

# Resolution 20180614-073 – Cite-Eligible Custody Arrests

Quarterly Report: July 1<sup>st</sup> – September 30<sup>th</sup>, 2021

Report Date: November 1<sup>st</sup>, 2021

## 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<sup>st</sup> – September 30<sup>th</sup>, 2021 (2021 Q3)

The attached spreadsheet includes data during the third quarter of 2021 of **46** custody arrests, made by **43** 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 **46** custody arrests made up of **10** class A/B arrests and **36** class C arrests:

Arrests	2019 Q3	2019 Q4	2020 Q1	2020 Q2	2020 Q3	2020 Q4	2021 Q1	2021 Q2	2021 Q3
Eligible Class A/B	21	23	18	11	7	5	8	9	10
Class C	41	57	64	28	30	14	30	39	36
Total	62	80	82	39	37	19	38	53	46

### 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	4	40.00%	9	25.00%	13	28.26%
Hispanic	2	20.00%	12	33.33%	14	30.43%
Black	4	40.00%	15	41.67%	19	41.30%
Other	0	0.00%	0	0.00%	0	0.00%
Total	10	100%	36	100%	46	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 **6.37%** of the time and a cite-and-release was issued **93.63%** of the time. For an eligible class C offense, a custody arrest was made **0.75%** of the time, and a citation was issued **99.25%** 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	4	7.41%	50	92.59%	54	100%	9	0.54%	1,672	99.46%	1681	100%
Hispanic	2	4.26%	45	95.74%	47	100%	12	0.58%	2,069	99.42%	2081	100%
Black	4	7.41%	50	92.59%	54	100%	15	1.97%	746	98.03%	761	100%
Other	0	0.00%	2	100.00%	2	100%	0	0.00%	267	100.00%	267	100%
Total	10	6.37%	147	93.63%	157	100%	36	0.75%	4,754	99.25%	4,790	100%

## Arrest Reason Categories

### *Class A/B*

Categories for eligible Class A/B arrests were taken from charge data as provided.

POSSESSION OF MARIJUANA	2
ALL THEFT	2
CRIMINAL MISCHIEF	6
DRIVING WHILE LICENSE INVALID	0
TOTAL	10

### *Class C*

Categories for Class C arrests were taken from charge data as provided, with similar categories combined based on additional analysis.

DISORDERLY CONDUCT - EXPOSURE	12
PEDESTRIAN IN ROADWAY	11
THEFT	5
UNAUTHORIZED BURNING	1
DISORDERLY CONDUCT - OFFENSIVE GESTURE	1
FAILURE TO OBEY LAWFUL ORDER	1
FAILURE TO COMPLY	1
INTOXICATED LINGERING IN ROAD	1
LITTERING	1
POSSESSION OF DRUG PARAPHERNALIA	1
URINATED IN PUBLIC	1
TOTAL	36

**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	2
Other circumstance approved by supervisor	14
Stop existing criminal conduct <ul style="list-style-type: none"> <li>• Supervisor approval documented</li> <li>• No supervisor approval documented *</li> </ul>	5 1
No justification given per policy, and no supervisor approval documented *	5
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	14
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>46</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, 6 officers received counseling and additional training from their respective chains of command.