

# Resolution 20180614-073 – Cite-Eligible Custody Arrests

Quarterly Report #6: April 1<sup>st</sup> – June 30<sup>th</sup>, 2020

Report Date: July 31<sup>st</sup>, 2020

## 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: April 1st – June 30th, 2020 (2020 Q2)

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The attached spreadsheet includes data during the second quarter of 2020 of **39** custody arrests, made by **37** 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 **39** custody arrests made up of **11** class A/B arrests and **28** class C arrests:

Arrests	2019	2019	2019	2019	2020	2020
	Q1	Q2	Q3	Q4	Q1	Q2
eligible Class A/B	64	34	21	23	18	11
Class C	42	50	41	57	64	28
Total	106	84	62	80	82	39

## 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	6	55%	13	46%	19	49%
Hispanic	2	18%	5	18%	7	18%
Black	3	27%	10	36%	13	33%
Other	0	0%	0	0%	0	0%
Total	11	100%	28	100%	39	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 **0.69%** of the time, and a citation was issued **99.31%** 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	6	10%	54	90%	60	100%	13	0.90%	1,438	99.10%	1,451	100%
Hispanic	2	3%	68	97%	70	100%	5	0.29%	1,702	99.71%	1,707	100%
Black	3	5%	59	95%	62	100%	10	1.46%	675	98.54%	685	100%
Other	0	0%	6	100%	6	100%	0	0.00%	212	100.00%	212	100%
Total	11	6%	187	94%	198	100%	28	0.69%	4,027	99.31%	4,055	100%

## Arrest Reason Categories

### *Class A/B*

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

POSSESSION OF MARIJUANA	4
ALL THEFT	4
CRIMINAL MISCHIEF	2
DRIVING WHILE LICENSE INVALID	1
<b>TOTAL</b>	<b>11</b>

### *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 ON ROADWAY	9
DOC EXPOSURE	7
VIOL CITY ORDINANCE - OTHER	3
ASSAULT BY CONTACT	2
THEFT	2
TRAFFIC VIOL/OTHER	1
DUI - AGE 17 TO 20	1
DOC WINDOW PEEPING-RESIDENCE	1
HAZARDOUS TRAFFIC VIOL	1
NON HAZ TRAFFIC CITATION	1
<b>Total</b>	<b>28</b>

**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	12
Other circumstance approved by supervisor	4
Other – charge rejected	1
Stop existing criminal conduct	
supervisor approval documented	13
no supervisor approval documented *	0
No justification given per policy, and no supervisor approval documented *	2
The subject could not provide satisfactory evidence of personal identification	2
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	1
Prevent persons from endangering themselves or others	2
The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation	2
Subject could not provide satisfactory evidence of county of residence	0
Remove the imminent threat of violence or criminal conduct	
supervisor approval documented	0
<b>Total</b>	<b>39</b>

\* These cases required additional follow-up to determine whether or not the arresting officer complied with APD policy and to ensure the appropriate corrective actions were taken, if applicable. Accordingly, two officers received counseling and additional training from their respective chains of command.

Arrest Date	Arrest Location	Arrestee Race/Ethnicity	Charge Class Description
04/03/20	4700 DUVAL ST	WHITE	eligible Class C
04/06/20	W 10TH ST / LORRAIN ST	WHITE	eligible Class A/B
04/09/20	2400 S CONGRESS AVE	BLACK	eligible Class A/B
04/14/20	500 E 7TH ST	WHITE	eligible Class C
04/16/20	600 BLOCK NECHES ST	WHITE	eligible Class A/B
04/20/20	200 S LAMAR BLVD NB	BLACK	eligible Class C
04/23/20	100 E 6TH ST	WHITE	eligible Class C
04/25/20	511 BATTLE BEND BLVD	BLACK	eligible Class C
04/27/20	4500 E RIVERSIDE DR	HISPANIC OR LATINO	eligible Class C
04/27/20	6500 BLOCK E BEN WHITE BLVD SVRD EB	WHITE	eligible Class C
05/01/20	1900 GUADALUPE ST	WHITE	eligible Class C
05/04/20	4100 S MOPAC EXPY NB	WHITE	eligible Class C
05/05/20	36 COMAL ST	BLACK	eligible Class C
05/05/20	102 W POWELL LN	WHITE	eligible Class A/B
05/06/20	W RUNDBERG LN / N LAMAR BLVD	WHITE	eligible Class C
05/08/20	2415 KRAMER LN	BLACK	eligible Class A/B
05/10/20	12407 N MOPAC EXPY SVRD NB	WHITE	eligible Class C
05/13/20	919 E 32ND ST	WHITE	eligible Class C

05/14/20	6300 BLARWOOD DR	HISPANIC OR LATINO	eligible Class C
05/19/20	3851 AIRPORT BLVD	BLACK	eligible Class A/B
05/20/20	5812 N IH 35 SVRD SB	WHITE	eligible Class A/B
05/21/20	E 6TH ST / N IH 35 SVRD NB	BLACK	eligible Class C
05/21/20	E 7TH ST / RED RIVER ST	WHITE	eligible Class C
05/21/20	100 E 5TH ST	BLACK	eligible Class C
05/22/20	E 8TH ST / SAN JACINTO BLVD	WHITE	eligible Class C
05/23/20	500 E 7TH ST	BLACK	eligible Class C
05/24/20	E 6TH ST / N IH 35 SVRD NB	BLACK	eligible Class C
05/25/20	E 6TH ST / RED RIVER ST	BLACK	eligible Class C
05/31/20	W 2ND ST / GUADALUPE ST	WHITE	eligible Class C
6/2/2020	800 N IH 35 SB	HISPANIC OR LATINO	eligible Class C
6/6/2020	6406 N IH 35 SVRD SB	WHITE	eligible Class C
6/7/2020	2300 W BEN WHITE BLVD SVRD WB	WHITE	eligible Class A/B
6/12/2020	8200 S IH 35 SVRD SB	HISPANIC OR LATINO	eligible Class C
6/13/2020	2508 E RIVERSIDE DR	WHITE	eligible Class A/B
6/13/2020	715 E 8TH ST	HISPANIC OR LATINO	eligible Class C

6/13/2020	1109 S PLEASANT VALLEY RD	BLACK	eligible Class C
6/14/2020	800 S CONGRESS AVE	HISPANIC OR LATINO	eligible Class A/B
6/22/2020	1400 E 12TH ST	HISPANIC OR LATINO	eligible Class A/B
6/28/2020	500 W 2ND ST	BLACK	eligible Class C

Arrest Reason (charge info)	Custody Arrest Reason
DOC EXPOSURE - Class C	The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation
POSSESSION OF MARIJUANA - Class B	Stop existing criminal conduct
THEFT - Class B	Stop existing criminal conduct
PEDESTRIAN ON ROADWAY - Class C	Prevent persons from endangering themselves or others
CRIMINAL MISCHIEF - Class B	Stop existing criminal conduct
ASSAULT BY CONTACT - Class C	Stop existing criminal conduct
HAZARDOUS TRAFFIC VIOL - Class C	Subject arrested demands to be taken before a magistrate or has refused to sign the citation
ASSAULT BY CONTACT - Class C	Stop existing criminal conduct
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
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DOC EXPOSURE - Class C	The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation
NON HAZ TRAFFIC CITATION - Class C	The subject could not provide satisfactory evidence of personal identification
DOC EXPOSURE - Class C	OTHER
POSSESSION OF MARIJUANA - Class B	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
DOC EXPOSURE - Class C	Other circumstance approved by supervisor
THEFT - Class B	No justification given per policy, and no supervisor approval documented
THEFT - Class C	Stop existing criminal conduct
DOC EXPOSURE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested



PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
THEFT - Class B	The subject could not provide satisfactory evidence of personal identification
POSSESSION OF MARIJUANA - Class B	Stop existing criminal conduct
VIOL CITY ORDINANCE - OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	Prevent persons from endangering themselves or others
DOC EXPOSURE - Class C	Stop existing criminal conduct
VIOL CITY ORDINANCE - OTHER - Class C	Stop existing criminal conduct
PEDESTRIAN ON ROADWAY - Class C	Stop existing criminal conduct
DOC EXPOSURE - Class C	Stop existing criminal conduct
TRAFFIC VIOL/OTHER - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
PEDESTRIAN ON ROADWAY - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
GRAFFITI - Class B + 1 additional charge(s)	Stop existing criminal conduct
DUI - AGE 17 TO 20 - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
THEFT - Class B	Other circumstance approved by supervisor
VIOL CITY ORDINANCE - OTHER - Class C	No justification given per policy, and no supervisor approval documented

DOC WINDOW PEEPING-RESIDENCE - Class C	There is a reasonable likelihood that the safety of persons or property would be imminently endangered by the release of the subject arrested
POSSESSION OF MARIJUANA - Class B	Other circumstance approved by supervisor
DRIVING WHILE LICENSE INVALID - Class B + 1 additional charge(s)	Other circumstance approved by supervisor
THEFT - Class C + 1 additional charge(s)	Stop existing criminal conduct