

An Open Letter to Mayor Turner and City Council Regarding Cite & Release



September 23rd, 2020

Dear Mayor Turner and City Council Members,

For the past year, several grassroots organizations, activists, and The Right2Justice Coalition have provided you and your administration with research and data which demonstrates the need for an ordinance that eliminates discretionary arrests by the Houston Police Department that is both legally binding and including of all citation eligible offenses under state law. However, the Houston Police Department's cite-and-release policy unveiled during the past Public Safety and Homeland Security Committee meeting does not meet either requirement; we project that their program, as presented, will fail to significantly improve community safety, wellbeing, and equity in the city.

We are concerned that HPD's proposed policy does not make mention of the empirical evidence that has been provided to various elected leaders in Houston through groups like ACLU Texas, Texas Appleseed, and the Immigrant Legal Resource Center. The fact that the presentation provided no mention of any models or recommendations they received while crafting this program, raises many questions around HPD's attempt to engage activists and coalitions in the process of imagining this policy.

The policy also does too little to limit the discretion given to officers in how they implement this Cite & Release Program. It gives them even more discretionary power to make unnecessary arrests by allowing individuals to be disqualified from the program “If an officer believes that offering Cite and Release to an otherwise qualified suspect is not the best course of action.” [1]

Furthermore, the policy includes a long list of 16 disqualifying circumstances, giving officers nearly unfettered discretion to arrest someone of a citation-eligible offense. By comparison, San Marcos’s cite and release ordinance has 6 disqualifying circumstances, and Austin’s policy has approximately 7 disqualifies. We’re urging a robust ordinance instead of administrative policy because, as we’ve seen in San Antonio, when officers are given too much discretion to cite in lieu of arrest, they are still choosing to arrest 65% of the time, compared to only 36% of citations – and the racial disparities are alarming.

Moreover, the policy does not specify the types of personal identification evidence to allow for citation. The City must acknowledge that not all persons are able to produce a government-issued ID; therefore, the officer must be required to accept other forms of identifications, regardless of an expiration date, including, but not limited to: any state or federally issued-ID, library card, utility or rent bill, community organizational membership card, student ID, church ID, or other forms of identifications that include an individual’s name and address.

[1] Finner, Troy & Baimbridge, Wendy. "Cite and Release Program." 2020 PDF File

We urge the Mayor and Council to invite grassroots organizations and activists to the table when drafting policies around police accountability and transparency. Although we have provided detailed suggestions to the Mayor and Council through calls, emails, and through the Justice Can't Wait Report itself, we see that many of our specific recommendations have not made it into the proposed policy, and there hasn't been an opportunity to have detailed discussions with those writing these policies before they are proposed.

Although we are hopeful to see the recommendations presented by the Mayor's Taskforce, our biggest concern lies within the Mayor's likelihood of adopting said recommendations and enacting ordinances that fall in line with them. Many important recommendations from the 2016 transitional team and the 10 Year Plan for The City of Houston have not been executed, either partially or fully.

We call on the Mayor and Council to adopt a Cite & Release Ordinance that adheres to the following principles:

- Limit discretion to make arrests for cite and release eligible offenses to a narrow set of circumstances.
- For all arrests for citation-eligible offenses, require written reasons for arresting in lieu of citing. In Austin, the first cite and release policy developed by Chief Acevedo did not limit discretion, and that policy led to a continuation of significant racial disparities in arrest. It was only when the Austin City Council passed a policy in 2018, limiting the circumstances in which an arrest can be made, that there were sharp reductions in arrests and racial disparities.

- Include all cite and release eligible offenses, including Class C misdemeanors and all eligible Class A and B misdemeanor offenses. The proposed administrative policy currently does not mention Class C Misdemeanors, which make-up at least 15% of cite and release eligible arrests historically.
- Regular reporting on the use of cite and release is key to an accountable system. The public should be informed of arrests made for cite and release eligible offenses, the reasons for those arrests rather than citations, the general location of the arrest, such as the zip-code of the incident, and the breakdowns by charge and demographics of those arrested and those cited.
- Include an expansive list of forms of ID that officers may accept to verify identification. Many cite and release eligible arrests occur when individuals are unable to produce traditional forms of ID, despite the many barriers to obtaining a government-issued ID for our most vulnerable populations. Accepting non-traditional forms of ID will ensure that such arrests are rarely made.
- Regular community input in the implementation of the policy, such as monthly community forums with stakeholders and directly impacted individuals, which are open to the public. This ensures that implementation is effective and institutionalizes the community's voice.

Additionally, all relevant City policies and internal operating shall be updated in accordance with this Ordinance, including but not limited to: updating the Houston Police Department General Manual, training officers on the new guidelines for citation versus arrest, and updating internal databases and systems to remove any guidelines under the manual that are no longer in effect due to this Ordinance.

We will continue to raise awareness of the lack of regulation and obligatory guidelines that are currently promoted. Failure to take immediate action regarding the passing of a robust Cite & Release ordinance places the City of Houston at a high risk of worsening trust within HPD and preventing discriminatory arresting practices from continuing.

Sincerely,

