

**PUBLIC SAFETY
COUNCIL COMMITTEE MEETING
MAY 22, 2019
10:30 A.M.
MUNICIPAL PLAZA BUILDING**

Members Present: Councilmember Ana Sandoval, Chair, *District 7*
Councilmember Rey Saldaña, *District 4*
Councilmember Greg Brockhouse, *District 6*
Councilmember John Courage, *District 9*
Councilmember Clayton Perry, *District 10*

Members Absent: None

Staff Present: Maria Villagómez, *Deputy City Manager*; Liz Provencio, *First Assistant City Attorney*; Ed Guzman, *Deputy City Attorney*; Joe Niño, *Deputy City Attorney*; Jim Kopp, *Assistant City Attorney*; Camila Kunau, *Assistant City Attorney*; William McManus, *Chief of Police, SAPD*; Robert Blanton, *Deputy Chief, SAPD*; Jesse Salame, *Lieutenant, SAPD*; John Bull, *Presiding Judge, Municipal Court*; Margarita S. Pol, *Judge, Municipal Court*; Denice F. Treviño, *Office of the City Clerk*

Others Present: Joe Gonzales, *District Attorney, Bexar County*; Philip Kazen, *Attorney; Bexar County District Attorney's Office*; Christian Henricksen, *Chief of Litigation, Bexar County District Attorney's Office*; Nicole Perez, *Media Liaison, Bexar County District Attorney's Office*; John Butchkosky, *Community Liaison, Texas Alliance for Human Needs*; Joe Galli, *News 4 San Antonio*

Call to order

Chairwoman Sandoval called the meeting to order.

1. Approval of the April 23, 2019 Public Safety Committee Meeting Minutes

Councilmember Courage moved to approve the minutes of the April 23, 2019 Public Safety Council Committee Meeting. Councilmember Perry seconded the motion. The motion carried unanimously.

Item 2 was addressed at this time.

Items for Consideration:

- 2. Briefing and Possible Action on the Update of the Implementation of a Cite and Release Policy for Eligible Offenses.** [María Villagómez, Deputy City Manager; William McManus, Chief of Police]

Chief McManus stated that the Cite and Release Policy (Policy) expands the current Cite and Release Program (Program) to include all eligible offenses (Class C Misdemeanors) in the Texas Code of Criminal Procedure with the exception of graffiti. He noted that said Program allows Officers to return to the field quickly and removes the stigma of custodial arrest for Offenders. He stated that Bexar County would offer Diversion Programs to reduce the number of non-violent Offenders in jail. He noted that meetings regarding the development of the Program were held with the Bexar County District Attorney on:

- November 26, 2018
- December 17, 2018
- January 29, 2019

Chief McManus stated that presentations on the Policy were made to the Public Safety Council Committee in November 2018, and December 2018. He noted that staff briefed the City Council on the Program on February 13, 2019. He stated that a training video would be presented at roll calls during all shifts for 10 days prior to implementation of the Program. He noted that the General Manual would be revised to reflect that Officers would be required to indicate the reason for an arrest in lieu of issuing a citation, and would identify situations in which issuance of a citation was not authorized. He stated that new citation books were on order and were being printed at this time. He noted that secure property boxes have been installed in each Substation to allow Officers that confiscate illegal substances to quickly turn in evidence and return to duty. He stated that cities which have a similar Program indicated that Officers spent an average time of one hour and 35 minutes to complete an arrest, and 35-40 minutes issuing a citation.

Joe Gonzales stated that the most important parts of the program were public safety and Officer discretion. He noted that Offenders who were cited had 30 days to report to the Bexar County Re-entry Center. He stated that an assessment and orientation of the Offender was completed and if eligible; the Offender was assigned to the appropriate program(s) which they had 60 days to complete. He noted that if the Offender completed the assigned program; the case would be dismissed. He stated that if an Offender repeatedly failed to report to the Re-Entry Center or failed to complete the assigned program; Bexar County reserved the right to file a case against them. He noted that jurisdictions with a low success rate for this type of Program did not monitor the participant's progress so the cases in Bexar County would be assigned to a Court Monitor.

Chief McManus stated that staff would follow up with a six-month update to the Public Safety Council Committee and an annual report to the City Council. He noted that data would be reviewed on a quarterly basis and a public education campaign would be implemented.

Citizens to be Heard

Chairwoman Sandoval called upon the citizens registered to speak.

Rico Espinoza expressed support for social justice and encouraged the Committee to meet with SA Stands.

Lacey Wallace expressed support for a Resolution which would include input from the community, limited Police Officer discretion, expanded forms of identification, a robust data collection plan, and inclusion of other low level offenses such as graffiti and driving without a license.

Erika Deshaies stated that the Program would save money for taxpayers and end the negative stigma of arrest.

Councilmember Courage asked of the offenses eligible for cite and release. Chief McManus noted that the following seven offenses were eligible: 1) Class A Possession of Marijuana; 2) Class B Possession of Marijuana; 3) Class A Possession of Synthetic Marijuana; 4) Class B Possession of Synthetic Marijuana; 5) Class B Criminal Mischief; 6) Class B Theft of Service; and 7) Class B Invalid Driver's License. Councilmember Courage encouraged the acceptance of school identification as identification and requested a comparison between arrests and citations in the school age group along with ethnicity for both.

Councilmember Brockhouse entered the meeting at this time.

Councilmember Perry requested a list of the metrics that would be utilized to assess the cost savings as a result of this program.

Councilmember Brockhouse expressed support for the Program, Officer discretion, and the decision to exclude graffiti from the Program.

Councilmember Saldaña asked when statistical reports would be presented to the City Council. Chief McManus replied that a statistical report on the Program would be provided to the City Council on a quarterly basis. Councilmember Saldaña suggested that Officers provide the reasoning for making an arrest as opposed to issuing a citation when that was an option and obtaining supervisor approval for such an arrest. Chief McManus spoke against requiring supervisor approval.

Chairwoman Sandoval stated that the accountability of the Program was a concern in terms of how it affects community safety. Chief McManus stated that community safety and Officer morale were important. Chairwoman Sandoval spoke of the need for community education.

No action was required for Item 2.

3. Briefing and Possible Action on the Update Regarding the Process for Magistrating Arrestees by City Magistrates. [John Bull, Presiding Judge, Municipal Courts]

Judge Bull stated that beginning in 1974, the City began providing magistration services for all arrests in Bexar County at the Bexar County Jail. He noted that in 1989, the City transferred magistration and detention services to the Frank Wing Building which became the central processing facility for all arresting agencies in Bexar County with no cost contribution from Bexar County. He stated that this continued until 2007 when Bexar County made the decision to

utilize District Court Magistrates to magistrate only Class A and B Misdemeanors, and Felonies transferred to Bexar County. He noted that an Interlocal Agreement (ILA) with Bexar County established a contribution of one half of detention costs by Bexar County to the City. He stated that on April 30, 2019, Bexar County Commissioners voted to contract with the City to provide 24/7 magistration services on new, on-site arrests for all agencies within Bexar County. He noted that City Judges had been providing magistration services for all SAPD arrests since November 13, 2018. He stated that on May 1, 2019, magistration at both the Justice Intake Assessment Annex (JIAA) and the Arrestee Administrative Processing Center (AAPC) by City Magistrates began and on May 2, 2019, an ILA with Bexar County relating to the provision of government services was approved. He reviewed the magistration process and noted that City Magistrates could order mental health evaluations if indicated. He presented the total magistrate charges made at the City Facility from December 1, 2018 through May 16, 2019.

Chairwoman Sandoval asked of the video magistration. Judge Bull replied that there was a permanent process in place to perform video magistration. Margarita Poll reviewed the process for video magistration.

No action was required for Item 3.

Adjourn

There being no further discussion, the meeting was adjourned at 11:37 a.m.

Ana Sandoval, Chair

Respectfully Submitted

Denice F. Trevino, Office of the City Clerk