

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** El Paso Police Department  
**AGENDA DATE:** May 12, 2020  
**PUBLIC HEARING DATE:**  
**CONTACT PERSON NAME AND PHONE NUMBER:** Chief G. Allen, A/C Victor Zarur 212-4307  
**DISTRICT(S) AFFECTED:** ALL  
**STRATEGIC GOAL: No. 2** Set the Standard for a Safe and Secure City

**SUBJECT:**

Resolution on Cite and Release, November 12, 2019 - Item 20.5  
Further discussion on April 27, 2020 - Item 7  
May 12, 2020 Action on a resolution implementing City Council Cite and Release program for Class A and B possession of marijuana offenses.

**BACKGROUND / DISCUSSION:**

**November 12, 2019 - Item 20.5 - Resolution excerpt:**

WHEREAS, arrests for misdemeanor possession of marijuana result in a significant drain on our police department, pre-trial services and court resources, requiring countless man hours and tax dollars to arrest, transport, book, supervise, coordinate, and process paperwork for each alleged offender.

WHEREAS, because the City Council still seeks to further the goals of reducing jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, a cite and release program for Class A and B misdemeanor possession of marijuana is in the best interest of the City of El Paso and its citizens.

**April 27, 2020 - Item 7 – Update**

**PRIOR COUNCIL ACTION:**

**November 12, 2019 - Item 20.5**

SECTION 1. That the City Manager is directed to meet with the stakeholders and make recommendations to implement a cite and release program.

SECTION 2. That the City Manager provide quarterly reports to City Council regarding the cite and release program for the purposes of transparency, to provide data concerning the use of discretionary arrest in lieu of citation for nonviolent misdemeanor offenses when a ticket or citation would be allowed by state law.

**April 27, 2020 - Item 7 – No formal action by Council**

**AMOUNT AND SOURCE OF FUNDING:**

**Approximately \$2,635.74 - E.P.P.D.**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



**(If Department Head Summary Form is initiated by Purchasing, client department should sign also)**

## **RESOLUTION**

**WHEREAS**, in 2007, the 80<sup>th</sup> Texas Legislature passed House Bill 2391, which amended the Texas Code of Criminal Procedure Section 14.06 relating to the appearance of certain misdemeanor offenders before a magistrate; and

**WHEREAS**, House Bill 2391 authorizes a peace officer charging a person with certain Class A or Class B misdemeanors to issue a citation with written notice of a later time and place to appear before the magistrate instead of taking the person immediately before the magistrate if that person resides in the county where the offense occurred (“cite and release”); and

**WHEREAS**, House Bill 2391 enumerated certain misdemeanors to include Class A and Class B misdemeanor possession of marijuana; and

**WHEREAS**, arrests for misdemeanor possession of marijuana result in a significant drain on the police department, requiring countless man hours and tax dollars to arrest, transport, and book each alleged offender; and

**WHEREAS**, the City Council still seeks to further the goals of reducing jail population for non-violent offenders and reducing the time officers spend on jail processing procedures, a cite and release program for Class A and Class B misdemeanor possession of marijuana is in the best interest of the City of El Paso and its citizens.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**SECTION 1.** That the City Manager is directed to implement a cite and release program under Texas Code of Criminal Procedure Section 14.06(c) for Class A and B misdemeanor possession of marijuana violations. Said program is to be implemented no later than September 1, 2020.

**SECTION 2.** That the City Manager provide quarterly reports to City Council regarding the cite and release program for the purposes of transparency and to provide data regarding citations being issued and when discretionary arrests are used in lieu of citation. Said reports must be submitted within 45 days after the end of the quarter for 24 months after the implementation of the program. The report should not include any information that would jeopardize any ongoing criminal investigation or prosecution, or include any sensitive, witness, or crime tip information. The report should include the following data for each instance:

1. The documented reason for the stop or arrest;
2. The reason for the discretionary use of arrest (including but not limited to: outstanding warrants, intoxicated individual, uncooperative individual, not a resident of the County of El Paso, habitual offender);
3. The race and ethnicity of the person; and
4. The general location, such as the region or zip code of the incident.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.


THE CITY OF EL PASO:


\_\_\_\_\_  
Dee Margo  
Mayor

ATTEST:

\_\_\_\_\_  
Laura D. Prine  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Gregory Allen  
Police Chief

  
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Eric Gutierrez  
Assistant City Attorney