



CIVIL CITATION  
NETWORK®

## Pre-Arrest Diversion

Reforming the Front-End of the Criminal Justice System

2017 POP Conference  
Oct 2-4, 2017 Houston, TX



**Center for Problem-Oriented Policing**



## WHO ARE WE?

The Civil Citation Network® is a non-profit organization created and supported through a private foundation. Our mission is to advocate the use of adult and juvenile pre-arrest diversion with integrated intervention services. Communities across the country have access to the Network's research and evaluation services, data resources, integrated technology platform, and technical assistance related to implementation of pre-arrest diversion programs.



# CRIMINAL JUSTICE POLICIES

## International Incarceration Rates

Country	Rate per 100,000 Population
United Kingdom	145
Germany	78
Australia	152
Canada	114
France	103
United States	<b>693</b>



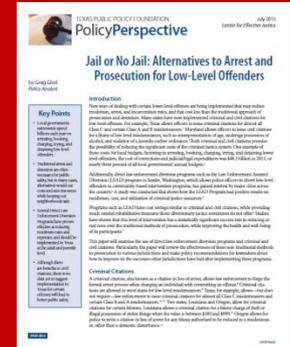
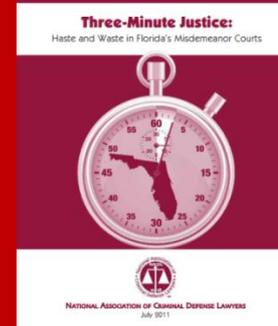
# ALTERNATIVE TO ARREST REFORM

International Association of Chiefs of Police

National League of Cities

National Association of Counties

American Prosecutors Association



American Bar Association

Vera Institute

Florida Tax Watch

James Madison Institute



## CRIMINOLOGY

### THE EDGE OF STIGMA: AN EXPERIMENTAL STUDY OF THE EFFECTS OF LOW-LEVEL CRIMINAL RECORDS ON EMPLOYMENT\*

CHRISTOPHER UGGEN,<sup>1</sup> MIKE VUOLO,<sup>2</sup> SARAH LAGESON,<sup>1</sup> EBONY RUTLAND,<sup>3</sup> and HILARY K. WHITHAM<sup>4</sup>  
<sup>1</sup>Department of Sociology, University of Minnesota  
<sup>2</sup>Department of Sociology, Purdue University  
<sup>3</sup>Department of Social Work, University of Minnesota  
<sup>4</sup>Department of Public Health, University of Minnesota

KEYWORDS: employment, arrest, experimental

Ample experimental evidence shows that the stigma of a prison record reduces employment opportunities (Pager, 2005). Yet background checks rarely uncover a much broader range of impurities, including arrests for minor crimes never resulting in formal charges. This article probes the lower boundaries of stigma, asking whether and how employers consider low-level arrests in hiring decisions. Matched pairs of young African American and White men were sent to apply for 300 entry-level jobs, with members of each pair reporting a disorderly conduct arrest that did not lead to conviction. We find a modest but universal effect, with employer callback rates about average points lower for the experimental group than for the matched control. Businesses with the smallest employers suggest three mechanisms to account for our stigma and audacity in the former: 1) greater emphasis on resumes and authority in the former; 2) calibration of the severity, nature, timing of the offense; and 3) a deeply held presumption of innocence, which curbs the automaticity of arrest with the greater certainty represented by convictions. In sum, personal contact and workplace diversity play important roles in the hiring process.

Assumption of innocence has been a cornerstone of Anglo-American criminal law since the eighteenth century, reflected in the dictum “innocent until proven guilty.” and records can be used to convict, as well as to exonerate. As comprehensive background checks have become standard practice in hiring, rising numbers of low-level arrests correspondingly subject to their stigmatizing effects. In Irving Goffman’s

Send supporting information to the Editor for this article to the Wiley Online Disputes service at <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-3113.2014.00421.x>. Research was supported by grants from the Council on Crime and Justice and supported by the Vera Institute and the National Institute of Justice. Uggens is additionally supported by a Woodrow Wilson Public Leadership Award. The authors are grateful to the following people for their help with this article: Jennifer L. Brinkley, Jennifer Brinkley, Heather K. Hight, Amy McMillin, Sarah Shannon, and James Madison for their generous assistance in correspondence with Christopher Uggen, Department of Sociology, University of Minnesota, 6-16 Avenue South 4805, Minneapolis, MN 55455 (e-mail: [uggens@tc.umn.edu](mailto:uggens@tc.umn.edu)).

Journal of Criminology, Volume 52, Number 4, 2014, pp. 627–644  
DOI: 10.1111/1745-3113.12101  
CRIMINOLOGY VOLUME 52 NUMBER 4 627-644 2014 627

## Lower Costs & Less Crime

Criminal and Juvenile Justice Reform Options for Florida

MAY 2016





# WHAT ARE THE FACTS?

- Over 65,000 people are arrested each year for the first time in the state of Florida and charged with a misdemeanor offense (FDLE/Statistical Analysis Center)
- Consequences of having an arrest record – for society you’ve just become a “bad guy”
  - Loss of employment and reduced future employment opportunities
  - Ineligible for federal student loans
  - Access to housing programs
  - Negative impact on child custody rights
- Economic and community instability - Especially in minority neighborhoods



# COLLATERAL CONSEQUENCES

## Florida – 268 Mandatory/Discretionary

Citation	Title	Triggering Offense Category	Consequence Type	Duration Category
61G10-14.003, F.A.C.	Suspend/revoke license as landscape architect	Any felony; Any misdemeanor	Discretionary	Permanent/Unspecified
61G14-17.004, F.A.C.	Suspend/revoke pilot's license	Any felony; Any misdemeanor	Discretionary	Permanent/Unspecified
61G14-17.005, F.A.C.	Disclose conviction to pilot's commission	Any felony; Any misdemeanor	Mandatory/Automatic	Permanent/Unspecified
61G15-19.001, F.A.C.	Deny/suspend/revoke professional engineer's license	Any felony; Any misdemeanor	Discretionary	Permanent/Unspecified
61G15-19.004, F.A.C.	Suspend/revoke professional engineer license	Any felony; Any misdemeanor	Discretionary	Permanent/Unspecified
61G16-9.001, F.A.C.	Suspend/revoke geologist license	Any felony; Any misdemeanor	Discretionary	Permanent/Unspecified
61G18-25.001, F.A.C.	Ineligible for temporary license to practice veterinary medicine	Any felony; Any misdemeanor	Discretionary	Permanent/Unspecified

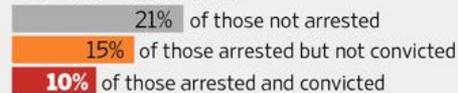


# ECONOMIC EROSION

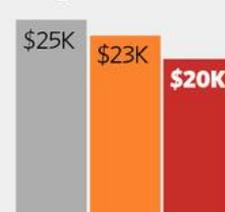
## Impact | What happens after arrest

A national survey of youth indicates that being arrested by the age of 23, regardless of whether convicted, correlates with negative outcomes in one's life. Below, indicators of respondents who have been arrested (convicted and not convicted) compared with those not arrested.

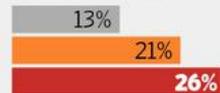
### Own a home at age 25



### Median income at age 25



### Household income below poverty line at age 25



### With high school diploma (or more)



### With college degree (or more)



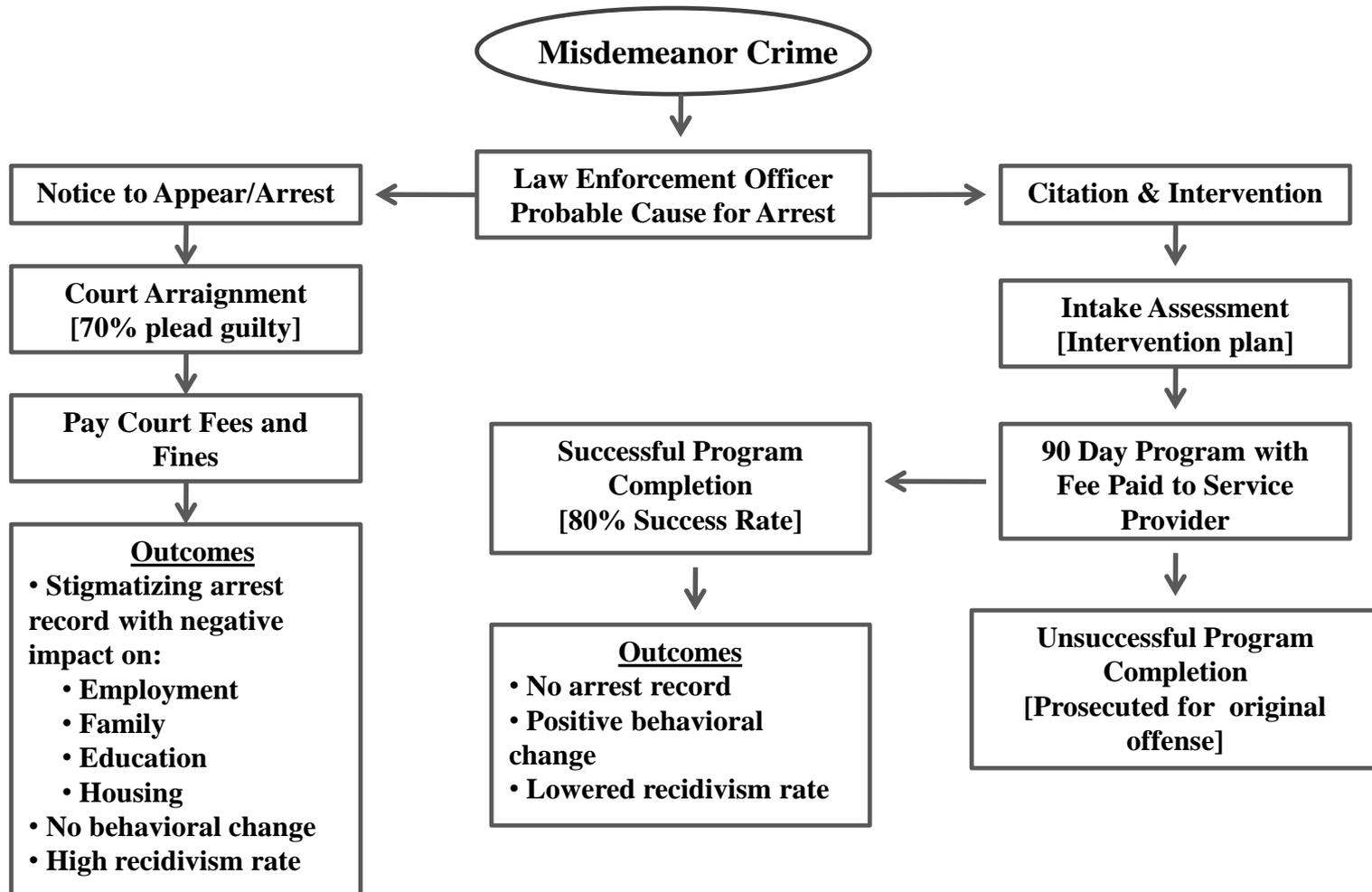
Source: Tia Stevens Andersen of University of South Carolina's analysis of a National Longitudinal Survey of Youth conducted in 1997-2010 by the Labor Department which studied 8,984 people born in 1980-84

The Wall Street Journal

The Center for American Progress in their report, *"One Strike and You're Out,"* estimates that employment losses due to criminal records resulted in a \$65 billion loss in gross domestic product during 2008.



# NEW RESPONSE: “PRE-ARREST DIVERSION”



# Intervention Process



- Participant must contact DISC Village within seven days
- Intake and assessment are completed
- Evidenced-based assessment tools and drug screenings are used as part of the initial assessment
- ✓ Criminogenic behavioral factors
- ✓ Substance use disorders
- ✓ Mental health illnesses
- Based on the participant's assessment an individualized intervention plan is developed

# Individualized Intervention Plan



- Counseling sessions – at least three with behavioral health specialist
  - ✓ Cognitive behavioral therapy
  - ✓ Motivational interviewing
- Drug screening
  - ✓ All participants have at least one screening
  - ✓ Depending on charge and results may have up to three
- Online intervention modules
  - ✓ Drug education
  - ✓ Anger management
  - ✓ Decision making
  - ✓ Petit theft

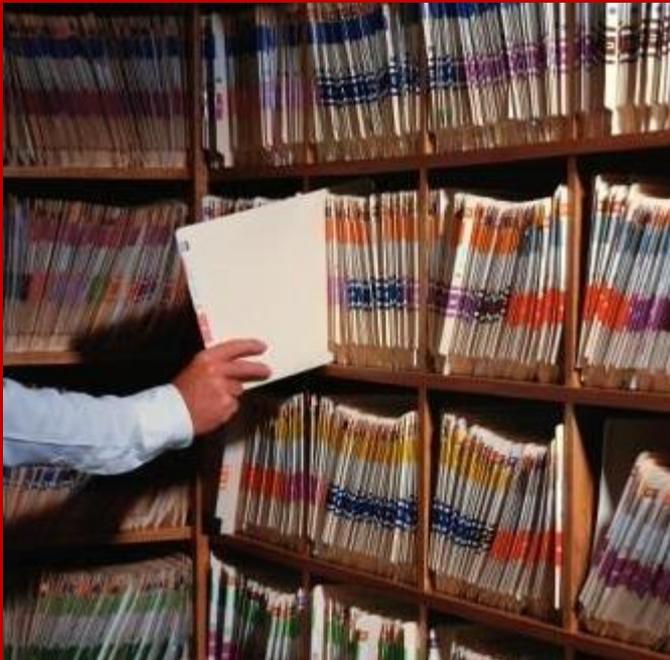
# Individualized Intervention Plan

Former Florida Supreme Court Chief Justice Gerald Kogan, *“The future consequences of even a minor criminal conviction can change the course of a defendant’s life.”*

*Three Minute Justice: Haste and Waste in Florida’s Misdemeanor Courts*

- Community service hours
  - ✓ Assigned by law enforcement officer – up to 25 hours
  - ✓ Case manager monitors and may increase hours
- Program fee
  - ✓ Payments made by participants, flexible payment system, and a payment waiver may be requested

# Case Closure



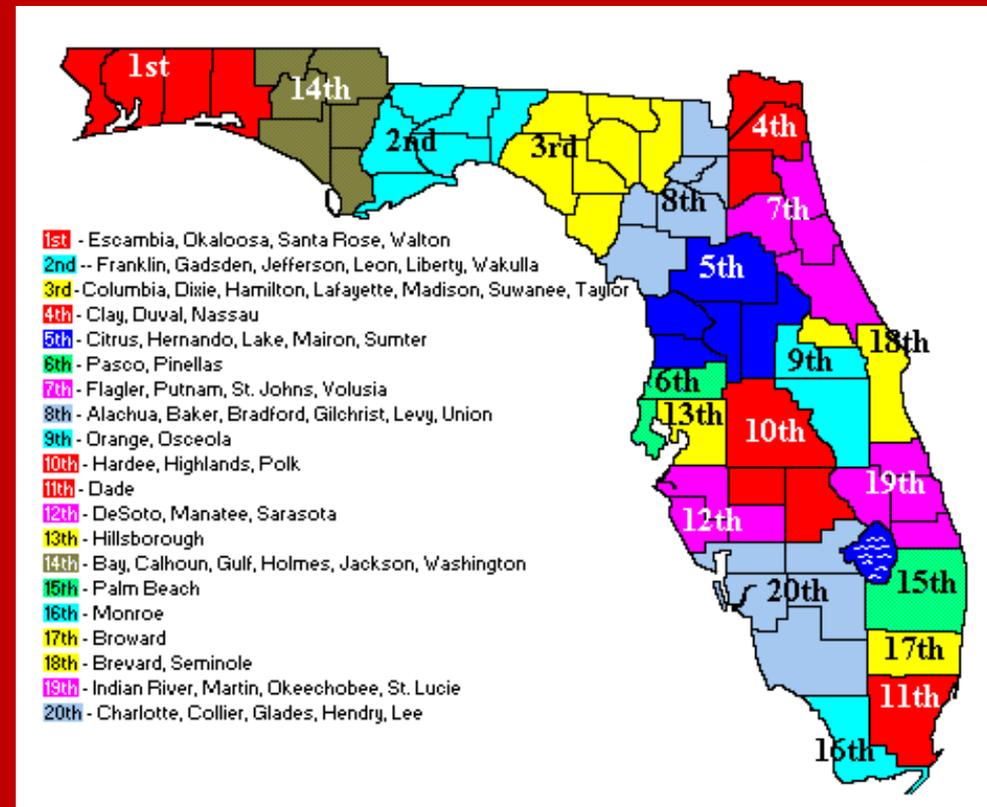
- Law enforcement agency notified by DISC Village of completion...
- Participant Successful
  - ✓ Case cleared “exceptionally” in accordance with UCR standards
- Participant Unsuccessful
  - ✓ Issuing LEA contacts participant to receive NTA
  - ✓ NTA refused or no contact then warrant issued for original offense



# TALLAHASSEE PROGRAM OUTCOMES

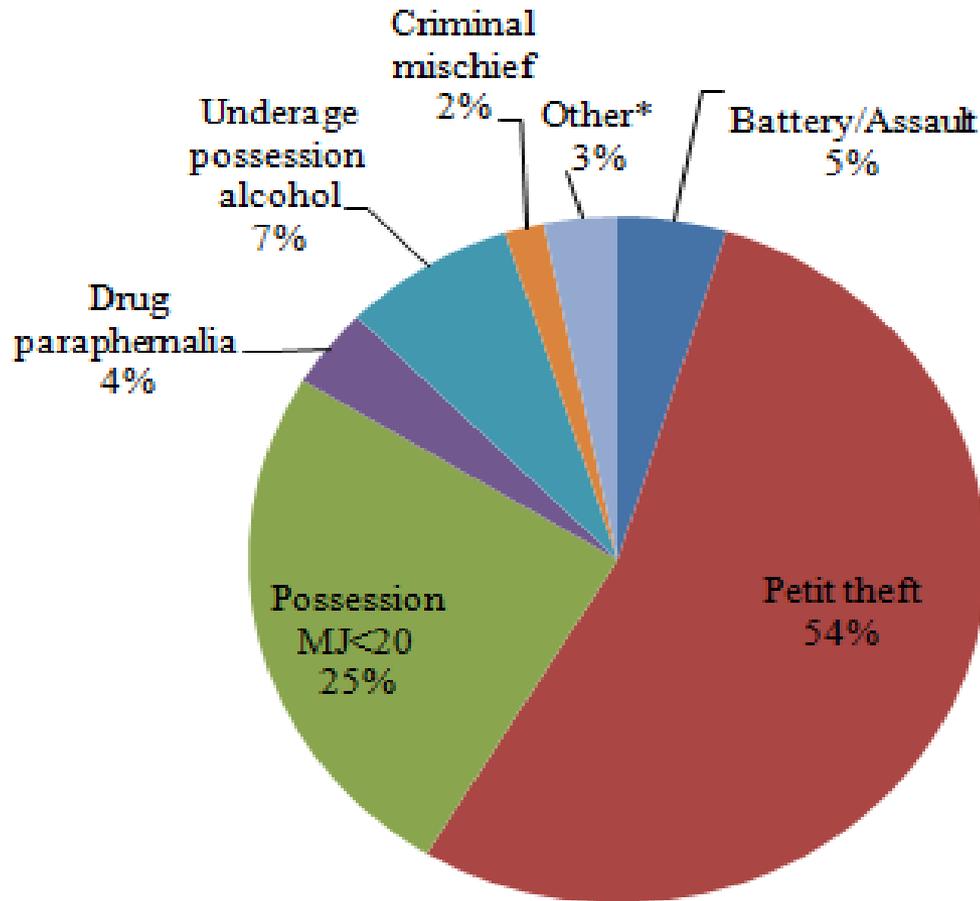
## Second Judicial Circuit

- Tallahassee Police Department
- Leon County Sheriff's Office
- Florida A&M University PD
- Florida Fish and Wildlife Commission
- DISC Village, Inc.



Over 1,113 citations issued in Tallahassee/Leon County since the ACC program started .

## Citations Issued by Offense Category

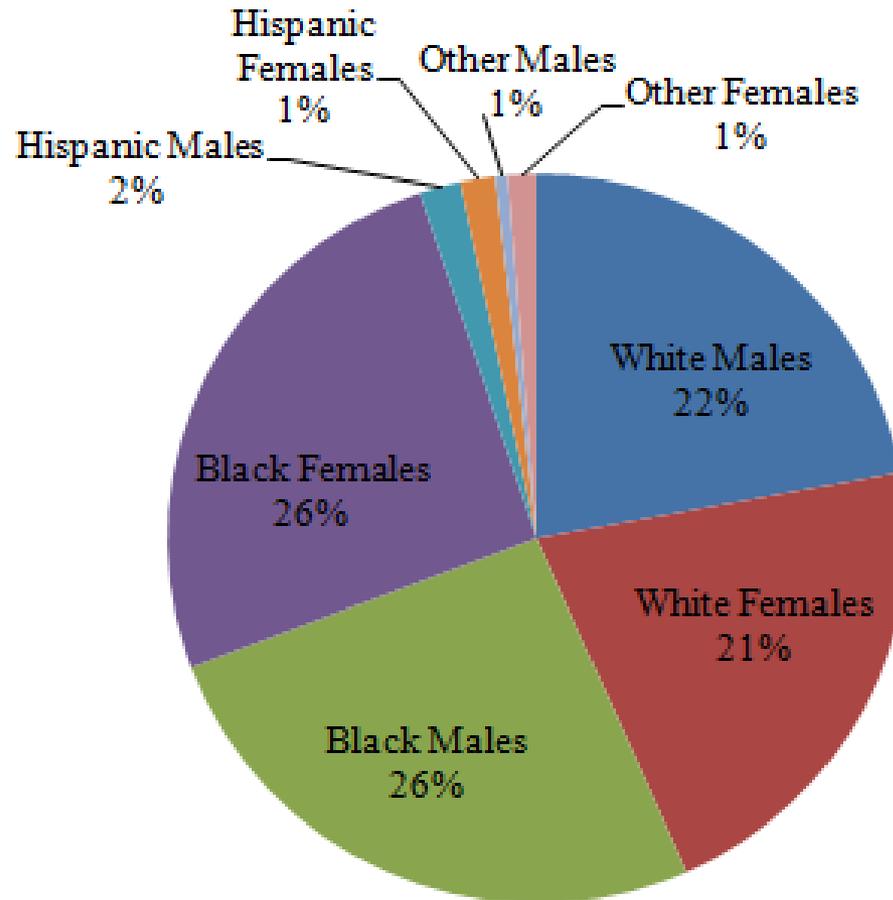


\* Other – criminal mischief, public affray, trespass, solicitation of prostitute, resisting w/o violence

## Citations Issued by Offense Type

March 2013 – August 2016

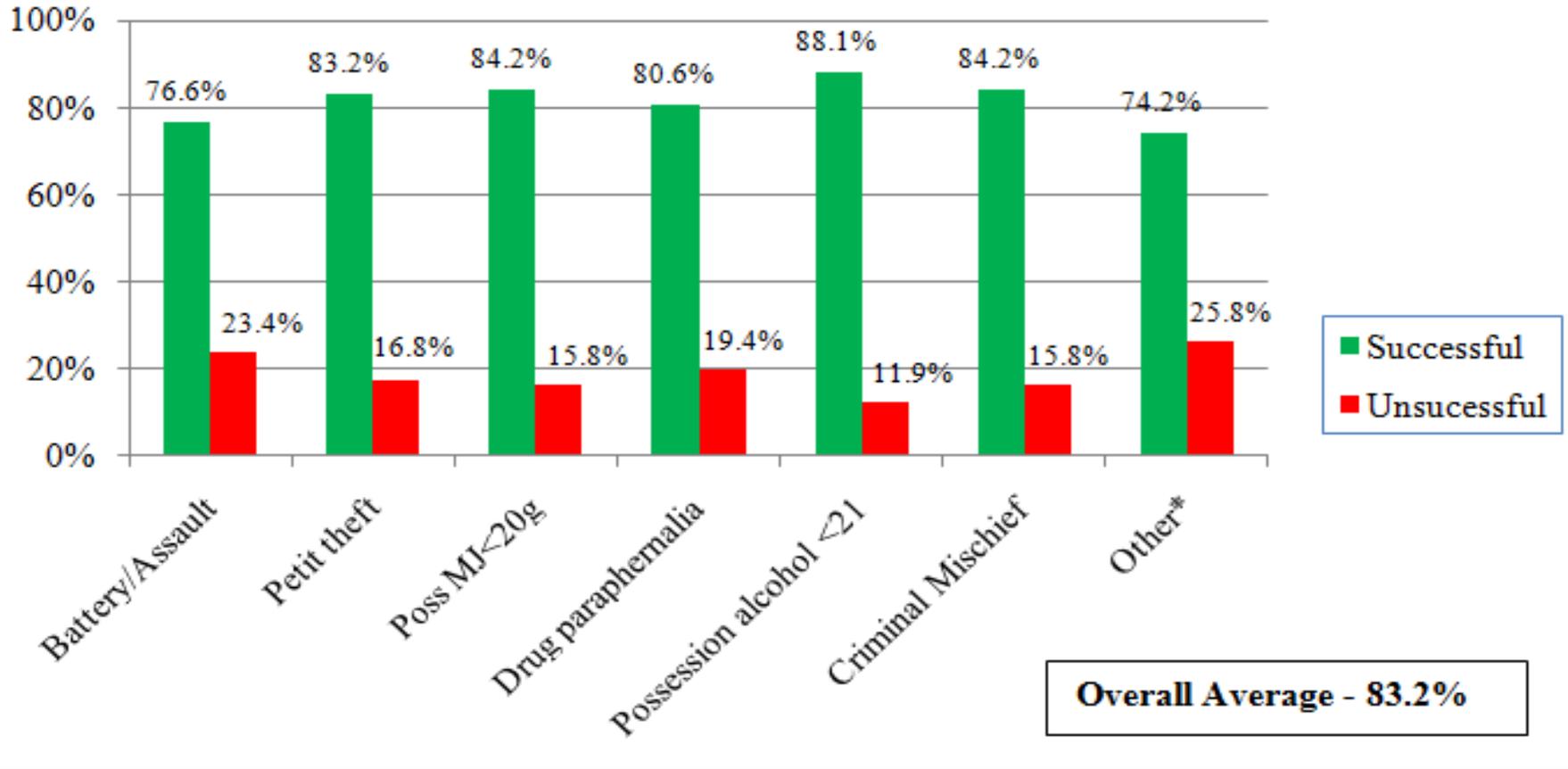
## Citations Issued by Race/Sex



## Citations Issued by Race & Gender

March 2013 – August 2016

## Completion Rate by Offense Category

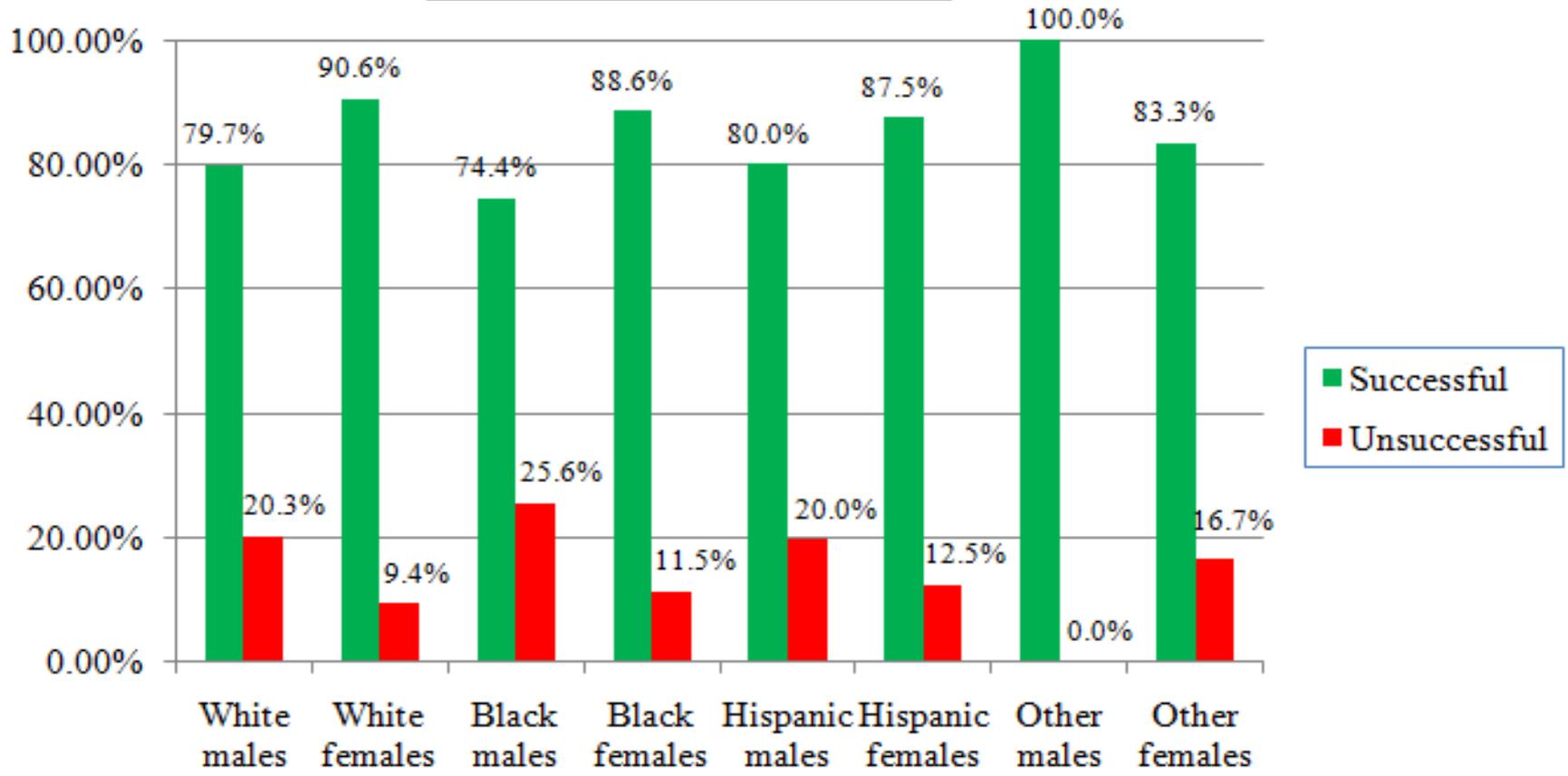


\* Other – criminal mischief, public affray, trespass, solicitation of prostitute, resisting w/o violence

## Program Completion by Offense Type

March 2013 – August 2016

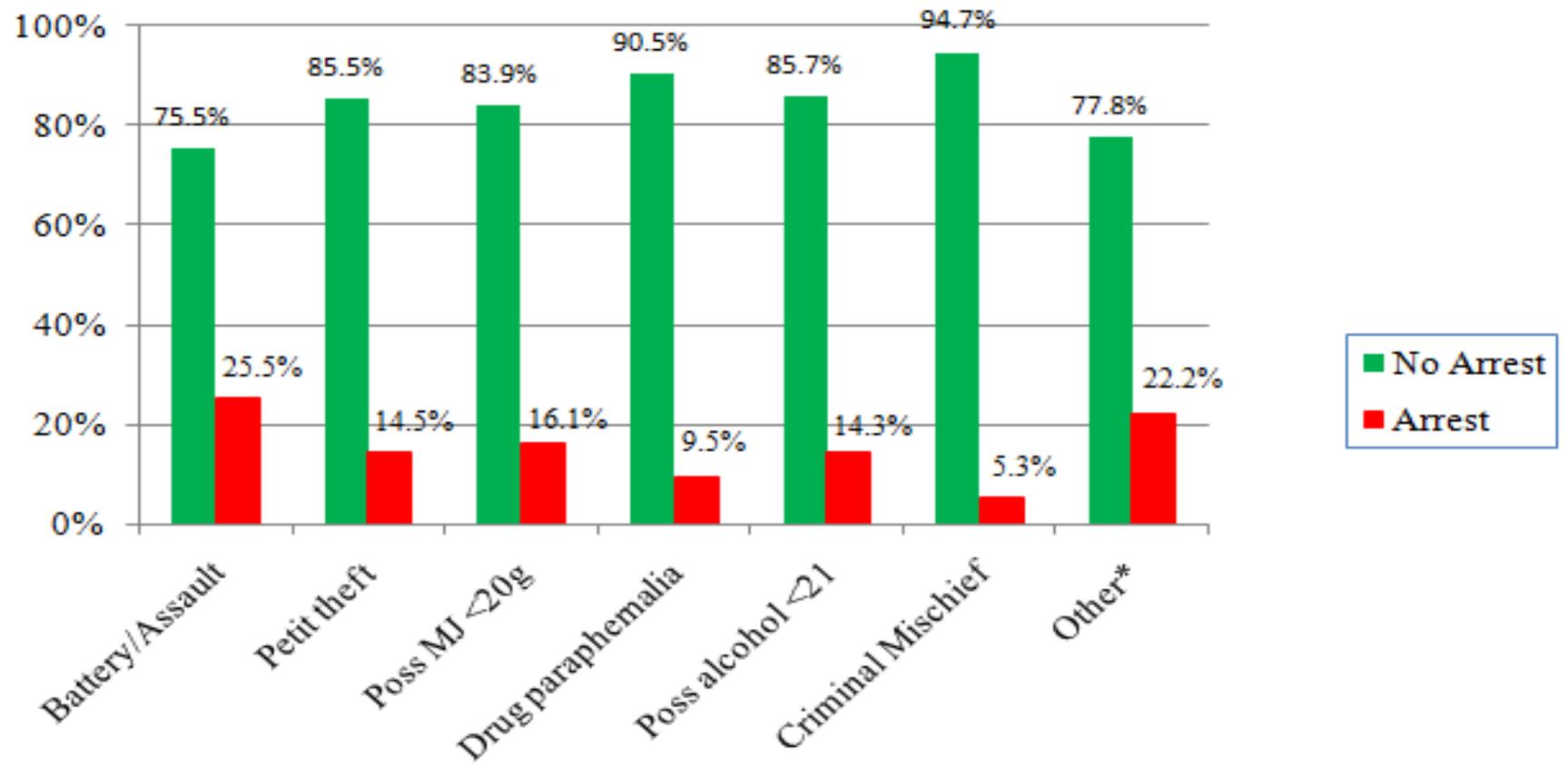
### Completion Rate by Race/Sex



## Program Completion by Race & Sex

March 2013 – August 2016

## Overall Rearrest Rate by Offense Type

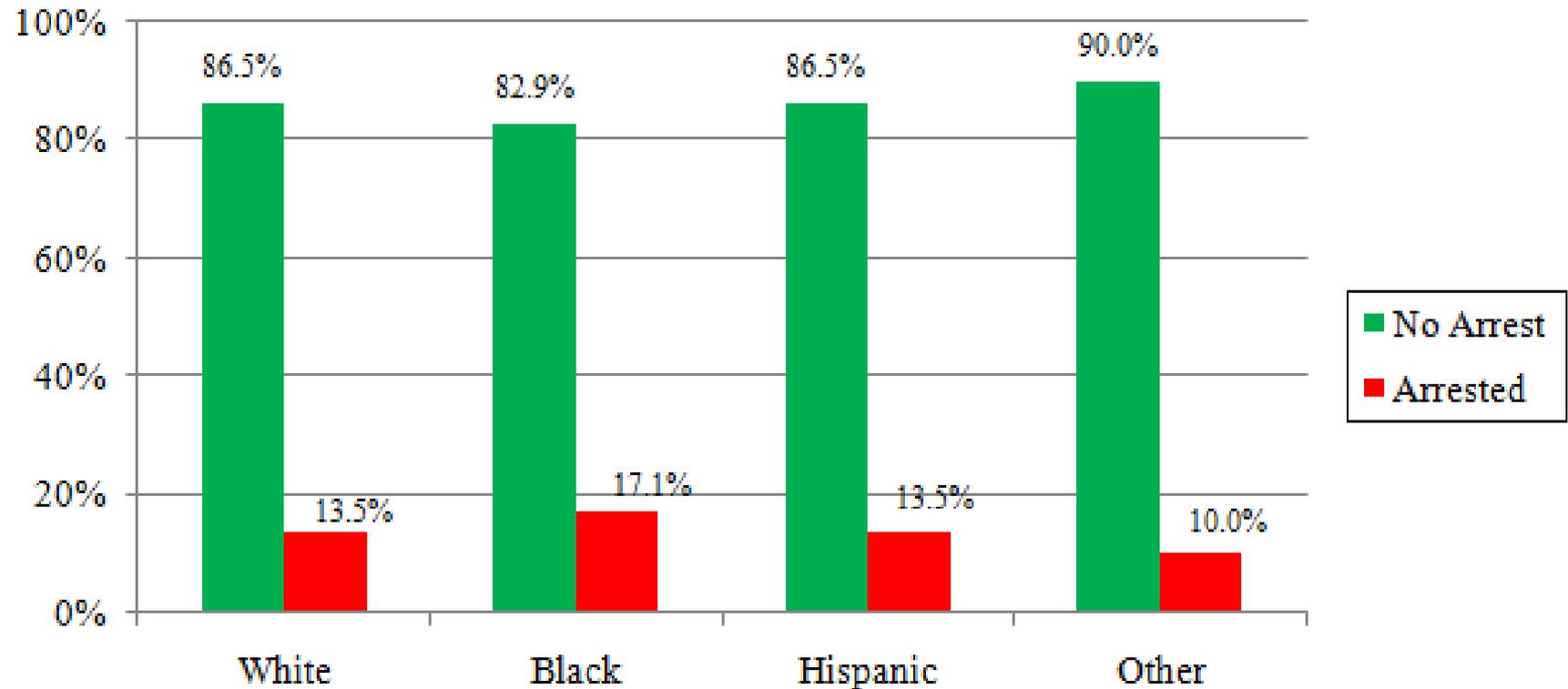


\* Other – criminal mischief, public affray, trespass, solicitation of prostitute, resisting w/o violence

## Overall Rearrest Rate by Offense Type

March 2013 – August 2016

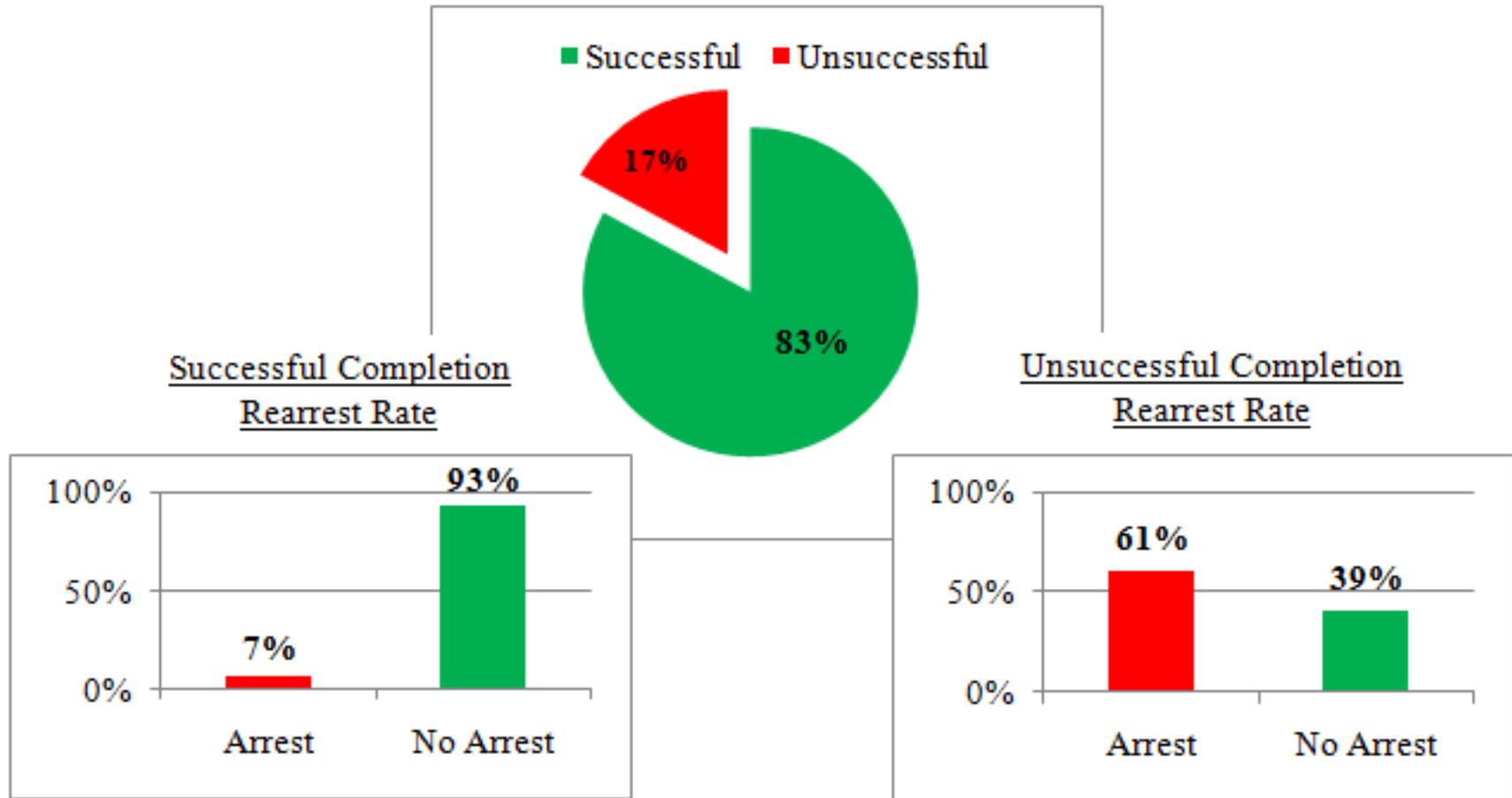
## Overall Rearrest Rates by Race



## Overall Rearrest Rates by Race

March 2013 – August 2016

## Overall Program Completion Rate and Corresponding Rearrest Rates



## Completion Rate and Rearrest Rates

March 2013 – August 2016



# NATIONAL ADVOCACY



## American Legislative Exchange Council

- Model legislation encouraging implementation of pre-arrest diversion as an alternative to arrest
- Formally adopted 2017

## Police, Treatment, and Community (PTAC) Collaborative

- Providing national vision, leadership, voice, and action to reframe the relationship between law enforcement, treatment, and community
- Organization's goal is to strategically widen community behavioral health and social service options available through law enforcement diversion





## NETWORK - CAPABILITIES

- Technical assistance related to implementation of civil citation programs,
- Integrated technology platform,
- Research and evaluation services,
- Data resources,
- Collaboration with other communities implementing prearrest diversion programs.



# INFORMATION RESOURCES

- Civil Citation Network

<http://www.civilcitationnetwork.com/resources>

- International Association of Chiefs of Police

<https://theiacpblog.org/2016/06/17/pre-arrest-diversion-an-effective-model-ready-for-widespread-adoption>

- James Madison Institute

<https://www.jamesmadison.org/publications/detail/the-language-of-criminal-justice-reform>

- Florida Tax Watch

<http://www.floridataxwatch.org/resources/pdf/CCJOptionsFINAL.pdf>