

# Memorandum



DATE: December 31, 2015

TO: Honorable Mayor and Members of the City Council

SUBJECT: **Cite & Release**

On Wednesday, January 6, 2016, you will be briefed on Cite & Release. The materials are attached for your review.

Please let me know if you have any questions or need additional information.



Eric D. Campbell  
Assistant City Manager

#### Attachment

cc: A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Cite & Release

City Council Briefing  
January 6, 2015



# Purpose of Briefing

- Provide historical background on certain misdemeanors currently resulting in custodial arrests
- Provide details of House Bill 2391 which allows for the Cite & Release for certain misdemeanors
- Provide an overview of options for a pilot program
- Provide an overview of processes for Cite & Release Pilot Program

# Goals

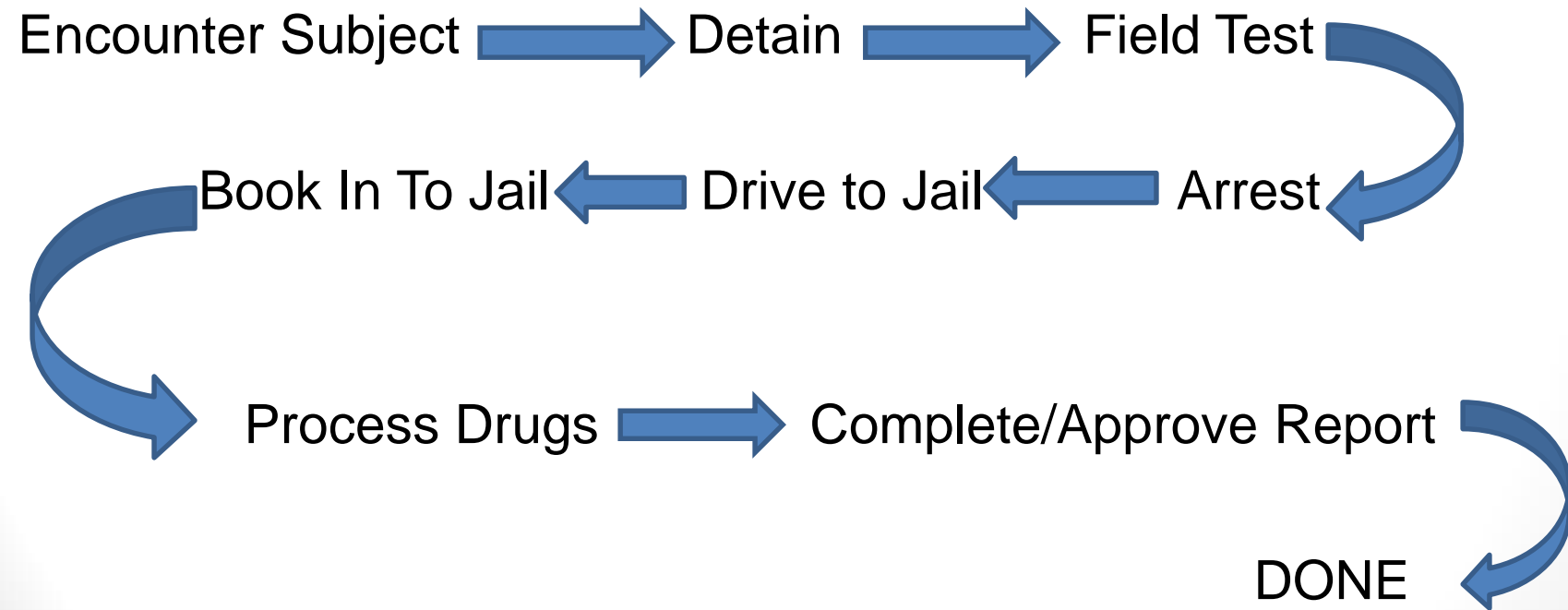
- Seek recommendations from Council on implementing Cite & Release pilot program
- Reduce jail population for non-violent offenders
- Reduce the time officers spend on jail processing procedures
- Improve response times by getting officers back into service more quickly

# Background

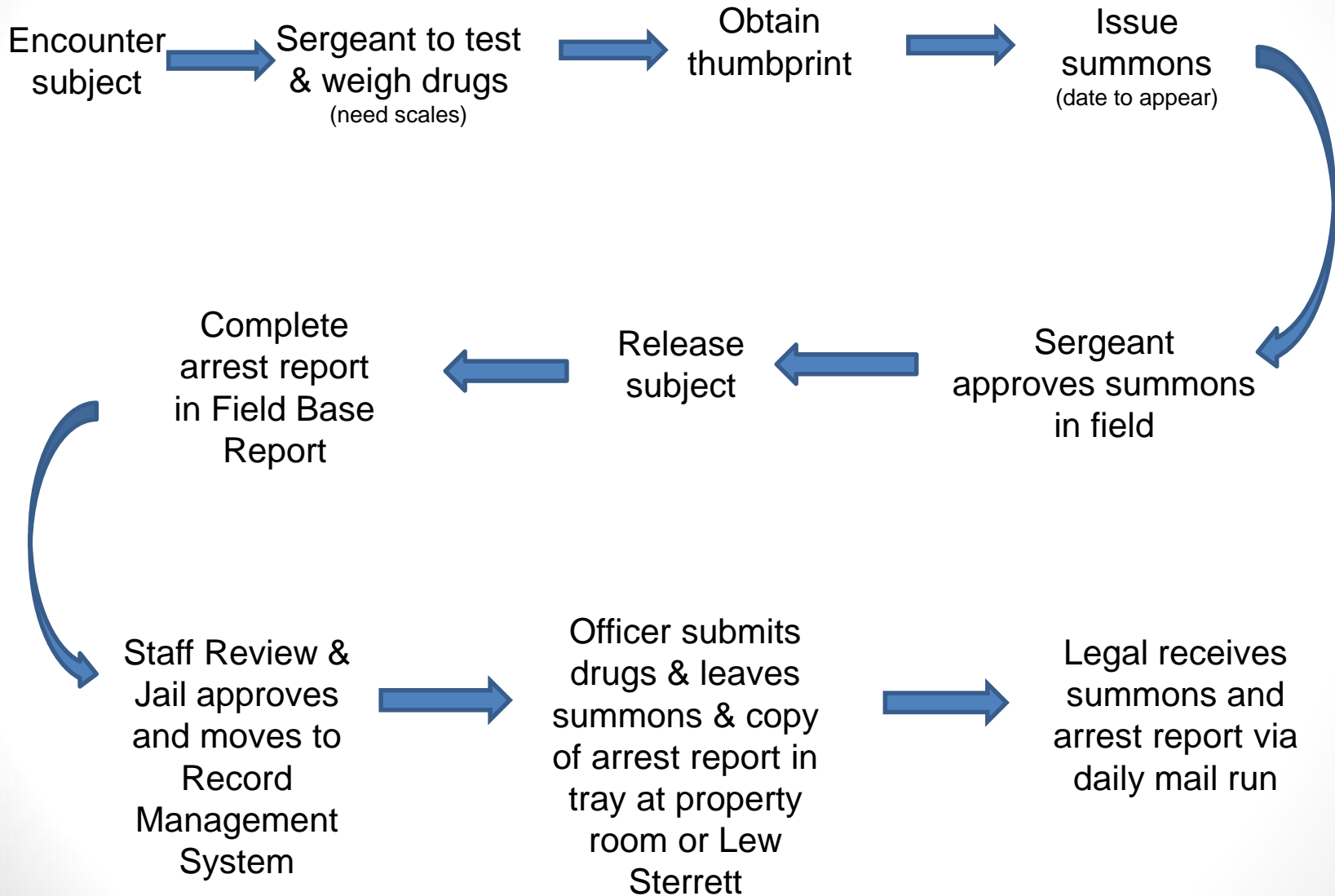
- The 80<sup>th</sup> Legislature passed Cite & Release laws authorizing a peace officer to issue a citation/summons to appear before a magistrate at a later time, in lieu of requiring an immediate appearance, to a person who is charged with **certain** Class A or Class B misdemeanors, if the person resides in the county where the offense occurred.
- The certain offenses include:
  - Possession of Marijuana (Misdemeanor A & Misdemeanor B)
  - Criminal Mischief (Misdemeanor B)
  - Graffiti (Misdemeanor B)
  - Theft (Misdemeanor B)
  - Theft of Service (Misdemeanor B)
  - Contraband in Correctional Facility (Misdemeanor B)
  - Driving While License is Invalid (Misdemeanor B)

# Current Arrest Process

Example of a Current Marijuana Arrest



# Cite & Release Workflow



# Beyond HB2391

Additional Dallas guidelines as discussed by Dallas County and DPD:

- Valid state issued ID on person
- No prior convictions that would enhance charge
- Provide a thumbprint
- 17 years of age
- Must sign citation/summons
- Video the encounter from contact through release, when possible



# Numbers

- DPD experiences between 100-120 Class A & B marijuana arrests each month
- DPD experiences an average of 147 Class B theft offenses per month

Effective September 1, 2015, the amount for Class B Theft changed to \$100 or more, but less than \$750

- The previous amount was \$50 or more, but less than \$500

The arrest numbers do not factor in the valid ID and residing in county criteria

# Jail

- The pilot program will not reduce DPD's jail costs for Class A or B arrests, unless accompanied by a Class C arrest
- Class C arrests result in an intake fee and a housing fee
  - Housing fee is two days maximum

# Failure to Appear

- If a subject fails to respond to the requirements of the summons, an arrest warrant will be issued
- The subject will eventually be taken into custody for the outstanding warrant and placed in jail
- Officers may have to handle a subject on two separate occasions
  - First, at time of issuing the original summons
  - Second, at time of custodial arrest when failure to appear occurs

# The Summons

## **Dallas County**

- Design, create, and print the summons
- Law enforcement agency orders citation/summons from County
- Court Process

## **Dallas Police Department**

- Sergeant witness field test and initial weight in the field
- Sergeant approves summons in the field
- Officers submits summons at drug storage location at jail or property room ONLY

## **Court Dates**

- Officer will set date on summons for a Wednesday
- Minimum time for court from issuance of summons is 14 days
- Maximum time for court from issuance of summons is 20 days

# Implementation

- Write Roll Call Training Bulletin for police personnel
- Reconfigure Record Management System to allow for a County arrest without a body in custody
- Obtain equipment (direct costs)
  - Scales
  - Thumbprint Ink Pads
- Create summons with County
- Establish county court is designated
- Involve Dallas County Criminal Justice Advisory Board

# Limitations

- Per HB2391, subjects who are eligible for Cite & Release must reside in the same county in which the offense occurs
- Due to the city of Dallas extending into multiple counties, Cite & Release can not be applied to areas of Dallas that are outside of Dallas County
- This limitation prevents consistency across the whole city for a Cite & Release program
- If a subject resides in Dallas but not Dallas County, Cite & Release can not be applied
- If a subject resides in Dallas, within Dallas County, but commits a Cite & Release eligible crime in Dallas, but outside Dallas County, the program can not be applied

# Summary

- Seeking recommendation from Council on implementing Cite & Release pilot program
- HB2391 allows Cite & Release for certain offenses
- DPD can roll out a pilot program for Class A & B marijuana
- Program's success will determine implementation of other possible offenses
- DPD will continue to collaborate with Dallas County

Questions?