



City of San Antonio

Agenda Memorandum

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Agenda Item Number: 2.

Agenda Date: 11/27/2018

In Control: Public Safety Committee

DEPARTMENT: Police Department

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT: Proposed Cite and Release Policy

SUMMARY:

Since September 2017, the San Antonio Police Department has been in discussions with members of City Council and city staff regarding the potential implementation of a cite and release policy for certain minor offenses. A cite and release policy will result in significant savings in officer time by providing officers with the discretion to issue a citation in lieu of custodial arrest and transport to jail while also providing offenders the opportunity to avoid custodial arrest and the stigma associated with the arrest and booking process. Ultimately, the Bexar County District Attorney must agree to participate in a cite and release program in order for the policy to be viable and achieve the desired outcome.

BACKGROUND INFORMATION:

SAPD Enforcement

It is important to note that while SAPD General Manual Procedure 505.01B and Article 14.06 (c) of the Texas Criminal Code of Procedure provide police officers with the discretion to cite offenders of certain minor offenses, it is ultimately the officer's decision whether to make a custodial arrest of the offender. Since 2014, the SAPD has made a total of 29,654 arrests for offenses eligible for inclusion as part of the proposed cite and release policy outlined in the table below:

Offense	2014	2015	2016	2017	2018 YTD
Class A Poss Marij	267	247	205	279	327
Class A Crim Mis	118	94	119	131	118

Class A Theft / of Service	425	364	207	226	228	
Class A DWLI		2		1	1	1
Class B Poss Marij	2,948	2,746	2,290	3,260	2,718	
Class B Crim Mis	235	240	186	284	137	
Class B Theft / of Service	3,361	2,623	1,485	1,844	1,128	
Class B DWLI	214	151	75	259	109	
TOTAL		7,570	6,466	4,568	6,284	4,766

On average, an officer spends 1.5 hours processing an offense of this type which translates to approximately 44,481 hours of officer time dedicated to arrests for minor offenses over the last five years.

Graffiti offenses qualify for inclusion in the cite and release policy, however in light of the serious nature of the this crime, its impact to our neighborhoods and the considerable resources that the City has invested in removing and eliminating graffiti, the Department recommends excluding graffiti violations from the proposed policy.

Participation

During discussions regarding cite and release policy, questions emerged related to the offense of operating a motor vehicle without a valid license and the types of identification acceptable to the Department for the purposes of an individual's participation in cite and release. SAPD General Manual Procedure 618.11 B.2 states that valid identification includes, but is not limited to: state identification cards, driver's license, government IDs such as passports or Military ID and the "Matricula Consular," issued by the Mexican Consulate. Although some form of government photo identification is preferable, officers use all reasonably available means to confirm the validity of the personal information provided by the person in custody.

Since 2014, a total of 70,193 citations have been issued and 685 arrests made for operating a motor vehicle without a valid license. As required by Article 14.06 of the Texas Code of Criminal Procedure, only Bexar County residents are eligible for cite and release enforcement by SAPD officers.

Next Steps

The Department will schedule a meeting with Bexar County District Attorney-Elect Joe Gonzales in January 2019 to confirm the County's interest in establishing a cite and release program and determine the scope and timeline for implementation.

In the interim, the SAPD is in the process of taking the following actions in order to ensure the Department is prepared to implement a cite and release policy in collaboration with the Bexar County District Attorney:

Changes to the General Manual

Updates to the policy authorizing officers to utilize discretion in arrests associated with misdemeanor offenses identified in the table above.

Revision of Citation Books

Work in collaboration with the District Attorney's Office to create misdemeanor citations providing notice to appear in County Court at a specified date for eligible offenses.

Training

Provide Department personnel with training on the cite and release process and an overview of eligible offenses.

RECOMMENDATION:

Staff recommends meeting with Bexar County officials in January 2019 to confirm the County's interest in implementing a cite and release program.