

Resolution 20180614-073 – Cite-Eligible Custody Arrests

Quarterly Report #8: January 1st – March 31st, 2021

Report Date: April 30th, 2021

Overview

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

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: January 1st – March 31st, 2021 (2021 Q1)

The attached spreadsheet includes data during the first quarter of 2021 of **38** custody arrests, made by **36** 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 **38** custody arrests made up of **8** class A/B arrests and **30** class C arrests:

Arrests	2019 Q2	2019 Q3	2019 Q4	2020 Q1	2020 Q2	2020 Q3	2020 Q4	2021 Q1
eligible Class A/B	34	21	23	18	11	7	5	8
Class C	50	41	57	64	28	30	14	30
Total	84	62	80	82	39	37	19	38

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	1	12.50%	11	36.67%	12	31.58%
Hispanic	1	12.50%	6	20.00%	7	18.42%
Black	4	50.00%	12	40.00%	16	42.11%
Other	2	25.00%	1	3.33%	3	7.89%
Total	8	100%	30	100%	38	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 **10.39%** of the time and a cite-and-release was issued **89.61%** of the time. For an eligible class C offense, a custody arrest was made **0.62%** of the time, and a citation was issued **99.38%** 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	1	3.13%	31	96.88%	32	100%	11	0.72%	1,514	99.28%	1,525	100%
Hispanic	1	7.14%	13	92.86%	14	100%	6	0.27%	2,240	99.73%	2,246	100%
Black	4	14.29%	24	85.71%	28	100%	12	1.49%	796	98.51%	808	100%
Other	2	66.67%	1	33.33%	3	100%	1	0.43%	231	99.57%	232	100%
Total	8	10.39%	69	89.61%	77	100%	30	0.62%	4,781	99.38%	4,811	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	1
ALL THEFT	2
CRIMINAL MISCHIEF	5
DRIVING WHILE LICENSE INVALID	0
TOTAL	8

Although the POM arrest cited met the criteria for cite-and-release, a custodial arrest was conducted in this instance to further an ongoing investigation by the Violent Crimes Task Force. The officer failed to properly document this in the initial report. The report has since been updated and the officer counseled on appropriately documenting incident reports.

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.

Ped in Roadway	11
DOC Exposure	5
DOC Peeping	2
CONSUMING ALCOHOLIC BEVERAGE ON PROHIBITED PREMISE	1
CRIMINAL ATTEMPT TRESPASS OF A MOTOR VEHICLE	1
CRIMINAL MISCHIEF	1
DISORDERLY CONDUCT	1
DUI	1
FAIL TO ID	1
GAMBLING - CUSTODY ARREST	2
NO DL; NO INSURANCE; FAIL TO MAINTAIN ASSURED CLEAR DISTANCE	1
NON-HAZARDOUS TRAFFIC	1
THEFT BY SHOPLIFTING	1
UIPP	1
Total	31

Reason for Custody Arrest Categories:

Reason Documented for Custody Arrest	#
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	1
Stop existing criminal conduct	9
supervisor approval documented	4
no supervisor approval documented *	1
No justification given per policy, and no supervisor approval documented *	0
The subject could not provide satisfactory evidence of personal identification	3
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	6
Prevent persons from endangering themselves or others	5
The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation	1
Subject could not provide satisfactory evidence of county of residence	0
Remove the imminent threat of violence or criminal conduct	0
supervisor approval documented	38
Total	

* 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, seven officers received counseling and additional training from their respective chains of command.