

20180614-073 - Cite-Eligible Custody Arrests
Quarterly Report #2: April 1st – June 30th, 2019
Report Date: August 9, 2019

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: April 1 – June 30, 2019 (2019 Q2)

The attached spreadsheet includes data during the second quarter of 2019 of **84** custody arrests, made by **73** 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 **84** custody arrests made up of **34** class A/B arrests and **50** class C arrests:

Arrests	2019 Q2
eligible Class A/B	34
Class C	50
Total	84

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	8	24%	23	46%	31	37%
Hispanic	12	35%	13	26%	25	30%
Black	14	41%	13	26%	27	32%
Other	0	0%	1	2%	1	1%
Total	34	100%	50	100%	84	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 **8%** of the time and a cite-and-release was issued **92%** 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.

	A/B Arrest		Eligible A/B				C Arrest		Class C		C Total	
	#	%	#	%	#	%	#	%	#	%	#	%
White	8	5%	155	95%	163	100%	23	0.4%	6,390	99.6%	6,413	100%
Hispanic	12	8%	130	92%	142	100%	13	0.2%	5,706	99.8%	5,719	100%
Black	14	10%	123	90%	137	100%	13	0.6%	2,104	99.4%	2,117	100%
Other	0	0%	7	100%	7	100%	1	0.1%	807	99.9%	808	100%
Total	34	8%	415	92%	449	100%	50	0.3%	15,007	99.7%	15,057	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	17
ALL THEFT	7
DRIVING WHILE LICENSE INVALID	5
CRIMINAL MISCHIEF / GRAFFITI	5
Total	34

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	11
VIOLATION OF A CITY ORDINANCE	10
DISORDERLY CONDUCT - EXPOSURE	10
POSS OF DRUG PARAPHERNALIA	8
DUI (AGE 17-20)/MISREP OF AGE BY MINOR	3
THEFT	2
NO DRIVERS LICENSE	2
DOC WINDOW PEEPING-RESIDENCE	1
INTERFERE W PO SERVICE ANIMALS	1
LIQUOR LAW VIOLATION/OTHER	1
POSS CRIMINAL INSTRUMENT	1
Total	50

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	22
No justification given per policy, and no supervisor approval documented *	13
Other circumstance approved by supervisor	10
Stop existing criminal conduct	
supervisor approval documented	2
no supervisor approval documented *	9
The subject could not provide satisfactory evidence of personal identification	5
Remove the imminent threat of violence or criminal conduct	
supervisor approval documented	5
no supervisor approval documented *	4
Prevent persons from endangering themselves or others	4
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	
no supervisor approval documented *	3
Subject arrested demands to be taken before a magistrate or has refused to sign the citation	2
Subject could not provide satisfactory evidence of county of residence	2
The offense is DOC 10 (exposure) and the exposure appears to have been committed with sexual motivation	2
CR3 crash and the DWLI violator is determined to be at fault	1
Total	84

* These cases will require additional follow-up to ensure documentation is provided and that corrective actions are taken if necessary.