

# ICE AND RELEASE



Advocacy Toolkit



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*Plan a campaign that has clear goals, tactics, and timeline, and that allows members of the public to easily understand and join your efforts. It is important to consider which organizations and/or community members support reducing arrests in your community and what strengths and resources they can bring to your campaign. Different activities, resources, and events can help educate and persuade members of the public and local officials to support your policy demands.*

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*To ensure the strongest policy possible, draft the policy language you want to see passed and implemented. This is a good opportunity to collaborate with attorneys and legal experts. Model policies can be a good template for drafting, but make sure to tailor policy language to the needs of your local community. Several localities throughout Texas have already passed cite and release policies with different language. Do not copy and paste other localities’ policies – use them in your advocacy, but push for strong, inclusive language that addresses the issues you identified in your data collection and research. Remember to think about how the policy will be implemented when you are drafting language.*

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*Passing a policy does not automatically mean success – you must ensure that the policy is properly implemented. Successful implementation occurs when the community understands the new policy, and there is oversight to ensure accountability and proper implementation. Develop diverse community resources that educate people about the new policy - multilingual and visual resources tend to be more accessible to broad audiences. To hold local law enforcement and government officials accountable, monitor implementation of the policy by reviewing arrest data and gathering community feedback. Advocate for improvements as needed.*

# INTRODUCTION

**ABOUT THIS TOOLKIT:** Black people and other communities of color, including immigrants, have faced decades of over-policing, criminalization, and incarceration in Texas, often for alleged conduct that does not mandate an arrest or even carry jail time in the state. In fact, since 2007, Texas state law has allowed for law enforcement agencies to issue citations or tickets instead of making arrests for certain citation-eligible offenses. Unfortunately, cite and release is severely underutilized by police throughout Texas, resulting in thousands of unnecessary arrests each year.

Arrests have a devastating impact on people’s lives —from losing jobs and income to being denied financial aid, housing, and other basic human services. And, for non-citizens, an arrest can mean deportation and permanent separation from their loved ones.

One way to effectively reduce arrests is to pass a local cite and release policy. Cite and release is a tool to dismantle systems of policing, criminalization, and incarceration. It can also divest power and resources from police, which can then be invested in community care. Since 2018, the Immigrant Legal Resource Center (ILRC) has partnered with community-based organizations and coalitions across the state to eliminate arrests for all citation-eligible offenses, such as marijuana possession, petty theft, and traffic offenses, by campaigning for strong cite and release policies. Together, we have successfully advocated for cities like Austin, San Antonio, San Marcos, and Houston to enact cite and release policies, resulting in fewer arrests and greater oversight and transparency among local police departments.

This toolkit is designed to give organizers and advocates the tools they need to lead a successful cite and release campaign. We have included general resources about cite and release policies, sample public records requests, guiding questions for launching a campaign, advocacy materials, model policy language, sample policies from various localities, a messaging guide and press releases, sample data reports, community educational materials, and other helpful resources. We also included insights from local organizers who have successfully implemented cite and release policies in their localities.

For questions about this toolkit, please email Carolina Canizales at [ccanizales@ilrc.org](mailto:ccanizales@ilrc.org) or Anita Gupta at [agupta@ilrc.org](mailto:agupta@ilrc.org).

## LESSONS FROM THE FIELD

### What is your vision for the campaign?

*Our vision for cite and release in San Antonio is a full ordinance with guided officer discretion, so that citations or warnings are the default action, rather than an option for police. We know that by reducing arrests we will reduce deportations in our communities as well, and move toward the decriminalization of Black people, communities of color, and immigrants.*

**SA Stands, San Antonio Campaign**

## ACKNOWLEDGEMENTS

Thank you to our advocacy partners across the state who provided crucial insights and materials that made this toolkit possible. We extend our gratitude to all our partners in the SA Stands, North Texas Immigration Coalition, Houston Leads, and Right2Justice coalitions, as well the organizations who campaigned for the San Marcos Cite and Release ordinance and Austin's Freedom City resolutions. We also give special thanks to Aaron Arguello from MOVE Texas, Jordan Buckley from Mano Amiga, Kristian Caballero from Texas Appleseed, and Maria de Jesus Garza from Workers Defense Project for sharing insights from their campaigns for this toolkit. Lastly, thank you to Texas Appleseed for providing sample public records requests and helpful tips.

# UNDERSTANDING CITE & RELEASE and CAMPAIGN TARGETS

Learn about cite and release policies, where the cite and release authority comes from, how it can be utilized to reduce arrests in your local community, and who in your local government has the power to pass and implement cite and release policies.

## IN THIS SECTION:

*Cite & Release Explainer*  
*City Governments Explainer*



## LESSONS FROM THE FIELD

### What have been your challenges & successes?

*The COVID -19 pandemic provided unexpected challenges to our work in 2020. Our coalition had to shift to entirely virtual meetings and virtual community events. Each of our respective organizations was challenged, particularly at the beginning of the pandemic to figure out how we would shift our member engagement and operations in an entirely new environment. This was particularly true in that many of our respective memberships were facing crisis conditions with job loss, reduced hours, and exposure to a deadly illness as frontline workers. That urgent demand temporarily reduced our capacity to work as a coalition.*

*NTIC considers it a priority to build alliances between immigrants and other communities that face discrimination and dehumanization in the criminal justice system. With this campaign, a success has been that our coalition partners have grown outside of the immigrant justice space, and we have incorporated storytelling in shared spaces, which has helped build solidarity between multiple communities that have confronted the dehumanizing effects of criminalization.*

**North Texas Immigration Coalition, Dallas campaign**



OCTOBER 2020

## CITE AND RELEASE IN TEXAS

A **cite and release policy** is a directive to law enforcement officers to issue citations, tickets, or warnings for certain low-level offenses, instead of making arrests. Under current state law<sup>1</sup>, utilizing cite and release is an option, but it is not mandatory. Under cite and release, if a person receives a citation, instead of being arrested and sent to jail, the person receives a summons to report to a specific location at a later date to handle the charge(s). The officer can also issue a warning and let the person go without writing a citation.

### GOALS OF CITE & RELEASE

- Reduce overall arrests
- Eliminate discretionary arrests for certain low-level offenses
- Reduce racial disparities in policing and arrests
- Increase data transparency between local law enforcement agencies and the public
- Decrease the arrest-to-deportation pipeline<sup>2</sup>
- Institutionalize community involvement in policy making and implementation

### WHY IS A CITATION/TICKET BETTER THAN AN ARREST?

- Avoids harmful effects of arrest<sup>3</sup>
- In the context of COVID-19, an arrest can mean a higher chance of infection or even death

### COMPONENTS OF A STRONG CITE & RELEASE POLICY

- A clear directive to law enforcement to issue citations, tickets, or warnings rather than make arrests, with limited disqualifying circumstances
- Data transparency mandate – i.e. regular public data reports on the use of cite & release, including demographic information of individuals affected
- Robust and regular forum for community input in the implementation of the policy
- Accountability mechanism if officers violate the policy
- Takes form as an ordinance, not an administrative policy<sup>4</sup>
- All eligible offenses included
- A pre-charge diversion element which allows for cited individuals to participate in a diversion program to avoid arrest, criminal charges, contact with the courts, and the harmful effects of a criminal record

<sup>1</sup> Texas Code of Criminal Procedure article 14.06, which was passed in 2007, allows local law enforcement agencies to issue citations, instead of arrest, for certain low-level offenses. However, individual law enforcement agencies can still choose whether to utilize cite & release and to what extent.

<sup>2</sup> At least 70% of immigration arrests are a direct result of individuals' contact with local law enforcement agencies, particularly when arrested and booked into jail. For noncitizens subject to deportation, fewer arrests and less contact with the jail system may reduce the threat of deportation.

<sup>3</sup> The direct and collateral consequences of arrest include barriers finding and maintaining housing and employment, family disruption, mental health effects, and even deportation for noncitizens.

<sup>4</sup> A cite and release policy can take different forms. An ordinance is a city law, and city officials are responsible for upholding that law. On the other hand, an administrative policy is an internal law enforcement agency policy, which often lacks transparency and accountability measures.



continued...

### CITATION-ELIGIBLE OFFENSES

- All Class C Misdemeanors (except public intoxication)
- Certain Class A & B Misdemeanors:
  - Possession of Marijuana less than 4 oz
  - Possession of Controlled Substance less than 4 oz, Penalty Group 2-A (i.e. synthetic marijuana)
  - Criminal Mischief with damage up to \$750
  - Theft of up to \$750 in property
  - Theft of up to \$750 in services
  - Driving while License Invalid
  - Graffiti
  - Contraband in a Correctional Facility

### EXAMPLES OF TEXAS CITIES WITH CITE & RELEASE POLICIES

[Austin](#), [San Marcos](#), Dallas (marijuana possession only), El Paso (marijuana possession only), [San Antonio](#)



### HOW DOES CITE & RELEASE FIT INTO THE “DEFUND THE POLICE” DEMAND?

A cite and release policy is just one tool for our communities to fight back against systems of policing, criminalization and incarceration. It takes away power and discretion to arrest from police officers. Cite and release means a person is not arrested. Being arrested and booked into jail costs taxpayer money that could be divested from law enforcement and re-invested in our real community needs, like housing, health care, and social services.

If you are interested in campaigning for a cite and release policy in your locality, please reach out to ILRC staff attorney, Anita Gupta, at [agupta@ilrc.org](mailto:agupta@ilrc.org) and Senior Texas Campaigns Strategist, Carolina Canizales, at [ccanizales@ilrc.org](mailto:ccanizales@ilrc.org).





OCTUBRE 2020

## LA POLÍTICA DE CITAR SIN ARRESTAR EN TEXAS

Una **política de citar sin arrestar** es una directiva a los oficiales de la policía para emitir citaciones, multas o advertencias para ciertos delitos de menor nivel, en lugar de hacer arrestos. Bajo la ley estatal actual<sup>1</sup>, la utilización de la política de citar sin arrestar es una opción, pero no es obligatoria. Bajo la política de citar sin arrestar, si una persona recibe una citación, en lugar de ser arrestada y enviada a la cárcel, la persona tendrá que reportarse a un lugar específico en una fecha posterior para tratar los cargos que se le imputan. El oficial también puede emitir una advertencia y dejar que la persona se vaya sin darle una citación.

### OBJETIVOS DE LA POLÍTICA DE CITAR SIN ARRESTAR

- Disminuir las detenciones y arrestos en general
- Eliminar los arrestos discrecionales de algunos delitos menores
- Disminuir las discrepancias raciales en la vigilancia policial y en las detenciones
- Aumentar la transparencia de datos entre la policía local y el público
- Reducir la vía de camino de arresto a la deportación<sup>2</sup>
- Institucionalizar la participación de la comunidad en la elaboración y ejecución de políticas

### ¿POR QUÉ ES UNA CITACIÓN/MULTA/ADVERTENCIA MEJOR QUE UN ARRESTO?

- Evita los efectos dañinos de un arresto<sup>3</sup>
- En cuanto al COVID-19, un arresto puede significar una mayor probabilidad de infección o incluso la muerte

### ASPECTOS DE UNA POLÍTICA FUERTE DE CITAR SIN ARRESTAR

- Una directiva clara a las agencias de policía para emitir citaciones, multas o advertencias en lugar de hacer arrestos, con excepciones muy limitadas
- Un mandato de transparencia de datos - informes regulares de datos sobre el uso de citaciones en vez de arrestos, incluyendo información demográfica de las personas afectadas
- Foros públicos y regulares para que la comunidad aporte sus comentarios sobre la implementación de la política
- Un mecanismo que permita hacer responsables a aquellos oficiales que violen los términos de la política
- Toma forma como una ordenanza, no es una política administrativa<sup>4</sup>

<sup>1</sup> El artículo 14.06 del Código de Procedimiento Penal de Texas, que fue aprobado en 2007, permite a las agencias de fuerzas policíacas emitir citaciones, en lugar de arrestos, por ciertos delitos de menor nivel. Sin embargo, las agencias de policía individuales aún pueden elegir si usan citaciones en vez de arrestos y hasta que punto.

<sup>2</sup> Al menos el 70% de los arrestos de Inmigración son el resultado directo de contacto de las personas con las agencias de la policía local, especialmente cuando son arrestados y encarcelados. Para los no ciudadanos sujetos a la deportación, menos detenciones y menos contacto con el sistema criminal puede reducir la amenaza de la deportación.

<sup>3</sup> Las consecuencias directas y colaterales de un arresto incluyen obstáculos para encontrar y mantener una vivienda y empleo, problemas familiares, efectos en la salud mental y hasta la deportación para los que no son ciudadanos.

<sup>4</sup> La política de citar sin arrestar puede tomar diferentes formas. Una ordenanza es una ley de la ciudad y funcionarios de la ciudad son responsables de mantener esa ley. Por otro lado, una política administrativa es una política interna de la agencia de la policía, que a menudo carece de transparencia y rendición de cuentas.

continuado...

- Todos los delitos que son elegibles están incluidos
- Un elemento de desvío que permite a las personas que fueron citadas a participar en un programa alternativo para evitar el arresto, cargos criminales, contacto con los tribunales, y los efectos negativos de un antecedente penal

## DELITOS ELEGIBLES PARA CITACIONES

- Todos los delitos menores de la clase C (excepto la intoxicación pública)
- Ciertos delitos menores de las clases A y B:
  - Posesión de marihuana de menos de 4 onzas
  - Posesión de Sustancia Controlada de menos de 4 onzas, Grupo de Penalización 2-A (marihuana sintética)
  - Daño a propiedad ajena con costos de hasta \$750
  - Robo en la propiedad con valor de hasta \$750
  - Robo en servicios con valor de hasta \$750
  - Conducir con una licencia invalida
  - Grafiti
  - Contrabando en una cárcel



## EJEMPLOS DE CIUDADES EN TEXAS QUE TIENEN POLÍTICAS DE CITAR SIN ARRESTAR

[Austin](#), [San Marcos](#), Dallas (solo posesión de marihuana), El Paso (solo posesión de marihuana), [San Antonio](#)

## ¿CÓMO ENCAJA LA POLÍTICA DE CITAR SIN ARRESTAR EN LA DEMANDA DEL “DESFINANCIAMIENTO A LA POLICÍA”?

Una política de citar sin arrestar es sólo una herramienta para que nuestras comunidades luchen contra los sistemas de vigilancia policial, criminalización y encarcelamiento. Le quita poder y discreción a los agentes de policía de cómo y cuando arrestar. La política de citar sin arrestar significa que una persona no es arrestada. Ser arrestado y encarcelado cuesta a los habitantes de cada ciudad dinero que podría ser restado de las agencias de policía y reinvertido en necesidades de la comunidad, como vivienda, atención médica y otros servicios sociales.

Si usted está interesado en hacer campaña para una política de citar sin arrestar en su localidad, comuníquese con la abogada del ILRC, Anita Gupta, a [agupta@ilrc.org](mailto:agupta@ilrc.org) y a la Estratega Mayor de Campañas, Carolina Canizales, a [ccanizales@ilrc.org](mailto:ccanizales@ilrc.org).





# UNDERSTANDING CITY GOVERNMENT STRUCTURES IN TEXAS

## GENERAL-LAW VS. HOME-RULE

Determining your city’s government structure depends on whether it is (1) a general-law city, or (2) a home-rule city. This distinction also determines the scope of your city’s power. Cities with a population of more than 5,000 may become home-rule cities; the rest are general-law cities. General-law cities have only those powers that state law authorizes. Conversely, home-rule cities may have powers that are not prohibited by the state constitution or state laws, and their government structures are set out by their municipal charter. General-law municipalities have different options for their forms of government, depending on population size and type (Types A, B and C are described in the Texas Local Government Code). Thus, if the city is a general-law city, refer to the Texas Local Government Code for more information about the city structure. If it is a home-rule city, refer to the city’s charter. **This advisory mainly focuses on home-rule cities.**



**There are two major forms of city government in Texas: (1) Mayor-Council and (2) Council-Manager. The Mayor-Council category can be even further broken down to strong-mayor versus weak-mayor. The difference between the forms is the authority of the Mayor, City Council, and the City Manager.**

### MAYOR-COUNCIL

In a Mayor-Council municipality with a strong-mayor form, such as Houston, the Mayor has great authority. As the city’s chief administrator, official representative and political head, the Mayor is responsible for the general management of the city and for ensuring that all laws and ordinances are enforced. The Mayor’s administrative duties include the appointments, without Council approval, of department heads and persons serving on advisory boards. The Mayor has exclusive authority to set agendas for City Council meetings, and prepares and administers the city budget. In weak-mayor cities, the mayor’s autonomy is much more limited. City Council has a voice in staffing of city agencies, the agenda, and overall spending/budget. There are very few cities in Texas that use the weak-mayor form.

### COUNCIL-MANAGER

In a Council-Manager municipality, the Mayor often has no more authority than a City Council member, except for ceremonial duties. Instead, the City Council makes laws and broad policy decisions, and the city manager is responsible for ensuring those policies are carried out. Texas’s most populous cities (Austin, Dallas, San Antonio, El Paso, Fort Worth, Arlington, Corpus Christi, Plano, and Laredo) all have a Council-Manager form of government, except for Houston.

# DUTIES, POWERS, AND RESPONSIBILITIES

	<b>MAYOR-COUNCIL (STRONG MAYOR) MUNICIPALITY</b>	<b>VS.</b>	<b>COUNCIL-MANAGER MUNICIPALITY</b>
<b>APPOINTMENT OF CITY'S CHIEF ADMINISTRATOR</b>	<b>Mayor</b>		<b>City Council</b>
<b>APPOINTMENT OF DEPARTMENT HEADS</b>	<b>Mayor</b> (sometimes confirmed by Council)		<b>City Manager</b> (sometimes confirmed by Council)
<b>APPOINTMENT OF ADVISORY BOARDS</b>	<b>Mayor</b> (sometimes confirmed by Council)		<b>City Council</b>
<b>PREPARE BUDGET</b>	<b>Mayor</b>		<b>City Manager</b>
<b>APPROVE BUDGET</b>	<b>City Council</b>		<b>City Council</b>
<b>PASSAGE OF ORDINANCES AND RESOLUTIONS</b>	<b>City Council</b>		<b>City Council</b>
<b>PURCHASING POWER</b>	<b>City Council</b>		<b>City Manager</b> (with restrictions)

**Source:** The University of Texas at Austin-LBJ School of Public Affairs, "City of Austin Government Structure: a Comparative Analysis," available at <http://www.austintexas.gov/edims/document.cfm?id=224455>.

For more information and details regarding forms of city government in Texas and the authorities of various officials within those forms of government, see Texas Municipal League, "2019 Handbook for Mayors and Councilmembers," available at <https://www.tml.org/DocumentCenter/View/1289/2019HandbookforMayorsandCouncilmemberswebfinal>.

# TEXAS CITY OFFICIALS<sup>1</sup>

## MAYOR

ELECTED  
AT-LARGE

- Presiding officer of City Council; may call meetings and set agendas depending on city structure
- Head of emergency management
- Some appointive powers, signatory duties, and ceremonial duties
- Leads policy priority process
- May appoint task forces

## CITY COUNCIL

ELECTED

- Broad policy-making authority, including passing ordinance and resolutions
- Oversees the direction of the city and the City Manager
- Approves city budgeted purchases
- Fills vacancies in appointive offices
- Sets salaries and benefits for city employees
- Sets the city's budget (including department budgets) and tax rate
- Signs and authorizes contracts
- May appoint task forces

## POLICE CHIEF

APPOINTED

- Serves as a licensed peace officer; responsible for enforcing criminal state and traffic laws and municipal ordinances
- Oversees city police department, including budget, operations and conduct of police officers
- Manages and operates city jail, if applicable
- Provides security; serves arrest warrants
- Serves as bailiff for municipal courts

## CITY ATTORNEY

APPOINTED

- Prosecutes municipal code violations
- Provides legal advice to City Council and other city officials
- Brings civil legal actions on behalf of the city and defends the city in lawsuits against it
- Writes and reviews city legislation, such as ordinances and resolutions
- Keeps elected officials apprised of the latest developments in city law and legislation

## CITY MANAGER

APPOINTED

- Implements policy decisions made by Mayor and City Council
- Manages the city budget, prepares budget recommendations, and monitors city's financial position
- Coordinates city operations and programs, and recommends improvements
- Appoints city employees who are not appointed by City Council
- Supervises city departments, and may remove department heads (such as Police Chief)
- Oversees enforcement of non-criminal municipal laws and ordinances
- May authorize some expenditures without City Council approval

<sup>1</sup> Elected city officials usually serve 2 or 4-year terms, depending on the position, unless they resign or are removed from office. They may be re-elected and serve an unlimited number of terms.

# RESEARCH & DATA COLLECTION

Research who in your community is being arrested and why, by submitting requests for arrest data to local law enforcement agencies and talking to community members about their experiences. Arrests look different in every community – gathering data and community testimonials will help you formulate an ask for your local government officials around this issue.

## IN THIS SECTION:

*Tips for Submitting Public Information Act Request  
Public Information Act Requests*



# RECORDS REQUEST (PUBLIC INFORMATION ACT)

An important first step in a cite and release campaign is to obtain data on arrests made for citation-eligible offenses in your locality. This can be done by filing a Public Information Act (PIA) request to the

law enforcement agency(ies) responsible for arrests. The [Texas Public Information Act](#) provides a mechanism for community members to obtain copies of publicly available documents or information. When submitting a PIA request for records, keep in mind the following:

You should first determine who has the relevant data that you are requesting. It is a good idea to start with the police department or law enforcement agency who made the arrests, but conversations with a PIA officer may direct you elsewhere. For example, in Houston, the city police department does not maintain records with charge level data, which is required for a cite & release analysis.

Instead, the records request must be directed to the Harris County District Clerk's office because they keep all charging records for magistration proceedings.

Most major cities and counties have moved to an online submission system for PIA requests.

Rather than asking for information about citation-eligible offenses only, it is a good idea to ask for information on all arrests in order to analyze what percentage of total arrests were for citation-eligible offenses.

[Texas Appleseed](#), a non-profit advocacy group, is a great resource for helping to draft and answer questions about PIA requests.

Sometimes you may be able to quickly obtain the records and information you need by asking a friendly local government official (e.g., your City Council or County Commissioner champion) to request the records from the law enforcement agency and share them with you.

## LESSONS FROM THE FIELD

### Why was it important for you to join an effort to reduce arrests in your community?

*It has been incredibly important to join local campaign efforts to not only amplify community needs, but also help remove barriers for people that are oppressed by flawed systems. Arrests and jail time have proven to be disruptive and destructive in people's lives, especially indigent people who are continuously force into a cycle of debt and contact with the criminal justice system.*

**Right2Justice, Houston Campaign**

## LESSONS FROM THE FIELD

### Why was it important for you to join an effort to reduce arrests in your community?

*Our group started as a deportation-defense outfit, working with local families to prevent deportations. We quickly observed that numerous Immigrants were entering the deportation pipeline via arrests for petty offenses. Mano Amiga felt that it was crucial that we reduce arrests in our community after finding that police officers in San Marcos did not issue a single citation to Black people in 2018. It was clear that there were racial biases in their use of Cite and Release, and we needed an ordinance to ensure that in all citation eligible cases, our community members would all equally benefit from this policy.*

**Mano Amiga, San Marcos Campaign**

**Sample Online PIA Request to the Harris County District Clerk's Office for Information on Arrests Made by the Houston Police Department:**

Dear Public Information Officer,

I am writing to request data regarding arrest records. This is a request for public information pursuant to the Texas Public Information Act, Tex. Gov. Code Ann. §552.001 et seq.

Specifically, I request the following:

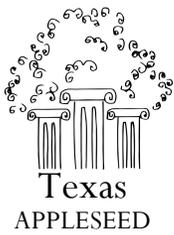
1. A list or spreadsheet of all arrests or charges filed by the Houston Police Department (HPD), including any data kept electronically for each record (for example, date of arrest, arrest location or zip code, warrant information, offense, charge level (e.g., Class A, Class B, Class C, State Jail Felony, etc.), race, gender) between the dates of January 1, 2019 and June 30, 2021.
2. A list or spreadsheet of all citations (not arrests) for Class A and Class B Misdemeanor offenses issued by HPD officers, including any data kept electronically for each record (for example, date of citation, location, warrant information, charge level, offense, race, gender, age of person cited, etc.) between the dates of January 1, 2019 and June 30, 2021.
3. A list or spreadsheet of all citations (not arrests) for Class C Misdemeanor offenses issued by HPD officers, including any data kept electronically for each record (for example, date of citation, location, warrant information, charge level, offense, race, gender, age of person cited, etc.) between the dates of January 1, 2019 and June 30, 2021.

As responses to this request will be used for public education purposes, I request that any expenses associated with this request be waived. If unwaived expenses associated with this request will exceed \$40.00, please contact me before proceeding with this request. For items involving numerical data, please provide responsive documents electronically (i.e., in an Excel or .csv spreadsheet).

Thank you for your attention to this request. If you have any questions, I can be reached at \_\_\_\_\_

Sincerely,

\_\_\_\_\_



March 5, 2020

*Delivered via email at GPDPIAREQUESTS@garlandtx.gov*

**Re: Public Information Request – Data on arrests**

Dear Public Information Officer,

I am writing to request data regarding arrest records. This is a request for public information pursuant to the Texas Public Information Act, Tex. Gov. Code Ann. §552.001 et seq.

Specifically, I request the following:

1. A list or spreadsheet of all arrests, including any data kept electronically for each record (for example, date of arrest, arrest location or zip code, warrant information, offense, charge level (e.g., Class A, Class B, Class C, State Jail Felony, etc.), race, gender) between the dates of January 1, 2019 and December 31, 2019.

As responses to this request will be used for public education purposes, I request that any expenses associated with this request be waived. If unwaived expenses associated with this request will exceed \$40.00, please contact me before proceeding.

For items involving numerical data, please provide responsive documents electronically (i.e., in an Excel or .csv spreadsheet).

Thank you for your attention to this request. If you have any questions, I can be reached at 512-473-2800 ext. 117 or estone@texasappleseed.net.

Sincerely,

Ellen Stone, Ph.D.  
Director of Research  
Texas Appleseed

Layne Kruse, Chair  
Norton Rose Fulbright\*

N. Scott Fletcher, Chair-Elect  
Jones Day\*

Patrick H. Cantillo, Secretary-Treasurer  
Cantillo & Bennett, LLP\*

Christopher Benoit  
The Law Office of Lynn Cyle PLLC\*

Doug Bland  
Vinson & Elkins LLP\*

George Butts  
George Butts Law\*

Kent Caperton  
Kent Caperton, PC\*

Carlos Cárdenas  
Law Office of Carlos Eduardo Cárdenas, PC\*

E. Leon Carter  
Carter Arnett PLLC\*

Ricardo G. Cedillo  
Davis, Cedillo & Mendoza, Inc.\*

Dawn Estes  
Estes Thorne & Carr PLLC\*

Allene D. Evans  
The University of Texas System\*

R. James George, Jr.  
George Brothers Kincaid & Horton L.L.P.\*

Judge Amber Givens-Davis  
Dallas

Sean Gorman  
Bracewell\*

Marcy Hogan Greer  
Alexander Dubose Jefferson & Townsend LLP\*

Susan Hartman  
BVA Group\*

Gregory Huffman  
Thompson & Knight LLP\*

Tommy Jacks  
Fish & Richardson P.C.\*

Susan Karamanian  
Dallas

Charles Kelley  
Mayer Brown LLP\*

Justice Peter M. Kelly  
Houston

Michael Lovenberg  
Foley Gardere\*

Elizabeth Mack  
Locke Lord LLP\*

Keri McKenzie  
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Gina DeBottis Metts  
Retired Executive Director, Special Prosecution Unit\*

Ann Marie Painter  
Perkins Coie\*

Hon. Thomas R. Philips  
Baker Botts LLP\*

Michael Rodriguez  
Atlas, Hall & Rodriguez LLP\*

David Sharp  
Law Offices of David E. Sharp PLLC\*

Ann Hebert Stephens  
Shell\*

Eric Taube  
Waller Lansden Dortch & Davis LLP\*

Leslie Thorne  
Haynes & Boone, LLP\*

Allan Van Fleet  
Van Fleet L.P.\*

Mark Wawro  
Susman Godfrey L.L.P.\*

Phyllis Young  
Akin Gump Strauss Hauer & Feld, LLP\*

Angela C. Zambrano  
Sidley Austin LLP\*

\* affiliations listed for identification only

# ORGANIZING and CAMPAIGN TACTICS

Plan a campaign that has clear goals, tactics, and timeline, and that allows members of the public to easily understand and join your efforts. It is important to consider which organizations and/or community members support reducing arrests in your community and what strengths and resources they can bring to your campaign. Different activities, resources, and events can help educate and persuade members of the public and local officials to support your policy demands.

## IN THIS SECTION:

*Popular Education Materials*  
*Letters to Local Elected Officials*  
*Petitions*  
*Demands*

## LESSONS FROM THE FIELD

### What, if anything, would do you differently?

*Often, as coalitions we rely on member-based organizations to identify more directly impacted people to share their stories. But we have learned that as a collective we can make a public call for our communities to share their stories, we can offer trainings for those who wish to share their testimony, and we should compensate them for the time in any advocacy efforts.*

*Right2Justice, Houston Campaign*

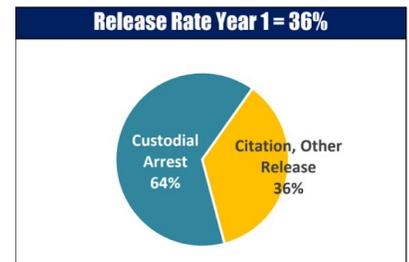


## Why do we need a Cite and Release Ordinance?

The San Antonio Police Department, the Bexar’s County Sheriff’s Office and the Bexar County District Attorney’s completed one-year of a cite and release internal policy implementation on July 1, 2020. Yet, the results are not benefiting all members of our community equally. The goal of a policy like cite and release is to reduce the harmful consequences of an arrest in the lives of both citizens and noncitizens in San Antonio and Bexar County.

### Major gaps in the the current cite and release policy:

**More arrests than citations in one year of the program.** Data provided by the [San Antonio Police Department \(SAPD\)](#) shows that from July 2019-June 2020, custodial arrest occurred 64% of the time, while citation release or release for another reason occurred 36%. These numbers confirmed what we’ve been knowing all along, we need a strong cite and release ordinance that will make citations and warnings the default, not an option. If cite and release remains an administrative policy under SAPD, the citations rate will always remain low instead of having a constant increase.



**Black and Hispanic people are arrested more and released less.** Ethnicity data in Table 2.3 shown below, shows that Hispanics and Black people were arrested more than White people, and that White people had a higher release rate of 40% in comparison to Hispanics or Black populations.

Table 2.3 –Release Rate by Race/Ethnicity Annual Totals

Race/Ethnicity	Custodial Arrests	Citations	Other Release*	Total	Release Rate
Hispanic	2,858	1,547	49	4,454	36%
White	604	375	7	986	39%
African American	645	358	10	1,013	36%
Other Race	36	24	6	66	45%
<b>Total</b>	<b>4,143</b>	<b>2,304</b>	<b>72</b>	<b>6,519</b>	<b>36%</b>

\*Other forms of release include: medical, emergency detention and public intoxication.

### How will an ordinance improve the current cite and release policy?

- **Guided discretion for police officers:** As of now, SAPD and other law enforcement entities have the discretion to determine whether they will give a citation or arrest the individual who commits one of the citable misdemeanors. The only way to ensure cite and release benefits all San Antonians equally and to increase the percentages mentioned above is by providing additional guidance to the officer’s discretion through an ordinance. An ordinance adopted by the city council would mandate the use of citations by default for eligible offenses and will limit an officer’s discretion to make an arrest *only* when certain exceptions are applicable.
- **Robust data collection:** Public data that is comprehensive and timely is crucial to ensuring accountability in the implementation of this ordinance. The implementation of Cite & Release began on July 1, 2019 and as of August 2019, there should have been four quarterly reports published: July to September 2019, October to December

2019, January to March 2020, and April to June 2020. The only report that has been published was the first one. We have yet to be informed about the publishing of the second report and have not heard anything on the last two reports. An ordinance would ensure that the data necessary for the efficacy, transparency, and accountability needed for such a program would remain relevant and predictable. Additionally, the ordinance will ask for more specific data that we hope will allow us to get more accurate numbers in areas such as race/ethnicity.

- **Expansion of IDs:** Many of the most vulnerable members of our society currently cannot meet the ID requirements of cite and release. While SAPD has listed acceptable IDs in their manuals, we need an ordinance that includes additional forms of ID, such as library cards, student IDs, and church membership cards so that this expansion is permanent regardless of who the Chief of Police is. This approach will provide a more permanent solution that could save our most vulnerable populations from the life-long consequences of an arrest record.
- **Expanding offenses, including Class C misdemeanors:** Residents of San Antonio are still being arrested for certain misdemeanors designated by the State of Texas as eligible under cite and release. Although crimes that involve theft or destruction of property often elicit strong reactions, a policy that does not emphasize alternatives to arrest and incarceration fails to truly address the root causes that often play a significant role in the commission of these offenses. Offenses such as graffiti, driving without a license, and most Class C misdemeanors should not automatically result in a devastating arrest record.



## Why is diversion important for a citation in Bexar County?

In July 2019, the Bexar County District Attorney’s Office announced the diversion program to accompany the cite and release police from San Antonio Police Department (SAPD) and the Bexar County Sheriff’s Office (BCSO). The goal of this program was for individuals who received a citation in lieu of arrest for certain low-level offenses would have the opportunity to enroll in a class or community service in order to avoid facing charges for the offense they commit. Diversion opportunities that are free or low-cost are crucial for individuals to avoid the harsh consequences of an unnecessary arrest. Often, black and communities of color in Bexar County are overcriminalized for low-level offenses that are eligible for

citations.

## Major Findings & Gaps in the current cite and release diversion program:

After a year of the program’s implementation the DA’s office released data from July 1, 2019 - June 30, 2020.

### District Attorney’s Office Cite and Release Data Citations from July 1, 2019 – June 30, 2020

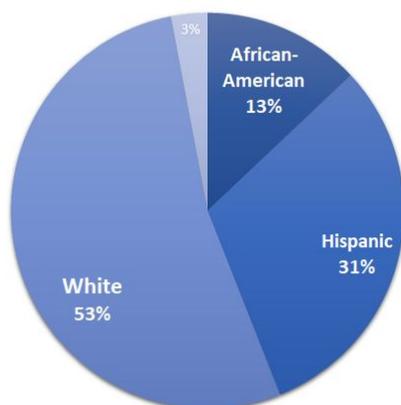
<b>Total Citations Received</b>	2,481
<b>Total Citations by Law Enforcement Agency</b>	
San Antonio Police Department	2,300
Bexar County Sheriff’s Office	141
Other	40

### Total Citations Processed

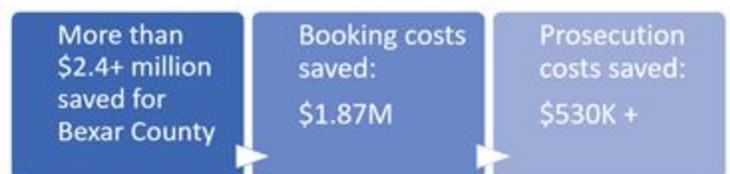
<b>Approved Citations</b>	470
<b>Cases Referred for Prosecution</b>	425
<b>Outright Dismissals (insuff. evidence, declination, other)</b>	1,588

### Citations Accepted by Ethnicity Group

■ African-American ■ Hispanic/Latino ■ White ■ Other



### County Resources Saved



## How can the DA's office improve the current cite and release diversion program?

- **The DA's office must do more to accept all citations that they receive.** The data reveals that 47% or 425 individuals who received citations by a police officer were still referred for prosecution and faced criminal charges. This result contradicts the core goal of the diversion program, which is to divert as many people as possible from jail.
- **The DA's office must do more to make diversion accessible for all.** The current diversion program has three conditions that could prove burdensome for individuals that need it; individuals must pay \$100 fee, an average of \$30-40 per class, and complete eight hours of community service. We demand that the DA's office work with the Pretrial Services Department to lower the \$100 fee, offer more free class options and partner with more community groups for the community service hours requirement.
- **The DA's office must commit to being transparent with the cite and release diversion data.** We demand that their office publishes each quarterly report on their website and that they meet with the public to discuss report findings, answer questions and receive feedback from community groups and members.

# Centering The Real Life Impact of Cite & Release



# Presenters

Cierra Mortan

Debbie Ponce

Karen Muñoz

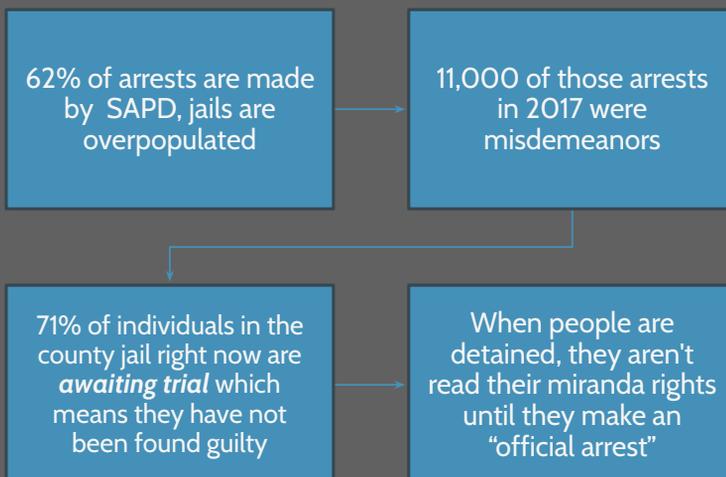
Nicholas Huerta



## Cite and Release

WHAT IS THE PROBLEM?

TOO MANY  
PEOPLE IN JAIL



## What happened before CITE AND RELEASE?

- The police could handcuff you, search your body, confiscate your belongings, and take you in for a suspected misdemeanor.
- It's important to note that officers don't have to read you the Miranda rights in TEXAS simply for arresting you.
- You can be held in jail till your trial date. 6 months is normal.
- You could pay bail. You could lose a job, scholarship, and everything **while still innocent.**

## What is Cite & Release?

Cite & Release is an administrative policy that the arresting agencies of Bexar County began implementing in July 2019.

Under this policy, law enforcement officers will use their discretion to issue a citation to individuals accused of certain citation-eligible offenses, instead of making an arrest.



## Cite and Release How did we get here?

**May 2018**

(Planning with CORE team started in Jan 2018)  
SA Stands publicly asks for Cite and Release

**Sept. 2018**

Held meetings with ALL City Council members, SAPD Chief and City Manager

**Oct. 2018**

Launched Cite & Release campaign

**Feb. 2019**

The DA, Police Chief and City Manager agreed to the policy

**July 2019**

Policy implementation! 

SA Stands advocates for a data report every three months publicly

## Which low-level offenses are included?

1. Possession of up to 4 ounces of marijuana;
2. Criminal mischief, with damage up to \$750;
3. Theft of up to \$750 in property;
4. Theft of up to \$750 in services;
5. Contraband in a correctional facility;
6. Driving while License Invalid.

## 1) Possession of Marijuana (less than 4 oz)

Simple possession of marijuana in any form, with no intent to distribute or sell

**Example:** Possession of a joint or small bag of marijuana for personal use



## 2) Criminal Mischief (up to \$750 in damage)

Damaging, altering, or destroying tangible property with **criminal** intent.

**Example:** Getting angry and intentionally breaking someone's car window



### 3) Theft of property (up to \$750 property value)

**Example:** Shoplifting, hot check - stealing from a store



### 4) Theft of services (up to \$750 value)

**Example:** "Dine and dash" - Not paying the check when you go to a restaurant



## 5) Contraband in Correctional facility

Providing a prohibited item (i.e. gum, food, clothes) to an inmate in a correctional facility or introducing a prohibited item to the facility as an employee or volunteer for the facility

**Example:** An employee of the jail giving gum, cigarettes, games, food, clothing, etc to an inmate in jail



## 6) Driving with an invalid license

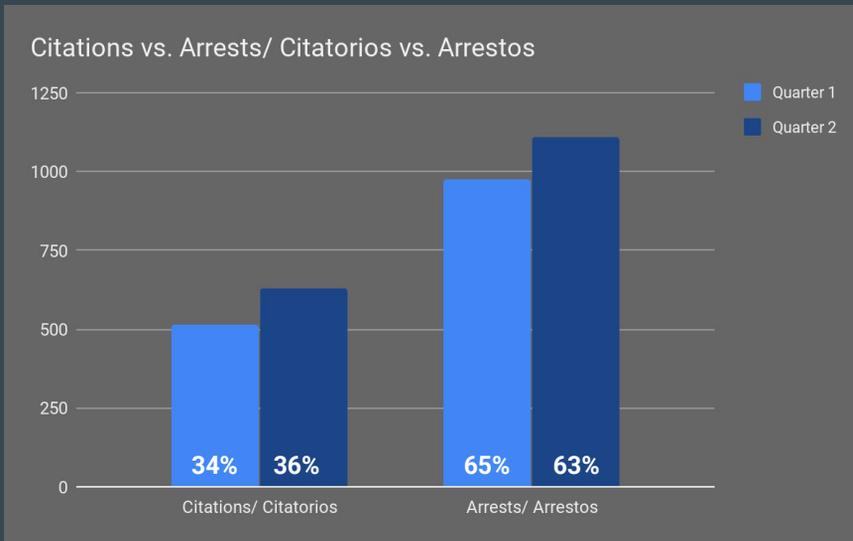


### What about driving WITHOUT a license?

Have you ever forgotten your driver's license? Driving with an invalid license is **different** from driving *without a license*. Driving without a License is a **Class C misdemeanor**. **WE WORKED HARD TO INCLUDE THIS!**

It is now eligible for a citation in lieu of arrest and is punishable by fine only.

# What has happened since July 2019?



SAPD has given us four quarterly reports with this data.

2019  
Julio- Sept.  
Oct. - Dec.  
2020

## Real Life Stories



From Nicholas Huerta and Cierra Mortan

**Questions?**

...

**What can we do? Take Action!**

...

Attend virtual town-halls, and ensure C&R is being centered by asking questions using our cite & release question guidance.

[Insert link to guiding questions here ]

Be sure to record, take photos of their commitments to hold them accountable & share them on our accountability folder!

Sign our [petition!!!!](#)

The screenshot shows the top navigation bar of the SA Stands website with links for 'ABOUT US | SOBRE NOSOTROS', 'RECENT NEWS', and 'WHAT IS CITE AND RELEASE?'. Below the navigation are buttons for 'SIGN THE CITE&RELEASE PETITION!', 'OUR COVID-19 DEMANDS', and 'RESOURCES | RECURSOS'. A secondary bar contains 'CONTACT SA STANDS | PÓNGASE EN CONTACTO CON SA STANDS'. The main content area features the headline 'SAN ANTONIO CITY COUNCIL MUST REDUCE ARRESTS BY ENACTING A CITE AND RELEASE ORDINANCE'. Below the headline is a paragraph explaining the petition's purpose: 'Sign this petition to urge your city council representatives to support the adoption of a cite and release ordinance. The benefits of this ordinance will positively impact Black and people of color in San Antonio who continue to experience discriminatory policing and over-criminalization.' A link for Spanish speakers is provided: 'Para español haga clic aquí: <https://sastands.org/firme-la-peticion/>'. A form with 'Name \*' and 'First' and 'Last' input fields is visible. To the right, there is a 'Tweets by @SA\_Stand' section showing a tweet from Tapatio Vicky C. @sastammem: 'Sorry for being s... just easier to turn thread 1/41'.

If you want to get involved [sign-up here](#)

The graphic features a photo of a group of people holding blue signs that say 'SA STANDS' and 'Antonio Alliance'. Below the photo is the text: 'Join SA Stands Cite & Release Campaign! | ¡Únase a la Campaña Citar sin Arrestar!'. The text continues: 'The current cite and release administrative policy has fallen short of its intended goals and has proven insufficient at protecting our community members equally. It is time to make cite and release into an ordinance that will reduce overall arrests and make citations and warnings the default, not an option!'. Below this is a request to fill out a form: 'Please fill out the form below if you're interested in joining us in taking action through testifying, making calls, etc.!' and a section for Spanish speakers: 'EN ESPAÑOL. Después de un año de implementación, la política administrativa actual de citar sin arrestar, no ha cumplido con sus objetivos previstos y ha demostrado ser insuficiente para proteger a los miembros de nuestra comunidad por igual. Es hora de convertir la citación sin arrestar en una ordenanza que reducirá los arrestos en general y hará que las citaciones y advertencias sean la opción por defecto, no una opción.'.

# **Vote!**

**Early voting: April 19 to April 27**

**Eleccion Day: May 1st**

**Voter Registration Deadline: April 1st**

**Mail in Ballot Requests by April 20th**

# Centrando el Impacto Real de Citar sin Arrestar



# Presentadores

Andrea Osorio

Debbie Ponce

Naiyolis Palomo



## EL PROBLEMA: HAY MUCHAS PERSONAS EN LA CÁRCEL



## ¿Que es Citar sin Arrestar?

“Citar sin Arrestar” es una orden administrativa que las fuerzas policiacas del condado de Bexar y la ciudad de San Antonio comenzaron en julio del 2019.

Esta póliza permite que los oficiales puedan dar un citatorio, en vez de un arresto, para personas que cometen ciertas ofensas que pueden ser citadas.



## ¿Que ofensas están incluidas?

1. Posesión de marihuana hasta 4 oz;
2. Delito en contra de propiedad, con daños hasta \$750;
3. Robo de propiedad hasta \$750 en valor;
4. Robo de servicios hasta \$750 in valor;
5. Llevar contrabando a una cárcel;
6. Manejar con una licencia inválida.

## ¿Cuáles son los pasos de “Citar sin Arrestar”?

### PERSONA CONTACTADA POR OFICIAL

- Oficial confirma si los delitos califican para citar sin arrestar
- Oficial determina si arrestarán o citarán según las circunstancias observadas o cualquier antecedentes previos
- Si recibe un citatorio, se tendrá que presentar o reportar al Centro de Reingreso dentro de 30 días

### PERSONA SE PRESENTA AL CONDADO

- La persona citada se reporta al Centro de Reingreso del Condado de Bexar dentro de los 30 días
- Fiscal revisa los delitos cometidos por la persona
- Fiscal asigna a la persona a un programa o servicios apropiados

### PERSONA SE INSCRIBE EN PROGRAMA ASIGNADO

- La persona citada se inscribe en el programa
- El condado monitorea el progreso y asegura que se complete dentro de 60 días

### PERSONA COMPLETA EL PROGRAMA

- El condado documenta si se completa el programa
- Condado mantiene los registros de los participantes de citar sin arrestar
- La Oficina del Fiscal no presenta ningún cargo penal formal en su contra

## Citar sin Arrestar

## ¿Cómo llegamos a obtener esta póliza?

Mayo 2018

(La planificación con el equipo comenzó en enero de 2018) SA Stands solicita públicamente Citar sin Arrestar

Sept. 2018

Reuniones con TODOS los concejales de la ciudad, el jefe de policía y el fiscal del condado.

Oct. 2018

Lanzamos la campaña de “Citar sin Arrestar”

Feb. 2019

El fiscal, el jefe de policía y el Alguacil aprobaron la póliza

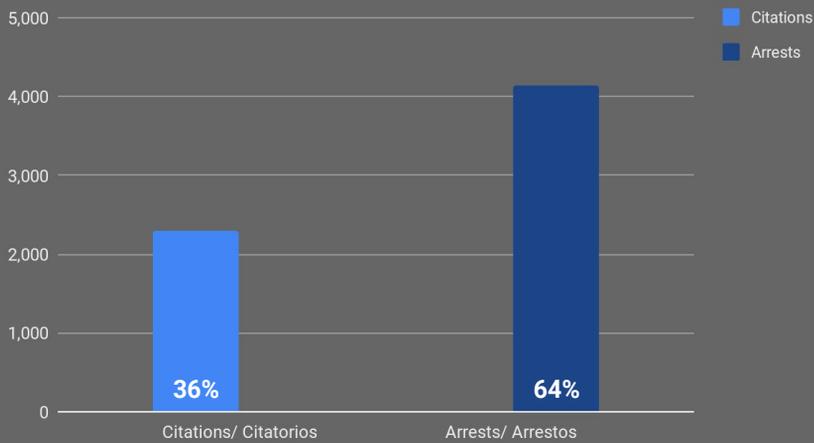
Julio 2019

La orden administrativa fue implementada

SA Stands advocates for a data report every three months publicly

## ¿Que ha pasado desde julio del 2019?

Citations vs. Arrests/ Citatorios vs. Arrestos



SAPD nos ha dado cuatro reportes de datos.

Julio 2019 - Junio 2020

# Historias de la Vida Real



de Andrea Osorio

¿Preguntas?

...

¿Qué podemos hacer?  
¡Tome acción!

...

Participe en los foros virtuales, y asegúrese que citar sin arrestar en un tema central al hacer preguntas usando nuestro guía de preguntas.

## [Guión de Preguntas]

Asegúrese de grabar o tomar fotos cuando se comprometan para hacerlos responsables a sus compromisos y compártelo con nosotros.

¡Firme nuestra petición!

The screenshot shows the top navigation bar with social media icons (Facebook, Twitter, Instagram) and menu items: ABOUT US | SOBRE NOSOTROS, RECENT NEWS, WHAT IS CITE AND RELEASE? Below this is a secondary navigation bar with: SIGN THE CITE & RELEASE PETITION | OUR COVID-19 DEMANDS, RESOURCES | RECURSOS, and CONTACT SA STANDS | PÓNGASE EN CONTACTO CON SA STANDS. The main content area features the headline: "SAN ANTONIO CITY COUNCIL MUST REDUCE ARRESTS BY ENACTING A CITE AND RELEASE ORDINANCE". Below the headline is a short paragraph explaining the petition's purpose. A link for the Spanish version is provided: "Para español haga clic aquí: https://sastands.org/firme-la-peticion/". At the bottom, there is a form with a "Name \*" label and two input fields for "First" and "Last". To the right, there is a "Tweets by @SA\_Stand" section showing a tweet from Tapatio Vicky C.

Si quiere involucrarse se puede inscribir  
aquí

The flyer features a group photo of people holding blue signs that say "SA STANDS". Below the photo is the headline: "Join SA Stands Cite & Release Campaign! | ¡Únase a la Campaña Citar sin Arrestar!". The text explains that the current policy is insufficient and that the campaign aims to make citation the default instead of arrest. It includes a call to action: "Please fill out the form below if you're interested in joining us in taking action through testifying, making calls, etc.!" and a section for "EN ESPAÑOL" which repeats the message in Spanish.

**¡Vote!**

**Votaciones Anticipadas (tempranas): el 19 de abril al 27 de abril**

**Día de Elecciones: el 1ro de mayo**

**Fecha límite para registrarse para votar: el 1ro de abril**

**Puede solicitar boletas por correo hasta el 20 de abril**

# DIGNITY FOR DALLAS

Reducing arrests for a healthier community

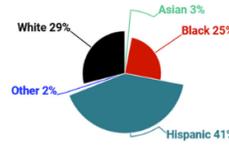
FROM OCT. 2018 TO DEC. 2019,  
Dallas police officers **arrested and jailed**

**7,013**  
PEOPLE

who they could have **diverted and sent home.**

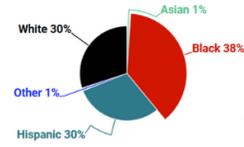
Source: Dallas Police Department

These effects aren't spread evenly: they especially hurt Black folx in our communities.



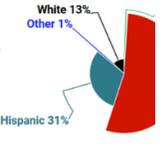
DALLAS POPULATION

Source: U.S. Census Bureau 2018 ACS 1-Year estimates



CITE-ABLE CLASS C ARRESTS\*

Source: Dallas Police Department



CITE-ABLE A & B ARRESTS

Source: Dallas Police

\*NOTE: Class C data likely under-reports Hispanic people and over-reports white people because data is based on officers' visual identification, not individual self-reporting.



It's time to **DIVEST** resources from making unnecessary arrests

and **INVEST** in policies that keep people working and home with their families

- ✓ Require citation instead of arrest in all cases eligible under state law (barring special circumstances)
- ✓ Divert public intoxication out of jail and into sobering centers



**THESE UNNECESSARY ARRESTS THREW AWAY AT LEAST \$3.9 MILLION FROM OCT. '18 TO DEC. '19**



Every arrest means an officer is spending 45 minutes or longer of staff time handling arrest and booking, costing **\$439** per person.



Holding a person in Dallas County Jail costs about **\$70** per day.

It's just math.



**THESE UNNECESSARY ARRESTS ARE CREATING REAL PROBLEMS FOR FOLX IN DALLAS.**



For undocumented folx, an arrest can lead to deportation and family separation.

Arrests can cause to lose their housing jobs, custody of the children, and as COVID spreads, their lives

Time in custod can be physically dangerous, especially for LGBTQIA people

# DIGNITY FOR DALLAS

Reducing Arrests for a Healthier Community



## THE PROBLEM: ARRESTING INSTEAD OF DIVERTING

Although Texas's existing laws invest heavily in unnecessary and counterproductive criminal systems, **our laws already acknowledge that arrests are not always necessary.** Our laws allow officers to issue citations for people to appear in court in lieu of arrest for almost all Class C offenses and for

certain Class A and B misdemeanor offenses. They also allow officers to bring a person who is publicly intoxicated to a sobering center instead of arresting them.

**Unfortunately, Dallas is making little use of these laws.** The narrow cite and release program is rarely applied and contains cumbersome and unnecessary requirements like presenting a physical Texas-issued ID.

## IMPACT

- **Life-long consequences.** When people are arrested, they often face numerous and significant challenges. For example, an arrest can lead to loss of one's job, home, and even custody of children. For undocumented people, an arrest can lead to deportation and family separation. During Covid-19, an arrest can mean infection or even death.
- **Racial Disparities.** Arrests for citation-eligible offenses are racially disparate and further racial inequity. From October 2018 to December 2019, Black individuals accounted for 54% of arrests for cite-able Class A & B offenses, even though **they make up only 25% of Dallas's population.**
- **Public Intoxication.** State law allows for release in lieu of arrest for public intoxication when certain conditions are met, but from October 2018 to December 2019, DPD arrested 5,456 individuals for public intoxication, more than any other Class C misdemeanor offense.

FROM OCT. 2018 TO DEC. 2019,  
**DPD arrested and jailed**  
**7,013**  
PEOPLE  
**that officers could have**  
**diverted and sent home.**

## WASTE OF RESOURCES

The City of Dallas is wasting limited city and public safety resources by having police arrest and jail people when they could divert them. Between October 2018 and December 2019, **Dallas could have freed at least \$3.9 million of taxpayer funding for reinvestment** with a citation diversion policy.

## CALL TO ACTION

- The Dallas City Council should require cite and release in all cases eligible under state law unless there are special circumstances. Exceptions for arrest should be clearly defined, with an arrest report and supervisory approval required. Eliminate requirements like fingerprinting and presenting state IDs for all offenses.
- Create an implementation working group composed of county and city officials along with stakeholders and community members to meet quarterly to discuss implementation.
- Invest in community health and create a sobering center where intoxicated individuals may safely detox and receive treatment rather than be sent to jail.

JUNE 24, 2020

## MAYOR TURNER:

We are a group of community-led organizations calling on you to reimagine policing and what truly makes us safe. The current protests across the nation and our city—after the killings of George Floyd and Breonna Taylor brought to a head the epidemic of police killings of Black people—are just the latest signs of this nation’s crisis in policing. It is [a crisis that we are all too familiar with in Houston](#), where in recent years, the Houston Police Department’s actions to change specific policies—like the use of no-knock warrants—came about only as a result of tragedy. Now, the brutal murder of George Floyd, a Houston native who called our city home, is spurring another conversation about policing. People have been flooding the streets in protest, calling for changes in the way we police, demanding transparency, oversight, and accountability, and asking our elected officials to redirect resources from the police budget to supporting social services that have been proven to dramatically increase public safety.

As Mayor, you hold the unique power to reimagine public safety solutions through strategic policing reforms and investing in social service programs. We are asking that you support the following initiatives:

- ▲ **Implement a Cite and Release Program:** Since 2014, an estimated 20% of arrests made by the Houston Police Department have been for offenses where no arrest was necessary under state law. The City of Houston should adopt a cite and release policy modeled after best practices in other cities, so that police officers must issue citations for certain low-level misdemeanors instead of making arrests. A good cite and release policy will do the following: (1) Apply to all the misdemeanors eligible under state law, including Class C Misdemeanors, possession of marijuana, and driving with a license invalid; (2) Prohibit arrests for any of these offenses except in very limited circumstances having to do with public safety, and require a supervisor’s sign off when these exceptions are made, and; (3) Implement regular tracking with publicly released information showing how often the cite and release policy is being used and how often arrests are used for any of these offenses, including reasons for arrests.
- ▲ **Redirect budget allocations from the Houston Police Department to social service agencies better suited for emergency first response.** During the last city council meeting, you expressed your support of an emergency first responder program and reaffirmed that commitment to supporting such a program at a [June 19th](#) roundtable discussion with Senator John Cornyn and Senator Ted Cruz. As you noted then, “We ask our police officers to do way too much...[w]e asked them to police, we asked them to be social workers, we asked them to go out on crisis intervention, we asked them to deal with the homeless, we asked them to deal with domestic abuse and violence.” You have tasked the public safety committee with studying the program for implementation. Although HPD has [programs](#) theoretically designed to help people in mental health crisis, none of the current programs are an adequate substitute for sending out mental health professionals in person without police for mental health calls that do not appear to involve a gun or knife.

We thank you for your support and ask that you adopt a non-law enforcement emergency first responder program modeled after the Crisis Assistance Helping Out On The Streets ([CAHOOTS](#)) program in Eugene, Oregon. The City of Austin, closer to home, [has a similar program](#). To address

concerns on funding, most recently, cities like [Portland, Oregon](#), have taken steps to reallocate funds from the police budget to supporting non-law enforcement emergency first responder programs. Harris County Commissioners have also announced \$25 million in grant funds are available to municipalities that study and implement these programs.

- ▲ **Re-imagine the role of police unions:** Police unions have unparalleled power to shield police from accountability and to prevent reform. Unions employ opaque contract negotiations to create protections for police that are contrary to community interests and public safety. We are asking that you both open up negotiations to allow members of the public to participate and also sign a resolution notifying the police union of the city's intent to terminate its contract with the police department 90 days before it expires on December 31, 2020, unless the following changes to that contract are made: (1) End the 180 day rule that prevents officers from being disciplined for incidents occurring in the past; (2) End the 48 hour rule that prevents officers from being interviewed about complaints for 48 hours, and gives them access to all materials related to the complaint in advance. The department must be allowed to discipline an officer without fear of having that determination overturned in all cases where the allegations are proven to be true and a departmental policy was violated. Allegations of misconduct should only be expunged if there is a finding that the allegations are not true. (3) Fix the appeals process for disciplinary matters so that Independent Hearing Examiners are appointed by a civilian oversight board, rather than a committee of police officers; (4) Give the civilian oversight body real authority to investigate and discipline officers with complaints against them. Make the head of that body fully empowered to pursue police accountability independently; and (5) End the evergreen clause that causes the contract to stay in place even if no agreement has been made with the city.

On June 10th, you signed an Executive Order laying out several reform measures aimed at addressing use of force. While this was a laudable move, as [Chief Acevedo](#) himself noted in response, there is much more to be done to actually change and successfully implement these policies. You asked to hear [from the community](#) on this issue and we are urging you to (1) launch a public process to rewrite the General Orders related to use of force establishing standards and reporting of police use of deadly force, which includes the release of footage, reports, documents, and officers involved in reported incidents of use of force through public records requests; (2) revise all use of force policies, including limiting lethal force to immediate self defense or defense of others, requiring de-escalation and proportionate response, and explicitly banning chokeholds, strangleholds, shooting at a fleeing suspect or vehicle, or shooting anyone who is not armed with a gun situations when possible; (3) monitor how police use force and proactively hold officers accountable for excessive force by suspending the use of administrative leave for officers under investigation, withholding pensions, and prosecuting and not rehiring officers who have repeat involvement in excessive force cases; (4) keep officers off patrol until any investigation into a force incident is complete, including any investigation undertaken by the District Attorney's office.

Cities like [Austin](#), [Boston](#), [Los Angeles](#), [New York](#), and [Philadelphia](#) are already taking bold steps to reimagine policing and redirect resources from the police to initiatives like those mentioned here. As Mayor of the fourth largest city in the country, we are imploring you to join with other courageous leaders in adopting bold initiatives that prioritize people over policing and that have been shown to truly make us safer. And we urge you to act now, because justice can't wait.

SIGNED



## An Open Letter to Mayor Turner and City Council Regarding Cite & Release



September 23rd, 2020

Dear Mayor Turner and City Council Members,

For the past year, several grassroots organizations, activists, and The Right2Justice Coalition have provided you and your administration with research and data which demonstrates the need for an ordinance that eliminates discretionary arrests by the Houston Police Department that is both legally binding and including of all citation eligible offenses under state law. However, the Houston Police Department's cite-and-release policy unveiled during the past Public Safety and Homeland Security Committee meeting does not meet either requirement; we project that their program, as presented, will fail to significantly improve community safety, wellbeing, and equity in the city.

We are concerned that HPD's proposed policy does not make mention of the empirical evidence that has been provided to various elected leaders in Houston through groups like ACLU Texas, Texas Appleseed, and the Immigrant Legal Resource Center. The fact that the presentation provided no mention of any models or recommendations they received while crafting this program, raises many questions around HPD's attempt to engage activists and coalitions in the process of imagining this policy.

The policy also does too little to limit the discretion given to officers in how they implement this Cite & Release Program. It gives them even more discretionary power to make unnecessary arrests by allowing individuals to be disqualified from the program “If an officer believes that offering Cite and Release to an otherwise qualified suspect is not the best course of action.” [1]

Furthermore, the policy includes a long list of 16 disqualifying circumstances, giving officers nearly unfettered discretion to arrest someone of a citation-eligible offense. By comparison, San Marcos’s cite and release ordinance has 6 disqualifying circumstances, and Austin’s policy has approximately 7 disqualifies. We’re urging a robust ordinance instead of administrative policy because, as we’ve seen in San Antonio, when officers are given too much discretion to cite in lieu of arrest, they are still choosing to arrest 65% of the time, compared to only 36% of citations – and the racial disparities are alarming.

Moreover, the policy does not specify the types of personal identification evidence to allow for citation. The City must acknowledge that not all persons are able to produce a government-issued ID; therefore, the officer must be required to accept other forms of identifications, regardless of an expiration date, including, but not limited to: any state or federally issued-ID, library card, utility or rent bill, community organizational membership card, student ID, church ID, or other forms of identifications that include an individual’s name and address.

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[1] Finner, Troy & Baimbridge, Wendy. "Cite and Release Program." 2020 PDF File

We urge the Mayor and Council to invite grassroots organizations and activists to the table when drafting policies around police accountability and transparency. Although we have provided detailed suggestions to the Mayor and Council through calls, emails, and through the Justice Can't Wait Report itself, we see that many of our specific recommendations have not made it into the proposed policy, and there hasn't been an opportunity to have detailed discussions with those writing these policies before they are proposed.

Although we are hopeful to see the recommendations presented by the Mayor's Taskforce, our biggest concern lies within the Mayor's likelihood of adopting said recommendations and enacting ordinances that fall in line with them. Many important recommendations from the 2016 transitional team and the 10 Year Plan for The City of Houston have not been executed, either partially or fully.

We call on the Mayor and Council to adopt a Cite & Release Ordinance that adheres to the following principles:

- Limit discretion to make arrests for cite and release eligible offenses to a narrow set of circumstances.
- For all arrests for citation-eligible offenses, require written reasons for arresting in lieu of citing. In Austin, the first cite and release policy developed by Chief Acevedo did not limit discretion, and that policy led to a continuation of significant racial disparities in arrest. It was only when the Austin City Council passed a policy in 2018, limiting the circumstances in which an arrest can be made, that there were sharp reductions in arrests and racial disparities.

- Include all cite and release eligible offenses, including Class C misdemeanors and all eligible Class A and B misdemeanor offenses. The proposed administrative policy currently does not mention Class C Misdemeanors, which make-up at least 15% of cite and release eligible arrests historically.
- Regular reporting on the use of cite and release is key to an accountable system. The public should be informed of arrests made for cite and release eligible offenses, the reasons for those arrests rather than citations, the general location of the arrest, such as the zip-code of the incident, and the breakdowns by charge and demographics of those arrested and those cited.
- Include an expansive list of forms of ID that officers may accept to verify identification. Many cite and release eligible arrests occur when individuals are unable to produce traditional forms of ID, despite the many barriers to obtaining a government-issued ID for our most vulnerable populations. Accepting non-traditional forms of ID will ensure that such arrests are rarely made.
- Regular community input in the implementation of the policy, such as monthly community forums with stakeholders and directly impacted individuals, which are open to the public. This ensures that implementation is effective and institutionalizes the community's voice.

Additionally, all relevant City policies and internal operating shall be updated in accordance with this Ordinance, including but not limited to: updating the Houston Police Department General Manual, training officers on the new guidelines for citation versus arrest, and updating internal databases and systems to remove any guidelines under the manual that are no longer in effect due to this Ordinance.

We will continue to raise awareness of the lack of regulation and obligatory guidelines that are currently promoted. Failure to take immediate action regarding the passing of a robust Cite & Release ordinance places the City of Houston at a high risk of worsening trust within HPD and preventing discriminatory arresting practices from continuing.

Sincerely,





**SA STANDS**

San Antonio Sin Miedo

**SAN ANTONIO CITY COUNCIL MUST  
REDUCE ARRESTS BY ENACTING A  
CITE AND RELEASE ORDINANCE**

Sign this petition to urge your city council representatives to support the adoption of a cite and release ordinance. The benefits of this ordinance will positively impact Black and people of color in San Antonio who continue to experience discriminatory

**policing and over-criminalization.**

**Para español haga clic aquí: <https://sastands.org/firme-la-peticion/>**

**Name \***

First

Last

**Zip Code \***

ZIP Code

**Email \***

**Phone**

SUBMIT

## **ABOUT THE PETITION**

After a year of implementation, the current cite and release administrative policy **has fallen short** of its intended goals and has proven insufficient at protecting our community members equally. Public reporting has been extremely limited, field releases have remained low, and over-policing is still evident among Black people and communities of color.

**It is time to codify and make cite and release into an ordinance.** An ordinance will reduce overall arrests and eliminate discretionary arrests for low-level offenses. It will increase data transparency from COSA to the public and institutionalize public involvement throughout policy implementation. Most importantly, it will keep thousands of families together by allowing an average of 11,000 people a year to not suffer the harsh consequences of an arrest, such as losing their job, losing access to higher education, or other public services. Lastly, it will save the city and county millions in taxpayer dollars that can be re-invested in other community needs such as housing, public health, and education.

Along with adopting a cite and release ordinance, we must continue to work towards the overall goals of completely transforming and reimagining systems that are inherently racist and dehumanizing. A vote for a cite and release ordinance is also a vote to commit to continuing the work to address the more significant policing and criminalization issues that impact our communities.

**Demand that the San Antonio City Council pass a meaningful cite and release ordinance that will:**

- **Receive input from directly impacted people:** As with any city ordinance that directly impacts the community, the city council must consider input from those most affected. This input should come from local community organizations and advocates, but more importantly, from the voices of the people who have been most impacted by the system directly. Further, all cite and release contacts should be equally enforced so that people with previous system involvement are not automatically alienated from this policy's purpose and benefits.
- **Include limitations on police officer discretion:** Even when we act with good intentions, all of our actions incorporate the explicit and implicit biases that permeate our society. The only way to ensure cite and release benefits all San Antonians equally is to guide officer discretion through an ordinance. An ordinance adopted by the city council mandating citations for eligible offenses will limit unnecessary arrests to *only* be applicable within certain exceptions.
- **Expand forms of acceptable IDs:** Many of our community's most vulnerable members currently cannot meet the ID requirements of cite and release. We need an ordinance that includes additional forms of ID, such as library cards, student

IDs, and church membership cards. This approach will ensure that our most vulnerable populations will benefit from a program that could save them from the life-long consequences of an arrest record.

- **Produce robust and timely data collection:** Public data that is comprehensive and timely is crucial to ensuring accountability in implementing this ordinance. It is necessary that this data expressly illustrates trends and all other relevant data on the enforcement of this policy and reports information regarding the outcomes for those who have received citations and who are then assigned to a particular diversion program. Reporting from the San Antonio Police Department and the District Attorney's Office has been limited, and commitments to making these reports public have been extremely minimal. An ordinance would ensure that the data necessary for the efficacy, transparency, and accountability needed for such a policy would remain relevant and predictable.
- **Include additional low-level misdemeanors:** Many community members are still being arrested for certain misdemeanors designated by the State of Texas as eligible under cite and release. Although crimes that involve theft or destruction of property elicit strong reactions, a policy that does not emphasize alternatives to arrest and incarceration fails to truly address the root causes that often play a significant role in the commission of these offenses. Offenses such as graffiti, driving without a license, and most other Class C misdemeanors should not automatically result in a devastating arrest record.



## SA Stands's Cite & Release Demands

Over the last three years, the SA Stands coalition has been demanding for San Antonio leaders to introduce and pass a strong cite and release ordinance that will reduce thousands of arrests for citation-eligible offenses, keep families together, and reduce the devastating consequences of having a record. It is time for a new city council to codify and make cite and release into an ordinance that will eliminate discretionary arrests for citation-eligible offenses, increase data transparency from COSA, and most importantly, keep thousands of families together!

**We are asking for new San Antonio City Council leaders to commit to the following:**

1. Introduce and pass a community-driven cite and release ordinance within your first 100 days that will incorporate the following community **demands**:
  - **Receive input from directly impacted people:** As with any city ordinance that directly impacts the community, the city council must consider input from those most affected. This input should come from local community organizations and advocates, but more importantly, from the voices of the people who have been most impacted by the system directly. Further, all cite and release contacts should be equally enforced so that people with previous system involvement are not automatically alienated from this policy's purpose and benefits.
  - **Include limitations on police officer discretion:** Even when we act with good intentions, all of our actions incorporate the explicit and implicit biases that

permeate our society. The only way to ensure cite and release benefits all San Antonians equally is to guide officer discretion through an ordinance. An ordinance adopted by the city council mandating citations for eligible offenses will limit unnecessary arrests to *only* be applicable within certain exceptions.

- **Expand forms of acceptable IDs:** Many of our community's most vulnerable members currently cannot meet the ID requirements of cite and release. We need an ordinance that includes additional forms of ID, such as library cards, student IDs, and church membership cards. This approach will ensure that our most vulnerable populations will benefit from a program that could save them from the life-long consequences of an arrest record.
  - **Produce robust and timely data collection:** Public data that is comprehensive and timely is crucial to ensuring accountability in implementing this ordinance. It is necessary that this data expressly illustrates trends and all other relevant data on the enforcement of this policy and reports information regarding the outcomes for those who have received citations and who are then assigned to a particular diversion program. Reporting from the San Antonio Police Department and the District Attorney's Office has been limited, and commitments to making these reports public have been extremely minimal. An ordinance would ensure that the data necessary for the efficacy, transparency, and accountability needed for such a policy would remain relevant and predictable.
  - **Include additional citation-eligible offenses:** Many community members are still being arrested for certain misdemeanors designated by the State of Texas as eligible under cite and release. Although crimes that involve theft or destruction of property elicit strong reactions, a policy that does not emphasize alternatives to arrest and incarceration fails to truly address the root causes that often play a significant role in the commission of these offenses. Offenses such as graffiti, driving without a license, and most other Class C misdemeanors should not automatically result in a devastating arrest record.
2. Commit to work with SA Stands community leaders and directly impacted community members throughout the language implementation and execution process.

## Why?

- A strong cite and release ordinance will stop arrest for citation-eligible offenses such as Class C, and certain Class A and B misdemeanors. Saving community members from the harmful, life-long consequences of having an arrest record.
- A community-driven cite and release ordinance would prevent an average of 11,000 arrests per year in our communities. That means 11,000 families not being harshly impacted by the criminal legal system and millions of tax dollars saved that could be put into real community needs (like housing, healthcare, social services, etc.)
- The current cite and release administrative policy implemented by law enforcement and city leaders, has fallen short of its intended goals and has proven insufficient at protecting Black people and communities of color. In one year of implementing a cite and release administrative policy, SAPD prioritized arrests over citations, with 4,143 people being arrested, and only 2,304 receiving citations. Meaning, more than 4K families were harshly impacted by this action. Additionally, after a year of implementing a cite and release policy, people of color in San Antonio are still being arrested at higher rates than white people. Even though Black people are 6.9% of the overall population, and whites are 24.8%, they are both arrested 15% of the time.
- A cite and release ordinance is one tool for our communities to fight back against systems of policing, criminalization and incarceration. An ordinance will make non-carceral alternatives, such as citations, tickets and verbal warnings the default action for police officers, rather than a choice. Additionally, it would mandate data transparency and regular reporting to the public.

# MESSAGING and NARRATIVE

Determine how you will talk about why a cite and release policy is needed in your community. Ensure your messaging is inclusive of all community members, is reflective of your values, and centers those directly impacted by policing, and think about how that messaging supports your policy demands.

## IN THIS SECTION:

- Messaging Guide
- Press Releases
- Blog Posts
- Social Media Graphics

## LESSONS FROM THE FIELD

How has the public narrative around this issue shifted because of your campaign? How has your messaging evolved?

*The public narrative has shifted from labeling people as "criminals" to "people in contact with the criminal justice system," which has been a good start to humanizing them but a lot more work needs to be done to fully remove the negative stigma. Our messaging continues to evolve, especially to be more relatable and effective with the general public.*

Right2Justice, Houston Campaign





## CITE AND RELEASE MESSAGING GUIDE

### GOAL

The goal of this guide is to give groups advocating for local jurisdictions to enact a cite and release ordinance messaging to gain public support. This guide aims to provide messaging that can be used by all groups so there is a unity in how we want cite and release issues to be talked about.

### PROBLEM TO OVERCOME

We need to **stop** using messaging around cite and release that places the humanity of one category of people over another, and we need to redefine public safety. For example, we need to stop saying that cite and release addresses nonviolent, low-level offenses, which is why people should support it. Instead, we want cite and release to be seen as a tool to reduce arrests and help people avoid the devastating consequences of arrests, such as losing jobs, benefits, and being deported.

We need to talk about moving people toward supporting community-valued solutions and away from accepting punitive approaches by:

- Establishing a shared value around coming together to overcome the problem.
- Defining the opposition: officials who believe every offense merits an arrest and punishment; the unjust and racist criminal legal system.
- Highlight how cite and release would help people by avoiding the negative consequences that arrests have on people’s lives, such as housing, employment, immigration, access to social services, mental health, family life, etc.

The talking points below include both values-oriented messaging and education. Educating the public moves people on policies, but education alone cannot move people in our direction on overall orientation toward the issue – that takes a values-based narrative.

### CORE MESSAGING SUGGESTIONS

- Establish the shared value
- Name the opposition, their tactics and their motives
- Collective call to actions

#### ***Establish the shared value messaging suggestions:***

- We all struggle at some point in our lives.
- Imagine if people weren’t locked away for their mistakes, but instead offered a way to heal.

*continued on next page*

- Cite and release is responding to alleged crime in a different way. It is solution-oriented and avoids damage to people's lives.
- Cite and release means a person is not immediately arrested and detained. Being arrested and incarcerated costs taxpayer money that could be put toward real community needs, like housing, health care, mental health services, and other social services. It means saving money that can be divested from law enforcement and re-invested in our community.
- A cite and release ordinance is one tool for our communities to fight back against systems of policing, criminalization and incarceration.

***Name the opposition, their tactics and their motives messaging suggestions:***

- Despite that cite & release was signed into Texas law in 2007 (well over a decade ago!), some lawmakers still believe that all mistakes must be treated the same: with arrests and punishment.
- They also refuse to see how systems of policing and incarceration have disproportionately harmed marginalized communities, and white supremacy has permeated every crevice of law enforcement on the local, state and federal levels.
- Given a choice to make an arrest or issue a citation, police officers often opt for arrest due to longstanding biases deeply ingrained in law enforcement culture, the financial incentive from a large number of arrests, or for fear of repercussions from superiors.

***Collective call to action messaging suggestions:***

- Cite and release ordinances are another step toward decriminalizing marginalized communities, such as Black people, communities of color, immigrants, and low-income people.
- Cite and release ordinances help mitigate racial profiling in policing and avoid the harmful effects of an arrest, such as deportation, losing your job, and barriers to finding employment and housing. Arrests and incarceration, no matter the length, tear apart families and destabilize our communities.
- Being arrested will give a person a criminal record that can cause long-term harm. And in a time of a global pandemic, it can mean the difference between life or death. COVID-19 is rapidly spreading in jails. Cite and release means no immediate incarceration.
- Cite and release is a first step toward defunding the police. It's one tool in our toolbox. So let's use it - let's reduce police officers' ability to arrest, let's keep thousands of people out of jail, and let's use it as a building step as we continue to push for what our communities really need to thrive.

## ALTERNATIVE MESSAGING SUGGESTIONS

<i>Instead of saying...</i>	<i>Consider saying...</i>	<i>Why it matters</i>
Nonviolent, low-level offenses	<p>Citation-eligible offenses</p> <p>Infractions</p> <p>Certain offenses</p> <p>Offenses eligible for citation under state law</p>	By emphasizing “non-violent” and “low-level,” we are implying that individuals accused of higher level or violent offenses deserve to have their lives destroyed through arrests and punishment. We should strive for inclusive messaging that does not place the humanity and dignity of one group over another.
Cite and release saves money that can be used for other public safety priorities or for law enforcement to focus on dangerous/serious crime.	Cite and release saves money which can be used to meet the community’s real needs, such as housing, health care, and social services.	We want to redefine public safety with a divest/reinvest framework. By stating that cost savings should be funneled back into law enforcement, we are allowing them to continue inflicting harm on our communities.
A person issued a citation will still be punished (i.e. have to go to court and answer for their crime).	<p>A citation or other alternatives to arrest avoids immediate and painful incarceration, and allows officers to practice another way to respond to harm, instead of punitive arrest.</p> <p>For cite and release <b>diversion</b> campaigns: Instead of being arrested, charged and punished, an individual will have an opportunity to complete an alternative diversion program to avoid the devastating effects of having a record.</p>	We want to pivot away from punishment and towards a community-based response.
Cite and release is mainly good for the community because it saves taxpayer dollars.	Cite and release is a solution-based approach which avoids the devastating and long-lasting effects of arrests on people’s lives. It makes good sense because it helps to ensure healthy, thriving communities and saves taxpayer dollars.	It is important to prioritize values-based messaging around the humanity of all community members. While we can still use arguments about cost savings/taxpayer dollars, those should always be secondary to our real goal, which is avoiding the devastating consequences of arrest.
First-time offenders deserve a second chance to turn their lives around.	Anyone being charged with citation-eligible offense(s) should not be criminalized — everyone deserves the opportunity to live a life without the devastating consequences of an arrest record.	We want to move away from implying that cite and release is only for first-time offenders, and they are the only ones that should get the opportunity of a citation. We need to decriminalize all of these offenses.



## CITAR SIN ARRESTAR: GUÍA DE NARRATIVA

### META

El primer objetivo de esta guía es dar sugerencias de narrativa y mensajes a grupos que abogan para pasar leyes locales de citar sin arrestar y obtener apoyo público para estas leyes. Este guía busca proporcionar mensajes que puedan ser utilizados por todos los grupos para crear un mensaje unificado sobre las leyes de citar sin arrestar.

### PROBLEMA QUE TENEMOS QUE SUPERAR

Necesitamos parar de usar mensajes sobre la política de citar sin arrestar que coloquen la humanidad de una categoría de personas sobre otra, al igual que tenemos que redefinir la seguridad pública. Por ejemplo, tenemos que dejar de decir que “citar sin arrestar solo cubre delitos no violentos de bajo nivel, y es por eso que la gente debería apoyarlo.” En cambio, queremos que citar sin arrestar se considere una herramienta para reducir los arrestos y ayude a las personas a evitar las devastadoras consecuencias de los arrestos, como perder el trabajo, beneficios o ser deportados.

Necesitamos convencer a la gente de que apoyen soluciones comunitarias y rechazen el sistema carcelario que solo castiga.

- Debemos establecer un valor en común para poder superar el problema.
- Definir la oposición: oficiales que creen que cada delito amerita un arresto y un castigo; el injusto y racista sistema criminal.
- Resaltar cómo citar sin arrestar ayudaría a evitar las consecuencias negativas que los arrestos causan en las vidas de las personas, como la pérdida de vivienda, empleo, acceso a servicios sociales, salud mental, vida familiar, o consecuencias negativas en un caso personal de inmigración, etc.

Los puntos de conversación abajo incluyen mensajes basados en valores y educación. Educar al público puede cambiar el sentir de la gente sobre las políticas, pero la educación por sí sola no puede persuadir a la gente a ponerse de nuestro lado—para lograr convencer al público necesitamos una narrativa basada en valores.

### SUGERENCIAS DE MENSAJES CENTRALES

- Establezca el valor compartido.
- Nombre la oposición, sus tácticas y sus motivos.
- Enumerar llamadas de acción colectivas.

### ESTABLECER MENSAJES SOBRE EL VALOR COMPARTIDO

- Todos enfrentamos problemas en algún momento de nuestras vidas.
- Imagínese si la gente no fuera encarcelada por sus errores, sino que se les ofreciera una manera de sanar.

*continuado en la siguiente página*

- La política de citar sin arrestar responde a los presuntos crímenes de una manera diferente, orientada hacia una solución que evita daños a la vida de las personas.
- La política de citar sin arrestar responde a los presuntos crímenes de una manera diferente, orientada hacia una solución que evita daños a la vida de las personas.
- Citar sin arrestar significa que una persona no es arrestada ni detenida inmediatamente. Ser arrestado y encarcelado le cuesta a los residentes de una ciudad dinero a través de impuestos, que podrían aportar a las necesidades reales de una comunidad, como el derecho a la vivienda, atención médica, servicios de salud mental y otros servicios sociales. Esto significa que el dinero que normalmente se usaría para las fuerzas policiales podría ser ahorrado y reinvertido en nuestras comunidades.
- Una ordenanza de citar sin arrestar es una herramienta para que nuestras comunidades luchen contra el sistema policial, la criminalización y el encarcelamiento.

### **SUGERENCIAS DE MENSAJE: NOMBRE LA OPOSICIÓN, SUS TÁCTICAS Y SUS MOTIVOS**

- A pesar de que la política de citar sin arrestar fue firmada en la ley de Texas en 2007 (¡hace más de una década!), algunos legisladores todavía creen que todos los errores de las personas deben ser tratados de la misma manera con detenciones y condenas.
- También se niegan a ver cómo los sistemas policiales y encarcelamiento han perjudicado desproporcionadamente a las comunidades marginadas, y la supremacía blanca ha permeado cada grieta de la aplicación de la ley a nivel local, estatal y federal.
- La policía siempre tiene la opción de realizar un arresto o emitir una citación, pero suelen optar por el arresto debido a los prejuicios profundamente incrustados en su cultura, el incentivo financiero que resulta de un gran número de arrestos, o por miedo a las repercusiones de los superiores.

### **SUGERENCIAS DE MENSAJES PARA LLAMADOS A LA ACCIÓN COLECTIVA**

- Las ordenanzas de citar sin arrestar son otro paso hacia la despenalización de las comunidades marginadas, como la población Negra, las comunidades de color, los inmigrantes y las personas de bajos ingresos.
- Las ordenanzas de citar sin arrestar ayudan a reducir el perfil racial en la policía y evitan los efectos dañinos de un arresto, como la deportación, la pérdida de trabajo y las barreras para encontrar empleo y vivienda. Las detenciones y los encarcelamientos, independientemente de la duración, desgarran a las familias y desestabilizan a nuestras comunidades.
- Ser arrestado es darle a una persona un expediente criminal que puede causar daño a largo plazo. Y durante la pandemia global de COVID-19, puede significar la diferencia entre la vida o la muerte. El COVID-19 se está extendiendo rápidamente en las cárceles. Citar sin arrestar significa que no habrá encarcelamiento inmediato.
- Citar sin arrestar es un primer paso hacia la desfinanciación de la policía. Es una herramienta más en nuestra caja de herramientas. Así que usémoslo: reduzcamos la capacidad de los policías para arrestar, mantengamos a miles de personas fuera de la cárcel y usémoslo como un paso más, mientras seguimos presionando por lo que nuestras comunidades realmente necesitan para prosperar.

## SUGERENCIAS DE MENSAJES ALTERNATIVOS

<i>En lugar de decir...</i>	<i>Considere decir...</i>	<i>¿Por qué es importante?</i>
Ofensas de bajo nivel, no violentas.	Ofensas elegibles para citación  Infracciones  Ciertas ofensas  Ofensas elegibles para citación bajo ley estatal	Al destacar la importancia en “ofensas no violentas” y “de bajo nivel,” estamos implicando que las personas acusadas de delitos de alto nivel o violentos, merecen que sus vidas sean destruidas mediante detenciones y castigos. Debemos esforzarnos en un mensaje inclusivo que no coloque la humanidad y la dignidad de un grupo sobre otro.
Citar sin arrestar ahorra dinero que puede ser utilizado para otras prioridades de seguridad pública o para que la policía se concentre en delitos peligrosos/graves.	Citar sin arrestar ahorra dinero que puede ser utilizado para satisfacer las necesidades reales de la comunidad, tales como: vivienda, atención médica y servicios sociales.	Queremos redefinir la seguridad pública con un marco de desinversión/reinversión. Al declarar que el ahorro de costos debe ser canalizado hacia la aplicación de la ley, permitimos que sigan causando daño a nuestras comunidades.
Una persona que reciba una citación seguirá siendo castigada (por ejemplo, tendrá que ir a la corte y responder por su delito).	Una citación u otras alternativas al arresto evitan el encarcelamiento inmediato y doloroso, y le permiten a los oficiales practicar otra manera de responder al daño, en lugar de un arresto dañino.  Para las campañas de desvío de citar sin arrestar: En lugar de ser arrestado, acusado y castigado, un individuo tendrá la oportunidad de completar un programa alternativo de desviación para evitar los efectos devastadores de tener un antecedente penal.	Queremos alejarnos de los castigos severos y avanzar hacia una respuesta basada en la comunidad.
Citar sin arrestar es principalmente bueno para la comunidad porque le ahorra dinero a los residentes locales.	Citar sin arrestar se enfoca en soluciones que evitan los efectos devastadores y duraderos de los arrestos en la vida de las personas. Tiene sentido porque ayuda a mantener comunidades sanas y prósperas y ahorra recursos locales.	Es importante priorizar los mensajes basados en valores alrededor de la humanidad de todos los miembros de la comunidad. Si bien todavía podemos utilizar argumentos sobre el ahorro de costos/dinero de los residentes de la ciudad, siempre deben ser secundarios a nuestro objetivo principal que es evitar las consecuencias devastadoras de un arresto.
Personas acusadas de delitos por primera vez merecen una segunda oportunidad para mejorar sus vidas.	Cualquier persona acusada de delito(s) con derecho a una citación no debe ser criminalizada - todo el mundo merece la oportunidad de vivir una vida sin las consecuencias devastadoras de un récord penal.	No debemos implicar que citar sin arrestar es sólo para las personas con delitos por primera vez, y son los únicos que deberían tener la oportunidad de una citación. Tenemos que despenalizar todos estos delitos.

# As Austin's Freedom City Policy Goes Into Effect Today, Organizers Explain Why It Matters

November 1, 2018



The policy, passed in June this year, is designed to reduce racial disparities and end discretionary arrests while ensuring immigrants' rights during encounters with police

**WATCH: [Facebook Live Video](https://www.facebook.com/grassrootsleadership/videos/481912938881431/?__xts__[0]=68.ARB8riMrbgAWG33EcgiynYIGqFHT38YP26VPXuyd94xjskkN38rwSxTYt784YA-jF_Y8ZIYqnG0V0gAfWHZLogeCcvuME3Gom_9YjDEBJ-Zc_lvwGnPihLMWtJ_5n_irvYZJcy--q5oOtcXWki2DRs_H4E30LP8O8bne-zGQZPEiwUKsA1F7YdVMvJH_EhRWcn0Ls85CI43xihQXY-gdkWF-MuZjeDgAYOca&_tn_=-R)**

[https://www.facebook.com/grassrootsleadership/videos/481912938881431/?](https://www.facebook.com/grassrootsleadership/videos/481912938881431/?__xts__[0]=68.ARB8riMrbgAWG33EcgiynYIGqFHT38YP26VPXuyd94xjskkN38rwSxTYt784YA-jF_Y8ZIYqnG0V0gAfWHZLogeCcvuME3Gom_9YjDEBJ-Zc_lvwGnPihLMWtJ_5n_irvYZJcy--q5oOtcXWki2DRs_H4E30LP8O8bne-zGQZPEiwUKsA1F7YdVMvJH_EhRWcn0Ls85CI43xihQXY-gdkWF-MuZjeDgAYOca&_tn_=-R)

[\\_xts\\_\\_\[0\]=68.ARB8riMrbgAWG33EcgiynYIGqFHT38YP26VPXuyd94xjskkN38rwSxTYt784YA-jF\\_Y8ZIYqnG0V0gAfWHZLogeCcvuME3Gom\\_9YjDEBJ-Zc\\_lvwGnPihLMWtJ\\_5n\\_irvYZJcy--q5oOtcXWki2DRs\\_H4E30LP8O8bne-zGQZPEiwUKsA1F7YdVMvJH\\_EhRWcn0Ls85CI43xihQXY-gdkWF-MuZjeDgAYOca&\\_tn\\_=-R](https://www.facebook.com/grassrootsleadership/videos/481912938881431/?__xts__[0]=68.ARB8riMrbgAWG33EcgiynYIGqFHT38YP26VPXuyd94xjskkN38rwSxTYt784YA-jF_Y8ZIYqnG0V0gAfWHZLogeCcvuME3Gom_9YjDEBJ-Zc_lvwGnPihLMWtJ_5n_irvYZJcy--q5oOtcXWki2DRs_H4E30LP8O8bne-zGQZPEiwUKsA1F7YdVMvJH_EhRWcn0Ls85CI43xihQXY-gdkWF-MuZjeDgAYOca&_tn_=-R)) **featuring Grassroots Leadership organizers Alicia Torres and Chris Harris, explaining the policy, what it means for Austin, and what comes next**

AUSTIN — Today the city’s Freedom City policy, the first of it’s kind, goes into effect. The Freedom City policy is a pair of local resolutions that address problems facing immigrants and communities of color in Austin.

In a Facebook Live Video this afternoon, Grassroots Leadership organizers Alicia Torres and Chris Harris outline what the policy is and how the community needs to stay engaged and vigilant as implementation is rolled out. “This is a good first step in what should be many more local reforms to reduce the impact of mass incarceration and mass deportation on our community,” said Bob Libal, executive director of Grassroots Leadership.

It was passed on June 14, when more than a hundred people signed up to testify before Austin’s City Council in favor of the Freedom City policy. Community members spoke for hours about the crisis people of color and immigrants in Austin face as they are drastically overrepresented in arrests, jailings, and removal from the community, all of which tear families apart.

Hundreds of Austinites called and petitioned their council members in support of the policy, including members of Grassroots Leadership, Texas Advocates for Justice, Workers Defense Project, and United We Dream.

The policy was made up of two resolutions. Resolution 73 charges the City of Austin to reduce racial disparities in arrests and eliminate the low-level arrests that the Austin Police Department doesn’t have to make in the first place. Arrests for low-level charges contribute to racial disparities in the Travis County Jail. Under SB 4, they are also a ticket to detention and deportation.

Resolution 74 directs the City of Austin to create policies that create protections for immigrant community members and their constitutional rights under SB 4, including requiring that police officers who ask about immigration status also inform people of their right to not answer. It also requires

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officers to complete a report explaining the encounter and the circumstances leading them to ask for immigration status.

###

***Grassroots Leadership*** is an Austin, Texas-based national organization that works for a more just society where prison profiteering, mass incarceration, deportation, and criminalization are things of the past. Follow us [@Grassroots\\_News \(https://twitter.com/Grassroots\\_News/\)](https://twitter.com/Grassroots_News/).

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**NEW CITE & RELEASE POLICY SEEKS TO REDUCE CRIMINALIZATION OF RESIDENTS, DISTRICT ATTORNEY MUST RELEASE TEXT, SAY ADVOCATES WITH SA STANDS**

## **New Cite & Release Policy Seeks to Reduce Criminalization of Residents, District Attorney Must Release Text, Say Advocates with SA Stands**

05/16/2019

**For Immediate Release:** May 16, 2019

**Contact:**

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Carolina Canizales | 210-760-7368 | [ccanizales@ilrc.org](mailto:ccanizales@ilrc.org) (<mailto:ccanizales@ilrc.org>)

### **New Cite & Release Policy Seeks to Reduce Criminalization of Residents, District Attorney Must Release Text, Say Advocates with SA Stands**

*Coalition of 26 Local Advocacy Groups Urge Pairing of Decriminalization with Discretion in Issuing Citations and Transparency in Implementation*

SAN ANTONIO — Today, District Attorney Joe Gonzales announced that his office will implement “Cite and Release,” a new administrative policy that seeks to reduce arrests, in Bexar County. While the full policy text was not released, DA Gonzales wrote in the [San Antonio Express-News](https://www.mysanantonio.com/opinion/commentary/article/Reforms-undertaken-to-make-crime-fighting-more-13851115.php) (<https://www.mysanantonio.com/opinion/commentary/article/Reforms-undertaken-to-make-crime-fighting-more-13851115.php>) that the cite and release policy will direct law enforcement officers to use their discretion to issue citations for low-level, non-violent offenses. It will allow local police to focus resources on public safety while allowing residents charged with minor transgressions to qualify for a citation and return to their families and communities.

The SA Stands campaign, which is comprised of twenty-six advocacy organizations from San Antonio, has been advocating for the passage of cite and release for the past six months.

View: [Cite and Release: Step by Step](#)

([https://www.ilrc.org/sites/default/files/resources/19.04\\_cite\\_and\\_release\\_one-pager-squares-eng-v2.pdf](https://www.ilrc.org/sites/default/files/resources/19.04_cite_and_release_one-pager-squares-eng-v2.pdf)) (Graphic and FAQ)

“A criminal legal system that puts on punitive hardships for a low-level offense, must be reformed,”

said **Erika D. advocacy fellow with MOVE Texas**. “My own experience left me in a place of uncertainty and fear. Like many young people across San Antonio, I was arrested for minor marijuana possession, costing me \$800 to bond out and \$5,000 for an attorney to fight the case. Now, I face possible suspension of my driver’s license and am ineligible to apply for student financial aid for two years. While we have yet to see DA Joe Gonzales’ full vision of ‘Cite and Release’ in Bexar County, decriminalization measures on minor marijuana possession and cash bail reform can halt minor infractions from preventing other local residents from reaching their full potential.”

While full details of the local program have not been released, we know that Bexar County’s “Cite & Release” program will allow individuals charged with certain misdemeanors – including possession of marijuana, driving with an invalid license, and minor theft – to qualify for a citation and the opportunity to complete a diversion program and avoid arrest. If individuals successfully complete their assigned program, the low-level offense will not appear on their record and will not disenfranchise them from current or future opportunities for employment, housing, and health care.

“After months of organizing, the San Antonio community is optimistic for the potential of ‘Cite and Release’ to reduce the number of our neighbors facing jail time or a mark on their record for minor infractions,” said **Carolina Canizales, Texas Campaign Strategist at the Immigrant Legal Resource Center**. “The ultimate success of this policy relies on officers using their discretion and choosing citations over arrests for low-level offenses. We urge Bexar County law enforcement to work with the community on this issue. We ask for transparency and need SAPD and the DA’s office to release the full policy, hear community feedback, record and share data from the implementation of this program, and continually review practices and procedures. Only with this open dialogue and transparency can we ensure ‘Cite and Release’ has a lasting, positive impact for communities that have been criminalized for far too long.”

“‘Cite and Release’ represents an important first step in the struggle to create a San Antonio that treats people with dignity and respect,” said **Alejandra Lopez, a teacher with the San Antonio Alliance of Teachers and Support Personnel**. “As public school educators we recognize that far too many of our students’ lives have been negatively impacted by a criminal justice system that disproportionately targets our communities of color. Let us continue down the path of fighting for the future our young people deserve.”

SA Stands will continue to work to represent the community in conversations with the DA’s office and Bexar law enforcement for more accountability and transparency about the implementation of the program.

###

SA Stands is a strong collaborative in the city of San Antonio and Bexar County that is committed to the protection, safety, dignity, inclusion, and freedom of all immigrants, regardless of race, religion, gender identity, sexual orientation, ethnicity or special ability. Through organized campaigns, advocacy efforts, community education, and direct action, SA Stands will mobilize against any laws and efforts that criminalize, incarcerate, deport and divide our communities. For more information, visit <https://www.facebook.com/SASTands/> (<https://www.facebook.com/SASTands/>).



> **FIRST CITE & RELEASE ORDINANCE IN TEXAS TO TAKE EFFECT SUNDAY IN SAN MARCOS**

## **First Cite & Release Ordinance in Texas to Take Effect Sunday in San Marcos**

05/27/2020

**For Immediate Release:** May 27, 2020

**Contact:** Arianna Rosales, Immigrant Legal Resource Center - [media@ilrc.org](mailto:media@ilrc.org) (<mailto:media@ilrc.org>)  
Jordan Buckley, Mano Amiga - [ManoAmigaSM@gmail.com](mailto:ManoAmigaSM@gmail.com) (<mailto:ManoAmigaSM@gmail.com>)

### **First Cite & Release Ordinance in Texas to Take Effect Sunday in San Marcos**

*New City Law, the Result of Yearlong Advocacy Efforts, Aims to Reduce Unnecessary Arrests*

SAN MARCOS—This Sunday, May 31, the first [cite & release ordinance](https://www.ilrc.org/sites/default/files/resources/smtx_cite_and_release_ordinance_final.pdf) ([https://www.ilrc.org/sites/default/files/resources/smtx\\_cite\\_and\\_release\\_ordinance\\_final.pdf](https://www.ilrc.org/sites/default/files/resources/smtx_cite_and_release_ordinance_final.pdf)) in Texas will take effect in San Marcos. The new law directs the San Marcos Police Department to issue citations for low-level offenses like possession of small quantities of marijuana—[the leading arrest charge in Hays County since 2013](https://haysfreepress.com/2019/07/17/county-da-to-prosecute-weed-laws-despite-hemp-bill-passage/) (<https://haysfreepress.com/2019/07/17/county-da-to-prosecute-weed-laws-despite-hemp-bill-passage/>)—and to issue quarterly reports to increase data transparency and ensure compliance with the ordinance.

The city's policy is based on a state law passed in 2007 which allows officers to issue citations, instead of arrest, for certain petty crimes, including those punishable by fine only, as well as some Class A and B misdemeanors. City Council voted to limit that list of eligible offenses, thereby choosing to exclude some offenses in the state statute. The cite and release ordinance seeks to eliminate discretionary arrests and decrease racial disparities in policing.

In addition to its directive regarding issuing citations, the ordinance calls for regular, public meetings among the Police Chief's Advisory Panel and community members to work together with the San Marcos Police Department on the development of policies and procedures related to the ordinance. The first progress update and quarterly data report regarding the use of cite and release process is due to City Council on August 31, 2020.

The ordinance, originally authored by Texas-based attorney Anita Gupta of the Immigrant Legal

Resource Center, is among the first of its kind in the state. After data emerged showing San Marcos police officers issued citations in only 13 percent of eligible instances in 2018 and 23 percent in 2019, and significant racial disparities existed among those arrested, grassroots organization Mano Amiga led a vibrant coalition of local residents in urging the City Council to take immediate action by passing this groundbreaking city law.

**Said Anita Gupta, Staff Attorney at the Immigrant Legal Resource Center:**

"This ordinance, if properly implemented, will reduce arrests for low-level offenses, which cause harm to community members and families and disproportionately impact people of color, immigrants, and other marginalized populations. Furthermore, amid the COVID-19 pandemic — as we witness the very real and deadly dangers of jails and prisons — keeping community members out of incarceration is more important than ever. While the passage of the ordinance was a huge victory, we recognize the work has only just begun and look forward to working with the police department to ensure equitable and effective implementation."

**Said Eric Martinez, Policy Director for Mano Amiga:**

"This victory is chiefly the result of people impacted by the scourge of confinement — either directly or through the experience of a loved one — rising together to encourage a better way forward. We look forward to ongoing collaboration with SMPD's Interim Chief Bob Klett in helping San Marcos become a model for the state in how to foster a stronger bond with the community by prioritizing alternatives to jail for minor offenses. We are likewise happy to share lessons from the ordinance's enactment with the many advocates and policymakers who reached out to us from across Texas — from the Rio Grande Valley to Ft. Worth, from Waco to our neighbors in Kyle — who have all conveyed interest in pursuing city laws to limit excessive arrests there."

###

The Immigrant Legal Resource Center (ILRC) is a national nonprofit that works with immigrants, community organizations, legal professionals, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training & technical assistance, and policy development & advocacy, the ILRC works to protect and defend the fundamental rights of immigrant families and communities.

Mano Amiga is a nonprofit that seeks to educate, advocate, and organize alongside and in favor of immigrants and low-income residents in the rural I-35 corridor between San Antonio and Austin. Alongside writers, visual artists, musicians, and film-makers, we amplify the voices and experiences of people from historically underrepresented communities. With our partners in the big cities, we aim to construct an 80-mile-long zone of resistance to racist, anti-immigrant policies, deep in the heart of Texas.



> **ILRC APPLAUDS CITY OF SAN MARCOS FOR PASSING TEXAS' FIRST CITE & RELEASE ORDINANCE**

## **ILRC Applauds City of San Marcos for Passing Texas' First Cite & Release Ordinance**

### *City Ordinance Will Reduce Unnecessary Arrests*

**For Immediate Release:** April 21, 2020

**Contact:** Marie McIntosh, [media@ilrc.org](mailto:media@ilrc.org) (<mailto:media@ilrc.org>)

SAN MARCOS—After sustained local activism by criminal justice reform advocates, the City Council of San Marcos passed a cite and release ordinance in a 4 to 3 vote late in the evening of April 21, 2020. The ordinance, similar to a resolution passed in Austin in 2018, directs the San Marcos Police Department to issue citations for low-level offenses like possession of small quantities of marijuana—a leading cause of arrest in Hays County in 2018—and to issue quarterly reports to increase data transparency and ensure compliance with the ordinance.

The city's policy is based on a state law passed in 2007 which allows officers to issue citations, instead of arrest, for certain low-level offenses, including offenses punishable by fine only, as well as some Class A and B misdemeanors. City Council voted to limit that list of eligible offenses, thereby excluding some offenses in the state statute. The cite and release ordinance seeks to eliminate discretionary arrests and decrease racial disparities in policing. It goes into effect on May 31, 2020.

The ordinance, originally authored by Texas-based attorney Anita Gupta of the Immigrant Legal Resource Center, is among the first of its kind in the state. After data emerged showing San Marcos police officers issued citations in only 13 percent of eligible instances in 2018 and 23 percent in 2019, and significant racial disparities existed among those arrested, local community-based organization, Mano Amiga, and other community members urged City Council to take immediate action.

**Said Anita Gupta, Staff Attorney at the Immigrant Legal Resource Center:**

"Arrests for low-level offenses harm our communities and unnecessarily disrupt the daily lives of San Marcos residents, often causing great hardship to families and students. This citywide ordinance is a move towards decriminalizing overpoliced communities of color, immigrants, and other marginalized

populations.

This ordinance is especially important during this difficult time. All around the state, we've already seen cases of COVID-19 in jails and prisons where social distancing is impossible. For the safety and best interest of our community members, it's critical that citations be issued whenever possible. Funneling vulnerable community members into incarceration right now endangers more lives - it is inhumane.

While we are disappointed that last minute amendments were made to limit the eligible offenses, we applaud this step toward much-needed meaningful reform. We look forward to working with the police department on implementation."

###

The Immigrant Legal Resource Center (ILRC) is a national nonprofit that works with immigrants, community organizations, legal professionals, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training & technical assistance, and policy development & advocacy, the ILRC works to protect and defend the fundamental rights of immigrant families and communities.

# Why We Should Advocate for Cite and Release in Texas



ILRC Aug 25, 2020 · 4 min read ★



Photo by SA Stands

By Carolina Canizales, Senior Texas Campaign Strategist &

## **Anita Gupta, Staff Attorney, Immigrant Legal Resource Center**

Sometimes advocates like ourselves working in the immigrant rights and criminal (in)justice space disagree over whether we think a policy or law benefits the communities we serve. That is good; it means we are thinking critically about what impactful policy is. That discussion is happening right now over cite and release policies in Texas.

Texas state law has allowed for law enforcement agencies to issue citations or tickets instead of making arrests for certain low-level offenses for more than 13 years! However, this practice has been severely underutilized throughout our state. So when San Marcos became the first Texas city to adopt a cite and release ordinance we were thrilled, and not just because the ILRC contributed so much to the campaign to pass the ordinance. We were thrilled because it is another step towards decriminalizing Black people, communities of color, and immigrants. The ordinance means that instead of being arrested for low-level crimes like possession of marijuana or misdemeanor theft, police would be required to cite or ticket you, and, most importantly, release you. Police could also just give a warning instead of taking any punitive action, which would be the ideal.

Cite and release is intended to mitigate racial profiling in policing and avoid the harmful effects of an arrest, such as deportation,

losing your job, and barriers to finding employment and housing. Arrests and incarceration, no matter the length, tear apart families and destabilize our communities.

Being arrested will give a person a criminal record that can cause long-term harm. And in a time of a global pandemic, it can mean the difference between life or death. COVID-19 is rapidly spreading in jails. Cite and release means no immediate incarceration.

But other advocates say cite and release doesn't go far enough in defunding the police. They are right; it doesn't. But it IS a first step in doing this.

Cite and release means a person is not arrested. Being arrested and booked into jail costs taxpayer money that could be put toward real community needs, like housing, health care, mental health services, and other social services. It means saving money that can be divested from law enforcement and re-invested in our community.

A cite and release ordinance is one tool for our communities to fight back against systems of policing, criminalization and incarceration. The ordinance makes a citation, ticket or warning the default action for police officers. It takes away their choice of "should I arrest this person or just give them a citation?", a choice

which almost always disproportionately harms Black and Brown communities due to racial bias. It begins to shift power dynamics.

While San Marcos' cite and release ordinance is still too new to assess its impact, we know from neighboring Austin that cite and release policies have had a huge effect in reducing arrests for low level offenses. In fact, arrests for citation-eligible offenses in the city have decreased by more than 60 percent since Austin's cite and release resolution was passed in 2018. Racial disparities persist, but this is a step toward decriminalization.

Hays County officials are set to implement a cite and release diversion program this fall, similar to the program that Bexar County started last year. This would be another step towards decriminalization. Currently, if a person is cited, they still must appear in court to address the charge(s). That means that there could be a lofty fine to pay, or even jail time. A complementary diversion program would allow for individuals to complete certain requirements, such as a class and/or community service, in lieu of having any charges filed against them in court. This would mean their record remains clear of any arrest or charges.

So to our fellow advocates fighting for justice and equity every day, we may have different ideas of how to approach the fight to defund law enforcement, and we embrace the diversity of tactics in our movement. We believe that cite and release is a needed and

attainable first step. It's one tool in our toolbox. So let's use it, let's reduce police officers' ability to arrest, let's keep thousands of people out of jail, and let's use it as a building step as we can continue to push for what our communities really need to thrive.

# SOCIAL MEDIA SAMPLES

Cite & Release will reduce arrests by the thousands for minor marijuana possession



[sastands.org/sign-the-petition](https://sastands.org/sign-the-petition)

Cite & Release will save the city \$756 everytime a citation is given for a minor offense



[sastands.org/sign-the-petition](https://sastands.org/sign-the-petition)

Cite & Release will reduce discriminatory policing against Black & Latinx communities



[sastands.org/sign-the-petition](https://sastands.org/sign-the-petition)

Cite & Release will reduce the arrest-to-deportation pipeline



[sastands.org/sign-the-petition](https://sastands.org/sign-the-petition)

Cite & Release will reduce Covid-19 spread inside & outside the jail



[sastands.org/sign-the-petition](https://sastands.org/sign-the-petition)

### 5 Reasons

to support a Cite & Release ordinance in San Antonio

A CAMPAIGN BY SA STANDS



#### #1

Texas has allowed for law enforcement agencies to issue citations or tickets instead of making arrests for certain low-level offenses for more than 13 years! This practice is severely underutilized by local law enforcement.

#### #2

From 2019-2020 SAPD arrested 64% of the time and ONLY cited 36% of the time. This is because officers have unlimited discretion to decide who they take into jail or not. An ordinance will make citations the default action and not a choice.

#### #3

2019-2020 SAPD data shows that Black and Latinx individuals were arrested more and released less than White folks (Yeah, we know how this works!) An ordinance will mitigate these discriminatory policing practices.

#### #4

Cite and release means a person is not arrested. Being arrested and booked into jail costs taxpayer money that could be put toward real community needs, like housing, health care, mental health services, and other social services.

#### #5

If people are not arrested, they will avoid the harmful effects of an arrest, such as deportation, losing your job, and barriers to finding employment and housing. No one deserves this!

#### It's overdue...

We've been fighting for this for three years. Sign our petition to demand that San Antonio City Council pass a Cite & Release ordinance now!

[sastands.org/sign-the-petition/](https://sastands.org/sign-the-petition/)



Citar sin Arrestar reducirá miles de arrestos por posesión menor de marihuana



[sastands.org/firme-la-peticion/](https://sastands.org/firme-la-peticion/)

Citar sin Arrestar le ahorrará a la ciudad \$756 cada vez que se dé una citación por una ofensa menor



[sastands.org/firme-la-peticion/](https://sastands.org/firme-la-peticion/)

Citar sin Arrestar reducirá la discriminación policial en contra de las comunidades Negras y Latinx.



[sastands.org/firme-la-peticion/](https://sastands.org/firme-la-peticion/)

Citar Sin Arrestar reducirá el proceso de arresto a deportación en la comunidad



[sastands.org/firme-la-peticion/](https://sastands.org/firme-la-peticion/)

Citar sin Arrestar reducirá la propagación del Covid-19 dentro y fuera de la cárcel



[sastands.org/firme-la-peticion/](https://sastands.org/firme-la-peticion/)

# POLICY LANGUAGE

To ensure the strongest policy possible, draft the policy language you want to see passed and implemented. This is a good opportunity to collaborate with attorneys and legal experts. Model policies can be a good template for drafting, but make sure to tailor policy language to the needs of your local community. Several localities throughout Texas have already passed cite and release policies with different language. Do not copy and paste other localities' policies – use them in your advocacy, but push for strong, inclusive language that addresses the issues you identified in your data collection and research. Remember to think about how the policy will be implemented when you are drafting language.

## IN THIS SECTION:

*Model Policies*

*Existing Policies in San Marcos, Austin, Houston and San Antonio*

## LESSONS FROM THE FIELD

**When/how did your campaign start? Where are you now?  
What have been the key moments in your campaign?**

*We had initially planned for an early 2020 launch of the Dignity for Dallas campaign, but the murder of George Floyd and subsequent Black Lives Matter uprisings shifted local focus on divesting from the Dallas police budget and reinvesting in community care. Our coalition formed a close collaboration with sister organizations In Defense of Black Lives and Our City, Our Future and worked to support calls to reduce the police budget. Our members provided testimony to Dallas City Council adding immigrant community voices, and we provided translation during all events and city testimony to ensure this effort was fully inclusive to non-English speakers. Our support for this campaign was an important strategic opportunity to engage our primarily immigrant members in solidarity work with Black-led organizations and to draw the connections between over-policing and criminalization of immigrant communities and other communities of color.*

**North Texas Immigration Coalition, Dallas Campaign**

# Model Ordinances

## Model Ordinance #1

### Eliminating discretionary arrests for citation-eligible offenses

*This model ordinance may require additional detail before enactment. Discussion regarding any revisions to this ordinance should be made transparent and include members of the Right 2 Justice coalition in Houston.*

**City of Houston, Texas, Ordinance No. 2020-###**

**AN ORDINANCE ELIMINATING DISCRETIONARY ARRESTS FOR CITATION-ELIGIBLE OFFENSES, PROVIDING FOR TRANSPARENCY, AND PROVIDING AUTHORITY TO USE DOCUMENTS AND PROCEDURES TO ESTABLISH IDENTITY**

\*\*\*\*\*

**WHEREAS**, it is in the best interest of our local community to minimize unnecessary and costly arrests that separate families and funnel vulnerable communities into incarceration; and

**WHEREAS**, the City wishes to uphold constitutional protections, to eliminate any racial disparities associated with discretionary arrests, and to ensure the efficient and equitable use of City resources; and

**WHEREAS**, state law allows use of citation in lieu of arrest for certain misdemeanor offenses, including possession of marijuana, driving while license invalid, and city ordinance violations; and

**WHEREAS**, each year the Houston Police Department (HPD) makes tens of thousands of arrests for citation-eligible offenses, which translates to lost hours of officer time; and

**WHEREAS**, data provided by the HPD shows significant disparities by race in the use of arrest, especially for Black residents; and

**WHEREAS**, reducing arrests for low-level offenses would have a positive budgetary impact on the City, thereby increasing the resources available to achieve other local needs, goals, and priorities.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

SECTION 1.

(a) Except as provided by Subsection (b), the Houston Police Department shall issue a citation, ticket or warning, rather than arrest for individuals suspected of committing any citation-eligible offense as provided by the Texas Code of Criminal Procedure section 14.06.

(b) An officer may arrest an individual accused of the offenses described in Subsection (a) if:

- (1) The individual is subject to an outstanding arrest warrant from a criminal law enforcement agency;
- (2) The individual demands to be taken before a magistrate;
- (3) The individual is publicly intoxicated to the degree that they present a serious risk of physical harm to themselves or others;
- (4) The subject could not provide satisfactory evidence of personal identification to allow for citation. In determining whether the subject is able to provide satisfactory evidence of personal identification, it shall be acknowledged that not all persons are able to produce a government-issued ID. Therefore, the City shall accept other forms of identification, regardless of expiration date, including but not limited to: any state or federally-issued ID, library card, community organizational membership card, student ID, church ID, or other forms of identification, as well as photos of the aforementioned forms of identification. Additionally, in the absence of a physical ID, a verbal verification of a subject's identity and address shall suffice and may be obtained by contacting a family member, friend, or any person who has personal knowledge of the subject.

(c) Before making an arrest for a citation-eligible offense, the officer shall contact a supervisor to obtain approval. In any case where an arrest is made for a citation-eligible offense, the specific reason(s) for the arrest and supervisor approval shall be included in the incident report. If an incident report fails to contain a valid reason for an arrest in cases of the above-listed offenses, or include reasons for arrests not listed herein, there shall be an investigation into the incident and appropriate disciplinary action may be necessary.

## SECTION 2.

For the purposes of this Section, an individual who lives, works, or goes to school in the county where the offense was allegedly committed will be deemed to be a resident of the county

## SECTION 3.

(a) The Houston Police Chief shall send a quarterly public memorandum to the City Council, for the purposes of transparency, to provide data concerning the use of discretionary arrest for citation-eligible offenses.

(b) The report or memorandum should document anonymized records of every instance that a Houston police officer made an arrest for a citation-eligible offense. The memorandum should include the following data for each instance:

- (1) a documented reason for the stop;
- (2) the particular offense alleged;
- (3) the reason for the arrest as provided in Section 1, subsection (b) of this ordinance;
- (4) the age, race and ethnicity of the person arrested; and
- (5) the general location, such as the zip code of the incident.

(c) The report or memorandum should not include information that would jeopardize any ongoing criminal investigation or prosecution, and the report should include the number of unduplicated officers making such discretionary arrests.

#### SECTION 4.

All relevant City policies and internal operating procedures shall be updated in accordance with this Ordinance, including but not limited to: updating the Houston Police Department General Manual, training officers on the new guidelines for issuing citations in lieu of arrest, and updating internal databases and systems to remove any guidelines under the manual that are no longer in effect due to this Ordinance.

There shall be monthly meetings between the City Police Department and other interested stakeholders, especially community organizations and individuals directly impacted by the policing and arrests of immigrant communities and communities of color, in the development of policies, procedures, and practices related to this Ordinance. These meetings shall be open to public participation.

# Model Cite & Release Administrative Policy

Tex. Code of Crim. Pro. art. 14.06 permits law enforcement agencies to use citation release procedures in lieu of arrest for specified Class A or B misdemeanor offenses, and all Class C misdemeanor offenses with certain exceptions.

## STATUTORY REQUIREMENTS

A citation, or field release, is when a person that is suspected of committing a criminal offense is released in the field without being transported to a jail facility for booking and magistration. The citation must contain notice of the time and place where the person must appear, the name and address of the person, and the offense charged. This order does not apply to persons under the age of 17 or persons who are publicly intoxicated to a degree in which they lack the ability to care for themselves.

## MISDEMEANOR CITATION USE

Officers shall issue misdemeanor citations as permitted by this Order.

- (a) In determining what type of enforcement action, if any, to take on a person who commits a citation eligible misdemeanor offense, on-duty officers shall select the least intrusive or least severe method of intervention, which will:
  - 1. Stop existing criminal conduct. A person's criminal history should not be a determining factor.
  - 2. Remove the imminent threat of violence or criminal conduct.
  - 3. Prevent persons from endangering themselves or others.
- (b) Officers shall, except as otherwise permitted by this Order, issue a citation when all considerations outlined in this order have been met, and no disqualifying circumstances exist. If a person commits one or more arrestable offenses along with citation eligible misdemeanors, officers shall only issue a citation as prescribed by this Order.
- (c) Supervisor approval is required to make a custody arrest in lieu of a citation for eligible offenses.
- (d) If an arrest is made in lieu of a citation for an eligible offense, the following must be documented in the offense report:
  - 1. Approving supervisor's name and employee number
  - 2. Reason for the arrest in lieu of citation

## GENERAL MISDEMEANOR CITATION CONSIDERATIONS

The following requirements must be met in order to issue a Class A or B misdemeanor citation in lieu of custodial arrest and booking.

- 1. The offense is eligible for release by citation; and
- 2. The person that commits an offense is not a juvenile; and

3. The person committed the offense in the same County in which they reside, work or attend school.

If all the requirements are not met, the person is not eligible for citation and the officer is not required to contact a supervisor to make an arrest. The officer will document in their offense report why the person was not eligible for a citation.

### DISQUALIFYING CIRCUMSTANCES

A citation shall not be issued if the following situations are present:

- (a) The person could not provide satisfactory evidence of personal identification.
- (b) The officer has reason to believe that the safety of persons (including the person) or property would be imminently endangered by the release of the person.
  - i) In making this assessment, it shall be considered whether the person has resisted detention, assaulted anyone during the offense, appears to be combative or violent, is carrying a weapon, has the physical or mental capacity to endanger the safety of themselves or the public, and if the person has made immediate threats against other individuals in the area. In the absence of any of the aforementioned factors, there shall be a presumption that the person does not pose an immediate safety risk to themselves or others.
  - ii) In cases in which the person appears to suffer from mental illness and/or addiction, they should be referred to appropriate medical and/or psychiatric services in lieu of arrest.
- (c) The offense is DOC 10 (Exposure) and the exposure appears to have been committed with sexual motivation.
- (d) The person demands to be taken before a magistrate or refuses to sign the citation.

### SATISFACTORY PERSONAL IDENTIFICATION

Officers shall use all reasonably available means to confirm the validity of the personal information provided by a person in custody for the purposes of issuing a citation and document in their offense report what identification was used to establish the identity of the person in custody. If the person in custody cannot be positively identified after all reasonable efforts to ascertain identity have been made, officers will make a custody arrest and book the person into jail. Although government-issued photo identification is preferable, officers shall accept the following forms of identification (regardless of whether it contains a photo and/or has expired) for the purposes of attempting to confirm the identity of a person, including but not limited to:

1. Any state or federally-issued ID;
2. Consular ID;
3. Library card;
4. Utility or rent bill;
5. Community organizational membership card;
6. Student ID;
7. Church ID; or
8. Other forms of identification that include a person's name and address.

Additionally, officers may accept photos or photocopies of any of the aforementioned forms of identification. In the absence of a physical ID, a verbal verification of a person's identity and address shall suffice and may be obtained by contacting a family member, friend, or any person who has personal knowledge of the person in custody.

## SUPERVISORY ORDERS

Supervisors will not order any subordinate to cite a person suspected of a misdemeanor violation of law witnessed by the supervisor but not witnessed by the subordinate unless:

- (a) The supervisor articulates the probable cause upon which the citation is based as soon as practicable; and
- (e) The supervisor is listed on the citation.

## INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time they ask the person to sign the citation, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the person understands their written promise to appear.

## ELIGIBLE OFFENSES

The following Class A and B misdemeanors are eligible for a release by citation:

- (a) Possession of Marijuana less than two (2) ounces - (Class B)
- (b) Possession of Marijuana of two (2) ounces but less than four (4) ounces - (Class A)
- (c) Possession of Controlled Substance less than two (2) ounces, Penalty Group 2A – (Class B)
- (d) Possession of Controlled Substance of two (2) ounces but less than four (4) ounces, Penalty Group 2A– (Class A)
- (e) Driving While License Invalid - (Class A or B)
- (f) Criminal Mischief where the value of the damage inflicted is less than \$750 - (Class B)
- (g) Graffiti where the value of the damage inflicted is \$100 or more, but less than \$750 - (Class B)
- (h) Graffiti where the value of the damage inflicted is \$750 or more, but less than \$2500 - (Class A)
- (i) Theft where the value of the property stolen is \$100 or more, but less than \$750 - (Class B)
- (j) Theft of Service where the value of the property and/or service stolen was \$100 or more, but less than \$750 - (Class B)
- (k) Contraband in a Correctional Facility - (Class B)

## DRIVING WHILE LICENSE INVALID (DWLI)

For all DWLI offenses, officers shall issue a Class C citation except if any of the circumstances listed below is present. If one or more of the following circumstances are present, officers may issue a Class A or B citation as permitted by this Order.

- (a) The person's license is suspended for an offense involving the operation of a motor vehicle while intoxicated (e.g., Driving While under the Influence (DWI)).

- (b) The person was involved in a collision where an officer finds the person to be at fault for the collision, and the person's DWLI offense is a Class A or B misdemeanor.

**ORDINANCE NO. 2020-18**

**AN ORDINANCE SUPPORTING THE SAN MARCOS POLICE DEPARTMENT'S INCREASED USE OF THE CITE AND RELEASE PROCESS, WHEN APPROPRIATE, INSTEAD OF ARRESTING INDIVIDUALS SUSPECTED OF HAVING COMMITTED CERTAIN MISDEMEANOR OFFENSES; REQUIRING RECORD KEEPING AND REPORTING OF USE OF THE CITE AND RELEASE PROCESS AND INSTANCES IN WHICH INDIVIDUALS HAVE BEEN ARRESTED FOR CITE AND RELEASE ELIGIBLE OFFENSES; AND PROVIDING AN EFFECTIVE DATE**

**RECITALS:**

1. State law allows use of citation in lieu of arrest for certain misdemeanor offenses.
2. In 2018, the San Marcos Police Department (SMPD) made arrests for citation-eligible offenses, which translates to lost hours of officer time.
3. Data provided by SMPD shows that in 2018, misdemeanor possession of marijuana under 2 oz. and driving while license invalid accounted for more than half of arrests for citation-eligible offenses.
4. The City Council acknowledges that our Peace Officers are allowed to exercise their discretion to issue a citation in lieu of arresting individuals for certain offenses when authorized by State law under article 14.06 of the Texas Code of Criminal Procedure.
5. The City Council supports SMPD's commitment to increase the use of the cite and release process as part of a combined strategy, in cooperation with the Hays County Criminal District Attorney's Office, to divert eligible individuals from being incarcerated, prosecuted, and convicted in the criminal justice system.
6. The City Council deems it necessary to have SMPD gather, report, and publish statistical information to demonstrate trends in the department's use of the cite and release process, including the frequency of use, offense type, justification for arrest (when an arrest is made), and the age, race, and ethnicity of individuals who were arrested and jailed instead of receiving citations and being released for the same offense.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The City Council supports the SMPD's increased use of the cite and release process, rather than arrest, in appropriate circumstances, for individuals suspected of committing the following offenses, in accordance with article 14.06 of the Texas Code of Criminal Procedure:

A. Class C misdemeanors other than public intoxication, assault, or family violence.

B. Possession of Marijuana less than 4 oz., Class A or Class B misdemeanor-Texas Health and Safety Code §481.12(b)(1) & (2).

C. Driving while License Invalid, Class B misdemeanor-Texas Transportation Code §521.457.

D. Criminal Mischief, Class B misdemeanor-Texas Penal Code §28.03(b)(2) if the amount of pecuniary loss is less than or equal to \$375.

E. Graffiti, Class B misdemeanor-Texas Penal Code §28.08(b)(2) if the amount of pecuniary loss is less than or equal to \$375.

F. Theft of Property, Class B misdemeanor-Texas Penal Code §31.03(e)(2)(A) if the value of property stolen is less than or equal to \$375.

G. Theft of Services, Class B misdemeanor-Texas Penal Code §31.04(e)(2) if the value of service stolen is less than or equal to \$375.

**SECTION 2.** The City Council recognizes that use of the cite and release process may not be appropriate in all circumstances and that SMPD officers may exercise their discretion to issue a written or verbal warning in lieu of issuing a citation or making an arrest for a person suspected of committing any offense listed in Section 1.

**SECTION 3.** The City Council further recognizes that the use of the cite and release process may not be appropriate in all instances, and that SMPD officers may find it necessary to arrest a person suspected of having committed any of the above-listed offenses only if any of the following circumstances are present:

A. The subject does not provide satisfactory evidence of personal identification to allow for citation. In determining whether the subject is able to provide satisfactory evidence of personal identification, it shall be acknowledged that not all persons are able to produce a government-issued ID. Therefore, although a government-issued ID is preferred, the City shall accept other forms of identification, regardless of expiration date, including but not limited to: any state or federally-issued ID, student ID, or other forms of identification that include an individual's name and address, as well as photos of the aforementioned forms of identification.

B. The subject is not a resident of the county in which the offense was allegedly committed. For the purposes of this Section, an individual who lives, works, or goes to school in the county where the offense was allegedly committed will be deemed by the investigating officer to be a resident of Hays County.

C. The arresting officer believes that the safety of persons (including the

subject) would be imminently endangered by the release of the subject. In making this assessment, the arresting officer shall consider whether the subject has the physical or mental capacity to endanger the safety of themselves or the public, whether the subject is unlawfully carrying a weapon, and/or if the subject has made immediate threats against other individuals in the area. In cases in which the subject appears to suffer from mental illness and/or addiction, a referral to appropriate medical and/or psychiatric services in lieu of arrest shall be considered in accordance with SMPD policy.

**D.** The subject demands to be taken before a magistrate.

**E.** The subject has an outstanding arrest warrant from a criminal law enforcement agency.

**F.** The subject is also suspected of having committed an offense for which the cite and release process is not allowed by state law.

**SECTION 4.** In any case where an arrest is made for the above-listed offenses, the specific reasons for making the arrest instead of issuing a citation shall be included in the incident report. No arresting officer described in this section shall be charged with any criminal offense for non-compliance with this ordinance.

**SECTION 5.** The City Manager shall provide and make available to the public a quarterly report or memorandum concerning the use of the cite and release process in lieu of arrest in instances when a ticket or citation is allowed by state law. This report or memorandum shall be provided to the City Council and made public on a quarterly basis and should document anonymized records of every instance that a resident was issued a citation in lieu of arrest and every instance that a resident was arrested for a nonviolent misdemeanor charge when the suspect had no outstanding warrants, was not intoxicated and legally could have been given a citation, but an arrest was made anyway, and shall include the reasons for the arrests indicated by using one or more of the circumstances in Section 2; identity, Hays County connection, imminent danger, demand for magistrate, arrest warrant, or other offense. The memorandum shall also include the following data for each instance:

**A.** The reason for the stop.

**B.** The particular offense alleged.

**C.** The age, race, and ethnicity of the person arrested.

**D.** The location where the incident occurred.

**E.** The reason for the arrest.

Information regarding specific arrests shall be organized according to race and ethnicity in order to allow racial disparities to be easily analyzed. This report or memorandum should not include information that would jeopardize any ongoing criminal investigation or prosecution, and the

report should include the number of unduplicated officers making such discretionary arrests.

**SECTION 6.** The City Council directs the City Manager to work with the San Marcos Police Chief and other relevant stakeholders mentioned below to update all relevant City policies and internal operating procedures in accordance with this Ordinance. Actions that may be necessary include, but are not limited to: updating the San Marcos Police Department General Manual, updating the training bulletin and training officers on the new guidelines for citation versus arrest, and updating the internal databases and systems to remove any guidelines under the manual that are no longer in effect due to this Ordinance.

**SECTION 7.** The City Council directs the City Manager to arrange regular meetings of the Police Chief's Advisory Panel, other interested stakeholders and community organizations, individuals directly impacted by the policing and arrests of immigrant communities and communities of color, and any representatives that may be designated by the Hays County District Attorney's Office in the development of policies, procedures, and practices related to this Ordinance. These meetings shall be open to public participation.

**SECTION 8.** A progress update shall be provided to City Council within three months after adoption of this ordinance. A written update shall be provided to the City Council within six months after the adoption of this ordinance which includes information regarding all updates to policies, procedures, and practices identified and implemented, as a result of this ordinance.

**SECTION 9.** This ordinance shall become effective on May 31, 2020.

**PASSED AND APPROVED** on first reading on April 7, 2020.

**PASSED, APPROVED AND ADOPTED** on second reading on April 21, 2020.



Jane Hughson  
Mayor

Attest:

Approved:



Tammy K. Cook  
Interim City Clerk



Michael J. Cosentino  
City Attorney

	<b>SAN MARCOS POLICE DEPARTMENT</b>	
	<b>Policy 7.1.1 Cite and Release</b>	
	<b>Effective Date:</b> May 31, 2020	<b>Replaces:</b>
	<b>Approved:</b> <u>Bob Met</u> Chief of Police	
	<b>Reference:</b>	

**I. POLICY**

In addition to the discretion provided by Texas law and guidance provided by 7.1, Constitutional Safeguards and 7.3, Arrests With and Without a Warrant, officers shall comply with the language of City of San Marcos ordinance 2020-18 Cite and Release.

**II. PURPOSE**

City ordinance 2020-18 supports the department’s increased use of cite and release, when appropriate, instead of arresting individuals suspected of having committed certain misdemeanor offenses; requiring record keeping and reporting of use of the cite and release process and instances in which individuals have been arrested for cite and release eligible offenses. The purpose of this policy is to ensure understanding of and compliance with this ordinance.

**III. CITE AND RELEASE REQUIRED**

Ordinance 2020-18 requires the increased use of the cite and release process, rather than arrest, in appropriate circumstances, for individuals suspected of committing the following offenses, in accordance with article 14.06 of the Texas Code of Criminal Procedure (CCP):

- A. Class C misdemeanors other than public intoxication, assault, or family violence.
- B. Possession of Marijuana less than 4 oz., Class A or Class B misdemeanor-Texas Health and Safety Code §481.12(b)(1) & (2).
- C. Driving while License Invalid, Class B misdemeanor-Texas Transportation Code §521.457.
- D. Criminal Mischief, Class B misdemeanor-Texas Penal Code §28.03(b)(2) if the amount of pecuniary loss is less than or equal to \$375.
- E. Graffiti, Class B misdemeanor-Texas Penal Code §28.08(b)(2) if the amount of pecuniary loss is less than or equal to \$375.
- F. Theft of Property, Class B misdemeanor-Texas Penal Code §31.03(e)(2)(A) if the value of property stolen is less than or equal to \$375.
- G. Theft of Services, Class B misdemeanor-Texas Penal Code §31.04(e)(2) if the value of service stolen is less than or equal to \$375.

**IV. WARNINGS**

Ordinance 2020-18 recognizes that use of the cite and release process may not be appropriate in all circumstances and that officers may exercise their discretion to issue a written or verbal warning in lieu of issuing a citation or making an arrest for a person suspected of committing any offense

listed in Section III.

## **V. AUTHORITY AND DISCRETION**

Ordinance 2020-18 further recognizes that the use of the cite and release process may not be appropriate in all instances, and that SMPD officers may find it necessary to arrest a person suspected of having committed any of the above-listed offenses only if any of the following circumstances are present:

- A. The subject does not provide satisfactory evidence of personal identification to allow for citation. In determining whether the subject is able to provide satisfactory evidence of personal identification, it shall be acknowledged that not all persons are able to produce a government-issued ID. Therefore, although a government-issued ID is preferred, the City shall accept other forms of identification, regardless of expiration date, including but not limited to: any state or federally-issued ID, student ID, or other forms of identification that include an individual's name and address, as well as photos of the aforementioned forms of identification.
- B. The subject is not a resident of the county in which the offense was allegedly committed. For the purposes of this Section, an individual who lives, works, or goes to school in the county where the offense was allegedly committed will be deemed by the investigating officer to be a resident of Hays County.
- C. The arresting officer believes that the safety of persons (including the subject) would be imminently endangered by the release of the subject. In making this assessment, the arresting officer shall consider whether the subject has the physical or mental capacity to endanger the safety of themselves or the public, whether the subject is unlawfully carrying a weapon, and/or if the subject has made immediate threats against other individuals in the area. In cases in which the subject appears to suffer from mental illness and/or addiction, a referral to appropriate medical and/or psychiatric services in lieu of arrest shall be considered in accordance with SMPD policy.
- D. The subject demands to be taken before a magistrate.
- E. The subject has an outstanding arrest warrant from a criminal law enforcement agency.
- F. The subject is also suspected of having committed an offense for which the cite and release process is not allowed by state law.

## **VI. JUVENILES**

Texas law does not provide for juveniles to be cited and released on class A or B misdemeanors; in these cases, detention is appropriate. Ordinance guidance still applies for class C misdemeanors except they cannot be cited for public intoxication, while in school or during a school function.

## **VII. REPORTING**

In any case where an arrest is made for offenses listed in section III, the specific reasons for making the arrest instead of issuing a citation shall be included in the narrative of an incident report. The ordinance also requires specific data collection and reporting that will be generated from fields

already routinely reported in the records management system (RMS) with a few exceptions. Any arrest made for offenses listed in the cite and release ordinance shall also require appropriate fields to be completed in the appropriate cite and release fields of the arrest module of RMS.

**RESOLUTION NO. 20180614-073**

**WHEREAS**, it is in the best interest of our local community to minimize unnecessary and costly arrests that separate families and funnel vulnerable communities into incarceration; and

**WHEREAS**, the City wishes to uphold constitutional protections, to eliminate any racial disparities associated with discretionary arrests, and to ensure the efficient and equitable use of City resources; and

**WHEREAS**, state law allows use of citation in lieu of arrest for certain misdemeanor offenses, including possession of marijuana, driving while license invalid, and city ordinance violations; and

**WHEREAS**, most Travis County residents who are charged with a misdemeanor offense by the Austin Police Department are given a citation or ticket, and a smaller number of people are arrested and booked at the Travis County jail; and

**WHEREAS**, the City of Austin recently adopted its strategic plan, Strategic Direction 2023, which measures the local incarceration rate to monitor the “Fair Administration of Justice,” and the use of discretionary arrest rather than citations for misdemeanors negatively impacts this metric; and

**WHEREAS**, data provided by the Austin Police Department shows significant disparities by race in the use of arrest, especially for Black residents; and

**WHEREAS**, according to 2017 data, Black residents were discretionarily arrested at more than double the rate of either white or Latino residents; and

**WHEREAS**, according to 2017 data, Black and Latino residents comprised

just under 75% of those discretionarily arrested for driving with an invalid license, although they comprise less than 45% of the City's population; and

**WHEREAS**, according to 2017 data, Black residents comprised 32% of those discretionarily arrested for low-level marijuana possession, although they comprise less than 8% of the City's population and federal data shows very similar rates of marijuana use across racial groups; and

**WHEREAS**, there are City costs associated with police officers spending their time booking an individual into jail, which can take multiple hours, rather than writing a citation, and shared City and County costs associated with magistration, booking and local incarceration; and

**WHEREAS**, residents of Travis County who have received a citation from a law enforcement officer for Possession of Marijuana (POM), and then released to appear before Justice of the Peace 5, are eligible to attend a 4-hour class and have their charge dismissed, allowing them an opportunity to avoid a criminal charge, and freeing up county resources. Residents of Travis County who are arrested for POM are not eligible to attend the class and have their charge dismissed;

**WHEREAS**, the City of Austin includes portions of Travis County, Williamson County and Hays County. Individuals cited in areas of the City located outside of Travis County are not currently reflected in all of the data or programming available; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council directs the City Manager to work with the Police Chief to take the steps necessary and appropriate to eliminate the use of discretionary arrests for non-violent misdemeanors where state law allows and when it is feasible for

police officers to write a ticket or citation in lieu of arrest, in order to:

- Reduce the budgetary impact associated with use of discretionary arrest in lieu of citation;
- Reduce the racial disparities and the impact of such disparities in the use of arrest by the Austin Police Department; and
- Reduce officer time associated with driving and booking, increasing time available to achieve other public safety goals and priorities; and
- Allow more people charged with Possession of Marijuana to participate in the Travis County marijuana diversion program if they so choose and they are eligible.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to send a quarterly public memorandum to the City Council, for the purposes of transparency, to provide data concerning the use of discretionary arrest in lieu of citation for nonviolent misdemeanor offenses when a ticket or citation would be allowed by state law. The memos should be released at the end of each quarter for at least the next 24 months.

The report or memorandum should document anonymized records of every instance that an Austin police officer arrests a resident for a nonviolent misdemeanor charge when the suspect has no outstanding warrants, was not intoxicated, and legally could have been given a citation, but the officer determines giving a ticket or citation is infeasible. The memorandum should include the following data for each instance:

- (1) a documented reason for the stop or the arrest;

- (2) the reason for the discretionary use of arrest;
- (3) the race and ethnicity of the person arrested; and
- (4) the general location, such as the zip code of the incident.

The report or memorandum should not include information that would jeopardize any ongoing criminal investigation or prosecution, and the report should include the number of unduplicated officers making such discretionary arrests.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to work with the Police Chief to identify additional documents or procedures that may be used by officers to establish a person's county of residence in order to issue a citation or ticket in lieu of arrest. Examples for consideration could include: any state or federal issued ID, library card, utility or rent bill, community organizational membership card, student ID, church ID, or other forms of identification that include an individual's name and address.

**BE IT FURTHER RESOLVED:**

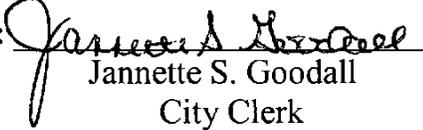
The City Council directs the City Manager to return to Council by November 1, 2018 with recommendations on how the City can further address racial disparity in arrests made by the Austin Police Department. The City Manager should establish a community working group to support the development of the recommendations provided to Council.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to provide an update to the City

Council by September 1, 2018 on activities conducted, including all policies, procedures, and practices identified and implemented, as a result of this resolution. The City Manager is directed to consult with the working group described above and any other interested stakeholders, especially community organizations and individuals directly impacted by the policing and arrests of immigrant communities and communities of color, in the development of policies, procedures, and practices related to this resolution.

**ADOPTED:** June 14, 2018

**ATTEST:**   
Jannette S. Goodall  
City Clerk

## Misdemeanor Citations

### 308.1 PURPOSE AND SCOPE

Tex. Code of Crim. Pro. art. 14.06 permits law enforcement agencies to use citation release procedures in lieu of arrest for specified Class A or B misdemeanor offenses, and all Class C misdemeanor offenses with certain exceptions.

This order does not apply to juveniles under the age of 17, publicly intoxicated persons, or traffic citations. Officers shall refer to the following orders regarding these topics:

- (a) General Order 317 (Handling Juveniles).
- (b) General Order 342 (Traffic Enforcement).
- (c) General Order 309 (Handling Publicly Intoxicated Person).

### 308.2 STATUTORY REQUIREMENTS

A citation, or field release, is when the violator is released in the field without being transported to a jail facility for booking and magistration. The citation must contain notice of the time and place the subject must appear before a magistrate, the name and address of the subject, and the offense charged.

### 308.3 MISDEMEANOR CITATION USE

Officers shall issue misdemeanor citations as permitted by this order.

- (a) On-duty officers who decide to take enforcement action on a subject who commits a citation eligible misdemeanor offense shall, except as otherwise permitted by this Order, issue a citation when all considerations outlined in this order have been met, and no disqualifying circumstances exist.
- (b) Officers shall select the least intrusive or severe method when considering issuing a citation in lieu of arrest, which will:
  1. Stop existing criminal conduct; a subject's criminal history should not be a determining factor.
  2. Remove the imminent threat of violence or criminal conduct.
  3. Prevent persons from endangering themselves or others.
- (c) Supervisor approval is required to make a custody arrest in lieu of a citation for eligible offenses.
- (d) If an arrest is made in lieu of a citation for an eligible offense, the following must be documented in the offense report:
  1. Approving supervisor's name and employee number.
  2. Reason for the arrest in lieu of citation

## *Misdemeanor Citations*

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### 308.3.1 GENERAL MISDEMEANOR CITATION CONSIDERATIONS

The following shall be considered when making the determination whether to issue a misdemeanor citation in lieu of custodial arrest and booking:

- (a) The subject has sufficient identification; and
- (b) The officer has reason to believe that release by citation will result in termination of the violation; and
- (c) The subject did not resist detention, assault anyone during the offense, or appear to be combative or violent.
- (d) For a misdemeanor offense that can be enhanced due to prior convictions, a criminal history check should be performed to determine if a subject is no longer eligible for a citation and would require a custody arrest.

### 308.3.2 DISQUALIFYING CIRCUMSTANCES

A citation shall not be issued if the following situations are present:

- (a) The subject could not provide satisfactory evidence of personal identification. Some form of government photo identification is preferable. If a government photo identification is not available, officers shall use all reasonably available means to confirm the validity of the personal information provided by the person in custody. Officers shall document in their offense report what identification was used to establish the identity of the person in custody. If the person in custody cannot be positively identified and after all reasonable efforts to ascertain an identity have been made, officers will make a custody arrest and book the subject into jail. Officers shall document in their officer report what attempts were taken to establish the identify of the person in custody.
- (b) The officer has reason to believe that the safety of persons (including the subject) or property would be imminently endangered by the release of the subject.
- (c) The subject demands to be taken before a magistrate or refuses to sign the citation.
- (d) The offense is DOC 10 (Exposure) and the exposure appears to have been committed with sexual motivation.

### 308.3.3 SUPERVISORY ORDERS

Supervisors will not order any subordinate to cite a person suspected of a misdemeanor violation of law witnessed by the supervisor but not witnessed by the subordinate unless:

- (a) The supervisor articulates the probable cause upon which the citation is based as soon as practicable; and
- (b) The supervisor is listed on the citation.

### 308.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he deems necessary to ensure that the defendant understands his written promise to appear (Tex. Code of Crim. Pro. art. 14.06).

## *Misdemeanor Citations*

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### 308.3.5 INDIVIDUALS WITH ACTIVE WARRANTS

Persons with one or more outstanding arrest warrants shall be handled according to General Order 405 (Fugitive and Search Warrants). Secondary offenses which are eligible for a citation shall be handled according to this order.

### 308.4 CLASS A AND CLASS B MISDEMEANOR CITATIONS

In addition to the above considerations, officers must verify all of the following requirements in order to issue a Class A or B misdemeanor citation. If all the following requirements are not met, the subject is not eligible for citation and the officer is not required to contact a supervisor to make an arrest. The officer will document in their offense report why the subject was not eligible for a citation.

- (a) The offense is eligible for release by citation; and
- (b) The violator is not a juvenile; and
- (c) The violator committed the offense in:
  - 1. Travis County and the violator resides in Travis County; or
  - 2. Hays County and the violator resides in Hays County.

#### 308.4.1 ELIGIBLE OFFENSES

The following Class A and B misdemeanors are eligible for a release by citation:

- (a) Possession of Marijuana less than two (2) ounces - (Class B).
- (b) Possession of Marijuana of two (2) ounces but less than four (4) ounces - (Class A).
- (c) Criminal mischief where the value of the damage inflicted is \$100 or more, but less than \$750 - (Class B).
- (d) Graffiti where the value of the damage inflicted is \$100 or more, but less than \$750 - (Class B).
- (e) Graffiti where the value of the damage inflicted is \$750 or more, but less than \$2500 - (Class A).
- (f) Theft where the value of the property stolen is \$100 or more, but less than \$750 - (Class B).
- (g) Theft of Service where the value of the property and/or service stolen was \$100 or more, but less than \$750 - (Class B).
- (h) Driving While License Invalid - (Class A or B).

#### 308.4.2 DOCUMENTATION AND FILING PROCEDURES

The following documentation and required procedures shall be used when issuing a Class A or B Misdemeanor citation:

- (a) Officers shall complete a(n):
  - 1. Incident report with the appropriate title code(s); and
  - 2. PC affidavit that shall be notarized by a second officer.

## *Misdemeanor Citations*

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- (b) Write the incident number on any photos, documents, or receipts.
- (c) Attach a copy of the citation, PC affidavit, and any photos, documents, or receipts together to be turned in to the Class A or B Misdemeanor drop box by the end of the officer's tour of duty.
- (d) Follow the guidelines of General Order 618 (Property and Evidence Collection Procedures) when submitting narcotic or other evidence in relation to a Class A or Class B Misdemeanor Citation.

### **308.5 CLASS C MISDEMEANOR CITATIONS**

Incident reports are generated by Central Records from the information on Class C Misdemeanor citations issued by officers. Having accurate and sufficient information (e.g. witness/victim information, property involved, brief narrative) on the front and back of a citation is critical for Central Records to complete these reports.

Class C Misdemeanor citation may only be used when the offense is a Class C Misdemeanor other than a traffic violation. Guidelines for issuing traffic citations are outlined in General Order 342 (Traffic Enforcement). Just as outlined in General Order 342.2 (Traffic Enforcement), Officers shall use the Department's electronic ticketing system instead of using paper field release citations. If a paper citation is issued, it shall be turned in to the officer's supervisor and General Order 342.2(d) shall be followed by the officer and the supervisor.

### **308.6 MISDEMEANOR POSSESSION OF DRUG PARAPHERNALIA**

- (a) Class C misdemeanor citations may be issued to subjects found in possession of drug residue. The citation shall be titled Possession of Drug Paraphernalia.
- (b) An incident report with the appropriate title code(s) shall be completed.
- (c) The drug residue (non-usable amount), or object with drug residue, shall be seized and submitted according to General Order 618.4.2 (Submitting Narcotics and Narcotic Paraphernalia).
- (d) The misdemeanor citation(s) shall be turned in by the end of the officer's tour of duty.
- (e) This citation shall not be used in lieu of a Possession of Marijuana charge.

### **308.7 THEFTS AND SHOPLIFTING**

- (a) Class C misdemeanor citations may be issued for theft or shoplifting if the property value is under \$100.
- (b) An incident report with the appropriate title code(s) shall be completed.
- (c) The stolen property (evidence) shall be properly photographed and returned to the business.
- (d) A sales receipt from the business shall be obtained clearly showing the value of the stolen property without sales tax.

*Misdemeanor Citations*

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- (e) The misdemeanor citation(s), photograph and sales receipt(s) shall be turned in by the end of the officer's tour of duty.
- (f) A Class C - Attempted Theft citation shall not be used in lieu of a Class B theft.

**308.8 DRIVING WHILE LICENSE INVALID (DWLI)**

For all DWLI offenses, officers shall issue a Class C citation except under the circumstances listed below. If one or more of the following circumstances are present, officers may make an arrest or issue a citation as otherwise permitted by section 308.3 and 308.4 of this general order.

- (a) The subject's license is suspended for an offense involving the operation of a motor vehicle while intoxicated (e.g., Driving While under the Influence (DWI)).
- (b) The subject was involved in a collision where a CR3 is required to be completed, an officer finds the subject to be at fault for the collision, and the subject's DWLI offense is a Class A or B misdemeanor.



EXECUTIVE ORDER  
**CITE AND RELEASE PROGRAM**

EO No.	EO 1-68
Effective Date:	Upon Approval

**1. AUTHORITY**

Article VI, Section 7a, of the City Charter of the City of Houston.

**2. PREFACE**

Cite and Release programs, whereby law enforcement officers issue citations to individuals accused of certain low-level, non-violent criminal offenses instead of making an arrest, have been implemented in other cities to reduce the jail population for non-violent offenders, to reduce the time officers spend on jail processing procedures, and to improve response times by getting officers back into service more quickly. It is the policy of the City of Houston (City) to participate in the Harris County Cite and Release Program.

**3. SCOPE**

This Executive Order is applicable to police officers in the Houston Police Department (HPD).

**4. DEFINITIONS**

**Citation:** An official document issued by a peace officer to a Suspect charged with committing an offense, which contains written notice of the time and place the individual must appear in court, the name and address of the individual charged, and the offense charged.

**Cite and Release (CAR) Program:** Procedures instituted by Harris County officials to enable peace officers to charge Suspects by citation in lieu of arresting and booking them through Harris County's Joint Processing Center for certain eligible offenses.

**Eligible Offense:** An offense for which a citation may be issued in lieu of arrest under the CAR Program.

**Suspect(s):** An individual accused of committing an eligible offense in Harris County.

**5. GENERAL PROVISIONS**

5.1. Article 14.06(c) of the Texas Code of Criminal Procedure permits a peace officer charging an individual with certain Class A or B misdemeanor offenses to issue a citation in lieu of taking the individual before a magistrate.

5.2. HPD shall participate in the CAR Program, and HPD officers shall issue citations to Suspects accused of committing eligible offenses instead of arresting and booking the Suspect through the Harris County Joint Processing Center (JPC).

5.3. The following offenses shall be eligible offenses under the CAR Program:

5.3.1. Possession of Controlled Substance in Penalty Group 2-A, if controlled substance is four ounces or less;

Approved:

Handwritten signature of Sylvia Turner in black ink.

Date Approved:

09/28/2020

Page 1 of 3

- 5.3.2. Criminal Mischief, if the amount of pecuniary loss is \$100 or more but less than \$750;
- 5.3.3. Graffiti, if the amount of pecuniary loss is \$100 or more but less than \$2500;
- 5.3.4. Theft, if the value of the property stolen is \$100 or more but less than \$750;
- 5.3.5. Theft of Service, if the value of the service stolen is \$100 or more but less than \$750;
- 5.3.6. Contraband in a Correctional Facility, if offense is a Class B misdemeanor; and
- 5.3.7. Driving While License Invalid (DWLI).

5.4. The following circumstances shall disqualify Suspects from the CAR Program:

- 5.4.1. Suspect is to be charged with Possession of Marijuana (four ounces or less), which is handled instead through the Misdemeanor Marijuana Diversion Program (MMDP) as applicable.
- 5.4.2. Suspect is not a resident of Harris County.
- 5.4.3. Suspect is younger than 17 years of age.
- 5.4.4. Suspect demands immediate appearance before a magistrate.
- 5.4.5. Suspect has outstanding warrants.
- 5.4.6. Suspect's release could jeopardize Suspect's safety or the safety of others (e.g. intoxicated, family disturbance incident where leaving the Suspect at the scene might enhance the incident from criminal mischief to violence, etc.).
- 5.4.7. Suspect needs immediate medical attention.
- 5.4.8. Officer must use force to detain the Suspect to ensure the Suspect stays at the scene and/or cooperates in the investigation of the alleged eligible offense.
- 5.4.9. Suspect refuses to sign the CAR citation.
- 5.4.10. Officer cannot positively identify the Suspect (by government identification, Mobile AFIS, or reasonable means).
- 5.4.11. Charges to which the CAR Program does not apply are also filed against Suspect.
- 5.4.12. Officer determines and supervisor concurs that there is reason to believe the Suspect would not appear in court. The basis for this determination shall be specifically stated in the offense report (e.g., Suspect has a history of *capias pro fines* and/or bond forfeiture). A supervisor's approval is required, and the supervisor's name shall be documented in the report.
- 5.4.13. The offense is DWLI, and the Suspect is the at-fault driver in a crash.
- 5.4.14. Upon discussion with the Harris County Assistant District Attorney in the Intake Division, the charge is enhanced due to prior convictions.
- 5.4.15. Suspect is on parole for any crime.

5.5. An HPD Officer shall undertake the following procedures for a Suspect:

- 5.5.1. Positively identify the Suspect, preferably with a state issued photo identification. If no official

form of photo ID is available, use a reasonable means to confirm the Suspect's identity.

- 5.5.2. Complete a criminal history check for warrants.
- 5.5.3. Contact the Harris County District Attorney's Office, Intake Division, to review probable cause and to confirm the Suspect and charge are eligible for CAR Program.
- 5.5.4. Offer the Suspect the opportunity to participate in CAR Program, and if the Suspect agrees, issue the citation.
- 5.5.5. If the Suspect wishes to participate, the officer shall complete all sections of the citation, one charge per citation. The officer shall explain that by signing the citation, the Suspect promises to appear for their court setting.
- 5.5.6. Release the Suspect and ensure the Suspect departs the scene when applicable. A DWLI Suspect cannot be allowed to drive from the scene. The vehicle must be parked, towed or driven by another licensed individual.
- 5.5.7. If the Suspect declines to participate, the officer shall book the Suspect at the Harris County Joint Processing Center per standard procedure.
- 5.5.8. If an officer believes that offering the CAR Program to an otherwise qualified Suspect is not the best course of action, the officer shall contact a supervisor for approval to withhold the offer and document the name of the supervisor who provided the booking authorization in the offense report. The basis for this determination shall be specifically stated in the offense report.

#### 5.6. REPORTING

- 5.6.1. The Chief of Police shall collect information pertaining to the issuance of citations under this program, including the race and/or ethnicity of the suspect, and prepare a monthly and annual report of such information, including:
  - 5.6.1.1. Total number of citations issued;
  - 5.6.1.2. Total number of citations for each offense category;
  - 5.6.1.3. Total number of no-shows at court for the CAR Program;
  - 5.6.1.4. Total number of warrants issued as a result of no-shows in court; and
  - 5.6.1.5. Case status totals for each category (i.e., Active, Inactive, Disposed).

#### 5.7. IMPLEMENTATION

- 5.7.1. The Chief of Police shall develop policies and procedures to implement this Executive Order which shall be consistent with this Order.

#### 5.8. CONFLICT

- 5.8.1. This Executive Order is cumulative of and in addition to all other General Orders and written directives of the Houston Police Department and Chief of Police. In the event of a conflict between this Executive Order and any federal or state law, statute, or regulation, the federal or state law, statute or regulation supersedes this Executive Order. In the event of a conflict between this Executive Order and any General Orders and written directives of the Houston Police Department and Chief of Police, this Executive Order supersedes such General Order or written directives of HPD or the Chief of Police.



## 515 – Cite and Release

### **Policy**

This policy establishes procedures for the use of the Cite and Release (CAR) Program to release nonviolent misdemeanor offenders from custodial arrest in an efficient manner.

### **Purpose**

Texas Code of Criminal Procedures Article 14.06 permits law enforcement agencies to use citation release procedures in lieu of arrest for eligible Class A or B misdemeanor offenses.

This policy does not apply to persons under the age of 17, intoxicated persons, violent crimes, or traffic violations.

Deputies shall select the least intrusive/severe method of enforcement when considering issuing a citation in lieu of arrest.

If a deputy exercises discretion not to Cite & Release a qualified suspect, the deputy must obtain supervisor approval and notate the reason in the law enforcement report as well as the supervisor's name who provided the authorization to book the suspect.

### **Legal References**

- Health and Safety Code Section 481.121, subsection (b) (1) or (2).
- Health and Safety Code Section 481.1161, subsection (b) (1) or (2).
- Penal Code 28.03, subsection (b) (2) – Criminal Mischief.
- Penal Code 28.08, subsection (b) (2) or (3) – Graffiti.
- Penal Code 31.03, subsection (e) (2) (A) – Theft.
- Penal Code 38.114 – Contraband in a Correctional Facility.
- Transportation Code 521.457 – Driving While License Invalid.

## **Cite & Release Eligibility and Disqualifying Criteria**

The following offenses are eligible for the Cite & Release Citation;

1. Possession of certain drugs:
2. Possession of Marijuana less than two (2) ounces – Class B.
3. Possession of Marijuana two (2) ounces, but less than four (4) ounces – Class A.
4. Possession of Controlled Substance in Penalty Group 2-A, two (2) ounces or less – Class B.
5. Possession of Controlled Substance in Penalty Group 2-A, four (4) ounces or less but greater than two (2) ounces – Class A.
6. Criminal Mischief \$100 < \$750 – Class B.
7. Graffiti, \$100 < \$750 – Class B.
8. Theft \$100 < \$750 – Class B.
9. Theft of Service \$100 < \$750 – Class B.
10. Contraband in a Correctional Facility – Class B.
11. Driving While License Invalid – Class B.

In addition to the above considerations, deputies must verify the violator is;

1. 17 years of age or older.
2. Resides in Harris County.
3. Identified by a state issued photo identification or other reasonable means to identify the violator.

Circumstances disqualifying the violator from Cite & Release;

1. The violator could not provide a satisfying identification.
2. Violator is a juvenile.
3. Violator demands an immediate appearance before a magistrate.
4. Violator is arrested on a warrant or has outstanding warrants.
5. The safety of the violator or others may be jeopardized by the release of the violator.
6. Violator is injured and has not received appropriate medical attention.
7. Force was used (Use of Force) to affect the arrest.
8. Violator is not a resident of Harris County.
9. Violator refuses to sign the Cite & Release Citation.
10. If arrested for other Class B and above (non-CAR eligible) charges.

11. There is reason to believe the suspect would not appear in court. The basis for this determination shall be specifically stated in the offense report (e. g. suspect has a history of *capias pro fines* and/ or bond forfeiture).
12. If Driving While License Invalid and suspect is the at fault driver in a crash.
13. If charges are enhanced after discussion with the ADA at Intake.
14. Violator is on parole for any crime.

## **Procedures**

### **Issuing of Cite & Release Citation**

Identify the violator by using a government issued photo identification. If a photo identification is not available, the deputy shall use all reasonable available means to confirm the validity of the personal information provided by the violator in custody and shall document what source of identification was used to establish the identity of the violator.

Run a criminal history check to determine if the violator is free of warrants and is an adult, seventeen years of age or older.

Contact the District Attorney's Office Intake Division to confirm probable cause and to determine if the offender is currently eligible for Cite and Release. If the Intake prosecutor states the violator is NOT eligible for the Cite & Release, the deputy shall arrest the offender.

Offer the offender an opportunity to participate; if the offender is eligible and if the offender agrees, issue citation using the Cite & Release citation.

If the offender wishes to participate, the deputy shall:

1. Complete all sections of the Misdemeanor Cite & Release Citation, listing only one (1) charge per citation.
2. Explain that by signing the citation, the offender promises to appear for their court setting.
3. Set the arraignment date for the third Wednesday after the date of issue for the Harris County Court.
4. When calculating the date for the violator to appear be mindful of upcoming Harris County holidays.
5. Release the violator on his own recognizance upon issuance of the citation, advising the violator that the required signature is not an admission of guilt but a promise to appear in court.

6. Scan the signed copy of the Cite & Release Citation and email it to [CAR@dao.hctx.net](mailto:CAR@dao.hctx.net)

Scans shall be created as portable document files (PDF.) and must be 8.5 by 11 inches.

The email subject line shall contain the DIMS transaction number, HCSO Case number and the Cite and Release Citation number.

## **Completion of DIMS, Law Enforcement, and Arrest Report**

Deputy will complete a DIMS transaction using the JWEB system.

Complete the Superior Law Enforcement and Arrest report. The report will include the following:

1. Citation Number.
2. DIMS transaction number.
3. Evidentiary photographs.
4. If BWC video is available.
5. How the violator was identified.
6. Assistant District Attorneys name from DA Intake, and
7. Attach a scan of the citation to the e-files section of the Law Enforcement report.

### **Revision**

This policy has been revised on the below listed dates:

August 7, 2020

Office with Primary Responsibility:	CTA	Effective Date: Prior Revision Date:	July 1, 2019 May 04, 2012
Office(s) with Secondary Responsibilities:	PSC, PNC, TEC, FCD, IDC, SSB	Number of Pages:	3
Forms Referenced in Procedure:	MC Form #03-003	Related Procedures:	602

**.01 INTRODUCTION**

- A. This procedure establishes guidelines for officers in the use of *Misdemeanor Notice to Appear* citations.
- B. The purpose of the *Misdemeanor Notice to Appear* is to release nonviolent offenders from custodial arrest in an efficient manner.

**.02 POLICY**

- A. Tex. Code of Crim. Pro. Art. 14.06 permits law enforcement agencies to use citation release procedures in lieu of arrest for eligible Class A or B misdemeanor offenses, all Class C misdemeanor offenses and non-traffic city ordinance violations with certain exceptions.
- B. Officers shall select the least intrusive/severe method of enforcement when considering issuing a citation in lieu of arrest, which will:
  - 1. Stop existing criminal conduct;
  - 2. Remove the imminent threat of violence or criminal conduct.
  - 3. Prevent persons from endangering themselves or others.
- C. Should the arresting officer choose custodial arrest rather than a Misdemeanor/Cite and Release Citation release, the officer:
  - 1. States in the offense report the reasons why physical arrest was appropriate

**.03 MISDEMEANOR/CITE AND RELEASE CITATION ISSUANCE AND SUBMISSION**

- A. When issuing a Misdemeanor/Cite and Release Citation, the arresting officer:
  - 1. Completes all sections of the Misdemeanor/Cite and Release Citation pertaining to the violation;
  - 2. Shall sufficiently identify the violator;
    - a. A form of government photo identification is preferable (State issued ID card/Driver’s license, Passports, Consular ID, San Antonio Public Library card or school/university ID);
    - b. If government photo identification is not available, officers shall use all reasonably available means to confirm the validity of the personal information provided by the person in custody and shall document what identification was used to establish the identity of the person in custody.
  - 3. Shall indicate only one (1) charge per Misdemeanor Citation;
  - 4. Sets an arraignment date accordingly:
    - a. For San Antonio Municipal Court Misdemeanor Citations:
      - 1) 17 and older – count 50 calendar days and then assign on a Monday through Friday

2) 16 and younger – count 50 calendar days and then assign on a Monday through Thursday.

b. For Bexar County Courts:

1) Set Date of Appearance 10 calendar days from Issue Date of citation.

5. List the Misdemeanor Citation number in the details of the applicable report; and

6. The officer releases the person charged in the arrest on his own recognizance upon completion of issuance of a Misdemeanor Citation, advising the person the required signature is not an admission of guilt, but a promise to appear in court.

B. The officer shall attach a copy of the applicable report, including any evidentiary photographs, to the Misdemeanor or the Cite and Release Citation and forwards all documentation to the handling agency:

1. Misdemeanor Notice to Appear goes to the San Antonio Municipal Court through bin mail;

2. Cite and Release goes to the Bexar County District Attorney's Office through bin mail.

#### **.04 APPLICATION IN THEFTS FROM BUSINESSES**

A. Officers may issue Misdemeanor Citations to arrestees suspected of Class C misdemeanor thefts from businesses, unless:

1. The violator has been previously convicted of theft; or

2. A situation listed in Subsection .05A is apparent.

B. When issuing a Misdemeanor Citation/Cite and Release in a misdemeanor theft from a business, in addition to the requirements for issuing a Misdemeanor Citation listed in Section .03, the officer:

1. Notifies the owner, arresting agent, and witnesses a Misdemeanor Citation will be issued;

2. Advises the owner, arresting agent, and witnesses they may be subpoenaed to be present for trial;

3. Lists the names of the owner, arresting agent, and witnesses on the offense report;

4. Escorts the violator out of the place of business and off of the property after the Misdemeanor Citation is issued; and

5. Typically, a criminal trespass warning is issued and should be documented in the report.

#### **.05 RESTRICTIONS FOR USE**

A. The Misdemeanor/Cite and Release Citation release is not authorized in any of the following cases:

1. Misdemeanor thefts, other than thefts from businesses;

2. The person arrested demands an immediate appearance before a magistrate;

3. The person is arrested on a warrant or has outstanding warrants against him;

4. The safety of the person arrested or the safety of others may be jeopardized by his release;

5. The arrested person fails or refuses to give sufficient identification;
6. The person arrested is intoxicated to a degree which renders him unable to care for himself;
7. The person arrested is injured and has not received the required medical attention;
8. Any time when physical force is used to affect the arrest;
9. Class "B" offense of racing, exhibition of speed or acceleration, and reckless driving (exceed Municipal Court jurisdiction); or
10. The violator refuses to sign the Misdemeanor/Cite and Release Citation.

**.06 CLASS A AND CLASS B MISDEMEANOR CITATIONS**

A. In addition to the above considerations, officers must verify all of the following requirements in order to issue a Class A or B misdemeanor citation. If all the following requirements are not met, the violator is not eligible for citation and the officer is not required to contact a supervisor to make a custodial arrest. The officer will document in their offense report why the violator was not eligible for a citation.

1. The offense is eligible for release by citation and it is the only Class B or above charge against the person; and
2. The violator is not a juvenile; and
3. The violator resides in Bexar County.

B. Eligible Offenses for Cite and Release (no other offenses are eligible for Cite and Release)

Code	Charge	Class
HSC 481.121 (b)(1)(2)	Possession of Marijuana 2 ounces or less	MB
	Possession of Marijuana 4 ounces or less but more than 2 ounces	MA
HSC 481.1161 (b) (1) (2)	Possession of Substance in Penalty Group 2-A 2 ounces or less	MB
	Possession of Substance in Penalty Group 2-A 4 ounces or less but more than 2 ounces	MA
PC 28.03 (b)(2)	Criminal Mischief \$100 < \$750	MB
PC 31.03 (e)(2)(A)	Theft \$100<\$750	MB
PC 31.04 (e)(2)	Theft of Service \$100<\$750	MB
PC 38.114	Contraband in a Correctional Facility	MB
TTC 521.457	Driving While License Invalid	MB

C. Any Evidence related to Cite and Release is handled in accordance with GM 606 Impounding Property.

**.06 JUVENILE MISDEMEANOR CITATION RELEASES**

Refer to GM Procedure 602, *Juveniles*, Subsections .04C and D for guidelines for issuing Misdemeanor Citations to juveniles.

# POLICY IMPLEMENTATION

Passing a policy does not automatically mean success – you must ensure that the policy is properly implemented. Successful implementation occurs when the community understands the new policy, and there is oversight to ensure accountability and proper implementation. Develop diverse community resources that educate people about the new policy - multilingual and visual resources tend to be more accessible to broad audiences. To hold local law enforcement and government officials accountable, monitor implementation of the policy by reviewing arrest data and gathering community feedback. Advocate for improvements as needed.

## IN THIS SECTION:

### *Public Education*

- > *Community Resources*
- > *Community Presentations*

### *Monitoring Implementation & Data Transparency*

- > *Data Reports*
- > *Press Releases*

## LESSONS FROM THE FIELD

### **What, if anything, would do you differently?**

*A strong cite and release campaign not only directs police officers to reduce arrests, but we should also think about what happens to people after they receive a citation. We didn't realize that absent a diversion program, cite and release can still result in contact with the criminal legal system. Today, we continue to push Hays County leaders to adopt a cite and divert policy to effectively end all arrests for these offenses.*

**Mano Amiga, San Marcos Campaign**



# BEXAR COUNTY CITE & RELEASE

## What is cite & release?

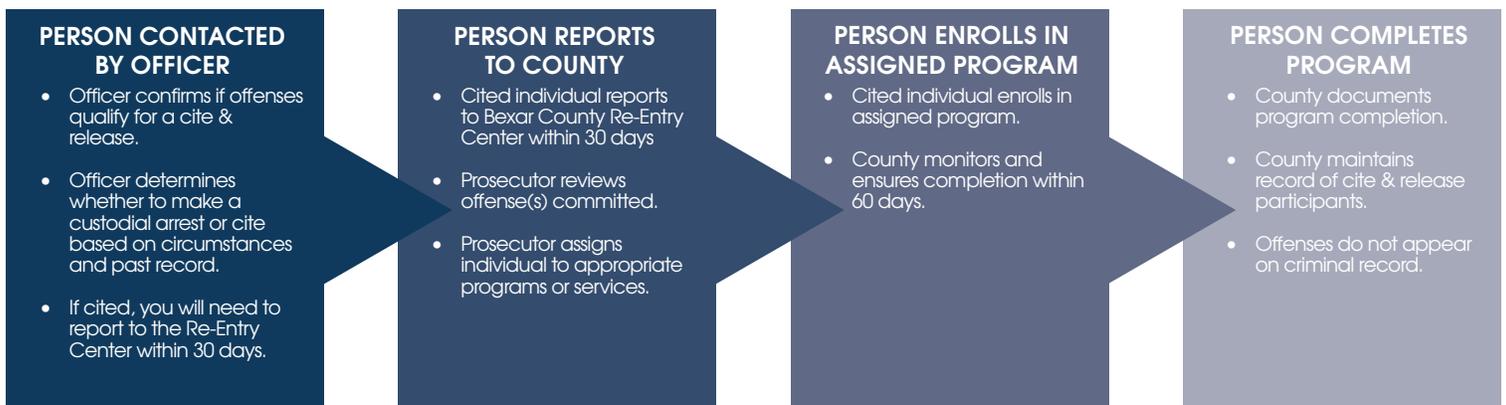
Starting in June 2019, in most circumstances, Bexar County and San Antonio law enforcement officials will issue a citation to individuals accused of certain low-level, non-violent criminal offenses, instead of making an arrest.

## How does cite & release work?

If you are stopped for one of the offenses covered by the cite and release policy, the officer may issue you a citation instead of arresting you. Once you get your citation, you are free to leave but you will need to report to the Bexar County Re-Entry Center within 30 days of your citation. The Re-Entry Center will be open on Tuesdays and Thursdays.

When you go to the Re-Entry Center, you will meet with a prosecutor who will review your charges. The prosecutor decides if you qualify for a diversion program such as classes or community service. The diversion program may also have an associated fee.

## CITE & RELEASE: STEP BY STEP



## WHICH OFFENSES ARE INCLUDED IN CITE & RELEASE?

### Certain Class A & B Misdemeanors

- Misdemeanor possession of up to four ounces of marijuana
- Criminal mischief, with damage up to \$750
- Theft of up to \$750 in property
- Theft of up to \$750 in services
- Contraband in a correctional facility
- Driving while license invalid

### What if I don't qualify for a diversion program?

If you do not qualify for a diversion program, the District Attorney's office will file the charge(s) against you with the Bexar County Court. You will be scheduled for hearing(s) with the court, where you will have the opportunity to defend yourself.

### What happens if I don't show up at the Re-Entry Center within 30 days of my citation?

If you do not report, the DA's Office will mail you a notification to remind you. If you still don't show up, a criminal case could be filed and you could be arrested.

### If I do qualify, what happens once I complete the diversion program?

If you complete the requirements within the 60 days allotted, the charge(s) will not appear on your record.

### What if I am innocent and want to fight my charge(s)?

If you believe you are innocent and would rather fight your charge(s), you may decline to participate in the diversion program, and the prosecutors will file your charge(s) with the court. You will be scheduled for hearing(s) with the court, where you will have the opportunity to defend yourself.

### What if an officer targeted me solely because of my race, religion, sexuality, or other characteristic?

Ask the arresting officer for their name and badge number and ask them to explain why they stopped you. Then, submit a formal complaint to the arresting agency (SAPD or Bexar County Sheriff's Office) directly. You may also contact your city council member, and if you can, talk to a defense attorney. Also consider sending an email with your case information to [SA.stands1@gmail.com](mailto:SA.stands1@gmail.com), so we can determine if we may advocate on your behalf.

### How did cite & release happen?

This policy is the result of the impactful work of SA Stands, an effective, collaborative coalition of 26 community groups in San Antonio, fighting for inclusive policies that strengthen our city.

## GET INVOLVED. STAY INFORMED.

*Please join us in our fight for a safer and more just community for ALL!*

Visit: [SA Stands on Facebook](#)  
Explore: [www.sastands.org](http://www.sastands.org)  
Contact: [sa.stands1@gmail.com](mailto:sa.stands1@gmail.com)



# CITAR SIN ARRESTAR CONDADO DE BEXAR

## ¿Qué es citar sin arrestar?

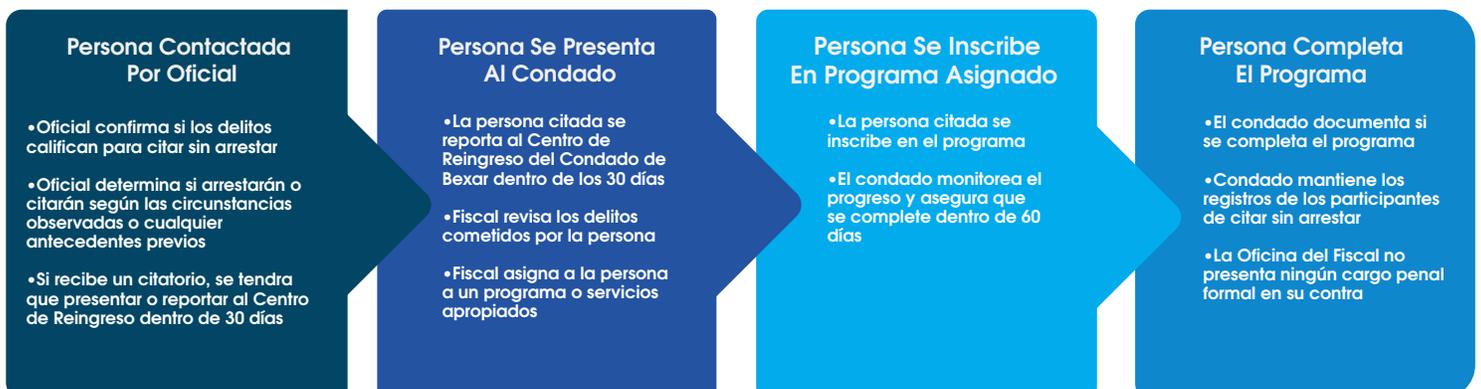
Comenzando en junio del 2019, dependiendo de las circunstancias, los oficiales del condado de Bexar y la ciudad de San Antonio podrán dar un citatorio a las personas que cometen ciertas ofensas menores y no violentas, en lugar de hacer un arresto.

## ¿Cómo funciona citar sin arrestar?

Si lo detienen por uno de los delitos cubiertos por la póliza de citar sin arrestar, el oficial puede darle un citatorio en lugar de arrestarlo. Una vez que obtenga su citatorio, es libre de irse pero tendrá que presentarse en el Centro de Reingreso del condado de Bexar dentro de 30 días de su citatorio. El Centro de Reingreso estará abierto los martes y jueves y está localizado en 222 South Comal.

Cuando vaya al Centro de Reingreso, se reunirá con un fiscal que revisará su(s) cargo(s). El fiscal decide si califica para un programa de desviación, como clases o servicio comunitario.

## CITAR SIN ARRESTAR: 4 PASOS



## ¿CUÁLES OFENSAS MENORES Y NO VIOLENTAS CUBRE ESTA PÓLIZA?

### Ciertos delitos menores de Clase A y B:

- Posesión de marihuana hasta 4 oz
- Delito en contra de propiedad, con daños de hasta \$750
- Robo de hasta \$750 en propiedad
- Robo de hasta \$750 en servicios
- Llevar contrabando a una cárcel
- Manejar con una licencia inválida

## ¿Qué pasa si no califico para un programa de desviación?

Si no califica para un programa de desviación, la Oficina del Fiscal del Distrito presentará los cargos en su contra ante el Tribunal del Condado de Bexar. Se le programará una audiencia con la corte, donde tendrá la oportunidad de defenderse.

## ¿Qué pasa si no me presento en el Centro de Reingreso dentro de los 30 días de mi citatorio?

Si no se presenta, la Oficina del Fiscal le enviará una notificación para recordarle. Si aún no se presenta, se podría iniciar un caso criminal en su contra y usted podría ser arrestado.

## Si califico, ¿qué sucede una vez que complete el programa de desvío?

Si completa los requisitos dentro de los 60 días, no tendrá antecedentes penales en su contra.

## ¿Qué pasa si soy inocente y quiero pelear mi(s) cargo(s) en corte?

Si cree que es inocente y prefiere luchar contra su(s) cargo(s), puede negarse a participar en el programa de desviación y los fiscales presentarán su(s) cargo(s) ante una corte. Se le programará una audiencia con la corte, donde tendrá la oportunidad de defenderse.

## ¿Qué pasa si un oficial me arresta solo por mi raza, religión, sexualidad u otra característica?

Pregúntele al oficial de arresto su nombre y número de placa y pídale que explique por qué lo detuvieron. Luego, envíe una queja formal a la agencia de arresto (SAPD o la Oficina del Alguacil del Condado de Bexar) directamente. También puede comunicarse con su consejal de la ciudad o con un abogado defensor sobre su caso. También considere enviar un correo con la información de su caso a SA.stands1@gmail.com, para que podamos determinar si podemos abogar en su nombre.

## ¿Cómo llegamos a obtener esta póliza?

Esta póliza es el resultado del trabajo impactante de SA Stands, una coalición efectiva y colaborativa de 26 grupos comunitarios en San Antonio, que luchan por pólizas inclusivas que ayuden a nuestra ciudad.

### **INVOLÚCRATE. MANTENGASE INFORMADO.**

*¡ÚNASE A NOSOTROS EN NUESTRA LUCHA POR UNA COMUNIDAD MÁS  
SEGURA Y JUSTA PARA TODOS!*

Visite: **SA Stands en Facebook**

Explora: **www.sastands.org**

Contacta: **sa.stands1@gmail.com**



# FREEDOM CITY POLICIES

*In June 2018, Austin City Council enacted two linked local resolutions, the **Freedom City Policies**, that address problems facing immigrants and communities of color in the city.*

## What do Freedom City Policies do?

**Resolution 73** aims to reduce the number of needless arrests for low level offenses and mitigate racial disparities associated with those arrests. It addresses when officers must give you a citation to appear in court in the future, versus making an arrest. If you are stopped for an offense where the law allows officers to issue a citation (“citation-eligible offenses”), an officer cannot decide to arrest you for whatever reason they want. Under this resolution, an officer must give you a citation and release you, unless certain circumstances are present.

**Resolution 74** aims to protect the constitutional rights of the immigrant community in Austin in the wake of the anti-immigrant state law SB 4. The resolution requires police officers to advise everyone of their right to remain silent before inquiring about immigration status, and to complete a report explaining the reason for the inquiry. Resolution 74 also requires that the Austin Police Department track and publicize its assistance to ICE.

## Which offenses are considered citation-eligible offenses?

### All Class C Misdemeanors (fine-only offenses), such as:

- Traffic violations (e.g. Speeding, Driving without a License, etc.)
- Disorderly Conduct
- Possession of Drug-related Paraphernalia
- Petty Theft (less than \$100 worth of property)
- And others - please consult with a criminal defense attorney for a full list.

### Certain Class A & B Misdemeanors, including:

- Possession of up to 4 ounces of marijuana
- Criminal mischief, with damage up to \$750
- Theft of up to \$750 in property
- Theft of up to \$750 in services
- Driving while license invalid
- Graffiti
- Contraband in a correctional facility



## What are my rights under Freedom City Policies?

If you are accused of a citation-eligible offense by the Austin Police Department, an officer should issue you a citation and release you, rather than arresting you and taking you to the police station or county jail, unless:

1. You are under the age of 17 (you will be treated as a juvenile if you are under 17);
2. You demand to be taken before a judge immediately;
3. You have an outstanding warrant out for your arrest;
4. You are publicly intoxicated;
5. You are a threat to the safety of yourself and those around you;
6. You are unable to present sufficient identification;
7. You live outside of Travis and Hays Counties.

An officer must accept any type(s) of identification which establishes your county of residence, regardless of whether it contains your photo. You may present various forms of identification to demonstrate your county of residence, including a driver's license, state or federally issued ID, student ID, church ID, utility bill, etc.

Officers must also advise you of your right to remain silent before inquiring about your immigration status. An officer cannot pressure you into answering.

## What details should I look for if I am stopped by Austin police?

- Ask for the officer's full name and badge number. Record that information and give it to a family member or friend. Note the date, time and location where you were stopped.
- If you are asked about your immigration status, note whether the officer reminded you of your right to remain silent BEFORE asking you about your immigration status.
- Record the circumstances of the stop or arrest. Give details about what happened, the way the officer treated you, and why. For example:
  - Did the officer read you your rights?
  - Did the officer coerce you into giving them information?
  - Did the officer force you to present a specific form of ID or reject ID that should have been accepted?
  - Did the officer arrest you, even though you were accused of committing a citation-eligible offense only? Why do you think the officer arrested you?
  - Did the officer use any offensive terms or names with you?

## What should I do if an Austin police officer violates my rights?

- File a complaint with the Office of Police Oversight (OPO) online at [www.atxpoliceoversight.org](http://www.atxpoliceoversight.org), by calling the complaint line at (512) 972-2676, by email at [policeoversight@austintexas.gov](mailto:policeoversight@austintexas.gov), or in person at their office. OPO has interpreters if you do not speak English. You may file a complaint anonymously.
- If you need help making a complaint, please call Grassroot Leadership's community defense hotline at 512-270-1515 for assistance.



## GET INVOLVED. STAY INFORMED.

FOLLOW GROUPS LIKE US ON FACEBOOK!

United We Dream: [facebook.com/UWDTexas/](https://facebook.com/UWDTexas/)

Grassroots Leadership: [facebook.com/grassrootsleadership/](https://facebook.com/grassrootsleadership/)

Workers Defense Project: [facebook.com/WorkersDefenseProject/](https://facebook.com/WorkersDefenseProject/)

Immigrant Legal Resource Center: [facebook.com/immigrantlegalresourcecenter/](https://facebook.com/immigrantlegalresourcecenter/)



# RESOLUCIONES DE CIUDAD LIBRE

En junio del 2018, el consejo municipal de Austin aprobó dos resoluciones locales que fueron promulgados en noviembre del 2018. **Las Resoluciones de Ciudad Libre** abordan algunos de los problemas que inmigrantes y comunidades de color enfrentan en la ciudad.

## ¿Cuáles son las Resoluciones de Ciudad Libre y cómo me afectan?

**La Resolución 73** intenta terminar arrestos innecesarios por ofensas menores, y así mitigar las disparidades raciales asociadas con este tipo de arrestos. Aborda cuando la policía de Austin debe de dejar libre a una persona con un citatorio para después presentarse en corte, en vez de arrestar. Si usted es detenido por una de las ofensas en donde la ley permite que los oficiales emiten un citatorio (“ofensas elegibles para citatorios”), un oficial no puede decidir arrestarlo(a) por cualquier razón que le plazca. Bajo esta resolución, un oficial debe de darle un citatorio y dejarlo libre, a menos que ciertas circunstancias se presenten. También, el departamento de policía de Austin debe de hacer públicos los informes de datos sobre el uso de citatorios en ofensas elegibles.

**La Resolución 74** intenta proteger los derechos constitucionales de la comunidad inmigrante en Austin, especialmente ante la ley estatal y antinmigrante SB4. La resolución requiere que los policías les avisen a todas las personas sobre su derecho a guardar silencio antes de preguntarles por su estatus migratorio. Los policías también deben completar un informe explicando la razón que pregunte por un estatus legal. La Resolución 74 también requiere que el departamento de policía de Austin registre y publique todas las instancias en las que brinda asistencia a las autoridades de inmigración.

## ¿Cuáles son las ofensas elegibles para citatorios?

**Todos los delitos menores Clase C (ofensas con multa), como:**

- Infracciones de tránsito (ejemplos: exceso de velocidad, **manejar sin licencia**, etc.)
- Conducta desordenada/ causar desorden
- Parafernalia relacionada con las drogas
- Robo menor (con un valor de propiedad menos de \$100)
- Y otros – consulte con un abogado de defensa criminal para una lista completa.

**Ciertos delitos menores Clase A y B, incluyendo:**

- Posesión de marihuana hasta 4 oz
- Delito en contra de propiedad, con daños de hasta \$750
- Robo de propiedad con un valor de hasta \$750
- Robo de servicios con un valor de hasta \$750
- Manejar con una licencia invalida
- Graffiti
- Llevar contrabando a una cárcel



## ¿Cuáles son mis derechos dentro de las Resoluciones de Ciudad Libre?

Si es acusado de una ofensa eligible para un citatorio por el departamento de policía de Austin, un oficial debe de entregarle un citatorio y dejarlo libre, en vez de arrestarlo y llevarlo a la estación de policía y/o a la cárcel del condado, a menos que:

1. Usted tenga menos de 17 años (Ud. será transferido a la cárcel juvenil si tiene menos de 17 años);
2. Usted pida ser llevado ante un juez inmediatamente;
3. Usted tenga una orden de arresto pendiente en su contra;
4. Usted se encuentra intoxicado en un lugar público;
5. Usted representa una amenaza a su seguridad o a la seguridad de otros;
6. Usted no pueda corroborar su identidad;
7. Usted viva afuera del condado de Travis o del condado de Hays;

Un oficial debe de aceptar cualquier tipo de identificación que establezca el condado donde vive, sin importar que tenga o no su foto. Usted puede presentar varias formas de identificación para demostrar el condado donde reside, incluyendo una licencia de conducir, una identificación otorgada por el estado o el gobierno federal, una identificación escolar, una tarjeta de membresía de una iglesia, una factura de servicios públicos, etc.

Los oficiales deben de avisarle sobre su derecho a guardar silencio ANTES de preguntarle por su estatus migratorio. Un oficial no puede obligarlo a contestar.

## ¿A cuáles detalles debo prestar atención si un policía de Austin me detiene?

- Pregúntele al oficial por su nombre completo y su número de placa. Apunte esta información y dásela a un familiar o amigo. Apunte la fecha, la hora y el lugar en donde lo detuvo.
- Si le pregunta por su estatus legal, recuerde si el oficial le dijo de su derecho a guardar silencio ANTES de hacerle la pregunta.
- Recuerde las circunstancias de la detención o arresto, como detalles de lo que ocurrió, la manera en que el oficial le trató, y el porqué. Por ejemplo:
  - ¿Le leyó a usted sus derechos el oficial?
  - ¿El oficial lo/la obligó a que le diera información?
  - ¿El oficial lo/la presionó para presentar un tipo de identificación específica o rechazó la identificación que debió de aceptar?
  - ¿El oficial lo/ la arrestó, aunque usted fue acusado/a de solamente una ofensa elegible para un citatorio? ¿Por qué piensa usted que el oficial le arrestó?
  - ¿El oficial utilizó términos ofensivos o insultos con usted?

## ¿Qué debo hacer si un policía de Austin viola mis derechos?

- Presente una queja formal ante la Oficina de Supervisión Policial (OSP) por línea en [www.atxpoliceoversight.org](http://www.atxpoliceoversight.org), por teléfono al (512) 972-2676, por correo electrónico al [policeoversight@austintexas.gov](mailto:policeoversight@austintexas.gov), o en persona en la oficina de OSP. OSP ofrece intérpretes si usted no habla inglés. La queja puede ser completamente anónima.
- Si necesita ayuda para someter su queja, puede llamar a la línea de defensa comunitaria de Grassroots Leadership al 512-270-1515.



## INVOLÚCRASE. MANTENGASE INFORMADO.

¡SIGA A LOS GRUPOS COMUNITARIOS EN FACEBOOK!

United We Dream: [facebook.com/UWDTexas/](https://facebook.com/UWDTexas/)

Grassroots Leadership: [facebook.com/grassrootsleadership/](https://facebook.com/grassrootsleadership/)

Proyecto de Defensa Laboral: [facebook.com/WorkersDefenseProject/](https://facebook.com/WorkersDefenseProject/)

El Centro de Recursos Legales para el Inmigrante: [facebook.com/immigrantlegalsourcecenter/](https://facebook.com/immigrantlegalsourcecenter/)

# Cite & Release



*Reducing the number of people in jail*



1

## Presenters

Alejandra Lopez

Executive Vice-President

San Antonio Alliance of Teachers of  
Support Personnel



Aaron Arguello

Advocacy Organizer

MOVE Texas



2



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ACLU People Power  
 San Antonio Alliance  
 AILA - SA Chapter  
 Immigrant Legal Resource Center  
 Interfaith Welcome Coalition  
 Mi Familia Vota  
 MOVE San Antonio  
 Pro-Immigrant Coalition  
 Southwest Workers Union  
 Texas Freedom Network  
 Texas Organizing Project  
 Texas Victory Project  
 Walker-Gates Vela, PLLC  
 Vidaurri, Lyde, Rodriguez, & Haynes, LLP  
 CAIR

American Gateways  
 Fuerza Unida  
 IBEW Local Union 60  
 MALDEF  
 RAICES  
 SA Rise  
 SA AFL-CIO  
 Skirt Mafia  
 Society of Native Nations  
 TRAIN



4

**WHAT IS THE PROBLEM?**  
TOO MANY PEOPLE IN JAIL

**EL PROBLEMA:**  
HAY MUCHAS PERSONAS EN LA CÁRCEL

62% de los arrestos son hechos por SAPD, están sobrepoblado la cárcel

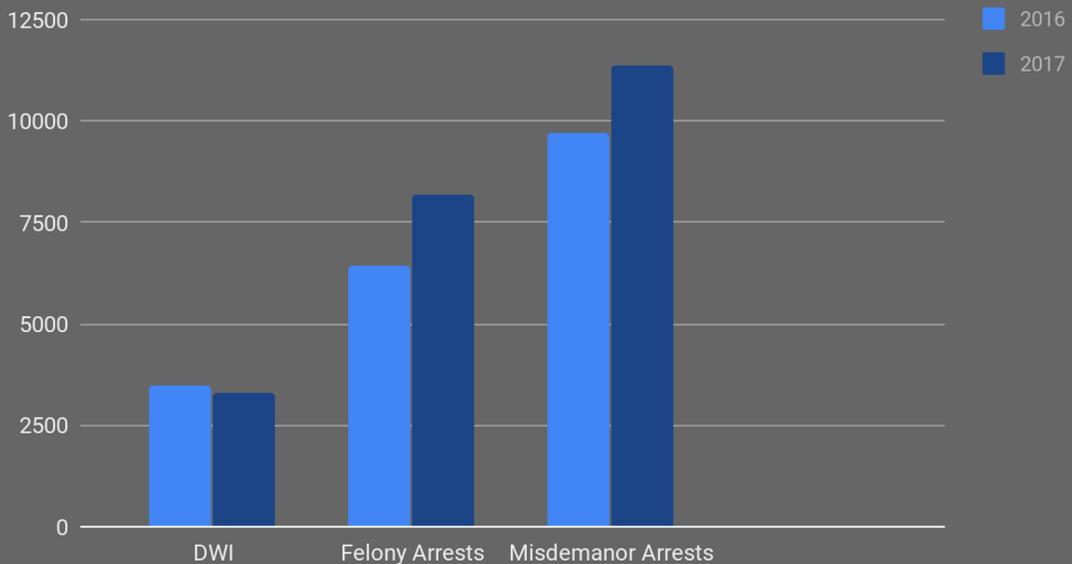
11,000 de esos arrestos en 2017 fueron ofensas menores (misdemeanors)

71% de los individuos detenidos en la cárcel del Condado ahora mismo están en pre-juicio significa que no los han encontrado culpables

Cuando las personas están detenidas los policías no les leen sus Derechos Miranda hasta que el oficial haga un 'arresto oficial'

5

TOTAL POLICE ARREST/ ARRESTOS



6

# What is Cite & Release?

Cite & Release is an administrative policy that the arresting agencies of Bexar County began implementing in July 2019.

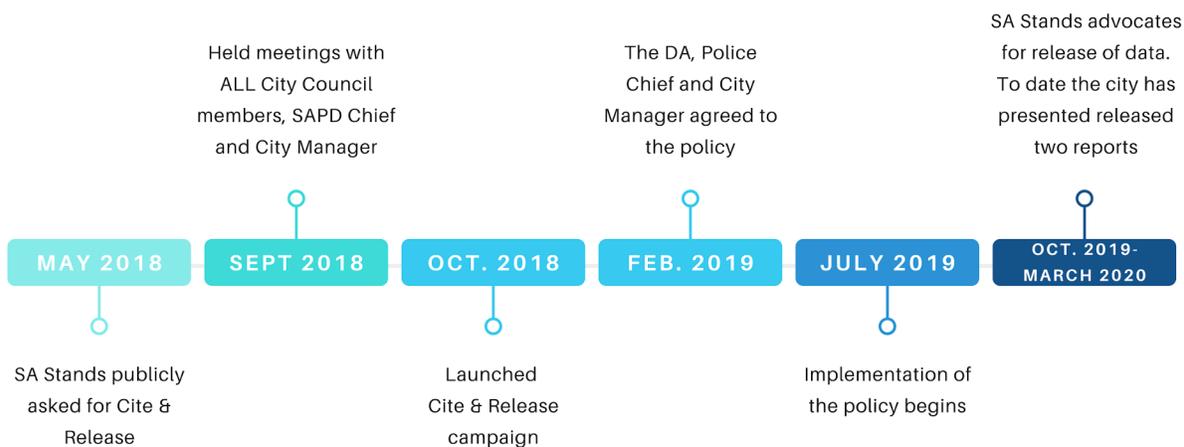
Under this policy, law enforcement officers will use their discretion to **issue a citation** to individuals accused of certain low-level, non-violent criminal offenses, **instead of making an arrest**.



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## HOW DID WE GET HERE?

A brief history of Cite & Release



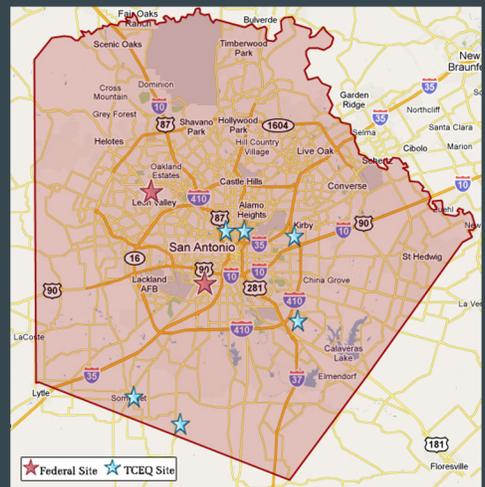
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# Who and where?



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- Cite & Release applies to almost all law enforcement agencies in Bexar County, including SAPD and Bexar County Sheriff's Office.
- Cite & Release applies to individuals committing one of the six low-level offenses and that are 17 years of age or older.



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# Which low-level offenses are included?

...

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Texas state law gives police officers the authority to cite-and-release (instead of arrest) anyone charged with certain Class A or B misdemeanors, as well as Class C misdemeanors. The policy applies to the following misdemeanors:

1. Possession of up to 4 ounces of marijuana;
2. Criminal mischief, with damage up to \$750;
3. Theft of up to \$750 in property;
4. Theft of up to \$750 in services;
5. Contraband in a correctional facility;
6. Driving while License Invalid.

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# 1) Possession of Marijuana (less than 4 oz)

Simple possession of marijuana in any form, with no intent to distribute or sell

**Example:** Possession of a joint or small bag of marijuana for personal use



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# Possession of Marijuana (less than 4 oz)

Forms of marijuana



Joints



Oil Cartridges for



Edibles

Vaporizer Pen

14

## 2) Criminal Mischief (up to \$750 in damage)

Damaging, altering, or destroying tangible property with **criminal** intent.

**Example:** Getting angry and intentionally breaking someone's car window

**Note:** Criminal Mischief is different than Burglary, which involves breaking into a home or vehicle in order to steal property.



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## 3) Theft of property (up to \$750 property value)

Stealing any physical property or other assets

**Example:** Shoplifting - stealing clothing from a store



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## 4) Theft of services (up to \$750 value)

Failing to give payment for services provided to you in exchange for money/compensation

**Example:** “Dine and dash” - Not paying the check when you go to a restaurant



17

## 5) Contraband in Correctional facility

Providing a prohibited item (i.e. gum, food, clothes) to an inmate in a correctional facility or introducing a prohibited item to the facility as an employee or volunteer for the facility

Some prohibited substances (such as alcohol, weapons, cell phones and drugs) are covered under a different state law, which could also result in criminal charges.

**Example:** An employee of the jail giving gum, cigarettes, games, food, clothing, etc to an inmate in jail



18

## 6) Driving with an invalid license

Driving while License Invalid (DWLI):  
Operating/Driving a motor vehicle while your driver license has been suspended, revoked, denied or cancelled, if you have a prior conviction for the same offense.



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## What about driving WITHOUT a license?

Driving with an invalid license is different from driving *without* a license.

Driving without a License is a **Class C misdemeanor**, which is also eligible for a citation in lieu of arrest and is punishable by fine only.



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## What are Class C Misdemeanors?

Under Texas state law, Class C misdemeanors are the lowest level offenses and are punishable by fine only (no jail time). Officers have always been allowed to issue citations for these types of offenses, and there is no change to how the new “cite and release” policy applies to Class C misdemeanors. Some examples of Class C misdemeanors are:

- Disorderly Conduct
- Traffic Tickets (Operating a Motor Vehicle without a Valid Driver License, Speeding, Expired Driver’s License, Failure to Stop at Red Light/Stop Sign, etc)
- Theft of Property less than \$100
- Public Intoxication
- Possession of Drug-related Paraphernalia

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## What if I get a ticket for driving without a license?

-Follow the instructions on your ticket. If indicated on your ticket, you may need to appear at the **San Antonio Municipal Court**, located at **401 S Frio Street**.

- You do not need an ID to enter the Municipal Court, just your ticket.

-To date, we have not heard reports of ICE in the building.

-If you don’t address the ticket, the police may issue a warrant for your arrest.



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Questions?

...

23

4-Step Process

...

Cite & Release

24

## CITE & RELEASE: STEP BY STEP

### PERSON CONTACTED BY OFFICER

- Officer confirms if offenses qualify for a cite & release.
- Officer determines whether to make a custodial arrest or cite based on circumstances and past participation.
- If cited, ticket will instruct person to report to the Re-Entry Center within 30 days.

### PERSON REPORTS TO COUNTY

- Cited individual reports to Bexar County Re-Entry Center within 30 days
- Review offense(s) committed.
- Assigns individual to appropriate programs or services.

### PERSON ENROLLS IN ASSIGNED PROGRAM

- Cited individual enrolls in assigned program.
- County monitors and ensures completion within 60 days.

### PERSON REPORTS TO COUNTY

- County documents program completion.
- Maintains record of cite & release participants.
- Offenses do not appear on criminal record.

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## (1) What happens if I am being accused by an officer of committing any of these minor offenses?

- An officer may issue you a citation instead of arresting you, and you will need to report to the Bexar County Re-entry Center within **30 days**.
- It is within the officer's discretion to arrest you vs. give you a citation, based on the situation/circumstances

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## (2) What happens after I get a citation?

### Show up!

You'll have **30 days** to go to the **Bexar County Re-Entry Center**, where you will meet a prosecutor that will review your citation. The center is open Tuesdays and Thursdays and is located at **222 South Comal Street**.

*\*If you do not qualify or choose not to participate in the diversion program, your case will be assigned to the Bexar County Court, and you will be required to attend scheduled hearings.\**

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## (3) What happens after I get a citation?

- **If you don't show up at the Re-entry Center within 30 days**, the DA's office will mail you a reminder notification. If you still don't show up, a warrant may be issued for your arrest.
- You will talk to a prosecutor and discuss the diversion program you qualify for, such as a class or community service.

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## (4) What happens if I get a citation?

### Complete program!

If you successfully complete the requirements of the program within the 60 days, the prosecutors will not file any charge(s) against you with the criminal court and your record will remain clean.

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## What if I am wrongfully arrested?

If you believe you were arrested due to any type of profiling (such as racial profiling), you should immediately take the following actions:

- Record the officer's name and badge number. If that's not possible, record the date, time and place of the arrest.
- Complain to the arresting office (SAPD or Bexar County Sheriff's Office) directly
- Contact your City Council member
- Send an email to [SA.stands1@gmail.com](mailto:SA.stands1@gmail.com) with your case information so we can determine if we may advocate on your behalf



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## What if I want to fight my charge(s) in court?

Everyone has the opportunity to defend themselves in court.

Even if you qualify for a diversion program, participation is not mandatory. If you choose not to participate or you do not qualify for a diversion program, you will have the opportunity to defend yourself in court.



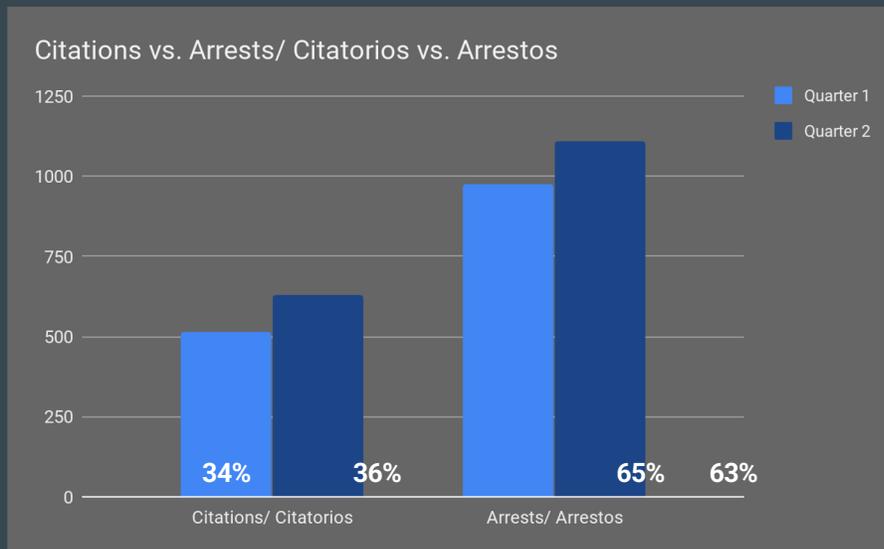
31

# Questions?

...

32

## What has happened since July 2019?



SAPD has given us two quarterly reports with this data.

2019  
Julio- Sept.  
Oct. - Dec.

33

## What are we going to do now?

Under the current cite and release policy, individual officer discretion is an impediment to a significant increase in citations.

**Solution:** We must **fight for a local ordinance** from City Council regarding guidance on officer discretion and make citations the default, and not an option, for all low level offenses.



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# Join our campaign!



Text "SA Stands" at 33339 to be added to  
our listserv!

*[sastands.org](http://sastands.org)*



**KNOW YOUR RIGHTS**  
**CONOZCA SUS DERECHOS**

1

## QUIENES SOMOS

- **United We Dream:** United We Dream es la comunidad de inmigrantes dirigida por jóvenes más grande del país. ¡Creamos espacios acogedores para los jóvenes, independientemente de su estatus de inmigración, para apoyarlos, involucrarlos y capacitarlos para que hagan oír su voz y ganen!
- **Proyecto Defensa Laboral:** PDL es una organización basada en la membresía que apodera a los trabajadores de bajos ingresos a lograr empleo justo a través de la educación, los servicios directos, la organización comunitaria y las relaciones estratégicas.
- **Grassroots Leadership:** Grassroots Leadership trabaja para una sociedad más justa donde la especulación carcelaria, el encarcelamiento masivo, la deportación y la criminalización son cosas del pasado.
- **El Centro de Recursos Legales para el Inmigrante:** El ILRC trabaja y educa a los inmigrantes, las organizaciones comunitarias y el sector legal para continuar construyendo una sociedad democrática que valore la diversidad y los derechos de todas las personas.

2

## WHO WE ARE

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- **United We Dream:** United We Dream is the largest immigrant youth-led community in the country. We create welcoming spaces for young people – regardless of immigration status – to support, engage, and empower them to make their voice heard and win!
- **Workers Defense Project:** The WDP is a membership-based organization that empowers low-income workers to achieve fair employment through education, direct services, organizing and strategic partnerships.
- **Grassroots Leadership:** Grassroots Leadership works to end the criminalization and deportation of all communities of color in Austin & Travis County.
- **The Immigrant Legal Resource Center:** The ILRC works with and educates immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people.

3

## FREEDOM CITY

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Freedom City Policies are a pair of linked local resolutions (Resolution 73 & 74) that aim to decriminalize black and brown folks and immigrants to prevent arrests, incarceration, and deportation in Austin

Las pólizas de Freedom City son un par de resoluciones locales (Resolución 73 & 74) con meta de descriminalizar a la comunidades de color y inmigrantes para prevenir arrestos, encarcelación, y deportation en Austin

4



## RESOLUCION 73

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- El objetivo de Resolución 73 es eliminar arrestos innecesarios por ofensas que son elegibles para citatorio. Estos arrestos innecesarios afectan desproporcionadamente comunidades Negra y Latinx.
- Por medio de limitar los arrestos, Resolución 73, también ayuda a reducir la línea de arresto-a-encarcelamiento y deportación.

5



## RESOLUTION 73

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- Resolution 73 aims to end needless arrests when a citation could have been given for the offense (“citation-eligible offenses”). Those needless arrests disproportionately impact the Black and Latinx community.
- By limiting arrests, Resolution 73 also helps reduce the arrest-to-incarceration & deportation pipelines.

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## RESOLUCION 74

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- El objetivo de la Resolución 74 es proteger los derechos constitucionales de la comunidad inmigrante en Austin en respuesta a la ley estatal anti-inmigrante SB 4.
- La Resolución 74 requiere que los oficiales completen un informe cada vez que preguntan sobre estatus migratorio explicando la razón por la pregunta. También, requiere que el Departamento de Policía de Austin reporte y haga público su asistencia a ICE. Reportes deben ser cada 3 meses.

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## RESOLUTION 74

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- Resolution 74 aims to protect the constitutional rights of the immigrant community in Austin in the wake of the anti-immigrant state law SB 4.
- Resolution 74 requires officers to complete a report each time they ask for documentation status explaining the reason why they asked. It also requires the Austin Police Department track, report and publicize its assistance to ICE. These reports should be produced every 3 months.

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## ¿CÓMO LE AFECTAN LAS PÓLIZAS DE FREEDOM CITY?

### RESOLUCIÓN 73:

Si se le acusa de un ofensa elegible para citatorio, estas pólizas afectan la manera en que un oficial debe tratar la situación. Un oficial no puede detenerlo por cualquier motivo que quiera. **Un oficial debe darle un citatorio, a menos que ciertas circunstancias estén presentes.**



### RESOLUCIÓN 74:

Si la policía lo detiene y le pregunta sobre su estatus migratorio, estas pólizas enfatizan **su derecho constitucional a permanecer en silencio** y a no sentirse presionado a responder.

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## HOW DO FREEDOM CITY POLICIES IMPACT YOU?

### RESOLUTION 73:

If you are charged with a citation-eligible offense, these policies affect the way an officer must handle the situation. An officer cannot decide to arrest you for whatever reason they want. **An officer must give you a citation unless certain circumstances are present.**



### RESOLUTION 74:

If you are stopped by the police and asked about immigration status, these policies emphasize your **constitutional right to remain silent** and not feel pressured to answer. APD must also report on their collaboration with ICE so that our community is informed!

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## ¿CUALES SON LAS OFENSAS ELEGIBLES PARA CITATORIO?

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TODOS LOS DELITOS MENORES DE CLASE C (DELITOS CASTIGADOS SOLO CON MULTA) COMO TALES:

- o Infracciones de Tráfico (el exceso de velocidad, **conducir sin licencia**, etc)
- o Conducta Desordenada
- o Posesión de Parafernalia de Drogas
- o Hurto (Robo) Menor (menos de \$100 de propiedad)
- o Y muchos otros - por favor consulte con un abogado de defensa criminal para una lista completa.

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## WHAT ARE CONSIDERED CITATION-ELIGIBLE OFFENSES?

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ALL CLASS C MISDEMEANORS (FINE ONLY OFFENSES), SUCH AS:

- o Traffic violations (e.g. Speeding, **Driving without a License**, etc.)
- o Disorderly Conduct
- o Possession of Drug-Related Paraphernalia
- o Petty Theft (less than \$100 worth of property)
- o And many others - please consult with a criminal defense attorney for a full list.

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## ¿CUALES SON LAS OFENSAS ELEGIBLES PARA CITATORIO?



### CIERTOS DELITOS MENORES DE CLASE A Y B INCLUYENDO:

- o Posesión de menos de 4 onzas de marihuana
- o Daño a propiedad con daños de hasta \$750
- o Robo de hasta \$750 en propiedad
- o Robo de hasta \$750 en servicios
- o Conducir con una licencia inválida
- o Graffiti
- o Contrabando en una facilidad correccional

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### Posesión de Marihuana (menos de 4 oz)

- Simple posesión de marihuana de cualquier forma, **sin intención** de distribuirla or venderla
- **Ejemplo:** Posesión de un cigarro o una bolsa pequeña de marihuana que pese menos de 4 oz para su uso personal



### Daño a propiedad (hasta \$750)

- Intencionalmente dañar, desfigurar, alterar o destruir propiedad tangible
- **Ejemplo:** Se enoja y rompe la ventana de un coche o de una casa a alguien (sin intención robarlo).
- **Ojo:** Daño a propiedad es diferente que un robo con fractura, que involucra forzar la entrada a un vehículo o casa para robar



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### Robo de propiedad (hasta \$750 de valor)

- Robar cualquier objeto físico, dinero u otros bienes de un negocio y no de residencia
- **Ejemplo:** Robar ropa de una tienda



### Robo de servicios (hasta \$750 en valor)

- No proveer el pago para servicios que usted solicitó
- **Ejemplo:** No pagar la cuenta del restaurante en que comió



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### Manejar con una licencia inválida

Conducir un vehículo mientras su licencia ha sido suspendida, revocada, negada, cancelada o vencida (si se venció durante el periodo de suspensión) si tiene un récord previo por la misma ofensa



### Grafiti

Intencionalmente hacer marcas en la propiedad de otra persona sin el permiso del propietario

**Ejemplo:** pintar un dibujo o palabras en un edificio público o privado



### Llevar contrabando a una cárcel

Llevarle cosas prohibidos (chicle, comida, ropa, etc) a un detenido en una cárcel o meter cosas prohibidos a la cárcel como un empleado o voluntario de la cárcel



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# WHAT ARE CONSIDERED CITATION-ELIGIBLE OFFENSES?



## CERTAIN CLASS A & B MISDEMEANORS, INCLUDING:

- o Possession of up to 4 ounces of marijuana
- o Criminal mischief, with damage up to \$750
- o Theft of up to \$750 in property
- o Theft of up to \$750 in services
- o Driving while License Invalid
- o Graffiti
- o Contraband in a correctional facility

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## Possession of Marijuana (less than 4 oz)

- Simple possession of marijuana in any form, with no intent to distribute or sell
- **Example:** Possession of a joint or small bag of marijuana which weighs less than 4 oz for personal use



## Criminal Mischief (up to \$750 in damage)

- Intentionally damaging, defacing, altering, or destroying property.
- **Example:** Getting angry and intentionally breaking someone's car window
- **Note:** Criminal Mischief is different than Burglary, which involves breaking into a habitation or vehicle in order to steal property.



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### Theft of property (up to \$750 property value)

- Stealing any physical property, money or other assets
- **Example:** Shoplifting - stealing clothes from a store



### Theft of services (up to \$750 value)

- Failing to give payment for services provided to you in exchange for money/compensation
- **Example:** “Dine and dash” - Not paying the check when you go to a restaurant



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### Driving with an invalid license

Operating/Driving a motor vehicle while your **driver license** has been suspended, revoked, denied or cancelled if you have a prior conviction for the same offense



### Graffiti

Intentionally or knowingly making markings on someone else's property without the owner's permission

Example: spray painting a drawing or words on a public or private building



### Contraband in Correctional facility

Providing a prohibited item (i.e. gum, food, clothes) to an inmate in a correctional facility or introducing a prohibited item to the facility as an employee or volunteer for the facility



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## ¿CUÁLES SON SUS DERECHOS BAJO ESTAS NUEVAS POLÍTICAS?



Si la Policía de Austin lo acusa de una ofensa elegible de citatorio, un oficial **debe emitir un citatorio y liberarlo**, en vez de arrestarlo y llevarlo a la estación de policía o a la cárcel del condado, **a menos que:**

1. es menor de 17 años (será tratado como un menor)
2. usted exige ser llevado ante un juez inmediatamente en vez de esperar para cita con la corte
3. tiene una orden de arresto pendiente
4. esta intoxicado públicamente
5. usted es una amenaza a su misma seguridad y la de quienes lo rodean
6. no puede presentar una identificación suficiente
7. Usted no vive en el condado donde la policía lo paró (condados de Travis y Hays)

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## WHAT ARE YOUR RIGHTS UNDER THESE NEW POLICIES?



If you are accused of a citation-eligible offense by Austin Police, an **officer should issue you a citation and release you**, rather than making an arrest and taking you to the police station or county jail, **unless:**

1. you are under the age of 17 (in which case you will be treated as a juvenile)
2. you demand to be taken before a judge immediately instead of waiting for a court date
3. you have an outstanding warrant out for your arrest
4. you are publicly intoxicated
5. you are a threat to the safety of yourself and those around you
6. you are unable to present sufficient identification
7. you don't live in the county where police stopped you (Travis or Hays County)

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**¿CUÁLES SON  
SUS DERECHOS  
BAJO ESTAS  
NUEVAS  
POLÍTICAS?**



Los oficiales también deben informarle de su derecho a permanecer en silencio **antes de preguntar sobre su estatus migratorio**. Un oficial no puede presionarlo a que responda.

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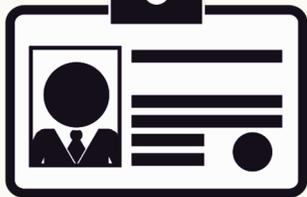
**WHAT ARE YOUR  
RIGHTS UNDER  
THESE NEW  
POLICIES?**



Officers must advise you of your right to remain silent **before inquiring about your immigration status**. An officer cannot pressure you into answering.

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## ¿CUÁLES SON SUS DERECHOS BAJO ESTAS NUEVAS POLÍTICAS?



Un oficial debe aceptar cualquier tipo(s) de identificación que establezca su identidad y condado de residencia, independientemente de si contiene su foto.

Usted puede presentar varias formas de identificación para demostrar su condado de residencia, incluyendo **una licencia de conducir, identificación emitida por el gobierno federal o estatal, identificación de estudiante, identificación de una iglesia, factura de servicios públicos, etc.**

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## WHAT ARE YOUR RIGHTS UNDER THESE NEW POLICIES?



An officer must accept any type(s) of identification which establishes your identity and county of residence, regardless of whether it contains your photo.

You may present various forms of identification to demonstrate your county of residence, including a **driver's license, state or federally issued ID, student ID, church ID, utility bill, etc.**

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# ¿PREGUNTAS?

# QUESTIONS?

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## ¿A QUÉ DEBO PRESTAR ATENCIÓN SI SOY DETENIDO POR UN OFICIAL DE POLICÍA DE AUSTIN?

Pregunte por el **nombre completo** y el **número de placa del oficial**. Escriba esa información y déselo a un familiar o amigo. **Anote la fecha, la hora, y la ubicación** en la cual lo detuvieron.



Si le preguntan sobre su estatus migratorio, tenga en cuenta si le informaron de su derecho a permanecer en silencio **ANTES** de que el oficial le preguntará sobre su estatus migratorio.

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## WHAT SHOULD I PAY ATTENTION TO IF I AM STOPPED BY AN AUSTIN POLICE OFFICER?

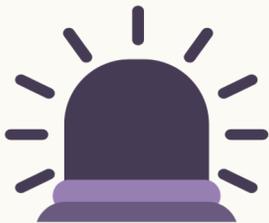
Ask for the officer's **full name and badge number**. Record that information and give it to a family member or friend. Note the **date, time and location** where you were stopped.



If you are asked about your immigration status, note whether you were told your right to remain silent **BEFORE** the officer asked you about your immigration status.

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## TOME RECORD DE LA INTERACCION



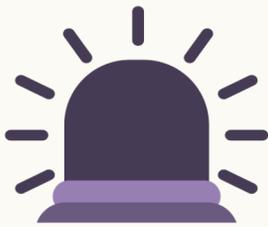
Registre las circunstancias de la parada o detención. Tendrá que dar detalles sobre lo que sucedió, la forma en que el oficial lo trató, y por qué. Por ejemplo:

- ¿El oficial le leyó sus derechos?
- ¿El oficial lo coaccionó para que le diera información?
- ¿El oficial lo obligó a presentar una específica forma de identificación, o rechazó una identificación que debería haber sido aceptada?
- ¿El oficial lo arrestó, incluso si sólo se le acusó de cometer un delito elegible de citación? ¿Por qué cree que el oficial lo arrestó?
- ¿El oficial usó algún término o nombre ofensivo con usted?

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## TAKE NOTE OF THE INTERACTION

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Record the circumstances of the stop or arrest. Give details about what happened, the way the officer treated you, and why. For example:

- Did the officer read you your rights?
- Did the officer coerce you into giving them information?
- Did the officer force you to present a specific form of ID or reject ID that should have been accepted?
- Did the officer arrest you, even though you were accused of committing a citation-eligible offense only? Why do you think the officer arrested you?
- Did the officer use any offensive terms or names with you?

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## ¿QUÉ DEBO HACER SI UN OFICIAL VIOLA MIS DERECHOS?

Presentar una queja ante la Oficina de Supervisión Policial (OSP), que investiga las denuncias de mala conducta de la policía. OSP no es parte del departamento de policía, y ayuda para que los oficiales sean responsables de sus acciones. **Esto puede hacerse de forma anónima.**

**Si necesita ayuda con hacer una queja, llame a la línea de defensa comunitaria de Grassroots Leadership al 512-270-1515.**

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## WHAT SHOULD I DO IF AN OFFICER VIOLATES MY RIGHTS?

File a complaint with the Office of Police Oversight (OPO), which investigates complaints of officer misconduct. OPO is not part of the police department, and helps to hold officers accountable for their actions. **This may be done anonymously.**

**If you need help, call Grassroot Leadership's community defense hotline at 512-270-1515 for assistance.**

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Learn more about local policy changes and get involved with these efforts

Obtenga más información sobre cambios en las pólizas locales y participar en estos esfuerzos

Follow our groups on Facebook at:

Sigue nuestros grupos en Facebook:



Workers Defense Project  
[www.facebook.com/  
WorkersDefenseProject](http://www.facebook.com/WorkersDefenseProject)



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United We Dream  
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UWDTexas](http://www.facebook.com/UWDTexas)



ILRC  
[www.facebook.com/  
immigrantlegalresource  
center](http://www.facebook.com/immigrantlegalresourcecenter)

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**¿PREGUNTAS?**

**QUESTIONS?**

# DATA TRANSPARENCY AND REPORTING

An important part of a strong cite and release policy is a data transparency mandate, in which the law enforcement agency must provide regular, detailed and publicly available data reports demonstrating how often they arrested individuals for citation-eligible offenses versus when they utilized cite and release. Reports should be frequent enough to demonstrate ongoing trends, such as monthly, bi-monthly, or quarterly. These reports should include the following types of information:

- Aggregate data showing the number of arrests made for citation-eligible offenses in which arrest was not mandated by state law. The data should be aggregated and categorized by race and ethnicity of person arrested, geographic location of arrest, alleged criminal offense, and reason for arrest.
- Aggregate data showing the number of citations, tickets or warnings issued for citation-eligible offenses. The data should be aggregated and categorized by race and ethnicity of person cited, ticketed or issued a warning, geographic location of incident, and alleged criminal offense.
- Anonymized records of every instance that a police officer made an arrest for a citation-eligible offense, including the:
  - Documented reason for the stop and the arrest.
  - Particular offense alleged.
  - Reason for arrest, and whether supervisor approval for the arrest was obtained.
  - Age, race, and ethnicity of the person arrested.
  - General location, such as the zip code or intersection of the incident.

Multiple police departments have started displaying information using interactive, online dashboards which are updated on a regular basis. These dashboards help community members visualize the data and view it in one place, without having to download separate documents every time new data is released. Below are links to examples of police dashboards that display cite and release information and data:

- [San Antonio Police Dashboard](#)
- [Houston Police Dashboard](#)
- [San Marcos Police Dashboard](#)

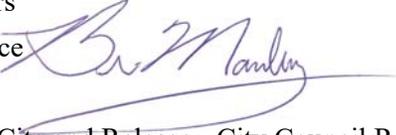
In addition to dashboard information, both the Austin Police Department and San Antonio Police Department release written quarterly data reports which are compiled on the city websites.

- [San Antonio Quarterly Reports](#)
- [Austin Resolution 73 and 74 \(“Freedom City” resolutions\) Reports](#)



## MEMORANDUM

Austin Police Department  
*Office of the Chief*

**TO:** Mayor and Council Members  
**FROM:** Brian Manley, Chief of Police   
**DATE:** May 3, 2019  
**SUBJECT:** Quarterly Report regarding Cite and Release - City Council Resolution 20180614-073

The purpose of this memorandum is to provide an update on the Council resolution adopted on June 14, 2018 related to the Austin Police Department (APD) policies regarding the issuance of misdemeanor citations in lieu of arrest. The Department has revised its General Orders concerning the rules officers are to follow when issuing a misdemeanor citation in lieu of an arrest. The Council resolution also requires APD to provide quarterly public reports to the City Council containing data on the use of arrests in lieu of citations for non-violent offenses when citation would be permitted by state law. For each instance, these reports must include the arrest date, arrest location, arrestee race/ethnicity, arrest reason (charge), and reason for custody arrest. This information is provided in two attachments to this memorandum (see attachment 1 – arrest data and attachment 2- additional analysis).

At a high-level, APD’s analysis reveals that officers made **246** custodial arrests for non-violent misdemeanors that were potentially eligible under state law for a citation that occurred between January 1 – March 31, 2018 compared with **105** custodial arrests for the same type of offenses that occurred between January 1 – March, 2019. This reflects a **57%** decrease in custodial arrests for these types of offenses.

As shown below, arrests for these types of Class C misdemeanors saw the greatest reduction:

	Jan-Mar 2018	Jan-Mar 2019	Total	2018-2019 % decrease
Class A/B	134	64	198	-52%
Class C	112	41	153	-63%
Total	246	105	351	-57%

The below numbers are provided to show comparable Class C citations and Class A/B cite-and-release tickets issued for the same time periods:

Total (Jan-Mar 2018)			Total (Jan-Mar 2019)		
Custody Arrests	246	1.4%	Custody Arrests	105	0.7%
Citations / Cite-and-Release	16,968	98.6%	Citations / Cite-and-Release	14,853	99.3%
Total	17,214	100%	Total	14,958	100%

The arrests in this period were made by 84 unique officers.

After several productive meetings with the community-based “Freedom City Working Group,” APD made significant changes to its General Orders in November 2018 and February 2019 (see attachment 3 – Changes to General Orders). APD is continuing to meet with the Freedom City Working Group on this topic as well as other issues in an ongoing effort to address disparities within the criminal justice system. APD will continue to monitor compliance with its General Orders in this area, and provide quarterly reports to Council. The next report will be provided to you by August 1, 2019. Please contact Assistant Chief Troy Gay or me with any questions.

cc: Spencer Cronk, City Manager  
 Rey Arellano, Assistant City Manager  
 Troy Gay, Assistant Chief

Attachment 1 – Arrest Data per Resolution  
 Attachment 2 – Additional Analysis  
 Attachment 3 – Changes to General Orders

**Resolution 20180614-073 Quarterly Update  
Attachment 1: Arrest Data (Jan-Mar 2018; Jan-Mar 2019)**

Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
1/1/2018	6014 CAMERON RD	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/1/2018	325 E 6TH ST (per TCSO data)	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/1/2018	600 W WILLIAM CANNON DR	WHITE	eligible Class C	THEFT BY SHOPLIFTING - Class C	UNKNOWN (no related GO found, or GO not correct)
1/2/2018	WOODWARD ST / S IH 35 SVRD NB	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
1/3/2018	707 E 7TH ST	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/3/2018	500 E 7TH ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class A	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/3/2018	7000 EASY WIND DR	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/4/2018	600 BARTON SPRINGS RD (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/4/2018	12000 N MOPAC EXPY NB	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/4/2018	10515 N MOPAC EXPY SVRD NB	BLACK	eligible Class C	THEFT - Class C	subject had prior conviction/was habitual violator
1/5/2018	8100 N LAMAR BLVD NB	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
1/5/2018	5513 SOUTHWEST PKWY	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/6/2018	E 6TH ST / NECHES ST	WHITE	eligible Class C	POSS OF ALCOHOL - AGE 17 TO 20 - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/6/2018	7400 S PLEASANT VALLEY RD	HISPANIC OR LATINO	eligible Class C	NO DRIVERS LICENSE - Class C + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/6/2018	2100 NORTHLAND DR (per TCSO data)	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/7/2018	7844 BURNET RD	WHITE	eligible Class C	DOC ABUSIVE LANGUAGE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/8/2018	9283 N LAMAR BLVD	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
1/8/2018	7101 N IH 35 SVRD NB	MIDDLE EASTERN	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/8/2018	E OLTORF ST / S IH 35 SVRD SB	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/8/2018	5400 LOYOLA LN	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
1/9/2018	2600 FOSTER LN	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/9/2018	9515 N LAMAR BLVD (per TCSO data)	WHITE	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/9/2018	9616 N LAMAR BLVD (per TCSO data)	WHITE	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations
1/9/2018	9616 N LAMAR BLVD (per TCSO data)	BLACK	eligible Class C	URINATING IN PUBLIC PLACE - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/9/2018	3400 DAVIS LN	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/9/2018	8809 BURNET RD	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/10/2018	9616 N LAMAR BLVD (per TCSO data)	BLACK	eligible Class C	URINATING IN PUBLIC PLACE - Class C	arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations
1/11/2018	1600 WEBBERVILLE RD	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/11/2018	9300 S IH 35 SVRD SB	BLACK	eligible Class C	THEFT - Class C	subject had prior conviction/was habitual violator
1/12/2018	5909 BOLM RD	BLACK	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/12/2018	2820 S LAMAR BLVD (per TCSO data)	WHITE	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge

**Resolution 20180614-073 Quarterly Update  
Attachment 1: Arrest Data (Jan-Mar 2018; Jan-Mar 2019)**

Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
1/12/2018	5600 E 51ST ST (per TCSO data)	HISPANIC OR LATINO	eligible Class C	DRIVING WHILE LICENSE INVALID - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/12/2018	6305 BEXTON CIR	HISPANIC OR LATINO	eligible Class C	ASSAULT BY THREAT - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/12/2018	2901 S CAPITAL OF TEXAS HWY (per TCSO data)	WHITE	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
1/13/2018	422 E 6TH ST	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/13/2018	6100 S CONGRESS AVE	WHITE	eligible Class C	DRIVING WHILE LICENSE INVALID - Class C	subject had additional issues
1/14/2018	6900 BRODIE LN	HISPANIC OR LATINO	eligible Class A/B	THEFT BY SHOPLIFTING - Class B	subject had prior conviction/was habitual violator
1/14/2018	E BEN WHITE BLVD SVRD EB / S IH 35 SVRD NB	WHITE	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/14/2018	700 COLORADO ST (per TCSO data)	HISPANIC OR LATINO	eligible Class C	URINATING IN PUBLIC PLACE - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/14/2018	9300 S IH 35 SVRD SB	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/15/2018	5900 N MOPAC EXPY NB (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/15/2018	S 1ST / W STASSNEY LN (per TCSO data)	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/16/2018	2900 S IH 35 SB	HISPANIC OR LATINO	eligible Class C	DUI - AGE 17 TO 20 - Class C	Reason not documented
1/16/2018	3909 N IH 35 SVRD NB	BLACK	eligible Class C	THEFT - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/16/2018	2500 S IH 35 NB	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	subject had additional issues
1/17/2018	6200 N LAMAR (per TCSO data)	BLACK	eligible Class A/B	THEFT - Class B	Reason not documented
1/18/2018	1000 FIELDWOOD DR	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/18/2018	2508 E RIVERSIDE DR (per TCSO data)	WHITE	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
1/18/2018	500 E 7TH ST (per TCSO data)	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/18/2018	12900 N IH 35 SVRD SB	WHITE	eligible Class C	THEFT - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/19/2018	700 BLOCK COLORADO ST	ASIAN	eligible Class C	HAZARDOUS TRAFFIC VIOL - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
1/19/2018	406 E 6TH ST	WHITE	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/19/2018	1920 E RIVERSIDE DR	HISPANIC OR LATINO	eligible Class C	THEFT - Class C + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/19/2018	700 BLK CONGRESS AVE (per TCSO data)	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/20/2018	8302 TUSCANY WAY	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/21/2018	8700 N IH 35 SB	HISPANIC OR LATINO	eligible Class C	HAZARDOUS TRAFFIC VIOL - Class C + 3 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/22/2018	3013 PUEBLA DR	BLACK	eligible Class A/B	THEFT - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/22/2018	1100 BLK BRENTWOOD ST (per TCSO data)	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
1/22/2018	1700 WILLOW CREEK DR	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/23/2018	E BRAKER LN / BLUFF BEND DR	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/24/2018	7619 N IH 35 SVRD NB	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
1/25/2018	PROVIDENCE AVE AND WILKS AVE (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues

**Resolution 20180614-073 Quarterly Update  
Attachment 1: Arrest Data (Jan-Mar 2018; Jan-Mar 2019)**

Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
1/25/2018	1920 E RIVERSIDE DR (per TCSO data)	HISPANIC OR LATINO	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations
1/25/2018	1920 E RIVERSIDE DR (per TCSO data)	HISPANIC OR LATINO	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations
1/26/2018	DENSON DR / N LAMAR BLVD	WHITE	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/26/2018	5700 PALO BLANCO LN	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/27/2018	400 E 6TH ST	WHITE	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/27/2018	6TH AND TRINITY (per TCSO data)	WHITE	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/27/2018	E OLTORF ST / SUNRIDGE DR	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
1/28/2018	300 BLOCK E 6TH ST	HISPANIC OR LATINO	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
1/28/2018	2901 S CAPITAL OF TEXAS HWY NB	WHITE	eligible Class A/B	BURGLARY OF VEHICLE - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/28/2018	6611 HERGOTZ LN	BLACK	eligible Class C	ASSAULT BY THREAT - Class C	subject had prior conviction/was habitual violator
1/28/2018	601 N IH 35 SVRD NB	HISPANIC OR LATINO	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/29/2018	CAMERON RD & MCKIE DR (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/29/2018	3105 MANCHACA APT B (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/30/2018	9401 N IH 35 SVRD NB	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/30/2018	300 W NORTH LOOP BLVD	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/31/2018	1405 WEBBERVILLE RD	BLACK	eligible Class A/B	THEFT - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/31/2018	6103 AVERY ISLAND AVE (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/31/2018	601 W 11TH ST	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/31/2018	6900 MANCHACA RD	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/31/2018	1912 E RIVERSIDE DR	WHITE	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
1/31/2018	1434 W WELLS BRANCH PKWY	WHITE	eligible Class A/B	THEFT BY SHOPLIFTING - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/1/2018	900 BERKMAN (per TCSO data)	HISPANIC OR LATINO	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/1/2018	6300 E US 290 HWY SVRD EB	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/2/2018	7200 MANCHACA RD	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
2/2/2018	200 BLOCK E 6TH ST	HISPANIC OR LATINO	eligible Class C	URINATING IN PUBLIC PLACE - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/3/2018	500 E 6TH ST	HISPANIC OR LATINO	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/3/2018	11521 N FM 620 RD	WHITE	eligible Class A/B	THEFT - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/4/2018	E 6TH ST / TRINITY ST	HISPANIC OR LATINO	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/4/2018	1400 E RIVERSIDE DR	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 2 additional charge(s)	subject had prior conviction/was habitual violator
2/4/2018	7309 CAMERON RD	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	The subject could not provide satisfactory evidence of personal identification
2/4/2018	7309 CAMERON RD	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	The subject could not provide satisfactory evidence of personal identification
2/4/2018	10800 N IH 35 SVRD SB	HISPANIC OR LATINO	eligible Class C	NO DRIVERS LICENSE - Class C + 2 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/5/2018	W HOME PL / GEORGIAN DR	HISPANIC OR LATINO	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge

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Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
2/7/2018	12900 N IH35 SVRD SB (per TCSO data)	HISPANIC OR LATINO	eligible Class C	THEFT - Class C	subject had prior conviction/was habitual violator
2/8/2018	161 W SLAUGHTER LN	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
2/9/2018	908 THOMPSON ST	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
2/9/2018	9414 N LAMAR BLVD (per TCSO data)	UNKNOWN	eligible Class A/B	THEFT OF BICYCLE - Class B	arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations
2/9/2018	5300 S MOPAC EXPY SVRD (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/9/2018	500 E 6TH ST	WHITE	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/10/2018	7801 N LAMAR BLVD SVRD NB	MIDDLE EASTERN	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/10/2018	709 W LONGSPUR BLVD	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/10/2018	1000 E 41ST ST	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
2/11/2018	2901 S CAPITOL OF TX HWY (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
2/11/2018	9316 N LAMAR BLVD (per TCSO data)	BLACK	eligible Class A/B	THEFT - Class B	arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations
2/12/2018	3830 MANORWOOD RD	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/12/2018	12900 DESSAU RD	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/12/2018	12900 DESSAU RD	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/12/2018	NORTHEAST DR / BRADLEY DR	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/13/2018	1030 NORWOOD PARK BLVD	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/13/2018	2100 GROVE BLVD	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/13/2018	2310 WICKERSHAM LN	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/13/2018	4600 N IH 35 SVRD NB	WHITE	eligible Class C	NO DRIVERS LICENSE - Class C + 2 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/14/2018	500 CANYON RIDGE DR	WHITE	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
2/14/2018	CAMERON RD / E RUNDBERG LN	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/15/2018	6200 S CONGRESS AVE	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/15/2018	600 NECHES ST (per TCSO data)	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/15/2018	N IH 35 SVRD SB / E CESAR CHAVEZ ST	BLACK	eligible Class C	SOLICITATION - BEGGING - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/15/2018	8423 MAINE DR	HISPANIC OR LATINO	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/16/2018	1604 SAGE HOLLOW CIR	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	Reason not documented
2/16/2018	1100 BLK OF RED RIVER (per TCSO data)	BLACK	eligible Class C	TRAFFIC VIOL/OTHER - Class C	UNKNOWN (Case restricted for SIU investigation)
2/16/2018	13609 N IH 35 SVRD NB	BLACK	eligible Class C	THEFT - Class C	subject had prior conviction/was habitual violator
2/16/2018		WHITE	eligible Class A/B	POSS MARIJUANA - Class A + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/17/2018	8405 OLD BEE CAVES RD (per TCSO data)	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/17/2018	8600 E US 290 HWY SVRD EB	BLACK	eligible Class C	DRIVING WHILE LICENSE INVALID - Class C	subject had additional issues
2/18/2018	6TH AND TRINITY (per TCSO data)	UNKNOWN	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
2/18/2018	2901 S CAPITOL OF TEXAS HWY NB (per TCSO data)	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	The subject could not provide satisfactory evidence of personal identification
2/19/2018	301 W RIVERSIDE (per TCSO data)	BLACK	eligible Class C	THEFT OF SERVICE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested

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Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
2/20/2018	MEDICAL ARTS ST / E DEAN KEETON ST	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 2 additional charge(s)	subject had prior conviction/was habitual violator
2/20/2018	E 6TH ST / TRINITY ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/20/2018	9000 N IH 35 SVRD NB	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
2/20/2018	5200 S IH 35 SVRD SB	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
2/21/2018	300 E 6TH ST (per TCSO data)	MIDDLE EASTERN	eligible Class C	DUI - AGE 17 TO 20 - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
2/21/2018	8100 GEORGIAN DR	HISPANIC OR LATINO	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/22/2018	13800 N IH 35 NB	BLACK	eligible Class C	NO LIABILITY INSURANCE 2ND - Class C + 4 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/22/2018	12900 N IH 35 SVRD SB	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/22/2018	408 E 6TH ST	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/22/2018	500 E 7TH ST	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations
2/23/2018	E 8TH ST / N IH 35 SVRD SB	BLACK	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/23/2018	100 W MILTON (per TCSO data)	WHITE	eligible Class C	TRAFFIC VIOL/OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/23/2018	11501 GUERNSEY DR (per TCSO data)	WHITE	eligible Class A/B	POSS MARIJUANA - Class A	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/23/2018	DESSAU RD / JUNE DR	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/24/2018	600 BLOCK TRINITY ST	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/24/2018	500 E 7TH ST (per TCSO data)	BLACK	eligible Class C	VOCO - ALCOHOL CONSUMPTION - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/24/2018	700 E 6TH ST	WHITE	eligible Class C	LITTERING - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/24/2018		WHITE	eligible Class C	VOCO - ALCOHOL CONSUMPTION - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/25/2018	300 E 6TH ST	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	subject uncooperative
2/25/2018	9300 N LAMAR BLVD	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/26/2018	E 7TH ST / TRINITY ST	HISPANIC OR LATINO	eligible Class C	VIOL STATE LAW - OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/26/2018	710 E BEN WHITE BLVD SVRD WB	WHITE	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
2/27/2018	5600 BENNETT AVE (per TCSO data)	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
2/27/2018	525 N LAMAR BLVD	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/27/2018	2901 S CAPITAL OF TEXAS HWY NB (per TCSO data)	BLACK	eligible Class A/B	THEFT BY SHOPLIFTING - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/27/2018	1700 W 6TH ST (per TCSO data)	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/28/2018	SPRINGDALE RD / E 12TH ST	WHITE	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/28/2018	3311 ESPERANZA XING	WHITE	eligible Class A/B	THEFT - Class B	subject uncooperative
2/28/2018	12400 N LAMAR BLVD	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had prior conviction/was habitual violator
2/28/2018	7901 N IH 35 SVRD NB	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/28/2018	4200 S IH 35 SVRD SB	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
2/28/2018	W 5TH ST / BOWIE ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	subject uncooperative

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Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
3/1/2018	9106 N IH 35 SVRD SB	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/1/2018	500 E 7TH ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/1/2018	809 E KOENIG LN SVRD EB	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
3/1/2018	1140 NORTHWESTERN AVE	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
3/2/2018	525 N LAMAR BLVD	WHITE	eligible Class C	THEFT - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
3/2/2018	2410 E RIVERSIDE DR	HISPANIC OR LATINO	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/2/2018	307 SHERATON AVE	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/3/2018	200 W 4TH ST	WHITE	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/4/2018	1302 MATTHEWS LN	HISPANIC OR LATINO	eligible Class C	ASSAULT BY THREAT - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/4/2018	11654 RESEARCH BLVD SVRD SB	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/5/2018	900 CLAYTON LN	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
3/6/2018	1801 E 51ST ST (per TCSO data)	BLACK	eligible Class A/B	CRIMINAL MISCHIEF - Class B + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/6/2018	S 1ST TO BEN WHITE EB RAMP / W BEN WHITE BLVD EB	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/7/2018	N IH 35 SVRD NB / E BRAKER LN	HISPANIC OR LATINO	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/7/2018	500 CONGRESS AVE	BLACK	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/8/2018	E 6TH ST / TRINITY ST	BLACK	eligible Class C	NON HAZARDOUS TRAFFIC VIOL - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/9/2018	SHERINGHAM DR / S PLEASANT VALLEY RD	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/9/2018	600 MEDINA	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
3/9/2018	HAROLD CT / ED BLUESTEIN BLVD SB	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	Reason not documented
3/9/2018	N IH 35 SVRD NB / E US 290 HWY SVRD EB	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/9/2018	9607 RESEARCH BLVD NB	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
3/10/2018	807 W 6TH ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/10/2018	9700 N CAPITAL OF TEXAS HWY NB	HISPANIC OR LATINO	eligible Class A/B	POSS CONTROLLED SUB/NARCOTIC - Class A + 1 additional charge(s)	offense not eligible for cite-and-release at the time of the arrest
3/10/2018	8600 W SH 71	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/10/2018	11300 RESEARCH BLVD NB	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
3/11/2018	600 BLOCK RED RIVER ST	BLACK	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/11/2018	1202 SAN ANTONIO ST	WHITE	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/11/2018	1100 SABINE ST	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
3/13/2018	100 BLOCK W 4TH ST	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 2 additional charge(s)	subject had prior conviction/was habitual violator
3/13/2018	7500 CAMERON RD	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
3/13/2018	500 BLOCK E 7TH ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge

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Attachment 1: Arrest Data (Jan-Mar 2018; Jan-Mar 2019)**

Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
3/13/2018	400 E 6TH ST	WHITE	eligible Class C	VIOL GLASS CONTAINER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/15/2018	TRINITY/8TH ST (per TCSO data)	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/15/2018	800 RUTLAND DR	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
3/16/2018	2600 S IH 35 NB	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/16/2018	600 BLOCK RIO GRANDE ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/17/2018	2100 S US 183 HWY NB	HISPANIC OR LATINO	eligible Class C	DUI - AGE 17 TO 20 - Class C	subject had additional issues
3/17/2018	1901 E MARTIN LUTHER KING JR BLVD	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/17/2018	800 E 6TH ST	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/17/2018	810 E SLAUGHTER (per TCSO data)	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/18/2018	300 BLOCK NAVASOTA ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/18/2018	4800 S CONGRESS AVE	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/18/2018	W 7TH ST / LAVACA ST	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	Reason not documented
3/19/2018	DESSAU RD / SHROPSHIRE BLVD	BLACK	eligible Class C	DRIVING WHILE LICENSE INVALID - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/19/2018	11700 ROCK ROSE AVE	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/19/2018	2600 ELLISE AVE (per TCSO data)	WHITE	eligible Class C	TRAFFIC VIOL/OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/20/2018	525 N LAMAR BLVD	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/20/2018	ROBERT T MARTINEZ JR ST / SANTA RITA ST	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
3/21/2018	N IH 35 SVRD NB AND BLACKSON AVE (per TCSO data)	BLACK	eligible Class A/B	POSS MARIJUANA - Class A	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/21/2018	2433 S PLEASANT VALLEY RD	ASIAN	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/21/2018	13609 N IH 35 SVRD NB	WHITE	eligible Class A/B	THEFT - Class B + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/21/2018	13609 N IH 35 SVRD NB	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/22/2018	800 TRINITY ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/22/2018	1800 BURNET RD (per TCSO data)	HISPANIC OR LATINO	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	The subject could not provide satisfactory evidence of personal identification
3/22/2018	1600 OHLEN RD	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/22/2018	1201 BARBARA JORDAN (per TCSO data)	HISPANIC OR LATINO	eligible Class C	THEFT - Class C	subject had prior conviction/was habitual violator
3/22/2018	9200 N LAMAR BLVD	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 3 additional charge(s)	subject had additional issues
3/23/2018	400 BLOCK E 6TH ST	WHITE	eligible Class C	POSS OF ALCOHOL - AGE 17 TO 20 - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/23/2018	900 MONTOPOLIS DR	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
3/23/2018	7000 BENNETT AVE (per TCSO data)	BLACK	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/23/2018	7TH ST RED RIVER ST (per TCSO data)	WHITE	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested

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Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
3/24/2018	600 BLOCK N IH 35 SVRD SB	BLACK	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/24/2018	5000 N MOPAC EXPY NB	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/25/2018	4916 SUBURBAN DR	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/25/2018	525 N LAMAR BLVD	WHITE	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
3/25/2018	AIRPORT/GLISSMAN (per TCSO data)	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/25/2018	BRADSHER DR / EBERHART LN	BLACK	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/26/2018	600 TRINITY ST	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/26/2018	500 E 7TH ST	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/26/2018	13609 N IH 35 SVRD NB	WHITE	eligible Class C	THEFT BY SHOPLIFTING - Class C + 1 additional charge(s)	Reason not documented
3/26/2018	W 4TH ST / LAVACA ST	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/26/2018	425 W RIVERSIDE DR	WHITE	eligible Class A/B	GRAFFITI - Class A + 1 additional charge(s)	subject had additional issues
3/27/2018	E 7TH ST / N IH 35 SVRD NB	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations
3/27/2018	12600 RIATA TRACE PKWY	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/28/2018	7501 S IH 35 SVRD NB (per TCSO data)	HISPANIC OR LATINO	eligible Class C	DRIVING WHILE LICENSE INVALID - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/28/2018	5621 N IH 35 SVRD NB	WHITE	eligible Class A/B	THEFT BY SHOPLIFTING - Class B + 1 additional charge(s)	subject had prior conviction/was habitual violator
3/28/2018	10107 RESEARCH BLVD SVRD NB	WHITE	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
3/29/2018	ST JOHNS AVE/I 35 NB SVRD (per TCSO data)	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
3/29/2018	1100 BLOCK AIRPORT BLVD	BLACK	eligible Class A/B	POSS MARIJUANA - Class A	Reason not documented
3/29/2018	7200 BENNETT AVE	BLACK	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/30/2018	700 E 10TH ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	subject had prior conviction/was habitual violator
3/30/2018	6001 MANCHACA RD (per TCSO data)	WHITE	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/31/2018	E 6TH ST / TRINITY ST	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/31/2018	300 BLOCK E 6TH ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/31/2018	808 JUSTIN LN	BLACK	eligible Class C	THEFT - Class C + 1 additional charge(s)	The subject could not provide satisfactory evidence of personal identification
1/4/2019	11808 GAELIC DR	HISPANIC OR LATINO	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
1/5/2019	7500 N IH 35 SVRD NB	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/5/2019	1434 W WELLS BRANCH PKWY	BLACK	eligible Class A/B	THEFT - Class B	Reason not documented
1/6/2019	500 E 7TH ST	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	Reason not documented
1/6/2019	2300 W BEN WHITE BLVD EB	WHITE	eligible Class A/B	THEFT - Class B	Reason not documented
1/7/2019	500 BLOCK N LAMAR BLVD	WHITE	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	subject had additional issues
1/7/2019	W 4TH ST / LAVACA ST	BLACK	eligible Class A/B	THEFT - Class B	subject uncooperative
1/9/2019	1906 ROSEWOOD AVE	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	subject uncooperative
1/10/2019	7200 BLOCK CAMERON RD	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had additional issues
1/11/2019	509 W 11TH ST	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	subject had additional issues

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Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
1/11/2019	5200 DUVAL RD	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
1/11/2019	W DITTMAR RD / S CONGRESS AVE	WHITE	eligible Class C	HAZARDOUS TRAFFIC CITATION - Class C + 2 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
1/12/2019	1800 BLOCK WICKERSHAM LN	HISPANIC OR LATINO	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C + 1 additional charge(s)	subject had additional issues
1/14/2019	1400 E ST JOHNS AVE	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	subject had additional issues
1/14/2019	E 17TH ST / MAPLE AVE	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/14/2019	1200 WEBBERVILLE RD	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had prior conviction/was habitual violator
1/16/2019	2508 E RIVERSIDE DR	BLACK	eligible Class A/B	THEFT - Class B	Reason not documented
1/17/2019	10620 LANSHIRE DR	BLACK	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	subject had additional issues
1/17/2019	1600 E 3RD ST	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
1/18/2019	CAMERON RD / E 51ST ST	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/18/2019	10107 RESEARCH BLVD SVRD NB	BLACK	eligible Class A/B	THEFT - Class B	Reason not documented
1/18/2019	W STASSNEY LN / FERNVIEW RD	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	Reason not documented
1/18/2019	6900 CARVER AVE	HISPANIC OR LATINO	eligible Class C	NO DRIVERS LICENSE - Class C	The subject could not provide satisfactory evidence of personal identification
1/19/2019	RESEARCH BLVD SVRD SB / LAZY LN	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/20/2019	E 12TH ST / HARVEY ST	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject's DL was suspended for a DWI
1/22/2019	5800 E MARTIN LUTHER KING JR BLVD	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 3 additional charge(s)	subject had additional issues
1/22/2019	5017 W US 290 HWY SVRD EB	HISPANIC OR LATINO	eligible Class C	THEFT - Class C	subject uncooperative
1/22/2019	12000 N MOPAC EXPY NB	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/23/2019	5700 MANCHACA RD	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/23/2019	2301 E CESAR CHAVEZ ST	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	subject uncooperative
1/24/2019	3311 ESPERANZA XING	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	Reason not documented
1/24/2019	500 BRAZOS ST	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
1/25/2019	13813 BURNET RD	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	The subject requires medical examination or medical care or is otherwise unable to care of his own safety
1/26/2019	400 BLOCK E 6TH ST	HISPANIC OR LATINO	eligible Class C	POSS OF ALCOHOL - AGE 17 TO 20 - Class C	subject uncooperative
1/26/2019	S PLEASANT VALLEY RD / ELMONT DR	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
1/27/2019	W 24TH ST / GUADALUPE ST	WHITE	eligible Class C	THEFT - Class C	Reason not documented
1/27/2019	12900 STATON DR	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The subject could not provide satisfactory evidence of personal identification
1/29/2019	12500 BLOCK METRIC BLVD	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
1/29/2019	5000 E OLTORF ST	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/31/2019	10400 BLOCK BURNET RD	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
1/31/2019	5201 BERKMAN DR	BLACK	eligible Class C	FAILURE TO IDENTIFY - Class C + 1 additional charge(s)	subject uncooperative
2/3/2019	10500 N MOPAC EXPY SB	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	subject had additional issues
2/4/2019	2901 S CAPITAL OF TEXAS HWY NB	ASIAN	eligible Class A/B	THEFT - Class B	Reason not documented
2/5/2019	2700 STECK AVE	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject had prior conviction/was habitual violator
2/5/2019	716 NECHES ST	WHITE	eligible Class C	HAZARDOUS TRAFFIC CITATION - Class C + 1 additional charge(s)	subject had additional issues
2/6/2019	6104 CARNATION TER	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class A	Reason not documented
2/7/2019	E 8TH ST / SAN JACINTO BLVD	WHITE	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	subject uncooperative
2/7/2019	413 E 6TH ST	WHITE	eligible Class C	MISREP AGE BY MINOR - Class C	subject had additional issues
2/11/2019	609 CONGRESS AVE	BLACK	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/11/2019	1900 WILLOW CREEK DR	HISPANIC OR LATINO	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	subject had additional issues
2/12/2019	13435 N US 183 HWY SVRD NB	BLACK	eligible Class C	THEFT - Class C	subject had additional issues
2/14/2019	2300 W BEN WHITE BLVD SVRD WB	WHITE	eligible Class A/B	THEFT - Class B	subject had prior conviction/was habitual violator
2/14/2019	620 W 6TH ST	WHITE	eligible Class A/B	THEFT OF SERVICE - Class B	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
2/14/2019	413 E 6TH ST	WHITE	eligible Class C	MISREP AGE BY MINOR - Class C	subject had prior conviction/was habitual violator

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2/15/2019	2300 W BEN WHITE BLVD EB	WHITE	eligible Class A/B	THEFT - Class B + 1 additional charge(s)	Reason not documented
2/16/2019	1521 REAGAN HILL DR	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	subject uncooperative
2/17/2019	400 BLOCK E 6TH ST	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	subject had additional issues
2/18/2019	7100 N IH 35 SVRD SB	HISPANIC OR LATINO	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	The subject could not provide satisfactory evidence of personal identification
2/18/2019	5800 E MARTIN LUTHER KING JR BLVD	WHITE	eligible Class A/B	CRIMINAL MISCHIEF - Class B + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
2/21/2019	12500 RESEARCH BLVD NB	WHITE	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject had additional issues
2/25/2019	7700 E BEN WHITE BLVD EB	WHITE	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	subject had additional issues
2/26/2019	10400 N MOPAC EXPY SB	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/27/2019	600 SABINE ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
2/28/2019	9010 GALEWOOD DR	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	Reason not documented
3/1/2019	402 E 6TH ST	WHITE	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
3/1/2019	600 SAN JACINTO BLVD	WHITE	eligible Class C	LIQUOR LAW VIOLATION/OTHER - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
3/2/2019	E 6TH ST / NECHES ST	HISPANIC OR LATINO	eligible Class C	URINATING IN PUBLIC PLACE - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
3/2/2019	5706 CHERRY PARK	HISPANIC OR LATINO	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/3/2019	1402 W STASSNEY LN	HISPANIC OR LATINO	eligible Class A/B	CRIMINAL MISCHIEF - Class B	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
3/4/2019	LOVINGOOD DR / E 18TH ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/5/2019	817 W 5TH ST	HISPANIC OR LATINO	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	subject had additional issues
3/5/2019	500 CANYON RIDGE DR	BLACK	eligible Class C	THEFT - Class C	subject had additional issues
3/6/2019	1501 REAGAN HILL DR	WHITE	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/6/2019	715 E 8TH ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	Reason not documented
3/7/2019	9400 N IH 35 SVRD SB	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class B	Reason not documented
3/7/2019	11909 DOMAIN DR	WHITE	eligible Class A/B	POSS MARIJUANA - Class B + 1 additional charge(s)	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/8/2019	10107 RESEARCH BLVD SVRD NB	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	Reason not documented
3/8/2019	E 7TH ST / WEBBERVILLE RD	HISPANIC OR LATINO	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	subject uncooperative
3/8/2019	E 7TH ST / SABINE ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/11/2019	E 6TH ST / NECHES ST	BLACK	eligible Class C	SOLICITATION - BEGGING - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/11/2019	3848 AIRPORT BLVD	WHITE	eligible Class C	THEFT - Class C	subject had additional issues
3/12/2019	E 6TH ST / SAN JACINTO BLVD	WHITE	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	subject uncooperative
3/12/2019	1913 W BEN WHITE BLVD SVRD EB	BLACK	eligible Class A/B	POSS MARIJUANA - Class B	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/14/2019	600 N IH 35 SVRD NB	WHITE	eligible Class C	URINATING IN PUBLIC PLACE - Class C	subject had additional issues
3/14/2019	W HOWARD LN / THE LAKES BLVD	HISPANIC OR LATINO	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	subject's DL was suspended for a DWI
3/14/2019	7800 LEE HILL DR	WHITE	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/14/2019	81 RAINEY ST	WHITE	eligible Class C	URINATING IN PUBLIC PLACE - Class C	subject had additional issues
3/16/2019	700 E 5TH ST	BLACK	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/16/2019	E 7TH ST / SABINE ST	WHITE	eligible Class A/B	POSS MARIJUANA - Class B	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
3/17/2019	E 6TH ST / TRINITY ST	HISPANIC OR LATINO	eligible Class C	INTERFERE W PO SERVICE ANIMALS - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested

**Resolution 20180614-073 Quarterly Update  
Attachment 1: Arrest Data (Jan-Mar 2018; Jan-Mar 2019)**

Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Reason for Custody Arrest
3/17/2019	10710 RESEARCH BLVD SVRD SB	BLACK	eligible Class A/B	THEFT - Class B	Reason not documented
3/20/2019	1106 APOLLO DR	HISPANIC OR LATINO	eligible Class C	ASSAULT BY THREAT FAM/DATING - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/21/2019	400 E 6TH ST	BLACK	eligible Class C	THEFT - Class C	subject uncooperative
3/21/2019	6805 GUADALUPE ST	WHITE	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/21/2019	E 6TH ST / SAN JACINTO BLVD	WHITE	eligible Class C	VOCO SOLICITATION PROHIBIT - Class C	subject had additional issues
3/22/2019	306 E 6TH ST	WHITE	eligible Class C	DOC OFFENSIVE GESTURE - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
3/22/2019	5000 BLOCK BERKMAN DR	HISPANIC OR LATINO	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	subject is so intoxicated that he could be a danger to himself or to others, though not charged as such
3/22/2019	2300 GUADALUPE ST	HISPANIC OR LATINO	eligible Class A/B	THEFT BY SHOPLIFTING - Class B	Reason not documented
3/23/2019	500 E 7TH ST	HISPANIC OR LATINO	eligible Class A/B	POSS MARIJUANA - Class A	The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge
3/25/2019	800 NECHES ST	BLACK	eligible Class A/B	POSS MARIJUANA - Class A	subject had additional issues
3/26/2019	1000 BLOCK S MOPAC EXPY NB	ASIAN	eligible Class C	HAZARDOUS TRAFFIC CITATION - Class C + 2 additional charge(s)	subject had additional issues
3/26/2019	E HIGHLAND MALL BLVD / JONATHAN DR	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	subject's DL was suspended for a DWI
3/28/2019	2701 IRISH BEND DR	WHITE	eligible Class C	ASSAULT BY THREAT FAM/DATING - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/29/2019	5317 WILLIAM HOLLAND AVE	WHITE	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
3/29/2019	12600 S IH 35 SVRD SB	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested

# Resolution 20180614-073 Quarterly Report

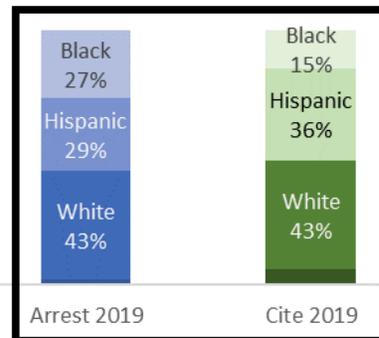
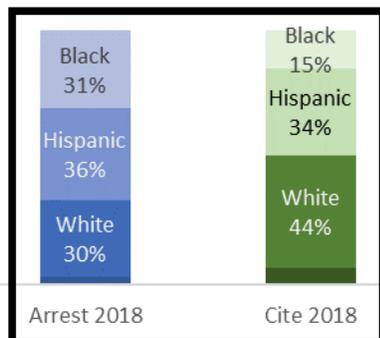
## Attachment 2: Additional analysis

### Percentages by Race Jan-Mar 2018, Jan-Mar 2019

Race and Ethnicity	Eligible A/B 2018				Class C 2018			
	A/B Arrest		A/B Cite-and-release		C Arrest		C Citation	
	#	%	#	%	#	%	#	%
Black	46	34.33%	208	30.72%	30	26.79%	2,334	14.33%
Hispanic	53	39.55%	251	37.08%	35	31.25%	5,561	34.14%
White	33	24.63%	207	30.58%	42	37.50%	7,325	44.96%
Other	2	1.49%	11	1.62%	5	4.46%	1,071	6.57%
Total	134	100%	677	100%	112	100%	16,291	100%

Race and Ethnicity	Eligible A/B 2019				Class C 2019			
	A/B Arrest		A/B Cite-and-release		C Arrest		C Citation	
	#	%	#	%	#	%	#	%
Black	20	31.25%	154	30.02%	8	19.51%	2,053	14.32%
Hispanic	18	28.13%	204	39.77%	12	29.27%	5,195	36.23%
White	25	39.06%	144	28.07%	20	48.78%	6,237	43.49%
Other	1	1.56%	11	2.14%	1	2.44%	855	5.96%
Total	64	100%	513	100%	41	100%	14,340	100%

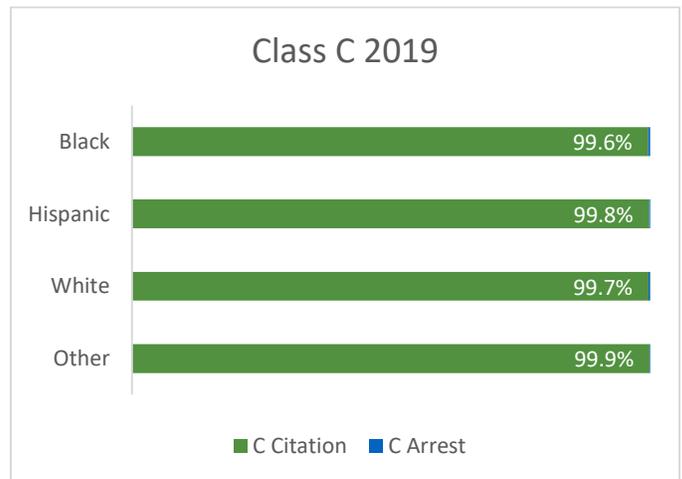
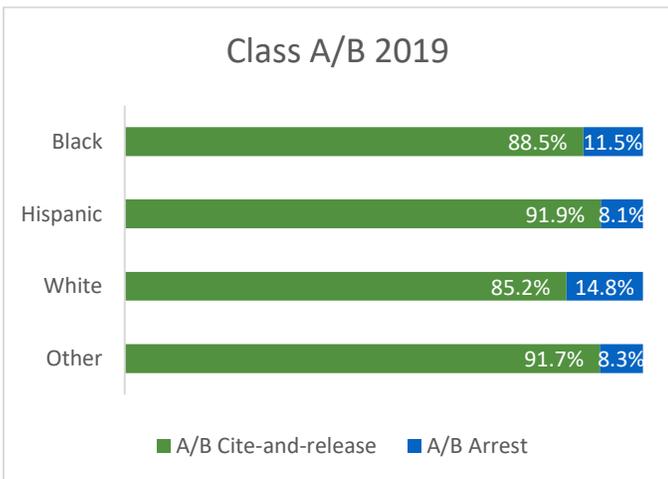
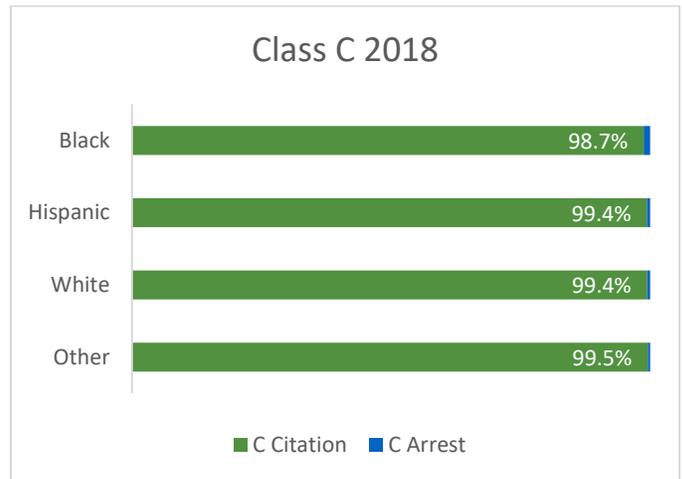
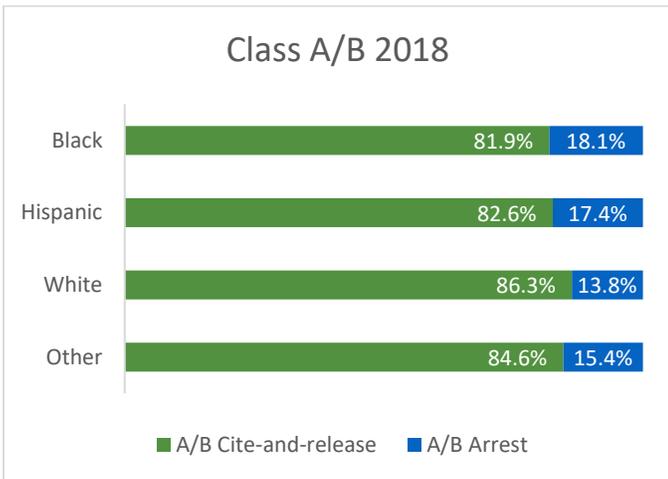
Race and Ethnicity	Combined							
	Arrest 2018		Cite 2018		Arrest 2019		Cite 2019	
	#	%	#	%	#	%	#	%
Black	76	30.89%	2,542	14.98%	28	26.67%	2,207	14.86%
Hispanic	88	35.77%	5,812	34.25%	30	28.57%	5,399	36.35%
White	75	30.49%	7,532	44.39%	45	42.86%	6,381	42.96%
Other	7	2.85%	1,082	6.38%	2	1.90%	866	5.83%
Total	246	100%	16,968	100%	105	100%	14,853	100%



## Percentages by Outcome

Race and Ethnicity	Eligible A/B (2018)						Class C (2018)					
	A/B Arrest		A/B Cite-and-release		A/B Total		C Arrest		C Citation		C Total	
	#	%	#	%	#	%	#	%	#	%	#	%
Black	46	18.11%	208	81.89%	254	100%	30	1.27%	2,334	98.73%	2,364	100%
Hispanic	53	17.43%	251	82.57%	304	100%	35	0.63%	5,561	99.37%	5,596	100%
White	33	13.75%	207	86.25%	240	100%	42	0.57%	7,325	99.43%	7,367	100%
Other	2	15.38%	11	84.62%	13	100%	5	0.46%	1,071	99.54%	1,076	100%
Total	134	16.5%	677	83.5%	811	100%	112	0.7%	16,291	99.3%	16,403	100%

Race and Ethnicity	Eligible A/B (2019)						Class C (2019)					
	A/B Arrest		A/B Cite-and-release		A/B Total		C Arrest		C Citation		C Total	
	#	%	#	%	#	%	#	%	#	%	#	%
Black	20	11.49%	154	88.51%	174	100%	8	0.39%	2,053	99.61%	2,061	100%
Hispanic	18	8.11%	204	91.89%	222	100%	12	0.23%	5,195	99.77%	5,207	100%
White	25	14.79%	144	85.21%	169	100%	20	0.32%	6,237	99.68%	6,257	100%
Other	1	8.33%	11	91.67%	12	100%	1	0.12%	855	99.88%	856	100%
Total	64	11.1%	513	88.9%	577	100%	41	0.3%	14,340	99.7%	14,381	100%



## Arrest Reason Categories

### Class A/B

Categories were combined from Arrest Reason data as provided in Attachment 1.

	Jan-Mar 2018	Jan-Mar 2019	% change
POSS MARIJUANA	48	24	-50%
DRIVING WHILE LICENSE INVALID	50	18	-64%
ALL THEFT	30	13	-57%
CRIMINAL MISCHIEF / GRAFFITI	5	9	80%
POSS CONTROLLED SUBSTANCE	1	0	-100%

### Class C

Categories were manually combined from Arrest Reason data as provided in Attachment 1, as well as additional reading to better group similar situations.

	Jan-Mar 2018	Jan-Mar 2019	% change
VIOLATION OF A CITY ORDINANCE	27	9	-67%
PEDESTRIAN ON ROADWAY / DISREGARD PEDESTRIAN CONTROL DEVICE	27	7	-74%
ALL THEFT	13	6	-54%
DUI (AGE 17-20)/MINOR IN CONSUMPTION/MISREP OF AGE BY MINOR	13	5	-62%
POSS OF DRUG PARAPHERNALIA	14	4	-71%
TRAFFIC VIOLATIONS	3	3	0%
NO DRIVERS LICENSE	6	2	-67%
ASSAULT BY THREAT	3	2	-33%
DRIVING WHILE LICENSE INVALID	5	0	-100%
OTHER	1	3	200%

## Reasons for Custody Arrest Categories

<b>Class A/B</b>	<b>Jan-Mar 2018</b>	<b>Jan-Mar 2019</b>	<b>% change</b>
Reason not documented	4	16	300%
subject had prior conviction/was habitual violator	38	11	-71%
subject had additional issues (e.g., no insurance, expired registration)	22	9	-59%
There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested	22	8	-64%
The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge	38	6	-84%
subject is so intoxicated that he could be a danger to himself or to others, though not charged as such	2	4	100%
subject uncooperative	2	4	100%
subject's DL was suspended for a DWI	0	3	n/a
The subject requires medical examination or medical care or is otherwise unable to care of his own safety	0	1	n/a
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	0	1	n/a
The subject could not provide satisfactory evidence of personal identification	1	1	0%
offense not eligible for cite-and-release at the time of the arrest	1	0	-100%
arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations	4	0	-100%
<b>TOTAL</b>	<b>134</b>	<b>64</b>	<b>-52%</b>

<b>Class C</b>	<b>Jan-Mar 2018</b>	<b>Jan-Mar 2019</b>	<b>% change</b>
subject had additional issues (e.g., no insurance, expired registration)	4	16	300%
subject uncooperative	1	7	600%
There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested	32	7	-78%
subject is so intoxicated that he could be a danger to himself or to others, though not charged as such	3	6	100%
The subject could not provide satisfactory evidence of personal identification	4	2	-50%
The officer had reason to suspect the subject was involved in a more serious offense and custody arrest served to gather evidence to support another charge	50	1	-98%
subject had prior conviction/was habitual violator	7	1	-86%
Reason not documented	3	1	-67%
arrest was part of a zero-tolerance initiative, custody arrest mandatory for all violations	4	0	-100%
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	2	0	-100%
UNKNOWN	2	0	-100%
<b>TOTAL</b>	<b>112</b>	<b>41</b>	<b>-63%</b>

# **Resolution 20180614-073 Quarterly Report**

## **Attachment 3: APD General Order Changes**

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Until November 1, 2018, APD General Orders allowed release by citation for the following Class A and B misdemeanors:

- Possession of Marijuana (Class A or Class B);
- Criminal Mischief (Class B);
- Graffiti (Class B);
- Theft (Class B);
- Theft of Service (Class B);
- Driving While License Invalid (Class B).

On November 1, 2018, the list of Class A and Class B misdemeanors eligible for release by citation was expanded to include:

- Possession of Marijuana (Class A or Class B);
- Possession of a Controlled Substance in Penalty Group 2A, e.g., K2 (Class A or Class B);
- Criminal Mischief (Class B);
- Graffiti (Class A or Class B);
- Theft (Class B);
- Theft of Service (Class B);
- Driving While License Invalid (Class A or Class B).

Until November 1, 2018, APD General Orders specified the following instances disqualified from the issuance of a citation, mandating an arrest:

- the subject is so intoxicated that he could be a danger to himself or to others;
- the subject requires medical examination or medical care or is otherwise unable to care for his own safety;
- there are one or more outstanding arrest warrants for the subject;
- subject could not provide satisfactory evidence of personal identification;
- the officer has reason to suspect the subject is involved in a more serious offense and a custody arrest would serve to gather evidence to support another charge;
- there is a reasonable likelihood that the offense(s) would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the subject;
- subject arrested demands to be taken before a magistrate or has refused to sign the citation;
- there is reason to believe the subject would not appear at the time and place specified in the citation; or
- the offense is Disorderly Conduct - Exposure and the exposure appears to have been committed deliberately, maliciously, or with sexual motivation.

On November 1, 2018, the list of situations mandating arrest was reduced to:

- the subject could not provide satisfactory evidence of personal identification. Some form of government photo identification is preferable. If a government photo identification is not available, officers shall use all reasonably available means to confirm the validity of the personal information provided by the person in custody;
- the officer has reason to believe that the safety of persons (including the subject) or property would be imminently endangered by the release of the subject;
- the subject arrested demands to be taken before a magistrate or has refused to sign the citation;
- the offense is Disorderly Conduct - Exposure and the exposure appears to have been with sexual motivation.

On February 1, 2019, General Orders regarding Driving While License Invalid was updated to allow custody arrest in the following situations:

- the subject's license is suspended for an offense involving the operation of a motor vehicle while intoxicated (e.g., Driving While under the Influence (DWI));
- the subject was involved in a collision where a CR3 is required to be completed and an officer finds the subject to be at fault for the collision.

# Resolution 20180614-073 – Cite-Eligible Custody Arrests

Quarterly Report #6: April 1<sup>st</sup> – June 30<sup>th</sup>, 2020

Report Date: July 31<sup>st</sup>, 2020

## Overview

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The purpose of this report is to provide an update on the Council resolution adopted on June 14, 2018 related to the Austin Police Department (APD) policies regarding the issuance of misdemeanor citations in lieu of arrest. The Council resolution requires APD to provide quarterly public reports to the City Council containing data on the use of arrests in lieu of citations for non-violent offenses when citation would be permitted by state law.

## Resolution Requirements

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*The City Council directs the City Manager to send a quarterly public memorandum to the City Council, for the purposes of transparency, to provide data concerning the use of discretionary arrest in lieu of citation for nonviolent misdemeanor offenses when a ticket or citation would be allowed by state law. The memos should be released at the end of each quarter for at least the next 24 months.*

*The report or memorandum should document anonymized records of every instance that an Austin police officer arrests a resident for a nonviolent misdemeanor charge when the suspect has no outstanding warrants, was not intoxicated, and legally could have been given a citation, but the officer determines giving a ticket or citation is infeasible. The memorandum should include the following data for each instance:*

- (1) a documented reason for the stop or the arrest;*
- (2) the reason for the discretionary use of arrest;*
- (3) the race and ethnicity of the person arrested; and*
- (4) the general location, such as the zip code of the incident.*

*The report or memorandum should not include information that would jeopardize any ongoing criminal investigation or prosecution, and the report should include the number of unduplicated officers making such discretionary arrests.*

This arrest data is provided as a separate spreadsheet. Additional analysis and context information is provided in this document.

## Analysis of responsive data: April 1st – June 30th, 2020 (2020 Q2)

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The attached spreadsheet includes data during the second quarter of 2020 of **39** custody arrests, made by **37** unique officers. Summaries of this same data and some additional context data are provided in the following section.

## Compared to Previous Reporting Periods

During this reporting period, there were **39** custody arrests made up of **11** class A/B arrests and **28** class C arrests:

Arrests	2019	2019	2019	2019	2020	2020
	Q1	Q2	Q3	Q4	Q1	Q2
eligible Class A/B	64	34	21	23	18	11
Class C	42	50	41	57	64	28
Total	106	84	62	80	82	39

## Percentages by Race

This table includes the race/ethnicity of the arrested individuals during this reporting period:

	Eligible A/B Arrests		Class C Arrests		Eligible A/B + Class C Arrests	
	#	%	#	%	#	%
White	6	55%	13	46%	19	49%
Hispanic	2	18%	5	18%	7	18%
Black	3	27%	10	36%	13	33%
Other	0	0%	0	0%	0	0%
Total	11	100%	28	100%	39	100%

## Percentages by Outcome

The below table provides data for citations and cite-and-releases issued during this reporting period. Overall, for an eligible A/B offense, a custody arrest was made **6%** of the time and a cite-and-release was issued **94%** of the time. For an eligible class C offense, a custody arrest was made **0.69%** of the time, and a citation was issued **99.31%** of the time.

	Eligible A/B						Class C					
	A/B Arrest		A/B Cite-and-release		A/B Total		C Arrest		C Citation		C Total	
	#	%	#	%	#	%	#	%	#	%	#	%
White	6	10%	54	90%	60	100%	13	0.90%	1,438	99.10%	1,451	100%
Hispanic	2	3%	68	97%	70	100%	5	0.29%	1,702	99.71%	1,707	100%
Black	3	5%	59	95%	62	100%	10	1.46%	675	98.54%	685	100%
Other	0	0%	6	100%	6	100%	0	0.00%	212	100.00%	212	100%
Total	11	6%	187	94%	198	100%	28	0.69%	4,027	99.31%	4,055	100%

## Arrest Reason Categories

### *Class A/B*

Categories for eligible Class A/B arrests were combined from Arrest Reason charge data as provided.

POSSESSION OF MARIJUANA	4
ALL THEFT	4
CRIMINAL MISCHIEF	2
DRIVING WHILE LICENSE INVALID	1
<b>TOTAL</b>	<b>11</b>

### *Class C*

Categories for Class C arrests were manually combined from Arrest Reason data as provided, as well as additional reading to better categorize similar situations.

PEDESTRIAN ON ROADWAY	9
DOC EXPOSURE	7
VIOL CITY ORDINANCE - OTHER	3
ASSAULT BY CONTACT	2
THEFT	2
TRAFFIC VIOL/OTHER	1
DUI - AGE 17 TO 20	1
DOC WINDOW PEEPING-RESIDENCE	1
HAZARDOUS TRAFFIC VIOL	1
NON HAZ TRAFFIC CITATION	1
<b>Total</b>	<b>28</b>

**Reason for Custody Arrest Categories:**

<b>Reason Documented for Custody Arrest</b>	<b>#</b>
There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested	12
Other circumstance approved by supervisor	4
Other – charge rejected	1
Stop existing criminal conduct	
supervisor approval documented	13
no supervisor approval documented *	0
No justification given per policy, and no supervisor approval documented *	2
The subject could not provide satisfactory evidence of personal identification	2
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	1
Prevent persons from endangering themselves or others	2
The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation	2
Subject could not provide satisfactory evidence of county of residence	0
Remove the imminent threat of violence or criminal conduct	
supervisor approval documented	0
<b>Total</b>	<b>39</b>

\* These cases required additional follow-up to determine whether or not the arresting officer complied with APD policy and to ensure the appropriate corrective actions were taken, if applicable. Accordingly, two officers received counseling and additional training from their respective chains of command.

Arrest Date	Arrest Location	Arrestee Race/Ethnicity	Charge Class Description
04/03/20	4700 DUVAL ST	WHITE	eligible Class C
04/06/20	W 10TH ST / LORRAIN ST	WHITE	eligible Class A/B
04/09/20	2400 S CONGRESS AVE	BLACK	eligible Class A/B
04/14/20	500 E 7TH ST	WHITE	eligible Class C
04/16/20	600 BLOCK NECHES ST	WHITE	eligible Class A/B
04/20/20	200 S LAMAR BLVD NB	BLACK	eligible Class C
04/23/20	100 E 6TH ST	WHITE	eligible Class C
04/25/20	511 BATTLE BEND BLVD	BLACK	eligible Class C
04/27/20	4500 E RIVERSIDE DR	HISPANIC OR LATINO	eligible Class C
04/27/20	6500 BLOCK E BEN WHITE BLVD SVRD EB	WHITE	eligible Class C
05/01/20	1900 GUADALUPE ST	WHITE	eligible Class C
05/04/20	4100 S MOPAC EXPY NB	WHITE	eligible Class C
05/05/20	36 COMAL ST	BLACK	eligible Class C
05/05/20	102 W POWELL LN	WHITE	eligible Class A/B
05/06/20	W RUNDBERG LN / N LAMAR BLVD	WHITE	eligible Class C
05/08/20	2415 KRAMER LN	BLACK	eligible Class A/B
05/10/20	12407 N MOPAC EXPY SVRD NB	WHITE	eligible Class C
05/13/20	919 E 32ND ST	WHITE	eligible Class C

05/14/20	6300 BLARWOOD DR	HISPANIC OR LATINO	eligible Class C
05/19/20	3851 AIRPORT BLVD	BLACK	eligible Class A/B
05/20/20	5812 N IH 35 SVRD SB	WHITE	eligible Class A/B
05/21/20	E 6TH ST / N IH 35 SVRD NB	BLACK	eligible Class C
05/21/20	E 7TH ST / RED RIVER ST	WHITE	eligible Class C
05/21/20	100 E 5TH ST	BLACK	eligible Class C
05/22/20	E 8TH ST / SAN JACINTO BLVD	WHITE	eligible Class C
05/23/20	500 E 7TH ST	BLACK	eligible Class C
05/24/20	E 6TH ST / N IH 35 SVRD NB	BLACK	eligible Class C
05/25/20	E 6TH ST / RED RIVER ST	BLACK	eligible Class C
05/31/20	W 2ND ST / GUADALUPE ST	WHITE	eligible Class C
6/2/2020	800 N IH 35 SB	HISPANIC OR LATINO	eligible Class C
6/6/2020	6406 N IH 35 SVRD SB	WHITE	eligible Class C
6/7/2020	2300 W BEN WHITE BLVD SVRD WB	WHITE	eligible Class A/B
6/12/2020	8200 S IH 35 SVRD SB	HISPANIC OR LATINO	eligible Class C
6/13/2020	2508 E RIVERSIDE DR	WHITE	eligible Class A/B
6/13/2020	715 E 8TH ST	HISPANIC OR LATINO	eligible Class C

6/13/2020	1109 S PLEASANT VALLEY RD	BLACK	eligible Class C
6/14/2020	800 S CONGRESS AVE	HISPANIC OR LATINO	eligible Class A/B
6/22/2020	1400 E 12TH ST	HISPANIC OR LATINO	eligible Class A/B
6/28/2020	500 W 2ND ST	BLACK	eligible Class C

Arrest Reason (charge info)	Custody Arrest Reason
DOC EXPOSURE - Class C	The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation
POSSESSION OF MARIJUANA - Class B	Stop existing criminal conduct
THEFT - Class B	Stop existing criminal conduct
PEDESTRIAN ON ROADWAY - Class C	Prevent persons from endangering themselves or others
CRIMINAL MISCHIEF - Class B	Stop existing criminal conduct
ASSAULT BY CONTACT - Class C	Stop existing criminal conduct
HAZARDOUS TRAFFIC VIOL - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
ASSAULT BY CONTACT - Class C	Stop existing criminal conduct
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
DOC EXPOSURE - Class C	The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation
NON HAZ TRAFFIC CITATION - Class C	The subject could not provide satisfactory evidence of personal identification
DOC EXPOSURE - Class C	OTHER
POSSESSION OF MARIJUANA - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
DOC EXPOSURE - Class C	Other circumstance approved by supervisor
THEFT - Class B	No justification given per policy, and no supervisor approval documented
THEFT - Class C	Stop existing criminal conduct
DOC EXPOSURE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested

PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
THEFT - Class B	The subject could not provide satisfactory evidence of personal identification
POSSESSION OF MARIJUANA - Class B	Stop existing criminal conduct
VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	Prevent persons from endangering themselves or others
DOC EXPOSURE - Class C	Stop existing criminal conduct
VIOL CITY ORDINANCE - OTHER - Class C	Stop existing criminal conduct
PEDESTRIAN ON ROADWAY - Class C	Stop existing criminal conduct
DOC EXPOSURE - Class C	Stop existing criminal conduct
TRAFFIC VIOL/OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
GRAFFITI - Class B + 1 additional charge(s)	Stop existing criminal conduct
DUI - AGE 17 TO 20 - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
THEFT - Class B	Other circumstance approved by supervisor
VIOL CITY ORDINANCE - OTHER - Class C	No justification given per policy, and no supervisor approval documented

DOC WINDOW PEEPING-RESIDENCE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
POSSESSION OF MARIJUANA - Class B	Other circumstance approved by supervisor
DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	Other circumstance approved by supervisor
THEFT - Class C + 1 additional charge(s)	Stop existing criminal conduct

20180614-073 - Cite-Eligible Custody Arrests

Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Custody Arrest Reason
10/10/2019	15010 FM 1825 RD	WHITE	eligible Class A/B	THEFT - Class B	subject could not provide satisfactory evidence of county of residence
10/15/2019	3311 ESPERANZA XING	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	No justification given per policy, and no supervisor approval documented
10/17/2019	10107 RESEARCH BLVD SVRD NB	WHITE	eligible Class A/B	THEFT - Class B	No justification given per policy, and no supervisor approval documented
12/7/2019	11500 ROCK ROSE AVE	HISPANIC OR LATINO	eligible Class A/B	THEFT - Class B	Other circumstance approved by supervisor
12/8/2019	1200 BARBARA JORDAN BLVD	WHITE	eligible Class A/B	THEFT - Class B	subject could not provide satisfactory evidence of county of residence
12/11/2019	600 W 29TH ST	WHITE	eligible Class A/B	THEFT - Class B	Stop existing criminal conduct (supervisor approval documented)
12/25/2019	9401 N IH 35 SVRD NB	BLACK	eligible Class A/B	THEFT BY SHOPLIFTING - Class B	Remove the imminent threat of violence or criminal conduct (supervisor approval documented)
10/10/2019	6700 MIDDLE FISKVILLE RD	WHITE	eligible Class A/B	CRIMINAL MISCHIEF - Class B + 1 additional charge(s)	Stop existing criminal conduct (no supervisor approval documented)
11/3/2019	4404 E OLTORF ST	WHITE	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
11/17/2019	2222 E OLTORF ST	WHITE	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/10/2019	6906 MANOR RD	HISPANIC OR LATINO	eligible Class A/B	CRIMINAL MISCHIEF - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/31/2019	E 5TH ST / NAVASOTA ST	BLACK	eligible Class A/B	CRIMINAL MISCHIEF - Class B + 1 additional charge(s)	The subject could not provide satisfactory evidence of personal identification
11/6/2019	3301 NORTHEAST DR	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	Other circumstance approved by supervisor
11/11/2019	600 BLOCK E RUNDBERG LN	BLACK	eligible Class A/B	DRIVING WHILE LICENSE INVALID - Class B	Stop existing criminal conduct (supervisor approval documented)
10/30/2019	W 15TH ST / LAVACA ST	BLACK	eligible Class A/B	POSSESSION OF MARIJUANA - Class B	Other circumstance approved by supervisor
10/31/2019	AIRPORT BLVD / SPRINGDALE RD	BLACK	eligible Class A/B	POSSESSION OF MARIJUANA - Class B + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
11/19/2019	2904 SWEENEY LN	BLACK	eligible Class A/B	POSSESSION OF MARIJUANA - Class B	No justification given per policy, and no supervisor approval documented
11/22/2019	E 4TH ST / ROBERT T MARTINEZ JR ST	BLACK	eligible Class A/B	POSSESSION OF MARIJUANA - Class B	Other circumstance approved by supervisor
11/28/2019	1300 SOUTHPORT DR	HISPANIC OR LATINO	eligible Class A/B	POSSESSION OF MARIJUANA - Class B	Other circumstance approved by supervisor
12/1/2019	700 E 8TH ST	WHITE	eligible Class A/B	POSSESSION OF MARIJUANA - Class A	Stop existing criminal conduct (supervisor approval documented)
12/4/2019	619 N IH 35 SVRD NB	BLACK	eligible Class A/B	POSSESSION OF MARIJUANA - Class B	Other circumstance approved by supervisor
12/14/2019	MASTERSON PASS / N LAMAR BLVD	BLACK	eligible Class A/B	POSSESSION OF MARIJUANA - Class B + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/23/2019	5100 BERYL OAK DR	HISPANIC OR LATINO	eligible Class A/B	POSSESSION OF MARIJUANA - Class B	Other circumstance approved by supervisor
10/10/2019	2305 E 7TH ST	WHITE	eligible Class C	THEFT - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
10/10/2019	5510 S IH 35 SVRD SB	WHITE	eligible Class C	THEFT BY SHOPLIFTING - Class C	Stop existing criminal conduct (supervisor approval documented)
11/2/2019	3909 N IH 35 SVRD NB	HISPANIC OR LATINO	eligible Class C	THEFT - Class C + 1 additional charge(s)	The subject could not provide satisfactory evidence of personal identification
11/6/2019	710 E BEN WHITE BLVD SVRD WB	HISPANIC OR LATINO	eligible Class C	THEFT - Class C	The subject could not provide satisfactory evidence of personal identification
11/14/2019	616 TRINITY ST	HISPANIC OR LATINO	eligible Class C	THEFT OF SERVICE - Class C	Other circumstance approved by supervisor
12/9/2019	816 RED RIVER ST	BLACK	eligible Class C	THEFT OF SERVICE - Class C	Other circumstance approved by supervisor
12/9/2019	300 E 6TH ST	BLACK	eligible Class C	THEFT - Class C	Other circumstance approved by supervisor
12/6/2019	E 6TH ST / NECHES ST	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	Stop existing criminal conduct (supervisor approval documented)
10/1/2019	621 E 6TH ST	HISPANIC OR LATINO	eligible Class C	DOC EXPOSURE - Class C	The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation
10/8/2019	JAMES CASEY ST / RADAM LN	BLACK	eligible Class C	DOC EXPOSURE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
10/21/2019	400 E 4TH ST	WHITE	eligible Class C	DOC EXPOSURE - Class C	Stop existing criminal conduct (supervisor approval documented)
10/30/2019	500 E 7TH ST	HISPANIC OR LATINO	eligible Class C	DOC EXPOSURE - Class C + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
10/31/2019	4314 GILLIS ST	WHITE	eligible Class C	DOC EXPOSURE - Class C	Stop existing criminal conduct (no supervisor approval documented)
11/5/2019	1901 W WILLIAM CANNON DR	WHITE	eligible Class C	DOC EXPOSURE - Class C	The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation
11/10/2019	700 N IH 35 SVRD NB	BLACK	eligible Class C	DOC EXPOSURE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
11/10/2019	8613 N LAMAR BLVD	BLACK	eligible Class C	DOC EXPOSURE - Class C	Prevent persons from endangering themselves or others (supervisor approval documented)

## 20180614-073 - Cite-Eligible Custody Arrests

Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Custody Arrest Reason
11/22/2019	1144 AIRPORT BLVD	BLACK	eligible Class C	DOC EXPOSURE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/19/2019	8900 N LAMAR BLVD	WHITE	eligible Class C	DOC EXPOSURE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/21/2019	9515 N LAMAR BLVD	WHITE	eligible Class C	DOC EXPOSURE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
10/4/2019	100 E MARTIN LUTHER KING JR BLVD	WHITE	eligible Class C	HAZARDOUS TRAFFIC CITATION - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/7/2019	N IH 35 SVRD SB / E MARTIN LUTHER KING JR BLVD	WHITE	eligible Class C	DUI - AGE 17 TO 20 - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/7/2019	1700 S LAMAR BLVD	HISPANIC OR LATINO	eligible Class C	DUI - AGE 17 TO 20 - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/23/2019	6912 CARWILL DR	HISPANIC OR LATINO	eligible Class C	DUI - AGE 17 TO 20 - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
11/4/2019	6307 CAMERON RD	HISPANIC OR LATINO	eligible Class C	NON HAZ TRAFFIC CITATION - Class C + 3 additional charge(s)	The subject could not provide satisfactory evidence of personal identification
11/20/2019	12455 RESEARCH BLVD SVRD NB	WHITE	eligible Class C	TRAFFIC VIOL/OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
11/30/2019	600 TRINITY ST	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
12/1/2019	400 E 6TH ST	BLACK	eligible Class C	VIOL STATE LAW - OTHER - Class C	No justification given per policy, and no supervisor approval documented
11/12/2019	500 E 7TH ST	BLACK	eligible Class C	FAILURE TO IDENTIFY - Class C + 1 additional charge(s)	The subject could not provide satisfactory evidence of personal identification
11/29/2019	4477 S LAMAR BLVD SVRD NB	WHITE	eligible Class C	FAILURE TO IDENTIFY - Class C	The subject could not provide satisfactory evidence of personal identification
12/23/2019	800 BLOCK ED BLUESTEIN BLVD NB	HISPANIC OR LATINO	eligible Class C	HAZARDOUS TRAFFIC CITATION - Class C + 1 additional charge(s)	The subject could not provide satisfactory evidence of personal identification
12/8/2019	N IH 35 SVRD NB / TECH RIDGE BLVD	HISPANIC OR LATINO	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	The subject could not provide satisfactory evidence of personal identification
10/30/2019	5017 W US 290 HWY SVRD EB	HISPANIC OR LATINO	eligible Class C	FRAUD DESTRUCTION OF A WRITING - Class C	Stop existing criminal conduct (supervisor approval documented)
12/7/2019	400 BLOCK E 6TH ST	BLACK	eligible Class C	GAMBLING - Class C + 1 additional charge(s)	Stop existing criminal conduct (supervisor approval documented)
10/5/2019	919 E 32ND ST	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C + 1 additional charge(s)	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
10/5/2019	2701 E 7TH ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
10/9/2019	6500 BLOCK S 1ST ST	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
10/19/2019	5300 BLOCK N IH 35 NB	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
10/21/2019	500 E 7TH ST	BLACK	eligible Class C	NON HAZ TRAFFIC CITATION - Class C	Other circumstance approved by supervisor
11/5/2019	1300 W 34TH ST	HISPANIC OR LATINO	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	Prevent persons from endangering themselves or others (supervisor approval documented)
11/21/2019	3000 BLOCK NORTHLAND DR	WHITE	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	Other circumstance approved by supervisor
11/21/2019	500 E 7TH ST	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	Prevent persons from endangering themselves or others (supervisor approval documented)
11/30/2019	7900 N IH 35 NB	BLACK	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	Prevent persons from endangering themselves or others (supervisor approval documented)
12/14/2019	900 BLOCK E KOENIG LN SVRD WB	HISPANIC OR LATINO	eligible Class C	PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
11/8/2019	E OLTORF ST / MONTOPOLIS DR	HISPANIC OR LATINO	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C	The subject could not provide satisfactory evidence of personal identification
12/5/2019	E 6TH ST / BRAZOS ST	BLACK	eligible Class C	POSS OF DRUG PARAPHERNALIA - Class C + 1 additional charge(s)	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
11/5/2019	700 NECHES ST	HISPANIC OR LATINO	eligible Class C	VIOL OF CAMPING ORDINANCE - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
11/20/2019	600 NECHES ST	BLACK	eligible Class C	VIOL OF CAMPING ORDINANCE - Class C	Stop existing criminal conduct (supervisor approval documented)
10/19/2019	400 E 6TH ST	WHITE	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
12/1/2019	200 E 6TH ST	WHITE	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	Stop existing criminal conduct (supervisor approval documented)
11/6/2019	500 E 7TH ST	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	Other circumstance approved by supervisor

20180614-073 - Cite-Eligible Custody Arrests

Arrest Date	Arrest Location	Arrestee Race	Charge Class Category	Arrest Reason (charge info)	Custody Arrest Reason
11/13/2019	500 E 7TH ST	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	Other circumstance approved by supervisor
11/14/2019	500 E 7TH ST	BLACK	eligible Class C	SIT AND LIE ORDINANCE VIOL - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
11/15/2019	500 E 7TH ST	BLACK	eligible Class C	SIT AND LIE ORDINANCE VIOL - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
11/21/2019	500 E 7TH ST	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	Other circumstance approved by supervisor
11/24/2019	700 NECHES ST	BLACK	eligible Class C	VIOL CITY ORDINANCE - OTHER - Class C	Other circumstance approved by supervisor
12/1/2019	E 6TH ST / TRINITY ST	BLACK	eligible Class C	SIT AND LIE ORDINANCE VIOL - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
11/1/2019	600 TRINITY ST	BLACK	eligible Class C	URINATING IN PUBLIC PLACE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested

## Compared to Previous Reporting Periods

During this reporting period, there were **62** custody arrests made up of **21** class A/B arrests and **41** class C arrests:

Arrests	2019 Q1	2019 Q2	2019 Q3
eligible Class A/B	64	34	21
Class C	42	50	41
Total	106	84	62

## Percentages by Race

This table includes the race/ethnicity of the arrested individuals during this reporting period:

	Eligible A/B Arrests		Class C Arrests		Eligible A/B + Class C Arrests	
	#	%	#	%	#	%
White	7	33%	13	32%	20	32%
Hispanic	7	33%	19	46%	26	42%
Black	7	33%	8	20%	15	24%
Other	0	0%	1	2%	1	2%
Total	21	100%	41	100%	62	100%

## Percentages by Outcome

The below table provides data for citations and cite-and-releases issued during this reporting period. Overall, for an eligible A/B offense, a custody arrest was made **6%** of the time and a cite-and-release was issued **94%** of the time. For an eligible class C offense, a custody arrest was made **0.3%** of the time, and a citation was issued **99.7%** of the time.

	Eligible A/B						Class C					
	A/B Arrest		A/B Cite-and-release		A/B Total		C Arrest		C Citation		C Total	
	#	%	#	%	#	%	#	%	#	%	#	%
White	7	7%	95	93%	102	100%	13	0.2%	5,767	99.8%	5,780	100%
Hispanic	7	5%	145	95%	152	100%	19	0.3%	5,628	99.7%	5,647	100%
Black	7	6%	104	94%	111	100%	8	0.4%	2,056	99.6%	2,064	100%
Other	0	0%	7	100%	7	100%	1	0.1%	794	99.9%	795	100%
Total	21	6%	351	94%	372	100%	41	0.3%	14,245	99.7%	14,286	100%

## Arrest Reason Categories

### *Class A/B*

Categories for eligible Class A/B arrests were combined from Arrest Reason charge data as provided.

POSS MARIJUANA	8
CRIMINAL MISCHIEF / GRAFFITI	6
ALL THEFT	4
DRIVING WHILE LICENSE INVALID	3
Total	21

### *Class C*

Categories for Class C arrests were manually combined from Arrest Reason data as provided, as well as additional reading to better categorize similar situations.

PEDESTRIAN VIOLATION	7
VIOLATION OF A CITY ORDINANCE	7
DISORDERLY CONDUCT - EXPOSURE	6
DUI - MINOR	5
TRAFFIC VIOLATION	5
ASSAULT BY THREAT	2
THEFT	2
POSS OF DRUG PARAPHERNALIA	2
VIOL OF AGGRESSIVE CONFRONT	1
DISORDERLY CONDUCT - DISPLAY FIREARM	1
DISORDERLY CONDUCT - WINDOW PEEPING	1
DISORDERLY CONDUCT - ABUSIVE LANGUAGE	1
RECKLESS DAMAGE	1
Total	41

## Reason for Custody Arrest Categories:

Reason Documented for Custody Arrest	#
There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested	18
Stop existing criminal conduct	
supervisor approval documented	9
no supervisor approval documented *	1
Other circumstance approved by supervisor	8
Remove the imminent threat of violence or criminal conduct	
supervisor approval documented	6
The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation	4
Prevent persons from endangering themselves or others	4
No justification given per policy, and no supervisor approval documented *	3
The subject could not provide satisfactory evidence of personal identification	3
Subject could not provide satisfactory evidence of county of residence	2
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	2
For a misdemeanor offense that can be enhanced due to prior convictions, a criminal history check should be performed to determine if a custody arrest is more appropriate	
supervisor approval documented	2
<b>Total</b>	<b>62</b>

\* These cases required additional follow-up to ascertain whether or not the arresting officer acted appropriately and to ensure the appropriate corrective actions were taken, if applicable. Accordingly, four officers received counseling and additional training from their respective chains of command.

Resolution 20180614-073 – Cite-Eligible Custody Arrests  
Quarterly Report #4: October 1<sup>st</sup> – December 31<sup>st</sup>, 2019  
Report Date: January 31<sup>st</sup> 2020

## Overview

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The purpose of this report is to provide an update on the Council resolution adopted on June 14, 2018 related to the Austin Police Department (APD) policies regarding the issuance of misdemeanor citations in lieu of arrest. The Council resolution requires APD to provide quarterly public reports to the City Council containing data on the use of arrests in lieu of citations for non-violent offenses when citation would be permitted by state law.

## Resolution Requirements

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*The City Council directs the City Manager to send a quarterly public memorandum to the City Council, for the purposes of transparency, to provide data concerning the use of discretionary arrest in lieu of citation for nonviolent misdemeanor offenses when a ticket or citation would be allowed by state law. The memos should be released at the end of each quarter for at least the next 24 months.*

*The report or memorandum should document anonymized records of every instance that an Austin police officer arrests a resident for a nonviolent misdemeanor charge when the suspect has no outstanding warrants, was not intoxicated, and legally could have been given a citation, but the officer determines giving a ticket or citation is infeasible. The memorandum should include the following data for each instance:*

- (1) a documented reason for the stop or the arrest;*
- (2) the reason for the discretionary use of arrest;*
- (3) the race and ethnicity of the person arrested; and*
- (4) the general location, such as the zip code of the incident.*

*The report or memorandum should not include information that would jeopardize any ongoing criminal investigation or prosecution, and the report should include the number of unduplicated officers making such discretionary arrests.*

This arrest data is provided as a separate spreadsheet. Additional analysis and context information is provided in this document.

## Analysis of responsive data: October 1st – December 31st, 2019 (2019 Q4)

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The attached spreadsheet includes data during the fourth quarter of 2019 of **80** custody arrests, made by **70** unique officers. Summaries of this same data and some additional context data are provided in the following section.

## Compared to Previous Reporting Periods

During this reporting period, there were **80** custody arrests made up of **25** class A/B arrests and **57** class C arrests:

Arrests	2019 Q1	2019 Q2	2019 Q3	2019 Q4
eligible Class A/B	64	34	21	23
Class C	42	50	41	57
Total	106	84	62	80

## Percentages by Race

This table includes the race/ethnicity of the arrested individuals during this reporting period:

	Eligible A/B Arrests		Class C Arrests		Eligible A/B + Class C Arrests	
	#	%	#	%	#	%
White	8	36%	17	30%	25	32%
Hispanic	5	24%	15	26%	20	26%
Black	10	40%	25	44%	35	43%
Other	0	0%	0	0%	0	0%
Total	23	100%	57	100%	80	100%

## Percentages by Outcome

The below table provides data for citations and cite-and-releases issued during this reporting period. Overall, for an eligible A/B offense, a custody arrest was made **7%** of the time and a cite-and-release was issued **93%** of the time. For an eligible class C offense, a custody arrest was made **0.5%** of the time, and a citation was issued **99.5%** of the time.

	Eligible A/B						Class C					
	A/B Arrest		A/B Cite-and-release		A/B Total		C Arrest		C Citation		C Total	
	#	%	#	%	#	%	#	%	#	%	#	%
White	8	9%	95	91%	103	100%	17	0.4%	4,642	99.6%	4,659	100%
Hispanic	5	5%	113	95%	118	100%	15	0.3%	4,459	99.7%	4,474	100%
Black	10	9%	99	91%	109	100%	25	1.5%	1,603	98.5%	1,628	100%
Other	0	0%	11	100%	11	100%	0	0.0%	636	100.0%	636	100%
Total	23	7%	318	93%	341	100%	57	0.5%	11,340	99.5%	11,397	100%

## Arrest Reason Categories

### *Class A/B*

Categories for eligible Class A/B arrests were combined from Arrest Reason charge data as provided.

POSS MARIJUANA	9
ALL THEFT	7
CRIMINAL MISCHIEF	5
DRIVING WHILE LICENSE INVALID	2
TOTAL	23

### *Class C*

Categories for Class C arrests were manually combined from Arrest Reason data as provided, as well as additional reading to better categorize similar situations.

DISORDERLY CONDUCT - EXPOSURE	11
PEDESTRIAN VIOLATION	10
CITY ORDINANCE - SIT/LIE	7
ALL THEFT	7
DUI - MINOR	4
FAIL/REFUSE LAWFUL ORDER OF POLICE OFFICER	3
CITY ORDINANCE - CAMPING	2
CITY ORDINANCE - PROSTITUTION	2
FAILURE TO IDENTIFY	2
POSS OF DRUG PARAPHERNALIA	2
CITY ORDINANCE - MANIFESTATION OF DRUG DEALING	1
FAIL TO MAINTAIN FINANCIAL RESP	1
FAILURE TO MAINTAIN ASSURED CLEAR DIST	1
FICTITIOUS/ALTERED DRIVERS LICENSE	1
CITY ORDINANCE - UIPP	1
GAMBLING	1
FRAUD DESTRUCTION OF A WRITING	1
TOTAL	57

**Reason for Custody Arrest Categories:**

<b>Reason Documented for Custody Arrest</b>	<b>#</b>
There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested	24
Other circumstance approved by supervisor	16
Stop existing criminal conduct	
supervisor approval documented	10
no supervisor approval documented *	2
No justification given per policy, and no supervisor approval documented *	4
The subject could not provide satisfactory evidence of personal identification	9
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	6
Prevent persons from endangering themselves or others	4
The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation	2
Subject could not provide satisfactory evidence of county of residence	2
Remove the imminent threat of violence or criminal conduct	
supervisor approval documented	1
<b>Total</b>	<b>80</b>

\* These cases required additional follow-up to determine whether or not the arresting officer complied with APD policy and to ensure the appropriate corrective actions were taken, if applicable. Accordingly, six officers received counseling and additional training from their respective chains of command.

20180614-073 - Cite-Eligible Custody Arrests  
Quarterly Report #3: July 1<sup>st</sup> – September 30<sup>th</sup>, 2019  
Report Date: November 1<sup>st</sup> 2019

## Overview

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The purpose of this report is to provide an update on the Council resolution adopted on June 14, 2018 related to the Austin Police Department (APD) policies regarding the issuance of misdemeanor citations in lieu of arrest. The Council resolution requires APD to provide quarterly public reports to the City Council containing data on the use of arrests in lieu of citations for non-violent offenses when citation would be permitted by state law.

## Resolution Requirements

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*The City Council directs the City Manager to send a quarterly public memorandum to the City Council, for the purposes of transparency, to provide data concerning the use of discretionary arrest in lieu of citation for nonviolent misdemeanor offenses when a ticket or citation would be allowed by state law. The memos should be released at the end of each quarter for at least the next 24 months.*

*The report or memorandum should document anonymized records of every instance that an Austin police officer arrests a resident for a nonviolent misdemeanor charge when the suspect has no outstanding warrants, was not intoxicated, and legally could have been given a citation, but the officer determines giving a ticket or citation is infeasible. The memorandum should include the following data for each instance:*

- (1) a documented reason for the stop or the arrest;*
- (2) the reason for the discretionary use of arrest;*
- (3) the race and ethnicity of the person arrested; and*
- (4) the general location, such as the zip code of the incident.*

*The report or memorandum should not include information that would jeopardize any ongoing criminal investigation or prosecution, and the report should include the number of unduplicated officers making such discretionary arrests.*

This arrest data is provided as a separate spreadsheet. Additional analysis and context information is provided in this document.

## **Analysis of responsive data: July 1 – September 30, 2019 (2019 Q3)**

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The attached spreadsheet includes data during the third quarter of 2019 of 62 custody arrests, made by 55 unique officers. Summaries of this same data and some additional context data are provided in the following section.

### **Additional possible outcomes after a citation is issued:**

- **Rejection** - Cite and Release cases may be rejected for insufficient evidence, declination policy, or various other reasons. Under our marijuana declination policy, our office declines to prosecute possession of less than 1 ounce of marijuana. Most of the citations that our office receives under the Cite and Release program are for the possession of less than 1 ounce of marijuana. These cases are rejected and no action is required on the part of the person who received the citation.
- **Diversion** - The Diversion track of the Cite and Release Program allows participants to avoid criminal prosecution. Participants may be asked to complete a class, do community service and/or pay a fine. If a participant successfully completes the Diversion Track, their case is closed and the participant avoids an arrest or criminal history.
- **Court Track** - If a reviewing prosecutor finds that a person receiving a citation requires more intensive supervision than is available through the Diversion Track (usually due to criminal history), then the case may be filed in court. If filed in court, a case will proceed as a standard criminal prosecution without the necessity of an arrest. The defendant will still have the ability to be considered for our traditional Pre-Trial Diversion program.

## OVERVIEW

The City of San Marcos adopted Ordinance No 2020-18 in April of 2020. In response to this ordinance, San Marcos Police Department requires the officer to cite and release individuals who have committed any one of the following misdemeanors listed in Table 1. This report will summarize the [frequency of use](#), [offense type](#), [justification for contact](#) and arrest, and the [age, race and ethnicity](#) of individuals involved in cite and release offenses during the applicable duration of 4<sup>th</sup> Quarter (4Q) 2020 (October 1, 2020-December 31, 2020)<sup>1</sup>.

<u>Offense Type</u>	<u>Class</u>	<u>Condition</u>
Theft of Service	B	Value is less than or equal to \$375
Theft of Property	B	Value is less than or equal to \$375
Criminal Mischief	B	Damage is less than or equal to \$375
Graffiti	B	Damage is less than or equal to \$375
Possession of Marijuana	A/B	Less than 4oz.
All Class C Misdemeanors	C	Excludes Public Intoxication, Assault or Family Violence
Driving While License Invalid	B	

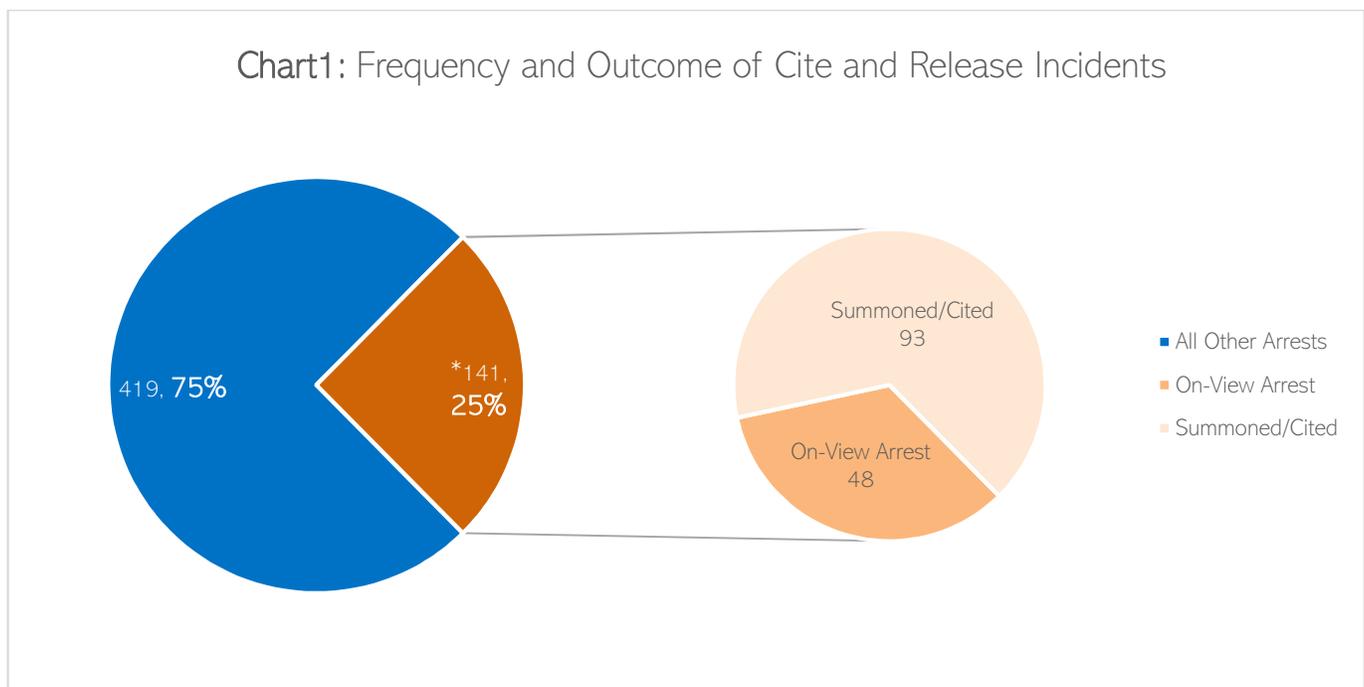
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<sup>1</sup> Results do not include warnings, only Cite and Release eligible involvements that resulted in an arrest or citation.

## FREQUENCY OF CITE AND RELEASE APPLICABLE INCIDENTS

Chart1 displays how frequently San Marcos PD encounters Cite and Release applicable incidents that lead to an “arrest”. In this setting, arrests include On-View Arrest and Citation/Summons. On-View Arrest is when a person is immediately taken to jail to await magistration. Citation/Summons are instances where an officer provides a citation to a citizen to come to a pre-designated magistrate session.

During the 4Q of 2020, there were 560 arrests\*. Approximately 25% of all arrests included cite and release eligible offenses. Of those, 93 were Cited and 48 resulted in an On-View arrest. The reason for on-view arrests are listed below.



\*Dark orange (141 | 25%) represents the total number of Cite and Release eligible offenses that resulted in an arrest.

In the 4Q of 2020 there were approximately 25% of arrests where the Cite and Release process was applicable. Of those instances, 48 individuals or 8% of all arrests resulted in an on-view arrest. The Reasons for Arrest in Ordinance No 2020-18 are segmented into six (6) categories. These justifications include the following:

- (1) Other Non-Citable Offenses
- (2) Possesses Imminent Danger (to themselves or others)
- (3) Outstanding Arrest Warrant

- (4) No Hays County Connection
- (5) Did not provide sufficient personal identification
- (6) Demanded to be taken before a magistrate<sup>2</sup>

Table3 displays the reason for contact in comparison to the reason for arrest in 4Q 2020

Contact Reason	Arrest Reason						
	Arrest Warrant	No Hays County Connection	Other Non-Citable Offenses	Imminent Danger	Demand for Magistrate	Insufficient Identification	Grand Total
Community Initiated	2	5	14	0	2	0	23
Moving Traffic Violation	0	0	7	0	0	0	7
Pre-Existing Knowledge	1	0	1	0	0	0	2
Vehicle Traffic Violation	0	3	3	0	0	1	7
Violation of Law	0	0	6	2	1	0	9
Grand Total	3	8	31	2	3	1	51

## REASON FOR CONTACT

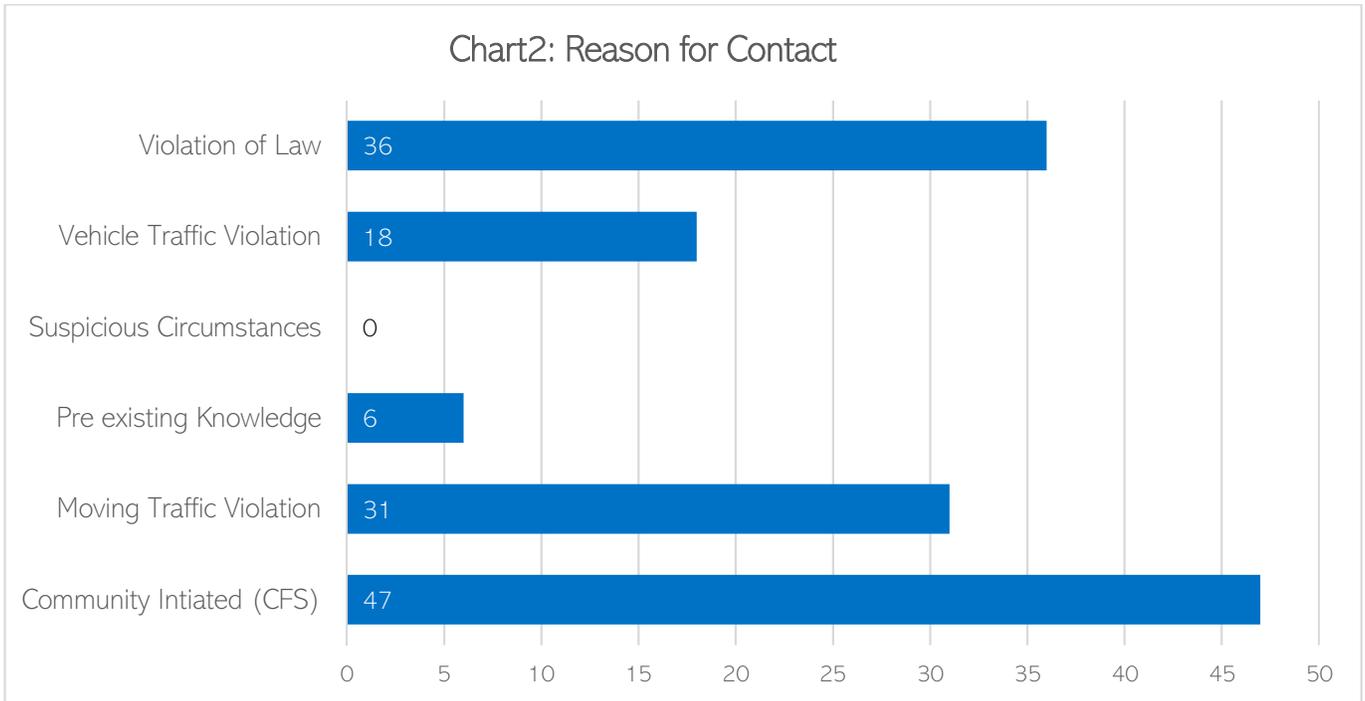
The Reason for Contact in Cite and Release applicable offenses were based off of previously established racial profiling reports. These options are listed below. Chart2 displays the Reason for Contact during the 4Q 2020.

- (1) Community Initiated- a call for service generated by the public to law enforcement seeking assistance.
- (2) Violation of Law- any act, or failure to act, that does not abide by existing law
- (3) Vehicle Traffic Violation- any vehicle violation such as a brake light out.
- (4) Moving Traffic Violation- violations such as speeding or running a stop sign.
- (5) Pre-Existing Knowledge- information that an officer has, prior to contacting the individual, that they were wanted or violated a law.

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<sup>2</sup> Examples of this generally stem from the citizen refusing to sign the citation and/or an officer asking if he prefers to be taken before a magistrate.

(6) Suspicious Circumstances- a situation in which an officer observes behavior that may be crime-related or yields concerns for the welfare of the public.



## STREET DIVERSIONS | RELEASED

Street diversion is another way a San Marcos officer can use his/her discretion. In these scenarios, a citizen may be cited with a lesser charge and/or released altogether. Below are the numbers for the 2Q-4Q of 2020.

Quarter	Street Diversion and/or Released	Total Citations
2Q	13	753
3Q	22	1,028
4Q	56	1,215
<b>Grand Total</b>	<b>91</b>	<b>2,966</b>

## APPLICABLE OFFENSES

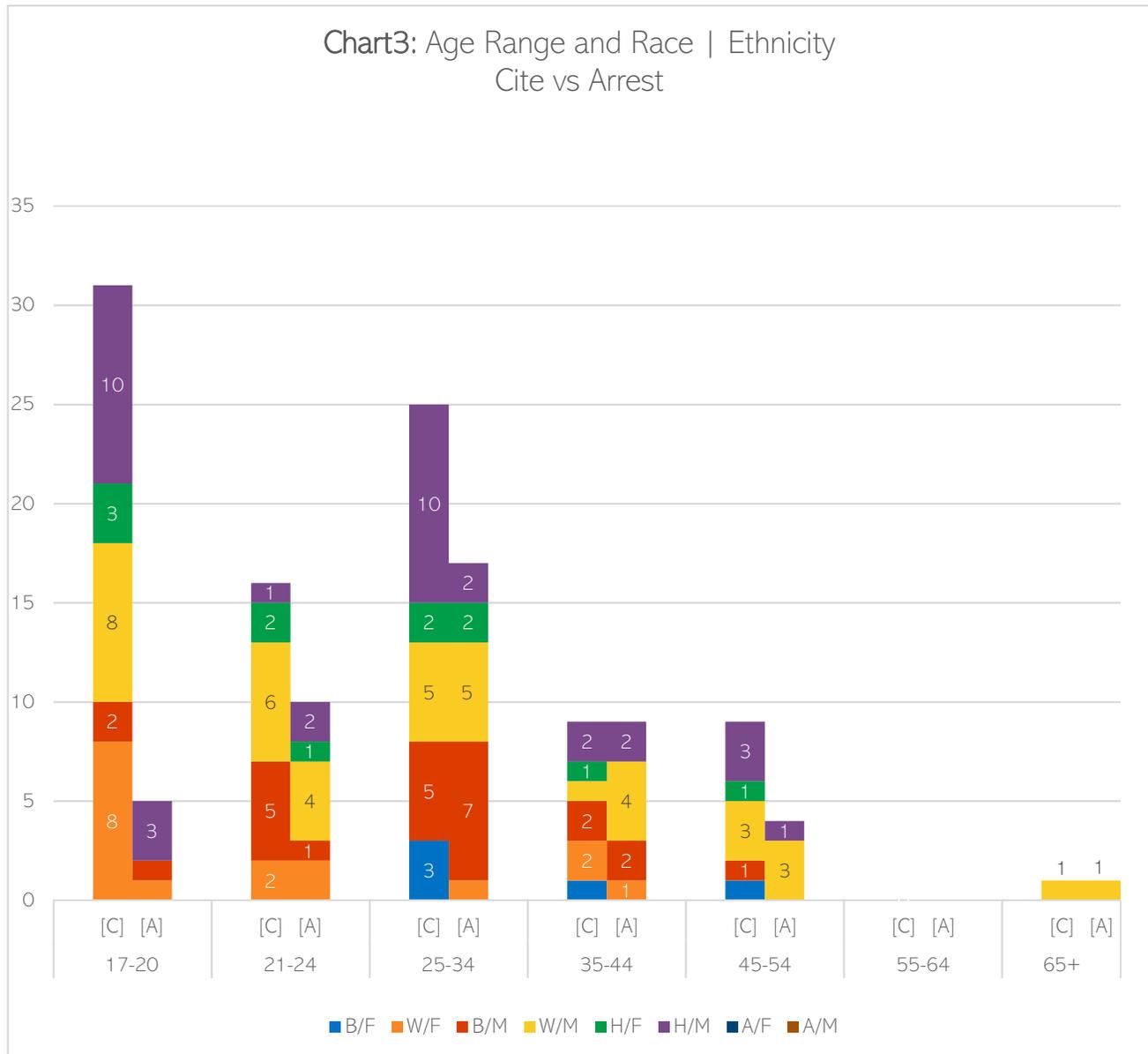
Table5 indicates the cite and release offenses that were encountered during the 4Q 2020.

Table5:

Offense	Count
Criminal Mischief >=\$100<\$750	6
Criminal Mischief under \$100	1
Criminal Trespass	3
DOC - Fighting	2
DOC - Noise Unreasonable	11
DWLI	12
Fail to ID	2
Graffiti Pecuniary Loss >=\$100<\$750	1
Purchase of Tobacco by Minor	2
Jaywalking-Cross Intersection Diagonally	1
Minor Consuming Alcohol	1
Noise Host Responsibility -Local Ordinance	1
Open Container	5
POSS MARIJ <2OZ	33
POSS MARIJ >2OZ<=4OZ	0
Poss of Drug Paraphernalia - Container	5
Poss of Drug Paraphernalia - General	16
Poss of Drug Paraphernalia - Pipe	8
Theft Prop <\$100 W/prev Convic	1
Theft Prop >=\$100<\$750	10
Theft under \$100	20
VIOCO Violation of City Ordinance	5
VOCO - Urinating in Public	1
<b>Total</b>	<b>147</b>

## AGE, RACE AND ETHNICITY

Chart3<sup>3</sup> displays the age range and race of individuals who were involved in cited [C] offenses compared to those who were arrested [A]. Chart2 displays the age range and race/ethnicity of individuals who were arrested for cite and release offenses. The colors are broken down by Race|Ethnicity<sup>4</sup> and Sex combinations. The graph is sectioned off by age range.



\*Does not include juveniles

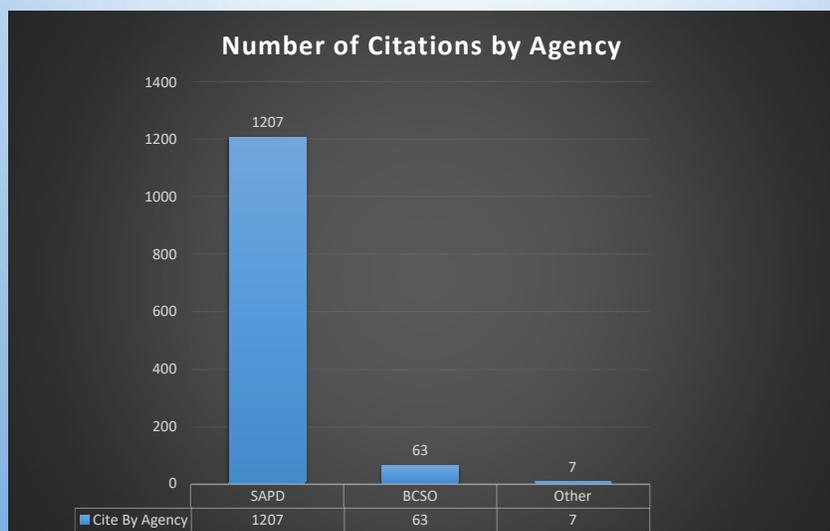
<sup>4</sup> Ethnicity and Race were merged per the request of CoSM City Council.

## Bexar County District Attorney Cite and Release Process

1. Citation received in office and reviewed by ADA within 10 days of offense date for diversion.
2. If case is not accepted for diversion, it is referred to Court for prosecution. The case is filed at-large and assigned to an ADA in the office for review to determine final charging decision.
3. If accepted, offender has approximately 30 days to report to Reentry Center and sign contract. Supervision begins with Pre-Trial Services.
4. If offender successfully completes 60 day program, case is closed and record is sealed.

1

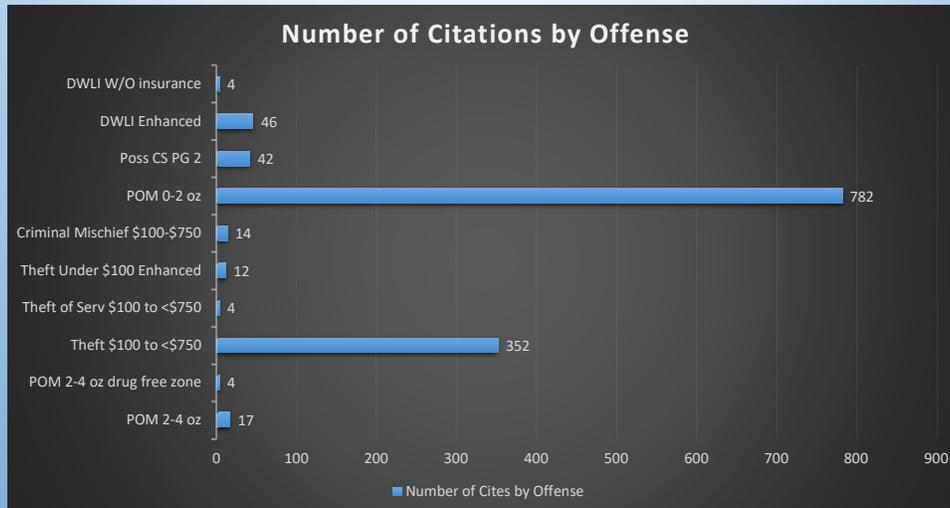
From July 1, 2019 to December 31, 2019, 1,277 Citations were issued. The SAPD issued 95% of all Citations.



2

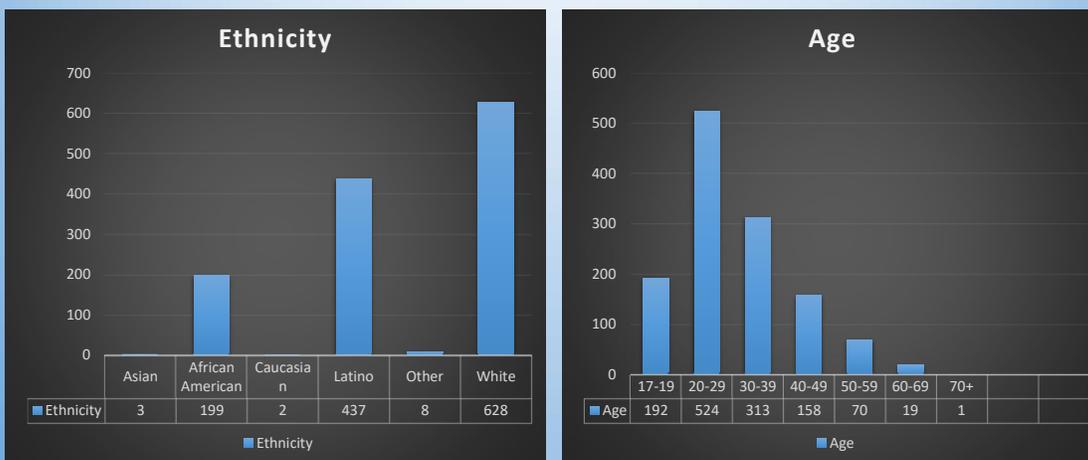
## Booking Cost Avoidance to Bexar County \$ 966,254.82

BCSO reports cost to book an individual at \$756.66



3

49% of Citations were issued to offenders identified as white, 35% to offenders identified as Latino and 15% to offenders identified as African American. 41% of Citations were issued to people 20-29 years old, 24% were issued to people 30-39 years old and 15% to people 17-19 years old. 30% of Citations were issued to women and 70% issued to men.



4

## Cite and Release Fees Collected by Bexar County Pre-Trial Services 7/1/19-12/31/19

<b>Restitution</b>	<b>\$200.00</b>
<b>Program Fee (BCSO)</b>	<b>\$1,175.00</b>
<b>Program Fee (SAPD)</b>	<b>\$10,295.00</b>
<b>Total Collected</b>	<b>\$11,670.00</b>

5

## Diversion Program Summary 7/1/19-12/31/19

Approved Citations	289
Agreements Signed	196
Successful Completions	127
Unsuccessful Completions	18
Active Participants	51
Cases Referred for Prosecution	253
Post Agreement Arrests Due to New Event	9 (4%)
No Shows	76 (26%)
Outright Dismissals (insuff. evid, declination, other)	773
Prosecution Costs Saved (estimated cost per misd disposition \$334)	\$258,182.00

International Association of Chiefs of Police 2016 "80% of agencies do not monitor, track, study or evaluate their use of citation."

6

Arrest/Bookings for Cite eligible offenses BCSO	<b>61</b>
Arrest/Bookings for Cite eligible offenses SAPD	413
Citations Referred for Prosecution	253

7

## Cite and Release Program Data From 7/1/19 to 12/31/19:

### Diversion Track:

Agreements Signed	196
Successful Completions	127 or 65% (some people who were cited from 7/1/19 to 12/31/19 will not have been able to complete their programs during the requested date range for data)
Unsuccessful Completions	18 or 9%

**Demographics: *The gender/age/race stats are gathered from the total number of citations that were issued from July 1, 2019, to December 31, 2019.***

- 49% of Citations were issued to offenders identified as white, 35% to offenders identified as Latino, and 15% to offenders identified as African American. (please note that there are a few citations in other groups but they represent 1% of all citations, their data is included in the PowerPoint.)
- 41% of Citations were issued to people 20-29 years old, 24% were issued to people 30-39 years old and 15% to people 17-19 years old, 12% issued to people 40-49, 5% issued to people 50-59 and 1% to people 50-70+.
- 30% of Citations were issued to women and 70% issued to men.

### Cite & Release Programs:

- Theft Course thru Advent Learning(Advent eLearning [info@adventfs.com](mailto:info@adventfs.com))
- Drug Course through SACADA
- DWLI Assistance Program course depending on their citation charge

Some defendants were able to take a Theft Course through “Stop the Cycle” but they have postponed until further notice due to COVID-19.

The defendants' are also to complete 8 hours of community service hours through a non-profit organization and have a 60-day timeframe to complete the CITE requirements and pay a fine of \$100.

Prosecutors review all citations. The reviewing prosecutor may: 1. Reject the case, 2. Accept the case for the Diversion Program (or), 3. File the case in court.

# San Antonio Police Department

# Cite and Release Program

2<sup>ND</sup> QUARTER REPORT

(OCTOBER 1 TO DECEMBER 31, 2020)

FOR THE YEAR ENDING JUNE 30, 2021



Prepared by San Antonio Police Department  
MARCH 26, 2021

## OVERVIEW

This report outlines the enforcement activity related to the SAPD enhanced Cite and Release program, which began on July 1, 2019. The period covered by this report is October 1, 2020, through December 31, 2020. This program authorizes SAPD Officers to issue citations in lieu of custodial arrest in certain Class A or B misdemeanor offenses codified within Texas Code of Criminal Procedure Article 14.06 (c) and (d). The SAPD amended existing departmental policy and expanded officer discretion to support the enhanced cite and release opportunities. However, in consultation with the Bexar County District Attorney's Office, the Class A and B misdemeanor offense of Penal Code 28.08 Graffiti was excluded from the authority to cite and release. The offenses authorized for cite and release under the enhanced SAPD program is as follows:

1. Class B Possession of Marijuana (0-2 oz.)
2. Class A Possession of Marijuana (2-4 oz.)
3. Class B Possession of Substance in Penalty Group 2-A (0-2 oz.)  
*E.g. Synthetic cannabinoids*
4. Class A Possession of Substance in Penalty Group 2-A (2-4 oz.)  
*E.g. Synthetic cannabinoids*
5. Class B Criminal Mischief (\$100 or over and less than \$750)  
*E.g. damaged property, broken windows, flattened tires*
6. Class B Theft from businesses (\$100 or over and less than \$750)  
*E.g. shoplifting, retail theft*
7. Class B Theft of Service (\$100 or over and less than \$750)  
*E.g. non-payment of tab or check, rental fee*
8. Class B Contraband in a Correctional Facility  
*E.g. alcohol, controlled substance, deadly weapon, tobacco products*
9. Driving While License Invalid

To evaluate the effectiveness of the implementation of the enhanced Cite and Release Program and to provide the community with information on the program, the Department will produce a quarterly report providing information on the following:

1. Enforcement Activity
2. Race/Ethnicity
3. Age
4. Gender
5. Location
6. Offense Type
7. Arrest Reason
8. Officer Availability

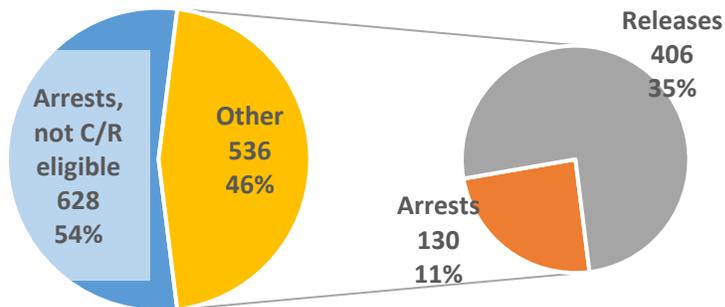
This report will compare the results, on a quarterly basis, to the results of the first year of implementation of the program.

## SUMMARY

During the period of October through December 2020, the SAPD encountered 1,164 individuals for eligible offenses, via either custodial arrest or issuing a misdemeanor citation. Of the 1,164 individuals encountered, 628 individuals (54%) had outstanding warrants and/or multiple arrests, making them ineligible for citation and release. 536 (46%) encounters were eligible for citation and release.

The table below provides a breakdown of these police encounters by race/ethnicity.

Race/ Ethnicity	Total Encounters	Arrests (not C/R eligible)	Other Arrests	Released
Hispanic	805	433	84	288
White	171	96	24	51
African American	176	94	21	61
Other Race	12	5	1	6
<b>Total</b>	<b>1,164</b>	<b>628</b>	<b>130</b>	<b>406</b>
<b>% of Total</b>	<b>100%</b>	<b>54%</b>	<b>11%</b>	<b>35%</b>



Of the 536 individuals eligible for cite and release, 406 were released and 130 were arrested.

The table below provides detail on the 536 encounters which were eligible for cite and release, disaggregated by race and ethnicity. Release rates in these cases are fairly consistent, ranging from 68% for whites to 77% for Hispanics.

Race/ Ethnicity	C/R Eligible Encounters	Individuals Arrested	Individuals Released	Release Rate, eligible encounters
Hispanic	372	84	288	77%
White	75	24	51	68%
African American	82	21	61	74%
Other Race	7	1	6	86%
<b>Total</b>	<b>536</b>	<b>130</b>	<b>406</b>	<b>76%</b>

## 1. ENFORCEMENT ACTIVITY

During the period of October through December 2020 (Year 2, Q2 of the program), a total of 1,164 individuals were encountered for eligible offenses, resulting in either a custodial arrest, a citation, or another form of release which can include medical release, emergency detention, and public intoxication hold. During the Year 2, Q2 period, 758 individuals were arrested and 406 (35%) were released (citations plus other releases). Table 1.1 below compares arrests and releases during the current quarter of the program with the same quarter of the prior year, and Table 1.2 compares current program year to date (July to December 2020) with the same period of the prior year. Rates of arrest and release are similar across comparison periods.

**Table 1.1 – Total Arrests and Citations, current quarter compared to same quarter prior year**

	Year 1, Q2 <i>Oct to Dec 2019</i>		Year 2, Q2 <i>Oct to Dec 2020</i>	
	Total	%	Total	%
No. of Arrests	1,108	63%	758	65%
No. of Citations	627	36%	402	35%
Other Releases	15	1%	4	0.3%
<b>Total</b>	<b>1,750</b>	<b>100%</b>	<b>1,164</b>	<b>100%</b>
<b>Release Rate*</b>		<b>37%</b>		<b>35%</b>

\*Release Rate = Citations plus Other Releases divided by Total.

**Table 1.2 – Total Arrests and Citations, current year to date (YTD) compared to prior YTD**

	Year 1, Q2 YTD <i>Jul to Dec 2019</i>		Year 2, Q2 YTD <i>Jul to Dec 2020</i>	
	Total	%	Total	%
No. of Arrests	2,194	64%	1,687	65%
No. of Citations	1,198	35%	877	34%
Other Releases	32	1%	34	1%
<b>Total</b>	<b>3,424</b>	<b>100%</b>	<b>2,598</b>	<b>100%</b>
<b>Release Rate</b>		<b>36%</b>		<b>35%</b>

## 2. RACE/ETHNICITY

Table 2.1 identifies the race or ethnicity of individuals encountered for offenses eligible for cite and release during the current program quarter and compares those rates with the same quarter of the prior year. Table 2.2 compares current program year to date (July to December 2020) with the same period of the prior year. The racial or ethnic distribution of offenders were similar across comparison periods.

**Table 2.1 – Arrestee Racial/Ethnic Demographic Breakdown, current quarter compared to same quarter prior year**

Race / Ethnicity	San Antonio Demographics*	Year 1, Q2 Oct to Dec 2019		Year 2, Q2 Oct to Dec 2020	
		Offenders	Offense %	Offenders	Offense %
Hispanic	64.2%	1,244	71%	805	69%
White	24.8%	257	15%	171	15%
African American	6.9%	234	13%	176	15%
Other Race	4.1%	15	1%	12	1%
<b>Total</b>	<b>100%</b>	<b>1,750</b>	<b>100%</b>	<b>1,164</b>	<b>100%</b>

\*Source: <https://www.census.gov/quickfacts/sanantoniocitytexas>

**Table 2.2 – Arrestee Racial/Ethnic Demographic Breakdown, current year to date (YTD) compared to prior YTD**

Race / Ethnicity	San Antonio Demographics*	Year 1, Q2 YTD Jul to Dec 2019		Year 2, Q2 YTD Jul to Dec 2020	
		Offenders	Offense %	Offenders	Offense %
Hispanic	64.2%	2,354	69%	1,761	68%
White	24.8%	533	16%	409	16%
African American	6.9%	507	15%	404	16%
Other Race	4.1%	30	1%	24	1%
<b>Total</b>	<b>100%</b>	<b>3,424</b>	<b>100%</b>	<b>2,598</b>	<b>100%</b>

Table 2.3 reflects the release rates across racial and ethnic groups for both the current quarter and the current year to date. The release rate is calculated by dividing the number of releases by the total number of offenses shown in Tables 2.1 and 2.2. Release rates are similar for Hispanic, White, and African American offenders, ranging from 30-36% in the current program quarter and year.

**Table 2.3 – Release Rates by Race/Ethnicity**

Race / Ethnicity	Year 1, Q2 Oct to Dec 2019		Year 2, Q2 Oct to Dec 2020		Year 1, Q2 YTD Jul to Dec 2019		Year 2, Q2 YTD Jul to Dec 2020	
	Released	Rel. %	Released	Rel. %	Released	Rel. %	Released	Rel. %
Hispanic	438	35%	288	36%	827	35%	620	35%
White	104	40%	51	30%	201	38%	147	36%
African American	91	39%	61	35%	189	37%	134	33%
Other Race	9	60%	6	50%	13	43%	10	42%
<b>Total</b>	<b>642</b>	<b>37%</b>	<b>406</b>	<b>35%</b>	<b>1,230</b>	<b>36%</b>	<b>911</b>	<b>35%</b>

### 3. AGE

Tables 3.1 below reflects the age distribution of individuals encountered for offenses eligible for cite and release during the current program quarter and compares those rates with the same quarter of the prior year. Table 3.2 shows the same information but compares the current program year to date (July to December 2020) with the same period of the prior year. Across all comparison periods, more than 80% of offenders are 40 or younger. This finding is consistent with other general trends in crime skewing towards younger adults.

**Table 3.1 – Arrests and Releases by Age Range, current quarter compared to same quarter prior year**

Age Range	Year 1, Q2 Oct to Dec 2019			Year 2, Q2 Oct to Dec 2020				
	Offenses	Release	Rel. %	Offenses	Off. %	Arrest	Release	Rel. %
<20	349	174	50%	179	15%	94	85	47%
21 - 30	683	228	33%	469	40%	313	156	33%
31 - 40	432	146	34%	323	28%	225	98	30%
41 - 50	186	53	28%	121	10%	80	41	34%
51 - 60	83	34	41%	54	5%	37	17	31%
61 - 70	17	7	41%	15	1%	7	8	53%
70+	0	0	N/A	3	0%	2	1	33%
<b>Total</b>	<b>1,750</b>	<b>642</b>	<b>37%</b>	<b>1,164</b>	<b>100%</b>	<b>758</b>	<b>406</b>	<b>35%</b>

**Table 3.2 – Arrests and Releases by Age Range, current year to date (YTD) compared to prior YTD**

Age Range	Year 1, Q2 YTD Jul to Dec 2019			Year 2, Q2 YTD Jul to Dec 2020				
	Offenses	Release	Rel. %	Offenses	Off. %	Arrest	Release	Rel. %
<20	527	257	49%	397	15%	224	173	44%
21 - 30	1,390	469	34%	1,018	39%	675	343	34%
31 - 40	932	311	33%	701	27%	480	221	32%
41 - 50	380	117	31%	321	12%	209	112	35%
51 - 60	158	62	39%	120	5%	75	45	38%
61 - 70	34	13	38%	35	1%	22	13	37%
70+	3	1	33%	6	0%	2	4	67%
<b>Total</b>	<b>3,424</b>	<b>1,230</b>	<b>36%</b>	<b>2,598</b>	<b>100%</b>	<b>1,687</b>	<b>911</b>	<b>35%</b>

## 4. GENDER

Table 4.1 identifies the gender of individuals encountered for offenses eligible for cite and release during the current program quarter and compares those rates with the same quarter of the prior year. Table 4.2 compares that data for the current program year to date (July to December 2020) with the same period of the prior year. The data demonstrates that 76% of the arrestees were male while 24% were female. The release rate is 33% for males and 42% for females. This is consistent with the previous year where females were released at a higher rate than males.

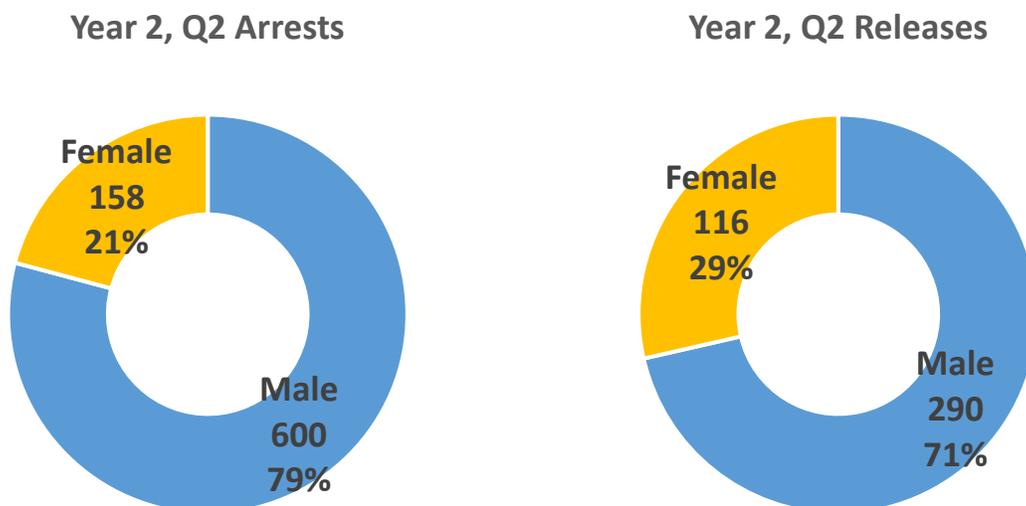
**Table 4.1 – Arrestee Gender, current quarter compared to same quarter prior year**

Gender	Year 1, Q2 Oct to Dec 2019				Year 2, Q2 Oct to Dec 2020			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Male	794	430	1,224	35%	600	290	890	33%
Female	314	212	526	40%	158	116	274	42%
<b>Total</b>	<b>1,108</b>	<b>642</b>	<b>1,750</b>	<b>37%</b>	<b>758</b>	<b>406</b>	<b>1,164</b>	<b>35%</b>

**Table 4.2 – Arrestee Gender, current year to date (YTD) compared to prior YTD**

Gender	Year 1, Q2 YTD Jul to Dec 2019				Year 2, Q2 YTD Jul to Dec 2020			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Male	1,596	856	2,452	35%	1,276	673	1,949	35%
Female	598	374	972	38%	411	238	649	37%
<b>Total</b>	<b>2,194</b>	<b>1,230</b>	<b>3,424</b>	<b>36%</b>	<b>1,687</b>	<b>911</b>	<b>2,598</b>	<b>35%</b>

**Figure 4.1 – Gender distribution of individuals arrested and released, current quarter**



## 5. LOCATION

Table 5.1 identifies enforcement activity by location within the applicable SAPD Service Area during the current program quarter and compares those rates with the same quarter of the prior year. Table 5.2 compares that data for the current program year to date (July to December 2020) with the same period of the prior year. The number of total arrests and citations during Year 2, Q2 range from a low of 131 in the Prue Service Area to a high of 254 arrests in the West Service Area. The SAPD Service Area with the lowest release rate was the Central Service Area at 27% and the highest release rate was 44% in the East Service Area.

**Table 5.1 – Release Rates by Service Area, current quarter compared to same quarter prior year**

Service Area	Year 1, Q2 Oct to Dec 2019				Year 2, Q2 Oct to Dec 2020			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Central	209	129	338	38%	145	54	199	27%
North	126	94	220	43%	101	53	154	34%
East	170	88	258	34%	103	81	184	44%
West	212	143	355	40%	159	95	254	37%
South	241	112	353	32%	140	79	219	36%
Prue	135	70	205	34%	91	40	131	31%
Outside COSA	15	6	21	29%	19	4	23	17%
<b>Total</b>	<b>1,108</b>	<b>642</b>	<b>1,750</b>	<b>37%</b>	<b>758</b>	<b>406</b>	<b>1,164</b>	<b>35%</b>

**Table 5.2 – Release Rates by Service Area, current year to date (YTD) compared to prior YTD**

Service Area	Year 1, Q2 YTD Jul to Dec 2019				Year 2, Q2 YTD Jul to Dec 2020			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Central	462	286	748	38%	310	156	466	33%
North	261	186	447	42%	215	129	344	38%
East	314	151	465	32%	267	153	420	36%
West	434	270	704	38%	322	206	528	39%
South	423	204	627	33%	370	172	542	32%
Prue	279	124	403	31%	178	85	263	32%
Outside COSA	21	9	30	30%	25	10	35	29%
<b>Total</b>	<b>2,194</b>	<b>1,230</b>	<b>3,424</b>	<b>36%</b>	<b>1,687</b>	<b>911</b>	<b>2,598</b>	<b>35%</b>

## 6. OFFENSE TYPE

Table 6.1 identifies the enforcement activity by type of offense during the current program quarter and compares the enforcement activity with the same quarter of the prior year. Table 6.2 compares the same information for the current program year to date (July to December 2020) with the same period of the prior year. Class B Theft and Possession of 0-2 ounces of marijuana make up a total of 82% of offenses. Class B Theft has a higher citation release rate of 56% during Year 2, Q2, as compared to the release rate of 34% for Possession of Marijuana 0-2 oz. Release rates by offense type are similar with prior year comparisons.

**Table 6.1 – Arrests by Offense type, current quarter compared to same quarter prior year**

Offense Type	Year 1, Q2		Year 2, Q2			
	Oct to Dec 2019		Oct to Dec 2020			
	Total	Rel. %	Arrest	Release	Total	Rel. %
Contraband in Correctional Facility	2	0%	0	0	0	N/A
Criminal Mischief \$100 to <\$750	93	10%	86	7	93	8%
Driving While License Invalid	15	33%	9	7	16	44%
Class B Theft \$100 to <\$750	386	57%	92	117	209	56%
Class B Theft of Service \$100 to <\$750	9	33%	1	0	1	0%
Poss. Marijuana 0 to 2oz	1,077	35%	495	254	749	34%
Poss. Marijuana 2 to 4oz	50	22%	23	10	33	30%
Poss. Sch. 2A Ctrlld Substance < 2oz	115	11%	51	10	61	16%
Poss. Sch. 2A Ctrlld Substance 2 to < 4oz	3	0%	1	1	2	50%
<b>Total</b>	<b>1,750</b>	<b>37%</b>	<b>758</b>	<b>406</b>	<b>1,164</b>	<b>35%</b>

**Table 6.2 – Arrests by Offense Type, current year to date (YTD) compared to prior YTD**

Offense Type	Year 1, Q2 YTD		Year 2, Q2 YTD			
	Jul to Dec 2019		Jul to Dec 2020			
	Total	Rel. %	Arrest	Release	Total	Rel. %
Contraband in Correctional Facility	3	0%	1	0	1	0%
Criminal Mischief \$100 to <\$750	173	11%	184	20	204	10%
Driving While License Invalid	31	45%	16	11	27	41%
Class B Theft \$100 to <\$750	722	53%	175	230	405	57%
Class B Theft of Service \$100 to <\$750	15	40%	3	3	6	50%
Poss. Marijuana 0 to 2oz	2,088	35%	1,122	591	1,713	35%
Poss. Marijuana 2 to 4oz	77	25%	57	22	79	28%
Poss. Sch. 2A Ctrlld Substance < 2oz	307	20%	128	33	161	20%
Poss. Sch. 2A Ctrlld Substance 2 to < 4oz	8	0%	1	1	2	50%
<b>Total</b>	<b>3,424</b>	<b>36%</b>	<b>1,687</b>	<b>911</b>	<b>2,598</b>	<b>35%</b>

## 7. ARREST REASON

The reason officers effect a custodial arrest can vary widely and current SAPD policy identifies certain circumstances where a custodial arrest is required. Table 7.1 identifies the reason for officers effecting a custodial arrest. During Year 2, Q2, 628 (83%) of 758 custodial arrests were made in instances when the arrestee had outstanding warrants or multiple charges, rendering them ineligible for citation and release because an arrest is mandatory in these cases.

**Table. 7.1 – Reason for Custodial Arrest**

Arrest Reason	Year 1, Q2 Oct to Dec 2019		Year 2, Q2 Oct to Dec 2020	
	Total	%	Total	%
Multiple Charges	557	50%	466	61%
Warrants	397	36%	162	21%
<b>Mandatory arrests - not eligible for C/R</b>	<b>954</b>	<b>86%</b>	<b>628</b>	<b>83%</b>
Victim Custodial Arrest Demand / Expected	51	5%	47	6%
Medical / Self Harm	27	2%	9	1%
Uncooperative Suspect	23	2%	19	3%
Unspecified	9	1%	26	3%
Insufficient ID	8	1%	5	1%
Suspect of Other Criminal Behavior	7	1%	19	3%
Not Bexar County Resident	4	0%	5	1%
Not Listed DWI/DWLI	25	2%	0	0%
<b>Total</b>	<b>1,108</b>	<b>100%</b>	<b>758</b>	<b>100%</b>

During Year 2, Q2, 130 arrests were made in cases that did not involve warrants or multiple charges. Table 7.2 below shows the proportion of arrestees by race and ethnicity across all arrests, cite and release eligible arrests, and mandatory arrests. The racial and ethnic makeup of arrestees is consistent across types of arrest.

**Table. 7.2 – Demographics and Custodial Arrest by Race/Ethnicity**

Race / Ethnicity	Year 1, Q2 Oct to Dec 2019						Year 2, Q2 Oct to Dec 2020					
	Total Arrests		C/R Eligible Arrests		Mandatory Arrests		Total Arrests		C/R Eligible Arrests		Mandatory Arrests	
Hispanic	806	73%	107	69%	699	73%	517	68%	84	65%	433	69%
White	153	14%	23	15%	130	14%	120	16%	24	18%	96	15%
African American	143	13%	23	15%	120	13%	115	15%	21	16%	94	15%
Other Race	6	1%	1	1%	5	1%	6	1%	1	1%	5	1%
<b>Total</b>	<b>1,108</b>	<b>100%</b>	<b>154</b>	<b>100%</b>	<b>954</b>	<b>100%</b>	<b>758</b>	<b>100%</b>	<b>130</b>	<b>100%</b>	<b>628</b>	<b>100%</b>

## 8. OFFICER AVAILABILITY

Cite and release saves officer time because issuing a citation takes less time than completing an arrest. Tables 8.1 and 8.2 show officer time saved according to the average amount of time an officer spends on an arrest for a particular offense. During Year 2, Q2, the officer time saved by issuing citations was crimes was 726 hours. The full-time equivalent (FTE) for an officer's time is estimated at 410 hrs per quarter, so the citations issued in Year 2, Q2 resulted in a time saving of 1.8 FTEs. Over the current year-to-date, cite and release has saved approximately 2 FTEs of officer time.

**Table 8.1 – Reduced Officer Time On Call, current quarter compared to same quarter prior year**

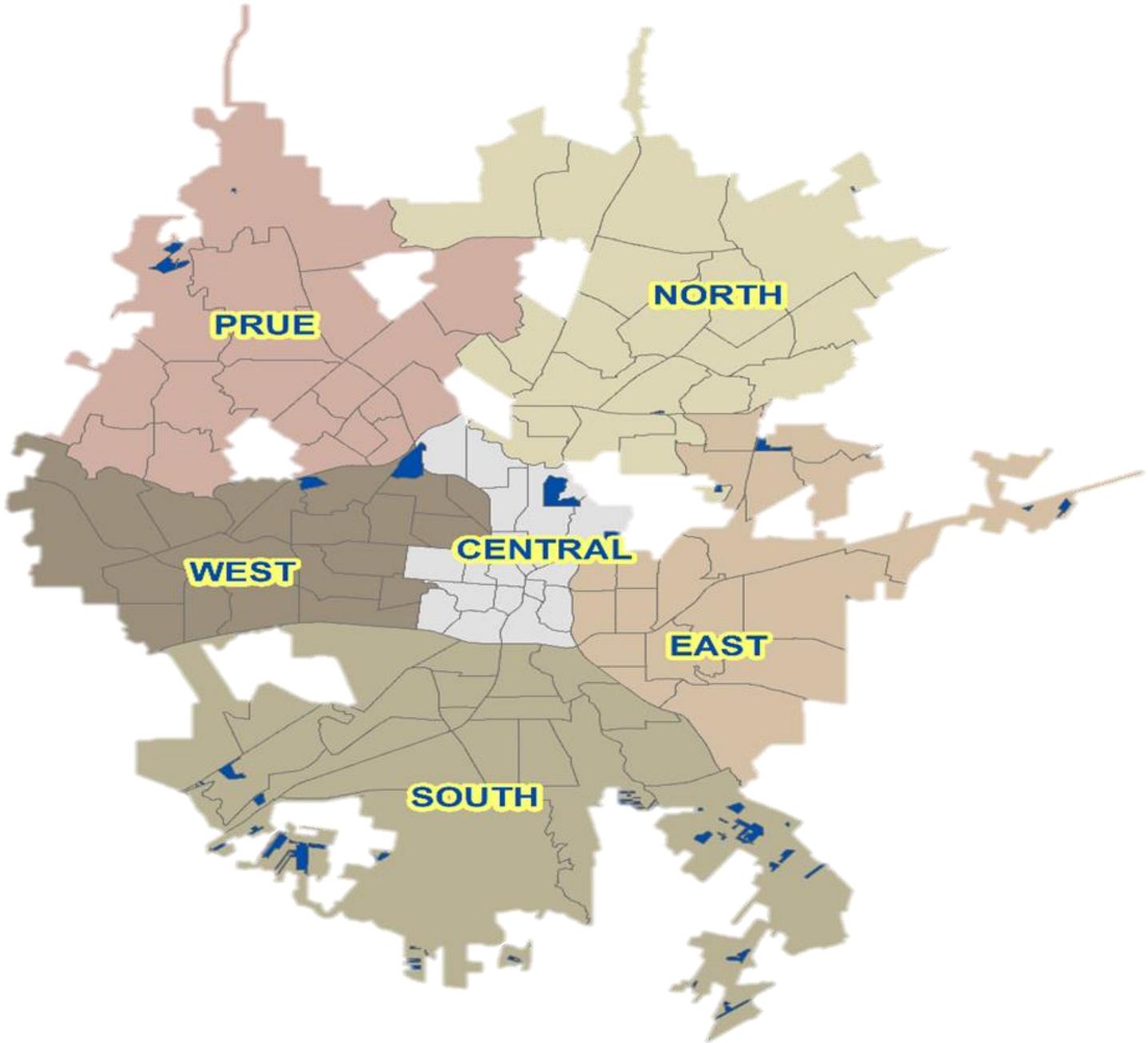
Offense Type	Avg. minutes for arrest	Year 1, Q2 Oct to Dec 2019		Year 2, Q2 Oct to Dec 2020	
		Releases	Hrs saved	Releases	Hrs saved
Contraband In Correctional Facility	N/A	0	N/A	0	N/A
Criminal Mischief \$100 to <\$750	0	9	0	7	0
Driving While License Invalid	70	5	6	7	8
Class B Theft \$100 to <\$750	117	219	427	117	228
Class B Theft of Service \$100 to <\$750	14	3	1	0	0
Poss. Marijuana 0 to 2oz	112	382	713	254	474
Poss. Marijuana 2 to 4oz	32	11	6	10	5
Poss. Sch. 2A Ctrl'd Subst. < 2oz	63	13	14	10	11
Poss. Sch. 2A Ctrl'd Subst. 2 to < 4oz	0	0	0	1	0
<b>Total</b>		<b>642</b>	<b>1,166</b>	<b>406</b>	<b>726</b>
<b>Officer FTE (hrs)</b>	<b>410</b>		<b>2.8 FTE</b>		<b>1.8 FTE</b>

**Table 8.2 – Reduced Officer Time On Call, current year to date (YTD) compared to prior YTD**

Offense Type	Avg. minutes for arrest	Year 1, Q2 YTD Jul to Dec 2019		Year 2, Q2 YTD Jul to Dec 2020	
		Releases	Hrs saved	Releases	Hrs saved
Contraband In Correctional Facility	N/A	0	N/A	0	N/A
Criminal Mischief \$100 to <\$750	0	19	0	20	0
Driving While License Invalid	70	14	16	11	13
Class B Theft \$100 to <\$750	117	383	747	230	449
Class B Theft of Service \$100 to <\$750	14	6	1	3	1
Poss. Marijuana 0 to 2oz	112	727	1,357	591	1,103
Poss. Marijuana 2 to 4oz	32	19	10	22	12
Poss. Sch. 2A Ctrl'd Subst. < 2oz	63	62	65	33	35
Poss. Sch. 2A Ctrl'd Subst. 2 to < 4oz	0	0	0	1	0
<b>Total</b>		<b>1,230</b>	<b>2,197</b>	<b>911</b>	<b>1,612</b>
<b>Officer FTE (hrs)</b>	<b>820</b>		<b>2.7 FTE</b>		<b>2 FTE</b>

# APPENDIX

# SUBSTATION MAP





# CITATION BOOK

## SAN ANTONIO POLICE DEPARTMENT CITE AND RELEASE CITATION

### INSTRUCTIONS:

- 1) **ELIGIBLE OFFENSES:** ARE LISTED IN GENERAL MANUAL PROCEDURE 505.06.B.
  - a) An Officer who determines probable cause has been established for any of the eligible offenses can issue a citation if the offender does not have any of the restrictions listed in General Manual Procedure 505.05.A or .06.A.
- 2) **Report Responsibility:** When officers issue a Cite and Release Citation in lieu of custodial arrest, the officers shall:
  - a) Create an offense report;
  - b) Document the citation number in the report;
  - c) Submit the report for approval;
  - d) The report shall be submitted to the DA's Office per General Manual Procedure 505.03.B.
- 3) **The original citation** is submitted in an envelope through bin mail to: *DA's Office, Intake Division, Attn: Cite and Release.*
- 4) **Date of Appearance** should be set 10 days from the date the citation is issued.
- 5) **Return** empty ticket books to Records Unit for destruction.

**IF FOUND PLEASE RETURN**

## SAN ANTONIO POLICE DEPARTMENT CITE AND RELEASE CITATION

# No. CR 0003175

ROUTING OF REPORT

**DISTRICT ATTORNEY'S OFFICE**

DATE ISSUED	TIME ISSUED	DAY OF WEEK
MONTH    DAY    YEAR		
(PRINT) LAST NAME	FIRST	MIDDLE

RESIDENCE ADDRESS

CITY	ZIP CODE	PHONE
------	----------	-------

BUSINESS ADDRESS (OR SCHOOL ATTENDED)

CITY	ZIP CODE	BUSINESS PHONE
------	----------	----------------

RACE	SEX	HAIR	EYES	HEIGHT	WEIGHT	DATE OF BIRTH
						/  /

DRIVER'S LICENSE	STATE	NUMBER	SOCIAL SECURITY NUMBER

OTHER ID OR EMAIL ADDRESS:

**VIOLATION CHARGED**

BASED UPON THE INFORMATION CONTAINED HEREIN, A COMPLAINT WILL BE FILED AGAINST YOU FOR THE VIOLATION INDICATED BELOW

OFFENSE(S) NOT COMMITTED IN MY PRESENCE  
 CERTIFIED ON INFORMATION AND BELIEF.

PLACE OF OFFENSE

BADGE NO.	DISTRICT OF ARREST	ASSIGNMENT NO.

SIGNATURE OF OFFICER

By signing below, I agree: 1) to report to the Bexar County District Attorney's Office at the ReEntry Center at 222 S. Comal for further instructions. I will report no sooner than the date written below and no later than 30 days after that date; and 2) to be contacted at the phone number or email address provided for purposes related to this citation, including notification of reporting.

DATE OF APPEARANCE:    /    /    (Date should be 10 days from issue)

SIGNATURE: \_\_\_\_\_

THIS IS NOT AN ADMISSION OF GUILT  
SEE REVERSE SIDE FOR MORE INSTRUCTIONS

# ANNUAL CUSTODIAL ARRESTS/CITATIONS BY PATROL DISTRICT

## Central Service Area

Year 2, Q2 October - December 2020				
Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
Central	2110	8	3	11
Central	2120	15	9	24
Central	2130	15	2	17
Central	2140	7	2	9
Central	2150	6	3	9
Central	2160	5	1	6
Central	2210	8	1	9
Central	2220	36	11	47
Central	2230	2	0	2
Central	2240	1	0	1
Central	2250	3	1	4
Central	2260	9	6	15
Central	2310	6	1	7
Central	2320	4	3	7
Central	2330	3	6	9
Central	2340	6	0	6
Central	2350	6	1	7
Central	2360	5	4	9
<b>Totals</b>		<b>145</b>	<b>54</b>	<b>199</b>

## North Service Area

Year 2, Q2 October - December 2020				
Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
North	3110	5	2	7
North	3120	2	0	2
North	3130	4	2	6
North	3140	3	2	5
North	3150	2	3	5
North	3160	3	8	11
North	3170	0	2	2
North	3210	11	9	20
North	3220	4	0	4
North	3230	5	1	6
North	3240	12	2	14
North	3250	1	0	1
North	3260	4	3	7
North	3310	4	0	4
North	3320	15	13	28
North	3330	3	1	4
North	3340	4	1	5
North	3350	9	2	11
North	3360	2	0	2
North	3370	8	2	10
<b>Totals</b>		<b>101</b>	<b>53</b>	<b>154</b>

# ANNUAL CUSTODIAL ARRESTS/CITATIONS BY PATROL DISTRICT

## South Service Area

Year 2, Q2 October - December 2020				
Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
South	6110	3	1	4
South	6120	2	5	7
South	6130	3	4	7
South	6140	7	0	7
South	6150	3	1	4
South	6160	0	0	0
South	6210	53	32	85
South	6220	9	11	20
South	6230	8	3	11
South	6240	7	1	8
South	6250	6	2	8
South	6260	4	0	4
South	6270	2	4	6
South	6280	0	0	0
South	6310	5	0	5
South	6320	6	0	6
South	6330	6	2	8
South	6340	4	2	6
South	6350	4	0	4
South	6360	8	11	19
<b>Totals</b>		140	79	219

## Prue Service Area

Year 2, Q2 October - December 2020				
Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
Prue	7110	18	6	24
Prue	7120	1	3	4
Prue	7130	1	0	1
Prue	7140	7	2	9
Prue	7150	5	0	5
Prue	7160	4	0	4
Prue	7210	3	6	9
Prue	7220	1	0	1
Prue	7230	7	0	7
Prue	7240	1	1	2
Prue	7250	4	1	5
Prue	7260	0	0	0
Prue	7310	9	0	9
Prue	7320	3	3	6
Prue	7330	0	5	5
Prue	7340	15	5	20
Prue	7350	4	3	7
Prue	7360	5	2	7
Prue	7370	3	3	6
<b>Totals</b>		91	40	131

# ANNUAL CUSTODIAL ARRESTS/CITATIONS BY PATROL DISTRICT

## East Service Area

Year 2, Q2 October - December 2020				
Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
East	4110	3	4	7
East	4120	2	3	5
East	4130	4	3	7
East	4140	5	6	11
East	4150	5	3	8
East	4160	3	2	5
East	4210	34	25	59
East	4220	8	10	18
East	4230	11	2	13
East	4240	9	10	19
East	4250	4	0	4
East	4260	2	2	4
East	4310	4	2	6
East	4320	0	1	1
East	4330	1	1	2
East	4340	5	1	6
East	4350	0	4	4
East	4360	3	2	5
<b>Totals</b>		103	81	184

## West Service Area

Year 2, Q2 October - December 2020				
Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
West	5110	5	4	9
West	5120	7	1	8
West	5130	5	2	7
West	5140	4	4	8
West	5150	4	2	6
West	5160	14	17	31
West	5170	4	0	4
West	5210	3	1	4
West	5220	12	8	20
West	5230	9	1	10
West	5240	6	4	10
West	5250	12	7	19
West	5260	7	5	12
West	5270	11	4	15
West	5310	8	6	14
West	5320	3	1	4
West	5330	9	7	16
West	5340	2	0	2
West	5350	2	0	2
West	5360	32	21	53
<b>Totals</b>		159	95	254

# San Antonio Police Department

# Cite and Release Program

4<sup>TH</sup> QUARTER REPORT

(APRIL 1 TO JUNE 30, 2021)

FOR THE YEAR ENDING JUNE 30, 2021



Prepared by San Antonio Police Department  
AUGUST 11, 2021

## OVERVIEW

This report outlines the enforcement activity related to the SAPD enhanced Cite and Release program, which began on July 1, 2019. The period covered by this report is April 1, 2021, through June 30, 2021. This program authorizes SAPD Officers to issue citations in lieu of custodial arrest in certain Class A or B misdemeanor offenses codified within Texas Code of Criminal Procedure Article 14.06 (c) and (d). The SAPD amended existing departmental policy and expanded officer discretion to support the enhanced cite and release opportunities. However, in consultation with the Bexar County District Attorney's Office, the Class A and B misdemeanor offense of Penal Code 28.08 Graffiti was excluded from the authority to cite and release. The offenses authorized for cite and release under the enhanced SAPD program is as follows:

1. Class B Possession of Marijuana (0-2 oz.)
2. Class A Possession of Marijuana (2-4 oz.)
3. Class B Possession of Substance in Penalty Group 2-A (0-2 oz.)  
*E.g. Synthetic cannabinoids*
4. Class A Possession of Substance in Penalty Group 2-A (2-4 oz.)  
*E.g. Synthetic cannabinoids*
5. Class B Criminal Mischief (\$100 or over and less than \$750)  
*E.g. damaged property, broken windows, flattened tires*
6. Class B Theft from businesses (\$100 or over and less than \$750)  
*E.g. shoplifting, retail theft*
7. Class B Theft of Service (\$100 or over and less than \$750)  
*E.g. non-payment of tab or check, rental fee*
8. Class B Contraband in a Correctional Facility  
*E.g. alcohol, controlled substance, deadly weapon, tobacco products*
9. Driving While License Invalid

To evaluate the effectiveness of the implementation of the enhanced Cite and Release Program and to provide the community with information on the program, the Department will produce a quarterly report providing information on the following:

1. Enforcement Activity
2. Race/Ethnicity
3. Age
4. Gender
5. Location
6. Offense Type
7. Arrest Reason
8. Officer Availability

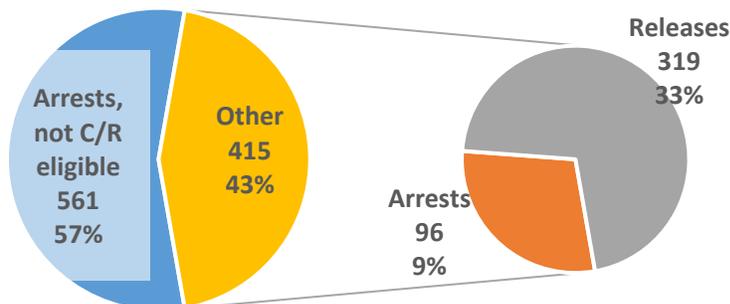
This report will compare the results, on a quarterly basis, to the results of the first year of implementation of the program.

## SUMMARY

During the period of April through June 2021, the SAPD encountered 976 individuals for eligible offenses, via either custodial arrest or issuing a misdemeanor citation. Of the 976 individuals encountered, 561 individuals (57%) had outstanding warrants and/or multiple arrests, making them ineligible for citation and release. 415 (43%) encounters were eligible for citation and release.

The table below provides a breakdown of these police encounters by race/ethnicity.

Race/ Ethnicity	Total Encounters	Arrests (not C/R eligible)	Other Arrests	Released
Hispanic	653	380	60	213
White	134	61	18	55
African American	169	109	16	44
Other Race	20	11	2	7
<b>Total</b>	<b>976</b>	<b>561</b>	<b>96</b>	<b>319</b>
<b>% of Total</b>	<b>100%</b>	<b>58%</b>	<b>9%</b>	<b>33%</b>



Of the 415 individuals eligible for cite and release, 319 were released and 96 were arrested.

The table below provides detail on the 415 encounters which were eligible for cite and release, disaggregated by race and ethnicity. Release rates range from 75% for whites and 73% for African Americans to 78% for Hispanics.

Race/ Ethnicity	C/R Eligible Encounters	Individuals Arrested	Individuals Released	Release Rate, eligible encounters
Hispanic	273	60	213	78%
White	73	18	55	75%
African American	60	16	44	73%
Other Race	9	2	7	78%
<b>Total</b>	<b>415</b>	<b>96</b>	<b>319</b>	<b>77%</b>

## 1. ENFORCEMENT ACTIVITY

During the period of April through June 2021 (Year 2, Q4 of the program), a total of 976 individuals were encountered for eligible offenses, resulting in either a custodial arrest, a citation, or another form of release which can include medical release, emergency detention, and public intoxication hold. During the Year 2, Q4 period, 657 individuals were arrested and 319 (33%) were released (citations plus other releases). Table 1.1 below compares arrests and releases during the current quarter of the program with the same quarter of the prior year, and Table 1.2 compares current program year to date (July 2020 to June 2021) with the same period of the prior year.

**Table 1.1 – Total Arrests and Citations, current quarter compared to same quarter prior year**

	Year 1, Q4 <i>Apr to Jun 2020</i>		Year 2, Q4 <i>Apr to Jun 2021</i>	
	Total	%	Total	%
No. of Arrests	913	63%	657	67%
No. of Citations	506	35%	316	32%
Other Releases	22	2%	3	0.3%
<b>Total</b>	<b>1,441</b>	<b>100%</b>	<b>976</b>	<b>100%</b>
<b>Release Rate*</b>		<b>37%</b>		<b>33%</b>

\*Release Rate = Citations plus Other Releases divided by Total.

**Table 1.2 – Total Arrests and Citations, current year to date (YTD) compared to prior YTD**

	Year 1, Q4 YTD <i>Jul 2019 to Jun 2020</i>		Year 2, Q4 YTD <i>Jul 2020 to Jun 2021</i>	
	Total	%	Total	%
No. of Arrests	4,143	64%	2,935	66%
No. of Citations	2,304	35%	1,492	33%
Other Releases	72	1%	44	1%
<b>Total</b>	<b>6,519</b>	<b>100%</b>	<b>4,470</b>	<b>100%</b>
<b>Release Rate</b>		<b>36%</b>		<b>34%</b>

## 2. RACE/ETHNICITY

Table 2.1 identifies the race or ethnicity of individuals encountered for offenses eligible for cite and release during the current program quarter and compares those rates with the same quarter of the prior year. Table 2.2 compares current program year to date (July 2020 to June 2021) with the same period of the prior year. The racial or ethnic distribution of offenders were similar across comparison periods.

**Table 2.1 – Arrestee Racial/Ethnic Demographic Breakdown, current quarter compared to same quarter prior year**

Race / Ethnicity	San Antonio Demographics*	Year 1, Q4 <i>Apr to Jun 2020</i>		Year 2, Q4 <i>Apr to Jun 2021</i>	
		Offenders	Offense %	Offenders	Offense %
Hispanic	64.2%	986	68%	653	67%
White	24.8%	206	14%	134	14%
African American	6.9%	238	17%	169	17%
Other Race	4.1%	11	1%	20	2%
<b>Total</b>	<b>100%</b>	<b>1,441</b>	<b>100%</b>	<b>976</b>	<b>100%</b>

\*Source: <https://www.census.gov/quickfacts/sanantoniocitytexas>

**Table 2.2 – Arrestee Racial/Ethnic Demographic Breakdown, current year to date (YTD) compared to prior YTD**

Race / Ethnicity	San Antonio Demographics*	Year 1, Q4 YTD <i>Jul 2019 to Jun 2020</i>		Year 2, Q4 YTD <i>Jul 2020 to Jun 2021</i>	
		Offenders	Offense %	Offenders	Offense %
Hispanic	64.2%	4,498	69%	3,003	67%
White	24.8%	952	15%	697	16%
African American	6.9%	1,017	16%	720	16%
Other Race	4.1%	52	1%	50	1%
<b>Total</b>	<b>100%</b>	<b>6,519</b>	<b>100%</b>	<b>4,470</b>	<b>100%</b>

Table 2.3 reflects the release rates across racial and ethnic groups for both the current quarter and the current year to date. The release rate is calculated by dividing the number of releases by the total number of offenses shown in Tables 2.1 and 2.2. Release rates range from 29% for African Americans to 42% for Other Race in the current program quarter.

**Table 2.3 – Release Rates by Race/Ethnicity**

Race / Ethnicity	Year 1, Q4 <i>Apr to Jun 2020</i>		Year 2, Q4 <i>Apr to Jun 2021</i>		Year 1, Q4 YTD <i>Jul 19 to Jun 20</i>		Year 2, Q4 YTD <i>Jul 20 to Jun 21</i>	
	Released	Rel. %	Released	Rel. %	Released	Rel. %	Released	Rel. %
Hispanic	361	37%	213	33%	1,596	37%	1,050	35%
White	82	40%	55	41%	382	39%	253	36%
African American	80	34%	44	26%	368	36%	211	29%
Other Race	5	45%	7	35%	29	44%	21	42%
<b>Total</b>	<b>528</b>	<b>37%</b>	<b>319</b>	<b>33%</b>	<b>2,376</b>	<b>36%</b>	<b>1,535</b>	<b>34%</b>

### 3. AGE

Tables 3.1 below reflects the age distribution of individuals encountered for offenses eligible for cite and release during the current program quarter and compares those rates with the same quarter of the prior year. Table 3.2 shows the same information but compares the current program year to date (July to June 2021) with the same period of the prior year. Across all comparison periods, more than 80% of offenders are 40 or younger. This finding is consistent with other general trends in crime skewing towards younger adults.

**Table 3.1 – Arrests and Releases by Age Range, current quarter compared to same quarter prior year**

Age Range	Year 1, Q4 Jan to Jun 2020					Year 2, Q4 Jan to Jun 2021				
	Offenses	Off. %	Arrest	Release	Rel. %	Offenses	Off. %	Arrest	Release	Rel. %
<20	226	16%	109	117	52%	164	17%	99	65	40%
21 - 30	555	39%	371	184	33%	349	36%	246	103	30%
31 - 40	390	27%	271	119	31%	273	28%	194	79	29%
41 - 50	173	12%	111	62	36%	114	12%	81	33	29%
51 - 60	80	6%	44	36	45%	52	5%	25	27	52%
61 - 70	14	1%	7	7	50%	20	2%	10	10	50%
70+	3	0.2%	0	3	100%	4	0.4%	2	2	50%
<b>Total</b>	<b>1,441</b>	<b>100</b>	<b>913</b>	<b>528</b>	<b>37%</b>	<b>976</b>	<b>100%</b>	<b>657</b>	<b>319</b>	<b>33%</b>

**Table 3.2 – Arrests and Releases by Age Range, current year to date (YTD) compared to prior YTD**

Age Range	Year 1, Q4 YTD Jul 2019 to Jun 2020					Year 2, Q4 YTD Jul 2020 to Jun 2021				
	Offenses	Off. %	Arrest	Release	Rel. %	Offenses	Off. %	Arrest	Release	Rel. %
<20	1,038	16%	524	514	50%	698	16%	406	292	42%
21 - 30	2,605	40%	1,690	915	35%	1,705	38%	1,148	557	33%
31 - 40	1,748	27%	1,181	567	32%	1,256	28%	869	387	31%
41 - 50	731	11%	508	223	31%	529	12%	354	175	33%
51 - 60	320	5%	196	124	39%	203	5%	117	86	42%
61 - 70	67	1%	41	26	39%	69	2%	37	32	46%
70+	10	0.1%	3	7	70%	10	0.2%	4	6	60%
<b>Total</b>	<b>6,519</b>	<b>100</b>	<b>4,143</b>	<b>2,376</b>	<b>36%</b>	<b>4,470</b>	<b>100%</b>	<b>2,935</b>	<b>1,535</b>	<b>34%</b>

## 4. GENDER

Table 4.1 identifies the gender of individuals encountered for offenses eligible for cite and release during the current program quarter and compares those rates with the same quarter of the prior year. Table 4.2 compares that data for the current program year to date (July 2020 to June 2021) with the same period of the prior year. The data demonstrates that 77% of the arrestees were male while 23% were female. The release rate is 33% for males and 38% for females. This is consistent with the previous year where females were released at a higher rate than males.

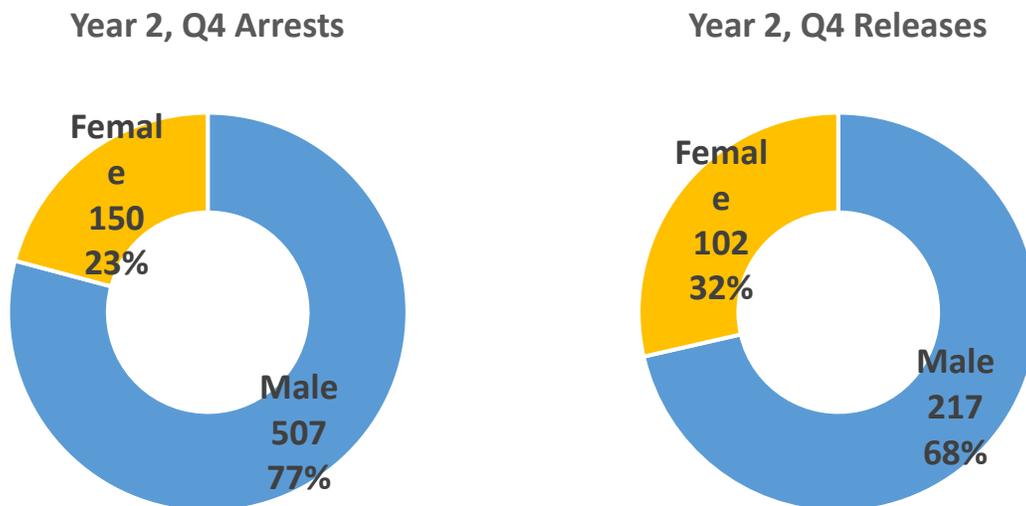
**Table 4.1 – Arrestee Gender, current quarter compared to same quarter prior year**

Gender	Year 1, Q4 Apr to Jun 2020				Year 2, Q4 Apr to Jun 2021			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Male	710	369	1,079	34%	507	217	724	30%
Female	203	159	362	44%	150	102	252	40%
<b>Total</b>	<b>913</b>	<b>528</b>	<b>1,441</b>	<b>37%</b>	<b>657</b>	<b>319</b>	<b>976</b>	<b>33%</b>

**Table 4.2 – Arrestee Gender, current year to date (YTD) compared to prior YTD**

Gender	Year 1, Q4 YTD Jul 19 to Jun 20				Year 2, Q4 YTD Jul 20 to Jun 21			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Male	3,099	1,661	4,760	35%	2,238	1,102	3,340	33%
Female	1,044	715	1,759	41%	697	433	1,130	38%
<b>Total</b>	<b>4,143</b>	<b>2,376</b>	<b>6,519</b>	<b>36%</b>	<b>2,935</b>	<b>1,535</b>	<b>4,470</b>	<b>34%</b>

**Figure 4.1 – Gender distribution of individuals arrested and released, current quarter**



## 5. LOCATION

Table 5.1 identifies enforcement activity by location within the applicable SAPD Service Area during the current program quarter and compares those rates with the same quarter of the prior year. Table 5.2 compares that data for the current program year to date (July 2020 to June 2021) with the same period of the prior year. The number of total arrests and citations during Year 2, Q4 range from a low of 96 in the Prue Service Area to a high of 211 in the West Service Area. The SAPD Service Area with the lowest release rate was the East Service Area at 25% and the highest release rate was 38% in the West Service Area.

**Table 5.1 – Release Rates by Service Area, current quarter compared to same quarter prior year**

Service Area	Year 1, Q4 Apr to Jun 2020				Year 2, Q4 Apr to Jun 2021			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Central	214	99	313	32%	142	58	200	29%
North	105	82	187	44%	84	49	133	37%
East	138	78	216	36%	120	41	161	25%
West	194	111	305	36%	130	81	211	38%
South	179	83	262	32%	107	58	165	35%
Prue	74	66	140	47%	66	30	96	31%
Outside COSA	9	9	18	50%	8	2	10	20%
<b>Total</b>	<b>913</b>	<b>528</b>	<b>1,441</b>	<b>37%</b>	<b>657</b>	<b>319</b>	<b>976</b>	<b>33%</b>

**Table 5.2 – Release Rates by Service Area, current year to date (YTD) compared to prior YTD**

Service Area	Year 1, Q4 YTD Jul 19 to Jun 20				Year 2, Q4 YTD Jul 20 to Jun 21			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Central	905	494	1,399	35%	566	285	851	33%
North	541	376	917	41%	393	223	616	36%
East	595	308	903	34%	482	236	718	33%
West	825	547	1,372	40%	572	352	924	38%
South	779	374	1,153	32%	573	284	857	33%
Prue	462	255	717	36%	300	132	432	31%
Outside COSA	36	22	58	38%	49	23	72	32%
<b>Total</b>	<b>4,143</b>	<b>2,376</b>	<b>6,519</b>	<b>36%</b>	<b>2,935</b>	<b>1,535</b>	<b>4,470</b>	<b>34%</b>

## 6. OFFENSE TYPE

Table 6.1 identifies the enforcement activity by type of offense during the current program quarter and compares the enforcement activity with the same quarter of the prior year. Table 6.2 compares the same information for the current program year to date (July 2020 to June 2021) with the same period of the prior year. Class B Theft and Possession of 0-2 ounces of marijuana make up a total of 82% of offenses. Class B Theft has a higher citation release rate of 54% during Year 2, Q4, as compared to the release rate of 30% for Possession of Marijuana 0-2 oz.

**Table 6.1 – Arrests by Offense type, current quarter compared to same quarter prior year**

Offense Type	Year 1, Q4 Apr to Jun 2020				Year 2, Q4 Apr to Jun 2021			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Contraband In Correctional Facility	0	0	0	N/A	1	0	1	0%
Criminal Mischief \$100 to <\$750	82	9	93	10%	80	11	91	12%
Driving While License Invalid	15	11	26	42%	3	0	3	0%
Class B Theft \$100 to <\$750	109	144	253	57%	93	108	201	54%
Class B Theft of Service \$100 to <\$750	0	1	1	100%	1	0	1	0%
Poss. Marijuana 0 to 2oz	608	333	941	35%	427	181	608	30%
Poss. Marijuana 2 to 4oz	49	15	64	23%	25	6	31	19%
Poss. Sch. 2A Ctrl'd Subst. < 2oz	43	15	58	26%	27	12	39	31%
Poss. Sch. 2A Ctrl'd Subst. 2 to < 4oz	5	0	5	0%	0	1	1	100%
<b>Total</b>	<b>913</b>	<b>528</b>	<b>1,441</b>	<b>37%</b>	<b>657</b>	<b>319</b>	<b>976</b>	<b>33%</b>

**Table 6.2 – Arrests by Offense Type, current year to date (YTD) compared to prior YTD**

Offense Type	Year 1, Q4 YTD Jul 2019 to Jun 2020				Year 2, Q4 YTD Jul 2020 to Jun 2021			
	Arrest	Release	Total	Rel. %	Arrest	Release	Total	Rel. %
Contraband In Correctional Facility	4	0	4	0%	2	0	2	0%
Criminal Mischief \$100 to <\$750	320	36	356	10%	322	37	359	10%
Driving While License Invalid	43	29	72	40%	26	14	40	35%
Class B Theft \$100 to <\$750	608	690	1,298	53%	360	415	775	54%
Class B Theft of Service \$100 to <\$750	11	7	18	39%	6	4	10	40%
Poss. Marijuana 0 to 2oz	2,640	1,464	4,104	36%	1915	975	2890	34%
Poss. Marijuana 2 to 4oz	132	42	174	24%	103	32	135	24%
Poss. Sch. 2A Ctrl'd Subst. < 2oz	368	108	476	23%	198	56	254	22%
Poss. Sch. 2A Ctrl'd Subst. 2 to < 4oz	17	0	17	0%	3	2	5	40%
<b>Total</b>	<b>4,143</b>	<b>2,376</b>	<b>6,519</b>	<b>36%</b>	<b>2,935</b>	<b>1,535</b>	<b>4,470</b>	<b>34%</b>

## 7. ARREST REASON

The reason officers effect a custodial arrest can vary widely and current SAPD policy identifies certain circumstances where a custodial arrest is required. Table 7.1 identifies the reason for officers effecting a custodial arrest. During Year 2, Q4, 561 (85%) of 657 custodial arrests were made in instances when the arrestee had outstanding warrants or multiple charges, rendering them ineligible for citation and release because an arrest is mandatory in these cases.

**Table. 7.1 – Reason for Custodial Arrest**

Arrest Reason	Year 1, Q4 Apr to Jun 2020		Year 2, Q4 Apr to Jun 2021	
	Total	%	Total	%
Multiple Charges	563	62%	405	62%
Warrants	199	22%	156	24%
<b>Mandatory arrests - not eligible for C/R</b>	<b>762</b>	<b>83%</b>	<b>561</b>	<b>85%</b>
Victim Custodial Arrest Demand / Expected	56	6%	22	3%
Medical / Self Harm	7	1%	17	3%
Uncooperative Suspect	16	2%	11	2%
Unspecified	41	5%	8	1%
Insufficient ID	4	0.4%	5	1%
Suspect of Other Criminal Behavior	23	3%	29	4%
Not Bexar County Resident	4	0.4%	4	1%
<b>Total</b>	<b>913</b>	<b>100%</b>	<b>657</b>	<b>100%</b>

During Year 2, Q4, 96 arrests were made in cases that did not involve warrants or multiple charges. Table 7.2 below shows the proportion of arrestees by race and ethnicity across all arrests, cite and release eligible arrests, and mandatory arrests. The racial and ethnic makeup of arrestees is consistent across types of arrest.

**Table. 7.2 – Demographics and Custodial Arrest by Race/Ethnicity**

Race / Ethnicity	Year 1, Q4 Apr to Jun 2020						Year 2, Q4 Apr to Jun 2021					
	Total Arrests		C/R Eligible Arrests		Mandatory Arrests		Total Arrests		C/R Eligible Arrests		Mandatory Arrests	
Hispanic	625	68%	103	68%	522	69%	440	67%	60	63%	380	68%
White	124	15%	38	25%	86	11%	79	12%	18	19%	61	11%
African American	158	17%	8	5%	150	20%	125	19%	16	17%	109	19%
Other Race	6	1%	2	1%	4	1%	13	2%	2	2%	11	2%
<b>Total</b>	<b>913</b>	<b>100%</b>	<b>151</b>	<b>100%</b>	<b>762</b>	<b>100%</b>	<b>657</b>	<b>100%</b>	<b>96</b>	<b>100%</b>	<b>561</b>	<b>100%</b>

## 8. OFFICER AVAILABILITY

Cite and release saves officer time because issuing a citation takes less time than completing an arrest. Tables 8.1 and 8.2 show officer time saved according to the average amount of time an officer spends on an arrest for a particular offense. During Year 2, Q4, the officer time saved by issuing citations was crimes was 564 hours. The full-time equivalent (FTE) for an officer's time is estimated at 410 hrs per quarter, so the citations issued in Year 2, Q4 resulted in a time saving of 1.4 FTEs.

**Table 8.1 – Reduced Officer Time On Call, current quarter compared to same quarter prior year**

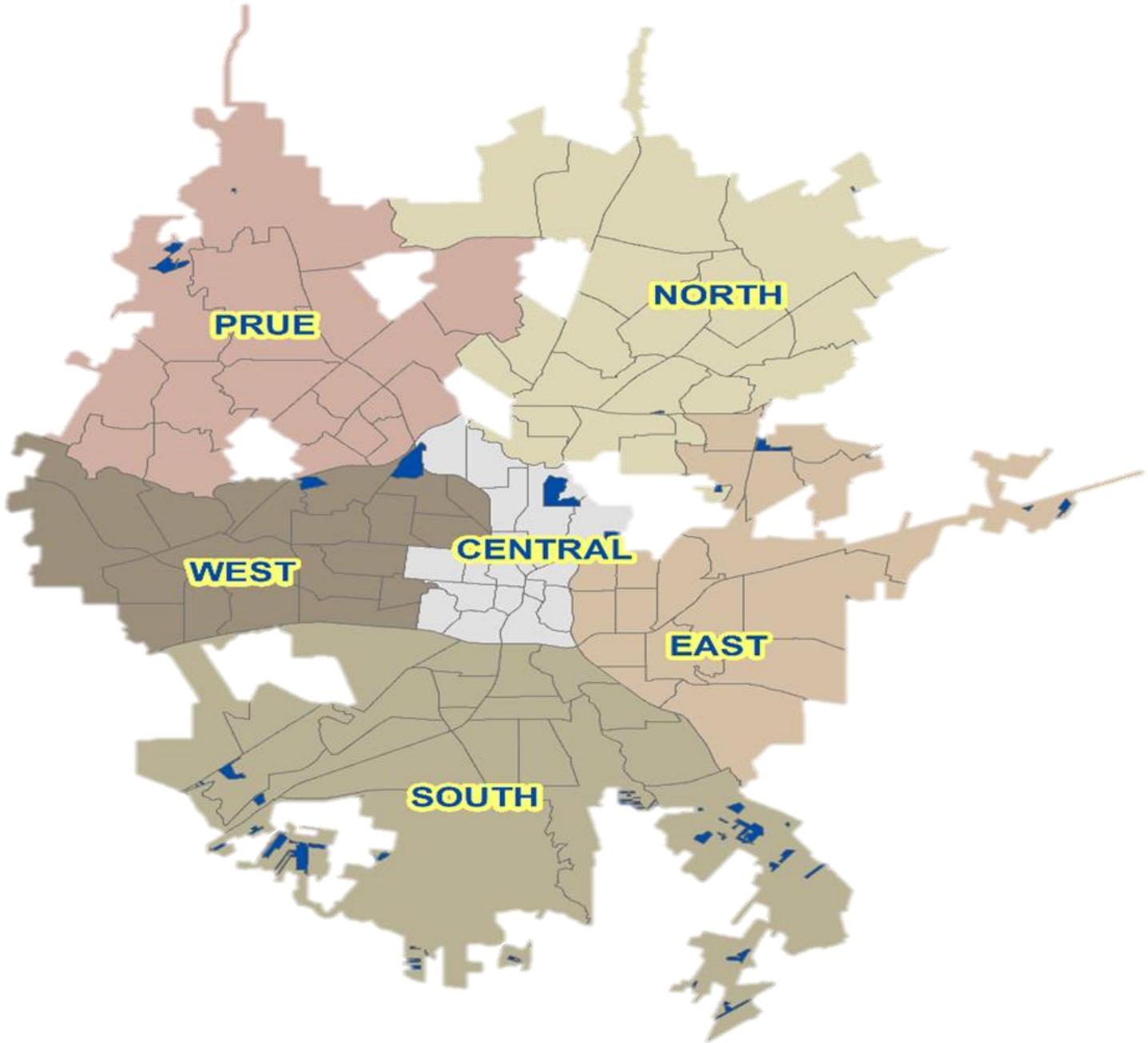
Offense Type	Avg. minutes for arrest	Year 1, Q4 Apr to Jun 2020		Year 2, Q4 Apr to Jun 2021	
		Releases	Hrs saved	Releases	Hrs saved
Contraband In Correctional Facility	N/A	0	N/A	0	N/A
Criminal Mischief \$100 to <\$750	0	9	N/A	11	N/A
Driving While License Invalid	70	11	12.8	0	0
Class B Theft \$100 to <\$750	117	144	280.8	108	210.6
Class B Theft of Service \$100 to <\$750	14	1	0.2	0	0
Poss. Marijuana 0 to 2oz	112	333	621.6	181	337.9
Poss. Marijuana 2 to 4oz	32	15	8.0	6	3.2
Poss. Sch. 2A Ctrl'd Subst. < 2oz	63	15	15.8	12	12.6
Poss. Sch. 2A Ctrl'd Subst. 2 to < 4oz	0	0	N/A	1	0
<b>Total</b>			<b>939.2</b>		<b>564.3</b>
<b>Officer FTE (hrs)</b>	<b>410</b>	<b>528</b>	<b>2.3 FTE</b>	<b>319</b>	<b>1.4 FTE</b>

**Table 8.2 – Reduced Officer Time On Call, current year to date (YTD) compared to prior YTD**

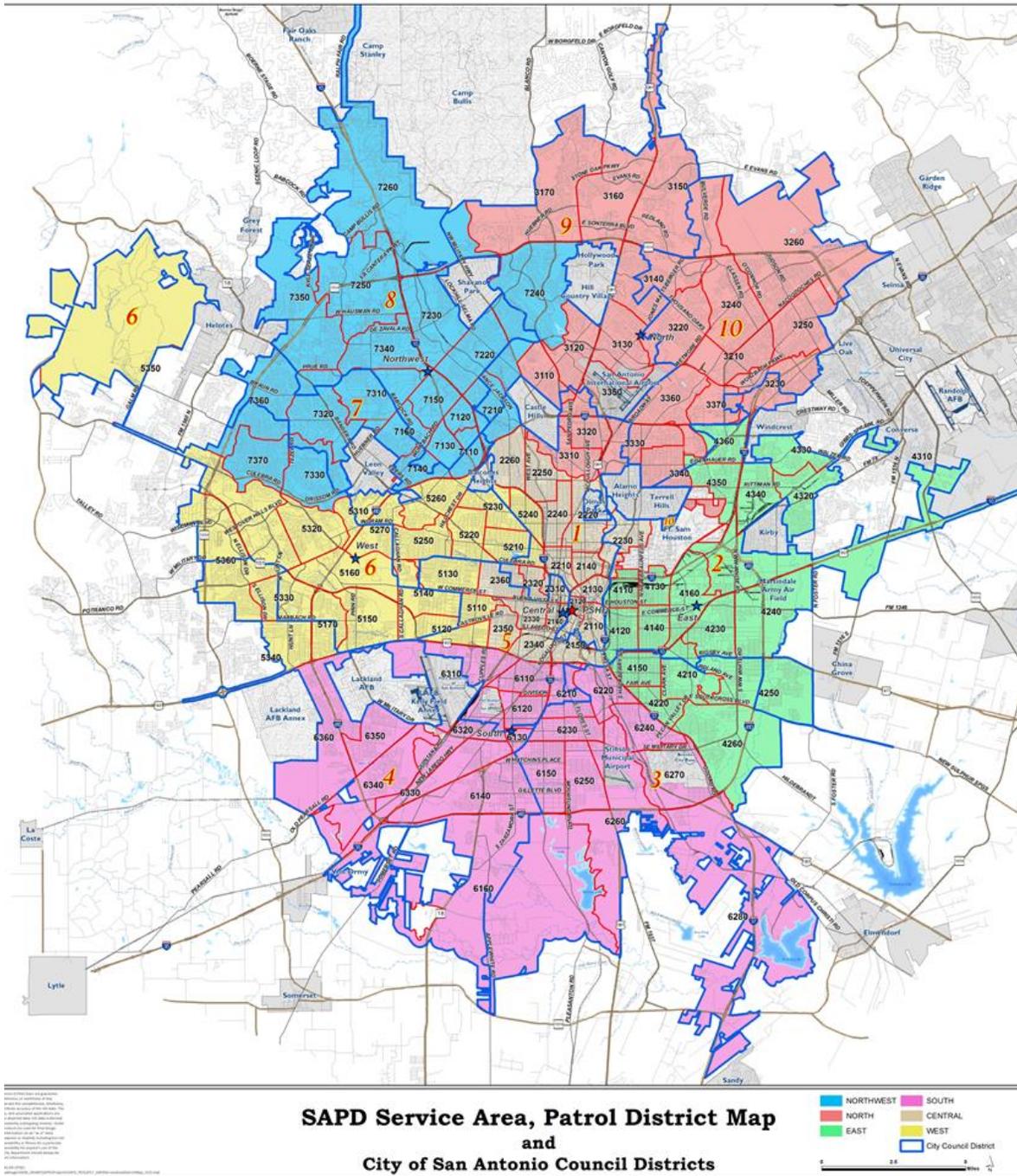
Offense Type	Avg. minutes for arrest	Year 1, Q4 YTD Jul 19 to Jun 20		Year 2, Q4 YTD Jul 20 to Jun 21	
		Releases	Hrs saved	Releases	Hrs saved
Contraband In Correctional Facility	N/A	0	0	0	N/A
Criminal Mischief \$100 to <\$750	0	36	0	37	0
Driving While License Invalid	70	34	39.6	14	16.3
Class B Theft \$100 to <\$750	117	690	1345.5	415	809.3
Class B Theft of Service \$100 to <\$750	14	7	1.6	4	0.9
Poss. Marijuana 0 to 2oz	112	1464	2732.8	975	1,820
Poss. Marijuana 2 to 4oz	32	42	22.4	45	24
Poss. Sch. 2A Ctrl'd Subst. < 2oz	63	108	113.5	56	58.8
Poss. Sch. 2A Ctrl'd Subst. 2 to < 4oz	0	0	0	2	0
<b>Total</b>			<b>4,255.4</b>		<b>2,729.3</b>
<b>Officer FTE (hrs)</b>	<b>820</b>	<b>2,381</b>	<b>5.2 FTE</b>	<b>1,548</b>	<b>3.3 FTE</b>

# APPENDIX

# SUBSTATION MAP



# SUBSTATION MAP – COUNCIL DISTRICTS



# CITATION BOOK

## SAN ANTONIO POLICE DEPARTMENT CITE AND RELEASE CITATION

### INSTRUCTIONS:

- 1) **ELIGIBLE OFFENSES:** ARE LISTED IN GENERAL MANUAL PROCEDURE 505.06.B.
  - a) An Officer who determines probable cause has been established for any of the eligible offenses can issue a citation if the offender does not have any of the restrictions listed in General Manual Procedure 505.05.A or .06.A.
- 2) **Report Responsibility:** When officers issue a Cite and Release Citation in lieu of custodial arrest, the officers shall:
  - a) Create an offense report;
  - b) Document the citation number in the report;
  - c) Submit the report for approval;
  - d) The report shall be submitted to the DA's Office per General Manual Procedure 505.03.B.
- 3) **The original citation** is submitted in an envelope through bin mail to: *DA's Office, Intake Division, Attn: Cite and Release.*
- 4) **Date of Appearance** should be set 10 days from the date the citation is issued.
- 5) **Return** empty ticket books to Records Unit for destruction.

**IF FOUND PLEASE RETURN**

## SAN ANTONIO POLICE DEPARTMENT CITE AND RELEASE CITATION

# No. CR 0003175

ROUTING OF REPORT

**DISTRICT ATTORNEY'S OFFICE**

DATE ISSUED	TIME ISSUED	DAY OF WEEK
MONTH    DAY    YEAR		
(PRINT) LAST NAME	FIRST	MIDDLE

RESIDENCE ADDRESS

CITY	ZIP CODE	PHONE
------	----------	-------

BUSINESS ADDRESS (OR SCHOOL ATTENDED)

CITY	ZIP CODE	BUSINESS PHONE
------	----------	----------------

RACE	SEX	HAIR	EYES	HEIGHT	WEIGHT	DATE OF BIRTH
						/  /

DRIVER'S LICENSE	STATE	NUMBER	SOCIAL SECURITY NUMBER
------------------	-------	--------	------------------------

OTHER ID OR EMAIL ADDRESS:

**VIOLATION CHARGED**

BASED UPON THE INFORMATION CONTAINED HEREIN, A COMPLAINT WILL BE FILED AGAINST YOU FOR THE VIOLATION INDICATED BELOW

OFFENSE(S) NOT COMMITTED IN MY PRESENCE  
 CERTIFIED ON INFORMATION AND BELIEF.

PLACE OF OFFENSE

BADGE NO.	DISTRICT OF ARREST	ASSIGNMENT NO.
-----------	--------------------	----------------

SIGNATURE OF OFFICER

By signing below, I agree: 1) to report to the Bexar County District Attorney's Office at the ReEntry Center at 222 S. Comal for further instructions. I will report no sooner than the date written below and no later than 30 days after that date; and 2) to be contacted at the phone number or email address provided for purposes related to this citation, including notification of reporting.

DATE OF APPEARANCE:    /    /    (Date should be 10 days from issue)

SIGNATURE: \_\_\_\_\_

THIS IS NOT AN ADMISSION OF GUILT  
SEE REVERSE SIDE FOR MORE INSTRUCTIONS

# ANNUAL CUSTODIAL ARRESTS/CITATIONS BY PATROL DISTRICT

## Central Service Area

Q8 APR - JUN 2021				
Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
Central	2110	10	8	18
Central	2120	15	8	23
Central	2130	4	5	9
Central	2140	7	2	9
Central	2150	8	3	11
Central	2160	7	1	8
Central	2210	3	2	5
Central	2220	3	0	3
Central	2230	3	1	4
Central	2240	8	1	9
Central	2250	5	0	5
Central	2260	17	7	24
Central	2310	5	0	5
Central	2320	12	6	18
Central	2330	15	2	17
Central	2340	8	4	12
Central	2350	5	3	8
Central	2360	7	5	12
<b>Totals</b>		<b>142</b>	<b>58</b>	<b>200</b>

## North Service Area

Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
North	3110	4	3	7
North	3120	6	3	9
North	3130	2	0	2
North	3140	1	2	3
North	3150	3	1	4
North	3160	5	1	6
North	3170	1	0	1
North	3210	5	1	6
North	3220		1	1
North	3230	6	3	9
North	3240	4	6	10
North	3250	7	0	7
North	3260	1	1	2
North	3310	3	1	4
North	3320	8	10	18
North	3330	5	5	10
North	3340	5	0	5
North	3350	12	6	18
North	3360	3	0	3
North	3370	3	5	8
<b>Totals</b>		<b>84</b>	<b>49</b>	<b>133</b>

# ANNUAL CUSTODIAL ARRESTS/CITATIONS BY PATROL DISTRICT

## South Service Area

Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
South	6110	5	1	6
South	6120	6	3	9
South	6130	5	5	10
South	6140	6	3	9
South	6150	2	4	6
South	6160	2	0	2
South	6210	2	4	6
South	6220	14	4	18
South	6230	6	3	9
South	6240	9	4	13
South	6250	3	0	3
South	6260	3	7	10
South	6270	5	3	8
South	6280	1	0	1
South	6310	8	1	9
South	6320	5	0	5
South	6330	7	2	9
South	6340	3	3	6
South	6350	7	3	10
South	6360	8	8	16
<b>Totals</b>		107	58	165

## Prue Service Area

Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
Prue	7110	3	2	5
Prue	7120	5	0	5
Prue	7130	0	0	0
Prue	7140	11	0	11
Prue	7150	4	0	4
Prue	7160	1	0	1
Prue	7210	5	4	9
Prue	7220	5	1	6
Prue	7230	4	2	6
Prue	7240	1	0	1
Prue	7250	4	1	5
Prue	7260	2	0	2
Prue	7310	0	2	2
Prue	7320	3	6	9
Prue	7330	2	3	5
Prue	7340	3	1	4
Prue	7350	2	3	5
Prue	7360	8	3	11
Prue	7370	3	2	5
<b>Totals</b>		66	30	96

# ANNUAL CUSTODIAL ARRESTS/CITATIONS BY PATROL DISTRICT

## East Service Area

Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
East	4110	5	4	9
East	4120	4	3	7
East	4130	9	0	9
East	4140	13	4	17
East	4150	6	2	8
East	4160	4	1	5
East	4210	10	2	12
East	4220	16	7	23
East	4230	6	3	9
East	4240	8	6	14
East	4250	8	3	11
East	4260	7	0	7
East	4310	4	0	4
East	4320	4	2	6
East	4330	3	1	4
East	4340	8	1	9
East	4350	1	1	2
East	4360	4	1	5
<b>Totals</b>		120	41	161

## West Service Area

Substation	Patrol District	Custodial Arrest	Citation / Released Other	Totals
West	5110	5	1	6
West	5120	10	3	13
West	5130	1	8	9
West	5140	3	4	7
West	5150	15	7	22
West	5160	6	4	10
West	5170	3	2	5
West	5210	4	2	6
West	5220	13	7	20
West	5230	6	2	8
West	5240	9	7	16
West	5250	8	4	12
West	5260	6	1	7
West	5270	12	2	14
West	5310	6	16	22
West	5320	2	2	4
West	5330	9	5	14
West	5340	5	0	5
West	5350	4	3	7
West	5360	3	1	4
<b>Totals</b>		130	81	211

# Freedom Cities Report Reveals APD Failure to Comply with Policies

 [grassrootsleadership.org/releases/2019/08/freedom-cities-report-reveals-apd-failure-comply-policies](https://grassrootsleadership.org/releases/2019/08/freedom-cities-report-reveals-apd-failure-comply-policies)

August 16, 2019

August 14, 2019

Community groups denounce continued targeting of Black and Latinx communities and call on APD to fully comply

Austin, TX -- Austin's Freedom City Policies went into effect on November 1, 2018 to reduce discretionary arrests for citation-eligible offenses and racial disparities in arrests overall. Last Friday, August 9, 2019, the Austin Police Department (APD) issued its second round of quarterly reports covering the April - June timeframe as required by the Policies. In response, a coalition of community groups issued the following statement:

The Freedom City reports reveal an alarming and significant disregard for the requirements in the policies, including through widespread profiling of Black and Latinx communities and continued voluntary collaboration with ICE. At least one third of the arrests documented in the reports were in violation of the Freedom City Policies. The majority of those arrests were of Black and Latinx individuals. Racial disparities continue to exist in discretionary arrests across the board. The Black community accounted for 32% of arrests made for citation-eligible misdemeanor offenses, despite comprising less than 8% of the City's population.

The reports also reveal multiple instances in which APD officers voluntarily contacted ICE, going above and beyond the requirements of SB 4. This included one instance in which APD contacted ICE to inquire about citizenship, despite the individual presenting a valid Texas ID.

The reports also raise serious concerns about the integrity of data provided by APD. For example, significant discrepancies exist between reported traffic-related arrests when compared against previously reported 2018 data. Traffic-related arrests are the primary entry point to the arrest-to-deportation pipeline for immigrant communities.

A working group of community members and advocates has met with APD on a monthly basis since September of 2018 and provided feedback on APD's implementation of the policies. Despite concerns raised by the working group, APD has appeared unwilling or unable to fully comply with the policies.

**Julieta Garibay**, Co-Founder and Director of United We Dream Texas

"Although the data is showing that there has been a decrease of arrests; the fact is that the data shows that APD officers continue to racially profile people as it relates to arrests. We

will continue to demand the elimination of unnecessary arrests that forever disrupt the lives of people of color and immigrants, and demand a stop to the feeding of our people to the prison to deportation pipeline. An unnecessary arrest can result in losing a job, not being able to provide for themselves and family, and for many, could even result in deportation.

**Holly Kirby**, Criminal Justice Programs Director at Grassroots Leadership

“One reason we fought to pass these Freedom City policies is that we must end the disproportionate targeting of Black folks by police in our community. While we are seeing slightly fewer arrests, discretionary arrests are still profoundly discriminatory. Do better.”

**Anita Gupta**, Staff Attorney at the Immigrant Legal Resource Center

“The Austin Police Department continues to needlessly contact ICE, thereby endangering families and putting them at risk of deportation and separation. APD has rejected our demands to establish clear guidelines regarding voluntary communication with ICE. As a result, their internal policies incentivize racial profiling and contribute to Trump’s racist deportation machine.”

**Mayra Huerta**, Interim Organizing Director at the Workers Defense Project

“Even after our communities have fought to end the arrest-to-deportation pipeline by passing policies like Freedom City, these reports shows that immigrants and communities of color still struggle against a criminal justice system designed to keep them down. Our fight for justice won’t be in vain, which is we will keep fighting to make sure that APD fully complies with the policies and keeps their promise to communities in Austin.”

Our organizations and the communities we serve demand the elimination of unnecessary arrests for citation-eligible offenses and voluntary collaboration with ICE. These arrests and activity continue to disproportionately affect our city’s black and brown communities. We call on APD to provide accurate data and fully comply with the Freedom City Policies.

Reports published by the Austin Police Department as required by the Freedom City Policies are available online here: <http://www.austintexas.gov/page/council-resolution-reporting-requirements-20180614-73-74>

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# After One Year of Freedom City Policies, Community Groups Call on Austin Police Department to Fully Comply

[grassrootsleadership.org/releases/2019/06/after-one-year-freedom-city-policies-community-groups-call-austin-police-department](https://grassrootsleadership.org/releases/2019/06/after-one-year-freedom-city-policies-community-groups-call-austin-police-department)

June 14, 2019

June 14, 2019



## PRESS RELEASE:

Austin, TX -- On June 14, 2018, following a long community-led campaign, the Austin City Council unanimously approved the Freedom City Policies, a community-based response to local entanglement with immigration enforcement and racial disparities in arrests by the Austin Police Department (APD). Ahead of the Policies' one-year anniversary, community groups and residents reflect on their impact to ensure they are effectively enforced.

The Freedom City Policies emerged from a grassroots effort led by communities affected by racist policing practices and anti-immigrant policies including Senate Bill 4, passed by the Texas Legislature in 2017. The Racist Jailing Report, released by Grassroots Leadership in summer 2017, demonstrates that the Black community experiences significantly longer periods of confinement in jail and are jailed at much higher rates than the white population. Community groups including Grassroots Leadership, Workers Defense Project, United We

Dream, the Immigrant Legal Resource Center, and other allies developed the Freedom City Policies hand-in-hand with community members, who urged council members to support these efforts.

Since implementation and as required by the Freedom City Policies, APD has issued two reports detailing their assistance and collaboration with Immigration and Customs Enforcement (ICE) and one report regarding the use of discretionary arrests for low-level offenses. Based on these reports, the policies appear to have led to tangible improvements; in just three months of implementation, Class C misdemeanor arrests in Austin dropped by 63 percent. Racial inequities in arrests were lessened for both Black and Latinx people. Latinx people previously accounted for roughly 38% of discretionary arrests. New data from APD reports show they now account for 28%. Black people were arrested at lower rates than before, but are still significantly over-represented compared to their share of the population.

However, these reports offer a sobering reminder that racial inequities remain prominent in arrests, and arbitrary processes are followed when ICE requests assistance from the Austin Police Department. The Quarterly Cite and Release Report documents that Black people still composed 27% of APD arrests, which amounts to more than three times Austin's Black population. The reports also reveal that APD is still not fully complying with the policy changes. Data shows that APD still made at least 60 discretionary arrests for reasons that are not permitted by the Freedom City Policies; in some cases, the reason for the arrest was not documented. In addition, APD continues to provide assistance at ICE's request at a rate of almost 100 instances per month.

**Alicia Torres**, a member of ICE Out of Austin / ICE Fuera de Austin, said:

“The reports have confirmed what we as a community have experienced on a day-to-day basis—we are disproportionately arrested by police, and we see an alarming collaboration between APD and ICE. We are also seeing more creative arrests in the reports, such as “arresting to support another charge” and “additional issues.” As a community, we will continue to hold APD accountable and demand for APD's full adherence to the Freedom City Policies.”

**Emily Timm**, Co-Executive Director of Workers Defense, said:

“A year out from the Freedom City Policies, we have seen that our communities have the power to profoundly reduce discretionary arrests and improve the treatment of immigrant families and people of color when they organize and engage with elected officials and law enforcement officials. Our community has fought hard to demand greater accountability and transparency around arrests and targeting of people of color and the immigrant community under racist policies like SB4. But the work is not over and we are demanding that APD do more to adhere to these new policies and take further steps to reduce the criminalization of communities of color.”

**Julieta Garibay**, Co-Founder and State Director of United We Dream Texas said:

“Although we have made great progress with the Austin Police Department, we are not in a place where we feel secure they are keeping communities of color safe. We will not accept any collaboration with ICE or federal immigration enforcement. This data is alarming and disheartening. We will continue to push APD to a place where they are sincere in their policies and are interacting with the immigrant community outside of the deportation pipeline.”

**Anita Gupta**, Staff Attorney for the Immigrant Legal Resource Center, said:

“While we are pleased to see that the Freedom City Policies have already had a positive impact on the community by reducing the overall number of unnecessary arrests for low-level, misdemeanor offenses, there is still significant work to be done to ensure these policies are being applied equitably across our city. It is very troubling to see that the Austin Police Department continues its entanglement with ICE before first prioritizing the needs of the community they have sworn to serve and protect, and that department policy may allow officers to engage in racial profiling when needlessly contacting ICE.”

The Freedom City Policies consist of two resolution items; Item 73 directing the City Manager to implement changes in order to reduce discretionary arrests for citation-eligible offenses such as driving without a license and to reduce racial disparities in arrests as a whole. The second resolution, Item 74, directs the City Manager (and by extension the police department) to document each instance in which officers ask immigration status of individuals, and inform individuals of their constitutional right to refuse to answer questions about immigration status. The resolutions also require regular reporting of the arrests of citation-eligible offenses and collaboration between APD and ICE or other federal immigration officials.

Since the resolutions passed, community members and advocates continue to meet with APD on a monthly basis via a working group established by the resolutions to discuss new operating procedures to ensure adherence to the Freedom City Policies. The two reports show APD still has much to do in order to be in full compliance with the Freedom City Policies. We as community members and advocates are committed to continued participation and holding APD accountable.

Reports published by the Austin Police Department as required by the Freedom City Policies are available online here:

[Quarterly Immigration Enforcement Report](#)

Released: May 1, 2019

Dates covered: January 1 – March, 2019

Quarterly Cite and Release Report

Released: May 3, 2019

Dates covered: January 1 – March, 2019

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