



Cite and Release Resolution

May 12, 2020

Goal 2: Set the Standard
for a Safe and Secure
City

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Cite and Release Resolution

November 12, 2019 Agenda Item 20.5: Discussion and action to approve a Resolution implementing Cite and Release program for Class A and B possession of marijuana.

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; and

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, and improving response times by getting officers back into service quicker, 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;

Action:

1. That the City Manager is directed to meet with the stakeholders and make recommendations to implement a cite and release program.
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 Agenda Item 7: No formal action by City Council

Code of Criminal Procedure - Art. 14.06 (c)

Code of Criminal Procedure - Art. 14.06 (c) Authority is given under the Code of Criminal Procedure: 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.

City Attorney Review: The program as allowed by Code of Criminal Procedure Art 14.06 (C) is entirely discretionary. Discretion is left to the department to participate.

Creating a New Infrastructure - Cite and Release

Meetings/Discussions:

City Leadership/City Attorneys Office/City Staff, District Attorney's Office, Judge R. Morales

Purpose - Create a process for Cite and Release

Creating a New Infrastructure - Cite and Release

Continued

Process design for Cite and Release is ongoing with a review of best practices, creation of new policy, agreements with the District Attorney's Office, design of citation/summons and the training for officers.

Main Points

- Starts with the initial contact/offender, eligibility review for Cite and Release and issuance of citation/summons.
- Create a path for citation/summons to County Court with written notice of the date, time and place for the offender to appear in Court.
- Required reports for E.P.P.D. and the District Attorney's Office, collection and submittal of evidence, case presentation and transfer of case with citation/summons to the District Attorney's Office for review, acceptance and case filing.

Creating a New Infrastructure - Cite and Release

Continued

Cost Estimate/Training/Eligibility Requirement/Discretion

- New citation books for Class A and B Misdemeanors, Possession of Marijuana (approx. \$2,636.00), 600 books with 15 citations, pre-numbered, purchase will occur again periodically. Design and delivery takes approx. 5 weeks.
- Officers training on Cite and Release policy and procedure.
- Eligibility requirements should be aligned with current policy for consistency amongst both programs, if applicable only one of the two programs will be offered by officers.
- The use of eligibility requirements and officer discretion aligns with Goal 2: Set the Standard for a Safe and Secure City.

Resolution Action - *City Council Cite and Release*

- 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.
- 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....

Conclusion

Target date for implementation of the *City Council Cite and Release* program is September 1, 2020.

The target date (if needed) will be updated after development, process testing to validate and identify any problems and/or additional cost, final design of citations/summons with stakeholders, agreement on Cite and Release process with District Attorney's Office and training of officers.

Questions?



Mission

Deliver exceptional services to support a high quality of life and place for our community



Values

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government