

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

**DEPARTMENT:** Police  
**AGENDA DATE:** January 19, 2021  
**CONTACT PERSON NAME AND PHONE NUMBER:** Assistant Chief Z. Silva 212-4306  
**DISTRICT(S) AFFECTED:** All  
**STRATEGIC GOAL:** NO. 2: Set the Standard for a Safe and Secure City  
**SUBGOAL:** N/A

**SUBJECT:**

Update on the Cite and Release as requested by the City Manager to 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

**BACKGROUND / DISCUSSION:**

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”)

**PRIOR COUNCIL ACTION:**

May 12<sup>th</sup>, 2020, Council signed a resolution authorizing the City Manager to “..direct and implement a cite and release program under Texas Code of Criminal Procedure Section 14.06© for Class A and B misdemeanor possession of marijuana violations. Said program is to be implemented no later than September 1, 2020.”

**AMOUNT AND SOURCE OF FUNDING:** N/A

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

**DEPARTMENT HEAD:**

*Assistant Chief Zina Silva*

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