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## CITE AND RELEASE IN TEXAS

A **cite and release policy** is a directive to law enforcement officers to issue citations, tickets, or warnings for certain low-level offenses, instead of making arrests. Under current state law<sup>1</sup>, utilizing cite and release is an option, but it is not mandatory. Under cite and release, if a person receives a citation, instead of being arrested and sent to jail, the person receives a summons to report to a specific location at a later date to handle the charge(s). The officer can also issue a warning and let the person go without writing a citation.

### GOALS OF CITE & RELEASE

- Reduce overall arrests
- Eliminate discretionary arrests for certain low-level offenses
- Reduce racial disparities in policing and arrests
- Increase data transparency between local law enforcement agencies and the public
- Decrease the arrest-to-deportation pipeline<sup>2</sup>
- Institutionalize community involvement in policy making and implementation

### WHY IS A CITATION/TICKET BETTER THAN AN ARREST?

- Avoids harmful effects of arrest<sup>3</sup>
- In the context of COVID-19, an arrest can mean a higher chance of infection or even death

### COMPONENTS OF A STRONG CITE & RELEASE POLICY

- A clear directive to law enforcement to issue citations, tickets, or warnings rather than make arrests, with limited disqualifying circumstances
- Data transparency mandate – i.e. regular public data reports on the use of cite & release, including demographic information of individuals affected
- Robust and regular forum for community input in the implementation of the policy
- Accountability mechanism if officers violate the policy
- Takes form as an ordinance, not an administrative policy<sup>4</sup>
- All eligible offenses included
- A pre-charge diversion element which allows for cited individuals to participate in a diversion program to avoid arrest, criminal charges, contact with the courts, and the harmful effects of a criminal record

<sup>1</sup> Texas Code of Criminal Procedure article 14.06, which was passed in 2007, allows local law enforcement agencies to issue citations, instead of arrest, for certain low-level offenses. However, individual law enforcement agencies can still choose whether to utilize cite & release and to what extent.

<sup>2</sup> At least 70% of immigration arrests are a direct result of individuals' contact with local law enforcement agencies, particularly when arrested and booked into jail. For noncitizens subject to deportation, fewer arrests and less contact with the jail system may reduce the threat of deportation.

<sup>3</sup> The direct and collateral consequences of arrest include barriers finding and maintaining housing and employment, family disruption, mental health effects, and even deportation for noncitizens.

<sup>4</sup> A cite and release policy can take different forms. An ordinance is a city law, and city officials are responsible for upholding that law. On the other hand, an administrative policy is an internal law enforcement agency policy, which often lacks transparency and accountability measures.



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### CITATION-ELIGIBLE OFFENSES

- All Class C Misdemeanors (except public intoxication)
- Certain Class A & B Misdemeanors:
  - Possession of Marijuana less than 4 oz
  - Possession of Controlled Substance less than 4 oz, Penalty Group 2-A (i.e. synthetic marijuana)
  - Criminal Mischief with damage up to \$750
  - Theft of up to \$750 in property
  - Theft of up to \$750 in services
  - Driving while License Invalid
  - Graffiti
  - Contraband in a Correctional Facility

### EXAMPLES OF TEXAS CITIES WITH CITE & RELEASE POLICIES

[Austin](#), [San Marcos](#), Dallas (marijuana possession only), El Paso (marijuana possession only), [San Antonio](#)



### HOW DOES CITE & RELEASE FIT INTO THE “DEFUND THE POLICE” DEMAND?

A cite and release policy is just one tool for our communities to fight back against systems of policing, criminalization and incarceration. It takes away power and discretion to arrest from police officers. Cite and release means a person is not arrested. Being arrested and booked into jail costs taxpayer money that could be divested from law enforcement and re-invested in our real community needs, like housing, health care, and social services.

If you are interested in campaigning for a cite and release policy in your locality, please reach out to ILRC staff attorney, Anita Gupta, at [agupta@ilrc.org](mailto:agupta@ilrc.org) and Senior Texas Campaigns Strategist, Carolina Canizales, at [ccanizales@ilrc.org](mailto:ccanizales@ilrc.org).

