

20180614-073 - Cite-Eligible Custody Arrests  
Quarterly Report #3: July 1<sup>st</sup> – September 30<sup>th</sup>, 2019  
Report Date: November 1<sup>st</sup> 2019

## Overview

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The purpose of this report is to provide an update on the Council resolution adopted on June 14, 2018 related to the Austin Police Department (APD) policies regarding the issuance of misdemeanor citations in lieu of arrest. The Council resolution requires APD to provide quarterly public reports to the City Council containing data on the use of arrests in lieu of citations for non-violent offenses when citation would be permitted by state law.

## Resolution Requirements

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*The City Council directs the City Manager to send a quarterly public memorandum to the City Council, 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. The memos should be released at the end of each quarter for at least the next 24 months.*

*The report or memorandum should document anonymized records of every instance that an Austin police officer arrests a resident for a nonviolent misdemeanor charge when the suspect has no outstanding warrants, was not intoxicated, and legally could have been given a citation, but the officer determines giving a ticket or citation is infeasible. The memorandum should include the following data for each instance:*

- (1) a documented reason for the stop or the arrest;*
- (2) the reason for the discretionary use of arrest;*
- (3) the race and ethnicity of the person arrested; and*
- (4) the general location, such as the zip code of the incident.*

*The report or memorandum should not include information that would jeopardize any ongoing criminal investigation or prosecution, and the report should include the number of unduplicated officers making such discretionary arrests.*

This arrest data is provided as a separate spreadsheet. Additional analysis and context information is provided in this document.

## Analysis of responsive data: July 1 – September 30, 2019 (2019 Q3)

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The attached spreadsheet includes data during the third quarter of 2019 of 62 custody arrests, made by 55 unique officers. Summaries of this same data and some additional context data are provided in the following section.

## Compared to Previous Reporting Periods

During this reporting period, there were **62** custody arrests made up of **21** class A/B arrests and **41** class C arrests:

Arrests	2019 Q1	2019 Q2	2019 Q3
eligible Class A/B	64	34	21
Class C	42	50	41
Total	106	84	62

## Percentages by Race

This table includes the race/ethnicity of the arrested individuals during this reporting period:

	Eligible A/B Arrests		Class C Arrests		Eligible A/B + Class C Arrests	
	#	%	#	%	#	%
White	7	33%	13	32%	20	32%
Hispanic	7	33%	19	46%	26	42%
Black	7	33%	8	20%	15	24%
Other	0	0%	1	2%	1	2%
Total	21	100%	41	100%	62	100%

## Percentages by Outcome

The below table provides data for citations and cite-and-releases issued during this reporting period. Overall, for an eligible A/B offense, a custody arrest was made **6%** of the time and a cite-and-release was issued **94%** of the time. For an eligible class C offense, a custody arrest was made **0.3%** of the time, and a citation was issued **99.7%** of the time.

	Eligible A/B						Class C					
	A/B Arrest		A/B Cite-and-release		A/B Total		C Arrest		C Citation		C Total	
	#	%	#	%	#	%	#	%	#	%	#	%
White	7	7%	95	93%	102	100%	13	0.2%	5,767	99.8%	5,780	100%
Hispanic	7	5%	145	95%	152	100%	19	0.3%	5,628	99.7%	5,647	100%
Black	7	6%	104	94%	111	100%	8	0.4%	2,056	99.6%	2,064	100%
Other	0	0%	7	100%	7	100%	1	0.1%	794	99.9%	795	100%
Total	21	6%	351	94%	372	100%	41	0.3%	14,245	99.7%	14,286	100%

## Arrest Reason Categories

### *Class A/B*

Categories for eligible Class A/B arrests were combined from Arrest Reason charge data as provided.

POSS MARIJUANA	8
CRIMINAL MISCHIEF / GRAFFITI	6
ALL THEFT	4
DRIVING WHILE LICENSE INVALID	3
Total	21

### *Class C*

Categories for Class C arrests were manually combined from Arrest Reason data as provided, as well as additional reading to better categorize similar situations.

PEDESTRIAN VIOLATION	7
VIOLATION OF A CITY ORDINANCE	7
DISORDERLY CONDUCT - EXPOSURE	6
DUI - MINOR	5
TRAFFIC VIOLATION	5
ASSAULT BY THREAT	2
THEFT	2
POSS OF DRUG PARAPHERNALIA	2
VIOL OF AGGRESSIVE CONFRONT	1
DISORDERLY CONDUCT - DISPLAY FIREARM	1
DISORDERLY CONDUCT - WINDOW PEEPING	1
DISORDERLY CONDUCT - ABUSIVE LANGUAGE	1
RECKLESS DAMAGE	1
Total	41

**Reason for Custody Arrest Categories:**

<b>Reason Documented for Custody Arrest</b>	<b>#</b>
There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested	18
Stop existing criminal conduct	
supervisor approval documented	9
no supervisor approval documented *	1
Other circumstance approved by supervisor	8
Remove the imminent threat of violence or criminal conduct	
supervisor approval documented	6
The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation	4
Prevent persons from endangering themselves or others	4
No justification given per policy, and no supervisor approval documented *	3
The subject could not provide satisfactory evidence of personal identification	3
Subject could not provide satisfactory evidence of county of residence	2
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	2
For a misdemeanor offense that can be enhanced due to prior convictions, a criminal history check should be performed to determine if a custody arrest is more appropriate	
supervisor approval documented	2
<b>Total</b>	<b>62</b>

\* These cases required additional follow-up to ascertain whether or not the arresting officer acted appropriately and to ensure the appropriate corrective actions were taken, if applicable. Accordingly, four officers received counseling and additional training from their respective chains of command.