whatever organization or agency has been charged with the responsibility for monitoring and/or evaluating the citation program
- A copy bearing the title Notice to Appear--Arresting Department which is retained by the arresting department to serve as its record of arrest.

#### CONTENTS

The front of the original and all copies should be the same except for:

- The title
- A notice on the copy given the defendant to read the reverse side before appearing in court

The front side should consist of five distinct sections:

- Heading
- Identification (or I.D.)
- Violations
- Notice
- Specialized data

## HEADING

The heading should identify the name and location of the court with jurisdiction to hear the complaint. It should also allow space for court file and docket numbers.

## IDENTIFICATION

In this section, the citing officer should describe the individual arrested in terms of the person's physical description, name, address, operator's license number, Social Security number, employer, automobile license number, make, model, color, style, and owner. The date and time of arrest and the arrest number should also be recorded. The citee's thumbprint should be made on the original (complaint) and the defendant's copy. \*

## VIOLATIONS

This section should provide space for the arresting officer to formally allege the violation(s) for which the arrest is made, to provide essential details of the alleged illegal act, and to set forth the location and time of the alleged offense. All or the most commonly encountered citable offenses may be printed on the form, enabling the arresting officer to simply check the applicable one(s) and/or space can be provided for the offense to be written in by the officer after referring to an index of citable offenses not included on the citation form itself.

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\*A practice gaining favor is to have officers issuing citations in the field to require the citation recipient to give his thumbprint on the original (court copy) of the notice-to-appear form in a place provided for it. This practice does not assist in field identification beyond possibly decreasing any inclination the arrestee has to misrepresent himself or his circumstances. However, the taking of the thumbprint can prove useful in: (1) deterring the arrestee from claiming in court that he was not the person given a citation; (2) providing some identification which can be useful in the event of nonappearance; (3) relating the arrestee to existing records; and (4) forestalling the citee (e.g., a parolee or probationer) from having someone appear in his stead.

## NOTICE

This section should provide space for:

- The time and place appearance is required.
- Notifying the arrestee that his signature is not an admission of guilt but rather a promise to appear.
- The citee's signature.
- The name(s) and badge number(s) of the arresting officer(s).

## SPECIALIZED DATA

A section should be provided for recording any facts which are needed for operational or evaluation purposes not recorded elsewhere. The information would be recorded by the arresting officer and may or may not have utility for the court, prosecutor, defendant, or evaluating agency.

The reverse side of the original and various copies of the citation form should be designed to serve the special purposes of the recipients.

## ORIGINAL NOTICE TO APPEAR--COMPLAINT

The reverse side of the complaint can be designed for recording the court history, execution of waiver of jury trial, and for waiving a hearing and entering a plea of guilty.

## DEFENDANT'S NOTICE TO APPEAR

The front side of the defendant's copy of the citation form should carry in large letters a statement referring the defendant to the reverse side. On the reverse side, the following should be printed:

- Notice that failure to appear as agreed on the front of the form will result in warrant for arrest being issued.
- Instructions to be followed at the arraignment.
- Notification of rights such as the right to:
  - Examine any documents to which law gives him access

- Plead guilty, not guilty, or not plead and the implications and consequences of each option
- Be represented by an attorney
- Trial by jury or by judge
- Appeal decision or sentence
- Other pertinent procedural information which will facilitate the processing in court and aid the defendant to make decisions.
- Information concerning who to contact regarding procedural questions and how and when to reach appropriate officials.

#### NOTICE TO APPEAR--WARRANT

The entire reverse side should be designed as a warrant which, if need be, can be requested of and issued by a judge with jurisdiction to the act. The warrant should be designed so that it can be used in the event (1) the defendant fails to appear at his scheduled arraignment or (2) he fails to appear at any time subsequent to being arraigned.

#### NOTICE TO APPEAR--STATISTICAL

The reverse side of this copy of the form should be designed to provide any additional data not set forth on the face of the citation form. As the data called for must be furnished by the citing officer, the form should not call for information not immediately available at the point the citation is issued. If the information called for is to be used in part for research purposes, items requiring subjective opinion should use a five-point scale.

#### NOTICE TO APPEAR--ARRESTING DEPARTMENT

Since this copy constitutes the arresting department's file copy and official record, any data not supplied on the face of the form should be recorded on the reverse side. In addition to data the department wants from the arresting officer, department and court disposition information

can be added when available.

Appendices D and E contain copies of two citation forms which include most, if not all, of the features discussed above.

## MANAGEMENT OF THE CITATION INSTRUMENT

### SERIALIZATION AND DISTRIBUTION

When printed, the citation form should be serialized using a numbering system which serves purposes of accountability and data processing. Forms should be batched into books of twenty-five or fifty for distribution from a single source to participating police agencies and by agencies to their officers.

There are certain information items such as code and ordinance numbers, court arraignment schedules, and special instructions on the use of citation form which police officers may have frequent occasion to refer to. These information items can be and should be printed on the covers of each citation book. The book covers should also permit the insertion of special notices containing updated procedural and court schedule information.

The organization responsible for supplying the citation forms to participant agencies should establish a control system for distributing citation forms that will insure against careless handling of the forms by the agencies they are supplied to.

The person in each police agency with responsibility for supplying the department's manpower with citation forms should also institute a control system which permits him to know at any time who has any particular form. Books of citations should be assigned to individual officers by number, and each officer should be held accountable for every form issued.

### PROTECTING PROGRAM INTEGRITY

Police agency administrators long ago learned that some citizens, when facing the likelihood of receiving a traffic citation, sought to avoid the consequences of the ticket by either paying off the officer or intimidating him by threatening his job. In an effort to prevent such problems, police administrators developed a number of measures which are now universally used.

Although few police administrators in 1975, in the course of a national study, reported such problems in conjunction with citations in criminal matters, there exists nevertheless the potential for corruption. Two measures significantly reduce the risks of officer misconduct and are widely used:

- Serially numbered citations
- Officer accountability for voided forms

#### DISPOSITION OF VOIDED FORMS

When it is necessary for a police officer to void a citation, the word "voided" should be written across the original of the form. The entire set should be turned in to the officer's superior with an explanation for the voiding.

When the citation form is printed, it should be prepared in books of fifty sets. When the plan calls for all police agencies to use the same form, each police agency should be provided with books in which the serialized numbers are preceded by a code letter assigned to the department.

Books should be assigned by number to individual officers who should be held responsible for accounting for every citation form used.

#### The Use of Reminder Notices

A number of carefully conducted studies of jail-based pretrial release programs have revealed that where persons released on their own recognizance are formally reminded by telephone or mail of their appearance date, they are much more likely to appear as scheduled than those releasees in the same programs who do not receive such reminders.

Few, if any, conventional police citation programs have been equipped to adopt similar practice with citees. This is partly due to the fact that police agencies have not been made to feel any particular responsibility for decreasing the failure-to-appear rates; it is also partly due to the fact that the time interval between citing and appearance is often so short as to make the use of reminder notice impractical.

The adoption of the comprehensive, coordinated, county-wide citation release program concept implies better communications between citing departments, prosecutorial authorities, and the arraigning courts. It also implies a level of program monitoring which rarely exists in isolated police citation programs. Within this improved operating environment, there are likely to be opportunities for the use of follow-up notices by the police or the courts. Procedures to incorporate the practice should be considered, tested, and monitored.

#### Response to Failure-to-Appear Cases

Few communities currently employing citation release have any orderly or consistent process for dealing with the nonappearing citee. Police agencies tend to regard their responsibility for arrestees discharged once they have forwarded copies of citations written to the appropriate prosecuting authority and court. Few prosecutors, particularly those who do not routinely screen all citations or monitor arraignments, are in a position to know who appears and who does not unless they are regularly notified by the courts. Judges, faced with nonappearance situations and lacking staff to carry out investigative assignments, are often reluctant to immediately respond by issuing warrants for citees' arrests. They do not wish to assume a deliberate defection when citees might actually have been confused as to their court appearance obligations or failed to appear out of a misunderstanding or administrative mixup.

Whatever the reasons for it, mismanagement or nonmanagement of the failure-to-appear question tends to weaken the citation release process. Some police officers may conclude that the only way to assure a given arrestee's prosecution is to jail him. Also, the accumulation in the community of a body of persons who experienced no consequences from their failure to appear can foster a "you-don't-need-to-show-up,-they-won't-do-anything-about-it" attitude among certain elements of the population.

Because:

- The management of the failure-to-appear case is crucial to the effective functioning of a citation release program; and
- No one agency--the police department, the prosecutor's office, or the court--has all the resources and authority to deal independently with the citee who defaults on his promise to appear;

it is of crucial importance that in the course of planning a comprehensive citation release program all agencies jointly develop a set of procedures which will spell out their respective roles in defining, identifying, locating, and disciplining those citees who do not appear as scheduled for arraignment.

#### Development of Information Required for Monitoring and Evaluation

The third purpose a citation release program's forms and procedures should serve is the efficient generation and delivery of information needed for program monitoring and evaluation.

Most of the information which is needed for monitoring and evaluation is already required and has been recorded for basic operational purposes such as establishing an arrestee's identity, determining his residence, calendaring the court appearance, and determining eligibility and suitability. Program planners need only to work out an efficient system for information required for such purposes to also flow routinely to those with monitoring and evaluation responsibilities. There is, however, certain other information which, depending upon the program's objectives, may not be needed for operational purposes but only for continuous efforts to determine whether the program's operation is on course and for periodic efforts to assess to what degree it is accomplishing its mission. The income level, educational attainment, existence of crime partners, and race of persons cited or not cited are examples of information which probably would not need to be collected, were it not desired by the program's sponsor to understand how fully the program is being applied.

Those charged with the responsibility for developing a program's procedures and instruments must first decide:

- What data are needed solely for monitoring and evaluation.
- What agency(ies) is (are) best situation to capture and report the information.
- How the information is to recorded and stored.

The apparatus of criminal justice is subject to no single authority. Individual agencies, although sharing at times a common clientele, differ

in their philosophies and operating objectives. Their record-keeping efforts more likely than not are geared to parochial purposes and are not immediately compatible with the record-keeping efforts of other agencies sharing the same clients. Some organizations count and keep track of persons while others deal in charges. Still others use processes employed or services provided as the unit of measurement. There is no common denominator for tracking an individual from arrest through whatever event signals the end of the criminal justice process's responsibility for him.

Given this fragmentation and parochialism, it can only be deemed idealistic to suggest that it is likely or even possible for sponsors and planners of a comprehensive citation release program to gain total acceptance of the kind of an offender-based information system needed to fully monitor and evaluate the program. The task of planners is to design and seek acceptance of a comprehensive information system which will produce all of the information that could be desired. The task of sponsors of a comprehensive citation program is to encourage each participant agency to adjust its information recording and reporting practices to the requirements of the planners' design and to permit as few deviations from the plan as possible.

## CHAPTER X

### PLANNING, IMPLEMENTING, OPERATING, MONITORING, AND EVALUATING A MODEL CITATION RELEASE PROGRAM

#### Introduction

A "model" citation release program is best described in terms of a discrete operational environment: Such an environment is not the service area of a single police agency. It is the service area of the whole "local criminal justice system" to which arrest introduces an individual and by which the person may be subsequently detained, prosecuted, tried, sentenced, and/or released from any further liability for prosecution at any point following the arrest.

What constitutes a local criminal justice system varies from state to state and is determined largely by the provisions of state constitutions. In most states, a system embraces agencies of several levels of government. State agencies are predominant in some systems, while in others the controlling forces are the county, township, and municipal agencies. Most counties encompass more than one law enforcement agency. Municipal and township law enforcement agencies rarely exercise authority beyond the borders of a single county. States which do not delegate certain power to their subdivisions typically decentralize their own service delivery system into areas defined by county borders.

Because county government is the most common pivot point for criminal justice service delivery, it is used below as the operational environment for the staging of a model citation release program. Although the planning and operational measures described are related to a county-based

criminal justice system, the principles underlying the measures are general enough to be valid for application in other operational environments.

For the purposes at hand, it is assumed that a local criminal justice system is a self-contained environment. It is also assumed that all officials exercising responsibilities for functions performed for the system--whether county, state, municipal, or township officials--are authorized by their governing bodies to participate in all program activities described below.

The development of a model citation release program will be greatly facilitated if there exists within the county one or more of the following:

- A local criminal justice coordinating council, consisting of the administrators of all criminal justice agencies operating in the county, which has a tradition of meeting regularly to deal with philosophical and operational matters of mutual concern and which could serve as the sponsor for a county-wide, comprehensive citation release program.
- A criminal justice planning agency serving the county and its political subdivisions which possesses the capacity to design programs, collect and assess data, develop resources, acquire and deliver technical assistance, undertake cost/benefit and other types of analyses, and carry on public information efforts -- capacities needed to facilitate the planning and delivery of a comprehensive citation release program.
- An official (e.g., county administrative officer, coordinator of criminal justice services) who is an extension of the county's executive authority (e.g., board of supervisors, board of commissioners, county executive) empowered to oversee and/or coordinate the administration of all criminal justice agencies which are units of county government.

Ideally, any effort to establish a comprehensive, local citation release program should rest upon state legislation which:

- Declares as public policy the protection of a citizen's right to retain his freedom following arrest and prior to trial, except when his confinement is clearly shown to be necessary to guarantee the orderly execution of the processes of prosecution and adjudication and to protect the person and property of the arrested citizen and others.
- Incorporates rules and procedures developed and approved by the state's highest court after consultation with local law enforcement personnel, local prosecutors, and judges of courts with original jurisdiction in criminal matters.
- Mandates the use of citation release in misdemeanor matters in the absence of one or more specified circumstances.
- Authorizes the discretionary use of citation release in felony matters.

A local criminal justice apparatus is composed of a number of autonomous or semiautonomous organizations usually representing several levels of government. While their areas of operation may overlap to some degree, each organization exists to attend to carrying out specific functions in a specific area. Because each is preoccupied with its own areas of responsibility, it typically gives little time, energy, and attention to undertakings beyond its own immediate area of concern. Even when agencies feel a common need and together decide to authorize and sponsor a joint activity, there is a need for some one agency "to take the ball" and move it. What is required, essentially, is one organization equipped with a broad perspective of the criminal justice process and the manpower, expertise, time, and other resources to carry out the collective decision of all of the community's criminal justice operating agencies.

A decision to develop a model citation program needs a sponsor. The efforts required to convert a decision into plans and programs requires a host. The designing of plans and the implementation of programs require technical skills and expertise. A county coordinating council is an appropriate body to serve as a program sponsor. It also can function as the host for the formal planning and implementation activities required to move a program into full operational status. The procurement of expertise, the development of information, and the mobilization of resources needed to plan, launch, operate, and assess the success of a program are all staff technical functions which a criminal justice planning agency normally is equipped to provide or contract for.

Those preparing to create a model citation release program should accept and be prepared to base their efforts on the following premises:

- The confinement of any arrested person pending prosecution who, on the basis of his personal characteristics and circumstances, poses no significant threat to his own safety or that of others and who reasonably can be expected to be available for prosecution as required constitutes a wasting of public resources, a threat to economic and psychological well-being of persons clothed with the presumption of innocence, and a visitation upon innocent parties of undeserved inconveniences and penalties.
- Citation release is a pretrial release measure with cost, benefit, and service implications for a county's total criminal justice and machinery--not merely an arrest strategy of consequence only to those police agencies which unilaterally choose to employ it.
- In order that a community's total criminal justice operation is to receive maximum benefits at minimum cost from the use of citation release as a pretrial release measure, the procedure must be uniformly applied by every police agency in the community.

- Uniform, integrated, coordinated, and intensive county-wide use of citation release requires that programming be sponsored, planned, implemented, operated, monitored, and evaluated on the basis of a commitment made by every element of the criminal justice apparatus serving the county.
- A comprehensive, integrated, coordinated, county-wide citation release program cannot be coerced into being and can only be created and remain viable through the voluntary participation of independent agencies motivated to pursue common objectives.
- Eligibility and suitability for citation release are defined primarily in terms of factors associated with persons rather than on the basis of offense categories alone.
- The probability that an individual will appear for prosecution as required, not the probability of his committing additional offenses, is the primary factor to be considered in adjudging an arrested person's qualifications for gaining his pretrial freedom through the use of citation release.

Finally, the development of a model program will be fostered if:

- The police administrators, judges, prosecutors, and other officials whose agencies must accommodate changes implied by the adoption of the program possess a degree of understanding of and commitment to the rationale for and objectives of the program which will enable them to support its full utilization.
- The criminal justice agency administrators will communicate to their supervisory and line personnel in a convincing manner their determination that the program is to be fully utilized.
- The criminal justice agencies already have or are willing to develop and use a records system and communications network which will expedite for line personnel the recording, storage, transmitting, and recovery of information needed to quickly and accurately establish the identity, eligibility, and suitability of persons being considered for citation release in the field or at the station house.

- Many, if not all, of the community's criminal justice agencies are already accustomed to contributing information to and receiving information from an offender-based information system and appreciate the opportunities afforded by and system as well as the limitations inherent in it.

A model program may originate with an idea or the recognition of a need to be satisfied. It may not always be possible to pinpoint the moment of birth. Similarly, a model program, if not arbitrarily terminated, may cease to exist when some or all of its activities are gradually absorbed into the routine workings of a community's criminal justice operation, in which event one can no more certainly date its death than its birth.

Nevertheless, a model program can be viewed as the interaction of five activities occurring as points of focus along a continuum. These activities are planning, implementation, operation, monitoring, and evaluation. While in practice these activities are intertwined and interdependent, it is possible to examine each one to some extent as a discrete entity.

The role which each of the major participants in a county-wide citation release program should play in the execution of each activity is now examined.

#### Defining a Need

Planning is the final response to a commitment to address a need which has been defined, after being suspected, investigated, and verified.

Examples of the kinds of need which can lead to the planning of a comprehensive citation release program are:

- To reduce jail overcrowding and processing costs.
- To increase the amount of police manpower on the streets.
- To increase the number of jail-based, ROR unit man-hours available for developing and executing supervised release plans for persons arrested on felony charges.
- To reduce the inequities in the manner arrest is handled by different law enforcement agencies and pretrial release is administered by different courts.
- To decrease the burdens which arrest followed by detention places on the families and employers of persons charged with criminal misconduct.

#### The Planning Activity

Once a need is detected and tentatively verified by one or more components of a local criminal justice system, the next step is for the concerned party to present the need to other criminal justice officials who are apt to be affected by the problem or any measures undertaken to solve it. If citation release programming is a possible remedy, the following steps should be taken:

- The official or group of officials identifying and substantiating a need and considering citation release as a potential remedy should formally present their concern to the county criminal justice coordinating council for its study and recommendation.
- The county criminal justice coordinating council should:
  - Advise the county executive of the concern and request permission to proceed with its study.
  - Accept responsibility for serving as the sponsor of one or more study sessions.

- Invite all persons who could be expected to have an interest in the problem and citation release as a remedy to participate in the study session.
  - Request the county criminal justice planning agency to amass any and all pertinent operational information which would help define the problem and support the use of alternative solutions.
- The county criminal justice planning agency should:
    - Undertake a comprehensive effort to locate, compile, process, and analyze arrest, citation release (if already in use), pretrial detention, admission, release (by categories of release) and length-of-stay data; prosecutorial screening and court disposition of arrest charges and failure-to-appear data for bail; administrative and judicial personal recognizance; and citation release cases. Data should cover a sufficient period of time to provide:
      - A basis for detailing measurable objectives for the comprehensive citation release program being contemplated.
      - Information needed to explain and justify the reasons for the program to participating agency personnel, funding bodies, community organizations, and the public.
      - A statistical baseline for planning, monitoring, and evaluation measures.
      - Guidance in designing operational features to be incorporated in the program (e.g., data-gathering instruments and procedures).
    - Prepare the findings of the study for use by the county criminal justice coordinating council and the program planning committee (see below).
- At one or more meetings hosted by the county criminal justice coordinating council, the following events should take place:
    - The agency or agencies initiating the county-wide, comprehensive, and coordinated citation release program should present its (their) case.
    - Information developed by the county criminal justice planning agency staff should be introduced.

- Broad and realistic objectives for undertaking a program should be agreed upon and committed to writing.
- The nature of the evidence (and the level of confidence it should produce) which will be needed to judge the degree to which the program is achieving its objectives should be decided upon.
- Critical policy issues (e.g., whether program eligibility should extend to all persons arrested on felony charges or be limited only to persons arrested on misdemeanor charges) should be identified and resolved to facilitate the task of planning.
- Unanimous agreement should be achieved that any program undertaken should be comprehensive, coordinated, and county-wide in its application.
- A program planning committee should be established, and its membership should be determined, selected, and charged to undertake the development of a detailed plan for a comprehensive, coordinated, county-wide program and for its implementation, monitoring, and evaluation.
- A schedule should be established for the program planning committee to complete and submit increments of its proposed plan for the council's review, modification, endorsement, and ultimate adoption or rejection.

#### Planning the Program's Operations

The program planning committee, through a process of meeting with principals and staffs of agencies which would be involved in each activity and receiving consultation from other sources as deemed necessary, should prepare a description of policies and procedures deemed desirable to shape the execution of the following program operational activities:

#### ACTIVITIES PREDOMINANTLY PERFORMED BY POLICE AGENCIES

- Establishing the identity of the arrestee.

- Determining eligibility and assessing suitability for citation release.
- Executing the notice-to-appear form.
- Communicating effectively with arrestee.
- Preparation of supplementary reports.
- Distribution of notice-to-appear-form copies.
- Justifying decisions not to cite eligible arrestee.
- Disposition of invalidated notice-to-appear form.
- Assisting in prosecution activities.
- Recording information required for program monitoring and evaluation.
- Compilation of periodic statistics reports.
- Supervision of officer performance.
- Issuance and accounting control of notice-to-appear forms.
- Handling failure-to-appear cases.

#### ACTIVITIES PREDOMINANTLY PERFORMED BY PROSECUTORS

- Receiving, logging, assigning for service, and prearraignment screening of citation release cases.
- Disposition of matters deemed not prosecutable.
- Preparing "not-guilty-plea" cases for negotiation and/or trial.
- Responding to failure-to-appear cases.
- Recording prosecutor's case disposition.
- Preparing routine and special reports required for program monitoring and evaluation.

ACTIVITIES PREDOMINANTLY PERFORMED BY COURT PERSONNEL (JUDGES, COURT ADMINISTRATORS, COURT CLERKS)

- Receiving, numbering, calendaring, and docketing matter received via citation release process.
- Recording and reporting dispositions of the court.
- Preparing routine and special reports required for program monitoring and evaluation.
- Handling of failure-to-appear cases.
- Developing court appearance time schedules for use by police agencies.

ACTIVITIES PREDOMINANTLY PERFORMED BY PRETRIAL SERVICE AGENCIES

- Screening all persons admitted into the county's detention facility(ies).
- Releasing all persons meeting the qualifications for administrative ROR.
- Making recommendations to the courts in matters where qualifications for administrative ROR are deemed not to exist.
- Tracking and recording the pretrial disposition of all persons admitted to detention.

ACTIVITIES PERFORMED BY THE COUNTY DETENTION FACILITIES

- Receiving into custody and caring for all persons not cited and released by arresting departments.
- Discharging from custody all persons authorized by administrative and/or judicial personnel to be released.
- Maintaining inventory of persons admitted to, cared for in, and released from detention facilities.

Planning Program Monitoring Activities

The program planning committee, working with representatives of the agency assigned program monitoring responsibility by the county criminal

justice coordinating council and the county's data processing agency staff, should:

- Distinguish between the requirements of efforts to monitor the citation release operation as a whole and the requirements of efforts of individual agencies to monitor contributory activities totally performed by them.
- Outline the data elements, recording methods, collection schedule, analytical methods, and reporting plan to be used by the county criminal justice planning agency (or other agency assigned overall monitoring and evaluation responsibility) in keeping the county criminal justice coordinating council continuously apprised of the program's operating situation, its evident strengths and weaknesses, problem areas, and noteworthy achievements.
- Define responsibilities of each participating agency with respect to recording, compiling, and reporting information needed by the county criminal justice planning agency in order to discharge its obligation to monitor program performance.
- Outline for each participating agency's use a methodology which will enable its administrators to gauge the degree to which its contributory activities are being performed as planned and to spot trouble areas needing attention.
- Set forth a timetable indicating for each fiscal year quarter the level of accomplishment to be achieved. For example:
  - The percentage of all misdemeanor arrests handled by citation.
  - The percentage of all citations issued in the field.
  - The percentage of drunk driving arrests resulting in citation prior to booking and/or admission to jail.
  - The percentage of field citation cases resulting in failure-to-appear cases.
  - The amount of transportation time in police manhours obviated by the use of citation release in a particular police department.

- The average additional time per felony booking made available to pretrial release agency personnel as a consequence of any reduction in misdemeanor bookings.

### Planning the Program's Evaluation

The county criminal justice coordinating council should advise its program planning committee that it desires to have the program as a whole formally evaluated (1) at the end of its first full twelve months of operation (covering the implementation and build-up period) and (2) at the end of its second twelve-month (24 months from date of start-up) period of operation (covering first full year of full-scale application).

The council should advise the program planning committee that the program evaluation plan should provide for the possibility of subsequent evaluations only if and when ongoing monitoring suggests the need for it. Subsequent evaluations would take place at the direction of the county criminal justice coordinating council.

The program planning committee, working with the county criminal justice planning agency (or other agency assigned the program evaluation responsibility), should describe a methodology for arriving at convincing answers to questions which the county criminal justice coordinating council has indicated it would want answered about the program's operation and effects at a confidence level specified by the council.

The evaluation plan should:

- Designate at what intervals (e.g., end of first twelve months, after two years of operation) the program will be formally evaluated.
- Designate how evaluation will be done (e.g., by staff of county criminal justice planning agency, county executive office, outside contractor).

- Translate program objectives into measurable terms (e.g., by the end of the eighteenth month of operation, reduce the average weekly number of misdemeanor bookings at the county jail by 60 percent of the average number for the twelve weeks preceding the program's starting date).
- Draft procedures and instruments required to record, report, and collect data from each operating agency likely to be needed by the program evaluator.
- Set forth the potential uses to which the results of the evaluation(s) can be put.

#### Planning the Program's Implementation

After the county criminal justice coordinating council has received, reviewed, and formally adopted the program operation, monitoring, and evaluation plans prepared and submitted to it by the program planning committee, the program planning committee -- at the direction of the council -- should proceed to:

- Prepare sample "general orders" which could be adopted by administrators of participating agencies for activating the program at the appropriate time.
- Outline the contents of one or more training programs to be staged for the purpose of instructing participating agency personnel in the execution of their roles on the program.
- Draft instructional material for use in agency training programs, manual of procedures, and academies.
- Prepare information packets concerning the program for use by individual agencies for public information and education.
- Set forth a plan for acquiring, numbering, distributing, and charging for standard forms (e.g., notice to appear, data-gathering documents) required to execute the program.

## Program Implementation

### COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL

Once it has reviewed, modified, and accepted its program planning committee's plans for program operation, monitoring, evaluation, and implementation, the county criminal justice coordinating council should promptly present the plans to the appropriate executive officer or body of county government with the request that:

- The plans receive its endorsement and support.
- The county seek the formal endorsement and support of the executive official or bodies of other local government jurisdiction whose agencies are involved (e.g., cities and townships).
- Authorization be given, if required, for the expenditure of funds for printing and distributing forms.
- Measures be initiated to select an organization to evaluate the program at the appropriate time(s) in the future (if the evaluation responsibility is not assigned to the county criminal justice planning agency).

### COUNTY EXECUTIVE

The county's chief executive officer or governing body should:

- Endorse the plans and provide any authorization and assistance required to initiate the program.
- Designate an official (e.g., assistant county executive, director of criminal justice services, director of the county criminal justice planning agency) to exercise responsibility for coordinating the program's implementation and operational activities.
- Set a date for program operations to begin.

When the requested endorsements and authorizations have been given, implementation activities should begin as follows:

#### COUNTY CRIMINAL JUSTICE PLANNING AGENCY

- Distribute necessary forms and instructional materials.
- Complete compilation of baseline data.
- Working with the county's chief executive officer, complete the arrangements for obtaining a program evaluator.
- Arrange for any technical assistance required by participating agencies.
- Begin the collection and compilation of operational data required for monitoring and evaluation purposes.

#### POLICE AGENCIES

- Have administrators prepare and issue "operational orders" directing initiation of use of citation release procedures.
- Have staff prepare and distribute information needed by line personnel to execute the operational order.
- Schedule presentations on citation release purposes, practices, policies, and procedures at regular or special squad meetings or other formal training sessions for both new and experienced personnel.
- Distribute to operating units citation books (notice-to-appear form) any any special instructional material needed by officers in the field.

PRETRIAL SERVICE AGENCY, COURT CLERKS, DETENTION FACILITY(IES), PROSECUTORS

- Personnel are instructed on reasons and requirements for revised and/or additional record keeping and reporting.
- Procedures and definitions are revised and standardized to accommodate recording and reporting requirements.

DATA PROCESSING DEPARTMENT

- At the request of the program coordinator, develops "programs" to carry out the monitoring and evaluation plans.
- Consults with each operating agency having data input obligations under the program plans and assists in establishing efficient and compatible reporting methods.
- Arranges for the installation, if required, of terminals and other equipment needed for input of information.
- Trains key personnel in operating agencies in the use of the electronic equipment.

Program Operations

The point at which program implementation ends and program operations begins is an arbitrary one established by the official granted the authority to oversee the total program. A specific date is needed for monitoring and evaluation purposes. It should be set with the fact in mind that any complex program to be evaluated needs time to take shape--to permit participant agencies to integrate and routinize their individual and collective activities.

Setting an official starting date for declaring a program "in being" too early can result in distortions in the program's evaluation.

The operations phase can be viewed as terminating when the CCJCC, as the program's sponsor, makes a formal declaration based upon the findings and conclusions of the evaluation process that either:

- The program is achieving its stated objectives, has become standard operating procedure, and is no longer in need of special sponsorship, or
- The program has failed to function in accordance with adopted plans, is not achieving its objectives, and can no longer be considered appropriate for sponsorship by the CCJCC.

While the program is operational under the sponsorship of the CCJCC, each participant agency performs each function required of it by the program plan and in the manner called for in the plan.

#### POLICE AGENCIES

- Screen each arrested person to determine his identity, eligibility, and suitability for release in lieu of being admitted into (or, if admitted, being released upon establishment of suitability) a detention facility.
- Cite and release each arrestee determined to be qualified; book and place in detention each arrestee deemed unqualified for citation release, justifying in writing the reason(s) why citing was not deemed appropriate.
- Transmit copies of appearance tickets and other appropriate forms conveying information required for prosecution, adjudication, agency files, reports, monitoring, and program evaluation to the following as required by program plans:

- Citing agency's record office for routing and/or filing.
  - Prosecutor's office for screening and prosecution.
  - Court clerk for calendaring.
  - County criminal justice planning agency (or other project evaluator) for program monitoring and evaluation purposes.
- Receive, review, and act upon statistical and other information provided by the program monitor toward the end of improving operational performance.
  - Refrain from making operational changes which would affect the operation of other agencies until the desired changes have been reviewed by the county's criminal justice coordinating council and have received its endorsement.

#### PROSECUTORS

- Screen the cases of all citees who are referred directly by police agencies and indirectly by the courts.
- Determine whether arrest charges are to be reduced, dismissed, or prosecuted as received.
- Prosecute all cases in which charges are contested and where action is initiated on the basis of citees' failure to appear.
- Submit dispositions made on all cases screened and prosecuted to CCJPA.
- Receive, review, and act on regular program monitoring reports received from CCJPA.
- Refrain from making changes in operating procedures which conflict with program plans unless the proposed changes have been reviewed by the CCJCC and have its endorsement.

## COURTS

- Receive and calendar for hearing all cases initiated by citation release process.
- Adjudicate all cases where citee appears as required.
- Initiate action to obtain the presence in court of all citees who fail to appear as cited.
- Distinguish between nonappearing citees whose nonappearance is corrected or excused and those who are declared to be "failure-to-appear" cases, as defined in program plans.
- Forward required information on cases received, calendared, heard, and disposed of to CCJPA and to referring police agency and/or prosecuting attorney.
- Provide data to CCJPA relative to the appearance and nonappearance and disposition of persons granted pretrial release by bail or ROR measures.

## PRETRIAL SERVICE AGENCY

- Screen all arrestees admitted into detention and not subsequently cited and released by arresting department.
- Record and report agency's recommendations and disposition of all cases screened.
- Record and report court's pretrial dispositions in all matters not disposed of by administrative action.
- To the extent possible, for all persons released on bail prior to or subsequent to screening, determine the time of release and amount of bail posted.

## COUNTY CRIMINAL JUSTICE PLANNING AGENCY

Once program operations begin, the CCJPA, pursuant to the provisions of the monitoring and evaluation plans:

- Collects case and process data from participating agencies.
- Processes data received.
- Analyzes information derived from processing.
- Prepares for the CCJCC periodic reports on the dimensions of program operation and impact.
- Prepares for individual agencies periodic or special reports relative to their operating areas for administrative use.
- Accumulates information needed for program evaluation.

In addition, the CCJPA:

- Responds to requests from the CCJCC for special information for assessments or interpretation of data routinely supplied.
- Provides or arranges to provide technical assistance to any operating agencies requesting it.

## COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL

As the program's sponsor and planner, the CCJCC's role once operations are underway is to monitor and evaluate the program as a whole on the basis of information supplied by the project monitor. It would also mediate any disputes which arise among participating agencies. This role would continue until the program's operation has been formally evaluated and the evaluator's findings and conclusions fully considered. The CCJCC's role beyond that point, if any, would be determined by the findings of the evaluator.

During the operations period, the CCJCC:

- Receives periodic reports based on the monitoring conducted by the CCJPA.

- Encourages individual participating agencies to make changes suggested by monitoring information and to accommodate changes made by other agencies.
- Discourages unilateral action by participating agencies which could adversely affect the total program.
- Keeps the executive authorities of the county and participating municipalities informed as to the program's progress, problems, and accomplishments.

### Program Monitoring

Monitoring activities begin with program implementation. While the program is in its start-up phase, the county criminal justice planning agency, in its role as program monitor, observes and reports to the CCJCC and to participating agencies on how closely implementation activities are proceeding in accordance with the implementation plan and schedule.

During the operations phase, agencies, guided by the specifics of the monitoring plan, perform the following major activities:

#### COUNTY CRIMINAL JUSTICE PLANNING AGENCY

- Receives routine and specially requested information supplied by participant agencies.
- Compiles and processes data received and compares the information yielded by it with checkpoint projections based on program objectives.
- Makes formal reports to CCJCC and to individual agencies comparing program performance and products with previously approved projections.

#### OPERATING AGENCIES

- Submit on schedule all routine and, when requested, any special reports required by the monitoring plan.
- Receive from the program monitor and review periodic reports describing quantitative and qualitative aspects of work undertaken.

- Within the requirements of the operations plan, make any policy and/or procedural adjustments which can be expected to correct performance deficiencies noted through the monitoring process or to increase agency work product.

#### COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL

- Review and consider periodic reports received from the program monitor.
- Suggest policy and procedural changes intended to assure fuller utilization of the program.
- Request the project monitor to undertake any special studies suggested by ongoing program review.

#### Program Evaluation

The formal evaluation of a comprehensive, coordinated, county-wide citation release program is an event which occurs because, prior to the program's implementation, the sponsor (the county criminal justice coordinating council) has decided:

- That the program will be subjected to one or more\* evaluation(s).
- How long the program should be allowed to continue before submitting to its first evaluation.
- What questions are to be answered by the evaluation.
- What organization will perform the evaluation.
- How the evaluation will be funded if conducted by a nonpublic agency under contract to the county.

It is reasonable to assume that the CCJCC would activate the formal evaluation process when it is clear that the program is fully implemented, has undergone adjustments indicated by information produced by the monitoring

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\*Whether or not subsequent evaluations are appropriate is a question which should be answered by the findings of the initial evaluation.

process, and has been operating for not less than six months at or near the level (in terms of percentage of all arrests resulting in citations) projected during the planning period.

A formal evaluation involves two kinds of processes. The first is the routine recording, collecting, and storing of data concerning operational activities and decisions and clientele characteristics by all participating agencies pursuant to the evaluation plan as originally designed and subject to any modification subsequently approved. The second process is the formal examination of the data amassed by the participant agencies by the evaluator applying appropriate methodologies. The first process is an ongoing one and covers the full period of operational experience being evaluated.

The second process occurs during a specified period of time and can last anywhere from a few weeks up to six months or more, depending upon the size and complexity of the operation being evaluated. Usually, the second process is carried out by a person or persons not engaged in, or sharing responsibility for, any part of the program's day-to-day operations in order to assure the fullest possible exercise of objectivity.

If the CCJCC designates the county criminal justice planning agency (CCJPA) as the program's evaluator, that organization will be engaged in the second process described above. If the CCJCC decides that the evaluation should be performed by a private organization under contract, the CCJPA will still play an important role in the evaluation process. In its role as project monitor, the CCJPA will have amassed much information which the evaluator will need to review and process. The CCJPA also will provide the evaluator with an overview of the program's planning, implementation, and operation history. Finally, the CCJPA will serve as a liaison between the evaluator and the agencies engaged directly and indirectly in the citation release program.

## ACTIVITIES PERFORMED BY OPERATING AGENCIES

While the evaluation process is going on, all criminal justice agencies in the county will:

- Supply all the data requested by the evaluator at such times and by such means as are called for by the evaluation plan and design.
- Review and react to the evaluator's tentative findings and conclusions for the purposes of augmenting, clarifying, modifying, verifying, and/or rejecting them.

## ACTIVITIES PERFORMED BY THE EVALUATOR

When commissioned by the CCJCC to undertake the evaluation function, the evaluator performs the following activities:

- Through preliminary observation and review, obtains an overview of the program's developmental history, objectives, and operational experience. (This step would not be necessary if the evaluator is the CCJPA.)
- Inventories available data and assesses its sufficiency to answer questions the evaluation is required to address.
- Devises a methodology for acquiring additional data needed and for merging it with available information for processing.
- With the assistance of their administrators, arranges with operating agencies to acquire needed information through statistical reporting, interviews, questionnaires, and so on.
- Using the methodology developed and installed, collects needed data.

- Processes all pertinent data to generate useful information.
- Assesses information and formulates findings and conclusions.
- Formally presents findings and conclusions to the CCJCC.
- Defends the report and its conclusions.

#### THE ROLE OF THE PRETRIAL SERVICE AGENCY IN THE MONITORING AND EVALUATION PROCESSES

Data which the evaluator receives from police agencies, prosecutors, and the courts is sufficient to describe only that part of the county's total population that is (1) found to be eligible for citation release and (2) is actually cited. But this segment of the arrest population is apt to be less than half of it. For the disposition of this group to be fully appreciated, it must be viewed against the backdrop of the disposition of the remainder of the arrest population.

The criminal justice agency best situated to provide the information needed for the purpose is the county pretrial services agency. Its staff is positioned to screen most, if not all, persons admitted into the county's detention facility(ies). In the course of screening, making recommendations on custody to the courts, and releasing and providing follow-up services for persons awaiting trial, the pretrial agency is strategically located to report process and dispositional data on every arrestee detained. Furthermore, the recording of this data is justified for a number of purposes having nothing directly to do with the existence of a citation release program.

Any competent plan for the monitoring and evaluation of a citation release program would provide for the county's pretrial release agency

to record for every person admitted into a detention facility upon arrest:

- Whether or not the detainee was:
  - Released prior to formal screening by an ROR unit.
  - Determined to be eligible for administrative ROR.
  - Recommended for administrative ROR.
  - Granted administrative ROR.
  - Recommended for court ROR.
  - Granted court ROR.
  - Released on bail upon being denied administrative and/or court ROR.
- The release date and hour of admission, release, and scheduled court appearance, where required.
- The booking department.
- Any personal data required by the evaluation and/or monitoring plan which is not recorded by the arresting department.

Given:

- A clearly expressed set of questions formulated by the county criminal justice coordinating council (in its role as sponsor of a citation release program) to be answered by the program evaluation at a designated future time;
- A well-conceived plan for the recording and recovery of operational and client characteristics data needed to provide answers to the questions posed;
- A firm commitment on the part of participating agency administrators to the task of accurate and complete reporting of data required for program monitoring and evaluation purposes;
- The availability of the necessary technical knowledge, manpower, and equipment to recover, collect, store, retrieve, and process recorded data;

the program monitor and/or the evaluator should acquire for analysis:

- The pretrial disposition of all arrestees cited.
- The pretrial disposition of all arrestees not cited.
- The incidence of appearance, failure to appear, and pretrial dismissal of all arrestees by classification according to the circumstances of their pretrial release or nonrelease.
- A wide range of attributes for each arrestee which can be related to processes employed.

With the application of appropriate technology to the data contributed by the participating agencies, the program monitor and/or evaluator will be equipped to measure:

- Changes occurring in the flow of cases through the pretrial phase of the criminal justice process.
- The costs associated with creating the changes.
- The direct economic benefits realized from the changes.

One set of data which can be very useful for monitoring and evaluation purposes and which can be generated manually, mechanically, or electronically is set forth in Appendix F. It consists of a breakdown of all arrests for a given period tracked to the point at which the arrest charge is dismissed prior to a court appearance or to the point where arrestees' response to a required court appearance to face prosecution is determined. Once classified in this manner, any category of arrestees (e.g., cited, eligible but not cited, ineligible but court ROR'd, persons eligible but not suitable for citation release gaining release on bail prior to ROR screening) can be compared with others in terms of their court appearance or failure-to-appear rates. Also, any grouping of arrestees can be studied in terms of such characteristics as their residence, employment status, age, and race.

MINNESOTA RULES OF CRIMINAL PROCEDURE  
RULE 6 (1977)**RULE 6. PRE-TRIAL RELEASE****6.01 Release on Citation by Law Enforcement Officer Acting Without Warrant****Subd. 1. Mandatory Issuance of Citation.****(1) For Misdemeanors**

(a) **By Arresting Officers.** Law enforcement officers acting without a warrant, who have decided to proceed with prosecution, shall issue citations to persons subject to lawful arrest for misdemeanors, unless it reasonably appears to the officer that arrest or detention is necessary to prevent bodily harm to the accused or another or further criminal conduct, or that there is a substantial likelihood that the accused will fail to respond to a citation. The citation may be issued in lieu of an arrest, or if an arrest has been made, in lieu of continued detention. If the defendant is detained, the officer shall report to the court the reasons for the detention. Ordinarily, for misdemeanors not punishable by incarceration, a citation shall be issued if the accused signs the citation agreeing to appear as provided in Rule 6.01, subd. 3.

(b) **At Place of Detention.** When a person arrested without a warrant for a misdemeanor or misdemeanors, is brought to a police station or county jail, the officer in charge of the police station or the county sheriff in charge of the jail or an officer designated by the sheriff shall issue a citation in lieu of continued detention unless it reasonably appears to the officer that detention is necessary to prevent bodily harm to the accused or another or further criminal conduct or that there is a substantial likelihood that the accused will fail to respond to a citation. If the defendant is detained, the officer in charge shall report to the court the reasons for the detention. Provided, however, that for misdemeanors not punishable by incarceration, a citation shall be issued if the accused signs the citation agreeing to appear as provided in Rule 6.01, subd. 3.

(2) **For Misdemeanors, Gross Misdemeanors and Felonies When Ordered by Prosecuting Attorney or Judge.** An arresting officer acting without a warrant or the officer in charge of a police station or other authorized place of detention to which a person arrested without a warrant has been brought shall issue a citation in lieu of continued detention if so ordered by the prosecuting attorney or by the judge of a district, county or municipal court or by any person designated by the court to perform that function.

**Subd. 2. Permissive Authority to Issue Citations for Gross Misdemeanors and Felonies.** When a law enforcement officer acting without a warrant is entitled to make an arrest for a felony or gross misdemeanor or a person arrested without a warrant for a felony or gross misdemeanor is brought to a police station or county jail, the officer in charge of the police station or the county sheriff in charge of the jail or an officer designated by the sheriff may issue a citation in lieu of arrest or in lieu of continued detention if an arrest has been made, unless it reasonably appears to the officer that arrest or detention is necessary to prevent bodily harm to the accused or another or further criminal conduct or that the accused may fail to appear in response to the citation.

**Subd. 3. Form of Citation.** A citation shall direct the accused person to appear before a designated court or violations bureau at a specified time and place, and need not be issued if the accused refuses to sign the citation promising to appear at that time and place. The citation shall state that if the defendant fails to appear in response to the citation, a warrant of arrest may issue.

**Subd. 4. Lawful Searches.** The issuance of a citation does not affect a law enforcement officer's authority to conduct an otherwise lawful search.

**Subd. 5. Persons in Need of Care.** Notwithstanding the issuance of a citation, a law enforcement officer may take the cited person to an appropriate medical facility if he appears mentally or physically unable to care for himself.

APPENDIX B

VERMONT RULE OF CRIMINAL PROCEDURE 3

RULE 3. ARREST WITHOUT WARRANT: CITATION TO APPEAR

(a) Arrest without Warrant. A law enforcement officer may arrest without warrant a person whom the officer has probable cause to believe has committed a crime in the presence of the officer. Such an arrest shall be made while the crime is being committed or without unreasonable delay thereafter. An officer may also arrest without warrant a person whom the officer has probable cause to believe has committed or is committing a felony. Probable cause shall be based upon the same evidence required for issuance of a summons or warrant under Rule 4(b).

(b) Same: Procedure. A person arrested without warrant shall either be released in accordance with subdivision (c) of this rule or shall be brought before the nearest available judicial officer without unnecessary delay. The information and affidavit or sworn statement required by Rule 4(a) shall be filed with or made before the judicial officer when the arrested person is brought before him.

(c) Citation to Appear before a Judicial Officer.

(1) Mandatory Issuance. A law enforcement officer acting without warrant who has ground to arrest a person for a misdemeanor shall, except as provided in paragraph (2) of this subdivision, issue a citation to appear before a judicial officer in lieu of arrest. In such circumstances, the law enforcement officer may stop and briefly detain such person for the purpose of determining whether any of the exceptions in paragraph (2) applies, and issuing a citation, but if no arrest is made, such detention shall not be deemed an arrest for any purpose. When a person has been arrested without warrant, a citation to appear in lieu of continued custody shall be issued as provided in this rule if (A) the charge for which the arrest was made is reduced to a misdemeanor and none of the exceptions in paragraph (2) applies, or (b) the arrest was for a misdemeanor under one of the exceptions

APPENDIX B  
(continued)

in paragraph (2) and the reasons for the exception no longer exist.

(2) *Exceptions.* The citation required in paragraph (1) of this subdivision need not be issued, and the person may be arrested or continued in custody, if

(A) A person subject to lawful arrest fails to identify himself satisfactorily; or

(B) Arrest is necessary to obtain nontestimonial evidence upon the person or within the reach of the arrested person; or

(C) Arrest is necessary to prevent bodily injury to the person arrested or to the person of another, harm to property, or continuation of the criminal conduct for which the arrest is made; or

(D) The person has no ties to the community reasonably sufficient to assure his appearance or there is a substantial likelihood that he will refuse to respond to a citation; or

(E) The person has previously failed to appear in response to a citation, summons, warrant or other order of court issued in connection with the same or another offense.

(3) *Discretionary Issuance in Cases of Felony.* A law enforcement officer acting without warrant may issue a citation to appear in lieu of arrest or continued custody to a person charged with any felony where arrest or continued custody is not patently necessary for the public safety and such facts as the officer is reasonably able to ascertain as to the person's place and length of residence, family relationships, references, past and present employment, his criminal record, and other relevant matters satisfy the officer that the person will appear in response to a citation.

(4) *Discretionary Issuance by Prosecuting Officer.* A prosecuting officer may issue a citation to appear to any person whom the officer has probable cause to believe has committed a crime. The citation shall be served as provided for service of summons in Rule 4(f) (1) of these Rules. Probable cause shall be based upon the same evidence required for issuance of a summons or warrant under Rule 4(b).

**CONTINUED**

**2 OF 3**

APPENDIX B  
(continued)

(5) *Form.* The citation to appear shall be dated and signed by the issuing officer and shall state the name of the person to whom it is issued and the offense for which he would have been arrested or continued in custody. It shall direct the person to appear before a judicial officer at a stated time and place.

(6) *Filing Citation and Information with Judicial Officer.* A copy of the citation to appear, signed by the officer issuing it, and the information and affidavit or sworn statement required by Rule 4(a), shall be filed with or made before the judicial officer at the time for appearance stated in the citation.

CALIFORNIA PENAL CODE SECTION 853.6  
(WEST CUM. SUPP. 1977)**CHAPTER 5C**

## Citations for Misdemeanors

**§ 853.6. Release of arrested person on notice to appear: Procedure: Nonrelease: Form indicating reasons**

(a) In any case in which a person is arrested for an offense declared to be a misdemeanor and does not demand to be taken before a magistrate, such person may, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the arresting officer or his superior determines that the person should be released, such officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court. If the person is not released prior to being booked and the officer in charge of the booking or his superior determines that the person should be released, such officer or superior shall prepare such written notice to appear in court.

(b) Unless waived by the person, the time specified in the notice to appear must be at least five (5) days after arrest.

(c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate may fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case, unless the defendant has been charged with violation of Section 374b or 374e of this code or of Section 13002 of the Health and Safety Code, or a violation punishable under Section 5008.7 of the Public Resources Code, and he has previously been convicted of a violation of such section or punishable under such section, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in such case.

APPENDIX C  
(continued)

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

(g) The officer shall indicate on the notice to appear whether he desires the arrested person to be booked as defined in subdivision 21 of Section 7 of this code. In such event, the magistrate shall, before the proceedings are finally concluded, order the defendant to be booked by the arresting agency.

(h) A peace officer may use the written notice to appear procedure set forth in this section for any misdemeanor offense in which the officer has arrested a person pursuant to Section 836 or in which he has taken custody of a person pursuant to Section 847.

(i) If the arrested person is not released pursuant to the provisions of this chapter prior to being booked by the arresting agency, then at the time of booking the arresting officer, the officer in charge of such booking or his superior officer, or any other person designated by a city or county for this purpose shall make an immediate investigation into the background of the person to determine whether he should be released pursuant to the provisions of this chapter. Such investigation shall include, but need not be limited to, the person's name, address, length of residence at that address, length of residence within this state, marital and family status, employment, length of that employment, prior arrest record, and such other facts relating to the person's arrest which would bear on the question of his release pursuant to the provisions of this chapter.

(j) Whenever any person is arrested by a peace officer for a misdemeanor and is not released with a written notice to appear in court pursuant to this chapter, the arresting officer shall indicate, on a form to be established by his employing law enforcement agency, whether or not each of the following was a reason for such nonrelease:

(1) The person arrested was so intoxicated that he could have been a danger to himself or to others.

(2) The person arrested required medical examination or medical care or was otherwise unable to care for his own safety.

(3) The person was arrested for one or more of the offenses listed in Section 40302 of the Vehicle Code.

(4) There were one or more outstanding arrest warrants for the person.

(5) The person could not provide satisfactory evidence of personal identification.

(6) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release of the person arrested.

(7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

(8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.

(9) Any other reason. If the person arrested was not released for one or more of the reasons specified in paragraphs (1) to (8), inclusive, the arresting officer shall specifically state on the form the reason for the nonrelease.

Such form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release him from custody before trial.

APPENDIX D-1  
COURT COPY

FRONT

BACK

NOTICE TO APPEAR

CITATION FOR MISDEMEANOR OR ORDINANCE VIOLATION

STATE OF FLORIDA  
CITY OF JACKSONVILLE > VS.

FOR CLERK'S USE ONLY
CCR # _____

DEFENDANT, AGE \_\_\_\_\_  
 (LAST NAME) (FIRST) (MIDDLE)  
 FLORIDA, PHONE \_\_\_\_\_  
 PRESENT HOME ADDRESS (CITY)  
 PLACE OF EMPLOYMENT (ADDRESS) PHONE \_\_\_\_\_

WEIGHT \_\_\_\_\_ HEIGHT \_\_\_\_\_ HAIR COLOR \_\_\_\_\_ EYES COLOR \_\_\_\_\_ SOCIAL SECURITY NUMBER \_\_\_\_\_  
 DRIVERS LICENSE YEAR \_\_\_\_\_ STATE \_\_\_\_\_ DRIVER LICENSE NUMBER \_\_\_\_\_ TYPE \_\_\_\_\_  
 IN THE NAME OF AND BY THE AUTHORITY OF THE CITY OF JACKSONVILLE COMES THE UNDERSIGNED AND SA/S

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, THE ABOVE NAMED PERSON DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF \_\_\_\_\_ STATE STATUTE / LOCAL ORD.

SECTION \_\_\_\_\_ PROVIDING AGAINST \_\_\_\_\_ AT THE FOLLOWING LOCATION WITHIN THE CITY OF JACKSONVILLE, FLORIDA: \_\_\_\_\_

IT IS THAT THE DEFENDANT DID: \_\_\_\_\_ (NARRATIVE OF THE OFFENSE)

OTHER PERSON IS CHARGED (DEPENDENT)	COMPLAINANT AND/OR WITNESS
11	11
12	12
13	13
14	14

THE UNDERSIGNED HAS PERSONALLY (WHICH IS TO BELIEVE AND TRULY BELIEVE THE PERSON NAMED ABOVE COMMITTED THE OFFENSE INDICATED) [ARRESTING OFFICER'S SIGNATURE SERIAL NUMBER]

BROUGHT TO AND ASCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A. D. 19\_\_\_\_ BY COMMISSION EXPIRES \_\_\_\_\_ ARMY PUBLIC STATE OF FLORIDA AT LARGE

YOU MUST APPEAR IN COUNTY COURT ROOM NUMBER \_\_\_\_\_ AT \_\_\_\_\_ AM  PM  ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, ADDRESS \_\_\_\_\_ (CITY AND COUNTY)

YOU MUST APPEAR AT THE CLERK OF THE COUNTY COURT, ROOM NUMBER 100, COUNTY COURT HOUSE, WITHIN 5 WORKING DAYS TO PAY THE FINE PRESCRIBED. I UNDERSTAND THAT MY FAILURE TO APPEAR AS ORDERED WILL RESULT IN THE ISSUANCE OF A WARRANT FOR MY ARREST. I HEREBY AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER TO THE OFFENSE CHARGED ON TO PAY THE FINE PRESCRIBED.

DEFENDANT'S FINGER PRINT RIGHT INDEX FINGER \_\_\_\_\_ SIGNATURE OF DEFENDANT \_\_\_\_\_ COURT COPY

WAIVER INFORMATION

If you desire to plead Guilty or Nolo Contendere and you need not appear in court as indicated on the face of this notice, you may present this notice at the CLERK OF THE COUNTY COURT'S OFFICE, located in the DUVAL COUNTY COURT HOUSE, ROOM 100, within FIVE working days, between the hours of 8:00 A.M. and 5:00 P.M., MONDAY through FRIDAY and pay a fine of \_\_\_\_\_ dollars; or mail \_\_\_\_\_ dollars in CASHIER'S CHECK or MONEY ORDER to: CLERK OF THE COUNTY COURT, ROOM 100, COUNTY COURT HOUSE, 330 EAST BAY STREET, JACKSONVILLE, FLORIDA 32202.

The waiver below must be completed. Read carefully.

Your failure to answer this summons in the manner prescribed will result in a warrant being issued on a separate and additional charge.

In consideration of my not appearing in court, I the undersigned, do hereby enter my appearance on the affidavit for the offense charged on the other side of this notice and waive the reading of the affidavit in the above named cause and the right to be present at the trial of said action. I hereby enter the plea of  Guilty or  Nolo Contendere, and waive the right to prosecute, appeal, or error proceedings.

I understand the nature of the charge against me; I understand my right to have counsel and I waive this right and the right to a continuance. I waive my right to trial before a Judge or Jury. I hereby enter the plea of  Guilty or  Nolo Contendere to the charge being fully aware that my signature to this plea will have the same effect as a judgement of this court.

Total Fine and Cost: \_\_\_\_\_

Defendant: \_\_\_\_\_ (Signature)

Address: \_\_\_\_\_

APPENDIX D-2  
DEFENDANT'S COPY

FRONT

**NOTICE TO APPEAR**

CITATION FOR MISDEMEANOR OR ORDINANCE VIOLATION

STATE OF FLORIDA **>** VS.  
CITY OF JACKSONVILLE

FOR CLERK'S USE ONLY
CCR #

DEFENDANT, AGE \_\_\_\_\_  
 (LAST NAME) (FIRST) (MIDDLE)  
 FLORIDA, PHONE \_\_\_\_\_  
 (PRESENT HOME ADDRESS) (CITY)  
 PHONE \_\_\_\_\_  
 (PLACE OF EMPLOYMENT) (ADDRESS)

SEX	RACE	DATE OF BIRTH	HEIGHT	WEIGHT	COLOR HAIR	COLOR EYES	SOCIAL SECURITY NUMBER

MAKE VEHICLE	YEAR	STYLE	COLOR	TAG NUMBER	YEAR	STATE	DRIVERS LICENSE NUMBER	TYPE

IN THE NAME OF AND BY THE AUTHORITY OF THE CITY OF JACKSONVILLE COMES THE UNDERSIGNED AND SAYS:  
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, THE ABOVE NAMED PERSON DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF \_\_\_\_\_ STATE STATUTE \_\_\_\_\_ LOCAL ORD. \_\_\_\_\_ SECTION \_\_\_\_\_ PROVIDING AGAINST \_\_\_\_\_ AT THE FOLLOWING LOCATION WITHIN THE CITY OF JACKSONVILLE, FLORIDA:

IN THAT THE DEFENDANT DID: \_\_\_\_\_ (NARRATIVE OF THE OFFENSE)

OTHER PERSON (S) CHARGED (CODEPENDANTS)	COMPLAINANT AND/OR WITNESS
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)

THE UNDERSIGNED HAS REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THE PERSON NAMED ABOVE COMMITTED THE OFFENSE INDICATED:

ARRESTING OFFICER'S SIGNATURE - SERIAL NUMBER \_\_\_\_\_

SWORN TO AND ASCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A. D. 19\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC STATE OF FLORIDA AT LARGE

YOU MUST APPEAR IN COUNTY COURT ROOM NUMBER \_\_\_\_\_ AT \_\_\_\_\_ AM  PM   
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, ADDRESS: \_\_\_\_\_ (LOCATION OF COURT)

YOU MUST APPEAR AT THE CLERK OF THE COUNTY COURT, ROOM NUMBER 100, COUNTY COURT HOUSE, WITHIN 5 WORKING DAYS TO PAY THE FINE PRESCRIBED.

I UNDERSTAND THAT MY FAILURE TO APPEAR AS ORDERED WILL RESULT IN THE ISSUANCE OF A WARRANT FOR MY ARREST. I HEREBY AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER TO THE OFFENSE CHARGED OR TO PAY THE FINE PRESCRIBED.

DEFENDANT'S FINGER PRINT RIGHT INDEX FINGER \_\_\_\_\_  
 SIGNATURE OF DEFENDANT \_\_\_\_\_  
**DEFENDANT'S COPY**

BACK

**WAIVER INFORMATION**

If you desire to plead Guilty or Nolo Contendere and you need not appear in court as indicated on the face of this notice, you may present this notice at the CLERK OF THE COUNTY COURT'S OFFICE, located in the DUVAL COUNTY COURT HOUSE, ROOM 100, within FIVE working days, between the hours of 8:00 A.M. and 5:00 P.M., MONDAY through FRIDAY and pay a fine of \_\_\_\_\_ dollars; or mail \_\_\_\_\_ dollars in CASHIER'S CHECK or MONEY ORDER to: CLERK OF THE COUNTY COURT, ROOM 100, COUNTY COURT HOUSE, 330 EAST BAY STREET, JACKSONVILLE, FLORIDA 32202.

The waiver below must be completed. Read carefully.

Your failure to answer this summons in the manner prescribed will result in a warrant being issued on a separate and additional charge.

In consideration of my not appearing in court, I the undersigned, do hereby enter my appearance on the affidavit for the offense charged on the other side of this notice and waive the reading of the affidavit in the above named cause and the right to be present at the trial of said action. I hereby enter the plea of  Guilty or  Nolo Contendere, and waive the right to prosecute, appeal, or error proceedings.

I understand the nature of the charge against me; I understand my right to have counsel and I waive this right and the right to a continuance. I waive my right to trial before a Judge or Jury. I hereby enter the plea of  Guilty or  Nolo Contendere to the charge being fully aware that my signature to this plea will have the same effect as a judgement of this court.

Total Fine and Cost: \_\_\_\_\_

Defendant: \_\_\_\_\_ (Signature)

Address: \_\_\_\_\_

APPENDIX D-3  
STATE ATTORNEY'S COPY

FRONT

**NOTICE TO APPEAR**

CITATION FOR MISDEMEANOR OR ORDINANCE VIOLATION

STATE OF FLORIDA > VS. FOR CLERK'S USE ONLY  
CCR #

LAST NAME (FIRST) (MIDDLE) DEFENDANT, AGE \_\_\_\_\_

PRESENT HOME ADDRESS (CITY) FLORIDA, PHONE \_\_\_\_\_

PLACE OF EMPLOYMENT ADDRESS PHONE \_\_\_\_\_

SEX HEIGHT HAIR EYES COLOR HAIR COLOR EYES SOCIAL SECURITY NUMBER \_\_\_\_\_

DATE OF BIRTH YEAR LEVEL EDUCATION GRADE YEAR STATE DRIVER LICENSE NUMBER TYPE \_\_\_\_\_

IN THE YEAR BEING BY THE AUTHORITY OF THE CITY OF JACKSONVILLE COMES THE UNLAWFUL AND SAYS

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, THE ABOVE NAMED PERSON DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF STATE STATUTE  
LOCAL ORD.

SECTION \_\_\_\_\_ PROVIDING AGAINST \_\_\_\_\_

AT THE FOLLOWING LOCATION WITHIN THE CITY OF JACKSONVILLE, FLORIDA: \_\_\_\_\_

IN THAT THE DEFENDANT DID: \_\_\_\_\_  
(NARRATIVE OF THE OFFENSE)

OTHER PERSON (S) CHARGED (CODEFENDANTS)	COMPLAINANT AND/OR WITNESS
(1) _____	(1) _____
(2) _____	(2) _____
(3) _____	(3) _____
(4) _____	(4) _____

THE UNDERSIGNED HAS REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THE PERSON NAMED ABOVE COMMITTED THE OFFENSE INDICATED

\_\_\_\_\_  
(ARRESTING OFFICER'S SIGNATURE SERIAL NUMBER)

SWORN TO AND ASCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A. D. 19\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC STATE OF FLORIDA AT (2)02

YOU MUST APPEAR IN COUNTY COURT ROOM NUMBER \_\_\_\_\_ AT \_\_\_\_\_ (AM) PM ( )

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, ADDRESS: \_\_\_\_\_

YOU MUST APPEAR AT THE CLERK OF THE COUNTY COURT, ROOM NUMBER 100, COUNTY COURTHOUSE, WITHIN 5 WORKING DAYS TO PAY THE FINE PRESCRIBED

I UNDERSTAND THAT MY FAILURE TO APPEAR AS ORDERED WILL RESULT IN THE ISSUANCE OF A WARRANT FOR MY ARREST. I HEREBY AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER TO THE OFFENSE CHARGED OR TO PAY THE FINE PRESCRIBED.

DEFENDANT'S  
FINGER PRINT  
RIGHT INDEX  
FINGER

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

STATE ATTORNEY'S COPY

BACK

**STATE ATTORNEY AND COURT INFORMATION**

TRIAL DATE:	CONTINUED	
-------------	-----------	--

DISPOSITION:  FILE  NOL-PROS

REMARKS BY ASSISTANT STATE ATTORNEY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ASSISTANT STATE ATTORNEY: \_\_\_\_\_

SPECIAL CONDITIONS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PRESIDING JUDGE: \_\_\_\_\_

APPENDIX D-4  
OFFICER'S COPY

FRONT

**NOTICE TO APPEAR**

CITATION FOR MISDEMEANOR OR ORDINANCE VIOLATION

STATE OF FLORIDA > VS. FOR CLERK'S USE ONLY  
CITY OF JACKSONVILLE

DEFENDANT, AGE \_\_\_\_\_  
(LAST NAME) (FIRST) (MIDDLE)

FLORIDA, PHONE \_\_\_\_\_  
(PRESENT HOME ADDRESS) (CITY)

PHONE \_\_\_\_\_  
(PLACE OF EMPLOYMENT) (ADDRESS)

SEX	RACE	DATE OF BIRTH	HEIGHT (FT/IN)	WEIGHT	COLOR HAIR	COLOR EYES	SOCIAL SECURITY NUMBER

MAKE	MODEL	YEAR	STYLE	EXCISE	TAC NUMBER	YEAR	STATE	DRIVER'S LICENSE NUMBER	TYPE

IN THE NAME OF AND BY THE AUTHORITY OF THE CITY OF JACKSONVILLE COMES THE UNDERSIGNED AND SAYS

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, THE ABOVE NAMED PERSON DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF STATE STATUTE  
LOCAL ORD.

SECTION \_\_\_\_\_, PROVIDING AGAINST \_\_\_\_\_  
AT THE FOLLOWING LOCATION WITHIN THE CITY OF JACKSONVILLE, FLORIDA: \_\_\_\_\_

IN THAT THE DEFENDANT DID \_\_\_\_\_  
(NARRATIVE OF THE OFFENSE)

OTHER PERSON (S) CHARGED (CODES DEFENDANT)	COMPLAINANT AND/OR WITNESS
(1) _____	(1) _____
(2) _____	(2) _____
(3) _____	(3) _____
(4) _____	(4) _____

THE UNDERSIGNED HAS REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THE PERSON NAMED ABOVE COMMITTED THE OFFENSE INDICATED:

(OFFICER'S SIGNATURE) (SALARY NUMBER)

SWORN TO AND ASCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A. D. 19\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_ (STATE PUBLIC STATE OF FLORIDA BY TERC)

YOU MUST APPEAR IN COUNTY COURT ROOM NUMBER \_\_\_\_\_ AT \_\_\_\_\_ AM  PM   
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_\_\_, ADDRESS: \_\_\_\_\_ (LOCATION IN COURT)

YOU MUST APPEAR AT THE CLERK OF THE COUNTY COURT, ROOM NUMBER 108, COUNTY COURT HOUSE, WITHIN 5 WORKING DAYS TO PAY THE FINE PRESCRIBED.

I UNDERSTAND THAT MY FAILURE TO APPEAR AS ORDERED WILL RESULT IN THE ISSUANCE OF A WARRANT FOR MY ARREST. I HEREBY AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER TO THE OFFENSE CHARGED OR TO PAY THE FINE PRESCRIBED.

DEFENDANT'S  
FINGER PRINT  
RIGHT INDEX  
FINGER

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

**OFFICER'S COPY**

APPENDIX D-5  
CLERK'S COPY

FRONT

BACK

**CAPIAS**

CITATION FOR MISDEMEANOR OR ORINANCE VIOLATION

STATE OF FLORIDA, > VS.  
CITY OF JACKSONVILLE

FOR CLERK'S USE ONLY

CCR #

DEFENDANT, AGE \_\_\_\_\_

(LAST NAME) (FIRST) (MIDDLE)

FLORIDA, PHONE \_\_\_\_\_

(PRESENT HOME ADDRESS) (CITY)

PHONE \_\_\_\_\_

(PLACE OF EMPLOYMENT) (ADDRESS)

SEX RACE DATE OF BIRTH HEIGHT WEIGHT COLOR HAIR COLOR EYES SOCIAL SECURITY NUMBER

MMF LYNCHES YEAR STYLE COLOR TAG NUMBER YEAR STATE DRIVERS LICENSE NUMBER TYPE

IN THE NAME OF AND BY THE AUTHORITY OF THE CITY OF JACKSONVILLE COMES THE UNDERSIGNED AND SAYS:

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, THE ABOVE NAMED PERSON DID

UNLAWFULLY COMMIT THE FOLLOWING OFFENSE IN VIOLATION OF

STATE STATUTE
LOCAL ORS.

SECTION \_\_\_\_\_ PROVIDING AGAINST

AT THE FOLLOWING LOCATION WITHIN THE CITY OF JACKSONVILLE, FLORIDA:

IN THAT THE DEFENDANT DID: \_\_\_\_\_  
(NARRATIVE OF THE OFFENSE)

AND FAILED TO APPEAR OR PRESENT THE NOTICE AS REQUIRED BY RULE 3.125, FLORIDA .

RULES OF CRIMINAL PROCEDURE.

To all and Singular the Sheriffs of the State of Florida,

Greetings:

You are hereby Commanled to take \_\_\_\_\_

if he be found in your County, and him safely keep so that you have his body before the Judge of our COUNTY COURT, in and for the County of Duval and State of Florida, at the Courthouse in Jacksonville, Florida, instanter, to answer unto the State of Florida for failure to comply with the notice to appear previously executed by the aforementioned individual.

And have you then and there this writ.

WITNESS, the Honorable \_\_\_\_\_  
Judge, of the County Court, as also  
S. MORGAN SLAUGHTER, Clerk of said Court,  
at the Courthouse at Jacksonville aforesaid,

this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_

S. MORGAN SLAUGHTER  
Clerk

By: \_\_\_\_\_  
Deputy Clerk

DEFENDANT'S  
FINGER PRINT  
RIGHT INDEX  
FINGER

CLERK'S COPY

APPEARANCE BOND FIXED

AT \$ \_\_\_\_\_

Received this Capias the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 19\_\_\_\_

and executed it on the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 19\_\_\_\_

by arresting the within named \_\_\_\_\_

and having him now before the Court this \_\_\_\_\_ day of \_\_\_\_\_

A. D., 19\_\_\_\_

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy Sheriff



WARRANT

FRONT

<b>STATE OF MICHIGAN</b>		<b>61st DISTRICT COURT</b>		<b>No. 002151</b>	
HALL OF JUSTICE 333 MONROE AVE., N.W. GRAND RAPIDS, MI. 49502		APPEARANCE TICKET - WARRANT		PAGE NO. / DOCKET NO. / GJR ONF	
<input type="checkbox"/> I.D. No. THE UNDERSIGNED BEING DULY SWORN		<input type="checkbox"/> has reasonable cause to believe that on _____ says that respondent did on _____		CASE NO. _____ INCIDENT NO. _____ DOCKET NO. _____ PAGE NO. _____ GJR ONF	
DATE	STATE	TIME	ARREST NUMBER		
LICENSE	SOCIAL SEC. NO.	NAME	ADDRESS	TELEPHONE NO.	DOB
CITY STATE	HAIR EYES HGT. WGT. SEX RACE	FIRST MIDDLE LAST	ZIP		
VEHICLE	PLATE	YEAR MAKE	MODEL	YEAR OF VEHICLE	COLOR
DID UNLAWFULLY IN THE AFORESAID CITY COMMIT THE FOLLOWING OFFENSE(S) IN VIOLATION OF:					
SEC. _____ OF _____ CITY CODE _____ DISTRICT _____					
<b>VIOLATION</b> <input type="checkbox"/> ALCOHOL <input type="checkbox"/> CONSUMED IN A PUBLIC PLACE OR PARK <input type="checkbox"/> FURNISHED TO A MINOR <input type="checkbox"/> OPEN CONTAINER IN A VEHICLE <input type="checkbox"/> DISORDERLY CONDUCT <input type="checkbox"/> WILLFUL DESTRUCTION OF PROPERTY <input type="checkbox"/> PERMITTED A DISTURBANCE ON PRIVATE PREMISES <input type="checkbox"/> TRESPASS ON PRIVATE PREMISES <input type="checkbox"/> URINATING IN A PUBLIC PLACE <input type="checkbox"/> SHOPLIFTING <input type="checkbox"/> CITY PARKS <input type="checkbox"/> POSSESS ALCOHOL IN CITY PARK <input type="checkbox"/> IN PARK OR POOL AFTER CLOSING TIME <input type="checkbox"/> NOISE <input type="checkbox"/> TO WIF: <input type="checkbox"/> TO WIF: OTHER VIOLATION(S) _____					
<b>NOTICE</b> ZONING _____ TO WIF: _____ TO WIF: _____					
DEFENDANT'S SIGNATURE _____ CITY ATTORNEY ENFORCEMENT DIV. 102 HALL OF JUSTICE 333 MONROE AVE., N.W. Promise to appear at: _____ DATE _____					
BOND \$ _____ OFFICER SWORN AND SUBSCRIBED TO _____ DEPUTY CLERK		APPEARANCE CERTIFICATE _____ DATE _____			
JURAT _____ DATE _____					

BACK

<b>STATE OF MICHIGAN – 61st DISTRICT COURT</b>		<b>Hall of Justice, 333 Monroe Ave., N.W., Grand Rapids, Michigan 49502</b>	
<input type="checkbox"/> issue warrant <input type="checkbox"/> no warrant		_____ City Attorney	
<input type="checkbox"/> A written complaint under oath having been executed on the reverse side hereof, and, upon examination thereof, it appears that there is reasonable cause to believe that the defendant therein named has committed the violation therein charged of the ordinance(s) of the City of Grand Rapids; or the law(s) of the State of Michigan. Therefore, you are hereby commanded to arrest and bring said Accused before me for arraignment and further necessary proceedings.			
DATED _____		INTERIM BOND \$ _____ JUDGE _____	
OFFICERS RETURN		DATE _____	OFFICER _____ BADGE _____
<input type="checkbox"/> BENCH WARRANT – Whereas the Defendant named on the reverse side hereof was arraigned for the offense set forth and also released pending trial and said Defendant having failed to appear for _____ on _____, 19____. Therefore, in the name of the people of the City of Grand Rapids, you are hereby commanded to arrest said Accused and bring before me to be dealt with according to law.			
DATED _____		JUDGE _____ BOND _____	
OFFICERS RETURN		DATE _____	OFFICER _____ BADGE _____
<input type="checkbox"/> BENCH WARRANT – Whereas the Defendant named on the reverse side hereof was arraigned for the offense set forth and also released pending trial and said Defendant having failed to appear for _____ on _____, 19____. Therefore, in the name of the people of the City of Grand Rapids, you are hereby commanded to arrest said Accused and bring before me to be dealt with according to law.			
DATED _____		JUDGE _____ BOND _____	
OFFICERS RETURN		DATE _____	OFFICER _____ BADGE _____



APPENDIX E-4  
STATISTICAL COPY

FRONT

STATE OF MICHIGAN <b>31st DISTRICT COURT</b>		<b>No. 002151</b> APPEARANCE TICKET—STATISTICAL	
HALL OF JUSTICE 333 MONROE AVE., N.W. GRAND RAPIDS, MI. 49502		CASE NO. _____ DOCKET NO. _____ PAGE NO. _____ INCIDENT NO. _____	<input type="checkbox"/> GIR <input type="checkbox"/> ONF
<b>ID</b>	THE UNDERSIGNED BEING DULY SWORN } <input type="checkbox"/> has reasonable cause to believe that on _____ says that respondent did on _____		
DATE	DAY	DATE	ARREST NUMBER
LICENSE	STATE		
SOCIAL SEC. NO.		TELEPHONE NO.	DOB / /
NAME	FIRST	MIDDLE	LAST
ADDRESS			
CITY STATE			ZIP
DESCRIP-TION	HAIR	EYES	HGT. WGT. SEX RACE
VEHICLE	YR. MAKE	STYLE	MODEL COLOR /
PLATE	YR. STATE	NUMBER	OWNER OF VEHICLE
Employer _____			
DID UNLAWFULLY IN THE AFORESAID CITY COMMIT THE FOLLOWING OFFENSE(S) IN VIOLATION OF:			
SEC. _____ OF <input type="checkbox"/> CITY CODE <input type="checkbox"/>			
LOCATION			DISTRICT
<b>VIOLATION</b>	<b>ALCOHOL</b>		
	<input type="checkbox"/> CONSUMED IN A PUBLIC PLACE OR PARK		
	<input type="checkbox"/> FURNISHED TO A MINOR		
	<input type="checkbox"/> OPEN CONTAINER IN A VEHICLE		
	<b>DISORDERLY CONDUCT</b>		
	<input type="checkbox"/> WILLFUL DESTRUCTION OF PROPERTY		
	<input type="checkbox"/> PERMITTED A DISTURBANCE ON PRIVATE PREMISES		
	<input type="checkbox"/> TRESPASS ON PRIVATE PREMISES		
	<input type="checkbox"/> URINATING IN A PUBLIC PLACE		
	<input type="checkbox"/> SHOPLIFTING		
<b>NOTICE</b>	<b>CITY PARKS</b>		
	<input type="checkbox"/> POSSESS ALCOHOL IN CITY PARK		
	<input type="checkbox"/> IN PARK OR POOL AFYER CLOSING TIME		
	<b>NOISE</b>		
<input type="checkbox"/> TO WIT: _____			
<b>OTHER VIOLATION(S)</b>			
<input type="checkbox"/> TO WIT: _____			
<b>ZONING</b>			
<input type="checkbox"/> TO WIT: _____			
		Promise to appear at:	
DEFENDANT'S SIGNATURE _____		CITY ATTORNEY ENFORCEMENT DIV. 102 HALL OF JUSTICE 333 MONROE AVE., N.W.	
<input type="checkbox"/> Court on / / at M For			
<input type="checkbox"/> Arraignment <input type="checkbox"/> Trial			
ARRESTING OFFICERS		BADGE	BADGE
<b>BOND</b>	\$ _____	<input type="checkbox"/> APPEARANCE CERTIFICATE	DATE / /
<b>JURAT</b>	OFFICER SWORN AND SUBSCRIBED TO		BADGE
	COMPLAINANT		BADGE
	DATE / /		DEPUTY CLERK

APPENDIX E-5  
DEFENDANT'S COPY

FRONT

BACK

DEFENDANT'S COPY											
STATE OF MICHIGAN 61st DISTRICT COURT HALL OF JUSTICE 333 MONROE AVE., N.W. GRAND RAPIDS, MI. 49502						No. 002151 APPEARANCE TICKET--DEFENDANT					
CASE NO.				DOCKET NO.		PAGE NO.		INCIDENT NO.		GIR ONF	
I. D. THE UNDERSIGNED BEING DULY SWORN <input type="checkbox"/> has reasonable cause to believe that on <input type="checkbox"/> says that respondent did on											
DATE		DAY		DATE		TIME		ARREST NUMBER			
LICENSE		STATE									
SOCIAL SEC. NO.		TELEPHONE NO.				DOB					
NAME		FIRST			MIDDLE			LAST			
ADDRESS											
CITY		STATE								ZIP	
DESCRIP-TION		HAIR	EYES	HGT.	WGT.	SEX	RACE				
VEHICLE		YR.	MAKE	STYLE	MODEL	COLOR					
PLATE		YR.	STATE	NUMBER		OWNER OF VEHICLE					
Employer											
DID UNLAWFULLY IN THE AFORESAID CITY COMMIT THE FOLLOWING OFFENSE(S) IN VIOLATION OF:											
SEC.		of <input type="checkbox"/> CITY CODE <input type="checkbox"/>									
LOCATION										DISTRICT	
<b>VIOLATIONS</b> <b>ALCOHOL</b> <input type="checkbox"/> CONSUMED IN A PUBLIC PLACE OR PARK <input type="checkbox"/> FURNISHED TO A MINOR <input type="checkbox"/> OPEN CONTAINER IN A VEHICLE <b>DISORDERLY CONDUCT</b> <input type="checkbox"/> WILLFUL DESTRUCTION OF PROPERTY <input type="checkbox"/> PERMITTED A DISTURBANCE ON PRIVATE PREMISES <input type="checkbox"/> TRESPASS ON PRIVATE PREMISES <input type="checkbox"/> URINATING IN A PUBLIC PLACE <input type="checkbox"/> SHOPLIFTING <b>CITY PARKS</b> <input type="checkbox"/> POSSESS ALCOHOL IN CITY PARK <input type="checkbox"/> IN PARK OR POOL AFTER CLOSING TIME <b>NOISE</b> <input type="checkbox"/> TO WIT: _____ <b>OTHER VIOLATION(S)</b> <input type="checkbox"/> TO WIT: _____ <b>ZONING</b> <input type="checkbox"/> TO WIT: _____											
<b>NOTICE</b> DEFENDANT'S SIGNATURE _____ Promise to appear at: <input type="checkbox"/> Court on _____ at _____ M For <input checked="" type="checkbox"/> Arraignment <input type="checkbox"/> Trial _____ CITY ATTORNEY ENFORCEMENT DIV. 102 HALL OF JUSTICE 333 MONROE AVE., N.W. ARRESTING OFFICERS _____ BADGE _____ BADGE _____											
BOND		\$ _____ <input type="checkbox"/> APPEARANCE CERTIFICATE DATE _____ OFFICER _____ BADGE _____									
<b>NOTICE</b> PLEASE READ THE REVERSE SIDE BEFORE APPEARING IN COURT											

READ CAREFULLY
<p>You must appear in Court on the date noted on the front of this Appearance Ticket. If you fail to appear for arraignment a warrant will be issued for your arrest.</p> <p>If a cash bond was deposited with the arresting officer, this does not constitute payment; forfeiture of the bond will not dispose of this case.</p>
<h3>RIGHTS and PROCEDURES in COURT</h3> <h4>ARRAIGNMENT</h4> <p>When your name is called, please rise and come forward to the front of the bench and stand before the Judge. The exact charge against you will be read and you will be asked how you wish to plead. <b>YOU HAVE THE RIGHT to examine the sworn complaint which describes the specific charge, after it is read to you by the clerk.</b></p> <p>If you are uncertain as to what plea to enter, tell the Court, and an effort will be made to answer any brief questions you may have.</p> <p><b>YOU HAVE THE RIGHT to plead guilty, not guilty, or stand mute:</b></p> <ol style="list-style-type: none"> <li>1) A plea of guilty is admitting you committed the offense for which you are charged.</li> <li>2) If you plead not guilty (or stand mute) you are denying having committed the offense. You do not give up the right to object to procedural errors, should they occur.</li> <li>3) If you stand mute, the Court will enter a plea of not guilty in your behalf.</li> </ol> <p>A plea of "No Contest" is allowable at the discretion of the Judge. This means you are neither admitting nor denying guilt in the case, but wish to settle the matter and accept the sentence of the Court.</p>
<h4>BONDING</h4> <p>If your case is not completed and it is necessary for you to return to Court, you may be questioned by the Judge in order to determine whether a bond will be required to assure your future appearance. <b>YOU HAVE THE RIGHT to be released from custody on a reasonable bond if you plead not guilty or stand mute.</b></p> <p>The bond may only be satisfied through a professional bondsman, or you may post security (equity in real estate), cash or a misdemeanor (10%) bond with the Court.</p>
<h4>ATTORNEY</h4> <p><b>YOU HAVE THE RIGHT to be represented by an attorney, or you may act as your own attorney.</b> In cases where a possible jail sentence is involved, the Court will appoint one for you if it determines you cannot afford one of your own.</p>
<h4>PRE-TRIAL</h4> <p>If you wish you may request an informal hearing with the City Attorney, or with the Prosecutor's Office to discuss the case before your trial date.</p>
<h4>TRIAL</h4> <p>When you plead not guilty or stand mute, the case will have to be decided at a trial. <b>YOU HAVE THE RIGHT to have your case decided by a jury or heard at a non-jury trial before the Judge alone where all testimony is given under oath.</b></p> <p>There are no extra fees for a jury trial. (However, should you fail to appear at your jury selection the case will be tried as a non-jury trial.)</p> <p><b>YOU HAVE THE RIGHT to an adjournment for a reasonable period of time to consult with an attorney, contact witnesses, and generally prepare for your trial.</b></p> <p><b>YOU HAVE THE RIGHT to cross examine any witness who testifies against you.</b></p> <p><b>YOU HAVE THE RIGHT to present physical evidence, or have witnesses testify for you.</b> The Court will issue subpoenas to compel the appearance of such witnesses. (These witnesses have a right to statutory fee for testifying, which must be paid by the party subpoenaing the witness.)</p> <p><b>YOU HAVE THE RIGHT to testify or not in your own behalf. Failure to testify will not prejudice your case or be used against you.</b></p>
<h4>PENALTIES &amp; FINES</h4> <p>Ordinarily a sentence will be imposed immediately if you plead guilty or are found guilty at a trial. In some cases, a presentence report will be ordered to determine a proper sentence in your case. <b>YOU HAVE THE RIGHT to make a statement before sentence is imposed by the Judge.</b></p> <p>Should you be convicted at the trial, your fine will never be greater than if you had pled guilty. However, in some cases there may be additional costs assessed for witness fees.</p> <p>If you receive a fine which you are unable to pay, tell the Court immediately. In some cases arrangements can be made to satisfy the amount through other means.</p>
<h4>APPEALS</h4> <p><b>YOU HAVE THE RIGHT to appeal the decision or sentence of the Court to the Kent County Circuit Court within 20 days from the date of sentence.</b> (Forms and appeal procedures may be obtained from the Clerk.)</p>
<p><b>IF ANY QUESTIONS CALL 456-3344</b>  <b>HOURS: 8:00 A.M. - 5:00 P.M. MONDAY - FRIDAY</b>  <b>EXCEPT ON HOLIDAYS</b></p>

## APPENDIX F

### A CLASSIFICATION OF ARRESTS BASED UPON THE TERMINAL DISPOSITION OF PRETRIAL CUSTODY STATUS AND RESPONSE TO PRETRIAL COURT APPEARANCE REQUIREMENTS

#### Legend

APP - Appeared	ADMINISTRATIVE (ADM) ROR - Released by pretrial release personnel under standing authority
FTA - Failed to appear	
CDPA - Charges dismissed prior to appearance	
ROR - Released on own recognizance	COURT ROR - Released on order of judge

#### 1.0 ALL ARRESTS

##### 1.1 INELIGIBLE FOR CITATION RELEASE

##### 1.1.1 BOOKED AND DETAINED

##### 1.1.1.1 BAILED PRIOR TO ADM SCREENING

1.1.1.1.1 APP

1.1.1.1.2 FTA

1.1.1.1.3 CDPA

##### 1.1.1.2 SCREENED: INELIGIBLE FOR ADM ROR

##### 1.1.1.2.1 NO RECOMMENDATION MADE TO COURT

##### 1.1.1.2.1.1 ROR'D BY COURT

1.1.1.2.1.1.1 APP

1.1.1.2.1.1.2 FTA

1.1.1.2.1.1.3 CDPA

##### 1.1.1.2.1.2 DENIED ROR BY COURT

##### 1.1.1.2.1.2.1 BAILED

1.1.1.2.1.2.1.1 APP

1.1.1.2.1.2.1.2 FTA

1.1.1.2.1.2.1.3 CDPA

##### 1.1.1.2.1.2.2 NOT RELEASED

##### 1.1.1.2.2 RECOMMENDED THAT COURT ROR

##### 1.1.1.2.2.1 ROR'D BY COURT

1.1.1.2.2.1.1 APP

1.1.1.2.2.1.2 FTA

1.1.1.2.2.1.3 CDPA

APPENDIX F  
(continued)

1.1.1.3.2.2 RECOMMENDED FOR COURT ROR

1.1.1.3.2.2.1 ROR'D BY COURT

1.1.1.3.2.2.1.1 APP

1.1.1.3.2.2.1.2 FTA

1.1.1.3.2.2.1.3 CDPA

1.1.1.3.2.2.2 ROR DENIED BY COURT

1.1.1.3.2.2.2.1 BAILED

1.1.1.3.2.2.2.1.1 APP

1.1.1.3.2.2.2.1.2 FTA

1.1.1.3.2.2.2.1.3 CDPA

1.1.1.3.2.2.2.2 NOT RELEASED

1.1.2 CHARGES DISMISSED - NOT BOOKED

1.2 ELIGIBLE FOR CITATION RELEASE

1.2.1 CITED AND RELEASED IN FIELD

1.2.1.1 APP

1.2.1.2 FTA

1.2.1.3 CDPA

1.2.2 CITED AND RELEASED AT STATION HOUSE

1.2.2.1 APP

1.2.2.2 FTA

1.2.2.3 CDPA

1.2.3 CITED AND RELEASED ON AUTHORITY OF ARRESTING DEPARTMENT  
AFTER ADMISSION TO DETENTION

1.2.3.1 APP

1.2.3.2 FTA

1.2.3.3 CDPA

1.2.4 NOT CITED - BOOKED AND ADMITTED TO DETENTION FACILITY

1.2.4.1 BAILED PRIOR TO ROR SCREENING

1.2.4.1.1 APP

1.2.4.1.2 FTA

1.2.4.1.3 CDPA

1.2.4.2 SCREENED - ELIGIBLE FOR ROR

1.2.4.2.1 RELEASED ON ADM ROR

1.2.4.2.1.1 APP

1.2.4.2.1.2 FTA

1.2.4.2.1.3 CDPA

APPENDIX F  
(continued)

1.1.1.2.2.2 DENIED ROR BY COURT

1.1.1.2.2.2.1 BAILED

1.1.1.2.2.2.1.1 APP

1.1.1.2.2.2.1.2 FTA

1.1.1.2.2.2.1.3 CDPA

1.1.1.2.2.2.2 NOT-RELEASED

1.1.1.2.3 RECOMMENDED THAT COURT DENY ROR

1.1.1.2.3.1 ROR'D BY COURT

1.1.1.2.3.1.1 APP

1.1.1.2.3.1.2 FTA

1.1.1.2.3.1.3 CDPA

1.1.1.2.3.2 ROR DENIED BY COURT

1.1.1.2.3.2.1 BAILED

1.1.1.2.3.2.1.1 APP

1.1.1.2.3.2.1.2 FTA

1.1.1.2.3.2.1.3 CDPA

1.1.1.2.3.2.2 NOT RELEASED

1.1.1.3 SCREENED: ELIGIBLE FOR ADM ROR

1.1.1.3.1 GRANTED ADM ROR

1.1.1.3.1.1 APP

1.1.1.3.1.2 FTA

1.1.1.3.1.3 CDPA

1.1.1.3.2 DENIED ADM ROR

1.1.1.3.2.1 NOT RECOMMENDED FOR COURT ROR

1.1.1.3.2.1.1 ROR'D BY COURT

1.1.1.3.2.1.1.1 APP

1.1.1.3.2.1.1.2 FTA

1.1.1.3.2.1.1.3 CDPA

1.1.1.3.2.1.2 ROR DENIED BY COURT

1.1.1.3.2.1.2.1 BAILED

1.1.1.3.2.1.2.1.1 APP

1.1.1.3.2.1.2.1.2 FTA

1.1.1.3.2.1.2.1.3 CDPA

1.1.1.3.2.1.2.2 NOT RELEASED

APPENDIX F

(continued)

1.2.4.2.2 DENIED ADM ROR

1.2.4.2.2.1 BAILED

1.2.4.2.2.1.1 APP

1.2.4.2.2.1.2 FTA

1.2.4.2.2.1.3 CDPA

1.2.4.2.2.2 NOT RELEASED

1.2.4.2.3 RECOMMENDED FOR COURT ROR

1.2.4.2.3.1 GRANTED ROR BY COURT

1.2.4.2.3.1.1 APP

1.2.4.2.3.1.2 FTA

1.2.4.2.3.1.3 CDPA

1.2.4.2.3.2 DENIED ROR BY COURT

1.2.4.2.3.2.1 BAILED

1.2.4.2.3.2.1.1 APP

1.2.4.2.3.2.1.2 FTA

1.2.4.2.3.2.1.3 CDPA

1.2.4.2.3.2.2 NOT RELEASED

1.2.4.2.4 RECOMMENDED DENIAL OF ROR TO COURT

1.2.4.2.4.1 GRANTED ROR BY COURT

1.2.4.2.4.1.1 APP

1.2.4.2.4.1.2 FTA

1.2.4.2.4.1.3 CDPA

1.2.4.2.4.2 DENIED ROR BY COURT

1.2.4.2.4.2.1 BAILED

1.2.4.2.4.2.1.1 APP

1.2.4.2.4.2.1.2 FTA

1.2.4.2.4.2.1.3 CDPA

1.2.4.2.4.2.2 NOT RELEASED

1.2.4.2.5 NO RECOMMENDATION TO COURT

1.2.4.2.5.1 GRANTED ROR BY COURT

1.2.4.2.5.1.1 APP

1.2.4.2.5.1.2 FTA

1.2.4.2.5.1.3 CDPA

APPENDIX F  
(continued)

1.2.4.2.5.2 DENIED ROR BY COURT

1.2.4.2.5.2.1 RELEASED ON BAIL

1.2.4.2.5.2.1.1 APP

1.2.4.2.5.2.1.2 FTA

1.2.4.2.5.2.1.3 CDPA

1.2.4.2.5.2.2 NOT RELEASED

## SELECTED BIBLIOGRAPHY

- Allen, Jeffrey M., "Pre-Trial Release Under California Penal Code Section 853.6: An Examination of Citation Release." *California Law Review*, vol. 60, p. 1339.
- Anduri, Carl E. Jr. and Timothy P. Terrell, "Administration of Pre-Trial Release and Detention: A Proposal for Unification." *Yale Law Journal*, vol. 83, p. 153 (1973).
- "An Analysis of the Citation System in Evanston, Illinois: Its Value, Constitutionality and Viability." *Journal of Criminal Law and Criminology*, vol. 65:75 (1974).
- Burger, Mark, "Police Field Citations in New Haven." *Wisconsin Law Review*, vol. 1972, p. 382.
- Feeney, Floyd F., "Citation in Lieu of Arrest: The New California Law." *Vand. Law Review*, vol. 25, p. 367 (1972).
- \_\_\_\_\_, "Police Citations for Misdemeanor Offenses: A Procedure Whose Time has Arrived." (Unpublished report prepared for the Center on Administration of Criminal Justice), University of California, Davis (1977).
- Freed, Daniel J., "How Do We Divert More Offenders from the Criminal Justice System." National Conference on Corrections. Williamsburg, Virginia, (We Hold These Truths...) (1977).
- \_\_\_\_\_, "The Non-System of Criminal Justice" in Law and Order Reconsidered. James C. Campbell, et. al. (1970).
- Mahoney, Patrick J. Jr., "An Alternative to the Bail System: Penal Code Section 853.6." *Hastings Law Journal*, vol. 18:644 (1967).
- "Manhattan Bail Project: An Interim Report on the Use of Pre-Trial Parole." *NYU Law Review*, vol. 38:67 (1963).
- National Advisory Commission on Criminal Justice Standards and Goals (1973), *Corrections Standards and Court Standards*.
- Obert, Ronald J., "Pre-Trial Release Program in an Urban Area: Final Report Santa Clara County Pre-Trial Release Program" (LEAA).
- Programs in Criminal Justice Reform. Vera Institute of Justice. Ten Year Report 1961-1971.
- "Some Proposals for Modernizing the Law of Arrest." *California Law Review*, vol. 39 (1951).
- Thomas, Wayne H., Jr., Bail Reform in America. University of California Press (1976).

U. S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, "The New Justice: Alternatives to Conventional Criminal Adjudication." David E. Aaronson, et. al., Washington (1977).

\_\_\_\_\_, "Alternatives to Conventional Adjudication: Guidebook for Planners and Practicioners." David E. Aaronson, et. al., Washington (1977).

\_\_\_\_\_, "Instead of Jail: Pre- and Post-Trial Alternatives to Jail Incarceration, vol 2: Alternatives to Pre-Trial Detention." John J. Galvin, et. al., Washington (1977).

Weisberg, Susan, Cost Analysis of Correctional Standards: Alternatives to Arrest. Standards and Goals of Project of the American Bar Association (1975).

Wice, Paul B., Freedom for Sale. Lexington Books (1974).

Wilson, James Q., "Crime and Law Enforcement" in Agenda for the Nation. Gordon, et. al., editors (1970).

**END**