



Legislation Details (With Text)

**File #:** 21-41      **Version:** 1      **Name:**

**Type:** Operational Focus Updates      **Status:** Agenda Ready

**File created:** 1/6/2021      **In control:** City Council

**On agenda:** 1/19/2021      **Final action:**

**Title:** 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 28 21-41 CITE AND RELEASE.pdf, 2. 28

Date	Ver.	Action By	Action	Result
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**CITY OF EL PASO, TEXAS  
AGENDA ITEM SUMMARY FORM**

**All Districts**

Police, Assistant Chief Z. Silva, (915) 212-4306

**PUBLIC HEARING DATE:** 1/19/2021

**STRATEGIC GOAL:**

**Goal 2 - Set the Standard for a Safe and Secure City**

**SUBGOAL:** Choose an item.

**SUBJECT:**

*APPROVE a Resolution / Ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.*

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:

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**BACKGROUND / DISCUSSION:**

*Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of he contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?*

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:**

*Has the Council previously considered this item or a closely related one?*

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:**

*How will this item be funded? Has the item been budgeted? If so, identify funding source by amount numbers and description of account. Does it require a budget transfer?*

N/A

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

**Department Head:**

***If Agenda Item Summary Form is initiated by Purchasing, client department should sign also***