



San Antonio Police Department Cite & Release Policy

William P. McManus

Chief of Police

City Council B Session – February 13, 2019

Authority



- **Chapter 14 of the Texas Code of Criminal Procedure allows law enforcement agencies to issue a citation to a person charged with committing eligible offenses in the county in which they reside**

Article 14.06 § C-D

(c) If the person resides in the county where the offense occurred, a peace officer who is charging a person with committing an offense that is a Class A or B misdemeanor may, instead of taking the person before a magistrate, issue a citation to the person that contains written notice of the time and place the person must appear before a magistrate of this state as described by Subsection (a), the name and address of the person charged, and the offense charged.

(d) Subsection (c) applies only to a person charged with committing an offense under:

- (1) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1) or (2) of that section;
- (1-a) Section 481.1161, Health and Safety Code, if the offense is punishable under Subsection (b)(1) or (2) of that section;
- (2) Section 28.03, Penal Code, if the offense is punishable under Subsection (b)(2) of that section;
- (3) Section 28.08, Penal Code, if the offense is punishable under Subsection (b)(2) or (3) of that section;
- (4) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(2)(A) of that section;
- (5) Section 31.04, Penal Code, if the offense is punishable under Subsection (e)(2) of that section;
- (6) Section 38.114, Penal Code, if the offense is punishable as a Class B misdemeanor; or
- (7) Section 521.457, Transportation Code.

Background



- **International Association of Chiefs of Police (IACP) Report**
 - 2016: Surveyed 1,300 law enforcements nationwide on use of cite & release policy
 - 87% of agencies have cite and release policy
- **Dallas and Austin recently implemented expanded cite & release programs**
 - Dallas – December 1, 2017
 - Austin – November 1, 2018

Program Benefits



- **Significant Saving in Officer Time**
 - Since 2014, SAPD has made 33,641 arrests for eligible offenses which accounted for 50,461 hours of officer time
 - Equivalent of 7 officer positions annually
- **Youth Rehabilitation**
 - Remove stigma and impact of custodial arrest
 - Provide valuable resources and information through Diversion Programs

Process Comparison



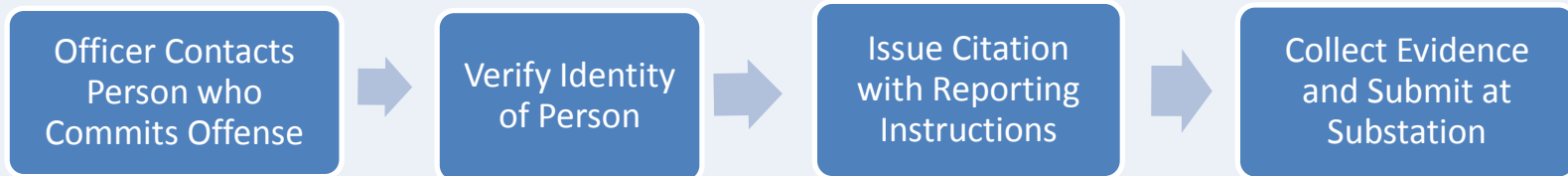
- **Custodial Arrest**

Officer Time: Approximately 1.5 Hours



- **Citation**

Officer Time: Approximately 25 Minutes



Texas Code of Criminal Procedure Eligible Offenses



| Offense | 2014 | 2015 | 2016 | 2017 | 2018 |
|--|--------------|--------------|--------------|--------------|--------------|
| Class A Poss Marijuana | 267 | 247 | 205 | 279 | 356 |
| Class B Poss Marijuana | 3,137 | 2,754 | 2,161 | 3,219 | 4,916 |
| Class A Poss of Sub Penalty Group 2-A 4 oz or less | 23 | 27 | 22 | 57 | 84 |
| Class B Poss of Sub Penalty Group 2-A 2 oz or less | 76 | 43 | 183 | 606 | 1,321 |
| Class B Criminal Mischief | 235 | 240 | 186 | 284 | 293 |
| Class A Graffiti* | 0 | 0 | 9 | 4 | 11 |
| Class B Graffiti* | 0 | 2 | 24 | 11 | 24 |
| Class B Theft/of Service | 3,361 | 2,623 | 1,485 | 1,844 | 2,249 |
| Class B DWLI | 214 | 151 | 75 | 259 | 109 |
| TOTAL | 7,313 | 6,087 | 4,350 | 6,563 | 9,363 |

* Offense will not be included in Bexar County Cite & Release Program



Class B Marijuana Arrests

- **Class B Marijuana Possession – possession of <2 oz**
- **Class B Marijuana Arrests account for 50% of arrests made for eligible cite and release offenses since 2014**
 - 18.6% - African American
 - 37.5% - Hispanic
 - 43.9% - Caucasian

Coordination



- **SAPD meetings with District Attorney Gonzales**
 - November 26, 2018
 - December 17, 2018
 - January 29, 2019
- **District Attorney has identified expansion of pilot Cite & Release Program as a priority**
 - Include all eligible offenses defined in Texas Code of Criminal Procedure except graffiti
 - Bexar County to develop and coordinate judicial infrastructure and diversion programs

Implementation



SAPD

- Training
- General Manual Updates
- Citation Book Updates
- Creation of Information Card
- Camera/Property Box Installation

Bexar County

- Report to Re-Entry Center
- Assessment of Individual
- Assign Individual to Appropriate Program(s)
 1. Pre-Trial Diversion Track (or)
 2. Case assigned to Court
- Monitor and Report Program Results

Process



- Officer confirms if offense(s) qualify for cite & release
- Officer determines whether to make custodial arrest or cite based on observed circumstances and past participation
- If cited, ticket will instruct person to report to the Re-Entry Center within a set timeframe



- County documents program completion
- Maintains record of cite & release participants
- In PTD track, offense(s) do not appear on criminal record



- Cited individual reports to Bexar County Re-Entry Center
- Reviews offense(s) committed
- Assigns individual to appropriate program/services



- Cited individual enrolls in Program
- County monitors progress and ensures completion



Next Steps

- **Anticipated Start Date – April 2019**
- **Development of Public Education Campaign**
 - Social Media
 - Website
 - Community Meetings
- **6 Month Report – Public Safety Committee**
- **Annual Report – City Council**



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