

The Citation Project

Final Stakeholder Report

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Executive Summary

Executed by the North Carolina Association of Chiefs of Police (NCACP), UNC School of Government Criminal Justice Innovation Lab (the Lab), Policy Research Associates (PRA), and North Carolina State University (NCSU), the Citation Project sought to improve policing practices through implementation and rigorous evaluation of a model Citation in Lieu of Arrest Policy. On December 1, 2020, four North Carolina police departments implemented the project's model policy: Apex, Elizabeth City, Wilmington, and Winston-Salem. The evaluation of the model policy examined four questions.



Was the model policy implemented consistently according to its guidelines and recommendations? Our findings indicate challenges with implementation that primarily reflected limited patrol officer buy-in. Despite multiple implementation strategies and consistent buy-in from leadership, some patrol officers expressed discontent with the model policy. This response, along with relatively low completion of required documentation in warrantless arrest encounters, limits our ability to evaluate the impact of the model policy.



Did the model policy increase the use of citations in policy-relevant encounters without increasing involvement of individuals in the criminal justice system?

Overall, there was no increase in citation rates following implementation of the model policy. In two pilot sites, citation rates decreased after implementation. When evaluating encounters by offense type, we found that citation rates for traffic offenses were over 98% even before implementation of the model policy, signaling a ceiling effect on any potential impact. Only one site had an increase in citation rates for traffic offenses; the others had no change. We found no meaningful increases in citation rates for the other two offense types examined: non-violent and violent misdemeanors. We also found that the number of encounters over time across all sites decreased. Put another way, there was no evidence of increased involvement in the justice system. This decrease in encounters was likely due to external factors such as COVID-19 and social protests, which stakeholders identified as affecting policing practices.



Did the model policy result in the administration of citations in an equitable manner by race/ethnicity?

We found that citation rates did not increase for any racial/ethnic subgroup following implementation of the model policy. Instead, the citation rate decreased for Black people in one site and for both Black and White people in another. We also found that differences across races did not change over time. Finally, although the policy was not designed to address racial differences in overall encounters, we examined that issue for context. We found that in three sites, Black people were significantly overrepresented in misdemeanor encounters with the police and White people were significantly underrepresented.



Did the model policy reduce the amount of time that police and equipment are removed from service during an encounter? Officers saved an average of over ninety minutes per encounter when choosing to cite instead of arrest. However, because of low completion of required documentation in warrantless arrest encounters, the data used for this calculation may not be representative of all encounters covered by the model policy.

Several important qualifications and limitations apply to these findings. These include external factors, such as the impact of the COVID-19 pandemic and periods of social unrest, that overlapped with implementation of the model policy; implementation challenges; overall decreases in misdemeanor charging during the study period; and characteristics of the pilot sites, such as attitudes towards citation in lieu of arrest.

We conclude this report with recommendations for new or continuing implementation of citation in lieu of arrest initiatives. These recommendations include:

1. Conduct a needs assessment and use it to develop a targeted policy.
2. Conduct an organizational assessment to determine whether to implement a policy and how to do so.
3. Use implementation lessons learned from this evaluation to supplement organizational assessment results.
4. Continue to assess and address issues of racial/ethnic equity.

Background

A policy of citation in lieu of arrest for low-level offenses has the potential to promote the safety of residents, officers, and the community; enhance trust between law enforcement and the communities they serve; save officer time; increase criminal court system efficiency; reduce unnecessary pretrial incarceration and its associated harms and costs for individuals and the community; and limit burdens on individuals charged with low-level offenses.¹

Despite these potential advantages, little research exists on the impact of citation in lieu of arrest. This report seeks to address this knowledge gap by describing the implementation and evaluation of a model citation in lieu of arrest policy implemented in four diverse North Carolina police departments. The project was a collaborative effort involving the North Carolina Association of Chiefs of Police (NCACP), UNC School of Government Criminal Justice Innovation Lab (the Lab), Policy Research Associates (PRA), North Carolina State University (NCSU), and the participating pilot and comparison site police departments.

The project had three components:

- (1) Development of a model citation in lieu of arrest policy (“model policy”);
- (2) Implementation of the model policy in four police department pilot sites; and
- (3) Empirical evaluation of the model policy’s impact on core criminal justice metrics, such as equity and efficiency.

Need to Evaluate Impact of Citation Policies

Although citation in lieu of arrest policies offer numerous potential benefits, little research has been done to evaluate their impact. Charged with offering recommendations on how policing practices can promote effective crime reduction while building public trust, the Task Force on 21st Century Policing recommended that law enforcement agencies develop and adopt policies

Citation Versus Arrest— What’s the Difference?

In North Carolina, a citation is issued by a law enforcement officer to charge a misdemeanor or infraction. It directs the person charged to appear in court to answer the charges. When a citation is used, the person isn’t taken into custody. Alternatively, officers have the option of making a warrantless arrest for criminal conduct. After such an arrest, the person is taken to a judicial official for, among other things, issuance of charges after a determination of probable cause and bail.

¹ INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, CITATION IN LIEU OF ARREST: EXAMINING LAW ENFORCEMENT’S USE OF CITATION ACROSS THE UNITED STATES (2016), <https://www.theiacp.org/sites/default/files/all/i-i/IACP%20Citation%20Final%20Report%202016.pdf> [hereinafter IACP].

and strategies that reinforce the importance of community engagement in managing public safety.² These include “least harm” resolutions such as use of citation in lieu of arrest.³

Increased use of citations in lieu of arrest offers other potential benefits, including increased law enforcement efficiency. A report by the International Association of Chiefs of Police (IACP) found that citations offer a time savings of just over an hour per incident.⁴ Thus, effective citation in lieu of arrest policies can reduce time out of service for officers and equipment, which can be re-directed to more serious public safety issues. Related potential benefits noted by the IACP include “increased officer safety, enhanced community-police relations, increased officer and public safety, reduced criminal justice system costs, reductions in jail overcrowding, and diminished burdens on low-level offenders.”⁵

Additionally, increased use of citations in lieu of arrest may help reduce unnecessary pretrial detentions of low-risk defendants and associated costs, unfairness, and negative public safety outcomes.⁶ In North Carolina, an arrest triggers an initial appearance and imposition of conditions of pretrial release.⁷ Because secured bonds are the most common condition imposed in North Carolina,⁸ the decision to make an arrest versus issue a citation often results in imposition of a secured bond and associated wealth-based detentions. The North Carolina Task Force for Racial Equity in Criminal Justice also has recommended citation in lieu of arrest as a tool to address racial disparities in the criminal justice system.⁹

Notwithstanding these potential benefits and recommendations, little research has been done to evaluate the impact of citation in lieu of arrest policies. Noting this research gap, the IACP has asserted that “[m]ore rigorous study is needed to establish how citation can be used to achieve these advantages, so that evidence-based practices can be standardized into model citation protocols.”¹⁰ This project is designed to do just that: support evidence-based policing practices by evaluating the impact of a model citation in lieu of arrest policy.

² FINAL REPORT OF THE PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING 3 (2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

³ *Id.* at 43.

⁴ See IACP *supra* note 1, at 3.

⁵ *Id.*

⁶ Jessica Smith, *Bail in North Carolina*, 55 WAKE FOREST L. REV. 907, 920 (2020).

⁷ *Id.*

⁸ JESSICA SMITH & ROSS HATTON, UNC SCH. OF GOV’T, 2019 NORTH CAROLINA CONDITIONS OF RELEASE REPORT 1 (2020), <https://cjl.sog.unc.edu/files/2020/02/2019-Conditions-of-Release-Report.pdf>.

⁹ REPORT OF THE NORTH CAROLINA TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE 35 (2020) (recommending encouraging the use of citations in lieu of arrest for misdemeanors and requiring the use of citations for the lowest level misdemeanors), https://ncdoj.gov/wp-content/uploads/2020/12/TRECRptFinal_12132020.pdf.

¹⁰ *Id.* at 3-4.

Project Team

A project team consisting of NCACP leadership, the Lab, PRA, and NCSU developed, implemented and evaluated the model policy (Figure 1). Five NCACP members ensured law enforcement input throughout, and the Lab supported them in the initial conceptualization and development of the project itself. The project team worked collaboratively to bring expertise and experience to the project’s implementation and evaluation components.

Figure 1. The project was guided by a collaborative team¹¹

NCACP	The Lab
<ul style="list-style-type: none"> • Secretary Eddie Buffalo, Department of Public Safety and Past President, NCACP • Chief Paul Burdette, Beaufort Police Department and Sgt-at-Arms, NCACP • Chief Dan House, NC State University Police Department and Past President, NCACP • Chief Blair Myhand, Hendersonville Police Department and President, NCACP • Chief Damon Williams, NC Central University Police Department and Immediate Past President, NCACP 	<ul style="list-style-type: none"> • Jessica Smith, Lab Director & W.R. Kenan Distinguished Professor, UNC-Chapel Hill • Ethan Rex, Lab Project Manager • Christopher Tyner, Former Legal Research Associate, UNC-Chapel Hill
	PRA
	<ul style="list-style-type: none"> • Sarah Desmarais, President, Policy Research Associates • Isolynn Massey, Research Assistant, Policy Research Associates
	NCSU
	<ul style="list-style-type: none"> • Eva McKinsey, Research Scholar, North Carolina State University

In addition to the project team, an Expert & Community Review Team provided feedback on this report. The review team included:

- Tarrah Callahan, Executive Director, Conservatives for Criminal Justice Reform
- Meghan Guevara, Executive Partner, Pretrial Justice Institute

¹¹ Additional support was provided by UNC’s Odum Institute, specifically Matthew Dunlap and Jon Crabtree, who assisted with data management and merging of court and police system records. Professor Jamie Vaske of Western Carolina University provided assistance and advice with processing and analysis of court records. Alex Cowell, Lab Research Director, assisted with comparison methodology and report production.

- Marc Levin, Chief Policy Counsel, Council on Criminal Justice
- Jasmine McGhee, Special Deputy Attorney General and Director of the Public Protection Section, North Carolina Department of Justice

The Citation Project was supported by a grant from the Charles Koch Foundation. The foundation, however, was not involved in development of the model policy, selection of pilot sites, implementation, or execution of the project evaluation.

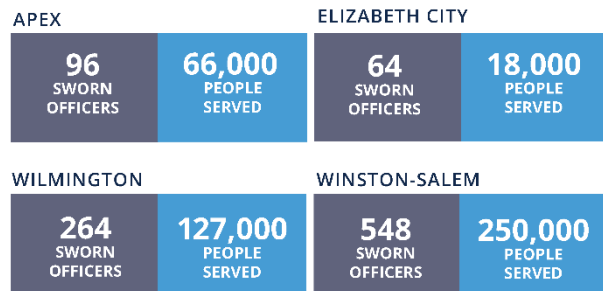
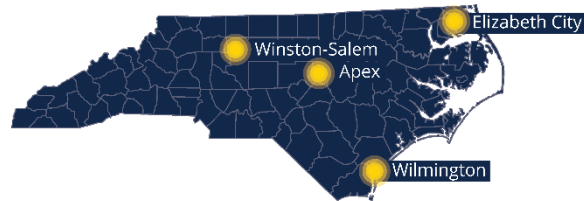
Pilot Sites

The project’s four pilot site police departments included Apex, Elizabeth City, Wilmington, and Winston-Salem. NCACP-member police departments were invited to apply to be included in the project. The project team chose the pilot sites from among the applications so that they reflected the diversity of North Carolina’s police departments. It used six factors to make the selection: commitment to implementation from department leadership, adequacy of local resources, geographic location, community race/ethnicity composition, and department size and caseloads.¹²

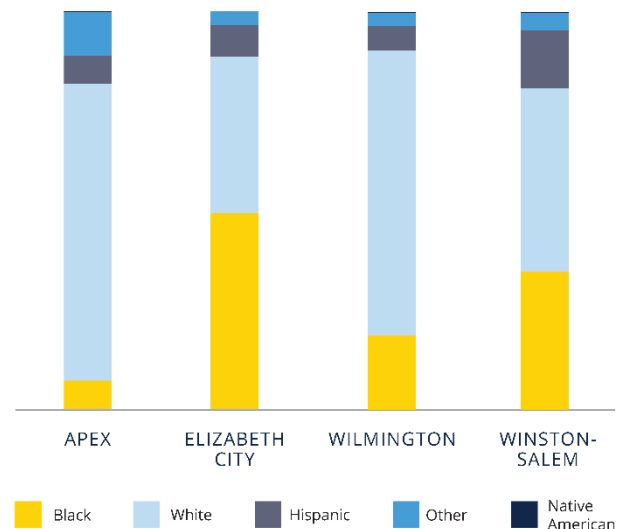
Project Timeline & Key Milestones

The project timeline was oriented around six milestones (Figure 2). The first, project launch, consisted of several activities including development of a model policy (see Appendix A), and the design of the project’s implementation and evaluation components. The second milestone was to engage sites, inviting applications and selecting pilot sites. After train-the-trainer

POLICE DEPARTMENT PILOT SITES



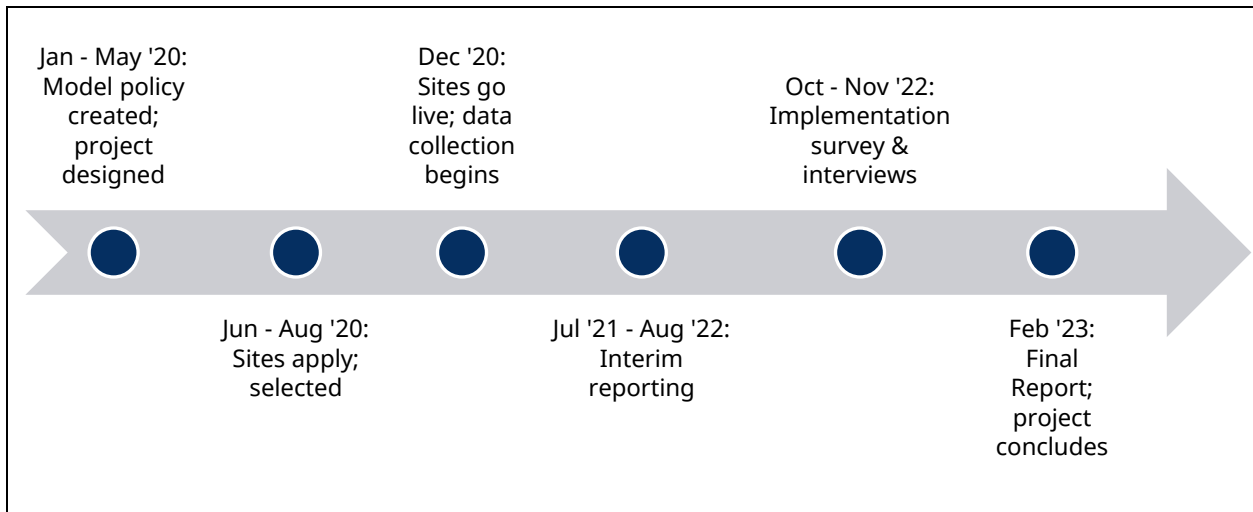
RACE/ETHNICITY



¹² Sworn officer numbers were reported by pilot sites in their application, and people served represent the municipality’s census population for 2020, when implementation began.

sessions provided by the Lab, including production and distribution of training materials and training of local patrol officers, the sites officially implemented the model policy and started providing data (milestone three). The project team then began monitoring implementation and outcomes and preparing interim project reports (milestone four). A fifth milestone was a survey of patrol officers and interviews with pilot site staff on implementation. This report, the sixth milestone, concludes the project.

Figure 2. Project milestones



Model Policy

What Is the Model Policy?

The model policy provides that officers have discretion to cite, arrest, or decline to charge. It further recommends use of a citation in misdemeanor encounters, subject to three exceptions:

- When the law requires an arrest, such as when there is probable cause of a violation of a domestic violence protective order.
- When there is statutory support for imposition of a secured bond at initial appearance. This second exception aligns citation practice with state bail law.
- When exigent circumstances require arrest, such as when release on a citation will not reasonably result in the immediate cessation of the criminal conduct.

The model policy also requires that officers who make an arrest in misdemeanor encounters must document their reasons for doing so. The project team developed an Encounter Documentation Form (EDF) for this documentation, and it was adapted for use in electronic police records management systems (Appendix B).

When is the model policy applied?

Because the model policy is targeted to officers' decisions to initiate a case by citation or warrantless arrest, it applies only to the misdemeanor encounters where officers have discretion to choose between issuing a citation or making a warrantless arrest when initiating new charges. Table 1 summarizes the types of encounters that officers have and those covered by the model policy.

Table 1. Encounters Covered by the Model Policy

Types of Encounters	All Police Encounters	Encounters Covered by Policy
Orders for Arrest	✓	✗
Warrants for Arrest	✓	✗
New Felony Charges	✓	✗
"No Charge" Encounters	✓	✗
Infraction-Only Encounters	✓	✗
New Misdemeanor Charges	✓	✓

How was the model policy implemented?

The model policy went into effect in pilot sites on December 1, 2020. The project team worked with sites to support implementation. These activities included:

- Video messages from NCACP leadership and department chiefs describing the potential benefit of citation in lieu of arrest policies.
- Lab-provided train-the-trainer sessions, to support officer training on the model policy.
- Lab-developed training materials for use in officer training, describing when to use the model policy and examples to facilitate discussion.
- A Lab-created follow-up training video on how to complete the EDF.
- Notifications from pilot site records staff reminding officers to complete EDFs for relevant encounters where forms were missing.

Using EDFs

Officers were required to complete an EDF for every encounter covered by the model policy. Encounters resulting in a citation required checking a single box and inputting the time spent on the encounter, while arrests required officers to additionally complete information describing the reason for an arrest.

Evaluation of the Model Policy

To evaluate the effectiveness of the model policy, we sought to answer four questions. These questions included whether the model policy can:



1. Be implemented consistently according to its guidelines and recommendations?



2. Increase the use of citations in policy-relevant encounters without increasing involvement of individuals in the criminal justice system (i.e., avoid net widening)?



3. Result in the administration of citations in an equitable manner by race/ethnicity?



4. Reduce the amount of time that police and equipment are removed from service during an encounter?¹³

In the following sections, we describe the process, findings, and data used for each evaluation question. In-depth detail about the data and methods are included in the accompanying [technical appendix](#).

Thank you!

The data requirements of this project were substantial. We acknowledge the considerable commitment of time and effort by pilot sites to comply with these requirements and thank them for their contribution to this project. Without their time and effort, this evaluation would not be possible.



Evaluation Question 1: Implementation of the Model Policy

The first evaluation question assesses the degree to which the model policy was implemented consistently with its guidelines and recommendations. Implementation of the model policy as intended (i.e., implementation fidelity) is instrumental to its potential to maximize citations in appropriate cases. However, we found evidence of implementation challenges in pilot sites that suggest resistance to the model policy, which in turn limits our ability to evaluate the impact of the model policy.

We used three approaches to determine the effectiveness of implementation:

1. We assessed completion of EDFs and officers' recorded responses.

¹³ We originally planned to also assess whether the model policy impacted new pretrial criminal activity and court non-appearance rates. However, because we did not find an increase in citation rates over time, we dropped these metrics from our evaluation.

2. We conducted interviews with individuals who trained patrol officers on the use of the model policy.
3. We surveyed patrol officers in pilot sites.

The following sections discuss findings from these three approaches.¹⁴

Findings from Encounter Documentation Forms

Form Completion

We looked at EDF completion rates to assess the extent to which officers adhered to the policy requirement that they fill out a form for every encounter covered by the policy. Completion rate of EDFs is one tool to measure whether officers are actually implementing the model policy in relevant encounters.

Analysis revealed that officers did not complete EDFs for all relevant encounters. Overall, 11,518 EDFs were completed for 17,397 encounters, for a completion rate of 66.2%. While officers completed required EDFs in most cases, three out of every ten encounters had missing EDFs, with a total of 5,879 missing EDFs.

When compared to encounters ending in a citation, officers completed forms at a much lower rate for encounters ending in warrantless arrest, the very encounters that the model policy was designed to target. Across all sites, officers completed required EDFs in 29.5% of encounters ending in arrest. In other words, seven out of every ten warrantless arrest encounters were missing a required EDF. For citation encounters, officers completed EDFs in 69.1% of encounters. Longer documentation requirements for arrest encounters (describing reason for arrest, the magistrate's bail decision, and time spent on the encounter) compared to citation encounters (checking a box indicating a citation was issued and indicating time spent) may have contributed to this discrepancy. The discrepancy also may reflect a resistance to the model policy in warrantless arrest encounters.

Low completion rates in warrantless arrest encounters signal challenges with implementation. EDFs serve an important implementation purpose: by requiring officers to identify a valid model policy reason for a warrantless arrest, they force officers to apply the policy's decision-



Officers completed Encounter Documentation Forms in only 3 out of every 10 encounters ending in warrantless arrest

¹⁴ Additional information about our methodology for evaluating the implementation of the model policy, including interview protocols and survey questions, is provided in the accompanying [technical appendix](#).

making process. When officers fail to complete the forms, this raises questions about whether they are in fact applying the model policy.

Reasons for Arrest

The model policy only recommends use of a citation in certain circumstances and preserves officer discretion to make a warrantless arrest (see Appendix A). Thus, an arrest in an encounter covered by the model policy does not necessarily mean that an officer failed to implement the model policy correctly. However, when a warrantless arrest is made, the EDF requires officers to explain their reasons for taking the person charged into custody (see Appendix B and callout box below). We found that officers' reported reasons for arrest largely aligned with the model policy, although some responses indicate potential misunderstanding of when the law requires an arrest.

To assess arrest encounters for their adherence to the model policy, we examined officers' reported reasons for arrest in the 29.5% of warrantless arrest encounters for which EDFs were completed. Because we do not have data on why EDFs were completed in some warrantless arrest encounters and not others, these findings may not be representative of all warrantless arrest encounters.

Of the completed forms, most officers reported a reason for arrest that was in line with the model policy. While officers could report more than one reason, officers reported *Possible danger of injury to any person* as most common reason for arrest (35.2%), followed by *Other exigent circumstances* (28.2%) and *Law requires arrest* (27.4%). Officers did not report a reason for arrest in 16.5% of forms that were otherwise completed. More detail can be found in the accompanying [technical appendix](#).

While reported reasons for arrest largely align with the model policy, some findings indicate implementation challenges. First, because state law requires arrest in a very small number of highest charge new misdemeanor cases, it is likely that officers incorrectly categorized some of these arrest encounters and thus incorrectly applied the model policy in those instances. Second, it is unclear why officers did not report a reason for arrest in 16.5% of otherwise completed forms. Like the 70.5% of arrest encounters without an accompanying EDF, it is possible that the reason for arrest in these encounters are not aligned with the exceptions in the model policy.

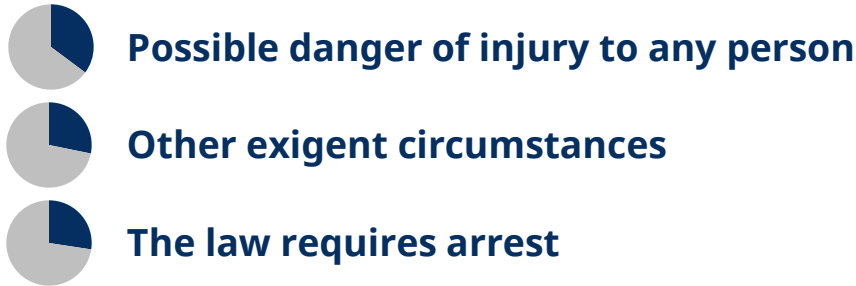
Possible Reasons for Arrest

Officers can choose one or more of the following reasons for arrest on EDFs:

- Law requires arrest
- Appearance in court cannot be reasonably assured
- Possible danger of injury to any person
- Possible destruction of evidence, subordination of perjury, or intimidation of potential witness
- Other exigent circumstance(s) require warrantless arrest

These implementation challenges raise questions about whether findings on changes in citation rates can be attributed to the model policy or instead reflect the influence of other factors.

Officers' most common reasons for warrantless arrests:



Magistrate Decisions

One of the objectives of the model policy was to align citation practices with state bail law. Specifically, state law requires magistrates to impose conditions other than secured bond unless certain circumstances—included in the model bail policy as reason for arrest—are present. If magistrates were immediately releasing a significant number of people subject to warrantless arrest by officers, this would indicate misalignment with bail decisions.

We examined magistrates bail decisions reported by officers on EDFs to check whether arrest decisions were consistent with magistrates' bail decisions. Of the 29.5% of warrantless arrest encounters for which officers completed an EDF, officers reported that the magistrate either did not release the person charged or imposed a secured bond in 56.7% of these encounters. To be clear, we would not expect complete alignment between arrest decisions and magistrates' bail decisions. For example, the model policy allows for arrest in situations that might result in immediate release by the magistrate, such as a fight where the involved persons are sufficiently calm by the time they are brought to the magistrate. However, if we had found that magistrates were immediately releasing or setting conditions other than secured bond in a large majority of encounters, that would have raised questions about the need for the initial warrantless arrest.

As mentioned earlier, we do not know the conditions of release for the 70.5% of arrest encounters without an accompanying EDF. Without understanding these reasons, the above findings should be interpreted with caution and limit our ability to evaluate the impact of the model policy.

Findings from Trainer Interviews

We conducted interviews with individuals who trained patrol officers on the use of the model policy in Fall 2021 and 2022 to understand if there were any challenges with its implementation. We asked about communications to patrol officers, resources required for

implementation, and any learning curve with using the model policy. Broadly, trainers felt that implementation went well and reported that officers were understanding and using the model policy. This attitude contrasts with some officers' attitudes on the model policy, as discussed below.

Interviewees reported several reasons for their department's participation in the project. Many of these reasons could help other departments determine whether to adopt a citation in lieu of arrest policy. Some reasons were pragmatic, such as saving time by forgoing jail transport, minimizing COVID exposure, and reducing conflict during police interactions (the latter especially considering the then-current national climate towards police). Other reasons were more normative, including demonstrating fairness to the community, helping the state explore innovative policing strategies, and furthering their agency's least-harm philosophy.

Interviewees reported that officers largely seemed to understand the policy, although there was an initial learning curve. They indicated that written training materials read as more academic compared to the more applied, practical learning materials that they typically used. There was some confusion among officers during and after training regarding when to complete the EDF. However, interviewees indicated that videos from chiefs highlighted local support for the model policy and that training examples allowed officers to work with the model policy and ask questions. Both of these features enhanced the training. At the same time, one interviewee reported that some officers said they were already implementing citation in lieu of arrest and that the model policy's added paperwork (i.e., EDFs) was cumbersome.

Interviewees said that monitoring the completion of EDFs was a complex and resource-heavy undertaking. Due to constraints with record management systems, no audit method could feasibly check all encounters for EDF completion. Sites used different methods for checking completion of EDFs to mitigate these constraints. Interviewees mentioned this review was still a large lift for records staff. The administrative burden of auditing forms made it difficult to ensure that officers were completing EDFs in every relevant encounter.

Feedback from training officers – that implementation hit some initial hurdles but largely went smoothly – contrast with some survey responses of patrol officers below. This contrast could point to the need for additional feedback mechanisms during the implementation of new policies.

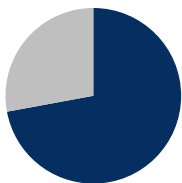
Findings from Patrol Officer Survey

We asked patrol officers in each pilot site to complete a short survey about their experience with the model policy. The survey asked officers the extent to which they agreed or disagreed with certain statements, and it included an opportunity to provide written feedback about the model policy, EDFs, and the training they received. We received 154 responses to the survey: 117 were from Winston-Salem, 21 were from Wilmington, 13 were from Apex, and 3 were from Elizabeth

City. Out of the 154 total responses, 112 officers fully completed the survey. Fifty-four responses included some form of written feedback. Given this response distribution, survey responses may not be representative of all patrol officers from all pilot sites. Comparison of responses across sites revealed no major differences; that is, respondents across sites generally expressed similar sentiments toward the model policy. Despite this, patrol officer responses may point to challenges with the model policy and how those challenges affected implementation.

According to patrol officers who responded to the survey, the model policy was not complex. Over half of respondents agreed that the model policy was clear and uncomplicated and nearly three-quarters reported that they knew when to apply it.¹⁵ Moreover, over three-quarters of survey respondents reported receiving clear communication on how to follow the policy, and over half reported that they had ample departmental resources to understand the policy. Some written survey feedback directly affirmed that the training was sufficient, while other responses suggested some misunderstanding of the policy, as discussed below. Some officers mentioned that the model policy was clear, but that the documentation process was convoluted, contributing to confusion.

While officers reported understanding the model policy, some responses indicated a misunderstanding of its components. For example, some respondents mentioned that the policy prevented officers from using discretion to make an arrest when the situation required it, despite the model policy expressly allowing for such discretion. A disconnect between an officer thinking that they understand the policy and demonstrating that understanding could be challenging to catch when monitoring implementation.



Over 70% of surveyed patrol officers found Encounter Documentation Forms burdensome

Much of the concern expressed by patrol officers responding to the survey focused on the documentation required by the policy. (As noted above, the model policy requires completion of an EDF for all policy-relevant encounters). Over 70% of respondents felt that the EDFs (Appendix B) were burdensome. There were more mixed opinions on whether the documentation was comparable to other required documentation and whether the EDFs made it difficult to use the policy. In written survey feedback, some officers mentioned documenting traffic cases as particularly burdensome. The high volume of these incidents meant the relatively quick documentation time added up, according to officers.

¹⁵ Detailed response rates can be found in the accompanying [technical appendix](#).

Some patrol officers felt that the model policy was ineffective. As shown in Figure 3, nearly half of survey respondents disagreed with statements about the impact of the model policy on their work. Also, although the policy was developed by police leadership, some officers stated in written responses that it was developed by external sources with little knowledge of the job. Multiple officer responses stated that the policy was a “waste of time” since officers were already prioritizing citations over arrests. This was especially remarked upon for traffic incidents; some respondents mentioned in written feedback that the policy only added administrative burden without offering any clear benefit. Some written responses criticized outside influences such as politics, statistics, non-sworn individuals or academia as the reason for the model policy. Those responses noted that the external sources did not understand the reality of policing and ran counter to reported goals of public safety and efficiency, or to a more serious problem of officer staffing issues. Over half of written responses made some mention that the policy was either unnecessary or that the policy should be discontinued.

Figure 3. Survey Responses to Statements about Impact Metrics of the Model Policy



While survey responses might not be representative of all officers in all pilot sites, officer dissatisfaction as reported in some survey responses highlight potential challenges with implementation in pilot sites. Some previous research on citation in lieu of arrest found similar sentiment from patrol officers, potentially indicating these results are not unique to the pilot sites.¹⁶ Survey respondents did not find the policy to be complex, but they reported the EDF documentation to be costly for officer time. Some indicated that the policy did not meet the needs of the organization, and that the policy itself was driven by external sources. These

¹⁶ See INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, CITATION IN LIEU OF ARREST: EXAMINING LAW ENFORCEMENT’S USE OF CITATION ACROSS THE UNITED STATES LITERATURE REVIEW (2016), <https://www.theiacp.org/sites/default/files/all/c/Citation%20in%20Lieu%20of%20Arrest%20Literature%20Review.pdf> at 21

experiences, if shared by others, could shape a belief that the policy was ineffective, which could drive resistance to implementation.



Evaluation Question 2: Use of Citations in Policy-Relevant Encounters

To answer this question, we assessed whether the model policy increased citation rates while avoiding increasing the number people in the criminal justice system (i.e., avoiding “net widening”). To account for meaningful differences based on charge, we also examined the arrest or cite decision based on encounter type. For all analyses, we excluded impaired driving-related offenses (see accompanying [technical appendix](#) for a list of specific offenses); because of public safety issues associated with those offenses, impaired driving-related offenses typically result in arrest, and thus were unlikely to be impacted by the model policy. Details about how we linked and cleaned data are included in the accompanying [technical appendix](#).

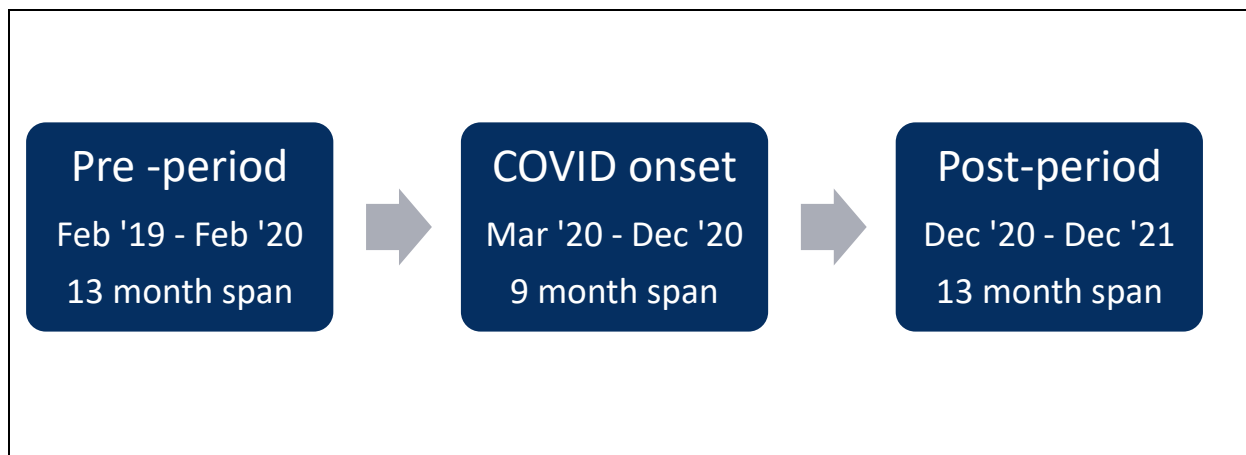
If the model policy was implemented rigorously, then we would expect to see no increase in the overall number of misdemeanor encounters (i.e., no net widening) and an increased use of citations. However, due to the implementation challenges discussed above, we cannot be sure that the findings reported here are attributable to the model policy or instead reflect the influence of other factors.

To assess use of citations, we compared outcomes before implementation of the policy (pre-implementation) to outcomes after implementation (post-implementation). Pilot sites began implementing the model policy on December 1, 2020, at the end of the first nine months of the COVID 19 pandemic. To address potential confounding effects of the initial onset of the pandemic on policing practices, we define the pre-implementation period as before the onset of the pandemic: from February 2019 through February 2020 (Figure 4).¹⁷ We define the post-implementation period as December 2020 through December 2021.¹⁸

¹⁷ As part of the application packet for the study, law enforcement agency applicants completed a survey on their department’s changes to protocols following the onset of the pandemic. The results revealed substantial changes in agency policies and practices. As a result, we revised our original pre-implementation time period, which had been December 2019 to November 2020.

¹⁸ We also explored comparing the pilot sites to comparison sites that did not implement the model policy and obtained post-implementation data from two comparison sites for that purpose. However, trends in the data suggested that we also needed pre-implementation comparison site data, an effort that was beyond the scope of this project.

Figure 4. Study pre- and post-implementation periods



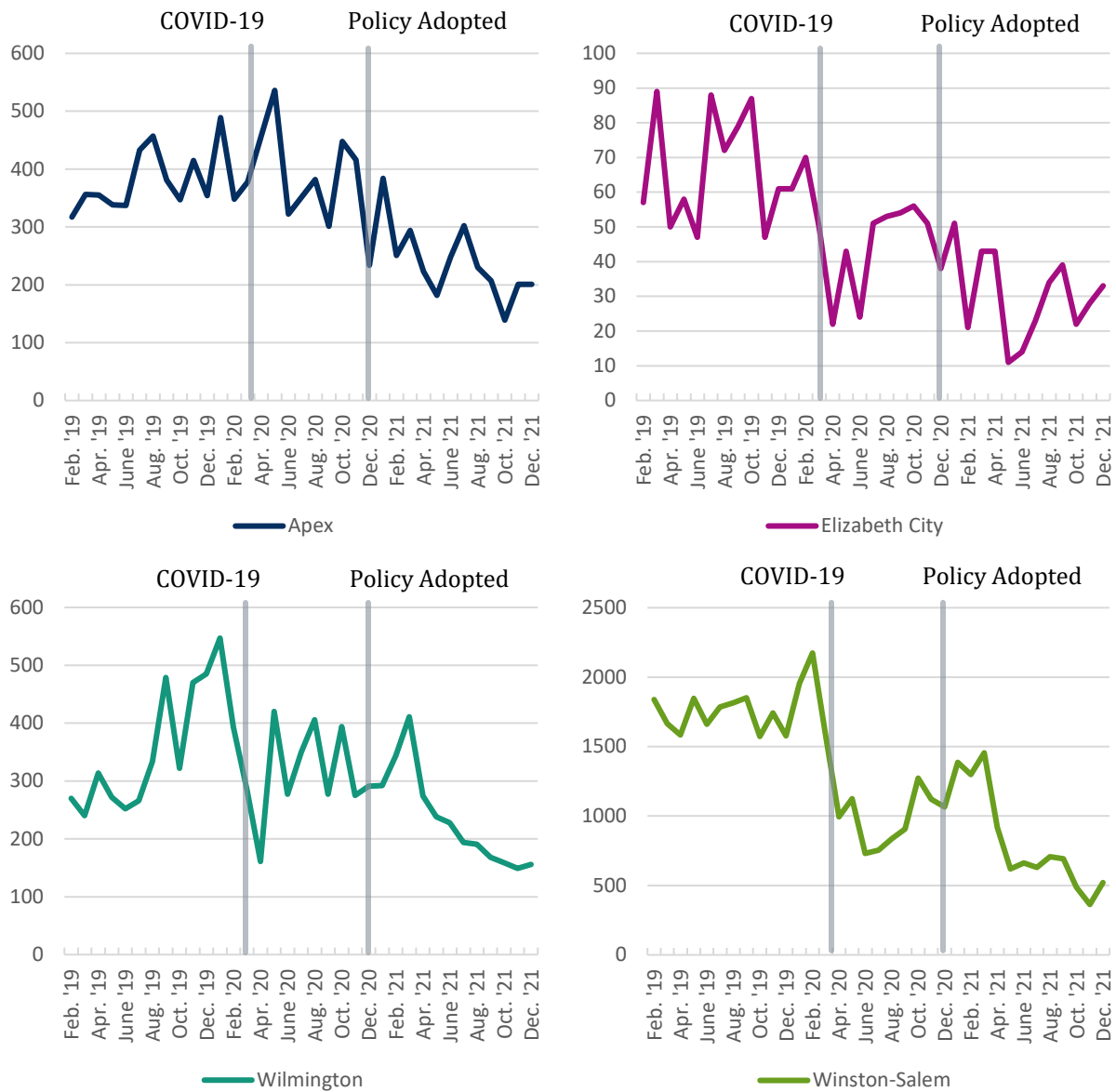
Findings on Whether There Was Net-Widening

A concern with implementing a citation in lieu of arrest policy is that an increased use of citations might lead to an increase in charging overall. As officers move away from arrest, there may be an increased decision to charge when they otherwise would not due to the low time investment with issuing a citation. We refer to this as “net widening.” To assess whether net widening occurred, we examined the number of misdemeanor encounters during the pre- and post-implementation periods.

We found no evidence of net widening (Figure 5). In fact, while the number of misdemeanor encounters varied across sites and fluctuated monthly, the trend over time was downward in all sites. Further, the number of encounters from the pre- to post- implementation period decreased across all sites.

External factors likely impacted the drop in overall encounters. Charging dropped following the onset of the COVID-19 pandemic, indicating that responses to the pandemic affected policing practices. Moreover, stakeholders from Elizabeth City reported some policing practices changed as a response to protests in the community during the summer of 2021. These external factors may have affected overall encounter numbers.

Figure 5. All Misdemeanor Encounters Over Time (All Sites)



Note: Scale changes from site to site.

The general drop in misdemeanor encounters over time could affect citation rates independent of the model policy, raising further questions about whether the findings are attributable to the model policy.

Findings on Use of Citation Versus Arrest

Summary of Findings

We compared citation rates for pilot sites pre- and post-implementation of the model policy. This is the core evaluation metric for the policy. In the initial project design, we expected the policy to have the least impact in violent misdemeanors, which provide the most public safety risks. To account for those differences, we also compared pre- to post-implementation citation rates for three subgroups:

1. Encounters where a traffic misdemeanor was the highest charge.
2. Encounters where a non-violent, non-traffic misdemeanor was the highest charge.
3. Encounters where a violent, non-traffic misdemeanor was the highest charge.

As seen in Table 2, none of the four sites experienced a statistically significant increase in the citation rate for all encounters after implementation of the model policy. In fact, two sites experienced a statistically significant decrease in the citation rate.

Among offense subgroups, we saw a statistically significant increase in citation rates for one site each in highest charge traffic encounters and highest charge violent encounters. We saw a statistically significant decrease in one site for highest charge non-violent encounters. We discuss findings for all encounters and for each offense subgroup in more detail below.

A Note on Statistical Significance

When reporting results, we note whether or not differences are statistically significant. If a difference is **statistically significant**, it means the difference is not likely attributable to chance, and you can feel confident that it is reliable. If it is **not statistically significant**, it means the difference is likely due to chance.

Table 2. Summary of Pre- and Post-Implementation Changes in Citation Rates

Site	All Encounters	Highest Charge Traffic	Highest Charge Non-Violent	Highest Charge Violent
Apex	No Difference	Increase	No Difference	No Difference
Elizabeth City	Decrease	No Difference	Decrease	No Difference
Wilmington	No Difference	No Difference	No Difference	Increase
Winston-Salem	Decrease	No Difference	No Difference	No Difference

Note: "No Difference" indicates results are not statistically significant and thus are likely attributable to chance. DWI encounters are removed.

Findings for All Misdemeanor Encounters

Across all encounters, there were no statistically significant increases in citation rates following implementation of the model policy. Table 3 breaks out misdemeanor encounters in each site into the percentage and number of citations and arrests. Two sites —Elizabeth City and Winston-Salem— exhibited statistically significant decreases in citation rates after implementation of the model policy.¹⁹

The findings for Elizabeth City should be qualified because the number of arrests there was very low in both the pre- and post-implementation periods. For example, in the post-implementation period, that site averaged just four warrantless arrests per month. Thus, while the pre-post difference was statistically significant, it was also very small in the number of encounters. The average number of warrantless arrests per month in Winston-Salem was higher than Elizabeth City (e.g., Wilmington was at 61 per month in the post-implementation period), which may suggest that the pre-post change in that site is more meaningful.

In all sites, officers issued citations in the vast majority of all misdemeanor encounters, both in the pre- and post-implementation periods. In the pre-implementation period, citation rates across sites ranged from 89.9% to 98.0%. In the post-implementation period, the range was from 86.8% to 98.2%.

Table 3. Pre-Post Comparison of **All Misdemeanor** Encounter Outcomes

Site	Citations as a Percentage of Misdemeanor Encounters (number in parentheses)			Arrests as a Percentage of Misdemeanor Encounters (number in parentheses)		
	Pre	Post	Pre-post percentage point change	Pre	Post	Pre-post percentage point change
Apex	98.0% (4,830)	98.2% (3,040)	+0.2	2.0% (97)	1.8% (56)	-0.2
Elizabeth City	92.8% (804)	86.8% (347)	-6.0*	7.2% (62)	13.3% (53)	+5.9*
Wilmington	89.9% (4,176)	88.6% (2,742)	-1.3	10.1% (468)	11.4% (353)	+1.3
Winston-Salem	94.4% (21,782)	92.7% (10,016)	-1.7*	5.6% (1,289)	7.3% (790)	+1.7*

Note: An * indicates results are statistically significant and thus not likely to be attributable to chance. Not all percentages align due to rounding.

¹⁹ Because there are only two decisions to measure (cite or arrest), a decrease in citation rates sites also means an increase in arrest rates.

Citation Versus Arrest Findings by Offense Group

To further investigate any changes in citation rates following implementation of the model policy, we divided all misdemeanor encounters into three offense subgroups, based on the highest charged offense (traffic, non-violent, or violent misdemeanor). We compared citation rates across the pre-and post-implementation periods for each offense group.

Citation Versus Arrest Findings for Traffic Encounters

Consistent with statewide charging trends, misdemeanor encounters involving only traffic offenses constituted the majority of all encounters in each site, ranging from 72.2% in Winston-Salem to 92.4% in Apex.

Nearly every traffic encounter resulted in a citation in both the pre- and post-implementation periods in every site. A high pre-implementation citation rate signals a ceiling effect on any potential post-implementation increase. Only one site, Apex, exhibited a statistically significant change in the citation rate over time, and that change was an increase. Table 4 shows the pre-post changes in citation and arrest rates for traffic encounters.

Table 4. Pre-Post Comparison of **Highest Charge Traffic** Encounter Outcomes

Site	Citations as a Percentage of Misdemeanor Encounters (number in parentheses)			Arrests as a Percentage of Misdemeanor Encounters (number in parentheses)		
	Pre	Post	Pre-post percentage point change	Pre	Post	Pre-post percentage point change
Apex	99.7% (4,549)	100.0% (2,879)	+0.3*	0.3% (13)	0.0% (0)	-0.3*
Elizabeth City	99.5% (636)	98.7% (297)	-0.8	0.5% (3)	1.3% (4)	+0.8
Wilmington	98.6% (3,490)	99.1% (2,220)	+0.5	1.4% (50)	0.9% (20)	-0.5
Winston-Salem	99.8% (17,751)	99.8% (7,696)	0.0	0.2% (35)	0.2% (12)	0.0

Note: An * indicates results are statistically significant and, thus, not likely to be attributable to chance. DWI encounters are removed.

Citation Versus Arrest Findings for Non-Traffic, Non-Violent Encounters

Misdemeanor encounters involving highest charge non-traffic, non-violent misdemeanors made up a minority of all encounters in all sites. Winston-Salem had the largest proportion of non-traffic, non-violent misdemeanor encounters (22.0% of all encounters) and Apex had the smallest proportion (6.0%). In contrast to citation rates for traffic encounters, citation rates for

these encounters tended to be lower for all sites, ranging from 60.5% to 86.2% in the post-implementation period. In the initial project design, we expected citation rates to change in this subgroup, as they present relatively low public safety risks.

Contrary to expectations, no pilot site experienced a statistically significant increase in citation rates for non-violent misdemeanor encounters following the implementation of the model policy (see Table 5). Elizabeth City experienced a statistically significant decrease in citation rates while the other sites did not exhibit any statistically significant changes. However, the 26.1% decrease in Elizabeth City reflects a difference of only five more arrests from the pre- to post-implementation periods, due to low encounter numbers in this site.

As compared to traffic encounters, highest charge non-traffic, non-violent misdemeanor encounters make up a smaller portion of misdemeanor encounters overall. Thus, a change in citation rate for these encounters will have a relatively smaller impact on the overall citation rate. For example, in the pre-implementation period, Wilmington had an arrest rate of 24.3% and a citation rate of 75.7% for these encounters, signaling opportunity for increased citation rates. However, when considering the absolute number of encounters, this 24.3% arrest rate translates to only 16.5 warrantless arrests per month.

Table 5. Pre-Post Comparison of **Highest Charge Non-Violent, Non-Traffic** Encounter Outcomes

Site	Citations as a Percentage of Misdemeanor Encounters (number in parentheses)			Arrests as a Percentage of Misdemeanor Encounters (number in parentheses)		
	Pre	Post	Pre-post percentage point change	Pre	Post	Pre-post percentage point change
Apex	85.9% (263)	86.2% (150)	+0.3	14.1% (43)	13.8% (24)	-0.3
Elizabeth City	86.6% (161)	60.5% (46)	-26.1*	13.4% (25)	39.5% (30)	+26.1*
Wilmington	75.7% (668)	74.7% (493)	-1.0	24.3% (215)	25.3% (167)	+1.0
Winston-Salem	82.1% (3,908)	83.4% (2,233)	+1.3	17.9% (853)	16.6% (446)	-1.3

Note: An * indicates results are statistically significant and thus not likely to be attributable to chance.

Citation Versus Arrest Findings for Non-Traffic, Violent Encounters

Highest charge non-traffic, violent misdemeanor encounters made up the smallest proportion of encounters in all sites, ranging from 1.2% in Apex to 5.5% in Wilmington. In the initial project

design, we did not expect citation rates to change in this subgroup, since violent misdemeanors provide the most public safety risks.

We found that most of these encounters resulted in warrantless arrest instead of a citation (Table 6). Consistent with expectations, there was no change in citation rates for these encounters in three sites. However, citation rates for these encounters significantly increased in Wilmington. Because of the low number of these encounters, Wilmington’s nearly 7% increase in citation rate reflected an overall increase of only eleven citations from the pre- to post-implementation periods.

Table 6. Pre-Post Comparison of **Highest Charge Violent, Non-Traffic** Encounter Outcomes

Site	Citations as a Percentage of Misdemeanor Encounters (number in parentheses)			Arrests as a Percentage of Misdemeanor Encounters (number in parentheses)		
	Pre	Post	Pre-post percentage point change	Pre	Post	Pre/-post percentage point change
Apex	30.5% (18)	25.6% (11)	-4.9	69.5% (41)	74.4% (32)	+4.9
Elizabeth City	17.1% (7)	17.4% (4)	+0.3	82.9% (34)	82.6% (19)	-0.3
Wilmington	8.1% (18)	14.9% (29)	+6.8*	91.9% (203)	85.1% (166)	-6.8*
Winston-Salem	23.5% (123)	20.8% (87)	-2.7	76.5% (401)	79.2% (332)	+2.7

Note: An * indicates results are statistically significant and thus not likely to be attributable to chance.



Evaluation Question 3: Equitable Administration of Policy

To determine whether the implementation of the model policy resulted in the administration of citations in an equitable manner, we used two analytic strategies. First, we compared the racial/ethnic breakdown of post-implementation misdemeanor encounters to the city’s racial/ethnic population distribution and to the pre-implementation period.²⁰ Second, we assessed whether there were any differences in warrantless arrest rates between race/ethnicity

²⁰ For statistical analyses, our three comparison groups included Black people, White people, and all people with other racial/ethnic identities combined (Hispanic, Asian, American Indian/Alaskan Native, “other,” “unknown,” and two or more races).

groups either in the pre- or the post-implementation periods. We also assessed whether there were any changes in warrantless arrest rates from the pre- to the post-implementation period within each racial/ethnic category for all misdemeanor encounters.

We started by examining the racial/ethnic breakdown of misdemeanor encounters overall. This analysis is one step “upstream” from the cite versus arrest decision that is the intended focus of the model policy. Although the model policy does not directly target officers’ decisions to charge an individual with a misdemeanor offense in the first place, assessing encounters overall provides context to officers’ decisions to cite or arrest.

Findings for Prevalence of All Encounters by Race/Ethnicity

We found that in three sites in the post-implementation period, when compared against the distribution by race/ethnicity for the city population, Black people were significantly overrepresented in misdemeanor encounters with the police and White people were significantly underrepresented.

We also found that in every site, at least one non-White racial/ethnic group saw its share of misdemeanor encounters grow from pre- to post-implementation. In two sites, the share of encounters for Hispanic people increased; in the other two sites, the share of encounters for Black people increased. Results for each pilot site are discussed in the accompanying [technical appendix](#).

While these findings do not speak to any direct effect of the model policy, they do flag persistent and growing racial differences in police encounters compared to the population. As mentioned in the recommendations section below, stakeholders may wish to consider further research or interventions addressing this issue.

Findings for Warrantless Arrest Rates by Race/Ethnicity

To measure equitable administration of the model policy, we assessed whether there were any differences in warrantless arrest rates between race/ethnicity groups both before and after implementation of the model policy.²¹

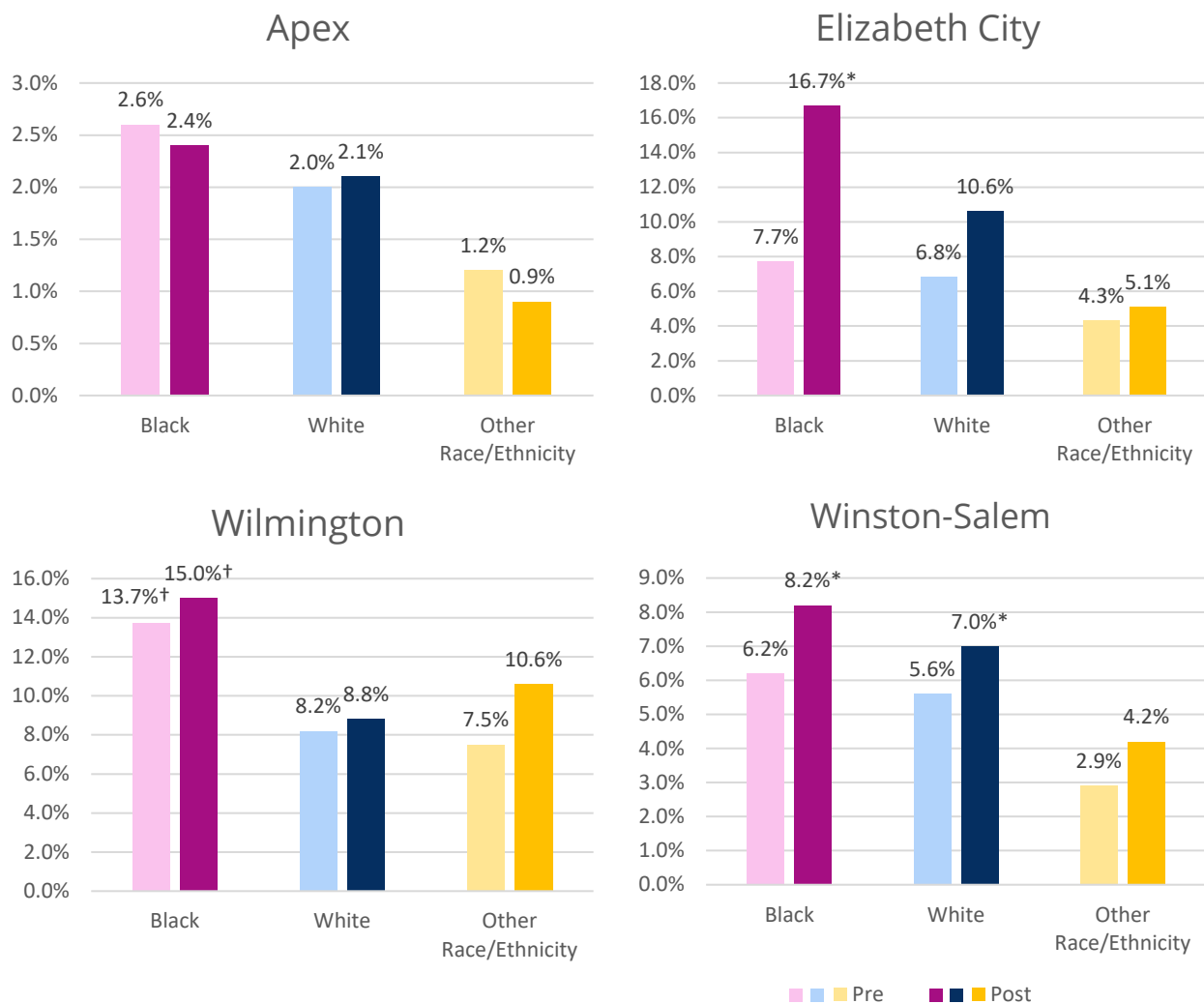
Our analysis found no racial differences in arrest rates among three sites both pre- and post-implementation. Specifically, in Apex, Elizabeth City, and Winston-Salem we found no

²¹ We conducted statistical comparisons of warrantless arrest rates across three subgroups—Black, White, and people with other racial/ethnic identities—and we present these comparisons in figures. However, we focus our discussion on statistical differences, if any, between Black and White people for two reasons. First, this focus aligns with and adds to examinations of disparate policing practices between Black and White people that are at the forefront of public attention and political discussion. Second, due to very small sample sizes of all other race/ethnicity groups, we had to combine these groups into one category (i.e., combine Hispanic, Asian, and other) to conduct our statistical analysis.

statistically significant difference in warrantless arrest rates between Black and White people in either the pre- or post-implementation periods (see Figure 6 below). In Wilmington, we found a significantly higher warrantless arrest rate for Black people in both the pre- and post-implementation period.

We also broke down the analysis from Evaluation Question 2 to see if there were any changes in warrantless arrest rates within racial/ethnic groups over time. As seen in Figure 6 below, the results varied by site. For two sites (Apex and Wilmington), we found no statistically significant changes in warrantless arrest rates among Black or White people from pre- to post-implementation. In the other two sites, we found a statistically significant increase in the warrantless arrest rate for Black people in one site (Elizabeth City) and for both Black people and White people in the other site (Winston-Salem).

Figure 6. Warrantless Arrest Rates for All Misdemeanor Encounters Over Time



Note: A * indicates a statistically significant change within a race/ethnicity group over time. A † indicates a statistically significant difference from other race/ethnicity categories within a single time period.



Evaluation Question 4: Time Out of Service

To assess the extent to which citation in lieu of arrest can reduce the amount of time that police and equipment are removed from service during an encounter, we compared the average time spent on citations versus warrantless arrests, as reported by patrol officers on EDFs.

According to the 66.2% of encounters where EDFs were completed, citations resulted in substantially less time out of service than arrests in all sites. On average, officers were out of service 117 minutes when making an arrest and 25 minutes when issuing a citation. In other words, officers saved an average of over 90 minutes per encounter when choosing to cite instead of arrest.



Of completed EDFs, the decision to cite instead of arrest saved officers over 90 minutes per encounter.

However, as described earlier, EDFs were completed for citations and warrantless arrests at vastly different rates (69.0% and 29.5%, respectively), and the completion rate for warrantless arrest encounters was quite low. As such, this finding may not be representative of all encounters and should be considered with caution. Even still, the time difference demonstrates the potential resource benefits of an effective citation in lieu of arrest policy and is relatively consistent with IACP findings.²²

²² An IACP survey found an average of 24.2 minutes for citation compared to 85.8 minutes for custodial arrest. See IACP *supra* note 1, at 3.

Limitations

There are several qualifications and limitations to this evaluation.

First, external factors, such as the COVID-19 pandemic and social protests of policing practices, may have impacted officer behavior and decision making, including with respect to implementation of the model policy. Because we are unable to comprehensively measure these impacts, they limit our ability to evaluate the impact of the model policy. Liaisons from pilot sites mentioned these factors limited capacity and caused departments to focus more on “mission critical” issues.

There are many ways in which limited capacity could have challenged implementation — departments may have had fewer resources to reinforce the model policy, officers may have had difficulty remembering the model policy on top of other changes to practice, etc. At a February 2023 meeting where we presented a draft version of this report to stakeholders for feedback, they agreed that these external factors likely affected the implementation of the model policy. The stakeholders added that significant staffing shortages and high turnover rates during the study period also likely limited the pilot sites’ capacity to robustly implement the model policy, and that in addition to social unrest, the implementation period was punctuated by “crisis after crisis” in policing.

Second, challenges with implementation limit our ability to interpret findings from our pre-post analyses regarding the model policy’s impact. Officers did not complete EDFs in seven out of ten warrantless arrest encounters. Moreover, some officers expressed discontent with the model policy in written survey responses. Finally, some explanations officers provided for arrest decisions and survey responses indicate that they did not fully understand the model policy. If large numbers of officers were not implementing the model policy appropriately and as intended, then any change (or lack of change) in citation rates cannot be attributed to it. To the extent these implementation challenges relate to organizational culture, the stakeholders opined that culture change can take years. These challenges limit our ability to assess any impact the citation in lieu of arrest policy may have had on law enforcement more generally, as well as on the criminal court system, individuals, and the community.²³

Third, decreases in the number of encounters covered by the model policy could also limit our ability to evaluate impact. As noted, we saw a decrease in the number of encounters over time. If the reason for this decrease also affects how a cite or arrest decision is made, then the decrease would affect citation rates independent of the model policy. If so, this would raise questions about whether any impact findings are attributable to the model policy.

²³ See IACP *supra* note 1, at 3.

Fourth, since pilot sites had to apply to participate in the project, they might not be representative of all North Carolina police departments. While the departments reflect the diversity of the state's police departments, their interest in the project may signal previous department-wide considerations for citation in lieu of arrest. Indeed, we found that the pilot sites had high citation rates even before implementation of the policy, despite not having a formal citation in lieu of arrest policy. If pilot sites are different from other police departments, then a similar model policy might have different results when adopted elsewhere.

Recommendations

Based on the findings reported here, we offer the following recommendations for police departments considering adopting a citation in lieu of arrest policy as well as for those currently implementing citation in lieu of arrest:

- 1. Conduct a needs assessment and use it to develop a targeted policy.** A needs assessment would identify existing citation rates and specific case categories or offenses that can be targeted for a citation in lieu of arrest policy.

Our evaluation results revealed that pilot site citation rates were over 98% for traffic encounters in the pre-implementation period. Because the model policy was applied to all encounters rather than targeted to case categories or offenses, this may have contributed to officers' frustration with the model policy. To avoid this issue, any new citation in lieu of arrest policy should be carefully tailored to the needs assessment. For those already engaged in citation in lieu of arrest, local policy can be refined accordingly. For the pilot sites, this evaluation provides the relevant needs assessment.

There are two main approaches to using the results from the needs assessment. One approach is to target specific offenses that typically result in arrest but could be addressed by citation, such as administrative traffic offenses or misdemeanor possession of drug paraphernalia. Another is to apply a broader policy, like the model policy, to a targeted category of offenses where citation rates have "room" to improve, consistent with public safety. For example, a policy might apply only to non-traffic, non-violent misdemeanor offenses.

Results of the needs assessment may indicate that a department should not pursue a citation in lieu of arrest policy. For example, if the needs assessment reveals already high citation rates, a formal policy might not be needed. Understanding the volume of

encounters and citation rates for encounters enables departments to make the best impact-for-effort decisions.²⁴

2. Conduct an organizational assessment to determine whether to implement a policy and how to do so.

An organizational assessment can help departments determine whether they should implement a new policy at a given time, and if so, what implementation strategies they should employ to ensure successful implementation. Implementation issues uncovered in the evaluation emphasized the heavy lift of changing citation practices, especially during a public health emergency and period of social unrest and when departments were experiencing high turnover and severe staffing shortages. Additionally, the chiefs opined at the feedback meeting, that culture change in policing can take years.

Departments should seek to assess capacity to change before implementing a citation in lieu of arrest policy. An organizational assessment should examine, for example, officer staffing and workload; other policy changes underway or planned; and sentiment, practice, and policy within the department regarding citation and arrest.

Results from the organizational assessment can be multi-purpose and inform implementation of more than a single policy. Moreover, the organizational assessment may indicate that a department should not pursue a citation in lieu of arrest policy (or other policy change) at this time. For example, if the organizational assessment reveals change burnout, lack of resources, or limited buy-in to effectively implement policy change, the department may consider investing these resources elsewhere.

3. Use implementation lessons learned from this evaluation to supplement organizational assessment results.

While effective implementation should reflect the results of the local organizational assessment, we offer four recommendations here based on the findings from the evaluation. First, apply a top-down, bottom-up approach for both development and implementation efforts. While the development of the model policy was led by police leadership and pilot site leadership supported the project, the survey revealed some discontent and pushback from officers. Having officers and police leadership participate in the creation and implementation of any policy may alleviate potential disconnects in perceptions about the policy. This joint approach could also promote a greater sense of

²⁴ For county-level citation rates for traffic and non-traffic cases in North Carolina, stakeholders can visit the Lab's new Measuring Justice Dashboard at: <https://cjl.shinyapps.io/MeasuringJustice/>. County-level citation rates can be found in the Citation v. Arrest metric, Map Tab. The Dashboard also provides county-level information on the offenses that most frequently result in warrantless arrest in the Dashboard's Citation v. Arrest Metric, Rank Tab.

ownership within the department, which may help increase commitment to change, an important component of readiness for change. For those already engaged in citation in lieu of arrest, involving officers in a review and refinement of local policy may help to address this issue.

Second, create project and training materials internally. Doing so invites ownership of the policy and highlights development and implementation as internally sourced, as opposed to externally motivated. It may also allow for some adaptability to the unique context of the department. Training materials can highlight situations relevant to the department, which would proactively address any potential confusion in implementation. For those already engaged in citation in lieu of arrest, consider updating project and training materials to address this issue.

Third, establish procedures for early implementation feedback. Pilot site trainer interviewees said that the administrative burden of auditing forms made it difficult to confirm that officers were completing EDFs in every relevant encounter. By ensuring that staff are equipped to monitor reporting requirements in real time, departments can spot and address potential implementation issues early on.

Fourth, and finally, regularly use internal communications to reinforce the policy. Those communications may include regular refresher trainings and reinforcement from Police Chiefs and other leaders that the policy is a priority issue.

- 4. Continue to assess and address issues of racial/ethnic equity.** Although project findings showed no differences across race/ethnicity groups in officers' decision to cite versus arrest in most pilot sites in either the pre- or post-implementation periods, our examination of one step "upstream" from the cite versus arrest decision revealed racial differences in overall encounters and that those differences increased in the post-implementation period. Stakeholders may find it helpful to examine this issue further and take appropriate steps as needed.

Appendix A. Model Policy



CITATION IN LIEU OF ARREST

Model Policy
July 2020

I. PURPOSE

This policy is designed to promote public safety and efficient use of taxpayer funds, reduce unnecessary pretrial detentions, and promote least harm resolutions. The Presidential Task Force on 21st Century Policing recommended that law enforcement agencies adopt preferences for “least harm” resolutions, such as the use of citation in lieu of arrest for low-level offenses. Increased use of citations also promotes efficiency. An International Association of Chiefs of Police report found that citations offer a time savings of just over an hour per incident. Increased use of citations can help reduce unnecessary pretrial detentions of low-risk defendants and associated taxpayer costs, unfairness, and negative public safety outcomes. An arrest triggers an initial appearance and imposition of conditions of pretrial release. Because secured bonds are the most common condition imposed in North Carolina, the decision to make an arrest often results in imposition of a secured bond. Imposition of a bond in turn can cause unnecessary wealth-based detentions of low-level defendants, driving up jail costs. Additionally, such detentions have been shown to negatively impact public safety; research shows that misdemeanor defendants detained pretrial are more likely to be charged with new crimes after release than similar defendants who were not detained pretrial. This policy achieves its purposes by aligning citation practices with state law regarding arrest and bail while preserving officer discretion.

II. POLICY

Whether to cite, arrest, or decline to charge is always in the officer’s discretion. However, when an officer decides to charge a person with a criminal offense, a citation is recommended in misdemeanor incidents except when, based on information available at the time:

- (1) the law requires an arrest;
- (2) release on a citation
 - (a) will not reasonably assure the defendant’s appearance in court;
 - (b) will pose a danger of injury to any person; or
 - (c) is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses; or
- (3) exigent circumstances require an arrest.

Officers who make an arrest in misdemeanor cases shall document their reasons for doing so.

III. EXPLANATORY NOTES

Officer Discretion. The policy preserves officer discretion. Specifically, it states that “[w]hether to cite or arrest is always in the officer’s discretion” and recommends (but does not mandate) use of citations unless an exception applies.

Exceptions. The policy recommends use of a citation in misdemeanor cases, subject to three exceptions.

One exception applies when the law requires an arrest. For example, N.C.G.S. 50B-4.1(b) provides that “[a] law enforcement officer shall arrest and take a person into custody, with or without a warrant or other process, if the officer has probable cause to believe that the person knowingly has violated [certain domestic violence protective orders].” In such a scenario, arrest is required by law and a citation may not be issued.

The second exception aligns citation practice with state bail law. Specifically, exception (2) reflects the requirements of N.C.G.S. 15A-534. That provision states that when setting conditions of pretrial release (“bail”) the judicial official (magistrate, clerk or judge) must impose a written promise, custody release, or unsecured bond “unless he determines that such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses.” The law *prohibits* imposition of a secured bond unless one or more of the circumstances noted in (2)(a)-(c) above are present. The policy thus provides that a citation is recommended for defendants charged with misdemeanors who cannot receive a secured bond. This will promote officer efficiency as it will avoid scenarios where a defendant is arrested but then immediately released by the magistrate without a secured bond on grounds that no statutory reason supporting imposition of such a bond is present.

Circumstance (2)(a) applies when release on a citation will not reasonably assure the defendant’s appearance in court. Examples:

- The officer cannot establish the defendant’s identity
- The officer will not be able to later locate the defendant for court purposes, such as serving an order for arrest after a failure to appear
- The defendant has a record of prior failures to appear

As used here, “a record of prior failures to appear” means two or more failures to appear within the last two years.

The mere fact that the defendant is homeless does not satisfy this circumstance, if the officer can establish the defendant’s identity and knows where the defendant later can be found. Likewise, the mere fact that a defendant resides outside of the county does not satisfy this circumstance.

Circumstance (2)(b) applies when release on a citation will pose a danger of injury to any person. Examples:

- There is an immediate danger that the defendant will harm themselves or others
- The alleged offense involves physical injury to a person, a deadly weapon, or a domestic dispute

- The defendant's criminal record includes a conviction for a violent felony
- The defendant is currently on parole, probation, pretrial release, or post-release supervision for a conviction or charge involving injury to any person

A risk of injury to property does not satisfy the bail statute or this circumstance.

Circumstance (2)(c) applies when release on a citation is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses. Subornation of perjury means procuring or inducing another person to commit perjury. Examples:

- The defendant has threatened a witness
- The defendant has a record of witness intimidation
- The defendant previously has destroyed evidence to avoid prosecution

The final exception applies when exigent circumstances require arrest. An example of when this exception might apply is when release on a citation will not reasonably result in the immediate cessation of the criminal conduct. Examples:

- The defendant is engaged in aggressive panhandling and refuses to cease activity
- The defendant is engaged in drunk and disorderly activity that will continue absent removal from the scene

In applying this exception, officers should be aware of their authority under G.S. 122C-301 through -303 to provide assistance to a person who is intoxicated in public without making an arrest, including: transporting the person to their home, another residence, a shelter, or a medical facility; and transporting the person to jail for detention without arrest until the person becomes sober or up to 24 hours.

Note that this exception applies in situations involving exigency. Thus, it does not apply when the officer believes that the criminal activity may resume at some later, non-immediate future time. However, depending on the nature of the activity in question, a belief that it may eventually resume may satisfy one of the other exceptions discussed above.

Documentation Required. The policy provides that when an officer makes an arrest in a misdemeanor case, reasons for doing so must be documented.

Appendix B. Encounter Documentation Form

The following form was added to pilot sites' record management systems to facilitate the documentation requirements of the implemented model policy:

CITATION PROJECT ENCOUNTER DOCUMENTATION FORM

Please complete this form for every misdemeanor encounter resulting in a charge with citation or warrantless arrest. If an encounter does not result in a charge with citation or warrantless arrest or only involves an infraction, do not fill out this form.

Please estimate time in minutes spent on this incident, including reporting:
{ }

Select action type:

{ } Citation
{ } Warrantless Arrest

If not a warrantless arrest, skip the following.

If a Warrantless Arrest, please answer the following:

1. Enter Y for the Reason(s) for warrantless arrest

{ } Law requires arrest

{ } Appearance in court cannot be reasonably assured

If Yes enter Y for reasons :

{ } Cannot establish defendant`s identity

{ } Not able to locate defendant later

{ } Verified record of 2 or more failures to appear in last two years

{ } Other court appearance reason: { }

{ } Possible danger of injury to any person

If yes:

{ } Immediate danger to self/others

{ } Offense involves physical injury to a person, deadly weapon or domestic dispute

{ } Record of violent criminal activity

{ } Currently on probation, parole or pre- or post-trial release

supervision for conviction/charge involving injury to any person

{ } Other injury danger: { }

{ } Possible destruction of evidence, subordination of perjury, or intimidation of potential witness

If yes:

{ } Threaten to harm a witness

{ } Record of witness intimidation

{ } Previous destruction of evidence

{ } Other reason: { }

{ } Other exigent circumstance(s) requiring warrantless arrest

If Yes, please explain: {}

2. What was the magistrate`s decision?

No probable cause

Unsecured bond

Secured bond

Release not authorized (e.g. 48 hour hold)

Other magistrate decision: {}

Unknown

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