



# City of San Antonio

## Agenda Memorandum

**File Number:** 19-1927

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**Agenda Item Number:** 2.

**Agenda Date:** 2/13/2019

**In Control:** City Council B Session

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**DEPARTMENT:** Police Department

**DEPARTMENT HEAD:** William P. McManus, Chief of Police

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:** Update - Cite and Release Policy

### SUMMARY:

During 2007, the Texas Legislature authorized cite and release programs. This decision was based on overcrowding in county jails throughout the state. As a result, the San Antonio Police Department (SAPD) provided an update to the Public Safety Committee in December on the implementation of a cite and release policy for residents of Bexar County that commit eligible offenses in coordination with the Bexar County District Attorney's Office. Implementation will significantly benefit the community by increasing officer availability and providing young offenders resources through diversion programs that will minimize the likelihood of the offender from engaging in further illegal activity. The Department has developed training materials, updated policies and purchased equipment in anticipation of implementing a cite and release program by April 2019.

### BACKGROUND INFORMATION:

#### Program Scope

The Department met with District Attorney Gonzalez on November 26 and December 17 to discuss issues related to cite and release to include eligible offenses. The program will expand Bexar County's cite and release pilot program by including all eligible offenses defined in the Texas Code of Criminal Procedure except graffiti and criminal mischief. The table below provides an overview of the number of arrests made by the SAPD for eligible offenses since 2014.

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
<b>TOTAL</b>	<b>7,313</b>	<b>6,087</b>	<b>4,350</b>	<b>6,563</b>	<b>9,363</b>

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

As detailed in the table above, the Department has made a total of 33,641 arrests for eligible offenses which translates to approximately 50,461 hours of officer time (the equivalent of more than seven positions annually) dedicated to arrests for minor offenses since 2014.

Since 2014, Class B possession of marijuana has the highest number of arrests among eligible offenses accounting for 50% of all arrests. It is important to note that the demographic breakdown of arrestees for Class B possession of marijuana offenses during this period is as follows:

- 18.6% - African American
- 37.5% - Hispanic
- 43.9% - Caucasian

This statistic demonstrates that arrests for offenses eligible for cite and release do not disproportionately impact minorities and is evidence of the Department's commitment to consistent enforcement of all laws throughout the city. The Department is confident that the use of cite and release will benefit all segments of the community.

## Implementation Plan

### *San Antonio Police Department*

As noted above, the Department has completed training and policy updates and has purchased computers, cameras and property boxes to be installed at each substation to maximize efficiencies by allowing officers to turn in evidence at their respective substation and return to service. Upon receiving final confirmation from Bexar County on the reporting instructions for cited individuals, updated citation books will be ordered.

### *Bexar County*

On January 29, 2019, the Department met with District Attorney Gonzalez and Bexar County officials to discuss the status of County efforts to develop cite and release policies and procedures. During this meeting Bexar County confirmed the following:

- Bexar County has tentatively identified a reporting location for cited individuals. Confirmation of this location is anticipated by early February 2019 at which time citation books will be ordered.
- Bexar County has developed registration and program enrollment procedures/instructions.
- Bexar County will assess the individual's past criminal activity and the details of the offense to

determine if the individual is eligible for participation in a diversion program.

- Bexar County will be responsible for monitoring the administration of the program and the results achieved. SAPD will receive on a regular basis program data to monitor equitable enforcement within the department.

### **Community Input**

The development of the cite and release policy is the product of numerous meetings and an ongoing dialogue with community organizations, members of City Council and Bexar County over the course of the last several years. In light of the significant interest in the program, and the City's commitment to transparency, the Department will work closely with Bexar County to monitor program results and will provide quarterly updates to the Public Safety Committee and City Council.

### **ISSUE:**

Implementation of a cite and release program for Bexar County residents that commit eligible offenses will increase officer availability and provide offenders with valuable services through diversion programs offered by Bexar County.

### **ALTERNATIVES:**

This briefing is for information purposes only

### **FISCAL IMPACT:**

This briefing is for information purposes only

### **RECOMMENDATION:**

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