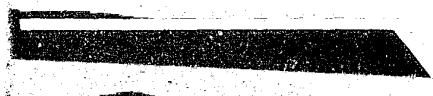


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**COST ANALYSIS OF
CORRECTIONAL STANDARDS:
ALTERNATIVES TO ARREST
VOLUME I**

**By
Susan Weisberg**

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TABLE OF CONTENTS

PREFACE	1
INTRODUCTION	2
FINDINGS	6
CONCLUSIONS	8
DETAILED APPROACH AND FINDINGS	10

LIST OF FIGURES

1. Standard 4.3: Alternatives to Arrest	4
2. Cost per Accused for Procedures Analyzed in the Study	13
3. Case Flow (F) for Analysis of Citation Activities [Estimated for the Nation as a Whole (N) and for a "Model" City of 200,000 Population ("M")]	14
4. Total Annual Differential Costs of Study Activities--National Estimate (Stationhouse Citation Costs as Example of Methodology)	15
5. Impact of Alternate Case Flow Assumptions on Cost of Study Activities--Stationhouse Citation, Field Citation, Arrest (Stationhouse Citation Costs as Example of Methodology)	16

PREFACE

Reports prepared by the Standards and Goals Project have had two purposes:

- To estimate and analyze the costs of implementing Standards of the Corrections Report, issued in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals (policy-oriented purpose);¹
- To provide cost guidelines and cost estimation techniques for use by jurisdictions in assessing costs of their own ongoing or contemplated activities (technical purpose).

To achieve both purposes, the Project is presenting the results of its cost analysis of alternatives to arrest in two volumes, of which this is the first. In focusing on the Project's policy-oriented purpose, this first volume:

- Provides brief background on the Corrections Standard advocating use of citation and summons as alternatives to traditional arrest;
- Focuses on findings of the cost analysis and briefly explains study methodology so that findings can be interpreted accurately;
- Highlights the policy implications of the analysis.

This volume is intended for use as a separate document by justice system administrators, legislators and others with a need for reference to policy-oriented material on the implementation of alternatives to arrest, particularly those policy issues related to cost. In addition, Volume I is to be used by justice system planners and analysts as a companion document to the more detailed cost analysis of Volume II.

¹National Advisory Commission on Criminal Justice Standards and Goals, Corrections (Washington, D.C.: Government Printing Office, 1973); hereafter referred to as Corrections.

INTRODUCTION

Underlying the entire Corrections Report are two key philosophies:

- That the "least drastic means" should be employed to achieve desired justice system outcomes;
- That options should be used which favor "minimum penetration" of an accused into the criminal justice system.

The use of citation and summons in lieu of arrest is critical to both these goals, since:

- Issuing a citation or a summons, thereby assuring the liberty of an accused prior to his or her first court appearance, is a far less drastic means of guaranteeing that appearance than are traditional arrest and detention;
- Decisions about the use of citation and summons are made at the first point of contact between the individual and the criminal justice system. Attempts to ensure "minimum penetration" are most critical, and most logical, at this stage.

Standard 4.3 of the Corrections Report, shown in Figure 1 on pages 3 and 4, urges that jurisdictions utilize citations and summons in lieu of traditional arrest and custody as means of assuring the appearance of an accused in court. Under each of the recommended options, an accused individual would receive a "ticket" designating the date and time of his or her expected court appearance(s). For eligible offenses, to be decided on by individual jurisdictions, citations would substitute for much of the traditional field arrest activity and summons would replace warrants for arrest. Both options, if utilized, would obviate the need for custody of an accused.

This Project has been charged with identifying the resource implications associated with implementing the above Standard. Because the recommended citation activity would potentially impact a

Figure 1

Standard 4.3: Alternatives to Arrest

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. Similar steps should be taken to establish policy encouraging the issuance of summons in lieu of arrest warrants where an accused is not in police custody. This policy should provide:
 1. An enumeration of minor offenses for which a judicial officer should be required to issue a summons in lieu of an arrest warrant unless he finds that:

- a. The accused has previously willfully failed to respond to a citation or summons or has violated the conditions of any pretrial release program.
- b. The accused has no ties to the community and there is a reasonable likelihood that he will fail to respond to a summons.
- c. The whereabouts of the accused is unknown or the arrest warrant is necessary to subject him to the jurisdiction of the court.
- d. Arrest and detention are necessary to carry out additional legitimate investigative action.

2. Discretionary authority for judicial officers to issue a summons in lieu of an arrest warrant in all cases where the officer has reason to believe that the accused will respond to the summons.

3. A requirement that a judicial officer issuing a warrant instead of a summons state his reason for doing so in writing.

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

To facilitate the use of citations and summons in lieu of arrests, police agencies should:

1. Develop through administrative rules specific criteria for police officers for determining whether to issue citations or to request issuance of a summons in lieu of arrest.
2. Develop training programs to instruct their officers in the need for and use of the citation and summons in lieu of arrest.
3. Develop a method of quickly verifying factual information given to police officers which if true would justify the issuance of a citation in lieu of arrest.
4. Develop a method of conducting a reasonable investigation concerning the defendant's ties to the community to present to the judicial officer at the time of application for a summons or an arrest warrant.

greater number of people than would summons, citation has been selected as the focus for analysis.¹ Two types of citation activity have been analyzed and the cost of each has been compared to the cost of traditional arrest. The two types of activity are: field citation, by which an individual is released at the point of apprehension; and stationhouse citation, which involves subsequent release from a precinct or other police station.

The objective of the analysis has been to identify the differences in cost (net gain or loss) associated with using each of the recommended activities rather than traditional arrest.

FINDINGS

Findings of the study reflect noteworthy cost implications of the Corrections Standard on alternatives to arrest.

Results of the analysis show that:

- 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. (See Figure 4 on page 14.)

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

¹The methodology used to estimate costs for the citation analysis is applied to cost analysis of the summons activity in an appendix to Volume II.

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.

The Project's analysis goes beyond consideration of criminal justice system public expenditures in discussing opportunity costs which individuals and society might bear under the study activities. The loss of income as a result of custody under traditional arrest is probably the best recognized of these costs. Study findings indicate that when this factor is considered [under the same assumptions about low rates of eligibility and release], the total cost of arrest procedures increases by 63 percent, and the cost of traditional arrest exceeds the cost of stationhouse and field citation activities by 37 percent and 87 percent, respectively. (See Figure 4 on page 14.)

CONCLUSIONS

In addition to the cost implications cited, study findings tend to support the following conclusion:

- 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. Supporting this point are the cumulative public expenditure costs of procedures presented in Figure 5 on pages 15 and 16:

-A relatively high rate of eligibility coupled with a low rate of release produces arrest costs that exceed those of stationhouse 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 stationhouse 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.

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 pretrial liberty at the earliest possible stage produces significant cost advantages in terms of criminal justice system public expenditures.

Several caveats must be borne in mind in deriving conclusions from the statistical results of the study, due to assumptions which form its base. Specifically:

- It is assumed that an equal percentage of the total annual arrested population would be eligible for the field citation or the stationhouse citation activity. In calculating the total cost of each study activity--arrest, field citation and stationhouse citation--only those costs associated with the eligible population are considered (that is, the group that would be processed under traditional arrest if no citation activity of any kind were available).

Two additional assumptions, alluded to above, are based on the Standards themselves:

- It is assumed that persons who are at liberty pending trial and who willfully fail to appear in court will be prosecuted per Standard 4.3.¹ Such a procedure can significantly increase the cost of citation activities.
- It is assumed that persons in custody until arraignment will be detained no more than six hours prior to a first court appearance. This limitation is prescribed by Standard 4.5² and causes custody costs to be understated when compared to current practice.

The study, in conformity with Corrections Standards, examines the use of citations as a pre-arraignment alternative to arrest, and the study attempts to define carefully the specific citation and arrest procedures that will be compared. In reality, citations may represent an alternative to several other pretrial options, including: the issuance of verbal warnings by police, the use of pre-arraignment release on recognizance, and the use of stationhouse bail. While the implications of substituting verbal warnings with citations is addressed briefly in Volume II, this issue and the cost implications of trade-offs between various types of pretrial release are treated in a companion report of the Standards and Goals Project: Cost Analysis of Correctional Standards: Comprehensive Pretrial Programs, by Susan Weisberg and Ann M. Watkins.

¹ Corrections, p. 117.

² Ibid., p. 123.

DETAILED APPROACH AND FINDINGS

The Project's analysis examines three key variables:

- Procedures--the discrete tasks and functions required to carry out the traditional and the recommended activities;
- Resource cost per accused for each procedure--the cost per accused of resources applied to procedures in the traditional and the recommended activities;
- Case flow--the number of accused persons who would be exposed to a given procedure under the traditional and the recommended activities.

The following example illustrates the relationship of these three key variables in the analysis:

The cost of detaining people under traditional arrest would be the average cost per accused of a custody procedure, multiplied by the number of people, or case flow, in custody. This can be expressed simply as:

$$C \quad \times \quad F$$

custody custody

where:

C = average cost per accused
 F = case flow exposed to this procedure

The set of procedures considered in this analysis and the estimated average cost per accused under each, are shown in Figure 2 on page 12. These estimates are based primarily on the average total cost of resource time involved (for example, the total cost of one-half hour of police patrol time).

Figure 3, on page 13, shows the basic population groups that constitute the case flow for one activity, stationhouse citation. A similar diagram would be applicable for each of the other study activities--arrest and field citation.

Figure 4, on page 14, depicts the way in which procedures average cost per accused, and case flow have been used to estimate the public expenditure cost of stationhouse citation. The figure also shows the public expenditure costs of the other study activities--arrest and field citation--which have been estimated using the same basic approach. In addition to cumulative criminal justice system expenditures of this type of each activity, the figure displays a total cost for each that includes estimated foregone earnings for accused persons who were employed at the time of custody and not released prior to arraignment.

Figure 5, on pages 15 and 16, illustrates the impact on cost of alternate assumptions about the size of the population eligible for release and the size of the population released. Three alternate case flow assumptions are shown, specifically: a Basic Case Flow characterized by relatively low eligibility for release and a low release rate; Alternate I, with high eligibility and low release; and Alternate II, representing relatively high eligibility and a high rate of release. The top portion of the figure illustrates the impact of these alternate assumptions on the cost of stationhouse citation procedures and on the cumulative criminal justice system public expenditures for that activity. The bottom portion of the figure displays the impact of the alternate case flow assumptions on the cost of each study activity--arrest, stationhouse citation and field citation--both in terms of public expenditures and in terms of the total cost that includes estimated foregone earnings of persons employed at the time of custody.

Cost per Accused for Procedures Analyzed in the Study

<u>PROCEDURE^a</u>	<u>ESTIMATED AVERAGE COST PER ACCUSED</u>
1) Transportation to stationhouse	\$ 2.08
2) Booking	\$ 5.92
3) Justification for non-release of an accused ^b	\$ 1.60
4) Custody to arraignment ^c	\$ 5.96 ^c
5) Location of persons failing to appear in court (first failure)	\$ 4.72
6) Location and prosecution of persons willfully failing to appear in court (second failure) ^d	\$43.71

^aIf under all three study activities--arrest, field citation, and stationhouse citation--an equal number of people would be exposed to a given procedure, that procedure has not been included in the analysis. For example, the records of all apprehended persons would be checked for outstanding warrants regardless of the activity. Likewise, a charging document would have to be prepared under all three activities.

^bStandards of the Corrections Report prescribe that when an eligible individual is not released through a citation, the decision not to release must be justified in writing by an arresting officer and reviewed by his or her superior.

^cStandards of the Corrections Report have been drawn upon, whenever possible, as guides to estimating cost. Standard 4.5 specifies that persons detained until arraignment should be held in custody no longer than six hours. Custody cost estimates in the Project's analysis are based on this limitation, though in reality, a majority of people in custody may remain there for 24 to 48 hours.

^dStandard 4.3 of the Corrections Report advocates the prosecution of persons who willfully fail to appear in court, thus the costs of such a procedure (and the number of persons who would be subjected to it) have been identified separately in the Project's analysis.

Figure 3

Case Flow (F) for Analysis of Citation Activities

[Estimated for the Nation as a Whole (N) and for a "Model" City of 200,000 Population ("M")]

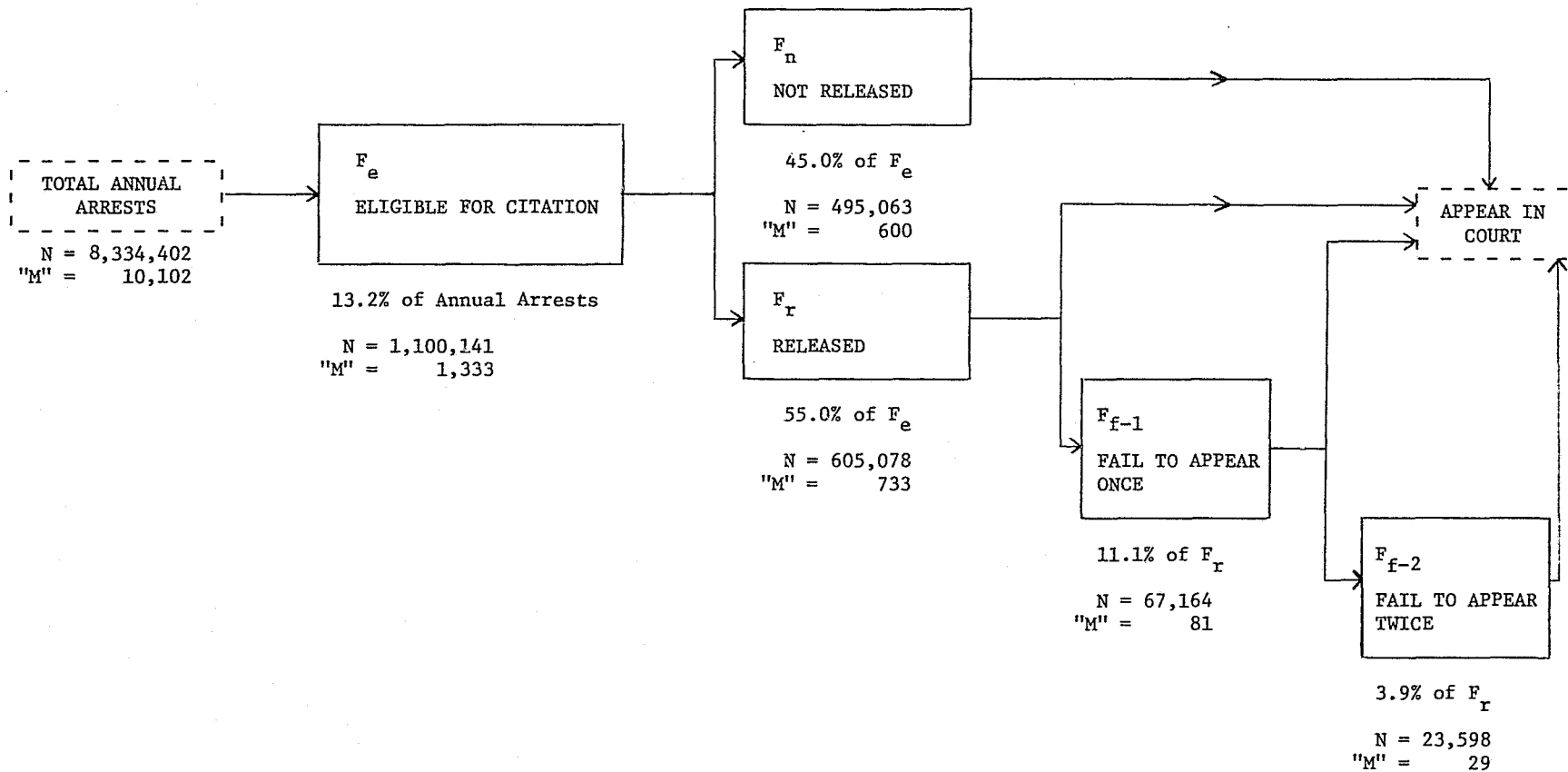


Figure 4

Total Annual Differential Cost of Study Activities--National Estimates
(Stationhouse Citation Costs as Example of Methodology)

<u>STATIONHOUSE CITATION PROCEDURE</u>	<u>ESTIMATED AVERAGE COST PER ACCUSED</u>	<u>CASE FLOW</u>	<u>COST OF PROCEDURE</u>
Transportation to Stationhouse	\$ 2.08	1,100,141 (Fe)	\$2,288,293
Booking	\$ 5.92	1,100,141 (Fe)	\$6,512,835
Justification for non-release	\$ 1.60	495,063 (Fn)	\$ 792,101
Custody to Arraignment	\$ 5.96	495,063 (Fn)	\$2,950,575
Location of Persons Failing to Appear (1st failure)	\$ 4.72	67,164 (Ff-1)	\$ 317,014
Location and Prosecution of Persons Failing to Appear (2nd failure - willful)	\$43.71	23,598 (Ff-2)	\$1,031,469
Cumulative CJS Public Expenditures for Stationhouse Citation procedures			\$13,892,287
Total differential cost of Stationhouse Citation ^a			<u>\$18,273,998</u>
Cumulative CJS Public Expenditures for Field Citation procedures			\$9,051,663
Total differential cost of Field Citation ^a			<u>\$13,433,374</u>
Cumulative CJS Public Expenditures for Arrest procedures			\$15,357,968
Total differential cost of Arrest ^a			<u>\$25,095,099</u>

a Includes foregone earnings of eligible population held in custody

Figure 5

Impact of Alternate Case Flow Assumptions on Cost of Study
Activities--Stationhouse Citation, Field Citation, Arrest
(Stationhouse Citation Costs as Example of Methodology)

STATIONHOUSE CITATION PROCEDURE	BASIC CASE FLOW Eligible(F_e)=13.2% Annual Arrests Released(F_r)=55.0% of F_e		ALTERNATE CASE FLOW I Eligible(F_e)=24.0% Annual Arrests Released(F_r)=50.0% of F_e		ALTERNATE CASE FLOW II Eligible(F_e)=24.0% Annual Arrests Released(F_r)=85.0% of F_e	
	Cost	%	Cost	%	Cost	%
Transportation to stationhouse	\$ 2,288,293	(16.5)	\$ 4,160,532	(16.1)	\$ 4,160,532	(18.9)
Booking	6,512,835	(46.9)	11,841,515	(45.9)	11,841,515	(53.7)
Justification for non-release of an accused	792,101	(5.7)	1,600,205	(6.2)	480,061	(2.2)
Custody to arraignment	2,950,575	(21.2)	5,960,763	(23.1)	1,788,266	(8.1)
Location of persons failing to appear in court (first failure)	317,014	(2.3)	523,986	(2.0)	890,777	(4.0)
Location and pro- secution of per- sons failing to appear in court (second failure - willful)	<u>1,031,469</u>	(7.4)	<u>1,704,909</u>	(6.6)	<u>2,898,366</u>	(13.1)
Cumulative CJS Public Expenditures for Stationhouse Citation Procedures	<u>13,892,287</u>	(100)	<u>25,791,910</u>	(100)	<u>22,059,517</u>	(100)

Note: Percentages may not add to 100 due to rounding.

Cumulative CJS Public Expenditures for Stationhouse Citation Procedures	<u>\$13,892,287</u>	<u>\$25,791,910</u>	<u>\$22,059,517</u>
Foregone Earnings	4,381,711	8,851,929	2,655,576
TOTAL DIFFERENTIAL COST OF STATION- HOUSE CITATION	<u>\$18,273,998</u>	<u>\$34,643,839</u>	<u>\$24,715,093</u>
Cumulative CJS Public Expenditures for Field Citation Procedures	<u>\$ 9,051,663</u>	<u>\$17,790,887</u>	<u>\$ 8,457,731</u>
Foregone Earnings	4,381,711	8,851,929	2,655,576
TOTAL DIFFERENTIAL COST OF FIELD CITATION	<u>\$13,433,374</u>	<u>\$26,642,816</u>	<u>\$11,113,307</u>
Cumulative CJS Public Expenditures for Arrest Procedures	<u>\$15,357,968</u>	<u>\$27,923,572</u>	<u>\$27,923,572</u>
Foregone Earnings	9,737,131	17,703,858	17,703,858
TOTAL DIFFERENTIAL COST OF ARREST	<u>\$25,095,099</u>	<u>\$45,627,430</u>	<u>\$45,627,430</u>

END

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